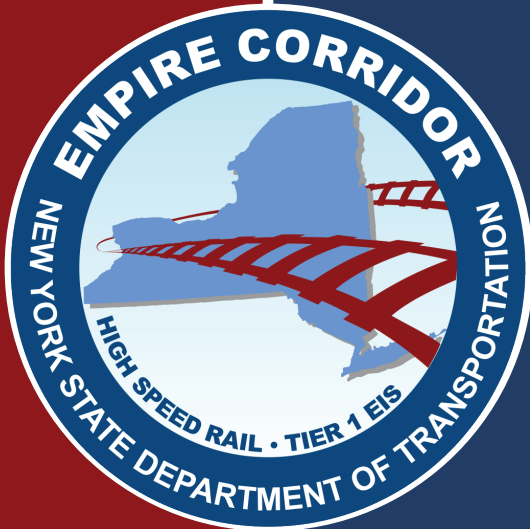


High Speed Rail Empire Corridor

Tier 1 Draft Environmental Impact Statement Volume 4



New York State
Department of Transportation



U.S. Department of Transportation
Federal Railroad Administration

Prepared by:
HNTB New York Engineering
and Architecture, PC

In association with:
Clough, Harbour & Associates, LLP
Louis T. Klauder & Associates
AKRF, Inc.
Pinyon Environmental, Inc.

High Speed Rail Empire Corridor Program Tier 1 Draft Environmental Impact Statement

This Tier 1 Draft Environmental Impact Statement (EIS) consists of four volumes:

Volume 1 Environmental Impact Statement, which includes:

- Executive Summary
- Chapter 1, Introduction and Purpose and Need
- Chapter 2, Existing Transportation Conditions and Major Markets
- Chapter 3, Alternatives
- Chapter 4, Social, Economic, and Environmental Considerations
- Chapter 5, Financial Capacity
- Chapter 6, Comparison of Alternatives
- Chapter 7, Comments and Coordination
- References, Acronyms, Glossary of Terms, and List of Preparers

Volume 2 Appendix A - Track Schematics, (On CD-ROM at the back of Volume 1)
Track schematic (11"x17") plans of the Base Alternative and four Build Alternatives

Volume 3 Appendices B through H, (On CD-ROM at the back of Volume 1)

- Appendix B Ridership and Revenue Forecasting
- Appendix C Alternatives Development and Screening Report
- Appendix D Rail Network Operations Simulation
- Appendix E Committed Highway, Bus, and Airport Improvement Projects
- Appendix F Capital, Operating, and Maintenance Costs Estimating Methodology
- Appendix G Existing Conditions Supporting Documentation
- Appendix H Draft Programmatic Agreement

Volume 4 Appendices I through J, (On CD-ROM at the back of Volume 1)

- Appendix I Agency Correspondence
 - Cooperating Agencies Correspondence
 - Participating Agencies Correspondence
 - Section 106 Correspondence
 - Agency Notification Correspondence
- Appendix J CSXT and NYSDOT Agreements

This page intentionally left blank.

Appendix I Agency Correspondence

This page intentionally left blank.

Table of Contents

1.	Cooperating Agencies Correspondence	I-1
1.1	Cooperating Agency Invitation Letters	I-3
1.2	Cooperating Agency Responses.....	I-53
2.	Participating Agencies Correspondence.....	I-61
2.1	Participating Agency Invitation Letters.....	I-63
2.2	Participating Agency Responses	I-113
3.	Section 106 Correspondence.....	I-121
4.	Agency Notification Correspondence.....	I-391
4.1	Agency Information Requests	I-393
4.2	Agency Information Responses	I-441

This page intentionally left blank.

1. Cooperating Agencies Correspondence

This page intentionally left blank.

1.1 Cooperating Agency Invitation Letters

Index of Cooperating Agency Invitation Letters

Valenstein, David, Division Chief, Environment and Systems Planning, “High Speed Rail Empire Corridor Project, Tier I Environmental Impact Statement, New York City to Buffalo/Niagara Falls,” Letter, May 3, 2011 to Mr. Gary Kassof, U.S. Coast Guard, May 3, 2011.

Corrado, Marie, Director of Major Projects, State of New York Department of Transportation, “PIN S937.51.171, High Speed Rail Empire Corridor Project, Tier 1 Environmental Impact Statement, New York City to Buffalo/Niagara Falls,” Letter, October 7, 2010, to the following:

Ms. Maria Chau
Federal Highway Administration (FHWA)
Leo W. O'Brien Federal Bldg. Rm 719
Clinton Ave & North Pearl Street
Albany, NY 12207

Lingard Knutson
US Environmental Protection Agency (EPA)
290 Broadway, 25th floor
New York, NY 10007

Ms. Brigid Hynes-Cherin
Federal Transit Administration (FTA)
One Bowling Green, Room 429
New York, NY 10004

Mr. Leonard Houston
US Army Corps of Engineers (USACE)
26 Federal Plaza, Room 2109
New York, NY 10278

Ms. Anne Reynolds
NYS Department of Environmental Conservation (NYSDEC)
625 Broadway
Albany, NY 12233

Mr. Kevin Millington
NYS Department of State (NYSDOS)
41 State Street
Attn: Coastal Management Program
Albany, NY 12231

Ms. Anne Secord
US Fish & Wildlife Service (FWS)
3817 Luker Rd.
Cortland, NY 13045

Mr. Ronald Anzalone

Advisory Council on Historic Preservation (ACHP)
Old Post Office Building
1100 Pennsylvania Ave, N.W. Suite 809
Washington DC, 20004

Mr. William Hollister
Amtrak (National Railroad Passenger Corporation)
Amtrak General Offices, 525 East Street
Rensselaer, NY 12144

Mr. Peter Colosi
National Marine Fisheries Service (NMFS)
55 Great Republic Drive
Gloucester, MA 01930-2298

Mr. Andy Beers
NYS Office of Parks, Recreation & Historic Preservation
Agency Building 1
Albany, NY 12238

Mr. Gary Kassof
US Coast Guard
Battery Park Building
1 South St.
New York, NY 10004-5073

Corrado, Marie, Director of Major Projects, State of New York Department of Transportation, “PIN S937.51.171, High Speed Rail Empire Corridor Project, Tier 1 Environmental Impact Statement, New York City to Buffalo/Niagara Falls,” Letter, October 12, 2010, to the following:

Mr. Dennis Reidenbach, Northeast Regional Director
National Park Service
U.S. Custom House
200 Chestnut Street, 5th Floor
Philadelphia, PA 19106

Ms. Ruth Pierpont, Director
New York State Historic Preservation Office
Peeples Island, P.O. Box 189
Waterford, NY 12188

Mr. Bob Ewing
New York State Department of Environmental Conservation
Division of Environmental Permits
625 Broadway, 4th Floor
Albany, NY 12233



U.S. Department
of Transportation

Federal Railroad
Administration

1200 New Jersey Avenue, SE
Washington, DC 20590

MAY - 3 2011

Mr. Gary Kassof
US Coast Guard
Battery Park Building
1 South St.
New York, NY 10004-5073

Re: High Speed Rail Empire Corridor Project
Tier 1 Environmental Impact Statement
New York City to Buffalo/Niagara Falls

Dear Mr. Kassof:

The Federal Railroad Administration (FRA), in cooperation with the New York State Department of Transportation (NYSDOT), is preparing a Tier 1 Environmental Impact Statement (EIS) that will study and document proposed improvements to intercity passenger rail services along the 463-mile Empire Corridor, beginning at Penn Station in New York City, New York County and proceeding north to Poughkeepsie (Dutchess County) and Albany (Albany County) then turning west to Schenectady (Schenectady County), Utica (Oneida County), Syracuse (Onondaga County), Rochester (Monroe County), Buffalo (Erie County) and terminating at Niagara Falls (Niagara County).

The objective is to make corridor level decisions regarding the level of intercity passenger rail service provided in the corridor, including, among other factors, variations in train frequency, trip time, and on-time performance. Alternatives that improve the on-time performance and increase the average operating speeds up to a maximum authorized speed (MAS) of 110 mph for passenger rail will be evaluated.

FRA is the lead Federal agency and the New York Department of Transportation is the joint lead state agency for this project. The FRA and the NYSDOT will use a tiered process, as provided for in 40 CFR 1508.28, in the completion of the environmental review of the project. The initial phase ("Tier 1 EIS") of this process will address broad rail service issues and proposals. Subsequent phases or tiers will analyze, at a greater level of detail, site-specific projects encompassed by the decisions made in Tier 1. The EIS will be developed pursuant to the National Environmental Policy Act of 1969 (NEPA), as amended, 42 U.S.C. 4321 et seq., the Council on Environmental Quality NEPA implementing regulations, 40 CFR parts 1500-1508, FRA NEPA procedures, 64 FR 28545 (May 26, 1999), and the New York State Environmental Quality Review Act (SEQR).

FRA is, in accordance with 40 C.F.R. 1501.6, requesting the involvement of the US Coast Guard (Coast Guard) as a cooperating agency with a focus on those areas within Coast Guard jurisdiction.

As a cooperating agency pursuant to NEPA, your involvement in the preparation of the EIS may include the following activities:

1. Assist in identifying interest groups;
2. Participate in coordination meetings;
3. Raise concerns about any relevant technical studies that may be needed for the project;
4. Provide information on alternatives;
5. Assist the lead agency in determining appropriate and practicable mitigation. These measures should reflect avoidance, minimization, and compensation;
6. Review pre-draft and pre-final environmental documents and comment as early as practicable on environmental and socioeconomic resources located within the project area, particularly sections relevant to the Coast Guards purview;
7. Identify issues, concerns and any technical studies that the EIS should address to support the Coast Guard in fulfilling its NEPA or other responsibilities and any other requirements regarding jurisdictional permits and/or other approvals.

We look forward to your response to our request to be a cooperating agency, and to working with you to advance this project. The favor of a reply is requested by May 27, 2011.

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 Colleen Vaughn of my staff at colleen.vaughn@dot.gov or (202) 493-6096, or myself at (202) 493-6368. The NYSDOT project manager for the Empire Corridor Tier 1 EIS is David Chan, who can be reached via phone at (518) 485-1918 or email at dchan@dot.state.ny.us.

Sincerely,



David Valenstein
Division Chief
Environment and Systems Planning

CC: Mr. David Chan, NYS DOT



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232
www.nysdot.gov

STANLEY GEE
ACTING COMMISSIONER

DAVID A. PATERSON
GOVERNOR

October 7, 2010

Ms. Maria Chau
Federal Highway Administration (FHWA)
Leo W. O'Brien Federal Bldg. Rm 719
Clinton Ave & North Pearl Street
Albany, NY 12207

Re: PIN S937.51.171, High Speed Rail Empire Corridor Project
Tier 1 Environmental Impact Statement
New York City to Buffalo/Niagara Falls

Ladies and Gentlemen:

The New York State Department of Transportation (NYSDOT), in cooperation with the Federal Railroad Administration (FRA), is initiating development of a Tier 1 Service Level Environmental Impact Statement (EIS) of proposed improvements to intercity passenger rail service along the Empire Corridor between New York City, New York and Niagara Falls, New York. The 463-mile Empire Corridor begins at Moynihan/Pennsylvania (Penn) Station in New York City (New York County), proceeds north to Yonkers and Croton-Harmon (Westchester County), Poughkeepsie (Dutchess County) and Albany-Rensselaer (Albany County), then turns west to Schenectady (Schenectady County), Utica (Oneida County), Syracuse (Onondaga County), Rochester (Monroe County), Buffalo (Erie County), and terminates at Niagara Falls (Niagara County).

Environmental Review Process: The Environmental Impact Statement (EIS) will be developed in accordance with the National Environmental Policy Act of 1969 (NEPA), the environmental review provisions of Section 6002 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), and the New York State Environmental Quality Review Act (SEQR). The FRA and the NYSDOT will use a tiered process, as provided for in 40 CFR 1508.28, in the completion of the environmental review of the project. "Tiering" is a staged environmental review process applied to environmental reviews for complex projects. The initial phase ("Tier 1 EIS") of this process will address

broad service-level issues and proposals. Subsequent phases or tiers will analyze, at a greater level of detail, narrower site-specific proposals based on the decisions made in Tier 1.

Scope of Agency Involvement: Issues that will be analyzed at the service level in this Tier 1 EIS include ways to introduce travel speeds of at least 110 mph in places along the Empire Corridor where those speeds are not possible, and to improve the reliability, travel times and frequency of passenger train service in order to attract additional passengers and be more competitive with other intercity transportation modes. The project will establish specific goals for train frequency, trip time, and on-time performance and identify operational changes and investments in infrastructure and equipment necessary to achieve those goals. The EIS will address the project's potential effects on noise, air, water quality, and cultural and recreational resources, as well as other social, economic and environmental effects. A result of the Tier 1 EIS will be identification of further analysis required in Tier 2 NEPA document(s) for specific improvement projects.

As part of the process for determining the scope of issues to be addressed in the Tier 1 Draft 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 project may require a permit or approval from your agency, we request your agency to be a cooperating agency.

We expect your agency's involvement to entail only those areas under its jurisdiction or 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 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, as applicable, including those related to project alternatives, environmental consequences and mitigation. Further, we intend to utilize the EIS and FRA's subsequent record of decision as our decision-making documents and as the basis for the permit application.

Public Involvement: Scoping meetings will be held from **5:30 to 7:30 pm** in Buffalo, Rochester, Syracuse, Utica, Albany, and New York City, in late October and early November. We encourage you to attend. A Scoping Information Package will be available in the days ahead.

A public hearing will be held after publication of the Tier 1 DEIS to obtain comments on that document. Public notice will be given prior to the hearing regarding its time and location and process for submitting comments.

We look forward to your comments and response to this request and your participation 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 David Chan or the Project team via empirecorridor@dot.state.ny.us. Please forward any initial comments and confirmation that you will be or will not be a cooperating agency to us by October 15, 2010. E-mail replies should be sent to David Chan at NYSDOT at empirecorridor@dot.state.ny.us.

Sincerely,

A handwritten signature in cursive script that reads "Marie Corrado".

Marie Corrado
Director of Major Projects



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232
www.nysdot.gov

STANLEY GEE
ACTING COMMISSIONER

DAVID A. PATERSON
GOVERNOR

October 7, 2010

Lingard Knutson
US Environmental Protection Agency (EPA)
290 Broadway, 25th floor
New York, NY 10007

Re: PIN S937.51.171, High Speed Rail Empire Corridor Project
Tier 1 Environmental Impact Statement
New York City to Buffalo/Niagara Falls

Ladies and Gentlemen:

The New York State Department of Transportation (NYSDOT), in cooperation with the Federal Railroad Administration (FRA), is initiating development of a Tier 1 Service Level Environmental Impact Statement (EIS) of proposed improvements to intercity passenger rail service along the Empire Corridor between New York City, New York and Niagara Falls, New York. The 463-mile Empire Corridor begins at Moynihan/Pennsylvania (Penn) Station in New York City (New York County), proceeds north to Yonkers and Croton-Harmon (Westchester County), Poughkeepsie (Dutchess County) and Albany-Rensselaer (Albany County), then turns west to Schenectady (Schenectady County), Utica (Oneida County), Syracuse (Onondaga County), Rochester (Monroe County), Buffalo (Erie County), and terminates at Niagara Falls (Niagara County).

Environmental Review Process: The Environmental Impact Statement (EIS) will be developed in accordance with the National Environmental Policy Act of 1969 (NEPA), the environmental review provisions of Section 6002 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), and the New York State Environmental Quality Review Act (SEQR). The FRA and the NYSDOT will use a tiered process, as provided for in 40 CFR 1508.28, in the completion of the environmental review of the project. "Tiering" is a staged environmental review process applied to environmental reviews for complex projects. The initial phase ("Tier 1 EIS") of this process will address

broad service-level issues and proposals. Subsequent phases or tiers will analyze, at a greater level of detail, narrower site-specific proposals based on the decisions made in Tier 1.

Scope of Agency Involvement: Issues that will be analyzed at the service level in this Tier 1 EIS include ways to introduce travel speeds of at least 110 mph in places along the Empire Corridor where those speeds are not possible, and to improve the reliability, travel times and frequency of passenger train service in order to attract additional passengers and be more competitive with other intercity transportation modes. The project will establish specific goals for train frequency, trip time, and on-time performance and identify operational changes and investments in infrastructure and equipment necessary to achieve those goals. The EIS will address the project's potential effects on noise, air, water quality, and cultural and recreational resources, as well as other social, economic and environmental effects. A result of the Tier 1 EIS will be identification of further analysis required in Tier 2 NEPA document(s) for specific improvement projects.

As part of the process for determining the scope of issues to be addressed in the Tier 1 Draft 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 project may require a permit or approval from your agency, we request your agency confirm your prior decision to be a cooperating agency.

We expect your agency's involvement to entail only those areas under its jurisdiction or 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 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, as applicable, including those related to project alternatives, environmental consequences and mitigation. Further, we intend to utilize the EIS and FRA's subsequent record of decision as our decision-making documents and as the basis for the permit application.

Public Involvement: Scoping meetings will be held from **5:30 to 7:30 pm** in Buffalo, Rochester, Syracuse, Utica, Albany, and New York City, in late October and early November. We encourage you to attend. A Scoping Information Package will be available in the days ahead.

A public hearing will be held after publication of the Tier 1 DEIS to obtain comments on that document. Public notice will be given prior to the hearing regarding its time and location and process for submitting comments.

We look forward to your comments and response to this request and your participation 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 David Chan or the Project team via empirecorridor@dot.state.ny.us. Please forward any initial comments and confirmation that you will be a cooperating agency to us by October 15, 2010. E-mail replies should be sent to David Chan at NYSDOT at empirecorridor@dot.state.ny.us.

Sincerely,

A handwritten signature in cursive script that reads "Marie Corrado".

Marie Corrado
Director of Major Projects



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232
www.nysdot.gov

STANLEY GEE
ACTING COMMISSIONER

DAVID A. PATERSON
GOVERNOR

October 7, 2010

Ms. Brigid Hynes-Cherin
Federal Transit Administration (FTA)
One Bowling Green, Room 429
New York, NY 10004

Re: PIN S937.51.171, High Speed Rail Empire Corridor Project
Tier 1 Environmental Impact Statement
New York City to Buffalo/Niagara Falls

Ladies and Gentlemen:

The New York State Department of Transportation (NYSDOT), in cooperation with the Federal Railroad Administration (FRA), is initiating development of a Tier 1 Service Level Environmental Impact Statement (EIS) of proposed improvements to intercity passenger rail service along the Empire Corridor between New York City, New York and Niagara Falls, New York. The 463-mile Empire Corridor begins at Moynihan/Pennsylvania (Penn) Station in New York City (New York County), proceeds north to Yonkers and Croton-Harmon (Westchester County), Poughkeepsie (Dutchess County) and Albany-Rensselaer (Albany County), then turns west to Schenectady (Schenectady County), Utica (Oneida County), Syracuse (Onondaga County), Rochester (Monroe County), Buffalo (Erie County), and terminates at Niagara Falls (Niagara County).

Environmental Review Process: The Environmental Impact Statement (EIS) will be developed in accordance with the National Environmental Policy Act of 1969 (NEPA), the environmental review provisions of Section 6002 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), and the New York State Environmental Quality Review Act (SEQR). The FRA and the NYSDOT will use a tiered process, as provided for in 40 CFR 1508.28, in the completion of the environmental review of the project. "Tiering" is a staged environmental review process applied to environmental reviews for complex projects. The initial phase ("Tier 1 EIS") of this process will address

broad service-level issues and proposals. Subsequent phases or tiers will analyze, at a greater level of detail, narrower site-specific proposals based on the decisions made in Tier 1.

Scope of Agency Involvement: Issues that will be analyzed at the service level in this Tier 1 EIS include ways to introduce travel speeds of at least 110 mph in places along the Empire Corridor where those speeds are not possible, and to improve the reliability, travel times and frequency of passenger train service in order to attract additional passengers and be more competitive with other intercity transportation modes. The project will establish specific goals for train frequency, trip time, and on-time performance and identify operational changes and investments in infrastructure and equipment necessary to achieve those goals. The EIS will address the project's potential effects on noise, air, water quality, and cultural and recreational resources, as well as other social, economic and environmental effects. A result of the Tier 1 EIS will be identification of further analysis required in Tier 2 NEPA document(s) for specific improvement projects.

As part of the process for determining the scope of issues to be addressed in the Tier 1 Draft 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 project may require a permit or approval from your agency, we request your agency to be a cooperating agency.

We expect your agency's involvement to entail only those areas under its jurisdiction or 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 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, as applicable, including those related to project alternatives, environmental consequences and mitigation. Further, we intend to utilize the EIS and FRA's subsequent record of decision as our decision-making documents and as the basis for the permit application.

Public Involvement: Scoping meetings will be held from **5:30 to 7:30 pm** in Buffalo, Rochester, Syracuse, Utica, Albany, and New York City, in late October and early November. We encourage you to attend. A Scoping Information Package will be available in the days ahead.

A public hearing will be held after publication of the Tier 1 DEIS to obtain comments on that document. Public notice will be given prior to the hearing regarding its time and location and process for submitting comments.

We look forward to your comments and response to this request and your participation 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 David Chan or the Project team via empirecorridor@dot.state.ny.us. Please forward any initial comments and confirmation that you will be or will not be a cooperating agency to us by October 15, 2010. E-mail replies should be sent to David Chan at NYSDOT at empirecorridor@dot.state.ny.us.

Sincerely,

A handwritten signature in cursive script that reads "Marie Corrado".

Marie Corrado
Director of Major Projects



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232
www.nysdot.gov

STANLEY GEE
ACTING COMMISSIONER

DAVID A. PATERSON
GOVERNOR

October 7, 2010

Mr. Leonard Houston
US Army Corps of Engineers (USACE)
26 Federal Plaza, Room 2109
New York, NY 10278

Re: PIN S937.51.171, High Speed Rail Empire Corridor Project
Tier 1 Environmental Impact Statement
New York City to Buffalo/Niagara Falls

Ladies and Gentlemen:

The New York State Department of Transportation (NYSDOT), in cooperation with the Federal Railroad Administration (FRA), is initiating development of a Tier 1 Service Level Environmental Impact Statement (EIS) of proposed improvements to intercity passenger rail service along the Empire Corridor between New York City, New York and Niagara Falls, New York. The 463-mile Empire Corridor begins at Moynihan/Pennsylvania (Penn) Station in New York City (New York County), proceeds north to Yonkers and Croton-Harmon (Westchester County), Poughkeepsie (Dutchess County) and Albany-Rensselaer (Albany County), then turns west to Schenectady (Schenectady County), Utica (Oneida County), Syracuse (Onondaga County), Rochester (Monroe County), Buffalo (Erie County), and terminates at Niagara Falls (Niagara County).

Environmental Review Process: The Environmental Impact Statement (EIS) will be developed in accordance with the National Environmental Policy Act of 1969 (NEPA), the environmental review provisions of Section 6002 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), and the New York State Environmental Quality Review Act (SEQR). The FRA and the NYSDOT will use a tiered process, as provided for in 40 CFR 1508.28, in the completion of the environmental review of the project. "Tiering" is a staged environmental review process applied to environmental reviews for complex projects. The initial phase ("Tier 1 EIS") of this process will address

broad service-level issues and proposals. Subsequent phases or tiers will analyze, at a greater level of detail, narrower site-specific proposals based on the decisions made in Tier 1.

Scope of Agency Involvement: Issues that will be analyzed at the service level in this Tier 1 EIS include ways to introduce travel speeds of at least 110 mph in places along the Empire Corridor where those speeds are not possible, and to improve the reliability, travel times and frequency of passenger train service in order to attract additional passengers and be more competitive with other intercity transportation modes. The project will establish specific goals for train frequency, trip time, and on-time performance and identify operational changes and investments in infrastructure and equipment necessary to achieve those goals. The EIS will address the project's potential effects on noise, air, water quality, and cultural and recreational resources, as well as other social, economic and environmental effects. A result of the Tier 1 EIS will be identification of further analysis required in Tier 2 NEPA document(s) for specific improvement projects.

As part of the process for determining the scope of issues to be addressed in the Tier 1 Draft 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 project may require a permit or approval from your agency, we request your agency to be a cooperating agency.

We expect your agency's involvement to entail only those areas under its jurisdiction or 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 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, as applicable, including those related to project alternatives, environmental consequences and mitigation. Further, we intend to utilize the EIS and FRA's subsequent record of decision as our decision-making documents and as the basis for the permit application.

Public Involvement: Scoping meetings will be held from **5:30 to 7:30 pm** in Buffalo, Rochester, Syracuse, Utica, Albany, and New York City, in late October and early November. We encourage you to attend. A Scoping Information Package will be available in the days ahead.

A public hearing will be held after publication of the Tier 1 DEIS to obtain comments on that document. Public notice will be given prior to the hearing regarding its time and location and process for submitting comments.

We look forward to your comments and response to this request and your participation 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 David Chan or the Project team via empirecorridor@dot.state.ny.us. Please forward any initial comments and confirmation that you will be or will not be a cooperating agency to us by October 15, 2010. E-mail replies should be sent to David Chan at NYSDOT at empirecorridor@dot.state.ny.us.

Sincerely,

A handwritten signature in cursive script that reads "Marie Corrado".

Marie Corrado
Director of Major Projects



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232
www.nysdot.gov

STANLEY GEE
ACTING COMMISSIONER

DAVID A. PATERSON
GOVERNOR

October 7, 2010

Ms. Anne Reynolds
NYS Department of Environmental Conservation (NYSDEC)
625 Broadway
Albany, NY 12233

Re: PIN S937.51.171, High Speed Rail Empire Corridor Project
Tier 1 Environmental Impact Statement
New York City to Buffalo/Niagara Falls

Ladies and Gentlemen:

The New York State Department of Transportation (NYSDOT), in cooperation with the Federal Railroad Administration (FRA), is initiating development of a Tier 1 Service Level Environmental Impact Statement (EIS) of proposed improvements to intercity passenger rail service along the Empire Corridor between New York City, New York and Niagara Falls, New York. The 463-mile Empire Corridor begins at Moynihan/Pennsylvania (Penn) Station in New York City (New York County), proceeds north to Yonkers and Croton-Harmon (Westchester County), Poughkeepsie (Dutchess County) and Albany-Rensselaer (Albany County), then turns west to Schenectady (Schenectady County), Utica (Oneida County), Syracuse (Onondaga County), Rochester (Monroe County), Buffalo (Erie County), and terminates at Niagara Falls (Niagara County).

Environmental Review Process: The Environmental Impact Statement (EIS) will be developed in accordance with the National Environmental Policy Act of 1969 (NEPA), the environmental review provisions of Section 6002 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), and the New York State Environmental Quality Review Act (SEQR). The FRA and the NYSDOT will use a tiered process, as provided for in 40 CFR 1508.28, in the completion of the environmental review of the project. "Tiering" is a staged environmental review process applied to environmental reviews for complex projects. The initial phase ("Tier 1 EIS") of this process will address

broad service-level issues and proposals. Subsequent phases or tiers will analyze, at a greater level of detail, narrower site-specific proposals based on the decisions made in Tier 1.

Scope of Agency Involvement: Issues that will be analyzed at the service level in this Tier 1 EIS include ways to introduce travel speeds of at least 110 mph in places along the Empire Corridor where those speeds are not possible, and to improve the reliability, travel times and frequency of passenger train service in order to attract additional passengers and be more competitive with other intercity transportation modes. The project will establish specific goals for train frequency, trip time, and on-time performance and identify operational changes and investments in infrastructure and equipment necessary to achieve those goals. The EIS will address the project's potential effects on noise, air, water quality, and cultural and recreational resources, as well as other social, economic and environmental effects. A result of the Tier 1 EIS will be identification of further analysis required in Tier 2 NEPA document(s) for specific improvement projects.

As part of the process for determining the scope of issues to be addressed in the Tier 1 Draft 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 project may require a permit or approval from your agency, we request your agency to be a cooperating agency.

We expect your agency's involvement to entail only those areas under its jurisdiction or 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 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, as applicable, including those related to project alternatives, environmental consequences and mitigation. Further, we intend to utilize the EIS and FRA's subsequent record of decision as our decision-making documents and as the basis for the permit application.

Public Involvement: Scoping meetings will be held from **5:30 to 7:30 pm** in Buffalo, Rochester, Syracuse, Utica, Albany, and New York City, in late October and early November. We encourage you to attend. A Scoping Information Package will be available in the days ahead.

A public hearing will be held after publication of the Tier 1 DEIS to obtain comments on that document. Public notice will be given prior to the hearing regarding its time and location and process for submitting comments.

We look forward to your comments and response to this request and your participation 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 David Chan or the Project team via empirecorridor@dot.state.ny.us. Please forward any initial comments and confirmation that you will be or will not be a cooperating agency to us by October 15, 2010. E-mail replies should be sent to David Chan at NYSDOT at empirecorridor@dot.state.ny.us.

Sincerely,

A handwritten signature in cursive script that reads "Marie A. Corrado".

Marie Corrado
Director of Major Projects



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232
www.nysdot.gov

STANLEY GEE
ACTING COMMISSIONER

DAVID A. PATERSON
GOVERNOR

October 7, 2010

Mr. Kevin Millington
NYS Department of State (NYSDOS)
41 State Street
Attn: Coastal Management Program
Albany, NY 12231

Re: PIN S937.51.171, High Speed Rail Empire Corridor Project
Tier 1 Environmental Impact Statement
New York City to Buffalo/Niagara Falls

Ladies and Gentlemen:

The New York State Department of Transportation (NYSDOT), in cooperation with the Federal Railroad Administration (FRA), is initiating development of a Tier 1 Service Level Environmental Impact Statement (EIS) of proposed improvements to intercity passenger rail service along the Empire Corridor between New York City, New York and Niagara Falls, New York. The 463-mile Empire Corridor begins at Moynihan/Pennsylvania (Penn) Station in New York City (New York County), proceeds north to Yonkers and Croton-Harmon (Westchester County), Poughkeepsie (Dutchess County) and Albany-Rensselaer (Albany County), then turns west to Schenectady (Schenectady County), Utica (Oneida County), Syracuse (Onondaga County), Rochester (Monroe County), Buffalo (Erie County), and terminates at Niagara Falls (Niagara County).

Environmental Review Process: The Environmental Impact Statement (EIS) will be developed in accordance with the National Environmental Policy Act of 1969 (NEPA), the environmental review provisions of Section 6002 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), and the New York State Environmental Quality Review Act (SEQR). The FRA and the NYSDOT will use a tiered process, as provided for in 40 CFR 1508.28, in the completion of the environmental review of the project. "Tiering" is a staged environmental review process applied to environmental reviews for complex projects. The initial phase ("Tier 1 EIS") of this process will address

broad service-level issues and proposals. Subsequent phases or tiers will analyze, at a greater level of detail, narrower site-specific proposals based on the decisions made in Tier 1.

Scope of Agency Involvement: Issues that will be analyzed at the service level in this Tier 1 EIS include ways to introduce travel speeds of at least 110 mph in places along the Empire Corridor where those speeds are not possible, and to improve the reliability, travel times and frequency of passenger train service in order to attract additional passengers and be more competitive with other intercity transportation modes. The project will establish specific goals for train frequency, trip time, and on-time performance and identify operational changes and investments in infrastructure and equipment necessary to achieve those goals. The EIS will address the project's potential effects on noise, air, water quality, and cultural and recreational resources, as well as other social, economic and environmental effects. A result of the Tier 1 EIS will be identification of further analysis required in Tier 2 NEPA document(s) for specific improvement projects.

As part of the process for determining the scope of issues to be addressed in the Tier 1 Draft 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 project may require a permit or approval from your agency, we request your agency to be a cooperating agency.

We expect your agency's involvement to entail only those areas under its jurisdiction or 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 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, as applicable, including those related to project alternatives, environmental consequences and mitigation. Further, we intend to utilize the EIS and FRA's subsequent record of decision as our decision-making documents and as the basis for the permit application.

Public Involvement: Scoping meetings will be held from **5:30 to 7:30 pm** in Buffalo, Rochester, Syracuse, Utica, Albany, and New York City, in late October and early November. We encourage you to attend. A Scoping Information Package will be available in the days ahead.

A public hearing will be held after publication of the Tier 1 DEIS to obtain comments on that document. Public notice will be given prior to the hearing regarding its time and location and process for submitting comments.

We look forward to your comments and response to this request and your participation 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 David Chan or the Project team via empirecorridor@dot.state.ny.us. Please forward any initial comments and confirmation that you will be or will not be a cooperating agency to us by October 15, 2010. E-mail replies should be sent to David Chan at NYSDOT at empirecorridor@dot.state.ny.us.

Sincerely,

A handwritten signature in cursive script that reads "Marie Corrado".

Marie Corrado
Director of Major Projects



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232
www.nysdot.gov

STANLEY GEE
ACTING COMMISSIONER

DAVID A. PATERSON
GOVERNOR

October 7, 2010

Ms. Anne Secord
US Fish & Wildlife Service (FWS)
3817 Luker Rd.
Cortland, NY 13045

Re: PIN S937.51.171, High Speed Rail Empire Corridor Project
Tier 1 Environmental Impact Statement
New York City to Buffalo/Niagara Falls

Ladies and Gentlemen:

The New York State Department of Transportation (NYSDOT), in cooperation with the Federal Railroad Administration (FRA), is initiating development of a Tier 1 Service Level Environmental Impact Statement (EIS) of proposed improvements to intercity passenger rail service along the Empire Corridor between New York City, New York and Niagara Falls, New York. The 463-mile Empire Corridor begins at Moynihan/Pennsylvania (Penn) Station in New York City (New York County), proceeds north to Yonkers and Croton-Harmon (Westchester County), Poughkeepsie (Dutchess County) and Albany-Rensselaer (Albany County), then turns west to Schenectady (Schenectady County), Utica (Oneida County), Syracuse (Onondaga County), Rochester (Monroe County), Buffalo (Erie County), and terminates at Niagara Falls (Niagara County).

Environmental Review Process: The Environmental Impact Statement (EIS) will be developed in accordance with the National Environmental Policy Act of 1969 (NEPA), the environmental review provisions of Section 6002 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), and the New York State Environmental Quality Review Act (SEQR). The FRA and the NYSDOT will use a tiered process, as provided for in 40 CFR 1508.28, in the completion of the environmental review of the project. "Tiering" is a staged environmental review process applied to environmental reviews for complex projects. The initial phase ("Tier 1 EIS") of this process will address

broad service-level issues and proposals. Subsequent phases or tiers will analyze, at a greater level of detail, narrower site-specific proposals based on the decisions made in Tier 1.

Scope of Agency Involvement: Issues that will be analyzed at the service level in this Tier 1 EIS include ways to introduce travel speeds of at least 110 mph in places along the Empire Corridor where those speeds are not possible, and to improve the reliability, travel times and frequency of passenger train service in order to attract additional passengers and be more competitive with other intercity transportation modes. The project will establish specific goals for train frequency, trip time, and on-time performance and identify operational changes and investments in infrastructure and equipment necessary to achieve those goals. The EIS will address the project's potential effects on noise, air, water quality, and cultural and recreational resources, as well as other social, economic and environmental effects. A result of the Tier 1 EIS will be identification of further analysis required in Tier 2 NEPA document(s) for specific improvement projects.

As part of the process for determining the scope of issues to be addressed in the Tier 1 Draft 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 project may require a permit or approval from your agency, we request your agency to be a cooperating agency.

We expect your agency's involvement to entail only those areas under its jurisdiction or 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 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, as applicable, including those related to project alternatives, environmental consequences and mitigation. Further, we intend to utilize the EIS and FRA's subsequent record of decision as our decision-making documents and as the basis for the permit application.

Public Involvement: Scoping meetings will be held from **5:30 to 7:30 pm** in Buffalo, Rochester, Syracuse, Utica, Albany, and New York City, in late October and early November. We encourage you to attend. A Scoping Information Package will be available in the days ahead.

A public hearing will be held after publication of the Tier 1 DEIS to obtain comments on that document. Public notice will be given prior to the hearing regarding its time and location and process for submitting comments.

We look forward to your comments and response to this request and your participation 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 David Chan or the Project team via empirecorridor@dot.state.ny.us. Please forward any initial comments and confirmation that you will be or will not be a cooperating agency to us by October 15, 2010. E-mail replies should be sent to David Chan at NYSDOT at empirecorridor@dot.state.ny.us.

Sincerely,

A handwritten signature in cursive script that reads "Marie Corrado".

Marie Corrado
Director of Major Projects



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232
www.nysdot.gov

STANLEY GEE
ACTING COMMISSIONER

DAVID A. PATERSON
GOVERNOR

October 7, 2010

Mr. Ronald Anzalone
Advisory Council on Historic Preservation (ACHP)
Old Post Office Building
1100 Pennsylvania Ave, N.W. Suite 809
Washington DC, 20004

Re: PIN S937.51.171, High Speed Rail Empire Corridor Project
Tier 1 Environmental Impact Statement
New York City to Buffalo/Niagara Falls

Ladies and Gentlemen:

The New York State Department of Transportation (NYSDOT), in cooperation with the Federal Railroad Administration (FRA), is initiating development of a Tier 1 Service Level Environmental Impact Statement (EIS) of proposed improvements to intercity passenger rail service along the Empire Corridor between New York City, New York and Niagara Falls, New York. The 463-mile Empire Corridor begins at Moynihan/Pennsylvania (Penn) Station in New York City (New York County), proceeds north to Yonkers and Croton-Harmon (Westchester County), Poughkeepsie (Dutchess County) and Albany-Rensselaer (Albany County), then turns west to Schenectady (Schenectady County), Utica (Oneida County), Syracuse (Onondaga County), Rochester (Monroe County), Buffalo (Erie County), and terminates at Niagara Falls (Niagara County).

Environmental Review Process: The Environmental Impact Statement (EIS) will be developed in accordance with the National Environmental Policy Act of 1969 (NEPA), the environmental review provisions of Section 6002 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), and the New York State Environmental Quality Review Act (SEQR). The FRA and the NYSDOT will use a tiered process, as provided for in 40 CFR 1508.28, in the completion of the environmental review of the project. "Tiering" is a staged environmental review process applied to environmental reviews for complex projects. The initial phase ("Tier 1 EIS") of this process will address

broad service-level issues and proposals. Subsequent phases or tiers will analyze, at a greater level of detail, narrower site-specific proposals based on the decisions made in Tier 1.

Scope of Agency Involvement: Issues that will be analyzed at the service level in this Tier 1 EIS include ways to introduce travel speeds of at least 110 mph in places along the Empire Corridor where those speeds are not possible, and to improve the reliability, travel times and frequency of passenger train service in order to attract additional passengers and be more competitive with other intercity transportation modes. The project will establish specific goals for train frequency, trip time, and on-time performance and identify operational changes and investments in infrastructure and equipment necessary to achieve those goals. The EIS will address the project's potential effects on noise, air, water quality, and cultural and recreational resources, as well as other social, economic and environmental effects. A result of the Tier 1 EIS will be identification of further analysis required in Tier 2 NEPA document(s) for specific improvement projects.

As part of the process for determining the scope of issues to be addressed in the Tier 1 Draft 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 project may require a permit or approval from your agency, we request your agency to be a cooperating agency.

We expect your agency's involvement to entail only those areas under its jurisdiction or 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 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, as applicable, including those related to project alternatives, environmental consequences and mitigation. Further, we intend to utilize the EIS and FRA's subsequent record of decision as our decision-making documents and as the basis for the permit application.

Public Involvement: Scoping meetings will be held from **5:30 to 7:30 pm** in Buffalo, Rochester, Syracuse, Utica, Albany, and New York City, in late October and early November. We encourage you to attend. A Scoping Information Package will be available in the days ahead.

A public hearing will be held after publication of the Tier 1 DEIS to obtain comments on that document. Public notice will be given prior to the hearing regarding its time and location and process for submitting comments.

We look forward to your comments and response to this request and your participation 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 David Chan or the Project team via empirecorridor@dot.state.ny.us. Please forward any initial comments and confirmation that you will be or will not be a cooperating agency to us by October 15, 2010. E-mail replies should be sent to David Chan at NYSDOT at empirecorridor@dot.state.ny.us.

Sincerely,

A handwritten signature in cursive script that reads "Marie Corrado".

Marie Corrado
Director of Major Projects



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232
www.nysdot.gov

STANLEY GEE
ACTING COMMISSIONER

DAVID A. PATERSON
GOVERNOR

October 7, 2010

Mr. William Hollister
Amtrak (National Railroad Passenger Corporation)
Amtrak General Offices, 525 East Street
Rensselaer, NY 12144

Re: PIN S937.51.171, High Speed Rail Empire Corridor Project
Tier 1 Environmental Impact Statement
New York City to Buffalo/Niagara Falls

Ladies and Gentlemen:

The New York State Department of Transportation (NYSDOT), in cooperation with the Federal Railroad Administration (FRA), is initiating development of a Tier 1 Service Level Environmental Impact Statement (EIS) of proposed improvements to intercity passenger rail service along the Empire Corridor between New York City, New York and Niagara Falls, New York. The 463-mile Empire Corridor begins at Moynihan/Pennsylvania (Penn) Station in New York City (New York County), proceeds north to Yonkers and Croton-Harmon (Westchester County), Poughkeepsie (Dutchess County) and Albany-Rensselaer (Albany County), then turns west to Schenectady (Schenectady County), Utica (Oneida County), Syracuse (Onondaga County), Rochester (Monroe County), Buffalo (Erie County), and terminates at Niagara Falls (Niagara County).

Environmental Review Process: The Environmental Impact Statement (EIS) will be developed in accordance with the National Environmental Policy Act of 1969 (NEPA), the environmental review provisions of Section 6002 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), and the New York State Environmental Quality Review Act (SEQR). The FRA and the NYSDOT will use a tiered process, as provided for in 40 CFR 1508.28, in the completion of the environmental review of the project. "Tiering" is a staged environmental review process applied to environmental reviews for complex projects. The initial phase ("Tier 1 EIS") of this process will address

broad service-level issues and proposals. Subsequent phases or tiers will analyze, at a greater level of detail, narrower site-specific proposals based on the decisions made in Tier 1.

Scope of Agency Involvement: Issues that will be analyzed at the service level in this Tier 1 EIS include ways to introduce travel speeds of at least 110 mph in places along the Empire Corridor where those speeds are not possible, and to improve the reliability, travel times and frequency of passenger train service in order to attract additional passengers and be more competitive with other intercity transportation modes. The project will establish specific goals for train frequency, trip time, and on-time performance and identify operational changes and investments in infrastructure and equipment necessary to achieve those goals. The EIS will address the project's potential effects on noise, air, water quality, and cultural and recreational resources, as well as other social, economic and environmental effects. A result of the Tier 1 EIS will be identification of further analysis required in Tier 2 NEPA document(s) for specific improvement projects.

As part of the process for determining the scope of issues to be addressed in the Tier 1 Draft 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 project may require a permit or approval from your agency, we request your agency to be a cooperating agency.

We expect your agency's involvement to entail only those areas under its jurisdiction or 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 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, as applicable, including those related to project alternatives, environmental consequences and mitigation. Further, we intend to utilize the EIS and FRA's subsequent record of decision as our decision-making documents and as the basis for the permit application.

Public Involvement: Scoping meetings will be held from **5:30 to 7:30 pm** in Buffalo, Rochester, Syracuse, Utica, Albany, and New York City, in late October and early November. We encourage you to attend. A Scoping Information Package will be available in the days ahead.

A public hearing will be held after publication of the Tier 1 DEIS to obtain comments on that document. Public notice will be given prior to the hearing regarding its time and location and process for submitting comments.

We look forward to your comments and response to this request and your participation 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 David Chan or the Project team via empirecorridor@dot.state.ny.us. Please forward any initial comments and confirmation that you will be or will not be a cooperating agency to us by October 15, 2010. E-mail replies should be sent to David Chan at NYSDOT at empirecorridor@dot.state.ny.us.

Sincerely,

A handwritten signature in cursive script that reads "Marie Corrado".

Marie Corrado
Director of Major Projects



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232
www.nysdot.gov

STANLEY GEE
ACTING COMMISSIONER

DAVID A. PATERSON
GOVERNOR

October 7, 2010

Mr. Peter Colosi
National Marine Fisheries Service (NMFS)
55 Great Republic Drive
Gloucester, MA 01930-2298

Re: PIN S937.51.171, High Speed Rail Empire Corridor Project
Tier 1 Environmental Impact Statement
New York City to Buffalo/Niagara Falls

Ladies and Gentlemen:

The New York State Department of Transportation (NYSDOT), in cooperation with the Federal Railroad Administration (FRA), is initiating development of a Tier 1 Service Level Environmental Impact Statement (EIS) of proposed improvements to intercity passenger rail service along the Empire Corridor between New York City, New York and Niagara Falls, New York. The 463-mile Empire Corridor begins at Moynihan/Pennsylvania (Penn) Station in New York City (New York County), proceeds north to Yonkers and Croton-Harmon (Westchester County), Poughkeepsie (Dutchess County) and Albany-Rensselaer (Albany County), then turns west to Schenectady (Schenectady County), Utica (Oneida County), Syracuse (Onondaga County), Rochester (Monroe County), Buffalo (Erie County), and terminates at Niagara Falls (Niagara County).

Environmental Review Process: The Environmental Impact Statement (EIS) will be developed in accordance with the National Environmental Policy Act of 1969 (NEPA), the environmental review provisions of Section 6002 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), and the New York State Environmental Quality Review Act (SEQR). The FRA and the NYSDOT will use a tiered process, as provided for in 40 CFR 1508.28, in the completion of the environmental review of the project. "Tiering" is a staged environmental review process applied to environmental reviews for complex projects. The initial phase ("Tier 1 EIS") of this process will address

broad service-level issues and proposals. Subsequent phases or tiers will analyze, at a greater level of detail, narrower site-specific proposals based on the decisions made in Tier 1.

Scope of Agency Involvement: Issues that will be analyzed at the service level in this Tier 1 EIS include ways to introduce travel speeds of at least 110 mph in places along the Empire Corridor where those speeds are not possible, and to improve the reliability, travel times and frequency of passenger train service in order to attract additional passengers and be more competitive with other intercity transportation modes. The project will establish specific goals for train frequency, trip time, and on-time performance and identify operational changes and investments in infrastructure and equipment necessary to achieve those goals. The EIS will address the project's potential effects on noise, air, water quality, and cultural and recreational resources, as well as other social, economic and environmental effects. A result of the Tier 1 EIS will be identification of further analysis required in Tier 2 NEPA document(s) for specific improvement projects.

As part of the process for determining the scope of issues to be addressed in the Tier 1 Draft 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 project may require a permit or approval from your agency, we request your agency to be a cooperating agency.

We expect your agency's involvement to entail only those areas under its jurisdiction or 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 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, as applicable, including those related to project alternatives, environmental consequences and mitigation. Further, we intend to utilize the EIS and FRA's subsequent record of decision as our decision-making documents and as the basis for the permit application.

Public Involvement: Scoping meetings will be held from **5:30 to 7:30 pm** in Buffalo, Rochester, Syracuse, Utica, Albany, and New York City, in late October and early November. We encourage you to attend. A Scoping Information Package will be available in the days ahead.

A public hearing will be held after publication of the Tier 1 DEIS to obtain comments on that document. Public notice will be given prior to the hearing regarding its time and location and process for submitting comments.

We look forward to your comments and response to this request and your participation 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 David Chan or the Project team via empirecorridor@dot.state.ny.us. Please forward any initial comments and confirmation that you will be or will not be a cooperating agency to us by October 15, 2010. E-mail replies should be sent to David Chan at NYSDOT at empirecorridor@dot.state.ny.us.

Sincerely,

A handwritten signature in cursive script that reads "Marie Corrado".

Marie Corrado
Director of Major Projects



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232
www.nysdot.gov

STANLEY GEE
ACTING COMMISSIONER

DAVID A. PATERSON
GOVERNOR

October 7, 2010

Mr. Andy Beers
NYS Office of Parks, Recreation & Historic Preservation
Agency Building 1
Albany, NY 12238

Re: PIN S937.51.171, High Speed Rail Empire Corridor Project
Tier 1 Environmental Impact Statement
New York City to Buffalo/Niagara Falls

Ladies and Gentlemen:

The New York State Department of Transportation (NYSDOT), in cooperation with the Federal Railroad Administration (FRA), is initiating development of a Tier 1 Service Level Environmental Impact Statement (EIS) of proposed improvements to intercity passenger rail service along the Empire Corridor between New York City, New York and Niagara Falls, New York. The 463-mile Empire Corridor begins at Moynihan/Pennsylvania (Penn) Station in New York City (New York County), proceeds north to Yonkers and Croton-Harmon (Westchester County), Poughkeepsie (Dutchess County) and Albany-Rensselaer (Albany County), then turns west to Schenectady (Schenectady County), Utica (Oneida County), Syracuse (Onondaga County), Rochester (Monroe County), Buffalo (Erie County), and terminates at Niagara Falls (Niagara County).

Environmental Review Process: The Environmental Impact Statement (EIS) will be developed in accordance with the National Environmental Policy Act of 1969 (NEPA), the environmental review provisions of Section 6002 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), and the New York State Environmental Quality Review Act (SEQR). The FRA and the NYSDOT will use a tiered process, as provided for in 40 CFR 1508.28, in the completion of the environmental review of the project. "Tiering" is a staged environmental review process applied to environmental reviews for complex projects. The initial phase ("Tier 1 EIS") of this process will address

broad service-level issues and proposals. Subsequent phases or tiers will analyze, at a greater level of detail, narrower site-specific proposals based on the decisions made in Tier 1.

Scope of Agency Involvement: Issues that will be analyzed at the service level in this Tier 1 EIS include ways to introduce travel speeds of at least 110 mph in places along the Empire Corridor where those speeds are not possible, and to improve the reliability, travel times and frequency of passenger train service in order to attract additional passengers and be more competitive with other intercity transportation modes. The project will establish specific goals for train frequency, trip time, and on-time performance and identify operational changes and investments in infrastructure and equipment necessary to achieve those goals. The EIS will address the project's potential effects on noise, air, water quality, and cultural and recreational resources, as well as other social, economic and environmental effects. A result of the Tier 1 EIS will be identification of further analysis required in Tier 2 NEPA document(s) for specific improvement projects.

As part of the process for determining the scope of issues to be addressed in the Tier 1 Draft 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 project may require a permit or approval from your agency, we request your agency to be a cooperating agency.

We expect your agency's involvement to entail only those areas under its jurisdiction or 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 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, as applicable, including those related to project alternatives, environmental consequences and mitigation. Further, we intend to utilize the EIS and FRA's subsequent record of decision as our decision-making documents and as the basis for the permit application.

Public Involvement: Scoping meetings will be held from **5:30 to 7:30 pm** in Buffalo, Rochester, Syracuse, Utica, Albany, and New York City, in late October and early November. We encourage you to attend. A Scoping Information Package will be available in the days ahead.

A public hearing will be held after publication of the Tier 1 DEIS to obtain comments on that document. Public notice will be given prior to the hearing regarding its time and location and process for submitting comments.

We look forward to your comments and response to this request and your participation 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 David Chan or the Project team via empirecorridor@dot.state.ny.us. Please forward any initial comments and confirmation that you will be or will not be a cooperating agency to us by October 15, 2010. E-mail replies should be sent to David Chan at NYSDOT at empirecorridor@dot.state.ny.us.

Sincerely,

A handwritten signature in cursive script that reads "Marie Corrado".

Marie Corrado
Director of Major Projects



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232
www.nysdot.gov

STANLEY GEE
ACTING COMMISSIONER

DAVID A. PATERSON
GOVERNOR

October 7, 2010

Mr. Gary Kassof
US Coast Guard
Battery Park Building
1 South St.
New York, NY 10004-5073

Re: PIN S937.51.171, High Speed Rail Empire Corridor Project
Tier 1 Environmental Impact Statement
New York City to Buffalo/Niagara Falls

Ladies and Gentlemen:

The New York State Department of Transportation (NYSDOT), in cooperation with the Federal Railroad Administration (FRA), is initiating development of a Tier 1 Service Level Environmental Impact Statement (EIS) of proposed improvements to intercity passenger rail service along the Empire Corridor between New York City, New York and Niagara Falls, New York. The 463-mile Empire Corridor begins at Moynihan/Pennsylvania (Penn) Station in New York City (New York County), proceeds north to Yonkers and Croton-Harmon (Westchester County), Poughkeepsie (Dutchess County) and Albany-Rensselaer (Albany County), then turns west to Schenectady (Schenectady County), Utica (Oneida County), Syracuse (Onondaga County), Rochester (Monroe County), Buffalo (Erie County), and terminates at Niagara Falls (Niagara County).

Environmental Review Process: The Environmental Impact Statement (EIS) will be developed in accordance with the National Environmental Policy Act of 1969 (NEPA), the environmental review provisions of Section 6002 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), and the New York State Environmental Quality Review Act (SEQR). The FRA and the NYSDOT will use a tiered process, as provided for in 40 CFR 1508.28, in the completion of the environmental review of the project. "Tiering" is a staged environmental review process applied to environmental reviews for complex projects. The initial phase ("Tier 1 EIS") of this process will address

broad service-level issues and proposals. Subsequent phases or tiers will analyze, at a greater level of detail, narrower site-specific proposals based on the decisions made in Tier 1.

Scope of Agency Involvement: Issues that will be analyzed at the service level in this Tier 1 EIS include ways to introduce travel speeds of at least 110 mph in places along the Empire Corridor where those speeds are not possible, and to improve the reliability, travel times and frequency of passenger train service in order to attract additional passengers and be more competitive with other intercity transportation modes. The project will establish specific goals for train frequency, trip time, and on-time performance and identify operational changes and investments in infrastructure and equipment necessary to achieve those goals. The EIS will address the project's potential effects on noise, air, water quality, and cultural and recreational resources, as well as other social, economic and environmental effects. A result of the Tier 1 EIS will be identification of further analysis required in Tier 2 NEPA document(s) for specific improvement projects.

As part of the process for determining the scope of issues to be addressed in the Tier 1 Draft 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 project may require a permit or approval from your agency, we request your agency to be a cooperating agency.

We expect your agency's involvement to entail only those areas under its jurisdiction or 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 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, as applicable, including those related to project alternatives, environmental consequences and mitigation. Further, we intend to utilize the EIS and FRA's subsequent record of decision as our decision-making documents and as the basis for the permit application.

Public Involvement: Scoping meetings will be held from **5:30 to 7:30 pm** in Buffalo, Rochester, Syracuse, Utica, Albany, and New York City, in late October and early November. We encourage you to attend. A Scoping Information Package will be available in the days ahead.

A public hearing will be held after publication of the Tier 1 DEIS to obtain comments on that document. Public notice will be given prior to the hearing regarding its time and location and process for submitting comments.

We look forward to your comments and response to this request and your participation 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 David Chan or the Project team via empirecorridor@dot.state.ny.us. Please forward any initial comments and confirmation that you will be or will not be a cooperating agency to us by October 15, 2010. E-mail replies should be sent to David Chan at NYSDOT at empirecorridor@dot.state.ny.us.

Sincerely,

A handwritten signature in cursive script that reads "Marie Corrado".

Marie Corrado
Director of Major Projects



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232
www.nysdot.gov

STANLEY GEE
ACTING COMMISSIONER

DAVID A. PATERSON
GOVERNOR

October 12, 2010

Mr. Dennis Reidenbach, Northeast Regional Director
National Park Service
U.S. Custom House
200 Chestnut Street, 5th Floor
Philadelphia, PA 19106

Re: PIN S937.51.171, High Speed Rail Empire Corridor Project
Tier 1 Environmental Impact Statement
New York City to Buffalo/Niagara Falls

Ladies and Gentlemen:

The New York State Department of Transportation (NYSDOT), in cooperation with the Federal Railroad Administration (FRA), is initiating development of a Tier 1 Service Level Environmental Impact Statement (EIS) of proposed improvements to intercity passenger rail service along the Empire Corridor between New York City, New York and Niagara Falls, New York. The 463-mile Empire Corridor begins at Moynihan/Pennsylvania (Penn) Station in New York City (New York County), proceeds north to Yonkers and Croton-Harmon (Westchester County), Poughkeepsie (Dutchess County) and Albany-Rensselaer (Albany County), then turns west to Schenectady (Schenectady County), Utica (Oneida County), Syracuse (Onondaga County), Rochester (Monroe County), Buffalo (Erie County), and terminates at Niagara Falls (Niagara County).

Environmental Review Process: The Environmental Impact Statement (EIS) will be developed in accordance with the National Environmental Policy Act of 1969 (NEPA), the environmental review provisions of Section 6002 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), and the New York State Environmental Quality Review Act (SEQR). The FRA and the NYSDOT will use a tiered process, as provided for in 40 CFR 1508.28, in the completion of the environmental review of the project. "Tiering" is a staged environmental review process applied to environmental reviews for complex projects. The initial phase ("Tier 1 EIS") of this process will address

broad service-level issues and proposals. Subsequent phases or tiers will analyze, at a greater level of detail, narrower site-specific proposals based on the decisions made in Tier 1.

Scope of Agency Involvement: Issues that will be analyzed at the service level in this Tier 1 EIS include ways to introduce travel speeds of at least 110 mph in places along the Empire Corridor where those speeds are not possible, and to improve the reliability, travel times and frequency of passenger train service in order to attract additional passengers and be more competitive with other intercity transportation modes. The project will establish specific goals for train frequency, trip time, and on-time performance and identify operational changes and investments in infrastructure and equipment necessary to achieve those goals. The EIS will address the project's potential effects on noise, air, water quality, and cultural and recreational resources, as well as other social, economic and environmental effects. A result of the Tier 1 EIS will be identification of further analysis required in Tier 2 NEPA document(s) for specific improvement projects.

As part of the process for determining the scope of issues to be addressed in the Tier 1 Draft 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 project may require a permit or approval from your agency, we request your agency to be a cooperating agency.

We expect your agency's involvement to entail only those areas under its jurisdiction or 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 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, as applicable, including those related to project alternatives, environmental consequences and mitigation. Further, we intend to utilize the EIS and FRA's subsequent record of decision as our decision-making documents and as the basis for the permit application.

Public Involvement: Scoping meetings will be held from **5:30 to 7:30 pm** in Buffalo, Rochester, Syracuse, Utica, Albany, and New York City, in late October and early November. We encourage you to attend. A Scoping Information Package will be available in the days ahead.

A public hearing will be held after publication of the Tier 1 DEIS to obtain comments on that document. Public notice will be given prior to the hearing regarding its time and location and process for submitting comments.

We look forward to your comments and response to this request and your participation 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 David Chan or the Project team via empirecorridor@dot.state.ny.us. Please forward any initial comments and confirmation that you will be or will not be a cooperating agency to us by October 15, 2010. E-mail replies should be sent to David Chan at NYSDOT at empirecorridor@dot.state.ny.us.

Sincerely,

A handwritten signature in cursive script that reads "Marie Corrado".

Marie Corrado
Director of Major Projects



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232
www.nysdot.gov

STANLEY GEE
ACTING COMMISSIONER

DAVID A. PATERSON
GOVERNOR

October 12, 2010

Ms. Ruth Pierpont, Director
New York State Historic Preservation Office
Peoples Island, P.O. Box 189
Waterford, NY 12188

Re: PIN S937.51.171, High Speed Rail Empire Corridor Project
Tier 1 Environmental Impact Statement
New York City to Buffalo/Niagara Falls

Ladies and Gentlemen:

The New York State Department of Transportation (NYSDOT), in cooperation with the Federal Railroad Administration (FRA), is initiating development of a Tier 1 Service Level Environmental Impact Statement (EIS) of proposed improvements to intercity passenger rail service along the Empire Corridor between New York City, New York and Niagara Falls, New York. The 463-mile Empire Corridor begins at Moynihan/Pennsylvania (Penn) Station in New York City (New York County), proceeds north to Yonkers and Croton-Harmon (Westchester County), Poughkeepsie (Dutchess County) and Albany-Rensselaer (Albany County), then turns west to Schenectady (Schenectady County), Utica (Oneida County), Syracuse (Onondaga County), Rochester (Monroe County), Buffalo (Erie County), and terminates at Niagara Falls (Niagara County).

Environmental Review Process: The Environmental Impact Statement (EIS) will be developed in accordance with the National Environmental Policy Act of 1969 (NEPA), the environmental review provisions of Section 6002 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), and the New York State Environmental Quality Review Act (SEQR). The FRA and the NYSDOT will use a tiered process, as provided for in 40 CFR 1508.28, in the completion of the environmental review of the project. "Tiering" is a staged environmental review process applied to

environmental reviews for complex projects. The initial phase (“Tier 1 EIS”) of this process will address broad service-level issues and proposals. Subsequent phases or tiers will analyze, at a greater level of detail, narrower site-specific proposals based on the decisions made in Tier 1.

Scope of Agency Involvement: Issues that will be analyzed at the service level in this Tier 1 EIS include ways to introduce travel speeds of at least 110 mph in places along the Empire Corridor where those speeds are not possible, and to improve the reliability, travel times and frequency of passenger train service in order to attract additional passengers and be more competitive with other intercity transportation modes. The project will establish specific goals for train frequency, trip time, and on-time performance and identify operational changes and investments in infrastructure and equipment necessary to achieve those goals. The EIS will address the project's potential effects on noise, air, water quality, and cultural and recreational resources, as well as other social, economic and environmental effects. A result of the Tier 1 EIS will be identification of further analysis required in Tier 2 NEPA document(s) for specific improvement projects.

As part of the process for determining the scope of issues to be addressed in the Tier 1 Draft 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 project may require a permit or approval from your agency, we request your agency to be a cooperating agency.

We expect your agency's involvement to entail only those areas under its jurisdiction or 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 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, as applicable, including those related to project alternatives, environmental consequences and mitigation. Further, we intend to utilize the EIS and FRA's subsequent record of decision as our decision-making documents and as the basis for the permit application.

Public Involvement: Scoping meetings will be held from **5:30 to 7:30 pm** in Buffalo, Rochester, Syracuse, Utica, Albany, and New York City, in late October and early November. We encourage you to attend. A Scoping Information Package will be available in the days ahead.

A public hearing will be held after publication of the Tier 1 DEIS to obtain comments on that document. Public notice will be given prior to the hearing regarding its time and location and process for submitting comments.

We look forward to your comments and response to this request and your participation 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 David Chan or the Project team via empirecorridor@dot.state.ny.us. Please forward any initial comments and confirmation that you will be or will not be a cooperating agency to us by October 15, 2010. E-mail replies should be sent to David Chan at NYSDOT at empirecorridor@dot.state.ny.us.

Sincerely,



Marie Corrado
Director of Major Projects



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232
www.nysdot.gov

STANLEY GEE
ACTING COMMISSIONER

DAVID A. PATERSON
GOVERNOR

October 12, 2010

Mr. Bob Ewing
New York State Department of Environmental Conservation
Division of Environmental Permits
625 Broadway, 4th Floor
Albany, NY 12233

Re: PIN S937.51.171, High Speed Rail Empire Corridor Project
Tier 1 Environmental Impact Statement
New York City to Buffalo/Niagara Falls

Ladies and Gentlemen:

The New York State Department of Transportation (NYSDOT), in cooperation with the Federal Railroad Administration (FRA), is initiating development of a Tier 1 Service Level Environmental Impact Statement (EIS) of proposed improvements to intercity passenger rail service along the Empire Corridor between New York City, New York and Niagara Falls, New York. The 463-mile Empire Corridor begins at Moynihan/Pennsylvania (Penn) Station in New York City (New York County), proceeds north to Yonkers and Croton-Harmon (Westchester County), Poughkeepsie (Dutchess County) and Albany-Rensselaer (Albany County), then turns west to Schenectady (Schenectady County), Utica (Oneida County), Syracuse (Onondaga County), Rochester (Monroe County), Buffalo (Erie County), and terminates at Niagara Falls (Niagara County).

Environmental Review Process: The Environmental Impact Statement (EIS) will be developed in accordance with the National Environmental Policy Act of 1969 (NEPA), the environmental review provisions of Section 6002 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), and the New York State Environmental Quality Review Act (SEQR). The FRA and the NYSDOT will use a tiered process, as provided for in 40 CFR 1508.28, in the completion of the environmental review of the project. "Tiering" is a staged environmental review process applied to environmental reviews for complex projects. The initial phase ("Tier 1 EIS") of this process will address

broad service-level issues and proposals. Subsequent phases or tiers will analyze, at a greater level of detail, narrower site-specific proposals based on the decisions made in Tier 1.

Scope of Agency Involvement: Issues that will be analyzed at the service level in this Tier 1 EIS include ways to introduce travel speeds of at least 110 mph in places along the Empire Corridor where those speeds are not possible, and to improve the reliability, travel times and frequency of passenger train service in order to attract additional passengers and be more competitive with other intercity transportation modes. The project will establish specific goals for train frequency, trip time, and on-time performance and identify operational changes and investments in infrastructure and equipment necessary to achieve those goals. The EIS will address the project's potential effects on noise, air, water quality, and cultural and recreational resources, as well as other social, economic and environmental effects. A result of the Tier 1 EIS will be identification of further analysis required in Tier 2 NEPA document(s) for specific improvement projects.

As part of the process for determining the scope of issues to be addressed in the Tier 1 Draft 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 project may require a permit or approval from your agency, we request your agency to be a cooperating agency.

We expect your agency's involvement to entail only those areas under its jurisdiction or 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 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, as applicable, including those related to project alternatives, environmental consequences and mitigation. Further, we intend to utilize the EIS and FRA's subsequent record of decision as our decision-making documents and as the basis for the permit application.

Public Involvement: Scoping meetings will be held from **5:30 to 7:30 pm** in Buffalo, Rochester, Syracuse, Utica, Albany, and New York City, in late October and early November. We encourage you to attend. A Scoping Information Package will be available in the days ahead.

A public hearing will be held after publication of the Tier 1 DEIS to obtain comments on that document. Public notice will be given prior to the hearing regarding its time and location and process for submitting comments.

We look forward to your comments and response to this request and your participation 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 David Chan or the Project team via empirecorridor@dot.state.ny.us. Please forward any initial comments and confirmation that you will be or will not be a cooperating agency to us by October 15, 2010. E-mail replies should be sent to David Chan at NYSDOT at empirecorridor@dot.state.ny.us.

Sincerely,

A handwritten signature in cursive script that reads "Marie Corrado".

Marie Corrado
Director of Major Projects

This page intentionally left blank.

1.2 Cooperating Agency Responses

Index of Cooperating Agency Responses

Musumeci, Grace, Chief, Environmental Review Section, Strategic Planning and Multi-Media Programs Branch, U.S. Environmental Protection Agency, “High Speed Rail Empire Corridor Project Tier 1 EIS New York City to Buffalo/Niagara Falls - PIN S937.51.171,” Letter to David Chan, New York State Department of Transportation, October 14, 2010.

Kassof, Gary, Bridge Program Manager, First Coast Guard District, Letter to Marie Corrado, New York State Department of Transportation, November 5, 2010.

Alworth, Tom, Deputy Commissioner for Natural Resources, New York State Office of Parks, Recreation and Historic Preservation, “High Speed Rail Empire Corridor - response needed,” Email communication to Lindsay Zefting, HNTB Corporation, February 15, 2011.

Vaughn, Charlene, Advisory Council on Historic Preservation, “RE: Declined: FW: EPAC Meeting #1 (Materials and Information),” Email communication to Lindsay Zefting, HNTB Corporation, February 15, 2011.

This page intentionally left blank.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

OCT 14 2010

Mr. David Chan
High Speed Rail Project Manager
New York State Department of Transportation
50 Wolf Road
Albany, NY 12232

Re: High Speed Rail Empire Corridor Project Tier 1 EIS New York City to Buffalo/Niagara Falls – PIN S937.51.171

Dear Mr. Chan:

This is in response to your October 7, 2010 letter requesting that the Environmental Protection Agency (EPA) serve as a cooperating agency for the High Speed Rail Empire Corridor Project Tier 1 Environmental Impact Statement. EPA is pleased to accept the New York State Department of Transportation's (NYSDOT) offer. As such, we will continue to participate in the scoping process, assist with the development of information and analyses concerning EPA areas of expertise, and contribute staff time as appropriate, all to the level practicable. If NYSDOT has particular analyses or support in mind at this time, EPA would appreciate being made aware of those as soon as possible so we can make every effort to align our resources accordingly.

We would like to remind you that our participation does not preclude our review under the National Environmental Policy Act and comment authority under Section 309 of the Clean Air Act. Lingard Knutson will remain the contact person for this project. Her phone number is (212) 637-3747.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Grace Musumeci".

Grace Musumeci, Chief
Environmental Review Section

cc: T. Gibson, USDOT

U.S. Department of
Homeland Security

United States
Coast Guard



Commander
First Coast Guard District

One South Street
Battery Park Building
New York, NY 10004-1466
Staff Symbol: dpb
Phone: (212) 668-7165
Fax: (212) 668-7967

16591

November 5, 2010

Ms. Marie Corrado
Director of Major Projects
New York State Department of Transportation
50 Wolf Road
Albany, NY 12232

Dear Ms. Corrado:

This responds to your letters of 07 October 2010 concerning Project I.D. No. S937.51.171, High Speed Rail Empire Corridor Project.

The Coast Guard will agree to be a cooperating agency under the terms related in your Tier 1 Environmental Impact Statement letter. We expect that all navigational and other concerns will be addressed under appropriate sections of the environmental impact statement.

I had the pleasure of meeting with David Chan and Benjamin Martin from NYSDOT at the October 27, 2010 Public Meeting held in New York City. I discussed with them our interests in this project in regards to impacts to navigation due to construction of new bridges or modifications to existing bridges over navigable waters of the United States. As segments of this proposed project may fall under Coast Guard regulatory jurisdiction, we must decline your invitation to be a member of the Empire Project Advisory Committee (EPAC). However, we remain available to provide navigational related information as necessary.

Chris Bisignano of this office has been assigned as project manager and may be contacted at (212) 668-7994 for specifics regarding Coast Guard Bridge permitting requirements.

Sincerely,

A handwritten signature in cursive script that reads "Gary Kassof".

Gary Kassof
Bridge Program Manager
First Coast Guard District
By direction of the District Commander

Ben Fischer

From: Lindsay Zefting
Sent: Tuesday, February 22, 2011 4:20 PM
To: Ben Fischer
Subject: FW: High Speed Rail Empire Corridor - response needed

From: Alworth, Tom (ALB) [<mailto:Tom.Alworth@oprhp.state.ny.us>]
Sent: Tuesday, February 15, 2011 12:41 PM
To: Lindsay Zefting
Cc: Lyons, Thomas (ALB); Croll, Christina (ALB)
Subject: RE: High Speed Rail Empire Corridor - response needed

Yes Lindsay – Please list us as a cooperating Agency... the Hi speed tracks will likely pass very near to several state parks.

Tom Alworth
Deputy Commissioner for Natural Resources
NYS Office of Parks, Recreation and Historic Preservation

From: Lindsay Zefting [<mailto:lzefting@HNTB.com>]
Sent: Tuesday, February 15, 2011 9:19 AM
To: Alworth, Tom (ALB)
Cc: Ben Fischer
Subject: High Speed Rail Empire Corridor - response needed

Tom,
We're preparing for our second EPAC meeting and updating our contact lists. Can you confirm whether or not NYSOPRHP will be involved in the EPAC and would like to be a cooperating agency?
Thank you,
-Lindsay

Lindsay Zefting, EIT
Engineer I/Project Administrator

HNTB Corporation
1762 Central Avenue
Suite 301
Albany, New York 12205

Tel (518)218.5555
Fax(518)218.5556
www.hntb.com

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed.

If you are NOT the intended recipient or the person responsible for

delivering the e-mail to the intended recipient,
be advised that you have received this e-mail in error and that any use,
dissemination, forwarding, printing or copying this e-mail is strictly
prohibited.

Ben Fischer

From: Charlene Vaughn [cvaughn@achp.gov]
Sent: Tuesday, February 15, 2011 9:22 AM
To: Lindsay Zefting
Cc: Reid Nelson; Ben Fischer; Louise Brodnitz
Subject: RE: Declined: FW: EPAC Meeting #1 (Materials & Information)

Lindsay,

I don't think that there is a need for us to participate at this time. Thanks, and please keep us posted.

Charlene

From: Lindsay Zefting [<mailto:lzefting@HNTB.com>]
Sent: Tuesday, February 15, 2011 9:13 AM
To: Charlene Vaughn
Cc: Reid Nelson; Ben Fischer
Subject: RE: Declined: FW: EPAC Meeting #1 (Materials & Information)

Charlene,

We had sent ACHP an invitation for both the EPAC and to be a cooperating agency for the High Speed Rail Empire Corridor Project. Your response to the EPAC invitation is below. We're preparing for our second EPAC meeting and updating our lists.

Can you please confirm that ACHP does not wish to participate in the EPAC and whether or not ACHP will be a cooperating agency?

Thank you,
Lindsay

Lindsay Zefting, EIT
Engineer I/Project Administrator

HNTB Corporation
1762 Central Avenue
Suite 301
Albany, New York 12205

Tel (518)218.5555
Fax(518)218.5556
www.hntb.com

-----Original Appointment-----

From: Charlene Vaughn [<mailto:cvaughn@achp.gov>]
Sent: Friday, October 15, 2010 4:16 PM
To: Lindsay Zefting
Subject: Declined: FW: EPAC Meeting #1 (Materials & Information)
When: Monday, October 18, 2010 1:00 PM-4:00 PM (GMT-05:00) Eastern Time (US & Canada).
Where: Web Conference & CDTC (1 Park Place, 12205)

No. We probably can't commit the time or resources.

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed.

If you are NOT the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing or copying this e-mail is strictly prohibited.

2. Participating Agencies Correspondence

This page intentionally left blank.

2.1 Participating Agency Invitation Letters

Index of Participating Agency Invitation Letters

Corrado, Marie, Director of Major Projects, State of New York Department of Transportation, “PIN S937.51.171, High Speed Rail Empire Corridor Project, Tier 1 Environmental Impact Statement, New York City to Buffalo/Niagara Falls,” Letter, October 7, 2010, to the following:

Mr. Joel Ettinger
New York Metropolitan Transportation Council (MTC)
199 Water Street, 22nd Floor
New York, NY 10038

Mr. Mark Debaldo
Poughkeepsie – Dutchess County Transportation Council (PDCTC)
27 High Street, 2nd Floor
Poughkeepsie, NY 12601

Mr. Dennis Doyle
Ulster County Transportation Council (UCTC)
244 Fair Street P.O. Box 1800
Kingston, NY 12402

Mr. John Czamanske
Orange County Transportation Council
124 Main Street
Goshen, NY 10924

Mr. Christopher O'Neill
Capital District Transportation Committee (CDTC)
One Park Place
Albany, NY 12205

Mr. Harry Miller
Herkimer-Oneida Counties Transportation Study
Boehlert Center at Union Station
321 Main Street
Utica, NY 13501

Mr. James D'Agostino
Syracuse Metropolitan Transportation Council
100 Clinton Square
126 N. Salina Street, Suite 100
Syracuse, NY 13202

Mr. Richard Perrin
Genesee Transportation Council (GTC)
50 West Main Street
Suite 8112
Rochester, NY 14614

Mr. Hal Morse
Greater Buffalo – Niagara Regional Transportation Council (GBNRTC)
438 Main Street
Buffalo, NY 14202

Mr. Matthew Behnke
Federal Emergency Management Agency
FEMA Headquarters
500c Street SW, Suite 713
Washington DC 20472

Mr. Frank Kobliski
Central New York Regional Transportation Authority
(CENTRO)
P.O. Box 820
Syracuse, NY 13205-0820

Mr. William Wheeler
Metropolitan Transit Authority (MTA)
347 Madison Ave
New York, NY 10017

Mr. Lawrence Meckler
Niagara Frontier Transportation Authority (NFTA)
181 Ellicott Street
Buffalo, NY 14203

Mr. Mark Aesch
Rochester Genesee Regional Transportation Authority (RGRTA)
1372 East Main Street
Rochester, NY 14609

Corrado, Marie, Director of Major Projects, State of New York Department of Transportation, “PIN S937.51.171, High Speed Rail Empire Corridor Project, Tier 1 Environmental Impact Statement, New York City to Buffalo/Niagara Falls,” Letter, October 12, 2010, to the following:

Mr. Carm Basile, Executive Director
Capital District Transportation Authority
110 Watervliet Avenue
Albany, NY 12206

Mr. Brian Sterman, Deputy Director for Long Range Planning

Metro-North Railroad
347 Madison Avenue
New York, NY 10017

Ms. Carmella Mantello, Director
New York State Canal Corporation
200 Southern Boulevard, P.O. Box 189
Albany, NY 12201-0189

Mr. Kenneth Swanekamp, Director of Business Assistance
Erie County Department of Environment and Planning
County Office of Economic Development
Edward A. Rath County Office Building
95 Franklin Street, 10th Floor
Buffalo, NY 14202

Mr. Robert R. Kulikowski, Ph.D., Director
New York City Mayor's Office of Environmental Coordination
253 Broadway, 14th Floor
New York, NY 10007

Mr. Paul V. Rush, Deputy Commissioner
New York City Department of Environmental Protection
Bureau of Water Supply
P.O. Box 358
Grahamsville, NY 12740

Mr. Gary Heath, Director of Environmental Analysis
New York City Department of Environmental Protection
Bureau of Environmental Planning and Analysis
59-17 Junction Boulevard, 4th Floor
Flushing, NY 11373

Mr. Ray Hodge
New York City Department of Environmental Protection
Bureau of Environmental Compliance
Records Control
59-17 Junction Boulevard, 9th Floor
Corona, NY 11368

Mr. Daniel Grulich, Interagency Coordinator
New York City Department of Parks & Recreation
Olmsted Center, Room 24D
Flushing Meadows-Corona Park
Flushing, NY 11368

This page intentionally left blank.



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232
www.nysdot.gov

STANLEY GEE
ACTING COMMISSIONER

DAVID A. PATERSON
GOVERNOR

October 7, 2010

Mr. Joel Ettinger
New York Metropolitan Transportation Council (MTC)
199 Water Street, 22nd Floor
New York, NY 10038

Re: PIN S937.51.171, High Speed Rail Empire Corridor Project
Tier 1 Environmental Impact Statement
New York City to Buffalo/Niagara Falls

Ladies and Gentlemen:

The New York State Department of Transportation (NYSDOT), in cooperation with the Federal Railroad Administration (FRA), is initiating development of a Tier 1 Service Level Environmental Impact Statement (EIS) of proposed improvements to intercity passenger rail service along the Empire Corridor between New York City, New York and Niagara Falls, New York. The 463-mile Empire Corridor begins at Moynihan/Pennsylvania (Penn) Station in New York City (New York County), proceeds north to Yonkers and Croton-Harmon (Westchester County), Poughkeepsie (Dutchess County) and Albany-Rensselaer (Albany County), then turns west to Schenectady (Schenectady County), Utica (Oneida County), Syracuse (Onondaga County), Rochester (Monroe County), Buffalo (Erie County), and terminates at Niagara Falls (Niagara County).

Environmental Review Process: The Environmental Impact Statement (EIS) will be developed in accordance with the National Environmental Policy Act of 1969 (NEPA), the environmental review provisions of Section 6002 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), and the New York State Environmental Quality Review Act (SEQR). The FRA and the NYSDOT will use a tiered process, as provided for in 40 CFR 1508.28, in the completion of the environmental review of the project. "Tiering" is a staged environmental review process applied to environmental reviews for complex projects. The initial phase ("Tier 1 EIS") of this process will address broad service-level issues and proposals. Subsequent phases or tiers will analyze, at a greater level of detail, narrower site-specific proposals based on the decisions made in Tier 1.

Scope of Agency Involvement: Issues that will be analyzed at the service level in this Tier 1 EIS include ways to introduce travel speeds of at least 110 mph in places along the Empire Corridor where those speeds are not possible, and to improve the reliability, travel times and frequency of passenger train service in order to attract additional passengers and be more competitive with other intercity

transportation modes. The project will establish specific goals for train frequency, trip time, and on-time performance and identify operational changes and investments in infrastructure and equipment necessary to achieve those goals. The EIS will address the project's potential effects on noise, air, water quality, and cultural and recreational resources, as well as other social, economic and environmental effects. A result of the Tier 1 EIS will be identification of further analysis required in Tier 2 NEPA document(s) for specific improvement projects.

As part of the process for determining the scope of issues to be addressed in the Tier 1 Draft 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 project might impact resources your agency is involved with, we request your agency to be a participating agency. Pursuant to Section 6002 of SAFETEA-LU, participating agencies are responsible to identify, as early as practicable, any issues of concern regarding the project's potential impacts.

We expect your agency's involvement to entail only those areas under its jurisdiction or 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. Provide meaningful and timely input.

We look forward to your comments and response to this request and your role as a participating 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 David Chan or the Project team via empirecorridor@dot.state.ny.us. Please forward any initial comments and confirmation that you will be a participating agency to us by October 15, 2010. E-mail replies should be sent to David Chan at NYSDOT at empirecorridor@dot.state.ny.us.

Sincerely,



Marie Corrado
Director of Major Projects



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232
www.nysdot.gov

STANLEY GEE
ACTING COMMISSIONER

DAVID A. PATERSON
GOVERNOR

October 7, 2010

Mr. Mark Debald
Poughkeepsie – Dutchess County Transportation Council (PDCTC)
27 High Street, 2nd Floor
Poughkeepsie, NY 12601

Re: PIN S937.51.171, High Speed Rail Empire Corridor Project
Tier 1 Environmental Impact Statement
New York City to Buffalo/Niagara Falls

Ladies and Gentlemen:

The New York State Department of Transportation (NYSDOT), in cooperation with the Federal Railroad Administration (FRA), is initiating development of a Tier 1 Service Level Environmental Impact Statement (EIS) of proposed improvements to intercity passenger rail service along the Empire Corridor between New York City, New York and Niagara Falls, New York. The 463-mile Empire Corridor begins at Moynihan/Pennsylvania (Penn) Station in New York City (New York County), proceeds north to Yonkers and Croton-Harmon (Westchester County), Poughkeepsie (Dutchess County) and Albany-Rensselaer (Albany County), then turns west to Schenectady (Schenectady County), Utica (Oneida County), Syracuse (Onondaga County), Rochester (Monroe County), Buffalo (Erie County), and terminates at Niagara Falls (Niagara County).

Environmental Review Process: The Environmental Impact Statement (EIS) will be developed in accordance with the National Environmental Policy Act of 1969 (NEPA), the environmental review provisions of Section 6002 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), and the New York State Environmental Quality Review Act (SEQR). The FRA and the NYSDOT will use a tiered process, as provided for in 40 CFR 1508.28, in the completion of the environmental review of the project. “Tiering” is a staged environmental review process applied to environmental reviews for complex projects. The initial phase (“Tier 1 EIS”) of this process will address broad service-level issues and proposals. Subsequent phases or tiers will analyze, at a greater level of detail, narrower site-specific proposals based on the decisions made in Tier 1.

Scope of Agency Involvement: Issues that will be analyzed at the service level in this Tier 1 EIS include ways to introduce travel speeds of at least 110 mph in places along the Empire Corridor where those speeds are not possible, and to improve the reliability, travel times and frequency of passenger train service in order to attract additional passengers and be more competitive with other intercity

transportation modes. The project will establish specific goals for train frequency, trip time, and on-time performance and identify operational changes and investments in infrastructure and equipment necessary to achieve those goals. The EIS will address the project's potential effects on noise, air, water quality, and cultural and recreational resources, as well as other social, economic and environmental effects. A result of the Tier 1 EIS will be identification of further analysis required in Tier 2 NEPA document(s) for specific improvement projects.

As part of the process for determining the scope of issues to be addressed in the Tier 1 Draft 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 project might impact resources your agency is involved with, we request your agency to be a participating agency. Pursuant to Section 6002 of SAFETEA-LU, participating agencies are responsible to identify, as early as practicable, any issues of concern regarding the project's potential impacts.

We expect your agency's involvement to entail only those areas under its jurisdiction or 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. Provide meaningful and timely input.

We look forward to your comments and response to this request and your role as a participating 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 David Chan or the Project team via empirecorridor@dot.state.ny.us. Please forward any initial comments and confirmation that you will be a participating agency to us by October 15, 2010. E-mail replies should be sent to David Chan at NYSDOT at empirecorridor@dot.state.ny.us.

Sincerely,



Marie Corrado
Director of Major Projects



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232
www.nysdot.gov

STANLEY GEE
ACTING COMMISSIONER

DAVID A. PATERSON
GOVERNOR

October 7, 2010

Mr. Dennis Doyle
Ulster County Transportation Council (UCTC)
244 Fair Street P.O. Box 1800
Kingston, NY 12402

Re: PIN S937.51.171, High Speed Rail Empire Corridor Project
Tier 1 Environmental Impact Statement
New York City to Buffalo/Niagara Falls

Ladies and Gentlemen:

The New York State Department of Transportation (NYSDOT), in cooperation with the Federal Railroad Administration (FRA), is initiating development of a Tier 1 Service Level Environmental Impact Statement (EIS) of proposed improvements to intercity passenger rail service along the Empire Corridor between New York City, New York and Niagara Falls, New York. The 463-mile Empire Corridor begins at Moynihan/Pennsylvania (Penn) Station in New York City (New York County), proceeds north to Yonkers and Croton-Harmon (Westchester County), Poughkeepsie (Dutchess County) and Albany-Rensselaer (Albany County), then turns west to Schenectady (Schenectady County), Utica (Oneida County), Syracuse (Onondaga County), Rochester (Monroe County), Buffalo (Erie County), and terminates at Niagara Falls (Niagara County).

Environmental Review Process: The Environmental Impact Statement (EIS) will be developed in accordance with the National Environmental Policy Act of 1969 (NEPA), the environmental review provisions of Section 6002 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), and the New York State Environmental Quality Review Act (SEQR). The FRA and the NYSDOT will use a tiered process, as provided for in 40 CFR 1508.28, in the completion of the environmental review of the project. "Tiering" is a staged environmental review process applied to environmental reviews for complex projects. The initial phase ("Tier 1 EIS") of this process will address broad service-level issues and proposals. Subsequent phases or tiers will analyze, at a greater level of detail, narrower site-specific proposals based on the decisions made in Tier 1.

Scope of Agency Involvement: Issues that will be analyzed at the service level in this Tier 1 EIS include ways to introduce travel speeds of at least 110 mph in places along the Empire Corridor where those speeds are not possible, and to improve the reliability, travel times and frequency of passenger train service in order to attract additional passengers and be more competitive with other intercity

transportation modes. The project will establish specific goals for train frequency, trip time, and on-time performance and identify operational changes and investments in infrastructure and equipment necessary to achieve those goals. The EIS will address the project's potential effects on noise, air, water quality, and cultural and recreational resources, as well as other social, economic and environmental effects. A result of the Tier 1 EIS will be identification of further analysis required in Tier 2 NEPA document(s) for specific improvement projects.

As part of the process for determining the scope of issues to be addressed in the Tier 1 Draft 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 project might impact resources your agency is involved with, we request your agency to be a participating agency. Pursuant to Section 6002 of SAFETEA-LU, participating agencies are responsible to identify, as early as practicable, any issues of concern regarding the project's potential impacts.

We expect your agency's involvement to entail only those areas under its jurisdiction or 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. Provide meaningful and timely input.

We look forward to your comments and response to this request and your role as a participating 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 David Chan or the Project team via empirecorridor@dot.state.ny.us. Please forward any initial comments and confirmation that you will be a participating agency to us by October 15, 2010. E-mail replies should be sent to David Chan at NYSDOT at empirecorridor@dot.state.ny.us.

Sincerely,



Marie Corrado
Director of Major Projects



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232
www.nysdot.gov

STANLEY GEE
ACTING COMMISSIONER

DAVID A. PATERSON
GOVERNOR

October 7, 2010

Mr. John Czamanske
Orange County Transportation Council
124 Main Street
Goshen, NY 10924

Re: PIN S937.51.171, High Speed Rail Empire Corridor Project
Tier 1 Environmental Impact Statement
New York City to Buffalo/Niagara Falls

Ladies and Gentlemen:

The New York State Department of Transportation (NYSDOT), in cooperation with the Federal Railroad Administration (FRA), is initiating development of a Tier 1 Service Level Environmental Impact Statement (EIS) of proposed improvements to intercity passenger rail service along the Empire Corridor between New York City, New York and Niagara Falls, New York. The 463-mile Empire Corridor begins at Moynihan/Pennsylvania (Penn) Station in New York City (New York County), proceeds north to Yonkers and Croton-Harmon (Westchester County), Poughkeepsie (Dutchess County) and Albany-Rensselaer (Albany County), then turns west to Schenectady (Schenectady County), Utica (Oneida County), Syracuse (Onondaga County), Rochester (Monroe County), Buffalo (Erie County), and terminates at Niagara Falls (Niagara County).

Environmental Review Process: The Environmental Impact Statement (EIS) will be developed in accordance with the National Environmental Policy Act of 1969 (NEPA), the environmental review provisions of Section 6002 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), and the New York State Environmental Quality Review Act (SEQR). The FRA and the NYSDOT will use a tiered process, as provided for in 40 CFR 1508.28, in the completion of the environmental review of the project. "Tiering" is a staged environmental review process applied to environmental reviews for complex projects. The initial phase ("Tier 1 EIS") of this process will address broad service-level issues and proposals. Subsequent phases or tiers will analyze, at a greater level of detail, narrower site-specific proposals based on the decisions made in Tier 1.

Scope of Agency Involvement: Issues that will be analyzed at the service level in this Tier 1 EIS include ways to introduce travel speeds of at least 110 mph in places along the Empire Corridor where those speeds are not possible, and to improve the reliability, travel times and frequency of passenger train service in order to attract additional passengers and be more competitive with other intercity

transportation modes. The project will establish specific goals for train frequency, trip time, and on-time performance and identify operational changes and investments in infrastructure and equipment necessary to achieve those goals. The EIS will address the project's potential effects on noise, air, water quality, and cultural and recreational resources, as well as other social, economic and environmental effects. A result of the Tier 1 EIS will be identification of further analysis required in Tier 2 NEPA document(s) for specific improvement projects.

As part of the process for determining the scope of issues to be addressed in the Tier 1 Draft 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 project might impact resources your agency is involved with, we request your agency to be a participating agency. Pursuant to Section 6002 of SAFETEA-LU, participating agencies are responsible to identify, as early as practicable, any issues of concern regarding the project's potential impacts.

We expect your agency's involvement to entail only those areas under its jurisdiction or 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. Provide meaningful and timely input.

We look forward to your comments and response to this request and your role as a participating 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 David Chan or the Project team via empirecorridor@dot.state.ny.us. Please forward any initial comments and confirmation that you will be a participating agency to us by October 15, 2010. E-mail replies should be sent to David Chan at NYSDOT at empirecorridor@dot.state.ny.us.

Sincerely,



Marie Corrado
Director of Major Projects



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232
www.nysdot.gov

STANLEY GEE
ACTING COMMISSIONER

DAVID A. PATERSON
GOVERNOR

October 7, 2010

Mr. Christopher O'Neill
Capital District Transportation Committee (CDTC)
One Park Place
Albany, NY 12205

Re: PIN S937.51.171, High Speed Rail Empire Corridor Project
Tier 1 Environmental Impact Statement
New York City to Buffalo/Niagara Falls

Ladies and Gentlemen:

The New York State Department of Transportation (NYSDOT), in cooperation with the Federal Railroad Administration (FRA), is initiating development of a Tier 1 Service Level Environmental Impact Statement (EIS) of proposed improvements to intercity passenger rail service along the Empire Corridor between New York City, New York and Niagara Falls, New York. The 463-mile Empire Corridor begins at Moynihan/Pennsylvania (Penn) Station in New York City (New York County), proceeds north to Yonkers and Croton-Harmon (Westchester County), Poughkeepsie (Dutchess County) and Albany-Rensselaer (Albany County), then turns west to Schenectady (Schenectady County), Utica (Oneida County), Syracuse (Onondaga County), Rochester (Monroe County), Buffalo (Erie County), and terminates at Niagara Falls (Niagara County).

Environmental Review Process: The Environmental Impact Statement (EIS) will be developed in accordance with the National Environmental Policy Act of 1969 (NEPA), the environmental review provisions of Section 6002 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), and the New York State Environmental Quality Review Act (SEQR). The FRA and the NYSDOT will use a tiered process, as provided for in 40 CFR 1508.28, in the completion of the environmental review of the project. "Tiering" is a staged environmental review process applied to environmental reviews for complex projects. The initial phase ("Tier 1 EIS") of this process will address broad service-level issues and proposals. Subsequent phases or tiers will analyze, at a greater level of detail, narrower site-specific proposals based on the decisions made in Tier 1.

Scope of Agency Involvement: Issues that will be analyzed at the service level in this Tier 1 EIS include ways to introduce travel speeds of at least 110 mph in places along the Empire Corridor where those speeds are not possible, and to improve the reliability, travel times and frequency of passenger train service in order to attract additional passengers and be more competitive with other intercity

transportation modes. The project will establish specific goals for train frequency, trip time, and on-time performance and identify operational changes and investments in infrastructure and equipment necessary to achieve those goals. The EIS will address the project's potential effects on noise, air, water quality, and cultural and recreational resources, as well as other social, economic and environmental effects. A result of the Tier 1 EIS will be identification of further analysis required in Tier 2 NEPA document(s) for specific improvement projects.

As part of the process for determining the scope of issues to be addressed in the Tier 1 Draft 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 project might impact resources your agency is involved with, we request your agency to be a participating agency. Pursuant to Section 6002 of SAFETEA-LU, participating agencies are responsible to identify, as early as practicable, any issues of concern regarding the project's potential impacts.

We expect your agency's involvement to entail only those areas under its jurisdiction or 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. Provide meaningful and timely input.

We look forward to your comments and response to this request and your role as a participating 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 David Chan or the Project team via empirecorridor@dot.state.ny.us. Please forward any initial comments and confirmation that you will be a participating agency to us by October 15, 2010. E-mail replies should be sent to David Chan at NYSDOT at empirecorridor@dot.state.ny.us.

Sincerely,



Marie Corrado
Director of Major Projects



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232
www.nysdot.gov

STANLEY GEE
ACTING COMMISSIONER

DAVID A. PATERSON
GOVERNOR

October 7, 2010

Mr. Harry Miller
Herkimer-Oneida Counties Transportation Study
Boehlert Center at Union Station
321 Main Street
Utica, NY 13501

Re: PIN S937.51.171, High Speed Rail Empire Corridor Project
Tier 1 Environmental Impact Statement
New York City to Buffalo/Niagara Falls

Ladies and Gentlemen:

The New York State Department of Transportation (NYSDOT), in cooperation with the Federal Railroad Administration (FRA), is initiating development of a Tier 1 Service Level Environmental Impact Statement (EIS) of proposed improvements to intercity passenger rail service along the Empire Corridor between New York City, New York and Niagara Falls, New York. The 463-mile Empire Corridor begins at Moynihan/Pennsylvania (Penn) Station in New York City (New York County), proceeds north to Yonkers and Croton-Harmon (Westchester County), Poughkeepsie (Dutchess County) and Albany-Rensselaer (Albany County), then turns west to Schenectady (Schenectady County), Utica (Oneida County), Syracuse (Onondaga County), Rochester (Monroe County), Buffalo (Erie County), and terminates at Niagara Falls (Niagara County).

Environmental Review Process: The Environmental Impact Statement (EIS) will be developed in accordance with the National Environmental Policy Act of 1969 (NEPA), the environmental review provisions of Section 6002 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), and the New York State Environmental Quality Review Act (SEQR). The FRA and the NYSDOT will use a tiered process, as provided for in 40 CFR 1508.28, in the completion of the environmental review of the project. "Tiering" is a staged environmental review process applied to environmental reviews for complex projects. The initial phase ("Tier 1 EIS") of this process will address broad service-level issues and proposals. Subsequent phases or tiers will analyze, at a greater level of detail, narrower site-specific proposals based on the decisions made in Tier 1.

Scope of Agency Involvement: Issues that will be analyzed at the service level in this Tier 1 EIS include ways to introduce travel speeds of at least 110 mph in places along the Empire Corridor where those speeds are not possible, and to improve the reliability, travel times and frequency of passenger train

service in order to attract additional passengers and be more competitive with other intercity transportation modes. The project will establish specific goals for train frequency, trip time, and on-time performance and identify operational changes and investments in infrastructure and equipment necessary to achieve those goals. The EIS will address the project's potential effects on noise, air, water quality, and cultural and recreational resources, as well as other social, economic and environmental effects. A result of the Tier 1 EIS will be identification of further analysis required in Tier 2 NEPA document(s) for specific improvement projects.

As part of the process for determining the scope of issues to be addressed in the Tier 1 Draft 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 project might impact resources your agency is involved with, we request your agency to be a participating agency. Pursuant to Section 6002 of SAFETEA-LU, participating agencies are responsible to identify, as early as practicable, any issues of concern regarding the project's potential impacts.

We expect your agency's involvement to entail only those areas under its jurisdiction or 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. Provide meaningful and timely input.

We look forward to your comments and response to this request and your role as a participating 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 David Chan or the Project team via empirecorridor@dot.state.ny.us. Please forward any initial comments and confirmation that you will be a participating agency to us by October 15, 2010. E-mail replies should be sent to David Chan at NYSDOT at empirecorridor@dot.state.ny.us.

Sincerely,



Marie Corrado
Director of Major Projects



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232
www.nysdot.gov

STANLEY GEE
ACTING COMMISSIONER

DAVID A. PATERSON
GOVERNOR

October 7, 2010

Mr. James D'Agostino
Syracuse Metropolitan Transportation Council
100 Clinton Square
126 N. Salina Street, Suite 100
Syracuse, NY 13202

Re: PIN S937.51.171, High Speed Rail Empire Corridor Project
Tier 1 Environmental Impact Statement
New York City to Buffalo/Niagara Falls

Ladies and Gentlemen:

The New York State Department of Transportation (NYSDOT), in cooperation with the Federal Railroad Administration (FRA), is initiating development of a Tier 1 Service Level Environmental Impact Statement (EIS) of proposed improvements to intercity passenger rail service along the Empire Corridor between New York City, New York and Niagara Falls, New York. The 463-mile Empire Corridor begins at Moynihan/Pennsylvania (Penn) Station in New York City (New York County), proceeds north to Yonkers and Croton-Harmon (Westchester County), Poughkeepsie (Dutchess County) and Albany-Rensselaer (Albany County), then turns west to Schenectady (Schenectady County), Utica (Oneida County), Syracuse (Onondaga County), Rochester (Monroe County), Buffalo (Erie County), and terminates at Niagara Falls (Niagara County).

Environmental Review Process: The Environmental Impact Statement (EIS) will be developed in accordance with the National Environmental Policy Act of 1969 (NEPA), the environmental review provisions of Section 6002 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), and the New York State Environmental Quality Review Act (SEQR). The FRA and the NYSDOT will use a tiered process, as provided for in 40 CFR 1508.28, in the completion of the environmental review of the project. "Tiering" is a staged environmental review process applied to environmental reviews for complex projects. The initial phase ("Tier 1 EIS") of this process will address broad service-level issues and proposals. Subsequent phases or tiers will analyze, at a greater level of detail, narrower site-specific proposals based on the decisions made in Tier 1.

Scope of Agency Involvement: Issues that will be analyzed at the service level in this Tier 1 EIS include ways to introduce travel speeds of at least 110 mph in places along the Empire Corridor where those speeds are not possible, and to improve the reliability, travel times and frequency of passenger train

service in order to attract additional passengers and be more competitive with other intercity transportation modes. The project will establish specific goals for train frequency, trip time, and on-time performance and identify operational changes and investments in infrastructure and equipment necessary to achieve those goals. The EIS will address the project's potential effects on noise, air, water quality, and cultural and recreational resources, as well as other social, economic and environmental effects. A result of the Tier 1 EIS will be identification of further analysis required in Tier 2 NEPA document(s) for specific improvement projects.

As part of the process for determining the scope of issues to be addressed in the Tier 1 Draft 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 project might impact resources your agency is involved with, we request your agency to be a participating agency. Pursuant to Section 6002 of SAFETEA-LU, participating agencies are responsible to identify, as early as practicable, any issues of concern regarding the project's potential impacts.

We expect your agency's involvement to entail only those areas under its jurisdiction or 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. Provide meaningful and timely input.

We look forward to your comments and response to this request and your role as a participating 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 David Chan or the Project team via empirecorridor@dot.state.ny.us. Please forward any initial comments and confirmation that you will be a participating agency to us by October 15, 2010. E-mail replies should be sent to David Chan at NYSDOT at empirecorridor@dot.state.ny.us.

Sincerely,



Marie Corrado
Director of Major Projects



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232
www.nysdot.gov

STANLEY GEE
ACTING COMMISSIONER

DAVID A. PATERSON
GOVERNOR

October 7, 2010

Mr. Richard Perrin
Genesee Transportation Council (GTC)
50 West Main Street
Suite 8112
Rochester, NY 14614

Re: PIN S937.51.171, High Speed Rail Empire Corridor Project
Tier 1 Environmental Impact Statement
New York City to Buffalo/Niagara Falls

Ladies and Gentlemen:

The New York State Department of Transportation (NYSDOT), in cooperation with the Federal Railroad Administration (FRA), is initiating development of a Tier 1 Service Level Environmental Impact Statement (EIS) of proposed improvements to intercity passenger rail service along the Empire Corridor between New York City, New York and Niagara Falls, New York. The 463-mile Empire Corridor begins at Moynihan/Pennsylvania (Penn) Station in New York City (New York County), proceeds north to Yonkers and Croton-Harmon (Westchester County), Poughkeepsie (Dutchess County) and Albany-Rensselaer (Albany County), then turns west to Schenectady (Schenectady County), Utica (Oneida County), Syracuse (Onondaga County), Rochester (Monroe County), Buffalo (Erie County), and terminates at Niagara Falls (Niagara County).

Environmental Review Process: The Environmental Impact Statement (EIS) will be developed in accordance with the National Environmental Policy Act of 1969 (NEPA), the environmental review provisions of Section 6002 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), and the New York State Environmental Quality Review Act (SEQR). The FRA and the NYSDOT will use a tiered process, as provided for in 40 CFR 1508.28, in the completion of the environmental review of the project. "Tiering" is a staged environmental review process applied to environmental reviews for complex projects. The initial phase ("Tier 1 EIS") of this process will address broad service-level issues and proposals. Subsequent phases or tiers will analyze, at a greater level of detail, narrower site-specific proposals based on the decisions made in Tier 1.

Scope of Agency Involvement: Issues that will be analyzed at the service level in this Tier 1 EIS include ways to introduce travel speeds of at least 110 mph in places along the Empire Corridor where those speeds are not possible, and to improve the reliability, travel times and frequency of passenger train

service in order to attract additional passengers and be more competitive with other intercity transportation modes. The project will establish specific goals for train frequency, trip time, and on-time performance and identify operational changes and investments in infrastructure and equipment necessary to achieve those goals. The EIS will address the project's potential effects on noise, air, water quality, and cultural and recreational resources, as well as other social, economic and environmental effects. A result of the Tier 1 EIS will be identification of further analysis required in Tier 2 NEPA document(s) for specific improvement projects.

As part of the process for determining the scope of issues to be addressed in the Tier 1 Draft 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 project might impact resources your agency is involved with, we request your agency to be a participating agency. Pursuant to Section 6002 of SAFETEA-LU, participating agencies are responsible to identify, as early as practicable, any issues of concern regarding the project's potential impacts.

We expect your agency's involvement to entail only those areas under its jurisdiction or 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. Provide meaningful and timely input.

We look forward to your comments and response to this request and your role as a participating 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 David Chan or the Project team via empirecorridor@dot.state.ny.us. Please forward any initial comments and confirmation that you will be a participating agency to us by October 15, 2010. E-mail replies should be sent to David Chan at NYSDOT at empirecorridor@dot.state.ny.us.

Sincerely,



Marie Corrado
Director of Major Projects



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232
www.nysdot.gov

STANLEY GEE
ACTING COMMISSIONER

DAVID A. PATERSON
GOVERNOR

October 7, 2010

Mr. Hal Morse
Greater Buffalo – Niagara Regional Transportation Council (GBNRTC)
438 Main Street
Buffalo, NY 14202

Re: PIN S937.51.171, High Speed Rail Empire Corridor Project
Tier 1 Environmental Impact Statement
New York City to Buffalo/Niagara Falls

Ladies and Gentlemen:

The New York State Department of Transportation (NYSDOT), in cooperation with the Federal Railroad Administration (FRA), is initiating development of a Tier 1 Service Level Environmental Impact Statement (EIS) of proposed improvements to intercity passenger rail service along the Empire Corridor between New York City, New York and Niagara Falls, New York. The 463-mile Empire Corridor begins at Moynihan/Pennsylvania (Penn) Station in New York City (New York County), proceeds north to Yonkers and Croton-Harmon (Westchester County), Poughkeepsie (Dutchess County) and Albany-Rensselaer (Albany County), then turns west to Schenectady (Schenectady County), Utica (Oneida County), Syracuse (Onondaga County), Rochester (Monroe County), Buffalo (Erie County), and terminates at Niagara Falls (Niagara County).

Environmental Review Process: The Environmental Impact Statement (EIS) will be developed in accordance with the National Environmental Policy Act of 1969 (NEPA), the environmental review provisions of Section 6002 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), and the New York State Environmental Quality Review Act (SEQR). The FRA and the NYSDOT will use a tiered process, as provided for in 40 CFR 1508.28, in the completion of the environmental review of the project. “Tiering” is a staged environmental review process applied to environmental reviews for complex projects. The initial phase (“Tier 1 EIS”) of this process will address broad service-level issues and proposals. Subsequent phases or tiers will analyze, at a greater level of detail, narrower site-specific proposals based on the decisions made in Tier 1.

