New York State Environmental Quality Review Act (SEQRA)

FINAL SCOPING DOCUMENT

for the New York State Open Space Conservation Plan and
Draft Generic Environmental Impact Statement (DGEIS)

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Project Location
New York State - statewide

SEQRA Classification
TYPE I

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I. Introduction

The update of the 2016 New York State Open Space Conservation Plan (Plan) is an action subject to the State Environmental Quality Review Act (SEQRA). The New York State Department of Environmental Conservation (DEC) and New York State Office of Parks, Recreation and Historic Preservation (OPRHP) are co-lead agencies for the proposed action and have determined that the action may have a significant impact on the environment and that a Draft Generic Environmental Impact Statement (DGEIS) will be prepared.

This Final Scoping Document is intended to serve as the foundation for the identification and evaluation of benefits and potentially significant adverse impacts that are pertinent to the proposed action, and to identify appropriate mitigation measures, as well as viable alternatives.

The Draft Scoping Document was published on August 6, 2025 for public comment and made available for review on the DEC and OPRHP websites. Public comments were received on the Draft Scoping Document until September 7, 2025. A Draft GEIS will be developed addressing all items identified in this Final Scoping Document.

II. Description of the Proposed Action

The proposed action has been defined as the development and update of the State Open Space Conservation Plan by DEC and OPRHP. This is done in partnership with the New York State Department of State (DOS), the Adirondack Park Agency (APA), the New York State Department of Agriculture and Markets (AGM), and the New York State Department of Transportation (DOT).

The Plan is being developed as an update to the most recent 2016 Plan. Several important statewide initiatives enacted in 2022, including the final Climate Scoping Plan, the 30x30 legislation, and the Clean Water Clean Air and Green Jobs Environmental Bond Act, will significantly inform the pace and focus of land conservation in New York State over the next five years. As such, the 2026 Plan will be restructured and reformatted to reflect the State's current priorities for land conservation, updated and new priority projects from the Regional Advisory Committees (RACs), and updated and expanded rating criteria and rating sheets. Additionally, because a full environmental review process has not been undertaken since the 2009 Plan, it is appropriate to conduct a full environmental review under SEQRA for the 2026 Plan. DEC and OPRHP are co-lead agencies under SEQRA for the Plan per Environmental Conservation Law (ECL) 49-0207 (1).

New York's formal Open Space Conservation program began in 1990 with the passage of ECL Article 49 Title 2. The program is designed to ensure citizen input into the land acquisition decisions made by DEC and OPRHP by developing a comprehensive statewide state land acquisition plan, better known as the Open Space Conservation Plan, that represents New York State open space conservation goals, principles, tools and programs administered by DEC, OPRHP, DOS, APA, AGM, DOT and others. Since the completion of the first Open Space Plan in 1992, it has become an important and popular framework for identifying New York State's open space priorities and conservation values, and guiding the investment of State land protection funds.

As required by law, the Plan is updated periodically, relying heavily on the work of the nine RACs formed of appointees from the counties within each region and appointments by the DEC and OPRHP Commissioners. The 1992 plan was updated in 1995, 1998, 2002, 2006, 2009 and

2016. Each of these plans was the product of extensive public input and review. The 1993 Environmental Protection Act requires that the RACs review the Plan every two years. Update and revision of the 2016 plan began in 2022 after a delay due to the COVID pandemic.

The Plan provides overarching goals and principles, a priority land conservation project list, and rating systems for land conservation projects that together form an integrated statewide strategy for land conservation—a holistic view of the inter-connections between our natural resources. Beyond simply identifying individual parcels or areas of land within political boundaries, regional conservation projects and other programs are prioritized within the context of the landscape. Additional tools are identified to supplement land acquisition to form a more comprehensive and integrated approach across New York State with state, federal and local levels working together towards open space conservation and protection.

The Open Space Conservation Plan will include: background/context of open space protection in New York State; overarching goals and principles related to open space conservation; benefits of and the need for open space; highlights of New York's leadership in open space planning and the many key elements of the state's open space program; the current status of open space protection in the State; strategies and action items related to open space conservation; and the statewide priority land conservation project list. The Appendices will include: RAC reports – policy recommendations and priority land conservation project recommendations; legislative mandates; Project Eligibility and Evaluation Process (including rating sheets); and Coastal and Estuarine Land Conservation Program Plan.

III. State Environmental Quality Review Act Status

DEC and OPRHP are the co-lead agencies jointly responsible for the SEQRA review of the Proposed Action to develop and update the New York State Open Space Conservation Plan. SEQRA requires all local, regional, and state government agencies to review and examine potential environmental impacts for Proposed Actions over which they have jurisdiction by law to directly undertake, fund, or approve. Potential significant environmental impacts of a Proposed Action are closely examined within an Environmental Impact Statement. Per SEQRA Regulations 617.10(a)(4), a Generic Environmental Impact Statement (GEIS) was determined to be appropriate in this case as the Proposed Action covers an entire program or plan having wide application (i.e. statewide).

