

APPENDIX G

WRITTEN COMMENTS ON THE DSEIS



CITY OF NEW YORK
PRESIDENT
OF THE
BOROUGH OF STATEN ISLAND

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BOROUGH HALL, STATEN ISLAND, N.Y. 10301

July 24, 2009

Mr. Joshua Laird
Assistant Commissioner
Planning & Natural Resources
City of New York
Department of Parks and Recreation
The Arsenal
Central Park
New York, New York 10065

Re: Draft Supplemental Environmental Impact Statement for Fresh Kills
East park Roads – **CEQR#: 06DPR002R**

Dear Commissioner Laird:

This letter is to serve as my office's comments to the draft SEIS for the East Park Roads. The letter is divided into two sections: General comments, followed by the more specific ones.

I. **Overview and General Comments**

This draft SEIS will probably be the last opportunity to comment and criticize for the record proposals for Fresh Kills roads through Section 6/7. I thus must state for the record, as I did in written testimony during the June 22nd public hearing, that after my office finally read through this massive SEIS, it is clearer to me than ever before that my philosophy for the landfill roads is diametrically opposite to the philosophy of the Parks department, and at this point cannot be rectified. For you see, what it boils down to is that I believe Staten Islanders and their needs must come first before a Fresh Kills Park.

Examine the four figurers that I have attached to this letter. The first figure shows Central Park and all the roads that traverse through it, moving traffic east and west, north and south, and literally all around it. What is amazing is that this 843 acre park has so many roads that

effectively shifts traffic through a large number of ingresses and egresses. Can you imagine what the surrounding areas, and probably a majority of Manhattan, would be like, traffic-wise, if you eliminated more than 90% of these connections and passageways?

Figure 2 shows Brooklyn's Prospect Park, a 585 acre oasis in the heart of that borough. I am impressed with the number of roads that follow and circumnavigate the four compass points so cleanly and, apparently, efficiently. Can you imagine what the surrounding area would be like, traffic-wise, if you eliminated 90% of these connections?

Figure 3 is what I have been proposing for the past year and a half in Section 6/7. Doesn't it look similar to what Manhattan and Brooklyn have in their respective parks? The perimeter roads and a through-way road? And the beauty of my proposal, at least to me and apparently to all the hundreds of Staten Islanders who have come out to public scoping sessions and hearings on Fresh Kills and the roads, is that I want to recycle the existing Department of Sanitation's maintenance roads.

Instead, what I fear will happen is that, as shown in Figure 4, by the year 2016, all that Staten Island can possibly expect is one through road, with no definite word on any other connection for almost another 20+ years.

So I have to ask: why is it that Manhattan and Brooklyn can have a park with many through roads for their traffic congestions while Fresh Kills, 3-1/2 times the size of Central Park and 5 times the size of Prospect Park, gets one through road in seven years – and nothing else in the next foreseeable generation?

That's the difference between the Parks Department and Staten Island: where we see a tremendous opportunity for substantial traffic relief, the agency sees basically a landmass that will take great strides to purposely ignore the reality of the necessary reliance of cars by all Staten Islanders.

For me, Staten Islanders and their day-to-day needs will always come first before a Fresh Kills park, or any park for that matter. And I do not think that I am incorrect to state, for the record, that what I have learned after all these years of Fresh Kills end-use public scoping sessions, public design sessions, public hearings, and meeting with agencies and City Hall, is that if Central Park or Prospect Park was being planned, from scratch, in 2009, the movement of vehicular traffic would be ignored as

much as possible, and there would never be as many through roads as there are today.

How else to explain why Staten Island is being denied what the other boroughs have?

The Parks philosophy is not something that I have conjured up. The SEIS is filled with fascinating details that are revealed only if you read the entire document from cover to cover, as my office did these past six weeks.

In general, throughout the document there is never a discussion on how much it will cost Parks to run a park the size of Fresh Kills, or even if Parks will be maintaining the few landfill roads they are proposing. Planning a park is one thing; maintaining it is another. Even though Staten Island is the borough of parks, there are many complaints I receive on a weekly basis of the terrible condition of so many Island parks, such as Silver Lake. One can only imagine what an un-maintained Fresh Kills would look like.

There is also no discussion on capital monies for constructing the Fresh Kills park, specifically, whether or not the monies for any landfill roads is to come from the same source of capital funds that would be used for implementing the Fresh Kills. Indeed, if this is the case, who gets to decide the following: build a road or create a habitat?

Which goes to the heart of the matter: between residents and itinerant visitors, who gets to decide which of these two groups should benefit the most with anything happening in Fresh Kills?

This SEIS also does not perform an in-depth analysis to weigh the fiscal/environmental benefits of the following: extending the closure of Section 6/7 so that all the roads could be designed and implemented while Section 6/7 is an active construction site, versus finalizing closure and then going back to do road construction once or several times over the next 30 years.

Indeed, given that the SEIS states that no pedestrians will be allowed to use Section 6/7 for almost 30 years - which translates into Section 6/7 being allowed to grow and develop without human interference into its newly designed habitats - I am confronted with the following: what agency will ever allow any construction to take place that would disturb this 30-year old rehabilitated environment?

But shouldn't Staten Islanders be given the opportunity to hear all the pros and cons and be an active partner in such decisions of perhaps extending the closure of Section 6/7 if that's what it will take to implement needed traffic relief that can be accomplished in our lifetime?

Yet, once again, Staten Islanders are not given such an opportunity.

The SEIS is clearly biased against my roads proposals. Examine the figures in the document: Parks' road proposal is given figurative prominence throughout the document. Yet, when it comes to my roads proposal, my office found not one figure stating "This is the Borough President's roads proposal". Why is that?

There is yet to be a statement for the record from Parks as to who - and when - was it decided that it is the stated goal of leaving the north part of Section 6/7 as passive and that views from North Park and the wildlife refuge towards Section 6/7 should be free of cars.

The SEIS finally mentions several times that Section 6/7 is a disturbed construction site. But there is no discussion as to the benefits of doing all the road construction work while the site is in such a disturbed state and before the habitat rehabilitation begins. Why is that?

The SEIS makes a revealing statement: a goal of the park plan is to reduce vehicle traffic within the park. To me, such a statement reveals a bias, if not also an ignorance, of the fact that the primary users of the landfill roads will be people who live on this Island, not the transients who visit the park.

