

A. INTRODUCTION

The federal Coastal Zone Management Act (CZMA) of 1972 was established to encourage coastal states to manage development within the states' designated coastal areas to reduce conflicts between coastal development and protection of resources within the coastal zone. Requirements for federal approval of coastal zone management programs and grant application procedures for development of the state programs are included in 15 CFR Part 923, Coastal Zone Management Program Development and Approval Regulations, National Oceanic and Atmospheric Administration (NOAA). The Coastal Zone Management Act requires that federal activities within a state's coastal zone be consistent with that state's coastal zone management plan. Both New York and New Jersey have federally approved coastal zone management programs. The New Jersey Department of Environmental Protection (NJDEP) administers New Jersey's coastal zone management program. The New York State Department of State (NYSDOS) administers New York's coastal zone management program, and the New York City Department of City Planning (NYCDCP) administers the program in the City.

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The New York State coastal management program establishes New York's vision for its coast by articulating specific policies on the following: development, recreation, fish and wildlife, historic and scenic resources policies, flooding and erosion hazards policies, agricultural lands policy, general, energy and ice management, public access, and water and air resources. The New York State coastal zone management program authorizes the State to encourage local governments to adopt local waterfront revitalization programs that incorporate the state's policies. New York City has a program that is administered by NYCDCP. The Waterfront Revitalization Program (WRP) was originally adopted in 1982 and approved by the City Council in October 1999. In August 2002, NYSDOS and Federal authorities adopted the City's 10 WRP policies for projects located within the City boundaries. Because all of the project alternatives have at least one potential waterfront terminus within the City's coastal zone, it is subject to the City's coastal zone management program. NYCDCP is currently proposing a series of revisions to the WRP which would advance the goals of *Vision 2020: The New York City Comprehensive Waterfront Plan*, described in detail in Chapter 6.1, "Land Use, Neighborhood Character, and Social Conditions." The goals include expanding public access to the waterfront and providing recreational opportunities, restoring the natural waterfront and improving water quality, supporting working waterfront uses, and increasing resilience to climate changes. Specific strategies to implement these goals include promoting design to reduce the risk of flooding and storm surges, stormwater management, designating new ecologically significant areas, and establishing priority marine activity zones to promote the maintenance of infrastructure for freight and passenger waterborne transport, among others. One of the more notable proposed changes would require projects to examine the risks associated with climate change based on sea level rise projections, and encourage project sponsors to take measures to minimize these risks

through design strategies that would enhance their ability to withstand and quickly recover from weather related events.

At the time of this writing, the proposed changes have been approved by City Council; however NYSDOS and the U.S. Department of Commerce must also approve the revisions. At that time, this document will be updated to evaluate the project alternatives against the adopted revision. This chapter reviews the 10 New York City coastal zone policies currently in effect, assesses the general consistency of the project alternatives with the policies, and where relevant notes anticipated changes that may be applicable to some or all of the project alternatives.

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New Jersey has a federally approved coastal zone management program, which is administered by NJDEP; NJDEP released updated coastal zone management regulations in March 2011. NJDEP regulates coastal zone activities under N.J.A.C. Section 7:7, “Coastal Permit Program Rules.” N.J.A.C. 7:7 defines:

“...the procedures by which the Department of Environmental Protection will review permit applications and appeals from permit decisions under the Coastal Area Facility Review Act (CAFRA, N.J.S.A. 13:19-1 et seq.), the Wetlands Act of 1970 (N.J.S.A. 13:9A-1 et seq.) and the Waterfront Development Law (N.J.S.A. 12:5-3). These procedures also govern the reviews of Federal Consistency Determinations issued pursuant to the Federal Coastal Zone Management Act, 16 U.S.C. 1451 et seq., and Water Quality Certificates issued pursuant to Section 401 of the Federal Clean Water Act, 33 U.S.C. 1251 et seq., when the approvals are sought in conjunction with any of the foregoing permit applications. N.J.A.C. 7:7E.”

The Cross Harbor Freight Program (CHFP) study area is outside the CAFRA Zone. However, the construction of some of the project alternatives may be subject to regulation under NJDEP’s Waterfront Development Law. The Waterfront Development Law regulates not only activities in tidal waters, but also the area adjacent to the water, extending from the mean high water line to the first paved public road, railroad, or surveyable property line.¹ As such, consistency with applicable Coastal Zone Management Rules (N.J.A.C. 7:7E) must be determined.

B. CONSISTENCY OF PROPOSED PROJECT WITH COASTAL ZONE MANAGEMENT POLICIES

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New York City’s WRP includes 10 policies designed to maximize the benefits derived from economic development, environmental preservation, and public use of the waterfront, while minimizing the conflicts among those objectives. The applicability of each policy to each of the project alternatives are presented below in **Table 6.12-1**, followed by a discussion of the project’s general applicability to and consistency with the policy.

¹ slic.njstatelib.org/slic_files/digidocs/b365/coastalMgmt/AppendixD.pdf. Accessed July 11, 2013.

