

Final Environmental Impact Statement
for
Rockefeller State Park Preserve Land Exchange
Town of Mount Pleasant, Westchester County

Prepared by
The New York State Office of Parks, Recreation
and Historic Preservation

Completed: July 27, 2016

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SEQR
NOTICE OF COMPLETION OF A FINAL ENVIRONMENTAL IMPACT STATEMENT

Date of Notice: July 27, 2016

Lead Agency: New York State Office of Parks, Recreation and Historic Preservation

Title of Action: Rockefeller State Park Preserve Land Exchange

SEQR Status: Unlisted

Location of Action: Town of Mount Pleasant, Westchester County

This Notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law (SEQRA).

A Final Environmental Impact Statement (FEIS) has been prepared on the action to exchange land within Rockefeller State Park Preserve with adjacent privately owned land, and the FEIS has been accepted by OPRHP.

In accordance with Article 20 of the NYS Parks, Recreation and Historic Preservation Law, the Office of Parks, Recreation and Historic Preservation (OPRHP or Agency) is required to prepare an Environmental Impact Statement and conduct a public hearing prior to any decision to remove lands from a park preserve designation. The FEIS describes the action, the environmental setting, alternatives, and potential environmental impacts and mitigation and the Agency's responses to comments on the Draft EIS.

Agencies and the public are afforded the opportunity to consider the FEIS. This consideration period ends on August 8, 2016. Copies of the FEIS are available for review at the Preserve Office; at the offices of the Agency contacts; and at the following public libraries: Warner Library serving Tarrytown and Sleepy Hollow, 121 North Broadway, Tarrytown, NY 10591; Briarcliff Manor Public Library, 1 Library Rd, Briarcliff Manor, NY 10510; and Mount Pleasant Public Library, 350 Bedford Rd, Pleasantville, NY 10570. The online version of the FEIS is available at the following publically accessible web site: <http://nysparks.com/inside-our-agency/master-plans.aspx>. Comments may be emailed to: Rockefeller.Plan@parks.ny.gov.

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Executive Summary

The Agency will be undertaking a land exchange with an adjacent private land owner to protect an important viewshed for visitors to the Rockefeller State Park Preserve (Preserve) and the surrounding area. OPRHP will transfer a 6.856 acre parcel of the Preserve to an adjacent private landowner (OPRHP exchange parcel or exchange parcel) and receive in return a 6.856 acre parcel of land from the private landowner (private exchange parcel or private parcel).

The private landowner proposed to construct a residence on the private parcel which is located in a scenic, open meadow area that is clearly visible from lands that are used by the public for recreation including Preserve trails and Rockefeller land trails (Rockefeller land is land that is intended to be conveyed by David Rockefeller to the State of New York at a future date). Additionally, the proposed construction site is visible from the Stone Barns Center for Food and Agriculture and Historic Hudson Valley Headquarters (both located southwest of the private parcel) and from New York State Route 448 (Bedford Road). By exchanging these parcels of equal size, OPRHP ensures the private construction will not adversely impact this highly scenic pastoral location.

OPRHP prepared this FEIS in accordance with the NYS Parks, Recreation and Historic Preservation Law (PRHPL), Article 20 (Park Preservation Law) which states that the Agency “must prepare an environmental impact statement and conduct public hearings pursuant to Article 8 of the Environmental Conservation Law [SEQRA] prior to acting on any proposal to remove park preserve or park preservation area designation from any state park, parkway, historic site or recreational facility designated hereto.” As the Project involves the removal of park preserve designation, this FEIS has been prepared to describe the exchange, the parcels and the environmental impacts and mitigation. The legal authority for the exchange is found at PRHPL § 3.17(1).

Two alternatives were considered to the preferred alternative which is the exchange: screening the proposed construction on the private parcel and the “no action” alternative. Neither alternative was considered as satisfactory as the exchange alternative.

The primary effect of the exchange will be the beneficial protection of an important scenic viewshed. There will be no adverse impacts to the Preserve in terms of loss of land or its quality as the acreages to be exchanged are equal. In terms of property value there will be a benefit in that the private parcel that OPRHP is receiving has been appraised at a higher value, due to road frontage and terrain, than the exchange parcel to be removed from the Preserve. No rare species or natural communities of statewide significance are documented in the New York Natural Heritage Program (NYNHP) database on the exchange parcel (NYNHP 2015a).

