13. Natural Resources

13.1 INTRODUCTION

This chapter describes the effects of implementing the CBD Tolling Alternative on general ecology, wildlife resources, and water resources (collectively, natural resources), consistent with NYSDOT *The Environmental Manual*.[1]

13.2 AFFECTED ENVIRONMENT

Natural resources were evaluated within the local study area for tolling infrastructure and tolling system equipment (local study area) as shown in **Chapter 3**, "**Environmental Analysis Framework,**" **Figure 3-2a through Figure 3-2g**. **Figures 13-1 through 13-3** show terrestrial natural resources and wetlands, floodplains, and the designated New York State Coastal Area within and near the local study area. The Project would be located within a highly urbanized environment that consists of buildings, paved surfaces, and transportation infrastructure with limited natural resources.

13.2.1 Wetlands

13.2.1.1 New York State Jurisdiction Wetlands

The New York State Department of Environmental Conservation (NYSDEC) Environmental Resource Mapper,[2] Freshwater Wetland maps for Manhattan do not show any freshwater wetlands or freshwater wetland adjacent areas (100-foot buffer) regulated by NYSDEC under Article 24 of the New York State Environmental Conservation Law (ECL) within the local study area.

NYSDEC regulates portions of the shoreline of the Hudson River and East River under ECL Article 25 as littoral zone tidal wetlands[3] (**Figure 13-1**). NYSDEC also regulates activities within an adjacent area, potentially consisting of the area within 150 feet of a tidal wetland or up to the 10-foot above mean sea level elevation contour. The adjacent area does not extend landward past a stabilized shoreline structure present as of 1977. Because the shoreline in the local study area was stabilized before 1977, none of the local study area is regulated tidal wetlands adjacent area.[4]

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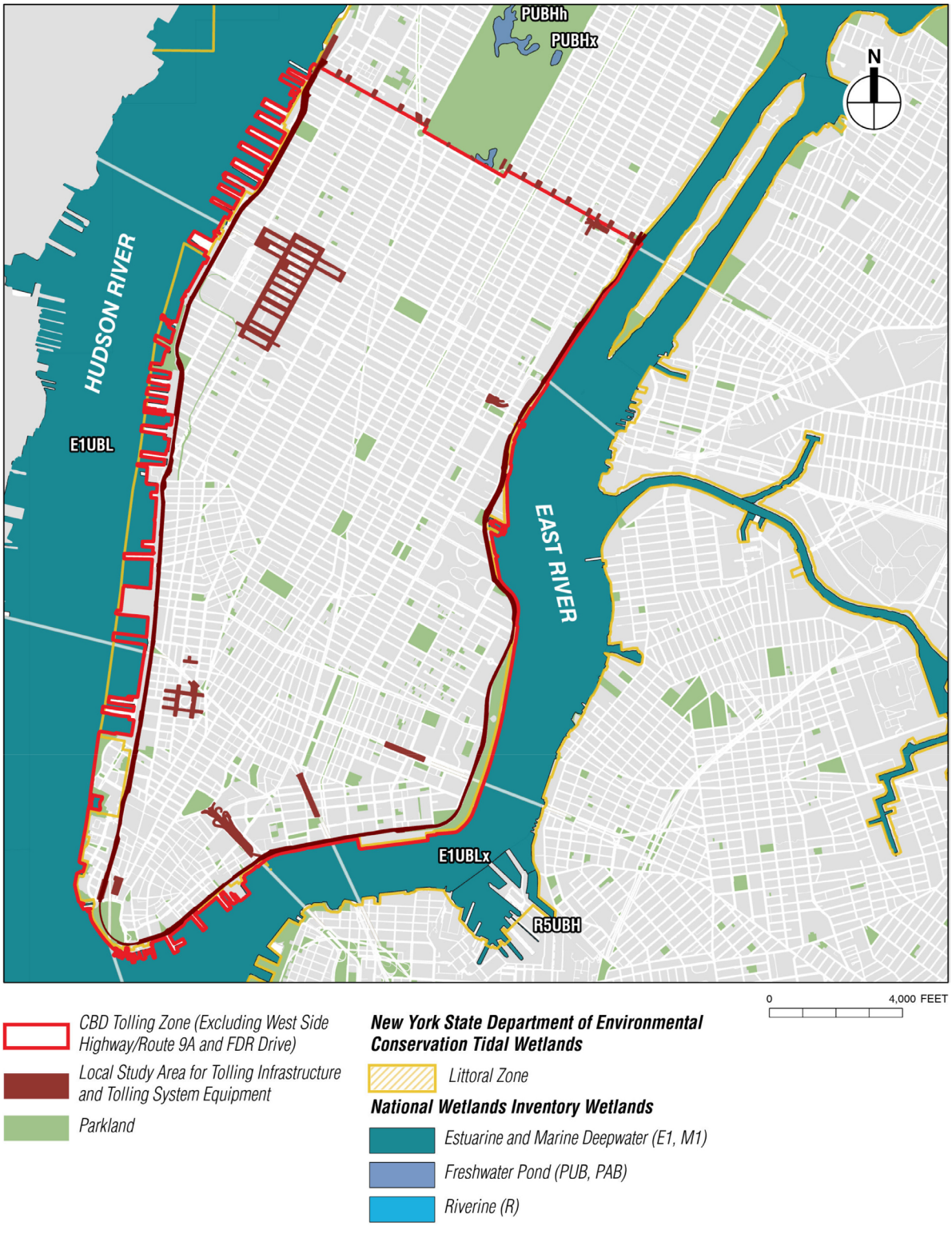
1 NYSDOT. 2010. *The Environmental Manual*. https://www.dot.ny.gov/divisions/engineering/environmental-analysis/manuals-and-guidance/epm.

