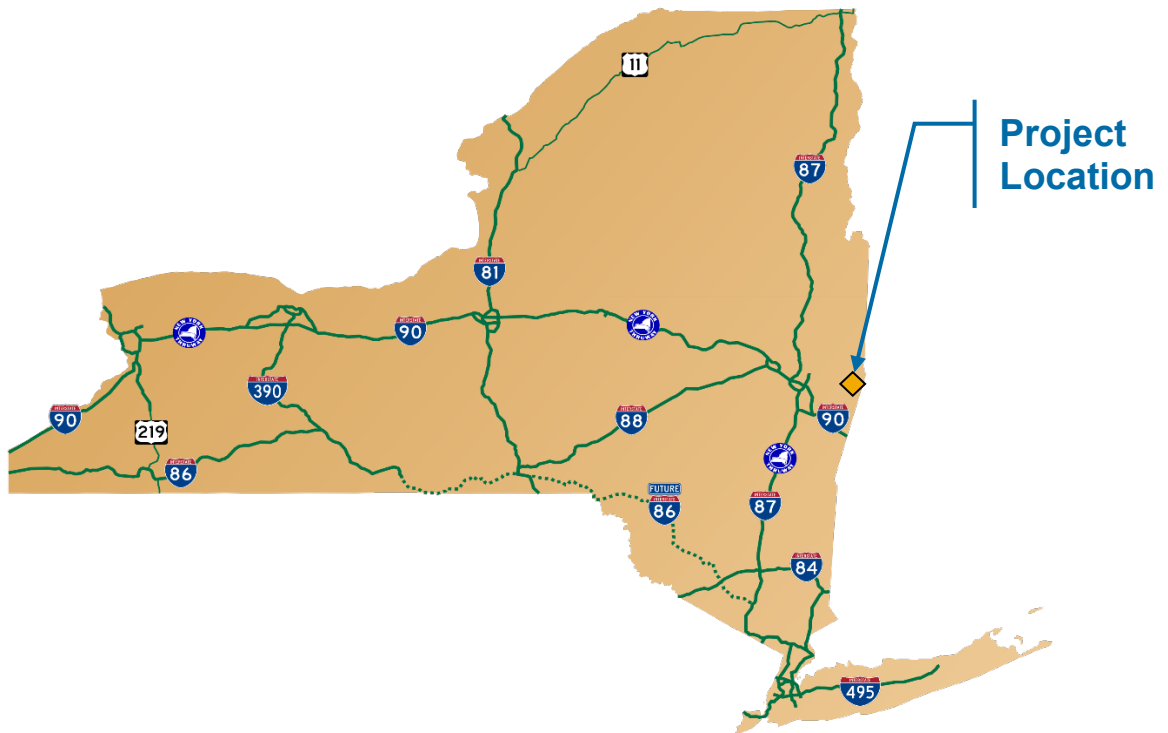


Attachment 4:

Social, Economic and Environmental Resources Existing Conditions

December 2023

NYS Route 378 Troy-Menands Bridge over the Hudson River
Project Identification Number (PIN): 1045.18
Bridge Identification Number (BIN): 1062850
Rensselaer and Albany Counties



Department of
Transportation



U.S. Department of Transportation
Federal Highway Administration

**NYS ROUTE 378 TROY-MENANDS BRIDGE OVER THE HUDSON RIVER
PLANNING AND ENVIRONMENT LINKAGE (PEL)
STUDY - RENSSELAER AND ALBANY COUNTIES
PIN 1045.18**

**Attachment 4:
Social, Economic and Environmental
Resources Existing Conditions**

December 2023

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CHAPTER 1 INTRODUCTION

This Planning and Environmental Linkages (PEL) Study developed concept solutions to rehabilitate or replace the existing New York State (NYS) Route 378 bridge crossing the Hudson River. The project would also address the existing transportation needs of the bridge and the adjacent segments of the NYS Route 378 corridor. This is a transportation planning document and no specific transportation projects have yet been identified for design and construction. The NYS Route 378 PEL Study is not a substitute for the project-level environmental review and documentation required by the National Environmental Policy Act (NEPA). Rather, the PEL Study is a transportation planning product developed by NYSDOT that could accelerate project delivery by allowing the Federal Highway Administration (FHWA), as the lead NEPA agency, to use this information to inform a NEPA Purpose and Need Statement or range of reasonable alternatives.

This attachment was prepared in accordance with the NYSDOT Project Development Manual, 17 New York Codes, Rules and Regulations Part 15, and 23 Code of Federal Regulations 771.

1.1 Environmental Classification

- **1.1.1 NEPA Classification**

The funding source and NEPA class of action have not been identified for this project. It is expected that federal permits or approvals will be required through multiple federal agencies.

- **1.1.2 SEQR Classification**

In accordance with 17 NYCRR, Part 15, "Procedures for Implementation of State Environmental Quality Review Act" (SEQRA), the type of action for the project would be determined by the New York State Department of Transportation (NYSDOT) as lead agency under SEQRA.

CHAPTER 2 SOCIAL

The purpose of this section is to discuss the social environment in the study area. This project involves the NYS Route 378 crossing over the Hudson River, connecting Albany and Rensselaer Counties. The area is a mixture of urban and suburban, with a combination of residential, commercial, and institutional uses. In addition, there is a large area of undeveloped land with a history of industrial use. The concepts analyzed in the PEL Study include one or two bridges crossing to the north or south of the existing bridge.

2.1 Land Use

Figure 1 presents the land use in the study area, with the nine proposed bridge concepts.

2.1.1 Mobility

Mobility in the area around NYS Route 378 Troy-Menands Bridge is characterized by disconnected sidewalks and pedestrian facilities. There is only one sidewalk open to the public on the bridge itself. The Hudson Mohawk Hike-Bike Trail (part of the Empire State Trail) follows the Hudson River along the western side. The Hudson River Crossing Study identified the need to link the bridge sidewalks to the trail and the existing sidewalk network in South Troy. There are limited bicycle lanes in the study area outside of the hike-bike trail. There are some bus routes that serve the population within the study area, but none cross the Troy-Menands Bridge.