Table 6.12-1
New York City Coastal Zone Policies

Policy Number	Policy Subject	Waterborne Alternatives					Rail Tunnel Alternatives				
		Enhanced Float	Truck Ferry	Truck Float	LOLO	RORO	Rail Tunnel	Shuttle	Chunnel	AGV	Rail Truck Tunnel
1	Support and facilitate commercial and residential development in areas well-suited to such development.	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
2	Support water-dependent and industrial uses in New York City coastal areas that are well-suited to their continued operation.										
2.1	Promote water-dependent and industrial uses in Significant Maritime and Industrial Areas.	A	A	A	A	A	A	A	A	A	A
2.2	Encourage working waterfront uses at appropriate sites outside the Significant Maritime and Industrial Areas.	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
2.3	Provide infrastructure improvements necessary to support working waterfront uses.	A	A	A	A	A	NA	NA	NA	NA	NA
3	Promote use of New York City's waterways for commercial and recreational boating and water-dependent transportation centers.										
3.1	Support and encourage recreational and commercial boating in New York City's maritime centers.	A	A	A	A	A	A	A	A	A	A
3.2	Minimize conflicts between recreational, commercial, and ocean-going freight vessels.	A	A	A	A	A	NA	NA	NA	NA	NA
3.3	Minimize impact of commercial and recreational boating activities on the aquatic environment and surrounding land and water uses.	A	A	A	A	A	NA	NA	NA	NA	NA
4	Protect and restore the quality and function of ecological systems within the New York City coastal area.										
4.1	Protect and restore the ecological quality and component habitats and resources within the Special Natural Waterfront Areas, Recognized Ecological Complexes and Significant Coastal Fish and Wildlife Habitats.	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
4.2	Protect and restore tidal and freshwater wetlands.	A	A	A	NA	NA	A	A	A	A	A
4.3	Protect vulnerable plant, fish and wildlife species, and rare ecological communities. Design and develop land and water uses to maximize their integration or compatibility with the identified ecological community.	A	A	A	A	A	A	A	A	A	A
4.4	Maintain and protect living aquatic resources.	A	A	A	A	A	NA	NA	NA	NA	NA
5	Protect and improve water quality in the New York City coastal area.										
5.1	Manage direct or indirect discharges to waterbodies.	A	A	A	A	A	A	A	A	A	A
5.2	Protect the quality of New York City's waters by managing activities that generate nonpoint source pollution.	A	A	A	A	A	A	A	A	A	A
5.3	Protect water quality when excavating or placing fill in navigable waters and in or near marshes, estuaries, tidal marshes, and wetlands.	A	A	A	A	A	A	A	A	A	A
5.4	Protect the quality and quantity of groundwater, streams, and the sources of water for wetlands.	A	A	A	A	A	A	A	A	A	A

Cross Harbor Freight Program

Table 6.12-1 (cont'd)
New York City Coastal Zone Policies

Policy Number	Policy Subject	Waterborne Alternatives					Rail Tunnel Alternatives				
		Enhanced Float	Truck Ferry	Truck Float	LOLO	RORO	Rail Tunnel	Shuttle	Chunnel	AGV	Rail Truck Tunnel
6	Minimize loss of life, structures and natural resources caused by flooding and erosion.										
6.1	Minimize losses from flooding and erosion by employing non-structural and structural management measures appropriate to the condition and use of the property to be protected and the surrounding area.	A	A	A	A	A	NA	NA	NA	NA	NA
6.2	Direct public funding for flood prevention or erosion control measures to those locations where the investment will yield significant public benefit.	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD
6.3	Protect and preserve non-renewable sources of sand for beach nourishment.	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
7	Minimize environmental degradation from solid waste and hazardous substances.										
7.1	Manage solid waste material, hazardous wastes, toxic pollutants, and substances hazardous to the environment to protect public health, control pollution and prevent degradation of coastal ecosystems.	A	A	A	A	A	A	A	A	A	A
7.2	Prevent and remediate discharge of petroleum products.	A	A	A	A	A	A	A	A	A	A
7.3	Transport solid waste and hazardous substances and site solid and hazardous waste facilities in a manner that minimizes potential degradation of coastal resources.	A	A	A	A	A	A	A	A	A	A
8	Provide public access to and along New York City's coastal waters.										
8.1	Preserve, protect and maintain existing physical, visual, and recreational access to the waterfront.	A	A	A	A	A	A	A	A	A	A
8.2	Incorporate public access into new public and private development where compatible with proposed land use and coastal location.	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
8.3	Provide visual access to coastal lands, waters, and open space where physically practical.	A	A	A	A	A	A	A	A	A	A
8.4	Preserve and develop waterfront open space and recreation on publicly owned land at suitable locations.	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
8.5	Preserve the public interest in and use of lands and waters held in public trust by the state and city.	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
9	Protect scenic resources that contribute to the visual quality of the New York City coastal area.										
9.1	Protect and improve visual quality associated with New York City's urban context and the historic and working waterfront.	A	A	A	A	A	NA	NA	NA	NA	NA
9.2	Protect scenic values associated with natural resources.	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA

Table 6.12-1 (cont'd)
New York City Coastal Zone Policies

Policy Number	Policy Subject	Waterborne Alternatives					Rail Tunnel Alternatives				
		Enhanced Float	Truck Ferry	Truck Float	LOLO	RORO	Rail Tunnel	Shuttle	Chunnel	AGV	Rail Truck Tunnel
10	Protect, preserve, and enhance resources significant to the historical, archaeological, and cultural legacy of the New York City coastal area.										
10.1	<i>Retain and preserve designated historic resources and enhance resources significant to the coastal culture of New York City.</i>	A	A	A	A	A	NA	NA	NA	NA	NA
10.2	<i>Protect and preserve archaeological resources and artifacts.</i>	A	A	A	A	A	NA	NA	NA	NA	NA
Notes: A = Applicable NA = Not Applicable TBD = To Be Determined LOLO = Lift On-Lift Off RORO = Roll On-Roll Off AGV = Automated Guided Vehicle											

Policy 1: Support and facilitate commercial and residential development in areas well-suited to such development.

The waterfront portions of the New Jersey and New York study areas comprise historic and existing industrial waterfront uses. Land use and zoning within and adjacent to the waterfront facilities associated with the project alternatives would be consistent with transportation and industrial and manufacturing uses.

Therefore, commercial or residential development would not be appropriate in the waterfront portions of the project study area and this policy would not apply to the any of the proposed project alternatives.

Policy 2: Support water-dependent and industrial uses in New York City coastal areas that are well-suited to their continued operation.

Policy 2.1: Promote water-dependent and industrial uses in Significant Maritime and Industrial Areas.

Several of the waterfront termini that would be required to support the project alternatives are located within Significant Maritime and Industrial Areas (SMIAs): SBMT, 65th Street Yard and 51st Street Yard are located within the Sunset Park SMIA; the Red Hook site is located within the Red Hook SMIA; Maspeth Yard is within the Newtown Creek SMIA; and Oak Point Yard and Hunts Point are within the South Bronx SMIA.