2 https://gisservices.dec.ny.gov/gis/erm/.

3 Lands under tidal waters extending seaward from shore to a depth of 6 feet at mean low water (and that are not identified in any other NYSDEC tidal wetland category). NYSDEC tidal wetland maps accessed from http://opdgig.dos.ny.gov/.

4 Per 6 NYCRR Part 661.4, the regulated adjacent area ends at "the seaward edge of the closest lawfully and presently existing (i.e., as of August 20, 1977), functional and substantial fabricated structure (including, but not limited to, paved streets and highways, railroads, bulkheads and sea walls, and rip-rap walls) which lies generally parallel to said most tidal wetland landward boundary and which is a minimum of 100 feet in length as measured generally parallel to such most landward boundary, but not including individual buildings."

Figure 13-1. National Wetlands Inventory and NYSDEC Mapped Wetlands and Existing Parkland



Source: U.S. Fish and Wildlife Service, May 2021; NYSDEC, 2016.

13.2.1.2 Federal Jurisdiction Wetlands

The U.S. Fish and Wildlife Service (USFWS) National Wetlands Inventory (NWI) has mapped the Hudson River and East River adjacent to the local study area as subtidal estuarine wetlands with unconsolidated bottoms (E1UBL) (see **Figure 13-1**). Immediately north of the local study area, the Pond in Central Park is an NWI-mapped palustrine[5] wetland with an unconsolidated bottom that is diked and permanently flooded. The CBD Tolling Alternative would not involve any activities in the Hudson River, the East River, or the Pond in Central Park.

13.2.2 Surface Waters and Navigable Waters

The Hudson and East Rivers are Waters of the United States and navigable waters regulated by the U.S. Army Corps of Engineers (USACE), and are protected under Article 15 of the New York State ECL. The Pond in Central Park is protected under NYSDEC regulations (6 NYCRR Part 608).

13.2.3 Wild, Scenic, and Recreational Rivers

NYSDEC has no designated Study or Inventory State Wild, Scenic, or Recreational Rivers within or adjacent to the local study area. The local study area also does not include any rivers listed on the Nationwide Rivers Inventory List of National Wild and Scenic Rivers.

