Final Supplemental Environmental Impact Statement
To update the "Final Programmatic Environmental Impact Statement on Habitat Management Activities of the Department of Environmental Conservation Division of Fish and Wildlife"

Location:
Throughout New York State public land classified as wildlife management, multiple use, and unique area.

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Comment Procedures:

Comments on this Supplemental Final Environmental Impact Statement (SFEIS) to the Programmatic Environmental Impact Statement (PEIS) were accepted from April 3 to May 1, 2017. Comments received, responses, and any changes made as a response appear in Appendix 1 of this document.

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Appendixes

Summary

The Division of Fish and Wildlife (DFW) is responsible for managing nearly 234,000 acres of state land in the Wildlife Management Area system for wildlife reproduction and wildlife-dependent recreation. The DFW uses a variety of methods to manage this land. These methods were described, and their environmental impacts analyzed in the 1979 "Final Programmatic Environmental Impact Statement on Habitat Management Activities of the Department of Environmental Conservation Division of Fish and Wildlife" (PEIS), available on DEC's website at website at http://www.dec.ny.gov/regulations/28693.html.

This Supplemental Final Environmental Impact Statement (SFEIS) updates and amends the 1979 PEIS by deleting practices no longer implemented, adding new practices, analyzing the environmental impact of these practices, considering alternative practices, and selecting preferred practices. Other than as modified by this supplement, the original PEIS remains in full force and effect.

1. Summary of changes from 1979 PEIS

A. Deletions:

1. Removal of autumn olive (*Elaeagnus umbellata*) and multiflora rose (*Rosa multifora*) as species planted for wildlife habitat.
2. Removal of blasting with explosives as a method for creating pot-holes.
3. Removal of poisoning as a method of killing raccoons (*Procyon lotor*).

B. Revision:

1. Maintain up to 5,000 acres of agricultural habitats to provide enhanced wildlife habitat and opportunities for wildlife-related recreation.

C. Additions:

1. Preparation of Wildlife Management Area plans to address habitat management and public access.
2. Forest management through even-aged management techniques.
3. Use of selected herbicides for management of undesirable vegetation.
4. Use of approved biological control organisms for control of invasive species.
5. Use of livestock to graze selected areas to control undesirable vegetation and restore habitats.
6. Review of consistency with the New York State Coastal Zone Management Program.

A public comment period was held from April 3 to May 1, 2017. Public and other comment received, responses, and changes made, if any, are listed on Appendix 1. A

summary of changes made as a response to comment appears below.

2. Changes made in response to comments

A. Added new title: “Use of Prescribed Fire” above the 1979 PEIS text dealing with this management tool.
B. Corrected the active ingredient of the herbicide Garlon 4® from Glyphosate to Clopyralid.
C. Added the herbicide Amazapyr to the Use of Herbicides section. A separate Final Environmental Impact Statement for this compound was accepted and filed by NYSDEC September 2009.

Introduction

The Division of Fish and Wildlife (DFW) is the Division within the DEC charged with the conservation of fish, wildlife, and their habitat. Part of the DFW’s responsibility is the management of 234,000 acres of state land categorized as Wildlife Management, Multiple Use, Unique, and Cooperative Areas (Appendix 2). The goal of this management is to provide conditions favorable for wildlife survival and reproduction and opportunities for wildlife-oriented recreation. The nature and scope of DFW’s habitat management activities was described in the Final Programmatic Environmental Impact Statement on Habitat Management Activities of the Department of Environmental Conservation Division of Fish and Wildlife dated December 15, 1979 (PEIS), available on the DEC website at http://www.dec.ny.gov/regulations/28693.html. Since 1979, the DFW has had to face new challenges, such as controlling invasive species, taken on new initiatives such as creating more of certain habitat types, and has adopted new, more effective and environmentally-sound methods of managing habitat. This document explains these changes and evaluates their impact on the immediate environment.

Purpose of this Document

This document updates the 1979 PEIS, which is incorporated by reference, analyzes the impact of proposed habitat management activities, and considers the impacts of no-action alternatives. As a supplement to the PEIS, it follows the same format and sequence as the original document.

Statement of Consistency with the 1979 PEIS

DFW continues to engage in habitat management of state land for wildlife reproduction and opportunities for wildlife-oriented recreation, as stated in the PEIS of 1979. The justifications for those actions, impacts of the actions, and alternatives to those actions remain unchanged. Unless stated in this document, DFW continues to engage in those practices as stated in the original PEIS document. Indeed, while every effort was made to produce this supplement as a stand-alone document, the 1979 PEIS –in general—

remains in force except to the extent that it has been modified herein.

Environmental Setting

While the basic setting of wild lands in New York remains the same as it was in 1979, the DFW now has responsibility for the management of several additional properties. The DFW currently manages 127 properties, most of them designated as Wildlife Management Areas, but that also include Fish and Wildlife Management, Unique, Multiple Use, Natural Resource Management, Conservation, Unique, Preserve, and Cooperative Hunting Areas. Altogether, these areas comprise 159,282 acres of upland, 69,291 acres of wetland, and 5,507 acres of open water. By far the most abundant habitat is mixed-deciduous hardwood forests. Other upland habitats include conifer forests, shrublands, grasslands, and row crops maintained for wildlife habitat. Lowland habitats include natural and impounded wetlands, streams, ponds, lakes, and other open water. The breakdown of habitat types is shown as Appendix 2.

Public access to these areas is also the responsibility of DFW and is maintained through a network of roads, boardwalks, bridges, and trails carefully planned and designed so as not to interfere with wildlife reproduction or movements. Public access is provided primarily for wildlife-oriented recreation which includes wildlife observation and photography, hunting and trapping. Other recreational uses, such as hiking, are allowed as long as they do not interfere with either wildlife or wildlife-dependent recreation. Amenities such as observation towers, duck blinds, platforms, and boardwalks, many of them accessible by persons with disabilities, enhance the recreational experience.

Changes to the 1979 PEIS

1. Deletions and Replacements

A. Revision to: Page 5, “Current Habitat Management Activities Implemented, 1. Wildlife Practices, a. Upland Management, Plantings”, second paragraph, delete “autumn olive” and “multiflora rose” replace with “winterberry” and “rhododendron.” Reason for change: both autumn olive, (*Elaeagnus umbellata*), and multiflora rose, (*Rosa multiflora*); despite having some wildlife value, have been found to be highly invasive and are no longer planted by the Department. Beginning September 10, 2014, they are regulated by 6 NYCRR Part 575 as Prohibited and Regulated Species.

B. Revision to Page 5, “Current Habitat Management Activities Implemented, 1. Wildlife Practices, a. Upland Management, Plantings”: Add “These grains are often planted through agreements with local farmers, who are allowed to harvest a certain percentage of the crop but must leave a significant percentage standing.” Delete “extremely” in the fourth paragraph of this section, and replace “no more than 100” with “approximately 5,000.” Although originally described as “food plots”, this habitat is more appropriately described as

agricultural habitat, consisting of harvested and un-harvested grain crops and providing food and cover for waterfowl, migrating songbirds, upland birds, and deer.

C. Revision to Page 5, Delete section title “Current Habitat Management Activities Implemented, 1. Wildlife Practices, a. Upland Management, Clearings” and the first paragraph under this section and replace title with “Managing Forests for Wildlife” described in the section on “New Activities”, below.

D. Revision to page 6, Add a section titled: “Use of Prescribed Fire” before the second paragraph. Add “, grassland” before “brushland.” Prescribed fire continues to be used as a management tool when and as necessary on upland habitat.

E. Revision to: Page 7 Under “Current Habitat Management Activities Implemented, 1. Wildlife Practices, b. Wetland Management, Impoundments and Excavations”, delete “or blasting” as a method of creating potholes. This technique is no longer used.

F. Revision to Page 9- Under “Current Habitat Management Activities Implemented, 1. Wildlife Practices, b. Wetland Management”, “Miscellaneous” third paragraph Raccoons, delete “poisoning” as this is not done regularly to control raccoons.

G. Revision to: Page 37, Adverse Impacts of Fish and Wildlife Habitat Management; General Wildlife Impacts, Wetland Practices- Remove “and pothole blasting” as this technique is no longer implemented.

New Activities

This section updates the 1979 PEIS and lists new habitat management activities as implemented by DFW. Habitat management actions appear in the original PEIS on Page 5, Section E. “Current Habitat Management Activities Implemented, 1. Wildlife Practices, a. Upland Management” The following activities are added to this section:

1. <u>Preparation and Promulgation of Wildlife Management Area Plans</u>

Environmental Conservation Law (ECL) § 3-0301, “General functions, powers and duties of the department and the commissioner” charges the DEC with the management of the state’s fish and wildlife resources. Having plans that guide the management of these resources is integral to meeting this legal mandate. In 2015, DFW began a process to prepare plans for the management of Wildlife Management and selected Multiple Use and Unique Areas-for simplicity, this document refers to those lands managed by DFW as the “the WMA system.” These plans will be composed of two parts: habitat management and public access. Habitat Management Plans will be prepared first. Access plans will address how DFW provides, and where appropriate,

will enhance public access to the WMA for wildlife-oriented recreation.

The first step in this planning process is the preparation of Habitat Management Plans (HMPs). HMPs will guide habitat management for a period of ten years, after which the plans and progress on implementation will be assessed and HMPs will be modified as needed. HMPs incorporate management recommendations from Unit Management Plans (UMPs), existing WMA habitat management guidelines, NY Natural Heritage Program's WMA Biodiversity Inventory Reports, Bird Conservation Area guidelines, and other documents available for individual WMAs.

The scope and primary purposes of HMPs are to:

- Provide the overall context of the habitat on the WMA and identify the target species for management;
- Identify habitat goals for WMA-specific target species, considering the juxtaposition of all habitat types (including wetlands, grasslands, open water, and early-succession forested habitats such as shrubland and young forest) to guide the conservation and management of sensitive or unique species or ecological communities;
- Identify acreage-specific habitat goals for the WMA to guide management actions;
- Provide specific habitat management prescriptions that incorporate accepted best management practices;
- Establish a forest management plan to meet and maintain acreage goals for various forest successional stages;
- Address management limitations such as topographical challenges for access; and
- Provide the foundation for evaluating the effectiveness of habitat management.

As each habitat management or access plan is completed, reviewed, and approved by DFW, it will be posted on DEC's website.

2. <u>Forest Management Practices: Even-aged Forest Management</u>

Even-aged forest management is the practice of cutting a stand of trees all at once to create a new age class of trees. Since these new trees begin growing at the same time, they are all about the same age, thus forming an "even-aged stand." This term is contrasted with uneven-aged management, where individual trees within a stand are cut at different times, leading to a stand of mixed age. This type of management primarily produces shade-tolerant trees and benefits wildlife associated with close-canopy mature forests. Even-aged forest management leads to the germination of shade-intolerant trees, regenerating the forest and providing habitat for other wildlife.

In 2014, DFW created the Young Forest Initiative (YFI) to increase forest management on WMAs, especially even-aged management, to benefit wildlife that thrive in forests in an early stage of ecological succession, termed young forest. The goal of the YFI is to

convert approximately 10% of the forested acreage on 90 WMAs to young forest. Approximately 90 % of DEC-managed forest will remain in older age classes. Game species like American woodcock, ruffed grouse, and snowshoe hare (*Lepus americanus*) all rely on this disturbance-dependent habitat, as do many at-risk species such as New England cottontail (*Sylvilagus transitionalis*), whip-poor-will, golden-winged warbler, and numerous songbirds. Population declines of these species are attributed to a lack of habitat that they require for foraging, nesting, and raising young.

Decades of suppression of natural disturbances (such as fire, flooding, insect outbreaks, and beaver activity) coupled with changes in human land use have resulted in a forested landscape with an abundance of mature forest and a lesser amount of young forest. In the WMA system, there are approximately 130,000 acres of forest. Most of this acreage is currently in the mature age class; young forest represents approximately 3% of the total forested acreage. Young forest can be recognized by a relatively open overstory and a rich understory where tree seedlings, saplings, woody vines, shrubs, and herbaceous vegetation including flowering plants grow together. Trees in the young forest stage of forest succession are typically between 0 and 10 years old. Site conditions such as soil productivity, slope, aspect, and climate determine how long any given area will retain this dense, shrub-scrub vegetation.

Declining distribution and population trends of both common and rare birds indicate that the current acreage of young forest is insufficient to meet their habitat needs. For example, singing-ground surveys, used as a population index for American woodcock, have documented a 1.9% annual decline from 1968 to 2006 in the Eastern Region including New York State (Kelley et al. 2008). The New York State Breeding Bird Atlas (BBA) documented declines for two other bird species; between the first (1980 - 1985) and second (2000 – 2005) BBAs, the number of atlas blocks occupied by ruffed grouse declined by 18% (Post 2008) and golden-winged warbler by 53% (Confer 2008). Both the BBA and Breeding Bird Survey (BBS) data for New York show similarly declining population trends for numerous other early successional birds, many of which are Species of Greatest Conservation Need (SGCN) in New York. For example, yellow-breasted chat, a shrubland obligate breeding bird, declined by 78% between the two NY BBAs (McGowan 2008). New England cottontail was recently a candidate for listing under the federal Endangered Species Act due to declines in population and range wide distribution; throughout the northeast, New England cottontail range has been reduced by 86% since 1960 (Fuller and Tur 2012).

To provide suitable habitat for these and many other species, DFW will convert more of the mature forests in the WMA system into young forest. DFW works closely with DEC's Division of Lands and Forests, consulting with professional foresters and closely following that Division's "Strategic Plan for State Forest Management." The primary forestry strategy used will be even-aged silviculture, which essentially removes entire patches of mature forest, provoking rapid regrowth, germination, and establishment of a new age class of trees. Regeneration cuts include clear, seed-tree, and shelter wood cuts. These practices will be implemented as follows:

- Clear-cuts: This forestry technique consists of a single tree harvest in which most or all trees in a stand are uniformly cut down. The removal of the canopy allows abundant light to penetrate to the forest floor, leading to germination of seeds and root suckering from hardwoods. This technique leads to an even- aged forest primarily composed of shade-intolerant species. Clear cuts mimic large natural disturbances such as fire, insect pest outbreaks, and other natural phenomena such as the 1995 microburst storm in the Five Ponds Wilderness of the Adirondacks.

- Seed tree cuts: This harvest method entails cutting all trees except for a small number of widely dispersed, desirable trees retained for seed production which will spur the production of a new age class in a fully exposed light and nutrient-rich microenvironment.

