

DRAFT RESTORATION PLAN AND ENVIRONMENTAL ASSESSMENT
FOR THE AKWESASNE WATER ACCESS PROJECTS

St. Lawrence River Environment
Natural Resource Damage Assessment and Restoration

March 2024

Prepared by

The St. Lawrence River Environment Trustee Council:

National Oceanic and Atmospheric Administration

United States Fish and Wildlife Service

New York State Department of Environmental Conservation

Saint Regis Mohawk Tribe

Executive Summary

This Draft Restoration Plan and Environmental Assessment (RP/EA) has been developed by the Natural Resource Trustees of the St. Lawrence River Environment (Trustees) to identify and evaluate restoration alternatives to compensate for injuries to natural resources and resource service losses resulting from historical releases of hazardous substances to the St. Lawrence River Environment from three industrial facilities in Massena, New York. This (RP/EA) addresses the following three projects (Collectively, defined as the “Akwasasne Water Access Projects”):

1. Raquette River Public Access: boat launch, nearshore fishing access, and parking.
2. St. Regis River - Sken:nen Park West: public access to St. Regis River from west bank.
3. St. Regis River - Sken:nen Park East: public access to St. Regis River in the vicinity of the former Hogansburg dam powerhouse and east bank.

The Akwasasne Water Access Projects will partially compensate the public for ecological and recreational fishing losses resulting from these hazardous substance releases by restoring streambank habitat and public access to, and uses of, the St. Regis River and the Raquette River; and providing economic, cultural, educational, and recreational benefits to the Akwasasne and regional community. These rivers are tributaries to the St. Lawrence River, and are within the St. Lawrence River Environment.

This Draft RP/EA evaluates restoration alternatives, including a no action alternative, and incorporates information from both the 2013 St. Lawrence River Environment Trustee Council’s (SLETC) Restoration and Compensation Determination Plan and Environmental Assessment (RCDP/EA) for the St. Lawrence River Environment. The SLETC also uses relevant information from the 2015 National Oceanic and Atmospheric Administration (NOAA) Restoration Center’s Programmatic Environmental Impact Statement (PEIS) for habitat restoration activities in completing this impact analyses. The Trustees have determined that the proposed action - the Akwasasne Water Access Projects - is consistent with the RCDP/EA and Trustees’ restoration goals and objectives, meets the Trustees’ established restoration evaluation criteria, and is not expected to have any significant adverse environmental effects as defined under the National Environmental Policy Act (NEPA).

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1. Introduction

The Natural Resource Trustees of the St. Lawrence River Environment (Trustees) have prepared this Draft Restoration Plan and Environmental Assessment (RP/EA) as part of the Natural Resource Damage Assessment (NRDA) restoration planning process, to identify and analyze alternatives to restore natural resources and related services injured or lost due to releases of hazardous substances in the St. Lawrence River Environment. The Trustees developed this RP/EA to document the decision-making process for identifying and selecting the Akwesasne Water Access Projects as the preferred alternative to restore natural resources and services injured or lost in the St. Lawrence River Environment, and evaluated this action and the No Action alternative. The Trustees are seeking public review and comment on this Draft RP/EA to inform the preparation and release of the Final RP/EA. Once the RP/EA is finalized, the Trustees will authorize the use of Trustee settlement funds by the Saint Regis Mohawk Tribe to construct the Akwesasne Water Access Projects.

This Draft RP/EA:

- Explains the purpose and need for restoration;
- Presents the restoration alternatives evaluated by the Trustees;
- Outlines the Trustees' restoration goals and restoration evaluation criteria;
- Evaluates the restoration alternatives under the restoration evaluation criteria; and
- Analyzes the restoration alternatives' likely impacts to the environment as well as cumulative effects that may result from implementation of the alternatives.

1.1. Proposed Action and Purpose & Need for Restoration

The purpose of the proposed action is to restore, rehabilitate, replace, or acquire natural resources and their services to compensate for natural resources and natural resource services injured or lost as a result of releases of hazardous substances at three industrial facilities in or near Massena, New York, and defined by the Trustees as the St. Lawrence River Environment.

The facilities include Alcoa West, Alcoa East (the former Reynolds Metals Corporation), and the General Motors Central Foundry (together, the Facilities). Production wastes and associated contaminants (including, but not limited to, PCBs, PAHs, fluoride, and metals) from the Facilities were disposed of through outfalls into rivers and streams, in on-site disposal sites, and via aerial emissions. These contaminants were subsequently transported throughout the environment through hydrological, aerial, and biological pathways, causing injuries to natural resources.

Natural resources (i.e., surface water, sediment, and biota) in these areas have been exposed to hazardous substances at levels sufficient to cause injury as defined in the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) NRDA regulations (43 C.F.R. Part 11). These injuries have resulted in a reduction of ecological, recreational, and cultural services.

The Trustees' proposed action is the construction of three projects in Akwesasne that address shoreline restoration and a lack of public waterway access points within the territory of Akwesasne.

1. Raquette River Public Access: boat launch with floating docks, nearshore fishing structures, and parking
2. St. Regis River - Skén:nen Park West: waterfront park offering riverbank enhancement and public access to the St. Regis River, nearshore fishing structure and viewing platform, cultural and environmental educational exhibits, and parking,
3. St. Regis River - Skén:nen Park East: waterfront park on the opposite bank of Sken:nen Park West, offering public access to the St. Regis River, nearshore fishing structure and viewing platform, bank stabilization, cultural and environmental educational exhibits, and parking

The St. Regis River - Skén:nen Park West Project is a proposed riverfront park with fishing access located along the St. Regis River in Akwesasne¹, New York just west of a former dam (Hogansburg Hydroelectric Power) that was removed. The Skén:nen Park East Project will offer public access to the St. Regis River, a nearshore fishing structure and viewing platform, cultural and environmental educational exhibits and parking. The Raquette River Public Access Project, located behind the Akwesasne library, will provide a boat launch with floating docks, nearshore fishing structures, and parking. Collectively, these Akwesasne Water Access Projects will partially compensate the public for ecological and recreational fishing losses resulting from hazardous substance releases to the St. Lawrence River Environment. The projects will restore a measure of public access to the St. Regis River and provide some ecological, economic, cultural, educational and recreational benefits to the Akwesasne community. Project features will include streambank enhancement/restoration and public access, and will include streambank stabilization, native vegetation plantings, installation of river platforms for wildlife viewing and recreational fishing, all-persons pedestrian walkways and trails, a small boat launch, parking, informational/educational signage and kiosks, and stormwater management and erosion control features. A more detailed description of each project is provided in Section 4 of this Draft RP/EA.

1.2. Natural Resource Trustees and Authorities

This Draft RP/EA has been prepared by the St. Lawrence River Environment Trustee Council (SLETC). Under Federal law, the Trustees are authorized to act on behalf of the public to assess and recover natural resource damages, and to plan and implement actions to restore, replace, or rehabilitate natural resources injured or lost as a result of the release of a hazardous substance, or to acquire the equivalent resources or the services they provide (42 U.S.C. § 9601 *et seq.* (CERCLA); 43 C.F.R. Part 11). The Trustees for this Site are:

¹ The Federally-recognized territory of the Saint Regis Mohawk Tribe.

- The Saint Regis Mohawk Tribe, Environment Division on behalf of the Saint Regis Mohawk Tribe (SRMT) (Lead Administrative Trustee),
- The New York State Department of Environmental Conservation (NYSDEC) on behalf of the State of New York,
- The National Oceanic and Atmospheric Administration (NOAA) on behalf of the United States Department of Commerce, and
- The United States Fish and Wildlife Service (FWS) on behalf of the United States Department of the Interior (DOI).

This Draft RP/EA was prepared jointly by the Trustees in accordance with Section 111(i) of CERCLA (42 U.S.C. § 9611(i)) and the NRDA implementing regulations (43 C.F.R. § 11.93).

In addition, this document has been developed in consideration of the National Environmental Policy Act (NEPA) (42 U.S.C. § 4321 *et seq.*) and its implementing regulations (40 C.F.R. §§ 1500-1508). Under NEPA, Federal agencies must fully consider the environmental impacts of their decisions and such information is made available to the public. Federal Trustees meet this requirement by undertaking an environmental review and developing either an environmental impact statement, or an environmental assessment (EA) when a more streamlined review is appropriate, or a categorical exclusion. NEPA compliance is discussed further in Section 5.0.

1.3. Background Information on the Site

For decades, three industrial facilities in Massena, New York released hazardous substances to the St. Lawrence River environment. The facilities include Alcoa West, Alcoa East (the former Reynolds Metals Corporation), and the General Motors Central Foundry (together, the Facilities) (Figure 1). Production wastes and associated contaminants (including, but not limited to, PCBs, PAHs, fluoride, and metals) from these Facilities were disposed of through outfalls into rivers and streams, in on-site disposal sites, and via aerial emissions. These contaminants were then transported throughout the environment via hydrological, aerial, and biological pathways, causing corresponding injury to natural resources. Some remediation of this contamination has occurred under the direction of the U.S. Environmental Protection Agency and the New York State Department of Environmental Conservation; additional remedial actions are still in process.

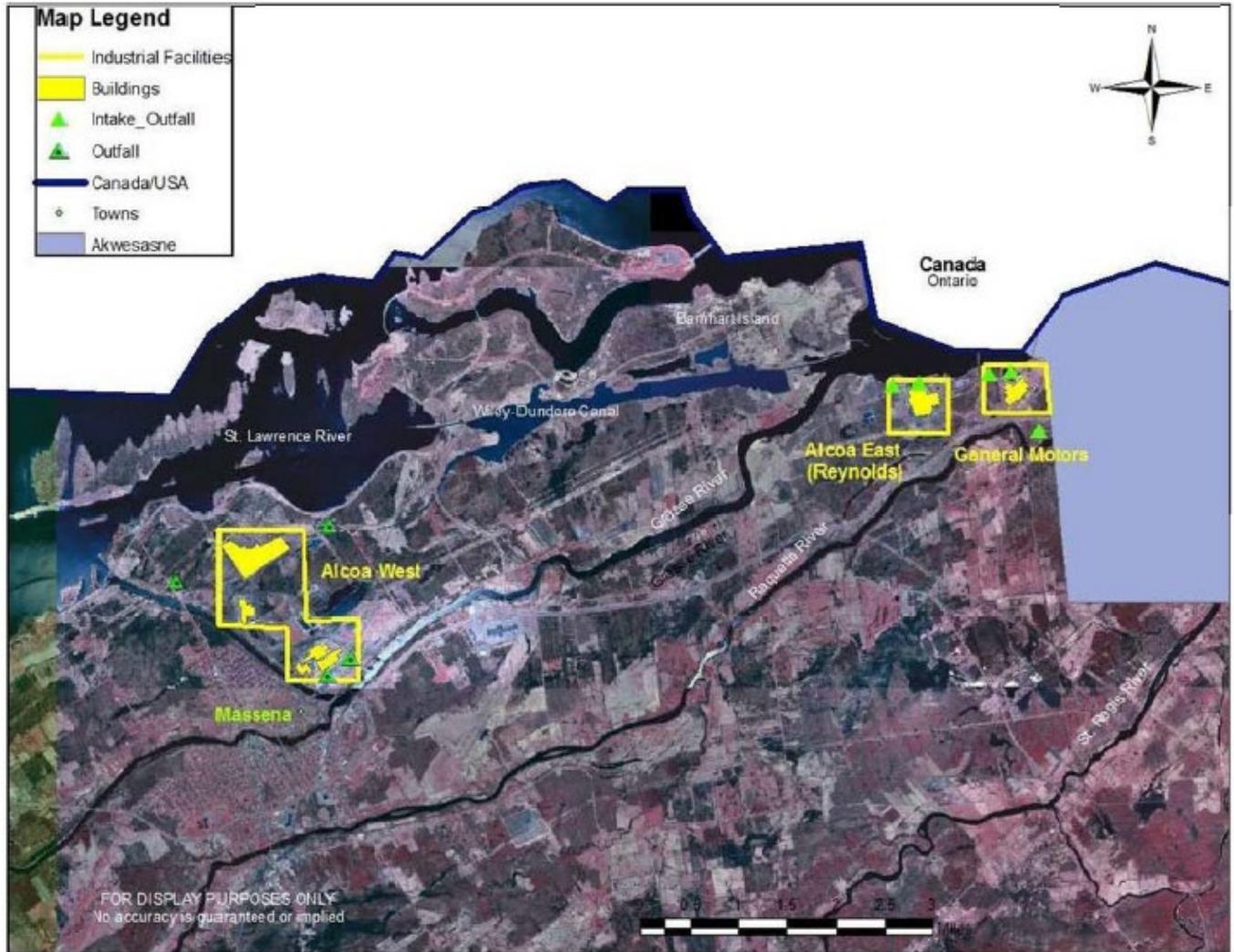


Figure 1. Aerial map depicting location of major industrial facilities that released hazardous substances into the St. Lawrence River environment.

Under Federal law, Federal and State agencies and Tribes are authorized to act as Trustees of natural resources on behalf of the public. In this role, Trustees assess and recover damages resulting from injuries to natural resources due to hazardous substance releases (e.g., PCBs, PAHs, fluoride, and metals), and use these recovered damages to plan and implement actions to restore, replace, rehabilitate, and/or acquire the equivalent of injured natural resources and the services these resources provide (42 U.S.C. Section 9601 *et seq.*, CERCLA; 43 C.F.R. § 11.80(b)).