Scope of Agency Involvement: Issues that will be analyzed at the service level in this Tier 1 EIS include ways to introduce travel speeds of at least 110 mph in places along the Empire Corridor where those speeds are not possible, and to improve the reliability, travel times and frequency of passenger train service in order to attract additional passengers and be more competitive with other intercity

transportation modes. The project will establish specific goals for train frequency, trip time, and on-time performance and identify operational changes and investments in infrastructure and equipment necessary to achieve those goals. The EIS will address the project's potential effects on noise, air, water quality, and cultural and recreational resources, as well as other social, economic and environmental effects. A result of the Tier 1 EIS will be identification of further analysis required in Tier 2 NEPA document(s) for specific improvement projects.

As part of the process for determining the scope of issues to be addressed in the Tier 1 Draft 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 project might impact resources your agency is involved with, we request your agency to be a participating agency. Pursuant to Section 6002 of SAFETEA-LU, participating agencies are responsible to identify, as early as practicable, any issues of concern regarding the project's potential impacts.

We expect your agency's involvement to entail only those areas under its jurisdiction or 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. Provide meaningful and timely input.

We look forward to your comments and response to this request and your role as a participating 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 David Chan or the Project team via empirecorridor@dot.state.ny.us. Please forward any initial comments and confirmation that you will be a participating agency to us by October 15, 2010. E-mail replies should be sent to David Chan at NYSDOT at empirecorridor@dot.state.ny.us.

Sincerely,



Marie Corrado
Director of Major Projects



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232
www.nysdot.gov

STANLEY GEE
ACTING COMMISSIONER

DAVID A. PATERSON
GOVERNOR

October 7, 2010

Mr. Matthew Behnke
Federal Emergency Management Agency
FEMA Headquarters
500c Street SW, Suite 713
Washington DC 20472

Re: PIN S937.51.171, High Speed Rail Empire Corridor Project
Tier 1 Environmental Impact Statement
New York City to Buffalo/Niagara Falls

Ladies and Gentlemen:

The New York State Department of Transportation (NYSDOT), in cooperation with the Federal Railroad Administration (FRA), is initiating development of a Tier 1 Service Level Environmental Impact Statement (EIS) of proposed improvements to intercity passenger rail service along the Empire Corridor between New York City, New York and Niagara Falls, New York. The 463-mile Empire Corridor begins at Moynihan/Pennsylvania (Penn) Station in New York City (New York County), proceeds north to Yonkers and Croton-Harmon (Westchester County), Poughkeepsie (Dutchess County) and Albany-Rensselaer (Albany County), then turns west to Schenectady (Schenectady County), Utica (Oneida County), Syracuse (Onondaga County), Rochester (Monroe County), Buffalo (Erie County), and terminates at Niagara Falls (Niagara County).

Environmental Review Process: The Environmental Impact Statement (EIS) will be developed in accordance with the National Environmental Policy Act of 1969 (NEPA), the environmental review provisions of Section 6002 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), and the New York State Environmental Quality Review Act (SEQR). The FRA and the NYSDOT will use a tiered process, as provided for in 40 CFR 1508.28, in the completion of the environmental review of the project. "Tiering" is a staged environmental review process applied to environmental reviews for complex projects. The initial phase ("Tier 1 EIS") of this process will address broad service-level issues and proposals. Subsequent phases or tiers will analyze, at a greater level of detail, narrower site-specific proposals based on the decisions made in Tier 1.

Scope of Agency Involvement: Issues that will be analyzed at the service level in this Tier 1 EIS include ways to introduce travel speeds of at least 110 mph in places along the Empire Corridor where those speeds are not possible, and to improve the reliability, travel times and frequency of passenger train

service in order to attract additional passengers and be more competitive with other intercity transportation modes. The project will establish specific goals for train frequency, trip time, and on-time performance and identify operational changes and investments in infrastructure and equipment necessary to achieve those goals. The EIS will address the project's potential effects on noise, air, water quality, and cultural and recreational resources, as well as other social, economic and environmental effects. A result of the Tier 1 EIS will be identification of further analysis required in Tier 2 NEPA document(s) for specific improvement projects.

As part of the process for determining the scope of issues to be addressed in the Tier 1 Draft 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 project might impact resources your agency is involved with, we request your agency to be a participating agency. Pursuant to Section 6002 of SAFETEA-LU, participating agencies are responsible to identify, as early as practicable, any issues of concern regarding the project's potential impacts.

We expect your agency's involvement to entail only those areas under its jurisdiction or 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. Provide meaningful and timely input.

We look forward to your comments and response to this request and your role as a participating 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 David Chan or the Project team via empirecorridor@dot.state.ny.us. Please forward any initial comments and confirmation that you will be a participating agency to us by October 15, 2010. E-mail replies should be sent to David Chan at NYSDOT at empirecorridor@dot.state.ny.us.

Sincerely,



Marie Corrado
Director of Major Projects



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232
www.nysdot.gov

STANLEY GEE
ACTING COMMISSIONER

DAVID A. PATERSON
GOVERNOR

October 7, 2010

Mr. Frank Kobliski
Central New York Regional Transportation Authority (CENTRO)
P.O. Box 820
Syracuse, NY 13205-0820

Re: PIN S937.51.171, High Speed Rail Empire Corridor Project
Tier 1 Environmental Impact Statement
New York City to Buffalo/Niagara Falls

Ladies and Gentlemen:

The New York State Department of Transportation (NYSDOT), in cooperation with the Federal Railroad Administration (FRA), is initiating development of a Tier 1 Service Level Environmental Impact Statement (EIS) of proposed improvements to intercity passenger rail service along the Empire Corridor between New York City, New York and Niagara Falls, New York. The 463-mile Empire Corridor begins at Moynihan/Pennsylvania (Penn) Station in New York City (New York County), proceeds north to Yonkers and Croton-Harmon (Westchester County), Poughkeepsie (Dutchess County) and Albany-Rensselaer (Albany County), then turns west to Schenectady (Schenectady County), Utica (Oneida County), Syracuse (Onondaga County), Rochester (Monroe County), Buffalo (Erie County), and terminates at Niagara Falls (Niagara County).

Environmental Review Process: The Environmental Impact Statement (EIS) will be developed in accordance with the National Environmental Policy Act of 1969 (NEPA), the environmental review provisions of Section 6002 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), and the New York State Environmental Quality Review Act (SEQR). The FRA and the NYSDOT will use a tiered process, as provided for in 40 CFR 1508.28, in the completion of the environmental review of the project. "Tiering" is a staged environmental review process applied to environmental reviews for complex projects. The initial phase ("Tier 1 EIS") of this process will address broad service-level issues and proposals. Subsequent phases or tiers will analyze, at a greater level of detail, narrower site-specific proposals based on the decisions made in Tier 1.

Scope of Agency Involvement: Issues that will be analyzed at the service level in this Tier 1 EIS include ways to introduce travel speeds of at least 110 mph in places along the Empire Corridor where those speeds are not possible, and to improve the reliability, travel times and frequency of passenger train

service in order to attract additional passengers and be more competitive with other intercity transportation modes. The project will establish specific goals for train frequency, trip time, and on-time performance and identify operational changes and investments in infrastructure and equipment necessary to achieve those goals. The EIS will address the project's potential effects on noise, air, water quality, and cultural and recreational resources, as well as other social, economic and environmental effects. A result of the Tier 1 EIS will be identification of further analysis required in Tier 2 NEPA document(s) for specific improvement projects.

As part of the process for determining the scope of issues to be addressed in the Tier 1 Draft 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 project might impact resources your agency is involved with, we request your agency to be a participating agency. Pursuant to Section 6002 of SAFETEA-LU, participating agencies are responsible to identify, as early as practicable, any issues of concern regarding the project's potential impacts.

We expect your agency's involvement to entail only those areas under its jurisdiction or 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. Provide meaningful and timely input.

We look forward to your comments and response to this request and your role as a participating 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 David Chan or the Project team via empirecorridor@dot.state.ny.us. Please forward any initial comments and confirmation that you will be a participating agency to us by October 15, 2010. E-mail replies should be sent to David Chan at NYSDOT at empirecorridor@dot.state.ny.us.

Sincerely,



Marie Corrado
Director of Major Projects



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232
www.nysdot.gov

STANLEY GEE
ACTING COMMISSIONER

DAVID A. PATERSON
GOVERNOR

October 7, 2010

Mr. William Wheeler
Metropolitan Transit Authority (MTA)
347 Madison Ave
New York, NY 10017

Re: PIN S937.51.171, High Speed Rail Empire Corridor Project
Tier 1 Environmental Impact Statement
New York City to Buffalo/Niagara Falls

Ladies and Gentlemen:

The New York State Department of Transportation (NYSDOT), in cooperation with the Federal Railroad Administration (FRA), is initiating development of a Tier 1 Service Level Environmental Impact Statement (EIS) of proposed improvements to intercity passenger rail service along the Empire Corridor between New York City, New York and Niagara Falls, New York. The 463-mile Empire Corridor begins at Moynihan/Pennsylvania (Penn) Station in New York City (New York County), proceeds north to Yonkers and Croton-Harmon (Westchester County), Poughkeepsie (Dutchess County) and Albany-Rensselaer (Albany County), then turns west to Schenectady (Schenectady County), Utica (Oneida County), Syracuse (Onondaga County), Rochester (Monroe County), Buffalo (Erie County), and terminates at Niagara Falls (Niagara County).

Environmental Review Process: The Environmental Impact Statement (EIS) will be developed in accordance with the National Environmental Policy Act of 1969 (NEPA), the environmental review provisions of Section 6002 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), and the New York State Environmental Quality Review Act (SEQR). The FRA and the NYSDOT will use a tiered process, as provided for in 40 CFR 1508.28, in the completion of the environmental review of the project. "Tiering" is a staged environmental review process applied to environmental reviews for complex projects. The initial phase ("Tier 1 EIS") of this process will address broad service-level issues and proposals. Subsequent phases or tiers will analyze, at a greater level of detail, narrower site-specific proposals based on the decisions made in Tier 1.

Scope of Agency Involvement: Issues that will be analyzed at the service level in this Tier 1 EIS include ways to introduce travel speeds of at least 110 mph in places along the Empire Corridor where those speeds are not possible, and to improve the reliability, travel times and frequency of passenger train

service in order to attract additional passengers and be more competitive with other intercity transportation modes. The project will establish specific goals for train frequency, trip time, and on-time performance and identify operational changes and investments in infrastructure and equipment necessary to achieve those goals. The EIS will address the project's potential effects on noise, air, water quality, and cultural and recreational resources, as well as other social, economic and environmental effects. A result of the Tier 1 EIS will be identification of further analysis required in Tier 2 NEPA document(s) for specific improvement projects.

As part of the process for determining the scope of issues to be addressed in the Tier 1 Draft 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 project might impact resources your agency is involved with, we request your agency to be a participating agency. Pursuant to Section 6002 of SAFETEA-LU, participating agencies are responsible to identify, as early as practicable, any issues of concern regarding the project's potential impacts.

We expect your agency's involvement to entail only those areas under its jurisdiction or 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. Provide meaningful and timely input.

We look forward to your comments and response to this request and your role as a participating 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 David Chan or the Project team via empirecorridor@dot.state.ny.us. Please forward any initial comments and confirmation that you will be a participating agency to us by October 15, 2010. E-mail replies should be sent to David Chan at NYSDOT at empirecorridor@dot.state.ny.us.

Sincerely,



Marie Corrado
Director of Major Projects



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232
www.nysdot.gov

STANLEY GEE
ACTING COMMISSIONER

DAVID A. PATERSON
GOVERNOR

October 7, 2010

Mr. Lawrence Meckler
Niagara Frontier Transportation Authority (NFTA)
181 Ellicott Street
Buffalo, NY 14203

Re: PIN S937.51.171, High Speed Rail Empire Corridor Project
Tier 1 Environmental Impact Statement
New York City to Buffalo/Niagara Falls

Ladies and Gentlemen:

The New York State Department of Transportation (NYSDOT), in cooperation with the Federal Railroad Administration (FRA), is initiating development of a Tier 1 Service Level Environmental Impact Statement (EIS) of proposed improvements to intercity passenger rail service along the Empire Corridor between New York City, New York and Niagara Falls, New York. The 463-mile Empire Corridor begins at Moynihan/Pennsylvania (Penn) Station in New York City (New York County), proceeds north to Yonkers and Croton-Harmon (Westchester County), Poughkeepsie (Dutchess County) and Albany-Rensselaer (Albany County), then turns west to Schenectady (Schenectady County), Utica (Oneida County), Syracuse (Onondaga County), Rochester (Monroe County), Buffalo (Erie County), and terminates at Niagara Falls (Niagara County).

Environmental Review Process: The Environmental Impact Statement (EIS) will be developed in accordance with the National Environmental Policy Act of 1969 (NEPA), the environmental review provisions of Section 6002 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), and the New York State Environmental Quality Review Act (SEQR). The FRA and the NYSDOT will use a tiered process, as provided for in 40 CFR 1508.28, in the completion of the environmental review of the project. "Tiering" is a staged environmental review process applied to environmental reviews for complex projects. The initial phase ("Tier 1 EIS") of this process will address broad service-level issues and proposals. Subsequent phases or tiers will analyze, at a greater level of detail, narrower site-specific proposals based on the decisions made in Tier 1.

Scope of Agency Involvement: Issues that will be analyzed at the service level in this Tier 1 EIS include ways to introduce travel speeds of at least 110 mph in places along the Empire Corridor where those speeds are not possible, and to improve the reliability, travel times and frequency of passenger train

service in order to attract additional passengers and be more competitive with other intercity transportation modes. The project will establish specific goals for train frequency, trip time, and on-time performance and identify operational changes and investments in infrastructure and equipment necessary to achieve those goals. The EIS will address the project's potential effects on noise, air, water quality, and cultural and recreational resources, as well as other social, economic and environmental effects. A result of the Tier 1 EIS will be identification of further analysis required in Tier 2 NEPA document(s) for specific improvement projects.

As part of the process for determining the scope of issues to be addressed in the Tier 1 Draft 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 project might impact resources your agency is involved with, we request your agency to be a participating agency. Pursuant to Section 6002 of SAFETEA-LU, participating agencies are responsible to identify, as early as practicable, any issues of concern regarding the project's potential impacts.

We expect your agency's involvement to entail only those areas under its jurisdiction or 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. Provide meaningful and timely input.

We look forward to your comments and response to this request and your role as a participating 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 David Chan or the Project team via empirecorridor@dot.state.ny.us. Please forward any initial comments and confirmation that you will be a participating agency to us by October 15, 2010. E-mail replies should be sent to David Chan at NYSDOT at empirecorridor@dot.state.ny.us.

Sincerely,



Marie Corrado
Director of Major Projects



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232
www.nysdot.gov

STANLEY GEE
ACTING COMMISSIONER

DAVID A. PATERSON
GOVERNOR

October 7, 2010

Mr. Mark Aesch
Rochester Genesee Regional Transportation Authority (RGRTA)
1372 East Main Street
Rochester, NY 14609

Re: PIN S937.51.171, High Speed Rail Empire Corridor Project
Tier 1 Environmental Impact Statement
New York City to Buffalo/Niagara Falls

Ladies and Gentlemen:

The New York State Department of Transportation (NYSDOT), in cooperation with the Federal Railroad Administration (FRA), is initiating development of a Tier 1 Service Level Environmental Impact Statement (EIS) of proposed improvements to intercity passenger rail service along the Empire Corridor between New York City, New York and Niagara Falls, New York. The 463-mile Empire Corridor begins at Moynihan/Pennsylvania (Penn) Station in New York City (New York County), proceeds north to Yonkers and Croton-Harmon (Westchester County), Poughkeepsie (Dutchess County) and Albany-Rensselaer (Albany County), then turns west to Schenectady (Schenectady County), Utica (Oneida County), Syracuse (Onondaga County), Rochester (Monroe County), Buffalo (Erie County), and terminates at Niagara Falls (Niagara County).

Environmental Review Process: The Environmental Impact Statement (EIS) will be developed in accordance with the National Environmental Policy Act of 1969 (NEPA), the environmental review provisions of Section 6002 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), and the New York State Environmental Quality Review Act (SEQR). The FRA and the NYSDOT will use a tiered process, as provided for in 40 CFR 1508.28, in the completion of the environmental review of the project. "Tiering" is a staged environmental review process applied to environmental reviews for complex projects. The initial phase ("Tier 1 EIS") of this process will address broad service-level issues and proposals. Subsequent phases or tiers will analyze, at a greater level of detail, narrower site-specific proposals based on the decisions made in Tier 1.

Scope of Agency Involvement: Issues that will be analyzed at the service level in this Tier 1 EIS include ways to introduce travel speeds of at least 110 mph in places along the Empire Corridor where those speeds are not possible, and to improve the reliability, travel times and frequency of passenger train

service in order to attract additional passengers and be more competitive with other intercity transportation modes. The project will establish specific goals for train frequency, trip time, and on-time performance and identify operational changes and investments in infrastructure and equipment necessary to achieve those goals. The EIS will address the project's potential effects on noise, air, water quality, and cultural and recreational resources, as well as other social, economic and environmental effects. A result of the Tier 1 EIS will be identification of further analysis required in Tier 2 NEPA document(s) for specific improvement projects.

As part of the process for determining the scope of issues to be addressed in the Tier 1 Draft 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 project might impact resources your agency is involved with, we request your agency to be a participating agency. Pursuant to Section 6002 of SAFETEA-LU, participating agencies are responsible to identify, as early as practicable, any issues of concern regarding the project's potential impacts.

We expect your agency's involvement to entail only those areas under its jurisdiction or 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. Provide meaningful and timely input.

We look forward to your comments and response to this request and your role as a participating 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 David Chan or the Project team via empirecorridor@dot.state.ny.us. Please forward any initial comments and confirmation that you will be a participating agency to us by October 15, 2010. E-mail replies should be sent to David Chan at NYSDOT at empirecorridor@dot.state.ny.us.

Sincerely,



Marie Corrado
Director of Major Projects



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232
www.nysdot.gov

STANLEY GEE
ACTING COMMISSIONER

DAVID A. PATERSON
GOVERNOR

October 12, 2010

Mr. Carm Basile, Executive Director
Capital District Transportation Authority
110 Watervliet Avenue
Albany, NY 12206

Re: PIN S937.51.171, High Speed Rail Empire Corridor Project
Tier 1 Environmental Impact Statement
New York City to Buffalo/Niagara Falls

Ladies and Gentlemen:

The New York State Department of Transportation (NYSDOT), in cooperation with the Federal Railroad Administration (FRA), is initiating development of a Tier 1 Service Level Environmental Impact Statement (EIS) of proposed improvements to intercity passenger rail service along the Empire Corridor between New York City, New York and Niagara Falls, New York. The 463-mile Empire Corridor begins at Moynihan/Pennsylvania (Penn) Station in New York City (New York County), proceeds north to Yonkers and Croton-Harmon (Westchester County), Poughkeepsie (Dutchess County) and Albany-Rensselaer (Albany County), then turns west to Schenectady (Schenectady County), Utica (Oneida County), Syracuse (Onondaga County), Rochester (Monroe County), Buffalo (Erie County), and terminates at Niagara Falls (Niagara County).

Environmental Review Process: The Environmental Impact Statement (EIS) will be developed in accordance with the National Environmental Policy Act of 1969 (NEPA), the environmental review provisions of Section 6002 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), and the New York State Environmental Quality Review Act (SEQR). The FRA and the NYSDOT will use a tiered process, as provided for in 40 CFR 1508.28, in the completion of the environmental review of the project. "Tiering" is a staged environmental review process applied to environmental reviews for complex projects. The initial phase ("Tier 1 EIS") of this process will address broad service-level issues and proposals. Subsequent phases or tiers will analyze, at a greater level of detail, narrower site-specific proposals based on the decisions made in Tier 1.

Scope of Agency Involvement: Issues that will be analyzed at the service level in this Tier 1 EIS include ways to introduce travel speeds of at least 110 mph in places along the Empire Corridor where those speeds are not possible, and to improve the reliability, travel times and frequency of passenger train service in order to attract additional passengers and be more competitive with other intercity

transportation modes. The project will establish specific goals for train frequency, trip time, and on-time performance and identify operational changes and investments in infrastructure and equipment necessary to achieve those goals. The EIS will address the project's potential effects on noise, air, water quality, and cultural and recreational resources, as well as other social, economic and environmental effects. A result of the Tier 1 EIS will be identification of further analysis required in Tier 2 NEPA document(s) for specific improvement projects.

As part of the process for determining the scope of issues to be addressed in the Tier 1 Draft 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 project might impact resources your agency is involved with, we request your agency to be a participating agency. Pursuant to Section 6002 of SAFETEA-LU, participating agencies are responsible to identify, as early as practicable, any issues of concern regarding the project's potential impacts.

We expect your agency's involvement to entail only those areas under its jurisdiction or 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. Provide meaningful and timely input.

We look forward to your comments and response to this request and your role as a participating 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 David Chan or the Project team via empirecorridor@dot.state.ny.us. Please forward any initial comments and confirmation that you will be a participating agency to us by October 15, 2010. E-mail replies should be sent to David Chan at NYSDOT at empirecorridor@dot.state.ny.us.

Sincerely,



Marie Corrado
Director of Major Projects



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232
www.nysdot.gov

STANLEY GEE
ACTING COMMISSIONER

DAVID A. PATERSON
GOVERNOR

October 12, 2010

Mr. Brian Sterman, Deputy Director for Long Range Planning
Metro-North Railroad
347 Madison Avenue
New York, NY 10017

Re: PIN S937.51.171, High Speed Rail Empire Corridor Project
Tier 1 Environmental Impact Statement
New York City to Buffalo/Niagara Falls

Ladies and Gentlemen:

The New York State Department of Transportation (NYSDOT), in cooperation with the Federal Railroad Administration (FRA), is initiating development of a Tier 1 Service Level Environmental Impact Statement (EIS) of proposed improvements to intercity passenger rail service along the Empire Corridor between New York City, New York and Niagara Falls, New York. The 463-mile Empire Corridor begins at Moynihan/Pennsylvania (Penn) Station in New York City (New York County), proceeds north to Yonkers and Croton-Harmon (Westchester County), Poughkeepsie (Dutchess County) and Albany-Rensselaer (Albany County), then turns west to Schenectady (Schenectady County), Utica (Oneida County), Syracuse (Onondaga County), Rochester (Monroe County), Buffalo (Erie County), and terminates at Niagara Falls (Niagara County).

Environmental Review Process: The Environmental Impact Statement (EIS) will be developed in accordance with the National Environmental Policy Act of 1969 (NEPA), the environmental review provisions of Section 6002 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), and the New York State Environmental Quality Review Act (SEQR). The FRA and the NYSDOT will use a tiered process, as provided for in 40 CFR 1508.28, in the completion of the environmental review of the project. "Tiering" is a staged environmental review process applied to environmental reviews for complex projects. The initial phase ("Tier 1 EIS") of this process will address broad service-level issues and proposals. Subsequent phases or tiers will analyze, at a greater level of detail, narrower site-specific proposals based on the decisions made in Tier 1.

Scope of Agency Involvement: Issues that will be analyzed at the service level in this Tier 1 EIS include ways to introduce travel speeds of at least 110 mph in places along the Empire Corridor where those speeds are not possible, and to improve the reliability, travel times and frequency of passenger train service in order to attract additional passengers and be more competitive with other intercity

transportation modes. The project will establish specific goals for train frequency, trip time, and on-time performance and identify operational changes and investments in infrastructure and equipment necessary to achieve those goals. The EIS will address the project's potential effects on noise, air, water quality, and cultural and recreational resources, as well as other social, economic and environmental effects. A result of the Tier 1 EIS will be identification of further analysis required in Tier 2 NEPA document(s) for specific improvement projects.

As part of the process for determining the scope of issues to be addressed in the Tier 1 Draft 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 project might impact resources your agency is involved with, we request your agency to be a participating agency. Pursuant to Section 6002 of SAFETEA-LU, participating agencies are responsible to identify, as early as practicable, any issues of concern regarding the project's potential impacts.

We expect your agency's involvement to entail only those areas under its jurisdiction or 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. Provide meaningful and timely input.

We look forward to your comments and response to this request and your role as a participating 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 David Chan or the Project team via empirecorridor@dot.state.ny.us. Please forward any initial comments and confirmation that you will be a participating agency to us by October 15, 2010. E-mail replies should be sent to David Chan at NYSDOT at empirecorridor@dot.state.ny.us.

Sincerely,



Marie Corrado
Director of Major Projects



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232
www.nysdot.gov

STANLEY GEE
ACTING COMMISSIONER

DAVID A. PATERSON
GOVERNOR

October 12, 2010

Ms. Carmella Mantello, Director
New York State Canal Corporation
200 Southern Boulevard, P.O. Box 189
Albany, NY 12201-0189

Re: PIN S937.51.171, High Speed Rail Empire Corridor Project
Tier 1 Environmental Impact Statement
New York City to Buffalo/Niagara Falls

Ladies and Gentlemen:

The New York State Department of Transportation (NYSDOT), in cooperation with the Federal Railroad Administration (FRA), is initiating development of a Tier 1 Service Level Environmental Impact Statement (EIS) of proposed improvements to intercity passenger rail service along the Empire Corridor between New York City, New York and Niagara Falls, New York. The 463-mile Empire Corridor begins at Moynihan/Pennsylvania (Penn) Station in New York City (New York County), proceeds north to Yonkers and Croton-Harmon (Westchester County), Poughkeepsie (Dutchess County) and Albany-Rensselaer (Albany County), then turns west to Schenectady (Schenectady County), Utica (Oneida County), Syracuse (Onondaga County), Rochester (Monroe County), Buffalo (Erie County), and terminates at Niagara Falls (Niagara County).

Environmental Review Process: The Environmental Impact Statement (EIS) will be developed in accordance with the National Environmental Policy Act of 1969 (NEPA), the environmental review provisions of Section 6002 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), and the New York State Environmental Quality Review Act (SEQR). The FRA and the NYSDOT will use a tiered process, as provided for in 40 CFR 1508.28, in the completion of the environmental review of the project. "Tiering" is a staged environmental review process applied to environmental reviews for complex projects. The initial phase ("Tier 1 EIS") of this process will address broad service-level issues and proposals. Subsequent phases or tiers will analyze, at a greater level of detail, narrower site-specific proposals based on the decisions made in Tier 1.

Scope of Agency Involvement: Issues that will be analyzed at the service level in this Tier 1 EIS include ways to introduce travel speeds of at least 110 mph in places along the Empire Corridor where those speeds are not possible, and to improve the reliability, travel times and frequency of passenger train service in order to attract additional passengers and be more competitive with other intercity

transportation modes. The project will establish specific goals for train frequency, trip time, and on-time performance and identify operational changes and investments in infrastructure and equipment necessary to achieve those goals. The EIS will address the project's potential effects on noise, air, water quality, and cultural and recreational resources, as well as other social, economic and environmental effects. A result of the Tier 1 EIS will be identification of further analysis required in Tier 2 NEPA document(s) for specific improvement projects.

As part of the process for determining the scope of issues to be addressed in the Tier 1 Draft 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 project might impact resources your agency is involved with, we request your agency to be a participating agency. Pursuant to Section 6002 of SAFETEA-LU, participating agencies are responsible to identify, as early as practicable, any issues of concern regarding the project's potential impacts.

We expect your agency's involvement to entail only those areas under its jurisdiction or 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. Provide meaningful and timely input.

We look forward to your comments and response to this request and your role as a participating 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 David Chan or the Project team via empirecorridor@dot.state.ny.us. Please forward any initial comments and confirmation that you will be a participating agency to us by October 15, 2010. E-mail replies should be sent to David Chan at NYSDOT at empirecorridor@dot.state.ny.us.

Sincerely,



Marie Corrado
Director of Major Projects



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232
www.nysdot.gov

STANLEY GEE
ACTING COMMISSIONER

DAVID A. PATERSON
GOVERNOR

October 12, 2010

Mr. Kenneth Swanekamp, Director of Business Assistance
Erie County Department of Environment and Planning
County Office of Economic Development
Edward A. Rath County Office Building
95 Franklin Street, 10th Floor
Buffalo, NY 14202

Re: PIN S937.51.171, High Speed Rail Empire Corridor Project
Tier 1 Environmental Impact Statement
New York City to Buffalo/Niagara Falls

Ladies and Gentlemen:

The New York State Department of Transportation (NYSDOT), in cooperation with the Federal Railroad Administration (FRA), is initiating development of a Tier 1 Service Level Environmental Impact Statement (EIS) of proposed improvements to intercity passenger rail service along the Empire Corridor between New York City, New York and Niagara Falls, New York. The 463-mile Empire Corridor begins at Moynihan/Pennsylvania (Penn) Station in New York City (New York County), proceeds north to Yonkers and Croton-Harmon (Westchester County), Poughkeepsie (Dutchess County) and Albany-Rensselaer (Albany County), then turns west to Schenectady (Schenectady County), Utica (Oneida County), Syracuse (Onondaga County), Rochester (Monroe County), Buffalo (Erie County), and terminates at Niagara Falls (Niagara County).

Environmental Review Process: The Environmental Impact Statement (EIS) will be developed in accordance with the National Environmental Policy Act of 1969 (NEPA), the environmental review provisions of Section 6002 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), and the New York State Environmental Quality Review Act (SEQR). The FRA and the NYSDOT will use a tiered process, as provided for in 40 CFR 1508.28, in the completion of the environmental review of the project. "Tiering" is a staged environmental review process applied to environmental reviews for complex projects. The initial phase ("Tier 1 EIS") of this process will address broad service-level issues and proposals. Subsequent phases or tiers will analyze, at a greater level of detail, narrower site-specific proposals based on the decisions made in Tier 1.

Scope of Agency Involvement: Issues that will be analyzed at the service level in this Tier 1 EIS include ways to introduce travel speeds of at least 110 mph in places along the Empire Corridor where those

speeds are not possible, and to improve the reliability, travel times and frequency of passenger train service in order to attract additional passengers and be more competitive with other intercity transportation modes. The project will establish specific goals for train frequency, trip time, and on-time performance and identify operational changes and investments in infrastructure and equipment necessary to achieve those goals. The EIS will address the project's potential effects on noise, air, water quality, and cultural and recreational resources, as well as other social, economic and environmental effects. A result of the Tier 1 EIS will be identification of further analysis required in Tier 2 NEPA document(s) for specific improvement projects.

As part of the process for determining the scope of issues to be addressed in the Tier 1 Draft 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 project might impact resources your agency is involved with, we request your agency to be a participating agency. Pursuant to Section 6002 of SAFETEA-LU, participating agencies are responsible to identify, as early as practicable, any issues of concern regarding the project's potential impacts.

We expect your agency's involvement to entail only those areas under its jurisdiction or 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. Provide meaningful and timely input.

We look forward to your comments and response to this request and your role as a participating 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 David Chan or the Project team via empirecorridor@dot.state.ny.us. Please forward any initial comments and confirmation that you will be a participating agency to us by October 15, 2010. E-mail replies should be sent to David Chan at NYSDOT at empirecorridor@dot.state.ny.us.

Sincerely,



Marie Corrado
Director of Major Projects



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232
www.nysdot.gov

STANLEY GEE
ACTING COMMISSIONER

DAVID A. PATERSON
GOVERNOR

October 12, 2010

Mr. Robert R. Kulikowski, Ph.D., Director
New York City Mayor's Office of Environmental Coordination
253 Broadway, 14th Floor
New York, NY 10007

Re: PIN S937.51.171, High Speed Rail Empire Corridor Project
Tier 1 Environmental Impact Statement
New York City to Buffalo/Niagara Falls

Ladies and Gentlemen:

The New York State Department of Transportation (NYSDOT), in cooperation with the Federal Railroad Administration (FRA), is initiating development of a Tier 1 Service Level Environmental Impact Statement (EIS) of proposed improvements to intercity passenger rail service along the Empire Corridor between New York City, New York and Niagara Falls, New York. The 463-mile Empire Corridor begins at Moynihan/Pennsylvania (Penn) Station in New York City (New York County), proceeds north to Yonkers and Croton-Harmon (Westchester County), Poughkeepsie (Dutchess County) and Albany-Rensselaer (Albany County), then turns west to Schenectady (Schenectady County), Utica (Oneida County), Syracuse (Onondaga County), Rochester (Monroe County), Buffalo (Erie County), and terminates at Niagara Falls (Niagara County).

Environmental Review Process: The Environmental Impact Statement (EIS) will be developed in accordance with the National Environmental Policy Act of 1969 (NEPA), the environmental review provisions of Section 6002 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), and the New York State Environmental Quality Review Act (SEQR). The FRA and the NYSDOT will use a tiered process, as provided for in 40 CFR 1508.28, in the completion of the environmental review of the project. "Tiering" is a staged environmental review process applied to environmental reviews for complex projects. The initial phase ("Tier 1 EIS") of this process will address broad service-level issues and proposals. Subsequent phases or tiers will analyze, at a greater level of detail, narrower site-specific proposals based on the decisions made in Tier 1.

Scope of Agency Involvement: Issues that will be analyzed at the service level in this Tier 1 EIS include ways to introduce travel speeds of at least 110 mph in places along the Empire Corridor where those speeds are not possible, and to improve the reliability, travel times and frequency of passenger train service in order to attract additional passengers and be more competitive with other intercity

transportation modes. The project will establish specific goals for train frequency, trip time, and on-time performance and identify operational changes and investments in infrastructure and equipment necessary to achieve those goals. The EIS will address the project's potential effects on noise, air, water quality, and cultural and recreational resources, as well as other social, economic and environmental effects. A result of the Tier 1 EIS will be identification of further analysis required in Tier 2 NEPA document(s) for specific improvement projects.

As part of the process for determining the scope of issues to be addressed in the Tier 1 Draft 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 project might impact resources your agency is involved with, we request your agency to be a participating agency. Pursuant to Section 6002 of SAFETEA-LU, participating agencies are responsible to identify, as early as practicable, any issues of concern regarding the project's potential impacts.

We expect your agency's involvement to entail only those areas under its jurisdiction or 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. Provide meaningful and timely input.

We look forward to your comments and response to this request and your role as a participating 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 David Chan or the Project team via empirecorridor@dot.state.ny.us. Please forward any initial comments and confirmation that you will be a participating agency to us by October 15, 2010. E-mail replies should be sent to David Chan at NYSDOT at empirecorridor@dot.state.ny.us.

Sincerely,



Marie Corrado
Director of Major Projects



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232
www.nysdot.gov

STANLEY GEE
ACTING COMMISSIONER

DAVID A. PATERSON
GOVERNOR

October 12, 2010

Mr. Paul V. Rush, Deputy Commissioner
New York City Department of Environmental Protection
Bureau of Water Supply
P.O. Box 358
Grahamsville, NY 12740

Re: PIN S937.51.171, High Speed Rail Empire Corridor Project
Tier 1 Environmental Impact Statement
New York City to Buffalo/Niagara Falls

Ladies and Gentlemen:

The New York State Department of Transportation (NYSDOT), in cooperation with the Federal Railroad Administration (FRA), is initiating development of a Tier 1 Service Level Environmental Impact Statement (EIS) of proposed improvements to intercity passenger rail service along the Empire Corridor between New York City, New York and Niagara Falls, New York. The 463-mile Empire Corridor begins at Moynihan/Pennsylvania (Penn) Station in New York City (New York County), proceeds north to Yonkers and Croton-Harmon (Westchester County), Poughkeepsie (Dutchess County) and Albany-Rensselaer (Albany County), then turns west to Schenectady (Schenectady County), Utica (Oneida County), Syracuse (Onondaga County), Rochester (Monroe County), Buffalo (Erie County), and terminates at Niagara Falls (Niagara County).

Environmental Review Process: The Environmental Impact Statement (EIS) will be developed in accordance with the National Environmental Policy Act of 1969 (NEPA), the environmental review provisions of Section 6002 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), and the New York State Environmental Quality Review Act (SEQR). The FRA and the NYSDOT will use a tiered process, as provided for in 40 CFR 1508.28, in the completion of the environmental review of the project. "Tiering" is a staged environmental review process applied to environmental reviews for complex projects. The initial phase ("Tier 1 EIS") of this process will address broad service-level issues and proposals. Subsequent phases or tiers will analyze, at a greater level of detail, narrower site-specific proposals based on the decisions made in Tier 1.

Scope of Agency Involvement: Issues that will be analyzed at the service level in this Tier 1 EIS include ways to introduce travel speeds of at least 110 mph in places along the Empire Corridor where those speeds are not possible, and to improve the reliability, travel times and frequency of passenger train

service in order to attract additional passengers and be more competitive with other intercity transportation modes. The project will establish specific goals for train frequency, trip time, and on-time performance and identify operational changes and investments in infrastructure and equipment necessary to achieve those goals. The EIS will address the project's potential effects on noise, air, water quality, and cultural and recreational resources, as well as other social, economic and environmental effects. A result of the Tier 1 EIS will be identification of further analysis required in Tier 2 NEPA document(s) for specific improvement projects.

As part of the process for determining the scope of issues to be addressed in the Tier 1 Draft 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 project might impact resources your agency is involved with, we request your agency to be a participating agency. Pursuant to Section 6002 of SAFETEA-LU, participating agencies are responsible to identify, as early as practicable, any issues of concern regarding the project's potential impacts.

We expect your agency's involvement to entail only those areas under its jurisdiction or 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. Provide meaningful and timely input.

We look forward to your comments and response to this request and your role as a participating 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 David Chan or the Project team via empirecorridor@dot.state.ny.us. Please forward any initial comments and confirmation that you will be a participating agency to us by October 15, 2010. E-mail replies should be sent to David Chan at NYSDOT at empirecorridor@dot.state.ny.us.

Sincerely,



Marie Corrado
Director of Major Projects



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232
www.nysdot.gov

STANLEY GEE
ACTING COMMISSIONER

DAVID A. PATERSON
GOVERNOR

October 12, 2010

Mr. Gary Heath, Director of Environmental Analysis
New York City Department of Environmental Protection
Bureau of Environmental Planning and Analysis
59-17 Junction Boulevard, 4th Floor
Flushing, NY 11373

Re: PIN S937.51.171, High Speed Rail Empire Corridor Project
Tier 1 Environmental Impact Statement
New York City to Buffalo/Niagara Falls

Ladies and Gentlemen:

The New York State Department of Transportation (NYSDOT), in cooperation with the Federal Railroad Administration (FRA), is initiating development of a Tier 1 Service Level Environmental Impact Statement (EIS) of proposed improvements to intercity passenger rail service along the Empire Corridor between New York City, New York and Niagara Falls, New York. The 463-mile Empire Corridor begins at Moynihan/Pennsylvania (Penn) Station in New York City (New York County), proceeds north to Yonkers and Croton-Harmon (Westchester County), Poughkeepsie (Dutchess County) and Albany-Rensselaer (Albany County), then turns west to Schenectady (Schenectady County), Utica (Oneida County), Syracuse (Onondaga County), Rochester (Monroe County), Buffalo (Erie County), and terminates at Niagara Falls (Niagara County).

Environmental Review Process: The Environmental Impact Statement (EIS) will be developed in accordance with the National Environmental Policy Act of 1969 (NEPA), the environmental review provisions of Section 6002 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), and the New York State Environmental Quality Review Act (SEQR). The FRA and the NYSDOT will use a tiered process, as provided for in 40 CFR 1508.28, in the completion of the environmental review of the project. "Tiering" is a staged environmental review process applied to environmental reviews for complex projects. The initial phase ("Tier 1 EIS") of this process will address broad service-level issues and proposals. Subsequent phases or tiers will analyze, at a greater level of detail, narrower site-specific proposals based on the decisions made in Tier 1.

Scope of Agency Involvement: Issues that will be analyzed at the service level in this Tier 1 EIS include ways to introduce travel speeds of at least 110 mph in places along the Empire Corridor where those speeds are not possible, and to improve the reliability, travel times and frequency of passenger train service in order to attract additional passengers and be more competitive with other intercity

transportation modes. The project will establish specific goals for train frequency, trip time, and on-time performance and identify operational changes and investments in infrastructure and equipment necessary to achieve those goals. The EIS will address the project's potential effects on noise, air, water quality, and cultural and recreational resources, as well as other social, economic and environmental effects. A result of the Tier 1 EIS will be identification of further analysis required in Tier 2 NEPA document(s) for specific improvement projects.

As part of the process for determining the scope of issues to be addressed in the Tier 1 Draft 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 project might impact resources your agency is involved with, we request your agency to be a participating agency. Pursuant to Section 6002 of SAFETEA-LU, participating agencies are responsible to identify, as early as practicable, any issues of concern regarding the project's potential impacts.

We expect your agency's involvement to entail only those areas under its jurisdiction or 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. Provide meaningful and timely input.

We look forward to your comments and response to this request and your role as a participating 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 David Chan or the Project team via empirecorridor@dot.state.ny.us. Please forward any initial comments and confirmation that you will be a participating agency to us by October 15, 2010. E-mail replies should be sent to David Chan at NYSDOT at empirecorridor@dot.state.ny.us.

Sincerely,



Marie Corrado
Director of Major Projects



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232
www.nysdot.gov

STANLEY GEE
ACTING COMMISSIONER

DAVID A. PATERSON
GOVERNOR

October 12, 2010

Mr. Ray Hodge
New York City Department of Environmental Protection
Bureau of Environmental Compliance
Records Control
59-17 Junction Boulevard, 9th Floor
Corona, NY 11368

Re: PIN S937.51.171, High Speed Rail Empire Corridor Project
Tier 1 Environmental Impact Statement
New York City to Buffalo/Niagara Falls

Ladies and Gentlemen:

The New York State Department of Transportation (NYSDOT), in cooperation with the Federal Railroad Administration (FRA), is initiating development of a Tier 1 Service Level Environmental Impact Statement (EIS) of proposed improvements to intercity passenger rail service along the Empire Corridor between New York City, New York and Niagara Falls, New York. The 463-mile Empire Corridor begins at Moynihan/Pennsylvania (Penn) Station in New York City (New York County), proceeds north to Yonkers and Croton-Harmon (Westchester County), Poughkeepsie (Dutchess County) and Albany-Rensselaer (Albany County), then turns west to Schenectady (Schenectady County), Utica (Oneida County), Syracuse (Onondaga County), Rochester (Monroe County), Buffalo (Erie County), and terminates at Niagara Falls (Niagara County).

Environmental Review Process: The Environmental Impact Statement (EIS) will be developed in accordance with the National Environmental Policy Act of 1969 (NEPA), the environmental review provisions of Section 6002 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), and the New York State Environmental Quality Review Act (SEQR). The FRA and the NYSDOT will use a tiered process, as provided for in 40 CFR 1508.28, in the completion of the environmental review of the project. "Tiering" is a staged environmental review process applied to environmental reviews for complex projects. The initial phase ("Tier 1 EIS") of this process will address broad service-level issues and proposals. Subsequent phases or tiers will analyze, at a greater level of detail, narrower site-specific proposals based on the decisions made in Tier 1.

Scope of Agency Involvement: Issues that will be analyzed at the service level in this Tier 1 EIS include ways to introduce travel speeds of at least 110 mph in places along the Empire Corridor where those

speeds are not possible, and to improve the reliability, travel times and frequency of passenger train service in order to attract additional passengers and be more competitive with other intercity transportation modes. The project will establish specific goals for train frequency, trip time, and on-time performance and identify operational changes and investments in infrastructure and equipment necessary to achieve those goals. The EIS will address the project's potential effects on noise, air, water quality, and cultural and recreational resources, as well as other social, economic and environmental effects. A result of the Tier 1 EIS will be identification of further analysis required in Tier 2 NEPA document(s) for specific improvement projects.

As part of the process for determining the scope of issues to be addressed in the Tier 1 Draft 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 project might impact resources your agency is involved with, we request your agency to be a participating agency. Pursuant to Section 6002 of SAFETEA-LU, participating agencies are responsible to identify, as early as practicable, any issues of concern regarding the project's potential impacts.

We expect your agency's involvement to entail only those areas under its jurisdiction or 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. Provide meaningful and timely input.

We look forward to your comments and response to this request and your role as a participating 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 David Chan or the Project team via empirecorridor@dot.state.ny.us. Please forward any initial comments and confirmation that you will be a participating agency to us by October 15, 2010. E-mail replies should be sent to David Chan at NYSDOT at empirecorridor@dot.state.ny.us.

Sincerely,



Marie Corrado
Director of Major Projects



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232
www.nysdot.gov

STANLEY GEE
ACTING COMMISSIONER

DAVID A. PATERSON
GOVERNOR

October 12, 2010

Mr. Daniel Grulich, Interagency Coordinator
New York City Department of Parks & Recreation
Olmsted Center, Room 24D
Flushing Meadows-Corona Park
Flushing, NY 11368

Re: PIN S937.51.171, High Speed Rail Empire Corridor Project
Tier 1 Environmental Impact Statement
New York City to Buffalo/Niagara Falls

Ladies and Gentlemen:

The New York State Department of Transportation (NYSDOT), in cooperation with the Federal Railroad Administration (FRA), is initiating development of a Tier 1 Service Level Environmental Impact Statement (EIS) of proposed improvements to intercity passenger rail service along the Empire Corridor between New York City, New York and Niagara Falls, New York. The 463-mile Empire Corridor begins at Moynihan/Pennsylvania (Penn) Station in New York City (New York County), proceeds north to Yonkers and Croton-Harmon (Westchester County), Poughkeepsie (Dutchess County) and Albany-Rensselaer (Albany County), then turns west to Schenectady (Schenectady County), Utica (Oneida County), Syracuse (Onondaga County), Rochester (Monroe County), Buffalo (Erie County), and terminates at Niagara Falls (Niagara County).

Environmental Review Process: The Environmental Impact Statement (EIS) will be developed in accordance with the National Environmental Policy Act of 1969 (NEPA), the environmental review provisions of Section 6002 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), and the New York State Environmental Quality Review Act (SEQR). The FRA and the NYSDOT will use a tiered process, as provided for in 40 CFR 1508.28, in the completion of the environmental review of the project. "Tiering" is a staged environmental review process applied to environmental reviews for complex projects. The initial phase ("Tier 1 EIS") of this process will address broad service-level issues and proposals. Subsequent phases or tiers will analyze, at a greater level of detail, narrower site-specific proposals based on the decisions made in Tier 1.

Scope of Agency Involvement: Issues that will be analyzed at the service level in this Tier 1 EIS include ways to introduce travel speeds of at least 110 mph in places along the Empire Corridor where those speeds are not possible, and to improve the reliability, travel times and frequency of passenger train

service in order to attract additional passengers and be more competitive with other intercity transportation modes. The project will establish specific goals for train frequency, trip time, and on-time performance and identify operational changes and investments in infrastructure and equipment necessary to achieve those goals. The EIS will address the project's potential effects on noise, air, water quality, and cultural and recreational resources, as well as other social, economic and environmental effects. A result of the Tier 1 EIS will be identification of further analysis required in Tier 2 NEPA document(s) for specific improvement projects.

As part of the process for determining the scope of issues to be addressed in the Tier 1 Draft 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 project might impact resources your agency is involved with, we request your agency to be a participating agency. Pursuant to Section 6002 of SAFETEA-LU, participating agencies are responsible to identify, as early as practicable, any issues of concern regarding the project's potential impacts.

We expect your agency's involvement to entail only those areas under its jurisdiction or 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. Provide meaningful and timely input.

We look forward to your comments and response to this request and your role as a participating 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 David Chan or the Project team via empirecorridor@dot.state.ny.us. Please forward any initial comments and confirmation that you will be a participating agency to us by October 15, 2010. E-mail replies should be sent to David Chan at NYSDOT at empirecorridor@dot.state.ny.us.

Sincerely,



Marie Corrado
Director of Major Projects

2.2 Participating Agency Responses

Index of Participating Agency Responses

Thorne, Jennifer, Capital District Transportation Authority, “High Speed Rail Empire Corridor Project: Invitation & Newsletter #1,” Email communication to Lindsay Zefting, HNTB Corporation, October 15, 2010.

O’Neill, Christopher R., Capital District Transportation Committee, “High Speed Rail Empire Corridor Project,” Email communication to David Chan, New York State Department of Transportation, October 12, 2010.

Swanekamp, Kenneth, Erie County Department of Environment & Planning, “High Speed Rail Project,” Email communication to David Chan, New York State Department of Transportation, October 15, 2010.

Perrin, Richard, Genesee Transportation Council, “GTC as Participating Agency on Empire Corridor High-Speed Rail EIS,” Email communication to David Chan, New York State Department of Transportation, October 15, 2010.

This page intentionally left blank.

Lindsay Zefting

From: Jennifer Thorne [JenniferT@CDTA.org]
Sent: Friday, October 15, 2010 9:04 AM
To: Lindsay Zefting; Carm Basile
Cc: Kristina Younger
Subject: RE: High Speed Rail Empire Corridor Project: Invitation & Newsletter #1

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Lindsay- Thank you for sending the invitation and newsletter. I will be attending the meeting on Monday, October 18th to represent CDTA as a participating agency throughout the EIS process. We have been working closely with NYSDOT on this and CDTA's Schenectady station project, and look forward to working on the advancement of high speed rail in the corridor.

Thank you,

Jennifer

From: Lindsay Zefting [<mailto:lzefting@HNTB.com>]
Sent: Thursday, October 14, 2010 4:37 PM
To: Carm Basile; Jennifer Thorne
Subject: High Speed Rail Empire Corridor Project: Invitation & Newsletter #1

Please find attached two separate invitation letters: 1) to join the High Speed Rail Empire Corridor Project Advisory Committee, and 2) to become a participating agency. The first EPAC meeting will be held on October 18th, 2010 and we hope to see you there.

To facilitate our first meeting on Monday, October 18th, attached is an advance copy of Newsletter 1. This four-page document provides you with an overview of the project, as well as the dates and locations of the upcoming Scoping Meetings. Six meetings will be held across New York State from October 19th to November 10th.

We look forward to working together on this important project.

Lindsay Zefting, EIT
Engineer I/Project Administrator

HNTB Corporation
1762 Central Avenue
Suite 301
Albany, New York 12205

Tel (518)218.5555
Fax(518)218.5556
www.hntb.com

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed.

If you are NOT the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing or copying this e-mail is strictly prohibited.

Lindsay Zefting

From: dot.sm.mo.empire.corridor [EmpireCorridor@dot.state.ny.us]
Sent: Wednesday, October 13, 2010 8:45 AM
To: Lindsay Zefting
Subject: FW: High Speed Rail Empire Corridor Project

From: Chris O'Neill [mailto:co'neill@cdtcmpo.org]
Sent: Tuesday, October 12, 2010 3:14 PM
To: dot.sm.mo.empire.corridor
Subject: High Speed Rail Empire Corridor Project

David,

CDTC would like to be a participating agency for the EIS for the High Speed Rail Empire Corridor Project. Thank you for inviting us.

Chris

Christopher R. O'Neill
Senior Transportation Planner II
Capital District Transportation Committee
One Park Place, Main Floor
Albany, New York 12205-2676
518-458-2161
CO'Neill@cdtcmpo.org

Lindsay Zefting

From: dot.sm.mo.empire.corridor [EmpireCorridor@dot.state.ny.us]
Sent: Friday, October 15, 2010 1:22 PM
To: Lindsay Zefting
Subject: FW: High Speed Rail Project

Follow Up Flag: Follow up
Flag Status: Flagged

From: Swanekamp, Kenneth [<mailto:Kenneth.Swanekamp@erie.gov>]
Sent: Friday, October 15, 2010 10:31 AM
To: dot.sm.mo.empire.corridor
Subject: High Speed Rail Project

Mr. Chan,

I received the letter from Marie Corrado requesting participation. I would be glad to participate. I am in Erie County's Office of Economic Development which is within the Department of Environment and Planning. We have tried to combine the various aspects of Planning, Community and Economic Development together. Transportation Planning has been a part of this effort. We also handle the two shortline rail lines that the County owns.

I plan on attending the Buffalo session on Tuesday October 19th. Our primary comment will be the same one we stated in the NYS Rail Plan which was prepared a short time ago, that is: dedicated passenger track, first and foremost. Everything else hinges on that.

I look forward to working with you and your group.

Ken Swanekamp

--

Kenneth Swanekamp | Director Of Business Assistance
Erie County | Environment & Planning
95 Franklin St., Room 1060 | Buffalo, NY 14202
P:(716) 858-6170 | F:(716) 858-7248
Kenneth.Swanekamp@erie.gov

Erie County's vision: Erie County will be a world-class community where People want to live, Businesses want to locate and Tourists want to visit.

Lindsay Zefting

From: dot.sm.mo.empire.corridor [EmpireCorridor@dot.state.ny.us]
Sent: Friday, October 15, 2010 1:22 PM
To: Lindsay Zefting
Subject: FW: GTC as Participating Agency on Empire Corridor High-Speed Rail EIS
Attachments: GTC Comments on the Empire Corridor HSR Tier 1 EIS (10292009).pdf

Follow Up Flag: Follow up
Flag Status: Flagged

From: Rich Perrin [<mailto:RPerrin@gtcmpo.org>]
Sent: Friday, October 15, 2010 9:06 AM
To: dot.sm.mo.empire.corridor
Cc: Traver, Robert (DOT); jstack@gtcmpo.org
Subject: GTC as Participating Agency on Empire Corridor High-Speed Rail EIS

Dear Mr. Chan:

This e-mail serves as confirmation that the Genesee Transportation Council (GTC) would like to serve as a participating agency in the development of the Environmental Impact Statement (EIS) for the Empire Corridor high-speed passenger rail project. As a note, GTC informed the NYS Department of Transportation (NYSDOT) of our interest in serving as an "involved" agency for the development of the Tier 1 EIS on September 15, 2009 via an e-mail to then-project manager Ann Purdue.

Attached are comments that GTC developed in October 2009 in response to the *Federal Register* notice of September 24, 2009 requesting comments on the Tier 1 EIS. We feel that these topics are still relevant and do not have additional comments at this time.

Please contact me at your convenience if you have any questions. I may be reached by telephone at (585) 232-6240 or via e-mail at rperrin@gtcmpo.org.

Thank you for the opportunity to participate in this important initiative.

Sincerely,
Rich

Richard Perrin, AICP
Executive Director
Genesee Transportation Council
50 W. Main St., Suite 8112
Rochester, NY 14614-1227

Phone: (585) 232-6240
Fax: (585) 262-3106
Web: <http://www.gtcmpo.org>

This page intentionally left blank.

3. Section 106 Correspondence

This page intentionally left blank.

Index of Section 106 Correspondence

Minutes of Meeting, Reference PIN S937.51.171, Tier 1 EIS Empire Corridor Rail System (ECRS); SHPO Meeting – April 12, 2011, NYSDOT Main Office, Albany, NY. June 16, 2011.

Valenstein, David, Chief, Environment & Systems Planning Division, Federal Railroad Administration, “Initiation of Government-to-Government Consultation with Native American Tribal Governments pursuant to Section 106 of the National Historic Preservation Act (35 CFR 800.2(c)(2)(ii) for the High Speed Rail Empire Corridor Project; Tier 1 Environmental Impact Statement; New York City to Buffalo/Niagara Falls.” Letter, May 3, 2011, to the following:

Daniel Hill
Cayuga Nation
P.O. Box 116
Akron, NY 14001

Sherry White, THPO
Stockbridge-Munsee Community Bank of Mohican Indians
P.O. Box 70
N8754 MoHeConNuck Road
Bowler, WI 54416

Randy King, Chairperson
Shinnecock Nation
P.O. Box 5006
Southampton, NY 11969

Robert Dean
Seneca Nation of Indians
90 West Hetzel Street
Salamanca, NY 14779

Thane Joyal, Esq.
Onondaga Nation
716 East Washington Street, Suite 104
Syracuse, NY 13210

Chief LeRoy Howard
Seneca-Cayuga Tribe of Oklahoma
R2301 E. Steve Owens Boulevard
Miami, OK 74355

Anthony Gonyea
Onondaga Nation
RR #1, Route 11A
Box 319B
Nedrow, NY 13120

Arnold Printup, Jr., THPO

St. Regis Mohawk Tribe
412 State Route 37
Akwesasne, NY 13655

Jesse Bergevin
Oneida Indian Nation
1256 Union Street
P.O. Box 662
Oneida, NY 13421-0662

Brian Patterson
Oneida Indian Nation
221 Union Street
Oneida, NY 13421

Clint Halftown
Cayuga Nation
P.O. Box 11
Versailles, NY 14168

Timothy Twoguns
Cayuga Nation
P.O. Box 11
Versailles, NY 14168

Tamara Francis
NAGPRA Director
Delaware Nation of Oklahoma
P.O. Box 1825
Anadarko, OK 73005

Harry B. Wallace, Chief
Unkechaug Nation
207 Poospansk Lane
Mastic, NY 11950

Mohawk Nation Council of Chiefs
Via Box 336
Rooseveltville, NY 13683

Roger Hill, Chief
Tonawanda Band of Seneca Indians
7027 Meadville Road
Basom, NY 14013

Leo Henry, Chief
Tuscarora Indian Nation
2006 Mt. Hope Road
Lewistown, NY 14092

Valenstein, David, Chief, Environment & Systems Planning Division, Federal Railroad Administration, “Initiation of Government-to-Government Consultation with Native American Tribal Governments pursuant to Section 106 of the National Historic Preservation Act (35 CFR 800.2(c)(2)(ii) for the High Speed Rail Empire Corridor Project; Tier 1 Environmental Impact Statement; New York City to Buffalo/Niagara Falls; and Invitation to NYSDOT-hosted Coordination Meeting.” Letter to Dr. Brice Obermeyer, Delaware Tribe Historic Preservation Office, May 4, 2012.

Chan, David, Project Manager, High Speed Rail Empire Corridor Project, New York State Department of Transportation, “Coordination Meeting with Native American Tribal Governments for the High Speed Rail Empire Corridor Project; Tier 1 Environmental Impact Statement; New York City to Niagara Falls,” Letter, May 4, 2012, to the following:

Clint Halftown
Cayuga Nation
P.O. Box 11
Versailles, NY 14168

Tamara Francis, Cultural Preservation Director
Delaware Nation
31064 State Highway 281
Anadarko, OK 73005

Sherry White, THPO
Stockbridge-Munsee Community Bank of Mohican Indians
W13447 Camp 14 Road
Bowler, WI 54416

Jesse Bergevin, Historical Researcher/Archaeologist
Oneida Indian Nation
1256 Union Street
P.O. Box 662
Oneida, NY 13421-0662

Tony Gonyea
Onondaga Nation Communications
716 East Washington Street, Suite 104
Syracuse, NY 13210

Chief Irv Powless, Jr.
Onondaga Nation
Box 319B
Via Nedrow, NY 13120

Arnold Printup, Jr.
Tribal Historic Preservation Officer

Saint Regis Mohawk Tribe
412 State Route 37
Akwesasne, NY 13655

Chief Randy Hart
Saint Regis Mohawk Tribal Council
412 State Route 37
Akwesasne, NY 13655

Lana Watt, Tribal Historic Preservation Officer
Seneca Nation of Indians
900:hi'yoh Way
Salamanca, NY 14779

Chief LeRoy Howard
Seneca-Cayuga Tribe of Oklahoma
R2301 E. Steve Owens Boulevard
Miami, Oklahoma 74355

Marguerite A. Smith, Attorney at Law
Office of Tribal Trustees/Legal
Shinnecock Indian Nation Tribal Office
P.O. Box 5006
Southampton, NY 11969

Randy King
Chairman, Board of Trustees
Shinnecock Indian Nation Tribal Office
P.O. Box 5006
Southampton, NY 11969

Chief Darwin Hill, Clerk
Tonawanda Seneca Nation Office
7027 Meadville Road
Basom, NY 14013

Chief Leo R. Henry
Tuscarora Nation
2006 Mt. Hope Road
Lewiston, NY 14092

Chief Stuart Patterson
Tuscarora Nation
1983 Upper Mountain Road
Sanborn, NY 14132

Meeting Minutes, High Speed Rail Empire Corridor Project, Tribal Nation Coordination Meeting,
May 30, 2012; 10:00am. Monroe Community College, Campus Center - Room "Monroe B," 1000
East Henrietta Road, Rochester, New York.

Louise Dunford Brodnitz, Advisory Council on Historic Preservation, “Response to Programmatic Agreement development invitation,” Email communication to Ruth L. Pierpont, Beth Cumming, Elizabeth Martin, Kenneth Markunas, Marie Sarchiapone, James Warren, Federal Railroad Administration, July 20, 2012.

Meeting Minutes, High Speed Rail Empire Corridor Project, SHPO Coordination Meeting, July 31, 2012; 1:30 pm. New York State Department of Transportation, Main Office, 50 Wolf Road, Albany, New York, 12232/teleconference.

David Chan, Project Manager, High Speed Rail Empire Corridor Project, New York State Department of Transportation, “High Speed Rail Empire Corridor Project; Tier 1 Environmental Impact Statement (EIS); New York City to Buffalo/Niagara Falls - Opportunity for Comment on the Proposed Area of Potential Effect (APE), pursuant to Section 106 of the National Historic Preservation Act (36 CFR 800.2(c)(2)(ii)),” Letter, November 21, 2012, to the following:

Clint Halftown
Cayuga Nation
P.O. Box 11
Versailles, NY 14168

Tony Gonyea
Onondaga Nation Communications
716 East Washington Street, Suite 104
Syracuse, NY 13210

Chief Irv Powless, Jr.
Onondaga Nation
Box 319B
Via Nedrow, NY 13120

Arnold Printup, Jr.
Tribal Historic Preservation Officer
Saint Regis Mohawk Tribe
412 State Route 37
Akwesasne, NY 13655

Chief Randy Hart
Saint Regis Mohawk Tribal Council
412 State Route 37
Akwesasne, NY 13655

Jesse Bergevin, Historical Researcher/Archaeologist
Oneida Indian Nation
1256 Union Street
P.O. Box 662
Oneida, NY 13421-0662

Chief Leo R. Henry
Tuscarora Nation

2006 Mt. Hope Road
Lewiston, NY 14092

Chief Stuart Patterson
Tuscarora Nation
1983 Upper Mountain Road
Sanborn, NY 14132

Marguerite A. Smith, Attorney at Law
Office of Tribal Trustees/Legal
Shinnecock Indian Nation Tribal Office
P.O. Box 5006
Southampton, NY 11969

Randy King
Chairman, Board of Trustees
Shinnecock Indian Nation Tribal Office
P.O. Box 5006
Southampton, NY 11969

Lana Watt, Tribal Historic Preservation Officer
Seneca Nation of Indians
900:hi'yoh Way
Salamanca, NY 14779

Chief LeRoy Howard
Seneca-Cayuga Tribe of Oklahoma
R2301 E. Steve Owens Boulevard
Miami, Oklahoma 74355

Chief Darwin Hill, Clerk
Tonawanda Seneca Nation Office
7027 Meadville Road
Basom, NY 14013

Sherry White, THPO
Stockbridge-Munsee Community Bank of Mohican Indians
W13447 Camp 14 Road
Bowler, WI 54416

Tamara Francis, Cultural Preservation Director
Delaware Nation
31064 State Highway 281
Anadarko, OK 73005

Dr. Brice Obermeyer
Delaware Tribe Historic Preservation Office
1420 C of E Drive, Suite 190
Emporia, Kansas 66801

Ian A. Shavitz, Akin Gump Strauss Hauer & Feld LLP., “Comments of Oneida Indian Nation on Proposed APE for Empire Corridor Project,” Letter to David Chan and Colleen Vaughn, New York State Department of Transportation, December 14, 2012.

David Chan, Project Manager, High Speed Rail Empire Corridor Project, New York State Department of Transportation, “Response to comments of Oneida Indian Nation on proposed Area of Potential Effect pursuant to Section 106 of the National Historic Preservation Act for the High Speed Rail Empire Corridor Project; Tier 1 Environmental Impact Statement; New York City to Buffalo/Niagara Falls.” Letter, February 1, 2013, to Ian A. Shavitz, Akin Gump Strauss Hauer & Feld LLP.

Ian A. Shavitz, Akin Gump Strauss Hauer & Feld LLP., “Area of Potential Effect correspondence pursuant to Section 106 of the National Historic Preservation Act for the High Speed Rail Empire Corridor Project; Tier 1 Environmental Impact Statement; New York City to Buffalo/Niagara Falls.” Letter, February 11, 2013, to David Chan, Project Manager, High Speed Rail Empire Corridor Project, New York State Department of Transportation.

David Valenstein, Chief, Environmental & Systems Planning Division, Federal Railroad Administration, “Response to comments of Oneida Indian Nation on proposed Area of Potential Effect pursuant to Section 106 of the National Historic Preservation Act for the High Speed Rail Empire Corridor Project; Tier 1 Environmental Impact Statement; New York City to Buffalo/Niagara Falls.” Letter, February 19, 2013, to Ian A. Shavitz, Akin Gump Strauss Hauer & Feld LLP.

David Chan, Project Manager, High Speed Rail Empire Corridor Project, New York State Department of Transportation, “Response following April 18, 2013 meeting with Oneida Nation pursuant to Section 106 of the National Historic Preservation Act for the High Speed Rail Empire Corridor Project; Tier 1 Environmental Impact Statement; New York City to Buffalo/Niagara Falls.” Letter, June 17, 2013, to Ian A. Shavitz, Akin Gump Strauss Hauer & Feld LLP.

David Chan, Project Manager, High Speed Rail Empire Corridor Project, New York State Department of Transportation, “Opportunity to participate as a consulting party pursuant to Section 106 of the National Historic Preservation Act for the High Speed Rail Empire Corridor Project; Tier 1 Environmental Impact Statement; New York City to Buffalo/Niagara Falls.” Letter, February 14, 2013, to the following:

Mohawk Nation Council of Chiefs
Akwesasne Mohawk Territory
P.O. Box 336
Via Rooseveltown, NY 13683-0366

Chief Harry B. Wallace
Unkechaug Nation
207 Poospansk Lane
Mastic, NY 11950

Jay DiLorenzo, President
Preservation League of New York State

44 Central Ave
Albany, NY 12206

Mark A. Castiglione, Acting Executive Director
Hudson River Valley Greenway
625 Broadway – 4th Floor
Albany, NY 12207

Frank Dean, Executive Director
Erie Canalway National Heritage Corridor
P.O. Box 219
Waterford, NY 12188

Tom Yots, Director
Preservation Buffalo Niagara
Suite M108, 617 Main Street
Buffalo, New York 14203

Wayne Goodman, Executive Director
Landmark Society of Western New York
133 South Fitzhugh Street
Rochester, New York 14608

Jeff Romano, President
Preservation Association of Central New York, Inc.
930 James Street
Syracuse, NY 13203

Tom Yots, Executive Director, Preservation Buffalo Niagara, “Expressing interest in participating as a Section 106 Consulting Party,” Letter to David Chan, Project Manager, High Speed Rail Empire Corridor Project, New York State Department of Transportation, February 18, 2013.

Daniel Mackay, Director of Public Policy, Preservation League of New York State, “Expressing interest in participating as a Section 106 Consulting Party,” Letter to David Chan, Project Manager, High Speed Rail Empire Corridor Project, New York State Department of Transportation, February 21, 2013.

Beth Sciumeca, Executive Director, NPS/Erie Canalway National Heritage Corridor, “Expressing interest in participating as a Section 106 Consulting Party,” Letter to David Chan, Project Manager, High Speed Rail Empire Corridor Project, New York State Department of Transportation, February 28, 2013.

David Chan, Project Manager, High Speed Rail Empire Corridor Project, New York State Department of Transportation, “Distribution of Archaeological Resource Maps to Native American Tribal Governments pursuant to Section 106 of the National Historic Preservation Act for the High Speed Rail Empire Corridor Project; Tier 1 Environmental Impact Statement; New York City to Buffalo/Niagara Falls.” Letter, April 8, 2013, to the following:

Clint Halftown
Cayuga Nation
P.O. Box 803
Seneca Falls, NY 13148

Tamara Francis
Cultural Preservation Director
Delaware Nation
31064 State Highway 281
Anadarko, OK 73005

Dr. Brice Obermeyer
Delaware Tribe Historic Preservation Office
1420 C of E Drive, Suite 190
Emporia, Kansas 66801

Jesse Bergevin
Oneida Indian Nation
1256 Union Street
P.O. Box 662
Oneida, New York 13421-0662

Tony Gonyea
Onondaga Nation Communications
716 East Washington Street
Suite 104
Syracuse, NY 13210

Chief LeRoy Howard
Seneca-Cayuga Tribe of Oklahoma
R2301 E. Steve Owens Boulevard
Miami, Oklahoma 74355

Melissa Bach
Tribal Historic Preservation Officer
Seneca Nation of Indians
90 O:hi'yoh Way
Salamanca, NY 14779

Randy King
Chairman, Board of Trustees
Shinnecock Indian Nation Tribal Office
P.O. Box 5006
Southampton, NY 11969

Arnold Printup, Jr.
St. Regis Mohawk Tribal Historic Preservation Officer
412 State Route 37
Akwesasne, NY 13655

Sherry White
Tribal Historic Preservation Officer
Stockbridge-Munsee Community Band of Mohican Indians
W13447 Camp 14 Road
Bowler, WI 54416

Chief Darwin Hill, Clerk
Tonawanda Seneca Nation Office
7027 Meadville Road
Basom, New York 14013

Chief Leo R. Henry
Tuscarora Nation
2006 Mt. Hope Road
via Lewiston, NY 14092

David Chan, Project Manager, High Speed Rail Empire Corridor Project, New York State Department of Transportation, “Response request follow up to proposed Area of Potential Effect pursuant to Section 106 of the National Historic Preservation Act for the High Speed Rail Empire Corridor Project; Tier 1 Environmental Impact Statement; New York City to Buffalo/Niagara Falls.” Letter, April 8, 2013, to the following:

Ruth L. Pierpont
New York State Division for Historic Preservation
New York State Office of Parks, Recreation & Historic Preservation
Peebles Island State Park
P.O. Box 189
Waterford, NY 12188-0189

Nancy Herter, Historic Preservation Program Analyst, Archaeology, New York State Office of Parks, Recreation and Historic Preservation, “Concurrence with proposed phase process for identification and evaluation of historic properties,” Letter to David Chan, Project Manager, High Speed Rail Empire Corridor Project, New York State Department of Transportation, June 3, 2013.

David Chan, Project Manager, High Speed Rail Empire Corridor Project, New York State Department of Transportation, “Draft Programmatic Agreement for review pursuant to Section 106 of the National Historic Preservation Act for the High Speed Rail Empire Corridor Project; Tier 1 Environmental Impact Statement; New York City to Buffalo/Niagara Falls.” Letter, April 12, 2013, to Ruth L. Pierpont, New York State Division for Historic Preservation, New York State Office of Parks, Recreation and Historic Preservation.

Nancy Herter, Historic Preservation Program Analyst, Archaeology, New York State Office of Parks, Recreation and Historic Preservation, “Comments on Programmatic Agreement,” Letter to David Chan, Project Manager, High Speed Rail Empire Corridor Project, New York State Department of Transportation, June 3, 2013.

David Chan, Project Manager, High Speed Rail Empire Corridor Project, New York State Department of Transportation, “Distribution of Draft Programmatic Agreement” Letter, July 26 and August 6, 2013, to the following:

Clint Halftown
Cayuga Nation
P.O. Box 803
Seneca Falls, NY 13148

Tamara Francis
Cultural Preservation Director
Delaware Nation
31064 State Highway 281
Anadarko, OK 73005

Dr. Brice Obermeyer
Delaware Tribe Historic Preservation Office
1420 C of E Drive, Suite 190
Emporia, Kansas 66801

Sherry White
Tribal Historic Preservation Officer
Stockbridge-Munsee Community Band of Mohican Indians
W13447 Camp 14 Road
Bowler, WI 54416

Jesse Bergevin
Oneida Indian Nation
1256 Union Street
P.O. Box 662
Oneida, New York 13421-0662

Tony Gonyea
Onondaga Nation Communications
716 East Washington Street
Suite 104
Syracuse, NY 13210

Arnold Printup, Jr.
St. Regis Mohawk Tribal Historic Preservation Officer
412 State Route 37
Akwesasne, NY 13655

Chief William Fisher
Seneca-Cayuga Tribe of Oklahoma
23701 South 655 Road
Grove, OK 74344

Melissa Bach
Tribal Historic Preservation Officer

Seneca Nation of Indians
90 O:hi'yoh Way
Salamanca, NY 14779

Randy King
Chairman, Board of Trustees
Shinnecock Indian Nation Tribal Office
P.O. Box 5006
Southampton, NY 11969

Chief Darwin Hill, Clerk
Tonawanda Seneca Nation Office
7027 Meadville Road
Basom, New York 14013

Chief Leo R. Henry
Tuscarora Nation
2006 Mt. Hope Road
via Lewiston, NY 14092

David Chan, Project Manager, High Speed Rail Empire Corridor Project, New York State Department of Transportation, "Distribution of Draft Programmatic Agreement" Letter, July 26, 2013, to the following:

Daniel Mackay, Director of Public Policy
Preservation League of New York State
44 Central Ave
Albany, NY 12206

Beth Sciumeca, Executive Director
NPS/Erie Canalway National Heritage Corridor
P.O. Box 219
Waterford, NY 12188

Tom Yots, Executive Director
Preservation Buffalo Niagara
617 Main Street, Suite 201
Buffalo, New York 14203



MINUTES OF MEETING

TO: Distribution List
FROM: Joe Grilli
DATE: June 16, 2011
REFERENCE: **PIN S937.51.171**
Tier 1 EIS Empire Corridor Rail System (ECRS)
SUBJECT: SHPO Meeting – April 12, 2011
NYSDOT Main Office, Albany, NY
ATTENDANCE: Robert Englert, SHPO
Nancy Herter, SHPO
David Chan, NYSDOT
Terry Smith, NYSDOT
Mary Santangelo, NYSDOT
Molly McDonald, AKRF
Joe Grilli, HNTB

AGENDA

- Brief overview of the Project
- 7 projects for which NYS has received \$151 million
- Tiered EIS process
- Overview of the Section 106 review for the 7 funded projects
- Overview of the cultural resources data (built environment & archaeology) being collected for the Tier 1 Environmental Review
- Schedule of the Tier 1 Environmental Review Process, as it pertains to cultural resources
- Next Steps following Tier 1

DISCUSSION

- 1 Terry Smith began the meeting by stating that we are preparing a Tier 1 Service Level EIS to weigh the high level impacts and identify show stoppers. It is anticipated that the outcome will be a Section 106 Programmatic Agreement for subsequent Tier 2 evaluations.
- 2 David Chan presented a power point presentation that identifies the status of the following ARRA Projects with respect to Section 106:
 - Albany – Schenectady Double Track Project – have Phase 1 –No Effect finding
 - Ballston Spa Project – July '09 No Adverse Effect finding from SHPO
 - Rochester 3rd Track Project – Not started but there has been coordination with SHPO
 - 2 Station Projects – ADA Compliance – No coordination needed
 - Hudson Signal & Gates – No coordination required

- 3 David Chan presented a power point presentation outlining other New York State Passenger Rail Projects.
- 4 Molly McDonald noted that the Area of Potential Effect (APE) for historic properties is 600'; 100' for archaeology. Data Collection is 75% complete. Section 106 Initiation letter has not yet been sent. Ms. McDonald circulated a sample of a color-coded existing conditions map currently under preparation, which shows the location of previously identified archaeological sites in the archaeological APE and vicinity (600' of the track centerline), and architectural resources in the APE (National Historic Landmarks and National and State Register-listed and -eligible resources).
- 6 Nancy Herter noted that in terms of archaeological resources, SHPO will be interested in the types of archaeological sites previously identified in the APE. Potential showstoppers are Native American village sites and cemeteries.
- 7 Molly McDonald noted that the team is currently not looking up context of archaeological sites in SHPO files. We are planning on this in Tier 2 evaluations. Nancy Herter noted that it would important to do this now as some sites may be more significant than others, possibly limited to the direct APE or within 100 feet. Vibration may be a concern.
- 8 Bob Englert concurred that NR listed and eligible historic structures should be accounted for. For NR eligible districts – it is acceptable to define boundaries approximately, since boundaries can be difficult to define.
- 9 SHPO agrees that all tribes should be invited as consulting parties. Provide a project overview and ask the tribes to identify any areas of religious and cultural significance – keep consultation record. Possibly meet if logistically feasible.
- Nancy Herter noted that for the Oneida Indian Reservation – Feds and State do not agree on boundary of this reservation. The feds believe it is larger and the State believes it is smaller. Question was raised as to whether we pass through this Indian Reservation. Nancy Herter will help figure out this boundary.
- 10 The Programmatic Agreement will specify that the State Education Department's standards and guidelines for Cultural Resources Studies will be utilized in preparing the Tier 2 documentation.

We believe these minutes accurately reflect at the content of this meeting. If these minutes are not in accordance with your understanding, please contact the undersigned promptly; otherwise, we will assume that you concur with the accuracy of the minutes.

Minutes prepared by: *Joe Grilli, HNTB, Tel: 617.532.2244, fax: 617.428.6905, e-mail: jgrilli@hntb.com*
Distribution: Attendees
HNTB File 50377



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

MAY - 3 2011

Daniel Hill
Cayuga Nation
PO Box 116
Akron, NY 14001

Re: Initiation of Government-to-Government Consultation with Native American Tribal Governments pursuant to Section 106 of the National Historic Preservation Act (36 CFR 800.2(c)(2)(ii)) for the High Speed Rail Empire Corridor Project; Tier 1 Environmental Impact Statement; New York City to Buffalo/Niagara Falls

Dear Mr. Hill:

The Federal Railroad Administration (FRA) and the New York State Department of Transportation (NYSDOT) have initiated the preparation of a Tier 1 Environmental Impact Statement (EIS) of proposed improvements to intercity passenger rail service along the Empire Corridor between New York City, New York and Niagara Falls, New York. The 463-mile Empire Corridor begins at Moynihan/Pennsylvania (Penn) Station in New York City (New York County), proceeds north to Yonkers and Croton-Harmon (Westchester County), Poughkeepsie (Dutchess County) and Albany-Rensselaer (Albany County), then turns west to Schenectady (Schenectady County), Utica (Oneida County), Syracuse (Onondaga County), Rochester (Monroe County), Buffalo (Erie County), and terminates at Niagara Falls (Niagara County). Tier 1, the first phase of study, will assess impacts and identify investment needs/costs from a high-level, corridor-wide perspective. Subsequent Tier 2 environmental documents will be prepared for individual projects proposed for sections of the corridor and will identify specific needs, impacts, costs and benefits.

As the lead Federal agency, FRA is contacting you to begin Government to Government consultation on this project. FRA is available for formal government-to-government consultation at your request. We also invite you to meet with either FRA or NYSDOT representatives for the purpose of sharing information and establishing protocols for ongoing communication as the project is advanced. NYSDOT and FRA will continue to be available for consultation with your Tribe and will ensure you are kept informed as the project progresses and new information becomes available.

Through consultation, we hope to incorporate into the cultural resource survey process your concerns for locations of traditional or cultural significance, and provide an opportunity for participation in the continuing process to identify cultural resources, effects of the project on significant resources, and resolution of any adverse effects which may result from the proposed action.

David Chan, NYSDOT Project Manager- High Speed Rail Empire Corridor Project, will be contacting you in the near future to schedule an informal meeting. He can also be contacted at (518) 485-1918 or by email at dchan@dot.state.ny.us.

If you have any questions regarding this matter or are interested in formal government-to-government consultation, please contact Colleen Vaughn of my staff at 202-493-6096 or colleen.vaughn@dot.gov.

In addition, you may contact me at (202) 493-6368 directly should you have any concerns or questions regarding the overall environmental process.

Sincerely,

A handwritten signature in black ink that reads "David Valenstein". The signature is written in a cursive style with a long horizontal line extending from the end of the name.

David Valenstein,
Chief, Environment & Systems Planning Division

cc: David Chan, Project Manager, NYSDOT

Encl: Project area map



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

10/11 - 3 2011

Sherry White, THPO
Stockbridge-Munsee Community Band of Mohican Indians
PO Box 70
N8754 MoHeConNuck Road
Bowler, WI 54416

Re: Initiation of Government-to-Government Consultation with Native American Tribal Governments pursuant to Section 106 of the National Historic Preservation Act (36 CFR 800.2(c)(2)(ii)) for the High Speed Rail Empire Corridor Project; Tier 1 Environmental Impact Statement; New York City to Buffalo/Niagara Falls

Dear Ms. White:

The Federal Railroad Administration (FRA) and the New York State Department of Transportation (NYSDOT) have initiated the preparation of a Tier 1 Environmental Impact Statement (EIS) of proposed improvements to intercity passenger rail service along the Empire Corridor between New York City, New York and Niagara Falls, New York. The 463-mile Empire Corridor begins at Moynihan/Pennsylvania (Penn) Station in New York City (New York County), proceeds north to Yonkers and Croton-Harmon (Westchester County), Poughkeepsie (Dutchess County) and Albany-Rensselaer (Albany County), then turns west to Schenectady (Schenectady County), Utica (Oneida County), Syracuse (Onondaga County), Rochester (Monroe County), Buffalo (Erie County), and terminates at Niagara Falls (Niagara County). Tier 1, the first phase of study, will assess impacts and identify investment needs/costs from a high-level, corridor-wide perspective. Subsequent Tier 2 environmental documents will be prepared for individual projects proposed for sections of the corridor and will identify specific needs, impacts, costs and benefits.

As the lead Federal agency, FRA is contacting you to begin Government to Government consultation on this project. FRA is available for formal government-to-government consultation at your request. We also invite you to meet with either FRA or NYSDOT representatives for the purpose of sharing information and establishing protocols for ongoing communication as the project is advanced. NYSDOT and FRA will continue to be available for consultation with your Tribe and will ensure you are kept informed as the project progresses and new information becomes available.

Through consultation, we hope to incorporate into the cultural resource survey process your concerns for locations of traditional or cultural significance, and provide an opportunity for participation in the continuing process to identify cultural resources, effects of the project on significant resources, and resolution of any adverse effects which may result from the proposed action.

David Chan, NYSDOT Project Manager- High Speed Rail Empire Corridor Project, will be contacting you in the near future to schedule an informal meeting. He can also be contacted at (518) 485-1918 or by email at dchan@dot.state.ny.us.

If you have any questions regarding this matter or are interested in formal government-to-government consultation, please contact Colleen Vaughn of my staff at 202-493-6096 or colleen.vaughn@dot.gov.

In addition, you may contact me at (202) 493-6368 directly should you have any concerns or questions regarding the overall environmental process.

Sincerely,

A handwritten signature in black ink, appearing to read "David Valenstein". The signature is fluid and cursive, with a long horizontal stroke at the end.

David Valenstein,
Chief, Environment & Systems Planning Division

cc: David Chan, Project Manager, NYSDOT

Encl: Project area map



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

Randy King, Chairperson
Shinnecock Nation
PO Box 5006
Southampton, NY 11969

Re: Initiation of Government-to-Government Consultation with Native American Tribal Governments pursuant to Section 106 of the National Historic Preservation Act (36 CFR 800.2(c)(2)(ii)) for the High Speed Rail Empire Corridor Project; Tier 1 Environmental Impact Statement; New York City to Buffalo/Niagara Falls

Dear Mr. King:

The Federal Railroad Administration (FRA) and the New York State Department of Transportation (NYSDOT) have initiated the preparation of a Tier 1 Environmental Impact Statement (EIS) of proposed improvements to intercity passenger rail service along the Empire Corridor between New York City, New York and Niagara Falls, New York. The 463-mile Empire Corridor begins at Moynihan/Pennsylvania (Penn) Station in New York City (New York County), proceeds north to Yonkers and Croton-Harmon (Westchester County), Poughkeepsie (Dutchess County) and Albany-Rensselaer (Albany County), then turns west to Schenectady (Schenectady County), Utica (Oneida County), Syracuse (Onondaga County), Rochester (Monroe County), Buffalo (Erie County), and terminates at Niagara Falls (Niagara County). Tier 1, the first phase of study, will assess impacts and identify investment needs/costs from a high-level, corridor-wide perspective. Subsequent Tier 2 environmental documents will be prepared for individual projects proposed for sections of the corridor and will identify specific needs, impacts, costs and benefits.

As the lead Federal agency, FRA is contacting you to begin Government to Government consultation on this project. FRA is available for formal government-to-government consultation at your request. We also invite you to meet with either FRA or NYSDOT representatives for the purpose of sharing information and establishing protocols for ongoing communication as the project is advanced. NYSDOT and FRA will continue to be available for consultation with your Tribe and will ensure you are kept informed as the project progresses and new information becomes available.

Through consultation, we hope to incorporate into the cultural resource survey process your concerns for locations of traditional or cultural significance, and provide an opportunity for participation in the continuing process to identify cultural resources, effects of the project on significant resources, and resolution of any adverse effects which may result from the proposed action.

David Chan, NYSDOT Project Manager- High Speed Rail Empire Corridor Project, will be contacting you in the near future to schedule an informal meeting. He can also be contacted at (518) 485-1918 or by email at dchan@dot.state.ny.us.

If you have any questions regarding this matter or are interested in formal government-to-government consultation, please contact Colleen Vaughn of my staff at 202-493-6096 or colleen.vaughn@dot.gov.

In addition, you may contact me at (202) 493-6368 directly should you have any concerns or questions regarding the overall environmental process.

Sincerely,

A handwritten signature in black ink, appearing to read "David Valenstein". The signature is fluid and cursive, with a long horizontal stroke at the end.

David Valenstein,
Chief, Environment & Systems Planning Division

cc: David Chan, Project Manager, NYSDOT

Encl: Project area map



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

MAY - 3 2011

Robert Dean
Seneca Nation of Indians
90 West Hetzel Street
Salamanca, NY 14779

Re: Initiation of Government-to-Government Consultation with Native American Tribal Governments pursuant to Section 106 of the National Historic Preservation Act (36 CFR 800.2(c)(2)(ii)) for the High Speed Rail Empire Corridor Project; Tier 1 Environmental Impact Statement; New York City to Buffalo/Niagara Falls

Dear Mr. Dean:

The Federal Railroad Administration (FRA) and the New York State Department of Transportation (NYSDOT) have initiated the preparation of a Tier 1 Environmental Impact Statement (EIS) of proposed improvements to intercity passenger rail service along the Empire Corridor between New York City, New York and Niagara Falls, New York. The 463-mile Empire Corridor begins at Moynihan/Pennsylvania (Penn) Station in New York City (New York County), proceeds north to Yonkers and Croton-Harmon (Westchester County), Poughkeepsie (Dutchess County) and Albany-Rensselaer (Albany County), then turns west to Schenectady (Schenectady County), Utica (Oneida County), Syracuse (Onondaga County), Rochester (Monroe County), Buffalo (Erie County), and terminates at Niagara Falls (Niagara County). Tier 1, the first phase of study, will assess impacts and identify investment needs/costs from a high-level, corridor-wide perspective. Subsequent Tier 2 environmental documents will be prepared for individual projects proposed for sections of the corridor and will identify specific needs, impacts, costs and benefits.

As the lead Federal agency, FRA is contacting you to begin Government to Government consultation on this project. FRA is available for formal government-to-government consultation at your request. We also invite you to meet with either FRA or NYSDOT representatives for the purpose of sharing information and establishing protocols for ongoing communication as the project is advanced. NYSDOT and FRA will continue to be available for consultation with your Tribe and will ensure you are kept informed as the project progresses and new information becomes available.

Through consultation, we hope to incorporate into the cultural resource survey process your concerns for locations of traditional or cultural significance, and provide an opportunity for participation in the continuing process to identify cultural resources, effects of the project on significant resources, and resolution of any adverse effects which may result from the proposed action.

David Chan, NYSDOT Project Manager- High Speed Rail Empire Corridor Project, will be contacting you in the near future to schedule an informal meeting. He can also be contacted at (518) 485-1918 or by email at dchan@dot.state.ny.us.

If you have any questions regarding this matter or are interested in formal government-to-government consultation, please contact Colleen Vaughn of my staff at 202-493-6096 or colleen.vaughn@dot.gov.

In addition, you may contact me at (202) 493-6368 directly should you have any concerns or questions regarding the overall environmental process.

Sincerely,

A handwritten signature in black ink, appearing to read "David Valenstein". The signature is fluid and cursive, with a long horizontal stroke at the end.

David Valenstein,
Chief, Environment & Systems Planning Division

cc: David Chan, Project Manager, NYSDOT

Encl: Project area map



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

MAY - 3 2011

Thane Joyal, Esq.
Onondaga Nation
716 East Washington Street, Suite 104
Syracuse, NY 13210

Re: Initiation of Government-to-Government Consultation with Native American Tribal Governments pursuant to Section 106 of the National Historic Preservation Act (36 CFR 800.2(c)(2)(ii)) for the High Speed Rail Empire Corridor Project; Tier 1 Environmental Impact Statement; New York City to Buffalo/Niagara Falls

Dear Mr. Joyal:

The Federal Railroad Administration (FRA) and the New York State Department of Transportation (NYSDOT) have initiated the preparation of a Tier 1 Environmental Impact Statement (EIS) of proposed improvements to intercity passenger rail service along the Empire Corridor between New York City, New York and Niagara Falls, New York. The 463-mile Empire Corridor begins at Moynihan/Pennsylvania (Penn) Station in New York City (New York County), proceeds north to Yonkers and Croton-Harmon (Westchester County), Poughkeepsie (Dutchess County) and Albany-Rensselaer (Albany County), then turns west to Schenectady (Schenectady County), Utica (Oneida County), Syracuse (Onondaga County), Rochester (Monroe County), Buffalo (Erie County), and terminates at Niagara Falls (Niagara County). Tier 1, the first phase of study, will assess impacts and identify investment needs/costs from a high-level, corridor-wide perspective. Subsequent Tier 2 environmental documents will be prepared for individual projects proposed for sections of the corridor and will identify specific needs, impacts, costs and benefits.

As the lead Federal agency, FRA is contacting you to begin Government to Government consultation on this project. FRA is available for formal government-to-government consultation at your request. We also invite you to meet with either FRA or NYSDOT representatives for the purpose of sharing information and establishing protocols for ongoing communication as the project is advanced. NYSDOT and FRA will continue to be available for consultation with your Tribe and will ensure you are kept informed as the project progresses and new information becomes available.

Through consultation, we hope to incorporate into the cultural resource survey process your concerns for locations of traditional or cultural significance, and provide an opportunity for participation in the continuing process to identify cultural resources, effects of the project on significant resources, and resolution of any adverse effects which may result from the proposed action.

David Chan, NYSDOT Project Manager- High Speed Rail Empire Corridor Project, will be contacting you in the near future to schedule an informal meeting. He can also be contacted at (518) 485-1918 or by email at dchan@dot.state.ny.us.

If you have any questions regarding this matter or are interested in formal government-to-government consultation, please contact Colleen Vaughn of my staff at 202-493-6096 or colleen.vaughn@dot.gov.

In addition, you may contact me at (202) 493-6368 directly should you have any concerns or questions regarding the overall environmental process.

Sincerely,

A handwritten signature in black ink, appearing to read "David Valenstein". The signature is fluid and cursive, with a long horizontal stroke at the end.

David Valenstein,
Chief, Environment & Systems Planning Division

cc: David Chan, Project Manager, NYSDOT

Encl: Project area map



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

MAY - 3 2011

Chief LeRoy Howard
Seneca-Cayuga Tribe of Oklahoma
R2301 E. Steve Owens Boulevard
Miami, Oklahoma 74355

Re: Initiation of Government-to-Government Consultation with Native American Tribal Governments pursuant to Section 106 of the National Historic Preservation Act (36 CFR 800.2(c)(2)(ii)) for the High Speed Rail Empire Corridor Project; Tier 1 Environmental Impact Statement; New York City to Buffalo/Niagara Falls

Dear Mr. Howard:

The Federal Railroad Administration (FRA) and the New York State Department of Transportation (NYSDOT) have initiated the preparation of a Tier 1 Environmental Impact Statement (EIS) of proposed improvements to intercity passenger rail service along the Empire Corridor between New York City, New York and Niagara Falls, New York. The 463-mile Empire Corridor begins at Moynihan/Pennsylvania (Penn) Station in New York City (New York County), proceeds north to Yonkers and Croton-Harmon (Westchester County), Poughkeepsie (Dutchess County) and Albany-Rensselaer (Albany County), then turns west to Schenectady (Schenectady County), Utica (Oneida County), Syracuse (Onondaga County), Rochester (Monroe County), Buffalo (Erie County), and terminates at Niagara Falls (Niagara County). Tier 1, the first phase of study, will assess impacts and identify investment needs/costs from a high-level, corridor-wide perspective. Subsequent Tier 2 environmental documents will be prepared for individual projects proposed for sections of the corridor and will identify specific needs, impacts, costs and benefits.

As the lead Federal agency, FRA is contacting you to begin Government to Government consultation on this project. FRA is available for formal government-to-government consultation at your request. We also invite you to meet with either FRA or NYSDOT representatives for the purpose of sharing information and establishing protocols for ongoing communication as the project is advanced. NYSDOT and FRA will continue to be available for consultation with your Tribe and will ensure you are kept informed as the project progresses and new information becomes available.

Through consultation, we hope to incorporate into the cultural resource survey process your concerns for locations of traditional or cultural significance, and provide an opportunity for participation in the continuing process to identify cultural resources, effects of the project on significant resources, and resolution of any adverse effects which may result from the proposed action.

David Chan, NYSDOT Project Manager- High Speed Rail Empire Corridor Project, will be contacting you in the near future to schedule an informal meeting. He can also be contacted at (518) 485-1918 or by email at dchan@dot.state.ny.us.

If you have any questions regarding this matter or are interested in formal government-to-government consultation, please contact Colleen Vaughn of my staff at 202-493-6096 or colleen.vaughn@dot.gov.

In addition, you may contact me at (202) 493-6368 directly should you have any concerns or questions regarding the overall environmental process.

Sincerely,

A handwritten signature in black ink, appearing to read "David Valenstein". The signature is fluid and cursive, with a long horizontal stroke at the end.

David Valenstein,
Chief, Environment & Systems Planning Division

cc: David Chan, Project Manager, NYSDOT

Encl: Project area map



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

MAY - 3 2011

Anthony Gonyea
Onondaga Nation
RR #1, Route 11A
Box 319B
Nedrow, NY 13120

Re: Initiation of Government-to-Government Consultation with Native American Tribal Governments pursuant to Section 106 of the National Historic Preservation Act (36 CFR 800.2(c)(2)(ii)) for the High Speed Rail Empire Corridor Project; Tier 1 Environmental Impact Statement; New York City to Buffalo/Niagara Falls

Dear Mr. Gonyea:

The Federal Railroad Administration (FRA) and the New York State Department of Transportation (NYSDOT) have initiated the preparation of a Tier 1 Environmental Impact Statement (EIS) of proposed improvements to intercity passenger rail service along the Empire Corridor between New York City, New York and Niagara Falls, New York. The 463-mile Empire Corridor begins at Moynihan/Pennsylvania (Penn) Station in New York City (New York County), proceeds north to Yonkers and Croton-Harmon (Westchester County), Poughkeepsie (Dutchess County) and Albany-Rensselaer (Albany County), then turns west to Schenectady (Schenectady County), Utica (Oneida County), Syracuse (Onondaga County), Rochester (Monroe County), Buffalo (Erie County), and terminates at Niagara Falls (Niagara County). Tier 1, the first phase of study, will assess impacts and identify investment needs/costs from a high-level, corridor-wide perspective. Subsequent Tier 2 environmental documents will be prepared for individual projects proposed for sections of the corridor and will identify specific needs, impacts, costs and benefits.

As the lead Federal agency, FRA is contacting you to begin Government to Government consultation on this project. FRA is available for formal government-to-government consultation at your request. We also invite you to meet with either FRA or NYSDOT representatives for the purpose of sharing information and establishing protocols for ongoing communication as the project is advanced. NYSDOT and FRA will continue to be available for consultation with your Tribe and will ensure you are kept informed as the project progresses and new information becomes available.

Through consultation, we hope to incorporate into the cultural resource survey process your concerns for locations of traditional or cultural significance, and provide an opportunity for participation in the continuing process to identify cultural resources, effects of the project on significant resources, and resolution of any adverse effects which may result from the proposed action.

David Chan, NYSDOT Project Manager- High Speed Rail Empire Corridor Project, will be contacting you in the near future to schedule an informal meeting. He can also be contacted at (518) 485-1918 or by email at dchan@dot.state.ny.us.

If you have any questions regarding this matter or are interested in formal government-to-government consultation, please contact Colleen Vaughn of my staff at 202-493-6096 or colleen.vaughn@dot.gov.

In addition, you may contact me at (202) 493-6368 directly should you have any concerns or questions regarding the overall environmental process.

Sincerely,

A handwritten signature in black ink, appearing to read "David Valenstein". The signature is fluid and cursive, with a long horizontal stroke at the end.

David Valenstein,
Chief, Environment & Systems Planning Division

cc: David Chan, Project Manager, NYSDOT

Encl: Project area map



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

Arnold Printup, Jr. THPO
St. Regis Mohawk Tribe
412 State Route 37
Akwesasne, NY 13655

Re: Initiation of Government-to-Government Consultation with Native American Tribal Governments pursuant to Section 106 of the National Historic Preservation Act (36 CFR 800.2(c)(2)(ii)) for the High Speed Rail Empire Corridor Project; Tier 1 Environmental Impact Statement; New York City to Buffalo/Niagara Falls

Dear Mr. Printup:

The Federal Railroad Administration (FRA) and the New York State Department of Transportation (NYSDOT) have initiated the preparation of a Tier 1 Environmental Impact Statement (EIS) of proposed improvements to intercity passenger rail service along the Empire Corridor between New York City, New York and Niagara Falls, New York. The 463-mile Empire Corridor begins at Moynihan/Pennsylvania (Penn) Station in New York City (New York County), proceeds north to Yonkers and Croton-Harmon (Westchester County), Poughkeepsie (Dutchess County) and Albany-Rensselaer (Albany County), then turns west to Schenectady (Schenectady County), Utica (Oneida County), Syracuse (Onondaga County), Rochester (Monroe County), Buffalo (Erie County), and terminates at Niagara Falls (Niagara County). Tier 1, the first phase of study, will assess impacts and identify investment needs/costs from a high-level, corridor-wide perspective. Subsequent Tier 2 environmental documents will be prepared for individual projects proposed for sections of the corridor and will identify specific needs, impacts, costs and benefits.

As the lead Federal agency, FRA is contacting you to begin Government to Government consultation on this project. FRA is available for formal government-to-government consultation at your request. We also invite you to meet with either FRA or NYSDOT representatives for the purpose of sharing information and establishing protocols for ongoing communication as the project is advanced. NYSDOT and FRA will continue to be available for consultation with your Tribe and will ensure you are kept informed as the project progresses and new information becomes available.

Through consultation, we hope to incorporate into the cultural resource survey process your concerns for locations of traditional or cultural significance, and provide an opportunity for participation in the continuing process to identify cultural resources, effects of the project on significant resources, and resolution of any adverse effects which may result from the proposed action.

David Chan, NYSDOT Project Manager- High Speed Rail Empire Corridor Project, will be contacting you in the near future to schedule an informal meeting. He can also be contacted at (518) 485-1918 or by email at dchan@dot.state.ny.us.

If you have any questions regarding this matter or are interested in formal government-to-government consultation, please contact Colleen Vaughn of my staff at 202-493-6096 or colleen.vaughn@dot.gov.

In addition, you may contact me at (202) 493-6368 directly should you have any concerns or questions regarding the overall environmental process.

Sincerely,

A handwritten signature in black ink, appearing to read "David Valenstein". The signature is fluid and cursive, with a horizontal line extending to the right.

David Valenstein,
Chief, Environment & Systems Planning Division

cc: David Chan, Project Manager, NYSDOT

Encl: Project area map



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

MAY - 3 2011

Jesse Bergevin
Oneida Indian Nation
1256 Union Street
PO Box 662
Oneida, NY 13421-0662

Re: Initiation of Government-to-Government Consultation with Native American Tribal Governments pursuant to Section 106 of the National Historic Preservation Act (36 CFR 800.2(c)(2)(ii)) for the High Speed Rail Empire Corridor Project; Tier 1 Environmental Impact Statement; New York City to Buffalo/Niagara Falls

Dear Mr. Bergevin:

The Federal Railroad Administration (FRA) and the New York State Department of Transportation (NYSDOT) have initiated the preparation of a Tier 1 Environmental Impact Statement (EIS) of proposed improvements to intercity passenger rail service along the Empire Corridor between New York City, New York and Niagara Falls, New York. The 463-mile Empire Corridor begins at Moynihan/Pennsylvania (Penn) Station in New York City (New York County), proceeds north to Yonkers and Croton-Harmon (Westchester County), Poughkeepsie (Dutchess County) and Albany-Rensselaer (Albany County), then turns west to Schenectady (Schenectady County), Utica (Oneida County), Syracuse (Onondaga County), Rochester (Monroe County), Buffalo (Erie County), and terminates at Niagara Falls (Niagara County). Tier 1, the first phase of study, will assess impacts and identify investment needs/costs from a high-level, corridor-wide perspective. Subsequent Tier 2 environmental documents will be prepared for individual projects proposed for sections of the corridor and will identify specific needs, impacts, costs and benefits.

As the lead Federal agency, FRA is contacting you to begin Government to Government consultation on this project. FRA is available for formal government-to-government consultation at your request. We also invite you to meet with either FRA or NYSDOT representatives for the purpose of sharing information and establishing protocols for ongoing communication as the project is advanced. NYSDOT and FRA will continue to be available for consultation with your Tribe and will ensure you are kept informed as the project progresses and new information becomes available.

Through consultation, we hope to incorporate into the cultural resource survey process your concerns for locations of traditional or cultural significance, and provide an opportunity for participation in the continuing process to identify cultural resources, effects of the project on significant resources, and resolution of any adverse effects which may result from the proposed action.

David Chan, NYSDOT Project Manager- High Speed Rail Empire Corridor Project, will be contacting you in the near future to schedule an informal meeting. He can also be contacted at (518) 485-1918 or by email at dchan@dot.state.ny.us.

If you have any questions regarding this matter or are interested in formal government-to-government consultation, please contact Colleen Vaughn of my staff at 202-493-6096 or colleen.vaughn@dot.gov.

In addition, you may contact me at (202) 493-6368 directly should you have any concerns or questions regarding the overall environmental process.

Sincerely,

A handwritten signature in black ink, appearing to read "David Valenstein". The signature is fluid and cursive, with a long horizontal stroke at the end.

David Valenstein,
Chief, Environment & Systems Planning Division

cc: David Chan, Project Manager, NYSDOT

Encl: Project area map



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

MAY - 3 2011

Brian Patterson
Oneida Indian Nation
221 Union Street
Oneida, NY 13421

Re: Initiation of Government-to-Government Consultation with Native American Tribal Governments pursuant to Section 106 of the National Historic Preservation Act (36 CFR 800.2(c)(2)(ii)) for the High Speed Rail Empire Corridor Project; Tier 1 Environmental Impact Statement; New York City to Buffalo/Niagara Falls

Dear Mr. Patterson:

The Federal Railroad Administration (FRA) and the New York State Department of Transportation (NYSDOT) have initiated the preparation of a Tier 1 Environmental Impact Statement (EIS) of proposed improvements to intercity passenger rail service along the Empire Corridor between New York City, New York and Niagara Falls, New York. The 463-mile Empire Corridor begins at Moynihan/Pennsylvania (Penn) Station in New York City (New York County), proceeds north to Yonkers and Croton-Harmon (Westchester County), Poughkeepsie (Dutchess County) and Albany-Rensselaer (Albany County), then turns west to Schenectady (Schenectady County), Utica (Oneida County), Syracuse (Onondaga County), Rochester (Monroe County), Buffalo (Erie County), and terminates at Niagara Falls (Niagara County). Tier 1, the first phase of study, will assess impacts and identify investment needs/costs from a high-level, corridor-wide perspective. Subsequent Tier 2 environmental documents will be prepared for individual projects proposed for sections of the corridor and will identify specific needs, impacts, costs and benefits.

As the lead Federal agency, FRA is contacting you to begin Government to Government consultation on this project. FRA is available for formal government-to-government consultation at your request. We also invite you to meet with either FRA or NYSDOT representatives for the purpose of sharing information and establishing protocols for ongoing communication as the project is advanced. NYSDOT and FRA will continue to be available for consultation with your Tribe and will ensure you are kept informed as the project progresses and new information becomes available.

Through consultation, we hope to incorporate into the cultural resource survey process your concerns for locations of traditional or cultural significance, and provide an opportunity for participation in the continuing process to identify cultural resources, effects of the project on significant resources, and resolution of any adverse effects which may result from the proposed action.

David Chan, NYSDOT Project Manager- High Speed Rail Empire Corridor Project, will be contacting you in the near future to schedule an informal meeting. He can also be contacted at (518) 485-1918 or by email at dchan@dot.state.ny.us.

If you have any questions regarding this matter or are interested in formal government-to-government consultation, please contact Colleen Vaughn of my staff at 202-493-6096 or colleen.vaughn@dot.gov.

In addition, you may contact me at (202) 493-6368 directly should you have any concerns or questions regarding the overall environmental process.

Sincerely,

A handwritten signature in cursive script, appearing to read "David Valenstein".

