

community including the transportation system nor will there be impacts to onsite or adjacent land uses.

State Policy 22 – Development when located adjacent to the shore would 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.

Determination – Consistent: The proposed restoration Project is located within the city owned park. The site is already used for water-related recreational purposes. However, as previously mentioned, the proposed undertaking will improve the quality of the coastal habitat thus providing improved opportunities for recreational usage. Since the proposed action does not affect the current land-use or activities onsite, it is compatible with the surrounding areas of Henry Hudson Park.

State Policy 23 – Protect, enhance, and restore structures, districts, areas of sites that are of significance in history, architecture, archeology, or culture of the State, its communities, or the Nation.

Determination – Consistent: The Proposed Action will be consistent through the implementation of design and siting measures in conjunction with recommendations from the NYSHPO and the NYSDOS that will avoid, minimize, or mitigate significant adverse impacts on historic and scenic resources within the Project area. USACE is in consultation with the NYSHPO, interested parties, and federally recognized Tribes, regarding the Project, and will implement any recommendations that will avoid potential adverse impacts on cultural resources. A draft Memorandum of Agreement has been prepared and is undergoing review by the NYSHPO and other interested parties to mitigate this adverse effect.

State Policy 24 – Prevent impairment of scenic resources of statewide significance.

Determination – Consistent: The site is within the New York State Significant Coastal Fish and Wildlife Habitat. The Project will restore the shoreline with vegetated riprap and create wetlands within the park. Scenic resources at the park will be maintained and possibly improved.

State 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.

Determination – Consistent: The Project will create wetlands and restore the shoreline with vegetated riprap. This will increase the scenic quality of the coastal area.

State Policy 26 – Conserve and protect agricultural lands in the state’s coastal area.

Determination – N/A: The Project area has no agricultural lands.

State 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.

Determination – N/A: The Project does not involve the siting or construction of major energy facilities.

State 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.

Determination – N/A: The Project does not involve ice management.

State 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.

Determination – N/A: The Project does not involve the development of energy resources.

State 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.

Determination – N/A: The Project will not involve any municipal, industrial, and commercial discharge of pollutants into coastal waters. Industry and best management practices (BMPs) for conducting in-stream work will be implemented to protect water quality.

State 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.

Determination – N/A: The Project will not involve the review of coastal water classifications or the modification of water quality standards.

State 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.

Determination – N/A: The Project will not occur in a small community with need of alternative sanitary waste treatment, or affect any local sanitary waste facilities.

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

Determination – Consistent: All construction activities will be conducted in accordance with applicable federal, state, and local regulations for erosion and sediment control; a site-specific Storm Water Pollution Prevention Plan and erosion and sediment control plan; and requirements of the NYS Pollutant Discharge Elimination System General Permit for Stormwater Discharges from Construction Activity (GP-0-08-001) for ground disturbances involving one or more acres.

A site-specific stormwater pollution prevention plan (SWPPP) will be prepared in accordance with NYSDEC standards and New York SPDES permit requirements for construction sites disturbing 1 acre (0.4 hectare) or more to have an erosion and sediment control plan (ESCP). Therefore, prior to the start of Project construction, preparation of an ESCP is required in accordance with the NYSDEC *Standards and Specification for Erosion and Sediment Control* (NYSDEC 2005). The ESCP will be included in the site-specific SWPPP prepared for the Project, and will identify site conditions and temporary and permanent erosion, sediment, and stormwater risk management measures. Any erosion protection structures deemed necessary in the plan for long-term erosion control in and around the Project site will be designed, constructed, and maintained according to NYSDEC and United States Environmental Protection Agency standards. Temporary measures that may be implemented during construction include stabilized construction entrances, stormwater inlet protection, silt fence, and erosion control blankets.

State 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.

Determination – N/A: The Project will not involve the discharge of waste materials into coastal waters from vessels.

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

Determination – Consistent: The Project will not involve dredging or in coastal waters or the disposal of dredged material. It will involve the filling in coastal water with riprap and vegetation. All activities will be done with all necessary permits and is designed to enhance the environment.