Background and Environmental Review Process

Background

The Agency will be undertaking a land exchange with an adjacent private land owner to protect an important viewshed area within the Preserve and the surrounding areas (the Project). OPRHP will transfer a 6.856-acre parcel (exchange parcel) of Rockefeller State Park Preserve (Preserve) to an adjacent private landowner in exchange for a 6.856-acre parcel from the private landowner (private parcel). The private landowner proposed to construct a residence on the parcel that OPRHP will be receiving and instead will be able to build that residence on the parcel that OPRHP will be transferring to the private landowner in the exchange. If the construction went forward as originally planned, a driveway, residence and outbuildings would be built in stark contrast with a scenic pastoral location that would be clearly visible from lands that are used by the public for recreation including Preserve trails, Rockefeller land trails (Rockefeller land is land that is intended to be conveyed by David Rockefeller to the State of New York at a future date), the Stone Barns Center for Food and Agriculture, Historic Hudson Valley Headquarters and research library and from New York State Route 448 (Bedford Road). Deed restrictions will be imposed that will run with the land to limit construction on the exchange parcel and protect the viewshed.

OPRHP has prepared this FEIS in accordance with PRHPL, Article 20 which requires that the Agency:

“prepare an environmental impact statement and conduct public hearings pursuant to Article 8 of the Environmental Conservation Law [SEQRA] prior to acting on any proposal to remove park preserve or park preservation area designation from any state park, parkway, historic site or recreational facility designated hereto.”

As the land exchange does involve the removal of preserve land designation, this FEIS has been prepared to describe the exchange, the parcels involved and the environmental impacts and mitigation.

State Environmental Quality Review Act Requirements

In accordance with 6 NYCRR Part 617 the regulation that implements SEQRA, agencies proposing to undertake an action must make a preliminary classification and also determine what other agencies are involved. In this case OPRHP is the only involved agency as there are no other State approvals required for this action. OPRHP has classified this action as Unlisted because the acreage is below the Type I threshold of transfer of 25 acres of contiguous parkland (6 NYCRR § 617.4(b)(4, 10)). Based on the nature of the Project, it was determined that scoping would not be conducted and the Agency prepared a Draft EIS for public review and comment.

Given that OPRHP is the only involved agency, the Positive Declaration was incorporated into the Notice of Completion of the DEIS.

A thirty-day public review and comment period and public hearing were held to afford the public and other interested agencies the opportunity to review the DEIS and provide comments. Comments were accepted until October 22, 2015. The public hearing was held on Wednesday, October 7, 2015 at The Gallery at Rockefeller State Park Preserve, 125 Phelps Way, Pleasantville, NY 10570. Copies of the DEIS were made available at the offices of the agency contacts and public libraries: Warner Library serving Tarrytown and Sleepy Hollow, 121 North Broadway, Tarrytown, NY 10591; Briarcliff Manor Public Library, 1 Library Road, Briarcliff Manor, NY 10510; and Mount Pleasant Public Library, 350 Bedford Road, Pleasantville, NY 10570. The online version of the DEIS was available at the following publically accessible web site: <http://nysparks.com/inside-our-agency/master-plans.aspx>. All comments were taken into consideration and responses to all substantive comments received on the DEIS are included in the Comments and Responses section of this FEIS.

Environmental Setting

Vicinity / Location

The Preserve consists of 1,486 acres and is located in west central Westchester County and along the lower Hudson River. It is located in the Town of Mount Pleasant approximately 22 miles north of New York City. It is bounded by the Hudson River on the west, Route 117 on the north and the Saw Mill River Parkway to the east. State Route 448 runs north/south through the park. The Preserve is located in the Taconic Region under the administration of OPRHP. (Figure 1)

History

Business magnate and philanthropist John D. Rockefeller purchased land along the Hudson River near Tarrytown in 1893 to be in close proximity to New York City and his brother William's estate, Rockwood Hall. The family home known as Kykuit eventually formed an enclosed estate of approximately 300 acres. John and his son continued to acquire more than 3,000 acres of surrounding farmlands and woods to further expand their estate that came to be known as Pocantico Hills.

In 1983 the Rockefeller family donated multiple parcels, totaling 747 acres, to New York State for creation of a new park to be administered by OPRHP as a "park preserve." This designation is defined in PRHPL, Article 20 as "park land containing wildlife, flora, scenic, historical and archeological sites that are unique and rare in New York state." It is one of only eight designated park preserves in the New York State park system.

