Chapter 7 - Environmental Impacts and Mitigation

Introduction

This chapter focuses on environmental impacts and mitigation of adverse effects. For the purposes of SEQR compliance, however, the entire document (Master Plan/DEIS) satisfies the requirements for an environmental impact statement as specified in Part 617, the rules and regulations implementing SEQR. Chapter 6 contains a description of the proposed action. The environmental setting is discussed in Chapter 3 and Chapter 5 contains the alternatives analysis.

This chapter has two primary parts: a summary of environmental impacts associated with alternatives and a more detailed analysis of impacts associated with implementation of the Final Master Plan including a discussion of mitigation measures.

Impacts of Alternatives

In Chapter 5, Analysis and Alternatives, alternatives were developed for various recreation and support activities at the park. Alternatives were developed using information on existing conditions, an analysis of recommended directions for various activities and constraints and considerations identified in the resources analysis. The preferred alternative for the entire park (i.e. the Final Master Plan) consists of the preferred alternative for each identified activity.

Much of the information on the environmental impacts of alternative actions is discussed in the analysis of the alternatives section. The following is a summary of the findings from the impact analysis which make up the preferred alternative and the Status Quo alternative

Status Quo Alternative

This alternative consists of the current facilities, programs and practices at the park as described in the Environmental Setting Chapter. Under this alternative, the current resource protection, operation, and facility management practices would continue. The increasing demands on the park would not be met or mitigated nor would the resources be adequately protected.

Issues such as the safety concern with traffic and parking facilities in the center of the park, and uncontrolled stormwater runoff from the park into Chautauqua Lake would not be addressed.

The Status Quo alternative would not result in any additional adverse environmental impacts. The potential for long-term indirect adverse environmental impacts is likely, however, since the there would be no plan to guide use, protection and development of this area. As more park visitors seek to use the park, additional demands will be placed on its natural, cultural and recreational resources. Without the guidance provided by the Master Plan, which directs more intensive use and development toward areas with higher capacity for such use (and away from the more sensitive areas of the Park), the potential for adverse impacts on environmental resources increases.

Preferred Alternative and the Final Master Plan.

The preferred alternative is the compilation of the preferred recreation activity and support facility options identified in Chapter 5. This compilation was subject to a final evaluation (or synthesis) to assure that there was consistency among the various alternatives. This final assessment resulted in the identification of the final master plan (Chapter 6). The final master plan provides considerable recreational and resource protection benefits. The final plan also identifies potential adverse impacts, both short and long term, as well as ways to, if not eliminate them, minimize them to the fullest extent possible through appropriate mitigation measures. From a long-term perspective,

implementation of the park master plan will result in a beneficial environmental impact by insuring that the most sensitive areas of the Park will be identified, monitored and provided appropriate stewardship.

Potential Environmental Impacts associated with Implementation of the Final Master Plan

Land (Topography, Geology and Soils)

Potential Impacts: Implementation of the proposed master plan will not impact bedrock or steep slopes. Proposed new developments avoid these areas and vegetated swales will be created along each of the terrace levels to capture runoff and help prevent soil erosion. Foot traffic will be directed via paths and stairways and other slope areas will be stabilized with native vegetation to reduce the potential for soil erosion.

No new development is proposed in the Red Hook Silt loam soil areas which have limitations due to their high water table. No new buildings are proposed in the area of the park located within the 100 year floodplain.

An erosion control plan will be prepared for any construction projects within the proposed Master Plan that have the potential to disturb park soils or result in erosion. Any projects that disturb one acre or more will be subject to the State Pollution Discharge Elimination System (SPDES) General Permit Process. This process involves the development of a site-specific Stormwater Pollution Prevention Plan (SWPP) sedimentation and erosion control plans. Best Management Practices as described in the New York Guidelines for Urban Erosion and Sediment Control (USDA-SCS, 1989) will be used to reduce impacts to soils on the project site. Some measures anticipated to be used include: minimizing soil disturbance and vegetation clearing; the use of silt fencing and hay bales where needed; preservation of vegetated buffers; and seeding and mulching of disturbed areas as soon as possible following work.

