

Attachment 3

Breakneck Connector and Bridge Project

Environmental Assessment Form



**New York State
Parks, Recreation and
Historic Preservation**

KATHY HOCHUL
Governor

ERIK KULLESEID
Commissioner

December 28, 2022

TO: Representatives of Potentially Involved/Interested Agencies

SUBJECT: State Environmental Quality Review Act – Type I - Negative Declaration

NAME OF ACTION: Breakneck Connector and Bridge Project

LOCATION: Between Metro North Railroad Breakneck Ridge southbound platform and the Breakneck Ridge Trail, Town of Fishkill, Dutchess County and Town of Philipstown, Putnam County, NY

The New York State Office of Parks, Recreation and Historic Preservation (OPRHP) has reviewed the above-mentioned project (a Type I Action) under the State Environmental Quality Review Act (SEQR). As Lead Agency, OPRHP is submitting to you a copy of the Negative Declaration in the form of the Full Environmental Assessment Form Parts 1-3 and attachments.

Please keep the attached for your files. Thank you, and if you have any questions, please contact me at nancy.stoner@parks.ny.gov or 518-339-0204.

Sincerely,
Nancy Stoner
Nancy Stoner
Environmental Analyst, DESP

cc: L. Cooper, S. Calnero, R. Rausch (OPRHP)
A. Kacala (HHFT, Inc.)

**Full Environmental Assessment Form
Part 1 - Project and Setting**

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either “Yes” or “No”. If the answer to the initial question is “Yes”, complete the sub-questions that follow. If the answer to the initial question is “No”, proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project: Breakneck Connector and Bridge Project		
Project Location (describe, and attach a general location map): Between MetroNorth Railroad Breakneck Ridge southbound platform and Breakneck Ridge Trail in Towns of Fishkill/Philipstown, Dutchess/Putnam County		
Brief Description of Proposed Action (include purpose or need): See FEAF Part 1 - Attachment A for Purpose/Need, Project Description and additional project details. Project is defined only as the BNBC "segmented" alignment only, even though implementation of this segment will affect Cold Spring and other alignments to the South, that have not been subject to DGEIS review and comment		
Name of Applicant/Sponsor: Hudson Highlands Fjord Trail, Inc., C/O Scenic Hudson, Inc.		Telephone:
		E-Mail:
Address: One Civic Center Plaza, Suite 200		
City/PO: Poughkeepsie	State: NY	Zip Code: 12601
Project Contact (if not same as sponsor; give name and title/role): Amy Kacala, AICP, Executive Director, HHFT, Inc.		Telephone: 845 473 4440 Ext 276
		E-Mail: akacala@hudsonfjordtrail.org
Address: One Civic Center Plaza, Suite 200		
City/PO: Poughkeepsie	State: NY	Zip Code: 12601
Property Owner (if not same as sponsor): See Attachment A		Telephone:
		E-Mail:
Address:		
City/PO:	State: NY	Zip Code:

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. (“Funding” includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No or Village Board of Trustees		
b. City, Town or Village <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Planning Board or Commission		
c. City, Town or <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Village Zoning Board of Appeals		
d. Other local agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
f. Regional agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
h. Federal agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
i. Coastal Resources. <ul style="list-style-type: none"> i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No iii. Is the project site within a Coastal Erosion Hazard Area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No 		

See Attachment

C. Planning and Zoning

C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? Yes No

- **If Yes**, complete sections C, F and G.
- **If No**, proceed to question C.2 and complete all remaining sections and questions in Part 1

C.2. Adopted land use plans. Check status of Cold Spring comprehensive plan

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? Yes No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? Yes No
 Segment would NOT be included, but Shoreline trail affects Cold Spring and Dockside and therefore would be included.

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) Yes No

If Yes, identify the plan(s):

Remediation Sites: 546031

Maurice D. Hinchey Hudson River Valley National Heritage Area, Hudson Valley Rive Greenway, Hudson Highlands State Park Preserve

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? Yes No

If Yes, identify the plan(s):

C.3. Zoning Again, this is true for segmented BNBC only

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. Yes No
If Yes, what is the zoning classification(s) including any applicable overlay district?

In the project area, local zoning requirements are preempted by the State and the New York City Department of Environmental Protection. This precludes the applicability of and the need for the property owners MTA, NYSDOT, NYCDEP, and OPRHP to comply with local zoning ordinances.

b. Is the use permitted or allowed by a special or conditional use permit? Yes No

c. Is a zoning change requested as part of the proposed action? Yes No

If Yes,

i. What is the proposed new zoning for the site? _____

C.4. Existing community services.

a. In what school district is the project site located? Haldane Central School District, Beacon City School District

b. What police or other public protection forces serve the project site?
New York State Police Department, Town of Fishkill Police Department, Cold Spring Village Police

c. Which fire protection and emergency medical services serve the project site?
North Highlands Fire Department, Dutchess Junction Fire Department, Cold Spring Fire Company, NewYork-Presbyterian Hudson Valley Hospital

d. What parks serve the project site?
Hudson Highlands State Park Preserve

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Recreational

b. a. Total acreage of the site of the proposed action? _____ 13.15 acres

b. Total acreage to be physically disturbed? _____ 9.9 acres

c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ * acres

* Total acreage owned: 13.15 acres plus lands extended north and south in MNR and DOT ROWs, south in DEP property and surrounding OPRHP property

c. Is the proposed action an expansion of an existing project or use? **Identify the 80 acres** Yes No

i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % 80 Units: _____ acres

d. Is the proposed action a subdivision, or does it include a subdivision? Yes No

If Yes,

i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types) _____

ii. Is a cluster/conservation layout proposed? Yes No

iii. Number of lots proposed? _____

iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will the proposed action be constructed in multiple phases? **BNBC only. It is clearly part of a phased project** Yes No

i. If No, anticipated period of construction: **(Check BNBC timeline)** 18 months

ii. If Yes:

• Total number of phases anticipated _____

• Anticipated commencement date of phase 1 (including demolition) _____ month _____ year

• Anticipated completion date of final phase _____ month _____ year

• Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

f. Does the project include new residential uses? Yes No
 If Yes, show numbers of units proposed.

	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? Yes No
 If Yes,

i. Total number of structures 7

ii. Dimensions (in feet) of largest proposed structure: 38 height; 30 width; and 370 length

iii. Approximate extent of building space to be heated or cooled: 800 square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? Yes No
 If Yes,

i. Purpose of the impoundment: Stormwater management - see Attachment A.

ii. If a water impoundment, the principal source of the water: Ground water Surface water streams Other specify: _____

iii. If other than water, identify the type of impounded/contained liquids and their source. _____

iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres

v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length

vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? Yes No
 (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)
 If Yes:

i. What is the purpose of the excavation or dredging? See Attachment A.

ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?

- Volume (specify tons or cubic yards): See Attachment A.
- Over what duration of time? TBD

iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them.
See Attachment A.

iv. Will there be onsite dewatering or processing of excavated materials? Yes No
 If yes, describe. Dewatering will likely be required for the comfort station restroom.

v. What is the total area to be dredged or excavated? 9.9 - excavated or graded (physical disturbance) acres

vi. What is the maximum area to be worked at any one time? TBD acres

vii. What would be the maximum depth of excavation or dredging? 5' for bridge abutments feet

viii. Will the excavation require blasting? Confirm disturbed are during construction Yes No

ix. Summarize site reclamation goals and plan:
Extensive native plantings are planned for the project area. Planting lists will be reviewed by OPRHP, NYNHP, and NYSDEC.

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? Yes No
 If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): A portion of the project is located directly adjacent to the Hudson River (a section of the bridge with four proposed bridge abutments located on the west side of the Metro-North Railroad tracks). There are two small federal wetlands within the project area, located between the MNR tracks and NY State Route 9D.

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

Two of the four proposed bridge abutments on the west side of the MNR tracks require regrading to a maximum 1.5:1 slope to achieve enough elevation to conceal the abutments. The footprint of this area of adjusted grades is approximately 4700 sq. ft and is upland of the mean high water line. The wetlands will be maintained as existing catchment areas; there will be some clearing, minor re-grading and planting. **This does not include significant disturbances during construction, as described elsewhere**

iii. Will the proposed action cause or result in disturbance to bottom sediments? Yes No

If Yes, describe: _____

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation? Yes No

If Yes: **Will there be any destruction of aquatic vegetation during construction?**

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water? Yes No

If Yes:

i. Total anticipated water usage/demand per day: 46 to 149 based on events gallons/day

ii. Will the proposed action obtain water from an existing public water supply? Yes No

If Yes: **Water use during 2 - year construction period?**

- Name of district or service area: _____
- Does the existing public water supply have capacity to serve the proposal? Yes No
- Is the project site in the existing district? Yes No
- Is expansion of the district needed? Yes No
- Do existing lines serve the project site? Yes No

iii. Will line extension within an existing district be necessary to supply the project? Yes No

If Yes: **Confirm existence of water lines, particularly during construction?**

- Describe extensions or capacity expansions proposed to serve this project: _____
- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? Yes No

If, Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

A well will be drilled on site. **What is water source for concrete walkway and piles???**

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: 23.3 gallons/minute.

d. Will the proposed action generate liquid wastes? Yes No

If Yes:

i. Total anticipated liquid waste generation per day: 40-150 - event based gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____

Sanitary wastewater.

iii. Will the proposed action use any existing public wastewater treatment facilities? Yes No

If Yes:

- Name of wastewater treatment plant to be used: _____
- Name of district: _____
- Does the existing wastewater treatment plant have capacity to serve the project? Yes No
- Is the project site in the existing district? Yes No
- Is expansion of the district needed? Yes No

• Do existing sewer lines serve the project site? Yes No
 • Will a line extension within an existing district be necessary to serve the project? Yes No
 If Yes:
 • Describe extensions or capacity expansions proposed to serve this project: _____

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? Yes No
 If Yes:
 • Applicant/sponsor for new district: _____
 • Date application submitted or anticipated: _____
 • What is the receiving water for the wastewater discharge? _____

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans):
 Composting: Clivus Multrum foam flush system, Model M35 Automatic.

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____
 Waste to be collected and temporarily stored in liquid end product tanks located in basement of the two comfort station buildings; waste to be pumped by compost service company.

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? Yes No
 If Yes:
 i. How much impervious surface will the project create in relation to total size of project parcel?
 _____ Square feet or _____ 2 acres (impervious surface)
 _____ Square feet or _____ 13.15 acres (parcel size)
 ii. Describe types of new point sources. No new point sources are proposed

iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?
 Stormwater will be directed to a series of swales throughout the project area. The upper swales are used as pretreatment where water is allowed to pond and infiltrate before being piped to 2 lower swales and the existing outlet culverts to the Hudson River.
 • If to surface waters, identify receiving water bodies or wetlands: _____
 Hudson River

 • Will stormwater runoff flow to adjacent properties? Yes No

iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? Yes No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? Yes No
 If Yes, identify:
 i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)
 Heavy Equipment and vehicles during construction only.
 ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)
 N/A
 iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)
 N/A

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? Yes No
What about during heavy construction: What are the thresholds??
 If Yes:
 i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) Yes No
 ii. In addition to emissions as calculated in the application, the project will generate:
 • _____ Tons/year (short tons) of Carbon Dioxide (CO₂)
 • _____ Tons/year (short tons) of Nitrous Oxide (N₂O)
 • _____ Tons/year (short tons) of Perfluorocarbons (PFCs)
 • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆)
 • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydroflouorocarbons (HFCs)
 • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? Yes No

If Yes:

i. Estimate methane generation in tons/year (metric): _____

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? Yes No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? Yes No

If Yes: **If this is true, it pertains to BNCN segment only. A substantial increase in traffic will result in Cold Spring to access BNCB segment**

i. When is the peak traffic expected (Check all that apply): Morning Evening Weekend
 Randomly between hours of _____ to _____.

ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____

This is a totally misleading statement, and pertains ONLY to the isolated segment. This is contrary to 6 NYCRR 617.3(g)

iii. Parking spaces: Existing **?????** Proposed **?????** Net increase/decrease **???????**

iv. Does the proposed action include any shared use parking? Yes No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: **There is no response here. There will be an increase in the number of parking spaces in the BNCB segment**

vi. Are public/private transportation service(s) or facilities available within 1/2 mile of the proposed site? Yes No

vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? Yes No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? Yes No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? Yes No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: _____

ii. **Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): This needs to be adressed for the 2-year construction period: emissions from barges, electrical demand**

iii. Will the proposed action require a new, or an upgrade, to an existing substation? Yes No

l. Hours of operation. Answer all items which apply.

i. During Construction: **Confirm**

- Monday - Friday: **7 am to 4 pm**
- Saturday: _____ TBD
- Sunday: _____ TBD
- Holidays: _____ TBD

ii. During Operations:

- Monday - Friday: _____ Trail open dawn to dusk.
- Saturday: _____ Trail open dawn to dusk.
- Sunday: _____ Trail open dawn to dusk.
- Holidays: _____ Trail open dawn to dusk.