The CHFP is specifically formulated to identify alternatives to existing crossings of New York Harbor and the Hudson River. The proposed project therefore comprises alternatives that are either directly or indirectly water dependent. The operation of all project alternatives would continue the industrial uses of the aforementioned facilities and would require the expansion of these facilities, some of which currently support the existing New York/New Jersey Rail cross-harbor operation. In addition, the project alternatives may promote an expansion of warehousing, distribution, and manufacturing activities in the vicinity of these facilities.

Therefore, all of the proposed project alternatives would be consistent with this policy.

Proposed revisions to the WRP would establish Priority Marine Activity Zones (i.e., areas with a concentration of water-dependent activity that are key nodes in the waterborne transportation network). Hunts Point and the Brooklyn waterfront facilities would fall into one of these areas. The proposed project alternatives would have to be evaluated in terms of consistency with this zone when the proposed revisions are adopted.

Policy 2.2: Encourage working waterfront uses at appropriate sites outside the Significant Maritime and Industrial Areas.

All working waterfront operations of the proposed project alternatives would take place within SMIAs since most of the waterfront termini associated with the project alternatives would be located at or in the vicinity of existing working waterfront facilities. Therefore, this policy does not apply to the proposed project alternatives.

Policy 2.3: Provide infrastructure improvements necessary to support working waterfront uses.

As described in Chapter 4, “Alternatives,” all of the Waterborne Alternatives and some of the Rail Tunnel Alternatives would provide infrastructure improvements necessary to support working waterfront uses. Therefore, the proposed project alternatives would be consistent with this policy.

Policy 3: Promote use of New York City's waterways for commercial and recreational boating and water-dependent transportation centers.

Policy 3.1: Support and encourage recreational and commercial boating in New York City's maritime centers.

The CHFP is specifically formulated to identify alternatives to existing crossings of New York Harbor and the Hudson River, and comprises alternatives that are either directly or indirectly water dependent, including a class of Waterborne Alternatives—Truck Float, Truck Ferry, RORO and LOLO Container Barge, and Enhanced Railcar Float—that would specifically would expand an existing operation that utilizes railcar floats to transfer goods across the harbor.

Therefore, the project's waterborne alternatives would be consistent with this policy. The policy does not apply to the rail tunnel alternatives.

Policy 3.2: Minimize conflicts between recreational, commercial, and ocean-going freight vessels.

As noted above, the Enhanced Railcar Float Alternative would expand existing cross-harbor transfer operations and the Waterborne Alternatives would introduce new commercial freight users of the regional waterways. Additional trips and movement of floats, ferries, and barges associated with the Waterborne Alternatives would be scheduled to be compatible with current marine traffic patterns and would not affect the movement of ocean-going freight vessels nor recreational vessel traffic.

Therefore, the Waterborne Alternatives would be consistent with this policy. This policy does not apply to the rail tunnel project alternatives.

Policy 3.3: Minimize impact of commercial and recreational boating activities on the aquatic environment and surrounding land and water uses.

All of the waterborne activities would increase float traffic across the harbor and all of these alternatives would require the construction of waterfront infrastructure. This increased use of the Brooklyn and Bronx waterfront would not result in adverse water quality effects. The waterfront facilities that may be activated or expanded under this some of the project alternatives have been used in the past for these activities, have engineered shorelines that would not be affected by erosion due to increased waterborne traffic, and have water depth sufficient for operation of the float bridges and berths.

Therefore, the waterborne project alternatives would be consistent with this policy. The policy does not apply to the Rail Tunnel Alternatives.

Policy 4: Protect and restore the quality and function of ecological systems within the New York City coastal area.

Policy 4.1: Protect and restore the ecological quality and component habitats and resources within the Special Natural Waterfront Areas, Recognized Ecological Complexes and Significant Coastal Fish and Wildlife Habitats.

No portion of the study area is located within a Special Natural Waterfront Area.

No portion of the study area is located within a Recognized Ecological Complex.

The project study area is located near the Lower Hudson Reach, designated by the NYSDOS as a Significant Coastal Fish and Wildlife Habitat. While the study area does not intersect with this protected habitat, the habitat's boundaries are largely political (i.e., following the NY/NJ state line) and may not incorporate adjacent habitats, therefore potential effects on this habitat from the proposed project alternatives are considered below.

Much of the shoreline along the habitat has been extensively disturbed through filling, bulkheading, and development. Potential effects on natural resources from operation of the Waterborne Alternatives would be limited to increased levels of disturbance to and risk of collisions with aquatic biota occurring in the vicinity of the float route across Upper New York Harbor. However, this would not substantially increase existing levels of disturbances to waterbirds and other wildlife occurring in the area, and would be unlikely to displace or otherwise negatively impact these species. No species that are expected to currently occur in the area would be likely to avoid the area in the future during operation of the Waterborne Alternatives. Marine traffic is already heavy, and the surrounding industrial land uses make conditions unsuitable for any species that are not disturbance-tolerant. Any impacts on coastal zones that may result from the Rail Tunnel Alternatives would be related to construction. Such impacts would be temporary and appropriate mitigation would be applied to minimize these impacts.

Therefore, all of the project alternatives would be consistent with this policy.

Policy 4.2: Protect and restore tidal and freshwater wetlands.

As described in Chapter 6.8, few wetlands mapped under the U.S. Fish and Wildlife Service (USFWS) National Wetlands Inventory (NWI) or in the New York State Department of Environmental Conservation (NYSDEC) tidal and freshwater wetland maps are present in the area. Portions of Upper New York Harbor within the study area, including Maspeth and Newtown Creeks near Maspeth Yard, are mapped by the NYSDEC as littoral zone tidal wetlands and by the NWI as estuarine subtidal unconsolidated bottom wetlands. In the case of Maspeth and Newtown Creeks, however, the waterways are highly contaminated and degraded, and construction on-site would not be expected to further degrade or otherwise adversely impact the adjacent areas of mapped wetland. Similarly, the operation of the project alternatives is also not expected to result in adverse effects to wetlands in the study areas.

