

Appendix B-2-4

Coastal Zone Consistency Assessment

This document provides an assessment of the Livingston Avenue Bridge Project's consistency with the policies of the New York State Coastal Management Program (CMP) and the Local Waterfront Revitalization Programs (LWRPs) of the City of Albany and the City of Rensselaer.

The City of Rensselaer adopted an LWRP in 1987,¹ and the City of Albany adopted an LWRP in 1991;² both cities are currently in the process of revising their LWRP documents.^{1,3} While the 44 specific policies of these two LWRPs closely mirror those of the New York State CMP, several policies have additional provisions specific to the City of Rensselaer waterfront and to the City of Albany waterfront or its Waterfront Revitalization Area (WRA) sub-areas. The 44 policies of the CMP and LWRPs, and the Project's consistency with those policies, are presented below.

The No Action Alternative would maintain the existing Livingston Avenue Bridge at its current location. Although the bridge and approaches would be within the designated Coastal Zone, there would be no change in their location or operation, and no Coastal Zone assessment would be required for the No Action Alternative. Therefore, this assessment addresses consistency with coastal zone policies for the Build Alternatives (Build Alternatives 1 and 2).

Development Policies

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

The Livingston Avenue Bridge is a movable bridge that crosses a navigable portion of the Hudson River. It is near the end of its useful life, causing capacity limitations and reliability concerns. The reliability concerns have the potential to disrupt both train and boat traffic.

While Build Alternatives 1 and 2 would not directly restore, revitalize, or redevelop deteriorated and underutilized waterfront areas for commercial, industrial, cultural, recreational, and other compatible uses, the bridge's function as a critical rail crossing of the Hudson River along the Empire Corridor has secondary benefits to waterfront areas, including the Port of Albany. Increased reliability of rail and boat traffic at the location of the bridge would result in incremental benefits to local and regional waterfront areas. Also, because Build Alternatives 1 and 2 would both construct a replacement bridge in close proximity to the existing bridge, loss of Hudson River waterfront would be minimal. Therefore, the Livingston Avenue Bridge Project would be consistent with this policy.

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

Policy 1A (Albany LWRP): Restore, revitalize, and redevelop downtown Albany as the City's central business district.

Build Alternatives 1 and 2 would support freight and passenger rail service along the Empire Corridor. The bridge is a vital link between Albany and other regional and international destinations, such as New York City, Syracuse, Rochester, Buffalo, and international connections to Canada. This use provides secondary benefits to Albany's central business district by facilitating the passage of goods and passengers to and through Albany. Therefore, the Livingston Avenue Bridge Project would be consistent with this policy.

¹ https://docs.dos.ny.gov/opd-lwrp/LWRP/Rensselaer_C/Index.html.

² https://docs.dos.ny.gov/opd-lwrp/LWRP/Albany_C/Index.html.

³ <https://www.albany2030.org/waterfront/LWRP>.

Policy 1B (Albany LWRP): Revitalize the South End as a residential and business community with expanded recreational opportunities.

Build Alternatives 1 and 2 would be located outside of the South End district of Albany. Therefore, this policy is not applicable to the Livingston Avenue Bridge Project.

Policy 1C (Albany LWRP): Revitalize the Port of Albany as an industrial center.

Build Alternatives 1 and 2 involve freight and passenger rail service to the City of Albany, while maintaining navigation on the Hudson River through Albany. These uses benefit the Port of Albany as an industrial shipping center. Therefore, the Livingston Avenue Bridge Project would be consistent with this policy.

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

Policy 1A (Rensselaer LWRP): Redevelop the Albany Port District property and related vacant and tank farm lands as an integral part of a regional marine transportation facility and, thus, the industrial focus of the City's Local Waterfront Revitalization Program.

See the response to CMP Policy 1 and Albany LWRP Policy 1C.

Policy 1B (Rensselaer LWRP): Redevelop the City's Central Riverfront (generally defined as that area including the Zappala Block, Huyck Felt, City Hall, and Amtrak properties) as a focus for commercial expansion within the City's LWRP.

Build Alternatives 1 and 2 would be located at the northern edge of Rensselaer's Central Riverfront, and would not alter plans for the Central Riverfront, nor would they occupy land set aside for its redevelopment. Therefore, the Livingston Avenue Bridge Project would be consistent with this policy.

Policy 1C (Rensselaer LWRP): Redevelop the City's Northern Riverfront as a uniquely-situated site for new residential and recreational/open space development.

See the response to CMP Policy 1.

Policy 1D (Rensselaer LWRP): Stabilize and revitalize the historic Fort Crailo and Bath neighborhoods for residential use and compatible limited commercial uses.

Build Alternatives 1 and 2 would be located outside of the historic Fort Crailo and Bath neighborhoods of Rensselaer. Therefore, this policy is not applicable to the Livingston Avenue Bridge Project.

