

## **3-1 INTRODUCTION**

This chapter describes the regulatory requirements that must be met to implement the project, the public agencies with permitting or other regulatory authority or approvals necessary for the project, and the process by which the federal and joint lead agencies have engaged the public in the environmental review of the proposed project.

## **3-2 PROCESS**

### **3-2-1 NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)**

The New York State Department of Transportation (NYSDOT) and the New York State Thruway Authority (NYSTA) are requesting approvals from the Federal Highway Administration (FHWA) and other federal agencies for implementation of the Tappan Zee Hudson River Crossing Project. These federal approvals are subject to environmental review under the National Environmental Policy Act (NEPA). The procedural provisions of NEPA (set forth in 40 CFR §§ 1500-1508) require federal agencies to consider the environmental impacts of their actions, including not only direct and indirect effects, but also cumulative effects. In accordance with the Safe, Accountable, Flexible, Efficient Transportation Equity Act—A Legacy for Users (SAFETEA-LU), FHWA is defined as the lead federal agency, and NYSDOT and NYSTA will collectively serve as the joint lead agencies for the Tappan Zee Hudson River Crossing Project.

The project is classified as a NEPA Class I project in accordance with 23 CFR § 771.115, which requires an Environmental Impact Statement (EIS) to determine the likely significant impacts the project will have on the environment and all appropriate alternatives and mitigation measures to avoid or minimize any significant impacts. The steps in the NEPA EIS process are described below.

- **Notice of Intent.** The EIS process began with publication of a Notice of Intent (NOI) in the Federal Register. The NOI for the project was published in the Federal Register on October 12, 2011.
- **Scoping.** The NOI for this project also included a notice of scoping, which initiated the public comment period on the scope of the project. A Scoping Information Packet was prepared and made publicly available. The Scoping Information Packet included a description of the purpose and need, goals and objectives, alternatives to be considered in the DEIS, and the framework of analysis for the EIS. The public was invited to comment on the alternatives under consideration and the scope of analysis for the EIS. The public was also provided the opportunity to submit comments in writing or at the public scoping briefings, which were held on October

## Tappan Zee Hudson River Crossing Project Environmental Impact Statement

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25, 2011 and October 27, 2011. The comment period for project scoping ended on November 15, 2011, allowing additional time to provide comments in writing. A Scoping Summary Report, which summarized the comments received and provided responses as appropriate, was prepared and made available on the project website and at project repositories.

- ***Draft Environmental Impact Statement (DEIS).*** Following scoping, this DEIS was prepared to assess the environmental impacts of the project consistent with NEPA and other applicable regulations and requirements. FHWA approved the DEIS for public circulation on January 18, 2012, and a Notice of Availability was published in the Federal Register on January 27, 2012. The Notice of Availability established the public review period for this DEIS.
- ***Public Review of the DEIS.*** The public review of the DEIS included distribution of the document to government agencies, elected officials, civic and interested groups, and the public. FHWA initially established a 45-day public comment period for the DEIS, but the comment period was later extended to 60 days and ended on March 30, 2012. Comments received after March 30, 2012 were also responded to in this FEIS. During that time, public hearings were held on February 28, 2012 and March 1, 2012 at which members of the public could offer oral testimony on the findings of the DEIS. Written comments were also accepted.
- ***Re-evaluation Statement.*** Subsequent to the publication of the DEIS, design refinements were made to the Replacement Bridge Alternative, and other new information related to the project became available. Consistent with 23 CFR Part 771.130, 6 NYCRR Part 617 and 17 NYCRR Part 15, a re-evaluation statement was prepared to determine whether a Supplemental DEIS (SDEIS) should be prepared for the project prior to the issuance of the FEIS. FHWA concluded that the design refinements and new information considered in the re-evaluation did not have the potential to significantly impact the environment in a way not previously considered in the DEIS, and that it was not necessary to prepare an SDEIS prior to the issuance of the FEIS.
- ***Final Environmental Impact Statement (FEIS).*** After the public comment period on the DEIS closed, this FEIS was prepared. The FEIS includes the comments and responses on the DEIS and any necessary revisions to the DEIS to address the comments. Following FHWA's approval of the FEIS, it was made publicly available, and a Notice of Availability was published in the Federal Register.
- ***Public Review of the FEIS.*** The public review of this FEIS includes distribution of the document to government agencies, elected officials, civic and interested groups, and the public. FHWA has established a 30-day waiting period for the FEIS. Written comments will be accepted and responses to new and substantive comments will be included in the Record of Decision (ROD).
- ***Record of Decision.*** No sooner than 30 days after the notice of availability of the FEIS in the Federal Register, FHWA will prepare its decision document, known as the ROD. The ROD will describe the preferred alternative for the project, its environmental impacts, and any required mitigation commitments. The ROD will conclude the NEPA process.