1.4 Responsible Party Involvement

Under CERCLA, the parties responsible for releases of hazardous substances may be invited to participate in a cooperative natural resource damage assessment and restoration (43 C.F.R. § 11.32(a)(2)). Although the final authority regarding determinations of injury and restoration rests solely with the Trustees, cooperative assessments can be beneficial to the public by

reducing duplication of effort, expediting the assessment, and implementing restoration earlier than might otherwise be the case. For the St. Lawrence River Environment, the Trustees have identified Alcoa, Incorporated (Alcoa), RMC, and GM (together, the Companies) as the parties responsible for releases of hazardous substances and corresponding natural resource damages, and invited the Companies to conduct a cooperative assessment for the site. The involvement of RMC and GM in the cooperative assessment ended due to a merger with Alcoa and bankruptcy, respectively. The Companies' active involvement in the damage assessment and restoration planning process included the following:

- Providing funding and assistance for assessment activities,
- Providing data and developing a database of contaminant concentration data,
- Participating in the development of injury assessments of ecological and human use services, and
- Identifying parcels for potential land conservation, and
- Participating in the identification of ecological, recreational fishing, and cultural restoration projects.

The responsible parties entered into a consent decree in Federal court to memorialize their involvement and obligation to compensate for natural resource damages. See generally, [United States, et al v. Alcoa, Inc., et al, 7:13-cv-00337-NAM](#) (N.D.N.Y.) (March, 2013). (“Consent Decree”). The Consent Decree with Alcoa is comprised of a cash payment of approximately \$16.6 million for ecological and cultural restoration projects and past costs, implementation of five recreational fishing access projects, and purchase and legal transfer to NYSDEC of approximately 465 acres of property (the “Coles Creek” and “Wilson Hill” properties).

1.5 Relationship between this Draft RP/EA and the Restoration and Compensation Determination Plan and Environmental Assessment

This Draft RP/EA was prepared largely based on the 2013 Restoration and Compensation Determination Plan and Environmental Assessment (RCDP/EA), pursuant to the CERCLA NRDA regulations (43 C.F.R. § 11.93(a)). The Trustees prepared the RCDP/EA as part of the NRDA assessment phase for the St. Lawrence River Environment. The RCDP/EA was attached to the 2013 Consent Decree and incorporated by reference. The RCDP/EA includes an Environmental Assessment (EA) of the general impacts of the projects or project types set forth therein, meeting the requirements of NEPA.

The purpose of the RCDP is to inform the public as to the type and scale of preferred restoration alternatives that are expected to compensate for injuries to natural resources due to hazardous substance releases (43 C.F.R. § 11.81). In this case, hazardous substances including polychlorinated biphenyls (PCBs), polycyclic aromatic hydrocarbons (PAHs), fluoride,

and metals have been released into the environment of the St. Lawrence River watershed from three facilities in and near Massena, New York. Natural resources (e.g., surface water, sediments, invertebrates, fish, amphibians, reptiles, birds, and mammals) have been exposed to and adversely affected by these contaminants, resulting in a loss in ecological, recreational fishing, and cultural resource services.

The RCDP/EA lists a reasonable number of potential alternatives for (i) the restoration or rehabilitation of the injured natural resources to a condition where they can provide the level of services available at baseline, or (ii) the replacement and/or acquisition of equivalent natural resources capable of providing such services” (43 C.F.R. § 11.81 (a)). Therefore, the RCDP/EA: 1) describes natural resource injuries and associated losses in resource services due to the presence of elevated levels of Facility-related contaminants in the St. Lawrence River Environment (i.e., contaminants from both Alcoa and GM facilities); and 2) outlines proposed restoration projects or project types.

The NRDA Restoration Plan describes how settlement monies will be used to address natural resources, specifically what restoration, rehabilitation, replacement, or acquisition of the equivalent resources will occur. The Restoration Plan may also describe how monies will be used to address the services that are lost to the public until restoration, rehabilitation, replacement, and/or acquisition of equivalent resources is completed. The Restoration Plan is prepared in accordance with the guidance set forth in 43 C.F.R. § 11.81 of the CERCLA NRDA regulations.

This Draft RP/EA builds off the Final RCDP/EA for the St. Lawrence River Environment by evaluating project-specific restoration activities that were not specifically identified in the RCDP/EA. For example, the RCDP/EA selected a suite of habitat restoration categories as part of the preferred alternative for ecological resource injuries and service losses; however, specific projects were not identified for some categories (e.g., streambank restoration along tributaries to the St. Lawrence River, including the St. Regis River). The Final RCDP/EA also identified multiple fishing access projects as a preferred alternative to compensate for recreational fishing losses. However, at the time of the Consent Decree, the Trustees were unable to identify specific projects in Akwesasne, which was part of the assessment area. This Draft RP/EA also provides a more detailed, project-specific NEPA analysis of environmental impacts (Section 5.0) than what was provided in Sections 5.6 and 7.7 (Environmental Assessment of Preferred Restoration Alternatives) of the Final RCDP/EA. The Final RCDP/EA is incorporated herein by reference.

1.6 Public Involvement

1.6.1 Draft and Final RCDP/EA

CERCLA NRDA regulations (e.g., 43 CFR § 11.81(d)(1)) require that the RCDP/EA be made available to the public for review and comment. To facilitate public involvement in the development of the Draft RCDP/EA and the ecological and recreational restoration planning process, the Trustees first published a press release in September 2006, inviting the public to

share ideas and suggestions for projects expected to improve the habitat or adversely affected species and/or enhance opportunities for recreational fishing. Over 20 project proposals were received and screened by the Trustees. The projects that were successful in passing the Trustees' screening were considered in the development of the Draft RCDP/EA.

In addition, SRMT conducted community outreach, developed educational materials, and solicited comments, suggestions, and proposals from Tribal members. Between 2004 and 2009, the SRMT NRD Program established a Community Advisory Committee to ensure research was proceeding in an appropriate manner; conducted an Oral History Project through interviews with community members to fill data gaps; held public community outreach and government meetings; made public radio announcements; produced and mailed out a Cultural Impacts DVD to the public; conducted a Traditional Activities Survey of current traditional activity practitioners; and solicited cultural restoration ideas and suggestions from the community and surrounding areas.

The Final [St. Lawrence River Environment Natural Resource Damage Assessment: Restoration and Compensation Determination Plan and Environmental Assessment](#) (RCDP/EA) was made available to the public through a Notice of Availability published in the Federal Register (78 Federal Register 20298).

More recently, in 2020, the SRMT Office of Economic Development (OED) undertook a feasibility study for a park to be developed at the former Hogansburg Hydroelectric Power Dam and adjacent lands on both the western and eastern sides of the St. Regis River. This feasibility study included a comprehensive community engagement process to assess the interest and support of the park and to identify any barriers, concerns and opportunities. Feedback from the community, local businesses and Tribal programs demonstrated strong support and the need for this development, and to reclaim access to and use of the St. Regis River for Akwesasne recreational use.

The Final RCDP/EA identified five public boat access projects to local waters that met evaluation criteria in the RCDP/EA. These projects are preferred restoration alternatives and respond to public information requests and focus groups. The SRMT conducted a search of properties within the Territory of Akwesasne to construct a sixth access point. The lack of any public boat launch to Akwesasne waters is a hindrance to recreation, recreational fishing, public safety and first responders, and tribal cultural practices. Several alternative sites were evaluated for characteristics and availability for purchase. Ultimately, the SRMT, working with the co-Trustees, identified two parcels of Tribal property because they meet all the necessary screening criteria: available for development, feasibility, cost effectiveness, nearshore fishing access and deep-water access to the Raquette River and St. Lawrence River. The St. Regis River - Skén:nen Park East and West Projects are along the St. Regis River, on Tribal land. The proposed Raquette River Access Project in Akwesasne is also cost-effective because it is owned by the Tribe, so no shoreline property has to be purchased.

The RCDP/EA also made specific findings as to the loss of clean water, fish and use of the rivers in Akwesasne by the members of the Saint Regis Mohawk Tribe. Specifically, the RCDP/EA states:

8.3.1 Water, Fishing and Use of the River

Life in Akwesasne revolved around the rivers. Fishing as an economic and cultural activity was central to the identity of the people, as well as provided the people with their main sources of protein. The rivers also provided the people with a source of clean drinking water, a means of transportation, and a favorite recreation – swimming. Being cut off from the physical, psychological, and recreational sustenance that rivers provide to Akwesasro:non has impacted the people negatively in countless ways. For example, people miss the ability to fish and use the water of the St. Lawrence and other rivers. People noticed changes in the water quality, including the taste and smell of both the fish and water, and changed their resource harvesting activities accordingly. This was done long before the implementation of the fish consumption advisory by NYSDOH in 1984 (see Section 6.1).

The St. Regis River is the only river in Akwesasne that was not contaminated by industrial activity. The proposed Skén:nen Park East and West Projects are located along the St. Regis River, across from each other, on land owned by the Saint Regis Mohawk Tribe. These projects, like the Raquette River Public Access Project, are cost-effective because they are located on land already owned by the Tribe. Providing water and fishing access to the St. Regis River is consistent with restoring losses to the Tribe identified in the RCDP/EA.

1.6.2 Draft RP/EA

Public participation is also an important part of the Trustees' NRDA restoration planning process and is called for under the CERCLA NRDA regulations (e.g., 43 C.F.R. § 11.81(d)(2)). Under NEPA, Federal agencies are also required to comprehensively analyze the impacts of their proposed actions and make information related to their analyses publicly available.

This Draft RP/EA will be posted on the Saint Regis Mohawk Tribe websites for public review and comment for 30 days. The public is invited to submit comments in writing or by email to:

Tony David (Environment@srmt-nsn.gov)
Director, Environment Division
Saint Regis Mohawk Tribe
449 Frogtown Road
Akwesasne, New York 13655

The Trustees will consider all written comments received during the public comment period. After review and consideration of the public comments received, the Trustees will consider the comments for incorporation into and release of the Final RP/EA. Written comments received and the Trustees' responses to those comments, whether in the form of restoration plan revisions or written explanatory responses to comments, will be summarized in the Final RP/EA.

1.7 Administrative Record

The Trustees maintain records related to the St. Lawrence River NRDA decision-making process. These records are available on the St. Lawrence River Environment NRDA website:

<https://www.diver.orr.noaa.gov/web/guest/diver-admin-record/6823>.

2. Injury Assessment – Natural Resource Injuries and Service Losses

The Final RCDP/EA describes the natural resource injuries and associated losses in resource services due to the presence of elevated levels of Facility-related contaminants in the St. Lawrence River Environment (i.e., contaminants from both Alcoa and GM facilities). That information is incorporated here by reference and briefly summarized below.

The assessment focused on the aquatic habitat of the St. Lawrence River and associated tributaries (i.e., Grasse, Raquette, and St. Regis Rivers, Massena Power Canal, Unnamed Tributary, Robinson Creek, and Turtle Cove/Creek) within U.S. waters from the Wiley Dondero Canal and Moses Saunders Dam downstream to the international border with Canada, as well as habitat on Facility property (both aquatic and terrestrial), and Akwesasne (together, assessment area). Natural resources (i.e., surface water, sediment, and biota) in these areas have been exposed to hazardous substances at levels sufficient to cause injury based on the CERCLA NRDA regulations (43 C.F.R. Part 11). These injuries have resulted in a reduction of ecological, recreational, and cultural services.

Within the assessment area, natural resource exposure to contaminants of concern (COCs) has been documented since at least the 1970s, and is expected to continue into the future.² Injury to ecological resources has likely occurred since that time, but damages based on ecological injuries are calculated beginning in 1981 (in accordance with the promulgation of CERCLA and the divisibility of injuries), continuing at least through 2106, at which point the uncertainty of recovery and the effects of discounting minimize damages. Injury and corresponding recreational fishing losses are assessed from 1984 (the first year a fish consumption advisory (FCA) was put into place), through both 2030 and 2050 (based on the uncertainty of when the FCAs will be removed). Cultural losses are measured from 1955, the year in which Akwesasne residents began to notice changes in their natural environment, and continue indefinitely.

2.1 Ecological Losses

Injured trust resources within the assessment area sustained losses in ecological services due to facility-related contamination. Facility-related COCs were sufficient to cause a loss in the baseline ecological services (i.e., level of services but for contamination) provided by

² The contaminants of concern (COCs) in the assessment area are those hazardous substances (as defined by Section 101(14) of CERCLA) to which trust resources have been exposed as a result of releases to the assessment area. These contaminants include both organic (e.g., petroleum derivatives, synthetic carbon-based chemicals) and inorganic (e.g., metals) contaminants.

assessment area resources (such as sediment, macroinvertebrates, fish, amphibians, reptiles, birds, and mammals).³

2.2 Recreational Fishing Losses

PCB contamination has resulted in fish consumption advisories (FCAs) on the St. Lawrence River, Bay at St. Lawrence (Franklin County line), Grasse River, and Massena Power Canal. These FCAs have adversely affected recreational fishing, reducing the number of fishing trips taken to this river system.

