

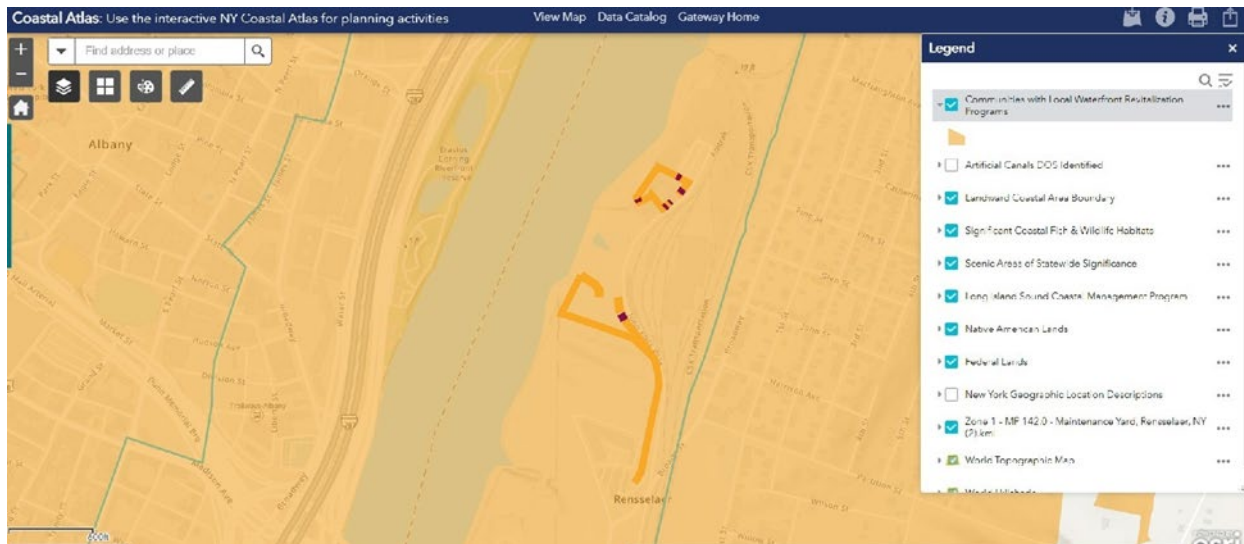
New York State Department of State  
Office of Planning, Development & Community Infrastructure  
99 Washington Avenue, Suite 1010  
Albany, NY 12231

**To the Coastal Resources Consistency Review Unit for the New York State Department of State:**

The National Railroad Passenger Corp. (Amtrak) requests a review of a planned project to install protective fencing at a location within the state Coastal Zone in order to obtain official confirmation that this project is consistent with all state Coastal Management Program (CMP) and Local Waterfront Revitalization Program (LWRP) policies. Using the New York Department of State’s Coastal Atlas map, Amtrak has confirmed that this project (displayed below) falls within designated the boundaries for state Coastal Areas, and therefore must be undertaken in a manner consistent with New York State CMP policies as well as the LWRP policies for the City of Rensselaer.

***Description of Proposed Work and Statement of Consistency***

This project is part of a larger series of projects to install fencing in the Amtrak-served right-of-way of the Empire Line in New York state and proposes the installation of chain-link security fences and access gates at 11 zones. The proposed work is needed to add a layer of security. All proposed Amtrak standard security fencing noted in this requested review is 8 feet tall, constructed of metal with a black, picketed design and a curved gauntlet top.



Zone 1: Maintenance of Way Yard, Rensselaer, NY

At this particular location within the coastal zone, designated as “Zone 1 (MP 142), the Maintenance Yard in Rensselaer,” Amtrak plans to replace approximately 2,600 feet of existing chain-link fencing with new fencing along the property line extending along the Hudson River waterfront. Amtrak also plans to install approximately 940 feet of security fence around the pollution control building at the Maintenance Yard, and to replace six existing gates with:

- one 28-foot-wide double slide gate
- one 4-foot-wide pedestrian gate





Hudson River

Hudson River

Van Rensselaer Island

Image Landsat / Copernicus

Google

- two 16-foot-wide double-hung swing gates
- and two 20-foot-wide double-hung swing gates.