Policy 1E (Rensselaer LWRP): Stabilize and revitalize the Rensselaer Downtown; i.e., the central business district and shopping center area, for major retail, office, and related activities.

Build Alternatives 1 and 2 would be located outside of the Rensselaer Downtown. Therefore, this policy is not applicable to the Livingston Avenue Bridge Project.

Policy 1F (Rensselaer LWRP): Integrate the various waterfront area land uses, provide recreation and public access opportunities, and preserve waterfront lands through the development of an open space/trail system extending fully from the Port area overlook in the City's highly-industrial southern end to an expansive open space/park area on lands owned by RPI in the vicinity of the Patroon Island (I-90) Bridge.

A majority of the elements of Build Alternatives 1 and 2 would be located within an existing transportation right-of-way. Both Build Alternatives would remove the existing bridge after the

completion of the new bridge. Neither Build Alternative would preclude future plans for waterfront access or an open space/trail system. The shared use path that would be constructed as part of either Build Alternative would connect to the Rensselaer trail system and provide a direct link to trails in Albany, benefiting trail users. Therefore, the Livingston Avenue Bridge Project would be consistent with this policy.

Policy 1G (Rensselaer LWRP): Allow the extension of proposed office park development supportive of the Rensselaer Technology Park southward from the North Greenbush coastal area into the RPI-owned northern extremes of the Rensselaer Riverfront, provided environmental and access problems can be resolved.

Build Alternatives 1 and 2 would be located outside of this area. Therefore, this policy is not applicable to the Livingston Avenue Bridge Project.

Policy 2 (CMP, Albany LWRP): Facilitate the siting of water-dependent uses and facilities on or adjacent to coastal waters.

Although bridges are not specifically defined in either the New York State CMP policy or the Cities' LWRPs, the Livingston Avenue Bridge is inherently a water-dependent use. Build Alternatives 1 and 2 would be constructed largely within the transportation right-of-way and would not preclude the siting of other water-dependent uses on adjacent properties. Therefore, the Livingston Avenue Bridge Project would be consistent with this policy.

Policy 2 (Rensselaer LWRP): Facilitate the siting of water-dependent uses and facilities on or adjacent to coastal waters.

Policy 2A (Rensselaer LWRP): Maintain all suitable industrial land within and contiguous to the Port lands, to provide a critical land mass for marine-dependent industrial development

Build Alternatives 1 and 2 would not be located on industrial land within or contiguous to the Port lands. Therefore, this policy is not applicable to the Livingston Avenue Bridge Project.

Policy 3 (CMP): 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 Livingston Avenue Bridge's function as a critical rail crossing of the Hudson River has secondary benefits to waterfront areas, including the Port of Albany, and with Build Alternative 1 or 2, the increased reliability of both rail and river traffic at the location of the bridge would result in incremental benefits to local and regional port areas. Therefore, the Livingston Avenue Bridge Project would be consistent with this policy.

Policy 3 (Albany LWRP): 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.

See the response to CMP Policy 3.

Policy 3A (Albany LWRP): Further develop the Port of Albany as a center of commerce and industry, and encourage the siting of development which is essential to or in support of the waterborne transportation of cargo and people.

See the response to CMP Policy 3.

Policy 3 (Rensselaer LWRP): 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.

Policy 3A (Rensselaer LWRP): Require commitments to significant near term improvements in land (i.e., vehicular) access to the Port and industrial area prior to the approval of development actions which may result in increased truck and related traffic through the City's existing residential neighborhoods.

The Rensselaer Port area is several miles south of the Livingston Avenue Bridge. With either Build Alternative, short-term localized increases in traffic could result during bridge construction, but operation of the Build Alternatives would not result in increased vehicular traffic through existing residential neighborhoods. Furthermore, Build Alternatives 1 and 2 would improve rail operations along the Empire Corridor, which provides non-vehicular transportation access to Rensselaer from points north and south. Therefore, the Livingston Avenue Bridge Project would be consistent with this policy.

Policy 4 (CMP, Albany LWRP): Strengthen the economic base of smaller harbor areas by encouraging the development and enhancement of those traditional uses and activities which have provided such areas with their unique maritime identity.

Build Alternatives 1 and 2 would neither promote nor hinder the development or enhancement of smaller harbor areas. The replacement bridge under either Build Alternative would result in more reliable bridge operations, a benefit to river traffic on the Hudson River that would have a secondary benefit on smaller harbors. Therefore, this policy is not applicable to the Livingston Avenue Bridge Project.

Policy 5 (CMP, Rensselaer LWRP): Encourage the location of development in areas where public services and facilities essential to such development are adequate.