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? Yes No

If yes:

i. Provide details including sources, time of day and duration:
 Noise associated with construction may exceed ambient noise levels. Noise will be temporary and will not last beyond construction of the project.
Construction period is 2 years

ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? Yes No
 Describe: _____

n. Will the proposed action have outdoor lighting? Yes No

If yes:

i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:
Solar powered, dark sky compliant light fixtures on poles of 14', 22' and 26' will be installed along the trail, in the parking lots, and at gated entrance providing DEP access. Additional outdoor lighting will be provided at the comfort and steward stations and train station platforms.

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? Yes No
 Describe: To what extent will site be lit during construction

o. Does the proposed action have the potential to produce odors for more than one hour per day? Yes No
 If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____
Heavy equipment and vehicle exhaust during construction only. 2- years

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? Yes No

If Yes:

i. Product(s) to be stored _____

ii. Volume(s) _____ per unit time _____ (e.g., month, year)

iii. Generally, describe the proposed storage facilities: _____

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? Yes No

If Yes:

i. Describe proposed treatment(s):

ii. Will the proposed action use Integrated Pest Management Practices? Yes No

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? Yes No

If Yes:

i. Describe any solid waste(s) to be generated during construction or operation of the facility:

- Construction: _____ tons per _____ (unit of time)
- Operation : _____ tons per _____ (unit of time)

ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:

- Construction: _____
- Operation: _____

iii. Proposed disposal methods/facilities for solid waste generated on-site:

- Construction: _____
- Operation: _____

s. Does the proposed action include construction or modification of a solid waste management facility? Yes No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

ii. Anticipated rate of disposal/processing:

- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: _____ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? Yes No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

iii. Specify amount to be handled or generated _____ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? Yes No

If Yes: provide name and location of facility: _____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: _____

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

Urban Industrial Commercial Residential (suburban) Rural (non-farm)

Forest Agriculture Aquatic Other (specify): NYSDOT Road/ROW, Metro North Railroad/ROW, NYCDEP Facility

ii. If mix of uses, generally describe:
Area previously disturbed to accommodate construction, operation and maintenance of NYS Rte 9D, Metro North Railroad Hudson Line and NYCDEP siphon facility. There are wetlands on the project site and the Hudson River to the west. Vegetation on site is typical of road and rail ROWs.

b. Land uses and coverytypes on the project site.

Land use or Coverytype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	2.4	4.4	+2.0
• Forested	0.0	0.0	0.0
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	0.0	0.0	0.0
• Agricultural (includes active orchards, field, greenhouse etc.)	0.0	0.0	0.0
• Surface water features (lakes, ponds, streams, rivers, etc.)	0.0	0.0	0.0
• Wetlands (freshwater or tidal)	0.2	0.2	0.0
• Non-vegetated (bare rock, earth or fill)	0.4	0.6	+0.2
• Other Describe: <u>Vegetated areas along NYS Route 9D and the Railroad ROWs.</u>	10.1	7.9	-2.2

To be confirmed wi construction documents

c. Is the project site presently used by members of the community for public recreation? Yes No
i. If Yes: explain: Parking and trailhead for Breakneck Ridge Trail at Hudson Highlands State Park Preserve.

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? Yes No
Confirm existing # spaces and proposed
If Yes,
i. Identify Facilities:

e. Does the project site contain an existing dam? Yes No
If Yes:
i. Dimensions of the dam and impoundment:
• Dam height: _____ feet
• Dam length: _____ feet
• Surface area: _____ acres
• Volume impounded: _____ gallons OR acre-feet
ii. Dam's existing hazard classification: _____
iii. Provide date and summarize results of last inspection:

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? Yes No
If Yes:
i. Has the facility been formally closed? Yes No
• If yes, cite sources/documentation: _____
ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:

iii. Describe any development constraints due to the prior solid waste activities: _____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? Yes No
If Yes:
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? Yes No
If Yes:
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: Yes No
 Yes – Spills Incidents database Provide DEC ID number(s): _____
 Yes – Environmental Site Remediation database Provide DEC ID number(s): 546031
 Neither database
ii. If site has been subject of RCRA corrective activities, describe control measures: _____
iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? Yes No
If yes, provide DEC ID number(s): 546031
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):
Site Name: Hudson River PCB Sediments. The project site is not within the Hudson River.

v. Is the project site subject to an institutional control limiting property uses? Yes No

- If yes, DEC site ID number: _____
- Describe the type of institutional control (e.g., deed restriction or easement): _____
- Describe any use limitations: _____
- Describe any engineering controls: _____
- Will the project affect the institutional or engineering controls in place? Yes No
- Explain: _____

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? _____ **0 to > 6.5 feet** **Confirm borings**

b. Are there bedrock outcroppings on the project site? Yes No
 If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ **5 %**

c. Predominant soil type(s) present on project site:

Ud	_____	_____	71 %
Hy	_____	_____	15 %
HrF, HoF	_____	_____	14 %

d. What is the average depth to the water table on the project site? Average: _____ **0 to > 6.5 feet**

e. Drainage status of project site soils: Well Drained: _____ 85 % of site
 Moderately Well Drained: _____ % of site
 Poorly Drained _____ 15 % of site

f. Approximate proportion of proposed action site with slopes: 0-10%: _____ 86 % of site
 10-15%: _____ % of site
 15% or greater: _____ 14 % of site

g. **Are there any unique geologic features on the project site?** Yes No
If Yes, describe: _____ **Yes XXX**
Shoreline, particular South of BNCB will be greatly affected, but not in BNCB segment....

