

**Environmental Assessment  
Determinations and Compliance Findings  
for HUD-assisted Projects  
24 CFR Part 58**

**Project Information**

**Project Name:** Matton-Shipyard:-Preservation-&-Adaptive-Reuse-Initiative

**HEROS Number:** 900000010339300

**Responsible Entity (RE):** NEW YORK, A.E. Smith Office Building Albany NY, 12236

**RE Preparer:** Daniel Lewis

**State / Local Identifier:**

**Certifying Officer:** Elizabeth Martin

**Grant Recipient (if different than Responsible Entity):** The Erie Canalway Heritage Fund, Inc.

**Point of Contact:** Andy Kitzmann

**Consultant (if applicable):**

**Point of Contact:**

**Project Location:** , Cohoes, NY 12047

**Additional Location Information:**

The project site is within Peebles Island State Park. The main park address is 1 Delaware Avenue North, in the city of Cohoes, NY 12047. However, the project site does not have a formal address. The Lat. and Long. of the project site are: 42.778864, -73.680585.

**Direct Comments to:** elizabeth.martin@parks.ny.gov

**Description of the Proposed Project [24 CFR 50.12 & 58.32; 40 CFR 1508.25]:**

Matton Shipyard is located on Van Schaick Island, Cohoes, at the junction of the Mohawk and Hudson Rivers and the confluence of the Erie and Champlain Canals. The site is a rare surviving example of an early 20th century civilian ship building and repair facility. The site is located immediately adjacent to the Hudson River western bank and New York's 750-mile-long Empire State Trail, and is part of Peebles Island State Park. The Erie Canalway Heritage Fund, Inc. is leading a revitalization effort of the Shipyard in close partnership with the NYS Office of Parks, Recreation & Historic Preservation (OPRHP), the NYS Canal Corporation, and the City of Cohoes, to bring this once vibrant community site back into public service. The vision is to develop a historical, cultural, and recreational hub with restored structures, an active waterfront, and linked trails that are available for residents and visitors to use and enjoy for generations to come. The current proposed action intend to stabilize the remaining structures, address contaminated soils and stabilize an eroding shoreline.

**Building Stabilization** - The building stabilization work at Buildings 1, 2, and 3 will involve removing vines and other vegetation from the immediate perimeters; repairing and making fully functional strategically selected windows and doors; adding components such as protective glazing, screening, and passive and active ventilation to windows that are not made functional and secure; securing the buildings; incorporating flood mitigation strategies, such as flood louvers or other passive mechanisms; and retaining and stabilizing existing character-defining features of the structures.

**Site Remediation** - To address shallow soil in the southern portion of the project site that contains lead and/or chromium with levels at, or approaching, applicable Commercial Use Soil Cleanup Objectives (CUSCOs), direct contact and ingestion exposure pathways will be eliminated and remediated, as necessary. Soil remediation will include the removal and off-site disposal of the top six inches where CUSCOs are exceeded. In total 570 cubic yards (CY) of soil would be removed from the site. It is anticipated that removed soil would be disposed at the City of Albany landfill (or equivalent permitted facility) in a regulatory compliant manner. A portion of the work area would be capped with a gravel parking lot, with an adjacent area capped with clean topsoil and reseeded. The total anticipated area to be disturbed for the proposed remediation work is 0.81 acres.

**Shoreline Stabilization** - The northern project site shoreline, which comprises, mainly, unvegetated streambed and stone, from the river's low water level up to the embankment cut, will be stabilized with the construction of a new ecologically enhanced shoreline protection system. Specifically, the existing concrete and man-made debris in this section of the shoreline will be removed from crest to toe, large deciduous trees shading the shoreline will be removed, and the shoreline will be excavated, graded, and stabilized using vegetated geogrids of natural material. To the south of the natural shoreline, new cribbing will be constructed just outside (waterward) of the existing cribbing, with the existing cribbing abandoned, in place. This work will require grubbing, levelling, armoring, and stabilizing the shoreline just outside of the cribbing. Horizontal piles and/or helical tie-backs will be driven to support the new cribbing. The total anticipated area to be disturbed for the

proposed shoreline stabilization work is 0.26 acres. In total, it is anticipated that the proposed project would disturb 1.07 acres of the 5.97-acre project site.

**Statement of Purpose and Need for the Proposal [40 CFR 1508.9(b)]:**

Matton Shipyard is envisioned as a center of community activity and economic rebirth that inspires today's residents and visitors to consider what their generation might accomplish with the kind of vision, hard work, and spirit of innovation that were hallmarks of canal related activity in New York State. This project coalesces 25 years of collaborative thinking by a variety of private, local, state, and federal individuals and agencies, all of whom have a vested interest in the adaptive re-use of Matton Shipyard. Identifying an inter-municipal strategy that collectively addresses the preservation of the site and buildings and identifies creative ways to make the site a destination for residents and visitors alike are agreed upon strategies to ensure the success of our goal to bring this important historic resource back into public service. Completion of the soil remediation and building and shoreline stabilization is the culmination of the projects goal of re-opening the site for passive public use and enjoyment.

**Existing Conditions and Trends [24 CFR 58.40(a)]:**

Matton Shipyard, established in 1916, is a rare surviving example of an early 20th Century civilian ship building and repair facility. By 1964 16 buildings of various functions were present on the site. The shipyard was closed in 1983 and acquired by New York State in 1989 and has remained closed to the public since that time. In 2009 the NYSOPRHP successfully listed Matton Shipyard on the National Register of Historic Places. Today, three original clapboard buildings remain, along with original waterfront structures including the steel "ways" where ships were launched, the working pier, and a variety of steel and wood cribbing. The entire shoreline was originally a functioning part of the ship building process and was straightened to parallel the river by the addition of soil fill. The shoreline is currently eroding due to seasonal Hudson River water levels and ice scouring. A 2020 underwater archeological survey conducted by the Lake Champlain Maritime Museum identified the remains of several vessels on the northern and southern portions of the site, as well as what is assumed to be the shipyard's floating drydock. Since 2019 Erie Canalway has completed a series of actions designed to make the site safe and secure for public use. These actions include: (1) Hazardous materials surveys of the buildings and grounds, (2) asbestos abatement of an original two-story structure, (3) demolition and "abatement in place" of four structures deemed "not safe" following engineering assessment recommendations, (4) clean-up of non-hazardous waste throughout the site and buildings, (5) the development of stabilization plans for existing clapboard buildings (one building currently stabilized), (6) the development of shoreline stabilization design, and (7) development of a soil remediation strategy and cost

estimates for approximately 1/3 of the site that does not meet NYS Department of Environmental Conservation residential thresholds. In 2018, Hartgen Archeological Associates completed a Phase I Archeological Investigation which confirmed the existence of Native American and European occupation on the site. The investigation included 47 test pits to a depth of three feet.

