

**A. INTRODUCTION**

This chapter evaluates the Proposed Action’s consistency with the applicable New York State Coastal Management Program (CMP) policies and Local Waterfront Revitalization Program (LWRP) policies for Fjord Trail North and Fjord Trail South (referred to collectively herein as the Fjord Trail).

**B. CONSISTENCY WITH COASTAL ZONE POLICIES****NEW YORK STATE COASTAL MANAGEMENT PROGRAM**

The federal Coastal Zone Management Act (CZMA) of 1972 was enacted to support and protect the distinctive character of the waterfront and to set forth standard policies for reviewing proposed projects along coastlines. The program responded to city, state, and federal concerns about the deterioration and inappropriate use of waterfront areas. The CZMA emphasizes the primacy of state decision-making regarding the coastal zone. In accordance with the CZMA, New York State adopted its own CMP, designed to balance economic development and preservation by promoting waterfront revitalization and water-dependent uses while protecting fish and wildlife, open space and scenic areas, farmland, and public access to the shoreline, and minimizing adverse changes to ecological systems and erosion and flood hazards. The New York State CMP provides for local implementation when a municipality adopts a local waterfront revitalization program (LWRP), as is the case in the City of Beacon.

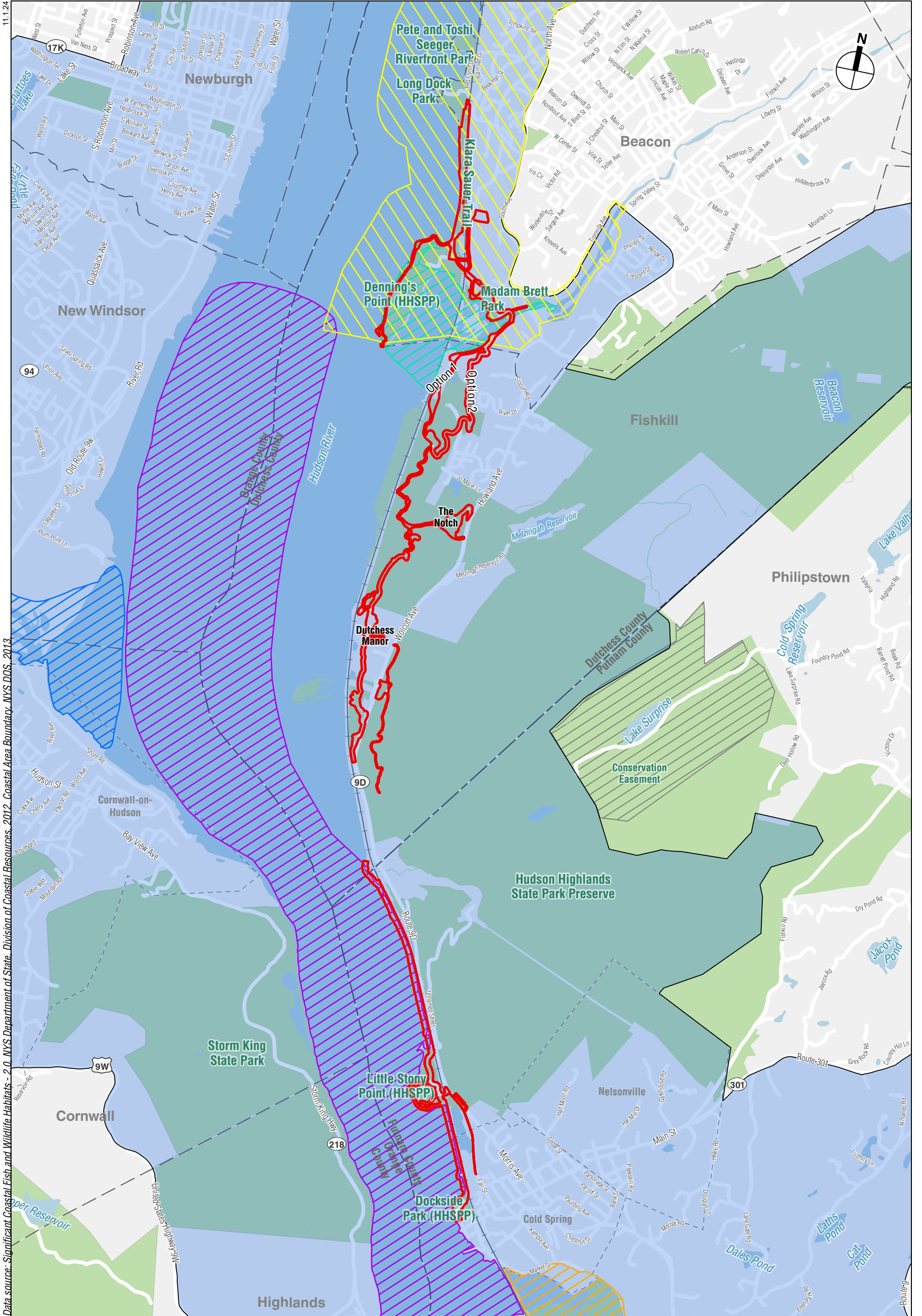
As shown in **Figure X-1**, the Fjord Trail is within the regulated coastal zone for New York State and is therefore subject to the policies of the New York State CMP. The portion of Fjord Trail North within the City of Beacon is also subject to the policies of the City of Beacon’s LWRP. The Town of Fishkill, Town of Philipstown, and Village of Cold Spring<sup>1</sup> do not have approved LWRPs, so the applicable State CMP policies would apply to the sections of Fjord Trail located in these municipalities. Assessments of the consistency of the Proposed Action with the applicable policies of the New York State CMP are provided below, as identified using the New York State Coastal Assessment Forms included as **Appendix X-1** for Fjord Trail North and **Appendix X-2** for Fjord Trail South.

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

Neither the Fjord Trail North Corridor nor the Fjord Trail South Corridor would be located within a deteriorated or underutilized waterfront area. The trail would provide a safe, formal public access

---

<sup>1</sup> The Village of Cold Spring prepared a draft working copy of an LWRP in 2014 but this has not been adopted by the Village or reviewed and approved by the New York State Department of State.



11.1.24  
Data source: Significant Coastal Fish and Wildlife Habitats - 2.0, NYS Department of State, Division of Coastal Resources, 2012. Coastal Area Boundary, NYS DOS, 2013.

- |                                               |                                                       |                        |
|-----------------------------------------------|-------------------------------------------------------|------------------------|
| Trail Corridor                                | <b>Significant Coastal Fish and Wildlife Habitats</b> | Hudson Highlands SCFWH |
| Coastal Zone Boundary                         | Constitution Marsh SCFWH                              | Moodna Creek SCFWH     |
| City of Beacon Waterfront Revitalization Plan | Fishkill Creek SCFWH                                  |                        |



Coastal Zone, Significant Coastal Fish and Wildlife Habitats, and Local Waterfront Revitalization Plans

## **Hudson Highlands Fjord Trail**

---

recreational trail system along the Hudson River shoreline that also connects to existing recreational resources, including trails within the Hudson Highlands State Park Preserve (HHSPP). It would provide access to portions of the Hudson River shoreline that are not currently accessible, such as at Denning's Point, the proposed Breakneck Lower Overlook, and between Breakneck Ridge and Dockside Park. Access to kayak launches would also be incorporated where appropriate. Therefore, the Proposed Action would be consistent with this policy.

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

The Fjord Trail would support recreational uses that depend on access to coastal waters with the Water Trail Connections, which would connect the Main Trail to kayak launches, shoreline platforms, and stopping points along the Hudson River. Fjord Trail South would provide wildlife viewing opportunities at the Hudson River shoreline through the inclusion of trail bank get-downs and bump-outs along the elevated portion of Fjord Trail South. The Fjord Trail would include support facilities necessary for the successful functioning of the Fjord Trail, including parking areas, restrooms, and bike repair stations. Fjord Trail South, which would run parallel to the Hudson River shoreline for most of its length, would also include measures to protect the shoreline from flooding and erosion, including plantings within soft sediment bottom areas, intertidal or submerged aquatic vegetation (SAV) planting shelves, and preservation or replanting of vegetation within stabilized slope zones. The Fjord Trail would provide additional access routes to existing parks, trails, and other recreational resources within the towns and villages it passes through, thereby enhancing connectivity in these surrounding communities. The presence of the Fjord Trail along the shoreline would not preclude future use of the waterfront and would not hinder existing recreational activities along the Corridor. Therefore, the Fjord Trail would be consistent with this policy.

### **Policy 3: Further develop the State's major ports of Albany, Buffalo, New York, Ogdensburg, and Oswego as centers of commerce and industry, and encourage the siting, in these port areas, including those under the jurisdiction of State public authorities, of land use and development which is essential to, or in support of, the waterborne transportation of cargo and people.**

The Fjord Trail would not be located within one of the State's major port areas. Therefore, this policy is not applicable.

### **Policy 4: Strengthen the economic base of smaller harbor areas by encouraging the development and enhancement of those traditional uses and activities which have provided such areas with their unique maritime identity.**

The Fjord Trail would not be located within a small harbor area. Therefore, this policy is not applicable.

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

The Fjord Trail would not include any large-scale development activities. Therefore, this policy is not applicable.

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

Ensuring coordination and synchronization of existing permit procedures and regulatory programs applicable to the Fjord Trail is not within the Applicant's control. Therefore, this policy is not applicable.

*FISH AND WILDLIFE POLICIES*

**Policy 7: Significant coastal fish and wildlife habitats will be protected, preserved, and where practical, restored so as to maintain their viability as habitats.**

As described in Chapter III.E, "Biological Resources – Fjord Trail North," and Chapter IV.E, "Biological Resources – Fjord Trail South," the portions of Fjord Trail North at Denning's Point and along Fishkill Creek would be within the Fishkill Creek Significant Coastal Fish and Wildlife Habitat (SCFWH), and the Fjord Trail South would be within and/or adjacent to the Hudson Highlands SCFWH.

