



## FINDING OF NO SIGNIFICANT IMPACT

### Hudson River Habitat Restoration Ecosystem Restoration Feasibility Study Hudson River, New York

The U.S. Army Corps of Engineers, New York District (Corps) has conducted an environmental analysis in accordance with the National Environmental Policy Act of 1969, as amended. The final Integrated Feasibility Report and Environmental Assessment (IFR/EA) dated 25 September 2020, for the Hudson River Habitat Restoration Ecosystem Restoration Feasibility Study addresses restoring a mosaic of interconnected, large river habitats, and restoring lost connectivity between the Hudson River and neighboring ecosystems opportunities and feasibility in the Hudson River, New York. The final recommendation is contained in the report of the Chief of Engineers, dated [TBD](#).

The Final IFR/EA, incorporated herein by reference, evaluated various alternatives that would restore a mosaic of interconnected, large river habitats, and restoring lost connectivity between the Hudson River and neighboring ecosystems in the study area. The recommended plan is the National Ecosystem Restoration (NER) Plan and includes:

- Restoring 22.8 acres of tidal wetlands, 8.5 acres of side channel and wetland complex, 1,760 linear feet of living shoreline with 0.6 acres of tidal wetlands, and reconnecting 7.8 miles of tributary habitat to the Hudson River at 3 different sites.
  - Schodack Island
    - North Alternative 2
      - Side channel and tidal wetland complex (8.5 acres)
      - Tidal wetland restoration (19.1 acres)
  - Henry Hudson Park Alternative 1
    - Tidal wetland restoration (3.7 acres)
    - Replacement of the eroding hardened shoreline with a living shoreline (1,760 linear feet with 0.6 acres of tidal wetlands)
  - Moodna Creek (Collectively, 7.8 miles of upstream habitat)
    - AOP 1 Alternative 1
      - Utility pipe removal
    - AOP 2 Alternative 1
      - Firth Cliff Dam removal
    - AOP 3 Alternative 2
      - Orr's Mill Dam partial removal

In addition to a “no action” plan, 23 alternatives at 6 sites were evaluated. The alternatives included:

- Binnen Kill
  - North Alternative 1
    - Wetland restoration (89.94 acres) and culvert crossing enlargement (0.27 acres).
  - North Alternative 2
    - Wetland restoration (43.77 acres), forested wetland restoration (15.52 acres), emergent wetland restoration (4.29 acres),



emergent wetland/channel restoration (41.88 acres), and culvert crossing removal (0.27 acres).

- Alternative 3
  - Wetland restoration (89.94 acres).
- North Alternative 4
  - Wetland restoration (43.77 acres), forested wetland restoration (15.52 acres), emergent wetland restoration (4.29 acres), and emergent wetland/channel restoration (41.88 acres).
- South Alternative 1
  - Wetland restoration (13.85 acres), tidal wetland restoration (7.47 acres), road crossing, and side channel and riparian corridor restoration (14.85 acres).
- South Alternative 2
  - Wetland restoration (13.85 acres), tidal wetland restoration (7.47 acres), road crossing, and side channel and riparian corridor restoration (27.02 acres).
- Schodack Island
  - North Alternative 1
    - Tidal wetland restoration (17.49 acres), tidal wetland restoration and conversion to side channel connection (2.31 acres), road crossing, and side channel and tidal wetland corridor (9.09 acres).
  - North Alternative 2
    - Tidal wetland restoration (17.49 acres), tidal wetland restoration and conversion to side channel connection (2.31 acres), road crossing, and side channel and tidal wetland corridor restoration (9.09 acres).
  - South Alternative 1
    - Side channel and riparian corridor restoration (1.45 acres), road crossing, and tidal wetland restoration (2.77 acres).
  - South Alternative 2
    - Side channel and tidal wetland corridor restoration (3.80 acres), road crossing, and tidal wetland restoration (2.77 acres).
  - Pocket Wetlands
    - Tidal wetland restoration (9.47 acres) and non-tidal wetland restoration (1.48 acres).
- Henry Hudson Park
  - Alternative 1
    - Tidal wetland restoration (3.77 acres) and vegetated riprap (0.43 acres).
  - Alternative 2
    - Tidal wetland restoration (5.28 acres) and pocket wetland restoration (0.09 acres).
- Charles Rider Park
  - Interstitial rock planting restoration (0.12 acres) and tidal wetland restoration (0.99 acres).
- Rondout Creek
  - Alternative 1: Technical fishway.
  - Alternative 2: Dam removal.