**Maps, photographs, and other documentation of project location and description:**

[Matton Location III.jpg](#)

[Matton Location II.jpg](#)

[Matton Location I.jpg](#)

**Determination:**

✓	Finding of No Significant Impact [24 CFR 58.40(g)(1); 40 CFR 1508.13] The project will not result in a significant impact on the quality of human environment
	Finding of Significant Impact

**Approval Documents:**

[PISP Matton Shipyard EA Signature 09082023.pdf](#)

**7015.15 certified by Certifying Officer**  
on:

**7015.16 certified by Authorizing Officer**  
on:

**Funding Information**

Grant / Project Identification Number	HUD Program	Program Name
B-23-CP-NY-1169	Community Planning and Development (CPD)	Community Project Funding (CPF) Grants

**Estimated Total HUD Funded, Assisted or Insured Amount:** \$505,359.00

**Estimated Total Project Cost [24 CFR 58.2 (a) (5)]:** \$989,840.00

**Compliance with 24 CFR §50.4, §58.5 and §58.6 Laws and Authorities**

<b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR §50.4, §58.5, and §58.6	Are formal compliance steps or mitigation required?	Compliance determination (See Appendix A for source determinations)
<b>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §50.4 &amp; § 58.6</b>		
<b>Airport Hazards</b> Clear Zones and Accident Potential Zones; 24 CFR Part 51 Subpart D	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	The project site is not within 15,000 feet of a military airport or 2,500 feet of a civilian airport. The project is in compliance with Airport Hazards requirements. The closest military facility is in Saratoga Springs more than 15 miles from the site. This information was obtained from <a href="https://www.military.com/base-guide/browse-by-location">https://www.military.com/base-guide/browse-by-location</a> There are no civilian airfields within 2,500 feet as per a review of aerial photo, attached.
<b>Coastal Barrier Resources Act</b> Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	This project is not located in a CBRS Unit. Therefore, this project has no potential to impact a CBRS Unit and is in compliance with the Coastal Barrier Resources Act. There are no CBRS maps, map panel numbers or data for the project location as determined using US FWS website - <a href="https://www.fws.gov/node/268503">https://www.fws.gov/node/268503</a> However, FEMA flood map shows no CBRS units, either. Coastal Area ends at the Troy dam, which is to the south of the project area.
<b>Flood Insurance</b> Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Based on the project description the project includes no activities that would require further evaluation under this section. The project does not require flood insurance or is excepted from flood insurance. While flood insurance may not be mandatory in this instance, HUD recommends that all insurable structures maintain flood insurance under the National Flood Insurance

		Program (NFIP). The project is in compliance with Flood Insurance requirements. The project is on state property. The state is self-insuring.
<b>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §50.4 &amp; § 58.5</b>		
<b>Air Quality</b> Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Based on the project description, this project includes no activities that would require further evaluation under the Clean Air Act. The project is in compliance with the Clean Air Act.
<b>Coastal Zone Management Act</b> Coastal Zone Management Act, sections 307(c) & (d)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	This project is not located in or does not affect a Coastal Zone as defined in the state Coastal Management Plan. The project is in compliance with the Coastal Zone Management Act. This determination was made using NYS Office of Parks, Recreation and Historic Preservation's GIS with the NYS DOS Coastal Area Boundary layer. The coastal are, as per NYS DOS, ends at the Troy Dam to the south of the project.
<b>Contamination and Toxic Substances</b> 24 CFR 50.3(i) & 58.5(i)(2)]	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Site contamination was evaluated as follows: ASTM Phase I ESA, Remediation or clean-up plan. On-site or nearby toxic, hazardous, or radioactive substances were found that could affect the health and safety of project occupants or conflict with the intended use of the property. The adverse environmental impacts can be mitigated. With mitigation, identified in the mitigation section of this review, the project will be in compliance with contamination and toxic substances requirements. Soil contamination to be mitigated in the proposed project. The attached soil remediation memo contains material about actions that are not included in this project. Only those sections referring to soil contamination clean up are applicable.
<b>Endangered Species Act</b> Endangered Species Act of 1973,	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	This project has been determined to have No Effect on listed species. This project is in compliance with the

<p>particularly section 7; 50 CFR Part 402</p>		<p>Endangered Species Act without mitigation. IPaC has been run and Northern Long-eared Bat and Monarch Butterfly were identified. No critical habitat was identified. The NLEB package returned a No Effect determination.</p>
<p><b>Explosive and Flammable Hazards</b>                  Above-Ground Tanks)[24 CFR Part 51 Subpart C</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>Based on the project description the project includes no activities that would require further evaluation under this section. The project is in compliance with explosive and flammable hazard requirements.</p>
<p><b>Farmlands Protection</b>                  Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>This project does not include any activities that could potentially convert agricultural land to a non-agricultural use. The project is in compliance with the Farmland Protection Policy Act. The project site is not now farmland nor has it been farmland for at least 106 years. The project site soils contain significant contamination and Native American remains which make it currently unsuitable for farming.</p>
<p><b>Floodplain Management</b>                  Executive Order 11988, particularly section 2(a); 24 CFR Part 55</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>This project is located in a 100-year floodplain. The 8-Step Process is required. With the 8-Step Process the project will be in compliance with Executive Order 11988.</p>
<p><b>Historic Preservation</b>                  National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>Based on Section 106 consultation the project will have No Adverse Effect on historic properties. Conditions: None. Upon satisfactory implementation of the conditions, which should be monitored, the project is in compliance with Section 106.</p>
<p><b>Noise Abatement and Control</b>                  Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>Based on the project description, this project includes no activities that would require further evaluation under HUD's noise regulation. The project is in compliance with HUD's Noise regulation.</p>
<p><b>Sole Source Aquifers</b>                  Safe Drinking Water Act of 1974, as</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>The project is not located on a sole source aquifer area. The project is in</p>

amended, particularly section 1424(e); 40 CFR Part 149		compliance with Sole Source Aquifer requirements. This determination was made using the US EPA website: <a href="https://www.epa.gov/dwssa/map-sole-source-aquifer-locations">https://www.epa.gov/dwssa/map-sole-source-aquifer-locations</a>
<b>Wetlands Protection</b> Executive Order 11990, particularly sections 2 and 5	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	The project results will impact on- or off-site wetlands. An 8 Step Process has been completed. With mitigation, identified in the mitigation section of this review, the project will be in compliance with Executive Order 11990.
<b>Wild and Scenic Rivers Act</b> Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	This project is not within proximity of a NWSRS river. The project is in compliance with the Wild and Scenic Rivers Act.
<b>HUD HOUSING ENVIRONMENTAL STANDARDS</b>		
<b>ENVIRONMENTAL JUSTICE</b>		
<b>Environmental Justice</b> Executive Order 12898	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	No adverse environmental impacts were identified in the project's total environmental review. The project is in compliance with Executive Order 12898. The project site was not within any Environmental Justice Areas. However, it was close to several areas identified as Potential Environmental Justice Areas.

**Environmental Assessment Factors [24 CFR 58.40; Ref. 40 CFR 1508.8 &1508.27]**

**Impact Codes:** An impact code from the following list has been used to make the determination of impact for each factor.

- (1) Minor beneficial impact
- (2) No impact anticipated
- (3) Minor Adverse Impact – May require mitigation
- (4) Significant or potentially significant impact requiring avoidance or modification which may require an Environmental Impact Statement.