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? Yes No

ii. Do any wetlands or other waterbodies adjoin the project site? Yes No

If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? Yes No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name Hudson River Classification B
- Lakes or Ponds: Name _____ Classification _____
- Wetlands: Name Federal Waters, Federal Waters, Federal Waters,.... Approximate Size 0.2 acres
- Wetland No. (if regulated by DEC) N/A

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? Yes No

If yes, name of impaired water body/bodies and basis for listing as impaired: _____
 Name - Pollutants - Uses: Hudson River (Class B) – Priority Organics – Fish Consumption

i. Is the project site in a designated Floodway? Yes No

j. **Is the project site in the 100-year Floodplain?** **Probably in 50 year flood plain, based on current re-figuring** Yes No

k. **Is the project site in the 500-year Floodplain?** Yes No

l. **Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer?** Yes No

If Yes:

i. Name of aquifer: Principal Aquifer

Start here

m. Identify the predominant wildlife species that occupy or use the project site:

White-tailed deer,	Garter Snake, American Robin	Virginia Opossum, Black Rat Snake
Five-lined Skink (overlook)	Gray Catbird, Raccoon	Eastern Cottontail Rabbit
Song sparrow, American Goldfinch	Eastern gray squirrel	Black-capped chickadee

n. Does the project site contain a designated significant natural community? **Confirm w/Pete Salmonsohn** Yes No

If Yes:

i. Describe the habitat/community (composition, function, and basis for designation): Pitch Pine-Oak-Heath Rocky Summit, Chestnut Oak Forest, Rocky Summit Grassland, Oak-Tulip Tree Forest, Appalachian Oak-Hickory ...

ii. Source(s) of description or evaluation: New York Natural Heritage Program Database, NYSDEC EAF Mapper

iii. Extent of community/habitat:

- Currently: _____ 0.0 acres
- Following completion of project as proposed: _____ No change acres
- Gain or loss (indicate + or -): _____ 0.0 acres

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? Yes No

If Yes:

i. Species and listing (endangered or threatened): Bald Eagle, Peregrine Falcon, Fence Lizard, Atlantic Sturgeon, Timber Rattlesnake, Shortnose Sturgeon

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? Yes No

If Yes:

i. Species and listing: Eastern Wormsnake

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? Yes No

If yes, give a brief description of how the proposed action may affect that use: Project Site adjacent to Hudson Highlands State Park Preserve which allows fishing, hiking and hunting. The project will not affect these uses.

E.3. Designated Public Resources On or Near Project Site

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? Yes No

If Yes, provide county plus district name/number: _____

b. Are agricultural lands consisting of highly productive soils present? Yes No

i. If Yes: acreage(s) on project site? _____

ii. Source(s) of soil rating(s): _____

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? Yes No

If Yes:

i. Nature of the natural landmark: Biological Community Geological Feature

ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? Yes No

If Yes:

i. CEA name: _____

ii. Basis for designation: _____

iii. Designating agency and date: _____

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? Yes No
 If Yes **Segmentation: Allows BNCB to avoid mentioning Cold Spring, a Nat'l Register Historic Distrt applicable to entire FT**
 i. Nature of historic/archaeological resource: Archaeological Site Historic Building or District
 ii. Name: **Eligible property: Breakneck Uptake Chamber (aka Hudson River Drainage Chamber)**
 iii. Brief description of attributes on which listing is based: _____
 Appears eligible for the National Register under Criterion C for architecture and engineering as a contributing resource of the Catskill Aqueduct.

f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? Yes No **Which site? Cold Spring**

g. Have additional archaeological or historic site(s) or resources been identified on the project site? Yes No
 If Yes:
 i. Describe possible resource(s): _____
 ii. Basis for identification: _____

h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? Yes No
 If Yes:
 i. Identify resource: **Hudson Highlands State Park Preserve, Bannerman's Island Arsenal, Storm King State Park**
 ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): **Scenic Areas of Statewide Significance, Historic Place, undeveloped land.**
 iii. Distance between project and resource: 0.0, 0.4, 0.6 (respectively) miles.

i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? Yes No
 If Yes:
 i. Identify the name of the river and its designation: _____
 ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? Yes No

Term "Project Site" for this segmented section of FT referring to BNCB only is tremendously misleading when BNCB postulates future sections and depends on entire FT, which is the actual Project Site.....

F. Additional Information


Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name Amy Kacala, Hudson Highlands Fjord Trail, Inc. Date 11.3.21

Signature  Title Executive Director



Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



B.i.i [Coastal or Waterfront Area]	Yes
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	Remediation Sites:546031
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Yes - Digital mapping data for Spills Incidents are not available for this location. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Yes
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Yes
E.1.h.i [DEC Spills or Remediation Site - DEC ID Number]	546031
E.1.h.iii [Within 2,000' of DEC Remediation Site]	Yes
E.1.h.iii [Within 2,000' of DEC Remediation Site - DEC ID]	546031
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Yes
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.iv [Surface Water Features - Wetlands Name]	Federal Waters
E.2.h.v [Impaired Water Bodies]	Yes
E.2.h.v [Impaired Water Bodies - Name and Basis for Listing]	Name - Pollutants - Uses:Hudson River (Class B) – Priority Organics – Fish Consumption

E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	Yes Perhaps those figures are now outdated
E.2.k. [500 Year Floodplain]	Yes
E.2.l. [Aquifers]	Yes
E.2.l. [Aquifer Names]	Principal Aquifer
E.2.n. [Natural Communities]	Yes
E.2.n.i [Natural Communities - Name]	Pitch Pine-Oak-Heath Rocky Summit, Chestnut Oak Forest, Rocky Summit Grassland, Oak-Tulip Tree Forest, Appalachian Oak-Hickory Forest, Tidal River
E.2.n.i [Natural Communities - Acres]	0.0
E.2.o. [Endangered or Threatened Species]	Yes
E.2.o. [Endangered or Threatened Species - Name]	Bald Eagle, Peregrine Falcon, Fence Lizard, Atlantic Sturgeon, Timber Rattlesnake, Shortnose Sturgeon
E.2.p. [Rare Plants or Animals]	Yes
E.2.p. [Rare Plants or Animals - Name]	Eastern Wormsnake
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No HHFT can probably do better, Cold Spring Village is segmented out...
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Yes - Digital mapping data for archaeological site boundaries are not available. Refer to EAF Workbook.
E.3.e.ii [National or State Register of Historic Places or State Eligible Sites - Name]	Eligible property:Breakneck Uptake Chamber (aka Hudson River Drainage Chamber)
E.3.f. [Archeological Sites]	Yes Identify
E.3.i. [Designated River Corridor]	No

Breakneck Connector and Bridge Project
Full EAF Part 1 – Attachment A
Revised December 27, 2022

This FEAF Part 1 Attachment A is dated December 27, 2022 and replaces in its entirety the original FEAF Part 1 Attachment A that was issued on the same date as the FEAF Part 1 form (November 3, 2021). Project design and engineering has continued since the FEAF Part 1 was issued a year ago. This revision includes updates and refinements based on the continued Project development. In addition, this revision records safety improvements installed by Metro-North Railroad at the Project Site after the original FEAF Part 1 was issued.

