

20-1 INTRODUCTION

The project would be located in the Coastal Area as designated by the New York State Waterfront Revitalization of Coastal Areas and Inland Waterways Act. This act implements New York State's Coastal Management Program (CMP). In addition, the project requires approvals from federal and state agencies and is therefore subject to consistency review in accordance with the policies set forth to implement the CMP. This chapter examines the compliance of the project with those policies.

20-2 REGULATORY CONTEXT

The federal Coastal Zone Management Act (CZMA) of 1972 was established to encourage coastal states to manage development within their designated coastal areas, and to balance conflicts between coastal development and protection of resources within the coastal zone. CZMA requires that federal actions within a state's coastal zone be consistent with that state's CMP. The New York State Department of State (NYSDOS) administers this program in New York.

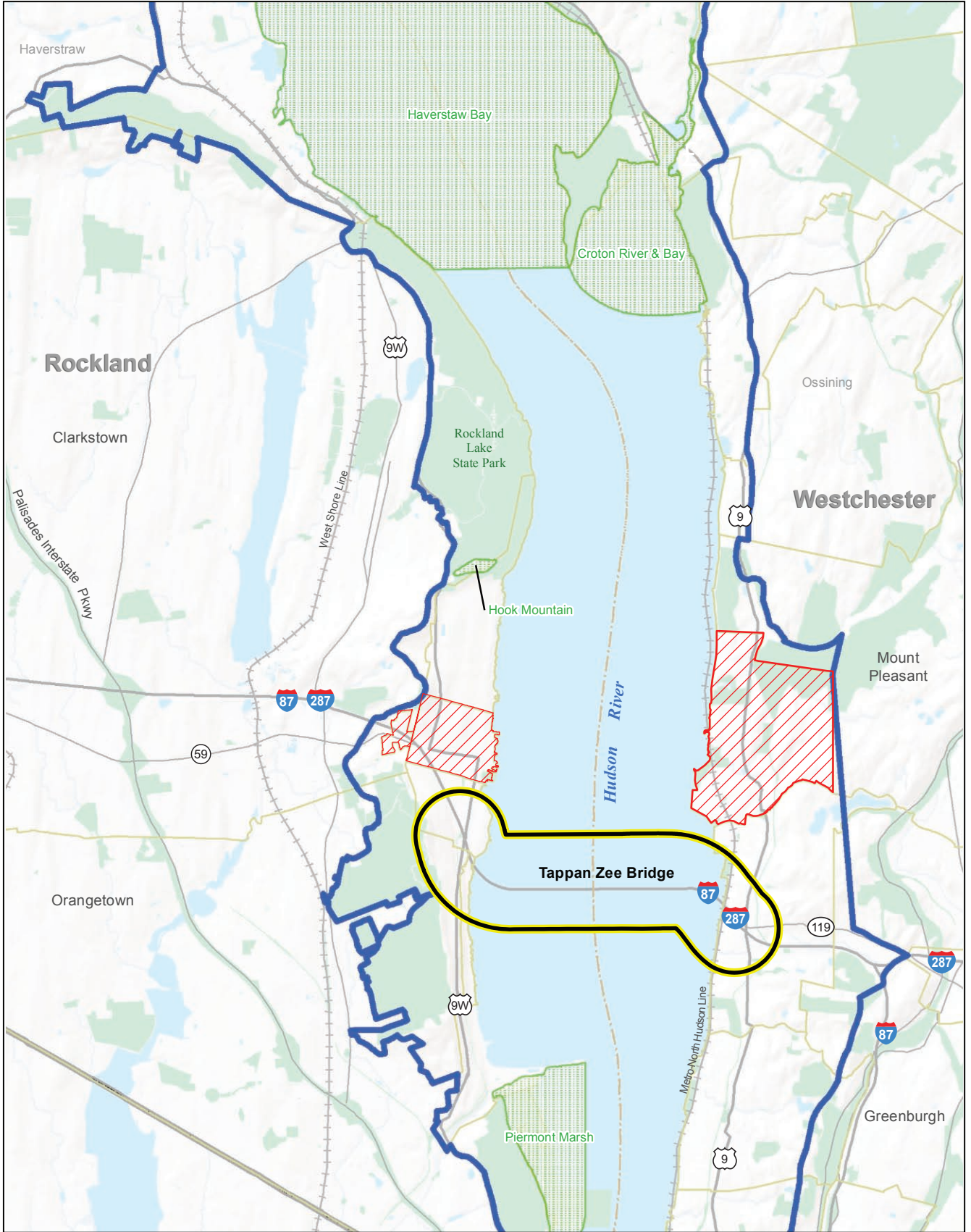
The state's CMP encourages coordination among all levels of government to promote sound waterfront planning and requires consideration of the program's goals in making land use decisions. Thus, the state permits a local government that has any portion of its jurisdiction contiguous to the state's coastal waters to submit a Local Waterfront Revitalization Program (LWRP) to NYSDOS for approval. Municipalities that have adopted LWRPs make a determination of an action's consistency with their LWRP policies and then send their determinations to NYSDOS. In regions without an LWRP, the state policies apply and projects are reviewed by NYSDOS.