David Valenstein,
Chief, Environment & Systems Planning Division

cc: David Chan, Project Manager, NYSDOT

Encl: Project area map



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

MAY - 3 2011

Clint Halftown
Cayuga Nation
PO Box 11
Versailles, NY 14168

Re: Initiation of Government-to-Government Consultation with Native American Tribal Governments pursuant to Section 106 of the National Historic Preservation Act (36 CFR 800.2(c)(2)(ii)) for the High Speed Rail Empire Corridor Project; Tier 1 Environmental Impact Statement; New York City to Buffalo/Niagara Falls

Dear Mr. Halftown:

The Federal Railroad Administration (FRA) and the New York State Department of Transportation (NYSDOT) have initiated the preparation of a Tier 1 Environmental Impact Statement (EIS) of proposed improvements to intercity passenger rail service along the Empire Corridor between New York City, New York and Niagara Falls, New York. The 463-mile Empire Corridor begins at Moynihan/Pennsylvania (Penn) Station in New York City (New York County), proceeds north to Yonkers and Croton-Harmon (Westchester County), Poughkeepsie (Dutchess County) and Albany-Rensselaer (Albany County), then turns west to Schenectady (Schenectady County), Utica (Oneida County), Syracuse (Onondaga County), Rochester (Monroe County), Buffalo (Erie County), and terminates at Niagara Falls (Niagara County). Tier 1, the first phase of study, will assess impacts and identify investment needs/costs from a high-level, corridor-wide perspective. Subsequent Tier 2 environmental documents will be prepared for individual projects proposed for sections of the corridor and will identify specific needs, impacts, costs and benefits.

As the lead Federal agency, FRA is contacting you to begin Government to Government consultation on this project. FRA is available for formal government-to-government consultation at your request. We also invite you to meet with either FRA or NYSDOT representatives for the purpose of sharing information and establishing protocols for ongoing communication as the project is advanced. NYSDOT and FRA will continue to be available for consultation with your Tribe and will ensure you are kept informed as the project progresses and new information becomes available.

Through consultation, we hope to incorporate into the cultural resource survey process your concerns for locations of traditional or cultural significance, and provide an opportunity for participation in the continuing process to identify cultural resources, effects of the project on significant resources, and resolution of any adverse effects which may result from the proposed action.

David Chan, NYSDOT Project Manager- High Speed Rail Empire Corridor Project, will be contacting you in the near future to schedule an informal meeting. He can also be contacted at (518) 485-1918 or by email at dchan@dot.state.ny.us.

If you have any questions regarding this matter or are interested in formal government-to-government consultation, please contact Colleen Vaughn of my staff at 202-493-6096 or colleen.vaughn@dot.gov.

In addition, you may contact me at (202) 493-6368 directly should you have any concerns or questions regarding the overall environmental process.

Sincerely,

A handwritten signature in cursive script, reading "David Valenstein". The signature is written in black ink and is positioned above the typed name.

David Valenstein,
Chief, Environment & Systems Planning Division

cc: David Chan, Project Manager, NYSDOT

Encl: Project area map



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

MAY - 3 2001

Timothy Twoguns
Cayuga Nation
PO Box 11
Versailles, NY 14168

Re: Initiation of Government-to-Government Consultation with Native American Tribal Governments pursuant to Section 106 of the National Historic Preservation Act (36 CFR 800.2(c)(2)(ii)) for the High Speed Rail Empire Corridor Project; Tier 1 Environmental Impact Statement; New York City to Buffalo/Niagara Falls

Dear Mr. Twoguns:

The Federal Railroad Administration (FRA) and the New York State Department of Transportation (NYSDOT) have initiated the preparation of a Tier 1 Environmental Impact Statement (EIS) of proposed improvements to intercity passenger rail service along the Empire Corridor between New York City, New York and Niagara Falls, New York. The 463-mile Empire Corridor begins at Moynihan/Pennsylvania (Penn) Station in New York City (New York County), proceeds north to Yonkers and Croton-Harmon (Westchester County), Poughkeepsie (Dutchess County) and Albany-Rensselaer (Albany County), then turns west to Schenectady (Schenectady County), Utica (Oneida County), Syracuse (Onondaga County), Rochester (Monroe County), Buffalo (Erie County), and terminates at Niagara Falls (Niagara County). Tier 1, the first phase of study, will assess impacts and identify investment needs/costs from a high-level, corridor-wide perspective. Subsequent Tier 2 environmental documents will be prepared for individual projects proposed for sections of the corridor and will identify specific needs, impacts, costs and benefits.

As the lead Federal agency, FRA is contacting you to begin Government to Government consultation on this project. FRA is available for formal government-to-government consultation at your request. We also invite you to meet with either FRA or NYSDOT representatives for the purpose of sharing information and establishing protocols for ongoing communication as the project is advanced. NYSDOT and FRA will continue to be available for consultation with your Tribe and will ensure you are kept informed as the project progresses and new information becomes available.

Through consultation, we hope to incorporate into the cultural resource survey process your concerns for locations of traditional or cultural significance, and provide an opportunity for participation in the continuing process to identify cultural resources, effects of the project on significant resources, and resolution of any adverse effects which may result from the proposed action.

David Chan, NYSDOT Project Manager- High Speed Rail Empire Corridor Project, will be contacting you in the near future to schedule an informal meeting. He can also be contacted at (518) 485-1918 or by email at dchan@dot.state.ny.us.

If you have any questions regarding this matter or are interested in formal government-to-government consultation, please contact Colleen Vaughn of my staff at 202-493-6096 or colleen.vaughn@dot.gov.

In addition, you may contact me at (202) 493-6368 directly should you have any concerns or questions regarding the overall environmental process.

Sincerely,

A handwritten signature in black ink, appearing to read "David Valenstein". The signature is fluid and cursive, with a long horizontal stroke at the end.

David Valenstein,
Chief, Environment & Systems Planning Division

cc: David Chan, Project Manager, NYSDOT

Encl: Project area map



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

MAY - 3 2011

Tamara Francis
NAGPRA Director
Delaware Nation of Oklahoma
PO Box 1825
Anadarko, OK 73005

Re: Initiation of Government-to-Government Consultation with Native American Tribal Governments pursuant to Section 106 of the National Historic Preservation Act (36 CFR 800.2(c)(2)(ii)) for the High Speed Rail Empire Corridor Project; Tier 1 Environmental Impact Statement; New York City to Buffalo/Niagara Falls

Dear Ms. Francis:

The Federal Railroad Administration (FRA) and the New York State Department of Transportation (NYSDOT) have initiated the preparation of a Tier 1 Environmental Impact Statement (EIS) of proposed improvements to intercity passenger rail service along the Empire Corridor between New York City, New York and Niagara Falls, New York. The 463-mile Empire Corridor begins at Moynihan/Pennsylvania (Penn) Station in New York City (New York County), proceeds north to Yonkers and Croton-Harmon (Westchester County), Poughkeepsie (Dutchess County) and Albany-Rensselaer (Albany County), then turns west to Schenectady (Schenectady County), Utica (Oneida County), Syracuse (Onondaga County), Rochester (Monroe County), Buffalo (Erie County), and terminates at Niagara Falls (Niagara County). Tier 1, the first phase of study, will assess impacts and identify investment needs/costs from a high-level, corridor-wide perspective. Subsequent Tier 2 environmental documents will be prepared for individual projects proposed for sections of the corridor and will identify specific needs, impacts, costs and benefits.

As the lead Federal agency, FRA is contacting you to begin Government to Government consultation on this project. FRA is available for formal government-to-government consultation at your request. We also invite you to meet with either FRA or NYSDOT representatives for the purpose of sharing information and establishing protocols for ongoing communication as the project is advanced. NYSDOT and FRA will continue to be available for consultation with your Tribe and will ensure you are kept informed as the project progresses and new information becomes available.

Through consultation, we hope to incorporate into the cultural resource survey process your concerns for locations of traditional or cultural significance, and provide an opportunity for participation in the continuing process to identify cultural resources, effects of the project on significant resources, and resolution of any adverse effects which may result from the proposed action.

David Chan, NYSDOT Project Manager- High Speed Rail Empire Corridor Project, will be contacting you in the near future to schedule an informal meeting. He can also be contacted at (518) 485-1918 or by email at dchan@dot.state.ny.us.

If you have any questions regarding this matter or are interested in formal government-to-government consultation, please contact Colleen Vaughn of my staff at 202-493-6096 or colleen.vaughn@dot.gov.

In addition, you may contact me at (202) 493-6368 directly should you have any concerns or questions regarding the overall environmental process.

Sincerely,

A handwritten signature in black ink that reads "David Valenstein". The signature is written in a cursive style with a long horizontal line extending to the right.

David Valenstein,
Chief, Environment & Systems Planning Division

cc: David Chan, Project Manager, NYSDOT

Encl: Project area map



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

MAY - 3 2011

Harry B. Wallace, Chief
Unkechaug Nation
207 Poospansk Lane
Mastic, NY 11950

Re: Initiation of Government-to-Government Consultation with Native American Tribal Governments pursuant to Section 106 of the National Historic Preservation Act (36 CFR 800.2(c)(2)(ii)) for the High Speed Rail Empire Corridor Project; Tier 1 Environmental Impact Statement; New York City to Buffalo/Niagara Falls

Dear Chief Wallace:

The Federal Railroad Administration (FRA) and the New York State Department of Transportation (NYSDOT) have initiated the preparation of a Tier 1 Environmental Impact Statement (EIS) of proposed improvements to intercity passenger rail service along the Empire Corridor between New York City, New York and Niagara Falls, New York. The 463-mile Empire Corridor begins at Moynihan/Pennsylvania (Penn) Station in New York City (New York County), proceeds north to Yonkers and Croton-Harmon (Westchester County), Poughkeepsie (Dutchess County) and Albany-Rensselaer (Albany County), then turns west to Schenectady (Schenectady County), Utica (Oneida County), Syracuse (Onondaga County), Rochester (Monroe County), Buffalo (Erie County), and terminates at Niagara Falls (Niagara County). Tier 1, the first phase of study, will assess impacts and identify investment needs/costs from a high-level, corridor-wide perspective. Subsequent Tier 2 environmental documents will be prepared for individual projects proposed for sections of the corridor and will identify specific needs, impacts, costs and benefits.

As the lead Federal agency, FRA is contacting you to begin Government to Government consultation on this project. FRA is available for formal government-to-government consultation at your request. We also invite you to meet with either FRA or NYSDOT representatives for the purpose of sharing information and establishing protocols for ongoing communication as the project is advanced. NYSDOT and FRA will continue to be available for consultation with your Tribe and will ensure you are kept informed as the project progresses and new information becomes available.

Through consultation, we hope to incorporate into the cultural resource survey process your concerns for locations of traditional or cultural significance, and provide an opportunity for participation in the continuing process to identify cultural resources, effects of the project on significant resources, and resolution of any adverse effects which may result from the proposed action.

If you have any questions regarding this matter or are interested in formal government-to-government consultation, please contact Colleen Vaughn of my staff at 202-493-6096 or colleen.vaughn@dot.gov.

In addition, you may contact me at (202) 493-6368 directly should you have any concerns or questions regarding the overall environmental process.

Sincerely,

A handwritten signature in black ink, appearing to read "David Valenstein". The signature is fluid and cursive, with a long horizontal stroke at the end.

David Valenstein,
Chief, Environment & Systems Planning Division

cc: David Chan, Project Manager, NYSDOT

Encl: Project area map



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

MAY - 3 2011

Mohawk Nation Council of Chiefs
Via Box 336
Rooseveltown, NY 13683

Re: Initiation of Government-to-Government Consultation with Native American Tribal Governments pursuant to Section 106 of the National Historic Preservation Act (36 CFR 800.2(c)(2)(ii)) for the High Speed Rail Empire Corridor Project; Tier 1 Environmental Impact Statement; New York City to Buffalo/Niagara Falls

Dear Sir/Madam:

The Federal Railroad Administration (FRA) and the New York State Department of Transportation (NYSDOT) have initiated the preparation of a Tier 1 Environmental Impact Statement (EIS) of proposed improvements to intercity passenger rail service along the Empire Corridor between New York City, New York and Niagara Falls, New York. The 463-mile Empire Corridor begins at Moynihan/Pennsylvania (Penn) Station in New York City (New York County), proceeds north to Yonkers and Croton-Harmon (Westchester County), Poughkeepsie (Dutchess County) and Albany-Rensselaer (Albany County), then turns west to Schenectady (Schenectady County), Utica (Oneida County), Syracuse (Onondaga County), Rochester (Monroe County), Buffalo (Erie County), and terminates at Niagara Falls (Niagara County). Tier 1, the first phase of study, will assess impacts and identify investment needs/costs from a high-level, corridor-wide perspective. Subsequent Tier 2 environmental documents will be prepared for individual projects proposed for sections of the corridor and will identify specific needs, impacts, costs and benefits.

As the lead Federal agency, FRA is contacting you to begin Government to Government consultation on this project. FRA is available for formal government-to-government consultation at your request. We also invite you to meet with either FRA or NYSDOT representatives for the purpose of sharing information and establishing protocols for ongoing communication as the project is advanced. NYSDOT and FRA will continue to be available for consultation with your Tribe and will ensure you are kept informed as the project progresses and new information becomes available.

Through consultation, we hope to incorporate into the cultural resource survey process your concerns for locations of traditional or cultural significance, and provide an opportunity for participation in the continuing process to identify cultural resources, effects of the project on significant resources, and resolution of any adverse effects which may result from the proposed action.

David Chan, NYSDOT Project Manager- High Speed Rail Empire Corridor Project, will be contacting you in the near future to schedule an informal meeting. He can also be contacted at (518) 485-1918 or by email at dchan@dot.state.ny.us.

David Chan, NYSDOT Project Manager- High Speed Rail Empire Corridor Project, will be contacting you in the near future to schedule an informal meeting. He can also be contacted at (518) 485-1918 or by email at dchan@dot.state.ny.us.

If you have any questions regarding this matter or are interested in formal government-to-government consultation, please contact Colleen Vaughn of my staff at 202-493-6096 or colleen.vaughn@dot.gov.

In addition, you may contact me at (202) 493-6368 directly should you have any concerns or questions regarding the overall environmental process.

Sincerely,

A handwritten signature in black ink, appearing to read "David Valenstein". The signature is fluid and cursive, with a long horizontal stroke at the end.

David Valenstein,
Chief, Environment & Systems Planning Division

cc: David Chan, Project Manager, NYSDOT

Encl: Project area map



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

MAY - 9 2011

Roger Hill, Chief
Tonawanda Band of Seneca Indians
7027 Meadville Road
Basom, NY 14013

Re: Initiation of Government-to-Government Consultation with Native American Tribal Governments pursuant to Section 106 of the National Historic Preservation Act (36 CFR 800.2(c)(2)(ii)) for the High Speed Rail Empire Corridor Project; Tier 1 Environmental Impact Statement; New York City to Buffalo/Niagara Falls

Dear Chief Hill:

The Federal Railroad Administration (FRA) and the New York State Department of Transportation (NYSDOT) have initiated the preparation of a Tier 1 Environmental Impact Statement (EIS) of proposed improvements to intercity passenger rail service along the Empire Corridor between New York City, New York and Niagara Falls, New York. The 463-mile Empire Corridor begins at Moynihan/Pennsylvania (Penn) Station in New York City (New York County), proceeds north to Yonkers and Croton-Harmon (Westchester County), Poughkeepsie (Dutchess County) and Albany-Rensselaer (Albany County), then turns west to Schenectady (Schenectady County), Utica (Oneida County), Syracuse (Onondaga County), Rochester (Monroe County), Buffalo (Erie County), and terminates at Niagara Falls (Niagara County). Tier 1, the first phase of study, will assess impacts and identify investment needs/costs from a high-level, corridor-wide perspective. Subsequent Tier 2 environmental documents will be prepared for individual projects proposed for sections of the corridor and will identify specific needs, impacts, costs and benefits.

As the lead Federal agency, FRA is contacting you to begin Government to Government consultation on this project. FRA is available for formal government-to-government consultation at your request. We also invite you to meet with either FRA or NYSDOT representatives for the purpose of sharing information and establishing protocols for ongoing communication as the project is advanced. NYSDOT and FRA will continue to be available for consultation with your Tribe and will ensure you are kept informed as the project progresses and new information becomes available.

Through consultation, we hope to incorporate into the cultural resource survey process your concerns for locations of traditional or cultural significance, and provide an opportunity for participation in the continuing process to identify cultural resources, effects of the project on significant resources, and resolution of any adverse effects which may result from the proposed action.

David Chan, NYSDOT Project Manager- High Speed Rail Empire Corridor Project, will be contacting you in the near future to schedule an informal meeting. He can also be contacted at (518) 485-1918 or by email at dchan@dot.state.ny.us.

If you have any questions regarding this matter or are interested in formal government-to-government consultation, please contact Colleen Vaughn of my staff at 202-493-6096 or colleen.vaughn@dot.gov.

In addition, you may contact me at (202) 493-6368 directly should you have any concerns or questions regarding the overall environmental process.

Sincerely,

A handwritten signature in black ink, appearing to read "David Valenstein". The signature is fluid and cursive, with a long horizontal stroke at the end.

David Valenstein,
Chief, Environment & Systems Planning Division

cc: David Chan, Project Manager, NYSDOT

Encl: Project area map



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

MAY - 2 2011

Leo Henry, Chief
Tuscarora Indian Nation
2006 Mt. Hope Road
Lewiston, NY 14092

Re: Initiation of Government-to-Government Consultation with Native American Tribal Governments pursuant to Section 106 of the National Historic Preservation Act (36 CFR 800.2(c)(2)(ii)) for the High Speed Rail Empire Corridor Project; Tier 1 Environmental Impact Statement; New York City to Buffalo/Niagara Falls

Dear Chief Henry:

The Federal Railroad Administration (FRA) and the New York State Department of Transportation (NYSDOT) have initiated the preparation of a Tier 1 Environmental Impact Statement (EIS) of proposed improvements to intercity passenger rail service along the Empire Corridor between New York City, New York and Niagara Falls, New York. The 463-mile Empire Corridor begins at Moynihan/Pennsylvania (Penn) Station in New York City (New York County), proceeds north to Yonkers and Croton-Harmon (Westchester County), Poughkeepsie (Dutchess County) and Albany-Rensselaer (Albany County), then turns west to Schenectady (Schenectady County), Utica (Oneida County), Syracuse (Onondaga County), Rochester (Monroe County), Buffalo (Erie County), and terminates at Niagara Falls (Niagara County). Tier 1, the first phase of study, will assess impacts and identify investment needs/costs from a high-level, corridor-wide perspective. Subsequent Tier 2 environmental documents will be prepared for individual projects proposed for sections of the corridor and will identify specific needs, impacts, costs and benefits.

As the lead Federal agency, FRA is contacting you to begin Government to Government consultation on this project. FRA is available for formal government-to-government consultation at your request. We also invite you to meet with either FRA or NYSDOT representatives for the purpose of sharing information and establishing protocols for ongoing communication as the project is advanced. NYSDOT and FRA will continue to be available for consultation with your Tribe and will ensure you are kept informed as the project progresses and new information becomes available.

Through consultation, we hope to incorporate into the cultural resource survey process your concerns for locations of traditional or cultural significance, and provide an opportunity for participation in the continuing process to identify cultural resources, effects of the project on significant resources, and resolution of any adverse effects which may result from the proposed action.

David Chan, NYSDOT Project Manager- High Speed Rail Empire Corridor Project, will be contacting you in the near future to schedule an informal meeting. He can also be contacted at (518) 485-1918 or by email at dchan@dot.state.ny.us.

If you have any questions regarding this matter or are interested in formal government-to-government consultation, please contact Colleen Vaughn of my staff at 202-493-6096 or colleen.vaughn@dot.gov.

In addition, you may contact me at (202) 493-6368 directly should you have any concerns or questions regarding the overall environmental process.

Sincerely,

A handwritten signature in black ink, appearing to read "David Valenstein". The signature is fluid and cursive, with a long horizontal stroke at the end.

David Valenstein,
Chief, Environment & Systems Planning Division

cc: David Chan, Project Manager, NYSDOT

Encl: Project area map



U.S. Department
of Transportation

Federal Railroad
Administration

MAY 4 2012

1200 New Jersey Avenue, SE
Washington, DC 20590

Dr. Brice Obermeyer
Delaware Tribe Historic Preservation Office
1420 C of E Drive, Suite 190
Emporia, Kansas 66801

Re: Initiation of Government-to-Government Consultation with Native American Tribal Governments pursuant to Section 106 of the National Historic Preservation Act (36 CFR 800.2(c)(2)(ii)) for the High Speed Rail Empire Corridor Project; Tier 1 Environmental Impact Statement; New York City to Buffalo/Niagara Falls; and Invitation to NYSDOT-hosted Coordination Meeting

Dear Dr. Obermeyer:

The Federal Railroad Administration (FRA) and the New York State Department of Transportation (NYSDOT) have initiated the preparation of a Tier 1 Environmental Impact Statement (EIS) of proposed improvements to intercity passenger rail service along the Empire Corridor between New York City, New York and Niagara Falls, New York. The 463-mile Empire Corridor begins at Moynihan/Pennsylvania (Penn) Station in New York City (New York County), proceeds north to Yonkers and Croton-Harmon (Westchester County), Poughkeepsie (Dutchess County) and Albany-Rensselaer (Albany County), then turns west to Schenectady (Schenectady County), Utica (Oneida County), Syracuse (Onondaga County), Rochester (Monroe County), Buffalo (Erie County), and terminates at Niagara Falls (Niagara County). Tier 1, the first phase of study, will assess impacts and identify investment needs/costs from a high-level, corridor-wide perspective. Subsequent Tier 2 environmental documents will be prepared for individual projects proposed for sections of the corridor and will identify specific needs, impacts, costs and benefits.

As the lead Federal agency, FRA is contacting you to begin Government to Government consultation on this project. FRA is available for formal government-to-government consultation at your request. We also invite you to meet with either FRA or NYSDOT representatives for the purpose of sharing information and establishing protocols for ongoing communication as the project is advanced. NYSDOT and FRA will continue to be available for consultation with your Tribe and will ensure you are kept informed as the project progresses and new information becomes available.

Through consultation, we hope to incorporate into the cultural resource survey process your concerns for locations of traditional or cultural significance, and provide an opportunity for participation in the continuing process to identify cultural resources, effects of the project on significant resources, and resolution of any adverse effects which may result from the proposed action.

Coordination Meeting

We also wish to notify you that NYSDOT is hosting a coordination meeting and invites you to attend on **May 30, 2012 at 10:00 a.m.** The meeting will be held at:

**Monroe Community College
"Monroe B" Room
1000 East Henrietta Road
Rochester, NY 14623**


The purpose of the meeting will be to brief you and other interested Native American tribal governments on the project status and process and to obtain your comments on the studies that are currently being undertaken in accordance with Section 106 of the National Historic Preservation Act. Through ongoing coordination, we will have the opportunity to incorporate into the cultural resources survey and planning process any concerns you may have for locations of traditional or cultural significance.

If you or your representative cannot attend this meeting in person, NYSDOT will arrange for remote participation via WebEx/teleconference, or they would be happy to work with you to arrange an alternative meeting place and/or time, or to arrange a separate conference call. Instructions for accessing the WebEx/teleconference are enclosed with this letter.

Please contact David Chan, NYSDOT Project Manager – High Speed Rail Empire Corridor Project, at (518) 485-1918 or via email at dchan@dot.state.ny.us to confirm your attendance in person or via WebEx/teleconference on May 30, 2012 or if you would like to discuss the project. Alternatively, you may contact Colleen Vaughn of my staff at (202) 493-6096 or colleen.vaughn@dot.gov if you are interested in formal government-to-government consultation.

In addition, you may contact me at (202) 493-6368 directly should you have any concerns or questions regarding the overall environmental process.

Sincerely,



David Valenstein,
Chief, Environment & Systems Planning Division

cc: David Chan, Project Manager, NYSDOT

Encl: Project area map
WebEx/teleconference instructions

Empire Corridor



July 28, 2010

**Empire Corridor Tier 1 EIS Project
Tribal Nation Coordination Meeting
May 30th, 2012, 10:00am – Noon**



To Join the WebEx Meeting:

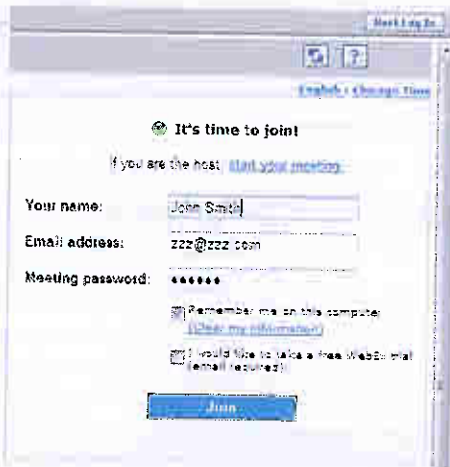
1. On the computer open **Internet Explorer**
2. In the Address bar type in **hntb.webex.com**



3. Press enter on the keyboard
4. When the page loads enter the meeting number **745 752 554**



5. Click **Join Now**
6. Enter **Your Name**
7. Enter **Email address** (if you do not have an email address you can put in zzz@zzz.com)
8. Type **empire** for the **Meeting Password**



9. Click **Join**, this will join you to the WebEx meeting.

Note: If prompted you will need to install ActiveX on the computer.

To Join the Teleconference:

1. Dial **1-866-880-0098**
2. When prompted enter the participant passcode **7169137**
3. When prompted record your name and press #



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232
www.dot.ny.gov

JOAN McDONALD
COMMISSIONER

ANDREW M. CUOMO
GOVERNOR

May 4, 2012

Clint Halftown
Cayuga Nation
P.O. Box 803
Seneca Falls, NY 13148

Re: Coordination Meeting with Native American Tribal Governments for the High Speed Rail Empire Corridor Project; Tier 1 Environmental Impact Statement; New York City to Niagara Falls

Dear Mr. Halftown:

As described in an earlier letter (enclosed) from the Federal Railroad Administration (FRA) dated May 3, 2011 in which they initiated government-to-government consultation with the Cayuga Nation in accordance with Section 106 of the National Historic Preservation Act, FRA and the New York State Department of Transportation (NYSDOT) have initiated the preparation of a Tier 1 Environmental Impact Statement (EIS) for proposed improvements to intercity passenger rail service along the 463-mile-long Empire Corridor between New York City and Niagara Falls, New York. The Tier 1 EIS will assess impacts and identify investment needs/costs from a service-level, corridor-wide perspective. Subsequent Tier 2 environmental documents will be prepared, as required, for individual projects proposed for sections of the corridor and will identify specific needs, impacts, costs, and benefits.

Coordination Meeting

You are invited to attend a meeting on **May 30, 2012 at 10:00 a.m.** The meeting will be held at:

Monroe Community College
“Monroe B” Room
1000 East Henrietta Road
Rochester, NY 14623

The purpose of the meeting will be to brief you and other interested Native American tribal governments on the project status and process and to obtain your comments on the studies that are currently being undertaken in accordance with Section 106 of the National Historic Preservation Act. Through ongoing coordination, we will have the opportunity to incorporate into the cultural resources survey and planning process any concerns you may have for locations of traditional or cultural significance.

If you or your representative cannot attend this meeting in person, we will arrange for remote participation via WebEx/teleconference, or we would be happy to work with you to arrange an alternative meeting place and/or time, or to arrange a separate conference call. Instructions for accessing the WebEx/teleconference are enclosed with this letter.

Please contact me at (518) 485-1918 or via email at dchan@dot.state.ny.us to confirm your attendance in person or via WebEx/teleconference on May 30, 2012 or if you would like to discuss the project. Alternatively, you may contact Colleen Vaughn of FRA at (202) 493-6096 or colleen.vaughn@dot.gov if you are interested in formal government-to-government consultation.

Sincerely,



David Chan
NYSDOT Project Manager, High Speed Rail Empire Corridor Project

Encl. FRA 5/3/2011 Letter
WebEx/teleconference instructions

cc: C. Vaughn, Federal Railroad Administration



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232
www.dot.ny.gov

JOAN McDONALD
COMMISSIONER

ANDREW M. CUOMO
GOVERNOR

May 4, 2012

Tamara Francis
Cultural Preservation Director
Delaware Nation
31064 State Highway 281
Anadarko, OK 73005

Re: Coordination Meeting with Native American Tribal Governments for the High Speed Rail Empire Corridor Project; Tier 1 Environmental Impact Statement; New York City to Niagara Falls

Dear Ms. Francis:

As described in an earlier letter (enclosed) from the Federal Railroad Administration (FRA) dated May 3, 2011 in which they initiated government-to-government consultation with the Delaware Nation in accordance with Section 106 of the National Historic Preservation Act, FRA and the New York State Department of Transportation (NYSDOT) have initiated the preparation of a Tier 1 Environmental Impact Statement (EIS) for proposed improvements to intercity passenger rail service along the 463-mile-long Empire Corridor between New York City and Niagara Falls, New York. The Tier 1 EIS will assess impacts and identify investment needs/costs from a service-level, corridor-wide perspective. Subsequent Tier 2 environmental documents will be prepared, as required, for individual projects proposed for sections of the corridor and will identify specific needs, impacts, costs, and benefits.

Coordination Meeting

You are invited to attend a meeting on **May 30, 2012 at 10:00 a.m.** The meeting will be held at:

Monroe Community College

“Monroe B” Room

1000 East Henrietta Road

Rochester, NY 14623

The purpose of the meeting will be to brief you and other interested Native American tribal governments on the project status and process and to obtain your comments on the studies that are currently being undertaken in accordance with Section 106 of the National Historic Preservation Act. Through ongoing coordination, we will have the opportunity to incorporate into the cultural resources survey and planning process any concerns you may have for locations of traditional or cultural significance.

If you or your representative cannot attend this meeting in person, we will arrange for remote participation via WebEx/teleconference, or we would be happy to work with you to arrange an alternative meeting place and/or time, or to arrange a separate conference call. Instructions for accessing the WebEx/teleconference are enclosed with this letter.

Please contact me at (518) 485-1918 or via email at dchan@dot.state.ny.us to confirm your attendance in person or via WebEx/teleconference on May 30, 2012 or if you would like to discuss the project. Alternatively, you may contact Colleen Vaughn of FRA at (202) 493-6096 or colleen.vaughn@dot.gov if you are interested in formal government-to-government consultation.

Sincerely,



David Chan
NYSDOT Project Manager, High Speed Rail Empire Corridor Project

Encl. FRA 5/3/2011 Letter
WebEx/teleconference instructions

cc: C. Vaughn, Federal Railroad Administration
J, Ross, I Smith (Delaware Nation)



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232
www.dot.ny.gov

JOAN McDONALD
COMMISSIONER

ANDREW M. CUOMO
GOVERNOR

May 4, 2012

Sherry White, Tribal Historic Preservation Officer
Stockbridge-Munsee Community Band of Mohican Indians
W13447 Camp 14 Road
Bowler, WI 54416

Re: Coordination Meeting with Native American Tribal Governments for the High Speed Rail Empire Corridor Project; Tier 1 Environmental Impact Statement; New York City to Niagara Falls

Dear Ms. White:

Thank you for responding to the Federal Railroad Administration's (FRA) letter (enclosed) dated May 3, 2011 in which they initiated government-to-government consultation with the Stockbridge-Munsee Community Band of Mohican Indians in accordance with Section 106 of the National Historic Preservation Act. We appreciate your interest in the High Speed Rail Empire Corridor Project.

As described in the May 3rd letter, FRA and the New York State Department of Transportation (NYSDOT) have initiated the preparation of a Tier 1 Environmental Impact Statement (EIS) for proposed improvements to intercity passenger rail service along the 463-mile-long Empire Corridor between New York City and Niagara Falls, New York. The Tier 1 EIS will assess impacts and identify investment needs/costs from a service-level, corridor-wide perspective. Subsequent Tier 2 environmental documents will be prepared, as required, for individual projects proposed for sections of the corridor and will identify specific needs, impacts, costs, and benefits.

Coordination Meeting

You are invited to attend a meeting on **May 30, 2012 at 10:00 a.m.** The meeting will be held at:

Monroe Community College

"Monroe B" Room

1000 East Henrietta Road

Rochester, NY 14623

The purpose of the meeting will be to brief you and other interested Native American tribal governments on the project status and process and to obtain your comments on the studies that are currently being undertaken in accordance with Section 106 of the National Historic Preservation Act. Through ongoing coordination, we will have the opportunity to incorporate into the cultural resources survey and planning process any concerns you may have for locations of traditional or cultural significance.

If you or your representative cannot attend this meeting in person, we will arrange for remote participation via WebEx/teleconference, or we would be happy to work with you to arrange an alternative meeting place and/or time, or to arrange a separate conference call. Instructions for accessing the WebEx/teleconference are enclosed with this letter.

Please contact me at (518) 485-1918 or via email at dchan@dot.state.ny.us to confirm your attendance in person or via WebEx/teleconference on May 30, 2012 or if you would like to discuss the project. Alternatively, you may contact Colleen Vaughn of FRA at (202) 493-6096 or colleen.vaughn@dot.gov if you are interested in formal government-to-government consultation.

Sincerely,



David Chan NYSDOT Project Manager,
High Speed Rail Empire Corridor Project

Encl. FRA 5/3/2011 Letter
WebEx/teleconference instructions

cc: C. Vaughn, Federal Railroad Administration



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232
www.dot.ny.gov

JOAN McDONALD
COMMISSIONER

ANDREW M. CUOMO
GOVERNOR

May 4, 2012

Jesse Bergevin, Historical Researcher/Archaeologist
Oneida Indian Nation
1256 Union Street
P.O. Box 662
Oneida, NY 13421-0662

Re: Coordination Meeting with Native American Tribal Governments for the High Speed Rail Empire Corridor Project; Tier 1 Environmental Impact Statement; New York City to Niagara Falls

Dear Mr. Bergevin:

Thank you for responding to the Federal Railroad Administration's (FRA) letter (enclosed) dated May 3, 2011 in which they initiated government-to-government consultation with the Oneida Indian Nation in accordance with Section 106 of the National Historic Preservation Act. We appreciate your interest in the High Speed Rail Empire Corridor Project.

As described in the May 3rd letter, FRA and the New York State Department of Transportation (NYSDOT) have initiated the preparation of a Tier 1 Environmental Impact Statement (EIS) for proposed improvements to intercity passenger rail service along the 463-mile-long Empire Corridor between New York City and Niagara Falls, New York. The Tier 1 EIS will assess impacts and identify investment needs/costs from a service-level, corridor-wide perspective. Subsequent Tier 2 environmental documents will be prepared, as required, for individual projects proposed for sections of the corridor and will identify specific needs, impacts, costs, and benefits.

Coordination Meeting

You are invited to attend a meeting on **May 30, 2012 at 10:00 a.m.** The meeting will be held at:

Monroe Community College
"Monroe B" Room
1000 East Henrietta Road
Rochester, NY 14623

The purpose of the meeting will be to brief you and other interested Native American tribal governments on the project status and process and to obtain your comments on the studies that are currently being undertaken in accordance with Section 106 of the National Historic Preservation Act. Through ongoing coordination, we will have the opportunity to incorporate into the cultural resources survey and planning process any concerns you may have for locations of traditional or cultural significance.

If you or your representative cannot attend this meeting in person, we will arrange for remote participation via WebEx/teleconference, or we would be happy to work with you to arrange an alternative meeting place and/or time, or to arrange a separate conference call. Instructions for accessing the WebEx/teleconference are enclosed with this letter.

Please contact me at (518) 485-1918 or via email at dchan@dot.state.ny.us to confirm your attendance in person or via WebEx/teleconference on May 30, 2012 or if you would like to discuss the project. Alternatively, you may contact Colleen Vaughn of FRA at (202) 493-6096 or colleen.vaughn@dot.gov if you are interested in formal government-to-government consultation.

Sincerely,



David Chan NYSDOT Project Manager,
High Speed Rail Empire Corridor Project

Encl. FRA 5/3/2011 Letter
WebEx/teleconference instructions

cc: C. Vaughn, Federal Railroad Administration
L. Misita, Oneida Nation



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232
www.dot.ny.gov

JOAN McDONALD
COMMISSIONER

ANDREW M. CUOMO
GOVERNOR

May 4, 2012

Tony Gonyea
Onondaga Nation Communications
716 East Washington Street, Suite 104
Syracuse, NY 13210

Re: Coordination Meeting with Native American Tribal Governments for the High Speed Rail Empire Corridor Project; Tier 1 Environmental Impact Statement; New York City to Niagara Falls

Dear Mr. Gonyea:

As described in an earlier letter (enclosed) from the Federal Railroad Administration (FRA) dated May 3, 2011 in which they initiated government-to-government consultation with the Onondaga Nation in accordance with Section 106 of the National Historic Preservation Act, FRA and the New York State Department of Transportation (NYSDOT) have initiated the preparation of a Tier 1 Environmental Impact Statement (EIS) for proposed improvements to intercity passenger rail service along the 463-mile-long Empire Corridor between New York City and Niagara Falls, New York. The Tier 1 EIS will assess impacts and identify investment needs/costs from a service-level, corridor-wide perspective. Subsequent Tier 2 environmental documents will be prepared, as required, for individual projects proposed for sections of the corridor and will identify specific needs, impacts, costs, and benefits.

Coordination Meeting

You are invited to attend a meeting on **May 30, 2012 at 10:00 a.m.** The meeting will be held at:

Monroe Community College

“Monroe B” Room

1000 East Henrietta Road

Rochester, NY 14623

The purpose of the meeting will be to brief you and other interested Native American tribal governments on the project status and process and to obtain your comments on the studies that are currently being undertaken in accordance with Section 106 of the National Historic Preservation Act. Through ongoing coordination, we will have the opportunity to incorporate into the cultural resources survey and planning process any concerns you may have for locations of traditional or cultural significance.

If you or your representative cannot attend this meeting in person, we will arrange for remote participation via WebEx/teleconference, or we would be happy to work with you to arrange an alternative meeting place and/or time, or to arrange a separate conference call. Instructions for accessing the WebEx/teleconference are enclosed with this letter.

Please contact me at (518) 485-1918 or via email at dchan@dot.state.ny.us to confirm your attendance in person or via WebEx/teleconference on May 30, 2012 or if you would like to discuss the project. Alternatively, you may contact Colleen Vaughn of FRA at (202) 493-6096 or colleen.vaughn@dot.gov if you are interested in formal government-to-government consultation.

Sincerely,



David Chan
NYSDOT Project Manager, High Speed Rail Empire Corridor Project

Encl. FRA 5/3/2011 Letter
WebEx/teleconference instructions

cc: C. Vaughn, Federal Railroad Administration
Thane Joyal, Esq., Onondaga nation



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232
www.dot.ny.gov

JOAN McDONALD
COMMISSIONER

ANDREW M. CUOMO
GOVERNOR

May 4, 2012

Chief Irv Powless, Jr.
Onondaga Nation
Box 319B
Via Nedrow, NY 13120

Re: Coordination Meeting with Native American Tribal Governments for the High Speed Rail Empire Corridor Project; Tier 1 Environmental Impact Statement; New York City to Niagara Falls

Dear Chief Powless:

As described in an earlier letter (enclosed) from the Federal Railroad Administration (FRA) dated May 3, 2011 in which they initiated government-to-government consultation with the Onondaga Nation in accordance with Section 106 of the National Historic Preservation Act, FRA and the New York State Department of Transportation (NYSDOT) have initiated the preparation of a Tier 1 Environmental Impact Statement (EIS) for proposed improvements to intercity passenger rail service along the 463-mile-long Empire Corridor between New York City and Niagara Falls, New York. The Tier 1 EIS will assess impacts and identify investment needs/costs from a service-level, corridor-wide perspective. Subsequent Tier 2 environmental documents will be prepared, as required, for individual projects proposed for sections of the corridor and will identify specific needs, impacts, costs, and benefits.

Coordination Meeting

You are invited to attend a meeting on **May 30, 2012 at 10:00 a.m.** The meeting will be held at:

Monroe Community College

“Monroe B” Room

1000 East Henrietta Road

Rochester, NY 14623

The purpose of the meeting will be to brief you and other interested Native American tribal governments on the project status and process and to obtain your comments on the studies that are currently being undertaken in accordance with Section 106 of the National Historic Preservation Act. Through ongoing coordination, we will have the opportunity to incorporate into the cultural resources survey and planning process any concerns you may have for locations of traditional or cultural significance.

If you or your representative cannot attend this meeting in person, we will arrange for remote participation via WebEx/teleconference, or we would be happy to work with you to arrange an alternative meeting place and/or time, or to arrange a separate conference call. Instructions for accessing the WebEx/teleconference are enclosed with this letter.

Please contact me at (518) 485-1918 or via email at dchan@dot.state.ny.us to confirm your attendance in person or via WebEx/teleconference on May 30, 2012 or if you would like to discuss the project. Alternatively, you may contact Colleen Vaughn of FRA at (202) 493-6096 or colleen.vaughn@dot.gov if you are interested in formal government-to-government consultation.

Sincerely,



David Chan
NYSDOT Project Manager, High Speed Rail Empire Corridor Project

Encl. FRA 5/3/2011 Letter
WebEx/teleconference instructions

cc: C. Vaughn, Federal Railroad Administration



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232
www.dot.ny.gov

JOAN McDONALD
COMMISSIONER

ANDREW M. CUOMO
GOVERNOR

May 4, 2012

Arnold Printup, Jr.
Tribal Historic Preservation Officer
Saint Regis Mohawk Tribe
412 State Route 37
Akwesasne, NY 13655

Re: Coordination Meeting with Native American Tribal Governments for the High Speed Rail Empire Corridor Project; Tier 1 Environmental Impact Statement; New York City to Niagara Falls

Dear Mr. Printup:

As described in an earlier letter (enclosed) from the Federal Railroad Administration (FRA) dated May 3, 2011 in which they initiated government-to-government consultation with the Saint Regis Mohawk Tribe in accordance with Section 106 of the National Historic Preservation Act, FRA and the New York State Department of Transportation (NYSDOT) have initiated the preparation of a Tier 1 Environmental Impact Statement (EIS) for proposed improvements to intercity passenger rail service along the 463-mile-long Empire Corridor between New York City and Niagara Falls, New York. The Tier 1 EIS will assess impacts and identify investment needs/costs from a service-level, corridor-wide perspective. Subsequent Tier 2 environmental documents will be prepared, as required, for individual projects proposed for sections of the corridor and will identify specific needs, impacts, costs, and benefits.

Coordination Meeting

You are invited to attend a meeting on **May 30, 2012 at 10:00 a.m.** The meeting will be held at:

Monroe Community College

“Monroe B” Room

1000 East Henrietta Road

Rochester, NY 14623

The purpose of the meeting will be to brief you and other interested Native American tribal governments on the project status and process and to obtain your comments on the studies that are currently being undertaken in accordance with Section 106 of the National Historic Preservation Act. Through ongoing coordination, we will have the opportunity to incorporate into the cultural resources survey and planning process any concerns you may have for locations of traditional or cultural significance.

If you or your representative cannot attend this meeting in person, we will arrange for remote participation via WebEx/teleconference, or we would be happy to work with you to arrange an alternative meeting place and/or time, or to arrange a separate conference call. Instructions for accessing the WebEx/teleconference are enclosed with this letter.

Please contact me at (518) 485-1918 or via email at dchan@dot.state.ny.us to confirm your attendance in person or via WebEx/teleconference on May 30, 2012 or if you would like to discuss the project. Alternatively, you may contact Colleen Vaughn of FRA at (202) 493-6096 or colleen.vaughn@dot.gov if you are interested in formal government-to-government consultation.

Sincerely,



David Chan
NYSDOT Project Manager, High Speed Rail Empire Corridor Project

Encl. FRA 5/3/2011 Letter
WebEx/teleconference instructions

cc: C. Vaughn, Federal Railroad Administration



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232
www.dot.ny.gov

JOAN McDONALD
COMMISSIONER

ANDREW M. CUOMO
GOVERNOR

May 4, 2012

Chief Randy Hart
Saint Regis Mohawk Tribal Council
412 State Route 37
Akwesasne, NY 13655

Re: Coordination Meeting with Native American Tribal Governments for the High Speed Rail Empire Corridor Project; Tier 1 Environmental Impact Statement; New York City to Niagara Falls

Dear Mr. Hart:

As described in an earlier letter (enclosed) from the Federal Railroad Administration (FRA) dated May 3, 2011 in which they initiated government-to-government consultation with the Saint Regis Mohawk Tribe in accordance with Section 106 of the National Historic Preservation Act, FRA and the New York State Department of Transportation (NYSDOT) have initiated the preparation of a Tier 1 Environmental Impact Statement (EIS) for proposed improvements to intercity passenger rail service along the 463-mile-long Empire Corridor between New York City and Niagara Falls, New York. The Tier 1 EIS will assess impacts and identify investment needs/costs from a service-level, corridor-wide perspective. Subsequent Tier 2 environmental documents will be prepared, as required, for individual projects proposed for sections of the corridor and will identify specific needs, impacts, costs, and benefits.

Coordination Meeting

You are invited to attend a meeting on **May 30, 2012 at 10:00 a.m.** The meeting will be held at:

Monroe Community College
“Monroe B” Room
1000 East Henrietta Road
Rochester, NY 14623

The purpose of the meeting will be to brief you and other interested Native American tribal governments on the project status and process and to obtain your comments on the studies that are currently being undertaken in accordance with Section 106 of the National Historic Preservation Act. Through ongoing coordination, we will have the opportunity to incorporate into the cultural resources survey and planning process any concerns you may have for locations of traditional or cultural significance.

If you or your representative cannot attend this meeting in person, we will arrange for remote participation via WebEx/teleconference, or we would be happy to work with you to arrange an alternative meeting place and/or time, or to arrange a separate conference call. Instructions for accessing the WebEx/teleconference are enclosed with this letter.

Please contact me at (518) 485-1918 or via email at dchan@dot.state.ny.us to confirm your attendance in person or via WebEx/teleconference on May 30, 2012 or if you would like to discuss the project. Alternatively, you may contact Colleen Vaughn of FRA at (202) 493-6096 or colleen.vaughn@dot.gov if you are interested in formal government-to-government consultation.

Sincerely,



David Chan
NYSDOT Project Manager, High Speed Rail Empire Corridor Project

Encl. FRA 5/3/2011 Letter
WebEx/teleconference instructions

cc: C. Vaughn, Federal Railroad Administration



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232
www.dot.ny.gov

JOAN McDONALD
COMMISSIONER

ANDREW M. CUOMO
GOVERNOR

May 4, 2012

Lana Watt, Tribal Historic Preservation Officer
Seneca Nation of Indians
90 O:hi'yoh Way
Salamanca, NY 14779

Re: Coordination Meeting with Native American Tribal Governments for the High Speed Rail Empire Corridor Project; Tier 1 Environmental Impact Statement; New York City to Niagara Falls

Dear Ms. Watt:

Thank you for responding to the Federal Railroad Administration's (FRA) letter (enclosed) dated May 3, 2011 in which they initiated government-to-government consultation with the Seneca Nation of Indians in accordance with Section 106 of the National Historic Preservation Act. We appreciate your interest in the High Speed Rail Empire Corridor Project.

As described in the May 3rd letter, FRA and the New York State Department of Transportation (NYSDOT) have initiated the preparation of a Tier 1 Environmental Impact Statement (EIS) for proposed improvements to intercity passenger rail service along the 463-mile-long Empire Corridor between New York City and Niagara Falls, New York. The Tier 1 EIS will assess impacts and identify investment needs/costs from a service-level, corridor-wide perspective. Subsequent Tier 2 environmental documents will be prepared, as required, for individual projects proposed for sections of the corridor and will identify specific needs, impacts, costs, and benefits.

Coordination Meeting

You are invited to attend a meeting on **May 30, 2012 at 10:00 a.m.** The meeting will be held at:

Monroe Community College
"Monroe B" Room
1000 East Henrietta Road
Rochester, NY 14623

The purpose of the meeting will be to brief you and other interested Native American tribal governments on the project status and process and to obtain your comments on the studies that are currently being undertaken in accordance with Section 106 of the National Historic Preservation Act. Through ongoing coordination, we will have the opportunity to incorporate into the cultural resources survey and planning process any concerns you may have for locations of traditional or cultural significance.

If you or your representative cannot attend this meeting in person, we will arrange for remote participation via WebEx/teleconference, or we would be happy to work with you to arrange an alternative meeting place and/or time, or to arrange a separate conference call. Instructions for accessing the WebEx/teleconference are enclosed with this letter.

Please contact me at (518) 485-1918 or via email at dchan@dot.state.ny.us to confirm your attendance in person or via WebEx/teleconference on May 30, 2012 or if you would like to discuss the project. Alternatively, you may contact Colleen Vaughn of FRA at (202) 493-6096 or colleen.vaughn@dot.gov if you are interested in formal government-to-government consultation.

Sincerely,



David Chan NYSDOT Project Manager,
High Speed Rail Empire Corridor Project

Encl. FRA 5/3/2011 Letter
WebEx/teleconference instructions

cc: C. Vaughn, Federal Railroad Administration
G. Peter Jemison, Seneca Nation



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232
www.dot.ny.gov

JOAN McDONALD
COMMISSIONER

ANDREW M. CUOMO
GOVERNOR

May 4, 2012

Chief LeRoy Howard
Seneca-Cayuga Tribe of Oklahoma
R2301 E. Steve Owens Boulevard
Miami, Oklahoma 74355

Re: Coordination Meeting with Native American Tribal Governments for the High Speed Rail Empire Corridor Project; Tier 1 Environmental Impact Statement; New York City to Niagara Falls

Dear Mr. Howard:

As described in an earlier letter (enclosed) from the Federal Railroad Administration (FRA) dated May 3, 2011 in which they initiated government-to-government consultation with the Seneca-Cayuga Tribe of Oklahoma in accordance with Section 106 of the National Historic Preservation Act, FRA and the New York State Department of Transportation (NYSDOT) have initiated the preparation of a Tier 1 Environmental Impact Statement (EIS) for proposed improvements to intercity passenger rail service along the 463-mile-long Empire Corridor between New York City and Niagara Falls, New York. The Tier 1 EIS will assess impacts and identify investment needs/costs from a service-level, corridor-wide perspective. Subsequent Tier 2 environmental documents will be prepared, as required, for individual projects proposed for sections of the corridor and will identify specific needs, impacts, costs, and benefits.

Coordination Meeting

You are invited to attend a meeting on **May 30, 2012 at 10:00 a.m.** The meeting will be held at:

Monroe Community College

“Monroe B” Room

1000 East Henrietta Road

Rochester, NY 14623

The purpose of the meeting will be to brief you and other interested Native American tribal governments on the project status and process and to obtain your comments on the studies that are currently being undertaken in accordance with Section 106 of the National Historic Preservation Act. Through ongoing coordination, we will have the opportunity to incorporate into the cultural resources survey and planning process any concerns you may have for locations of traditional or cultural significance.

If you or your representative cannot attend this meeting in person, we will arrange for remote participation via WebEx/teleconference, or we would be happy to work with you to arrange an alternative meeting place and/or time, or to arrange a separate conference call. Instructions for accessing the WebEx/teleconference are enclosed with this letter.

Please contact me at (518) 485-1918 or via email at dchan@dot.state.ny.us to confirm your attendance in person or via WebEx/teleconference on May 30, 2012 or if you would like to discuss the project. Alternatively, you may contact Colleen Vaughn of FRA at (202) 493-6096 or colleen.vaughn@dot.gov if you are interested in formal government-to-government consultation.

Sincerely,



David Chan
NYSDOT Project Manager, High Speed Rail Empire Corridor Project

Encl. FRA 5/3/2011 Letter
WebEx/teleconference instructions

cc: C. Vaughn, Federal Railroad Administration



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232
www.dot.ny.gov

JOAN McDONALD
COMMISSIONER

ANDREW M. CUOMO
GOVERNOR

May 4, 2012

Marguerite A. Smith, Attorney at Law
Office of Tribal Trustees/Legal
Shinnecock Indian Nation Tribal Office
P.O. Box 5006
Southampton, NY 11969

Re: Coordination Meeting with Native American Tribal Governments for the High Speed Rail Empire Corridor Project; Tier 1 Environmental Impact Statement; New York City to Niagara Falls

Dear Ms. Smith:

As described in an earlier letter (enclosed) from the Federal Railroad Administration (FRA) dated May 3, 2011 in which they initiated government-to-government consultation with the Shinnecock Indian Nation in accordance with Section 106 of the National Historic Preservation Act, FRA and the New York State Department of Transportation (NYSDOT) have initiated the preparation of a Tier 1 Environmental Impact Statement (EIS) for proposed improvements to intercity passenger rail service along the 463-mile-long Empire Corridor between New York City and Niagara Falls, New York. The Tier 1 EIS will assess impacts and identify investment needs/costs from a service-level, corridor-wide perspective. Subsequent Tier 2 environmental documents will be prepared, as required, for individual projects proposed for sections of the corridor and will identify specific needs, impacts, costs, and benefits.

Coordination Meeting

You are invited to attend a meeting on **May 30, 2012 at 10:00 a.m.** The meeting will be held at:

Monroe Community College
“Monroe B” Room
1000 East Henrietta Road
Rochester, NY 14623

The purpose of the meeting will be to brief you and other interested Native American tribal governments on the project status and process and to obtain your comments on the studies that are currently being undertaken in accordance with Section 106 of the National Historic Preservation Act. Through ongoing coordination, we will have the opportunity to incorporate into the cultural resources survey and planning process any concerns you may have for locations of traditional or cultural significance.

If you or your representative cannot attend this meeting in person, we will arrange for remote participation via WebEx/teleconference, or we would be happy to work with you to arrange an alternative meeting place and/or time, or to arrange a separate conference call. Instructions for accessing the WebEx/teleconference are enclosed with this letter.

Please contact me at (518) 485-1918 or via email at dchan@dot.state.ny.us to confirm your attendance in person or via WebEx/teleconference on May 30, 2012 or if you would like to discuss the project. Alternatively, you may contact Colleen Vaughn of FRA at (202) 493-6096 or colleen.vaughn@dot.gov if you are interested in formal government-to-government consultation.

Sincerely,



David Chan
NYSDOT Project Manager, High Speed Rail Empire Corridor Project

Encl. FRA 5/3/2011 Letter
WebEx/teleconference instructions

cc: C. Vaughn, Federal Railroad Administration



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232
www.dot.ny.gov

JOAN McDONALD
COMMISSIONER

ANDREW M. CUOMO
GOVERNOR

May 4, 2012

Randy King
Chairman, Board of Trustees
Shinnecock Indian Nation Tribal Office
P.O. Box 5006
Southampton, NY 11969

Re: Coordination Meeting with Native American Tribal Governments for the High Speed Rail Empire Corridor Project; Tier 1 Environmental Impact Statement; New York City to Niagara Falls

Dear Mr. King:

As described in an earlier letter (enclosed) from the Federal Railroad Administration (FRA) dated May 3, 2011 in which they initiated government-to-government consultation with the Shinnecock Indian Nation in accordance with Section 106 of the National Historic Preservation Act, FRA and the New York State Department of Transportation (NYSDOT) have initiated the preparation of a Tier 1 Environmental Impact Statement (EIS) for proposed improvements to intercity passenger rail service along the 463-mile-long Empire Corridor between New York City and Niagara Falls, New York. The Tier 1 EIS will assess impacts and identify investment needs/costs from a service-level, corridor-wide perspective. Subsequent Tier 2 environmental documents will be prepared, as required, for individual projects proposed for sections of the corridor and will identify specific needs, impacts, costs, and benefits.

Coordination Meeting

You are invited to attend a meeting on **May 30, 2012 at 10:00 a.m.** The meeting will be held at:

Monroe Community College

"Monroe B" Room

1000 East Henrietta Road

Rochester, NY 14623

The purpose of the meeting will be to brief you and other interested Native American tribal governments on the project status and process and to obtain your comments on the studies that are currently being undertaken in accordance with Section 106 of the National Historic Preservation Act. Through ongoing coordination, we will have the opportunity to incorporate into the cultural resources survey and planning process any concerns you may have for locations of traditional or cultural significance.

If you or your representative cannot attend this meeting in person, we will arrange for remote participation via WebEx/teleconference, or we would be happy to work with you to arrange an alternative meeting place and/or time, or to arrange a separate conference call. Instructions for accessing the WebEx/teleconference are enclosed with this letter.

Please contact me at (518) 485-1918 or via email at dchan@dot.state.ny.us to confirm your attendance in person or via WebEx/teleconference on May 30, 2012 or if you would like to discuss the project. Alternatively, you may contact Colleen Vaughn of FRA at (202) 493-6096 or colleen.vaughn@dot.gov if you are interested in formal government-to-government consultation.

Sincerely,



David Chan
NYSDOT Project Manager, High Speed Rail Empire Corridor Project

Encl. FRA 5/3/2011 Letter
WebEx/teleconference instructions

cc: C. Vaughn, Federal Railroad Administration



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232
www.dot.ny.gov

JOAN McDONALD
COMMISSIONER

ANDREW M. CUOMO
GOVERNOR

May 4, 2012

Chief Darwin Hill, Clerk
Tonawanda Seneca Nation Office
7027 Meadville Road
Basom, NY 14013

Re: Coordination Meeting with Native American Tribal Governments for the High Speed Rail Empire Corridor Project; Tier 1 Environmental Impact Statement; New York City to Niagara Falls

Dear Mr. Hill:

As described in an earlier letter (enclosed) from the Federal Railroad Administration (FRA) dated May 3, 2011 in which they initiated government-to-government consultation with the Tonawanda Seneca Nation in accordance with Section 106 of the National Historic Preservation Act, FRA and the New York State Department of Transportation (NYSDOT) have initiated the preparation of a Tier 1 Environmental Impact Statement (EIS) for proposed improvements to intercity passenger rail service along the 463-mile-long Empire Corridor between New York City and Niagara Falls, New York. The Tier 1 EIS will assess impacts and identify investment needs/costs from a service-level, corridor-wide perspective. Subsequent Tier 2 environmental documents will be prepared, as required, for individual projects proposed for sections of the corridor and will identify specific needs, impacts, costs, and benefits.

Coordination Meeting

You are invited to attend a meeting on **May 30, 2012 at 10:00 a.m.** The meeting will be held at:

Monroe Community College

“Monroe B” Room

1000 East Henrietta Road

Rochester, NY 14623

The purpose of the meeting will be to brief you and other interested Native American tribal governments on the project status and process and to obtain your comments on the studies that are currently being undertaken in accordance with Section 106 of the National Historic Preservation Act. Through ongoing coordination, we will have the opportunity to incorporate into the cultural resources survey and planning process any concerns you may have for locations of traditional or cultural significance.

If you or your representative cannot attend this meeting in person, we will arrange for remote participation via WebEx/teleconference, or we would be happy to work with you to arrange an alternative meeting place and/or time, or to arrange a separate conference call. Instructions for accessing the WebEx/teleconference are enclosed with this letter.

Please contact me at (518) 485-1918 or via email at dchan@dot.state.ny.us to confirm your attendance in person or via WebEx/teleconference on May 30, 2012 or if you would like to discuss the project. Alternatively, you may contact Colleen Vaughn of FRA at (202) 493-6096 or colleen.vaughn@dot.gov if you are interested in formal government-to-government consultation.

Sincerely,



David Chan
NYSDOT Project Manager, High Speed Rail Empire Corridor Project

Encl. FRA 5/3/2011 Letter
WebEx/teleconference instructions

cc: C. Vaughn, Federal Railroad Administration



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232
www.dot.ny.gov

JOAN McDONALD
COMMISSIONER

ANDREW M. CUOMO
GOVERNOR

May 4, 2012

Chief Leo R. Henry
Tuscarora Nation
2006 Mt. Hope Road
Lewiston, NY 14092

Re: Coordination Meeting with Native American Tribal Governments for the High Speed Rail Empire Corridor Project; Tier 1 Environmental Impact Statement; New York City to Niagara Falls

Dear Chief Henry:

As described in an earlier letter (enclosed) from the Federal Railroad Administration (FRA) dated May 3, 2011 in which they initiated government-to-government consultation with the Tuscarora Nation in accordance with Section 106 of the National Historic Preservation Act, FRA and the New York State Department of Transportation (NYSDOT) have initiated the preparation of a Tier 1 Environmental Impact Statement (EIS) for proposed improvements to intercity passenger rail service along the 463-mile-long Empire Corridor between New York City and Niagara Falls, New York. The Tier 1 EIS will assess impacts and identify investment needs/costs from a service-level, corridor-wide perspective. Subsequent Tier 2 environmental documents will be prepared, as required, for individual projects proposed for sections of the corridor and will identify specific needs, impacts, costs, and benefits.

Coordination Meeting

You are invited to attend a meeting on **May 30, 2012 at 10:00 a.m.** The meeting will be held at:

Monroe Community College

“Monroe B” Room

1000 East Henrietta Road

Rochester, NY 14623

The purpose of the meeting will be to brief you and other interested Native American tribal governments on the project status and process and to obtain your comments on the studies that are currently being undertaken in accordance with Section 106 of the National Historic Preservation Act. Through ongoing coordination, we will have the opportunity to incorporate into the cultural resources survey and planning process any concerns you may have for locations of traditional or cultural significance.

If you or your representative cannot attend this meeting in person, we will arrange for remote participation via WebEx/teleconference, or we would be happy to work with you to arrange an alternative meeting place and/or time, or to arrange a separate conference call. Instructions for accessing the WebEx/teleconference are enclosed with this letter.

Please contact me at (518) 485-1918 or via email at dchan@dot.state.ny.us to confirm your attendance in person or via WebEx/teleconference on May 30, 2012 or if you would like to discuss the project. Alternatively, you may contact Colleen Vaughn of FRA at (202) 493-6096 or colleen.vaughn@dot.gov if you are interested in formal government-to-government consultation.

Sincerely,



David Chan
NYSDOT Project Manager, High Speed Rail Empire Corridor Project

Encl. FRA 5/3/2011 Letter
WebEx/teleconference instructions

cc: C. Vaughn, Federal Railroad Administration



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232
www.dot.ny.gov

JOAN McDONALD
COMMISSIONER

ANDREW M. CUOMO
GOVERNOR

May 4, 2012

Chief Stuart Patterson
Tuscarora Nation
1983 Upper Mountain Road
Sanborn, NY 14132

Re: Coordination Meeting with Native American Tribal Governments for the High Speed Rail Empire Corridor Project; Tier 1 Environmental Impact Statement; New York City to Niagara Falls

Dear Mr. Patterson:

As described in an earlier letter (enclosed) from the Federal Railroad Administration (FRA) dated May 3, 2011 in which they initiated government-to-government consultation with the Tuscarora Nation in accordance with Section 106 of the National Historic Preservation Act, FRA and the New York State Department of Transportation (NYSDOT) have initiated the preparation of a Tier 1 Environmental Impact Statement (EIS) for proposed improvements to intercity passenger rail service along the 463-mile-long Empire Corridor between New York City and Niagara Falls, New York. The Tier 1 EIS will assess impacts and identify investment needs/costs from a service-level, corridor-wide perspective. Subsequent Tier 2 environmental documents will be prepared, as required, for individual projects proposed for sections of the corridor and will identify specific needs, impacts, costs, and benefits.

Coordination Meeting

You are invited to attend a meeting on **May 30, 2012 at 10:00 a.m.** The meeting will be held at:

Monroe Community College

“Monroe B” Room

1000 East Henrietta Road

Rochester, NY 14623

The purpose of the meeting will be to brief you and other interested Native American tribal governments on the project status and process and to obtain your comments on the studies that are currently being undertaken in accordance with Section 106 of the National Historic Preservation Act. Through ongoing coordination, we will have the opportunity to incorporate into the cultural resources survey and planning process any concerns you may have for locations of traditional or cultural significance.

If you or your representative cannot attend this meeting in person, we will arrange for remote participation via WebEx/teleconference, or we would be happy to work with you to arrange an alternative meeting place and/or time, or to arrange a separate conference call. Instructions for accessing the WebEx/teleconference are enclosed with this letter.

Please contact me at (518) 485-1918 or via email at dchan@dot.state.ny.us to confirm your attendance in person or via WebEx/teleconference on May 30, 2012 or if you would like to discuss the project. Alternatively, you may contact Colleen Vaughn of FRA at (202) 493-6096 or colleen.vaughn@dot.gov if you are interested in formal government-to-government consultation.

Sincerely,



David Chan
NYSDOT Project Manager, High Speed Rail Empire Corridor Project

Encl. FRA 5/3/2011 Letter
WebEx/teleconference instructions

cc: C. Vaughn, Federal Railroad Administration



Meeting Minutes

High Speed Rail Empire Corridor Project

Tribal Nation Coordination Meeting

May 30, 2012; 10:00am

Monroe Community College, Campus Center - Room "Monroe B"

1000 East Henrietta Road, Rochester, New York & via Webinar/teleconference

Attendance:

In-Person Attendees		Webinar Attendees	
Chief Leo R. Henry	Tuscarora Nation	Lana Watt	Seneca Nation
Martin Rickard	Tuscarora Nation	Sherry White	Mohican
Anthony Gonyea	Onondaga Nation	Colleen Vaughn	FRA
Spencer Lyons	Onondaga Nation	Tim Bender	NYSDOT
David Chan	NYSDOT		
Joe Grilli	HNTB	Teleconference Only Attendees	
Peter Denitz	HNTB	Dr. Brice Obermeyer	Delaware Tribe
Ben Fischer	HNTB	Jesse Bergevin	Oneida Nation
Molly McDonald	AKRF	Josephine Smith	Shinnecock Nation

IN ORDER OF PRESENTATION

- **Welcome and Introductions**

David Chan, NYSDOT Project Manager, welcomed participants to the meeting and introduced Colleen Vaughn from FRA.

Colleen Vaughn, FRA, gave opening remarks and encouraged tribal nation participation throughout the duration of the project. Colleen encouraged interested parties to contact her directly or to request a meeting if additional consultation is desired.

- **Project Overview**

Joe Grilli, Project Team, provided an overview of the project and its goals and objectives which include the need to:

1. Remove capacity constraints to improve on-time performance and increase service frequency;
2. Increase train speeds to reduce travel time;



Meeting Minutes

3. Improve current infrastructure to increase service reliability.

In addition, Joe Grilli provided an overview of the Alternatives Analysis and Screening process of the initial ten alternatives and reviewed the five alternatives identified for further evaluation, which are: the Base Alternative and Alternatives 90A, 90B, 100, and 125.

- **National Environmental Policy Act (NEPA) Overview**

Joe Grilli provided an overview of the National Environmental Policy Act (NEPA) as it relates to the project. It was reported that the Federal Railroad Administration (FRA) and the New York State Department of Transportation (NYSDOT) are conducting a tiered environmental review of the proposed High Speed Rail Empire Corridor Project, in compliance with NEPA. As such, the project team is preparing a Tier 1 Environmental Impact Statement (EIS). Participants were encouraged to visit the project website (www.dot.ny.gov/empire-corridor) for more information about the project.

- **Section 106 Review Process**

Molly McDonald, Project Team, provided an overview of the Section 106 review process as it relates to the tiered environmental review process. It was reported that the purpose of the Section 106 review process is to coordinate with Tribal Nations, New York State Historic Preservation Office (SHPO) and other consulting parties to determine the preliminary area of potential effects (APE), identify properties of cultural and/or historical significance within the APE, and assess the potential for project effects on those resources. It was reported that the outcome of the Section 106 review process may be in the form of a Programmatic Agreement (PA) or a Memorandum of Agreement (MOA); as needed.

- **Next Steps**

Peter Denitz, Project Team, presented an overview of the next steps as the project progresses and provided the contact information for Colleen Vaughn, FRA Environmental Protection Specialist and David Chan, NYSDOT Project Manager. Participants were encouraged to direct future questions and comments to Colleen Vaughn and/or David Chan.

- **Discussion**

The Project Team invited open dialogue and questions from the tribal nations pertaining to the project and the Section 106 review process.

Questions:



Meeting Minutes

How are APEs delineated and is the delineation coordinated with tribal nations?

RESPONSE: The APEs are currently being delineated and the Project Team welcomes input from tribal nations. A preliminary APE for potential direct effects was delineated to extend 100 feet from the centerline of each project alternative to account for potential construction impacts. A preliminary APE for potential indirect effects was delineated to extend 600 feet from the centerline of each alternative (500 feet from the preliminary APE for direct effects) to account for potential visual, audible, and atmospheric effects resulting from the proposed project. The preliminary APEs have been shared with the State Historic Preservation Office. They are being used for initial existing conditions data collection purposes and are subject to change based on input from the SHPO, tribes, and any other applicable consulting or interested parties.

Colleen Vaughn made the recommendation that APEs should be shared with tribal nations for feedback during delineation.

Will archeological sites be kept confidential and not made public?

RESPONSE: Yes, exact locations of archeological sites will not be shown on project documents released to the public. Only approximate locations of archaeological sites will be shown.

What sources are being used to identify known archeological sites?

RESPONSE: The two primary sources being used include SHPO and the New York State Museum.

Will the APE for each of the five alternatives use the same buffer?

The preliminary APEs all use a 600-foot buffer from the centerline of each alternative; however, this APE is preliminary and is subject to revision based on input from the tribes and the SHPO.

What is the project's schedule?

RESPONSE: Portions of the DEIS are undergoing concurrent review by FRA and NYSDOT. The DEIS will be released in its entirety in the near future.

Is development being encouraged along the Empire Corridor as part of the project?



Meeting Minutes

RESPONSE: The project's main charge is to improve passenger rail service on the Empire Corridor. The Tier 1 EIS does not explicitly address or encourage economic development along the corridor.

In regards to the Programmatic Agreement, what is the difference between a Signatory and Consulting party?

RESPONSE: The point was made that the Federally recognized tribes are given a special status in the Section 106 consultation beyond that of Consulting Parties. A list of potential Consulting and Interested parties is currently being generated. FRA and DOT will reach out to potential Consulting and Interested parties to invite their participation in the project.

Are there existing land claims under dispute where ownership may change?

RESPONSE: A formal inquiry into that issue has not been made at this time, however, additional research can be conducted into the matter.

How will dispute resolution be handled?

RESPONSE: A protocol for dispute resolution protocol will be identified in the Draft Programmatic Agreement. Tribes will have the opportunity to have input into this protocol prior to the finalization of the Programmatic Agreement.

Would it be possible to have a Memorandum of Understanding (MOU) with the state agency instead of a Programmatic Agreement or Memorandum of Agreement?

RESPONSE: That could be considered.

Will maps be provided?

RESPONSE: Yes, what is the best method of transmission?

- The tribal nations indicated a preference for paper copies of the maps. A brief discussion took place on the level of detail and scale of the maps.

Are land claims included on the maps of the corridor?



Meeting Minutes

RESPONSE: Land claims have not been included on the maps.

Will the maps contain detailed information on burial sites?

RESPONSE: Information on burial sites was provided by SHPO and the NYS Museum. We will check with these entities to see if it is okay to release this information.

Will the site data shown on the maps only be shared with tribal nations?

RESPONSE: The site data shown on the maps will only be shared with tribal nations.

- Tribal nations requested to be notified of the number of paper copy maps produced.
- Discussion on restricted distribution of paper maps, to be labeled confidential and sent to only federally recognized tribal nations.

Will there be any new stations for the Empire Corridor?

RESPONSE: All existing stations on the corridor will continue to be served; however, the 125 MPH Alternative may require new stations to be built near some of the existing stations due to the new alignment.

- **Closing Remarks**

David Chan thanked meeting attendees for their participation. The contact information for Colleen Vaughn, FRA and David Chan, NYSDOT was read aloud and spelled out for the benefit of meeting participants that joined only the teleconference portion of the meeting.
- **Meeting adjourned at 11:30am.**

From: Louise Brodnitz [mailto:lbrodnitz@achp.gov]

Sent: Friday, July 20, 2012 5:44 PM

To: Ruth L. Pierpont; Beth Cumming; Martin, Elizabeth (PEB); Kenneth Markunas; Marie Sarchiapone; James Warren

Cc: Vaughn, Colleen (FRA)

Subject: Empire Corridor High Speed Rail Program: ACHP Invited to Participate

Hello all,

We received from the Federal Railroad Administration an invitation to participate in the development of a Programmatic Agreement for the Empire Corridor High Speed Rail Program which will involve establishing procedures for: identification of cultural resources within the APE, evaluation, assessment of effects, and treatment of cultural resources potentially affected by the proposed program.

It would not seem t be critical that ACHP be involved in development of this PA (we would expect FRA to notify us pursuant to Section 106 when and if subsequent agreement documents are to be developed.)

However, please don't hesitate to contact us if necessary during the development of this PA.

Best,

Louise

Louise Dunford Brodnitz, AIA AICP
Program Analyst
Office of Federal Agency Programs
Advisory Council on Historic Preservation
1100 Pennsylvania Avenue NW
Washington, DC 20004-2501
202-606-8527
www.achp.gov



Meeting Minutes

High Speed Rail Empire Corridor Project

SHPO Coordination Meeting

July 31, 2012; 1:30pm

New York State Department of Transportation, Main Office

50 Wolf Road, Albany, New York, 12232/teleconference

Attendance:

In-Person Attendees	
David Chan	NYSDOT
Mary Santangelo	NYSDOT
Tim Bender	NYSDOT
Robert Englert	OPRHP/SHPO
Nancy Herter	OPRHP/SHPO
Joe Grilli	HNTB
Peter Denitz	HNTB
Ben Fischer	HNTB
Molly McDonald	AKRF
Teleconference Attendees	
Colleen Vaughn	FRA
Michelle Fishburne	FRA

IN ORDER OF PRESENTATION

- **Welcome and Introductions**

David Chan, NYSDOT Project Manager, welcomed participants to the meeting and introduced Colleen Vaughn and Michelle Fishburne from FRA.

- **Project Overview**

Using a powerpoint presentation, Joe Grilli, Project Team, provided an update and overview of the project and reviewed the alternatives selected for advancement in the Tier 1 Programmatic Environmental Impact Statement (EIS). A total of 5 alternatives



Meeting Minutes

have been selected for advancement including the No Action Alternative and 4 Build Alternatives with the following Maximum Authorized Speeds: 90A, 90B, 110 and 125.

- **National Environmental Policy Act (NEPA) Overview**

Joe Grilli provided an overview of the National Environmental Policy Act (NEPA) as it pertains to the High Speed Rail Empire Corridor project. It was reported that the Federal Railroad Administration (FRA) and the New York State Department of Transportation (NYSDOT) are preparing a Tier 1 Programmatic Environmental Impact Statement (EIS).

- **Section 106 Review Process**

Molly McDonald, Project Team, provided an overview of the Section 106 review process as it relates to the tiered environmental review process. It was reported that part of the Section 106 review process is to coordinate with Tribal Nations, New York State Historic Preservation Office (SHPO) and other consulting parties to determine and document the preliminary area of potential effects (APE) and to identify historic and cultural properties within the APE. The Section 106 review process for Tier 1 will result in a Programmatic Agreement (PA). Projects advanced in Tier 2 may result in a Memorandum of Agreement(s) (MOA) as needed to resolve any adverse effects.

It was reported that a draft Programmatic Agreement is currently being drafted and will outline the process for the Tier 2 level of analysis. The PA follows an example for a Connecticut project provided to the project team by FRA. Joe Grilli reported that the draft Programmatic Agreement is substantially complete and will be submitted to NYSDOT for review and comment in the coming days.

Robert Englert (SHPO) questioned how the corridor wide project will be divided up into Tier 2 projects. The division of projects, and associated geographic area, has not yet been determined. It was reported that the Programmatic Agreement should be drafted with input from SHPO to address a report format and timeframe for review. Colleen Vaughn reported that the Programmatic Agreements prepared for Tier 1 level High Speed Rail projects in California and Connecticut serve as good examples and offered to share the documents with the project team and SHPO.

A discussion took place regarding how to handle the APE in the Programmatic Agreement. Decision reached to include flexibility for the APE in the Programmatic Agreement in an effort to allow for future refinement in Tier 2.

A list of consulting parties was circulated for discussion. It was reported that the list of consulting parties was created with the thought that additional parties would be



Meeting Minutes

identified in Tier 2, if needed. Robert Englert of SHPO suggested the addition of three preservation organizations to the list of consulting parties. The three organizations are: Preservation Buffalo-Niagara, Landmark Society of Western New York, and the Preservation Association of Central New York. SHPO also suggested that the project team check with the Preservation League of New York State to identify a regional preservation group that represents the Mohawk Valley area to achieve balance in geographical coverage. The revised list of consulting parties is to be sent to FRA for review.

A discussion took place regarding how to reach concurrence regarding the APE with both SHPO and the tribal nations. It was decided to send a letter that contains the APE maps, at the same scale as the maps produced at the request of the tribal nations, along with a description of the APE to both federally recognized tribal nations and SHPO at the same time for concurrence. FRA noted that APE letters to the tribal nations need to be sent on FRA letterhead. It was decided that later in the process, SHPO will receive additional maps showing the locations of architectural and archaeological resources.

Discussion regarding procedure for distributing APE maps to tribal nations in a controlled, confidential distribution to address sensitive information contained on the maps. David Chan to follow up with representatives from the tribal nations to determine the appropriate recipient of the controlled distribution at each tribal nation.

- **Discussion and Next Steps**

The project team is to finalize and circulate the draft Programmatic Agreement to begin its review process, APE map sets and the updated list of consulting parties for review and comment.



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232

WWW.DOT.NY.GOV

JOAN McDONALD
COMMISSIONER

ANDREW M. CUOMO
GOVERNOR

November 21, 2012

Clint Halftown
Cayuga Nation
P.O. Box 803
Seneca Falls, NY 13148

Re: High Speed Rail Empire Corridor Project; Tier 1 Environmental Impact Statement (EIS);
New York City to Buffalo/Niagara Falls
Opportunity to Comment on the Proposed Area of Potential Effect (APE), pursuant to
Section 106 of the National Historic Preservation Act (36 CFR 800.2(c)(2)(ii))

Dear Mr. Halftown:

As a follow-up to the Tribal Nation coordination meeting of May 30, 2012, and pursuant to Section 106 of the National Historic Preservation Act (NHPA, 36 CFR § 800), we are forwarding you information regarding the development of the proposed Area of Potential Effect (APE). The APE is defined as “the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if such properties exist” (36 CFR § 800.16[d]). We are inviting you to review and comment on the proposed APE.

The following provides an overview of the High Speed Rail Empire Corridor Project, and the development of the APE for direct effects and the APE for indirect effects. Enclosed with this letter are a table of the counties, cities, towns and villages traversed by the proposed APE (Table 1), and Empire Corridor maps delineating the proposed APE.

General Project Description

FRA and the New York State Department of Transportation (NYSDOT) are preparing a Tier 1 EIS of proposed improvements to intercity passenger rail service along the Empire Corridor between New York City and Niagara Falls. The EIS is being developed in accordance with the National Environmental Policy Act of 1969 (NEPA) and the New York State Environmental Quality Review Act (SEQR), as well as with Section 106 of the NHPA. The Tier 1 EIS will

address broad corridor-level issues and proposals. Subsequent phases or tiers will analyze, at a greater level of detail, narrower site-specific proposals based on the decisions made in Tier 1.

The Empire Corridor runs along the population and economic spine of the state, connecting many of New York State's major metropolitan areas. This rail corridor transects New York State, extending east of Buffalo on Lake Erie along the Erie Branch of the New York State Canal System, passing through Rochester, Syracuse, and Utica to the Schenectady-Albany-Rensselaer area, where it extends south along the Hudson River to Pennsylvania Station in New York City.

FRA and NYSDOT developed an initial range of project alternatives, which were subsequently screened according to the project Purpose and Need and associated objectives. Certain alternatives were not considered feasible and were eliminated from future evaluation. Five alternatives, including the Base (No

Action) Alternative, Alternative 90A, Alternative 90B, Alternative 110, and Alternative 125, are being advanced for further study as part of the Tier 1 EIS. These are described below.

- Base (No Action) Alternative: The Base Alternative consists of limited rail improvement projects already planned to address previously identified capacity constraints. The Base Alternative represents the future condition of the transportation network given committed rail, highway, bus, and airport improvement projects that are within the intercity travel market study area (the general geographic area served by the Empire Corridor).
- Alternative 90A uses 90 miles per hour (mph) as the maximum authorized speed and consists of constructing new track to meet higher track standards than those currently in use on the Empire Corridor with in-cab signaling train control. Alternative 90A would add capacity and station improvements that consist of 20 separate capacity and station improvement projects. Physical improvements could include realignment of tracks, improving signalization, widening and/or rehabilitating bridges, among other work. All physical improvements would be within the existing right-of-way.
- Alternative 90B uses 90 mph as the maximum authorized speed. The alternative would add a dedicated third main passenger track for approximately 273 miles between Schenectady and Buffalo-Depew and would also add a fourth passenger track over a combined distance of approximately 39 miles in five separate locations. New tracks would be located on the north side of the existing track within the existing railroad bed. Additional infrastructure would include a new signal system, bridge modifications, grade crossing modifications, station improvements, realignment of existing roadways and construction of new maintenance service roads. Some level of property acquisition (to be determined in subsequent design phases and Tier 2 studies) would be required for portions of the project corridor under Alternative 90B.
- Alternative 110 uses 110 mph as the maximum authorized speed. The alternative would add a dedicated third main passenger track for approximately 273 miles between Schenectady and Buffalo-Depew and a fourth passenger track over a combined distance of approximately 59 miles in six separate locations. New tracks would be located on the north and south sides of the existing track, depending on location, within the existing

railroad bed. Additional infrastructure would include a new signal system, bridge modifications, grade crossing modifications, station improvements, realignment of existing roadways and construction of new maintenance service roads. Some level of property acquisition (to be determined in subsequent design phases and Tier 2 studies) would be required for portions of the project corridor under Alternative 110.

- Alternative 125 uses 125 mph as the maximum authorized speed and would be the first speed threshold for electrically powered trains. Alternative 125 would construct a two-track grade-separated corridor dedicated to high-speed passenger service between Albany-Rensselaer Station and Buffalo Exchange Street Station. Trains would operate on the existing Hudson Line Corridor from New York Penn Station to Albany-Rensselaer Station. Within the densely populated areas around Albany, Syracuse, Rochester, and Buffalo, the new corridor would parallel the existing corridor on a combination of new and existing right-of-way to serve existing stations in these cities. Between these cities, the new corridor would follow a southern alignment designed to balance the competing demands of operating speed, cost, and potential environmental impacts. Required infrastructure would include roadbed, track, viaducts and bridges, cuts and embankments, access roads, railroad systems, maintenance facilities, and other support facilities.

Development of the Area of Potential Effect

Section 106 of the NHPA requires Federal agencies to take into account the potential effects of their actions on historic properties. A required step in the Section 106 process is determining the Area of Potential Effect (APE) which is defined as “the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if such properties exist” (36 CFR § 800.16[d]). The APE is influenced by the scale and nature of an undertaking.

In general, potential adverse effects on architectural resources can include both direct physical effects—demolition, alteration, or damage from construction—and indirect effects, such as the introduction of visual, audible, or atmospheric elements that may alter the characteristics of the historic property that qualify it for inclusion in the National Register in a manner that would diminish the integrity of the property’s significant historic features. Archaeological resources are potentially affected by direct impacts from construction activity resulting in disturbance to the ground surface (including submerged ground surfaces) such as excavation, grading, pile-driving, cutting and filling, and staging.

The project has one APE. To facilitate the analysis of effects, the proposed APE has been subdivided to indicate the area in which the proposed project alternatives could cause potential direct effects and the area in which the proposed project alternatives could cause indirect effects. The proposed APE has been developed based on proposed work activities for the five project alternatives and their potential to affect historic properties, including potential direct and indirect effects, based on information available at this time.

Table 1 lists the counties and minor civil divisions (MCDs) traversed by the proposed APE. The proposed APE for potential direct and indirect effects are discussed in greater detail below and presented on the High Speed Rail Empire Corridor Maps (41 total).

APE for Direct Effects

Direct effects may include physical damage or destruction of a resource or its setting. The portion of the project APE in which there is the potential for the proposed project to cause direct effects includes all locations that could potentially be subject to direct ground-disturbing activities.

For the purposes of this Tier 1 EIS, the APE for potential direct effects has been delineated to extend 100 feet in both directions from the centerline of the existing railroad tracks. Where the centerline of the high-speed alternatives (90 mph, 110 mph, and 125 alternatives) alignments would differ from the existing centerline, the direct APE extends 100 feet in both directions from the centerline of those alignments. It should be noted that areas where the centerline of the 90 mph and 110 mph alternatives differ from that of the existing alignment are limited, and the alignments never diverge by more than approximately 150 feet.

APE for Indirect Effects

Indirect effects may include isolation of a property from its surrounding environment, or the introduction of visual, audible, or atmospheric (e.g., pollutants) elements that are out of character with a property or that alter its historic setting and context. The proposed APE for potential indirect effects was developed to encompass any potential indirect effects that could be reasonably foreseen at the Tier 1 level resulting from proposed Project construction activities, such as construction of or modifications to track and related infrastructure, service roads, and stations. Potential indirect effects could include noise, vibration, and changes in visual qualities and setting.

For the purposes of this Tier 1 EIS, the APE for indirect effects has been delineated to extend 500 feet from the edge of the APE for potential direct effects. As in the APE for potential direct effects, where the centerline of the high-speed (90 mph, 110 mph, and 125 alternatives) alignments would differ from the existing centerline, the indirect APE extends 600 feet in both directions from the centerline of those alignments. It should be noted that areas where the centerline of the 90 mph and 110 mph alternatives differ from that of the existing alignment are limited and the alignments never diverge by more than approximately 150 feet.

Project Design Development and the APE

The present Tier 1 phase of the project seeks to examine broad corridor-level issues. As more detailed design is developed in subsequent phases of the project, potential effects to cultural resources will be examined at a greater level of detail. A Programmatic Agreement, which is being developed as part of the Tier 1 phase, will outline a process in which the APE could be revised based on the scope of individual projects that are advanced for Tier 2 analysis.

Please review the project APE and provide me with any comments by December 14, 2012. We will carefully consider your comments in our development and analysis of this project. Within the next several weeks we will forward to you confidential archaeological resource maps located within the project APE, as discussed at the May 30, 2012 coordination meeting. Additionally,

please contact me at (518) 485-1918 or dchan@dot.ny.gov if you should you have any concerns or questions regarding the proposed APE or the overall environmental process. Alternatively, you may contact Colleen Vaughn of FRA at (202) 493-6096 or colleen.vaughn@dot.gov.

Sincerely,



David Chan

Project Manager – High Speed Rail Empire Corridor Project

Enclosures:

Table 1, Counties, Cites/Towns (MCDs), and Villages traversed by the Proposed APE
High Speed Empire Corridor Project Maps (41)

Copies, with Enclosures:

Colleen Vaughn, FRA



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232

WWW.DOT.NY.GOV

JOAN McDONALD
COMMISSIONER

ANDREW M. CUOMO
GOVERNOR

November 21, 2012

Tony Gonyea
Onondaga Nation Communications
716 East Washington Street
Suite 104
Syracuse, NY 13210

Re: High Speed Rail Empire Corridor Project; Tier 1 Environmental Impact Statement (EIS);
New York City to Buffalo/Niagara Falls
Opportunity to Comment on the Proposed Area of Potential Effect (APE), pursuant to
Section 106 of the National Historic Preservation Act (36 CFR 800.2(c)(2)(ii))

Dear Gonyea:

As a follow-up to the Tribal Nation coordination meeting of May 30, 2012, and pursuant to Section 106 of the National Historic Preservation Act (NHPA, 36 CFR § 800), we are forwarding you information regarding the development of the proposed Area of Potential Effect (APE). The APE is defined as “the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if such properties exist” (36 CFR § 800.16[d]). We are inviting you to review and comment on the proposed APE.

The following provides an overview of the High Speed Rail Empire Corridor Project, and the development of the APE for direct effects and the APE for indirect effects. Enclosed with this letter are a table of the counties, cities, towns and villages traversed by the proposed APE (Table 1), and Empire Corridor maps delineating the proposed APE.

General Project Description

FRA and the New York State Department of Transportation (NYSDOT) are preparing a Tier 1 EIS of proposed improvements to intercity passenger rail service along the Empire Corridor between New York City and Niagara Falls. The EIS is being developed in accordance with the National Environmental Policy Act of 1969 (NEPA) and the New York State Environmental Quality Review Act (SEQR), as well as with Section 106 of the NHPA. The Tier 1 EIS will

address broad corridor-level issues and proposals. Subsequent phases or tiers will analyze, at a greater level of detail, narrower site-specific proposals based on the decisions made in Tier 1.

The Empire Corridor runs along the population and economic spine of the state, connecting many of New York State's major metropolitan areas. This rail corridor transects New York State, extending east of Buffalo on Lake Erie along the Erie Branch of the New York State Canal System, passing through Rochester, Syracuse, and Utica to the Schenectady-Albany-Rensselaer area, where it extends south along the Hudson River to Pennsylvania Station in New York City.

FRA and NYSDOT developed an initial range of project alternatives, which were subsequently screened according to the project Purpose and Need and associated objectives. Certain alternatives were not considered feasible and were eliminated from future evaluation. Five alternatives, including the Base (No

Action) Alternative, Alternative 90A, Alternative 90B, Alternative 110, and Alternative 125, are being advanced for further study as part of the Tier 1 EIS. These are described below.

- Base (No Action) Alternative: The Base Alternative consists of limited rail improvement projects already planned to address previously identified capacity constraints. The Base Alternative represents the future condition of the transportation network given committed rail, highway, bus, and airport improvement projects that are within the intercity travel market study area (the general geographic area served by the Empire Corridor).
- Alternative 90A uses 90 miles per hour (mph) as the maximum authorized speed and consists of constructing new track to meet higher track standards than those currently in use on the Empire Corridor with in-cab signaling train control. Alternative 90A would add capacity and station improvements that consist of 20 separate capacity and station improvement projects. Physical improvements could include realignment of tracks, improving signalization, widening and/or rehabilitating bridges, among other work. All physical improvements would be within the existing right-of-way.
- Alternative 90B uses 90 mph as the maximum authorized speed. The alternative would add a dedicated third main passenger track for approximately 273 miles between Schenectady and Buffalo-Depew and would also add a fourth passenger track over a combined distance of approximately 39 miles in five separate locations. New tracks would be located on the north side of the existing track within the existing railroad bed. Additional infrastructure would include a new signal system, bridge modifications, grade crossing modifications, station improvements, realignment of existing roadways and construction of new maintenance service roads. Some level of property acquisition (to be determined in subsequent design phases and Tier 2 studies) would be required for portions of the project corridor under Alternative 90B.
- Alternative 110 uses 110 mph as the maximum authorized speed. The alternative would add a dedicated third main passenger track for approximately 273 miles between Schenectady and Buffalo-Depew and a fourth passenger track over a combined distance of approximately 59 miles in six separate locations. New tracks would be located on the north and south sides of the existing track, depending on location, within the existing

railroad bed. Additional infrastructure would include a new signal system, bridge modifications, grade crossing modifications, station improvements, realignment of existing roadways and construction of new maintenance service roads. Some level of property acquisition (to be determined in subsequent design phases and Tier 2 studies) would be required for portions of the project corridor under Alternative 110.

- Alternative 125 uses 125 mph as the maximum authorized speed and would be the first speed threshold for electrically powered trains. Alternative 125 would construct a two-track grade-separated corridor dedicated to high-speed passenger service between Albany-Rensselaer Station and Buffalo Exchange Street Station. Trains would operate on the existing Hudson Line Corridor from New York Penn Station to Albany-Rensselaer Station. Within the densely populated areas around Albany, Syracuse, Rochester, and Buffalo, the new corridor would parallel the existing corridor on a combination of new and existing right-of-way to serve existing stations in these cities. Between these cities, the new corridor would follow a southern alignment designed to balance the competing demands of operating speed, cost, and potential environmental impacts. Required infrastructure would include roadbed, track, viaducts and bridges, cuts and embankments, access roads, railroad systems, maintenance facilities, and other support facilities.

Development of the Area of Potential Effect

Section 106 of the NHPA requires Federal agencies to take into account the potential effects of their actions on historic properties. A required step in the Section 106 process is determining the Area of Potential Effect (APE) which is defined as “the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if such properties exist” (36 CFR § 800.16[d]). The APE is influenced by the scale and nature of an undertaking.

In general, potential adverse effects on architectural resources can include both direct physical effects—demolition, alteration, or damage from construction—and indirect effects, such as the introduction of visual, audible, or atmospheric elements that may alter the characteristics of the historic property that qualify it for inclusion in the National Register in a manner that would diminish the integrity of the property’s significant historic features. Archaeological resources are potentially affected by direct impacts from construction activity resulting in disturbance to the ground surface (including submerged ground surfaces) such as excavation, grading, pile-driving, cutting and filling, and staging.

The project has one APE. To facilitate the analysis of effects, the proposed APE has been subdivided to indicate the area in which the proposed project alternatives could cause potential direct effects and the area in which the proposed project alternatives could cause indirect effects. The proposed APE has been developed based on proposed work activities for the five project alternatives and their potential to affect historic properties, including potential direct and indirect effects, based on information available at this time.

Table 1 lists the counties and minor civil divisions (MCDs) traversed by the proposed APE. The proposed APE for potential direct and indirect effects are discussed in greater detail below and presented on the High Speed Rail Empire Corridor Maps (41 total).

APE for Direct Effects

Direct effects may include physical damage or destruction of a resource or its setting. The portion of the project APE in which there is the potential for the proposed project to cause direct effects includes all locations that could potentially be subject to direct ground-disturbing activities.

For the purposes of this Tier 1 EIS, the APE for potential direct effects has been delineated to extend 100 feet in both directions from the centerline of the existing railroad tracks. Where the centerline of the high-speed alternatives (90 mph, 110 mph, and 125 alternatives) alignments would differ from the existing centerline, the direct APE extends 100 feet in both directions from the centerline of those alignments. It should be noted that areas where the centerline of the 90 mph and 110 mph alternatives differ from that of the existing alignment are limited, and the alignments never diverge by more than approximately 150 feet.

APE for Indirect Effects

Indirect effects may include isolation of a property from its surrounding environment, or the introduction of visual, audible, or atmospheric (e.g., pollutants) elements that are out of character with a property or that alter its historic setting and context. The proposed APE for potential indirect effects was developed to encompass any potential indirect effects that could be reasonably foreseen at the Tier 1 level resulting from proposed Project construction activities, such as construction of or modifications to track and related infrastructure, service roads, and stations. Potential indirect effects could include noise, vibration, and changes in visual qualities and setting.

For the purposes of this Tier 1 EIS, the APE for indirect effects has been delineated to extend 500 feet from the edge of the APE for potential direct effects. As in the APE for potential direct effects, where the centerline of the high-speed (90 mph, 110 mph, and 125 alternatives) alignments would differ from the existing centerline, the indirect APE extends 600 feet in both directions from the centerline of those alignments. It should be noted that areas where the centerline of the 90 mph and 110 mph alternatives differ from that of the existing alignment are limited and the alignments never diverge by more than approximately 150 feet.

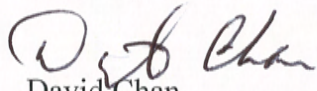
Project Design Development and the APE

The present Tier 1 phase of the project seeks to examine broad corridor-level issues. As more detailed design is developed in subsequent phases of the project, potential effects to cultural resources will be examined at a greater level of detail. A Programmatic Agreement, which is being developed as part of the Tier 1 phase, will outline a process in which the APE could be revised based on the scope of individual projects that are advanced for Tier 2 analysis.

Please review the project APE and provide me with any comments by December 14, 2012. We will carefully consider your comments in our development and analysis of this project. Within the next several weeks we will forward to you confidential archaeological resource maps located within the project APE, as discussed at the May 30, 2012 coordination meeting. Additionally,

please contact me at (518) 485-1918 or dchan@dot.ny.gov if you should you have any concerns or questions regarding the proposed APE or the overall environmental process. Alternatively, you may contact Colleen Vaughn of FRA at (202) 493-6096 or colleen.vaughn@dot.gov.

Sincerely,



David Chan

Project Manager – High Speed Rail Empire Corridor Project

Enclosures:

Table 1, Counties, Cites/Towns (MCDs), and Villages traversed by the Proposed APE
High Speed Empire Corridor Project Maps (41)

Copies, with Enclosures:

Colleen Vaughn, FRA

Copies, w/o Enclosures:

Thane Joyal, Esq., Onondaga Nation



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232

WWW.DOT.NY.GOV

JOAN McDONALD
COMMISSIONER

ANDREW M. CUOMO
GOVERNOR

November 21, 2012

Chief Irv Powless, Jr.
Onondaga Nation
Box 319B
Via Nedrow, New York 13120

Re: High Speed Rail Empire Corridor Project; Tier 1 Environmental Impact Statement (EIS);
New York City to Buffalo/Niagara Falls
Opportunity to Comment on the Proposed Area of Potential Effect (APE), pursuant to
Section 106 of the National Historic Preservation Act (36 CFR 800.2(c)(2)(ii))

Dear Chief Powless:

As a follow-up to the Tribal Nation coordination meeting of May 30, 2012, and pursuant to Section 106 of the National Historic Preservation Act (NHPA, 36 CFR § 800), we are forwarding you information regarding the development of the proposed Area of Potential Effect (APE). The APE is defined as “the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if such properties exist” (36 CFR § 800.16[d]). We are inviting you to review and comment on the proposed APE.

The following provides an overview of the High Speed Rail Empire Corridor Project, and the development of the APE for direct effects and the APE for indirect effects. Enclosed with this letter are a table of the counties, cities, towns and villages traversed by the proposed APE (Table 1), and Empire Corridor maps delineating the proposed APE.

General Project Description

FRA and the New York State Department of Transportation (NYSDOT) are preparing a Tier 1 EIS of proposed improvements to intercity passenger rail service along the Empire Corridor between New York City and Niagara Falls. The EIS is being developed in accordance with the National Environmental Policy Act of 1969 (NEPA) and the New York State Environmental Quality Review Act (SEQR), as well as with Section 106 of the NHPA. The Tier 1 EIS will

address broad corridor-level issues and proposals. Subsequent phases or tiers will analyze, at a greater level of detail, narrower site-specific proposals based on the decisions made in Tier 1.

The Empire Corridor runs along the population and economic spine of the state, connecting many of New York State's major metropolitan areas. This rail corridor transects New York State, extending east of Buffalo on Lake Erie along the Erie Branch of the New York State Canal System, passing through Rochester, Syracuse, and Utica to the Schenectady-Albany-Rensselaer area, where it extends south along the Hudson River to Pennsylvania Station in New York City.

FRA and NYSDOT developed an initial range of project alternatives, which were subsequently screened according to the project Purpose and Need and associated objectives. Certain alternatives were not considered feasible and were eliminated from future evaluation. Five alternatives, including the Base (No

Action) Alternative, Alternative 90A, Alternative 90B, Alternative 110, and Alternative 125, are being advanced for further study as part of the Tier 1 EIS. These are described below.

- **Base (No Action) Alternative:** The Base Alternative consists of limited rail improvement projects already planned to address previously identified capacity constraints. The Base Alternative represents the future condition of the transportation network given committed rail, highway, bus, and airport improvement projects that are within the intercity travel market study area (the general geographic area served by the Empire Corridor).
- **Alternative 90A** uses 90 miles per hour (mph) as the maximum authorized speed and consists of constructing new track to meet higher track standards than those currently in use on the Empire Corridor with in-cab signaling train control. Alternative 90A would add capacity and station improvements that consist of 20 separate capacity and station improvement projects. Physical improvements could include realignment of tracks, improving signalization, widening and/or rehabilitating bridges, among other work. All physical improvements would be within the existing right-of-way.
- **Alternative 90B** uses 90 mph as the maximum authorized speed. The alternative would add a dedicated third main passenger track for approximately 273 miles between Schenectady and Buffalo-Depew and would also add a fourth passenger track over a combined distance of approximately 39 miles in five separate locations. New tracks would be located on the north side of the existing track within the existing railroad bed. Additional infrastructure would include a new signal system, bridge modifications, grade crossing modifications, station improvements, realignment of existing roadways and construction of new maintenance service roads. Some level of property acquisition (to be determined in subsequent design phases and Tier 2 studies) would be required for portions of the project corridor under Alternative 90B.
- **Alternative 110** uses 110 mph as the maximum authorized speed. The alternative would add a dedicated third main passenger track for approximately 273 miles between Schenectady and Buffalo-Depew and a fourth passenger track over a combined distance of approximately 59 miles in six separate locations. New tracks would be located on the north and south sides of the existing track, depending on location, within the existing

railroad bed. Additional infrastructure would include a new signal system, bridge modifications, grade crossing modifications, station improvements, realignment of existing roadways and construction of new maintenance service roads. Some level of property acquisition (to be determined in subsequent design phases and Tier 2 studies) would be required for portions of the project corridor under Alternative 110.

- Alternative 125 uses 125 mph as the maximum authorized speed and would be the first speed threshold for electrically powered trains. Alternative 125 would construct a two-track grade-separated corridor dedicated to high-speed passenger service between Albany-Rensselaer Station and Buffalo Exchange Street Station. Trains would operate on the existing Hudson Line Corridor from New York Penn Station to Albany-Rensselaer Station. Within the densely populated areas around Albany, Syracuse, Rochester, and Buffalo, the new corridor would parallel the existing corridor on a combination of new and existing right-of-way to serve existing stations in these cities. Between these cities, the new corridor would follow a southern alignment designed to balance the competing demands of operating speed, cost, and potential environmental impacts. Required infrastructure would include roadbed, track, viaducts and bridges, cuts and embankments, access roads, railroad systems, maintenance facilities, and other support facilities.

Development of the Area of Potential Effect

Section 106 of the NHPA requires Federal agencies to take into account the potential effects of their actions on historic properties. A required step in the Section 106 process is determining the Area of Potential Effect (APE) which is defined as “the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if such properties exist” (36 CFR § 800.16[d]). The APE is influenced by the scale and nature of an undertaking.

In general, potential adverse effects on architectural resources can include both direct physical effects—demolition, alteration, or damage from construction—and indirect effects, such as the introduction of visual, audible, or atmospheric elements that may alter the characteristics of the historic property that qualify it for inclusion in the National Register in a manner that would diminish the integrity of the property’s significant historic features. Archaeological resources are potentially affected by direct impacts from construction activity resulting in disturbance to the ground surface (including submerged ground surfaces) such as excavation, grading, pile-driving, cutting and filling, and staging.

The project has one APE. To facilitate the analysis of effects, the proposed APE has been subdivided to indicate the area in which the proposed project alternatives could cause potential direct effects and the area in which the proposed project alternatives could cause indirect effects. The proposed APE has been developed based on proposed work activities for the five project alternatives and their potential to affect historic properties, including potential direct and indirect effects, based on information available at this time.

Table 1 lists the counties and minor civil divisions (MCDs) traversed by the proposed APE. The proposed APE for potential direct and indirect effects are discussed in greater detail below and presented on the High Speed Rail Empire Corridor Maps (41 total).

APE for Direct Effects

Direct effects may include physical damage or destruction of a resource or its setting. The portion of the project APE in which there is the potential for the proposed project to cause direct effects includes all locations that could potentially be subject to direct ground-disturbing activities.

For the purposes of this Tier 1 EIS, the APE for potential direct effects has been delineated to extend 100 feet in both directions from the centerline of the existing railroad tracks. Where the centerline of the high-speed alternatives (90 mph, 110 mph, and 125 alternatives) alignments would differ from the existing centerline, the direct APE extends 100 feet in both directions from the centerline of those alignments. It should be noted that areas where the centerline of the 90 mph and 110 mph alternatives differ from that of the existing alignment are limited, and the alignments never diverge by more than approximately 150 feet.

APE for Indirect Effects

Indirect effects may include isolation of a property from its surrounding environment, or the introduction of visual, audible, or atmospheric (e.g., pollutants) elements that are out of character with a property or that alter its historic setting and context. The proposed APE for potential indirect effects was developed to encompass any potential indirect effects that could be reasonably foreseen at the Tier 1 level resulting from proposed Project construction activities, such as construction of or modifications to track and related infrastructure, service roads, and stations. Potential indirect effects could include noise, vibration, and changes in visual qualities and setting.

For the purposes of this Tier 1 EIS, the APE for indirect effects has been delineated to extend 500 feet from the edge of the APE for potential direct effects. As in the APE for potential direct effects, where the centerline of the high-speed (90 mph, 110 mph, and 125 alternatives) alignments would differ from the existing centerline, the indirect APE extends 600 feet in both directions from the centerline of those alignments. It should be noted that areas where the centerline of the 90 mph and 110 mph alternatives differ from that of the existing alignment are limited and the alignments never diverge by more than approximately 150 feet.

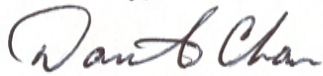
Project Design Development and the APE

The present Tier 1 phase of the project seeks to examine broad corridor-level issues. As more detailed design is developed in subsequent phases of the project, potential effects to cultural resources will be examined at a greater level of detail. A Programmatic Agreement, which is being developed as part of the Tier 1 phase, will outline a process in which the APE could be revised based on the scope of individual projects that are advanced for Tier 2 analysis.

Please review the project APE and provide me with any comments by December 14, 2012. We will carefully consider your comments in our development and analysis of this project. Within the next several weeks we will forward to you confidential archaeological resource maps located within the project APE, as discussed at the May 30, 2012 coordination meeting. Additionally,

please contact me at (518) 485-1918 or dchan@dot.ny.gov if you should you have any concerns or questions regarding the proposed APE or the overall environmental process. Alternatively, you may contact Colleen Vaughn of FRA at (202) 493-6096 or colleen.vaughn@dot.gov.

