

**Combined Public Notice
Notice of No Significant Impact and
Notice of Intent to Request Release of Funds and
Final Notice and Public Explanation of a Proposed Activity in a
100-Year Flood Plain/Wetland**

Albany County

DATE

To: All interested Agencies, Groups, and Individuals

This Notice is related to Federal assistance provided to Erie Canalway Heritage Fund, Inc. (ECHF) for preservation and stabilization activities at Matton Shipyard.

REQUEST FOR RELEASE OF FUNDS

On or about Monday, September 18th, the NYS Office of Parks, Recreation and Historic Preservation (OPRHP), the designated Responsible Entity, under Part 58, is providing final notice for three separate but related procedural requirements for a project undertaken by ECHF under Community Project Funding grants. ECHF expects to fund the project using \$505,359 of Community Project funds.

Project Description

- Application ID Number: B-23-CP-NY-1169
- Project Title: Matton Shipyard: Preservation & Adaptive Reuse Initiative
- Location: 1 Delaware Avenue North, Cohoes, NY 12047
- The total estimated cost is \$989,840

The project has three elements, remediation of contaminated soil, stabilization of historic structures, and stabilization of the riverbank.

FINAL NOTICE AND PUBLIC EXPLANATION OF A PROPOSED ACTIVITY IN A 100-YEAR FLOODPLAIN/WETLAND.

This is to give notice that OPRHP has conducted an evaluation as required by Executive Order 11990, in accordance with HUD regulations at 24 CFR 55.20 Subpart C, Procedures for Making Determinations on Floodplain Management and Wetlands Protection.

The proposed project(s) is located at 1 Delaware Avenue North, Cohoes, NY 12047, within Albany County. The project has three elements: (1) remediation of contaminated soil; (2) stabilization of historic structures and, (3) stabilization of the riverbank. No construction of new structures will take place. The project proponent has received Economic Development Initiative funding. The total site is approximately 5.97 acres, of which all are either in the floodplain or the wetland. The floodplain area of the site is approximately 5.67 acres while the wetland area of the site is approximately 0.30 acres. All soil contamination remediation and structural stabilization work will take place in the flood plain while the

shoreline stabilization work will take place within the wetland. The project does not propose to disturb the entire site. Approximately 0.23 acres of floodplain will be disturbed for the soil contamination remediation, an additional 0.58 acres of floodplain will be disturbed for access to the individual work sites (and parking for future site use), and 0.26 acres of wetland will be disturbed for the shoreline stabilization work. No ground disturbance is anticipated for the structural stabilization. FEMA maps show the entire upland section of the project to be within the 100 year floodplain, although modeling shows that the site is likely to flood with more frequency. The National Wetland Inventory describes the Hudson River, adjacent to the project site as L1UBHh (Permanently flooded, deepwater habitat greater than 20 acres in size that is created by an impoundment) as the river, in this location, is impounded behind the Troy Dam. Both the floodplain and wetland provide the benefits of stormwater management and energy dissipation, the floodplain provides additional benefits of stormwater infiltration, water cycling, and nutrient removal, while the wetland provides habitat for river related species. The site possesses strong contemporary historical importance as the location of a 20th Century industrial ship building facility; and continues to be a culturally significant area for indigenous peoples who maintain strong connections with the project location and the larger region.

OPRHP has considered the following alternatives and mitigation measures to be taken to minimize adverse impacts and to restore and preserve natural and beneficial values. Among the alternative were: (1) undertaking the project as proposed, (2) relocating the project outside of the floodplain, and (3) not undertaking the project at all (No Action).

Initially, 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, cultural and natural resources. In addition, the proposed action would allow the site to be open to the public, increasing open space and recreation.

OPRHP has determined that construction and operation of the proposed project would not result in significant adverse impacts to flood levels, flood risk, or the flow of floodwaters on the project site or surrounding areas. Design plans and specifications will be approved by a certified engineer. The project would result in no change in flood levels, flood risk, and the flow of floodwaters over the project.

OPRHP has reevaluated the alternatives to building in the floodplain and has determined that there is no practicable alternative.

FINDING OF NO SIGNIFICANT IMPACT

OPRHP has determined that this project will have no significant impacts on the human environment. Therefore, an Environmental Impact Statement (EIS) under the National Environmental Policy Act of

1969 (NEPA) is not required. Additional Environmental files that document compliance with Executive Order 11990 are located at [Erie Canalway National Heritage Corridor :: Matton Shipyard](#) See sidebar labeled Documents for NEPA Public Notice Review.

PUBLIC COMMENTS

Any individual, group, or agency disagreeing with this determination or wishing to comment on this project may submit written comments to OPRHP on or before October 6, 2023, at the following address: OPRHP, 625 Broadway, Albany, NY 12238, Attention: Elizabeth Martin, Senior Architect. Comments may also be submitted via email (preferred) at Elizabeth.martin@parks.ny.gov. Please note "NEPA – Matton Shipyard" in the subject line.

ENVIRONMENTAL CERTIFICATION

OPRHP Certifies to HUD that Elizabeth Martin, in her capacity as Senior Architect consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. HUD's approval of the certification satisfies its responsibility under the National Environmental Policy Act and related laws and authorities, and allows Erie Canalway Heritage Fund, Inc. to use Community Project Funding resources.

OBJECTIONS TO RELEASE OF FUNDS

HUD will accept objections to its release of funds and ECHF's certification for a period of fifteen (15) days following the anticipated submission date or its actual receipt of the request (whichever is later) only if they are made on one of the following basis': (a) the certification was not executed by the Certifying Officer of OPRHP; (b) OPRHP has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR Part 58; (c) the grant recipient has committed funds or incurred costs or undertaken activities not authorized by 24 CFR Part 58 before approval of release of funds by HUD; or (d) another Federal agency, acting pursuant to 40 CFR Part 1504, has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58.76) and shall be addressed to William T. O'Connell, Director, Office of Community Planning & Development, HUD, Buffalo Office, 300 Pearl St., Suite 301, Buffalo, NY 14202, william.t.oconnell@hud.gov. Potential objectors should contact HUD to verify the actual last day of the objection period.