

**SEQR FINDINGS STATEMENT**  
**Final Generic Environmental Impact Statement**  
**2016 New York State Open Space Conservation Plan**

This is a Findings Statement Amendment ("Amendment") of the Findings Statement adopted by the New York State Department of Environmental Conservation ("Department" or "DEC") and the New York State Office of Parks, Recreation and Historic Preservation ("OPRHP"), as co-lead agencies, on July 24, 2009 and August 18, 2009, (the "Findings Statement"). This Amendment is adopted pursuant to and required by Article 8 of the New York State Environmental Conservation Law ("ECL"), more commonly known as the State Environmental Quality Review Act ("SEQRA"), and its implementing regulations found in Part 617 of Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York ("6 NYCRR"). The Findings Statement and all prior environmental impact statements prepared pursuant to ECL Article 8, are hereby incorporated by reference in their entirety into this Amendment.

This Amendment considers the changes made to the 2016 New York State Open Space Conservation Plan ("2016 Plan"). Pursuant to ECL Article 8 and 6 NYCRR Part 617, DEC and OPRHP as co-lead agencies adopted the findings set forth in the Findings Statement for the 2009 Plan, and hereby adopt the additional findings set forth in this Amendment. SEQRA requires the preparation of an amended findings statement if a subsequently proposed action was adequately addressed in a generic EIS but was not addressed or was not adequately addressed in the findings statement for the generic EIS. The DEC and OPRHP have taken into consideration the 2016 Plan and the comments received during the review process, and make the following findings.

Name of the Action:

Amendment of the New York State Open Space Conservation Plan, 2016 edition.

Description of the Action:

The action is the update of the State Open Space Conservation Plan, jointly prepared by DEC and OPRHP in consultation with nine regional advisory committees. The 2016 Plan updates and revises the 2009 Plan and includes: identification of the types and locations of open space resources, enumeration of various open space conservation strategies, including, voluntary protection programs, planning programs, land use regulations, as well as, the acquisition of land or an easement interest in land by the State. The 2016 Plan addresses the economic restraints placed on all government funding at this time and refocuses our open space conservation actions on four critical priorities. These priorities are: Promoting Outdoor Recreation; Addressing Climate Change; Ensuring Clean Water, Air and Land for a Healthy Public and Vibrant Economy; and, Protecting, Utilizing and Conserving Our State's Natural Resources and Cultural Heritage. The 2016 Plan updates recommendations to state, federal, and local governments, non-profits, philanthropists, state citizens and land owners on programs and partnerships, education and outreach, policies and regulations, research and funding, many of which have begun to be implemented or will begin to be implemented in the next three to five years. Specific additions include recommendations in response to Hurricane Irene, Tropical Storm Lee and

Superstorm Sandy including recommendations from the NYS 2100 Commission; recommendations on state and private land stewardship were reincorporated from the 2006 plan.

The 2016 Plan updates the listing of 140 priority land conservation projects, publicly identified and reviewed, that are eligible for acquisition under the State Environmental Protection Fund and other state, federal and local sources. Several projects were removed because the project was completed, incorporated into another project, or deemed no longer viable for conservation. The Regional Advisory Committees added several projects to the list. These changes are consistent with the 2009 Final GEIS.

Location:

Statewide

DEC and OPRHP Jurisdiction:

Article 49, Title 2 of the Environmental Conservation Law requires that DEC and OPRHP prepare and periodically revise a State Land Acquisition Plan to guide the selection of projects for state acquisition taking into account regional advisory committee priorities and the agencies' assessment of need for land acquisition projects. The Open Space Conservation Plan is a comprehensive approach to open space protection that contains a range of conservation strategies including acquisition. The first Plan was finalized in 1992; the first revision was completed in 1995; the second revision was completed in 1998; the third revision was completed in 2002; the fourth revision was completed in 2006; the fifth revision was completed in 2009; the 2016 Plan is the sixth revision, and seventh version.

Date Final GEIS Filed: June 17, 2009

Facts and Conclusions Relied on to Support the Decision:

1. Based on the Draft GEIS, public comments and the Final GEIS, DEC and OPRHP have determined the following:

a. Implementation of the 2016 Plan will increase the opportunity for permanent protection of natural, scenic, recreational, cultural and historic resources. Protection of these resources will contribute substantially to the health and safety of our state's citizens from the effects of global climate change, as seen with increased temperatures, rising sea levels, increased storm surges, and increased flooding. Protection of the state's natural resources will also contribute to the biodiversity of the state's plant, fish and wildlife species, water quality, and overall quality of life and variety of educational and recreational opportunities available for all New Yorkers.

b. Important benefits will accrue to the users of the open space resources protected through the 2016 Plan. Improved access to these resources will increase the opportunity for residents of New York to utilize these resources as well as find rest, relaxation and enjoyment that would not otherwise be available. These opportunities also provide benefits such as increased physical and mental well-being.

c. In addition to direct use benefits (e.g., recreational use),

intrinsic benefits result from public decisions to protect resources based on our knowledge that the resources will continue to be available for future use by ourselves and our children. There is also value in stewardship and satisfaction that all can equally enjoy these protected resources. Therefore, there are significant intrinsic benefits to our state's citizens from long-term protection of the resources and access to them.

d. Economic benefits of land conservation and acquisition anticipate positive results from the protection of flood plain and coastal areas that are now more prone to increased flooding and sea level rise changes resulting from our warming climate. Protection of these vulnerable areas from intense development may assist in maintaining stable property insurance rates while at the same time increasing property values of nearby or adjacent lands. Protection and promotion of urban open spaces such as tree lined parks and trailways will assist in counteracting rising urban temperatures and accompanying energy uses. Economic benefits from the protection of the state's watersheds ensures access to clean water by millions of state citizens in New York City and the state's other large urban areas, keeping water filtration infrastructure and costs to a minimum. Additional economic benefits to the state include tourism, wildlife habitat protection and enhancement of the state's natural resource-based industries, e.g., agriculture, forestry and waterfront harbor industries.

e. Cumulative benefits arise from the implementation of a comprehensive, coordinated, and publicly-involved process, based on research, resource inventories, and examination of the critical conservation demands being placed on New York's resources, including global climate change, water quality protection, increased urban populations, unplanned or unregulated development, inability of all New York citizens to access natural, open space areas, and the need to safeguard our state's biodiversity, and unique historic, cultural and outdoor recreational resources.

f. Associated adverse impacts may occur from the acquisition of land by the state and from the possible or likely increase in property values of adjacent lands within some of our state's rural and lower-income communities (e.g., leading to second home developments, particularly within the Adirondacks and Catskills). Additional adverse impacts may result from the public use of the resources that are acquired for public recreational access and possible impacts of short-term erosion and sedimentation concerns associated with recreational facility construction. Conserved open spaces that allow intensive public recreational use may also be prone to human impacts such as littering, noise, vegetative damage, increased traffic, and trespassing on adjoining private properties.

g. Potential adverse impacts will be mitigated through combinations of the following measures identified in the Final GEIS: payment of property taxes on lands that the state acquires or currently owns, especially within New York's rural communities; the use of environmentally sensitive design and construction techniques;

preparation of master plans and unit management plans based on resource inventories, capacity analysis and appropriate management strategies; a commitment to examine avenues for providing sufficient resources for adequate stewardship; and use of alternative land conservation techniques such as working forest conservation easements and agricultural purchase of development rights to reduce the need for large scale state fee acquisition.

h. Implementing the 2016 Plan may also result in both beneficial and adverse impacts which are related to specific land protection categories. Measures have been identified which would help mitigate category specific impacts. Such measures include acquisition of less than fee title, management of public access to prevent overuse and management programs to protect and enhance resources.

Alternatives to revision of the 2009 Plan include:

1. No Action - Not revising the Plan would not be viable alternative because the legislation requires periodic revision of the Plan. At the implementation level, not revising the Plan would mean not updating the statewide priorities set by the Plan, which is developed through significant public participation for the protection of open space. This alternative was not selected because it would result in a fragmented approach to open space protection and impede, if not preclude, protection of resources through a statewide system approach.

2. Modification of Priorities - This alternative would modify acquisition priorities by changing the selection criteria so either a certain geographic area or a certain category may receive greater emphasis. This alternative was not selected because it is not equitable. Both agencies are committed to the conservation and acquisition of a broad range of lands, both in terms of categories and geography, as is feasible. In addition, these priorities are driven by the regional advisory committees and a public planning process, modifying these priorities would undermine the public participation process as well as undermine the public's trust and support for this 2016 Plan.

All land conservation projects implemented by DEC and OPRHP through the 2016 Plan will be governed by the provisions of the GEIS. Each project will be evaluated to determine whether or not the impacts associated with acquisition have been addressed by the Final GEIS. If the issues are adequately covered by the Final GEIS, no further environmental assessment will be conducted. However, projects that are not adequately discussed by the Final GEIS will require a more detailed site specific environmental assessment. In addition, the Final GEIS identifies specific circumstances where a site specific environmental review may be warranted for a particular project. The Final GEIS identifies those circumstances in the form of a list of exceptions which will be used by each agency to determine which projects receive site specific review. These exceptions are designed to focus on site specific conditions that may not be adequately addressed in the Final GEIS.