The below documentation supports Amtrak’s overall finding that the proposed project in Zone 1 can and will be undertaken in a manner consistent with the maximum practicable extent of enforceable policies of the New York State CMP and the Rensselaer LWRP.

***Policy Review and Evaluation of Effects – New York State Coastal Management Plan and City of Rensselaer LWRP***

**Category: Development**

Policy 1: Restore, revitalize, and redevelop deteriorated and underutilized waterfront areas for commercial, industrial, cultural, recreational, and other compatible uses.

*The proposed fencing at this site will enhance the safety of operations for existing passenger rail operations near the waterfront, which will aid in its ongoing revitalization.*

Policy 1A: Redevelop the Albany Port District property and related vacant and tank farmlands as an integral part of a regional marine transportation facility and, thus, the industrial focus of the City’s Local Waterfront Revitalization Program.

*The proposed fencing site does not include vacant land or Port of Albany property but does not detract from the city’s ability to redevelop or maintain this district as a regional marine transportation facility.*

Policy 1B: Redevelop the City’s Central Riverfront (generally defined as that area including the Zappala Block, Huyck Felt, City Hall and AMTRAK properties) as a focus for commercial expansion within the City’s LWRP.

*The proposed fencing site is situated on existing Amtrak property already in use for passenger rail maintenance, and thus is unavailable for commercial expansion at present.*

Policy 1C: Redevelop the City’s Northern Riverfront as a uniquely-situated site for new residential and recreational/open space development.

*The proposed fencing site is not located in the city’s Northern Riverfront section and does not inhibit redevelopment.*

Policy 1D: Stabilize and revitalize the historic Fort Crailo and Bath neighborhoods for residential and compatible limited commercial uses.

*The proposed fencing site is not located in the historic Fort Crailo and Bath neighborhoods and does not affect stabilization and revitalization efforts.*

Policy 1E: Stabilize and revitalize the Rensselaer Downtown; i.e., the central business district and shopping center area, for major retail, office and related activities.

*The proposed fencing site not located in the downtown area and does not affect stabilization and revitalization efforts.*

Policy 1F: Integrate the various waterfront area land uses, provide recreation and public access opportunities, and preserve waterfront lands through the development of an open space/trail system



extending fully from a Port area overlook in the City's highly-industrial southern end to an expansive open space/park area on lands owned by RPI in the vicinity of the Patroon Island (I-90) Bridge.

*The proposed fencing site is located near an existing site for a planned waterfront multi-use trail along the waterfront, as well as the Livingston Avenue Bridge, which is due to be replaced with new pedestrian and bike facilities that will add to a renewed focus on pedestrian access to the waterfront. The proposed installation of fencing would enhance safety conditions for trail users and prevent trespassing and associated risks into active railyards near these adjacent public facilities.*

Policy 1G: Allow the extension of proposed office development supportive of the Rensselaer Technology Park Southward from the North Greenbush coastal area into the RPI-owned northern extremes of the Rensselaer Riverfront, provided environmental and access problems can be resolved.

*The proposed fencing site is not located in the vicinity of proposed office development in the identified corridor and will not impede the extension of any proposed office development supportive of the Rensselaer Technology Park.*

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

*The project is not related to water-dependent uses and does not detract from facilitating them on other locations along the Hudson River.*

Policy 2A: Maintain all suitable industrial land within and contiguous to the Port lands, to provide a critical land mass for marine-dependent industrial development.

*The project maintains and enhances the existing use of Amtrak property and does not impact the ability to provide critical land mass for marine-dependent industrial development.*

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.