The Fishkill Creek SCFWH designation is due primarily to a significant concentration of osprey during spring migration and year-round foraging by bald eagles. Its designation is also for the diversity of natural ecological communities, importance to coastal migratory and resident fishes, and overall fish and wildlife habitat. Fjord Trail North would involve the installation of piles within Fishkill Creek to support the proposed pedestrian/bicycle bridge. Construction of the proposed bridge over Fishkill Creek would result in temporary impacts during construction due to increases in suspended sediment and increased noise, particularly installation of the piles, but these impacts would be minimal, local, and temporary and not likely to adversely impact local benthic macroinvertebrate and fish species. The temporary loss of habitat for fish and other aquatic biota during construction would not result in a significant adverse impact as similar habitat would be available elsewhere within the designated Hudson Highlands Significant Coastal Fish and Wildlife Habitat (SCFWH), adjacent to areas undergoing construction. Additionally, construction would be sequenced such that some portion of Fishkill Creek would remain open for passage at all times. Installation of piles would not occur throughout the construction day but would instead be expected to have periods of rest when in-water construction activities do not occur. A pre-construction SAV survey would be conducted in coordination with NYSDEC to determine exact locations of SAV beds, which provide important habitat for a variety of aquatic organisms, in the vicinity of Fjord Trail North. Recreational use of the sections of Fjord Trail North that would be near water would not be expected to elevate levels of human disturbance above existing conditions to the extent that ospreys or eagles would experience a significant reduction in the amount of undisturbed open water foraging habitat in the area. Due to the abundance of open water foraging habitat that would remain available during and after construction of Fjord Trail North, the project would not result in adverse impacts to osprey or bald eagle foraging habitat. Construction activities would have the potential to displace ospreys and bald eagles from nearshore areas, but these effects would be temporary and localized to the active construction area, and individuals would be expected to return to the area when construction is complete.

There are four existing bald eagle nests along the Fjord Trail North Corridor, one near Denning's Point and the others in the Forest Trail North reach. Federal and State guidelines recommend that non-motorized recreational activity be no closer than 330 feet from active nests with a visual buffer such as trees and topography and 660-feet from active nests without a visual buffer to avoid disturbance to nesting bald eagles. To avoid impacts to wintering eagles that primarily congregate on Denning's Point, construction of the trail in this area would be limited to between April and

## **Hudson Highlands Fjord Trail**

---

October if required by the regulatory agencies. The nest at Denning's Point would also be buffered from the trail construction by a wooded area of more than 330 feet and would not be disturbed by construction. Due to the presence of a regularly used trail in the vicinity of the nest at Denning's Point, the breeding pair of eagles associated with the nest in the vicinity of Denning's Point is expected to have a moderate level of disturbance tolerance. Access to Denning's Point is restricted from December 15 through March 15 to avoid potential disturbance to wintering eagles from recreational activity, and these closure dates would not change with the Proposed Action.

Because the nests near the Forest Trail North reach could experience significant disruption during trail construction, construction of these sections of the reach would be limited to the non-breeding period (October to December) when the nests would be inactive. Once constructed, Main Trail Option 1 of the Forest Trail North Reach would create a linear, north-south band of disturbance separating the nest site from the eagles' foraging area on the river, which is inconsistent with the federal guidelines described above. As such, there is some potential for Option 1 of the Forest Trail North reach to interfere with the breeding activity of the pair of eagles associated with this nest, depending on their level of tolerance of human disturbance. Main Trail Option 2 of the Forest Trail North Reach is further inland and would be farther from the Hudson River and active bald eagle nests. Therefore, recreational use of Option 2 of the Forest Trail North Reach would have less potential to disturb nesting bald eagles. A wooded buffer of at least 330 feet between either Option of the Forest Trail North Reach and the nest would be expected to adequately protect these nesting pairs from recreational activity on the trail. The exact location of the Forest Trail North Reach Main Trail alignment will be determined as design advances.

Fjord Trail South would be within and/or adjacent to the Hudson Highlands SCFWH. The Hudson Highlands SCFWH designation is due largely to a significant concentration of wintering bald eagles, spawning habitat for striped bass, and nursery, foraging, and migratory habitat for Atlantic sturgeon and shortnose sturgeon. Fjord Trail South would result in a minimal change in foraging habitat within the Hudson Highlands SCFWH due to the occupation of the river bottom by the piles (365 square feet below MHHW) and the overwater coverage of the elevated trail sections over the Hudson River (0.4 acres over areas below MHHW). The footprint and overwater coverage of the elevated portions of Fjord Trail South in the Hudson River has been minimized to the extent practicable by limiting the width of the trail to 10 feet and siting it as close to the shoreline as possible while meeting the Metro-North Railroad (MNR)-required minimum 25-foot setback from the centerline of the MNR tracks. The elevated trail along the causeway north of Dockside Park would also incorporate grated deck surfaces to allow sunlight to reach the water and minimize the potential effects of shading. Atlantic and shortnose sturgeon typically occur in the deeper waters of the navigation channel for foraging and migration and would only be expected to occur in the shallow waters along the shore on rare occasions while foraging. In-water construction activities would be conducted in accordance with any time-of-year restrictions issued for the protection of anadromous species, including sturgeon and striped bass. Temporary increases in suspended sediment during pile installation or shoreline improvements would be localized and expected to dissipate quickly with the tidal currents of the river and would not result in long term adverse impacts to water quality or aquatic biota. Additionally, construction of the in-water trail components would be undertaken in a manner that meets existing State surface water protection permit requirements and would protect aquatic habitats, thereby minimizing the potential for impacts to the Hudson Highlands SCFWH.

Therefore, the Proposed Action would not result in significant adverse effects on the Hudson Highlands SCFWH or the Fishkill Creek SCFWH and would be consistent with this policy.

**Policy 8: Protect fish and wildlife resources in the coastal area from the introduction of hazardous wastes and other pollutants which bio-accumulate in the food chain, or which cause significant sublethal or lethal effect on those resources.**

There are no New York State Department of Environmental Conservation (NYSDEC) remediation sites within the Fjord Trail Corridor, and the Proposed Action would not result in the introduction of hazardous wastes or other pollutants to the coastal zone. As described in Chapter III.P, “Hazardous Materials Assessment – Fjord Trail North” and Chapter IV.P, “Hazardous Materials Assessment – Fjord Trail South,” to the extent that soil disturbance for construction occurs near the MNR tracks, there is a potential to disturb contaminated historic fill, including soil contaminated with wood preservatives (e.g., creosote and arsenic) and heavy metals. Soil disturbance activities near the MNR tracks during construction for the Proposed Action would be subject to site-specific protocols for dust suppression and sediment and erosion controls to prevent the migration of associated contaminants into groundwater, surface water, or the surrounding areas. Therefore, with these measures in place, the Proposed Action would be consistent with this policy.

**Policy 9: Expand recreational use of fish and wildlife resources in coastal areas by increasing access to existing resources, supplementing existing stocks, and developing new resources.**

The Fjord Trail would connect to existing recreational opportunities within HHSP and the municipalities through which it would be constructed. The Fjord Trail would improve access to existing fishing areas at Denning’s Point, the Notch, Madam Brett Park, Little Stony Point, and Dockside Park. Fjord Trail North would also include a new fishing bank at Denning’s Point. Recreational fishing is already supported at Denning’s Point, and fishing along the entire trail Corridor would continue to be managed in accordance with applicable laws such that the additional location for fishing and improved access with the Fjord Trail would not lead to overutilization of this resource or habitat impairment. Therefore, the Proposed Action would be consistent with this policy.

**Policy 10: Further develop commercial finfish, shellfish, and crustacean resources in the coastal area by encouraging the construction of new, or improvement of existing on-shore commercial fishing facilities, increasing marketing of the State's seafood products, maintaining adequate stocks, and expanding aquaculture facilities.**

The Proposed Action would not further develop commercial fishing. Therefore, this policy is inapplicable.

*FLOODING AND EROSION HAZARDS POLICIES*

**Policy 11: Buildings and other structures will be sited in the coastal area so as to minimize damage to property and the endangering of human lives caused by flooding and erosion.**

As described in Chapter III.D, “Water Resources – Fjord Trail North,” and Chapter IV.D, “Water Resources – Fjord Trail South,” portions of the Fjord Trail would be within the 1-percent and 0.2-percent annual chance floodplains. The areas close to the Hudson River, a tributary to the river, and a wetland are within the 1-percent annual chance floodplain in Zone AE. Fishkill Creek is also a designated floodway. Construction of the Fjord Trail would result in minimal occupation of the floodplain and would require minimal grading, primarily within previously disturbed areas, and would not exacerbate flooding conditions in adjacent areas. Due to its location along the Hudson River or near connected waterbodies, portions of the trail would be susceptible to flooding during 1-percent annual chance flood events under current and future conditions. The on-grade

## **Hudson Highlands Fjord Trail**

---

sections of Fjord Trail North and Fjord Trail South may be planted with stabilizing vegetation and supported by boulder edges along the river side to minimize the potential for damage from flooding or associated shoreline erosion. The elevated portions of Fjord Trail South would be approximately four feet above the current base flood elevation (BFE) of +7.3 feet NAVD88 and would remain above the projected floodplain and MHHW elevations throughout the 50-year lifespan of the materials used. The project would also incorporate resiliency measures to reduce the risk of damage during flood events, including use of materials designed to be floodable and easily repaired, minimum design life of 50 years for exterior construction materials, materials not susceptible to rot or corrosion, and stabilization of trail edges with vegetation and boulder edges. At-grade sections of the trail would incorporate grading and drainage infrastructure designed to convey stormwater and water from tidal and/or coastal flooding in a manner consistent with the existing hydrology and drainage patterns of the project site. The drainage design would minimize ponding and promote existing flow patterns to the extent practicable such that the project does not result in adverse impacts from flooding on adjacent infrastructure or natural features. With these measures in place, there would be limited potential for damage to the Fjord Trail or adjacent areas from flooding or erosion. Therefore, the Proposed Action would be consistent with this policy.