That's the difference here: where Parks sees a place to visit, Staten Island sees Fresh Kills as a direct pathway to the West Shore, and a park as secondary.

Which leads to another bias: Parks wants to leave for later the bulk of the road work. The argument that the roads could be of "prohibitive costs" can thus be inferred as being, for Parks, a counterproductive monetary drain to the Fresh Kills Master Plan because the Plan probably also relies on those same capital funds and would thus have to compete with road work.

So I have to ask: why do we have to have all that is being planned in the Fresh Kills Master Plan? My office could find no discussion in the SEIS whereby the merits and costs of certain planned park amenities and

habitats are compared to those of all the necessary landfill roads. Why is that?

And lastly, the SEIS does not discuss in any detail the West Shore Expressway access improvements. Has an EIS been performed on the proposed improvements? If not, why not? And is this a State project or a City project? There is no word on this in the SEIS.

Indeed, in this massive document, there are, to me, many words that somehow did not make their way between the SEIS' covers.

II. Specific Comments

Chapter 1 - Project Description

Page 1-14: Justification and Design for Separate Landfill Service Roads - ...
With the proposed project the public roads would be separated from landfill service roads...

Comments: Parks does not provide a reference to the FGEIS where this was discussed. If this is a new policy decision, there is no explanation as to why it was not introduced during the GEIS process.

... This is appropriate given the separate levels of functionality and traffic volumes for the two road system...

Comments: There appears to be a dichotomy at work here. No explanation is given as to why an agency that is so concerned about losing more park land for non-park purposes is comfortable with having two separate road systems for vehicles (i.e., agreeing to a plan that takes away park space) when a one road proposal (i.e., the Borough President proposal) suffices.

... In addition to public roads, the East Park project includes multi-purpose paths around the base of the landfill sections that would be about 20-foot-wide paved surfaces. This also provides a dual advantage and purpose as the multi-purpose paths would allow for active recreational pursuits such as biking and rollerblading and would be designed for heavier duty DSNY vehicles...

Comments: Parks does not present justifications for constructing a second road system within Section 6/7 that would allow pedestrian activities to share that same road and at the same time with heavy duty DSNY vehicles. Indeed, what are the specific "advantages"?

... Thus, this service road [Yukon Service Road] would be designed more in the style of a hiking trail but also would need to meet design

requirements of DSNY with respect to their ongoing maintenance and monitoring functions at Fresh Kills...

Comments: Parks provides no details for what a hiking trail that also serves as a DSNY "service road" would look like. Is it a trail, a path, or a road? Is it paved? How wide would it be? Would hikers be on the trail when DSNY needs to drive on it? It is unclear why such discussions are not presented.

... Consequently, it is essential to establish dedicated landfill service roads that are separate from the Fresh Kills Park East Park roads system...

Comments: There is no discussion as to why this is essential. Indeed, seeing how none of the other landfill sections embrace this "essentiality", why it must be done only in Section 6/7 is not justified. Yet, under the Borough President's proposed road system for East Park, the non-driving public will not interact with DSNY vehicles.

Figure 1-8a

Comments: Why is there not one figure in this chapter that details what is the Borough president's proposal versus Parks'? How would the reading public even know what is it that the Borough President is proposing when all that anyone sees in this chapter and throughout the document is Parks' proposal?

Page 1-15, Landfill Road Crossing Design Guidelines, second paragraph –

... Another fundamental goal of the proposed park road design is to avoid interference with DSNY landfill service roads...

Comments: Parks does not provide a discussion as to when this policy was adopted. Specifically, when was this decided and by whom?

Page 1-17, Proposed Fresh Kills Park Road System, Introduction –

... The proposed Fresh Kills Park primary road system is comprised of the West Shore Expressway Corridor and the Confluence Loop Park Road...

Comments: There is no discussion presented as to why none of the connections to Richmond Avenue would be considered part of the primary road system designation. Indeed, there is no definition as to what is a "primary road system".

Page 1-18, Forest Hill Road Connection-

... It is anticipated the roadway would be partially built on fill....

Comments: This is Parks' proposal and not the Borough President's proposal and this should be noted. Why not mention other options here, as is alluded to in the next comment?

Richmond Hill Road Connection –

.... into the park, where, under one option, it would connect...

Comment: It is not clear why Parks alludes to "one option" here. Is the reader at this point in the SEIS aware of what the other options are, including the Borough President's option?

Page 1-19, 2016 bullets

Comments: The SEIS does not identify where the money is coming from for this project. In addition, there is no discussion on whether or not an EIS is required for the ramps project.

Page 1-27, last paragraph –

... The proposed East Park Roads project involves the construction of approximately two miles of new public roads and is therefore a long-term project with several decades of build-out, involving multiple options and alignments and the associated actions and approvals...

Comments: It is very frustrating for the reader to understand how long is "several decades". There is also no discussion in the SEIS on the environmental benefits of doing the roads project "now" as opposed to waiting the "several decades".

Page 1-28, item 1.a.i –

... Staten Island is the fastest growing county in the State and, moreover, traffic increases could outpace projected population growth. Thus, an informed decision cannot reasonably be made at this juncture for roads that are not scheduled to commence construction until 2016 and beyond...

Comments: Given this statement, should there not be a discussion on the following: if Staten Island is the fastest growing county, and traffic will, and not may, anyway increase faster than population, why isn't the planning and implementation of roads being done now, pro-actively, as opposed to a future "re-action"? Is there not an environmental argument that can be made for such "pro-activities"?

Item 1.a.ii –

... If in the future it becomes clear that one or both of the longer-term proposed connections to Richmond Avenue is infeasible (i.e., too expensive or environmental impacts too great) the option to add capacity to other connections might help alleviate local traffic congestion...

Comments: This is a very confusing statement. What does it mean? It is difficult to imagine any road project in New York City becoming less expensive in the future. Furthermore, where are the other connections that extra capacity could be added to? And what does it mean "might" alleviate when the need is urgent? What are the other environmental impacts that might be "too great"? Isn't an SEIS supposed to do this?

One does not want to believe that by advocating a waiting period of waiting 20+ years to do the roads, that the revived landfill will clearly be habitat re-established, and thus environmental impacts will automatically be a given – if not an obstacle to road construction? Lastly, isn't this an SEIS for the landfill roads in which, as part of the analysis, if you build the roads now, even with them being under capacity, the capacity at least is designed and ready to get rolling to avoid future environmental traffic impacts to the fastest growing county in New York State?