The 1983 Master Plan and FEIS for the Proposed State Park, Rockefeller Property (Master Plan) was prepared when the park was established to plan for its development and use and formally designate it as a park preserve. Two subsequent planning reports have been prepared for the Preserve: *Planning for the 21st Century* by the Conservation Fund (1998) and *Pocantico Hills Biodiversity Plan: a Public–Private Land Stewardship Initiative for Rockefeller State Park Preserve and Associated Private Lands* by the Metropolitan Conservation Alliance in 2006. A stewardship plan for the Preserve is currently being drafted.

In addition to the 747 acres of land donated for establishment of the Preserve, the Master Plan included an additional 932 acres of land as ‘proposed subsequent gifts’ to the State of New York (Appendix A). This included a large area east of Route 448. The majority of this area, including the OPRHP exchange parcel, has since been gifted to the State and is part of the Preserve. There are remaining land areas shown in the Master Plan which are intended to be conveyed by David Rockefeller to the State of New York at a future date. The Preserve now consists of over 1,400 acres. Together with the more than 2,000 acres of adjacent Rockefeller lands, it forms one of the largest blocks of primarily natural land remaining in central and western Westchester County. The John D. Rockefeller 3rd Endowment Fund provides ongoing support for the operation of the Preserve.

Park Boundaries, Access and Adjacent Land Use (Figure 2)

The westernmost section of the Preserve is located directly along the Hudson River and is known as Rockwood Hall for the former estate owned by William Rockefeller. The shoreline consists of cliffs and provides significant views over the River. A three-mile section of the 26-mile long Old Croton Aqueduct State Historic Park (OCA) runs through this area of the Preserve. The OCA crosses over Route 9 which bisects the Preserve here running north-south.

Moving eastward the Preserve straddles the east-west Route 117 and the main entrance is located off of this double lane highway.

Further to the east are additional Rockefeller land and State Route 448 that runs north-south. The non-profit Stone Barns Center for Food and Agriculture is located in this area adjacent to Route 448. This is an 80-acre property that has an operating four-season farm and education center designed to demonstrate, teach and promote sustainable, community-based food production. (www.stonebarnscenter.org/).

To the east of Route 448 are Preserve lands that are bordered on the east by the North County Trail and the Saw Mill River Parkway.

The main entrance to the Preserve is accessed from Phelps Way RT-117E where there is parking for cars and horse trailers, a visitor center and the Preserve’s administrative offices. The Preserve can also be accessed by a number of recreational trails.

Rockefeller land is currently operated as Hudson Pines Farm, consisting of a cattle operation, pastures and hayfields. Much of this land, as noted in the Master Plan, is intended to be conveyed by David Rockefeller to the State of New York at a future date. This includes the parcel adjacent to and southwest of the private parcel. The majority of the boundary of Stone Barns Center for Food and Agriculture is adjacent to the Rockefeller land. Other nearby and adjacent land uses include the Historic Hudson Valley Headquarters and research library (located southwest of the private parcel and across Route 448 from Stone Barns), Pocantico County Park, Phelps Memorial Hospital, Pocantico Hills Central Schools, farmland, and suburban subdivision development. The North County Trailway also runs parallel to the Preserve's eastern boundary.

Physical and Water Resources

The topography of the Preserve consists of hills and valleys, including many scenic vistas along roadways and overlooking the Hudson River (Figure 3). The maximum elevation is 431 feet. The park is underlain by till (Olivero et al., 2001) and the predominant soil types are Charlton-Chatfield Complex, Chatfield-Charlton Complex, Charlton loam, Hollis-rock outcrop complex, and Riverhead loam (US Department of Agriculture accessed July 2015).

The Pocantico River and Gory Brook flow southwest through the Preserve eventually flowing into the Hudson River north of Tarrytown. There are several tributaries to these in the Preserve that have numerous small wetlands associated with them. Wetland types found in the Preserve include red maple-hardwood swamp, shrub swamp, and reedgrass purple loosestrife marsh (Olivero et al., 2001). There are no State-regulated wetlands within the Preserve. There are a number of National Wetlands Inventory mapped federal wetlands in the Preserve (Figure 4).

Swan Lake is an 18.5 acre man-made lake within the Preserve that supports a bass fishery (OPRHP, 2011.) It was created in the 1930s and is one of the central recreational and aesthetic features of the Preserve.

Ecological Communities/Flora/Fauna

In 2001 the New York Natural Heritage Program (NYNHP) conducted a survey of the Preserve and identified 16 distinct ecological community types (Olivero et al., 2001) (Figure 5). A 305-acre mature oak-tulip tree forest is located in the central portion of the Preserve and is a natural community type considered significant from a statewide perspective. There are small patches of hemlock – northern hardwood forest located at lower elevations. On the eastern and western portions of the Preserve successional hardwood forests are found. As noted above, there are three types of wetland communities. Successional shrubland and cropland were other community types identified covering over 10 acres. No rare plant or rare animal species surveys were conducted for the 2001 NYNHP report; one rare animal is documented from other sources but not in the vicinity of the exchange parcel.

