

APPENDIX L

Public Participation



Public Notices

**ONEIDA COUNTY PUBLIC WORKS/DIV.OF ENGINEERING
6000 AIRPORT ROAD**

ORISKANY NY 13424

Affidavit attention of: Barbara Wood

Account#: 749702
URN reference: 000571519
Amount Due: \$ 111.58

DETAILS:

<u>Insertion Date Range</u>	<u>Newspaper</u>	<u>Pricing:</u>	<u>Ad Text begins:</u>
05/27/16 to 05/27/16	Observer-Dispatch	5/27/2016 Cost: \$81.58	ONEIDA COUNTY NOTICE OF AVAILABILITY
05/27/16 to 05/27/16	Observer-Dispatch	5/27/2016 Affidavit Charge: \$30.00	ONEIDA COUNTY NOTICE OF AVAILABILITY

THIS IS NOT A BILL - FOR INFORMATION PURPOSES ONLY

STATE OF NEW YORK
)ss
County of Oneida)

Patricia Zehr of the City of Utica, in said county, being duly sworn, says she is the Principal Clerk of the Utica Observer-Dispatch the Publishers of (Observer-Dispatch), a daily newspaper printed and published in the city of Utica, County and State aforesaid, and that an advertisement of which the attached is a copy, cut from the columns of said paper has been regularly published in said paper on each of the following dates:

5/27/2016

Patricia Zehr

Sworn to before me this

27th day of May 2016

Theresa B. McFadden

NOTARY PUBLIC ONEIDA CO., N.Y.

THERESA B MCFADDEN
NOTARY PUBLIC-STATE OF NEW YORK
No. 01MC6303520
Qualified in Madison County
My Commission Expires May 12, 2018

ONEIDA COUNTY
NOTICE OF AVAILABILITY
FORMER ONEIDA COUNTY
AIRPORT - LAND
RELEASE FOR
REDEVELOPMENT
ENVIRONMENTAL
ASSESSMENT

Oneida County announces the completion of a Draft Environmental Assessment (DEA) for the proposed release for sale or long-term lease the remaining 1,210 acres of the former Oneida County Airport property for redevelopment. The DEA has been prepared in accordance with the Federal National Environmental Policy Act (NEPA) of 1969, as amended, Federal Aviation Administration (FAA) Order 1050.1F, and FAA Order 5050.4B. The purpose of the land release is to allow for the redevelopment of the former airport property in order to expand local business opportunity. This redevelopment fulfills the County's objectives of becoming more financially independent and promoting orderly growth of areas under its ownership for the benefit of the Mohawk Valley region. The DEA evaluates the potential environmental, social, and economic consequences of two conceptual reuse plans for the former Oneida County Airport. Potentially affected resources include biological resources, water resources, and archeological resources, however, it is anticipated that any potential impacts can be minimized below significance levels with the implementation of the recommended mitigation measures.

Document Availability:
The DEA document will be available for download on Oneida County's website at <http://www.ocgov.net/publicworks>

Copies of the DEA will also be available for review during regular business hours at the following locations beginning May 27, 2016:

- 1. Oneida County Department of Public Works, 6000 Airport Road, Oriskany, NY 13424
- 2. Oriskany Public Library, 621 Utica Street, Oriskany, NY 13424

Public Comments:
The public comment period will extend from May 27, 2016 through June 27, 2016. Please send any comments to:

Gayle McKee
Senior Project Planner
C&S Engineers, Inc.
141 Elm Street, Suite 100,
Buffalo, New York, 14203

For further information contact:
Gayle McKee
Senior Project Planner
C&S Engineers, Inc.
141 Elm Street, Suite 100,
Buffalo, New York, 14203
(716) 955-3017
OD: 5/27/2016

**LEGAL NOTICE
ONEIDA COUNTY
NOTICE OF AVAILABILITY
FORMER ONEIDA
COUNTY AIRPORT -
LAND RELEASE FOR
REDEVELOPMENT
ENVIRONMENTAL
ASSESSMENT**

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Gayle McKee
Senior Project Planner
C&S Engineers, Inc.
141 Elm Street, Suite 100,
Buffalo, New York, 14203

For further information contact:
Gayle McKee
Senior Project Planner
C&S Engineers, Inc.
141 Elm Street, Suite 100,
Buffalo, New York, 14203
(716) 955-3017

5/27-1ti

**State of New York
County of Oneida } ss:**

I, Jessica Butera, being sworn, says she is, and during the time hereinafter mentioned, was Legal Advertising Representative of the DAILY SENTINEL, a newspaper printed and published in the County of Oneida, aforesaid; and that the annexed printed Notice was inserted and published in said Newspaper once/ commencing

on the 27th day of May, 2016

to wit: May 27th

May 27th 2016

Jessica Butera

Sworn to before me this 27th day of May, 2016

Wendy F. Ponticino
WENDY F. PONTICINO Notary Public
Notary Public, State of New York
No. 91505087737

Qualified in Oneida County
My Commission Expires Nov. 3, 2017





ROME SENTINEL COMPANY
 333 W. DOMINICK ST. P.O. BOX 471
 ROME, NY 13442-0471
 (315) 337-4000 • FAX 315-337-4704

1 BILLING PERIOD		2 ADVERTISER/CLIENT NAME	
5/27/16			
23 TOTAL AMOUNT DUE		3 TERMS OF PAYMENT	
\$58.14		* See Below	
21 CURRENT AMOUNT DUE		22 30 DAYS	60 DAYS
			OVER 90 DAYS

**ADVERTISING
INVOICE and STATEMENT**

4 PAGE #	5 BILLING DATE	6 BILLED ACCOUNT NAME AND ADDRESS	9 REMITTANCE ADDRESS
	5/27/16	County of Oneida Department of Public Works Division of Engineering Attn: Barbara Wood 6000 Airport Rd Oriskany, NY 13424	ROME SENTINEL COMPANY P.O. BOX 471 ROME, NY 13442-0471
8 BILLED ACCOUNT NUMBER	1283		
7 ADVERTISER/CLIENT NUMBER	1283		

PLEASE DETACH AND RETURN UPPER PORTION WITH YOUR REMITTANCE

10 DATE	11 NEWSPAPER REFERENCE	12 13 14 DESCRIPTION - OTHER COMMENTS/CHARGES	15 SAU SIZE 16 BILLED UNITS	17 TIMES RUN 18 RATE	19 CHARGES/CREDITS/ADJUSTMENTS 20
		Ad Published in the Daily Sentinel			
5/27/16	309098	Legal Notice	116 Li	.415	48.14
		Land Release	1	Flat	10.00
		Affidavit			

STATEMENT OF ACCOUNT AGING OF PAST DUE AMOUNTS

21 CURRENT AMOUNT DUE	22 30 DAYS	60 DAYS	OVER 90 DAYS	23 TOTAL AMOUNT DUE
				\$58.14

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 * DISCOUNT IF INDICATED ABOVE. NO DISCOUNT ALLOWED IF OVERDUE BALANCE EXISTS.
 FINANCE CHARGE ON BALANCES PAST DUE 30 DAYS OR MORE IS COMPUTED AT 1 1/2%
 PER MONTH (ANNUAL PERCENTAGE RATE OF 18%)

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1 BILLING PERIOD	3 BILLED ACCOUNT NUMBER	7 ADVERTISER/CLIENT NUMBER	9 ADVERTISER/CLIENT NAME	

Public Comments / Response to Comments

Gayle McKee

From: Lusher, Tim (DOT) <Tim.Lusher@dot.ny.gov>
Sent: Friday, June 10, 2016 11:50 AM
To: Gayle McKee
Subject: Draft Env Assessment - Land Release of Oneida Co Airport

NYS DOT Region 2 has no comments.

Just for your information Nick Choubah has replaced Sam Zhou.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

JUN 22 2016

Gale M. McKee
Senior Project Planner
C&S Companies
90 Broadway
Buffalo, NY 14203

RE: Draft Environmental Assessment Land Release for Redevelopment of Former
Oneida County Airport, Oneida, NY

Dear Ms. McKee:

The Environmental Protection Agency (EPA) has reviewed the Federal Aviation Administration's (FAA) Draft Environmental Assessment (EA) dated May 2016 on the proposed Land Release for Redevelopment of the Former Oneida County Airport, Oneida County, New York. This EA evaluates three alternatives (including a no action alternative) to release and reuse 1,210 acres of land for redevelopment in order to provide a "commercial and industrial center for Oneida County and the Mohawk Valley". The preferred alternative would include selling 403 acres to the New York State Office of Homeland Security, with the remaining land being made available for residential use, research and development, light industrial, and light manufacturing uses.

EPA concurs that the preferred alternative supports a finding of no significant impact. However, we have several comments on the document.