**Policy 12: Activities or development in the coastal area will be undertaken so as to minimize damage to natural resources and property from flooding and erosion by protecting natural protective features including beaches, dunes, barrier islands and bluffs.**

There are no dunes, barrier islands, or bluffs along the Fjord Trail North Corridor. Rocky cliffs (i.e., bluffs) that protrude out into the Hudson River are located at Breakneck Ridge at the north end of Fjord Trail South. The trail in this section would be constructed waterward of the bluffs such that they would not be disturbed by construction activities or components of the trail. The bluffs would also be protected through the inclusion of a boulder edge and stabilizing vegetation along the shoreline to minimize damage from flooding and erosion. Therefore, the Proposed Action would be consistent with this policy.

**Policy 13: The construction or reconstruction of erosion protection structures shall be undertaken only if they have a reasonable probability of controlling erosion for at least thirty years as demonstrated in design and construction standards and/or assured maintenance or replacement programs.**

All exterior materials used for construction of Fjord Trail North and the erosion protection structures for Fjord Trail South (e.g., revetments and boulder edges) would be designed or selected to have a functional design life of at least 50 years. The elevated portions of Fjord Trail South along the shoreline have also been designed to accommodate the potential need for future placement of up to two feet of additional rip rap while still maintaining four feet of freeboard above the current BFE. Materials used for the trail would be designed to be floodable and easily repaired when flood waters recede, and these repairs would be included in a maintenance plan that would be developed for the completed trail. Therefore, the Proposed Action would be consistent with this policy.

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

As noted in Policy 11, portions of the Fjord Trail would be located in the 1-percent and 0.2-percent annual chance floodplains, and Fishkill Creek is a designated floodway. The project would likely



include the placement of several piles within the Fishkill Creek with the construction of a bridge crossing. The piles would have a minimal footprint on the Creek bottom and would allow waters to pass beneath the bridge unimpeded such that the bridge would not alter the base flood level of the Creek. In areas where the proposed trail runs close to the shoreline, riparian vegetation, coarse woody debris, and wrack would be left along the shoreline to help protect the area and limit erosion. The on-grade portions of the proposed trail would require minimal grading within previously disturbed areas and would include design measures to stabilize the edges of the trail (e.g., vegetation, stone features) and support existing stormwater drainage patterns, and construction would be completed in accordance with applicable permit standards and practices such that it does not result in a measurable increase in erosion. Use of the trail by visitors once it is complete would not result in increased potential for erosion given the trail edge designs and clear identification of the path. Therefore, the Proposed Action would be consistent with this policy.

**Policy 15: Mining, excavation or dredging in coastal waters shall not significantly interfere with the natural coastal processes which supply beach materials to land adjacent to such waters and shall be undertaken in a manner which will not cause an increase in erosion of such land.**

The Proposed Action would not involve any mining, excavation, or dredging. Therefore, this policy is not applicable.

**Policy 16: Public funds shall only be used for erosion protective structures where necessary to protect human life, and new development which requires a location within or adjacent to an erosion hazard area to be able to function, or existing development; and only where the public benefits outweigh the long term monetary and other costs including the potential for increasing erosion and adverse effects on natural protective features.**

The Proposed Action would not include erosion protective structures within or adjacent to an erosion hazard area and would not result in an increased rate of shoreline erosion or impacts to natural protective features. Therefore, this policy does not apply.

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

The design flood elevation for the trail would range from +8.3 feet NAVD88 for the on-grade sections to +11.3 feet NAVD88 for the elevated sections, with project components sited above projected MHHW elevations considering 65 inches of sea level rise (the year 2100 high estimate). Flood-resilient materials and design practices, including the incorporation of new drainage infrastructure, would allow submersion of on-grade trail sections resulting in minimal damage and easy repair if necessary. Planting of native vegetation along the shoreline and in upland areas would stabilize the soils along the Trail Corridor, including along the edges of the on-grade trail itself. Fjord Trail South may include additional plantings within soft sediment bottom areas, intertidal or SAV planting shelves, and preservation or replanting of vegetation within stabilized slope zones, all of which would reduce the potential for erosion in these areas. With these measures in place, the Proposed Action would be consistent with this policy.

*GENERAL POLICY*

**Policy 18: To safeguard the vital economic, social, and environmental interests of the State and of its citizens, proposed major actions in the coastal area must give full consideration to**



**those interests, and to the safeguards which the State has established to protect valuable coastal resource areas.**

The Proposed Action would create a non-motorized, shared-use trail which would connect to other parks and heavily used trails in the area, and would encourage visitation of local businesses in the municipalities through which the trail would pass. Access to cultural resources and the history of the area would be provided through signage along the Fjord Trail, connecting people to Native American and colonial history of the region. By way of providing recreational access and interpretive signage, the Proposed Action would strengthen visitors' bonds to the environment by helping them understand the importance of the natural and coastal resources of the area. The trail would also reduce haphazard access and subsequent degradation of areas that could support sensitive ecological communities and species by providing established points of access along the Trail Corridor. Therefore, the Proposed Action would be consistent with this policy.

### *PUBLIC ACCESS POLICIES*

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

The Proposed Action would protect, maintain, and increase public access to water related recreation resources. It would not hinder existing recreational uses in the area or development of public water related recreational uses in the future. The trail would provide a safe, formal public access recreational trail system along the Hudson River shoreline, including portions of the shoreline that would otherwise be inaccessible to the public by land, such as the shoreline at Breakneck Ridge and areas waterward of the MNR tracks. Fjord Trail North would include a new kayak launch at Denning's Point and access to the existing kayak launch at Dockside Park. A new fishing bank would also be provided at Denning's Point, which currently provides public fishing opportunities in other locations. The Fjord Trail would also increase the level of access to existing trail systems and local municipalities by providing new trail connections and entry points to existing recreational resources. Parking and restroom facilities in strategic locations along the Trail Corridor would also support these uses. Therefore, the Proposed Action would be consistent with this policy.

**Policy 20: Access to the publicly owned foreshore and to lands immediately adjacent to the foreshore or the water's edge that are publicly owned shall be provided and it shall be provided in a manner compatible with adjoining uses.**

Portions of Fjord Trail North would be located on public land in HHSP under the jurisdiction of the New York State Office of Parks, Recreation, and Historic Preservation (OPRHP). Provision of this public access would be compatible with the adjoining uses, which include other nearby park and trail systems to which the Fjord Trail would provide connections. It would be open and Accessible to all members of the public. Fjord Trail South would be constructed on property owned by the Metropolitan Transportation Authority (MTA) and adjacent to the MNR tracks, the Hudson River and NYS Route 9D. Currently, public access to this area is entirely prohibited. The development of the Fjord Trail would provide safe public access in an area where there is none. This access would not be possible without the project. Provision of this public access would be compatible with the adjoining uses, which include other nearby park and trail systems to which the Fjord Trail would connect. Therefore, the Proposed Action would be consistent with this policy.

*RECREATION POLICIES*

**Policy 21: Water dependent and water enhanced recreation will be encouraged and facilitated and will be given priority over non-water-related uses along the coast.**

The Proposed Action would support water-related uses along the Hudson River shoreline, including fishing and kayaking at Denning’s Point and access to an existing kayak launch at Dockside Park. It would enhance the visitor experience along the shore between existing recreational trails by creating clear connections, providing parking and restroom facilities, and including interpretive signage that describes the history and natural environment of the trail. The scale and design of the trail would be consistent with its natural surroundings and would minimize its visual impact through material and landscaping designs. As described under Policies 19 and 20, existing recreational uses would not be affected by the project. Therefore, the Proposed Action would be consistent with this policy.

**Policy 22: Development when located adjacent to the shore will provide for water-related recreation whenever such use is compatible with reasonably anticipated demand for such activities and is compatible with the primary purpose of the development.**

The guidance for Policy 22 states that parks are a type of development that can provide water-related recreation as a multiple use. As described above, the Proposed Action would provide access to water-related recreation, including fishing, kayaking, and shoreline access. Therefore, it would be consistent with this policy.

*HISTORIC AND SCENIC RESOURCES POLICIES*

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

Archaeological studies conducted for the project did not identify areas of archaeological sensitivity for the Fjord Trail South Corridor and identified archaeological sites at the following areas along the Fjord Trail North Corridor: Madam Brett Park, Camp Nitgedaiget (the Notch), Pollepel Overlook and South Meander Area/Bannerman Sites. As the project design advances, measures would be taken to avoid or minimize impacts to these areas, and any impacts that cannot be avoided would be mitigated in coordination with the State Historic Preservation Office (SHPO) and any participating Native Nations and/or Consulting Parties, as appropriate.

Known architectural resources identified along the Fjord Trail Corridor include Dutchess Manor (S/NR-listed), Denning’s Point Road bridge (S/NR-eligible), and Bannerman’s Island (S/NR-listed) along Fjord Trail North, and the NYCDEP Hudson River Drainage Chamber (S/NR-eligible) and Cold Spring Historic District (S/NR-listed) along Fjord Trail South. Potential architectural resources were identified near the Trail Corridor at 17 Newlins Mill Road in the City of Beacon and 117 Fair Street in the Village of Cold Spring. As discussed in Chapter III.F, “Historic and Archaeological Resources – Fjord Trail North,” and Chapter IV.F, “Historic and Archaeological Resources – Fjord Trail South,” the Fjord Trail would not result in physical alterations to any architectural resources or result in substantial changes in setting or views that would result in indirect adverse effects. Fjord Trail North would include a Connector trail to the Dutchess Manor site, but this would not impact the historic resource’s setting, nor would it remove or diminish the property’s character-defining features, including its view to the river. The Main Trail of Fjord Trail South would not be within the Cold Spring Historic District, and no impacts to the Cold Spring Historic District are anticipated. The potential Meander along Fair Street would

## **Hudson Highlands Fjord Trail**

---

include sidewalks that pass in front of the house at 117 Fair Street. This section of Fair Street does not currently have sidewalks but includes a marked shoulder. While 117 Fair Street is outside the Village of Cold Spring municipal boundary, much of the potential sidewalk would be within the Village and the design would be developed in coordination with the Village of Cold Spring. The sidewalk is expected to be five feet wide and ADA compliant and would be constructed within the existing roadway right-of-way. It is anticipated that the sidewalk would be consistent with sidewalks throughout the Village of Cold Spring and would not adversely impact the setting of the house at 117 Fair Street. Therefore, the potential sidewalk is not expected to change the setting of the house at 117 Fair Street and the Proposed Action is not expected to result in an adverse impact on 117 Fair Street.

