



PERMIT
Under the Environmental Conservation Law (ECL)

Permittee and Facility Information

Permit Issued To:
NYC DEPT OF DESIGN & CONSTRUCTION
30-30 THOMSON AVE FL 5
LONG ISLAND CITY, NY 11101-3045
(718) 391-2283

Facility:
NYC PARKS - MACNEIL PARK
POPPENHUSEN AVE & EAST RIVER
COLLEGE POINT, NY 11356

NYC DEPT OF PARKS & RECREATION
830 5TH AVE
NEW YORK, NY 10065-7001

Facility Location: in QUEENS COUNTY

Facility Principal Reference Point: NYTM-E: 596.965 NYTM-N: 4516.373
Latitude: 40°47'33.5" Longitude: 73°51'02.4"

Authorized Activity: Construction of a new stormwater outfall to the East River, located approximately 120 feet north of the intersection of 5th Avenue and College Place, within Hermon A. Macneil Park in the borough of Queens. The design includes a stone apron splash pad to attenuate flow velocities and minimize scour and erosion. Permanent impacts to the NYSDEC-regulated tidal wetlands from construction of the splash pad will be mitigated through the planting of *Spartina alterniflora* on the northern shoreline of Macneil Park.

Permit Authorizations

Tidal Wetlands - Under Article 25

Permit ID 2-6302-00150/00017

New Permit Effective Date: 4/13/2017 Expiration Date: 12/31/2021

Water Quality Certification - Under Section 401 - Clean Water Act

Permit ID 2-6302-00150/00018

New Permit Effective Date: 4/13/2017 Expiration Date: 12/31/2021

Excavation & Fill in Navigable Waters - Under Article 15, Title 5

Permit ID 2-6302-00150/00019

New Permit Effective Date: 4/13/2017 Expiration Date: 12/31/2021



NYSDEC Approval

By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, and all conditions included as part of this permit.

Permit Administrator: STEPHEN A WATTS, Regional Permit Administrator
Address: NYSDEC Region 2 Headquarters
47-40 21st St
Long Island City, NY 11101 -5401

Authorized Signature: _____

Date 04/13/2017

Permit Components

NATURAL RESOURCE PERMIT CONDITIONS

WATER QUALITY CERTIFICATION SPECIFIC CONDITION

GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

NATURAL RESOURCE PERMIT CONDITIONS - Apply to the Following Permits: TIDAL WETLANDS; WATER QUALITY CERTIFICATION; EXCAVATION & FILL IN NAVIGABLE WATERS

1. **Conformance With Plans** All activities authorized by this permit must be in strict conformance with the approved plans submitted by the applicant or applicant's agent as part of the permit application. Such approved plans were prepared by as referenced in Natural Resources Condition 2.

2. **Conformance with Plans - Addenda** In addition to plans referenced in the Condition titled "Conformance with Plans," the activities authorized by this permit must be in strict conformance with the following approved plans and/or submissions made as part of the permit application:

a. Project plans for Project ID: SEQ200463 "Storm and Sanitary Sewers in College Pl.", sheets 2 through 8, prepared by Hazen and Sawyer/AKRF for NYCDDC, updated June 2016, received by NYSDEC on June 9, 2016;

b. Permit application package dated August 25, 2015, received by NYSDEC on August 27, 2015, and resubmission package dated June 8, 2016, received by NYSDEC on June 9, 2016.

3. **Notice of Intent to Commence Work** At least five (5) days prior to the start of work. Permittee must complete and submit the attached Notice of Intent to Commence Work form to the NYSDEC



Division of Marine Resources, 47-40 21st Street, Long Island City, New York 11101.

4. Notice of Completion of Work Within ten (10) days of the completion of work, Permittee must complete and submit the attached "Notice of Completion of Work" form to the NYSDEC Division of Marine Resources, 47-40 21st Street, Long Island City, New York 11101.

5. Posting of NYSDEC Permit Sign The attached permit sign must be conspicuously posted in a publicly accessible location at the project site. It must be visible, legible, and protected from the elements at all times.

6. Best Management Practices Best management practices must be employed to prevent the loss of construction materials, debris and sediments from entering the wetlands or waterways. Such practices may include, but are not limited to construction fencing, staked hay bales, silt fencing, floating platforms, netting, containment booms.

7. Minimize Adverse Impacts to Wetlands, Wildlife, Water All work must be performed in a manner which minimizes adverse impacts to wetlands, wildlife, water quality, and natural resources.

8. Storage of Construction Equipment and Materials The storage of construction equipment and materials will be confined to within the project work site and or upland areas greater than 50 linear feet from the tidal wetland boundary.

9. No Equipment Below High Water Equipment operation below apparent high water is strictly prohibited.

10. Concrete or Leachate Must Not Escape During construction, concrete or leachate will not escape or be discharged, nor will washings from transit mix trucks, mixers, or other devices enter tidal wetlands and or protected buffer areas.

11. Containment of Exposed / Stockpiled Soil All disturbed areas where soil will be temporarily exposed or stockpiled for longer than one (1) week must be contained by a continuous line of staked hay bales/silt curtain (or other NYSDEC approved method) placed on the seaward side between the fill and wetland or protected buffer area. Tarps are authorized to supplement these approved methods.

12. Clean Fill Material Only All fill material must consist only of clean sand, gravel, or soil. The use of material such as asphalt, slag, fly-ash, recycled concrete aggregate (RCA), broken concrete, or demolition debris is strictly prohibited.

13. Demolition and Construction Debris Should any demolition or construction debris fall into the waterway or enter the tidal wetlands, it must be removed immediately.

14. Disposal of Demolition and Construction Debris All demolition and construction debris must be properly disposed of at a licensed facility.

15. Plant Monitoring All plantings, as shown on drawings or described in submissions made part of this permit, are to be monitored for a minimum of three years following the initial planting to ensure a 85% survival rate. The required monitoring protocol must follow the NYS Salt Marsh Restoration and Monitoring Guidelines. If plant survival is less than 85%, dead plants are to be replaced. The Permittee shall notify the NYSDEC Division of Marine Resources, 47-40 21st Street, Long Island City, NY 11101, in writing, when planting activities are completed. Permittee shall also notify the NYSDEC Division of



Marine Resources, 47-40 21st Street, Long Island City, NY 11101 by December 31st of each consecutive growing season following initial planting, as to the condition of the plants and the actions taken in the planting area. Both the initial notification and following two growing seasons should include plant species, number of plants, and photographs of the planting area.

