

# I-81 VIADUCT PROJECT

## SECTION 6-1

### INTRODUCTION

#### 6-1.1 ENVIRONMENTAL CLASSIFICATION

The I-81 Viaduct Project will require approvals by the Federal Highway Administration (FHWA) for modifications to the interstate highway system as well as potential Federal funding for its construction. These approvals require compliance with the National Environmental Policy Act (NEPA). This Project is classified as a NEPA Class I project in accordance with 23 CFR § 771. NEPA Class I projects require the preparation of an Environmental Impact Statement (EIS) to determine the likely impact that project alternatives would have on the environment.

The New York State Environmental Quality Review Act (SEQRA) requires that state and local governmental agencies in New York evaluate significant environmental impacts that would result from their discretionary actions and identify measures to mitigate adverse impacts to the maximum extent practicable. NYSDOT's regulations for implementing SEQRA are provided in 17 NYCRR Part 15. In accordance with NYSDOT's SEQRA regulations, the Project is classified as a "non-Type II" action, indicating that its potential for environmental impacts should be evaluated under SEQRA. In accordance with 17 NYCRR Part 15, given that a Federal EIS is being prepared, NYSDOT and other New York State agencies undertaking a discretionary action for this Project have no obligation to prepare a separate EIS under SEQRA.

For projects subject to NEPA and/or SEQRA, a lead agency (or agencies) is designated to ensure that a comprehensive environmental review process is conducted properly and in accordance with all applicable environmental regulations. FHWA is the Lead Federal Agency and the New York State Department of Transportation (NYSDOT) is the Joint Lead Agency under NEPA. NYSDOT is serving as the SEQRA lead agency for this Project.

After publication of the Draft Design Report/Draft Environmental Impact Statement (DDR/DEIS) on July 16, 2021, which began a public review period including public hearings, FHWA and NYSDOT carefully considered all substantive public comments and prepared this Final Design Report/Final EIS (FDR/FEIS). FHWA and NYSDOT will subsequently issue a joint Record of Decision (ROD) in accordance with 23 CFR § 771.127 and Section 15.9 of 17 NYCRR Part 15.

#### 6-1.2 COORDINATION WITH AGENCIES

FHWA and NYSDOT have identified and invited Federal and state agencies to participate in the environmental review process by serving as Cooperating Agencies. According to the Council on Environmental Quality (CEQ) regulations (40 CFR § 1501.8), a Cooperating Agency is any Federal agency, other than a lead agency, that has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposed project or project alternative. A state or local agency of similar qualifications or, when the effects are on a reservation, a Federally recognized Native Nation, may also serve as a Cooperating Agency. The following agencies were invited to serve as Cooperating Agencies for this Project (see also **Chapter 9, Agency Coordination and Public Outreach**):

## I-81 VIADUCT PROJECT

- Advisory Council on Historic Preservation;
- U.S. Army Corps of Engineers;
- U.S. Environmental Protection Agency;
- U.S. Fish and Wildlife Service;<sup>1</sup>
- New York State Department of Environmental Conservation; and
- New York State Office of Parks, Recreation, and Historic Preservation – State Historic Preservation Office.

Except for the U.S. Fish and Wildlife Service, the invited agencies accepted Cooperating Agency status and have been involved throughout the NEPA process for the I-81 Viaduct Project. FHWA and NYSDOT collaborated with the Cooperating and Participating Agencies in the preparation of the DDR/DEIS and this FDR/FEIS, including frequent conference calls with the Cooperating Agencies and meetings with Participating Agencies. An initial Cooperating Agency meeting was held on October 31, 2013 at the NYSDOT Main Office in Albany, New York. Between May 2014 and April 2018, monthly teleconferences were typically held with the Cooperating Agencies. Thereafter, teleconference calls occurred on an as-needed basis. During the calls, NYSDOT updates the agencies on the alternatives development and environmental analyses, recent and forthcoming outreach activities, and the overall project schedule. Two Cooperating Agency calls were held during the public review of the DDR/DEIS.

In accordance with Federal transportation legislation, Cooperating Agencies are also Participating Agencies. Participating Agencies are Federal, State, or local agencies with an interest in the Project. FHWA and NYSDOT invited State and municipal agencies and officials to serve as Participating Agencies for the Project, as described further in **Chapter 9, Agency Coordination and Public Outreach**.

In addition to the agencies and entities described above, the Onondaga and Tuscarora Nations are providing support and consultation on the Project. Both Nations accepted status as a Participating Agency and as a Consulting Party, the latter for the review of the Project pursuant to Section 106 of the National Historic Preservation Act. FHWA and NYSDOT have invited the Nations to participate in stakeholder and Section 106 meetings for the Project, and they have communicated with them on several occasions. This outreach will continue throughout the Project, as needed.