This Final Scoping Document was written in preparation for the development of the draft GEIS that will assess potential impacts of the Proposed Action upon the State. This Final Scoping Document was prepared in accordance with Article 8 of the New York State Environmental Conservation Law (ECL § 8-0101 et seq.) and its implementing regulations (6 NYCRR Part 617).

There will be another opportunity for public involvement and comment after development and release of the Draft Plan and DGEIS. At that time, DEC and OPRHP, as co-lead agencies, will provide a 60-day public comment period during which they will hold regional public hearings in each of the DEC administrative regions. DEC and OPRHP will consider and respond to substantive comments received on the draft documents in the Final GEIS.

IV. Environmental Setting

The environmental setting for the Plan consists of the natural, recreational, scenic, historic, and cultural resources of New York State including, but not limited to: lakes, rivers, streams,

wetlands, coastal and estuarine waters, significant habitats, fish and wildlife, forests, agricultural areas, parklands, historic sites, archaeological areas, scenic areas, and recreational facilities as well as existing community or neighborhood character.

V. Significant Environmental Impacts

The Plan will guide the selection of land conservation projects by multiple state agencies. The environmental impacts described below focus on the general impacts associated with the development and implementation of the Plan on a statewide level. Since the Plan is broad-based and statewide, an EIS that evaluates detailed, site-specific impacts of projects is not possible; thus, this DGEIS is being prepared. Potential impacts discussed are more conceptual in nature than a site-specific EIS which addresses a proposed project. The DGEIS will additionally describe benefits and potential adverse impacts related to specific land protection categories discussed in the Plan, including but not limited to forests, wetlands, other water resources, and significant environmental areas.

Potential Beneficial Impacts:

Human Health – Natural resources themselves and public access to open space have health benefits including the provision of clean air and water, shading and cooling, and numerous mental, physical, and social benefits. These beneficial impacts may have positive effects on disadvantaged communities and non-disadvantaged communities alike. Other human health benefits from nature include pollination of food crops and the provision of medicine.

Ecosystems and Climate Change Resilience – Natural areas provide wildlife habitat and preservation of genetic diversity, clean air, clean water, flood storage and control, erosion control, carbon sequestration, natural cooling, drought mitigation, conservation of soil and water and recharge of water supplies, stormwater management, moderation of climate change, and a steady source of fresh oxygen from plant photosynthesis. Protection of natural areas prevents the permanent conversion of open space to development.

Cultural resources – Open space conservation protects archaeological, scenic, historic and cultural resources within the State. These resources give our communities unique characteristics and a special sense of place, fostering pride in the places where we live.

Recreational resources – Open space provides areas for active outdoor sports and passive activities. Examples include hiking, biking, fishing, hunting, boating, wildlife watching, and organized sports.

Economics – Economic benefits of conserving open space and natural areas include the provision of environmental goods and services, such as water quality protection, flood prevention and control, and forest and food products. Other economic benefits are related to recreation, tourism, and improved quality of life.

Potential Significant Adverse Impacts:

Potential adverse impacts are primarily those associated with the implementation of the Plan and development and use of resources. While a primary purpose of this Plan is the protection of natural, scenic and cultural resources, there nonetheless may be demand for public access to such areas. The potential for adverse impacts is of particular concern with respect to areas acquired for both resource protection and public access.

Future uses - Future use of open spaces by the public has the potential for both short- and long-term impacts. Possible short-term adverse impacts are related to construction of new facilities or significant rehabilitation and/or cleanup projects and include temporary erosion, siltation and turbidity concerns in streams, removal of vegetation and wildlife habitat, and impacts on historic or cultural resources. As this is a statewide plan and GEIS and not a site-specific review, each construction project would be reviewed under SEQR on a case by case basis. Following the environmental review process on a site-specific basis will help to identify and avoid, minimize, or mitigate potential adverse impacts. Up to date biological and cultural resource inventories would serve to reduce, if not eliminate, adverse environmental impacts to these resources. Examples of mitigation for short-term impacts may include use of sediment and erosion control measures and timing restrictions for protection of rare species. Long-term impacts are those potentially resulting from the permanent change in the character of areas protected under the guidelines of the Plan. For example, the construction of a parking facility to provide access to a public park could result in a substantial change in the character of a portion of the area acquired. Appropriate planning and design of new facilities could help maintain consistency with the existing character of the area. Alternatively and more significantly, it is possible that lands that do not receive protection through the Plan's strategies would be developed and permanently converted in an inconsistent manner with the character of the area and the resource therefore lost. Consequently, implementation of the Plan is expected to result in significant net environmental benefits.