Therefore, the proposed project alternatives would be consistent with this policy.

Policy 4.3: Protect vulnerable plant, fish and wildlife species, and rare ecological communities. Design and develop land and water uses to maximize their integration or compatibility with the identified ecological community.

Multiple federal and/or state listed species occur in the project region and in the vicinity of the project sites. These species are described in Chapter 6.8. Although not all of these species are listed directly within the coastal zone, they are acknowledged here due to their close proximity and potential to move throughout the region.

It is not expected that the expansion of the waterfront or support facilities required for the project alternatives would directly eliminate any ecologically valuable plant or wildlife habitat, or otherwise adversely affect local populations of the few species of plants and wildlife present in the area. Similarly, noise and other human activity generated during construction and operation of all alternatives would not affect wildlife occurring in adjacent areas because wildlife in these areas is also limited to urban-adapted, disturbance-tolerant species that are acclimated to the industrial surroundings and overall highly degraded conditions.

As mentioned previously, in-water construction in the New York study area is not expected to adversely affect vulnerable habitats in the study area. Potential effects on natural resources from the operation of the Waterborne Alternatives would be limited to increased levels of disturbance to and risk of collisions with aquatic biota occurring in the vicinity of the float route across Upper New York Harbor. As described in Chapter 6.8, suspended sediment associated with dredging and in-water construction activities would not result in water quality impacts that would be expected to affect migration of sturgeon or the occurrence of marine turtles in the study area. Essential Fish Habitat within the area of tunnel construction may be temporarily affected by dredging and underwater construction activities; however, potential mitigation measures to address the potential effects on fish habitat are presented in Chapter 6.8.

Therefore, the proposed project alternatives would be consistent with this policy.

Policy 4.4: Maintain and protect living aquatic resources.

As stated above, the increase in total maritime traffic in the harbor that would result from the operation Waterborne Alternatives and the risk for collisions with marine turtles and mammals is not expected to be significant since most of these species only occur in the area as transients and in low abundance.

As mentioned previously, in-water construction in the New York study area is not expected to adversely affect vulnerable habitats in the study area. Where the Waterborne and Rail Tunnel Alternatives would require disturbance to potentially contaminated sediments during construction, all alternatives would be constructed in a manner consistent with minimizing releases of contaminated material into the coastal zone and impacts on water quality in the harbor. Measures would be implemented to minimize the increase in suspended sediment during dredging, such as the selection of dredging equipment and operation measures that reduce the amount of sediment resuspended during dredging.

Therefore, the proposed project alternatives would be consistent with this policy.

Policy 5: Protect and improve water quality in the New York City coastal area.

Policy 5.1: Manage direct or indirect discharges to waterbodies.

The implementation of erosion and sediment control measures and stormwater management measures during construction of various on-land facilities, in compliance with the SPDES General Stormwater Permit for Construction Activity, would greatly reduce the possibility of water quality impacts.

Any dewatering effluent resulting from the construction of the tunnel would be treated and not discharged directly to local waterbodies or the harbor. In addition to water

quality protection measures outlined under Policy 4.4 above, a Stormwater Pollution Prevention Plan (SWPPP) would be prepared in accordance with established engineering practices, as required for construction activities that disturb one or more acres. Implementation of best management practices for erosion and sediment control and other measures of the SWPPP would minimize potential water quality and aquatic resources effects associated with the discharge of stormwater during upland construction and operational activities.

Therefore, the proposed project alternatives would be consistent with this policy.

Policy 5.2: Protect the quality of New York City's waters by managing activities that generate nonpoint source pollution.

Please see responses to Policies 4.4 and 5.1 above. The proposed project alternatives would be consistent with this policy.

Policy 5.3: Protect water quality when excavating or placing fill in navigable waters and in or near marshes, estuaries, tidal marshes, and wetlands.

Potential effects on natural resources from construction of the project alternatives are primarily limited to effects on aquatic biota and their habitat within waterfront adjacent areas and the area of the proposed tunnel alignment, particularly if an immersed tube is used for a portion of the alignment. Measures to protect aquatic biota from temporary impacts associated with dredging—which would be developed in consultation with the U.S. Army Corps of Engineers (USACE), NJDEP, and NYSDEC—are described in Chapter 6.8. In addition, please see responses to Policies 4.4, 5.1, and 5.2 above.

Therefore, the proposed project alternatives would be consistent with this policy.

Policy 5.4: Protect the quality and quantity of groundwater, streams, and the sources of water for wetlands.

Please see responses to Policies 4.4, 5.1, 5.2, and 5.3 above. The proposed project alternatives would be consistent with this policy.

Policy 6: Minimize loss of life, structures and natural resources caused by flooding and erosion.

Policy 6.1: Minimize losses from flooding and erosion by employing non-structural and structural management measures appropriate to the condition and use of the property to be protected and the surrounding area.

None of the project alternatives would result in adverse effects related to flooding and erosion. Due to the waterfront nature of several of the project's potential waterfront termini, the operation of these facilities would take place within the floodplain; however, these activities would not adversely affect floodplain resources since any expansion would take place in already developed industrial areas. Increased operations at the Brooklyn waterfront facilities would not result in additional erosion since these facilities already have a strengthened shoreline, and some currently operate as float facilities (e.g., 65th Street Yard). Best erosion and sediment control practices would be employed during the construction of any of the project alternatives.

As mentioned previously, proposed revisions to WRP policies would require that proposed projects evaluate potential effects from flooding and erosion due to global

climate change and sea level rise. It is expected that detailed project designs available during any subsequent Tier II analysis would incorporate resiliency measures to protect the public investment in a project alternative during severe weather events and/or recover quickly from damages. Designs for flooding and erosion protection at the shoreline project sites would incorporate projections of sea level rise, wave action, and flooding to the extent practicable; specific measures—such as encasing electrical and mechanical components, or securing hazardous materials—would be incorporated into design.