Brief Description of Proposed Action (including Purpose or Need)

Project Location:

The Hudson Highland State Park Preserve (HHSP) is an 8,900-acre park located in Dutchess, Putnam and Westchester Counties in the Taconic Region of the Office of Parks, Recreation and Historic Preservation (OPRHP). There are over 70 miles of trails in HHSP, including the well-travelled Breakneck Ridge Trail located on the west side of HHSP, approximately midway between the City of Beacon and the Village of Cold Spring. The proposed Breakneck Connector and Bridge Project, referred to herein as “the Project”, is located on the border of the Town of Fishkill, Dutchess County, NY and the Town of Philipstown, Putnam County, NY along a half-mile portion of NYS Route 9D, just north of the NYS Route 9D vehicular tunnel and adjacent to and on both sides of the MTA Metro-North Railroad (MNR) tracks (the “Project Site”). The Project Sponsor is Hudson Highlands Fjord Trail, Inc. (HHFT, Inc), a subsidiary of Scenic Hudson, Inc.

Brief Description: Project as segmented

The proposed Project consists of the following elements, which will be described in greater detail below: a 0.58-mile publicly-accessible shared-use trail that includes a new bridge (Breakneck Bridge or Bridge) over the MNR tracks, parking areas along NYS Route 9D, trail connections to two different trailheads within HHSP including the Breakneck Ridge Trail, the addition of two comfort station buildings, upgrades to the MNR Breakneck Ridge station and platforms, relocation of the power lines from the western side of NYS Route 9D to the eastern side, installation of a trail steward station, and upgrades to the Upper Overlook area

Confirm width is adequate for cyclists in two directions, as well as other simultaneous uses along the Breakneck Ridge Trail. The section of the Breakneck Connector shared-use trail from the north end to the intersection with the Bridge measures 2,620 linear feet (LF), the Bridge itself measures 445 LF, and the trail from the Bridge intersection south to the Breakneck Ridge trailhead measures 342 LF. For the purpose of this document, a shared-use trail or path is wide enough to support concurrent use by people traveling in multiple modes of non-motorized movement, including pedestrian and bicycle use, and is accessible for people with disabilities. While the Bridge will be constructed to load H-10 rated vehicles, vehicular use of the Bridge will be prohibited to the general public. Vehicular use of this Bridge will be restricted to H-10 rated vehicles operated by the New York City Department of Environmental Protection (DEP), OPRHP and its designated trail operator, and emergency responders for maintenance and emergency response only.

That is a very expensive bridge for such limited DEP use.. The BN Trail by-passes the bridge. The bridge is dependent on approval and construction the Southern Shoreline trail, not yet subject to DGEIS review

Purpose and Need: and public comment

The scenic Breakneck Ridge Trail (trailhead located at the north end and west side of the NYS Route 9D vehicular tunnel) is one of the most popular hiking destinations in the northeast and has seen a significant and steady increase in visitor use and vehicular traffic over the past decade. On typical weekend days, the Breakneck Ridge Trail sees several hundred, and sometimes thousands of people, who come to tackle its rugged ascent and take in spectacular views of the Hudson River and surrounding mountains. This tremendous increase in vehicular, rail, and foot traffic at Breakneck Ridge over the years has resulted in several safety and capacity issues, specifically: overrun parking areas; significant safety concerns along NYS Route 9D; pedestrians walking along the active railroad right of way; increased instances of lost or injured hikers; difficulty accessing the terrain in search and rescue efforts; impacts to natural resources; and additional demands on park management and local emergency services. While OPRHP is coordinating with partners and developing a Visitor Use Management Plan to address some of these issues, there is an immediate need to develop and improve access points to the Breakneck Ridge Trail and along NYS Route 9D to enable the area to safely accommodate the current amount of traffic that arrives by car, rail and foot.

The bridge provides no access to the BN Trail. The segmentation of this section avoids having to address increase in vehicular traffic through Cold Spring Village, through which all traffic from South and East must pass. Very misleading.

The Project is being undertaken to address and improve the overrun parking areas along NYS Route 9D and lack of pedestrian and hiker safety at the Project Site. Along NYS Route 9D within the Project Site are existing trailheads to access

There is no separated walkway from cars parallel-parked along Route 9D in marked spaces. Drivers' side opens directly to roadway, similar to current configuration.

HHSP trails to Bull Hill, Mount Beacon and Breakneck Ridge. In between these trailheads there is limited parking available along NYS Route 9D. Visitors arriving by car will therefore park along the road and walk along or within the NYS Route 9D right-of-way, as there is no separated pedestrian walkway. Existing parking areas are not striped and there are no designated parking spaces along NYS Route 9D nor striped crosswalks. Parking along NYS Route 9D by visitors is often haphazard and can create additional safety issues. HHSP patrons can also access the trails via Metro-North's Hudson Line service to Breakneck Ridge Station (weekends only). Large numbers of visitors disembark/embark the trains at short wooden platforms. These patrons also must cross and/or walk along a narrow stretch of NYS Route 9D to access the trailheads, and many have walked along the railroad right-of-way, which is unsafe and illegal. Existing restroom facilities are comprised of port-o-potties and are not sufficient nor pleasant for the density of visitors here.

Clarification: Bridge is NOT necessary for access to BN Trailhead.

"Continuance" of trail depends on the future DGEIS approval of Southern sections of the trail.

The northern portion of the Project will be developed as a shared-use Trail that will safely separate patrons from NYS Route 9D and the railroad tracks/right-of-way within the Project Site. The southern portion of the Project will branch into two paths, one leading to the Breakneck Ridge trailhead and Breakneck Upper Overlook and the other a continuance of the shared-use trail as the new Breakneck Bridge over the MNR railroad tracks. The Breakneck Upper Overlook will be the site of a new trail steward station. Visitors to Breakneck Ridge sometimes come unprepared and are inexperienced for the rugged rock climb that is the ascent of the Breakneck Ridge Trail. For the past few years, OPRHP has partnered with the New York-New Jersey Trail Conference to provide trail stewards at the trailhead to inform visitors of the trail conditions, provide education about the area and its sensitive nature, and direct unprepared visitors to other more appropriate local destinations. Currently, the stewards set up a table at the trailhead and carry in their supplies each day. There is a need for a more formal location and permanent structure to house steward supplies and provide a space for stewards to greet the public.

The proposed Breakneck Bridge will provide additional public benefits, as it will be constructed for pedestrian and non-motorized public use and restricted lightweight vehicle-rated use (H-10) operated by DEP, OPRHP and its designated trail operator, and emergency responders for maintenance and emergency

response only. The new Bridge will provide DEP with safe and convenient vehicular access over the active MNR railroad tracks to DEP's Hudson River Drainage Chamber (HRDC) located on the west side of the tracks along the Hudson River. The HRDC is an integral part of the Catskill Aqueduct, and DEP has a major HRDC repair and renovation project (referred to herein as "the CAT-399 Project") planned for the future. The completion of the Bridge will grant DEP easier, more convenient, lightweight vehicular access to the HRDC both during and after the CAT-399 Project.