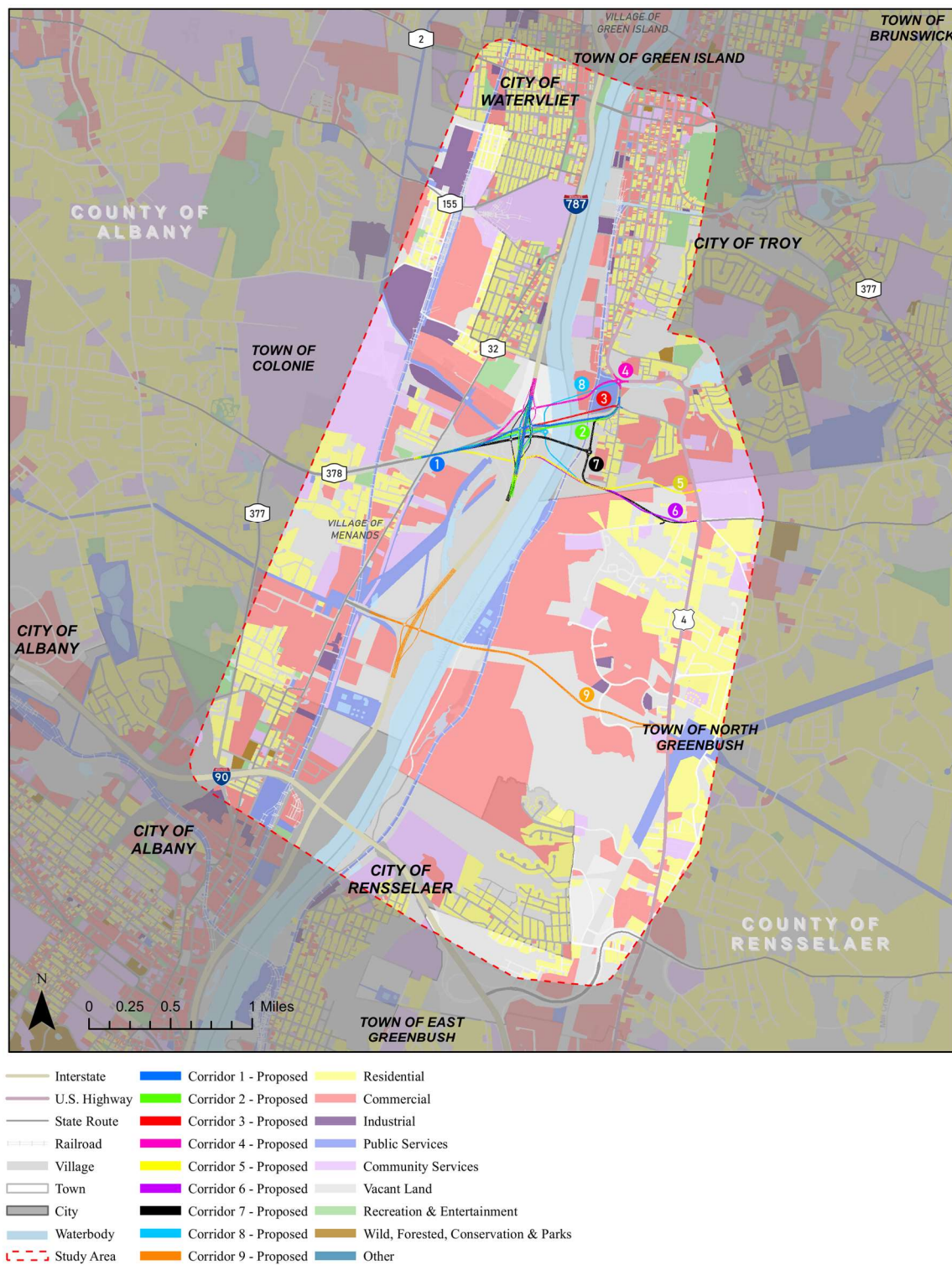
2.2 Social Groups Benefited or Harmed

A review of U.S. Census data indicates that there are no significant concentration of elderly or disabled persons in the study area.

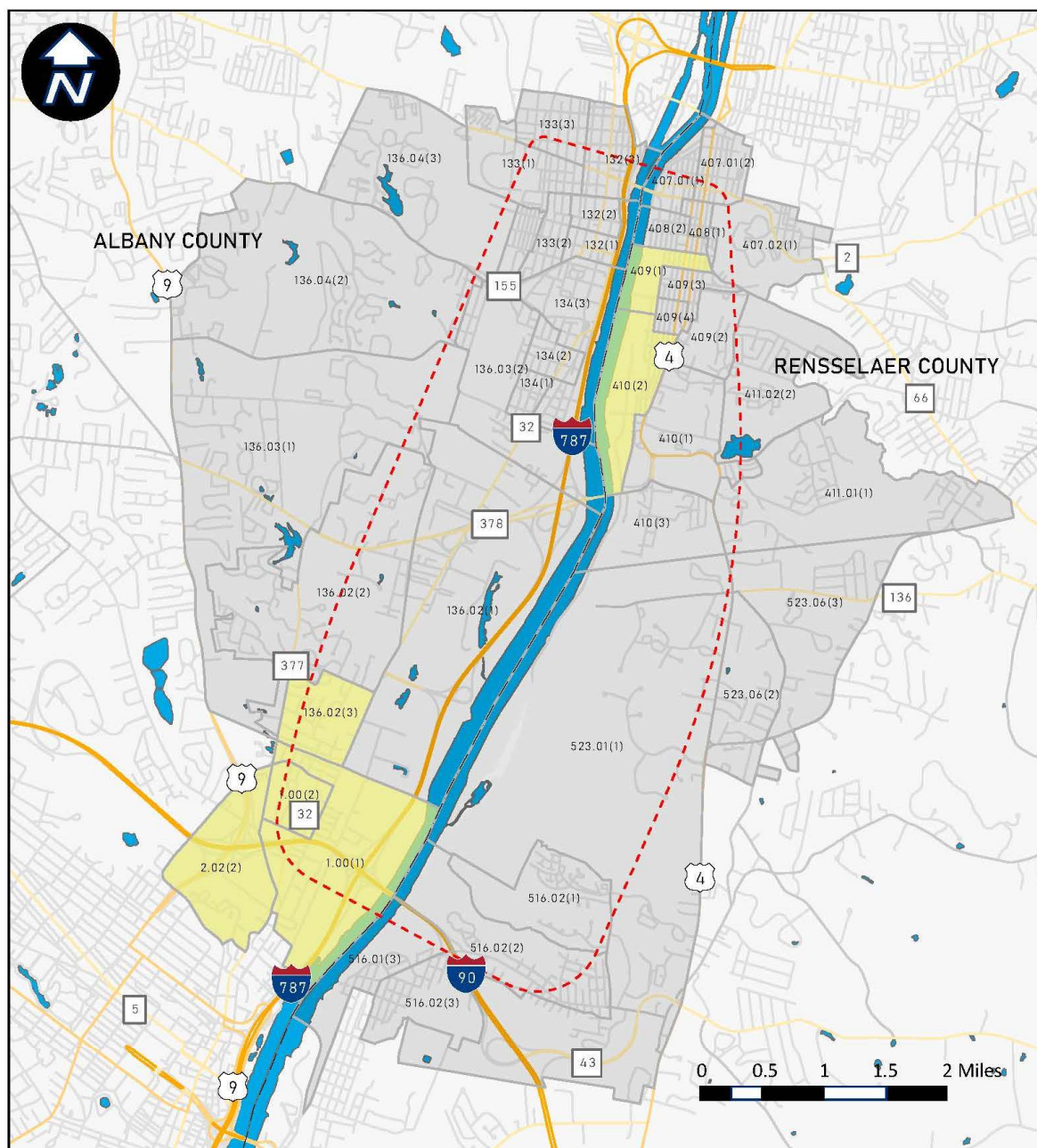
2.3 Low Income, Minority and Ethnic Groups (Environmental Justice) -