16. Erosion/Sediment Control All areas of soil disturbance resulting from this project will be stabilized immediately following project completion or prior to permit expiration, whichever comes first. The approved methodologies are as follows:

- a. Stabilization of the entire disturbed area with appropriate vegetation (grasses, etc.)
- b. Stabilized as per specifications identified in approved plans.
- c. Temporarily stabilized with straw or hay mulch or jute matting or other similar natural fiber matting within 1 week of final grading. Temporary stabilization will be maintained until a mature vegetative cover is established.

17. Site Grading All graded areas must match smoothly the elevation and contours of the adjacent undisturbed land.

18. Removal of Debris and Excess Material Any debris or excess material from construction of this project will be completely removed from the adjacent area (upland) and removed to an approved upland area for disposal. No debris is permitted in tidal wetlands or tidal wetlands adjacent area or protected buffer areas.

19. Prior Approval of Changes If the Permittee desires to make any changes in construction techniques, species to be planted, the site plan, any mitigation plan, scheduling or staging of construction, or any other aspect of this project, the Permittee shall submit a written request to the Regional Permit Administrator to make such proposed changes and shall not make such changes unless authorized in writing by the Department.

20. Precautions Against Contamination of Waters All necessary precautions shall be taken to preclude contamination of any wetland or waterway by suspended solids, sediments, fuels, solvents, lubricants, epoxy coatings, paints, concrete, leachate or any other environmentally deleterious materials associated with the project.

21. Failure to Meet Permit Conditions Failure of the permittee to meet all the conditions of this permit is a violation of this permit and grounds for an order to immediately cease the permitted activity at the project site.

22. No Interference With Navigation There shall be no unreasonable interference with navigation by the work herein authorized.

23. State May Order Removal or Alteration of Work If future operations by the State of New York require an alteration in the position of the structure or work herein authorized, or if, in the opinion of the Department of Environmental Conservation it shall cause unreasonable obstruction to the free navigation of said waters or flood flows or endanger the health, safety or welfare of the people of the State, or cause loss or destruction of the natural resources of the State, the owner may be ordered by the Department to remove or alter the structural work, obstructions, or hazards caused thereby without expense to the State, and if, upon the expiration or revocation of this permit, the structure, fill, excavation, or other modification of the watercourse hereby authorized shall not be completed, the owners, shall, without expense to the State, and to such extent and in such time and manner as the Department of



Environmental Conservation may require, remove all or any portion of the uncompleted structure or fill and restore to its former condition the navigable and flood capacity of the watercourse. No claim shall be made against the State of New York on account of any such removal or alteration.

24. State May Require Site Restoration If upon the expiration or revocation of this permit, the project hereby authorized has not been completed, the applicant shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may lawfully require, remove all or any portion of the uncompleted structure or fill and restore the site to its former condition. No claim shall be made against the State of New York on account of any such removal or alteration.

25. State Not Liable for Damage The State of New York shall in no case be liable for any damage or injury to the structure or work herein authorized which may be caused by or result from future operations undertaken by the State for the conservation or improvement of navigation, or for other purposes, and no claim or right to compensation shall accrue from any such damage.

WATER QUALITY CERTIFICATION SPECIFIC CONDITIONS

1. Water Quality Certification The authorized project, as conditioned pursuant to the Certificate, complies with Section 301, 302, 303, 306, and 307 of the Federal Water Pollution Control Act, as amended and as implemented by the limitations, standards, and criteria of state statutory and regulatory requirements set forth in 6 NYCRR Section 608.9(a). The authorized project, as conditioned, will also comply with applicable New York State water quality standards, including but not limited to effluent limitations, best usages and thermal discharge criteria, as applicable, as set forth in 6 NYCRR Parts 701, 702, 703, and 704.

GENERAL CONDITIONS - Apply to ALL Authorized Permits:

1. Facility Inspection by The Department The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71- 0301 and SAPA 401(3).

The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when requested by the Department.

A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

2. Relationship of this Permit to Other Department Orders and Determinations Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.



3. Applications For Permit Renewals, Modifications or Transfers The permittee must submit a separate written application to the Department for permit renewal, modification or transfer of this permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing. Submission of applications for permit renewal, modification or transfer are to be submitted to:

Regional Permit Administrator
NYSDEC Region 2 Headquarters
47-40 21st St
Long Island City, NY 11101 -5401

4. Submission of Renewal Application The permittee must submit a renewal application at least 30 days before permit expiration for the following permit authorizations: Excavation & Fill in Navigable Waters, Tidal Wetlands, Water Quality Certification.

5. Permit Modifications, Suspensions and Revocations by the Department The Department reserves the right to exercise all available authority to modify, suspend or revoke this permit. The grounds for modification, suspension or revocation include:

- a. materially false or inaccurate statements in the permit application or supporting papers;
- b. failure by the permittee to comply with any terms or conditions of the permit;
- c. exceeding the scope of the project as described in the permit application;
- d. newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;
- e. noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.

6. Permit Transfer Permits are transferrable unless specifically prohibited by statute, regulation or another permit condition. Applications for permit transfer should be submitted prior to actual transfer of ownership.

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification

The permittee, excepting state or federal agencies, expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees, and agents ("DEC") for all claims, suits, actions, and damages, to the extent attributable to the permittee's acts or omissions in connection with the permittee's undertaking of activities in connection with, or operation and maintenance of, the facility or facilities authorized by the permit whether in compliance or not in compliance with the terms and conditions of the permit. This indemnification does not extend to any claims, suits, actions, or damages to the extent attributable to DEC's own negligent or



intentional acts or omissions, or to any claims, suits, or actions naming the DEC and arising under Article 78 of the New York Civil Practice Laws and Rules or any citizen suit or civil rights provision under federal or state laws.

Item B: Permittee's Contractors to Comply with Permit

The permittee is responsible for informing its independent contractors, employees, agents and assigns of their responsibility to comply with this permit, including all special conditions while acting as the permittee's agent with respect to the permitted activities, and such persons shall be subject to the same sanctions for violations of the Environmental Conservation Law as those prescribed for the permittee.

Item C: Permittee Responsible for Obtaining Other Required Permits

The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this permit.

Item D: No Right to Trespass or Interfere with Riparian Rights

This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 2
47-40 21st Street, Long Island City, NY 11101
P: (718) 482-4997 | F: (718) 482-4975
www.dec.ny.gov

April 13, 2017

To: Commenters

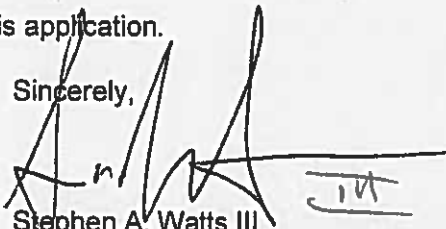
Re: NYSDEC Permit application # 2-6302-00150/00017
Facility: NYC Parks – Macneil Park
Response to Comments

Dear Commenters:

The Department has received and reviewed your comments in response to the application referenced above and offers the attached responses and a copy of the issued permit.