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
<b>LAND DEVELOPMENT</b>			



<b>Environmental Assessment Factor</b>	<b>Impact Code</b>	<b>Impact Evaluation</b>	<b>Mitigation</b>
Conformance with Plans / Compatible Land Use and Zoning / Scale and Urban Design	2	The proposed action does not include any new elements. The site will look the same after the proposed action is completed, except that the shoreline will be slightly regraded and replanted. As such, the project will have no impact on any community planning, land use, zoning or urban design.	There are no adverse impacts associated with this environmental assessment factor. No mitigation is required.
Soil Suitability / Slope/ Erosion / Drainage and Storm Water Runoff	1	One element of the project is shoreline stabilization which reduce the potential for erosion and turbidity in the river. The other two elements will have no impact on these issues.	There are no adverse impacts associated with this environmental assessment factor. No mitigation is required.
Hazards and Nuisances including Site Safety and Site-Generated Noise	1	One element of the proposed action will remediate subsurface soil contamination, reducing the potential for impact to the community or park patrons.	There are no adverse impacts associated with this environmental assessment factor. No mitigation is required.
<b>SOCIOECONOMIC</b>			
Employment and Income Patterns	2	The proposed action does not include any new elements. The site will look the same after the proposed action is completed, except that the shoreline will be slightly regraded and replanted. The project may provide some minor and temporary employment opportunities. As such, the project will have no significant impact on employment or income patterns.	There are no adverse impacts associated with this environmental assessment factor. No mitigation is required.
Demographic Character Changes / Displacement	2	The proposed action does not include any new elements. The site will look the same after the proposed action is completed, except that the shoreline will be slightly regraded and replanted. No	There are no adverse impacts associated with this environmental assessment factor.

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		<p>new structures will be constructed. No structures will be demolished. The proposed action will not result in any change in demographics. No person will be displaced due to the proposed action.</p>	<p>No mitigation is required.</p>
Environmental Justice EA Factor	2	<p>The proposed action is adjacent to areas determined to be environmental justice areas. No project element will adversely impact any resident of those areas. Minor improvements to residents of those areas will result from the remediation of the soil contamination.</p>	<p>There are no adverse impacts associated with this environmental assessment factor. No mitigation is required.</p>
<b>COMMUNITY FACILITIES AND SERVICES</b>			
Educational and Cultural Facilities (Access and Capacity)	1	<p>Currently, there is minimal educational facilities at the project site. Once the project is complete it will be open to the public as part of the Peebles Island State Park and will provide education information regarding the industrial history of the site. In addition, portions of the site, which is currently closed, are considered culturally relevant to portions of the Native American community. Once the project is completed the area will be open to the public making access for these groups easier.</p>	<p>There are no adverse impacts associated with this environmental assessment factor. No mitigation is required.</p>
Commercial Facilities (Access and Proximity)	2	<p>There are no commercial facilities at the project site. No element of the proposed action will change that.</p>	<p>There are no adverse impacts associated with this environmental assessment factor. No mitigation is required.</p>
Health Care / Social Services (Access and Capacity)	2	<p>There are no health care facilities at the project site. No social services are provided at the site. No element</p>	<p>There are no adverse impacts associated with this</p>

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		of the proposed action will change that.	environmental assessment factor. No mitigation is required.
Solid Waste Disposal and Recycling (Feasibility and Capacity)	2	Currently, the site is closed and produces no solid waste or recyclable material. Once the site is open to the public some small amount of solid waste and recyclable material may be generated. This material will be addressed as part of the Peebles Island State Park basic maintenance and will be disposed of properly.	There are no adverse impacts associated with this environmental assessment factor. No mitigation is required.
Waste Water and Sanitary Sewers (Feasibility and Capacity)	2	There are no wastewater or sanitary sewer facilities at the project site. No element of the proposed action will change that.	There are no adverse impacts associated with this environmental assessment factor. No mitigation is required.
Water Supply (Feasibility and Capacity)	2	There are no potable water facilities at the project site. No element of the proposed action will change that.	There are no adverse impacts associated with this environmental assessment factor. No mitigation is required.
Public Safety - Police, Fire and Emergency Medical	2	Currently, the site is closed to the public and fenced. After the proposed action is completed, the site will be open to the public and will require minimal public safety, police, fire and emergency medical services, no greater than any other portion of the community. OPRHP police will contribute to site public safety and police needs.	There are no adverse impacts associated with this environmental assessment factor. No mitigation is required.
Parks, Open Space and Recreation	1	Currently the site is closed to the public. Once the proposed action is complete the site will be open to	There are no adverse impacts associated with this

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
(Access and Capacity)		the public and park patrons as it will become part of Peebles Island State Park. This will increase open space and recreational opportunities within the community.	environmental assessment factor. No mitigation is required.
Transportation and Accessibility (Access and Capacity)	2	There are no significant transportation infrastructure associated with the project site. No project element will change that. Once the proposed action is complete, the site will be open to park patrons and the community and will have some accessible elements.	There are no adverse impacts associated with this environmental assessment factor. No mitigation is required.
<b>NATURAL FEATURES</b>			
Unique Natural Features /Water Resources	1	The shoreline stabilization work will reduce the potential for erosion and delivery of sediment to the river and river related impacts. There are no unique natural features to be impacted by the proposed action. Remediation of the soil contaminants will reduce the potential impact of those contaminants on natural resources.	There are no adverse impacts associated with this environmental assessment factor. No mitigation is required.
Vegetation / Wildlife (Introduction, Modification, Removal, Disruption, etc.)	1	The shoreline stabilization will require removal of shoreline vegetation to allow for the bank to be regraded. The bank will be revegetated after regrading. After several seasons of growth, shoreline vegetation will exceed current and will be a net benefit to the site. Minor disruptions to shoreline wildlife may occur during the stabilization work. Once the shoreline is replanted, it will provide equal or improved habitat to shoreline wildlife species. Other elements of the proposed action will	There are no adverse impacts associated with this environmental assessment factor. No mitigation is required.

<b>Environmental Assessment Factor</b>	<b>Impact Code</b>	<b>Impact Evaluation</b>	<b>Mitigation</b>
		not remove any vegetation or disrupt any habitat.	
Other Factors 1	2	There are no site elements that create any air pollutants. No project element will change that.	There are no adverse impacts associated with this environmental assessment factor. No mitigation is required.
Other Factors 2			
<b>CLIMATE AND ENERGY</b>			
Climate Change	1	The project site is within a flood plain and the site may be exposed to additional flooding and higher river elevations due to climate change. Improvements to structures will increase their ability to resist flooding damage. No project element will result in the site being more susceptible to flooding or elevated river levels.	There are no adverse impacts associated with this environmental assessment factor. No mitigation is required.
Energy Efficiency	2	Currently, there is no energy use on the project site. No element of the proposed action will change that.	There are no adverse impacts associated with this environmental assessment factor. No mitigation is required.

**Supporting documentation**

**Additional Studies Performed:**

Public Participation Plan Floods of 2011 in New York Scientific Investigation Report Excerpts Web Soil Survey Data Flood Insurance Survey Excerpts Archeological Report Soil Remediation Memo Final Phase 1 Environmental Survey Assessment 30% Shoreline Design (needs uploading) 100% Engineering Shoreline Design (needs uploading)

[HARTGEN Archeological Report FINAL\(1\).pdf](#)  
[Matton Shipyard Soil Remediation Memo Final\(1\).pdf](#)

[F Floods of 2011 in New York Scientific Investigation Report Excerpts.pdf](#)  
[F Public Participation Plan.pdf](#)  
[D EXTRACTED Phase 1 Environmental Survey Assessment.pdf](#)  
[D Flood Insurance Survey Excerpts-4.pdf](#)  
[B - Web Soil Survey Data \(1\)-2.pdf](#)

**Field Inspection [Optional]:** Date and completed  
by:

**List of Sources, Agencies and Persons Consulted [40 CFR 1508.9(b)]:**

New York State Department of Environmental Conservation United States Army  
Corps of Engineers New York State Historic Preservation Office Delaware Tribe of  
Indians Delaware Nation Stockbridge-Munsee Community St. Regis Mohawk Tribe  
City of Cohoes Friends of Peebles Island

[2022-05-27T12-00-19\\_18PR05469shorelineNAE\(1\).pdf](#)  
[202100276NWP\\_3\\_13.pdf](#)  
[NYSDEC Matton NWP 3\\_13 BWQC Ltr.pdf](#)

**List of Permits Obtained:**

Department of the Army nationwide general permit numbers: 3 and 13 (NAN-2021-  
00276-UDA) NYS DEC permit # 4-0103-00079/00001 & 00002 NY SHPO approval  
(18PR05469) All uploaded.