Based on data from the U.S. Census Bureau's 2020 decennial census, for all census block groups within the study area, there are environmental justice communities based on both minority and low-income characteristics. Following Council on Environmental Quality (CEQ) guidance, minority communities are identified where either 1) the minority population of the affected area exceeds 50 percent of the total population or 2) the minority population percentage of the affected area is meaningfully greater than the minority population percentage in the general population or other appropriate unit of geographic analysis (see Figure 2). In accordance with CEQ guidance and USEPA's Promising Practices for EJ Methodologies in NEPA Reviews, low-income populations in the Study Area were identified with the annual statistical poverty levels from the Census Bureau. Low-income EJ populations were identified as those with a percentage of the census tract that exceeds the low-income percentage for the state of New York – 13.6 percent (see Figure 3).

Figure 1. Land Use



Data Source: NYS ORPTS

Figure 2. Minority Populations in Study Area

Greater than 50.0% of the Population Identify as a Minority

Block Groups

Hydrography

Interstate Highway

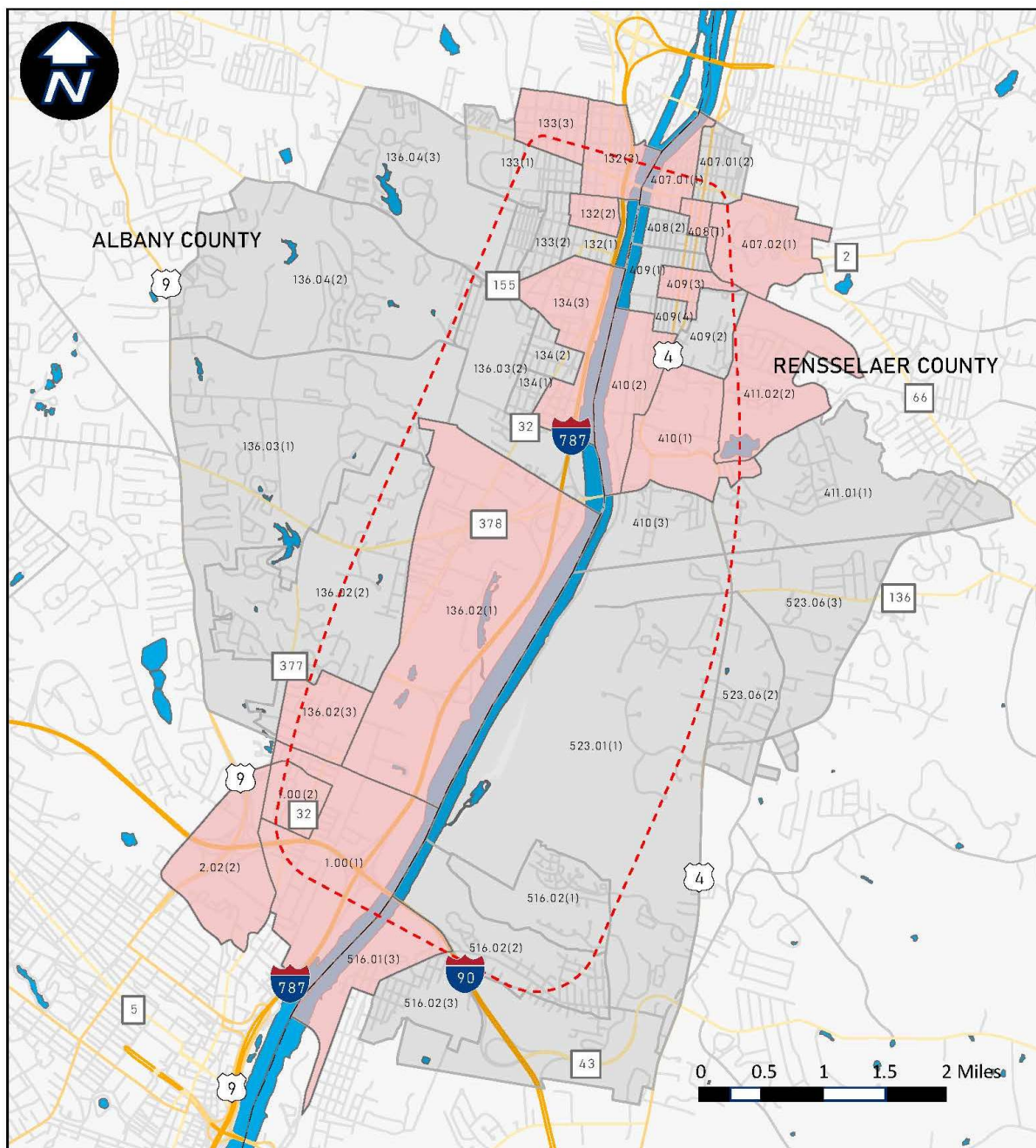
US Highway

NYS Route

Other Roadways

Study Area

County

Figure 3. Low-Income Populations in Study Area

- Greater than 13.6% of the population Below the Poverty Level
- Block Groups
- Hydrography
- Interstate Highway
- US Highway
- NYS Route
- Other Roadways

- Study Area
- County

Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, signed by the President on February 11, 1994, directs Federal agencies to take the appropriate and necessary steps to identify and address disproportionately high and adverse effects of Federal projects on the health or environment of minority and/or low-income populations to the greatest extent practicable and permitted by law.

