



June 22, 2020

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New York State Department of State
Office of Coastal, Local Government and Community Sustainability
Attn: David Newman, Consistency Review Unit
One Commerce Plaza
99 Washington Avenue – Suite 1010
Albany, New York 12231

Re: **April 10th Potential Permit Required Letter Response**
P&M Brick, LLC-Offshore Wind Infrastructure Project
Town of Coeymans, Albany County, New York
Department of State Permit # F-2020-0230
U.S. Army Corps of Engineers/New York District Permit (NAN-2019-01113-USH)
New York State DEC Region 4 Permit (4-0124-00012/00038)

Dear Mr. Newman:

The following information is being submitted in response to your letter dated April 10, 2020.

- 1. A copy of the federal permit, license, etc. application (signed Joint Application form).*
Response: Please find the enclosed USACE/NYSDEC Joint Application Form, dated 1-17-20, for the proposed wind infrastructure project at the Port of Coeymans.
- 2. A completed and signed Federal Consistency Assessment Form, including an analysis of relevant state coastal policies.*
Response: A Federal Consistency Assessment Form (FCAF), including analysis of relevant state coastal policies is enclosed.
- 3. A copy of all supporting documentation submitted with the federal application, including a detailed description of the proposed activity, its associated facilities and coastal effects, map(s) showing the geographic location of the proposed activity, site map(s) and diagrams(s) drawn to scale showing all components of the activity and their location on the site, recent color photographs of the site, written statement on the purpose and need for the activity, identification of the owners of abutting upland properties and underwater lands, and written analysis of alternative to the proposed activity considered by the applicant.*
Response: This information is included in the attached response to comments letter to the Army Corps of Engineers dated May 18, 2020, which includes the following attachments: Overall Site Plan, Preferred Alternative 3A, Alternative Analysis, Correspondence, Acoustic Telemetry Monitoring Plan. Additionally, the Project Description is attached for your review.

4. *Copy of the final Environmental Impact Statement, if required by the federal agency or by a state agency having jurisdiction over the proposed activity. The Department may waive the requirement for certain necessary data and information; at your request we would consider waiving the requirement for a Final Environmental Impact Statement (if required) provided a Draft Environmental Impact Statement is available.*

Response: Currently the project is awaiting a final SEQR determination from NYSDEC. If an Environmental Impact Statement is required a copy will be submitted to DOS for review.

5. *Copies of permit, license, etc. application and related correspondence submitted to involved state agencies (e.g. DEC, OGS, SHPO, NYPA, PSC).*

Response: P&M Brick made submission to NYSDEC and USACE under the JAP referenced above, including coordination with SHPO for Historic/Cultural Resources review on January 21, 2020 under the online CRIS system. SHPO is currently awaiting ACOE Section 106 consultation. Copies of pertinent SHPO correspondence is enclosed.

Should you have any questions, or require further information, please contact me at (518) 393-7725, ext. 123. Thank you in advance for your review of this project, and anticipated issuance of a certification of consistency.

Sincerely,
Ingalls & Associates, LLP



Mark Kiburz
Senior Environmental Specialist

Enclosures:

Project Description
Alternative Analysis
ACOE response letter (May 18, 2020)
Joint Application Form
DOS FCAF Analysis of Relevant State Coastal Policies and FCAF form.
SHPO Correspondence

cc: P&M Brick, LLC
Laura McLean (DOS)
Karen Gaidasz (NYSDEC)
Angelika Stewart (NYSDEC)
Nancy Baker (NYSDEC)
Bradley Sherwood (ACOE)
Thomas LaLiberte Jr (OGS)

PROJECT DESCRIPTION

Proposed Action: P&M Offshore Wind Infrastructure Project (POWI)

Port of Coeymans History

The owner P&M Brick, LLC operating under Port of Coeymans (POC) is a privately-owned, full-service, deep water inland marine terminal with modern facilities, state-of-the-art technology and equipment, and an experienced local labor force. Located along the Hudson River 10 miles south of Albany and 100 miles north of New York City, the POC has been transformed from the Powell & Minnock Brick Company into the premier port, bridge assembly, construction, and resource and disaster hub of the Northeast with a global reach. The P&M Brick plant, founded in the late 1880's by members of the Powell and Minnock Families, was an operating brick plant until 2001 and with the site acquisition occurring in 2002.

As a major contributor to the local and state economies, the POC has invested millions over the past decade in the facility, infrastructure and equipment upgrades. The 125-acre Port provides 3,500 feet of direct riverfront access and offers the following services: stevedoring, tug and barge, break bulk, heavy lifts, warehousing, equipment rentals, staging, dredging, recycling, custom crushing, property leasing, indoor/outdoor storage, riprap waterway repair, and more. Contributing to the employment of over 500 direct POC employees, construction, and tenant employees, the Port has dock capability for ships up to 750 feet offering a 300-foot inlet channel with a 30-foot fresh water deep draft.

The Port is a critical, cost-effective approach being utilized by major regional manufacturers and construction companies with shipments of heavy lift, including offshore wind (OSW) components, and project cargo to and from destinations around the world. The Port is increasingly growing in its importance to the overall business strategies of its customers. By utilizing the NYS canal system and the Hudson River to ship product worldwide, the Port serves as the final storage facility where additional components of larger systems are combined and moved into the global markets.^[1] This history as well as its unique characteristics make the Port facility a logical choice in the supply chain for the fabrication, assembly and shipping of large OSW turbine components.

Renewable Energy Initiatives

NYSERDA is leading the coordination of offshore wind opportunities in New York State and is supporting the development of 9,000 megawatts of offshore wind energy by 2035 in a responsible and cost-effective manner. Offshore wind will be a crucial step on the pathway to a carbon-neutral economy and a critical component in achieving the expanded Clean Energy Standard, whereby 70 percent of New York's electricity will come from renewable sources by 2030 under the Climate Leadership and Community Protection Act, New York's ambitious and comprehensive climate and clean energy legislation.^[2] The offshore wind industry in New


York is poised for rapid expansion. In his 2019 State of the State Address, Governor Andrew M. Cuomo announced an expansion of the State’s Clean Energy Standard from 50 percent to 70 percent renewable electricity by 2030. As part of that announcement, New York also increased its commitment to offshore wind from 2,400 MW by 2030 to 9,000 MW by 2035. Achieving this goal will require thoughtful planning, design, and construction of highly capable, modern, and dedicated port facilities. The Port of Coeymans site presents an opportunity to develop such an offshore wind port facility. Developing the Port of Coeymans would provide an enormous benefit to the offshore wind industry by delivering a dedicated port facility, which will be critical for the supply chain while creating new and local jobs in the Upstate New York area.

As part of the New York State Offshore Wind Master Plan (NYSERDA, 2017), the Workforce Study (BVG Associates, Stantec, GLWN, 2017) found that New York is ideally suited for sustained offshore wind workforce opportunities. According to the study, New York can realize nearly 5,000 new jobs in manufacturing, installation, and operation of OSW facilities, with a regional commitment to scale development of the resource. Nearly 2,000 of these jobs are in O&M, providing sustained career opportunities for New Yorkers as the average OSW facility life span is at least 25 years. The key to realizing this potential is to ensure that the shore-based construction and O&M facilities are developed in New York. ^[3]

Further Benefits of Offshore Wind

According to the NYSERDA website, “Offshore wind is an energy resource with the potential to transform New York’s electricity system in ways that will have extraordinary environmental, social, and economic benefits for the State.”

Greenhouse Gas Emissions Reductions

The first 2,400 megawatts (MW) of offshore wind energy developed to meet the State's target would annually reduce greenhouse gas emissions in New York State by more than five million short tons, which is the equivalent of removing nearly one million cars from the road by 2030. This accounts for approximately one-third of the expected greenhouse gas reductions as a result of new renewable energy projects that will be constructed by 2030 to meet the State’s proposed clean energy goals. **This emissions-reduction benefit would amount to approximately \$1.9 billion** based on the [Social Cost of Carbon](#)  [PDF] originally published by the U.S. Environmental Protection Agency in 2013. NYSERDA’s [Offshore Wind Policy Options Paper](#) [PDF] estimates that **this emissions-reduction benefit alone would approximately equal the cost of procuring offshore wind energy, even before accounting for the wider economic development and health benefits.**

Healthier Air

Reducing pollution by even modest amounts in the densely populated regions of New York City and Long Island can have significant health benefits. The public health impacts from nitrogen oxides (NO_x), sulfur dioxide (SO₂), and fine particulate matter (PM_{2.5}) include respiratory disease, cardiovascular disease, and premature death. By developing the first 2,400 MW of offshore wind energy, New York will avoid more than 1,800 tons of NO_x, 780 tons of SO₂, and 180 tons of PM_{2.5} compared to a business-as-usual scenario without offshore wind energy. **New Yorkers will also save approximately \$1.0 billion in health costs and, more importantly, avoid about 100 fewer premature deaths.** [2]

In 2014, Governor Cuomo initiated the 2015 New York State Energy Plan which states, “In 2014, Governor Andrew M. Cuomo launched New York’s signature energy policy, Reforming the Energy Vision (REV). REV will build an integrated energy network able to harness the combined benefits of the central grid with clean, locally generated power. [4]” Governor Cuomo’s plan will attempt to offset market instability associated with fossil fuel by mandating renewable energy resources.

REV provides opportunities for industrial leaders to work with environmentalists for the common good of all. As electrical usage increases, electrical supply must increase to meet the growing demand. The renewable energy government initiative to reduce emissions into the atmosphere by 40%, increased electrical generation from renewable resources to 50%, and save 600 trillion BTU of primary energy through energy efficiency is stimulating the private innovative ability and investment.

Offshore Wind Farms & Gravity Based System Project

The US Department of Interior, Bureau of Ocean Energy Management (BOEM) facilitates lease issuance for offshore wind farms. According to the BOEM website <https://www.boem.gov/renewable-energy/lease-and-grant-information> [5] there are 16 lease areas ranging from North Carolina to Rhode Island. A majority of the lease areas are located in Massachusetts New Jersey and New York. The total active lease areas for these states is approximately 1 million acres and up to 50 GW of OSW is anticipated to be installed in these areas to meet the renewable energy targets of New York and these other northeastern states.

Private sector innovation is required to meet the growing needs for offshore wind farm development. The POC is a facility known for the innovative ability to manufacture and ship large, “heavy lift” products. These wind projects cause demand for development of a facility that is capable of manufacturing and shipping 8,000-ton or heavier gravity based systems (GBS). In contrast to steel foundation options mainly coming from Europe, the GBS units will create a demand for local materials and worker sourcing. As stated above the fabrication of these GBS

and other OSW components will create thousands of jobs. The GBS is an innovated approach to steel options when considering providing stable and structurally adequate foundations for the wind turbines sited in relatively shallow water lease areas. In addition, large concrete-based foundations are anticipated for use in deeper water areas where floating turbine technology is appropriate. As further described below these large concrete base systems will require procurement of local building materials including cement, sand, stone, steel reinforcing and other materials.

POC infrastructure improvements will include: GBS fabrication area, new dock installation for GBS structure load out, concrete batch plant to pour concrete, site grading to reduce grades and slopes to access laydown areas, material storage, upgraded roads, building demolition, dredging, and environmental permitting. Such infrastructure improvements will allow for manufacturing and delivery of GBS, as well as other concrete-based components for future OSW wind farms.

Purpose and Need

In 2019, the New York State Energy Research and Development Authority (NYSERDA) procured the largest offshore wind solicitation in the nation's history with Equinor Wind US, LLC and Sunrise Wind LLC. These offshore wind projects are proposed to be installed in relatively shallow waters near Long Island.

Based on New York State's demand for renewable energy resources described above, including offshore wind resources, the POC has been selected as an existing Port that is capable of providing the necessary fabrication and laydown areas as well as support services associated with these types of heavy lift projects. Various site infrastructure improvements are being planned and designed for the POC. These improvements will allow for the Port to accommodate and service the unique needs associated with fabrication and assembly of these large, heavy OSW components, including the concrete GBS, scour protection and EcoConcrete structures, etc.

GBS Assembly Area

Manufacturing large 100 feet tall by 150 feet diameter concrete GBS structures requires specialized infrastructure facilities. Assembly yards, docking platform(s) and dock transfer locations will require ground modification as well as support structures consisting of spread footings or pilings founded on soils or underlying bedrock. Steel or reinforced concrete caps will be constructed over top the steel piling structural supports to enable fabrication and moving the large structures over flat, smooth and adequately supported surfaces. GBS foundations will be lifted onto self propelled modular transporters (SPMT's) such as those manufactured by Mammoet to be transported from fabrication to storage or shipping locations. Reference is made to the Overall Site Plan showing the areas of proposed site improvements and usage (See Figure OS).

New Launching Dock Installation & Dredging

GBS structures loadout and shipping requires a high level concrete wharf (dock) supported by steel pilings to bedrock. A new heavy duty dock will be constructed inland and approximately along the line of the deteriorated existing timber bulkhead at the river bank. The new dock will be approximately 400 feet long to service the transport barges or structure float out. Dredging will be required to extend from the area of the dock to the navigation channel of the Hudson River. Appropriate draft depth is required for large barges to transport the GBS structures. Bathometric surveys indicate the current draft depth in this area is -12 feet Mean Low Water Level (MLW). The draft depth for the required barges is approximately -25 feet MLW; therefore, dredging will be required, primarily in previously disturbed areas, to provide adequate depths for GBS offloading and transport. Direct float out of the GBS components will require dredge levels of approximately -30 feet MLW. Given dredging will primarily be limited to previously disturbed areas, potential impacts to the benthic substrate and associated ecological functions of the river will be minimal.

The dock will be constructed by inserting a grid of steel pilings to bedrock with steel reinforced concrete decking formed over top of these structural supports. Additionally, a steel sheeting bulkhead will be constructed along the face of the dock and extend well below the mudline. Double pile clusters fendering dolphins will be installed on both the ends of the new dock to accommodate vessel docking and tie off.

In order to construct the new dock and minimize dredging requirements, the existing assembly sleds will likely need to be removed. The distance between the existing assembly sleds is approximately 250 feet, where the required barges for this project may extend up to 400 feet long x 130 feet wide. Similar to the required dredging, the new dock structure will be located in an area previously disturbed by the existing finger trestles shoreline bank stabilization.

Concrete Batch Plant & Material Storage

A concrete batching plant is used to manufacture concrete from its ingredients, including cement, crushed stone, sand, water and admixture chemicals. Concrete mixtures are manufactured based on engineering project specifications. Concrete mixture specifications vary by altering the proportion of various raw materials as mentioned above.

Up to two concrete batch plants will be installed above the lower yard on the southwestern portion of the POC. A component of concrete batch plant production is identifying the location of onsite aggregate storage. Stockpiles will be located immediately adjacent to the batch plant, allowing for easy access to materials. Water provided by the Town of Ravenna will also be needed for batch plant operation. The maximum amount of water needed at peak GBS construction operation has been estimated to be approximately 0.31 acre-feet per day. Water supply will be confirmed through the Town and recycling will be employed as appropriate.

It is proposed that any discharges from the concrete batch plants will be collected in sediment pond(s) and will be contained for pump, haul and subsequent treatment and disposal. Concrete slickline/truck washout will also discharge into the sediment pond(s) onsite.

Batch plant cement materials will be acquired from a neighboring facility (Lafarge), requiring no trucking through the town. Other materials, such as metal rebar, sand and aggregate will be delivered by either truck or barge.

Site Grading & Laydown Areas

The fabrication area, laydown areas, and storage areas will be graded to be less than 1% slope. The fabrication area is proposed to be located along the western portion of the lower yard. The existing elevations will be extended northerly by utilizing a new retaining wall adjacent to the upper road.

Material laydown areas are proposed to be located on both the north and south ends of the POC site. The northern laydown site will be larger than the southern, being approximately 15 acres, making it the major material laydown and storage area. These laydown areas will be used for temporary material storage. Such materials may include, but are not limited to steel sections, steel reinforcing, etc.

Upgraded Roads

All surface areas that will be associated with GBS structures fabrication and transport will need to be upgraded or confirmed to have adequate bearing support for the 8,000+ ton GBS structures and associated SPMT Mammoet moving. Upgrades might include the addition and compaction of soil/gravel materials, paving of surfaces, or other improvements to support the large amount of weight that will be transported on the roads.

Building Demolition

Demolition of buildings will be required to make additional laydown and storage area for the GBS foundation fabrication location. Demolition of six (6) buildings, located toward the center of the POC site will total approximately 45,500 square feet (See Figure OS).

Environmental Permitting

Permits from multiple agencies are required for this project. It is anticipated that the following permits will be required:

- U.S. Army Corps of Engineers Section 10 Individual Permit will need to be submitted.
- NYSDEC Article 15 Permit
- NYSDEC SPDES Permit -GP-15-002 for stormwater discharge associated with a construction activity.

- NYSDEC Multisector SPDES Permit-GP-17-004 (concrete batch plant) will be required. Modification to existing facility permit may be required. According to the NYSDEC, if the concrete batch plant uses a baghouse and a pour shroud is installed to prevent any spillage when concrete is poured, an air permit will not be needed. If an Air Permit is needed, an application will be completed and sent in to DEC for review.
- Essential Fish Habitat and Section 7 ESA Consultation (Sturgeon) with NMFS will be required.
- NYSDOS Coastal Consistency Certification, including submitting a Federal Consistency Assessment Form (FCAF), including for NWP#6 Survey (Sediment sampling), Dredging
- SHPO Consultation will be required.
- NYSDEC SEQR Review will be required.

References

1. Port of Coeymans. Project Summaries, April 23,2018; 9 Pages.
2. NYSERDA, Website Offshore Wind in NYS-Benefits of Offshore Wind, <https://www.nysERDA.ny.gov/All-Programs/Programs/Offshore-Wind/Studies-and-Surveys>
3. NYSERDA, 2018 Ports Assessment: Offshore Wind Operations and Maintenance Port Facilities, NYSERDFA Report No. 19-05/January 2019
4. NYSERDA, 2015 New York State Energy Plan, <https://energyplan.ny.gov/Plans/2015.aspx>. Accessed 13 December 2019.
5. US Department of Interior, Bureau of Ocean Energy Management, Lease and Grant information, Accessed 13 December 2019

ALTERNATIVE ANALYSIS

Proposed Action: P&M Offshore Wind Infrastructure Project (POWI)

DRAFT ALTERNATIVES

Background

As climate change continues to impact the planet, large offshore wind farm solutions are being utilized to reduce fossil fuel emissions while providing a long-term solution to growing energy needs. In response to the largest offshore wind solicitation to date by the New York State Energy Research and Development Authority (NYSERDA) with Equinor Wind US LLC and Sunrise Wind LLC in 2019, New York State Governor Andrew Cuomo said, "*By finalizing the contract awards for the nation's largest offshore wind procurement, we are realizing the positive impacts these projects will have on the environment, while diversifying our economy and bringing significant economic benefits to the Empire State.*" Lieutenant Governor Kathy Hochul likewise stated, "*We are committed to supporting offshore wind projects as part of our efforts to increase renewable energy.*" Offshore wind projects serve the purpose of supplying New York State residents with affordable and renewable energy. Innovative industrial development is also needed to provide New York State residents with renewable energy.

Port facilities along the eastern seaboard have not developed the facilities to manufacture and offload/transport large wind project components, including gravity base systems (GBSs) for use in providing foundations for offshore wind farms. The GBS is the concrete foundation system that supports the wind turbine structure. These systems consist of large blocks of concrete with steel reinforcement ranging up to approximately 100 feet tall by 150+ feet in diameter. The Port of Coeymans (POC) has recognized this renewable energy need and is committing significant focus, financing and land to meet this demand and assist the Governor's renewable energy directives.

The POC is the ideal location for large concrete fabrication projects such as offshore wind project GBSs that will be transported via navigational barges or towing downriver to the offshore environment. Due to their size and weight, GBS structures require specialized construction locations near or at shipping ports, near or at where they can be directly transferred to barges or water for transportation. During recent construction of the new Tappan Zee Bridge Project, the POC developed the industrial capability to assemble and deliver large steel and concrete structures using the Hudson River as a transportation route.

The following document outlines the evaluation of various project alternatives at the POC. This alternative analysis has taken into consideration the existing wharf operations, the future needs for renewable energy, environmental constraints and the necessary land and waterside infrastructure to support the fabrication and transportation of offshore wind GBS structures. These alternatives are being evaluated in response to recent pre-application meetings with NYSDEC and other permit agencies. This evaluation also takes into consideration

the initial review and input from these agencies, including an onsite property tour at POC on December 10, 2019.

The alternative analysis evaluates the POC operations, existing structures, proposed new structures / upgrades, river access and environmental considerations. The proposed road expansions, concrete batch plant location, access to the Hudson River, short-term and long-term GBS storage locations are essentially consistent throughout the various alternative layout plans. These landside items were not weighed as heavily during the alternative analysis as were the waterfront/quay-side modifications. Reference is made to the "Overall Site Plan" showing potential site usage and proposed infrastructure improvements both on land and water.

The following criteria were used to evaluate the alternatives:

1. Wharf orientation and expansion for the loading of GBS and other heavy structures
2. Conflict with existing Port operations
3. Water depth/access to navigable waters to support heavy concrete structure transportation
4. Minimization of impacts to previously undisturbed aquatic habitats
5. Minimization of disturbance to previously undisturbed uplands
6. Project expenditures

Alternative 1-Perpendicular Wharf

Description

Alternative 1 would propose the construction of a new inland wharf with a bulkhead approximately 400 feet north of the main wharf and approximately 100 feet south of the existing former Tappan Zee Straddle Crane trestles (long finger piers). Reference is made to Figure 1. Alternative 1 would require minimal virgin soil dredging from the long finger piers southerly to the wharf location. Upland area excavation would occur to a depth of -25 to -30 feet to provide barges sufficient draft depth and a possible gravel pad during loading.

Upgrades for the new wharf would include sheet pile bulkhead, pile supported structures and decking around the inlet, which would be required to ensure structural integrity for multiple 6,000 – 8,000 ton GBS units and barge loading. The inland wharf and immediate GBS assembly area would be constructed with steel piles to bedrock (approximately 80 feet).

Alternative 1 Positive Attributes

- Alternative 1 would provide minimal impacts to virgin aquatic benthic resources.
- Work would occur partially within a previously disturbed pier and dredge footprint.
- Alternative 1 would involve new wharf construction with no demolition.

Alternative 1 Negative Attributes

- Alternative 1 would negatively affect existing main wharf operations.
- Alternative 1 would negatively affect secondary trestle operations.

- Impacts to the existing wharf operation would pose shipping safety concerns.
- Alternative 1 would potentially create a Homeland Security Port of Entry Security Program security threat.

Alternative 2- Wharf North of Short Finger Trestles

Description

Alternative 2 would entail constructing a new inland parallel wharf approximately 400 feet long and located a short distance north of the existing short trestles (assembly sleds). Reference is made to Figure 2. Although no to minimal previous disturbance from structures or recent dredging has occurred at this location, there is brick spoil and other debris noted along the River bottom. The north wharf installation would require mostly virgin soil dredging as designated virgin by the New York State Department of Environmental Conservation - north of the short trestle location. Dredging excavation to -25 feet MLW adjacent to the north wharf would be necessary for barge access and would disturb virgin substrate.

The new wharf would include sheet pile bulkhead, pile supported structures and decking, which would be required to ensure structural integrity for multiple 6,000 – 8,000 ton GBS units and barge loading. The inland wharf and immediate GBS assembly area would be supported with steel piles to bedrock (approximately 80 feet).

Alternative 2 Positive Attributes

- Alternative 2 would not affect main wharf operations.
- Alternative 2 would reduce shipping safety concerns.
- Alternative 2 would involve new wharf construction with no demolition.
-

Alternative 2 Negative Attributes

- There would be substantial dredge impacts to virgin aquatic benthic resources.
- Construction would occur outside limits of disturbance from the existing wharf.
- There would be river bank vegetation removal and some new stone bank stabilization.

Alternative 3- Launching Wharf- Short Trestle Removal

Description

Alternative 3 would construct a new inland wharf with a new steel sheet piling bulkhead in front of the deteriorating existing timber bulkhead and centered on the existing small northern trestle finger piers. Reference is made to Figure 3. The inland wharf would require minimal virgin soil dredging between and around the existing finger piers. Dredging would excavate soil to -25 feet MLW in aquatic areas previously dredged around the existing finger piers. The existing short trestles would require removal.

The new wharf would include pile supported structures and decking, which would be required to ensure structural integrity for multiple 6,000 – 8,000 ton GBS units and barge loading. The

inland wharf and immediate GBS assembly area would be supported with steel piles to bedrock (approximately 80 feet).

Alternative 3 Positive Attributes

- Alternative 3 would not affect main wharf operations.
- Alternative 3 would reduce shipping safety concerns.
- Wharf construction would be located inland and generally along existing bulkhead.
- Alternative 3 would involve new wharf construction with minimal demolition.
- Aquatic virgin soil impacts would be minimized (substantially less than Alt 2).
- Fabrication materials would be protected from ship traffic by the longer finger piers during loading.
- Work would occur within a previously disturbed footprint from the trestles and existing stone shoreline stabilization.
- Alternative 3 minimizes dredging due to being in previous dredge area at least -12' MLW.
- Work is in an area of existing stone armored slope.

Alternative 3 Negative Attributes

- Alternative 3 would require some existing structure removal.
- Alternative 3 would prevent some vessel usage on the long finger pier

Alternative 3A- Launching Wharf-Complete Trestle Removal

Description

Alternative 3A, a variation of Alternative 3, would construct a new inland wharf with a new steel sheet piling bulkhead in front of the deteriorating existing timber bulkhead and be in the area of the existing short and long trestles, which would both need to be removed. Reference is made to Figure 3A. The inland wharf would require minimal soil dredging as it is in the area already disturbed by the existing trestles, including both pilings and dredging to at least -12' MLW. Dredging would excavate soil to -25 to -30' feet MLW in aquatic areas previously dredged around the existing finger piers.

The new wharf would include pile supported structures and decking, which would be required to ensure structural integrity for multiple 6,000 – 8,000 ton GBS units and barge loading or floating. The inland wharf and immediate GBS assembly area would be supported with steel piles to bedrock (approximately 80 feet).

Alternative 3A Positive Attributes

- Alternative 3A would not affect main wharf operations.
- Alternative 3A would reduce shipping safety concerns.
- Wharf construction would be located inland generally along existing bulkhead
- Aquatic virgin soil impacts would be minimized (substantially less than Alt 2).

- Work would occur within a previously disturbed footprint from the trestles and existing stone shoreline stabilization.
- Alternative 3A minimizes dredging due to being in previous dredge area at least -12' MLW.
- Work is in an area of existing stone armored slope.
- Provides clear face of a new wharf without barge obstruction by finger trestles.
- Provides pile cluster dolphins for safe vessel tie off or safe breasting, including smaller vessels
- Has the best all around wharf attributes when considering safely accommodating both large and small vessels.