Therefore, the Proposed Action would be consistent with this policy.

### **Policy 24: Prevent impairment of scenic resources of statewide significance.**

The Proposed Action would be within the Hudson Highlands Scenic Area of Statewide Significance (SASS). As discussed in Chapter III.G, “Scenic Resources – Fjord Trail North” and Chapter IV.G “Scenic Resources – Fjord Trail South,” the project would not significantly change views of the Trail Corridor from the surrounding community and selected viewpoints, owing to the perceived scale of the Fjord Trail, its design, and the context into which it is being sited. There would not be a significant change from the current land use, as much of the area is already devoted to parks, preserves, hiking trails, and other public open space. Views would be consistent with or similar to views of other trails and parklands which are already visible within the Hudson Highlands SASS. Therefore, the Proposed Action would be consistent with this policy.

### **Policy 25: Protect, restore, or enhance natural and man-made resources which are not identified as being of statewide significance, but which contribute to the overall scenic quality of the coastal area.**

The Proposed Action would provide visitors with the opportunity to enjoy the scenic beauty of the area, and help visitors reach previously inaccessible locations to allow for full enjoyment of these views. The Proposed Action would provide additional opportunities for people to experience the Hudson River waterfront and the unique landscapes of the Hudson River valley while enhancing preservation efforts (e.g., habitat protection) and recreational access. As discussed in Chapter III.G, “Scenic Resources – Fjord Trail North,” and Chapter IV.G, “Scenic Resources – Fjord Trail South,” the project would not significantly change views of the Trail Corridor from the surrounding community and selected viewpoints. Fjord Trail North would not change the visual character of the surrounding area, as it would remain largely forested and natural, and the existing topography and wooded buffers along the trail and shoreline would limit its visibility from surrounding areas. There would not be a significant change in use from the currently existing land use, as much of the area is devoted to parks, preserves, hiking trails, and other public open space. Similarly, the existing topography and vegetated buffers limit the visibility of some sections of Fjord Trail South. In areas of the Fjord Trail South Corridor that lack natural growth along the shoreline, the trail would be more readily apparent. However, the linear design of the trail would be consistent with the view of the linear nature of the railroad tracks and NYS Route 9D along the shoreline, thereby minimizing the visual impact of the elevated sections of Fjord Trail South. The Fjord Trail South would enhance the public’s enjoyment of local parks and other community assets in the surrounding area by providing new connections and safer access to these existing resources. Therefore, the Proposed Action would be consistent with this policy.

*AGRICULTURAL LANDS POLICY*

**Policy 26: Conserve and protect agricultural lands in the State's coastal area.**

The Proposed Action would not be located within agricultural lands. Therefore, this policy is not applicable.

*ENERGY AND ICE MANAGEMENT POLICIES*

**Policy 27: Decisions on the siting and construction of major energy facilities in the coastal area will be based on public energy needs, compatibility of such facilities with the environment, and the facility's need for a shorefront location.**

The Proposed Action would not include energy facilities. Therefore, this policy is not applicable.

**Policy 28: Ice management practices shall not interfere with the production of hydroelectric power, damage significant fish and wildlife and their habitats, or increase shoreline erosion or flooding.**

The Proposed Action would not include ice management practices. Therefore, this policy is not applicable.

**Policy 29: The development of offshore uses and resources, including renewable energy resources, shall accommodate New York's long-standing ocean and Great Lakes industries, such as commercial and recreational fishing and maritime commerce, and the ecological functions of habitats important to New York.**

The Proposed Action would not develop offshore uses or resources. Therefore, this policy is not applicable.

*WATER AND AIR RESOURCES POLICIES*

**Policy 30: Municipal, industrial, and commercial discharge of pollutants, including but not limited to, toxic and hazardous substances, into coastal waters will conform to State and National water quality standards.**

The Proposed Action would not introduce municipal, industrial, or commercial discharge to the area. Therefore, this policy is not applicable.

**Policy 31: State coastal area policies and management objectives of approved local Waterfront Revitalization Programs will be considered while reviewing coastal water classifications and while modifying water quality standards; however, those waters already overburdened with contaminants will be recognized as being a development constraint.**

The Proposed Action would not involve review of coastal water classifications or modifications of water quality standards. Therefore, this policy is not applicable.

**Policy 32: Encourage the use of alternative or innovative sanitary waste systems in small communities where the costs of conventional facilities are unreasonably high, given the size of the existing tax base of these communities.**

Where public sewer and water connections for restroom buildings are unavailable or deemed infeasible, or are not the preferred option, the restroom buildings would use composting toilets. Therefore, the Proposed Action would be consistent with this policy.

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

As discussed in Chapter III.D, “Water Resources – Fjord Trail North,” and Chapter IV.D, “Water Resources – Fjord Trail South,” each section of the proposed trail, including the on-grade and elevated sections, would be developed and managed under its own Stormwater Pollution Prevention Plan (SWPPP) in accordance with the requirements of the NYSDEC State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activities (GP-0-20-0001) (SPDES General Permit), which would ensure that potential impacts from stormwater runoff during and after construction would be minimized. No more than five acres would be disturbed at any one time, per NYSDEC requirements, and the Proposed Action would not add new point source discharges. The design for on-grade trail sections would incorporate grading and new drainage infrastructure intended to maintain existing flow patterns to the extent practicable such that the trail would not result in adverse impacts from flooding or stormwater conveyance on adjacent infrastructure or natural features. The design would also support drainage in the future under projected conditions with climate risks due to sea level rise, storm surge, and flooding. Best management practices such as vegetated dry swales and infiltration trenches would be incorporated to capture runoff and promote infiltration, thereby reducing the potential effects of stormwater runoff to adjacent areas. Additional stormwater management practices could be incorporated in areas where infiltration is not feasible or appropriate. The trail design would also use pervious trail materials (e.g., pavers, pervious concrete) where possible throughout the alignment to reduce the potential impact of stormwater runoff, and the elevated sections of the trail would use wood or precast concrete decking with slats to allow drainage to pervious surfaces beneath the trail. The Proposed Action would result in an increase of 21.5 to 22.5 acres of impervious surface over the entire alignment, which includes approximately 9 to 10 acres of crushed stone with limited permeability. The need for additional stormwater quantity controls for the total area of impervious surface would be evaluated as the design progresses. Stormwater would continue to drain from the Trail Corridor via overland flow through vegetated buffers and stone revetments before reaching the Hudson River. Therefore, the Proposed Action would be consistent with this policy.

**Policy 34: Discharge of waste materials into coastal waters from vessels subject to State jurisdiction will be limited so as to protect significant fish and wildlife habitats, recreational areas and water supply areas.**

The Proposed Action would not result in discharge of waste materials into coastal waters from vessels. Therefore, this policy is not applicable.

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

The Proposed Action would not involve any dredging activities. The pedestrian bridge across Fishkill Creek for Fjord Trail North would be a clear span and would not require any fill within the waterway. Fjord Trail North would include the placement of fill within NYSDEC wetland WT-1 south of Fishkill Creek resulting from the piles associated with the proposed boardwalk crossing and from the installation of trails in Madam Brett Park. As the design advances, additional wetland surveys and formal wetland delineations would be conducted and the alignment would be modified to avoid these wetlands to the extent practicable, or to minimize any unavoidable impacts. The Applicant would seek a permit for unavoidable impacts to wetlands resulting from

Fjord Trail North. Fjord Trail South would require a total of 118 18-inch diameter piles and 31 36-inch diameter piles below MHHW, comprising an in-water footprint of approximately 365 square feet and approximately 375 cubic yards of flowable concrete within the piles. The elevated sections of Fjord Trail South over the Hudson River are designed to accommodate the MNR-required minimum 25-foot setback from the centerline of the MNR tracks and cannot be placed entirely over land in these locations. However, the resulting overwater coverage has been minimized to the extent practicable while meeting the setback requirement by limiting the width of the trail to 10 feet and siting it as close to the shoreline as possible. The elevated trail along the causeway north of Dockside Park would also incorporate grated deck surfaces to allow sunlight to reach the water and minimize the potential effects of shading on aquatic resources. Piles would be installed via drilling, or augering, and spoils generated during the drilling process would be removed through a vacuum extraction process and hauled away in a hopper barge, thereby minimizing potential impacts to aquatic resources. The proposed shoreline enhancements (i.e., planted shelves and revetments) would result in the placement of approximately 1,920 cubic yards of fill below MHW. The placement of these materials within the Hudson River and along the shoreline would result in a minimal loss of habitat that would not result in significant adverse impacts to fish and wildlife habitats or aquatic resources. Construction activities associated with these project components would be undertaken in a manner that meets existing State surface water protection permit requirements and would not have a significant adverse effect on wetlands or aquatic resources. Therefore, the Proposed Action would be consistent with this policy.

**Policy 36: Activities related to the shipment and storage of petroleum and other hazardous materials will be conducted in a manner that will prevent or at least minimize spills into coastal waters; all practicable efforts will be undertaken to expedite the cleanup of such discharges; and restitution for damages will be required when these spills occur.**

The Proposed Action would not involve any shipment or storage of hazardous materials. The proposed maintenance facility that may be constructed on the property of the City of Beacon Recycling and Transfer Station could potentially include the storage of petroleum products. Any storage of petroleum products within the maintenance facility would be in accordance with regulatory requirements. Therefore, the Proposed Action would be consistent with this policy.

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

See discussion for Policy 33. Stormwater management practices (e.g., vegetated buffers, swales, pervious materials) that would be incorporated along the Fjord Trail Corridor would reduce the amount of stormwater runoff that would reach the Hudson River via overland flow. Vegetated dry swales and infiltration trenches would be included where appropriate to promote infiltration and treat runoff, and no new point sources would be installed. The implementation of erosion and sediment control measures in accordance with the SWPPP would minimize the potential for stormwater runoff to result in adverse effects to water quality during construction. Therefore, the Proposed Action would be consistent with this policy.

