

STATE OF NEW YORK
DEPARTMENT OF STATE

ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001
HTTPS://DOS.NY.GOV

KATHY HOCHUL
GOVERNOR

ROBERT J. RODRIGUEZ
SECRETARY OF STATE

October 6, 2023

Sandy Collins/AKRF
7250 Parkway Drive, Suite 210
Hanover, MD 21076
scollins@akrf.com

Re: F-2023-0287
U.S. Army Corps of Engineers/New York District Permit Application- **Hudson Highlands Fjord Trail Inc., c.o. Amy Kacala**, proposes to Construct a new bridge over the MNR tracks, requiring four staged barges and temporary rock fill. Temporary shoreline stabilization at new bridge location to provide construction access from water comprising 260 LF of riprap with 126 CY below SHW and 106 CY below MHW placed on geotextile. Riprap and geotextile will be removed following bridge construction. No footings or trail components will be placed below SHW or within wetlands. Western bridge abutments and landing construction will be supported by barge but will be installed above SHW. Additionally, add more parking areas along NYS Route 9D, trail connections to the Breakneck Ridge Trail and Wilkinson Memorial Trail, the addition of two comfort station buildings, and upgrades to the Upper Overlook area, including installation of a small steward station at **Hudson Highland State Park, Dutchess County, Hudson River**
Concurrence with Consistency Certification – Proposal Modified to be Consistent

Dear Sandy Collins/AKRF:

The Department of State received your Federal Consistency Assessment Form and consistency certification and supporting information for this proposed activity on April 6, 2023 and began its review of it pursuant to 15 CFR § 930.60 on that date. The Department of State received your modification outline in a response letter to Rebecca Crist (NYS DEC), dated August 11, 2023 and select updated plan sheets with a revision date of August 23, 2023.

The modifications are as follows:

- A detailed Spill Prevention Control and Counter measures Plan will be prepared.
- Biodegradable rolled turf reinforcement mat (TRM) would be used rather than the standard TRM.
- Filter fabric between the soil and stone bedding for permanent bank stabilization above SHW has been removed and instead the riprap would be underlain by stone bedding (one-foot layer of 1/4-inch to 3/4-inch).
- Tree removal and vegetation removal work would be completed between November 1 and March 31 to protect timber rattlesnakes and fence lizards.
- A Species Education and Encounter Plan was prepared for timber rattlesnakes, fence lizards, bald eagles, peregrine falcons, eastern wormsnake, shortnose sturgeon and Atlantic sturgeon.



**Department
of State**

- A Qualified and Licensed Species Monitor will visually inspect the project site for all species of concern immediately prior to and during all construction activities.
- All stone used for the project would be sourced from a regulated facility or written permission would be obtain from New York State DEC if stone material is obtained from a non-regulated facility.
- Interpretive signage regarding timber rattlesnake, eastern fence lizard, bald eagle, and peregrine falcon would be installed at trailheads and the trail steward shed.

Pursuant to 15 CFR § 930.62, and based upon the project information submitted, the Department of State concurs with your consistency certification, which has been modified to be consistent with the New York State Coastal Management Program. This concurrence is without prejudice to and does not obviate the need to obtain all other applicable licenses, permits, other forms of authorization or approval that may be required pursuant to existing State statutes.

When communicating with us regarding this matter, please contact Donna Morelli at (518) 474-3745 (e-mail: Donna.Morelli@dos.ny.gov) and refer to our file #F-2023-0287.

Sincerely,



Matthew P. Maraglio
Director, Development Division
Office of Planning, Development and
Community Infrastructure

MM/dm

ecc: COE/ New York District –Brian Orzel
NYS DEC Region 3-Rebecca Crist
NYS OPRHP – Nancy Stoner
NYS DOT - Lance Gorney
NYC DEP – Emily Pereira
Metro North Railroad – Clare Sammon