Alternative 3A Negative Attributes

- Alternative 3A would require complete removal of existing structures.
- Alternative 3A would eliminate vessel usage on all the finger piers.

Alternative 4- Large Gantry Crane

Description

Alternative 4, being developed by COBRA systems would construct a new inland wharf approximately 400-600 feet long with a super gantry crane and shiplift. Reference is made to Figure 4. The inland wharf would require virgin soil dredging in the area of the existing finger piers. Dredging would excavate to -30 feet in former upland areas and aquatic areas of the finger piers. Most of the finger piers would be removed for construction of the new wharf. With the exception of the large Gantry Crane and possible storage of GBS's within the River, this Option is very similar to Alternative 3 and 3A above.

The inland dry wharf structure, offshore pile platform and super gantry crane would be approximately 400-600 feet long. Barges would be loaded by the super gantry crane, which would lift, carry and set the GBS structures on the barge or in the water. The super gantry crane pile platforms (trestles) would extend approximately 200 feet into the Hudson River or be notched into the upland. The barge would extend an additional 200 feet from the super gantry crane or arranged parallel to the new wharf.

Alternative 4 Positive Attributes

- Alternative 4 would not affect main wharf operations.
- Alternative 4 would involve inland wharf construction.
- Alternative 4 would involve work in a previously disturbed footprint from the trestles (pilings and dredging) and existing stone shoreline stabilization.
- There would be more simplicity in moving the GBS's and other heavy lift components
- Alternative 4 would reduce virgin substrate impacts.
- Work is in an area of existing stone armored slope.

Alternative 4 Negative Attributes

- Alternative 4 would require existing structure removal.

- Alternative 4 would increase dredging impacts to -30' MLW.
- Alternative 4 would increase excavation at MLW.
- There would be potential navigation channel impacts.
- Water shading from GBS's may impact Sturgeon.
- The pile platform may cause an increase in sturgeon habitat impacts.
- There would be a potential visual impact from the super gantry crane.

ACOE RESPONSE LETTER (MAY 18, 2020)



May 18, 2020

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Attn: Brad Sherwood

**Re: RESPONSE TO NOIA Dated 03-12-20
NAN-2019-01113-USH
P&M Brick, LLC
Port of Coeymans (POC), 2170 River Rd
Town of Coeymans, Albany County**

Dear Mr. Sherwood:

We offer the following responses to comments in your Notice of Incomplete Application (NOIA) letter dated March 12, 2020, regarding the above referenced project.

1. Finalize drawings of the proposed project, as the submittal referenced above only appears to provide drawings regarding alternative designs. These finalized drawings should include:

Cross-section drawings that clearly and accurately identify: the location of the mean low and high tide elevation; the existing elevation of the riverbed; the proposed elevation of the riverbed; and the location and elevations of all existing and proposed structures;

Response: The preferred and finalized alternative includes a bulkhead wharf, which was determined to be required considering structural design for supporting heavy loads. Other aspects such as heavy structure loading/unloading procedures and related safety concerns are being evaluated to provide safe operations on the wharf to prevent risk to human health and safety. Typically, heavy load wharf design will require vertical bulkheads to retain backfill soils, increase wharf load shear strength and overall stability. It has been determined that a new wharf as detailed in the application documents and plans will be required for safe loading and transport of the heavy wind components. It is further noted that the proposed new wharf is approximately 400 feet in length, which is a substantial reduction in the 200-meter (656 feet) length proposed in the 2018 Ports Assessment Study prepared for NYSERDA. Design plans of this preferred option have been provided for review.

The accompanying Preferred Alternative 3A Design Plan set provides cross-sections of the proposed wharf and dredge area and identifies the mean low and high tide elevations, the existing and proposed riverbed elevations as well as locations of all structures.

ingalls

Plan view drawings that clearly and accurately identify: the location of the mean low and high tide elevation; the location and elevations of all existing and proposed structures, and the size, in square feet, of the area below the mean high tide elevation that is proposed to be dredged.

Response: *The design plan view drawings provide locations and elevations of the mean low and high tide and all existing and proposed structures. Dredge limits and areas have also been provided.*

All drawings must be reproducible and legible, while being black and white on 8 1/2" x 11" paper. These drawings would be included within a Public Notice and ultimately attached to any potential Department of Army authorization. Therefore, please ensure that all location and impact drawings meet this requirement;

Response: *8 ½" x 11" design plans have been provided with this submission.*

2. Please provide the names and complete mailing addresses of all adjacent property owners;

Response: *Names and addresses of all adjacent property owners have been included with this submission.*

3. Details regarding the number of vessels that will be utilized in the river throughout the proposed project, along with their size and dimensions;

Response: *Barge traffic associated with the current POC operations will remain the same. Barge traffic associated with the former TZC trestles and most recent Pier 55 project have ceased. Barge traffic increase is not anticipated as the number of barges reduced by these previous projects will now be replaced by the POWI project having similar vessel traffic. The current barge design is 400' by 135' with a fully loaded draft of 25-27' MLW. Proposed dredge depths have been set at a slight over dredge of 30' MLW for reasonable safety factor.*

4. Details regarding the size and dimensions of the barges and/or vessels that are proposed to be utilized during normal operations after the proposed project;

Response: *It is anticipated that current barge design (400' by 135') will continue to be used during normal operations and continued support of the OSW supply chain. It is also noted that the existing smaller barges operated by POC can also utilize the new wharf.*

5. Details regarding the specific equipment and methods that will be utilized to complete the proposed dredging and the installation of the proposed new barge berth and wharf;

Response: *The proposed dredge will be completed via an environmental clamshell bucket. Double-walled turbidity curtains will be installed during the entire dredging operation. Dredged material will be segregated during dredging, dewatering, and disposal. Dredged material will be placed in a scow for transfer to an offloading/dewatering area. The scow will be offloaded by a land-mounted long reach excavator for transport into dump trucks. The dump trucks will transport sediment from the scow to onsite dewatering location.*



As detailed on the plan and sections, the new wharf will be formed by a high level pile supported concrete deck structure. Steel pilings will be driven along the existing shoreline to support the new concrete cap and steel sheeting driven along the front of the structure following the line of the existing timber bulkhead.

6. Please provide additional information regarding the material and substrate that is proposed to be dredged. Specifically, regarding if has been tested, and is thus authorized to be utilized onsite, or if it has to be transported and deposited at another location;

Response: A Sediment Sampling Plan (SSP) for POWI was approved by NYSDEC on March 10, 2020. This plan describes the investigation through sediment cores, lab testing and reporting for the proposed dredge materials predominantly in previously disturbed areas associated with the Tappan Zee trestles. Results of this investigation will determine the class of material to be removed and how it is disposed or reused through a Beneficial Use Determination (BUD).

7. The recent correspondence received from the New York State Department of State with regards to the project and its certification of consistency;

Response: P&M Brick, LLC received a letter from the New York Department of State Coastal Management Program regarding the proposed SSP, which states "The Department of State has determined that this proposal meets the Department's general consistency concurrence criteria. Therefore, further review of the proposed activity by the Department of State and the Department's concurrence with an individual consistency certification for the proposed activity are not required" (See attached letter).

A subsequent letter from NYSDOS and dated April 10, 2020 was received relative to consistency review for the overall project (See attached letter). Ingalls is currently finalizing a response to these most recent comments.

8. A detailed Alternatives Analysis, including both On-Site Alternatives and Off-Site Alternatives;

Response: Alternative Analysis for the P&M Offshore Wind Infrastructure Project (POWI) has been included with this submission. Various on-site alternatives have been evaluated in the attached Alternative Analysis. It is further noted that previous off-site alternatives were evaluated in the previously referenced 2018 Ports Assessment conducted by NYSED. Based on this assessment, including study of various port locations, it was concluded that the POC was a preferred active port facility which could service the OSW supply chain, including fabrication of heavy foundation components.

9. An assessment of the proposed project and its potential impacts on the Shortnose sturgeon (*Acipenser brevirostrum*) and Atlantic sturgeon (*Acipenser oxyrinchus oxyrinchus*), both currently listed as endangered species on the Endangered Species Act (ESA). In addition, please include an assessment of the proposed impacts on Essential Fish Habitat (EFH), protected under the Magnuson-Stevens Fishery Conservation and Management Act. Please include any conservation measures that are proposed to avoid and minimize any effects, such as time of work restrictions and/or the installation of turbidity curtains. In addition, please utilize the following weblink that details the information that is necessary to complete the Section 7 Consultation process.



Response: An EFH study has been prepared, which includes current sturgeon data and review of potential adverse impacts to EFH or the sturgeon. EFH reporting will be conducted through the Section 7, ESA coordination with ACOE and NMFS (see attached EFH report). Dredging for the TZC project was conducted between September 1 and November 31; however, P&M Brick, LLC is requesting dredging to be conducted between August 1 through November 31. All In-water work will utilize a turbidity curtain to manage potential siltation and related turbidity. Additional information is included in the attached EFH Report.

10. In addition, a review of the GIS resources map on the N.Y.S. Office of Parks, Recreation and Historic Preservation (SHPO) website shows that the project site is located within areas identified by the SHPO as "Archeo Sensitive Areas". Please indicate whether any sites eligible for listing in the National Register of Historic Places exist in the vicinity of the proposed project site, and provide evidence of any coordination with the SHPO on the potential presence of historic sites. In accordance with 33 CFR Part 325, Appendix C, this office will only be able to make a determination as to the eligibility of the project to proceed once the issues are resolved, and the required coordination regarding Historic Properties is complete.

Response: SHPO Consultation has been submitted through the CRIS System. A response is pending and will be forwarded upon receipt. Please note SHPO previously issued a no effect letter for the project area.

11. Please note that this project is linked to the Equinor Offshore Wind project. This office has not yet received a permit application for the Equinor project and this letter is not intended to be a comprehensive request for information for the project. Additional information will likely be required after a permit application for the Wind project is received.

Response: P&M Brick LLC is unclear as to the meaning and significance of the characterization that the POWI Project "is linked" to the Equinor offshore wind project. The POWI Project is being designed so that the upgraded port is able to provide decades of service to offshore wind industry, as well as to other projects and industries that similarly may require a heavy load capacity wharf. P&M Brick, LLC has applied for port infrastructure funds from NYSEDA to support such long-term investments to benefit the offshore wind industry.

In advance of these infrastructure improvements, Equinor's Empire Wind entity is in ongoing commercial negotiations to be a potential tenant for the upgraded port. To date, Equinor has been providing technical input and other resources to identify the infrastructure upgrades that would be needed for the offshore wind industry in general, and for Empire Wind US, specifically if they become a tenant.

12. Please send this office the requested information, or indicate that you are in the process of preparing the items listed above, in writing within thirty days of the date of this letter. If the requested information is not received within this period, in accordance with Title 33 of the Code of Federal Regulations Part 325.2(d)(5), it will be understood that you no longer wish to undertake the proposed work and the application will be withdrawn.



Response: Please find this submission as acknowledgement that the applicant wishes to continue the application process with the USACE.

Thank you for your continued attention to this matter. If you have any questions or require anything further, please let me know.

Sincerely,
Ingalls & Associates, LLP

A handwritten signature in black ink, appearing to read "David F. Ingalls", written over a light gray background.

David F. Ingalls, P.E.
Principal

Enclosures Essential Fish Habitat Report which contains the Overall Site Plan (8 ½' X 11", Preferred Alternative 3A Design Plan (Full Size & 8 ½ "x 11"), and Alternative Analysis; NYSDOS FCAF Letters dated March 13 and April 10, 2020; and Adjacent landowner information.

Cc: K. Gaidasz, NYSDEC MO
C. Laraway, P&M Brick, LLC
D. Newman, NYSDOS

May 11, 2020



**INGALLS &
ASSOCIATES,
LLP**

**ESSENTIAL FISH HABITAT
ASSESSMENT & ENDANGERED
SPECIES ACT CONSULTATION**

FOR THE PROPOSED:

**P&M Offshore Wind Infrastructure Project
Port of Coeymans
2170 River Road
Town of Coeymans, County of Albany, State of New York**

PREPARED FOR:

**P&M Brick, LLC
2170 River Road
Coeymans, New York 12045**

2603 Guilderland Avenue, Schenectady, NY 12306

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1 INTRODUCTION

The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act – 1996 Amendment) requires Federal agencies to consult with the National Marine Fisheries Services (NMFS) and to consider NMFS’ conservation recommendations for any action they authorize, fund, or undertake that may adversely affect designated essential fish habitat (EFH). This rule also establishes guidelines to assist the Regional Fishery Management Councils (Councils) and the Secretary of Commerce (Secretary) in the description and identification of EFH in Fishery Management Plans (FMP’s). The intended effect of the rule is to promote the protection, conservation, and enhancement of EFH. However, to date, there has not been an FMP specifically prepared for the subject project reach of the upper Hudson River estuary.

Congress has defined EFH as “those waters and substrate necessary to fish for spawning, breeding, feeding or growth to maturity” (16 U.S.C. 1802 (10)).

Waters include aquatic areas and their associated physical, chemical, and biological properties that are used by fish and may include aquatic areas historically used by fish. The substrate consists of sediment, hard bottom, structures underlying the water, and associated biological communities. These necessary waters and substrate supply the habitat required to support a sustainable fishery and the managed species contribution to a healthy ecosystem, and “spawning, breeding, feeding, or growth to maturity” covers a species’ full life cycle.

In light of the above, this EFH assessment will be both site specific to the project area as well as generally review the potential impacts to Atlantic marine species. The assessment will include the following:

1. A detailed description of the proposed action, including a review of alternatives and analysis;

2. An EFH analysis of how the proposed action effects (including direct, indirect and cumulative), the managed species and associated species; and
3. Proposed Mitigation for unavoidable project impacts.

The report also includes the required information pursuant to the Endangered Species Act (ESA) relative to consultation for the Federally listed endangered shortnose sturgeon (*Acipenser brevirostrum*) and Atlantic sturgeon (*Acipenser oxyrinchus*).

This report is being submitted to NMFS for review in concurrence with all permit application materials submitted to the U.S. Army Corps of Engineers in support of a Section 10/404 permit application. References are made throughout this document to plans and appendices included within the permit application documents, as they are anticipated to be reviewed concurrently.

2 PROJECT DESCRIPTION

2.1 Location and Description of Proposed Action

P&M Brick, LLC is proposing to use a northern portion of the Port of Coeymans (POC) site as a heavy load wharf and laydown area to support the P&M Brick, LLC Offshore Wind Infrastructure (POWI) Project construction. The Port of Coeymans is an active shipping port owned by P&M Brick LLC and is located in an industrial zone between River Road and the Hudson River in the Town of Coeymans, Albany County, New York, as shown on the Site Location Map included with permit application materials.

P&M Brick, LLC, is pursuing both Section 10 and Article 15 Permits with the US Army Corps and NYSDEC respectively. These permits will allow POC to use a northern portion of the Port of Coeymans site as a wind farm sub-assembly site, by removing the existing permanent finger trestle structures and revitalize existing work areas as a heavy load wharf and surrounding fabrication and storage area. The sub-assembly yard and associated Straddle Crane and Assembly structures are permanently used by P&M Brick, LLC at the Port of Coeymans. The finger trestle structures were originally proposed as temporary in association with the sub-assembly yard for the New NY Bridge, but later permitted in 2019 for permanent use by the POC for similar sub-assembly activities and load out for “heavy lift” type projects. The long finger trestle structures were constructed to load and unload smaller barges while the shorter assembly sled structures are used for loading out of heavy components onto barge. Long and short finger trestle structure removal and heavy load wharf construction are proposed for the POWI Project. The most recent facility permits associated with the permanent trestles were issued by the US Army Corps of Engineers (USACE), Permit No. NAN-2019-00557, dated September 20, 2019 and New York State Department of Environmental Conservation (NYSDEC), Permit No. 4-0124-00012/00034, dated July 19, 2019.

In 2018 New York State Energy Research and Development Authority (NYSERDA) issued a series of reports, including the 2018 Port Assessment-Pre-front End Engineering Design Report, which states, *“The offshore wind industry in New York is poised for rapid expansion. In his 2019 State of the State Address, Governor Andrew M. Cuomo announced an expansion of the State’s Clean Energy Standard from 50% to 70% renewable electricity by 2030. As part of that announcement, New York also increased its commitment to offshore wind from 2,400 MW by 2030 to 9,000 MW by 2035. Achieving this goal will require thoughtful planning, design, and construction of highly capable, modern, and dedicated port facilities. The Port of Coeymans site presents an opportunity to develop such an offshore wind port facility. Developing the Port of Coeymans would provide an enormous benefit to the offshore wind industry by delivering a dedicated port facility, which will be critical for the supply chain while creating new and local jobs in Upstate New York.”*¹

Port facilities along the eastern seaboard have not developed the appropriate sites to manufacture and transport large offshore wind project components, including gravity base systems (GBS), for use in providing foundations for offshore wind farms. The GBS is the concrete foundation system that supports the wind turbine structure. These systems consist of large blocks of concrete with steel reinforcement ranging up to approximately 150 feet in diameter, 100+ feet tall and weighing 6,000 to 8,000 tons. POC has recognized the need to support this OSW supply chain and is committing significant focus, finances, and land to meet this demand and assist in meeting the Governor’s renewable energy directives.

The previously permitted P&M Brick, LLC sub-assembly yard configuration was to receive steel girders and other bridge components delivered by barge and truck, assemble the components into approach spans, and place the approach spans onto barges for delivery to the New NY Bridge site. Most recently these structures serviced other heavy lift projects including the precast concrete structures associated with the Pier 55 project. The applicant P&M Brick, LLC has determined that the current loading structures onsite are not structurally practicable for heavy load offshore wind projects. Therefore, the proposed action involves the removal of the four (4) finger trestles and the construction of a new heavy lift wharf.

The site’s land use is classified as Industrial and POC is currently operating a full service port and related functions. The subject parcel is predominantly impervious area with multiple buildings and soil/material stockpiles located throughout the POC. The POC encompasses approximately 120 acres located on the west bank of the Hudson River.

The Tappan Zee Constructors, LLC dredging activities and trestle construction as well as the construction of the adjacent sub assembly yard for the New NY bridge were completed in the fall of 2014.

¹ NYSERDA, 2018 Ports Assessment: Offshore Wind Operations and Maintenance Port Facilities, NYSERDA Report No. 19-05/January 2019, Page ES-3
Port of Coeymans- P&M Offshore Wind Infrastructure Project
Town of Coeymans, Albany County, New York
EFH/ESA Consultation

Supporting offshore wind projects, will require dredging previously disturbed areas to a depth of -30ft MLW. The -30ft MLW draft depth is required to accommodate heavy load barges which will carry approximately 12,000 to 16,000 tons (two GBS bases).

Site improvements for the heavy load wharf would include a 400' long water's edge sheet pile bulkhead and integral inland wharf, pile supported structures, and decking around the inlet, which would be required to ensure structural integrity for multiple 6,000 to 8,000 ton GBS units and barge loading. The 400' wharf and immediate GBS assembly area would be constructed with steel "H" piles or pipe piles to bedrock (approximately 80 feet) to insure inland wharf load capacity.

Previously permitted Assembly Sled Finger Trestles and Straddle Crane Finger Trestles would be removed to accommodate the specialized GBS loading barges and project shipping needs. The proposed project would remove 27 fender piles, 40 structural piles and 4 batter piles previously permitted and installed. The installation of two (2) pile dolphins is needed to anchor the barges in place. Dolphin fenders would be formed by pile clusters driven into the bottom soil substrate to a depth to be determined for adequate capacity to secure barges during off-loading and loading. Additional pile clusters and catwalk will be created between the proposed new wharf and existing ship dock.

The following summarizes the existing in-water structures that are proposed to be removed:

Structure	Type of Piles	Number of Piles	Diameter of Piles	Area (s.f.)
Assembly Sled Finger Trestles	Fender Piles	12	24"	37.68
	Structural Piles	12	24"	37.68
	Batter Piles	4	24"	12.56
Straddle Crane Finger Trestles	Fender Piles	15	24"	47.1
	Structural Piles	28	24"	87.92
Totals		71		222.94

Previous 2014 dredging to the depth of -12 feet below MLW resulted in the removal of approximately 48,000 square feet (SF) or 8,500 cubic yards (CY) of river bottom. Proposed heavy load wharf dredging will require a dredge depth of -30 feet below MLW to accommodate the specialized, deeper draft GBS barges. Approximately 226,478 SF or 136,545 CY of river bottom sediments are proposed to be dredged with much of this proposed dredging to occur in the area previously disturbed by the original Tappan Zee project and current 10 year dredge maintenance permit.

Prior to deconstruction activities, a double-walled silt curtain will be installed surrounding the finger trestles to contain sediment disturbances and prevent aquatic life from entering the work

area. The temporary trestles walkways, mats, beams, and pile caps will be deconstructed and removed with the assistance of the barge mounted crane as described in Section 2.2.3 In-River Structure Removal.

Temporary staging of existing POC barges will be in the area of the proposed pile cluster dolphins between the existing dock and proposed wharf or within the existing inlet channel. The barges that are either spudded or secured alongside spudded barges off the side of the channel are staged temporarily, and either awaiting an open slip at the Port of Coeymans for loading or offloading purposes or are awaiting a Tugboat to take them up or down the river. As addressed when making the trestles permanent and in accordance with 6 CRR-NY 608.4, no more than 9 barges will ever be temporarily staged at one time or a permit will be required.

The barges associated with OSW activities and utilizing the new wharf will typically measure 400' X 130', averaging 52,000 SF in area. The barges will be moored to the new wharf until loaded for transport of materials downriver. Potential staging vessel traffic impacts are included as part of the previously submitted vessel traffic forecast and analysis. Any indirect minor shading impacts will be along the 400' heavy load wharf and will be temporary as the barges are always being repositioned and moving.

2.2 Detailed Descriptions of Existing & Proposed Permanent Structures

2.2.1 Existing Land Structures

The POC has dock capability for ships up to 750 feet long by offering a 300-foot long dock with a 30-foot deep freshwater draft, 20 feet deep inlet channel and permanent trestles to the north of the dock. Support structures for trestles include landside spread footings and abutments placed at a maximum depth of 8 feet below existing ground elevation and constructed above the MHHW, including: the main assembly bed concrete foundations, winch concrete foundation, assembly sled spread footing foundations, assembly sled finger trestle abutments, capstan spread footing foundations, tower crane spread footing foundation, and straddle crane finger trestle abutments.

2.2.2 Existing In-River Structures

Two trestle structures, a 276 ft straddle crane finger trestle and 148 ft assembly sled finger trestle, are currently utilized by the POC. The trestle structures are comprised of two parallel structures consisting of seventy-one 24-inch steel piles, pile caps, beams, mats, and walkways and decking material.

2.2.3 In-River Structure Removal

A 250-ton crawler crane will be walked onto a barge to deconstruct the finger trestles from the river. The double-walled silt curtain will be installed surrounding the finger trestles, prior to deconstruction activities to contain sediment disturbances and prevent aquatic life from entering the work area. The temporary trestles walkways, mats, beams, and pile caps will be

deconstructed and removed with a barge mounted crane. The barge mounted crane will then utilize an ICE-44, or similar, vibratory hammer to remove the piles. Sound restrictive features, if needed, will be utilized to create no effect on aquatic resources. Upon complete removal of all temporary piles, the barge mounted crane will be demobilized from POC.

The entire assembly sled finger trestle and straddle finger trestle will be removed to at least the line of the existing timber bulkhead.

2.2.4 Proposed Wharf

The P&M Brick, LLC, as part of the POWI project is proposing to construct a new 400 ft long inland heavy load wharf with a structural support bulkhead in front of the deteriorating existing timber bulkhead. The proposed wharf will be located and focused in the area of the existing trestles and surrounding previously dredged area. The onsite Alternative Analysis has resulted in alternative Figure 3A as the preferred option. With this alternative, the heavy load wharf would require minimal virgin substrate dredging as a majority of the area has already been disturbed by the existing trestles, including both pilings and dredging to at least -12' MLW, and the original P&M Brick, LLC operations. Dredging would excavate substrate to -30' feet MLW in aquatic areas previously dredged around the existing finger piers. Minor virgin substrate removal is located at the northern most portion of the work area to allow barge and ship docking and departure (See Appendix A, Overall Site Plan and Preferred Alternative 3A)

The new heavy load wharf would include upland "H" pile supported structures and heavy load concrete decking, which would be required to ensure structural integrity for multiple 6,000 ton–8,000 ton GBS units and barge loading or transporting.

2.3 Project Purpose

In 2019, the New York State Energy Research and Development Authority (NYSERDA) procured the largest offshore wind solicitation in the nation's history with Equinor Wind US, LLC and Sunrise Wind LLC. These offshore wind projects are proposed to be installed in relatively shallow waters near Long Island. Based on New York State's demand for renewable energy resources described above, including offshore wind resources, the POC has been selected as an existing Port that is capable of providing the necessary fabrication and laydown areas as well as support services associated with these types of heavy lift projects. Various site infrastructure improvements are being planned and designed for the POC. These improvements will allow for the POC to accommodate and service the unique needs associated with offshore wind fabrication and assembly of these large, heavy components, including the concrete GBS.

The POC is the ideal location for large concrete fabrication projects such as offshore wind project GBS's that will be transported via navigational barges or towing downriver to the offshore environment. Due to their size and weight, GBS structures require specialized construction locations near or at shipping ports, where they can be directly transferred to barges or water for transportation. During the recent construction of the new Tappan Zee Bridge Project, other previous bridge and other similar heavy lift projects, the POC developed the industrial capability

to assemble and deliver large steel and concrete structures using the Hudson River as a transportation route.

2.4 Project Need

The significant offshore wind infrastructure project can be accomplished by the P&M Brick, LLC to service this OSW supply chain, including these specific areas:

- Provide a GBS assembly yard located adjacent to the Hudson River that is:
 - on level ground, and
 - large enough to accommodate a construction assembly line operation for heavy wind components and structures such as Gravity Base Systems (GBS), which are up to 150 ft in diameter by 100+ ft tall and weighing 6,000 to 8,000 tons.
- Provide a wharf area adjacent to the assembly yard that:
 - allows extra heavy structure capacity for component loading and unloading to barge,
 - accommodates larger barges, 400 feet long by 130 feet wide, and
 - allows for ample space for barge maneuvering and docking during loading, and avoids the existing navigation channel and accommodates the passage of marine vessels
- Configure an efficient offshore wind assembly operation that can complete approximately 100 GBS units in 18 months or 6 GBS per month or on average 3 barge trips per month, which is well less than the previously permitted 2-4 barge round trips per week, including 1-4 barges in tow.
- Minimize dredging, fills, and other disturbances to aquatic resources of the Hudson River.
- Avoid and minimize environmental impacts to the upland areas.