Item 1.b

... Quite apart from roadbuilding, the 60-foot-wide roadbed would accommodate additional possible uses, such as bike and pedestrian ways and utility corridors adjacent to the road...

Comments: This is a specific SEIS that focuses on landfill roads and not other "what if" proposals such as bike and pedestrian ways. If this was not discussed in the GEIS, then it should not be discussed here.

Page 1-29, Item 2, last sentence:

... and possible additional federal wetlands approvals...

Comment: It is not clear what this means? Is Parks stating that what may not be federal wetlands in 2009 could change in the future? If so, how is this possible? Do we know or don't we, and if we don't, isn't this the purpose of the SEIS, to define this?

Item 3:

... DPR recognizes that there are many decisions yet to be made between now and the post 2016 first phase build year for these segments of the proposed roads. As a result, DPR is seeking at this time to ensure that options continue to be investigated...

Comments: The SEIS does not discuss how these investigations are to be funded. Furthermore, what are their timelines? When will one begin and end? What will determine if an investigation is completed? And will each investigation require an SEIS?

Page 1-30, last sentence, third paragraph:

... a completed road network, some segments of which may not commence construction for 10-20 years...

Comments: Seeing how this statement is repeated many times throughout the SEIS, there is no discussion at what point in the future will this SEIS become obsolete. Indeed, when was the last time an SEIS was valid for 20 years without challenges or a re-do?

Page 1-43, Design Description, third paragraph:

... Both the proposed four-lane road and this two-lane park road design provide a connection with a short and direct route too the Confluence Loop Park Road...

Comments: The SEIS does not provide an explanation how, going on the other side of the Richmond Avenue berm and then through wetlands to get to the Yukon Avenue saddle, this provides a "short and direct route" to the Loop as opposed to the Borough President's plan, which uses an existing landfill road that hugs the western part of Section 6 directly down to the Loop, bypassing the berm and the Yukon Avenue saddle.

Page 1-43 to top of 1-44, last sentence:

... The two-lane option succeeds to a greater degree in limiting the visual and physical intrusion of the park roads in the landscape...

Comments: The SEIS does not state when this philosophy was adopted. It was not brought up during any of the design workshops with Staten Islanders. In addition, given that it will take several decades before the park is fully realized, there is no discussion then as to how the landscape could be created to minimize 20-30 years in the future these "visual intrusions".

Page 1-48, Utilities, last sentence:

... Street lighting would also be necessary...

Comment: The SEIS does not discuss why street lighting was never envisioned.

Chapter 2 – Land Use, Zoning, and Public Policy

Page 2-2, Conclusions

... There are no potential adverse impacts to the project site or the surrounding wetlands or natural areas if the existing NA-1 zoning designation is removed...

Comments: This is a false statement. The Borough President's office submitted in-depth comments during the GEIS process detailing the fallacies to this issue. In addition, in subsequent meetings with the Borough President's office, the Parks Department stated that the agency was abandoning this proposal. Why, then, is it back again?

Chapter 10 – Natural Resources

Page 10-67, first full paragraph, last sentence:

... Additionally, the phasing of the park development activities over a 30-year period would limit the extent of land disturbance and area of in-water construction activities at a given time, increasing the potential that suitable habitats may be available to wildlife affected by development of certain elements of the park and reducing the potential for significant adverse impacts...

Comments: The SEIS comes up empty when it comes to explaining the philosophy of developing the habitats first, then worrying about people later. The Borough President's philosophy is that Staten Islanders come first, that the roads should be planned and built in as short of a period of time as possible, and then allow the habitats to develop and flourish in the ensuing decades since no more road construction work take place. Indeed, what better argument for this approach since Section 6/7 would not be available for pedestrians anyway for at least 20+ years. Yet, under Parks proposal, once the habitats start thriving, one would be forced to ask: who would ever approve of roads going anywhere near these sensitive areas, areas that did not exist 20 years earlier? Or is it the policy that by waiting 20+ years to phase the last phase of road building, such in idea would be effectively terminated because the new sensitive habitats have become so well established?

Page 10-68, Protection Plan for Trees and Plant Communities to be Preserved:

Comments: This plan only makes sense if you wait the 20+ years to do the roads. If you do the roads now, these issues are completely avoided because such trees and plant communities do not presently exist. Furthermore, why is there no analysis for this approach, namely, what are the avoided impacts by doing all roadwork now?

Page 10-71, first line:

... the development of the park roads has the potential to result in direct impacts to natural resources through the loss of habitat removal during road construction...

Comments: This can be avoided by doing the road construction now before the habitats are either established or re-established. Once again, this is a primary example of the major difference between Parks and the Borough President on the philosophy to landfill road construction | Section 6/7.

Page 10-71, Human Use and Impact Avoidance response, last three sentences of first paragraph:

... A well designed circulation network and sensitively siting roads and paths can serve to minimize potential adverse impacts to wildlife. However, the design of specific road alignments width and materials is critical to minimizing adverse impacts to habitat. Such designs need to consider both upland terrestrial habitats as well as aquatic/wetland habitats...

Comments: Why not, then, first determine where it makes the most logical and practical sense to put the roads? Once this is done, one can then design the road for environmental sensitivity. In essence, people and

traffic moving comes first and not the other way around. To worry in 2009 about upland terrestrial habitats when the entire site remains a construction site makes no sense. Again, here is an example of a major difference in Fresh Kills philosophies between Parks and the Borough President's office.

Page 10-73, second paragraph:

Comments: The SEIS does not provide a definition for "poorly designed roads"? Is there an inference here that all NYC road designs, as would be the case here in Section 6/7, poorly designed? What is the priority of roads in the city? Besides, the entire discussion here is as if the habitats in Sections 6/7 already exist. Indeed, with this philosophy, Central Park would never have the roads it has now. Furthermore, there will be no pedestrians using this park for 30 years. It's as if every aspect of the park is to be designed for existing or proposed wildlife and Staten Islanders come in second? When do we come first? Indeed, it can't be solely about creating a park because Staten Island is the borough of parks.

Page 10-74, third bullet:

... In areas where habitat is to be created as part of the overall park design, design roads so that they do not compromise the development and sustainability of the future functions and habitat structures...