- Alternative 3: Dam notching.
- Moodna Creek
  - AOP 1 Alternative 1
    - Sewer pipe removal.
  - AOP 1 Alternative 2
    - Roughened rock ramp.
  - AOP 2 Alternative 1
    - Dam removal.
  - AOP 2 Alternative 2
    - Technical fishway.
  - AOP 3 Alternative 1
    - Dam removal.
  - AOP 3 Alternative 2
    - Partial dam removal.

These alternatives are further discussed in section 3.3 Alternatives Development of the FR/EA.

For all alternatives, the potential effects were evaluated, as appropriate. A summary assessment of the potential effects of the recommended plan are listed in Table 1:

**Table 1: Summary of Potential Effects of the Recommended Plan**

|                                                | Insignificant effects               | Insignificant effects as a result of mitigation* | Resource unaffected by action       |
|------------------------------------------------|-------------------------------------|--------------------------------------------------|-------------------------------------|
| Aesthetics                                     | <input checked="" type="checkbox"/> | <input type="checkbox"/>                         | <input type="checkbox"/>            |
| Air quality                                    | <input checked="" type="checkbox"/> | <input type="checkbox"/>                         | <input type="checkbox"/>            |
| Aquatic resources/wetlands                     | <input checked="" type="checkbox"/> | <input type="checkbox"/>                         | <input type="checkbox"/>            |
| Invasive species                               | <input checked="" type="checkbox"/> | <input type="checkbox"/>                         | <input type="checkbox"/>            |
| Fish and wildlife habitat                      | <input checked="" type="checkbox"/> | <input type="checkbox"/>                         | <input type="checkbox"/>            |
| Threatened/Endangered species/critical habitat | <input checked="" type="checkbox"/> | <input type="checkbox"/>                         | <input type="checkbox"/>            |
| Historic properties                            | <input type="checkbox"/>            | <input checked="" type="checkbox"/>              | <input type="checkbox"/>            |
| Other cultural resources                       | <input checked="" type="checkbox"/> | <input type="checkbox"/>                         | <input type="checkbox"/>            |
| Floodplains                                    | <input checked="" type="checkbox"/> | <input type="checkbox"/>                         | <input type="checkbox"/>            |
| Hazardous, toxic & radioactive waste           | <input checked="" type="checkbox"/> | <input type="checkbox"/>                         | <input type="checkbox"/>            |
| Hydrology                                      | <input checked="" type="checkbox"/> | <input type="checkbox"/>                         | <input type="checkbox"/>            |
| Land use                                       | <input checked="" type="checkbox"/> | <input type="checkbox"/>                         | <input type="checkbox"/>            |
| Navigation                                     | <input type="checkbox"/>            | <input type="checkbox"/>                         | <input checked="" type="checkbox"/> |
| Noise levels                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/>                         | <input type="checkbox"/>            |
| Public infrastructure                          | <input checked="" type="checkbox"/> | <input type="checkbox"/>                         | <input type="checkbox"/>            |
| Socio-economics                                | <input checked="" type="checkbox"/> | <input type="checkbox"/>                         | <input type="checkbox"/>            |
| Environmental justice                          | <input type="checkbox"/>            | <input type="checkbox"/>                         | <input checked="" type="checkbox"/> |
| Soils                                          | <input checked="" type="checkbox"/> | <input type="checkbox"/>                         | <input type="checkbox"/>            |
| Tribal trust resources                         | <input checked="" type="checkbox"/> | <input type="checkbox"/>                         | <input type="checkbox"/>            |
| Water quality                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/>                         | <input type="checkbox"/>            |



|                | Insignificant effects               | Insignificant effects as a result of mitigation* | Resource unaffected by action |
|----------------|-------------------------------------|--------------------------------------------------|-------------------------------|
| Climate change | <input checked="" type="checkbox"/> | <input type="checkbox"/>                         | <input type="checkbox"/>      |

All practicable and appropriate means to avoid or minimize adverse environmental effects were analyzed and incorporated into the recommended plan. Best management practices (BMPs) as detailed in the IFR/EA will be implemented, if appropriate, to minimize impacts. The use of silt curtains, adherence to sediment and erosion control plans, ultra-low sulfur diesel fuel for all construction-related vehicles and non-road construction equipment, speed limit reductions, water or other dust suppressant application, and regular vehicle rinsing would all be used as BMPs.

