

**State Environmental Quality Review (SEQR)
FINDINGS STATEMENT
August 8, 2022**

New York State Department of Environmental Conservation (NYSDEC) is required to consider the relevant environmental impacts, facts, and conclusions disclosed in the Environmental Impact Statement (EIS) in its Findings Statement. Under Environmental Conservation Law (ECL) Section 8-0109, NYSDEC is required to choose an alternative which, consistent with social, economic, and other essential considerations, to the maximum extent practicable, minimizes or avoids adverse environmental effects, including effects revealed in the EIS process.

Pursuant to Article 8 - State Environmental Quality Review Act (SEQR) of the ECL and 6 NYCRR Part 617, NYSDEC as the Lead Agency, makes the following findings.

Name of Action: P&M Brick Offshore Wind Infrastructure Project

Location: 2170 River Road, Town of Coeymans, Albany County, New York

Project Sponsor: P&M Brick, LLC

Description of Action:

The P&M Offshore Wind Infrastructure Project (POWI Project) involves site and infrastructure improvements (upland and waterway) at the existing Port of Coeymans (POC) facility (located at Hudson River Mile 134) to service the offshore wind industry supply chain. Site improvements include excavation and grading to create fabrication, assembly, and storage pads across the site; and the installation of a new wharf and dredging to create a deep-water port. Infrastructure improvements include a new 400-foot long by 70-foot-wide concrete wharf; breasting dolphins; removal of existing trestle structures; and 230,800 square feet of dredging with 156,000 cubic yards (CY) of dredge material to be removed from the Hudson River. The deep-water port will be a 5.30-acre area that will be dredged to a depth of -34 feet below Mean Low Water to provide the necessary depth for vessels which transport offshore wind (OSW) components. To maintain the deep-water port long-term, it will be periodically dredged (approximately once every 5 years).

OSW components anticipated to be manufactured at the POC include monopiles, blades, nacelles, steel platforms, anode cages, and foundation jackets. Gravity Based Structure (GBS) were initially contemplated in the final scope and included in the environmental analysis. However, according to the POWI Project sponsor, GBSs will not be manufactured at or transported from the POC at this time or in the near future. Any changes to the POWI Project to support the production of GBSs may result in the need for a supplemental environmental analysis or other approvals.

State Environmental Quality Review (SEQR) Process Chronology:

January 20, 2020	Environmental Assessment Form Submitted to NYSDEC
February 7, 2020	Lead Agency Coordination
July 10, 2020	Positive Declaration Issued by NYSDEC as Lead Agency
August 31, 2020	Draft Scoping Document Accepted by NYSDEC
November 23, 2020	Revised Draft Scoping Document Accepted by NYSDEC
January 5, 2021	Final Scoping Document Issued by NYSDEC
January 26, 2022	Draft Environmental Impact Statement Accepted by NYSDEC
June 22, 2022	Final Environmental Impact Statement Issued by NYSDEC

NYSDEC Jurisdictions:

NYSDEC ID	Description of NYSDEC Permits	Statutory and Regulatory Authority
4-0124-00012/00040	Excavation or placement of fill in navigable waters (EF)	ECL Article 15, Title 5 and 6 NYCRR Part 608
4-0124-00012/00041	Construction, reconstruction and expansion of piers, wharfs, platforms, breakwaters, docking facilities and the placement of moorings (DO)	ECL Article 15, Title 5 and 6 NYCRR Part 608
4-0124-00012/00042	Incidental Take (ETS)	ECL Article 11 and 6 NYCRR Part 182
4-0124-00012/00043	Water Quality Certification (WQ)	Section 401 of the Federal Clean Water Act and 6 NYCRR Parts 608 and 621

Facts and Conclusions in the EIS and Supporting Documents Relied Upon to Support the Decision:

In preparing this Findings Statement, NYSDEC has considered the Draft Environmental Impact Statement (DEIS), the Final Environmental Impact Statement (FEIS), all supplemental reports and plans included with those documents, and public comments received. As Lead Agency, NYSDEC has concluded that the POWI Project has been designed, and where necessary, revised to avoid, minimize, or mitigate to the maximum extent practicable, adverse environmental impacts potentially associated with the proposed action. Any deviations from what is detailed in the DEIS may require a supplemental environmental review. Such deviations include, but are not limited to, construction or modification of structures; utilities or facilities not described in the DEIS; exceedances of thresholds identified herein; expansion of the project boundaries; identification of modification to methodologies that go beyond the scope of what is defined in the DEIS; and consideration of alternatives not evaluated in the DEIS. Environmental impacts have been satisfactorily addressed as followed:

Land

Impacts to land were evaluated in Section 3.1 of the DEIS. These impacts consisted of grading the POC to 1% slopes to accommodate infrastructure for offshore wind component manufacturing resulting in approximately 3.7 million CY of material needing to be removed.