**Policy 38: The quality and quantity of surface water and groundwater supplies will be conserved and protected, particularly where such waters constitute the primary or sole source of water supply.**

The Proposed Action would not result in significant adverse effects to the quantity or quality of surface or groundwater supplies. As discussed in Chapters III.D and IV.D, there are no Sole-Source, Primary, or Principal Aquifers in the Trail Corridor, and the trail would not have the

potential to affect any sources of recharge for aquifers in the vicinity. The minimal withdrawal of groundwater that may be required for the proposed restroom buildings would not meet the threshold for a NYSDEC Water Withdrawal permit and would not affect the overall groundwater resources in the study area. Vegetated dry swales and infiltration trenches or other alternative BMPs would minimize the potential for stormwater runoff to affect surface water quality in the Hudson River or connected waterbodies. During pile installation for the elevated sections of Fjord Trail South, sediment resuspension would result in short term and temporary increases in turbidity, but sediments would dissipate quickly with the tidal currents and these activities would not result in long-term impacts to water quality in the Hudson River. Therefore, the Proposed Action would be consistent with this policy.

**Policy 39: The transport, storage, treatment and disposal of solid wastes, particularly hazardous wastes, within coastal areas will be conducted in such a manner so as to protect groundwater and surface water supplies, significant fish and wildlife habitats, recreation areas, important agricultural land, and scenic resources.**

The Proposed Action would not involve the transport, storage, treatment, or disposal of solid wastes. To the extent that soil disturbance for construction occurs near the MNR tracks, there is a potential to disturb contaminated historic fill, including soil contaminated with wood preservatives (e.g., creosote and arsenic) and heavy metals (see Chapters III.P and IV.P). Soil disturbance activities near the MNR tracks during construction for the Proposed Action would be subject to site-specific protocols for dust suppression and sediment and erosion controls to prevent the migration of associated contaminants into groundwater, surface water, or the surrounding areas. Therefore, with these measures in place, the Proposed Action would be consistent with this policy.

**Policy 40: Effluent discharged from major steam electric generating and industrial facilities into coastal waters will not be unduly injurious to fish and wildlife and shall conform to state water quality standards.**

The Proposed Action would not include steam electric generating or industrial facilities. Therefore, this policy is not applicable.

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

The Proposed Action would not have the potential to violate air quality standards. Therefore, this policy is not applicable.

**Policy 42: Coastal management policies will be considered if the State reclassifies land areas pursuant to the prevention of significant deterioration regulations of the Federal Clean Air Act.**

The Proposed Action would not result in the reclassification of land areas pursuant to the prevention of significant deterioration regulations of the Clean Air Act. Therefore, this policy is not applicable.

**Policy 43: Land use or development in the coastal area must not cause the generation of significant amounts of acid rain precursors: nitrates and sulfates.**

The Proposed Action would not result in a substantial increase in acid rain precursors. Therefore, this policy is not applicable.



*WETLANDS POLICY*

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

As described in Chapter III.D and Chapter IV.D, the Proposed Action would be designed to avoid wetlands to the extent possible to limit the potential for permanent impacts to wetlands. Installation of the pedestrian/bicycle bridge over Fishkill Creek and boardwalks over wetland areas just south of Fishkill Creek in Main Trail Option 1 would result in temporary impacts from construction and equipment access. Construction disturbance within wetlands would be limited to the extent possible, and temporary impacts would be minimized with the use of wetland mats, low pressure equipment, and other best management practices that would be developed as the design for Fjord Trail North is advanced. These temporarily disturbed areas would be restored to existing conditions through grading and planting of native wetland species, if necessary, and construction of Fjord Trail North would not result in permanent adverse effects to these outer edge areas. Erosion and sediment control measures (e.g., silt fencing and straw bales) would be implemented in accordance with the SPDES General Permit GP-0-20-001 for Stormwater Discharges from Construction Activity (General Permit), in coordination with NYSDEC, and would minimize potential impacts to wetlands associated with the discharge of sediment during construction. Main Trail Option 2 would turn south from Fishkill Creek and would remain upslope and to the east rather than crossing NYSDEC-mapped wetlands. As the project design advances, ongoing coordination with regulatory agencies would inform the boardwalk alignment and height to minimize shading if the boardwalk is determined to be a permissible wetland impact. Additional wetland surveys and formal wetland delineations would be conducted, and the alignment would be modified under either Main Trail Option to avoid these wetlands to the extent practicable to avoid permanent impacts. In areas where a wetland crossing could not be avoided, design measures such as narrowing the trail, using a boardwalk, or installing an elevated boardwalk on piles, would be considered to minimize the potential disturbance to wetlands. If required, compensatory mitigation for unavoidable impacts to wetlands resulting from the project would be determined in coordination with NYSDEC and/or U.S. Army Corps of Engineers (USACE). Therefore, the Proposed Action would be consistent with this policy.

**CITY OF BEACON LOCAL WATERFRONT REVITALIZATION PROGRAM**

A portion of Fjord Trail North would be located within the City of Beacon and is subject to the City of Beacon's LWRP. Assessments of Proposed Action's consistency with the applicable policies of the LWRP are provided below for Fjord Trail North. As indicated in Section III of the City of Beacon LWRP, State coastal policies 3, 4, 12, 24, 26, and 29 are not applicable to Beacon, and therefore, are not included in the section below.

*DEVELOPMENT POLICIES*

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

*1.A Establish waterfront commercial and residential uses on long dock peninsula to serve as a catalyst for the economic and physical revitalization of the entire waterfront area.*

Fjord Trail North does not include waterfront commercial or residential uses and would not hinder the establishment of such uses on Long Dock peninsula. Fjord Trail North would include improvements to the existing Long Dock parking area (e.g., e-signage, parking apps) to help

## **Hudson Highlands Fjord Trail**

---

reduce congestion and overcrowding by directing drivers to available parking spaces. It would also include a new shuttle service between Long Dock Park and the City of Beacon to support visitation without adding new parking areas, which would also allow visitors to the park to access local businesses in the City. Therefore, Fjord Trail North would be consistent with this policy.

*1.B Structurally and aesthetically improve the deteriorated harbor area between long dock and Riverfront Park to a level compatible with surrounding recreational uses.*

Fjord Trail North would not affect the harbor area between Long Dock and Riverfront Park. Therefore, this policy is not applicable.

*1.C Develop the parcel between the Southern Dutchess Country Club and the Hudson River for low density residential use.*

Fjord Trail North would not affect the parcel between the Southern Dutchess Country Club and the Hudson River. Therefore, this policy is not applicable.

*1.D Establish uses and streetscapes in the urban renewal project #1 area that provide visual, physical, and economic linkages between the waterfront and the central business district, and that will help redevelop the urban renewal area in an environmentally sensitive manner.*

Fjord Trail North would be located outside the urban renewal project #1 area, which is between the MNR Beacon station and central business district. Therefore, this policy is not applicable.

*1.E Develop the underutilized parcel on Denning's Avenue for residential and light industrial uses compatible with the existing adjacent sewage treatment plant.*

Fjord Trail North does not include any residential or light industrial uses, and this policy is not applicable.

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

*2.A Develop water-dependent and water-enhanced uses in the long dock, and harbor areas, particularly marinas, boat launching ramps, moorings, and related facilities.*

Fjord Trail North would provide opportunities for the public to access the Hudson River shoreline, including six Trail Banks on Denning's Point with a fishing bank, a landing, and an overlook. The remainder of the existing trail along the west side of Denning's Point would also be rehabilitated to be Accessible, to the extent feasible. Therefore, Fjord Trail North would be consistent with this policy.

*2.B Develop Denning's Point for low intensity water-dependent and water-enhanced recreational uses (e.g., hiking, bird watching, and educational activities).*

Denning's Point is currently managed by OPRHP and is open for hiking and wildlife viewing. Fjord Trail North would further provide water-dependent and water-enhanced recreational uses through enhancement of the existing trail along the west side of Denning's Point as noted in Policy 2.A. above. The Trail Corridor at Denning's Point would continue to include numerous opportunities for bird watching, wildlife viewing, and fishing. Therefore, Fjord Trail North would be consistent with this policy.

### **Policy 5: Encourage the location of development in areas where public services and facilities essential to such development are adequate, except when such development has special**

**functional requirements or other characteristics which necessitates its location in other coastal areas.**

*5.A Improve sewer and water services at Denning's Point, long dock, and Riverfront Park.*

Riverfront Park is not part of the Fjord Trail Corridor. Fjord Trail North would include restroom facilities at the Long Dock Park trail entry and at Denning's Point; these restrooms may connect to municipal services, as available and in coordination with the City, or they may be composting toilets, to be determined as design advances. The Proposed Action would not include improvements to any existing sewer or water services at either location. Therefore, Fjord Trail North would be consistent with this policy.

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

Ensuring coordination and synchronization of existing permit procedures and regulatory programs applicable to Fjord Trail North is not within the Applicant's control. Therefore, this policy is not applicable.

#### *FISH AND WILDLIFE POLICIES*

**Policy 7: Significant coastal fish and wildlife habitats, as identified on the coastal area map, shall be protected, preserved, and, where practical, restored so as to maintain their viability as habitats.**

*7.A The Fishkill Creek estuary and marsh shall be protected, preserved, and, where practical, restored so as to maintain its viability as a habitat.*

Fjord Trail North would not involve in-water components and would result in minimal temporary impacts during construction. The Fishkill Creek SCFWH designation is due primarily to a significant concentration of osprey during spring migration and year-round foraging by bald eagles. Its designation is also for the diversity of natural ecological communities, importance to coastal migratory and resident fishes, and overall fish and wildlife habitat. Recreational use of sections of Fjord Trail North that would be near water would not be expected to elevate levels of human disturbance above existing conditions to the extent that ospreys or eagles would experience a significant reduction in the amount of undisturbed open water foraging habitat in the area. Due to the abundance of open water foraging habitat that would remain available during and after construction of Fjord Trail North, the project would not result in adverse impacts to osprey or bald eagle foraging habitat. Construction activities would have the potential to displace ospreys and bald eagles from nearshore areas, but these effects would be temporary and localized to the active construction area, and individuals would be expected to return to the area when construction is complete.