State 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.*

Determination – N/A: The Project will not involve activities related to the shipment and storage of petroleum and other hazardous materials.

State Policy 37 – Best management practices will be utilized to minimize the non-point discharge of excess nutrients, organics, and eroded soils into coastal waters.

Determination – Consistent: Approved BMPs for erosion and sediment control will be used during ground-disturbing activities, and the Project will provide for long-term restoration of the shoreline and create wetlands, which will deter erosion.

State 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.

Determination – Consistent: The surface water of the Hudson River will be protected through BMPs and the restoration of the shoreline and the restoration of the wetlands.

State 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.

Determination – Consistent: All solid wastes generated by the Project will be transported, stored, treated, and disposed of in accordance with applicable federal and state policies. Under the Proposed Action, all solid wastes and construction debris generated by the Project will be transported, stored, treated, and disposed of in accordance with applicable federal and New York policies. No significant adverse impacts on groundwater and surface water supplies, significant fish and wildlife habitats, recreation areas, important agricultural land, and scenic resources are anticipated to result from implementation of the Proposed Action.

State 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.

Determination – N/A: The Project will not involve the discharge of effluent from major steam electric generating and industrial facilities.

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

Determination – Consistent: The Project has been assessed for consistency with national and state air quality standards. Emissions attributable to the Project will be below the General Conformity Rule applicability thresholds.

State 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.*

Determination – N/A: The Project will not involve the reclassification of land areas pursuant to the prevention of significant deterioration regulations of the Federal Clean Air Act.

State 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.*

Determination – Consistent: See the text for Policy 41.

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

Determination – Consistent: The Project will create 3.6 acres of wetlands as well as restoring the shoreline with vegetated riprap. The site is currently upland but will be converted into wetlands.

MOODNA CREEK

NEW YORK COASTAL ZONE MANAGEMENT PROGRAM

FEDERAL CONSISTENCY DETERMINATION

As required under the Federal Coastal Zone Management Act, the USACE, New York District reviewed the Recommended Plan in relation to the applicable policies of the New York State Coastal Zone Management Program. A number of questions under Part C of the New York State Coastal Management Program (NYS CMP) Federal Consistency Assessment Form (New York State Department of State (NYSDOS), Division of Coastal Resources (DCR), 2003b) were answered in the affirmative; therefore, as stated under Part D, number two, it is necessary to analyze the Project in more detail with respect to its consistency with the *State Coastal Policies* (NYSDOS DCR, 2003c) of the NYS CMP. Following is a list of the state policies in question and a brief statement of how the Project is consistent with each of these policies.

Project: Town of Cornwall, New York, Hudson River Habitat Restoration Ecosystem Restoration Feasibility Study – Moodna Creek.

Three Aquatic Organism Passage (AOP) barriers on Moodna Creek in Orange County are planned to be removed to improve passage, AOP #1: Utility Crossing; AOP #2: Firth Cliff Dam; and AOP #3: Orr's Mill Dam

AOP 1

This alternative entails decommissioning the utility line and removal of the section that crosses Moodna Creek. The sanitary sewer line is a 16-inch ductile iron pipe (DIP); an approximately 100-foot-long section spans the channel and is contained in a concrete encasement approximately five feet wide and five feet deep. The recommended approach to decommissioning the line includes accessing the existing manhole on the floodplain to the north (i.e. river left side), and sealing-off the incoming sanitary line with concrete or similar means. On the river right bank, where the utility descends steeply from the inactive railroad bed at the top of the slope, the recommended approach to decommissioning this sewer line is to break the existing line at the base of the slope and install a manhole in connection with upgradient line, but with no outlet toward the Creek. The installation of the manhole on river right creates a stable and secure closure to the existing sewer line, and prevents any inadvertent leakage or discharge of fluid into the Creek, in the event of any unknown inflow or infiltration into the sewer line. A total of 175 feet of sewer line (100-foot concrete encased section and the 75-foot section under floodplain soils leading to the existing manhole) would be excavated and disposed of offsite.