This is a continual planning process since legislation requires that the Plan be updated every three (3) years. DEC's and OPRHP's interagency

task force, which has prepared the plan, will continue to coordinate and oversee plan implementation. The Regional Advisory Committees will continue to have an expanded role and the agencies will continue to meet with them on a regular basis. The State Land Acquisition Advisory Council will also be advised and consulted.

Certification to Approve/Fund/Undertake:

Having considered the Draft and Final Generic Environmental Impact Statement, the Findings Statement, and all other supporting documentation, and having considered the preceding written facts and conclusions relied on to meet the requirements of 6 NYCRR Section 617.11, this Statement of Findings certifies that:

1. The requirements of 6NYCRR Section 617, implementing Article 8 of the ECL (SEQR) have been met.
2. Consistent with social, economic and other essential considerations from among the reasonable alternatives, the action to be implemented minimizes or avoids adverse environmental effects including the effects disclosed in the Final GEIS, to the maximum extent practicable.
3. Consistent with social, economic and other essential considerations, to the maximum extent practicable, adverse environmental impacts revealed in the EIS process will be minimized and avoided by incorporating, as conditions to the decision, those mitigation measures which were identified as practicable.
4. The process described in the plan by which DEC and OPRHP will protect land is consistent with State coastal management policies. Consistent with the applicable policies of Article 42 of the Executive Law, as implemented by 19 NYCRR Part 600.5, this action will achieve a balance between the protection of the environment and the need to accommodate social and economic considerations.



Basil Seggos, Commissioner  
NYS Department of Environmental  
Conservation

November 29, 2016

Date



Rose Harvey, Commissioner  
NYS Office of Parks, Recreation &  
Historic Preservation

November 30, 2016

Date



**FINAL GENERIC ENVIRONMENTAL IMPACT STATEMENT**

**COVER SHEET**

Title .....2009 New York State Open Space Conservation Plan &  
Final Generic Environmental Impact Statement

Lead Agencies ..... New York State Department of Environmental Conservation &  
New York State Office of Parks, Recreation & Historic Preservation

Project Location ..... Statewide

Prepared By ..... Staff of Lead Agencies

Contact Persons ..... DEC, Francis Sheehan, (518) 402-9405  
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Date of Completion..... June 17, 2009

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# FINAL GENERIC ENVIRONMENTAL IMPACT STATEMENT

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## SUMMARY

This Final Generic Environmental Impact Statement (GEIS) has been prepared to assess the impacts which may be associated with the development and implementation of the State Open Space Conservation Plan. The environmental setting for this Plan is the State of New York, in particular, natural and cultural resources of statewide and regional significance. The Plan/GEIS relies in part upon information contained in previous DEC and OPRHP generic EISs relating to land conservation and open space protection.

Beneficial impacts include increased protection of significant natural, scenic, recreational and historic resources. Protection of these resources will contribute substantially to the health and safety of our state's citizens from the effects of global climate change, as seen with increased temperatures, rising sea levels, increased storm surges, and increased flooding. Economic benefits of land conservation and acquisition anticipate positive results from the protection of flood plain and coastal areas that are now more prone to these climate impacts. Protection of these vulnerable areas from intense development may assist in maintaining stable property insurance rates while at the same time increasing property values of nearby or adjacent lands. Protection and promotion of urban open spaces such as treelined parks and trailways will assist in counteracting rising urban temperatures and accompanying energy uses. Benefits are expected from the protection of the state's watersheds, ensuring access to clean water by millions of state citizens in New York City and the state's other large urban areas, keeping water filtration infra-structure and costs to a minimum. Adverse impacts may be associated with the development and use of resources acquired for enhanced public access and/or use; however, most if not all of such impacts can be avoided and/or mitigated through the use of standard best management practices during the construction process as discussed in this statement. These impacts on resources resulting from public use include possible short-term erosion and sedimentation problems associated with construction.

The GEIS also identifies category specific beneficial and adverse impacts. The cumulative benefits are associated with the implementation of a comprehensive, coordinated, system approach to the conservation of New York's resources. These include protection and maintenance of systems of natural diversity, significant historic and cultural resources, and outdoor recreation resources. The following mitigation measures have been identified to minimize the environmental impacts: use of appropriate design and construction techniques, preparation of master plans or unit management plans based on resource inventories, capacity analysis and appropriate management strategies and a commitment to provide sufficient resources for adequate stewardship.

Alternatives to preparation of the Plan considered in this GEIS are: no action and modification of priorities. The GEIS also lists the types of projects identified by both agencies which will require additional project specific environmental review.

## I. INTRODUCTION

The development of the 2009 New York State Open Space Conservation Plan (the Plan) is an action subject to the State Environmental Quality Review (SEQR) Act. This chapter, together with the other chapters in the Plan, constitutes the GEIS for the Plan. A GEIS is an assessment of the potential impacts of a broad based action or a group of related actions and is more conceptual in nature than a site specific EIS.

This chapter includes alternatives, impacts associated with implementation of the Plan, as well as the identification of thresholds for various types of projects that would trigger additional environmental review. Many of the issues identified in this GEIS have been previously addressed in one or more earlier GEISs: Final Generic Environmental Impact Statement for Regulations Establishing Procedures for Selection, Review, Approval and Funding of State Land Acquisition Projects under the 1986 Environmental Bond Act, March 1987; Final Generic Environmental Impact Statement for Acquisition of Lands by the Department of Environmental Conservation, March 1988; and NYS Statewide Comprehensive Outdoor Recreation Plan 2009–2013 and Generic Environmental Impact Statement 2006. Analysis from these documents is referenced throughout this Final GEIS as appropriate. Complete copies of these reports are available from DEC or OPRHP.

The Draft GEIS and the Draft Plan were made available for public review on January 7, 2009, and were subject to public hearings and the public review process under SEQR. The hearings were held on January 20–22, 2009 throughout the State. Comments on the Draft Plan and GEIS were accepted until February 27, 2009. The response to comments on the Draft Plan can be reviewed in the final Plan's e-appendix F at [www.dec.ny.gov/lands/47990.html](http://www.dec.ny.gov/lands/47990.html), in addition to a hard copy made available upon request.

## II. DESCRIPTION OF THE PROPOSED ACTION

The action for review in this GEIS has been defined as the development and update of the State Open Space Conservation Plan by the New York State Department of Environmental Conservation (DEC) and the New York State Office of Parks, Recreation and Historic Preservation (OPRHP), in partnership with the New York State Department of Agriculture and Markets (DAM), the New York State Department of State (DOS), and the Department of Transportation (DOT). For the purposes of compliance with SEQR, this appendix of the Plan addresses the action and its implementation on a generic level.

In 1990, legislation was enacted which required DEC and OPRHP to prepare a State Land Acquisition Plan. This Plan was intended to guide the selection of land acquisition projects and to provide for the conservation, protection and preservation of open space, natural, historic and cultural resources and the enhancement of recreational opportunities. However, DEC and OPRHP recognized that the conservation, protection and preservation of the State's resources does not just involve State land acquisition, but rather is a combination of state, local and private efforts to protect these resources. Therefore, the scope of the Plan was broadened and the Plan became the State Open Space Conservation Plan. The first State Open Space Conservation Plan (The Plan) was completed and adopted in 1992. The Plan was updated in 1995, 1998, 2002 and 2006. Each of these plans was the product of extensive public input and

review. The 1993 Environmental Protection Act requires that the Regional Advisory Committees review the Plan every two years. Update and revision of the current plan was begun in 2008 in response to that legislation. This also fulfills the requirements of the 1990 legislation to update the Plan every three years.

This update of the State Open Space Conservation Plan builds upon earlier editions. The Plan has been reformatted to focus the State's Open Space Conservation program on priorities and policies that should be undertaken in the next five years to help address the State's environmental priorities. The new format of the 2009 NYS Open Space Conservation Plan is to provide the public with a user friendly tool, broken down into action, task-oriented categories, which addresses DEC & OPRHP Commissioners' open space-related priorities. The format categorizes the Commissioners' priorities into four overarching goals that can be achieved through open space conservation efforts: Responding to Global Climate Change; Fostering Green, Healthy Communities; Connecting New Yorkers with Nature & Recreation; and Safeguarding our State's Natural & Cultural Heritage. Each of these goals are broken down into open space conservation actions addressed in the Commissioners' priorities that are needed to assist state and local government agencies, non-for-profit organizations and state citizens in responding to these four overarching goals.

The Plan also includes New York's Coastal and Estuarine Land Conservation Program (CELCP) which was established to protect important coastal and estuarine areas. In order to qualify for funding under the program, the State must develop a CELCP plan that provides an assessment of priority conservation needs and clear guidance for nominating and selecting land conservation projects. Just as the requirements for a State Land Acquisition plan are incorporated into the Open Space Conservation Plan, so it was decided to incorporate the CELCP plan into the Open Space Conservation Plan. Approval of the Plan by the National Oceanic and Atmospheric Administration allows the State to compete for federal 1:1 matching funds under CELCP for the acquisition of high value coastal and estuarine lands.