At the time of the 2001 survey the lands east of Route 448 were not included in the Preserve. NYNHP conducted ecological community surveys of the new parcels in 2013 but ecological community mapping has not been completed/updated for the whole park. NYNHP did not specifically survey the exchange parcel, but based on terrain and location, the habitat is likely to be similar to the other forests surrounding it (Julie Lundgren, personal communication, October 5, 2015). Most of the eastern portion of the Preserve was mapped in 2001 as successional hardwoods. Surveys of the newer parcels on the east side of Route 448 documented similar mixed-age forest dominated by red oak, sugar maple, beech, and black birch with smaller amounts of other oak species, tulip tree, ash and red maple with a sparse to moderate understory of native and non-native species. Non-native species included Japanese barberry, multiflora rose, oriental bittersweet, and others, generally at low numbers within the forest and more prevalent at edges and disturbed areas of the forest (NYNHP 2015b). NYNHP found no additions to the NYNHP significant natural communities in the Preserve, which would pertain to the OPRHP exchange parcel too due to its small size.

Field visits by Preserve staff to the exchange parcel indicate the area is a multi-age forest dominated by native species including sugar maple; white, black, red, and chestnut oaks; black cherry; shagbark hickory; and black birch. The understory consists of numerous young sugar maples and cherry trees (1-4" Diameter at Breast Height or DBH), many sugar maple seedlings, and some hickory and ash seedlings. There are patches of barberry with a sparse mix of natives (e.g. wood aster, catbrier, Virginia creeper, and Pennsylvania sedge) along with scattered invasive species (e.g. Japanese honeysuckle, euonymus, bittersweet, privet, bittercress) (Susan Antenen, personal communication, October 4, 2015). This is consistent with NYNHP descriptions of the surrounding forest in the Preserve. Although these forests do not rank as having statewide significance, Lundgren (personal communication, October 5, 2015) notes that the entire Preserve supports forests, fields and wetlands that are of local significance for their role in supporting native flora and fauna and ecological function in this densely developed part of the state. Although comprehensive surveys for rare species have not been done on the exchange parcel, there is relatively low likelihood of rare species to occur based on the composition and small size of the parcel (Lundgren, personal communication, July 7, 2015).

The private parcel is not wooded and generally is a pasture of cool seasonal grasses with very few native species and mounds of multiflora rose where there are rocks (Antenen, pers. comm., October 4, 2015). None of the rare species probable in this locale would be expected in this setting (Lundgren, personal communication, November 12, 2015).

The Preserve has a diversity of wildlife species typical of the area. White tailed deer, red fox, coyote, eastern cottontail, woodchuck, skunk, and squirrels are common. At least two New York State species of greatest conservation need have been documented in the Preserve: the four-toed salamander (Metropolitan Conservation Alliance 2006) and the American eel (Dr. Robert Schmidt, personal communication, 2015). The Preserve has been designated an Important Bird Area by Audubon New York (Burger and Liner, 2005). Over 182 species of birds, including 62 known breeding species, have been identified in the Preserve. One of the breeding bird species found in the Preserve, the Kentucky Warbler, is considered rare in New York

(NYNHP 2015a). This species was documented in forests in the center of the Preserve. Forest fragmentation and proximity to open edges which leads to high parasitism by brown-headed cowbirds is a threat to these warblers (NYNHP 2013). Thus the exchange parcel, which is bounded by open edges, is unlikely to be suitable habitat for this rare bird. No wildlife species were specifically noted on the exchange parcel during field visits but are expected to reflect the typical species found in the Preserve and the area.

Scenic Resources

The Preserve's scenic qualities are significant. The historic carriage road system throughout the Preserve was designed to complement the landscape and heighten one's appreciation of the natural world. The carriage roads wind through meadows and woodlands, cross historic stone arch bridges and pass by streams, rivers and lakes. Several trails lead to scenic rock formations. In addition, the views from Rockwood Hall's cliffs, overlooking the Hudson River and across to the Palisades, are renowned. Views of the Preserve and the Rockefeller family lands from Route 117, Route 448 and the Saw Mill River Parkway include scenic vistas of pastoral meadows and large areas of undeveloped forest.