13.2.4 Floodplains

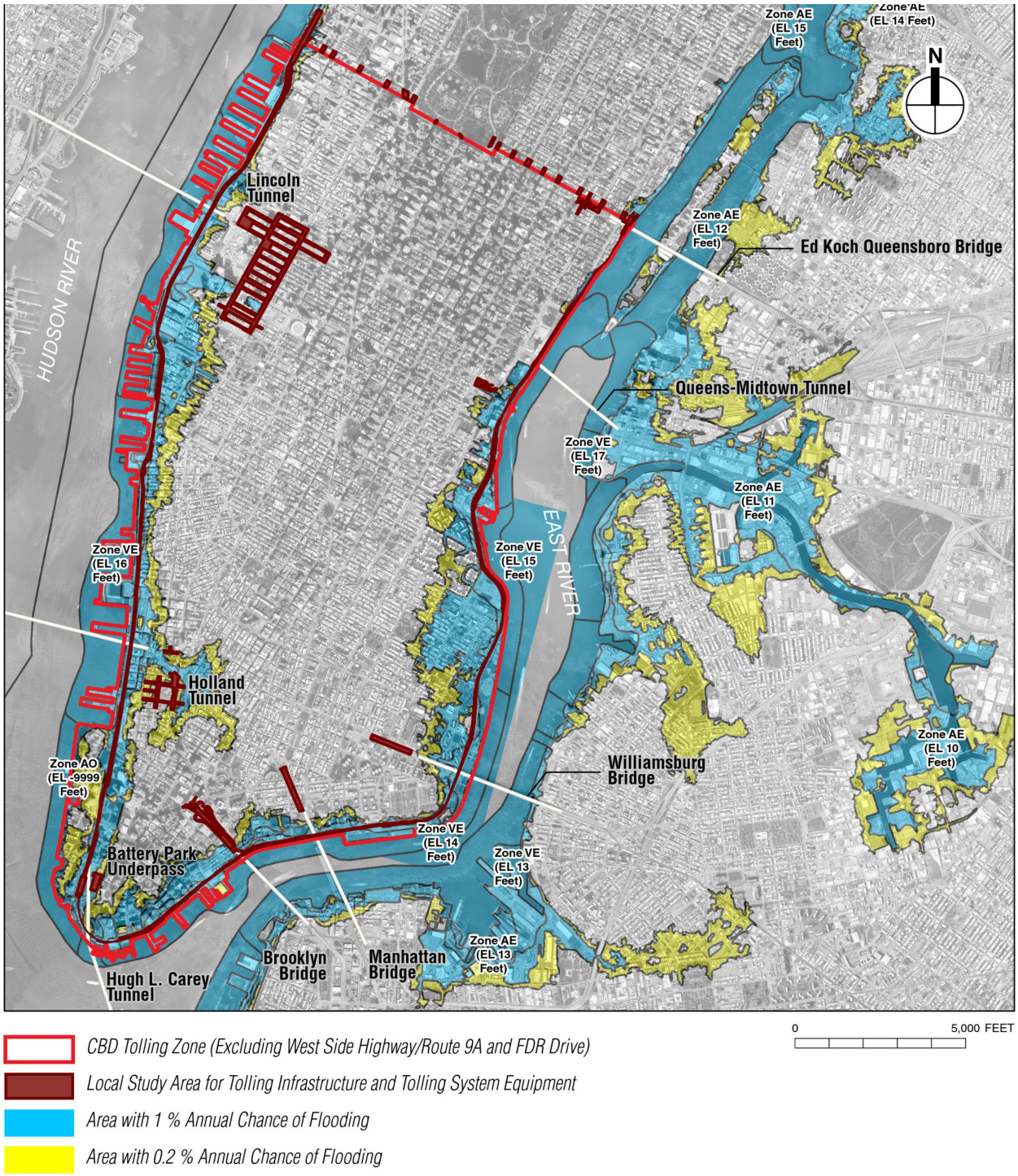
Figure 13-2 shows that portions of the local study area are within the 100-year floodplain (the area with a 1 percent chance of flooding in any given year) and 500-year floodplain (0.2 percent chance of flooding in any given year) of the East River and Hudson River.

13.2.5 Coastal Resources

Portions of the local study area are within the designated New York State Coastal Area (**Figure 13-3**), and therefore, the Project is subject to a coastal zone policies consistency review. The local study area is not in or near any coastal erosion hazard areas regulated by the State of New York pursuant to 6 NYCRR Part 505 and ECL Article 34. The local study area also does not include any areas regulated by the Coastal Barrier Resources Act or the Coastal Barrier Improvement Act.

[5] Palustrine wetlands are nontidal wetlands characterized by the presence of trees, shrubs, and emergent vegetation.

Figure 13-2. Federal Emergency Management Agency 2015 Preliminary Flood Insurance Rate Map



Source: Federal Emergency Management Agency, January 2015/New York State GIS Program Office. New York City Orthoimagery, 6-inch resolution.

Figure 13-3. New York City Coastal Zone Boundary

Source: New York City Coastal Zone Boundary; New York City Department of City Planning, November 2018.

13.2.6 Groundwater Resources, Aquifers, and Reservoirs

In the Manhattan CBD, groundwater is generally at least 10 feet below the surface. NYSDEC aquifer data files show that the local study area is not in an identified Primary Water Supply or Principal Aquifer Area. No Sole Source Aquifers regulated by the U.S. Environmental Protection Agency are present in the local study area. New York City receives its drinking water from a system of aqueducts and reservoirs north of the city boundaries. No municipal drinking water wells, wellhead influence zones, or drinking water reservoirs are in or near the local study area.[6, 7]

13.2.7 Stormwater Management

In the Manhattan CBD, stormwater runoff generally flows into catch basins, and then into the city's combined sewer system. The discharge of stormwater and sanitary waste differ during dry weather and storm events. The City of New York's State Pollutant Discharge Elimination System permits govern these discharges. The New York City Department of Environmental Protection regulates stormwater discharges from development lots to the city sewer system under Chapter 31 of Title 15 of the Rules of the City of New York.

