

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:

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

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.

Purpose and Need:

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 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

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.

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.

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.

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.

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.

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.

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.

Previous SEQR Review of a Reduced Project Scope:

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.

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.

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.

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.

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.

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 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.

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

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.

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.

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.

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.

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.

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.

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.

FEAF Part 1 – Additional Information:

Property Owners:

Metropolitan Transportation Authority (on behalf of Metro-North Railroad)

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New York, NY 10004

Contact: John K. Urda

929-314-7098

jurda@mtahq.org

New York State Department of Transportation, Hudson Valley

4 Burnett Boulevard

Poughkeepsie, NY 12569

Contact: Lance Gorney, Regional Permit Engineer

845-437-3325

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New York City Department of Environmental Protection

Bureau of Water Supply|SEQRA Coordination Section

465 Columbus Ave.

Valhalla, NY 10595

Contact: Cynthia Garcia

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New York State Office of Parks, Recreation & Historic Preservation

9 Old Post Road / PO Box 308

Staatsburg, NY 12580

Linda Cooper, Taconic Regional Director
 845-889-3811
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Section B. Government Approvals

Table 1:

Agency	Approval Required	Application Date (Actual or Projected)
Town of Fishkill	Site Plan review (TBD); SWPPP MS4 (TBD)	Projected January 2023
Dutchess County Department of Health	Well Permit; Composting and Sanitary systems Permit	Well Permit received; Composting/Sanitary Permit submitted September 2021
New York City Department of Environmental Protection	Bridge Easement; Land use Permit; Funding; Public Design Committee approval	On-going
New York State Department of Transportation	Highway Work Permit; Utility Permit; Use and Occupancy permit; Bridge Height waiver; Bridge Determination Pursuant to NYS Railroad Law sec. 90	Projected January 2023; Bridge Height waiver received September 2022; Bridge Determination/Approval received December 2022.
New York State Department of Environmental Conservation	Joint Permit Application - Protection of Waters, Water Quality Certification, SPDES/SWPPP	Projected February 2023
New York State Department of State	Coastal Consistency, with federal involvement	Projected February 2023
MTA/Metro-North Railroad	Bridge and Trail Easement; Entry Permits	On-going
OPRHP	DHP (SHPO) Section 14.09/106; Funding	14.09/106 review complete.

US Army Corps of Engineers	Joint Permit Application – Section 10, Section 404, NWP #13 (TBD)	Projected February 2023
US Fish and Wildlife Service	Informal Consultation/ Biological Evaluation	Projected February 2023
National Marine Fisheries Service	Informal Consultation/ Biological Evaluation	Projected February 2023

C.2.b. The Project Site is adjacent to the “Hudson River PCB Sediments” NYSDEC Remediation Site 546031 which is listed under the State Superfund Program and extends from the Battery to Hudson Falls. Additionally, the Project Site is located within or adjacent to the Maurice D. Hinchey Hudson River Valley National Heritage Area, the Hudson Valley River Greenway, and HHSPP.

D.1.b. The acreages have been refined since the FEF Part 1 was issued a year ago. The updated acreages are as follows:

- a. Total acreage of the site of the proposed action?** 12.2 acres
- b. Total acreage to be physically disturbed?** 12.2 acres. The Project Site encompasses the proposed area of disturbance, but some areas within the Project Site would have minimal disturbance—for instance, work along NYS Route 9D would be limited to the shoulders, restriping, and new underground utility connections under the highway; during construction, there will be temporary single-lane closures and a temporary realignment near the eastern Bridge abutment. Disturbance for the Upper Overlook improvements would be primarily contained within the trail footprints and immediately adjacent areas and for installation of a steward station and fencing.
- c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?** 12.2 acres plus lands extended north and south in MNR and NYSDOT rights-of-way (ROW), south in DEP property and surrounding OPRHP property.

D.1.c.i. The Project is an expansion of the existing pathway and parking area. This number is an estimate of the increased amount of land used for the trail and parking.

D.1.e. The initial estimate for duration of construction activities was 18 months (as shown on the FEAF Part 1). With continued design and construction methodology development over the past year, it has been determined that construction activities within each construction area would occur in parallel, as feasible, with the overall construction duration now expected to take approximately 24 to 30 months.

D.1.g. The seven noted structures are the Bridge, the two comfort station buildings, the two train station platforms, the trail steward station, and the elevated trail section. Dimensions of the Bridge have been further refined since the FEAF Part 1 form was completed and now measure at 38' height, 30' width, and 445' length.