Therefore, the proposed project alternatives would be consistent with this policy.

Policy 6.2: Direct public funding for flood prevention or erosion control measures to those locations where the investment will yield significant public benefit.

At this time, the proposed project alternatives do not involve the use of public funding targeted for flood prevention or erosion control measures. Therefore, this policy does not apply.

Policy 6.3: Protect and preserve non-renewable sources of sand for beach nourishment.

None of the potential waterfront sites that may be required for the project's waterfront termini contain any public or private beaches and does not have a non-renewable source of sand. Therefore, this policy does not apply.

Policy 7: Minimize environmental degradation from solid waste and hazardous substances.

Policy 7.1: Manage solid waste material, hazardous wastes, toxic pollutants, and substances hazardous to the environment to protect public health, control pollution and prevent degradation of coastal ecosystems.

Chapter 6.10, "Hazardous Materials," describes the potential for adverse impacts from the proposed alternatives related to contaminated materials, including contaminated soil and groundwater and identifies a number of sites that would require further investigation as part of any future Tier II documentation. These additional studies would be likely to include subsurface site investigations, which would be designed to characterize the nature and extent of contaminated materials at all construction areas. Preventative measures, designed at that time, would be used to avoid the possibility of adverse impacts from any contamination discovered in the areas of concern.

In addition to contaminants that may already be present within the study areas, the operation of the waterfront termini associated with the project alternatives and associated equipment would include a variety of fuels, lubricants, and oils. The proper use, storage, and disposal of these materials are covered by numerous applicable city, state, and federal regulations. At waterfront termini associated with the project alternatives, additional procedures would be used to ensure that hazardous materials do not contaminate groundwater or surface water.

Therefore, the proposed project alternatives would be consistent with this policy.

Policy 7.2: Prevent and remediate discharge of petroleum products.

All shipment and/or temporary storage of petroleum products required for the construction and operation of the project alternatives would be conducted so as to minimize the potential for spills. Petroleum storage would comply with the requirements

found in 6 NYCRR Parts 612-614 where applicable (storage capacity of 1100 gallons, and the requirements for Emergency Spill Response [ESR] presented in 6 NYCRR Part 611).

Therefore, the proposed project alternatives would be consistent with this policy.

Policy 7.3: Transport solid waste and hazardous substances and site solid and hazardous waste facilities in a manner that minimizes potential degradation of coastal resources.

The transportation of hazardous materials on freight rail lines is regulated by the U.S. Department of Transportation (USDOT) as outlined in 49 CFR Parts 107, 130, 171-174, and 178-180. These regulations define what constitutes a hazardous material; operating requirements for transporters of hazardous materials, including procedures to follow to protect public and worker health; training methods; and proper packaging, labeling, and manifest procedures. The regulations also contain provisions for emergency response in the event of an accidental spill or release of material.

The proposed project alternatives would comply with these regulations. Activities related to the shipment of solid waste and other hazardous materials would be conducted in a manner that would prevent or at least minimize spills into coastal waters. All practicable efforts would be undertaken to expedite the cleanup of such discharges and restitution for damages would be required when these spills occur.

Therefore, the proposed project alternatives would be consistent with this policy.

Policy 8: Provide public access to and along New York City's coastal waters.

Policy 8.1: Preserve, protect and maintain existing physical, visual, and recreational access to the waterfront.

There are no existing public access areas that would be affected by any of the project alternatives. All waterfront construction and operations related to the project alternatives would take place in existing rail yards and/or industrial areas. As described in Chapter 6.4, "Visual and Aesthetic Considerations," the Rail Tunnel Alternatives would require ventilation towers to be placed near Greenville Yard and near 65th Street Yard. Though of a moderate height (about 6 stories), the placement of these towers at these locations where there are no substantial building groups surrounding them, would mean that they would be visible from points within the study area. It is unlikely that the viewer groups (including workers and drivers) would be sensitive to these changes in the industrial visual environs in which the towers would be situated. No important views would be blocked, nor would the towers alter any skyline feature or generally contribute to a substantial change in visual conditions.

Therefore, proposed project alternatives would be consistent with this policy.

Policy 8.2: Incorporate public access into new public and private development where compatible with proposed land use and coastal location.

All waterfront construction and operations related to the project alternatives would take place on land currently utilized for rail service or on industrial land which does not provide public waterfront access. Since these areas would continue to operate as rail facilities under all project alternatives, public or private access to the waterfront would continue to be incompatible with these uses.

Therefore, this policy does not apply to the proposed project alternatives.

Policy 8.3: Provide visual access to coastal lands, waters, and open space where physically practical.

As described in Chapter 6.4, the Rail Tunnel Alternatives would require the construction of ventilation shafts that would rise vertically from grade, in the form of tower buildings, assumed at this point in the Tier I analysis to be 50 to 60 feet in height. In Brooklyn the ventilation tower would likely be located in or near the 65th Street Yard. Though of a moderate height (about 6 stories), the placement of these towers at these locations, where there are no substantial building groups surrounding them, would mean that they would be visible from points within the study area. However, the towers would not substantially alter any skyline feature or generally contribute to an adverse change in visual conditions. Existing visual access at the Brooklyn waterfront would be maintained. None of the Waterborne Alternatives are expected to introduce vertical structures that would prevent visual access to coastal areas.

Therefore, the proposed project alternatives would be consistent with this policy.

Policy 8.4: Preserve and develop waterfront open space and recreation on publicly owned land at suitable locations.

As mentioned in Policy 8.2, all waterfront construction and operations related to the project alternatives would take place on land currently utilized for rail service or on industrial land which does not provide public waterfront access. No waterfront property would be acquired for public access or open space under any of the project alternatives.

Therefore, this policy does not apply to the proposed project alternatives.

Policy 8.5: Preserve the public interest in and use of lands and waters held in public trust by the state and city.