- Shelter wood cuts: A forest regeneration or harvest method that entails the cutting of most trees, leaving those needed to produce sufficient shade to produce a new age class in a moderated microenvironment. This technique mimics smaller but more frequent disturbances than a clear-cut, such as wind blow- downs. It leads to a new age class of mixed shade-tolerant and intolerant trees.

These three types of even-aged cuts will be carefully sited and planned to provide favorable conditions for target wildlife, which include, but are not limited to: American woodcock, ruffed grouse, and wild turkey; and eastern whip-poor-will, golden-winged warbler, and New-England cottontail, which are only found in portions of the state.

Between 1,000 and 1,500 acres of forested land within the WMA system will be cut per year using one of the above methods. Clear cuts will be restricted to 40 (forty) contiguous acres or less and will comprise no more than 10% of the forested habitat of the WMA or other management unit.

3. Use of Herbicides:

Herbicides are chemical substances that kill or control the growth of plants. The 1979 PEIS did not foresee and, therefore, did not address the use of herbicides in the WMA system. At that time, the understanding of the ecological impact of invasive species or the need to control them was very limited. Herbicides available in 1979 were largely unselective and posed significant threats to wildlife and the ecology. Some of the herbicides developed over the past four decades, such as glyphosates, are non-toxic or significantly less toxic to wildlife. Special application techniques such as special wands, nozzles, and surfactants reduce the amount of chemical necessary and any effects to other vegetation.

Insecticides are chemical substances that kill insects. Their toxicity to wildlife is generally greater than that of herbicides, especially to invertebrates, raising a greater potential for concern. The use of insecticides is not proposed or addressed in this document. Before insecticides are applied anywhere in the WMA system, they will be specifically evaluated on a case by case basis.

There is, at present, a critical need to eradicate or control invasive species on a number of WMAs. The Department has taken aggressive action to prevent the importation of new invasive species and to eradicate or control ones already present in the state. In 2008, New York State created the Invasive Species Council by Title 17, Section 9 of the Environmental Conservation Law to address the ecological and economic impact of invasive species. In September 2014, the State adopted and promulgated a list of Prohibited and Regulated Invasive Species that was codified in 6 NYCRR Part 575. In upland settings, targeted exotic plants include but are not limited to: Japanese knotweed (*Polygonum cuspidatum*), European buckthorn (*Rhamnus cathartica*), mile-a-minute weed (*Persicaria perfoliata*), non-native honeysuckles (*Lonicera spp*.), tree of heaven (*Ailanthus altissima*), pale and black swallow-wort (*Cynanchum spp*.), giant hogweed (*Heracleum mantegazzianum*), multi-flora rose (*Rosa multiflora*), oriental bittersweet (*Celastrus orbiculatus*), kudzu (*Pueraria montana*), and autumn olive (*Elaeagnus umbellata*). In wetlands and open water, the Department also controls non-native common reed (*Phragmites australis*), purple loosestrife (*Lythrum salicaria*), Asian water chestnut (*Trapa natans*), water primrose (*Ludwigia peploides*), Eurasian water-milfoil (*Myriophyllum spicatum*), and hydrilla (*Hydrilla verticillata*). Current control efforts are targeted towards selected sensitive or important habitats including, but not limited to wetlands, grasslands, and forested habitats.

DFW follows Integrated Pest Management (IPM) principles when deciding what actions to take to control invasive and undesirable vegetation. IPM encourages the optimal use of several pest management tools, including pest prevention, biological controls, and low-toxicity herbicides in order to reduce impacts on human health and the environment. Mechanical methods such as cutting, grinding, girdling, or up-rooting are chosen when practicable and effective. Along with mechanical methods and prescribed fire; herbicides, biological controls, and restoration grazing will be used as appropriate as described below.

Situations when the Department may opt to use a herbicide include: (i) when mechanical or other means of control are unfeasible, impractical or ineffective; (ii) when use of a herbicide will eradicate an infestation before it becomes widely established; (iii) where it is necessary, “painting” individual stumps after cutting to prevent re- sprouting; (iv) where it is necessary, to control vegetation interfering with the appropriate regeneration of the forest following a cut; and (v) to control or eradicate a widespread aquatic vegetation.

When selecting use of a herbicide, it must always be used according to the manufacturer’s label and applied by a certified pesticide applicator. The applicator must use the minimum concentration that is necessary to accomplish the desired control. When DFW decides to use an herbicide, it will use one of the following compounds:

- **Glyphosate** (International Union of Pure and Applied Chemistry (IUPAC) name: N- (phosphonomethyl)glycine, trade names Accord®, , Roundup®, Rodeo® and others) - Glyphosate is a non- selective herbicide registered for use on many food and non-food

crops as well as non-crop areas where vegetation control is desired. It absorbs strongly to soil and is not expected to move vertically below the six inch soil layer. Residues are expected to be immobile in soil. Glyphosate is readily degraded by soil microbes into aminomethylphosphonic acid (AMPA), a compound that degrades to carbon dioxide. Glyphosate and AMPA are not likely to move to ground water due to their strong absorptive characteristics. Glyphosate does have the potential to contaminate surface waters; this risk is limited by application restrictions during wet or rainy conditions. For this reason, special formulations of Glyphosate have been produced to be applied in wetlands. These formulations include Rodeo®, Accord®, Aquaneat®, AquaPro® and Aquamaster®. The last three are approved for use in water for treatment of heavy infestations of aquatic invasive vegetation such as Asian water-chestnut. (See "Specifications for Herbicide Application in WMAs" below.) The U.S. Environmental Protection Agency (EPA) has determined that the use of Glyphosate has a minimal effect on birds, mammals, fish and invertebrates. (Description adapted from DEC's Division of Lands and Forests "Strategic Plan for State Forest Management.")

- **Imazapyr** (IUPAC name: (RS)-2-(4-Methyl-5-oxo-4-propan-2-yl-1H-imidazol-2-yl)pyridine-3-carboxylic acid, trade name Arsenal®) – Imazapyr is a non-selective herbicide registered for use on many food and non-food crops as well as non-crop areas where vegetation control is desired. Imazapyr is an anionic, organic acid that is non-volatile and is both persistent and mobile in soil. Photosynthesis is the only identified mechanism for Imazapyr degradation in the environment. The EPA concluded that risks to human health, dietary risks, residential post-application exposures and aggregate risks are below the EPA level of concern. There are no risks of concern to terrestrial birds, mammals, and bees, or to aquatic invertebrates and fish. However, there are ecological risks of concern associated with the use of Imazapyr for non-target terrestrial plants and aquatic vascular plants, and potential risks to federally listed threatened and endangered species which include aquatic vascular plants, terrestrial and semi- aquatic monocots and dicots that cannot be precluded at this time. Imazapyr use at the labeled rates on non-crop areas when applied as a spray or as a granular to upland areas present risks to non-target plants located adjacent to treated areas. Risk of inadvertent introduction to surface waters via runoff is reduced by application restrictions during wet or rainy conditions. Risk of inadvertent introduction to surface waters or contact with non-target vegetation is reduced by application restrictions which minimize spray drift. Use near water is approved with special practically non-toxic to slightly toxic surfactants. (See "Specifications" below, (Description adapted from DEC's Division of Lands and Forests "Strategic Plan for State Forest Management.")

- **Triclopyr** (IUPAC name: [(3,5,6-Trichloro-2-pyridinyl)oxy]acetic acid), trade names Garlon 4®, Vegetation Manager Triclopyr 3SL®,) – Based on EPA data, Triclopyr can be used in compliance with label requirements without posing unreasonable risks to people or the environment. Triclopyr is a selective herbicide registered for use on non-crop areas, rice and in forestry use for the control of broad-leaved weeds and woody plants. Triclopyr acid is somewhat persistent and is mobile. The predominant degradation pathway for Triclopyr in water is photodegradation. The predominant degradation pathway in soil is microbial degradation to the major

degradate TCP, which is both persistent and mobile. Based upon current data, EPA has determined that Triclopyr is non-toxic to slightly toxic to birds and estuarine/marine invertebrates and practically non-toxic to mammals, insects, fish and freshwater invertebrates. (Description adapted from DEC's Division of Lands and Forests "Strategic Plan for State Forest Management.")

- **Clopyralid** (IUPAC name: 3,6-dichloro-2-pyridinecarboxylic acid manufactured by Dow AgroSciences with trade names Clopyralid 3®, Clean Slate®, Stinger®, Spur®)- Clopyralid is a selective herbicide that kills broadleaf plants by disrupting internal growth. For Clopyralid, risk assessments were performed for acute (single, high dose), intermediate-term, and chronic (long-term) exposures. Conservative assumptions were used to assess the risk from exposure to Clopyralid from dietary and non-dietary sources. Risk estimates are below the EPA's level of concern for all population subgroups for all exposure durations. Assuming baseline personal protective equipment (PPE), occupational risk estimates are expected to be below EPA's level of concern. Based on these assessments, the EPA concluded that there was "reasonable certainty that no harm will come to the general population and to infants and children from aggregate (cumulative) exposure to clopyralid residues." Clopyralid is classified by the EPA as "not likely to be a human carcinogen." Microbes readily break down Clopyralid in soil, and it would not be considered persistent in soil under realistic use conditions. Carbon dioxide is the major breakdown product. Field studies show Clopyralid has minimal potential to contaminate groundwater through leaching. Clopyralid is practically nontoxic to honeybees, earthworms, fish and other aquatic organisms on an acute basis. It is slightly to practically non-toxic to birds on an acute basis. (Description adapted from DOW AgroScience's "Product Safety Assessment.")

- **Imazamox** (IUPAC name: (2-[4,5-dihydro-4-methyl-4-(1-methylethyl)-5- oxo-1H-imidazol-2-yl]-5- (methoxymethl)-3- pyridinecarboxylic acid) with trade names: Clear Cast®, Raptor®). Clearcast® is a relatively fast-acting, systemic, selective herbicide used for the control of certain submersed, floating, and emergent aquatic plant species found in ponds, lakes, reservoirs, and other slow moving or quiescent bodies of water. Imazamox is a systematic herbicide with selective control of gramineous and broadleaf species. When applied, Imazamox rapidly enters through a plant's leaves and stems, then translocates down into the roots, disrupting the plant's metabolism. Susceptible plants stop growing shortly after application and die within 4-12 weeks. An overview of the toxicology information indicates that Imazamox is not considered to be a carcinogen, a mutagen or to cause adverse reproductive effects or birth defects. Imazamox is considered to have a low degree of systemic toxicity based on findings from acute and sub chronic toxicology studies (USEPA, 1997). USEPA determined that the toxicological profile of Imazamox supports an exemption from the requirement of tolerance because no adverse effects were observed in the submitted toxicological studies regardless of route of exposure (USEPA, 2003). The lack of toxicity is due to the unique mode of action for Imazamox. Imazamox belongs to the imidazolinone class of compounds. The herbicidal activity of the imidazolinone is due to the inhibition of acetohydroxy acid synthase (AHAS), an enzyme only found in plants. Animals lack AHAS and this biosynthetic pathway. This lack of AHAS contributes to the low toxicity of

Imazamox in mammals (USEPA, 2000b). (Description adapted from AECOM, Inc.' "Use of the Aquatic Herbicide Imazamox Clearcast® in the State of New York Supplemental Environmental Impact Statement. Final")

- **2,4-D** (IUPAC name: 2,4 Dichlorophenoxyacetic acid, present in over 1,500 commercial formulations such as Nufarm Weedar 64 ®, Nufarm BurnMaster®, and Nufarm Riverdale Weed and Feed®). 2, 4-D is a selective herbicide that has been used to control broadleaf plants since the 1940s. The toxicity of 2,4-D depends on its chemical forms, including salts, esters, and an acid form. 2,4-D generally has low toxicity for humans, except certain acid and salt forms can cause eye irritation. Swimming is restricted for 24 hours after application of certain 2, 4-D products, such as Weedar 64 ®, applied to control aquatic weeds, to avoid eye irritation. 2, 4-D generally has moderate toxicity to birds and mammals, is slightly toxic to fish and aquatic invertebrates, and is practically nontoxic to honeybees. The ester forms of 2, 4-D can be highly toxic to fish and other aquatic life and must not be used in aquatic settings. 2, 4-D is broken down by bacteria in water and in soil. Water alone can also break down 2, 4-D. 2, 4-D has been found at low levels in shallow groundwater and streams in both rural and urban areas. 2, 4-D goes through different changes in the environment depending on its form. Most of the time, 2, 4-D breaks down in soil so that half of the original amount is gone in 1-14 days. One form of 2, 4-D, the butoxyethyl ester, had a much longer half-life in aquatic sediment of 186 days.

4. Specifications for Herbicide Application in WMAs

The following guidelines are derived from DEC's Division of Lands and Forests "Strategic Plan for State Forest Management."

Herbicides will be applied in accordance with the conditions described in an Herbicide Application Plan written for each specific instance of application. Such application plans will include, at minimum, the following information:

- location map;
- acreage of application;
- method and timing of application;
- name, registration number and sample label of herbicide to be used;
- public notification procedures (if necessary);
- post-application procedures.

To ensure protection of water resources and improve the effectiveness of foliar applications, herbicide spraying shall only take place when foliage is dry. Herbicide spraying shall not take place when rainfall is expected within 12 hours after application or during times when winds are gusty or exceed 10 miles per hour. Herbicide spraying shall be done in a manner such that drifted herbicide does not impact adjacent areas or private land. No herbicide application may take place when the Palmer Drought Index

drops below negative two (-2).

Herbicide application to control interfering vegetation will occur within the dates and times according to the product label and as further described in the Herbicide Application Plan. A second application the following year may be required if the contractor does not meet the success rate standard specified in the Notice of Sale and Herbicide Application Plan. Equipment used in the application of herbicide or otherwise contaminated with herbicide shall not be used to draw water. Water mixed into herbicides will be brought to the site and will not be drawn from any water body adjacent to or located in a WMA.

Notices of herbicide application will be posted at the entrance to the treated area and on the WMA line adjacent to the treated area.

Herbicides will not be applied within defined protection buffers along water bodies or within the boundaries of designated wetlands, seeps, springs and vernal pools as described in the "DEC Division of Lands and Forests Management Rules for Establishment of Special Management Zones on State Forests" version June 2008 or later.

A New York State Certified Applicator will apply herbicides following label instructions and safety precautions. This will minimize impact to both the environment and the public. Application personnel will be equipped with safety equipment as described on the label of the herbicide product being used.