Operation of Build Alternatives 1 and 2 would not affect public services and facilities such as water supply, sewerage systems, schools, hospitals, etc. With either Build Alternative, public services to support rail operations are already available and already serve the existing bridge and Empire Corridor. Therefore, the Livingston Avenue Bridge Project would be consistent with this policy.

Policy 5 (Albany LWRP): Encourage the location of development in areas where public services and facilities essential to such development are adequate, except when such development has special functional requirements or other characteristics which necessitate its location in other coastal areas.

See the response to CMP Policy 5.

Policy 6 (CMP, Albany LWRP): Expedite permit procedures in order to facilitate the siting of development activities at suitable locations.

This policy sets forth expectations regarding the permitting procedures within the Coastal Zone, and outlines the responsibilities of the permitting agencies. It is therefore not directly applicable with respect to the Project sponsor.

Fish and Wildlife Policies

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

Build Alternatives 1 and 2 would be located within Sub-Region H2 of the Coastal Zone. One Significant Coastal Fish and Wildlife Habitat (SCFWH) site has been designated by the New York

Department of State within Sub-Region H2—Normans Kill, in the City of Albany and Town of Bethlehem.⁴ Build Alternatives 1 and 2 would not have any effect on the Normans Kill SCFWH, which is approximately three miles south of the Project site. There are no SCFWH sites within the Livingston Avenue Bridge Project site or immediate area. Therefore, this policy is not applicable to the Livingston Avenue Bridge Project.

Policy 7 (Albany LWRP): Significant coastal fish and wildlife habitats, as identified on the Coastal Area Map, shall be protected, preserved, and where practical, restored so as to maintain their viability as habitats.

See the response to CMP Policy 7.

Policy 7A (Albany LWRP): The Normans Kill habitat shall be protected, preserved and, if practical, restored so as to maintain its viability as a habitat.

See the response to CMP Policy 7.

Policy 8 (CMP, Albany LWRP, Rensselaer LWRP): Protect fish and wildlife resources in the coastal area from the introduction of hazardous wastes and other pollutants which bio-accumulate in the food chain or which cause significant sublethal or lethal effects on those resources.

Build Alternatives 1 and 2 would not directly introduce contaminants or hazardous wastes into the Hudson River. Sediments in the vicinity of the Project site may have legacy contamination associated with the release of PCBs into the Hudson River by General Electric from 1947 to 1977, but sediment resuspension during construction of Build Alternatives 1 and 2 would be minimal and highly localized. Piers for the replacement bridge would be constructed by first installing steel sheet pile cells by vibration hammering and creating a concrete tremie seal,⁵ dewatering the cell, dredging inside the cell to the required depth, and then installing the pile within (the contractor would potentially elect to instead install the deep foundations first, and then dredge, based on his/her chosen equipment). With this approach, resuspension of sediments would be brief and limited to minimal amounts during installation of the sheet pile cells. Some temporary and minimal resuspension of sediments would similarly occur during pile installation for the temporary pier structure at the staging location on the east side of the river. Sediment types within the Project site are primarily sand and gravelly sand, which are not easily resuspended and settle quickly relative to finer grain sediments, such as mud. All subsequent work constrained within the sheet pile cells would not have the potential to affect water or sediment quality, or aquatic life in the surrounding area. Water recovered during dewatering within the sheet pile cells would be treated as necessary prior to discharge back to the Hudson River. Dredged material would be collected onto a barge and disposed of offsite in compliance with applicable regulations such that dredging would not resuspend large amounts of potential sediment contaminants into the water column.

The existing bridge would likely be demolished by removing parts of the superstructure by barge or crane, and transporting them to the staging area for further disassembly. Piers would likely be removed with an excavator and their timber support piles would be cut below the mud line. Use of turbidity curtains and floating booms during all such in-water demolition work would minimize the potential for sediment resuspended during bridge removal activities to adversely affect water or sediment quality. As such, there would be no long-term or adverse impacts to water or sediment

⁴ https://www.dos.ny.gov/opd/programs/consistency/Habitats/HudsonRiver/Normans_Kill_Habitat_FINAL.pdf.

⁵ A tremie seal is a concrete slab at the bottom of an excavation area that, in combination with containment around the area, minimizes water intrusion into the area. The tremie seal is installed underwater and after it has hardened, the excavation can be dewatered.

quality, or aquatic life as a result of contaminant resuspension during the demolition of the existing bridge.

At a minimum, Build Alternatives 1 and 2 would require, and comply with the conditions of, a Section 401 Water Quality Certification, State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activity (GP-0-20-001) and Section 404 Clean Water Act Permit. Therefore, pursuant to state and Federal regulations and permitting, and because the Build Alternatives would not introduce pollutants that would have lethal or sublethal effects on natural resources of the Hudson River, the Livingston Avenue Bridge Project would be consistent with this policy.