Comments: As discussed in the comment directly above this one, why not design the habitats around the park roads? Why not do the roads first? Why must a park come first before Staten Islanders?

Page 10-75, first bullet:

... Monitoring wildlife/vehicle collisions to identify the need for additional measures (e.g., speed reduction) to minimize wildlife losses and adverse effects to motorist safety due to collisions...

Comments: The SEIS does not provide any statistics or information where Parks has done this type of investigation and speed reductions in other parks, such as Central Park. In fact, where have there been speed reductions in New York City due to wildlife collisions?

Page 10-81, first full paragraph, fourth line:

... These additional materials would not have any natural resources impacts as they would be deposited and graded on the already disturbed landfill...

Comments: This is the first location in the SEIS where the phrase "already disturbed landfill" is used. What, then, is the definition for "disturbed"? If the landfill is already disturbed, does it not follow that such a condition makes this section ideal for construction work to continue before Section 6/7 is slowly turned into an "undisturbed" state?

Page 10-90, first paragraph:

... the phased approach to development of the park would be expected to allow wildlife to seek suitable available habitat impacted by decrease in habitat quality near roadway construction. By making all the roads part of the first phase, habitat can then develop over the next decades...

Comments: If the roads were all done as quickly as possible in the first phase, then the habitat would have these decades to establish itself uninterrupted.

Second paragraph, second sentence:

... The proposed project has minimized direct losses of habitat due to the proposed roads by using the existing landfill road network to the extent possible (e.g., Confluence Loop Park Road) thereby limiting habitat loss...

Comments: The SEIS does not explain the policy, or philosophy, as to why it is acceptable to use existing landfill roads in the other three sections of the landfill but not in 6/7? What is so different about Section 6/7?

Page 10-95, first paragraph after bullets, second and third sentences:

... Thus, it results in less wetland impact as compared to other options above. However, it is noted that the wetlands impacted under this option could be considered higher-value resources than those disturbed by the above alignments...

Comments: The SEIS does a poor job of explaining why, if under the Borough President's road plan, fewer wetlands are impacted than in Parks' plan, this is bad plan. The inference that the wetlands under the Borough President's plan "could be considered of higher value" is of a dubious nature. What is the definition of this "higher value"? Who makes them? And when would this determination be made?

Page 10-96, last paragraph:

... While the proposed park roads under this option would be wider than the existing haul roads, disturbances would mostly be limited to previously disturbed areas...

Comments: Consider the following: Parks wants to build roads in Section 6 that has not been disturbed before – the western side of the Richmond Avenue berm. Why is this acceptable? In addition, with Parks advocating not using Sanitation haul roads but, instead, building new roads, isn't this "double road system" creating a worse habitat fragmentation that Parks is concerned with under the Borough President's proposal - and, in fact, all roads in general?

... placement of traffic closer to water bodies and wetlands by this option, as compared with the proposed project, is likely to have a greater degradation impact to aquatic habitat at the perimeter of the site...

Comments: The SEIS does not provide a definition of "is likely to have a greater degradation impact"? In fact, the SEIS provides no discussion for the following: when would the perimeter aquatic habitat have a greater propensity for impact - presently, during both landfill closure and road building activities, or 20+ years hence?

Page 10-97, middle of top paragraph:

... Given the large amount of land available at Fresh Kills for wetland mitigation, these wetland impacts could be mitigated on an area basis by a ratio of more than 20 to 1 for tidal and freshwater wetlands...

Comments: the SEIS does not provide an analysis/discussion for the following: if the Borough President's road proposal is instituted, how many acres of wetlands would be mitigated under this 20-to-1 ration that would not otherwise not be mitigated under the other proposals?

Chapter 13 - Infrastructure

Page 13-20, top paragraph:

... such that the finished grade of the final cover system is below any of the proposed roadway alignments. Because the extent of the proposed final closure regarding and the proposed relocation of landfill infrastructure is consistent with any of the potential future roadway designs...

Comments: The SEIS is unclear if the Borough President's road proposal is, or is not, at odds with landfill infrastructure.

Page 13-21, Post-Closure Care, second paragraph:

... the service road would be relocated to the north and outside of the Yukon Avenue corridor...

Comments: As stated in an earlier comment, there is no explanation anywhere in the SEIS why Section 6/7 is the only landfill section that must have separate Sanitation maintenance roads from public vehicular roads.

Page 13-25, Post Closure Care/Service Roads, second paragraph:

... Consequently, it is essential to establish dedicated landfill service roads that are separate from the Fresh Kills East Park roads system...

Comments: Once again, what is the reason for this? This is not the case in any of the other sections of the landfill. The Borough President proposal is not asking that **all** Sanitation service roads in Section 6/7 be public car roads; **only those that circumnavigate the section.** Again, who made this decision? Where was this discussed in the public design sessions for Fresh Kills Park? Furthermore, why does Parks have no issues when the Loop is reached and all vehicles – the public's and Sanitation's – have to merge and then co-exist in the remaining landfill roads?

Chapter 17 – Transit and Pedestrians

Page 17-1, Methodology, second paragraph:

... It is also an objective of park planners to encourage transit alternative and alternative modes of transportation to the site for the purposes of providing more sustainable modes of travel, to reduce local vehicle traffic, to reduce vehicle traffic within the park, and to encourage and facilitate park use that might otherwise be constrained by traffic and parking availability through mass transit...

Comments: As stated in an earlier comment, here lies, in the Borough President's opinion, the major problem with the SEIS: for Parks, the park comes first, then Staten Islanders. Who decided the above quoted issues as objectives? The majority of the site will not be a public park for 30 years. To deny designing a park around cars and to deny vehicular passage as much as possible – two concepts that have been effectively done in Central Park and Prospect Park – is to deny quality-of-life rights for State Islanders. The Island is need of more, not less, traffic patterns that will minimize their worsening quality of life from traffic jams and associated exhaust fumes. Indeed, Staten Islanders can't even get new bus routes to the South Shore - and Parks is now planning in 2009 for mass transit to go to this site over the next 30 years?

Chapter 20 - Construction

Page 20-1, Overview, second paragraph:

... The proposed project involves construction activities that would occur over an extended period (approximately 30 years). The long-term nature of the project is due, in part, to the complexity of the construction program as well as the capital costs of implementation... However, while the construction period is lengthy, this extended construction phasing over many years also has the effect of limiting construction impacts for individual road projects...