5. Biological Control of Invasive Species

Biological control is the use of organisms, such as insects, to control pests such as other insects, mites, and invasive plants through herbivory, predation, or parasitism. Some of these organisms used for biological control are native to New York, requiring no permit for release, others are not native and require both federal review by USDA Animal and Plant Health Inspection Service (APHIS) and DEC. This review includes rigorous testing to ensure there will be no impact to non-target species.

The primary biological control currently used on WMAs is the black-margined purple loosestrife beetle (*Galerucella calmariensis*), which has been released to control purple loosestrife in wetlands. Beetle larvae feed on purple loosestrife leaves, shoots, and stems, effectively depressing plant growth and reproduction. Mile-a-minute weevil (*Rhinoncomimus latipes*) was released in Cranberry Mountain WMA in 2010 and 2011. Monitoring has shown that it has been effective at controlling Mile-a-minute vine and has not affected other plants. It is expected that biological controls will be released to control the hemlock wooly adelgid (*Adelges tsugae*).

There are 16 biological controls currently licensed for release in New York (Table 1). Most of these organisms are not currently used in the WMA system, but could be released in the future to address the target species. As new biological controls are

discovered, they will be screened for efficacy and safety by the USDA's APHIS and by DEC.

Table 1. Biological Controls Licensed for Release in New York	
Species licensed	**Target Species**
Galerucella calmariensis	Purple loosestrife
Aphthona flava	Leafy Spurge
black dot leafy spurge flea beetle	Leafy Spurge
Brown legged spurge flea beetle	Leafy Spurge
Blunt knapweed flower weevil	Spotted knapweed
Knapweed root boring weevil	Spotted knapweed
Lesser knapweed flower weevil	Spotted knapweed
Laricobius nigrinus Fender	Hemlock Wooly adelgid
Leucopis argenticollis	Hemlock Wooly adelgid
Leucopis piniperda	Hemlock Wooly adelgid
Rhinoncomimus latipes	Mile-a-minute Weed
Oobius agrili	Emerald Ash Borer
Spathius agrili	Emerald Ash Borer
Spathius galinae	Emerald Ash Borer
Sulphur knapweed moth	Spotted knapweed
Tetrastichus planipennisi	Emerald Ash Borer

5. Conservation Grazing

Conservation or restoration grazing is the practice of using livestock such as cattle, sheep, and goats to control the growth of undesirable vegetation. This technique requires fencing and careful management to ensure that livestock remain healthy and do not overgraze, but can be highly effective in controlling invasive vegetation, allowing native vegetation to compete. If done appropriately, it has minimal and temporary side effects. One example of conservation grazing is introducing two or three cows into an area heavily infested with phragmites. The cattle consume phragmites leaves and stalks and trample the rhizomes, allowing native seed to germinate and emerge. This technique can be used following a prescribed burn, increasing efficacy.

Conservation grazing is currently not widely used in WMAs but remains an option for control of invasive species and could be more widely implemented in the future.

Changes to Environmental Impacts of the Habitat Management Program

1. Beneficial Impacts to WMAs

A. Preparation and Promulgation of Wildlife Management Area Plans

The process of preparing habitat management plans (HMPs) begins with a detailed and thorough analysis, inventory, and documentation of existing habitats on each WMA. This information is critical to making informed and accurate management decisions. Each HMP goes through a thorough screening and review process that starts with regional biologists and culminates with sign off by the DFW Director. Once completed, the HMP serves as clear guidance for the management of the WMA for ten years. Documenting and memorializing habitat management goals provides new staff with clear guidance to follow. This enables continued, efficient, and seamless management of the resource.

B. Forest Management Practices; Even-Aged Forest Management

The Young Forest Initiative: Managing approximately 10% of the forested land on WMAs as young forest will provide habitat for a wide-ranging suite of species, most of which are declining in numbers and abundance and many of which are listed as endangered, threatened, or of special concern in Article 11 of the Environmental Conservation Law or as Species of Greatest Conservation Need in the State Wildlife Action Plan.

Species that will benefit from this initiative include: New England cottontail, ruffed grouse, golden-winged warbler, wild turkey, American woodcock, snowshoe hare, eastern towhee, white-tailed deer (*Odocoileus virginianus*), gray catbird, brown thrasher, and many other declining shrubland birds. Greater abundance of small mammals associated with a lush understory will provide prey for fox (*Vulpes spp*.), coyote (*Canis latrans*), snakes, and other predators, including red- shouldered hawk and northern harrier, both NYS-listed species.

Carefully planned and implemented cuts will also benefit what are traditionally considered “deep forest” species by providing cover and concentrated food resources such as soft mast, browse, and insects for black bear (*Ursus americanus*) and migrating neo-tropical passerines such as Canada and cerulean warbler.

In addition to these habitat and species benefits, the Young Forest Initiative will also significantly benefit recreation associated with wildlife. More rare young forest species like golden-winged warblers will draw in birders and photographers to WMAs. Higher numbers of American woodcock and ruffed grouse will increase hunting opportunity.

C. Vegetation Management with Herbicides

The Division takes an Integrated Pest Management approach to control undesirable vegetation. Herbicides are used as a last resort when a valuable habitat is in danger of disappearing. The use of herbicides for control of phragmites maintains the habitat value of wetlands for waterfowl, muskrats (*Ondatra zibethicus*), wading birds, turtles, and fish. Several listed species, such as the bog turtle (*Clemmys muhlenberngii*) could disappear from the state or become exceedingly rare without the management and restoration of habitats only possible through the use of herbicides. Asian water chestnut (*Eleocharis dulcis*) is primarily controlled on WMAs through hand pulling. When this is impossible due to access or the sheer magnitude of the infestation, an approved aquatic herbicide is used. In addition to these habitat management benefits, judicious use of herbicides opens up areas to wildlife observation, hunting, and other recreational uses.

D. Biological Controls

Black-margined loosestrife beetle (*Galerucella calmariensis*) has been introduced into wetlands heavily infested with purple loosestrife (*L. salicaria*) and has succeeded in reducing its dominance, allowing cattails (*Typha spp*.), iris (*Iris spp*.), cardinal flowers (*Lobelia cardinalis*), swamp candle (*Lysimachia terrestris*), goldenrods (*Solidago spp*.), asters (*Aster spp*.), and other native wetland species to flourish. Mile-a-minute vine (*P. perfoliata*) on one WMA is being effectively controlled by a weevil (*R. latipes*), having no adverse impacts.

E. Conservation Grazing

Although not yet used widely on WMAs, this technique has a proven record of restoring habitats. Cattle brought into overgrown bog turtle nesting areas in New York and New Jersey have reduced the height and dominance of cat-tail (*Typha spp*.), non-native phragmites (*Phragmites australis*), and brought about the resurgence of sedges (*Cyperaceae spp*.), rushes (*Juncaceae spp*.), and other vegetation beneficial to bog turtles and other bog and fen wildlife. Conservation grazing provides another low-impact option for habitat management.

2. Adverse Impacts to WMAs

A. Preparation and promulgation of Wildlife Management Area Plans

None.

B. Forest Management Practices; Even-Aged Forest Management

Adverse impacts of this initiative will be temporary. These temporary impacts could include erosion, noise, odors, trails, and log landings that some visitors may find unsightly. These impacts are effectively reduced or avoided following the conditions and practices outlined below.

Habitat for some forest-interior species, like the fairly abundant great horned and barred owls, may decline in areas, resulting in slight declines in local populations. However, the proximity of young to mature forest will provide edge habitat and a good source of prey, increasing the survival of young.

Possible impacts could include adverse effects to sensitive species. Adverse impacts to sensitive wildlife are effectively avoided through advanced and thorough screening of updated and detailed information regarding the occurrence of these species. This information leads to changes in location and timing of cuts. For example, a cut is planned for the winter, outside the nesting season of a sensitive species such as northern goshawk. In addition, a buffer of suitable size is drawn around the nests of forest-dwelling raptors, preventing disturbance.

C. Northern Long-eared and Indiana Bats

Both the northern long-eared (*Myotis septentrionalis*) and Indiana bat (*Myotis sodalis*) roost and reproduce in trees and are listed under the Endangered Species Act. To prevent adverse impacts to either species, trees over three inches in diameter will be left uncut in locations frequently used by the bats, such as those near hibernating areas. Outside these sensitive locations, trees will only be cut in winter or after a thorough acoustic survey capable of detecting and identifying bat species by their ultrasonic echolocation signals, determines that neither species are present. Roosting habitat has been determined not to be limited, meaning there are more than enough suitable trees for roosting. Providing younger trees and other vegetation will benefit pollinating insects, providing prey for these insectivorous bats. Ultimately, the fate of these and other bats is primarily affected by their response to white-nosed syndrome, caused by the *Pseudogymnoascus destructans* fungus. Following the safeguards noted above, proposed forest management will not adversely affect their response to this disease.

D. Forest Retention Standards

In addition to these measures, DFW will implement forest retention standards developed by the Division of Lands and Forests. Retention standards consist of not cutting trees important for wildlife (e.g. trees with cavities or snags), for aesthetics, or to prevent other adverse impacts such as erosion.

A well-planned and implemented access system is the key to eliminating adverse erosion and water quality impacts. This access system concentrates site disturbance, soil compaction, and rutting to limited corridors. Wherever possible, existing roads are used for access.

Specific measures to be taken to avoid erosion, water quality, and other adverse site impacts during all phases of timber management are listed in the following documents and will be implemented as necessary on all projects:

- New York State Forestry Best Management Practices for Water Quality.

- Division of Fish and Wildlife's Rutting Guidelines for Timber Harvesting on Wildlife Management Areas.
- DEC Bureau of State Land Management Unpaved Forest Road Handbook
- Division of Fish and Wildlife's Rules for Establishment of Special Management Zones on Wildlife Management Areas.

E. Cultural and Archeological Resources

Disturbance or destruction of cultural or archeological resources within WMAs is another possible adverse impact. The New York State Historical Preservation Act (NYSHPA) requires that the state must evaluate the effect of any ground-disturbing activities on cultural or archeological resources that may be present at the site. To comply with NYSHPA, DFW screens any and all projects that may cause ground disturbance, such as the preparation of an area to serve as a log landing, through the Office of Parks Reservation and Historic Preservation's Division of Historic Preservation, which is the federally-designated State Historic Preservation Office (SHPO). The DFW always waits to obtain written confirmation of no impact before undertaking such a project. When SHPO determines that the site may be archeologically sensitive, DFW works together with OPRHP to further study the situation and ultimately arrive at a solution or alternative which will not adversely affect archeological resources.

F. Off-site Impacts

In addition to these impacts within the WMA system, off-site impacts are considered. Forest management may temporarily increase truck traffic in and out of WMAs and on adjacent local roads. Adverse impacts could include increased noise, traffic, and wear of road surfaces. These temporary adverse impacts can be effectively reduced by placing log-landing areas in appropriate and clearly marked and visible locations that are safe for traffic. Log landing areas and approaches will be covered with gravel or other substrate as necessary to avoid or reduce erosion or transport of mud into the roadway. By entering and exiting well-marked log-landings slowly and safely, most of the safety, noise, and mud issues can be avoided. The Department has been conducting timber cuts in WMAs and State Forests for decades, typically without negative impacts. Signs at log landings provide information about cuts and contact information for staff responsible. When issues are identified, an effective solution is quickly sought and implemented.

G. Climate Change

Climate change has raised concerns over the role of forests in the global carbon budget. This section provides a brief qualitative analysis of the possible effects of proposed forest management activities on carbon storage. Through the process of photosynthesis, trees take up carbon in the form of carbon dioxide (CO_2) from the atmosphere and store it in their tissues in the form of cellulose, glucose, and other

polysaccharides. Thus, trees and other plants partially offset some of the carbon being released into the atmosphere through natural and man-made sources, such as the combustion of fossil fuels. The larger the plant, the more carbon that is “sequestered.” When a forest or other habitat traps more carbon than it emits, it is called a “carbon sink.” Burning or bacterial degradation of wood will release sequestered carbon back into the atmosphere. Overall, proposed forest management may result in a small short-term reduction in stored carbon (release carbon to the atmosphere) but will likely moderately increase the long-term storage of carbon as trees grow and increase in biomass. This determination is made for the following reasons:

1. Of the 131,000 acres of forests in the WMA system, approximately 10% or 13,100 acres will be maintained in a young forest stage through timber cuts. Both the changes in short-term release as well as long-term uptake of carbon will likely be very small and not significantly affect the amount of carbon in the atmosphere.

2. Because mature trees grow considerably slower than younger ones, they sequester additional atmospheric carbon more slowly. Since each mature tree will be replaced by several saplings, they will collectively absorb more carbon than the mature tree they replace. In addition, no more than 40 contiguous acres will be cut at one time, facilitating rapid reforestation after a cut.

3. Studies show that the mass and age of trees has a significant effect on the amount of carbon released after a cut. Cutting older and larger trees tends to release more carbon. This effect is pronounced in old-growth forests, which are typically defined as being over 150 years and not previously cut. Virtually all the forests in the WMA system do not fit the old-growth forest definition.

4. Forest management will result in a reduction of coarse woody debris accumulating on the forest floor, which will decrease the amount of carbon slowly liberated through decay.

5. Timber cuts can result in the production of pulp, lumber, or firewood. Pulp or lumber continue to hold the carbon taken from the atmosphere, whereas firewood will release carbon. The DFW will strive to obtain the highest value for timber which is lumber or pulp.

6. Forest management will lead to a more diverse and dynamic ecosystem which has been typically associated with greater long-term carbon storage and resilience to disease outbreaks which kill trees and release carbon back into the atmosphere.

7. Even-aged management will be primarily implemented in rotating patch-cuts, that is, after a stand is cut, it will be allowed to regenerate and grow, absorbing carbon. As cuts will target areas of mature, slowly-growing trees, the overall long-term effect will be a younger, faster-growing forest which will uptake and store atmospheric carbon.

H. Adverse Impacts of Herbicide Use

Herbicides can have significant adverse impacts if not selected and used properly. These include harming non-target plants and animals, polluting water, and potential harm to the applicator. These impacts can be avoided or significantly reduced by:

- Selecting a formulation, type of application, and timing that is effective for the situation and has the minimum possible adverse effects- for example, applying a broadleaf-specific herbicide in a grassland to eradicate invasive thistle after grassland birds have completed nesting and pollination has declined.
- Following all the herbicide label directions including using appropriate personal protective equipment.
- Notifying potentially-affected nearby residents well in advance of an application. For example, notifying residents of a Weedar® application in a lake to control Asian water chestnut.

In addition, DEC's Bureau of Habitat researches the effects of all herbicides on all wildlife, including invertebrates, fish, amphibians, reptiles, birds, and mammals. This review process is independent of the EPA's, thus serving as an extra protection from adverse impacts.