The Department appreciates your comments on this application.

Sincerely,



Stephen A. Watts III
Regional Permit Administrator

**Response to Public Comments for Application 2-6302-00150/00017
NYCDDC – College Point North Outfall and Infrastructure Improvements SEQ200463**

A. Introduction

The New York City Department of Design and Construction (NYCDDC) submitted an application for a Tidal Wetlands permit (ECL Article 15), Protection of Waters permit (ECL Article 15), and Clean Water Act Section 401 Water Quality Certification to the New York State Department of Environmental Conservation (“Department”, or “NYSDEC”) in order to construct a new separated storm sewer outfall to the East River in College Point, New York, the dimensions of which are four feet, six inches wide (4’6”W) by three feet, six inches high (3’6”H), located approximately 120 feet north of the intersection of College Place and Poppenhusen Avenue, within Hermon A. Macneil Park (“Proposed Project”). The Department reviewed the application and published a Notice of Complete Application (“NOCA”) for Application ID 2-6302-00150/00017 on October 19, 2016, opening a 15-day public comment period ending on November 3, 2016. The Department extended the public comment period through December 5, 2016. The Department received a number of comments from interested parties and has reviewed, summarized and responded to all comments within the scope of this permit application.

Section B lists the individuals that provided relevant comments on the Public Notice. Section C contains a summary of these relevant comments and a response to each. These summaries convey the substance of the comments made, but do not necessarily quote the comments verbatim. Where more than one commenter expressed similar views, those comments have been grouped and addressed together.

B. List of Individuals that Commented on the NYSDEC Public Notice

1. Thomas D. Palma, electronic comments submitted November 07, 2016 (Palma)
2. Paul A. Vallone, electronic comments submitted November 09, 2016 (Vallone)
3. Elizabeth Cuccia, electronic comments submitted November 05, 2016 (Cuccia)
4. Ann McCloskey, electronic comments submitted November 06, 2016 (McCloskey)
5. Joseph E. Femenia, electronic comments submitted November 04, 2016 (Femenia)
6. Greta Hruska, electronic comments submitted November 04, 2016 (Hruska)
7. Steven Kaplan, electronic comments submitted November 05, 2016 (Kaplan)
8. Debra Raehse, electronic comments submitted November 05, 2016 (Raehse)
9. Brian Zazzi, electronic comments submitted November 05, 2016 (Zazzi)
10. Dale Demidow, electronic comments submitted November 05, 2016 (Demidow)
11. Sandra Marte, electronic comments submitted November 06, 2016 (Marte)
12. Matthew Gillam, electronic comments submitted November 06, 2016 (Gillam)
13. Lawrence J Smith, electronic comments submitted November 07, 2016 (Smith)
14. Sheryl Kleven, electronic comments submitted November 06, 2016 (Kleven)
15. Carolyn A Ristau, electronic comments submitted November 06, 2016 (Ristau)
16. Deborah Winiarski, electronic comments submitted November 07, 2016 (Winiarski)
17. Larry Smith, electronic comments submitted November 07, 2016 (Smith)
18. Deborah Leavy, electronic comments submitted November 07, 2016 (Leavy)
19. Erving Fernandez, electronic comments submitted November 07, 2016 (Fernandez)

20. Anouska Cheddie, electronic comments submitted November 07, 2016 (Cheddie)
21. Shannon Pallen, electronic comments submitted November 07, 2016 (Pallen)
22. Anastasia Renart, electronic comments submitted November 12, 2016 (Renart)
23. Hella Westerfeld, electronic comments submitted November 11, 2016 (Westerfeld)
24. Barbara Reifenheiser, electronic comments submitted November 12, 2016 (Reifenheiser)
25. Susan Brustmann, electronic comments submitted November 09, 2016 (Brustmann)
26. Thomas O'Neill, electronic comments submitted November 13, 2016 (O'Neil)
27. Cathy King, electronic comments submitted November 20, 2016 (King)
28. Marjory Schade, electronic comments submitted November 30, 2016 (Schade)
29. Andrea Garcia, electronic comments submitted November 30, 2016 (Garcia)
30. Jose Munoz Jr., electronic comments submitted November 14, 2016 (Munoz)
31. Joseph Petraglia, electronic comments submitted November 13, 2016 (Petraglia)
32. Dean Amiridis, electronic comments submitted November 13, 2016 (Amiridis)
33. Marianne Jaegers, electronic comments submitted November 13, 2016 (Jaegers)
34. Ann McCloskey, written comments submitted November 09, 2016 (McCloskey)
35. James McCloskey, written comments submitted November 09, 2016 (McCloskey)
36. James Cervino, electronic comments submitted December 02, 2016 (Cervino)
37. Briana Salas, electronic comments submitted September 30, 2016 (Salas)
38. Thomas Goreau, electronic comments submitted September 14, 2016 (Goreau)
39. Kathryn Cervino, electronic comments submitted November 05, 2016 (Cervino)
40. Andrew Rocco, undated electronic comments submitted (Rocco)
41. Ch Bradley, undated electronic comments submitted (Bradley)
42. Joanne Dunn, undated electronic comments submitted (Dunn)
43. Cathleen Shannon, undated electronic comments submitted (Shannon)
44. Chris Usami, undated electronic comments submitted (Shannon)
45. JL Angell, undated electronic comments submitted (Angell)
46. Brenda Towers, undated electronic comments submitted (Towers)
47. Warren King, undated electronic comments submitted (King)
48. Raymond Schnell, undated electronic comments submitted (Schnell)
49. Denise Denton, undated electronic comments submitted (Denton)
50. Susan Novick, undated electronic comments submitted (Novick)
51. Mary Keller, undated electronic comments submitted (Keller)
52. Dawnmarie Smith, undated electronic comments submitted (Smith)
53. Deborah Winiarski, undated electronic comments submitted (Winiarski)
54. Karla Klepadlo, undated electronic comments submitted (Klepadlo)
55. Lucy Argyros, undated electronic comments submitted (Argyros)
56. Colleen Creegan, undated electronic comments submitted (Creegan)
57. Lillian Kraljic, undated electronic comments submitted (Kraljic)
58. Deborah Auletta, undated electronic comments submitted (Auletta)
59. Patricia Harris, undated electronic comments submitted (Harris)
60. Elsa Freeman, undated electronic comments submitted (Freeman)
61. Joanne Fogarty, undated electronic comments submitted (Fogarty)
62. Christine Shefts, undated electronic comments submitted (Shefts)
63. Margie Pellegrini, undated electronic comments submitted (Pellegrini)
64. Marilena Zubani, undated electronic comments submitted (Zubani)
65. Eva Cupit, undated electronic comments submitted (Cupit)
66. Larry McDaniel, undated electronic comments submitted (McDaniel)
67. Annemare Murpky, undated electronic comments submitted (Murpky)
68. Elizabeth C., undated electronic comments submitted (C.)
69. Christine Roden, undated electronic comments submitted (Roden)