For information on the need statement of the original New York Offshore Wind Master Plan, please reference the NYSERDA website: <https://www.nyserda.ny.gov/All-Programs/Programs/Offshore-Wind/Offshore-Wind-in-New-York-State-Overview/NYS-Offshore-Wind-Master-Plan> .

2.4.1 Continued purpose and need by P & M Brick, LLC:

As documented during the permitting process to make the trestles permanent, there are 17,450 highway bridges in New York State. According to recent reports NYSDOT reports approximately 10% of NY bridges need repair. According to the NYSDOT website, “FHWA in April 2017, about 10.5 percent of the highway bridges in New York State are classified, as poor. As noted above, this classification does not mean the bridges are unsafe, rather that they would require repairs or modifications to restore their condition or improve their functionality. Again, if a bridge is

deemed unsafe, it is closed to traffic. These statistics help highlight bridges that should be considered for further review, maintenance, repair, rehabilitation or replacement.” Given those statistics, (assuming 10.5% of 17,000 bridges), there are approximately 1,832 bridges in New York State alone that likely require maintenance, repair, rehabilitation, or replacement.

The successful use of the Port of Coeymans as a sub assembly yard for bridge and similar heavy lift projects has led several contractors and authorities to contact the Port regarding the potential use of the facility to complete sub assembly for heavy load components.

The POC has identified many potential uses for the existing infrastructure. These uses include similar delivery of various steel/precast concrete components and sub-assembly for future bridge projects, offshore wind assembly, import/export of large “heavy load” components, steam turbines etc.

However, utilizing the Port of Coeymans as an offshore wind assembly yard for projects throughout the state and northeast will require that the existing trestle structures be removed, and a new high capacity wharf be constructed in their place.

The proposed heavy load wharf will afford the applicant the opportunity to continue to perform these necessary heavy lift projects as well as perform assembly and import and export of specialized offshore wind components. The POC has also been identified in the noted 2018 Assessment Report prepared by NYSEDA as a viable future location for large offshore wind component assembly and import/export down the Hudson River to locations off Long Island. The Port of Coeymans has had several meetings over the past 10 months with staff from NYSEDA as well as several International Offshore Wind construction companies and component manufacturers, as a possible site for the manufacture, assembly and import/export of offshore wind components. With the trestle structure removal and replacement by new heavy load wharf, the POC will remain competitive in the contracting for specialized heavy load projects, and an economic development force multiplier for the upstate New York labor force and regional economy.

The need for the infrastructure project in order to support the OSW industry supply chain is clearly demonstrated given the Governor’s State Clean Energy Standard initiative referenced previously.

The total area of impact for previously disturbed trestle installations, pile installations and barge areas to the river bottom (trestle installations, pile installations and dredging) is approximately 48,000 square feet. Impacts to the river bottom are proposed mainly within the previously disturbed area of the trestles with some additional dredging proposed along the northern edge of the existing trestles and assembly yard. The Port of Coeymans proposes to improve the existing sub assembly area with structural support extending to bedrock (80-90 ft) to provide a well-designed, efficient wind sub-assembly yard and new wharf configured to receive wind structure components delivered by barge and truck; assemble the components into heavy load components; and place the heavy components onto barges for delivery to the selected offshore wind project locations. It is further noted that the existing deepwater dock (-32 feet MLW) is

currently dedicated to deepwater ships and not suited nor available to accommodate the barges currently trans-loading materials at the finger trestle structures. Removing the existing trestles and constructing a heavy load wharf bulkhead capable to withstand heavy load transfers with a 30' MLW draft depth will be necessary. A heavy load wharf will support larger barges and heavy component loading and unloading. The implementation of a heavy load wharf is essential to the POWI project.

2.5 Construction and Operation Schedule

The following is the POWI project schedule 2020:

2.5.1 In Water Work Schedule

June 1, 2020	Sediment sampling.
August 1, 2021	Remove finger trestles. (All Permits needed by August 2021)
August 1, 2021	Begin dredging to -30MLW.
September 1, 2021	Begin in-water wharf construction/ support structure driven to bedrock

2.5.2 Land Construction Work Schedule

March 1, 2022	Begin Excavation for enlarged yard and Install sub assembly yard support structures to bedrock.
March 1, 2022	Install GBS sub assembly yard foundations & Continue wharf construction
April 1, 2023	Wharf construction & upland assembly yard construction complete
May 1, 2023	Begin GBS Construction

2.5.3 Construction Description

Based upon the accelerated schedule and complexity of the New NY Bridge components, in 2014 TZC constructed the existing land and in-river structures to assist with building the bridge frames, the largest weighing in excess of 1,200 tons. Upon completion of the construction activities for the New NY Bridge, which took place over approximately four plus years, including activities at the sub-assembly yard at POC, the in-river structures were to be removed. Then in 2019 P&M received permits to make the trestle structures permanent and continue to use them for similar structure sub-assembly yard and transport. Now the trestles will be removed, and a new high capacity wharf and associated pile cluster dolphins installed to service the heavy component OSW supply chain. Other proposed infrastructure improvements include expanded upland yard area, concrete batch plant, GBS fabrication area and long/short term component storage area.

3 ALTERNATIVES ANALYSIS

3.1 Alternative Staging Areas Considered

The following alternatives were examined as part of the POWI project and demonstrate that Alternative 3A (Appendix B-Alternative Analysis Plans) was selected with the least potential environmental impacts while meeting the project need. The selected alternative involves removing the existing pile supported finger trestles, dredging to a depth of -30 MLW and construction of a heavy load wharf to load and unload heavy load components and to facilitate similar projects by P&M Brick, LLC.

3.1.1 Perpendicular Wharf (Alternative 1)

The construction of a new perpendicular wharf with a bulkhead approximately 400 feet north of the main wharf and approximately 100 feet south of the existing former Straddle Crane trestles (long finger piers). Alternative 1 would require minimal virgin soil dredging from the long finger piers southerly to the wharf location. Upland area excavation would occur to a depth of -30 feet to provide barges sufficient draft depth and a possible gravel pad during loading.

Upgrades for the new perpendicular wharf would include sheet pile bulkhead, pile supported structures, and decking around the inlet, which would be required to ensure structural integrity for multiple 6,000 – 8,000 ton GBS units and barge loading. The perpendicular wharf and immediate GBS assembly area would be constructed with steel piles to bedrock (approximately 80 feet).

Alternative 1 would negatively affect existing primary and secondary wharf operations, Homeland Security Port of Entry Security Program security and poses shipping safety concerns. As such, Alternative 1 is not considered a viable option.

3.1.2 Wharf North of Short Finger Trestles (Alternative 2)

Alternative 2 would entail constructing a new parallel wharf approximately 400 feet long and located a short distance north of the existing short trestles (assembly sleds). Although no previous disturbance from structures or recent dredging has occurred at this location, there is brick spoil, and other debris noted along the River bottom. The north wharf installation would require mostly virgin soil dredging as designated virgin by the New York State Department of Environmental Conservation - north of the short trestle location. Dredging to -30 feet MLW adjacent to the north wharf would be necessary for barge access and would disturb virgin substrate.

The new wharf would include sheet pile bulkhead, pile supported structures and decking, which would be required to ensure structural integrity for multiple 6,000 – 8,000 ton GBS units and barge loading. The inland wharf and immediate GBS assembly area would be supported with steel piles to bedrock (approximately 80 feet).

The POWI project does not prefer to cause substantial dredge impacts to virgin aquatic benthic resources and remove existing vegetation and stabilization bank areas. Alternative 2 is not being considered as a viable option.

3.1.3 Launching Wharf- Short Trestle Removal (Alternative 3)

The launching wharf alternative would construct a new launching wharf with a new steel sheet piling bulkhead in front of the deteriorating existing timber bulkhead and centered on the existing small northern trestle finger piers. The launching wharf would require minimal virgin soil dredging between and around the existing finger piers. Dredging would excavate soil to -30 feet MLW in aquatic areas previously dredged around the existing finger piers. The existing short trestles would require removal.

The new launching wharf would include pile supported structures and decking, which would be required to ensure structural integrity for multiple 6,000 – 8,000 ton GBS units and barge loading. The launching wharf and immediate GBS sub assembly area would be supported with steel piles to bedrock (approximately 80-90 feet).

Alternative 3 would not affect the main wharf operations, reduce potential shipping concerns, be located inland, reduce virgin soil impacts, and would minimize dredging -12MLW additional feet in previously dredged area and virgin soil area will be dredged -30MLW.

Leaving the straddle finger trestles may pose shipping concerns as well as limited vessel usage.

3.1.4 Launching Wharf-Complete Trestle Removal (Alternative 3A)

Alternative 3A, which is a variation of Alternative 3, would construct a new launching wharf with a new steel sheet piling bulkhead in front of the deteriorating existing timber bulkhead and be in the area of the existing short and long trestles, which would both need to be removed. The launching wharf would require minimal soil dredging as it is in the area already disturbed by the existing trestles, including both pilings and dredge to at least -12' MLW. Dredging would excavate soil to -30' feet MLW in aquatic areas previously dredged around the existing finger piers.

The new wharf would include pile supported structures and decking, which would be required to ensure structural integrity for multiple 6,000 ton GBS units and barge loading or floating. The launching wharf and immediate GBS assembly area would be supported with steel piles to bedrock (approximately 80-90 feet).

POWI prefers Alternative 3A since it would not affect the main wharf operations, reduce potential shipping concerns, be located inland, reduce virgin soil impacts, and would minimize dredging in an area already dredged to -12 MLW. The new launching wharf would require the dredging an area of approximately 226,478 SF of river bottom in mostly previously disturbed substrate.

Removing the straddle finger trestles and installing a parallel launching wharf reduces shipping conflicts and increases shipping safety. Alternative 3A significantly reduces virgin soil dredging, removes the existing finger trestle structures, increases the port water depth which may increase usable sturgeon habitat area.

3.2 Null Alternative

If the Applicant were to select the Null Alternative and not develop the POWI project, then there would be no ability for their use of the facility to complete heavy load sub assembly for additional wind projects, bridges and tunnels throughout the State that are slated for construction, repair, rehabilitation, or replacement.

Additionally, support cargo truck would still need to be transported to destinations downriver and would likely be sent via truck. Transporting the same amount of cargo via truck would take approximately forty truck trips versus one barge trip, thus increasing traffic on state highways, and increasing fossil fuel consumption to fuel trucks.

The Null Alternative is not part of Governor Cuomo's State *Clean Energy Standard* which requires the implementation of heavy load ports to facilitate offshore wind projects.

3.3 Selected Alternative

The POWI project has taken into consideration many different layouts and processes to reduce dredging and in-water installation of structures at the Port of Coeymans, which after review of several other sites by NYSERDA was selected as a viable support site for the OSW industry. An evaluation was performed to reduce the in-river impacts as much as possible while providing the necessary infrastructure upgrades to service the OSW supply chain. The configuration of the proposed dredged area and trestles removal were designed to minimize dredge impact to virgin substrate. The marine design had to incorporate a sufficient slip dimension for barge movements, acceptable barge draft depth, supply ship draft depths and avoid creating navigational obstructions within the Federal Navigation Channel.

After careful evaluation of multiple site locations throughout the Hudson River Valley, on-site configurations within the Port of Coeymans property, and several potential combinations of construction means and methods, P&M Brick, LLC has arrived at the preferred alternative 3A Launching Wharf with complete Trestle removal, because of the following benefits:

- Main Wharf POC ship operations would not be impacted.
- Eliminating pipe piles and trestle river shading.
- Reduces the potential for shipping conflicts
- Installs bulkhead and associated pile driving inland along existing wooded bulkhead.
- The elimination of additional tug time to reposition and flip barges.
- A reduction in number of barge delivery trips to P&M by utilizing larger and higher capacity barges.
- The elimination of oversized truck loads, which have been replaced by barge

delivery or shipping for raw material delivery.

4 HABITAT DESCRIPTION

4.1 Existing Habitat

The project site is located along the westerly shore of the upper Hudson River at approximately river kilometer 215 (river mile 133.5). The river is over 1,000 feet wide in the project area. Water depths range from only several feet near the easterly shore of lower Schodack Island (opposite the project) to greater than 30 feet within the Federal Channel. The project is located along the tidal freshwater portion of the Hudson. Generally, this upper reach of the river and its tributaries, encompass regularly significant habitat for anadromous, as well as, resident and tidal freshwater wetland communities. However, no state or federal jurisdictional wetlands exist within the immediate vicinity of the proposed project. The New York State Department of State has designated the nearby Coeymans Creek and Schodack Island as “Significant Coastal Fish and Wildlife Habitats”. However, the project site is located one-half mile northerly (upstream) of the Coeymans Creek and is on the opposing (westerly) side of the river and greater than 1,000 feet from the Schodack Island shore, and even further from any significant tidal wetlands on the Island.

The project is characterized by tidal freshwater (no salinity) area of the Hudson River. The project area is predominantly deep water (greater than 12 feet) habitat area with a minor shallow subtidal zone. Due to the existing rip rapped slopes there is limited intertidal shoreline. In contrast to higher salinity marine benthos of marine worms and crustacea found well downstream, benthic communities are believed to be dominated by freshwater snails, clams, chironomids and insects.

Minimal vegetation was observed within the project limits, predominately due to deepwater habitats and the lack of appreciable shallow subtidal zone within an industrial port setting. No beds of submerged aquatic vegetation (SAV) were observed along the project shoreline. The existing open water is known to support anadromous fish spawning habit and provide habitat for all life stages of resident freshwater species. This area of the Hudson River is known to provide spawning grounds, and wintering habitat for the Federally listed endangered shortnose sturgeon (*Acipenser brevirostrum*) and Atlantic sturgeon (*Acipenser oxyrinchus*), and it is at the northern end of the striped bass (*Morone saxatilis*) spawning area that contributes greatly to the North Atlantic stock. Similarly, although they prefer brackish waters, the anadromous white perch (*Morone americana*) enter the Hudson to spawn in adjacent tributary streams or along gravelly shoal areas. The subject reach is also at the northern end of the spawning area and nursery area for the American shad (*Alosa sapidissima*), which prefers flats and shoals that are not prevalent at the subject site. Other anadromous species include the spawning alewife (*Alosa pseudoharengus*) and blueback herring (*A. aestivalis*). The blueback herring is known to travel as far north as the Troy locks and into the Mohawk River to spawn. Prevalent resident fish species include the black bass (*Micropterus spp.*) species of largemouth and smallmouth of the sunfish

family. Even though more prevalent in the saline waters of the lower reaches of the estuary, blue crabs (*Callinectes sapidus*) have been known to inhabit the bottom of the river several miles downstream near the project area.

4.2 Finfish and Crustacean Species

The following is a summary of the primary finfish and crustacean species known to exist within or near the project site:

4.2.1 Anadromous

- Shortnose Sturgeon (*Acipenser brevirostrum*)
- Atlantic Sturgeon (*Acipenser oxyrinchus*)
- Striped Bass (*Morone saxatilis*)
- White Perch (*Morone americana*)
- American Shad (*Alosa sapidissima*)
- Alewife (*Alosa pseudoharengus*)
- Blueback Herring (*Alosa aestivalis*)

Most anadromous fish species within the Hudson River spend much of their lifecycle in marine waters and are present only in the freshwater project area to spawn. Spawning typically occurs in late spring and early summer, following which the adults typically return to downstream marine waters.

4.2.2 Marine

- Bluefish (*Pomatomus saltatrix*), surrogate species for other marine fish

4.2.3 Crustacean

- Blue Crab (*Callinectes sapidus*)

Blue crabs typically overwinter in high salinity waters, then move upstream in freshwater to mate as water temperature warms in the spring. Following mating, they return to higher salinity waters to release their eggs. While the potential exists for the blue crab to be present within the project area in spring in summer, they are not typically found as far north as the project area.

4.2.4 Resident Fish Species

- Smallmouth Bass (*Micropterus dolomieu*)
- Largemouth Bass (*Micropterus salmoides*)
- Common Carp (*Cyprinus carpio*)

4.3 Essential Fish Habitat

According to the NOAA Habitat Conservation National Marine Fisheries Service webpage (<https://www.habitat.noaa.gov/application/efhmapper/index.html>) there are no essential fish habitats areas protected from fishing (EFHA) and no habitats areas of particular concern (HPAC) within the project area. The NOAA Webpage provides a geographic species list of Essential Fish Habitat (EFH) designations, which determines the species and life stages of fish, shellfish, and mollusks for which EFH has been designated in a particular area. The proposed project is north of Hudson River tidal freshwater salinity zone and Hudson River Estuary. The NOAA Webpage says, "Please note under "Life Stage(s) Found at Location" the category "ALL" indicates that all life stages of that species share the same map and are designated at the queried location." The species identified at the queried location are winter flounder (*Pseudopleuronectes americanus*), little skate (*Leucoraja erinacea*), Atlantic herring (*Clupea harengus*), rake hake (*Urophycis chuss*), windowpane flounder (*Scophthalmus aquosus*), winter skate (*Leucoraja ocellate*), clearnose skate (*Raja eglanteria*), longfin inshore squid (*Doryteuthis pealeii*), bluefish (*Pomatomus saltatrix*), Atlantic butterfish (*Peprilus triacanthus*), and summer flounder (*Paralichthys dentarus*).

Table 1: EFH Designations in the Tidal Freshwater Upper Hudson River Estuary

Species	Eggs	Larvae	Juveniles	Adults	Spawning Adults
Winter Flounder (<i>Pseudopleuronectes americanus</i>)	X	X	X	X	
Little Skate (<i>Leucoraja erinacea</i>)			X	X	
Atlantic Herring (<i>Clupea harengus</i>)		X	X	X	
Rake Hake (<i>Urophycis chuss</i>)	X	X	X	X	
Windowpane Flounder (<i>Scophthalmus aquosus</i>)	X	X	X	X	
Winter Skate (<i>Leucoraja ocellate</i>)			X	X	
Clearnose Skate (<i>Raja eglanteria</i>)			X	X	
Longfin Inshore Squid (<i>Doryteuthis pealeii</i>)	X				
Bluefish (<i>Pomatomus saltatrix</i>)			X	X	
Atlantic Butterfish (<i>Peprilus triacanthus</i>)		X			
Summer Flounder (<i>Paralichthys dentarus</i>)		X	X	X	

*F = The EFH designation for this species includes the tidal freshwater salinity zone of this bay or estuary.

**The notation "X" in a table indicates that EFH has been designated within the square for a given species and life stage.

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It is important to note the estuary, as designated by the USFWS NWI mapper, ends at the Mid-Hudson Bridge in Poughkeepsie, NY. The POC project is not an estuarian system and will not impact the above mentioned species EFH. During a consultation with NOAA, Karen Greene, Mid-Atlantic Field Office Supervisor and EFH Coordinator stated in an email on January 30, 2020, the site does not have essential fish habitat (See Appendix C- Correspondence).

4.3.1 Coastal Migratory Pelagic Species– All Life Stages

The Hudson River Estuary from Poughkeepsie downstream to the Atlantic Ocean confluence is designated as EFH for the above mentioned pelagic species: winter flounder (*Pseudopleuronectes americanus*), little skate (*Leucoraja erinacea*), Atlantic herring (*Clupea harengus*), rake hake (*Urophycis chuss*), windowpane flounder (*Scophthalmus aquosus*), winter skate (*Leucoraja ocellate*), clearnose skate (*Raja eglanteria*), longfin inshore squid (*Doryteuthis pealeii*), bluefish (*Pomatomus saltatrix*), Atlantic butterfish (*Peprilus triacanthus*), and summer flounder (*Paralichthys dentatus*). These fish range from the shore to the continental shelf edge in the Mid-Atlantic Bight. They typically utilize the coastal waters of the Mid-Atlantic Bight during the summer months and migrate to deeper waters throughout the rest of the year. EFH for all coastal migratory pelagic species includes sandy shoals of capes and offshore bars, high profile rocky bottom and barrier island ocean-side waters, from the surf to the shelf break zone, and from the Gulf Stream shoreward. In addition, all coastal inlets and all state-designated nursery habitats are of particular importance to coastal migratory pelagic species. Species life stage requirements change through a species life history, the EFH is species dependent and includes a variety of parameters such as high salinity bays, estuaries, and seagrass habitat. The tidal freshwater salinity of the proposed project area precludes the presence of these species, which are typically collected on the Atlantic coast within areas of higher salinity associated with the Hudson River Estuary. It is unlikely that EFH for any of these species would be present in the proposed project area.

4.4 Endangered Species Habitat

This area of the Hudson River is known to provide spawning grounds for the Federally listed endangered shortnose sturgeon (*Acipenser brevirostrum*) and Atlantic sturgeon (*Acipenser oxyrinchus*). Adults of these species are potentially present within the project area from March through September.

4.4.1 Shortnose Sturgeon

Shortnose sturgeon spawning grounds extend from below the Federal Dam in Troy, NY to about Coeymans, NY (River Mile 152-131). Adults are typically present within the project area (approximately River Mile 141.5) during spawning, which occurs at water temperatures between 10 and 18 degrees Celsius, and typically between early April and late May each year, after which adult shortnose sturgeon readily disperse quickly down river into their summer range. Eggs and larvae remain in the vicinity of the spawning grounds for approximately four weeks after spawning, after which they also disperse downstream. Therefore, adult shortnose sturgeon are

anticipated to be in the project area between early April and late May, while early life stages are expected to be present from late April through June.

4.4.2 Atlantic Sturgeon

Data from spring 2014 confirmed the presence of adult Atlantic sturgeon upstream of River Mile 120 from late April through early July. Early life stages are anticipated to be present in the project area for approximately four weeks following the end of spawning. Therefore, early life stages may be in the project area from late April through the end of July.

Collectively, the Hudson River in the vicinity of the project area provides habitat for spawning adults and early life stages, including eggs and larvae for two endangered sturgeon species, but only from the period from early April through the end of July.

4.4.3 Recent Research

The previously permitted Tappan Zee Bridge Project required sturgeon monitoring at the POC. According to the “Sturgeon Acoustic Telemetry Monitoring, prepared by HDR, Preliminary Data; Data Period April 3 to December 26, 2018”, the following Vemco validated tag numbers were identified by the Vemco Receivers: A69-1303-11454, A69-1303-11489, A69-1303-11490, A69-1303-11499, A69-1303-11504, A69-1303-11508, A69-1303-11518, A69-1303-11597, A69-9001-21735, A69-9001-24678, A69-9001-2753, A69-9001-30445, A69-9001-30460, A69-9001-14377, and A69-9002-6780.

According to NYSDEC, the following species are not associated with Atlantic or shortnose sturgeon tags: A69-1303-11454, A69-1303-11489, A69-1303-11490, A69-1303-11499, A69-1303-11504, A69-1303-11508, and A69-1303-11518. The New NY Bridge Sturgeon Acoustic Telemetry 60-Day Summary (May 1, 2014-June 30, 2014) identified A69-1303-11597 as an Atlantic sturgeon tag however, the battery life should have expired since the transmitters have a 5 year life span. All tag information is proprietary and requires the transmitter owners to provided information. Transmitter owners have not provided information regarding species. The remaining transmitters have not been associated with a species and cannot be used to determine the presence or absence of sturgeon at the POC.

It is further noted the current P&M NYSDEC permit requires continued telemetry monitoring for 5 years from the 2019 permit date. Reference is made to the NYSDEC approved Sturgeon Monitoring Plan prepared by Ingalls & Associates, LLP and dated October 10, 2019. This newly approved monitoring plan features rear round monitoring at multiple locations within the reach of the upper Hudson River between Catskill and Troy, NY. One of the objectives of this plan is to gain insight relative to wintertime movement of the sturgeon (See Section 6.6 Off-Site Mitigation for additional details of this monitoring plan).

5 POTENTIAL PROJECT IMPACTS

5.1 Potential Impacts to EFH

5.1.1 Temporary Impacts to EFH

Potential temporary impacts to EFH during construction include:

- Disturbance and possible siltation during mechanical dredging associated with new heavy wharf construction and associated dredge to -30' MLW.
- Noise/Vibration impacts during pile driving activities are applicable as the existing trestle structures will be removed and pilings installed along the existing bulkhead line.

5.1.2 Permanent Impacts to EFH

Permanent project impacts may be attributed to:

- Loss of intertidal area. However, the area of existing intertidal zone is minimal due to relatively steep slopes in the majority of the project area. Minimal, if any, intertidal area will be impacted within the proposed dredge area.
- Deepening of some subtidal area. Again, there is minimal subtidal area, with the existing water depth greater than -5' MLW in the proposed dredge area.
- Deeper dredge depths may provide additional habitat areas, which is a positive permanent impact.

As stated above, the potential for EFH to exist within the vicinity of the project area is limited to nil. However, even if EFH were in the vicinity of the project, it would not likely be present within the confines of the proposed project, as the project is within an active port, which is heavily trafficked by ocean going ships and cargo barges year-round.

5.2 Potential Impacts to Managed Species

5.2.1 Direct Impacts to Managed Species

The greatest potential direct impact to EFH, and managed species is the change or loss of habitat (by physical, chemical or biological alteration). The main change will be the loss of minor area of intertidal zone along the project shoreline and deepening of some subtidal areas. The previous dredging changed the currently sloping river bottom to a flat bottom extending from the shoreline out approximately 290' easterly to meet the existing shipping channel -25 to -30' MLW depth. Again, owing to the existing steep riprap slopes and previous dredge, the existing intertidal zone of the site is minimal.

The greatest potential impact from loss of intertidal zone would be to the resident and anadromous fish species requiring shallows for spawning, nursery or other life stages. Resident species potentially include black bass species of smallmouth bass (*Micropterus dolomieu*), largemouth bass (*Micropterus salmoides*) and common carp (*Cyprinus carpio*). Anadromous

spawning visitors include white perch (*Morone americana*), alewife (*Alosa pseudoharengus*), blueback herring (*A. aestivalis*), and possibly the American shad (*Alosa sapidissima*). Many of these species are considered to be important forage base for large predators, such as striped bass (*Morone saxatilis*) and bluefish. The larger anadromous shortnose sturgeon (*Acipenser brevirostrum*) and striped bass are also found in the deeper waters of the Hudson River, where all life stages are supported. Potential impacts to anadromous species would only be realized if dredging were to occur when these species were present, i.e. typically March through September.

Direct impacts could be attributed to temporary impacts from dredging disturbance, possible sediment transport and siltation, and noise and vibratory impacts associated with pile driving. These potential impacts from maintenance dredging and pile driving could potentially adversely affect all of the above named managed species.

Direct impacts to managed species are anticipated to be minimal and would likely be limited to vessel collisions. However, given that the proposed project will continue existing river traffic of only two barges per week, vessel collisions with fish are anticipated to continue to be limited to nil.

