

FINAL SCOPE OF WORK FOR THE ENVIRONMENTAL IMPACT STATEMENT (EIS) FOR THE EXTENDED NEW YORK CITY LAND ACQUISITION PROGRAM

INTRODUCTION AND BACKGROUND

The goal of the New York City Department of Environmental Protection (NYCDEP) Land Acquisition Program (LAP) is to acquire fee simple and conservation easement interests to protect environmentally-sensitive land in the New York City (City) watershed as a part of the City's overall Watershed Protection Program. LAP is a key component of the City's efforts to continue to provide high quality drinking water without filtration of the Catskill-Delaware (Cat-Del) System, which provides water to over 9 million residents of the City and nearby communities in New York State. Since its creation in the 1990s, LAP has protected, through acquisition, over 100,000 acres of land in the 1 million-acre Cat-Del System and over 2,000 acres of land in the Croton System. The land and easements acquired are to be maintained as open space for watershed protection in perpetuity. Together with lands protected by the State and other entities, these acquisitions have raised the level of permanently protected land in the Cat-Del System from 24 percent in 1997 to 34 percent today.

With the expiration of the existing Water Supply Permit (WSP) in January 2012, NYCDEP submitted an application for a new 10-year WSP on January 21, 2010, seeking permit approval prior to January 2012 to continue LAP through the year 2022 in the Catskill, Delaware, and Croton Watersheds.

An Environmental Impact Statement (EIS) will be prepared in order to support the application for the WSP. It is anticipated that the future WSP would continue to authorize land acquisition in the three watersheds for watershed protection purposes, with a substantially greater emphasis on acquisitions in the Catskill-Delaware System.

METHODOLOGY OVERVIEW

The EIS will present an analysis of potential impacts from the proposed action to continue LAP beyond 2022 for the duration of the new WSP. The possibility of a 5-year renewal of the new WSP will be considered in the alternatives analysis. Determinations of significance will be made based on the impact assessments described below. The EIS will be targeted at a detailed assessment of socioeconomic impacts and community character impacts, the two impact categories with the potential to be adversely affected by LAP. Existing conditions, future conditions without the proposed action, and future conditions with the proposed action will be described. Town level assessments will be conducted for towns identified as having the greatest potential for impacts.

Qualitative discussions will also be provided for water quality and natural resources, open space and recreation, and historic and archaeological resources. Based on a preliminary review of the program, the program would have no discernable effect on visual character, traffic, air quality, noise, hazardous materials, and community facilities and no analysis is warranted. The EIS will document the rationale for screening of these impacts.

PROJECT DESCRIPTION CHAPTER

This chapter will describe NYCDEP's previous LAP acquisitions and proposal for future acquisitions. It will describe areas of focus, criteria for acquisition, real estate transaction protocols, and hamlet designations and potential expansions—delineations of areas that Towns may establish as off limits for LAP. Possible modifications to the natural features criteria which

are under consideration, and associated acreages affected will also be described. A summary of NYCDEP's September 2009 Long-Term Acquisition Plan, submitted pursuant to the Filtration Avoidance Determination (FAD), will be provided. In addition, potential opportunities for recreation, mining, agriculture, forestry and other activities on NYCDEP land, consistent with public safety and water quality protection, will be described.

The chapter will include projections of future acquisitions (fee, conservation easements, and Watershed Agricultural Council (WAC) easements.) So as not to underestimate socioeconomic or community character impacts, the projections will be highly conservative for purposes of developing a reasonable worst case scenario at the town level. Estimates will be based on acres of remaining solicited land by town, combined with an assumed future success rate by town based on the county-wide historical success rate as a starting point. In the towns that are "areas of high focus" (according to the NYCDEP 2009 LAP Plan) the acquisition projections will be raised to account for the high focus. Success rates in all West of Hudson counties will be assumed to be higher than in the past to support the conservative analysis.

LAND USE AND COMMUNITY CHARACTER

- Tables and maps will be provided describing existing land use by county and in the individual town level assessments. Major development proposals will be identified.
- A review of existing town and village comprehensive plans, and other planning documents will be conducted in order to evaluate the potential impacts of LAP on local land use and community character goals.
- The EIS will include discussion regarding a number of towns' proposals to expand their designated "hamlets," areas in which they have the option of precluding City acquisitions, as well as the community character of outlying areas, agricultural landscapes, and recreational use of City-owned land in the watershed.
- The potential impact of the Extended LAP on community character and land use patterns will be assessed.