The Village of South Nyack, the Village of Grand View-On-Hudson, and the Village of Tarrytown have not adopted local waterfront revitalization plans (LWRPs). Therefore, coastal zone consistency for the project is determined by the NYSDOS using the New York State's Coastal Consistency policies. The Villages of Nyack and Sleepy Hollow have approved LWRPs. **Figure 20-1** shows the boundaries of these two municipalities' LWRPs, which are ½ mile or more from the limits of the Replacement Bridge Alternative. While the municipalities' authority to implement their LWRPs is confined to the area within their corporate limits, this chapter addresses those local LWRP policies that may apply to the proposed project.

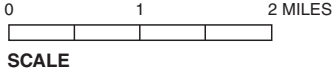
As outlined in the NYSDOT Environmental Manual (TEM), the process for obtaining CMP concurrence from the NYSDOS includes the following, each of which must be documented in the Design Report/Environmental Assessment:

- As a partially federally funded project, a Federal Aid Notification (FAN) letter must be sent to NYSDOS.

11.8.11



- Study Area Boundary
- Local Waterfront Revitalization Plan (LWRP)
- New York State Coastal Zone Boundary
- Significant Coastal Fish and Wildlife Habitats



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- A State Coastal Assessment Form (CAF) must be completed and sent to NYSDOS.
- Because the project will require federal permits, the Federal Consistency Assessment Form (FCAF) and relevant permits must be sent to NYSDOS.

20-3 METHODOLOGY

This chapter reviews the project to determine its compliance with the state's 44 coastal policies based on the analyses presented in the relevant chapters of this Environmental Impact Statement (EIS). The project's primary areas of potential impact to the coastal resources that are the subject of the CZMA include: ecology; water quality; historic and cultural resources; visual resources; marine transportation; recreational boating; and ambient noise.

20-4 AFFECTED ENVIRONMENT

As shown in **Figure 20-1**, the footprint of the project, comprised of Interstate 87/287 from Interchange 9 (Route 9) to just east of Interchange 10 (Route 9W), including the Tappan Zee Bridge, is within the New York State's Coastal Area Boundary. In addition, as part of the project, a new maintenance facility would be constructed at approximately the same location as the existing NYSTA maintenance facility on the north side of Interstate 87/287 at Interchange 9 (Route 9). This facility would also be within the Coastal Area Boundary.

20-5 COASTAL ZONE POLICY ANALYSIS

20-5-1 NO BUILD ALTERNATIVE

The No Build Alternative would not have any adverse impacts on coastal resources. However, continued maintenance of the bridge over the next decade would not correct the structural, operational, safety, and mobility needs of the Hudson River crossing.

20-5-2 REPLACEMENT BRIDGE ALTERNATIVE

The studies and analyses undertaken for the project and described in this EIS are the primary foundation for evaluating consistency with the applicable CMP policies. Each policy is listed below, followed by a narrative response describing the consistency with applicable policies or the non-applicability of the policy to the project. Only those components to which a particular CMP policy is potentially applicable are evaluated in the following discussions.

There are two options for the approach spans, the sections of the bridge that link the landings with the main spans over the navigable channel. These options—Short Span and Long Span—differ in terms of the type of structure as well as the number of and distance between bridge piers. In addition, there are two options for the bridge's main spans over the navigable channel—Cable-stayed and Arch. Both options would result in a horizontal clearance of at least 1,000 feet and a vertical clearance of 139 feet over the navigable channel at mean high water. Where there are differences between options with respect to the coastal policies, these are discussed below.

20-5-2-1 COASTAL ZONE POLICIES

Policy 1: *Restore, revitalize, and redevelop deteriorated and underutilized waterfront areas for commercial, industrial, cultural, recreational, and other compatible uses.*

As discussed in Chapter 5, “Community Character,” the project is not intended to directly revitalize and restore underutilized waterfront areas. However, the replacement bridge would not be a detriment to such revitalization efforts because it would not use any waterfront lands that have the potential for redevelopment as part of a larger economic development initiative. By replacing the existing bridge, the project would ensure that the potential for economic revitalization of the waterfront continues unimpeded by avoiding potential closure of the bridge and detrimental effects to local and regional transportation patterns. A closed bridge, or one with reduced capacity, would have the potential to limit private and public investment in the area and along the waterfront.