Water

Potential Impacts and Mitigation: The existing 42.6 acre site includes approximately 33.4 acres of mowed lawn and wooded areas and 9.3 acres of impervious surfaces (roads, parking lots, roof-tops). One of the sustainability goals of the plan is to limit the amount of unnecessary impervious surface. The proposed master plan re-uses some of the existing roads and removes some pavement (approximately 3.3 acres) where it is no longer needed. Implementation of the proposed master plan will result in about 1.9 acres of new impervious surfaces in the park including approximately 1.3 acres of new asphalt pavement and 0.6 acres of new impervious roofs. This increase in impervious surface could result in an increase in the quantity and velocity of runoff generated during storm events.

However, the Master Plan includes a variety of measures designed to reduce the quantity and improve the quality of stormwater runoff on the site which in turn will contribute to improvements to Chautauqua Lake water quality. Stormwater management on the park will be improved through the construction of vegetated swales. Vegetated swales will be located at the bottoms of each of the terraced areas in the park and will include absorbent soil mixtures and native plant materials that can withstand extreme moisture changes. The swales will assist in stormwater and erosion control in these locations. The Master Plan also calls for substantial restoration, regeneration and plantings of native species of plants and trees throughout the park in the North and South Natural Regeneration areas totaling approximately 12.6 acres. Activities in these areas will include: shoreline restoration along Chautauqua Lake, shoreline and erosion control plantings along the Maple Springs Creek

corridor, restoration of native forest including tree and understory planting, reduced mowing in some areas and phased regeneration. Additional planting activities proposed include buffer and shade plantings within the parking lots, along the road and within the amusement area. The additional vegetation will act to reduce stormwater runoff into the lake and creek. Design of the large asphalt parking area will also include some drainage structures to reduce runoff into Maple Springs Creek during storm events. Permeable pavement will be used for both the secondary parking area (2.1 acres) and primary pedestrian paths (0.9 acres). A reinforced turf will be used instead of asphalt pavement for the special events parking area (3 acres). These porous pavements will significantly reduce the quantity of runoff from the parking areas following storm events. As discussed in the previous section, DEC's Stormwater SPDES General Permit process including the preparation of a SWPP will be followed for any activity disturbing one acre or more. Conceptual presentations of these measures can be seen in Figures 12 and 13.

Other measures that will be taken to avoid or minimize impacts to surface water quality include the following: no construction will occur within the 100 year flood plain; clearing and ground disturbance for any proposed park improvements will be kept to the minimum necessary to complete the required work; and all disturbed areas will be seeded and mulched immediately following final grading to assure rapid re-vegetation of exposed soils.

Construction of a new tour boat dock and smaller car-top boat launch and transient small craft dock could result in impacts to the water quality in Chautauqua Lake during the annual installation and removal of the docks from the lake. Turbidity in the lake will likely increase during installation and removal which could destroy aquatic vegetation, smother benthic invertebrates and interfere with the respiration and reproduction of aquatic organisms. These impacts can be mitigated to some extent through the use of installation techniques designed to minimize the suspension of sediment. Installing a permanent dock that does not need annual removal would also limit the impacts to a single occurrence rather than twice annually. Prior to design and construction of either of these docks, research will be conducted on docking system designs that could potentially withstand winters in Chautauqua Lake as well as installation techniques and equipment that would minimize impacts. OPRHP will work with NYS DEC and the US Army Corps of Engineers to obtain the necessary permits for this work and minimize impacts to the water quality of Chautauqua Lake.

Air Quality

Potential Impacts and Proposed Mitigation: Potential air quality impacts as a result of master plan implementation will be minimal. The park currently has 240 parking spaces and when the Viking Lot is used during peak attendance days, an additional 640 spaces are available for a total of 900 parking spaces. The proposed master plan calls for a permanent asphalt lot for 300 cars, a secondary lot with permeable pavement with a 300 car capacity and an overflow lot for another 300 cars that would primarily be used during special events. Thus, the amount of primary parking in the park will remain the same as the current level. Several additional parking spaces will be placed near the three picnic areas to provide accessible parking for this area of the park as well as access for caterers for the picnic shelters. This area, however, will be accessible only by special permit with most picnickers using the primary parking lots and walking through the park to the picnic areas. There will also be a small (five space) lot off Chautauqua Avenue near secondary service entrance C for the car top boat launch area. Both of these areas are expected to have fairly limited use and are not expected to result in a major increase in emissions or reduction in air quality within the park. In fact, relocation of the main parking area further from the rides and picnic areas as well as the planting of trees as a buffer could result in improved air quality for park users.