13.2.8 General Ecology and Wildlife Resources

The terrestrial ecological communities of the local study area are highly urbanized and can be considered "terrestrial cultural communities."[8, 9] These vegetated ecological communities provide limited ecological value. Adjacent to the local study area, terrestrial ecological communities and related natural resources are largely limited to parks (e.g., Central Park and East River Park). Given the limited habitat areas in the local study area, wildlife diversity and bird populations, in general, are low and limited to common native and nonnative species adapted to urban conditions. This may include migratory birds protected by the Migratory Bird Treaty Act.[10]

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6 NYSDEC. Area Hydrography mapping. http://gis.ny.gov/gisdata/metadata/alis.hydrography.areahydrography.xml#Top.

7 https://www1.nyc.gov/site/dep/water/drinking-water.page.

8 Edinger, G.J., D.J. Evans, S. Gebauer, T.G. Howard, D.M. Hunt, and A.M. Olivero (editors). 2014. *Ecological Communities of New York State*. Second Edition. A revised and expanded edition of Carol Reschke's *Ecological Communities of New York State*. 1990. New York Natural Heritage Program, NYSDEC, Albany, NY.

9 These communities are "created and maintained by human activities, or are modified by human influence to such a degree that the physical conformation of the substrate, or the biological composition of the resident community is substantially different from the character of the substrate or community as it existed prior to human influence." Examples include flower/herb gardens, mowed lawn and mowed lawn with trees, mowed roadside/pathway, paved road/pathway, and urban vacant lot.

10 The Migratory Bird Treaty Act makes it unlawful to pursue, hunt, take, capture, kill, or sell birds listed therein. The statute applies equally to both live and dead birds, and grants full protection to any bird parts, including feathers, eggs, and nests. The USFWS implements the Migratory Bird Treaty Act.

13.2.9 Endangered and Threatened Species

According to USFWS's Information, Planning, and Consultation database (reviewed on May 24, 2022; see **Appendix 13A, "Natural Resources: Natural Resource Correspondence"**), one species has the potential to occur within the local study area, the monarch butterfly. The monarch butterfly is listed as a candidate species, and it currently does not have any protection under Section 7 of the Endangered Species Act (ESA).

Based on a review of the National Oceanic and Atmospheric Administration ESA Section 7 Mapper for the Greater Atlantic Region,[11] several Federally listed marine species could occur in the East River and Hudson River adjacent to the local study area (see **Appendix 13A**). Additionally, the Hudson River has been identified as critical habitat for the New York Bight Distinct Population Segment of Atlantic sturgeon. The CBD Tolling Alternative would not involve any activities in the Hudson River or East River.

Based on a review of the New York Natural Heritage Program database on May 24, 2022, four species listed by the State of New York as endangered or threatened could be present in the local study area: the peregrine falcon (New York State endangered); coastal plain blue-eyed grass (New York State endangered); little ladies' tresses (New York State threatened); and red pigweed (New York State threatened), which was present in or near the local study area in the 1890s and could still be present today.

- Peregrine falcons nest on rocky cliffs near river gorges but can also nest on man-made structures such as bridges and skyscrapers. Peregrine falcons generally mate for life and return to the same nest year after year. In New York, nesting season begins in late winter and ends when the birds migrate south in early autumn. In New York City, nest sites are located high above the ground on buildings and other structures such as bridges. With nests in urban areas with high levels of noise and human activity, peregrine falcons demonstrate a high tolerance of and exposure to disturbance and an ability to exploit resources in human-dominated landscapes.[12, 13]
- Coastal plain blue-eyed grass is a perennial wildflower that grows in grasslands, meadows and fields, sandplains, and barrens.[14] The only potential habitat within the local study area for this species is Central Park.
- Little ladies' tresses is a perennial wildflower that typically grows in dry fields and open woods.[15] The only potential habitat within the local study area for little ladies' tresses is within Central Park.

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11 https://www.fisheries.noaa.gov/new-england-mid-atlantic/consultations/section-7-species-critical-habitat-information-maps-greater.