5.2.2 Indirect Impacts to Managed Species

The main indirect potential impact may be the reduction of forage (prey) species (alewife, blueback, herring and American shad) for the anadromous sturgeon and striped bass and downstream coastal marine species such as the bluefish (*Pomatomus saltatrix*). Since the majority of the anadromous forage species prefer flats and shoals as well as tributaries for spawning and juvenile nursery, potential impacts are expected to be minimal. There are limited shallows near the proposed project that could be potentially used for these migratory prey species. The proposed dredging does provide drop-off staging areas and out of current areas for young and juvenile fish.

5.2.3 Cumulative Impacts to Managed Species

Cumulative impacts may be attributed to sedimentation, possible pollutants (toxic, chemical or oil) and resultant food chain effects of bioaccumulation and biomagnification. Cumulative effects may also include loss of forage base and spawning areas.

Due to limited intertidal shoreline area, lack of underwater shelter or submerged aquatic vegetation, the project impacts are anticipated to be minimal. Previous bottom sampling/testing confirmed the absence of any detrimental bottom contaminants. Forage species of alewife, blueback herring, American shad, and blue crab may be attracted to the existing stone rip-rap shore stabilization. Likewise, minimal impact is anticipated for the resident species as well as the deeper water users of sturgeon and striped bass.

5.3 Potential Impacts to Endangered Species

5.3.1 Direct Impacts to Endangered Species

Potential direct impacts to the shortnose and Atlantic sturgeon, preferring deeper waters of the River, are anticipated to be minimal when considering the loss of intertidal area. The deeper water of the River is where all life stages of the sturgeon are supported, including possible spawning and wintering. The proposed deepening in the area of the proposed wharf and adjacent to the existing navigation channel will be beneficial to the species preferring deeper water habitat. A weighted turbidity curtain will be deployed surrounding the active work area during all dredging activities, which will preclude access by individuals of both species. Work windows are anticipated to be limited by permit condition to avoid potential direct impacts to fish in any life stage.

As further detailed in the previous 2019 Endangered Species Act Concurrence consultation with NMFS, and HDR Impact Assessment, tug/barge traffic will be maintained at similar rates to existing conditions averaging only 2 round trips per week. Therefore, there will be miniscule increase in the potential for sturgeon vessel strikes.

Given this continued vessel traffic, there will be no increase in risk of strike and a calculated number of strikes that is very close to zero, we conclude that any increase in the number of sturgeon struck in this reach because of the continued level of traffic resulting from the tug and barges is extremely unlikely. Therefore, the effects of this continued traffic are discountable. In addition, given the no increase in risk and the calculated strikes being close to zero, the effect of continuing the existing and previously studied vessel traffic cannot be meaningfully measured, detected, or evaluated and does not reach the scale where the take of one individual occurs as a result of the action; therefore, effects are also insignificant.

5.3.2 Indirect Impacts to Endangered Species

The primary potential indirect impacts to sturgeon species are collision with vessels, the turbidity or sedimentation during dredging, and shading as a result of docking the cargo barges. However, these barges are anticipated to be docked temporarily for only loading/off-loading of materials and assembled components, so any minor shading is temporary and not permanent. Each barge measures approximately 400 feet x 130 feet for an area of approximately 52,000 SF. These barges will travel 1-2 round trips/week down or upriver via a tugboat within the Federal Navigation Channel to or from the offshore wind project areas. Again, the turbidity curtain surrounding any dredging area will both discourage the species from entering the work area and limit the potential for suspended sediments to escape the work area. A secondary indirect potential impact may be the reduction of forage (prey) species (alewife, blueback herring and American shad) for the anadromous sturgeon. However, due to the lack of substantial flats and shallow areas the impacts to forage species for the sturgeon is expected to be minimal.

The proposed wharf dredge area will increase the proposed draft depth from -12 feet MLW to -30 feet MLW and, as a result, it is expected to enable vessels to travel safely in the docking area

as well as the adjacent navigation area. Allowing safe passage in the docking area and the navigation channel is not expected to change the number of vessels that use the action area; thus, preserving the status quo with regard to vessel routes and vessel numbers will not change the risk of a vessel strike. Any slight increase in risk from altered patterns of use would be too small to be detected or measured, and effects are, therefore, insignificant.

5.3.3 Cumulative Impacts to Endangered Species

Minimal cumulative impact is anticipated for the deeper water sturgeon. Following proposed wharf dredging activities, which is expected to take approximately three to four weeks of river bottom disturbing activity, no additional bottom disturbing activities are proposed. Dredging activities are minimal in area and duration and will not result in any cumulative impacts to endangered species.

6 MITIGATION MEASURES

6.1 Minimization of Dredging

The area of proposed dredging to -30' MLW water depth is concentrated in a previously dredged area and has been minimized to the area necessary for the new heavy load wharf barge docking and maneuvering. The proposed dredge will be performed by the less intrusive mechanical method, within confines of a turbidity curtain and will have seasonal limitations as prescribed by permit, so as to limit potential impacts to spawning resident and anadromous species. Limiting the permitted dredge window to avoid times of year when anadromous fish are present will eliminate the potential risk of impacts to these species. Dredge sediment sampling has previously been and will continue to be performed in accordance with a NYSDEC-approved Sediment Sampling Plan. Previous sampling indicated that the majority of sediment within the proposed project area is classified as Class B material and can be reused on-site. A minor area of Class C material was previously identified, and all applicable dredging protocols shall be implemented to ensure no migration of contaminated sediments shall occur during or after project activities. Reference is made to a report entitled "Sediment Sampling and Analysis, Pre-Dredge Sampling, Proposed Maintenance and Expansion Dredge, Coeymans, NY", prepared by Atlantic Testing Laboratories, Limited (ATL), and dated February 27, 2014. Additional sediment sampling is proposed as described in the NYSDEC approved Sediment Sampling Plan entitled "P&M Brick, LLC offshore Wind Infrastructure Project", prepared by Ingalls & Associates, LLP and last revised March 20, 2020, and the results will be summarized and submitted upon completion. Material identified as Class C material shall be disposed of at a NYSDEC-approved landfill and used for cover material. Weighted turbidity curtains shall be installed prior to dredge and pile driving activities to contain all suspended sediments and prohibit potential migration downstream.

6.2 Upland Erosion and Sediment Control

Erosion and sediment control measures, i.e. silt fence and hay bales, shall be employed to control surface runoff from upland dredge disposal and surface runoff. A temporary settling basin shall

be employed to collect and settle any suspended solids, prior to any discharge to navigable waters.

6.3 Slope Stabilization

All inboard slopes to the water have already been stabilized by large rock rip-rap or at shore sheet piles. This will prevent the slope from settling and the potential for discharge to navigable waters.

6.4 Pile Driving Mitigation Measures

The project proposes to construct a new heavy load wharf. The high capacity wharf construction requires driving structural supports to bedrock. Sheet pilings will be installed in front of and follow the line of the existing the wooden bulkhead. Steel piles will be installed on a 10'-15' grid behind the bulkhead line to create a support system for the new structure. The sheet piles and vertical pile supports will be constructed through the use of a vibratory hammer to drive the piles to within 1 foot of tip elevation. Upon reaching refusal an impact hammer will be used to set (proof) the piles. If necessary due to unexpected conditions encountered in the field, the pile driving procedure will be modified. It is expected that all at water's edge pile driving will occur sequentially and therefore prior to the beginning of pile driving operations a double-walled silt curtain will be installed to contain sediment disturbances and prevent aquatic life from entering the work area. However, with the exception of the initial of line of piles along the existing bulkhead (face of the new wharf) near MLW, it is noted that the required bearing piles will be mainly driven in upland area

Pile driving operations will only occur between the hours of 7:00AM to 7:00PM. Piles will be installed by means of a template that will be vibrated initially to refusal. Impact driving will only be done to proof the pile to design capacity. The pile tapping method will initially be used during the driving of the first piles at each location. Aquatic engineering practices such as using a turbidity curtain, minimizing use of an impact hammer, minimizing noise associated with pile driving to the lowest practicable level possible, will protect EFH or endangered fish species. No impacts to EFH or endangered fish species are anticipated.

6.5 Previously Permitted Trestle Structure Removal

As previously described, the permanent trestle structures will be removed with a barge mounted crane. A double walled weighted turbidity curtain will be installed around the work areas. Each steel pile will be pulled and cut as needed. Disposed material will be taken to the metal scrap facility at P&M Brick, LLC or other permitted Part 360 facility. It is expected that all pile removal operations will only occur between the hours of 7:00AM to 7:00PM. All piles and associated material will be removed while reducing the maximum amount of in water sound and turbidity. Coupled with the turbidity curtain surrounding the work area during dredging and deconstruction, no impacts to EFH or endangered fish species are anticipated.

6.6 Off-Site Mitigation

As previously permitted sturgeon mitigation is currently in progress in the form of sturgeon telemetry monitoring.

Mitigation for the proposed action includes:

- 1) Sturgeon monitoring by a year round array of 5 Vemco acoustic hydrophones deployed and maintained in the upper Hudson River (Catskill to Troy), or a location deemed appropriate by the Department, for a period of 5 years. This study is aimed at addressing knowledge gaps in sturgeon movements, particularly during the winter months when hydrophones have not been in the river. The hydrophones will be spaced a minimum of 2km apart to maximize coverage and provide data over a larger area of river. Where possible hydrophones will be located in areas where the river width is narrowed by natural or manmade features to maximize the percentage of the river that is covered by the receiver such that passing fish are more likely to be detected. The proposed hydrophone locations have been provided to the NYSDEC and the Acoustic Telemetry Monitoring Plan was approved on 11/13/19 (Appendix D). Locations of receivers may change depending on environmental conditions or monitoring objectives; changes in a receiver location will be coordinated with the department as appropriate. Annual reports and detection data are required to be provided to the department following each monitoring year.
- 2) Currently, P&M Brick, LLC is working with various research entities to share data. Although not required by previously permitted activities P&M Brick, LLC is making strides to cooperate with entities such as universities and government agencies to assist in scientific advancement in understanding the sturgeon life stage cycles.

7 CONCLUSION

7.1 Essential Fish Habitat

As described above, the proposed dredging and POWI construction project has been minimized to the maximum extent practicable. Proposed dredging has been limited to the area necessary to construct a heavy load wharf and provide related adequate barge maneuvering. Pile driving activities will be conducted along the shoreline and inland; thus, limiting potential impacts to EFH and associated species. The sled assembly trestle and straddle finger trestle structure will be removed, including water pilings. The proposed project is located in an area not designated as EFH, including subtidal and intertidal areas. Existing POC conditions represent limited intertidal area due to steep riprap slopes and a lack of vegetation. There will be minimal impacts to the few resident species as well as numerous anadromous species. Many of these anadromous species prefer the deeper, higher salinity areas of the lower reaches of the Hudson River estuary.

7.2 Endangered Species Act

As described above, the proposed heavy load wharf construction, associated dredging, and trestle de-construction activities have been minimized to the maximum extent practicable. Proposed dredging has been limited to the area necessary to maintain draft depth and heavy load barge maneuvering. There will be no anticipated impacts to the endangered shortnose and Atlantic sturgeon preferring deep water habitat for spawning and non-spawning as well as other life cycle stages. Additionally, mitigation measures will include limiting, by permit conditions, in water work to the time of the year when the Shortnose and Atlantic Sturgeon are not spawning and are not present in this area of the Hudson River, but are likely downstream in other habitat areas. Given the conditions and mitigation measures above, the proposed POWI project will have minimal impacts to the few resident prey species. Given the above, the proposed project should have no effect on sturgeon species. Therefore, no effect to threatened or endangered species is anticipated as a result of the proposed work.

Based on the analysis that all effects of the proposed action will be insignificant and/or discountable, we have determined that the permit authorizing the POWI Project for P&M Brick, LLC at the Port of Coeymans is not likely to adversely affect any listed species or critical habitat under NMFS' jurisdiction. We certify that we have used the best scientific and commercial data available to complete this analysis. We request your concurrence with this determination.

8 REFERENCES

- a) Bain M. No date. Atlantic and Shortnose Sturgeons of the Hudson River: Common and Divergent Life History Attributes. Cornell University, Cortland, NY.
- b) New England Fishery Management Council, Various web page information relative to EFH and Fishery Management Plans, www.nefmc.org/documents/habitat.
- c) National Oceanic and Atmospheric Administration, NOAA Habitat Conservation National Marine Fisheries Service webpage
(<https://www.habitat.noaa.gov/application/efhmapper/index.html>)
- d) New York State Department of Environmental Conservation, Division of Fish, Wildlife & Marine Resources Fish Species, various website information – New York’s True Bass Study, www.dec.state.ny.us/website/dfwmr/fish.
- e) New York State Department of State, Coastal Management Program, State Coastal Policies. 1982, revised 1983 and 2001. Albany, NY.
- f) US Fish Wildlife Service. No Date. Significant Habitats and Habitat Complexes of the New York Bight Watershed, Upper Hudson River Estuary, Complex 33.
www.training.fws.gov/library/pub5/web_link/text/upp_hud.htm
- g) NYSERDA, Website Offshore Wind in NYS-Benefits of Offshore Wind,
<https://www.nyserra.ny.gov/All-Programs/Programs/Offshore-Wind/Studies-and-Surveys>
- h) NYSERDA, 2018 Ports Assessment: Offshore Wind Operations and Maintenance Port Facilities, NYSERDA Report No. 19-05/January 2019
- i) NYSERDA, 2015 New York State Energy Plan,
<https://energyplan.ny.gov/Plans/2015.aspx>. Accessed 13 December 2019.
- j) NOAA US Department of Interior, Bureau of Ocean Energy Management, Lease and Grant information, Accessed 13 December 2019

9 Appendices

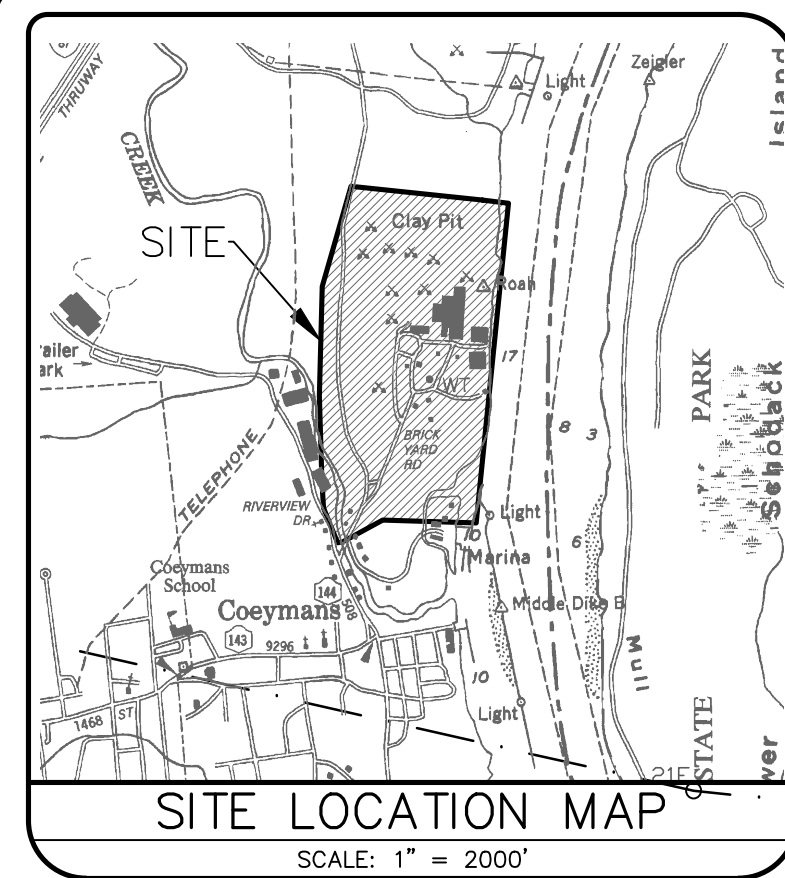
Appendix A: Overall Site Plan and Preferred Alternative 3A

Appendix B: Alternative Analysis

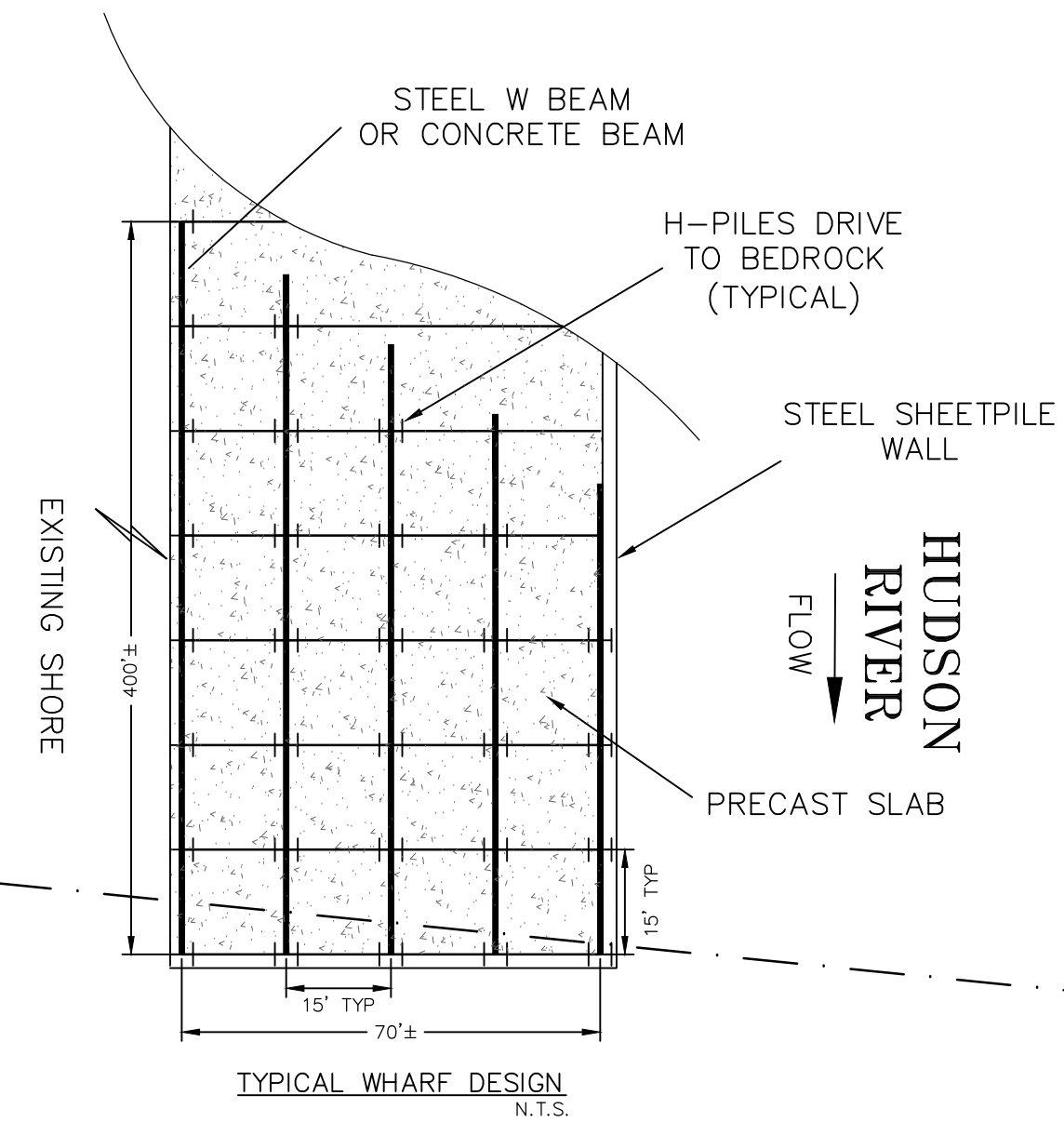
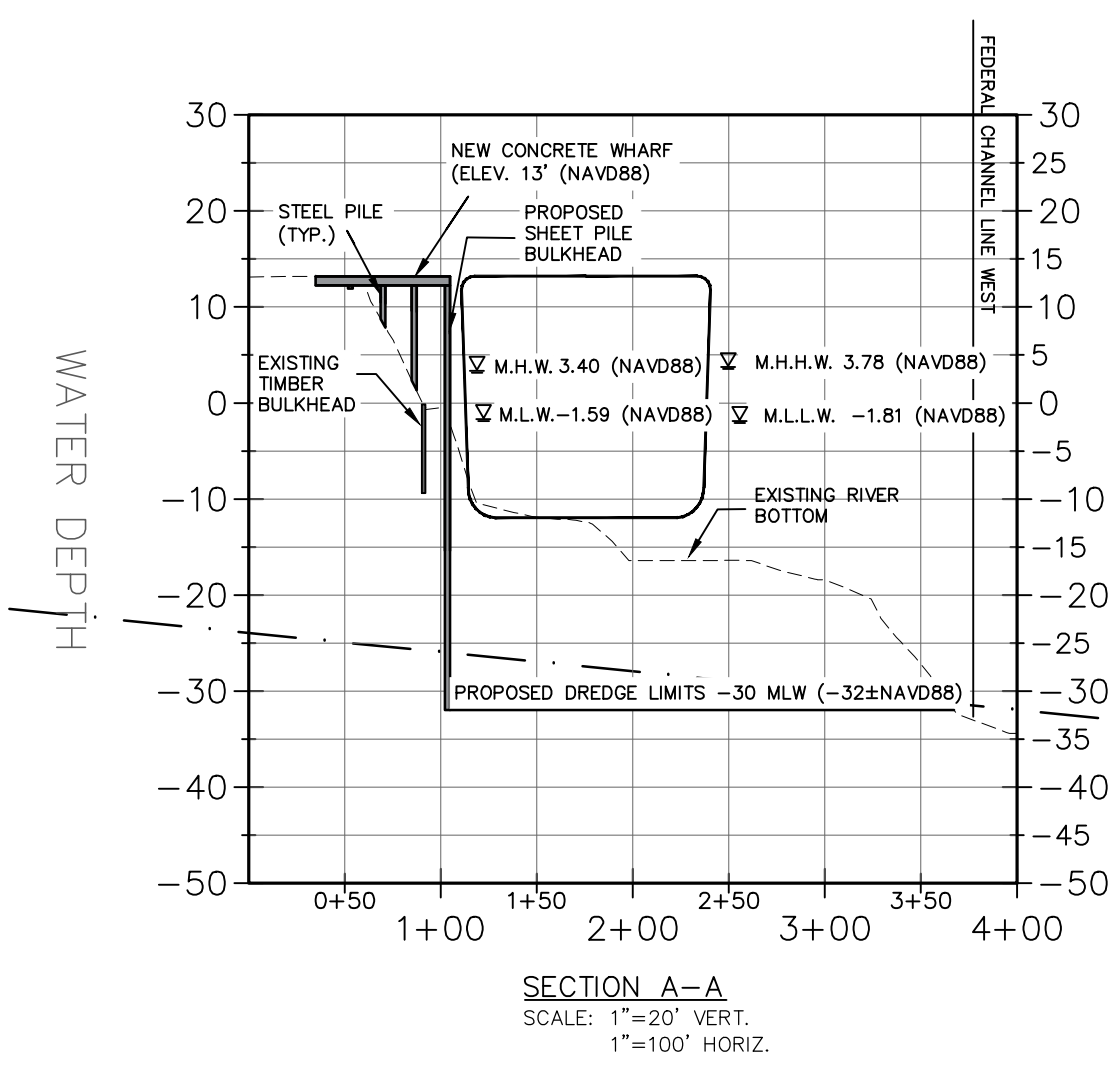
Appendix C: Correspondence

Appendix D: Acoustic Telemetry Monitoring Plan

Appendix A - Overall Site Plan and Preferred Alternative 3A



WHARF SECTION PROFILE



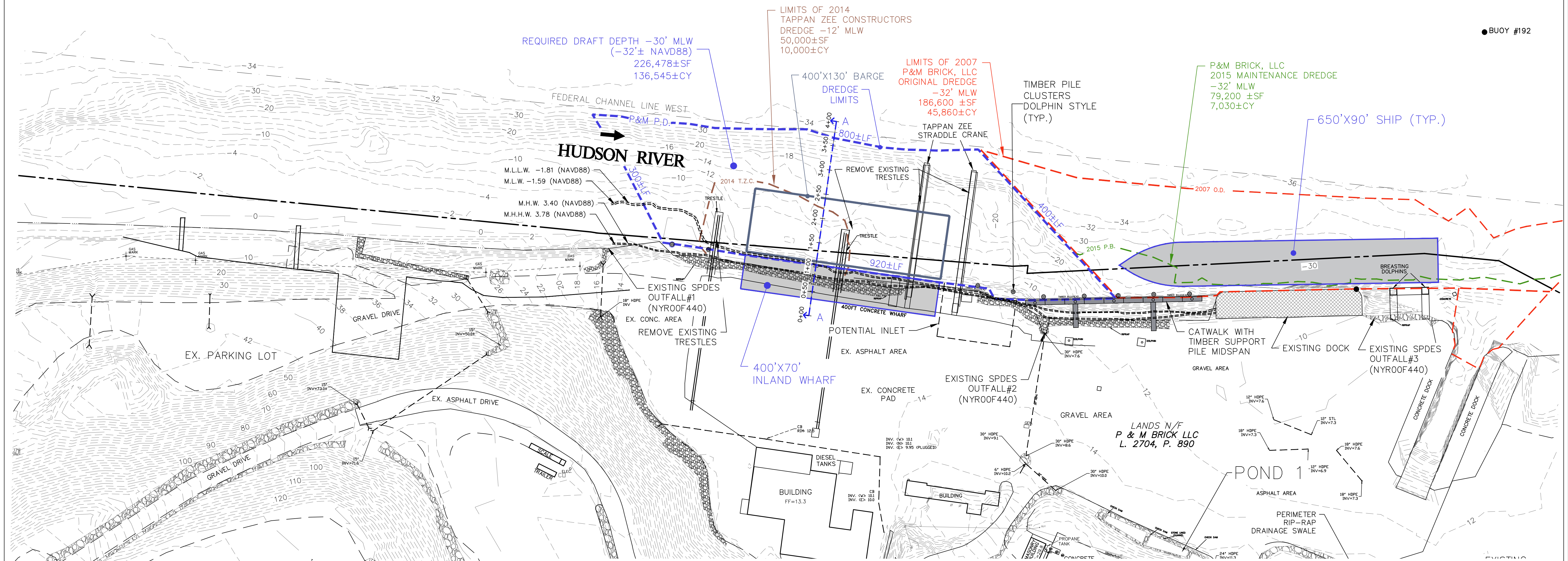
MAP REFERENCES:

- 1) MAPS ENTITLED FATHOMETRIC SURVEY PREPARED FOR: P&M BRICK, LLC, RT. 144 COEYMANS, NY 12045 AS PREPARED BY M.G. MCLAREN ENGINEERING ON APRIL 22, 2019.
- 2) SUBJECT PARCEL: TOWN OF COEYMANS - TAX MAP 156., BLOCK 4, PARCEL 8.
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- 10) PROPOSED LOCATION OF ALL STRUCTURAL MEMBERS IS PRELIMINARY. FINAL DESIGN AND LOCATIONS TO BE PROVIDED BY OTHERS.

