

### **2.16-1 INTRODUCTION**

This section of Chapter 2 examines the compliance of Project 1, Shaft and Bypass Tunnel Construction with the New York State’s Coastal Management Program (CMP).

This section is organized as follows:

- Section 2.16-2, “Background,” describes the federal Coastal Zone Management Act and the New York State CMP.
- Section 2.16-3, “Methodology,” describes the methodology for assessing the consistency of construction of Project 1 with CMP policy statements.
- Section 2.16-4, “Assessment of Consistency with the Coastal Management Policy Statements,” assesses the consistency of the construction of Project 1 with the applicable CMP policy statements.

---

### **2.16-2 BACKGROUND**

The federal Coastal Zone Management (CZM) Act of 1972 was established to encourage and assist states in preparing and implementing management programs to “preserve, protect, develop, and where possible, to restore or enhance the resources of the nation’s coastal zone.” 15 CFR Part 923, Coastal Zone Management Program Development and Approval Regulations, National Oceanic and Atmospheric Administration (NOAA) presents the requirements for federal approval of coastal zone management programs and grant application procedures for development of the state programs. The CZM Act stipulates that federal actions and federally funded actions within the coastal zone must be, to the maximum extent feasible, consistent with approved state management programs.

Consistency with waterfront policies is a key requirement of the coastal management program established in New York State’s *Waterfront Revitalization and Coastal Resource Act* of 1981 (New York Executive Law, Article 42: (910-923)). The New York State Department of State (NYS DOS) administers the state’s coastal management program through the implementing regulations contained in 19 NYCRR Parts 600 through 603, and NYS DOS is responsible for determining whether federal actions are consistent with the 44 coastal policies of the CMP. For

actions directly undertaken by state agencies, including funding assistance and granting of approvals, the state agency with jurisdiction makes the consistency determination, which is then filed with the NYS DOS. The New York State CMP encourages coordination among all levels of government to promote sound waterfront planning and requires consideration of the program's goals in making land use decisions. In pursuit of this goal, New York State permits any local government that has any portion of its jurisdiction contiguous to the state's coastal waters to submit a Local Waterfront Revitalization Program (LWRP) to NYS DOS for approval. Neither of the local municipalities within the west of Hudson and east of Hudson study areas (i.e., the Towns of Newburgh and Wappinger, respectively) have an adopted or approved LWRP.

The proposed construction of Project 1 requires approvals from federal, state, and local agencies and is therefore subject to New York State's CMP policies.

---

## **2.16-3 METHODOLOGY**

### **2.16-3.1 STUDY AREA**

As described in Chapter 1, "Program Description," construction activity for Project 1, Shaft and Bypass Tunnel Construction would take place on both sides of the Hudson River within the coastal zone as designated by New York State. Therefore, the study area for the coastal zone assessment of Project 1 includes the elements that would be constructed on the west and east sides of the Hudson River. The west of Hudson study area comprises the west connection site, dewatering pipeline route, and the Roseton stream study site (described in Section 2.8, "Natural Resources and Water Resources"). The east of Hudson study area comprises the east connection site.

### **2.16-3.2 ASSESSMENT OF CONSISTENCY**

This section of Chapter 2 examines the consistency of the construction of Project 1 with the 44 CMP policies. The studies and analyses undertaken for Project 1 and described in this EIS are the primary foundation for the evaluation of consistency with the applicable CMP policies. Each policy is listed below, followed by a narrative response describing either the consistency of Project 1 with the policy or the non-applicability of the policy to Project 1.

As discussed in Section 2.1, "Description of Project 1 Construction Program," Project 1 would include various project elements during multiple construction phases, including site preparation; shaft construction; bypass tunnel excavation; and bypass tunnel lining, Project 1 demobilization, and preparation for Project 2B. Only those Project 1 elements potentially applicable to a particular CMP policy are evaluated below.