As discussed in Chapter 7, “Parklands and Recreational Resources,” and Chapter 8, “Socioeconomic Conditions,” no adverse impacts would occur to the commercial and recreational uses adjacent to the bridge in Tarrytown, South Nyack, and neighboring municipalities. The federal channel which conveys shipping north/south beneath the Tappan Zee Bridge would remain unimpeded during construction. In addition, waterfront parks, marinas, mooring fields, and commercial/industrial businesses that currently operate in the study area would remain largely unaffected by the proposed bridge. Therefore, the project is consistent with Policy 1.

Policy 2: *Facilitate the siting of water-dependent uses and facilities on or adjacent to coastal waters.*

Nyack Policy 2A: *Preserve and retain existing water dependent uses in the coastal area.*

The purpose of the project is to maintain a vital link in the regional and national transportation network. This will improve traffic congestion on the bridge and address the structural, safety, and security needs of the Hudson River crossing. The project is not related to the siting of water-dependent uses. Therefore, Policy 2 is not applicable to the project.

Water dependent uses in the Village of Nyack, including the Memorial Park boat launch and additional marinas and boat facilities listed in the Village’s LWRP, are located ½ mile or more from the project and would not be adversely affected during or after construction. Therefore, the project is consistent with Nyack Policy 2A.

Policy 3: *Further develop the state’s major ports of Albany, Buffalo, New York, Ogdensburg, and Oswego as centers of commerce and industry, and encourage the siting, in these port areas, including those under the jurisdiction of state public authorities, of land use and development which is essential to or in support of the waterborne transportation of cargo and people.*

The project is not located near any of the state’s major ports and would not affect the waterborne transportation of cargo and people to or from the port of Albany, Buffalo, New York, Ogdensburg, or Oswego. Therefore, the policy is not applicable to the proposed project.

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Policy 4: *Strengthen the economic base of smaller harbor areas by encouraging the development and enhancement of those traditional uses and activities which have provided such areas with their unique maritime identity.*

This policy recognizes that the traditional activities occurring in and around many smaller harbors throughout the state's coastal area contribute to the economic strength and attractiveness of these harbor communities, and seeks to promote activities that make small harbors appealing as tourist destinations and as commercial and residential areas (e.g., recreational and commercial fishing, ferry services, marinas, historic preservation, cultural pursuits, and other compatible activities). The project is not related to, and would have no impact upon, traditional uses and activities of small harbors. Therefore, Policy 4 is not applicable to the proposed project.

Policy 5: *Encourage the location of development in areas where public services and facilities essential to such development are adequate.*

Sleepy Hollow Policy 5A: *Discourage the development of uses which, by reason of their demand for new community services and facilities or their imposition of burdens on existing services and facilities, would require disproportionate public cost in comparison to public benefits.*

The project would not extend new services into unserved areas, nor would it introduce any new residents or permanent workers to the surrounding area. Instead, it would provide benefits to local and regional populations and workforce in the form of improved operational mobility and safety. As such, the project is not related to the encouragement of development in the coastal area. Therefore, neither Policy 5 nor Sleepy Hollow Policy 5A is applicable to the proposed project.

Policy 6: *Expedite permit procedures in order to facilitate the siting of development activities at suitable locations.*

The responsibility for implementing Policy 6 rests with the various agencies issuing the requisite permits and/or approvals. Therefore, Policy 6 is not applicable to the proposed project.

20-5-2-2 FISH AND WILDLIFE POLICIES

Policy 7: *Significant coastal fish and wildlife habitats will be protected, preserved, and, where practical, restored so as to maintain their viability as habitats.*

Nyack Policy 7A: *Protect the physical characteristics of the Hudson River along Nyack that support the varied fish populations found there.*

Sleepy Hollow Policy 7D: *The Hudson River immediately adjacent and within 1,000 feet of the Village's shoreline shall be protected, preserved, and where practical, restored so as to maintain its viability as a locally significant habitat.*

As discussed in Chapter 16, "Ecology," the project is not located in close proximity to any Significant Coastal Fish and Wildlife Habitats and would not result in adverse impacts to Significant Coastal Fish and Wildlife Habitats designated by the NYSDOS.