Since the publication of the DEIS, in response to public comments, the grading plan was revised and this alternative grading plan was selected to reduce the required cut, which subsequently reduced the quantity of material that needs to be exported. As described in the FEIS, Section 3.1.2 Onsite Grading Activities, the site flattening will result in approximately 1 million CY of excess borrow material. The grading activities are being conducted to achieve approximately 1% to 2% slopes in the lower yard to the wharf and 2% to 4% for the gantry lift. The significant reduction of excess borrow material from 3.7 million CY to 1.0 million CY as a result of the revised grading plan, further minimizes the impacts on land.

The POWI Project sponsor conducted an alternatives analysis in the DEIS to identify sites that may be appropriate for importation of excess borrow and dredge material from the POWI Project. Based on this analysis, the Tripp Powell property and LafargeHolcim facility were selected as the preferred sites for importing materials. Both sites were determined to have the capacity to receive and manage the material, as further explained in Section 3.2 of the FEIS. Since both sites are nearby and accessible by off-road trucks, potential impacts from the exportation of the excess borrow and dredge material, including traffic, noise, and air emissions from vehicles transporting the material, have been minimized. The DEIS considered the environmental impacts of transporting the material to the selected preferred sites, however, any permits or approvals that the receiving sites would be required to obtain prior to accepting the material will be subject to a separate environmental review process. The DEIS did not consider environmental impacts from transporting the excess borrow or dredge material to any other locations.

Since POC is an active, existing port facility, the primary impacts to land from the POWI Project are limited and include the potential for erosion and sedimentation and fugitive dust from grading activities. Avoidance and minimization measures are discussed in Section 3.1 of the FEIS, including erosion and sediment controls (e.g., silt fences, sediment traps, etc.), and immediate stabilization of areas that have been worked to their final grade. All soil disturbing activities associated with the POWI Project will also need to conform to the requirements detailed in the State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activity (GP-20-001).

Based on these facts and conclusions, NYSDEC finds that the impacts to land from the POWI Project have been minimized and are not significant.

Water Resources

Impacts to water resources were evaluated in DEIS Sections 3.2 and 4.1 and FEIS Section 3.3. These impacts are discussed below in subsections on surface water, water supply and wastewater.

Surface Water

Impacts to the Hudson River will occur from land grading activities conducted close to the shoreline, shoreline modification, construction of the wharf, pile driving, dredging, and trestle removal. These activities may result in short-term water quality impacts and short-term and long-term impacts to aquatic organisms. Construction of the steel bulkhead and wharf, including pile driving, could impact the river bottom via erosion from wave action and release of sediment into the water column. Minimization measures include constructing the bulkhead before dredging commences, which will provide a barrier to separate the upland work from the Hudson

River. This will also allow the pile driving and upland wharf construction to occur behind the bulkhead. To minimize the potential for future erosion of the shoreline resulting from vessel wave action, high water events, etc., the existing shoreline rip-rap will be maintained and additional stone rip-rap will be installed around the proposed new wharf.

Dredging is inherent to the action to accommodate large vessel draft and will result in significant impacts to the river bottom and to Atlantic and shortnose sturgeon. Findings on impacts to sturgeon are discussed below under "Plants and Animals." 230,800± square feet of the river bottom will be dredged to a depth of -34 feet below Mean Low Water¹, which will remove the sediment above that point, including benthic organism habitat. Dredging will be conducted with an environmental clamshell bucket and occur within the confines of a turbidity curtain effective to the required depth. To minimize impacts from dredging, the POWI Project sponsor selected the alternative layout for the wharf and bulkhead which minimizes dredging to the maximum extent practicable.

Regarding the existing trestle piles that were installed to support the Tappan Zee Bridge project, the DEIS considered multiple alternatives for the new wharf configuration. Based on the alternatives considered, it was determined that to minimize impacts to navigation and aquatic benthic resources, the existing trestles would need to be removed. To minimize impacts to aquatic species from the demolition of the trestles, a vibratory extractor and barge-mounted crane will be utilized. This methodology was shown to have lower impacts from noise and river bottom disturbance compared to other alternative methods such as clamshell bucket extraction and pile cutting.