### 6-1.3 ANTICIPATED PERMITS AND APPROVALS

**Table 6-1-1** identifies the permits and approvals that are anticipated for this Project.

**Table 6-1-1**  
**Potential Permits and Approvals**

Permit or Approval	Approving Agency	Regulatory Authority
Addition of Route/Removal of Route from National Network*	Federal Highway Administration	23 CFR § 658.11
Interstate Highway Designation*	Federal Highway Administration	23 CFR § 103(c)(4)(B)

<sup>1</sup> The U.S. Fish and Wildlife Service subsequently declined to participate as a Cooperating Agency.

## I-81 VIADUCT PROJECT

**Table 6-1-1 (cont'd)**  
**Potential Permits and Approvals**

<b>Permit or Approval</b>	<b>Approving Agency</b>	<b>Regulatory Authority</b>
Interstate Access Modification	Federal Highway Administration	23 USC §§ 109 and 111, 23 CFR § 625.4, and 49 CFR § 1.48(b)(1)
Floodplains Determination	Federal Highway Administration	Executive Order 11988 of 1977; USDOT Order 5650-2, "Floodplain Management and Protection," April 23, 1979
Wetlands Finding	Federal Highway Administration	Executive Order 11990 of 1977; USDOT Order 5660.1A, "Preservation of the Nation's Wetlands," August 24, 1978
Section 4(f) Finding pursuant to Section 4(f) of the USDOT Act	Federal Highway Administration in consultation with the U.S. Department of Interior and the State Historic Preservation Office	49 USC § 303; 23 CFR Part 774
Section 7 Consultation pursuant to the Endangered Species Act	Federal Highway Administration and U.S. Fish and Wildlife Service	16 USC §§ 1531-1544; 50 CFR Part 402
Section 106 Effect Finding pursuant to the National Historic Preservation Act	Federal Highway Administration in consultation with the Advisory Council on Historic Preservation and the State Historic Preservation Office	54 USC 300101 et seq.; 36 CFR Part 800
New York State Endangered Species Act	New York State Department of Environmental Conservation	ECL Article 1, Title 5 § 11-0535; 6 NYCRR Part 182
Section 404 Permit pursuant to the Clean Water Act	U.S. Army Corps of Engineers	33 USC §§ 1251-1387 and 33 CFR §§ 320-330
Section 401 Water Quality Certification pursuant to the Clean Water Act	U.S. Army Corps of Engineers and New York State Department of Environmental Conservation	33 USC §§ 1251-1387 and 33 CFR §§ 320-330
Environmental Justice Compliance	Federal Highway Administration	Executive Order 12898 of 1994, 59 CFR § 7629, February 16, 1994; 1997 USDOT Order 5610.2[a], May 2, 2012; FHWA Order 6640.23A, June 14, 2012
State Pollutant Discharge Elimination System (SPDES) Permit	New York State Department of Environmental Conservation	State Pollutant Discharge Elimination System (ECL Article 3, Title 3; Article 15; Article 17, Titles 3, 5, 7, and 8; Article 21; Article 70, Title 1; Article 71, Title 19; 6 NYCRR Part 750)
Protection of Waters / Freshwater Wetlands Permit	New York State Department of Environmental Conservation	NYSDEC/NYSDOT Memorandum of Understanding Regarding ECL Articles 15 and 24 (February 19, 1997); ECL Article 15, Title 5; 6 NYCRR Part 608; ECL Article 24; 6 NYCRR 663
Consistency with Smart Growth Public Infrastructure Policy Act	New York State Department of Transportation	ECL § 6-0101 et seq.
<b>Note: * Community Grid Alternative only.</b>		

### 6-1.4 ORGANIZATION OF THIS CHAPTER

Chapter 6 consists of several sections, each focused on a specific technical topic (e.g., land use and neighborhood character, historic and cultural resources, air quality, etc.). Each section describes the beneficial, or positive, and adverse, or negative, effects of the Viaduct and Community Grid Alternatives for the Project.

The sections first describe the affected environment, including current conditions and future changes that may occur independently of the Project. Next, the sections describe the environmental consequences of the Viaduct and Community Grid Alternatives. The discussion of each alternative consists of four parts: 1) permanent or operational effects; 2) construction effects; 3) indirect effects; and 4) cumulative effects.