NOTES:

LEGEND

EXISTING PROPERTY LINE	---
ADJACENT PROPERTY LINE	---
EXISTING CONTOUR	--- 200 ---
EXISTING HYDRANT	HYD
EXISTING UTILITY POLE	NG 19
EXISTING SIGN	S
EXISTING CATCH BASIN	CB
EXISTING STORM SEWER	ST
P&M PROPOSED DREDGE (226,478±SF)	■ P&M P.D. ■
TZC 2014 DREDGE (50,000±SF)	■ 2014 T.Z.C. ■
P&M 2015 MAINTENANCE DREDGE (79,200±SF)	■ 2015 P.B. ■
P&M ORIGINAL 2007 DREDGE (186,600±SF)	■ 2007 O.D. ■



OWNER/APPLICANT:
P & M BRICK, LLC
2170 RIVER ROAD
COEYMANS, NY 12045

PARCEL AREA = 121.7 ± ACRES

NOTE: 48 HOURS PRIOR TO ANY CONSTRUCTION ACTIVITIES, THE CONTRACTOR SHALL CONTACT DIG SAFELY NEW YORK TO LOCATE ALL UNDERGROUND UTILITIES. 1-800-962-7962

NO.	DATE	REVISIONS	BY:
3	05/11/20	ADDITIONAL INFORMATION ADDED	PJY
2	03/25/20	ADDITIONAL INFORMATION ADDED	PJY
1	02/07/20	REVISED DREDGE LIMITS	PJY

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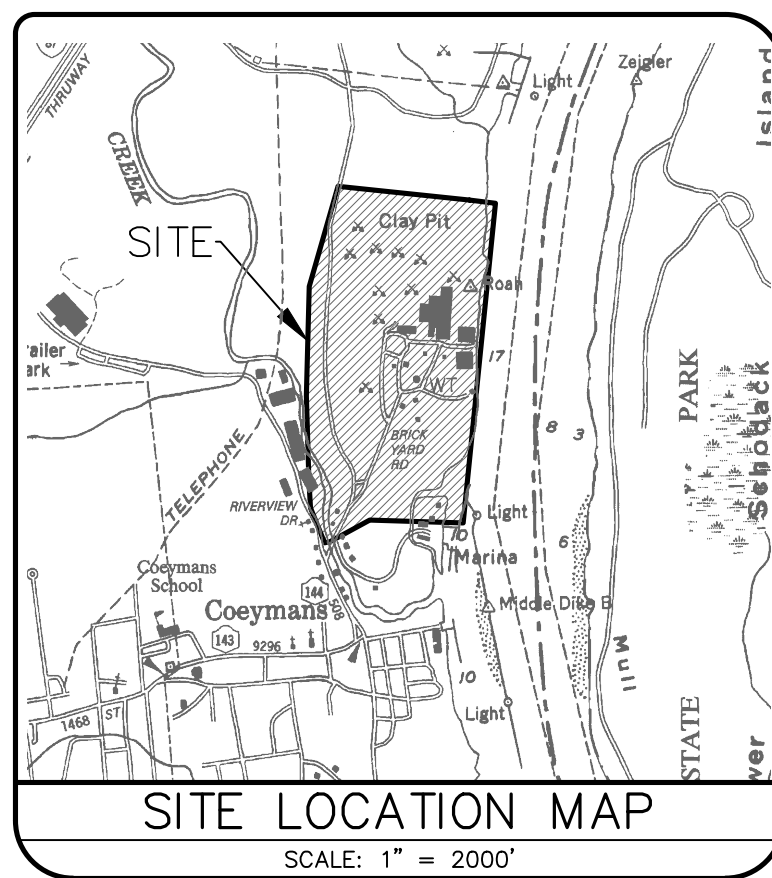
PREFERRED ALTERNATE 3A PLAN
P&M OSW INFRASTRUCTURE PROJECT
2170 RIVER ROAD (NY ROUTE 144)
TOWN OF COEYMANS
COUNTY OF ALBANY STATE OF NEW YORK

DATE: JANUARY 13, 2020
CHECKED BY: D.F.I.
JOB NO. 02-017

DRAWN BY: PJY
CADD FILE: ALT 3

SCALE: 1" = 100'
SHEET 1 OF 1

Appendix B – Alternative Analysis Plans



MAP REFERENCES:

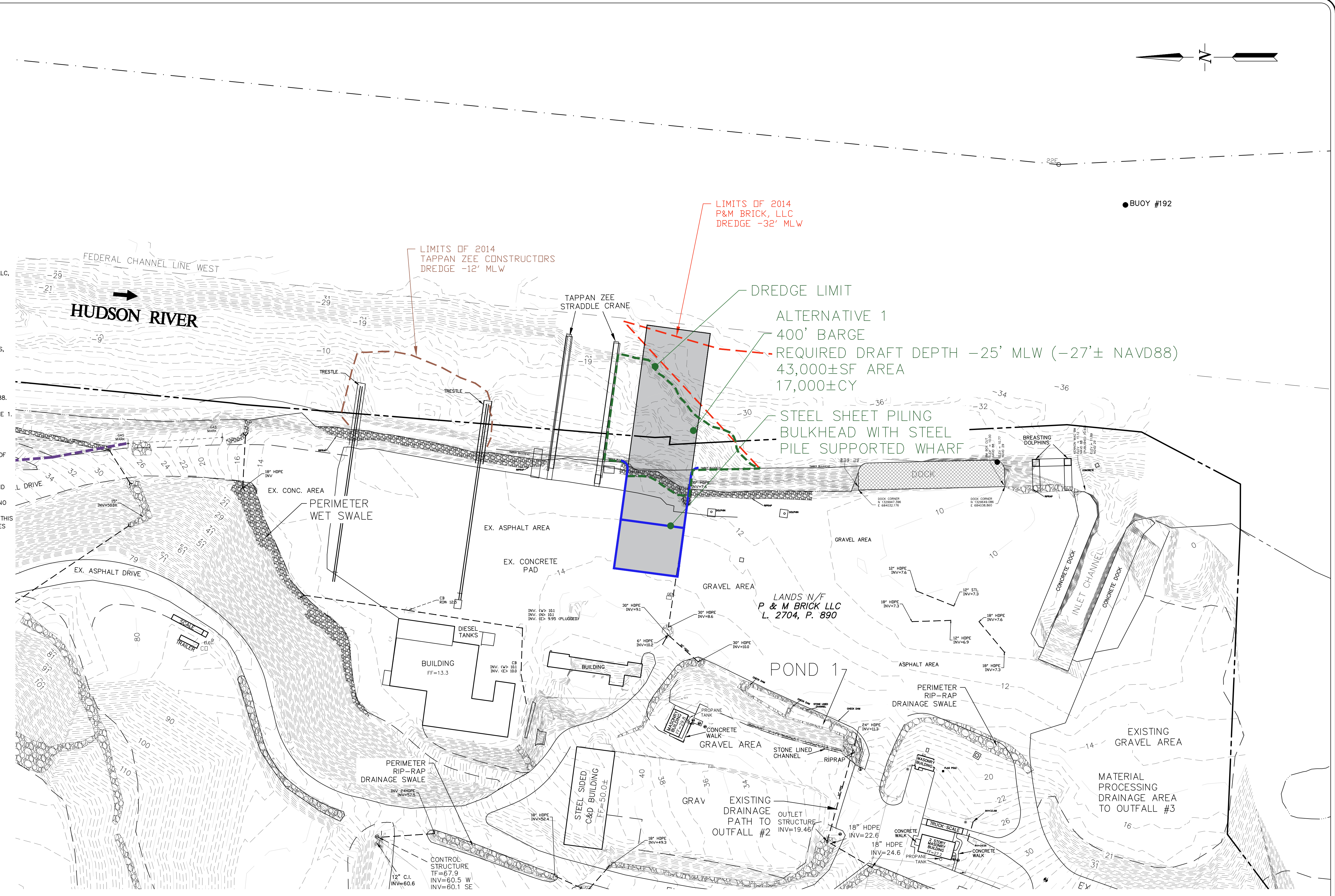
1) MAPS ENTITLED FATHOMETRIC SURVEY PREPARED FOR: P&M BRICK, LLC, RT. 144 COEYMANS, NY 12045 AS PREPARED BY M.G. MCLAREN ENGINEERING ON APRIL 22, 2019.

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LEGEND

PROPERTY LINE	---
ADJACENT PROPERTY LINE	----
EASEMENT	- - - -
EXISTING CONTOUR	200
EXISTING HYDRANT	HYD
EXISTING UTILITY POLE	NG 19
EXISTING SIGN	⊕
EXISTING CATCH BASIN	⊙
EXISTING SANITARY MANHOLE	⊙
EXISTING SANITARY SEWER	S
EXISTING WATERMAIN	W
EXISTING OVERHEAD WIRE	OH



OWNER/APPLICANT:
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 COEYMANS, NY 12045
 PARCEL AREA = 121.7 ± ACRES

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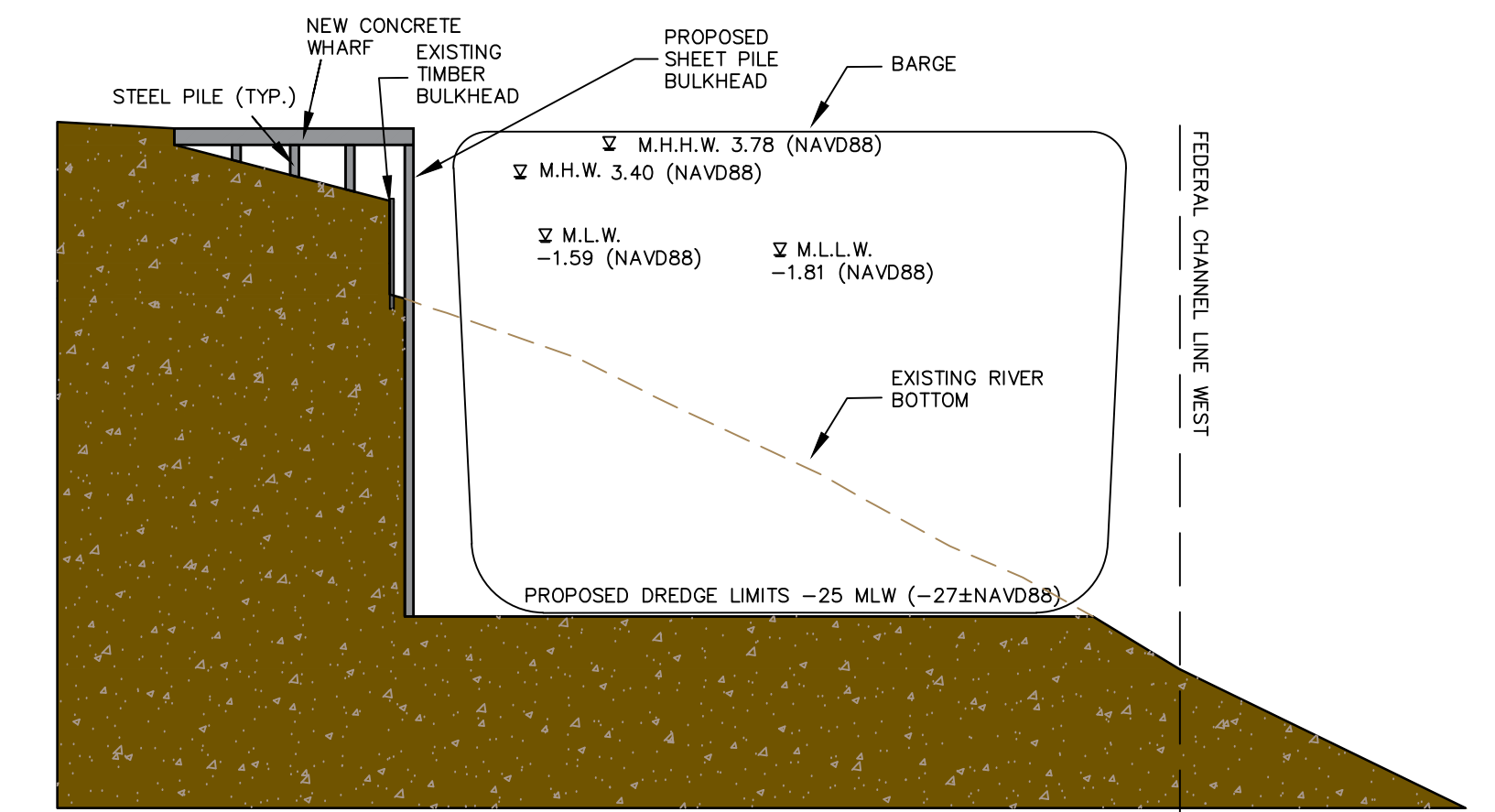
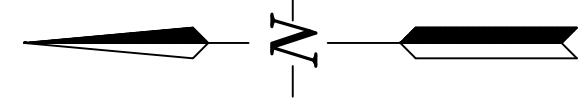
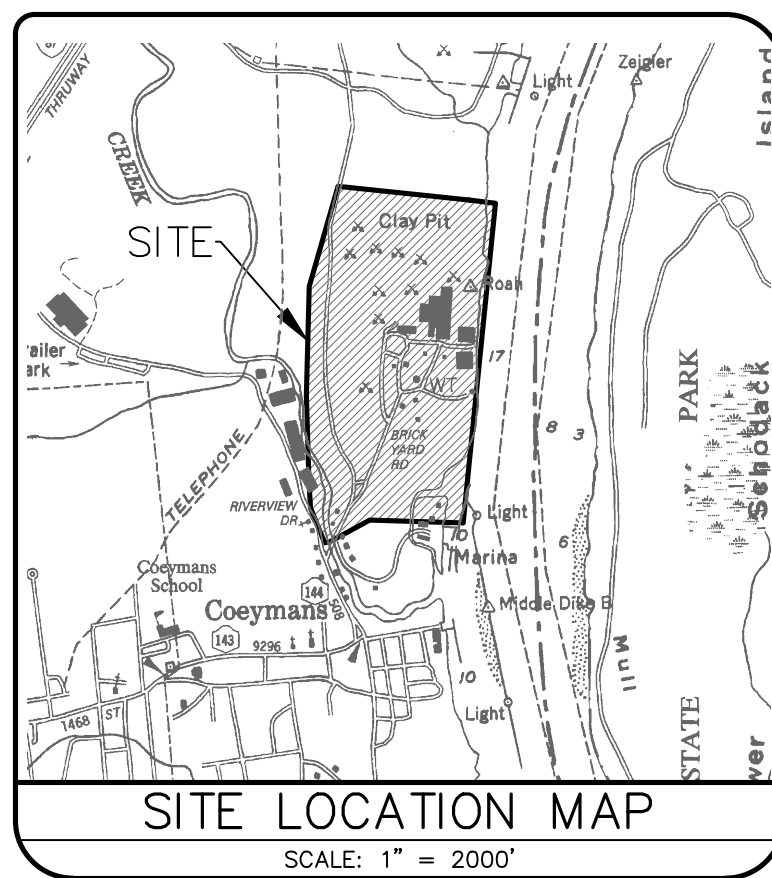
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ALTERNATIVE 1 (INLAND WHARF)
 P&M OSW INFRASTRUCTURE PROJECT
 2170 RIVER ROAD (NY ROUTE 144)
 TOWN OF COEYMANS
 COUNTY OF ALBANY STATE OF NEW YORK
 DATE: JANUARY 13, 2020
 CHECKED BY: D.F.I.
 JOB NO. 02-017
 DRAWN BY: PJY
 CADD FILE: ALT 1
 SCALE: 1" = 100'
 FIGURE 1

FIGURE 1 FOR INFORMATION ONLY NOT FOR CONSTRUCTION



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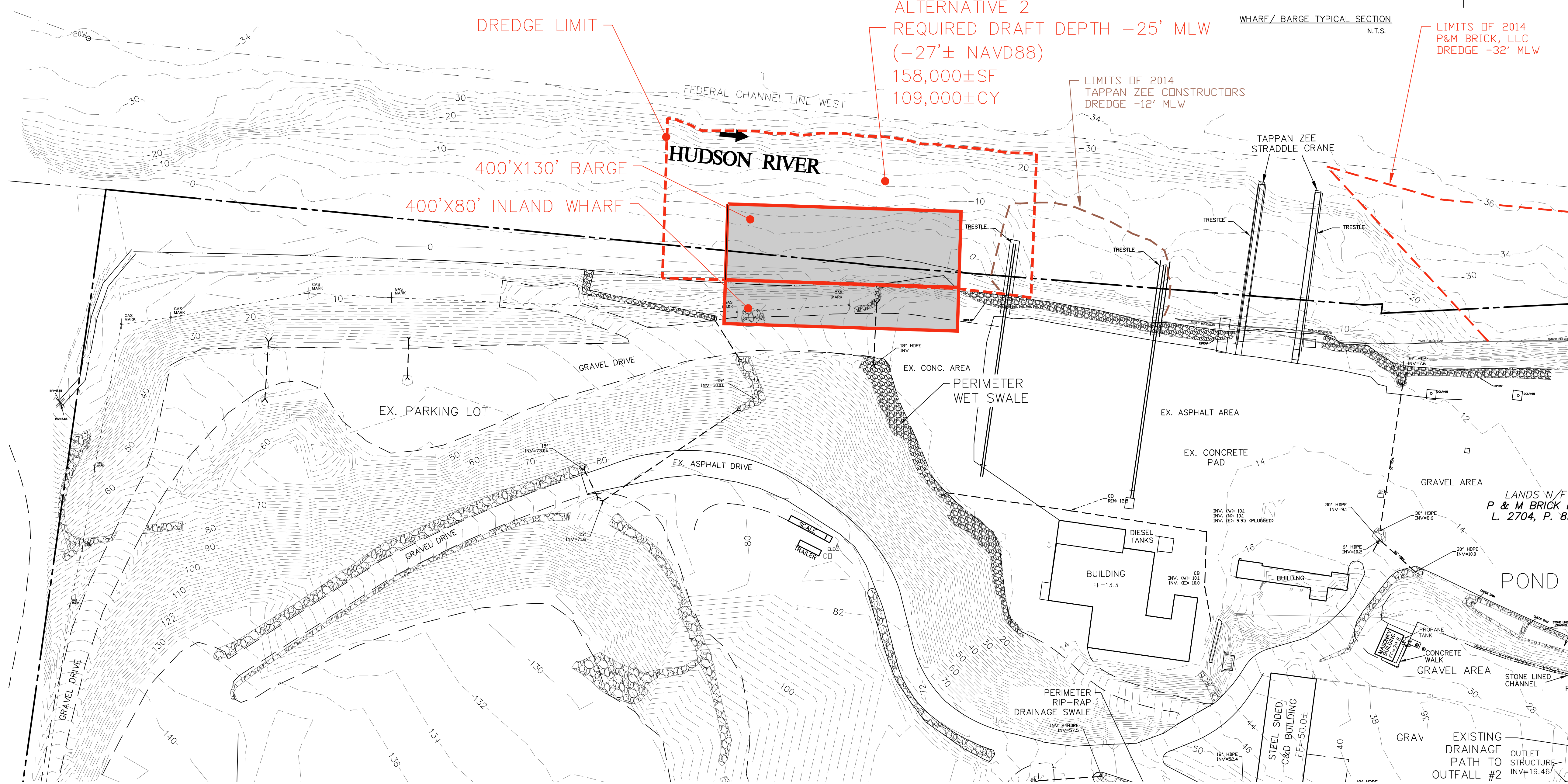
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EXISTING CATCH BASIN	⊕
EXISTING SANITARY MANHOLE	⊕
EXISTING SANITARY SEWER	S
EXISTING WATERMAIN	W
EXISTING OVERHEAD WIRE	OH

OWNER/APPLICANT:

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2170 RIVER ROAD
COEYMANS, NY 12045

PARCEL AREA = 121.7 ± ACRES

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ALTERNATIVE 2
REQUIRED DRAFT DEPTH -25' MLW
(-27± NAVD88)
158,000±SF
109,000±CY

DREDGE LIMIT

400'X130' BARGE

400'X80' INLAND WHARF

LIMITS OF 2014
TAPPAN ZEE CONSTRUCTORS
DREDGE -12' MLW

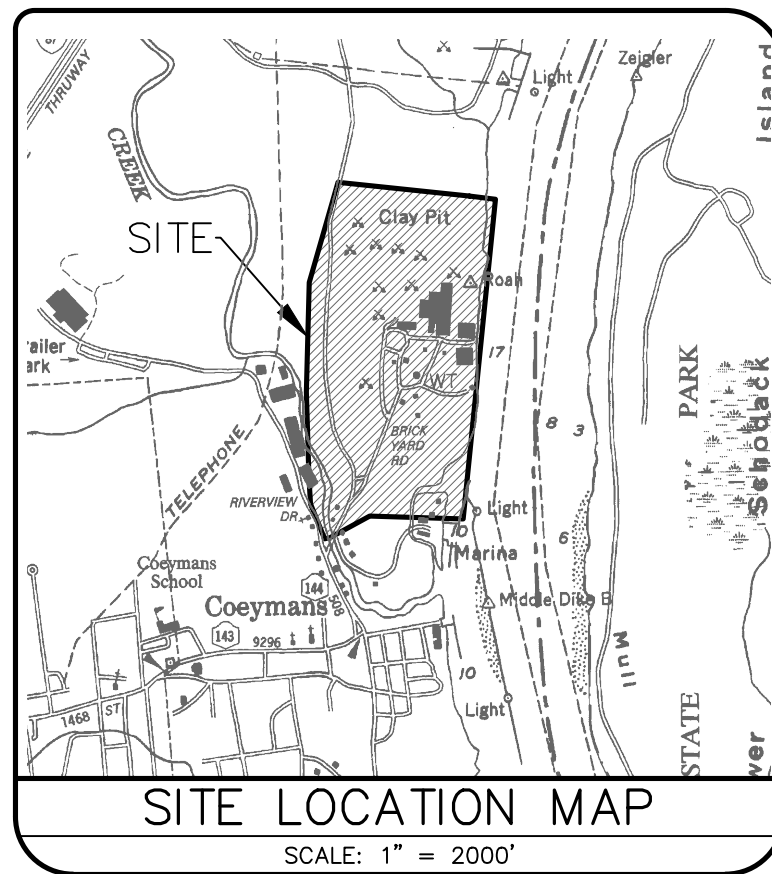
LIMITS OF 2014
P&M BRICK, LLC
DREDGE -32' MLW

WHARF / BARGE TYPICAL SECTION
N.T.S.

