

US Department of Housing and Urban Development  
Matton Shipyard Preservation and Adaptive Reuse Initiative  
Community Project Funding Grant number B-23-CP-NY-1169

8 step process for evaluation projects within floodplains and wetlands.

**Step 1:** Determine whether the action is located in a 100 year floodplain or wetland.

The proposed action has three elements. The first is riverbank stabilization with grading and planting of native vegetation and the construction of one section of cribbing. The second element is the preservation and modification of several historic structures. The third element is the remediation of soil contamination resulting from the industrial past use of the site.

The entire site is either floodplain or wetland. The entire site is approximately 5.97 acres. The floodplain area of the site is approximately 5.67 acres, while the wetland area of the site is approximately 0.30 acres. Approximately 0.81 acres of floodplain will be disturbed for the soil contamination remediation and other site work, and 0.26 acres of wetlands will be impacted by the riverbank stabilization work.

Wetlands and floodplain identified by US Army Corps of Engineers, The National Wetland Inventory, NYS Department of Environmental Conservation and on FEMA flood maps.

An evaluation of direct and indirect impacts associated with construction, occupancy, and modification of the floodplain is required.

**Step 2:** Notify the public for early review of the proposal and involve the affected and interested public in the decision making process.

A public notice describing the project was published in the Troy record, the local and regional paper, on July 10, 2023. The notice targeted local residents, including those in the floodplain. A copy of the published notification was kept in the project's environmental review records and attached to this document. The required 15 calendar days were allowed for public comment. As required by regulation, the notice also included the name, proposed location and description of the activity, total number of floodplain acres involved, and the responsible entity contact for information as well as the website at which a full description of the proposed action can be viewed.

Cohoes city engineers, responsible for flood related issues, as well as US Army Corps of Engineers, US Fish and Wildlife Service, NYS Department of Environmental Conservation, NY State Historic Preservation Office and four Tribal Historic Preservation Offices were contacted directly with copies of the notice.

No comments were received.

**Step 3:** Identify and evaluate practicable alternatives.

Relocating the action out of the wetland / floodplain is not a practicable alternative. The riverbank, historic structures and soil contamination exist within the wetland and floodplain. The only practicable alternatives are the proposed action, no action, or modification of the proposed action at the same site.

1) Modified action / proposed action. Both NYS DEC and USACE reviewed and permitted the shoreline stabilization work. Both agencies required modification to the plan to minimize environmental impacts. The design of the entire proposed action was also reviewed by both state historic officials (SHPO) and tribal historic officials (THPO), and they have asked for modifications to the action to avoid impacts to cultural resources. The proposed action reflects those modifications. **Therefore, the proposed action is a modified action that has been determined to be protective of environmental and cultural resources.** NYS DEC, USACE, SHPO and THPO have all accepted the proposed action. It is not obvious that any additional modifications will be more protective.

2) No action. The no action alternative will leave the riverbank in a condition of elevated potential for erosion. Additional erosion would result in the loss of cultural resources and the potential for impacts to natural resources by discharging sediment to the river. In addition, historic resources would not receive protections and would continue to deteriorate. The likely result of failure to address the structural needs of the historic resources are, ultimately, condemnation and likely demolition. If the soil contamination was not addressed the site would need to remain closed to the public. That would potentially prevent any exposure of contaminants to the public or natural resources, until that time that the shoreline erosion reached the contamination. At that point the contamination would be liberated and would impact river related natural resources, including endangered species. The no action alternative leaves the site closed to the public reducing the educational and historical opportunities to the community.

**Step 4:** – Identify potential direct and indirect impacts associated with wetland / floodplain development.

Impacts on Land - The proposed action will disturb approximately 1.07 acres, including excavation to remove contaminated soils and grading for the shoreline stabilization work. During construction, loose soils have the potential to move and impact the river. Erosion control and other best management practices will minimize the potential for loose soil to leave the site or reach any sensitive areas. Grading and other construction activities have the potential to alter storm water flow. While grading will occur, no change in grade will occur in the floodplain. No alternation of storm water flow in the floodplain is anticipated. Grading in the wetland will permanently alter grades. This grading is necessary to stabilize the riverbank. Grade changes at the riverbank are not anticipated to alter storm water flow on the floodplain or at any other location within the community. Failure to stabilize the riverbank will lead to continued bank erosion and delivery of sediment to the river, which could alter river flow, and create downstream impacts. Following construction, the remediation of contaminants and shoreline stabilization will be positive impacts.

