

MEMORANDUM OF AGREEMENT

- B. The NYSDOT will provide the draft documentation to the SHPO and FHWA for a 30-day review period, and will revise the documentation as appropriate to resolve all comments prior to the start of construction.
- C. The NYSDOT shall have final, archival, bound copies of the documentation prepared once the draft has been approved by the NYSDOT, SHPO, and FHWA. The NYSDOT will distribute the final documentation to the SHPO and to the following local repositories: Westchester County Archive and Mamaroneck Village Historian. An electronic copy of the report, saved on digital media (CD, DVD, or USB thumb drive), shall be included with each of the final bound reports. An additional digital copy of the report will be uploaded to the SHPO's Cultural Resource Information System (CRIS).

III. CONSTRUCTION PROTECTION PLAN

The NYSDOT will engage a contractor to prepare and implement a Construction Protection Plan (CPP) to monitor construction-related effects on the National Register-eligible (NRE) buildings and NRE stone retaining walls located within 90 feet of the APE depicted in the attached Figure 1. The NRE buildings are the First National Bank and Trust Company (100 Mamaroneck Avenue), Union Savings Bank (101 Mamaroneck Avenue), Post Road Boat Yard Office (131 East Boston Post Road), Mamaroneck Wastewater Treatment Plant (West Boston Post Road), and First National Bank (118 West Boston Post Road).

- A. The CPP shall include methods of monitoring construction-related effects, which may include, but is not limited to, pre- and post-construction surveys documenting the conditions of the NRE properties, vibration monitoring, settlement and/or deformation monitoring. The CPP shall identify key construction activities that have the potential to affect the NRE properties, indicate threshold and limiting values for each monitoring method, and corrective actions to be taken if these values are exceeded.
- B. The CPP shall be prepared by the contractor and submitted to NYSDOT for approval at least 30 days prior to starting construction activities within 90 feet of the NRE buildings and stone retaining walls. Calibration certifications, where applicable, shall also be submitted to NYSDOT.
- C. The contractor shall implement the approved CPP, including the installation and protection of instruments, and submit a final monitoring report to NYSDOT no more than 60 days after construction is completed. The report shall summarize the results of the monitoring and any corrective actions that were taken.

IV. DURATION

This MOA will be null and void if its terms are not carried out within five (5) years from the date of its execution. Prior to such time, the FHWA may consult with the other signatories to reconsider the terms of the MOA and amend it in accordance with Stipulation VII below.

V. MONITORING AND REPORTING

Each year following the execution of this MOA, until it expires or is terminated, the NYSDOT shall provide all parties to this MOA a summary report detailing work undertaken pursuant to its terms. Such report shall include any scheduling changes proposed, any problems encountered, and any disputes and objections received in the NYSDOT's efforts to carry out the terms of this MOA.

MEMORANDUM OF AGREEMENT

VI. DISPUTE RESOLUTION

Should any signatory to this MOA object at any time to any actions proposed or the manner in which the terms of this MOA are implemented, the FHWA shall consult with such party to resolve the objection. If the FHWA determines that such objection cannot be resolved, the FHWA will:

A. Forward all documentation relevant to the dispute, including the FHWA's proposed resolution, to the ACHP. The ACHP shall provide the FHWA with its advice on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, the FHWA shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP and signatories, and provide them with a copy of this written response. The FHWA will then proceed according to its final decision.

B. If the ACHP does not provide its advice regarding the dispute within the thirty (30) day time period, the FHWA may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, the FHWA shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories and concurring parties to the MOA, and provide them and the ACHP with a copy of such written response.

C. The FHWA's responsibility to carry out all other actions subject to the terms of this MOA that are not the subject of the dispute remain unchanged.

VII. AMENDMENTS

This MOA may be amended when such an amendment is agreed to in writing by all signatories. The amendment will be effective on the date a copy signed by all of the signatories is filed with the ACHP.

VIII. TERMINATION

If any signatory to this MOA determines that its terms will not or cannot be carried out, that party shall immediately consult with the other signatories to attempt to develop an amendment per Stipulation VII, above. If within thirty (30) days (or another time period agreed to by all signatories) an amendment cannot be reached, any signatory may terminate the MOA upon written notification to the other signatories.

Once the MOA is terminated, and prior to work continuing on the undertaking, the FHWA must either (a) execute a MOA pursuant to 36 CFR § 800.6 or (b) request, take into account, and respond to the comments of the ACHP under 36 CFR § 800.7. The FHWA shall notify the signatories as to the course of action it will pursue.