Short term temporary impacts that may occur as a result of master plan implementation could include a minor temporary increase in vehicle exhaust and some generation of dust during

construction. Air quality impacts from construction vehicles will be mitigated by assuring that these vehicles are in good running condition and are not producing excessive exhaust.

Plants and Animals

Threatened or Endangered Species

Potential Impacts: The 2008 Natural Heritage inventory of the park documented the presence of a rare mussel species, Kidneyshell (Ptychobranchus fasciolaris), in the shallow waters off the shore of Midway State Park. The interim report (Lundgren, 2008) indicates that activities that could affect the water quality of Chautauqua Lake should be avoided in order to protect this and other native mussels and native aquatic vegetation in the lake. As outlined above, the master plan is expected to result in improvements to the Lake's water quality through a variety of measures designed to decrease stormwater runoff from the park. These measures will also indirectly benefit the mussels.

The interim Natural Heritage report (Lundgren, 2008) recommended identifying and managing well-defined lake access points rather than expanding use across the full extent of the park's shoreline to minimize impacts to the mussels from recreational activities. The plan limits access and impacts along the shoreline through the use of well defined trails and boardwalks as well as restoration of shoreline vegetation. In addition, restoring a bathing beach was determined not to be a feasible option at the park. These actions could benefit the mussel by directing activities within the lake itself to two access points: the tour boat dock and the transient boat dock/car top launch. Other areas of the lakeshore will remain natural.

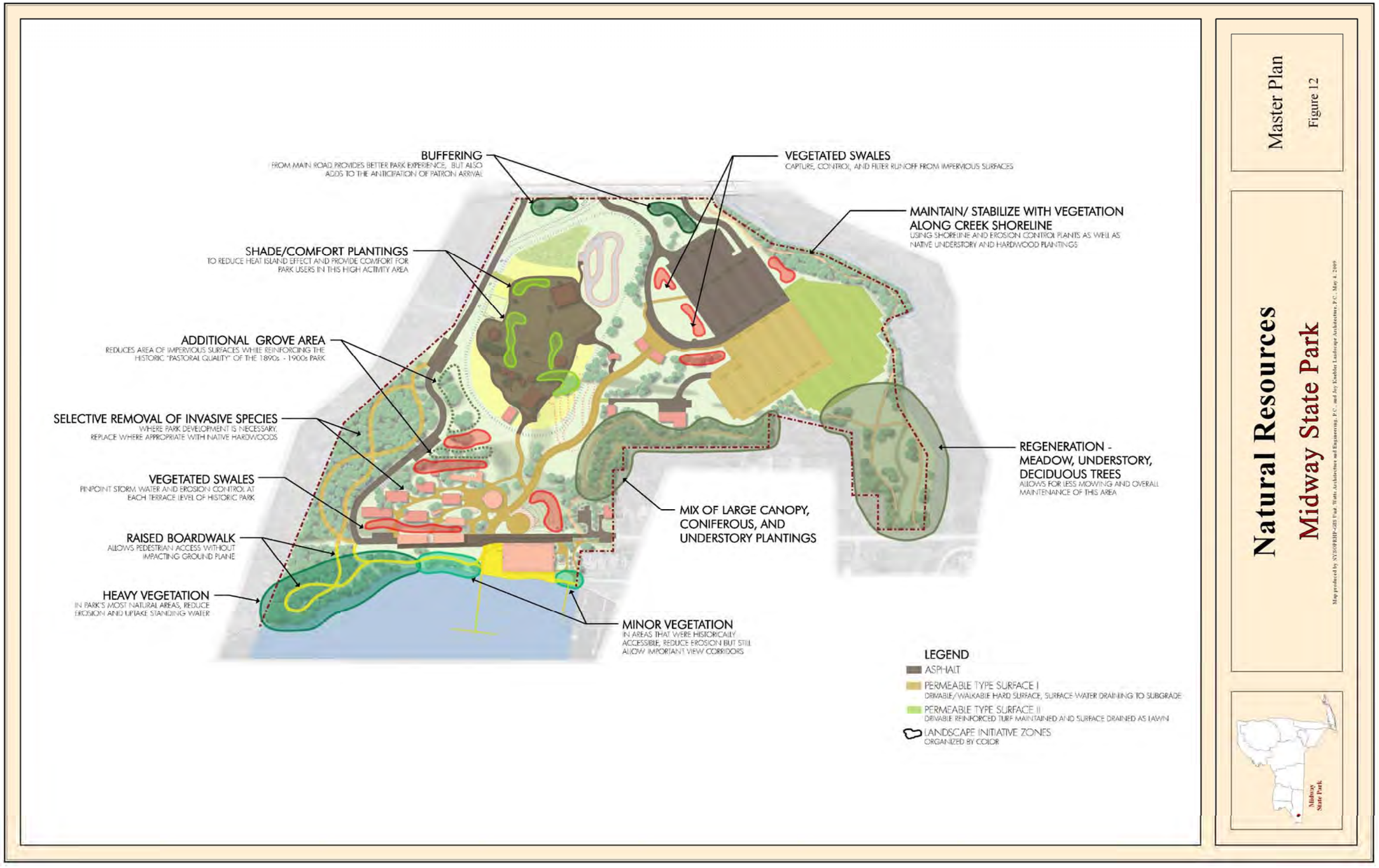
The mussel could, however, be adversely impacted by construction of the tour boat dock and the docks for the car top launch and transient boaters. The type and extent of adverse impacts will be dependent on the final location of the docks and the type of docking system and installation/removal techniques selected. A more detailed mussel survey will be conducted during the summer of 2009 that will identify specific mussel beds and the best areas to protect along the lakeshore. Results of this specific survey will be one factor used in selection of the final locations for the Tour boat dock and transient boat docks. In addition, as discussed above, prior to design of these docks, research will be conducted with respect to dock installation techniques that minimize disturbance of the bottom sediments and the potential for an innovative dock design that would not require annual installation and removal. Silt curtains or other measures to reduce the amount of suspended material in the water will be used as necessary during construction. OPRHP will work closely with Natural Heritage Program scientists to minimize adverse impacts to this species.