2.3 Cultural Losses

Although the people of Akwesasne have experienced the harms caused by environmental contamination in many different ways, the overall effect on Tribal members has been both a disruption of traditional practices that allow for the continuation of a Mohawk way of life, and a forcible rapid acculturation to non-indigenous ways of interacting with the environment and each other. The Mohawk perspective on redress for these harms centers on promoting: 1) the restoration of natural resource-based cultural activities that were adversely affected by the release of hazardous contaminants, 2) the enhancement of connections between Mohawk people and the natural environment, and 3) knowledge transfers between generations of Mohawks, so that existing indigenous knowledge can be preserved and enlivened.

³ Facility-related COCs include PCBs, PAHs, aluminum, cyanide, fluoride, polychlorinated dibenzo-dioxins (PCDDs), and polychlorinated dibenzo-furans (PCDFs).

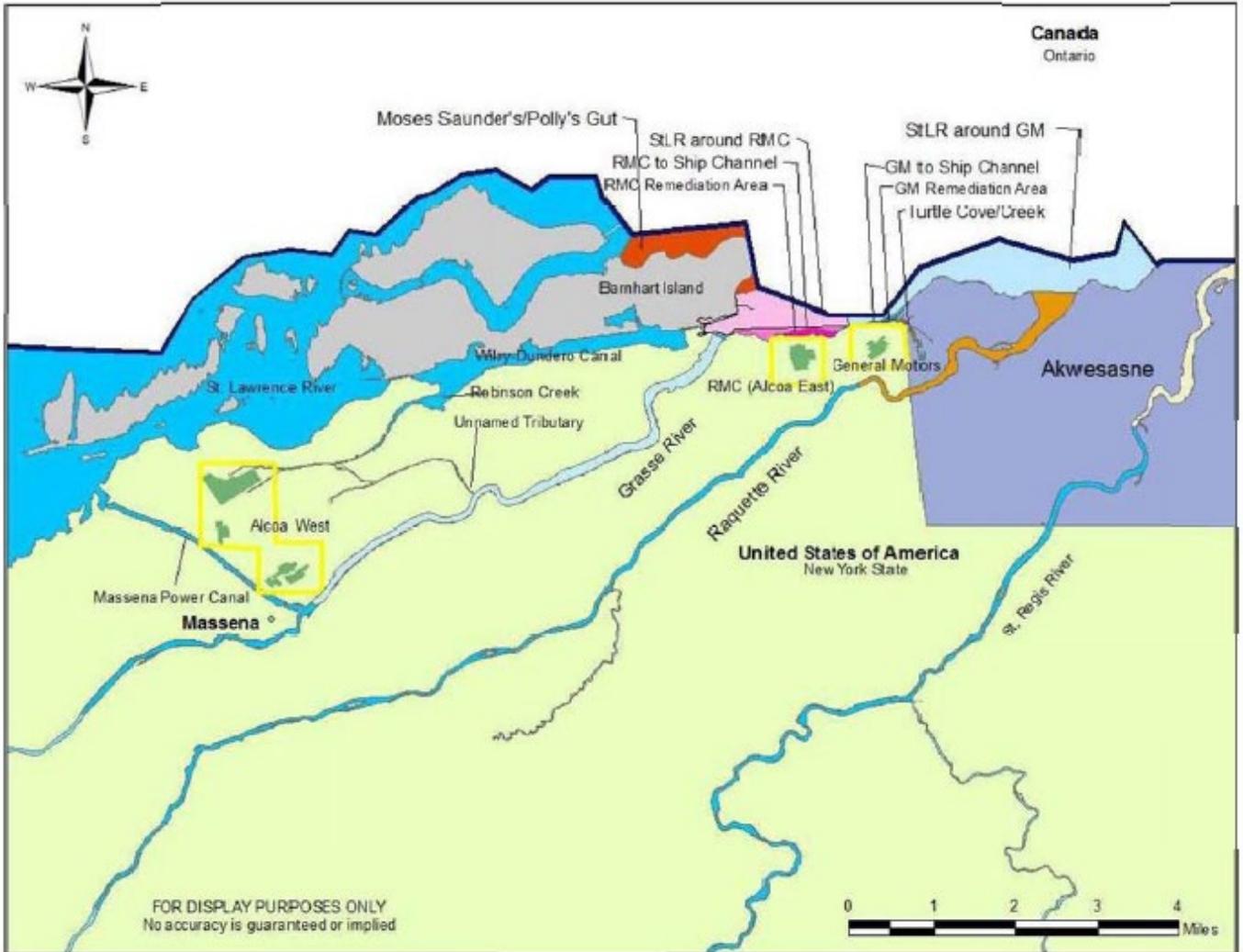


Figure 2. Map of the St. Lawrence River Assessment Area depicting the locations of the industrial facilities.

3. Restoration Planning

3.1. Restoration Goals and Objectives

The Trustees' overall goal is to restore, rehabilitate, replace, or acquire the equivalent of those natural resources and services injured by hazardous substances released from industrial facilities into the St. Lawrence River environment.

3.1.1 Ecological Loss

The Trustees' overall restoration objective is to compensate the public for interim and expected future ecological losses due to facility-related contamination in the St. Lawrence River Environment assessment area. As described in Section 4 of the Final RCDP/EA, losses were calculated beginning in 1981 and are expected to continue well into the future. The COCs have affected the ability of trust resources to provide their baseline level of ecological services.

Therefore, the Trustees focused on restoration projects that will compensate the public by providing additional (i.e., above and beyond baseline) ecological services in or near the assessment area.

In preparing the RCDP/EA, the Trustees considered a broad set of restoration alternatives that could potentially improve ecological services relevant to the assessment area. In addition to alternatives proposed by Trustee agencies, alternatives were solicited from the public through a request for restoration proposals that was distributed both directly to local governments, conservation organizations, and academic researchers, as well as to the broader public through a press release distributed to a suite of local media outlets. The categories of proposed restoration alternatives are fully described in Section 5.3 of the Final RCDP/EA and include Streambank Enhancement/Restoration, among other restoration types. These projects would improve riparian zones along tributaries to the St. Lawrence River, and would benefit small mammals, birds, amphibians, reptiles and fish, and serve to improve water quality by reducing erosion and runoff. A suite of specific projects was evaluated and selected in the Final RCDP/EA--these projects provided approximately 91,742 DSAYS of ecological benefit, at a cost of approximately \$8.31 million (the cash settlement for ecological damages with Alcoa, including acquisition of the Coles Creek and Wilson Hill properties). The RCDP/EA also allowed for the selection of additional projects that compensate for ecological losses, pending further evaluation, and public input.

3.1.2 Recreational Fishing Loss

The Trustees' overall restoration objective is to compensate the public for interim and expected future recreational fishing losses due to PCB contamination in the St. Lawrence River assessment area. As described in Chapter 3 of the Final RCDP/EA, since 1984 a variety of fish consumption advisories (FCAs) have been issued for rivers in the assessment area due to PCB contamination, and these FCAs are expected to continue well into the future. The FCAs have adversely affected recreational anglers by reducing the quality of fishing opportunities in the assessment area. The Trustees estimated 221,075 present value trips were lost between 1981 and 2030, and 250,740 present value trips were lost between 1981 and 2050. These lost trips were valued at approximately \$1,300,000. Therefore, the Trustees focused on restoration projects that will compensate recreational anglers by creating new or improving existing fishing opportunities in or near the assessment area (i.e., increasing the quality of fishing opportunities).

In preparing the RCDP/EA, the Trustees considered a broad set of restoration alternatives that could potentially improve recreational fishing experiences in the area. These alternatives were solicited from the public through: 1) a request for restoration proposals that was distributed to local governments and conservation organizations, and 2) a focus group with experienced recreational anglers from the Massena area. In addition, NYSDEC fisheries personnel at the Central and Regional offices were interviewed to obtain ideas for restoration alternatives. The restoration alternatives considered fell into four categories: 1) New Shore Fishing Access; 2)

New Boat Fishing Access; 3) Fish Stocking; and 4) Fish Habitat Improvements. Ultimately the Trustees selected projects providing new boat and shore access as the preferred alternative for addressing recreational fishing losses. The shore- and boat-based fishing access projects would allow recreational anglers to safely access local rivers without trespassing on private property. Safe shore- and boat-based fishing access is particularly important to handicapped, elderly, and low-income anglers who may have difficulty accessing local streams for fishing. While some specific shore- and boat-based recreational fishing projects were identified, evaluated and selected as preferred in the Final RCDP/EA (e.g., Lower Raquette River Boat Launch), the document also allowed for the selection of an additional recreational fishing access project in or adjacent to Akwesasne, pending further evaluation, NEPA analyses, and public input.

3.2. Evaluation Criteria

Consistent with the Final RCDP/EA, and in order to ensure the appropriateness and acceptability of restoration options addressing ecological and recreational fishing losses, the Trustees evaluated proposed alternatives against a suite of site-specific restoration requirements. These site-specific requirements were developed to evaluate ecological and recreational use projects separately. Projects that satisfied the site-specific requirements were then evaluated against the restoration criteria listed in the CERCLA NRDA regulations. The specific criteria used to evaluate restoration alternatives are presented in the following sections:

3.2.1 Site-Specific Criteria – Ecological Loss

- Location within the St. Lawrence watershed.
- Linkage to injured resources or associated services.
- Proximity to injured natural resources.
- Habitat connectivity.
- Proximity to lands with protected status.
- Potential contamination or other issues that might preclude project selection.
- Benefits to protected species or sensitive or unique habitats.
- Public enjoyment or use of natural resources.
- Likelihood of success as determined by project objectives and methodologies, land protection, and maintenance.
- Viability and sustainability of project.
- Part of larger local or regional restoration plan or vision.

3.2.2 Site-Specific Criteria - Recreational Fishing Loss

- Enhancement of recreational fishing opportunities in the Massena area through new/enhanced access to fishing areas or through increased catch rates.
- Compatibility with State fisheries agencies' management objectives.

3.2.3 CERCLA NRDA Criteria (43 C.F.R. § 11.82(d))

- Technical feasibility.
- The relationship of the expected costs of the proposed actions to the expected benefits from the restoration, rehabilitation, replacement, and/or acquisition of equivalent resources.
- Cost-effectiveness.
- Results of any actual or planned response actions.
- Potential for additional injury resulting from the proposed actions, including long-term and indirect impacts, to the injured resources or other resources.
- The natural recovery period and the ability of the resources to recover with or without alternative actions.
- Potential effects of action on human health and safety.
- Consistency and compliance with relevant Federal, State, and Tribal laws and policies.

4. Proposed Restoration Alternatives

In this section, the Trustees describe and evaluate the proposed alternatives using the site-specific and CERCLA NRDA criteria described in Sections 3.2. Alternative 1 includes the three projects comprising the Akwesasne Water Access Projects, and Alternative 2 represents the No Action Alternative.

4.1. Alternative 1A: St. Regis River – Skén:nen Park West Project

The Trustees are proposing the development of an outdoor park and recreation space to promote environmental education, provide information on the fish and local habitat, support shore-based recreational fishing and other outdoor recreation and river access, and enhance riverbank habitat. The St. Regis River - Skén:nen Park West Project site is located along the St. Regis River, a north flowing 852 square mile watershed with headwaters in the Adirondack Mountains of Northern New York State. The project site is located off Gray Street and near the Route 37 river crossing near Downtown Akwesasne, at the site of the former Hogansburg Hydroelectric Power Dam approximately 2.5 river miles from the confluence with the St. Lawrence River (Figure 3). The land is already owned by the Tribe.

Major elements of the project include shoreline/streambank improvements and enhancement; creation of open spaces, trails and walkways for recreation; riparian plantings with native tree

and plant species; parking; educational signage; construction of a platform for recreational fishing and wildlife viewing; and stormwater management and erosion control features (Figures 4 and 5).



Figure 3. Location of the proposed St. Regis River - Skén:nen Park West and East Projects.



Figure 4. Preliminary site plan for the proposed St. Regis River - Skén:nen Park West Project (Alternative 1A).



Figure 5. Rendering of the proposed St. Regis River - Skén:nen Park West Project (Alternative 1A)

4.2 Alternative 1B: St. Regis River – Skén:nen Park East Project

The St. Regis River - Skén:nen Park East Project is located directly across from the Skén:nen Park West Project, near Mill Street and the Route 37 crossing (Figure 3). The proposed project would provide additional river access for fishing and other recreational opportunities, and involves environmental education and information kiosks, bank stabilization, removal of invasive plants and planting of native species, and walkways and parking (Figures 6 and 7). Only minimal shoreline and instream disturbance is anticipated with the construction of a shoreline fishing and observation platform along the riverbank adjacent to the former hydroelectric dam powerhouse building.



Figure 6. Preliminary site plan for the proposed St. Regis River - Skén:nen Park East Project (Alternative 1B).



Figure 7. Rendering of the proposed St. Regis River - Skén:nen Park East Project (Alternative 1B).

4.3 Alternative 1C: Raquette River Public Access Project

The Raquette River Public Access Project would be located at the end of Library Road, off Route 37 in Akwesasne (Figure 8). The site consists of about 7 acres, includes approximately 310 feet of river shoreline, and is approximately 4,500 feet upstream of the confluence with the St. Lawrence River. Specifically, the project would involve the construction of a two-lane concrete launch and floating dock, an all-persons compliant floating fishing pier, a crushed stone access road, a parking area for up to 20 vehicles, provision of car-top boat launching access, and an all-persons compliant walkway from the parking lot to the pier (Figure 9). The boat launch would provide access to a section of the lower Raquette River that currently has no public boat access.