**Public Outreach [24 CFR 58.43]:**

Publication of Early Notice and Public Review of a Proposed Activity Floodplain and  
wetland within the Troy Record, the newspaper of record for the city of Cohoes.  
(upload proof of publication) Publication of Combined Final Notice and Public  
Review of a Proposed Activity Floodplain and wetland within the Troy Record, the  
newspaper of record for the city of Cohoes (will occur when Environmental  
Assessment is complete). NYS DEC Region 4 dep.r4@dec.ny.gov (get permit number)  
OPRHP S/CD Regional Headquarters alane.ballchinian@parks.ny.gov Peebles Island  
SP carlos.cortes@parks.ny.gov SHPO nancy.herter@parks.ny.gov (include CRIS#)  
Delaware Tribe of Indians lheady@delawaretribe.org Delaware Nation  
klucas@delawarenation-nsn.gov Stockbridge-Munsee Community thpo@mohican-  
nsn.gov St. Regis Mohawk Tribe darren.bonaparte@srmt-nsn.gov USACE  
Brian.A.Orzel@usace.army.mil (include permit#) Adam.C.Labatore@usace.army.mil  
USFWL FW5ES\_NYFO@fws.gov HUD Lynn Rakos Lynn.Rakos@hud.gov City of Cohoes  
mayor@ci.cohoes.ny.us Cohoes City Planner Joseph Seman Graves jseman-

graves@ci.cohoes.ny.us Cohoes City Engineers Shane Lewis slewis@ci.cohoes.ny.us  
Cohoes City Engineers Garry Nathan gnathan@CI.COHOES.NY.us Friends of PISP Dave  
DeMarco (president) david.m.demarco@gmail.com

[Affidavit July 10 Public Notice Posting.pdf](#)

**Cumulative Impact Analysis [24 CFR 58.32]:**

No cumulative impacts are anticipated. No additional remediation work is required on the site and proposed shoreline stabilization work should prevent the need for any additional work at or near the river. The site is a state owned recreational facility, and as such, development at the site will be extremely limited. Future work is likely to include a small pervious parking area for visitors to the historic site as well as additional repairs and stabilization work to the existing structures. No additional structures are being considered for the foreseeable future. The City of Cohoes, has done shoreline restoration at their municipal park, approximately 1/2 mile south of the proposed action. Any cumulative impacts between the two restoration projects are likely to be positive for river related resources.

**Alternatives [24 CFR 58.40(e); 40 CFR 1508.9]**

Relocation of the project out of the wetland and floodplain is not a practicable alternative as the targets of the proposed actions are already within those resources. The proposed action has already been significantly modified by NYS DEC, USACE, NY SHPO and four THPOs, to be protective of natural and cultural resources.

**No Action Alternative [24 CFR 58.40(e)]**

The No Action Alternative does nothing to reduce impacts to human life, property or natural values. The No Action alternative would keep the property in a state of elevated potential for erosion. This increases the potential for loss of property and negative impacts to river related natural resources. In addition, by not addressing the soil contamination, under the No Action alternative, the site must remain closed to the public, preventing the use for open space and recreation.

**Summary of Findings and Conclusions:**

Of the 20 Environmental Assessment Factors (EAFs) identified on the previous page, seven were determined to be Class 1 (providing benefits) and 13 were determined to be Class 2 (having no impact). No EAFs were determined to be Class 3 (having minimal adverse impact) or Class 4 (having significant adverse impact). In addition, no mitigation actions have been identified as needed or warranted. The primary potential environmental impact identified is the possibility of loose soil moving from the remediation site or the shoreline stabilization site to the river and resulting in turbidity within the river. Erosion control and other best management practices will

be employed to minimize the potential for this impact to occur. No significant adverse impacts have been identified.

**Mitigation Measures and Conditions [CFR 1505.2(c)]:**

Summarized below are all mitigation measures adopted by the Responsible Entity to reduce, avoid or eliminate adverse environmental impacts and to avoid non-compliance or non-conformance with the above-listed authorities and factors. These measures/conditions must be incorporated into project contracts, development agreements and other relevant documents. The staff responsible for implementing and monitoring mitigation measures should be clearly identified in the mitigation plan.

Law, Authority, or Factor	Mitigation Measure or Condition	Comments on Completed Measures	Mitigation Plan	Complete
Floodplain Management	Permeable surfaces will be used as part of the soil remediation process and any future parking. Historic structures will be altered to increase floodproofing. Shoreline stabilization will occur to reduce the risk of property loss and turbidity impacts to the Hudson River. The project has been modified as per the NYS DEC, USACE, NY SHPO and THPOs to minimize impacts to natural and cultural resources.	N/A		
Wetlands Protection	The proposed action is stabilization of an eroding shoreline within a regulated wetland and waterbody. The stabilization will use a mix of hard and soft approaches. Hard approaches will be used in locations where there is already failing hard protections of the shoreline. The remainder of the stabilization will be soft approaches, mainly the regrading of the slope and replanting with native riparian species. The shoreline stabilization has been reviewed and modified by NYS	N/A		



	DEC and USACE to minimize potential impacts to the wetland and waterbody. Permits from both agencies have already been received and uploaded. Shoreline stabilization will commence once grant funding is received and following any potential seasonal restrictions identified within those permits.			
Contamination and Toxic Substances	Surface level contamination will be excavated and disposed of off site. Sub level contamination will be capped to prevent any potential exposure to park patrons.	N/A		
Conformance with Plans / Compatible Land Use and Zoning / Scale and Urban Design	There are no adverse impacts associated with this environmental assessment factor. No mitigation is required.	N/A		
Soil Suitability / Slope/ Erosion / Drainage and Storm Water Runoff	There are no adverse impacts associated with this environmental assessment factor. No mitigation is required.	N/A		
Hazards and Nuisances including Site Safety and Site-Generated Noise	There are no adverse impacts associated with this environmental assessment factor. No mitigation is required.	N/A		
Employment and Income Patterns	There are no adverse impacts associated with this environmental assessment factor. No mitigation is required.	N/A		
Demographic Character Changes / Displacement	There are no adverse impacts associated with this environmental assessment factor. No mitigation is required.	N/A		

Environmental Justice EA Factor	There are no adverse impacts associated with this environmental assessment factor. No mitigation is required.	N/A		
Educational and Cultural Facilities (Access and Capacity)	There are no adverse impacts associated with this environmental assessment factor. No mitigation is required.	N/A		
Commercial Facilities (Access and Proximity)	There are no adverse impacts associated with this environmental assessment factor. No mitigation is required.	N/A		
Health Care / Social Services (Access and Capacity)	There are no adverse impacts associated with this environmental assessment factor. No mitigation is required.	N/A		
Solid Waste Disposal and Recycling (Feasibility and Capacity)	There are no adverse impacts associated with this environmental assessment factor. No mitigation is required.	N/A		
Waste Water and Sanitary Sewers (Feasibility and Capacity)	There are no adverse impacts associated with this environmental assessment factor. No mitigation is required.	N/A		
Water Supply (Feasibility and Capacity)	There are no adverse impacts associated with this environmental assessment factor. No mitigation is required.	N/A		
Public Safety - Police, Fire and Emergency Medical	There are no adverse impacts associated with this environmental assessment factor. No mitigation is required.	N/A		
Parks, Open Space and Recreation (Access and Capacity)	There are no adverse impacts associated with this environmental assessment factor. No mitigation is required.	N/A		
Transportation and Accessibility	There are no adverse impacts associated with this	N/A		

