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Exhibit VIII. C.3.c

RW Orange County LLC's unparalleled expert consultant and internal teams will proceed to obtain all necessary permits and will complete the project and interchange 15B in a timely manner once the license is granted. To that end, RW Orange County LLC has already held many in person, telephonic and WebEx meetings with numerous local, state, and federal governmental agencies regarding technical elements necessary to appropriately respond to Application questions, including without limitation the following meetings.

Table VIII. C.3.c-1. Meetings Held to Respond to Application Questions

Meetings with	Location	Date
New York State Thruway Authority (NYSTA)	200 Southern Blvd., Albany, NY	May 8, 2014
New York State Department of Transportation (NYSDOT)	Eleanor Roosevelt State Office Building, 4 Burnett Blvd., Poughkeepsie, NY	May 15, 2014
Palisades Interstate Park Commission (PIPC)	Palisades Interstate Park Commission Administration Building, Bear Mountain State Park, Bear Mountain, NY	May 15, 2014
Federal Highway Administration (FHWA), NYSTA and NYSDOT	WebEx	May 19, 2014
Orange County, County Executive	40 Matthews Street, Goshen, NY	May 19, 2014
Orange County Transportation Council (OCTC)	40 Matthews Street, Goshen, NY	May 21, 2014
PIPC	Palisades Interstate Park Commission Administration Building, Bear Mountain State Park, Bear Mountain, NY	May 27, 2014
Town of Tuxedo	One Liberty Plaza, New York, NY*	May 29, 2014
New York State Department of Environmental Conservation (NYSDEC)	21 South Putt Corners Road, New Paltz, NY	May 30, 2014
FHWA, NYSTA, and NYSDOT	WebEx	June 2, 2014
Town of Tuxedo	One Liberty Plaza, New York, Conference Room 3802	June 4, 2014
FHWA, NYSTA, NYSDOT, and OCTC	WebEx	June 9, 2014
New York State Office of Parks, Recreation and Historic Preservation (OPRHP)	625 Broadway, Albany, NY	June 10, 2014
FHWA, NYSTA, NYSDOT, and OCTC	WebEx	June 16, 2014
NYSDEC	Project Site	June 17, 2014
Interagency Consultation Group	Teleconference	June 18, 2014
FHWA, NYSTA, and NYSDOT	WebEx	June 23, 2014

* Office of Cleary Gottlieb Steen & Hamilton LLP

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In addition to these meetings, RW Orange County LLC and its expert team members, many of whom have decades of experience navigating the very permitting and approval processes required for this project, have been engaged in additional communications with their counterparts at applicable agencies regarding technical elements of the Application. In response to technical information provided by these agencies, the Applicant has provided information about RW Orange County LLC's designs, analysis, and forecasts, adapting its plans to meet or exceed agency requirements, design standards, and specifications. RW Orange County LLC expects to continue these meetings and communications from and after submission of this Application in order to ensure that all governmental approval and permitting processes run as efficiently as possible and that we will meet or exceed time to market expectations. The project and interchange 15B will each be funded entirely by RW Orange County LLC.

Anticipated government approvals and permits necessary for Sterling Forest Resort are detailed in Table VIII. C.3.c-2. No government funding is anticipated for this project.