The Plan continues to fulfill the statutory requirements of ECL 49-0207 and includes a comprehensive inventory of protected and unprotected land resources pursuant to the statute (*see Chapter VI – Resource Inventory/Programs & Partnerships*). The Plan is there "to guide" the selection of projects with a majority of the project eligibility and evaluation process being the role of the Regional Advisory Committees (RAC). The process, through which the priority project areas are identified, involves an extensive analysis of each region's open space resources. Committees receive information on the open space and natural resource needs of their region from individuals, not-for-profit organizations such as Audubon, Open Space Institute, Land Trust Alliance, and The Nature Conservancy, and work in consultation with the staffs of DEC, OPRHP, DOS and DAM.

These priority project areas represent the resource areas considered to be important for protection; and are a refinement and expansion of the statewide resource areas that were identified in previous plans. The project areas range from focused areas such as a specific State Park to broader geographic areas such as the Long Island Sound Coastal Area. After receiving the RAC reports, staff from DEC and OPRHP compile the list of statewide priority projects. The majority of these projects come from the RAC reports. Priority projects included on this list are

eligible for funding from the State's Environmental Protection Fund, and other State, federal and local funding sources.

The request to consider a potential land protection project is an ongoing process in which any citizen, organization, or governmental body in the State can make a proposal. Project proposals are organized at the regional level into comprehensive project inventories. The Agencies consult with each other to determine which agency will conduct the project review and approval process for a proposed project.

The project review and approval process developed and being used by the agencies remains unchanged. The process requires that potential conservation projects be located in a Priority Conservation Area and meet the eligibility criteria of one of the land protection categories. Similarly, for a project to be considered for nomination by the State for CELCP funds, a project must lie within the Coastal and Estuarine Land Conservation Program planning area, the State's coastal watershed.

The selection process also includes a determination of a project's "vulnerability or critical need." The remaining steps in the process include an evaluation of alternative protection strategies, resource value rating (of those projects where land acquisition is determined to be the only method of land protection available), qualitative review criteria, and finally executive review.

The 1990 statute required that the Plan identify lands by region and category, having statewide or regional environmental, historic, cultural or recreational significance that are threatened with diminishment of resource value for which acquisition is of a high priority. This includes lands which would not qualify for acquisition under present law. Currently, the land acquisition goals of the statute are accomplished through the listing of the priority conservation projects. This Plan proposes some modifications and expansion of the previous list of priority projects and the definitions of several of the priority projects have been further clarified.

The updated Plan will continue to serve DEC, OPRHP and DOS as a guide for the conservation and protection of important resources. Each agency will continue to protect the types of lands identified in the Plan using the variety of protection mechanisms, including acquisition, and through the procedures outlined in the Plan within the funds available for such purpose.

### III. ENVIRONMENTAL SETTING

The environmental setting is the State of New York, for the Plan is designed to identify the resource protection needs of DEC, OPRHP, DOS and DAM for the entire State.

Thus, the environmental setting consists of the natural, recreational, scenic, historic, and cultural resources of New York State including: lakes, rivers, streams, wetlands, coastal and estuarine waters, significant habitats, fish and wildlife, forests, agricultural areas, parklands, historic sites, archeological areas, scenic areas, and recreational facilities. Consistent with the definition of environment in 6 NYCRR Part 617, implementing regulations for the State Environmental Quality Review Act, the environmental setting also includes the existing community or neighborhood character.

The project selection process described in *e-Appendix C* (see [www.dec.ny.gov/lands/47990.html](http://www.dec.ny.gov/lands/47990.html)) of the Plan gives priority to the projects which are within priority project areas and which meet a category definition. Thus, the environmental setting can be further defined by a description of the resources associated with these categories and areas.

*e-Appendix C-1* of the Plan provides the description of the categories of resources of concern to the four agencies. Seven major categories identified are: Forest Preserve, Water Resource Protection, Significant Ecological Areas, Recreational Opportunity, Distinctive Character, Enhancement of Public Lands, and Coastal and Estuarine Land Conservation Areas. In addition, the Plan identifies the geographic location of these resources.

## IV. SIGNIFICANT ENVIRONMENTAL IMPACT

The State Open Space Conservation Plan will be used by DEC, OPRHP, DAM and DOS to guide the selection of land conservation projects. The environmental impacts described below focus on the impacts associated with the implementation of the Plan and includes both general and category specific impacts. While it is the intent and stated policy of the Plan to protect the State's open space resources using multifaceted strategies that emphasize public and private partnerships, the Plan also recognizes that land acquisition will likely remain a necessary tool within the array of conservation strategies outlined.

### A. Beneficial Impacts (General)

**1. Resource Protection.** The major benefit associated with the implementation of the Plan is the increased opportunity for the permanent protection of natural, scenic, recreational, historic and cultural resources. Protection of these resources will contribute substantially to the health and safety of our state's citizens from the effects of global climate change. While these resources have inherent value of their own, they contribute substantially to the quality of life and the variety of recreation and educational opportunities for all New Yorkers. Further, protection of natural, scenic, cultural and historic resources through a variety of methods will increase the diversity of these resources under the protection of public ownership and thereby contribute to their long-term stability. Biological diversity has been shown to be rapidly declining in various parts of the globe and through the State's Open Space Conservation Plan, New York will be contributing to reversing that trend.

Protection of natural and cultural resources is a primary responsibility for both OPRHP and DEC. It is also one of the "highest" priority policies identified in the SCORP 2009–2013 (OPRHP, 2008) namely, preserve and protect natural and cultural resources. Similarly, land protection is a primary focus of DEC, as demonstrated by its open space conservation programs which have enabled the State to protect wildlife habitats, provide permanent protection for wetlands and other environmentally sensitive lands and to preserve indigenous plants and animals.

**2. Quality of Life.** While the emphasis of the Open Space Conservation Plan is on protection of natural, cultural, scenic, open space and other types of resources of state and regional significance, it is also evident that important benefits will flow to the users of these

resources. Appropriate use of resources is a theme that connects all of the recreation subcategories whether it be related to trails, waterways, greenways or parks. By providing access to these resources, there also will be increased opportunity for residents of the State to utilize these resources as well as find rest and relaxation and enjoyment that would otherwise not be available. These opportunities bring with them considerable non-tangible benefits such as increases in an individual's physical and mental well being. There are also the social benefits that accrue to families, friends, and members of various recreation and education interest groups. The demand for improved and enlarged recreation opportunities at the State level has been established through ongoing SCORP user surveys and is indicated as well by the "1990 Statewide Survey of Boating Use at Public Waterway Access Sites in New York," conducted by both DEC and OPRHP. In addition there has been a continuing increase in attendance at State Park facilities (OPRHP, 2008), and DEC campgrounds (Official records, Bureau of Recreation, Division of Operations, NYSDEC).

**3. Intrinsic Value.** In addition to the direct use benefits (recreational or commercial use), intrinsic benefits also result from public decisions to protect resources (OPRHP, Lake Minnewaska FEIS, 1986). Intrinsic benefits can be defined in terms of option and existence value. Option value is based on the individual's knowledge that the resource will continue to be available for future use by them and their children. People may benefit from this knowledge even if they are not present users. Existence values are more closely aligned with the feeling of stewardship responsibility and the satisfaction of knowing that others may be able to enjoy a treasured asset. For example, many people would feel a personal loss if Niagara Falls or Letchworth Gorge were to be inundated by massive power projects even if they have no intention or hope of ever visiting these places. Similarly, many people would feel a personal loss if a species such as the Bald Eagle became extirpated, or if the qualities of the Adirondack Park were destroyed. When an investment decision casts uncertainty upon the future availability of an important natural resource, evidence indicates that people are willing to pay to reduce that uncertainty. Thus, there are significant intrinsic as well as use benefits to be gained by the people of the State from steps taken to assure long term protection of these resources (i.e., existence value) and general public access to them (i.e., option value).

**4. Cumulative.** There are numerous cumulative benefits that arise from the implementation of a comprehensive, coordinated, and publicly-involved process, that addresses critical conservation demands being placed on New York's resources, including global climate change, water quality protection, increased urban populations, unplanned or unregulated development, ability for all New York citizens to access natural, open space areas, and the need to safeguard our state's biodiversity, and unique historic, cultural and outdoor recreational resources. An expanded explanation of cumulative benefits can be found in this chapter's Cumulative impact section.

**5. Economic.** Economic benefits of land conservation and acquisition anticipate positive results from the protection of flood plain and coastal areas that are now more prone to increased flooding and sea level rise changes resulting from global climate change. Protection of these vulnerable areas from intense development may assist in maintaining stable property insurance rates while at the same time increasing property values of nearby

or adjacent lands. Protection and promotion of urban open spaces such as treelined parks and trailways will assist in counteracting rising urban temperatures and accompanying energy uses. Economic benefits from the protection of the state's watersheds ensures access to clean water by millions of state citizens in New York City and the state's other large urban areas, keeping water filtration infra-structure and costs to a minimum. Additional economic benefits to the state include tourism, wildlife habitat protection and enhancement of the state's natural resource-based industries, e.g., agriculture, forestry and waterfront harbor industries.