Comments: Given this policy/philosophy, there is no answer to the question of will there be another SEIS for any or all of these individual road projects in the future? In addition, there is no discussion on the following: If capital monies would become available to in fact do all the roads by 2016, what will be those environmental impacts? Furthermore, there certainly is no discussion on how the phasing in the roads over 30 years fits ion with the capital demands of phasing in a Fresh Kills park? Will capital monies for any additional roads past 2016 be in direct competition for capital monies for park development? If so, who and how will these decisions of "capital" importance be made? Lastly, there are no cost comparisons for doing all the roads by 2016 versus doing roads in 30 years.

Chapter 21 – Public Health

Page 21-37, Description of Anticipated Public Access, first paragraph:

... Public access would be limited to vehicular access on the park roads and would only be allowed following construction of the first planned road segment along the Yukon Avenue Connection (i.e., 2016 build year) ... No pedestrian traffic along the proposed East Park roads is proposed; no sidewalks or paths are provided in the 2016 to 2036 construction plans...

Comments: Isn't this a good argument for building all the roads now? No people to interfere with construction, and when it's finished, the habitat can thrive for several decades before people will be allowed to walk the area?

Third paragraph, first sentence:

... As described in Chapter 1, "Project Description", public access to East Park would not be provided until 2036...

Comments: What is wrong with the following scenario: If there is no public access for 27 years and no potential for road construction for over 20 – if not 30 – years, then for the next two to three decades after the Yukon Avenue entrance is built will translate into a park area that will be, for all intents and purposes, unaffected by human interference. The habitats will thus grow and re-vegetate under engineering controls. Therefore, new park roads will be impossible to build because it will trigger an automatic EIS since this area will already become an established park. Question: Doesn't it makes sense, then, to build the roads before public access is institutionalized and avoid all future SEISs?

Page 21-38, second full paragraph:

... Because there is no anticipated pedestrian public access until 2036, it is expected that the proposed action will not present additional significant exposure to the public before that time. After that time, the public may be provided access to locations of Landfill Section 6/7 outside the roadway alignment area, but that access is not the subject of this SEIS and would be described at a later date...

Comments: What, then, was the purpose of the GEIS if not to describe what the public pedestrian access is to be? And what does it mean "at a later date"? Is that another SEIS? Indeed, does it not follow that, if there is no pedestrian access until 2036, building all the necessary landfill roads now makes logical sense?

Chapter 22 - Alternatives

Page 22-1, Introduction:

Comment: Why is there no figure labeled Borough President's proposal?

Page 22-11, Description, first paragraph, last sentence:

... once the Yukon Avenue Connector (for example) is operating and a demand exceeds capacity, the final cover would then be modified to widen the road...

Comments: The SEIS does not provide a definition for "demand exceeds capacity".

Page 22-15, first bullet:

... Placing the roadway on water's edge restricts park visitors' contact with Main Creek. Without massive wetland filling in addition to that for the roadway, a waterside pedestrian/bike path would not be possible in this scenario...

Comments: Firstly, since no pedestrian will have access to this section for 30 years, there is no explanation as why there should be a present concern about this item now. Furthermore, where are the rules that state that, when there is a conflict between a pedestrian benefit and a road that benefits thousands of people more each day, the pedestrian issue wins out?

Second bullet

... No creek-side space would be available for a landscape buffer that would provide landscape, filter road runoff to reduce wetland impacts, and reduce the visual prominence and noise of the road...

Comments: If you build the roads now and have 30-years for the landscape and trees to grow, why wouldn't there be a developed buffer? Indeed, how does the city handle noise and visual prominence of cars in and through Central Park?

Last bullet:

... the slower movements and stoppages of maintenance vehicles are likely to cause friction with faster vehicles and safety concerns...

Comments: How is this different from any of the highways and roads in New York City? As per the Borough President's plan, a two-lane, one way system, with electronic overhead red/green lights would allow for one of the lanes to be closed when in a maintenance mode. This is common for many roads in New York City – such as the Lincoln and Holland Tunnels.

Page 22-16, first bullet:

... Auxiliary accommodations for parking and filling of over-the-road tanker trucks used to collect landfill gas condensate would need to be incorporated into the design...

Comments: There is no discussion on the fact that, seeing how landfill gas generation will be steadily decreasing, this will become less and less of a necessity over the next 30 years.

Same bullet:

... Special precautions for protecting landfill maintenance personnel from roadway traffic would need to be implemented during periodic maintenance of the leachate pumps or electrical systems...

Comments: How is this different from any of the typical highway maintenance functions that occur every day throughout New York City roads?

Page 22-17, West Alignment Summary, first bullet:

... The on-landfill alignment pushes the road well up Landfill Section 6/7, interfering with views from the North Park and William T. Davis Wildlife Refuge, a condition that runs counter to the park goal of leaving this northern primarily for passive park uses...

Comments: the SEIS does not state who proposed this goal. The SEIS does not state when this goal was accepted. Lastly, the SEIS does not state when this goal was discussed during the public design sessions.

Last bullet:

... The off-landfill alignment would result in significant impacts on tidal wetlands..... As well as views and experiences from North Park and William T. Davis Wildlife Refuge...

Comments: Since when did a pedestrian experience of a park trump necessary community through roads? Under such logic, shouldn't parks be going after vehicular traffic in Central and Prospect Parks?

Page 22-19, fourth paragraph/line:

... This alternative also recommends lighting on park roads to improve safety...

Comment: Was this never to be an option to begin with?

Chapter 23 – Impact Avoidance Measures and Mitigation**Page 23-4, last paragraph:**

... most walkways or roadways traversing parklands would not require overnight lighting...

Comments: What does this mean? Does it mean that no cars will be going through once darkness descends? Does it mean limiting the hours for when cars can go through the landfill?

Page 23-5, Park Roads and Habitat Fragmentation, first sentence:

... operation of the park roads has the potential to result in long-term adverse impacts and compromise natural resources benefits in areas where it passes through proposed landscape enhancement areas, or areas where existing plant communities would be retained...

Comments: The SEIS does not provide a discussion for the following: this may not be the case if the roads were implemented as early as possible, thus allowing these habitats to form for the remainder of the almost 20 years before pedestrians are allowed in. But, once again, what Parks sees as a negative – roads through the landfill – Staten Islanders see as a necessity and a necessary positive.

