Hudson-Raritan Estuary Ecosystem Restoration Feasibility Study

Appendix R
DRAFT (UNSIGNED)
FINDING OF NO SIGNIFICANCE

Draft Integrated Feasibility Report &
Environmental Assessment
February 2017

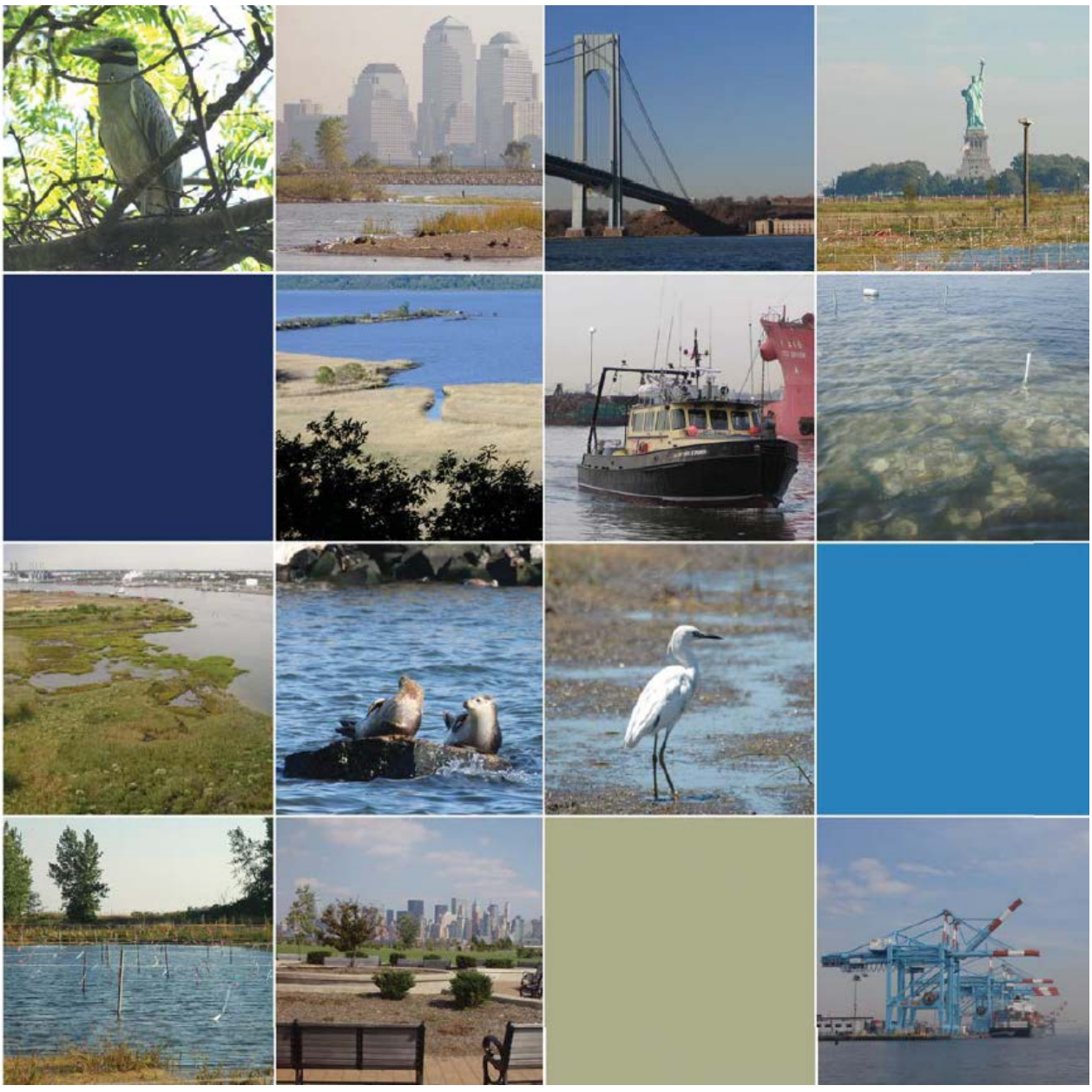
Prepared by the New York District, North Atlantic Division,
U.S. Army Corps of Engineers

THE PORT AUTHORITY OF NY & NJ

NJSEA

NYC Parks

NYC Environmental Protection



Finding of No Significant Impact
Hudson-Raritan Estuary Ecosystem Restoration Feasibility Study
Multiple Sites within Hudson-Raritan Estuary

The Unites States Army Corps of Engineers, New York District (USACE) prepared an Integrated Feasibility Report and Environmental Assessment (FR/EA) to analyze the potential impacts from the proposed environmental restoration at 33 sites in the Hudson-Raritan Estuary (HRE). The USACE has assessed the environmental impacts anticipated for the implementation of this project in accordance with the Council on Environmental Quality's National Environmental Policy Act regulations [Federal Register 40 CFR 1508.9(a)]. The FR/EA accompanying this Finding of No Significant Impact (FONSI) presents the results of the environmental analysis.