I. Adverse Impact of Biological Controls

The possible adverse impact would be herbivory of non-target vegetation or impacts to other non-target species which could result in significant population loss. This adverse impact is avoided by requiring thorough testing before approving the introduction of any organisms into the state to ensure they do not significantly affect non-target species. Release of biological control organisms requires both a federal permit from USDA APHIS as well as a DEC Liberation of Fish and Wildlife license. All biological control organisms are thus independently reviewed to ensure their safety.

J. Adverse Impacts of Conservation or Restoration Grazing

Potential impacts of this technique include overgrazing, undesirable nutrient enrichment (eutrophication) and reduction of water quality, and potential trampling of wildlife. These adverse impacts are avoided through vigilant management of grazers. When the desired level of grazing has been reached, the animals are rotated to an ungrazed area. Eutrophication is avoided by using low stocking rates, rotation of animals, and by fencing grazers out of ecologically-sensitive areas. Trampling is avoided by knowing the location of slow-moving wildlife, such as turtles, and keeping grazers out of those areas.

Analysis of Alternatives

1. Preparation and Promulgation of Wildlife Management Area Plans

The alternative is not to prepare habitat management or access Plans. Without these documents, there is no clear guide as to how WMAs should be managed. Habitat management would thus be left to individual managers who may have different ideas of how habitat should be managed. This results in inconsistent goals and actions from one WMA to another, even within the same DEC region, or over time, within the same WMA. In addition, when the manager leaves for another position or retires, a new manager must take on the task of managing the WMA, often with little more to go on than anecdotal and incomplete information of the management history and goals for the WMA. Not having a written management plan thus leads to inconsistent, ineffective, and discontinuous habitat management.

Furthermore, the lack of planning documents would hinder the execution of ECL § 3-0301-1.v, which authorizes "appropriate management activities" and ECL § 11-0303 which vests in the DEC the "efficient management of the fish and wildlife resources of the state."

2. Forest Management Practices; Even-Aged Forest Management

There are essentially two alternatives to even-aged forest management though the YFI: no timber management and allowing only uneven-aged cuts.

The first of these alternatives would result in an overly-mature forest with a virtually closed canopy and no understory. As trees senesce and die, woody biomass would build up on the forest floor, further inhibiting seedling establishment and germination. Only a few shade-tolerant species would reach the seedling stage. These seedlings, growing under very poor light, would likely not survive beyond the sapling stage, if not consumed by deer as seedlings. There would be very little food for most birds, insects, reptiles or mammals. Other than senescent flowering trees there would be no pollen source for pollinators. Only wildlife adapted to closed canopy mature forest would survive. The biodiversity of the state would dramatically decline. American woodcock, warblers, turkey, grouse, neo-tropical migrants, deer, and countless small mammal populations would crash, quickly leading to local extirpations. This lack of management would also build up the forest fuel load to such a level where catastrophic fires would occur, potentially leading to loss of life and property.

The second alternative, allowing only uneven-aged or "selective" cuts to occur, would provide for shade tolerant tree species and associated wildlife. In fact, this strategy is used and will continue to be used as appropriate in the WMA system. However, selective cuts would not lead to the regeneration of the forest and the understory and would not provide habitat for our declining species. Understory vegetation would only grow slowly and sparsely and be browsed by deer before expanding or reaching a height where it could survive deer pressure. Food, cover, and other conditions for wildlife would be limited. Wildlife dependent on early-succession forested habitats would continue to decline and local extirpations would be possible.

3. Use of Herbicides in the WMA System

Not using herbicides in the WMAs would remove one of the main tools available for controlling or eradicating exotic-invasive species. As a result, rapidly growing exotic species, lacking natural predators, would out-compete native species and proliferate. Many of these invasive species, such as European buckthorn (*Rhamnus cathartica*) and non-native honeysuckle (*Lonicera spp*.), do not provide the nutrients wildlife need. In fields managed for grassland birds, species like brown knapweed (*Centaurea jacea*), Canada thistle (*Cirsium arvense*), and pale swallow-wort (*Cynanchum rossicum*) would invade and change the grassland into an impenetrable mix of invasive vegetation devoid of nesting opportunity. In wetlands, phragmites (*Phragmites spp*.) would choke out cat-tail (*Typha spp*.), iris (*Iris spp*.), berry-bearing and other native vegetation, leading to a virtual mono-culture with depressed wildlife value. In lakes and other aquatic environments, there would be almost no way to control large infestations of Asian water chestnut, hydrilla (*Hydrilla verticillata*), Eurasian watermilfoil and other species which can block all light from the bottom, preventing the growth of rooted aquatic vegetation and oxygen production. Decaying vegetation would increase anaerobic metabolism leading to increased biological oxygen demand, fish kills, higher nutrient levels and algal blooms.

Not allowing the use of herbicides would also hinder the ability to quickly respond to a new invasive species threat so that it can be eradicated before it spreads.

4. Biological Control of Invasive Species

Not using biological controls would remove an important tool for controlling invasive species. Purple loosestrife is effectively controlled in WMAs at low cost and without side effects. Biological controls are currently being researched for pale swallow-wort, phragmites, and mile-a-minute vine. In the future, biological controls may be instrumental to control forest pests like the Sirex woodwasp (*Sirex noctilio*). The lack of biological controls would require more expensive, less effective, or possibly deleterious means to control undesirable species.

5. Conservation Grazing

Not allowing grazing in WMAs would remove a low-cost, ecologically-wise option which has been shown to be effective in controlling undesirable vegetation, lowering the height of vegetation, or providing open patches in rank vegetation. Although mowing and other mechanical means remain an option, they can harm resident wildlife and may not provide the desired habitat effect.

6. No-Action Alternative

The no-action alternative would not update the 1979 PEIS, which is out of date. In so doing, the DFW would be required to evaluate the impact of the above habitat management activities every time the division sought to implement them, leading to inefficient and untimely management of wildlife habitat in the WMA system. The

alternative not to pursue these habitat management activities would remove important tools for maintaining and creating wildlife habitat; leading to the loss of habitat and wildlife, including listed species, and the loss of recreational opportunities for the public.

Selected Alternatives

1. Promulgation of Wildlife Management Area Plans to guide current and future habitat management and provide consistency and continuity.

2. Forest Management Practices; Even-aged forest management. Manage forests in the WMA system using even aged silviculture towards the goal of reaching 10% of the forested landscape as young forest (approximately 0- 10 years old). Uneven-aged management will continue when and as appropriate.

3. Use of herbicides as part of an Integrated Pest Management (IPM) strategy to eradicate or control harmful invasive-exotic or undesirable competing species.

4. Release of biological control organisms, after national and state review, as a tool to control invasive species as part of IPM.

5. Use of livestock such as goats, sheep, or cows to control invasive species, restore degraded habitats, and maintain desired ecological stages to provide critical habitat for at-risk wildlife.

Mitigation Measures

Adverse impacts from habitat management activities will be prevented or reduced by following best management practices, herbicide label requirements, and other environmental protection measures as appropriate at each site. It is therefore not necessary to develop mitigation measures for beneficial impacts.

Consistency with New York State Coastal Management Program

The U.S. Congress recognized the importance and vulnerability of coastal areas by passing the Coastal Zone Management Act in 1972. New York State developed a Coastal Management Program (CMP) and enacted implementing legislation (Waterfront Revitalization and Coastal Resources Act) in 1981. The Department of State's Division of Coastal Resources directs State agencies to analyze their proposed actions to determine if they are consistent with the policies of the CMP. More information regarding the CMP is available at http://www.dec.ny.gov/permits/55204.html.

As defined by the Department of State, the "Coastal Zone" of New York encompasses the great lakes shoreline, the shores of the Atlantic Ocean and Long Island Sound, and extend north from the NY-NJ harbor through the Hudson River estuary to the Troy dam and confluence with the Mohawk River.

The Department of State's Division of Coastal Resources directs State agencies to analyze their proposed actions to determine if they are consistent with the policies of the CMP by completing a Coastal Assessment Form. The DFW has responsibility over 24 WMAs which fall at least partially within the area designated as "Coastal Zone". The habitat management activities implemented by the DFW fall primarily within the "Fish and Wildlife", and secondarily within the "Agriculture" sections of the CMP.

Actions implemented by DFW are consistent with the Fish and Wildlife provisions of the CMP. Supportive of coastal management policies 7 and 8, the DFW actively protects and manages sensitive habitats including freshwater and tidal wetlands, stream bed and banks, floodplain, fens, bogs, ponds, lakes, young forests, grasslands, exposed cliff face communities, and vernal pools. Habitats important to rare or listed species are managed and protected through the control of undesirable vegetation, permanent or seasonal access restrictions, and forest management as appropriate. All habitat management activities comply with all applicable articles of the NYS Environmental Conservation Law as well as the US Endangered Species Act, the State and National Historic Preservation Acts, and The National Environmental Policy Act.

There are three WMAs located within the coastal zone where grain crops are maintained to provide additional food and cover for wildlife and access for hunting and bird watching. These 3 WMAs, all located within the great lakes shoreline region, comprise 269 acres of agriculture. In addition to helping wildlife, actions also benefit agriculture by providing access to productive lands, while restrictions and best management practices prevent adverse effects such as export of nutrients, erosion, and contamination of waterways. Agriculture within these WMAs is therefore consistent with the Agriculture section and supportive of Policy 25 of the CMP.

Appendix 1. Public Comment and Response to Comments Received from the Public and from Other Sources.

Part 1. Comments received through the public comment period April 3 to May 1, 2017.
Responses to comments appear directly following each comment.

-----Original Message-----
From: Paul Harris
[mailto:pharris@aslf.org]
Sent: Monday, May 01, 2017 6:32 PM
To: dec.sm.WildlifeRegs <WildlifeRegs@dec.ny.gov>
Subject: Comments on Supplemental Habitat Management EIS

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Atlantic States Legal Foundation (ASLF) strongly supports the conservation of habitat in NYS, the implementation of best practices for habitat management, and the use of only native plants for restoration efforts.

--
Paul M. Harris Program
Director
Atlantic States Legal Foundation
658 W. Onondaga St.
Syracuse, NY 13204
315-475-1170
www.aslf.org

Response to comment submitted by Paul Harris, Program Director, Atlantic States Legal Foundation (ASLF), received 1 May 2017:

The NYSDEC Division of Fish and Wildlife (DFW) appreciates ASLF's support for habitat conservation. The DFW follows best management practices for preventing invasive species transport, to prevent rutting, and to ensure appropriate reforestation after a cut. Native plants, often from the work area itself, are typically used as necessary to restore habitat. Grasslands on Wildlife Management Areas used for nesting by grassland birds are typically composed of European cool-season grasses which are not invasive, have become naturalized in New York, and offer excellent habitat for grassland birds and other wildlife.

From: Burger, Michael
[mailto:mburger@audubon.org]
Sent: Wednesday, April 26, 2017 10:27 PM
To: dec.sm.WildlifeRegs <WildlifeRegs@dec.ny.gov>; delPuerto, Marcelo J (DEC) <marcelo.delpuerto@dec.ny.gov>
Subject: Supplemental Habitat Management EIS - comments from Audubon NY

Dear Marcelo,

Attached, please find comments from Audubon NY on the Draft Supplemental Environmental Impact Statement (SEIS), which will update the current "Final Programmatic Environmental Impact Statement (PEIS) on Habitat Management Activities of the Department of Environmental Conservation (DEC) Division of Fish and Wildlife".

Please let me know if you have any questions about our comments.

Thank you. Sincerely,

Mike

*****

Michael F. Burger, Ph.D.
Director of Conservation and Science
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159 Sapsucker Woods Rd.
Ithaca, NY 14850
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mburger@audubon.org
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[letter follows]

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26 April 2017

Marcelo J. del Puerto
New York State Department of Environmental Conservation
Division of Fish and Wildlife
625 Broadway
Albany, New York 12233-4750

Subject: Supplemental Habitat Management EIS – comments from Audubon New York

Dear Mr. del Puerto:

On behalf of Audubon New York, the state program of the National Audubon Society, thank you for the opportunity to comment on the Draft Supplemental Environmental Impact Statement to update the "Final Programmatic Environmental Impact Statement on Habitat Management Activities of the Department of Environmental Conservation Division of Fish and Wildlife" (hereafter, DSEIS). Audubon New York's mission is to conserve and restore natural ecosystems within New York and the Atlantic Flyway, focusing on birds, other wildlife, and their habitats for the benefit of humanity and the earth's biological diversity. It is from that perspective that we offer the following comments on the DSEIS.

Overall, Audubon New York supports the DSEIS, the provisions of which will improve management of Wildlife Management Areas and the value of the habitat they provide. Below we address specific provisions of the DSEIS that directly impact priority birds and their habitats as well as Audubon programs and priorities.

In the Deletions and Replacements section on page 5, we support removal of autumn olive and multiflora rose as species planted for wildlife habitat and their replacement with winterberry and rhododendron. As stated in the DSEIS, autumn olive and multiflora rose are themselves non-native invasive shrubs that are now Regulated and Prohibited Species in New York. One of Audubon's priorities under our current strategic plan is to encourage landowners, big and small, to plant native plants for birds. We appreciate the Division making this change explicit in the DSEIS.

In the New Activities section, which begins on page 5, we support the preparation and promulgation of Wildlife Management Area (WMA) plans, which will, for each WMA, consist of a Habitat Management Plan (HMP) and an Access Plan. In particular, we support the creation of comprehensive HMPs that provide the overall and landscape context for the wildlife habitats on the WMA, identify target species for management, identify existing and target acreages for different habitat types, outline specific habitat management prescriptions to achieve the habitat goals, and provide a foundation for monitoring the effectiveness of the habitat management. Although not mentioned in the DSEIS, Audubon also supports the public outreach events that the Division has been holding in order to present completed HMPs to the public and to answer questions. However, we encourage the Division to hold these public forums prior to the

completion of the HMPs, allowing for revisions as a result of public input before the HMPs are finalized. We also encourage the Division to make these public forums a standard practice with each HMP that is developed. Providing for public input on the management of public lands is an important aspect of gaining public understanding and support for Division practices.

Also in the New Activities section, on page 6, we support the use of even-aged forest management techniques on WMAs. Species that nest in early-successional forests, i.e. "young" forests or disturbance habitats, are among the fastest declining species in New York and elsewhere in the eastern United States. For example, since 1966, Brown Thrasher has declined by 75% in New York, Eastern Towhee has declined by 85%, and Golden-winged Warbler has declined by 95% (source: USGS Breeding Bird Survey). In addition, recent research is finding that bird species that nest in mature forests preferentially move their fledglings to patches of young forest, where they find more food and shelter than in mature forests. Leading conservationists and researchers currently recommend creating and maintaining forested landscapes that are composed of various age classes of forest to meet the nesting and post-fledging habitat needs of multiple bird species.