MEMORANDUM OF AGREEMENT

Execution of this MOA by the FHWA, the SHPO, and the NYSDOT and implementation of its terms evidence that the FHWA has taken into account the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment.

SIGNATORY:

FEDERAL HIGHWAY ADMINISTRATION

By:  Date: 05/29/19

Robert M. Davies, District Engineer, New York Division

MEMORANDUM OF AGREEMENT

Execution of this MOA by the FHWA, the SHPO, and the NYSDOT and implementation of its terms evidence that the FHWA has taken into account the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment.

SIGNATORY:

NEW YORK STATE HISTORIC PRESERVATION OFFICE

By: R. Daniel Mackay Date: 5/16/2019

R. Daniel Mackay, Deputy Commissioner, State Historic Preservation Officer

MEMORANDUM OF AGREEMENT

Execution of this MOA by the FHWA, the SHPO, and the NYSDOT and implementation of its terms evidence that the FHWA has taken into account the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment.

INVITED SIGNATORY:

NEW YORK STATE DEPARTMENT OF TRANSPORTATION

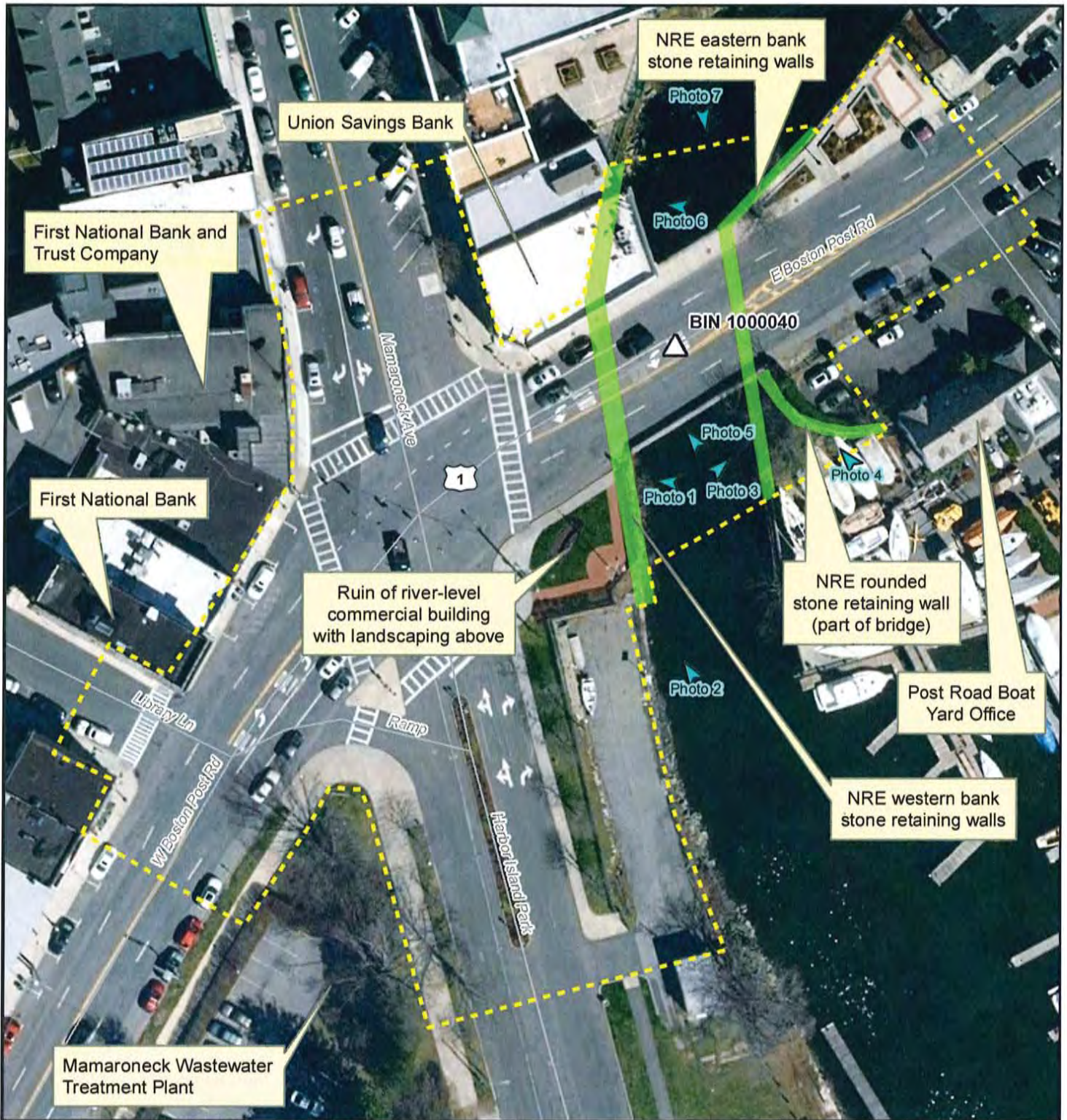
By:  Date: 5/16/19
Lance MacMillan, Regional Director, Region 8