The assessment of disproportionately high and adverse effects to environmental justice populations will involve the following steps:

1. Identify existing minority and low-income (environmental justice) populations within the Study Area;
2. Determine whether the Project would result in adverse effects on the identified environmental justice populations;
3. Consider mitigation for any adverse effects (required under NEPA for all adverse effects regardless of the type of population affected);
4. If effects would remain adverse after mitigation is considered, identify whether those effects would be predominately borne by the environmental justice populations or are appreciably more severe or greater in magnitude on the environmental justice population than the adverse effect suffered by the non-minority or non-low-income population (e.g., disproportionately high and adverse effects); and
5. If disproportionately high and adverse effects on environmental justice populations are anticipated, evaluate whether there is a further practicable mitigation measure or practicable alternative that would avoid or reduce the disproportionately high and adverse effects.

CHAPTER 3 ECONOMIC

3.1 Regional and Local Economies

Both the City of Troy and Village of Menands have Comprehensive Plans that include information on current economic conditions and plans for economic development. The Comprehensive Plans provide recommendations for changes to land use and identifies development zones for economic development. One of the economic investment zones in Troy intersect with the touchdown point for the new NYS Route 378 Bridge on Concept 4. Refinement of alignments, profiles, and the location of bridge piers would be coordinated with the city to avoid impacts to the development planned for this investment zone. These discussions and additional studies will be performed during the design phase of the project.

CHAPTER 4 ENVIRONMENTAL

This chapter documents preliminary data, analysis and information that can be used to inform the environmental review and documentation that may be required by NEPA for a future project involving NYS Route 378 over the Hudson River, including the existing environmental conditions and potential environmental constraints for the reasonable concepts identified in this NYS Route 378 Troy-Menands Bridge PEL Study.

NYS DOT utilized existing information from online data sources and previous reports to broadly identify potential constraints within the study area. This chapter presents mapping of the potential constraints from many of the environmental resources that may impact a future project.

4.1 Wetlands

After an online screening of the study area, there is the presence of wetland resources within the study area (see Figure 4).

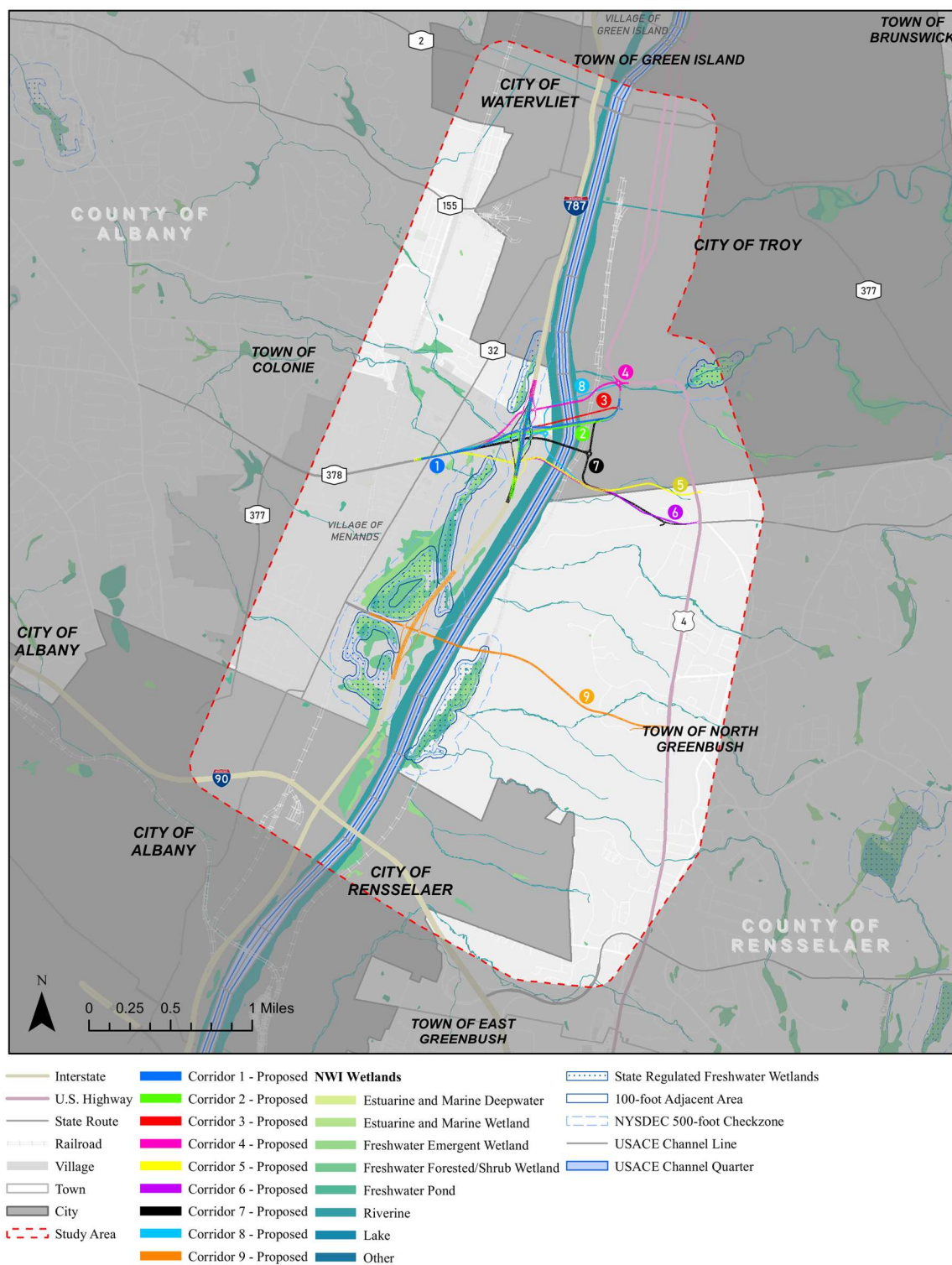
- **4.1.1 State Freshwater Wetlands**

Based on a review of NYSDEC Freshwater Wetlands maps for Albany and Rensselaer Counties, there are NYSDEC regulated freshwater wetlands in the study area (see Figure 4). Concepts 5, 6 and 9 appear to impact a freshwater wetland.