- Page 4-5, 6, and 7. The document refers to Appendix L as the Air Quality Analysis. Appendix K is the Air Quality Analysis.
- Page 4-6. Please note that MOVES 2014 is the appropriate model to use for on-road vehicles. The use of older versions of MOVES would not change the comparison between the alternatives, but should be used in all future documents.
- Page 4-12. EPA recommends that these strategies also be used to minimize construction emissions:
 1. Strategies and technologies that reduce unnecessary idling, including auxiliary power units, the use of electric equipment, and strict enforcement of idling limits; and
 2. Use of clean diesel through add-on control technologies like diesel particulate filters and diesel oxidation catalysts, repowers, or newer, cleaner equipment.

- Page 4-3. Please note that on December 18, 2014 the Council of Environmental Quality released a revised draft guidance for Greenhouse Gas Emissions and Climate Change Impacts which supersedes the draft guidance dated February 2010. EPA does note that the EA did compare greenhouse gas emissions of the build alternatives which verified the preferred alternative would emit less greenhouse gasses, however, future documents should only use the December 2014 guidance.

Thank you for the opportunity to comment. If you have any questions, please contact Lingard Knutson of my staff at (212) 637-3747 or Knutson.lingard@epa.gov.

Sincerely,



Grace Musumeci, Chief
Environmental Review Section

Gayle McKee

From: Metivier, Steven V LRB <Steven.V.Metivier@usace.army.mil>
Sent: Tuesday, July 05, 2016 10:29 AM
To: Gayle McKee
Subject: FW: Former Oneida County Airport Property

Gayle,

Looks like I had a typo in the address.

Sorry!

Steve

-----Original Message-----

From: Metivier, Steven V LRB
Sent: Monday, June 27, 2016 10:00 AM
To: 'gmckee@csos.com' <gmckee@csos.com>
Subject: Former Oneida County Airport Property

Gayle,

Thanks for speaking with me last week. As we discussed, the Corps would have jurisdiction, under Section 404 of the Clean Water Act, over activities that result in a discharge of dredged or fill material into waters of the US.

The Draft Environmental Assessment indicates that there are wetlands and streams on the subject parcel, but indicates that these were identified using desktop mapping resources only. Wetlands/waters are dynamic systems that tend to shift in the landscape over time. As such, there are no definitive maps identifying these resources for purposes of Corps jurisdiction. The only way to have a true understanding of the surface water resources is to perform a wetland delineation in accordance with the Corps Wetland Delineation Manual and the Northeast/Northcentral supplement. The Corps strongly recommends that such a delineation be performed for the subject parcel and then submitted to the Corps for verification.

If the proposed project(s) will result in a discharge of dredged or fill material into waters of the US, I recommend that the applicant/project sponsor schedule a preapplication meeting to discuss the proposal.

I hope this is helpful. Please feel free to contact me with any further questions or comments.

v/r,

Steve
Steven Metivier
Chief, NY Application Evaluation Section U.S. Army Corps of Engineers
1776 Niagara Street
Buffalo, New York 14207
716-879-4314 (phone)
716-879-4310 (fax)
716-239-7167 (cell)

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 6
207 Genesee Street, Utica, NY 13501-2885
P: (315) 793-2554 | F: (315) 793-2748
www.dec.ny.gov

July 21, 2016

Gayle M McKee, Sr. Project Mgr.
C&S Engineers, Inc.
141 Elm Street, Suite 100
Buffalo, NY 14203

RE: Draft Environmental Assessment Land Release for Redevelopment of the he Former Oneida County Airport

Dear Ms. McKee,

We have reviewed the Draft Environmental Assessment for the "Land Release for Redevelopment of Former Oneida County Airport, Oneida County NY dated May 2016" and offer the following comments in response:

Habitat/Natural Resources/Threatened & Endangered Species

Jurisdictional determinations for threatened and endangered species are valid for one year due to the possibility that new species occurrence reports may occur before a project starts. Any determination made by the department may be reevaluated when construction has not begun within a year of the original determination. Wetland determinations should also be reevaluated over time (3-5 year periods). Future development at the site would need to be evaluated prior to and during development of individual projects and phases to insure determinations are reflective of conditions at the time.

This type of document is difficult to review as much of the required regulatory work is conceptual in nature at this point in time. Conceptual plans are just that and the scope, direction, and regulatory needs will be dictated once plans are formally designed and developed. Overall, we agree with the alternatives that were assessed.

Below are a number of small comments, but the main two points we would like clarified are that upland sandpipers (*Bartramia longicauda*) HAVE been documented within the footprint of the project; and when considering trade-offs for impacts, loss of habitat is not off-set by the mere protection of similar habitat in the same area.



Specifics of note within the report:

Page 2-5 – Wetlands, Natural Landscape, and Parks Area - describes an area totaling 143 acres including an “extensive wetland area” being reserved for an open space network which would include a multi-purpose trail for biking and walking.

- The Department is supportive of recreational uses of open space but would caution that undisturbed tracts are beneficial as a safe haven for wildlife. It is counter intuitive to create significant human access in the very same area set aside for protection.
- The Department may consider hike bike ways near a wetland complex but would not be supportive of constructing trails through the wetland proper.

Page 3-12 “Table 5 State-Listed Endangered and Threatened Species” – Table states that the “study area does not contain potential habitat” for upland sandpiper.

- upland sandpipers have been identified on these lands previously. Breeding bird surveys would be required prior to any future development.

Page 3-14 paragraph 1 states that the study area does not contain potential habitat for the state-listed upland sandpiper.

- Due to the presence of habitat in the immediate vicinity and the department’s belief that the study area does contain habitat appropriate to the upland sandpiper breeding bird surveys will be required prior to any future development and a Part 182 permit may be required. For this reason we recommend that the Department be involved early in the design process.

Page 4-10 Threatened and Endangered Species section should include upland sandpiper.

Page 4-11 Threatened and Endangered Species section should include the potential loss of upland sandpiper habitat.

Page 4-12 Wildlife and Ecological Communities section – the requirement for mitigation should reflect that mitigation has yet to be determined and will be dependent on future studies.

Page 4-12 – Wetlands section – to say “no significant construction related impacts to wetlands are anticipated” because mitigation is proposed is not reflective of the actual impact. The loss of wetland in one area is not mitigated by protection of wetland in another. This section refers to Section 5.5 however we could not locate it in the report.

Page 4-16 Wildlife section - The discussion does not include issues related to timing of the impacts. While duration is a factor, in this case “short-term” timing of that impact as related to specific species/habitats can be as, if not more, critical when determining the impact.

Page 4-16 - Threatened and Endangered (T&E) Species - The document states that “...the study area does not contain...”. The study area does contain upland sandpiper habitat.

Page 4-19 – Paragraph 1 states that no direct take of T&E species is anticipated” however the loss of habitat to T & E species is considered a “take” and could trigger permitting requirements.

Page 4-19 &20 Mitigation section - the Department is supportive of the "Phasing construction activities..." related to nesting and breeding periods and agrees with the recommendations for minimization of impacts.

- We would request the addition of upland sandpiper to the last bullet on page 4-20
- The statement "...the fact that additional ...habitat is available nearby" in the discussion on page 4-19 is not accurate. While similar habitat may be located nearby, it does not make it "additional" and may not be able to accept increased populations of the species of concern.

Water/Sewer/Construction Activities

- Construction of any manufacturing, retail or subdivision (additional 800 housing units) will require sanitary sewer extension approvals from the DEC.
- Appendix E, page 140 references flow data from February –September 2008. To verify adequate capacity the most recent flow monitoring data for the sewer system should be referenced.
- The NYS Department of Health will need to approve any water usage and or improvements.
- All work related to existing lines, or additional sewer extensions will need to be in compliance with the Oneida County Consent Order R6-20060823-67, effective 12/07/2011.
- Any disturbance to the ground 1 acre or more in area will require a construction stormwater permit. Additionally, certain facilities may require a Stormwater Multi-Sector permit

Noise

Noise may become an issue in the future dependent on the specifics of the industries involved. The existing characteristics will be altered by the proposed build-out and noise from both increased traffic and stationary sources must be considered when contemplating mitigation for expected effects. Prior to any development applicants must evaluate the potential for any adverse impacts of sound generated and emanating to receptors outside of the facility or property and employ reasonable and necessary measures to either eliminate or mitigate adverse noise effects.

Air

Title 5 permitting /registration may be required depending on the specifics of the industries involved. Additionally the potential exists for permitting/registration during construction phases as well.