No compensatory mitigation is required as part of the recommended plan.

Public review of the draft IFR/EA and FONSI was completed on 9 August 2019. All comments submitted during the public review period were responded to in the Final IFR/EA and FONSI. A 30-day state and agency review of the Final IFR/EA was completed on **TBD**. **PICK OPTION BASED ON RESULTS OF STATE AND AGENCY REVIEW.**

Pursuant to section 7 of the Endangered Species Act of 1973, as amended, the U.S. Army Corps of Engineers determined that the recommended plan “may affect but is not likely to adversely affect” the following federally listed species or their designated critical habitat: Northern Long-eared Bat (*Myotis septentrionalis*), Indiana Bat (*Myotis sodalis*), Shortnose Sturgeon (*Acipenser brevirostrum*), and Atlantic Sturgeon (*Acipenser oxyrinchus oxyrinchus*) and “no effect” on the threatened small whorled pogonia and the Bog Turtle (*Clemmys muhlenbergii*). The U.S. Fish and Wildlife Service (FWS) and the National Oceanic and Atmospheric Administration, National Marine Fisheries Service (NOAA Fisheries) concurred with the Corps’ determination on 7 August 2020 and 6 June 2020, respectively.

Pursuant to section 106 of the National Historic Preservation Act of 1966, as amended, the U.S. Army Corps of Engineers determined that historic properties may be adversely affected by the recommended plan. The Corps and the New York State Historic Preservation Office entered into a Programmatic Agreement (PA), dated 6 July 2020. All terms and conditions resulting from the agreement shall be implemented in order to minimize adverse impacts to historic properties.

Pursuant to the Clean Water Act of 1972, as amended, the discharge of dredged or fill material associated with the recommended plan has been found to be compliant with section 404(b)(1) Guidelines (40 CFR 230). The Clean Water Act Section 404(b)(1) Guidelines evaluation is found in Appendix G2 of the IFR/EA.

A water quality certification pursuant to section 401 of the Clean Water Act will be obtained from the New York State Department of Environmental Conservation prior to construction. In a letter dated 27 July 2020, the state of New York stated that the recommended plan appears to meet the requirements of the water quality certification, pending confirmation based on information to be developed during the pre-construction engineering and design phase. All



conditions of the water quality certification will be implemented in order to minimize adverse impacts to water quality.

A determination of consistency with the New York State Department of State's Coastal Zone Management program pursuant to the Coastal Zone Management Act of 1972 will be obtained from the New York State Department of State prior to construction. In a letter dated 15 July 2020, the state of New York stated that the recommended plan appears to be consistent with state Coastal Zone Management plans, pending confirmation based on information to be developed during the pre-construction engineering and design phase. All conditions of the consistency determination shall be implemented in order to minimize adverse impacts to the coastal zone.

All applicable environmental laws have been considered and coordination with appropriate agencies and officials has been completed. Conservation recommendations from the NOAA Fisheries under the Magnuson-Stevens Fishery Conservation and Management Act shall be implemented in order to minimize impacts and where applicable, enhance essential fish habitat. As detailed in the IFR/EA, the recommendations consist of avoiding in-water activities between March 1 and June 30 and to coordinate the planting, maintenance, and monitoring plans with NMFS.

Technical, environmental, and cost effectiveness criteria used in the formulation of alternative plans were those specified in the Water Resources Council's 1983 Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies. All applicable laws, executive orders, regulations, and local government plans were considered in evaluation of alternatives.<sup>1</sup> Based on this report, the reviews by other Federal, State and local agencies, Tribes, input of the public, and the review by my staff, it is my determination that the recommended plan would not cause significant adverse effects on the quality of the human environment; therefore, preparation of an Environmental Impact Statement is not required.<sup>2</sup>

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Date

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Matthew W. Luzzatto  
Colonel, Corps of Engineers  
District Commander

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<sup>1</sup> 40 CFR 1505.2(B) requires identification of relevant factors including any essential to national policy which were balanced in the agency decision.

<sup>2</sup> 40 CFR 1508.13 stated the FONSI shall include an EA or a summary of it and shall note any other environmental documents related to it. If an assessment is included, the FONSI need not repeat any of the discussion in the assessment but may incorporate by reference.