The economic benefits of land acquisition may include increased value of adjacent lands, increased tourism and the associated increase in trip related expenditures. Nearby property may increase in value, thus increasing other property tax revenues, due to the assurance that the property in public ownership will be preserved. Provisions for public recreational use of the open space resource may be a positive impact on the economy of the area, generating increased sales of food, recreational supplies, and other goods. Increased demand for lodging in the area would increase the total dollar revenue. (OPRHP, 2002) Open space has significant economic benefits. Parks, beaches, scenic landscapes, historic sites, lakes, streams and coastal areas are central to New York's State tourism and travel industry. State Parks and Historic Sites alone generate almost \$500 million in sales to local area businesses from visitors from out-of-state. Another \$20 million is generated through tax revenues. New York State is the 4th largest agricultural state in the country. Our agriculture generates \$15.5 billion a year to the State's economy.

As the source of much of the raw material for New York's forest industry, public forests and private forest landowners generate approximately \$280 million annually from the sale of various industrial timber products. A portion of this income is captured by the State in income tax and by localities where properties under the Forest Tax Law, Section 480-a, return a 6% yield tax on stumpage sold.

Retaining open land can be the least costly approach to environmental protection. For example, New York City is buffering its watershed from intensive development through the historic watershed agreement, avoiding much of the estimated \$8 billion cost to construct treatment facilities for the Delaware and Catskill sources of its drinking water. In fact, the NYC Department of Environmental Protection has stated that "forests are a preferred land use," and is supporting extensive forest land retention, stewardship and sustainable forest management efforts in the watershed by the Watershed Agricultural Council's Forestry Program.

Open space land, scenic and historic sites and the availability of recreation are important to the State's quality of life and thus are a primary factor in attracting and retaining economic investment. The most rapidly growing states in the country rely on quality of life to attract growth. New York State will not be able to compete if it cannot retain its natural and cultural assets.

Protecting open space protects the habitat needed for the State's fish and wildlife, which are a major source of economic activity in the State. The latest survey information available

from the United State Fish and Wildlife Service indicated that 3.4 million New Yorkers and 1.3 million non-residents participated in wildlife-related recreation (hunting, fishing, trapping or wildlife observation), spending a total of \$3.5 billion on wildlife recreation in New York.

The protection of open space is vital to conserving and sustaining fish, wildlife and plant species, as well as the overall biological diversity of the State. The economic value associated with protecting open space for the purposes of conserving and sustaining the diversity and richness of the State's fauna and flora species is staggering. Many critical economic goods and services provided by the preservation of open space and the species and habitats contained within serve as an important source of food, fuel, fiber and medicine. Other critical economic services or benefits associated with the conservation and preservation of these species through open space protection include pollination, recycling, nitrogen fixation and homeostatic regulation. For example, most commercially exploited fish and shellfish species depend on tidal marshes and other coastal environments for spawning and development. Furthermore, many wild plant species have important commercial value for medicinal, food and energy sources.

A number of recent studies conducted in the Hudson Valley and elsewhere have demonstrated that undeveloped open space, including forest and agricultural land, generates more in real property tax revenue than it requires in municipal services – representing a net economic benefit to local governments. New residential development in previously undeveloped areas, on the other hand, usually results in a net loss to municipal finances. In other words, the costs for local services (schools, police and fire, roads, solid waste and sewer treatment, etc.) outweigh the increased tax revenue produced by new residential development. Targeting development through careful land use planning and redevelopment of areas already served by existing infrastructure, thereby protecting open space areas, makes economic sense for local governments and helps revitalize urban areas. Parks and open space can also enhance the property values of nearby residences.

Protection of open space can help shape growth in a way which saves money on public services. Clustered development can reduce the costs of utilities, transportation and public works construction and maintenance. Protected open space requires fewer community-supplied services while providing recreational benefits to the community.

Open space and trees in urban environments can significantly reduce residential and commercial heating and cooling costs, reduce air pollution, lower consumption of non-renewable fossil fuels, and make our communities more livable at the same time. Recent studies have documented the pollution reduction potential of trees. The U.S. Environmental Protection Agency (EPA) has included tree planting and maintenance in its guidelines to states for development of plans to reduce ozone. In addition to urban tree planting for Air Quality Management, trees reduce storm water runoff and the EPA recognizes the value of trees in agency required municipal storm water management plans. The Department of Environmental Conservation and the New York State Energy Research and Development Authority (NYSERDA) have partnered to conduct research on the heat island effect in New York City and to develop mitigation strategies for lowering high

temperatures through decreasing sun exposure to impervious infrastructure by planting trees, establishing green roofs and gardens. The study concluded that increases in tree canopy lower temperatures during heat waves.

Heritage Areas enhance and preserve the character and economic vitality of urban areas. Program grants from 1986 to 2004 totaling \$33.3 million have generated nearly \$100 million in local matching investments.

New York's forest-based manufacturing and service sectors combined employs approximately 55,000 people with a payroll of more than \$1.7 billion per year (based on 2002 data). The manufacturing sector (lumber and other wood products, pulp and paper, furniture and related products) generates in excess of \$4.2 billion in value-added to New York's economy, accounting for 4.9% of the statewide value for all manufacturing.

Farmland protection provides farmers with immediate economic benefits in the form of property tax reductions and assurance of protection from public acquisition, nuisance suits, and restrictive local ordinances.

Health professionals are recognizing that it is important to make the environment conducive to physical activity. That means providing open space areas to exercise and be active which in turn increases the overall health of the population. Healthier citizens can mean lower health care costs.

## **B. Adverse Impacts (General)**

Potential adverse impacts are primarily those associated with the development and use of resources. While a primary purpose of this Plan is the protection of natural, scenic and cultural resources, there nonetheless may be demand for public access to such areas. The potential for adverse impacts is of particular concern with respect to areas acquired for both resource protection and public access.

**1. Future Uses.** Future uses have both short and long term impacts. Possible short-term adverse impacts related to construction of new facilities or significant rehabilitation and/or cleanup projects include temporary erosion, siltation and turbidity problems in streams. These impacts are generally not significant. Mitigation of short term construction impacts would be done through adherence to such guidelines as DEC's Stormwater Management (DEC, 1990) and erosion and sediment controls (DEC, 1991). Up to date biological and cultural resource inventories will also serve to reduce, if not eliminate, adverse environmental impacts. Long term impacts are those resulting from the permanent change in the character of areas protected under the guidelines of this Open Space Conservation Plan. For example, the construction of a parking facility to provide access to a public park could result in a substantial change in the character of the area acquired. Furthermore, it is possible that lands that do not receive protection through the OSP strategies would be developed and the resource lost forever. Therefore, the OSP will result in significant net environmental benefits.

**2. Stewardship.** In order to maintain the quality of the existing natural, cultural and recreational resources being acquired, it is necessary that adequate resources for stewardship be provided. Failure to provide adequate management of public use and infrastructure maintenance could adversely impact the attributes that prompted the development of a protection strategy. The conveyance of private land to public land may also result in an increase in use by the public of these lands. The problems experienced on State lands from public use are generally seasonal, limited in nature and similar to the types of problems reported by other municipal and private landowners. Increased public use may also result in increased traffic, littering and vegetative damage to the public property, as well as similar impacts to adjoining property owners. (DEC, 1988) Infrastructure found on State lands range from low maintenance items such as parking lots to structures such as historic buildings that have specialized one of a kind maintenance needs. However, all public use of lands under DEC and OPRHP's jurisdiction is managed through extensive unit management planning, a public process, which is subject to site-specific SEQRA review and implementing best management practices for facility construction such as parking lots and improvements for public access such as hiking trails. Thus, impacts associated with public use of DEC and OPRHP lands is managed to avoid and mitigate any potentially significant impacts to the environment.

**3. Secondary Impacts.** The protection of a resource to achieve one resource protection goal may adversely impact a second resource. For example, while some species thrive in managed or frequently disturbed forests, others do better in undisturbed areas.

**4. Agriculture.** The intent and policy of this Plan is to protect and encourage the continuation of farm businesses. Thus, where the protection of other open space values for agricultural lands is also a goal, steps will be taken to mitigate potential impacts. In such cases, the project would be subject to site specific environmental review and as based on current agency policy: 1) any acquisition of actively farmed land will be kept to the minimum amount necessary to ensure accomplishment of the agency's objectives; 2) consideration will be given to purchase of development rights, purchase of easements or other less than fee protection strategies; and 3) any individual acquisition of actively farmed land will include consideration of mitigation measures, including leasing of the land for limited agricultural production where it is appropriate. The "Notice of Intent" requirements under §305(4) of the Agriculture and Markets Law may apply as well. (DEC, 1987)

**5. Limited Resources.** Because of the limited state resources, it is not possible to address all deserving projects in a timely fashion. Priority setting is necessary in order to protect the most significant resources. The Plan recognizes this and includes an eligibility and evaluation process to guide the selection of open space protection projects. The Plan contains an updated list of priority projects which deserve immediate conservation attention and which will remain the primary focus of State protection efforts.