**2.16-4 ASSESSMENT OF CONSISTENCY WITH THE COASTAL MANAGEMENT POLICY STATEMENTS**

**2.16-4.1 POLICY 1: RESTORE, REVITALIZE, AND REDEVELOP DETERIORATED AND UNDERUTILIZED WATERFRONT AREAS FOR COMMERCIAL, INDUSTRIAL, CULTURAL, RECREATIONAL, AND OTHER COMPATIBLE USES.**

Project 1 elements in neither the west of Hudson nor east of Hudson study areas would restore, revitalize, or redevelop deteriorated and underutilized waterfront areas. The only waterfront elements within the west of Hudson study area would be the outfall for the proposed dewatering pipeline. While the east connection site is located along the waterfront, this site contains infrastructure components of the New York City water supply system that would not be compatible with other waterfront uses. Therefore, this policy is not applicable to Project 1, Shaft and Bypass Tunnel Construction.

**2.16-4.2 POLICY 2: FACILITATE THE SITING OF WATER-DEPENDENT USES AND FACILITIES ON OR ADJACENT TO COASTAL WATERS.**

The outfall for the proposed dewatering pipeline must be located adjacent to the coastal waters of the Hudson River or the tidal portion of the unnamed Class C tributary within the Roseton stream study site. The east connection site is located within the existing Shaft 6 site of the Delaware Aqueduct Rondout-West Branch Tunnel (RWBT). While the use of the Shaft 6 site for components of the New York City water supply system would not be compatible with siting additional water-dependent uses at this location, the construction of Project 1 at the east connection site would not adversely affect the siting of water-dependent uses and facilities in the vicinity of the site. Therefore, Project 1 would be consistent with this policy.

**2.16-4.3 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 west of the Hudson and east of the Hudson study areas are not located near any of these ports. Therefore, this policy is not applicable to Project 1.

**2.16-4.4      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 construction of Project 1 would strengthen the economic base by creating construction jobs and corresponding investments in the local and regional economies and would not affect the current or future use of the Hudson River. Traditional uses and activities (e.g., fishing, ferry services, and cultural pursuits) associated with the harbor areas of the two private marinas located near the east connection site—White Hudson River Marina to the north at the mouth of Wappinger Creek and Chelsea’s Cottage Landing Marina in Chelsea to the south—would not be adversely affected by the construction of Project 1. Therefore, Project 1 would be consistent with this policy.

**2.16-4.5      POLICY 5: ENCOURAGE THE LOCATION OF DEVELOPMENT IN AREAS WHERE PUBLIC SERVICES AND FACILITIES ESSENTIAL TO SUCH DEVELOPMENT ARE ADEQUATE.**

The west and east connection sites would both require such public services as electricity, water, and wastewater management/treatment. The construction activities proposed for the two sites would not require the development of electrical or water services that are not already available near these sites. For the long-term potable water supply at the west connection site, a connection to the Town of Newburgh’s water supply system is being planned; to make this connection, a water main would be extended from the west connection site along Route 9W to the Town’s existing main near the site. For the east connection site, potable water would be trucked to the site and stored for use in a water tank. All sanitary wastewater would be removed from the sites during Project 1 construction by a pump and haul process from temporary holding tanks to facilities with the capacity and necessary approvals to handle waste. The new electrical substations that would be developed on the west connection site would receive power from the existing Central Hudson Gas and Electric power network near the site. Long-term non-potable water needs during Project 1 construction at the west connection site would be provided by a combination of sources, potentially including the Town supply, on-site wells, tanker trucks, and re-use of treated construction dewatering discharges or stormwater. Non-potable water on the east connection site would be supplied by an existing tunnel riser from the Delaware Aqueduct during Project 1. Therefore, Project 1 would be consistent with this policy.

**2.16-4.6      POLICY 6: EXPEDITE PERMIT PROCEDURES IN ORDER TO FACILITATE THE SITING OF DEVELOPMENT ACTIVITIES AT SUITABLE LOCATIONS.**

Policy 6 applies to coordination among state agencies and local governments participating in the Waterfront Revitalization Program with respect to permitting procedures and regulatory

programs affecting development activities within the coastal zones. Therefore, this policy is not applicable to Project 1.