Recreational Resources

The Preserve has an extensive 45-mile long network of carriage roads that was designed by John D. Rockefeller Jr. in the style of the renowned landscape architect Frederick Law Olmsted. The carriage roads extend onto the adjacent Rockefeller land (intended to be conveyed by David Rockefeller to the State of New York at a future date) and are open to the public. There are over 35 different trails (carriage roads) as shown in Figure 6.

The trail network is used by the public for walking, jogging, cross-country skiing, nature study, birding, hiking and photography. Permits are available for horseback riding and carriage driving. Fishing opportunities are also available on Swan Lake and the Pocantico River. Average annual attendance at the Preserve exceeds 350,000.

In addition, the adjacent Stone Barns Center for Food and Agriculture is open to the public and offers a wide variety of public programs on sustainable farming. The Stone Barns Center receives over 100,000 visitors annually (www.stonebarnscenter.org/).

Description of the Action

The action is the exchange under PRHPL §3.17(1) of a 6.856-acre parcel of Rockefeller State Park Preserve land for the same acreage of a privately owned parcel that is located adjacent to the Preserve. The purpose of the exchange is to protect the Preserve's current and future viewshed from development on the private parcel.

Figure 7 shows the location of the OPRHP exchange parcel and the private exchange parcel. It also shows the current Preserve boundaries, areas of Rockefeller land (intended to be conveyed by David Rockefeller to the State of New York at a future date), Historic Hudson Valley Headquarters, and the Stone Barns Center for Food and Agriculture. These features are overlain on an aerial photo which illustrates the open nature of the landscape along both sides of Route 448.

Figure 8 is a close up aerial photo of both parcels. The private parcel is open field with scattered trees, rock outcroppings, and small patches of multi-flora rose. Its topography slopes upward towards the east. The private land owner originally proposed to build a residential structure in this field area at the top of the slope along with a driveway and outbuildings along the hill slope. These locations are clearly visible from Route 448, Preserve trails, Rockefeller land trails, Historic Hudson Valley Headquarters, and from the Stone Barns Center for Food and Agriculture.

Figure 9 shows a viewshed analysis from the vantage point of where the originally proposed construction would have taken place on the private parcel. Photos have been inserted illustrating the nature of this area. Views of the private parcel are shown as open fields, while the views of the exchange parcel are shown as forested. As noted above, the exchange parcel is characterized by a multi-age mix of native tree species including maples, oaks, cherries, hickory, and birch, a variety of species in the understory, and some bedrock outcroppings. Deed restrictions will be imposed that will run with the land to limit construction and protect the viewshed. There is only one trail, Ferguson's Loop, which passes near the exchange parcel on the east (see Figure 6.) The forested buffer area between the exchange parcel and this trail will serve as a visual screen.

With the land exchange, the new residence can utilize an existing driveway located just to the north of the exchange parcel to access the exchange parcel. This driveway is used by an existing residence along Route 448 and a residence at the end of the driveway. By utilizing the existing driveway, there will be no need to construct an additional driveway along Route 448. The land exchange will allow construction to occur closer to (and somewhat between) existing developed parcels and cluster the development more so than if it were to occur on the open field of the private parcel. OPRHP will assess the private parcel for invasive species and targeted invasive species removal will be completed as needed. Long-term management of the field will be addressed in the future Stewardship Plan for the Preserve.

OPRHP had appraisals completed for both parcels as required by State Law. The private parcel is greater in value than the exchange parcel because of its ample road frontage (358 feet) and superior terrain. The exchange parcel can only be accessed by an easement and has no direct road frontage. It also consists of moderately to steeply sloping hillside with wooded terrain while the private parcel has lightly rolling hillside with open pastoral terrain. These two factors play an important part in determining a property's market value (Sandra Burnell, personal communication, December 30, 2015).

By transferring the private parcel to OPRHP in return for the exchange parcel, the Preserve will sustain minimal and not significant impacts to this important viewshed area. The proposed location of the septic system on the exchange parcel has been evaluated and is acceptable.

Alternatives Considered

Two alternatives were considered to the preferred alternative which is the exchange. One was screening of the proposed development using vegetation to block views of the new construction. The drawback of this alternative is that vegetation such as trees would take years to fully screen any new development and would also change the scenic nature of the open hillside meadow. The other alternative considered was “no action” which included no screening and no land exchange with the private landowner. This alternative would result in adverse visual impacts to a highly scenic landscape which is enjoyed by the public using Preserve trails, Rockefeller land trails, the Stone Barns Center for Food and Agriculture, Historic Hudson Valley Headquarters, and by the public driving on Route 448.