Animals

Potential Impacts and mitigation: Midway State Park is heavily developed for recreation use. It currently provides limited wildlife habitat. Habitat will be improved through the re-establishment of native forest and naturalization of shoreline in the North Natural Regeneration Area and maintenance and stabilization of vegetation on the shore of Maple Springs Creek, and native forest and understory plantings, and meadow restoration in the South Natural Regeneration Area (Figure 12).

In addition to potential disturbance of the rare mussels, installation of the tour boat dock and car top launch/transient boat docks could impact fish habitat in Chautauqua Lake. As discussed above for

Figure 12 Natural Resources



the rare mussel OPRHP will explore innovations in dock design and installation that would minimize disturbance of the bottom sediments. OPRHP will also consult with DEC fisheries biologists with respect to potential impacts and appropriate timing to reduce impacts and will obtain any necessary permits as required by DEC and/or the US Army Corps of Engineers.

During the summer months, the Hippodrome and Carousel buildings are currently home to nursery colonies of Little Brown Bat (*Myotis lucifugus*). Historic restoration of these buildings will require batproofing of the buildings to prevent access and roosting by bats. Bats are very beneficial, however, as they consume large quantities of insects. Bat populations are declining in the northeast as a result of the new disease known as "white-nose" syndrome. Thus, the following measures will be taken to protect bats when roof and clerestory restoration work is done. Timing: batproofing of the structures will be completed in the fall and winter months (October –April) to avoid disturbing the nursery colonies. Bat houses will be constructed and placed in locations throughout the park to serve as alternative roosting locations for the bats.

Chautauqua Lake has been identified by Audubon (Burger and Liner, 2005) as an Important Bird Area primarily for its importance as a stopover for migratory birds, particularly waterfowl in the fall and winter. Actions proposed in the Master plan will not adversely impact waterfowl using the lake.

Vegetation

Potential Impacts and mitigation: Some limited tree removal will be required as a result of Master Plan implementation particularly in the picnic grove and pavilion areas. Trees to be removed will be primarily non-native Norway Maples. Overall, the Master Plan layout was designed to minimize impacts to trees by maximizing re-use of existing roads, developed areas and lawns for proposed new facilities. In addition, the Master Plan calls for extensive planting of additional native trees and vegetation as buffers, and improvement and restoration of native vegetation in other areas of the park.

Historic and Archeological Resources

Historic Resources

Potential Impacts and Mitigation Measures:

Midway State Park is listed on the State and National Registers of Historic Places. Any proposed revisions to structures or features within the park must be reviewed by the State Historic Preservation Office (SHPO) under section 14.09 of the State Parks, Recreation and Historic Preservation Law.