MEMORANDUM OF AGREEMENT

Attachments:

Figure 1: Historic Properties

Photographs of Stone Retaining Walls to be Recorded by HAER and Subject to the CPP



Columbia
Ulster
Dutchess
Orange
Putnam
Rockland Westchester

Area of Potential Effect

Subject bridge

NRE retaining walls within historic district to be recorded

0 25 50 100 Feet

1 inch = 60 feet

HISTORIC PROPERTIES

US 1 over Mamaroneck River
(BIN 1000040) Bridge Replacement
Village of Mamaroneck
Westchester County

STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
REGION 8

PIN	DATE	FIGURE
8473.14	5/2/19	1



Photo 1: Western bank stone retaining wall located south of the US 1 bridge with building ruin above. View to the northwest.



Photo 2: Western bank stone retaining wall located south of the US 1 bridge. View to the north.



Photo 3: Eastern bank stone retaining wall located south of the US 1 bridge. View to the east.



Photo 4: Rounded stone retaining wall associated with the US 1 bridge, located in southeast quadrant of the bridge. View to the north from the boat yard property.



Photo 5: Western bank stone retaining wall located north of the US 1 bridge. View to the north from south of the bridge.



Photo 6: Western bank stone retaining wall located north of the US 1 bridge, underneath the Union Savings Bank building. View to the west.



Photo 7: Eastern bank stone retaining wall located north of the US 1 bridge. View to the south.

Harbor Island Conservancy Memorandum Dated 6/3/19

Village of



Mamaroneck

OFFICE OF
JERRY BARBERIO
VILLAGE MANAGER

Village Hall At The Regatta
P.O. Box 369
123 Mamaroneck Avenue
Mamaroneck, N.Y. 10543
<http://www.villageofmamaroneck.org>

Tel (914) 777-7703
Fax (914) 777-7760

June 3, 2019

Kathleen Wolfanger
Regional Environmental Contact
NYS Dept. of Transportation
4 Burnett Boulevard
Poughkeepsie, NY 12603

RE: PIN 8473.14
BRIDGE REPLACEMENT: US 1 OVER MAMARONECK RIVER
VILLAGE OF MAMARONECK
WESTCHESTER COUNTY

Dear Ms. Wolfanger:

This is in response to your letter of April 25, 2019 to the Village of Mamaroneck Parks Department regarding the subject bridge replacement project that will use designated Village of Mamaroneck parkland.

As the official with jurisdiction over these resources, we concur with the assessment of impacts detailed in the April 25, 2019 letter. We add the following two mitigation measures:

1. The Design-Builder must consult with the Harbor Island Conservancy regarding selection of landscaping for the park in the southwest quadrant of the bridge.
2. Since a portion of Meighan Park will not be disturbed but will be blocked from public use, we request that either our Parks staff be allowed access to the Park during construction to maintain the remaining plantings or that the Design-Builder be required to maintain the plantings and replace them if they do not survive.

Sincerely,


Jerry Barberio
Village Manager

cc: Harbor Island Conservancy
Barry Casterella, General Foreman of Parks

FHWA/NYSOPRHP Section 106 Memorandum Amendment Letter to NYSDOT Dated 5/5/21



U.S. Department
of Transportation
**Federal Highway
Administration**

New York Division

May 5, 2021

Leo W. O'Brien Federal Building
11A Clinton Avenue, Suite 719
Albany, NY 12207
518-431-4127
Fax: 518-431-4121
NewYork.FHWA@dot.gov

In Reply Refer To:
HPD-NY

Reid Nelson
Director, Office of Federal Agency Programs
Advisory Council on Historic Preservation
401 F Street, NW, Suite 308
Washington, DC 20001

Subject: PIN 8473.14 - US 1 over Mamaroneck River Bridge Replacement (BIN
1000040)
Village of Mamaroneck
Westchester County, New York

Dear Mr. Nelson:

The final Memorandum of Agreement (MOA) to mitigate for the *Adverse Effect* on the National Register Eligible US 1 over the Mamaroneck River Bridge (BIN 1000040), was signed by the New York State Historic Preservation Office (NYSHPO), New York State Department of Transportation (NYSDOT), and our office and filed with your office on May 30, 2019.