**2.16-4.7      POLICY 7: SIGNIFICANT COASTAL FISH AND WILDLIFE HABITATS WILL BE PROTECTED, PRESERVED, AND WHERE PRACTICAL, RESTORED SO AS TO MAINTAIN THEIR VIABILITY AS HABITATS**

Neither the west of Hudson study area nor the east of Hudson study area is located within a Significant Coastal Fish and Wildlife Habitat (SCFWH). As discussed in detail in Section 2.8, “Natural Resources and Water Resources,” the proposed construction of the dewatering pipeline outfall and discharge of groundwater recovered during bypass tunnel construction on the Hudson River (Option 1) or to the Class C stream within the Roseton stream study site (Option 2) would not result in significant adverse impacts on the Hudson River’s water quality. Groundwater recovered during dewatering of the bypass tunnel would be sent to the on-site treatment system at the west connection site to remove suspended solids and any other contaminants in accordance with the New York State Department of Environmental Conservation (NYSDEC) State Pollution Discharge Elimination System (SPDES) permitting requirements for Project 1.

The discharge to the Hudson River would comprise an extremely small component of the flow within this segment of the Hudson River and would not have the potential to adversely affect water quality or aquatic biota within the Hudson River, or affect migration of fish to or from the SCFWHs north and south of the proposed dewatering outfall location (Options 1 and 2) or the east connection site (Wappinger Creek, Kingston-Poughkeepsie Deepwater and Hudson River Miles 40-60). Similarly, the discharge of stormwater from the east connection site during construction of Project 1 would not result in significant adverse impacts on water quality or aquatic biota and would not affect fish passage to or from the SCFWH north and south of the east connection site. During shaft and tunnel construction, stormwater best management practices (BMPs) implemented as part of the Stormwater Pollution Prevention Plan (SWPPP) would regulate the quality and rate at which stormwater is discharged to the Hudson River from the east connection site. Therefore, Project 1 would be consistent with this policy.

**2.16-4.8      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.**

The construction of Project 1 would not have the potential to result in the discharge of hazardous wastes to the Hudson River or to tributaries to the Hudson River. Groundwater recovered during dewatering would be sent to the on-site treatment system at the west connection site to remove suspended solids and any other contaminants in accordance with the NYSDEC SPDES permitting requirements prior to discharge to the Class C stream or the Hudson River. Therefore, Project 1 would be consistent with this policy.

**2.16-4.9      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.**

While the construction of Project 1 would not afford the opportunity to expand recreational use of fish and wildlife resources within the coastal area, it would not adversely affect current or future use of these resources within the coastal zone. Therefore, Project 1 would be consistent with this policy.

**2.16-4.10      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.**

While there are no existing on-shore commercial fishing facilities near the west and east of Hudson study areas, the construction of Project 1 would not adversely affect future development of such facilities. The construction of Project 1 would not result in significant adverse impacts on water quality or aquatic biota of the Hudson River and would not impede future development of commercial finfish, shellfish, and crustacean resources. Therefore, Project 1 would be consistent with this policy.

**2.16-4.11      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.**

The only Project 1 elements at the west connection site that would be located within a floodplain include an access roadway, stormwater management structures, and outfall structures and piping. None of these elements would impede floodwaters or result in increased flooding of adjacent areas. The potential discharge of up to one million gallons per day (mgd) (1.5 cubic feet per second [cfs]) of treated groundwater recovered during dewatering of the shaft would not be expected to lead to increased flooding downstream during storm events. The construction of the dewatering pipeline within the two small portions of the 100-year floodplain near Route 9W associated with the Class C stream using cut-and-cover techniques would not adversely affect the 100-year floodplain or adversely affect flooding of adjacent areas. Similarly the 100-year floodplain zones along the Hudson River, into which the dewatering pipeline would outfall under both options, would not be significantly affected by the installation of the pipeline. No portion of the east connection site is within the 100-year floodplain. Therefore, Project 1 would be consistent with this policy.

**2.16-4.12      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 beaches, dunes, barrier islands, or bluffs located within or near the west of Hudson and east of Hudson study areas. Therefore, this policy is not applicable to Project 1.