Impacts on Surface Water - Shoreline stabilization work is within, and immediately adjacent to the bank of the Hudson River. Loose soils have the potential to impact river related natural resources. Following stabilization, the potential for sediment to enter the river will be reduced. No loss of river bottom will occur. No net loss of riverbank will occur. No proposed actions will disturb river sediments. However,

upland activities have the potential to increase turbidity in the Hudson River. Erosion control and other best management practices will minimize the potential for loose soil to leave the site, reach any sensitive areas or create turbidity in the river. Following construction, stabilization of the riverbank will be a positive impact to river related natural resources.

Impacts on Flooding – The proposed action is within a floodplain and, as such, the area is prone to flooding. The remediation of the contamination will not alter grades on the flood plain nor the likelihood that the site will be flooded. Modification to the historic structures will reduce the potential for those structures to be damaged during flooding events. No new structures will be created. No significant changes to the floodplain are proposed. No alteration to storm water flow on the floodplain is anticipated. Riverbank stabilization will fortify the bank from the impacts of storm water flows and is not anticipated to increase flows elsewhere or impacts from flows elsewhere in the community. Following construction, the site will be more resilient to flooding.

Impacts on Plants and Animals - The NY Natural Heritage Program database depicts bald eagle nesting sites are within one mile of the project site. In addition, several significant natural communities, and rare, threatened or endangered invertebrates and vascular plants are in the vicinity of the project site. None of these species or communities are known from within the project site. Construction activities with elevated noise levels have the potential to impact eagle nesting and breeding success. Significant forested habitat is between the project site and the nesting sites. NYS DEC has reviewed noise impacts to bald eagles as part of their permit review. No noise impacts to bald eagles are anticipated. The soil contamination and building stabilization work is in disturbed areas. Little to no natural resources exist in those areas. The riverbank stabilization will require the removal of a limited amount of vegetation to achieve the appropriate grades. That vegetation removal work has been minimized to the highest extent possible, while still achieving bank stabilization. The newly graded riverbank will be planted with native species. Loose soil could reach the river, creating turbidity and potentially causing impacts to river related natural resources. Erosion control and best management practices will be used to minimize the potential for the movement of any loose soil. No impacts to rare, threatened or endanger species or significant natural communities are anticipated. Impacts to other natural resources has been minimized and are an acceptable tradeoff to achieve the bank stabilization.

Impacts on Aesthetic Resources – During construction, the ground disturbance may be an aesthetic impact to park patrons and neighbors. However, the facility is closed to patrons and those impacts will be temporary. No significant impact to aesthetic resources is anticipated.

Impact on Historic and Archaeological Resources - The site of the proposed action contains multiple historic structures and subsurface archeological resources. The proposed action has been altered at the request of SHPO and the THPOs to minimize potential impacts to those resources. SHPO has determined that No Adverse Effect on cultural resources will occur.

Impact on Open Space and Recreation – There are no potential negative impacts to open space and recreation from this proposed action. Undertaking the proposed action will allow the site to open to the public and would be a positive impact to open space and recreation.

Impact on Noise, Odor and Light – During construction, heavy equipment may be used to undertake the ground disturbance activities. That equipment will increase noise and odor above ambient on the site. Heavy equipment noise may be heard at some distance within the community. Heavy equipment will only be operated during normal work hours during the work week, and is not anticipated to be above

any municipally regulated volume. The surrounding communities are active neighborhoods and noise from the site is not anticipated to be above ambient in those locations. Odors, from the construction equipment, are not anticipated to be detectable at any significant distance from the site and are not anticipated to impact air quality within the communities. No new light sources are being proposed. Potential impacts from noise and odor will be temporary.

Impact on Human Health – Construction related activities, using heavy equipment, has the potential for causing harm to onsite workers. All OSHA requirements will be met. Best management practices will be used to minimize potential impacts from construction equipment. Existing soil contamination is a potential impact to park patrons and community members. Currently that potential is minimized by keeping the site closed to the public. Remediating the contamination will minimize impacts to patrons and the public while allowing the site to be opened to the public. Following construction, potential impacts to human health will be minimized.