There are four existing bald eagle nests along the Fjord Trail North Corridor, one near Denning's Point and the others along the Forest Trail North reach. To avoid impacts to wintering eagles that primarily congregate on Denning's Point, construction of the trail in this area would be limited to between April and October if required by the regulatory agencies. The nest at Denning's Point would also be buffered from the trail construction by a wooded area of more than 330 feet and would not be disturbed by construction. Due to the presence of a regularly used trail in the vicinity of the nest at Denning's Point, the breeding pair of eagles associated with the nest in the vicinity of Denning's Point is expected to have a moderate level of disturbance tolerance. Access to Denning's Point is restricted from December 15 through March 15 to avoid potential disturbance

## **Hudson Highlands Fjord Trail**

---

to wintering eagles from recreational activity, and these closure dates would not change with the Proposed Action.

Because the nests near the Forest Trail North reach could experience significant disruption during trail construction, construction of these sections of the reach would be limited to the non-breeding period (October to December) when the nests would be inactive. Once constructed, Option 1 of the Forest Trail North Reach would create a linear, north-south band of disturbance separating the nest site from the eagles' foraging area on the river, which is inconsistent with the federal guidelines described above. As such, there is some potential for Option 1 of the Forest Trail North reach to interfere with the breeding activity of the pair of eagles associated with this nest, depending on their level of tolerance of human disturbance. Main Trail Option 2 of the Forest Trail North Reach is further inland and would be farther from the Hudson River and active bald eagle nests. Therefore, recreational use of Option 2 of the Forest Trail North Reach would have less potential to disturb nesting bald eagles. A wooded buffer of at least 330 feet between either Option of the Forest Trail North Reach and the nest would be expected to adequately protect these nesting pairs from recreational activity on the trail. The exact location of the Forest Trail North Reach Main Trail alignment will be determined as design advances. Therefore, Fjord Trail North would be consistent with this policy.

**Policy 8: Protect fish and wildlife resources in the (encouraged) coastal area from the introduction of hazardous wastes and other pollutants, which bioaccumulate in the food chain or which cause significant sublethal or lethal effect on those resources.**

*8.A Prohibit the discharge of untreated effluent and pollutants from commercial and industrial facilities along Fishkill Creek.*

To the extent that soil disturbance for construction occurs near the MNR tracks, there is a potential to disturb contaminated historic fill, including soil contaminated with wood preservatives (e.g., creosote and arsenic) and heavy metals. Soil disturbance activities near the MNR tracks during construction for the Proposed Action would be subject to site-specific protocols for dust suppression and sediment and erosion controls to prevent the migration of associated contaminants into groundwater or the surrounding areas. Fjord Trail North would not involve the discharge of any untreated effluent or pollutants from commercial or industrial facilities along Fishkill Creek. Therefore, the Proposed Action would be consistent with this policy.

**Policy 9: Expand recreational use of fish and wildlife in coastal areas by increasing access to existing resources, supplementing existing stocks and developing new resources. Such efforts shall be made in a manner which ensures the protection of renewable fish and wildlife resources and considers other activities dependent on them.**

*9.A Improve public access to the water for fishing and passive recreation uses through the acquisition of land and/or easements on the Hudson between Long Dock and Denning's Point, and on the banks of Fishkill Creek.*

The Klara Sauer Trail currently facilitates recreational use of the coastal zone between Long Dock Park and Denning's Point. Fjord Trail North would be a publicly accessible shared-use trail along the Hudson River with trail sections included on Long Dock, Denning's Point, and across Fishkill Creek. The trail would improve public access for passive recreation by connecting to the existing Klara Sauer Trail and Denning's Point, and would include trail banks and specific locations for recreational fishing. Therefore, Fjord Trail North would be consistent with this policy.

**Policy 10: Further develop commercial finfish, shellfish and crustacean resources in the coastal area by: (a) encouraging the construction of new or improvement of existing on-shore commercial fishing facilities; (b) increasing marketing of the state's seafood products; and (c) maintaining adequate stocks and expanding aquaculture facilities. Such efforts shall be made in a manner which ensures the protection of such renewable fish resources and considers other activities dependent on them.**

Fjord Trail North would not further develop commercial fishing. Therefore, this policy is inapplicable.

*FLOODING AND EROSION HAZARDS POLICIES*

**Policy 11: Buildings and other structures will be sited in the coastal area so as to minimize damage to property and the endangering of human lives caused by flooding and erosion.**

As described in Chapter III.D, “Water Resources – Fjord Trail North,” portions of Fjord Trail North would be within the 1-percent and 0.2-percent annual chance floodplains. The areas close to the Hudson River, a tributary to the river, and a wetland are within the 1-percent annual chance floodplain in Zone AE. Construction of Fjord Trail North would result in minimal occupation of the floodplain and would require minimal grading, primarily within previously disturbed areas, and would not exacerbate flooding conditions in adjacent areas. Due to its location along the Hudson River or near connected waterbodies, portions of the trail would be susceptible to flooding during 1-percent annual chance flood events under current and future conditions. The on-grade sections of Fjord Trail North may be planted with stabilizing vegetation and supported by boulder edges along the river side to minimize the potential for damage from flooding or associated shoreline erosion. The project would also incorporate resiliency measures to reduce the risk of damage during flood events, including use of materials designed to be floodable and easily repaired, minimum design life of 50 years for exterior construction materials, materials not susceptible to rot or corrosion, and stabilization of trail edges with vegetation and boulder edges. At-grade sections of the trail would incorporate grading and drainage infrastructure designed to convey stormwater and water from tidal and/or coastal flooding in a manner consistent with the existing hydrology and drainage patterns of the project site. The drainage design would minimize ponding and promote existing flow patterns to the extent practicable such that the project does not result in adverse impacts from flooding on adjacent infrastructure or natural features. The design would also support drainage in the future under projected conditions with climate risks due to sea level rise, storm surge, and flooding. With these measures in place, there would be limited potential for damage to Fjord Trail North or adjacent areas from flooding or erosion. Therefore, Fjord Trail North would be consistent with this policy.

**Policy 13: The construction or reconstruction of erosion protection structures shall be undertaken only if they have a reasonable probability of controlling erosion for at least thirty years as demonstrated in design and construction standards and/or assured maintenance or replacement programs.**

Fjord Trail North would not include construction or reconstruction of any erosion protection structures. Therefore, this policy is not applicable.

**Policy 14: Activities and development, including the construction or reconstruction of erosion protection structures, shall be undertaken so that there will be no measurable**

**increase in erosion or flooding at the site of such activities or development or at other locations.**

As noted in Policy 11, portions of Fjord Trail North would be located in the 1-percent and 0.2-percent annual chance floodplains. Fishkill Creek is also a designated floodway, but the project would not include the placement of any structures within the creek and therefore would not alter its base flood level. In areas where the trail would run close to the shoreline, riparian vegetation, coarse woody debris, and wrack would be left along the shoreline to help protect the area and limit erosion. The on-grade portions of the trail would require minimal grading within previously disturbed areas and would include design measures to stabilize the edges of the trail (e.g., vegetation, stone features) and support existing stormwater drainage patterns, and construction would be completed in accordance with applicable permit standards and practices such that it does not result in a measurable increase in erosion. Use of the trail by visitors once it is complete would not result in increased potential for erosion given the trail edge designs and clear identification of the path. Therefore, Fjord Trail North would be consistent with this policy.

**Policy 15: Mining, excavation or dredging in coastal waters shall not significantly interfere with the natural coastal processes which supply beach materials to land adjacent to such waters and shall be undertaken in a manner which will not cause an increase in erosion of such land.**

Fjord Trail North would not involve any mining, excavation, or dredging. Therefore, this policy is not applicable.

**Policy 16: Public funds shall only be used for erosion protective structures where necessary to protect human life, and new development which requires a location within or adjacent to an erosion hazard area to be able to function, or existing development; and only where the public benefits outweigh the long term monetary and other costs including the potential for increasing erosion and adverse effects on natural protective features.**

Fjord Trail North would not include erosion protective structures within or adjacent to an erosion hazard area and would not result in an increased rate of shoreline erosion or impacts to natural protective features. Therefore, this policy is not applicable.

**Policy 17: Whenever possible, use non-structural measures to minimize damage to natural resources and property from flooding and erosion. Such measures shall include: (a) the set back of buildings and structures; (b) the planting of vegetation and the installation of sand fencing and draining; (c) the reshaping of bluffs; and (d) the flood-proofing of buildings or their elevation above the base flood level.**

The design flood elevation for Fjord Trail North would be +8.3 feet NAVD88, with project components sited above MHHW elevations considering 65 inches of sea level rise (the year 2100 high estimate). Flood-resilient materials and design practices would allow submersion of on-grade trail sections resulting in minimal damage and easy repair if necessary. Planting of native vegetation along the shoreline and in upland areas would stabilize the soils along the Trail Corridor, including along the edges of the on-grade trail itself. Therefore, Fjord Trail North would be consistent with this policy.

*GENERAL POLICY*

**Policy 18: To safeguard the vital economic social and environmental interests of the state and of its citizens, proposed major actions in the coastal area must give full consideration to**

those interests, and to the safeguards which the state has established to protect valuable coastal resources areas.

Fjord Trail North would create a non-motorized, shared-use trail which would connect to other parks and heavily used trails in the area, and would encourage visitation of local businesses in the municipalities through which the trail would pass. Access to cultural resources and the history of the area would be provided through signage along the Trail Corridor, connecting people to the colonial and pre-colonial history of the region. By way of providing recreational access and interpretive signage, the trail would strengthen visitors' bonds to the environment by helping them understand the importance of the natural and coastal resources of the area. The trails would also reduce haphazard access and subsequent degradation of areas that could support sensitive ecological communities and species by providing established points of access along the Trail Corridor. Therefore, Fjord Trail North would be consistent with this policy.

