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)

1. Name: Carmelo Cruz
2. Address: 1750 East river Rd. Grand Island, NY 14072
3. Telephone: Area Code ( ) 716-432-3973

B. PROPOSED ACTIVITY:

1. Brief description of activity:
   
   Construction of an open pile dock with composite decking. See attached plans.

2. Purpose of activity:
   
   Private recreational.

3. Location of activity:

   Erie County
   Grand Island City, Town, or Village
   1750 East River Rd. Street or Site Description

4. Type of federal permit/license required: USACE

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:

   NYS DEC, NYS OGS
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) □ □
   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) □ □
   c. Revitalization/redevelopment of a deteriorated or underutilized waterfront site? (1) □ □
   d. Reduction of existing or potential public access to or along coastal waters? (19, 20) □ □
   e. Adverse effect upon the commercial or recreational use of coastal fish resources? (9,10) □ □
   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) □ □
   g. Siting of a facility essential to the generation or transmission of energy? (27) □ □
   h. Mining, excavation, or dredging activities, or the placement of dredged or fill material in coastal waters? (15, 35) □ □
   i. Discharge of toxics, hazardous substances or other pollutants into coastal waters? (8, 15, 35) □ □
   j. Draining of stormwater runoff or sewer overflows into coastal waters? (33) □ □
   k. Transport, storage, treatment, or disposal of solid wastes or hazardous materials? (36, 39) □ □
   l. Adverse effect upon land or water uses within the State's small harbors? (4) □ □

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) □ □
   b. Federally designated flood and/or state designated erosion hazard area? (11, 12, 17) □ □
   c. State designated significant fish and/or wildlife habitat? (7) □ □
   d. State designated significant scenic resource or area? (24) □ □
   e. State designated important agricultural lands? (26) □ □
   f. Beach, dune or Barrier Island? (12) □ □
   g. Major ports of Albany, Buffalo, Ogdensburg, Oswego or New York? (3) □ □
   h. State, county, or local park? (19, 20) □ □
   i. Historic resource listed on the National or State Register of Historic Places? (23) □ □

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

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

4. Will the proposed activity occur within and/or affect an area covered by a State-approved local waterfront revitalization program, or State-approved regional coastal management program? (see policies in 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: Carmelo Cruz

Address: 1750 East River Rd. Grand Island, NY 14072

Telephone: Area Code (716) 432-3973

Applicant/Agent's Signature: [Signature] Date: 3/22/22

F. SUBMISSION REQUIREMENTS

1. The applicant or agent shall submit the following documents to the New York State Department of State, Office of Planning and Development, Attn: Consistency Review Unit, One Commerce Plaza-Suite 1010, 99 Washington Avenue, 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.
NYS Dept. of State
Coastal Consistency Concurrence
Statement of Consistency with Policies

NYS Dept. of State Policies: 2, 21, 22

The Carmelo Cruz dock is consistent with the policies outlined in the NYS Coastal Management Program for waterfront uses. It is consistent with existing use of the waterfront area and will enhance recreational access to the Niagara River for boating, kayaking and paddleboarding. Under Policies 2, 21, and 22 of the NYS Dept. of State "Water dependent and water enhanced recreation will be encouraged and facilitated". The Carmelo Cruz dock is water dependent and will enhance the recreational access to the Niagara River.
JOINT APPLICATION FORM

For Permits for activities affecting streams, waterways, waterbodies, wetlands, coastal areas, sources of water, and endangered and threatened species.

You must separately apply for and obtain Permits from each involved agency before starting work. Please read all instructions.

1. Applications To:
   >NYS Department of Environmental Conservation
     Check all permits that apply:
     [ ] Stream Disturbance  [ ] Dams and Impoundment Structures
     [ ] Excavation and Fill in Navigable Waters  [ ] 401 Water Quality Certification *
     [ ] Docks, Moorings or Platforms  [ ] Freshwater Wetlands
     [ ] Tidal Wetlands  [ ] Wild, Scenic and Recreational Rivers
     [ ] Coastal Erosion Management  [ ] Water Withdrawal
     [ ] Long Island Well  [ ] Incidental Take of Endangered / Threatened Species
   
   [ ] Check here to confirm you sent this form to NYSDEC.