## **Chapter 3: Process, Agency Coordination, and Public Participation**

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In accordance with SAFETEA-LU Section 6002 and 40 CFR 1506.3, this environmental document may be adopted or used by any Federal agency making any approval associated with Tappan Zee Hudson River Crossing Project.

### **3-2-2 STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA)**

In 1975, the New York State legislature enacted the State Environmental Quality Review Act (SEQRA) which requires New York governmental agencies to identify potential environmental effects that would result from their discretionary actions, and to the extent that significant adverse impacts are identified, avoid or mitigate those impacts to the maximum extent practicable, consistent with social, economic, environmental, and other considerations. For all actions under SEQRA, no involved New York State agency may undertake, fund, or approve the action until review under SEQRA is complete and SEQRA findings have been issued unless such actions fall within certain statutory or regulatory exemptions.

The project is classified as a SEQRA Type I action (6 NYCRR § 617.4 and 17 NYCRR Part 15), indicating that it has the potential for environmental impacts that should be evaluated under SEQRA. In accordance with 6 NYCRR § 617.15 and 17 NYCRR Part 15, the NEPA and SEQRA processes for the Tappan Zee Hudson River Crossing Project are being coordinated, and therefore, NYSDOT, NYSTA, and other New York State agencies undertaking a discretionary action for this project have no obligation to prepare an additional EIS under SEQRA. Rather, NYSDOT, NYSTA, and other New York State agencies will make SEQRA findings based on this EIS.

### **3-2-3 OTHER FEDERAL AND STATE REGULATORY REQUIREMENTS, PERMITS, AND APPROVALS**

Implementation and construction of the Tappan Zee Hudson River Crossing Project is subject to a number of state and federal permits and approvals in addition to NEPA and SEQRA. The list below is a summary of the regulatory requirements identified thus far as applicable to this project.

- ***Clean Air Act and New York State Air Permits (42 USC § 7506(c); 40 CFR Part 93)***. The conformity requirements of the Clean Air Act (CAA) limit the ability of federal agencies to assist, fund, permit, and approve projects in non-attainment or maintenance areas that do not conform to the applicable State Implementation Plan (SIP).
  - Transportation Conformity: Conformity determinations for federal actions related to transportation plans, programs, and projects approved under 23 CFR must be made by the project's lead federal transportation agency, FHWA in this case. New York Metropolitan Transportation Council (NYMTC), the local Metropolitan Planning Organization (MPO), developed a draft Transportation Conformity Determination for the project. A public notice of the availability of the Draft Conformity Determination was published in May 2012. NYSDOT, NYSTA, and NYMTC continue to coordinate to amend the TIP and Regional Transportation Plan, and the formal approval of the associated Transportation Conformity Determination by FHWA and FTA would need to occur prior to the issuance of a ROD for the Tappan Zee Hudson River Crossing Project.

## Tappan Zee Hudson River Crossing Project Environmental Impact Statement

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- General Conformity: The U.S. Army Corps of Engineers (USACE) has been requested to authorize the transport of dredged material (see “Marine Protection, Research and Sanctuaries Act” below) and the U.S. Coast Guard (USCG) has been requested to issue a General Bridge Permit. These actions are subject to the general conformity requirements of the CAA (40 CFR § 93, Subpart B). USACE determined that projected increases in emissions would be de minimis, pursuant to 40 CFR 93 § 153, and that the activity would not require a general conformity determination. USCG expects to make a final conformity determination prior to or concurrent with the ROD for the Tappan Zee Hudson River Crossing Project.

Under Section 309 of the CAA, the U.S. Environmental Protection Agency (USEPA) must review and comment in writing on the environmental impact of any matter relating to its responsibilities under the CAA. In the event that USEPA determines that federal legislation, regulations, or actions are unsatisfactory from the standpoint of public health or welfare related to environmental quality, the determination is published and the matter is referred to the Council on Environmental Quality.

- **Clean Water Act (33 USC §§ 1251-1387):** The New York State Department of Environmental Conservation (NYSDEC) administers provisions of the Clean Water Act in New York State. Under Section 401 of the Act, any applicant for a federal permit or license for an activity that may result in a discharge to navigable waters must provide to the federal agency issuing a permit a certificate (either from the state where the discharge would occur or from an interstate water pollution control agency) that the discharge would comply with Sections 301, 302, 303, 306, 307, and 316 (b) of the Clean Water Act.