Diversifying forest age classes within a landscape will also have additional benefits other than improving habitat for birds and other wildlife. In a March 2016 Research Review released by the United States Forest Service Northern Research Station, major issues facing forests in the northeast were identified and recommendations were made for how to address those issues. Featured prominently was this statement: "Increasing the forest age-class diversity would increase other measures of forest diversity, expand habitat diversity for wildlife, and increase forest resiliency to undesirable consequences from stressors such as climate change and invasive species. Failure to address this issue has long-term implications (mostly bad) for future forest diversity and resilience."

It is important to note, however, that increasing forest age class diversity means increasing older as well as younger age classes. Using even-aged forest management techniques in an overly aggressive manner, without setting aside areas that are allowed to mature into an "old growth" condition, will fail to increase older age classes. Middle-aged forests can be managed using selective harvest techniques to achieve characteristics of older age classes, for example, creating canopy gaps, increasing multi-layer vegetative structure, and increasing downed woody material. These forest habitat characteristics are very important to some forest bird species, such as the Wood Thrush.

Audubon encourages the Division to approach forest habitat management on WMAs more comprehensively with regard to age class diversification. We support the creation of young forest patches through even-aged techniques as outlined in the DSEIS, and we also support managing for old growth characteristics on other stands on WMAs to complement the young forest habitat. Audubon New York has just completed *Forest Management for New York Birds: A Forester's Guide*, in which we outline approaches for applying both even-aged and selective harvest techniques to improve forest habitat for birds. We would be happy to share this new resource with the Division, perhaps even training Division biologists and foresters in its application, if that would be of interest. Already, we have been approached by several DEC foresters who want more information about this new resource.

Also in the New Activities section, on page 11, we support the use of approved biological control organisms to control invasive species. Invasive species can significantly and negatively impact the quality of wildlife habitat in forests, grasslands, and wetlands. Biological control organisms have been shown to be effective at managing invasive species without the use of chemicals, which might have undesirable effects.

Finally, also in the New Activities section, on page 12, we support the use of conservation grazing to control undesirable vegetation, and we believe it should be preferred over the use of chemicals if comparable results can be achieved. As noted in the DSEIS, it will be important to manage the grazing to ensure that stocking rates are appropriate and that access of cattle to streams, wetlands, and other sensitive areas is adequately controlled. Furthermore, areas where at-risk species are known to be nesting, e.g., Henslow's Sparrow, should not be grazed during the breeding season.

Thank you for your consideration of these comments. Should you have any questions regarding the issues we have raised, please contact me at 607-254-2441 or mburger@audubon.org.

Sincerely,

Michael F. Burger, Ph.D.
Director of Conservation and Science

Response to letter submitted by Michael F. Burger, Ph.D., Director of Conservation and Science
Audubon New York:

The NYSDEC Division of Fish and Wildlife (DFW) appreciates Audubon NY's support for the changes and additions to habitat management practices detailed on Supplemental DEIS and the careful review and recommendations provided by Dr. Burger.

The DFW will continue to use selective cuts, as well as even-aged cuts, as necessary to enhance forested habitat for birds and other wildlife. The habitat goals for each Wildlife Management Area (WMA) will be identified on individual habitat management plans. These plans will direct the appropriate balance of even and uneven-aged management for each Wildlife Management Area, which will depend on wildlife use and ecological context among other factors. The DFW appreciates Dr. Burger's recommendations for increasing forest age class diversity and will continue to consult with Audubon NY and other experts when developing habitat management plans. We look forward to reading Audubon NY's newly completed Forest Management for New York Birds: A Forester's Guide and will share it with biologists and foresters. We appreciate the invitation for training.

The DFW appreciates the support for use of biological control organisms and conservation grazing as management tools when and as appropriate. The DFW uses chemical treatments only when no other reasonable option is available or would be prohibitively expensive. When conservation grazing is used, it will be subject to a conservation grazing plan which will indicate required fencing, stocking rates, protection of sensitive areas, supplemental feeding and other measures to ensure that neither wildlife nor the livestock itself is unduly harmed.

From: Drew Starkey [mailto:drew1starkey@gmail.com]
Sent: Wednesday, April 26, 2017 3:31 PM
To: dec.sm.WildlifeRegs <WildlifeRegs@dec.ny.gov>
Subject: Comments on Supplemental Habitat Management EIS

Dear Marcelo J. del Puerto,

I have reviewed the Suplimental Habitat Management Environmental Impact Statement and found it very discouraging that the use of prescription burning was completely overlooked in the WMA's of New York.

Aside from being a great tool for managing understory density and improving soil health through increased nutrient cycling, reducing fuel loads around the wildland urban interface will protect the general public from wildfires. With a changing climate, we are expected to receive fewer storms at higher intensities. In between these rain events we will encounter drought conditions favorable to wildfires.

I would highly recommend adding prescription burning as a means of habitat management or at least as an alternative to those stated in the document

Thank you very much for your time and consideration on this issue.

Drew Starkey
Wayne County SWCD
SUNY ESF Class of 2015
USFWS FFT2

Response to email from Drew Starkey, Wayne County SWCD:

Prescribed fire was originally identified as a management tool in the 1979 Final Programmatic Environmental Impact Statement on Habitat Management Activities of the Department of Environmental Conservation Division of Fish and Wildlife (PEIS). It was therefore not necessary to include it in the supplemental document. However, to clarify the use of prescribed fire, a separate "Prescribed Fire" title was added under section E. Current Habitat Management Activities Implemented, 1. Wildlife Practices a. Upland Management of the PEIS.

The DFW currently continues and will continue to use prescribed fire as and when safe and appropriate as a habitat management option.

From: johnbarkee@gmail.com [mailto:johnbarkee@gmail.com]
Sent: Saturday, April 22, 2017 9:23 AM
To: dec.sm.WildlifeRegs <WildlifeRegs@dec.ny.gov>
Subject: Comments on Supplemental Habitat Management EIS

To Whom It May Concern,

I'm writing to say that I am in favor of work described in the supplemental, especially the even aged cuts and the invasive species control.

John Barkee Interlaken,
NY

Sent from Windows Mail

Response to email received April 22 from John Barkee of Interlaken, NY:

The DFW appreciates Mr. Barkee's support of our habitat management actions.

From: Dave Colavito [mailto:ddcolavito@gmail.com]
Sent: Saturday, April 22, 2017 12:58 PM
To: dec.sm.WildlifeRegs <WildlifeRegs@dec.ny.gov>
Subject: Supplemental Habitat Management EIS, Attn: Marcelo J. del Puerto

Marcelo,

It was good speaking with you. See attached for comments on behalf of the New York Chapter of Backcountry Hunters & Anglers.

Dave Colavito Treasurer,
Secretary NYBHA

[letter follows]

April 22, 2017

Marcelo J. del Puerto
New York Department of Environmental Conservation
Division of Fish and Wildlife
625 Broadway
Albany, NY 12233-4750

Subject: DSEIS, DFW Habitat Management Activities

Dear Marcelo:

Backcountry Hunters & Anglers is a national organization of conservation-minded sportspeople with a growing presence in New York. We are committed to supporting healthy fish and wildlife populations, advocating for public land and water access on behalf of New York's 2 million hunters and anglers, and promoting sound habitat management. Because adaptive scientific management is necessary to those ends, NY BHA supports the Division's proposed update to its 1979 *Programmatic Environmental Impact Statement on Habitat Management Activities*.

Human activity and natural forest succession have induced deep change in New York State's forest composition and, in turn, its biodiversity. It is therefore appropriate and critical to address our state's aging forest structure. Since limited opportunities exist on state lands for doing so, the use of WMA lands for that purpose makes good sense. The Division's proposed even-aged silviculture strategy should enhance biodiversity by improving habitat conditions for a host of critters dependent upon earlier stages of forest succession.

While converting 10% of forested WMAs to young forests is a worthy goal, it reflects just 0.3% and 0.04% of New York's state land and overall geography, respectively. And though policies geared toward lands other than WMAs are tangential to the Division's *Draft Supplemental Environmental Impact Statement*, impacts to our state's biodiversity don't discriminate. It is, therefore, reasonable to mention the important role lands beyond the WMA complex could and, perhaps, should play in supporting New York's biodiversity. Designing programs that incentivize private landowner participation in the Young Forest Initiative would be a welcome development. Similarly, beginning a conversation on the merits – and drawbacks to biodiversity – of continuing our state's 'zero cut' policy on Forest Preserve lands would also be welcome.

The history of employing Biological Agents in response to environmental problems, unfortunately, also includes destructive consequences for native species. We are

heartened by the understanding and caution the Division brings to their proposed use of BA's. We agree that their use should only be when necessary and when part of a comprehensive Integrated Pest Management program.

Similar due care and caution in the Division's proposed use of herbicides and conservation grazing are equally appreciated and supported.

NY BHA agrees that updating the 1979 PEIS is necessary, not only for ensuring that best-practices can be brought to bear on the Division's habitat management work, but also to avoid unproductive procedural delay and expense.

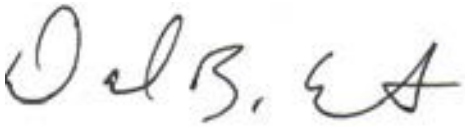
The Division's work, conceivably, will also present opportunities to employ non-division workers and generate state revenue. While neither is discussed in either the proposed DSEIS or the 1979 PEIS, we think it's appropriate that the Division make its policy clear. Should such employment opportunities present themselves, NY BHA supports making every reasonable effort to consider the full value of utilizing local labor, the benefits from which are likely to extend beyond contract bid considerations to include, perhaps, educational tools designed to increase community interest in the Division's important work.

Finally, NY BHA believes it is very important that every reasonable effort also be made to ensure that potential revenues realized through the Division's habitat management operations are used to support only Division programs.

Respectfully,
On Behalf of the NYBHA Board:

Todd Waldron

Dave Colavito, Treasurer, Secretary



Response to letter received April 22 from Dave Colavito, Treasurer and Secretary of New York Chapter of Backcountry Hunters & Anglers (NYBHA).

The DFW appreciates NYBHA's support for habitat conservation. By increasing forest management through the Young Forest Initiative and promoting the results, we hope to increase the awareness and interest of private forest owners, as well as other agencies, organizations, and municipalities who own forested land. The DFW is publicizing forest habitat management through various media as well as demonstration areas on selected WMAs. Whereas the DFW's priority is habitat management on WMAs, it may increase outreach to private landowners in selected areas to promote similar habitat management.

From: Steve [mailto:alderacres@juno.com]
Sent: Tuesday, April 04, 2017 2:52 PM
To: dec.sm.WildlifeRegs <WildlifeRegs@dec.ny.gov>
Subject: Comments on Supplemental Habitat Management EIS

To Marcelo J. del Puerto

I saw the recent press release stating comments will be accepted until May. I read the SEIS and offer the following comments.

It is great that so much attention is given to invasive species and efforts to prevent their spread to NYS and efforts to control them when they get into the WMAs areas with even-aged forest management. I feel that invasive species along with climate change are the biggest issues we have in our ecosystem right now. However, I would like to see explanation on techniques to prevent invasive plants from being introduced to the area that is being cut. I have seen many occurrences of phragmites, swallowwort, glossy buckthorn, popping up on state forests and WMA that were probably brought in on the timber harvesting and earth moving equipment.

I'd like to see mention in the SEIS about cleaning of forestry equipment and earth moving equipment prior to its arrival on site. I'm sure there is a BMP manual on this someplace that can be referenced. It may be covered in the References listed on Page 15-
"Division of Fish and Wildlife's Rutting Guidelines for Timber Harvesting on Wildlife Management Areas and DEC Bureau of State Land Management Unpaved Forest Road Handbook". Though maybe not. Selection of mulch covering along roads and log landings should be made so not in introduce invasive species.

Also ensuring that these measures are being adhered to and even a course about invasive species required of individuals doing the forest management work, much like the requirement that a certain level of training be required of anyone doing chainsaw work on state land.

Thank you
Steve Litwhiler
at Alder Acres
315-232-2369

Response to email received April 22 from Steve Litwhiler of Alder Acres, NY:

The DFW appreciates and shares Mr. Litwhiler's concerns about invasive species. DEC Foresters and biologists are thoroughly trained in recognizing, controlling, and preventing the transport of invasive species. All contracts for timber cuts will include a clause regarding equipment inspection and cleaning to reduce the likelihood of transport of invasive species.

From: Tom McDonald [mailto:worthingtonkennels@aol.com]
Sent: Wednesday, April 05, 2017 11:26 AM
To: dec.sm.WildlifeRegs <WildlifeRegs@dec.ny.gov>
Subject: Comments on Supplemental

To Whom it may concern;

1) Continue to allow the Sporting Dog Clubs of NY State to use 3 Rivers WMA for Dog Training and Testing Events as it was ORIGINALLY intended !!!

2) Stop destroying Wildlife Habitat for the purpose of increasing "song bird" habitat, ie: At 3 Rivers WMA a very productive Woodcock Breeding and Nesting Ground was bull dozed for no other reason than to create a small amount of "grassland habitat" for song birds! NY has Thousands and Thousands of "grassland habitat" already, but Suitable Wood Cock Habitat is being depleted across the entire state. Wood Cock numbers are down Nation wide and the Sportsmen and Women that provide Millions of Dollars in revenue through License fees and Robertson Pittman Funding deserve Game Bird Habitat preservation over song bird habitat.

3) Stop the useless current Pheasant Stocking Program and replace it with a "Trap and Transfer" program similar to the incredibly successful Wild Turkey "re-introduction program. Shut down the Pheasant hunting season for 1 to 2 years, obtain "WILD" Pheasants from other States such as the Dakotas or Iowa, this could be done with some type of "exchange" ie: Fish (Trout, Walleye,etc.) BobWhite Quail (raised in the current pheasant farm)

4) Implement a "3 point or more per side" Antler restriction to improve and promote Quality Deer Management Program.

5) Use Funding generated by the Sportsmen for Sportsman related projects FIRST! Use the Funds generated by the "bird watchers and nature walkers" to support "their" projects.

Respectfully submitted,

Response to email received April 22 from Steve Litwhiler of Alder Acres, NY:

Mr. McDonald's comments about dog training, pheasant stocking, deer management, and use of funding are in regards to public use as opposed to habitat management and are thus out of the scope of the SPEIS.