Figure 8. Map of the location of the proposed Raquette River Public Access Project (Alternative 1C).



Figure 9. Conceptual plan for the Raquette River Public Access Project (Alternative 1C). Parking lot configuration may change, and potential fish hatchery to be addressed in future planning document.

Collectively, Alternatives 1A, 1B and 1C are referred to as the Akwesasne Water Access Projects, Alternative 1.

4.4 Alternative 1 Evaluation

4.4.1 Ecological Loss

In order to ensure the appropriateness and acceptability of restoration alternatives for ecological losses, the Trustees evaluated the proposed Akwesasne Water Access Projects (Alternative 1) relative to site-specific criteria and the restoration criteria listed in the CERCLA NRDA regulations (43 C.F.R. § 11.82 (d)) and originally described in Section 5.4 of the Final RCDP/EA.

Site-Specific Criteria

The Trustees have determined that the proposed Akwesasne Water Access Projects meet the eleven site-specific criteria for ecological loss listed in Section 3.2:

Site-specific Criteria for Projects Addressing Ecological Loss	Meets Criteria
Location within the St. Lawrence watershed.	Yes
Linkage to injured resources or associated services.	Yes
Proximity to injured resources.	Yes
Habitat connectivity.	Yes
Proximity to lands with protected status.	Yes
Potential contamination or other issues that might preclude project selection.	Yes
Benefits to protected species or sensitive or unique habitats.	Yes
Public enjoyment or use of natural resources.	Yes
Likelihood of success as determined by project objectives and methodologies, land protection, and maintenance.	Yes
Viability and sustainability of project.	Yes
Part of larger local or regional restoration plan or vision.	Yes

CERCLA NRDA Criteria (43 C.F.R. § 11.82(d))

Eight general criteria listed in the CERCLA NRDA regulations (43 C.F.R. § 11.82(d)) were considered and evaluated for the proposed restoration alternative:

- *Technical feasibility (43 C.F.R. § 11.82(d)(1)).* Streambank enhancement/restoration and shore and boat fishing access projects are technically feasible. The shore access fishing platforms would be designed to be consistent with local building codes. The platform at the St. Regis River - Skén:nen Park West would be parallel to the shore with no footings or supports located in the water, to minimize the risk of ice floe damage. A similar pier was recently constructed at Springs Park in Massena. The St. Regis River - Skén:nen Park East Project is land-based and on the water. It largely involves environmental education exhibits, removal of invasive species and planting of native vegetation. The Raquette River Public Access Project is also feasible because of its location where no other public boat launch currently exists. Several boat launches currently exist in the local area, including a recently constructed launch on the St. Lawrence River just upstream of the Power Canal intake. The launch would incorporate

floating and removable docks, so that winter ice floe damage can be avoided, and instream impacts are minimized.

- *The relationship of the expected costs of the proposed actions to the expected benefits from the restoration, rehabilitation, replacement, and/or acquisition of equivalent resources (43 C.F.R. § 11.82(d)(2)).* The Trustees believe the expense of enhancing/restoring streambank habitat and creating new shore and boat access sites is reasonable, relative to the long-term benefits these projects will generate.
- *Cost-effectiveness (43 C.F.R. § 11.82(d)(3)).* The proposed park and shore/boat access sites are a cost-effective approach to shoreline habitat restoration and providing new public access and recreational fishing opportunities. Existing infrastructure and land ownership were considered in selecting these sites. All sites are accessible via local roadways, and will require only modest expenditures on access roads. The site would be located on publicly-owned parcels of land, thus reducing land acquisition expenses.
- *Results of any actual or planned response actions (43 C.F.R. § 11.82(d)(4)).* The Trustees do not expect that the proposed alternative would be affected by response actions, as it is located in areas where response actions are not anticipated.
- *Potential for additional injury resulting from the proposed actions, including long-term and indirect impacts, to the injured resources or other resources (43 C.F.R. § 11.82(d)(5)).* The development of new parks and shore and boat fishing access may result in short-term adverse effects to habitat at the site due to streambank enhancement and stabilization activities, and construction of the fishing platform, trails, parking lots, and access roads. These effects are expected to be minimal, as discussed in the Environmental Assessment below. Where new trails, parking, and other paved areas are required, the Trustees may minimize runoff impacts through the use of permeable materials such as crushed gravel and other stormwater control best management practices (BMPs).
- *The natural recovery period and the ability of the resources to recover with or without alternative actions (43 C.F.R. § 11.82(d)(6-7)).* The proposed alternative will not affect the rate or ability of St. Lawrence River assessment area resources to recover to their baseline condition.
- *Potential effects of action on human health and safety (43 C.F.R. § 11.82(d)(8)).* Construction of project elements will require the use of heavy construction machinery and vehicles. These actions may affect human health and safety. The Trustees expect that the restoration site will have no public access during construction, thereby limiting any risk. Although fish in local rivers could potentially remain contaminated after remedial actions have been completed (due to the connection to the St. Lawrence River), construction of this project will have no impact on fish advisories by New York State or the Saint Regis Mohawk Tribe, and these advisories will remain in effect

following the construction. The State and Tribal fish consumption advisories will advise the public regarding any potential health risks.

- *Consistency and compliance with relevant Federal, State, and Tribal laws and policies (43 C.F.R. § 11.82(d)(9-10)).* The Trustees' consideration of this criterion is discussed in detail in Section 5.0 below.

4.4.2 Recreational Use Loss

To ensure the appropriateness and acceptability of the proposed restoration alternative for addressing recreational fishing losses as a shore- and boat-based fishing access project, the Trustees evaluated the proposed Akwesasne Water Access Projects alternative relative to the site-specific criteria and the restoration criteria listed in the CERCLA NRDA regulations (43 C.F.R. § 11.82(d)) and originally described in Section 7.2 of the Final RCDP/EA. The Raquette River Public Access Project was previously evaluated against these criteria in Section 7.6.2 of the Final RCDP/EA and that evaluation is incorporated here by reference and updated in the Alternative 1 evaluation below.

Site-Specific Criteria

The Trustees have determined that the proposed Akwesasne Water Access Projects meet the two site-specific criteria for recreational fishing loss listed in Section 3.2 of this Draft RP/EA:

- *Enhancement of recreational fishing opportunities in the Massena area.* As described above, discussions with local anglers, a review of State- and county level planning documents, and a review of recent survey results indicated that new or improved public access to Massena-area rivers would be desirable. The proposed restoration projects will enhance recreational fishing opportunities by allowing shore- and boat-based anglers to fish in locations that are currently not possible or difficult to access.
- *Compatibility with State fisheries agencies' management objectives.* Discussions with regional and State-level fisheries staff indicated that the proposed restoration projects are compatible with State fisheries agencies' management objectives.

CERCLA NRDA Criteria (43 C.F.R. § 11.82(d))

Eight general criteria listed in the CERCLA NRDA regulations (43 C.F.R. § 11.82(d)) were considered and evaluated for the proposed restoration alternative:

- *Technical feasibility (43 C.F.R. § 11.82(d)(1)).* Shore and boat access projects are technically feasible. The shore access fishing platforms would be designed to be consistent with local building codes. The platform at the St. Regis River - Skén:nen Park West would parallel the riverbank with no footings or supports located in the water to minimize the risk of ice floe damage. A similar pier was recently constructed at Springs Park in Massena. The St. Regis River - Skén:nen Park East Project is land-based and on the water. It largely involves environmental education exhibits, removal of invasive species and planting of native vegetation. The Raquette River Public Access Project is

also feasible because of its location, centralized in Akwesasne, but where no boat ramp currently exists. Several other boat launches currently exist in the local area, including a recently constructed launch on the St. Lawrence River just upstream of the Power Canal intake. The proposed launch would incorporate floating and removable docks so that winter ice floe damage can be avoided and instream impacts would be minimized.

- *The relationship of the expected costs of the proposed actions to the expected benefits from the restoration, rehabilitation, replacement, and/or acquisition of equivalent resources (43 C.F.R. § 11.82(d)(2)).* The Trustees believe the expense of creating new recreational opportunities, including shore and boat access sites is reasonable relative to the long-term benefits these projects will generate. Anglers and NYSDEC fisheries personnel have indicated that additional access to local rivers is desirable.

- *Cost-effectiveness (43 C.F.R. § 11.82(d)(3)).* The proposed park and shore and boat access sites are a cost-effective approach to providing new public access and recreational fishing opportunities. Existing infrastructure and land ownership were considered in selecting these sites. All sites are accessible via local roadways and will require only modest expenditures on access roads. The site would be located on publicly owned parcels of land, thus reducing land acquisition expenses.

- *Results of any actual or planned response actions (43 C.F.R. § 11.82(d)(4)).* The Trustees do not expect that the proposed alternative would be impacted by planned response actions, as the projects are located in areas where response actions are not anticipated.

- *Potential for additional injury resulting from the proposed actions, including long-term and indirect impacts, to the injured resources or other resources (43 C.F.R. § 11.82(d)(5)).* The development of a new park and fishing access may result in short-term adverse effects to habitat at the site due to construction of the fishing platform, trails, parking lots, and access roads. Where new parking areas are required, the Trustees will minimize runoff impacts through the use of permeable materials such as crushed gravel. Finally, the extent of impacts to sediment habitat will be minimized through the use of appropriately sized (i.e., two-lane) launches and floating docks in the shallower sections of the river.

- *The natural recovery period and the ability of the resources to recover with or without alternative actions (43 C.F.R. § 11.82(d)(6-7)).* The proposed alternative will not affect the rate or ability of St. Lawrence River Environment assessment area resources to recover to their baseline condition.

- *Potential effects of action on human health and safety (43 C.F.R. § 11.82(d)(8)).* Construction of project elements will require the use of heavy construction machinery and vehicles. These actions may affect human health and safety. The Trustees expect that the restoration site will have no public access during construction, thereby limiting

any risk. Although fish in local rivers could potentially remain contaminated after remedial actions have been completed (due to the connection to the St. Lawrence River), New York State and SMRT fish consumption advisories will advise the public regarding any potential health risks.

- *Consistency and compliance with relevant Federal, State, and Tribal laws and policies (43 C.F.R. § 11.82(d)(9-10))*. The Trustees' consideration of this criterion is discussed in detail in Section 6.0 below.

4.5 Alternative 2: No Action

As required under the NEPA regulations, the Trustees considered a restoration alternative of no action. The no action alternative is premised on "natural recovery" for CERCLA restoration planning (43 C.F.R. § 11.82(c)(2)). Under this alternative, the Trustees would rely on natural recovery and would take no direct action to restore injured natural resources or compensate for interim lost natural resource services, including recreational fishing services or cultural losses. This alternative would include the continuance of ongoing monitoring programs, such as those initiated by NYSDEC for fish contamination levels, but would not include additional activities aimed at either reducing contamination, reducing potential exposure to contaminants, or enhancing ecosystem biota or processes. This alternative would include the continuance of currently available fishing opportunities (e.g., existing access points at their current quality and capacity), but would not include additional activities aimed at either increasing/improving current public recreational fishing activities or undertaking habitat restoration to increase catch rates. Under this alternative, no compensation would be provided for interim losses in resource services.

4.5.1 Alternative 2 Evaluation

For purposes of this Draft RP/EA, the no action/natural recovery alternative cannot be the preferred alternative since compensatory restoration (for the interim loss of natural resources and services pending recovery) is required by Federal statute (i.e., CERCLA) and regulations. Moreover, the no action alternative is not consistent with the Trustees restoration goals and objectives, and does not meet the site-specific evaluation criteria described in Section 3.2. The No Action Alternative is retained in the Draft RP/EA for comparative purposes only.

4.6 Alternatives Considered but Not Fully Evaluated

In developing a reasonable range of possible alternatives, the Trustees were unable to identify other projects that are ready-to-be-implemented (e.g., final designs and/or permitting completed; anticipated environmental impacts fully understood) that would compensate for ecological and recreational fishing losses as cost-effectively and expeditiously as the Akwesasne Water Access Projects.

Moreover, the Trustees have not identified any other restoration alternatives that could be implemented at this time that meet the original selection criteria and the Trustees' restoration

goals and objectives that would compensate the public for ecological and recreational fishing losses in the St. Lawrence River environment.

4.7 Selection of Preferred Alternative

Based on the evaluation of the established criteria described above, and consistency of the project with the Trustees' original goals and objectives for St. Lawrence River Environment NRDA restoration, the Trustees have selected the Akwesasne Water Access Projects as the preferred alternative to help compensate the public for ecological and recreational fishing losses resulting from hazardous substance releases to the St. Lawrence River environment.

The projects will restore streambank habitat and provide public access to the St. Regis and Raquette Rivers, providing ecological, economic, cultural, educational and recreational benefits to the Akwesasne community, nearby Massena, and other users in the region.

The projects are consistent with the restoration project types selected as part of the preferred alternatives in Sections 5 and 7 of the Final RCDP/EA—most notably: 1) Streambank Enhancement/Restoration for tributaries to the St. Lawrence River to address ecological losses, and 2) New Shore and Boat Fishing Access in or adjacent to Akwesasne to address recreational fishing losses.