**2.16-4.13      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.**

The only erosion protection structures associated with the construction of Project 1 along or adjacent to water bodies would be the outfall structure and bank stabilization on the Class C stream at the west connection site and the outfall associated with either of the two dewatering pipeline options. Both of these outfalls would be designed with dissipation structures that would, along with operational controls, allow the outfalls to comply with the NYSDEC maximum 2 feet/second discharge velocity to prevent scouring of the stream bank. These dissipation structures would meet the 30-year minimum design life. Therefore, Project 1 would be consistent with this policy.

**2.16-4.14      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 discussed above under Policy 11, the only Project 1 elements at the west connection site that would be located within the floodplain include an access roadway, stormwater management structures, bank stabilization on the Class C stream, and outfall structures and piping. None of these elements would impede floodwaters or result in increased flooding of adjacent areas. The construction of the dewatering pipeline within a small portion of the 100-year floodplain of the Class C stream at the west connection site and within a small portion of the 100-year floodplain of the Class C stream within the Roseton stream study site (Option 2) or the Hudson River (Option 1) would not result in significant adverse impacts on the floodplain. As discussed above under Policy 13, all of the outfalls would include dissipation structures that would, along with operational controls, allow the outfalls to comply with the NYSDEC maximum 2 feet/second discharge velocity to prevent scouring of the stream bank. Therefore, Project 1 would be consistent with this policy.

**2.16-4.15      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.**

All outfalls would be designed to minimize excavation within coastal waters, locating the structures above the high water elevation where possible. The minimal area of disturbance that would result from the construction of the dewatering pipeline outfall would not result in significant adverse impacts on natural coastal processes or have the potential to result in bank erosion. Therefore, Project 1 would be consistent with this policy.

**2.16-4.16      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 only erosion protection structures along waterfronts that would be constructed as part of Project 1 are associated with the proposed outfall on the west connection site and the proposed outfall associated with the dewatering pipeline. None of these Project 1 elements would be located within or adjacent to an erosion hazard area. The outfall and its dissipation structures would be designed to minimize the potential for stream bank erosion. Therefore, Project 1 would be consistent with this policy.

**2.16-4.17      POLICY 17: NON-STRUCTURAL MEASURES TO MINIMIZE DAMAGE TO NATURAL RESOURCES AND PROPERTY FROM FLOODING AND EROSION SHALL BE USED WHENEVER POSSIBLE.**

No Project 1 elements would be located within erosion hazard areas, and the elements that would be located within the 100-year floodplain (described under Policy 11) would not have the potential to result in increased flooding of adjacent properties. As discussed under Policy 13, the outfall structures would be designed to minimize the potential for stream bank erosion. Therefore, Project 1 would be consistent with this policy.

**2.16-4.18      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 construction of Project 1 would not have the potential to result in significant adverse impacts on water quality or aquatic biota of the Hudson River, the Class C stream running through the west connection site, or the Class C stream within the Roseton stream study site. As discussed under Policy 11, Project 1 construction would not result in significant adverse impacts on the 100-year floodplain or result in increased flooding of adjacent properties. Further, Project 1 construction would not hinder the achievement of this policy to safeguard the vital economic, social, and environmental interests of the state and its citizens within coastal areas. Therefore, Project 1 would be consistent with this policy.

**2.16-4.19      POLICY 19: PROTECT, MAINTAIN, AND INCREASE THE LEVEL AND TYPES OF ACCESS TO PUBLIC WATER-RELATED RECREATION RESOURCES AND FACILITIES.**

The east connection site is the existing Shaft 6 site for the Delaware Aqueduct RWBT. While the use of the Shaft 6 site for components of the New York City water supply system would not be compatible for increasing public water-related recreational resources and facilities, it also would not adversely affect the achievement of this policy to protect, maintain, and increase access to public water-related recreational resources and facilities. Additionally, the construction of Project 1 would not result in significant adverse impacts on the two private marinas located near the east connection site—White Hudson River Marina to the north at the mouth of Wappinger Creek, and Chelsea’s Cottage Landing Marina to the south. Therefore, Project 1 would be consistent with this policy.

