# Appendix 3

**NEPA and SEQR Example Letters and Notices**

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EXEMPLARY LETTER 3-1 Scoping Letter (potential cooperating agencies).

September 7, 2004

Ladies and Gentlemen:

Re: PIN 5999.99 ROUTE 39, NEWPORT EXPRESSWAY
    TOWN OF WILLIAMS, LINCOLN COUNTY

The New York State Department of Transportation, in cooperation with the Federal Highway Administration will be preparing an Environmental Impact Statement on a proposal to improve the Route 39, Newport Expressway. The proposed improvement will involve the reconstruction of the existing route between the towns of Eastern and Western for a distance of about 6 miles. Improvements to Route 39 are considered necessary to provide for the existing and projected traffic demand. Also included in this proposal is the replacement of the existing East End Bridge over Claverack Creek and new interchanges with County Route 6 and with Western Turnpike.

Alternatives under consideration include (1) taking no action; (2) using alternate travel modes; (3) widening the existing two-lane highway to four lanes; and (4) constructing a four-lane, limited access highway. Incorporated into and studied with the various build alternatives will be design variations of grade and alignment. Enclosed for your information is one copy of the project scoping report.

Issues that will be analyzed in depth include the project's effects on noise, air, water quality, and cultural and recreational resources, as well as other social, economic and environmental effects.

As part of the process for determining the scope of issues to be addressed in the Environmental Impact Statement and for identifying the important issues related to the proposed action, we request your comments on the above issues and any other issues that you can identify as important. We intend to use your comments to:

- Identify the range of alternatives and impacts and important issues to be addressed in the Environmental Impact Statement.
- Identify and eliminate from detailed study the issues which are not important or which have been covered by prior environmental review.
- Identify other environmental review and consultation requirements.

Since the impacts on the Claverack Creek and its adjacent wetlands (will require a Section 404 permit and because of your agency's legal jurisdiction over such permits) (may effect fish and wildlife habitat and because of your agency's special expertise), we request your agency to be a cooperating agency.

We expect your agency's involvement to entail only those areas under its (jurisdiction) (expertise) and no direct writing or analysis will be necessary for the document's preparation. The activities we will take to maximize interagency cooperation may include the following:

1. Invite you to participate in scoping meetings and other meetings;
2. Consult with you on any relevant technical studies that will be required for the project;
3. Organize joint field reviews with you;
4. Provide you with project information, including study results;
5. Request your review of relevant sections of the DEIS prior to its release for comment by the public and other agencies.

6. Encourage your agency to use the above documents to express your views on subjects within your jurisdiction or expertise; and

7. Include information in the project environmental documents that cooperating agencies need to discharge their National Environmental Policy Act (NEPA) responsibilities and any other requirements regarding jurisdictional approvals, permits, licenses, and/or clearances.

You have the right to expect that the EIS will enable you to discharge your jurisdictional responsibilities. Likewise you have the obligation to tell us if, at any point in the process, your needs are not being met. We expect that at the end of the process, the EIS and our public involvement process will satisfy your NEPA requirements including those related to project alternatives, environmental consequences and mitigation. Further, we intend to utilize the EIS and our subsequent record of decision as our decision-making documents and as the basis for the permit application. We expect the permit application to proceed concurrently with the EIS approval process. (NOTE: This paragraph applies for regulatory agencies with permit approval authority. Delete or modify this paragraph for permitting agencies when the permit process does not proceed concurrently with the EIS approval process or for agencies having special expertise).

We look forward to your comments and response to this request and your role as a cooperating agency on this project. If you have any questions or would like to discuss in more detail the project or our agencies' respective roles and responsibilities during the preparation of this EIS, please contact __________________. Please forward your comments and confirmation that you will be a cooperating agency to us by __________________.

Very truly yours,

WILLIAM S. BROWN
Regional Design Engineer

NOTE: The requested role of the cooperating agency may differ on various projects. The role should be consistent with that described in the Council of Environmental Quality Guidelines, 40 CFR 1501.6. If a scoping meeting is scheduled it should be noted in the scoping letter.
EXAMPLE LETTER 3-2 Scoping Letter (not potential cooperating agencies).

September 9, 2004

Ladies and Gentlemen:

Re: PIN 5999.99, ROUTE 39, NEWPORT EXPRESSWAY
TOWN OF WILLIAMS, LINCOLN COUNTY

The New York State Department of Transportation, in cooperation with the Federal Highway Administration, will be preparing an Environmental Impact Statement on a proposal to improve the Route 39, Newport Expressway. The proposed improvement will involve the reconstruction of the existing route between the towns of Eastern and Western for a distance of about 6 miles. Improvements to Route 39 are considered necessary to provide for the existing and projected traffic demand. Also included in this proposal is the replacement of the existing East End Bridge over Claverack Creek and new interchanges with County Route 6 and with Western Turnpike.

Alternatives under consideration include (1) taking no action; (2) using alternate travel modes; (3) widening the existing two-lane highway to four lanes; and (4) constructing a four-lane, limited access highway. Incorporated into and studied with the various build alternatives will be design variations of grade and alignment. Enclosed for your information is one copy of the "Preliminary Evaluation of Design Alternatives" report.

Issues that will be analyzed in depth include the project's effect on noise, air, water quality, and cultural and recreational resources, as well as other social, economic and environmental effects.

As part of the process for determining the scope of issues to be addressed in the Environmental Impact Statement and for identifying the important issues related to the proposed action, we request your comments on the above issues and any other issues that you can identify as important. We intend to use your comments to:

- Identify the range of alternatives and impacts and the important issues to be addressed in the Environmental Impact Statement.
- Identify and eliminate from detailed study the issues which are not important or which have been covered by prior environmental review.
- Identify other environmental review and consultation requirements.

We request your comments by October 15, 2004. If you do not reply by that date, we will assume that you have no comments at this stage of project development. If you have any questions regarding the enclosed, please contact me at __________.

Very truly yours,

WILLIAM S. BROWN
Regional Design Engineer

NOTE: If a scoping meeting is scheduled it should be noted in the scoping letter.
Draft of Notice of Intent (For NEPA EIS)

Note: Use a 1.5" left margin with 1" top, bottom and right margins and double spaced text.

[4910-22]
DEPARTMENT OF TRANSPORTATION
Federal Highway Administration

ENVIRONMENTAL IMPACT STATEMENT: (_____ ) COUNTY, NEW YORK

AGENCY: Federal Highway Administration (FHWA), DOT

ACTION: Notice of Intent

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for proposed highway project (______) County, New York.

FOR FURTHER INFORMATION CONTACT: (name), Regional Director, (address), Telephone: __________

or

(Name), Division Administrator, Federal Highway Administration, New York division, Leo W. O'Brien Federal Building, 9th Floor, Clinton Avenue and North Pearl Street, Albany, New York 12207, Telephone: (518) 431-4127.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the New York State Department of Transportation (NYSDOT) will prepare an environmental impact statement (EIS) on a proposal to improve U.S. Route (______) in (______) County, New York. The proposed improvement would involve the (construction, reconstruction, rehabilitation) of the existing route between the towns of (______) and (______) for a distance of about (__) miles. (Briefly list reasons why project is needed and further description, e.g. "Improvements to the corridor are considered necessary to provide for the existing and projected traffic demand. Also included in this proposal is the replacement of the existing East End Bridge and a new interchange with State Route(____) in the Town of Western").

Alternatives under consideration include (brief description of alternatives e.g. "(1) taking no action; (2) using alternate travel modes; (3) widening the existing two-lane highway to four lanes; and (4) constructing a four-lane, limited access highway on new location.") Incorporated into and studied with the various build alternatives will be design variations of grade and alignment.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State, and local agencies, and to private organizations and citizens who have previously expressed interest in this proposal. A series of public information meetings will be held in (town, city, hamlet) between (month) and (month, year). In addition, a public hearing will be held or an opportunity for a public hearing. Public notice will be given of the time and place of the meetings and hearings. The draft EIS will be available for public and agency review and comment. (Insert appropriate sentence "No formal NEPA scoping meeting is planned at this time," or "A formal NEPA scoping meeting will be held at (location) on (date and time)."
To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the NYSDOT or FHWA at the addresses provided above.


Issued on: ___(leave date blank)___

(Name),
Division Administrator
Federal Highway Administration
Albany, New York
News release informing the public of our intent to prepare a Draft EIS

The New York State Department of Transportation in cooperation with the Federal Highway Administration, will be preparing an Environmental Impact Statement in accordance with the National Environmental Policy Act (NEPA)/SEQR on (Brief Description of the project). The project will start at (terminus) and extend to (terminus). The proposed project is ± miles in the Town (Village, City) of , County.

Alternatives being considered are (brief description of proposed alternatives).

The proposed NEPA/SEQR scoping process for this project includes (brief description of scoping process). A scoping meeting (will not) (will) be held. (If a scoping meeting will be held, state location, where and when).

Agencies or individuals interested in submitting comments or questions should contact (Regional Director, address).
Notice of Availability of a DEIS or FEIS

NOTICE OF AVAILABILITY
OF A DRAFT (FINAL) ENVIRONMENTAL
IMPACT STATEMENT
PROJECT IDENTIFICATION NO.

The New York State Department of Transportation is developing design studies to (construct, reconstruct, rehabilitate, etc.)

_____ (brief description of project) ___________. The project will start at (terminus) and extend to (terminus). The total length of the project is _______ ± miles, all in the Town (Village, City) of __________ , __________ County.