Energy Use/Greenhouse Gas

The project could have significant environment impact when considering energy use and GHG (Greenhouse Gas) emissions through direct and/or indirect emissions. Therefore it is important to consider usage and emissions early in the project. Mitigation measures should be considered for direct (combustion/industrial processes on site) and indirect (energy supply to the site, vehicle trips, generation/transportation/treatment/disposal of generated wastes) emissions created during both the construction and post construction phases. Design for all aspects of the project should seek to minimize emissions to the maximum extent practicable.

Public Participation

Public participation is important to the conceptual design. Section 4.10 and Appendix L discuss the process thus far however the general public does not seem to have been directly included. It appears that up to this point in time discussion have only been occurring on an administrative level. We would encourage a wider net to public participation before plans are further developed.

Potential Additional DEC Program Inputs as Phases Develop

Air

Habitat

Hazardous Waste Remediation

Water

Permitting Potential from NYSDEC

Article 15 Water Quality

Article 24 Wetlands

Part 182 – Threatened/endangered Species Take

Part 401 Water Quality Certification

SPDES - Construction Stormwater

- Multisector Stormwater

Title 5/Registration Air

Sincerely,



Terry Tyoe
Environmental Analyst 2
NYSDEC - Utica

cc: File

ecc: S. Heerkens, Fish & Wildlife
R. Coriale, DOW
A. Ash, DOW
L. Ambeau, Permits, Watertown



United States Department of the Interior

FISH AND WILDLIFE SERVICE

3817 Luker Road
Cortland, NY 13045



July 22, 2016

Ms. Gayle McKee
Senior Project Manager
C&S Engineers, Inc.
141 Elm Street, Suite 100
Buffalo, NY 14203

Dear Ms. McKee:

The U.S. Fish and Wildlife Service (Service) has reviewed the Draft Environmental Assessment (EA) dated May 27, 2016, for the Land Release for Redevelopment of Former Oneida County Airport (Project) located in the Towns of Whitestown and Westmoreland, Oneida County, New York.

The Service is providing comments and recommendations for development as described in the EA and pursuant to our authorities under the Endangered Species Act (ESA) of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*), the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 *et seq.*), the Bald and Golden Eagle Protection Act (BGEPA) (16 U.S.C. 668-668d); and the Migratory Bird Treaty Act (MBTA) (16 U.S.C. 703-712; Ch. 128; July 13, 1918; 40 Stat. 755).

We understand from the draft EA that Oneida County proposes to: 1) redevelop the airport property in order to expand the current Oneida County Business Park (OCBP); and, 2) provide commercial and industrial centers for Oneida County and the Mohawk Valley. The former Oneida County Airport (airport) property consists of 1,933 acres owned by Oneida County. Approximately 723 acres is currently being leased by the New York State Office of Homeland Security (OHS).

The remainder of the property (1,210 acres) is comprised of developed and undeveloped land that is proposed to be divided into 3 parcels. The draft EA references the OHS Business Park Plan which lays out a preliminary proposal to redevelop the airport property in order to provide mixed use economic development opportunities.

The parcels are described in the draft EA as follows:

- Parcel 1 is approximately 227 acres in size and comprised of undeveloped vacant land with frontage on County Seat Road. This parcel is forested with scrub shrub wetlands.

- Parcel 2 is approximately 944 acres in size and comprised of undeveloped land with frontage on Carter Road, Cider Street, Postal Road, Judd Road, and Second Street. This parcel includes a mix of successional old field, shrubland, and forest with forested wetlands and emergent marsh.
- Parcel 3 is approximately 39 acres in size with frontage on 4 sides, Hangar Road, Airline Street, Base Road, and Airport Road. It is developed with 3 existing buildings (210,340 square feet) on site that currently serve as office and warehouse space, and provides parking. The remaining areas are mowed lawn and trees.

Three alternatives are being proposed as described in Chapter 2 of the draft EA:

- Alternative 1: No Action: The draft EA states that the County determined that this alternative does not meet the Project purpose and need.
- Alternative 2: The Reuse Alternative. Develop the OCBP to the Maximum Build Out. The Town of Whitestown, Oneida County, the Federal Aviation Administration, and the Mohawk Valley EDGE developed conceptual designs for possible reuse of the former airport site. This alternative expands on the existing OCBP adjacent to the former airport and creates areas for mixed use, including light industrial (144 acres divided into 3 areas), research and development (R&D) (13 acres), warehouse and distribution (124 acres), a “mega” development (201 acres with undefined activities), residential areas (542 acres), a town center and business park (3 acres), natural areas including wetlands, natural areas, and parks (143 acres), roads (38 acres of existing roads and 2 new roads), utilities including gas, water, electric, and telecommunications, and stormwater treatment areas.
- Alternative 3: The OHS development of 403 acres of the OCBP for government/non-profit use. Light Industrial (78 acres), R&D (13 acres), a town center and business park (3 acres), residential areas (542), natural areas including wetlands, natural areas, and parks (143 acres), roads (28 acre), utilities including gas, water, electric, and telecommunications, and stormwater treatment. The remaining 388 acres are proposed to remain undeveloped.

We understand that the above alternatives are considered preliminary at this time and that the purpose of the draft EA is to evaluate impacts associated with the transfer of land ownership. The Service has no comment on the proposed transfer of land; however, we are providing comments and recommendations on the proposed development/redevelopment use of the land and the potential impacts that development may have on fish and wildlife resources.

The site provides terrestrial and aquatic habitats such as wetlands, streams, and drainages that convey water to the Mohawk River. The Mohawk River watershed is an intra-state waterway that flows from the western Adirondacks and the Tug Hill Plateau 140 miles east to the Hudson River, and then south where it joins the Atlantic Ocean. There are 6,609 miles of freshwater rivers and streams in this watershed, including the Erie Barge Canal and 136 lakes, ponds, and reservoirs. This river serves as a recreational fishery to the people of New York State (state) (NYSDEC 2016).

Land development can alter habitat and animal behavior and genetic diversity. However, land development planning can incorporate green conservation measures to protect and preserve habitat for fish and wildlife, wetlands, streams, and terrestrial habitat in order to offset these potential habitat impacts. Habitat connectivity is important to incorporate to allow animals to migrate safely to areas that provide these resources.

The Service is providing the following comments on the draft EA and recommendations on how conservation planning can be incorporated into development plans to protect fish and wildlife resources including threatened and endangered species.

Endangered Species Act

As you are aware, there are two federally-listed species known to occur in the project area; the endangered Indiana bat (*Myotis sodalis*) and the threatened northern long-eared bat (*Myotis septentrionalis*). On September 14, 2015, the Service recommended that the applicant conduct a preliminary habitat assessment to help identify areas that may have the potential to contain listed bat species. A habitat assessment was conducted and a report completed in November 2015 (Report). The Report provides an ecological assessment of the property (see pg. 3-19 in Appendix J-12) and further states that “*if there will be any proposed tree clearing or pruning in these forested areas during April – October 31st, then consultation with the Service is required.*”

We understand that the county has not conducted a presence/absence survey for listed bat species. However, the county or developer will consult with the Service when an end user or tenant is identified and a development project is proposed.

We recommend that the county or developers visit our website* and follow our Endangered Species Project Review process to obtain a list of protected species, recommended conservation measures, and information on projects with federal involvement (follow the Section 7 process), or non-federal involvement (follow Section 10 process). If there is no federal agency involvement, then the landowner and/or the developer is responsible for ensuring that the development activities do not result in “take¹” of a listed species, or conversely, develop a habitat conservation plan in connection with the Service and seek an Incidental Take Permit pursuant to Section 10 of the ESA.

The Service recommends the following conservation measures and recommendations to avoid and minimize the take of bats:

- a. To determine the potential for federally-listed bats to occur in the immediate vicinity of the Project, we recommend that you follow recommended guidelines for surveying bats on our website* and conduct surveys during the appropriate time of year.
- b. Conduct any tree removal during winter months, while northern long-eared bats are hibernating (October 31 – March 31). Install bright orange construction

¹ Take is defined in Section 3 of the ESA as harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.

- fencing and flagging to demarcate trees to be protected compared with those to be cut prior to initiation of any construction.
- c. Conserve habitat for bats by protecting forested areas and corridors that provide suitable habitat for bats (and birds).
 - d. Incorporate the use of downward-facing, full cut-off lens lights, and direct lighting away from suitable habitat when installing new or replacing existing permanent lights.

These recommendations do not preclude additional measures to be determined as Project plans are finalized.

Fish and Wildlife Coordination Act

Development projects at the Project site may impact waterbodies downstream. Fish species that may be present in the Mohawk River include, but are not limited to, largemouth bass (*Micropterus salmoides*), smallmouth bass (*Micropterus dolomieu*), northern pike (*Esox lucius*), bluegill (*Lepomis macrochirus*), black crappie (*Pomoxis nigromaculatus*), yellow bullhead (*Ictalurus natalis*), and walleye (*Sander vitreum*).