12 Cade, T.J, M. Martell, P. Redig, G. Septon, and H. Tordoff. 1996. Peregrine falcons in urban North America. In: D.M. Bird, D. Varland, and J. Negro (eds.) Raptors in human landscapes: adaptations to built and cultivated environments. Academic Press, San Diego, CA.

13 White, Clayton M., Nancy J. Clum, Tom J. Cade and W. Grainger Hunt. 2002. Peregrine Falcon (*Falco peregrinus*), The Birds of North America Online (A. Poole, Ed.). Ithaca: Cornell Lab of Ornithology; http://bna.birds.cornell.edu/bna/species/660doi:10.2173/bna.660.

14 Massachusetts Division of Fisheries and Wildlife. 2015. Sandplain Blue-eyed Grass (*Sisyrinchium fuscatum*). Natural Heritage & Endangered Species Program. https://www.mass.gov/doc/sandplain-blue-eyed-grass/download.

15 Newcomb, L., Morrison, G., & Clement, R. C. 1977. Newcomb's wildflower guide: An ingenious new key system for quick, positive field identification of the wildflowers, flowering shrubs and vines of Northeastern and North Central North America.

- Red pigweed occurs in coastal areas including interdunal swales, stony beaches, shorelines of coastal ponds and rivers, salt marshes, brackish soils, and waste places, which is a broadly encompassing term that includes, but is not limited to, abandoned lots, areas containing construction and demolition debris and other refuse, and areas containing contaminated soils. It has also been found in ship ballasts. The natural habitats in which red pigweed is expected to occur do not occur within the local study area. However, areas described as waste places (e.g., abandoned lots, dumping areas, contaminated sites) are present within the local study area. Therefore, red pigweed has the potential to occur within the local study area.

13.2.10 Essential Fish Habitat

The National Marine Fisheries Service Essential Fish Habitat (EFH) Mapper[16] lists EFH for several species potentially present in the Hudson River and East River adjacent to the local study area. The CBD Tolling Alternative would not involve any activities in the Hudson River or East River.

13.2.11 Critical Environmental Areas, Habitat Areas, Wildlife Refuges, and Wildfowl Refuges

According to NYSDEC, the local study area does not have any Critical Environmental Areas or state forest preserve lands.[17, 18] The local study area also is not in or adjacent to any wildlife or waterfowl refuges.

13.3 ENVIRONMENTAL CONSEQUENCES

13.3.1 No Action Alternative

The No Action Alternative would not result in a vehicular tolling program and any associated tolling infrastructure and tolling system equipment; therefore, it would not affect natural resources.

13.3.2 CBD Tolling Alternative

For the most part, the CBD Tolling Alternative would have new tolling infrastructure and tolling system equipment within the transportation right-of-way in developed areas of Manhattan where there are limited natural features. The new tolling system equipment would be on new or existing infrastructure or would consist of infrastructure comparable in form to existing streetlight poles, sign poles, and overhead sign structures on and adjacent to existing transportation infrastructure (e.g., roads, bridges, and sidewalks).

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16 National Marine Fisheries Service Essential Fish Habitat Mapper. https://www.fisheries.noaa.gov/resource/map/essential-fish-habitat-mapper.

17 NYSDEC. Critical Environmental Areas. https://www.dec.ny.gov/permits/6184.html.

18 NYSDEC provides the following definition for state forest preserves: Protected by Article XIV of the New York State Constitution, the Forest Preserve is defined as public lands in the Adirondack and Catskill Parks within "forest preserve counties" as defined by the New York State Legislature. These lands are identified as [ECL 9-0101] "...lands owned or hereafter acquired by the state within the county of Clinton, except the towns of Altona and Dannemora, and the counties of Delaware, Essex, Franklin Fulton, Hamilton, Herkimer, Lewis, Oneida, Saratoga, Saint Lawrence, Warren, Washington, Greene, Ulster and Sullivan,..." https://www.dec.ny.gov/lands/7811.html.

Limited soil disturbance would occur during construction for excavation of foundations for new poles and associated utility connections.

Tolling infrastructure and tolling system equipment is proposed at three locations just inside Central Park near Central Park South (59th Street) where streetlight poles currently exist along the existing park roadway system. Tolling infrastructure and tolling system equipment would be installed on the landside portions of bridges over the East River, but no in-water or over-water activities would occur.

13.3.2.1 Wetlands

New York State Jurisdiction Wetlands

No NYSDEC-regulated freshwater wetlands or regulated freshwater wetland adjacent areas are within the local study area. Therefore, the CBD Tolling Alternative is not subject to the requirements of ECL Article 24.