Conditions will be incorporated into NYSDEC approvals, including the permits for the NYSDEC jurisdictions noted above, for the POWI Project which will require the use of best management practices to avoid and minimize impacts to surface water, including conditions to ensure the work complies with New York State's Water Quality Standards.

Water Supply

Impacts to water supply that were considered in the DEIS include increased demand on the water supply from the Town of Coeymans Water District, which is supplied by the Village of Ravena. The provided estimates from the POWI Project sponsor contemplate water demand to support GBS manufacturing, which would require the most water. While not planned to be manufactured currently or in the near future, the potential for GBS manufacturing was included in the environmental review to ensure all reasonably foreseeable proposals were included. Changes required to support the manufacture and transportation of GBSs would need supplemental environmental review. Current approximate water demand for the POC is 4,700 gallons per day (GPD). Estimated volumes for operations of the POWI Project are 25,000 GPD with a potential peak of 100,000 GPD if the concrete batch plants are operated at full capacity, and an estimated increase to 10,000 GPD from 5,000 GPD from new tenants and employees. To accommodate the extra demand, a new 8-inch diameter water supply line to POC will be installed and water will be drawn to onsite storage tanks during off-peak hours. These tanks will, at minimum, have the capacity to store 100,000 gallons.

The Village of Ravena has provided capacity details and agreement to supply water to POC as included in DEIS Appendix 10.10. Additionally, since the Final Scoping Document, the POWI

¹ Existing depths range in the proposed dredge area range from -12 feet to -34 feet below MLW.

Project sponsor has indicated that GBSs are no longer proposed to be manufactured at this time but may potentially be fabricated in the future. Barton and Loguidice, D.P.C. has also completed feasibility analysis reports for the Town of Coeymans extending their water and sewer districts, which are included in FEIS Appendix E. The reports include plans and potential steps to move forward with the extension. Given the ability of the Village of Ravena to supply water at a potential peak demand with GBSs being contemplated prior to potential water district expansion, as well as the mitigative measures on water demand and storage, the impacts to water supply have been minimized.

Wastewater

Another impact considered in the DEIS was increased wastewater generated from the POWI Project. Component manufacturing relating to the POWI Project is expected to result in an increase of sanitary waste with no production of industrial waste. Average daily flow is anticipated to be 10,000 GPD with a maximum flow of 20,000 GPD. The POWI Project sponsor intends to decommission the existing septic system in-place and connect to the municipal sewer system on NYS Route 144 which is conveyed through a gravity manhole via grinder pumps and new force main. The increased flow from the POC is not anticipated to exceed the current capacity of the Town of Coeymans wastewater treatment plant. The aforementioned feasibility study has also proposed steps to proceed with a potential sewer district expansion, which will include the upgrade of the Riverview Drive pump station and a recommendation for those connecting to the sewer system to use 8-inch diameter sewer lines to convey waste to the pump station in accordance with NYSDEC standards based on Recommended Standards for Wastewater Facilities (a.k.a. Ten States Standards). The sewer district expansion is a separate action with independent utility that will be subject to a separate environmental review by the Town of Coeymans.

While not currently proposed to be manufactured at the POC, any future water use intended for GBS manufacturing will be treated via a pH control and monitoring system and aggregate removal system and will then be recycled which can be used for concrete curing onsite. Concrete batch water from any future proposed GBS production will not be discharged on site.

Based on these facts and conclusions, NYSDEC finds that the impacts to water resources from the POWI Project have been minimized and are not significant.

Coastal Consistency

Section 4.3 of the DEIS and Appendix 10.15 of the DEIS detailed consistency with the applicable State coastal policies set forth in 19 NYCRR Part 600.5. NYSDEC certifies that the POWI Project will not substantially hinder the achievement of any of the policies and purposes of Article 42 of the Executive Law, the Waterfront Revitalization of Coastal Areas and Inland Waterways Act, and whenever practicable will advance one or more of such policies.

Based on the above assessments and conclusions, NYSDEC has determined that the POWI Project will not result in significant adverse impact to coastal resources.