   >US Army Corps of Engineers
     Check all permits that apply:
     [ ] Section 404 Clean Water Act  [ ] Section 10 Rivers and Harbors Act
     Is the project Federally funded?  Yes  ✔  No
     If yes, name of Federal Agency:
     General Permit Type(s), if known:
     Preconstruction Notification:  Yes  ____  No
   
   >NYS Office of General Services
     Check all permits that apply:
     [ ] State Owned Lands Under Water  [ ] Docks, Moorings or Platforms
     [ ] Utility Easement (pipelines, conduits, cables, etc.)
   
   [ ] Check here to confirm you sent this form to NYSOGS.

   >NYS Department of State
     Check if this applies:  ✔ Coastal Consistency Concurrence
   
2. Name of Applicant
   Carmelo Cruz
   Mailing Address
   1750 East River Rd.
   Telephone 716-432-3973
   Email Carmelo@95nutrition.com
   Applicant Must be (check all that apply):  ✔ Owner  [ ] Operator  [ ] Lessee

3. Name of Property Owner (if different than Applicant)
   Mailing Address
   Post Office / City
   State Zip
   Telephone
   Email
   Agency Application Number:
   02/21
4. Name of Contact / Agent

Mailing Address

Post Office / City

State

Zip

Telephone

Email

5. Project / Facility Name

Cruz Dock

Property Tax Map Section / Block / Lot Number: 51.02-2-6

Project Street Address, if applicable

1750 East River Rd.

Grand Island

Post Office / City

State

Zip NY 14072

Provide directions and distances to roads, intersections, bridges and bodies of water

600 feet Southwest of the intersection of Winkler Rd. and East River Rd. on East River Rd. on Grand Island on the Niagara River.

☑ Town Village City County Stream/Waterbody Name

Grand Island Erie Niagara River

Project Location Coordinates: Enter Latitude and Longitude in degrees, minutes, seconds:

Latitude: 78° 9' 34" Longitude: 43° 3' 0" 03" 0" 03"

6. Project Description: Provide the following information about your project. Continue each response and provide any additional information on other pages. Attach plans on separate pages.

a. Purpose of the proposed project:

Recreational use to dock private boat.

b. Description of current site conditions:

Improved riparian area with gravel beach area.

c. Proposed site changes:

Construction of open pile dock with composite decking. See attached plans.

d. Type of structures and fill materials to be installed, and quantity of materials to be used (e.g., square feet of coverage, cubic yards of fill material, structures below ordinary/mean high water, etc.):

Open pile dock using steel pilings, steel I-beam crossmembers and stringers and composite decking. Approximately 1,148 sq. ft. See attached plans.

e. Area of excavation or dredging, volume of material to be removed, location of dredged material placement:

None.

f. Is tree cutting or clearing proposed? Yes If Yes, explain below. ☑ No

Timing of the proposed cutting or clearing (month/year): 

Number of trees to be cut: 

Acreage of trees to be cleared: 
g. Work methods and type of equipment to be used:
Vibratory pile driver mounted on barge to install pilings, excavator on barge to build dock structure. All work to be done from barge to eliminate shoreline/land disturbance.

h. Describe the planned sequence of activities:
Install steel pilings, build dock steel structure, deck with composite decking.

i. Pollution control methods and other actions proposed to mitigate environmental impacts:
All best industry practices. All work to be done from barge to eliminate shoreline/land disturbance.

j. Erosion and silt control methods that will be used to prevent water quality impacts:
Waterward silt curtain and all work to be done from barge to eliminate shoreline/land disturbance and eliminate chance of landward silt disturbance.