Projects which are not included on the list of Priority Projects will not be the primary focus of conservation efforts by the State agencies. As a result, resources associated with these projects could be lost or diminished without the implementation of appropriate alternative protection strategies. Protection of natural and cultural resources associated with the

projects not on the Priority Project list will require greater involvement and participation of local governments, interest groups and the private sector with the State. As required by the 1993 legislation, the plan will continue to be subject to biennial review, at which time the list of Priority Projects can be updated.

**6. Economic.** Associated adverse impacts may develop from the potential acquisition of land by the state, resulting in increased property values of adjacent lands within some of our state's rural and lower-income communities, e.g. particularly within the Adirondacks and Catskills with second home developments. In some cases, when the State or a non-profit organization purchases land and takes it off the tax rolls, other taxpayers have to bear an additional burden. Similarly, farm and forest tax laws may shift taxes from those lands to other properties or landowners in the community. Regardless of whether the State pays taxes or not on the land itself, State acquisition precludes development of that parcel, and may, through limitations on resource availability, limit economic development in the affected or nearby communities. This impact may be more significant in municipalities with a high percentage of publicly owned land or those rural communities with fewer residents to share the tax burden.

While the purchase of development right (PDR) easements on farms or forest land may help maintain these economic uses in the short run, easements preclude uses of the land that are inconsistent with farming or forestry. Public acquisition of land or land rights involves expenditure of public funds, raised either through taxes or sale of long-term bonds. Additional public acquisition requires additional expenditures for management and stewardship, increasing the permanent burden on the State's taxpayers. Complex easement transactions result in long term costs to the State for monitoring and enforcement. Intensive public use of a parcel may diminish the value of adjoining properties. Creation of preserves with scenic value may also raise land costs or assessed values in adjacent areas. Some citizens believe that land conservation is not a high priority compared to the other problems of the State; they feel that expenditures for this purpose displace other more important things.

### C. Mitigating Measures & Alternatives

These concerns and the benefits derived from open space protection are evaluated throughout the project selection and evaluation process and in the implementation strategies. Several important mitigating measures are suggested:

1. The State continues to pay property taxes on lands that it owns and continues to use alternative land acquisition techniques, such as conservation easements, to reduce the need for large scale State fee acquisition. Upholding these practices will minimize the negative economic impacts of land conservation on resource dependent industries.
2. Programs have been designed to encourage, educate, support and motivate private landowners to practice long-term stewardship of their forests, farms and other open space. This can include outreach, technical assistance and cost-sharing for conservation practices.
3. Conservation of open space resources, whether through fee simple acquisition or through the use of conservation easements, can help funnel growth and economic development in areas where it is more appropriate and less costly on the overall finances of a community.

**D. Beneficial Impacts (Specific)**

The following is a discussion of beneficial impacts, related to specific land protection categories:

**1. Forest Preserve.** The following is from the 1988 Final Generic Environmental Impact Statement for Acquisition of Lands by the Department of Environmental Conservation. The language in Article XIV keeping the Forest Preserve as forever wild, has remained essentially unchanged since 1894. From 1894 until the present, there have been approximately 131 constitutional amendments proposed to change that language. Only 19 of these proposals have been successful. This clearly indicates that the majority of voters in the State have expressed their desire to protect the Forest Preserve against intrusions and retain these public lands as forest preserve. Forest preserve classification has the following beneficial impacts:

- a. As part of the Forest Preserve, lands should retain a permanent forest cover attributable to fewer man-induced actions which will lessen soil erosion and protect watersheds which are important for water quality and control. Since Forest Preserve acquisitions will not be developed, they will probably have fewer man-made influences than perhaps private land, but they will be subject to natural occurrences.
- b. Forest preserve classification will create a relatively undisturbed forest habitat which may be beneficial to certain wildlife species or populations.
- c. Acquisition of Forest Preserve lands may result in consolidation of separated parcels, improvements of public access and increased opportunities to use and enjoy the fish and wildlife resources of the Preserve.
- d. The primitive recreational opportunities provided by the Preserve usually complement privately provided recreational opportunities.
- e. Additions to the Forest Preserve provide protection to natural communities, the natural character and usually protect the aesthetic qualities of the Adirondack and Catskill Parks. (DEC, 1988)

**2. Water Resource Protection.** Under this category:

- a. The quality of the State's public water supplies will be further protected.
- b. Important aquifer recharge areas (DEC, 1988) and watershed lands will be identified and protected.
- c. Protection under this category will also help conserve open space and protect the quality of habitat for aquatic species of plants and wildlife.

**3. Significant Environmental Areas.** Under this category:

- a. Implementation of the Plan will provide additional protection to both tidal and freshwater wetlands from drainage, development and deterioration as well as assist in the protection of fish, wildlife, waterfowl and associated recreation opportunities. (DEC, 1988)
- b. Protection of open space for wildlife habitat purposes may contribute to the continued survival or reestablishment of a threatened or endangered species, or will provide good habitat for indigenous species. (DEC, 1988)
- c. Only a limited number of exceptional forests such as pine barrens and old growth forests remain in New York. Continued efforts to protect these through acquisition and other methods is important in assuring these sensitive ecosystem's perpetuation. (DEC,

1988)

- d. The Plan will provide protection for significant coastal and inland shoreline areas including waterways designated as wild, scenic or recreational rivers, estuaries, dunes, bluffs, beaches, and sandbars. Shoreline protection will contribute to the preservation of water quality and to the protection of significant natural resources.
- e. Unique areas in the State and the significant ecological communities they contain, will be protected from destruction. In those areas where limiting access is not necessary to protect the resource, they will be opened to the public. Protection of unique areas may also increase tourism. (DEC, 1988)
- f. Implementation of the plan will also provide additional protection to areas of significant biodiversity. The term biodiversity refers to the variety of life forms including plants, animals and microorganisms and the ecosystems they form. The plan outlines a mechanism for identifying areas important for biodiversity protection.

**4. Ecological Benefits.** Healthy natural systems play an important role in environmental and ecological protection:

- a. Freshwater and tidal wetlands filter and process polluted water.
- b. Forested areas remove carbon dioxide from the atmosphere, thereby mitigating the threat of global warming; trees and parks in urban settings reduce noise, lower temperatures in the summer, reduce the consumption of non-renewable fossil fuels for residential and commercial cooling and heating, and trap pollutants in the atmosphere.
- c. Forests are a primary source of clean water; the Adirondacks and Catskills are the sources of several of the State's major river systems. The Catskills also contain much of New York City's reservoirs critical to the needs of millions of New Yorkers. Similarly, undeveloped land protects the quality of underground water supplies. For example, Long Island's sole source aquifer is being protected through the acquisition of lands above aquifer recharge areas.
- d. Open, undeveloped land is essential if New York State is to retain a diversity of plant and animal species. These species are part of an interrelated web of life on our planet upon which all of our lives depend. Many migratory species use New York for only part of their life cycles; thus ecosystems elsewhere may depend upon protecting habitat here. Certain species also depend on habitats that are rapidly disappearing as many open lands revert to forests and these forests mature, especially the early successional stages and seedling/sapling forests. Retaining the ability to manage such lands, to sustain critical cover types and habitats, is essential for many species of birds, animals and plants.
- e. Open space systems such as wetlands and barrier beaches buffer settled areas from inland and coastal flooding.

**5. Social Benefits.** The open land and historic and cultural sites discussed in this Plan together make up the heritage of the people of New York State. These places have substantial social benefits to all New Yorkers:

- a. Parks and preserves can provide the opportunity for escape and relaxation for every New Yorker. Outdoor experiences provide important social values and are an important

- and inexpensive form of relaxation.
- b. Open space, in and of itself, provides perceptible benefits to our "built-up" society by its simplicity, quiet, and freedom from roads, traffic, buildings or other human-made structures. It provides the visual and sensory "breathing room" that people need to feel comfortable, even if they never step foot on the property.
  - c. Any society needs food, shelter and a host of manufactured products in order to survive. New York's productive open spaces – farmlands and forests – can sustainably provide food and wood products to meet the needs of present and future generations.
  - d. Parks are sites for active recreation which is so important to young people. In New York's communities, court and field sport opportunities offer an important outlet for constructive outdoor activity and enrichment.
  - e. New York State's natural and historic landmarks are our common heritage; they provide common ground, bind us together, give us a sense of belonging, teach us about the past, and are the foundation for the future. If we can succeed in making parks and other public lands accessible to all New Yorkers, they can provide meeting places which bridge differences among the segments of our society.
  - f. As many have written, wild land has spiritual value. Many New Yorkers may never visit the Adirondack or Catskill Forest Preserve, a State Park or Historic Site, but are glad to know they are there. The awareness that in this State of more than 19.3 million people, special places that are set aside from man-made change, is a value that is difficult to measure in dollars.
  - g. Heritage Areas include the historic, natural and cultural resources and activities that tell the story of a region's past and provides an identity for the present creates a "sense of place" and makes a heritage area a special place to live and visit.
  - h. Forests and fields, beaches and marshes, historic sites and heritage areas, offer unique opportunities for education of people of all ages about our environment and our history.
  - i. Parks provide opportunities for active recreation and exercise which is important in combating obesity and health issues facing many citizens.
- 6. Recreational Benefits.** In addition to the beneficial impacts already described in this GEIS, the Plan will create public access to previously inaccessible or poorly accessible publicly owned water bodies. Emphasis will be given to metropolitan areas and water corridors, since these are the areas of greatest need. Greater access will lead to greater opportunities for recreational use, potentially relieving already highly impacted areas. Any acquisition of additional hunting and/or fishing rights will increase the public availability of those recreational opportunities (DEC, 1988). The protection of trails and greenways will further enhance public access and recreational potential by contributing to a continuum of publicly available lands. The greenway concept promotes water dependent and water enhanced recreation while providing primarily passive uses and minimizing effects related to intensive development.

