

## 1.0 Introduction

### 1.1 Introduction

This document is the Final Environmental Impact Statement (FEIS) for the Goethals Bridge Replacement (GBR) Project (also referred to as the “Proposed Project”) proposed by The Port Authority of New York and New Jersey’s (Port Authority); the project sponsor. The USCG, an agency within the Department of Homeland Security (DHS), by virtue of its regulatory authority over bridges across navigable waters of the United States, must issue a bridge permit for the proposed Goethals Bridge replacement across the Arthur Kill. Additionally, as lead Federal agency pursuant to the National Environmental Policy Act (NEPA) of 1969 (40 CFR parts 1500-1508), as amended, the USCG has determined that the Proposed Project constitutes a major Federal action thereby requiring an EIS. Following the public release of the Draft Environmental Impact Statement (DEIS) in May 2009 and the close of the DEIS Public Comment Period in July 2009, this FEIS has been prepared in accordance with the Council on Environmental Quality regulations implementing NEPA. The U.S. Army Corps of Engineers (USACE), the U.S. Environmental Protection Agency (USEPA), and the Federal Highway Administration (FHWA - New York and New Jersey divisions) are serving as Federal cooperating agencies in the preparation of this FEIS.

In addition to addressing all comments received during the DEIS Public Comment Period and documenting additional technical analyses completed after the issuance of the DEIS in May 2009, this FEIS identifies the New Alignment South as the Preferred Alternative for the Proposed Project. The Port Authority has chosen the New Alignment South as its proposed alignment following consideration of the No-Build and the four Build Alternatives and their associated impacts as documented in the DEIS of May 2009, as well as agency and public comments received during the environmental review process. The USCG, as the lead Federal agency, has identified the New Alignment South as the Preferred Alternative for presentation and evaluation in this FEIS. Although the New Alignment South has been identified as the Preferred Alternative, all four Build Alternatives that were evaluated in the DEIS continue to be presented equally in this FEIS.

This FEIS presents the following: 1) the Project’s purpose and need; 2) the alternatives screening process and analyses conducted to identify project alternatives for detailed evaluation; 3) existing conditions for a variety of environmental resources in the vicinity of the Goethals Bridge; 4) the environmental impacts associated with each of the identified project alternatives, in comparison to the future projected no-build conditions; 5) proposed mitigation measures for potentially adverse impacts that cannot be avoided; 6) the agency and public involvement process used throughout the EIS preparation; and 7) responses to comments received during the DEIS Public Comment Period.

### 1.2 Project Background

The Goethals Bridge provides a direct connection between the Borough of Staten Island, New York and the City of Elizabeth, New Jersey and is an important link in the Port Authority’s bi-state system of bridges and tunnels, as well as the entire New York / New Jersey metropolitan area’s regional highway network. The Port Authority owns and operates the Goethals Bridge, Outerbridge Crossing and Bayonne Bridge (Staten Island Bridges system) which provide direct access between the Borough of Staten Island and New Jersey, as well as the more northerly crossings of the Hudson River, including the George Washington Bridge and the Holland and Lincoln tunnels, which provide access between the Borough of Manhattan and New Jersey.

The three Staten Island Bridges, in conjunction with the Verrazano-Narrows Bridge, operated by the Triborough Bridge and Tunnel Authority between Staten Island and Brooklyn, New York, comprise the

Southern Corridor, one of the four main travel axes within the greater New York / New Jersey metropolitan area.<sup>1</sup> Motorists also use these Southern Corridor Crossings when traveling between central or southern New Jersey and Brooklyn, Queens, or points on Long Island, as these crossings provide the most direct route for vehicular movement of people and goods between these origins and destinations.