The Draft FR/EA addresses the impacts associated with implementation of ecosystem restoration actions within the HRE Study Area defined as a 25-mile radius of the Statue of Liberty National Monument. The HRE study area includes eight (8) planning regions: 1) Jamaica Bay; 2) Harlem River, East River, and Western Long Island Sound; 3) Newark Bay, Hackensack River and Passaic River; 4) Upper Bay; 5) Lower Bay; 6) Lower Raritan River; 7) Arthur Kill/Kill Van Kull ; and 8) Lower Hudson River. USACE and multiple non-federal sponsors commenced six (6) concurrent ecosystem restoration feasibility studies in the 1990s and early 2000s that focused on the restoration of different areas of the HRE. In an effort to streamline parallel efforts, and maximize efficiencies, resources, and benefits, the feasibility studies were integrated into the HRE Ecosystem Restoration Feasibility Study effort. The studies, referred to as "source" studies include:

- Jamaica Bay, Marine Park, and Plumb Beach Ecosystem Restoration Feasibility Study;
- Flushing Bay and Creek Ecosystem Restoration Feasibility Study;
- Bronx River Basin Ecosystem Restoration Feasibility Study;
- HRE Ecosystem Restoration Feasibility Study;
- HRE- Lower Passaic River Ecosystem Restoration Feasibility Study; and
- HRE- Hackensack Meadowlands Ecosystem Restoration Feasibility Study.

The analyses completed as part of these "source" studies were incorporated into and informed the current planning effort. This Draft HRE FR/EA responds to all "source" studies' authorities. The goal of the HRE study is to identify a plan that restores and sustains a mosaic of habitats within the human-dominated landscape important to the people of the HRE region and the nation that maximizes habitat benefits while minimizing impacts to environmental, cultural, or socio-economic resources.

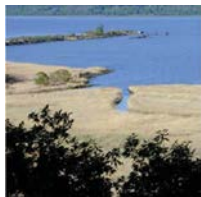
It will provide for the restoration of up to 360 acres of estuarine wetland habitat, 12 acres of freshwater riverine wetland habitat, 81 acres of coastal and maritime forest habitat, 5.5 acres of riparian forest habitat, and 57 acres of oyster habitat. Two (2) fish ladders would be installed and three (3) weirs would be modified to re-introduce or expand fish passage along the Bronx River along with 3.83 miles of bank stabilization and 2.35 miles of stream channel restoration for the freshwater sites. Restoration measures were developed to restore ecosystem function while recognizing the urban nature of the existing environment.

The no action alternative would not provide any environmental restoration benefits. Selection of the no action alternative would result in the continued degradation of the HRE and could actually hasten the degradation as areas subjection to erosion, and other perturbations would continue and/or be exacerbated through sea level change.

The expected environmental effects of implementing the TSP would be overwhelmingly beneficial to the flora and fauna of the HRE, and beneficial to the public living in the HRE study area. Implementation of the TSP would be a substantial first step in the large-scale restoration of the HRE and would realize





habitat restoration and expansion of available habitat for a host of fauna, including providing the ability for anadromous and catadromous species to access the full length of the Bronx River for first time in centuries; marsh restoration at 11 sites in Jamaica Bay, and small-scale restoration of the eastern oyster (*Crassostrea virginica*), a once omnipresent keystone species in the HRE. As the proposed actions are all restoration activities, implementation of the TSP would result in some short-term, negative impacts to the environment; however, these impacts would be temporary and localized. All restoration measures would be implemented in accordance with regulatory agency stipulations and construction contractors would employ Best Management Practices (BMPs) at all times—e.g., use of silt curtains and adherence to sediment and erosion control plans. Implementation of the TSP may also have cumulative effects when combined with other similar actions occurring in the region of influence. When determining whether a particular activity could contribute cumulatively and significantly to the effects of the TSP, geographical distribution, intensity, duration, and the historical effects of similar activities were considered.

Due to the nature of work associated with environmental restoration, it is anticipated that any directly placed fill in a wetland or open water would be in support of an environmental enhancement and thereby have positive long-term impacts. Also, as the restoration plans are progressed, it is anticipated that all appropriate BMPs would be utilized to restrict, to the greatest extent practicable, the indirect introduction of sediments to wetlands and waters and disturbances to floodplains and other habitats. Finally, it is anticipated that construction would be staged to occur within each project and amongst the projects during time periods when the least environmental impact would occur.

If work is planned in an area determined to be inhabited by threatened and endangered species, work will be scheduled around times of the year with critical life stages (e.g., nesting, etc.). Other measures will be assessed during the Preconstruction Engineering and Design (PED) and permitting phases of this project and would be implemented per their requirements.

In accordance with Section 106 of the National Historic Preservation Act of 1966, 16 U.S.C. § 470 et seq., as amended, the Corps determined that historic properties may be potentially adversely affected by the proposed action. On-going coordination between USACE and the New York and New Jersey State Historic Preservation Officers shall result in a Programmatic Memorandum of Agreement to mitigate for any adverse effects. All terms and conditions resulting from this agreement shall be implemented in order to minimize adverse impacts to historic properties.

The 33 sites would allow for the restoration of diverse native habitat throughout the estuary that supports the HRE program goal "to develop a mosaic of habitats that provides society with renewed and increased benefits from the estuary environment", as well as considering how each site contributes to the overall objectives and restoration goals within each Planning Region. Impacts for other disciplines (e.g., air, noise, socioeconomics, etc.) were analyzed; these impacts were de minimis in nature.

Based on my review and evaluation of the environmental effects as presented in the FR/EA, I have determined that the proposed project is not a major Federal action significantly affecting the quality of the human environment. I have reviewed the proposed action in terms of overall public interest and found that the proposed action does not warrant the preparation of an Environmental Impact Statement (EIS).

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Date

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David A. Caldwell
Colonel, U. S. Army
Commander