Section 404 of the Act requires authorization from the Secretary of the Army, acting through the U.S. Army Corps of Engineers (USACE), for the transport of any dredged or fill material into waters of the United States. Activities authorized under Section 404 must comply with Section 401 of the Act.

NYSDOT and NYSTA have and will apply for Section 401 and Section 404 certifications as part of their permit applications to NYSDEC and USACE.

- **Coastal Zone Management Act (16 USC §§ 1451, et seq.; 15 CFR Part 930; New York Executive Law Article 42; 19 NYCRR Part 600).** Projects affecting New York’s coastal zone must be consistent with the Coastal Zone Management Act, through the New York State Department of State’s (NYSDOS) Coastal Area Management Program and local municipalities’ approved Local Waterfront Revitalization Plans (LWRP). FHWA, NYSDOT, and NYSTA have requested a consistency determination by NYSDOS prior to issuance of the ROD.
- **Eminent Domain Procedures Law:** Any state action that results in property to be acquired through exercise of eminent domain in New York State must be executed in full compliance with the Eminent Domain Procedure Law (EDPL). NYSDOT and NYSTA would commence EDPL proceedings for the project following issuance of a ROD by FHWA.
- **Endangered Species Act (16 USC §§ 1531-1544; 50 CFR Part 402).** Section 7 of this Act requires FHWA to consult with the U.S. Fish and Wildlife Service (USFWS)

### Chapter 3: Process, Agency Coordination, and Public Participation

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and/or the National Marine Fisheries Service (NMFS) for any project activities that may jeopardize threatened or endangered species or destroy or adversely modify their critical habitats. NMFS issued its conservation recommendations and Biological Opinion pursuant to its Section 7 consultation requirements. NMFS recommended mitigation measures are incorporated into this FEIS (see Chapter 15, “Water Resources,” Chapter 16, “Ecology,” and Chapter 18, “Construction Impacts”). Appendix F includes the full text of NMFS Biological Opinion. In addition, consultation has been undertaken with USFWS regarding potential effects to threatened and endangered species under their jurisdiction, and measures to avoid or minimize potential effects on these species are identified in Chapter 16, “Ecology.”

- ***Environmental Justice (Executive Order 12898 of 1994, 59 FR Page 7629, February 16, 1994; U.S. Department of Transportation [USDOT] “Order to Address Environmental Justice in Minority Populations and Low-Income Populations,” USDOT Order 5610.(2)(a), May 2, 2012, FHWA Order 6640.23a, “FHWA Actions to Address Environmental Justice in Minority Populations and Low-Income Populations”, June 14, 2012).*** These Orders require that impacts and benefits from a federal transportation project are equitably distributed among all population groups and that minority or low-income areas are not overburdened with the adverse aspects of project alternatives. FHWA is responsible for complying with the Executive Order and will document its compliance efforts in the ROD. Specific outreach efforts to environmental justice communities are described below.
- ***Federal Transportation Planning and Programming Requirements (23 CFR Part 450).*** Subsequent to publication of the DEIS, FHWA, NYSTA, and NYSDOT are coordinating with NYMTC to include the project in the current Transportation Improvement Program (TIP) and fiscally-constrained regional plan. In May and June, NYMTC held a 30-day public comment period for its notice to include the Replacement Bridge Alternative TIP and Plan. FHWA, NYSDOT, NYSTA, and NYMTC continue to coordinate on amending the TIP and Plan prior to the issuance of a Record of Decision for the Tappan Zee Hudson River Crossing Project.
- ***Floodplains (Executive Order 11988 of 1977; USDOT Order 5650-2, “Floodplain Management and Protection,” April 23, 1979).*** Federal and state agencies must regulate and limit the location of a project in a floodplain to avoid any adverse impacts from the occupancy and modification of floodplains.
- ***General Bridge Act of 1946 (33 USC § 525).*** Bridges over navigable waters of the United States require a bridge permit under the General Bridge Act of 1946, which is issued by USCG. The bridge permit under the General Bridge Act also satisfies the requirements of Section 9 of the River and Harbors Act of 1899.
- ***Grant or License of Land Underwater (New York State Public Lands Law § 6-75.7b).*** The New York State Office of General Services (NYSOGS) has the statutory authority under the Public Lands Law to transfer the jurisdiction of lands under water. The land ownership remains with the People of the State of New York. NYSTA would request that NYSOGS transfer jurisdiction of the land underwater to allow it to take responsibility to operate and maintain the bridge.