Page 23-8, Traffic and Parking, Monitoring:

... As the project progresses and the park is constructed, DPR will continue to monitor the traffic conditions and seek ways of improving traffic flow in and around the Fresh Kills site. DPR will continue to coordinate with NYSDOT and NYCDOT through the course of the project implementation to ensure that the proposed project, both the proposed park elements and the park road elements, would minimize adverse traffic impacts on local roads...

Comments: What does this mean? How is this going to be done? Parks will be doing traffic studies for the next 30 years? Parks has the power to do what, exactly, traffic-wise? And for the DOTs, what are their coordination roles? What is an "adverse traffic impact" that is different from what Staten Islanders are presently experiencing with no roads through the landfill? Furthermore, where will parks find the money for all this work?

Ongoing Traffic Monitoring:

... if needed, DPR will provide NYCDOT with the traffic analysis needed to evaluate these conditions with new traffic patterns...

Comments: Where is Parks finding the money for this work? And will this require an SEIS?

Site Specific Capital Project Review, last line:

... including the location of curb cuts for the proposed parking lots once detailed plans are submitted...

Comments: Where are these parking lots in Section 6/7? And for how many cars? Can you plan parking lots 30 years in advance? And won't parking lots create habitat fragmentation?

Page 23-9, second full paragraph:

... DPR will coordinate with NYCDOT with respect to improvements along Arthur Kill Road that are currently being explored by NYCDOT...

Comments: Why is this here? This is a specific SEIS for landfill roads in Section 6/7 and not Arthur Kill Road.

... one to a small parking area for the Arden Heights Neighborhood Park and the other for the larger South Park recreational Center...

Comments: Why is this here? And what is the Arden Heights Park? When was this determined as a sub-category of South Park? This is a specific SEIS for landfill roads in section 6/7 and this does not belong here.

Page 23-9, Transit Service:

Comments: Why is this here? As stated earlier, Staten Island cannot, after decades of trying, to receive improved bus service for the South Shore. Yet Parks is stating here that it will continue to lobby the transit system for the next 30 years to bring bus service to a park that will have limited pedestrian access over the next 30 years. Please explain this philosophy.

Page 23-17, Natural Resources Protection Plan:

... a natural resources protection plan would be prepared for each construction project. This plan would have a pre-construction walkover identify sensitive landscapes, trees, sensitive plant communities... and any other communities that have been identified for preservation and protection...

Comments: Cannot this be interpreted as an EIS for each phase? Who decides what is good and bad, species-wise? Furthermore, wouldn't it make sense to build the roads now while the site is a damaged construction site so that, once done, the habitats can flourish as planned over the next 30 years and further EIS' can be avoided at all costs? Indeed, as stated earlier, who is going to approve any road project with such restrictions? One does not want to believe that is the plan to begin with. Indeed, further on it states *... and identified ion all construction drawings along with notes indicating activities allowed and prohibited within each protection zone...* For all Staten Islanders, this is a recipe for disaster when trying to get anything done to improve Staten Islanders' traffic woes – see the West Shore Expressway service roads completion debacle. To us, do the roads now before these sensitive habitats form.

Page 23-18, top paragraph:

... Maintaining existing mature trees....

Comments: Since there are no such items now, but they will be there within 30 years, the roads should be done now before the trees are planted and matured.