As described in Policies 8.1 and 8.2, there is no existing public access to the waterfront in the study area since public access is and would be incompatible with the use of these waterfront sites as active rail freight transfer facilities. The proposed project alternatives would not require a transfer of interest in public trust lands or create a loss of public interest in public trust lands. While the Rail Tunnel Alternatives would require an easement through underwater lands held in public trust in New York Harbor, the project is being proposed by a public agency for the benefit of the public and would be constructed with public funds.

Therefore, this policy does not apply to the proposed project alternatives.

Policy 9: Protect scenic resources that contribute to the visual quality of the New York City coastal area.

Policy 9.1: Protect and improve visual quality associated with New York City's urban context and the historic and working waterfront.

The waterfront elements of the proposed project alternatives would be constructed in an area currently operating as a waterfront rail transfer facility. The continued industrial and freight-related use of this area would be in keeping with the historic and current character of the working waterfront in Brooklyn.

Therefore, the proposed project alternatives would be consistent with this policy.

Policy 9.2: Protect scenic values associated with natural resources.

No portion of the study area is located within a Special Natural Area District, Special Natural Waterfront Area, or Recognized Ecological Complex.

Therefore, this policy does not apply to the proposed project alternatives.

Policy 10: Protect, preserve, and enhance resources significant to the historical, archaeological, and cultural legacy of the New York City coastal area.

Policy 10.1: Retain and preserve designated historic resources and enhance resources significant to the coastal culture of New York City.

Chapter 6.3, “Cultural Resources,” identifies two resources within the study areas of the Brooklyn waterfront: S/NR-listed and NYCL-eligible Brooklyn Army Terminal, located in the 65th Street Yard expansion area in Brooklyn and the S/NR-eligible Bush Terminal Historic District, located partly within the 51st Street/Bush Terminal Yard area in Brooklyn. A portion of the archaeological resources Area of Potential Effect (APE) in the vicinity of 65th Street Yard was also found to be sensitive for transportation-related or industrial sites associated with the 1870s construction of the rail yard, the 1880s burning and rebuilding of the rail yard, and use of the railroad depot and yard in the late 19th century. If ground disturbance (related to the construction of the project alternatives) would occur within the historic rail yard boundaries and outside of the existing rail right-of-way, testing would be recommended to confirm the presence or absence of archaeological resources. However, the construction and operation of all project alternatives would be in keeping with the historic and current uses of both architectural resources and would not be expected to adversely affect these architectural resources.

Therefore, the proposed project alternatives would be consistent with this policy.

Policy 10.2: Protect and preserve archaeological resources and artifacts.

Please see the response to Policy 10.1, above.

C. NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION COASTAL ZONE MANAGEMENT POLICIES

This section presents the Rules on Coastal Zone Management (N.J.A.C. 7:7E-1.1 et.seq.) as amended March 3, 2011, and describes the anticipated applicability of each policy to the CHFP. Administrative or defining policies have not been included in this assessment; nor have policies within the regulation that have marked by NJDEP as “Reserved.”

As explained in other chapters throughout this document, since a Tier I EIS does not include engineering and design beyond a high level definition of viable alternatives, a detailed evaluation of each alternative’s consistency with each individual policy cannot be performed at this time. It is expected that the individual policies would be analyzed in detail during any future Tier II documentation and a subsequent permit application process. For purposes of providing a general understanding of how NJDEP’s Rules on Coastal Zone Management may apply, **Table 6.12-2**, presented below, lists each policy with the current understanding of whether or not it is applicable to the project alternatives. In several instances, there is insufficient data to determine the policy’s applicability at this time; in these cases, the policy is listed as “To Be Determined.”

Table 6.12-2
New Jersey Rules of Coastal Zone Management (N.J.A.C. 7:7E-1.1 et. seq.)

Policy Number	Policy Subject	Waterborne Alternatives					Rail Tunnel Alternatives				
		Enhanced Float	Truck Ferry	Truck Float	LOLO	RORO	Rail Tunnel	Shuttle	Chunnel	AGV	Rail Truck Tunnel
SUBCHAPTER 3. SPECIAL AREAS											
7:7E-3.2	Shellfish habitat	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
7:7E-3.3	Surf clam areas	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD
7:7E-3.4	Prime fishing areas	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD
7:7E-3.5	Finfish migratory pathways	A	A	A	A	A	A	A	A	A	A
7:7E-3.6	Submerged vegetation habitat	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
7:7E-3.7	Navigation channels	A	A	A	A	A	A	A	A	A	A
7:7E-3.8	Canals	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
7:7E-3.9	Inlets	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
7:7E-3.10	Marina moorings	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
7:7E-3.11	Ports	A	A	A	A	A	A	A	A	A	A
7:7E-3.12	Submerged infrastructure routes	A	A	A	A	A	A	A	A	A	A
7:7E-3.13	Shipwreck and artificial reef habitats	A	A	A	A	A	A	A	A	A	A
7:7E-3.14	Wet borrow pits	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
7:7E-3.15	Intertidal and subtidal shallows	A	A	A	A	A	A	A	A	A	A
7:7E-3.16	Dunes	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
7:7E-3.17	Overwash areas	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
7:7E-3.18	Coastal high hazard areas	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD
7:7E-3.19	Erosion hazard areas	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD
7:7E-3.20	Barrier island corridor	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
7:7E-3.21	Bay islands	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
7:7E-3.22	Beaches	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
7:7E-3.23	Filled water’s edge	A	A	A	A	A	A	A	A	A	A
7:7E-3.24	Existing lagoon edges	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
7:7E-3.25	Flood hazard areas	A	A	A	A	A	A	A	A	A	A
7:7E-3.26	Riparian zones	A	A	A	A	A	A	A	A	A	A
7:7E-3.27	Wetlands	A	A	A	A	A	A	A	A	A	A
7:7E-3.28	Wetlands buffers	A	A	A	A	A	A	A	A	A	A
7:7E-3.31	Coastal bluffs	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA

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Table 6.12-2 (cont'd)
New Jersey Rules of Coastal Zone Management (N.J.A.C. 7:7E-1.1 et. seq.)