**Tappan Zee Hudson River Crossing Project  
Environmental Impact Statement**

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- ***Incidental Take Permit (6 NYCRR Part 182.11).*** NYSTA and NYSDOT have applied to NYSDEC for a permit that authorizes the incidental take of a species listed as endangered or threatened in 6 NYCRR Part 182. An incidental take permit must include an endangered or threatened species mitigation plan that NYSDEC has determined will result in a net conservation benefit to the listed species. This plan will be coordinated with the federal consultation requirements of the Endangered Species Act.
- ***Magnuson-Stevens Fishery Conservation and Management Act (16 USC §§ 1801-1884).*** This act mandates an identification of Essential Fish Habitat (EFH) for managed aquatic species and requires measures to conserve and enhance the habitat needed by fish to carry out their life cycle. The Act requires consultation with NMFS for any effects on EFH. NMFS provided its conservation recommendations, and NMFS recommended mitigation measures are incorporated into this FEIS (see Chapter 15, “Water Resources,” Chapter 16, “Ecology,” and Chapter 18, “Construction Impacts”, and Appendix F).
- ***Marine Protection, Research and Sanctuaries Act (16 USC §§ 1431, et seq., and 33 USC §§ 1401, et seq.).*** Ocean dumping of dredged material is prohibited by this Act unless a Section 103 permit is issued. The USACE District office is responsible for issuing the Section 103 permit, subject to approval by the U.S. Environmental Protection Agency (USEPA).
- ***National Historic Preservation Act (16 USC § 470, et seq.; 36 CFR § 800).*** Projects potentially affecting historic and archaeological resources must comply with the National Historic Preservation Act (NHPA) Section 106 review process. FHWA is responsible for carrying out the Section 106 review for this project in consultation with the New York State Historic Preservation Officer (SHPO) at the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) and other individuals and organizations with an interest in the effects of a project on historic properties (i.e., consulting parties). When a project is being reviewed pursuant to Section 106 of the NHPA, the procedures of Section 14.09 of the New York State Historic Preservation Act do not apply, and any review and comment by SHPO must be within the framework of Section 106 procedures (New York State Historic Preservation Act § 14.09(2)). The Section 106 consultation process for the project is described below.
- ***Rivers and Harbors Act of 1899 (33 U.S.C. 403).*** Section 10 of the Rivers and Harbors Act of 1899 requires authorization from the Secretary of the Army acting through USACE for the construction of any structure in or over any navigable waters of the United States; the excavation from or deposition of material in these waters; or any obstruction or alteration in these waters. USACE must evaluate, in the public interest, the benefits of the proposed activity versus potential detriments. NYSTA and NYSDOT have and will apply for the appropriate permits with USACE.
- ***Smart Growth Public Infrastructure Policy Act (ECL § 6-0101, et seq.):*** The Smart Growth Public Infrastructure Policy Act was enacted by the State of New York to maximize social, economic, and environmental benefits from public infrastructure development while minimizing adverse impacts related to sprawl. Under this act, no state infrastructure agency shall approve, undertake, support, or