The proposed bridge replacement considered during the preliminary engineering phase of the project (full demolition and replacement) was reconsidered by the selected design-build contractor who will line the existing stone arch with a tunnel liner and encapsulate the existing bridge without demolition. The signatories have agreed to amend the MOA to reflect the current proposed construction in accordance with Article VII.

In accordance with the provisions of 36 CFR 800.6(c)(7), we are providing your office with a copy of the fully executed MOA amendment. The requirements of 36 CFR Part 800 remain satisfied for this project. By copy of this letter we are providing the fully executed MOA amendment to NYSDOT for distribution to the other Section 106 participants.

If you have any questions, please contact me at (518) 431-8855.

Sincerely,

Jared A. Gross, P.E.
Area Engineer

Enclosure

cc: K. Wolfanger, Regional Cultural Resource Coordinator, NYSDOT Region 8
M. Lynch, Division Director, NYSHPO - 15PR01847
G. CrimiVaroli, Design Manager, NYSDOT, Region 8
M. Ahmed, Engineer-in-Charge, NYSDOT, Region 8
M. Santangelo, Environmental Science Bureau, NYSDOT

Amended Section 106 Memorandum of Agreement Dated 5/5/21

AMENDMENT TO
MEMORANDUM OF AGREEMENT
BETWEEN THE FEDERAL HIGHWAY ADMINISTRATION
THE NEW YORK STATE HISTORIC PRESERVATION OFFICE
AND
THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION
REGARDING THE REPLACEMENT OF THE US 1 BRIDGE OVER THE MAMARONECK RIVER
VILLAGE OF MAMARONECK, WESTCHESTER COUNTY, NEW YORK
PIN 8473.14 OPRHP 15PR01847

WHEREAS, the Memorandum of Agreement (MOA) was executed on May 29, 2019; and

WHEREAS, subsequent to the execution of the MOA, the undertaking has been modified to avoid the demolition of the existing bridge; and

WHEREAS, the selected Design-Build contractor proposes the use of a tunnel liner that serves as a new bridge beneath the existing bridge; and

WHEREAS, the existing bridge, including the stone fascia on the south elevation of the bridge, will be encapsulated, and retained as fill for the new structure thereby reducing impacts to the bridge when compared to full demolition and replacement; and

WHEREAS, due to the encapsulation of the stone fascia, there will be no existing stone available for reuse on the new bridge; and

WHEREAS, in accordance with Stipulation II of the executed MOA, recordation of the existing bridge equivalent to the Historic American Engineering Record (HAER) Level II standards has been completed; copies of the document have been distributed to the New York State Historic Preservation Office (SHPO), the Federal Highway Administration (FHWA), the New York State Department of Transportation (NYSDOT), the Westchester County Archive and Mamaroneck Village Historian; and a digital report has been uploaded to the SHPO Cultural Resource Information System (CRIS), thereby satisfying commitments for recordation of the existing bridge; and

WHEREAS, the FHWA will send a copy of this executed amendment to the Advisory Council on Historic Preservation (ACHP);

NOW, THEREFORE, in accordance with Section VII of the Agreement, the FHWA, the SHPO, and the NYSDOT agree to amend the Agreement as follows:

1. Amend Stipulation I.A. to read as follows:

The bridge that replaces BIN 1000040 will incorporate the following design elements associated with the existing bridge:

A tunnel liner will be installed beneath the existing bridge with an arched appearance of similar radius to the existing arch. The underside of the liner will be concrete-coated. The existing stone fascia to the north will remain. The new bridge fascia to the south will be faced with natural stone similar in appearance to the stone pattern, finish, color, and materials of the existing bridge.