(Access and Capacity)	environmental assessment factor. No mitigation is required.			
Unique Natural Features /Water Resources	There are no adverse impacts associated with this environmental assessment factor. No mitigation is required.	N/A		
Vegetation / Wildlife (Introduction, Modification, Removal, Disruption, etc.)	There are no adverse impacts associated with this environmental assessment factor. No mitigation is required.	N/A		
Other Factors 1	There are no adverse impacts associated with this environmental assessment factor. No mitigation is required.	N/A		
Climate Change	There are no adverse impacts associated with this environmental assessment factor. No mitigation is required.	N/A		
Energy Efficiency	There are no adverse impacts associated with this environmental assessment factor. No mitigation is required.	N/A		

**Project Mitigation Plan**

No mitigation measures are required.

**Supporting documentation on completed measures**

## APPENDIX A: Related Federal Laws and Authorities

### Airport Hazards

General policy	Legislation	Regulation
It is HUD's policy to apply standards to prevent incompatible development around civil airports and military airfields.		24 CFR Part 51 Subpart D

1. To ensure compatible land use development, you must determine your site's proximity to civil and military airports. Is your project within 15,000 feet of a military airport or 2,500 feet of a civilian airport?

No

Based on the response, the review is in compliance with this section. Document and upload the map showing that the site is not within the applicable distances to a military or civilian airport below

Yes

### Screen Summary

#### Compliance Determination

The project site is not within 15,000 feet of a military airport or 2,500 feet of a civilian airport. The project is in compliance with Airport Hazards requirements. The closest military facility is in Saratoga Springs more than 15 miles from the site. This information was obtained from <https://www.military.com/base-guide/browse-by-location>. There are no civilian airfields within 2,500 feet as per a review of aerial photo, attached.

#### Supporting documentation

[Military Bases.pdf](#)  
[Matton Airfields.jpg](#)

Are formal compliance steps or mitigation required?

Yes

No



## Coastal Barrier Resources

General requirements	Legislation	Regulation
HUD financial assistance may not be used for most activities in units of the Coastal Barrier Resources System (CBRS). See 16 USC 3504 for limitations on federal expenditures affecting the CBRS.	Coastal Barrier Resources Act (CBRA) of 1982, as amended by the Coastal Barrier Improvement Act of 1990 (16 USC 3501)	

**1. Is the project located in a CBRS Unit?**

No

Document and upload map and documentation below.

Yes

### Compliance Determination

This project is not located in a CBRS Unit. Therefore, this project has no potential to impact a CBRS Unit and is in compliance with the Coastal Barrier Resources Act. There are no CBRS maps, map panel numbers or data for the project location as determined using US FWS website - <https://www.fws.gov/node/268503> However, FEMA flood map shows no CBRS units, either. Coastal Area ends at the Troy dam, which is to the south of the project area.

### Supporting documentation

[Flood Map.pdf](#)

[Coastal Area Boundary.jpg](#)

**Are formal compliance steps or mitigation required?**

Yes

No

## Flood Insurance

General requirements	Legislation	Regulation
Certain types of federal financial assistance may not be used in floodplains unless the community participates in National Flood Insurance Program and flood insurance is both obtained and maintained.	Flood Disaster Protection Act of 1973 as amended (42 USC 4001-4128)	24 CFR 50.4(b)(1) and 24 CFR 58.6(a) and (b); 24 CFR 55.1(b).

**1. Does this project involve financial assistance for construction, rehabilitation, or acquisition of a mobile home, building, or insurable personal property?**

- ✓ No. This project does not require flood insurance or is excepted from flood insurance.

Based on the response, the review is in compliance with this section.

Yes

**4. While flood insurance is not mandatory for this project, HUD strongly recommends that all insurable structures maintain flood insurance under the National Flood Insurance Program (NFIP). Will flood insurance be required as a mitigation measure or condition?**

Yes

- ✓ No

### **Screen Summary**

#### **Compliance Determination**

Based on the project description the project includes no activities that would require further evaluation under this section. The project does not require flood insurance or is excepted from flood insurance. While flood insurance may not be mandatory in this instance, HUD recommends that all insurable structures maintain flood insurance under the National Flood Insurance Program (NFIP). The project is in compliance with Flood Insurance requirements. The project is on state property. The state is self-insuring.

#### **Supporting documentation**

**Are formal compliance steps or mitigation required?**

Matton-Shipyard:-  
Preservation-&-Adaptive-  
Reuse-Initiative

Cohoes, NY

900000010339300

Yes

✓ No



## Air Quality

General requirements	Legislation	Regulation
The Clean Air Act is administered by the U.S. Environmental Protection Agency (EPA), which sets national standards on ambient pollutants. In addition, the Clean Air Act is administered by States, which must develop State Implementation Plans (SIPs) to regulate their state air quality. Projects funded by HUD must demonstrate that they conform to the appropriate SIP.	Clean Air Act (42 USC 7401 et seq.) as amended particularly Section 176(c) and (d) (42 USC 7506(c) and (d))	40 CFR Parts 6, 51 and 93

**1. Does your project include new construction or conversion of land use facilitating the development of public, commercial, or industrial facilities OR five or more dwelling units?**

Yes

✓ No

Based on the response, the review is in compliance with this section.

### Screen Summary

#### **Compliance Determination**

Based on the project description, this project includes no activities that would require further evaluation under the Clean Air Act. The project is in compliance with the Clean Air Act.

#### **Supporting documentation**

#### **Are formal compliance steps or mitigation required?**

Yes

✓ No

## Coastal Zone Management Act

General requirements	Legislation	Regulation
Federal assistance to applicant agencies for activities affecting any coastal use or resource is granted only when such activities are consistent with federally approved State Coastal Zone Management Act Plans.	Coastal Zone Management Act (16 USC 1451-1464), particularly section 307(c) and (d) (16 USC 1456(c) and (d))	15 CFR Part 930

**1. Is the project located in, or does it affect, a Coastal Zone as defined in your state Coastal Management Plan?**

Yes

✓ No

Based on the response, the review is in compliance with this section. Document and upload all documents used to make your determination below.

### Screen Summary

#### Compliance Determination

This project is not located in or does not affect a Coastal Zone as defined in the state Coastal Management Plan. The project is in compliance with the Coastal Zone Management Act. This determination was made using NYS Office of Parks, Recreation and Historic Preservation's GIS with the NYS DOS Coastal Area Boundary layer. The coastal are, as per NYS DOS, ends at the Troy Dam to the south of the project.