SOCIOECONOMIC CONDITIONS

Impacts on Developable Land

- The following summarizes the methodology that will be applied to analyze potential impacts of the Extended LAP on the amount of developable land remaining in 2022, the anticipated term of the 2012 WSP. The analysis will be based on a standard approach for environmental review that includes a multi-step process beginning with a conservative screening analysis. The assessment will be based on the 12-year period from 2010-2022, instead of the 10-year anticipated period of the Water Supply Permit. The analysis will be at the town level using largely town specific data. Towns with less than 5 percent of their land area in the watershed will be screened from the analysis. A 5-step process will be used to determine impacts on developable land in the year 2022 as outlined below.
 - Step 1: Determine the available developable land as of 2009
 - Land uses considered developable include:
 - vacant land

- low-density residential land (over 15 acres), excluding 5 acres per residential parcel
 - Agricultural land (For towns with large WAC acquisitions only. For towns without large WAC acquisitions, greater impacts on the supply of developable land will be shown by assuming that agricultural land is not developable.)
- Will subtract undevelopable land, defined as:
 - 100 foot buffer on watercourses
 - 300 foot buffer on reservoirs and reservoir stems
 - DEC mapped wetlands with 100 foot buffer
 - Federal jurisdiction wetlands with no buffer
 - Floodplains
 - Slopes greater than 15%
 - Soils with low infiltration rates
- Step 2: Project housing demand for developable land from 2010 to 2022
 - Project new housing units over 12 years based on annual growth rate from 1990-2008 using U.S.Census data, town building permits and year built information from the State property assessment database.
 - Calculate developable acres required per housing unit based on recent development data.
- Step 3: Determine LAP demand for developable land from 2010 to 2022
 - Developable portion of projected LAP acquisitions will be based on the higher of:
 - Developable percentages of land acquired under LAP between 1997 and 2009
 - Developable portion of remaining vacant and low density residential land, which is the type of land typically acquired under LAP.
- Step 4: Estimate the remaining developable land in 2022 after housing and LAP demand
 - Subtract from the developable acres available in each town as of 2009:
 - developable acres projected for housing demand through 2022
 - developable acres projected for LAP demand through 2022
- Step 5: Identify towns with greatest level of impacts and performed more detailed town level assessments
 - It is anticipated that there will be a wide range of impacts on watershed towns due to LAP, housing, or both
 - Town level assessments will be performed for watershed towns that meet or exceed the following criteria:
 - LAP is projected to acquire 20 percent or more of the town's 2009 supply of developable land
 - New housing development through 2022 is projected to require 10 percent or more of the town's 2009 supply of developable land and LAP is projected to acquire 5 percent or more of the town's 2009 supply of developable land.
 - An adequate number of towns will be selected to ensure geographic coverage in each county.

- An additional analysis will be conducted of the effects of the Extended LAP on developable land in each town. The amount of developable land in each town will be presented as a percentage of total town land area. The impacts of LAP on this percentage will be provided.

Impacts on Land Prices, Housing Prices and Affordability

- The EIS will include an assessment of the potential for LAP to impact land prices, housing prices, and affordability in the watershed. The analysis will include a review of trends in land prices in towns with and without high rates of previous land acquisition, based on real estate data and interviews with appraisers. The EIS will similarly analyze trends in home prices relative to rates of land acquisition and compare changes in home prices inside and outside the watershed. To the extent that LAP has resulted in increased housing prices, the EIS will assess the impact of increased housing prices on affordability, relative to median incomes and potential effects on households below poverty income levels. The EIS will also include an assessment of whether LAP may induce property owners to sell their land. The assessment will include a discussion of NYCDEP's approach to buying land at "fair market value" prices.

Impacts on Agriculture

- The EIS will include an assessment of the potential for LAP to impact agriculture in the watershed. This assessment will evaluate whether LAP has substantially altered agricultural use in the watershed under both fee and WAC. The assessment will also evaluate whether there could be a potential loss of agricultural jobs as a result of LAP. The assessment will include a review of data from U.S. Census of Agriculture, U.S. Department of Commerce, Bureau of Economic Analysis, and NYS Department of Agriculture and Markets.

Impacts on Businesses

- A review of commercial businesses, including mining, forestry, tourism, and other commercial activity, will be conducted. Estimates of earnings and employment will be provided where available. The assessment will include a review of New York State Department of Labor, regional, county and ZIP-code level data on employment in the region. Economic development stakeholders will be interviewed. The potential for LAP to impact these sectors will be evaluated, including the potential for loss of jobs or businesses or gains realized by tourism jobs due to new public recreational access to NYCDEP lands.