Mr. McDonald's comment regarding habitat management at Three Rivers Wildlife Management Area pertains to a specific WMA and refers to habitat management techniques already implemented by the DFW and addressed in the 1979 PEIS.

From: Larry Casey [mailto:icsteelhead@gmail.com]
Sent: Saturday, April 15, 2017 2:57 PM
To: dec.sm.WildlifeRegs <WildlifeRegs@dec.ny.gov>
Subject: Environmental regulations

Support proposals that call for habitat restoration and management that mitigates wildlife casualties on roadways.

Allow natural predators and no management that allows for government or "professional" hunters. Thank you for

the opportunity to comment.

Sincerely,

Larry Casey

Response to email received April 15 from Larry Casey at icsteelhead@gmail.com.

The DFW seeks to reduce wildlife mortality and any potential harm to motorists to the greatest degree possible by not promoting wildlife habitat directly next to heavy traffic areas, by using appropriate signage as necessary, and whenever possible by locating administrative roads so they do not divide or fragment habitat. The management of wildlife populations is outside of the scope of this document or that of the 1979 PEIS.

From: Christopher Hawver [mailto:chawver@albanypinebush.org]
Sent: Wednesday, April 19, 2017 1:22 PM
To: dec.sm.WildlifeRegs <WildlifeRegs@dec.ny.gov>
Subject: Comments on Supplemental Habitat Management EIS

This is a simple one…
Section V (B) (3) Use of Herbicides – under Glyphosate, it lists Garlon 4 as an example which should be an example under Triclopyr.

Nice plan. We'll likely submit a formal letter that says just that.

Christopher A. Hawver
Executive Director
chawver@albanypinebush.org
518-456-0655 x1218 Office
518-456-8198 Fax

Albany Pine Bush Preserve Commission
195 New Karner Road, Suite 1 Albany, New York 12205

AlbanyPineBush.org

GLOBALLY RARE, NATIONALLY SIGNIFICANT & LOCALLY DISTINCT

Response to email received April 19 from Christopher Hawver, Executive Director of the Albany Pine Bush Preserve Commission:

The DFW appreciates Mr. Hawver's correction regarding the active ingredient of the herbicide Garlon® 4 and has made this correction to Section 3, Use of Herbicides of the Draft SPEIS.

From: Duell,Michele [mailto:mduell@sals.edu]
Sent: Thursday, April 20, 2017 10:57 AM
To: dec.sm.WildlifeRegs <WildlifeRegs@dec.ny.gov>
Subject: Supplemental Habitat Management EIS Letter

Attached please find a letter from David W. Connor in regards to the Supplemental Habitat Management

EIS. Thank you

[letter follows]

David W. Connor
103 Rugg Road
Schuylerville NY 12871

April 19, 2017

NYSDEC
Attn: Marcelo J. Del Puerto
Director of Fish and Wildlife
625 Broadway
Albany NY 12233-4750

Dear Mr. Del Puerto

I recently came across the "Supplemental Habitat Management EIS". Having trained dogs for hunting and field trials for over 40 years, I have witnessed the need for WMA. Currently many trainings and trial events are being held during April 16-August 16, having a severe adverse effect on nesting birds.

It clearly states in the Robert Pittman Act for nesting birds and the NYS Hunting Dog training regulations the time frame for dogs to be trained to field.

I support the DEC move to follow the regulations in both of these areas to ensure that the nesting birds of our region are protected.

Sincerely

David W. Connor

Response to letter received April 19 from David Connor of Schuylerville, NY.

The DFW appreciates Mr. Connor's support and concerns. However, Mr. Connor's letter is in regards to the public use of WMAs and not habitat management and is therefore outside of the scope of the supplemental DEIS.

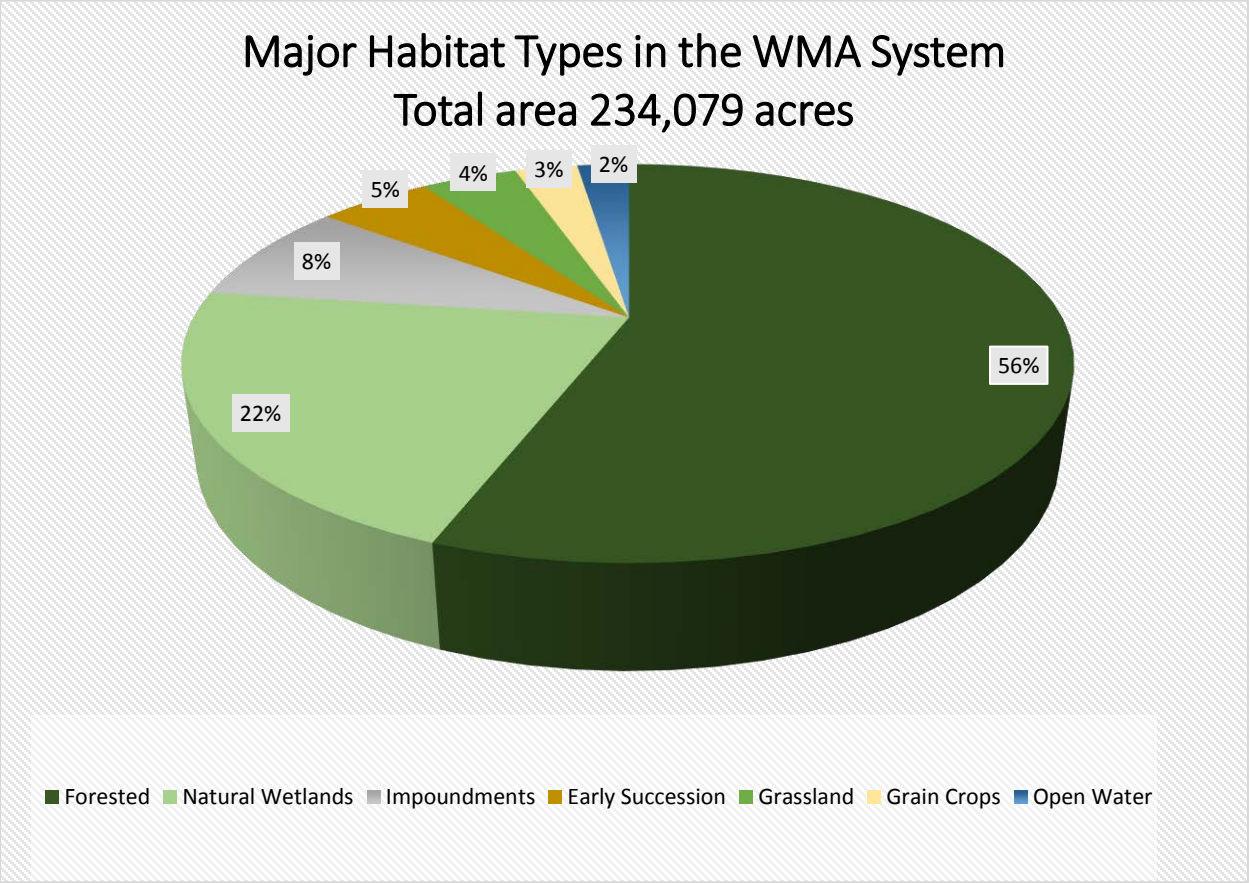
Part 2. Response to comments received from DEC staff:

1) Correction to Section IV, Changes to the 1979 PEIS, page 6, Part D - new section titled "Managing Forests for Wildlife" and addition of new section titled "Use of Prescribed Fire" to clarify and explain that prescribed fire, as noted in the 1979 PEIS, remains a management tool for managing habitat.

2) Addition to Section V, New Activities, Part 3, Use of Herbicides on page 11, to include the herbicide Imazamox. A separate Final Supplemental Environmental Impact Statement was filed by the NYSDEC for this compound in 2009.

Appendix 2. Lands Managed by the Division of Fish and Wildlife

Appendix 3. Major Habitat Types in the WMA System



Appendix 4. Literature and References

1. Brown, S. 2002. Measuring carbon in forests: current status and future challenges. Environmental Pollution. Vol. 116 No. 3, Pg. 363-372.

2. Confer, J. 2008. Golden-winged Warbler, in: K. J. McGowan and K. Corwin, Eds. The Second Atlas of Breeding Birds in New York State. Cornell University Press, Ithaca, NY, p. 468-469.

3. DOW Agrosciences, 2010. Product Safety Assessment Clopyralid. http://msdssearch.dow.com/PublishedLiteratureDOWCOM/dh_07e6/0901b803807e65d8.pdf?filepath=products afety/pdfs/noreg/233-00437.pdf&fromPage=GetDoc

4. Fuller, S. and A. Tur. 2012. Conservation Strategy for the New England Cottontail (Sylvilagus transitionalis).

5. Kelley, J., Williamson, S., and Cooper, T. R., eds. 2008. American Woodcock Conservation Plan: A Summary of and Recommendations for Woodcock Conservation in North America.

6. McGowan, K. J. Yellow-breasted Chat, in: K. J. McGowan and K. Corwin, Eds. The Second Atlas of Breeding Birds in New York State. Cornell University Press, Ithaca, NY, p. 536-537.

7. New York State Department of Environmental Conservation, 1979. Final Programmatic Environmental Impact Statement on Habitat Management Activities of the Department of Environmental Conservation Division of Fish and Wildlife. http://www.dec.ny.gov/regulations/28693.html.

8. New York State Department of Environmental Conservation and Empire State Forest Products Association, 2015. New York State Forestry Best Management Practices for Water Quality. http://www.dec.ny.gov/docs/wildlife_pdf/yfiforestrybmp.pdf

9. New York State Department of Environmental Conservation, 2015. Special Management Zones on State Forests and Wildlife Management Areas. URL: http://www.dec.ny.gov/docs/wildlife_pdf/yfismzrules.pdf

10. New York State Department of Environmental Conservation, 2015. Rutting Guidelines for Timber Harvesting on Wildlife Management Areas. http://www.dec.ny.gov/docs/wildlife_pdf/yfiruttingguide.pdf

11. New York State Department of Environmental Conservation, 2008. DEC Unpaved Forest Road Handbook. http://www.dec.ny.gov/docs/lands_forests_pdf/sfunpavedroad.pdf

12. New York State Department of Environmental Conservation, 2010. Strategic Plan and DRAFT Generic Environmental Impact Statement for State Forest Management. http://www.dec.ny.gov/lands/64567.html

13. New York State Department of Environmental Conservation, 2016. Trees: The Carbon Storage Experts. http://www.dec.ny.gov/lands/47481.html

14. United States Environmental Protection Agency, 2016. 2,4-D Fact Sheet https://www.epa.gov/ingredients-used-pesticide-products/24-d

15. United States Environmental Protection Agency, 2005. 2,4-D RED Facts https://archive.epa.gov/pesticides/reregistration/web/html/24d_fs.html

16. New York State Department of Environmental Conservation, 2010. Strategic Plan for State Forest Management. http://www.dec.ny.gov/lands/64567.html

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the project sponsor to verify that the information contained in Part 1is accurate and complete.

A. Project and Sponsor Information.

Name of Action or Project: Supplement to 1979 Programmatic Environmental Impact Statement on Habitat Management Activities of the NYSDEC Div. of Fish and Wildlife (PEIS)		
Project Location (describe, and attach a general location map): DEC Wildlife Management, Multiple Use, Unique, and Cooperative Areas.		
Brief Description of Proposed Action (include purpose or need): Amend current PEIS: 1. Delete actions no longer practiced. 2. Add the following actions: Preparation and promulgation of Habitat Management Plans. Forest Management Practices: Even-aged forest management Use of Herbicides Biological Control of Invasive Species Conservation Grazing 3. Evaluate consistency with NYS Department of State Coastal Management Program.		
Name of Applicant/Sponsor: New York State Department of Environmental Conservation- Division of Fish and Wildlife	Telephone: 5184028907 E-Mail: marcelo.delpuerto@dec.ny.gov	
Address: 625 Broadway		
City/PO: Albany	State: NY	Zip Code: 12233
Project Contact (if not same as sponsor; give name and title/role): Marcelo J. del Puerto, Biologist 2/Land Management and Habitat Conservation Unit Leader	Telephone: 5184028907 E-Mail: marcelo.delpuerto@dec.ny.gov	
Address: 625 Broadway		
City/PO: Albany	State: NY	Zip Code: 12233
Property Owner (if not same as sponsor):	Telephone: E-Mail:	
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, or Village Board of Trustees ☐Yes ☐No		
b. City, Town or Village Planning Board or Commission ☐Yes ☐No		
c. City Council, Town or Village Zoning Board of Appeals ☐Yes ☐No		
d. Other local agencies ☐Yes ☐No		
e. County agencies ☐Yes ☐No		
f. Regional agencies ☐Yes ☐No		
g. State agencies ☑Yes ☐No	NYSDEC Division of Environmental Permits	
h. Federal agencies ☑Yes ☐No	USFWS Restoration Grant Approval	Annual grant obligation approval

i. Coastal Resources.

i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? ☐Yes ☐No

ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? ☐Yes ☐No

iii. Is the project site within a Coastal Erosion Hazard Area? ☐Yes ☐No

C. Planning and Zoning

C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☑Yes ☐No

- **If Yes,** complete sections C, F and G.
- **If No,** proceed to question C.2 and complete all remaining sections and questions in Part 1

C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☑Yes ☐No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☑Yes ☐No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) ☐Yes ☐No

If Yes, identify the plan(s):

The project may be within one of these areas. The projects are withn DEC wildlife management, multiple use, unique, or cooperative areas operating under habitat management plans.

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☐Yes ☐No

If Yes, identify the plan(s):

N/A

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☐ Yes ☐ No
If Yes, what is the zoning classification(s) including any applicable overlay district?
N/A _____

b. Is the use permitted or allowed by a special or conditional use permit? ☐ Yes ☑ No

c. Is a zoning change requested as part of the proposed action? ☐ Yes ☑ No
If Yes,
i. What is the proposed new zoning for the site? _____

C.4. Existing community services.

a. In what school district is the project site located? N/A

b. What police or other public protection forces serve the project site?
N/A

c. Which fire protection and emergency medical services serve the project site?
N/A

d. What parks serve the project site?
N/A

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)?

b. a. Total acreage of the site of the proposed action? _____ acres
b. Total acreage to be physically disturbed? _____ acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres

c. Is the proposed action an expansion of an existing project or use? ☐ Yes ☐ No
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? ☐ Yes ☐ No
If Yes,
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)
ii. Is a cluster/conservation layout proposed? ☐ Yes ☐ No
iii. Number of lots proposed? _____
iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will proposed action be constructed in multiple phases? ☐ Yes ☐ No
i. If No, anticipated period of construction: _____ months
ii. If Yes:
- Total number of phases anticipated _____
- Anticipated commencement date of phase 1 (including demolition) _____ month _____ year
- Anticipated completion date of final phase _____ month _____year
- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

f. Does the project include new residential uses? ☐Yes ☐No

If Yes, show numbers of units proposed.