70. **Natasha Salgado, undated electronic comments submitted (Salgado)**
71. **Jessica Tejada, undated electronic comments submitted (Tejada)**
72. **Jacqueline Circosta, undated electronic comments submitted (Circosta)**
73. **Kara Pankiw, undated electronic comments submitted (Pankiw)**
74. **Kim J CareTwoPlsHelp, undated electronic comments submitted (CareTwoPlsHelp)**
75. **Chrisitne Rennie, undated electronic comments submitted (Rennie)**
76. **Amy Sceiczina, undated electronic comments submitted (Sceiczina)**
77. **Mara Limb, undated electronic comments submitted (Limb)**
78. **Jimelle Donnelly, undated electronic comments submitted (Donnelly)**
79. **William Donnelly, undated electronic comments submitted (Donnelly)**
80. **William Rennie, undated electronic comments submitted (Rennie)**
81. **Sue Harrington, undated electronic comments submitted (Harrington)**
82. **Maria Fortino, undated electronic comments submitted (Fortino)**
83. **Tanya Vlacanicich, undated electronic comments submitted (Vlacanicich)**
84. **Aaron Chia, undated electronic comments submitted (Chia)**
85. **Frances Smith, undated electronic comments submitted (Smith)**
86. **Clara Catalano, undated electronic comments submitted (Catalano)**
87. **Kaitlin Santoro, undated electronic comments submitted (Santoro)**
88. **Beth Graziano, undated electronic comments submitted (Graziano)**
89. **Michelle Wesley, undated electronic comments submitted (Wesley)**
90. **Anthony Estrada, undated electronic comments submitted (Estrada)**
91. **Grace Ashton, undated electronic comments submitted (Ashton)**
92. **Alexandra Gundelfingen, undated electronic comments submitted (Gundelfingen)**
93. **Diana Silvestri, undated electronic comments submitted (Silvestri)**
94. **Nanci Hutt, undated electronic comments submitted (Hutt)**
95. **Jake Shefts, undated electronic comments submitted (Shefts)**
96. **Keith Melton, undated electronic comments submitted (Melton)**
97. **Steven Cervino, undated electronic comments submitted (Cervino)**
98. **Kelly Cervino, undated electronic comments submitted (Cervino)**
99. **Susan Bilicki, undated electronic comments submitted (Bilicki)**
100. **Alfredo Ramos Jr., undated electronic comments submitted (Ramos Jr.)**
101. **Ellen Osullivan, undated electronic comments submitted (Osullivan)**
102. **Dawn Nemeth, undated electronic comments submitted (Nemeth)**
103. **Judy Miller-Lyons, undated electronic comments submitted (Miller-Lyons)**
104. **Janet Clarke, undated electronic comments submitted (Clarke)**
105. **Stephanie Star Problems, undated electronic comments submitted (Problems)**
106. **James Mullen, undated electronic comments submitted (Mullen)**
107. **Pat Renart, undated electronic comments submitted (Renart)**
108. **Lorraine Artinger, undated electronic comments submitted (Artinger)**
109. **Debra Rotanz, undated electronic comments submitted (Rotanz)**
110. **Terri Farran, undated electronic comments submitted (Farran)**
111. **Gaetano Turturro, undated electronic comments submitted (Turturro)**
112. **Ed Zhu, undated electronic comments submitted (Zhu)**
113. **Angela Vigliarolo, undated electronic comments submitted (Vigliarolo)**
114. **Deirde Furino, undated electronic comments submitted (Furino)**
115. **Carmen Campuzano, undated electronic comments submitted (Campuzano)**
116. **Carol Day, undated electronic comments submitted (Day)**
117. **Cathy Priebbenow, undated electronic comments submitted (Priebbenow)**
118. **Edward G. Mrkvicka, undated electronic comments submitted (Mrkvicka)**
119. **William Muntner, undated electronic comments submitted (Muntner)**

120. Chris C., undated electronic comments submitted (C.)
121. Michael Bateman, undated electronic comments submitted (Bateman)
122. Sun Hee Kim, undated electronic comments submitted (Kim)
123. Utsab Giri, undated electronic comments submitted (Giri)
124. Michelle Graham, undated electronic comments submitted (Graham)
125. Zhihua Ren, undated electronic comments submitted (Ren)
126. Linda Muntner, undated electronic comments submitted (Muntner)
127. Adelina Ramirez, undated electronic comments submitted (Ramirez)
128. Beatriz Mejia, undated electronic comments submitted (Mejia)
129. Claudine Scheu, undated electronic comments submitted (Scheu)
130. Mike Robertson, undated electronic comments submitted (Robertson)
131. Zheng Wang, undated electronic comments submitted (Wang)
132. Gil Mendez, undated electronic comments submitted (Mendez)
133. Patricia Vazquez, undated electronic comments submitted (Vazquez)
134. Ellen Arocho, undated electronic comments submitted (Arocho)
135. Carolyn Ratcliff, undated electronic comments submitted (Ratcliff)
136. Mauricio Carvajal, undated electronic comments submitted (Carvajal)
137. Paulo Reeson, undated electronic comments submitted (Reeson)
138. Helena Yu, undated electronic comments submitted (Yu)
139. Cristina Carloni, undated electronic comments submitted (Carloni)
140. Ana Mesner, undated electronic comments submitted (Mesner)
141. Rahul Kumar, undated electronic comments submitted (Kumar)
142. Danuta Watola, undated electronic comments submitted (Watola)
143. Terri Sam, undated electronic comments submitted (Sam)
144. Tony Guzman, undated electronic comments submitted (Guzman)
145. Feather Winger, undated electronic comments submitted (Winger)
146. Hugh Smith, undated electronic comments submitted (Smith)
147. M R, undated electronic comments submitted (R)
148. Hamburger Moscovici, undated electronic comments submitted (Moscovici)
149. One Heart Inc., undated electronic comments submitted (Inc.)
150. Gottfried Messmer, undated electronic comments submitted (Messmer)
151. Carl Rosenstock, undated electronic comments submitted (Rosenstock)
152. Jessica Oshaughnessy, undated electronic comments submitted (Oshaughnessy)
153. Sarah Losgar, undated electronic comments submitted (Losgar)
154. Janice Pisciotta, undated electronic comments submitted (Pisciotta)
155. Gerty Deluca, undated electronic comments submitted (Deluca)
156. Antonis Kraniotakis, undated electronic comments submitted (Kraniotakis)
157. Maxine Zerilli, undated electronic comments submitted (Zerilli)
158. Nancy Torres, undated electronic comments submitted (Torres)
159. Fred Fall, undated electronic comments submitted (Fall)
160. Sandra Heilberger, undated electronic comments submitted (Heilberger)
161. Alan Gross, undated electronic comments submitted (Gross)
162. Maud Nilsson, undated electronic comments submitted (Nilsson)
163. Brian Reichert, undated electronic comments submitted (Reichert)
164. Lawrence Smith, undated electronic comments submitted (Smith)
165. Penny Bacon, undated electronic comments submitted (Bacon)
166. Bryan Muller, undated electronic comments submitted (Muller)
167. Cindy Chen, undated electronic comments submitted (Chen)
168. Kirsty Mayfield, undated electronic comments submitted (Mayfield)
169. Jenny Star Problems, undated electronic comments submitted (Problems)