Finally, while the Trustees did not specifically evaluate the proposed alternative for Tribal Use compensation using the CERCLA NRDA selection criteria (43 C.F.R. § 11.82(d)), it is anticipated that the Akwesasne Water Access Projects have the potential to partially compensate for Tribal lost use (as part of the Consent Decree, the Saint Regis Mohawk Tribe received \$8,387,898 to implement cultural restoration projects). The projects support the Akwesasne approach to cultural restoration, including practices associated with traditions for water, fishing, and the use of the river—i.e., restoring traditional community fishing practices and local economy; and restoring language use and transmission of knowledge regarding traditional fishing and river practices. Refer to Section 9.2 of the Final RCDP/EA for the restoration objectives, general restoration framework, and preferred alternatives for Tribal lost use compensation.

5 Environmental Assessment

As noted in Section 1.2, this document constitutes the Environmental Assessment (EA) for the proposed restoration of natural resources, to address the potential impact of proposed restoration alternatives on the quality of the physical, biological, and cultural environment. The Trustees integrated the CERCLA NRDA and NEPA processes in this Draft RP/EA, as recommended under 40 C.F.R. § 1501.2, which provides that Federal agencies should “[i]ntegrate the NEPA process with other planning and authorization processes at the earliest reasonable time to ensure that agencies consider environmental impacts in their planning and decisions, to avoid delays later in the process, and to head off potential conflicts.” Thus, this document serves, in part, as the Federal agencies' compliance with NEPA.

NOAA is acting as lead Federal agency for NEPA compliance for this Draft RP/EA and DOI is a cooperating agency.

The Saint Regis Mohawk Tribe Environment Division has also prepared its own Environment Assessments for the [Skén:nen Park East and West Projects](#) and the [Raquette River Public Access Project](#) to satisfy the Tribe's environmental review process and responsibilities. These EAs, which have undergone a separate public review process via Saint Regis Mohawk Tribe community notices, have been made available at <https://www.srmt-nsn.gov/environment>.

5.1 Trustee Approach

Restoration actions taken by the Trustees under CERCLA and other Federal laws are subject to NEPA, 42 U.S.C. §§ 4321 *et seq.*, and the NEPA regulations at 40 C.F.R. §§ 1500-1508. In general, agencies contemplating implementation of a major Federal action must produce an Environmental Impact Statement (EIS) if the action is expected to have significant impacts on the quality of the human environment. When it is uncertain whether the proposed action is likely to have significant impacts, agencies prepare an EA to evaluate the need for an EIS. If the EA demonstrates that the proposed action will not significantly affect the quality of the human environment, the agencies will subsequently issue a Finding of No Significant Impact (FONSI), which satisfies the requirements of NEPA, and no EIS is required.

For all projects specifically identified in the RCDP/EA, Federal Trustee compliance with NEPA was achieved by the integrated EA process presented therein.

This Draft RP/EA for the Akwesasne Water Access Projects complies with NEPA by: 1) describing the purpose and need for restoration; 2) addressing public participation for this process; 3) identifying and describing the proposed action and alternatives, including the no action alternative; 4) summarizing the affected environment; and 5) analyzing the environmental consequences of the proposed action and alternatives, including the no action alternative.

In 2015, the NOAA Restoration Center developed the "Programmatic Environmental Impact Statement for Habitat Restoration Activities Implemented throughout the Coastal United States" (PEIS; NOAA 2015). NOAA developed the PEIS to evaluate coastal habitat restoration and related technical assistance activities routinely funded or implemented through its existing programs. USFWS documented their adoption of the PEIS with a Record of Decision, dated August 20, 2019 (84 Federal Register 45515).

The PEIS is available at: <https://www.fisheries.noaa.gov/resource/document/restoration-center-programmatic-environmental-impact-statement>.

The PEIS includes a description and evaluation of typical impacts for a suite of coastal restoration activities that the Trustees have determined are inclusive of the restoration alternatives and associated activities, as identified in this Draft RP/EA. Table 1 shows the relevant restoration activities described and analyzed in the PEIS for which the Trustees' proposed alternatives fall within the scope of the PEIS analysis.

To avoid duplication of effort and streamline the NEPA analysis through this Draft RP/EA, the Trustees are using the NOAA PEIS to satisfy NEPA compliance. Impacts are summarized below in Section 4.3. However, the full analysis covered by the PEIS is incorporated by reference (40 C.F.R. § 1501.12).

Table 1. Trustees’ proposed restoration alternatives and comparable activities in the NOAA PEIS.

Proposed Alternatives in this Draft RP/EA	PEIS-Equivalent Restoration Activities (includes relevant sections of PEIS)
<p>Alternative 1: Akwesasne Water Access Projects</p> <ul style="list-style-type: none"> • Signage, kiosks, and other environmental education • Bank and shoreline stabilization and restoration • Trails, all-persons compliant walkways, parking and paved areas • Fishing access and river/wildlife viewing platforms, floating docks, small boat launch⁴ • Stormwater management features (swales, culverts, bioretention) • Excavation and placement of materials • Native seeding and vegetative plantings 	<p>Preferred Alternative – Riverine Restoration (2.2.2)</p> <ul style="list-style-type: none"> • Environmental Education Programs (2.2.1.4) • Bank Restoration and Erosion reduction (2.2.2.5.2) • Road Upgrading; Trail Restoration (2.2.2.7) • Signage and Access Management (2.2.2.8) • Shoreline Stabilization (2.2.2.11.2) • Sediment Removal and Placement (2.2.2.11.3; 2.2.2.11.4) • Wetland Plantings (2.2.2.11.5)
<p>Alternative 2: No Action Alternative (natural recovery)</p>	<p>No Action Alternative (Section 2.0)</p>

5.2 Scope of NEPA Analysis

The following definitions will be used to describe the environmental consequences evaluated in the PEIS and in this Draft RP/EA:

- *Short-term or long-term impacts:* These characteristics are determined on a case-by-case basis and do not refer to any set time period. Short-term impacts are those impacts that would occur only with respect to a specific activity or a finite period. Long-term impacts are those that would more likely persist or be chronic.

⁴ Some activities associated with the proposed boat launch, floating dock, and fishing pier on the Raquette River (Alternative 1C) are not specifically described in the PEIS. However, boat launch and small dock/pier construction will generally fall within the description of “Road Upgrading and Decommissioning; Trail Restoration” in section 2.2.2.7 of the RC PEIS and will likely result in similar types of benefits (i.e., improved public access to natural areas) and environmental impacts. These impacts are provided in Table 5 and a discussion of additional impacts for these activities is provided in Section 5.5.4 below.

- *Direct or indirect impacts (effects)*: Direct effects are caused by the action and occur at the same time and place (40 C.F.R. § 1508.1(g)(1)). Indirect effects are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable (40 C.F.R. § 1508.1(g)(2)).
- *Negligible, minor, moderate, or major impacts*: These relative terms are used to characterize the magnitude of a potential impact. Negligible impacts are generally not quantifiable and do not have perceptible impacts on the environment. Minor impacts are generally those that might be perceptible but, in their context, are not amenable to measurement because of their relatively inconsequential effect. Moderate impacts are those that are more perceptible and, typically, more amenable to quantification. Major impacts are those that, in considering the potentially affected environment and the degree of effects of the proposed action, have the potential to have significant effects (40 C.F.R. § 1501.3(b)) and thus warrant heightened attention and examination for potential means for mitigation to fulfill NEPA requirements.
- *Adverse or beneficial impacts*: An adverse impact is one having adverse, unfavorable, or undesirable outcomes on the anthropogenic or natural environment. A beneficial impact is one having positive outcomes on the anthropogenic or natural environment. A single act might result in adverse impacts on one environmental resource and beneficial impacts on another resource.
- *Cumulative impacts (effects)*: Cumulative effects are defined as “effects on the environment that result from the incremental effects of the action when added to the effects of other past, present, and reasonably foreseeable actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative effects can result from individually minor but collectively significant actions taking place over a period of time” (40 C.F.R. § 1508.1(g)(3)).

5.3 Proposed Action and Alternative

The proposed action being evaluated under NEPA is the restoration alternative (and restoration activities therein) being considered as part of the Draft RP/EA:

Alternative 1 (Preferred)	Akwesasne Water Access Projects
Alternative 2 (Non-preferred)	No Action/Natural Recovery – No river restoration or water access projects in Akwesasne are implemented

Alternative 1 is preferred by the Trustees and includes the St. Regis River - Skén:nen Park West and East Projects and the Raquette River Public Access Project (Akwesasne Water Access Projects), as described in Section 4.0 of this Draft RP/EA. This alternative is analyzed below in Section 5.5.

Alternative 2 represents the “no action” alternative which is not preferred by the Trustees. Under the No Action Alternative, the Trustees would undertake no restoration projects and any further restoration of natural resources and services injured by hazardous waste releases would instead occur through natural recovery alone. No action was a non-preferred alternative because it fails to compensate the public for losses associated with the release of contaminants into the St. Lawrence River environment. However, NEPA mandates that Federal agencies evaluate the environmental impacts of no action.

5.4 NEPA Affected Environment

An overview of the St. Lawrence River Environment and associated waters (i.e., Grasse, Raquette, and St. Regis Rivers, Massena Power Canal, Unnamed Tributary, Robinson Creek, and Turtle Cove/Creek), which includes the proposed restoration area, is described in Section 1.4 of the Final RCPD/EA. That information is incorporated in this Draft RP/EA by reference and summarized below. In addition, some resources not described in the Final RCDP/EA are also included below.

The St. Lawrence River watershed includes the St. Lawrence River and the tributaries that drain into the river from both the U.S. and Canadian sides of the international border. The St. Lawrence River flows approximately 530 miles from Lake Ontario into the St. Lawrence Estuary and the Gulf of St. Lawrence before discharging to the Atlantic Ocean (ACOE 2006). However, the St. Lawrence Seaway, completed in 1959 to provide hydropower as well as navigation and commerce opportunities on the river, involves a series of dams, levees, and locks. These structures control water levels in the river by regulating flow.

Tributaries to the St. Lawrence River in the vicinity of the assessment area include the Grasse, Raquette, and St. Regis Rivers, as well as Turtle Creek, which flow into the St. Lawrence downstream of the Moses-Saunders Dam near the towns of Massena, Raquette Point, and St. Regis. Tributaries in the vicinity of Massena but upstream of the Moses Saunders Dam include: Robinson Creek, which discharges into the Wiley-Dondero Canal (downstream of the Eisenhower Lock and just upstream of Massena), Coles Creek and Brandy Brook (both upstream of Eisenhower Lock).

The St. Lawrence River ecosystem between Lake Ontario and the Beauharnois Dam near Montreal (approximately 50 miles downstream from Massena) consists of multiple habitat types, including open water, embayments, freshwater marshes, submerged aquatic vegetation, and islands. These habitats support numerous natural resources such as benthic (i.e., bottom-dwelling) organisms, fish, reptiles, amphibians, birds, and mammals, including dozens of state- and Federally-protected species. A general description of these resources is provided below, including examples of threatened, endangered, and of special concern species. St. Lawrence River habitats and tributaries have been designated Significant Coastal Fish and Wildlife Habitat including but not limited to the Grasse River, Brandy Brook, Coles Creek, Wilson Hill Wildlife

Management Area, Wilson Hill Island, Lake St. Lawrence Tern Colonies, and St. Lawrence River Shoreline Bays.

Mussels

Several species of native freshwater mussels are present in tributaries to the St. Lawrence River. These mussel species include the eastern elliptio (*Elliptio complanata*) and the eastern lamp mussel (*Lampsilis radiata*). In the past, these species were also found in the main stem of the St. Lawrence, but invasive species such as the zebra and quagga mussels have negatively impacted (i.e., reduced) their populations (Riccardi et al. 1996). Several New York State Species of Greatest Conservation Need (Not Currently Endangered, Threatened, or Special Concern) may be found in the St. Lawrence basin, including the black sandshell (*Ligumia recta*), elktoe (*Alasmidonta marginata*), pocketbook (*Lampsilis ovata*), Eastern pearlshell (*Margaritifera margaritifera*), tidewater mucket (*Leptodea ochracea*), Eastern Pond mussel (*Ligumia nasuta*), mucket (*Actinonaias ligamentina*), pink heelsplitter (*Potamilus alatus*) and the yellow lampmussel (*Lampsilis cariosa*) (NYSDEC 2023).

Fish

The St. Lawrence watershed supports a diverse fishery. Prominent species include largemouth (*Micropterus salmoides*) and smallmouth bass (*Micropterus dolomieu*), muskellunge (*Esox masquinongy*), Northern pike (*Esox Lucius*), walleye (*Sander vitreus*), brown bullhead (*Ameiurus nebulosus*), and yellow perch (*Perca flavescens*). The American eel (*Anguilla rostrata*) migrates up the St. Lawrence River from the Sargasso Sea and uses the St. Lawrence River mainstem and four tributary rivers in the vicinity of the Site as yellow eel and adult habitat. Certain St. Lawrence River watershed fish species are listed by the State of New York as endangered, threatened or of special concern. They include the lake sturgeon (*Acipenser fulvescens*), Mooneye (*Hiodon tergisus*), Pugnose shiner (*Notropis anogenus*), and eastern sand darter (*Ammocrypta pellucida*) (NYSDEC 2023). Lake sturgeon, a long-lived migratory species, currently utilizes the St. Lawrence, Grasse, Raquette and St. Regis Rivers for spawning, juvenile and/or adult habitat. Eel populations are in significant decline. In addition, Atlantic salmon, which once widely utilized the St. Lawrence and its tributaries as endemic populations, today occurs in low abundance, and relies on stocking programs to re-establish runs.