D.1.h. The Project includes vegetated swales for stormwater treatment. Stormwater is allowed to pond to a specified elevation and infiltrate in these swales before being piped to lower ponds, each set progressively lower as they work closer to the Hudson River outlet culverts. A SWPPP is being developed for the entire Project.

D.2.a. The Project involves general site preparation and grading with some excavation.

D.2.a.i. Excavation or grading will occur for the comfort station basements, Bridge abutments, trenching for utility pipes and structures such as drainage and power poles, re-grading to meet final elevations, and other footings and foundations site-wide such as piers for the elevated trail, MNR platforms, retaining walls, and planting installation.

D.2.a.ii. and iii. The volume of material to be excavated is preliminarily estimated at 5,100 cubic yards (CY), with an estimated net fill of approximately 18,500 CY on the Project Site; this assumes that the approximately 5,100 CY of excavated material will be able to be re-used on site pending all sampling and regulatory requirements. These estimates are based on cut/fill analysis for the whole Project Site, balancing existing and proposed grades in the 50% design, to get a general sense of volumes. It is not possible at this time to determine how much material will be removed from the Project Site or if all material will be able to remain on site (preferred). From a geotech standpoint, the excavated soil would need to meet the gradation requirements per the earthworks specification to be reused

on site. Based on the borings, and the contractor screening excavated soil for the soil to meet the gradation requirements, reuse of soil onsite is possible. Reuse of soil on site may occur for grading purposes at the comfort station locations and for plantings. Additional fill material, meeting all applicable standards and requirements, will be used where the proposed finished grade is higher than the existing grades, such as, for the banked area at the scramble bank or the mounds at the Bridge abutments. The soil management plan will be shared with MNR, DEP and DOT, and soil re-use and fill will be coordinated with these agencies, as needed.

D.2.a.v. The revised area for physical disturbance is 12.2 acres. The Project Site encompasses the proposed area of disturbance, but some areas within the Project Site would have minimal disturbance—for instance, work along NYS Route 9D would be limited to the shoulders, restriping, and new underground utility connections under the highway; during construction, there will be temporary single-lane closures and a temporary realignment near the eastern Bridge abutment. Disturbance for the Upper Overlook improvements would be primarily contained within the trail footprints and immediately adjacent areas and for installation of a steward station and fencing.

D.2.e.i. The refined acreage is 1.7 acres of new impervious surface with a Parcel Size of 12.2 acres.

D.2.j. The Project is not expected to result in a substantial increase in traffic above present levels. Nevertheless, the Project will address and ameliorate the existing parking conditions and other safety concerns caused by the increased traffic this location has experienced over the last decade. 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. The Project will formalize parking spaces in parking lots and along NYS Route 9D, as well as formalize an off-road pathway (Breakneck Connector) between the MNR platforms, parking, and trailheads. The Project will bring order and safety to vehicular and pedestrian access at and near HHSPP trailheads.

D.2.k. This question was not answered on the FEAF Part 1, as it is only required to be answered for commercial and industrial projects. The Project is considered recreational.

E.1.b. Land use and Cover Type Table

Revised acreages from the FEAF Part 1 Form:

Land Use or Cover Type	Current Acreage	Acreage after project completion	Change (Acres +/-)
Roads, buildings and other paved or impervious surfaces	2.4	4.1	+1.7
Forested	0	0	0
Meadows, grasslands or brushlands (non agricultural, including abandoned agricultural	0	0	0
Agricultural	0	0	0
Surface water features	0	0	0
Wetlands	0.2	0.2	0
Non-vegetated	0.4	0.6	+0.2
Other: vegetated areas along NYS Route 9D and the Railroad ROWs	9.2	7.3	-1.9
TOTAL:	12.2	12.2	

The following provides the breakdown of the land uses and cover types on the Project Site used to calculate the areas included in the E.1.b table.

Roads, buildings, and other paved or impervious surfaces.

Current Acreage: NYS Route 9D, adjacent parking areas, railroad, platforms
 Acreage After Project Completion: NYS Route 9D, impervious parking areas, railroad, platforms, main trail, access roads, elevated trail, comfort stations, steward station and Bridge

Non-vegetated (bare rock, earth, or fill).

Current Acreage: Rock outcrops and Upper Overlook trail

Acreage After Project Completion: Rock outcrops, Upper Overlook trail, permeable parking lots and paving around comfort stations, revetment at the Bridge, boulder embankments within the scramble bank and streambed

Other: Vegetated areas along NYS Route 9D and the Railroad ROWs.