Table VIII. C.3.c-2. Government Approvals for Sterling Forest Resort

Potential Approval(s) or Permit(s) Required	Agency	Application Date	Estimated Date of Receipt*
Local			
Host Community Agreement	Tuxedo Town Board	5/12/2014	6/23/2014
Local Architectural Review Board Approval	Town of Tuxedo Architectural Review Board	7/15/2014	12/16/2014
Gaming Overlay Zoning District Zoning Amendment	Tuxedo Town Board	6/12/2014	6/23/2014
Special Use Permit	Tuxedo Town Board	6/30/2014	11/24/2014
Local Site Plan and Subdivision Approval	Town of Tuxedo Planning Board	6/30/2014	12/9/2014
General Municipal Law § 239 Review	Orange County Department of Planning	6/30/2014	9/30/2014
Floodplain Development Permit	Town of Tuxedo	7/30/2014	12/17/2014
Building Permit	Town of Tuxedo	11/1/2014	12/17/2014
Blasting Permit	Town of Tuxedo	12/1/2014	1/1/2015
Demolition Permit	Town of Tuxedo	12/1/2014	1/1/2015
Grading, Clearing, and Filling Permit	Town of Tuxedo	12/1/2014	1/1/2015
Pool Permit	Town of Tuxedo	12/1/2014	1/1/2015
Sign Permit	Town of Tuxedo	12/1/2014	1/1/2015
Water Service Extension	Town of Tuxedo, Orange County Health Department	12/1/2014	1/1/2015
New York State			
New York State Environmental Quality Review Act (SEQRA)	Town of Tuxedo (Lead Agency)	6/20/2014	11/24/2014
Section 14.09 New York State Historic Preservation Act Review	Town of Tuxedo and SEQR Involved Agencies	6/30/2014	11/15/2014
Water Quality Certification, Section 401 of the Clean Water Act**	NYSDEC	6/30/2014	2/1/2015
Water Takings Permit**	NYSDEC	6/30/2014	2/1/2015
Use and Occupancy Permit for Utilities	NYS DOT	10/15/2014	2/1/2015

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Table VIII. C.3.c-2. Government Approvals for Sterling Forest Resort

Potential Approval(s) or Permit(s) Required	Agency	Application Date	Estimated Date of Receipt*
State Pollutant Discharge Elimination System (SPDES) Permit for Wastewater Discharges	NYSDEC	9/15/2014	2/1/2015
SPDES General Permit for Storm Water Discharges from Construction Activity	NYSDEC	9/15/2014	2/1/2015
Chapter 55: Flood Damage Prevention - Floodplain Development Permit	NYSDEC	12/1/2014	2/1/2015
State Air Facility Permit	NYSDEC	9/15/2014	2/1/2015
State Highway Temporary Construction Access Permit	NYS DOT	12/1/2014	2/1/2015
State Highway Work Permit	NYS DOT	12/1/2014	2/1/2015
Utility Work Permit	NYS DOT	12/1/2014	2/1/2015
Federal			
Section 106, National Historic Preservation Act/Tribal Consultation	NYS Office of Parks, Recreation and Historic Preservation (OPRHP)/Palisades Interstate Park Commission (PIPC)	6/23/2014	11/15/2014
Section 7 Threatened/Endangered Species Coordination/Biological Opinion	U.S. Fish and Wildlife Service (USFWS)	5/8/2014	11/15/2014
Conditional Letter of Map Revision	Federal Emergency Management Agency (FEMA)	12/1/2014	12/17/2014
Section 404 Permit, Clean Water Act**	U.S. Army Corps of Engineers (USACE)	6/30/2014	2/1/2015

*All dates are estimates, subject to further site investigation and interagency coordination.

** Signifies NYSDEC/USACE Joint Application

Anticipated government approvals and permits necessary for the proposed interchange 15B are detailed in Table VIII. C.3.c-3.

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Table VIII. C.3.c-3. Government Approvals for Proposed Interchange 15B/Roundabout

Potential Approval(s) or Permit(s) Required	Agency	Application Date	Estimated Date of Receipt
New York State			
New York (SEQR)	NYSTA (Lead Agency)	6/23/2014	3/15/2015
Approval of Parkland Easement and modifications to Route 106	PIPC/OPRHP	5/27/2014	12/1/2014
Section 14.09 New York State Historic Preservation Act Review	OPRHP	6/30/2014	3/30/2015
Chapter 55: Flood Damage Prevention - Floodplain Development Permit	NYSDEC	7/30/2014	5/15/2015
Design Approvals	NYSDOT/NYSTA	7/18/2014	3/15/2015
SPDES General Permit for Storm Water Discharges from Construction Activity	NYSDEC	10/18/2014	5/15/2015
State Highway Temporary Construction Access Permit	NYSDOT/NYSTA	12/1/2014	5/15/2015
State Highway Work Permit	NYSDOT/NYSTA	12/1/2014	5/15/2015
Utility Work Permit	NYSDOT/NYSTA	12/1/2014	5/15/2015
Federal			
Section 106, National Historic Preservation Act / Tribal Consultation	OPRHP/Palisades Interstate Park Commission	6/30/2014	3/15/2015
National Environmental Policy Act	National Park Service/U.S. Army Corps of Engineers	6/30/2014	3/15/2015
Section 6(f)3 of the Land and Water Conservation Act Small Easement	OPRHP/U.S. Department of the Interior (DOI)/National Park Service (NPS)	6/30/2014	3/15/2015
Clean Air Act, Transportation Conformity Determination	NYSTA/NYSDOT/Orange County Transportation Council (OCTC)/U.S. Department of Transportation	7/30/2014	1/5/2015
Section 7 Threatened/Endangered Species Coordination (if required)	USFWS	5/8/2014	2/28/2015