170. Edward Laurson, undated electronic comments submitted (Laurson)
171. Gail Laurson, undated electronic comments submitted (Laurson)
172. Savvas Kollis, undated electronic comments submitted (Kollis)
173. James Mulcare, undated electronic comments submitted (Mulcare)
174. Joan Kundle, undated electronic comments submitted (Kundle)
175. Carly Rennie, undated electronic comments submitted (Rennie)
176. Antiope Kalmouki, undated electronic comments submitted (Kalmouki)
177. Andrea Gordian, undated electronic comments submitted (Gordian)
178. Charmaine MacDonald, undated electronic comments submitted (MacDonald)
179. Ted Williams, undated electronic comments submitted (Williams)
180. Dennis Kaplan, undated electronic comments submitted (Kaplan)
181. Joseph Wenzel, undated electronic comments submitted (Wenzel)
182. Mary Smith, undated electronic comments submitted (Smith)
183. Jennifer Watt, undated electronic comments submitted (Watt)
184. Yingzhi Zhang, undated electronic comments submitted (Zhang)
185. Angeles Madrazo, undated electronic comments submitted (Madrazo)
186. Michelle Hayward, undated electronic comments submitted (Hayward)
187. Elsie Au, undated electronic comments submitted (Au)
188. Sieglinda Du Preez, undated electronic comments submitted (Preez)
189. Maria Peteinaraki, undated electronic comments submitted (Peteinaraki)
190. Lukasz Jagielski, undated electronic comments submitted (Jagielski)
191. Cathy Botha, undated electronic comments submitted (Partlow)
192. Daniel Partlow, undated electronic comments submitted (Partlow)
193. Marie Grabher, undated electronic comments submitted (Grabher)
194. Mary Normoyle, undated electronic comments submitted (Klotzer)
195. Natalie Klotzer, undated electronic comments submitted (Klotzer)
196. Mark Stewart, undated electronic comments submitted (Stewart)
197. Maria Torres, undated electronic comments submitted (Torres)
198. Daniel Roell, undated electronic comments submitted (Roell)
199. Sarah Chamberlain, undated electronic comments submitted (Chamberlain)
200. Judith Downey, undated electronic comments submitted (Downey)
201. Annmarie Andrianou, undated electronic comments submitted (Andrianou)
202. Pat Burke, undated electronic comments submitted (Burke)
203. Mary Iovino, undated electronic comments submitted (Iovino)
204. Stephen Winiarski, undated electronic comments submitted (Winiarski)
205. Leslie Loza, undated electronic comments submitted (Loza)
206. Tom Palma, undated electronic comments submitted (Palma)
207. Alvaro Brandon, undated electronic comments submitted (Brandon)
208. Michelle Malench, undated electronic comments submitted (Malench)
209. Shannon Fleischman-Nee, undated electronic comments submitted (Fleischman-Nee)
210. Dina McCord, undated electronic comments submitted (McCord)
211. Sarah Womer, undated electronic comments submitted (Womer)
212. Deborah Devlin, undated electronic comments submitted (Devlin)
213. Amanda Liang, undated electronic comments submitted (Liang)
214. Chris Legaz, undated electronic comments submitted (Legaz)
215. Patricia Legoff, undated electronic comments submitted (Legoff)
216. Gilda Lopinto, undated electronic comments submitted (Lopinto)
217. Briana Salas, undated electronic comments submitted (Salas)
218. James Kasprzak, undated electronic comments submitted (Kasprzak)
219. Michael Winiarski, undated electronic comments submitted (Winiarski)

- 220. Lee Reiser, undated electronic comments submitted (Reiser)
- 221. Ray Renart, undated electronic comments submitted (Renart)
- 222. Chris DeGeorge, undated electronic comments submitted (DeGeorge)

C. Comments and Responses

Outfall Location & Alternatives

1. Several comments indicate that the proposed plan has been pushed forward “without a proper environmental impact assessment (EIS) of the planned site.”

Response: NYCDEP, acting as lead agency, issued the Environmental Assessment Statement (EAS) (CEQR No.: 14DEP016Q) covering the College Point North Outfall (SEQ200463) and the College Point South Outfall (SE807) on February 12, 2016. The public comment period ran from October 19, 2016 to December 5, 2016. NYCDDC has advised NYSDEC that copies were sent to the Queens Borough President, the Chairperson and District Manager of the Community Board, and affected Federal, State and Local agencies. It was also made available online at City Environmental Quality Review (CEQR) Access, the Mayor’s Office of Environmental Coordination’s web resource enabling public review of environmental review documents. NYCDEP did not receive any public comments on the EAS. A Negative Declaration, concluding no significant adverse environmental impacts, was issued on August 16, 2016; this was also sent to the EAS distribution list and posted online. The Negative Declaration indicates that any impacts to open space, natural resources, traffic, air quality, and noise impacts related to construction will be temporary and short in duration. No significant adverse impacts on land use, zoning and public policy, open space, natural resources, hazardous materials or other impact categories will occur as a result of the proposed action¹. Since no significant effects on the environment are expected as a result of Capital Project SEQ200463, no Environmental Impact Statement (EIS) is required to implement the Proposed Project.