Sincerely,



David Chan

Project Manager – High Speed Rail Empire Corridor Project

Enclosures:

Table 1, Counties, Cites/Towns (MCDs), and Villages traversed by the Proposed APE
High Speed Empire Corridor Project Maps (41)

Copies, with Enclosures:

Colleen Vaughn, FRA

Copies, w/o Enclosures:

Thane Joyal, Esq., Onondaga Nation



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232

WWW.DOT.NY.GOV

JOAN McDONALD
COMMISSIONER

ANDREW M. CUOMO
GOVERNOR

November 21, 2012

Arnold Printup, Jr.
St. Regis Mohawk Tribal Historic Preservation Officer
412 State Route 37
Akwesasne, NY 13655

Re: High Speed Rail Empire Corridor Project; Tier 1 Environmental Impact Statement (EIS);
New York City to Buffalo/Niagara Falls
Opportunity to Comment on the Proposed Area of Potential Effect (APE), pursuant to
Section 106 of the National Historic Preservation Act (36 CFR 800.2(c)(2)(ii))

Dear Mr. Printup:

As a follow-up to the Tribal Nation coordination meeting of May 30, 2012, and pursuant to Section 106 of the National Historic Preservation Act (NHPA, 36 CFR § 800), we are forwarding you information regarding the development of the proposed Area of Potential Effect (APE). The APE is defined as “the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if such properties exist” (36 CFR § 800.16[d]). We are inviting you to review and comment on the proposed APE.

The following provides an overview of the High Speed Rail Empire Corridor Project, and the development of the APE for direct effects and the APE for indirect effects. Enclosed with this letter are a table of the counties, cities, towns and villages traversed by the proposed APE (Table 1), and Empire Corridor maps delineating the proposed APE.

General Project Description

FRA and the New York State Department of Transportation (NYSDOT) are preparing a Tier 1 EIS of proposed improvements to intercity passenger rail service along the Empire Corridor between New York City and Niagara Falls. The EIS is being developed in accordance with the National Environmental Policy Act of 1969 (NEPA) and the New York State Environmental

Quality Review Act (SEQR), as well as with Section 106 of the NHPA. The Tier 1 EIS will address broad corridor-level issues and proposals. Subsequent phases or tiers will analyze, at a greater level of detail, narrower site-specific proposals based on the decisions made in Tier 1.

The Empire Corridor runs along the population and economic spine of the state, connecting many of New York State's major metropolitan areas. This rail corridor transects New York State, extending east of Buffalo on Lake Erie along the Erie Branch of the New York State Canal System, passing through Rochester, Syracuse, and Utica to the Schenectady-Albany-Rensselaer area, where it extends south along the Hudson River to Pennsylvania Station in New York City.

FRA and NYSDOT developed an initial range of project alternatives, which were subsequently screened according to the project Purpose and Need and associated objectives. Certain alternatives were not considered feasible and were eliminated from future evaluation. Five alternatives, including the Base (No

Action) Alternative, Alternative 90A, Alternative 90B, Alternative 110, and Alternative 125, are being advanced for further study as part of the Tier 1 EIS. These are described below.

- **Base (No Action) Alternative:** The Base Alternative consists of limited rail improvement projects already planned to address previously identified capacity constraints. The Base Alternative represents the future condition of the transportation network given committed rail, highway, bus, and airport improvement projects that are within the intercity travel market study area (the general geographic area served by the Empire Corridor).
- **Alternative 90A** uses 90 miles per hour (mph) as the maximum authorized speed and consists of constructing new track to meet higher track standards than those currently in use on the Empire Corridor with in-cab signaling train control. Alternative 90A would add capacity and station improvements that consist of 20 separate capacity and station improvement projects. Physical improvements could include realignment of tracks, improving signalization, widening and/or rehabilitating bridges, among other work. All physical improvements would be within the existing right-of-way.
- **Alternative 90B** uses 90 mph as the maximum authorized speed. The alternative would add a dedicated third main passenger track for approximately 273 miles between Schenectady and Buffalo-Depew and would also add a fourth passenger track over a combined distance of approximately 39 miles in five separate locations. New tracks would be located on the north side of the existing track within the existing railroad bed. Additional infrastructure would include a new signal system, bridge modifications, grade crossing modifications, station improvements, realignment of existing roadways and construction of new maintenance service roads. Some level of property acquisition (to be determined in subsequent design phases and Tier 2 studies) would be required for portions of the project corridor under Alternative 90B.
- **Alternative 110** uses 110 mph as the maximum authorized speed. The alternative would add a dedicated third main passenger track for approximately 273 miles between Schenectady and Buffalo-Depew and a fourth passenger track over a combined distance of approximately 59 miles in six separate locations. New tracks would be located on the

north and south sides of the existing track, depending on location, within the existing railroad bed. Additional infrastructure would include a new signal system, bridge modifications, grade crossing modifications, station improvements, realignment of existing roadways and construction of new maintenance service roads. Some level of property acquisition (to be determined in subsequent design phases and Tier 2 studies) would be required for portions of the project corridor under Alternative 110.

- Alternative 125 uses 125 mph as the maximum authorized speed and would be the first speed threshold for electrically powered trains. Alternative 125 would construct a two-track grade-separated corridor dedicated to high-speed passenger service between Albany-Rensselaer Station and Buffalo Exchange Street Station. Trains would operate on the existing Hudson Line Corridor from New York Penn Station to Albany-Rensselaer Station. Within the densely populated areas around Albany, Syracuse, Rochester, and Buffalo, the new corridor would parallel the existing corridor on a combination of new and existing right-of-way to serve existing stations in these cities. Between these cities, the new corridor would follow a southern alignment designed to balance the competing demands of operating speed, cost, and potential environmental impacts. Required infrastructure would include roadbed, track, viaducts and bridges, cuts and embankments, access roads, railroad systems, maintenance facilities, and other support facilities.

Development of the Area of Potential Effect

Section 106 of the NHPA requires Federal agencies to take into account the potential effects of their actions on historic properties. A required step in the Section 106 process is determining the Area of Potential Effect (APE) which is defined as “the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if such properties exist” (36 CFR § 800.16[d]). The APE is influenced by the scale and nature of an undertaking.

In general, potential adverse effects on architectural resources can include both direct physical effects—demolition, alteration, or damage from construction—and indirect effects, such as the introduction of visual, audible, or atmospheric elements that may alter the characteristics of the historic property that qualify it for inclusion in the National Register in a manner that would diminish the integrity of the property’s significant historic features. Archaeological resources are potentially affected by direct impacts from construction activity resulting in disturbance to the ground surface (including submerged ground surfaces) such as excavation, grading, pile-driving, cutting and filling, and staging.

The project has one APE. To facilitate the analysis of effects, the proposed APE has been subdivided to indicate the area in which the proposed project alternatives could cause potential direct effects and the area in which the proposed project alternatives could cause indirect effects. The proposed APE has been developed based on proposed work activities for the five project alternatives and their potential to affect historic properties, including potential direct and indirect effects, based on information available at this time.

Table 1 lists the counties and minor civil divisions (MCDs) traversed by the proposed APE. The proposed APE for potential direct and indirect effects are discussed in greater detail below and presented on the High Speed Rail Empire Corridor Maps (41 total).

APE for Direct Effects

Direct effects may include physical damage or destruction of a resource or its setting. The portion of the project APE in which there is the potential for the proposed project to cause direct effects includes all locations that could potentially be subject to direct ground-disturbing activities.

For the purposes of this Tier 1 EIS, the APE for potential direct effects has been delineated to extend 100 feet in both directions from the centerline of the existing railroad tracks. Where the centerline of the high-speed alternatives (90 mph, 110 mph, and 125 alternatives) alignments would differ from the existing centerline, the direct APE extends 100 feet in both directions from the centerline of those alignments. It should be noted that areas where the centerline of the 90 mph and 110 mph alternatives differ from that of the existing alignment are limited, and the alignments never diverge by more than approximately 150 feet.

APE for Indirect Effects

Indirect effects may include isolation of a property from its surrounding environment, or the introduction of visual, audible, or atmospheric (e.g., pollutants) elements that are out of character with a property or that alter its historic setting and context. The proposed APE for potential indirect effects was developed to encompass any potential indirect effects that could be reasonably foreseen at the Tier 1 level resulting from proposed Project construction activities, such as construction of or modifications to track and related infrastructure, service roads, and stations. Potential indirect effects could include noise, vibration, and changes in visual qualities and setting.

For the purposes of this Tier 1 EIS, the APE for indirect effects has been delineated to extend 500 feet from the edge of the APE for potential direct effects. As in the APE for potential direct effects, where the centerline of the high-speed (90 mph, 110 mph, and 125 alternatives) alignments would differ from the existing centerline, the indirect APE extends 600 feet in both directions from the centerline of those alignments. It should be noted that areas where the centerline of the 90 mph and 110 mph alternatives differ from that of the existing alignment are limited and the alignments never diverge by more than approximately 150 feet.

Project Design Development and the APE

The present Tier 1 phase of the project seeks to examine broad corridor-level issues. As more detailed design is developed in subsequent phases of the project, potential effects to cultural resources will be examined at a greater level of detail. A Programmatic Agreement, which is being developed as part of the Tier 1 phase, will outline a process in which the APE could be revised based on the scope of individual projects that are advanced for Tier 2 analysis.

Please review the project APE and provide me with any comments by December 14, 2012. We will carefully consider your comments in our development and analysis of this project. Within the next several weeks we will forward to you confidential archaeological resource maps located within the project APE, as discussed at the May 30, 2012 coordination meeting. Additionally, please contact me at (518) 485-1918 or dchan@dot.ny.gov if you should you have any concerns or questions regarding the proposed APE or the overall environmental process. Alternatively, you may contact Colleen Vaughn of FRA at (202) 493-6096 or colleen.vaughn@dot.gov.

Sincerely,



David Chan

Project Manager – High Speed Rail Empire Corridor Project

Enclosures:

Table 1, Counties, Cities/Towns (MCDs), and Villages traversed by the Proposed APE
High Speed Empire Corridor Project Maps (41)

Copies, with Enclosures:

Colleen Vaughn, FRA



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232

WWW.DOT.NY.GOV

JOAN McDONALD
COMMISSIONER

ANDREW M. CUOMO
GOVERNOR

November 21, 2012

Chief Randy Hart
Saint Regis Mohawk Tribal Council
412 Route 37
Akwesasne, New York 13655

Re: High Speed Rail Empire Corridor Project; Tier 1 Environmental Impact Statement (EIS);
New York City to Buffalo/Niagara Falls
Opportunity to Comment on the Proposed Area of Potential Effect (APE), pursuant to
Section 106 of the National Historic Preservation Act (36 CFR 800.2(c)(2)(ii))

Dear Chief Hart:

As a follow-up to the Tribal Nation coordination meeting of May 30, 2012, and pursuant to Section 106 of the National Historic Preservation Act (NHPA, 36 CFR § 800), we are forwarding you information regarding the development of the proposed Area of Potential Effect (APE). The APE is defined as “the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if such properties exist” (36 CFR § 800.16[d]). We are inviting you to review and comment on the proposed APE.

The following provides an overview of the High Speed Rail Empire Corridor Project, and the development of the APE for direct effects and the APE for indirect effects. Enclosed with this letter are a table of the counties, cities, towns and villages traversed by the proposed APE (Table 1), and Empire Corridor maps delineating the proposed APE.

General Project Description

FRA and the New York State Department of Transportation (NYSDOT) are preparing a Tier 1 EIS of proposed improvements to intercity passenger rail service along the Empire Corridor between New York City and Niagara Falls. The EIS is being developed in accordance with the National Environmental Policy Act of 1969 (NEPA) and the New York State Environmental Quality Review Act (SEQR), as well as with Section 106 of the NHPA. The Tier 1 EIS will

address broad corridor-level issues and proposals. Subsequent phases or tiers will analyze, at a greater level of detail, narrower site-specific proposals based on the decisions made in Tier 1.

The Empire Corridor runs along the population and economic spine of the state, connecting many of New York State's major metropolitan areas. This rail corridor transects New York State, extending east of Buffalo on Lake Erie along the Erie Branch of the New York State Canal System, passing through Rochester, Syracuse, and Utica to the Schenectady-Albany-Rensselaer area, where it extends south along the Hudson River to Pennsylvania Station in New York City.

FRA and NYSDOT developed an initial range of project alternatives, which were subsequently screened according to the project Purpose and Need and associated objectives. Certain alternatives were not considered feasible and were eliminated from future evaluation. Five alternatives, including the Base (No

Action) Alternative, Alternative 90A, Alternative 90B, Alternative 110, and Alternative 125, are being advanced for further study as part of the Tier 1 EIS. These are described below.

- Base (No Action) Alternative: The Base Alternative consists of limited rail improvement projects already planned to address previously identified capacity constraints. The Base Alternative represents the future condition of the transportation network given committed rail, highway, bus, and airport improvement projects that are within the intercity travel market study area (the general geographic area served by the Empire Corridor).
- Alternative 90A uses 90 miles per hour (mph) as the maximum authorized speed and consists of constructing new track to meet higher track standards than those currently in use on the Empire Corridor with in-cab signaling train control. Alternative 90A would add capacity and station improvements that consist of 20 separate capacity and station improvement projects. Physical improvements could include realignment of tracks, improving signalization, widening and/or rehabilitating bridges, among other work. All physical improvements would be within the existing right-of-way.
- Alternative 90B uses 90 mph as the maximum authorized speed. The alternative would add a dedicated third main passenger track for approximately 273 miles between Schenectady and Buffalo-Depew and would also add a fourth passenger track over a combined distance of approximately 39 miles in five separate locations. New tracks would be located on the north side of the existing track within the existing railroad bed. Additional infrastructure would include a new signal system, bridge modifications, grade crossing modifications, station improvements, realignment of existing roadways and construction of new maintenance service roads. Some level of property acquisition (to be determined in subsequent design phases and Tier 2 studies) would be required for portions of the project corridor under Alternative 90B.
- Alternative 110 uses 110 mph as the maximum authorized speed. The alternative would add a dedicated third main passenger track for approximately 273 miles between Schenectady and Buffalo-Depew and a fourth passenger track over a combined distance of approximately 59 miles in six separate locations. New tracks would be located on the north and south sides of the existing track, depending on location, within the existing

railroad bed. Additional infrastructure would include a new signal system, bridge modifications, grade crossing modifications, station improvements, realignment of existing roadways and construction of new maintenance service roads. Some level of property acquisition (to be determined in subsequent design phases and Tier 2 studies) would be required for portions of the project corridor under Alternative 110.

- Alternative 125 uses 125 mph as the maximum authorized speed and would be the first speed threshold for electrically powered trains. Alternative 125 would construct a two-track grade-separated corridor dedicated to high-speed passenger service between Albany-Rensselaer Station and Buffalo Exchange Street Station. Trains would operate on the existing Hudson Line Corridor from New York Penn Station to Albany-Rensselaer Station. Within the densely populated areas around Albany, Syracuse, Rochester, and Buffalo, the new corridor would parallel the existing corridor on a combination of new and existing right-of-way to serve existing stations in these cities. Between these cities, the new corridor would follow a southern alignment designed to balance the competing demands of operating speed, cost, and potential environmental impacts. Required infrastructure would include roadbed, track, viaducts and bridges, cuts and embankments, access roads, railroad systems, maintenance facilities, and other support facilities.

Development of the Area of Potential Effect

Section 106 of the NHPA requires Federal agencies to take into account the potential effects of their actions on historic properties. A required step in the Section 106 process is determining the Area of Potential Effect (APE) which is defined as “the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if such properties exist” (36 CFR § 800.16[d]). The APE is influenced by the scale and nature of an undertaking.

In general, potential adverse effects on architectural resources can include both direct physical effects—demolition, alteration, or damage from construction—and indirect effects, such as the introduction of visual, audible, or atmospheric elements that may alter the characteristics of the historic property that qualify it for inclusion in the National Register in a manner that would diminish the integrity of the property’s significant historic features. Archaeological resources are potentially affected by direct impacts from construction activity resulting in disturbance to the ground surface (including submerged ground surfaces) such as excavation, grading, pile-driving, cutting and filling, and staging.

The project has one APE. To facilitate the analysis of effects, the proposed APE has been subdivided to indicate the area in which the proposed project alternatives could cause potential direct effects and the area in which the proposed project alternatives could cause indirect effects. The proposed APE has been developed based on proposed work activities for the five project alternatives and their potential to affect historic properties, including potential direct and indirect effects, based on information available at this time.

Table 1 lists the counties and minor civil divisions (MCDs) traversed by the proposed APE. The proposed APE for potential direct and indirect effects are discussed in greater detail below and presented on the High Speed Rail Empire Corridor Maps (41 total).

APE for Direct Effects

Direct effects may include physical damage or destruction of a resource or its setting. The portion of the project APE in which there is the potential for the proposed project to cause direct effects includes all locations that could potentially be subject to direct ground-disturbing activities.

For the purposes of this Tier 1 EIS, the APE for potential direct effects has been delineated to extend 100 feet in both directions from the centerline of the existing railroad tracks. Where the centerline of the high-speed alternatives (90 mph, 110 mph, and 125 alternatives) alignments would differ from the existing centerline, the direct APE extends 100 feet in both directions from the centerline of those alignments. It should be noted that areas where the centerline of the 90 mph and 110 mph alternatives differ from that of the existing alignment are limited, and the alignments never diverge by more than approximately 150 feet.

APE for Indirect Effects

Indirect effects may include isolation of a property from its surrounding environment, or the introduction of visual, audible, or atmospheric (e.g., pollutants) elements that are out of character with a property or that alter its historic setting and context. The proposed APE for potential indirect effects was developed to encompass any potential indirect effects that could be reasonably foreseen at the Tier 1 level resulting from proposed Project construction activities, such as construction of or modifications to track and related infrastructure, service roads, and stations. Potential indirect effects could include noise, vibration, and changes in visual qualities and setting.

For the purposes of this Tier 1 EIS, the APE for indirect effects has been delineated to extend 500 feet from the edge of the APE for potential direct effects. As in the APE for potential direct effects, where the centerline of the high-speed (90 mph, 110 mph, and 125 alternatives) alignments would differ from the existing centerline, the indirect APE extends 600 feet in both directions from the centerline of those alignments. It should be noted that areas where the centerline of the 90 mph and 110 mph alternatives differ from that of the existing alignment are limited and the alignments never diverge by more than approximately 150 feet.

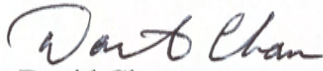
Project Design Development and the APE

The present Tier 1 phase of the project seeks to examine broad corridor-level issues. As more detailed design is developed in subsequent phases of the project, potential effects to cultural resources will be examined at a greater level of detail. A Programmatic Agreement, which is being developed as part of the Tier 1 phase, will outline a process in which the APE could be revised based on the scope of individual projects that are advanced for Tier 2 analysis.

Please review the project APE and provide me with any comments by December 14, 2012. We will carefully consider your comments in our development and analysis of this project. Within the next several weeks we will forward to you confidential archaeological resource maps located within the project APE, as discussed at the May 30, 2012 coordination meeting. Additionally,

please contact me at (518) 485-1918 or dchan@dot.ny.gov if you should you have any concerns or questions regarding the proposed APE or the overall environmental process. Alternatively, you may contact Colleen Vaughn of FRA at (202) 493-6096 or colleen.vaughn@dot.gov.

Sincerely,



David Chan

Project Manager – High Speed Rail Empire Corridor Project

Enclosures:

Table 1, Counties, Cites/Towns (MCDs), and Villages traversed by the Proposed APE
High Speed Empire Corridor Project Maps (41)

Copies, with Enclosures:

Colleen Vaughn, FRA



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232

WWW.DOT.NY.GOV

JOAN McDONALD
COMMISSIONER

ANDREW M. CUOMO
GOVERNOR

November 21, 2012

Jesse Bergevin
Oneida Indian Nation
1256 Union Street
P.O. Box 662
Oneida, New York 13421-0662

Re: High Speed Rail Empire Corridor Project; Tier 1 Environmental Impact Statement (EIS);
New York City to Buffalo/Niagara Falls
Opportunity to Comment on the Proposed Area of Potential Effect (APE), pursuant to
Section 106 of the National Historic Preservation Act (36 CFR 800.2(c)(2)(ii))

Dear Mr. Bergevin:

As a follow-up to the Tribal Nation coordination meeting of May 30, 2012, and pursuant to Section 106 of the National Historic Preservation Act (NHPA, 36 CFR § 800), we are forwarding you information regarding the development of the proposed Area of Potential Effect (APE). The APE is defined as "the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if such properties exist" (36 CFR § 800.16[d]). We are inviting you to review and comment on the proposed APE.

The following provides an overview of the High Speed Rail Empire Corridor Project, and the development of the APE for direct effects and the APE for indirect effects. Enclosed with this letter are a table of the counties, cities, towns and villages traversed by the proposed APE (Table 1), and Empire Corridor maps delineating the proposed APE.

General Project Description

FRA and the New York State Department of Transportation (NYSDOT) are preparing a Tier 1 EIS of proposed improvements to intercity passenger rail service along the Empire Corridor between New York City and Niagara Falls. The EIS is being developed in accordance with the National Environmental Policy Act of 1969 (NEPA) and the New York State Environmental Quality Review Act (SEQR), as well as with Section 106 of the NHPA. The Tier 1 EIS will

address broad corridor-level issues and proposals. Subsequent phases or tiers will analyze, at a greater level of detail, narrower site-specific proposals based on the decisions made in Tier 1.

The Empire Corridor runs along the population and economic spine of the state, connecting many of New York State's major metropolitan areas. This rail corridor transects New York State, extending east of Buffalo on Lake Erie along the Erie Branch of the New York State Canal System, passing through Rochester, Syracuse, and Utica to the Schenectady-Albany-Rensselaer area, where it extends south along the Hudson River to Pennsylvania Station in New York City.

FRA and NYSDOT developed an initial range of project alternatives, which were subsequently screened according to the project Purpose and Need and associated objectives. Certain alternatives were not considered feasible and were eliminated from future evaluation. Five alternatives, including the Base (No

Action) Alternative, Alternative 90A, Alternative 90B, Alternative 110, and Alternative 125, are being advanced for further study as part of the Tier 1 EIS. These are described below.

- Base (No Action) Alternative: The Base Alternative consists of limited rail improvement projects already planned to address previously identified capacity constraints. The Base Alternative represents the future condition of the transportation network given committed rail, highway, bus, and airport improvement projects that are within the intercity travel market study area (the general geographic area served by the Empire Corridor).
- Alternative 90A uses 90 miles per hour (mph) as the maximum authorized speed and consists of constructing new track to meet higher track standards than those currently in use on the Empire Corridor with in-cab signaling train control. Alternative 90A would add capacity and station improvements that consist of 20 separate capacity and station improvement projects. Physical improvements could include realignment of tracks, improving signalization, widening and/or rehabilitating bridges, among other work. All physical improvements would be within the existing right-of-way.
- Alternative 90B uses 90 mph as the maximum authorized speed. The alternative would add a dedicated third main passenger track for approximately 273 miles between Schenectady and Buffalo-Depew and would also add a fourth passenger track over a combined distance of approximately 39 miles in five separate locations. New tracks would be located on the north side of the existing track within the existing railroad bed. Additional infrastructure would include a new signal system, bridge modifications, grade crossing modifications, station improvements, realignment of existing roadways and construction of new maintenance service roads. Some level of property acquisition (to be determined in subsequent design phases and Tier 2 studies) would be required for portions of the project corridor under Alternative 90B.
- Alternative 110 uses 110 mph as the maximum authorized speed. The alternative would add a dedicated third main passenger track for approximately 273 miles between Schenectady and Buffalo-Depew and a fourth passenger track over a combined distance of approximately 59 miles in six separate locations. New tracks would be located on the north and south sides of the existing track, depending on location, within the existing

railroad bed. Additional infrastructure would include a new signal system, bridge modifications, grade crossing modifications, station improvements, realignment of existing roadways and construction of new maintenance service roads. Some level of property acquisition (to be determined in subsequent design phases and Tier 2 studies) would be required for portions of the project corridor under Alternative 110.

- Alternative 125 uses 125 mph as the maximum authorized speed and would be the first speed threshold for electrically powered trains. Alternative 125 would construct a two-track grade-separated corridor dedicated to high-speed passenger service between Albany-Rensselaer Station and Buffalo Exchange Street Station. Trains would operate on the existing Hudson Line Corridor from New York Penn Station to Albany-Rensselaer Station. Within the densely populated areas around Albany, Syracuse, Rochester, and Buffalo, the new corridor would parallel the existing corridor on a combination of new and existing right-of-way to serve existing stations in these cities. Between these cities, the new corridor would follow a southern alignment designed to balance the competing demands of operating speed, cost, and potential environmental impacts. Required infrastructure would include roadbed, track, viaducts and bridges, cuts and embankments, access roads, railroad systems, maintenance facilities, and other support facilities.

Development of the Area of Potential Effect

Section 106 of the NHPA requires Federal agencies to take into account the potential effects of their actions on historic properties. A required step in the Section 106 process is determining the Area of Potential Effect (APE) which is defined as “the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if such properties exist” (36 CFR § 800.16[d]). The APE is influenced by the scale and nature of an undertaking.

In general, potential adverse effects on architectural resources can include both direct physical effects—demolition, alteration, or damage from construction—and indirect effects, such as the introduction of visual, audible, or atmospheric elements that may alter the characteristics of the historic property that qualify it for inclusion in the National Register in a manner that would diminish the integrity of the property’s significant historic features. Archaeological resources are potentially affected by direct impacts from construction activity resulting in disturbance to the ground surface (including submerged ground surfaces) such as excavation, grading, pile-driving, cutting and filling, and staging.

The project has one APE. To facilitate the analysis of effects, the proposed APE has been subdivided to indicate the area in which the proposed project alternatives could cause potential direct effects and the area in which the proposed project alternatives could cause indirect effects. The proposed APE has been developed based on proposed work activities for the five project alternatives and their potential to affect historic properties, including potential direct and indirect effects, based on information available at this time.

Table 1 lists the counties and minor civil divisions (MCDs) traversed by the proposed APE. The proposed APE for potential direct and indirect effects are discussed in greater detail below and presented on the High Speed Rail Empire Corridor Maps (41 total).

APE for Direct Effects

Direct effects may include physical damage or destruction of a resource or its setting. The portion of the project APE in which there is the potential for the proposed project to cause direct effects includes all locations that could potentially be subject to direct ground-disturbing activities.

For the purposes of this Tier 1 EIS, the APE for potential direct effects has been delineated to extend 100 feet in both directions from the centerline of the existing railroad tracks. Where the centerline of the high-speed alternatives (90 mph, 110 mph, and 125 alternatives) alignments would differ from the existing centerline, the direct APE extends 100 feet in both directions from the centerline of those alignments. It should be noted that areas where the centerline of the 90 mph and 110 mph alternatives differ from that of the existing alignment are limited, and the alignments never diverge by more than approximately 150 feet.

APE for Indirect Effects

Indirect effects may include isolation of a property from its surrounding environment, or the introduction of visual, audible, or atmospheric (e.g., pollutants) elements that are out of character with a property or that alter its historic setting and context. The proposed APE for potential indirect effects was developed to encompass any potential indirect effects that could be reasonably foreseen at the Tier 1 level resulting from proposed Project construction activities, such as construction of or modifications to track and related infrastructure, service roads, and stations. Potential indirect effects could include noise, vibration, and changes in visual qualities and setting.

For the purposes of this Tier 1 EIS, the APE for indirect effects has been delineated to extend 500 feet from the edge of the APE for potential direct effects. As in the APE for potential direct effects, where the centerline of the high-speed (90 mph, 110 mph, and 125 alternatives) alignments would differ from the existing centerline, the indirect APE extends 600 feet in both directions from the centerline of those alignments. It should be noted that areas where the centerline of the 90 mph and 110 mph alternatives differ from that of the existing alignment are limited and the alignments never diverge by more than approximately 150 feet.

Project Design Development and the APE

The present Tier 1 phase of the project seeks to examine broad corridor-level issues. As more detailed design is developed in subsequent phases of the project, potential effects to cultural resources will be examined at a greater level of detail. A Programmatic Agreement, which is being developed as part of the Tier 1 phase, will outline a process in which the APE could be revised based on the scope of individual projects that are advanced for Tier 2 analysis.

Please review the project APE and provide me with any comments by December 14, 2012. We will carefully consider your comments in our development and analysis of this project. Within the next several weeks we will forward to you confidential archaeological resource maps located within the project APE, as discussed at the May 30, 2012 coordination meeting. Additionally,

please contact me at (518) 485-1918 or dchan@dot.ny.gov if you should you have any concerns or questions regarding the proposed APE or the overall environmental process. Alternatively, you may contact Colleen Vaughn of FRA at (202) 493-6096 or colleen.vaughn@dot.gov.

Sincerely,


David Chan

Project Manager – High Speed Rail Empire Corridor Project

Enclosures:

Table 1, Counties, Cites/Towns (MCDs), and Villages traversed by the Proposed APE
High Speed Empire Corridor Project Maps (41)

Copies, with Enclosures:

Colleen Vaughn, FRA

Copies, w/o Enclosures:

Laura Misita, Oneida Indian Nation Legal Department



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232

WWW.DOT.NY.GOV

JOAN McDONALD
COMMISSIONER

ANDREW M. CUOMO
GOVERNOR

November 21, 2012

Chief Leo R. Henry
Tuscarora Nation
2006 Mt. Hope Road
Via Lewiston, NY 14092

Re: High Speed Rail Empire Corridor Project; Tier 1 Environmental Impact Statement (EIS);
New York City to Buffalo/Niagara Falls
Opportunity to Comment on the Proposed Area of Potential Effect (APE), pursuant to
Section 106 of the National Historic Preservation Act (36 CFR 800.2(c)(2)(ii))

Dear Chief Henry:

As a follow-up to the Tribal Nation coordination meeting of May 30, 2012, and pursuant to Section 106 of the National Historic Preservation Act (NHPA, 36 CFR § 800), we are forwarding you information regarding the development of the proposed Area of Potential Effect (APE). The APE is defined as "the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if such properties exist" (36 CFR § 800.16[d]). We are inviting you to review and comment on the proposed APE.

The following provides an overview of the High Speed Rail Empire Corridor Project, and the development of the APE for direct effects and the APE for indirect effects. Enclosed with this letter are a table of the counties, cities, towns and villages traversed by the proposed APE (Table 1), and Empire Corridor maps delineating the proposed APE.

General Project Description

FRA and the New York State Department of Transportation (NYSDOT) are preparing a Tier 1 EIS of proposed improvements to intercity passenger rail service along the Empire Corridor between New York City and Niagara Falls. The EIS is being developed in accordance with the National Environmental Policy Act of 1969 (NEPA) and the New York State Environmental Quality Review Act (SEQR), as well as with Section 106 of the NHPA. The Tier 1 EIS will

address broad corridor-level issues and proposals. Subsequent phases or tiers will analyze, at a greater level of detail, narrower site-specific proposals based on the decisions made in Tier 1.

The Empire Corridor runs along the population and economic spine of the state, connecting many of New York State's major metropolitan areas. This rail corridor transects New York State, extending east of Buffalo on Lake Erie along the Erie Branch of the New York State Canal System, passing through Rochester, Syracuse, and Utica to the Schenectady-Albany-Rensselaer area, where it extends south along the Hudson River to Pennsylvania Station in New York City.

FRA and NYSDOT developed an initial range of project alternatives, which were subsequently screened according to the project Purpose and Need and associated objectives. Certain alternatives were not considered feasible and were eliminated from future evaluation. Five alternatives, including the Base (No

Action) Alternative, Alternative 90A, Alternative 90B, Alternative 110, and Alternative 125, are being advanced for further study as part of the Tier 1 EIS. These are described below.

- Base (No Action) Alternative: The Base Alternative consists of limited rail improvement projects already planned to address previously identified capacity constraints. The Base Alternative represents the future condition of the transportation network given committed rail, highway, bus, and airport improvement projects that are within the intercity travel market study area (the general geographic area served by the Empire Corridor).
- Alternative 90A uses 90 miles per hour (mph) as the maximum authorized speed and consists of constructing new track to meet higher track standards than those currently in use on the Empire Corridor with in-cab signaling train control. Alternative 90A would add capacity and station improvements that consist of 20 separate capacity and station improvement projects. Physical improvements could include realignment of tracks, improving signalization, widening and/or rehabilitating bridges, among other work. All physical improvements would be within the existing right-of-way.
- Alternative 90B uses 90 mph as the maximum authorized speed. The alternative would add a dedicated third main passenger track for approximately 273 miles between Schenectady and Buffalo-Depew and would also add a fourth passenger track over a combined distance of approximately 39 miles in five separate locations. New tracks would be located on the north side of the existing track within the existing railroad bed. Additional infrastructure would include a new signal system, bridge modifications, grade crossing modifications, station improvements, realignment of existing roadways and construction of new maintenance service roads. Some level of property acquisition (to be determined in subsequent design phases and Tier 2 studies) would be required for portions of the project corridor under Alternative 90B.
- Alternative 110 uses 110 mph as the maximum authorized speed. The alternative would add a dedicated third main passenger track for approximately 273 miles between Schenectady and Buffalo-Depew and a fourth passenger track over a combined distance of approximately 59 miles in six separate locations. New tracks would be located on the north and south sides of the existing track, depending on location, within the existing

railroad bed. Additional infrastructure would include a new signal system, bridge modifications, grade crossing modifications, station improvements, realignment of existing roadways and construction of new maintenance service roads. Some level of property acquisition (to be determined in subsequent design phases and Tier 2 studies) would be required for portions of the project corridor under Alternative 110.

- Alternative 125 uses 125 mph as the maximum authorized speed and would be the first speed threshold for electrically powered trains. Alternative 125 would construct a two-track grade-separated corridor dedicated to high-speed passenger service between Albany-Rensselaer Station and Buffalo Exchange Street Station. Trains would operate on the existing Hudson Line Corridor from New York Penn Station to Albany-Rensselaer Station. Within the densely populated areas around Albany, Syracuse, Rochester, and Buffalo, the new corridor would parallel the existing corridor on a combination of new and existing right-of-way to serve existing stations in these cities. Between these cities, the new corridor would follow a southern alignment designed to balance the competing demands of operating speed, cost, and potential environmental impacts. Required infrastructure would include roadbed, track, viaducts and bridges, cuts and embankments, access roads, railroad systems, maintenance facilities, and other support facilities.

Development of the Area of Potential Effect

Section 106 of the NHPA requires Federal agencies to take into account the potential effects of their actions on historic properties. A required step in the Section 106 process is determining the Area of Potential Effect (APE) which is defined as “the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if such properties exist” (36 CFR § 800.16[d]). The APE is influenced by the scale and nature of an undertaking.

In general, potential adverse effects on architectural resources can include both direct physical effects—demolition, alteration, or damage from construction—and indirect effects, such as the introduction of visual, audible, or atmospheric elements that may alter the characteristics of the historic property that qualify it for inclusion in the National Register in a manner that would diminish the integrity of the property’s significant historic features. Archaeological resources are potentially affected by direct impacts from construction activity resulting in disturbance to the ground surface (including submerged ground surfaces) such as excavation, grading, pile-driving, cutting and filling, and staging.

The project has one APE. To facilitate the analysis of effects, the proposed APE has been subdivided to indicate the area in which the proposed project alternatives could cause potential direct effects and the area in which the proposed project alternatives could cause indirect effects. The proposed APE has been developed based on proposed work activities for the five project alternatives and their potential to affect historic properties, including potential direct and indirect effects, based on information available at this time.

Table 1 lists the counties and minor civil divisions (MCDs) traversed by the proposed APE. The proposed APE for potential direct and indirect effects are discussed in greater detail below and presented on the High Speed Rail Empire Corridor Maps (41 total).

APE for Direct Effects

Direct effects may include physical damage or destruction of a resource or its setting. The portion of the project APE in which there is the potential for the proposed project to cause direct effects includes all locations that could potentially be subject to direct ground-disturbing activities.

For the purposes of this Tier 1 EIS, the APE for potential direct effects has been delineated to extend 100 feet in both directions from the centerline of the existing railroad tracks. Where the centerline of the high-speed alternatives (90 mph, 110 mph, and 125 alternatives) alignments would differ from the existing centerline, the direct APE extends 100 feet in both directions from the centerline of those alignments. It should be noted that areas where the centerline of the 90 mph and 110 mph alternatives differ from that of the existing alignment are limited, and the alignments never diverge by more than approximately 150 feet.

APE for Indirect Effects

Indirect effects may include isolation of a property from its surrounding environment, or the introduction of visual, audible, or atmospheric (e.g., pollutants) elements that are out of character with a property or that alter its historic setting and context. The proposed APE for potential indirect effects was developed to encompass any potential indirect effects that could be reasonably foreseen at the Tier 1 level resulting from proposed Project construction activities, such as construction of or modifications to track and related infrastructure, service roads, and stations. Potential indirect effects could include noise, vibration, and changes in visual qualities and setting.

For the purposes of this Tier 1 EIS, the APE for indirect effects has been delineated to extend 500 feet from the edge of the APE for potential direct effects. As in the APE for potential direct effects, where the centerline of the high-speed (90 mph, 110 mph, and 125 alternatives) alignments would differ from the existing centerline, the indirect APE extends 600 feet in both directions from the centerline of those alignments. It should be noted that areas where the centerline of the 90 mph and 110 mph alternatives differ from that of the existing alignment are limited and the alignments never diverge by more than approximately 150 feet.

Project Design Development and the APE

The present Tier 1 phase of the project seeks to examine broad corridor-level issues. As more detailed design is developed in subsequent phases of the project, potential effects to cultural resources will be examined at a greater level of detail. A Programmatic Agreement, which is being developed as part of the Tier 1 phase, will outline a process in which the APE could be revised based on the scope of individual projects that are advanced for Tier 2 analysis.

Please review the project APE and provide me with any comments by December 14, 2012. We will carefully consider your comments in our development and analysis of this project. Within the next several weeks we will forward to you confidential archaeological resource maps located within the project APE, as discussed at the May 30, 2012 coordination meeting. Additionally, please contact me at (518) 485-1918 or dchan@dot.ny.gov if you should you have any concerns

or questions regarding the proposed APE or the overall environmental process. Alternatively, you may contact Colleen Vaughn of FRA at (202) 493-6096 or colleen.vaughn@dot.gov.

Sincerely,



David Chan

Project Manager – High Speed Rail Empire Corridor Project

Enclosures:

Table 1, Counties, Cities/Towns (MCDs), and Villages traversed by the Proposed APE
High Speed Empire Corridor Project Maps (41)

Copies, with Enclosures:

Colleen Vaughn, FRA



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232

WWW.DOT.NY.GOV

JOAN McDONALD
COMMISSIONER

ANDREW M. CUOMO
GOVERNOR

November 21, 2012

Chief Stuart Patterson
Tuscarora Nation
1983 Upper Mountain Road
Sanborn, NY 14132

Re: High Speed Rail Empire Corridor Project; Tier 1 Environmental Impact Statement (EIS);
New York City to Buffalo/Niagara Falls
Opportunity to Comment on the Proposed Area of Potential Effect (APE), pursuant to
Section 106 of the National Historic Preservation Act (36 CFR 800.2(c)(2)(ii))

Dear Chief Patterson:

As a follow-up to the Tribal Nation coordination meeting of May 30, 2012, and pursuant to Section 106 of the National Historic Preservation Act (NHPA, 36 CFR § 800), we are forwarding you information regarding the development of the proposed Area of Potential Effect (APE). The APE is defined as "the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if such properties exist" (36 CFR § 800.16[d]). We are inviting you to review and comment on the proposed APE.

The following provides an overview of the High Speed Rail Empire Corridor Project, and the development of the APE for direct effects and the APE for indirect effects. Enclosed with this letter are a table of the counties, cities, towns and villages traversed by the proposed APE (Table 1), and Empire Corridor maps delineating the proposed APE.

General Project Description

FRA and the New York State Department of Transportation (NYSDOT) are preparing a Tier 1 EIS of proposed improvements to intercity passenger rail service along the Empire Corridor between New York City and Niagara Falls. The EIS is being developed in accordance with the National Environmental Policy Act of 1969 (NEPA) and the New York State Environmental Quality Review Act (SEQR), as well as with Section 106 of the NHPA. The Tier 1 EIS will

address broad corridor-level issues and proposals. Subsequent phases or tiers will analyze, at a greater level of detail, narrower site-specific proposals based on the decisions made in Tier 1.

The Empire Corridor runs along the population and economic spine of the state, connecting many of New York State's major metropolitan areas. This rail corridor transects New York State, extending east of Buffalo on Lake Erie along the Erie Branch of the New York State Canal System, passing through Rochester, Syracuse, and Utica to the Schenectady-Albany-Rensselaer area, where it extends south along the Hudson River to Pennsylvania Station in New York City.

FRA and NYSDOT developed an initial range of project alternatives, which were subsequently screened according to the project Purpose and Need and associated objectives. Certain alternatives were not considered feasible and were eliminated from future evaluation. Five alternatives, including the Base (No

Action) Alternative, Alternative 90A, Alternative 90B, Alternative 110, and Alternative 125, are being advanced for further study as part of the Tier 1 EIS. These are described below.

- Base (No Action) Alternative: The Base Alternative consists of limited rail improvement projects already planned to address previously identified capacity constraints. The Base Alternative represents the future condition of the transportation network given committed rail, highway, bus, and airport improvement projects that are within the intercity travel market study area (the general geographic area served by the Empire Corridor).
- Alternative 90A uses 90 miles per hour (mph) as the maximum authorized speed and consists of constructing new track to meet higher track standards than those currently in use on the Empire Corridor with in-cab signaling train control. Alternative 90A would add capacity and station improvements that consist of 20 separate capacity and station improvement projects. Physical improvements could include realignment of tracks, improving signalization, widening and/or rehabilitating bridges, among other work. All physical improvements would be within the existing right-of-way.
- Alternative 90B uses 90 mph as the maximum authorized speed. The alternative would add a dedicated third main passenger track for approximately 273 miles between Schenectady and Buffalo-Depew and would also add a fourth passenger track over a combined distance of approximately 39 miles in five separate locations. New tracks would be located on the north side of the existing track within the existing railroad bed. Additional infrastructure would include a new signal system, bridge modifications, grade crossing modifications, station improvements, realignment of existing roadways and construction of new maintenance service roads. Some level of property acquisition (to be determined in subsequent design phases and Tier 2 studies) would be required for portions of the project corridor under Alternative 90B.
- Alternative 110 uses 110 mph as the maximum authorized speed. The alternative would add a dedicated third main passenger track for approximately 273 miles between Schenectady and Buffalo-Depew and a fourth passenger track over a combined distance of approximately 59 miles in six separate locations. New tracks would be located on the north and south sides of the existing track, depending on location, within the existing

railroad bed. Additional infrastructure would include a new signal system, bridge modifications, grade crossing modifications, station improvements, realignment of existing roadways and construction of new maintenance service roads. Some level of property acquisition (to be determined in subsequent design phases and Tier 2 studies) would be required for portions of the project corridor under Alternative 110.

- Alternative 125 uses 125 mph as the maximum authorized speed and would be the first speed threshold for electrically powered trains. Alternative 125 would construct a two-track grade-separated corridor dedicated to high-speed passenger service between Albany-Rensselaer Station and Buffalo Exchange Street Station. Trains would operate on the existing Hudson Line Corridor from New York Penn Station to Albany-Rensselaer Station. Within the densely populated areas around Albany, Syracuse, Rochester, and Buffalo, the new corridor would parallel the existing corridor on a combination of new and existing right-of-way to serve existing stations in these cities. Between these cities, the new corridor would follow a southern alignment designed to balance the competing demands of operating speed, cost, and potential environmental impacts. Required infrastructure would include roadbed, track, viaducts and bridges, cuts and embankments, access roads, railroad systems, maintenance facilities, and other support facilities.

Development of the Area of Potential Effect

Section 106 of the NHPA requires Federal agencies to take into account the potential effects of their actions on historic properties. A required step in the Section 106 process is determining the Area of Potential Effect (APE) which is defined as “the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if such properties exist” (36 CFR § 800.16[d]). The APE is influenced by the scale and nature of an undertaking.

In general, potential adverse effects on architectural resources can include both direct physical effects—demolition, alteration, or damage from construction—and indirect effects, such as the introduction of visual, audible, or atmospheric elements that may alter the characteristics of the historic property that qualify it for inclusion in the National Register in a manner that would diminish the integrity of the property’s significant historic features. Archaeological resources are potentially affected by direct impacts from construction activity resulting in disturbance to the ground surface (including submerged ground surfaces) such as excavation, grading, pile-driving, cutting and filling, and staging.

The project has one APE. To facilitate the analysis of effects, the proposed APE has been subdivided to indicate the area in which the proposed project alternatives could cause potential direct effects and the area in which the proposed project alternatives could cause indirect effects. The proposed APE has been developed based on proposed work activities for the five project alternatives and their potential to affect historic properties, including potential direct and indirect effects, based on information available at this time.

Table 1 lists the counties and minor civil divisions (MCDs) traversed by the proposed APE. The proposed APE for potential direct and indirect effects are discussed in greater detail below and presented on the High Speed Rail Empire Corridor Maps (41 total).

APE for Direct Effects

Direct effects may include physical damage or destruction of a resource or its setting. The portion of the project APE in which there is the potential for the proposed project to cause direct effects includes all locations that could potentially be subject to direct ground-disturbing activities.

For the purposes of this Tier 1 EIS, the APE for potential direct effects has been delineated to extend 100 feet in both directions from the centerline of the existing railroad tracks. Where the centerline of the high-speed alternatives (90 mph, 110 mph, and 125 alternatives) alignments would differ from the existing centerline, the direct APE extends 100 feet in both directions from the centerline of those alignments. It should be noted that areas where the centerline of the 90 mph and 110 mph alternatives differ from that of the existing alignment are limited, and the alignments never diverge by more than approximately 150 feet.

APE for Indirect Effects

Indirect effects may include isolation of a property from its surrounding environment, or the introduction of visual, audible, or atmospheric (e.g., pollutants) elements that are out of character with a property or that alter its historic setting and context. The proposed APE for potential indirect effects was developed to encompass any potential indirect effects that could be reasonably foreseen at the Tier 1 level resulting from proposed Project construction activities, such as construction of or modifications to track and related infrastructure, service roads, and stations. Potential indirect effects could include noise, vibration, and changes in visual qualities and setting.

For the purposes of this Tier 1 EIS, the APE for indirect effects has been delineated to extend 500 feet from the edge of the APE for potential direct effects. As in the APE for potential direct effects, where the centerline of the high-speed (90 mph, 110 mph, and 125 alternatives) alignments would differ from the existing centerline, the indirect APE extends 600 feet in both directions from the centerline of those alignments. It should be noted that areas where the centerline of the 90 mph and 110 mph alternatives differ from that of the existing alignment are limited and the alignments never diverge by more than approximately 150 feet.

Project Design Development and the APE

The present Tier 1 phase of the project seeks to examine broad corridor-level issues. As more detailed design is developed in subsequent phases of the project, potential effects to cultural resources will be examined at a greater level of detail. A Programmatic Agreement, which is being developed as part of the Tier 1 phase, will outline a process in which the APE could be revised based on the scope of individual projects that are advanced for Tier 2 analysis.

Please review the project APE and provide me with any comments by December 14, 2012. We will carefully consider your comments in our development and analysis of this project. Within the next several weeks we will forward to you confidential archaeological resource maps located within the project APE, as discussed at the May 30, 2012 coordination meeting. Additionally, please contact me at (518) 485-1918 or dchan@dot.ny.gov if you should you have any concerns

or questions regarding the proposed APE or the overall environmental process. Alternatively, you may contact Colleen Vaughn of FRA at (202) 493-6096 or colleen.vaughn@dot.gov.

Sincerely,

A handwritten signature in black ink that reads "David Chan". The signature is written in a cursive, flowing style.

David Chan

Project Manager – High Speed Rail Empire Corridor Project

Enclosures:

Table 1, Counties, Cities/Towns (MCDs), and Villages traversed by the Proposed APE
High Speed Empire Corridor Project Maps (41)

Copies, with Enclosures:

Colleen Vaughn, FRA



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232

WWW.DOT.NY.GOV

JOAN McDONALD
COMMISSIONER

ANDREW M. CUOMO
GOVERNOR

November 21, 2012

Marguerite A. Smith Esq.
Shinnecock Indian Nation
Office of Tribal Trustees / Legal
P.O. Box 5006
Southampton, NY 11969-5006

Re: High Speed Rail Empire Corridor Project; Tier 1 Environmental Impact Statement (EIS);
New York City to Buffalo/Niagara Falls
Opportunity to Comment on the Proposed Area of Potential Effect (APE), pursuant to
Section 106 of the National Historic Preservation Act (36 CFR 800.2(c)(2)(ii))

Dear Ms. Smith:

As a follow-up to the Tribal Nation coordination meeting of May 30, 2012, and pursuant to Section 106 of the National Historic Preservation Act (NHPA, 36 CFR § 800), we are forwarding you information regarding the development of the proposed Area of Potential Effect (APE). The APE is defined as “the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if such properties exist” (36 CFR § 800.16[d]). We are inviting you to review and comment on the proposed APE.

The following provides an overview of the High Speed Rail Empire Corridor Project, and the development of the APE for direct effects and the APE for indirect effects. Enclosed with this letter are a table of the counties, cities, towns and villages traversed by the proposed APE (Table 1), and Empire Corridor maps delineating the proposed APE.

General Project Description

FRA and the New York State Department of Transportation (NYSDOT) are preparing a Tier 1 EIS of proposed improvements to intercity passenger rail service along the Empire Corridor between New York City and Niagara Falls. The EIS is being developed in accordance with the National Environmental Policy Act of 1969 (NEPA) and the New York State Environmental Quality Review Act (SEQR), as well as with Section 106 of the NHPA. The Tier 1 EIS will

address broad corridor-level issues and proposals. Subsequent phases or tiers will analyze, at a greater level of detail, narrower site-specific proposals based on the decisions made in Tier 1.

The Empire Corridor runs along the population and economic spine of the state, connecting many of New York State's major metropolitan areas. This rail corridor transects New York State, extending east of Buffalo on Lake Erie along the Erie Branch of the New York State Canal System, passing through Rochester, Syracuse, and Utica to the Schenectady-Albany-Rensselaer area, where it extends south along the Hudson River to Pennsylvania Station in New York City.

FRA and NYSDOT developed an initial range of project alternatives, which were subsequently screened according to the project Purpose and Need and associated objectives. Certain alternatives were not considered feasible and were eliminated from future evaluation. Five alternatives, including the Base (No

Action) Alternative, Alternative 90A, Alternative 90B, Alternative 110, and Alternative 125, are being advanced for further study as part of the Tier 1 EIS. These are described below.

- Base (No Action) Alternative: The Base Alternative consists of limited rail improvement projects already planned to address previously identified capacity constraints. The Base Alternative represents the future condition of the transportation network given committed rail, highway, bus, and airport improvement projects that are within the intercity travel market study area (the general geographic area served by the Empire Corridor).
- Alternative 90A uses 90 miles per hour (mph) as the maximum authorized speed and consists of constructing new track to meet higher track standards than those currently in use on the Empire Corridor with in-cab signaling train control. Alternative 90A would add capacity and station improvements that consist of 20 separate capacity and station improvement projects. Physical improvements could include realignment of tracks, improving signalization, widening and/or rehabilitating bridges, among other work. All physical improvements would be within the existing right-of-way.
- Alternative 90B uses 90 mph as the maximum authorized speed. The alternative would add a dedicated third main passenger track for approximately 273 miles between Schenectady and Buffalo-Depew and would also add a fourth passenger track over a combined distance of approximately 39 miles in five separate locations. New tracks would be located on the north side of the existing track within the existing railroad bed. Additional infrastructure would include a new signal system, bridge modifications, grade crossing modifications, station improvements, realignment of existing roadways and construction of new maintenance service roads. Some level of property acquisition (to be determined in subsequent design phases and Tier 2 studies) would be required for portions of the project corridor under Alternative 90B.
- Alternative 110 uses 110 mph as the maximum authorized speed. The alternative would add a dedicated third main passenger track for approximately 273 miles between Schenectady and Buffalo-Depew and a fourth passenger track over a combined distance of approximately 59 miles in six separate locations. New tracks would be located on the north and south sides of the existing track, depending on location, within the existing

railroad bed. Additional infrastructure would include a new signal system, bridge modifications, grade crossing modifications, station improvements, realignment of existing roadways and construction of new maintenance service roads. Some level of property acquisition (to be determined in subsequent design phases and Tier 2 studies) would be required for portions of the project corridor under Alternative 110.

- Alternative 125 uses 125 mph as the maximum authorized speed and would be the first speed threshold for electrically powered trains. Alternative 125 would construct a two-track grade-separated corridor dedicated to high-speed passenger service between Albany-Rensselaer Station and Buffalo Exchange Street Station. Trains would operate on the existing Hudson Line Corridor from New York Penn Station to Albany-Rensselaer Station. Within the densely populated areas around Albany, Syracuse, Rochester, and Buffalo, the new corridor would parallel the existing corridor on a combination of new and existing right-of-way to serve existing stations in these cities. Between these cities, the new corridor would follow a southern alignment designed to balance the competing demands of operating speed, cost, and potential environmental impacts. Required infrastructure would include roadbed, track, viaducts and bridges, cuts and embankments, access roads, railroad systems, maintenance facilities, and other support facilities.

Development of the Area of Potential Effect

Section 106 of the NHPA requires Federal agencies to take into account the potential effects of their actions on historic properties. A required step in the Section 106 process is determining the Area of Potential Effect (APE) which is defined as “the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if such properties exist” (36 CFR § 800.16[d]). The APE is influenced by the scale and nature of an undertaking.

In general, potential adverse effects on architectural resources can include both direct physical effects—demolition, alteration, or damage from construction—and indirect effects, such as the introduction of visual, audible, or atmospheric elements that may alter the characteristics of the historic property that qualify it for inclusion in the National Register in a manner that would diminish the integrity of the property’s significant historic features. Archaeological resources are potentially affected by direct impacts from construction activity resulting in disturbance to the ground surface (including submerged ground surfaces) such as excavation, grading, pile-driving, cutting and filling, and staging.

The project has one APE. To facilitate the analysis of effects, the proposed APE has been subdivided to indicate the area in which the proposed project alternatives could cause potential direct effects and the area in which the proposed project alternatives could cause indirect effects. The proposed APE has been developed based on proposed work activities for the five project alternatives and their potential to affect historic properties, including potential direct and indirect effects, based on information available at this time.

Table 1 lists the counties and minor civil divisions (MCDs) traversed by the proposed APE. The proposed APE for potential direct and indirect effects are discussed in greater detail below and presented on the High Speed Rail Empire Corridor Maps (41 total).

APE for Direct Effects

Direct effects may include physical damage or destruction of a resource or its setting. The portion of the project APE in which there is the potential for the proposed project to cause direct effects includes all locations that could potentially be subject to direct ground-disturbing activities.

For the purposes of this Tier 1 EIS, the APE for potential direct effects has been delineated to extend 100 feet in both directions from the centerline of the existing railroad tracks. Where the centerline of the high-speed alternatives (90 mph, 110 mph, and 125 alternatives) alignments would differ from the existing centerline, the direct APE extends 100 feet in both directions from the centerline of those alignments. It should be noted that areas where the centerline of the 90 mph and 110 mph alternatives differ from that of the existing alignment are limited, and the alignments never diverge by more than approximately 150 feet.

APE for Indirect Effects

Indirect effects may include isolation of a property from its surrounding environment, or the introduction of visual, audible, or atmospheric (e.g., pollutants) elements that are out of character with a property or that alter its historic setting and context. The proposed APE for potential indirect effects was developed to encompass any potential indirect effects that could be reasonably foreseen at the Tier 1 level resulting from proposed Project construction activities, such as construction of or modifications to track and related infrastructure, service roads, and stations. Potential indirect effects could include noise, vibration, and changes in visual qualities and setting.

For the purposes of this Tier 1 EIS, the APE for indirect effects has been delineated to extend 500 feet from the edge of the APE for potential direct effects. As in the APE for potential direct effects, where the centerline of the high-speed (90 mph, 110 mph, and 125 alternatives) alignments would differ from the existing centerline, the indirect APE extends 600 feet in both directions from the centerline of those alignments. It should be noted that areas where the centerline of the 90 mph and 110 mph alternatives differ from that of the existing alignment are limited and the alignments never diverge by more than approximately 150 feet.

Project Design Development and the APE

The present Tier 1 phase of the project seeks to examine broad corridor-level issues. As more detailed design is developed in subsequent phases of the project, potential effects to cultural resources will be examined at a greater level of detail. A Programmatic Agreement, which is being developed as part of the Tier 1 phase, will outline a process in which the APE could be revised based on the scope of individual projects that are advanced for Tier 2 analysis.

Please review the project APE and provide me with any comments by December 14, 2012. We will carefully consider your comments in our development and analysis of this project. Within the next several weeks we will forward to you confidential archaeological resource maps located within the project APE, as discussed at the May 30, 2012 coordination meeting. Additionally, please contact me at (518) 485-1918 or dchan@dot.ny.gov if you should you have any concerns

or questions regarding the proposed APE or the overall environmental process. Alternatively, you may contact Colleen Vaughn of FRA at (202) 493-6096 or colleen.vaughn@dot.gov.

Sincerely,



David Chan

Project Manager – High Speed Rail Empire Corridor Project

Enclosures:

Table 1, Counties, Cities/Towns (MCDs), and Villages traversed by the Proposed APE
High Speed Empire Corridor Project Maps (41)

Copies, with Enclosures:

Colleen Vaughn, FRA



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232

WWW.DOT.NY.GOV

JOAN McDONALD
COMMISSIONER

ANDREW M. CUOMO
GOVERNOR

November 21, 2012

Randy King
Chairman, Board of Trustees
Shinnecock Indian Nation Tribal Office
P.O. Box 5006
Southampton, NY 11969

Re: High Speed Rail Empire Corridor Project; Tier 1 Environmental Impact Statement (EIS);
New York City to Buffalo/Niagara Falls
Opportunity to Comment on the Proposed Area of Potential Effect (APE), pursuant to
Section 106 of the National Historic Preservation Act (36 CFR 800.2(c)(2)(ii))

Dear Mr. King:

As a follow-up to the Tribal Nation coordination meeting of May 30, 2012, and pursuant to Section 106 of the National Historic Preservation Act (NHPA, 36 CFR § 800), we are forwarding you information regarding the development of the proposed Area of Potential Effect (APE). The APE is defined as "the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if such properties exist" (36 CFR § 800.16[d]). We are inviting you to review and comment on the proposed APE.

The following provides an overview of the High Speed Rail Empire Corridor Project, and the development of the APE for direct effects and the APE for indirect effects. Enclosed with this letter are a table of the counties, cities, towns and villages traversed by the proposed APE (Table 1), and Empire Corridor maps delineating the proposed APE.

General Project Description

FRA and the New York State Department of Transportation (NYSDOT) are preparing a Tier 1 EIS of proposed improvements to intercity passenger rail service along the Empire Corridor between New York City and Niagara Falls. The EIS is being developed in accordance with the National Environmental Policy Act of 1969 (NEPA) and the New York State Environmental Quality Review Act (SEQR), as well as with Section 106 of the NHPA. The Tier 1 EIS will

address broad corridor-level issues and proposals. Subsequent phases or tiers will analyze, at a greater level of detail, narrower site-specific proposals based on the decisions made in Tier 1.

The Empire Corridor runs along the population and economic spine of the state, connecting many of New York State's major metropolitan areas. This rail corridor transects New York State, extending east of Buffalo on Lake Erie along the Erie Branch of the New York State Canal System, passing through Rochester, Syracuse, and Utica to the Schenectady-Albany-Rensselaer area, where it extends south along the Hudson River to Pennsylvania Station in New York City.

FRA and NYSDOT developed an initial range of project alternatives, which were subsequently screened according to the project Purpose and Need and associated objectives. Certain alternatives were not considered feasible and were eliminated from future evaluation. Five alternatives, including the Base (No

Action) Alternative, Alternative 90A, Alternative 90B, Alternative 110, and Alternative 125, are being advanced for further study as part of the Tier 1 EIS. These are described below.

- Base (No Action) Alternative: The Base Alternative consists of limited rail improvement projects already planned to address previously identified capacity constraints. The Base Alternative represents the future condition of the transportation network given committed rail, highway, bus, and airport improvement projects that are within the intercity travel market study area (the general geographic area served by the Empire Corridor).
- Alternative 90A uses 90 miles per hour (mph) as the maximum authorized speed and consists of constructing new track to meet higher track standards than those currently in use on the Empire Corridor with in-cab signaling train control. Alternative 90A would add capacity and station improvements that consist of 20 separate capacity and station improvement projects. Physical improvements could include realignment of tracks, improving signalization, widening and/or rehabilitating bridges, among other work. All physical improvements would be within the existing right-of-way.
- Alternative 90B uses 90 mph as the maximum authorized speed. The alternative would add a dedicated third main passenger track for approximately 273 miles between Schenectady and Buffalo-Depew and would also add a fourth passenger track over a combined distance of approximately 39 miles in five separate locations. New tracks would be located on the north side of the existing track within the existing railroad bed. Additional infrastructure would include a new signal system, bridge modifications, grade crossing modifications, station improvements, realignment of existing roadways and construction of new maintenance service roads. Some level of property acquisition (to be determined in subsequent design phases and Tier 2 studies) would be required for portions of the project corridor under Alternative 90B.
- Alternative 110 uses 110 mph as the maximum authorized speed. The alternative would add a dedicated third main passenger track for approximately 273 miles between Schenectady and Buffalo-Depew and a fourth passenger track over a combined distance of approximately 59 miles in six separate locations. New tracks would be located on the north and south sides of the existing track, depending on location, within the existing

railroad bed. Additional infrastructure would include a new signal system, bridge modifications, grade crossing modifications, station improvements, realignment of existing roadways and construction of new maintenance service roads. Some level of property acquisition (to be determined in subsequent design phases and Tier 2 studies) would be required for portions of the project corridor under Alternative 110.

- Alternative 125 uses 125 mph as the maximum authorized speed and would be the first speed threshold for electrically powered trains. Alternative 125 would construct a two-track grade-separated corridor dedicated to high-speed passenger service between Albany-Rensselaer Station and Buffalo Exchange Street Station. Trains would operate on the existing Hudson Line Corridor from New York Penn Station to Albany-Rensselaer Station. Within the densely populated areas around Albany, Syracuse, Rochester, and Buffalo, the new corridor would parallel the existing corridor on a combination of new and existing right-of-way to serve existing stations in these cities. Between these cities, the new corridor would follow a southern alignment designed to balance the competing demands of operating speed, cost, and potential environmental impacts. Required infrastructure would include roadbed, track, viaducts and bridges, cuts and embankments, access roads, railroad systems, maintenance facilities, and other support facilities.

Development of the Area of Potential Effect

Section 106 of the NHPA requires Federal agencies to take into account the potential effects of their actions on historic properties. A required step in the Section 106 process is determining the Area of Potential Effect (APE) which is defined as “the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if such properties exist” (36 CFR § 800.16[d]). The APE is influenced by the scale and nature of an undertaking.

In general, potential adverse effects on architectural resources can include both direct physical effects—demolition, alteration, or damage from construction—and indirect effects, such as the introduction of visual, audible, or atmospheric elements that may alter the characteristics of the historic property that qualify it for inclusion in the National Register in a manner that would diminish the integrity of the property’s significant historic features. Archaeological resources are potentially affected by direct impacts from construction activity resulting in disturbance to the ground surface (including submerged ground surfaces) such as excavation, grading, pile-driving, cutting and filling, and staging.

The project has one APE. To facilitate the analysis of effects, the proposed APE has been subdivided to indicate the area in which the proposed project alternatives could cause potential direct effects and the area in which the proposed project alternatives could cause indirect effects. The proposed APE has been developed based on proposed work activities for the five project alternatives and their potential to affect historic properties, including potential direct and indirect effects, based on information available at this time.

Table 1 lists the counties and minor civil divisions (MCDs) traversed by the proposed APE. The proposed APE for potential direct and indirect effects are discussed in greater detail below and presented on the High Speed Rail Empire Corridor Maps (41 total).

APE for Direct Effects

Direct effects may include physical damage or destruction of a resource or its setting. The portion of the project APE in which there is the potential for the proposed project to cause direct effects includes all locations that could potentially be subject to direct ground-disturbing activities.

For the purposes of this Tier 1 EIS, the APE for potential direct effects has been delineated to extend 100 feet in both directions from the centerline of the existing railroad tracks. Where the centerline of the high-speed alternatives (90 mph, 110 mph, and 125 alternatives) alignments would differ from the existing centerline, the direct APE extends 100 feet in both directions from the centerline of those alignments. It should be noted that areas where the centerline of the 90 mph and 110 mph alternatives differ from that of the existing alignment are limited, and the alignments never diverge by more than approximately 150 feet.

APE for Indirect Effects

Indirect effects may include isolation of a property from its surrounding environment, or the introduction of visual, audible, or atmospheric (e.g., pollutants) elements that are out of character with a property or that alter its historic setting and context. The proposed APE for potential indirect effects was developed to encompass any potential indirect effects that could be reasonably foreseen at the Tier 1 level resulting from proposed Project construction activities, such as construction of or modifications to track and related infrastructure, service roads, and stations. Potential indirect effects could include noise, vibration, and changes in visual qualities and setting.

For the purposes of this Tier 1 EIS, the APE for indirect effects has been delineated to extend 500 feet from the edge of the APE for potential direct effects. As in the APE for potential direct effects, where the centerline of the high-speed (90 mph, 110 mph, and 125 alternatives) alignments would differ from the existing centerline, the indirect APE extends 600 feet in both directions from the centerline of those alignments. It should be noted that areas where the centerline of the 90 mph and 110 mph alternatives differ from that of the existing alignment are limited and the alignments never diverge by more than approximately 150 feet.

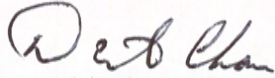
Project Design Development and the APE

The present Tier 1 phase of the project seeks to examine broad corridor-level issues. As more detailed design is developed in subsequent phases of the project, potential effects to cultural resources will be examined at a greater level of detail. A Programmatic Agreement, which is being developed as part of the Tier 1 phase, will outline a process in which the APE could be revised based on the scope of individual projects that are advanced for Tier 2 analysis.

Please review the project APE and provide me with any comments by December 14, 2012. We will carefully consider your comments in our development and analysis of this project. Within the next several weeks we will forward to you confidential archaeological resource maps located

within the project APE, as discussed at the May 30, 2012 coordination meeting. Additionally, please contact me at (518) 485-1918 or dchan@dot.ny.gov if you should you have any concerns or questions regarding the proposed APE or the overall environmental process. Alternatively, you may contact Colleen Vaughn of FRA at (202) 493-6096 or colleen.vaughn@dot.gov.

Sincerely,



David Chan

Project Manager – High Speed Rail Empire Corridor Project

Enclosures:

Table 1, Counties, Cites/Towns (MCDs), and Villages traversed by the Proposed APE
High Speed Empire Corridor Project Maps (41)

Copies, with Enclosures:

Colleen Vaughn, FRA



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232

WWW.DOT.NY.GOV

JOAN McDONALD
COMMISSIONER

ANDREW M. CUOMO
GOVERNOR

November 21, 2012

Lana Watt
Tribal Historic Preservation Officer
Seneca Nation of Indians
90 O:hi'yoh Way
Salamanca, NY 14779

Re: High Speed Rail Empire Corridor Project; Tier 1 Environmental Impact Statement (EIS);
New York City to Buffalo/Niagara Falls
Opportunity to Comment on the Proposed Area of Potential Effect (APE), pursuant to
Section 106 of the National Historic Preservation Act (36 CFR 800.2(c)(2)(ii))

Dear Lana Watt:

As a follow-up to the Tribal Nation coordination meeting of May 30, 2012, and pursuant to Section 106 of the National Historic Preservation Act (NHPA, 36 CFR § 800), we are forwarding you information regarding the development of the proposed Area of Potential Effect (APE). The APE is defined as “the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if such properties exist” (36 CFR § 800.16[d]). We are inviting you to review and comment on the proposed APE.

The following provides an overview of the High Speed Rail Empire Corridor Project, and the development of the APE for direct effects and the APE for indirect effects. Enclosed with this letter are a table of the counties, cities, towns and villages traversed by the proposed APE (Table 1), and Empire Corridor maps delineating the proposed APE.

General Project Description

FRA and the New York State Department of Transportation (NYSDOT) are preparing a Tier 1 EIS of proposed improvements to intercity passenger rail service along the Empire Corridor between New York City and Niagara Falls. The EIS is being developed in accordance with the National Environmental Policy Act of 1969 (NEPA) and the New York State Environmental Quality Review Act (SEQR), as well as with Section 106 of the NHPA. The Tier 1 EIS will

address broad corridor-level issues and proposals. Subsequent phases or tiers will analyze, at a greater level of detail, narrower site-specific proposals based on the decisions made in Tier 1.

The Empire Corridor runs along the population and economic spine of the state, connecting many of New York State's major metropolitan areas. This rail corridor transects New York State, extending east of Buffalo on Lake Erie along the Erie Branch of the New York State Canal System, passing through Rochester, Syracuse, and Utica to the Schenectady-Albany-Rensselaer area, where it extends south along the Hudson River to Pennsylvania Station in New York City.

FRA and NYSDOT developed an initial range of project alternatives, which were subsequently screened according to the project Purpose and Need and associated objectives. Certain alternatives were not considered feasible and were eliminated from future evaluation. Five alternatives, including the Base (No

Action) Alternative, Alternative 90A, Alternative 90B, Alternative 110, and Alternative 125, are being advanced for further study as part of the Tier 1 EIS. These are described below.

- Base (No Action) Alternative: The Base Alternative consists of limited rail improvement projects already planned to address previously identified capacity constraints. The Base Alternative represents the future condition of the transportation network given committed rail, highway, bus, and airport improvement projects that are within the intercity travel market study area (the general geographic area served by the Empire Corridor).
- Alternative 90A uses 90 miles per hour (mph) as the maximum authorized speed and consists of constructing new track to meet higher track standards than those currently in use on the Empire Corridor with in-cab signaling train control. Alternative 90A would add capacity and station improvements that consist of 20 separate capacity and station improvement projects. Physical improvements could include realignment of tracks, improving signalization, widening and/or rehabilitating bridges, among other work. All physical improvements would be within the existing right-of-way.
- Alternative 90B uses 90 mph as the maximum authorized speed. The alternative would add a dedicated third main passenger track for approximately 273 miles between Schenectady and Buffalo-Depew and would also add a fourth passenger track over a combined distance of approximately 39 miles in five separate locations. New tracks would be located on the north side of the existing track within the existing railroad bed. Additional infrastructure would include a new signal system, bridge modifications, grade crossing modifications, station improvements, realignment of existing roadways and construction of new maintenance service roads. Some level of property acquisition (to be determined in subsequent design phases and Tier 2 studies) would be required for portions of the project corridor under Alternative 90B.
- Alternative 110 uses 110 mph as the maximum authorized speed. The alternative would add a dedicated third main passenger track for approximately 273 miles between Schenectady and Buffalo-Depew and a fourth passenger track over a combined distance of approximately 59 miles in six separate locations. New tracks would be located on the north and south sides of the existing track, depending on location, within the existing

railroad bed. Additional infrastructure would include a new signal system, bridge modifications, grade crossing modifications, station improvements, realignment of existing roadways and construction of new maintenance service roads. Some level of property acquisition (to be determined in subsequent design phases and Tier 2 studies) would be required for portions of the project corridor under Alternative 110.

- Alternative 125 uses 125 mph as the maximum authorized speed and would be the first speed threshold for electrically powered trains. Alternative 125 would construct a two-track grade-separated corridor dedicated to high-speed passenger service between Albany-Rensselaer Station and Buffalo Exchange Street Station. Trains would operate on the existing Hudson Line Corridor from New York Penn Station to Albany-Rensselaer Station. Within the densely populated areas around Albany, Syracuse, Rochester, and Buffalo, the new corridor would parallel the existing corridor on a combination of new and existing right-of-way to serve existing stations in these cities. Between these cities, the new corridor would follow a southern alignment designed to balance the competing demands of operating speed, cost, and potential environmental impacts. Required infrastructure would include roadbed, track, viaducts and bridges, cuts and embankments, access roads, railroad systems, maintenance facilities, and other support facilities.

Development of the Area of Potential Effect

Section 106 of the NHPA requires Federal agencies to take into account the potential effects of their actions on historic properties. A required step in the Section 106 process is determining the Area of Potential Effect (APE) which is defined as “the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if such properties exist” (36 CFR § 800.16[d]). The APE is influenced by the scale and nature of an undertaking.

In general, potential adverse effects on architectural resources can include both direct physical effects—demolition, alteration, or damage from construction—and indirect effects, such as the introduction of visual, audible, or atmospheric elements that may alter the characteristics of the historic property that qualify it for inclusion in the National Register in a manner that would diminish the integrity of the property’s significant historic features. Archaeological resources are potentially affected by direct impacts from construction activity resulting in disturbance to the ground surface (including submerged ground surfaces) such as excavation, grading, pile-driving, cutting and filling, and staging.

The project has one APE. To facilitate the analysis of effects, the proposed APE has been subdivided to indicate the area in which the proposed project alternatives could cause potential direct effects and the area in which the proposed project alternatives could cause indirect effects. The proposed APE has been developed based on proposed work activities for the five project alternatives and their potential to affect historic properties, including potential direct and indirect effects, based on information available at this time.

Table 1 lists the counties and minor civil divisions (MCDs) traversed by the proposed APE. The proposed APE for potential direct and indirect effects are discussed in greater detail below and presented on the High Speed Rail Empire Corridor Maps (41 total).

APE for Direct Effects

Direct effects may include physical damage or destruction of a resource or its setting. The portion of the project APE in which there is the potential for the proposed project to cause direct effects includes all locations that could potentially be subject to direct ground-disturbing activities.

For the purposes of this Tier 1 EIS, the APE for potential direct effects has been delineated to extend 100 feet in both directions from the centerline of the existing railroad tracks. Where the centerline of the high-speed alternatives (90 mph, 110 mph, and 125 alternatives) alignments would differ from the existing centerline, the direct APE extends 100 feet in both directions from the centerline of those alignments. It should be noted that areas where the centerline of the 90 mph and 110 mph alternatives differ from that of the existing alignment are limited, and the alignments never diverge by more than approximately 150 feet.

APE for Indirect Effects

Indirect effects may include isolation of a property from its surrounding environment, or the introduction of visual, audible, or atmospheric (e.g., pollutants) elements that are out of character with a property or that alter its historic setting and context. The proposed APE for potential indirect effects was developed to encompass any potential indirect effects that could be reasonably foreseen at the Tier 1 level resulting from proposed Project construction activities, such as construction of or modifications to track and related infrastructure, service roads, and stations. Potential indirect effects could include noise, vibration, and changes in visual qualities and setting.

For the purposes of this Tier 1 EIS, the APE for indirect effects has been delineated to extend 500 feet from the edge of the APE for potential direct effects. As in the APE for potential direct effects, where the centerline of the high-speed (90 mph, 110 mph, and 125 alternatives) alignments would differ from the existing centerline, the indirect APE extends 600 feet in both directions from the centerline of those alignments. It should be noted that areas where the centerline of the 90 mph and 110 mph alternatives differ from that of the existing alignment are limited and the alignments never diverge by more than approximately 150 feet.

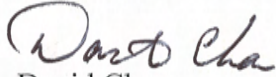
Project Design Development and the APE

The present Tier 1 phase of the project seeks to examine broad corridor-level issues. As more detailed design is developed in subsequent phases of the project, potential effects to cultural resources will be examined at a greater level of detail. A Programmatic Agreement, which is being developed as part of the Tier 1 phase, will outline a process in which the APE could be revised based on the scope of individual projects that are advanced for Tier 2 analysis.

Please review the project APE and provide me with any comments by December 14, 2012. We will carefully consider your comments in our development and analysis of this project. Within the next several weeks we will forward to you confidential archaeological resource maps located

within the project APE, as discussed at the May 30, 2012 coordination meeting. Additionally, please contact me at (518) 485-1918 or dchan@dot.ny.gov if you should you have any concerns or questions regarding the proposed APE or the overall environmental process. Alternatively, you may contact Colleen Vaughn of FRA at (202) 493-6096 or colleen.vaughn@dot.gov.

Sincerely,



David Chan

Project Manager – High Speed Rail Empire Corridor Project

Enclosures:

Table 1, Counties, Cites/Towns (MCDs), and Villages traversed by the Proposed APE
High Speed Empire Corridor Project Maps (41)

Copies, with Enclosures:

Colleen Vaughn, FRA

Copies, w/o Enclosures:

G. Peter Jemison, NAGPRA Rep, SNI
Ganondagan Historic Site



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232

WWW.DOT.NY.GOV

JOAN McDONALD
COMMISSIONER

ANDREW M. CUOMO
GOVERNOR

November 21, 2012

Chief LeRoy Howard
Seneca-Cayuga Tribe of Oklahoma
R2301 E. Steve Owens Boulevard
Miami, Oklahoma 74355

Re: High Speed Rail Empire Corridor Project; Tier 1 Environmental Impact Statement (EIS);
New York City to Buffalo/Niagara Falls
Opportunity to Comment on the Proposed Area of Potential Effect (APE), pursuant to
Section 106 of the National Historic Preservation Act (36 CFR 800.2(c)(2)(ii))

Dear Chief Howard:

As a follow-up to the Tribal Nation coordination meeting of May 30, 2012, and pursuant to Section 106 of the National Historic Preservation Act (NHPA, 36 CFR § 800), we are forwarding you information regarding the development of the proposed Area of Potential Effect (APE). The APE is defined as "the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if such properties exist" (36 CFR § 800.16[d]). We are inviting you to review and comment on the proposed APE.

The following provides an overview of the High Speed Rail Empire Corridor Project, and the development of the APE for direct effects and the APE for indirect effects. Enclosed with this letter are a table of the counties, cities, towns and villages traversed by the proposed APE (Table 1), and Empire Corridor maps delineating the proposed APE.

General Project Description

FRA and the New York State Department of Transportation (NYSDOT) are preparing a Tier 1 EIS of proposed improvements to intercity passenger rail service along the Empire Corridor between New York City and Niagara Falls. The EIS is being developed in accordance with the National Environmental Policy Act of 1969 (NEPA) and the New York State Environmental Quality Review Act (SEQR), as well as with Section 106 of the NHPA. The Tier 1 EIS will

address broad corridor-level issues and proposals. Subsequent phases or tiers will analyze, at a greater level of detail, narrower site-specific proposals based on the decisions made in Tier 1.

The Empire Corridor runs along the population and economic spine of the state, connecting many of New York State's major metropolitan areas. This rail corridor transects New York State, extending east of Buffalo on Lake Erie along the Erie Branch of the New York State Canal System, passing through Rochester, Syracuse, and Utica to the Schenectady-Albany-Rensselaer area, where it extends south along the Hudson River to Pennsylvania Station in New York City.

FRA and NYSDOT developed an initial range of project alternatives, which were subsequently screened according to the project Purpose and Need and associated objectives. Certain alternatives were not considered feasible and were eliminated from future evaluation. Five alternatives, including the Base (No

Action) Alternative, Alternative 90A, Alternative 90B, Alternative 110, and Alternative 125, are being advanced for further study as part of the Tier 1 EIS. These are described below.

- Base (No Action) Alternative: The Base Alternative consists of limited rail improvement projects already planned to address previously identified capacity constraints. The Base Alternative represents the future condition of the transportation network given committed rail, highway, bus, and airport improvement projects that are within the intercity travel market study area (the general geographic area served by the Empire Corridor).
- Alternative 90A uses 90 miles per hour (mph) as the maximum authorized speed and consists of constructing new track to meet higher track standards than those currently in use on the Empire Corridor with in-cab signaling train control. Alternative 90A would add capacity and station improvements that consist of 20 separate capacity and station improvement projects. Physical improvements could include realignment of tracks, improving signalization, widening and/or rehabilitating bridges, among other work. All physical improvements would be within the existing right-of-way.
- Alternative 90B uses 90 mph as the maximum authorized speed. The alternative would add a dedicated third main passenger track for approximately 273 miles between Schenectady and Buffalo-Depew and would also add a fourth passenger track over a combined distance of approximately 39 miles in five separate locations. New tracks would be located on the north side of the existing track within the existing railroad bed. Additional infrastructure would include a new signal system, bridge modifications, grade crossing modifications, station improvements, realignment of existing roadways and construction of new maintenance service roads. Some level of property acquisition (to be determined in subsequent design phases and Tier 2 studies) would be required for portions of the project corridor under Alternative 90B.
- Alternative 110 uses 110 mph as the maximum authorized speed. The alternative would add a dedicated third main passenger track for approximately 273 miles between Schenectady and Buffalo-Depew and a fourth passenger track over a combined distance of approximately 59 miles in six separate locations. New tracks would be located on the north and south sides of the existing track, depending on location, within the existing

railroad bed. Additional infrastructure would include a new signal system, bridge modifications, grade crossing modifications, station improvements, realignment of existing roadways and construction of new maintenance service roads. Some level of property acquisition (to be determined in subsequent design phases and Tier 2 studies) would be required for portions of the project corridor under Alternative 110.

- Alternative 125 uses 125 mph as the maximum authorized speed and would be the first speed threshold for electrically powered trains. Alternative 125 would construct a two-track grade-separated corridor dedicated to high-speed passenger service between Albany-Rensselaer Station and Buffalo Exchange Street Station. Trains would operate on the existing Hudson Line Corridor from New York Penn Station to Albany-Rensselaer Station. Within the densely populated areas around Albany, Syracuse, Rochester, and Buffalo, the new corridor would parallel the existing corridor on a combination of new and existing right-of-way to serve existing stations in these cities. Between these cities, the new corridor would follow a southern alignment designed to balance the competing demands of operating speed, cost, and potential environmental impacts. Required infrastructure would include roadbed, track, viaducts and bridges, cuts and embankments, access roads, railroad systems, maintenance facilities, and other support facilities.

Development of the Area of Potential Effect

Section 106 of the NHPA requires Federal agencies to take into account the potential effects of their actions on historic properties. A required step in the Section 106 process is determining the Area of Potential Effect (APE) which is defined as “the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if such properties exist” (36 CFR § 800.16[d]). The APE is influenced by the scale and nature of an undertaking.

In general, potential adverse effects on architectural resources can include both direct physical effects—demolition, alteration, or damage from construction—and indirect effects, such as the introduction of visual, audible, or atmospheric elements that may alter the characteristics of the historic property that qualify it for inclusion in the National Register in a manner that would diminish the integrity of the property’s significant historic features. Archaeological resources are potentially affected by direct impacts from construction activity resulting in disturbance to the ground surface (including submerged ground surfaces) such as excavation, grading, pile-driving, cutting and filling, and staging.

The project has one APE. To facilitate the analysis of effects, the proposed APE has been subdivided to indicate the area in which the proposed project alternatives could cause potential direct effects and the area in which the proposed project alternatives could cause indirect effects. The proposed APE has been developed based on proposed work activities for the five project alternatives and their potential to affect historic properties, including potential direct and indirect effects, based on information available at this time.

Table 1 lists the counties and minor civil divisions (MCDs) traversed by the proposed APE. The proposed APE for potential direct and indirect effects are discussed in greater detail below and presented on the High Speed Rail Empire Corridor Maps (41 total).

APE for Direct Effects

Direct effects may include physical damage or destruction of a resource or its setting. The portion of the project APE in which there is the potential for the proposed project to cause direct effects includes all locations that could potentially be subject to direct ground-disturbing activities.

For the purposes of this Tier 1 EIS, the APE for potential direct effects has been delineated to extend 100 feet in both directions from the centerline of the existing railroad tracks. Where the centerline of the high-speed alternatives (90 mph, 110 mph, and 125 alternatives) alignments would differ from the existing centerline, the direct APE extends 100 feet in both directions from the centerline of those alignments. It should be noted that areas where the centerline of the 90 mph and 110 mph alternatives differ from that of the existing alignment are limited, and the alignments never diverge by more than approximately 150 feet.

APE for Indirect Effects

Indirect effects may include isolation of a property from its surrounding environment, or the introduction of visual, audible, or atmospheric (e.g., pollutants) elements that are out of character with a property or that alter its historic setting and context. The proposed APE for potential indirect effects was developed to encompass any potential indirect effects that could be reasonably foreseen at the Tier 1 level resulting from proposed Project construction activities, such as construction of or modifications to track and related infrastructure, service roads, and stations. Potential indirect effects could include noise, vibration, and changes in visual qualities and setting.

For the purposes of this Tier 1 EIS, the APE for indirect effects has been delineated to extend 500 feet from the edge of the APE for potential direct effects. As in the APE for potential direct effects, where the centerline of the high-speed (90 mph, 110 mph, and 125 alternatives) alignments would differ from the existing centerline, the indirect APE extends 600 feet in both directions from the centerline of those alignments. It should be noted that areas where the centerline of the 90 mph and 110 mph alternatives differ from that of the existing alignment are limited and the alignments never diverge by more than approximately 150 feet.

Project Design Development and the APE

The present Tier 1 phase of the project seeks to examine broad corridor-level issues. As more detailed design is developed in subsequent phases of the project, potential effects to cultural resources will be examined at a greater level of detail. A Programmatic Agreement, which is being developed as part of the Tier 1 phase, will outline a process in which the APE could be revised based on the scope of individual projects that are advanced for Tier 2 analysis.

Please review the project APE and provide me with any comments by December 14, 2012. We will carefully consider your comments in our development and analysis of this project. Within the next several weeks we will forward to you confidential archaeological resource maps located

within the project APE, as discussed at the May 30, 2012 coordination meeting. Additionally, please contact me at (518) 485-1918 or dchan@dot.ny.gov if you should you have any concerns or questions regarding the proposed APE or the overall environmental process. Alternatively, you may contact Colleen Vaughn of FRA at (202) 493-6096 or colleen.vaughn@dot.gov.

Sincerely,



David Chan

Project Manager – High Speed Rail Empire Corridor Project

Enclosures:

Table 1, Counties, Cites/Towns (MCDs), and Villages traversed by the Proposed APE
High Speed Empire Corridor Project Maps (41)

Copies, with Enclosures:
Colleen Vaughn, FRA



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232

WWW.DOT.NY.GOV

JOAN McDONALD
COMMISSIONER

ANDREW M. CUOMO
GOVERNOR

November 21, 2012

Chief Darwin Hill, Clerk
Tonawanda Seneca Nation Office
7027 Meadville Road
Basom, New York 14013

Re: High Speed Rail Empire Corridor Project; Tier 1 Environmental Impact Statement (EIS);
New York City to Buffalo/Niagara Falls
Opportunity to Comment on the Proposed Area of Potential Effect (APE), pursuant to
Section 106 of the National Historic Preservation Act (36 CFR 800.2(c)(2)(ii))

Dear Chief Hill:

As a follow-up to the Tribal Nation coordination meeting of May 30, 2012, and pursuant to Section 106 of the National Historic Preservation Act (NHPA, 36 CFR § 800), we are forwarding you information regarding the development of the proposed Area of Potential Effect (APE). The APE is defined as “the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if such properties exist” (36 CFR § 800.16[d]). We are inviting you to review and comment on the proposed APE.

The following provides an overview of the High Speed Rail Empire Corridor Project, and the development of the APE for direct effects and the APE for indirect effects. Enclosed with this letter are a table of the counties, cities, towns and villages traversed by the proposed APE (Table 1), and Empire Corridor maps delineating the proposed APE.

General Project Description

FRA and the New York State Department of Transportation (NYSDOT) are preparing a Tier 1 EIS of proposed improvements to intercity passenger rail service along the Empire Corridor between New York City and Niagara Falls. The EIS is being developed in accordance with the National Environmental Policy Act of 1969 (NEPA) and the New York State Environmental Quality Review Act (SEQR), as well as with Section 106 of the NHPA. The Tier 1 EIS will address broad corridor-level issues and proposals. Subsequent phases or tiers will analyze, at a greater level of detail, narrower site-specific proposals based on the decisions made in Tier 1.

The Empire Corridor runs along the population and economic spine of the state, connecting many of New York State's major metropolitan areas. This rail corridor transects New York State, extending east of Buffalo on Lake Erie along the Erie Branch of the New York State Canal System, passing through Rochester, Syracuse, and Utica to the Schenectady-Albany-Rensselaer area, where it extends south along the Hudson River to Pennsylvania Station in New York City.

FRA and NYSDOT developed an initial range of project alternatives, which were subsequently screened according to the project Purpose and Need and associated objectives. Certain alternatives were not considered feasible and were eliminated from future evaluation. Five alternatives, including the Base (No

Action) Alternative, Alternative 90A, Alternative 90B, Alternative 110, and Alternative 125, are being advanced for further study as part of the Tier 1 EIS. These are described below.

- Base (No Action) Alternative: The Base Alternative consists of limited rail improvement projects already planned to address previously identified capacity constraints. The Base Alternative represents the future condition of the transportation network given committed rail, highway, bus, and airport improvement projects that are within the intercity travel market study area (the general geographic area served by the Empire Corridor).
- Alternative 90A uses 90 miles per hour (mph) as the maximum authorized speed and consists of constructing new track to meet higher track standards than those currently in use on the Empire Corridor with in-cab signaling train control. Alternative 90A would add capacity and station improvements that consist of 20 separate capacity and station improvement projects. Physical improvements could include realignment of tracks, improving signalization, widening and/or rehabilitating bridges, among other work. All physical improvements would be within the existing right-of-way.
- Alternative 90B uses 90 mph as the maximum authorized speed. The alternative would add a dedicated third main passenger track for approximately 273 miles between Schenectady and Buffalo-Depew and would also add a fourth passenger track over a combined distance of approximately 39 miles in five separate locations. New tracks would be located on the north side of the existing track within the existing railroad bed. Additional infrastructure would include a new signal system, bridge modifications, grade crossing modifications, station improvements, realignment of existing roadways and construction of new maintenance service roads. Some level of property acquisition (to be determined in subsequent design phases and Tier 2 studies) would be required for portions of the project corridor under Alternative 90B.
- Alternative 110 uses 110 mph as the maximum authorized speed. The alternative would add a dedicated third main passenger track for approximately 273 miles between Schenectady and Buffalo-Depew and a fourth passenger track over a combined distance of approximately 59 miles in six separate locations. New tracks would be located on the north and south sides of the existing track, depending on location, within the existing railroad bed. Additional infrastructure would include a new signal system, bridge modifications, grade crossing modifications, station improvements, realignment of

existing roadways and construction of new maintenance service roads. Some level of property acquisition (to be determined in subsequent design phases and Tier 2 studies) would be required for portions of the project corridor under Alternative 110.

- Alternative 125 uses 125 mph as the maximum authorized speed and would be the first speed threshold for electrically powered trains. Alternative 125 would construct a two-track grade-separated corridor dedicated to high-speed passenger service between Albany-Rensselaer Station and Buffalo Exchange Street Station. Trains would operate on the existing Hudson Line Corridor from New York Penn Station to Albany-Rensselaer Station. Within the densely populated areas around Albany, Syracuse, Rochester, and Buffalo, the new corridor would parallel the existing corridor on a combination of new and existing right-of-way to serve existing stations in these cities. Between these cities, the new corridor would follow a southern alignment designed to balance the competing demands of operating speed, cost, and potential environmental impacts. Required infrastructure would include roadbed, track, viaducts and bridges, cuts and embankments, access roads, railroad systems, maintenance facilities, and other support facilities.

Development of the Area of Potential Effect

Section 106 of the NHPA requires Federal agencies to take into account the potential effects of their actions on historic properties. A required step in the Section 106 process is determining the Area of Potential Effect (APE) which is defined as “the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if such properties exist” (36 CFR § 800.16[d]). The APE is influenced by the scale and nature of an undertaking.

In general, potential adverse effects on architectural resources can include both direct physical effects—demolition, alteration, or damage from construction—and indirect effects, such as the introduction of visual, audible, or atmospheric elements that may alter the characteristics of the historic property that qualify it for inclusion in the National Register in a manner that would diminish the integrity of the property’s significant historic features. Archaeological resources are potentially affected by direct impacts from construction activity resulting in disturbance to the ground surface (including submerged ground surfaces) such as excavation, grading, pile-driving, cutting and filling, and staging.

The project has one APE. To facilitate the analysis of effects, the proposed APE has been subdivided to indicate the area in which the proposed project alternatives could cause potential direct effects and the area in which the proposed project alternatives could cause indirect effects. The proposed APE has been developed based on proposed work activities for the five project alternatives and their potential to affect historic properties, including potential direct and indirect effects, based on information available at this time.

Table 1 lists the counties and minor civil divisions (MCDs) traversed by the proposed APE. The proposed APE for potential direct and indirect effects are discussed in greater detail below and presented on the High Speed Rail Empire Corridor Maps (41 total).

APE for Direct Effects

Direct effects may include physical damage or destruction of a resource or its setting. The portion of the project APE in which there is the potential for the proposed project to cause direct effects includes all locations that could potentially be subject to direct ground-disturbing activities.

For the purposes of this Tier 1 EIS, the APE for potential direct effects has been delineated to extend 100 feet in both directions from the centerline of the existing railroad tracks. Where the centerline of the high-speed alternatives (90 mph, 110 mph, and 125 alternatives) alignments would differ from the existing centerline, the direct APE extends 100 feet in both directions from the centerline of those alignments. It should be noted that areas where the centerline of the 90 mph and 110 mph alternatives differ from that of the existing alignment are limited, and the alignments never diverge by more than approximately 150 feet.

APE for Indirect Effects

Indirect effects may include isolation of a property from its surrounding environment, or the introduction of visual, audible, or atmospheric (e.g., pollutants) elements that are out of character with a property or that alter its historic setting and context. The proposed APE for potential indirect effects was developed to encompass any potential indirect effects that could be reasonably foreseen at the Tier 1 level resulting from proposed Project construction activities, such as construction of or modifications to track and related infrastructure, service roads, and stations. Potential indirect effects could include noise, vibration, and changes in visual qualities and setting.

For the purposes of this Tier 1 EIS, the APE for indirect effects has been delineated to extend 500 feet from the edge of the APE for potential direct effects. As in the APE for potential direct effects, where the centerline of the high-speed (90 mph, 110 mph, and 125 alternatives) alignments would differ from the existing centerline, the indirect APE extends 600 feet in both directions from the centerline of those alignments. It should be noted that areas where the centerline of the 90 mph and 110 mph alternatives differ from that of the existing alignment are limited and the alignments never diverge by more than approximately 150 feet.

Project Design Development and the APE

The present Tier 1 phase of the project seeks to examine broad corridor-level issues. As more detailed design is developed in subsequent phases of the project, potential effects to cultural resources will be examined at a greater level of detail. A Programmatic Agreement, which is being developed as part of the Tier 1 phase, will outline a process in which the APE could be revised based on the scope of individual projects that are advanced for Tier 2 analysis.

Please review the project APE and provide me with any comments by December 14, 2012. We will carefully consider your comments in our development and analysis of this project. Within the next several weeks we will forward to you confidential archaeological resource maps located within the project APE, as discussed at the May 30, 2012 coordination meeting. Additionally, please contact me at (518) 485-1918 or dchan@dot.ny.gov if you should you have any concerns

or questions regarding the proposed APE or the overall environmental process. Alternatively, you may contact Colleen Vaughn of FRA at (202) 493-6096 or colleen.vaughn@dot.gov.

Sincerely,



David Chan

Project Manager – High Speed Rail Empire Corridor Project

Enclosures:

Table 1, Counties, Cities/Towns (MCDs), and Villages traversed by the Proposed APE
High Speed Empire Corridor Project Maps (41)

Copies, with Enclosures:

Colleen Vaughn, FRA



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232

WWW.DOT.NY.GOV

JOAN McDONALD
COMMISSIONER

ANDREW M. CUOMO
GOVERNOR

November 21, 2012

Sherry White
Tribal Historic Preservation Officer
Stockbridge-Munsee Community Band of Mohican Indians
W13447 Camp 14 Road
Bowler, WI 54416

Re: High Speed Rail Empire Corridor Project; Tier 1 Environmental Impact Statement (EIS);
New York City to Buffalo/Niagara Falls
Opportunity to Comment on the Proposed Area of Potential Effect (APE), pursuant to
Section 106 of the National Historic Preservation Act (36 CFR 800.2(c)(2)(ii))

Dear Ms. White:

As a follow-up to the Tribal Nation coordination meeting of May 30, 2012, and pursuant to Section 106 of the National Historic Preservation Act (NHPA, 36 CFR § 800), we are forwarding you information regarding the development of the proposed Area of Potential Effect (APE). The APE is defined as "the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if such properties exist" (36 CFR § 800.16[d]). We are inviting you to review and comment on the proposed APE.

The following provides an overview of the High Speed Rail Empire Corridor Project, and the development of the APE for direct effects and the APE for indirect effects. Enclosed with this letter are a table of the counties, cities, towns and villages traversed by the proposed APE (Table 1), and Empire Corridor maps delineating the proposed APE.

General Project Description

FRA and the New York State Department of Transportation (NYSDOT) are preparing a Tier 1 EIS of proposed improvements to intercity passenger rail service along the Empire Corridor between New York City and Niagara Falls. The EIS is being developed in accordance with the National Environmental Policy Act of 1969 (NEPA) and the New York State Environmental Quality Review Act (SEQR), as well as with Section 106 of the NHPA. The Tier 1 EIS will

address broad corridor-level issues and proposals. Subsequent phases or tiers will analyze, at a greater level of detail, narrower site-specific proposals based on the decisions made in Tier 1.

The Empire Corridor runs along the population and economic spine of the state, connecting many of New York State's major metropolitan areas. This rail corridor transects New York State, extending east of Buffalo on Lake Erie along the Erie Branch of the New York State Canal System, passing through Rochester, Syracuse, and Utica to the Schenectady-Albany-Rensselaer area, where it extends south along the Hudson River to Pennsylvania Station in New York City.

FRA and NYSDOT developed an initial range of project alternatives, which were subsequently screened according to the project Purpose and Need and associated objectives. Certain alternatives were not considered feasible and were eliminated from future evaluation. Five alternatives, including the Base (No

Action) Alternative, Alternative 90A, Alternative 90B, Alternative 110, and Alternative 125, are being advanced for further study as part of the Tier 1 EIS. These are described below.

- Base (No Action) Alternative: The Base Alternative consists of limited rail improvement projects already planned to address previously identified capacity constraints. The Base Alternative represents the future condition of the transportation network given committed rail, highway, bus, and airport improvement projects that are within the intercity travel market study area (the general geographic area served by the Empire Corridor).
- Alternative 90A uses 90 miles per hour (mph) as the maximum authorized speed and consists of constructing new track to meet higher track standards than those currently in use on the Empire Corridor with in-cab signaling train control. Alternative 90A would add capacity and station improvements that consist of 20 separate capacity and station improvement projects. Physical improvements could include realignment of tracks, improving signalization, widening and/or rehabilitating bridges, among other work. All physical improvements would be within the existing right-of-way.
- Alternative 90B uses 90 mph as the maximum authorized speed. The alternative would add a dedicated third main passenger track for approximately 273 miles between Schenectady and Buffalo-Depew and would also add a fourth passenger track over a combined distance of approximately 39 miles in five separate locations. New tracks would be located on the north side of the existing track within the existing railroad bed. Additional infrastructure would include a new signal system, bridge modifications, grade crossing modifications, station improvements, realignment of existing roadways and construction of new maintenance service roads. Some level of property acquisition (to be determined in subsequent design phases and Tier 2 studies) would be required for portions of the project corridor under Alternative 90B.
- Alternative 110 uses 110 mph as the maximum authorized speed. The alternative would add a dedicated third main passenger track for approximately 273 miles between Schenectady and Buffalo-Depew and a fourth passenger track over a combined distance of approximately 59 miles in six separate locations. New tracks would be located on the north and south sides of the existing track, depending on location, within the existing

railroad bed. Additional infrastructure would include a new signal system, bridge modifications, grade crossing modifications, station improvements, realignment of existing roadways and construction of new maintenance service roads. Some level of property acquisition (to be determined in subsequent design phases and Tier 2 studies) would be required for portions of the project corridor under Alternative 110.

- Alternative 125 uses 125 mph as the maximum authorized speed and would be the first speed threshold for electrically powered trains. Alternative 125 would construct a two-track grade-separated corridor dedicated to high-speed passenger service between Albany-Rensselaer Station and Buffalo Exchange Street Station. Trains would operate on the existing Hudson Line Corridor from New York Penn Station to Albany-Rensselaer Station. Within the densely populated areas around Albany, Syracuse, Rochester, and Buffalo, the new corridor would parallel the existing corridor on a combination of new and existing right-of-way to serve existing stations in these cities. Between these cities, the new corridor would follow a southern alignment designed to balance the competing demands of operating speed, cost, and potential environmental impacts. Required infrastructure would include roadbed, track, viaducts and bridges, cuts and embankments, access roads, railroad systems, maintenance facilities, and other support facilities.

Development of the Area of Potential Effect

Section 106 of the NHPA requires Federal agencies to take into account the potential effects of their actions on historic properties. A required step in the Section 106 process is determining the Area of Potential Effect (APE) which is defined as “the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if such properties exist” (36 CFR § 800.16[d]). The APE is influenced by the scale and nature of an undertaking.

In general, potential adverse effects on architectural resources can include both direct physical effects—demolition, alteration, or damage from construction—and indirect effects, such as the introduction of visual, audible, or atmospheric elements that may alter the characteristics of the historic property that qualify it for inclusion in the National Register in a manner that would diminish the integrity of the property’s significant historic features. Archaeological resources are potentially affected by direct impacts from construction activity resulting in disturbance to the ground surface (including submerged ground surfaces) such as excavation, grading, pile-driving, cutting and filling, and staging.

The project has one APE. To facilitate the analysis of effects, the proposed APE has been subdivided to indicate the area in which the proposed project alternatives could cause potential direct effects and the area in which the proposed project alternatives could cause indirect effects. The proposed APE has been developed based on proposed work activities for the five project alternatives and their potential to affect historic properties, including potential direct and indirect effects, based on information available at this time.

Table 1 lists the counties and minor civil divisions (MCDs) traversed by the proposed APE. The proposed APE for potential direct and indirect effects are discussed in greater detail below and presented on the High Speed Rail Empire Corridor Maps (41 total).

APE for Direct Effects

Direct effects may include physical damage or destruction of a resource or its setting. The portion of the project APE in which there is the potential for the proposed project to cause direct effects includes all locations that could potentially be subject to direct ground-disturbing activities.

For the purposes of this Tier 1 EIS, the APE for potential direct effects has been delineated to extend 100 feet in both directions from the centerline of the existing railroad tracks. Where the centerline of the high-speed alternatives (90 mph, 110 mph, and 125 alternatives) alignments would differ from the existing centerline, the direct APE extends 100 feet in both directions from the centerline of those alignments. It should be noted that areas where the centerline of the 90 mph and 110 mph alternatives differ from that of the existing alignment are limited, and the alignments never diverge by more than approximately 150 feet.

APE for Indirect Effects

Indirect effects may include isolation of a property from its surrounding environment, or the introduction of visual, audible, or atmospheric (e.g., pollutants) elements that are out of character with a property or that alter its historic setting and context. The proposed APE for potential indirect effects was developed to encompass any potential indirect effects that could be reasonably foreseen at the Tier 1 level resulting from proposed Project construction activities, such as construction of or modifications to track and related infrastructure, service roads, and stations. Potential indirect effects could include noise, vibration, and changes in visual qualities and setting.

For the purposes of this Tier 1 EIS, the APE for indirect effects has been delineated to extend 500 feet from the edge of the APE for potential direct effects. As in the APE for potential direct effects, where the centerline of the high-speed (90 mph, 110 mph, and 125 alternatives) alignments would differ from the existing centerline, the indirect APE extends 600 feet in both directions from the centerline of those alignments. It should be noted that areas where the centerline of the 90 mph and 110 mph alternatives differ from that of the existing alignment are limited and the alignments never diverge by more than approximately 150 feet.

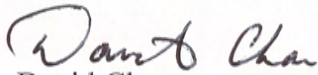
Project Design Development and the APE

The present Tier 1 phase of the project seeks to examine broad corridor-level issues. As more detailed design is developed in subsequent phases of the project, potential effects to cultural resources will be examined at a greater level of detail. A Programmatic Agreement, which is being developed as part of the Tier 1 phase, will outline a process in which the APE could be revised based on the scope of individual projects that are advanced for Tier 2 analysis.

Please review the project APE and provide me with any comments by December 14, 2012. We will carefully consider your comments in our development and analysis of this project. Within the next several weeks we will forward to you confidential archaeological resource maps located within the project APE, as discussed at the May 30, 2012 coordination meeting. Additionally,

please contact me at (518) 485-1918 or dchan@dot.ny.gov if you should you have any concerns or questions regarding the proposed APE or the overall environmental process. Alternatively, you may contact Colleen Vaughn of FRA at (202) 493-6096 or colleen.vaughn@dot.gov.

