

Chapter XI: Climate Leadership and Community Protection Act

This chapter evaluates compliance of the Proposed Action with the New York State Climate Leadership and Community Protection Act (CLCPA), which was signed into law in 2019. CLCPA Section 7(3) requires state agencies to consider impacts to disadvantaged communities in agency administrative decisions, including but not limited to, issuing permits, licenses and the execution of grants, loans, and contracts. CLCPA Section 7(3) provides that agency administrative decisions:

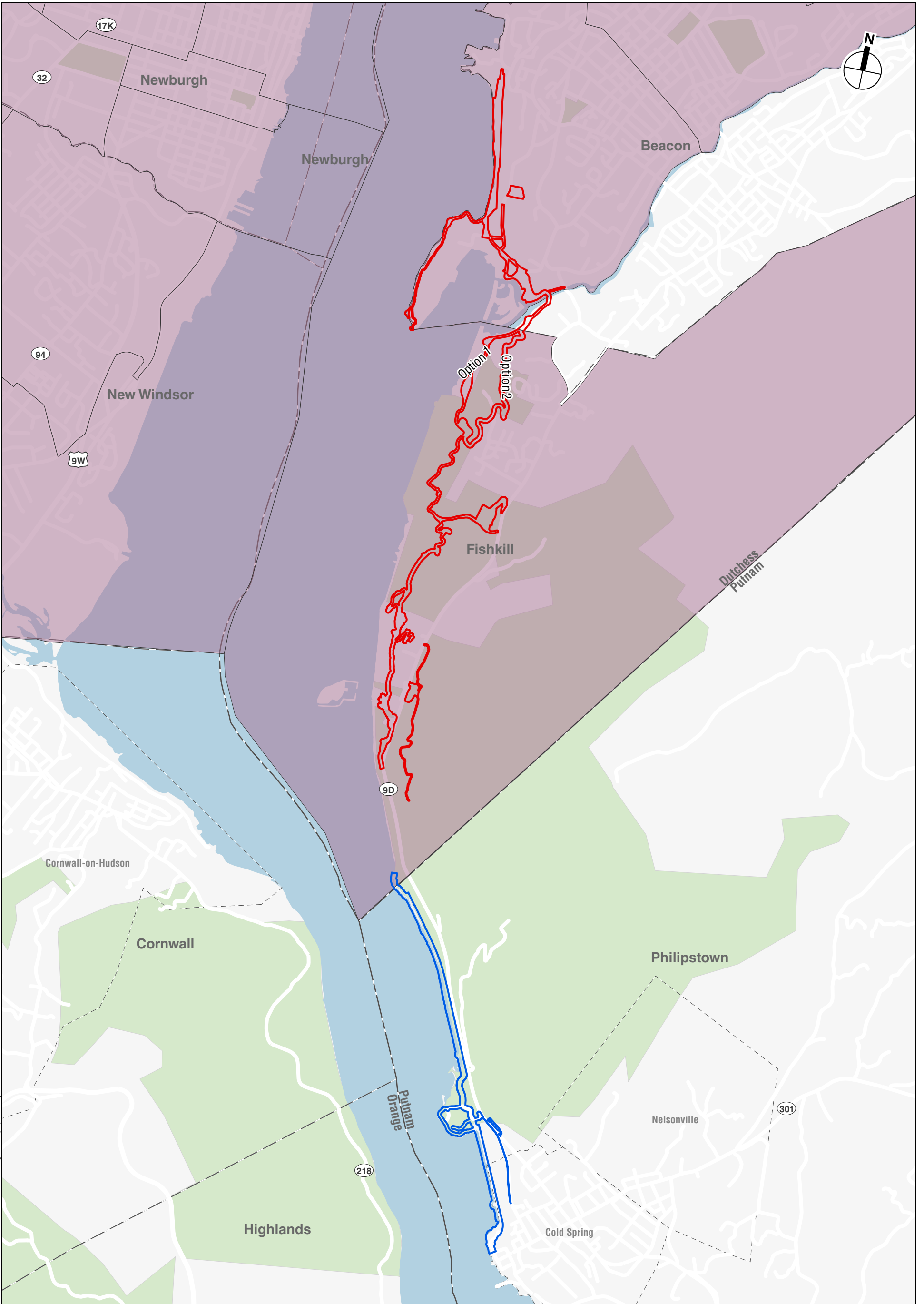
- Shall not disproportionately burden disadvantaged communities, and
- Shall prioritize reductions of greenhouse gas emissions and co-pollutants in disadvantaged communities.

The following sections assess the Proposed Action’s potential for disproportionate burdens on disadvantaged communities, considering the environmental analyses provided in this Draft Generic Environmental Impact Statement (DGEIS). Disadvantaged communities are census tracts that meet criteria established by the Climate Justice Working Group based on a combination of indicators related to existing environmental burdens, susceptibility to effects from climate change, and socioeconomic characteristics (such as income status). As shown in **Figure XI-1**, two census tracts in the Fjord Trail North Corridor (within the City of Beacon and the Town of Fishkill) have been identified as disadvantaged communities and encompass almost the entire Fjord Trail North trail alignment. No disadvantaged communities are present in the Fjord Trail South Corridor.¹

As discussed in the technical chapters of this DGEIS, potential adverse impacts from the proposed Fjord Trail are related to removal of terrestrial vegetation and habitat, removal of aquatic habitat, potential loss of wetland habitat, impacts on rare, threatened, and endangered species, potential effects on archaeological resources (pending further studies), and potential traffic impacts.