AOP 2

This alternative entails demolition and removal of the concrete spillway to the full vertical extent and, pending favorable results of impounded sediment analysis, passive release of the impounded sediment. The abutments attached to the valley wall on river

left and the building foundations on river right may be left in place pending observations from a more detailed site investigation.

Approximately 1,300 feet upstream of the dam, a pronounced boulder riffle indicates the upstream limit of the impoundment and would serve as a natural grade control that would limit the upstream extent of any channel adjustment in the event of dam removal. The well-vegetated banks and narrow valley walls indicate little potential for lateral channel adjustment or meandering. In general, the geomorphic response to dam removal would follow a predictable trajectory: (1) initial water-lowering, (2) impounded sediment evacuates from the impoundment as head-cut moves upstream from the dam and then widens to the full span of the channel, and (3) temporary deposition of coarse-grained sediment in the downstream reaches. By the end of the first growing season, herbaceous, annual plants would begin to occupy the newly exposed upper banks; perennial species would begin to dominate by the end of the second growing season.

AOP 3

This entails breaking through the spillway concrete crest, and underlying cobble/boulder-filled timber crib structure, removing the vertical extent of a central portion of the spillway, and leaving the side portions in place. The ends of the spillway could be stabilized at their base with placed boulders, while the upper portions could be left open for visibility of the spillway's interior construction.

With the full vertical extent of the central portion of the spillway removed, a similar channel response is likely to be triggered as with full removal but with more retention of sediment on the channel margins proximal to the dam. The pronounced boulder riffle approximately 900 feet upstream of the dam would serve as a natural grade control that would limit the upstream extent of any vertical channel adjustment in the main channel if the dam is notched. The multiple extremely large boulders (i.e. five to ten feet in diameter) that are situated immediately upstream of the spillway are anticipated to form boulder-dominated steps or a cascade. Following dam notching, finer sediment would transport downstream, while the larger cobble and boulder may shift position. Due to the steep slope that is anticipated to re-form, full fish passage conditions for the full range of target fish could not be guaranteed to form passively and thus, some active re-grading and re-positioning of boulders may be necessary to facilitate the formation of a stable grade control and fish passability. If *in situ* boulders are insufficient to maintain a stable grade change and/or fish passage conditions, this alternative also includes supplementing this reach with large boulders to establish grade control.

The cobble-dominated tributary confluence requires additional investigation and would likely necessitate a stone grade control structure to prevent undermining of the overlying residence.

Applicant: U.S. Army Corps of Engineers, New York District.

Consistency Determination: All of the applicable policies were evaluated with respect to the Project's consistency with their stated goals. The Project has been found to be consistent with each policy.

DEVELOPMENT POLICIES

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

Determination – N/A: The Project is not within an underutilized waterfront area.

State Policy 2 – *Facilitate the siting of water-dependent uses and facilities on or adjacent to coastal waters.*

Determination – N/A: The Project is not creating any facilities.

State 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.*

Determination – N/A: The Project will not affect any of the state’s major ports.

State 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.*

Determination – N/A: The Project will not impact any harbors.

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

Determination – N/A: The Project is not a development project.

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

Determination – N/A: This policy is applicable to state agencies and local governments participating in the Waterfront Revitalization Program.

FISH AND WILDLIFE POLICIES

State 7 – *Significant Coastal Fish and Wildlife Habitats would be protected, preserved, and where practical, restored so as to maintain their viability as habitats.*

Determination – Consistent: The Project removal of the AOPs would reconnect to previously disconnected river reaches and restore passage for some resident species and American Eel. In addition, the removals are anticipated to restore the natural transport of bedload sediment, which in turn could rejuvenate benthic habitat conditions for aquatic invertebrates downstream, and offset any vertical channel degradation that has occurred in the decades and centuries since AOPs construction.