The Goethals Bridge is a primary path of travel within the Southern Corridor, serving as a link along Interstate 278, which begins at U.S. Route 1/9 in Linden, New Jersey, and continues across northern Staten Island as the Staten Island Expressway, and then continues into Brooklyn and Queens before it eventually terminates at I-95 in the Bronx. It also provides a direct connection to the New Jersey Turnpike (Interstate 95) at Interchange 13 in New Jersey and access via I-278 to the West Shore Expressway, the major north-south highway on Staten Island. Goethals Bridge is the central-most bridge of the three Staten Island Bridges, crossing the Arthur Kill in northwestern Staten Island, with the Outerbridge Crossing of the Arthur Kill located approximately eight aerial miles to the south near the southern tip of Staten Island and the Bayonne Bridge crossing the Kill van Kull at a point approximately three aerial miles to the northeast along the northern shore of Staten Island (see Figure 1.2-1).

The Goethals Bridge, built in the 1920s, was completed in 1928. Opening day was June 29, 1928, on the same day as the opening of the Outerbridge Crossing. This event marked the completion of the first two bi-state development projects by the then-recently-created Port Authority. Both bridges were built to accommodate increasing bi-state automobile and truck traffic following World War I.

When the Goethals Bridge and the other Staten Island Bridges were first designed and constructed, traffic conditions were very different from the conditions that exist today. Primarily facilitating movements between New Jersey and Staten Island, the bridges were not heavily used initially. However, the opening of the Verrazano-Narrows Bridge in 1964 created a highly used travel corridor from New Jersey through Staten Island to Brooklyn, Queens, and the rapidly developing counties of Nassau and Suffolk on Long Island. The opening of the Verrazano-Narrows Bridge also resulted in rapid growth of Staten Island in the ensuing years. These factors led to marked growth in traffic volumes on the Goethals Bridge.

The existing Goethals Bridge, originally designed for narrower vehicles and local traffic movements, has become increasingly deficient in accommodating the expanding markets it serves. As early as the mid-1980s, the Port Authority recognized that the bridge had become functionally and physically obsolete as original design features based on then-current codes and standards no longer met current standards. In addition, deteriorated traffic conditions and relatively higher accident levels on the bridge were attributed to ever-increasing traffic volumes, including truck traffic; these conditions had also been projected to continue to deteriorate in future years. In response to these conditions, the Port Authority undertook a screening analysis of potential alternative improvements for the Staten Island Bridges, and an environmental review of the alternatives that appeared to best address identified needs at that time was undertaken in the early 1990s.

As a result of those studies, the Port Authority proposed the construction of a parallel bridge operating in conjunction with the existing bridge to enhance the bridge's capacity to meet the future transportation needs of the region, as well as the bridge's obsolescence. This proposal became known as the Staten Island Bridges Program – Modernization and Capacity Enhancement Project. A Notice of Intent (NOI) was published in the *Federal Register* by the USCG for a proposed twinning of the Goethals Bridge. Subsequently, a DEIS was completed in 1995 and a Final Environmental Impact Statement (FEIS) was completed in 1997. However, a Record of Decision (ROD) for the project was not issued due to various unresolved issues.

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<sup>1</sup> The other three trans-Hudson corridors include: the Northern Corridor (consisting of the Tappan Zee Bridge, which is owned and operated by the New York State Thruway Authority and the George Washington Bridge); the Midtown New York City Corridor (the Lincoln Tunnel); and the Downtown New York City Corridor (the Holland Tunnel).



Although the project was stalled for several years, the need for modernization of the Goethals Bridge continued. The Port Authority reassessed the condition of the existing Goethals Bridge, its operational constraints and improvement needs. In addition to the various needs that had been identified during the early 1990s, the Port Authority determined that rehabilitation of the existing bridge, which is necessary to enhance structural integrity, would incur increasing life-cycle costs associated with long-term maintenance and repair. Additional factors underlying the current need for a modernized bridge include the following: 1) to provide current bridge/roadway standards and address design deficiencies; 2) to provide system redundancy, especially in the post-9/11 era; 3) to improve traffic service as the traffic operations on the bridge continue to worsen; 4) to provide safer operating conditions and reduce accidents; 5) to provide for safe and reliable truck access for regional goods movement; and 6) to provide for potential future transit in the corridor. These needs are discussed in greater detail in Section 2.0 of this FEIS.