Wildlife species that may be found using the Project area include migratory birds and non-migratory birds and bats, small and large mammals, reptiles, and amphibians. Other species known to occur in this area are the big brown bat (*Eptesicus fuscus*) and other bat species, raccoon (*Procyon lotor*), red fox (*Vulpes vulpes*), gray fox (*Urocyon cinereoargenteus*), white-tailed deer (*Odocoileus virginianus*), coyote (*Canis latrans*), spotted salamander (*Ambystoma maculatum*), painted turtle (*Chrysemys picta*), and common snapping turtle (*Chelydra serpentina*).

Wetlands provide environmental functions and services such as filtering pollutants and nutrients, retention and detention of stormwater, flood attenuation, valuable wildlife habitat, and recreational opportunities. We understand from the draft EA that approximately 143 acres (or 12 percent of the total Project site) is comprised of forested and emergent wetlands, and an artificial lake. These important resources provide habitat for wildlife and safe migration and dispersal corridors that retain the species' genetic diversity.

We recommend that during the planning stage of the development, you preserve existing wetlands with adequate buffers, create/restore wetlands that have been degraded or lost due to development, avoid and minimize adverse impacts to wetlands and streams, protect water quality, and ensure that the development plan includes connective pathways for wildlife to travel safely between habitat areas. The Service encourages early coordination with federal and state agencies to design development projects that reduce impacts to fish and wildlife resources including wetlands and streams and threatened and endangered species.

The U.S. Army Corps of Engineers (Corps), Buffalo District, may have jurisdiction under the Clean Water Act (Section 404) over any potential wetland impacts that may result from your project. We recommend that you contact the Buffalo District at 716-879-4330 for additional information on the Regulatory Program (USACE 2016).

We recommend that the Project be designed to reduce flooding, sedimentation and erosion, and improve water quality, and fish and wildlife habitat. Stream restoration or enhancement projects should use natural stream design techniques to control erosion and sedimentation, instead of hard rock (rip rap). Properly installed stormwater ponds and sediment and erosion controls such as silt fences and check dams, will help to protect fish and wildlife habitat on site and downstream waters.

Climate change predictions indicate that as temperatures rise and the earth warms, development projects should design structures that can handle more frequent and more intense precipitation events. We encourage developers to design and build projects in compliance with the Leadership in Energy and Environmental Design (LEED) methods and obtain LEED certification for their development projects. The LEED methods are also recommended by the U.S. Green Building Council (USGBC 2016) who, along with the Service, recommends that we all do our part to reduce energy consumption and greenhouse gas emissions as much as possible. For more information, we encourage you to visit the United States Environmental Protection Agency (USEPA) website (USEPA 2015(b)).

If unavoidable impacts to natural resources occur as part of the proposed development project, and compensatory mitigation is required, the Service will work with the county or developer to develop mitigative measures. Mitigation ratios or compensation ratios (for wetlands, streams, and threatened and endangered species) should be commensurate with the type, function, and services that these resources provide. The Service can provide technical assistance on protecting fish and wildlife resources and conservation planning assistance and will work with state and federal partners, the county, or developers, if requested, during regulatory permitting process to ensure compliance with the ESA and other federal and state regulations.

Bald and Golden Eagle and Migratory Bird Treaty Act

In addition to the migratory birds listed on the IPAC site, the New York State Department of Environmental Conservation (NYSDEC 2000, 1985-2000), Breeding Bird Atlas (2000 – 2005, Block 4677B) (2000) lists bird species that may be observed in the proposed Project area and includes, but is not limited to, the chipping sparrow (*Spizella passerina*), field sparrow (*Spizella pusilla*), song sparrow (*Melospiza melodia*), swamp sparrow (*Melospiza georgiana*), black-capped chickadee (*Poecile atricapillus*), tufted titmouse (*Baeolophus bicolor*), scarlet tanager (*Piranga olivacea*), Eastern bluebird (*Sialia sialis*), veery (*Catharus fuscescens*), hermit thrush (*Catharus guttatus*), wood thrush (*Hylocichla mustelina*), American robin (*Turdus migratorius*), blue-winged warbler (*Vermivora pinus*), yellow warbler (*Dendroica petechia*), chestnut-sided warbler (*Dendroica pensylvanica*), black-and-white warbler (*Mniotilta varia*), American redstart (*Setophaga ruticilla*), ovenbird (*Seiurus aurocapilla*), common yellowthroat (*Geothlypis trichas*), gray catbird (*Dumetella carolinensis*), brown thrasher (*Toxostoma rufum*), white-breasted nuthatch (*Sitta carolinensis*), ruby-throated hummingbird (*Archilochus colubris*), yellow-throated vireo (*Vireo flavifrons*), warbling vireo (*Vireo gilvus*), red-eyed vireo (*Vireo olivaceus*), red-winged blackbird (*Agelaius phoeniceus*), cedar waxwing (*Bombycilla cedrorum*), Canada goose (*Branta canadensis*), wood duck (*Aix sponsa*), mallard (*Anas platyrhynchos*), great blue heron (*Ardea herodias*), green heron (*Butorides virescens*), American kestrel (*Falco sparverius*), red-tailed hawk (*Buteo jamaicensis*), sharp-shinned hawk (*Accipiter striatus*),

yellow-bellied sapsucker (*Sphyrapicus varius*), downy woodpecker (*Picoides pubescens*), hairy woodpecker (*Picoides villosus*), northern flicker (*Colaptes auratus*), and pileated woodpecker (*Dryocopus pileatus*).

To minimize impacts to migratory birds, the Service recommends that the applicant protect habitat, including unfragmented forest blocks, shrub and grassland areas, wetlands, and streams. The Service also recommends that the applicant avoid clearing or mowing vegetation between March 31 and July 15 to protect birds during the breeding season. For more information, please visit the Services' Migratory Bird website.

Bald eagle populations are increasing in New York, thanks to conservation efforts. Bald eagles were delisted pursuant to the ESA in 2007, but remain protected under the MBTA, the BGEPA, and by the state as a threatened species. A variety of human activities can potentially disturb bald eagles, affecting their ability to forage, nest, roost, breed, or raise young. "Disturb" is defined in regulations as "to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause: (1) injury to an eagle, (2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or (3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior."

The Service's National Bald Eagle Management Guidelines (USFWS 2016) can help developers minimize impacts to bald eagles, if found within the vicinity of their projects, particularly where construction activities may constitute "disturbance," which is prohibited by the BGEPA. However, if impacts to eagles cannot be avoided, a permit pursuant to BGEPA may be required. The Service recommends that the county or future developers visit our website* and follow our Project Review page to see if permits are required under the BGEPA.

Summary of Recommendations

- a. Visit the Services' website for threatened and endangered species every 90 days to see if federally-listed species are in the vicinity of your project and to see if permits are required pursuant to the BGEPA. Follow the above conservation measures regarding bats and migratory birds, including eagles.
- b. Preserve existing wetlands with adequate buffers and create/restore wetlands that have been degraded or lost due to development. Contact the Corps for additional information on permitting requirements.
- c. Ensure that the proposed Project will not result in adverse impacts to federal and state wetland resources, streams, or threatened and endangered species. Contact the Corps to see if permits will be required, and follow the USEPA 404(b)1 Guidelines (2015(b)).
- d. Ensure that a stormwater plan with sediment and erosion components is designed to treat surface water prior to discharging into tributaries and the Mohawk River. Reduce the amount of impervious surfaces, which reduces the need for stormwater ponds.

- e. Strive to reduce energy consumption and costs as much as possible by incorporating green infrastructure designs and strive to obtain LEED certification.

Thank you for the opportunity to comment on the draft EA. Please contact Sandra Doran at 607-753-9334 if there are any questions regarding this letter and reference project number 16TA0386.

Sincerely,


for David A. Stilwell
Field Supervisor

*Additional information referred to above may be found on our website at:
<http://www.fws.gov/northeast/nyfo/es/section7.htm>

References:

New York State Breeding Bird Atlas. 2000. [Internet]. 2000 - 2005. Release 1.0. Albany (New York): New York State Department of Environmental Conservation. [updated 2007 Jun 11; cited 2016 Jul 15]. Available from: <http://www.dec.ny.gov/animals/7312.html>

New York State Department of Environmental Conservation. 2016. [Internet]. Mohawk River Basin Assessment (pp5). http://www.dec.ny.gov/docs/water_pdf/pwlmhwkasmt10.pdf.