Sincerely,



David Chan

Project Manager – High Speed Rail Empire Corridor Project

Enclosures:

Table 1, Counties, Cites/Towns (MCDs), and Villages traversed by the Proposed APE
High Speed Empire Corridor Project Maps (41)

Copies, with Enclosures:

Colleen Vaughn, FRA



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232

WWW.DOT.NY.GOV

JOAN McDONALD
COMMISSIONER

ANDREW M. CUOMO
GOVERNOR

November 21, 2012

Tamara Francis
Cultural Preservation Director
Delaware Nation
31064 State Highway 281
Anadarko, OK 73005

Re: High Speed Rail Empire Corridor Project; Tier 1 Environmental Impact Statement (EIS);
New York City to Buffalo/Niagara Falls
Opportunity to Comment on the Proposed Area of Potential Effect (APE), pursuant to
Section 106 of the National Historic Preservation Act (36 CFR 800.2(c)(2)(ii))

Dear Ms. Francis:

As a follow-up to the Tribal Nation coordination meeting of May 30, 2012, and pursuant to Section 106 of the National Historic Preservation Act (NHPA, 36 CFR § 800), we are forwarding you information regarding the development of the proposed Area of Potential Effect (APE). The APE is defined as "the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if such properties exist" (36 CFR § 800.16[d]). We are inviting you to review and comment on the proposed APE.

The following provides an overview of the High Speed Rail Empire Corridor Project, and the development of the APE for direct effects and the APE for indirect effects. Enclosed with this letter are a table of the counties, cities, towns and villages traversed by the proposed APE (Table 1), and Empire Corridor maps delineating the proposed APE.

General Project Description

FRA and the New York State Department of Transportation (NYSDOT) are preparing a Tier 1 EIS of proposed improvements to intercity passenger rail service along the Empire Corridor between New York City and Niagara Falls. The EIS is being developed in accordance with the National Environmental Policy Act of 1969 (NEPA) and the New York State Environmental Quality Review Act (SEQR), as well as with Section 106 of the NHPA. The Tier 1 EIS will

address broad corridor-level issues and proposals. Subsequent phases or tiers will analyze, at a greater level of detail, narrower site-specific proposals based on the decisions made in Tier 1.

The Empire Corridor runs along the population and economic spine of the state, connecting many of New York State's major metropolitan areas. This rail corridor transects New York State, extending east of Buffalo on Lake Erie along the Erie Branch of the New York State Canal System, passing through Rochester, Syracuse, and Utica to the Schenectady-Albany-Rensselaer area, where it extends south along the Hudson River to Pennsylvania Station in New York City.

FRA and NYSDOT developed an initial range of project alternatives, which were subsequently screened according to the project Purpose and Need and associated objectives. Certain alternatives were not considered feasible and were eliminated from future evaluation. Five alternatives, including the Base (No

Action) Alternative, Alternative 90A, Alternative 90B, Alternative 110, and Alternative 125, are being advanced for further study as part of the Tier 1 EIS. These are described below.

- Base (No Action) Alternative: The Base Alternative consists of limited rail improvement projects already planned to address previously identified capacity constraints. The Base Alternative represents the future condition of the transportation network given committed rail, highway, bus, and airport improvement projects that are within the intercity travel market study area (the general geographic area served by the Empire Corridor).
- Alternative 90A uses 90 miles per hour (mph) as the maximum authorized speed and consists of constructing new track to meet higher track standards than those currently in use on the Empire Corridor with in-cab signaling train control. Alternative 90A would add capacity and station improvements that consist of 20 separate capacity and station improvement projects. Physical improvements could include realignment of tracks, improving signalization, widening and/or rehabilitating bridges, among other work. All physical improvements would be within the existing right-of-way.
- Alternative 90B uses 90 mph as the maximum authorized speed. The alternative would add a dedicated third main passenger track for approximately 273 miles between Schenectady and Buffalo-Depew and would also add a fourth passenger track over a combined distance of approximately 39 miles in five separate locations. New tracks would be located on the north side of the existing track within the existing railroad bed. Additional infrastructure would include a new signal system, bridge modifications, grade crossing modifications, station improvements, realignment of existing roadways and construction of new maintenance service roads. Some level of property acquisition (to be determined in subsequent design phases and Tier 2 studies) would be required for portions of the project corridor under Alternative 90B.
- Alternative 110 uses 110 mph as the maximum authorized speed. The alternative would add a dedicated third main passenger track for approximately 273 miles between Schenectady and Buffalo-Depew and a fourth passenger track over a combined distance of approximately 59 miles in six separate locations. New tracks would be located on the north and south sides of the existing track, depending on location, within the existing

railroad bed. Additional infrastructure would include a new signal system, bridge modifications, grade crossing modifications, station improvements, realignment of existing roadways and construction of new maintenance service roads. Some level of property acquisition (to be determined in subsequent design phases and Tier 2 studies) would be required for portions of the project corridor under Alternative 110.

- Alternative 125 uses 125 mph as the maximum authorized speed and would be the first speed threshold for electrically powered trains. Alternative 125 would construct a two-track grade-separated corridor dedicated to high-speed passenger service between Albany-Rensselaer Station and Buffalo Exchange Street Station. Trains would operate on the existing Hudson Line Corridor from New York Penn Station to Albany-Rensselaer Station. Within the densely populated areas around Albany, Syracuse, Rochester, and Buffalo, the new corridor would parallel the existing corridor on a combination of new and existing right-of-way to serve existing stations in these cities. Between these cities, the new corridor would follow a southern alignment designed to balance the competing demands of operating speed, cost, and potential environmental impacts. Required infrastructure would include roadbed, track, viaducts and bridges, cuts and embankments, access roads, railroad systems, maintenance facilities, and other support facilities.

Development of the Area of Potential Effect

Section 106 of the NHPA requires Federal agencies to take into account the potential effects of their actions on historic properties. A required step in the Section 106 process is determining the Area of Potential Effect (APE) which is defined as “the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if such properties exist” (36 CFR § 800.16[d]). The APE is influenced by the scale and nature of an undertaking.

In general, potential adverse effects on architectural resources can include both direct physical effects—demolition, alteration, or damage from construction—and indirect effects, such as the introduction of visual, audible, or atmospheric elements that may alter the characteristics of the historic property that qualify it for inclusion in the National Register in a manner that would diminish the integrity of the property’s significant historic features. Archaeological resources are potentially affected by direct impacts from construction activity resulting in disturbance to the ground surface (including submerged ground surfaces) such as excavation, grading, pile-driving, cutting and filling, and staging.

The project has one APE. To facilitate the analysis of effects, the proposed APE has been subdivided to indicate the area in which the proposed project alternatives could cause potential direct effects and the area in which the proposed project alternatives could cause indirect effects. The proposed APE has been developed based on proposed work activities for the five project alternatives and their potential to affect historic properties, including potential direct and indirect effects, based on information available at this time.

Table 1 lists the counties and minor civil divisions (MCDs) traversed by the proposed APE. The proposed APE for potential direct and indirect effects are discussed in greater detail below and presented on the High Speed Rail Empire Corridor Maps (41 total).

APE for Direct Effects

Direct effects may include physical damage or destruction of a resource or its setting. The portion of the project APE in which there is the potential for the proposed project to cause direct effects includes all locations that could potentially be subject to direct ground-disturbing activities.

For the purposes of this Tier 1 EIS, the APE for potential direct effects has been delineated to extend 100 feet in both directions from the centerline of the existing railroad tracks. Where the centerline of the high-speed alternatives (90 mph, 110 mph, and 125 alternatives) alignments would differ from the existing centerline, the direct APE extends 100 feet in both directions from the centerline of those alignments. It should be noted that areas where the centerline of the 90 mph and 110 mph alternatives differ from that of the existing alignment are limited, and the alignments never diverge by more than approximately 150 feet.

APE for Indirect Effects

Indirect effects may include isolation of a property from its surrounding environment, or the introduction of visual, audible, or atmospheric (e.g., pollutants) elements that are out of character with a property or that alter its historic setting and context. The proposed APE for potential indirect effects was developed to encompass any potential indirect effects that could be reasonably foreseen at the Tier 1 level resulting from proposed Project construction activities, such as construction of or modifications to track and related infrastructure, service roads, and stations. Potential indirect effects could include noise, vibration, and changes in visual qualities and setting.

For the purposes of this Tier 1 EIS, the APE for indirect effects has been delineated to extend 500 feet from the edge of the APE for potential direct effects. As in the APE for potential direct effects, where the centerline of the high-speed (90 mph, 110 mph, and 125 alternatives) alignments would differ from the existing centerline, the indirect APE extends 600 feet in both directions from the centerline of those alignments. It should be noted that areas where the centerline of the 90 mph and 110 mph alternatives differ from that of the existing alignment are limited and the alignments never diverge by more than approximately 150 feet.

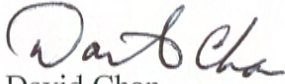
Project Design Development and the APE

The present Tier 1 phase of the project seeks to examine broad corridor-level issues. As more detailed design is developed in subsequent phases of the project, potential effects to cultural resources will be examined at a greater level of detail. A Programmatic Agreement, which is being developed as part of the Tier 1 phase, will outline a process in which the APE could be revised based on the scope of individual projects that are advanced for Tier 2 analysis.

Please review the project APE and provide me with any comments by December 14, 2012. We will carefully consider your comments in our development and analysis of this project. Within the next several weeks we will forward to you confidential archaeological resource maps located within the project APE, as discussed at the May 30, 2012 coordination meeting. Additionally,

please contact me at (518) 485-1918 or dchan@dot.ny.gov if you should you have any concerns or questions regarding the proposed APE or the overall environmental process. Alternatively, you may contact Colleen Vaughn of FRA at (202) 493-6096 or colleen.vaughn@dot.gov.

Sincerely,



David Chan

Project Manager – High Speed Rail Empire Corridor Project

Enclosures:

Table 1, Counties, Cites/Towns (MCDs), and Villages traversed by the Proposed APE
High Speed Empire Corridor Project Maps (41)

Copies, with Enclosures:

Colleen Vaughn, FRA

Copies, w/o Enclosures:

Jason Ross, Section 106 Assistant, Delaware Nation

Ivy Smith, Cultural Preservation Department, Delaware Nation



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232

WWW.DOT.NY.GOV

JOAN McDONALD
COMMISSIONER

ANDREW M. CUOMO
GOVERNOR

November 21, 2012

Dr. Brice Obermeyer
Delaware Tribe Historic Preservation Office
1420 C of E Drive, Suite 190
Emporia, Kansas 66801

Re: High Speed Rail Empire Corridor Project; Tier 1 Environmental Impact Statement (EIS);
New York City to Buffalo/Niagara Falls
Opportunity to Comment on the Proposed Area of Potential Effect (APE), pursuant to
Section 106 of the National Historic Preservation Act (36 CFR 800.2(c)(2)(ii))

Dear Dr. Obermeyer:

As a follow-up to the Tribal Nation coordination meeting of May 30, 2012, and pursuant to Section 106 of the National Historic Preservation Act (NHPA, 36 CFR § 800), we are forwarding you information regarding the development of the proposed Area of Potential Effect (APE). The APE is defined as “the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if such properties exist” (36 CFR § 800.16[d]). We are inviting you to review and comment on the proposed APE.

The following provides an overview of the High Speed Rail Empire Corridor Project, and the development of the APE for direct effects and the APE for indirect effects. Enclosed with this letter are a table of the counties, cities, towns and villages traversed by the proposed APE (Table 1), and Empire Corridor maps delineating the proposed APE.

General Project Description

FRA and the New York State Department of Transportation (NYSDOT) are preparing a Tier 1 EIS of proposed improvements to intercity passenger rail service along the Empire Corridor between New York City and Niagara Falls. The EIS is being developed in accordance with the National Environmental Policy Act of 1969 (NEPA) and the New York State Environmental Quality Review Act (SEQR), as well as with Section 106 of the NHPA. The Tier 1 EIS will

address broad corridor-level issues and proposals. Subsequent phases or tiers will analyze, at a greater level of detail, narrower site-specific proposals based on the decisions made in Tier 1.

The Empire Corridor runs along the population and economic spine of the state, connecting many of New York State's major metropolitan areas. This rail corridor transects New York State, extending east of Buffalo on Lake Erie along the Erie Branch of the New York State Canal System, passing through Rochester, Syracuse, and Utica to the Schenectady-Albany-Rensselaer area, where it extends south along the Hudson River to Pennsylvania Station in New York City.

FRA and NYSDOT developed an initial range of project alternatives, which were subsequently screened according to the project Purpose and Need and associated objectives. Certain alternatives were not considered feasible and were eliminated from future evaluation. Five alternatives, including the Base (No

Action) Alternative, Alternative 90A, Alternative 90B, Alternative 110, and Alternative 125, are being advanced for further study as part of the Tier 1 EIS. These are described below.

- Base (No Action) Alternative: The Base Alternative consists of limited rail improvement projects already planned to address previously identified capacity constraints. The Base Alternative represents the future condition of the transportation network given committed rail, highway, bus, and airport improvement projects that are within the intercity travel market study area (the general geographic area served by the Empire Corridor).
- Alternative 90A uses 90 miles per hour (mph) as the maximum authorized speed and consists of constructing new track to meet higher track standards than those currently in use on the Empire Corridor with in-cab signaling train control. Alternative 90A would add capacity and station improvements that consist of 20 separate capacity and station improvement projects. Physical improvements could include realignment of tracks, improving signalization, widening and/or rehabilitating bridges, among other work. All physical improvements would be within the existing right-of-way.
- Alternative 90B uses 90 mph as the maximum authorized speed. The alternative would add a dedicated third main passenger track for approximately 273 miles between Schenectady and Buffalo-Depew and would also add a fourth passenger track over a combined distance of approximately 39 miles in five separate locations. New tracks would be located on the north side of the existing track within the existing railroad bed. Additional infrastructure would include a new signal system, bridge modifications, grade crossing modifications, station improvements, realignment of existing roadways and construction of new maintenance service roads. Some level of property acquisition (to be determined in subsequent design phases and Tier 2 studies) would be required for portions of the project corridor under Alternative 90B.
- Alternative 110 uses 110 mph as the maximum authorized speed. The alternative would add a dedicated third main passenger track for approximately 273 miles between Schenectady and Buffalo-Depew and a fourth passenger track over a combined distance of approximately 59 miles in six separate locations. New tracks would be located on the north and south sides of the existing track, depending on location, within the existing

railroad bed. Additional infrastructure would include a new signal system, bridge modifications, grade crossing modifications, station improvements, realignment of existing roadways and construction of new maintenance service roads. Some level of property acquisition (to be determined in subsequent design phases and Tier 2 studies) would be required for portions of the project corridor under Alternative 110.

- Alternative 125 uses 125 mph as the maximum authorized speed and would be the first speed threshold for electrically powered trains. Alternative 125 would construct a two-track grade-separated corridor dedicated to high-speed passenger service between Albany-Rensselaer Station and Buffalo Exchange Street Station. Trains would operate on the existing Hudson Line Corridor from New York Penn Station to Albany-Rensselaer Station. Within the densely populated areas around Albany, Syracuse, Rochester, and Buffalo, the new corridor would parallel the existing corridor on a combination of new and existing right-of-way to serve existing stations in these cities. Between these cities, the new corridor would follow a southern alignment designed to balance the competing demands of operating speed, cost, and potential environmental impacts. Required infrastructure would include roadbed, track, viaducts and bridges, cuts and embankments, access roads, railroad systems, maintenance facilities, and other support facilities.

Development of the Area of Potential Effect

Section 106 of the NHPA requires Federal agencies to take into account the potential effects of their actions on historic properties. A required step in the Section 106 process is determining the Area of Potential Effect (APE) which is defined as “the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if such properties exist” (36 CFR § 800.16[d]). The APE is influenced by the scale and nature of an undertaking.

In general, potential adverse effects on architectural resources can include both direct physical effects—demolition, alteration, or damage from construction—and indirect effects, such as the introduction of visual, audible, or atmospheric elements that may alter the characteristics of the historic property that qualify it for inclusion in the National Register in a manner that would diminish the integrity of the property’s significant historic features. Archaeological resources are potentially affected by direct impacts from construction activity resulting in disturbance to the ground surface (including submerged ground surfaces) such as excavation, grading, pile-driving, cutting and filling, and staging.

The project has one APE. To facilitate the analysis of effects, the proposed APE has been subdivided to indicate the area in which the proposed project alternatives could cause potential direct effects and the area in which the proposed project alternatives could cause indirect effects. The proposed APE has been developed based on proposed work activities for the five project alternatives and their potential to affect historic properties, including potential direct and indirect effects, based on information available at this time.

Table 1 lists the counties and minor civil divisions (MCDs) traversed by the proposed APE. The proposed APE for potential direct and indirect effects are discussed in greater detail below and presented on the High Speed Rail Empire Corridor Maps (41 total).

APE for Direct Effects

Direct effects may include physical damage or destruction of a resource or its setting. The portion of the project APE in which there is the potential for the proposed project to cause direct effects includes all locations that could potentially be subject to direct ground-disturbing activities.

For the purposes of this Tier 1 EIS, the APE for potential direct effects has been delineated to extend 100 feet in both directions from the centerline of the existing railroad tracks. Where the centerline of the high-speed alternatives (90 mph, 110 mph, and 125 alternatives) alignments would differ from the existing centerline, the direct APE extends 100 feet in both directions from the centerline of those alignments. It should be noted that areas where the centerline of the 90 mph and 110 mph alternatives differ from that of the existing alignment are limited, and the alignments never diverge by more than approximately 150 feet.

APE for Indirect Effects

Indirect effects may include isolation of a property from its surrounding environment, or the introduction of visual, audible, or atmospheric (e.g., pollutants) elements that are out of character with a property or that alter its historic setting and context. The proposed APE for potential indirect effects was developed to encompass any potential indirect effects that could be reasonably foreseen at the Tier 1 level resulting from proposed Project construction activities, such as construction of or modifications to track and related infrastructure, service roads, and stations. Potential indirect effects could include noise, vibration, and changes in visual qualities and setting.

For the purposes of this Tier 1 EIS, the APE for indirect effects has been delineated to extend 500 feet from the edge of the APE for potential direct effects. As in the APE for potential direct effects, where the centerline of the high-speed (90 mph, 110 mph, and 125 alternatives) alignments would differ from the existing centerline, the indirect APE extends 600 feet in both directions from the centerline of those alignments. It should be noted that areas where the centerline of the 90 mph and 110 mph alternatives differ from that of the existing alignment are limited and the alignments never diverge by more than approximately 150 feet.

Project Design Development and the APE

The present Tier 1 phase of the project seeks to examine broad corridor-level issues. As more detailed design is developed in subsequent phases of the project, potential effects to cultural resources will be examined at a greater level of detail. A Programmatic Agreement, which is being developed as part of the Tier 1 phase, will outline a process in which the APE could be revised based on the scope of individual projects that are advanced for Tier 2 analysis.

Please review the project APE and provide me with any comments by December 14, 2012. We will carefully consider your comments in our development and analysis of this project. Within the next several weeks we will forward to you confidential archaeological resource maps located

within the project APE, as discussed at the May 30, 2012 coordination meeting. Additionally, please contact me at (518) 485-1918 or dchan@dot.ny.gov if you should you have any concerns or questions regarding the proposed APE or the overall environmental process. Alternatively, you may contact Colleen Vaughn of FRA at (202) 493-6096 or colleen.vaughn@dot.gov.

Sincerely,



David Chan

Project Manager – High Speed Rail Empire Corridor Project

Enclosures:

Table 1, Counties, Cites/Towns (MCDs), and Villages traversed by the Proposed APE
High Speed Empire Corridor Project Maps (41)

Copies, with Enclosures:

Colleen Vaughn, FRA

December 14, 2012

David Chan, Project Manager
High Speed Rail Empire Corridor Project
NYS Department of Transportation
Policy & Planning Division
50 Wolf Rd., POD# 61
Albany, NY 12232

Colleen Vaughn
Office of Railroad Policy and Development
Federal Railroad Administration
1200 New Jersey Avenue, SE., MS-20/W38-303
Washington, DC 20590

Re: Comments of Oneida Indian Nation on Proposed APE for Empire Corridor Project

Dear Mr. Chan and Ms. Vaughn:

I am writing on behalf of the Oneida Indian Nation (“Nation”) to provide comments to the NYS Department of Transportation (“NYSDOT”) and the Federal Railroad Administration (“FRA”) on the proposed Area of Potential Effects (“APE”) for the High Speed Rail Empire Corridor Project (“Project”). As discussed below, the Nation has significant concerns about the impact that the Project could have on historic properties and resources of religious and cultural significance to the Nation, as well as the manner in which FRA and NYSDOT have selected the location for Alternative 125 (“Alt. 125”) and its corresponding proposed APE.

The Oneida Indian Nation is a federally recognized Indian tribe in Central New York, located approximately 30 miles east of Syracuse. The APEs for each of the Project alternatives lie within the exterior boundary of the Oneida Indian Nation Reservation, as established by the Treaty of Canandaigua in 1794, and therefore are located on “tribal lands” as defined in 36 CFR § 800.16(x). (See Attachment A: Bureau of Indian Affairs Reservation Map). The Nation therefore has a significant interest in the Project because the Project could destroy resources of cultural and religious significance to the Nation.

Given that each Project alternative bisects the Nation’s Reservation, it is imperative that FRA’s and NYSDOT’s environmental and historic resources reviews are complete and comprehensive and meet the demanding requirements of NEPA and Section 106 of the National Historic

David Chan
Colleen Vaughn
December 14, 2012
Page 2

Preservation Act. It is just as important that FRA fulfill its obligation to engage in meaningful government-to-government consultation with the Nation to ensure that the Project is planned and implemented in a manner that will avoid and/or minimize impacts to Nation cultural resources.

Potential Impacts to Nation Cultural Resources

As stated, the Project has the potential to adversely affect – or worse, destroy – Nation cultural resources protected under the National Historic Preservation Act. Each of the proposed APEs are located in areas that are highly sensitive for Nation cultural resources based upon the presence of known archeological resources, and the setting, environment and patterns of past land use in the Project area.

Based upon the maps provided by NYSDOT,¹ it appears that the proposed Alt. 125 APE is the most problematic because Alt. 125 runs through an area that contains a significant number of known and reported Oneida cultural resources. These resources include, but are not limited to, the following:

- Historic Oneida Village of Kanowalohale (Oneida Castle). Alt. 125 appears to cross through the historic Oneida village of Kanowalohale, which was settled in the 1760's, and was a principle Oneida village where approximately 500 Oneidas lived.
- Fort at Kanowalohale. Alt. 125 appears to cross the reported location of the Fort at Kanowalohale, which was a stockade fortification constructed in 1778 with assistance of American Revolutionary War forces to protect the Village of Kanowalohale.
- Residence of Skenandoah (and other homesteads). Alt. 125 appears to cross the location of the residence of Skenandoah (along with many other historic Oneida homesteads). Skenandoah was an influential leader, wampum keeper and a chief warrior of the Oneidas during the Revolutionary War.
- Skenandoah Stone. Alt. 125 appears to cross the location of the Skenandoah Stone, which is a marker erected by the Daughters of the American Revolution in the 1920's

¹ The maps provided by NYSDOT lack the detail necessary for the Nation to fully assess the Project's potential impacts on historic properties. Upon receiving more detailed maps, the Nation reserves the right to supplement these comments as the Section 106 process moves forward.

David Chan
Colleen Vaughn
December 14, 2012
Page 3

near the reputed location of the Skenandoah home to commemorate Skenandoah's contributions during the Revolutionary War.

- Oneida Burial Site. Alt. 125 appears to cross a reported Oneida site near Hecla (just outside of the Reservation boundary) where Oneida burials have been reported.

Information concerning past land use and the environmental setting also indicate that the APEs for Alternatives 90 and 110 are located in an area of high archeological sensitivity. As such, these alternatives could similarly impact Nation cultural resources. For example, these alternatives have the potential to effect reported burials near Oriskany/Oriskany Battlefield Monument State Historic site, previously unrecorded historic resources in the Verona area, and previously unidentified historic resources along major drainages (including Oneida, Cowaselon, Canastota, Canaseraga and Chittenango Creeks).

Selection of the Project Alternatives

It is troubling that at this early stage of the NEPA process, FRA and NYSDOT appear to have selected a specific alignment location for Alt. 125 without engaging in any meaningful consultation with the Nation or considering viable alternative locations that would avoid the potential destruction of cultural resources.

As an initial matter, it is premature for FRA and NYSDOT to identify a specific alignment location for Alt. 125. FRA's May 6, 2012 letter initiating Section 106 consultation states that the initial Tier 1 study would "assess impacts and identify investment needs/costs from a *high-level-corridor-wide perspective*." (emphasis added). Similarly, NYSDOT's November 21, 2012 letter indicates that FRA and NYSDOT's Tier 1 EIS will "address *broad corridor-level issues and proposals*." (emphasis added). The proposed APE maps identify a specific alignment for Alt. 125 and a very narrow corresponding APE, neither of which indicates a *broad or high level corridor-wide study*.² Instead, at this Tier 1 stage, and to fulfill its NEPA obligation to identify and study a "range of reasonable alternatives," FRA should be studying – and the proposed APE Maps should show – multiple broad corridors for Alt. 125 with corresponding corridor-wide APEs.

² NYSDOT's November 21, 2012 letter further states that following the Tier 1 EIS, "[s]ubsequent phases or tiers will analyze, at a greater level of detail, *narrower site-specific proposals* based on decisions made in Tier 1." The Alt. 125 alignment and its corresponding proposed APE, represent the type of "narrower site specific proposal" that is appropriate for a Tier 2 EIS.

David Chan
Colleen Vaughn
December 14, 2012
Page 4

Instead, without consulting with the Nation or considering impacts to cultural resources, FRA and NYSDOT have produced and seek comments on a single Alt. 125 alignment with a very narrow APE. Section 800.16(d) of the NHPA Section 106 regulations define the APE as “the geographic area or areas within which an undertaking *may* directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist.” (emphasis added). Identifying this overly-narrow APE for Alt. 125 indicates that this is the only area where impacts to historic properties *may* occur, and thus is the only Alt. 125 alignment that FRA and NYSDOT are currently considering. It is beyond doubt that there are a number of other potential Alt. 125 location alternatives that will meet the Project’s purpose and need, and thus are reasonable and should be studied in detail in the EIS. As such, FRA has an obligation to identify and analyze these alternatives in its NEPA study, and the Project’s APE should be significantly broader to correspond to multiple location alternatives.

If FRA and NYSDOT are considering only a single alignment for Alt. 125 – which the APE maps suggest is the case – FRA has failed to fulfill its obligations under Section 106.

- First, because Alt. 125 is on “Tribal Lands” as defined in Section 106, FRA has an obligation to consult with a designated representative of the tribe in the same manner as FRA consults with the State Historic Preservation Officer. (36 CFR 800.2(c)(2)(i)(B)). This has not occurred here.
- Second, FRA has an obligation to consult with the Nation before FRA rejects initial alternatives. Pursuant to the Advisory Council on Historic Preservation’s *Section 106 Archaeology Guidance* (available online at www.achp.gov/archguide), federal agencies should begin consultation early in the NEPA process, “when the purpose of and the need for the proposed action, as well as the *widest possible range of alternatives*, are under consideration.” (at p. 9, citing 36 CFR § 800.8(a)(1)). FRA has not consulted with the Nation on alternatives generally, or on potential locations for Alt. 125 specifically, despite the fact that the Nation informed FRA over a year and a half ago that portions of the project may be located on the Nation’s Reservation.³

³ In a May 19, 2011 e-mail, Jesse Bergevin, the Nation’s Historic Resources Specialist, informed FRA and NYSDOT that “portions of the Project’s area of potential effect may be located within the Oneida Indian Nations’ Treaty of Canandaigua Reservation boundaries. . . . In addition, other portions are located within the Oneida aboriginal territory, which the Nation considers the lands of its ancestors and may attach religious and cultural significance to historic properties on these lands.”

David Chan
Colleen Vaughn
December 14, 2012
Page 5

- Third, both Section 106 and Section 4(f) of the Department of Transportation Act require FRA to identify and analyze alternatives that will avoid historic properties. Section 800.6(a) requires FRA to “consult with . . . Indian tribes . . . to develop and evaluate alternatives or modifications to the undertaking that could avoid, minimize or mitigate adverse effects on historic properties.” 36 CFR 800.6(a) (emphasis added). In addition, Section 4(f) prohibits FRA from funding the Project if there is a prudent and feasible alternative that avoids the use of a historic property. With one single alignment location for Alternative 125, the proposed APE Maps do not demonstrate or even indicate that FRA has seriously considered avoidance; to the contrary, these maps show a single Alternative 125 alignment that maximizes impacts to Nation historic properties.

The Need for Meaningful Government-to-Government Consultation

Given the substantial threat to Nation cultural resources by Alt. 125, the Nation requests a face-to-face consultation meeting with FRA and NYSDOT prior to the issuance of the Tier 1 Draft EIS. Such consultation is necessary to assure the protection of some of the Nation’s most significant historic properties and cultural resources, and is mandated by Section 106 and its implementing regulations. *See e.g.*, 36 CFR 800.2(c)(2)(ii)(A) (consultation is to “commence early in the planning process, in order to identify and discuss relevant preservation issues.”)

Please feel free to call me with any questions regarding this letter and to schedule a government-to-government consultation meeting.

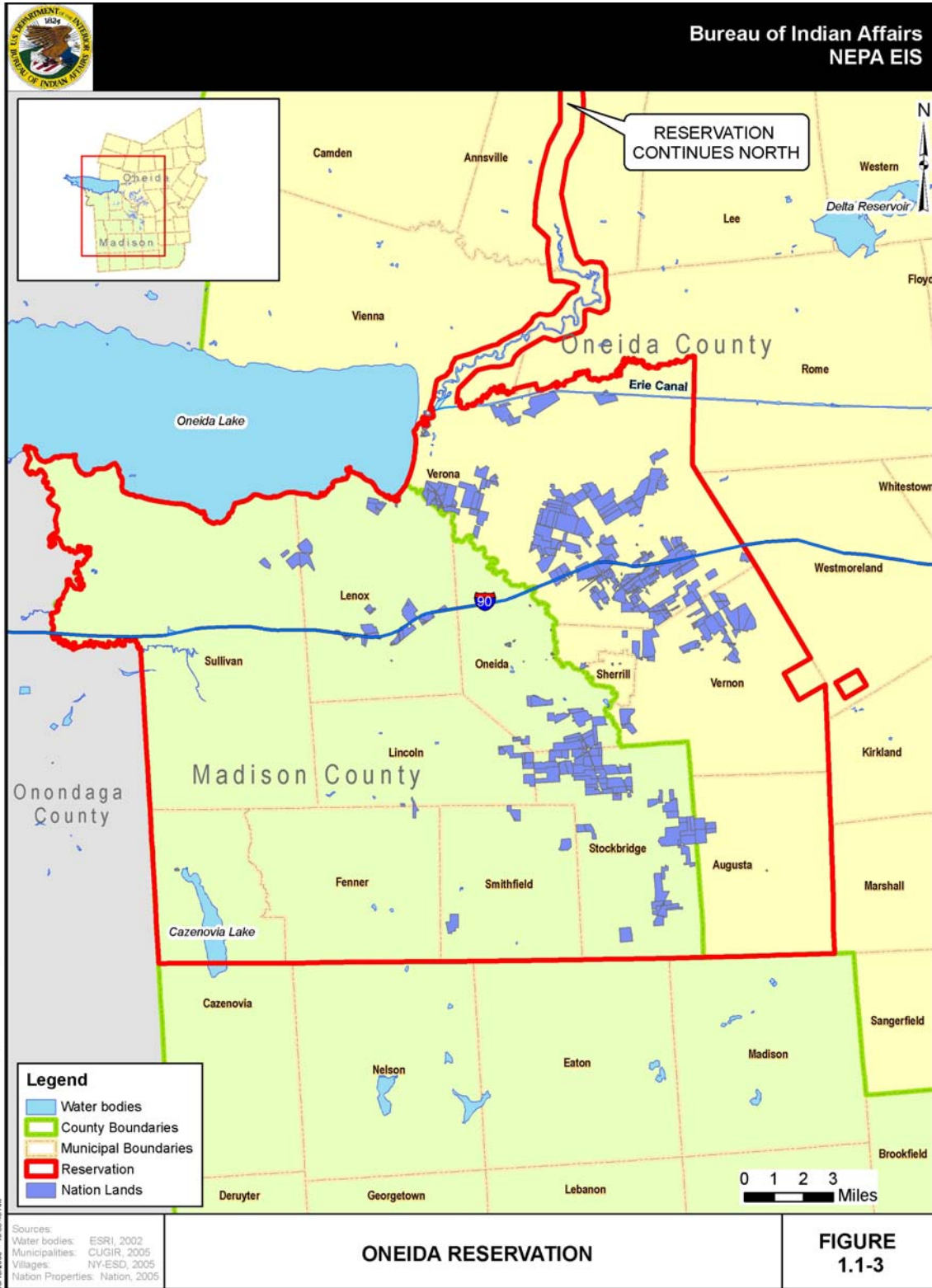
Sincerely,



Ian A. Shavitz

cc: Meghan Murphy Beakman
Pamela Starsia
Jesse Bergevin

Section 1
Purpose and Need for the Proposed Action





STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232

WWW.DOT.NY.GOV

JOAN McDONALD
COMMISSIONER

ANDREW M. CUOMO
GOVERNOR

February 1, 2013

Mr. Ian A. Shavitz
Akin Gump Strauss Hauer & Feld LLP
1333 New Hampshire Avenue, N.W.
Washington, DC 20036-1564

Dear Mr. Shavitz,

Thank you for your December 14, 2014 letter regarding comments to the New York State Department of Transportation (NYSDOT) and the Federal Railroad Administration (FRA) on the proposed Area of Potential Effect (APE) for the High Speed Rail Empire Corridor Project (Tier 1 EIS).

The intended purpose of this Tier 1 EIS is to make broad-corridor level decisions with regard to parameters such as operating speed/travel times, service frequency, and infrastructure requirements. The alignment shown for Alternative 125 with a maximum authorized speed of 125 mph was developed at a very conceptual level and is by no means the final alignment for this alternative. The Alternative 125 alignment shown on the maps is an approximation of a sample corridor intended to allow the project team to analyze the potential operating characteristics, environmental impacts, and cost for this speed threshold.

The NYSDOT project team acknowledges that Oneida and Madison Counties are considered an area of importance to the Oneida Indian Nation. The APE shown on the maps are preliminary and subject to modification pending Tribal Nation and New York State Historic Preservation Office review. At this point in time, the preferred alternative has not been selected. If Alternative 125 is selected as the preferred alternative at the conclusion of this Tier 1 EIS, then several alternative alignments would be developed and evaluated. Furthermore, additional NEPA documentation (Tier 2) and Section 106 consultation would occur. Please note that in future Tier 2 work, APE's could be modified to reflect advanced alignment and design studies of the preferred alternative.

The FRA and NYSDOT have been engaging in Section 106 consultation and coordination including letters to Federally Recognized Tribal Nations to introduce the project and a meeting on May 30, 2012 in Rochester, NY to provide a project briefing and to obtain comments on the project. Several tribes were able to attend this meeting either in-person or remotely on the phone/Internet (WebEx). Meeting Minutes were provided on July 13, 2012 to the invited Federally Recognized Tribal Nations including those that could not attend the meeting. The FRA and NYSDOT will continue this coordination and consultation in future development of the project and in accordance with Section 106. Please note that FRA will contact you to schedule a face-to-face consultation meeting.

Please feel free to contact me if you would like to discuss this further.

Sincerely,

A handwritten signature in black ink that reads "David Chan". The signature is written in a cursive, flowing style.

David Chan, Project Manager
High Speed Rail Empire Corridor Project
NYS Department of Transportation
Policy and Strategy Division
50 Wolf Road, POD# 61
Albany, NY 12232
david.chan@dot.ny.gov
(518) 485-1918

cc: Colleen Vaughn, Federal Railroad Administration

February 11, 2013

David Chan, Project Manager
High Speed Rail Empire Corridor Project
NYS Department of Transportation
Policy & Planning Division
50 Wolf Rd., POD# 61
Albany, NY 12232

Re: Section 106 Consultation with the Oneida Indian Nation on the Empire Corridor Project

Dear Mr. Chan:

Thank you for your February 1, 2013 response to the Oneida Indian Nation's ("Nation") comments on the High Speed Rail Empire Corridor Project ("Project"). Your letter indicated that the Federal Railroad Administration ("FRA") would be contacting the Nation to schedule a face-to-face consultation meeting. The Nation requests that this meeting take place in the very near future.

The Nation is vencouraged that the alignments and corresponding Areas of Potential Effect (APE) shown on the maps circulated by NYS Department of Transportation ("NYSDOT") are "at a very conceptual level" and represent only approximations of sample corridors. While the Nation recognizes that NYSDOT and FRA are at the early stages of the Project's NEPA and Section 106 reviews, we feel that it is very important to make you aware of the significant cultural resources that are within the Project area to inform both your selection of a Tier I EIS preferred alternative and the corridors and alignments that you will identify for evaluation as your NEPA process progresses.

We look forward to hearing back from FRA to schedule the consultation meeting.

Sincerely,



Ian A. Shavitz

David Chan
February 11, 2013
Page 2

cc: Colleen Vaughn
Meghan Murphy Beakman
Pamela Starsia
Jesse Bergevin



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

FEB 19 2013

Mr. Ian A. Shavitz
Akin Gump Strauss Hauer & Feld LLP
1333 New Hampshire Avenue, N.W.
Washington, DC 20036-1564

RE: Response to Comments of Oneida Indian Nation on Proposed APE for the High Speed Rail Empire Corridor Project; Tier 1 Environmental Impact Statement; New York City to Buffalo/Niagara Falls

Dear Mr. Shavitz:

The Federal Railroad Administration is in receipt of your December 14, 2012 letter in which you provide comments on the proposed Area of Potential Effect (APE) as it relates to the Tier 1 Environmental Impact Statement (Tier 1 EIS) currently being prepared for the Empire Corridor Program. We are sensitive to and respectful of your concerns regarding potential Oneida Indian Nation cultural resources occurring with the project's APE. Thank you for your comments.

As the New York Department of Transportation (NYSDOT) indicated in their February 1, 2013 letter to you, the preferred alignment alternative as not been selected. The alignment shown on the maps is an approximation of a sample corridor only. Additionally, the current APE identified on the maps is preliminary and may be modified subject to comments received from consulting parties. Once a preferred operating alternative has been chosen, several route alignments would be analyzed in subsequent environmental documentation.

A tiered approach to complying with the National Environmental Policy Act (NEPA) involves preparing a Tier 1 environmental analysis followed by one or more Tier 2, Project NEPA analyses. The Council on Environmental Quality has indicated that tiering is appropriate when the sequence of analyses moves from consideration of an overall program to an analysis of a site-specific nature (40 C.F.R. § 1508.28). This means that a Tier 1 environmental analysis would be conducted more broadly in terms of potential areas of impacts and should be narrowed when conducting the Tier 2 project-level analysis.

A Tier 1 Service NEPA environmental analysis examines various alternatives for implementing the proposed train service (which may vary in terms of routing, maximum operating speeds, frequency of service, etc.), identifies the construction projects necessary to implement service alternatives, and analyzes the types of environmental impacts that may be associated with those projects at a general level of detail. The subsequent Tier 2 analyses would then examine the various project alternatives for actually constructing the specific projects identified in the Tier 1

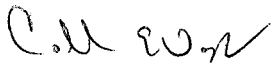
document and analyze the site-specific environmental impacts associated with those project alternatives.

FRA initiated consultation with Native American tribes, including the Oneida Indian Nation, in May of 2011. As the project has progressed, additional coordination with tribal nations has been undertaken. This coordination will continue as the project advances.

As you are aware, we are planning a face-to-face consultation in March with you and members of the Oneida Indian Nation. We are looking forward to that meeting to further discuss the project.

In the meantime, if you have any questions, please contact Colleen Vaughn of my staff at 202-493-6096 or colleen.vaughn@dot.gov.

Sincerely,



Am David Valenstein,
Chief, Environment & Systems Planning Division

cc: David Chan, Project Manager, NYSDOT



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232

WWW.DOT.NY.GOV

JOAN McDONALD
COMMISSIONER

ANDREW M. CUOMO
GOVERNOR

June 17, 2013

Mr. Ian A. Shavitz
Akin Gump Strauss Hauer & Feld LLP
1333 New Hampshire Avenue, N.W.
Washington, DC 20036-1564

RE: New York State Department of Transportation
High Speed Rail Empire Corridor Program

Dear Mr. Shavitz:

On behalf of the New York State Department of Transportation, I want to thank the representatives of the Oneida Indian Nation for meeting with us and representatives of the Federal Railroad Administration on April 18, 2013. We feel that the meeting was productive in furthering consultation for the High Speed Rail Empire Corridor Program. The information provided to us is very helpful in the development of this very important program, and we respect the sensitivity of this information.

The analyses for the Empire Corridor are based on defining potential rail service improvements for a long-range program. The intended purpose of the Tier 1 Environmental Impact Statement (EIS) is to make broad, corridor-level decisions with regard to parameters such as operating speed/travel times, service frequency, and infrastructure requirements for the 465-mile Empire Corridor. The development of alternatives, alternatives analysis, and level of detail of corridor mapping are therefore developed at preliminary levels that are appropriate for this long corridor and broad Tier 1 analysis.

Enclosed for your information is a sample of the types of maps that will be included in the Draft EIS for the program. These maps are at a small scale and illustrate a general location of a potential new corridor for Alternative 125, with a maximum authorized speed of 125 mph. The location shown was developed at a very conceptual level and is by no means the final

alignment for this corridor. The Alternative 125 corridor shown on the Draft EIS maps is an approximation of a sample corridor intended to allow the project team to analyze the potential operating characteristics, environmental impacts, and cost for this speed threshold. Regardless of the alternative that is selected as the preferred alternative in this Tier 1 NEPA process, but in particular for Alternative 125, detailed corridor location and individual project analyses would be conducted to continue the avoidance and minimization of impacts during development of the program and of the individual projects within the program.

The DEIS is scheduled for distribution to the public late summer and a copy will be provided to your office. Following the distribution of the DEIS, a public meeting will be held to obtain comments from the public. Project information from the DEIS, including mapping will be provided at this meeting. The FRA and NYSDOT would like to meet with you prior to the public meeting to further clarify the status of the High Speed Rail Empire Corridor Program and discuss any concerns the Oneida Nation has with Alternative 125. The FRA and NYSDOT look forward to continued coordination and consultation in future development of the program and in accordance with Section 106.

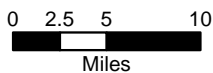
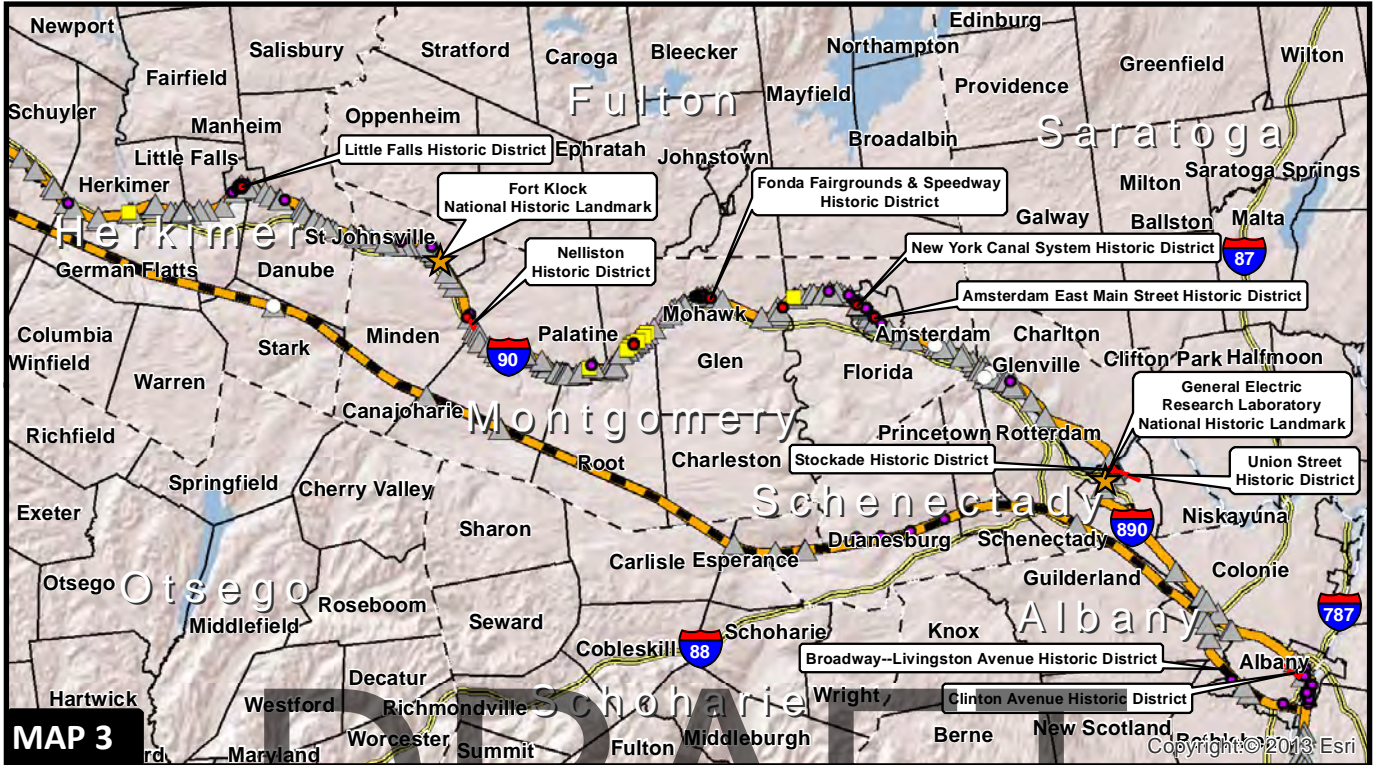
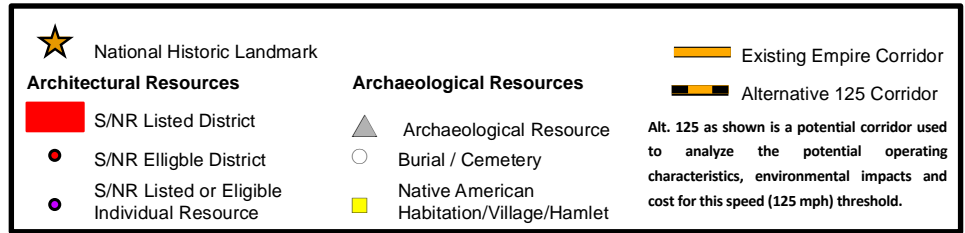
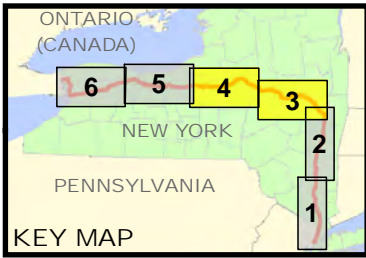
Please feel free to contact me if you would like to discuss this further.

Sincerely,

A handwritten signature in black ink that reads "David Chan". The signature is written in a cursive, flowing style.

David Chan, Project Manager
High Speed Rail Empire Corridor Project
NYS Department of Transportation
Policy and Strategy Division
50 Wolf Road, POD# 61
Albany, NY 12232
david.chan@dot.ny.gov
(518) 485-1918

cc: Colleen Vaughn, Federal Railroad Administration



Historic Resources Map

Tier 1 EIS
High Speed Rail Empire
Corridor Program





STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232

WWW.DOT.NY.GOV

JOAN McDONALD
COMMISSIONER

ANDREW M. CUOMO
GOVERNOR

February 14, 2013

Mohawk Nation Council of Chiefs
Akwesasne Mohawk Territory
P.O. Box 336
Via Rooseveltown, NY 13683-0366

Re: High Speed Rail Empire Corridor Project
New York City to Niagara Falls
Section 106 Consultation

To Whom It May Concern:

The Federal Railroad Administration (FRA) and the New York State Department of Transportation (NYSDOT) have initiated the preparation of a Tier 1 Environmental Impact Statement (EIS) for the High Speed Rail Empire Corridor Project, in accordance with the National Environmental Policy Act of 1969 (NEPA), as amended, and implemented by the Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500 to 1508). The HSR Empire Corridor Project is also subject to review under Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended.

This project, both in its entirety and parts, represents the foundation of the statewide plan to upgrade and update the state's existing rail infrastructure along the 463-mile-long Empire Corridor between New York City and Niagara Falls, New York. The Project proposes improvements to intercity passenger rail service in New York State through infrastructure investments and operational improvements that will enhance the attractiveness of the service to existing and potential riders, increase the market share of intercity passenger rail, and contribute to an overall balanced transportation network. Transecting New York State, the Empire Corridor extends east of Buffalo on Lake Erie along the Erie Branch of the New York State Canal System, passing through Rochester, Syracuse, and Utica to the Schenectady-Albany-Rensselaer area, where it extends south along the Hudson River to Pennsylvania Station in New York City. The attached map illustrates the overall location of the corridor.

The National Environmental Policy Act is the umbrella under which environmental review for this Project is being conducted. Under NEPA, agencies may use a tiered EIS approach to make planning decisions, moving from analyzing broader planning perspectives in Tier 1 to examining narrower, specific actions in Tier 2. For this project, Tier 1 will address broad corridor-level issues and proposals. Subsequent Tier 2 environmental documents will be prepared for individual projects proposed for sections of the corridor and will identify specific needs, impacts, costs, and benefits.

Consistent with the preparation of a Tier 1 EIS, the FRA and NYSDOT plan to address Section 106 obligations through the development of a Programmatic Agreement, establishing procedures for the implementation of Section 106 review for individual undertakings to be advanced at the Tier 2 level.

Under Section 106 of the NHPA, federal agencies are required to consider the effects of their projects on historic properties, and to provide the Advisory Council on Historic Preservation (ACHP) an opportunity to comment prior to the agency's decision on these projects. Regulations issued by the ACHP spell out the Section 106 review process, specifying actions federal agencies must take to meet their legal obligations. These obligations include consultation with the State Historic Preservation Officer (SHPO), officials representing federally recognized Indian tribes, and other consulting parties with a demonstrated interest in the project "due to the nature of their legal or economic relation to the undertaking or affected properties, or the concern with the undertaking's effect on historic properties." Participation as a consulting party is subject to approval by the federal agency.

If you wish to participate as a Consulting Party for the High Speed Rail Empire Corridor Project, please complete the attached invitation form and return it by March 1, 2013. If you are selected to participate as a Consulting Party, you will receive additional project information and documents prepared in accordance with the Section 106 review process. We anticipate scheduling a meeting to address any questions and to provide Consulting Parties an opportunity to articulate their views on the Empire Corridor Project and its potential effects on historic properties.

For additional information on the Section 106 process, please see:

Protecting Historic Properties: A Citizen's Guide to Section 106 Review
Advisory Council on Historic Preservation
<http://www.achp.gov/docs/CitizenGuide.pdf>

Please return your forms by fax to (518) 457-9658, by email to dchan@dot.ny.gov, or by mail to the address indicated on the enclosed invitation reply form.

Sincerely,



David Chan
NYSDOT Project Manager, High Speed Rail Empire Corridor Project

encl: Project Corridor Map
Invitation reply form

cc: Colleen Vaughn, Federal Railroad Administration
Ruth Pierpont, New York State Office of Parks, Recreation, and Historic Preservation
Advisory Council on Historic Preservation



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232

WWW.DOT.NY.GOV

JOAN McDONALD
COMMISSIONER

ANDREW M. CUOMO
GOVERNOR

February 14, 2013

Chief Harry B. Wallace
Unkechaug Nation
207 Poospansk Lane
Mastic, NY 11950
Phone: (631) 281-4143, ext 100
E-Mail: hwal1@aol.com

Re: High Speed Rail Empire Corridor Project
New York City to Niagara Falls
Section 106 Consultation

Dear Chief Wallace:

The Federal Railroad Administration (FRA) and the New York State Department of Transportation (NYSDOT) have initiated the preparation of a Tier 1 Environmental Impact Statement (EIS) for the High Speed Rail Empire Corridor Project, in accordance with the National Environmental Policy Act of 1969 (NEPA), as amended, and implemented by the Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500 to 1508). The HSR Empire Corridor Project is also subject to review under Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended.

This project, both in its entirety and parts, represents the foundation of the statewide plan to upgrade and update the state's existing rail infrastructure along the 463-mile-long Empire Corridor between New York City and Niagara Falls, New York. The Project proposes improvements to intercity passenger rail service in New York State through infrastructure investments and operational improvements that will enhance the attractiveness of the service to existing and potential riders, increase the market share of intercity passenger rail, and contribute to an overall balanced transportation network. Transecting New York State, the Empire Corridor extends east of Buffalo on Lake Erie along the Erie Branch of the New York State Canal System, passing through Rochester, Syracuse, and Utica to the Schenectady-Albany-Rensselaer area, where it extends south along the Hudson River to Pennsylvania Station in New York City. The attached map illustrates the overall location of the corridor.

The National Environmental Policy Act is the umbrella under which environmental review for this Project is being conducted. Under NEPA, agencies may use a tiered EIS approach to make planning decisions, moving from analyzing broader planning perspectives in Tier 1 to examining narrower, specific actions in Tier 2. For this project, Tier 1 will address broad corridor-level issues and proposals. Subsequent Tier 2 environmental documents will be prepared for individual projects proposed for sections of the corridor and will identify specific needs, impacts, costs, and benefits.

Consistent with the preparation of a Tier 1 EIS, the FRA and NYSDOT plan to address Section 106 obligations through the development of a Programmatic Agreement, establishing procedures for the implementation of Section 106 review for individual undertakings to be advanced at the Tier 2 level.

Under Section 106 of the NHPA, federal agencies are required to consider the effects of their projects on historic properties, and to provide the Advisory Council on Historic Preservation (ACHP) an opportunity to comment prior to the agency's decision on these projects. Regulations issued by the ACHP spell out the Section 106 review process, specifying actions federal agencies must take to meet their legal obligations. These obligations include consultation with the State Historic Preservation Officer (SHPO), officials representing federally recognized Indian tribes, and other consulting parties with a demonstrated interest in the project "due to the nature of their legal or economic relation to the undertaking or affected properties, or the concern with the undertaking's effect on historic properties." Participation as a consulting party is subject to approval by the federal agency.

If you wish to participate as a Consulting Party for the High Speed Rail Empire Corridor Project, please complete the attached invitation form and return it by March 1, 2013. If you are selected to participate as a Consulting Party, you will receive additional project information and documents prepared in accordance with the Section 106 review process. We anticipate scheduling a meeting to address any questions and to provide Consulting Parties an opportunity to articulate their views on the Empire Corridor Project and its potential effects on historic properties.

For additional information on the Section 106 process, please see:

Protecting Historic Properties: A Citizen's Guide to Section 106 Review
Advisory Council on Historic Preservation
<http://www.achp.gov/docs/CitizenGuide.pdf>

Please return your forms by fax to (518) 457-9658, by email to dchan@dot.ny.gov, or by mail to the address indicated on the enclosed invitation reply form.

Sincerely,



David Chan
NYSDOT Project Manager, High Speed Rail Empire Corridor Project

encl: Project Corridor Map
Invitation reply form

cc: Colleen Vaughn, Federal Railroad Administration
Ruth Pierpont, New York State Office of Parks, Recreation, and Historic Preservation
Advisory Council on Historic Preservation



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232

WWW.DOT.NY.GOV

JOAN McDONALD
COMMISSIONER

ANDREW M. CUOMO
GOVERNOR

February 14, 2013

Jay DiLorenzo, President
Preservation League of New York State
44 Central Ave
Albany, NY 12206

Re: High Speed Rail Empire Corridor Project
New York City to Niagara Falls
Section 106 Consultation

Dear Mr. DiLorenzo:

The Federal Railroad Administration (FRA) and the New York State Department of Transportation (NYSDOT) have initiated the preparation of a Tier 1 Environmental Impact Statement (EIS) for the High Speed Rail Empire Corridor Project, in accordance with the National Environmental Policy Act of 1969 (NEPA), as amended, and implemented by the Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500 to 1508). The HSR Empire Corridor Project is also subject to review under Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended.

This project, both in its entirety and parts, represents the foundation of the statewide plan to upgrade and update the state's existing rail infrastructure along the 463-mile-long Empire Corridor between New York City and Niagara Falls, New York. The Project proposes improvements to intercity passenger rail service in New York State through infrastructure investments and operational improvements that will enhance the attractiveness of the service to existing and potential riders, increase the market share of intercity passenger rail, and contribute to an overall balanced transportation network. Transecting New York State, the Empire Corridor extends east of Buffalo on Lake Erie along the Erie Branch of the New York State Canal System, passing through Rochester, Syracuse, and Utica to the Schenectady-Albany-Rensselaer area, where it extends south along the Hudson River to Pennsylvania Station in New York City. The attached map illustrates the overall location of the corridor.

The National Environmental Policy Act is the umbrella under which environmental review for this Project is being conducted. Under NEPA, agencies may use a tiered EIS approach to make planning decisions, moving from analyzing broader planning perspectives in Tier 1 to examining narrower, specific actions in Tier 2. For this project, Tier 1 will address broad corridor-level issues and proposals. Subsequent Tier 2 environmental documents will be prepared for individual projects proposed for sections of the corridor and will identify specific needs, impacts, costs, and benefits.

Consistent with the preparation of a Tier 1 EIS, the FRA and NYSDOT plan to address Section 106 obligations through the development of a Programmatic Agreement, establishing procedures for the implementation of Section 106 review for individual undertakings to be advanced at the Tier 2 level.

Under Section 106 of the NHPA, federal agencies are required to consider the effects of their projects on historic properties, and to provide the Advisory Council on Historic Preservation (ACHP) an opportunity to comment prior to the agency's decision on these projects. Regulations issued by the ACHP spell out the Section 106 review process, specifying actions federal agencies must take to meet their legal obligations. These obligations include consultation with the State Historic Preservation Officer (SHPO), officials representing federally recognized Indian tribes, and other consulting parties with a demonstrated interest in the project "due to the nature of their legal or economic relation to the undertaking or affected properties, or the concern with the undertaking's effect on historic properties." Participation as a consulting party is subject to approval by the federal agency.

If you wish to participate as a Consulting Party for the High Speed Rail Empire Corridor Project, please complete the attached invitation form and return it by March 1, 2013. If you are selected to participate as a Consulting Party, you will receive additional project information and documents prepared in accordance with the Section 106 review process. We anticipate scheduling a meeting to address any questions and to provide Consulting Parties an opportunity to articulate their views on the Empire Corridor Project and its potential effects on historic properties.

For additional information on the Section 106 process, please see:

Protecting Historic Properties: A Citizen's Guide to Section 106 Review
Advisory Council on Historic Preservation
<http://www.achp.gov/docs/CitizenGuide.pdf>

Please return your forms by fax to (518) 457-9658, by email to dchan@dot.ny.gov, or by mail to the address indicated on the enclosed invitation reply form.

Sincerely,



David Chan
NYSDOT Project Manager, High Speed Rail Empire Corridor Project

encl: Project Corridor Map
Invitation reply form

cc: Colleen Vaughn, Federal Railroad Administration
Ruth Pierpont, New York State Office of Parks, Recreation, and Historic Preservation
Advisory Council on Historic Preservation



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232

WWW.DOT.NY.GOV

JOAN McDONALD
COMMISSIONER

ANDREW M. CUOMO
GOVERNOR

February 14, 2013

Mark A. Castiglione, Acting Executive Director
Hudson River Valley Greenway
625 Broadway - 4th Floor
Albany, NY 12207
(518) 473-3835

Re: High Speed Rail Empire Corridor Project
New York City to Niagara Falls
Section 106 Consultation

Dear Mr. Castiglione:

The Federal Railroad Administration (FRA) and the New York State Department of Transportation (NYSDOT) have initiated the preparation of a Tier 1 Environmental Impact Statement (EIS) for the High Speed Rail Empire Corridor Project, in accordance with the National Environmental Policy Act of 1969 (NEPA), as amended, and implemented by the Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500 to 1508). The HSR Empire Corridor Project is also subject to review under Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended.

This project, both in its entirety and parts, represents the foundation of the statewide plan to upgrade and update the state's existing rail infrastructure along the 463-mile-long Empire Corridor between New York City and Niagara Falls, New York. The Project proposes improvements to intercity passenger rail service in New York State through infrastructure investments and operational improvements that will enhance the attractiveness of the service to existing and potential riders, increase the market share of intercity passenger rail, and contribute to an overall balanced transportation network. Transecting New York State, the Empire Corridor extends east of Buffalo on Lake Erie along the Erie Branch of the New York State Canal System, passing through Rochester, Syracuse, and Utica to the Schenectady-Albany-Rensselaer area, where it extends south along the Hudson River to Pennsylvania Station in New York City. The attached map illustrates the overall location of the corridor.

The National Environmental Policy Act is the umbrella under which environmental review for this Project is being conducted. Under NEPA, agencies may use a tiered EIS approach to make planning decisions, moving from analyzing broader planning perspectives in Tier 1 to examining narrower, specific actions in Tier 2. For this project, Tier 1 will address broad corridor-level issues and proposals. Subsequent Tier 2 environmental documents will be prepared for individual projects proposed for sections of the corridor and will identify specific needs, impacts, costs, and benefits.

Consistent with the preparation of a Tier 1 EIS, the FRA and NYSDOT plan to address Section 106 obligations through the development of a Programmatic Agreement, establishing procedures for the implementation of Section 106 review for individual undertakings to be advanced at the Tier 2 level.

Under Section 106 of the NHPA, federal agencies are required to consider the effects of their projects on historic properties, and to provide the Advisory Council on Historic Preservation (ACHP) an opportunity to comment prior to the agency's decision on these projects. Regulations issued by the ACHP spell out the Section 106 review process, specifying actions federal agencies must take to meet their legal obligations. These obligations include consultation with the State Historic Preservation Officer (SHPO), officials representing federally recognized Indian tribes, and other consulting parties with a demonstrated interest in the project "due to the nature of their legal or economic relation to the undertaking or affected properties, or the concern with the undertaking's effect on historic properties." Participation as a consulting party is subject to approval by the federal agency.

If you wish to participate as a Consulting Party for the High Speed Rail Empire Corridor Project, please complete the attached invitation form and return it by March 1, 2013. If you are selected to participate as a Consulting Party, you will receive additional project information and documents prepared in accordance with the Section 106 review process. We anticipate scheduling a meeting to address any questions and to provide Consulting Parties an opportunity to articulate their views on the Empire Corridor Project and its potential effects on historic properties.

For additional information on the Section 106 process, please see:

Protecting Historic Properties: A Citizen's Guide to Section 106 Review
Advisory Council on Historic Preservation
<http://www.achp.gov/docs/CitizenGuide.pdf>

Please return your forms by fax to (518) 457-9658, by email to dchan@dot.ny.gov, or by mail to the address indicated on the enclosed invitation reply form.

Sincerely,



David Chan
NYSDOT Project Manager, High Speed Rail Empire Corridor Project

encl: Project Corridor Map
Invitation reply form

cc: Colleen Vaughn, Federal Railroad Administration
Ruth Pierpont, New York State Office of Parks, Recreation, and Historic Preservation
Advisory Council on Historic Preservation



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232

WWW.DOT.NY.GOV

JOAN McDONALD
COMMISSIONER

ANDREW M. CUOMO
GOVERNOR

February 14, 2013

Frank Dean, Executive Director
Erie Canalway National Heritage Corridor
P.O. Box 219
Waterford, NY 12188
E-mail: Erie_Canal@nps.gov
Commission Chairman: Eric Mower Tel.: (518) 237-7000

Re: High Speed Rail Empire Corridor Project
New York City to Niagara Falls
Section 106 Consultation

Dear Mr. Dean:

The Federal Railroad Administration (FRA) and the New York State Department of Transportation (NYSDOT) have initiated the preparation of a Tier 1 Environmental Impact Statement (EIS) for the High Speed Rail Empire Corridor Project, in accordance with the National Environmental Policy Act of 1969 (NEPA), as amended, and implemented by the Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500 to 1508). The HSR Empire Corridor Project is also subject to review under Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended.

This project, both in its entirety and parts, represents the foundation of the statewide plan to upgrade and update the state's existing rail infrastructure along the 463-mile-long Empire Corridor between New York City and Niagara Falls, New York. The Project proposes improvements to intercity passenger rail service in New York State through infrastructure investments and operational improvements that will enhance the attractiveness of the service to existing and potential riders, increase the market share of intercity passenger rail, and contribute to an overall balanced transportation network. Transecting New York State, the Empire Corridor extends east of Buffalo on Lake Erie along the Erie Branch of the New York State Canal System, passing through Rochester, Syracuse, and Utica to the Schenectady-Albany-Rensselaer area, where it extends south along the Hudson River to Pennsylvania Station in New York City. The attached map illustrates the overall location of the corridor.

The National Environmental Policy Act is the umbrella under which environmental review for this Project is being conducted. Under NEPA, agencies may use a tiered EIS approach to make planning decisions, moving from analyzing broader planning perspectives in Tier 1 to examining narrower, specific actions in Tier 2. For this project, Tier 1 will address broad corridor-level issues and proposals. Subsequent Tier 2 environmental

documents will be prepared for individual projects proposed for sections of the corridor and will identify specific needs, impacts, costs, and benefits.

Consistent with the preparation of a Tier 1 EIS, the FRA and NYSDOT plan to address Section 106 obligations through the development of a Programmatic Agreement, establishing procedures for the implementation of Section 106 review for individual undertakings to be advanced at the Tier 2 level.

Under Section 106 of the NHPA, federal agencies are required to consider the effects of their projects on historic properties, and to provide the Advisory Council on Historic Preservation (ACHP) an opportunity to comment prior to the agency's decision on these projects. Regulations issued by the ACHP spell out the Section 106 review process, specifying actions federal agencies must take to meet their legal obligations. These obligations include consultation with the State Historic Preservation Officer (SHPO), officials representing federally recognized Indian tribes, and other consulting parties with a demonstrated interest in the project "due to the nature of their legal or economic relation to the undertaking or affected properties, or the concern with the undertaking's effect on historic properties." Participation as a consulting party is subject to approval by the federal agency.

If you wish to participate as a Consulting Party for the High Speed Rail Empire Corridor Project, please complete the attached invitation form and return it by March 1, 2013. If you are selected to participate as a Consulting Party, you will receive additional project information and documents prepared in accordance with the Section 106 review process. We anticipate scheduling a meeting to address any questions and to provide Consulting Parties an opportunity to articulate their views on the Empire Corridor Project and its potential effects on historic properties.

For additional information on the Section 106 process, please see:

Protecting Historic Properties: A Citizen's Guide to Section 106 Review
Advisory Council on Historic Preservation
<http://www.achp.gov/docs/CitizenGuide.pdf>

Please return your forms by fax to (518) 457-9658, by email to dchan@dot.ny.gov, or by mail to the address indicated on the enclosed invitation reply form.

Sincerely,



David Chan
NYSDOT Project Manager, High Speed Rail Empire Corridor Project

encl: Project Corridor Map
Invitation reply form

cc: Colleen Vaughn, Federal Railroad Administration
Ruth Pierpont, New York State Office of Parks, Recreation, and Historic Preservation
Advisory Council on Historic Preservation



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232

WWW.DOT.NY.GOV

JOAN McDONALD
COMMISSIONER

ANDREW M. CUOMO
GOVERNOR

February 14, 2013

Tom Yots, Director
Preservation Buffalo Niagara
Suite M108, 617 Main Street
Buffalo, New York 14203
Email: director@p-b-n.org
Phone: 716.852.3300

Re: High Speed Rail Empire Corridor Project
New York City to Niagara Falls
Section 106 Consultation

Dear Mr. Yots:

The Federal Railroad Administration (FRA) and the New York State Department of Transportation (NYSDOT) have initiated the preparation of a Tier 1 Environmental Impact Statement (EIS) for the High Speed Rail Empire Corridor Project, in accordance with the National Environmental Policy Act of 1969 (NEPA), as amended, and implemented by the Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500 to 1508). The HSR Empire Corridor Project is also subject to review under Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended.

This project, both in its entirety and parts, represents the foundation of the statewide plan to upgrade and update the state's existing rail infrastructure along the 463-mile-long Empire Corridor between New York City and Niagara Falls, New York. The Project proposes improvements to intercity passenger rail service in New York State through infrastructure investments and operational improvements that will enhance the attractiveness of the service to existing and potential riders, increase the market share of intercity passenger rail, and contribute to an overall balanced transportation network. Transecting New York State, the Empire Corridor extends east of Buffalo on Lake Erie along the Erie Branch of the New York State Canal System, passing through Rochester, Syracuse, and Utica to the Schenectady-Albany-Rensselaer area, where it extends south along the Hudson River to Pennsylvania Station in New York City. The attached map illustrates the overall location of the corridor.

The National Environmental Policy Act is the umbrella under which environmental review for this Project is being conducted. Under NEPA, agencies may use a tiered EIS approach to make planning decisions, moving from analyzing broader planning perspectives in Tier 1 to examining narrower, specific actions in Tier 2. For this project, Tier 1 will address broad corridor-level issues and proposals. Subsequent Tier 2 environmental

documents will be prepared for individual projects proposed for sections of the corridor and will identify specific needs, impacts, costs, and benefits.

Consistent with the preparation of a Tier 1 EIS, the FRA and NYSDOT plan to address Section 106 obligations through the development of a Programmatic Agreement, establishing procedures for the implementation of Section 106 review for individual undertakings to be advanced at the Tier 2 level.

Under Section 106 of the NHPA, federal agencies are required to consider the effects of their projects on historic properties, and to provide the Advisory Council on Historic Preservation (ACHP) an opportunity to comment prior to the agency's decision on these projects. Regulations issued by the ACHP spell out the Section 106 review process, specifying actions federal agencies must take to meet their legal obligations. These obligations include consultation with the State Historic Preservation Officer (SHPO), officials representing federally recognized Indian tribes, and other consulting parties with a demonstrated interest in the project "due to the nature of their legal or economic relation to the undertaking or affected properties, or the concern with the undertaking's effect on historic properties." Participation as a consulting party is subject to approval by the federal agency.

If you wish to participate as a Consulting Party for the High Speed Rail Empire Corridor Project, please complete the attached invitation form and return it by March 1, 2013. If you are selected to participate as a Consulting Party, you will receive additional project information and documents prepared in accordance with the Section 106 review process. We anticipate scheduling a meeting to address any questions and to provide Consulting Parties an opportunity to articulate their views on the Empire Corridor Project and its potential effects on historic properties.

For additional information on the Section 106 process, please see:

Protecting Historic Properties: A Citizen's Guide to Section 106 Review
Advisory Council on Historic Preservation
<http://www.achp.gov/docs/CitizenGuide.pdf>

Please return your forms by fax to (518) 457-9658, by email to dchan@dot.ny.gov, or by mail to the address indicated on the enclosed invitation reply form.

Sincerely,



David Chan
NYSDOT Project Manager, High Speed Rail Empire Corridor Project

encl: Project Corridor Map
Invitation reply form

cc: Colleen Vaughn, Federal Railroad Administration
Ruth Pierpont, New York State Office of Parks, Recreation, and Historic Preservation
Advisory Council on Historic Preservation



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232

WWW.DOT.NY.GOV

JOAN McDONALD
COMMISSIONER

ANDREW M. CUOMO
GOVERNOR

February 14, 2013

Wayne Goodman, Executive Director
Landmark Society of Western New York
133 South Fitzhugh Street
Rochester, New York 14608
Email: wgoodman@landmarksociety.org
Phone: 585.546.7029, ext. 22

Re: High Speed Rail Empire Corridor Project
New York City to Niagara Falls
Section 106 Consultation

Dear Mr. Goodman:

The Federal Railroad Administration (FRA) and the New York State Department of Transportation (NYSDOT) have initiated the preparation of a Tier 1 Environmental Impact Statement (EIS) for the High Speed Rail Empire Corridor Project, in accordance with the National Environmental Policy Act of 1969 (NEPA), as amended, and implemented by the Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500 to 1508). The HSR Empire Corridor Project is also subject to review under Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended.

This project, both in its entirety and parts, represents the foundation of the statewide plan to upgrade and update the state's existing rail infrastructure along the 463-mile-long Empire Corridor between New York City and Niagara Falls, New York. The Project proposes improvements to intercity passenger rail service in New York State through infrastructure investments and operational improvements that will enhance the attractiveness of the service to existing and potential riders, increase the market share of intercity passenger rail, and contribute to an overall balanced transportation network. Transecting New York State, the Empire Corridor extends east of Buffalo on Lake Erie along the Erie Branch of the New York State Canal System, passing through Rochester, Syracuse, and Utica to the Schenectady-Albany-Rensselaer area, where it extends south along the Hudson River to Pennsylvania Station in New York City. The attached map illustrates the overall location of the corridor.

The National Environmental Policy Act is the umbrella under which environmental review for this Project is being conducted. Under NEPA, agencies may use a tiered EIS approach to make planning decisions, moving from analyzing broader planning perspectives in Tier 1 to examining narrower, specific actions in Tier 2. For this project, Tier 1 will address broad corridor-level issues and proposals. Subsequent Tier 2 environmental documents will be prepared for individual projects proposed for sections of the corridor and will identify specific needs, impacts, costs, and benefits.

Consistent with the preparation of a Tier 1 EIS, the FRA and NYSDOT plan to address Section 106 obligations through the development of a Programmatic Agreement, establishing procedures for the implementation of Section 106 review for individual undertakings to be advanced at the Tier 2 level.

Under Section 106 of the NHPA, federal agencies are required to consider the effects of their projects on historic properties, and to provide the Advisory Council on Historic Preservation (ACHP) an opportunity to comment prior to the agency's decision on these projects. Regulations issued by the ACHP spell out the Section 106 review process, specifying actions federal agencies must take to meet their legal obligations. These obligations include consultation with the State Historic Preservation Officer (SHPO), officials representing federally recognized Indian tribes, and other consulting parties with a demonstrated interest in the project "due to the nature of their legal or economic relation to the undertaking or affected properties, or the concern with the undertaking's effect on historic properties." Participation as a consulting party is subject to approval by the federal agency.

If you wish to participate as a Consulting Party for the High Speed Rail Empire Corridor Project, please complete the attached invitation form and return it by March 1, 2013. If you are selected to participate as a Consulting Party, you will receive additional project information and documents prepared in accordance with the Section 106 review process. We anticipate scheduling a meeting to address any questions and to provide Consulting Parties an opportunity to articulate their views on the Empire Corridor Project and its potential effects on historic properties.

For additional information on the Section 106 process, please see:

Protecting Historic Properties: A Citizen's Guide to Section 106 Review
Advisory Council on Historic Preservation
<http://www.achp.gov/docs/CitizenGuide.pdf>

Please return your forms by fax to (518) 457-9658, by email to dchan@dot.ny.gov, or by mail to the address indicated on the enclosed invitation reply form.

Sincerely,



David Chan
NYSDOT Project Manager, High Speed Rail Empire Corridor Project

encl: Project Corridor Map
Invitation reply form

cc: Colleen Vaughn, Federal Railroad Administration
Ruth Pierpont, New York State Office of Parks, Recreation, and Historic Preservation
Advisory Council on Historic Preservation



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232

WWW.DOT.NY.GOV

JOAN McDONALD
COMMISSIONER

ANDREW M. CUOMO
GOVERNOR

February 14, 2013

Jeff Romano, President
Preservation Association of Central New York, Inc.
930 James Street
Syracuse, NY 13203
Phone: 315.214.6439
Email: email@pacny.net

Re: High Speed Rail Empire Corridor Project
New York City to Niagara Falls
Section 106 Consultation

Dear Mr. Romano:

The Federal Railroad Administration (FRA) and the New York State Department of Transportation (NYSDOT) have initiated the preparation of a Tier 1 Environmental Impact Statement (EIS) for the High Speed Rail Empire Corridor Project, in accordance with the National Environmental Policy Act of 1969 (NEPA), as amended, and implemented by the Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500 to 1508). The HSR Empire Corridor Project is also subject to review under Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended.

This project, both in its entirety and parts, represents the foundation of the statewide plan to upgrade and update the state's existing rail infrastructure along the 463-mile-long Empire Corridor between New York City and Niagara Falls, New York. The Project proposes improvements to intercity passenger rail service in New York State through infrastructure investments and operational improvements that will enhance the attractiveness of the service to existing and potential riders, increase the market share of intercity passenger rail, and contribute to an overall balanced transportation network. Transecting New York State, the Empire Corridor extends east of Buffalo on Lake Erie along the Erie Branch of the New York State Canal System, passing through Rochester, Syracuse, and Utica to the Schenectady-Albany-Rensselaer area, where it extends south along the Hudson River to Pennsylvania Station in New York City. The attached map illustrates the overall location of the corridor.

The National Environmental Policy Act is the umbrella under which environmental review for this Project is being conducted. Under NEPA, agencies may use a tiered EIS approach to make planning decisions, moving from analyzing broader planning perspectives in Tier 1 to examining narrower, specific actions in Tier 2. For this project, Tier 1 will address broad corridor-level issues and proposals. Subsequent Tier 2 environmental

documents will be prepared for individual projects proposed for sections of the corridor and will identify specific needs, impacts, costs, and benefits.

Consistent with the preparation of a Tier 1 EIS, the FRA and NYSDOT plan to address Section 106 obligations through the development of a Programmatic Agreement, establishing procedures for the implementation of Section 106 review for individual undertakings to be advanced at the Tier 2 level.

Under Section 106 of the NHPA, federal agencies are required to consider the effects of their projects on historic properties, and to provide the Advisory Council on Historic Preservation (ACHP) an opportunity to comment prior to the agency's decision on these projects. Regulations issued by the ACHP spell out the Section 106 review process, specifying actions federal agencies must take to meet their legal obligations. These obligations include consultation with the State Historic Preservation Officer (SHPO), officials representing federally recognized Indian tribes, and other consulting parties with a demonstrated interest in the project "due to the nature of their legal or economic relation to the undertaking or affected properties, or the concern with the undertaking's effect on historic properties." Participation as a consulting party is subject to approval by the federal agency.

If you wish to participate as a Consulting Party for the High Speed Rail Empire Corridor Project, please complete the attached invitation form and return it by March 1, 2013. If you are selected to participate as a Consulting Party, you will receive additional project information and documents prepared in accordance with the Section 106 review process. We anticipate scheduling a meeting to address any questions and to provide Consulting Parties an opportunity to articulate their views on the Empire Corridor Project and its potential effects on historic properties.

For additional information on the Section 106 process, please see:

Protecting Historic Properties: A Citizen's Guide to Section 106 Review
Advisory Council on Historic Preservation
<http://www.achp.gov/docs/CitizenGuide.pdf>

Please return your forms by fax to (518) 457-9658, by email to dchan@dot.ny.gov, or by mail to the address indicated on the enclosed invitation reply form.

Sincerely,



David Chan
NYSDOT Project Manager, High Speed Rail Empire Corridor Project

encl: Project Corridor Map
Invitation reply form

cc: Colleen Vaughn, Federal Railroad Administration
Ruth Pierpont, New York State Office of Parks, Recreation, and Historic Preservation
Advisory Council on Historic Preservation



Project Location Map





I am interested in participating as a Section 106 Consulting Party for the High Speed Rail Empire Corridor Project:

Name (Print)	Name (Signature)
Title	Organization / Agency
Email	Date
Mailing Address	Phone

Please state your interest in this project in the space provided below:

Please mail, fax, or email your forms by March 1, 2013, to:

Mail:

David Chan, Project Manager
High Speed Rail Empire Corridor Project
New York State Department of Transportation
Policy & Planning Division
50 Wolf Road, POD#61
Albany, NY 12232

Email:

David.Chan@dot.ny.gov

Fax:

(518) 457-9658



I am interested in participating as a Section 106 Consulting Party for the High Speed Rail Empire Corridor Project:

Tom Yots
Name (Print)

Tom Yots
Name (Signature)

EXECUTIVE DIRECTOR
Title

PRESERVATION BUFFALO NIAGARA
Organization / Agency

director@p-b-n.org
Email

2-18-13
Date

617 MAIN ST. Suite 201
Mailing Address BUFFALO, NY
14203

716.852.3300
Phone

Please state your interest in this project in the space provided below:

PBN is the historic preservation not-for-profit covering Erie & Niagara Counties. We are partners with the NY SHPO, the PRESERVATION LEAGUE OF NYS and the NATIONAL TRUST for HISTORIC PRESERVATION

Please mail, fax, or email your forms by March 1, 2013, to:

Mail:

David Chan, Project Manager
High Speed Rail Empire Corridor Project
New York State Department of Transportation
Policy & Planning Division
50 Wolf Road, POD#61
Albany, NY 12232

Email:

David.Chan@dot.ny.gov

Fax:

(518) 457-9658



I am interested in participating as a Section 106 Consulting Party for the High Speed Rail Empire Corridor Project:

<u>Daniel Mackay</u> Name (Print)	<u>[Signature]</u> Name (Signature)
<u>Dir. Public Policy</u> Title	<u>Preservation League of NYS</u> Organization / Agency
<u>dmackay@preservenys.org</u> Email	<u>2-21-2013</u> Date
<u>44 Central Avenue</u> Mailing Address <u>Albany NY</u> <u>12206</u>	<u>(518) 462-5658 x18</u> Phone

Please state your interest in this project in the space provided below:

Please mail, fax, or email your forms by March 1, 2013, to:

Mail:

David Chan, Project Manager
High Speed Rail Empire Corridor Project
New York State Department of Transportation
Policy & Planning Division
50 Wolf Road, POD#61
Albany, NY 12232

Email:

David.Chan@dot.ny.gov

Fax:

(518) 457-9658



R. Daniel Mackay

Director of Public Policy
dmackay@preservenys.org



44 Central Avenue / Albany, NY 12206
(518) 462-5658 x 18 / Fax (518) 462-5684
www.preservenys.org



I am interested in participating as a Section 106 Consulting Party for the High Speed Rail Empire Corridor Project:

Beth Sciumeca
Name (Print)

Beth Sciumeca
Name (Signature)

Executive Director
Title

NPS/Erie Canalway National Heritage Corridor
Organization / Agency

beth-sciumeca@nps.gov
Email

2/28/13
Date

P.O. Box 219
Waterford, NY 12188
Mailing Address

518-237-7000 ext 204
Phone

Please state your interest in this project in the space provided below:

This project may impact our legislated mission to preserve, promote, and interpret the historic, natural, scenic and recreational resources of the Erie Canalway NHC that encompasses all towns, cities, & village that border the current and historic alignments of the NYS Canal System.

Please mail, fax, or email your forms by March 1, 2013, to:

Mail:

David Chan, Project Manager
High Speed Rail Empire Corridor Project
New York State Department of Transportation
Policy & Planning Division
50 Wolf Road, POD#61
Albany, NY 12232

Email:

David.Chan@dot.ny.gov

Fax:

(518) 457-9658



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232

WWW.DOT.NY.GOV

JOAN McDONALD
COMMISSIONER

ANDREW M. CUOMO
GOVERNOR

April 8, 2013

Clint Halftown
Cayuga Nation
P.O. Box 803
Seneca Falls, NY 13148

Re: High Speed Rail Empire Corridor Project
New York City to Niagara Falls
Section 106 Consultation

Dear Mr. Halftown:

As indicated in NYSDOT's November 21, 2012 letter to you, and as requested by several tribal representatives at the May 30, 2012 coordination meeting, we enclose herewith a series of maps of the project's alternatives corridors illustrating the approximate locations of previously identified archaeological sites on file with the New York State Museum (NYSM) and New York State Historic Preservation Office (SHPO) within the preliminary areas of potential effect (APEs) for each alternative.

It should be noted that the intended purpose of this Tier 1 EIS is to make broad-corridor level decisions with regard to parameters such as operating speed/travel times, service frequency, and infrastructure requirements. The purpose of the Tier 1 EIS does not include studying alternative alignments to achieve the 125 miles per hour speed, nor does it include selecting a specific alignment. All alternatives except Alternative 125 would follow the existing Empire Corridor alignment along both the Empire Corridor South and Empire Corridor West. To achieve the higher speed of Alternative 125, much of this alternative along the Empire Corridor West would be on a new corridor outside of the existing Empire Corridor alignment. Because portions of Alternative 125 would not be located within the existing rail corridor, one representative "alignment" was developed for Alternative 125 at a conceptual level. It is intended to be one of several possible alignments that could be developed and studied in the future if Alternative 125 is determined to be the preferred alternative at the conclusion of this Tier 1 EIS. The purpose of developing a conceptual "alignment" for Alternative 125 in the Tier 1 EIS is to provide a basis for comparison of corridor-level performance, cost, and impact potential of a new corridor alternative versus existing corridor alternatives (i.e. Alternatives 90A, 90B and 110).

In order to protect the confidentiality of site location information, these maps are being distributed only to federally recognized tribes with an interest in the project corridor and to SHPO. The enclosed maps are shown at a scale that is intended to show sufficient detail while limiting the sheets required to illustrate the 463-mile-long corridor to a reasonable number. The archaeological sites illustrated on the enclosed maps are based solely on a static representation of the archaeological site files of NYSM and SHPO at the time that research was conducted in February 2012. Information provided in these site files may be outdated, speculative, and/or vague in respect to site location and content, and there has been no initial field study to confirm the presence or absence of archaeological sites. This data also does not include

archaeological site information housed at SUNY Buffalo, SUNY Binghamton, or any other repositories. In a letter dated December 14, 2012, the Oneida Nation provided comments on the proposed project and identified cultural resources of significance to the Oneida. The data presented herein has not yet been modified to reflect input received from the Oneida or other tribal nations participating in Section 106 consultation.

The compilation of archaeological site file information represents the first step in a phased identification process, to establish baseline information for known historic properties as part of Tier 1 analysis. A Programmatic Agreement currently under development will describe this phased process and consultation procedures for Tier 2 analysis for individual component projects.

We look forward to your continuing participation in Section 106 consultation for this project. In the near future, you will be provided an opportunity to review and comment on the Draft Programmatic Agreement. If you have any comments or concerns regarding the proposed project at this time, please contact me by email at dchan@dot.ny.gov, or by mail to:

David Chan, Project Manager
High Speed Rail Empire Corridor Project
New York State Department of Transportation
Policy & Planning Division
50 Wolf Road, POD#61
Albany, NY 12232

Sincerely,



David Chan
NYSDOT Project Manager, High Speed Rail Empire Corridor Project

Encl. Archaeology maps

cc: Colleen Vaughn, Federal Railroad Administration
Ruth Pierpont, New York State Office of Parks, Recreation, and Historic Preservation



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232

WWW.DOT.NY.GOV

JOAN McDONALD
COMMISSIONER

ANDREW M. CUOMO
GOVERNOR

April 8, 2013

Tamara Francis,
Cultural Preservation Director
Delaware Nation
31064 State Highway 281
Anadarko, OK 73005

Re: High Speed Rail Empire Corridor Project
New York City to Niagara Falls
Section 106 Consultation

Dear Ms. Francis:

As indicated in NYSDOT's November 21, 2012 letter to you, and as requested by several tribal representatives at the May 30, 2012 coordination meeting, we enclose herewith a series of maps of the project's alternatives corridors illustrating the approximate locations of previously identified archaeological sites on file with the New York State Museum (NYSM) and New York State Historic Preservation Office (SHPO) within the preliminary areas of potential effect (APEs) for each alternative.

It should be noted that the intended purpose of this Tier 1 EIS is to make broad-corridor level decisions with regard to parameters such as operating speed/travel times, service frequency, and infrastructure requirements. The purpose of the Tier 1 EIS does not include studying alternative alignments to achieve the 125 miles per hour speed, nor does it include selecting a specific alignment. All alternatives except Alternative 125 would follow the existing Empire Corridor alignment along both the Empire Corridor South and Empire Corridor West. To achieve the higher speed of Alternative 125, much of this alternative along the Empire Corridor West would be on a new corridor outside of the existing Empire Corridor alignment. Because portions of Alternative 125 would not be located within the existing rail corridor, one representative "alignment" was developed for Alternative 125 at a conceptual level. It is intended to be one of several possible alignments that could be developed and studied in the future if Alternative 125 is determined to be the preferred alternative at the conclusion of this Tier 1 EIS. The purpose of developing a conceptual "alignment" for Alternative 125 in the Tier 1 EIS is to provide a basis for comparison of corridor-level performance, cost, and impact potential of a new corridor alternative versus existing corridor alternatives (i.e. Alternatives 90A, 90B and 110).

In order to protect the confidentiality of site location information, these maps are being distributed only to federally recognized tribes with an interest in the project corridor and to SHPO. The enclosed maps are shown at a scale that is intended to show sufficient detail while limiting the sheets required to illustrate the 463-mile-long corridor to a reasonable number. The archaeological sites illustrated on the enclosed maps are based solely on a static representation of the archaeological site files of NYSM and SHPO at the time that research was conducted in February 2012. Information provided in these site files may be outdated, speculative, and/or vague in respect to site location and content, and there has been no initial

field study to confirm the presence or absence of archaeological sites. This data also does not include archaeological site information housed at SUNY Buffalo, SUNY Binghamton, or any other repositories. In a letter dated December 14, 2012, the Oneida Nation provided comments on the proposed project and identified cultural resources of significance to the Oneida. The data presented herein has not yet been modified to reflect input received from the Oneida or other tribal nations participating in Section 106 consultation.

The compilation of archaeological site file information represents the first step in a phased identification process, to establish baseline information for known historic properties as part of Tier 1 analysis. A Programmatic Agreement currently under development will describe this phased process and consultation procedures for Tier 2 analysis for individual component projects.

We look forward to your continuing participation in Section 106 consultation for this project. In the near future, you will be provided an opportunity to review and comment on the Draft Programmatic Agreement. If you have any comments or concerns regarding the proposed project at this time, please contact me by email at dchan@dot.ny.gov, or by mail to:

David Chan, Project Manager
High Speed Rail Empire Corridor Project
New York State Department of Transportation
Policy & Planning Division
50 Wolf Road, POD#61
Albany, NY 12232

Sincerely,



David Chan
NYSDOT Project Manager, High Speed Rail Empire Corridor Project

Encl. Archaeology maps

cc: Colleen Vaughn, Federal Railroad Administration
Ruth Pierpont, New York State Office of Parks, Recreation, and Historic Preservation
J. Ross, I. Smith (Delaware Nation); w/o encl.



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232

WWW.DOT.NY.GOV

JOAN McDONALD
COMMISSIONER

ANDREW M. CUOMO
GOVERNOR

April 8, 2013

Dr. Brice Obermeyer
Delaware Tribe Historic Preservation Office
1420 C of E Drive, Suite 190
Emporia, Kansas 66801

Re: High Speed Rail Empire Corridor Project
New York City to Niagara Falls
Section 106 Consultation

Dear Dr. Obermeyer:

As indicated in NYSDOT's November 21, 2012 letter to you, and as requested by several tribal representatives at the May 30, 2012 coordination meeting, we enclose herewith a series of maps of the project's alternatives corridors illustrating the approximate locations of previously identified archaeological sites on file with the New York State Museum (NYSM) and New York State Historic Preservation Office (SHPO) within the preliminary areas of potential effect (APEs) for each alternative.

It should be noted that the intended purpose of this Tier 1 EIS is to make broad-corridor level decisions with regard to parameters such as operating speed/travel times, service frequency, and infrastructure requirements. The purpose of the Tier 1 EIS does not include studying alternative alignments to achieve the 125 miles per hour speed, nor does it include selecting a specific alignment. All alternatives except Alternative 125 would follow the existing Empire Corridor alignment along both the Empire Corridor South and Empire Corridor West. To achieve the higher speed of Alternative 125, much of this alternative along the Empire Corridor West would be on a new corridor outside of the existing Empire Corridor alignment. Because portions of Alternative 125 would not be located within the existing rail corridor, one representative "alignment" was developed for Alternative 125 at a conceptual level. It is intended to be one of several possible alignments that could be developed and studied in the future if Alternative 125 is determined to be the preferred alternative at the conclusion of this Tier 1 EIS. The purpose of developing a conceptual "alignment" for Alternative 125 in the Tier 1 EIS is to provide a basis for comparison of corridor-level performance, cost, and impact potential of a new corridor alternative versus existing corridor alternatives (i.e. Alternatives 90A, 90B and 110).

In order to protect the confidentiality of site location information, these maps are being distributed only to federally recognized tribes with an interest in the project corridor and to SHPO. The enclosed maps are shown at a scale that is intended to show sufficient detail while limiting the sheets required to illustrate the 463-mile-long corridor to a reasonable number. The archaeological sites illustrated on the enclosed maps are based solely on a static representation of the archaeological site files of NYSM and SHPO at the time that research was conducted in February 2012. Information provided in these site files may be outdated, speculative, and/or vague in respect to site location and content, and there has been no initial field study to confirm the presence or absence of archaeological sites. This data also does not include

archaeological site information housed at SUNY Buffalo, SUNY Binghamton, or any other repositories. In a letter dated December 14, 2012, the Oneida Nation provided comments on the proposed project and identified cultural resources of significance to the Oneida. The data presented herein has not yet been modified to reflect input received from the Oneida or other tribal nations participating in Section 106 consultation.

The compilation of archaeological site file information represents the first step in a phased identification process, to establish baseline information for known historic properties as part of Tier 1 analysis. A Programmatic Agreement currently under development will describe this phased process and consultation procedures for Tier 2 analysis for individual component projects.

We look forward to your continuing participation in Section 106 consultation for this project. In the near future, you will be provided an opportunity to review and comment on the Draft Programmatic Agreement. If you have any comments or concerns regarding the proposed project at this time, please contact me by email at dchan@dot.ny.gov, or by mail to:

David Chan, Project Manager
High Speed Rail Empire Corridor Project
New York State Department of Transportation
Policy & Planning Division
50 Wolf Road, POD#61
Albany, NY 12232

Sincerely,



David Chan
NYSDOT Project Manager, High Speed Rail Empire Corridor Project

Encl. Archaeology maps

cc: Colleen Vaughn, Federal Railroad Administration
Ruth Pierpont, New York State Office of Parks, Recreation, and Historic Preservation



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232

WWW.DOT.NY.GOV

JOAN McDONALD
COMMISSIONER

ANDREW M. CUOMO
GOVERNOR

April 8, 2013

Jesse Bergevin
Oneida Indian Nation
1256 Union Street
P.O. Box 662
Oneida, New York 13421-0662

Re: High Speed Rail Empire Corridor Project
New York City to Niagara Falls
Section 106 Consultation

Dear Mr. Bergevin:

As indicated in NYSDOT's November 21, 2012 letter to you, and as requested by several tribal representatives at the May 30, 2012 coordination meeting, we enclose herewith a series of maps of the project's alternatives corridors illustrating the approximate locations of previously identified archaeological sites on file with the New York State Museum (NYSM) and New York State Historic Preservation Office (SHPO) within the preliminary areas of potential effect (APEs) for each alternative.

It should be noted that the intended purpose of this Tier 1 EIS is to make broad-corridor level decisions with regard to parameters such as operating speed/travel times, service frequency, and infrastructure requirements. The purpose of the Tier 1 EIS does not include studying alternative alignments to achieve the 125 miles per hour speed, nor does it include selecting a specific alignment. All alternatives except Alternative 125 would follow the existing Empire Corridor alignment along both the Empire Corridor South and Empire Corridor West. To achieve the higher speed of Alternative 125, much of this alternative along the Empire Corridor West would be on a new corridor outside of the existing Empire Corridor alignment. Because portions of Alternative 125 would not be located within the existing rail corridor, one representative "alignment" was developed for Alternative 125 at a conceptual level. It is intended to be one of several possible alignments that could be developed and studied in the future if Alternative 125 is determined to be the preferred alternative at the conclusion of this Tier 1 EIS. The purpose of developing a conceptual "alignment" for Alternative 125 in the Tier 1 EIS is to provide a basis for comparison of corridor-level performance, cost, and impact potential of a new corridor alternative versus existing corridor alternatives (i.e. Alternatives 90A, 90B and 110).

In order to protect the confidentiality of site location information, these maps are being distributed only to federally recognized tribes with an interest in the project corridor and to SHPO. The enclosed maps are shown at a scale that is intended to show sufficient detail while limiting the sheets required to illustrate the 463-mile-long corridor to a reasonable number. The archaeological sites illustrated on the enclosed maps are based solely on a static representation of the archaeological site files of NYSM and SHPO at the time that research was conducted in February 2012. Information provided in these site files may be outdated, speculative, and/or vague in respect to site location and content, and there has been no initial

field study to confirm the presence or absence of archaeological sites. This data also does not include archaeological site information housed at SUNY Buffalo, SUNY Binghamton, or any other repositories. In a letter dated December 14, 2012, the Oneida Nation provided comments on the proposed project and identified cultural resources of significance to the Oneida. The data presented herein has not yet been modified to reflect input received from the Oneida or other tribal nations participating in Section 106 consultation.

The compilation of archaeological site file information represents the first step in a phased identification process, to establish baseline information for known historic properties as part of Tier 1 analysis. A Programmatic Agreement currently under development will describe this phased process and consultation procedures for Tier 2 analysis for individual component projects.

We look forward to your continuing participation in Section 106 consultation for this project. In the near future, you will be provided an opportunity to review and comment on the Draft Programmatic Agreement. If you have any comments or concerns regarding the proposed project at this time, please contact me by email at dchan@dot.ny.gov, or by mail to:

David Chan, Project Manager
High Speed Rail Empire Corridor Project
New York State Department of Transportation
Policy & Planning Division
50 Wolf Road, POD#61
Albany, NY 12232

Sincerely,



David Chan
NYSDOT Project Manager, High Speed Rail Empire Corridor Project

Encl. Archaeology maps

cc: Colleen Vaughn, Federal Railroad Administration
Ruth Pierpont, New York State Office of Parks, Recreation, and Historic Preservation
L. Misita (Oneida Nation); w/o encl.



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232

WWW.DOT.NY.GOV

JOAN McDONALD
COMMISSIONER

ANDREW M. CUOMO
GOVERNOR

April 8, 2013

Tony Gonyea
Onondaga Nation Communications
716 East Washington Street
Suite 104
Syracuse, NY 13210

Re: High Speed Rail Empire Corridor Project
New York City to Niagara Falls
Section 106 Consultation

Dear Mr. Gonyea:

As indicated in NYSDOT's November 21, 2012 letter to you, and as requested by several tribal representatives at the May 30, 2012 coordination meeting, we enclose herewith a series of maps of the project's alternatives corridors illustrating the approximate locations of previously identified archaeological sites on file with the New York State Museum (NYSM) and New York State Historic Preservation Office (SHPO) within the preliminary areas of potential effect (APEs) for each alternative.

It should be noted that the intended purpose of this Tier 1 EIS is to make broad-corridor level decisions with regard to parameters such as operating speed/travel times, service frequency, and infrastructure requirements. The purpose of the Tier 1 EIS does not include studying alternative alignments to achieve the 125 miles per hour speed, nor does it include selecting a specific alignment. All alternatives except Alternative 125 would follow the existing Empire Corridor alignment along both the Empire Corridor South and Empire Corridor West. To achieve the higher speed of Alternative 125, much of this alternative along the Empire Corridor West would be on a new corridor outside of the existing Empire Corridor alignment. Because portions of Alternative 125 would not be located within the existing rail corridor, one representative "alignment" was developed for Alternative 125 at a conceptual level. It is intended to be one of several possible alignments that could be developed and studied in the future if Alternative 125 is determined to be the preferred alternative at the conclusion of this Tier 1 EIS. The purpose of developing a conceptual "alignment" for Alternative 125 in the Tier 1 EIS is to provide a basis for comparison of corridor-level performance, cost, and impact potential of a new corridor alternative versus existing corridor alternatives (i.e. Alternatives 90A, 90B and 110).

In order to protect the confidentiality of site location information, these maps are being distributed only to federally recognized tribes with an interest in the project corridor and to SHPO. The enclosed maps are shown at a scale that is intended to show sufficient detail while limiting the sheets required to illustrate the 463-mile-long corridor to a reasonable number. The archaeological sites illustrated on the enclosed maps are based solely on a static representation of the archaeological site files of NYSM and SHPO at the time that research was conducted in February 2012. Information provided in these site files may be outdated, speculative, and/or vague in respect to site location and content, and there has been no initial

field study to confirm the presence or absence of archaeological sites. This data also does not include archaeological site information housed at SUNY Buffalo, SUNY Binghamton, or any other repositories. In a letter dated December 14, 2012, the Oneida Nation provided comments on the proposed project and identified cultural resources of significance to the Oneida. The data presented herein has not yet been modified to reflect input received from the Oneida or other tribal nations participating in Section 106 consultation.

The compilation of archaeological site file information represents the first step in a phased identification process, to establish baseline information for known historic properties as part of Tier 1 analysis. A Programmatic Agreement currently under development will describe this phased process and consultation procedures for Tier 2 analysis for individual component projects.

We look forward to your continuing participation in Section 106 consultation for this project. In the near future, you will be provided an opportunity to review and comment on the Draft Programmatic Agreement. If you have any comments or concerns regarding the proposed project at this time, please contact me by email at dchan@dot.ny.gov, or by mail to:

David Chan, Project Manager
High Speed Rail Empire Corridor Project
New York State Department of Transportation
Policy & Planning Division
50 Wolf Road, POD#61
Albany, NY 12232

Sincerely,



David Chan
NYSDOT Project Manager, High Speed Rail Empire Corridor Project

Encl. Archaeology maps

cc: Colleen Vaughn, Federal Railroad Administration
Ruth Pierpont, New York State Office of Parks, Recreation, and Historic Preservation
Chief I. Powless, Jr., T. Joyal, Esq. (Onondaga Nation); w/o encl.



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232

WWW.DOT.NY.GOV

JOAN McDONALD
COMMISSIONER

ANDREW M. CUOMO
GOVERNOR

April 8, 2013

Chief LeRoy Howard
Seneca-Cayuga Tribe of Oklahoma
R2301 E. Steve Owens Boulevard
Miami, Oklahoma 74355

Re: High Speed Rail Empire Corridor Project
New York City to Niagara Falls
Section 106 Consultation

Dear Chief Howard:

As indicated in NYSDOT's November 21, 2012 letter to you, and as requested by several tribal representatives at the May 30, 2012 coordination meeting, we enclose herewith a series of maps of the project's alternatives corridors illustrating the approximate locations of previously identified archaeological sites on file with the New York State Museum (NYSM) and New York State Historic Preservation Office (SHPO) within the preliminary areas of potential effect (APEs) for each alternative.

It should be noted that the intended purpose of this Tier 1 EIS is to make broad-corridor level decisions with regard to parameters such as operating speed/travel times, service frequency, and infrastructure requirements. The purpose of the Tier 1 EIS does not include studying alternative alignments to achieve the 125 miles per hour speed, nor does it include selecting a specific alignment. All alternatives except Alternative 125 would follow the existing Empire Corridor alignment along both the Empire Corridor South and Empire Corridor West. To achieve the higher speed of Alternative 125, much of this alternative along the Empire Corridor West would be on a new corridor outside of the existing Empire Corridor alignment. Because portions of Alternative 125 would not be located within the existing rail corridor, one representative "alignment" was developed for Alternative 125 at a conceptual level. It is intended to be one of several possible alignments that could be developed and studied in the future if Alternative 125 is determined to be the preferred alternative at the conclusion of this Tier 1 EIS. The purpose of developing a conceptual "alignment" for Alternative 125 in the Tier 1 EIS is to provide a basis for comparison of corridor-level performance, cost, and impact potential of a new corridor alternative versus existing corridor alternatives (i.e. Alternatives 90A, 90B and 110).

In order to protect the confidentiality of site location information, these maps are being distributed only to federally recognized tribes with an interest in the project corridor and to SHPO. The enclosed maps are shown at a scale that is intended to show sufficient detail while limiting the sheets required to illustrate the 463-mile-long corridor to a reasonable number. The archaeological sites illustrated on the enclosed maps are based solely on a static representation of the archaeological site files of NYSM and SHPO at the time that research was conducted in February 2012. Information provided in these site files may be outdated, speculative, and/or vague in respect to site location and content, and there has been no initial field study to confirm the presence or absence of archaeological sites. This data also does not include

archaeological site information housed at SUNY Buffalo, SUNY Binghamton, or any other repositories. In a letter dated December 14, 2012, the Oneida Nation provided comments on the proposed project and identified cultural resources of significance to the Oneida. The data presented herein has not yet been modified to reflect input received from the Oneida or other tribal nations participating in Section 106 consultation.

The compilation of archaeological site file information represents the first step in a phased identification process, to establish baseline information for known historic properties as part of Tier 1 analysis. A Programmatic Agreement currently under development will describe this phased process and consultation procedures for Tier 2 analysis for individual component projects.

We look forward to your continuing participation in Section 106 consultation for this project. In the near future, you will be provided an opportunity to review and comment on the Draft Programmatic Agreement. If you have any comments or concerns regarding the proposed project at this time, please contact me by email at dchan@dot.ny.gov, or by mail to:

David Chan, Project Manager
High Speed Rail Empire Corridor Project
New York State Department of Transportation
Policy & Planning Division
50 Wolf Road, POD#61
Albany, NY 12232

Sincerely,



David Chan
NYSDOT Project Manager, High Speed Rail Empire Corridor Project

Encl. Archaeology maps

cc: Colleen Vaughn, Federal Railroad Administration
Ruth Pierpont, New York State Office of Parks, Recreation, and Historic Preservation



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232

WWW.DOT.NY.GOV

JOAN McDONALD
COMMISSIONER

ANDREW M. CUOMO
GOVERNOR

April 8, 2013

Melissa Bach
Tribal Historic Preservation Officer
Seneca Nation of Indians
90 O:hi'yoh Way
Salamanca, NY 14779

Re: High Speed Rail Empire Corridor Project
New York City to Niagara Falls
Section 106 Consultation

Dear Ms. Bach:

As indicated in NYSDOT's November 21, 2012 letter to you, and as requested by several tribal representatives at the May 30, 2012 coordination meeting, we enclose herewith a series of maps of the project's alternatives corridors illustrating the approximate locations of previously identified archaeological sites on file with the New York State Museum (NYSM) and New York State Historic Preservation Office (SHPO) within the preliminary areas of potential effect (APEs) for each alternative.