#### Supporting documentation

[Coastal Area Boundary\(1\).jpg](#)

**Are formal compliance steps or mitigation required?**

Yes

✓ No



## Contamination and Toxic Substances

General requirements	Legislation	Regulations
It is HUD policy that all properties that are being proposed for use in HUD programs be free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances, where a hazard could affect the health and safety of the occupants or conflict with the intended utilization of the property.		24 CFR 58.5(i)(2) 24 CFR 50.3(i)

**1. How was site contamination evaluated? Select all that apply. Document and upload documentation and reports and evaluation explanation of site contamination below.**

- American Society for Testing and Materials (ASTM) Phase I Environmental Site Assessment (ESA)  
ASTM Phase II ESA
- Remediation or clean-up plan  
ASTM Vapor Encroachment Screening  
None of the Above

**2. Were any on-site or nearby toxic, hazardous, or radioactive substances found that could affect the health and safety of project occupants or conflict with the intended use of the property? (Were any recognized environmental conditions or RECs identified in a Phase I ESA and confirmed in a Phase II ESA?)**

No

- Yes

**3. Mitigation**

Document and upload the mitigation needed according to the requirements of the appropriate federal, state, tribal, or local oversight agency. If the adverse environmental effects cannot be mitigated, then HUD assistance may not be used for the project at this site.

**Can adverse environmental impacts be mitigated?**

Adverse environmental impacts cannot feasibly be mitigated.

- ✓ Yes, adverse environmental impacts can be eliminated through mitigation. Document and upload all mitigation requirements below.

**4. Describe how compliance was achieved in the text box below. Include any of the following that apply: State Voluntary Clean-up Program, a No Further Action letter, use of engineering controls, or use of institutional controls.**

Surface level contamination will be excavated and disposed of off site. Sub level contamination will be capped to prevent any potential exposure to park patrons.

**If a remediation plan or clean-up program was necessary, which standard does it follow?**

Complete removal

- ✓ Risk-based corrective action (RBCA)

**Screen Summary**

**Compliance Determination**

Site contamination was evaluated as follows: ASTM Phase I ESA, Remediation or clean-up plan. On-site or nearby toxic, hazardous, or radioactive substances were found that could affect the health and safety of project occupants or conflict with the intended use of the property. The adverse environmental impacts can be mitigated. With mitigation, identified in the mitigation section of this review, the project will be in compliance with contamination and toxic substances requirements. Soil contamination to be mitigated in the proposed project. The attached soil remediation memo contains material about actions that are not included in this project. Only those sections referring to soil contamination clean up are applicable.

**Supporting documentation**

[Matton Shipyard Soil Remediation Memo Final.pdf](#)

**Are formal compliance steps or mitigation required?**

Matton-Shipyard:-  
Preservation-&-Adaptive-  
Reuse-Initiative

Cohoes, NY

900000010339300

Yes

✓ No

## Endangered Species

General requirements	ESA Legislation	Regulations
Section 7 of the Endangered Species Act (ESA) mandates that federal agencies ensure that actions that they authorize, fund, or carry out shall not jeopardize the continued existence of federally listed plants and animals or result in the adverse modification or destruction of designated critical habitat. Where their actions may affect resources protected by the ESA, agencies must consult with the Fish and Wildlife Service and/or the National Marine Fisheries Service (“FWS” and “NMFS” or “the Services”).	The Endangered Species Act of 1973 (16 U.S.C. 1531 <i>et seq.</i> ); particularly section 7 (16 USC 1536).	50 CFR Part 402

**1. Does the project involve any activities that have the potential to affect species or habitats?**

No, the project will have No Effect due to the nature of the activities involved in the project.

No, the project will have No Effect based on a letter of understanding, memorandum of agreement, programmatic agreement, or checklist provided by local HUD office

- ✓ Yes, the activities involved in the project have the potential to affect species and/or habitats.

**2. Are federally listed species or designated critical habitats present in the action area?**

No, the project will have No Effect due to the absence of federally listed species and designated critical habitat

- ✓ Yes, there are federally listed species or designated critical habitats present in the action area.

**3. What effects, if any, will your project have on federally listed species or designated critical habitat?**

- ✓ No Effect: Based on the specifics of both the project and any federally listed species in the action area, you have determined that the project will have absolutely no effect on listed species or critical habitat. in the action area.

Document and upload all documents used to make your determination below. Documentation should include a species list and explanation of your conclusion, and may require maps, photographs, and surveys as appropriate

May Affect, Not Likely to Adversely Affect: Any effects that the project may have on federally listed species or critical habitats would be beneficial, discountable, or insignificant.

Likely to Adversely Affect: The project may have negative effects on one or more listed species or critical habitat.

**6. For the project to be brought into compliance with this section, all adverse impacts must be mitigated. Explain in detail the exact measures that must be implemented to mitigate for the impact or effect, including the timeline for implementation. This information will be automatically included in the Mitigation summary for the environmental review. If negative effects cannot be mitigated, cancel the project using the button at the bottom of this screen.**

Mitigation as follows will be implemented:

- ✓ No mitigation is necessary.

Explain why mitigation will not be made here:

There will be no impacts to Northern Long Eared Bat as all tree removal will occur outside of the protective window.  
Tree removal will occur between November 1 and March 31.

### Screen Summary



**Compliance Determination**

This project has been determined to have No Effect on listed species. This project is in compliance with the Endangered Species Act without mitigation. IPaC has been run and Northern Long-eared Bat and Monarch Butterfly were identified. No critical habitat was identified. The NLEB package returned a No Effect determination.

**Supporting documentation**

[Northern Long-eared Bat Rangewide Determination Key 2023-05-24.pdf](#)  
[IPaC Official Species List 052423.pdf](#)

**Are formal compliance steps or mitigation required?**

Yes

✓ No

## Explosive and Flammable Hazards

General requirements	Legislation	Regulation
HUD-assisted projects must meet Acceptable Separation Distance (ASD) requirements to protect them from explosive and flammable hazards.	N/A	24 CFR Part 51 Subpart C

1. Is the proposed HUD-assisted project itself the development of a hazardous facility (a facility that mainly stores, handles or processes flammable or combustible chemicals such as bulk fuel storage facilities and refineries)?

No

Yes

2. Does this project include any of the following activities: development, construction, rehabilitation that will increase residential densities, or conversion?

No

Based on the response, the review is in compliance with this section.

Yes

### Screen Summary

#### Compliance Determination

Based on the project description the project includes no activities that would require further evaluation under this section. The project is in compliance with explosive and flammable hazard requirements.

#### Supporting documentation

Are formal compliance steps or mitigation required?

Yes

No



## Farmlands Protection

General requirements	Legislation	Regulation
The Farmland Protection Policy Act (FPPA) discourages federal activities that would convert farmland to nonagricultural purposes.	Farmland Protection Policy Act of 1981 (7 U.S.C. 4201 et seq.)	<a href="#">7 CFR Part 658</a>

**1. Does your project include any activities, including new construction, acquisition of undeveloped land or conversion, that could convert agricultural land to a non-agricultural use?**

Yes

No

If your project includes new construction, acquisition of undeveloped land or conversion, explain how you determined that agricultural land would not be converted:

Project does not include new construction, acquisition of undeveloped land or conversion.

Based on the response, the review is in compliance with this section. Document and upload all documents used to make your determination below.

### Screen Summary

#### **Compliance Determination**

This project does not include any activities that could potentially convert agricultural land to a non-agricultural use. The project is in compliance with the Farmland Protection Policy Act. The project site is not now farmland nor has it been farmland for at least 106 years. The project site soils contain significant contamination and Native American remains which make it currently unsuitable for farming.