Current Acreage: Existing vegetated areas

Acreage After Project Completion: Remaining vegetated areas, all areas with proposed vegetation, re-vegetated trails at the Upper Overlook

E.2.g. Breakneck Ridge is not documented in the State's database of unique geological features and therefore, using NYSDEC's EAF Mapper, the FEAF Part 1, E.2.g. was checked No. Nevertheless, OPRHP acknowledges Breakneck Ridge as a unique and locally significant geological feature on the landscape. It is a major rock promontory along the Hudson River located at HHSPP and across from Storm King State Park. It is the location of the well-traveled and well-known Breakneck Ridge Trail.

E.2.n. Designated Significant Natural Communities

The Project Site is adjacent to the HHSPP and the Hudson River. The New York Natural Heritage Program (NYNHP) has designated significant natural communities in the area. Adjacent or nearby significant natural communities on the east side of the Project Site include Pitch Pine-Oak-Heath Rocky Summit, Appalachian Oak-Hickory Forest, Chestnut Oak Forest, Oak-Tulip Tree Forest, Rocky Summit Grassland, and on the west side of the Project Site is the Tidal Hudson River.

The area adjacent to the east side of NYS Route 9D along the 0.58-mile-long Project Site is Oak-Tulip Tree Forest. The Project entails developing parallel parking along portions of this section as well as moving electric utilities to this east side of NYS Route 9D. Approximately 90 trees (6" dbh or greater) are required to be removed in this area for these Project elements. These removals occur within the proposed parallel parking footprint and/or to accommodate the 30-foot clearance height requirement for the utility lines. All tree removals are within approximately 25 feet of the existing NYS Route 9D pavement along the edge of the significant natural community. As the community is mapped to the

HHSP boundary in this area, accounting for the NYSDOT ROW, the EAF Mapper has indicated no direct overlap with the significant natural community. As this area is directly along NYS Route 9D, habitat quality is likely lower. The scramble reconstruction area in the Upper Overlook is located on the edge of Pitch Pine-Oak-Heath Rocky Summit, noted as a significant natural community. The work in this area will harden and define the trail tread making it easier to use, with the expectation of reducing the number of visitors wandering along the ridge and protecting more of the habitat. The remainder of the Project does not occur within the footprint of a significant natural community.

E.2.o. and p. Endangered and Threatened Species, Special Concern

The NYNHP database indicates that four federally-listed animal species and five state-listed animal species may potentially occur in or near the Project Site. The NYNHP database also indicates one Special Concern species. The US Fish and Wildlife Service Information for Planning and Consultation (IPaC) Official Species List reports four additional species. See Table 2.

Table 2:

Common Name	Scientific Name	Federal Status	NYS Status	Source
Atlantic Sturgeon	<i>Acipenser oxyrinchus</i>	Endangered	NYS protected	NYNHP
Bald Eagle	<i>Haliaeetus leucocephalus</i>	Protected*	Threatened	NYNHP, IPaC
Eastern Wormsnake	<i>Carphophis amoenus</i>		Special Concern	NYNHP
Fence Lizard	<i>Sceloporus undulatus</i>		Threatened	NYNHP
Golden Eagle	<i>Aquila chrysaetos</i>	Protected*	Endangered	IPaC
Indiana Bat	<i>Myotis sodalis</i>	Endangered	Endangered	IPaC
Monarch Butterfly	<i>Danaus plexippus</i>	Candidate		IPaC

Northern Long-eared Bat	<i>Myotis septentrionalis</i>	Endangered**	Threatened	IPaC
Peregrine Falcon	<i>Falco peregrinus</i>	Protected***	Endangered	NYNHP
Shortnose Sturgeon	<i>Acipenser brevirostrum</i>	Endangered	Endangered	NYNHP
Timber Rattlesnake	<i>Crotalus horridus</i>		Threatened	NYNHP
<p>* Note that although not federally listed, Bald and Golden Eagles and their nests are granted special protections under the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act.</p> <p>** In November 2022, the USFWS published a final rule to reclassify Northern Long-eared Bats from Threatened to Endangered status under the Endangered Species Act. The rule takes effect on January 30, 2023.</p> <p>*** Protected under the Migratory Bird Treaty Act.</p>				