Depending on the alignment of the proposed bridge alignment, a NYSDEC Article 24 Freshwater Wetlands Permit may be required. A wetland field delineation will be undertaken during the NEPA phase to confirm the type, size and boundaries of the wetlands and a permit will be obtained from NYSDEC during the final design.

- **4.1.2 State Tidal Wetlands**

A review of the NYSDEC geographic information system (GIS) wetland data files indicates that there are no NYSDEC jurisdictional tidal wetlands or regulated adjacent areas within or near the project limits, and Environmental Conservation Law (ECL) Article 25 does not apply.

Figure 4. State and Federal Wetlands

- **4.1.3 Federal Jurisdiction Wetlands**

Based on a review of the National Wetlands Inventory online mapping, Federal jurisdictional wetlands exist within the study area as shown in Figure 4. It is anticipated that the proposed project will require impacts to wetlands. All practicable measures to minimize impacts to wetlands will be utilized. If there are impacts to wetlands, a permit from U.S. Army Corps of Engineers (USACE) will be required and a Section 401 Water Quality Certification will be required. Informal consultation with USACE was initiated as part of this PEL Study. Work will not commence until the permit is acquired, and work will adhere to all permit conditions.

- **4.1.4 Executive Order 11990**

As noted in Section(s) 3.1.1 and 3.1.3, impacts to state and/or federal wetlands is anticipated. An Executive Order 11990 Wetland Finding will need to be approved by Federal Highway Administration (FHWA) stating and supporting that (1) there are no practicable alternatives to construction in the wetland(s), and (2) the proposed action includes all practicable measures to minimize harm to the wetland(s) which may result from such use.

4.2 Surface Waterbodies and Watercourses

The Hudson River and multiple tributaries are surface waterbodies and water courses that exist in the study area.

- **4.2.1 Surface Water Classification Standards (NYSDEC)**

Based upon a review of the NYSDEC GIS data maps for mapped streams, there are several regulated water bodies within the study area:

- The Hudson River is classified as Class C (PWL ID: 1301-0002; Basin: Lower Hudson River, from south end of Houghtaling Island to Troy Dam). The section of the Hudson River within the study area is a 303d listed waterbody due to historic polychlorinated biphenyl (PCBs) contamination.
- Wynants Kill Creek is classified as Class C (PWL ID: 1301-0066; Basin: Lower Hudson River, stream and tributaries, from mouth to Albia)
- Quackenderry Creek is classified as Class C
- Poestenkill Creek in South Troy is classified as Class C (PWL ID: 1301-0068; Basin: Lower Hudson River, stream and select tributaries, from mouth to Poestenkill)

The best usage for Class/Standard “C” waters is fishing. Water quality is suitable for fish propagation and survival. The water quality shall be suitable for primary and secondary contact recreation, although other factors may limit the use for these purposes.

The New York State Department of Conservation (NYSDEC) has been informally consulted as part of this PEL Study. Consultation will continue to determine any restrictions to construction activities due to fish spawning seasons or other water quality concerns.

4.3 Wild, Scenic, and Recreational Rivers

- **4.3.1 State Wild, Scenic and Recreational Rivers**

The section of the Hudson River within the study area is not a NYSDEC Designated, Study or Inventory State Wild, Scenic or Recreational River.¹ No further review is required.

¹ <https://www.dec.ny.gov/permits/32739.html>

- **4.3.2 National Wild and Scenic Rivers**

The project does not involve a National Wild and Scenic River as shown by the Nationwide Rivers Inventory List of National Wild and Scenic Rivers. No further review is required.

4.4 Navigable Waters

- **4.4.1 State Regulated Waters**

The Hudson River, state regulated navigable waters, is located within the study area. The waterway is used for both recreational and commercial traffic. The project work will require placement of fill in these waters. Navigability of the waters may be affected, depending on the proposed bridge alignment. A NYSDEC Protection of Waters Permit for Excavation or Placement of Fill in Navigable Waters is anticipated to be required, pursuant to ECL Article 15, Title 5. While NYSDOT is not subject to permitting under Article 15, NYSDOT will coordinate with NYSDEC during final design to identify any necessary considerations/commitments.