Sincerely,



James P. Molinaro

FIGURE 1

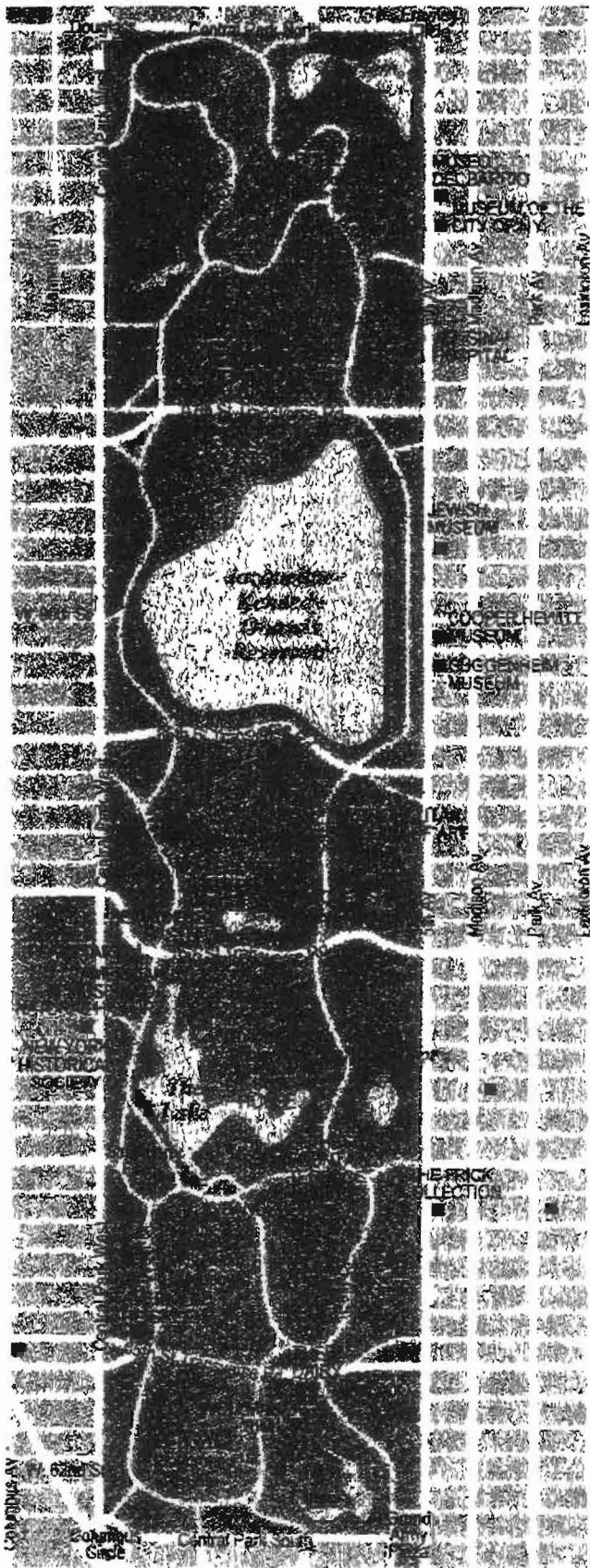


FIGURE 2



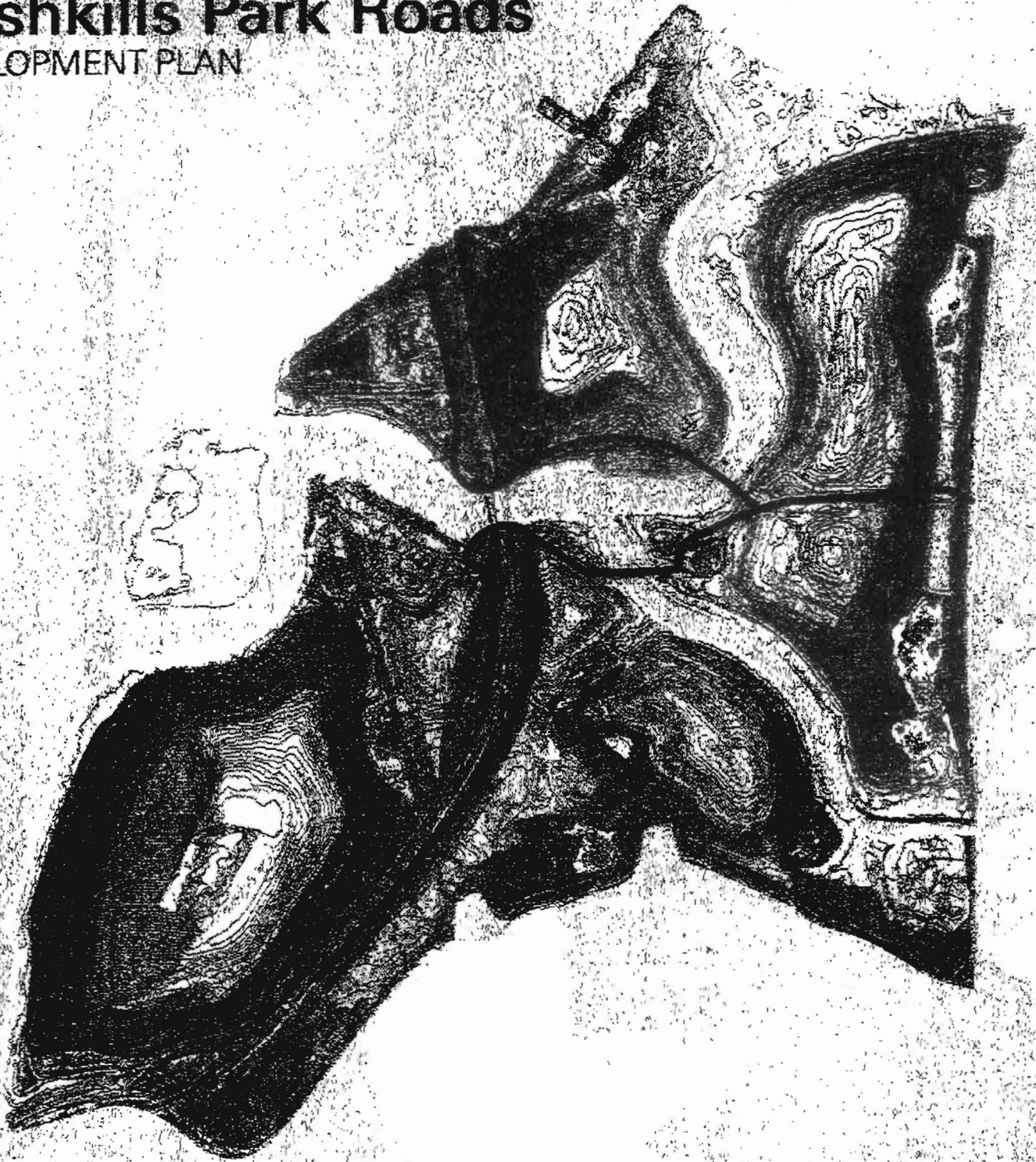


Freshkills Park Roads
DEVELOPMENT PLAN

Figure 3

FIGURE 4

Freshkills Park Roads DEVELOPMENT PLAN



New York State Department of Environmental Conservation

Division of Environmental Permits, Region 2

47-40 21ST Street, Long Island City, NY 11101-5407

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Alexander B. Grannis
Commissioner

July 24, 2009

Joshua Laird
Assistant Commissioner for Planning & Natural Resources
NYC Dept. of Parks and Recreation
The Arsenal, Central Park
830 Fifth Avenue
New York, NY 10065

Re: Fresh Kills Park East Park Roads Draft Supplemental Environmental Impact Statement
(DSEIS) CEQR No. 06DPR002R

Dear Mr. Laird:

Department staff has completed a review of the above-referenced document, dated June 5, 2009 and has the following comments as an involved Agency:

General Comments:

1. Description of the Proposed Project (Pages S-2 and 1-2):

The proposed project is composed of three parts:

- a. Modified grading plan;
- b. Completion and operation of a two-lane road in the Yukon Avenue connection; and
- c. Various options for a long term road system without choosing a specific option as the preferred alternative.

The third part of the proposed project, unspecified long term options, does not detail the preferred alternative. Any DEC approval for activity at the Fresh Kills Landfill can only be based on specified actions and finding statements in the FSEIS, including the finding that the chosen alternative minimizes environmental impacts.

While the City Department of Parks and Recreation (City DPR) may not feel certain of what traffic conditions will be 20 years from now, DEC does not know what environmental conditions will exist 20 years at the site and in the vicinity. This is particularly true given the uncertainties of global climate change. It is therefore likely that an additional supplemental EIS will be required to update such information before construction of any roadway other than the two-lane Yukon Avenue Connection. In the meantime, however, both agencies must evaluate the potential impacts based on the information and analysis currently available. The proposed road sub-base construction work is clearly part of the road project under SEQRA

and cannot be considered a separate action from the final proposed road construction for the purpose of evaluating environmental impact.

2. Justification of Need and Demonstration of Improvement from Action:

The DSEIS does not clearly justify the public need for this road construction project, including what widths and routes are necessary. It does not clearly explain what specific improvements to traffic in the area would occur as a result of the project.