It should be noted that the intended purpose of this Tier 1 EIS is to make broad-corridor level decisions with regard to parameters such as operating speed/travel times, service frequency, and infrastructure requirements. The purpose of the Tier 1 EIS does not include studying alternative alignments to achieve the 125 miles per hour speed, nor does it include selecting a specific alignment. All alternatives except Alternative 125 would follow the existing Empire Corridor alignment along both the Empire Corridor South and Empire Corridor West. To achieve the higher speed of Alternative 125, much of this alternative along the Empire Corridor West would be on a new corridor outside of the existing Empire Corridor alignment. Because portions of Alternative 125 would not be located within the existing rail corridor, one representative "alignment" was developed for Alternative 125 at a conceptual level. It is intended to be one of several possible alignments that could be developed and studied in the future if Alternative 125 is determined to be the preferred alternative at the conclusion of this Tier 1 EIS. The purpose of developing a conceptual "alignment" for Alternative 125 in the Tier 1 EIS is to provide a basis for comparison of corridor-level performance, cost, and impact potential of a new corridor alternative versus existing corridor alternatives (i.e. Alternatives 90A, 90B and 110).

In order to protect the confidentiality of site location information, these maps are being distributed only to federally recognized tribes with an interest in the project corridor and to SHPO. The enclosed maps are shown at a scale that is intended to show sufficient detail while limiting the sheets required to illustrate the 463-mile-long corridor to a reasonable number. The archaeological sites illustrated on the enclosed maps are based solely on a static representation of the archaeological site files of NYSM and SHPO at the time that research was conducted in February 2012. Information provided in these site files may be outdated, speculative, and/or vague in respect to site location and content, and there has been no initial

field study to confirm the presence or absence of archaeological sites. This data also does not include archaeological site information housed at SUNY Buffalo, SUNY Binghamton, or any other repositories. In a letter dated December 14, 2012, the Oneida Nation provided comments on the proposed project and identified cultural resources of significance to the Oneida. The data presented herein has not yet been modified to reflect input received from the Oneida or other tribal nations participating in Section 106 consultation.

The compilation of archaeological site file information represents the first step in a phased identification process, to establish baseline information for known historic properties as part of Tier 1 analysis. A Programmatic Agreement currently under development will describe this phased process and consultation procedures for Tier 2 analysis for individual component projects.

We look forward to your continuing participation in Section 106 consultation for this project. In the near future, you will be provided an opportunity to review and comment on the Draft Programmatic Agreement. If you have any comments or concerns regarding the proposed project at this time, please contact me by email at dchan@dot.ny.gov, or by mail to:

David Chan, Project Manager
High Speed Rail Empire Corridor Project
New York State Department of Transportation
Policy & Planning Division
50 Wolf Road, POD#61
Albany, NY 12232

Sincerely,



David Chan
NYSDOT Project Manager, High Speed Rail Empire Corridor Project

Encl. Archaeology maps

cc: Colleen Vaughn, Federal Railroad Administration
Ruth Pierpont, New York State Office of Parks, Recreation, and Historic Preservation
G. Peter Jemison (Seneca Nation); w/o encl.



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232

WWW.DOT.NY.GOV

JOAN McDONALD
COMMISSIONER

ANDREW M. CUOMO
GOVERNOR

April 8, 2013

Randy King
Chairman, Board of Trustees
Shinnecock Indian Nation Tribal Office
P.O. Box 5006
Southampton, NY 11969

Re: High Speed Rail Empire Corridor Project
New York City to Niagara Falls
Section 106 Consultation

Dear Mr. King:

As indicated in NYSDOT's November 21, 2012 letter to you, and as requested by several tribal representatives at the May 30, 2012 coordination meeting, we enclose herewith a series of maps of the project's alternatives corridors illustrating the approximate locations of previously identified archaeological sites on file with the New York State Museum (NYSM) and New York State Historic Preservation Office (SHPO) within the preliminary areas of potential effect (APEs) for each alternative.

It should be noted that the intended purpose of this Tier 1 EIS is to make broad-corridor level decisions with regard to parameters such as operating speed/travel times, service frequency, and infrastructure requirements. The purpose of the Tier 1 EIS does not include studying alternative alignments to achieve the 125 miles per hour speed, nor does it include selecting a specific alignment. All alternatives except Alternative 125 would follow the existing Empire Corridor alignment along both the Empire Corridor South and Empire Corridor West. To achieve the higher speed of Alternative 125, much of this alternative along the Empire Corridor West would be on a new corridor outside of the existing Empire Corridor alignment. Because portions of Alternative 125 would not be located within the existing rail corridor, one representative "alignment" was developed for Alternative 125 at a conceptual level. It is intended to be one of several possible alignments that could be developed and studied in the future if Alternative 125 is determined to be the preferred alternative at the conclusion of this Tier 1 EIS. The purpose of developing a conceptual "alignment" for Alternative 125 in the Tier 1 EIS is to provide a basis for comparison of corridor-level performance, cost, and impact potential of a new corridor alternative versus existing corridor alternatives (i.e. Alternatives 90A, 90B and 110).

In order to protect the confidentiality of site location information, these maps are being distributed only to federally recognized tribes with an interest in the project corridor and to SHPO. The enclosed maps are shown at a scale that is intended to show sufficient detail while limiting the sheets required to illustrate the 463-mile-long corridor to a reasonable number. The archaeological sites illustrated on the enclosed maps are based solely on a static representation of the archaeological site files of NYSM and SHPO at the time that research was conducted in February 2012. Information provided in these site files may be outdated, speculative, and/or vague in respect to site location and content, and there has been no initial

field study to confirm the presence or absence of archaeological sites. This data also does not include archaeological site information housed at SUNY Buffalo, SUNY Binghamton, or any other repositories. In a letter dated December 14, 2012, the Oneida Nation provided comments on the proposed project and identified cultural resources of significance to the Oneida. The data presented herein has not yet been modified to reflect input received from the Oneida or other tribal nations participating in Section 106 consultation.

The compilation of archaeological site file information represents the first step in a phased identification process, to establish baseline information for known historic properties as part of Tier 1 analysis. A Programmatic Agreement currently under development will describe this phased process and consultation procedures for Tier 2 analysis for individual component projects.

We look forward to your continuing participation in Section 106 consultation for this project. In the near future, you will be provided an opportunity to review and comment on the Draft Programmatic Agreement. If you have any comments or concerns regarding the proposed project at this time, please contact me by email at dchan@dot.ny.gov, or by mail to:

David Chan, Project Manager
High Speed Rail Empire Corridor Project
New York State Department of Transportation
Policy & Planning Division
50 Wolf Road, POD#61
Albany, NY 12232

Sincerely,



David Chan
NYSDOT Project Manager, High Speed Rail Empire Corridor Project

Encl. Archaeology maps

cc: Colleen Vaughn, Federal Railroad Administration
Ruth Pierpont, New York State Office of Parks, Recreation, and Historic Preservation
M. Smith, Esq. (Shinnecock Indian Nation); w/o encl.



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232

WWW.DOT.NY.GOV

JOAN McDONALD
COMMISSIONER

ANDREW M. CUOMO
GOVERNOR

April 8, 2013

Arnold Printup, Jr.
St. Regis Mohawk Tribal Historic Preservation Officer
412 State Route 37
Akwesasne, NY 13655

Re: High Speed Rail Empire Corridor Project
New York City to Niagara Falls
Section 106 Consultation

Dear Mr. Printup:

As indicated in NYSDOT's November 21, 2012 letter to you, and as requested by several tribal representatives at the May 30, 2012 coordination meeting, we enclose herewith a series of maps of the project's alternatives corridors illustrating the approximate locations of previously identified archaeological sites on file with the New York State Museum (NYSM) and New York State Historic Preservation Office (SHPO) within the preliminary areas of potential effect (APEs) for each alternative.

It should be noted that the intended purpose of this Tier 1 EIS is to make broad-corridor level decisions with regard to parameters such as operating speed/travel times, service frequency, and infrastructure requirements. The purpose of the Tier 1 EIS does not include studying alternative alignments to achieve the 125 miles per hour speed, nor does it include selecting a specific alignment. All alternatives except Alternative 125 would follow the existing Empire Corridor alignment along both the Empire Corridor South and Empire Corridor West. To achieve the higher speed of Alternative 125, much of this alternative along the Empire Corridor West would be on a new corridor outside of the existing Empire Corridor alignment. Because portions of Alternative 125 would not be located within the existing rail corridor, one representative "alignment" was developed for Alternative 125 at a conceptual level. It is intended to be one of several possible alignments that could be developed and studied in the future if Alternative 125 is determined to be the preferred alternative at the conclusion of this Tier 1 EIS. The purpose of developing a conceptual "alignment" for Alternative 125 in the Tier 1 EIS is to provide a basis for comparison of corridor-level performance, cost, and impact potential of a new corridor alternative versus existing corridor alternatives (i.e. Alternatives 90A, 90B and 110).

In order to protect the confidentiality of site location information, these maps are being distributed only to federally recognized tribes with an interest in the project corridor and to SHPO. The enclosed maps are shown at a scale that is intended to show sufficient detail while limiting the sheets required to illustrate the 463-mile-long corridor to a reasonable number. The archaeological sites illustrated on the enclosed maps are based solely on a static representation of the archaeological site files of NYSM and SHPO at the time that research was conducted in February 2012. Information provided in these site files may be outdated, speculative, and/or vague in respect to site location and content, and there has been no initial field study to confirm the presence or absence of archaeological sites. This data also does not include

archaeological site information housed at SUNY Buffalo, SUNY Binghamton, or any other repositories. In a letter dated December 14, 2012, the Oneida Nation provided comments on the proposed project and identified cultural resources of significance to the Oneida. The data presented herein has not yet been modified to reflect input received from the Oneida or other tribal nations participating in Section 106 consultation.

The compilation of archaeological site file information represents the first step in a phased identification process, to establish baseline information for known historic properties as part of Tier 1 analysis. A Programmatic Agreement currently under development will describe this phased process and consultation procedures for Tier 2 analysis for individual component projects.

We look forward to your continuing participation in Section 106 consultation for this project. In the near future, you will be provided an opportunity to review and comment on the Draft Programmatic Agreement. If you have any comments or concerns regarding the proposed project at this time, please contact me by email at dchan@dot.ny.gov, or by mail to:

David Chan, Project Manager
High Speed Rail Empire Corridor Project
New York State Department of Transportation
Policy & Planning Division
50 Wolf Road, POD#61
Albany, NY 12232

Sincerely,



David Chan
NYSDOT Project Manager, High Speed Rail Empire Corridor Project

Encl. Archaeology maps

cc: Colleen Vaughn, Federal Railroad Administration
Ruth Pierpont, New York State Office of Parks, Recreation, and Historic Preservation
Chief R. Hart (St. Regis Mohawk Tribe); w/o encl.



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232

WWW.DOT.NY.GOV

JOAN McDONALD
COMMISSIONER

ANDREW M. CUOMO
GOVERNOR

April 8, 2013

Sherry White
Tribal Historic Preservation Officer
Stockbridge-Munsee Community Band of Mohican Indians
W13447 Camp 14 Road
Bowler, WI 54416

Re: High Speed Rail Empire Corridor Project
New York City to Niagara Falls
Section 106 Consultation

Dear Ms. White:

As indicated in NYSDOT's November 21, 2012 letter to you, and as requested by several tribal representatives at the May 30, 2012 coordination meeting, we enclose herewith a series of maps of the project's alternatives corridors illustrating the approximate locations of previously identified archaeological sites on file with the New York State Museum (NYSM) and New York State Historic Preservation Office (SHPO) within the preliminary areas of potential effect (APEs) for each alternative.

It should be noted that the intended purpose of this Tier 1 EIS is to make broad-corridor level decisions with regard to parameters such as operating speed/travel times, service frequency, and infrastructure requirements. The purpose of the Tier 1 EIS does not include studying alternative alignments to achieve the 125 miles per hour speed, nor does it include selecting a specific alignment. All alternatives except Alternative 125 would follow the existing Empire Corridor alignment along both the Empire Corridor South and Empire Corridor West. To achieve the higher speed of Alternative 125, much of this alternative along the Empire Corridor West would be on a new corridor outside of the existing Empire Corridor alignment. Because portions of Alternative 125 would not be located within the existing rail corridor, one representative "alignment" was developed for Alternative 125 at a conceptual level. It is intended to be one of several possible alignments that could be developed and studied in the future if Alternative 125 is determined to be the preferred alternative at the conclusion of this Tier 1 EIS. The purpose of developing a conceptual "alignment" for Alternative 125 in the Tier 1 EIS is to provide a basis for comparison of corridor-level performance, cost, and impact potential of a new corridor alternative versus existing corridor alternatives (i.e. Alternatives 90A, 90B and 110).

In order to protect the confidentiality of site location information, these maps are being distributed only to federally recognized tribes with an interest in the project corridor and to SHPO. The enclosed maps are shown at a scale that is intended to show sufficient detail while limiting the sheets required to illustrate the 463-mile-long corridor to a reasonable number. The archaeological sites illustrated on the enclosed maps are based solely on a static representation of the archaeological site files of NYSM and SHPO at the time that research was conducted in February 2012. Information provided in these site files may be outdated, speculative, and/or vague in respect to site location and content, and there has been no initial

field study to confirm the presence or absence of archaeological sites. This data also does not include archaeological site information housed at SUNY Buffalo, SUNY Binghamton, or any other repositories. In a letter dated December 14, 2012, the Oneida Nation provided comments on the proposed project and identified cultural resources of significance to the Oneida. The data presented herein has not yet been modified to reflect input received from the Oneida or other tribal nations participating in Section 106 consultation.

The compilation of archaeological site file information represents the first step in a phased identification process, to establish baseline information for known historic properties as part of Tier 1 analysis. A Programmatic Agreement currently under development will describe this phased process and consultation procedures for Tier 2 analysis for individual component projects.

We look forward to your continuing participation in Section 106 consultation for this project. In the near future, you will be provided an opportunity to review and comment on the Draft Programmatic Agreement. If you have any comments or concerns regarding the proposed project at this time, please contact me by email at dchan@dot.ny.gov, or by mail to:

David Chan, Project Manager
High Speed Rail Empire Corridor Project
New York State Department of Transportation
Policy & Planning Division
50 Wolf Road, POD#61
Albany, NY 12232

Sincerely,



David Chan
NYSDOT Project Manager, High Speed Rail Empire Corridor Project

Encl. Archaeology maps

cc: Colleen Vaughn, Federal Railroad Administration
Ruth Pierpont, New York State Office of Parks, Recreation, and Historic Preservation



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232

WWW.DOT.NY.GOV

JOAN McDONALD
COMMISSIONER

ANDREW M. CUOMO
GOVERNOR

April 8, 2013

Chief Darwin Hill, Clerk
Tonawanda Seneca Nation Office
7027 Meadville Road
Basom, New York 14013

Re: High Speed Rail Empire Corridor Project
New York City to Niagara Falls
Section 106 Consultation

Dear Chief Hill:

As indicated in NYSDOT's November 21, 2012 letter to you, and as requested by several tribal representatives at the May 30, 2012 coordination meeting, we enclose herewith a series of maps of the project's alternatives corridors illustrating the approximate locations of previously identified archaeological sites on file with the New York State Museum (NYSM) and New York State Historic Preservation Office (SHPO) within the preliminary areas of potential effect (APEs) for each alternative.

It should be noted that the intended purpose of this Tier 1 EIS is to make broad-corridor level decisions with regard to parameters such as operating speed/travel times, service frequency, and infrastructure requirements. The purpose of the Tier 1 EIS does not include studying alternative alignments to achieve the 125 miles per hour speed, nor does it include selecting a specific alignment. All alternatives except Alternative 125 would follow the existing Empire Corridor alignment along both the Empire Corridor South and Empire Corridor West. To achieve the higher speed of Alternative 125, much of this alternative along the Empire Corridor West would be on a new corridor outside of the existing Empire Corridor alignment. Because portions of Alternative 125 would not be located within the existing rail corridor, one representative "alignment" was developed for Alternative 125 at a conceptual level. It is intended to be one of several possible alignments that could be developed and studied in the future if Alternative 125 is determined to be the preferred alternative at the conclusion of this Tier 1 EIS. The purpose of developing a conceptual "alignment" for Alternative 125 in the Tier 1 EIS is to provide a basis for comparison of corridor-level performance, cost, and impact potential of a new corridor alternative versus existing corridor alternatives (i.e. Alternatives 90A, 90B and 110).

In order to protect the confidentiality of site location information, these maps are being distributed only to federally recognized tribes with an interest in the project corridor and to SHPO. The enclosed maps are shown at a scale that is intended to show sufficient detail while limiting the sheets required to illustrate the 463-mile-long corridor to a reasonable number. The archaeological sites illustrated on the enclosed maps are based solely on a static representation of the archaeological site files of NYSM and SHPO at the time that research was conducted in February 2012. Information provided in these site files may be outdated, speculative, and/or vague in respect to site location and content, and there has been no initial field study to confirm the presence or absence of archaeological sites. This data also does not include

archaeological site information housed at SUNY Buffalo, SUNY Binghamton, or any other repositories. In a letter dated December 14, 2012, the Oneida Nation provided comments on the proposed project and identified cultural resources of significance to the Oneida. The data presented herein has not yet been modified to reflect input received from the Oneida or other tribal nations participating in Section 106 consultation.

The compilation of archaeological site file information represents the first step in a phased identification process, to establish baseline information for known historic properties as part of Tier 1 analysis. A Programmatic Agreement currently under development will describe this phased process and consultation procedures for Tier 2 analysis for individual component projects.

We look forward to your continuing participation in Section 106 consultation for this project. In the near future, you will be provided an opportunity to review and comment on the Draft Programmatic Agreement. If you have any comments or concerns regarding the proposed project at this time, please contact me by email at dchan@dot.ny.gov, or by mail to:

David Chan, Project Manager
High Speed Rail Empire Corridor Project
New York State Department of Transportation
Policy & Planning Division
50 Wolf Road, POD#61
Albany, NY 12232

Sincerely,



David Chan
NYSDOT Project Manager, High Speed Rail Empire Corridor Project

Encl. Archaeology maps

cc: Colleen Vaughn, Federal Railroad Administration
Ruth Pierpont, New York State Office of Parks, Recreation, and Historic Preservation



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232

WWW.DOT.NY.GOV

JOAN McDONALD
COMMISSIONER

ANDREW M. CUOMO
GOVERNOR

April 8, 2013

Chief Leo R. Henry
Tuscarora Nation
2006 Mt. Hope Road
via Lewiston, NY 14092

Re: High Speed Rail Empire Corridor Project
New York City to Niagara Falls
Section 106 Consultation

Dear Chief Henry:

As indicated in NYSDOT's November 21, 2012 letter to you, and as requested by several tribal representatives at the May 30, 2012 coordination meeting, we enclose herewith a series of maps of the project's alternatives corridors illustrating the approximate locations of previously identified archaeological sites on file with the New York State Museum (NYSM) and New York State Historic Preservation Office (SHPO) within the preliminary areas of potential effect (APEs) for each alternative.

It should be noted that the intended purpose of this Tier 1 EIS is to make broad-corridor level decisions with regard to parameters such as operating speed/travel times, service frequency, and infrastructure requirements. The purpose of the Tier 1 EIS does not include studying alternative alignments to achieve the 125 miles per hour speed, nor does it include selecting a specific alignment. All alternatives except Alternative 125 would follow the existing Empire Corridor alignment along both the Empire Corridor South and Empire Corridor West. To achieve the higher speed of Alternative 125, much of this alternative along the Empire Corridor West would be on a new corridor outside of the existing Empire Corridor alignment. Because portions of Alternative 125 would not be located within the existing rail corridor, one representative "alignment" was developed for Alternative 125 at a conceptual level. It is intended to be one of several possible alignments that could be developed and studied in the future if Alternative 125 is determined to be the preferred alternative at the conclusion of this Tier 1 EIS. The purpose of developing a conceptual "alignment" for Alternative 125 in the Tier 1 EIS is to provide a basis for comparison of corridor-level performance, cost, and impact potential of a new corridor alternative versus existing corridor alternatives (i.e. Alternatives 90A, 90B and 110).

In order to protect the confidentiality of site location information, these maps are being distributed only to federally recognized tribes with an interest in the project corridor and to SHPO. The enclosed maps are shown at a scale that is intended to show sufficient detail while limiting the sheets required to illustrate the 463-mile-long corridor to a reasonable number. The archaeological sites illustrated on the enclosed maps are based solely on a static representation of the archaeological site files of NYSM and SHPO at the time that research was conducted in February 2012. Information provided in these site files may be outdated, speculative, and/or vague in respect to site location and content, and there has been no initial field study to confirm the presence or absence of archaeological sites. This data also does not include

archaeological site information housed at SUNY Buffalo, SUNY Binghamton, or any other repositories. In a letter dated December 14, 2012, the Oneida Nation provided comments on the proposed project and identified cultural resources of significance to the Oneida. The data presented herein has not yet been modified to reflect input received from the Oneida or other tribal nations participating in Section 106 consultation.

The compilation of archaeological site file information represents the first step in a phased identification process, to establish baseline information for known historic properties as part of Tier 1 analysis. A Programmatic Agreement currently under development will describe this phased process and consultation procedures for Tier 2 analysis for individual component projects.

We look forward to your continuing participation in Section 106 consultation for this project. In the near future, you will be provided an opportunity to review and comment on the Draft Programmatic Agreement. If you have any comments or concerns regarding the proposed project at this time, please contact me by email at dchan@dot.ny.gov, or by mail to:

David Chan, Project Manager
High Speed Rail Empire Corridor Project
New York State Department of Transportation
Policy & Planning Division
50 Wolf Road, POD#61
Albany, NY 12232

Sincerely,



David Chan
NYSDOT Project Manager, High Speed Rail Empire Corridor Project

Encl. Archaeology maps

cc: Colleen Vaughn, Federal Railroad Administration
Ruth Pierpont, New York State Office of Parks, Recreation, and Historic Preservation
Chief S. Patterson (Tuscarora Nation); w/o encl.



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232

WWW.DOT.NY.GOV

JOAN McDONALD
COMMISSIONER

ANDREW M. CUOMO
GOVERNOR

April 8, 2013

Ruth L. Pierpont
New York State Division for Historic Preservation
New York State Office of Parks, Recreation & Historic Preservation
Pebbles Island State Park
P.O. Box 189
Waterford, NY 12188-0189

Re: High Speed Rail Empire Corridor Project
New York City to Niagara Falls
Section 106 Area of Potential Effects

Dear Ms. Pierpont:

As you know, the Federal Railroad Administration (FRA) and the New York State Department of Transportation (NYSDOT) are preparing a Tier 1 Environmental Impact Statement (EIS) for the High Speed Rail Empire Corridor Project, which proposes improvements to the intercity passenger rail service along the Empire Corridor between New York City and Niagara Falls. This letter follows up on our November 21, 2012 letter to you, which described a proposed area of potential effect (APE) for the project and requested your office's review and comment. We have not yet received a response from your office to date.

This letter also seeks to inform you that similar letters describing the proposed APE were sent to federally recognized tribal nations with an interest in the project corridor at that time, providing an opportunity for them to comment on the proposed APE, pursuant to Section 106 of the National Historic Preservation Act (NHPA). The Oneida Nation provided comments on the proposed project in a letter to FRA and NYSDOT dated December 14, 2012. The Oneida Nation expressed concern with Alternative 125 and its potential to affect areas of sensitivity, the narrow width of the APE, and the perception that this alternative represents a specific alignment location. To date, no comments have been received from other tribal nations in response to NYSDOT's letter describing the proposed APE.

In response to the concerns expressed by the Oneida Nation, NYSDOT and FRA replied to the Oneida Nation in letters dated February 1, 2013 and February 19, 2013, respectively. These letters clarified that Alternative 125 is not a specific alignment but rather one of several possible alignments that could be developed and studied in the future if Alternative 125 is determined to be the preferred alternative at the conclusion of this Tier 1 EIS. The purpose of developing a conceptual "alignment" for Alternative 125 in the Tier 1 EIS is to provide a basis for comparison of corridor-level performance, cost, and impact potential of a new corridor alternative versus existing corridor alternatives (i.e. Alternatives 90A, 90B and 110). It was further noted that the proposed APEs submitted to the federally recognized tribes in November 2012 were preliminary and subject to review and comment from the tribal nations and from SHPO. Comments on the proposed project and the preliminary APEs had been received early in the Section 106 consultation process when FRA and NYSDOT met with federally recognized tribal nations in

Rochester on May 30, 2012. In addition, both FRA and NYSDOT confirmed that a face-to-face meeting with the Oneida Nation would be planned in the near future.

As consultation under Section 106 progresses, NYSDOT and FRA will continue to keep your office informed regarding input received from federally recognized tribal nations and consulting parties. At this time, we request the concurrence of the SHPO with the proposed APE presented in our November 21, 2012 submittal. If you have any questions or concerns regarding the proposed project at this time, please contact me by email at dchan@dot.ny.gov, or by mail to:

David Chan, Project Manager
High Speed Rail Empire Corridor Project
New York State Department of Transportation
Policy & Planning Division
50 Wolf Road, POD#61
Albany, NY 12232

Sincerely,



David Chan
NYSDOT Project Manager, High Speed Rail Empire Corridor Project

cc: Colleen Vaughn, Federal Railroad Administration



New York State Office of Parks, Recreation and Historic Preservation

Division for Historic Preservation
P.O. Box 189, Waterford, New York 12188-0189
518-237-8643

June 3, 2013

Andrew M. Cuomo
Governor

Rose Harvey
Commissioner

David Chan, Project Manager
High Speed Rail Empire Corridor Project
NYS Department of Transportation
Policy & Planning Division
50 Wolf Rd., POD# 61
Albany, NY 12232
(via email only)

Re: FRA
High Speed Rail Empire Corridor
Tier 1 EIS
New York City to Niagara Falls
12PR3261

Thank you for requesting the comments of the State Historic Preservation Office (SHPO). The SHPO has reviewed your letter of April 8, 2013 in accordance with Section 106 of our National Historic Preservation Act, as amended.

Based on this review, the SHPO concurs with the proposed phased process for identification and evaluation of historic properties and with the materials prepared to date to establish background information on archaeological and architectural properties within the APE for alternatives under study in the Tier 1 Environmental Impact Statement. We would like to take this opportunity to note how appreciative we are of all the effort that went into creating the Archaeological Resources maps.

If you have any questions, I can be reached at (518) 237-8643, ext 3280.

Sincerely,

Nancy Herter
Historic Preservation Program Analyst,
Archaeology

cc. Colleen Vaughn, Federal Railroad Administration (via email only)



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232

WWW.DOT.NY.GOV

JOAN McDONALD
COMMISSIONER

ANDREW M. CUOMO
GOVERNOR

April 12, 2013

Ruth L. Pierpont
New York State Division for Historic Preservation
New York State Office of Parks, Recreation & Historic Preservation
Pebbles Island State Park
P.O. Box 189
Waterford, NY 12188-0189

Re: High Speed Rail Empire Corridor Project
New York City to Niagara Falls
Section 106 Consultation: Draft Programmatic Agreement

Dear Ms. Pierpont,

The Federal Railroad Administration (FRA) and the New York State Department of Transportation (NYSDOT) are preparing a Tier 1 Environmental Impact Statement (EIS), in compliance with the National Environmental Policy Act (NEPA), for the High Speed Rail Empire Corridor Project, which proposes improvements to the intercity passenger rail service along the Empire Corridor between New York City and Niagara Falls.

In order to advance consultation with your office pursuant to Section 106 of the National Historic Preservation Act (NHPA), we are submitting the enclosed Draft Programmatic Agreement for your review. In coordination with the tiered process under NEPA, Section 106 is being progressed using a phased process. This Draft Programmatic Agreement among FRA, NYSDOT, and the New York State Historic Preservation Office (SHPO) sets forth a protocol for Section 106 compliance for the proposed component projects that would be advanced in the future as part of Tier 2 of the High Speed Rail Empire Corridor Project. NYSDOT will be contacting your office in the near future to schedule a meeting with appropriate SHPO staff members during the initial period of your review to discuss the Draft Programmatic Agreement.

We look forward to continuing consultation with you on this project and appreciate your timely review of the enclosed document. If your office has questions or comments regarding the enclosed document prior to our meeting, please contact me by email at dchan@dot.ny.gov, or by mail to:

David Chan, Project Manager
High Speed Rail Empire Corridor Project
New York State Department of Transportation
Policy & Planning Division
50 Wolf Road, POD#61
Albany, NY 12232

Sincerely,



David Chan
NYSDOT Project Manager, High Speed Rail Empire Corridor Project

Encl. Draft Programmatic Agreement

cc: Colleen Vaughn, Federal Railroad Administration



New York State Office of Parks, Recreation and Historic Preservation

Division for Historic Preservation
P.O. Box 189, Waterford, New York 12188-0189
518-237-8643

Andrew M. Cuomo
Governor

Rose Harvey
Commissioner

June 3, 2013

David Chan, Project Manager
High Speed Rail Empire Corridor Project
NYS Department of Transportation
Policy & Planning Division
50 Wolf Rd., POD# 61
Albany, NY 12232
(via email only)

Re: FRA
High Speed Rail Empire Corridor
New York City to Niagara Falls
12PR3261

Thank you for requesting the comments of the State Historic Preservation Office (SHPO). The SHPO has reviewed the *draft Tier 1 Environmental Impact Statement Programmatic Agreement* in accordance with Section 106 of the National Historic Preservation Act of 1966, as amended.

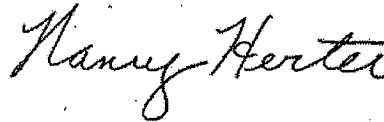
Based on this review, the SHPO is pleased to offer the following comments and recommendations.

- We would recommend that the order of the fourteenth Whereas and fifteenth Whereas are reversed so that the federally recognized tribes are mentioned first.
- The SHPO is unsure why the preservation partners in the fourteenth Whereas have been invited to sign the PA as concurring parties rather than consulting parties.
- References to data submittals to the SHPO should note that it will be in the SHPO's preferred format to allow for changes to the current submission process and forms that will result from the SHPO's new computer system. This system will be available in 2014.
- We would recommend that VII A.3 be revised to say that federally recognized tribes will be provided documentation regarding treatments even if they decline to sign a memorandum of agreement.
- The SHPO concurs with the exemptions noted in *Attachment F. Archaeological Properties Exempt from Evaluation*.

- The SHPO recommends that under *Attachment F. Historic Architectural Properties Exempt from Evaluation* the section entitled *Water Conveyance and Control Features* be removed since the entire canal system in New York State is National Register eligible. We would also recommend that the Open space, including parks and recreational facilities bullet be removed from the *Adjacent Features* exemption list. Otherwise, the SHPO has no further concerns with architectural exemption list.
- We would recommend that an Area of Potential Effects (APE) map be included with the PA to help clarify the project limits.

The SHPO appreciates the opportunity to comment on this information. Please telephone me at ext. 3280 with any questions you may have.

Sincerely,



Nancy Herter
Historic Preservation Program Analyst,
Archaeology

cc. Colleen Vaughn, Federal Railroad Administration (*via email only*)



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232

WWW.DOT.NY.GOV

JOAN McDONALD
COMMISSIONER

ANDREW M. CUOMO
GOVERNOR

July 26, 2013

Clint Halftown
Cayuga Nation
P.O. Box 803
Seneca Falls, NY 13148

Re: High Speed Rail Empire Corridor Program
New York City to Niagara Falls
Section 106 Consultation: Draft Programmatic Agreement

Dear Mr. Halftown,

The Federal Railroad Administration (FRA) and the New York State Department of Transportation (NYSDOT) are preparing a Tier 1 Draft Environmental Impact Statement (Draft EIS), in compliance with the National Environmental Policy Act (NEPA), for the High Speed Rail Empire Corridor Program, which proposes improvements to the intercity passenger rail service along the Empire Corridor between New York City and Niagara Falls.

In order to advance consultation with the Cayuga Nation as a consulting party pursuant to Section 106 of the National Historic Preservation Act (NHPA) (36 CFR 800 et seq.), and as we had discussed in our letter of April 8, 2013, we are providing the enclosed Draft Programmatic Agreement (PA) for your review. In coordination with the tiered process under NEPA, Section 106 is being progressed using a phased process. This Draft PA among FRA, NYSDOT, and the New York State Historic Preservation Office (SHPO) sets forth a protocol for Section 106 compliance for the proposed component projects that would be advanced in the future as part of Tier 2 of the High Speed Rail Empire Corridor Program. The Draft PA will be incorporated in the Tier 1 Draft EIS, which will be made available to the public in the near future.

In acknowledgement of your participation in the Section 106 process as a "consulting party," NYSDOT and FRA intend to offer the Cayuga Nation the opportunity to be a Concurring Party to the Final PA. Signing the PA as a Concurring Party indicates general concurrence with the outcome of the Section 106 process, and with the contents of the agreement. Please be aware that the signature of a Concurring Party is not required for the PA to be executed, and that only the FRA, NYSDOT and the SHPO have the authority to amend or terminate the PA.

We request that you provide any comments on the enclosed document within a 30 day review period ending August 27, 2013. All comments received by that date will be considered in finalizing the PA. We look forward to continuing consultation with you on this program.

Please forward your comments or questions by email at david.chan@dot.ny.gov, or by mail to:

David Chan, Project Manager
High Speed Rail Empire Corridor Program
New York State Department of Transportation
Policy & Planning Division
50 Wolf Road, POD#61
Albany, NY 12232

Sincerely,



David Chan
NYSDOT Project Manager, High Speed Rail Empire Corridor Program

Encl. Draft Programmatic Agreement

cc: Colleen Vaughn, Federal Railroad Administration



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232

WWW.DOT.NY.GOV

JOAN McDONALD
COMMISSIONER

ANDREW M. CUOMO
GOVERNOR

July 26, 2013

Tamara Francis
Cultural Preservation Director
Delaware Nation
31064 State Highway 281
Anadarko, OK 73005

Re: High Speed Rail Empire Corridor Program
New York City to Niagara Falls
Section 106 Consultation: Draft Programmatic Agreement

Dear Ms. Francis,

The Federal Railroad Administration (FRA) and the New York State Department of Transportation (NYSDOT) are preparing a Tier 1 Draft Environmental Impact Statement (Draft EIS), in compliance with the National Environmental Policy Act (NEPA), for the High Speed Rail Empire Corridor Program, which proposes improvements to the intercity passenger rail service along the Empire Corridor between New York City and Niagara Falls.

In order to advance consultation with the Delaware Nation as a consulting party pursuant to Section 106 of the National Historic Preservation Act (NHPA) (36 CFR 800 et seq.), and as we had discussed in our letter of April 8, 2013, we are providing the enclosed Draft Programmatic Agreement (PA) for your review. In coordination with the tiered process under NEPA, Section 106 is being progressed using a phased process. This Draft PA among FRA, NYSDOT, and the New York State Historic Preservation Office (SHPO) sets forth a protocol for Section 106 compliance for the proposed component projects that would be advanced in the future as part of Tier 2 of the High Speed Rail Empire Corridor Program. The Draft PA will be incorporated in the Tier 1 Draft EIS, which will be made available to the public in the near future.

In acknowledgement of your participation in the Section 106 process as a "consulting party," NYSDOT and FRA intend to offer the Delaware Nation the opportunity to be a Concurring Party to the Final PA. Signing the PA as a Concurring Party indicates general concurrence with the outcome of the Section 106 process, and with the contents of the agreement. Please be aware that the signature of a Concurring Party is not required for the PA to be executed, and that only the FRA, NYSDOT and the SHPO have the authority to amend or terminate the PA.

We request that you provide any comments on the enclosed document within a 30 day review period ending August 27, 2013. All comments received by that date will be considered in finalizing the PA. We look forward to continuing consultation with you on this program.

Please forward your comments or questions by email at david.chan@dot.ny.gov, or by mail to:

David Chan, Project Manager
High Speed Rail Empire Corridor Program
New York State Department of Transportation
Policy & Planning Division
50 Wolf Road, POD#61
Albany, NY 12232

Sincerely,



David Chan
NYSDOT Project Manager, High Speed Rail Empire Corridor Program

Encl. Draft Programmatic Agreement

cc: Colleen Vaughn, Federal Railroad Administration
Jason Ross, Section 106 Assistant, Delaware Nation, w/o enclosure
Ivy Smith, Cultural Preservation Department, Delaware Nation, w/o enclosure



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232

WWW.DOT.NY.GOV

JOAN McDONALD
COMMISSIONER

ANDREW M. CUOMO
GOVERNOR

July 26, 2013

Dr. Brice Obermeyer
Delaware Tribe Historic Preservation Office
1420 C of E Drive, Suite 190
Emporia, Kansas 66801

Re: High Speed Rail Empire Corridor Program
New York City to Niagara Falls
Section 106 Consultation: Draft Programmatic Agreement

Dear Dr. Obermeyer,

The Federal Railroad Administration (FRA) and the New York State Department of Transportation (NYSDOT) are preparing a Tier 1 Draft Environmental Impact Statement (Draft EIS), in compliance with the National Environmental Policy Act (NEPA), for the High Speed Rail Empire Corridor Program, which proposes improvements to the intercity passenger rail service along the Empire Corridor between New York City and Niagara Falls.

In order to advance consultation with the Delaware Tribe as a consulting party pursuant to Section 106 of the National Historic Preservation Act (NHPA) (36 CFR 800 et seq.), and as we had discussed in our letter of April 8, 2013, we are providing the enclosed Draft Programmatic Agreement (PA) for your review. In coordination with the tiered process under NEPA, Section 106 is being progressed using a phased process. This Draft PA among FRA, NYSDOT, and the New York State Historic Preservation Office (SHPO) sets forth a protocol for Section 106 compliance for the proposed component projects that would be advanced in the future as part of Tier 2 of the High Speed Rail Empire Corridor Program. The Draft PA will be incorporated in the Tier 1 Draft EIS, which will be made available to the public in the near future.

In acknowledgement of your participation in the Section 106 process as a "consulting party," NYSDOT and FRA intend to offer the Delaware Tribe the opportunity to be a Concurring Party to the Final PA. Signing the PA as a Concurring Party indicates general concurrence with the outcome of the Section 106 process, and with the contents of the agreement. Please be aware that the signature of a Concurring Party is not required for the PA to be executed, and that only the FRA, NYSDOT and the SHPO have the authority to amend or terminate the PA.

We request that you provide any comments on the enclosed document within a 30 day review period ending August 27, 2013. All comments received by that date will be considered in finalizing the PA. We look forward to continuing consultation with you on this program.

Please forward your comments or questions by email at david.chan@dot.ny.gov, or by mail to:

David Chan, Project Manager
High Speed Rail Empire Corridor Program
New York State Department of Transportation
Policy & Planning Division
50 Wolf Road, POD#61
Albany, NY 12232

Sincerely,



David Chan
NYSDOT Project Manager, High Speed Rail Empire Corridor Program

Encl. Draft Programmatic Agreement

cc: Colleen Vaughn, Federal Railroad Administration



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232

WWW.DOT.NY.GOV

JOAN McDONALD
COMMISSIONER

ANDREW M. CUOMO
GOVERNOR

July 26, 2013

Sherry White
Tribal Historic Preservation Officer
Stockbridge-Munsee Community Band of Mohican Indians
W13447 Camp 14 Road
Bowler, WI 54416

Re: High Speed Rail Empire Corridor Program
New York City to Niagara Falls
Section 106 Consultation: Draft Programmatic Agreement

Dear Ms. White,

The Federal Railroad Administration (FRA) and the New York State Department of Transportation (NYSDOT) are preparing a Tier 1 Draft Environmental Impact Statement (Draft EIS), in compliance with the National Environmental Policy Act (NEPA), for the High Speed Rail Empire Corridor Program, which proposes improvements to the intercity passenger rail service along the Empire Corridor between New York City and Niagara Falls.

In order to advance consultation with the Stockbridge-Munsee Community Band of Mohican Indians as a consulting party pursuant to Section 106 of the National Historic Preservation Act (NHPA) (36 CFR 800 et seq.), and as we had discussed in our letter of April 8, 2013, we are providing the enclosed Draft Programmatic Agreement (PA) for your review. In coordination with the tiered process under NEPA, Section 106 is being progressed using a phased process. This Draft PA among FRA, NYSDOT, and the New York State Historic Preservation Office (SHPO) sets forth a protocol for Section 106 compliance for the proposed component projects that would be advanced in the future as part of Tier 2 of the High Speed Rail Empire Corridor Program. The Draft PA will be incorporated in the Tier 1 Draft EIS, which will be made available to the public in the near future.

In acknowledgement of your participation in the Section 106 process as a "consulting party," NYSDOT and FRA intend to offer the Stockbridge-Munsee Community Band of Mohican Indians the opportunity to be a Concurring Party to the Final PA. Signing the PA as a Concurring Party indicates general concurrence with the outcome of the Section 106 process, and with the contents of the agreement. Please be aware that the signature of a Concurring Party is not required for the PA to be executed, and that only the FRA, NYSDOT and the SHPO have the authority to amend or terminate the PA.

We request that you provide any comments on the enclosed document within a 30 day review period ending August 27, 2013. All comments received by that date will be considered in finalizing the PA. We look forward to continuing consultation with you on this program.

Please forward your comments or questions by email at david.chan@dot.ny.gov, or by mail to:

David Chan, Project Manager
High Speed Rail Empire Corridor Program
New York State Department of Transportation
Policy & Planning Division
50 Wolf Road, POD#61
Albany, NY 12232

Sincerely,



David Chan
NYSDOT Project Manager, High Speed Rail Empire Corridor Program

Encl. Draft Programmatic Agreement

cc: Colleen Vaughn, Federal Railroad Administration



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232

WWW.DOT.NY.GOV

JOAN McDONALD
COMMISSIONER

ANDREW M. CUOMO
GOVERNOR

July 26, 2013

Jesse Bergevin
Oneida Indian Nation
1256 Union Street
P.O. Box 662
Oneida, New York 13421-0662

Re: High Speed Rail Empire Corridor Program
New York City to Niagara Falls
Section 106 Consultation: Draft Programmatic Agreement

Dear Mr. Bergevin,

The Federal Railroad Administration (FRA) and the New York State Department of Transportation (NYSDOT) are preparing a Tier 1 Draft Environmental Impact Statement (Draft EIS), in compliance with the National Environmental Policy Act (NEPA), for the High Speed Rail Empire Corridor Program, which proposes improvements to the intercity passenger rail service along the Empire Corridor between New York City and Niagara Falls.

In order to advance consultation with the Oneida Indian Nation as a consulting party pursuant to Section 106 of the National Historic Preservation Act (NHPA) (36 CFR 800 et seq.), and as we had discussed in our letter of April 8, 2013, we are providing the enclosed Draft Programmatic Agreement (PA) for your review. In coordination with the tiered process under NEPA, Section 106 is being progressed using a phased process. This Draft PA among FRA, NYSDOT, and the New York State Historic Preservation Office (SHPO) sets forth a protocol for Section 106 compliance for the proposed component projects that would be advanced in the future as part of Tier 2 of the High Speed Rail Empire Corridor Program. The Draft PA will be incorporated in the Tier 1 Draft EIS, which will be made available to the public in the near future.

In acknowledgement of your participation in the Section 106 process as a "consulting party," NYSDOT and FRA intend to offer the Oneida Indian Nation the opportunity to be a Concurring Party to the Final PA. Signing the PA as a Concurring Party indicates general concurrence with the outcome of the Section 106 process, and with the contents of the agreement. Please be aware that the signature of a Concurring Party is not required for the PA to be executed, and that only the FRA, NYSDOT and the SHPO have the authority to amend or terminate the PA.

We request that you provide any comments on the enclosed document within a 30 day review period ending August 27, 2013. All comments received by that date will be considered in finalizing the PA. We look forward to continuing consultation with you on this program.

Please forward your comments or questions by email at david.chan@dot.ny.gov, or by mail to:

David Chan, Project Manager
High Speed Rail Empire Corridor Program
New York State Department of Transportation
Policy & Planning Division
50 Wolf Road, POD#61
Albany, NY 12232

Sincerely,



David Chan
NYSDOT Project Manager, High Speed Rail Empire Corridor Program

Encl. Draft Programmatic Agreement

cc: Colleen Vaughn, Federal Railroad Administration
Laura Misita, Oneida Indian Nation Legal Dept., w/o enclosure



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232

WWW.DOT.NY.GOV

JOAN McDONALD
COMMISSIONER

ANDREW M. CUOMO
GOVERNOR

July 26, 2013

Tony Gonyea
Onondaga Nation Communications
716 East Washington Street
Suite 104
Syracuse, NY 13210

Re: High Speed Rail Empire Corridor Program
New York City to Niagara Falls
Section 106 Consultation: Draft Programmatic Agreement

Dear Mr. Gonyea,

The Federal Railroad Administration (FRA) and the New York State Department of Transportation (NYSDOT) are preparing a Tier 1 Draft Environmental Impact Statement (Draft EIS), in compliance with the National Environmental Policy Act (NEPA), for the High Speed Rail Empire Corridor Program, which proposes improvements to the intercity passenger rail service along the Empire Corridor between New York City and Niagara Falls.

In order to advance consultation with the Onondaga Nation as a consulting party pursuant to Section 106 of the National Historic Preservation Act (NHPA) (36 CFR 800 et seq.), and as we had discussed in our letter of April 8, 2013, we are providing the enclosed Draft Programmatic Agreement (PA) for your review. In coordination with the tiered process under NEPA, Section 106 is being progressed using a phased process. This Draft PA among FRA, NYSDOT, and the New York State Historic Preservation Office (SHPO) sets forth a protocol for Section 106 compliance for the proposed component projects that would be advanced in the future as part of Tier 2 of the High Speed Rail Empire Corridor Program. The Draft PA will be incorporated in the Tier 1 Draft EIS, which will be made available to the public in the near future.

In acknowledgement of your participation in the Section 106 process as a "consulting party," NYSDOT and FRA intend to offer the Onondaga Nation the opportunity to be a Concurring Party to the Final PA. Signing the PA as a Concurring Party indicates general concurrence with the outcome of the Section 106 process, and with the contents of the agreement. Please be aware that the signature of a Concurring Party is not required for the PA to be executed, and that only the FRA, NYSDOT and the SHPO have the authority to amend or terminate the PA.

We request that you provide any comments on the enclosed document within a 30 day review period ending August 27, 2013. All comments received by that date will be considered in finalizing the PA. We look forward to continuing consultation with you on this program.

Please forward your comments or questions by email at david.chan@dot.ny.gov, or by mail to:

David Chan, Project Manager
High Speed Rail Empire Corridor Program
New York State Department of Transportation
Policy & Planning Division
50 Wolf Road, POD#61
Albany, NY 12232

Sincerely,



David Chan
NYSDOT Project Manager, High Speed Rail Empire Corridor Program

Encl. Draft Programmatic Agreement

cc: Colleen Vaughn, Federal Railroad Administration
Chief Irv Powless, Jr., Onondaga Nation, w/o enclosure
Thane Joyal, Esq., Onondaga Nation, w/o enclosure



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232

WWW.DOT.NY.GOV

JOAN McDONALD
COMMISSIONER

ANDREW M. CUOMO
GOVERNOR

July 26, 2013

Arnold Printup, Jr.
St. Regis Mohawk Tribal Historic Preservation Officer
412 State Route 37
Akwesasne, NY 13655

Re: High Speed Rail Empire Corridor Program
New York City to Niagara Falls
Section 106 Consultation: Draft Programmatic Agreement

Dear Mr. Printup,

The Federal Railroad Administration (FRA) and the New York State Department of Transportation (NYSDOT) are preparing a Tier 1 Draft Environmental Impact Statement (Draft EIS), in compliance with the National Environmental Policy Act (NEPA), for the High Speed Rail Empire Corridor Program, which proposes improvements to the intercity passenger rail service along the Empire Corridor between New York City and Niagara Falls.

In order to advance consultation with the St. Regis Mohawk Tribe as a consulting party pursuant to Section 106 of the National Historic Preservation Act (NHPA) (36 CFR 800 et seq.), and as we had discussed in our letter of April 8, 2013, we are providing the enclosed Draft Programmatic Agreement (PA) for your review. In coordination with the tiered process under NEPA, Section 106 is being progressed using a phased process. This Draft PA among FRA, NYSDOT, and the New York State Historic Preservation Office (SHPO) sets forth a protocol for Section 106 compliance for the proposed component projects that would be advanced in the future as part of Tier 2 of the High Speed Rail Empire Corridor Program. The Draft PA will be incorporated in the Tier 1 Draft EIS, which will be made available to the public in the near future.

In acknowledgement of your participation in the Section 106 process as a "consulting party," NYSDOT and FRA intend to offer the St. Regis Mohawk Tribe the opportunity to be a Concurring Party to the Final PA. Signing the PA as a Concurring Party indicates general concurrence with the outcome of the Section 106 process, and with the contents of the agreement. Please be aware that the signature of a Concurring Party is not required for the PA to be executed, and that only the FRA, NYSDOT and the SHPO have the authority to amend or terminate the PA.

We request that you provide any comments on the enclosed document within a 30 day review period ending August 27, 2013. All comments received by that date will be considered in finalizing the PA. We look forward to continuing consultation with you on this program.

Please forward your comments or questions by email at david.chan@dot.ny.gov, or by mail to:

David Chan, Project Manager
High Speed Rail Empire Corridor Program
New York State Department of Transportation
Policy & Planning Division
50 Wolf Road, POD#61
Albany, NY 12232

Sincerely,



David Chan
NYSDOT Project Manager, High Speed Rail Empire Corridor Program

Encl. Draft Programmatic Agreement

cc: Colleen Vaughn, Federal Railroad Administration
Chief Randy Hart, Saint Regis Mohawk Tribal Council, w/o enclosure



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232

WWW.DOT.NY.GOV

JOAN McDONALD
COMMISSIONER

ANDREW M. CUOMO
GOVERNOR

August 6, 2013

Chief William Fisher
Seneca-Cayuga Tribe of Oklahoma
23701 South 655 Road
Grove, OK 74344

Re: High Speed Rail Empire Corridor Program
New York City to Niagara Falls
Section 106 Consultation: Draft Programmatic Agreement

Dear Chief Fisher,

The Federal Railroad Administration (FRA) and the New York State Department of Transportation (NYSDOT) are preparing a Tier 1 Draft Environmental Impact Statement (Draft EIS), in compliance with the National Environmental Policy Act (NEPA), for the High Speed Rail Empire Corridor Program, which proposes improvements to the intercity passenger rail service along the Empire Corridor between New York City and Niagara Falls.

In order to advance consultation with the Seneca-Cayuga Tribe of Oklahoma as a consulting party pursuant to Section 106 of the National Historic Preservation Act (NHPA) (36 CFR 800 et seq.), and as we had discussed in our letter of April 8, 2013, we are providing the enclosed Draft Programmatic Agreement (PA) for your review. In coordination with the tiered process under NEPA, Section 106 is being progressed using a phased process. This Draft PA among FRA, NYSDOT, and the New York State Historic Preservation Office (SHPO) sets forth a protocol for Section 106 compliance for the proposed component projects that would be advanced in the future as part of Tier 2 of the High Speed Rail Empire Corridor Program. The Draft PA will be incorporated in the Tier 1 Draft EIS, which will be made available to the public in the near future.

In acknowledgement of your participation in the Section 106 process as a "consulting party," NYSDOT and FRA intend to offer the Seneca-Cayuga Tribe of Oklahoma the opportunity to be a Concurring Party to the Final PA. Signing the PA as a Concurring Party indicates general concurrence with the outcome of the Section 106 process, and with the contents of the agreement. Please be aware that the signature of a Concurring Party is not required for the PA to be executed, and that only the FRA, NYSDOT and the SHPO have the authority to amend or terminate the PA.

We request that you provide any comments on the enclosed document within a 30 day review period ending September 6, 2013. All comments received by that date will be considered in finalizing the PA. We look forward to continuing consultation with you on this program.

Please forward your comments or questions by email at david.chan@dot.ny.gov, or by mail to:

David Chan, Project Manager
High Speed Rail Empire Corridor Program
New York State Department of Transportation
Policy & Planning Division
50 Wolf Road, POD#61
Albany, NY 12232

Sincerely,



David Chan
NYSDOT Project Manager, High Speed Rail Empire Corridor Program

Encl. Draft Programmatic Agreement

cc: Colleen Vaughn, Federal Railroad Administration



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232

WWW.DOT.NY.GOV

JOAN McDONALD
COMMISSIONER

ANDREW M. CUOMO
GOVERNOR

July 26, 2013

Melissa Bach
Tribal Historic Preservation Officer
Seneca Nation of Indians
90 O:hi'yoh Way
Salamanca, NY 14779

Re: High Speed Rail Empire Corridor Program
New York City to Niagara Falls
Section 106 Consultation: Draft Programmatic Agreement

Dear Ms. Bach,

The Federal Railroad Administration (FRA) and the New York State Department of Transportation (NYSDOT) are preparing a Tier 1 Draft Environmental Impact Statement (Draft EIS), in compliance with the National Environmental Policy Act (NEPA), for the High Speed Rail Empire Corridor Program, which proposes improvements to the intercity passenger rail service along the Empire Corridor between New York City and Niagara Falls.

In order to advance consultation with the Seneca Nation of Indians as a consulting party pursuant to Section 106 of the National Historic Preservation Act (NHPA) (36 CFR 800 et seq.), and as we had discussed in our letter of April 8, 2013, we are providing the enclosed Draft Programmatic Agreement (PA) for your review. In coordination with the tiered process under NEPA, Section 106 is being progressed using a phased process. This Draft PA among FRA, NYSDOT, and the New York State Historic Preservation Office (SHPO) sets forth a protocol for Section 106 compliance for the proposed component projects that would be advanced in the future as part of Tier 2 of the High Speed Rail Empire Corridor Program. The Draft PA will be incorporated in the Tier 1 Draft EIS, which will be made available to the public in the near future.

In acknowledgement of your participation in the Section 106 process as a "consulting party," NYSDOT and FRA intend to offer the Seneca Nation of Indians the opportunity to be a Concurring Party to the Final PA. Signing the PA as a Concurring Party indicates general concurrence with the outcome of the Section 106 process, and with the contents of the agreement. Please be aware that the signature of a Concurring Party is not required for the PA to be executed, and that only the FRA, NYSDOT and the SHPO have the authority to amend or terminate the PA.

We request that you provide any comments on the enclosed document within a 30 day review period ending August 27, 2013. All comments received by that date will be considered in finalizing the PA. We look forward to continuing consultation with you on this program.

Please forward your comments or questions by email at david.chan@dot.ny.gov, or by mail to:

David Chan, Project Manager
High Speed Rail Empire Corridor Program
New York State Department of Transportation
Policy & Planning Division
50 Wolf Road, POD#61
Albany, NY 12232

Sincerely,



David Chan
NYSDOT Project Manager, High Speed Rail Empire Corridor Program

Encl. Draft Programmatic Agreement

cc: Colleen Vaughn, Federal Railroad Administration
G. Peter Jemison, NAGPRA Rep , SNI, w/o enclosure



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232

WWW.DOT.NY.GOV

JOAN McDONALD
COMMISSIONER

ANDREW M. CUOMO
GOVERNOR

July 26, 2013

Randy King
Chairman, Board of Trustees
Shinnecock Indian Nation Tribal Office
P.O. Box 5006
Southampton, NY 11969

Re: High Speed Rail Empire Corridor Program
New York City to Niagara Falls
Section 106 Consultation: Draft Programmatic Agreement

Dear Mr. King,

The Federal Railroad Administration (FRA) and the New York State Department of Transportation (NYSDOT) are preparing a Tier 1 Draft Environmental Impact Statement (Draft EIS), in compliance with the National Environmental Policy Act (NEPA), for the High Speed Rail Empire Corridor Program, which proposes improvements to the intercity passenger rail service along the Empire Corridor between New York City and Niagara Falls.

In order to advance consultation with the Shinnecock Indian Nation as a consulting party pursuant to Section 106 of the National Historic Preservation Act (NHPA) (36 CFR 800 et seq.), and as we had discussed in our letter of April 8, 2013, we are providing the enclosed Draft Programmatic Agreement (PA) for your review. In coordination with the tiered process under NEPA, Section 106 is being progressed using a phased process. This Draft PA among FRA, NYSDOT, and the New York State Historic Preservation Office (SHPO) sets forth a protocol for Section 106 compliance for the proposed component projects that would be advanced in the future as part of Tier 2 of the High Speed Rail Empire Corridor Program. The Draft PA will be incorporated in the Tier 1 Draft EIS, which will be made available to the public in the near future.

In acknowledgement of your participation in the Section 106 process as a "consulting party," NYSDOT and FRA intend to offer the Shinnecock Indian Nation the opportunity to be a Concurring Party to the Final PA. Signing the PA as a Concurring Party indicates general concurrence with the outcome of the Section 106 process, and with the contents of the agreement. Please be aware that the signature of a Concurring Party is not required for the PA to be executed, and that only the FRA, NYSDOT and the SHPO have the authority to amend or terminate the PA.

We request that you provide any comments on the enclosed document within a 30 day review period ending August 27, 2013. All comments received by that date will be considered in finalizing the PA. We look forward to continuing consultation with you on this program.

Please forward your comments or questions by email at david.chan@dot.ny.gov, or by mail to:

David Chan, Project Manager
High Speed Rail Empire Corridor Program
New York State Department of Transportation
Policy & Planning Division
50 Wolf Road, POD#61
Albany, NY 12232

Sincerely,



David Chan
NYSDOT Project Manager, High Speed Rail Empire Corridor Program

Encl. Draft Programmatic Agreement

cc: Colleen Vaughn, Federal Railroad Administration
Marguerite A. Smith Esq., Shinnecock Indian Nation, w/o enclosure



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232

WWW.DOT.NY.GOV

JOAN McDONALD
COMMISSIONER

ANDREW M. CUOMO
GOVERNOR

July 26, 2013

Chief Darwin Hill, Clerk
Tonawanda Seneca Nation Office
7027 Meadville Road
Basom, New York 14013

Re: High Speed Rail Empire Corridor Program
New York City to Niagara Falls
Section 106 Consultation: Draft Programmatic Agreement

Dear Chief Hill,

The Federal Railroad Administration (FRA) and the New York State Department of Transportation (NYSDOT) are preparing a Tier 1 Draft Environmental Impact Statement (Draft EIS), in compliance with the National Environmental Policy Act (NEPA), for the High Speed Rail Empire Corridor Program, which proposes improvements to the intercity passenger rail service along the Empire Corridor between New York City and Niagara Falls.

In order to advance consultation with the Tonawanda Seneca Nation as a consulting party pursuant to Section 106 of the National Historic Preservation Act (NHPA) (36 CFR 800 et seq.), and as we had discussed in our letter of April 8, 2013, we are providing the enclosed Draft Programmatic Agreement (PA) for your review. In coordination with the tiered process under NEPA, Section 106 is being progressed using a phased process. This Draft PA among FRA, NYSDOT, and the New York State Historic Preservation Office (SHPO) sets forth a protocol for Section 106 compliance for the proposed component projects that would be advanced in the future as part of Tier 2 of the High Speed Rail Empire Corridor Program. The Draft PA will be incorporated in the Tier 1 Draft EIS, which will be made available to the public in the near future.

In acknowledgement of your participation in the Section 106 process as a "consulting party," NYSDOT and FRA intend to offer the Tonawanda Seneca Nation the opportunity to be a Concurring Party to the Final PA. Signing the PA as a Concurring Party indicates general concurrence with the outcome of the Section 106 process, and with the contents of the agreement. Please be aware that the signature of a Concurring Party is not required for the PA to be executed, and that only the FRA, NYSDOT and the SHPO have the authority to amend or terminate the PA.

We request that you provide any comments on the enclosed document within a 30 day review period ending August 27, 2013. All comments received by that date will be considered in finalizing the PA. We look forward to continuing consultation with you on this program.

Please forward your comments or questions by email at david.chan@dot.ny.gov, or by mail to:

David Chan, Project Manager
High Speed Rail Empire Corridor Program
New York State Department of Transportation
Policy & Planning Division
50 Wolf Road, POD#61
Albany, NY 12232

Sincerely,



David Chan
NYSDOT Project Manager, High Speed Rail Empire Corridor Program

Encl. Draft Programmatic Agreement

cc: Colleen Vaughn, Federal Railroad Administration



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232

WWW.DOT.NY.GOV

JOAN McDONALD
COMMISSIONER

ANDREW M. CUOMO
GOVERNOR

July 26, 2013

Chief Leo R. Henry
Tuscarora Nation
2006 Mt. Hope Road
via Lewiston, NY 14092

Re: High Speed Rail Empire Corridor Program
New York City to Niagara Falls
Section 106 Consultation: Draft Programmatic Agreement

Dear Chief Henry,

The Federal Railroad Administration (FRA) and the New York State Department of Transportation (NYSDOT) are preparing a Tier 1 Draft Environmental Impact Statement (Draft EIS), in compliance with the National Environmental Policy Act (NEPA), for the High Speed Rail Empire Corridor Program, which proposes improvements to the intercity passenger rail service along the Empire Corridor between New York City and Niagara Falls.

In order to advance consultation with the Tuscarora Nation as a consulting party pursuant to Section 106 of the National Historic Preservation Act (NHPA) (36 CFR 800 et seq.), and as we had discussed in our letter of April 8, 2013, we are providing the enclosed Draft Programmatic Agreement (PA) for your review. In coordination with the tiered process under NEPA, Section 106 is being progressed using a phased process. This Draft PA among FRA, NYSDOT, and the New York State Historic Preservation Office (SHPO) sets forth a protocol for Section 106 compliance for the proposed component projects that would be advanced in the future as part of Tier 2 of the High Speed Rail Empire Corridor Program. The Draft PA will be incorporated in the Tier 1 Draft EIS, which will be made available to the public in the near future.

In acknowledgement of your participation in the Section 106 process as a "consulting party," NYSDOT and FRA intend to offer the Tuscarora Nation the opportunity to be a Concurring Party to the Final PA. Signing the PA as a Concurring Party indicates general concurrence with the outcome of the Section 106 process, and with the contents of the agreement. Please be aware that the signature of a Concurring Party is not required for the PA to be executed, and that only the FRA, NYSDOT and the SHPO have the authority to amend or terminate the PA.

We request that you provide any comments on the enclosed document within a 30 day review period ending August 27, 2013. All comments received by that date will be considered in finalizing the PA. We look forward to continuing consultation with you on this program.

Please forward your comments or questions by email at david.chan@dot.ny.gov, or by mail to:

David Chan, Project Manager
High Speed Rail Empire Corridor Program
New York State Department of Transportation
Policy & Planning Division
50 Wolf Road, POD#61
Albany, NY 12232

Sincerely,



David Chan
NYSDOT Project Manager, High Speed Rail Empire Corridor Program

Encl. Draft Programmatic Agreement

cc: Colleen Vaughn, Federal Railroad Administration
Chief Stuart Patterson, Tuscarora Nation, w/o enclosure



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232

WWW.DOT.NY.GOV

JOAN McDONALD
COMMISSIONER

ANDREW M. CUOMO
GOVERNOR

July 26, 2013

Daniel Mackay, Director of Public Policy
Preservation League of New York State
44 Central Ave
Albany, NY 12206

Re: High Speed Rail Empire Corridor Program
New York City to Niagara Falls
Section 106 Consultation: Draft Programmatic Agreement

Dear Mr. Mackay,

The Federal Railroad Administration (FRA) and the New York State Department of Transportation (NYSDOT) are preparing a Tier 1 Draft Environmental Impact Statement (Draft EIS), in compliance with the National Environmental Policy Act (NEPA), for the High Speed Rail Empire Corridor Program, which proposes improvements to the intercity passenger rail service along the Empire Corridor between New York City and Niagara Falls.

In order to advance consultation with the Preservation League of New York State as a consulting party pursuant to Section 106 of the National Historic Preservation Act (NHPA) (36 CFR 800 et seq.), and as we had discussed in our meeting of May 2, 2013, we are providing the enclosed Draft Programmatic Agreement (PA) for your review. In coordination with the tiered process under NEPA, Section 106 is being progressed using a phased process. This Draft PA among FRA, NYSDOT, and the New York State Historic Preservation Office (SHPO) sets forth a protocol for Section 106 compliance for the proposed component projects that would be advanced in the future as part of Tier 2 of the High Speed Rail Empire Corridor Program. The Draft PA will be incorporated in the Tier 1 Draft EIS, which will be made available to the public in the near future.

In acknowledgement of your participation in the Section 106 process as a "consulting party," NYSDOT and FRA intend to offer the Preservation League of New York State the opportunity to be a Concurring Party to the Final PA. Signing the PA as a Concurring Party indicates general concurrence with the outcome of the Section 106 process, and with the contents of the agreement. Please be aware that the signature of a Concurring Party is not required for the PA to be executed, and that only the FRA, NYSDOT and the SHPO have the authority to amend or terminate the PA.

We request that you provide any comments on the enclosed document within a 30 day review period ending August 27, 2013. All comments received by that date will be considered in finalizing the PA. We look forward to continuing consultation with you on this program.

Please forward your comments or questions by email to david.chan@dot.ny.gov, or by mail to:

David Chan, Project Manager
High Speed Rail Empire Corridor Program
New York State Department of Transportation
Policy & Planning Division
50 Wolf Road, POD#61
Albany, NY 12232

Sincerely,



David Chan
NYSDOT Project Manager, High Speed Rail Empire Corridor Program

Encl. Draft Programmatic Agreement

cc: Colleen Vaughn, Federal Railroad Administration



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232

WWW.DOT.NY.GOV

JOAN McDONALD
COMMISSIONER

ANDREW M. CUOMO
GOVERNOR

July 26, 2013

Beth Sciumeca, Executive Director
NPS/Erie Canalway National Heritage Corridor
P.O. Box 219
Waterford, NY 12188

Re: High Speed Rail Empire Corridor Program
New York City to Niagara Falls
Section 106 Consultation: Draft Programmatic Agreement

Dear Ms. Sciumeca,

The Federal Railroad Administration (FRA) and the New York State Department of Transportation (NYSDOT) are preparing a Tier 1 Draft Environmental Impact Statement (Draft EIS), in compliance with the National Environmental Policy Act (NEPA), for the High Speed Rail Empire Corridor Program, which proposes improvements to the intercity passenger rail service along the Empire Corridor between New York City and Niagara Falls.

In order to advance consultation with the NPS/Erie Canalway National Heritage Corridor as a consulting party pursuant to Section 106 of the National Historic Preservation Act (NHPA) (36 CFR 800 et seq.), and as we had discussed in our meeting of May 2, 2013, we are providing the enclosed Draft Programmatic Agreement (PA) for your review. In coordination with the tiered process under NEPA, Section 106 is being progressed using a phased process. This Draft PA among FRA, NYSDOT, and the New York State Historic Preservation Office (SHPO) sets forth a protocol for Section 106 compliance for the proposed component projects that would be advanced in the future as part of Tier 2 of the High Speed Rail Empire Corridor Program. The Draft PA will be incorporated in the Tier 1 Draft EIS, which will be made available to the public in the near future.

In acknowledgement of your participation in the Section 106 process as a "consulting party," NYSDOT and FRA intend to offer the NPS/Erie Canalway National Heritage Corridor the opportunity to be a Concurring Party to the Final PA. Signing the PA as a Concurring Party indicates general concurrence with the outcome of the Section 106 process, and with the contents of the agreement. Please be aware that the signature of a Concurring Party is not required for the PA to be executed, and that only the FRA, NYSDOT and the SHPO have the authority to amend or terminate the PA.

We request that you provide any comments on the enclosed document within a 30 day review period ending August 27, 2013. All comments received by that date will be considered in finalizing the PA. We look forward to continuing consultation with you on this program.

Please forward your comments or questions by email to david.chan@dot.ny.gov, or by mail to:

David Chan, Project Manager
High Speed Rail Empire Corridor Program
New York State Department of Transportation
Policy & Planning Division
50 Wolf Road, POD#61
Albany, NY 12232

Sincerely,

A handwritten signature in black ink that reads "David Chan". The signature is written in a cursive, flowing style.

David Chan
NYSDOT Project Manager, High Speed Rail Empire Corridor Program

Encl. Draft Programmatic Agreement

cc: Colleen Vaughn, Federal Railroad Administration
Duncan Hay, NPS/Erie Canalway National Heritage Corridor, w/o enclosure



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232

WWW.DOT.NY.GOV

JOAN McDONALD
COMMISSIONER

ANDREW M. CUOMO
GOVERNOR

July 26, 2013

Tom Yots, Executive Director
Preservation Buffalo Niagara
617 Main Street, Suite 201
Buffalo, New York 14203

Re: High Speed Rail Empire Corridor Program
New York City to Niagara Falls
Section 106 Consultation: Draft Programmatic Agreement

Dear Mr. Yots,

The Federal Railroad Administration (FRA) and the New York State Department of Transportation (NYSDOT) are preparing a Tier 1 Draft Environmental Impact Statement (Draft EIS), in compliance with the National Environmental Policy Act (NEPA), for the High Speed Rail Empire Corridor Program, which proposes improvements to the intercity passenger rail service along the Empire Corridor between New York City and Niagara Falls.

In order to advance consultation with the Preservation Buffalo Niagara as a consulting party pursuant to Section 106 of the National Historic Preservation Act (NHPA) (36 CFR 800 et seq.), and as we had discussed in our meeting of May 2, 2013, we are providing the enclosed Draft Programmatic Agreement (PA) for your review. In coordination with the tiered process under NEPA, Section 106 is being progressed using a phased process. This Draft PA among FRA, NYSDOT, and the New York State Historic Preservation Office (SHPO) sets forth a protocol for Section 106 compliance for the proposed component projects that would be advanced in the future as part of Tier 2 of the High Speed Rail Empire Corridor Program. The Draft PA will be incorporated in the Tier 1 Draft EIS, which will be made available to the public in the near future.

In acknowledgement of your participation in the Section 106 process as a "consulting party," NYSDOT and FRA intend to offer the Preservation Buffalo Niagara the opportunity to be a Concurring Party to the Final PA. Signing the PA as a Concurring Party indicates general concurrence with the outcome of the Section 106 process, and with the contents of the agreement. Please be aware that the signature of a Concurring Party is not required for the PA to be executed, and that only the FRA, NYSDOT and the SHPO have the authority to amend or terminate the PA.

We request that you provide any comments on the enclosed document within a 30 day review period ending August 27, 2013. All comments received by that date will be considered in finalizing the PA. We look forward to continuing consultation with you on this program.

Please forward your comments or questions by email to david.chan@dot.ny.gov, or by mail to:

David Chan, Project Manager
High Speed Rail Empire Corridor Program
New York State Department of Transportation
Policy & Planning Division
50 Wolf Road, POD#61
Albany, NY 12232

Sincerely,



David Chan
NYSDOT Project Manager, High Speed Rail Empire Corridor Program

Encl. Draft Programmatic Agreement

cc: Colleen Vaughn, Federal Railroad Administration

4. Agency Notification Correspondence

This page intentionally left blank.

4.1 Agency Information Requests

Index of Agency Information Requests

Kim, Addie, HNTB Corporation, “Empire Corridor High Speed Rail,” Email communication with Christina Croll, New York State Department of Environmental Conservation. February 8, 2011.

Kays, Karen, Pinyon Environmental, Inc., “Spills Data Request.” Email communication with E. Zuck, New York State Department of Environmental Conservation. February 11, 2011.

Kays, Karen, Pinyon Environmental, Inc., “Empire Corridor High Speed Rail” Email communication with Mike Holt, New York State Department of Environmental Conservation. February 11, 2011.

Grilli, Joseph G., P.E., HNTB Corporation, “Information Request for High Speed Rail Empire Corridor Project.” Letter, March 18, 2011, to the following:

Mr. Gary Kassof, Commander,
U.S. Coast Guard
First Coast Guard District
Battery Park Building
New York, NY 10004-5073

Mr. Scott Striffler, Commander
U.S. Coast Guard
Ninth Coast Guard District
1240 East Ninth Street, Room 2047
Cleveland, OH 44199

Mr. Jeff Herter
New York State Department of State, Division of Coastal Resources, Albany Office
99 Washington Avenue, Suite 100
Albany, NY 12231-0001

Commissioner
New York State Office of Parks, Recreation and Historic Preservation
Agency Building #1, Empire State Plaza
Albany, NY 12238

Ms. Mary Colligan
Assistant Regional Administrator, Protected Resources Division
National Marine Fisheries Service
55 Great Republic Drive
Gloucester, MA 01930

Mr. Peter Colosi
Assistant Regional Administrator, Habitat Conservation Division
National Marine Fisheries Service
55 Great Republic Drive
Gloucester, MA 01930

Mr. Roy Jacobson
New York State Department of Environmental Conservation
Division of Fish, Wildlife and Marine Resources
625 Broadway
Albany, NY 12233-4756

Ms. Tara Salerno
New York State Department of Environmental Conservation- Division of Fish, Wildlife and
Marine Resources
New York Natural Heritage Program – Information Services
625 Broadway, 5th Floor
Albany, NY 12233-4757

Mr. Robert Ewing
New York State Department of Environmental Conservation
Division of Environmental Permits, 4th Floor
625 Broadway
Albany, NY 12233-1750

Ms. Anne Secord
United States Fish and Wildlife Service
Wetlands, Northeast Region
3817 Luker Road
Cortland, NY 13045

Addie Kim

From: Addie Kim
Sent: Tuesday, February 08, 2011 2:10 PM
To: 'christina.croll@oprhp.state.ny.us'
Cc: 'Bargovic, Danielle'; Joe Grilli
Subject: Empire Corridor High Speed Rail
Attachments: Corridor Map_July 28 2010 (2).pdf

Good afternoon Christina,

The New York State Department of Transportation (NYSDOT), in cooperation with the Federal Railroad Administration (FRA), is beginning the environmental review process for the proposed New York State High Speed Rail Empire Corridor Project between Pennsylvania Station in New York City and Niagara Falls, New York. The corridor proceeds north from New York City through Albany and then turns west to Schenectady, passing through Syracuse, Rochester and Buffalo before terminating at Niagara Falls, a distance of 463 miles (Figure 1).

A Tier 1 Environmental Impact Statement (EIS), in accordance with the National Environmental Policy Act (NEPA) of 1969 and the New York State Environmental Quality Review Act (SEQRA), is being completed to evaluate and document potential improvements and projects to intercity passenger rail service within the corridor. The projects identified in the Tier 1 EIS will be subject to detailed environmental review in Tier 2 project-level NEPA documents.

In order to complete the Tier 1 EIS, the project team will be reviewing available data. At this time, we respectfully request any Geographic Information System data regarding parks that have received Land and Water Conservation Funding along or within ½ mile of the 463 mile corridor (Figure 1). While geographic information systems (GIS) data is preferred, any mappable data your office could provide would be greatly appreciated. As I understand it, GIS mapping of municipal parks that have received Land and Water Conservation Funding is available for our use.

If you have any questions, please feel free to contact me.

Best regards,

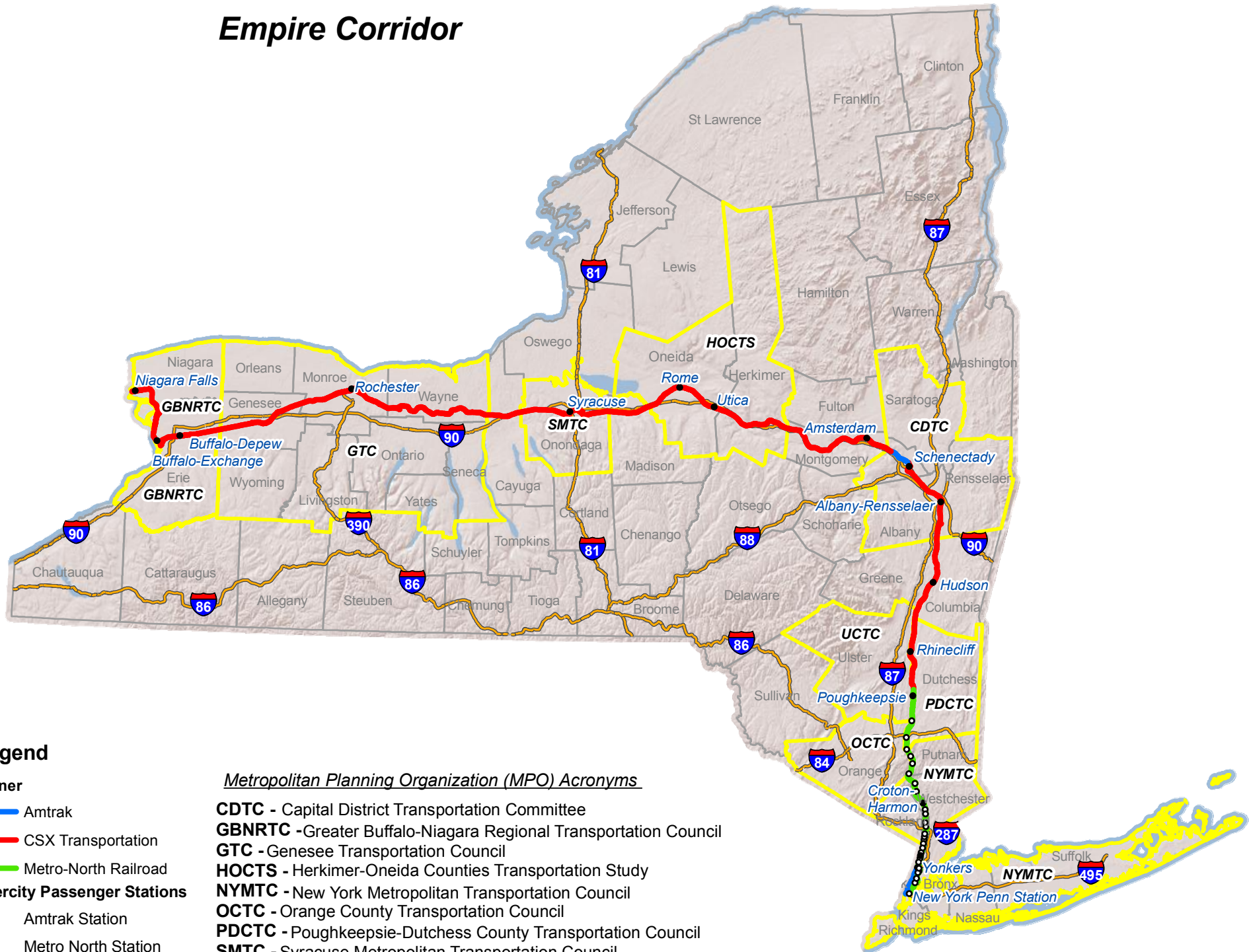
Addie

Addie Kim
Senior Environmental Planner

HNTB Corporation
31 St. James Avenue, Suite 300
Boston, MA 02116

Tel (617) 532-2326
Fax (617) 428-6905

Empire Corridor



Legend

Owner

- Amtrak
- CSX Transportation
- Metro-North Railroad

Intercity Passenger Stations

- Amtrak Station
- Metro North Station

MPO Boundaries

Metropolitan Planning Organization (MPO) Acronyms

- CDTC** - Capital District Transportation Committee
- GBNRTC** - Greater Buffalo-Niagara Regional Transportation Council
- GTC** - Genesee Transportation Council
- HOCTS** - Herkimer-Oneida Counties Transportation Study
- NYMTC** - New York Metropolitan Transportation Council
- OTC** - Orange County Transportation Council
- PDCTC** - Poughkeepsie-Dutchess County Transportation Council
- SMTC** - Syracuse Metropolitan Transportation Council
- UCTC** - Ulster County Transportation Council

From: Karen Kays
Sent: Friday, February 11, 2011 11:24 AM
To: 'emzuck@gw.dec.state.ny.us'
Subject: Spills Data Request
Attachments: Project_Centerline.zip; centerline_halfmile_buffer.zip; Corridor Map_July 28 2010 (2).pdf

Dear Ms. Zuck,

Thank you for taking the time to speak to me today. Below is further information about the project and a formal request for data. I've also attached our Shape files of the project centerline and ½ mile buffer as well as a general map of the corridor. As discussed, it would be very helpful if you could provide me with any GIS data and the link to the FTP site.

Data request and project information:

The New York State Department of Transportation (NYSDOT), in cooperation with the Federal Railroad Administration (FRA), is beginning the environmental review process for the proposed New York State High Speed Rail Empire Corridor Project between Pennsylvania Station in New York City and Niagara Falls, New York. The corridor proceeds north from New York City through Albany and then turns west to Schenectady, passing through Syracuse, Rochester and Buffalo before terminating at Niagara Falls, a distance of 463 miles (Figure 1).

A Tier 1 Environmental Impact Statement (EIS), in accordance with the National Environmental Policy Act (NEPA) of 1969 and the New York State Environmental Quality Review Act (SEQRA), is being completed to evaluate and document potential improvements and projects to intercity passenger rail service within the corridor. The projects identified in the Tier 1 EIS will be subject to detailed environmental review in Tier 2 project-level NEPA documents.

In order to complete the Tier 1 EIS, the project team will be reviewing available data. At this time, we respectfully request any Geographic Information System data regarding Spills incidents along or within a ½ mile of the 463 mile corridor (Figure 1). While geographic information systems (GIS) data is preferred, any mappable data your office could provide would be greatly appreciated.

Please feel free to contact me if you have any questions. Thank you.

Karen Carling Kays
Environmental Scientist

Pinyon Environmental, Inc.
376 Broadway, Suite 210
Saratoga Springs, NY 12866
518.583.8012 tel
518.691.8693 fax
518.222.6993 cell

Kays@pinyon-env.com
www.pinyon-env.com
Certified DBE in NY, CO, UT

From: Karen Kays
Sent: Friday, February 11, 2011 11:32 AM
To: 'dowinfo@gw.dec.state.ny.us'
Subject: FW: Empire Corridor High Speed Rail
Attachments: Corridor Map_July 28 2010 (2).pdf

Mr. Holt,
A map of the project area is attached.

Karen Carling Kays
Environmental Scientist

Pinyon Environmental, Inc.
518.583.8012 tel

From: Karen Kays
Sent: Friday, February 11, 2011 11:27 AM
To: 'dowinfo@gw.dec.state.ny.us'
Subject: Empire Corridor High Speed Rail

Attention: Mr. Mike Holt

Good Afternoon Mr. Holt:

The New York State Department of Transportation (NYSDOT), in cooperation with the Federal Railroad Administration (FRA), is beginning the environmental review process for the proposed New York State High Speed Rail Empire Corridor Project between Pennsylvania Station in New York City and Niagara Falls, New York. The corridor proceeds north from New York City through Albany and then turns west to Schenectady, passing through Syracuse, Rochester and Buffalo before terminating at Niagara Falls, a distance of 463 miles (Figure 1).

A Tier 1 Environmental Impact Statement (EIS), in accordance with the National Environmental Policy Act (NEPA) of 1969 and the New York State Environmental Quality Review Act (SEQRA), is being completed to evaluate and document potential improvements and projects to intercity passenger rail service within the corridor. The projects identified in the Tier 1 EIS will be subject to detailed environmental review in Tier 2 project-level NEPA documents.

In order to complete the Tier 1 EIS, the project team will be reviewing available data. At this time, we respectfully request any Geographic Information System data regarding public water supply and watershed along or within 300 feet of the 463 mile corridor (Figure 1). While geographic information systems (GIS) data is preferred, any mappable data your office could provide would be greatly appreciated.

If you have any questions, please feel free to contact me. Thank you.

Karen Carling Kays
Environmental Scientist

Pinyon Environmental, Inc.
376 Broadway, Suite 210
Saratoga Springs, NY 12866
518.583.8012 tel

518.691.8693 fax
518.222.6993 cell

Kays@pinyon-env.com
www.pinyon-env.com

Certified DBE in NY, CO, UT



March 18, 2011

Gary Kassof
Commander (obr)
U.S. Coast Guard
First Coast Guard District
Battery Park Building
New York, NY 10004-5073

Subject: Information Request for High Speed Rail Empire Corridor Project (PIN S937.51.171)

Dear Mr. Kassof:

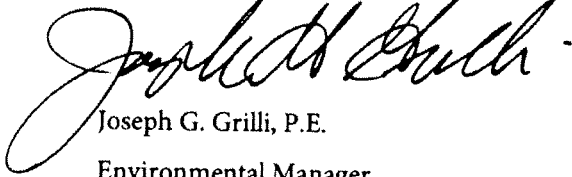
The New York State Department of Transportation (NYSDOT), in cooperation with the Federal Railroad Administration (FRA), is beginning the environmental review process for the proposed New York State High Speed Rail Empire Corridor Project between Pennsylvania Station in New York City and Niagara Falls, New York. The corridor proceeds north from New York City through Albany and then turns west to Schenectady, passing through Syracuse, Rochester and Buffalo before terminating at Niagara Falls, a distance of 463 miles (Figure 1).

A Tier 1 Environmental Impact Statement (EIS), in accordance with the National Environmental Policy Act (NEPA) of 1969 and the New York State Environmental Quality Review Act (SEQRA), is being completed to evaluate and document potential improvements and projects to intercity passenger rail service within the corridor. The projects identified in the Tier 1 EIS will be subject to detailed environmental review in Tier 2 project-level NEPA documents.

Per previous correspondence with NYSDOT, the U.S. Coast Guard has agreed to be a cooperating agency for the Tier 1 EIS. We respectfully request information on navigational/regulatory issues of concern related to the waterways along the project route (see the attached project location and base maps and Major Streams and Rivers table). We are requesting information on which of the waterways in the project area are under federal jurisdiction for navigation, so these may be considered in the environmental inventory and Tier 1 EIS. We would also like to request a copy of the existing USCG bridge permit(s), as appropriate. Information regarding plans for dredging is also requested.

If you have any questions, please feel free to contact me at (617) 532-2244 or jgrilli@hntb.com.

Sincerely,

A handwritten signature in black ink, appearing to read "Joseph G. Grilli". The signature is fluid and cursive, with a large initial "J".

Joseph G. Grilli, P.E.
Environmental Manager

cc: David Chan, Project Manager, NYSDOT

Scot Striffler, Ninth Coast Guard District

Attachment(s): Figure 1 – Project Location Map

Base maps (12 sheets)

Attachment A: Major Streams and Rivers within 300 Feet of the Track Centerline



March 18, 2011

Scot Striffler
Commander (dpb),
U.S. Coast Guard
Ninth Coast Guard District
1240 East Ninth Street
Room 2047
Cleveland, OH 44199

Subject: Information Request for High Speed Rail Empire Corridor Project (PIN S937.51.171)

Dear Mr. Striffler:

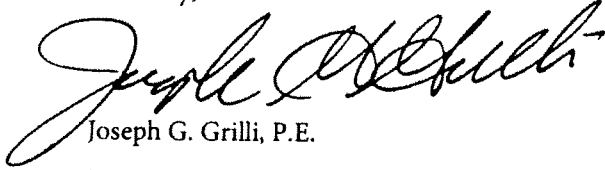
The New York State Department of Transportation (NYSDOT), in cooperation with the Federal Railroad Administration (FRA), is beginning the environmental review process for the proposed New York State High Speed Rail Empire Corridor Project between Pennsylvania Station in New York City and Niagara Falls, New York. The corridor proceeds north from New York City through Albany and then turns west to Schenectady, passing through Syracuse, Rochester and Buffalo before terminating at Niagara Falls, a distance of 463 miles (Figure 1).

A Tier 1 Environmental Impact Statement (EIS), in accordance with the National Environmental Policy Act (NEPA) of 1969 and the New York State Environmental Quality Review Act (SEQRA), is being completed to evaluate and document potential improvements and projects to intercity passenger rail service within the corridor. The projects identified in the Tier 1 EIS will be subject to detailed environmental review in Tier 2 project-level NEPA documents.

Per previous correspondence with NYSDOT, the U.S. Coast Guard has agreed to be a cooperating agency for the Tier 1 EIS. We respectfully request information on navigational/regulatory issues of concern related to the waterways along the project route (see the attached project location and base maps and Major Streams and Rivers table). We are requesting information on which of the waterways in the project area are under federal jurisdiction for navigation, so these may be considered in the environmental inventory and Tier 1 EIS. We would also like to request a copy of the existing USCG bridge permit(s), as appropriate. Information regarding plans for dredging is also requested.

If you have any questions, please feel free to contact me at (617) 532-2244 or jgrilli@hntb.com.

Sincerely,

A handwritten signature in black ink, appearing to read "Joseph G. Grilli". The signature is fluid and cursive, written over the printed name.

Joseph G. Grilli, P.E.

Environmental Manager

cc: David Chan, Project Manager, NYSDOT

Gary Kassof, First Coast Guard District

Attachment(s): Figure 1 – Project Location Map

Base maps (12 sheets)

Attachment A: Major Streams and Rivers within 300 Feet of the Track Centerline



March 18, 2011

Jeff Herter
NYS Department of State, Division of Coastal Resources, Albany Office
99 Washington Avenue
Suite 100
Albany, NY 12231-0001

Subject: Information Request for High Speed Rail Empire Corridor Project (PIN S937.51.171)

Dear Mr. Herter:

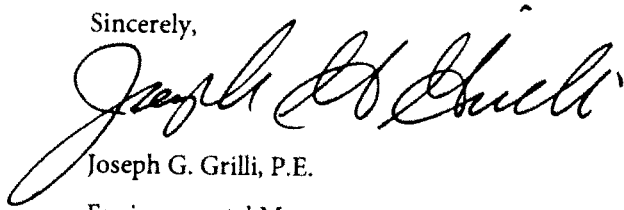
The New York State Department of Transportation (NYSDOT), in cooperation with the Federal Railroad Administration (FRA), is beginning the environmental review process for the proposed New York State High Speed Rail Empire Corridor Project between Pennsylvania Station in New York City and Niagara Falls, New York. The corridor proceeds north from New York City through Albany and then turns west to Schenectady, passing through Syracuse, Rochester and Buffalo before terminating at Niagara Falls, a distance of 463 miles (Figure 1).

A Tier 1 Environmental Impact Statement (EIS), in accordance with the National Environmental Policy Act (NEPA) of 1969 and the New York State Environmental Quality Review Act (SEQRA), is being completed to evaluate and document potential improvements and projects to intercity passenger rail service within the corridor. The projects identified in the Tier 1 EIS will be subject to detailed environmental review in Tier 2 project-level NEPA documents.

We respectfully request information on coastal resources and coastal zone management mapping of Inland Designated Waterways, preferably in GIS format. We are writing to request information on municipalities along the proposed action with an approved Local Waterfront Revitalization Program or Inland Designated Waterways along the project. Information in digital (GIS or other electronic mapping) files showing the location of LWRP communities and Inland Designated Waterways is also requested. The attached maps and tables provide information on the project location and nearby major waterways.

If you have any questions, please feel free to contact me at (617) 532-2244 or jgrilli@hntb.com.

Sincerely,

A handwritten signature in black ink, appearing to read "Joseph G. Grilli". The signature is written in a cursive style with a large, sweeping initial "J".

Joseph G. Grilli, P.E.

Environmental Manager

cc: David Chan, Project Manager, NYSDOT

Attachment(s): Figure 1 – Project Location Map

Base maps (12 sheets)

Attachment A: Major Streams and Rivers within 300 Feet of the Track Centerline

List of Empire Corridor Communities



March 18, 2011

Commissioner
NYS Office of Parks, Recreation and Historic Preservation
Agency Building #1, Empire State Plaza
Albany, NY 12238

Subject: Information Request for High Speed Rail Empire Corridor Project (PIN S937.51.171)

Dear Commissioner :

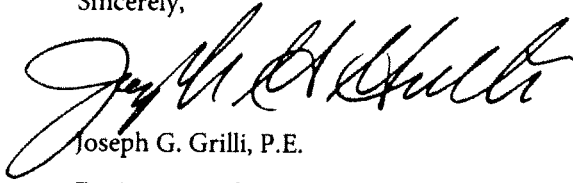
The New York State Department of Transportation (NYSDOT), in cooperation with the Federal Railroad Administration (FRA), is beginning the environmental review process for the proposed New York State High Speed Rail Empire Corridor Project between Pennsylvania Station in New York City and Niagara Falls, New York. The corridor proceeds north from New York City through Albany and then turns west to Schenectady, passing through Syracuse, Rochester and Buffalo before terminating at Niagara Falls, a distance of 463 miles (Figure 1).

A Tier 1 Environmental Impact Statement (EIS), in accordance with the National Environmental Policy Act (NEPA) of 1969 and the New York State Environmental Quality Review Act (SEQRA), is being completed to evaluate and document potential improvements and projects to intercity passenger rail service within the corridor. The projects identified in the Tier 1 EIS will be subject to detailed environmental review in Tier 2 project-level NEPA documents.

Per previous correspondence with NYSDOT, the New York State Office of Parks, Recreation and Historic Preservation has agreed to be a cooperating agency for the Tier 1 EIS. We respectfully request information on parklands in the immediate project vicinity. We are requesting information and updated GIS mapping for federal, state, county, and municipal parks. We are also requesting information on Land and Water Conservation Funded federal, state, county, and local parks in the project vicinity. The attached maps and tables provide information on the project location and nearby major waterways.

If you have any questions, please feel free to contact me at (617) 532-2244 or jgrilli@hntb.com.

Sincerely,

A handwritten signature in black ink, appearing to read "Joseph G. Grilli". The signature is fluid and cursive, with the first name "Joseph" being particularly prominent and stylized.

Joseph G. Grilli, P.E.

Environmental Manager

cc: David Chan, Project Manager, NYSDOT

Attachment(s): Figure 1 – Project Location Map
Base maps (12 sheets)
List of Empire Corridor Communities



March 18, 2011

Ms. Mary Colligan
Assistant Regional Administrator, Protected Resources Division
National Marine Fisheries Service
55 Great Republic Drive
Gloucester, MA 01930

Subject: Information Request for High Speed Rail Empire Corridor Project (PIN S937.51.171)

Dear Ms. Colligan:

The New York State Department of Transportation (NYSDOT), in cooperation with the Federal Railroad Administration (FRA), is beginning the environmental review process for the proposed New York State High Speed Rail Empire Corridor Project between Pennsylvania Station in New York City and Niagara Falls, New York. The corridor proceeds north from New York City through Albany and then turns west to Schenectady, passing through Syracuse, Rochester and Buffalo before terminating at Niagara Falls, a distance of 463 miles (Figure 1).

A Tier 1 Environmental Impact Statement (EIS), in accordance with the National Environmental Policy Act (NEPA) of 1969 and the New York State Environmental Quality Review Act (SEQRA), is being completed to evaluate and document potential improvements and projects to intercity passenger rail service within the corridor. The projects identified in the Tier 1 EIS will be subject to detailed environmental review in Tier 2 project-level NEPA documents.

NYSDOT has previously corresponded with your agency to notify you of the project. We are now writing to inquire about species protected under Section 7 of the United States Endangered Species Act and critical habitats designated under Section 7 that may be present in the project area (Figure 1). We would also like to request information in digital (GIS or other electronic mapping) files showing the location of any such species. For your reference, a list of major streams and rivers located within 300 feet of the track centerline are included as Attachment A (please note, the attached list is not a comprehensive list of all water-bodies within the project area).

If you have any questions, please feel free to contact me at (617) 532-2244 or jgrilli@hntb.com.

Sincerely,



Joseph G. Grilli, P.E.
Environmental Manager

cc: David Chan, Project Manager, NYSDOT

Peter Colosi, NMFS Habitat Conservation Division

Attachments: Figure 1 – Project Location Map

Attachment A: Major Streams and Rivers within 300 Feet of the Track Centerline



March 18, 2011

Mr. Peter Colosi
Assistant Regional Administrator, Habitat Conservation Division
National Marine Fisheries Service
55 Great Republic Drive
Gloucester, MA 01930

Subject: Information Request for High Speed Rail Empire Corridor Project (PIN S937.51.171)

Dear Mr. Colosi:

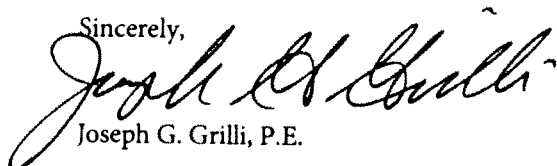
The New York State Department of Transportation (NYSDOT), in cooperation with the Federal Railroad Administration (FRA), is beginning the environmental review process for the proposed New York State High Speed Rail Empire Corridor Project between Pennsylvania Station in New York City and Niagara Falls, New York. The corridor proceeds north from New York City through Albany and then turns west to Schenectady, passing through Syracuse, Rochester and Buffalo before terminating at Niagara Falls, a distance of 463 miles (Figure 1).

A Tier 1 Environmental Impact Statement (EIS), in accordance with the National Environmental Policy Act (NEPA) of 1969 and the New York State Environmental Quality Review Act (SEQRA), is being completed to evaluate and document potential improvements and projects to intercity passenger rail service within the corridor. The projects identified in the Tier 1 EIS will be subject to detailed environmental review in Tier 2 project-level NEPA documents.

NYSDOT has previously corresponded with your agency to notify you of the project. We are now writing to inquire about Essential Fish Habitats protected under the U.S. Magnuson-Stevens Fishery Conservation and Management Act and anadromous fisheries in the Hudson River that may be present in the project area (Figure 1). We would also like to request information in digital (GIS or other electronic mapping) files showing the location of any such species. For your reference, a list of major streams and rivers located within 300 feet of the track centerline are included as Attachment A (please note, the attached list is not a comprehensive list of all water-bodies within the project area).

If you have any questions, please feel free to contact me at (617) 532-2244 or jgrilli@hntb.com.

Sincerely,

A handwritten signature in black ink, appearing to read "Joseph G. Grilli". The signature is fluid and cursive, with a small mark above the "i" in "Grilli".

Joseph G. Grilli, P.E.

Environmental Manager

cc: David Chan, Project Manager, NYSDOT

Mary Colligan, NMFS Protected Resources Division

Attachments: Figure 1 – Project Location Map

Attachment A: Major Streams and Rivers within 300 Feet of the Track Centerline



March 18, 2011

Mr. Roy Jacobson
New York State Department of Environmental Conservation
Division of Fish, Wildlife and Marine Resources
625 Broadway
Albany, New York 12233-4756

Subject: Information Request for High Speed Rail Empire Corridor Project (PIN S937.51.171)

Dear Mr. Jacobson:

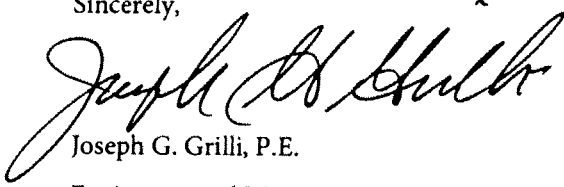
The New York State Department of Transportation (NYSDOT), in cooperation with the Federal Railroad Administration (FRA), is beginning the environmental review process for the proposed New York State High Speed Rail Empire Corridor Project between Pennsylvania Station in New York City and Niagara Falls, New York. The corridor proceeds north from New York City through Albany and then turns west to Schenectady, passing through Syracuse, Rochester and Buffalo before terminating at Niagara Falls, a distance of 463 miles (Figure 1).

A Tier 1 Environmental Impact Statement (EIS), in accordance with the National Environmental Policy Act (NEPA) of 1969 and the New York State Environmental Quality Review Act (SEQRA), is being completed to evaluate and document potential improvements and projects to intercity passenger rail service within the corridor. The projects identified in the Tier 1 EIS will be subject to detailed environmental review in Tier 2 project-level NEPA documents.

NYSDOT has previously corresponded with your agency to notify you of the project. We are now writing to request digital (GIS or other electronic mapping) files regarding wild and scenic rivers along or within 300 feet of the 436 mile corridor (Figure 1).

If you have any questions, please feel free to contact me at (617) 532-2244 or jgrilli@hntb.com.

Sincerely,

A handwritten signature in black ink, appearing to read "Joseph G. Grilli". The signature is fluid and cursive, with a small mark above the letter 'i' in "Grilli".

Joseph G. Grilli, P.E.

Environmental Manager

cc: David Chan, Project Manager, NYSDOT

Attachment: Figure 1 – Project Location Map

Attachment A: Major Streams and Rivers within 300 Feet of the Track Centerline



March 18, 2011

Ms. Tara Salerno
NYSDEC-DFWMR
NY Natural Heritage Program-Information Services
625 Broadway, 5th Floor
Albany, NY 12233-4757

Subject: Information Request for High Speed Rail Empire Corridor Project (PIN S937.51.171)

Dear Ms. Salerno:

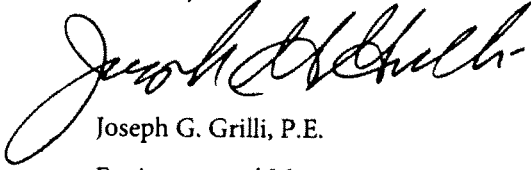
The New York State Department of Transportation (NYSDOT), in cooperation with the Federal Railroad Administration (FRA), is beginning the environmental review process for the proposed New York State High Speed Rail Empire Corridor Project between Pennsylvania Station in New York City and Niagara Falls, New York. The corridor proceeds north from New York City through Albany and then turns west to Schenectady, passing through Syracuse, Rochester and Buffalo before terminating at Niagara Falls, a distance of 463 miles (Figure 1).

A Tier 1 Environmental Impact Statement (EIS), in accordance with the National Environmental Policy Act (NEPA) of 1969 and the New York State Environmental Quality Review Act (SEQRA), is being completed to evaluate and document potential improvements and projects to intercity passenger rail service within the corridor. The projects identified in the Tier 1 EIS will be subject to detailed environmental review in Tier 2 project-level NEPA documents.

NYSDOT has previously corresponded with your agency to notify you of the project. We are now writing to request digital (GIS or other electronic mapping) files regarding "significant natural communities" and other areas protected by regulation, federally- and state-threatened, endangered, or other species of special concern, available for the 463 mile corridor (Figure 1 and Base Maps).

If you have any questions, please feel free to contact me at (617) 532-2244 or jgrilli@hntb.com.

Sincerely,

A handwritten signature in black ink, appearing to read "Joseph G. Grilli". The signature is written in a cursive, flowing style.

Joseph G. Grilli, P.E.

Environmental Manager

cc: David Chan, Project Manager, NYSDOT

Attachment: Figure 1 – Project Location Map
Base Maps (12 sheets)



March 18, 2011

Mr. Robert Ewing
New York State Department of Environmental Conservation
Division of Environmental Permits
4th Floor
625 Broadway
Albany, NY 12233-1750

Subject: Information Request for High Speed Rail Empire Corridor Project (PIN S937.51.171)

Dear Mr. Ewing:

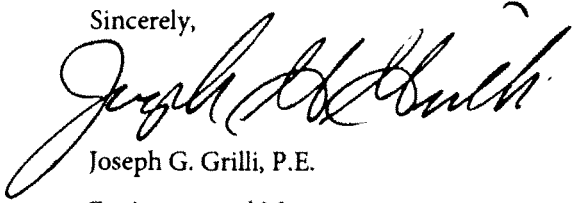
The New York State Department of Transportation (NYSDOT), in cooperation with the Federal Railroad Administration (FRA), is beginning the environmental review process for the proposed New York State High Speed Rail Empire Corridor Project between Pennsylvania Station in New York City and Niagara Falls, New York. The corridor proceeds north from New York City through Albany and then turns west to Schenectady, passing through Syracuse, Rochester and Buffalo before terminating at Niagara Falls, a distance of 463 miles (Figure 1).

A Tier 1 Environmental Impact Statement (EIS), in accordance with the National Environmental Policy Act (NEPA) of 1969 and the New York State Environmental Quality Review Act (SEQRA), is being completed to evaluate and document potential improvements and projects to intercity passenger rail service within the corridor. The projects identified in the Tier 1 EIS will be subject to detailed environmental review in Tier 2 project-level NEPA documents.

NYSDOT has previously corresponded with your agency to notify you of the project. We now are writing to request digital (GIS or other electronic mapping) files regarding SEQRA critical areas along or within 300 feet of the 463 mile corridor (Figure 1 and Base Maps).

If you have any questions, please feel free to contact me at (617) 532-2244 or jgrilli@hntb.com.

Sincerely,

A handwritten signature in black ink, appearing to read "Joseph G. Grilli". The signature is written in a cursive, flowing style with a large initial "J".

Joseph G. Grilli, P.E.

Environmental Manager

cc: David Chan, Project Manager, NYSDOT

Attachment: Figure 1 – Project Location Map
Base Maps (12 sheets)



March 18, 2011

Ms. Anne Secord
United States Fish and Wildlife Service
Wetlands, Northeast Region
3817 Luker Road
Cortland, NY 13045

Subject: Information Request for High Speed Rail Empire Corridor Project (PIN S937.51.171)

Dear Ms. Secord:

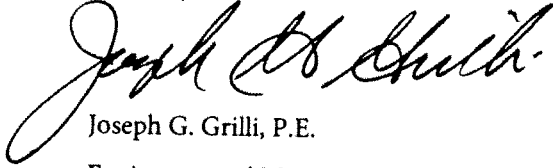
The New York State Department of Transportation (NYSDOT), in cooperation with the Federal Railroad Administration (FRA), is beginning the environmental review process for the proposed New York State High Speed Rail Empire Corridor Project between Pennsylvania Station in New York City and Niagara Falls, New York. The corridor proceeds north from New York City through Albany and then turns west to Schenectady, passing through Syracuse, Rochester and Buffalo before terminating at Niagara Falls, a distance of 463 miles (Figure 1).