Stewardship – With the protection of open spaces comes the responsibility to steward the resources adequately and appropriately in order to maintain the quality of the existing natural, cultural and recreational resources being acquired. Failure to provide adequate management of public use and maintain infrastructure could adversely impact the attributes that prompted the development of a protection strategy. Public use of lands under DEC and OPRHP's jurisdiction is managed through extensive unit management planning, work planning, or comprehensive planning, which is subject to site specific SEQRA review and implementing best management practices for facility construction. Thus, impacts associated with public use of DEC and OPRHP lands is managed to avoid and mitigate any potentially significant impacts to the environment.

Agricultural lands - The intent and policy of this Plan is to protect and encourage the continuation of farm businesses. In some cases, though, the protection of open space values other than agricultural use may be prioritized and result in the potential loss of agricultural lands. Where the protection of other open space values for agricultural lands is also a goal, steps will be taken to mitigate potential impacts. In such cases, the project would be subject to site specific environmental review and as based on current agency policy: 1) any fee acquisition of actively farmed land will be kept to the minimum amount necessary to ensure accomplishment of the agency's objectives; 2) consideration will be given to purchase of development rights, purchase of easements or other less than fee protection strategies; and 3) any individual fee acquisition of actively farmed land may include consideration of mitigation measures, including leasing of the land for limited agricultural production where it is appropriate. The "Notice of Intent" requirements under §305(4) of the Agriculture and Markets Law may apply as well.

Limited fiscal resources – The state has limited fiscal resources, and therefore, it is not possible to acquire or address all potential projects in a timely fashion. Priority setting is necessary in order to protect the most significant resources. The Plan recognizes this and includes an eligibility and evaluation process to guide the selection of open space protection projects. The

Plan contains an updated list of priority projects which deserve conservation attention, and which will remain the primary focus of State protection efforts. New York State government is not able to acquire all the recommended acquisition projects or is not always the appropriate entity to acquire them, and participation of local governments and others may be needed to achieve broad conservation goals.

Economics - Associated adverse impacts may develop from the potential acquisition of land by the state, resulting in increased property values of adjacent lands causing an increased property tax burden where the landowner is not able to access the benefit from the increase in their property value. In some cases, when the State or a non-profit organization purchases land and takes it off the tax rolls, other taxpayers have to bear an additional burden. In general, the State pays taxes on Forest Preserve and State Forest lands and does not pay taxes on State Parks and Wildlife Management Areas (there are some exceptions where the State does pay taxes or makes payment in lieu of taxes (PILOT)). Similarly, farm and forest tax laws may shift taxes from those lands to other properties or landowners in the community.

Secondary impacts - The protection of a resource area to achieve one resource protection goal may adversely impact a second resource. For example, while some species thrive in managed or frequently disturbed forests, if a managed forest is acquired and protected for recreational use and is not actively managed, then natural succession may take place and the species composition may change.

VI. Mitigation Measures

Mitigating measures related to the more physical or direct potential impacts of implementation would include use of best management practices and guidelines, biological and cultural resource inventories, stewardship mechanisms, and planning, funding commitments, and site specific SEQRA review. Prioritization of projects, use of the various conservation strategies and tools, and partnerships are also key mitigating measures.

On a more programmatic level, the concerns and the benefits derived from open space protection will be evaluated throughout the project selection and evaluation process as well as in the implementation strategies.

Several important mitigating measures are suggested:

1. Programs have been designed to encourage, educate, support and motivate private landowners to practice long term stewardship of their forests, farms and other open space. This can include outreach, technical assistance and cost sharing for conservation practices.

2. Conservation of open space resources, whether through fee simple acquisition or through the use of conservation easements, can help funnel growth and economic development in areas where it is more appropriate and less costly on the overall finances of a community.

VII. Reasonable Alternatives

The DGEIS will describe the reasonable alternatives to the proposed action including the No Action/Status Quo alternative and modification of priorities.

VIII. Unavoidable Adverse Impacts

The DGEIS will identify unavoidable adverse impacts.

IX. Irreversible and Irretrievable Commitments of Resources

The DGEIS will identify irreversible and irretrievable commitments of resources.

X. Growth Inducing Aspects

The DGEIS will identify growth inducing aspects of the proposed action.

XI. Evaluation of Coastal Policies

The DGEIS will include a general discussion of the Plan's consistency with coastal policies set forth in 19 NYCRR 600.5.

XII. Supplemental Environmental Review

The DGEIS will describe the types of future actions that may require supplemental environmental review.

Appendix

State Environmental Quality Review Act - Positive Declaration/Notice of Intent to Prepare a Draft Generic Environmental Impact Statement/Notice of Public Scoping, Full Environmental Assessment Form Parts 1-3/Determination of Significance.