*PUBLIC ACCESS POLICIES*

**Policy 19: Protect, maintain, and increase the levels and types of access to public water-related recreation resources and facilities so that these resources and facilities may be fully utilized by all the public in accordance with reasonably anticipated public recreation needs and the protection of historic and natural resources. In providing such access, priority shall be given to public beaches, boating facilities, fishing areas and waterfront parks.**

*19.A Improve pedestrian access to the Hudson River front through the provision of pedestrian bridges over tunnels under the railroad tracks.*

Fjord Trail North would improve public access to recreational resources along the Hudson River shoreline, including to portions of the shoreline that would otherwise be inaccessible to pedestrians, such as areas of Denning's Point and along Klara Sauer Trail. In general, the trail would improve visitor safety by separating pedestrian and vehicular traffic, providing safer and more frequent points of entry to the trail system, and creating better connections to existing trails and other recreational resources along the Trail Corridor. Therefore, Fjord Trail North would be consistent with this policy.

*19.B Repair or replace the bridge over the railroad tracks at long dock to serve riverfront park, the railroad station and long dock.*

Although Fjord Trail North would not involve repair or replacement of the bridge over the railroad tracks at Long Dock, it would enhance an existing publicly accessible, non-motorized, shared-use trail at Long Dock. Therefore, Fjord Trail North would be consistent with this policy.

*19.C Restore water access to the beacon riverfront to enable larger vessels (i.e., the sloop Clearwater) to dock in the harbor through a program of careful dredging and stabilization of the harbor.*

Fjord Trail North would not involve provision of water access for large vessels, but would not preclude future access to the harbor. Therefore, Fjord Trail North would be consistent with this policy.

**Policy 20: Access to the publicly owned foreshore and to lands immediately adjacent to the foreshore or the water's edge that are publicly owned shall be provided, and it should be provided in a manner compatible with adjoining uses. Such lands shall be retained in public ownership.**



## **Hudson Highlands Fjord Trail**

---

*20.A The possibility of a pedestrian path should be explored along the railroad right-of way on the east bank of Fishkill Creek. A pedestrian path should also be encouraged from Denning's Point to Riverfront Park in a manner which provides significant opportunities to view the shoreline.*

The Klara Sauer Trail currently facilitates recreational use within the coastal zone between Denning's Point and Long Dock Park, which is just south of Riverfront Park. Fjord Trail North would incorporate the Klara Sauer Trail between Denning's Point and Long Dock Park and would also run along the east bank of Fishkill Creek. The area between Long Dock Park and Riverfront Park is outside the northern limit of the proposed Fjord Trail North, but the project would not hinder future development of a pedestrian path between these parks. Therefore, Fjord Trail North would be consistent with this policy.

### *RECREATION POLICIES*

**Policy 21: Water-dependent and water-enhanced recreation shall be encouraged and facilitated and shall be given priority over non-water related uses along the coast, provided it is consistent with the preservation and enhancement of other coastal resources and takes into account demand for such facilities. In facilitating such activities, priority shall be given to areas where access to tile recreation opportunities of the coast can be provided by new or existing public transportation services and to those areas where the use of the shore is severely restricted by existing development.**

*21.A Establish support facilities at Riverfront Park to increase its attractiveness and its capacity as an open space site for passive recreational uses including boating and fishing.*

While Fjord Trail North would not include components at Riverfront Park, it would include restrooms, seating, a bike repair station, and bike rental at Long Dock Park, less than a quarter mile south of Riverfront Park. These services would be accessible to visitors of Riverfront Park. Therefore, Fjord Trail North would be consistent with this policy.

*21.B Develop the north, south, and west shorelines of the long dock peninsula including the harbor area for water-dependent recreational uses such as fishing, walking, and boating.*

While Fjord Trail North would not include components along the north, south, or west shorelines of Long Dock Peninsula, it would include a connection to Long Dock Park via the existing Klara Sauer Trail. Therefore, Fjord Trail North would be consistent with this policy.

*21.C Preserve the underdeveloped green valley floor of the Fishkill Creek for passive recreational uses including a tramway.*

A section of Fjord Trail North would run along the east bank of Fishkill Creek and connect to new trail sections in Madam Brett Park. These portions of the trail would not affect the green valley floor of Fishkill Creek and would not preclude the potential development of a tramway in the future. Therefore, Fjord Trail North would be consistent with this policy.

*21.D Establish a linear recreational path along the narrow strip of land west of the railway between long dock and Denning's Point.*

The Klara Sauer Trail currently exists between Long Dock Park and Denning's Point providing recreational trail use of this narrow linear corridor. Fjord Trail North would include and improve the existing Klara Sauer Trail. Therefore, Fjord Trail North would be consistent with this policy.

21.E *Establish linear and open space recreational uses on the perimeter of Denning's Point while preserving the rest of the peninsula as a wildlife sanctuary.*

The section of Fjord Trail North on Denning's Point would be limited to a narrow strip of land along the western shoreline and the connections to the Klara Sauer Trail and Madam Brett Park. The trail would not affect the rest of the peninsula and would not preclude its use as a wildlife sanctuary. Denning's Point is closed in winter for the protection of wintering eagles. These use restrictions would continue to be implemented with the project. Therefore, Fjord Trail North would be consistent with this policy.

21.F *Establish an access path to fisherman's point on Riverfront Park.*

Fjord Trail North would not include components within Riverfront Park, but it would not preclude the potential development of an access path to fisherman's point in the future. Therefore, Fjord Trail North would be consistent with this policy.

**Policy 22: Development, when located adjacent to the shore, shall provide for water-related recreation, as a multiple use, whenever such recreational use is appropriate in light of reasonable anticipated demand for such activities and the primary purpose of the development.**

22.A *New developments along the riverfront especially at long dock, and Fishkill Creek should provide for water-related recreation and should also set aside open space for passive recreation.*

The guidance for this policy states that appropriate recreational uses for new developments along the riverfront include boat landing facilities, fishing sites, and walking trails, all of which would be provided by Fjord Trail North. The trail would include a new kayak launch at Denning's Landing, and fishing sites at the Marsh Overlook, Klara Sauer Trail Elevated Overlook, and along the shoreline of Denning's Point. Fjord Trail North would enhance water-related recreational activities through the enhancement of existing trails and creation of new trails along the Hudson River in the Long Dock and Fishkill Creek areas. Therefore, Fjord Trail North would be consistent with this policy.

**Policy 23: Protect, enhance, and restore structures, districts, areas, or sites that are of significance in the history, architecture, archeology or culture of the state, its communities, or the nation.**

23.A *Encourage the restoration and adaptive reuse of large historic estates, such as the mill buildings on Fishkill Creek.*

Fjord Trail North does not include restoration or adaptive reuse of historic estates and would not preclude the future restoration or reuse of these resources. Therefore, the Proposed Action would be consistent with this policy.

#### *SCENIC QUALITY POLICIES*

**Policy 25: Protect, restore, and enhance natural and manmade resources which are not identified as being of state-wide significance, but which contribute to the scenic quality of the coastal area.**

25.A *The following view sheds will be protected:*

1. *Main Street and Route 9D*
2. *Beacon Street and Route 9D*

## **Hudson Highlands Fjord Trail**

---

3. *Rombout Avenue and Route 9D*
4. *Route 9D and Wolcott Avenue*
5. *South Avenue and Route 9D*
6. *Denning's Avenue at South Avenue*
7. *Sargent Avenue at St. Lawrence Seminary*
8. *South Avenue ¼-Mile West of Denning's Avenue*
9. *Paye Street*
10. *River Street and Beekman Street*
11. *Southwest View from Wolcott Avenue 200 Feet West of Bayview Avenue*
12. *West View from Wolcott Avenue 200 Feet West of Bayview Avenue*
13. *Northwest View from Wolcott Avenue 200 Feet West of Bayview Avenue*

Although portions of Fjord Trail North may be partially visible from some of the viewsheds listed in this policy, the trail would not change the visual character of the surrounding area, as it would remain largely forested and natural and the trail in these areas would be constructed on-grade. The Fjord Trail North Corridor's existing topography and wooded buffers would limit the visibility of the trail from these viewsheds. There would not be a significant change in use from the currently existing land use, as much of the area is devoted to parks, preserves, hiking trails, and other public open space. Therefore, Fjord Trail North would be consistent with this policy.

### *ENERGY AND ICE MANAGEMENT POLICIES*

**Policy 27: Decisions on the siting and construction of major energy facilities in the coastal area will be based on public energy needs, compatibility of such facilities with the environment, and the facility's need for a shorefront location.**

Fjord Trail North does not include any energy facilities. Therefore, this policy is not applicable.

**Policy 28: Ice management practices shall not damage significant fish and wildlife and their habitats, increase shoreline erosion or flooding, or interfere with the production of hydroelectric power.**

Fjord Trail North does not include ice management practices. Therefore, this policy is not applicable.

### *WATER AND AIR POLICIES*

**Policy 30: Municipal, industrial, and commercial discharge of pollutants, including but not limited to, toxic and hazardous substances, into coastal waters will conform to state and national water quality standards.**

*30.A The discharge of pollutants from the former Beacon landfill should be eliminated.*

The limit of disturbance for Fjord Trail North would be outside of the former Beacon landfill, which is currently a solar farm, and the trail would have no effect on any discharge of pollutants from the former landfill. Therefore, this policy is not applicable.

*30.B Discharges from the Beacon sewage treatment plant will meet state standards for secondary treatment.*

Restroom facilities are planned at the entry to Fjord Trail North at Long Dock Park and Denning's Point that may connect to municipal services, as available and in coordination with the City of

Beacon, or may be composting toilets, pending further design. Any possible connection of the restrooms to the City of Beacon sanitary system will not affect the Beacon sewage treatment plant's compliance with the state standards for secondary treatment. Therefore, this policy is not applicable.

**Policy 31: State coastal area policies and purposes of approved local waterfront revitalization programs will be considered while reviewing coastal water classifications and while modifying water quality standards; however, those waters already overburdened with contaminants will be recognized as being a development constraint.**

Fjord Trail North does not include the review of coastal water classifications or the modification of water quality standards. Therefore, this policy is not applicable.