Sediment plume modeling was performed, and as discussed in Chapter 15, "Water Resources," the plumes do not enter NYSDOS-designated Significant Coastal Fish and Wildlife Habitats (SCFWHs). In addition, hydroacoustic modeling was performed, and

as described in Chapter 18, "Construction Impacts," the 206 re 1 μ Pa dB isopleth (impact criterion for physical effects to fish), using Best Management Practices, does not enter SCFWs north or south of the project area.

Therefore, the project is consistent with Policy 7, Nyack Policy 7A, and Sleepy Hollow Policy 7D.

Policy 8: *Protect fish and wildlife resources in the coastal area from the introduction of hazardous wastes and other pollutants which bioaccumulate in the food chain or which cause significant sublethal or lethal effects on those resources.*

As discussed in Chapter 15, "Water Resources," with the implementation of stormwater management practices to treat stormwater, the discharge of stormwater runoff from the Replacement Bridge Alternative would not result in adverse impacts to the water quality of the Hudson River. Therefore, the project would be consistent with Policy 8.

Policy 9: *Expand recreational use of fish and wildlife resources in coastal areas by increasing access to existing resources, supplementing existing stocks, and developing new resources.*

Increasing access to recreational fish and wildlife resources; increasing existing stocks; or developing new resources are not components of this project.

The ability for boats to travel along the Hudson River would be maintained throughout the construction period. Signage and channel markers would be utilized to advise recreational boaters of preferred routes and potential dangers within the construction zone. While some boaters, due to water craft size or power source, may experience difficulty navigating through the construction zone during this time period, this temporary disruption is not considered an adverse impact.

Therefore, the project is consistent with Policy 9.

Policy 10: *Further develop commercial finfish, shellfish and crustacean resources in the coastal area by: (i) encouraging the construction of new, or improvement of existing on shore commercial fishing facilities; (ii) increasing marketing of the state's seafood products; and (iii) maintaining adequate stocks and expanding aquaculture facilities.*

Development, maintenance, or marketing of commercial fisheries are not components of the project. The loss of oyster beds is identified as an adverse impact in this EIS. However, these are not part of a commercial fishery. Mitigation for the loss of oyster beds is being coordinated with the New York State Department of Environmental Conservation (NYSDEC) and the National Marine Fisheries Service (NMFS). It should be noted that the U.S. Food and Drug Administration shut down New Jersey's oyster restoration program in summer 2010 due to fears that the public may consume the oysters, which are not suitable for human consumption.

Therefore, the project would be consistent with Policy 10.

20-5-2-3 FLOODING AND EROSION POLICIES

Policy 11: *Buildings and other structures will be sited in the coastal area so as to minimize damage to property and the endangering of human lives caused by flooding and erosion.*

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As discussed in Chapter 15, "Water Resources," for the Short Span and Long Span Options, approximately 0.3 acres of the replacement bridge landing in Rockland County would be located within 100-year floodplain. No portion of the replacement bridge would be located within the 100-year floodplain within Westchester County.

Use of a portion of the 100-year floodplain within Rockland County would not result in adverse impacts to floodplain resources or result in increased flooding of adjacent areas. The Hudson River within the general study area is tidal and as such is affected by coastal flooding, which is influenced by astronomic tide and meteorological forces. Therefore, the project would not have any adverse effects to flooding despite some development in the 100-year floodplain.

A Stormwater Pollution Prevention Plan (SWPPP) would be developed to minimize the potential for adverse impacts to water quality of the Hudson River.

Therefore, the project would be consistent with Policy 11.

Policy 12: *Activities or development in the coastal area will be undertaken so as to minimize damage to natural resources and property from flooding and erosion by protecting natural protective features including beaches, dunes, barrier islands and bluffs.*

The project would be constructed on land areas that do not include natural protective features such as beaches, dunes, barrier islands, and bluffs. Therefore Policy 12 is not applicable.

Policy 13: *The construction or reconstruction of erosion protection structures shall be undertaken only if they have a reasonable probability of controlling erosion for at least 30 years as demonstrated in design and construction standards and/or assured maintenance or replacement programs.*

This policy is not applicable.

Policy 14: *Activities and development including the construction or reconstruction of erosion protection structures, shall be undertaken so that there will be no measurable increase in erosion or flooding at the site of such activities or development, or at other locations.*

This policy is not applicable.