**2.16-4.20      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.**

Neither of the two dewatering pipeline outfall options are located on or adjacent to publicly-owned foreshore and to lands immediately adjacent to the foreshore. The east connection site contains land immediately adjacent to the foreshore. It is separated from the foreshore by railroad tracks and does not extend to the Hudson River. As discussed previously, the east connection site is the existing Shaft 6 site for the Delaware Aqueduct RWBT. While the use of the Shaft 6 site for components of the New York City water supply system, and separation from the Hudson River by the railroad tracks, would not be compatible for providing public access to the foreshore and lands immediately adjacent to the foreshore, construction of Project 1 on the

east connection site would not adversely affect future development of public access to the foreshore or the water's edge. Therefore, Project 1 would be consistent with this policy.

**2.16-4.21      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.**

Neither the west of Hudson nor east of Hudson project elements would encourage water-dependent and water-enhanced recreation. While the east connection site is located along the Hudson River waterfront, this site contains infrastructure components of the New York City water supply system that would not be compatible for encouraging or facilitating water-dependent and water-enhanced recreation. However, because the construction of Project 1 would not result in significant adverse impacts on aquatic resources of the Hudson River, as discussed under Policy 7, it would not adversely affect the future development of water-dependent and water-enhanced recreation within the coastal area. Additionally, as discussed under Policy 4, the proposed construction of Project 1 would not adversely affect current recreational opportunities provided by the two nearby private marinas, White Hudson River Marina and Chelsea's Cottage Landing Marina. Therefore, Project 1 would be consistent with this policy.

**2.16-4.22      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 west connection site is not located adjacent to the shore of the Hudson River. The east connection site is located along the Hudson River at the Shaft 6 site of the Delaware Aqueduct RWBT. The use of this site for infrastructure components of the New York City water supply system and its physical separation from the Hudson River by a rail line are not compatible with providing water-related recreational opportunities. Therefore, this policy is not applicable to Project 1.

**2.16-4.23      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.**

As discussed in Section 2.5, "Historic and Archaeological Resources," construction of the shaft and other associated Project 1 elements at the west connection site would have no significant adverse impacts on historic resources. To avoid adverse impacts on potential historic resources identified in the Area of Potential Effect (APE) for the dewatering pipeline route, a Construction Protection Plan (CPP) would be prepared in consultation with the State Historic Preservation Office (SHPO) that would include the measures to be taken to avoid any inadvertent

construction-related impacts on three potential historic resources (house at 5495 Route 9W, house and barn at 51 Old Post Road, and house on River Road west of the CHG&E property). There are no historic resources on the east connection site. Notably, one potential resource identified in the APE for the east connection site, the house at 225 River Road North, is too far away to be physically affected by construction-related activities on the east connection site.

Portions of the west connection site have been determined to have low to moderate sensitivity for precontact archaeological resources and moderate to high sensitivity for archaeological resources dating to the historic period. Undisturbed and level areas adjacent to the streetbeds through which both options of the dewatering pipeline route would pass were determined to have low or low to moderate sensitivity for precontact archaeological resources and low or low to moderate sensitivity for archaeological resources dating to the historic period. Those areas of the east connection site that have not been disturbed by the construction of existing DEP facilities and those that are covered by the dense layer of fill deposited on the site during the excavation of Shaft 6 have been determined to have moderate sensitivity for precontact archaeological resources and low sensitivity for archaeological resources dating to the historic period. Phase 1B testing would be undertaken for those areas that have been identified as archaeologically sensitive on the west and east connection sites. With this testing and continued consultation with SHPO regarding the need for, and implementation of, any Phase 2 or 3 investigations, Project 1 would result in no potential significant adverse impacts on archaeological resources. Therefore, Project 1 would be consistent with this policy.

**2.16-4.24      POLICY 24: PREVENT IMPAIRMENT OF SCENIC RESOURCES OF STATEWIDE SIGNIFICANCE.**

There are no Scenic Areas of Statewide Significance in the west of Hudson and east of Hudson study areas. Therefore, this policy is not applicable to Project 1.