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

Build Alternatives 1 and 2 would not affect access to existing fish and wildlife resources or the stocks of any fish and wildlife species used for recreational purposes. The Build Alternatives may involve temporary disturbance to in-water habitats; however, these disturbances are not expected to affect these resources. Impediment of open water from the footprint of the replacement bridge would be offset by the removal of the existing bridge. Therefore, the Livingston Avenue Bridge Project would be consistent with this policy.

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

See the response to CMP Policy 9.

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

Build Alternatives 1 and 2 would not affect local commercial fisheries or stocks of migratory species such as striped bass, herring, and shad that are commercially harvested elsewhere in the State of New York. The Build Alternatives entail the replacement of a railroad bridge and are not relevant to the development or enhancement of a local commercial fishing industry. Therefore, this policy is not applicable to the Livingston Avenue Bridge Project.

Flooding and Erosion Hazard Policies

Policy 11 (CMP, Rensselaer LWRP): 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.

Both Build Alternatives, like the existing Livingston Avenue Bridge, would be within the Hudson River floodway, and would therefore have supports and piers in the floodway. With either Build Alternative, the new bridge would be designed so as not to adversely affect the 100-year or 500-year floodplain. Build Alternatives 1 and 2 would not involve buildings or structures that would increase the likelihood of property damage or endangerment to human lives by flooding or erosion. Therefore, the Livingston Avenue Bridge Project would be consistent with this policy.

Policy 12 (CMP): 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.

Build Alternatives 1 and 2 would not be located on a site that has natural protective features such as beaches, dunes, barrier islands, or bluffs. Therefore, this policy is not applicable to the Livingston Avenue Bridge Project.

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

Build Alternatives 1 and 2 would not involve the construction or reconstruction of erosion control structures. Therefore, this policy is not applicable to the Livingston Avenue Bridge Project.

Policy 13 (Albany LWRP): The State Coastal Policy regarding the construction of erosion protection structures is not applicable to Albany, although a local policy is established.

Policy 13A (Albany LWRP): The repair and maintenance of wharves and docks within the port should be planned to ensure that future destabilization of these facilities will not occur.

See the response to CMP Policy 13.

Policy 13 (Rensselaer LWRP): The construction or reconstruction of erosion protection structures shall be undertaken only if they have a reasonable probability of controlling erosion for at least thirty (30) years, as demonstrated by design and construction standards and/or assured maintenance or replacement programs.

Policy 13A (Rensselaer LWRP): The construction of erosion control bulkheading, riprapping, sea wall construction or reconstruction, or piling installation including that necessary to maintain the navigable channel of the Hudson River and the Port turning basin, shall meet sound construction practices and procedures and be undertaken only if they have a reasonable probability of functioning as demonstrated in design and construction standards and/or assured maintenance or replacement programs.

Build Alternatives 1 and 2 would not include erosion control bulkheading or sea walls. Any riprapping or piling installation would meet sound construction standards and practices. As protective/support structures of a bridge, these features would be designed to be consistent with all safety regulations, with the provision of maintenance and upkeep throughout the lifespan of the new bridge. Therefore, the Livingston Avenue Bridge Project would be consistent with this policy.

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

Both Build Alternatives, like the existing Livingston Avenue Bridge, would be in the Hudson River floodway, and would therefore have piers in the Hudson River. With either Build Alternative, the bridge would be designed so as not to adversely impact the 100-year or 500-year floodplain. Build Alternatives 1 and 2 would not include structures that would increase erosion or flooding. The existing bridge would be removed as part of the Project. Therefore, the Livingston Avenue Bridge Project would be consistent with this policy.

Policy 15 (CMP, Albany LWRP): 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.

Build Alternatives 1 and 2 would not involve mining, excavation, or dredging that would interfere with coastal processes that supply beach materials to adjacent lands. As discussed for CMP

Policy 8, the dredging required for the Build Alternatives would occur within sheet pile cells, and overall sediment resuspension and bottom disturbance that would potentially occur during construction of Build Alternatives 1 and 2 would be minimal, highly localized, and temporary. The Build Alternatives would not increase shoreline erosion. Therefore, the Livingston Avenue Bridge Project would be consistent with this policy.

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

Build Alternatives 1 and 2 would not involve the installation of erosion protection structures. Therefore, this policy is not applicable to the Livingston Avenue Bridge Project.

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

Build Alternatives 1 and 2 would entail the replacement of an existing railroad bridge over the Hudson River and would not have the potential to alter flooding conditions. The Build Alternatives would not result in an increase in shoreline engineering, and would not cause shoreline erosion that would damage natural resources or property. Therefore, this policy does not apply to the Livingston Avenue Bridge Project.