Design plans for the project have been developed by the Department after coordination with Federal, State and Local agencies.

A Draft Environmental Impact Statement (Final Environmental Impact Statement including any comments on the Draft Environmental Impact Statement) has been prepared which assesses the project's effect on the quality of the human environment in accordance with the provisions of Section 102(2)(c) of the National Environmental Policy Act of 1969 P.L. 91-190 (NEPA).

Copies of the Draft Environmental Impact Statement (Final Environmental Impact Statement) are available for review and copying during business hours at the offices of (Regional Director, address); (Metropolitan or Regional Clearinghouse, address); FHWA Division Engineer, Leo W. O'Brien Federal Building, Clinton Avenue and North Pearl Street, Albany, New York 12207; (business office of the local governments, such as: city hall, town clerk's office, etc.); (other locations accessible to the public such as local libraries, etc.).

Fourth Paragraph -- for DEIS only

Comments on the Draft Environmental Impact Statement should be sent to (Regional Director, Address) or FHWA Division Engineer, Leo W. O'Brien Federal Building, Clinton Ave. and North Pearl Street, Albany, NY 12207 by (insert comment deadline).  

1 NOTE: The project under consideration may include construction which affects wetlands covered by Executive Order 11990 of the President of the United States dated May 24, 1977, “Protection of Wetlands.”

2 NOTE: See the Class I, Phase II Steps (Part II of the Design Procedure Manual) for guidance in determining the comment deadline.
EXAMPLE LETTER 3-3 Letter distributing Draft/Final Design Approval Document (DAD)

September 7, 2004

Re: PIN 8999.99 ROUTE 99, FOREMAN DRIVE
TO PALISADES INTERSTATE PARKWAY, TOWN
OF WASHINGTON, LINCOLN COUNTY

Dear Sir/Madam:

We are transmitting for your review one copy of the Draft/Final Design Approval Document, dated December, 2003. This report has been prepared in accordance with the National Environmental Policy Act (NEPA) and the New York State Environmental Quality Review Act (SEQR).

The report presents a study of proposed alternate designs and the Department's evaluation of the social, economic and environmental effects upon the human environment.

We solicit your comments on the proposed project. Your comments should be as specific as possible and should address either the merits of the proposed project or the adequacy of the report or both. Please forward your comments to us by October 8, 2004.

A public hearing will be held at 7:30 P.M. on January 15, 2005 in the Washington Town Hall located at 11 Church Street in the Village of Madison.

All pertinent comments, including those received at the public hearing, will be evaluated before a final design is selected.

Sincerely,

WILLIAM S. BROWN
Regional Design Engineer

NOTE: A similar letter applies for distribution of the DR/DEIS. As appropriate, copies of notices should also be included with this distribution of the reports.
News Release for Public Informational Meeting

The New York State Department of Transportation has announced that a public informational meeting will be held to discuss the proposed (construction, reconstruction, replacement or rehabilitation etc.) of (familiar terms for project name and location). The meeting will be held at (list place, date and time of meeting).

The Department in cooperation with the Federal Highway Administration is developing design studies for the (brief description of project) . The project will start at (terminus) and extend to (terminus). The proposed project is ____ + miles in the Town (Village, City) of , ______ County.

Include next paragraph only for complicated projects that had planning studies. The Department has progressed planning studies for this project which include (brief review of important planning steps, including dates) ____. Future design studies will include ____ (brief preview of process agenda) _____________.

The purpose of the meeting is to obtain comments on the proposed project from individuals, groups, officials and local agencies. The Department is specifically soliciting comments on the development of alternates for the project and comments on the project's social, economic and environmental effects. This public informational meeting is part of the continuing efforts by the New York State Department of Transportation and the Federal Highway Administration to encourage public input into the development of transportation projects.

Please advise this office if a sign language interpreter, assistive listening system or any other accommodation will be required to facilitate your participation in this public meeting. Our contact person is ______, whose phone number is ________.

Further information on the project may be obtained from Regional contact person, address, telephone number). ____________. Written comments on the project should also be forwarded to (Regional contact person).____

NOTE: At the same time that the news release is forwarded to the newspapers, a notice of similar context as the news release should be forwarded to local advisory agencies, officials, groups and interested individuals. An appropriate location map should be included with the notice.
Notice of Opportunity for a Public Hearing

NOTICE OF OPPORTUNITY FOR
PUBLIC HEARING
NEW YORK STATE DEPARTMENT OF TRANSPORTATION
PROJECT IDENTIFICATION NO.

The (brief description of project) is being planned by the Department of Transportation. The project will start at (terminus) and extend to (terminus) generally on existing alignment. The total length of the project is ______ ± miles, all in the Town (Village, City) of __________, __________ County.

Information relative to the project and the Department Relocation Assistance Program for those who must relocate if the property they occupy is acquired for the proposed improvement may be obtained at the office of the Regional Director, New York State Department of Transportation, (address) ____________.

In accordance with the provisions of Title 23, U.S. Code, Section 128 and Title 40, Code of Federal Regulations, Parts 1500 to 1508; any interested person, resident of the communities affected, or rural resident through or contiguous to whose property the highway will pass; may request a public hearing to be held respecting the project and the economic and social effects of its location, its impact on the environment, and its consistency with the goals and objectives of such urban planning as has been promulgated by the community. Written requests should be received by the Regional Director at the above address on or before (Date of first publication plus 21 days).

In the event such a request is received, a further notice of the place and time of the hearing will be published in this newspaper.

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4 NOTE: The project under consideration may include construction which affects wetlands covered by Executive Order 11990 of the President of the United States dated May 24, 1977, “Protection of Wetlands.”
Notice of Proposed Construction in Wetlands

(For projects with Individual EO 11990 finding that do not have a Public Hearing)\(^5\)

NOTICE TO: PROPOSED CONSTRUCTION IN WETLANDS
NEW YORK STATE DEPARTMENT OF TRANSPORTATION
PROJECT IDENTIFICATION NUMBER – (add PIN)
(Add project name, municipality and county)

The project proposes to (add description of project). The project begins at reference marker (add Reference Marker number) and will terminate at reference marker (add Reference Marker number) within the (Town, Village, City) of (add name of municipality) in (add county). The length of the project is (x) miles.

The project under consideration includes construction which affects wetlands covered under Executive Order 11990 of the President of the United States dated May 24, 1977, “Protection of Wetlands.”

Maps, drawings and other pertinent information developed by the State are available for public inspection and copying at the office of the Regional Director, New York State Department of Transportation:

Regional Director
(add address)

Phone –

Any comments concerning the project’s effect on wetlands should be sent to the Regional Director at the address listed above by (add date – minimum of 30 days after publication of this notice); please include the project identification number in your correspondence.

\(^5\) NOTE: See Environmental Procedures Manual Section 4.7.
Notice of NEPA Public Hearing

NOTICE OF PUBLIC HEARING
NEW YORK STATE DEPARTMENT OF TRANSPORTATION
PROJECT IDENTIFICATION NO. ___

In accordance with the provisions of Title 23, U.S. Code, Section 128 and Title 40, Code of Federal Regulations, Parts 1500 to 1508; a design public hearing will be conducted by the Department at the (place) at (time) on (date) on the proposed (brief description of project). The total length of the project is ______________ ± miles, all in the Town of (Village, City) ______________, ______________ County.

Design plans for the project have been developed by the Department after coordination with Federal, State and local agencies and will be available for inspection at the public hearing. Department engineers will be on hand one hour prior to the start of the hearing to discuss the project and answer any questions.

Tentative schedules for right-of-way acquisition and construction will be discussed. Information will also be available regarding the Department Relocation Assistance Program which provides assistance and advice to those who must relocate if the property they occupy is acquired for this project. Procedures will be described wherein occupants of such acquired properties may qualify for moving expenses.

(Include the following paragraph for projects that have Executive Order 11990 involvement but do not have a Programmatic Wetland Finding) 6

The project under consideration may include construction which affects wetlands covered by Executive Order 11990 of the President of the United States dated May 24, 1977, "Protection of Wetlands."

Maps, drawings and other pertinent information developed by the State and written views received as a result of the coordination with Federal, State and local agencies will be available for public inspection and copying at the Office of the Regional Director, New York State Department of Transportation ______ (Address) _________ (and Resident Engineer's Office, if desirable).

All interested persons will be given the opportunity to express their views concerning the economic and social effects of the design plans, their impact on the environment and their consistency with the goals and objectives of such planning as has been promulgated by the community. The proceedings will be recorded. Persons may file written statements and other exhibits in place of or in addition to oral statements made at the public hearing. Written statements submitted at the hearing or mailed and received before (insert date of hearing plus 10 days) at the Regional Director's Office will be made part of the record.

6 NOTE: This paragraph is included to comply with Executive Order 11990, "Protection of Wetlands" - See Environmental Procedures Manual Section 4.7.
Those property owners who may subsequently wish to challenge condemnation of their property via judicial review under the Eminent Domain Procedure Law (EDPL) may do so only on the basis of issues, facts, and objections raised at the hearing.

Please advise this office if a sign language interpreter, assistive listening system or any other accommodation will be required to facilitate your participation in this public hearing. Our contact person is ________, whose phone number is ________.7

TDD (Telecommunications Device for the Deaf) Relay Service:

New York Relay Operator - Translates calls between TDD & non-TDD users.
For In-State Calls Only.