*The project will enhance the safety of existing Amtrak transportation and maintenance facilities. The project is not introducing any changes that come at the expense of water-dependent uses, given Amtrak's existing presence at this site. Furthermore, any potential future development of Amtrak right-of-way for water-dependent uses will not be inhibited by the installation of new fencing and gates, which are non-permanent structures and qualify as temporary non-water-dependent uses.*

Policy 3A: Require commitments to significant near-term improvements in land (i.e. vehicular) access to the Port and industrial area prior to the approval of development actions which may result in increased truck and related traffic through the City's existing residential neighborhoods.

*This project will not affect vehicular access to the Port and industrial area or generate any effects leading to increased truck and related traffic through residential neighborhoods.*

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.

*This policy is not applicable to the City of Rensselaer's LWRP.*

Policy 5: Encourage the location of development in areas where public services and facilities essential to such development are adequate.

*This project will not encourage additional development; it will improve the safety and security of existing infrastructure in Amtrak's right-of-way.*

Policy 6: Expedite permit procedures in order to facilitate the siting of development activities at suitable locations.

*This policy is not applicable to the City of Rensselaer's LWRP.*

**Category: Fish and Wildlife Policies**

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

*This project will not affect ongoing efforts to protect, preserve, and restore coastal fish and wildlife habitats.*

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 sublethal or lethal effect on those resources.

*This project will not lead to any additional potential accumulation of hazardous waste or pollutants with negative impacts on the food chain or surrounding natural resources.*

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.

*This project will not expand recreational uses of fish and wildlife resources or access to these areas; it will enhance safety conditions for existing recreational areas nearby – such as the Rensselaer Waterfront Esplanade – by improving security around the borders of Amtrak facilities at the project site.*

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 products, maintaining adequate stocks, and expanding aquaculture facilities.

*This policy is not applicable to the City of Rensselaer's LWRP.*

**Category: Flooding and Erosion Hazards**

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.

*This project will not introduce any new buildings or structures that will induce more erosion or other flooding hazards with potential negative effects, including impacts on human safety from flooding and erosion.*

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.

*This policy is not applicable to the City of Rensselaer's LWRP.*

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.

*This project will not introduce new erosion protection structures or have any effects on any existing erosion protection structures.*

Policy 13A: The construction of erosion control bulkheading, riprapping, sea wall construction or reconstruction, or piling installation including that necessary to maintain the navigable channel of the Hudson River and the Port turning basin, shall meet sound construction practices and procedures and be undertaken only if they have a reasonable probability of functioning as demonstrated in design and construction standards and/or assured maintenance or replacement programs.

*This project will not involve any construction or reconstruction of bulkheads, riprap or sea wall, nor any installation of pilings.*

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.

*This project will not include any activities involving the construction or reconstruction of erosion protection structures.*

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.

*This policy is not applicable to the City of Rensselaer's LWRP.*

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.

*This project will not require the use of any public funds for erosion protective structures.*

Policy 17: Whenever possible, use nonstructural measures to minimize damage to natural resources and property from flooding and erosion. Such measures shall include the following: A) The setback of buildings and structures; B) the planting of vegetation and the installation of sand fencing and drainage; C) the reshaping of bluffs; and D) the floodproofing of buildings or their elevation above the base flood level.

*This project will involve site surveys and inspections to ensure any fencing or gate installation does not lead to damage to natural and property due to potential flooding and erosion; however, no effects are anticipated due to the minimal amount of disturbance resulting from fencing installation.*

**Category: General**

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.

*This project does not propose any major actions that would impair coastal waters and resources or impede the achievement of state goals and safeguards to protect those resources. This project serves only to secure and ensure safe operations for the existing Amtrak right-of-way and maintenance facilities in the City of Rensselaer. This project is being reviewed for consistency with coastal plans and policies.*

**Category: Public Access**

Policy 19: Protect, maintain, and increase the level and types of access to public water related recreation resources and facilities.