SIGNATORY:

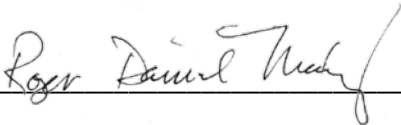
FEDERAL HIGHWAY ADMINISTRATION

By: ROBERT M DAVIES  Digitally signed by ROBERT M DAVIES
Date: 2021.05.05 10:42:49 -04'00' Date: _____

Robert M. Davies, Project Delivery Engineer/Team Leader, New York Division

SIGNATORY:

NEW YORK STATE HISTORIC PRESERVATION OFFICE

By:  Date: May 3, 2021

R. Daniel Mackay, Deputy Commissioner, State Historic Preservation Officer

INVITED SIGNATORY:

NEW YORK STATE DEPARTMENT OF TRANSPORTATION

By: Lance MacMillan Date: 4/14/2021

Lance MacMillan, Regional Director, Region 8

ATTACHMENT J: COASTAL CONSISTENCY FORMS

NEW YORK STATE DEPARTMENT OF STATE
COASTAL MANAGEMENT PROGRAM

Coastal Assessment Form

A. INSTRUCTIONS (Please print or type all answers)

1. State agencies shall complete this CAF for proposed actions which are subject to Part 600 of Title 19 of the NYCRR. This assessment is intended to supplement other information used by a state agency in making a determination of significance pursuant to the State Environmental Quality Review Act (see 6 NYCRR, Part 617). If it is determined that a proposed action will not have a significant effect on the environment, this assessment is intended to assist a state agency in complying with the certification requirements of 19 NYCRR Section 600.4.
2. If any question in Section C on this form is answered "yes", then the proposed action may affect the achievement of the coastal policies contained in Article 42 of the Executive Law. Thus, the action should be analyzed in more detail and, if necessary, modified prior to either (a) making a certification of consistency pursuant to 19 NYCRR Part 600 or, (b) making the findings required under SEQR, 6 NYCRR, Section 617.11, if the action is one for which an environmental impact statement is being prepared. If an action cannot be certified as consistent with the coastal policies, it shall not be undertaken.
3. Before answering the questions in Section C, the preparer of this form should review the coastal policies contained in 19 NYCRR Section 600.5. A proposed action should be evaluated as to its significant beneficial and adverse effects upon the coastal area.

B. DESCRIPTION OF PROPOSED ACTION

1. Type of state agency action (check appropriate response):
- (a) Directly undertaken (e.g. capital construction, planning activity, agency regulation, land transaction) X
- (b) Financial assistance (e.g. grant, loan, subsidy) _____
- (c) Permit, license, certification _____
2. Describe nature and extent of action: The purpose of the project is to provide structural and operational improvements to the bridge carrying U.S. Route 1 over the Mamaroneck River. The project will also upgrade the traffic signal at the intersection of Route 1 and Mamaroneck Avenue to current standards.
3. Location of action:
- | | | |
|--------------------|------------------------------|--|
| <u>Westchester</u> | <u>Village of Mamaroneck</u> | <u>U.S. Route 1 Bridge over Mamaroneck River</u> |
| County | City, Town or Village | Street or Site Description |
4. If an application for the proposed action has been filed with the state agency, the following information shall be provided:
- (a) Name of applicant: NYS Department of Transportation Region 8
- (b) Mailing address: Eleanor Roosevelt State Office Building, 4 Burnett Boulevard, Poughkeepsie NY, 12603
- (c) Telephone Number: Area Code (845) 431-5750
- (d) State agency application number: PIN # 8743.14
5. Will the action be directly undertaken, require funding, or approval by a federal agency?
- Yes X No _____ If yes, which federal agency? Federal Highway Administration, United States Army Corps of Engineers

C. COASTAL ASSESSMENT (Check either "YES" or "NO" for each of the following questions)

YES NO

1. Will the proposed activity be located in, or contiguous to, or have a significant effect upon any of the resource areas identified on the coastal area map:
- (a) Significant fish or wildlife habitats? X _____
- (b) Scenic resources of statewide significance? _____ X
- (c) Important agricultural lands? _____ X
2. Will the proposed activity have a significant effect upon:
- (a) Commercial or recreational use of fish and wildlife resources? _____ X
- (b) Scenic quality of the coastal environment? _____ X
- (c) Development of future, or existing water dependent uses? _____ X
- (d) Operation of the State's major ports? _____ X
- (e) Land and water uses within the State's small harbors? _____ X
- (f) Existing or potential public recreation opportunities? _____ X
- (g) Structures, sites or districts of historic, archeological or cultural significance to the State or nation? X _____