**2.16-4.25      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.**

As discussed in Section 2.4, “Visual Character,” construction of Project 1 in the west of Hudson study area would not result in any permanent significant adverse impacts on visual character. While views of the west connection site would change during construction, the overall commercial/industrial visual character of the study area would not be significantly adversely affected. Construction activity at the east connection site would not result in any significant changes to the visual character of the study area. The site is currently used for water supply purposes and would continue to be used as a water supply use. Construction activity may result in changes to the appearance of the east connection site from the study area and Hudson River, but these changes would be temporary in nature. Therefore, Project 1 would be consistent with this policy.

**2.16-4.26      POLICY 26: CONSERVE AND PROTECT AGRICULTURAL LANDS IN THE STATE'S COASTAL AREA.**

There are no agricultural lands within the vicinity of the west of Hudson and east of Hudson study areas. Therefore, this policy is not applicable to Project 1.

**2.16-4.27      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.**

Project 1 would not include major energy facilities. Therefore, this policy is not applicable to Project 1.

**2.16-4.28      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.**

No ice management practices would be used in association with Project 1. Therefore, this policy is not applicable to Project 1.

**2.16-4.29      POLICY 29: ENCOURAGE THE DEVELOPMENT OF ENERGY RESOURCES ON THE OUTER CONTINENTAL SHELF, IN LAKE ERIE AND IN OTHER WATER BODIES, AND ENSURE THE ENVIRONMENTAL SAFETY OF SUCH ACTIVITIES.**

The purpose of Project 1 is to construct the shafts and bypass tunnel necessary to repair the existing leaks in the Delaware Aqueduct. Therefore, this policy is not applicable to Project 1.

**2.16-4.30      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.**

As described in Section 2.8, "Natural Resources and Water Resource," with the implementation of measures specified by the NYSDEC SPDES requirements, the discharge of stormwater and recovered groundwater would not result in water quality conditions within the Class C stream or Hudson River that fail to meet the Class C or Class A water quality standards, respectively. Therefore, Project 1 would be consistent with this policy.

**2.16-4.31      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 Towns of Newburgh and Wappinger do not have an adopted or approved LWRP. Therefore, this policy is not applicable to Project 1.

**2.16-4.32 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.**

Project 1 would generate minimal sanitary wastewater at the west and east connection sites. At each connection site, wastewater would be retained in a holding tank, and pumped and hauled from the site, and there would be no adverse impact on the sanitary systems of the local communities. Therefore, Project 1 would be consistent with this policy.

**2.16-4.33 POLICY 33: BEST MANAGEMENT PRACTICES WILL BE USED TO ENSURE THE CONTROL OF STORMWATER RUNOFF AND COMBINED SEWER OVERFLOWS DRAINING INTO COASTAL WATERS.**

There are no combined sewer systems at or near the west of Hudson and east of Hudson study areas. As described in detail in Section 2.14, “Infrastructure,” implementation of erosion and sediment control measures and stormwater management measures, as part of the SWPPP developed in accordance with the NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-10-001), would minimize potential impacts on the Class C stream receiving stormwater discharge from the west connection site. Similarly, implementation of the SWPPP prepared for the construction of Project 1 on the east connection site would minimize the potential for stormwater discharges from the east connection site to adversely affect water quality of the Hudson River. Therefore, Project 1 would be consistent with this policy.

**2.16-4.34 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.**

Project 1 would not involve any vessels. Therefore, this policy is not applicable to Project 1.