### Chapter 3: Process, Agency Coordination, and Public Participation

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- finance a public infrastructure project, unless, to the extent practicable, the public infrastructure project is consistent with 10 smart growth infrastructure criteria that identified in Section 6-0105 of the Act. Chapter 22, “Other NEPA/SEQRA Considerations,” includes an analysis of the project’s consistency with the Smart Growth Public Infrastructure Policy Act.
- **State Pollutant Discharge Elimination System (6 NYCRR Part 750).** A State Pollutant Discharge Elimination System (SPDES) permit will be required for construction since construction would involve more than one acre of land. NYSTA and NYSDOT will seek a SPDES General Permit subsequent to publication of the ROD by FHWA.
  - **Tidal Wetlands Law (ECL Article 25).** Under the Tidal Wetlands Act, NYSDEC administers a permit program regulating activities in tidal wetlands and their adjacent areas. NYSDEC requires a permit for almost any activity which will alter the wetlands or the adjacent areas. A tidal wetlands permit will be sought by NYSDOT and NYSTA.
  - **Uniform Relocation and Assistance and Real Property Acquisition Policies Act of 1970 (42 USC § 4601, et seq.):** Federally funded or assisted projects that require property acquisition through eminent domain must comply with the Uniform Relocation and Assistance and Real Property Acquisition Policies Act of 1970. NYSDOT and NYSTA will coordinate the requirements of this Act with the EDPL proceedings for the project.
  - **U.S. Department of Transportation Act—Section 4(f) (49 USC § 303; 23 CFR §774).** Section 4(f) prohibits the Secretary of Transportation from approving programs or projects that use a property protected under Section 4(f) unless there is no prudent and feasible alternative to the use of such land and the project includes all possible planning to minimize harm to such land. A Section 4(f) property is defined as a publicly-owned parkland, recreation area, or wildlife and waterfowl refuge of national, state, or local significance; or land from a historic site of national, state, or local significance, which are properties listed on or eligible for the National Register of Historic Places. FHWA issued a draft Section 4(f) Evaluation concurrent with publication of the DEIS. Comments on the Draft Section 4(f) Evaluation were accepted. FHWA has considered agency and public comments on the Draft Section 4(f) Evaluation, including ongoing consultation under Section 106 of the National Historic Preservation Act, and has published a Final Section 4(f) Evaluation concurrent with this FEIS. FHWA will make its Section 4(f) finding for this project as part of its ROD.
  - **Wetlands (Executive Order 11990 of 1977; USDOT Order 5660.1A, “Preservation of the Nation’s Wetlands,” August 24, 1978).** Federal and state agencies must avoid adverse impacts from the destruction or modification of wetlands unless there is no practical alternative and all possible measures to minimize harm are taken. FHWA made a preliminary EO 11990 finding concurrent with publication of the DEIS and has made a final EO 11990 finding concurrent with publication of this FEIS.

### **3-2-4 SECTION 106 COORDINATION**

Section 106 of the NHPA (NHPA; 36 CFR Part 800) requires federal agencies to take into account the effects of their undertakings on historic properties that are listed in or meet the eligibility criteria for listing in the National Register of Historic Places and afford the Advisory Council on Historic Preservation (ACHP) and SHPO a reasonable opportunity to comment. Section 106 also requires that agency officials work with SHPO to identify parties to participate in the Section 106 process (“Consulting Parties”). Consulting Parties may include local governments, federally recognized Native American tribes and individuals and organizations with a demonstrated interest in the project due to the nature of their legal or economic relationship to the project or affected historic properties, or their concern with the project’s effects on historic properties.

FHWA, NYSDOT, and NYSTA extended invitations to the Tribal Historic Preservation Officers of Native American tribes, local preservation groups, local planning agencies, and property owners to participate as Section 106 Consulting Parties. A public notice, in English and Spanish, was also published in newspapers and on the project website to invite interested members of the public to participate, and Consulting Parties were registered at the scoping briefings. **Appendix C** includes a list of agencies, organizations, and individuals that requested to participate in the process and was subsequently accepted by FHWA as Section 106 Consulting Parties for the Tappan Zee Hudson River Crossing Project.

Upon their expression of interest and their approval by FHWA, Consulting Parties were provided an initiation package, which included maps of the project’s Areas of Potential Effect (APEs), preliminary information on buildings and potential archaeological sites within the APEs, and a methodology for the analysis of the project’s effects. In December 2011, a meeting was held to discuss the project’s effects on properties within the APE. Following that meeting, a draft Memorandum of Agreement (MOA) was prepared, which commits FHWA, in coordination with NYSDOT and NYSTA, to carry out measures to mitigate adverse effects on historic properties. The draft MOA was circulated as part of the DEIS.

A Consulting Parties meeting was held on February 16, 2012 to discuss any comments on the draft MOA. Relevant comments were incorporated into a revised draft MOA, which was circulated for Consulting Party review in April 2012. Following a 30-day comment period on the revised draft MOA, Consulting Party comments were considered and a final MOA along with a supplemental Finding of Effects document was issued to the Consulting Parties. Consulting Parties were invited to sign the MOA as concurring parties. The document was then formally executed by NYSDOT, NYSTA, FHWA, SHPO, and ACHP. The executed MOA is included in **Appendix C** of this FEIS, and its measures to minimize harm are described in Chapter 10, “Historic and Cultural Resources.”

### **3-2-5 SECTION 4(f) COORDINATION**

In accordance with 23 CFR § 774.5, FHWA must provide opportunities for coordination and comment to the official(s) with jurisdiction over the Section 4(f) resource that may be affected by the project as well as the U.S. Department of the Interior (DOI), and as appropriate, the Department of Agriculture and the Department of Housing and Urban Development. Review of the project’s Section 4(f) Evaluation includes FHWA,

## **Chapter 3: Process, Agency Coordination, and Public Participation**

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NYSDOT, NYSTA, DOI, and SHPO. As described above, potential effects on historic properties have been coordinated through Section 106 of the NHPA, which resulted in an executed MOA. The measures to minimize harm to historic resources have been incorporated into the Final Section 4(f) Evaluation for the Tappan Zee Hudson River Crossing Project.