FIGURE 2

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<p>NO. DATE:</p>	<p>REVISIONS</p>	<p>DATE: JANUARY 13, 2020 DRAWN BY: PJY CADD FILE: ALT 2</p>	<p>CHECKED BY: D.F.I. JOB NO. 02-017 SCALE: 1" = 100' FIGURE 2</p>



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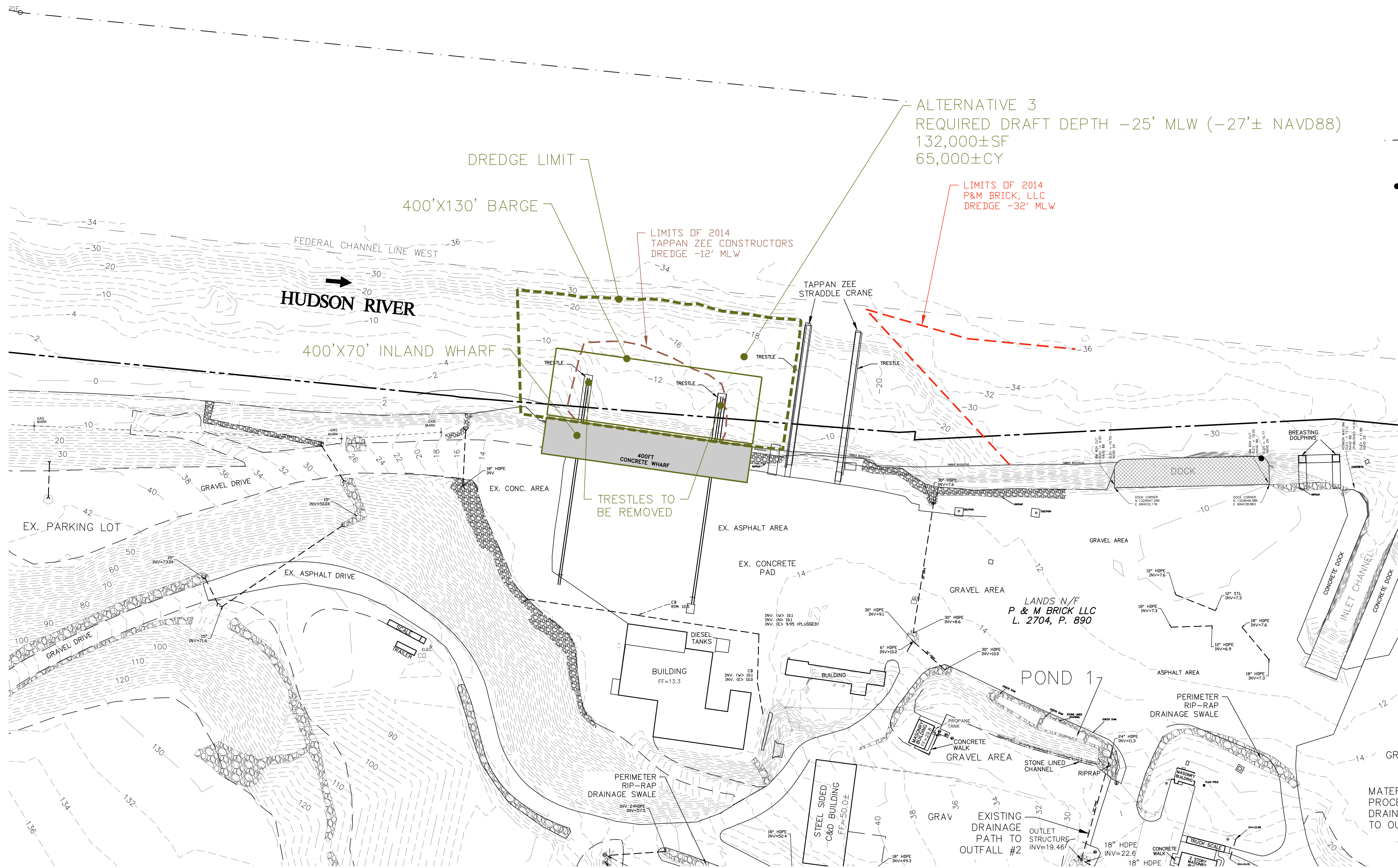
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ADJACENT PROPERTY LINE	---
EASEMENT	---
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EXISTING HYDRANT	HYD
EXISTING UTILITY POLE	NG 19
EXISTING SIGN	⊙
EXISTING CATCH BASIN	⊙
EXISTING SANITARY MANHOLE	⊙

OWNER/APPLICANT:

P & M BRICK, LLC
2170 RIVER ROAD
COEYMANS, NY 12045

PARCEL AREA = 121.7 ± ACRES



ALTERNATIVE 3
REQUIRED DRAFT DEPTH -25' MLW (-27'± NAVD88)
132,000±SF
65,000±CY

LIMITS OF 2014
P&M BRICK, LLC
DREDGE -32' MLW

LIMITS OF 2014
TAPPAN ZEE CONSTRUCTORS
DREDGE -12' MLW

FIGURE 3 FOR INFORMATION ONLY NOT FOR CONSTRUCTION

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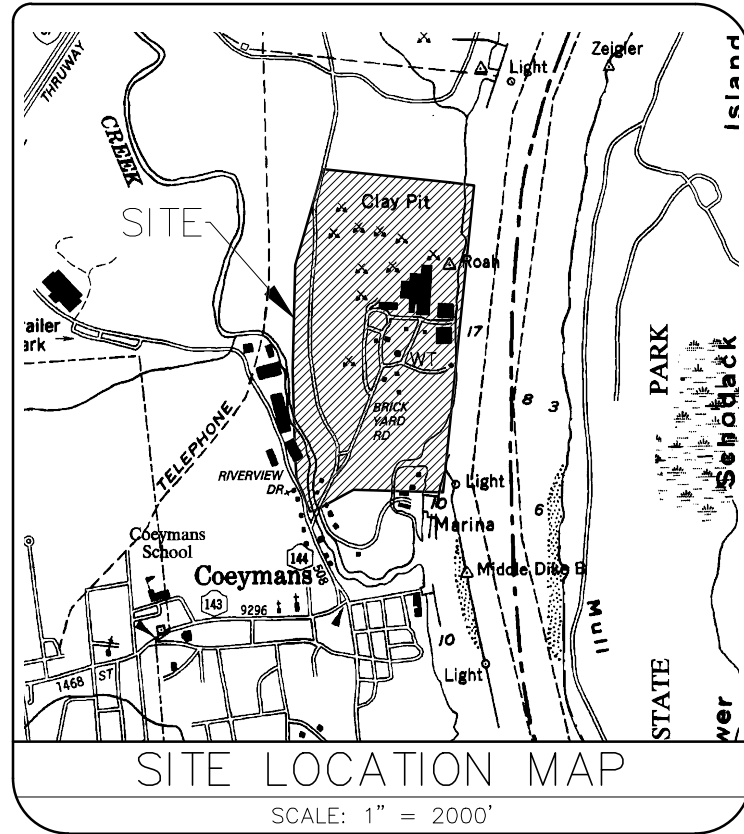
NO.	DATE	REVISIONS	BY:

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ingalls
ingalls & associates, LLP
engineering, environmental, surveying
2603 GUILDERLAND AVENUE
SCHENECTADY, NY, 12306
PHONE: (518) 383-7725
FAX: (518) 393-2324

ALTERNATIVE 3 (INLAND WHARF)
P&M OSW INFRASTRUCTURE PROJECT
2170 RIVER ROAD (NYS ROUTE 144)
TOWN OF COEYMANS
COUNTY OF ALBANY STATE OF NEW YORK
DATE: JANUARY 13, 2020
DRAWN BY: PJY
CADD FILE: ALT 3
CHECKED BY: D.F.I.
JOB NO. 02-017
SCALE: 1" = 100'
FIGURE 3



MAP REFERENCES:

1) MAPS ENTITLED FATHOMETRIC SURVEY PREPARED FOR: P&M BRICK, LLC, RT. 144 COEYMANS, NY 12045 AS PREPARED BY M.G. McLAREN ENGINEERING ON APRIL 22, 2019.

NOTES:

- 1) SUBJECT PARCEL: TOWN OF COEYMANS - TAX MAP 156., BLOCK 4, PARCEL 8.
- 2) GROUND TOPOGRAPHIC SURVEY PREPARED BY INGALLS & ASSOCIATES, LLP FROM A 2019 FIELD SURVEY.
- 3) NORTH IS REFERENCED TO NAD 83 NEW YORK STATE PLANES, EAST ZONE.
- 4) GROUND AND BATHYMETRY VERTICAL DATUM REFERENCED TO NAVD 88.
- 5) RIVER BATHYMETRY INFORMATION SHOWN HEREIN PER MAP REFERENCE 1.
- 6) SUBJECT TO ALL RIGHTS, EASEMENTS, COVENANTS OR RESTRICTION; RECORDED OR UNRECORDED.
- 7) SUBJECT TO ANY STATEMENT OF FACT AN UP-TO-DATE ABSTRACT OF TITLE WOULD DISCLOSE.
- 8) UNDERGROUND UTILITIES IF SHOWN HEREON ARE BASED ON VISIBLE PHYSICAL EVIDENCE. THEY SHOULD BE CONSIDERED SCHEMATIC ONLY AND ARE SHOWN TO DEPICT GENERAL UTILITY CONNECTIONS RATHER THAN EXACT UNDERGROUND LOCATIONS. INGALLS & ASSOCIATES, LLP MAKES NO CERTIFICATION AS TO THE ACCURACY OF THE UNDERGROUND UTILITY LOCATIONS AND OTHER UTILITIES MAY EXIST THAT ARE NOT SHOWN ON THIS MAP. CONTRACTOR SHALL FIELD VERIFY THE ELEVATIONS OF ALL UTILITIES PRIOR TO INSTALLATION OF ANY GRAVITY MAIN.
- 9) PROPOSED LOCATION OF ALL STRUCTURAL MEMBERS IS PRELIMINARY. FINAL DESIGN AND LOCATIONS TO BE PROVIDED BY OTHERS.

LEGEND

PROPERTY LINE	---
ADJACENT PROPERTY LINE	---
EASEMENT	---
EXISTING CONTOUR	-200-
EXISTING HYDRANT	○ HYD
EXISTING UTILITY POLE	○ NG 19
EXISTING SIGN	⊕
EXISTING CATCH BASIN	⊕
EXISTING SANITARY MANHOLE	⊕
EXISTING SANITARY SEWER	---
EXISTING WATERMAIN	---
EXISTING OVERHEAD WIRE	---

OWNER/APPLICANT:

P & M BRICK, LLC
2170 RIVER ROAD
COEYMANS, NY 12045

PARCEL AREA = 121.7 ± ACRES

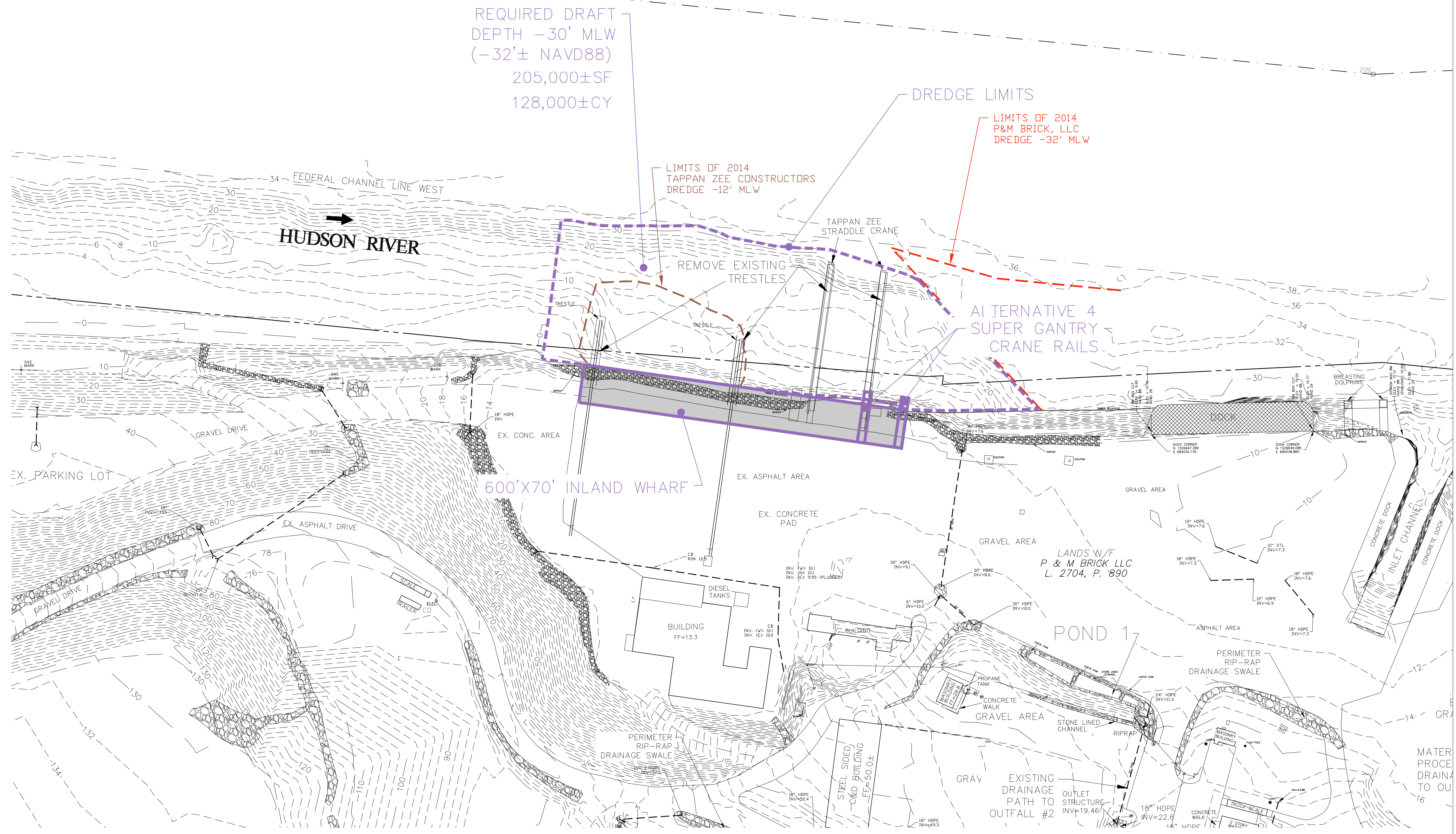


FIGURE 4 FOR INFORMATION ONLY NOT FOR CONSTRUCTION

NOTE: 48 HOURS PRIOR TO ANY CONSTRUCTION ACTIVITIES, THE CONTRACTOR SHALL CONTACT DIG SAFELY NEW YORK TO LOCATE ALL UNDERGROUND UTILITIES. 1-800-962-7962

NO.	DATE	REVISIONS	BY:

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PHONE: (518) 383-7725
FAX: (518) 393-2324

ALTERNATIVE 4 (INLAND WHARF)
P&M OSW INFRASTRUCTURE PROJECT
2170 RIVER ROAD (NYS ROUTE 144)
TOWN OF COEYMANS
COUNTY OF ALBANY STATE OF NEW YORK

DATE: DECEMBER 19, 2019
CHECKED BY: D.F.I.
JOB NO. 02-017
DRAWN BY: P.J.Y.
CADD FILE: WIND ALT 4

SCALE: 1" = 100'
FIGURE 4

Appendix C - Correspondence

Mark Kiburz

From: Karen Greene - NOAA Federal <karen.greene@noaa.gov>
Sent: Thursday, January 30, 2020 4:08 PM
To: Mark Kiburz
Cc: Edith Carson-Supino - NOAA Federal; John Reagan
Subject: Re: Hudson River EFH, Town of Coeymans NY

Hello.

No EFH has been designated in the project area. Our EFH mapper (<https://www.habitat.noaa.gov/application/efhmapper/index.html>) can be used to identify areas mapped as EFH, but it should be coupled with the text descriptions for each species. The mapper is only a graphical interpretation of where EFH for each species might exist. The text descriptions coupled with the conditions at your site will determine if the site is EFH for a species. In this case, it is also helpful to remember that EFH is only designated in areas where the salinities are above 5ppt, meaning only in the marine and estuarine areas of a waterway. A first cut look at the USFWS' National Wetlands Inventory mapper (<https://www.fws.gov/wetlands/data/Mapper.html>) can help you determine if you need to look further into our EFH mapper. If the NWI mapper identifies the area as marine (m) or estuarine (e) then you should proceed to our mapper. If it is riverine (r) or lacustrine (l), there is no need.

There may be other NOAA trust resources in the area such as diadromous fish species or federally listed threatened or endangered species which may trigger the need for a federal action agency to consult with us, but the coordination would not be under the umbrella of EFH. Please do not hesitate to contact me if you need additional information. For information on endangered species, please see our website at: <https://www.fisheries.noaa.gov/new-england-mid-atlantic/consultations/section-7-consultations-greater-atlantic-region>

Thank you.

Karen Greene
Mid-Atlantic Field Offices Supervisor
NOAA/National Marine Fisheries Service
Greater Atlantic Regional Fisheries Office
Habitat Conservation Division
James J. Howard Marine Sciences Laboratory
74 Magruder Rd.
Highlands, NJ 07732
732 872-3023 (office)

On Thu, Jan 30, 2020 at 11:15 AM Mark Kiburz <mkiburz@ingallsllp.com> wrote:

Dear Ms. Greene,

I am writing to get a Essential Fish Habitat Species list for a project on the Hudson River in the Town of Coeymans NY. Attached is a site map with coordinates for your use. Please feel free to contact me with any question at the cell number below.

Thank you in advance for your time and assistance.

Sincerely,

Mark Kiburz | Ingalls & Associates, LLP

2603 Guilderland Avenue | Schenectady | New York | 12306

Office 518.393.7725 ext. 123

Fax 518.393.2324

Cell 518.231.1437

Appendix D – Acoustic Telemetry Monitoring Plan



October 10, 2019

2603 Guilderland Avenue
Schenectady
New York 12306

t.518.393.7725
f.518.393.2324

info@ingallsllp.com
www.ingallsllp.com

NYSDEC Region 4
Division of Environmental Permits
1130 North Wescott Road
Schenectady, NY 12306

Attn: Ms. Angelika Stewart

**Re: Port of Coeymans Trestle Systems
DEC Permit #4-0124-00012/00034**

**Fish Monitoring & Mitigation Requirements
Acoustic Telemetry Monitoring Plan**

Dear Ms. Stewart:

On September 23, 2019, **Ingalls** received your comment letter outlining discrepancies between the July 19, 2019 Port of Coeymans Permanent Trestle Permit and the September 11, 2019 Acoustic Telemetry Monitoring Plan for the Port of Coeymans (POC) Trestle System prepared by Ingalls & Associates, LLP.

The appearance of simplistic deployment was an attempt to ensure retrieval of receiver data while protecting the receivers from ice, debris, and vessels. Although receiver location is important for scientific research, equipment protection and human safety also need to be considered.

As outlined in the September 23, 2019 letter, the first issue identified as the receiver locations were not as discussed between NYSDEC and Joseph Cassone of HDR Inc. Unfortunately, these previous conversations were not documented or shared with the POC or Ingalls nor was this information available. Based on continued conversations and an email from Mr. Kenney (Attachment 2), Mr. Kenney advised the following as being important to the plan; ***“1) year-round monitoring, 2) duration of monitoring 3) receiver that were spaced out geographically and deployed in areas that made technical sense”***.

Year round monitoring and deployment of five (5) Vemco VR2Tx receivers will be installed once the purchase has been filled and delivered to POC. The monitoring will continue for a five (5) year duration. After evaluating the requested parameters above for receiver deployment as well as receiver protection the following potential locations have been identified:

- 1) Barker Steel- 42°36'50.06"N 73°45'42.17"W
- 2) Marker 42°34' 17.24"N 73°45' 3.06"W
- 3) Berkshire Connection Toll Road Bridge- 42°30'31.36"N 73°46'19.52"W
- 4) Port of Coeymans Marker- 42°29'11.67"N 73°47'13.90"W

ingalls

5) Marker south of Schodack Island 42°25' 26.86"N 73°46' 44.77"W

The NYSDEC requirement for a 1-2km receiver spacing is acceptable and POC is requesting NYSDEC Approval regarding the proposed sampling locations. POC recognizes the scientific need for continued research and, if needed, is willing to adjust receiver locations to assist in long term sturgeon movement studies. The long term goal for these receivers is to gain a more comprehensive understanding of Shortnose and Atlantic sturgeon year round movement within the upper reaches of the Hudson River between the southernmost end of Schodack Island and the City of Albany. The research will be conducted over approximately 12 river miles. Additionally, the more expansive review area will end the current TZC data collection locations solely at POC, but continue the sturgeon data collection. Upon new receiver deployment, data collection will begin in these new, more geographically spaced, areas of the Hudson River.

Finally, POC has purchased 5 each Vemco VR2Tx acoustic hydrophones to be configured for 69 kHz detection, which are scheduled for delivery by early November for immediate deployment. Upon their receipt and NYSDEC location approval the hydrophones will be deployed.

Thank you for your review of the above and enclosed. If you have any questions, please feel free to contact me at 518-393-7725 ext. 123.

Sincerely,

Ingalls & Associates, LLP



Mark Kiburz, PWS, CPESC
Biologist

Encl: Attachment 1: Revised Proposed Receiver Locations Map
Attachment 2: Correspondence with Mr. Greg Kenney

Cc: Nancy Baker (NYSDEC Region 4)
Carver Laraway (Port of Coeymans)
John Reagan (Port of Coeymans)
Gregg Kenney (NYSDEC- Division of Marine Resources)



Attachment 1: Revised Proposed Monitoring Acoustic Receiver Location Maps

Proposed Vemco Receiver Locations



Location 1



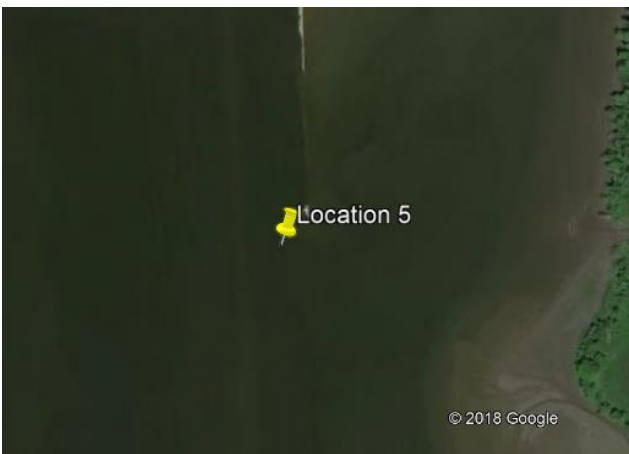
Location 2



Location 3



Location 4



Location 5



Attachment 2: Correspondence

Mark Kiburz

From: Kenney, Gregg H (DEC) <gregg.kenney@dec.ny.gov>
Sent: Monday, October 7, 2019 10:08 AM
To: Mark Kiburz; Stewart, Angelika R (DEC)
Cc: Baker, Nancy M (DEC)
Subject: RE: POC-proposed acoustic receiver locations
Attachments: 2019.01.09 Resub_response ltr.pdf

Mark,

Joseph Cassone and I did discuss specific locations, but they were left flexible in the permit. The priorities for the Department were 1) year-round monitoring, 2) duration of monitoring 3) receiver that were spaced out geographically and deployed in areas that made technical sense. These items are addressed in a letter from Dave Ingalls dated 1/9/19 to the Department in the response to our Notice of Incomplete Application.

Gregg

Gregg Kenney

Unit Leader, Hudson and Delaware Diadromous Fisheries
Division of Marine Resources

New York State Department of Environmental Conservation

21 South Putt Corners Road
New Paltz, NY 12561

P: (845) 256-3199 | gregg.kenney@dec.ny.gov

www.dec.ny.gov |  | 

From: Mark Kiburz <mkiburz@Ingallsllp.com>
Sent: Monday, October 07, 2019 9:49 AM
To: Stewart, Angelika R (DEC) <Angelika.Stewart@dec.ny.gov>
Cc: Baker, Nancy M (DEC) <nancy.baker@dec.ny.gov>; Kenney, Gregg H (DEC) <gregg.kenney@dec.ny.gov>
Subject: RE: POC-proposed acoustic receiver locations

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Gregg,

I apologize for my misunderstanding, but I was under the impression that Joseph Cassone had identified locations as discussed with you. My question is, Greg have you identified locations for the receiver units to be placed? If so please provide these places. I am trying gain a better understand of the Department's expectation.

Secondly, year round deployment is extremely risky for equipment and data collection. We are in the process of developing anchors that will protect the receiver units. I am going to ask this question out of my ignorance but is year round monitoring the desire of Mr. Cassone? I have some serious concerns regarding this requirement.

Thank you for your time and again I am just trying to put the pieces together for a better understanding.

Please feel free to call me at 518-231-1437 with any questions.

Sincerely,

Mark Kiburz

From: Stewart, Angelika R (DEC) <Angelika.Stewart@dec.ny.gov>

Sent: Friday, October 4, 2019 5:05 PM

To: Mark Kiburz <mkiburz@ingallsllp.com>

Cc: Baker, Nancy M (DEC) <nancy.baker@dec.ny.gov>; Kenney, Gregg H (DEC) <gregg.kenney@dec.ny.gov>

Subject: POC-proposed acoustic receiver locations

Hi Mark,

As a follow-up to your voicemail, I've attached TZC's approved Telemetry Receiver Plan for reference; however, the Department doesn't have a map of the locations discussed with Joseph Cassone of HDR back in October 2018. As you mentioned speaking with Gregg Kenney regarding the proposed locations, please reach out to Gregg directly with any follow-up questions.

Thanks,

Angelika Stewart

Environmental Analyst, Division of Permits

New York State Department of Environmental Conservation

1130 North Westcott Road, Schenectady, NY 12306

P: (518) 357-2171 | F: (518) 357-2460 | angelika.stewart@dec.ny.gov

www.dec.ny.gov |  | 

STATE OF NEW YORK
DEPARTMENT OF STATE

ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001
WWW.DOS.NY.GOV

ANDREW M. CUOMO
GOVERNOR

ROSSANA ROSADO
SECRETARY OF STATE

April 10, 2020

David Ingalls
Ingalls & Associates
2603 Guilderland Ave
Schenectady, NY 12306

Re: F-2020-0230
U.S. Army Corps of Engineers/New York District Permit
(NAN-2019-01113-USH)
New York State DEC Region 4 Permit
(4-0124-00012/00038)
Application – P&B Brick, LLC – Equinor Empire Wind,
Port Offshore Wind Infrastructure Project.
2170 River Road (Port of Coeymans)
Town of Coeymans, Albany County
Potential Permit Required

Dear Mr. Ingalls:

We were made aware, that the Army Corps of Engineers, New York District is actively undergoing a review of proposed improvements at the Port of Coeymans, associated with the Port Offshore Wind Infrastructure Project.

As this proposed activity is located within the boundaries of the New York State Coastal Zone and will likely require a U.S. Army Corps of Engineers permit, it will be necessary for you to provide us with a complete application package including all necessary data and information per 15 CFR § 930.58 and included the New York State Coastal Management Program. Specific items include:

1. A copy of the federal permit, license, etc. application (signed Joint Application form)
2. A completed and signed Federal Consistency Assessment Form, including an analysis of relevant state coastal polices.
3. A copy of all supporting documentation submitted with the federal application, including a detailed description of the propose activity, its associated facilities and coastal effects, map(s) showing the geographic location of the proposed activity, site map(s) and diagrams(s) drawn to scale showing all components of the activity and their location on the site, recent color photographs of the site, written statement on the purpose and need for the activity, identification of the owners of abutting upland properties and underwater lands, and written analysis of alternative to the proposed activity considered by the applicant.
4. Copy of the final Environmental Impact Statement, if required by the federal agency or by a state agency having jurisdiction over the proposed activity. The Department may waive the requirement for certain necessary data and information; at your request we would consider waiving the requirement for a Final Environmental Impact Statement (if required) provided a Draft Environmental Impact Statement is available.
5. Copies of permit, license, etc. application and related correspondence submitted to involved state agencies (e.g. DEC, OGS, SHPO, NYPA, PSC).

You and the Corps of Engineers will be notified of our decision when we have completed our review of this project for its consistency with the New York State Coastal Management Program. The Corps of Engineers cannot issue a



**Department
of State**

permit for this project unless the Department of State concurs with your consistency certification. Please call at (518) 474-6000 if you have any questions.

When communicating with us regarding this matter, please refer to our file #F-2020-0230.

Sincerely,

A handwritten signature in black ink that reads "David J. Newman". The signature is written in a cursive style with a large, stylized "D" and "N".

David J. Newman
Coastal Resources Specialist
Office of Planning, Development and
Community Infrastructure

ecc: COE/New York District – Brad Sherwood
NYS DEC/Region 4 – Karen Gaidasz
NYS Office of General Services - Thomas La Liberte

STATE OF NEW YORK
DEPARTMENT OF STATE

ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001
WWW.DOS.NY.GOV

ANDREW M. CUOMO
GOVERNOR

ROSSANA ROSADO
SECRETARY OF STATE

March 13, 2020

Anthony Pasquini
Ingalls & Associates, LLP
2603 Guilderland Ave
Schenectady, NY 12306

Re: F-2020-0004
U.S. Army Corps of Engineers/ New York District Permit
Application – P&M Brick Sediment Sampling and Soil
Boring: Collect 14 Sediment Core samples using a
Vibracorp or similar coring equipment. Core depths to be
up to 31' below Mean Low Water. In addition, two (2)
soil borings will be conducted in the river to evaluate soil
consistency and depth to bedrock. Work to be conducted
within an ~ 226,000 square foot area of the Hudson River
landward of the Federal Navigational Channel in the
vicinity of the Port of Coeymans per revised Sediment
Sampling Plan dated February 13, 2020.
2170 River Road (Hudson River)
Town of Coeymans, Albany County
General Concurrence

Dear Mr. Pasquini:

The Department of State (DOS) received your Federal Consistency Assessment Form and consistency certification and supporting information for this proposal on.

The Department of State has determined that this proposal meets the Department's general consistency concurrence criteria. Therefore, further review of the proposed activity by the Department of State and the Department's concurrence with an individual consistency certification for the proposed activity are not required.

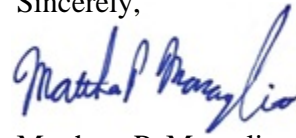
This determination is without prejudice to and does not obviate the need to obtain all other applicable licenses, permits, and other forms of authorizations or approvals which may be required pursuant to existing New York State statutes.