Non-TDD User to TDD User: 1-800-421-1220
TDD to Non-TDD User: 1-800-662-1220

7 NOTE: If requests are received and you need help in finding a sign language interpreter or assistive listening system, etc. please contact the NYSDOT Personnel Bureau, Main Office, at (518) 457-6460; or the NYSDOT Training Bureau, Main Office, Phone number (518) 457-2942.
Notice of NEPA Public Hearing and Availability of Draft DAD

NOTICE OF
PUBLIC HEARING AND NOTICE OF AVAILABILITY
OF (DRAFT ENVIRONMENTAL IMPACT STATEMENT or DESIGN APPROVAL DOCUMENT)
NEW YORK STATE DEPARTMENT OF TRANSPORTATION
P.I.N. ______

In accordance with the provisions of Title 23, U.S. Code, Section 128 and Title 40, Code of Federal Regulations, Parts 1500 to 1508; a design public hearing will be held in the (place), at (time, date) on the proposed (brief description of project). The total length of the project is ___ ± miles, all in the Town of (Village, City) _____, _____ County.

Design plans for the project have been developed by the Department after coordination with Federal, State and local agencies.

Department Engineers will be on hand one hour prior to the start of the hearing to discuss the project and answer any questions.

Tentative schedules for right-of-way acquisition and construction will be discussed. Information will also be available regarding the Department Relocation Assistance Program which provides assistance and advice to those who must relocate if the property they occupy is acquired for this project. Procedures will be described wherein occupants of such acquired properties may qualify for moving expenses.

A Draft Environmental Impact Statement has been prepared which assesses the project's effect on the quality of the human environment. Copies are available for review and copying during business hours at the offices of (Regional Director, address); FHWA Division Administrator, Leo O'Brien Federal Building, Clinton Avenue and North Pearl Street, Albany, New York 12207; (business office of the local governments, such as: city hall, town clerk's office, etc.); (other locations accessible to the public such as local libraries, etc.)

(Include the following paragraph for projects that have Executive Order 11990 involvement but do not have a Programmatic Wetland Finding) 8

The project under consideration may include construction which affects wetlands covered by Executive Order 11990 of the President of the United States dated May 24, 1977, "Protection of Wetlands."

Maps, drawings and other pertinent information developed by the State and written views received as a result of the coordination with Federal, State and local agencies will be available for public inspection and copying at the Office of the Regional Director, New York State Department of Transportation (address) (and Resident Engineer's Office, if desirable).

All interested persons will be given the opportunity to express their views concerning the economic and social effects of the design plans, their impact on the environment and their

8 NOTE: This paragraph is included to comply with Executive Order 11990, "Protection of Wetlands" - See Environmental Procedures Manual Section 4.7.
consistency with the goals and objectives of such planning as has been promulgated by the community. The proceedings will be recorded. Persons may file written statements and other exhibits in place of or in addition to oral statements made at the public hearing. Written statements submitted at the hearing, or mailed and received before (insert date of hearing plus 10 days) at the Regional Director's Office, will be made part of the record.

Those property owners who may subsequently wish to challenge condemnation of their property via judicial review under the Eminent Domain Procedure Law (EDPL) may do so only on the basis of issues, facts, and objections raised at the hearing.

Please advise this office if a sign language interpreter, assistive listening system or any other accommodation will be required to facilitate your participation in this public hearing. Our contact person is __________, whose phone number is __________.

TDD (Telecommunications Device for the Deaf) Relay Service:

New York Relay Operator - Translates calls between TDD & non-TDD users. For In-State Calls Only.

Non-TDD User to TDD User: 1-800-421-1220
TDD to Non-TDD User: 1-800-662-1220

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9 NOTE: If requests are received and you need help in finding a sign language interpreter or assistive listening system, etc. please contact the NYSDOT Personnel Bureau, Main Office, at (518) 457-6460; or the NYSDOT Training Bureau, Main Office, Phone number(518) 457-2942.
Hearing Opportunity Certification

CERTIFICATE IN ACCORDANCE WITH TITLE 23
UNITED STATES CODE 128
NEW YORK STATE DEPARTMENT OF TRANSPORTATION

(Insert Project Title)

______, ______, COUNTY
PROJECT IDENTIFICATION NO. ____

Notice was published in the (newspaper or newspapers) on (first date) and again on (second date) with respect to the above project. The notice stated that written requests for a public hearing should be received by the Regional Director, (address) on or before (date).

The Department has also (describe other means that were used to inform the public of the opportunity for a public hearing such as press releases distributed to area newspapers, television and radio stations, etc.)

I hereby certify that no requests for a public hearing with regard to the above project have been received.

REGIONAL DIRECTOR OF TRANSPORTATION
Date
REGION __, ______, NEW YORK
Hearing Certification

CERTIFICATE IN ACCORDANCE WITH TITLE 23
UNITED STATES CODE 128
(Insert Project Title).
_____ COUNTY
PROJECT IDENTIFICATION NUMBER ____

Notice was published in the (newspaper or newspapers) on (first date) and again on (second date) with respect to the above project. The notice stated that a public hearing would be held in the (address) at (time) on (date).

The Department has also (describe other means that were used to inform the public of public hearing such as press releases distributed to area newspapers, television and radio stations, etc.

I hereby certify that the hearing was held at the location indicated, all material presented was duly recorded and full reconsideration has been given to the economic and social effects of the location, its impact on the environment and its consistency with the goals and objectives of such urban planning as has been promulgated by the community.

Add the following paragraph when an “Open Forum” hearing has been held.

This hearing followed the “open forum” format. Copies of the transcripts, brochures and pamphlets, photos and/or depictions of displays, presentation summaries, etc. that document that this public hearing conformed to the regulations are attached to the copy of this certification being transmitted to FHWA.

PROJECT ENGINEER Date
REGION __, _____, NEW YORK
Notice of EDPL Public Hearing

NOTICE OF EDPL PUBLIC HEARING
NEW YORK STATE DEPARTMENT OF TRANSPORTATION
PROJECT IDENTIFICATION NO.

(Project Title)

COUNTY

In accordance with the provisions of Article 2 of the Eminent Domain Procedure Law (EDPL), the Department of Transportation will conduct a public hearing which will be held in the (place, building and address) at (time) on (date) for the proposed improvement of (brief description of project and alternatives being considered). The project will be constructed entirely in the (Town, Village, City) of (_____ ) County.

The New York State Department of Transportation, being the agency having principal responsibility for carrying out or approving the proposed project, is the lead agency pursuant to Part 15 of Title 17 of the Official Compilation of Codes, Rules and Regulations of New York State (17 NYCRR Part 15).

At the public hearing, engineering, traffic, environmental, and right-of-way aspects of the project will be covered briefly in the formal presentation. Further details will be available at display areas manned by staff familiar with the project. Department representatives will be on hand, and graphic displays will be available for viewing, one hour before the hearing. Any questions should be referred to staff members attending the displays.

All interested persons will be given the opportunity to express their views concerning the economic and social effects of the action, its impacts on the environment and its consistency with the goals and objectives established by the community. The proceedings will be recorded. Persons may make oral statements and/or file written statements. Written statements submitted at the hearing or mailed to the Regional Contact no later than (insert date of hearing plus 10 days) will be made part of the record.

Those property owners who may subsequently wish to challenge condemnation of their property via judicial review may do so only on the basis of issues, facts, and objections raised at the hearing (§ 202 (C) (2) of Article 2, EDPL).

Each individual assessment record billing owner (“property owner”) or his or her attorney of record whose property may be acquired shall note that, under § 207 (A), a petition to seek judicial review of the condemnor’s determination and findings must be filed within 30 days after the condemnor’s completion of its publication of its determination and findings. Further, the exclusive venue for judicial review of the condemnor’s determination and findings is the appellate division of the supreme court in the judicial department where any part of the property to be condemned is located (§ 207 (B), § 208).

NOTE: It is always preferable to conduct a NEPA public hearing rather than an EDPL public hearing. If a NEPA or SEQR public hearing is held, the requirements under the EDPL are fulfilled provided the property owners are notified.

NOTE: There is no specific length of comment period given in the EDPL. The ten day period is suggested as a "reasonable opportunity" for comments.
Further information on this project may be obtained from:

(Regional Contact)
(Address)
(Telephone number)

Please advise this office if a sign language interpreter, assistive listening system or any other accommodation will be required to facilitate your participation in this public hearing. Our contact person is __________, whose phone number is __________.12

TDD (Telecommunications Device for the Deaf) Relay Service:

New York Relay Operator - Translates calls between TDD & non-TDD users.
For In-State Calls Only.

Non-TDD User to TDD User: 1-800-421-1220
TDD to Non-TDD User: 1-800-662-1220

12 NOTE: If requests are received and you need help in finding a sign language interpreter or assistive listening system, etc. please contact the NYSDOT Personnel Bureau, Main Office, at (518) 457-6460; or the NYSDOT Workforce Learning and Development Bureau, Main Office, Phone number (518) 457-2942.
Notice of SEQR Public Hearing

NOTICE OF SEQR PUBLIC HEARING
NEW YORK STATE DEPARTMENT OF TRANSPORTATION
PROJECT IDENTIFICATION NO.

(Project Title)

COUNTY

In accordance with the provisions of Article 8 of the Environmental Conservation Law, the Department of Transportation will conduct a public hearing which will be held in the (place, building and address) at (time) on (date) for the proposed improvement of (brief description of project and alternatives being considered). The project will be constructed entirely in the (Town, Village, City) of (_____ County).

The New York State Department of Transportation, being the agency having principal responsibility for carrying out or approving the proposed project, is the lead agency pursuant to Part 15 of Title 17 of the Official Compilation of Codes, Rules and Regulations of New York State (17 NYCRR Part 15).