As a result of reassessing the project and identifying the current needs of the bridge, the Port Authority wished to seek a total replacement of the existing Goethals Bridge in order to best meet the need for the bridge modernization. Preliminary discussions with the USCG then led to a USCG determination that a new EIS should be prepared for the Proposed Project. A Notice of Intent (NOI) to prepare an EIS for the proposed replacement of the Goethals Bridge was published in the *Federal Register* on August 10, 2004.

### 1.3 Description of the Proposed Project

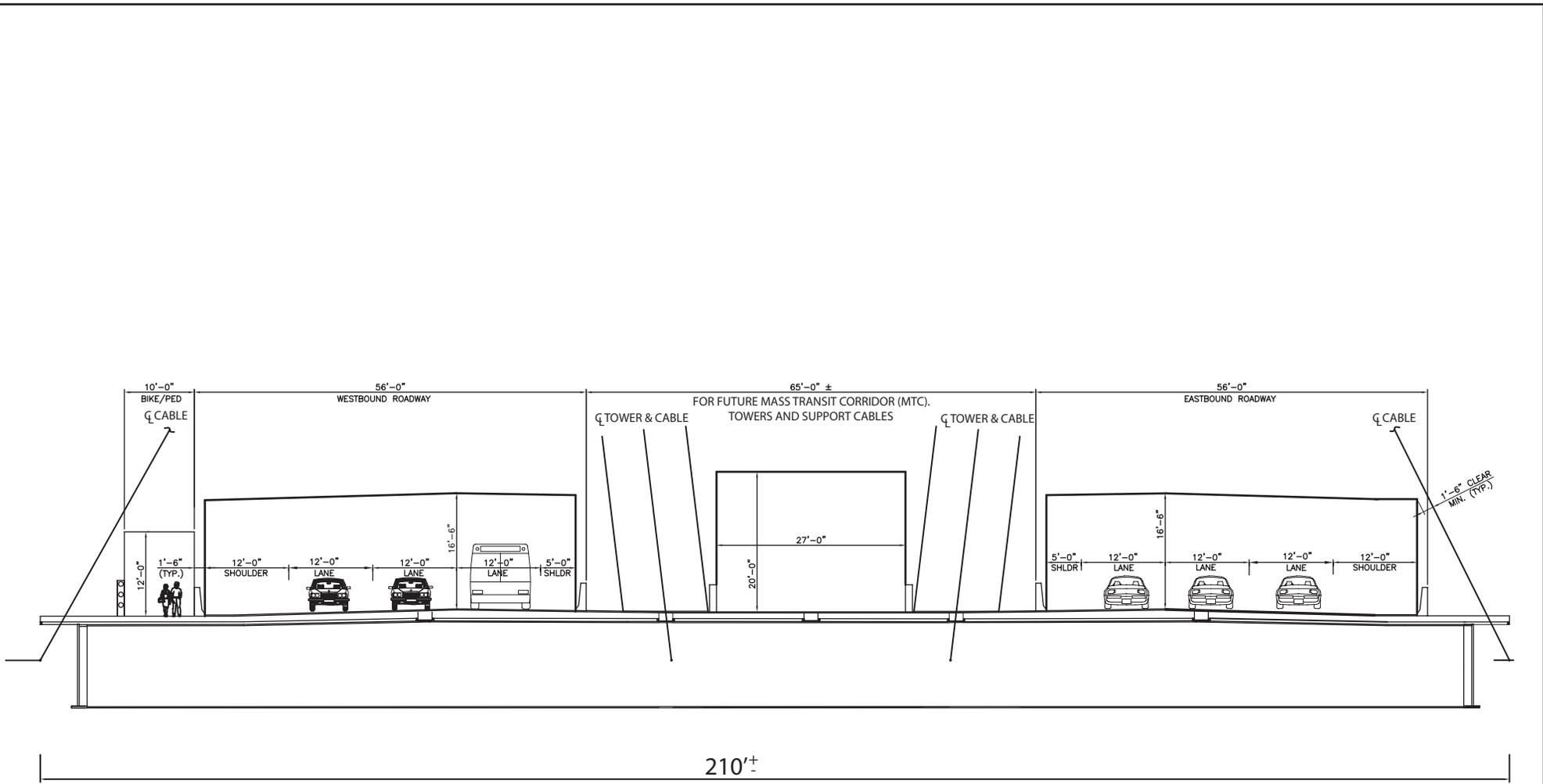
The Proposed Project, as based on the New Alignment South alternative (the Preferred Alternative), consists of a cable-stayed replacement bridge on an alignment south of the existing bridge, and removal of the existing bridge after construction of the new bridge. The replacement bridge would consist of the following components:

- six 12-foot-wide travel lanes, three on each roadway deck (i.e., one roadway for eastbound traffic and one roadway for westbound traffic);
- a 12-foot-wide outer shoulder on each roadway;
- a 5-foot-wide inner shoulder on each roadway;
- a minimum 10-foot-wide sidewalk/bikeway along the northern edge of the westbound roadway; and
- a central area to be maintained between the eastbound and westbound roadway decks with sufficient width to accommodate the provision of transit service, should future conditions warrant inclusion of such service during the service life of the bridge.<sup>2</sup>

As indicated in the cross-sectional view of the proposed new bridge (see Figure 1.3-1), the maximum out-to-out width of the main span of the bridge would be 210 feet. Part of that width comprises a 65-foot-wide central area between the eastbound and westbound decks, which accommodates the towers and support cables, as well as the 27-foot-wide potential mass transit corridor. Navigational clearance beneath the new bridge is proposed to be a minimum of 135 feet above mean high water (MHW) at the channel margins, equal to the minimum vertical clearance of the existing bridge. The main piers are proposed to be constructed 900 feet apart, an increase from the existing horizontal separation of 617 feet;

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<sup>2</sup> The inclusion of a potential mass transit corridor between the two roadway decks of the bridge has been proposed in response to one of the identified Project Needs as presented in Section 2.0 of this FEIS. The 27-foot-wide mass transit corridor is designed to provide sufficient horizontal and vertical clearances for either express bus or light-rail services, depending on which system may be warranted in the future as ridership forecasts dictate. It is anticipated that a separate environmental review process would be required for implementation of an actual mass transit system at a time when more specific plans and logical termini beyond the Port Authority's property limits would be conceptualized based on future ridership forecasts that would warrant the implementation of such transit services.



Goethals Bridge Replacement EIS

Figure 1.3-1  
Conceptual Main Span's Cross-  
Section of the Proposed Goethals  
Bridge Replacement

United States Coast Guard

Source: Design - HNTB, 2009.

thereby removing all bridge structure-related hazards out of the Arthur Kill's 500-foot navigation channel. The elevation of the two bridge towers is proposed to be 272 feet above mean sea level (MSL), as compared to the 248 feet above MSL associated with the existing bridge's truss superstructure.

Other elements of the Proposed Project, which is detailed in Section 3.3, include:

- new approach spans at both the New Jersey and the New York ends of the new bridge with roadway dimensions similar to the bridge section;
- a 50-foot wide buffer on both sides of the replacement bridge and approach spans, including a 25-foot wide right-of-way;
- permanent right-of-way fencing at ground level along both sides of the proposed replacement bridge approach spans, except through open waters;
- a permanent access road located generally below the proposed replacement bridge approach spans for purposes of construction, maintenance and security;
- replacement of the Travis Branch railroad bridge over I-278 in Staten Island in order to accommodate the wider roadway;
- re-alignment of Gulf Avenue in Staten Island; and
- construction staging areas of approximately five acres on each side of the Arthur Kill, which are required for storage of the materials, pre-assembly activities and office space for the construction effort.<sup>3</sup>

The existing bridge, including its main truss span, New Jersey and New York approach spans and abutments, would be entirely demolished and removed, after construction of the new bridge is completed..

The Port Authority intends to self-finance the Proposed Project and anticipates that the construction period for the new bridge and demolition of the existing bridge would range between 52 and 60 months, depending on the type of superstructure (i.e., steel girder, pre-cast/stressed concrete, or segmental concrete) to be selected for the main bridge span and its approaches. This FEIS assumes initiation of construction in 2011 and opening of the new bridge to traffic in late 2015.<sup>4</sup>

Subsequent to completion of the NEPA process, and upon the availability of a more advanced design level as required for regulatory permit applications, some minor design elements of the New Alignment South may be refined as further coordination with regulatory agencies progresses during the permitting process (see Section 7.0 of this FEIS).