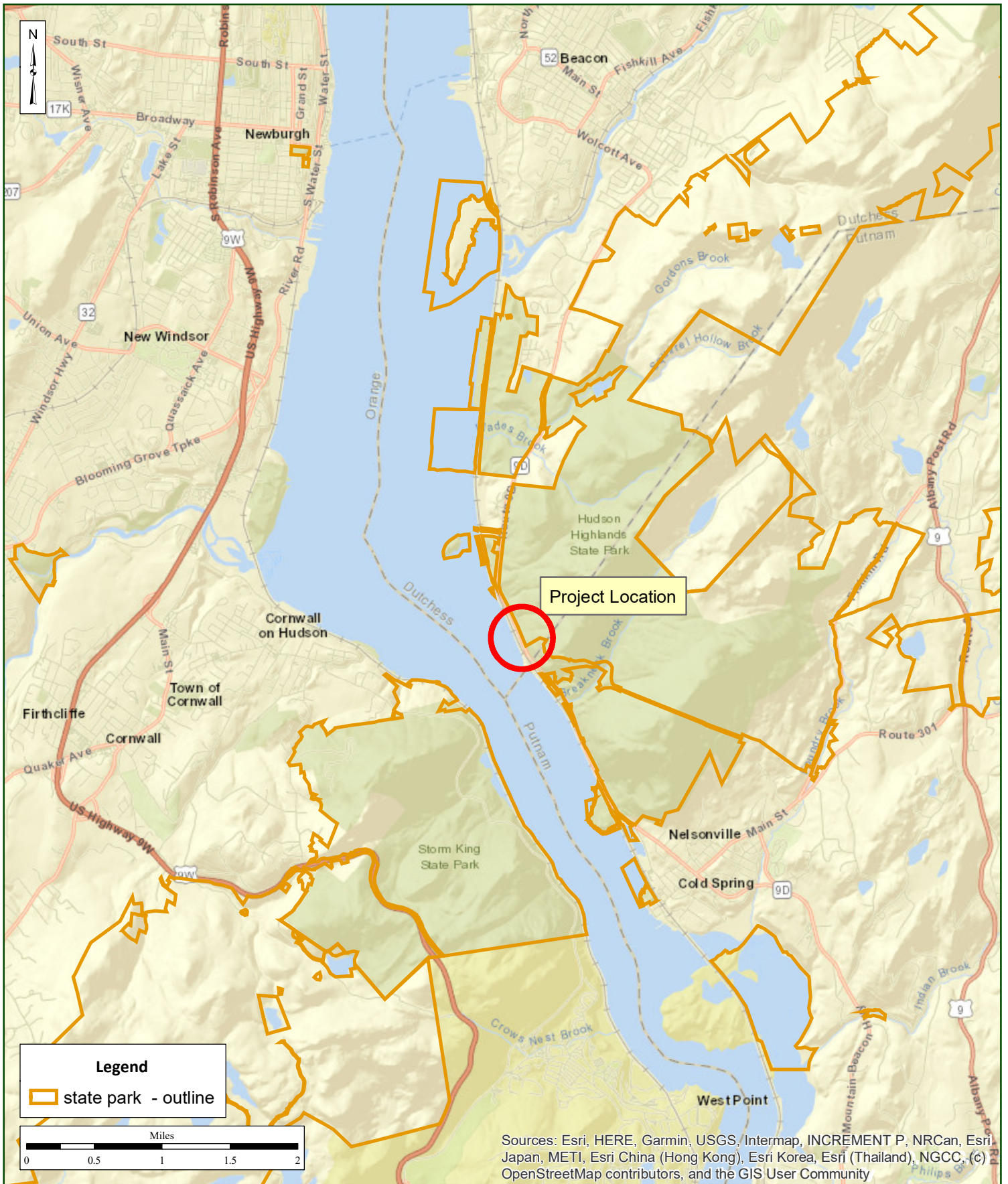
The NYNHP database indicates a number of historical and extant occurrences of rare plant species near the Project Site. In consultation with NYNHP, two of those rare plant species are most likely to be found in the Project Site: stiff flat-topped goldenrod (*Solidago rigida* var. *rigida*) and one species of prickly pear (*Opuntia* spp.), although the likelihood for either species in this Project Site is very low according to NYNHP.

The Hudson River Mile 44-56, adjacent to the Project Site, is noted as an Anadromous Fish Concentration Area per the NYNHP database.

E.3.e and f. Historic and Cultural Resources

The Project has been reviewed by the OPRHP Division for Historic Preservation (DHP) in accordance with Section 14.09 of the New York Parks, Recreation and Historic Preservation Law. A letter has been issued indicating DHP has “no concerns regarding the potential impacts of the proposed Breakneck Connector segment on archaeological and/or historic architectural resources listed in or eligible for the New York State and National Registers of Historic Places” (Farry, 9/10/2020). A Section 106 letter has also been issued from DHP indicating “it is the SHPO’s opinion that this Project will have No Effect upon cultural resources in

or eligible for inclusion in the National Registers of Historic Places” (Farry, 4/7/2022).



Breakneck Connector and Bridge Project Location Map

Map produced by NYS OPRHP, August 18, 2021.



Parks, Recreation and Historic Preservation