k. Alternatives considered to avoid regulated areas. If no feasible alternatives exist, explain how the project will minimize impacts:
N/A

l. Proposed use: ☑ Private ☐ Public ☐ Commercial

m. Proposed Start Date: June 1, 2022 □ Estimated Completion Date: September 30, 2022

n. Has work begun on project? Yes ☑ If Yes, explain below. No ☐

o. Will project occupy Federal, State, or Municipal Land? Yes ☑ If Yes, explain below. No ☐
NYS lands underwater.

p. List any previous DEC, USACE, OGS or DOS Permit / Application numbers for activities at this location:
None known.

q. Will this project require additional Federal, State, or Local authorizations, including zoning changes? Yes ☑ If Yes, list below. No ☐
USACE, NYS DEC, NYS OGS and NYS DOS authorization required.
7. Signatures.
Applicant and Owner (if different) must sign the application. If the applicant is the landowner, the landowner attestation form can be used as an electronic signature as an alternative to the signature below, if necessary. Append additional pages of this Signature section if there are multiple Applicants, Owners or Contact/Agents.

I hereby affirm that information provided on this form and all attachments submitted herewith is true to the best of my knowledge and belief.

Permission to Inspect - I hereby consent to Agency inspection of the project site and adjacent property areas. Agency staff may enter the property without notice between 7:00 am and 7:00 pm, Monday - Friday. Inspection may occur without the owner, applicant or agent present. If the property is posted with "keep out" signs or fenced with an unlocked gate, Agency staff may still enter the property. Agency staff may take measurements, analyze site physical characteristics, take soil and vegetation samples, sketch and photograph the site. I understand that failure to give this consent may result in denial of the permit(s) sought by this application.

False statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the NYS Penal Law. Further, the applicant accepts full responsibility for all damage, direct or indirect, of whatever nature, and by whomever suffered, arising out of the project described herein and agrees to indemnify and save harmless the State from suits, actions, damages and costs of every name and description resulting from said project. In addition, Federal Law, 18 U.S.C., Section 1001 provides for a fine of not more than $10,000 or imprisonment for not more than 5 years, or both where an applicant knowingly and willingly falsifies, conceals, or covers up a material fact; or knowingly makes or uses a false, fictitious or fraudulent statement.

Signature of Applicant

[Signature]

Applicant Must be (check all that apply): [x] Owner  [ ] Operator  [ ] Lessee

Printed Name

[Printed Name]

Title

[Title]

Date

[3/30/22]

Signature of Owner (if different than Applicant)

[Signature]

Date

[Blank]

Printed Name

[Blank]

Title

[Blank]

Signature of Contact / Agent

[Signature]

Date

[Blank]

Printed Name

[Blank]

Title

[Blank]

For Agency Use Only

DETERMINATION OF NO PERMIT REQUIRED

Agency Application Number

[Blank]

(Agency Name) has determined that No Permit is required from this Agency for the project described in this application.

Agency Representative:

Printed Name

[Blank]

Title

[Blank]

Signature

[Signature]

Date

[Blank]
**Short Environmental Assessment Form**

**Part 1 - Project Information**

**Instructions for Completing**

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<table>
<thead>
<tr>
<th>Part 1 – Project and Sponsor Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name of Action or Project:</td>
</tr>
<tr>
<td>Cruz Dock</td>
</tr>
<tr>
<td>Project Location (describe, and attach a location map):</td>
</tr>
<tr>
<td>600 feet Southwest of the intersection of Winkler Rd. and East River Rd. on East River Rd. on Grand Island on the Niagara River.</td>
</tr>
<tr>
<td>Brief Description of Proposed Action:</td>
</tr>
<tr>
<td>Open pile dock using steel pilings, steel IBeam crossmembers and stringers and composite decking. Approximately 1,148 sq. ft. See attached plans.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Name of Applicant or Sponsor:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Carmelo Cruz</td>
</tr>
<tr>
<td>Telephone: 716-432-3973</td>
</tr>
<tr>
<td>E-Mail: <a href="mailto:Carmelo@95nutrition.com">Carmelo@95nutrition.com</a></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Address:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1750 East River Rd.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>City/PO:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grand Island</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>State:</th>
</tr>
</thead>
<tbody>
<tr>
<td>NY</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Zip Code:</th>
</tr>
</thead>
<tbody>
<tr>
<td>14072</td>
</tr>
</tbody>
</table>