*All dates are estimates, subject to further site investigation and interagency coordination.

** Subject to further refinement of design

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Local Permits and Approvals

Host Community Agreement

RW Orange County LLC negotiated a host community agreement with the Town of Tuxedo (the Host Community Agreement). On May 12, 2014 and June 25, 2014, the Town Board voted to approve resolutions in support of the development of the Sterling Forest Resort, and on June 25, 2014, the Town voted to enter into the Host Community Agreement. The town and RW Orange County LLC worked collaboratively to draft the Host Community Agreement in consultation with the town's professional engineers and staff. The Town Board has selected a law firm to manage the project, which will assist the town in selecting additional consultants to provide analysis and guidance to safeguard and provide for the future needs of the town in the areas of traffic, economic and environmental impact, public safety, and other matters in connection with the development of the project. RW Orange County LLC is entirely funding the costs of procuring all consultants and has already advanced the town a sizable deposit for the purposes of engaging the services of these experts. Pursuant to the Host Community Agreement, RW Orange County LLC will pay the town \$50 million (i) to fund certain capital projects to be undertaken by the town, including public infrastructure projects, improvements to municipal facilities and beautification of the town and (ii) to provide for the cost of increased emergency response services by the Police Department, EMS and the Tuxedo Fire District and other recreational services. In addition, RW Orange County LLC will pay for any other mitigation measures required in connection with the SEQRA process as well as create programs for various community relations initiatives such as educational seminars on Gaming for residents of the Town, sponsorships relating to certain Tuxedo ski organizations, as well as college scholarship and internship programs for students who are residents of the Town.

Local Architectural Review Board Approval

The Town of Tuxedo Architectural Review Board application will be submitted including a description of the project and six sets of schematic plans and renderings of the buildings' façades. Plans will indicate the size, placement, and type of windows and doorways; all architectural details; samples of materials to be used; and the manufacturer names of these products per the Town of Tuxedo Architectural Review Board Guidelines. Sterling Forest Resort plans will be presented to the Architectural Review Board on or about July 15, 2014, with anticipated Architectural Board approval by December 16, 2014. Potential conditions that may be placed on Architectural Review Board Approval include using different materials or minor changes to architectural details.

Gaming Overlay Zoning District Zoning Amendment

Sterling Forest Resort required the approval of a zoning amendment by the Town of Tuxedo to create a Gaming Overlay Zoning District, which was approved by the Town on June 23, 2014. The zoning amendment allows resort development consistent with the *Town of Tuxedo Comprehensive Plan Update* (August 2011) recommendations for mixed-use/tourism-related development. This action also is consistent with the *Town of Tuxedo Comprehensive Plan Update* recommendations to enhance the town's tax base through mixed-use development of a resort lodge with accessory recreational uses, a conference center, and small-scale boutiques and restaurants.