Policy 15: *Mining, excavation, or dredging in coastal waters shall not significantly interfere with the natural coastal processes which supply beach materials to land adjacent to such waters and shall be undertaken in a manner which will not cause an increase in erosion of such lands.*

Dredging activities for the project would not interfere with natural coastal processes and are not anticipated to increase erosion of coastal land. Therefore, the project would be consistent with Policy 15.

Policy 16: *Public funds shall only be used for erosion protective structures where necessary to protect human life, and new development which requires a location within or adjacent to an erosion hazard area to be able to function, or existing development; and only where the public benefits outweigh the long-term monetary and other costs including the potential for increasing erosion and adverse effects on natural protective features.*

Coastal erosion protective structures are not a component of the project. Therefore, Policy 16 is not applicable.

Policy 17: *Non-structural measures to minimize damage to natural resources and property from flooding and erosion shall be used whenever possible.*

The project would require retaining walls for support and erosion control. Non-structural measures, such as the set-back of buildings, use of vegetation, etc. are not applicable to the project. As discussed in Chapters 15, "Water Resources," and 16, "Ecology," the replacement bridge would not cause shoreline erosion or increases in area flooding. Therefore, the project would be consistent with Policy 17.

20-5-2-4 GENERAL SAFEGUARDS POLICY

Policy 18: *To safeguard the vital economic, social and environmental interests of the state and its citizens, proposed major actions in the coastal area must give full consideration to those interests, and to the safeguards which the state has established to protect valuable coastal resource areas.*

Sleepy Hollow Policy 18A: *Protect the vital economic, social, cultural, and environmental interests of the Village in the Evaluation of any proposal for new roads, road widening or infrastructure.*

As discussed in Chapter 1, "Purpose and Need," the project would ensure that there is a reliable transportation corridor across the Hudson River linking Interstate 287 and Interstate 87, which would support both the economic and social interests of the state, the region, and adjacent communities. By maintaining this vital transportation link, the project would safeguard and promote New York State's, economic, social, and environmental interests. Regarding Sleepy Hollow Policy 18A, the project would not interrupt traffic patterns in the Village nor adversely impact established residential or commercial character with new roadways or infrastructure. Therefore, the project would be consistent with Policy 18 and Sleepy Hollow Policy 18A.

20-5-2-5 PUBLIC ACCESS POLICIES

Policy 19: *Protect, maintain, and increase the level and types of access to public water-related recreation resources and facilities.*

The Hudson River is used by sail boaters, power boaters, and other personal water craft users for recreational purposes. Temporary disruptions to recreational boating through the study area can be expected during the construction period for the Replacement Bridge Alternative, and sail boaters may be precluded from using sails while traversing through the construction zone. However, no long-term impacts to recreational boating on the Hudson River are anticipated once the Replacement Bridge Alternative is operational. The ability for boats to travel along the Hudson River would be maintained throughout the construction period. Signage and channel markers would be utilized to advise recreational boaters of preferred routes and potential dangers within the construction zone. This would be done in coordination with the U.S. Coast Guard.

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The replacement bridge would include a shared-use bike and pedestrian path, thereby improving the connectivity between trailways and recreational resources on either side of the Hudson River. The project would have no detrimental effect on any existing waterfront park or recreational resource.

Therefore, the project would be consistent with Policy 19.

Policy 20: *Access to publicly owned foreshore and to lands immediately adjacent to the foreshore or the water's edge that are publicly owned shall be provided, and it should be provided in a manner compatible with adjoining uses.*

The project would provide public access on the replacement bridge by means of a bicycle/pedestrian path that would connect to existing trails and walkways along the waterfront in both counties. This path would consist of a 4-acre, shared-use public space for pedestrians and bicyclists to cross the Hudson River. This shared-use path would increase the public's access to trail systems and bicycle routes on both sides of the Hudson River, offering new connections to existing systems.

New access points to the foreshore are not provided by the project, nor are they precluded from occurring in the future.

Therefore, the project would be consistent with Policy 20.

20-5-2-6 RECREATION POLICIES

Policy 21: *Water dependent and water enhanced recreation will be encouraged and facilitated, and will be given priority over non-water related uses along the coast.*

The project is consistent with the preservation and enhancement of other coastal resources because it would allow for the continued use of existing recreational facilities in the area. It would not diminish any existing water-dependent use or water-enhanced recreational use of the Hudson River.

The proposed extension of RiverWalk, the shared-use path along the eastern shore of the Hudson River, would not be adversely affected by the project. Future connections of RiverWalk beneath the bridge to segments north and south would not be precluded. Further, the project sponsors would reserve space to connect the RiverWalk beneath the replacement bridge. The replacement bridge would also include a shared-use (bicycle and pedestrian) path across its northern structure, which would extend from Smith Avenue in South Nyack, Rockland County to Route 9 in Tarrytown, Westchester County. This shared-use path would be approximately 4 acres in footprint. Therefore, the project would be consistent with Policy 21.