Environmental Impacts

Consistent with SEQRA’s requirements, environmental factors were considered in evaluating alternatives and in selecting the preferred alternative. Questions in both Parts 1 and 2 of the Full Environmental Assessment Form (FEAF), the Visual EAF Addendum and the New York State Department of Environmental Conservation’s Policy Guidance on Assessing and Mitigating Visual Impacts were used as tools to assist in the identification of resources to be evaluated and potential impacts. This section focuses on potential environmental impacts and mitigation of adverse effects.

Impact on Land

The private parcel will be maintained as an undeveloped open meadow area and remain contiguous with the adjacent open fields. The field will be evaluated for invasive species and controls will be implemented as appropriate. The private parcel will be added to the Preserve and given the same protections under the Park Preserve designation. Long-term management will be addressed in the future Stewardship Plan for the Preserve.

The exchange parcel may be used for the development of a residence and associated construction. The location of the exchange parcel is towards the edge of forested Preserve land and closer to existing development. The new residence may be developed on the exchange parcel which is located behind (uphill) and adjacent to an existing private residence and other private land. This will cluster development by allowing use of an existing private drive to access the exchange parcel. A limit on the number of structures, structure use and height, and total square footage will be included in the deed for the exchange parcel. Also included is the requirement that the construction of any driveway contain the appropriate vertical and

horizontal curves that follow the natural terrain of the parcel and do not result in a straight line of sight from the public highway to structures built on the site. These deed restrictions are included to limit construction and adverse impacts to the land and preserve the viewshed, and they will run with the land in perpetuity.

Impact on Water

There are no water resources, including wetlands, on either parcel, therefore, there will be no impacts on water associated with this action.

Impact on Plants and Animals

Based on a review of the New York Natural Heritage Program database, no rare species or natural communities of statewide significance have been identified in the exchange parcel or the private parcel (NYNHP 2015a). Although specific surveys for rare species have not been done on the parcels, the parcels are small and at the edge of the large forested area. Neither parcel supports forest or wetland that would be expected to support state-rare species. NYNHP cannot provide a definitive statement as to the presence or absence of rare or state-listed species (Lundgren, personal communication, July 7, 2015). Although comprehensive surveys for rare species have not been done on the exchange parcel, there is relatively low likelihood of rare species to occur based on the composition and small size of the parcel (Lundgren, personal communication, July 7, 2015). Although these forests do not rank as having statewide significance, Lundgren (personal communication, October 5, 2015) notes that the entire Preserve supports forests, fields, and in a few locations wetlands, that are of local significance for their role in supporting native flora and fauna and ecological function in this densely developed part of the State. Efforts are on-going within the Preserve to minimize forest fragmentation and to restore and support the native flora and fauna.

The private parcel will remain undeveloped. Efforts will be taken to survey and remove any invasive species. Adverse impacts to natural resources on the private parcel are not expected; only benefits are expected due to the removal of any invasive species and formal management of the area by OPRHP. The private parcel will be added to the Park Preserve and provided with the same protections under the Park Preserve Law as the rest of the Preserve. As noted above, restrictions will be included in the exchange parcel's covenant to assure the parcel continues to be compatible with the remaining Preserve and limits impacts to the vegetation and habitat area. Due to the relatively small size and location of this parcel and the lack of statewide significant resources, this development impact is not considered to be significantly adverse.

Energy, Noise and Odor Impacts

No noise or odors will result from this action.

Impact on Historic and Archeological Resources

This Project has been reviewed by the New York State OPRHP Division for Historic Preservation under Section 14.09 of the New York State Historic Preservation Act of 1980 (9 NYCRR Part 428). It was determined that the project will have "No Impact" on archaeological and/or historic resources listed in or eligible for the State or National Registers of Historic Places (see Appendix B).

Impact on Scenic Resources, Open Space and Recreation

The land exchange will have long-term beneficial impacts on the scenic resources, open space and recreation within the Preserve. The exchange maintains a scenic vista that is clearly visible from lands used by the public including Preserve trails, Rockefeller land trails, the Stone Barns Center for Food and Agriculture, Historic Hudson Valley Headquarters, and views from Route 448. This scenic vista would have been adversely impacted by construction of a residence and associated facilities. Vistas of this field from nearby recreational trails will remain as is. Additionally, deed restrictions on the exchange parcel will run with the land in perpetuity to limit potential visual impacts of structures and any driveway constructed on the exchange parcel from the surrounding area.