Local Site Plan Approval and Special Use Permit

RW Orange County LLC will submit an application to the Town of Tuxedo on June 30, 2014, including preliminary site plans, traffic study, engineering studies and technical reports, and full SEQRA EAF. The full SEQRA EAF was submitted on June 20, 2014. Sterling Forest Resort will be presented to the Planning Board on July 8, 2014, after which the town should confirm Lead Agency Status by July 24, 2014. Anticipating a positive declaration and SEQRA environmental impact statement (EIS) process, the proposed Draft EIS (DEIS) would be accepted by the Town Board on September 8, 2014, and combined public hearings on the DEIS and site plan would be held by the Town Board and Planning Board on September 29,

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2014. The Final EIS would be adopted by the Town Board November 10, 2014 and a SEQRA findings statement would be adopted on November 24, 2014. Following the adoption of the SEQRA findings statement, the special use permit could be granted on November 24, 2014, and site plan and subdivision approval could be granted on December 9, 2014. RW Orange County LLC will submit application fees of \$300 plus any costs incurred by the town related to professional reviews by planners, engineers, and attorneys. Potential conditions for Local Site Plan Approval include minor changes to the proposed site plan.

General Municipal Law § 239 Review

New York State General Municipal Law requires that certain municipal planning, zoning, and subdivision actions be referred for County Planning agency review before local action can occur. This requirement (Article 12-b; §239 l, m, n) seeks to promote coordination of land use decision-making and to enhance consideration of potential inter-community and countywide impacts. RW Orange County LLC has met with Orange County Department of Planning representatives and is working to address any concerns and expedite their review. Pursuant to the SEQRA process and GML §239, this review should be complete by September 29, 2014.

Floodplain Development Permit

RW Orange County LLC will submit a Floodplain Development Application in accordance with Section §98-35. It is the intent of the developer to also submit a letter of map amendment and letter of map revision to FEMA to change the site's flood zone designation. Potential conditions for the floodplain development permit include minor changes to the proposed site plan.

Building Permit

RW Orange County LLC will submit a properly completed building permit application to the clerk at Town Hall including Section-Block-Lot identification and intended usage. Building permit approval is anticipated immediately upon completion of the Planning Board and SEQRA process and issuance of the special use permit. As is required for new construction, the application will be signed, notarized, and accompanied by a Certificate of Occupation Acknowledgement, Worker's Compensation Form 1 & Form 2, and a Certificate of Insurance naming the Town of Tuxedo as additional insured. RW Orange County LLC also will submit two copies of the plans and specifications and site plan as well as copies of the septic system and required fees per the Town of Tuxedo's Standard Schedule of Fees. No site preparation or construction shall commence until a valid entrance permit has been secured from the Orange County Department of Public Works under Section 136 of the Highway Law. Potential conditions for the Building Permit are not anticipated but will be addressed per town requirements if applicable.

Blasting Permit

RW Orange County LLC will submit a properly completed blasting permit application to the clerk at Town Hall including a Certificate of Insurance. All blasting and recordkeeping requirements will comply with §34-2 of the Code of the Town of Tuxedo. RW Orange County LLC will submit fees per the Town of Tuxedo's Standard Schedule of Fees. Potential conditions for the Blasting Permit are not anticipated but will be addressed per town requirements if applicable.

Demolition Permit Application

RW Orange County LLC will submit a properly completed demolition application to the clerk at Town Hall including a description of work being performed and information on the removed materials, which will be kept on-site. RW Orange County LLC will submit fees per the Town of Tuxedo's Standard Schedule of Fees. Potential conditions for the Demolition Permit are not anticipated but will be addressed per town requirements if applicable.

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Grading, Clearing, and Filling Permit Application

RW Orange County LLC will submit a properly completed application for grading, clearing, and filling to the clerk at Town Hall including complete site plans with grades and elevations, a description of the nature of the work to be performed, materials and equipment to be used and installed, and details of structural, mechanical, electrical, and plumbing installations. RW Orange County LLC will submit fees per the application of \$300 plus any costs incurred by the town related to professional reviews by planners, engineers, and attorneys. Potential conditions for the Permit application include minor changes to the proposed site plan and will be addressed per town requirements if applicable.

Pool Permit Application

RW Orange County LLC will submit a properly completed Pool Permit Application to the clerk at Town Hall including a location sketch on survey map with measurements and plans, as well as proof of insurance. Potential conditions for the Pool Permit are not anticipated but will be addressed per town requirements if applicable.

Sign Permit Application

RW Orange County LLC will submit a properly completed Sign Permit Application to the clerk at Town Hall including a rendering, dimensions, and materials to be used. RW Orange County LLC will submit fees per the Town of Tuxedo's Standard Schedule of Fees. Potential conditions for the Sign Permit are not anticipated but will be addressed per town requirements if applicable.