### **3-2-6 ENVIRONMENTAL JUSTICE COORDINATION**

Executive Order 12898 requires federal agencies to involve the public on project issues related to human health and the environment. The U.S. Department of Transportation's "Final Order on Environmental Justice" indicates that project sponsors should elicit public involvement opportunities, including soliciting input from affected minority and low-income populations in considering project alternatives. As described in Chapter 19, "Environmental Justice," environmental justice communities have been identified near the Tappan Zee Bridge and one of the potential construction staging areas. Chapter 19, "Environmental Justice," describes the potential environmental and health effects of the Tappan Zee Hudson River Crossing Project on these communities.

In addition, the environmental justice analysis for this FEIS considers the potential effects of proposed toll revenue bonds that would aid in the financing of the bridge. The analysis in Chapter 19, "Environmental Justice," identifies those communities within the commuter shed of the Tappan Zee Bridge and describes the potential economic effects of the proposed toll adjustments on low-income populations.

Building upon outreach efforts for the Tappan Zee Bridge/I-287 Corridor Project, FHWA, NYSDOT, and NYSTA have engaged and will continue to engage environmental justice communities through the project website, mailing list, and targeted media outlets. FHWA, NYSDOT, and NYSTA will also continue to issue public notices in Spanish and provide translation services for these communities, as necessary, to engage their participation in public involvement activities. NYSTA will also coordinate with low-income communities in the Tappan Zee Bridge commuter shed to promote toll discount programs, including E-ZPass and carpool discounts.

### **3-3 AGENCY COORDINATION**

#### **3-3-1 SAFETEA-LU COORDINATION PLAN**

Section 6002 of SAFETEA-LU increased opportunities for federal, state, and local agencies to have active and early involvement in the NEPA process and to provide comments on the project's purpose and need, environmental study methodology, and alternatives under consideration. Section 6002 requires the development of a coordination plan for all highway and transit projects for which an EIS is prepared under NEPA. FHWA, NYSDOT, and NYSTA outlined a coordination plan in the Scoping Information Package as well as a Cooperating Agencies' agreement. The plan described the process and communication methods that have been and will be followed to disseminate information about the project, as well as to solicit and consider input from the agencies. The coordination plan will be in effect throughout the EIS process. The coordination plan is a flexible, "living" document that can be amended as needed.

FHWA identified and invited federal agencies and NYSDOT and NYSTA identified and invited New York State agencies to participate in the Section 6002 coordinated review

## **Tappan Zee Hudson River Crossing Project Environmental Impact Statement**

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by serving as cooperating or participating agencies. According to Council on Environmental Quality (CEQ) regulations (40 CFR § 1508.5), “cooperating agency” means any federal agency, other than a lead agency, that has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposed project or project alternative. “Participating agencies” are those federal, state, or local agencies or federally recognized Native American tribes (Tribal Government Organizations [TGOs]) with an interest in the project.

Cooperating and participating agencies are responsible for identifying, as early as practicable, any issues of concern regarding the project’s potential environmental or socioeconomic impacts that could substantially delay or prevent an agency from granting a permit or other approval.

The following agencies have been identified as cooperating agencies:

- Advisory Council on Historic Preservation (ACHP);
- National Marine Fisheries Service (NMFS);
- U.S. Army Corps of Engineers (USACE);
- U.S. Coast Guard (USCG);
- U.S. Environmental Protection Agency (USEPA);
- U.S. Fish and Wildlife Service (USFWS);
- New York State Department of Environmental Conservation (NYSDEC);
- New York State Department of State (NYSDOS);
- New York State Office of General Services (NYSOGS); and
- State Historic Preservation Officer (SHPO) of the New York State Office of Parks, Recreation and Historic Preservation (OPRHP).

Group and individual meetings have been held with the agencies throughout the environmental review process to update them on the status of the project and discuss other topics as appropriate. Discussions to date have included purpose and need, range of alternatives, methodology, impacts assessment, and mitigation measures.

An agency summit took place on October 24, 2011 to inform federal and state agencies of the project and to outline the environmental review process. The Cooperating Agencies’ Agreement/Memorandum of Agreement was also provided for signature at the agency summit and to outline the milestones, response times, and roles and responsibilities. Group and individual meetings were held with cooperating agencies to assist in preparation of the DEIS and this FEIS.