DEP to confirm scope and timeframe of proposed CAT-399 project Clearly smokescreen. Presently, DEP has no vehicular access or safe and convenient pedestrian passage to the HRDC. DEP staff currently access the HRDC by foot following the beginning of the Breakneck Ridge Trail and then climbing over the rock face to the chamber or access it via boat on the Hudson River. Thus, the future Breakneck Bridge will provide DEP with a long-term, safe, and convenient means to access the HRDC for routine maintenance purposes, and it will also support DEP's CAT-399 Project by enabling the transport of employees and light tools and equipment over the MNR tracks via lightweight vehicle. Anything other than "light tools" will require use of barges. How often is maintenance required that it justified \$55M cost of the bridge.

When the Breakneck Bridge and its shared-use path is opened and accessible to the general public, it will provide the public with safe pedestrian and non-motorized passage over the MNR tracks for visual access to the Hudson River. While the Bridge will be constructed to load H-10 vehicles, vehicular use of the Bridge will be prohibited to the general public. Vehicular use of this Bridge will be restricted to H-10 vehicles operated by DEP, OPRHP and its designated trail operator, and emergency responders for maintenance and emergency response only. The fact that HHFT only "hopes" the future development of the trail occurs is a clear reason to have avoided approving segmentation.

Furthermore, the Project would serve as the foundation and first phase of the potential future Hudson Highlands Fjord Trail (Fjord Trail). The project sponsor and OPRHP hope that future phases of development will extend pedestrian and non-motorized public access on either side (north and south) of the Breakneck Connector and Bridge Project as part of the proposed 7.5-mile Fjord Trail. As proposed, the Fjord Trail runs between NYS Route 9D and the east side of Metro-North's tracks north of the Project and along the Hudson River on the west side of the Metro-North tracks south of the Project's proposed Bridge.

The approval and construction of the Bridge in particular would be absolutely meaningless without the Southern Shoreline section of the trail.

While OPRHP will analyze the entirety of the proposed Fjord Trail under the State Environmental Quality Review Act (SEQR) including its cumulative impacts, the Project's safety improvements and proposed access over the MNR tracks present a stand-alone project that will solve and remediate identified deficiencies with current conditions at the Project Site. The Bridge is clearly NOT required to remediate significant deficiencies of visitor safety.

Existing Conditions: MNR's Safety Improvements and Related Measures Installed at the Project Site Between Fall 2021 and March 2022

One of the reasons OPRHP issues this revised Full EAF Part 1 – Attachment A is to reflect changes to existing conditions at the Project Site that have occurred since the original Full EAF Part 1 Form and Attachment A was issued on November 3, 2021. The Project Site contains safety hazards to the general public as there has been limited separation between hikers and the train tracks and between hikers and NYS Route 9D. Since the original Full EAF Part 1 and Attachment A was issued, MNR mitigated some of the more imminently dangerous conditions on a portion of the Project Site.

As background, in late 2019, MNR closed the Breakneck Ridge Train Station due to a pedestrian fatality. To mitigate these emergent site safety concerns for MNR riders and to allow the station to reopen, MNR installed safety improvements on a portion of the Project Site during Fall 2021 and Spring 2022. Notably MNR constructed a path and HHFT, Inc. installed fencing on MNR property, thereby reducing access to the tracks and providing a clear path from the existing train station platforms to NYS Route 9D. In addition, MNR implemented roadside parking controls such as jersey barriers to reduce the number of vehicles able to park at the Breakneck parking areas. MNR's other mitigation measures involved or included the following measures:

- Removal of trees and brush between the northbound platform and MNR pedestrian overpass and along the MNR right-of-way along the entirety of the Project Site;
- Protection of a wetland area;
- Regrading, including riprap for stabilization, to provide a sloped path from the northbound platform to the pedestrian overpass;
- Installation of packed gravel;

- Installation of an 8-foot non-climbable fence along the eastern MNR right-of-way;
- Installation of an 8-foot non-climbable fence around existing platforms;
- Installation of anti-trespass panels between tracks at existing MNR platforms; and
- Installation of temporary wayfinding.

After performing this work and with these safety controls in place, MNR reopened the Breakneck Ridge Station in Spring 2022. While this work addresses some of the immediate safety concerns at the Project Site, this Project will further ensure the safety of pedestrians and hikers in the vicinity of the MNR station and tracks, the Breakneck Ridge Trailhead, and NYS Route 9D.

Agree that Connector portion of the BNCB would improve pedestrian safety.

Previous SEQR Review of a Reduced Project Scope: The Bridge does in no way contribute.

Improvements along NYS Route 9D at the Project Site were previously reviewed under SEQR in 2016. The Town of Fishkill, SEQR lead agency at that time, conducted a coordinated SEQR review on the original version of the Breakneck Connector project scope that included the half-mile shared-use trail, parking areas, installation of signage, relocation of utilities, and installation of handrails, fencing and curbs. The project scope did not include the Bridge or upgrades to the Upper Overlook Area. **The Town's SEQR review concluded with a Negative Declaration on March 22, 2016.** The wording of the court's decision referenced the Southern Shoreline of the trail as existing, or as a given, which was a faulty, untrue assumption. Due to the Town's changed circumstances and the availability of new sources of funding for the Bridge and overall project, the vision for the project changed. Two additional areas, which were not part of the project reviewed by the Town of Fishkill, are added to the project scope (Upper Overlook and the Bridge) and OPRHP is replacing the Town of Fishkill as lead agency for the revised project scope. OPRHP is serving as lead agency in SEQR, in part, because, except for the MNR Breakneck Ridge Station, OPRHP will have real property interests over the entirety of the Breakneck Connector and Bridge Project lands. OPRHP determined a new SEQR review was warranted in light of the change in project scope and to allow involved and interested agencies an opportunity to review the revised project. Therefore, OPRHP's current Type 1 action coordinated review will supersede and replace the Town's 2016 negative declaration.