Impacts on Local Government Revenues

- The EIS will include a discussion of impacts on taxes to local governments and school districts. It will also discuss municipal service impacts of vacant compared to developed land.

WATER QUALITY AND NATURAL RESOURCES

- LAP complements a wide variety of successful strategies employed by the City to improve or maintain water quality in the Cat-Del System. LAP is intended to provide long-term benefits to the water quality of the City's water supply system through the preservation of sensitive lands proximate to water resources. As such, the EIS will provide a qualitative discussion of the beneficial effects of the program on water quality, water resources, and natural resources. The EIS will also examine the water quality and natural resource impacts of encouraging growth in and around hamlet areas, consistent with smart growth principles.

OPEN SPACE AND RECREATION

- Many of the areas acquired through LAP have been made accessible to the public. The public recreational use of current and potential future LAP lands will be described. Impacts on tourism will also be discussed.
- The EIS will discuss LAP's consistency with NYSDEC's 2009 State Open Space Conservation Plan.

CULTURAL RESOURCES

- In general, LAP does not require any construction activity that would disturb historic or archeological resources in the watershed. LAP has the potential to result in a benefit to historic and archaeological resources on acquired sites by ensuring that these sites would not be disturbed in the future. NYCDEP has a process in place to determine if any structure that is considered for demolition is of historic significance. A qualitative discussion will be provided.

MITIGATION, UNAVOIDABLE IMPACTS AND IRRETRIEVABLE COMMITMENT OF RESOURCES

- If potential significant adverse impacts are identified, where practicable and feasible, mitigation measures would be identified. If it is determined that the action would result in unavoidable significant adverse impacts, they will be summarized. The EIS will also disclose the irretrievable commitment of resources that the project may require and adverse effects that would be irreversible.

ALTERNATIVES

The EIS will include an evaluation of the following alternatives:

- No Action Alternative. Since LAP is a requirement of the FAD, this alternative would assume that New York City's water supply would be filtered.
- A lesser impact alternative will be evaluated that would include reduced LAP acquisitions. The detailed town level assessments will only be provided if significant impacts are identified in towns under the more conservative analysis above and therefore the lesser impact alternative could help to minimize these impacts.
- A greater impact alternative will be evaluated that would include increased LAP acquisitions. This alternative would also include the possibility of a 5-year renewal to the 10-year WSP, thus covering the period between 2012 and 2027.
- An alternative that evaluates impacts of a scenario that does not include expanded hamlets. The EIS will review those towns, of the towns receiving a more detailed review that are requesting hamlet expansions.

Prominent issues that were raised during scoping and determined to be not relevant or not environmentally significant or that have been adequately addressed in a prior environmental review. [6NYCRR Part 617.8(f)(7)]

- *Request for scope to include mitigation measures and targeting of funds for mitigation.*
 - The scope notes that, “If potential significant adverse impacts are identified, where practicable and feasible, mitigation measures would be identified.” Based on analysis to date, NYCDEP has not identified significant impacts in accordance with SEQRA. There is no reason to believe, based on the analysis conducted so far, that mitigation will be required. The EIS will conduct a full analysis of the potential for significant impacts and the need for mitigation.
- *Discuss/assess Watershed Partnership Programs. Determine cost effectiveness of land acquisition compared to other programs.*
 - The proposed action is a new NYSDEC Water Supply Permit; accordingly that is the subject of the EIS and comparative analysis with other watershed protection efforts is beyond the scope of this review.
- *Quantitatively model water quality benefits of potential acquisition scenarios.*
 - LAP will have a positive impact, rather than adverse impact, on water quality. These impacts will be qualitatively discussed.
- *“No Action Alternative” doesn’t mean filtration.*
 - The Extended LAP is a key requirement under the Filtration Avoidance Determination (FAD). As a regulated water supplier, NYCDEP must comply with the terms of the FAD and cannot reasonably assume that the determination would continue in the absence of a key program.
- *Analyze NYCDEP’s remaining funding for Land Acquisition*
 - The EIS land acquisition projections are based on a conservative, reasonable worst case assessment through the permit year of 2022.
- *Perform detailed review of all towns in areas of high focus regardless of projected future LAP activity*
 - The EIS includes a town level analysis for all towns with more than 5% of their lands in the watershed. Detailed analysis will be performed for those towns where land acquisition will exceed 20 percent of developable land and or high growth towns. Based on analysis, other towns will not be significantly affected.
- *Compare EIS analysis to Delaware County analysis*
 - The EIS will contain detailed methodological assumptions. This transparency will allow for comparisons with other studies.