(a) Physical alteration of two (2) acres or more of land along the shoreline, land under water or coastal waters?	___	<u>X</u>
(b) Physical alteration of five (5) acres or more of land located elsewhere in the coastal area?	___	<u>X</u>
(c) Expansion of existing public services of infrastructure in undeveloped or low density areas of the coastal area?	___	<u>X</u>
(d) Energy facility not subject to Article VII or VIII of the Public Service Law?	___	<u>X</u>
(e) Mining, excavation, filling or dredging in coastal waters?	<u>X</u>	___
(f) Reduction of existing or potential public access to or along the shore?	___	<u>X</u>
(g) Sale or change in use of state-owned lands located on the shoreline or under water?		
(h) Development within a designated flood or erosion hazard area?	___	<u>X</u>
(i) Development on a beach, dune, barrier island or other natural feature that provides protection against flooding or erosion?	___	<u>X</u>

D. SUBMISSION REQUIREMENTS

Section B.1(a) or B.1(b) is checked; or
Section B.1(c) is checked AND B.5 is answered "Yes",

New York State Department of State
Office of Coastal, Local Government and Community Sustainability
One Commerce Plaza
99 Washington Avenue, Suite 1010
Albany, New York 12231-0001

E. REMARKS OR ADDITIONAL INFORMATION

C4: The project is located within a designated coastal zone management area and the Village of Mamaroneck Local Waterfront Revitalization Program (LWRP). The action will not have significant effect upon the LWRP (refer to Attachment I, Harbor Island Conservancy Memorandum Dated 6/3/19).

Telephone Number: (845) 431-5750 Date: 07/13/2021

NEW YORK STATE DEPARTMENT OF STATE
COASTAL MANAGEMENT PROGRAM

Federal Consistency Assessment Form

An applicant, seeking a permit, license, waiver, certification or similar type of approval from a federal agency which is subject to the New York State Coastal Management Program (CMP), shall complete this assessment form for any proposed activity that will occur within and/or directly affect the State's Coastal Area. This form is intended to assist an applicant in certifying that the proposed activity is consistent with New York State's CMP as required by U.S. Department of Commerce regulations (15 CFR 930.57). It should be completed at the time when the federal application is prepared. The Department of State will use the completed form and accompanying information in its review of the applicant's certification of consistency.

A. APPLICANT (please print)

1. Name: NYS Department of Transportation Region 8
2. Address: Eleanor Roosevelt State Office Building, 4 Burnett Boulevard, Poughkeepsie NY, 12603
3. Telephone: Area Code (845) 431-5750

B. PROPOSED ACTIVITY

1. Brief description of activity:

The project seeks to provide structural and operational improvements to the bridge carrying U.S. Route 1 over Mamaroneck River. Upgrades to abutting traffic signals will also occur.

2. Purpose of activity:

The purpose of the project is to provide structural and operational improvements to the bridge carrying U.S. Route 1 over Mamaroneck River. The project will also upgrade the traffic signal at the intersection of Route 1 and Mamaroneck Avenue to current standards.

3. Location of activity:

Westchester

Village of Mamaroneck

U.S. Route 1 Bridge over
Mamaroneck River

County

City, Town, or Village

Street or Site Description

4. Type of federal permit/license required: NWP 3; Section 404 Clean Water Act

5. Federal application number, if known: _____

6. If a state permit/license was issued or is required for the proposed activity, identify the state agency and provide the application or permit number, if known:

NYSDEC - Pending

C. COASTAL ASSESSMENT Check either "YES" or "NO" for each of these questions. The numbers following each question refer to the policies described in the CMP document (see footnote on page 2) which may be affected by the proposed activity.

1. Will the proposed activity result in any of the following: YES / NO

- | | | |
|--|-------------------------------------|-------------------------------------|
| a. Large physical change to a site within the coastal area which will require the preparation of an environmental impact statement? (11, 22, 25, 32, 37, 38, 41, 43) | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Physical alteration of more than two acres of land along the shoreline, land under water or coastal waters? (2, 11, 12, 20, 28, 35, 44) | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. Revitalization/redevelopment of a deteriorated or underutilized waterfront site? (1) | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. Reduction of existing or potential public access to or along coastal waters? (19, 20) | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e. Adverse effect upon the commercial or recreational use of coastal fish resources? (9,10) | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f. Siting of a facility essential to the exploration, development and production of energy resources in coastal waters or on the Outer Continental Shelf? (29) | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g. Siting of a facility essential to the generation or transmission of energy? (27) | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| h. Mining, excavation, or dredging activities, or the placement of dredged or fill material in coastal waters? (15, 35) | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| i. Discharge of toxics, hazardous substances or other pollutants into coastal waters? (8, 15, 35) | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| j. Draining of stormwater runoff or sewer overflows into coastal waters? (33) | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| k. Transport, storage, treatment, or disposal of solid wastes or hazardous materials? (36, 39) | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| l. Adverse effect upon land or water uses within the State's small harbors? (4) | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