Tolling infrastructure and tolling system equipment would be installed on the landside portions of bridges that cross the East River. No in-water or over-water activities would occur. Erosion and sediment control measures will be used during construction to protect catch basins, drainage channels, waterways, etc. No construction activities would occur within tidal wetlands or their regulated adjacent areas, and ground disturbance during construction would not affect regulated tidal wetlands. Therefore, New York State ECL Article 25 does not apply to the Project.

Federal Jurisdiction Wetlands

No tolling infrastructure or tolling system equipment would be installed in or over water, and no construction would occur in any Federally regulated wetlands. Erosion and sediment control measures implemented during construction will protect nearby water bodies from adverse effects related to debris and other materials.

13.3.2.2 Surface Waters and Navigable Waters

No in-water or over-water activities would occur as part of the CBD Tolling Alternative. Tolling infrastructure and tolling system equipment would be installed on the landside portions of bridges that cross the East River and on highways adjacent to the East and Hudson Rivers. The installation of tolling infrastructure and tolling system equipment would not change the navigable channels of the East or Hudson Rivers, the navigable clearance of bridges for marine traffic, alter the volume or course of marine traffic, or affect the navigability of the East and Hudson Rivers in any other way. There would be no excavation in, or discharge of dredged or fill material into, surface waters. During construction, TBTA will provide erosion and sediment control measures to protect catch basins, drainage channels, waterways, etc. Therefore, the CBD Tolling Alternative would not affect the Hudson River or East River.

The CBD Tolling Alternative would place tolling infrastructure and tolling system equipment on replacement streetlight poles in Central Park. The closest such poles would be more than 125 feet away from the Pond in Central Park and would have no effect on the Pond in Central Park.

13.3.2.3 Floodplains

Tolling infrastructure and tolling system equipment would be placed on new or replacement poles, existing overhead sign structures, and existing pedestrian bridges that are within mapped floodplains of the Hudson River and East River. The floodplains within the local study area are affected by coastal rather than riverine flooding, and therefore, controlled by tidal conditions, occupation of the floodplain by larger or new poles for the CBD Tolling Alternative would not result in increased flooding within or adjacent to the local study area. The new tolling infrastructure and tolling system equipment would be within and adjacent to the transportation right-of-way and would not impede emergency access or limit the efficacy of natural floodplains. Therefore, the CBD Tolling Alternative would not affect floodplains.

Because the sources of floodwaters in the local study area are tidal, there would be no loss of storage capacity or increase because of permanent structures associated with the CBD Tolling Alternative. The larger or new poles for the CBD Tolling Alternative would not constitute an encroachment, because it would not endanger citizens or workers, cause likely future damage, or notably affect natural or beneficial floodplain values. Therefore, with respect to the findings required by Executive Order 11988, "Floodplains Management":

- A significant encroachment would not occur.
- There would be no significant potential for interruption or termination of a transportation facility that is needed for emergency vehicles.
- There would be no significant effects on natural beneficial floodplain values.

The CBD Tolling Alternative would comply with Executive Order 11988.

13.3.2.4 Coastal Resources

Some of the new tolling infrastructure and tolling system equipment would be within the boundaries of the State of New York's designated Coastal Area (see **Figure 13-3**). The Project Sponsors completed the New York State Coastal Assessment Form and the New York City Waterfront Revitalization Program Consistency Assessment Form (see **Appendix 13B, "Natural Resources: Coastal Zone Consistency Assessments"**). The forms certify that the CBD Tolling Alternative would be implemented consistent with applicable coastal policies. The Project Sponsors will seek concurrence on their coastal zone consistency finding from the New York State Department of State and the New York City Department of City Planning.

13.3.2.5 Groundwater Resources, Aquifers, and Reservoirs

The local study area is not in an identified Primary Water Supply or Principal Aquifer Area and does not have any Sole Source Aquifers. Depending on the type of pole or mounting structure and its configuration, the depth of excavation would range from approximately 2 to 12 feet. This excavation is unlikely to encounter groundwater, which is generally more than 10 feet below grade in the Manhattan CBD.

13.3.2.6 Stormwater Management

Most of the construction for the CBD Tolling Alternative would occur on existing impervious surfaces and would not result in a disturbance of more than one contiguous acre of soil. If applicable, TBTA would require the contractor to obtain coverage under State Pollutant Discharge Elimination System General Permit (GP-0-20-001 or current version, if applicable) for construction. In accordance with the general permit, TBTA would require the contractor to develop a Stormwater Pollution Prevention Plan, which would describe the erosion and sediment control measures that would be implemented during construction. The CBD Tolling Alternative would not result in any permanent changes to the quantity of impervious surfaces in the local study area.