**Policy 32: Encourage the use of alternative or innovative sanitary waste systems in small communities where the costs of conventional facilities are unreasonably high, given the size of the existing tax base of these communities.**

*32.A Encourage the use of alternative or innovative sanitary waste systems at Riverfront Park, the harbor area at long dock and Denning's Point. Should long dock or any waterfront property be developed in the future, state of the art low flow fixtures and water saving devices should be required to reduce the demand for water and reduce the flow to the sewage treatment facilities. Developers, where practicable, should be required to follow the guidelines in the New York State municipal model water conservation plan.*

Fjord Trail North would include restroom buildings at the Long Dock Park trail entry and Denning's Point. These facilities may connect to municipal services, as available and in coordination with the City, or they may use composting toilets, to be determined as design advances. The Applicant would consider low flow fixtures to minimize water and wastewater demand. Therefore, Fjord Trail North would be consistent with this policy.

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

*33.A Regulate construction in steeply sloped and high erosion areas to control excessive stormwater runoff.*

As discussed in Chapter III.C, "Land – Fjord Trail North," Fjord Trail North would cross areas with slopes greater than 25 percent. As the design progresses, efforts would be made to minimize disturbances to these areas, to the extent practicable, including the potential for elevated trail sections or other avoidance measures. As discussed in Chapter III.D, "Water Resources – Fjord Trail North," each section of Fjord Trail would be developed and managed under its own SWPPP in accordance with the requirements of the NYSDEC SPDES General Permit, which would ensure that potential impacts from stormwater runoff during and after construction would be minimized. The design for on-grade trail sections would incorporate grading and new drainage infrastructure intended to maintain existing flow patterns to the extent practicable and would not add new point source discharges. The design would also support drainage in the future under projected conditions with climate risks due to sea level rise, storm surge, and flooding. Best management practices such as vegetated dry swales and infiltration trenches would be incorporated to capture runoff and promote infiltration, thereby reducing the potential effects of stormwater runoff to adjacent areas. Additional stormwater practices could be incorporated in areas where infiltration is not feasible or appropriate. The trail design would also use pervious trail materials (e.g., pavers, pervious concrete) where possible throughout the alignment to reduce the potential impact of stormwater

## **Hudson Highlands Fjord Trail**

---

runoff. The need for additional stormwater quantity controls for areas of impervious surface would be evaluated as the design progresses. Stormwater would continue to drain from the Trail Corridor via overland flow through vegetated buffers and stone revetments before reaching the Hudson River. Therefore, Fjord Trail North would be consistent with this policy.

**Policy 34: Discharge of waste materials from vessels into coastal waters will be limited so as to protect coastal significant fish and wildlife habitats, recreational areas and water supply areas.**

*34.A New marinas will be required to provide pumpout facilities.*

Fjord Trail North would not include a new marina and would not result in the need for new pumpout facilities. Therefore, this policy is not applicable.

**Policy 35: Dredging and dredge spoil disposal in coastal waters will be undertaken in a manner that meets existing state dredging permit requirements, and protects significant fish and wildlife habitats, scenic resources, natural protective features, important agricultural lands, and wetlands.**

*35.A Dredging shall not occur during fish spawning season and will not be carried out without a U.S. Army Corps of Engineers section 10 and/or 404 permit, and/or DEC part 608 and 663 permits.*

Fjord Trail North would not involve any dredging activities or dredged spoil disposal. Therefore, this policy is not applicable.

*35.B Spoils should not be deposited in wetlands or significant fish and wildlife habitats as identified in the LWRP inventory.*

Fjord Trail North would not involve any dredging activities or dredged spoil disposal. Therefore, this policy is not applicable.

*35.D Groundwater contamination shall be avoided.*

Fjord Trail North would not have the potential to result in groundwater contamination. Therefore, Fjord Trail North would be consistent with this policy.

*35.E Spoils site design will incorporate considerations for natural features, viewsheds, and shall, where feasible, conform to existing land form.*

Fjord Trail North would not involve any dredging activities or dredged spoil disposal. Therefore, this policy is not applicable.

*35.F No deposition shall occur without testing of sample soils for toxicity.*

Fjord Trail North would not involve any dredging activities or dredged spoil disposal. Therefore, this policy is not applicable.

*35.G Toxic or hazardous dredge spoils shall not be deposited within the waterfront boundary. The potential of worked out mines as dredge spoil sites will be investigated.*

Fjord Trail North would not involve any dredging activities or dredged spoil disposal. Therefore, this policy is not applicable.

**Policy 36: Activities related to the shipment and storage of petroleum and other hazardous materials will be conducted in a manner that will prevent or at least minimize spills into**

**coastal waters; all practicable efforts will be undertaken to expedite the cleanup of such discharges; and restitution for damages will be required when these spills occur.**

Fjord Trail North would not involve any shipment or storage of hazardous materials. The proposed maintenance facility that may be constructed on the property of the City of Beacon Recycling and Transfer Station could potentially include the storage of petroleum products. Any storage of petroleum products within the maintenance facility would be in accordance with regulatory requirements. Therefore, Fjord Trail North would be consistent with this policy.

**Policy 37: Best management practices will be utilized to minimize the nonpoint discharge of excess nutrients, nonpoint discharge of excess nutrients, organics, and eroded soils into coastal waters.**

Stormwater management practices (e.g., vegetated buffers, swales, pervious materials) that would be incorporated along the Fjord Trail North Corridor would reduce the amount of stormwater runoff that would reach the Hudson River via overland flow. Vegetated dry swales and infiltration trenches would be included where appropriate to promote infiltration and treat runoff, and no new point sources would be installed. The implementation of erosion and sediment control measures in accordance with the SWPPP would minimize the potential for stormwater runoff to result in adverse effects to water quality during construction. Therefore, Fjord Trail North would be consistent with this policy.

**Policy 38: The quality and quantity of surface water and groundwater supplies will be conserved and protected particularly where such waters constitute the primary or sole source of water supply.**

Fjord Trail North would not result in significant adverse effects to the quantity or quality of surface or groundwater supplies. As discussed in Chapter III.D, “Water Resources – Fjord Trail North,” there are no Sole-Source, Primary, or Principal Aquifers in the Trail Corridor, and the trail would not have the potential to affect any sources of recharge for aquifers in the vicinity. The minimal withdrawal of groundwater that may be required for the proposed restroom buildings would not meet the threshold for a NYSDEC Water Withdrawal permit and would not affect the overall groundwater resources in the study area. Vegetated dry swales and infiltration trenches or other alternative BMPs would minimize the potential for stormwater runoff to affect surface water quality in the Hudson River or connected waterbodies. Therefore, Fjord Trail North would be consistent with this policy.

**Policy 39: The transport, storage, treatment and disposal of solid wastes, particularly hazardous wastes, within coastal areas will be conducted in such a manner so as to protect groundwater and surface water supplies, significant fish and wildlife habitats, recreation areas, important agricultural land and scenic resources.**

To the extent that soil disturbance for construction occurs near the MNR tracks, there is a potential to disturb contaminated historic fill, including soil contaminated with wood preservatives (e.g., creosote and arsenic) and heavy metals. Soil disturbance activities near the MNR tracks during construction for the Proposed Action would be subject to site-specific protocols for dust suppression and sediment and erosion controls to prevent the migration of associated contaminants into groundwater or the surrounding areas. Fjord Trail North would not involve the transport, storage, treatment, or disposal of solid wastes. Therefore, the Proposed Action would be consistent with this policy.

**Policy 40: Effluent discharged from major steam electric generating and industrial facilities into facilities into coastal waters will not be unduly injurious to fish and wildlife and shall conform to state water quality standards.**

Fjord Trail North does not include steam electric generating or industrial facilities. Therefore, this policy is not applicable.

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

Fjord Trail North does not have the potential to violate air quality standards either during construction or operation of the trail. Therefore, Fjord Trail North would be consistent with this policy.

**Policy 42: Coastal management policies will be considered if the state reclassifies land areas pursuant to the prevention of significant deterioration regulations of the federal clean air act.**

Fjord Trail North would not result in the reclassification of land areas pursuant to the prevention of significant deterioration regulations of the Clean Air Act. Therefore, this policy is not applicable.

**Policy 43: Land use or development in the coastal area must not cause the generation of significant amounts of acid rain precursors: nitrates and sulfates.**

Fjord Trail North would not result in a substantial increase in acid rain precursors. Therefore, this policy is not applicable.

*WETLANDS POLICY*

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

*44.A Preserve and protect the Fishkill Creek marsh to maintain its many intrinsic values.*

As described in Chapter III.D, “Water Resources – Fjord Trail North,” the trail would be designed to avoid wetlands to the extent possible to limit the potential for permanent impacts to wetlands. Installation of the pedestrian/bicycle bridge over Fishkill Creek and boardwalks over wetland areas just south of Fishkill Creek in Main Trail Option 1 would result in temporary impacts from construction and equipment access. Construction disturbance within wetlands would be limited to the extent possible, and temporary impacts would be minimized with the use of wetland mats, low pressure equipment, and other best management practices that would be developed as the design for Fjord Trail North is advanced. These temporarily disturbed areas would be restored to existing conditions through grading and planting of native wetland species, if necessary, and construction of Fjord Trail North would not result in permanent adverse effects to these outer edge areas. Main Trail Option 2 would turn south from Fishkill Creek and would remain upslope and to the east rather than crossing the NYSDEC-mapped wetlands shown on Figure III.D-3). Erosion and sediment control measures would minimize the potential impacts to these wetlands and their adjacent areas during construction. As the project design advances, ongoing coordination with regulatory agencies would inform the boardwalk alignment and height to minimize shading if the boardwalk is determined to be a permissible wetland impact. Additional wetland surveys and formal wetland delineations would be conducted, and the alignment would be modified under either Main Trail Option to avoid these wetlands to the extent practicable to avoid permanent impacts. In areas where a wetland crossing could not be avoided, design measures such as



## **Chapter X: Coastal Zone Management Program Consistency**

---

narrowing the trail, using a boardwalk, or installing an elevated boardwalk on piles, would be considered to minimize the potential disturbance to wetlands. If required, compensatory mitigation for unavoidable impacts to wetlands resulting from the project would be determined in coordination with NYSDEC and/or USACE. Therefore, Fjord Trail North would be consistent with this policy. \*