A Draft Environmental Impact Statement (DEIS), Draft Environmental Assessment (EA), or Draft Design Report has been completed for this action; it assesses the effects of the project on noise, air quality, water quality, properties, cultural and historic resources, hazardous wastes, ecosystems, threatened species, visual resources, and environmentally sensitive lands. The DEIS, EA, or Draft Design Report shows the project to have impacts on (briefly describe the affected areas and the impacts e.g. impacts on wetlands, floodplains, air quality, etc.).

At the public hearing, engineering, traffic, environmental, and right-of-way aspects of the project will be covered briefly in the formal presentation. Further details will be available at display areas manned by staff familiar with the project. Department representatives will be on hand, and graphic displays will be available for viewing, one hour before the hearing. Any questions should be referred to staff members attending the displays.

All interested persons will be given the opportunity to express their views concerning the economic and social effects of the action, its impacts on the environment and its consistency with the goals and objectives established by the community. The proceedings will be recorded. Persons may make oral statements and/or file written statements. Written statements submitted at the hearing or mailed to the Regional Contact no later than (insert date of hearing plus 10 days) will be made part of the record.

Those property owners who may subsequently wish to challenge condemnation of their property via judicial review under the Eminent Domain Procedure Law (EDPL) may do so only on the basis of issues, facts, and objections raised at the hearing.

Further information on this project may be obtained from:

(Regional Contact)
(Address)
(Telephone number)
Please advise this office if a sign language interpreter, assistive listening system or any other accommodation will be required to facilitate your participation in this public hearing. Our contact person is __________, whose phone number is __________.  

TDD (Telecommunications Device for the Deaf) Relay Service:

New York Relay Operator - Translates calls between TDD & non-TDD users. For In-State Calls Only.

Non-TDD User to TDD User: 1-800-421-1220

TDD to Non-TDD User: 1-800-662-1220


13 NOTE: If requests are received and you need help in finding a sign language interpreter or assistive listening system, etc. please contact the NYSDOT Personnel Bureau, Main Office, at (518) 457-6460; or the NYSDOT Workforce Learning and Development Bureau, Main Office, Phone number (518) 457-2942.
Notice of EDPL Determination and Findings of Public Hearing

NOTICE OF EMINENT DOMAIN PROCEDURE LAW (EDPL) DETERMINATION AND FINDINGS OF PUBLIC HEARING HELD (date of hearing)
NEW YORK STATE DEPARTMENT OF TRANSPORTATION
PROJECT IDENTIFICATION NO. (______)
ROUTE (____), (route name)
TOWN OF (__________________________)
(____________) COUNTY

In accordance with the Eminent Domain Procedure Law (EDPL), the following is a synopsis of the determination and findings that have been made regarding the proposed project to improve a section of Route (____) in the Town of (__________________________).

These determination and findings have been made in consideration of statements submitted by the public both during and after the public hearing held for this project. This project will proceed toward a letting scheduled for (insert date). Acquisition of the right-of-way required is scheduled to begin (insert date).

The basic design of this project has not been changed, consisting of the (brief description of the project with limits, length, and reason for selection of that location. Continue with a description of the public use, benefit or purpose to be served).

(In the third paragraph describe generally the effects of the proposed project on the environment and residents of the locality.)

(In the fourth paragraph describe any other factors considered relevant, e.g. the anticipated duration of construction, detours that will be required, arrangements to maintain emergency services, etc.)

Copies of this determination and findings will be forwarded upon written request without cost.

Those property owners who may wish to challenge condemnation of their property via judicial review may do so only on the basis of issues, facts, and objections raised at the hearing (§ 202 (C) (2) of Article 2, EDPL).

Each individual assessment record billing owner (“property owner”) or his or her attorney of record whose property may be acquired shall note that, under § 207 (A), a petition to seek judicial review of the condemnor’s determination and findings must be filed within 30 days after the condemnor’s completion of its publication of its determination and findings. Further, the exclusive venue for judicial review of the condemnor’s determination and findings is the appellate division of the supreme court in the judicial department where any part of the property to be condemned is located (§ 207 (B), § 208).

Further information on this project is available upon request during normal working hours. Direct inquiries to:

(Regional contact)
(Address)
(Telephone number)
Phase IV - Final Reports, Record of Decision and Design Approval

NEPA Record of Decision

The following guidance is a slightly modified excerpt from FHWA's Technical Advisory T6640.8A, October 30, 1987, "Guidance for Preparing and Processing Environmental and Section 4(f) Documents".

RECORD OF DECISION--FORMAT AND CONTENT

The Record of Decision (ROD) will explain the reasons for the project decision, summarize any mitigation measures that will be incorporated in the project and document any required Section 4(f) approval. While cross-referencing and incorporation by reference of the final EIS (or final EIS supplement) and other documents are appropriate, the ROD must explain the basis for the project decision as completely as possible, based on the information contained in the EIS (40 CFR 1502.2). A draft ROD should be prepared by the NYSDOT and submitted to FHWA by the Main Office Functional Unit design liaison (in accordance with the DPM Part II - Procedural Steps) with the final EIS. The following key items need to be addressed in the ROD:

A. **Decision.**

Identify the selected alternative. Reference to the final EIS (or final EIS Supplement) may be used to reduce detail and repetition.

B. **Alternatives Considered.**

This information can be most clearly organized by briefly describing each alternative and explaining the balancing of values which formed the basis for the decision. This discussion must identify the environmentally preferred alternative(s) (i.e., the alternative(s) that causes the least damage to the biological and physical environment) (40 CFR 1505.2(b)). Where the selected alternative is other than the environmentally preferable alternative, the ROD should clearly state the reasons for not selecting the environmentally preferred alternative. If lands protected by Section 4(f) were a factor in the selection of the preferred alternative, the ROD should explain how the Section 4(f) lands influenced the selection.

The values (social, economic, environmental, cost-effectiveness, safety, traffic, service, community planning, etc.) which were important factors in the decision-making process should be clearly identified along with the reasons some values were considered more important than others. The Federal-aid highway program mandate to provide safe and efficient transportation in the context of all other Federal requirements and the beneficial impacts of the proposed transportation improvements should be included in this balancing. While any decision represents a balancing of the values, the ROD should reflect the manner in which these values were considered in arriving at the decision.

C. **Section 4(f).**

Summarize the basis for any Section 4(f) approval when applicable (23 CFR 771.127(a)). The discussion should include the key information supporting such approval. Where
appropriate, this information may be included in the alternatives discussion above and referenced in this paragraph to reduce repetition.

D. Measures to Minimize Harm.

Describe the specific measures adopted to minimize environmental harm and identify those standard measures (e.g., erosion control, appropriate for the proposed action). State whether all practicable measures to minimize environmental harm have been incorporated into the decision and, if not, why they were not (40 CFR 1505.2(c)).

E. Monitoring or Enforcement Program.

Describe any monitoring or enforcement program which has been adopted for specific mitigation measures, as outlined in the final EIS.

F. Comments on Final EIS.

All substantive comments received on the final EIS should be identified and given appropriate responses. Other comments should be summarized and responses provided where appropriate."
SEQR RECORD OF DECISION
(On Federal-aid projects on which a NEPA Record of Decision was made OR on 100% State-funded project)

SEQR RECORD OF DECISION
NEW YORK STATE DEPARTMENT OF TRANSPORTATION
PROJECT IDENTIFICATION NO.
(insert project name)
______________ COUNTY

This Record of Decision documents the New York State Department of Transportation's decision to proceed with the proposed action described in the Final Environmental Impact Statement for (insert project name).

This Record of Decision has been prepared in accordance with the State Environmental Quality Review Act (SEQRA), and Department implementing regulations for SEQRA - 17NYCRR Part 15. The requirements of Section 8-0109 of the Environmental Conservation Law have been met.14

The decision of the Department is to select (describe the selected alternative.)

The Department has found:

1. that, consistent with social, economic and other essential considerations, from among the reasonable alternatives thereto, the action is the alternative that minimizes or avoids adverse environmental effects to the maximum extent practicable, including the effects disclosed in the EIS;

2. that, consistent with social, economic and other essential considerations, to the maximum extent practicable, adverse environmental effects revealed in the EIS process will be minimized or avoided;

3. that, if the action is in a coastal area, the action is consistent with 19 NYCRR 600.5 or, if in an approved Local Waterfront Revitalization Program area, consistent with those policies:

The basis for the decision is (Include a statement of the facts and conclusions relied upon in the FEIS supporting the decision and indicating the social, economic and environmental factors that formed the basis for the decision. This should include a description in layman’s terms of all of the significant effects of the project, including air quality, water quality, etc. as well as transportation and other effects. It should clearly demonstrate that the Department has made a balanced decision based upon all of the benefits and detriments of the project as disclosed in the FEIS.)

(Include a description or list of all mitigation measures that formed the basis for the decision to proceed with the project.)

14 NOTE: on Federal-aid projects on which a NEPA Record of Decision was made, the SEQR Record of Decision must include an additional statement that the Department has given consideration to the NEPA FEIS.
(If there have been comments made on the FEIS, all substantive comments on the FEIS should be identified and given appropriate responses. Other comments should be summarized and responses provided where appropriate.)