1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?  
   If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.  
   NO ☐ YES ☑

2. Does the proposed action require a permit, approval or funding from any other government Agency?  
   If Yes, list agency(s) name and permit or approval: USACE, NYS DOS, NYS OGS Approvals  
   NO ☐ YES ☑

3. a. Total acreage of the site of the proposed action?  
   b. Total acreage to be physically disturbed?  
   c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?  
   <1 acres  
   <1 acres  
   5.1 acres

4. Check all land uses that occur on, are adjoining or near the proposed action:  
   □ Urban  □ Rural (non-agriculture)  □ Industrial  □ Commercial  ☑ Residential (suburban)  
   □ Forest  □ Agriculture  □ Aquatic  □ Other(Specify):  
   □ Parkland

Page 1 of 3  
SEAF 2019
5. Is the proposed action,  
   a. A permitted use under the zoning regulations?  
      | NO | YES | N/A |
      |    | ✓   |     |
   b. Consistent with the adopted comprehensive plan?  
      | NO | YES | N/A |
      |    |     | ✓   |

6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?  
   | NO | YES |
   |    | ✓   |

7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?  
   If Yes, identify:  
   | NO | YES |
   | ✓  |     |

8. a. Will the proposed action result in a substantial increase in traffic above present levels?  
   | NO | YES |
   | ✓  |     |
   b. Are public transportation services available at or near the site of the proposed action?  
   | NO | YES |
   | ✓  |     |
   c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?  
   | NO | YES |
   | ✓  |     |

9. Does the proposed action meet or exceed the state energy code requirements?  
   If the proposed action will exceed requirements, describe design features and technologies:  
   N/A  
   | NO | YES |
   |     |     |

10. Will the proposed action connect to an existing public/private water supply?  
    If No, describe method for providing potable water:  
    No Need  
    | NO | YES |
    | ✓  |     |

11. Will the proposed action connect to existing wastewater utilities?  
    If No, describe method for providing wastewater treatment:  
    No wastewater generated.  
    | NO | YES |
    | ✓  |     |

12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?  
    | NO | YES |
    | ✓  |     |
    b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?  
    | NO | YES |
    | ✓  |     |

13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?  
    b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?  
    If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres:  
    Open pile dock to be built on the Niagara River. See attached plans.
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:
- [ ] Shoreline
- [ ] Forest
- [ ] Agricultural/grasslands
- [ ] Early mid-successional
- [ ] Wetland
- [ ] Urban
- [x] Suburban

15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?
- [x] Yes
- [ ] No

16. Is the project site located in the 100-year flood plan?
- [x] Yes
- [ ] No

17. Will the proposed action create storm water discharge, either from point or non-point sources?
   If Yes,
   a. Will storm water discharges flow to adjacent properties?
   - [x] Yes
   - [ ] No
   b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?
   - [x] Yes
   - [ ] No
   If Yes, briefly describe:
   No Stormwater runoff associated with project.

18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?
   If Yes, explain the purpose and size of the impoundment:
   ________________________________

19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?
   If Yes, describe:
   ________________________________
   - [x] Yes
   - [ ] No

20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?
   If Yes, describe:
   ________________________________
   - [x] Yes
   - [ ] No

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor/name: CAF-MAC CLUE
Date: 3/30/22
Signature: [Signature]
Title: [Title]
Carmelo Cruz
1750 E. River Pk.
Grand Island, NY

East

South East

North

East

Pics taken
3/11/22
Carmelo Cruz
1750 East River Rd.
Grand Island, NY
Typical Dock Crosssection

Composite Decking

W6 by 16
I-Beam
Steel Crossmember
Welded to Pile

2" x 6" pressure
treated nailers
bolted to Stringer
W6 by 16 Steel
I-Beam Stringers
Welded to Crossmember

Normal High Water

Riverbed

10" by 30' by
Schedule 40 Steel
Pilings

Schedule 40 Steel
Pilings