*This project is located near the Rensselaer Waterfront Esplanade and public property that has been envisioned a planned multi-use trail along the waterfront. This project does not directly increase access to the Hudson River waterfront. It serves to protect waterfront users and other members of the public, as well as Amtrak passenger trains and maintenance facility employees, through enhanced safety and security of Amtrak operations at the project site. The security and safety improvements resulting from the installation of fencing around the maintenance yard site and right-of-way will also complement ongoing efforts to increase safe, accessible waterfront recreational opportunities, as highlighted in the March 2023 City of Rensselaer Waterfront Connectivity Study.*

Policy 19A: Develop a Port Area Overlook, including small boat launch, as a facility for passive and water-dependent active recreation and a perspective from which Port activities on both shores of the Hudson River might be viewed.

*This project does not impact water-dependent uses or potential sites for a planned Port Area Overlook. Amtrak already has existing maintenance operations on the property where this project will take place. The installation of fencing will not impact visibility of both shores of the Hudson River, given the relatively short height of the proposed fencing and a lack of any newly obstructed views.*

Policy 19B: Develop a Class 2 bikeway linking the Port Area Overlook through the Fort Crailo neighborhood and Central Business District to Riverfront park at its proposed Downtown entrance.

*The installation of fencing at this site does not introduce additional barriers to the City of Rensselaer's efforts to introduce new bikeways and multi-use paths along the Hudson River waterfront, given that Amtrak already maintains a longstanding maintenance yard operation on the property. The installation of fencing serves to enhance the security and safety of the property.*

Policy 19C: Extend development of Riverfront Park to include proposed downtown entrance and expanded parking and recreational facilities.

*This project is located immediately to the north of the existing Riverfront Park site and is already in use by Amtrak as an existing maintenance yard, which would impede it from being repurposed for development of future parking and recreational facilities. The proposed fencing project serves to enhance the security and safety of the Amtrak maintenance yard and right-of-way.*

Policy 19D: Provide public access for continuation of the Riverfront open space trail system through the Central Riverfront, the School District property and the Amtrak property to its immediate north.

*This project does not interfere with existing public access for the planned Riverfront multi-use trail system. Rather, this project serves to enhance safety and security of the existing Amtrak facilities.*

Policy 19E: Acquire an interest in Amtrak's River-most property to permit development of overlooks and open unstructured recreational areas with district access to the beach-like shoreline at the location.

*Amtrak supports the City of Rensselaer's work to develop additional overlooks and unstructured recreational areas with access to the Hudson River waterfront. However, no overlook project has been planned and executed to date and Amtrak plans to maintain its ongoing maintenance operations at this project site indefinitely. Amtrak supports efforts to plan new overlooks and recreational areas and enhance the Hudson River shoreline for public access while also enhancing the safety and security of operations at its existing maintenance yard site.*

Policy 19F: Extend the Riverfront trail through a redeveloped northern Riverfront area, including clustered housing and a waterfront restaurant with associated boat mooring and fishing pier at Bath.

*The proposed project site is not located in the northern Riverfront area.*

Policy 19G: Provide a northern focus for the City's Riverfront open space trail system by developing picnic areas and active recreational facilities, such as ball fields and tennis courts, on the RPI lands north of the Barnet Mills and extending to and beyond the Patroon Island Bridge.

*The proposed project site is not located in the northern Riverfront area and would not affect development of new picnic areas and active recreational facilities in this area.*

Policy 19H: Link the City's Riverfront open space system with further recreational amenities and development proposed in the Town of North Greenbush under its Local Waterfront Revitalization Program.

*The proposed installation of fencing would not impact the city's ability to better connect its open space system with amenities and development proposed in the Town of North Greenbush.*

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.

*The proposed installation of fencing will not affect public access to the adjacent portion of the publicly owned foreshore or water's edge given the existing uses already maintained by Amtrak on the property, but will enhance the safety and security of operations as well as for members of the public.*

**Category: Recreation**



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

*See response to Policy 19: The proposed fencing installation does not impact facilitation of water-dependent and water-enhanced recreation opportunities, given that Amtrak already maintains legacy maintenance operations and right-of-way on the property and that this area would not therefore be available for repurposing the property for recreation.*

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.