## Chapter 3: Process, Agency Coordination, and Public Participation

### 3-3-2 PERMITS AND APPROVALS

As described above, a number of permits and approvals are being sought from federal and state agencies. **Table 3-1** lists the required permits and approvals by agency.

**Table 3-1  
Permits and Approvals by Agency**

Agency	Responsibilities
U.S. Army Corps of Engineers	Issue Section 404 Permit, Clean Water Act and Section 10 Permit, Rivers and Harbors Act Issue Section 103 Permit, Marine Protection, Research and Sanctuaries Act
Advisory Council on Historic Preservation	Consultation for Section 106 review pursuant to National Historic Preservation Act
U.S. Coast Guard	Issue Bridge Permit; General Bridge Act of <u>1946</u>
U.S. Department of Interior	Consultation for Section 4(f) Evaluation, U.S. Department of Transportation Act
U.S. Environmental Protection Agency	Written Determination under Section 309, Clean Air Act; Consultation for Section 404 Permit, Clean Water Act Consultation for Section 103 Permit, Marine Protection, Research and Sanctuaries Act
U.S. Fish and Wildlife Service	<u>Consultation for Section 7, Endangered Species Act</u> Consultation for Section 10 Permit, Rivers and Harbors Act Consultation for Section 404 Permit, Clean Water Act
National Oceanic and Atmospheric Administration National Marine Fisheries Service	Consultation for Section 7, Endangered Species Act Consultation for Essential Fish Habitat, Magnuson-Stevens Fishery Conservation and Management Act Consultation for Section 10 Permit, Rivers and Harbors Act Consultation for Section 404 Permit, Clean Water Act
New York State Department of Environmental Conservation	Issue Section 401 Water Quality Certification, Clean Water Act Issue Tidal Wetlands Permit, Environmental Conservation Law Issue Incidental Take Permit, New York Code of Rules and Regulations
New York State Department of State	Issue Coastal Zone Consistency Determination, Coastal Zone Management Act
New York State Office of General Services	Grant or License of Lands Under Water, New York State Public Lands Law
New York State Historic Preservation Officer	Concurrence under Section 106 of the National Historic Preservation Act

### 3-4 PUBLIC OUTREACH PROGRAM

Continuing the commitment to an open, participatory process, the Tappan Zee Hudson River Crossing Project team has solicited early and continued feedback from the public and from agencies; encouraged open discussion of project details and issues; and has provided opportunities for comments and questions. Tools that have been and will continue to be used in the public involvement program are described below.

- **Public meetings and Open houses.** The Public Scoping Briefings in Rockland and Westchester Counties were an early opportunity for the public to participate in the project's development. Members of the public were able to give written and/or oral comments on the scope of the project and to suggest reasonable alternatives for consideration in the DEIS.

## Tappan Zee Hudson River Crossing Project Environmental Impact Statement

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The public was also invited to comment during the circulation of this DEIS; at the public hearings on this DEIS, which were held in Rockland and Westchester Counties on February 28, 2012 and March 1, 2012, respectively; and during the circulation of this FEIS. Comments raised in the public hearings and during the DEIS comment period have been responded to, as appropriate, in this FEIS (see Chapter 24, "DEIS Comments and Responses"). Public meetings have been advertised in local newspapers, the project website, and by e-mail to ensure maximum public participation in the environmental review process. The public meetings were accessible by public transportation to ensure maximum possible access.

- **Targeted meetings with stakeholders.** FHWA, NYSDOT, and NYSTA have and will continue to hold meetings with the villages and towns adjacent to the bridge, briefings with elected officials, and meetings with representatives of municipal governments, including the planning and transportation departments of Rockland and Westchester Counties, special interest groups, community groups, property owners, and other interested parties, as appropriate. Agency coordination meetings have included briefings of the Cooperating and Participating Agencies as well as the Section 106 Consulting Parties.
- **Project hot line.** A toll-free project phone number, 877-TZB-DOT5 or 877-892-3685, was set up for members of the public to reach project representatives during office hours, with messages returned promptly.
- **Project website.** A project website ([www.thenewtzb.com](http://www.thenewtzb.com)) was established to allow the public to keep up to date on the project. Visitors can sign up for the mailing list on the website and submit comments via a Contact Us feature, which sends their e-mails to the project sponsors. The site is updated regularly to include announcements of project meetings and access to project documents (i.e., scoping information packet, technical reports, and the environmental impact statement), which are posted as they become available.
- **Mailing list.** A project mailing list, totaling more than 5,000 names and addresses is being used for this project. The mailing list includes elected officials, public agency contacts, stakeholder and community groups, media, and individuals. Included within the list are organizations, media, and individuals that have relevance and connections with environmental justice communities in the study area. The mailing list is used to distribute meeting announcements and information about the project. An e-mail list is also available for "e-mail blasts" that announce meetings and other information. Both lists are updated continually.
- **Informational materials produced at key points during the project development process.** Content has included written information on the project as well as visuals (photos, maps, and charts) and contact information. Presentations, meeting display boards and handouts, and other materials have been developed as appropriate to keep the public fully informed about project developments. Comment sheets have been made available at public meetings to encourage public input.