	One Family	Two Family	Three Family	Multiple Family (four or more)
Initial Phase	_____	_____	_____	_____
At completion of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? ☐Yes ☐No

If Yes,

i. Total number of structures _____

ii. Dimensions (in feet) of largest proposed structure: _____height; _____width; and _____ length

iii. Approximate extent of building space to be heated or cooled: _____ square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? ☐Yes ☐No

If Yes,

i. Purpose of the impoundment: _____

ii. If a water impoundment, the principal source of the water: ☐ Ground water ☐ Surface water streams ☐Other specify:

_____

iii. If other than water, identify the type of impounded/contained liquids and their source.

_____

iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres

v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length

vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete):

_____

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? ☐Yes ☐No
(Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)

If Yes:

i .What is the purpose of the excavation or dredging? _____

ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?

- Volume (specify tons or cubic yards): _____
- Over what duration of time? _____

iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them.

_____

_____

i*v.* Will there be onsite dewatering or processing of excavated materials? ☐Yes ☐No
If yes, describe. _____

_____

v. What is the total area to be dredged or excavated? _____acres

vi. What is the maximum area to be worked at any one time? _____ acres

vii. What would be the maximum depth of excavation or dredging? _____ feet

viii. Will the excavation require blasting? ☐Yes ☐No

ix. Summarize site reclamation goals and plan: _____

_____

_____

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? ☐Yes ☐No

If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____

_____

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

_____

_____

_____

_____

iii. Will proposed action cause or result in disturbance to bottom sediments? ☐ Yes ☐ No

If Yes, describe: _____

iv. Will proposed action cause or result in the destruction or removal of aquatic vegetation? ☐ Yes ☐ No

If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion:_____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____

_____

- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

_____

c. Will the proposed action use, or create a new demand for water? ☐ Yes ☐ No

If Yes:

i. Total anticipated water usage/demand per day: _____ gallons/day

ii. Will the proposed action obtain water from an existing public water supply? ☐ Yes ☐ No

If Yes:

- Name of district or service area: _____
- Does the existing public water supply have capacity to serve the proposal? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No
- Do existing lines serve the project site? ☐ Yes ☐ No

iii. Will line extension within an existing district be necessary to supply the project? ☐ Yes ☐ No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____

_____

- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? ☐ Yes ☐ No

If, Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

_____

vi. If water supply will be from wells (public or private), maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? ☐ Yes ☐ No

If Yes:

i. Total anticipated liquid waste generation per day: _____ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____

_____

_____

iii. Will the proposed action use any existing public wastewater treatment facilities? ☐ Yes ☐ No

If Yes:

- Name of wastewater treatment plant to be used: _____
- Name of district: _____
- Does the existing wastewater treatment plant have capacity to serve the project? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No

- Do existing sewer lines serve the project site? ☐Yes ☐No
- Will line extension within an existing district be necessary to serve the project? ☐Yes ☐No

  If Yes:
  - Describe extensions or capacity expansions proposed to serve this project: _____

_____

_____

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? ☐Yes ☐No

If Yes:
- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- What is the receiving water for the wastewater discharge? _____

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge, or describe subsurface disposal plans):

_____

_____

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____

_____

_____

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? ☐Yes ☐No

If Yes:

i. How much impervious surface will the project create in relation to total size of project parcel?

_____ Square feet or _____ acres (impervious surface)

_____ Square feet or _____ acres (parcel size)

ii. Describe types of new point sources. _____

_____

iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?

_____

_____

- If to surface waters, identify receiving water bodies or wetlands: _____

_____

_____

- Will stormwater runoff flow to adjacent properties? ☐Yes ☐No

iv. Does proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? ☐Yes ☐No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? ☐Yes ☐No

If Yes, identify:

i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

_____

ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

_____

iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

_____

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? ☐Yes ☐No

If Yes:

i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) ☐Yes ☐No

ii. In addition to emissions as calculated in the application, the project will generate:
- _____Tons/year (short tons) of Carbon Dioxide (CO_2)
- _____Tons/year (short tons) of Nitrous Oxide (N_2O)
- _____Tons/year (short tons) of Perfluorocarbons (PFCs)
- _____Tons/year (short tons) of Sulfur Hexafluoride (SF_6)
- _____Tons/year (short tons) of Carbon Dioxide equivalent of Hydroflourocarbons (HFCs)
- _____Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? ☐Yes ☐No

If Yes:

i. Estimate methane generation in tons/year (metric): _____

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

_____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? ☐Yes ☐No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust):

_____

_____

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? ☐Yes ☐No

If Yes:

i. When is the peak traffic expected (Check all that apply): ☐ Morning ☐ Evening ☐Weekend

☐ Randomly between hours of _____ to _____.

ii. For commercial activities only, projected number of semi-trailer truck trips/day: _____

iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____

iv. Does the proposed action include any shared use parking? ☐Yes ☐No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe:

_____

_____

_____

vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? ☐Yes ☐No

vii Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? ☐Yes ☐No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? ☐Yes ☐No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? ☐Yes ☐No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: _____

_____

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other):

_____

iii. Will the proposed action require a new, or an upgrade to, an existing substation? ☐Yes ☐No

l. Hours of operation. Answer all items which apply.

i. During Construction:

- Monday - Friday: _____
- Saturday: _____
- Sunday: _____
- Holidays: _____

ii. During Operations:

- Monday - Friday: _____
- Saturday: _____
- Sunday: _____
- Holidays: _____

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? ☐ Yes ☐ No

If yes:

i. Provide details including sources, time of day and duration:

_____

_____

ii. Will proposed action remove existing natural barriers that could act as a noise barrier or screen? ☐ Yes ☐ No

Describe: _____

_____

n.. Will the proposed action have outdoor lighting? ☐ Yes ☐ No

If yes:

i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:

_____

_____

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? ☐ Yes ☐ No

Describe: _____

_____

o. Does the proposed action have the potential to produce odors for more than one hour per day? ☐ Yes ☐ No

If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____

_____

_____

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? ☐ Yes ☐ No

If Yes:

i. Product(s) to be stored _____

ii. Volume(s) _____ per unit time _____ (e.g., month, year)

iii. Generally describe proposed storage facilities: _____

_____

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? ☐ Yes ☐ No

If Yes:

i. Describe proposed treatment(s):

_____

_____

_____

_____

ii. Will the proposed action use Integrated Pest Management Practices? ☐ Yes ☐ No

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? ☐ Yes ☐ No

If Yes:

i. Describe any solid waste(s) to be generated during construction or operation of the facility:

- Construction: _____ tons per _____ (unit of time)
- Operation : _____ tons per _____ (unit of time)

ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:

- Construction: _____

  _____
- Operation: _____

  _____

iii. Proposed disposal methods/facilities for solid waste generated on-site:

- Construction: _____

  _____
- Operation: _____

  _____

s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☐ No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

ii. Anticipated rate of disposal/processing:

- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: _____ years

t. Will proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☐ No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

_____

_____

ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

_____

_____

iii. Specify amount to be handled or generated _____ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

_____

_____

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☐ No

If Yes: provide name and location of facility: _____

_____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility:

_____

_____

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

☐ Urban ☐ Industrial ☐ Commercial ☐ Residential (suburban) ☐ Rural (non-farm)

☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____

ii. If mix of uses, generally describe:

_____

_____

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces			
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____ _____			

c. Is the project site presently used by members of the community for public recreation? ☐Yes ☐No

i. If Yes: explain: _____

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? ☐Yes ☐No

If Yes,

i. Identify Facilities:

_____

_____

e. Does the project site contain an existing dam? ☐Yes ☐No

If Yes:

i. Dimensions of the dam and impoundment:

- Dam height: _____ feet
- Dam length: _____ feet
- Surface area: _____ acres
- Volume impounded: _____ gallons OR acre-feet

ii. Dam's existing hazard classification: _____

iii. Provide date and summarize results of last inspection:

_____

_____

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? ☐Yes ☐No

If Yes:

i. Has the facility been formally closed? ☐Yes ☐ No

- If yes, cite sources/documentation: _____

ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:

_____

_____

iii. Describe any development constraints due to the prior solid waste activities: _____

_____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? ☐Yes ☐No

If Yes:

i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:

_____

_____

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? ☐Yes ☐ No

If Yes:

i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: ☐Yes ☐No

☐ Yes – Spills Incidents database Provide DEC ID number(s): _____

☐ Yes – Environmental Site Remediation database Provide DEC ID number(s): _____

☐ Neither database

ii. If site has been subject of RCRA corrective activities, describe control measures:_____

_____

_____

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? ☐Yes ☐No

If yes, provide DEC ID number(s): _____

iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):

_____

_____

v. Is the project site subject to an institutional control limiting property uses? ☐ Yes ☐ No

- If yes, DEC site ID number: _____
- Describe the type of institutional control (e.g., deed restriction or easement): _____
- Describe any use limitations: _____
- Describe any engineering controls: _____
- Will the project affect the institutional or engineering controls in place? ☐ Yes ☐ No
- Explain: _____

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? _____ feet

b. Are there bedrock outcroppings on the project site? ☐ Yes ☐ No
If Yes, what proportion of the site is comprised of bedrock outcroppings? _____%

c. Predominant soil type(s) present on project site: _____ _____%
_____ _____%
_____ _____%

d. What is the average depth to the water table on the project site? Average: _____ feet

e. Drainage status of project site soils: ☐ Well Drained: _____% of site
☐ Moderately Well Drained: _____% of site
☐ Poorly Drained _____% of site

f. Approximate proportion of proposed action site with slopes: ☐ 0-10%: _____% of site
☐ 10-15%: _____% of site
☐ 15% or greater: _____% of site

g. Are there any unique geologic features on the project site? ☐ Yes ☐ No
If Yes, describe: _____

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? ☐ Yes ☐ No

ii. Do any wetlands or other waterbodies adjoin the project site? ☐ Yes ☐ No

If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? ☐ Yes ☐ No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name _____ Classification _____
- Lakes or Ponds: Name _____ Classification _____
- Wetlands: Name _____ Approximate Size _____
- Wetland No. (if regulated by DEC) _____

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? ☐ Yes ☐ No

If yes, name of impaired water body/bodies and basis for listing as impaired: _____

i. Is the project site in a designated Floodway? ☐ Yes ☐ No

j. Is the project site in the 100 year Floodplain? ☐ Yes ☐ No

k. Is the project site in the 500 year Floodplain? ☐ Yes ☐ No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? ☐ Yes ☐ No
If Yes:

i. Name of aquifer: _____

m. Identify the predominant wildlife species that occupy or use the project site: _____

_____ _____ _____

_____ _____ _____

n. Does the project site contain a designated significant natural community? ☐Yes ☐No

If Yes:

i. Describe the habitat/community (composition, function, and basis for designation): _____

_____

ii. Source(s) of description or evaluation: _____

iii. Extent of community/habitat:

- Currently: _____ acres
- Following completion of project as proposed: _____ acres
- Gain or loss (indicate + or -): _____ acres

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? ☐Yes ☐No

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? ☐Yes ☐No

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? ☐Yes ☐No

If yes, give a brief description of how the proposed action may affect that use: _____

_____

E.3. Designated Public Resources On or Near Project Site

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? ☐Yes ☐No

If Yes, provide county plus district name/number: _____

b. Are agricultural lands consisting of highly productive soils present? ☐Yes ☐No

i. If Yes: acreage(s) on project site? _____

ii. Source(s) of soil rating(s): _____

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? ☐Yes ☐No

If Yes:

i. Nature of the natural landmark: ☐ Biological Community ☐ Geological Feature

ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____

_____

_____

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? ☐Yes ☐No

If Yes:

i. CEA name: _____

ii. Basis for designation: _____

iii. Designating agency and date: _____

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on, or has been nominated by the NYS Board of Historic Preservation for inclusion on, the State or National Register of Historic Places? ☐ Yes ☐ No

If Yes:

i. Nature of historic/archaeological resource: ☐ Archaeological Site ☐ Historic Building or District

ii. Name: _____

iii. Brief description of attributes on which listing is based:

_____

f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? ☐ Yes ☐ No

g. Have additional archaeological or historic site(s) or resources been identified on the project site? ☐ Yes ☐ No

If Yes:

i. Describe possible resource(s): _____

ii. Basis for identification: _____

h. Is the project site within fives miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? ☐ Yes ☐ No

If Yes:

i. Identify resource: _____

ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____

iii. Distance between project and resource: _____ miles.

i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? ☐ Yes ☐ No

If Yes:

i. Identify the name of the river and its designation: _____

ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? ☐ Yes ☐ No

F. Additional Information

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name NYSDEC Division of Fish and Wildlife Date 15/05/2016

Signature Marcelo J. del Puerto Title Biologist 2

PRINT FORM

Agency Use Only [If applicable]

Project : Supplement to 1979 Habitat Mgt PEIS

Date :

Full Environmental Assessment Form
Part 2 - Identification of Potential Project Impacts

Part 2 is to be completed by the lead agency. Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency **and** the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

Tips for completing Part 2:

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer "**Yes"** to a numbered question, please complete all the questions that follow in that section.
- If you answer "**No"** to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box "Moderate to large impact may occur."
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the "whole action".
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

1. Impact on Land
Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1)
If "Yes", answer questions a - j. If "No", move on to Section 2.