Policy 22: *Development, when located adjacent to the shore, will provide for water-related recreation whenever such use is compatible with reasonably anticipated demand for such activities, and is compatible with the primary purpose of the development.*

The project would not generate new demand for water related recreation as might be the case for a residential or commercial development. Therefore, Policy 22 is not applicable to the proposed project.

20-5-2-7 HISTORIC RESOURCES AND VISUAL QUALITY POLICIES

Policy 23: *Protect, enhance, and restore structures, districts, areas or sites that are of significance in the history, architecture, archeology or culture of the state, its communities, or the nation.*

The Replacement Bridge Alternative would result in an adverse effect on an historic resource, due to the removal of the existing Tappan Zee Bridge, and may have potential impacts to submerged archaeological resources (pending results of further analyses being conducted). As discussed in Chapter 10, “Historic and Cultural Resources,” there is no alternative to avoid the impact on these resources. Through the requirements of Section 106 of the National Historic Preservation Act, efforts to avoid, minimize, or reduce potential adverse impacts were evaluated and appropriate mitigation measures and strategies have been and are being developed to offset unavoidable adverse effects (see the executed Memorandum of Agreement in Appendix C). Although not consistent with Policy 23, the compelling need to maintain a regionally important transportation link necessitates impacts to historic structures.

Policy 24: *Prevent impairment of scenic resources of statewide significance.*

The project is not within a NYSDOS-mapped Scenic Area of Statewide Significance (SASS) and no designated scenic resources of statewide significance would be impaired by the project. The closest SASS to the project site is the Hudson Highlands SASS, which encompasses a 20-mile stretch of the Hudson River and its eastern (Westchester, Putnam, and Dutchess Counties) and western (Rockland County) shore lands. The project would be approximately 15 miles from the southernmost boundary of the Hudson Highlands SASS. Therefore, views of the project site would be not limited from locations within the SASS.

Therefore, the project would be consistent with Policy 24.

Policy 25: *Protect, restore, or enhance natural and manmade resources which are not identified as being of statewide significance, but which contribute to the overall scenic quality of the coastal area.*

Nyack policy 25A: *Protect and enhance views from Route 9W, Tallman Place, Fourth Avenue, Second Avenue, First Avenue and Memorial Park.*

Sleepy Hollow policy 25A: *Protect or enhance views of the Hudson River, the Hudson River valley, and the opposite shore from the immediate riverfront as viewed from publically owned properties.*

As discussed in detail in Chapter 9, “Visual and Aesthetic Resources,” the replacement bridge would result in changes to individual views from the shore and from the water. The project consists of two approach span options—Long Span and Short Span—and two main span options—Cable-Stayed and Arch. All options would result in a bridge structure that is wider and taller than the existing Tappan Zee Bridge. This would affect the scenic view of a limited number of residents living in proximity to the bridge in Rockland County. However, the replacement bridge would not affect the overall scenic quality of the Tappan Zee region or the surrounding Hudson River communities.

Therefore, the project would be consistent with Policy 25, Nyack Policy 25A, and Sleepy Hollow Policy 25A.

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20-5-2-8 AGRICULTURAL LANDS POLICY

Policy 26: *Conserve and protect agricultural lands in the state's coastal area.*

The project site is not located on or adjacent to lands meeting NYSDOS criteria for important agricultural lands. Therefore, Policy 26 is not applicable.

20-5-2-9 ENERGY AND ICE MANAGEMENT POLICIES

Policy 27: *Decisions on the siting and construction of major energy facilities in the coastal area will be based on public energy needs, compatibility of such facilities with the environment, and the facility's need for a shorefront location.*

This policy is not applicable.

Policy 28: *Ice management practices shall not interfere with production of hydroelectric power, damage significant fish and wildlife and their habitats, or increase shoreline erosion or flooding.*

This policy is not applicable.

Policy 29: *Encourage the development of energy resources on the Outer Continental Shelf, in Lake Erie and in other water bodies, and ensure the environmental safety of such activities.*

This policy is not applicable.

20-5-2-10 WATER AND AIR RESOURCES POLICIES

Policy 30: *Municipal, industrial, and commercial discharge of pollutants, including, but not limited to, toxic and hazardous substances, into coastal waters will conform to state and national water quality standards.*

No municipal, industrial, or commercial discharges of pollutants or hazardous substances would occur as part of the project. Regarding non-point source pollution, as discussed in Chapter 15, "Water Resources," the project would conform to New York State stormwater management measures such that no adverse impacts to the water quality of the Hudson River would result. Therefore, the project would be consistent with Policy 30.

