



U. S. Department
of Transportation

New York Airports District Office
Eastern Region

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**Federal Aviation
Administration**

February 13, 2020

Jennifer Anderson
Assistant Regional Administrator for Protected Resources
NOAA Fisheries
U.S. Department of Commerce
Greater Atlantic Regional Fisheries Office
55 Great Republic Drive
Gloucester, MA 01930

**RE: Endangered Species Act (ESA) Consultation
 LaGuardia Airport Access Improvement Project
 Queens, New York**

Dear Ms. Anderson,

By means of this letter, our office would like to re-initiate consultation related to the LaGuardia Airport Access Improvement Project (Project) to address current considerations to the stormwater management design approach. Please note that all other aspects of the Project have not changed, including the Project Description, the list of species to be affected, and the Effects Analysis. As such, all other aspects of the Project will still be covered under the previous consultation completed on December 11, 2019. The purpose of this re-initiation request is limited to addressing updates to the stormwater management design approach, which would include the discharge of stormwater to two newly proposed outfalls along Flushing Creek. A summary of current stormwater management considerations is provided below.

Proposed Changes to the Project

The proposed Automated People Mover (APM) guideway and the Operations, Maintenance, and Storage Facility (OMSF) would require a drainage system and point of discharge. A potential solution for discharge of stormwater is the construction of a new outfall into Flushing Creek, as shown in Figures 1 and 2 below. This solution would involve the construction of an underground private storm sewer system through (or around) the proposed OMSF and adjacent vegetated lot as well as the construction of a headwall and stone apron along the shore of the creek. The outfall would be sized based on the amount of flow expected and slope of the pipe; required treatment would also be considered as part of the design. A stormwater pollution prevention plan prepared for the outfall installation would require work to be performed in a manner so that all construction activities would occur out-of-the-water/in the dry (e.g. above the mean high water line or at low tide). As such, the effects of the installation will not be considered.

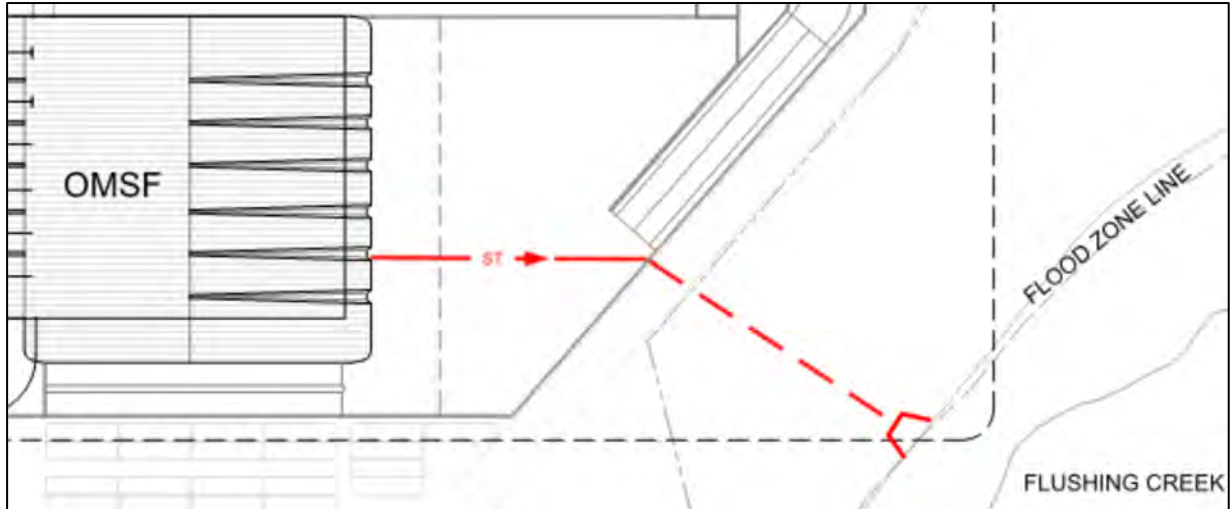


Figure 1 - Conceptual Outfall to Flushing Creek



Figure 2 – Aerial View of Subject Outfall to Flushing Creek

Considerations regarding the discharge of stormwater runoff to a new outfall into Flushing Creek rather than tying into the existing New York City DEP system are as follows:

1. Volume/Capacity: The proposed direct outfall can provide a higher capacity than compared with tying into the existing DEP infrastructure. The new outfall can be sized to accommodate all stormwater runoff from the proposed APM facilities which can feasibly be conveyed to the outfall.