NYSDEC has reviewed the permit application and the EAS, and both concurs with NYCDEP’s determination that no significant adverse impacts will occur as a result of the proposed action; and is bound by the lead agency’s determination.

2. Comments were also made indicating that “the community seemed to be left out of the planning loop.”

Response: NYSDEC did not act as lead agency for this project. However, an EAS (CEQR No.: 14DEP016Q) covering the College Point North Outfall (SEQ200463) and the College Point South Outfall (SE807) projects was issued on February 12, 2016. NYCDDC advises NYSDEC that copies were sent to the Queens Borough President, the

¹ Attachment B, Section B.10 Construction Impacts in *College Point North and South Drainage Improvements Project EAS*, p. B-55.

Chairperson and District Manager of the Community Board, and affected Federal, State and Local agencies; it was also made available online at CEQR Access, the Mayor's Office of Environmental Coordination's web resource enabling public review of environmental review documents.

As part of this permitting process and that the request of interested parties, NYSDEC provided additional time for interested parties to review and submit comments on the complete permit application.

3. Several comments include alternatives to the proposed stormwater outfall at Macneil Park. One suggested alternative is to reroute the stormwater to the already existing outfall at the west end of Macneil Park.

Response: The outfall at the west end of Macneil Park is associated with NYC Capital Project SEQ200464. NYCDEP acted as the City Environmental Quality Review Act (CEQRA) lead agency for Capital Project SEQ200464 (CEQR No.:14DEP015Q). As lead agency, NYCDEP prepared an EAS containing site specific analyses of the potential impacts of the project as part of a larger analysis for installation of new stormwater collection sewers and relocation of sanitary sewers and water mains within the project's drainage area. The outfall built under Capital Project SEQ200464 at the west end of Macneil Park, completed in January 2017, was designed to accommodate flow from a drainage area separate from that of the Proposed Project, SEQ200463. In siting the Proposed Project, NYCDEP found that the streets to be drained by the Proposed Project (SEQ200463) slope towards Poppenhusen Avenue, which is a topographic low point in the area. For this reason, the location of the Proposed Project was chosen close to this low point within Macneil Park to the north of Poppenhusen Avenue to provide adequate stormwater conveyance through gravity. Consequently, the existing outfall associated with Capital Project SEQ200464 at the west end of Macneil Park, by design, is not adequately sized to convey additional flow from the Proposed Project's drainage area. Since construction was just completed for Capital Project SEQ200464, it will not be practical or economically viable to disturb the street corridors again in order to accept additional stormwater flow from another drainage area. Based on the EAS, which did not receive any public comments, NYCDEP concluded that the Proposed Project "would not have the potential to cause any significant adverse environmental impacts" on natural resources.

NYSDEC has reviewed the permit application, including the EAS, and concurs with lead agency NYCDEP's assessment that the Proposed Project as described in the EAS will have no significant adverse environmental impacts.

4. Another suggested alternative is to "lengthen the pipe so it empties further out, near the shipping channel, where the existing [combined sewer overflow (CSO)] outfall pipe empties."

Response: The Joint Permit Application package submitted by NYCDEP contained an alternatives analysis which considered an alternative outfall location, which would have extended the proposed outfall approximately seven hundred feet (700 ft) north, placing it approximately parallel with the existing CSO outfall. However, this alternative would have had significantly greater environmental impacts than the Proposed Project because it would require extensive sheet pile driving, dewatering, and trenching out into the East River and within regulated waters and tidal wetlands north of Macneil Park. In addition, the area of disturbance required to extend the outfall would cause significant impacts to the existing *Spartina alterniflora* tidal wetland restoration along the shoreline, as well as to the Coastal Preservation Network oyster habitat. Temporary and permanent impacts to the substrate of the East River from dewatering and installing the outfall pipe could also potentially have an adverse effect on aquatic habitat.

In contrast, the current proposed outfall has been positioned to avoid any physical impacts to the existing *Spartina alterniflora* and the oyster habitat. In addition, the proposed outfall will discharge stormwater onto an embedded riprap apron ("splash pad") within the intertidal area designed to disperse the stormwater flow and reduce flow velocity in order to prevent beach erosion or damage to existing flora and fauna. NYCDDC designed the splash pad in conformance with Section 5B, "Rock Outlet Protection" of the New York Standards and Specifications for Erosion and Sediment Control, 2005 edition.

NYSDEC has reviewed the permit application, including the EAS, and concurs with lead agency NYCDEP's assessment that the project as described in the EAS will have fewer significant environmental impacts than this proposed alternative.

5. Another suggested alternative also includes installation of a filtration system in the outfall pipe to trap pollution before it reaches the water.

Response: NYSDEC requires upstream best management practices (BMPs) for all storm water collection systems and stormwater discharges. To satisfy BMP requirements, NYCDEP's Bureau of Water and Sewer Operations (BWSO) has developed storm sewer design standards that allow storm sewer infrastructure to protect New York City waterways from floatables and debris that are inadvertently collected by storm sewers, while functioning efficiently by minimizing back-ups and flooding. For example, each storm sewer must have a hood installed within each catch basin to trap floatables and debris before they enter the storm sewer pipe. NYCDEP regularly cleans the catch basins by means of vacuum truck to remove these trapped floatables and debris. This practice allows for the control of floatables and debris to protect the receiving water body while maintaining a functional stormwater conveyance system.

By means of contrast, installing a filtration system at the outfall location would hinder stormwater conveyance and could surcharge the upstream sewers during wet weather events resulting in street flooding, which could cause personal injury or property damage. For the storm sewer system to function properly, the system needs to be free of impediments to stormwater flow so that stormwater may flow unobstructed to the

receiving water body. A filtration system could cause impediments within the stormwater system and is therefore not a feasible addition to the proposed stormwater collection system.

NYSDEC has reviewed the permit application, including the EAS, and concurs with lead agency NYCDEP's assessment that the project as described in the EAS, will reduce environmental impacts as compared to leaving the CSO outfall in place.

Discharge Impacts

6. Several comments indicate that the stormwater "discharges contain municipal and industrial wastes, floating debris, and disease causing pathogens, drastic shifts in pH due to de-icing chemicals among other contaminants." The concern is that "the discharges from the many SW outfalls will have significant impact on the waters of MacNeil Park".