Water Service Extension

United Water has provided a willingness to serve letter for the Sterling Forest Resort, and local approvals will be necessary from the town and Orange County Health Department to extend water service to the site. Both the town and the county support extending service, as further detailed in the Host Community Agreement.

State and Federal Reviews and Approvals

SEQRA

A SEQRA coordinated review process has been initiated by the town to establish a Gaming Overlay Zoning District, discussed further under Gaming Overlay Zoning District Amendment above. Sterling Forest Resort will require two parallel site-specific SEQRA coordinated review processes, each containing a cumulative impacts assessment. The first proposed Type I action "Sterling Forest Resort" requires several local, county, and state discretionary approvals for the development of the Sterling Forest Resort, discussed further under Local Site Plan Approval and Special Use Permit above. The second proposed Type I action requires several state and federal discretionary approvals for the development of interchange 15B on the New York State Thruway, discussed further under the National Environmental Policy Act below.

Cultural Resources

Section 14.09 New York State Historic Preservation Act and Section 106 of National Historic Preservation Act

Section 14.09 is applicable for the Sterling Forest Resort, while Section 233, Section 14.09 and Section 106 of National Historic Preservation Act are applicable for the proposed interchange 15B. For the interchange, the Section 106 process will run concurrently with the NEPA process.

A Section 233 Permit is required for site investigations conducted on state-owned land and will be required prior to commencement of the phase IB archaeological identification survey, which locates any archaeological sites in a project area. The reports are submitted to OPRHP, who has 30 days to respond. Under the Section 233 permit, the reports also are submitted to the State Archaeologist at the New York State Education Department. The review period for approval of the Section 233 Permit is 30 to 45 days.

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Potential conditions for the Section 233 Permit are not anticipated but will be addressed per Section 233 requirements if applicable.

The Section 106 process is applicable to the interchange because Harriman State Park meets the criteria for (and has been determined eligible for) listing on the National Register of Historic Places.

The appropriate State Historic Preservation Officer/Tribal Historic Preservation Officer (SHPO/THPO) will be consulted with during the process. There is also a requirement to involve the public and identify other potential consulting parties. The agency, in consultation with the SHPO/THPO, makes an assessment of adverse effects on the identified historic properties based on criteria found in the Advisory Council on Historic Preservation's (ACHP) regulations. If they agree that there will be **no adverse effect**, the agency proceeds with the undertaking and any agreed-upon conditions.

If the agencies find that there is an adverse effect, or if the parties cannot agree and ACHP determines within 15 days that there is an adverse effect, the agency begins consultation to seek ways to avoid, minimize, or mitigate the adverse effects.

The agency consults to resolve adverse effects with the SHPO/THPO and others, who may include Indian tribes and Native Hawaiian organizations, local governments, permit or license applicants, and members of the public. Consultation usually results in a Memorandum of Agreement (MOA), which outlines agreed-upon measures that the agency will take to avoid, minimize, or mitigate the adverse effects. In some cases, the consulting parties may agree that no such measures are possible, but that the adverse effects must be accepted in the public interest.

Tribal Consultation

Tribal consultation is conducted under Section 106, and would therefore only apply to the proposed interchange 15B. Tribal consultation is government-to-government and is the responsibility of the lead federal agency. If any tribes choose to consult on the project, the THPO has the same responsibilities and obligations as the SHPO including 30 days to review and comment on any findings or recommendations.

Natural Resources

Water Withdrawal Permit; NYS ECL Article 24, Freshwater Wetlands; Water Quality Certification; Section 401 of the Clean Water Act

To apply for the state permits listed above, RW Orange County LLC has delineated wetland/open water habitat and prepared a Wetland Delineation Report and draft plans. The developer and members of the consultant team met with NYSDEC representatives at a pre-application meeting on May 30, 2014, to introduce the project and present the package with wetland/open waters delineated on-site as well as potential impacts identified. At this time permitting options and other concerns/mitigation options were discussed with the agency. The wetland/open water delineation was reviewed and confirmed on site by NYSDEC and members of the consultant team on June 17, 2014. A similar meeting is scheduled to review USACE jurisdictional wetlands and open water on July 1, 2014.