Policy Number	Policy Subject	Waterborne Alternatives					Rail Tunnel Alternatives				
		Enhanced Float	Truck Ferry	Truck Float	LOLO	RORO	Rail Tunnel	Shuttle	Chunnel	AGV	Rail Truck Tunnel
7:7E-3.32	Intermittent stream corridors	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
7:7E-3.33	Farmland conservation areas	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
7:7E-3.34	Steep slopes	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD
7:7E-3.35	Dry borrow pits	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
7:7E-3.36	Historic and archaeological resources	A	A	A	A	A	A	A	A	A	A
7:7E-3.37	Specimen trees	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
7:7E-3.38	Endangered or threatened wildlife or plant species habitats	A	A	A	A	A	A	A	A	A	A
7:7E-3.39	Critical wildlife habitats	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD
7:7E-3.40	Public open space	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
7:7E-3.41	Special hazard areas	A	A	A	A	A	A	A	A	A	A
7:7E-3.42	Excluded Federal lands	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD
7:7E-3.43	Special urban areas	A	A	A	A	A	A	A	A	A	A
7:7E-3.44	Pinelands National Reserve and Pinelands Protection Area	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
7:7E-3.45	Hackensack Meadowlands District	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
7:7E-3.46	Wild and scenic river corridors	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
7:7E-3.47	Geodetic control reference marks	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD
7:7E-3.48	Hudson River Waterfront Area	A	A	A	A	A	A	A	A	A	A
7:7E-3.49	Atlantic City	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
7:7E-3.50	Lands and waters subject to public trust rights	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD
SUBCHAPTER 3A. STANDARDS FOR BEACH AND DUNE ACTIVITIES											
7:7E-3A.2	Standards applicable to routine beach maintenance	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
7:7E-3A.3	Standards applicable to emergency post-storm beach restoration	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
7:7E-3A.4	Standards applicable to dune creation and maintenance	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
7:7E-3A.5	Standards applicable to the construction of boardwalks	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
SUBCHAPTER 3B. INFORMATION REQUIRED IN TIDAL WETLAND AND INTERTIDAL AND SUBTIDAL SHALLOWS MITIGATION PROPOSALS											
7:7E-3B.2	Tidal wetland and intertidal and subtidal shallows mitigation	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD
7:7E-3B.3	Financial assurance requirements	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD
7:7E-3B.4	Department review of mitigation proposal	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD

Table 6.12-2 (cont'd)
New Jersey Rules of Coastal Zone Management (N.J.A.C. 7:7E-1.1 et. seq.)

Policy Number	Policy Subject	Waterborne Alternatives					Rail Tunnel Alternatives				
		Enhanced Float	Truck Ferry	Truck Float	LOLO	RORO	Rail Tunnel	Shuttle	Chunnel	AGV	Rail Truck Tunnel
7:7E-3B.5	Post-construction monitoring of the mitigation site	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD
SUBCHAPTER 3C. STANDARDS FOR CONDUCTING AND REPORTING THE RESULTS OF AN ENDANGERED OR THREATENED WILDLIFE OR PLANT SPECIES HABITAT IMPACT ASSESSMENT AND/OR ENDANGERED OR THREATENED WILDLIFE SPECIES HABITAT EVALUATION											
7:7E-3C.2	Standards for conducting Endangered or Threatened Wildlife or Plant Species Habitat Impact Assessments	A	A	A	A	A	A	A	A	A	A
7:7E-3C.3	Standards for conducting Endangered or Threatened Wildlife Species habitat evaluations	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
7:7E-3C.4	Standards for reporting the results of impact assessments and habitat evaluations	A	A	A	A	A	A	A	A	A	A
SUBCHAPTER 4. GENERAL WATER AREAS											
7:7E-4.2	Aquaculture	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
7:7E-4.3	Boat Ramps	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
7:7E-4.4	Docks and piers for cargo and commercial fisheries	A	A	A	A	A	A	A	A	A	A
7:7E-4.5	Recreational docks and piers	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
7:7E-4.6	Maintenance dredging	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD
7:7E-4.7	New dredging	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD
7:7E-4.8	Dredged material disposal	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD
7:7E-4.9	Solid waste or sludge dumping	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
7:7E-4.10	Filling	A	A	A	A	A	A	A	A	A	A
7:7E-4.11	Mooring	A	A	A	A	A	A	A	A	A	A
7:7E-4.12	Sand and gravel mining	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
7:7E-4.13	Bridges	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
7:7E-4.14	Submerged pipelines	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD
7:7E-4.15	Overhead transmission lines	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
7:7E-4.16	Dams and impoundments	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
7:7E-4.17	Outfalls and intakes	A	A	A	A	A	A	A	A	A	A
7:7E-4.18	Realignment of water areas	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
7:7E-4.19	Breakwaters	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
7:7E-4.20	Submerged cables	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD
7:7E-4.21	Artificial reefs	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
7:7E-4.22	Miscellaneous uses	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA

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Table 6.12-2 (cont'd)
New Jersey Rules of Coastal Zone Management (N.J.A.C. 7:7E-1.1 et. seq.)