When communicating with us regarding this matter, please contact us at (518) 474-6000 and refer to our file #F2020-0004.



**Department
of State**

Sincerely,



Matthew P. Maraglio
Supervisor, Consistency Review Unit
Office of Planning, Development and
Community Infrastructure

MM/dn

ecc: COE/ New York District – Brad Sherwood
DEC CO/ Region 4 – Karen Gaidasz/Angelika Stewart

Owner	Parcel Address	Owner Address	Tax Map Parcel ID
Ravena-Coeymans Yacht Club, Inc	River Rd	C/O RCYC Treasurer P.O. Box 126 Ravena , NY 12143	168.-2-4
Ravena-Coeymans Boat Club, Inc	52 Stone House Hill Rd	C/O RCYC Treasurer P.O. Box 126 Ravena , NY 12143	168.-2-12
Selkirk Realty Corp	2109 River Rd	PO Box 247 Selkirk, NY 12158	156.-4-10.1
William Biers	2029 River Rd	340 Biers Rd Coeymans Hollow, NY 12046	156.-4-8.2
Atlantic Cement Co. Inc.	1916 US 9W	LaFarge Land Department, 8700 Bryn Mawr Ave Ste 300 , Chicago, IL 60631	156.-2-1.11

JOINT APPLICATION FORM



JOINT APPLICATION FORM

For Permits for activities affecting streams, waterways, waterbodies, wetlands, coastal areas, sources of water, and endangered and threatened species.

You must separately apply for and obtain Permits from each involved agency before starting work. Please read all instructions.

1. Applications To:
>NYS Department of Environmental Conservation
Check all permits that apply: Stream Disturbance, Dams and Impoundment Structures, Tidal Wetlands, Water Withdrawal, etc.
>US Army Corps of Engineers
Check all permits that apply: Section 404 Clean Water Act, Section 10 Rivers and Harbors Act
>NYS Office of General Services
Check all permits that apply: State Owned Lands Under Water, Utility Easement, Docks, Moorings or Platforms
>NYS Department of State
Check if this applies: Coastal Consistency Concurrence

2. Name of Applicant
Taxpayer ID (if applicant is NOT an individual)
Mailing Address
Post Office / City, State, Zip
Telephone, Email
Applicant Must be (check all that apply): Owner, Operator, Lessee

3. Name of Property Owner (if different than Applicant)
Mailing Address
Post Office / City, State, Zip
Telephone, Email

For Agency Use Only Agency Application Number:

4. Name of Contact / Agent

Mailing Address _____ Post Office / City _____ State _____ Zip _____

Telephone _____ Email _____

5. Project / Facility Name _____ Property Tax Map Section / Block / Lot Number: _____

Project Street Address, if applicable _____ Post Office / City _____ State _____ Zip _____

_____ NY _____

Provide directions and distances to roads, intersections, bridges and bodies of water

Town Village City County _____ Stream/Waterbody Name _____

Project Location Coordinates: Enter Latitude and Longitude in degrees, minutes, seconds:

Latitude: _____° _____' _____" Longitude: _____° _____' _____"

6. Project Description: Provide the following information about your project. Continue each response and provide any additional information on other pages. **Attach plans on separate pages.**

a. Purpose of the proposed project:

b. Description of current site conditions:

c. Proposed site changes:

d. Type of structures and fill materials to be installed, and quantity of materials to be used (e.g., square feet of coverage, cubic yards of fill material, structures below ordinary/mean high water, etc.):

e. Area of excavation or dredging, volume of material to be removed, location of dredged material placement:

f. Is tree cutting or clearing proposed? Yes If Yes, explain below. No

Timing of the proposed cutting or clearing (month/year): _____

Number of trees to be cut: _____ Acreage of trees to be cleared: _____

g. Work methods and type of equipment to be used:

h. Describe the planned sequence of activities:

i. Pollution control methods and other actions proposed to mitigate environmental impacts:

j. Erosion and silt control methods that will be used to prevent water quality impacts:

k. Alternatives considered to avoid regulated areas. If no feasible alternatives exist, explain how the project will minimize impacts:

l. Proposed use: Private Public Commercial

m. Proposed Start Date: Estimated Completion Date:

n. Has work begun on project? Yes If Yes, explain below. No

o. Will project occupy Federal, State, or Municipal Land? Yes If Yes, explain below. No

p. List any previous DEC, USACE, OGS or DOS Permit / Application numbers for activities at this location:

q. Will this project require additional Federal, State, or Local authorizations, including zoning changes?

Yes If Yes, list below. No

7. Signatures.

Applicant and Owner (If different) must sign the application.

Append additional pages of this Signature section if there are multiple Applicants, Owners or Contact/Agents.

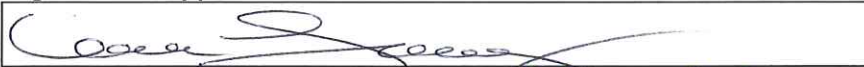
I hereby affirm that information provided on this form and all attachments submitted herewith is true to the best of my knowledge and belief.

Permission to Inspect - I hereby consent to Agency inspection of the project site and adjacent property areas. Agency staff may enter the property without notice between 7:00 am and 7:00 pm, Monday - Friday. Inspection may occur without the owner, applicant or agent present. If the property is posted with "keep out" signs or fenced with an unlocked gate, Agency staff may still enter the property. Agency staff may take measurements, analyze site physical characteristics, take soil and vegetation samples, sketch and photograph the site. I understand that failure to give this consent may result in denial of the permit(s) sought by this application.

False statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the NYS Penal Law. Further, the applicant accepts full responsibility for all damage, direct or indirect, of whatever nature, and by whomever suffered, arising out of the project described herein and agrees to indemnify and save harmless the State from suits, actions, damages and costs of every name and description resulting from said project. In addition, Federal Law, 18 U.S.C., Section 1001 provides for a fine of not more than \$10,000 or imprisonment for not more than 5 years, or both where an applicant knowingly and willingly falsifies, conceals, or covers up a material fact; or knowingly makes or uses a false, fictitious or fraudulent statement.

Signature of Applicant

Date



1/22/20

Applicant Must be (check all that apply): Owner Operator Lessee

Printed Name

Title

Carver Laraway

managing member

Signature of Owner (if different than Applicant)

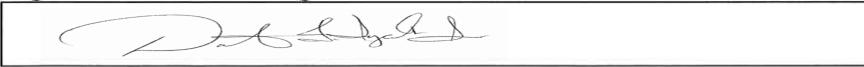
Date

Printed Name

Title

Signature of Contact / Agent

Date



1-22-20

Printed Name

Title

David Ingalls, PE

Engineer for Applicant

For Agency Use Only

DETERMINATION OF NO PERMIT REQUIRED

Agency Application Number

(Agency Name) has determined that No Permit is required from this Agency for the project described in this application.

Agency Representative:

Printed Name

Title

Signature

Date

DOS FCAF Analysis of Relevant State Coastal Policies and FCAF Form



June 22, 2020

2603 Guilderland Avenue
Schenectady
New York 12306

t.518.393.7725
f.518.393.2324

info@ingallsllp.com
www.ingallsllp.com

New York State Department of State
Office of Coastal, Local Government and Community Sustainability
Attn: David Newman, Consistency Review Unit
1 Commerce Plaza
99 Washington Avenue – Suite 1010
Albany, New York 12231

**Re: P&M Brick, LLC-Offshore Wind Infrastructure
Project (POWI)
NYSDEC # DEC #4-0124-00012/00038
USACE Permit App # NAN-2019-01113-USH
Town of Coeymans, Albany County, New York**

Dear Mr. Newman:

The following information is being submitted in support of your review of the New York State Department of State Coastal Management Program certification of consistency for the P&M Brick Offshore Wind Infrastructure (POWI) project at the Port of Coeymans facility. This Federal Consistency Form (FCAF) is being submitted for the proposed infrastructure improvements associated with a new wharf and dredge expansion area (Preferred Alternative 3A.) The project site is located in an industrial zone on the eastern side of River Road and adjacent to the Hudson River in the Town of Coeymans, Albany County, New York, as shown on the attached site location map.

The purpose of the project is to perform site improvements (upland and waterway) to allow POC to service the offshore wind (OSW) industry supply chain, including fabrication of GBS units as well as other OSW components. Site improvements include new wharf, dredging, construction of a concrete batch plant, staging areas, and roads. The Port of Coeymans (POC) is proposing to dredge an area of the Hudson River totaling approximately 226,500 square feet and to construct a 400' steel sheet piling bulkhead along the shoreline to facilitate construction of an out-loading wharf structure. The POC has been operating as a deepwater port for over a decade.

To support the construction of the largescale wind energy project site improvements, P&M Brick, LLC ("Applicant") will use the Port of Coeymans site as fabrication and assembly site. These OSW components will be delivered by barge via the Hudson River to another site for further assembly and erection.

The sub-assembly yard located at the Port of Coeymans will be set up as a construction yard within the established and active port through which P&M Brick will construct and assemble heavy wind components, including GBS foundations for largescale wind energy projects. Based upon the accelerated schedule and complexity of the GBS foundations, P&M Brick will be constructing a permanent wharf structure to assist with loadout of GBS foundations, each weighing approximately 8,000 tons.

To provide the necessary means of loading and unloading barges at POC, P&M Brick requires a draft depth of -30' Mean Low Water (MLW) which will be obtained through a dredge operation, performed by P&M Brick. In conjunction with the dredge operation, P&M Brick will construct a permanent out-loading wharf which will be utilized for loading of barges. This wharf will be utilized for the POWI project and will be left in place for potential future largescale projects requiring large barge loading.

To facilitate barge transport of the wind components, the Applicant proposes to dredge an area, totaling approximately 226,500 square feet, to a depth of -30' MLW. This dredging is necessary to allow the barges to dock along the shoreline and receive the GBS foundations and other OSW components for transport downriver. A Sediment Sampling Plan is necessary to characterize sediment within the proposed dredge area of the Port of Coeymans, as associated with the proposed OSW improvements. It is noted that this sampling plan has been previously approved by NYSDEC and General Consistency Concurrence granted by NYSDOS.

An application for a Section 10 Individual Permit will be needed to obtain authorization to construct structures below the MHW mark and to dredge within waters of the United States to facilitate barge access for loading of precast heavy wind components. This project also falls within the requirements for Article 15, Title 5, "Stream Disturbance (construction, reconstruction, or modification of certain docks, mooring areas or other structures in navigable waters)" Protection of Waters Permit. A Joint Permit Application with NYSDEC, USACE, OGS and NYSDOS has been completed.

The following information is provided in support of Section D.2. of the attached Federal Consistency Assessment Form (FCAF).

Coastal Assessment

1. The proposed activity will result in:

a. Large physical change to a site within the coastal area which will require the preparation of an environmental impact statement?

- 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."*
 - **No buildings will be constructed within the floodplain. The previously permitted and constructed trestles will be removed. The proposed out-loading dock will be constructed as a floodproof structure. Because the dock is a floodproof structure, it is not anticipated that its use will result in damage to property or human lives caused by flooding or erosion.**
- 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."*

- **No recreational facilities are proposed as part of this project as the infrastructure improvements are within an existing port facility and corresponding Industrial zone. Recreational uses associated with an operating port are not considered compatible. The structures will have no effect on opportunities for water-related recreation. The proposed structures are located within an industrial area which is not currently, and not expected to be in the future, compatible with water-related recreation. The primary purpose of the existing deep-water port is to facilitate intermodal transportation of various construction products. Therefore, the proposed work is consistent with this policy and existing recreational use of the River can occur outside the project limits.**

- *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 POWI project will maintain current POC vegetation tree buffers to the maximum extent practicable. The trees are approximately 80 feet+ in height. The POC has been an operating commercial/ industrial facility since the late 1880’s with some changes to land use. Improvements have been previously made in 2006 by removing many of the dilapidated buildings associated with the former brick plant. Four previously permitted trestles structures will be removed.**

- *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.”*
 - **Concrete wastewater will be trucked to the Coeymans WWTP or other facility for treatment. Site improvements include proposed connection via force main to the existing Town gravity sewer located at the intersection of the south facility entrance and NYS Route 144.**

- *Policy #37– “Best management practices will be utilized to minimize the non-point discharge of excess nutrients, organics and eroded soils into coastal waters.*
 - **Best management practices in accordance with the Article 17, Titles 7, 8 and Article 70, Multisector General Permit Associated with Industrial Activity Permit (GP-017-004), Stormwater Discharges from Construction Activities (GP-020-001) and New York State Standards and Specifications for Erosion and Sediment Control (Blue Book) guidance will be used to minimized point source discharges. It is not anticipated that any stormwater discharge will include high nutrient levels. All sanitary waste will be directed to the existing Town sanitary sewer as explained above.**

- *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.”*
 - **POWI is proposing to obtain water from the Village of Ravena; however, the Village will need to provide final approval. No wells are proposed, and surface runoff will be**

treated through existing/proposed stormwater management systems prior to discharge to the Hudson as described above.

- Policy #41– *“Land use or development in the coastal area will not cause national or state air quality standards to be violated.”*
 - **State Air Quality standards will apply to the proposed concrete batch plant. As proposed, the concrete batch plant design will include baghouses and pouring shrouds as preventative dust controls. According to Ben Potter of NYSDEC Region 4, an air permit is not required with the above-mentioned dust controls. However, the final plant design will be submitted to Region 4 for concurrence.**

 - 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 project will not generate nitrates or sulfates.**
- b. Physical alteration of more than two acres of land along the shoreline, land underwater or coastal waters?
- Policy #2 – *“Facilitate the siting of water-dependent uses and facilities on or adjacent to coastal waters.”*
 - **As discussed above, the site exists as a water dependent and operating deepwater port and will continue to do so. The ability to have additional permanent wharf structure allows for an adjacent water-dependent use without disturbing pristine river corridor. It is necessary to perform assembly operations adjacent to coastal waters, as the large wind components, once fabricated/assembled, must be transported downriver to the project site via barge. Large wind farm component’s weight and size make transport via any other method impracticable.**

 - Policy #11 - *“Buildings and other structures will be sited in the coastal area to minimize damage to property and the endangering of human lives caused by flooding and erosion.”*
 - **Refer to Section 1.a. for a description of 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.”*
 - **No natural protective features including beaches, dunes, barrier islands, or bluffs are present within or in the immediate vicinity of the proposed project area. The proposed floodproof structures will have no effect on natural protective features, as it occurs within an active commercial port, in an area with shoreline currently protected by rock rip rap. Any minor benthic impacts have been minimized as described in #11 above.**

 - 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.”*

- **A reduction in the existing or anticipated level of public access will not occur as the project area is within an existing commercial port, with no adjacent or proximate public lands. Public access to the river will not be impacted in any way. Public in-water access will not be impacted by the project, as the proposed associated barges will be moored against the existing port facility structures, providing passage for all forms of in-river traffic.**
- *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 only existing ice management practices that are implemented at the Port is performed by the US Coast Guard as part of their winter navigation channel maintenance. US Coast Guard ice management will continue to occur and is proven to have no impact on the production of hydroelectric power, significant fish and wildlife and their habitats, or increase shoreline erosion or flooding.**
- *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.”*
 - **Both the USACE and NYSDEC must issue permit decisions for all applicable portions of the proposed project, including the proposed dredging and disposal. Sediment sampling will be required to characterize any material to be dredged. Previous sediment sampling activities have already been performed and indicated a majority of the dredged sediment can be classified as Class A material under the DEC’s TOGS 5.1.9 Guidance (In-Water and Riparian Management of Sediment and Dredged Material). If Class A sediment is present, the sediment re-use will require a Beneficial Use Determination from the DEC Division of Solid Waste. Sediment characterization will be determined in accordance with the referenced March 2020 approved sediment sampling and testing plan. A proposed 136,545 CY of dredge material will be removed along the existing Port area, as shown on the “Sediment Sampling Plan.” All applicable State permit requirements for both dredging and disposal will be implemented. Several best management practices during dredging shall be implemented to ensure no impact to this area, or to the endangered Shortnose and Atlantic Sturgeon species will occur as a result of the project. No scenic resources, natural protective features, important agricultural lands, or wetlands are located on or in the immediate vicinity of the project site.**
- *Policy #44 – “Preserve and protect tidal and freshwater wetlands and preserve the benefits derived from these areas.”*
 - **There are no tidal or freshwater wetlands on or in the immediate vicinity of the project site, therefore the project will have no impact on any wetland resources.**

h. Mining, excavation, or dredging activities, or the placement of dredged or fill material in coastal waters?

- 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 wharf structure will require dredging within coastal waters to provide barge draft depths of -30' MLW, to facilitate barge loading and unloading operations. Dredging will have no effect on natural coastal processes which supply beach materials to land adjacent to coastal waters, as the shoreline at the project site is stabilized with rock rip rap. No increase in erosion will occur as a result of the project, as no change in bank stabilization measures are proposed. It is further noted that much of the proposed dredge prism is in areas previously dredged for existing activities within the POC.**

- 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.”*
 - **Both the USACE and NYSDEC must issue permit decisions for all applicable portions of the proposed project, including the proposed dredging and disposal. Sediment sampling will be required to characterize any material to be dredged. Previous sediment sampling activities have already been performed and indicated a majority of the dredged sediment can be classified as Class A material under the DEC’s TOGS 5.1.9 Guidance (In-Water and Riparian Management of Sediment and Dredged Material). If Class A sediment is present, the sediment re-use will require a Beneficial Use Determination from the DEC Division of Solid Waste. Sediment characterization will be determined in accordance with the referenced approved sediment sampling and testing plan. All applicable State permit requirements for both dredging and disposal will be implemented. Several best management practices during dredging shall be implemented to ensure no impact to this area, or to the endangered Shortnose and Atlantic Sturgeon species will occur as a result of the project. No scenic resources, natural protective features, important agricultural lands, or wetlands are located on or in the immediate vicinity of the project site.**

2. The proposed activity will be located in:

b. Federally designated flood hazard area (Zone AE, 100-year floodplain)

- Policy #11 – *“Buildings and other structures will be sited in the coastal area to minimize damage to property and the endangering of human lives caused by flooding and erosion.”*
 - **No buildings will be constructed within the floodplain. The proposed out-loading dock will be constructed as a floodproof structure. Because the dock is a floodproof structure, it is not anticipated that its use will result in damage to property or human lives caused by flooding or erosion.**

- 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.”*
 - **No natural protective features including beaches, dunes, barrier islands, or bluffs are present within or in the immediate vicinity of the proposed project area. The proposed floodproof structures will have no effect on natural protective features, as it occurs within an active commercial port, in an area with shoreline currently protected by rock rip rap. Any minor benthic impacts have been minimized as described in #11 above.**

- Policy #17 – *“Non-structural measures to minimize damage to natural resources and property from flooding and erosion shall be used whenever possible.”*
 - **Other than customary permanent stabilization measures such as vegetation or stone, no additional non-structural measures to minimize damage to natural resources or property from flooding and erosion are proposed as part of this project. The proposed dock will be located along a portion of the river that is currently stabilized with large rock rip rap. This bank stabilization method will not change.**

g. Major Ports of Albany, Buffalo, Ogdensburg, Oswego, or New York.

- 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 POWI site improvements will occur within the existing and active POC. These improvements will allow for the support of the OSW supply chain, including fabrication and movement of large components such as GBS foundations.**

i. Historic resource listed on the National or State Register of Historic Places?

- 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”*
 - **POWI has contacted SHPO regarding the proposed project. A response has not been provided at this time.**

3. The proposed activity will require:

a. Waterfront site

- Policy #2 – *“Facilitate the siting of water-dependent uses and facilities on or adjacent to coastal waters.”*
 - **As discussed above, the site exists as an operating deepwater port and will continue to do so. The ability to have additional permanent structures allows for another water-**

dependent use within the same site. It is necessary to perform assembly operations adjacent to coastal waters, as the large wind components, once fabricated/assembled, must be transported downriver to the project site via barge. Their weight and size make transport via any other method impracticable.

- 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 site currently operates as an active deepwater port and will continue to operate as such during and following the use of the existing and proposed structures. No opportunities for water-dependent or water-enhanced recreation will be either improved or worsened as a result of the proposed permanent structures. Therefore, the proposed work is 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.”*
 - **As stated above, the structures will have no effect on opportunities for water-related recreation. The proposed structures are located within an industrial area, which is not currently and not expected to be in the future, compatible with water-related recreation. The primary purpose of the existing deepwater port is to facilitate intermodal transportation of various construction products. Therefore, the proposed work is consistent with this policy.**
- d. State water quality permit or certification
- Policy #30 – *“Municipal, industrial, and commercial discharges 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 structures and dredging are not anticipated to discharge any pollutants, toxic, or hazardous substances at concentrations above regulated levels into coastal waters. All applicable Best Management Practices, including any general or special conditions as prescribed by USACE or NYSDEC permit, shall be implemented to avoid discharge of pollutants into coastal waters.**

 - 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.”*
 - **Quality and quantity of surface water and groundwater supplies will not be affected by the proposed structure. Previously designed and constructed stormwater controls, including water quality and quantity features exist at the site. These stormwater management systems will be maintained or upgrade to provide the necessary controls.**

 - 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 structures and dredging will not include any effluent discharged from major steam electric generating and industrial facilities into coastal waters. Turbidity curtains will be used when dredging is occurring to prevent any impact to the Hudson River ecosystem. Therefore, the proposed work is consistent with this policy.**

Should you have any questions, or require further information, please contact me at (518) 393-7725, ext. 123. Thank you in advance for your review of this project, and anticipated issuance of a consistency certification.

Sincerely,
Ingalls & Associates, LLP



Mark Kiburz
Senior Environmental Specialist

Enclosures:
Site Location Map
FCAF Form

cc: P&M Brick, LLC
Laura McLean (DOS)
Karen Gaidasz (NYSDEC)
Angelika Stewart (NYSDEC)
Nancy Baker (NYSDEC)
Bradley Sherwood (ACOE)
Thomas LaLiberte Jr (OGS)

Project Location



NEW YORK STATE DEPARTMENT OF STATE
COASTAL MANAGEMENT PROGRAM

Federal Consistency Assessment Form

An applicant, seeking a permit, license, waiver, certification or similar type of approval from a federal agency which is subject to the New York State Coastal Management Program (CMP), shall complete this assessment form for any proposed activity that will occur within and/or directly affect the State's Coastal Area. This form is intended to assist an applicant in certifying that the proposed activity is consistent with New York State's CMP as required by U.S. Department of Commerce regulations (15 CFR 930.57). It should be completed at the time when the federal application is prepared. The Department of State will use the completed form and accompanying information in its review of the applicant's certification of consistency.

A. APPLICANT (please print)

1. Name: P&M Brick, LLC
2. Address: 2170 River Road Coeymans, NY 12045
3. Telephone: Area Code (518) 756-2164

B. PROPOSED ACTIVITY

1. Brief description of activity:

Waterway and upland infrastructure improvements in support of the OSW supply chain, including fabrication and assembly of heavy components such as GBS foundations. Improvements include a new wharf structure proposed on the western shore of the Hudson River. Dredging will be required to provide maneuvering of barges, which require draft depths of -30' MLW. The site is an existing port and no wetlands or vegetation occurs within the immediate vicinity of the proposed project area. No beds of submerged aquatic vegetation exist.

2. Purpose of activity:

The purpose is the development of the site to allow OSW supply chain support, including fabrication of heavy wind components such as GBS foundations. Improvements include a new wharf that is capable of accepting 400'x130' barges with draft depths of -30' MLW.

3. Location of activity:

<u>Albany</u>	<u>Town of Coeymans</u>	<u>Hudson River (Mile 133.5)</u>
County	City, Town, or Village	Street or Site Description

4. Type of federal permit/license required: Section 10 Individual Permit / Nationwide Permit #6

5. Federal application number, if known: NAN-2019-01113-USH

6. If a state permit/license was issued or is required for the proposed activity, identify the state agency and provide the application or permit number, if known:

NYS DEC Article 15- 4-0124-00012/00038

C. COASTAL ASSESSMENT Check either "YES" or "NO" for each of these questions. The numbers following each question refer to the policies described in the CMP document (see footnote on page 2) which may be affected by the proposed activity.

1. Will the proposed activity result in any of the following: YES / NO

- a. Large physical change to a site within the coastal area which will require the preparation of an environmental impact statement? (11, 22, 25, 32, 37, 38, 41, 43)
- b. Physical alteration of more than two acres of land along the shoreline, land under water or coastal waters? (2, 11, 12, 20, 28, 35, 44)
- c. Revitalization/redevelopment of a deteriorated or underutilized waterfront site? (1)
- d. Reduction of existing or potential public access to or along coastal waters? (19, 20)
- e. Adverse effect upon the commercial or recreational use of coastal fish resources? (9,10) ...
- f. Siting of a facility essential to the exploration, development and production of energy resources in coastal waters or on the Outer Continental Shelf? (29)
- g. Siting of a facility essential to the generation or transmission of energy? (27)
- h. Mining, excavation, or dredging activities, or the placement of dredged or fill material in coastal waters? (15, 35)
- i. Discharge of toxics, hazardous substances or other pollutants into coastal waters? (8, 15, 35) ...
- j. Draining of stormwater runoff or sewer overflows into coastal waters? (33)
- k. Transport, storage, treatment, or disposal of solid wastes or hazardous materials? (36, 39) .
- l. Adverse effect upon land or water uses within the State's small harbors? (4)

2. Will the proposed activity affect or be located in, on, or adjacent to any of the following: YES / NO

- a. State designated freshwater or tidal wetland? (44)
- b. Federally designated flood and/or state designated erosion hazard area? (11, 12, 17,)
- c. State designated significant fish and/or wildlife habitat? (7)
- d. State designated significant scenic resource or area? (24)
- e. State designated important agricultural lands? (26)
- f. Beach, dune or barrier island? (12)
- g. Major ports of Albany, Buffalo, Ogdensburg, Oswego or New York? (3)
- h. State, county, or local park? (19, 20)
- i. Historic resource listed on the National or State Register of Historic Places? (23)

3. Will the proposed activity require any of the following: YES / NO

- a. Waterfront site? (2, 21, 22)
- b. Provision of new public services or infrastructure in undeveloped or sparsely populated sections of the coastal area? (5)
- c. Construction or reconstruction of a flood or erosion control structure? (13, 14, 16)
- d. State water quality permit or certification? (30, 38, 40)
- e. State air quality permit or certification? (41, 43)

4. Will the proposed activity occur within and/or affect an area covered by a State approved local waterfront revitalization program? (see policies in local program document)

D. ADDITIONAL STEPS

1. If all of the questions in Section C are answered "NO", then the applicant or agency shall complete Section E and submit the documentation required by Section F.
2. If any of the questions in Section C are answered "YES", then the applicant or agent is advised to consult the CMP, or where appropriate, the local waterfront revitalization program document*. The proposed activity must be analyzed in more detail with respect to the applicable state or local coastal policies. On a separate page(s), the applicant or agent shall: (a) identify, by their policy numbers, which coastal policies are affected by the activity, (b) briefly assess the effects of the activity upon the policy; and, (c) state how the activity is consistent with each policy. Following the completion of this written assessment, the applicant or agency shall complete Section E and submit the documentation required by Section F.