2. Will the proposed activity affect or be located in, on, or adjacent to any of the following: YES / NO

- | | | |
|--|-------------------------------------|-------------------------------------|
| a. State designated freshwater or tidal wetland? (44) | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. Federally designated flood and/or state designated erosion hazard area? (11, 12, 17,) | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c. State designated significant fish and/or wildlife habitat? (7) | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. State designated significant scenic resource or area? (24) | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e. State designated important agricultural lands? (26) | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f. Beach, dune or barrier island? (12) | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g. Major ports of Albany, Buffalo, Ogdensburg, Oswego or New York? (3) | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| h. State, county, or local park? (19, 20) | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| i. Historic resource listed on the National or State Register of Historic Places? (23) | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

3. Will the proposed activity require any of the following: YES / NO

- | | | |
|--|-------------------------------------|-------------------------------------|
| a. Waterfront site? (2, 21, 22) | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Provision of new public services or infrastructure in undeveloped or sparsely populated sections of the coastal area? (5) | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. Construction or reconstruction of a flood or erosion control structure? (13, 14, 16) | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. State water quality permit or certification? (30, 38, 40) | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e. State air quality permit or certification? (41, 43) | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

4. Will the proposed activity occur within and/or affect an area covered by a State approved local waterfront revitalization program? (see policies in local program document) ☒ ☐

D. ADDITIONAL STEPS

1. If all of the questions in Section C are answered "NO", then the applicant or agency shall complete Section E and submit the documentation required by Section F.
2. If any of the questions in Section C are answered "YES", then the applicant or agent is advised to consult the CMP, or where appropriate, the local waterfront revitalization program document*. The proposed activity must be analyzed in more detail with respect to the applicable state or local coastal policies. On a separate page(s), the applicant or agent shall: (a) identify, by their policy numbers, which coastal policies are affected by the activity, (b) briefly assess the effects of the activity upon the policy; and, (c) state how the activity is consistent with each policy. Following the completion of this written assessment, the applicant or agency shall complete Section E and submit the documentation required by Section F.

E. CERTIFICATION

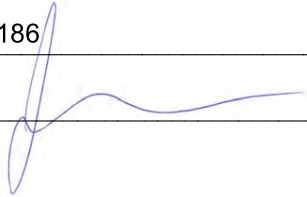
The applicant or agent must certify that the proposed activity is consistent with the State's CMP or the approved local waterfront revitalization program, as appropriate. If this certification cannot be made, the proposed activity shall not be undertaken. If this certification can be made, complete this Section.

"The proposed activity complies with New York State's approved Coastal Management Program, or with the applicable approved local waterfront revitalization program, and will be conducted in a manner consistent with such program."

Applicant/Agent's Name: James Cummings, P.E., Shumaker Engineering

Address: 143 Court Street, Binghamton NY, 13901

Telephone: Area Code (607) 798-8186

Applicant/Agent's Signature:  Date: 07/13/2021

F. SUBMISSION REQUIREMENTS

1. The applicant or agent shall submit the following documents to the **New York State Department of State, Office of Coastal, Local Government and Community Sustainability, Attn: Consistency Review Unit, 1 Commerce Plaza, 99 Washington Avenue - Suite 1010, Albany, New York 12231.**

- a. Copy of original signed form.
- b. Copy of the completed federal agency application.
- c. Other available information which would support the certification of consistency.

2. The applicant or agent shall also submit a copy of this completed form along with his/her application to the federal agency.

3. If there are any questions regarding the submission of this form, contact the Department of State at (518) 474-6000.

*These state and local documents are available for inspection at the offices of many federal agencies, Department of environmental Conservation and Department of State regional offices, and the appropriate regional and county planning agencies. Local program documents are also available for inspection at the offices of the appropriate local government.

NYSDOS Coastal Management Program State Coastal 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.