7. **Distinctive Character Benefits.** The protection of significant historic and cultural resources which have been listed on the State and/or National Registers will assure the preservation of these resources for future generations. Acquisition of easements to protect working landscape lands will help ensure continuance of existing forestry activities while preserving the cultural values associated with these activities. Projects located within the State's designated Heritage Areas will contribute to the advancement of the Heritage Areas System's goals of preservation, education, recreation and economic development. Protection of lands with significant scenic qualities will provide present and future generations with the ability to experience these valuable assets.
8. **Enhancement of Public Lands.** Acquisitions to provide access to existing publicly owned lands will increase the public's use and enjoyment of these lands. Acquisition of buffers will provide additional protection to significant resources already in public ownership. Such acquisitions may also benefit adjacent owners by buffering them from public use areas. Elimination of "in-holdings" will allow for better management of public resources.

#### E. Adverse Impacts (Specific)

Because management of lands in the Forest Preserve has specific constitutional limitations, this discussion of specific adverse impacts addresses the Forest Preserve lands and lands not in the Forest Preserve.

##### 1. Forest Preserve.

- a. Article XIV, Section 1 of the New York State Constitution established a legal mandate that prevents the altering of forest composition through the use of habitat management practices or by harvesting of forest products. State ownership will generally result in a decrease in disturbed habitat. Populations of game and non-game species (e.g., whitetail deer, cottontail rabbit, and snowshoe hare) which thrive in managed or frequently disturbed forests, may decrease.
- b. Acquisition by the State may result in greater concentration of public use with a locally significant increase in littering, noise and vegetation damage. These impacts can adversely effect not only the indigenous wildlife and the aesthetic qualities of an area, but may also interfere with area residents' enjoyment of their property. An increased concentration of traffic may result from a change in land ownership patterns. However, all public use of lands under DEC's jurisdiction is managed through extensive unit management planning, a public process, which is subject to site-specific SEQRA review. Thus, impacts associated with public use of DEC lands is managed to avoid and mitigate any potentially significant impacts to the environment. Furthermore the Adirondack Park State Land Master Plan guidelines ensure that these lands be managed to protect the resources and restricts human alteration of natural systems.
- c. The forest products industry may also be adversely impacted through the loss of productive timber producing land and associated forest products.

## 2. Non-Forest Preserve.

- a. The acquisition of shoreline parks, waterway access sites, trailways and greenways can result in increased localized impacts to water quality depending on the type and extent of access provided to the waterway. Development related to recreation development such as construction of trail parking lots and waterway access facilities may cause erosion, turbidity and sedimentation problems in nearby streams. As identified earlier in this section, suitable erosion and sediment controls will be used to mitigate impacts.
- b. Historic and/or cultural resources considered of local importance but not eligible for inclusion on the State or National Register would not be eligible for acquisition under the Plan. While this may be considered an adverse impact by local officials interested in protection of historic resources in their community, the Register Eligibility criteria is felt to be consistent with the statewide status of the Plan. Localities do have the option of nomination of historic and cultural resources to the Registers and, if successful, thereby meeting the Register eligibility requirement.

## F. Cumulative Benefits

Because of the generic nature of the Plan and GEIS, this discussion of cumulative benefits is focused on long term, secondary (i.e., not site specific) effects of Plan implementation. The issue of cumulative impacts comes down to a question of vision. With the adoption and implementation of a State Open Space Conservation Plan, the State of New York will have the opportunity to address the protection of natural, historic, cultural, and outdoor recreation resources on a comprehensive, coordinated, statewide system basis. At all levels of government (state, regional, and local) the implementation of a plan to protect significant natural, cultural, and outdoor recreation resources in New York State will have cumulative impacts that are of substantial benefit to New Yorkers.

The benefits of maintenance of natural diversity are becoming more and more apparent to not only scientists and resource managers, but to the public at large. There is a growing recognition that the well-being of people is intricately and irrefutably intertwined with the natural environment. There is also an increased awareness that the quality of the natural environment is very much dependent on protection of systems and their linkages. One of the major cumulative benefits flowing from the Plan is the opportunity to address conservation of biological diversity in New York State through an approach that is not only comprehensive, but sensitive to the protection of natural resources on a statewide system basis. The benefits accruing to protection of natural systems are both: 1) intrinsic (in the sense that such resources have value in and of themselves); and 2) anthropocentric, or having direct uses for people. With respect to the latter, science continues to identify new "uses" for natural diversity in ways that can benefit people and curtail environmental degradation (Wilson 1988). The Plan will not only protect the values that natural diversity bring to the residents of New York, but will also serve as New York State's contribution to protection of biological diversity on a global basis.

Likewise, there is considerable value and benefit associated with the protection of significant historic and cultural resources on a statewide basis. The history of our State as viewed through these resources, brings into the lives of all New Yorkers greater appreciation and enrichment. These resources can also be linked to form a statewide system, the protection and maintenance of which will be addressed through the plan implementation. Enhancement and maintenance of a statewide system of historic and cultural resources will also contribute to the appreciation of New York's contributions to the development of the nation.

The Plan implementation will also address and protect outdoor recreation opportunities on a statewide system basis. The value of outdoor recreation to all Americans has been well documented, as have the threats to the opportunity for such recreation (The President's Commission on Americans Outdoors, 1987). The Plan will provide for greater opportunity to meet the long term demands for outdoor recreation, especially in regard to linear systems such as trailways and greenways. Such recreation requires a systematic approach to management. The Plan's implementation, will over the long term, lead to regional, if not statewide systems of trails, open space and greenways. While these systems will require innovative and cooperative management strategies among local, state and perhaps federal agencies, a significant long term cumulative impact will be to broaden the opportunities for and diversity of outdoor recreation in NYS.

There are substantial social and economic benefits that will accrue to the State and localities through the protection of significant natural, cultural and outdoor recreation resources (The President's Commission on Americans Outdoors, 1987; OPRHP, 2002). Over the long term, the plan implementation will assure the continued protection of these benefits through a system approach to the conservation of New York's resources.

#### **G. Adverse Environmental Effects that Cannot Be Avoided if the Project Is Implemented**

In the Forest Preserve, some adverse impacts cannot be avoided due to the constitutional prohibition on timber cutting. Certain scenic vistas may disappear and a change in wildlife species may occur. In addition, depending on the number of acres, location, proximity and accessibility to other areas, some adverse effects may result from an increase in public use. These effects are considered negligible. (DEC, 1988)

Physical alteration of sites for park, trail, greenway and/or waterway access development may cause some temporary erosion, turbidity and sedimentation problems. These problems are avoided and mitigated through implementation of best management practices in UMPs. More importantly, such potential impacts would be avoided and/or mitigated through the unit management process required under Section 816 of the Executive law. Some farmland may be lost or its use restricted through the management of properties for other resource purposes. It should be noted, however, that it is the policy of the Plan to encourage preservation of working farms and that any acquisition which would adversely affect working farmlands would have site specific review. Where the acquisition of land results in an increase in use by the public, there may be impacts such as littering, noise, increased traffic and

trespass to adjoining property owners (DEC, 1988).

## V. ALTERNATIVES

### A. No Action

1. At the Plan level, it should be noted that non-preparation of a plan is not a viable option since the statute requires the preparation of a plan.
2. At the implementation level, it would mean no statewide plan for the protection of open space including no purchase of fee or easement interests by DEC or OPRHP. No action would also mean the continuation of the status quo including: 1) the acceptance of gifts of fee or easements; 2) the continuation of the forest tax law (RPTL 480-a) program; 3) the continuation of the agricultural districts program (AML Art 25-AA); 4) the continuation of local governmental programs aimed at open space preservation; and 5) the continuation of private efforts directed at open space preservation. Acquisition by gift has been a traditional method of acquisition, but has not been extensively used. Whether or not the State purchases land as called for in the Plan, gifts of land will continue.
3. The remaining options for land preservation involve the voluntary cooperation of other governments, groups or individuals. In addition, all of these alternatives currently exist and can be expected to continue to exist, whether or not the State implements the provisions outlined in the Plan. The role of state and federal agencies in facilitating protection through partnerships has been well documented. In the absence of a plan, DEC and OPRHP will not have as active a role in identifying and encouraging the use of these protection strategies.
4. The impacts of acceptance of gifts of fee or some easement interest in land by DEC or OPRHP are the same as those described and discussed in this EIS since neither the manner of acquisition nor the source of funding has any effect on the environmental impacts associated with acquisition of a fee or easement. The impacts of the other options for land preservation are also generally the same as those described in this EIS except that the public use impacts will be lessened or non-existent.
5. In addition, failure by the State to implement a plan may result in significant adverse impacts to the environment. Significant resources, such as a historic structure or habitat of an endangered species, may not be protected and may be lost permanently. Opportunities for public access and outdoor recreation may also be lost if acquisition is precluded. Moreover, and perhaps most importantly, without the focus and priorities set by the Plan, the opportunity for creation and maintenance of statewide systems of natural, cultural and outdoor recreation facilities will be substantially hindered.
6. The cumulative environmental effects would also be adverse. Resources of statewide or regional significance would be lost to development. Moreover, some of these resources may be critical to maintaining the statewide system of natural, cultural, and outdoor recreation resources.