The Fjord Trail would result in the removal of about 53.8 acres of vegetation. However, as the trail would be linear, vegetation removal would not be concentrated in one location, and it would represent a small portion of overall habitat in the Fjord Trail Corridor. To minimize vegetation removal, the Fjord Trail would incorporate and improve existing trails, such as the Klara Sauer Trail and trails at Denning’s Point, Madam Brett Park, Little Stony Point, and Dockside, an inactive rail line, and old roadbeds, as feasible, at the Notch. Tree clearing, in general, would be minimized to the extent possible. Large trees would be avoided to the extent practicable upon final trail and facility (e.g., parking lots, restrooms) design and layout. Impacts to adjacent mature trees and to vegetation on steep slopes would also be minimized. Trail and facility design will keep limits of disturbance as narrow as possible while meeting Accessibility needs and other design requirements. Other minimization and mitigation strategies would include tree protection measures during construction, replanting plans with native species, and an invasive species management plan to be coordinated with the regulatory agencies, as appropriate. Much of the vegetation removal would not occur near residential areas and vegetation removal would not be confined within areas identified as disadvantaged communities but would occur outside these

¹ <https://climate.ny.gov/Resources/Disadvantaged-Communities-Criteria>. Accessed March 22, 2024.



Data source: Climate Justice Working Group (CJWG), 2023.

- Trail Corridor - Fjord Trail North
- Trail Corridor - Fjord Trail South
- Disadvantaged Community

0 1 Miles

Hudson Highlands Fjord Trail

communities as well (i.e., along Fjord Trail South). As such, vegetation removal would not result in disproportionate burdens on disadvantaged communities.

The proposed boardwalk crossing south of Fishkill Creek with Main Trail Option 1 and a proposed Meander in Madam Brett Park would likely result in permanent removal of wetland habitat within a wetland regulated by the New York State Department of Environmental Conservation (NYSDEC). Main Trail Option 2 would be upslope and avoid these wetlands. As design advances, measures to avoid and minimize impacts to the wetland would be considered, such as, modifying the trail alignment and narrowing or elevating the trail surface. Helical piles would be used for elevated trail sections to reduce the amount of long-term physical disturbance within any wetland. Further, in consultation with NYSDEC, compensatory mitigation may be implemented, if required, which could include restoration or enhancement of similar habitat in the area. While the wetland is located in a disadvantaged community, it is not located near any residences and impacts to wetlands and other water resources would also occur in areas that are not identified within disadvantaged communities. In addition, Stormwater Pollution Prevention Plans (SWPPP) would be prepared in accordance with the requirements of the NYSDEC State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activities for each section of Fjord Trail North that would minimize the potential for discharge of materials into the Hudson River or adjacent waterbodies or wetlands during construction. As such, wetland and water resource impacts would not result in disproportionate burdens on disadvantaged communities.

Archaeological sites have been identified in the Fjord Trail North Corridor, as described in Chapter III.F, “Historic and Archaeological Resources – Fjord Trail North.” Components of the proposed Fjord Trail North that could affect these sites includes a Meander at Madam Brett Park, the parking area at the Notch, and the Forest Trail South Reach (at the southern end of Fjord Trail North). As design advances, modifications would be considered to avoid or minimize effects to archaeological resources. If adverse effects cannot be avoided, appropriate mitigation measures would be stipulated in a Letter of Resolution, implemented in consultation with the State Historic Preservation Office (SHPO) and any participating Indigenous Nations. However, potential adverse effects on archaeological resources would not be located near residential areas and the Fjord Trail would not result in disproportionate burdens on disadvantaged communities.

Some localized impacts, such as noise and potential dust, would occur during construction of Fjord Trail North. However, given the limited number of residences located in proximity to the proposed trail, the distance of receptors from construction activities, and the temporary nature of construction, these effects would not be considered significant. Construction would also progress along the proposed trail alignment such that construction activities would not be continuous in one location. Further, best management practices such as dust control and prohibited nighttime construction would be implemented to minimize the potential for adverse effects during construction phases. In addition, temporary impacts during construction would occur in areas not identified as disadvantaged communities. Therefore, the Fjord Trail would not result in disproportionate burdens on disadvantaged communities.

As described in Chapter III.H, “Noise and Air Quality – Fjord Trail North,” and Chapter IV.H, “Noise and Air Quality – Fjord Trail South,” the Proposed Action would not result in air quality impacts as a result of increased visitation to the area and associated traffic. To help address increased visitation, the Proposed Action would include several new or expanded parking areas located along the Fjord Trail Corridor and visitation management strategies to disperse use (as outlined in Chapter III.L, “Traffic and Transportation – Fjord Trail,” which would include parking

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management tools to inform visitors of available parking and reduce vehicles circling to find parking. This would be beneficial with respect to air quality.

The proposed Fjord Trail, including Fjord Trail North and South, would result in benefits to communities in the Trail Corridor, including disadvantaged communities. The trail would enhance recreational resources in the area and would provide expanded options for non-motorized travel in the trail corridor. Visitors to the Fjord Trail would also be expected to patronize local businesses, supporting the local economy.

The Proposed Action would provide an Accessible shared-use trail for pedestrians and bicyclists that would connect to an existing network of trails and parks in the Fjord Trail corridor. While construction would result in temporary greenhouse gas emissions associated with construction vehicles and equipment and the manufacturing of construction materials, the proposed Fjord Trail would enhance and encourage non-motorized travel within the Fjord Trail Corridor, which would not result in long-term increases in greenhouse gas emissions. As such, the Proposed Action would be consistent with the CLCPA. *