Policy 17 (Albany LWRP, Rensselaer LWRP): Whenever possible, use non-structural measures to minimize damage to natural resources and property from flooding and erosion. Such measures shall include: (1) The setback of buildings and structures; (2) The planting of vegetation and the installation of sand fencing and drainage systems; (3) The reshaping of bluffs; and (4) The flood-proofing of buildings or their elevation above base flood level.

See the response to CMP Policy 17.

General Policy

Policy 18 (CMP, Albany LWRP, Rensselaer LWRP): To safeguard the vital economic, social and environmental interests of the state and of its citizens, proposed major actions in the coastal area must give full consideration to those interests, and to the safeguards which the state has established to protect valuable coastal resource areas.

The replacement of the Livingston Avenue Bridge would not result in adverse impacts to regulated coastal resources. The bridge has been identified as a contributing factor to delays in the movement of freight and passengers throughout New York State. Build Alternatives 1 and 2 would eliminate existing bridge and track deficiencies by meeting current engineering design standards and would extend the life of the crossing. The Project would improve reliability and reduce passenger and freight train delays along this important segment of the Empire Corridor. Thus, the Livingston Avenue Bridge Project gives full consideration to environmental, social, and economic interests and would be consistent with this policy.

Public Access Policies

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

Build Alternatives 1 and 2 would involve reconstruction of the existing Hudson River rail crossing between Rensselaer and Albany. Although the Corning Riverfront Park and the Riverfront Preserve abut the Albany side of the existing bridge, neither Build Alternative would permanently encroach on parkland. Temporary re-routing of Quay Street and several temporary closures of the Mohawk-Hudson Bike-Hike Trail (for several hours at a time), both of which provide pedestrian/bicycle and vehicular access to the waterfront, would be necessary during the construction phase of Build Alternatives 1 and 2, but access would be fully restored upon completion. Operation of the Build Alternatives would not adversely affect the level and type of access to public water-related recreational resources and facilities.

Build Alternatives 1 and 2 would both include a shared use bicycle and pedestrian path over the bridge that would link to existing paths in both Albany and Rensselaer. On the east side of the river, the shared use path would connect to the planned Rensselaer Riverfront Multi-Use Trail, and on the west side of the river, it would connect to the Mohawk-Hudson Bike-Hike Trail and the Albany Skyway. The shared use path would provide for greater connection between the water-related recreational resources and facilities on both sides of the Hudson River and integrate with other plans for improved waterfront access. Therefore, the Livingston Avenue Bridge Project would be consistent with this policy.

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

Policy 19A (Albany LWRP): Protect, maintain, and increase the level and types of access to the Corning Preserve

See the response to CMP Policy 19.

Policy 19B (Albany LWRP): Protect, maintain, and increase the level of access to the public boat launch located at the southern tip of Patroon Island

See the response to CMP Policy 19.

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

Policy 19A (Rensselaer LWRP): Develop a Port Area Overlook, including small boat launch, as a facility for passive and water-dependent active recreation and a perspective from which Port activities on both shores of the Hudson River might be viewed.

Build Alternatives 1 and 2 would not preclude the building of a Port Area Overlook and interpretive area, since they would both be located north of the proposed site of the overlook. Therefore, this policy is not applicable to the Livingston Avenue Bridge Project.

Policy 19B (Rensselaer LWRP): Develop a Class 2 bikeway linking the Port Area Overlook through the Fort Crailo neighborhood and Central Business District to Riverfront Park at its proposed Downtown entrance.

Build Alternatives 1 and 2 would not preclude the development of a bikeway linking the proposed Port Area Overlook to the proposed Riverfront Park, since both Build Alternatives would be located outside of this area. Therefore, this policy is not applicable to the Livingston Avenue Bridge Project.

Policy 19C (Rensselaer LWRP): Extend development of Riverfront Park to include proposed downtown entrance and expanded parking and recreational facilities.

Build Alternatives 1 and 2 would not preclude the development the proposed Riverfront Park, since they would be located outside of the area of the proposed park. Therefore, this policy is not applicable to the Livingston Avenue Bridge Project.

Policy 19D (Rensselaer LWRP): Provide public access for continuation of the Riverfront open space trail system through the Central Riverfront, the School District property, and the Amtrak property to its immediate north.

Build Alternatives 1 and 2 would not preclude the development of an open space trail system between the Central Riverfront and the Amtrak property along a right-of-way passing beneath the existing bridge and the Build Alternatives on the Rensselaer waterfront. The new shared use path on the bridge in either Build Alternative would connect to this proposed trail and provide a direct link to trails in Albany, benefiting trail users. Therefore, the Livingston Avenue Bridge Project would be consistent with this policy.

Policy 19E (Rensselaer LWRP): Acquire an interest in Amtrak's River-most property to permit development of overlooks and open unstructured recreational area with direct access to the beach-like shoreline at this location.