The BRIDGE was added to the scope of the project

Revised Project Description:

The revised Breakneck Connector and Bridge Project involves construction of a 0.58-mile publicly-accessible shared-use trail (distance includes the proposed Bridge spanning over the MNR railroad tracks) with related infrastructure on the west side of NYS Route 9D. The Project will connect the Metro-North Railroad Breakneck Ridge southbound platform to the north, via the existing MNR pedestrian overpass and proposed Connector Trail, with the proposed Bridge over the MNR tracks and with an additional trail connection to the Breakneck Ridge Trailhead to the south. The Bridge will accommodate pedestrian and non-motorized public use and lightweight vehicle (H-10 rated) access. The east side of the Bridge will be located just north of the Breakneck Ridge Trailhead and Breakneck Ridge NYS Route 9D vehicular tunnel and cross over the MNR tracks to the Hudson River shoreline landing just north of the DEP's HRDC. While the Bridge will be constructed to load H-10 rated vehicles, vehicular use of the Bridge will be prohibited to the general public. Vehicular use of this Bridge will be restricted to H-10 rated vehicles operated by DEP, OPRHP and its designated trail operator, and emergency responders for maintenance and emergency response only. The Project includes MNR station and platform upgrades for both north- and south-bound trains. **Redundant, misleading description, as noted above**

The shared-use publicly-accessible trail¹ is 3,065 feet in length (including the Bridge) and 14 feet in width with combination compacted gravel and asphalt on-grade sections, an elevated trail section and the Bridge over the railroad tracks. In addition to the trail itself, the Project involves the development of two formal pull-in parking areas and parallel parking along NYS Route 9D (creating 109 standard and 4 ADA parking spaces), connections to the Breakneck Ridge and Wilkinson/Nimham trailheads, two comfort station buildings (with a total of 8 enclosed restrooms), a steward station, and upgrades to the Upper Overlook area along Breakneck Ridge Trail. The pull-in parking areas referenced above are owned by MNR and there will be an easement allowing public use of this area. The Project also involves installation of trail signage and lighting, relocation of existing electric utilities, and installation of handrails, fencing or curbs where the

¹ The trail will meet the US Access Board's accessibility standards for outdoor developed areas under the Architectural Barriers Act (ABA). Where the trail meets the entrances to MNR Breakneck Ridge Station platforms, it will comply with the Americans with Disabilities Act (ADA), as applicable.

trail is elevated, or pedestrian safety is of concern. A segment of elevated trail and grading are necessary to align the proposed trail with the existing MNR pedestrian overpass and walkway grade. **The Connector portion (only), is an improvement**

Stormwater management will be incorporated into the project design as a series of 15 swales for water quality treatment prior to discharge to the Hudson River, in accordance with New York State Department of Environmental Conservation (NYSDEC) standards. Stormwater will be allowed to pond and infiltrate within these swales before overflowing through outlet structures to swales further downstream, each set at a progressively lower elevation as the swale network approaches the Hudson River outlet culverts. The total provided storage volume will be about 126,000 cubic feet, more than double the volume provided in the existing swales on site and is expected to reduce stormwater impacts to Metro-North properties and operations and to NYS Route 9D. This drainage design will largely maintain existing flow patterns and existing culverts crossing under both NYS Route 9D and the Metro-North right-of-way.

The MNR platform work will include the removal of two wood platforms (approximately 8'x16') at both the north-bound and south-bound locations. New 40' x 12' steel and concrete platforms will be constructed in their place, along with a 5' wide ADA ramp extending to grade (approximately 90' long at both station locations). Each platform will be equipped with a 30' long overhead canopy, minimal lighting for the safety of MNR's operation, customers, and employees, and electric for MNR ticketing and Public Announcement equipment. A dry plumbing line (for future power washing capability) and electrical conduit will be provided from the platforms to the highway for MNR's future use.

The Upper Overlook is being developed in coordination with OPRHP and the New York-New Jersey Trail Conference. Existing social trail loops will be better defined allowing visitors to move in a more organized fashion around the Upper Overlook and providing visitors with scenic vistas. Portions of the area will be planted with native plant species to restore the existing landscape and to close off social trails that are less desired. A new steward station structure will enhance the visitor experience, providing a structure to house steward supplies and a space for stewards to greet the public.

DEP must confirm scope, scale and timeframe of this CAT-399 project

The proposed Breakneck Bridge will provide lightweight vehicular (H-10 rated) access for DEP maintenance vehicles to the HRDC on the west side of the tracks, to which they currently have no vehicular access. DEP staff currently access the site by foot following the beginning of the Breakneck Ridge Trail and then climbing over the rock face, or via boat on the Hudson River. In addition, the Bridge will provide DEP employees and contractors with daily access to the HRDC during DEP's planned CAT-399 facility upgrade project, which is part of DEP's larger aqueduct upgrade plans. During the CAT-399 Project, DEP will barge larger, heavier equipment to the HRDC site; the use of barges to access the site will help to minimize impacts to railroad operations. The Breakneck Bridge will allow lighter-weight vehicles, tools, and workers to access the area daily. Only DEP and its contractors will be authorized to access the new Breakneck Bridge during the multi-year CAT-399 Project. A non-climbable fence will be installed at the DEP CAT-399 construction site for the duration of the CAT-399 Project to restrict the area from public access. Upon completion of the CAT-399 Project, the Bridge and its shared-use path will be opened to the general public for visual access to the Hudson River. Ultimately, the Bridge would also serve as an essential shared-use connection over the MNR railroad tracks in a proposed 7.5-mile Fjord Trail that would run between NYS Route 9D and the east side of the MNR tracks north of the Project and along the Hudson River on the west side of the MNR tracks south of the proposed Bridge. **The Bridge serves no significant utility, and should not be built until Southern sections are have been subject to and approved by DGEIS**

The Bridge will be constructed of a weathered steel superstructure, reminiscent of the area's industrial past and the railroad itself. The deck and vehicular rail are comprised of sustainable Glulam materials. The steel side rails will be enclosed by light stainless flexible mesh. Safety fencing will be provided along the Bridge in accordance with criteria in the NYSDOT Bridge Manual and Detailed Sheets for bridges over rail powered by diesel. The Bridge is designed to be as visually quiet as possible; the abutments appear to grow out of the existing landscape and land on either side of the MNR tracks. The structure is proposed to maintain a minimum 20'-6" clearance above the tracks. The project sponsor, through MNR, received a clearance waiver from NYSDOT in September 2022 to reduce the State-required 22'-0" clearance considering clearance is currently restricted by the existing Breakneck Ridge Train Tunnel. NYSDOT approval for the construction of the Bridge was granted in December 2022.

Powerline relocation will be conducted in advance of the trail and Bridge construction. Construction of the Breakneck Connector and Bridge Project areas will be conducted simultaneously. An 8-foot-high non-scalable chain link construction work zone fence with privacy mesh will be installed to secure the site. NYSDOT high density traffic drums with strobes or similar will be used to delineate the work area from the roadway. Construction logistics will be refined by the selected contractors in close coordination with regulatory agencies, NYSDOT, MNR and OPRHP. All design documents and construction means and methods will be under review by MNR, NYSDOT, and DEP prior to construction commencement. Barging will be utilized to construct and perform work on the proposed Bridge.