The lands to be exchanged are the same acreage so there will be no loss of open space resources. Additionally, the public benefit will be increased as the private parcel to be added to the Preserve has been appraised at a greater value than the land parcel that will be transferred to private ownership. As noted above, the greater land value is due to the difference in road frontage and terrain.

Impact on Public Health

There will be no impacts on public health associated with this action.

Traffic and Access; Impact on Growth and Character of Community or Neighborhood

The land exchange will have no effect on traffic and access or impact on growth of the surrounding community or neighborhood. The original private development proposed an additional driveway to be constructed off Route 448, however, the private development on the exchange parcel will share an existing driveway. The bucolic character of the surrounding area will be preserved by avoiding development within a field area of high scenic value to the public.

Irreversible and Irretrievable Commitments of Environmental Resources

This action will result in the irreversible and irretrievable transfer of a 6.856-acre Preserve exchange parcel, however, the 6.856-acre private parcel to be added to the Preserve has a

greater land valuation due to the road frontage and terrain. The private parcel will be added to the Preserve and be provided the same protections under the Park Preserve Law as the remainder of the Preserve, and so there will be no net loss of Preserve acreage.

Unavoidable Adverse Effects

There are no unavoidable adverse environmental impacts associated with this action.

Comments and Responses

This section contains responses to the comments received by OPRHP on the DEIS for the Rockefeller State Park Preserve Land Exchange. The DEIS was issued on September 23, 2015. A Public Hearing was held in the Gallery at the Preserve in the Town of Mount Pleasant on October 7, 2015. The comment period ended October 22, 2015.

Five people attended and one person spoke at the Public Hearing. Two written and one verbal comment were received during the Hearing. During the comment period for the DEIS, the Agency received seven additional comments via email. A list of persons providing comments is included at the end of this section.

OPRHP appreciates the time and effort that persons interested in Rockefeller State Park Preserve have invested in their review and comments on the DEIS and their participation in the Public Hearing.

The types of comments received included support of the proposed action, document editing suggestions, requests for further information and clarification of information presented in the document. All comments were reviewed and were considered in the revisions found in this FEIS.

The following substantive changes/additions were made in the FEIS in response to comments received.

- Reference to exchange parcel deed restriction terms were incorporated in multiple locations throughout the document.
- Information has been added to History on pages 8-9 to clarify the designation of the park as a Park Preserve.
- Description of Ecological Communities/Flora/Fauna has been enhanced on pages 10-12 to better describe the natural resources in the Preserve including the exchange and private parcels.
- Information has been added to the Description of the Action on pages 12-14 to further illustrate benefits of the preferred alternative.

- Impact on Land and Plants and Animals text on pages 14-15 has been updated to help clarify the potential for impacts, distinguish between natural resources of statewide and local significance and to describe future management of the private parcel.

Response to Comments

Substantive comments received during the comment period are summarized and listed in this section. The Agency's response follows each comment listed below. References to additional documents and changes to the EIS are noted in each response where appropriate.

Comment: The commenter requested the public be provided with detailed site plans describing how construction would impact each plot. Where would the house, outbuildings, driveways, and sidewalks be built on each? Where would utilities be routed, how would storm water runoff be managed, and would any parts of the properties be cleared of naturally occurring vegetation for landscaping purposes? I do not believe that these specifics can be segmented from the question of the land exchange and the textual description in the DEIS shows the intention to do so -- i.e. they will be left for site plan review by the Town of Mount Pleasant, etc.

Response: The action of this FEIS is the exchange of a 6.856-acre parcel of Rockefeller State Park Preserve land with the same acreage of a privately owned parcel that is located adjacent to the Preserve. The purpose of the exchange is to protect the Preserve's current and future viewshed from development on the private parcel. Any future development on the exchange parcel would be a future phase which may not occur and which is functionally independent from the current action. OPRHP believes segmentation is justified for these reasons. There will be deed restrictions imposed to run with the land to limit construction and protect the viewshed and assure the parcel continues to be compatible with the remaining Preserve land.

Comment: There was expressed interested in learning more about the impact on natural resources in each property. I understand that certain parts of the Preserve have been identified as being more ecologically important than others, and that these parcels are not among them. However, conditions in the Rockefeller complex are such that even ecological communities considered abundant statewide and without special legal status are in fact at risk. The thresholds used in the past are too high and do not reflect the extent to which invasive species, development, and climate change threaten nature in these lands. Thus, the "fairly young woodlands comprised of medium-sized oaks, hickory and cherry" in the State plot could be considered significant. Please provide a description of plant and animal life in each property more detailed than that provided in Figure 5 of the DEIS.