Response: The project consists of the restoration and improvements to an existing bridge to ensure its longevity and continued usage. Impacts to the waterways will be minimal and temporary. Appropriate erosion control measures, including a turbidity curtain, will be utilized. As such, it is not anticipated that significant coastal fish and wildlife habitats will be impacted by the anticipated project activities.

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

Response: The project consists solely of improvements of a deteriorated bridge and associated upland work within the roadway. As such, any additional bridge footprint or impacts to coastal areas have been minimized as much as practicable (refer to Attachment I for project description and agency concurrences)

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 features including beaches, dunes, barrier islands and bluffs.

Response: None of these features are identified within or proximate to the location of the project site; as such, 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 land.

Response: The project consists solely of improvements of a deteriorated bridge and associated upland work within the roadway. As such, any additional bridge footprint or impacts to coastal areas have been minimized as much as practicable (refer to Attachment I for project description and agency concurrences). Removed material will be disposed of in a state-approved location.

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

Response: The project will utilize standard erosion and sediment control procedures and methodologies, including, but not necessarily limited to, turbidity curtains. As the project consists of improvements to a deteriorated bridge, any permanent impacts were

minimized as much as practicable (Refer to Attachment A for more information on impact minimization and multiple agency concurrences).

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

Response: As the project consists of the improvements and rehabilitation of a deteriorated bridge and associated traffic light upgrades, access to public water is not relevant for this project. As such, this policy does not apply to the project activities.

Policy 20: Access to the 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 shall be provided in a manner compatible with adjoining uses.

Response: As the project consists of the improvement and rehabilitation of a deteriorated bridge and associated traffic light upgrades, access to publicly-owned foreshore and lands immediately adjacent will not be affected by the project activities. It should be noted, however, that access to the two parklands proximate to the project area may be limited during construction activities due to proposed work zone traffic control.

Policy 23: Protect, enhance and restore structures, districts, areas or sites that are of significance in the history, architecture, archaeology or culture of the State, its communities, or the Nation.

On March 6, 2019, Finding Documentation for the project was submitted to SHPO. SHPO and FHWA concurred that the project will result in an Adverse Effect due to the removal of the subject bridge, which is eligible for listing on the National Register of Historic Places (NRE). Along with the bridge, the retaining walls and some adjacent buildings were determined eligible for the NRE. A Memorandum of Agreement (MOA) to mitigate the adverse effect has been signed by all parties. Along with this, FHWA's May 30, 2019 letter indicating that the requirements of 36 CFR Part 800 have been satisfied. The stipulations in the MOA will be adhered to in Final Design and during Construction.

Due to changes within the design plan effecting onsite historical resources (lining the bridge instead of removal and replacement), re-concurrence has been approved for amendments to the MOA by both NYSOPRHP and the FHWA in a letter dated May 5, 2021 (refer to Attachment I for documentation).

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.

Response: No discharge of pollutants is anticipated as a result of the proposed project activities, which consist of bridge rehabilitation and traffic signal upgrades.

Policy 35: Dredging and filling in coastal waters and disposal of dredged material will be undertaken in a manner that meets existing State dredging permit requirements, and protects significant fish and wildlife habits, scenic resources, natural protective features, important agricultural lands, and wetlands.

Response: The minimal amount of fill will occur in order to fulfill the goals of the proposed project. This will result in no c.y. of dredge and 113.3 c.y. of fill. Fill material will consist of state-approved materials. Permanent impacts to significant fish and wildlife habitats, scenic resources, natural protective features, important agricultural lands, and wetlands are not anticipated as a result of the proposed project.

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

Response: The proposed project will minimize impact to surface water to the extent necessary to accomplish project intent. As the project consists of repair work to an already existing bridge, the amount of water impacted will be minimal. In addition, sediment or erosion control measures will be utilized to mitigate potential impacts to water supplies.

Policy 40: Effluent discharged from major stream 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.

Response: As the project consists of the improvement and rehabilitation of a deteriorated bridge and associated traffic light upgrades, no effluent from major stream electric generating and industrial facilities will be discharged as a part of the proposed project.

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

Response: Erosion and sediment control methods will be employed to prevent water quality impacts. The project will utilize cofferdams along the abutments and retaining wall to ensure minimal impacts to the Mamaroneck River and tidal wetland.

Upon completion of project activities, all areas of temporary impact will be restored to their original condition to ensure minimal impacts to the Mamaroneck River and tidal wetland.