Regional Director

Date
Notice of Availability of a Record of Decision
(For Federal-aid EIS projects)

NOTICE OF AVAILABILITY OF
A RECORD OF DECISION
NEW YORK STATE DEPARTMENT OF TRANSPORTATION
PIN _____________

As requested by the New York State Department of Transportation, the Federal Highway Administration has completed and signed a Joint Record of Decision (ROD) on the above project in accordance with Title 23, Code of Federal Regulations, Part 771.

A Final Environmental Impact Statement (FEIS) was prepared for the project, and the alternative was selected to be advanced to final design and construction (insert brief description of the design).

The Joint Record of Decision (ROD) is available for review and copying during business hours at the Office of the Regional Director, New York State Department of Transportation, ___________________________ or the Office of the Division Administrator, FHWA New York Division, Leo W. O’Brien Federal Building, 11A Clinton Avenue, Suite 719, Albany, NY 12207.
Notice of Availability of a Finding of No Significant Impact (FONSI)
(For NEPA Class III (EA) projects)

NOTICE OF AVAILABILITY OF
A FINDING OF NO SIGNIFICANT IMPACT
NEW YORK STATE DEPARTMENT OF TRANSPORTATION
PIN _____________

As requested by the New York State Department of Transportation, the Federal Highway Administration (FHWA) has made a Finding of No Significant Impact (FONSI) for the above project in accordance with Title 23, Code of Federal Regulations Part 771. The FONSI is based on the Environmental Assessment that was prepared for the project, which selected the (______ alternative) to be advanced to final design and construction, as well as on comments received from the public (if applicable). (Insert brief description of the selected alternative here, including project limits, length and location). The FONSI is available for review during business hours at the Office of the Regional Director, New York State Department of Transportation, (add address) or the Office of the Division Administrator, FHWA New York Division, Leo W. O’Brien Federal Building, 11A Clinton Avenue, Room 719, Albany, NY 12207, and online at (add web address).
NOTICE OF ENVIRONMENTAL DETERMINATION
NEW YORK STATE DEPARTMENT OF TRANSPORTATION
PROJECT IDENTIFICATION NO. ______
(insert project name)
_______________ COUNTY

DETERMINATION

This notice is a "negative declaration" for the purposes of Article 8 of the New York State Environmental Conservation Law. The New York State Department of Transportation, being the agency having principal responsibility for carrying out or approving the project within the State, is the lead agency pursuant to Part 15 of Title 17 of the Official Compilation of Codes, Rules and Regulations of New York State.

The project will (insert brief description of the project including type of project, limits, length, location, and expected benefits of project.)

A (Design Report (DR) or Design Report/Environmental Assessment (DR/EA)) was prepared and circulated for review and comment on (date). A Public Hearing was conducted at the (place) in (location) on (date). The questions and concerns raised as a result of the circulation of the DR/EA and those received in response to the Public Hearing have been addressed in the (date) Final Design Report (FDR) or Final Design Report/Environmental Assessment (FDR/EA). The FDR or FDR/EA was reviewed by the Federal Highway Administration and a (insert "categorical exclusion determination" or "Finding of No Significant Impact" was made on (date).

The Department has determined that this project will not have a significant effect on the environment. This determination is based upon the following findings and considerations: (This determination should address the criteria in Part 15, Section 15.11 to demonstrate that the project will not have a significant effect on the environment.)

(When applicable, state that a determination of consistency has been made with the NY Department of State, Local Waterfront Revitalization Plan Policies.)

Further information on this project may be obtained from:

(Name of Regional Contact)
New York State Department of Transportation
(address)
(telephone number)

Regional Director

Date
EXAMPLE LETTER 3-4 - Letter distributing FDR/FEIS to EIS Filing Section of EPA.

April 24, 2004

US Environmental Protection Agency
Office of Federal Activities
EIS Filing Section, Room 7220, Mail Code 2252-A
Ariel Rios Building, South Lobby
1200 Pensylvania Avenue NW
Washington, D.C.  20460

Dear Sir/Madam:

Re: PIN 8999.99 BERKSHIRE STATE PARKWAY
    HAWTHORNE INTERCHANGE TO CAMPFIRE ROAD
    LINCOLN COUNTY

The Final Environmental Impact Statement (FHWA-NY-EIS-94-01-F) has been signed by the Federal Highway Administration. Enclosed for filing of the FEIS with your office are the following documents:

! 5 copies of the Final Environmental Impact/4(f) Statement, January, 2001
! 1 copy of the Draft Section 4(f) Evaluation for Opperman's Pond Park, January, 2001
! 5 copies of each of the following Technical Reports:
    No. 1 Air Quality Report, March, 1999
    No. 2 Noise Report, August, 1999
    No. 3 Water Quality Report, August, 1999
    No. 4 Relocation Plan, August, 1999
    No. 5 Cultural Resources, August, 1999
    No. 6 Flood Plain Report, August, 1999
    No. 7 Wetlands Report, March, 1999

We request that you publish the Notice of Availability in the Federal Register and list the contact person as Mr. Robert Arnold (518) 431-4127.

Sincerely,

WILLIAM S. BROWN
Regional Design Engineer

bcc: R. Arnold, Div. Administrator, FHWA
     D. D’Angelo, Design Quality Assurance Bureau, POD 23
February 24, 2002

Chief, Regulatory Branch
New York District
U.S. Army Engineer
26 Federal Plaza
New York, New York 10278

Dear Sir/Madam:

Re: PIN 8999.99 BERKSHIRE STATE PARKWAY
    HAWTHORNE INTERCHANGE TO CAMPFIRE ROAD
    LINCOLN COUNTY

The Final Environmental Impact Statement (FHWA-NY-EIS-94-01-F) has been signed by the Federal Highway Administration. In accordance with 23 CFR 771. FHWA's "Environmental Impact and Related Procedures" we are making the following documents available to your office:

1 copy of the Final Environmental Impact 4(f) Statement, January, 2001
1 copy of the Draft Section 4(f) Evaluation for Opperman's Pond Park, January 2001
1 copy of each of the following Technical Reports:
    No. 1 Air Quality Report, March, 2001
    No. 7 Wetlands Report, March, 2001

No revisions have been made to Technical Reports Nos. 2 to 6, dated August, 2001 which were distributed with the Draft Environmental Impact Statement.

Sincerely,

WILLIAM S. BROWN
Regional Design Engineer

bcc: R. Arnold, Div. Administrator, FHWA
     D. D’Angelo, Design Quality Assurance Bureau, POD 23
     K. Gregory, Consultant Mgmt. Bur., POD 33
The Federal Highway Administration has approved the request of the New York State Department of Transportation for design approval of the above project on (date of design approval). Design approval constitutes the Department of Transportation's final decision to proceed with the construction of the project.

Design approval is based in part on (insert title of final design approval document) dated (date); the Federal Highway Administration's (cite FHWA's NEPA determination and date such as "categorical exclusion classification on August 6, 1993" or "Record of Decision on August 6, 1993") in accordance with the National Environmental Policy Act of 1969 as amended; and the New York State Department of Transportation's (cite NYSDOT's SEQR determination and date such as "Determination of No Significant Effect filed on August 6, 1993" or "Record of Decision on August 6, 1993") in accordance with Article 8 of the Conservation Law of New York State.

The approved design provides for (insert a narrative description of the approved alternative design including a discussion of the approved traffic control alternative per EI 96-027 “Nighttime Construction”).

All maps, drawings, sketches and other information concerning the approval are available for public inspection during business hours at the office of the Regional Director, New York State Department of Transportation, ______________________ (address) ______________.
NOTICE OF DESIGN APPROVAL
NEW YORK STATE DEPARTMENT OF TRANSPORTATION
PROJECT IDENTIFICATION NO. __________

The New York State Department of Transportation has granted design approval of the above project on (date of design approval). Design approval constitutes the Department of Transportation's final decision to proceed with the construction of the project.

Second paragraph for Federal-aid projects
Design approval is based in part on (insert title of final design approval document) dated (date); the Federal Highway Administration's (cite FHWA's NEPA determination and date such as "categorical exclusion classification on August 6, 1993" or "made a Record of Decision on August 6, 1993") in accordance with the National Environmental Policy Act of 1969 as amended; and the New York State Department of Transportation's (cite NYSDOT's SEQR determination and date such as "Determination of No Significant Effect on August 6, 1993" or "Record of Decision on August 6, 1993") in accordance with Article 8 of the Conservation Law of New York State.

Second paragraph for 100% State funded projects
Design approval is based in part on (insert title of final design approval document) dated (date) and the New York State Department of Transportation's (cite NYSDOT's SEQR determination and date such as "Type II classification on August 6, 1993" or "Determination of No Significant Effect filed on August 6, 1993" or "Record of Decision on August 6, 1993") in accordance with Article 8 of the Conservation Law of New York State.

The approved design provides for (insert a narrative description of the approved alternative including a discussion of the approved traffic control alternative per EI 96-027 “Nighttime Construction”)

All maps, drawings, sketches and other information concerning the approval is available for public inspection during business hours at the office of the Regional Director, New York State Department of Transportation, ______________ (address)______________________.
NOTICE OF DESIGN APPROVAL
NEW YORK STATE DEPARTMENT OF TRANSPORTATION
PROJECT IDENTIFICATION NO. __________

The New York State Department of Transportation has granted design approval of the above project on __ (date of design approval)__. Design approval constitutes the Department of Transportation's final decision to proceed with the construction of the project.

Design approval is based in part on (insert title of final design approval document) dated (date) the New York State Department of Transportation's (cite NYSDOT's SEQR determination and date such as "Type II classification on (date)" or "Determination of No Significant Effect filed on (date)" or "Record of Decision on (date)" in accordance with Part 15 of Title 17 of the Official Compilation of Codes, Rules and Regulations of New York State.