Because of the presence of PCBs in the St. Lawrence River assessment area, New York State Department of Health FCAs have been in place within the assessment area since 1984 and are currently in place to limit consumption of certain types of fish on the St. Lawrence, Raquette, and Grasse Rivers; the Massena Power Canal; and the Bay at St. Lawrence (Franklin County Line) (NYSDOH various years). NYSDOH releases FCAs annually—current St. Lawrence Valley Region fish advisories can be accessed on the NYSDOH website at https://www.health.ny.gov/environmental/outdoors/fish/health_advisories/regional/st_lawrence.htm#advisorymap. In addition, in 1978 the Akwesasne community issued a fish advisory warning the people not to eat more than 1 meal of fish each week from any of the waters around the reservation (Graef 2008). In 1986, The Saint Regis Mohawk Environmental Health

Department specifically advised the following recommendations for health reasons: eat no more than one meal (1/2 lb.) per week of fish from any body of water in or around the Saint Regis Mohawk Reservation; women of child bearing age, infants and children under the age of 15, should not eat fish; and all fish taken from the St. Lawrence River should be considered contaminated. Current FCAs for Akwesasne Waters are provided by the SRMT at <https://www.srmt-nsn.gov/news/2019/new-york-state-fish-consumption-advisory-affirms-tribal-guidelines>.

Turtles

Of the approximately 20 species of turtles in New York State, at least seven species are known to occur in the St. Lawrence River watershed. Common species include the map turtle (*Graptemys geographica*), painted turtle (*Chrysemys picta picta*), and snapping turtle (*Chelydra serpentina serpentina*); state-listed species include the state-threatened Blandings turtle (*Emydoidea blandingii*), and the wood turtle (*Clemmys insculpta*), a state species of special concern (NYSDEC 2023). These species are found in a variety of habitats that occur in the St. Lawrence watershed, including slow moving, shallow water; lakes; marshes; and vegetated areas with sandy bottoms (NYSDEC 2023).

Amphibians

A number of salamander species are known to occur in the assessment area. These include the mudpuppy (*Necturus maculosus*), considered to be the only exclusively aquatic amphibian in the St. Lawrence River basin, and two state species of special concern, the Jefferson salamander (*Ambystoma jeffersonianum*) and the blue-spotted salamander (*Ambystoma laterale*) (NYSDEC 2023).

A number of frog and toad species documented in New York State are expected to occur in the St. Lawrence watershed near Massena. These include the American toad (*Bufo americanus*), bullfrog (*Rana catesbeiana*), green frog (*R. clamitans*), northern leopard frog (*R. pipiens*), gray tree frog (*Hyla versicolor*), spring peeper (*Hyla crucifer crucifer*), wood frog (*R. sylvatica sylvatica*), and pickerel frog (*R. palustris*). No Federal- or state-listed species of frogs are known to occur in the assessment area. Some species (e.g., green frog) spend much of their life cycle in close contact with sediments and moist soils, whereas other species (e.g., wood frog) tend to live and spawn in upland ponds or riparian floodplains (NYSDEC 2023).

Birds

Both resident and migratory birds utilize the habitat of the St. Lawrence River watershed for breeding, feeding, and roosting. These include waterfowl, waterbirds, raptors and songbirds. The lower St. Lawrence River is identified as an Important Bird Area by the National Audubon Society. This area supports large numbers of breeding common terns and a large and globally significant bank swallow colony at Sparrowhawk Point, north of Ogdensburg (Audubon 2009).

Species in the assessment area that are listed as endangered, threatened or of special concern by the State of New York include the black tern (*Chlidonias niger*), common tern (*Sterna*

hirundo), wood thrush (*Hylocichla mustelina*), vesper sparrow (*Pooecetes gramineus*), short-eared owl (*Asio flammeus*), northern harrier (*Circus cyaneus*), piedbilled grebe (*Podilymbus podiceps*), bald eagle (*Haliaeetus leucocephalus*) and least bittern (*Ixobrychus exilis*). The St. Lawrence River has also been identified as a bald eagle wintering area since at least 1975, and is currently the second largest known in New York State, supporting an average of 20 to 30 eagles annually (NYSDEC 2023).

Mammals

Over 40 species of mammals have been recorded in the St. Lawrence assessment area. Utilizing aquatic, floodplain, and terrestrial habitats, these species rely on the area's natural resources for all life history characteristics. For example, mink (*Neovison vison*) feed in the river and the floodplain, and rely on floodplain and upland areas for breeding and denning. Short-tailed shrews (*Blarina brevicauda*) prey on earthworms in the floodplain, and deer (*Odocoileus virginianus*) access the river for water while spending the rest of their time in the upland areas.

Wetlands

Numerous New York State and Federally regulated freshwater wetlands are located within the St. Lawrence River watershed. These areas support numerous species of plants and animals. For example, the Snye Marsh complex is a large wetland in the northeastern part of Akwesasne that extends from the St. Lawrence River to approximately 12 miles inland from the Quebec portion of the community well into upstate New York. Snye Marsh was formed by a complex interaction between ice dams and St. Lawrence River flows. The calm and shallow warm waters of Snye Marsh are home to 127 species of birds (including 13 species of waterfowl), amphibians, reptiles, turtles, and small mammals, and are an important spawning area for over 45 species of fish (SRMT Environment Division 2003).

Recreation

In addition to the ecological services described in the Final RCDP/EA, natural resources within the St. Lawrence River Environment also provide recreational services. For example, the aquatic habitat and fishery resources of the St. Lawrence River Environment provide anglers with extensive opportunities for both shore- and boat-based recreational fishing.

PCB contamination has resulted in fish consumption advisories (FCAs) on the St. Lawrence River, Bay at St. Lawrence (Franklin County line), Grasse River, and Massena Power Canal. These FCAs have adversely affected recreational fishing, reducing the number of fishing trips taken to this river system.

Environmental Justice

Environmental justice is Federally defined as the equal protection and meaningful involvement of all people with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies and the equitable distribution of environmental benefits. Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, was signed into law by President Clinton on February

11, 1994, calling on each Federal agency to achieve environmental justice as part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations in the United States and its territories and possessions, the District of Columbia, the Commonwealth of Puerto Rico, and the Commonwealth of the Mariana Islands.

Executive Order 14096, *Revitalizing Our Nation's Commitment to Environmental Justice for All*, requires each Federal agency, as appropriate and consistent with applicable law, "to identify, analyze, and address disproportionate and adverse human health and environmental effects (including risks) and hazards of [f]ederal activities, including those related to climate change and cumulative impacts of environmental and other burdens on communities with environmental justice concerns" (EO 14096, § 3(i)). Executive Order 14096 also requires that each agency shall, as appropriate and consistent with applicable laws, carry out environmental reviews under NEPA "in a manner that analyzes direct, indirect, and cumulative effects of [f]ederal actions on communities with environmental concerns" (EO 14096, § 3(ix)(A)). Executive Order 14096 reiterates and strengthens Executive Order 12898 regarding Federal actions and environmental justice.

The Mohawk Territory of Akwesasne is located near the towns of Massena, New York and Cornwall, Ontario. The territory is at the intersection of northern New York State with the Canadian provinces of Ontario and Quebec and straddles the St. Lawrence River. This segment of the river includes tributaries to the St. Regis River, uninhabited islands, and submerged sand bars. This section of the river includes the shared jurisdictions of the New York State Department of Environmental Conservation (NYSDEC) and the Saint Regis Mohawk Tribe (SRMT).

The Saint Regis Mohawk Tribe is a Federally recognized Indian Tribe. The Saint Regis Mohawk Tribal Council is the duly elected and recognized government of the Mohawk people on the United States side of the territory. The Tribal Council is also the official representative of the Mohawk people with New York and Federal agencies, who in turn deal exclusively with the Tribal Council Chiefs in a government-to-government relationship. The Tribal Council Chiefs are responsible for the administration and management of the Tribal Government and has the responsibility to oversee the carrying out of all laws, ordinances, resolutions, and other enactments of the Tribal Council.

For this Draft RP/EA, the Trustees apply multiple EJ screening and mapping tools to characterize and visualize the spatial distribution of demographic and socioeconomic characteristics associated with underserved communities in the affected environment. The USEPA EJSscreen: Environmental Justice Screening and Mapping Tool (Version 2.0) (<https://www.epa.gov/ejscreen>) was used to identify low-income and minority populations at the Census Block scale. The proposed St. Regis River - Skén:nen Park West and East Projects are located within and immediately adjacent to three Census Blockgroups: Census Blockgroup

360339400002 (population 1,487), is located within Akwesasne, New York, the current territory of the Federally-recognized Saint Regis Mohawk Tribe. People of color (non-white) comprise 84% of the community (compared to the U.S. average of 39%), with American Indians making up 55% of the non-white segment. 17% of the population is considered low-income, which is lower than the State average of 21% and the U.S. average of 31%. The unemployment rate is 33%, compared to the State and U.S. average of 6%. Also of note, Persons with Disabilities—a health indicator— comprise 19% of the population compared to a State average of 11.8 % and a U.S. average of 13.4%. Census Blockgroup 360339400001 (population 2,004) is also located within Akwesasne, New York. People of color (non-white) comprise 96% of the community, with American Indians making up 92% of the non-white segment. 81% of the population is considered low-income and the unemployment rate is 33%. Persons with Disabilities comprise 20%. Census Blockgroup 360339502004 (population 1,052) is located within Franklin County, New York. People of color (non-white) comprise 13% of the community, with American Indians making up 6% of the non-white segment. 53% of the population is considered low-income and the unemployment rate is 3%. Persons with Disabilities comprise 23%. The proposed Raquette River Boat Launch Project is also located within Akwesasne, in Census Blockgroup 360339400001 (population 2,004). People of color (non-white) comprise 96% of the community, with American Indians making up 92% of the non-white segment. 81% of the population is considered low-income and the unemployment rate is 33%. Persons with Disabilities comprise 20% of the population.

The Trustees also utilized the Climate and Economic Justice Screening Tool ([CEJST](#)), developed by the Council on Environmental Quality (CEQ) for the Justice 40 Initiative, which identifies whether a given Census Tract falls within any of eight categories of “disadvantaged communities” (overburdened and underserved). In order for CEJST to flag an area as disadvantaged, the census tract must exceed set thresholds for exposure to environmental hazards and/or socioeconomic vulnerability. According to the CEJST tool, the Census Tract encompassing the three proposed Akwesasne Water Access Project areas (Tract Number 36033940000; population 3,325; 81% American Indian) is disadvantaged. The tract is considered disadvantaged because it meets more than one burden threshold (in this case, energy and health) and the associated socioeconomic threshold. In addition, the lands of “Federally Recognized Tribes” that cover 100% of this tract are also considered disadvantaged. The proposed St. Regis River - Skén:nen Park West and East Projects are also located immediately adjacent to a small portion of Census Tract Number 36033950200 (population 5,022; 12% American Indian). The tract as a whole is considered partially disadvantaged, and the lands of “Federally Recognized Tribes” which cover less than 1% of this tract are considered disadvantaged.

5.5 Impacts of Proposed Alternatives

The majority of the environmental impacts for the activities associated with the proposed restoration alternative are fully described in the NOAA PEIS (Chapter 5 NEPA Environmental

Consequences), and that discussion is incorporated here by reference. These impacts are summarized below in Tables 2 – 7. Any additional impacts not addressed in the PEIS are described in Section 5.5.3 below.

5.5.1 Alternative 1 – Akwesasne Water Access Projects (Preferred)

The Trustees evaluated the impacts of the preferred alternative on geology and soils, water, air, living coastal and marine resources and Essential Fish Habitat, threatened and endangered species, cultural and historic resources, land use and recreation, and socioeconomics.

As shown in Table 1, restoration activities associated with Alternative 1 are described in Sections 2.2.2.1.4; 2.2.2.5.2; 2.2.2.7; 2.2.2.8; and 2.2.2.11.2 through 2.2.2.11.5 of the PEIS and that discussion is incorporated herein by reference. The relevant environmental impacts are summarized below. All of the identified adverse impacts are expected to be minor, localized and short-term, resulting from physical disturbances during construction and use of heavy machinery and other equipment in the riparian and upland environments in the immediate project area. Beneficial impacts are expected to occur longer-term and extend beyond the project sites.

Restoration activities associated with the environmental education elements (informational signage and kiosks, education programs) of Alternative 1 are analyzed in Sections 4.5.1.4 of the PEIS. That discussion is incorporated by reference and the impacts are summarized in Table 2 below.

Table 2. Summary of impacts from Environmental Education Classes, Programs, Centers, Partnerships, and Materials; Training Programs activities.