Implementation of the proposed Master Plan for Midway State Park will result in many beneficial impacts to the historic resources at the park. The cultural resource goal is to identify, protect, preserve and interpret structures, uses and areas within the park that are significant to the history, archaeology and culture of the local community, region, state and nation.

The Master Plan divides the park into two areas representing two distinct periods of historic park development. The waterfront area including the Hippodrome, Carousel and all of the picnic areas represents the "trolley era" of the park dating back to 1894. Plans for this area include rehabilitating the historic Hippodrome building in accordance with the Secretary of the Interior's Standards for the Treatment of Historic Properties and making it the year-round focal point for activities in the waterfront area of the park. This includes restoration of the building-length clerestory/monitor which was lost to a wind storm in the 1940's, as well as exterior restoration of the building to provide a more historic appearance. Appropriate interior alterations at the first level will be undertaken to accommodate new functions including space for arcade games, a restaurant and an improved and upgraded park museum. The first floor has a low level of historic integrity, so it can accept these

new uses without impact to its historic character. Structural renovations and alterations to provide accessibility and egress will also be undertaken on the second floor so that it can once again be used for skating and special events.

The Carousel building is also proposed for appropriate rehabilitation in accordance with the Secretary of the Interior's Standards for the Treatment of Historic Properties. In the group use pavilion area, there is a mix of historic and non-historic shelters. The non-historic shelters will be redesigned to bring them into an appearance more compatible with the historic picnic shelters at the park. Consultation with the SHPO will occur during the design and construction process for all proposed renovations of historic park buildings. Part of the focus of the waterfront area will be interpretation of the park's history including the potential for a restored trolley car along the former trolley car axis terminus. Better interpretation of the historic resources of the park will also be provided through improvements to the park museum and interpretive signage throughout the park.

Another important historic attribute during the trolley era was the tour boat dock. Steamboats were one of the most popular ways to get to the park when it was first created. The historic pier at the park was lost in 1935 when it was hit by a large wave. The proposed master plan includes construction of a new dock capable of accommodating all current Chautauqua Lake tour boats. This will re-establish the historic connection between the park and the lake and allow patrons the experience of arriving at the park by water.

The upper areas of the park represent the "Automobile Era" including the collection of historic rides within the amusement area. The park will continue to operate, preserve and maintain this important example of a mid-twentieth century "kiddieland" amusement park. While the plan calls for some changes in the layout of the rides to improve pedestrian circulation and reduce safety concerns, overall the impacts of the plan on this area of the park are beneficial and will not significantly impact its historic character. The park will seek to purchase other historic amusement rides from the same era as the present collection including the purchase of new rides that would fit with the park character and add to the patron experience as well as the purchase of non-working rides for parts to keep the rides within the park functional. Consultation with the SHPO will occur prior to placement of rides and attractions in this area of the park.

Implementation of the master plan will result in adverse impacts to some of the existing buildings in the park identified as contributing buildings within the National Register nomination including the Arcade Building, the park office, the "ice house" and the "residence". By definition, this approach will constitute an Adverse Impact on historic resources at the Park. However these buildings have been examined in accordance with the provisions of Section 14.09 of the New York State Parks, Recreation, and Historic Preservation Act of 1980, and no prudent or feasible alternative to the proposed treatment has been found. As discussed in more detail below they have been documented to be structurally unsound, not meet current codes, or pose a health or safety threat to patrons. In addition, the location of the buildings prevents visual and physical access to Chautauqua Lake. A memo has been drafted and signed that documents this review process as well as the agreed upon mitigation measures (see Appendix B).

The existing Arcade building was originally built as a seasonal structure. It has had many different periods of alterations and repair, not all appropriate to the historic character of the building or well designed as to structure or material. Currently, it is not structurally sound and needs to be shored up annually to withstand the heavy snow loads. This is a concern due to the historic value of many of the arcade games within the building. The location of this building blocks views of the lake and impedes patron circulation as proposed in the master plan. An analysis of alternatives for the Arcade building is included in Chapter 5. The preferred alternative calls for removal of the arcade building and relocation of the function to the restored Hippodrome.

The building currently being used as the park office is also a contributing building recommended for removal in the Master Plan. This building is inadequate for this function and is located on the former trolley line ROW. The Master Plan calls for interpretation of the historic trolley line into the park including a possible restoration of part of the track area with a restored trolley car at the track terminus for interpretation. Alternatives to demolition of the park office building are discussed in Chapter 5.