State 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.*

Determination – Consistent: Potentially hazardous materials typically used during construction activities that could pose a health risk to the environment if not properly stored and handled include motor fuel and oils used for vehicles and equipment. All handling of hazardous materials will be conducted in accordance with applicable Army, federal, state, and local solid and hazardous waste management policies and regulations throughout implementation of the Project. The Project will not involve any municipal, industrial, and commercial discharge of pollutants into coastal waters. None of the construction materials that will be used to support operation of the Project are considered hazardous.

State 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.*

Determination – Consistent: The removal of the AOPs will allow the free flow of fishes further up the Moodna Creek thereby increasing areas of recreational fishing.

State 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.*

Determination – N/A: The Project is not related to commercial fishery development activities along the Hudson River waters.

FLOODING AND EROSION HAZARDS POLICIES

State 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.*

Determination – N/A: The Project does not involve buildings or other like structures.

State Policy 12 – *Activities or development in the coastal area would 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.*

Determination – Consistent: The Project is restoring natural resources, removal of the AOPs. Removal of the AOPs is not anticipated to impact flooding or erosion conditions.

State 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 30 years as demonstrated in design and construction standards and/or assured maintenance or replacement programs.

Determination – Consistent: The Project will remove the AOPs and not require further Operations, Maintenance, Repair, Replacement, and Rehabilitation.

State Policy 14 – *Activities and development including the construction or reconstruction of erosion protection structures, shall be undertaken so that there would be no measurable increase in erosion or flooding at the site of such activities or development, or at other locations.*

Determination – N/A: Erosion protection structures are not part of the Project.

State 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.*

Determination – Consistent: The Project will carefully evaluate construction in a manner to prevent or minimize adverse impacts such as soil erosion and sediment alteration. In addition, all appropriate BMPs for soil erosion and sediment control including use of silt fencing, turbidity curtains, and hay bales.

State 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.*

Determination – N/A: Both federal and state funds will be used to complete the Project however; permanent erosion control structures are not anticipated to be needed.

State Policy 17 – *Non-structural measures to minimize damage to natural resources and property from flooding and erosion shall be used whenever possible.*

Determination – N/A: The Project is not creating involve flooding or erosion measures.

State Policy 18 – *To safeguard the vital economic, social, and environmental interests of the state and of its citizens, proposed major action 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.*

Determination – Consistent: The purpose of the Project is to restore environmental resources altered by the creation of the AOPs. Full consideration was given to the economic, social, and environmental interests. The Environmental Assessment evaluated the economic, social, and environmental impacts, concluding no adverse long-term impacts to those interests.

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

Determination – Consistent: The Project may increase recreational fishing with the increase in fish passage and may increase canoe and kayak usage with the removal of the AOPs.

State Policy 20 – Access to 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.

Determination – Consistent: Access from the land is restricted as it is on private property however, access via the creek will be increased with the removal of the dam.

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

Determination – Consistent: The Project will improve water dependent recreational uses by opening up 8 miles of the Moodna Creek with the removal of the AOPs.

State Policy 22 – Development when located adjacent to the shore would 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.

Determination – N/A: The Project is not developmental.

State Policy 23 – Protect, enhance, and restore structures, districts, areas of sites that are of significance in history, architecture, archeology, or culture of the State, its communities, or the Nation.

Determination – Consistent: The Proposed Action will be consistent through the implementation of design and siting measures in conjunction with recommendations from the NYSHPO and the NYSDOS that will avoid, minimize, or mitigate significant adverse impacts on historic and scenic resources within the Project area. USACE is in consultation with the NYSHPO, interested parties, and federally recognized Tribes, regarding the Project, and will implement any recommendations that will avoid potential adverse impacts on cultural resources. A draft Memorandum of Agreement has been prepared and is undergoing review by the NYSHPO and other interested parties to mitigate this adverse effect.

State Policy 24 – Prevent impairment of scenic resources of statewide significance.

Determination – Consistent: The site is within the New York State Significant Coastal Fish and Wildlife Habitat. The removal of the AOPs will not impair any scenic resources.