The Livingston Avenue Bridge Project would not preclude the City of Rensselaer from acquiring the Amtrak-owned property south of the Livingston Avenue Bridge. Therefore, the Livingston Avenue Bridge Project would be consistent with this policy.

Policy 19F (Rensselaer LWRP): Extend the Riverfront trail through a redeveloped northern Riverfront area, including clustered housing and a waterfront restaurant with associated boat mooring and fishing pier at Bath.

As described in the response to Policy 19D, Build Alternatives 1 and 2 would not preclude the future development of a Riverfront trail, housing or mixed-use development, waterfront facilities, boat and fishing facilities, or expanded water access north of the Livingston Avenue Bridge. Therefore, the Livingston Avenue Bridge Project would be consistent with this policy.

Policy 19G (Rensselaer LWRP): Provide a northern focus for the City's Riverfront open space trail system by redeveloping picnic areas and active recreational facilities, such as ball fields and tennis courts, on the RPI lands north of the Barnet Mills and extending to and beyond the Patroon Island Bridge.

Build Alternatives 1 and 2 would not preclude the redevelopment of park amenities on the RPI lands, which are located north of the Livingston Avenue Bridge and sites of the Build Alternatives. Therefore, this policy is not applicable to the Livingston Avenue Bridge Project.

Policy 19H (Rensselaer LWRP): Link the City's Riverfront open space system with further recreational amenities and development proposed in the Town of North Greenbush under its Local Waterfront Revitalization Program.

Build Alternatives 1 and 2 would not preclude linking Rensselaer's riverfront open space system with further recreational amenities and development proposed in the Town of North Greenbush. Therefore, the Livingston Avenue Bridge Project would be consistent with this policy.

Policy 20 (CMP): 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.

Build Alternatives 1 and 2 would be located on transportation right-of-way and would not preclude access to the publicly owned foreshore. Therefore, the Livingston Avenue Bridge Project would be consistent with this policy.

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

See the response to CMP Policy 20.

Recreation Policies

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

Build Alternatives 1 and 2 involve a rail bridge over the Hudson River, which is inherently a water-dependent use. They would not interfere with the ongoing use of the Hudson River as a water-dependent or water-enhanced recreational resource. The new bridge under either Build Alternative would improve navigational conditions on the river by replacing a bridge that currently malfunctions frequently, resulting in delays to navigational traffic, and increasing the width of the navigation channel past the bridge from 100 feet to 190 feet. Therefore, the Livingston Avenue Bridge Project would be consistent with this policy.

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

See the response to CMP Policy 21.

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

The primary purpose of the Build Alternatives is to replace a vital Hudson River rail crossing along the Empire Corridor. The bridge replacement would not require substantial new lands or preclude water-related recreation in the areas surrounding the bridge. In Albany, the areas to the north and south of the bridge have been developed for water-related recreation, and Build Alternatives 1 and 2 would not impact these uses. In Rensselaer, Build Alternatives 1 and 2 would not preclude future water-related recreation, such as a planned waterfront trail.

Build Alternatives 1 and 2 would both include a shared use bicycle and pedestrian path over the bridge that would link to existing paths in both Albany and Rensselaer. In Rensselaer, the shared use path would connect to the planned Rensselaer Riverfront Multi-Use Trail. The shared use path would provide for greater connection between the water-related recreational resources and facilities on both sides of the Hudson River and integrate with other plans for improved waterfront access. Therefore, the Livingston Avenue Bridge Project would be consistent with this policy.

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

See the response to CMP Policy 22.

Historic and Scenic Resources Policies

Policy 23 (CMP, Albany LWRP, Rensselaer LWRP): 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.

Build Alternatives 1 and 2 would have no effect on archaeological resources. In accordance with 36 CFR § 800.13(a)(2), if an archaeological property is unexpectedly encountered during construction, and would be affected in an unanticipated adverse manner, the Project sponsors would follow the procedures for *Discoveries without prior planning* outlined in 36 CFR § 800.13(b)(3).

Build Alternatives 1 and 2 would result in the removal of the Livingston Avenue Bridge, which the New York State Historic Preservation Office (SHPO) has determined to be eligible for listing on the National Register of Historic Places. Measures to mitigate the adverse effect on the Livingston Avenue Bridge have been developed through consultation among FRA, NYSDOT, SHPO, and other consulting parties through the consultation process established by Section 106 of the National Historic Preservation Act. Measures to mitigate the direct adverse effect on the Livingston Avenue Bridge include documentation of the Livingston Avenue Bridge following Historic American Engineering Record (HAER) standards; interpretive signage in waterfront parks on both sides of the river that address the history of the bridge, the railroad, and the area; a requirement that the new bridge be a truss bridge that incorporates key visual elements relating to the existing Livingston Avenue Bridge, the pulley housing and operator's building; and a requirement that NYSDOT actively seek new ownership of the Livingston Avenue Bridge for adaptive reuse or partial reuse at a new location.