- **4.4.2 Rivers and Harbors Act – Section 9**

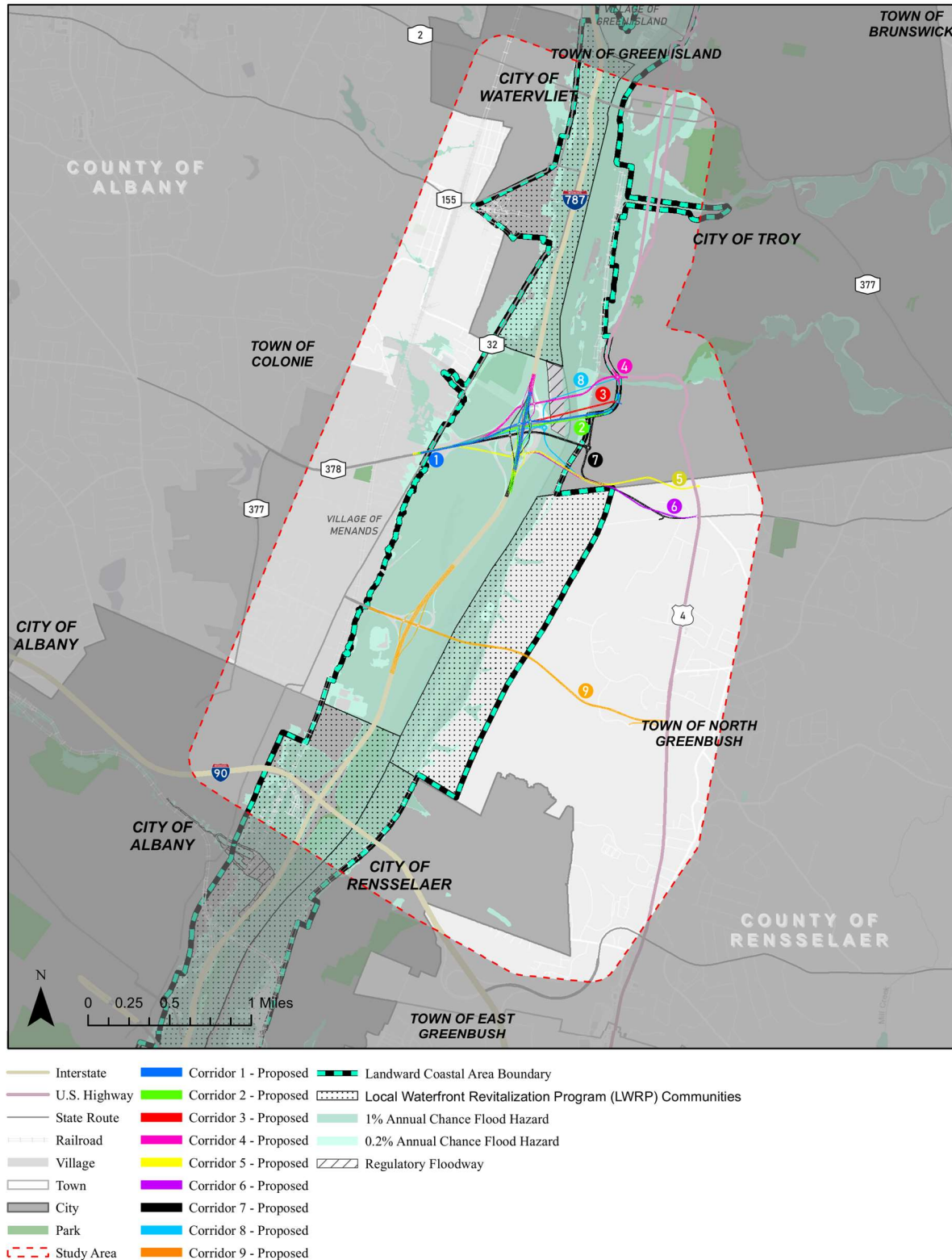
The project will involve the modification of a bridge over a navigable water of the United States, the Hudson River. The river is used for both recreational and commercial traffic. The modification of the bridge will not reduce the existing vertical clearance, however, certain concepts may affect the navigability of the river. The US Coast Guard has been consulted and a USCG Section 9 Permit Application Package will be assembled and submitted to them for approval.

- **4.4.3 Rivers and Harbors Act – Section 10**

The project may involve the reconstruction of a bridge over a navigable water of the United States, the Hudson River. The construction will necessitate dredging and the discharge of fill into the river and will require a USACE Section 10 Permit. A permit application will be submitted to the USACE once the extent of the impacts is fully ascertained, and the permit will be obtained prior to the commencement of work.

4.5 Floodplain Regulatory Framework and Guidance:

Based on a review of the Federal Emergency Management Agency (FEMA) floodplain mapping online site, there are areas of 1% annual chance floodplains (100-year floodplain) within the study area (see Figure 5). The Rensselaer County section of the study area was last updated in 1980, while the Albany County section was last updated in 2015.

Figure 5. Floodplains and Coastal Boundaries

Data Source: FEMA, NYS

Compliance with Executive Order (EO) 11988, 23 CFR 650, Subpart A and 6 NYCRR Part 502 are required since the project is located within the 1% annual chance floodplain (100-year floodplain) of the Hudson River as indicated on the FEMA Flood Insurance Rate Map (FIRM) for Albany County, New York. Therefore, an encroachment would exist for any of the replacement bridge concepts, and a floodplain assessment or analysis will be conducted. Based on consultation with FEMA, floodplain mapping in the Rensselaer County portion of the study area is underway as part of an ongoing project. The mapping should be updated as the project progresses.

Per the FEMA FIRM, portions of the Hudson River are an adopted regulatory floodway.² In accordance with the provisions of 23 CFR 650.111(d), the project must be considered and evaluated with regard to the practicality of alternatives to any floodplain encroachments.

4.6 State and Federal Coastal Areas

The project would be located within the state-designated Coastal Area, according to the NYSDOS Coastal Boundary Map (see Figure 5). Additionally, several of the concepts are located within the boundary of a local waterfront revitalization program (LWRP).

The proposed project would likely be subject to state coastal consistency review requirements. A coastal consistency review will be conducted, including an assessment of effects of the proposed project and consistency with the 44 policies of the New York State Coastal Management Program (NYS CMP) and the policies of the LWRP, if applicable.

4.7 Groundwater Resources, Aquifers, and Reservoirs

- 4.7.1 Aquifers

NYSDEC aquifer GIS data files have been reviewed and it has been determined that the study area is not located in an identified Primary Water Supply or Principal Aquifer Area. No further investigation for NYSDEC designated aquifers is required.

A review of the EPA-designated Sole Source Aquifer Areas Federal Register Notices, Maps, and Fact Sheets indicates that the project is not located in a Sole Source Aquifer Project Review Area. No federal review and/or approvals are required pursuant to Section 1424(e) of the Safe Drinking Water Act.

4.8 Endangered and Threatened Species

Following NYSDOT screening protocols, an official species list was created from the US Fish and Wildlife Service's (USFWS) online Information for Planning and Consultation (IPaC) for the study area. The project area was also screened using New York State Department of Environmental Conservation (NYSDEC's) Environmental Resource Mapper (ERM) for known occurrences using the screening distances identified in TEM 4.4.9.3. In addition, the National Marine Fisheries Services online viewers for Section 7 Consultation Species and for Essential Fish Habitat were reviewed.