A Joint Permit Application will be prepared for submittal to both NYSDEC/USACE. The application must include a statement documenting wetland impact avoidance and minimization steps, and a wetland and stream mitigation plan to replace impacted wetlands and waters. Joint Permit Application review time for an Individual Permit is normally 180 days. With submittal of the Joint Permit Application at the end of June 2014, a permit can be anticipated by February 2015.

Potential conditions that are likely to be placed on the permits include:

- Permit valid for 5 years
- Adhere to construction timing restrictions placed by NYSDEC for in-water construction to protect fish species
- Categorize and remove hazardous waste (if required)
- Install culvert or stream structures capable of fish passage (elliptical culverts)

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- Install wildlife fencing (heavy silt fence) around key wildlife habitat (e.g., vernal pools, wetlands, etc.)
- Achieve 85 percent survival rate for planted trees/shrubs (as part of the mitigation effort)
- Monitor wetland and stream mitigation areas for a 5-year period. Provide annual reports.
- Prevent invasive species in wetland mitigation areas

Section 404 of the Clean Water Act

The Section 404 permit will be applied for in the same package as the state permits listed above. Joint Permit Application review time is normally 180 days. With submittal of the Joint Permit Application at the end of June 2014, a permit can be anticipated by February 2015. Potential conditions that are likely to be placed on the permits include:

- Permit valid for 5 years
- Categorize and remove hazardous waste
- Install culvert or stream structures capable of fish passage (elliptical culverts)
- Achieve 85 percent survival rate for planted trees/shrubs (as part of the mitigation effort)
- Monitor wetland and stream mitigation areas for a 5-year period. Provide annual reports.
- Prevent invasive species in wetland mitigation areas

Section 7 Threatened/Endangered Species Coordination

A special status species studies and findings report is presently being conducted and the findings of that report will be submitted to agencies for concurrence if no species are found on-site. If a species or its habitat is identified, the report will identify what avoidance measures would be taken for mitigation.

Potential conditions that are likely to be placed on the permits include:

- Adhere to construction timing restrictions placed by NYSDEC for in-water construction to protect animal species (if habitat found on-site)
- Install wildlife fencing (heavy silt fence) around key wildlife habitat (e.g., vernal pools, wetlands, etc.)
- If required, mitigation of impacts to habitat for threatened or endangered species

Conditional Letter of Map Revision

A Conditional Letter of Map Revision (CLOMR) is FEMA's comment on a proposed project that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus modify the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA). It is the intent of the project design to ensure no net increases in flood water elevations result from the project development.

SPDES Permits; Waste Water Treatment Plant Permit

A SPDES Permit is required for discharge from the proposed water reclamation facility, while a SPDES General Permit for Storm Water Discharges from construction activity is required for storm water management. Site engineers will develop a storm water management plan/storm water pollution prevention plan, as well as an erosion control plan/post-construction storm water management plan. RW Orange County LLC held a pre-application meeting with the Region 3 office of the NYSDEC to obtain preliminary answers to questions concerning project plans, effluent limits, and standards for permit issuance. Following the pre-application, a complete SPDES application will be filed including a location map, site plan, and completed SEQRA Environmental Assessment Form. Potential conditions for the SPDES permit may include limitations on work or minor modifications of site plans per standards for issuance in 6NYCRR Section 750-1.11(a), or the preparation of a storm water maintenance agreement.

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Use and Occupancy Permit and Utility Permit for Utility Rights-of-Way

A Use and Occupancy Permit may be required for the installation of utility systems along Route 17A. A utility work permit will be required for utility work along Route 17A within state highway right-of-way. RW Orange County LLC will submit complete permit applications to the Region 8 office of NYSDOT. Potential conditions for the Use and Occupancy Permit may include limitations on work or minor modifications of site plans.

State Air Facility Permit

A State Air Facility Permit will be required from NYSDEC for the natural gas boilers used to provide heating for the Resort. RW Orange County LLC will complete the permit application using NYSDEC's online Air Facility System.