Air

An evaluation of air quality is outlined in Section 3.3, “Air Quality” of the DEIS and Section 3.4, “Air Quality” and Appendix C of the FEIS. Currently, there are no NYSDEC air permit approvals required for the POWI Project operations as the proposed concrete batch plants will employ shrouds and bag houses to limit potential fugitive dust, so long as 6 NYCRR Parts 211 and 212 are complied with, including no air contamination from visible emissions.

During construction and operation, the POWI Project will comply with the Fugitive Dust Plan in Appendix 10.16 of the DEIS. Mitigation measures in this plan include using water trucks to spray all roadways and stockpiles, utilizing atomizers, employing road sweepers as needed to clean haul roads, and enforcing a maximum speed limit of 15 miles per hour to limit the minimization, pulverization, and abrasion of dust particles. Any manufacturing operations that are currently not reasonably foreseeable that may generate emissions will be evaluated for air permit applicability and environmental review at the time of their proposal.

NYSDEC requested additional analysis of estimated emissions from both the construction and operation phases of the POWI Project, using conservative estimates. Based on this analysis and as provided in Section 3.3 of the DEIS, emissions from the POWI Project construction (including mobile sources) and operation are expected to be similar or slightly higher than existing emissions associated with the POC. Mobile source emissions are proposed to be minimized by minimizing the use of fossil fuels for combustion, maintaining equipment and vehicles in proper working order, and limiting the idle time of combustion engines on-site. In addition, the POWI Project decreased the proposed borrow material to be removed from the POWI site from approximately 3.7 million CY to approximately 1 million CY and focusing placement of such fill to the adjacent LafargeHolcim and Tripp Powell sites, as opposed to sites greater distances from the POC site, thereby limiting the amount of necessary truck trips and associated travel distances.

Based on the above assessments and conclusions, NYSDEC has determined that the POWI Project will not result in significant adverse impacts to air quality.

Climate Change

Greenhouse Gas Emissions

An evaluation and quantification of POWI Project greenhouse gas (GHG) emissions is outlined in Section 3.3, “Air Quality” of the DEIS and Section 3.4, “Air Quality” of the FEIS, which state that operation and construction will result in GHG emissions, primarily from mobile sources associated with construction and operation. According to the POWI Project sponsor, emissions from the POWI Project construction and operation, including mobile sources, are expected to be similar to or slightly higher than existing GHG emissions associated with the POC. The POWI Project sponsor outlined minimization measures, such as minimizing the use of fossil fuels for combustion, maintaining equipment and vehicles in proper working order, and limiting the idle time of combustion engines on-site. In addition, as discussed above, the POC has drastically decreased the on-site grading proposal and as a result decreased the fill required to be removed off-site from approximately 3.7 million CY to approximately 1 million CY and are focusing such removal to adjacent properties to limit the GHG emissions from mobile sources.

In addition, the purpose of the POWI Project is to support New York State's target in the Climate Leadership and Community Protection Act, Chapter 106 of the Laws of 2019 (Climate Act) to produce 9 gigawatts of offshore wind energy by 2035.² Such offshore wind energy generation will ultimately decrease Statewide GHG emissions, as required by the Climate Act.³ Additionally, the POC is an existing facility that can support the need for more renewable energy generation and has been identified as one of the facilities with high feasibility by NYSERDA in its Ports Assessment Study.⁴ Ultimately, the POWI Project supports the Climate Act's larger state directive for renewable energy generation and reductions of Statewide GHG emissions.

Based on this evaluation, including the minimization measures that will limit the GHG emissions from mobile sources, NYSDEC has determined the POWI Project to not have a significant adverse environmental impact relating to greenhouse gas emissions.

Climate Change Risks

Pursuant to the Section 17-b of the New York State Community Risk and Resiliency Act (CRRA),⁵ NYSDEC has evaluated the POWI Project based on consideration of climate change risks, including sea level rise, tropical and extra-tropical cyclones, storm surges, flooding, wind, changes in average and peak temperatures, changes in average and peak precipitation, public health impacts, and impacts on species and other natural resources. NYSDEC has found that the POWI Project will not have a significant adverse impact in consideration of these climate risks. Evaluation of the POWI Project is discussed in DEIS Section 3.2, "Water Resources."