#### **Supporting documentation**

**Are formal compliance steps or mitigation required?**

Yes

No

## Floodplain Management

General Requirements	Legislation	Regulation
Executive Order 11988, Floodplain Management, requires federal activities to avoid impacts to floodplains and to avoid direct and indirect support of floodplain development to the extent practicable.	Executive Order 11988	24 CFR 55

**1. Do any of the following exemptions apply? Select the applicable citation? [only one selection possible]**

- 55.12(c)(3)
- 55.12(c)(4)
- 55.12(c)(5)
- 55.12(c)(6)
- 55.12(c)(7)
- 55.12(c)(8)
- 55.12(c)(9)
- 55.12(c)(10)
- 55.12(c)(11)
- None of the above

**2. Upload a FEMA/FIRM map showing the site here:**

The Federal Emergency Management Agency (FEMA) designates floodplains. The FEMA Map Service Center provides this information in the form of FEMA Flood Insurance Rate Maps (FIRMs). For projects in areas not mapped by FEMA, use **the best available information** to determine floodplain information. Include documentation, including a discussion of why this is the best available information for the site.

**Does your project occur in a floodplain?**

- No
- Yes

Select the applicable floodplain using the FEMA map or the best available information:

Floodway

Coastal High Hazard Area (V Zone)

✓ 100-year floodplain (A Zone)

500-year floodplain (B Zone or shaded X Zone)

### **8-Step Process**

**Does the 8-Step Process apply? Select one of the following options:**

✓ **8-Step Process applies**

Document and upload the completed 8-Step Process below. Be sure to include the early public notice and the final notice.

**5-Step Process** is applicable per 55.12(a)(1-4). Provide documentation of 5-Step Process.

**8-Step Process** is inapplicable per 55.12(b)(1-5).

### **Mitigation**

**For the project to be brought into compliance with this section, all adverse impacts must be mitigated. Explain in detail the exact measures that must be implemented to mitigate for the impact or effect, including the timeline for implementation. This information will be automatically included in the Mitigation summary for the environmental review. If negative effects cannot be mitigated, cancel the project using the button at the bottom of this screen.**

Permeable surfaces will be used as part of the soil remediation process and any future parking. Historic structures will be altered to increase floodproofing. Shoreline stabilization will occur to reduce the risk of property loss and turbidity impacts to the Hudson River. The project has been modified as per the NYS DEC, USACE, NY SHPO and THPOs to minimize impacts to natural and cultural resources. **Which of the following mitigation/minimization measures have been identified for**

**this project in the 8-Step or 5-Step Process? Select all that apply.**

- Permeable surfaces
- Natural landscape enhancements that maintain or restore natural hydrology
- Planting or restoring native plant species
- Bioswales
- Evapotranspiration
- Stormwater capture and reuse
- Green or vegetative roofs with drainage provisions
- Natural Resources Conservation Service conservation easements or similar easements
- Floodproofing of structures
- Elevating structures including freeboarding above the required base flood elevations
- Other

**Screen Summary**

**Compliance Determination**

This project is located in a 100-year floodplain. The 8-Step Process is required. With the 8-Step Process the project will be in compliance with Executive Order 11988.

**Supporting documentation**

**Are formal compliance steps or mitigation required?**

Yes

- No

**Historic Preservation**

General requirements	Legislation	Regulation
Regulations under Section 106 of the National Historic Preservation Act (NHPA) require a consultative process to identify historic properties, assess project impacts on them, and avoid, minimize, or mitigate adverse effects	Section 106 of the National Historic Preservation Act (16 U.S.C. 470f)	36 CFR 800 “Protection of Historic Properties” <a href="https://www.govinfo.gov/content/pkg/CFR-2012-title36-vol3/pdf/CFR-2012-title36-vol3-part800.pdf">https://www.govinfo.gov/content/pkg/CFR-2012-title36-vol3/pdf/CFR-2012-title36-vol3-part800.pdf</a>

**Threshold**

**Is Section 106 review required for your project?**

No, because the project consists solely of activities listed as exempt in a Programmatic Agreement (PA ). (See the PA Database to find applicable PAs.)

No, because the project consists solely of activities included in a No Potential to Cause Effects memo or other determination [36 CFR 800.3(a)(1)].

- ✓ Yes, because the project includes activities with potential to cause effects (direct or indirect).

**Step 1 – Initiate Consultation**

**Select all consulting parties below (check all that apply):**

- ✓ State Historic Preservation Offer (SHPO) Completed

- ✓ Indian Tribes, including Tribal Historic Preservation Officers (THPOs) or Native Hawaiian Organizations (NHOs)

- ✓ Delaware Tribe Completed
- ✓ Stockbridge-Munsee Completed



Other Consulting Parties

**Describe the process of selecting consulting parties and initiating consultation here:**

Tribal consultation was initiated by Army Corps of Engineers during the permitting phase. Selection of consultation parties was done by USACE.

Document and upload all correspondence, notices and notes (including comments and objections received below).

**Was the Section 106 Lender Delegation Memo used for Section 106 consultation?**

Yes

No

**Step 2 – Identify and Evaluate Historic Properties**

1. **Define the Area of Potential Effect (APE), either by entering the address(es) or uploading a map depicting the APE below:**

See uploaded APE document.

**In the chart below, list historic properties identified and evaluated in the APE. Every historic property that may be affected by the project should be included in the chart.**

Upload the documentation (survey forms, Register nominations, concurrence(s) and/or objection(s), notes, and photos) that justify your National Register Status determination below.

<b>Address / Location / District</b>	<b>National Register Status</b>	<b>SHPO Concurrence</b>	<b>Sensitive Information</b>
Matton Shipyard, Delaware Avenue, Cohoes, NY 12047	Listed	Yes	✓ Not Sensitive

**Additional Notes:**

2. **Was a survey of historic buildings and/or archeological sites done as part of the**

**project?**

✓ Yes

Document and upload surveys and report(s) below.  
For Archeological surveys, refer to HP Fact Sheet #6, Guidance on Archeological Investigations in HUD Projects.

Additional Notes:

No

***Step 3 –Assess Effects of the Project on Historic Properties***

Only properties that are listed on or eligible for the National Register of Historic Places receive further consideration under Section 106. Assess the effect(s) of the project by applying the Criteria of Adverse Effect. (36 CFR 800.5)] Consider direct and indirect effects as applicable as per guidance on direct and indirect effects.

**Choose one of the findings below - No Historic Properties Affected, No Adverse Effect, or Adverse Effect; and seek concurrence from consulting parties.**

No Historic Properties Affected

✓ No Adverse Effect

Based on the response, the review is in compliance with this section.

**Document reason for finding:**

See SHPO letter.

**Does the No Adverse Effect finding contain conditions?**

Yes (check all that apply)

✓ No

Based on the response, the review is in compliance with this section. Document and upload concurrence(s) or objection(s) below.

Adverse Effect

**Screen Summary**

**Compliance Determination**

Based on Section 106 consultation the project will have No Adverse Effect on historic properties. Conditions: None. Upon satisfactory implementation of the conditions, which should be monitored, the project is in compliance with Section 106.

**Supporting documentation**

[HARTGEN Archeological Report FINAL.pdf](#)

[MATTON NR Nomination 08NR05868\\_103368.pdf](#)

[Area of Potential Effect.pdf](#)

[Stockbridge-Munsee approval.pdf](#)

[Delaware Tribe approval.pdf](#)

[2022-05-27T12-00-19\\_18PR05469shorelineNAE.pdf](#)

**Are formal compliance steps or mitigation required?**

Yes

✓ No

## Noise Abatement and Control

General requirements	Legislation	Regulation
HUD's noise regulations protect residential properties from excessive noise exposure. HUD encourages mitigation as appropriate.	Noise Control Act of 1972  General Services Administration Federal Management Circular 75-2: "Compatible Land Uses at Federal Airfields"	Title 24 CFR 51 Subpart B

**1. What activities does your project involve? Check all that apply:**

New construction for residential use

Rehabilitation of an existing residential property

A research demonstration project which does not result in new construction or reconstruction

An interstate land sales registration

Any timely emergency assistance under disaster assistance provision or appropriations which are provided to save lives, protect property, protect public health and safety, remove debris and wreckage, or assistance that has the effect of restoring facilities substantially as they existed prior to the disaster

None of the above

### Screen Summary

#### **Compliance Determination**

Based on the project description, this project includes no activities that would require further evaluation under HUD's noise regulation. The project is in compliance with HUD's Noise regulation.