E. CERTIFICATION

The applicant or agent must certify that the proposed activity is consistent with the State's CMP or the approved local waterfront revitalization program, as appropriate. If this certification cannot be made, the proposed activity shall not be undertaken. If this certification can be made, complete this Section.

"The proposed activity complies with New York State's approved Coastal Management Program, or with the applicable approved local waterfront revitalization program, and will be conducted in a manner consistent with such program."

Applicant/Agent's Name: P&M Brick, LLC

Address: 2170 River Road Coeymans, NY 12045

Telephone: Area Code (518) 756-2164

Applicant/Agent's Signature: Mark Kiburz Date: 6-12-20

Digitally signed by Mark Kiburz
DN: cn=Mark Kiburz, o=Mark Kiburz, c=US, United States [4], US, United States
Reason: I am approving this document
Location:
Date: 2020-06-12 21:48:04-00

F. SUBMISSION REQUIREMENTS

1. The applicant or agent shall submit the following documents to the **New York State Department of State, Office of Coastal, Local Government and Community Sustainability, Attn: Consistency Review Unit, 1 Commerce Plaza, 99 Washington Avenue - Suite 1010, Albany, New York 12231.**

- a. Copy of original signed form.
- b. Copy of the completed federal agency application.
- c. Other available information which would support the certification of consistency.

2. The applicant or agent shall also submit a copy of this completed form along with his/her application to the federal agency.

3. If there are any questions regarding the submission of this form, contact the Department of State at (518) 474-6000.

*These state and local documents are available for inspection at the offices of many federal agencies, Department of environmental Conservation and Department of State regional offices, and the appropriate regional and county planning agencies. Local program documents are also available for inspection at the offices of the appropriate local government.

NEW YORK STATE DEPARTMENT OF STATE
COASTAL MANAGEMENT PROGRAM

Coastal Assessment Form

A. INSTRUCTIONS (Please print or type all answers)

1. State agencies shall complete this CAF for proposed actions which are subject to Part 600 of Title 19 of the NYCRR. This assessment is intended to supplement other information used by a state agency in making a determination of significance pursuant to the State Environmental Quality Review Act (see 6 NYCRR, Part 617). If it is determined that a proposed action will not have a significant effect on the environment, this assessment is intended to assist a state agency in complying with the certification requirements of 19 NYCRR Section 600.4.
2. If any question in Section C on this form is answered "yes", then the proposed action may affect the achievement of the coastal policies contained in Article 42 of the Executive Law. Thus, the action should be analyzed in more detail and, if necessary, modified prior to either (a) making a certification of consistency pursuant to 19 NYCRR Part 600 or, (b) making the findings required under SEQR, 6 NYCRR, Section 617.11, if the action is one for which an environmental impact statement is being prepared. If an action cannot be certified as consistent with the coastal policies, it shall not be undertaken.
3. Before answering the questions in Section C, the preparer of this form should review the coastal policies contained in 19 NYCRR Section 600.5. A proposed action should be evaluated as to its significant beneficial and adverse effects upon the coastal area.

B. DESCRIPTION OF PROPOSED ACTION

1. Type of state agency action (check appropriate response):
(a) Directly undertaken (e.g. capital construction, planning activity, agency regulation, land transaction) _____
(b) Financial assistance (e.g. grant, loan, subsidy) _____
(c) Permit, license, certification X
2. Describe nature and extent of action: _____
Waterway and upland infrastructure improvements in support of the OSW supply chain, including fabrication and assembly of heavy components. Improvements include a new wharf structure proposed on the western shore of the Hudson River. Dredging will be required to provide maneuvering of barges, which require draft depths of -30' MLW. The site is an existing port and no wetlands or vegetation occurs within the immediate vicinity of the proposed project area. No beds of submerged aquatic vegetation exist.
3. Location of action:
Albany _____ Coeymans _____ 171 River Road, Port of Coeymans
County City, Town or Village Street or Site Description
4. If an application for the proposed action has been filed with the state agency, the following information shall be provided:
(a) Name of applicant: P&M Brick, LLC _____ **2170 River Road??** _____
(b) Mailing address: 2170 River Road Coeymans, NY 12045 _____
(c) Telephone Number: Area Code (518) 756-2164 _____
(d) State agency application number: DEC #4-0124-00012/00038 _____
5. Will the action be directly undertaken, require funding, or approval by a federal agency?
Yes _____ No X If yes, which federal agency? _____

C. COASTAL ASSESSMENT (Check either "YES" or "NO" for each of the following questions)

YES NO

1. Will the proposed activity be located in, or contiguous to, or have a significant effect upon any of the resource areas identified on the coastal area map:
(a) Significant fish or wildlife habitats? X
(b) Scenic resources of statewide significance? X
(c) Important agricultural lands? X
2. Will the proposed activity have a significant effect upon:
(a) Commercial or recreational use of fish and wildlife resources? X
(b) Scenic quality of the coastal environment? X
(c) Development of future, or existing water dependent uses? X
(d) Operation of the State's major ports? X
(e) Land and water uses within the State's small harbors? X
(f) Existing or potential public recreation opportunities? X
(g) Structures, sites or districts of historic, archeological or cultural significance to the State or nation? X

3. Will the proposed activity involve or result in any of the following:

- (a) Physical alteration of two (2) acres or more of land along the shoreline, land under water or coastal waters? X ___
- (b) Physical alteration of five (5) acres or more of land located elsewhere in the coastal area? X ___
- (c) Expansion of existing public services of infrastructure in undeveloped or low density areas of the coastal area? ___ X
- (d) Energy facility not subject to Article VII or VIII of the Public Service Law? ___ X
- (e) Mining, excavation, filling or dredging in coastal waters? X ___
- (f) Reduction of existing or potential public access to or along the shore? ___ X
- (g) Sale or change in use of state-owned lands located on the shoreline or under water?
- (h) Development within a designated flood or erosion hazard area? ___ X
- (i) Development on a beach, dune, barrier island or other natural feature that provides protection against flooding or erosion? ___ X

4. Will the proposed action be located in or have a significant effect upon an area included in an approved Local Waterfront Revitalization Program? ___ X

D. SUBMISSION REQUIREMENTS

If any question in Section C is answered "Yes", AND either of the following two conditions is met:

Section B.1(a) or B.1(b) is checked; or
Section B.1(c) is checked AND B.5 is answered "Yes",

THEN a copy of this completed Coastal Assessment Form shall be submitted to:

New York State Department of State
Office of Coastal, Local Government and Community Sustainability
One Commerce Plaza
99 Washington Avenue, Suite 1010
Albany, New York 12231-0001

If assistance or further information is needed to complete this form, please call the Department of State at (518) 474-6000.

E. REMARKS OR ADDITIONAL INFORMATION

The CAF is being submitted to DOS as part of Permit Application # 4-0124-00012/00038.

Preparer's Name: _____
(Please print)

Title: _____ Agency: _____

Telephone Number: (_____) _____ Date: _____

SHPO CORRESPONDENCE



**Parks, Recreation
and Historic Preservation**

ANDREW M. CUOMO
Governor

ERIK KULLESEID
Commissioner

February 21, 2020

Mark Kiburz
Environmental Scientist
Ingalls & Associates, LLP
2603 Guilderland Ave
Schenectady, NY 12306
(via email)

Re: USACE
P&M Brick Offshore Wind Infrastructure Project
2170 River Road, Coeymans, Albany County
20PR00396

Dear Mr. Kiburz:

Thank you for requesting the comments of the State Historic Preservation Office (SHPO). We will review the project in accordance with Section 106 of the National Historic Preservation Act of 1966. Our comments are those of the SHPO and relate only to Historic/Cultural resources. They do not include potential environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the National Environmental Policy Act and/or the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8).

We have been in contact with the U.S. Army Corps of Engineers (ACE), who you indicated in your submission is the involved federal agency for this undertaking. Section 106 review requires coordination and consultation between the permitting federal agency, this office and any involved consulting parties. Once our office has been engaged by the ACE, we will progress our review of this activity.

We also note that the letter you attached to the initial project submission in our CRIS program was subsequently rescinded by this office. Please see the attached SHPO letters relating to the referenced project.

If I can be of any further assistance, please do not hesitate to contact me at (518) 268-2166 or john.bonafide@parks.ny.gov.

Sincerely,

John A. Bonafide
Director,
Technical Preservation Services Bureau
Agency Historic Preservation Officer

cc: CRIS Notification List

att: SHPO Letters: June 14, 2018, October 15, 2018, November 1, 2018 & January 21, 2019



Parks, Recreation, and Historic Preservation

ANDREW M. CUOMO
Governor

ROSE HARVEY
Commissioner

June 14, 2018

Mr. Jeffrey Rice
Environmental Specialist
Ingalls & Associates
2603 Guilderland Avenue
Schenectady, NY 12306

Re: USACE
P&M Brick, LLC - Existing Trestle Structures - Tappan Zee Sub-Assembly Yard
18PR03640

Dear Mr. Rice:

Thank you for requesting the comments of the State Historic Preservation Office (SHPO). We have reviewed the project in accordance with Section 106 of the National Historic Preservation Act of 1966. These comments are those of the SHPO and relate only to Historic/Cultural resources. They do not include potential environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the National Environmental Policy Act and/or the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8).

Based upon this review, the New York SHPO has determined that no historic properties will be affected by this undertaking.

If further correspondence is required regarding this project, please be sure to refer to the OPRHP Project Review (PR) number noted above.

Sincerely,

Michael F. Lynch, P.E., AIA
Director, Division for Historic Preservation



Parks, Recreation and Historic Preservation

ANDREW M. CUOMO
Governor

ROSE HARVEY
Commissioner

October 15, 2018

Peter J. Steinour
United States Army Corps of Engineers
New York District Office
26 Federal Plaza
New York, NY 10278
(via email)

Re: ACE / NYSDEC
P&M Brick, LLC-Request for Permanent Status of Temporary Construction Trestles-
Tappan Zee Sub Assembly Yard, Coeymans Albany County
18PR03640

Dear Mr. Steinour:

It has come to our attention that the above noted entity is seeking to establish “permanent” status for an industrial trestle system now in place at the Port of Coeymans, Coeymans, Albany County, New York. The temporary system was installed in 2014 as part of New York’s replacement of the Tappan Zee Bridge. The permit for these structures was previously issued under NAN-2014-00352-WMI and will expire in December 2019.

On June 14 our office issued a Section 106 finding letter stating that no historic properties would be affected by this undertaking. Unfortunately, at that time our office reviewed only the potential direct effects that this project might have on historic and archaeological resources. This decision was based on the material that had been submitted by the applicant at that time.

Subsequently, we have received additional information from the New York State Department of Environmental Conservation (DEC). We have also now reviewed the original 2014 file for the temporary project. As a result of this additional assessment, we have found that our office did not fully consider the potential *indirect effects* to historic resources associated with making the trestle structure, the attendant sub-assembly yard and continued large-scale construction activities permanent. Because of these new concerns, we are rescinding our previous finding and reopening our Section 106 review process.

In evaluating the applicant’s Joint Application Form recently submitted to our office by the DEC we noted several areas of concern. The application reinforces our assessment that the overall undertaking must consider all areas associated with the retention of the trestles, not just the structures themselves. Section “h” of the form states that “*there will be continued use of the existing structures and the adjacent sub-assembly area.*” Section “k” then states the original selection of the site for the Tappan Zee project was a result of its “*industrial zoning away from residential areas.*” A review of maps places the southernmost trestle 1,600 feet north of the wall of the National Register listed Coeymans Stone House and the southern edge of the sub-assembly yard only 800 feet from the edge of the listed Coeymans Landing Historic District.

Of greater concern is that the applicant identified in their application (E.3.e) that there are no known National Register listed or eligible buildings or districts substantially contiguous to the project area. Applicant's large-scale sub-assembly yard and shipping transfer trestles are within a few hundred yards of a late 17th century Dutch manor home with its intact park-like riverfront, creek-side and waterfalls setting and the northern edge of a Historic District that encompasses nearly all of the historic hamlet of Coeymans Landing.

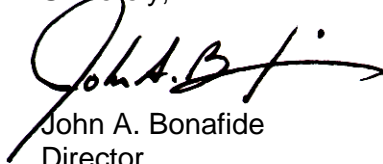
The specific concern the NYSHPO has relating to the permanent permitting of this operation is the impact(s) associated with the increased ambient industrial noise beyond the commercial property boundary. As you know, 36 CFR Part 800.5 (2.V.) categorizes the introduction of visual, atmospheric or audible elements that diminish the historic qualities of the place as an adverse effect.

In order for the SHPO to fully assess any potential (including cumulative) effects that this permit may have on adjacent historic resources, we will need to fully understand the extent of the any ambient noise that came about as a result of the trestles and sub assembly yard development. How specifically has this changed over time, and would the removal of this system eliminate any impacts that may have not existed prior to the issuance of the temporary permit.

In addition, we also seek to better understanding what steps during the 4-year permit period have been undertaken by the applicant to monitor impacts (specifically noise) and effectively and proactively manage these potential effects on adjacent historic resources.

If I can be of any further assistance, please do not hesitate to contact me at (518) 268-2166 or john.bonafide@parks.ny.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "John A. Bonafide", with a stylized flourish extending to the right.

John A. Bonafide
Director,
Technical Preservation Services Bureau
Agency Historic Preservation Officer

cc: Charles E. Vandrei, DEC *(via email)*
Angelika Stewart, DEC *(via email)*
Jeffrey Rice, Ingles & Associates *(via email)*



Parks, Recreation and Historic Preservation

ANDREW M. CUOMO
Governor

ROSE HARVEY
Commissioner

November 1, 2018

Peter J. Steinour
United States Army Corps of Engineers
New York District Office
26 Federal Plaza
New York, NY 10278
(via email)

Re: ACE, NYSDEC
P&M Brick, LLC - Existing Trestle Structures - Tappan Zee Sub-Assembly Yard
Coeymans, Albany County
18PR03640 / 14PR00408 / NAN-2014-00352-WMI

Dear Mr. Steinour:

Our office has had an opportunity to review the recent additional information submitted by Ingalls & Associates, LLP to your office in response to our letter of October 15 relating to this permit. Our office continues to review this undertaking in accordance with Section 106 of the National Historic Preservation Act and its implementing regulation.

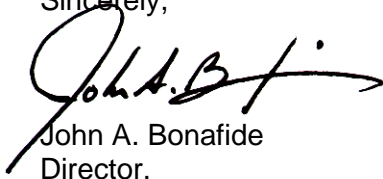
After reviewing the information, we have several questions regarding the material that was included with the applicant's submission. The report indicates that the sound sampling was completed at Location 1 on September 14, 2018 and at location 2 on September 19, 2018. It would be helpful to know:

- What work was underway at the sub-assembly areas (north and south) and or trestle locations during these dates? Was Tappan Zee Constructors, PSEG construction or other work underway during the sampling period?
- What is the elevation differential between the trestle site and sub-assembly yards and the detection equipment that was placed at Location 1? Are there any intervening berms or other natural forms?
- Did the applicant consider selecting a noise receptor location at the Coeymans Marina, Coeymans Landing Park or another location directly south of the trestle and sub-assembly yards within in the historic district?
- The report includes a site map that identifies the sub-assembly yard only to the north and areas immediately west and south the trestle site. Does sub-assembly work take place in the southern portion of the property?
- Regarding distances to historic resources, we note that the numbers submitted would appear to be distance from the trestle. Our desk-top measurements from the center of the southern sub-assembly area (south portion of property) to the Coeymans Stone House property and edge of the National Register listed historic district is $\pm 1,000$ and less from the Port's southern property line. It is a similar measurement of just under 1,100 feet from the southern yard to the Adamo Tavern building on Route 144. We would ask that the applicant clarify the point to point locations that are referenced.

- What are the potential cumulative impacts (36 CFR Part 800.5(a)(1)) to historic resources associated with the permanent permitting of this activity?

If you or your agency should have any questions relating to our comments, I can be reached at 518-268-2166 or john.bonafide@parks.ny.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "John A. Bonafide", with a stylized flourish extending to the right.

John A. Bonafide
Director,
Technical Preservation Services Bureau
Agency Historic Preservation Officer

cc: Angelika Stewart, NYS DEC *(via email)*
Charles E. Vandrei NYS DEC *(via email)*
David F. Ingalls., P.E. *(via email)*

Attachment 3



Source: <http://www.orthos.dhSES.ny.gov>



Source: <https://www.google.com/maps/@42.4824147,-73.7965982,1701m/data=!3m1!1e3?hl=en>



Parks, Recreation and Historic Preservation

ANDREW M. CUOMO
Governor

ROSE HARVEY
Commissioner

January 31, 2019

James H. Cannon
United States Army Corps of Engineers
New York District Office
26 Federal Plaza
New York, NY 10278
(via email)

Re: ACE, NYSDEC
P&M Brick, LLC/Existing TZC Trestle Structures/TZC Sub-Assembly Yard
Coeymans, Albany County
NAN-2014-00352-WMI (Permit Modification)/DEC#4-124-00012/00034
18PR03640/14PR00408

Dear Mr. Cannon:

Thank you for seeking the comments of the New York State Historic Preservation Office regarding the modification of permit NAN-2014-00352. We have reviewed the submitted materials as well as the applicant's USACE Section 10 and NYS DEC Article 15 Individual Permit Application.

The Section 106 review for this undertaking presents several unique and significant preservation challenges that warrant a thorough assessment of effects on the adjacent historic resources. These resources include:

- The Ariaantje Coeymans Stone House (NR Listed 1973)
The dwelling was constructed c.1700 by Barent Coeymans and his family on land that he had received a Patent to in 1673 from Governor Francis Lovelace. The monumental stone manor house is one of the oldest surviving Colonial era dwellings in New York State. The significance of this Dutch manor house is augmented by the retention of its unique setting, which is evocative of its historic period. The building is bounded on its south by the Coeymans Creek and falls along with the ruins of a series of grist and sawmills that were associated with the development of Coeymans Landing during the 17th through the 19th centuries. To its east is the Hudson River and an intact eastern viewshed of the undeveloped Schodack Island (a NY State Park). To the west, is the upper Coeymans Creek and NYS route 144, which follows one of the state's early 17th and 18th century north-south routes from New Amsterdam (New York) to Fort Orange (Albany). To the north is land owned by a yacht club and the Port of Coeymans
- The Coeymans Landing Historic District (NR Listed March 2018/Determined NRE 1993)
The district is composed of the entirety of the historic riverfront neighborhood known as Coeymans Landing. The district extends from the Coeymans Stone house and the former Adamo Tavern (south side of Coeymans Industrial Park Lane) to the James Drive on the south, and from the Hudson River to the intersection Church

Street (NYS 144) and Westerlo Street on the west. The district was nominated to the National Register of Historic Places under all four of the program's criteria, a rare occurrence. The district includes over 200 contributing buildings spanning more than 250 years of architectural history and nearly 10,000 years of pre-contact history. The significance statement for the National Register nomination concludes: "*Today Coeymans Landing remains largely intact from the late nineteenth and early twentieth century development and retains a remarkable sense of place in New York's Hudson Valley Region.*"

- Other Individually Listed National Register Properties Within the Coeymans Landing Historic District
 - Acton Civill Polytechnic Academy, 8 Civill Avenue (NR Listed 1973)
 - Abraham Houghtaling House, 54 Church Street (NR Listed 1998)
 - Fletcher Blaisdell Farm Complex, 109 Westerlo Street (NR Listed 2000)
 - Alexander Willis House, 40 Church Street, (NR Listed 2004)
 - Dr. Wesley Blaisdell House, 73 Main Street (NR Listed 2012)
 - Brigadier Gen. David McCarty Stone House, 29 Second Street (NR Listed 2015)
 - Former Dutch Reformed Church Parsonage, 32 Church Street (SR Listed 2015)

After reviewing the application material dated December 17, 2018 (Revised), we note the following concerns with the submitted application:

Ingalls Joint Permit Application Cover Information-Application Project Information Section 8. Cultural Resources

This section of the Revised Application references our office's June 11, 2003 dredging *no effect* letter and our *no effect* finding for the temporary placement of the trestles dated June 27, 2014. It then notes that a second *no effect* was issued by our office on June 14, 2018 for the current permit modification. The applicant goes on to state that an additional *comment* was received from our office relating to noise concerns.

On October 15, 2018, the NYSHPO wrote to the Army Corps of Engineers and formally *rescinded* our previous *no historic properties affected* finding (dated June 14, 2018) and formally requested that your agency reopen the Section 106 review process (Attachment 1). The issue of long term cumulative effects associated with the ongoing use of the trestle facilities and their link to expanding operations at the port and industrial park remain unanswered.

Section 12. Noise Assessment

Our office has previously raised the issue of ambient noise from activities at the Port of Coeymans and its indirect impacts to the setting and historic character of the Coeymans Stone House and larger district to the south in our letter to your office dated November 1, 2018 (Attachment 2).

In the applicant's response dated November 9, they note that during the sampling "*no or little equipment was operating in the TZC sub-assembly yard during the ambient noise level measuring.*" We also note that the testing times post-date final work on the Tappan Zee bridge and the assembly completion and shipment of the PSEG Heat Recovery Steam Unit from the southern sub-assembly area. Absent numbers relating to the noise levels during active construction projects, the full cumulative impacts associated with the various operations, which include the TZC trestles cannot be adequately assessed.

We also question the location of the sound monitoring equipment. The applicant notes the southern location at the entrance to the facility to be "slightly higher" than sub-assembly areas. Our desk-top GIS modeling shows the elevation change to be approximately 80 feet, which may impact the ambient noise modeling. We also note that no sensor was placed south of the facility at the river level, which would have provided

(during a construction project) a more accurate depiction of ambient sound that may be escaping the facility and adversely affecting historic resources.

Appendix B, Map V.

This map is taken from NYSOPRHP's SPHINX system, which was replaced by the state's Cultural Resource Information System (CRIS) at the end of 2015. The map, dated 12/27/2013, is five years out of date and does not reflect the conditions relating to historic preservation issues for the area as of the date of the revised permit application.

In 2014, the NYSHPO issued a finding of *No Adverse Effect* for the construction of the *temporary* Tappan Zee Constructor's trestles based upon the short-term aspect of their usage. We found that any potential impacts linked to cumulative effects associated with this new industrial addition to the Port of Coeymans would be mitigated by their removal at the end of the construction project. The permit modification would approve the permanent use of these structures, attendant assembly equipment and sub assembly yards. At no time during the previous review under Section 106 for this temporary facility were the cumulative effects associated with this addition to the port's existing industrial portfolio fully addressed.

Orthograph images of the port area from its time as the P&M Brick Company site, at the time of its closing in 2001 and the current scope of the Port of Coeymans Industrial footprint (2017) show significant growth and expansion. The images depict the successful industrialization associated with the development of the Port of Coeymans and its Industrial Park over a relatively brief period. (Attachment 3). During the build-out of this facility several individual permits have been reviewed and issued in isolation of the cumulative impacts that the overall growth of the facility may have, directly or indirectly, on the adjacent historic resources.

Ambient noise and light, increased heavy truck traffic, increased barge storage and activity, and alterations of the landscape along the Coeymans Creek and southern boundary of the district have been looked at individually but never in a comprehensive/cumulative way. Each new permit, reviewed in isolation of a previous approval, has the potential to tip the scale and create an irreversible impact to the historic qualities of the identified resources.

The Section 106 regulations relating to the assessment of adverse effects states: "*An adverse effect is found when an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association. Consideration shall be given to all qualifying characteristics of a historic property, including those that may have been identified subsequent to the original evaluation of the property's eligibility for the National Register. Adverse effects may include reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance or be cumulative.*" (36 CFR Part 800.5.a.1.)

Based the proposed permanent use of the Tappan Zee Constructor's loading trestles for large scale fabrication projects, the NYSHPO finds that this proposal has the potential to **adversely affect** the National Register listed properties identified above.

Our determination is based on an assessment of this individual action in conjunction with multiple previous undertakings, by various entities, reviewed in isolation up to this point at this facility. We find that the potential for significant cumulative impacts exist here and must be fully assessed as part of the Section 106 review.

The Port of Coeymans and Coeymans Industrial Park now occupy a 400-acre site that stretches from the Hudson River westward one-mile to the New York State Thruway. Portions of this acreage previously served as a brick manufacturing operation that produced approximately 50 million brick per year, a commercial mushroom growing operation that produced 3 million pounds annually and a commercial metal recycling business. The attached orthographic

images (Attachment 3) depict the locations and scale of these industries and the current Port of Coeymans operations. The images also provide a clear graphic depiction of the physical transformation of the landscape associated with the port's rapid growth and development and changing setting of the historic resources.

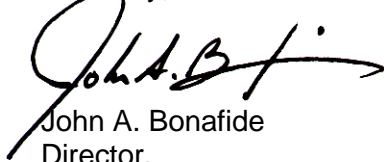
To better analyze the cumulative impacts associated with this action it is our recommendation that your agency seek consulting parties that may have an interest in this undertaking. (36CFR Part 800.3.f) We also recommend that the Advisory Council on Historic Preservation be asked and encouraged to participate. In coordination with the consulting parties, the NYSHPO would suggest that continuing Section 106 consultation be focused on the following questions:

- What are the past, present, and reasonably foreseeable actions (likely to occur) that have already or will impact the resources in the future?
- What were/are those impacts?
- What is the overall impact on these resources from the accumulation of the actions?
- Are there unidentified actions to be looked at such as contributing building demolitions in the historic district, truck traffic, acquisitions and development outside the footprint of the Port of Coeymans and Coeymans Industrial Park that may be associated?

Once a more broadly based understanding of the cumulative impacts to the historic resources is agreed upon through this consultation, efforts to avoid, lessen or mitigate them can then be reasonably proposed, assessed and agreed upon.

If I can be of any further assistance, please do not hesitate to contact me at (518) 268-2166 or john.bonafide@parks.ny.gov.

Sincerely,



John A. Bonafide
Director,
Technical Preservation Services Bureau
Agency Historic Preservation Officer

cc: Nancy Baker, DEC (via email)
Charles E. Vandreij, DEC-APO (via email)
David Newman, DOS (via email)
John Eddins, ACHP (via email)

att: Attachment 1 - October 15, 2018/Letter NYSHPO to ACE
Attachment 2 – November 1, 2018/Letter NYSHPO to ACE
Attachment 3 – Orthographic Images/2001 and 2018