Policy Number	Policy Subject	Waterborne Alternatives					Rail Tunnel Alternatives				
		Enhanced Float	Truck Ferry	Truck Float	LOLO	RORO	Rail Tunnel	Shuttle	Chunnel	AGV	Rail Truck Tunnel
SUBCHAPTER 5. REQUIREMENTS FOR IMPERVIOUS COVER AND VEGETATIVE COVER FOR GENERAL LAND AREAS AND CERTAIN SPECIAL AREAS											
7:7E-5.3	Impervious cover requirements that apply to sites in the upland waterfront development and CAFRA areas	A	A	A	A	A	A	A	A	A	A
7:7E-5.4	Vegetative cover requirements that apply to sites in the upland waterfront and CAFRA areas	A	A	A	A	A	A	A	A	A	A
7:7E-5.5	Determining if a site is forested or unforested	A	A	A	A	A	A	A	A	A	A
SUBCHAPTER 5A. IMPERVIOUS COVER LIMITS AND VEGETATIVE COVER PERCENTAGES IN THE UPLAND WATERFRONT DEVELOPMENT AREA											
7:7E-5A.2	Upland waterfront development area regions and growth ratings	A	A	A	A	A	A	A	A	A	A
7:7E-5A.3	Environmental sensitivity	A	A	A	A	A	A	A	A	A	A
7:7E-5A.4	Developmental potential	A	A	A	A	A	A	A	A	A	A
7:7E-5A.5	Developmental potential for a residential or minor commercial development site	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
7:7E-5A.6	Development potential for a major commercial or industrial development site	A	A	A	A	A	A	A	A	A	A
7:7E-5A.7	Development potential for a campground development site	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
7:7E-5A.8	Development intensity	A	A	A	A	A	A	A	A	A	A
7:7E-5A.9	Impervious cover limits for a site in the upland waterfront development area	A	A	A	A	A	A	A	A	A	A
7:7E-5A.10	Vegetative cover percentages for a site in the upland waterfront	A	A	A	A	A	A	A	A	A	A
SUBCHAPTER 5B. IMPERVIOUS COVER LIMITS AND VEGETATIVE COVER PERCENTAGES IN THE CAFRA AREA											
7:7E-5B.2	Coastal Planning Areas	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
7:7E-5B.3	Boundaries for Coastal Planning Areas, CAFRA centers, CAFRA cores, and CAFRA nodes; Non-mainland coastal centers	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
7:7E-5B.4	Impervious cover limits for a site in the CAFRA area	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
7:7E-5B.5	Vegetative cover percentages for a site in the CAFRA area	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
7:7E-5B.6	Mainland coastal centers	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
SUBCHAPTER 6. GENERAL LOCATION RULES											
7:7E-6.1	Rule on location of linear development	A	A	A	A	A	A	A	A	A	A
7:7E-6.2	Basic location rule	A	A	A	A	A	A	A	A	A	A
7:7E-6.3	Secondary impacts	A	A	A	A	A	A	A	A	A	A

Table 6.12-2 (cont'd)
New Jersey Rules of Coastal Zone Management (N.J.A.C. 7:7E-1.1 et. seq.)

Policy Number	Policy Subject	Waterborne Alternatives					Rail Tunnel Alternatives				
		Enhanced Float	Truck Ferry	Truck Float	LOLO	RORO	Rail Tunnel	Shuttle	Chunnel	AGV	Rail Truck Tunnel
SUBCHAPTER 7. USE RULES											
7:7E-7.2	Housing use rules	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
7:7E-7.3	Resort/recreational use	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
7:7E-7.3A	Marina development	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
7:7E-7.4	Energy facility use rule	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
7:7E-7.5	Transportation use rule	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD
7:7E-7.6	Public facility use rule	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD
7:7E-7.7	Industry use rule	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
7:7E-7.8	Mining use rule	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
7:7E-7.9	Port use rule	A	A	A	A	A	A	A	A	A	A
7:7E-7.10	Commercial facility use rule	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
7:7E-7.11	Coastal Engineering	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD
7:7E-7.12	Dredged material placement on land	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
7:7E-7.13	National defense facilities use rule	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
7:7E-7.14	High-rise structures	A	A	A	A	A	A	A	A	A	A
SUBCHAPTER 8. RESOURCE RULES											
7:7E-8.2	Marine fish and fisheries	A	A	A	A	A	A	A	A	A	A
7:7E-8.4	Water Quality	A	A	A	A	A	A	A	A	A	A
7:7E-8.5	Surface water use	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
7:7E-8.6	Groundwater use	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
7:7E-8.7	Stormwater management	A	A	A	A	A	A	A	A	A	A
7:7E-8.8	Vegetation	A	A	A	A	A	A	A	A	A	A
7:7E-8.10	Air quality	A	A	A	A	A	A	A	A	A	A
7:7E-8.11	Public trust rights	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD
7:7E-8.12	Scenic Resources and Design	A	A	A	A	A	A	A	A	A	A
7:7E-8.13	Buffers and compatibility of uses	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD
7:7E-8.14	Traffic	A	A	A	A	A	A	A	A	A	A
7:7E-8.21	Subsurface sewage disposal systems	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
7:7E-8.22	Solid and hazardous waste	A	A	A	A	A	A	A	A	A	A

Cross Harbor Freight Program

Table 6.12-2 (cont'd)
New Jersey Rules of Coastal Zone Management (N.J.A.C. 7:7E-1.1 et. seq.)

Policy Number	Policy Subject	Waterborne Alternatives					Rail Tunnel Alternatives				
		Enhanced Float	Truck Ferry	Truck Float	LOLO	RORO	Rail Tunnel	Shuttle	Chunnel	AGV	Rail Truck Tunnel
SUBCHAPTER 8A. INFORMATION REQUIRED TO DEMONSTRATE COMPLIANCE WITH THE PUBLIC TRUST RIGHTS RULE, N.J.A.C. 7:7e-8.11; CONSERVATION RESTRICTIONS AND PUBLIC ACCESS INSTRUMENTS											
7:7E-8A.2	Information requirements for public access plans submitted by municipalities to participate in Shore Protection Program funding or be eligible for Green Acres funding	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD
7:7E-8A.3	Information requirements for public access plans submitted by counties or nonprofit organizations to be eligible for Green Acres funding	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD
7:7E-8A.4	Conservation restriction form and recording requirements	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD
7:7E-8A.5	Public Access Instrument requirements	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD
Notes: A = Applicable NA = Not Applicable TBD = To Be Determined LOLO = Lift On-Lift Off RORO = Roll On-Roll Off AGV = Automated Guided Vehicle											

*