## 1.4 Environmental Review Process

For purposes of review under NEPA, the USCG is responsible for identifying and assessing the environmental consequences of the Proposed Project alternatives (including the No-Build Alternative and four replacement bridge alternatives), and proposed mitigation measures. The U.S. Army Corps of Engineers, the U.S. Environmental Protection Agency, and the Federal Highway Administration (both the New York and New Jersey divisions), are all cooperating agencies in the preparation of this FEIS, as well as the preceding DEIS. The Port Authority, as the project sponsor, has defined its proposal and has

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<sup>3</sup> While such staging areas would not be sited within wetlands, their exact upland locations would be determined at the stage of final design when a construction/contracting method has been identified.

<sup>4</sup> The timing of construction has recently been determined to be on a two-year delayed schedule (i.e., 2013-2017). The difference between the construction period assessed herein for impacts and the currently anticipated construction schedule should not result in a significant difference in impacts.

provided data and information to assist the USCG in its assessment of impacts and benefits of the project alternatives.

### 1.4.1 Scoping Process

On June 3, 2004, the Port Authority submitted a Letter of Intent to File a Bridge Permit Application to the USCG. In response to this letter, the USCG published a Notice of Intent (NOI) to prepare a DEIS in the *Federal Register* on August 10, 2004. The USCG held one agency scoping meeting and two public scoping meetings in the Fall of 2004. The purpose of these meetings was to initiate the public involvement process for this study by seeking comments on the purpose and need for the proposed bridge replacement, the project alternatives to be considered, and types of environmental studies to be undertaken, as well as input on issues that should be addressed in the EIS. Prior to the agency scoping meeting, a Draft Scoping Document was prepared and distributed to federal, state, and local agencies, exhibiting the following key information:

- the Proposed Project's purpose and need;
- the preliminary alternatives and the method for selection of alternatives to be evaluated in the EIS;
- the definition of study areas for various environmental resources;
- the technical disciplines addressed in the EIS and the methods to be used for characterization of existing conditions and assessment of impacts and mitigation; and
- an overview of the public participation and agency coordination program.

In addition, a Public Scoping Information Packet (a shorter version of the Draft Scoping Document recapping the same key information listed above) was distributed to public libraries and individuals on a project mailing list prior to the two sets of public scoping meetings.

The agency scoping meeting was held on September 14, 2004 at the USCG offices in lower Manhattan. The public scoping meetings were held in the afternoon and evening on October 5 and 6, 2004 at the Staten Island Hotel and Elizabeth City Hall, respectively. In addition to the oral comments received at the agency and public scoping meetings, written comments were accepted for 30 days after the public scoping meetings, with the comment period closing on November 5, 2004. The comments, suggestions, and questions generated by the scoping meetings are being addressed in the EIS process.

In addition to the scoping meetings, the USCG conducted a public participation program to further solicit input from affected agencies as well as the general public. The main goals of the program were to establish an ongoing forum of communication with stakeholders, agencies, and the general public, and to educate the public on the environmental review process and the role of government, stakeholders, and the general public. Details of the public participation program for the Proposed Project are provided in Section 6.0 of this FEIS.

### 1.4.2 Draft Environmental Impact Statement

The DEIS was officially released for public review on May 29, 2009, with the Notice of Availability published in the *Federal Register*.<sup>5</sup> Public comments on the DEIS were then received either: 1) orally and/or in writing at public meetings; or 2) in writing during the remaining Public Comment Period (see

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<sup>5</sup> See following publications in *Federal Register*:

- On 5/28/09, USCG Notice [Docket No. USCG-2009-0097] in Vol. 74, No. 101, pp. 25572-25573.
- On 5/29/09, USEPA Notice [ER-FRL-8593-8 for EIS No. 20090173] in Vol. 74, No. 102, pp. 25735-25736.
- On 6/05/09, USEPA Correction Notice [ER-FRL-8594-1 for EIS No. 20090173] in Vol. 74, No. 107, pp. 27034.