The approved design provides for (insert a narrative description of the approved alternative including a discussion of the approved traffic control alternative per EI 96-027 “Nighttime Construction”).

All maps, drawings, sketches and other information concerning the approval is available for public inspection during business hours at the office of the Regional Director, New York State Department of Transportation, ________________ (address) __________________________.
Notice of Determination That Project May Have A Significant Effect On The Environment
(NOTE: This Notice is filed, not published, in accordance with SEQR.)

NOTICE OF ENVIRONMENTAL DETERMINATION
NEW YORK STATE DEPARTMENT OF TRANSPORTATION
PROJECT IDENTIFICATION NO. ______
  (insert project name)
  (_______) COUNTY

DETERMINATION

This notice is a "positive declaration" for the purposes of Article 8 of the Environmental Conservation Law of New York State. The New York State Department of Transportation has made a determination that the project described below may have a significant effect on the environment and, therefore, an environmental impact statement will be prepared on the project. The Department, being the agency having principal responsibility for carrying out or approving the project within the State, is the lead agency pursuant to Part 15 of Title 17 of the Official Compilation of Codes, Rules and Regulations of New York State. A Draft Environmental Impact Statement will be prepared and made available for comment.

The project will (insert brief description of the project including type of project, limits, length, location, and expected benefits of project.)

This determination is based primarily upon (a brief description of the possible significant effects which have been identified.)

Further information on this project may be obtained from:

(Name of Regional Contact)
New York State Department of Transportation
(address)
(telephone number)

Regional Director

Date
Notice of Completion of DEIS

(NOTE: This Notice is filed, not published, in accordance with SEQR.)

NOTICE OF COMPLETION OF DEIS
NEW YORK STATE DEPARTMENT OF TRANSPORTATION
PROJECT IDENTIFICATION NO. _____

This is a Notice of Completion of the DEIS for the proposed improvement on (insert project name).

The Department is developing design studies for the (brief description of project.) The project will start at (terminus) and extend to (terminus). The proposed project is _____ ± miles in the Town (Village, City) of _____________, ________________ County.

The Department, being the agency having principal responsibility for carrying out or approving the project within the State, is the lead agency pursuant to Part 15 of Title 17 of the Official Compilation of Codes, Rules and Regulations of New York State.

A Draft Environmental Impact Statement (DEIS) has been completed for this action which assesses the effect of the project on: noise, air quality, water quality, property impacts, cultural and historic resources, hazardous waste, ecosystems, threatened species, visual resources, and environmentally sensitive lands. The DEIS shows the project to have impacts on (briefly describe areas of known impact e.g. wetlands, floodplains, air quality, etc.).

Copies of the DEIS are available for public examination and copying during business hours at the following locations:

(list building and addresses where DEIS is available)

Comments on the DEIS are requested and will be received by the Department until (insert date of 30 days after first filing of the Notice or date of 10 days after the public hearing, whichever is later).

All comments should be sent to:

(name), Regional Director
New York State Department of Transportation
(address)

Further information on this project may be obtained from:

(Name of Regional Contact)
New York State Department of Transportation
(address)
(telephone number)
Notice of Completion of FEIS

NOTE: This Notice is filed, not published, in accordance with SEQR.

NOTICE OF COMPLETION OF FEIS
NEW YORK STATE DEPARTMENT OF TRANSPORTATION
PROJECT IDENTIFICATION NO. _____

This is a Notice of Completion of the FEIS for the proposed improvement on (insert project name).

The Department is developing design studies for the (brief description of project). The project will start at (terminus) and extend to (terminus). The proposed project is _____ ± miles in the Town (Village, City) of ______________, ______________ County.

The Department, being the agency having principal responsibility for carrying out or approving the project within the State, is the lead agency pursuant to Part 15 of Title 17 of the Official Compilation of Codes, Rules and Regulations of New York State.

A Draft Environmental Impact Statement (DEIS) has been completed for this action which assesses the effect of the project on: noise, air quality, water quality, property impacts, cultural and historic resources, hazardous waste, ecosystems, threatened species, visual resources, and environmentally sensitive lands. The DEIS shows the project to have impacts on (briefly describe areas of known impact e.g. wetlands, floodplains, air quality, etc.).

The DEIS was circulated for review and comment on (date). A Public Hearing was conducted at the (place) in (location) on (date). The questions and concerns raised as a result of the circulation of the DEIS and those received in response to the Public Hearing have been addressed in the (date) Final Environmental Impact Statement (FEIS).

Copies of the FEIS are available for public examination and copying during business hours at the following locations:

(list building and addresses where DEIS is available)

Comments on the SEQR FEIS are requested and will be received by the Department until (insert date of 10 days after first filing of the Notice).

All comments should be sent to:

(name), Regional Director
New York State Department of Transportation
(address)

Further information on this project may be obtained from:

(Name of Regional Contact)
SEQR Determination of No Significant Effect
(on 100% State-funded project)

NOTICE OF ENVIRONMENTAL DETERMINATION
NEW YORK STATE DEPARTMENT OF TRANSPORTATION
PROJECT IDENTIFICATION NO. ______
(insert project name)
_____________ COUNTY

DETERMINATION

This notice is a "negative declaration" for the purposes of Article 8 of the Environmental Conservation Law of New York State. The New York State Department of Transportation, being the agency having principal responsibility for carrying out or approving the project within the State, is the lead agency pursuant to Part 15 of Title 17 of the Official Compilation of Codes, Rules and Regulations of New York State.

The project will (insert brief description of the project including type of project, limits, length, location, and expected benefits of project.)

A Design Report/Environmental Assessment (DR/EA) was prepared and circulated for review and comment in (date). A Public Hearing was conducted at the (place) in (location) on (date). The questions and concerns raised as a result of the circulation of the DR/EA and those received in response to the Public Hearing have been addressed in the (date) Final Design Report/Environmental Assessment (FDR/EA).

The Department has determined that this project will not have a significant effect on the environment. This determination is based upon the following findings and considerations: (This determination should address the criteria in Part 15, Section 15.11 to demonstrate that the project will not have a significant effect on the environment.)

(Where applicable, state that a determination of consistency has been made with the NY Department of State Local Waterfront Revitalization Plan Policies.)

Further information on this project may be obtained from:

(Name of Regional Contact)
New York State Department of Transportation
(address)
(telephone number)

Regional Director

Date
EXAMPLE LETTER 3-6 – Invitation Letter to Become a Cooperating/Participating Agency

February xx, 2008

David A. Stilwell
U.S. Fish and Wildlife Service
3817 Luker Road
Cortland, New York 13045

Re: Invitation to Become a Cooperating/Participating Agency
Peace Bridge Expansion Project PIN 5753.58
City of Buffalo, Erie County, New York
Town of Fort Erie, Ontario, Canada

Dear Mr. Stilwell:

The New York State Department of Transportation (NYSDOT) in partnership with the Federal Highway Administration (FHWA) is initiating an Environmental Impact Statement (EIS) for the [INSERT Project Name].

We are pleased to invite your agency to be a Cooperating Agency/Participating Agency under the National Environmental Policy Act (NEPA) and Section 6002 of the Safe, Accountable, Flexible and Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) for this project. The proposed project involves (must include/attach project description and a location map).

Your involvement as a Cooperating/Participating Agency is important because the project has the potential to affect [NOTE RESOURCE(S) HERE in consultation with the Regional Landscape Architecture and Environmental Services Unit. Examples of resources include surface waters, wetlands, endangered or threatened species or habitats, land within agricultural districts or prime agricultural soils, cultural resources, recreational areas, forest preserve, etc.] and your agency has special expertise and/or jurisdiction for determination of effect and/or issuance of permits.

We believe that enhanced agency coordination will provide opportunities for your agency to participate actively to help avoid, minimize and/or mitigate social, economic and environmental impacts of the proposed project if you accept to be a Cooperating/Participating Agency.

Your involvement will be valuable to:

- Help establish purpose and need.
- Help identify the range of alternatives and their impacts.
- Identify, early in the process, issues vital to develop alternatives that avoid or minimize impacts.
- Identify important issues to be addressed in the Environmental Impact Statement.
- Identify other environmental review and consultation requirements or opportunities.
- Create an efficient review process.

Your participation in the project activities may include the following:
1. Participation in scoping meetings and coordination meetings.
2. Consultation on any technical studies required for the project.
3. Joint field reviews.
4. Review, comment, and help reach agreement on project information, including a Coordination Plan and study results.
5. Review relevant sections of the draft EIS prior to its release for comment by the public and other agencies.
6. Express your perspective on areas within your jurisdiction or expertise, and identify any issues that could substantially delay or prevent the granting of a permit or other approval.

We will include information in the project environmental documents that your agency needs to discharge its responsibilities under NEPA and SEQRA as well as other requirements regarding jurisdictional approvals, permits, licenses, and/or clearances. We will provide your agency information regarding environmental and socioeconomic resources located in the project area and the general location of the alternatives.

Your jurisdictional responsibilities will not be affected or compromised by your participation. Please tell us if your needs are not being met at any point. We expect that the EIS and our public involvement process will satisfy NEPA and SEQRA requirements such as those related to project alternatives, environmental consequences, and avoidance, minimization and mitigation. In addition, we will utilize the EIS, record of decision (ROD) or SEQRA findings statement as our decision-making documents and as the basis for the permit application. We expect the permit application to proceed concurrently with the EIS approval process. (NOTE: This paragraph applies to regulatory agencies with permit approval authority. Delete or modify this paragraph for permitting agencies when the permit process does not proceed concurrently with the EIS approval process or for agencies having special expertise).