- **Media outreach.** When appropriate, a media outreach effort has been conducted. This has involved contacting the media when there are new project developments to communicate, as well as issuing press releases at major milestones. This effort has included newspapers serving environmental justice communities.
- **Repositories.** Local repositories throughout the project area have enabled members of the public to examine project documents, including EIS documents, and other informational materials. The established repositories include local libraries, town halls, and other locations.

### **3-5 REPOSITORIES**

Project documents, such as the Notice of Intent, the Scoping Information Packet, the Scoping Summary Report, and this FEIS, are available for public viewing at the locations listed below.

#### **Lead Agency Offices**

Federal Highway Administration  
Leo W. O'Brien Federal Building  
11A Clinton Avenue, Suite 719  
Albany, New York 12207

New York State Dept. of Transportation  
4 Burnett Boulevard  
Poughkeepsie, New York 12603

New York State Thruway Authority  
200 Southern Boulevard  
Albany, NY 12209

#### **Rockland County**

Rockland County Department of Planning  
50 Sanitorium Road, Building T  
Pomona, NY 10970

Town of Clarkstown  
10 Maple Avenue  
New City, NY 10956

Town of Orangetown  
26 Orangeburg Road  
Orangeburg, NY 10962

Town of Ramapo  
237 Route 59  
Suffern, NY 10901

Nanuet Public Library  
149 Church St.  
Nanuet, NY 10954

Nyack Library  
59 South Broadway  
Nyack, NY 10960

Suffern Free Library  
210 Lafayette Avenue  
Suffern, NY 10901

West Nyack Free Library  
65 Strawtown Road  
West Nyack, NY 10994

#### **Westchester County**

Westchester County Dept. of Planning  
148 Martine Avenue, Room 432  
White Plains, NY 10601

City of Rye  
1051 Boston Post Road  
Rye, NY 10580

City of White Plains  
255 Main Street  
White Plains, NY 10601

Town of Greenburgh  
177 Hillside Ave  
White Plains, NY 10603

**Tappan Zee Hudson River Crossing Project  
Environmental Impact Statement**

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Town/Village of Harrison  
1 Heineman Place  
Harrison, NY 10528

Greenburgh Public Library  
300 Tarrytown Rd  
Elmsford, NY 10523

White Plains Public Library  
100 Martine Avenue  
White Plains, NY 10601

Town of Rye  
10 Pearl Street  
Port Chester, NY 10573

The Warner Library  
121 North Broadway  
Tarrytown, NY 10591

West Harrison Branch Library  
2 East Madison Street  
West Harrison, NY 10604

**Other**

New York State Library  
222 Madison Avenue, 6th Floor  
Albany, NY 12230

**3-6 CONTACT INFORMATION**

For further information on the project, please visit the project website at [www.thenewtzb.com](http://www.thenewtzb.com) or please contact:

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Division Administrator  
Federal Highway Administration  
Leo W. O'Brien Federal Building,  
11A Clinton Avenue, Suite 719  
Albany, New York 12207  
Telephone: (518) 431-4127

Michael P. Anderson, P.E.  
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4 Burnett Boulevard  
Poughkeepsie, New York 12603  
Telephone: (877) 892-3685

Ted Nadratowski, P.E.  
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New York State Thruway Authority  
200 Southern Boulevard  
Albany, NY 12209  
Telephone: (518) 436-2700

This document is available for public review until September 4, 2012 after which time a Record of Decision will be issued. Questions or comments regarding this FEIS should be sent to Michael Anderson, New York State Department of Transportation, 4 Burnett Boulevard, Poughkeepsie, New York 12603 or [tzbsite@dot.state.ny.us](mailto:tzbsite@dot.state.ny.us). The Record of Decision will address any new or substantive comments made during the public review period.