Pages S-41 and S-42 state that after construction of the proposed 2-ways road at Yukon Avenue in 2016 and 4-lane road at Forest Hill Avenue in 2036, significant adverse traffic impacts would still exist in four out of five, and five out of five, analyzed intersections respectively. Tables 24-1 thru 24-3 noted unavoidable negative impacts for several intersections. Also, Chapter 1 does not explain how the analysis in Chapter 16 shows significant improvement of LOS traffic thresholds (see table 16-1) and delay time between the 2016 and 2036 no-build, build and build-with-mitigation alternatives; the analysis appears to show only minor improvements. In light of this, please explain the necessity for each road.

The DSEIS states on page 1-28 that, "current projections of traffic volumes for the park roads, based on typical methods of traffic modeling, indicate that two lanes may be adequate" The DSEIS also states on page 1-29 that, "it is expected that the two-lane road Yukon Avenue Connection would meet the near term traffic demands" In light of these facts, please explain the need for anything more than a two-lane road at the Yukon Avenue Connection or Forest Hill Avenue Connection.

The justification provided on page 1-14 for separate landfill service roads does not clearly explain the need for three different landfill roads.

Regarding the Forest Hill Road sub-base, given that long term settlement is expected to be substantially completed in 20 years and the build year for this through road is 2036, it is unclear that road sub-base work at this time is needed. Grading alone may be sufficient.

3. The DSEIS mentions certain modifications to the landfill that are not enumerated in the June 2009 Alternative Final Cover Design Report, such as described in pp. 20-31 through 20-35. All modifications not included in the Report require separate review and approval by DEC.
4. The DSEIS must clarify the delineation of responsibility for the Post Closure Care Plan, which will include the roads if approved and constructed.
5. The framework for Environmental Impact Analysis on pages S-14 and 1-27 appears to be inconsistent with the project summary on pages S-2 and 1-3. Please clarify or correct.
6. The DSEIS must clearly state that while soil decisions may be made on a case-by-case basis, DEC will generally require use of the lower of Part 375-6.8(b) residential and groundwater protection SCOs, using the ecological SCO when there are potential impacts to ecological

resources. DER TAGM 4046 will be considered if Part 375 has no SCO for a contaminant. All deviations from this require written approval by DEC.

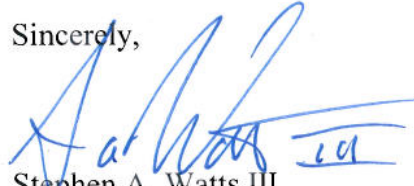
7. Please ensure consistency between the DSEIS and the June 2009 Alternative Final Cover Design Report in such areas as:
 - a. Management of On-Site Waste Staging for Off-Site Disposal on page S-46.
 - b. Acceptable noise levels on page S-64 and 20-42 to 20-45.
 - c. The volumes in tables 20-8a and 20-8b.
8. The drilling or pilings mentioned on page S-64 have not been approved by DEC. A separate approval for these may be required.
9. The DSEIS does not provide sufficient details regarding how the proposed environmental controls will prevent adverse impacts during construction. More details are required. Also, please address:
 - a. What public health impacts were studied with regard to other chemicals, such as H₂S, that would be emitted along with methane during construction activities?
 - b. What efforts will be made to minimize the fugitive emissions of methane and other chemicals during construction? (See page 20-40).
 - c. What other vermin will be controlled beyond rats and mice? (See page 20-47)
 - d. Where exactly will piles be driven and jackhammers be used? How will the landfill infrastructure be protected from the impacts of this activity? (See page 20-42)
 - e. The discussion of the adverse environmental impact from the one year delay of landfill closure appears to be missing. (See final Scope of Work.)
10. Page 1-22: Which road option is this discussion based on?
11. The DSEIS states on page 1-31 that, "For the short term actions (e.g., modifications of the landfill cover and the Yukon Avenue Connection), environmental impacts have been minimized and there is no significant differences in the environmental impacts of preparing a road embankment across landfill Section 6/7 for either a four-lane park road or a two-lane park road." Please correct this statement, given that there are several significant differences between the two-lane and four-lane options. These differences include the amount of excavation to occur and natural resources impacts.
12. On page 20-17, please address the fact that the opened landfill area will add leachate to the leachate mound unless engineering control measures are taken to prevent percolation, and please detail the area and time period in which intermediate landfill cover will be removed.
13. The requirement for post closure care is a minimum of 30 years, not a maximum, as the DSEIS incorrectly states. Please correct.

Natural Resource Comments: Several of the following comments were also raised in DEC's comments on the PDSEIS. These are denoted with an *.

14. *Page 10-10. The Wetlands section correctly notes that the aquatic habitat east of 6/7, while not mapped by DEC as tidal or freshwater wetlands, is regulated under Article 15. It is not clear, however, that the adverse impacts to these habitats have been factored into the mitigation that would be required. Impacts to these Article 15 regulated habitats would require compensatory mitigation. Please correct.
15. *Page 10-62. Table 10-16 is supposed to present the area of potentially affected wetlands **and aquatic habitats**, but it only shows areas of affected wetlands. Please correct.
16. *Page 10-91. This is identified as a section on the Richmond Hill Road connection, yet the section content seems to speak only to the Forest Hill Road connection. Please correct.
17. Page 10-93. In the YUKON AVENUE CONNECTION (FOUR-LANE ROAD) section:
 - a. The second paragraph should be revised to read, "...the four-lane road would not have any **significant adverse** impacts on the following...."
 - b. Change "B4" to "B2" in line one in bullet four.
 - c. Change "two-lane" to "four-lane" in line one of bullet five.
18. The portion of the Yukon Connection crossing between stormwater basins B1 and B2 entails extending the length of the existing 5-foot diameter culvert. While this may maintain a hydrologic connection, it does not appear that it would provide an adequate, suitable wildlife passage area. If species such as turtles and frogs do not find the culvert usable, they will be more likely to cross the road to migrate from basin to basin, which is likely to result in a significant increase in mortality to these species. The SEIS must evaluate the suitability of the expanded culvert as a wildlife conduit and explore design alternatives to avoid these impacts (e.g. wider culvert(s) or viaduct).

If you have any questions regarding these comments, please contact me at (718) 482-4077.

Sincerely,



Stephen A. Watts III

Environmental Program Specialist II

cc (by email):

Kenneth Brezner, DSHM
Gubbi Murthy, DSHM
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Imdad Islam, DOW
John Cryan, Permits
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