Section 6.0 of this FEIS). The entire DEIS has been available on the project's website at [www.goethalseis.com](http://www.goethalseis.com) since its public release in May 2009.

The DEIS Formal Public Meetings were held at the Elizabeth City Hall in Elizabeth, New Jersey, on July 8, 2009, and at the Staten Island Hotel in Staten Island, New York, on July 9, 2009. At the Formal Public Meetings, oral statements were received from 18 speakers, some of whom also provided written comments. The Public Comment Period extended from May 29 to July 28, 2009. During the 60-day DEIS comment period, the USCG received 36 written comments from federal, state, and local agencies, other stakeholder groups and individuals. The comments and corresponding responses are included in a summary report located in Section 8.0 of this FEIS.

### **1.4.3 Final Environmental Impact Statement**

The FEIS is a legally prescribed, full-disclosure document describing the environmental impacts projected to result with the No-Build Alternative and each of the four Build Alternatives, which are the same as those evaluated in the DEIS (i.e., New Alignment South, New Alignment North, Existing Alignment South, and Existing Alignment North). As stated above, the USCG, as the lead Federal agency for the NEPA process, has identified the New Alignment South as the Preferred Alternative for presentation and evaluation in this FEIS.

The contents of this FEIS are consistent with NEPA requirements and address all pertinent analysis areas, as follows:

- Section 2.0 discusses the Purpose and Need for the Proposed Project;
- Section 3.0 discusses the alternatives screening process used to identify: the four Build Alternatives; conceptual alignment and design of the Build Alternatives and the selection of the Preferred Alternative;
- Section 4.0 describes the existing conditions related to all resources comprising the affected environment;
- Section 5.0 presents the impacts of the No-Build and the four Build Alternatives, including temporary construction- and permanent operations-related impacts, as well as recommended mitigation measures;
- Section 6.0 summarizes public and agency involvement during this environmental review process;
- Section 7.0 describes the permits and approvals required for implementation and completion of the Proposed Project;
- Section 8.0 provides a summary of the DEIS comments and responses.
- Section 9.0 lists the preparers of this FEIS;
- Section 10.0 presents a list of the agencies, individuals, and organizations to whom this FEIS was distributed;
- Section 11.0 contains a bibliography of sources used to develop this FEIS; and

Appendices referenced in this FEIS are included in separate, bound documents (FEIS Volumes II and III) and are also available on the project's website at [www.goethalseis.com](http://www.goethalseis.com) or on CD-ROM, by request to the USCG.

## 1.4.4 Modifications in the FEIS Since Publication of the DEIS

In order to facilitate the review of this FEIS, a list of the most substantive modifications that have been made to the document since the publication of the DEIS has been prepared. The primary modifications presented in this FEIS since publication of the DEIS are as follows:

- identifies the Preferred Alternative;
- provides updated information on project design details, impacts and proposed mitigation, as appropriate;
- presents the results of additional or updated technical studies undertaken since the DEIS was released;
- documents the formal public meetings and the comments received on the DEIS; and
- responds to the substantive comments received from federal, state, and local agencies as well as stakeholders and individuals via the inclusion of the *GBR DEIS Comments-Responses Summary Report* in Section 8.0 of this FEIS.

Specific modifications to the FEIS, which are based on one or more of the primary modifications identified above, include but are not necessarily limited to the following:

### **Section 3.0 (Alternatives)**

- New Sub-Section 3.4.2.5 (Construction Vehicle Access Routes and Staging Areas) – discusses the potential access routes and staging areas in both New Jersey and New York that would be used during the construction period.
- Sub-Section 3.4.5 (Maintenance and Protection of Traffic (MPT) During Construction) – updated to reflect the need for a temporary U-turn within the I-278 median in New Jersey to maintain traffic during project construction, which would be needed for any of the four Build Alternatives.
- New Sub-Section 3.5 (Identification of the Preferred Alternative) - discusses the selection of the New Alignment South as the Preferred Alternative for the Proposed Project.