As part of the evaluation, DEIS Section 3.2, "Water Resources" discusses that the most significant climate risk for the POWI Project is the potential for flooding after major storm or snow melt events. Fabrication buildings on the lower pad level and the proposed wharf are the only structures proposed within the floodplain based on the Federal Emergency Management Agency Special Flood Hazard Area and 100-year floodplain. Other buildings that are not necessary to site near the shoreline, such as additional fabrication buildings, office and concrete batch plants will be located well above base flood elevation and the potential sea level rise. Measures are proposed to flood proof the new wharf, including utilizing a pile foundation. While proposed elevations are required to match existing grades and equipment, where feasible, the POWI Project will elevate any new or significant modified structures following the design elevations in the New York State Flood Risk Management Guidance for mapped tidal flood plains. The proposed buildings in the floodplain are required to match existing site grades due to requirements of barge loading at the wharf and the need for gentle slopes to maneuver the heavy lift components out of the fabrication buildings and storage yard, but measures are proposed to decrease flooding impacts. Further, site drainage is proposed to be adequately sized for 10-year storm events and to safely pass 100-year storm events. Lastly, no public infrastructure is proposed that would be at risk of flooding.

In addition to flooding from storm events, the DEIS analyzed sea level rise pursuant to CRRA and consistent with NYSDEC's official State sea level rise as established in 6 NYCRR Part 490. Measures such as elevating the wharf and adjacent yard areas using a gravel pad within the

² See Public Service Law § 66-p(5).

³ See ECL § 75-0107(1).

⁴ COWI North America, Inc., "2018 Ports Assessment, Port of Coeymans," Final Report, NYSERDA No. 19-04, February 2019.

⁵ Chapter 355 of the Laws of 2014, as amended by the Climate Act.

yard or concrete deck adjustment on the wharf may be utilized in the event sea level rise poses a future risk to the POWI Project. Such measures should be considered prior to sea level-caused flooding.

Based on this evaluation, NYSDEC has determined the POWI Project will not cause a significant adverse environmental impact due to climate change risks and is in compliance with Section 17-b of CRRA.

Plants and Animals

Impacts to plants and animals are evaluated in DEIS Section 3.4, and FEIS Section 3.5. The POWI Project will have no impacts on submerged aquatic vegetation (SAV) or other threatened or endangered plant species as there are no occurrences within the POWI Project area. Additionally, there are no threatened or endangered bat species or bald eagle concerns with the POWI Project. However, the POWI Project will have direct impacts to federally and state endangered Atlantic sturgeon (*Acipenser oxyrinchus*) and shortnose sturgeon (*Acipenser brevirostrum*) from dredging that will occur during construction, resulting in a take of essential habitat.

Atlantic Sturgeon and Shortnose Sturgeon

The POWI Project will result in the permanent loss of 0.87 acre of essential sturgeon habitat through habitat conversion associated with the deep-water port. In addition to the permanent habitat loss, the POWI Project will result in the temporary disturbance of 4.42 acres of essential sturgeon habitat through the dredging of previously unimpacted river bottom associated with initial construction and maintenance dredging for the term of the POC's commercial use. This habitat impact will be offset through completion of the Net Conservation Benefit Project (NCBP) which will satisfy the requirements of ECL § 11-0535 and 6 NYCRR Part 182. The NCBP will create 1.8 acres of benthic habitat at Schodack Island State Park by converting habitat that is currently upland into habitat that can be used by sturgeon. The goal is to restore the habitat to the way it was prior to dredge and fill operations from commercial navigation on the Hudson River, to be self-sustaining, and beneficial to sturgeon. Further, an implementation agreement has been signed by the Project Sponsor. This agreement commits the Project sponsor to a funding schedule in support of this NCBP.

Additional mitigative measures for the POWI Project include continued sturgeon monitoring as required by the permits for the Tappan Zee Bridge trestles, restricting all in-water work including dredging to the Atlantic and shortnose sturgeon work window (September 1 – December 31), and using best practices for all dredging including maintenance dredging. Construction of the steel bulkhead and wharf, including pile driving, could produce noise harmful for aquatic species. During the pile driving activities, mitigative measures will be employed including noise monitoring and use of a bubble curtain. Best management practices will also be utilized for the removal of the trestles. These measures reduce turbidity and water quality impacts and include the use of a turbidity curtain for all in-water work and using vibratory extractor and barge mounted crane to remove the trestles which poses the least impact to sturgeon compared to other removal methods.