## **B. Modification of Priorities**

Another alternative considered was the modification of acquisition priorities by changing the selection criteria so either a certain geographic area or a certain category might receive greater emphasis. This alternative was rejected because DEC, OPRHP and DOS are committed to the acquisition of as broad a range of lands, both in terms of category and geography, as is feasible. To deliberately construct selection criteria to favor one category is not equitable. Likewise, to deliberately target acquisitions in only one or two areas of the State would overlook acquisition in other areas (e.g., acquisition in only New York City or Long Island could preclude acquisition along the Great Lakes Shoreline). In addition this could foreclose acquisitions in some categories, which are only found in certain regions altogether (e.g., tidal wetlands). In addition, these priorities are driven by the regional advisory committees and a public planning process, modifying these priorities would undermine the process as well as undermine the public's trust and support for this plan.

The Plan recommends selection criteria for each category that are designed to rank various projects within each category. The Plan also includes factors to be considered when the commissioners approve individual projects so that no geographic area of the State is either favored or disfavored. Given the statewide nature of the Plan and the wide variety of resources to be protected, the alternative of modifying acquisition priorities to create either a geographical or categorical favoritism was rejected.

## **VI. MITIGATION MEASURES TO MINIMIZE ENVIRONMENTAL IMPACT**

The following mitigation measures have been identified which would eliminate or reduce the adverse impacts associated with the Plan. While the emphasis of the Plan is protection of resources either through acquisition or other conservation-related approach, there is often a proposed use that may be considered for eventual development. This section identifies the types of mitigation that OPRHP and DEC may employ to assure that short and long term adverse impacts associated with such development are, if not eliminated, then satisfactorily mitigated.

### **A. DEC Standard Guidelines**

Short term construction impacts associated with OPRHP and DEC projects will be mitigated through adherence to such guidelines as DEC's stormwater management (DEC, 1990) and erosion and sediment controls (DEC, 1991). Adverse impacts will also be minimized by adherence to DEC's standards for siting, design and specifications for preservation of a rugged wild character resource. The standards used by DEC are found in Policies and Procedures Manuals, the Trail Construction and Maintenance Manual (Appalachian Mountain Conservancy, 2000), Wilderness Management (U.S. Dept. of Agriculture Miscellaneous Publication No. 1365, 1978), and Backcountry Facilities: Design and Maintenance. E. Leonard et al., Appalachian Mountain Club, 1980).

**B. Unit Management Plans**

As previously noted, all public use of lands under DEC's jurisdiction are managed through extensive unit management planning, a public process, which is subject to site-specific SEQRA review and implementation of BMPs for public access improvements and facilities. Thus, impacts associated with public use and associated development of lands under DEC's jurisdiction is managed to avoid and mitigate any potentially significant impacts to the environment.

**C. State Historic Preservation Act of 1980**

All properties containing historic and/or cultural resources are subject to the protection provided by the State Historic Preservation Act of 1980. This law requires that all state agencies consider historic resources during project planning. Any work that may affect historic resources will be reviewed by OPRHP's Division of Historic Preservation.

**D. OPRHP State Parks & Historic Sites Master Plans**

OPRHP's approach to management of State Parks and Historic Sites is through a master plan process (OPRHP, 1997). It also enters into management and operation agreements with localities and not-for-profit groups to manage property acquired under state programs. Both of these processes include environmental impact analysis and opportunity for public participation in planning and environmental reviews.

**E. 6 NYCRR § Parts 51, 59 & 190**

Impacts associated with the development and use of a property following acquisition will also be mitigated through appropriate management. Lands acquired by DEC for use as wildlife management areas, fishing/boating access and State lands in general are managed by application of 6NYCRR § 51, 59 and 190 respectively pending completion of individual management plans. These regulations address permitted and non-permitted public recreation activities on State lands such as fires, boating, camping, fishing, signs, structures, use of firearms, use of vehicles and other activities.

**F. Adirondack & Catskill Park Unit Management Plans**

For parcels within the Adirondack and Catskill Park appropriate management and development is determined through the preparation of a unit management plan. A unit management plan (UMP) includes proposed management activities and use of State lands, resource inventories, a proposed management strategy and a schedule for implementation-budget to cover a five-year period. The UMP's are prepared by DEC and subject to public review. UMP's are subject to individual SEQR review; therefore, an environmental impact assessment of proposed activities on State lands is guaranteed through the UMP process. Any necessary site specific regulations are identified through the unit management planning process. For parcels outside of the Adirondack and Catskill Parks appropriate management is determined through a management planning process. The management planning process includes all of the components identified under the UMP process.

**G. OPRHP Stewardship Management**

Impacts associated with development and use of property acquired by OPRHP will be mitigated through appropriate management using various stewardship mechanisms. These include developing and maintaining inventories of significant biological and cultural resources, and site specific review.

**H. Carrying Capacity & Development-based Planning**

Potential impacts of new development will be mitigated through proper planning based on the carrying capacity of the environmental resources. Appropriate siting of new facilities will be based on inventory and resource information collected as part of the planning process.

**I. DEC & OPRHP Stewardship Funding Commitment**

Both DEC and OPRHP are committed to providing sufficient resources for adequate stewardship. Funds may be obtained through the State's general fund or by utilizing the funding mechanisms described in *Chapter VI – Programs, Partnerships & Resource Inventory*. Staff for stewardship activities will be provided by the agencies directly or through cooperative programs with resource management groups such as The Nature Conservancy, or with municipal governments.

**J. Forest Preserve Management Measures**

Overuse and other land management problems associated with the administration of Forest Preserve lands are addressed in Unit Management Plans being developed for all Forest Preserve lands. In addition, routine patrols are carried out by Forest Rangers and Assistant Forest Rangers to educate the public and enforce the laws and regulations pertaining to the use of the Forest Preserve. This will reduce littering, noise and damage to vegetation which may be associated with an increase in public use. In addition, the DEC can sometimes redirect public use itself by providing information on lesser known and under utilized areas.

**K. Non-Forest Preserve Additional Management Measures**

Non-Forest Preserve land acquisitions are managed to benefit the natural resource use for which it was acquired. To the extent possible, properties with resources with conflicting management needs, will be managed to minimize the adverse impacts to the secondary resource.

Some change in public use patterns may result following public acquisition of land. In some cases, the change in use may have a beneficial impact on sites currently overused. At others, the agency which administers the site will explore whatever measures are appropriate to minimize problems that occur. Impacts from the public use of trails can be mitigated by restricting trail head parking, using water bars (designed to divert water off a trail) and dry tread (rocks placed in wet places on the trail) to provide drainage and limit erosion and restricting the use of motorized vehicles.

Acquisition in fee of actively farmed land will include a consideration of such mitigation measures as leasing for agricultural production. Where it is not feasible to assure continued agricultural use of active agricultural land as described in the Exceptions section, the acquisition is not covered by this document.

## VII. GROWTH INDUCING ASPECTS

The acquisition of land by DEC, OPRHP or DOS for either conservation or recreational development and use purposes results in the withdrawal from private ownership of lands that would otherwise be available at some future time (immediate or long-term) for development. From this perspective, the acquisition does not contribute to or induce growth. However, the acquisition may induce growth if the land is to be developed for recreational use, such as a boat launch. To the extent that the acquisition provides new or increased recreational opportunity that is utilized by the public, there may be an increase in the number of vendors providing equipment, supplies and services to the public seeking recreational uses. Examples include retailers of fishing tackle, providers of food and lodging, marina operators and outdoor guides. Dedication of an area for open space often creates greater interest in residential development of adjacent lands because of the additional value of being located next to open space.

The recreation usage of protected lands by both DEC, OPRHP and DOS is not expected to increase the consumption of energy. In fact, the increase in the availability of recreational lands in proximity to population concentrations is expected to lead to a net decrease in the consumption of energy; since those wishing to seek recreational opportunities on public lands will not have to travel as far as they would have previously. This was discussed in the final GEIS for the New York Statewide Comprehensive Outdoor Recreation Plan. Increased recreational opportunities within the State may result in a decrease in recreational travel by State residents to other parts of the country, thereby conserving an unknown amount of energy. (OPRHP, 2008)

## VIII. EVALUATION OF COASTAL POLICIES

The process described in the Plan, by which DEC and OPRHP will protect land, will ensure that acquisitions and future uses associated with the lands acquired are consistent with State coastal policies. For each acquisition by either agency, a determination will be made regarding whether the proposed acquisition would be in the coastal area and affect state coastal policies. If so, the proposed acquisition must be shown to be consistent with applicable policies set forth in 19NYCRR 600.5, *Coastal Policies Implementing Provisions of the Waterfront Revitalization and Coastal Resources Act*. Proposed acquisitions in coastal areas which are located within communities having approved local waterfront revitalization programs must also be consistent to the maximum extent practicable with the policies and purposes of those local programs.