**2.16-4.35 POLICY 35: DREDGING AND FILLING IN COASTAL WATERS AND DISPOSAL OF DREDGED MATERIAL WILL BE UNDERTAKEN IN A MANNER THAT MEETS EXISTING STATE PERMIT REQUIREMENTS, AND PROTECTS SIGNIFICANT FISH AND WILDLIFE HABITATS,**

**SCENIC RESOURCES, NATURAL PROTECTIVE FEATURES,  
IMPORTANT AGRICULTURAL LANDS, AND WETLANDS.**

Dewatering pipeline Option 1 has the potential to result in minimal excavation of the river bottom for construction of the outfall and dissipation structure. Should it be constructed below the spring high water elevation, it would require authorization from the U.S. Army Corps of Engineers (USACE) under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act, and from the NYSDEC under Article 15 of the Environmental Conservation Law, and Section 401 Water Quality Certification. Should the outfall be located below the spring high water elevation, measures such as the use of a coffer dam structure and turbidity curtain to contain resuspended sediment, would likely be implemented during construction in accordance with permitting conditions to minimize increases of suspended sediment. No in-water construction activities would be located within SCFWH. Therefore, Project 1 would be consistent with this policy.

**2.16-4.36      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.**

As discussed in Section 2.9, “Hazardous Materials,” Project 1 construction would require the storage and use of a variety of petroleum and other chemical products at the west and east connection sites (e.g., diesel fuel for backup power, lubricating oil for construction vehicles, and miscellaneous cleaning and maintenance chemicals). The use and storage of these would be in accordance with applicable regulatory requirements, including those relating to federal Spill Prevention, Control, and Countermeasures (SPCC) requirements and state petroleum bulk storage, chemical bulk storage (CBS), and spill requirements. With implementation of these measures, potential impacts on coastal waters would be minimized. Therefore, Project 1 would be consistent with this policy.

**2.16-4.37      POLICY 37: BEST MANAGEMENT PRACTICES WILL BE UTILIZED TO MINIMIZE THE NON-POINT DISCHARGE OF EXCESS NUTRIENTS, ORGANICS AND ERODED SOILS INTO COASTAL WATERS.**

As discussed under Policy 33, implementation of erosion and sediment control measures and stormwater management measures, as part of the SWPPP developed in accordance with the NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-10-001), would minimize potential impacts on the Class C stream receiving stormwater discharge from the west connection site. Similarly, implementation of the erosion and sediment control measures and stormwater management measures as part of the SWPPP prepared for the

construction of Project 1 on the east connection site would minimize the potential for stormwater discharges from the east connection site to adversely affect the Hudson River's water quality. Therefore, Project 1 would be consistent with this policy.

**2.16-4.38      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.**

As discussed in Section 2.8, "Natural Resources and Water Resources," construction of Project 1 at the west connection site would require the recovery of groundwater during dewatering of the shaft. The groundwater would be treated on-site and discharged through a new outfall to the Class C stream that runs through the southeast portion of the west connection site. Removal of groundwater recovered during dewatering would be done at the rate required to permit shaft and bypass tunnel construction, would be controlled through grouting, and would not be expected to adversely affect groundwater quality or supply within the vicinity of the west connection site. The construction of this outfall for the discharge of treated groundwater recovered during dewatering and stormwater managed in accordance with the SWPPP would result in minimal temporary impacts on the Class C stream water quality. With the implementation of measures to minimize increases in suspended sediment during the construction of the outfalls, construction would not result in significant adverse impacts on aquatic resources. Additionally, the discharge of stormwater and treated groundwater recovered during dewatering in accordance with NYSDEC SPDES permitting requirements would not result in significant adverse impacts on the stream's aquatic resources.

At the east connection site, the discharge of stormwater and treated groundwater recovered during dewatering to the Hudson River through the existing DEP outfall in accordance with NYSDEC SPDES permitting requirements would not result in significant adverse impacts on the river's water quality or aquatic resources or result in a failure of this portion of the river to meet the Class A water quality standards. The recovery of groundwater during dewatering of the shaft and construction of the connector tunnel would not be expected to result in significant adverse impacts on groundwater quality or supply within the vicinity of the east connection site. Similar to the west connection site, removal of groundwater recovered during dewatering would be done at the rate required to permit shaft construction and would be controlled through grouting and would not be expected to adversely affect groundwater quality or supply within the vicinity of the east connection site. The implementation of regulatory requirements with respect to the use and storage of petroleum and other chemical products on the east connection site during construction of Project 1 would minimize the potential for adverse impacts on groundwater or surface water resources in the vicinity of the site.