The current layout for the POWI Project among the analyzed alternatives has the least amount of required dredging. Since dredging is required for the POC to support vessels to transport offshore wind components, there are no other alternatives to reduce the impact to Atlantic and

shortnose sturgeon. It is also anticipated that the risk of increased vessel strikes will be low as the Project Sponsor estimates the same level of vessel traffic to the POC from the POWI Project to be consistent with current operations at the POC. Additionally, as required in previous permitting and detailed in the DEIS, surgeon monitoring will continue.

Conditions will be incorporated into NYSDEC permit approvals for the POWI Project which will require the use of best management practices to avoid and minimize impacts to Atlantic and shortnose sturgeon. Based on the above assessments and conclusions, NYSDEC has determined that the POWI Project will not result in significant adverse impact to plants or animals.

Aesthetic/Visual Resources

Project impacts on visual and aesthetic resources are evaluated in DEIS Section 3.6 and DEIS Appendix 10.8, Visual and Aesthetic Study. As described in the DEIS, the POWI Project will have screening, including a berm, that would obscure views from a large portion of road frontage on NYS Route 144 as well as some points from the adjacent Coeymans Landing Marina. The grading required for project operations allows for reduced elevation of Port structures when the layout and cranes required for GBSs are not needed. The site pad at the POC will remain the same with either layout and remains consistent with current port operations and aesthetic quality.

The DEIS identified aesthetic and visual resource receptors including Schodack Island State Park on the east side of the Hudson River and the Columbia-Greene North Scenic Area of Statewide Significance (SASS) which extends about 15 miles along the Hudson River, stretching from Schodack Landing in southern Rensselaer County and Coeymans Hamlet in southern Albany County southward to just north of the City of Hudson in Columbia County.

The POWI Project will have unavoidable impacts to these aesthetic and visual resource receptors resulting from the manufacturing and staging of OSW components, including monopiles, blades, platforms, and potentially GBSs. The most visually impairing component would be any GBSs with their large height and the area needed to support their staging. Due to the size of the offshore wind components, it is not possible to screen these structures from all possible observation points, including points on Schodack Island State Park and from recreational and commercial users of the Hudson River. As demonstrated in DEIS Appendix 10.8, the POWI Project cannot be completely screened from the Schodack Island State Park and the SASS, as such, these unavoidable impacts to aesthetic and visual resource are considered significant.

As stated in the Division of Environmental Permits Policy DEP 00-2, Assessing and Mitigating Visual and Aesthetic Impacts, SEQR requires that impacts found to be significant must be avoided or minimized to the maximum extent practicable consistent with social, economic and other essential considerations [see 6 NYCRR Part 617.11(d)(5)]. This sometimes means that adverse aesthetic impacts may occur even after all known avoidance and mitigation strategies are employed.

Potential mitigation outlined in DEP 00-2 includes screening, relocation, camouflage/disguise, downsizing, and lighting, amongst others. Due to its location on the banks of the Hudson River and the need for an operating wharf, screening (i.e., berms, vegetation, etc.) from the Schodack Island State Park, Hudson River users and the SASS is not practicable. Relocation and camouflage/disguise of the large OSW components is also not practicable due to the need to

stage these components near the wharf for loading onto barges. Additionally, the size, quantity or storage area for the components cannot be downsized due to the sheer size of the components.

NYSDEC determined that although the aesthetic and visual resource impacts are unavoidable, the proposed use of the site will only be a minor difference aesthetically from existing conditions since the POC is already an existing, operating port facility. Redevelopment of the site will reduce the grades and visibility of existing proposed structures at POC, including the removal of large existing features like salt stockpiles, which will result in some improvements to the viewshed. Further, the large OSW components that are being manufactured at the POC site are transitory and are not permanent structures that can reasonably be screened, disguised, or moved.

Based on the above assessments and conclusions, NYSDEC has determined that the POWI Project will result in unavoidable significant impacts to aesthetic/visual resources, however, the POWI Project sponsor has avoided and minimized these impacts to the maximum extent practicable and no additional reasonable mitigation measures are available.

Cultural and Historic Resources

The POWI Project has been reviewed by New York State Office of Parks, Recreation and Historic Preservation (OPRHP) pursuant to Section 106 of the Federal Historic Preservation Act. In a letter dated May 2, 2022, OPRHP determined that the POWI Project will have no adverse impact on properties in or eligible for inclusion in the State and National Registers of Historic Places. Additionally, a study contracted by Panamerica Consultants (DEIS Appendix 10.17) determined there were no archaeological and historic resources underwater within the area of potential effect (APE) of the POWI Project.