U.S. Army Corps of Engineers, Buffalo District, Regulatory webpage. 2016. [Internet]. <http://www.lrb.usace.army.mil/Missions/Regulatory/>

United States Environmental Protection Agency. 2015(b). [Internet]. Clean Water Act 404(b)1 Guidelines. <https://www.epa.gov/cwa-404/section-404b1-guidelines-40-cfr-230>

United States Green Building Council. 2016. [Internet]. <http://www.usgbc.org/> and LEED Certification Guide <http://www.usgbc.org/cert-guide>

United States Fish and Wildlife Service Bald Eagle Management Guidelines. 2016. [Internet] <https://www.fws.gov/northeast/nyfo/es/step6.htm>

United States Fish and Wildlife Service. 2016. [Internet]. Conservation Planning Assistance Program <https://www.fws.gov/ecological-services/habitat-conservation/cp.html>

cc: NYSDEC, Albany, NY (Division of Fish and Wildlife)
NYSDEC, Utica, NY (Division of Environmental Permits)
USACE, Buffalo, NY (Regulatory Branch)
USEPA, NY, NY (Attn: John Cantilli)

Response to Public Comments

Oneida County is in receipt of comments with regard to the Draft Environmental Assessment dated May 2016. The agency and public comment period for this document ended on June 27, 2016. The following are summaries of responses received, as well as the County's response to each comment or question. Copies of the comments/questions received are included in pages L-9 to L-23 of this appendix.

Air Quality and Climate Change

Public/Agency Comment #1 submitted by the Environmental Protection Agency (EPA): The document refers to Appendix L as the Air Quality Analysis. Appendix K is the Air Quality Analysis.

Oneida County Response: All references to Appendix L as the Air Quality Analysis have been revised to Appendix K in the Final Report.

Public/Agency Comment #2 submitted by the EPA: Please note that MOVES 2014 is the appropriate model to use for on-road vehicles. The use of older versions of MOVES would not change the comparison between the alternatives, but should be used in all future documents.

Oneida County Response: ACEIT was developed using the 2012 version of MOVES and the 2009 version of NONROAD. While MOVES2014 is the latest version, the changes to the model deal mostly with minor improvements to calculations or improvements to the graphical user interface. The emission factors that serve as the basis for our impact assessment have not changed, and the results are still considered valid.

Public/Agency Comment #3 submitted by the EPA: EPA recommends that these strategies also be used to minimize construction emissions:

1. Strategies and technologies that reduce unnecessary idling, including auxiliary power units, the use of electric equipment, and strict enforcement of idling limits: and
2. Use of clean diesel through add-on control technologies like diesel particulate filters and diesel oxidation catalysts, repowers, or newer, cleaner equipment.

Oneida County Response: The two strategies recommended by the EPA to minimize construction emissions have been added to Section 4.3 of the Final Report.

Public/Agency Comment #4 submitted by the EPA: Please note that on December 18, 2014 the Council of Environmental Quality released a revised draft guidance for Greenhouse Gas Emissions and Climate Change Impacts which supersedes the draft guidance dated February 2010. EPA does note that the EA did compare greenhouse gas emissions of the build alternatives which verified the preferred alternative would emit less greenhouse gasses, however, future documents should only use the December 2014 guidance.

Oneida County Response: The text for climate methodology has been updated in the Final Report to reflect the revised draft guidance and states “Federal agencies, to remain consistent with NEPA, should consider the extent to which a proposed action and its reasonable alternatives contribute to climate change through GHG emissions and take into account the ways in which a changing climate over the life of the proposed project may alter the overall environmental implications of such actions.”(CEQ December 18, 2014).

Public/Agency Comment #5 submitted by the NYS Department of Environmental Conservation (NYSDEC): Title 5 permitting/registration may be required depending on the specifics of the industries involved. Additionally the potential exists for permitting/registration during construction phases as well.

Oneida County Response: NYS DEC Title 5 permit for major stationary sources related to air emissions has been added to Section 4.9 of the Final Report.

Public/Agency Comment #6 submitted by the NYSDEC: Noise may become an issue in the future dependent on the specifics of the industries involved. The existing characteristics will be altered by the proposed build-out and noise from both increased traffic and stationary sources must be considered when contemplating mitigation for expected effects.

Oneida County Response: Text has been added to Section 3.2.9 of the Final Report to incorporate the NYSDEC comment regarding facility/operational noise. Future development will require compliance with state and local laws and ordinances that apply to noise. Compliance with state and local entities will require that measures to eliminate or mitigate noise effects be incorporated as a part of those processes.

Public/Agency Comment #7 submitted by the US Fish and Wildlife Service (USFWS): Climate change predictions indicate that as temperatures rise and the earth warms, development projects should design structures that can handle more frequent and more intense precipitation events. The USFWS encourages developers to design and build projects in compliance with LEED methods and obtain LEED certification for their development projects. The LEED methods are also recommended by the U.S. Green Building Council who, along with the Service, recommends that we all do our part to reduce energy consumption and greenhouse gas emission as much as possible.

Oneida County Response: Section 4.2 of the Final Report recommends development of the site should be designed and constructed in accordance with applicable sustainable organizations, such as LEED or ENVISION.

Wetlands

Public/Agency Comment #8 submitted by the U.S. Army Corps of Engineers (USACE): The Draft Environmental Assessment indicates that there are wetlands and streams on the subject parcel, but indicates that these were identified using desktop mapping resources only. Wetlands/waters are dynamic systems that tend to shift in the landscape over time. As such, there are no definitive maps identifying these resources for purposes of Corps jurisdiction. The only way to have a true understanding of the surface water resources is to perform a wetland delineation in accordance with the Corps Wetland Delineation Manual and the

Northeast/Northcentral supplement. The Corps strongly recommends that such a delineation be performed for the subject parcel and then submitted to the Corps for verification.

Oneida County Response: The Environmental Assessment (EA) is assessing impacts associated with a conceptual plan and no specific proposal is in place at this time. As a result, a screening level review using online resources was used for the purposes of this EA in order to identify potential areas of concern related to wetlands and quantify impacts. When an actual development proposal from an industry or entity is prepared, future development of these lands would be subject to additional environmental review under the New York State Environmental Quality Review Act (SEQRA). State and federal wetland delineations for specific development projects would be required and completed under the SEQR process.

Public/Agency Comment #9 submitted by the USACE: If the proposed project(s) will result in a discharge of dredged or fill material into waters of the US, the applicant/project sponsor should schedule a pre-application meeting to discuss the proposal.

Oneida County Response: When an actual development proposal from an industry or entity is prepared, if the project would result in a discharge of dredged or fill materials into waters of the US a pre-application meeting with the USACE would be held.

Public/Agency Comment #10 submitted by the NYSDEC: Wetlands, Natural Landscape, and Parks Area – “The Department is supportive of recreational uses of open spaces but would caution that undisturbed tracts are beneficial as safe haven for wildlife...The Department may consider hike bike ways near a wetland complex but would not be supportive of constructing trails through the wetland proper.”

Oneida County Response: The recommended multi-purpose trail for biking and walking would be located outside the wetland proper. The multi-purpose trail is based on a conceptual plan, actual development may differ as there would be significant site development costs associated with a multi-purpose trail (i.e., environmental review, wetland delineations, permitting, etc.). The County is aware that development of any trails, would require permits from the NYS DEC and possibly the US Army Corps of Engineers.

Public/Agency Comment #11 submitted by the NYSDEC: To say “no significant construction related impacts to wetlands are anticipated” because mitigation is proposed is not reflective of the actual impact. The loss of wetland in one area is not mitigated by protection of wetland in another.

Oneida County Response: Section 4.3 of the Final Report has been revised to include compensatory wetland mitigation would be developed for any loss of wetlands.

Habitat/Natural Resources/Threatened and Endangered Species

Public/Agency Comment #12 submitted by the NYSDEC: The report states that the “study area does not contain potential habitat for Upland sandpiper. Upland sandpipers have been identified on these lands previously. Breeding bird surveys would be required prior to any future development.”

Oneida County Response: Sections 3.2.2, 4.4, and 4.9 of the Final Report have been revised to state the study area does contain habitat for Upland sandpiper and that breeding bird surveys would be required prior to any future development, and a Part 182 permit may be required.

Public/Agency Comment #13 submitted by the NYSDEC: The threatened and endangered species section should include the potential loss of Upland sandpiper habitat.

Oneida County Response: Section 4.4 of the Final Report has been revised to include the potential loss of Upland sandpiper habitat.

Public/Agency Comment #14 submitted by the NYSDEC: The Wildlife and Ecological Communities section for construction related impacts should indicate that mitigation has yet to be determined and will be dependent on future studies.

Oneida County Response: Section 4.3 of the Final Report has been revised to include the recommended text.

Public/Agency Comment #15 submitted by the NYSDEC: The loss of habitat to T&E species is considered a “take” and could trigger permitting requirements.