Acquisitions will be beneficial to coastal areas. Lands acquired may provide public access to the coastal area, protection for fish and wildlife habitats, protection of watersheds and water supplies, and preservation and enhancement of scenic resources. In addition, acquisitions will provide for public access and recreation in areas best suited for public use. There is not anticipated to be any detrimental effects through implementation in coastal areas.

The Open Space Conservation Plan also includes New York's Coastal and Estuarine Land Conservation Program (CELCP) plan, a federal program established to protect important coastal and estuarine areas that have significant conservation, recreation, ecological, historical, or aesthetic values, or that are threatened by development. Priority is given to lands that can be effectively managed and protected and that have significant ecological value.

The CELCP plan is designed to be consistent with the State's coastal management program and structured in a way that directly advances the goals, objectives, or implementation of the State's coastal management program, the Hudson River NERR management plan, watershed protection plans, and the national objectives of the Coastal Zone Management Act. The integration of the CELCP plan into the Open Space Conservation Plan provides an opportunity to implement the policies and recommendations related to open space protection in coastal areas by incorporating them into the Open Space Conservation Plan and providing a new funding source which targets protection of open space resources in coastal areas.

## IX. EXCEPTIONS – PROJECT SPECIFIC REVIEWS

A generic environmental impact statement on a statewide, bi-agency plan that is to guide the future land protection programs of DEC, OPRHP and DOS is necessarily focused on the types of environmental impacts that can reasonably be foreseen in most situations. There are, however, circumstances where a more site-specific environmental review may be warranted for any particular project. This section identifies those circumstances that will require site-specific environmental reviews.

Each proposed project will be evaluated to determine whether or not any of these exceptions are present. If they are present the proposed project will be the subject of a site specific environmental review. If none of the exceptions are present, then the GEIS has adequately discussed the environmental impacts associated with the proposed project and constitutes compliance with the requirements of SEQR.

Site specific environmental review may lead to a negative declaration, if that review discloses that the proposed project will not result in any significant adverse environmental effects other than those discussed in this GEIS. If the review discloses significant adverse environmental effects (other than those discussed in this GEIS), then a supplemental EIS would be prepared.

Even though the Plan identifies different categories which will be used by both DEC, OPRHP, and DOS, each Agency has its own mission and focus in selecting land protection projects. For example, only DEC would implement projects under the Forest Preserve category. Therefore, each agency has developed a separate list of exceptions for the projects they would implement.

### A. DEC Project Exceptions

The following exceptions are established for DEC projects:

**1. Forest Preserve.**

- a. Parcels that encompass significant wildlife or fish habitat that would be adversely impacted by Forest Preserve management restrictions. A "significant habitat" is a habitat of special interest or value due to the presence of: endangered, threatened, special concern or rare plant or animal species; unusual concentrations of a variety of wildlife or plants; unusual or unique ecological associations; or a habitat in which relatively intense wildlife or fish values are concentrated in a limited geographic area. Also, its value for wildlife or fish is likely to extend beyond its own borders.

(1) Categories of significant habitat types include:

- a) Habitats of unusual, endangered or rare species.
- b) Areas supporting high concentrations of wildlife.
- c) Areas critical or essential to fish, wildlife or plant populations.
- d) Concentrated migration routes.
- e) Areas with unusual vegetation supporting unique wildlife.
- f) Areas of special value for human enjoyment of fish and wildlife.

(2) Criteria used in evaluating a significant habitat include the following:

- a) Distance – The further away a habitat's effects are felt, or the further away one would go to find the same species, the more significant a habitat is likely to be.
  - b) Dependence – The more essential an area is to providing habitat for many kinds of species, the more significant it is likely to be.
  - c) Human Use – The greater the human use associated with an area's wildlife or fish habitat (especially the greater distance from which people are drawn to a given area in order to participate in activities associated with the habitat), the more significant the area is likely to be.
  - d) Concentration – Abundance and/or variety of species (especially if it is unusual in the surrounding region) may be an indication of significance.
  - e) Irreplaceability – The less replaceable a habitat is (for instance, through migration), the more significant it is likely to be.
- b. Parcels that contain significant historical, architectural, archaeological, or cultural property values that would be adversely impacted by Forest Preserve management restrictions. A proposed Forest Preserve acquisition will require a site specific environmental review if it contains any historic or prehistoric site, building or structure listed in or declared eligible for listing in the State and/or the National Register of Historic places or in the statewide inventory of historical and cultural resources or any historic building, structure or site that has been formally proposed by the Committee or Register for consideration by the New York Board of Historic Preservation for a recommendation to the State Historic Officer for nominations for inclusion in said register as indicated in Section 14.07 of the New York State Parks, Recreation and Historic Preservation Law. In addition to a site specific environmental assessment, any such parcel, where appropriate, will be subject to the procedures outlined in Environmental Conservation Law Section 9-0109 and Section 14.09 of the Parks, Recreation and Historic Preservation Law.

- c. **Parcels of 500 acres or more:**
    - (1) of which at least 50 percent is rated in the highest forest soil productivity potential class. Forest soil productivity potential classes are defined by the Essex County Soil and Site Productivity Survey, and the rating system will be applied to soil series and associations covering the Adirondack and Catskill Parks (Report of the New York Forest Soils Resources Group to the Greater Adirondack Resource Conservation and Development Council, February 7, 1987, by Philip J. Craul, SUNY College of Environmental Science and Forestry, Syracuse, New York);
    - (2) or of which at least 50 percent is rated in Soil Groups 1 through 7 as identified in the New York State Department of Agriculture and Markets Soil Classification System (1NYCRR 370); and
    - (3) if the acquisition is the purchase of an easement that does not affect the sellers' right to conduct timber harvesting operations, this exception does not apply.
  - d. **Parcels where substantial improvements exist.** Substantial improvements are defined as any business such as a ski facility, golf course, drive-in theater, campground, summer camp or tourist attraction which provides recreational or other activities to a substantial number of the public, provided such business has been in operation within three years of the intended date of State acquisition.
  - e. **Parcels that encompass** habitats of rare, threatened or endangered plants or rare natural communities that would be adversely impacted by Forest Preserve management restrictions.
  - f. **Parcels where acquisition may adversely impact public motorized access.**
2. **Non-Forest Preserve.** Parcels that are rated highly in two or more categories where the individual management strategies would be inconsistent.
3. **Forest Preserve and Non-Forest Preserve.** Any land devoted to the production of crops, livestock, or livestock products, at least two out of the last five years, unless acquisition by DEC does not include purchase of agricultural rights.
- a. "Crops, livestock and livestock products" shall include but not be limited to the following:
    - (1) Field crops, including corn, wheat, oats, rye, barley, hay, potatoes and dry beans;
    - (2) Fruits, including apples, peaches, grapes, cherries and berries;
    - (3) Vegetables, including tomatoes, snap beans, cabbage, carrots, beets and onions;
    - (4) Horticultural specialties, including nursery stock, ornamental shrubs, ornamental trees and flowers; and
    - (5) Livestock and livestock products, including cattle, sheep, hogs, goats, horses, poultry, furbearing animals, milk, eggs and furs.
  - b. "Crops, livestock and livestock products" shall not include land or portions thereof used for processing or retail merchandising of such crops, livestock or livestock products.
  - c. "Crops, livestock and livestock products" shall not include "farm woodland," land used for the production for sale of woodland products, including but not limited to logs, lumber, posts, firewood and maple syrup.
  - d. "Two out of the last five years" shall mean that the land shall have been part of a single operation of not less than ten acres of land that had an average gross sales value of ten

thousand dollars or more annually for at least two of the last five years.

**4. Any acquisition:**

- a. That will result in the construction of facilities (including parking areas) that will require the physical alteration of more than three (3) acres.
- b. For flood control purposes.
- c. For hazardous waste remediation purposes.
- d. Identified as, now or in the past, containing hazardous wastes or substances.
- e. Which contains a structure, facility or condition that is in conflict with applicable State environmental laws, rules or regulations, including but not limited to Articles 24, 25, and 34 of the Environmental Conservation Law.

**B. OPRHP Project Exceptions**

The following exceptions are established for OPRHP projects:

- 1. A protection project which generates significant public controversy on issues involving the adverse environmental effects of the proposal.
- 2. Any protection project that includes a proposal for construction of facilities within 12 months. Projects where there is no plan for specific development of facilities for at least 12 months will not require site specific review. However, any significant development proposed in the future will be subject to environmental review.
- 3. Acquisition of property listed or eligible for listing on the State or National Registers of Historic Places, where the acquisition or future development of the property is not designed for the preservation of the property.
- 4. Protection projects which may result in overuse or other significant adverse impacts to natural or cultural resources.
- 5. Any protection project where OPRHP proposes to enter into a management agreement with another public or not-for-profit organization.



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