Resource	Type of Impact	Duration of Impact	Geographic Extent	Magnitude / Intensity	Quality
<i>Geology and Soils</i>	Direct	Long-term	Beyond Project Site	Minor	Beneficial
<i>Water</i>	Direct & Indirect	Long-term	Beyond Project Site	Minor	Beneficial
<i>Air</i>	Direct	Short-term	Localized	Minor	Adverse
<i>Living Coastal and Marine Resources and EFH</i>	Direct & Indirect	Long-term	Beyond Project Site	Minor	Beneficial
<i>Threatened and Endangered Species</i>	Direct & Indirect	Long-term	Beyond Project Site	Minor	Beneficial
<i>Cultural and Historic Resources</i>	Indirect	Long-term	Beyond Project Site	Minor	Beneficial
<i>Land Use and Recreation</i>	Indirect	Long-term	Beyond Project Site	Minor	Beneficial
<i>Socioeconomics</i>	Direct	Long-term	Beyond Project Site	Minor	Beneficial

Restoration activities associated with the bank/shoreline restoration and stabilization elements and the stormwater management features (including retaining walls, swales, bio-retention, culverts, rip-rap and stone fill, site grading, sediment excavation, sediment and materials placement, hydroseeding, and other plantings) of Alternative 1 are analyzed in Sections 4.5.2.5.2 and 4.5.2.11.2 of the PEIS. That discussion is incorporated by reference, and the impacts are summarized in Tables 3 and 4 below.

Table 3. Summary of impacts from Bank Restoration and Erosion Reduction.

Resource	Type of Impact	Duration of Impact	Geographic Extent	Magnitude / Intensity	Quality
<i>Geology and Soils</i>	Direct	Short-term	Localized	Minor	Adverse
<i>Water</i>	Direct	Short Term	Beyond Project Site	Minor	Adverse
	Indirect	Long-term	Beyond Project Site	Moderate	Beneficial
<i>Air</i>	Direct	Short-term	Localized	Minor	Adverse
	Direct & Indirect	Short Term	Beyond Project Site	Minor & Moderate	Adverse
<i>Living Coastal and Marine Resources and EFH</i>	Direct	Long-term	Beyond Project Site	Moderate	Beneficial
	Direct & Indirect	Short Term	Beyond Project Site	Minor & Moderate	Adverse
<i>Threatened and Endangered Species</i>	Direct	Long-term	Beyond Project Site	Moderate	Beneficial
	Direct & Indirect	Short-term & Long-term	Localized	Minor	Adverse
<i>Cultural and Historic Resources</i>	Direct	Short Term	Beyond Project Site	Minor	Adverse
<i>Land Use and Recreation</i>	Direct	Long-term	Beyond Project Site	Moderate	Beneficial
	Indirect	Short term & Long-term	Localized	Minor & Moderate	Beneficial

Table 4. Summary of impacts from Wetland Restoration and Shoreline Stabilization Techniques.

Resource	Type of Impact	Duration of Impact	Geographic Extent	Magnitude / Intensity	Quality
<i>Geology and Soils</i>	Direct	Short-term	Localized	Minor	Adverse
<i>Water</i>	Direct	Short-term	Localized	Minor	Adverse
	Indirect	Long-term	Beyond Project Site	Moderate	Beneficial
<i>Air</i>	Direct	Short-term	Beyond Project Site	Minor	Adverse
<i>Living Coastal and Marine Resources and EFH</i>	Indirect	Short-term	Beyond Project Site	Minor & Moderate	Adverse
	Direct	Short-term & Long-term	Beyond Project Site	Moderate	Beneficial
<i>Threatened and Endangered Species</i>	Direct & Indirect	Short-term	Beyond Project Site	Minor	Adverse
	Direct	Long-term	Beyond Project Site	Moderate	Beneficial
<i>Cultural and Historic Resources</i>	Indirect	Long-term	Localized	Minor	Adverse
<i>Land Use and Recreation</i>	Indirect	Permanent	Beyond Project Site	Minor	Beneficial
	Indirect	Long-term	Localized	Minor	Adverse
<i>Socioeconomics</i>	Indirect	Short-term	Beyond Project Site	Minor	Beneficial

Restoration activities associated with the creation or resurfacing/regrading of trails, sidewalks, all-persons compliant walkways, parking, and other paved or permeable areas; removing invasive plant species; and the construction of the fishing access and river viewing platforms/pier, floating docks, and boat launch for Alternative 1 are analyzed in Sections 4.5.2.7 of the PEIS. That discussion is incorporated by reference, and the impacts are summarized in

Table 5 below. Additional discussion on the impacts associated with the construction of parking areas, boat launch, floating docks, and fishing access platforms/pier is provided in Section 5.5.4 below.

Table 5. Summary of impacts from Road Upgrading and Trail Restoration activities.

Resource	Type of Impact	Duration of Impact	Geographic Extent	Magnitude / Intensity	Quality
<i>Geology and Soils</i>	Direct	Short-term	Localized	Moderate	Adverse
	Direct	Long-term	Localized	Moderate and Major	Beneficial
<i>Water</i>	Direct	Short-term	Beyond Project Site	Minor	Adverse
	Indirect	Long-term	Beyond Project Site	Moderate and Major	Beneficial
<i>Air</i>	Direct	Short-term	Localized	Minor	Adverse
<i>Living Coastal and Marine Resources and EFH</i>	Indirect	Short-term	Beyond Project Site	Minor	Adverse
	Indirect	Long-term	Beyond Project Site	Moderate	Beneficial
<i>Threatened and Endangered Species</i>	Indirect	Short-term	Beyond Project Site	Minor	Adverse
	Indirect	Long-term	Beyond Project Site	Moderate	Beneficial
<i>Cultural and Historic Resources</i>	Direct	Long-term	Localized	Minor	Beneficial
<i>Land Use and Recreation</i>	Indirect	Short-term	Localized	Minor	Adverse
	Direct	Long-term	Localized	Minor	Adverse & Beneficial
<i>Socioeconomics</i>	Indirect	Long-term	Localized	Minor	Adverse & Beneficial

Restoration activities associated with the riparian vegetative plantings (including removal of non-native plant species) for Alternative 1 are analyzed in Sections 4.5.2.11.3 of the PEIS. That discussion is incorporated by reference and the impacts are summarized in Table 6 below.

Table 6. Summary of impacts from Wetland Planting activities.

Resource	Type of Impact	Duration of Impact	Geographic Extent	Magnitude / Intensity	Quality
<i>Geology and Soils</i>	Direct	Short-term	Localized	Minor	Adverse
<i>Water</i>	Direct	Short-term	Localized	Minor	Adverse
	Indirect	Long-term	Beyond Project Site	Moderate	Beneficial
<i>Air</i>	No Effect				
<i>Living Coastal and Marine Resources and EFH</i>	Direct	Short-term	Localized	Minor	Adverse
	Direct	Long-term	Beyond Project Site	Moderate	Beneficial
<i>Threatened and Endangered Species</i>	Direct	Short-term	Localized	Minor	Adverse
	Direct	Long-term	Beyond Project Site	Moderate	Beneficial
<i>Cultural and Historic Resources</i>	Indirect	Long-term	Localized	Minor	Adverse
<i>Land Use and Recreation</i>	Direct	Short-term	Localized	Minor	Adverse
	Indirect	Permanent	Beyond Project Site	Minor	Beneficial
<i>Socioeconomics</i>	Indirect	Short-term	Beyond Project Site	Minor	Beneficial

Restoration activities associated with the installation of signage and fencing for Alternative 1 are analyzed in Sections 4.5.2.8 of the PEIS. That discussion is incorporated by reference and the impacts are summarized in Table 7 below.

Table 7. Summary of impacts from Signage and Access Management activities.

Resource	Type of Impact	Duration of Impact	Geographic Extent	Magnitude / Intensity	Quality
<i>Geology and Soils</i>	Direct	Short-term	Localized	Minor	Adverse
	Direct	Long-term	Localized	Moderate	Beneficial
<i>Water</i>	Direct	Short-term	Localized	Minor	Adverse
	Direct	Long-term	Localized	Moderate	Beneficial
<i>Air</i>	Direct	Short-term	Localized	Minor	Adverse
<i>Living Coastal and Marine Resources and EFH</i>	Direct	Long-term	Beyond Project Site	Moderate	Beneficial
<i>Threatened and Endangered Species</i>	Direct & Indirect	Short-term	Localized	Minor	Adverse
	Direct	Long-term	Beyond Project Site	Moderate	Beneficial
<i>Cultural and Historic Resources</i>	No Effect				
<i>Land Use and Recreation</i>	Direct	Long-term	Localized	Minor	Adverse
<i>Socioeconomics</i>	No Effect				

5.5.2 Alternative 2: No Action (Non-Preferred)

The Trustees also evaluated the impacts of the No Action (natural recovery) alternative on geology and soils, water, air, living coastal and marine resources and Essential Fish Habitat, threatened and endangered species, cultural and historic resources, land use and recreation, and socioeconomics. As noted in Section 4.3 above, the No Action alternative is a non-preferred alternative because it fails to compensate for the ecological and recreational fishing losses and Tribal lost use resulting from the release of contaminants from the Facilities. However, NEPA mandates that Federal agencies evaluate the environmental impacts of a no action alternative.

By definition, the No Action alternative lacks physical interaction with the environment. Accordingly, the No Action alternative would cause no direct impacts to any of the elements of the environment listed above. However, if the Trustees undertook no action, the environment would not benefit from the ecological, recreational, and cultural uplift created by active restoration. In addition, existing habitat conditions may decline under climate change and population growth, or as habitat conditions continue to degrade under conditions of degraded natural processes.

Conversely, the type of active restoration with the preferred alternative would compensate the public for natural resource injuries and associated services resulting from the Incident.

Based on this evaluation, the Trustees concluded that the No Action alternative would have either no effect or minor to moderate short- or long-term indirect adverse effects on the human environment.

5.5.3 Impacts Not Addressed in the PEIS or RCDP/EA

Environmental Justice

Environmental Justice (EJ) impacts from coastal habitat and recreational use restoration projects and related technical assistance activities are not directly addressed in Section 4.0 (Environmental Consequences) of the PEIS.⁵ Therefore, the Trustees have provided additional NEPA analysis for restoration activities that include these potential impacts.

Restoration activities supported by the Trustees help to restore, replace, rehabilitate, and/or acquire the equivalent of injured natural resources and the services (including recreational and cultural) these resources provide. The Trustees have determined that the proposed restoration activities for Alternative 1 would provide long-term or permanent direct and indirect benefits to the underserved communities described in Section 4.4—most notably, the Federally recognized Saint Regis Mohawk Tribe and Akwesasne community—by improving the quality of the natural environment and providing new recreational, cultural, and educational opportunities to local communities. The project will promote environmental education; provide information on the fish and local habitat; support outdoor recreation and river access; and assist Saint Regis Mohawk Tribe youth with the necessary skills, knowledge and experiences to help the Tribe retain and regenerate practices in the community. The project would allow recreational anglers to safely access the river without trespassing on private property. Safe shore fishing access is particularly important to persons with physical health challenges, elderly, and low-income anglers who may have difficulty accessing local streams for fishing.

Since the proposed restoration alternative will result in changes that benefit trustee resources in the St. Lawrence River watershed, the Akwesasne community, and anglers visiting the area, the Trustees have concluded that the proposed alternative would not adversely affect minority or low-income populations, Tribes, or other disadvantaged and underserved members of the community who may have environmental justice concerns.

Climate Change

The habitat restoration activities analyzed in the PEIS are particularly relevant to the discussion of carbon emissions and climate change science and its practical application in environmental restoration and conservation. The release of carbon and other greenhouse gasses into the atmosphere is due to a number of causes, most notably the combustion of fossil fuels and the destruction of ecological “carbon sinks”—ecosystems that absorb or contain more carbon than they emit. In the context of habitat restoration, a carbon sink could be coastal and freshwater wetlands, salt marshes, mangroves and submerged aquatic vegetation beds, the associated biomass for these habitats, or even the ocean itself—all environments that NRDA trustees work to restore, enhance, rehabilitate, reestablish, or protect. Sequestered carbon is an important concept in assessing the impacts of habitat restoration because many of the habitats described in the PEIS as part of the affected environment do serve as carbon sinks and therefore their restoration or protection from damage, degradation, or outright conversion/development

⁵ Environmental Justice impacts are generally discussed in the PEIS in relation to the requirements of Executive Order 12898 (refer to Section 4.12 of the PEIS).

prevents greenhouse gas emissions, or conversely increases the capacity of the habitat to further sequester carbon. One goal of these activities is to improve the functionality of ecosystems to where their carbon sequestration potential is enhanced and protected (e.g., wetlands and riparian restoration). In addition to carbon sequestration, the restoration activities described in the PEIS also enhance the physical resiliency of coastal ecosystems to better withstand the effects of climate change and sea level rise.

Minor, localized, short-term, and adverse direct effects on greenhouse gas (GHG) emissions are expected as a result of the proposed restoration alternative (Alternative 1). Actions resulting in GHG emissions may include the use of heavy equipment for construction, transport of materials needed for construction, and other activities associated with pre-and post-implementation such as monitoring and maintenance. These activities have the potential to generate GHG emissions through the use of oil-based fuels and consumption of both renewable and nonrenewable resources. However, the amount of GHG emissions generated through the proposed activities is not anticipated to be significant due to the limited scale of the project, duration of construction time, and the use of best management practices for air quality.