*The proposed fencing installation adjacent to the shore does not impede development of additional water-related recreation opportunities.*

**Category: Historic and Scenic Resources**

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.

*Within the proposed project area, there are no structures, districts, areas or sites that are of significance in the history, architecture, archaeology or culture of the State, its communities, or the Nation.*

Policy 24: Prevent impairment of scenic resources of statewide significance.

*This policy is not applicable to the City of Rensselaer's LWRP.*

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.

*This project will avoid introducing obstructions of viewsheds of the scenic Hudson River coastal area through careful placement of fencing along existing Amtrak property and maintenance yard.*

**Category: Agricultural Lands**

Policy 26: Conserve and protect agricultural lands in the State's coastal area.

*This policy is not applicable to the City of Rensselaer's LWRP.*

**Category: Energy and Ice Management**

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.

*This policy is not applicable to the City of Rensselaer's LWRP.*

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.

*This policy is not applicable to the City of Rensselaer's LWRP.*

Policy 29: The development of offshore uses and resources, including renewable energy resources, shall accommodate New York's long-standing ocean and Great Lakes industries, such as commercial and recreational fishing and maritime commerce, and the ecological functions of habitats important to New York.

*This policy is not applicable to the City of Rensselaer's LWRP.*

**Category: Water and Air 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.

*This policy is not applicable to the City of Rensselaer's LWRP.*

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.

*This project does not introduce any changes that would have any impact on water quality or lead to contamination of the waterway.*

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.

*This policy is not applicable to the City of Rensselaer's LWRP.*

Policy 33: Best management practices will be used to ensure the control of stormwater runoff and combined sewer overflows draining into coastal waters.

*This project will not introduce any structures that would contribute to additional stormwater runoff or discharge into combined sewer overflows that drain into coastal waters.*

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.

*This project will not introduce any structures or vessels producing discharge of waste materials into coastal waters.*

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

*This project will not include any dredging or fill in of coastal waters and resulting disposal of dredged materials.*

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.

*This project includes no activities related to the 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.

*This project includes no activities that will produce nonpoint source pollution, waste or other discharge 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.

*This policy is not applicable to the City of Rensselaer's LWRP.*

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.

*This project includes no activities that will include the transport, storage, treatment, and disposal of solid waste.*

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.

*This policy is not applicable to the City of Rensselaer's LWRP.*

Policy 41: Land use or development in the coastal area will not cause national or State air quality standards to be violated.

*This policy is not applicable to the City of Rensselaer's LWRP.*

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.

*This policy is not applicable to the City of Rensselaer's LWRP.*

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.

*This policy is not applicable to the City of Rensselaer's LWRP.*

**Category: Wetlands**

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

*This project will not impact tidal or freshwater wetlands.*

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: \_\_\_\_\_
2. Address: \_\_\_\_\_
3. Telephone: Area Code (    ) \_\_\_\_\_

B. **PROPOSED ACTIVITY:**

1. Brief description of activity:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Purpose of activity:

\_\_\_\_\_  
\_\_\_\_\_

3. Location of activity:

_____	_____	_____
County	City, Town, or Village	Street or Site Description

4. Type of federal permit/license required: \_\_\_\_\_

5. Federal application number, if known: \_\_\_\_\_

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

\_\_\_\_\_



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

- |   |        |
|---|--------|
| 1. Will the proposed activity result in any of the following:   | YES/NO |
| a. Large physical change to a site within the coastal area which will require the preparation of an environmental impact statement? (11, 22, 25, 32, 37, 38, 41, 43)  | — —    |
| 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?<br>(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: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: Area Code (     ) \_\_\_\_\_

Applicant/Agent's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**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.