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Consistency Review Unit
New York State Department of State
Office of Planning, Development & Community Infrastructure
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Dear Consistency Review Unit:

Regarding Public Notice F-2023-0287, Hudson Highlands Fjord Trail Inc. (“Breakneck Connector and Bridge”)

State Coastal Policies are statements that either promote the beneficial use of coastal resources, **prevent their impairment**, or deal with major activities that substantially affect numerous resources. The applicant has certified in the Federal Consistency Application Form, section E, that *“the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program.”* I disagree with their assessment of compliance and consistency.

Most significantly, the bridge that Hudson Highlands Fjord Trail Inc. (HHFT) proposes is inconsistent with [State Coastal Consistency Policy 24](#) regarding preservation of scenic quality. Specifically, I refer to guideline #1 which requires:

Siting structures and other development such as highways, power lines, and signs, back from shorelines or in other inconspicuous locations to maintain the attractive quality of the shoreline and to retain views to and from the shore.

Additionally, construction of the bridge would violate [State Coastal Consistency Policy 7](#), which requires that:

Significant coastal fish and wildlife habitats will be protected, preserved, and where practical, restored so as to maintain their viability as habitats

More generally, the applicant fails to demonstrate that the bridge has any significant independent utility, and this piece of the project should therefore not be considered until the applicant reveals the true scope of the much larger project of which the “Breakneck Connector and Bridge” is just a small portion. As I will show, their larger project clearly violates Policy 24, which requires:

Maintaining or restoring the original land form, except when changes screen unattractive elements and/or add appropriate interest.

Failure to preserve exceptional iconic viewsheds

The proposed bridge will significantly impair views of Breakneck Ridge from the north and the west. Below is the existing view from the north.



Below is an HHFT rendering of the proposed view from approximately the same orientation.



The views of Breakneck Ridge and its surroundings are (based on the criteria in [State Coastal Consistency Policy 24](#)) of exceptionally high quality and are truly unique. These viewsheds have been recognized as highly distinctive for centuries, as evidenced for example by the dramatic landscape paintings of the Hudson River School. The proposed contemporary bridge structure of enormous proportions would undeniably transform and significantly degrade all views of Breakneck Ridge from the north and the west.

Furthermore, Policy 24 states clearly that to preserve an existing high quality landscape, it must remain free of discordant features (such as a large contemporary bridge):

...high quality landscapes are generally free of discordant features, such as structures or other elements which are inappropriate in terms of siting, form, scale, and/or materials.

Consider HHFT's own words, from their [Alternative Alignments Analysis](#) dated February 2022 (obtained by FOIL request). In this document, on page 34, they discuss Alignment #6 (the line shown in blue below), which involves attaching a trail structure above the southern entrance to the 9D tunnel. HHFT rejects this alignment option because it would not align with Coastal Consistency Policy (highlighting added):

"The greatest impact associated with this alignment would be attaching a trail structure to Breakneck Ridge. Altering significant geologic formations does not align with the project goals or the State Coastal Consistency Policy regarding scenic quality and irreversible modifications of geologic forms.

Breakneck Ridge and tunnel are iconic locations, and the views to them from the south and west (via Storm King Mountain) would be affected by this alignment's construction." – HHFT



Questioning the independent utility of this project

While certain elements of the Breakneck Connector and Bridge, notably those along the 9D corridor, may provide independent utility, this is not true for the bridge portion of the project. Indeed, the applicant states in their EAF that the bridge would provide only *marginal* utility, and only to the DEP (highlighting added):

"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."

The applicant attempts to justify this further by saying:

"...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."

Clearly, if the DEP requires heavy equipment or materials for the CAT-399 project, then the bridge will be of no use. Since the purpose is simply "[to enable] the transport of employees and light tools and equipment over the MNR tracks" during CAT-399, this is a marginal one-time use that will result in permanent damage to shoreline and aquatic habitat, as well as scarring the natural landscape and scenic viewsheds.

To further emphasize how the bridge has little or no independent utility, in the Joint Application Environmental Questionnaire where the applicant is asked to explain the need for the proposed work, they entirely omit to explain why the bridge is actually needed. Instead, this portion of the application focuses only on improvements to traffic and safety along 9D, which we all welcome.

It appears the applicant has used the DEP project to conveniently hide the true goal of the bridge, which is to provide a justification for the future shoreline portion of the planned trail that they know faces major obstacles on environmental grounds. No political representative wants to be associated with a “bridge to nowhere,” which is what this bridge will be if the shoreline trail is not built, and so HHFT knows there will be immense pressure on agencies to approve that portion of the trail if the bridge is constructed.