Policy 31: *State coastal area policies and management objectives of approved Local Waterfront Revitalization Programs will be considered while reviewing coastal water classifications and while modifying water quality standards; however, those waters already over-burdened with contaminants will be recognized as being a development constraint.*

Policy 31 requires that NYSDEC consider the CMP and the purposes of any approved LWRP when reviewing coastal water classifications and while modifying surface water quality standards. Policy 31 is not applicable to the project.

Policy 32: *Encourage the use of alternative or innovative sanitary waste systems in small communities where the costs of conventional facilities are unreasonably high, given the size of the existing tax base of these communities.*

This policy is not applicable.

Policy 33: *Best management practices will be used to ensure the control of storm water runoff and combined sewer overflows draining into coastal waters.*

With the implementation of stormwater management practices to treat stormwater quality for the landing areas for the Replacement Bridge Alternative designed and constructed in accordance with the New York State Department of Environmental Conservation's (NYSDEC's) Stormwater Management Design Manual, New York State Department of Transportation's Highway Design Manual and Environmental Procedures Manual, and New York State Thruway Authority engineering guidance, the discharge of stormwater runoff from the Replacement Bridge Alternative would not result in adverse impacts to Hudson River water quality from the discharge of stormwater from the Replacement Bridge Alternative. Therefore, the project would be consistent with Policy 33.

Policy 34: *Discharge of waste materials into coastal waters from vessels will be limited so as to protect significant fish and wildlife habitats, recreational areas and water supply areas.*

The project would not involve the operation of vessels or the discharge of waste materials. Wastewater from sanitary facilities and from vessels used during construction would be disposed in accordance with all applicable health regulations. Therefore, the project would be consistent with Policy 34.

Policy 35: *Dredging and dredge spoil disposal in coastal waters will be undertaken in a manner that meets existing state dredging permit requirements, and protects significant fish and wildlife habitats, scenic resources, natural protective features, important agricultural lands, and wetlands.*

Sleepy Hollow policy 35A: *Dredging shall not occur during fish spawning seasons and must be authorized by an appropriate permit from the NYSDEC and USACE.*

Dredging would be undertaken outside the spawning season and in accordance with permits to be issued by USACE and NYSDEC. Any disposal of dredging material in ocean waters would be undertaken in accordance with a Section 103 permit pursuant to the Marine Protection, Research and Sanctuaries Act (16 USC §§ 1431, et seq., and 33 USC §§ 1401, et seq.).

The dredging window has been coordinated with NYSDEC and NMFS pursuant to EFH and ESA consultations. As discussed in Chapter 18, "Construction Impacts," dredging would be initiated from August 1 to November 1 to avoid peak periods of anadromous fish spawning migrations and peak biological activity.

Therefore, the project would be consistent with Policy 35 and Sleepy Hollow Policy 35A.

Policy 36: *Activities related to the shipment and storage of petroleum and other hazardous materials will be conducted in a manner that will prevent or at least minimize spills into coastal waters; all practicable efforts will be undertaken to expedite the cleanup of such discharges; and restitution for damages will be required when these spills occur.*

As discussed in Chapter 17, "Hazardous Waste and Contaminated Materials," cleanup of hazardous spills and accidents and management of solvents, road salt, etc., would be performed in accordance with applicable laws and regulations and existing standard

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NYSTA procedures. Signage and channel markers would be established during construction to guide vessels, including those transporting fuel and any other hazardous materials, through or around the construction zone.

Therefore, the project would be consistent with Policy 36.

Policy 37: *Best management practices will be utilized to minimize the non-point discharge of excess nutrients, organics and eroded soils into coastal waters.*

As discussed in Chapter 15, "Water Resources," the project would conform to the NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity. The Replacement Bridge Alternative would include treatment of stormwater and would not result in adverse impacts to water quality (see response to Policy 33). Therefore, the project would be consistent with Policy 37.

Policy 38: *The quality and quantity of surface water and groundwater supplies will be conserved and protected, particularly where such waters constitute the primary or sole source of water supply.*

As discussed in Chapter 15, "Water Resources," the project would not impact the quality and quantity of surface water or groundwater supplies. With the implementation of stormwater management practices to treat stormwater quality for the landing areas for the Replacement Bridge Alternative, the discharge of stormwater would not result in adverse changes to Hudson River water quality. Therefore, the project would be consistent with Policy 38.