In addition to replacing the Livingston Avenue Bridge, alterations would be made to the Albany Railroad Viaduct in Albany, including limited and selective shifting and removal of girders, and modification or replacement of the support system for the bridge girders. The Albany Railroad Viaduct is also eligible for listing on the National Register of Historic Places. These modifications would not constitute an adverse effect on this resource. With the proposed mitigation measures in place, the Livingston Avenue Bridge Project would be consistent with this policy.

Policy 24 (CMP): Prevent impairment of scenic resources of statewide significance.

Build Alternatives 1 and 2 would not impair any scenic resources of statewide significance. Therefore, this policy is not applicable to the Livingston Avenue Bridge Project.

Policy 25 (CMP, Albany LWRP, Rensselaer LWRP): 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.

Build Alternatives 1 and 2 would result in the removal of the Livingston Avenue Bridge, which contributes to the character of the Hudson River view corridor, an important scenic resource in the study area. In replacing the historic bridge with a new bridge, this aspect of the corridor would be altered. The new bridge would have a lift span rather than a swing span and would differ in truss design and other respects. However, the scale and overall visual character of the proposed bridge would be comparable to that of the existing bridge.

The proposed bridge would not block views along the Hudson River view corridor under either Build Alternative; nor would it block views to or from other visually sensitive resources identified in the study area. Therefore, Build Alternatives 1 and 2 would not result in any adverse effects to the visual character of the Hudson River view corridor or other scenic resources.

Therefore, the Livingston Avenue Bridge Project would be consistent with this policy.

Agricultural Lands Policy

Policy 26 (CMP): Conserve and protect agricultural lands in the state's coastal area.

Build Alternatives 1 and 2 would not impact agricultural lands. Therefore, this policy is not applicable to the Livingston Avenue Bridge Project.

Energy and Ice Management Policies

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

Build Alternatives 1 and 2 would not involve the siting of energy facilities. Therefore, this policy is not applicable to the Livingston Avenue Bridge Project.

Policy 28 (CMP, Albany LWRP): 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.

Build Alternatives 1 and 2 would not include ice management practices or technologies. Therefore, this policy is not applicable to the Livingston Avenue Bridge Project.

Policy 29 (CMP, Albany LWRP): Encourage the development of energy resources on the outer continental shelf, in Lake Erie and in other water bodies, and ensure the environmental safety of such activities.

Build Alternatives 1 and 2 would not involve the development of energy resources. Therefore, this policy is not applicable to the Livingston Avenue Bridge Project.

Water and Air Resources Policies

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

Build Alternatives 1 and 2 would not involve the discharge of municipal, industrial, or commercial pollutants into coastal waters. Therefore, this policy is not applicable to the Livingston Avenue Bridge Project.

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

Build Alternatives 1 and 2 would not entail reviewing coastal water classifications or modifying water quality standards. Therefore, this policy is not applicable to the Livingston Avenue Bridge Project.

Policy 32 (CMP): 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.

Build Alternatives 1 and 2 would not produce or treat sanitary waste. Therefore, this policy is not applicable to the Livingston Avenue Bridge Project.

Policy 33 (CMP, Albany LWRP, Rensselaer LWRP): Best management practices will be used to ensure the control of stormwater runoff and combined sewer overflows draining into coastal waters.

Land-disturbing construction activities on the east and west banks of the Hudson River would be conducted under, and compliant with the conditions of, a NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-20-001). A Stormwater Pollution Prevention Plan (SWPPP) would be implemented and comply with NYSDEC technical standards for erosion and sediment control. Implementation of erosion and sediment control measures and stormwater management measures identified in the SWPPP would minimize potential effects to water quality of the Hudson River from the discharge of stormwater runoff during land-disturbing construction activities. The conditions of SPDES permits and SWPPPs include best management practices that ensure the control of stormwater runoff. No new combined sewer overflows (CSOs) or CSO modifications are being proposed. Therefore, the Livingston Avenue Bridge Project would be consistent with this policy.

Policy 34 (CMP, Albany LWRP, Rensselaer LWRP): Discharge of waste materials into coastal waters from vessels subject to state jurisdiction will be limited so as to protect significant fish and wildlife habitats, recreational areas and water supply areas.

Build Alternatives 1 and 2 would not involve the discharge of waste materials from vessels. Therefore, this policy is not applicable to the Livingston Avenue Bridge Project.