### **Section 4.14 (Biotic Communities)**

- Sub-Section 4.14.5.3 (Regulated Wetlands) - updated to reflect the recent freshwater wetland delineation conducted within the I-278 median, near Route 1 & 9 in Linden.
- Sub-Section 4.14.5.6 (Endangered and Threatened Species) - updated to reflect the most recent Section 7 Consultation per the Endangered Species Act. Consequently, some impact analyses in Section 5.13.4.5 (Wildlife) and Section 5.13.4.6 (Endangered and Threatened Species and Critical Habitats) have also been updated.

### **Section 4.20 (Air Quality)**

- Sub-Section 4.20.1.4 (Regulatory Setting and Compliance with Standards) - updated to reflect the inclusion of the GBR Project in the New York Metropolitan Transportation Council's and North Jersey Transportation Planning Authority's State Implementation Plans.

### **Section 5.7 (Historic Resources) and Section 5.8 (Archaeological Resources)**

- Sub-Section 5.7.5 (Mitigation of Impacts) & Sub-Section 5.8.5 (Mitigation of Impacts) - discussion of the ongoing Section 106 Consultation and development of a Memorandum of Agreement (MOA) per Section 106 of the National Historic Preservation Act, has been updated.

**Section 5.11 (Water Resources)**

- Sub-Section 5.11.6 (Mitigation of Impacts) - updated to reflect development of the conceptual Stormwater Pollution Prevention Plan for both New Jersey and New York.

**Section 5.13 (Biotic Communities)**

- Sub-Section 5.13.4.1 (Aquatic Communities) - update on the revised Essential Fish Habitat (EFH) Assessment Report was presented.
- Sub-Section 5.13.4.2 (Vegetative Habitats) & Section 5.13.4.3 (Regulated Wetlands) - revised to reflect impacts of the temporary U-turn within the I-278 median in New Jersey.
- Sub-Section 5.13.5 (Mitigation of Impacts) - updated with information regarding current status of the development of the conceptual Wetland Mitigation Plan for both New Jersey and New York.

**Section 5.20 (Traffic)**

- Sub-Section 5.20.6.3 (Impact Analysis of 2014 Conditions) - updated to present the traffic impact analysis of future conditions (No-Build, Build and Build with Mitigation) in 2014, the estimated time of completion (ETC), as per New York City Environmental Quality Review (CEQR) requirements.

**Section 5.21 (Air Quality)**

- Sub-Section 5.21.5 (Mobile Source Air Toxics) - updated per current U.S. Environmental Protection Administration (USEPA) guidance.
- Sub-Section 5.21.7 (Construction Impacts) - updated to include discussion of the quantitative construction-phase air quality impact analysis of the Preferred Alternative, per USEPA and CEQR requirements. Consequently, Section 5.22 (Public Health) was also updated.
- Sub-Section 5.21.8 (Conformity Analysis) - revised to reflect results of the construction-phase air quality analysis for the Preferred Alternative, and prepared the Draft General Conformity Determination.

**Section 5.23 (Noise)**

- Sub-Section 5.23.5 (Noise Impacts During Construction Period) - updated to include discussion of the quantitative construction-phase noise impact analysis of the Preferred Alternative, per CEQR requirements.

**Section 6.0 (Agency and Public Involvement)**

- Sub-Section 6.3 (Permitting and Regulatory Agencies) - updated to document additional coordination meetings that have occurred since publication of the DEIS.
- Section 6.5 (DEIS Public Comment Period and Formal Public Meetings) - updated to summarize the formal public meetings and DEIS Public Comment Period.
- New Sub-Section 6.6 (FEIS and Record of Decision) - discusses the remaining steps of the NEPA environmental review process after the FEIS release and leading up to Record of Decision (ROD).

**Section 7.0 (Permits and Approvals)**

- Sub-Section 7.1 (Federal Permits and Approvals) - updated to document the current environmental permitting strategy and status.
- Sub-Section 7.4 (New York City Actions) - updated to document the compliance of this NEPA document with the New York City Environmental Quality Review (CEQR).