Pursuant to NYSDEC's Policy on Contact, Cooperation and Consultation with Indian Nations (CP-42), representatives from the Stockbridge-Munsee Community (SMC) were notified about the POWI Project and the SEQR process. Consultation with the SMC is being conducted separately with the U.S. Army Corps of Engineers through their Section 106 consultation process and may result in additional mitigative measures not contemplated in the DEIS and FEIS.

Based on the above assessments and conclusions, NYSDEC has determined that the POWI Project will not result in significant adverse impact to cultural or historic resources.

Noise

The POWI Project was evaluated in accordance with the NYSDEC Program Policy document, Assessing and Mitigating Noise Impacts, dated October 2000 (DEP-00-1). These impacts are discussed in DEIS Section 3.7 and DEIS Appendix 10.9. Analysis of Equivalent Sound Level (Leq) comparing current ambient and modeled generated noise levels, revealed increases that comply with the Town of Coeyman's Code to not exceed 72 (dBA) when generating continuous noise for industrial sites. Further, Leq increases on one of the most sensitive receptors, the nearest residence, were below a 10 dBA increase with a total of 58.6 dBA, which is below the maximum sound pressure level (SPL) of 65 dBA for non-industrial settings per the DEP 00-1.

Analysis of the ambient and modeled noise levels revealed there were noise increases at Schodack Island State Park that exceeded the ambient Leq ranging from 1.2 dBA to 14.2 dBA increase. The highest increases in dBA were measured at the southern portion of Schodack Island State Park at points on the hiking trail and shoreline, directly across from the Port operations. These two locations were included as receptor areas because they are closest to POC operations. These locations also had the highest modeled increases in Leq (11.5 and 14.2 dBA), which represented modeled noise against ambient Leq at night, assuming equipment are running and producing a constant noise source during assumed full operation at POC. Although the noise increases are above 6 dBA at these locations, which can be considered noticeable, the modeled noise levels do not exceed a total of 65 dBA, the upper limit for ambient noise levels in a non-industrial setting. While Schodack Island State Park is open to overnight campers more north of these locations, it is unlikely that the hiking trail is utilized with any frequency during the nighttime.

The lower end of the increased noise range measured at Schodack Island State Park (1.2 dBA during the day and 4.7 dBA at night during assumed full operations) came from the more northern receptor locations. These locations include high use areas such as the boat launch, picnic area, playground, and camp.

Because an increase of 6 dBA may be considered noticeable as per DEP-00-1, mitigation measures were considered. Mitigative measures identified in the analysis that are already employed at the existing POC and will be continued to be utilized for the POWI Project include (1) the use of properly designed and well-maintained mufflers in all internal combustion engines, engine enclosures, and intake silencers; and (2) regular equipment maintenance or the use of new equipment which is subject to new product noise emission standards.

Traffic and Transportation

Terrestrial Traffic

Impacts from terrestrial traffic were evaluated in DEIS Section 3.5.1 and FEIS Section 3.6. The construction of the POWI Project will lead to an increase of traffic from heavy vehicles, primarily from the grading activities and the removal of approximately 1 million CY of material. Projected truck trips for construction are 55 trips per day over a 1.5-year construction period. These trips are anticipated to primarily be off-road to the adjacent LafargeHolcim and Tripp Powell properties for deposit of excess material.

During operation, it is expected with the projected addition of 729 new employees, there will be 255 vehicle trips at the AM peak hour with 28 being heavy vehicles, and 221 in the PM peak hour with 18 being heavy vehicles. Additionally, the northern entrance to the POC will be closed and all traffic will enter from the south at the Clayborn Place access.

The Traffic Impact and Access Study (Appendix 10.7) contemplated traffic for both construction and operations. It concluded no traffic capacity measures will be necessary at intersections as it was determined that current design and measures are able to support that level of service. Mitigative measures will be utilized to increase delineation of travel paths including striping at the River Road/Coeymans Industrial Park Lane/Clayborn Place intersection, and removal of vegetation and signage maintenance to increase sightlines at intersections. Striping, signage, and some vegetation clearing will be coordinated with the NYS Department of Transportation.