Policy 39: *The transport, storage, treatment and disposal of solid wastes, particularly hazardous wastes, within coastal areas will be conducted in such a manner so as to protect groundwater and surface water supplies, significant fish and wildlife habitats, recreation areas, important agricultural lands and scenic resources.*

See response to Policy 35, above. Any disposal to upland sites would be the responsibility of the contractor and would comply with relevant laws and regulations. During construction, signage and channel markers would be established to guide all vessels, including those carrying any hazardous materials, through and/or around the construction zone. Marine transport would be monitored by and coordinated with the U.S. Coast Guard to ensure safe passage of all vessels traveling in this area.

Policy 40: *Effluent discharged from major steam electric generating and industrial facilities into coastal waters will not be unduly injurious to fish and wildlife and shall conform to state water quality standards.*

This policy is not applicable.

Policy 41: *Land use or development in the coastal area will not cause national or state air quality standards to be violated.*

The proposed project is not a land use or development project. Therefore, Policy 41 does not apply.

Policy 42: *Coastal management policies will be considered if the state reclassifies land areas pursuant to the prevention of significant deterioration regulations of the Federal Clean Air Act.*

Policy 42 relates to NYSDEC's obligations under the federal Clean Air Act's prevention of significant deterioration program and, therefore, is not applicable to the project.

Policy 43: *Land use or development in the coastal area must not cause the generation of significant amounts of the acid rain precursors: nitrates and sulfates.*

As described in Chapter 11, "Air Quality," the project would not generate significant amounts of acid rain precursors (NO_x, SO₂). Therefore, the project would be consistent with Policy 43.

20-5-2-11 WETLANDS POLICY

Policy 44: *Preserve and protect tidal and freshwater wetlands and preserve the benefits derived from these areas.*

As described in Chapter 16, "Ecology," and Chapter 18, "Construction Impacts," upland construction of the access road within the Westchester Inland Staging Area to the temporary platform within the Westchester Bridge Staging Area would deck over approximately 0.076 acres of a 0.23-acre small stream and forested wetland corridor on the east bank of the river. Trees would be removed and pilings placed every 200 feet to support the roadway. As the roadway would consist of a platform over the wetland areas, it is not expected that wetland hydrology would be altered or indirectly effect wetlands downstream.

The pile-supported access road would also result in temporary impacts to NYSDEC-mapped littoral zone tidal wetlands and regulated adjacent area. Approximately 0.13 acres of mapped NYSDEC littoral zone tidal wetlands would be covered by the temporary access roadway platform with approximately 0.007 acres of NYSDEC littoral zone tidal wetlands within the footprint of the piles driven to support the pile-supported access roadway platform. With respect to NYSDEC-regulated adjacent area, approximately 0.23 acres of tidal wetland adjacent area under the jurisdiction of NYSDEC would be covered by the construction of the access roadway platform, with 0.01 acres temporarily lost to the pile footprint. After construction, the temporary roadway platform and pilings would be removed, and the natural sedimentation process of the river would restore littoral tidal wetland conditions.

There is no feasible or practicable alternative to construction within this potential wetland area. However, measures have been taken to minimize impacts. Instead of filling the wetland for the roadway, the roadway will be a pile-supported platform that will deck over the wetlands. Although plants will be removed for this effort, wetland hydrology will be maintained. The roadway was designed with the smallest footprint feasible to keep with the project goals of providing access to the Westchester Bridge Staging Area, while accommodating the width required for construction equipment and emergency vehicles. As described in Chapter 18, "Construction Impacts," a restoration plan using native species would be developed for the temporary impacts to forested wetland.

In addition to the temporary platforms, approximately 0.10 acres of mapped NYSDEC littoral zone tidal wetland south of the existing bridge on the east bank of the River would be dredged to construct the eastern portion of the Replacement Bridge Alternative. In terms of littoral zone, impacts are expected to be temporary as the natural sedimentation process of the river would occur after the piles are removed and

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the dredging is complete. As discussed in Chapter 18, "Construction Impacts," mitigation with respect to the loss of bottom habitat would also be implemented.

Implementation of erosion and sediment control measures (e.g., silt fences and straw bale dikes) and stormwater management measures implanted through the development of a stormwater pollution prevention plan (SWPPP) would minimize the potential for stormwater runoff from construction of the access road to adversely affect any wetlands.

With these avoidance, minimization, and mitigation measures to be developed and adhered to, the project would be consistent with Policy 44.