Response: As described at length in the EAS, this project is intended to improve water quality (EAS pages A-4, B-31-B-32). The project will collect stormwater from an approximately 10.6-acre drainage area, the entirety of which is zoned as single family and low-density residential areas (zoning codes R2A and R4). The drainage area is not zoned for industrial, manufacturing, or commercial use and therefore "industrial wastes" and discharges typical of heavy manufacturing and commercial areas are not expected to be present in the discharges from the stormwater sewer system. The stormwater collection sewers have been designed to NYCDEP standards with new catch basins and hoods to capture floatables and sediments that enter the system. The new outfall will replace a combined sewer outfall, which currently discharges both stormwater and – during wet weather events – sanitary waste, therefore improving current water quality. While stormwater does contain some levels of pollutants, these pollutants are already discharging into this location. As demonstrated by way of water quality assessment modeling in the EAS, by removing the existing CSO outfall and installing a storm water outfall, the Proposed Project will eliminate discharges of sanitary waste during wet weather events, thus contributing to a decrease in the amount of pollutants discharged to the East River and Flushing Bay in the vicinity of College Point. The water quality assessment model cumulatively assessed three College Point sewer projects together: the College Point North Drainage Improvement Project (SEQ200463, the Proposed Project), the College Point South Drainage Improvement Project (SE807) and the College Point West Outfall Project (SEQ200464). The modeling looked at changes in loadings from outfalls under existing and proposed conditions in the project area as well as how the changes would affect other outfalls nearby. The results of this assessment indicated that, while stormwater discharges from these three project areas would increase annually by approximately 3.7 million gallons, CSO discharges from the project areas would decrease by 2.4 million gallons. In addition, bacteria loads would decrease by 0.46 percent; total suspended solids would decrease by 0.15 percent; and biological oxygen demand would decrease by 0.16 percent and there would also be a *de minimis* (approximately 0.2 percent) change in other parameters such as metals and PAHs (polycyclic aromatic

hydrocarbons) within the discharges from the project areas under the storm sewer buildout proposed by these three projects.²

NYSDEC has reviewed the permit application, including the EAS, and concurs with lead agency NYCDEP's assessment that the project as described in the EAS, will reduce environmental impacts as compared to leaving the CSO outfall in place.

Additionally, it is important to note that this permit application is exclusively for construction of the outfall. Stormwater discharges from outfalls are already regulated by State Pollutant Discharge Elimination System (SPDES) and Municipal Separate Storm Sewer System (MS4) permits. These permits are available to the public online (<http://www.dec.ny.gov/chemical/102611.html>).

7. Many comments indicate that "the outfall pipe would carry road salts and oil, pollution from streets and storm drains, and animal feces into the beach."

Response: As noted in comment 6, the existing combined sewer outfall currently conveys sanitary sewage and stormwater to the East River during wet weather events. The Proposed Project will eliminate the discharge of sanitary waste to the East River at this location, which will be conveyed to the Tallman Island Wastewater Treatment Plant. Also as noted in comment 6, the Proposed Project will implement NYCDEP storm water design standards such as new catch basins and hoods to capture floatables and sediments that enter the stormwater system and systematic vacuuming of these catch basins. As discussed in the EAS, while some pollutants may be conveyed to the East River from streets within the project drainage area, the CSO discharges in the project area will be reduced, thus improving water quality at the site.

NYSDEC has reviewed the permit application, including the EAS, and concurs with lead agency NYCDEP's assessment that the project as described in the EAS, will reduce environmental impacts as compared to leaving the CSO outfall in place.

8. Comment was raised regarding organic and inorganic pollutants in the stormwater discharge having "serious impact upon the marine and aquatic life at these wetlands in the absence of treatment".

Response: See response to Comment 6. As discussed in the EAS, NYCDEP conducted modeling for this project, which demonstrated that the Proposed Project, along with Capital Projects SEQ200464 and SE807, will not result in any significant changes in pollutant loadings to the East River and will significantly reduce the annual volume of CSO discharges. The EAS also analyzed the potential for impacts to both Aquatic Resources and Essential Fish Habitat as a result of the Proposed Project. It was determined that the Proposed Project will not result in potential significant adverse

² Attachment B, Section B.5 Natural Resources in *College Point North and South Drainage Improvements Projects EAS*, p. B-31 - B-32.

impacts on aquatic resources, Essential Fish Habitat or species³. Therefore, no significant impact to the marine and aquatic life at Macneil Park is anticipated.

NYSDEC has reviewed the permit application, including the EAS, and concurs with lead agency NYCDEP's assessment that the project as described in the EAS, will reduce environmental impacts as compared to leaving the CSO outfall in place.

9. Several comments mention "the pipe would dump street water DIRECTLY into the wetlands & oyster habitat that Coastal Preservation Network (CPN) has been rebuilding for more than a decade."

Response: The EAS discusses the existing conditions within the area of the Proposed Project, including the piles associated with oyster restoration and the distribution of *Spartina alterniflora*. The proposed outfall will discharge one hundred feet (100 ft.) south of the existing oyster habitat. NYSDEC staff visited the Proposed Project location on a number of occasions to confirm site conditions described in the permit application and assess any possible impacts from construction. NYSDEC found that the permit application accurately described site conditions and confirmed that the proposed project meets regulatory requirements. As part of satisfying those requirements, NYCDDC will construct a stone splash pad at the outfall to attenuate flow velocity and minimize scour and erosion. The proposed splash pad has been designed to the standards prescribed in the NYSDEC Stormwater Management Design Manual and the dimensions have been calculated based on the anticipated stormwater flow. The splash pad is designed to prevent damage to existing and proposed *S. alterniflora* and oyster habitat at the proposed outfall site. The splash pad will also prevent any erosion to sediment by attenuating stormwater velocity, as it will be constructed with 2:1 side slopes to direct stormwater flow along the center causing the flow to spread out and dissipate before coming into contact with any sediment or vegetation.

10. Several comments expressed shock that NYC wants to "destroy years of restoration that has turned the wetlands at Macneil Park into a thriving ecosystem."

Response: As shown in the Joint Permit Application and as confirmed by several NYSDEC site visits, the proposed outfall location avoids physical impacts to the vegetated tidal wetlands, the existing *Spartina alterniflora*, and the oyster habitat and will discharge stormwater onto a stone splash pad within the intertidal area designed to disperse the stormwater flow and reduce the flow velocity to prevent beach erosion or damage to existing flora and fauna. The proposed catch basins will be equipped with hoods to capture debris and floatables and will undergo regular maintenance to preserve the system's efficacy in preventing debris from reaching the receiving water. With these measures in place, the existing wetlands and ecosystem at Macneil Park will be protected and preserved while the Proposed Project will provide an overall benefit to the

³ Attachment B, Section B.5 Natural Resources in *College Point North and South Drainage Improvements Project EAS*, p. B-32 – B-33.

community by improving stormwater conveyance and separating sanitary waste from the stormwater collection system in College Point.