A Tier 1 Environmental Impact Statement (EIS), in accordance with the National Environmental Policy Act (NEPA) of 1969 and the New York State Environmental Quality Review Act (SEQRA), is being completed to evaluate and document potential improvements and projects to intercity passenger rail service within the corridor. The projects identified in the Tier 1 EIS will be subject to detailed environmental review in Tier 2 project-level NEPA documents.

NYSDOT has previously corresponded with your agency to notify you of the project. We are now writing to inquire about federally- and state-threatened, endangered, or other species of special concern that may be present in the project area (Figure 1 and Base Maps). We would also like to request information in digital (GIS or other electronic mapping) files showing the location of any such species.

If you have any questions, please feel free to contact me at (617) 532-2244 or jgrilli@hntb.com.

Sincerely,

A handwritten signature in black ink, appearing to read "Joseph G. Grilli". The signature is fluid and cursive, with a large initial "J" and "G".

Joseph G. Grilli, P.E.

Environmental Manager

cc: David Chan, Project Manager, NYSDOT

Attachment: Figure 1 – Project Location Map
Base Maps (12 sheets)

ATTACHMENTS

Empire Corridor

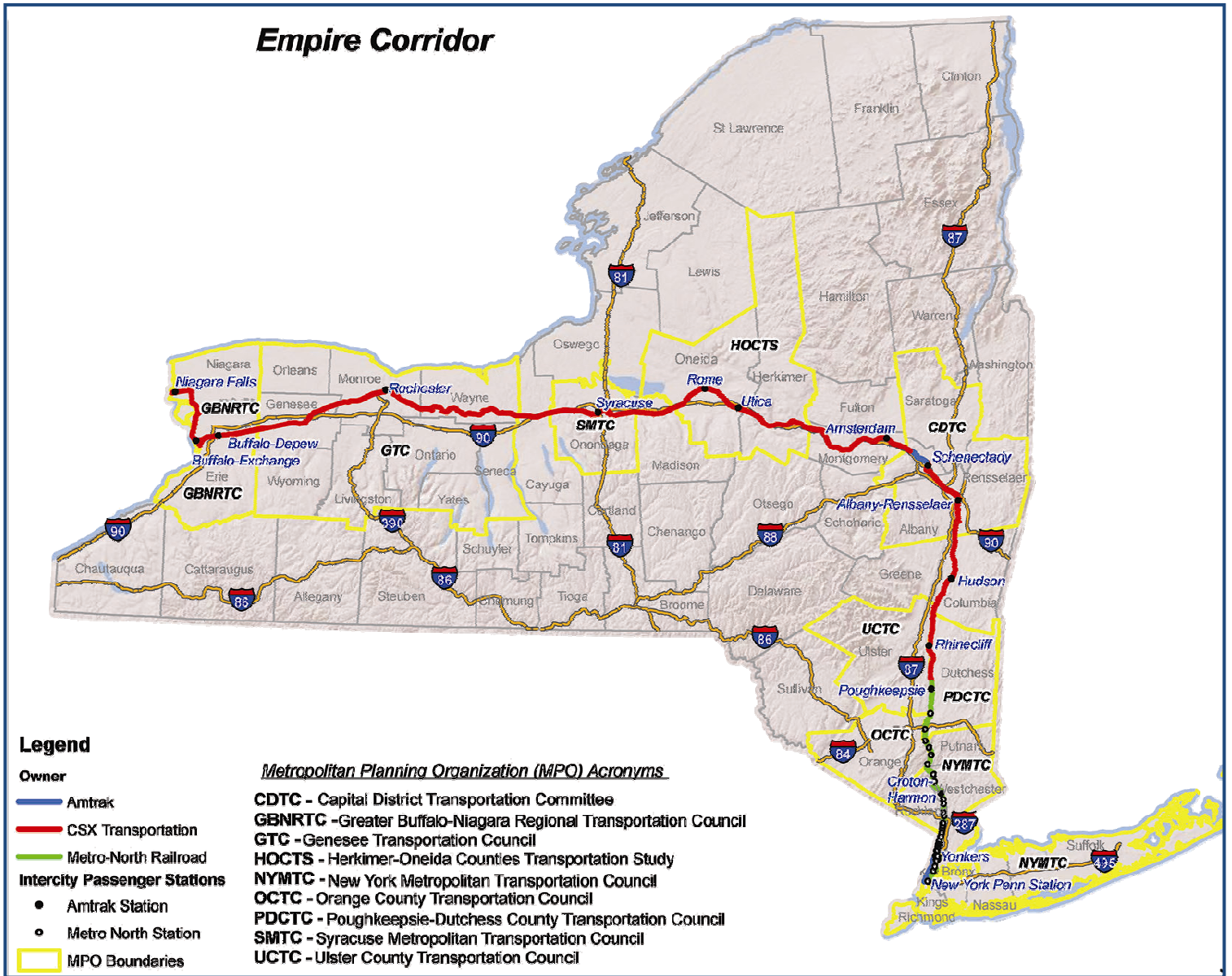
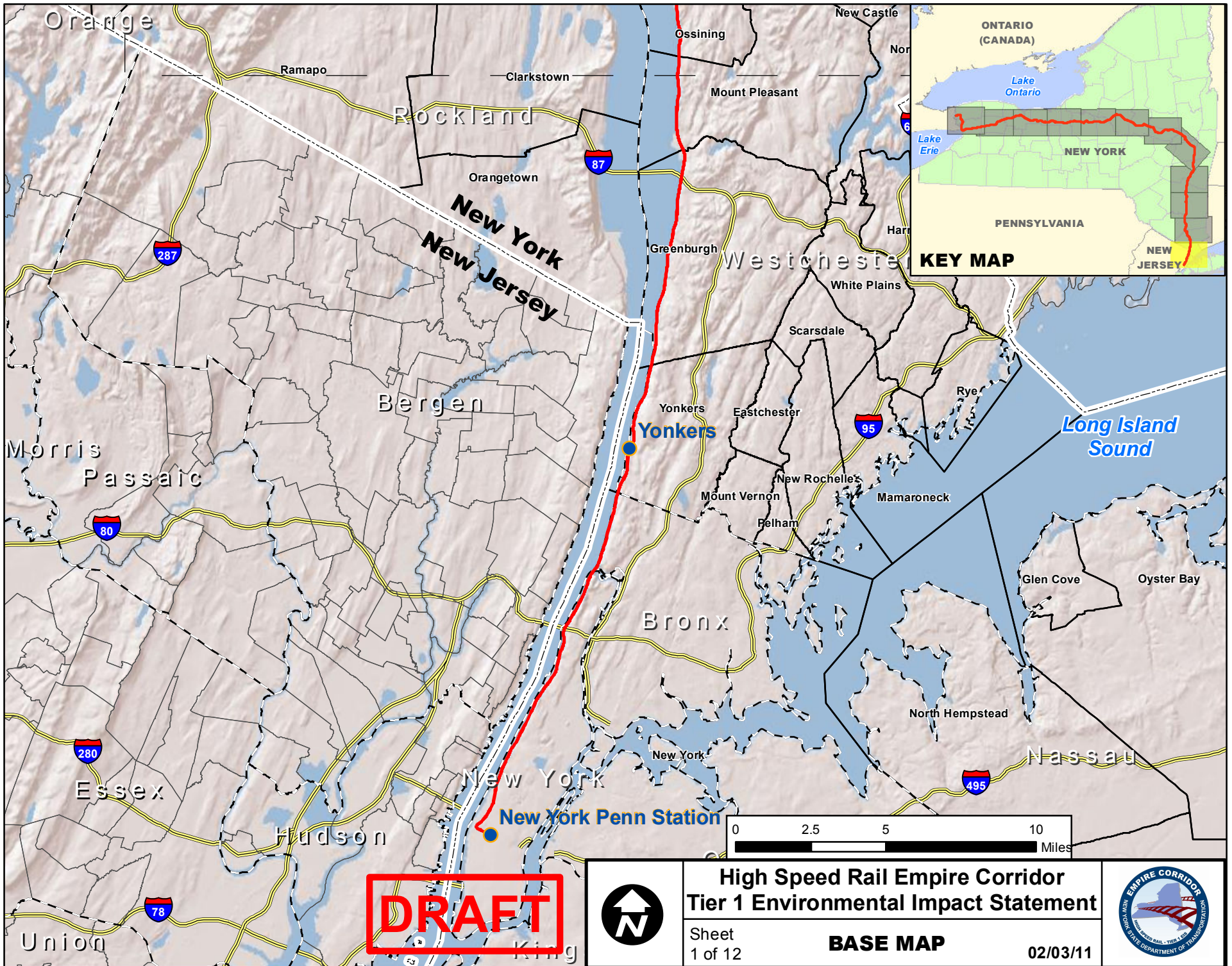


Figure 1—Project Location Map



DRAFT



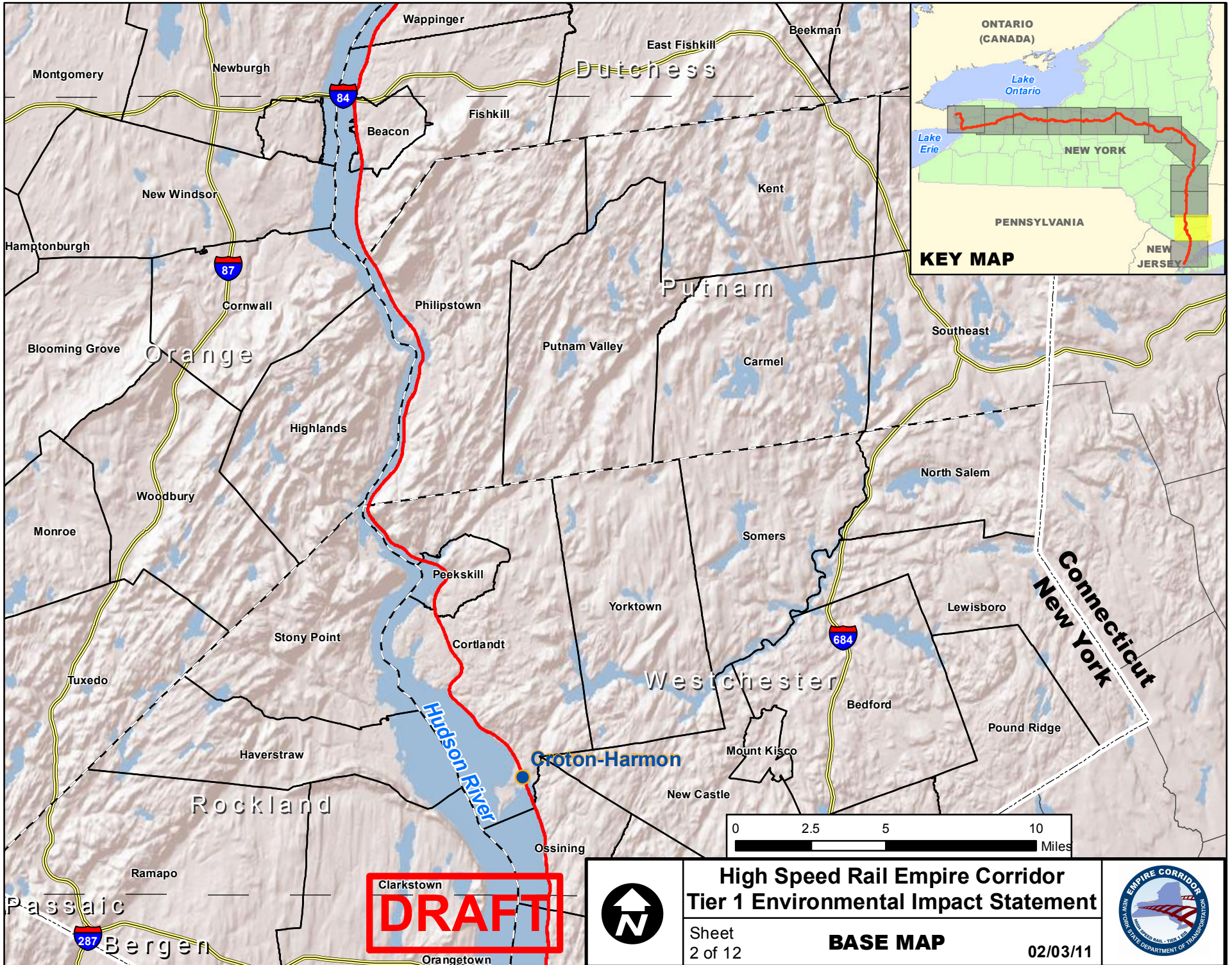
**High Speed Rail Empire Corridor
Tier 1 Environmental Impact Statement**

Sheet
1 of 12

BASE MAP

02/03/11





Clarkstown
DRAFT



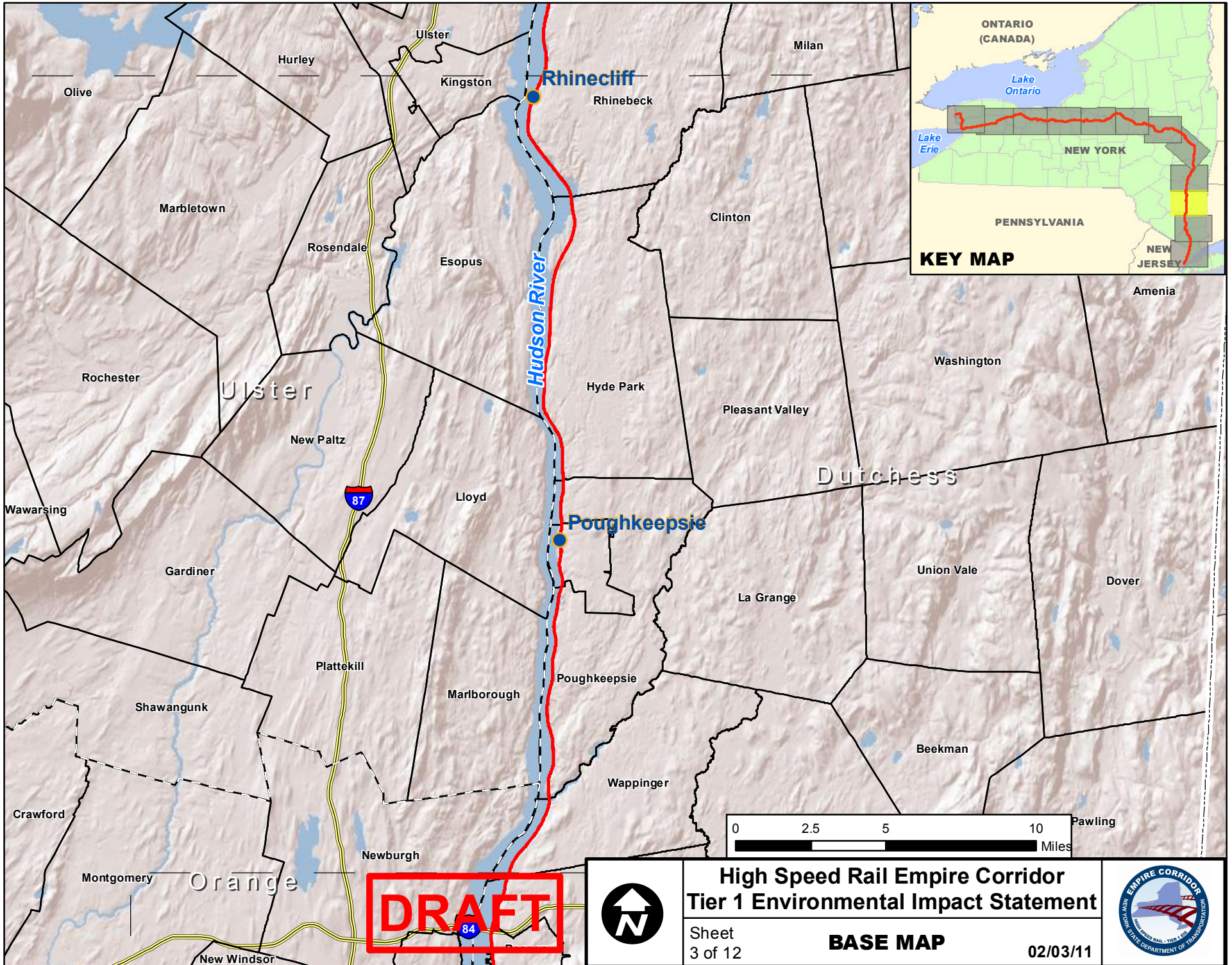
**High Speed Rail Empire Corridor
 Tier 1 Environmental Impact Statement**

Sheet
 2 of 12

BASE MAP

02/03/11





DRAFT



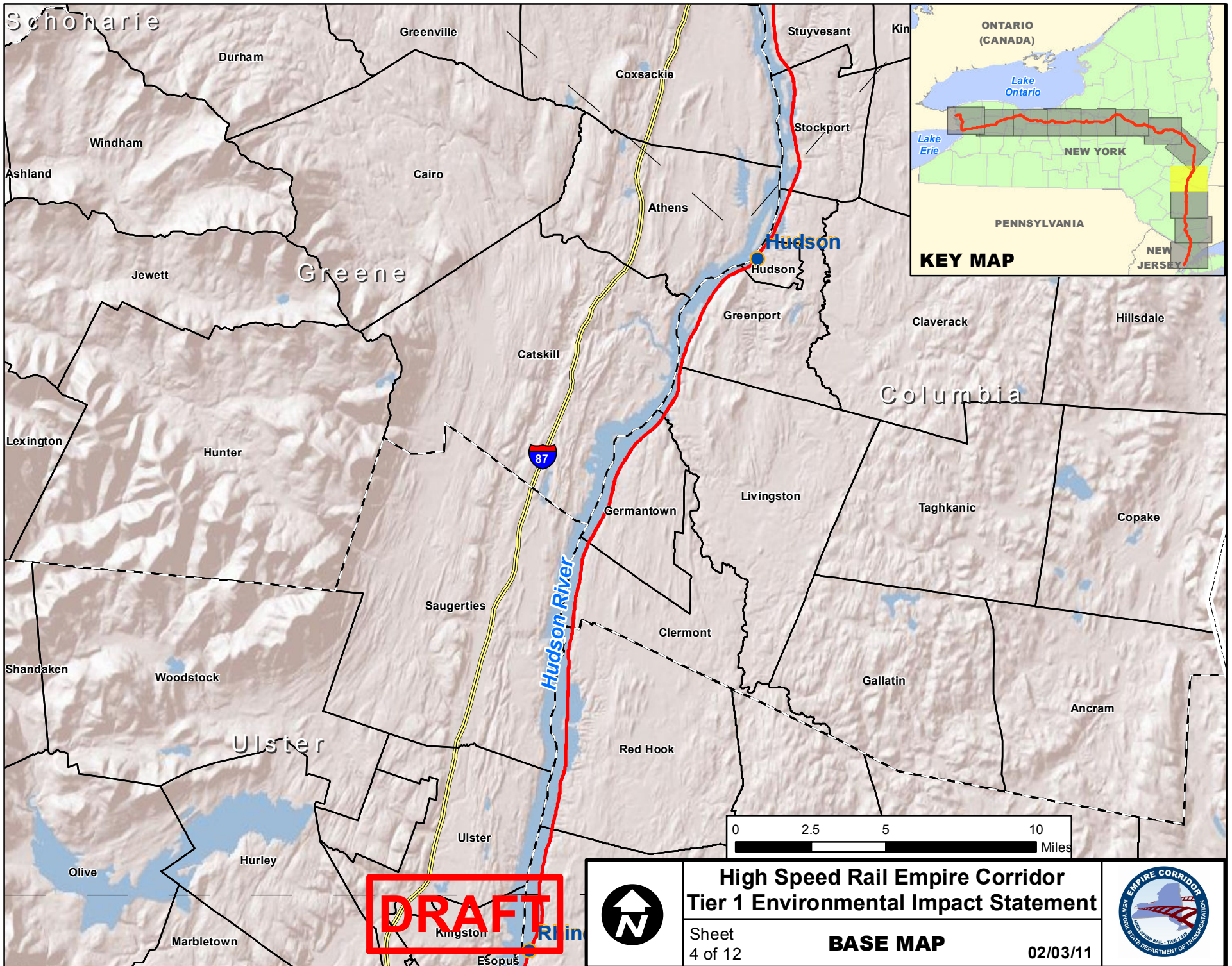
**High Speed Rail Empire Corridor
Tier 1 Environmental Impact Statement**

Sheet
3 of 12

BASE MAP

02/03/11





DRAFT



**High Speed Rail Empire Corridor
Tier 1 Environmental Impact Statement**

Sheet
4 of 12

BASE MAP

02/03/11





DRAFT



**High Speed Rail Empire Corridor
Tier 1 Environmental Impact Statement**

Sheet
5 of 12

BASE MAP

02/03/11





DRAFT
Seward



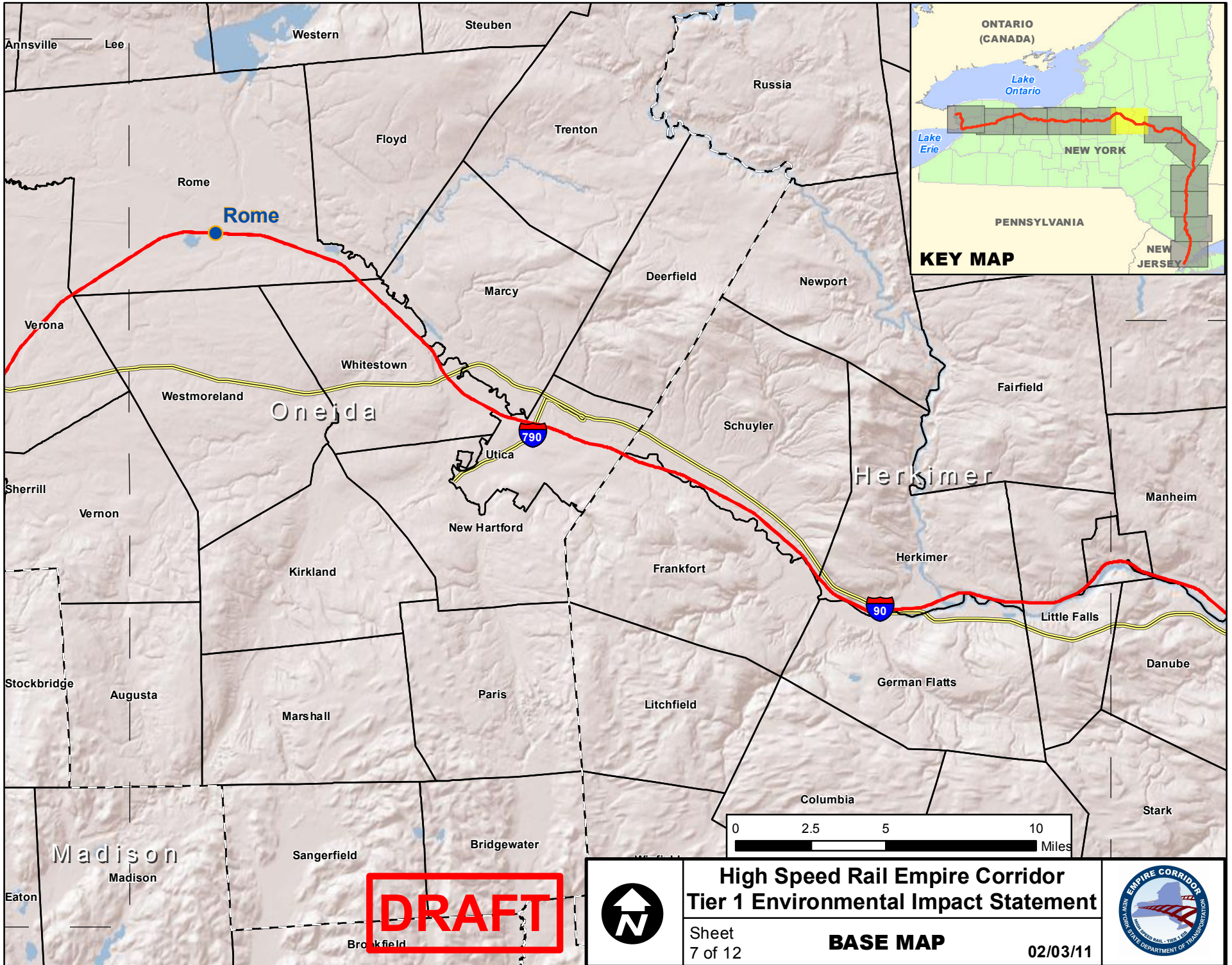
**High Speed Rail Empire Corridor
Tier 1 Environmental Impact Statement**

Sheet
6 of 12

BASE MAP

02/03/11





DRAFT



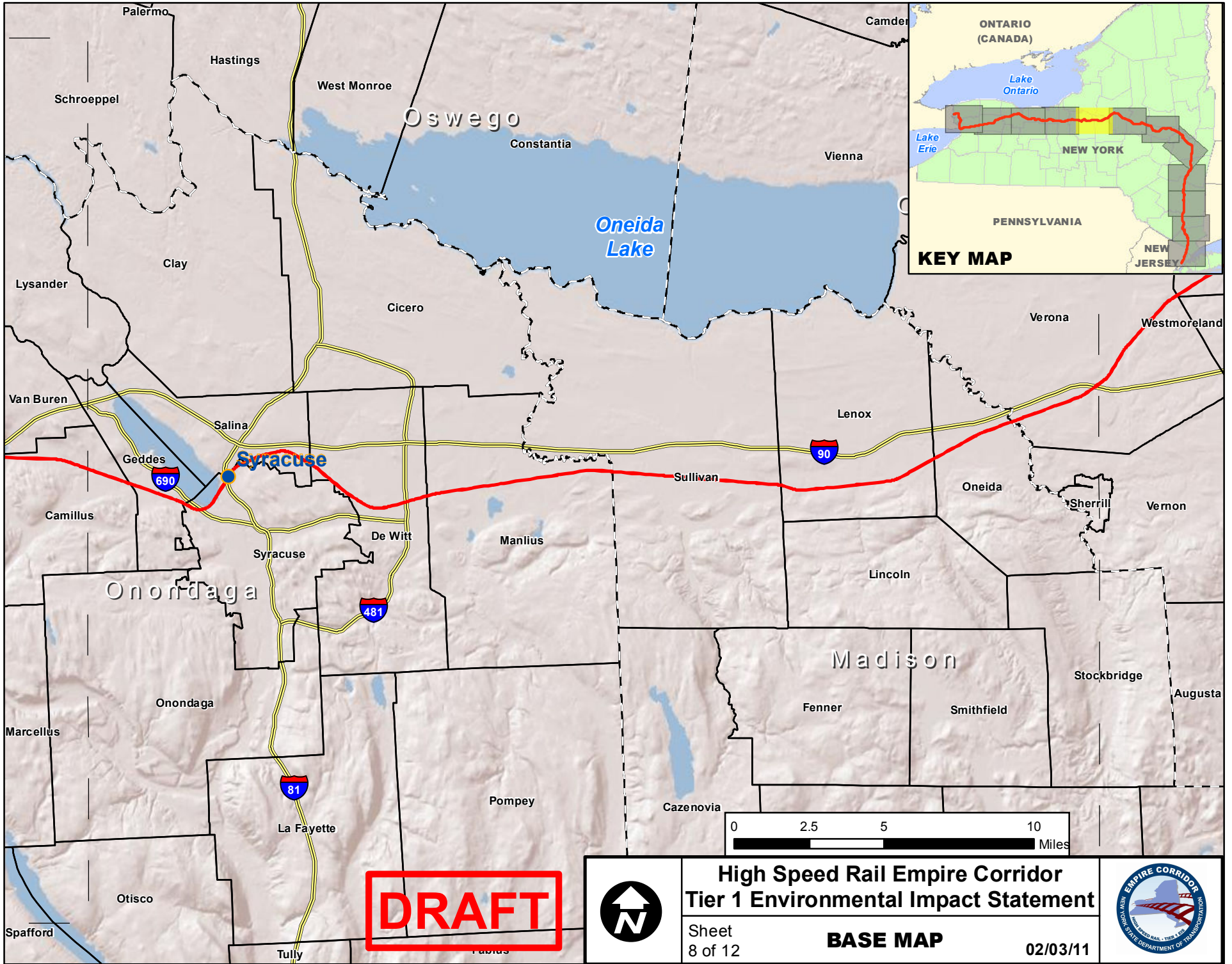
**High Speed Rail Empire Corridor
Tier 1 Environmental Impact Statement**

Sheet
7 of 12

BASE MAP

02/03/11





DRAFT



**High Speed Rail Empire Corridor
Tier 1 Environmental Impact Statement**

Sheet
8 of 12

BASE MAP

02/03/11





DRAFT



**High Speed Rail Empire Corridor
Tier 1 Environmental Impact Statement**

Sheet
9 of 12

BASE MAP

02/03/11



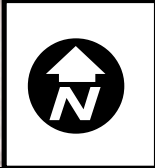


DRAFT





DRAFT



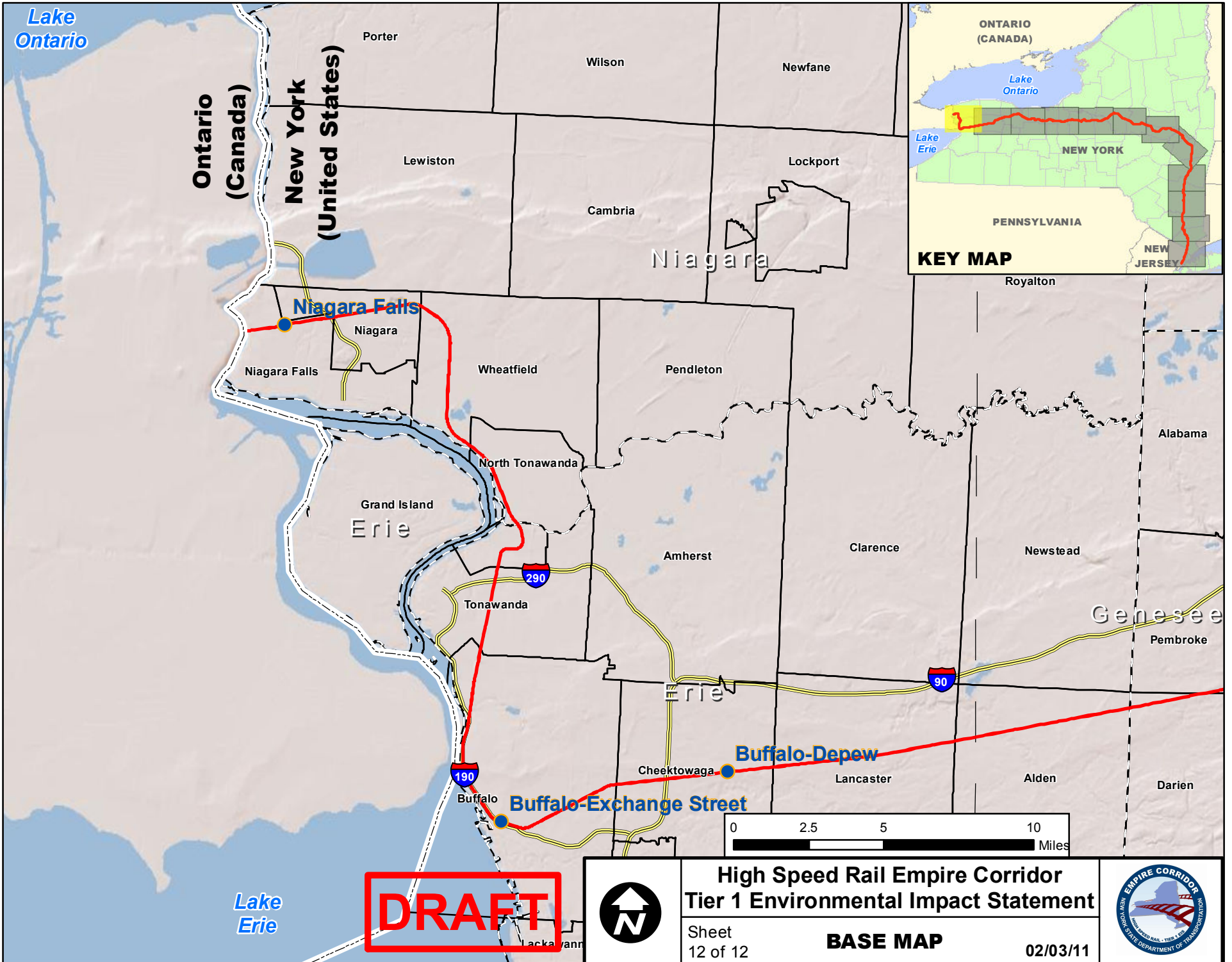
**High Speed Rail Empire Corridor
Tier 1 Environmental Impact Statement**

Sheet
11 of 12

BASE MAP

02/03/11

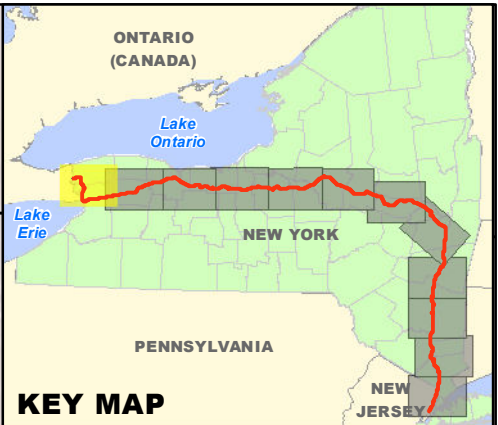




Lake Ontario

Ontario (Canada)

New York (United States)



KEY MAP

DRAFT



**High Speed Rail Empire Corridor
Tier 1 Environmental Impact Statement**

Sheet 12 of 12

BASE MAP

02/03/11



Attachment A
Major Stream and Rivers within 300 Feet of the Track Centerline
Empire Corridor, New York

County (Approximate Mile Post)	River/Stream Location (Approximate Mile Post)	River/Stream Name
New York (0-11.5)	none	
Bronx (11.5-14)	none	
Westchester (14-45)	15 23 24 26.5 29.5 31 33 34.5 36 37 37.5 40 42	Undetermined Name Undetermined Name Undetermined Name Undetermined Name Kemeys Cove Undetermined Name Undetermined Name Undetermined Name Brinton Brook Undetermined Name Undetermined Name Undetermined Name Undetermined Name
Putnam (45 -54.5)	52 54	Foundry Cove Breakneck Brook
Dutchess (54.5-75/QC76-QC100.5)	56 56.5 58 61 63 65 67 73.5 QC 77 QC 79.5 QC 83 QC 85 QC 86 QC 87 QC 91 QC 92.5 QC 94.5 QC 96 QC 98	Cascade Brook Gordons Brook Fishkill Creek Unnamed Unnamed Wappinger Creek Tributary to Cobalt Lake Fall Kill Maritje Kill Crum Kill Indian Kill North Staatsburg Creek Vandenburgh Cove Unnamed Astor Cove Unnamed Mudder Kill South Bay North Bay
Columbia (QC100.5-QC129.5)	QC 103.5 QC 108 QC 115.5 QC 118.5 QC 121 QC 126 QC 126.5	Unnamed Roeliff Jensen Kill North Bay Stockport Creek Unnamed Mill Creek Unnamed
Rensselaer (QC129.5-QC143)	QC 129.5 QC 133 QC 134 QC 135 QC 136 QC 139 QC 141.5	Unnamed Muitzes Kill Vlockie Kill Moordener Kill Papscanee Creek Papscanee Creek Mill Creek
Albany (QC143-QC155)	QC 143 QC 146 QC 149 QC 154	Hudson River Unnamed Rensselaer lake Lisha Kill
Schenectady (QC155-QC170/QG42)	QC 160 QC 161 QC 166 QC 168 QC 169	Mohawk River/ Erie Canal Collins Creek Washout Creek Verf Kill Chaughtanoonda Creek
Montgomery (QC170/QG42-QC210)	QC 170.5 QC 174 QC 176 QC 178.5	Compaanen Kill Unnamed Unnamed McQueen Creek

Attachment A
Major Stream and Rivers within 300 Feet of the Track Centerline
Empire Corridor, New York

County (Approximate Mile Post)	River/Stream Location (Approximate Mile Post)	River/Stream Name
	QC 180 QC 185 QC 186.5 QC 190.5 QC 194 QC 196 QC 197 QC 199 QC 203.5 QC 204 QC 205 QC 207 QC 207.5 QC 209.5	Unnamed Unnamed Cayadetta Creek Briggs Run Unnamed Unnamed Unnamed Unnamed Caroga Creek Mather Creek Unnamed Zimmerman Creek Timmerman Creek Crum Creek
Herkimer (QC210-QC235)	QC 210 QC 211 QC 214 QC 215 QC 220 QC 223 QC 234 QC 234.5	East Canada Creek Unnamed Unnamed Unnamed Beaver Brook West Canada Creek Mohawk River Ferguson Creek
Oneida (QC235-QC264)	QC 235.5 QC 240.5 QC 244.5 QC 248.5 QC 256.5 QC 261	Unnamed Sauquoit Creek Oriskany Creek Mohawk River Mad Creek Stony Creek
Madison (QC264-QC278)	QC 264 QC 266 QC 268.5 QC 270 QC 272 QC 274 QC 275 QC 276.5	Oneida Creek Cowaselon Creek Duck Settlement Creek Canastota Creek Old Erie Canal Unnamed Unnamed Chittenango Creek
Onondaga (QC278-QC309)	QC 278.5 QC 280.5 QC 282.5 QC 285 QC 287 QC 292 QC 295 QC 296.5 QC 302 QC 302.5-QC 303 QC 303.5 QC 305 QC 308 QC 308.5	Pools Brook Lake Brook Limestone Creek Butternut Creek South Branch Ley Creek Barge Canal Geddes Brook Nine Mile Creek Bitter Brook Old Erie Canal Dead Creek Unnamed Unnamed Unnamed
Cayuga (QC309-QC320)	QC 311.5 QC 312 QC 312.5 QC 316 QC 319.5	Unnamed Putnam Brook Spring Brook Unnamed Erie Canal
Wayne (QC320-QC357)	QC 320 QC 323 QC 325.5 QC 327 QC 335 QC 336 QC 339 QC 341 QC 342 QC 343.5	Crusoe Creek Black Creek Unnamed Black Creek Erie Canal Canandaigua Creek Erie Canal Unnamed Ganargua Creek Red Creek

Attachment A
Major Stream and Rivers within 300 Feet of the Track Centerline
Empire Corridor, New York

County (Approximate Mile Post)	River/Stream Location (Approximate Mile Post)	River/Stream Name
	QC 346 QC 348 QC 349.5 QC 351 QC 355	Ganargua Creek Unnamed Red Creek Unnamed Unnamed
Monroe (QC357-QC388)	QC 360 QC 361.5 QC 363 QC 365.5 QC 371.5 QC 374.5 QC 376 QC 377.5 QC 379 QC 381.5 QC 382 QC 384.5 QC 385.5 QC 386	Unnamed Unnamed Irondequoit Creek Allen Creek Genesee River Erie Canal Unnamed Unnamed Unnamed Unnamed Unnamed Little Black Creek Unnamed Black Creek
Genesee (QC388-QC418)	QC 389 QC 392.5 QC 394 QC 395 QC 396.5 QC 398.5 QC 399.5 QC 401 QC 404.5 QC 407 QC 408.5 QC 414 QC 416	Unnamed Robins Brook Robins Brook Unnamed Black Creek Bigelow Creek Bigelow Creek Unnamed Tonawanda Creek Unnamed Bowen Creek Murder Creek Unnamed
Erie (QC418-QC439/QDN1-QDN13)	QC 418.5 QC 422.5 QC 425.5 QDN 6 QDN 7.5 QDN 12 QDN 12.5	Unnamed Ellicott Creek Unnamed Scajaquada Creek Unnamed Unnamed Ellicott Creek
Niagara (QDN13-QDN28)	QDN 13.5 QDN 14.5 QDN 16.5 QDN 20 QDN 21 QDN 25 QDN 26	Tonawanda Creek/Erie Canal Unnamed Unnamed Bergholtz Creek/ Sawyer Creek Cayuga Creek No name Gill Creek

EMPIRE CORRIDOR COMMUNITIES

City/Town/County

New York County

1. Manhattan

Bronx County

2. Bronx

Westchester County

3. Yonkers
4. Greenburgh
5. Mount Pleasant
6. Ossining
7. Cortlandt
8. Peekskill

Putnam County

9. Philipstown

City/Town/County

Dutchess County

10. Fishkill
11. Beacon
12. Wappinger
13. Poughkeepsie
14. Hyde Park
15. Rhinebeck
16. Red Hook

Columbia County

17. Clermont
18. Germantown
19. Livingston
20. Greenport
21. Hudson
22. Stockport
23. Stuyvesant

24. New Baltimore Adjoins on other side of track

Albany County

25. Coeymans Adjoins on other side of track

26. Schodack

27. Bethel Adjoins on other side of track

28. East Greenbush

29. Rensselaer

30. Albany

31. Colonie

Schenectady County

32. Rotterdam

33. Schenectady

34. Glenville

Montgomery County

35. Amsterdam

36. Florida Adjoins on other side of track

37. Glen Adjoins on other side of track

38. Mohawk

39. Root Adjoins on other side of track

40. Canajoharie Adjoins on other side of track

41. Palatine

42. Minden Adjoins on other side of track

43. St Johnsville

Herkimer County

44. Danube Adjoins on other side of track

45. Manheim

46. Little Falls

47-48. Herkimer/German Flats German Flats adjoins on other side of track

49-50. Frankfort/Schuyler

Oneida County

51. Utica

South of Track

North of Track

52. Whitestown

53. Marcy Adjoins on other side of track

South of Track
North of Track
54. Rome
South of Track
North of Track
55. Verona
South of Track
North of Track
56. Westmoreland Adjoins on other side of track

Madison County

57. Oneida
South of track
North of Track
58. Lenox
South of track
North of Track
59. Sullivan

Onondaga County

60. Manlius
61. De Witt
62. Salina
63. Syracuse
64. Geddes
65. Camillus
66. Van Buren
67. Elbridge

Cayuga County

68. Brutus
69. Mentz
70. Montezuma

Wayne County

71. Savannah
72. Galen
73. Lyons
74. Arcadia
75. Palmyra
76. Macedon

Monroe County

- 77. Perinton
- 78. Pittsford
- 79. Brighton
- 80. Penfield
- 81. Rochester
- 82. Gates
- 83. Penfield
- 84. Riga
- 85. Chili
- 86. East Rochester

Genesee County

- 87. Bergen
- 88. Byron
- 89. Stafford
- 90. Batavia
- 91. Genesee (City)
- 92. Pembroke
- 93. Darien

Erie County

- 94. Alden
- 95. Lancaster
- 96. Cheektowaga
- 97. Buffalo
- 98. Tonawanda

Niagara County

- 99. North Tonawanda
- 100. Wheatfield
- 101. Niagara
- 102. Niagara Falls

4.2 Agency Information Responses

Index of Agency Information Responses

Ingmire, Scott, Director, Madison County Planning Department, “Empire Corridor EIS.” Email communication with Jeffrey O’Connell, HNTB Corporation, February 8, 2011.

McQueen, Joe, Director of Public Communications, Schenectady County, “Master Plan.” Email communication with Jeff O’Connell, HNTB Corporation, February 8, 2011.

Lilla, Sharon, Planning Director, Wayne County Planning, “Empire Corridor EIS.” Email communication with Jeff O’Donnell, HNTB Corporation, February 9, 2011.

Thapa, Jane, New York State Department of Health, Personal communication with Karen Kays, Pinyon Environmental, Inc., February 11, 2011.

Ozard, John, New York State Department of Environmental Conservation, Bureau of Wildlife, Wildlife Diversity Unit, “Request for Breeding Bird Atlas Data.” Email communication with Karen Kays, Pinyon Environmental, Inc., March 3, 2011.

Salerno, Tara, “Empire Corridor GIS Request.” Email communication with Karen Kays, Pinyon Environmental, Inc., March 7, 2011.

Hay, Duncan, National Park Service, Northeast Region, “NYS DOT & FRA Compliance (NEPA).” Email communication with Addie Kim, HNTB Corporation, March 25, 2011.

Colligan, Mary, Assistant Regional Administrator, Protected Resources Division, National Marine Fisheries Service, “High Speed Rail Empire Corridor Project (PIN S937.51.171).” Letter to Joseph Grilli, HNTB Corporation, March 30, 2011.

Jacobson, Roy, New York State Department of Environmental Conservation, Landscape Conservation Section, Bureau of Habitat, “Wild and Scenic Rivers.” Email communication with Karen Kays, Pinyon Environmental, Inc., April 9, 2011.

Doran, Sandra, U.S. Fish and Wildlife Service, New York Field Office, “High Speed Rail Empire Corridor Project, PIN S937.51.171.” Letter to Joseph Grilli, HNTB Corporation, April 19, 2011.

Rebecca, David, New York State Department of Environmental Conservation, “Empire Corridor High Speed Rail.” Email communication with Karen Kays, Pinyon Environmental, Inc., May 2, 2011.

Kassof, Gary, Bridge Program Manager, First Coast Guard District, “High Speed Rail Project (PIN S937.51.171).” Letter to Joseph G. Grilli, P.E., HNTB Corporation, July 7, 2011.

Chiarella, Lou, National Oceanic and Atmospheric Administration, “NOAA Fisheries Service Northeast Regional Office –Habitat Conservation Division – 978-281-9332.htm.” Email communication with Rosalie Wilson, Pinyon Environmental, Inc., October 18, 2011.

Labruzzo, Andy, New York State Department of State, Personal communication with Kevin Horgan, HNTB Corporation, January 4, 2012.

This page intentionally left blank.

Sarah Walker

From: scott.ingmire@co.madison.ny.us
Sent: Tuesday, February 08, 2011 5:59 PM
To: Jeffrey O'Connell
Subject: Re: Empire Corridor EIS

Thanks Jeff, I appreciate it.

Sent from my Verizon Wireless BlackBerry

From: Jeffrey O'Connell <jdoconnell@HNTB.com>
Date: Tue, 8 Feb 2011 15:16:51 -0600
To: 'Scott Ingmire' <scott.ingmire@co.madison.ny.us>
Subject: RE: Empire Corridor EIS

Scott,

Thanks for getting back to me. I would be happy to keep you apprised of the project. We are in the early planning stages so will keep you posted as things develop.

Thanks again!!

Best regards

Jeff

From: Scott Ingmire [<mailto:scott.ingmire@co.madison.ny.us>]
Sent: Tuesday, February 08, 2011 4:02 PM
To: Jeffrey O'Connell
Cc: Planning; Mark Scimone
Subject: RE: Empire Corridor EIS

Hello Jeff,

Though I've heard about the High Speed Rail project a bit in the press, to my knowledge there has been little discussion of it here in Madison County. I've attached our recently finalized Coordinated Transportation Plan, which primarily deals with rural public transit. I don't know that we made any mention of rail (high speed or otherwise) in the document, so it may not be of much use to you. We lie between Syracuse and Utica and I suspect we wouldn't be served by any rail stops here, though citizens could certainly access the service via terminals in those respective cities. I'd welcome the opportunity to learn more about the project and how we may be of assistance to you.

Scott

Scott Ingmire, Director
Madison County Planning Department

PO Box 606
Wampsville, NY 13163
Phone 315-366-2498
Fax 315-366-2742
Home E-mail = sgingmire@excite.com

From: Jeffrey O'Connell [<mailto:jdoconnell@HNTB.com>]
Sent: Tuesday, February 08, 2011 2:19 PM
To: Planning
Subject: Empire Corridor EIS

Scott,

I am working on the Empire Corridor EIS for Amtrak. I wanted to ask if you could provide the status of the County master plan and or transportation plan so I can determine if the county supports High Speed Rail service anticipated on the EC. Please call me if you have any questions.

Thanks

Jeff

Jeffrey D. OConnell, AICP

HNTB Corporation
31 St. James Avenue
Boston, MA 02116
(Main) 617-542-6900 x 52241
(Cell) 781-733-5571
jdoconnell@hntb.com

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed.

If you are NOT the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing or copying this e-mail is strictly prohibited.

Sarah Walker

From: John O'Connell
Sent: Tuesday, February 08, 2011 4:53 PM
To: Jeffrey O'Connell
Subject: FW: Master Plan

Meant for you , I believe ...

From: Joseph F. McQueen [<mailto:joe.mcqueen@schenectadycounty.com>]
Sent: Tuesday, February 08, 2011 3:20 PM
To: John O'Connell
Subject: RE: Master Plan

Thank you for visiting the Schenectady County website. Schenectady County does not have an overall "Master Plan." There are master plans for specific projects being undertaken, but no written general plan. If you would like something more specific, please let me know.

Joe McQueen
Director of Public Communications
Schenectady County
(518) 388-4772
(518) 388-4591 (fax)



The information in this e-mail message and any attachment(s) hereto is intended for the confidential use of the intended addressee(s) only. The information is subject to all applicable rights of privilege and confidentiality including the attorney-client privilege and/or attorney work-product. Recipients should not file copies of this e-mail with publicly accessible records. If you are not an intended addressee or an authorized agent responsible for delivering this e-mail to an intended designated addressee, you have received this e-mail in error, and any further review, dissemination, distribution, copying or forwarding of this e-mail and/or attachment(s) is strictly prohibited. If you received this e-mail in error, please notify me at (518) 388-4772 and permanently delete the e-mail and any attachment(s) immediately. You should not retain, copy or use this e-mail or any attachment(s) for any purpose, nor disclose all or any part of the contents hereof to any other person.

From: No Reply
Sent: Tuesday, February 08, 2011 4:04 PM
To: feedback
Subject: Digimaker e-Form submission: Feedback

Sender Name : Jeff oConnell
Sender Email : joconnell@hntb.com
Subject : Master Plan for County
Feedback Type : Question

Message : Can you please sene me a copy of your County Master Plan or the link to it on the Web. My phone is 617-542-6900 x52241

Thanks

Jeff
Response Req : No

User: Guest (Id: 0)
Sent: 2/8/2011 4:04:28 PM
IP: 198.51.229.30
Domain: 198.51.229.30

Sarah Walker

From: PLAN- Lilla, Sharon <SLilla@co.wayne.ny.us>
Sent: Wednesday, February 09, 2011 10:52 AM
To: Jeffrey O'Connell
Subject: RE: Empire Corridor EIS

Dear Jeff,

Preparation of the Wayne County Master Plan was suspended several years ago. However, Wayne County does have a Strategic Plan for Economic Development. Just go to www.wedcny.org and click on the downloads link on the left hand side to find the plan.

For over 20 years, Wayne County has been trying to establish an Amtrak Station in the Village of Lyons. Nearly \$500,000 has been spent in the preparation of plans with the hope that we could construct a station to serve the Finger Lakes Region. We are situated on the longest stretch of rail in the Empire Corridor without a station (90 miles between Rochester and Syracuse). Given the amount of work we have done to advance this project, we would like to be considered as a viable stop along the Empire Corridor.

Sharon

Sharon Lilla
Planning Director
Wayne County Planning
9 Pearl St. Lyons NY 14489
Phone: 315.946.5919
Fax: 315.946.7657
SLilla@co.wayne.ny.us



Go Green! Print this email only when necessary. Thank you for helping the County of Wayne be environmentally responsible.

CONFIDENTIAL NOTICE

This transmission, including any attachments, is for the sole use of the intended recipient(s) or entity named above and may contain confidential and privileged information. If you received this and are not the intended recipient(s), you are hereby notified that any disclosure, copying, unauthorized distribution or the taking of any action in reliance on the contents of this information is prohibited. If you have received this transmission in error, please immediately contact the sender as indicated above to arrange the proper handling of the information.

From: Jeffrey O'Connell [<mailto:jdoconnell@HNTB.com>]
Sent: Tuesday, February 08, 2011 2:01 PM
To: PLAN- Lilla, Sharon
Subject: Empire Corridor EIS

Hi Sharon,

I spoke to your assistant today and asked about the status of the Wayne County Master Plan. I am identifying plans that will discuss High Speed Rail Service along the CSX line. Let me know if you can direct me to a website for this.

Thanks

Jeff

Jeffrey D. OConnell, AICP

HNTB Corporation
31 St. James Avenue
Boston, MA 02116
(Main) 617-542-6900 x 52241
(Cell) 781-733-5571
jdoconnell@hntb.com

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed.

If you are NOT the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing or copying this e-mail is strictly prohibited.

RECORD OF TELEPHONE CALL

Job #	<u>61073501</u>	Date	<u>2/11/2011</u>
Call From	<u>Jane Thapa</u>	Of	<u>Pinyon Environmental, Inc</u>
Call To	<u>Karen Kays</u>	Of	<u>NYS Department of Health</u>
By	<u>Karen Kays</u>		(518)402-7751 – Jane Thapa's phone number

Subject Discussed

Jane returned a phone call from Karen (2/10/2011). Jane left a voicemail message stating that in order for us to obtain GIS information from the NYSDOH, (Karen originally requested well head protection data), that we should have David Chan send an email to Jane requesting the data. Jane will then send a Data Share form that should be signed by David and returned via email to Jane.

Action to be Taken

David Chan to email a data request to Jane Thapa at JCT02@health.state.ny.us.

Matt Santo

Subject: FW: Request for Breeding Bird Atlas Data

From: John Ozard [<mailto:jwozard@gw.dec.state.ny.us>]

Sent: Thursday, March 03, 2011 9:21 AM

To: Karen Kays

Subject: Re: Request for Breeding Bird Atlas Data

Karen,

The Breeding Bird Atlas data may be downloaded from our ftp site. This is a Microsoft Access version of the original and second Breeding Bird Atlas, plus there is an ESRI Arc shape file that can be used in a GIS to plot the locations of the survey blocks. Please see the Readme.txt file for further information.

<ftp://ftp.dec.state.ny.us/dfwmr/wildlife/bba/>

Sincerely,

John W. Ozard, Leader
Wildlife Diversity Unit
NYSDEC Bureau of Wildlife
625 Broadway
Albany, NY 12233-4754

518.402.8905

jwozard@gw.dec.state.ny.us

>>> "Karen Kays" <Kays@pinyon-env.com> 2/10/2011 12:02 PM >>>

Good Afternoon Mr. Ozard:

I spoke with Katherine Barns and she thought you may be able to help me with the below request.

The New York State Department of Transportation (NYSDOT), in cooperation with the Federal Railroad Administration (FRA), is beginning the environmental review process for the proposed New York State High Speed Rail Empire Corridor Project between Pennsylvania Station in New York City and Niagara Falls, New York. The corridor proceeds north from New York City through Albany and then turns west to Schenectady, passing through Syracuse, Rochester and Buffalo before terminating at Niagara Falls, a distance of 463 miles (Figure 1-attached).

A Tier 1 Environmental Impact Statement (EIS), in accordance with the National Environmental Policy Act (NEPA) of 1969 and the New York State Environmental Quality Review Act (SEQRA), is being completed to evaluate and document potential improvements and projects to intercity passenger rail service within the corridor. The projects identified in the Tier 1 EIS will be subject to detailed environmental review in Tier 2 project-level NEPA documents.

In order to complete the Tier 1 EIS, the project team will be reviewing available data. At this time, we respectfully request any Geographic Information System data regarding breeding birds along or within ½ mile of the 463 mile corridor (Figure 1-attached). While geographic information systems (GIS) data is preferred, any mappable data your office could provide would be greatly appreciated.

In addition, if it would be helpful, we can provide you with Shape files of the Project Centerline as well as the ½-mile buffer Project Area to overlay with your data.

If you have any questions, please feel free to contact me. Thank you.

Karen Carling Kays
Environmental Scientist

Pinyon Environmental, Inc.
376 Broadway, Suite 210
Saratoga Springs, NY 12866
518.583.8012 tel
518.691.8693 fax
518.222.6993 cell

Kays@pinyon-env.com
www.pinyon-env.com
Certified DBE in NY, CO, UT

Matt Santo

Subject: FW: Empire Corridor GIS request
Attachments: nynhp_docgis_11n.doc; nynhp_EmpireCorridor_11.zip

From: Tara Salerno [<mailto:tmsalern@gw.dec.state.ny.us>]
Sent: Monday, March 07, 2011 11:27 AM
To: Karen Kays
Cc: DBargovic@chacompanies.com; Nick Conrad; AKim@hntb.com
Subject: RE: Empire Corridor GIS request

Hi Karen,

Please find attached a zip file containing three shapefiles. The shapefiles contain locations of rare species and significant natural communities which are documented within 0.5 mile of the New York Power State Empire Corridor Project. In the shapefiles, each location is represented as a shape (one or more polygons). Some locations may have more than one overlapping shape, indicating more than one rare species or community occurs at that location. See the attached documentation, **nynhp_docgis_11n.doc**, for more details on interpreting these shapes and for definitions of the data fields.

The shapefiles are in meters, UTM zone 18, NAD 83.

The shapefile **nynhp_EmpireCorridor_species_11** contains records of rare plants and rare animals last documented since 1980, and for which relatively precise locations are known.

The shapefile **nynhp_EmpireCorridor_potential_11** contains records of rare plants and rare animals either last documented before 1980 (historical records), and/or records for which precise or relatively precise locations are not known. For historical records, there is no recent information and their current status is unknown. If appropriate habitat for these plants or animals is present, it is possible they may still be present.

The shapefile **nynhp_EmpireCorridor_comms_11** contains records of significant natural communities. Natural community occurrences in this shapefile are all ranked as being of excellent or good quality, and/or are considered significant from a statewide perspective. By meeting specific, documented criteria, the NY Natural Heritage Program considers these occurrences to have high ecological and conservation value.

Please note: In addition to the rare species provided in the shapefiles the following species have been documented within the given distances from the project site. These species are known to move the indicated distances and so potentially may be found near the project site at some time.

1. Indiana bats (*Myotis sodalis*) have been documented within 2 miles of the project site and occur in the following counties & towns:
Onondaga – Manlius
2. Timber rattlesnakes (*Crotalus horridus*) have been documented within 1.5 miles of the project site in the following counties & towns:
Putnam – Philipstown

For descriptions of each of the ecological community types, please go to <http://www.dec.ny.gov/animals/29384.html> and click on DRAFT Ecological Communities of New York State. More detailed information about many of the natural community types in New York, including identification, dominant and characteristic vegetation, distribution, conservation, and management, is available online in Natural Heritage's Conservation Guides at www.acris.nynhp.org.

More detailed information about many of the rare and listed animals and plants in New York, including biology, identification, habitat, conservation, and management, are available online in Natural Heritage's Conservation Guides at www.acris.nynhp.org, from NatureServe Explorer at <http://www.natureserve.org/explorer>, from NYSDEC at

<http://www.dec.ny.gov/animals/7494.html> (for animals), and from USDA's Plants Database at <http://plants.usda.gov/index.html> (for plants).

Please confirm that you have received the data and let me know if you have any questions.
Thanks,
Tara

Tara Salerno
Environmental Review Specialist
NY Natural Heritage Program
625 Broadway, 5th Floor
Albany, NY 12233-4757
Office: 518-402-8926
Fax: 518-402-8925
tmsalern@gw.dec.state.ny.us

>>> "Karen Kays" <Kays@pinyon-env.com> 3/7/2011 11:08 AM >>>

Hi Tara,

Attached is the data share agreement from HNTB and I sent you the one from Pinyon on Friday so, we should be all set. Please let me know if you require any further information. Thanks again for all of your assistance with this process.

Karen Carling Kays
Environmental Scientist

Pinyon Environmental, Inc.
376 Broadway, Suite 210
Saratoga Springs, NY 12866
518.583.8012 tel
518.691.8693 fax
518.222.6993 cell

Kays@pinyon-env.com

www.pinyon-env.com

Certified DBE in NY, CO, UT

From: Tara Salerno [<mailto:tmsalern@gw.dec.state.ny.us>]
Sent: Tuesday, March 01, 2011 4:09 PM
To: Karen Kays
Cc: DBargovic@chacompanies.com; AKim@hntb.com
Subject: RE: Empire Corridor GIS request

Hi Karen,
I just wanted to let you know I received a signed data sharing agreement from CHA. As soon as I receive one from you and from HNTB I will send along the Heritage data.
Thanks,
Tara

Tara Salerno
Environmental Review Specialist

NY Natural Heritage Program
625 Broadway, 5th Floor
Albany, NY 12233-4757
Office: 518-402-8926
Fax: 518-402-8925
tmsalern@gw.dec.state.ny.us

>>> "Karen Kays" <kays@pinyon-env.com> 2/11/2011 10:33 AM >>>

Hi Tara,

Attached are the shape files of the corridor centerline and the ½ mile project area buffer. I'm copying Matt Santo on this email, he handles our GIS and can answer any questions that you might have. The data sharing agreement is to follow. Thanks!

Karen Carling Kays
Environmental Scientist

Pinyon Environmental, Inc.
376 Broadway, Suite 210
Saratoga Springs, NY 12866
518.583.8012 tel
518.691.8693 fax
518.222.6993 cell

Kays@pinyon-env.com
www.pinyon-env.com
Certified DBE in NY, CO, UT

From: Tara Salerno [<mailto:tmsalern@gw.dec.state.ny.us>]
Sent: Tuesday, February 08, 2011 2:24 PM
To: Karen Kays
Cc: Nick Conrad
Subject: RE: Empire Corridor GIS request

Hi Karen,

As discussed on the phone, as part of receiving data in digital format from the NY Natural Heritage Program, we ask that you also agree to and sign a data sharing agreement. A draft agreement is attached. If there are any provisions that raise concerns or questions for you, please let me know. If the provisions are acceptable, let me know that by e-mail, too, and return a signed copy to me in the mail or by e-mail (scanned in signed copy). Upon hearing that the agreement is acceptable, we will prepare shapefiles of the locations of rare animals, rare plants, and significant natural communities which are documented in the NY Natural Heritage databases as occurring in the New York State Empire Corridor.

Let me know if you have any questions.

Thanks,
Tara

Tara Salerno
Environmental Review Specialist
NY Natural Heritage Program
625 Broadway, 5th Floor
Albany, NY 12233-4757
Office: 518-402-8926
Fax: 518-402-8925
tmsalern@gw.dec.state.ny.us

>>> "Karen Kays" <kays@pinyon-env.com> 2/8/2011 1:34 PM >>>

Hi Tara,

A few more questions.

1. Does your program handle the Hudson River Superfund Site? It appears from the NYSDEC website that it does but, I'm not 100% certain. I need to find hazardous waste information for the site..any ideas who to contact about that?
2. Also, I know you mentioned that you have record of significant natural communities but, to your knowledge, does the state have records of just plain natural communities? Thanks for your help.

Karen Carling Kays
Environmental Scientist

Pinyon Environmental, Inc.
376 Broadway, Suite 210
Saratoga Springs, NY 12866
518.583.8012 tel
518.691.8693 fax
518.222.6993 cell

[Kays@pinyon-env.com](mailto:kays@pinyon-env.com)
www.pinyon-env.com
Certified DBE in NY, CO, UT

From: Tara Salerno [<mailto:tmsalern@gw.dec.state.ny.us>]
Sent: Tuesday, February 08, 2011 11:10 AM
To: Karen Kays
Cc: Nick Conrad
Subject: Empire Corridor GIS request

Hi Karen,

The best thing to do is e-mail me a shapefile of your project area. Also, please give me a call at 518-402-8926 so we can discuss your project. Then I can discuss with my supervisor what is the best way to provide data to you.

Thanks.

Tara

Tara Salerno
Environmental Review Specialist
NY Natural Heritage Program
625 Broadway, 5th Floor
Albany, NY 12233-4757
Office: 518-402-8926
Fax: 518-402-8925

tmsalern@gw.dec.state.ny.us

>>> John Schmid 2/8/2011 6:59 AM >>>

Karen-

I am copying Nick Conrad (Information Resources Coordinator) on this reply. He should be able to assist you with your non-standard request.

-John

~~~~~  
John J. Schmid, GISP  
GIS Specialist  
New York Natural Heritage Program

625 Broadway, 5th Floor  
Albany, New York 12233-4757  
518.402.8930

-----  
>>> "Karen Kays" <[Kays@pinyon-env.com](mailto:Kays@pinyon-env.com)> 2/7/2011 3:05 PM >>>

Hi John,

Pinyon Environmental, Inc. is working as part of the project team for the New York State Empire Corridor, Tier I EIS. We plan to submit a formal request for GIS information to your agency. However, I see on your website that certain items such as topo maps, counties and cities in the project boundary, etc. are to be included in the information request and that we should contact your agency for larger geographic area information requests. Our project area is a 463-mile long corridor. Could you provide me with information on how to proceed with our request? Thank you!

Karen Carling Kays  
*Environmental Scientist*

**Pinyon Environmental, Inc.**  
376 Broadway, Suite 210  
Saratoga Springs, NY 12866  
518.583.8012 tel  
518.691.8693 fax  
518.222.6993 cell

[Kays@pinyon-env.com](mailto:Kays@pinyon-env.com)  
[www.pinyon-env.com](http://www.pinyon-env.com)  
Certified DBE in NY, CO, UT



## Sarah Walker

---

**From:** Duncan\_Hay@nps.gov  
**Sent:** Friday, March 25, 2011 4:51 PM  
**To:** Addie Kim  
**Cc:** Nigel\_Shaw@nps.gov  
**Subject:** RE: NYS DOT & FRA compliance (NEPA)  
**Attachments:** National Parks and Recreation Areas.doc; Corridor Map\_July 28 2010 (2).pdf

Fort Stanwix National Monument, Rome (FOST), Oneida County, NY, 15.52 acres, is an NPS unit within 1,000' of the Rome Amtrak Station.

Theodore Roosevelt Inaugural NHS (THRI), Buffalo, Erie County, 1.03 acres, may be within 1,000' of the Niagara Falls spur (depending on which of the three active rail routes you use through Buffalo).

Montezuma NWR is more than 1,000' from the NY Central/Conrail/CSX ROW

Women's Rights NHS, Seneca Falls & Waterloo, Seneca County, NY is more than 1,000' away as is Martin Van Buren NHS, Kinderhook, Columbia County.

As you already know, your line runs through Roosevelt-Vanderbilt NHS at two locations in Hyde Park, Dutchess County.

You'll have to check the distances from your alignment to General Grant NM (Grant's Tomb), Hamilton Grange NM, and Theodore Roosevelt Birthplace NM, and Saint Pauls NHS in Mount Vernon which are all NPS units administered by Manhattan Sites. Other units of Manhattan Sites (Castle Clinton and Federal Hall are at the southern tip of the island, well outside the 1,000' zone.

You should also check with the Bureau of Indian Affairs (BIA). the Tuscarora Reservation, Niagara County; Tonawanda Seneca Reservation, Erie and Orleans Counties; Onondaga reservation, Onondaga County; and Oneida Reservation, Madison County are all outside the 1,000' zone but within 1-5 miles of the ROW. BIA recently designated trust land for the Seneca Nation of Indians (Cattaragus) in the cities of Buffalo, Erie County and Niagara Falls, Niagara County and the Cayuga, Oneida, and Mohawk Nations have active land claims suits that include portions of your corridor. BIA's Eastern Regional Office is in Chattanooga, TN. I don't know anyone there anymore. My principal contact died last weekend, so you'll have to make a cold call.

We have GIS data for the Erie Canalway NHC boundary and are refining datalayers for the NYS Canal System as part of a National Register District nomination that we expect to complete by September. We got most everything else from the NYS GIS Clearinghouse.

NY-SHPO has been refining point and area data for NHL and National Register sites and districts. Their data is much more accurate than that from the NPS NHL and NR databases.

---

Duncan Hay  
National Park Service, Northeast Region  
Erie Canalway National Heritage Corridor  
15 State Street

Boston, MA 02109-3572

TEL: 617-223-5056

FAX: 617-223-5164

Addie Kim

<AKim@HNTB.com>

To

03/25/2011 01:31 "Nigel\_Shaw@nps.gov"

PM <Nigel\_Shaw@nps.gov>

cc

"Deb\_DiQuinzio@nps.gov"

<Deb\_DiQuinzio@nps.gov>,

"duncan\_hay@nps.gov"

<duncan\_hay@nps.gov>,

"James\_Farrell@nps.gov"

<James\_Farrell@nps.gov>, Joe Grilli

<JGRILLI@HNTB.com>, 'Molly

McDonald' <MMcdonald@akrf.com>

Subject

RE: NYS DOT & FRA compliance (NEPA)

Hi Nigel,

Using existing web-based mapping, our study area for parklands and recreation areas is 1,000 feet on either side of the centerline of existing and proposed tracks (although GIS mapping will extend beyond this area for presentation graphics purposes, which is why we are seeking GIS for areas beyond this). The National parks, National Natural Landmarks, Natural Heritage Areas, and Natural Historic Sites that we have identified within 1,000 feet of the project centerline are described below and in the attached write-up (note this list does not include National Historic Landmarks being addressed as part of Cultural Resource Investigations):

- o Hudson River Valley National Heritage Area
- o Erie Canalway National Heritage Area
- o Niagara Falls National Heritage Area, including the community of Niagara Falls at the western end of the Niagara Branch railroad.

| Name-County                                        | Acreage within 2,000-foot-wide study area |
|----------------------------------------------------|-------------------------------------------|
| Vanderbilt Mansion National Historic Site-Dutchess |                                           |

143  
Franklin D Roosevelt Home National Historic Site-Dutchess 82

Federal Land within Hudson Highlands State Park -Putnam  
0.4  
Moss Island National Natural Landmark-Herkimer  
15  
Montezuma National Wildlife Refuge-Wayne  
557

If we have missed something within the 2,000-foot wide study area centered on the railroad, please advise. We are interested in GIS mapping for the broader area for mapping/graphics presentation purposes.

Best regards,

Addie

---

From: Nigel\_Shaw@nps.gov [Nigel\_Shaw@nps.gov]  
Sent: Friday, March 25, 2011 12:52 PM  
To: Addie Kim  
Cc: Deb\_DiQuinzio@nps.gov; 'duncan\_hay@nps.gov'; James\_Farrell@nps.gov; Joe Grilli; 'Molly McDonald'  
Subject: NYS DOT & FRA compliance (NEPA)

Hi Addie,

This could concern quite a few National Parks and affiliated areas and I cannot say which are really within 1/2 mile of the corridor. Is it safe to assume that this is also equal to 1/2 mile from the railroad tracks? I think it will be best on our end to have someone in the NPS Planning & Compliance Division determine whether the given park is w/in the area of interest as defined in your official request so I will forward this along to Terry Moore, Chief of P&C, for his consideration. Please let me know if you do not hear from someone else regarding this within your timeframe and I will follow up if necessary.

best wishes,  
Nigel

National Parks of New York Harbor (Manhattan Sites) Home of FDR / Eleanor Roosevelt NHS / Vanderbilt Mansion  
Martin Van Buren NHS Fort Stanwix NHS Women's Rights NHP Susan B. Anthony NHS Thomas Cole NHS Hudson River  
Valley NRA Kate Mullany NHS Erie Canalway NHC Theodore Roosevelt Inaugural NHS Niagara Falls NHA

~~~~~

Nigel Shaw
GIS Coordinator, Northeast Region
National Park Service
office (617) 223-5065
cell (617) 797-4569
fax (617) 223-5097

Addie Kim
<AKim@HNTB.com>

To
03/24/2011 01:05 PM "'Nigel_Shaw@nps.gov"
<Nigel_Shaw@nps.gov>,
"Deb_DiQuinzio@nps.gov"
<Deb_DiQuinzio@nps.gov>,
"'duncan_hay@nps.gov"
<duncan_hay@nps.gov>
cc
"James_Farrell@nps.gov"
<James_Farrell@nps.gov>, Joe Grilli
<JGRILLI@HNTB.com>, 'Molly
McDonald' <MMcdonald@akrf.com>, Joe
Grilli <JGRILLI@HNTB.com>
Subject
RE: Fw: requested info re Hart's
Woods NNL

Greatly appreciate your assistance in this matter. Yes, the Empire Corridor extends 463 miles from New York City north to Albany, then west to Buffalo and Niagara Falls. Please refer to formal information request below and attached map:

Dear Sir/Madam:

The New York State Department of Transportation (NYSDOT), in cooperation with the Federal Railroad Administration (FRA), is beginning the environmental review process for the proposed New York State High Speed Rail Empire Corridor Project between Pennsylvania Station in New York City and Niagara Falls, New York. The corridor proceeds north from New York City through Albany and then turns west to Schenectady, passing through Syracuse, Rochester and Buffalo before terminating at Niagara Falls, a distance of 463 miles (Figure 1).

A Tier 1 Environmental Impact Statement (EIS), in accordance with the National Environmental Policy Act (NEPA) of 1969 and the New York State Environmental Quality Review Act (SEQRA), is being completed to evaluate and document potential improvements and projects to intercity passenger rail service within the corridor. The projects identified in the Tier 1 EIS will be subject to detailed environmental review in Tier 2 project-level NEPA documents.

In order to complete the Tier 1 EIS, the project team will be reviewing available data. At this time, we respectfully request any Geographic Information System data regarding national heritage areas, parks, and national historic sites (and National Historic Landmarks) along or within ½ mile of the 463 mile corridor (Figure 1). Any information on sites that have received Land and Water Conservation Funding would be of interest.

While geographic information systems (GIS) data is preferred, any mappable data your office could provide would be greatly appreciated.

If you have any questions, please feel free to contact me.

Best regards,

Addie

Addie Kim
Senior Environmental Planner
HNTB Corporation
31 St. James Avenue, Suite 300
Boston, MA 02116
Tel (617) 532-2326
Fax (617) 428-6905

-----Original Message-----

From: Nigel_Shaw@nps.gov [mailto:Nigel_Shaw@nps.gov]
Sent: Thursday, March 24, 2011 12:50 PM
To: Deb_DiQuinzio@nps.gov
Cc: Addie Kim; James_Farrell@nps.gov
Subject: Re: Fw: requested info re Hart's Woods NNL