The NR contributing buildings known as the "Ice House" and "Residence" are also recommended for removal. Analysis of alternatives for these structures is included within Chapter 5. Removal of these buildings from the waterfront area will provide more accessible open space along the waterfront, open up the area around the Hippodrome and provide space for a car top boat launch site near the south end of the park.

Proposed Mitigation: Mitigation under Section 14.09 will include the following measures: All buildings to be removed will be documented and recorded via archival photographs and maps. Copies of these documents will be kept at the park and in the Field Services Bureau. Historic interpretation of these buildings will occur in the park museum and through historic signage or plaques near their historic locations. Design of new park buildings will be undertaken in consultation with the SHPO. A goal will be to maintain the historic character of the park.

Archeological Resources

Potential Impacts and Mitigation: A phase 1A/B Cultural Resource Investigation of the park (Dean, 2008) indicates that Midway Park lies in an area of high archeological sensitivity for both precontact and historic resources. There are two precontact archeological sites within the park boundaries, the Midway Site and the Havilan Site. In addition, a small historic midden was identified in the northern part of the park near the park boundary. Any proposed development in the Master Plan that would require subsurface disturbance in these two areas would potentially impact archeological deposits.

Site specific project review by the Field Services Bureau will be required prior to construction occurring within the boundaries of the Midway Site. Information regarding the nature and extent of the various construction activities in this area will be provided to the Field Services Bureau who will use this information to determine if additional archaeological investigation is warranted.

A Phase II Site Evaluation of the Havilan site will take place prior to construction. The additional testing will involve plowing and disking of the fields in the area of the Havilan site followed by a systematic walkover inspection by an archeologist. The goal of a Phase II investigation is to refine site limits, to explore site integrity and to determine if the site is National Register eligible. The results of this testing will be compared to the Phase I subsurface tests and recommendations will be made by the Field Services Bureau for additional sub-surface testing. If the Field Services Bureau determines the site is National Register eligible, a Phase III Data Recovery investigation will be required. The goal of a Phase III investigation is to answer research questions and to obtain a representative artifact sample. If the Havilan site is determined not to be National Register eligible, a Phase III Data Recovery Investigation will not be required. The Field Services Bureau will use the information from these additional investigations to make a decision about mitigation required for this site, prior to construction.

The area of the historic midden is a wooded area. The only proposed development in this area is an interpretive hiking trail through the woods. Construction of this trail is not expected to result in any disturbance of the subsurface and thus will not impact archeological resources.

Scenic/Visual Resources

Potential Impacts: Implementation of the Master Plan for Midway State Park will not result in any significant adverse impacts on scenic resources in the park. In fact, scenic resources and vistas to Chautauqua Lake will be improved through the actions recommended in the Master Plan. Improvements along the shoreline of the Lake including restoration of the former cottage area with native plant species and providing additional plantings in the mid and southern areas of the shoreline will improve aesthetics in these areas. Removal of the park office, ice house and residence buildings in the southern area will open up additional views of the lake.

In addition, the proposed site plan for the park is designed to improve the overall scenic quality of the park. Removing the roads and parking from the center of the park and providing vegetated buffers between parking and patron use areas will result in beneficial aesthetic impacts. The new pedestrian promenade takes advantage of the changes in elevation to capture views of the historic carousel and Hippodrome building. Removal of the Arcade building also opens up views of the lake from this walkway. Other scenic vistas in the park will be maintained and improved. New buildings and facilities in the park will be designed to blend with the park's historic character.

Open Space and Recreation

Potential Impacts:

The Open Space Plan (NYSDEC 2006) identifies Chautauqua Lake Shorelands and Vistas as priorities for state acquisition. Midway State Park was acquired by OPRHP to protect the historic and cultural resources there as well as to continue to provide public recreational access to Chautauqua Lake. Beneficial impacts of Master Plan implementation on open space and recreation include: continual operation, maintenance and potential additions to the historic "kiddieland" amusement area; enhancements to the picnic facilities and group use pavilion; restoration of the Hippodrome to a four-season building including arcade, museum, restaurant and bar, rest rooms and return of seasonal roller skating and special events on the second floor; and creation of a new multi-use trail system in the park. In addition, the Master Plan opens up nearly 1500 feet of lake frontage to public use. Enhancement of waterfront activities include a car-top boat launch, transient dockage for day users, potential tour boat docking, fishing and hiking.