Please note that, under Section 6002 of SAFETEA-LU, if a federal agency declines to be a Participating Agency it must do so in writing by stating:

1. The agency has no jurisdiction or authority;
2. The agency has no expertise or information relevant to the project; and
3. The agency does not intend to comment on the project.

Please respond by [Insert date – 30 days after date of letter] to confirm that you will serve as a Cooperating/Participating Agency. Please contact Maria Diego at (518) 431-4195 mdiego@dot.state.ny.us if you have any questions.

NOTE: The requested role of the Cooperating Agency may differ on various projects. The role should be consistent with that described in the Council of Environmental Quality Guidelines, 40 CFR 1501.6. If a scoping meeting is scheduled it should be noted in the scoping letter. If a Coordination Plan has been drafted it should be made available for review.

Your agency’s participation and input will help ensure the project’s success. In addition, our close working relationship will not only ensure that your agency’s requirements are met in a timely manner but also that the project reviews are done expeditiously. Designation as a Cooperating/Participating Agency does not imply that your agency supports the proposed project.

We look forward to your involvement.
Sincerely,

Ossama B. Quadri, P.E.
Regional Design Engineer
(518) 457-1234
quadri@dot.state.ny.us
EXAMPLE LETTER 3-7 – Invitation Letter to Become a Participating Agency

February xx, 2008

David A. Stilwell
U.S. Fish and Wildlife Service
3817 Luker Road
Cortland, New York  13045

Re:  Invitation to Become A Participating Agency
    Peace Bridge Expansion Project PIN 5753.58
    City of Buffalo, Erie County, New York
    Town of Fort Erie, Ontario, Canada

Dear Mr. Stilwell:

The New York State Department of Transportation (NYSDOT) in partnership with the Federal Highway Administration (FHWA) is initiating an Environmental Impact Statement (EIS) for [INSERT PROJECT NAME HERE].

We are pleased to invite your agency to be a Participating Agency under Section 6002 of the Safe, Accountable, Flexible and Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) for this project. The proposed project involves (must include/attach project description and a location map).

For information on SAFETEA-LU and the roles and responsibilities of a Participating Agency, please go to the following link:

http://www.fhwa.dot.gov/hep/section6002/1.htm#Toc148770570

Your involvement as a Participating Agency is important because the project has the potential to affect [NOTE RESOURCE(S) HERE in consultation with the Regional Landscape Architecture and Environmental Services Unit. Examples of resources include surface waters, wetlands, endangered or threatened species or habitats, land within agricultural districts or prime agricultural soils, cultural resources, recreational areas, forest preserve, etc.] and your agency has special expertise and/or jurisdiction for determination of effect and/or issuance of permits. Designation as a Participating Agency does not imply that your agency supports the proposed project.

We believe your active participation will be valuable to help avoid, minimize and/or mitigate social, economic and environmental impacts of the proposed project if you accept to be a Participating Agency and will:

- Enhance agency coordination.
- Help establish purpose and need.
- Help identify the range of alternatives and their impacts.
- Identify, early in the process, issues vital to develop alternatives that avoid or minimize impacts.
- Identify important issues to be addressed in the Environmental Impact Statement.
- Identify other environmental review and consultation requirements or opportunities.
- Create an efficient review process.

Your participation in the project activities may include the following:
7. Participation in scoping meetings and coordination meetings.
8. Consultation on any technical studies required for the project.
9. Joint field reviews.
10. Review, comment, and help reach agreement on project information, including a Coordination Plan and study results.
11. Review relevant sections of the draft EIS prior to its release for comment by the public and other agencies.
12. Express your perspective on areas within your jurisdiction or expertise, and identify any issues that could substantially delay or prevent the granting of a permit or other approval.

We will include information in the project environmental documents that your agency needs to discharge its responsibilities under NEPA and SEQRA as well as other requirements regarding jurisdictional approvals, permits, licenses, and/or clearances. We will provide your agency information regarding environmental and socioeconomic resources located in the project area and the general location of the alternatives.

(Note: The following paragraph applies to regulatory agencies with permit approval authority. Delete or modify this paragraph for permitting agencies when the permit process does not proceed concurrently with the EIS approval process or for agencies having special expertise).

Your participation will not compromise your jurisdictional responsibilities. Please tell us at any point if your needs are not being met. We expect that the EIS and our public involvement process will satisfy NEPA and SEQRA requirements regarding project alternatives, environmental consequences, and avoidance, minimization and mitigation, etc. In addition, we will utilize the EIS, record of decision (ROD) or SEQRA findings statement as our decision-making documents and as the basis for the permit application. We expect the permit application to proceed concurrently with the EIS approval process.

Please note that, under Section 6002 of SAFETEA-LU, if a federal agency declines to be a Participating Agency it must do so in writing by stating:

1. The agency has no jurisdiction or authority;
2. The agency has no expertise or information relevant to the project; and
3. The agency does not intend to comment on the project.

Please respond by [Insert date – 30 days after date of letter] to confirm that you will serve as a Participating Agency. Please contact Maria Diego at (518) 431-4195 mdiego@dot.state.ny.us if you have any questions.

(Note: The requested role of the Participating Agency may differ on various projects. The role should be consistent with that described in the Council of Environmental Quality Guidelines, 40 CFR 1501.6. If a scoping meeting is scheduled it should be noted in the scoping letter. If a Coordination Plan has been drafted it should be made available for review.

We believe your agency’s participation and input will help ensure the project’s success and we look forward to your involvement.

Sincerely,

Ossama B. Quadri, P.E.
Regional Design Engineer
(518) 457-1234
ogquadri@dot.state.ny.us
February xx, 20xx

Robert Davies
District Engineer
Federal Highway Administration, NY Division
11A Clinton Avenue, Suite 719
Albany, New York 12207

Re: Notice of Intent (NOI) Publication in Federal Register
Rainbow Bridge Expansion Project PIN 5753.58
City of Buffalo, Erie County, New York

Dear Mr. Davies:

The New York State Department of Transportation (NYSDOT), in partnership with the Federal Highway Administration (FHWA), is initiating an Environmental Impact Statement (EIS) for [INSERT PROJECT NAME HERE]. This project proposes to improve access to the Rainbow Bridge (I 540) in the City of Buffalo, Erie County, New York.

We have drafted a Notice of Intent (NOI) in consultation with FHWA staff. Please review and finalize the attached draft NOI and have it published in the Federal Register by (date)\(^\text{15}\), to inform the public and agencies of this project.

Please contact Maria Diego of my staff at (518) 431-4195 mdiego@dot.ny.gov if you have any questions.

Sincerely,

Raman B. Napierski, PE
Regional Design Engineer
(518) 457-1234
Raman.Napierski@dot.ny.gov

Attachment: Draft NOI

\(^{15}\) Note that this request must be received by FHWA a minimum of 10 days before the requested publication date.
EXAMPLE NOTICE 3-1 – Notice of Intent

[4910-22]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

ENVIRONMENTAL IMPACT STATEMENT: CHAUTAUQUA COUNTY, NEW YORK

AGENCY: Federal Highway Administration (FHWA), DOT

ACTION: Notice of Intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an Environmental Impact Statement (EIS) will be prepared for the proposed Millennium Parkway project in Chautauqua County, New York, Project Identification Number (PIN) 5757.55.

FOR FURTHER INFORMATION CONTACT: Jeffrey W. Kolb, P.E., Division Administrator, Federal Highway Administration, New York Division, Leo W. O'Brien Federal Building, 7th Floor, Clinton Avenue and North Pearl Street, Albany, New York 12207, Telephone: (518) 431-4127 or Alan E. Taylor, P.E., Regional Director, NYSDOT Region 5; 100 Seneca Street, Buffalo NY 14203, Telephone: (716) 847-3238 or George E. Spanos, P.E., Director, CCDPF, 454 North Work Street, Falconer, New York 14733, Telephone: (716) 661-8400.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the New York State Department of Transportation (NYSDOT) and the Chautauqua County Department of Public Facilities
(CCDPF), will prepare an EIS on a proposal to construct the Millennium Parkway in Chautauqua County, New York.

An industrial corridor, including industrial districts located along Werle Road, Harrington Road, Progress Drive, and County Route (CR) 82 (Middle Road), is being developed to provide further economic opportunities within the surrounding communities. This industrial corridor includes the Chadwick Bay Industrial Park, located to the east of the City of Dunkirk in the Town of Sheridan. Although directly adjacent to air and rail facilities, tractor-trailer truck traffic access to the industrial corridor is currently not adequate.

The purpose of the Millennium Parkway Project is to improve tractor-trailer truck traffic access to the industrial corridor, including the Chadwick Bay Industrial Park, from New York (NY) Route 60 (Bennett Road). Objectives to be met with the construction of the Millennium Parkway are to: improve tractor-trailer truck-oriented infrastructure to the industrial corridor; improve vehicular and pedestrian safety along the existing truck route; and reduce travel time from NY Route 60 to the industrial corridor.

The reasonable range of alternatives will include a No-Build Alternative and three Build Alternatives, which are briefly described below. Additional input from Participating and Cooperating Agencies, and from the public, will be necessary before a final decision will be made regarding the full range of alternatives to be studied.