## **New Section 8.0 (GBR DEIS Public Comments/Responses Summary Report)**

- This new section documents all the comments received on the DEIS during the DEIS Public Comment Period, as well as the USCG’s responses to each comment, including reference to FEIS Sections containing new data and/or information relative to each comment, as appropriate.

## **1.5 Port Authority Sustainable Design**

In July 2006, the Port Authority adopted a policy “to reduce adverse environmental impacts of the design, construction, operation and maintenance and occupancy or leasing of new or substantially renovated buildings and facilities, reconstruction projects, and programs.”<sup>6</sup> The policy applies both to Port Authority and tenant capital projects.

To reduce the environmental impacts of capital projects, the Port Authority’s policy references the “Sustainable Design Guidelines,” which emphasize and strive for a balance among the following goals: (1) energy conservation and efficiency; (2) conservation of water and other natural resources; (3) waste reduction; and (4) healthy indoor environments. The guidelines also seek to benefit the region’s economy by encouraging the use of locally manufactured materials and by supporting emerging regional markets in renewable energy and clean technologies.

The Proposed Project will be designed to address and implement, where practical, feasible and appropriate, the Port Authority’s current sustainable design guidelines.<sup>7</sup>

## **1.6 EIS Compliance with State and Local Requirements**

As discussed in Section 1.1, this FEIS has been prepared in accordance with the National Environmental Policy Act (NEPA) of 1969. Although compliance with NEPA requirements is the primary reason for preparation of this document, it is also the intent of the environmental impact documentation to satisfy applicable state and local requirements<sup>8</sup>.

### **1.6.1 New York State**

In New York State, most projects or activities undertaken, funded or approved by a state agency or unit of local government, and all discretionary approvals (e.g., environmental permits) from a New York State agency or unit of local government, are subject to the requirements of the New York State Environmental Quality Review Act (SEQRA). [Statutory authority: McKinney’s ECL 8-0103; 8-0109]. The environmental documentation process pursuant to SEQRA is akin to that under NEPA and is frequently referred to as a “mini-NEPA process”, although it is a separate process. However, the SEQRA regulations provide that when a draft and final EIS have been duly prepared under NEPA, a [State] agency may make their findings<sup>9</sup> based on the federal EIS provided that it sufficiently addresses the necessary issues that must be considered when making that decision.

### **1.6.2 City of New York**

Actions taken by the City of New York (“City”) are subject to SEQRA. In addition, a local environmental requirement, City Environmental Quality Review (CEQR), provides for environmental review of actions

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<sup>6</sup> The Port Authority of New York & New Jersey, Office of the Executive Director, AP 45-2 – Sustainable Design (Effective July 13, 2006).

<sup>7</sup> Port Authority of New York & New Jersey Engineering Department, *Sustainable Design Project Manual*, August 15, 2007.

<sup>8</sup> As stated in CEQ regulations (40 CFR 1506.2 - *Elimination of duplication with State and local procedures*).

<sup>9</sup> As stated in SEQRA regulations (6 NYCRR 617.11-15).

taken by the City. Although City and Federal decisions on the same project pursuant to CEQR and NEPA, respectively, are independent of each other, coordination and joint planning processes are encouraged in order to avoid duplication between NEPA and state and local requirements<sup>10</sup>.

New York City actions associated with the Proposed Project that are subject to SEQRA and CEQR include changes to the City Map and disposition of City-owned land, both of which would undergo the Uniform Land Use Review Procedure (ULURP). Coordination with the Mayor's Office of Environmental Coordination, NYC Department of City Planning and other City agencies has been ongoing in an effort to ensure that this NEPA EIS will adequately satisfy the City's environmental documentation requirements for this Proposed Project.

### **1.6.3 New Jersey**

New Jersey Executive Order No. 215 as revised and updated, requiring the preparation of environmental impact statements and assessments for State initiatives is not applicable to projects which will require a full environmental impact statement pursuant to the National Environmental Policy Act<sup>11</sup>.

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<sup>10</sup> As stated in the New York City CEQR Technical Manual (Chapter 1 - *Procedures and Documentation*, Section 300 - *CEQR-NEPA Coordination*).

<sup>11</sup> As stated in E.O. No. 215 of September 1989, §7(f).