Destruction of shoreline and aquatic habitat

[State Coastal Consistency Policy 7](#), “*Significant coastal fish and wildlife habitats will be protected, preserved, and where practical, restored so as to maintain their viability as habitats,*” identifies the following activities as inconsistent with this policy:

- 3. Grading land: Results in vegetation removal, increased surface runoff, or increased soil erosion and downstream sedimentation.*
- 4. Clear cutting: May cause loss of vegetative cover, increase fluctuations in amount of surface runoff, or increase streambed scouring, soil erosion, sediment deposition.*
- 7. Physical alteration of shore areas through channelization or construction of shore structure*

The proposed action includes elements of all three of these activities. In particular, the area just north of the DEP’s Hudson River Drainage Chamber, where the shoreline stabilization to support the bridge’s construction is proposed, is habitat to numerous species, including several that are endangered or threatened as detailed in the Joint Application, as well as the aquatic vegetation that supports some of them. Additionally, the “Site Protection & Removals Plan 2” shows extensive clearing of trees and vegetation that provide habitat. (Note: The photographs of this area in Attachment 2a were taken in winter at locations strategically selected to make it look like as much of a wasteland as possible. The aerial photograph on the next page shows that much of the area has lush vegetation.)

In *Attachment 1 - Project Description* in the Joint Application, the sections “Bridge” and “Shoreline Stabilization” describe in some detail the extent of disturbance that is required uniquely to support construction of the bridge, which as noted earlier is of highly questionable independent utility. This includes:

- 126 cubic yards of riprap stone armor below spring high water (SHW), as well as an unspecified quantity above SHW.
- A 260 x 60 ft “logistics/mobilization barge” to be moored next to the shoreline for a period of at least 24 months, anchored by 36” diameter spud piles.
- Additional large barges coming in and out transferring equipment, materials, and personnel.
- Compacted stone and steel road plates to provide a 54 x 25 ft ramp with a concrete weight-bearing footing for transferring heavy equipment and materials from the barge to the staging area.

It will be a massive construction site for at least 2 years. The logistics barge, being anchored permanently just offshore, will be subject to storms and ice flows that will cause significant motion and destruction of the river bed where spud piles are located. Any plants, fish, or wildlife in the vicinity of this area will be obliterated by this activity. To claim any impacts are “None or small” and that “the Project will not result in permanent impacts to the river” is simply untrue. Because of significant fish and wildlife in the area, the Department should require a Federal EIS to fully understand and evaluate all of the potential impacts of this activity.

The project must be considered in its entirety

The impact of this section of the project must be measured in the context of the project as a whole. Considering just the area around Breakneck Ridge, the bridge represents step 1 of a project that will destroy and transform the shoreline, as evidenced by this rendering obtained from an internal HHFT presentation:



Contrast this to the aerial view as it exists today:



The contrast between the shorelines depicted in the images above is dramatic. The Department cannot look at the bridge in isolation and agree that the impact will be “None to small” as the applicant claims. Indeed, it clearly violates guideline #5 of the [State Coastal Consistency Policy 24](#), which prohibits:

... the irreversible modification of geologic forms; the destruction or removal of vegetation; the modification, destruction, or removal of structures, whenever the geologic forms, vegetation or structures are significant to the scenic quality of an identified resource

The HHFT rendering above shows clearly the extensive impairment of an iconic view the project would cause. Furthermore, creation of this man-made shoreline would also violate [State Coastal Policy 7](#), which prohibits:

3. Grading land: Results in vegetation removal, increased surface runoff, or increased soil erosion and downstream sedimentation.

4. Clear cutting: May cause loss of vegetative cover, increase fluctuations in amount of surface runoff, or increase streambed scouring, soil erosion, sediment deposition

By not revealing the full scope of the project and “pretending” it is a standalone project, the application must be deemed incomplete. In addition to the re-engineering of the “Expanded Overlook” shown above, the full plans include construction of a 2-mile section of elevated concrete walkway on or over the river’s edge. As such:

- The Department should require a full description of the entire project before considering the small portion for which this application applies.
- Every permit application for this project should be judged based on the cumulative impact of the project as a whole and no permits should be issued until the full scope of the project is understood.

If this portion of the project goes ahead as planned, HHFT will use the bridge’s existence as justification first for completing the Lower Breakneck Overlook, and then for the remainder of the shoreline trail south.

Summary

- The bridge portion of this project should be rejected on the grounds that it is inconsistent with State Coastal Consistency Policy 24 regarding preservation of scenic quality.
- Construction of the bridge would violate State Coastal Policy 7 regarding the preservation of fish and wildlife habitat.
- The applicant has failed to demonstrate that the bridge has significant independent utility.
- This portion of the project can be denied without impacting other elements of the project related to traffic and safety along route 9D.
- This application is incomplete because it represents just a small portion of a much larger project that would have major impacts on Coastal Consistency along the Hudson River and its shoreline.
- No permits should be issued until scope of the full project and its cumulative impacts are understood.
- The applicant will most likely use the bridge as justification to build the even more environmentally damaging elements of the proposed Fjord Trail to the south.

Thank you for taking the time to consider my comments.

Sincerely,

Peter Henderson (member of [ProtectTheHighlands.org](#))