Oneida County Response: Section 4.4 of the Final Report includes recommendations to avoid clearing or mowing vegetation during breeding seasons in order to protect T&E species. With the implementation of this mitigation measure a direct “take” would not occur since the habitat would not be occupied with the seasonal restrictions. However, additional text has been added to Section 4.9 of the Final Report identifying that a Part 182 T&E Species Incidental Take Permit would be required if adverse modification of occupied habitat were to take place.

Public/Agency Comment #16 submitted by the NYSDEC: The statement “...fact that additional...habitat is available nearby” in the conclusion paragraph for biological resources, is not accurate. While similar habitat may be located nearby, it does not make it “additional” and may not be able to accept increased populations of the species of concern.

Oneida County Response: The conclusion paragraph for biological resources in Section 4.4 has been revised and all references to “additional” habitat nearby has been removed.

Public/Agency Comment #17 submitted by the USFWS: We recommend that the county or developers visit our website and follow the Endangered Species Project Review process to obtain a list of protected species, recommended conservation measures, and information on projects with federal involvement (follow Section 7 process), or non-federal involvement (follow Section 10 process). If there is no federal agency involvement, then the landowner and/or developer is responsible for ensuring that the development activities do not result in “take” of a listed species, or conversely, develop a habitat conservation plan in connection with the Service and seek an Incidental Take Permit pursuant to Section 10 of the ESA.

Oneida County Response: The recommendations to follow the Endangered Species Project Review process, conservation measures, and responsibilities of the landowner and/or developer if there is no federal involvement in the project have been incorporated into mitigation measures for T&E species in Section 4.4 of the Final Report.

Public/Agency Comment #18 submitted by the USFWS: Conservation measures and recommendations to avoid and minimize the take of bats should include the following: following guidelines for surveying bats on the USFWS website, conducting tree removal during winter months, installing bright orange construction fencing and flagging to demarcate trees to be protected compared with those to be cut, conserve habitat for bats by protecting forested areas and corridors, and incorporating the use of downward-facing, full cut-off lens lights, and direct lighting away from suitable habitat.

Oneida County Response: All of the USFWS conservation measures have been incorporated into Section 4.4 of the Final Report.

Public/Agency Comment #19 submitted by the USFWS: A list of additional birds and non-migratory birds, bats, small and large mammals, reptiles, and amphibians that may be found in the Project area were provided.

Oneida County Response: The additional species have been added to Section 3.2.2 of the Final Report.

Public/Agency Comment #20 submitted by the USFWS: To minimize impacts to migratory birds, the Service recommends that the applicant protect habitat, including unfragmented forest blocks, shrub and grassland areas, wetlands, and streams. The Service recommends that the applicant avoid clearing or mowing vegetation between March 31 and July 15 to protect birds during the breeding season.

Oneida County Response: The recommended measures to minimize impacts to migratory birds have been incorporated into Section 4.4 of the Final Report.

Public/Agency Comment #21 submitted by the USFWS: Bald eagles were delisted pursuant to the ESA in 2007, but remain protected under the Migratory Bird Treaty Act (MBTA), the Bald and Golden Eagle Protection Act (BGEPA), and by the state as a threatened species. A variety of human activities can potentially disturb bald eagles, affecting their ability to forage, nest, roost, breed, or raise young. The Service's National Bald Eagle Management Guidelines (USFWS 2016) can help developers minimize impacts to bald eagles, if found within the vicinity of the projects, particularly where construction activities may constitute "disturbance", which is prohibited by the BGEPA. The Service recommends that the county or future developers visit our website and follow our Project Review page to see if permits are required under the BGEPA.

Oneida County Response: Mitigation measures for migratory birds have been added to the Final Report in Section 4.4, and include the Service's recommendations to review the National Bald Eagle Management Guidelines to minimize impacts to bald eagles and Project Review page to see if permits are required under the BGEPA.

Public/Agency Comment #22 submitted by the USFWS: The Project site may impact waterbodies downstream, and a list of fish species that may be present in the Mohawk River were provided.

Oneida County Response: Sections 4.3 and 4.5.3 of the Final Report have incorporated references to the potential for impacts to waterbodies downstream and Section 3.2.2 provides a list of fish species that may be present.

Public/Agency Comment #23 submitted by the USFWS: Recommended that during the planning stage of the development existing wetlands be preserved with adequate buffers, that wetland creation/restoration take place for any wetlands degraded or lost due to development, that adverse impacts be avoided or minimized to wetlands and streams, water quality be protected, and ensure that the development plan includes connective pathways for wildlife to travel safely between habitat areas.

Oneida County Response: The recommended measures to be incorporated during the planning stage of the development to protect wetlands and streams have been incorporated into Sections 4.5.1 and 4.5.3 of the Final Report. Improvements to water quality are included as mitigation measures in Section 4.5.3, and ensuring that the development plan includes connective pathways for wildlife to travel safely between habitat areas has been included in the mitigation measures in Section 4.4.

Public/Agency Comment #24 submitted by the USFWS: Recommended that the project be designed to reduce flooding, sedimentation and erosion, and improve water quality, and fish and wildlife habitat. Stream restoration or enhancement projects should use natural stream design techniques to control erosion and sedimentation, instead of hard rock (rip rap). Properly installed stormwater ponds and sediment and erosion controls such as silt fences and check dams, will help protect fish and wildlife habitat on site and downstream

Oneida County Response: The recommended measures to be incorporated during design to reduce flooding, sedimentation and erosion, and improve water quality and the measures for stream restoration or enhancement projects have been incorporated into Section 4.5.3 of the Final Report. Improvements to fish and wildlife are included as mitigation measures in Section 4.4.

Public/Agency Comment #25 submitted by the USFWS: If unavoidable impacts to natural resources occur as part of the proposed development project, and compensatory mitigation is required, the Service will work with the county or developer to develop mitigative measures. Mitigation ratios or compensation ratios (for wetlands, streams, and threatened and endangered species) should be commensurate with the type, function, and services that these resources provide.

Oneida County Response: The recommendations have been incorporated into Sections 4.4, 4.5.1, and 4.5.3 of the Final Report.

Water/Sewer/Construction Activities

Public/Agency Comment #26 submitted by the NYSDEC: Additional approvals and permits from the NYS DEC or NYS Department of Health will be required for

- Sanitary sewer extension related to construction of any manufacturing, retail, or subdivision (additional 800 housing units)
- Water usage and/or improvements
- Disturbance to the ground of one acres or more

Oneida County Response: The additional approvals and/or permits identified have been incorporated into Section 4.9 of the Final Report.

Public/Agency Comment #27 submitted by the NYSDEC: To verify adequate capacity the most recent flow monitoring data for the sewer system should be referenced.

Oneida County Response: Updated flow data will be obtained when an actual development plan is in place to evaluate the capacity at that time.

Public/Agency Comment #28 submitted by the NYSDEC: All work related to existing lines or additional sewer extensions will need to be in compliance with the Oneida County Consent Order R6-20060823-67, effective 12/07/2011.

Oneida County Response: Information about the Oneida County Consent Order has been added to Sections 3.2.13, 4.5.3, and 4.9 of the report.

Noise

Public/Agency Comment #29 submitted by the NYSDEC: Noise may become an issue in the future dependent on the specifics of the industries involved. The existing characteristics will be altered by the proposed build-out and noise from both traffic and stationary sources must be considered when contemplating mitigation for expected effects. Prior to any development applicants must evaluate the potential for any adverse impacts of sound generated and emanating to receptors outside of the facility or property and employ reasonable and necessary measures to either eliminate or mitigate adverse noise effects.

Oneida County Response: Text has been added to the report in Section 3.2.9 to incorporate the discussion on traffic and stationary noise impacts from the proposed build-out. No significant impacts are anticipated since future development will require compliance with state and local laws and ordinances that apply to noise.

Energy Use/Greenhouse Gas

Public/Agency Comment #30 submitted by the NYSDEC: The project could have significant environmental impacts when considering energy use and GHG emissions through direct and/or indirect emissions. Therefore it is important to consider usage and emission early in the project. Mitigation measures should be considered for direct and indirect

emissions created during both the construction and post construction phases. Design for all aspects of the project should seek to minimize emissions to the maximum extent practicable.

Oneida County Response: The Proposed Action involves developing 99 acres of the 1,210 acre site, with the remaining 1,111 acres remaining undeveloped. In addition, the EA documents that potential air quality and emissions would be 60% less than the Maximum Build-Out. As a result, significant energy use and GHG emission impacts are not anticipated. However, text stating “design of all aspects of the project should seek to minimize emissions to the maximum extent practicable” will be incorporated as an additional mitigation measure in Section 4.2 of the Final Report.

Public Participation

Public/Agency Comment #31 submitted by the NYSDEC: The general public does not seem to have been directly included in the public participation process thus far. We would encourage a wider net to public participation before plans are further developed.