The Proposed Project's impact to NYSDEC-regulated tidal wetlands, due to installation of the splash pad, requires 1,100 square feet of habitat creation as compensatory mitigation. Approximately 8,607 square feet of *Spartina alterniflora* will be planted along the Macneil Park shoreline, adding to the existing intertidal marsh wetlands. These plantings contribute toward satisfying the mitigation requirements for four NYCDDC capital projects in the area (the Proposed Project, SEQ200464, SEQ002708, and SE807). These plantings, combined with the water quality benefit from closing the combined sewer outfall, should result in an overall ecological benefit. The location of the restoration was chosen because there is a base of existing intertidal marsh that can be expanded, it is city-owned waterfront in a public park, and has natural protection from currents and waves to allow the expanded habitats to become established⁴.

11. Several comments indicate that the pipe "would dump into the exact site of a kayak launch that provides the ONLY public water access" in the entire community. There is also concern regarding "raw sewage and stormwater runoff" being discharged into the community's only kayak launch.

Response: The EAS notes that the Proposed Project is aimed at reducing the impacts of CSO discharges through the implementation of separated sewer systems. The Proposed Project will remove the existing CSO located near the community's kayak launch, therefore eliminating any discharges of sanitary waste that may occur during wet weather events from that discharge point. Stormwater discharges from the proposed outfall must comply with the discharge limits in the existing SPDES and MS4 permits, and will only contain stormwater. In addition, the EAS describes plans for improving the kayak launch. The proposed kayak launch will be constructed to the west of the proposed outfall and would continue to provide adequate waterfront access for a variety of water-based recreational activities.

12. Comment was raised regarding storm runoff affecting kayaker safety (M. Winiarski).

Response: The proposed stormwater outfall will only discharge during and immediately after wet weather events when the potential for water-dependent recreation is low. The Proposed Project will discharge within the Upper East River, which at the proposed outfall location is classified as "T" saline surface waters. The best usage for Class I waters is secondary contact recreation and the water quality should be suitable for fish propagation and survival. As indicated in the EAS (pp. B-31 – B-32) results of the water quality modeling summarized in the response to Comment 4 above, the Proposed Project will not degrade the water quality within the Upper East River and therefore will not

⁴ Attachment A, Section C Proposed Wetland Restoration Design in *College Point North and South Drainage Improvements Project EAS*, p. A-4 - A-5.

change the water body's suitability for secondary contact recreation; it was concluded the project will have no significant adverse environmental impacts.

In addition, NYCDDC and NYCDEP consulted with New York City Department of Parks and Recreation (NYCDPR) on the location of the proposed outfall to ensure adequate spacing between the kayak launch and the outfall and that the uses will not be in conflict.

NYSDEC has reviewed the permit application, including the EAS, and concurs with lead agency NYCDEP's assessment that the project as described in the EAS will have no significant adverse environmental impacts.

Beyond the Scope

13. Several comments indicate that the archaeological impact assessment on file for DDC and DEP (Phase 1A Archaeological Documentary Study Capital Project SEQ200463: College Point North Outfall and Infrastructure Improvements Queens County, New York) clearly displays the saltmarsh, oyster restoration projects and solar panels in photographs but describes the land as "barren construction debris and of no significant value, suitable to dump on."

Response: This comment is beyond the scope of NYSDEC permit review. However, NYCDDC has responded as follows: "The Phase 1A Archaeological Documentary Study for Capital Project SEQ200463 does not include any description similar to "barren construction debris and of no significant value, suitable to dump on". Page 6 of the report describes the proposed outfall location and states "The location of the proposed outfall at the northern terminus of College Place is located at the East River Waterfront to the east of Macneil Park. The eastern side of the park is lined with a concrete bulkhead and a riprap wall. Portions of the proposed outfall location are occupied by salt marsh and an extension of the rip rap wall". Page 18 of the report states that "The location of the proposed outfall has experienced disturbance as a result of the construction of the infrastructure and bulkhead. The modern shoreline appears to have been created through the addition of landfill deposits." In this instance, "landfill deposits" refers to the creation of land through the intentional deposition of sediment in order to move the natural shoreline seaward and increase land area.

The Phase 1A Archaeological Documentary Study of the Capital Project SEQ200463 project site was completed to satisfy the requirements of the New York State Historic Preservation Office (SHPO) and the New York City Landmarks Preservation Commission (LPC) and to inform the EAS (CEQR No.: 14DEP016Q) in regards to the potential archeological impacts that could occur as a result of the Proposed Project. As recommended in the Phase 1A Archaeological Documentary Study and described in the EAS (pg. B-10), archeological monitoring will be conducted during construction within areas of potential archeological sensitivity. With these measures in place the Proposed Project will not result in potential significant adverse impacts with respect to

archaeological resources⁵. This information was documented in the Negative Declaration for the Proposed Project issued on August 16, 2016.”

14. Many comments noted the lack of coordination among city agencies.

Response: This comment is beyond the scope of NYSDEC permit review. However, NYCDDC has responded as follows: “During the planning phase of the Proposed Project, extensive coordination among NYCDEP, NYCDDC and NYCDPR was conducted regarding the overall project as well as plans for a proposed kayak launch at Macneil Park. Several meetings were held onsite throughout 2014 and 2015 to determine the proposed activities at Macneil Park including any aesthetic impacts, the proposed wetland mitigation plantings, tree impacts, and coordination for the proposed kayak launch. The kayak launch, proposed by DPR, will be constructed to the west of the proposed outfall (Figure 1, attached) and will provide adequate waterfront access for a variety of water-based recreational activities. The coordination between New York City agencies included multiple revisions to the location of the proposed outfall in order to accommodate both the kayak launch and the outfall⁶. Tree avoidance and mitigation measures were also coordinated between DEP, DDC and DPR Forestry. The EAS was circulated to all involved New York City agencies for comment and coordinated review.”

15. Comment was made regarding animals and plants going extinct, environments being destroyed, air, water and soil being polluted, people getting sick, sea levels rising and planet being filled with garbage. Concern was also raised regarding humans tearing down the ecosystem.

Response: This comment is beyond the scope of the Proposed Project. Responses to Comments 6-10 address concerns about ecosystem impacts at the Proposed Project site.

⁵ Attachment B, Section B.7 Historic and Cultural Resources in *College Point North and South Drainage Improvements Project EAS*, p. B-10.

⁶ Attachment B, Section B.10 Construction Impacts in *College Point North and South Drainage Improvements Project EAS*, p. B-47.