According to USFWS's IPaC database, the National Marine Fisheries Services (NMFS) online mappers, and the ERM, there are Federally-protected, threatened, or endangered species located in or near (within ½ mile) the study area. The Federally-endangered Northern Long-eared Bat (*Myotis septentrionalis*), Federal candidate Monarch Butterfly (*Danaus plexippus*), Federally-endangered Shortnose Sturgeon

² Only a section of the Hudson River is mapped as floodway in the study area. This unusual situation was discussed with FEMA during a meeting on August 31, 2023. FEMA representatives indicated they would investigate and provide additional information when available.

(*Acipenser brevirostrum*), Federally-endangered Atlantic Sturgeon (*Acipenser oxyrinchus oxyrinchus*), and essential fish habitat for eleven species may be located within the study area. There are no critical habitats in the study area according to IPaC but there are Bald Eagles (*Haliaeetus leucocephalus*) in the area.

In discussions with NYSDEC, freshwater mussels were identified as an important resource in this section of the Hudson River. NYSDEC will be consulted for any potential state-listed species within the project area once a specific project is identified. Habitat assessments and further agency consultation will be performed as the project progresses. Depending on the project details, a Part 182 Incidental Take Permit would be obtained for any potential adverse impacts to a state-listed species and NYSDOT may need to mitigate potential impacts to Federally- or State-listed species.

4.9 Critical Environmental Areas

- **4.9.1 State Critical Environmental Areas**

According to the listing of Critical Environmental Areas maintained by NYSDEC, the study area is not in or near a Critical Environmental Area.

- **4.9.2 State Forest Preserve Lands**

According to information obtained from NYSDEC, the proposed project does not involve work in or near state forest preserve lands. However, the study area does include Hudson Valley Core Forests. Several of the proposed concepts would impact the forests (Concepts 6, 7 and 9 most significantly).

4.10 Historic and Cultural Resources

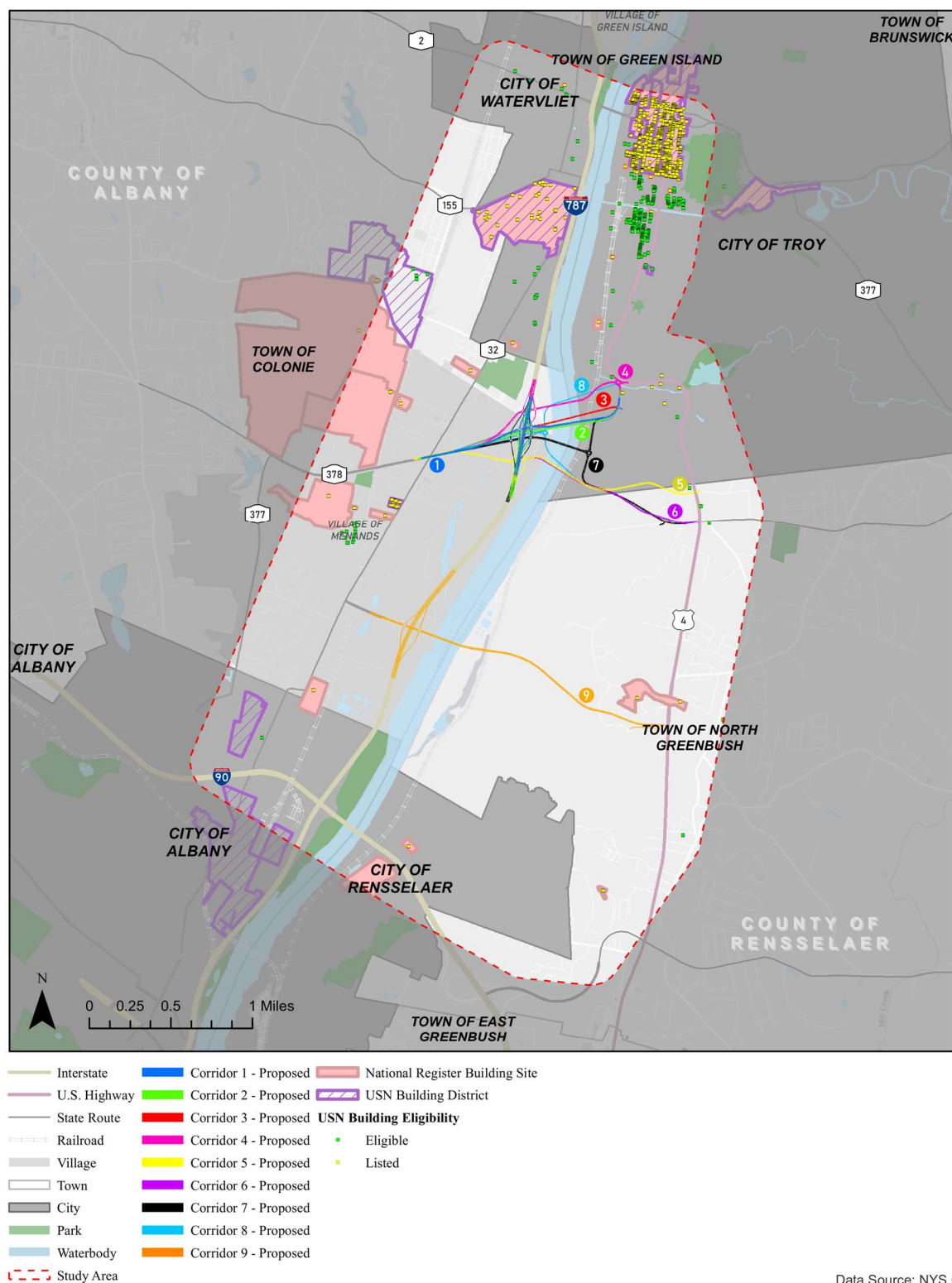
- **4.10.1 National Heritage Areas Program**

The study area is within the Maurice D. Hinchey Hudson River Valley National Heritage Area. The Hudson River Valley Greenway is the management entity. They will be contacted once a concept is selected and the project is progressing to ensure that the project is consistent with the Heritage Area Management Plan. In addition, portions of the study area are located in the River Spark New York State Heritage Area.³ It is currently undergoing a reorganization, but the management entity will be contacted to ensure that the project is consistent with the Heritage Area Management Plan.