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

All in-water construction work for Build Alternatives 1 and 2 would be conducted in accordance with state and Federal regulations and conditions of the permits for the work, including a SPDES permit and Section 404 permit. As discussed in response to CMP Policy 8, dredging would be limited to within sheet pile cells, and therefore, dredging would not result in substantial resuspension of sediment or sediment-bound contaminants, or otherwise adversely impact natural resources of the Hudson River. Dredged material would be collected onto a barge and disposed of offsite in compliance with applicable regulations. Therefore, the Livingston Avenue Bridge Project would be consistent with this policy.

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

Build Alternatives 1 and 2 would not involve the shipment or storage of petroleum or other hazardous materials. Therefore, this policy is not applicable to the Livingston Avenue Bridge Project.

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

Land-disturbing construction activities on the east and west banks of the Hudson River would be conducted under, and compliant with the conditions of, a NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-20-001). A SWPPP would be implemented and comply with NYSDEC technical standards for erosion and sediment control. Implementation of erosion and sediment control measures and stormwater management measures identified in the SWPPP would minimize potential effects to water quality of the Hudson River from the discharge of stormwater runoff during land-disturbing construction activities. Therefore, the Livingston Avenue Bridge Project would be consistent with this policy.

Policy 38 (CMP, Albany LWRP): 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.

Build Alternatives 1 and 2 would not adversely affect the quantity or quality of surface or groundwater supplies. Both Albany and Rensselaer obtain their drinking water from reservoirs that are located far from the Project site. During in-water construction work for the Livingston Avenue Bridge Project, protective measures would be used to ensure that the quality and quantity of Hudson River water is not adversely affected. Therefore, the Livingston Avenue Bridge Project would be consistent with this policy.

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

The operation of Build Alternatives 1 and 2 upon Project completion would not require the transport, storage, or disposal of hazardous wastes. Soils from landside excavation activities, sediments dredged from the Hudson River, and components of the existing bridge and tracks may have legacy contamination. To minimize the potential for impacts to the community and construction workers, all excavation and construction work involving subsurface disturbance would be performed under a Remedial Action Plan and Construction Health and Safety Plan, which would be prepared based on the findings of a Phase II investigation. Any materials requiring off-site disposal would be managed and transported in accordance with applicable laws and requirements. Dredged material would be collected onto a barge and disposed of offsite in compliance with applicable regulations. The Project would comply with applicable regulations related to contaminants that may be encountered on the existing bridge and tracks, including regulations related to asbestos-containing materials, lead-based paint, and creosote. As discussed in response to CMP Policies 8, 35, and 37, all in-water work and land-disturbing construction activities for the Build Alternatives would require, and be conducted in compliance with the conditions of the Project's permits, including a Section 404 permit, SPDES permit, and SWPPP. As such, any transport, storage, treatment, or disposal of solid wastes required for Build Alternatives 1 and 2 would not have adverse effects to natural resources and the Livingston Avenue Bridge Project would be consistent with this policy.

Policy 40 (CMP, Albany LWRP): 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.

Build Alternatives 1 and 2 would not involve a steam electric generating or industrial facility. Therefore, this policy is not applicable to the Livingston Avenue Bridge Project.

Policy 41 (CMP, Albany LWRP): Land use or development in the coastal area will not cause national or state air quality standards to be violated.

Build Alternatives 1 and 2 would not cause violation of national or state air quality standards. Therefore, the Livingston Avenue Bridge Project would be consistent with this policy.

Policy 42 (CMP, Albany LWRP): Coastal management policies will be considered if the state reclassifies land areas pursuant to the prevention of significant deterioration regulations of the federal Clean Air Act.

Build Alternatives 1 and 2 would not involve the reclassification of land areas pursuant to the prevention of significant deterioration regulations of the Clean Air Act. Therefore, this policy is not applicable to the Livingston Avenue Bridge Project.

Policy 43 (CMP, Albany LWRP): Land use or development in the coastal area must not cause the generation of significant amounts of acid rain precursors: nitrates and sulfates.

Build Alternatives 1 and 2 would not result in a substantial increase in acid rain precursors. During construction, ultra-low sulfur diesel fuel would be used to reduce deposition of sulfur dioxide.

Wetlands Policy

Policy 44 (CMP, Rensselaer LWRP): Preserve and protect tidal and freshwater wetlands and preserve the benefits derived from these areas.

Jurisdictional freshwater wetlands in the vicinity of the Project site would not be lost or otherwise impacted by Build Alternatives 1 and 2. The northern boundary of tidal wetlands in the Hudson River mapped by NYSDEC is about 123 river miles south of the Livingston Avenue Bridge, to the south of the Governor Mario M. Cuomo Bridge. In addition, a review of the NYSDEC Environmental Resource Mapper for Albany and Rensselaer (Troy South Quadrangle), accessed on May 4, 2020, indicates there are no NYSDEC-mapped freshwater wetlands or regulated adjacent areas in the study area.