Additional impacts from heavy vehicle traffic during construction can impact the local municipalities through increased noise and air emissions. Minimization measures will be implemented to minimize truck traffic through residential areas and limiting the use of Jake brakes. Additionally, excess borrow material will be exported to the nearby LafargeHolcim and Tripp Powell properties and implementing best practices. These practices include the installation of signs at the POC that indicate the route north on NYS Route 144 is the preferred truck route. Additionally, in response to NYSDEC and public comments, further minimization will include that contractors and tenants at the POC go through orientation and will be required to follow best practices through lease clauses in lease agreements and contracts for completing POWI Project improvements.

Vessel Traffic

Impacts from vessel traffic were evaluated in DEIS Section 3.5.2. The development of the POC is to facilitate the transportation of offshore wind components of significant size. Vessel traffic is projected to be similar to current POC traffic for both construction and operation with approximately 1 ship at the existing dock, 2-4 barges at the wharf, and 2-4 barges at the dock-inlet channel. During operation, 2 of the expected 2-4 barges will be larger 130-foot by 400-foot barges to support offshore wind components. Vessel traffic will adhere to a Navigational Safety Risk Assessment (NSRA) which include protocols such as communication with the US Coast Guard Ice desk for winter navigation safety, scheduling transportation around other vessel traffic, and a towing configuration to reduce wake effects. Additionally, vessels associated with the POWI Project must conform to anchorage regulations relating to vessels that impede or obstruct vessel movements, as codified in 33 CFR 110.155, including paragraph (l)(11).

Any significant deviation from the Offshore Wind Ports: Cumulative Impacts Study,⁶ is potentially likely to trigger a requirement from the US Coast Guard to complete an additional NSRA.

With the vessel counts and trips expected to be similar to current operations, and adhere to safety protocols in the NSRA, the impacts from vessels on the larger Hudson River traffic is not anticipated to have a significant impact.

Based on the above assessments and conclusions, NYSDEC has determined that the POWI Project will not result in significant adverse traffic impacts.

Community Character and Zoning

The POC is in an industrial zoned parcel within the Town of Coeymans. To the north of the POC is Lands of Atlantic Cement (LafargeHolcim), with the Coeymans Industrial Park to west. Both properties are also zoned industrial. To the south is Ravena Coeymans Yacht Club, zoned commercial. The POC has been in operation in an industrial capacity since 1880s as a brick plant and then in 2002 acquired by the current owner. The POWI Project will entail activities that are consistent with an industrial use and do not require upland expansion beyond the POC.

Based on the above assessments and conclusions, NYSDEC has determined that the POWI Project will not result in significant adverse impact to community character.

⁶ Henningson Durham and Richardson Architecture and Engineering, P.C. (HDR). "Offshore Wind Ports: Cumulative Impacts Study," Final Report, NYSERDA No. 22-10, April 2022.

Cumulative Impacts

Cumulative impacts are discussed in Section 9.0 of the DEIS and Section 3.1 of the FEIS. When considering the projected development of offshore wind infrastructure, particularly within the Hudson River and surrounding communities, construction and operation of the POWI Project will have some cumulative impacts that include impacts to Atlantic and shortnose sturgeon through successive dredge projects; increased terrestrial traffic; potential for increased noise; visual impacts from large offshore wind components; increased demand on water and sewer capacity and economic impacts through the creation of jobs.

Mitigation is proposed to address impacts to Atlantic and shortnose sturgeon via an Implementation Agreement and NCBP. Noise and visual impacts conform to the industrial zoning. These impacts were analyzed and determined in consideration of projects currently occurring and anticipated to occur at the Coeymans Industrial Park and WM Biers property located near the POC. Additionally, analysis considered the anticipated increase in projects to support the offshore wind supply chain, particularly within the Hudson River. It has been determined that impacts have been minimized to the greatest extent possible.

Certification of Findings to Approve/ Undertake

Having considered the DEIS and FEIS, and having considered the preceding written facts and conclusions relied upon to meet the requirements of 6 NYCRR 617.11, this Statement of Findings certifies that:

1. The requirements of 6 NYCRR Part 617 have been met:
2. Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is the one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures that were identified as practicable.
3. This action is consistent with the applicable policies of Article 42 of the Executive Law, as implemented by 19 NYCRR 600.
4. This action will achieve a balance between the protection of the environment and the need to accommodate social and economic considerations.

NYS Department of Environmental Conservation
Division of Environmental Permits
625 Broadway, Floor 4
Albany, NY 12233



Karen M. Gaidasz

Signature of Responsible Official

Name of Responsible Official

Offshore Wind Section Chief

8/8/22

Title of Responsible Official

Date