Oneida County Response: A public notice was published in the local newspapers and the Draft Environmental Assessment report was made available at the local library and County DPW offices for review and comment. In addition, the report was also made available on the County’s website. No comments from the public were received, only comments from environmental agencies.

Agency Meetings



C&S Companies
 499 Col. Eileen Collins Blvd.
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 www.cscos.com

Memo

To: Call Participants
From: Gayle M. McKee, Senior Planner
Date: August 26, 2013
Re: Oneida County Airport Land
 Release Environmental Assessment
File: 146.098.001

A webex/conference call with the County and C&S Engineers, Inc. was held on August 19, 2013 at 2:00 p.m.

PARTICIPANTS:

Mark Laramie
 John Kent
 Ralph Napolitano
 Aileen Maguire-Meyer
 Kevin Kelley
 Gayle McKee

REPRESENTING:

Oneida County, Deputy Commissioner of Public Works
 Oneida County, Commissioner of Planning
 C&S
 C&S
 C&S
 C&S

The purpose of the conference call was to provide the County with an overview of the environmental assessment process, identify key milestones in the project schedule, and discuss key issues and concerns.

Items that were discussed at the meeting included:

Environmental Assessment Process

The environmental assessment process includes the following:

- Scoping - a letter is sent out to environmental agencies with a scoping map developed from online resources
- Purpose and need – identifies project
- Affected environment – presents environmental conditions as they exist today
- Alternatives –no action and EDGE Phase 2 development plan will be the only alternatives assessed
- Environmental consequences – identifies the potential impacts associated with development plan but does not include detailed studies or field surveys (i.e., archeological surveys, wetland delineation, etc.)



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Project Schedule

The anticipated completion date for the draft report is March 2014 and the final report is August 2014. Item to note is that the zoning changes need to be implemented prior to the final report being submitted and the issuance of a Findings of No Significant Impact (FONSI).

Key Issues and Concerns

Key issues and concerns that were discussed include the following:

Zoning Discrepancies between EDGE plan and Town zoning

Zoning discrepancies exist between the Towns zoning and the EDGE plan that include the following:

- The Town of Whitestown is currently zoned Airport and Airport-Manufacturing, while the EDGE plan shows a mix of uses
- The Town of Westmoreland is zoned Residential, while the EDGE plan shows mixed-use development
- A portion of Airport Zoning District is not covered in the EDGE plan. There may be small portions covered by the EDGE plan that are not in the Airport or Airport Manufacturing Districts.

The following recommendations were made

- Change the Town of Whitestown zoning from Airport to Planned Development to coincide with EDGE plan recommendations
- Take a phased approach to changing the EDGE plan in the Town of Westmoreland . Phase IIA would show proposed development consistent with Westmoreland's existing zoning, allowing the environmental analysis to proceed without depending on the Town to change their zoning. The reasons for this are initial development would focus on development in the Town of Whitestown which already has an existing business park with infrastructure in place to accommodate the EDGE plan. Phase IIB would be the long-term plan showing a mix of uses consistent with Phase II of the original EDGE Plan. This could be used to encourage the Town of Westmoreland to update their zoning to create a PDD or a mixed-use district, but the land release project can proceed without that change occurring.

Zoning Amendment Process

The county has already been initiating discussions with the Oneida County Business Park owners (that include county board members, town supervisors, and local business owners) regarding the proposed zoning amendments. Based on these initial conversations the response has been positive. The County intends to take two steps related to zoning in Whitestown:

- 1) Request the Town rezone the Airport District (primarily County-owned) to PDD.
- 2) Request the Town rezone the Airport Manufacturing District (non-County-owned) to PDD.



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SEQRA

SEQR will need to be completed as part of the zoning amendment process. The county foresees two zoning actions. The first action is the county as applicant and owners of the airport will be requesting the airport be re-zoned from Airport to Planned Development. The second action is the county as facilitator, not applicant, will be requesting re- the Oneida County Business Park parcel that is located adjacent to the airport be re-zoned from Airport-Manufacturing to Planned Development. The county requested C&S's assistance in preparing the SEQR forms for submittal to the Town of Whitestown. These actions can take place concurrently, and should take about 60-90 days.

Action Steps

County

- provide C&S with cadd file of airport property map prepared by Homeland Security
- research and verify correct parcel boundaries and zoning areas and provide updated cadd/GIS files if needed (GIS preferred)
- review revised plans with EGDE to get their acceptance of the proposed approach
- verify if there was any legislative action regarding the EDGE plan

C&S

- provide County with map showing discrepancies between Airport zoning/airport boundary/EDGE plan
- develop a plan to show
 - EDGE Phase IIA reflecting Westmoreland zoning remaining Residential (R3)
 - EDGE Phase IIB reflecting Westmoreland rezoning in accordance with EDGE plan
- coordinate with FAA regarding cumulative impacts of two actions:
 - rezone county owned property from Airport to Planned Development
 - rezone non-county owned property from Airport-Manufacturing (A-M) to Planned Development
- schedule follow up conference call in one month
- prepare a scope and fee for additional services associated with SEQR preparation and incorporating the Oneida County Business Park into the EA process

If there are any additions, deletions, or corrections that need to be made to the updated summary please send them to Gayle McKee at C&S by September 2, 2013.



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Memo

To: Call Participants
From: Gayle M. McKee, Senior Planner
Date: September 30, 2013
Re: Oneida County Airport Land
 Release Environmental Assessment
File: 146.098.001

A WebEx/conference call with the County and C&S Engineers, Inc. was held on September 17, 2013 at 10:00 a.m.

PARTICIPANTS:

Mark Laramie
 John Kent
 Ralph Napolitano
 Kevin Kelley
 Gayle McKee

REPRESENTING:

Oneida County, Deputy Commissioner of Public Works
 Oneida County, Commissioner of Planning
 C&S
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The purpose of the conference call was to follow up on the status of action items identified at the kickoff meeting held on August 18, 2013.

Items that were discussed at the meeting included:

Zoning Discrepancies

A map identifying zoning discrepancies was prepared and the areas were discussed with the County to get direction on how to address them (see EDGE Plan compared to Existing Zoning Map). There were ten areas that were discussed. General direction given by the County was that all County owned property located in the A or A-M Districts will be included in the proposed zoning change to PDD. Specific direction for each area included the following:

Areas 1 & 2: In A District not in EDGE plan – Area 1 was part of Airport property until 2006 when it was auctioned off. The Town should re-zone this to R-200 so as to not leave any remnants of the ‘A’ District. This parcel also needs to be included as part of the EA and land release application. Area 2 is not owned by the County and will not be included in the zoning change request.

Area 3: In A District and EDGE plan not part of Airport property - County owned land will be included in zoning change to PDD



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Areas 4 & 5: Homeland Security parcel boundaries do not match airport property boundary or tax parcel boundaries – not an issue when the A and A-M Districts were originally developed they did not follow tax parcels, will be included in the zoning change to PDD.

Area 6: In EDGE plan not in A or A-M District – will not be included in zoning change to PDD, road will serve as cut off, JR is located north of road while PDD will be located south of road, PDD will serve as a buffer between residential and commercial

Area 7: In A-M District not in EDGE plan – pre-existing residential parcels will not be included in the zoning change request, County will recommend to Town they create R200 for this area

Area 8: In A-M District not in EDGE plan – area is County-owned, EDGE plan should be extended to include this area as office/insurance and will be part of the zoning change to PDD

Area 9: In A district, not part of Airport property – area is County owned and should be included in zoning change to PDD

Area 10: In A district, not part of Airport property – the A District and EDGE plan boundaries are shown incorrectly they should match up with the Airport property line and will be included in zoning change to PDD

Phase IIA Development Plan

The Phase IIA development plan was reviewed with the County. This plan will be used for zoning request changes and the Environmental Assessment (EA) (see EDGE Plan Phase IIA map).

Results of Coordination with FAA on cumulative impacts

Based on consultation with the FAA, the EDGE development plan that extends beyond the airport property to be released should be discussed in the cumulative impacts section of the EA document.

Scope and Fee for Additional Work

C&S held off on preparing the scope and fee for additional work until the extent of additional services regarding resolution of airport property issues is determined.

Airport Property to be released

A map was prepared that identified discrepancies in the boundary of airport property to be released (see Proposed FAA Land Release Boundary Map). These discrepancies include the following:

Area 1: Tax mapping identified this area as not being owned by the County - This is a pre-existing residential parcel with a home on it that was in place prior to the airport being acquired by the County. This parcel was never acquired and is not part of airport property.

Area 2: The final boundary of the Homeland Security parcel does not coincide with the original boundary - The boundary of the Homeland Security parcel is based on the lease terms and a fixed offset from the runway.