- **4.10.2 National Historic Preservation Act – Section 106 / State Historic Preservation Act – Section 14.09**

There are historic properties, eligible for inclusion in, or listed on, the National Register, within the study area, based on review of New York State's Cultural Resource Information System (CRIS) (see Figure 6). It is unclear at this stage if any of the proposed concepts would cause effects on any of the historic properties. An assessment of effects will be prepared and consultation with the State Historic Preservation Office (SHPO) will continue as the project progresses.

³ <https://parks.ny.gov/historic-preservation/heritage-areas.aspx>

Figure 6. Historic Resources

Sourced from Cultural Resource Information System (CRIS) mapper. Credits: The New York State Historic Preservation Office (SHPO) and the Division for Historic Preservation (DHP) within the Office of Parks, Recreation and Historic Preservation (OPRHP)

Since any replacement concept would require a federal permit, NYSDOT will follow the Section 106 Process of the National Historic Preservation Act. This ensures compliance with the NYSHPA Section 14.09 process.

- **4.10.3 Architectural Resources**

Multiple properties listed on, or eligible for, inclusion in the National Register of Historic Places are located within the study area. The proposed project may have an adverse effect on a historic property. Please refer to the subsection above, National Historic Preservation Act – Section 106, for more detailed information.

- **4.10.4 Archaeological Resources -**

The study area is identified as archaeologically sensitive, and the proposed project may require project activities within previously undisturbed areas that have the potential to contain archeological resources.

A Phase I archeological survey will be conducted to determine the presence of archeological resources. If resources are found in the project vicinity, a Phase II archaeological survey will be conducted to determine the locations, quantity and significance of the resources more precisely. This report will make it possible to fully identify and evaluate potential impacts from the project, and to determine if a Data Recovery effort will be necessary, and to determine what mitigation measures will be appropriate.

- **4.10.5 Historic Bridges**

The NYS Route 378 Troy-Menands Bridge located over the Hudson River is not listed on NYSDOT's Historic Bridge Inventory as being National Register listed or eligible, nor does it contribute to a Historic District.

- **4.10.6 Historic Parkways**

This project does not have to potential to impact any Historic Parkways.

- **4.10.7 Native American Involvement**

The Department will be following the Section 106 Process of the National Historic Preservation Act (36 CFR 800). This ensures compliance with the Archaeological Resources Protection Act. As part of this PEL Study, NYSDOT consulted with the Delaware Nation, Saint Regis Mohawk Tribe, and Stockbridge-Munsee Band of Mohican Indians. Consultation will continue as the project progresses.

4.11 Parks and Recreational Resources

There would be no impact to park lands from any of the potential concepts; however, all the concepts would provide an opportunity to improve connection to the Empire State Trail. In addition, some concepts may have minor impacts to NY State Greenways.

- **4.11.1 State Heritage Area Program**

The study area is located in the Hudson-Mohawk-RiverSpark State Heritage Area. At the confluence of two great rivers, natural resources and cutting-edge technology were harnessed in the region's transformation from an agrarian to an industrial economy. This heritage is visible today in the people, streets, and landscapes of the RiverSpark communities: Cohoes, Colonie, Green Island, Troy, Waterford, and Watervliet. www.riverspark.org The Administering Body will be contacted, and the Heritage Area

Management Plan will be reviewed, to ensure that the project is consistent with the goals identified for the area.

- **4.11.2 National Heritage Areas Program**

The proposed project is located in the Maurice D. Hinchey Hudson River Valley National Heritage Area. Please refer to 3.10 Historic and Cultural Resources – “National Heritage Area Program,” for detailed information on the Heritage Area, potential impacts, and coordination with the management entity.

- **4.11.3 National Registry of Natural Landmarks**

There are no listed nationally significant natural areas within, or adjacent to the study area.

- **4.11.4 Section 6(f) Involvement**

There are no Section 6(f) resources within the study area. The Office of Parks, Recreation and Historic Preservation confirmed that there are no Land and Water Conservation Fund grants used for the Mohawk-Hudson Bike-Hike Trail in Albany County. No further consideration under Section 6(f) is required.

- **4.11.5 Section 1010 Involvement**

This project does not involve the use of land from a park to which Urban Park and Recreation Recovery Program funds have been applied.

4.12 Section 4(f) of the USDOT Act of 1966

The proposed project may involve minor use of land from NY State Greenways (depending on the concept selected). Further consultation is required to determine if such properties qualify for Section 4(f) protection as a publicly owned park and recreational area. If appropriate, the official with jurisdiction over the resource will be consulted regarding any FHWA Section 4(f) finding. In addition, further analysis and consultation with SHPO is required to determine if any of the concepts would result in an adverse effect to any historic property listed in or determined eligible for listing in the National Register of Historic Places. The FHWA will consider the views of any consulting parties participating in the Section 106 process. The State Historic Preservation Office (SHPO) / Tribal Historic Preservation Officer (THPO), and Advisory Council on Historic Preservation (ACHP) will be involved in the Section 106 process, if necessary. The public will be afforded an opportunity to comment as part of the Section 4(f) process.

4.13 Farmlands

- **4.13.1 State Farmland and Agricultural Districts**

Based on a review of the NYS Agricultural District Maps for Rensselaer County, the study area overlaps with portions of NYS Agricultural District #2. There is no overlap in NYS Agricultural Districts in the Albany County portion of the study area. However, since the proposed project would not be expected to acquire more than 1.0 acre (0.4 hectares) from an actively operated farm within any of the Agricultural Districts, or more than 10 acres (4 hectares) within any of the individual Agricultural Districts, the notification requirements of the NYS Agriculture and Markets Law do not apply.

- **4.13.2 Federal Prime and Unique Farmland**

The proposed project has no Farmland Protection Policy Act (FPPA) defined farmlands so no further federal review is warranted.

4.14 Noise

The proposed project is classified as a Noise Regulation Type 1 under 23 CFR 772 since the project likely significantly realign bridges, approach roads, ramps and adjacent roads closer to residential and commercial receptors. A Traffic Noise Assessment will be completed for alternatives advanced in NEPA.