The DEP pipe has limited capacity which means that underground storage/detention of stormwater would be required.

2. Infrastructure: The existing DEP stormwater sewer system would need to be extended approximately 550 feet south in 126th Street to provide a connection point just south of Roosevelt Avenue. This DEP sewer discharges to a recently constructed outfall into Flushing Bay at the north terminus of 126th Street through the Flushing Bay Promenade and into the bay. Extending this existing sewer to the south would impact existing utilities and traffic on 126th Street, which would be avoided with the proposed direct outfall option.
3. Stormwater Treatment: Water quality treatment will be required with either option. The proposed direct outfall option may provide the Port Authority of New York and New Jersey with more options for meeting those stormwater quality treatment requirements. The outfall could provide an option of NYSDEC standard treatment practices at-grade in the undeveloped woodland areas located between the MTA property and the Creek mean high water line. Such options could include construction of a stormwater detention (depicted in Figure 2). The design of such features will need to take into account potential impacts to wetlands, which are known to be present within this area. For the DEP option, there is limited space adjacent to the New York City-owned right-of-way for water quality measures, likely requiring an underground treatment system, which would require long-term routine maintenance.

Additionally, a temporary stormwater outfall would be installed from the MTA/Tully site, where MTA would temporarily park and stage buses during construction of the OMSF, as shown in Figure 3 below. The stormwater outfall would be installed entirely on MTA property and would involve the construction of an underground private storm sewer system through the adjacent disturbed / vegetated area as well as the construction of a headwall and stone apron along the shore of the creek. The outfall would be sized based on the amount of flow expected and slope of the pipe and required treatment would also be considered as part of the design. A stormwater pollution prevention plan prepared for the outfall installation would require work to be performed in a manner so that all construction activities would occur out-of-the-water/in the dry (e.g. above the mean high water line or at low tide). As with the proposed OMSF outfall, water quality treatment will be required.

Extension of the Action Area

In addition to the action area already identified in the biological assessment that was received by NMFS on December 9, 2019, the action area also now includes the extent of the effluent from the stormwater outfalls in Flushing Creek.

Effects of Water Quality from the Stormwater Effluent

As noted previously, all other aspects of the Project have not changed, including the extents of the action area and total amount of impervious surfaces. Diversion of stormwater to new outfalls along Flushing Creek would not reduce the quality of stormwater effluent from the current baseline conditions. As noted above, the proposed action would be required to provide water quality treatment to current standards, which would result in overall improvements from existing conditions water quality conditions. As required, effluent would be pretreated and will continue to be rapidly diluted to within minimum water

quality standards or to non-detectable levels. As such, the effluent discharge would have discountable effects on water depth, water flow, dissolved oxygen levels, salinity, temperature, and the ability for sturgeon to migrate in the action area.



Figure 3 – Aerial View of Temporary Stormwater Outfall at the MTA/Tully Site

Based on the analysis that all effects associated with a new stormwater outfall along Flushing Creek when added to baseline conditions will be insignificant or discountable, we have determined that the effects of the action may affect but is not likely to adversely affect any listed species or critical habitat under NMFS' jurisdiction. We respectfully request your concurrence with this determination. If you have any questions or need additional information, please do not hesitate to contact me by email at andrew.brooks@faa.gov or by phone at 718-553-2511.

Sincerely,

A handwritten signature in black ink that reads 'Andrew Brooks'.

Andrew Brooks
Environmental Program Manager
Federal Aviation Administration, Eastern Regional Office

cc: Marie Jenet, FAA

Enclosure – a/s