**Step 5:** Where practicable, design or modify the proposed action to minimize the potential adverse impacts to lives, property and natural values within the floodplain / wetland and to restore and preserve the values of the floodplain / wetland.

Impacts to lives – No element of the proposed action or the No Action alternative changes the potential risk to human life. Both the proposed action and the No Action alternative minimize harm to humans. The No Action alternative accomplishes this minimization by keeping the site closed and preventing any intersection between the existing contamination and park patrons / community. The proposed action accomplished this minimization by remediating the contamination. The design of the remediation has been approved by NYS DEC. No further modification to the design will provide any significant reduction in potential risk.

Impacts to property – Two of the three elements of the proposed action are solely for the preservation of the property. Proposed modifications to the structures and the riverbank will make them more resilient to flooding impacts. The No Action alternative does nothing to reduce impacts to the property. Specifically, the structures will remain highly susceptible to flood damage and the riverbank will remain in a highly eroded state and more susceptible to erosion, impacting not only the property but downstream resources. USACE and NYS DEC have already reviewed, requested modifications to the shoreline stabilization and issued permits for the work.

Impacts to natural values – The proposed action is designed to preserve the values of the wetland by stabilizing the riverbank. That element of the proposed action would prevent continued loss of riverbank and movement of soil into the river, protecting river related natural resources. The No Action alternative does not reduce impacts to wetland natural values. The riverbank will continue to erode and send sediment into the river. Neither the proposed action nor the No Action alternative will alter the natural values of the floodplain. The No Action alternative leaves the site as is and does not reduce or improve the site's ability to attenuate storm water flow, filter storm water or infiltrate storm water. The proposed action makes minor changes to the floodplain portion of the site by altering the structures and remediating the contaminating. No new structures will be built. No permanent changes to grade will occur. No increase in impervious surfaces will occur. Storm water flow across the site, storm water filtration on site and storm water infiltration will be unchanged by the proposed action. Modifications to the proposed actions to improve the natural values of the floodplain are not required as those values are currently not significantly impaired.

**Step 6: Reevaluate the Alternatives.**

There are only two practicable alternatives: the proposed action (which represents an action modified by NYS DEC, USACE, NY SHPO and four THPOs, to be protective of natural and cultural resources) and the No Action alternative. Relocating the action out of the floodplain and wetland is not practicable as the targets of the proposed action exist within those resources.

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.

The proposed action reduces the potential for impacts to human health by remediating the soil contamination. The proposed action also reduces the potential for erosion at the riverbank, potentially reducing harm to property and natural resources. In addition, the proposed action would allow the site to be open to the public, increasing open space and recreation.

**Step 7: Determination of No Practicable Alternative**

It is the determination of the NY state Office of Parks, Recreation and Historic Preservation, that there is no practicable alternative for locating the project in the flood zone and wetland. Relocation of the project outside of these resources is not possible as the targets of the proposed actions exist within the floodplain and wetland. Pursuing the No Action alternative leaves the shoreline in a state vulnerable to erosion (increasing potential risk to river related natural resources and increasing the risk of potential loss of public property), prevents the mitigation of a source of soil contamination and prevents the use of the property for open space and recreation. The proposed action stabilizes the shoreline, remediates the soil contamination and allows the project area, an important historic industrial site, to be open to the public.

No comments from the public, any government agency or any other interested parties were received in response to the initial publication. A final notice will be published detailing the reasons why the modified project must be located in the floodplain and wetland, a list of alternatives considered, and all mitigation measures taken to minimize adverse impacts and preserve natural and beneficial floodplain values.

**Step 8: Implement the Proposed Action**

The New York State Office of Parks, Recreation and Historic Preservation (OPRHP) will assure that this plan, as modified and described above, is executed and necessary language will be included in all agreements with participating parties. OPRHP will also take an active role in monitoring the construction process to ensure no unnecessary impacts occur, nor unnecessary risks are taken. While not expected, if during the course of construction any artifacts, archaeological features, or historic remains are discovered, work in the vicinity of the discovery will be stopped immediately and the Archaeological Unit of the NY State Historic Preservation office (SHPO) will be contacted for further guidance. The project proponent will follow all guidance from SHPO.