13.3.2.7 General Ecology and Wildlife Resources

The tolling infrastructure and tolling system equipment for the CBD Tolling Alternative would be within and adjacent to existing transportation right-of-way that is highly disturbed and generally unlikely to provide habitat for wildlife.

Trees

Trees regulated by NYC Parks, which include trees in New York City parks and street trees in the public right-of-way, are present in the local study area. TBTA will undertake required tree protection measures. Tree work permits will be obtained as required.[19] If trees must be removed or are damaged during construction, TBTA will follow NYC Parks specifications for all replacement trees, including the planting of new trees or restitution in the form of a monetary payment to the NYC Parks Tree Fund.

Fish, Wildlife, and Waterfowl

Wildlife in the local study area is accustomed to high levels of urban noise. As described in **Chapter 12, "Noise,"** the CBD Tolling Alternative would not result in substantial changes to noise levels, and the effects on wildlife from noise increases would be negligible.

To avoid adverse effects on migratory bird species protected by the Migratory Bird Treaty Act, construction activities that require tree removal will be scheduled outside the early May through July primary bird breeding season to the extent practicable. Should construction activities require tree removal during April or August (i.e., the beginning and end of the breeding period), preconstruction activities will include coordination with FHWA with respect to conducting surveys of active nests. These surveys will be focused on the presence of active nests, eggs, or young in trees targeted for removal. FHWA will be informed of the results before any tree removal begins, and if active nests, eggs, or young are present, the tree will not be removed until after the nest is no longer in active use.[20] These surveys will be undertaken if habitat were

[19] NYC Parks: https://www.nycgovparks.org/trees/street-tree-planting/best-practices.

[20] The primary breeding period for most land bird species in New York State and those that breed in New York City specifically spans from approximately the beginning of April through the end of July.
Sommers, L.A. 2008. "Appendix 2: Breeding season table," pp. 635 to 641. *The Second Atlas of Breeding Birds of New York State* (K. McGowan and K. Corwin, eds.). Cornell University Press, Ithaca, NY.

likely to be disturbed. If active nests, eggs, or young are not present, TBTA will inform FHWA of the results before commencing any tree cutting.

Fish and waterfowl would not be affected because the CBD Tolling Alternative would not involve in-water or over-water activities, and tolling infrastructure and tolling system equipment would generally be constructed on and adjacent to transportation right-of-way at heights similar to other infrastructure in the right-of-way and below the heights that would impede migratory patterns.[21]

Therefore, the CBD Tolling Alternative would not adversely affect fish, wildlife, and waterfowl.

13.3.2.8 Endangered and Threatened Species

The ESA does not apply to the CBD Tolling Alternative due to the absence of listed terrestrial species within New York County where the local study area is located; the absence of any in-water activities within the East River and Hudson River or any potential to affect Federally protected species within those waters; and the nature of the activity, which includes construction in disturbed, currently maintained transportation right-of-way and would not involve the removal of any pollinator habitat. The monarch butterfly is listed as a candidate species. Therefore, consultation or conference (formal or informal) with USFWS is not required. No effects to the monarch butterfly are anticipated. The CBD Tolling Alternative would meet the requirements of item 13 "Traffic Management Systems Maintenance (communications cable, hardware for intelligent transportation system, road weather information system, etc.)" on FHWA New York Division's "Activity-Based No Effect List," and no further review or consultation under Section 7 of the ESA is required.[22]

One New York State protected species, the peregrine falcon (listed as endangered in New York State), could be present in the local study area. The CBD Tolling Alternative would not disturb peregrine falcon nesting habitat, forage areas, or nests on bridges and buildings. No tolling infrastructure and tolling system equipment would be mounted directly on the portions of buildings or bridges where peregrine falcons would have a greater potential to nest. At the start of construction, should it be determined that peregrine falcon nesting activities are observed on the signs and/or structural elements, NYSDEC will be consulted to confirm any measures necessary to avoid a take of peregrine falcon nests at that time.

Because habitat for the New York State endangered coastal plain blue-eyed grass and little ladies' tresses may be present in Central Park, a preconstruction survey will be conducted to determine their presence within specific areas of the park where construction would take place. Similarly, surveys for red pigweed

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[21] In the Northeast, birds migrate in the greatest volume between altitudes of 500 and 2,000 meters above sea level (La Sorte et al. 2015), and at a minimum altitude of approximately 150 meters above sea level (Horton et al. 2016).