- The **No-Build Alternative** would utilize the existing truck route in its current condition. This alternative would maintain the existing truck route along NY Route 60 to NY Route 5 (Lakeshore Drive) to CR 82 in its present state with only routine maintenance to keep the existing truck route open to traffic.
• The **Build Alternatives** are: improving the existing truck route; improving other existing routes; or constructing a new urban collector on new alignment by utilizing existing and/or new roads.

Incorporated into and studied with the various build alternatives will be design variations of grade and alignment.

The purpose of the Millennium Parkway Project is to improve tractor-trailer truck traffic access to the industrial corridor, including the Chadwick Bay Industrial Park, from NY Route 60. In order to meet this purpose, the project limits have been sufficiently delineated to include the industrial corridor. The western boundary of the Project Limits has been established as the existing truck route along NY Route 60, since the tractor-trailer truck traffic currently passing through the City of Dunkirk utilizes this route. The northern boundary of the project limits has been established as the remaining portion of the existing truck route along NY Route 5 and CR 82 as well as the CSX Transportation (CSXT) Railroad, to avoid any additional railroad crossings. The eastern boundary of the project limits has been established as Harrington Road, CR 82, and Cook Road to avoid conflicts with the Dunkirk Airport. Finally, the southern boundary of the project limits has been established as Interstate 90 (I-90) to avoid conflicts with this route (I-90).

The limits considered to define the bounds of the affected environment for the environmental assessment of the Build Alternatives, which vary slightly from the Project Limits, are generally as follows: northwest along NY Route 60 from the intersection with I-90, Interchange 59; east then north along the City of Dunkirk city limit line; northeast along the CSXT Railroad; south along the existing alignments of Harrington Road, CR 82, and Cook Road; then southwest along the existing alignment of I-90.

The anticipated length of the proposed roadway will be determined based on the preferred alternative. The highway's southern terminus would be located at NY Route 60, north of I-90, Interchange 59, and its northern terminus would be located in the vicinity of the industrial corridor.
Letters describing the proposed action and soliciting comments will be sent to appropriate federal, state, and local agencies, and to private organizations and citizens who have previously expressed or are known to have interest in this proposal. As part of the formal scoping process for this project, a series of public meetings will be held in the towns of Dunkirk and Sheridan this fall. Public notice will be given regarding the time and place of the meetings.

The draft EIS will be available for public and agency reviews and comment prior to a public hearing. The draft EIS is expected to be completed in the spring of 2009.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA, NYSDOT, or CCDPF at the addresses provided earlier.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.) Authority: 23 USC 315; 23 CFR 771.123

Issued on: December 19, 2007

Jeffrey W. Kolb, P.E.
Division Administrator
Federal Highway Administration
Albany, New York
NOTICE OF AVAILABILITY OF DRAFT ENVIRONMENTAL IMPACT STATEMENT
AND NOTICE OF PUBLIC HEARING

BUFFALO AND FORT ERIE PUBLIC BRIDGE AUTHORITY

PEACE BRIDGE EXPANSION PROJECT PIN 5753.58
City of Buffalo, Erie County, New York & Town of Fort Erie, Ontario, Canada

The Buffalo and Fort Erie Public Bridge Authority, the New York State Department of Transportation (NYSDOT) and the Federal Highway Administration (FHWA) are evaluating proposed capacity improvements to the Peace Bridge, US and Canadian Plazas, and Connecting Roadways of the Peace Bridge Border Crossing Facility. The alternatives proposed include the No Build alternative and alternatives that improve operations, enhance security, reduce congestion and result in improvements in the overall efficiency and functionality of the existing Peace Bridge Border Crossing Facility.

AVAILABILITY OF DRAFT ENVIRONMENTAL IMPACT STATEMENT
A Draft Environmental Impact Statement (DEIS) has been prepared which assesses the project’s effects on the quality of the human environment in accordance with the provisions of Section 102(2) (c) of the National Environmental Policy Act of 1969 P.L. 91-190 (NEPA). Copies of the DEIS are available for review at the locations listed below (call for library hours or to schedule an appointment at the other locations) and will be available at the Public Hearing:

In the United States:
Buffalo City Hall, 65 Niagara Square, Buffalo, NY 14202 Tel. 716-851-4200
City Clerk's Office – 1308 City Hall Tel. 716-851-5431
Mayor's Office – 201 City Hall Tel. 716-851-4841
Council Staff – 1413 City Hall Tel. 716-851-5105
Dominic J. Bonifacio, Jr., Majority Leader, Niagara District, 1504 City Hall
Tel. 716-851-5125, 716-851-5126
Erie County Public Library, Central Library, 1 Lafayette Square, Buffalo, NY 14203 Tel. 716-858-8900
Erie County Public Library, Niagara Branch, 280 Porter Avenue, Buffalo, NY 14201 Tel. 716-882-1537
Parsons, 40 LaRiviere Dr, Suite 350, Buffalo, NY 14202 Tel. 716-853-6946

In Canada:
Buffalo and Fort Erie Public Bridge Authority, 100 Queen St, Fort Erie, ON L2A 3S6 Tel. 905-871-1608
Town of Fort Erie Municipal Centre, 1 Municipal Centre Dr, Fort Erie, ON L2A 2S6 Tel. 905-871-1600
The Fort Erie Public Library, Centennial Branch, 136 Gilmore Rd, Fort Erie, ON L2A 2M1 Tel. 905-871-2546
Fort Erie Indian Friendship Centre, 796 Buffalo Rd, Fort Erie, ON L2A 5H2 Tel. 905-871-8931

Comments on the DEIS must be received by Mr. Alan E. Taylor, Regional Director, NYSDOT Region 5, 100 Seneca St, Buffalo, NY 14203-2939 or Ms. Amy Jackson-Grove, Assistant Division Administrator, FHWA, Leo W. O'Brien Federal Building, 7th Floor, Clinton Ave & North Pearl St, Albany, NY 12207
by Monday, October 29, 2007. The DEIS is available on the project’s website: www.peacebridgex.com. Copies also may be obtained by contacting Cheryl Lehman, Parsons, 40 LaRiviere Dr, Suite 350, Buffalo, NY 14202, Tel. 716-853-6946, email Cheryl.Lehman@parsons.com, or fax 716-541-0760.

PUBLIC HEARING

In accordance with the provisions of Title 23, US Code, Section 128 and Title 40, Code of Federal Regulations, Parts 1500 to 1508, a Public Hearing to present the DEIS and receive public comments will be held as follows:

DATE: Thursday, October 11, 2007

LOCATION: Connecticut Street Armory
            184 Connecticut Street, Buffalo, NY 14213

SCHEDULE:

Open House 10 a.m. – 9 p.m.
(Informal review of materials and discussion with project staff)

Presentation 11 a.m. – Noon
(Public comment period from Noon to 1 p.m.)

Repeat of Presentation 6:30 p.m. – 7:30 p.m.
(Public comment period from 7:30 p.m. to 10 p.m.)

A videotape of the 11 a.m. presentation will be available for viewing at the Hearing for those unable to attend at 11 a.m. or 6:30 p.m.

The Hearing will include presentations at 11 a.m. and 6:30 p.m. that summarize the alternatives presented in the DEIS and review their impacts. Information on construction scheduling, right-of-way/property acquisition(s) and relocation assistance programs also will be presented. The remainder of each session will provide an opportunity for the public to provide comments on the DEIS. The proceedings will be recorded.

ORAL AND WRITTEN COMMENTS

Persons wishing to provide comments on the DEIS will have the opportunity to do so orally and/or in writing at the Public Hearing, or by providing written comments by the comment deadline. Oral comments will be accepted during the public comment portions of the Hearing beginning at noon and 7:30 p.m. The comments will be recorded by a stenographer. In addition, a stenographer will be available during the open house portion (10 a.m. – 9 p.m.) of the hearing to accept oral comments in private from those who wish to make an oral statement but do not wish to do so in front of the audience.

Written statements and other exhibits may be filed in place of or in addition to oral statements made at the Hearing. Written statements will be accepted at the hearing and until the comment deadline. Written statements must be received by Mr. Alan E. Taylor, Regional Director, NYSDOT Region 5, 100 Seneca St, Buffalo, NY 14203-2939 or Ms. Amy Jackson-Grove, Assistant Division Administrator, FHWA, Leo W. O’Brien Federal Building, 7th Floor, Clinton Ave & North Pearl St, Albany, NY 12207 by Monday, October 29, 2007. All oral and written comments will be addressed in the Final EIS, which will identify the project’s preferred alternative.

Those property owners who may subsequently wish to challenge condemnation of their property via judicial review under the Eminent Domain Procedure Law (EDPL) may do so only on the basis of issues, facts, and objections raised at the Hearing.
Persons wishing to speak during the public comment period at the Hearing may reserve a speaking slot by contacting Cheryl Lehman, Tel. 716-853-6946, email Cheryl.Lehman@parsons.com, or fax 716-541-0760. Requests for speaking slots will be honored in the order in which they are received. Persons who have not reserved a speaking slot may sign up to speak at the Hearing. They will be called upon in the order in which they have signed up, as time slots become available. Each speaker will have no more than five minutes.

For further information about the project or the Public Hearing, please contact Mr. Alan E. Taylor, Regional Director, NYSDOT Region 5, 100 Seneca St, Buffalo, NY 14203-2939, Tel. 716-847-3238.

Please advise Ms. Lehman by Wednesday, October 3, 2007 if you require a sign language interpreter, assistive listening system, translator, or any other accommodation(s) to facilitate your participation in the Hearing.