"Related actions" have not been identified and thoroughly explained to the extent possible.

Permissible Segmentation:

The SEQR regulations, 6 NYCRR Part 617, state that consideration of only a part or segment of an action is contrary to the intent of SEQR. In accordance with §617.3(g)(1), "if a lead agency believes that circumstances warrant a segmented review, it must clearly state in its determination of significance, and any subsequent EIS, the supporting reasons and must demonstrate that such review is clearly no less protective of the environment." Related actions should be identified and thoroughly explained to the extent possible.

The Breakneck Connector and Bridge Project is expected to be one segment of a larger proposed 7.5-mile Fjord Trail which would connect, by a recreational linear park, the Village of Cold Spring in Putnam County to the City of Beacon in Dutchess County. The Fjord Trail is proposed to generally follow the Hudson River shoreline or be located within properties adjacent to the shoreline. The proposed Fjord Trail is currently undergoing a master plan and environmental review process that will take the form of a Generic Environmental Impact Statement (GEIS) for the overall trail and an Environmental Impact Statement (EIS) for the Shoreline Trail segment that is south of the proposed Breakneck Bridge. Besides the Breakneck Connector and Bridge Project, no other section of the proposed Fjord Trail will be constructed until the GEIS has been completed.

OPRHP is serving as lead agency for the environmental review of the entirety of the Fjord Trail, including this review under SEQR of the Breakneck Connector and

As noted, the Bridge in no significant way serves the "primary purpose" (visitor safety), of the segmented section of the trail.

Bridge Project. OPRHP determined the Project can be permissibly segmented from the GEIS/EIS referenced above due to several factors discussed below.

The purpose, timing, planning stage, location, funding, independent utility, ownership and control of project lands, and potential impacts of the Breakneck Connector and Bridge Project in relation to the rest of the proposed Fjord Trail are factors that favor permissible segmentation in this circumstance.

The improvements that comprise the Project serve a purpose that is independent and distinct from the rest of the Fjord Trail. The primary purpose of the Project is to address clear and present safety risks that exist at this specific location due to the density of visitors to the Breakneck Ridge Trail and HHSP that arrive by rail, vehicle and other modes of transportation. The Project will also improve DEP's access to its HRDC facility for maintenance and operational purposes by providing a safer crossing and lightweight vehicular access to the HRDC over the MNR railroad. This (below) is meaningless. The Bridge DEPENDS

on the Southern sections

In regard to timing, there is an urgent need to address pedestrian safety and congestion issues along this section of NYS Route 9D. These identified safety risks do not exist at the portions of the future Fjord Trail that are north and south of the Breakneck Connector and Bridge Project. NOT TRUE: The same pedestrian risks exist South of the Breakneck connector. BNCB needs to be coordinated with Southern sections.

In addition, the planning and design stages of the Breakneck Connector Trail and Bridge have progressed much farther towards completion than the planning and design stages for the rest of the Fjord Trail.

This (below) is true of the Connector w/o the Bridge.

The location of the Project lends itself to permissible segmentation. Physically and functionally, an unimproved version of the Breakneck Connector Trail already exists as the public currently uses NYS Route 9D to access nearby trailheads, just not on separated, improved surfaces intended for this type and level of activity. The extension of the Fjord Trail directly north and south of the Project would be an entirely new set of trails, on which the public does not currently have access. The Breakneck Connector Trail will begin from the north at a natural terminus, which depending on how a visitor arrives, is either at the MNR Breakneck Ridge southbound platform or the proximal parking spaces along NYS Route 9D. The Project will connect various trailheads and will terminate on the western side (or river side) of the new Breakneck Bridge which is another natural terminus. As a result, even if nothing else were ever constructed for the larger Fjord Trail either

north or south of the Project, this section comprising the Breakneck Connector and Bridge is important and essential as a stand-alone project. Furthermore, the Project does not restrict alternatives or commit resources for the design and development of other, future segments of the Fjord Trail.

The funding for the Project will come from multiple sources. Currently, such funding is available or in the final stages of negotiation, whereas the funding for the Fjord Trail is not determined or fully available at this time. As such the Fjord Trail's construction timeline is speculative, and the Project's construction is likely to proceed as planned. Funding for the construction as well as the ongoing Operations and Maintenance of the segment needs to be quantified, and provided.

Given the foregoing factors, it is evident that the Breakneck Connector and Bridge Project possesses substantial independent utility because it is physically, functionally, and financially independent from the rest of the Fjord Trail.

Again, NOT TRUE without Southern Shoreline segment

Another factor favoring permissible segmentation of the Project is that, except for the MNR Breakneck Ridge Station, OPRHP either owns or is in the process of acquiring the Project Site in fee or as other types of property interests. These acquisitions and other real property interests will allow OPRHP and the project sponsor to construct the Project, provide public access to the entirety of the Breakneck Connector and Bridge Project Site, and to authorize the maintenance and operation of this public resource in the future. While OPRHP will work in the future to acquire real property interests or control over the rest of the Fjord Trail areas for the purpose of operating the 7.5-mile trail, presently these real property interests do not exist and may require a protracted negotiation process to achieve. Future control of real property needs to be demonstrated, as the BNCB is not independent an independent section (other than Connector)

As SEQR lead agency, OPRHP recognizes the obligation to demonstrate this review of the Project, when completed, will be no less protective of the environment than if the Project were analyzed as part of the ongoing and future review for the Fjord Trail's GEIS/EIS. OPRHP, the project sponsor, and their consultants are coordinating with all entities as may be required including New York State Department of Transportation, Metro-North Railroad, Metropolitan Transportation Authority, New York City Department of Environmental Protection, New York State Department of Environmental Conservation, New York State Department of State, US Army Corps of Engineers, US Fish and Wildlife Service, and National Marine Fisheries Service to ensure that all potentially

significant adverse impacts to environmental resources are identified and fully addressed through the planning, design, and permitting process. Coordination has and will result in avoiding and minimizing impacts to the greatest degree possible while meeting the Project goal of providing a safe and appropriate recreational pathway between the MNR Breakneck Ridge Station and Breakneck Ridge trailhead and providing a bridge over the MNR tracks for a grade separated access route to the HRDC. **OPHRP is conflicted per public/private co-op agreement, and non-disclosures. The DEP's proposed need for and use of the bridge for the CAT-399 project (what is it??) needs to be confirmed by DEP**

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