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Area 3: Tax mapping identified this area as not being owned by the County - This area was auctioned off in 2006 and is no longer County-owned.

Area 4: Tax mapping identified this area as not being owned by the County - This area was sold to the Meatcutters Union and is no longer County-owned.

Action Steps

County

- provide parcel information required to complete the metes and bounds description
- review revised plans with EGDE to get their acceptance of the proposed approach

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- EDGE Phase IIA development plan will be updated based on direction received from the County during the meeting and an updated map will be submitted to the County
- prepare a scope and fee for additional services associated with SEQR preparation, incorporating the Oneida County Business Park into the EA process, and additional work to conclude metes and bounds descriptions
- discuss property issues with FAA in October

If there are any additions, deletions, or corrections that need to be made to the updated summary please send them to Gayle McKee at C&S by October 9, 2013.

Environmental Assessment for Land Release of Former Oneida County Airport Property Meeting Memo

Date: July 16, 2014

Location: Mohawk Valley EDGE offices

Purpose of Meeting

The purpose of the meeting is to develop a maximum build out alternative that can be qualitatively analyzed in the Environmental Assessment (EA) based on the new zoning that will be implemented by the Town of Whitestown. The build out alternative needs to include cumulative development in terms of overall square feet of building space, parking space, etc.

Background Information

The Environmental Assessment (EA) is being prepared to assess the impacts associated with the release and redevelopment of the remaining 1,210 acres of former airport land. As shown on **Figure 2** the 1,210 acre area is broken down into the following three parcels:

- *Parcel I* consists of approximately 227 acres of vacant undeveloped land.
- *Parcel II* consists of approximately 944 acres of vacant undeveloped land.
- *Parcel III* consists of approximately 39 acres of mostly developed land.

To guide the redevelopment of the former Oneida County Airport, an amendment to the Town's Zoning Ordinance and Zoning Map via establishment of a Planned Development District ("PDD") will take place. The PDD sets forth eight general categories of land use for the former airport, designated to provide an integrated community with a diverse mix of uses including warehouse and distribution, light industrial, research and development/office, mega site, town center, opportunity site, single-family residential, and conservation area (wetlands, natural landscape, and parks). **Figure 3** illustrates the areas within the former airport committed to each of the eight general categories:

1. The Light Industrial Area is comprised of three areas totaling 160 acres (13% of the total PDD). Uses to be permitted in these areas include offices and light manufacturing, building materials storage and sales, self-storage, contractors, and construction yards. The three areas are located along the western (94 acres), northern (15 acres), and northeastern (51 acres) edges of the former airport and adjacent to the existing Oneida County Business Park that is located between Hangar and Sutliff Roads.
2. The Research and Development / Office Area is comprised of one area totaling 15 acres (1% of the total PDD) and is located along the northern portion of the former airport lands. Permitted uses in this area include general office space.
3. The Warehouse and Distribution Area is comprised of one area totaling 128 acres (11% of the total PDD) and is located along the eastern portion of the former airport lands. Permitted uses in this area include trucking and warehousing.
4. The Mega Site Area is comprised of one area totaling 203 acres (17% of the total PDD) and is located along the southeastern portion of the former airport lands. This area is a reserved

parcel for a larger 200 acre + “mega” development (e.g., Marcy Nanocenter at SUNYIT, Family Dollar distribution facility at Griffiss Business Park, or Walmart distribution center at Marcy, NY). Permitted uses include heavy to light industrial, hi-tech manufacturing, large scale distribution and warehousing, and job producing development that would require a vast amount of acreage to accommodate.

5. The Opportunity Site Area is comprised of one area totaling 156 acres (13% of the total PDD) and is located along the eastern portion of the former airport lands. The opportunity site could act as a smaller mega site including heavy to light industrial, hi-tech manufacturing, large scale distribution and warehousing, and job producing development that would require a vast amount of acreage to accommodate.
6. The Residential Area is comprised of two areas totaling 410 acres (34% of the total PDD). The two areas are located along the southern (341 acres) and eastern (69 acres) edges of the former airport lands. Permitted uses in this area include single-family residential.
7. The Town Center / Business Park Center Area is comprised of one area totaling 3 acres (.2% of the total PDD) and is located along the northern portion of the former airport lands. Permitted uses in the Business Park Center include pedestrian-scale retail, restaurants, and public spaces that will provide a gathering place for the Business Park community.
8. The Wetlands, Natural Landscape, and Parks Area is comprised of one area totaling 135 acres (11% of the total PDD). This area is reserved for an open space network that includes the extensive wetland area in the northwest portion of the PDD and a multi-purpose trail for biking and walking.

Action Items

In order to analyze impacts associated with the build out alternative the following needs to be identified:

- Whitestown zoning district categories that the redevelopment plan land uses would coincide with
- Size of anticipated buildings and other impervious surfaces (i.e., parking lots) contained on various land use areas (i.e., mega site, warehouse and distribution, light industrial, R&D/office, etc.) in order to assess impacts in the EA

Memo

To: Call Participants
From: Gayle M. McKee, Senior Project Planner
Date: July 20, 2015
Re: Oneida County Airport Land
Release Environmental Assessment
File: 146.098.002

A conference call with the FAA and C&S Engineers, Inc. was held on July 14, 2015 at 2:30 p.m.

PARTICIPANTS:

Marie Jenet
Marc Champigny
Gayle McKee

REPRESENTING:

FAA
C&S
C&S

The purpose of the conference call was to discuss the status of the project and steps needed to proceed with the EA document now that the zoning change has been approved.

Items that were discussed at the meeting included:

Comments on Draft Report

FAA comments on the Draft Report focused on the need to quantify acres of impacts (i.e., acres of impervious surface that include building, utilities, roads, etc.) and the need to address a maximum build out plan for the site.

Maximum Build Out Analysis / County Approval

The Maximum Build Out Analysis was developed after a meeting that was held with Mohawk Valley EDGE and the County. The maximum development allowed on each parcel was quantified based on the land use and zoning codes. In addition, for the residential development proposed in the Town of Westmoreland, the zoning codes would allow development of approximately 300 to 400 residential lots however this was not considered reasonable based on an analysis of housing growth trends in the Town and was reduced as a result.

The FAA cannot approve the Maximum Build Out Plan but a letter of support from the County that documents a “good faith effort” to proceed with the plan based on the revised zoning is needed as part of the EA and to be able to estimate quantities based on the County’s approved plan.

Scoping Letter Responses

A summary of scoping letter responses included the following:

- Tribal coordination per USEPA and SHPO
- Phase 1A Literature Search & Sensitivity Assessment per SHPO
- Cumulative impacts of habitat loss and support of Redevelopment Plan per USEPA
- Threatened and Endangered Species per NYSDEC and USFWS IPAC
- Wetland delineation per NYSDEC

Approach to Complete EA

Discussion/Question: C&S proposed approach to FAA of using available online resources to quantify impacts for environmental categories impacted by proposed development plan. An example given was state and federal wetlands. Can quantify impacts as to whether new roads require fill in wetlands but since the actual location of where buildings and parking areas are not known at this time not sure how to quantify this. Since we do not know can the EA discuss best practice measures will be taken to avoid wetlands?

Response by FAA: We could discuss the use of best practice measures to avoid wetlands however, any significant impacts to wetlands we would need to document there are areas available for mitigation.

Discussion/Question: C&S then discussed how to quantify impacts to environmental categories such as archeological resources or threatened and endangered species. There are no online resources that document actual locations they just identify whether the area is of concern or not. Can we base an analysis for potential impacts to T&E species using land cover types to say there would be no species affected or if there is the potential for species to be impacted document the use of avoidance measures and conduct surveys prior to construction?

Response by FAA: The EA cannot just document avoidance measures and the need for surveys later on. Providing GIS mapping with different layers that identify the areas of concern (i.e., wetlands, archeologically sensitive areas, etc.) would help to preserve and document any areas that need to be avoided in development. We have to be able to quantify impacts or rule out impacts. For federal agencies this will be the only opportunity for them to comment on the project. Once the property is released federal agencies will not have any jurisdiction. As a result agency sign off will be required as part of the EA.

Action Items

- C&S to work with County to obtain letter supporting Maximum Build Out Plan
- C&S to prepare updated development plan map based on approved zoning that will include acreages of impervious surfaces for each parcel
- C&S to provide FAA with draft tribal letter
- FAA to forward updated development plan to environmental agencies for review and discussion on a follow up conference call
- C&S and FAA to hold conference call with environmental agencies to discuss what will be needed to obtain sign off from their agencies

If there are any additions, deletions, or corrections that need to be made to the updated summary please send them to Gayle McKee at C&S by July 31, 2015.