State 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.*

Determination – Consistent: The Project will remove the AOPs restoring the views up and down the Moodna Creek.

State Policy 26 – *Conserve and protect agricultural lands in the state’s coastal area.*

Determination – N/A: The Project area has no agricultural lands.

State 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.*

Determination – N/A: The Project does not involve the siting or construction of major energy facilities

State 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.*

Determination – N/A: The Project does not involve ice management.

State 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.*

Determination – N/A: The Project does not involve the development of energy resources.

State 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.*

Determination – Consistent: The Project will not involve any municipal, industrial, and commercial discharge of pollutants into coastal waters. Industry and best management practices (BMPs) for conducting in-stream work will be implemented to protect water quality the atmosphere, and potable water.

State 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.*

Determination – N/A: The Project will not involve the review of coastal water classifications or the modification of water quality standards.

State 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.*

Determination – N/A: The Project will not occur in a small community with need of alternative sanitary waste treatment, or affect any local sanitary waste facilities.

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

Determination – N/A: The Project does not involve stormwater runoff or combined or sanitary sewers.

State 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.*

Determination – N/A: The Project will not involve the discharge of waste materials into coastal waters from vessels.

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

Determination – Consistent: All material from the excavated from the AOPs will be removed from the creek. All activities will be done with all necessary permits and is designed to enhance the environment.

State 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.*

Determination – N/A: The Project will not involve activities related to the shipment and storage of petroleum and other hazardous materials.

State Policy 37 – *Best management practices will be utilized to minimize the non-point discharge of excess nutrients, organics, and eroded soils into coastal waters.*

Determination – Consistent: Stormwater from the Project will be controlled as described for Policy 33. Approved BMPs for erosion and sediment control will be used during ground-disturbing activities.

State 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.

Determination – Consistent: See text for Policy 33 and 37. The Project would not affect primary or sole source water supplies, and would not adversely affect surface or ground waters. Construction activities will be designed to reduce the potential for hazardous material spills; however, if a hazardous material spill does occur, USACE will report, contain, and remediate the affected area in accordance with Army and NYSDEC regulations, and the Project-specific SWPPP and ESCP. Under the Proposed Action, all solid wastes and construction debris generated by the Project will be transported, stored, treated, and disposed of in accordance with applicable federal and New York policies. No significant adverse impacts on groundwater and surface water supplies, significant fish and wildlife habitats, recreation areas, important agricultural land, and scenic resources are anticipated to result from implementation of the Proposed Action.

State 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

Determination – Consistent: All solid wastes generated by the Project will be transported, stored, treated, and disposed of in accordance with applicable federal and state policies. Under the Proposed Action, all solid wastes and construction debris generated by the Project will be transported, stored, treated, and disposed of in accordance with applicable federal and New York policies. No significant adverse impacts on groundwater and surface water supplies, significant fish and wildlife habitats, recreation areas, important agricultural land, and scenic resources are anticipated to result from implementation of the Proposed Action.

State 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.

Determination – N/A: The Project will not involve the discharge of effluent from major steam electric generating and industrial facilities

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

Determination – Consistent: The Project has been assessed for consistency with national and state air quality standards. Emissions attributable to the Project will be below the General Conformity Rule applicability thresholds

State 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*

Determination – N/A: The Project will not involve the reclassification of land areas pursuant to the prevention of significant deterioration regulations of the Federal Clean Air Act.

State 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.*

Determination – Consistent: See the text for Policy 41.

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

Determination – N/A: The Project does not have contain any wetlands.

REFERENCES

New York State Department of State (NYSDOS). Coastal Management Program, State Coastal Policies (Including Program changes from 1982-2017). 2017

Town of Schodack and Village of Castleton-on-Hudson, Local Waterfront Revitalization Program. Approved: NYS Secretary of State Alexander F. Treadwell, March 1985
Concurred: U.S. Office of Ocean and Coastal Resource Management, August 15, 1995.