State Highway Temporary Construction Access Permit, State Highway Work Permit

The NYSDOT will require a Highway Work Permit for all work along Route 17A related to both the Sterling Forest Resort site and interchange, as well as work along the New York State Thruway. RW Orange County LLC will submit complete Highway Work Permit Application to the Region 8 office of NYSDOT. RW Orange County LLC is currently discussing the proposed interchange 15B with Region 8 of NYSDOT, NYSTA, and FHWA. Potential conditions for the State Highway Access Permit and State Highway Work Permit include limitations on work or minor modifications of site plans.

Federal Interchange-Related Approvals

National Environmental Policy Act (NEPA)

The proposed action will require NEPA review in the form of an Environmental Assessment (EA), which is anticipated to receive a Finding of No Significant Impact (FONSI). Through coordination with NYSTA and NYSDOT, FHWA has advised that the action does not require an Interchange Justification Report and that they will not be exercising jurisdiction or authority over this action. This also eliminates the need for compliance with Section 4(f) of the Department of Transportation Act. Two potential lead agencies are the Department of Interior (DOI) - National Park Service, due to Harriman State Park's receipt of funds from the Land and Water Conservation Act as discussed below, or USACE pending the need for a Clean Water Act Section 404 Permit, discussed above. Potential conditions and mitigation pursuant to the FONSI are discussed in **Exhibit IX. A.2.B.** and **Exhibit IX. A.3.**

Section 6(f)(3) of the Land and Water Conservation Act

Compliance with Section 6(f) of the Land and Water Conservation Act is required because Harriman State Park received funding under the Act in 1977. Section 6(f) of the Land and Water Conservation Act requires that the easement of lands or facilities acquired with Land and Water Conservation Act funds be coordinated with the DOI. Usually replacement in kind is required. OPRHP has a recommendation role and a easement proposal/request prepared by the State must demonstrate that all practicable alternatives have been evaluated and rejected on a sound basis, establish fair market value, and propose replacement property. The easement will be evaluated in the NEPA EA and the proposal, and NPS will undertake an independent review of the final proposal.

If the impacted area is 5 acres or less and the replacement property is contiguous to the original Section 6(f)(3) property, the easement may qualify as a "small easement" and therefore qualify as a categorical exclusion under NEPA.

Clean Air Act Compliance: Regional Emissions Analysis

Compliance with certain Clean Air Act transportation conformity rules is required because Orange County is designated as a maintenance area (former nonattainment area) for fine particulate matter (PM_{2.5}). A transportation conformity determination on the interchange 15B project is not required because

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no FHWA funding or approval is anticipated; thus, the project is not an “FHWA/FTA project” as defined in the regulations. Non-FHWA regionally significant highway projects are still subject to certain transportation conformity requirements under 40 CFR 93.121, if they require approval from a state, regional, or local routine recipient of Title 23 highway funds. Sterling Forest Resort is a “major planned development” and interchange 15B would serve its transportation needs. In addition, a new interchange on the interstate system would typically be included in modeling of the transportation network. Based on these two factors, interchange 15B is a regionally significant project for transportation conformity.

NYSTA is required to approve the interchange project as the SEQRA lead agency and operator of the Thruway system. Although a relatively minor part of NYSTA’s overall funding sources, the agency does receive federal highway/bridge funds (approximately \$32 million in 2014 budget) and has received a \$1.6 billion TIFIA loan for the Tappan Zee Bridge project. Based on these facts, NYSTA is a routine recipient of Title 23 funds and is therefore subject to 40 CFR 93.121.

To comply with 40 CFR 93.121, a new regional emissions analysis that includes the interchange 15B project will be completed in coordination with OCTC. It is anticipated the results of this new regional emissions analysis will demonstrate that the current transportation plan and TIP would still conform if the project was implemented. An update to the TIP to include the interchange 15B project is not necessary for the project to advance; although, as a regionally significant project, interchange 15B will need to be included in the next TIP updated by OCTC and associated conformity determination. The Regional Conformity Determination by OCTC and NYMTC is anticipated on November 20, 2014 while the Federal Conformity Determination is anticipated on January 5, 2014.