#### **Supporting documentation**

**Are formal compliance steps or mitigation required?**

Matton-Shipyard:-  
Preservation-&-Adaptive-  
Reuse-Initiative

Cohoes, NY

900000010339300

Yes

✓ No

## Sole Source Aquifers

General requirements	Legislation	Regulation
<b>The Safe Drinking Water Act of 1974 protects drinking water systems which are the sole or principal drinking water source for an area and which, if contaminated, would create a significant hazard to public health.</b>	Safe Drinking Water Act of 1974 (42 U.S.C. 201, 300f et seq., and 21 U.S.C. 349)	40 CFR Part 149

1. Does the project consist solely of acquisition, leasing, or rehabilitation of an existing building(s)?

Yes

✓ No

2. Is the project located on a sole source aquifer (SSA)?

A sole source aquifer is defined as an aquifer that supplies at least 50 percent of the drinking water consumed in the area overlying the aquifer. This includes streamflow source areas, which are upstream areas of losing streams that flow into the recharge area.

✓ No

Based on the response, the review is in compliance with this section. Document and upload documentation used to make your determination, such as a map of your project (or jurisdiction, if appropriate) in relation to the nearest SSA and its source area, below.

Yes

### Screen Summary

### Compliance Determination

Matton-Shipyard:-  
Preservation-&-Adaptive-  
Reuse-Initiative

Cohoes, NY

900000010339300

The project is not located on a sole source aquifer area. The project is in compliance with Sole Source Aquifer requirements. This determination was made using the US EPA website: <https://www.epa.gov/dwssa/map-sole-source-aquifer-locations>

**Supporting documentation**

[Sole Source Aquifer.pdf](#)

**Are formal compliance steps or mitigation required?**

Yes

✓ No

## Wetlands Protection

General requirements	Legislation	Regulation
Executive Order 11990 discourages direct or indirect support of new construction impacting wetlands wherever there is a practicable alternative. The Fish and Wildlife Service's National Wetlands Inventory can be used as a primary screening tool, but observed or known wetlands not indicated on NWI maps must also be processed. Off-site impacts that result in draining, impounding, or destroying wetlands must also be processed.	Executive Order 11990	24 CFR 55.20 can be used for general guidance regarding the 8 Step Process.

**1. Does this project involve new construction as defined in Executive Order 11990, expansion of a building's footprint, or ground disturbance? The term "new construction" shall include draining, dredging, channelizing, filling, diking, impounding, and related activities and any structures or facilities begun or authorized after the effective date of the Order**

No

Yes

**2. Will the new construction or other ground disturbance impact an on- or off-site wetland? The term "wetlands" means those areas that are inundated by surface or ground water with a frequency sufficient to support, and under normal circumstances does or would support, a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats, and natural ponds.**

**"Wetlands under E.O. 11990 include isolated and non-jurisdictional wetlands."**

No, a wetland will not be impacted in terms of E.O. 11990's definition of new construction.

Yes, there is a wetland that be impacted in terms of E.O. 11990's definition of new construction.

You must determine that there are no practicable alternatives to wetlands development by completing the 8-Step Process.

Document and upload the completed 8-Step Process as well as all documents used to



make your determination, including a map below. Be sure it includes the early public notice and the final notice with your documentation.

**3. For the project to be brought into compliance with this section, all adverse impacts must be mitigated. Explain in detail the exact measures that must be implemented to mitigate for the impact or effect, including the timeline for implementation. This information will be automatically included in the Mitigation summary for the environmental review. If negative effects cannot be mitigated, cancel the project using the button at the bottom of this screen.**

The proposed action is stabilization of an eroding shoreline within a regulated wetland and waterbody. The stabilization will use a mix of hard and soft approaches. Hard approaches will be used in locations where there is already failing hard protections of the shoreline. The remainder of the stabilization will be soft approaches, mainly the regrading of the slope and replanting with native riparian species. The shoreline stabilization has been reviewed and modified by NYS DEC and USACE to minimize potential impacts to the wetland and waterbody. Permits from both agencies have already been received and uploaded. Shoreline stabilization will commence once grant funding is received and following any potential seasonal restrictions identified within those permits.

**Which of the following mitigation actions have been or will be taken? Select all that apply:**

- Permeable surfaces
- Natural landscape enhancements that maintain or restore natural hydrology through infiltration
- Native plant species
- Bioswales
- Evapotranspiration
- Stormwater capture and reuse
- Green or vegetative roofs with drainage provisions
- Natural Resources Conservation Service conservation easements
- Compensatory mitigation
- Other

Based on the response, the review is in compliance with this section.

**Screen Summary**

**Compliance Determination**

The project results will impact on- or off-site wetlands. An 8 Step Process has been completed. With mitigation, identified in the mitigation section of this review, the project will be in compliance with Executive Order 11990.

**Supporting documentation**

[PSIP Matton Shipyard 8 Step.pdf](#)

**Are formal compliance steps or mitigation required?**

Yes

✓ No

## Wild and Scenic Rivers Act

General requirements	Legislation	Regulation
The Wild and Scenic Rivers Act provides federal protection for certain free-flowing, wild, scenic and recreational rivers designated as components or potential components of the National Wild and Scenic Rivers System (NWSRS) from the effects of construction or development.	The Wild and Scenic Rivers Act (16 U.S.C. 1271-1287), particularly section 7(b) and (c) (16 U.S.C. 1278(b) and (c))	36 CFR Part 297

### 1. Is your project within proximity of a NWSRS river?

✓ No

Yes, the project is in proximity of a Designated Wild and Scenic River or Study Wild and Scenic River.

Yes, the project is in proximity of a Nationwide Rivers Inventory (NRI) River.

### Screen Summary

#### **Compliance Determination**

This project is not within proximity of a NWSRS river. The project is in compliance with the Wild and Scenic Rivers Act.

#### **Supporting documentation**

[WSR Rivers.pdf](#)

#### **Are formal compliance steps or mitigation required?**

Yes

✓ No

## Environmental Justice

General requirements	Legislation	Regulation
Determine if the project creates adverse environmental impacts upon a low-income or minority community. If it does, engage the community in meaningful participation about mitigating the impacts or move the project.	Executive Order 12898	

**HUD strongly encourages starting the Environmental Justice analysis only after all other laws and authorities, including Environmental Assessment factors if necessary, have been completed.**

**1. Were any adverse environmental impacts identified in any other compliance review portion of this project's total environmental review?**

Yes

No

Based on the response, the review is in compliance with this section.

### **Screen Summary**

#### **Compliance Determination**

No adverse environmental impacts were identified in the project's total environmental review. The project is in compliance with Executive Order 12898. The project site was not within any Environmental Justice Areas. However, it was close to several areas identified as Potential Environmental Justice Areas.

#### **Supporting documentation**

[Env Justice Areas.pdf](#)

**Are formal compliance steps or mitigation required?**

Yes

No