Long-term, minor, beneficial impacts to factors affecting climate change may result from restoration activities that include placement of natural materials and vegetation and revegetation of disturbed sites with native species, as these actions would thus increase carbon storage capacity of soils and plant communities, contributing to carbon sequestration. The proposed restoration alternative is expected to improve local resiliency to increased frequency of extreme weather events, flooding, and changes in annual patterns of precipitation by restoring shoreline and riparian habitats, increasing flood storage capacity and filtration of runoff, and controlling erosion.

5.5.4 Additional Analysis from the Final RCDP/EA

Impacts resulting from the proposed construction of public river access project activities associated with the Akwesasne Water Access Projects (e.g., boat launches, fishing piers, shore fishing sites, walkways) are described in Section 7.7 (Environmental Assessment of Preferred Restoration Alternative) of the Final RCDP/EA, and that discussion is incorporated here by reference and summarized below. As discussed in the context of restoration criteria described above and in the Final RCDP/EA, the development of new or improved shore- and boat-based river access sites is expected to generate major long-term benefits to area anglers. Although related activities may cause short-term adverse impacts, such impacts are not likely to be significant relative to the recreational benefits provided by the projects.

Short-term impacts arising from the construction of public river access (shore- and boat-based) fishing sites could include minor disruption of sediments, benthic communities, and floodplain communities. Access structures will displace small areas of river sediments, and the construction activities may temporarily increase suspended sediments in the adjacent waters, potentially adversely affecting area fish. As the shore fishing piers will be constructed entirely out of the water or will be floating, river sediments are not expected to be impacted during

construction. In addition, the Trustees expect that the shore fishing platforms and/or walkways will replace dispersed bank fishing, allowing for the recovery of trampled riverbank vegetation. The construction of parking areas for shore fishing access sites may impact floodplain plant and animal communities and increase runoff, but these impacts will be mitigated through the use of gravel rather than asphalt, and other Best Management Practices. The construction of the Racquette River Public Access Project includes restoration of adjacent areas and stormwater runoff mitigation.

5.6 Cumulative Effects

Under NEPA, Federal agencies are required to consider the effects of their proposed actions within the affected environment, taking into consideration other activities that have occurred, are occurring and are likely to occur in the future (i.e., past, present, and reasonably foreseeable future actions) (40 C.F.R. § 1508.7). The PEIS generally addresses the cumulative impacts expected with the types of habitat restoration typically undertaken by NOAA and its co-trustees, and that discussion is incorporated here by reference. Overall, the adverse impacts from restoration project construction are likely to be short-term and only minor to moderate when they do occur. As most restoration project sites are isolated from each other, cumulative short-term construction impacts (from both Trustee and other restoration projects) are unlikely. On the other hand, because projects are restoring natural habitat structure and function, and related services, any successful restoration project should lead to longer-term minor, moderate, or major beneficial impacts on the community, living coastal and marine resources and endangered and threatened species, and ecosystems of the coastal United States (e.g., St. Lawrence River watershed). Because project implementation periods (and the associated adverse effects from construction activities) are short-term, and the beneficial impacts from a project are long-term, generally, the cumulative impact of the proposed action program-wide is estimated to have a net beneficial impact to the identified resources, because the long-term benefits essentially reflect increased sustainability and quality of coastal habitat, restored ecosystem services, and improved fishery production.

The Trustees expect that there will be a long-term, minor, positive, direct and indirect cumulative effects on the biological and physical health of the St. Lawrence River watershed under Alternative 1 (preferred). However, relative to the magnitude of adverse ecological impacts that currently exist in the watershed, the positive cumulative benefits of these proposed restoration actions are not expected to be significant, as defined under NEPA.

Cumulatively, it is anticipated that there may be long-term adverse indirect effects to the physical and biological resources of the St. Lawrence River watershed were Alternative 2 (no action) selected because no active restoration would occur. However, relative to the magnitude of adverse ecological impacts that currently exist in the watershed, the adverse cumulative effect of the No Action Alternative is not expected to be significant, as defined under NEPA.

5.7 Conclusion Regarding Environmental Consequences of the Proposed Alternatives

Based on the analysis in this Draft RP/EA, the Trustees have made the preliminary determination that Alternative 1: Akwesasne Water Access Projects (preferred) is within the range of alternatives and scope of environmental consequences described in the PEIS, and in Sections 5.0 of this Draft RP/EA, and will not have significant adverse impacts. Moreover, the Trustees have fully considered and determined that there are no project- or site-specific conditions, sensitivities, unique habitats, or resources that warrant additional NEPA analyses beyond what is provided in the PEIS and in Section 5.5 of this Draft RP/EA.

Based on the analysis of environmental consequences in this Draft RP/EA, the Trustees' preliminary findings indicate that the evaluated alternatives would not result in any significant impacts on the human environment, in accordance with the guidelines for determining the significance of proposed Federal actions (40 CFR § 1501.3). Once public comments are addressed and if the preliminary findings are confirmed, the Federal Trustees will issue a Finding of No Significant Impact (FONSI), which will be appended to the Final RP/EA (40 CFR § 1501.6).

It is important to note that, using the environmental analyses in the PEIS (and the general impacts analyses in the Final RCDP/EA), does not preclude the need for project-specific compliance with other relevant Federal, State, and Local Laws and Policies (as listed in Sec 6.0).

6 Compliance with Other Federal, State, and Local Laws and Policies

The proposed action can be implemented in compliance with all applicable Federal, State and local permits and approvals, and associated state water quality certification. The following is a list of statutes that may apply to the proposed action. Compliance with these authorities, and other authorities not listed, is considered part of the restoration planning process. All permits and environmental compliance would be obtained and satisfied prior implementation of any of the projects.

6.1 Federal laws

National Environmental Policy Act

The National Environmental Policy Act (NEPA; 42 U.S.C. §§ 4321 *et seq.*), requires that Federal agencies consider the environmental impacts of proposed actions and reasonable alternatives to those actions.

Federal Water Pollution Control Act (Clean Water Act)

The Clean Water Act (CWA; 33 U.S.C. §§ 1251 *et seq.*), is the principle law governing pollution control and water quality of the nation's waterways. Section 404 of the CWA regulates the discharge of dredged or fill material into waters of the United States. Section 401 of the CWA requires any applicant for a Federal license or permit that conducts any activity that may result in a discharge of a pollutant into waters of the United States to obtain a certification from the State in which the discharge originates or would originate. The Trustees will require all necessary permits to be in place prior implementation of the proposed restoration activities.

Fish and Wildlife Coordination Act

The Fish and Wildlife Coordination Act (16 U.S.C. §§ 661 *et seq.*) requires that Federal agencies consult with USFWS, NOAA, and state wildlife agencies regarding activities that affect, control, or modify waters of any stream or bodies of water, in order to minimize the adverse impacts of such actions on fish and wildlife resources and aquatic environments. This coordination is generally incorporated into compliance processes used to address the requirements of other applicable statutes, such as Section 404 of the CWA.

Endangered Species Act

The Endangered Species Act (ESA; 16 U.S.C. §§ 1531 *et seq.*), is intended to protect species that are threatened with extinction. It provides for the conservation of habitats and ecosystems that these species depend on and produces a program for identification and conservation of these species. Federal agencies are required to ensure that any actions are not likely to jeopardize the continued existence of a threatened and endangered species. The Trustees will engage in required ESA consultations prior to implementing any restoration actions.

Migratory Bird Treaty Act

The Migratory Bird Treaty Act of 1918 (16 U.S.C. §§ 703-712), protects all migratory birds and their eggs, nests, and feathers and prohibits the taking, killing, or possession of migratory birds. The proposed restoration actions would not result in the taking, killing, or possession of any migratory birds.

National Historic Preservation Act

The National Historic Preservation Act (NHPA; 16 U.S.C. §§ 470 *et seq.*), is intended to preserve historic and archaeological sites. Compliance with the NHPA would be fulfilled through coordination with the New York State Historic Preservation Office (SHPO). The Trustees will consult with SHPO and Tribal Historic Preservation Officers (if applicable) to identify historic properties that may be affected by a proposed project and to assess potential adverse effects of restoration actions.

Magnuson-Stevens Fishery and Conservation Management Act

The Magnuson-Stevens Fishery and Conservation Management Act (MSFCMA; 16 U.S.C. §§ 1801 *et seq.*), requires Federal agencies to consult with the National Marine Fisheries Service when their actions or activities may adversely affect habitat identified as essential fish habitat. The Trustees will require MSFCMA consultation prior to implementing any restoration actions.

Rivers and Harbors Act

The Rivers and Harbors Appropriation Act (33 U.S.C. §§ 403 *et seq.*), regulates development and use of the nation's navigable waterways, and regulates obstruction or alteration of navigable waters. The Trustees will require all necessary permits be in place prior to implementation of restoration activities.

[Floodplain Management, Executive Order 11998](#)

Executive Order 11998 (42 Federal Register 26951) requires Federal agencies to avoid to the extent possible the long- and short-term adverse impacts associated with the occupancy and modification of floodplains and to avoid direct and indirect support of floodplain development wherever there is a practicable alternative. The Trustees will ensure compliance with this executive order as part of the state permitting process.

[Protection of Wetlands, Executive Order 11990](#)

Executive Order 11990 (42 Federal Register 26961) requires Federal agencies to take action to minimize the destruction, loss, or degradation of wetlands, and to preserve and enhance the natural and beneficial values of wetlands in carrying out the agency's responsibilities for acquiring, managing, and disposing of Federal lands and facilities; providing Federally undertaken, financed, or assisted construction and improvements; and conducting Federal activities and programs affecting land use, including but not limited to water and related land resources planning, regulating, and licensing activities. The Trustees will ensure compliance with this executive order as part of the state permitting process.

[Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations, Executive Order 12898](#)

Executive Order 12898 (59 Federal Register 7629) directs Federal agencies to identify and address the disproportionately high and adverse human health or environmental effects of their actions on minority and low-income populations, to the greatest extent practicable and permitted by law. The Executive Order directs each agency to develop a strategy for implementing Environmental Justice, is intended to promote nondiscrimination in Federal programs that affect human health and the environment, and provides minority and low-income communities access to public information and public participation. The Trustees have not identified any disproportionate adverse impacts on human health or the environment for minority and low-income populations due to the implementation of the selected projects. Anticipated beneficial Environmental Justice impacts to minority and low-income communities are expected.

[Executive Order 14096 - Revitalizing Our Nation's Commitment to Environmental Justice for All](#)

Executive Order 14096 reiterates and strengthens Executive Order 12898 regarding Federal actions and environmental justice. Executive Order 14096 also requires that each agency shall, as appropriate and consistent with applicable laws, carry out environmental reviews under NEPA "in a manner that analyzes direct, indirect, and cumulative effects of [f]ederal actions on communities with environmental justice concerns" (EO 14096, §3(ix)(A)).

6.2 State, Tribal and Local Laws

The Trustees will ensure compliance with all applicable state and local laws and other applicable Federal laws and regulations relevant to the State of New York prior to project implementation.

This process also complies with the environmental review requirements of the Saint Regis Mohawk Tribe.

7 List of Preparers and Reviewers

Tony David, John Privitera – Saint Regis Mohawk Tribe

John Fiorentino, James Turek – NOAA National Marine Fisheries Service

Jared Piaggione – NOAA Office of the General Counsel

Dan Gefell, – U.S. Fish and Wildlife Service

Mark Barash – Department of the Interior

Randall Young, Caryn Bower, Joseph Murphy, Michael Morgan – New York State Department of Environmental Conservation

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DRAFT RESTORATION PLAN AND ENVIRONMENTAL ASSESSMENT

For The Akwesasne Water Access Projects

For The
St. Lawrence River Environment
Natural Resource Damage Assessment and Restoration

SIGNATORY

The United States Department of the Interior, by its Authorized Official

By: **WENDI WEBER** Digitally signed by WENDI WEBER
Date: 2024.03.07 10:06:57 -05'00'

Name: Wendi Weber
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Date: _____

Approved as to legality and form:

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Date: _____

DRAFT RESTORATION PLAN AND ENVIRONMENTAL ASSESSMENT

For The Akwesasne Water Access Projects

For The
St. Lawrence River Environment
Natural Resource Damage Assessment and Restoration

SIGNATORY

The United States Department of the Commerce provides approval by its Authorized Official:

By:  _____

Name: James G. Turek

Title: Trustee Representative
NOAA Restoration Center
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02832

Date: March 15, 2024

DRAFT RESTORATION PLAN AND ENVIRONMENTAL ASSESSMENT

For The Akwesasne Water Access Projects

For The St. Lawrence River Environment
Natural Resource Damage Assessment and Restoration

SIGNATORY

The Saint Regis Mohawk Tribe provides approval by its Authorized Official:

By: _____

A handwritten signature in black ink, appearing to read 'Anthony David', is written over a horizontal line. The signature is stylized and cursive.

Name: Anthony David
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Saint Regis Mohawk Tribe
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Date: March 15, 2024

DRAFT RESTORATION PLAN AND ENVIRONMENTAL ASSESSMENT

For The Akwesasne Water Access Projects

For The St. Lawrence River Environment
Natural Resource Damage Assessment and Restoration

SIGNATORY

The New York State Department of Environmental Conservation provides approval by its
Authorized Official:

By:  _____

Name: Randall C. Young

Title: Trustee Representative and
Regional Director, Region 6
New York State Department of
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Date: March 15, 2024