Transportation/Traffic

Potential Impacts and mitigation: The proposed improvements in the Master Plan are not expected to significantly increase the level of use of the park during the summer time and as a result, traffic entering and exiting the park is expected to remain about the same as current levels. Once rehabilitation of the Hippodrome is completed, traffic levels during the off-season would increase over the present level for patrons wishing to use the year-round facilities in that building. Off-season use, however, would still be significantly lower than summer use and should not result in any additional traffic congestion on Route 430.

Some traffic concerns were raised at the public information meeting including the need for a turning lane, a No Passing Zone or Reduced Speed Zone on Route 430 near the park entrance. OPRHP will work with DOT to determine if any of these options would be feasible to improve safety at the park entrance.

Within the park, the flow of traffic will be significantly improved with the creation of separate entrance and exit drives from Route 430 and the inclusion of a bus loop with room for queuing.

Impact on Health and Safety

Potential Impacts and mitigation: Implementation of the Master Plan will significantly improve patron safety within the park. The current layout of the park with the entrance road and parking in the center between the picnic areas and the amusement area is a safety concern particularly for young children. The proposed layout virtually eliminates vehicular traffic in the majority of the park, keeping roads and parking areas near the periphery. In addition, the layout of the kiddie train route has been reconfigured to reduce the number of pedestrian crossings. Design and construction of new facilities and rehabilitation of historic structures will meet all applicable health and safety codes.

Figure 13 Park Operations

Some patrons had expressed concerns with the current lack of rest room and hand washing facilities in the upper area of the park near the amusement rides. The master plan proposes new restroom facilities both in the main gateway building near the parking area and within the amusement area. These new facilities will reduce the potential for spread of disease through inadequate sanitary facilities.

Impact on Growth and Character of Community and Neighborhood

Potential Impacts and mitigation: State acquisition and operation of Midway State Park has already resulted in beneficial impacts to the community and neighborhood by maintaining public access to the historic amusement park and the lake and preventing residential or commercial development at the site. Since the Master Plan calls for continued operation of the park similar to its historic type and level of use, no adverse impacts on community character are anticipated.

In addition, in order to preserve the historic character of the park and reduce impacts to the neighboring community, the plan calls for guidelines for a more contextually appropriate and economical strategy for layout of new site lighting. The three levels of lighting intensity proposed are illustrated in Figure 13. This lighting design will minimize impacts to neighbors and those viewing the park from the lake at night.

Implementation of the Master Plan will contribute positive benefits to the local economy including short-term construction jobs for the proposed park improvements as well as continued employment of park workers, especially during the summer season.

Irreversible and Irretrievable Commitments of Resources

The planning, development and implementation of the Master Plan for Midway State Park has involved and will continue to involve the irreversible and irretrievable commitment of public resources in the forms of staff time, labor and materials. It will also require a commitment to the long term operation and maintenance costs of the Park. Implementation of the Master Plan will also involve an increase in energy use for construction and operation of new and rehabilitated facilities.

Supplemental Environmental Review

Portions of this Final Master Plan/FEIS are somewhat general or conceptual. Decisions regarding the type and extent of certain actions will be dependent on the findings from more specific studies or analysis still to be completed. For example, the final location, size and design of the tour boat dock will require additional study of the rare mussel populations near the lakeshore and installation techniques aimed at minimizing water quality impacts. The findings from these site specific evaluations may identify impacts that were not adequately addressed in this plan/EIS. Under such a circumstance, an additional or supplemental environmental review will be required. As part of the agency's responsibility under the State Environmental Quality Review Act, OPRHP will review proposed implementation projects with respect to consistency with this plan and EIS. Projects found by OPRHP to be consistent with the plan can go forward without any additional review. Other types of proposals may require additional review ranging from completion of an environmental assessment form to perhaps a site specific environmental impact statement.

To assist in this consistency evaluation, the following types of actions have been identified as likely to require additional review under SEQR:

- Any new actions not addressed within the Master Plan that do not meet the Type II categories within Part 617, the rules and regulations implementing SEQR;

- Any change from the preferred alternative for recreational and facility elements of the plan which would result in significant adverse environmental impacts;
- Any leases, easement, memoranda of understanding, or other agreements between OPRHP and private entities or other agencies that affect resources in a manner that is not sufficiently addressed in this plan;

Coastal Zone Management Program Consistency

The Towns of Chautauqua, Ellery, Ellicott, Busti and North Harmony and the Villages of Mayville, Bemus Point, Celoron, and Lakewood have jointly prepared a Draft Local Waterfront Revitalization Program (LWRP) (Chautauqua County 2007). The Draft LWRP is currently under review by the NYS Department of State in accordance with Article 42 of the New York State Executive Law and 19NYCRR Part 601.