Construction of a possible outfall on the Hudson River for dewatering pipeline Option 1 would have the potential to produce sediment disturbance, resulting in minor, short-term increases in

suspended sediment. Construction of the outfall for either Option 1 or Option 2 of the dewatering pipeline would include measures, such as the use of a coffer dam structure and bottom-weighted turbidity curtain, to contain resuspended sediment and minimize potential impacts on water quality. Therefore, Project 1 would be consistent with this policy.

**2.16-4.39      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.**

As discussed in Section 2.15, “Solid Waste,” the large majority of solid waste generated during Project 1 construction at the west connection site would be from excavation (i.e., rock, soil, and fill). An estimated 510,100 cubic yards of excavated material would be removed during construction of the west connection site shaft and the bypass tunnel. All excavated rock, soil, and fill materials requiring off-site disposal would be handled and disposed of in accordance with applicable regulatory requirements.

At the east connection site, the construction-generated solid waste would also be produced from excavation (rock, soil, and fill). An estimated 99,000 cubic yards of excavated material would be removed during construction of the east connection site shaft and the bypass tunnel. All excavated rock, soil, and fill materials requiring off-site disposal would be handled and disposed of in accordance with applicable regulatory requirements. Therefore, Project 1 would be consistent with this policy.

**2.16-4.40      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.**

Project 1 would not involve discharge of effluent from a major steam electric generating or industrial facility. Therefore, this policy is not applicable to Project 1.

**2.16-4.41      POLICY 41: LAND USE OR DEVELOPMENT IN THE COASTAL AREA WILL NOT CAUSE NATIONAL OR STATE AIR QUALITY STANDARDS TO BE VIOLATED.**

As discussed in Section 2.11, “Air Quality,” the construction of Project 1 would have no significant adverse impacts on the ability of national or state air quality standards to be met. Therefore, Project 1 would be consistent with this policy.

**2.16-4.42      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.**

Policy 42 relates to NYSDEC's obligations under the federal Clean Air Act's prevention of significant deterioration program. Therefore, this policy is not applicable to Project 1.

**2.16-4.43      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.**

As discussed in Section 2.11, "Air Quality," the construction of Project 1 would not result in significant adverse impacts on the generation of acid rain precursors. Therefore, Project 1 would be consistent with this policy.

**2.16-4.44      POLICY 44: PRESERVE AND PROTECT TIDAL AND FRESHWATER  
WETLANDS AND PRESERVE THE BENEFITS DERIVED FROM  
THESE AREAS.**

As discussed in Section 2.8, "Natural Resources and Water Resources," site preparation activities on the west connection site would result in the loss of an approximately 0.09-acre wetland area in the central portion of the site that provides vernal pool habitat for pool-breeding amphibians observed on the site. This wetland area has been determined not to be under the jurisdiction of the USACE, the NYSDEC, or the Town of Newburgh. The loss of this small area of wetland would not result in significant adverse impacts on the region's wetland resources. An approximately 0.06-acre wetland within the western portion of the west connection site would be undisturbed and would be expected to remain viable habitat for the pool-breeding amphibian species in the area.

The construction of the new outfall to the Class C stream running through the southeast portion of the west connection site would result in minimal temporary impacts on a riparian wetland adjacent to the Class C stream and would have the potential for permanent loss of wetlands and aquatic habitat within the footprint of the outfall(s). These losses would be minimal and would not result in significant adverse impacts on wetland resources or to the stream's aquatic resources.

Construction of Option 1 and Option 2 of the dewatering pipeline would have the potential to result in temporary disturbance of wetlands within the pipeline route and permanent loss of a small amount of riparian wetland within the footprint of the outfall for Option 2 of the pipeline. This minimal loss of wetlands would not result in significant adverse impacts on wetland resources of the lower Hudson River.

There are no National Wetlands Inventory (NWI) or NYSDEC freshwater wetlands mapped on the east connection site, and no wetlands were identified during site reconnaissance. Therefore, the construction of Project 1 would be consistent with policy. \*