Hi Deb,

The Empire Corridor sounds like it is in NY state (and Wikipedia confirms). Duncan Hay manages the mapping for the Erie Canal National Heritage Corridor, which appears to be roughly coincident with much of the e-w stretch of the Empire Corridor. Duncan can be reached via email: Duncan_Hay@nps.gov or by phone at (617) 223-5056.
Nigel

~~~~~

Nigel Shaw  
GIS Coordinator, Northeast Region  
National Park Service  
office (617) 223-5065  
cell (617) 797-4569  
fax (617) 223-5097

Deb  
DiQuinzio/Boston/  
NPS  
To  
James Farrell/PHILADELPHIA/NPS@NPS,  
03/24/2011 11:56 AM  
Nigel Shaw/Boston/NPS@NPS  
cc  
AKim@HNTB.com  
Subject  
Fw: requested info re Hart's Woods  
NNL

Hi James and Nigel,

Could one of you direct Addie to where she may obtain GIS data for other NPS interests within the Empire Corridor project area in NY?

Thanks,

-----  
Deb DiQuinzio  
National Natural Landmarks Program  
NPS Northeast Region  
(617) 223-5064  
<http://www.nature.nps.gov/nnl>  
-----

----- Forwarded by Deb DiQuinzio/Boston/NPS on 03/24/2011 11:53 AM -----

Addie Kim  
<AKim@HNTB.com>

To  
03/10/2011 01:31 PM      ""Deb\_DiQuinzio@nps.gov""  
                    <Deb\_DiQuinzio@nps.gov>  
                    cc  
                    Joe Grilli <JGRILLI@HNTB.com>,  
                    Kathleen Roy <kroy@HNTB.com>  
                    Subject  
                    RE: requested info re Hart's Woods  
                    NNL

Thanks Deb!

The other site of particular interest is Moss Island. Other that may be in our vicinity (but difficult to confirm) are Bergen-Byron Swamp, Zurich Bog, Round Lake, and Montezuma Marshes.

If you could please provide a National Park Service GIS contact that we could obtain other NPS mapping from, it would be much appreciated.

Thanks very much!

Addie

Addie Kim  
Senior Environmental Planner

HNTB Corporation  
31 St. James Avenue, Suite 300  
Boston, MA 02116

Tel (617) 532-2326  
Fax (617) 428-6905

-----Original Message-----

From: Deb\_DiQuinzio@nps.gov [mailto:Deb\_DiQuinzio@nps.gov]  
Sent: Thursday, March 10, 2011 1:23 PM  
To: Addie Kim  
Subject: requested info re Hart's Woods NNL

Hello Addie,

Here is the jpg boundary map for Hart's Woods, and also the one-page brief that describes the site's significance. If you require this type of info for any other specific NNL sites, please let me know. More soon...

(See attached file: Hart's Woods.doc)(See attached file: harts woods.jpg)

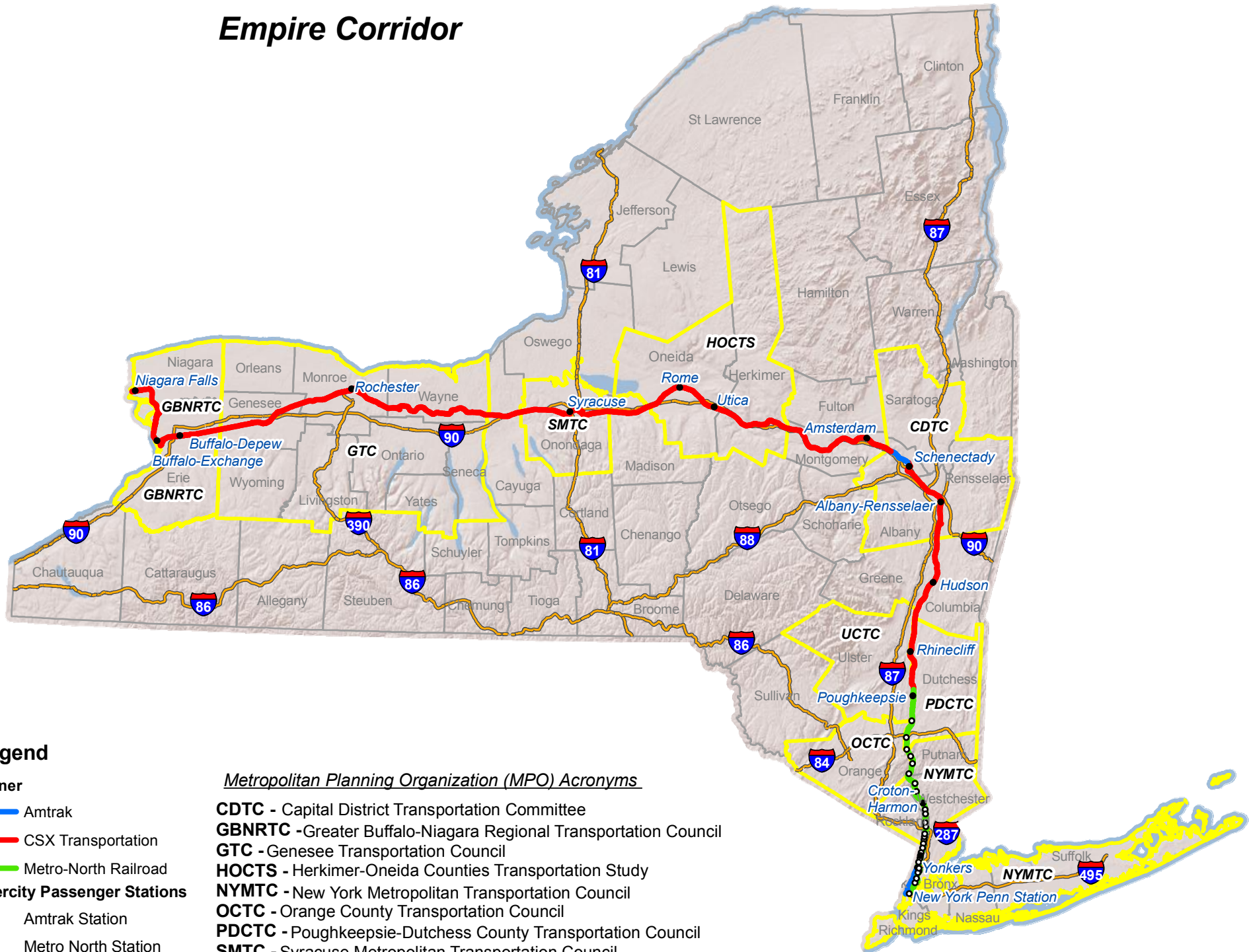
-----  
Deb DiQuinzio  
National Natural Landmarks Program  
NPS Northeast Region  
(617) 223-5064  
<http://www.nature.nps.gov/nnl>  
-----

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed.

If you are NOT the intended recipient or the person responsible for delivering the e-mail to the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing or copying this e-mail is strictly prohibited.

[attachment "Corridor Map\_July 28 2010 (2).pdf" deleted by Nigel Shaw/Boston/NPS] (See attached file: National Parks and Recreation Areas.doc)(See attached file: Corridor Map\_July 28 2010 (2).pdf)

# Empire Corridor



## Legend

### Owner

- Amtrak
- CSX Transportation
- Metro-North Railroad

### Intercity Passenger Stations

- Amtrak Station
- Metro North Station

MPO Boundaries

### Metropolitan Planning Organization (MPO) Acronyms

- CDTC** - Capital District Transportation Committee
- GBNRTC** - Greater Buffalo-Niagara Regional Transportation Council
- GTC** - Genesee Transportation Council
- HOCTS** - Herkimer-Oneida Counties Transportation Study
- NYMTC** - New York Metropolitan Transportation Council
- OTC** - Orange County Transportation Council
- PDCTC** - Poughkeepsie-Dutchess County Transportation Council
- SMTTC** - Syracuse Metropolitan Transportation Council
- UCTC** - Ulster County Transportation Council



## a. National Parks and Recreation Areas

There are several types of federally designated parks or recreation areas, including National Heritage Areas, National Natural Landmarks, National Wildlife Refuges, and National Historic Sites. National Historic Landmarks and National Register Historic Districts in the project area are addressed under **Section \***.

- **National Heritage Areas:** Congress established National Heritage Areas to promote historic preservation and an appreciation of the history and heritage of the designated site. National Heritage Areas are not federally owned or managed, but are administered by state or local governments or non-profit or private corporations, with the National Park Service providing an advisory role. The Empire Corridor traverses through three National Heritage Areas:
  - **Hudson River Valley National Heritage Area:** The Hudson River Valley National Heritage Area was designated by Congress in 1996 and extends from New York City north to Albany, along the Empire Corridor South. The heritage of the region dates back to the Revolutionary War, with several National Historic Landmarks and historic districts, estates of well-known historical figures, scenic parks, and gardens.
  - **Erie Canalway National Heritage Area:** The Erie Canalway National Heritage Area includes the Erie Canal system (Erie, Champlain, Oswego, and Cayuga-Seneca Canals) that extends through upstate New York, along most of the central and eastern portions of the Empire Corridor West. The New York State Canal System is the most commercially enduring and historically significant canal way in the United States. This waterway played a key role in turning New York City into our country's most important center for commerce, industry, and finance.
  - **Niagara Falls National Heritage Area:** Designated by Congress in 2008, the Niagara Falls National Heritage Area stretches from the western boundary of Wheatfield, New York to the mouth of the Niagara River on Lake Ontario, including the community of Niagara Falls at the western end of the Niagara Branch. The region is home to natural wonders, rich cultural traditions, and nationally significant historical sites.
- **National Natural Landmark:** The National Registry of Natural Landmarks includes nationally significant geological and biological features. Only one-half of the National Natural Landmarks are administered solely by public agencies, and nearly one-third are owned entirely by private parties. Because many natural landmarks are privately owned and/or not managed for public access, owner permission must be obtained prior to visitation. Designation in no way infers any right of public access.

The only site within 1,000 feet of the project corridor is **Moss Island**, near Milepost 216 and Lock 17 on the Erie Canal in Little Falls, Herkimer County. Moss Island is part of an uplifted fault block of ancient crystalline rock. It contains the best exposure of glacial age potholes eroded by meltwater floods in the eastern United States. It was designated in 1976 and is owned by the state.

- **National Wildlife Refuge:** The National Wildlife Refuge System, managed by the U.S. Fish and Wildlife Service, is the nation's system of public lands and waters set aside to conserve fish, wildlife and plants. Recreational wildlife-dependent uses permitted on some refuges include hunting and fishing, wildlife observation, photography, environmental education, and interpretation.

The only national wildlife refuge within 1,000 feet of the project corridor is the **Montezuma National Wildlife Refuge** (at Mileposts 323 to 326) in Wayne County. The area known as the Montezuma Marshes once drew thousands of waterfowl making their annual fall migration. In 1938, the Montezuma NWR was formed to restore the wetland habitat with impoundments created by development of the Erie Canal, smaller feeder canals, and agricultural development. Today, the refuge consists of 10,000 acres, and accommodates recreational uses, including hunting that is restricted (on designated days only upon reservation to a limited number of individuals and groups).

- **National Historic Sites:** Two National Historic Sites along the banks of the Hudson River in Hyde Park, Dutchess County are within the 1,000 foot buffer area. These sites are open to the public and are nationally important recreational tourism destinations:
  - **Vanderbilt Mansion National Historic Site:** The 50-room Classical-style mansion on 211 acres (near Milepost 80) was built in 1898. It was constructed by Frederick William Vanderbilt, a grandson of “Commodore” Cornelius Vanderbilt - the shipping and railroad magnate and richest man in America during his lifetime. Landscaped grounds feature a formal terraced garden, expansive lawns, carriage roads, and a three-mile-long riverside hiking trail.
  - **Home of Franklin D. Roosevelt National Historic Site:** This site covering more than 740 acres (at Mileposts 77-78) was the birthplace, lifelong home, and burial place of Franklin Delano Roosevelt, America’s 32nd President. It was purchased by Roosevelt’s father in 1867, and, by 1915, Franklin and his mother, Sara, had undertaken extensive renovations that included the addition of two large wings. The grounds that feature flower gardens, outbuildings, and miles of walking trails. The Rose Garden contains the graves of Franklin and Eleanor Roosevelt.

Table 1 summarizes the publicly owned acreage within National Historic Sites, National Wildlife Refuge, and federal preserves within 1,000 feet of the project centerline.

**Table 1—National Natural Landmark, Historic Sites, Wildlife Refuge, and Preserve within Study Area**

| Name                                             | County   | Acreage within 2,000-foot-wide study area | Potential Section 4(f) |
|--------------------------------------------------|----------|-------------------------------------------|------------------------|
| Vanderbilt Mansion National Historic Site        | Dutchess | 143                                       | x                      |
| Franklin D Roosevelt Home National Historic Site | Dutchess | 82                                        | x                      |
| Federal Land within Hudson Highlands State Park  | Putnam   | 0.4                                       | x                      |
| Moss Island National Natural Landmark            | Herkimer | 15                                        | x                      |
| Montezuma National Wildlife Refuge               | Wayne    | 557                                       | x                      |

Source: National Park Service, New York State GIS Clearinghouse

JGG → FILE 50311  
cc. D. Chan, NYSDOT  
A. Kim, HNTB  
S. Epstein, Pinoy



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
NORTHEAST REGION  
55 Great Republic Drive  
Gloucester, MA 01930-2276

Joseph G. Grilli  
HNTB Corporation  
31 St. James Avenue, Suite 300  
Boston, Massachusetts 02116

MAR 30 2011

**HNTB - Boston**

MAR 31 2011

RE: High Speed Rail Empire Corridor Project (PIN S937.51.171)

Dear Mr. Grilli,

This is in response to your letter dated March 18, 2011 regarding the proposed New York State High Speed Rail Empire Corridor Project. The project is proposed by the New York State Department of Transportation (NYSDOT) in cooperation with the Federal Railroad Administration (FRA). The rail corridor proceeds north from New York City through Albany and then turns west to Schenectady, passing through Syracuse, Rochester and Buffalo before terminating at Niagara Falls. Your letter requests information on the presence of federally listed threatened or endangered species in the vicinity of the proposed project, specifically within major streams and rivers located within 300 feet of the track centerline as listed in Appendix A of your letter.

A population of endangered shortnose sturgeon (*Acipenser brevirostrum*) occurs in the Hudson River below the Troy Dam. No shortnose sturgeon are known to occur in any of the waterbodies listed in Attachment A of your letter. Similarly, the New York Bight Distinct Population Segment (DPS) of Atlantic sturgeon (*Acipenser oxyrinchus oxyrinchus*), which was proposed for listing as threatened by NMFS in October 2010, occurs in the Hudson River. However, Atlantic sturgeon are not known to occur in any of the waterbodies listed in Attachment A of your letter. As no listed or proposed species or critical habitat occur in the action area, no further coordination with NMFS on the effects of the proposed action is necessary. Should you have any questions regarding these comments, please contact Julie Crocker at (978)282-8480.

Sincerely,

Mary A. Colligan  
Assistant Regional Administrator  
for Protected Resources



## Matt Santo

---

**Subject:** FW: FW: Wild and Scenic Rivers  
**Attachments:** WSRR - NY.zip

---

**From:** Roy Jacobson [<mailto:rajacobs@gw.dec.state.ny.us>]  
**Sent:** Tuesday, April 19, 2011 3:27 PM  
**To:** Karen Kays  
**Subject:** Re: FW: Wild and Scenic Rivers

Karen,

I'm sorry for not getting back to you sooner. I have many explanations, but no excuses.

Here is a shape file that has all the WSRR sections (NYS designations and federal designations). NY state regulates a corridor surrounding the rivers that can be as much as a 1/2 on either side of the river. However, as you will see, there is nothing even close to the high speed rail corridor you sent me. Call me if you have any questions.

Thanks for your patience and for the friendly reminder.  
JR

Roy "JR" Jacobson  
NYS Department of Environmental Conservation  
Landscape Conservation Section  
Bureau of Habitat  
625 Broadway  
Albany, NY 12233-4756  
(518) 402-8853  
[rajacobs@gw.dec.state.ny.us](mailto:rajacobs@gw.dec.state.ny.us)

>>> "Karen Kays" <[kays@pinyon-env.com](mailto:kays@pinyon-env.com)> 4/19/2011 10:46 AM >>>

Hi JR,

I just wanted to follow-up on the below request. Please let me know if there is any further information that you need for me or if there is another process that I should be going to in order to request this data. Thank you!

Karen Carling Kays  
*Environmental Scientist*

**Pinyon Environmental, Inc.**  
376 Broadway, Suite 210  
Saratoga Springs, NY 12866  
518.583.8012 tel  
518.691.8693 fax  
518.222.6993 cell

[Kays@pinyon-env.com](mailto:Kays@pinyon-env.com)  
[www.pinyon-env.com](http://www.pinyon-env.com)  
Certified DBE in NY, CO, UT

---

**From:** Karen Kays [<mailto:kays@pinyon-env.com>]  
**Sent:** Friday, February 11, 2011 11:39 AM

**To:** 'Roy Jacobson'  
**Cc:** Matt Santo  
**Subject:** RE: Wild and Scenic Rivers

Hi JR,

The Shape files of the project centerline and 300 foot buffer are attached. Matt Santo handles our GIS data, he is copied on this email, in case you have any questions.

A formal request letter will be mailed to your attention but, in the meantime, the text is included below:

**DATA REQUEST and PROJECT INFORMATION:**

The New York State Department of Transportation (NYSDOT), in cooperation with the Federal Railroad Administration (FRA), is beginning the environmental review process for the proposed New York State High Speed Rail Empire Corridor Project between Pennsylvania Station in New York City and Niagara Falls, New York. The corridor proceeds north from New York City through Albany and then turns west to Schenectady, passing through Syracuse, Rochester and Buffalo before terminating at Niagara Falls, a distance of 463 miles (Figure 1-attached).

A Tier 1 Environmental Impact Statement (EIS), in accordance with the National Environmental Policy Act (NEPA) of 1969 and the New York State Environmental Quality Review Act (SEQRA), is being completed to evaluate and document potential improvements and projects to intercity passenger rail service within the corridor. The projects identified in the Tier 1 EIS will be subject to detailed environmental review in Tier 2 project-level NEPA documents.

In order to complete the Tier 1 EIS, the project team will be reviewing available data. At this time, we respectfully request any Geographic Information System data regarding state wild and scenic rivers along or within a 300 feet of the 463 mile corridor (Figure 1 - attached). While geographic information systems (GIS) data is preferred, any mappable data your office could provide would be greatly appreciated.

If you have any questions, please feel free to contact me. Thank you.

Karen Carling Kays  
*Environmental Scientist*

**Pinyon** Environmental, Inc.  
376 Broadway, Suite 210  
Saratoga Springs, NY 12866  
518.583.8012 tel  
518.691.8693 fax  
518.222.6993 cell

[Kays@pinyon-env.com](mailto:Kays@pinyon-env.com)  
[www.pinyon-env.com](http://www.pinyon-env.com)  
Certified DBE in NY, CO, UT

---

**From:** Roy Jacobson [<mailto:rajacobs@gw.dec.state.ny.us>]  
**Sent:** Thursday, February 10, 2011 12:10 PM  
**To:** Karen Kays  
**Subject:** RE: Wild and Scenic Rivers

Karen,

OK. Please send the shapefiles with your request. Thanks.

JR

>>> "Karen Kays" <[kays@pinyon-env.com](mailto:kays@pinyon-env.com)> 2/10/2011 11:46 AM >>>

Hi JR,

Thank you for the response and information. I am including some further information about the project below. I spoke with Katherine Barns this morning and she mentioned that you may be able to provide me with information on State Wild and Scenic Rivers along or within a ½ mile of the 463 mile corridor (Figure 1 - attached). If necessary, we can provide you with Shape files of the Project Centerline as well as the ½-mile buffer Study Area to overlay with your data.

Please note, we will be also be sending you a formal letter request.

The New York State Department of Transportation (NYSDOT), in cooperation with the Federal Railroad Administration (FRA), is beginning the environmental review process for the proposed New York State High Speed Rail Empire Corridor Project between Pennsylvania Station in New York City and Niagara Falls, New York. The corridor proceeds north from New York City through Albany and then turns west to Schenectady, passing through Syracuse, Rochester and Buffalo before terminating at Niagara Falls, a distance of 463 miles (Figure 1-attached).

A Tier 1 Environmental Impact Statement (EIS), in accordance with the National Environmental Policy Act (NEPA) of 1969 and the New York State Environmental Quality Review Act (SEQRA), is being completed to evaluate and document potential improvements and projects to intercity passenger rail service within the corridor. The projects identified in the Tier 1 EIS will be subject to detailed environmental review in Tier 2 project-level NEPA documents.

In order to complete the Tier 1 EIS, the project team will be reviewing available data. At this time, we respectfully request any Geographic Information System data regarding state wild and scenic rivers along or within ½ mile of the 463 mile corridor (Figure 1 - attached). While geographic information systems (GIS) data is preferred, any mappable data your office could provide would be greatly appreciated.

If you have any questions, please feel free to contact me. Thank you.

Karen Carling Kays  
*Environmental Scientist*

**Pinyon** Environmental, Inc.  
376 Broadway, Suite 210  
Saratoga Springs, NY 12866  
518.583.8012 tel  
518.691.8693 fax  
518.222.6993 cell

[Kays@pinyon-env.com](mailto:kays@pinyon-env.com)  
[www.pinyon-env.com](http://www.pinyon-env.com)  
Certified DBE in NY, CO, UT

---

**From:** Roy Jacobson [<mailto:rajacobs@gw.dec.state.ny.us>]  
**Sent:** Wednesday, February 09, 2011 9:23 AM  
**To:** Karen Kays  
**Cc:** Judy Stevens  
**Subject:** Fwd: Hudson River Superfund Site Question

Karen,

I got your phone message yesterday and I'm glad that you talked with Tara about information on rare things. If you want GIS information on state regulated freshwater wetlands you can find that at:

<http://cugir.mannlib.cornell.edu/>

Please contact Judy Stevens, our freshwater wetlands mapping coordinator, if you have questions on the freshwater wetlands maps (I've copied her on this e-mail). Also, you can find other information at DEC's Environmental Resource Mapper

<http://www.dec.ny.gov/imsmaps/ERM/viewer.htm>

Good luck.  
JR

Roy "JR" Jacobson  
NYS Department of Environmental Conservation  
Landscape Conservation Section  
Bureau of Habitat  
625 Broadway  
Albany, NY 12233-4756  
(518) 402-8853  
[rajacobs@gw.dec.state.ny.us](mailto:rajacobs@gw.dec.state.ny.us)

>>> "Karen Kays" <[Kays@pinyon-env.com](mailto:Kays@pinyon-env.com)> 2/8/2011 3:34 PM >>>

Hi Steve,

Tara Salerno from the Natural Heritage Program gave me your contact information and thought you might be able to help me. Pinyon is part of the project team assisting NYSDOT and FRA with the High Speed Rail Empire Corridor Tier I EIS project. Currently, we are assembling data for the 463-mile corridor. Are you the right person to contact regarding hazardous materials/substance data related to the Hudson River Superfund Site. At this point we are looking for GIS data so that we can conduct a review of existing conditions within the project buffer area. If you are not the correct person to contact regarding the process to request data, could you point me in the right direction? Thanks in advance for your help.

**Karen Carling Kays**  
*Environmental Scientist*

**Pinyon Environmental, Inc.**  
376 Broadway, Suite 210  
Saratoga Springs, NY 12866  
518.583.8012 tel  
518.691.8693 fax  
518.222.6993 cell

[Kays@pinyon-env.com](mailto:Kays@pinyon-env.com)  
[www.pinyon-env.com](http://www.pinyon-env.com)  
Certified DBE in NY, CO, UT

APR 20 2011



## United States Department of the Interior

### FISH AND WILDLIFE SERVICE

New York Field Office

3817 Luker Road

Cortland, NY 13045

Phone: (607) 753-9334 Fax: (607) 753-9699

<http://www.fws.gov/northeast/nyfo>Project Number: 90646To: Joseph GrilliDate: Apr 19, 2011Regarding: High Speed Rail Empire Corridor Project, PIN S937.51.171Town/County: from Pennsylvania Station in New York City to Niagara Falls, New York

We have received your request for information regarding occurrences of Federally-listed threatened and endangered species within the vicinity of the above-referenced project/property. Due to increasing workload and reduction of staff, we are no longer able to reply to endangered species list requests in a timely manner. In an effort to streamline project reviews, we are shifting the majority of species list requests to our website at <http://www.fws.gov/northeast/nyfo/es/section7.htm>. Please go to our website and print the appropriate portions of our county list of endangered, threatened, proposed, and candidate species, and the official list request response. Step-by-step instructions are found on our website.

As a reminder, Section 9 of the Endangered Species Act (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) prohibits unauthorized taking\* of listed species and applies to Federal and non-Federal activities. Additionally, endangered species and their habitats are protected by Section 7(a)(2) of the ESA, which requires Federal agencies, in consultation with the U.S. Fish and Wildlife Service (Service), to ensure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of listed species or result in the destruction or adverse modification of critical habitat. An assessment of the potential direct, indirect, and cumulative impacts is required for all Federal actions that may affect listed species. For projects not authorized, funded, or carried out by a Federal agency, consultation with the Service pursuant to Section 7(a)(2) of the ESA is not required. However, no person is authorized to "take"\* any listed species without appropriate authorizations from the Service. Therefore, we provide technical assistance to individuals and agencies to assist with project planning to avoid the potential for "take," or when appropriate, to provide assistance with their application for an incidental take permit pursuant to Section 10(a)(1)(B) of the ESA.

Project construction or implementation should not commence until all requirements of the ESA have been fulfilled. If you have any questions or require further assistance regarding threatened or endangered species, please contact the Endangered Species Program at (607) 753-9334. Please refer to the above document control number in any future correspondence.

Endangered Species Biologist: Sandra Doran *Sandra Doran*

\*Under the Act and regulations, it is illegal for any person subject to the jurisdiction of the United States to take (includes harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect; or to attempt any of these), import or export, ship in interstate or foreign commerce in the course of commercial activity, or sell or offer for sale in interstate or foreign commerce any endangered fish or wildlife species and most threatened fish and wildlife species. It is also illegal to possess, sell, deliver, carry, transport, or ship any such wildlife that has been taken illegally. "Harm" includes any act which actually kills or injures fish or wildlife, and case law has clarified that such acts may include significant habitat modification or degradation that significantly impairs essential behavioral patterns of fish or wildlife.

## HNTB - Boston

APR 20 2011



## Matt Santo

---

**Subject:** FW: FW: Empire Corridor High Speed Rail  
**Attachments:** Corridor18.pdf; Corridor1.pdf; Corridor2.pdf; Corridor3.pdf; Corridor4.pdf; Corridor5.pdf; Corridor6.pdf; Corridor7.pdf; Corridor8.pdf; Corridor9.pdf; Corridor10.pdf; Corridor11.pdf; Corridor12.pdf; Corridor13.pdf; Corridor14.pdf; Corridor15.pdf; Corridor16.pdf; Corridor17.pdf; CorridorNeat3.pdf

---

**From:** David Rebecca [<mailto:dxrebecc@gw.dec.state.ny.us>]  
**Sent:** Monday, May 02, 2011 2:10 PM  
**To:** Karen Kays  
**Cc:** Robert Ewing  
**Subject:** Re: FW: Empire Corridor High Speed Rail

Hi Karen,

My apologies for missing your phone call. I created GIS maps using the CEA data we have internally which is also public. Each CEA is also located on our website as well at:

<http://www.dec.ny.gov/permits/6184.html>

The first map (All in PDF Format) is a neat map of the whole state with a legend, than I reduced the scale and made several maps for each area so that you can visually see the details. I hope this will work for your needs. Best regards and thanks for providing the shape file,

David.

>>> "Karen Kays" <[Kays@pinyon-env.com](mailto:Kays@pinyon-env.com)> 4/28/2011 3:55 PM >>>

Hi David,

Below is the original request for information that I has sent to Bob. As you will see the attached documents are a general map of the corridor and shape files of the project centerline and half mile buffer. I left you a voice message but, I thought this might be a helpful first step in understanding our data needs. Please feel free to contact me at any time to discuss. Thank you.

*Karen Carling Kays*  
*Environmental Scientist*

**Pinyon Environmental, Inc.**  
518.583.8012 tel

---

**From:** Karen Kays  
**Sent:** Friday, February 11, 2011 11:46 AM  
**To:** 'RLEWing@gw.edc.state.ny.us'  
**Subject:** Empire Corridor High Speed Rail

Good Morning Mr. Ewing:

Thank you for returning my phone call yesterday. Below is a description of the project and a request for data. Please note, this email will be followed by a formal mailed request. I've also attached shape files of the project centerline and ½ mile buffer.

**PROJECT INFORMATION AND DATA REQUEST:**

The New York State Department of Transportation (NYSDOT), in cooperation with the Federal Railroad Administration (FRA), is beginning the environmental review process for the proposed New York State High Speed Rail Empire Corridor Project between Pennsylvania Station in New York City and Niagara Falls, New York. The corridor proceeds north from New York City through Albany and then turns west to Schenectady, passing through Syracuse, Rochester and Buffalo before terminating at Niagara Falls, a distance of 463 miles (Figure 1).

A Tier 1 Environmental Impact Statement (EIS), in accordance with the National Environmental Policy Act (NEPA) of 1969 and the New York State Environmental Quality Review Act (SEQRA), is being completed to evaluate and document potential improvements and projects to intercity passenger rail service within the corridor. The projects identified in the Tier 1 EIS will be subject to detailed environmental review in Tier 2 project-level NEPA documents.

In order to complete the Tier 1 EIS, the project team will be reviewing available data. At this time, we respectfully request any Geographic Information System data regarding SEQRA Critical Environmental Areas along or within a ½ mile of the 463 mile corridor (Figure 1). While geographic information systems (GIS) data is preferred, any mappable data your office could provide would be greatly appreciated.

If you have any questions, please feel free to contact me. Thank you.

*Karen Carling Kays  
Environmental Scientist*

**Pinyon Environmental, Inc.**  
376 Broadway, Suite 210  
Saratoga Springs, NY 12866  
518.583.8012 tel  
518.691.8693 fax  
518.222.6993 cell

[Kays@pinyon-env.com](mailto:Kays@pinyon-env.com)  
[www.pinyon-env.com](http://www.pinyon-env.com)  
Certified DBE in NY, CO, UT



RECEIVED

JUL 13 2011

HNTB BOSTON

16591/NY

July 7, 2011

Mr. Joseph G. Grilli, P.E.  
Environmental Manager  
HNTB Corporation  
31 St. James Avenue, Suite 300  
Boston, MA 02116

RE: High Speed Rail Project (PIN S937.51.171)

Dear Mr. Grilli:

This responds to your letter of March 18, 2011 concerning the environmental review process for the subject project. I apologize for the delay of my response as it took some time to search our files for the copies of all existing bridge permits you requested.

The U. S. Coast Guard (USCG), as a regulatory agency, is responsible for issuance of bridge permits pursuant to The General Bridge Act of 1946 (33 U.S.C 525-533) and promulgation of drawbridge regulations (33 U.S.C. 499). For the referenced project, the USCG has federal jurisdiction over all structures crossing navigable waters of the United States. Not all of the bridges in the project area will require a USCG Bridge Permit; however, the USCG will need to review each bridge action on a case-by-case basis. Some of the waterways crossed by the project may fall under various other categories of jurisdiction. In all cases however, we must address the reasonable needs of navigation and coordinate with appropriate waterway users, facilities and bridge owners in addition to Federal Railroad Administration (FRA) and their consultants, as applicable. The Coast Guard's Bridge Permit Application Guide can be found at [http://www.uscg.mil/hq/cg5/cg551/BPAG\\_2008.pdf](http://www.uscg.mil/hq/cg5/cg551/BPAG_2008.pdf)

Following a review of our files for the project area, we have identified five bridges for which permits were issued. They are as follows:

1. Spuyten Duyvil RR Bridge over the Harlem River
2. Metro-North RR Bridge over the Croton River
3. Metro-North RR Bridge over Peekskill Creek
4. Livingston Avenue RR Bridge
5. New Hamburg RR Bridge over Wappinger Creek

Our office has the first four listed bridge permits on file, which are provided as enclosures (1) through (4), respectively. Unfortunately, we do not have a copy of the permit issued by the Secretary of War in 1929 for the bridge crossing Wappinger Creek.

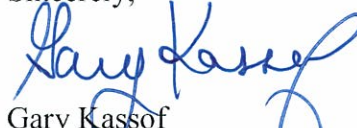
16591  
July 7, 2011

The USCG will coordinate with all other resource and permitting agencies (federal, state & local) in conjunction with our bridge permitting process. We will also coordinate with USCG Sector New York Waterways Management Division on all bridge construction and modification issues. Please note that dredging and placement of fill with exception of that pertaining to a bridge structure itself, is not within the purview of the USCG, but rather with the U.S. Army Corps of Engineers.

As you are aware other federal agencies have oversight responsibilities for other environmental areas to ensure that impacts on the human environment are addressed and mitigated as necessary. It is recommended that the environmental process for this project include (if not already included) coordination with federal, state and local agencies with jurisdiction or expertise over all aspects of the project.

If you have questions in the interim, please contact Chris Bisignano, project manager, at (212) 668-7994.

Sincerely,



Gary Kassof  
Bridge Program Manager  
First Coast Guard District  
By direction of the District Commander

Enclosure: (1) Spuyten Duyvil RR Bridge Permit Amendment, Harlem River  
(2) Metro-North RR Bridge Permit, Croton River  
(3) Metro-North RR Bridge Permits, Peekskill Creek  
(4) Livingston Avenue RR Bridge Permit, Hudson River

Cc: ACOE, New York District  
David Chan, Project Manager, NYSDOT

WHEREAS, Under date of August 28, 1894, the Acting Secretary of War approved plans for rebuilding the bridge of the New York Central and Hudson River Railroad across Spuyten Duyvil Creek, at its mouth, in the State of New York;

AND WHEREAS, Under date of November 22, 1897, the Secretary of War approved the plans of a temporary pile trestle bridge at said place to be used while said permanent bridge was being constructed, subject to the following condition, inter alia:

"4. That the new permanent bridge, the plans of which were approved by the Acting Secretary of War as aforesaid, shall be completed and put in service by January 1, 1900; and that within ninety days after the completion of said new permanent bridge, said company shall completely remove said temporary bridge as well as all portions of the present structure not embodied in the said new permanent bridge, all at its own expense";

AND WHEREAS, The New York Central & Hudson River Rail Road Company has now applied to the Secretary of War for an extension of time for the complete removal of said temporary pile trestle bridge;

NOW THEREFORE, This is to certify that, in accordance with the recommendation of the Chief of Engineers, the Secretary of War hereby extends the time for the complete removal of said temporary pile trestle bridge to a period not later than May 1, 1903.

WITNESS my hand this 24th day of May, 1901.

Elihu Root,

Secretary of War.

Copy of 23428/26.



## BRIDGE PERMIT

MAR 17 1995

(6-95-1)

WHEREAS by Title V of an act of Congress approved August 2, 1946, entitled "General Bridge Act of 1946," as amended (33 U.S.C. 525-533), the consent of Congress was granted for the construction, maintenance and operation of bridges and approaches thereto over the navigable waters of the United States;

AND WHEREAS the Secretary of Transportation has delegated the authority of Section 502(b) of that act to the Commandant, U.S. Coast Guard by Section 1.46(c) of Title 49 Code of Federal Regulations;

AND WHEREAS before construction is commenced, the Commandant must approve the location and plans of any such bridge and may impose any specific conditions relating to the construction, maintenance and operation of the structure deemed necessary in the interest of public navigation, such conditions to have the force of law;

AND WHEREAS the Commandant of the Coast Guard has further delegated to the District Commanders by Section 1.01-60(b) of Title 33 Code of Federal Regulations authority to issue permits for the construction, reconstruction, or alteration of bridges across navigable waters of the United States;

AND WHEREAS the - METRO-NORTH COMMUTER RAILROAD COMPANY - has submitted for approval plans for modification of a bridge constructed across the Croton River between Ossining and Croton-on-Hudson, New York;

NOW THEREFORE, This is to certify that the location and plans revised June 1994 are hereby approved by the Commander, First Coast Guard District, subject to the following conditions:

1. No deviation from the approved plans may be made either before or after completion of the structure unless the modification of said plans has previously been submitted to and received the approval of the District Commander.

2. The construction of falsework, cofferdams or other obstructions, if required, shall be in accordance with plans submitted to and approved by the District Commander prior to modification of the bridge. All work shall be so conducted that the free navigation of the waterway is not unreasonably interfered with and the present navigable depths are not impaired. Timely notice of any and all events that may affect navigation shall be given to the District Commander during modification of the bridge. Methods shall be employed to ensure that there will be no increases of sedimentation and turbidity in the waterway during construction. The channel or channels

MAR 17 1995

Continuation Sheet

BRIDGE PERMIT

Metro-North Railroad Bridge across the Croton River  
between Ossining and Croton-on-Hudson, New York

(6-95-1)

through the structure shall be promptly cleared of all obstructions placed therein or caused by the modification of the bridge to the satisfaction of the District Commander, when in the judgment of the District Commander the modification work has reached a point where such action should be taken, but in no case later than 90 days after the bridge has been opened to traffic.

3. Issuance of this permit does not relieve the permittee of the obligation or responsibility for compliance with the provisions of any other law or regulation as may be under the jurisdiction of the U. S. Department of Commerce, National Marine Fisheries Service; State of New York: Department of State; Department of Environmental Conservation, or any other federal, state or local authority having cognizance of any aspect of the location, modification or maintenance of said bridge.

4. All parts of the existing to be modified Metro-North Railroad Bridge across the Croton River, mile 0.0, not utilized in the new modified bridge shall be removed in their entirety and the waterway cleared to the satisfaction of the District Commander. A period of 90 days subsequent to the completion of the modified Metro-North Railroad Bridge will be allowed for such removal and clearance.

5. A bridge fendering system shall be installed and maintained in good condition by and at the expense of the owner of the bridge when so required by the District Commander. Said installation shall be for the safety of navigation and be in accordance with plans submitted to and approved by the District Commander prior to its construction.

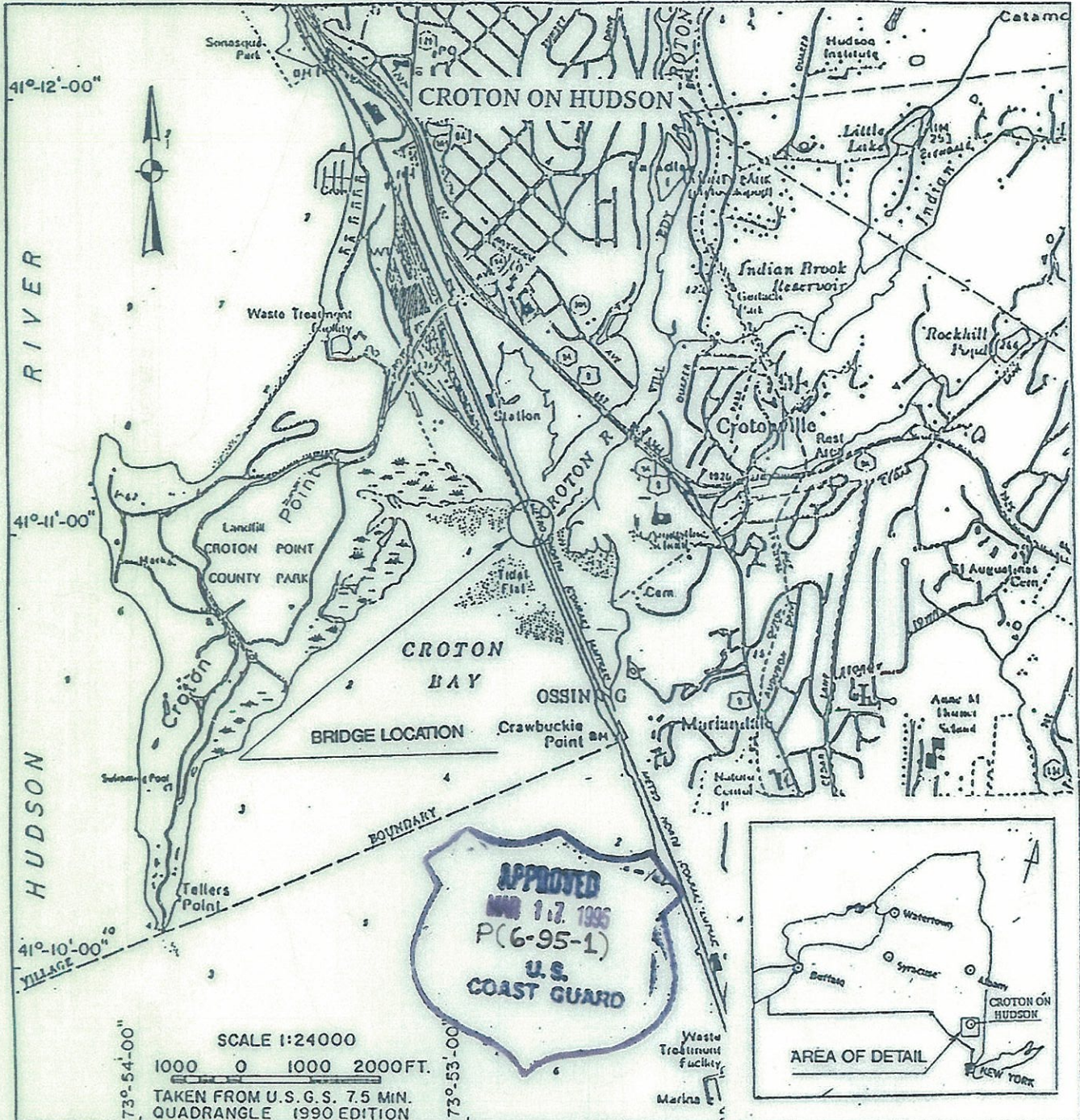
6. When the existing to be modified bridge is no longer used for transportation purposes, it shall be removed in its entirety or to an elevation deemed appropriate by the District Commander and the waterway cleared to the satisfaction of the District Commander. Such removal and clearance shall be completed by and at the expense of the owner of the bridge upon due notice from the District Commander.

7. The approval hereby granted shall cease and be null and void unless modification of the bridge is commenced within three years and completed within five years after the date of this permit.

MAR 17 1995



J. L. LINTON  
Rear Admiral, U. S. Coast Guard  
Commander, First Coast Guard District



41°-12'-00"

41°-11'-00"

41°-10'-00"

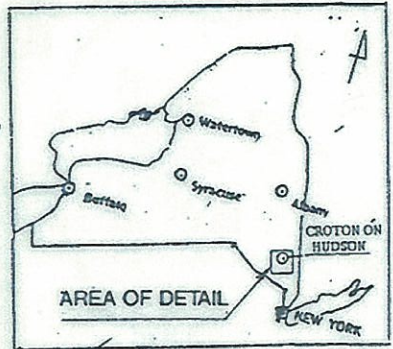
73°-54'-00"

VILLAGE

73°-53'-00"

SCALE 1:24000  
 1000 0 1000 2000 FT.  
 TAKEN FROM U.S.G.S. 7.5 MIN. QUADRANGLE 1990 EDITION

**APPROVED**  
**MAR 17 1995**  
**P(6-95-1)**  
**U.S. COAST GUARD**



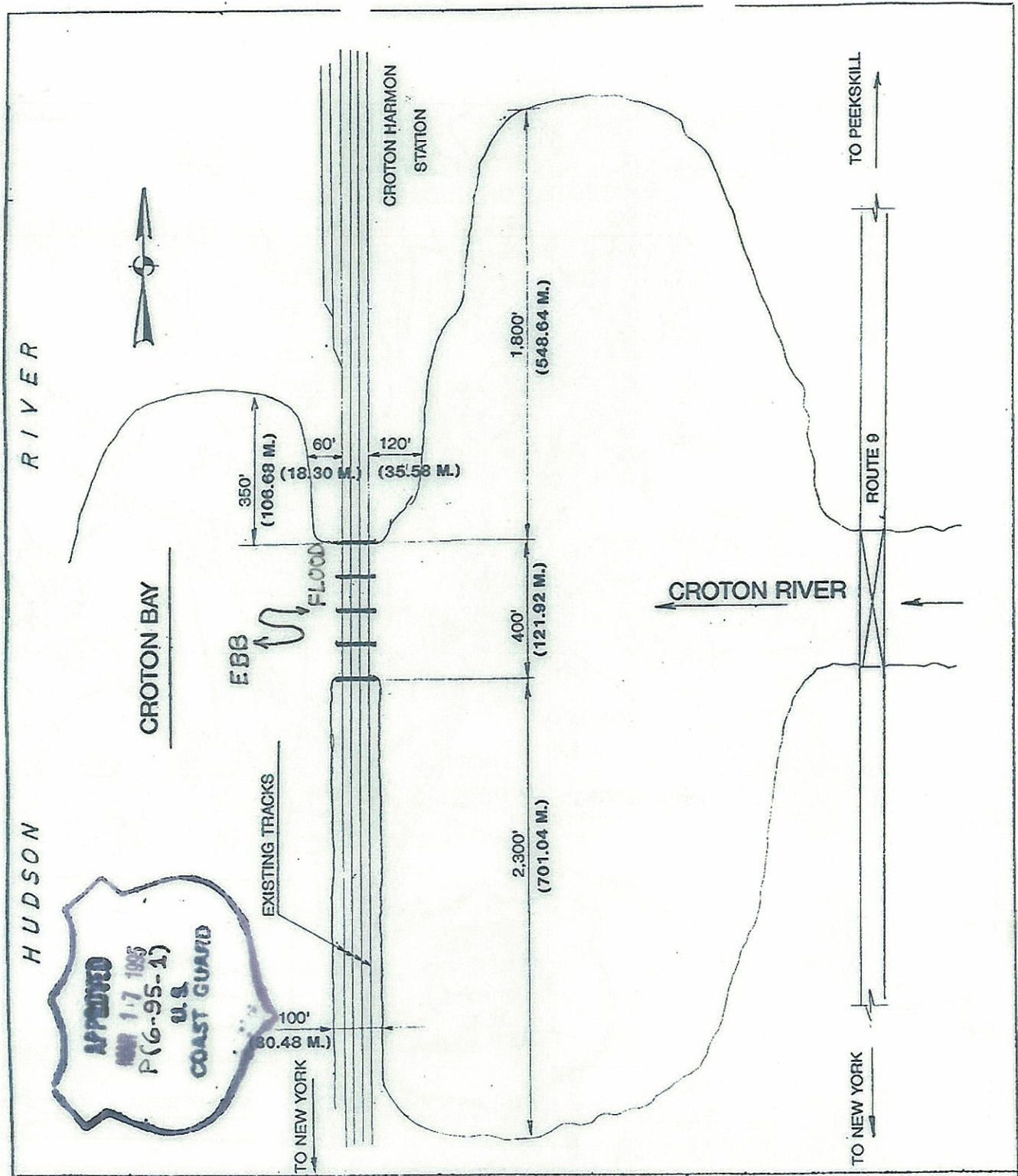
**PURPOSE:** REHABILITATION OF STRUCTURE  
**DATUM:** 1929 NGVD  
**ADJACENT PROPERTY OWNERS:**  
 1. WESTCHESTER COUNTY  
 2. VILLAGE OF CROTON - ON - HUDSON

**VICINITY PLAN**  
 METRO NORTH COMMUTER RAILROAD  
 347 MADISON AVENUE  
 NEW YORK, NEW YORK 10017

**METRO NORTH BRIDGE OVER CROTON RIVER, MI. 0.0**  
**AT: CROTON ON HUDSON AND OSSINING, N.Y.**  
**COUNTY OF: WESTCHESTER**  
**APPLICATION BY: METRO NORTH**  
 SHEET 1 OF 6 DATE: APR. 94

Revised: June 94





PURPOSE: REHABILITATION OF STRUCTURE .

DATUM: 1929 NGVD

ADJACENT PROPERTY OWNERS:

1. WESTCHESTER COUNTY
2. VILLAGE OF CROTON - ON HUDSON

**CAUSEWAY (N.T.S.)**

METRO NORTH COMMUTER RAILROAD

347 MADISON AVENUE

NEW YORK, NEW YORK 10017

METRO NORTH BRIDGE OVER CROTON RIVER, **Mi. 0.0**

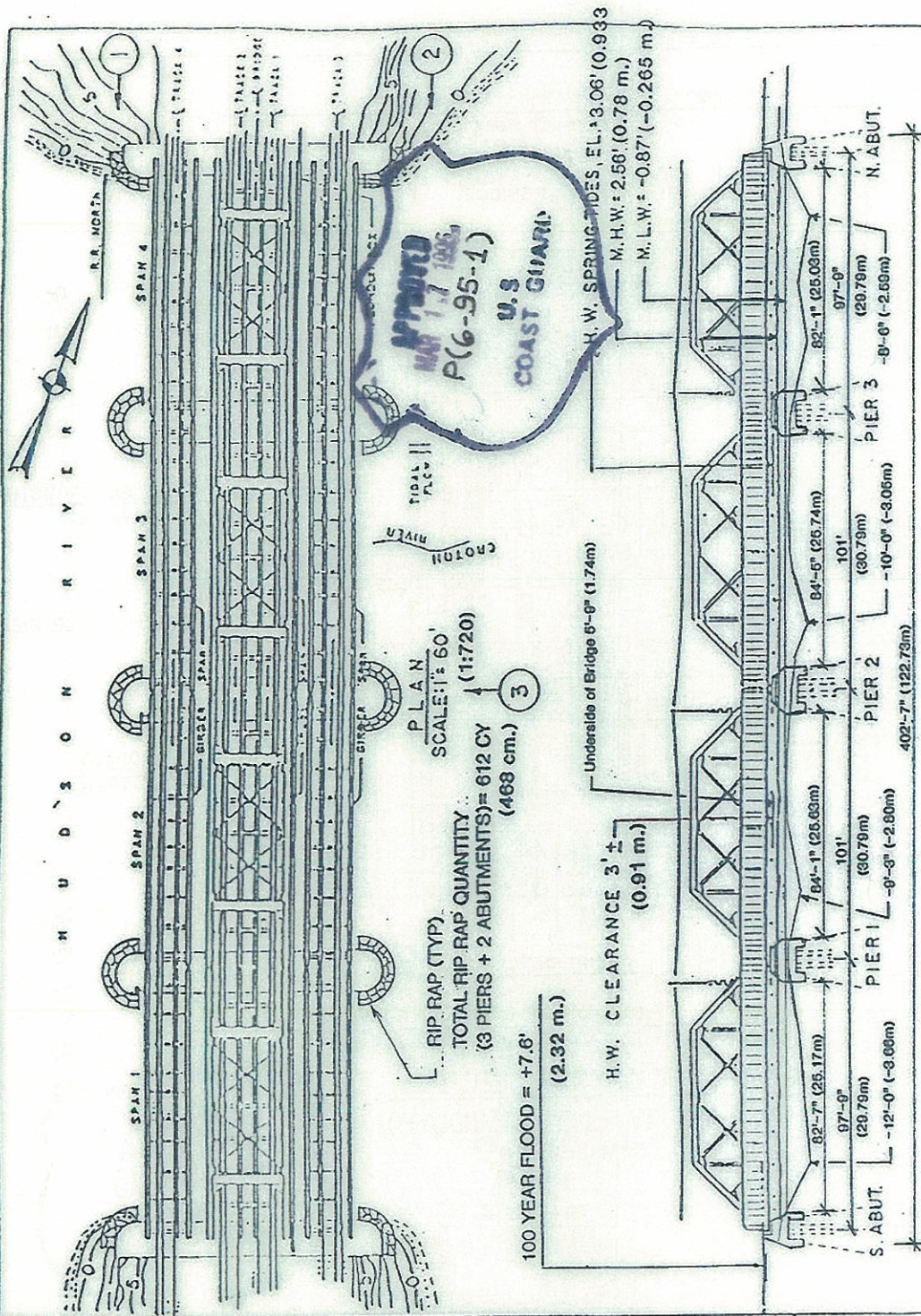
AT: CROTON ON HUDSON AND OSSINING, N.Y.

COUNTY OF: WESTCHESTER

APPLICATION BY: METRO NORTH

SHEET 2 OF 6 DATE: APR. 94

Revised: June 94



MIN. VERT CL. 3.19'  
(0.97 m.)

ELEVATION  
SCALE: 1" = 60' (1:720)

The nearest tide station for which NOAA provides a recent tidal datum is at Haverstraw. Haverstraw is opposite Croton Point.

PURPOSE: REHABILITATION OF STRUCTURE

DATUM: 1929 NGVD

ADJACENT PROPERTY OWNERS:

1. WESTCHESTER COUNTY
2. VILLAGE OF CROTON - ON HUDSON

PLAN AND ELEVATION

METRO NORTH COMMUTER RAILROAD

347 MADISON AVENUE  
NEW YORK, NEW YORK 10017

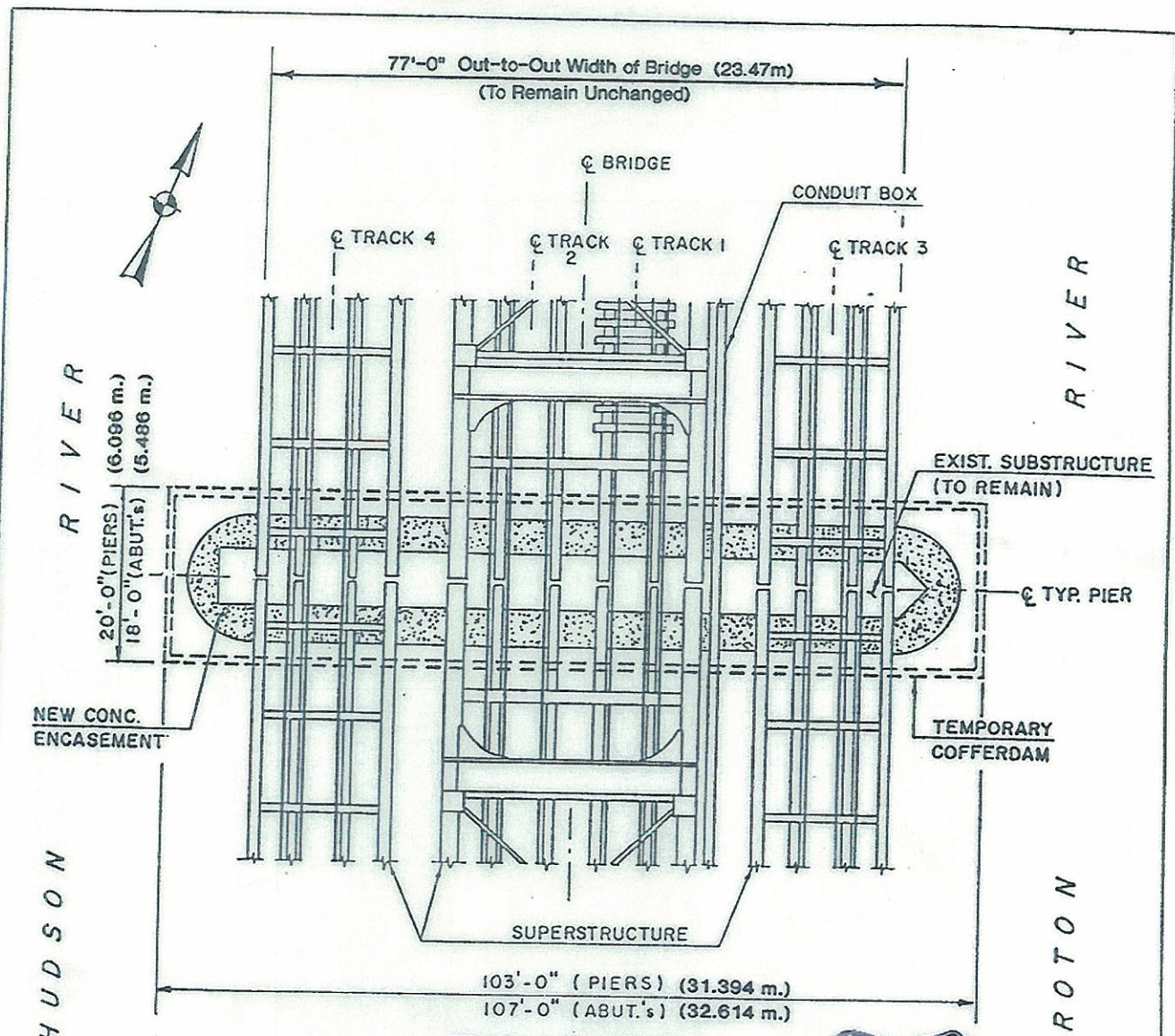
METRO NORTH BRIDGE OVER CROTON RIVER,  
*Mi. 0.0*  
AT: CROTON ON HUDSON AND OSSINING, N.Y.

COUNTY OF: WESTCHESTER

APPLICATION BY: METRO NORTH

SHEET 3 OF 6 DATE: APR. 94

Revised: June 94



TYPICAL PIER  
(ABUTMENT SIMILIAR)  
SCALE: 1" = 20'  
(1:240)

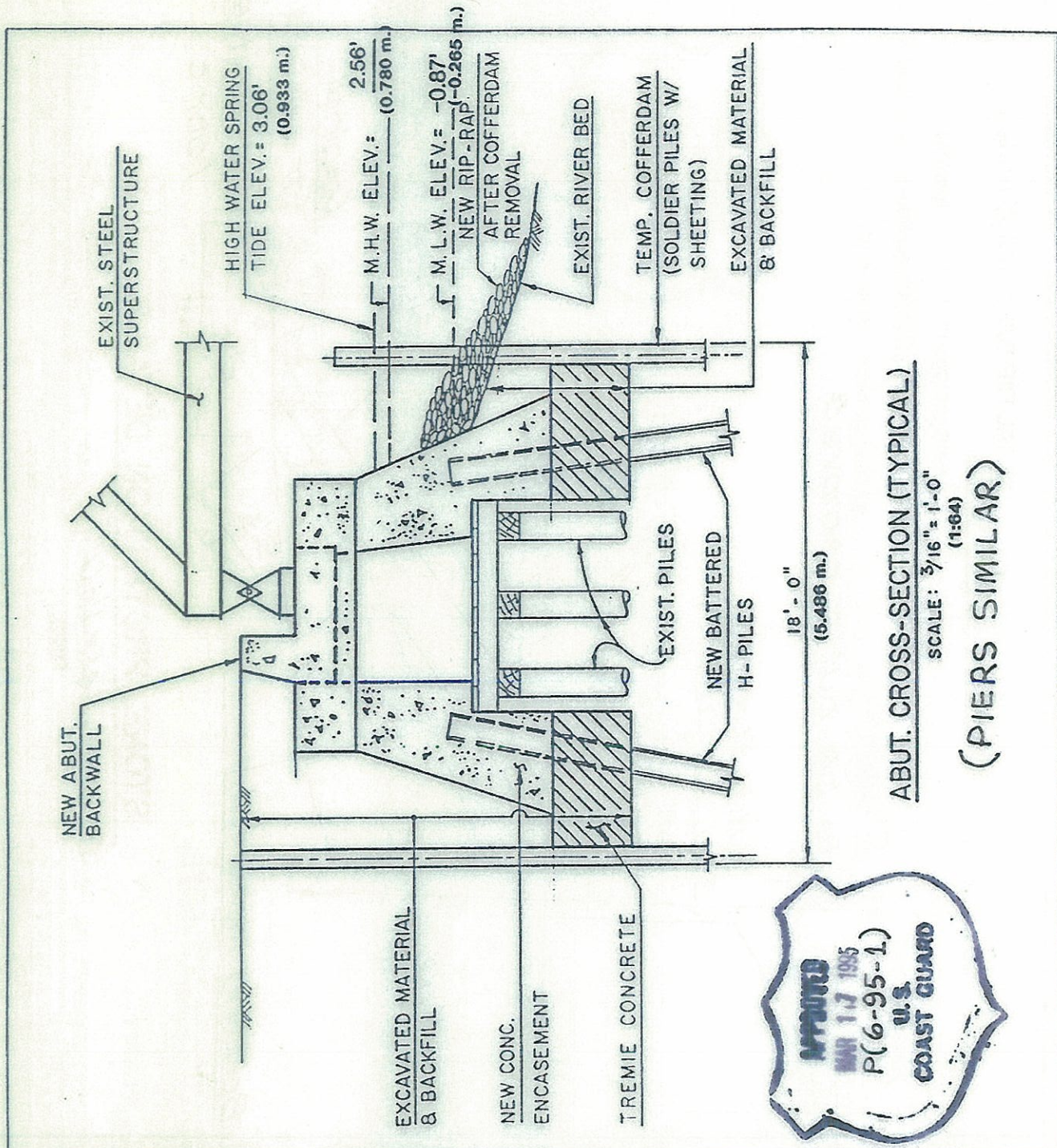


PURPOSE: REHABILITATION OF STRUCTURE  
 DATUM: 1929 NGVD  
 ADJACENT PROPERTY OWNERS:  
 1. WESTCHESTER COUNTY  
 2. VILLAGE OF CROTON - ON - HUDSON

CONST. PLAN AT PIER  
 METRO NORTH COMMUTER RAILROAD  
 347 MADISON AVENUE  
 NEW YORK, NEW YORK 10017

METRO NORTH BRIDGE OVER CROTON RIVER, MI. 0.0  
 AT: CROTON ON HUDSON AND OSSINING, N.Y.  
 COUNTY OF: WESTCHESTER  
 APPLICATION BY: METRO NORTH  
 SHEET 4 OF 6 DATE: APR 94

Revised: June 94



ABUT. CROSS-SECTION (TYPICAL)  
 SCALE: 5/16" = 1'-0"  
 (1:64)  
 (PIERS SIMILAR)



PURPOSE: REHABILITATION OF STRUCTURE  
 DATUM: 1929 NGVD  
 ADJACENT PROPERTY OWNERS:  
 1. WESTCHESTER COUNTY  
 2. VILLAGE OF CROTON - ON - HUDSON

CONST. DETAIL AT ABUT.  
 METRO NORTH COMMUTER RAILROAD  
 347 MADISON AVENUE  
 NEW YORK, NEW YORK 10017

METRO NORTH BRIDGE OVER CROTON RIVER, MI. 0.0  
 AT: CROTON ON HUDSON AND OSSINING, N.Y.  
 COUNTY OF: WESTCHESTER  
 APPLICATION BY: METRO NORTH  
 SHEET 5 OF 6 DATE: APR. 94

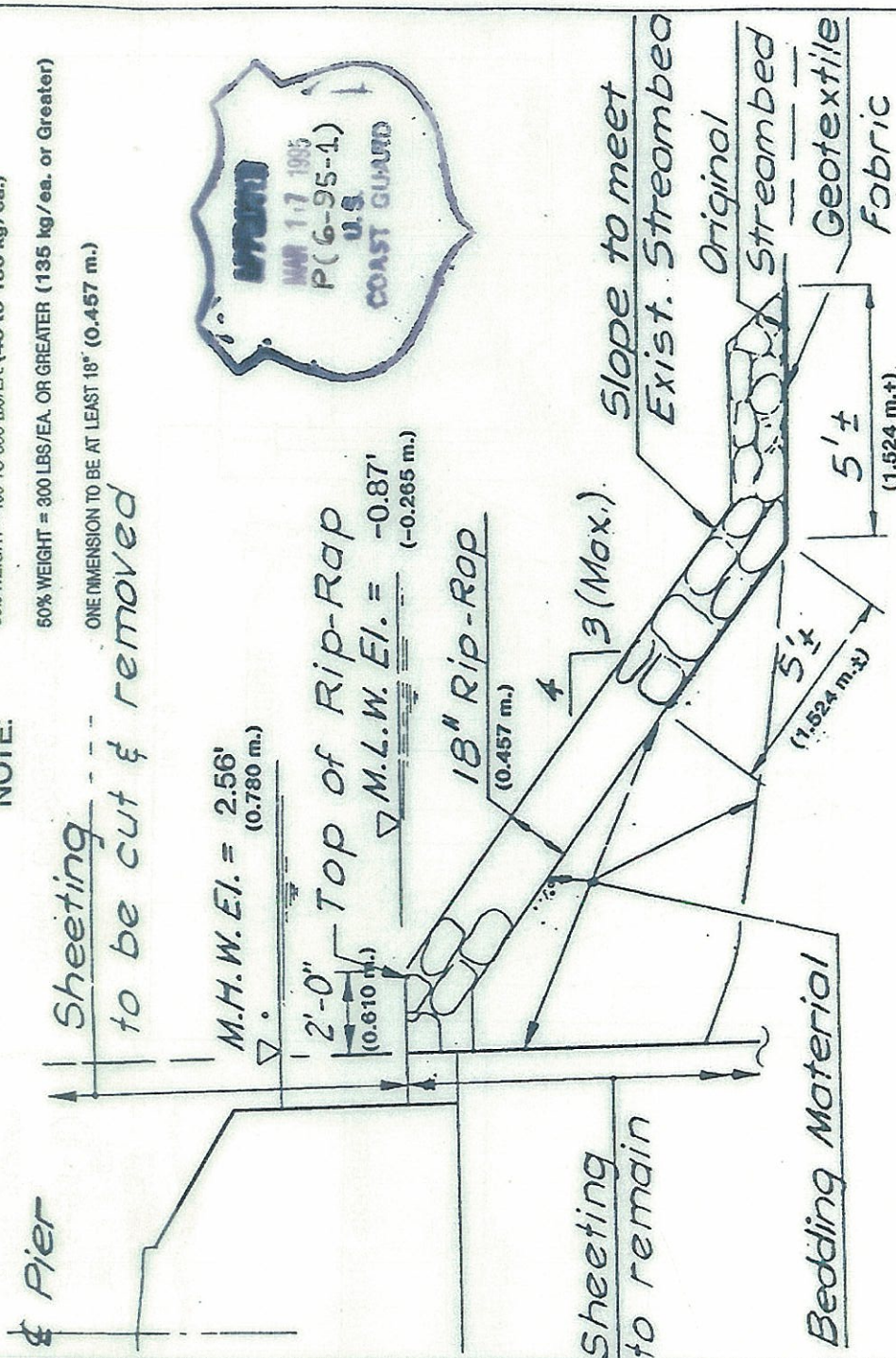
Revised: June 94

TOTAL RIP RAP = 612CY (468 cm.)

NOTE: 50% WEIGHT = 100 TO 300 LBS/EA. (45 to 135 kg/ea.)

50% WEIGHT = 300 LBS/EA. OR GREATER (135 kg/ea. or Greater)

ONE DIMENSION TO BE AT LEAST 18" (0.457 m.)



STONE PROTECTION DETAILS

Scale . 1/4" = 1'-0" (1:48)

PURPOSE: REHABILITATION OF STRUCTURE

DATUM: 1929 NGVD  
 ADJACENT PROPERTY OWNERS:  
 1. WESTESTER COUNTY  
 2. VILLAGE OF CROTON - ON-HUDSON

CONST. DETAIL AT PIER

METRO NORTH COMMUTER RAILROAD  
 347 MADISON AVENUE  
 NEW YORK, NEW YORK 10017

METRO NORTH BRIDGE OVER CROTON RIVER,  
 MI. 0.0  
 AT: CROTON ON HUDSON AND OSSINING, N.Y.  
 COUNTY OF: WESTCHESTER  
 APPLICATION BY: METRO NORTH

SHEET 6 OF 6 DATE: APR. 94

Revised: June 94



**BRIDGE PERMIT**

APR 01 1998

AMENDMENT  
(12-94a-1)

WHEREAS by a permit issued on 4 October 1994, the Commander, First Coast Guard District approved the location and plans of a railroad bridge to be constructed by Metro-North Commuter Railroad Company across Peekskill Creek at Peekskill, New York, under authority of the General Bridge Act of 1946, as amended;

AND WHEREAS condition 1 of that permit provides that no deviation from the approved plans may be made either before or after completion of the structure unless the modification of said plans has previously been submitted to and received the approval of the Commander, First Coast Guard District, and condition 6 required that the temporary, detour bridge be removed no later than 90 days subsequent to the opening to traffic of the new permanent bridge and the - METRO-NORTH COMMUTER RAILROAD COMPANY - now has submitted for approval revised plans indicating modification to the previously approved plans and requests that the time for removal of the temporary bridge be extended;

NOW THEREFORE, This is to certify that plan sheet 5 (of 6) last revised 21 April 1997 hereby approved supersedes plan sheet 5 (of 6) revised February 1994 and supplements plan sheet 1 (of 6) dated October 1993, sheets 2 and 6 revised January 1994 and sheets 3 and 4 revised February 1994 previously approved. In granting this approval, all conditions to which the original permit was subject remain in force with condition 6 modified as follows:

6. The temporary, detour bridge, or incomplete parts thereof, shall be removed in their entirety except for piles which shall be removed to a minimum of five feet below the natural bottom and the waterway cleared to the satisfaction of the District Commander. A period of 180 days subsequent to the opening to traffic of the new permanent bridge will be allowed for such removal and clearance.

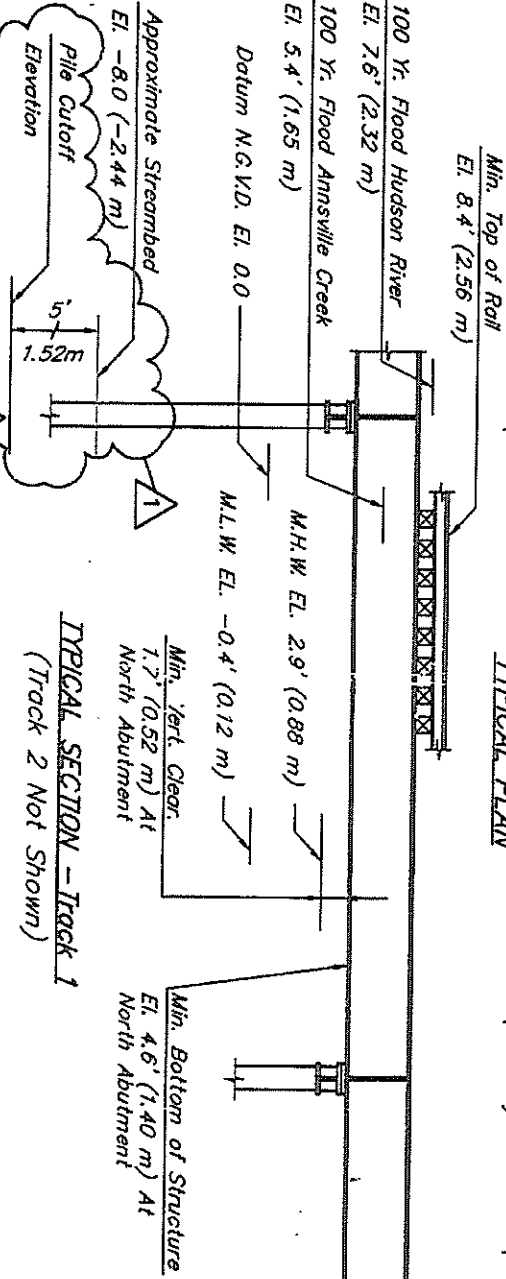
APR - 1 1998

  
R. M. LARRABEE  
Rear Admiral, U.S. Coast Guard  
Commander, First Coast Guard District

4/21/97 - Added Note 3 and Modified Typical Section

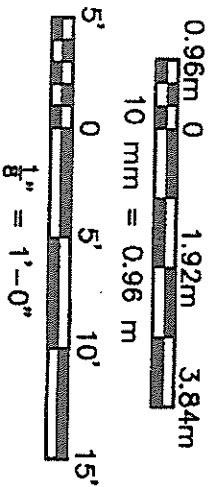
PEEKSKILL CREEK, MI. 0.0

TEMPORARY RUN-AROUND STRUCTURE



TYPICAL PLAN

TYPICAL SECTION - Track 1  
(Track 2 Not Shown)



APPROVED  
12-94a-1  
APR 01 1998  
U.S.  
COAST GUARD

- NOTES:**
1. Min. Horizontal Clear. Normal to Channel is 28' (8.53 m).
  2. Temporary run-around structure to be removed upon completion of the construction of the new bridge.
  3. All Piles supporting the temporary Run-Around structure over Annsville Creek shall be removed to a minimum of 5' (1.52m) below mudline (Streambed).

**Metro-North Commuter Railroad**  
ANNVILLE CREEK BRIDGE REPLACEMENT  
CITY OF PEEKSKILL  
WESTCHESTER COUNTY, NEW YORK

Envirodyne Engineers, Inc.  
of New York

REVISIONS  
RECORDED  
1998

SHEET 2 OF 7



---

## BRIDGE PERMIT

OCT 4 1994

(12-94-1)

WHEREAS by Title V of an act of Congress approved August 2, 1946, entitled "General Bridge Act of 1946," as amended (33 U.S.C. 525-533), the consent of Congress was granted for the construction, maintenance and operation of bridges and approaches thereto over the navigable waters of the United States;

AND WHEREAS the Secretary of Transportation has delegated the authority of Section 502(b) of that act to the Commandant, U.S. Coast Guard by Section 1.46(c) of Title 49 Code of Federal Regulations;

AND WHEREAS before construction is commenced, the Commandant must approve the location and plans of any such bridge and may impose any specific conditions relating to the construction, maintenance and operation of the structure deemed necessary in the interest of public navigation, such conditions to have the force of law;

AND WHEREAS the Commandant of the Coast Guard has further delegated to the District Commanders by Section 1.01-60(b) of Title 33 Code of Federal Regulations authority to issue permits for the construction, reconstruction, or alteration of bridges across navigable waters of the United States;

AND WHEREAS - METRO-NORTH COMMUTER RAILROAD COMPANY - has submitted for approval the location and plans of a bridge to be constructed across Peekskill Creek at Peekskill, New York;

NOW THEREFORE, This is to certify that the location and plan sheet 1 (of 6) dated October 1993, sheets 2 and 6 revised January 1994, and sheets 3, 4, and 5 revised February 1994 are hereby approved by the Commander, First Coast Guard District, subject to the following conditions:

1. No deviation from the approved plans may be made either before or after completion of the structure unless the modification of said plans has previously been submitted to and received the approval of the District Commander.



Bridge across Peekskill Creek at  
Peekskill, New York

OCT 4 1994  
(12-94-1)

2. The construction of falsework, cofferdams or other obstructions, if required, shall be in accordance with plans submitted to and approved by the District Commander prior to construction of the bridge. All work shall be so conducted that the free navigation of the waterway is not unreasonably interfered with and the present navigable depths are not impaired. Timely notice of any and all events that may affect navigation shall be given to the District Commander during construction of the bridge project. The channel or channels through the structure shall be promptly cleared of all obstructions placed therein or caused by the construction of the bridge to the satisfaction of the District Commander, when in the judgment of the District Commander the construction work has reached a point where such action should be taken, but in no case later than 90 days after the new permanent bridge has been opened to traffic.

3. Issuance of this permit does not relieve the permittee of the obligation or responsibility for compliance with the provisions of any other law or regulation as may be under the jurisdiction of the State of New York, Department of Environmental Conservation, or any other federal, state or local authority having cognizance of any aspect of the location, construction or maintenance of said bridge.

4. All parts of the existing to be replaced Metro-North Railroad Bridge across Peekskill Creek, mile 0.0, not utilized in the new permanent bridge, shall be removed to a minimum of five feet below the natural bottom, and the fender system shall be removed to a minimum of two feet below the bottom. The waterway shall be cleared to the satisfaction of the District Commander. A period of 90 days subsequent to the opening to traffic of the new permanent bridge, mile 0.0, will be allowed for such removal and clearance.

5. The temporary, detour bridge shall be constructed in accordance with plan sheet 5 of 6 revised February 1994.

6. The temporary, detour bridge, or incomplete parts thereof, shall be removed in their entirety and the waterway cleared to the satisfaction of the District Commander. A period of 90 days subsequent to the opening to traffic of the new permanent bridge will be allowed for such removal and clearance.

OCT 4 1994


Bridge across Peekskill Creek at  
Peekskill, New York

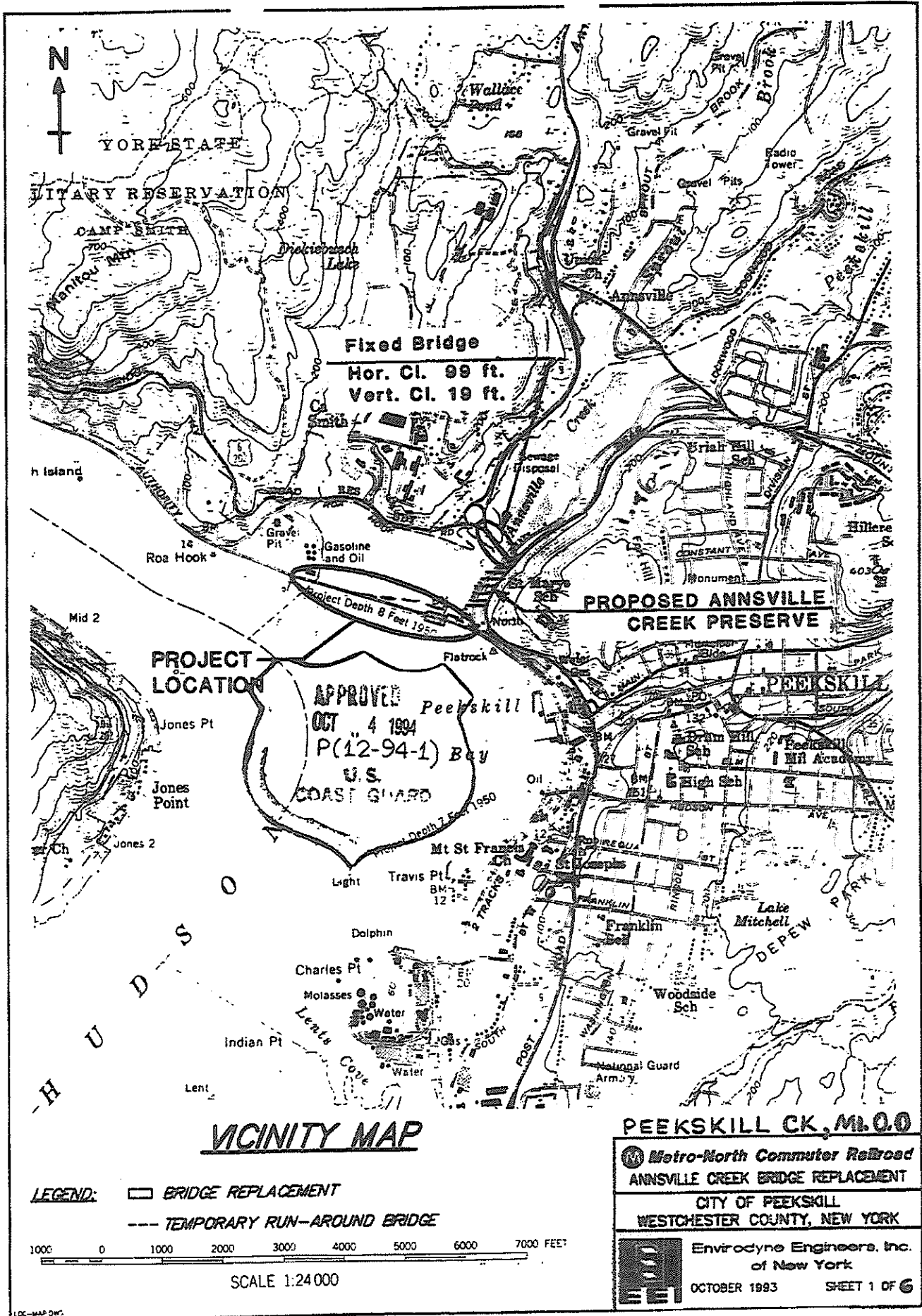
(12-94-1)

7. A bridge fendering system shall be installed and maintained in good condition by and at the expense of the owner of the bridge when so required by the District Commander. Said installation shall be for the safety of navigation and be in accordance with plans submitted to and approved by the District Commander prior to its construction.

8. When the proposed bridge is no longer used for transportation purposes, it shall be removed in its entirety or to an elevation deemed appropriate by the District Commander and the waterway cleared to the satisfaction of the District Commander. Such removal and clearance shall be completed by and at the expense of the owner of the bridge upon due notice from the District Commander.

9. The approval hereby granted shall cease and be null and void unless construction of the bridge is commenced within three years and completed within five years after the date of this permit.

  
J. L. LINNON  
Rear Admiral, U. S. Coast Guard  
Commander, First Coast Guard District



**LEGEND:**  BRIDGE REPLACEMENT  
 --- TEMPORARY RUN-AROUND BRIDGE

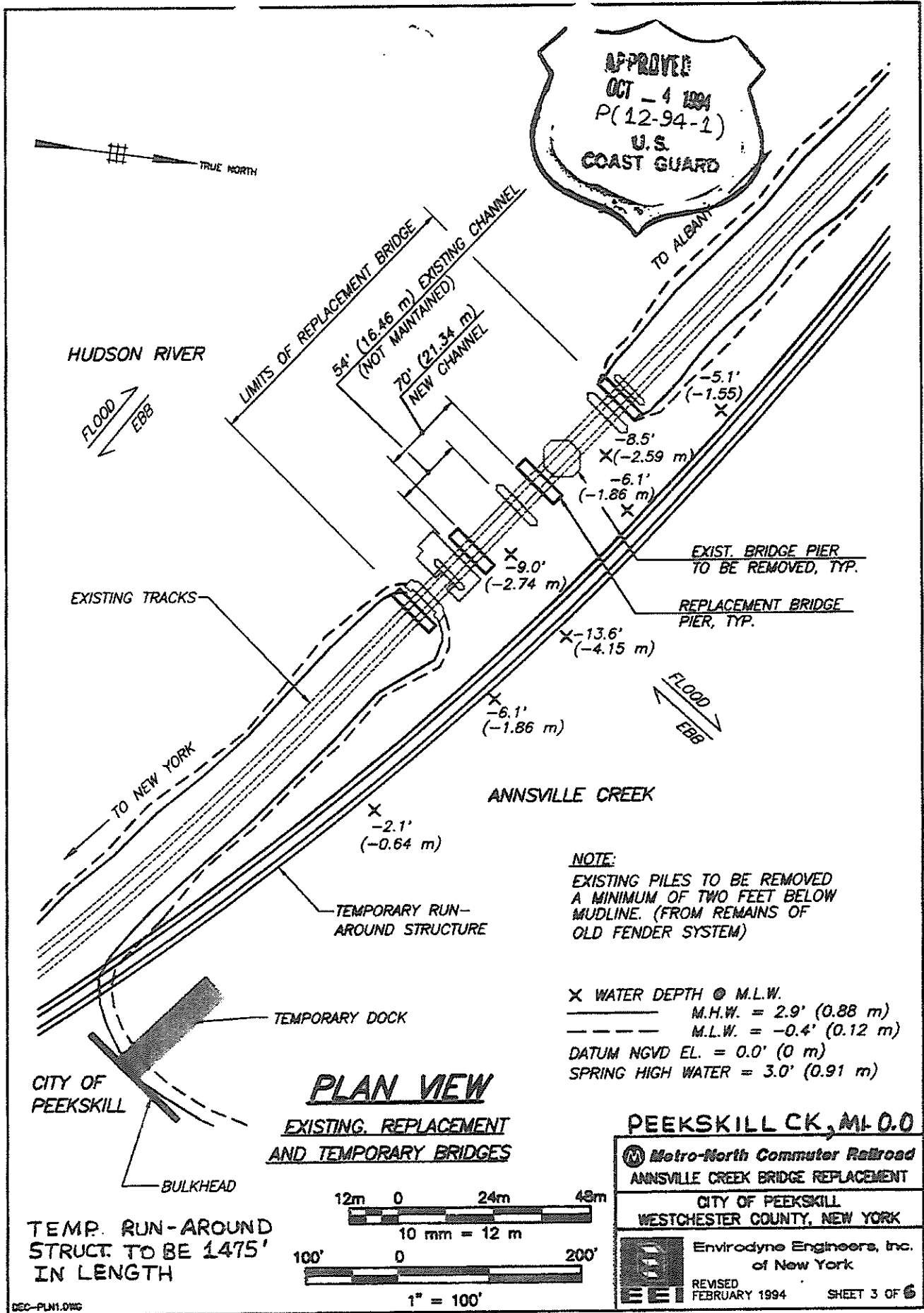
1000 0 1000 2000 3000 4000 5000 6000 7000 FEET  
 SCALE 1:24 000

**PEEKSKILL CK., M.L.O.O**  
 Metro-North Commuter Railroad  
 ANNSVILLE CREEK BRIDGE REPLACEMENT  
 CITY OF PEEKSKILL  
 WESTCHESTER COUNTY, NEW YORK

**EEI** Envirodyne Engineers, Inc.  
 of New York  
 OCTOBER 1993 SHEET 1 OF 6

LDC-MAP DWG.





APPROVED  
 OCT - 4 1994  
 P(12-94-1)  
 U.S.  
 COAST GUARD

TRUE NORTH

HUDSON RIVER

FLOOD  
 EBB

LIMITS OF REPLACEMENT BRIDGE  
 54' (16.46 m) EXISTING CHANNEL  
 (NOT MAINTAINED)  
 70' (21.34 m) NEW CHANNEL

TO ALBANY

EXISTING TRACKS

EXIST. BRIDGE PIER  
 TO BE REMOVED, TYP.

REPLACEMENT BRIDGE  
 PIER, TYP.

TO NEW YORK

FLOOD  
 EBB

ANNSVILLE CREEK

TEMPORARY RUN-AROUND STRUCTURE

NOTE:

EXISTING PILES TO BE REMOVED  
 A MINIMUM OF TWO FEET BELOW  
 MUDLINE. (FROM REMAINS OF  
 OLD FENDER SYSTEM)

X WATER DEPTH @ M.L.W.

M.H.W. = 2.9' (0.88 m)  
 M.L.W. = -0.4' (0.12 m)

DATUM NGVD EL. = 0.0' (0 m)

SPRING HIGH WATER = 3.0' (0.91 m)

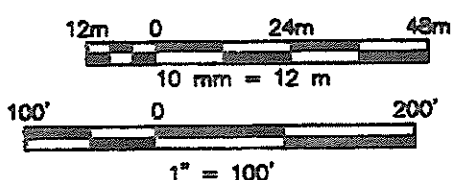
**PLAN VIEW**  
 EXISTING, REPLACEMENT  
 AND TEMPORARY BRIDGES

CITY OF PEEKSKILL

TEMPORARY DOCK

BULKHEAD

TEMP. RUN-AROUND  
 STRUCT. TO BE 1475'  
 IN LENGTH



**PEEKSKILL CK, MI-0.0**

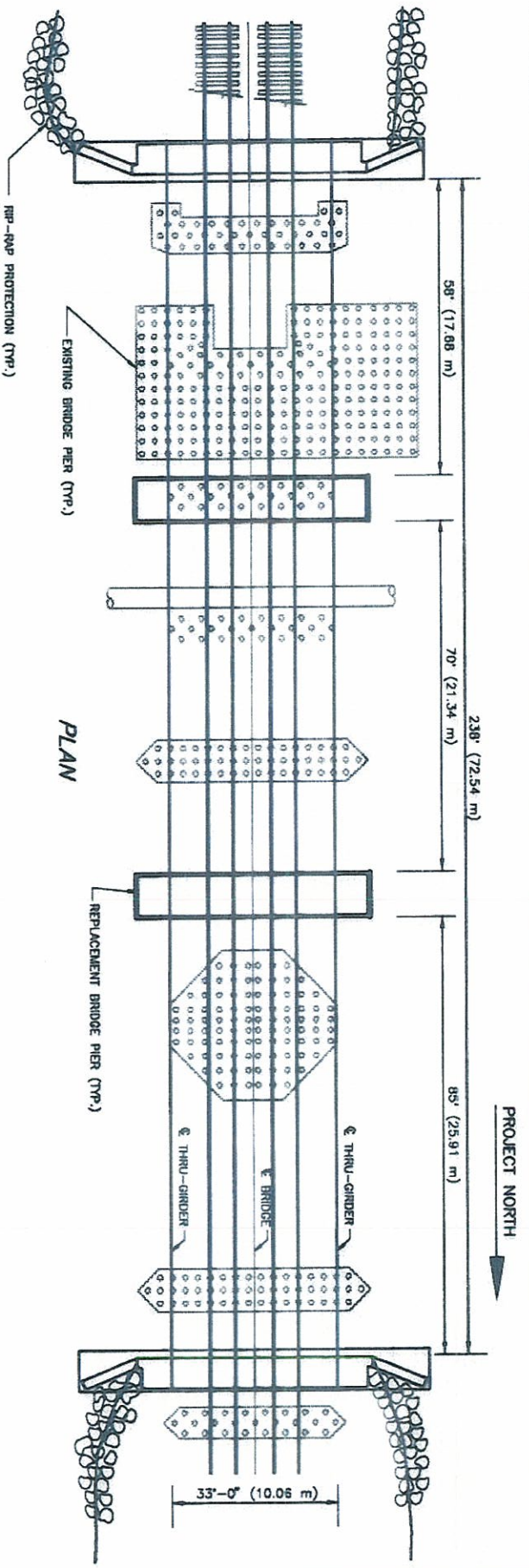
Metro-North Commuter Railroad  
 ANNSVILLE CREEK BRIDGE REPLACEMENT

CITY OF PEEKSKILL  
 WESTCHESTER COUNTY, NEW YORK

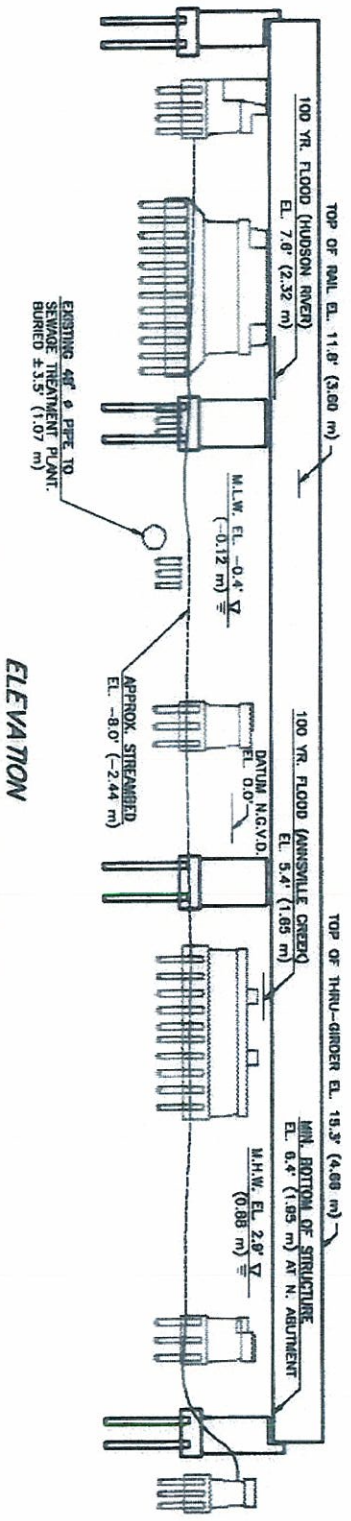
Envirodyne Engineers, Inc.  
 of New York

REVISED  
 FEBRUARY 1994 SHEET 3 OF 6

DEC-PLAN1.DWG

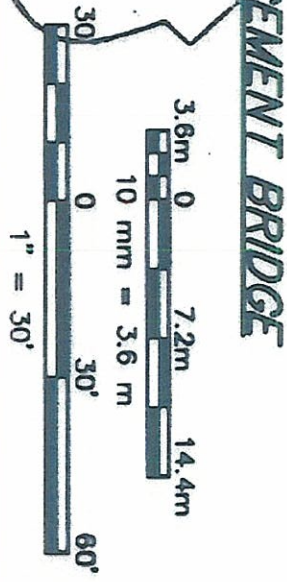


PLAN



ELEVATION

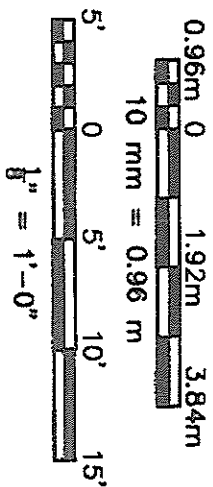
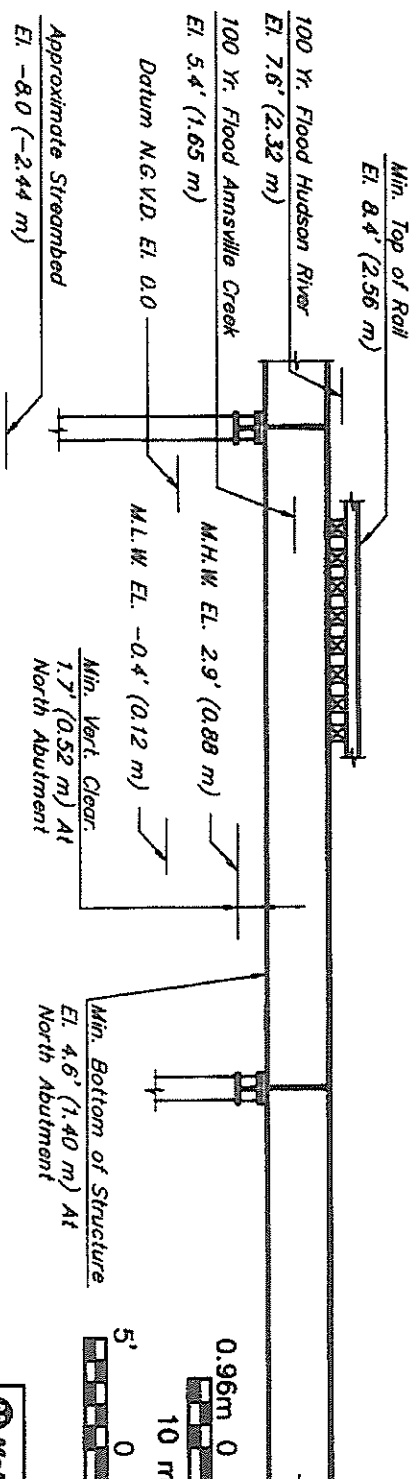
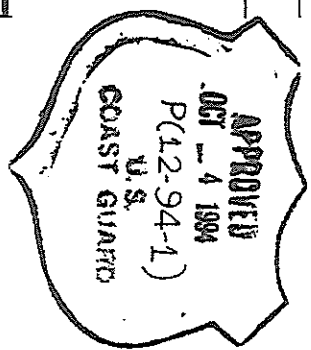
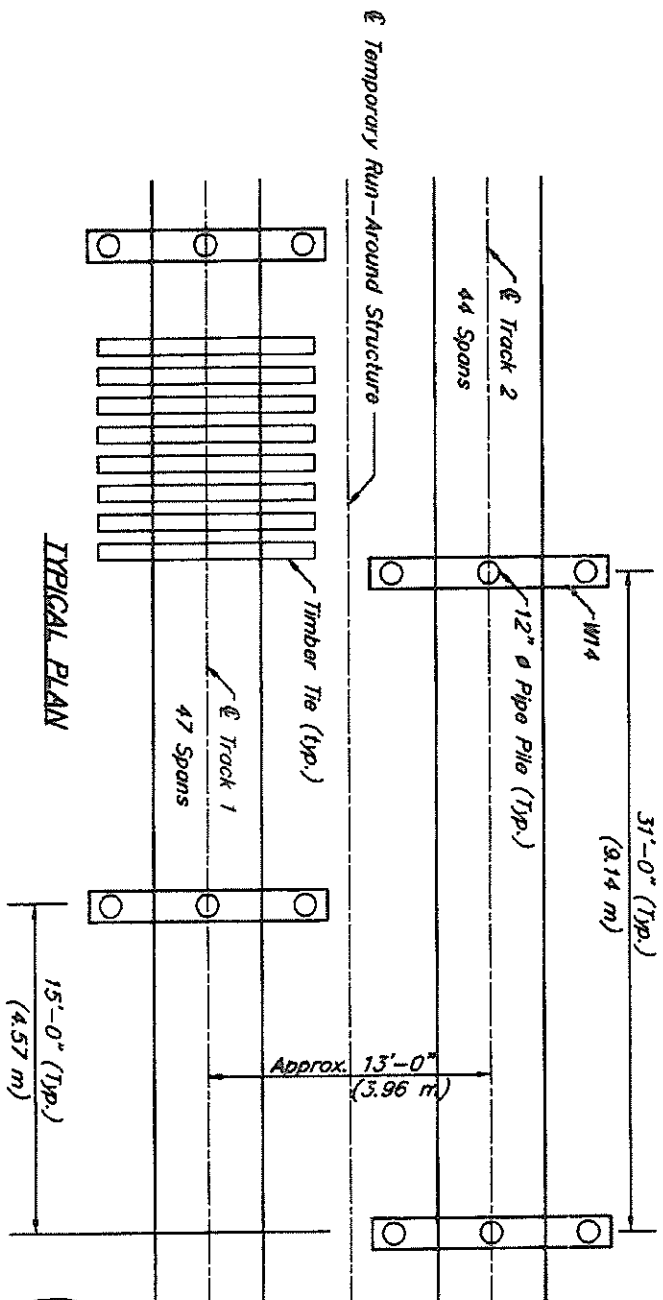
- NOTES:**
- EXISTING PIERS AND PILES TO BE REMOVED. A MINIMUM OF FIVE FEET BELOW NUDDLINE. (FROM EXISTING BRIDGE)
  - MIN. VERTICAL CLEARANCE 3.5' (1.07 m)



**PEEKSKILL CK, MI. 0.0**

**Metro-North Commuter Railroad**  
**ANNVILLE CREEK BRIDGE REPLACEMENT**  
 CITY OF PEEKSKILL  
 WESTCHESTER COUNTY, NEW YORK

**Envirodyne Engineers, Inc.**  
 of New York  
 REVISED  
 FEBRUARY 1994  
 SHEET 4 OF 6



TYPICAL SECTION - Track 1  
(Track 2 Not Shown)

TEMPORARY RUN-AROUND STRUCTURE

PEEKSKILL CK, M.I. 0.0

- NOTES:
1. Min. Horizontal Clear. Normal to Channel is 28' (8.53 m)
  2. Temporary run-around structure to be removed upon completion of the construction of the new bridge.

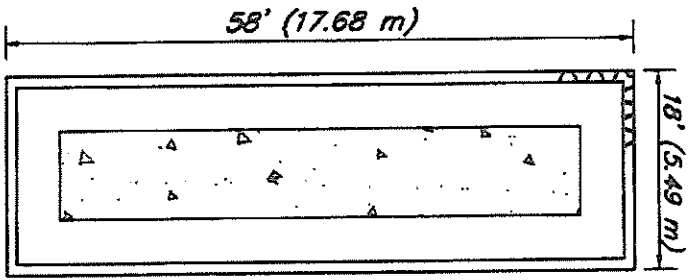
300 (1984)

**Metro-North Commuter Railroad**  
**ANNISVILLE CREEK BRIDGE REPLACEMENT**  
 CITY OF PEEKSKILL  
 WESTCHESTER COUNTY, NEW YORK

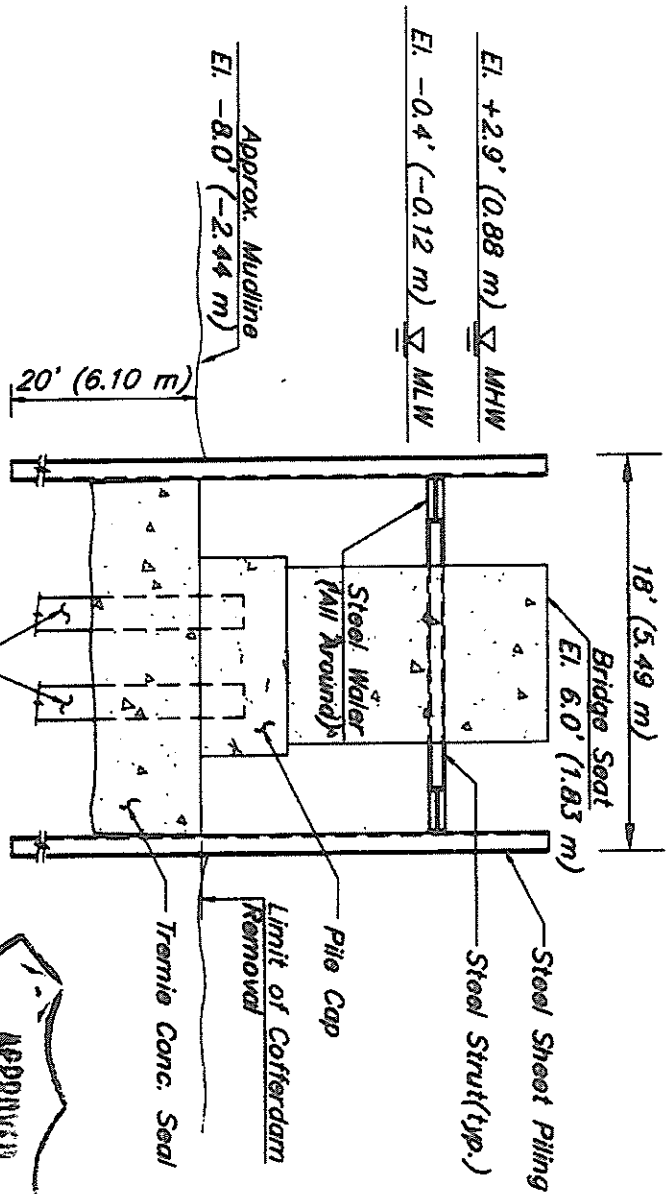
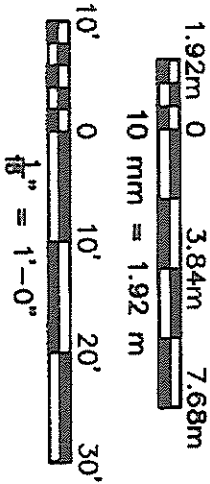
Envirodyne Engineers, Inc.  
 of New York

REVISED  
 FEBRUARY 1994

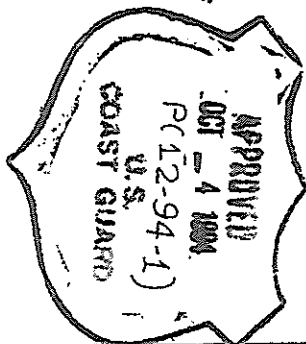
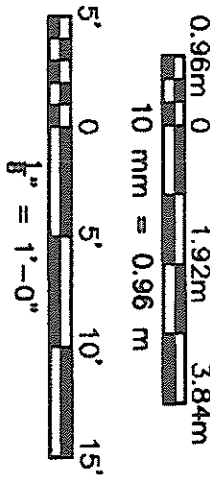
SHEET 5 OF 6



**PLAN**



**SECTION**



**COFFERDAM**

PEEKSKILL CK, M.L. 0.0

Metro-North Computer Railroad  
ANNVILLE CREEK BRIDGE REPLACEMENT

CITY OF PEEKSKILL  
WESTCHESTER COUNTY, NEW YORK

Envirodyne Engineers, Inc.  
of New York

REVISED  
JANUARY 1994 SHEET 6 OF 6



11th 15 1893  
Bridges  
21 70

APPROVAL OF LOCATION AND PLANS OF BRIDGE.

(Authorized by Congress.)

EX B  
VILANI  
ID  
# 537 HB

Whereas, By an act of Congress, approved March 2, 1923,

entitled, "An Act Granting the consent of Congress to the Hudson River Bridge Company at Albany to maintain two bridges already constructed across the Hudson River,"

the HUDSON RIVER BRIDGE COMPANY

was authorized to ~~construct a bridge across~~ maintain and operate two bridges already constructed across the Hudson River at Albany, in the County of Albany, in the State of New York, the bridges to be deemed to have been constructed

in accordance with the provisions of the act of Congress entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, whereby it is provided that such bridge shall not be built or commenced until the plans and specifications for its construction, together with such drawings and map of location thereof as may be required for a full understanding of the subject, have been submitted to and approved by the Chief of Engineers and by the Secretary of War;

And whereas, The said HUDSON RIVER BRIDGE COMPANY

has submitted <sup>one of said</sup> and approval <sup>as</sup> plans, specifications, drawings, and map of location of ~~a bridge~~ <sup>and as proposed to be modified,</sup> proposed to be built across said river at said place, which comply with the requirements of said act of March 23, 1906;

Now therefore, This is to certify that the proposed location and said specifications and the plans which are hereto attached are hereby approved by the Chief of Engineers and by the Secretary of War, pursuant to the above-mentioned acts of Congress, subject to the following conditions:

1. That the District Engineer of the Engineer Department at Large in charge of the district within which the bridge is to be <sup>be</sup> built may supervise its <sup>re</sup> construction in order that said plans shall be complied with.
2. That all work shall be so conducted that the free navigation of the waterway shall not be unreasonably interfered with; that the present navigable depths shall not be impaired; and that the channel or channels through the structure

Copy of 5-5-31/73  
with 5-5-31/68-71 plans attached

5

VILANI EX BI *fd 10* *100*  
*5/22/05*

shall be promptly cleared of all falsework, piling, or other obstructions placed therein or caused by the construction of the bridge, to the satisfaction of the said district engineer, when in his judgment the construction work has reached a point where such action should be taken, ~~and in any case not later than~~ ..... ~~days after the bridge has been opened to traffic.~~

COPY SENT TO ALBANY  
OFFICE *June 27/05*

COPY SENT TO ALBANY

Witness my hand this 8th day of June, 1905.

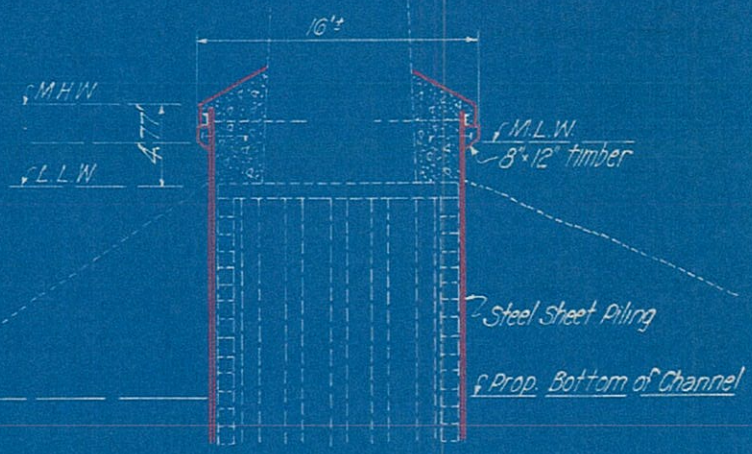
H. Taylor,  
Brigadier General, Corps of Engineers,  
Acting Chief of Engineers.

Witness my hand this 9th day of June, 1905.

Dwight F. Davis,  
The Assistant Secretary of War.

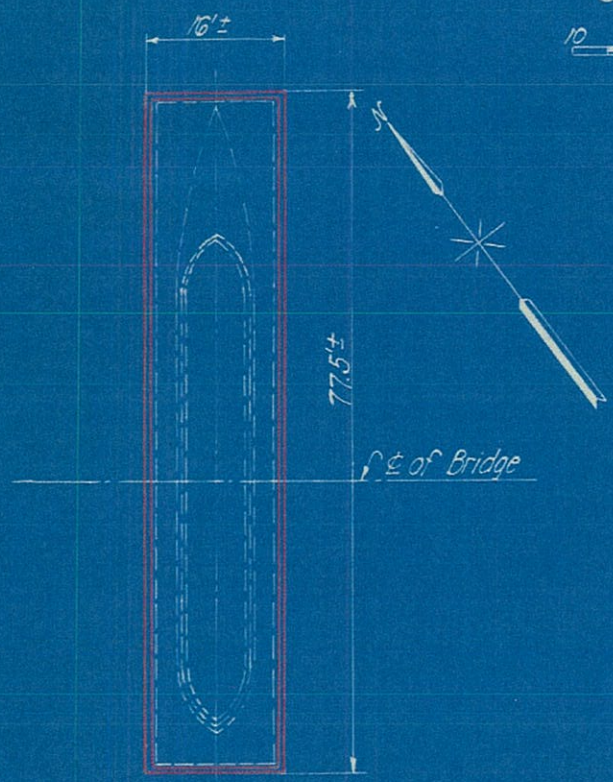
Form No. 926  
W. D., O. C. of E.  
Ed. 1923-1,000

GOVERNMENT PRINTING OFFICE



**SECTION OF PIER**

Scale 10 9 10 ft.

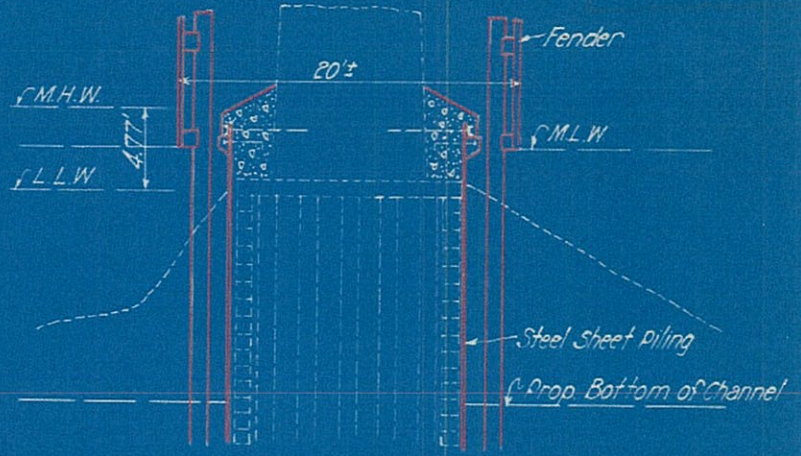


Legend  
 ----- Present work  
 ----- Proposed work

For Location see Sheets #1 & #2

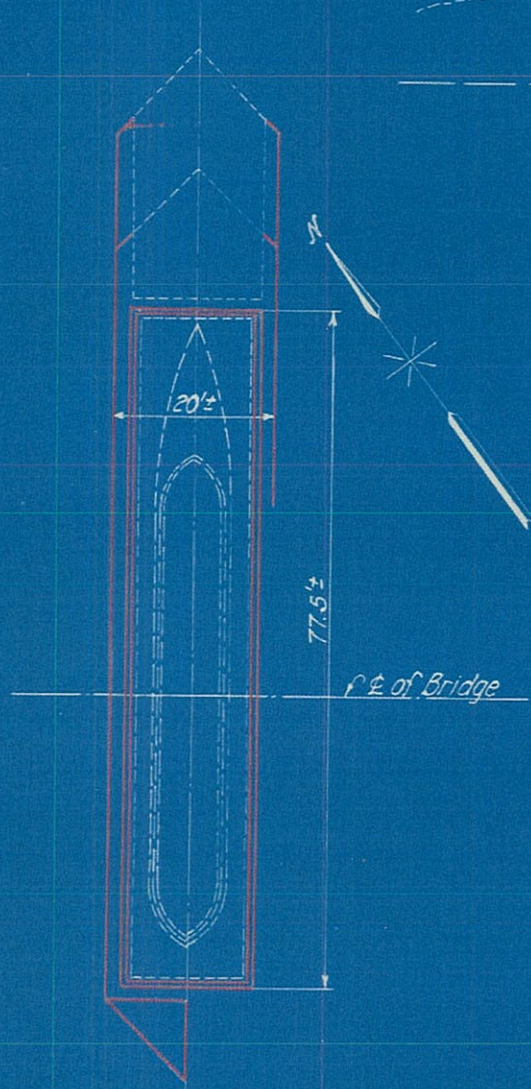
**PLAN**  
 Scale 10 0 10 20 30 ft.

PROPOSED PROTECTION PIERS L & M  
 FREIGHT BRIDGE ACROSS HUDSON RIVER  
 AT ALBANY, N.Y.  
 Application by Hudson River Bridge Co.  
 May 11, 1923



SECTION OF PIER

Scale  
10 0 10 ft



PLAN

Scale  
10 0 10 20 30 ft

- Legend
- Present work
  - Proposed work

Note: Existing fender to be removed and replaced as indicated

For Location see Sheets #14-2

PROPOSED PROTECTION PIER IN  
FREIGHT BRIDGE ACROSS HUDSON RIVER  
AT ALBANY, N.Y.

Application by Hudson River Bridge Co.  
May 11, 1923

**Matt Santo**

---

**Subject:** FW: Emailing: NOAA Fisheries Service Northeast Regional Office - Habitat Conservation Division - 978-281-9332.htm  
**Attachments:** NOAA Fisheries Service Northeast Regional Office - Habitat Conservation Division - 978-281-9332.htm; ATT00001.htm; Lou\_Chiarella.vcf; ATT00002.htm

**From:** Lou Chiarella <[Lou.Chiarella@noaa.gov](mailto:Lou.Chiarella@noaa.gov)>

**Date:** October 18, 2011 2:11:37 PM EDT

**To:** Rosalie Wilson <[wilson@pinyon-env.com](mailto:wilson@pinyon-env.com)>

**Subject: Emailing: NOAA Fisheries Service Northeast Regional Office - Habitat Conservation Division - 978-281-9332.htm**

Rosie,

Here is our regional web site. Take a look at the links for Guide to EFH Designations, Guide to EFH Descriptions and Guide to EFH Consultations.

Lou

## RECORD OF TELEPHONE CALL



|                  |                                       |             |                                             |
|------------------|---------------------------------------|-------------|---------------------------------------------|
| <b>Job #</b>     | <u>50377- NYS HSR Empire Corridor</u> | <b>Date</b> | <u>January 4, 2012</u>                      |
| <b>Call From</b> | <u>Andy Labruzzo (518) 473-2460</u>   | <b>Of</b>   | <u>NYSDOS Division of Coastal Resources</u> |
| <b>Call To</b>   | <u>Kevin Horgan</u>                   | <b>Of</b>   | <u>HNTB</u>                                 |
| <b>By</b>        | <u>Kevin Horgan</u>                   |             |                                             |

### **Subject Discussed**

Andy returned my call inquiring about the limits of the designated inland coastal waterways. I asked if there are any specific limits of the designation or if the entire river listed is considered a designated waterway and if the designation includes tributaries and outlets.

### **Action to be Taken**

NONE

### **Response:**

In general, the entire waterway is considered part of the “designated waterway” and it does not include tributaries. However, the designation factor has no regulatory effect. Regulatory boundaries are determined at the local level through the local community’s participation in a Local Waterfront Revitalization Program (LWRP). If a single waterway enters through multiple communities, only those waterway sections in communities with a LWRP are regulated. The exception would be if there is a community that is participating in a LWRP that includes watershed planning that may extend to adjacent communities without a LWRP. Andy mentioned that there is a plan to complete a watershed plan for all of the Mohawk River. Andy suggested that we refer to the local LWRP’s to determine regulatory requirements for the

waterways but he also noted that if we had a specific area or waterway within our project area, he could provide us with additional information for that specific area or waterway.

This page intentionally left blank.



## **Appendix J CSXT and NYSDOT Agreements**

---

---

This page intentionally left blank.

## Table of Contents

1. Framework Agreement Concerning Certain Rights and Responsibilities with Respect to New York High Speed Rail ..... J-1
2. Agreement for Processing a Tier 1 Environmental Impact Statement on the Empire Corridor .....J-7

This page intentionally left blank.

## **1. Framework Agreement Concerning Certain Rights and Responsibilities with Respect to New York High Speed Rail**

This page intentionally left blank.

CSX TRANSPORTATION, INC.

and

NEW YORK STATE DEPARTMENT OF TRANSPORTATION

**FRAMEWORK AGREEMENT CONCERNING CERTAIN RIGHTS AND RESPONSIBILITIES WITH RESPECT TO NEW YORK HIGH SPEED RAIL**

This Framework Agreement Concerning Certain Rights and Responsibilities with Respect to New York High Speed Rail (“Framework Agreement”) is entered into as of May 28, 2010, by and between CSX TRANSPORTATION, INC. (“CSXT”), a Virginia corporation whose principal offices are located at 500 Water Street, Jacksonville, Florida, 32202, and the NEW YORK STATE DEPARTMENT OF TRANSPORTATION (“New York”), whose principal offices are located at 50 Wolf Road, Albany, NY 12205.

**Introduction and Purpose**

1. This Framework Agreement is to set forth and memorialize the parties’ shared understanding with respect to certain essential elements of the planning and potential implementation of enhanced intercity or high speed passenger rail service (collectively referred to herein as “high speed intercity passenger rail service”) on or adjacent to property currently owned by CSXT in the State of New York. It is the intent of the parties to recognize the national goal of expanding high speed intercity passenger rail, consistent with CSXT’s legal and fiduciary responsibilities, and to cooperate fully in achieving that goal consistent with the Framework Agreement.
2. This Framework Agreement articulates the principles for the future course of dealing between the parties concerning any implementation of high speed intercity passenger rail service in New York.
3. With regard to the project described in the Agreement for Progressing a Tier 1 Environmental Impact Statement (EIS) on the Empire Corridor, which is being executed simultaneously, this Framework Agreement is not intended to foreclose the EIS’s consideration of particular approaches. The EIS will provide a basis for determining alternatives, and by agreeing to progress the EIS, the parties are in no way committing to implementation of the project or binding themselves to any further steps concerning the project. That project and the projects identified in Attachment A are collectively referred to herein as “the Projects.” The parties agree that NYSDOT is progressing the ARRA high speed intercity passenger rail projects approved and funded by the Federal Railroad Administration and set forth in Attachment A, subject to the parties (and Amtrak, if applicable) entering into all necessary implementing project agreements.
4. Specifically, this Framework Agreement identifies four core principles that are common to all freight and passenger rail interface in the United States. Those are safety, capacity, liability and compensation. This Framework Agreement acknowledges those issues, acknowledges that there is substantial precedent for resolving them and commits the parties to work cooperatively, consistent with law and precedent to do so if the Projects are undertaken.

## **Safety, Capacity, Liability and Compensation**

5. **Safety.** New York acknowledges that CSXT has current safety design guidelines for passenger trains operating on CSXT property at speeds higher than 90 mph between Buffalo and Hoffmans, NY that require a separated and dedicated track(s) for the passenger services constructed. New York further acknowledges that it will make every effort to follow CSXT's guidelines, or to work with CSXT to put in place other system safety improvements that result in a level of safety equivalent to or better than current CSXT guidelines, provided that in all circumstances CSXT shall have the right to make the final determination as to safe uses of its property. Although CSXT is willing to explore exceptions to its current safety design guidelines, CSXT and New York agree that any such exceptions shall be limited in number and scope, and must be mutually agreed upon by the parties. Moreover, the parties acknowledge that research and rulemaking with respect to the interface of freight and high speed rail in the United States is under study and may evolve. In all cases, and notwithstanding any other provision of this Framework Agreement, CSXT will abide by legal standards and maintain sole discretion with respect to the safety and use of its property.

6. **Capacity.** CSXT and New York acknowledge that CSXT, as a wholly-owned subsidiary of a public corporation, has the responsibility to solely determine the freight capacity that CSXT must retain to accommodate future operations. In making this determination, CSXT will take into account the results of the EIS, as well as the views of third parties, including, without limitation, the Federal Railroad Administration, the State of New York, Amtrak, the Port of New York/New Jersey and customers.

7. **Liability.** New York acknowledges that if the Projects are implemented, CSXT will require adequate protections from potential liability arising from the operation of passenger rail service, consistent with law and precedent.

8. **Compensation.** New York acknowledges that the CSXT corridor that is the subject of this Framework Agreement is today the single busiest on the CSXT network and has tremendous opportunity for additional freight demand, including from the expansion of the Panama Canal. Accordingly, the property that would be impacted by the Projects is among the most valuable freight corridors in the United States. New York acknowledges that it has a legal and constitutional obligation to justly compensate CSXT for any of its property rights acquired or used by New York, as well as for any diminishment in value of those rights to the extent permitted by law.



This Agreement has the concurrence of the authorized officials of both parties as of the dates show below.

CSX TRANSPORTATION, INC.

A handwritten signature in black ink that reads "Louis E. Renjel, Jr." in a cursive style.

Louis E. Renjel, Jr.  
Vice President, Strategic Infrastructure

NEW YORK STATE DEPARTMENT OF TRANSPORTATION

A handwritten signature in black ink that reads "Stanley Gee" in a cursive style.

Stanley Gee  
Acting Commissioner

## **ATTACHMENT A**

1. HSR — The Albany-Schenectady Double Track (110 mph corridor as per FRA grant application);
2. Grade Crossing — The Highway-Rail Grade Crossing Safety Improvements, CSXT Hudson Line;
3. Station improvements — The Rochester Station Improvements;
4. Station improvements — The Buffalo-Depew Station Improvements; and
5. HSR — Phase I of the 3rd Track Initiative.

## **2. Agreement for Processing a Tier 1 Environmental Impact Statement on the Empire Corridor**

This page intentionally left blank.

CSX TRANSPORTATION, INC.  
And  
NEW YORK STATE DEPARTMENT OF TRANSPORTATION  
AGREEMENT

FOR PROGRESSING A

TIER 1 ENVIRONMENTAL IMPACT STATEMENT ON THE EMPIRE CORRIDOR

This Agreement for Progressing an Environmental Impact Statement (“EIS Agreement”) is entered into as of May 28, 2010, by and between the NEW YORK STATE DEPARTMENT OF TRANSPORTATION (“NYSDOT” or “State”), whose principal offices are located at 50 Wolf Road, Albany, NY 12205, and CSX TRANSPORTATION, INC. (“CSXT”), a Virginia corporation whose principal offices are located at 500 Water Street, Jacksonville, Florida 32202.

Explanatory Statement

- A. The purpose of this EIS Agreement is to set forth principles of cooperation between the parties in connection with undertaking a Tier 1 Service Level National Environmental Policy Act (“NEPA”) Environmental Impact Statement (“EIS”) to consider the enhancement of high speed intercity passenger rail service between Niagara Falls, N.Y. and Albany, N.Y. with through or connecting service to Pennsylvania/Moynihan Station in New York City (“the Corridor”) and other possible destinations, consistent with preserving and growing the valuable freight service and opportunities of CSXT and its stakeholders with respect to its property.
- B. The EIS will provide a basis for determining alternatives with respect to the basic engineering, design, and environmental impacts of the project described above. Concurrent with the execution of this EIS Agreement, the parties are executing a Framework Agreement Concerning Rights and Responsibilities (“Framework Agreement”) that provides an overview of certain essential rights and responsibilities of the parties with respect to this project and others.
- C. New York State has a vital interest in delivering high speed intercity passenger rail to the Corridor and is dedicated to optimizing train speed in the Corridor in ways that will best serve the public’s need and desire for safe and reliable passenger rail service while at the same time supporting and growing the substantial public benefits of freight rail in New York.
- D. CSXT, as a wholly-owned subsidiary of a public corporation, has legal and fiduciary responsibilities to preserve and grow freight rail services and to maximize the safe and efficient uses of its property.
- E. NYSDOT is presently undertaking the development of a Tier 1 Service Level National Environmental Policy Act Environmental Impact Statement, with the Federal Railroad Administration (“FRA”) as the lead agency, to consider the enhancement of high-speed intercity passenger rail service on the Corridor including the introduction of enhanced operations on that portion of the Corridor between Albany-Rensselaer, Schenectady and

Niagara Falls, New York (the “Empire Corridor West” or “ECW”). The EIS will study possible additions and/or enhancements to track and other infrastructure to allow for intercity passenger rail trains that are capable of traveling at maximum authorized speeds of at least 110 miles per hour (“mph”) as defined by 49 U.S.C. section 26106(b)(4), as well as other enhancements. The parties recognize that the CSXT right of way within the Corridor is the single busiest on the CSXT network. As such, it is an essential part of an interdependent nationwide rail network and is among the most valuable freight routes in the United States. The parties recognize that the alternatives studied may require the acquisition of property rights from CSXT or others. As required by NEPA, the EIS will evaluate all reasonable alternatives including options that comply with CSXT’s design and safety standards, guidelines and policies for commingled passenger and freight operations, including the requirement of a separated and dedicated track for any passenger trains operating at speeds in excess of 90 mph, with a minimum of 30 feet measured from the center line of the freight track to the center line of the proposed passenger track. The EIS will also evaluate a no-build alternative, and will consider the substantial stakeholder interests in freight fluidity, including without limitation the interests of the Port of New York/New Jersey and the City of New York. In evaluating those alternatives that comply with CSXT’s design and safety standards, guidelines and policies, the parties understand that there may be places along the Corridor where meeting CSXT’s standards, guidelines and policies is not possible within CSXT’s existing right of way; therefore, the EIS will evaluate other options including, but not limited to:

- speed restrictions
- environmental mitigation
- exceptions to CSXT’s standards, guidelines and policies
- property acquisition

- F. The EIS will draw upon: (1) a market study of ridership demand for such services on the Corridor (the “Market Study”); (2) an operational analysis of the Corridor previously undertaken by NYSDOT and others for railroad operations between Schenectady, Poughkeepsie and New York, NY (the “Hudson Line Operational Analysis”), which resulted in the Hudson Line Corridor Rail Transportation Plan and its preferred scenario of capital improvements dated November 2005 (the “Hudson Line Study”); and (3) additional operational analysis of the Corridor between Schenectady and Niagara Falls, NY (the “ECW Operations Analysis”). The EIS, the Market Study and the ECW Operational Analysis are referred to collectively as the “Study”.
- G. CSXT, as the owner of much of the right of way within the scope of the Study, is willing to assist NYSDOT in connection with the Study, under the terms set forth by this EIS Agreement.
- H. The parties understand that the Study will form the basis for the development of a Transportation Investment Plan (“TIP”), to be prepared generally consistent with the guidance previously published by FRA entitled “Corridor Transportation Planning Guide.” The TIP will identify the infrastructure and/or operational improvements necessary to permit safe and reliable intercity passenger rail service consistent with the concomitant public interest in the preservation and enhancement of safe and reliable rail freight operations between Buffalo, N.Y. and Selkirk, N.Y. for both existing and future freight customers along the line and through freight service, including service to and from the Port of New York/New Jersey. The development of a TIP will be the subject of a further agreement between the

parties as to their roles and responsibilities. Negotiation of the TIP agreement will begin immediately upon the execution of this EIS Agreement.

- I. The parties understand that the National Railroad Passenger Corporation (“Amtrak”) provides intercity passenger rail service on the Corridor and will be a necessary participant in the undertaking of the Study. The negotiation of the TIP, including responsibility of operations and maintenance of capital improvements will include Amtrak.

### **Section 1: General Matters**

- a. The provisions of this EIS Agreement shall not be determinative of the terms and conditions of any further agreements between the parties as to the implementation of the improvements or the rail service that are derived from the Study. The results of the Study do not, and will not bind either party to any terms or conditions related to the contemplated project, including any expansion of passenger rail operations or infrastructure changes to CSXT's rail corridors. The parties acknowledge that further studies may be necessary and desirable to the extent that the Study does not sufficiently address the impact of rail service and/or the rail infrastructure enhancements required to accommodate the same. NYSDOT and CSXT acknowledge and understand the obligations contained in this EIS Agreement are limited to developing the Study, in accordance with this EIS Agreement. This EIS Agreement creates no obligation on the part of either party to otherwise pursue or advance any particular project or to enter into any further agreements to advance such projects.
- b. This EIS Agreement will commence on the date signed by the parties and terminate when the Study is completed and accepted by the FRA. Either party may terminate its participation in the Study by delivery of 30 days prior written notice to the other, stating the reasons for such termination.

### **Section 2: NYSDOT Consultants and Subconsultants**

NYSDOT has secured the services of HNTB New York Engineering and Architecture, P.C., as well as sub-consultants Louis T. Klauder & Associates and W. F. Keeney & Associates at its sole expense (collectively, “NYSDOT Consultants”), to perform the Study and to develop alternatives that best meet the future needs of the users of the Corridor. The term of the NYSDOT – HNTB New York Engineering and Architecture, P.C. Railroad Retainer Agreement is 3/01/2010 to 3/01/2015. It is expected that the Study will be completed in 2012.

### **Section 3: Operations Analysis Parameters and Methodology.**

- a. The objective of the Study’s ECW Operations Analysis is to provide a comprehensive analysis of proposed alternatives for improving rail service on the ECW that connects Albany-Rensselaer Station with Syracuse, Rochester, Buffalo and Niagara Falls, including important connections west of Buffalo and north of Syracuse. Also included is the important connection from Hoffmans (where the ECW continues east to Albany-Rensselaer Station) to Selkirk Yard, the major rail freight classification yard for New York and New England.
- b. The Study’s ECW Operations Analysis will include a comprehensive computerized railroad network simulation model of both existing and future train operations on the

ECW from Albany-Rensselaer to the Canadian border in Niagara Falls, NY. The Rail Traffic Controller (“RTC”) computer rail network simulation analysis package shall be used for the Study’s ECW Operations Analysis.

- c. Development of the Base simulation model, reflecting 2008 ECW operations, was substantially completed as part of another project and has already received preliminary “sign off” by CSXT conditioned on correction of some deficiencies in the model identified by CSXT which NYSDOT has agreed to implement. A Base Case RTC validation will be completed using CSXT actual point to point data. Some work is needed to provide a broader set of outputs to support the Study. The Base simulation model will not be updated to reflect current operations on the Corridor because CSXT train volumes were higher in 2008 than they are at present.
- d. The Study’s ECW simulation model will include detailed simulation of all intercity passenger trains and freight rail movements (both local and long distance) within the ECW.
- e. The Study’s future ECW simulation model scenarios will reflect evaluation of Study alternatives that include growth in passenger and freight rail service as well as required infrastructure improvements. Feasibility assessments of alternatives with significant infrastructure improvements will balance costs and environmental impacts with predicted rail network operational benefits related to capacity, travel time, train schedule reliability, rail safety, and cost effectiveness.
- f. The Study’s ECW Operations Analysis will include the following CSXT trackage that is part of the Corridor and connecting rail routes:
  - Portion of CSXT's Hudson Subdivision: Rensselaer (CP 142) to Schenectady (CP 160) and Hoffmans (CP 169),
  - CSXT's Selkirk Subdivision [Selkirk Yard to Hoffmans (CP 169) junction with the Hudson Subdivision) and Amsterdam (CP 175)],
  - CSXT's Mohawk Subdivision [Amsterdam (CP 175) to St. Lawrence Subdivision Junction (CP 291) and Syracuse (SP 296)],
  - Portions of CSXT's St. Lawrence Subdivision/Former Montreal Secondary [Syracuse (CP 291) to Woodard (CP-W),
  - CSXT's Rochester Subdivision [Syracuse (CP 296) to Buffalo (CP 429)],
  - CSXT's West Shore Subdivision [Fairport (CP 359) to Chili (CP 382)] which provides an important freight bypass around Rochester,
  - CSXT's Buffalo Terminal Subdivision [Buffalo (CP 429) to CP 437 and Lake Shore Subdivision (CP 2)],
  - CSXT's Niagara Subdivision, [Buffalo (CP 437) to Niagara Falls junction with CPR and CN (CP 28)], and



- Additional trackage in the Buffalo Terminal area – the Belt Line, Frontier Yard (lead tracks only), International Bridge and Old Compromise Line.

In all cases where trains can enter or leave the ECW territory "at speed" (using power switches), the Study's EIS Operations Analysis territory shall be extended so as to support this type of simulation operation. Where distant (approach) signals are provided – typically one to two miles from the ECW junction point – they shall be included in the operations analysis territory. Where replacement of hand-throw switches with power switches is identified as a potential improvement in the ECW territory, the "before and after" analysis shall be conducted starting at least one mile from the ECW junction point.

Where freight yard operations impact the ability of trains to achieve mainline Maximum Authorized Speed (MAS), ECW route yard tracks, including arrival/departure tracks, will be represented in the network description.

- g. With direct input and participation of CSXT, the Study will evaluate multiple alternatives that feature different passenger service levels, a range of future rail service levels, and capital improvements to existing CSXT infrastructure, capital improvements to new infrastructure within the CSXT right of way and capital improvements to new infrastructure partly or wholly outside of the CSXT right of way. The Study will identify a preferred alternative that provides the greatest benefits for safe and efficient rail operations, freight rail customers and the traveling public, while controlling capital costs and minimizing environmental impacts. To the extent possible, impacts of the impending implementation of Positive Train Control will be included.
- h. The Study's ECW Operations Analysis will use 2035 as future year for evaluation of rail operations. The Study's ECW Operations Analysis will provide the basis for a Service Development Plan that outlines how capital improvements and increased rail operations will be phased over time, given capital funding constraints, construction timeframes and the need to maintain fluid rail operations on the ECW at all times.
- i. Each RTC simulation model run will simulate seven consecutive measured operating days across the ECW plus one day warm up and one day cool down with randomization.
- j. The NYSDOT Consultant shall provide CSXT with all completed RTC Case (database) files, including the version of the RTC software used in the simulation. CSXT may run additional simulations for longer durations and alternative randomization inputs. At the discretion of CSXT, CSXT may provide the NYSDOT Consultant with the network simulation output data and/or summary document and the NYSDOT Consultant will incorporate CSXT's inputs into the Study's EIS technical appendices, as applicable.

#### **Section 4: Study Management Approach**

- a. NYSDOT and NYSDOT Consultants have entered into an agreement that outlines the Scope of Work for the Study, including roles and responsibilities of each participant. NYSDOT will manage the overall effort, including assigning a contract manager for the administration of the consultant services. NYSDOT will assign appropriate technical and managerial staff, as required, to manage or direct the advancement of the Study.

- b. FRA is the lead federal agency for purposes of the Study and under federal law is responsible for the scope and content of the EIS. The parties recognize that the independence and integrity of the EIS is essential to the development of a sound document and that, as it does for all of its EISs, the FRA will play a lead role in determining the scope and content of the document.
- c. CSXT (pursuant to this EIS Agreement), the National Passenger Railroad Corporation (Amtrak), FRA and other governmental agencies will provide technical guidance and support to NYSDOT and NYSDOT Consultants.

### **Section 5: Study Coordination**

- a. In order to progress the Study, NYSDOT Consultants will need to perform field reconnaissance such as (but not limited to) measuring track centers, reviewing locations along the right-of-way for possible historic structures, wetlands and other constructability concerns, identifying bridge abutment setbacks and other design constraints affecting the ability to add new trackage. CSXT agrees to provide access to railroad property for Study purposes subject to the conditions set forth in this EIS Agreement. NYSDOT Consultants will be responsible for obtaining and paying all fees for Right-of-Entry Permits from CSXT, including but not limited to: providing the applicable general liability and railroad protective liability insurance, executing the acknowledgement statements contained on the permits, participating in railroad-sponsored safety training and making arrangements for obtaining any required railroad flagging services. It is anticipated that NYSDOT Consultants will perform field reconnaissance trips over the life of the Study. NYSDOT or its consultants will bear all CSXT costs related to the field reconnaissance trips.
- b. NYSDOT Consultants will provide CSXT with sufficient advance notice, usually no less than 14 days, when they desire to gain access to railroad property for the purpose of performing field reconnaissance. The timing of any field reconnaissance trips will depend upon the availability of CSXT personnel to protect those entries onto CSXT property.
- c. NYSDOT Consultants will group their requests for access to railroad property into geographically-compatible groupings in order to maximize efficient access to the Corridor (grouping nearby locations within one railroad Subdivision). NYSDOT Consultants will be required to execute a non-disclosure agreement with CSXT for all information deemed confidential by CSXT. CSXT agrees to provide reasonable requested Corridor source information in a timely manner.
- d. CSXT will provide certain available engineering drawings and maps, to the extent practicable and to the extent not previously provided to NYSDOT, for use by NYSDOT and NYSDOT Consultants in development of the Study. These drawings may include track charts, real estate valuation maps and other documents mutually agreed by the Parties.
- e. Any information provided to NYSDOT will be subject to disclosure under the Freedom of Information Law, unless the information is confidential financial statements, balance sheets, trade secrets or revenue and cost projections that CSXT can demonstrate is

exempt from disclosure under the New York State Freedom of Information Law, the federal Freedom of Information Act, the federal Interstate Commerce Act or other laws administered by the Surface Transportation Board or the Federal Railroad Administration, and CSXT makes a timely request for exemption from disclosure in accordance with such laws.

**Section 6: Notices**

All notices and Certificates of Insurance shall be mailed to the following addresses:

A. To CSXT:

(1). Certificates of Insurance:

Walter D. Tyler  
Insurance Department  
CSX Transportation  
500 Water Street (J150)  
Jacksonville, FL 32202

(904) 366-5090/ Fax (904) 245-2203

(2). All Notices and Communications pertaining to this Statement:

Evan Bell  
Director Operations Planning  
CSX Transportation  
500 Water Street (J315)  
Jacksonville, FL 32202

(904) 359-1801 / Fax (904) 359-5433

B. To NYSDOT:

Marie Corrado  
Director of Major Projects  
New York State Department of Transportation  
50 Wolf Road, 6<sup>th</sup> Floor  
Albany, NY 12232

(518) 485-5025 / Fax (518) 457-4190

This EIS Agreement has the concurrence of the authorized officials of both parties as of the dates shown below.

CSX TRANSPORTATION, INC.

A handwritten signature in black ink that reads "Louis E. Renjel". The signature is written in a cursive style with a large initial "L" and "R".

Louis E. Renjel, Jr.  
Vice President, Strategic Infrastructure

NEW YORK STATE DEPARTMENT OF TRANSPORTATION

A handwritten signature in black ink that reads "Stanley Gee". The signature is written in a cursive style with a large initial "S" and "G".

Stanley Gee  
Acting Commissioner