☐ NO ☑ YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	☑	☐
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	☑	☐
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	☑	☐
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	☑	☐
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	☑	☐
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	☑	☐
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	☑	☐
h. Other impacts: Short term impacts related to habitat management to benefit wildlife.		☐	☐

2. Impact on Geological Features

The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g)

☑ NO ☐ YES

If "Yes", answer questions a - c. If "No", move on to Section 3.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____ _____	E2g	☐	☐
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	☐	☐
c. Other impacts: _____ _____		☐	☐

3. Impacts on Surface Water

The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h)

☑ NO ☐ YES

If "Yes", answer questions a - l. If "No", move on to Section 4.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	☐	☐
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	☐	☐
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	☐	☐
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	☐	☐
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	☐	☐
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	☐	☐
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	☐	☐
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	☐	☐
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	☐	☐
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	☐	☐
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	☐	☐

l. Other impacts: _____ _____		□	□

4. Impact on groundwater

The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t) ☑ NO ☐ YES

If "Yes", answer questions a - h. If "No", move on to Section 5.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	□	□
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	□	□
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	□	□
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	□	□
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	□	□
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	□	□
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	□	□
h. Other impacts: _____ _____		□	□

5. Impact on Flooding

The proposed action may result in development on lands subject to flooding. (See Part 1. E.2) ☑ NO ☐ YES

If "Yes", answer questions a - g. If "No", move on to Section 6.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	□	□
b. The proposed action may result in development within a 100 year floodplain.	E2j	□	□
c. The proposed action may result in development within a 500 year floodplain.	E2k	□	□
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	□	□
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	□	□
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	□	□

g. Other impacts: _____ _____		☐	☐

6. Impacts on Air

The proposed action may include a state regulated air emission source. (See Part 1. D.2.f., D,2,h, D.2.g) ☑ NO ☐ YES

If "Yes", answer questions a - f. If "No", move on to Section 7.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels:			
i. More than 1000 tons/year of carbon dioxide (CO_2)	D2g	☐	☐
ii. More than 3.5 tons/year of nitrous oxide (N_2O)	D2g	☐	☐
iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs)	D2g	☐	☐
iv. More than .045 tons/year of sulfur hexafluoride (SF_6)	D2g	☐	☐
v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions	D2g	☐	☐
vi. 43 tons/year or more of methane	D2h	☐	☐
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	☐	☐
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	☐	☐
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	☐	☐
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	☐	☐
f. Other impacts: _____ _____		☐	☐

7. Impact on Plants and Animals

The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) ☑ NO ☐ YES

If "Yes", answer questions a - j. If "No", move on to Section 8.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	☐	☐
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	☐	☐
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	☐	☐
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	☐	☐

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	□	□
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	□	□
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	□	□
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____ _____	E1b	□	□
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	□	□
j. Other impacts: _____ _____		□	□

8. Impact on Agricultural Resources

The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.) ☑ NO ☐ YES

If "Yes", answer questions a - h. If "No", move on to Section 9.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	□	□
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, Elb	□	□
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	□	□
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	□	□
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	El a, E1b	□	□
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	□	□
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	□	□
h. Other impacts: _____		□	□

9. Impact on Aesthetic Resources

The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.)

☑ NO ☐ YES

If "Yes", answer questions a - g. If "No", go to Section 10.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	☐	☐
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	☐	☐
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	 ☐ ☐	 ☐ ☐
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	 ☐ ☐	 ☐ ☐
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	☐	☐
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile ½ -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	☐	☐
g. Other impacts: _____ _____		☐	☐

10. Impact on Historic and Archeological Resources

The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.)

☐ NO ☑ YES

If "Yes", answer questions a - e. If "No", go to Section 11.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on or has been nominated by the NYS Board of Historic Preservation for inclusion on the State or National Register of Historic Places.	E3e	☑	☐
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	☑	☐
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: Approval by SHPO is required before implementation. No adverse impacts will occur.	E3g	☑	☐

d. Other impacts: _____ _____		☐	☐
e. If any of the above (a-d) are answered "Moderate to large impact may occur", continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3e, E3g, E3f	☐	☐
ii. The proposed action may result in the alteration of the property's setting or integrity.	E3e, E3f, E3g, E1a, E1b	☐	☐
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	☐	☐

11. Impact on Open Space and Recreation

The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan.
(See Part 1. C.2.c, E.1.c., E.2.q.)
If "Yes", answer questions a - e. If "No", go to Section 12.

☑ NO ☐ YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b E2h, E2m, E2o, E2n, E2p	□	□
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	□	□
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c E1c, E2q	□	□
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	□	□
e. Other impacts: _____ _____		□	□

12. Impact on Critical Environmental Areas

The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d)
If "Yes", answer questions a - c. If "No", go to Section 13.

☐ NO ☑ YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	☑	☐
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	☑	☐
c. Other impacts: _____ _____		☐	☐

13. Impact on Transportation

The proposed action may result in a change to existing transportation systems. ☑ NO ☐ YES
(See Part 1. D.2.j)
If "Yes", answer questions a - f. If "No", go to Section 14.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	☐	☐
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	☐	☐
c. The proposed action will degrade existing transit access.	D2j	☐	☐
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	☐	☐
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	☐	☐
f. Other impacts: _____ _____		☐	☐

14. Impact on Energy

The proposed action may cause an increase in the use of any form of energy. ☑ NO ☐ YES
(See Part 1. D.2.k)
If "Yes", answer questions a - e. If "No", go to Section 15.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	☐	☐
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	☐	☐
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	☐	☐
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	☐	☐
e. Other Impacts: _____ _____			

15. Impact on Noise, Odor, and Light

The proposed action may result in an increase in noise, odors, or outdoor lighting. ☐ NO ☑ YES
(See Part 1. D.2.m., n., and o.)
If "Yes", answer questions a - f. If "No", go to Section 16.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	☑	☐
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	☑	☐
c. The proposed action may result in routine odors for more than one hour per day.	D2o	☑	☐

d. The proposed action may result in light shining onto adjoining properties.	D2n	☑	☐
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	☑	☐
f. Other impacts: Projects may generate minor and temporary noise or odors generally restricted to within the WMAs.		☐	☐

16. Impact on Human Health

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.) ☑ NO ☐ YES

If "Yes", answer questions a - m. If "No", go to Section 17.

	Relevant Part I Question(s)	No,or small impact may cccur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	☐	☐
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	☐	☐
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	☐	☐
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	☐	☐
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	☐	☐
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	☐	☐
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	☐	☐
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	☐	☐
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	☐	☐
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	☐	☐
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	☐	☐
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	☐	☐
m. Other impacts: _____			

17. Consistency with Community Plans

The proposed action is not consistent with adopted land use plans. (See Part 1. C.1, C.2. and C.3.) ☑ NO ☐ YES

If "Yes", answer questions a - h. If "No", go to Section 18.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	☐	☐
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	☐	☐
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	☐	☐
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	☐	☐
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, Elb	☐	☐
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	☐	☐
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	☐	☐
h. Other: _____ _____		☐	☐

18. Consistency with Community Character

The proposed project is inconsistent with the existing community character. (See Part 1. C.2, C.3, D.2, E.3) ☑ NO ☐ YES

If "Yes", answer questions a - g. If "No", proceed to Part 3.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	☐	☐
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	☐	☐
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	☐	☐
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	☐	☐
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	☐	☐
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	☐	☐
g. Other impacts: _____ _____		☐	☐

PRINT FULL FORM

Agency Use Only [IfApplicable]

Project : Supplement to 1979 Habitat Mgt PEIS

Date :

Full Environmental Assessment Form
Part 3 - Evaluation of the Magnitude and Importance of Project Impacts
and
Determination of Significance

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

Reasons Supporting This Determination:

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

This project entails an update, or "Supplement" to the 1979 Programmatic Environmental Impact Statement on Habitat Management Activities of the Department of Environmental Conservation. In particular, the supplement deletes management activities no longer practiced by the DEC in Wildlife Management, Multiple Use, Unique, and Cooperative Areas (the WMA system); such as planting of non-native vegetation found to be invasive and blasting pothole wetlands with explosives. The Supplement adds the following planning and habitat management practices:

1. Preparation and promulgation of habitat management and access plans
2. Forest Management Practices: Even-aged Forest Management.
3. Use of Herbicides:
4. Biological control of invasive species.
5. Conservation Grazing.

These techniques will have significant benefits to wildlife habitat in the WMA system. Any adverse effects will be infrequent and temporary. Adverse effects within the WMA system may include temporary closure of a body of water after herbicide use and noise and odor impacts after forest management.

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status: ☐ Type 1 ☑ Unlisted

Identify portions of EAF completed for this Project: ☑ Part 1 ☑ Part 2 ☑ Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the New York State Department of Environmental Conservation as lead agency that:

☑ A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

☐ B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.d).

☐ C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: Supplement to the 1979 Programmatic Environmental Impact Statement on Habitat Management Activities of the NYSDEC.

Name of Lead Agency: New York State Department of Environmental Conservation

Name of Responsible Officer in Lead Agency: Marcelo J. del Puerto

Title of Responsible Officer: Biologist 2

Signature of Responsible Officer in Lead Agency: Date:

Signature of Preparer (if different from Responsible Officer) Date:

For Further Information:

Contact Person: Marcelo J. del Puerto

Address: NYSDEC, 625 Broadway, Albany, NY 12233

Telephone Number: 518 4028907

E-mail: marcelo.delpuerto@dec.ny.gov

For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)
Other involved agencies (if any)
Applicant (if any)
Environmental Notice Bulletin: http://www.dec.ny.gov/enb/enb.html

PRINT FULL FORM

Appendix 6

NEW YORK STATE DEPARTMENT OF STATE

COASTAL MANAGEMENT PROGRAM

Coastal Assessment Form

A.&INSTRUCTIONS (Please print or type all answers)

1.& State agencies shall complete this CAF for proposed actions which are subject to Part 600 of Title 19 of the NYCRR. This assessment is intended to supplement other information used by a state agency in making a determination of significance pursuant to the State Environmental Quality Review Act (see 6 NYCRR, Part 617). If it is determined that a proposed action will not have a significant effect on the environment, this assessment is intended to assist a state agency in complying with the certification requirements of 19 NYCRR Section 600.4.

2.& If any question in Section C on this form is answered "yes", then the proposed action may affect the achievement of the coastal policies contained in Article 42 of the Executive Law. Thus, the action should be analyzed in more detail and, if necessary, modified prior to either (a) making a certification of consistency pursuant to 19 NYCRR Part 600 or, (b) making the findings required under SEQR, 6 NYCRR, Section 617.11, if the action is one for which an environmental impact statement is being prepared. If an action cannot be certified as consistent with the coastal policies, it shall not be undertaken.

3.& Before answering the questions in Section C, the preparer of this form should review the coastal policies contained in 19 NYCRR Section 600.5. A proposed action should be evaluated as to its significant beneficial and adverse effects upon the coastal area.

B.&DESCRIPTION OF PROPOSED ACTION

1.& Type of state agency action (check appropriate response):

(a) Directly undertaken (e.g. capital construction, planning activity, agency regulation, land transaction) X
(b) Financial assistance (e.g. grant, loan, subsidy) ____
(c) Permit, license, certification ____

2. Describe nature and extent of action: Manage and improve wildlife habitat by controlling invasive species, mowing grass areas, cutting trees where it benefits wildlife, providing grain crops to supplement wildlife food and cover, protect and conserve sensitive areas, and provide recreational public access.

3. Location of action:

Various	Various	Various
County	City, Town or Village	Street or Site Description

4.& If an application for the proposed action has been filed with the state agency, the following information shall be provided:

(a) Name of applicant:_____

(b) Mailing address: _____

(c) Telephone Number: Area Code (_____ _____

(d) State agency application number:_____

5. Will the action be directly undertaken, require funding, or approval by a federal agency?

Yes ___X___No _____If yes, which federal agency? Grant from US Fish and Wildlife Service

C. COASTAL ASSESSMENT (Check either "YES" or "NO" for each of the following questions)

	YES	NO
1. Will the proposed activity be located in, or contiguous to, or have a significant effect upon any of the resource areas identified on the coastal area map:		
(a) Significant fish or wildlife habitats?	X	
(b) Scenic resources of statewide significance?		X
(c) Important agricultural lands?	X	
2. Will the proposed activity have a significant effect upon:		
(a) Commercial or recreational use of fish and wildlife resources?	X	
(b) Scenic quality of the coastal environment?		X
(c) Development of future, or existing water dependent uses?		X
(d) Operation of the State s major ports?		X
(e) Land and water uses within the State s small harbors?		X
(f) Existing or potential public recreation opportunities?	X	
(g) Structures, sites or districts of historic, archeological or cultural significance to the State or nation?		X
3. Will the proposed activity involve or result in any of the following:		
(a) Physical alteration of two (2) acres or more of land along the shoreline, land under water or coastal waters?		X
(b) Physical alteration of five (5) acres or more of land located elsewhere in the coastal area?		X
(c) Expansion of existing public services of infrastructure in undeveloped or low density areas of the coastal area?		X
(d) Energy facility not subject to Article VII or VIII of the Public Service Law?		X
(e) Mining, excavation, filling or dredging in coastal waters?		X
(f) Reduction of existing or potential public access to or along the shore?		X
(g) Sale or change in use of state-owned lands located on the shoreline or under water?		
(h) Development within a designated flood or erosion hazard area?		X
(i) Development on a beach, dune, barrier island or other natural feature that provides protection against flooding or erosion?		X
4. Will the proposed action be located in or have a significant effect upon an area included in an approved Local Waterfront Revitalization Program?		X

D. SUBMISSION REQUIREMENTS

If any question in Section C is answered "Yes", AND either of the following two conditions is met:

Section B.1(a) or B.1(b) is checked; or
Section B.1(c) is checked AND B.5 is answered "Yes",

THEN a copy of this completed Coastal Assessment Form shall be submitted to:

New York State Department of State
Office of Coastal, Local Government and Community Sustainability
One Commerce Plaza
99 Washington Avenue, Suite 1010
Albany, New York 12231-0001

If assistance or further information is needed to complete this form, please call the Department of State at (518) 474-6000.

E. REMARKS OR ADDITIONAL INFORMATION

The Division of Fish and Wildlife (DFW) is the Division within the DEC responsible for the conservation of fish, wildlife, and their habitat. The DFW manages 234,000 acres of state land, primarily in the form of Wildlife Management Areas (WMAs) to benefit wildlife and to provide opportunities for wildlife-oriented recreation. Six of these WMAs fall within the Coastal Zone and comprise an area of 650 acres. The DFW utilizes a number of techniques to manage habitat; including mowing, tree removal and planting, control of invasive species, providing grain crops for supplemental food and cover, and the management of water levels in impoundments. In addition to managing habitat, the DFW provides parking areas, trails, boardwalks, and roads to provide public access.
These techniques and activities follow timing restrictions, acreage limitations, permit conditions, water quality standards, best management practices, and all applicable regulations to ensure there are no adverse impacts. The impact of these activities was assessed in a "Final Programmatic Environmental Impact Statement on Habitat Management Activities of the Department of Environmental Conservation Division of Fish and Wildlife" (PEIS) and an update to this (PEIS) currently in preparation. Therefore, although there will be an impact as a result of these activities (as indicated in Section C above), the impact will be beneficial to fish, wildlife, and relevant public recreation.

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