- **Permanent/Operational Effects:** The permanent or operational effects occur once construction of the alternative is complete and the Viaduct or Community Grid Alternative is operational. The permanent or operational effects would occur once the Project is operational and well into the future.
- **Construction Effects:** Construction effects occur while the Project is being built and cease once it is complete. Thus, construction impacts are considered temporary. Some construction impacts may occur throughout the duration of the construction period, and others may be particular to certain stages or phases of construction, construction activities, or construction zones. For example, the noisiest construction activities would not occur on every day of the construction period nor at every location within the construction zones.

Recognizing the dense urban environment where much of the Project will be built, NYSDOT has developed measures to minimize or otherwise mitigate construction effects, as listed in **Table 4-7**, for the Viaduct and Community Grid Alternatives. These commitments include standard NYSDOT practices for all of its construction projects and specific mitigation measures to address the unique circumstances of the I-81 Viaduct Project. The measures to minimize or otherwise mitigate effects would be incorporated into the Project to offset the potential negative effects of construction activities. The analysis of construction effects presented in Chapter 6 incorporates these measures. The specific measures are described in the appropriate section of this chapter and listed in **Chapter 4, Construction Means and Methods**.

- **Indirect Effects:** CEQ regulations (40 CFR Part 1500-1508)<sup>2</sup> defined indirect impacts as those that are “caused by an action and are later in time or farther removed in distance but are still reasonably foreseeable.” Generally, these effects are not a direct result of a project, but they are induced by it.
- **Cumulative Effects:** NEPA also required consideration of cumulative effects of a project. Cumulative impacts may result from the incremental consequences of an action when added to other past and reasonably foreseeable future actions (40 CFR 1508.8)<sup>2</sup>. The analysis describes whether the Project, in combination with other projects, could result in positive or negative effects that would not be realized by implementation of the Project alone.

If any adverse or negative effects are identified, the section outlines potential mitigation measures.

---

<sup>2</sup> The CEQ adopted revised NEPA regulations in September 2020, codified as 40 CFR Parts 1500, 1501, 1502, 1503, 1504, 1505, 1506, 1507, 1508, 1515, 1516, 1517, and 1518. This EIS was prepared consistent with regulations in effect before September 2020, which was codified as 40 CFR Parts 1500-1508. This citation refers to the prior regulations as there is no equivalent in the most regulations. Both sets of regulations are available at the following website: <https://ceq.doe.gov/laws-regulations/regulations.html>.

### 6-1.5 PROJECT AREA AND STUDY AREAS

This assessment of social, economic, and environmental considerations includes the following four study areas: Central Study Area, I-481 North Study Area, I-481 South Study Area, and I-481 East Study Area (see **Figure 6-1-1**). The study areas were established because the Project has the potential to result in temporary (construction) or permanent (operation) effects within these locations. The four study areas, each of which includes a 1/4-mile area surrounding the project limits, are referred to as the “Project Area.” These study areas are defined below.

- **Central Study Area.** The Central Study Area is located mostly within the City of Syracuse, with a small area north of the city in the Town of Salina. The “Central Study Area” refers to the section of I-81 between approximately East Brighton Avenue and 0.7 miles north of Hiawatha Boulevard, and the portions of I-690 approximately between Leavenworth Street and Beech Street and Hiawatha Boulevard West and Bear Street. The Central Study Area also includes some local roads in proximity to I-81 and I-690 in Syracuse.
- **I-481 South Study Area.** The I-481 South Study Area is located around the I-481 southern interchange with I-81. The majority of the I-481 South Study Area is in the City of Syracuse; however, the easternmost reach is in the Town of Onondaga.
- **I-481 East Study Area.** The I-481 East Study Area includes the segments of I-481 where auxiliary lanes would be added, street improvements may occur, and noise barriers may be constructed, which is roughly between the New York State Route 5 and the New York State Thruway (I-90) interchanges in the Town of DeWitt.
- **I-481 North Study Area.** The I-481 North Study Area includes the I-481 northern interchange with I-81 in the Town of Cicero and the Village of North Syracuse and adjacent areas where noise barriers are proposed. The I-481 North Study Area also includes a segment of I-81 between the New York State Thruway (I-90) and Mattydale Circle where a noise barrier is proposed.

The one-quarter mile area includes the area in which the proposed changes to the I-81 and/or I-481 right-of-way, including potential noise barriers, are most likely to have potential social, economic, and environmental consequences. For some topics, a special study area is defined for consistency with regulatory requirements or to capture a larger or smaller area of potential effects for the Project. Each section that follows identifies the study area that was used for the analysis.

*This page is intentionally left blank.*