Response: The text has been revised on page 10-12 to clarify the distinction between rare species and natural communities of statewide significance and species and communities that may be more locally significant and better describe the natural resources found in the Preserve and on the parcels. The New York Natural Heritage Program documents species and natural communities of statewide significance. No rare species or natural communities of statewide

significance are documented in the New York Natural Heritage Program database on the exchange parcel (NYNHP 2015a).

Comment: Interest was expressed to learn more about the history of land exchanges in the State Park system. -- so I can more fully understand this proposed Rockefeller SPP exchange. Can you please send me links to the Final Environmental Impact Statements for all "land exchanges" considered in New York State Parks, and especially in Park Preserves, over the last 10 to 20 years?

Response: OPRHP treated this comment as a FOIL request for records and supplied a list of land exchanges that have been undertaken during the past 20 years and any relevant records in its possession. This Action is OPRHP's only land exchange to date that affects a Park Preserve and, therefore, it is the first requiring an EIS and a hearing (*PRHPL, §20.02(8)*). In contrast to the EIS requirement for Preserve exchanges, the State Environmental Quality Review Act (SEQRA) and its implementing regulations do not require that an EIS be prepared for every project that involves acquisition and disposal of property, including land exchanges.

Comment: My understanding is that the removal of land from the park system would require an act of the state legislature as would adding land. How does this legislative process relate to the administrative process that created the DEIS? If there is an OPRHP attorney who could discuss this I would appreciate their answer -- not just technical steps in the process but also the legal and policy history of removals from both regular state park lands and lands with the park preserve designation.

Response: OPRHP's legislative authority to acquire and dispose of land including undertaking land exchanges is found in *PRHPL §3.17(1)*.

Comment: From a policy perspective, if this type of exchange is novel for the state parks system, it seems that general guidelines for exchanges should be developed that can be applied to all state lands. What is OPRHP's opinion on the general issues involved in exchanges, in the context of the agency's purpose as established in the Park Preservation law? Who at the agency would be responsible for interpreting existing policies and creating new ones -- again, applying to all state lands? Would other agencies or the state legislature need to be involved? Does any interpretation and/or rulemaking need to happen prior to continuation of this particular environmental review?

Response: OPRHP operates and manages its parks and historic sites and other facilities under the jurisdictional authority established by the Legislature in the Parks Law.

Comment: I have not been able to find the New York State legislation establishing the Rockefeller Preserve on the Internet. I am also interested in any related documents describing deed restrictions, etc., attached to the gift of the land to the state. Please send this document or documents, for both establishment of the Preserve as a whole and the gift of the parcel proposed to be exchanged in this action, if separate.

Response: Information has been added to History on pages 8-9 to clarify the designation of the park as a Park Preserve. The Commissioner's adoption of the 1983 Master Plan formally established the park as a Park Preserve and the Commissioner's delegated authority from the

Legislature requires a listing and description of the park as a State park preserve in regulations (see, 9 NYCRR Section 384.6(a); PRHPL §13.03(1)). There are no restrictions in the deed to the State that includes the exchange parcel (Burnell, personal communication October 30, 2015).

Comment: I would like to obtain electronic copies of the Preserve’s Master Plan and draft Stewardship Plan.

Response: Electronic copies of the Preserve’s 1983 Master Plan are not available. A hard copy is available for public viewing at the Preserve office. The draft Stewardship Plan is still under development and not yet available to the public.

Mianus River Gorge, Inc. (MRG) was hired in 2014 to do a rapid ecological assessment for the forested areas of the Preserve in preparation for the development of a Preserve Stewardship Plan. See Appendix C of this FEIS. The assessment methodology used a variety of indicators to prioritize management efforts in a site-specific manner. The assessment was based on “expert opinion and observations.” MRG developed four management zone types (A-D) based on the results of the assessments and the feasibility of implementation efforts having a realistic effect. The zones were mapped out across the Preserve (see page 6 of the Assessment document). Management Zone A is highest priority with the “greatest potential for diverse species assemblages and unique species” while Zone D is ranked lowest priority as “almost completely dominated by invasive species.” The exchange parcel is ranked Zone C as “relatively low potential for diverse/ unique species. Average/few native species” making it a lower priority for active management compared to other areas of the Preserve.

Persons/Organizations that provided comments

(Listed alphabetically by last name)

David Bedell

Evelyn Hadad

Herbert Hadad

Waddell Stillman, President, Historic Hudson Valley

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