Horton, K.G., Van Doren, B.M., Stepanian, P.M., Farnsworth, A. and Kelly, J.F. 2016. "Where in the air? Aerial habitat use of nocturnally migrating birds." *Biology Letters* 12(11):20160591.

La Sorte, F.A., Hochachka, W.M., Farnsworth, A., Sheldon, D., Van Doren, B.M., Fink, D. and Kelling, S. 2015. "Seasonal changes in the altitudinal distribution of nocturnally migrating birds during autumn migration." *Royal Society Open Science 2(12):150347*.

[22] FHWA New York Division. Endangered Species Act, Section 7, Essential Fish Habitat, and Marine Mammal Protection Act: Process for Compliance and Consultation. June 2020. https://www.dot.ny.gov/divisions/engineering/environmental-analysis/manuals-and-guidance/epm/repository/4.4.9.3_AppG_FHWA_ESA_Section_7.pdf.

will occur in the local study area should habitat for this plant be present in the construction locations and if the habitat were likely to be disturbed. If any of these species are found during the surveys, then a protection plan will be developed in consultation with NYC Parks and NYSDEC.

13.3.2.9 Essential Fish Habitat

The CBD Tolling Alternative would not involve any activities in or over the waters of the East or Hudson Rivers nor any discharges to those rivers during construction. Therefore, the CBD Tolling Alternative would result in no effects on EFH.

13.3.2.10 Invasive Species

The CBD Tolling Alternative would be constructed within and adjacent to transportation right-of-way in areas that are predominantly paved. Any soil disturbance would be limited to the removal of existing structures (e.g., foundations and poles) and replacement with new poles and limited construction for utility connections. Any fill used during construction would be clean. The CBD Tolling Alternative would involve limited disturbance to existing vegetation and would not introduce invasive plants. Therefore, the CBD Tolling Alternative would comply with Executive Order 13112, "Invasive Species."

13.4 CONCLUSION

The CBD Tolling Alternative would not involve the installation of tolling infrastructure and tolling system equipment within or over surface waters and wetlands; therefore, it would not affect these resources, including the navigability of the Hudson River and East River and coastal zone polices for the area. There would be tolling infrastructure and tolling system equipment within the designated floodplains, but the installation of this equipment would not alter flood conditions.

Construction of the CBD Tolling Alternative would unlikely encounter groundwater, as most of the construction for the CBD Tolling Alternative would occur on existing impervious surfaces and would not result in a disturbance of more than one contiguous acre of soil. If applicable, TBTA will require the contractor to obtain coverage under State Pollutant Discharge Elimination System General Permit (GP-0-20-001 or current version, if applicable) for construction.

Protected species have the potential to occur within the local study area. The CBD Tolling Alternative would not disturb peregrine falcon nesting habitat, forage areas, or nests on bridges and buildings. A preconstruction survey will be conducted to determine the presence of coastal plain blue-eyed grass, little ladies' tresses, and red pigweed in specific areas where construction would occur; if habitat is identified, then a protection plan (e.g., relocation, propagation) will be developed in consultation with NYC Parks and NYSDEC. TBTA will undertake tree protection measures consistent with the requirements of and in consultation with NYC Parks.

Table 13-1 summarizes the effects of the CBD Tolling Alternative on natural resources. Overall, the CBD Tolling Alternative would be within and adjacent to existing transportation rights-of-way that are highly disturbed. With the implementation of measures to protect certain resources during construction, the CBD Tolling Alternative would not adversely affect natural resources.

Table 13-1. Summary of Effects of the CBD Tolling Alternative on Natural Resources

SUMMARY OF EFFECTS	EFFECT FOR ALL TOLLING SCENARIOS	POTENTIAL ADVERSE EFFECT	MITIGATION AND ENHANCEMENTS
Construction activities to install tolling infrastructure near natural resources	No effects on surface waters, wetlands, or floodplains. Potential effects on stormwater and ecological resources during construction will be managed through construction commitments. The Project is consistent with coastal zone policies.	No	▪ Implement sediment and erosion control measures and any conditions contained in an approved Stormwater Pollution Discharge Elimination System Permit, If necessary ▪ Consult with NYSDEC on any measures necessary to avoid a potential take of peregrine falcon nests. ▪ Schedule construction activities that would require tree removal, if applicable, outside the primary bird breeding season ▪ Undertake a preconstruction survey to determine if coastal plain blue-eyed grass, little ladies' tresses, and red pigweed are present at construction locations and develop a protection plan if found ▪ Undertake tree protection measures consistent with the requirements of and in consultation with NYC Parks