New York State Office of Parks, Recreation and Historic Preservation (OPRHP) has reviewed the Draft LWRP and determined that the proposed Midway State Park Master Plan is consistent with the coastal policies discussed within the Draft LWRP.

The proposed master plan for Midway is consistent to the maximum extent practicable with the Draft LWRP. The proposed plan as outlined in Chapter 6 and throughout this document is consistent with the key coastal policies contained in the Draft LWRP and listed below.

Policy 1 Foster a pattern of development in the waterfront area that enhances character, preserves open space, makes efficient use of infrastructure, makes beneficial use of a waterfront location, and minimizes adverse effects of development.

Policy 1.1 Concentrate development and redevelopment in order to revitalize underutilized waterfronts and strengthen the traditional waterfront focus of the communities.

Policy 1.2 Ensure that development or uses make beneficial use of their waterfront location.

Policy 1.3 Maintain and enhance natural area, recreation and open space.

Policy 1.4 Minimize potential adverse land use, environmental, and economic impacts that would result from proposed development.

Policy 1.5 Protect stable residential areas.

Policy 2 Preserve historic resources of the waterfront area of Chautauqua Lake.

Policy 2.1 Maximize preservation and retention of historic resources.

Policy 2.2 Protect and preserve archeological resources.

Policy 3 Enhance visual quality and protect scenic resources in the Chautauqua Lake Area.

Policy 3.1 Enhance the visual quality and protect scenic resources throughout the Chautauqua Lake communities.

Policy 4 Minimize loss of life, structures, and natural resources from flooding and erosion.

Policy 4.1 Minimize flooding damage in the Chautauqua Lake communities through the use of appropriate measures.

Policy 4.2 Preserve and restore natural protective features.

Policy 5 Protect and improve water resources.

Policy 5.1 Prohibit direct discharges that would contribute to lowering water quality standards.

Policy 5.2 Minimize indirect of non-point pollution of the water resources of the Chautauqua Lake communities, and manage activities causing non-point pollution.

Policy 5.3 Protect and enhance water quality of the Chautauqua Lake communities.

Policy 5.4 Protect and conserve the quality and quantity of potable water within the Chautauqua Lake area.

Policy 6 Protect ecological resources around Chautauqua Lake, including important fish habitats, wetlands, and rare ecological communities.

Policy 6.1 Protect Fish Habitats.

Policy 7 Protect and improve air quality in the Chautauqua Lake area.

Policy 7.1 Minimize existing air pollution and prevent new air pollution in the Chautauqua Lake area.

Policy 8 Minimize environmental degradation in the Chautauqua Lake communities from solid waste and hazardous substances and wastes.

Policy 8.1 Manage solid waste to protect public health and control pollution. Ensure that solid waste disposal is adequately addressed prior to granting local approval for major development or activities generating solid wastes.

Policy 8.2 Manage hazardous waste to protect public health and control pollution.

Policy 8.3 Protect the environment from degradation due to toxic pollutants and substances hazardous to the environment.

Policy 8.4 Prevent and remediate discharge of petroleum products.

Policy 9. Provide for public access to, and recreational use of waterfront, public lands, and public resources of the waterfront area.

Policy 9.1 Promote appropriate physical public access and recreation throughout the waterfront area.

Policy 9.2 Provide and protect visual access to waterfront lands and waters or open space at all sites where physically practical.

Policy 9.3 Assure public access along public trust lands above the line of mean low water.

Policy 9.4 Provide access and recreation, which is compatible with natural resource values.

Policy 10. Protect Chautauqua Lake's water-dependent uses and promote siting of new water-dependent uses in suitable locations.

Policy 10.1 Protect Water dependent uses.

Policy 10.2 Promote the siting of new water-dependent uses at suitable locations along Chautauqua Lake.

Policy 10.3 Allow water-enhanced uses which complement or improve the economic viability of water-dependent uses.

Policy 13. Promote appropriate use and development of energy and mineral resources.

Policy 13.1 Conserve energy resources.

Policy 13.2 Minimize adverse impacts from fuel storage facilities.

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