

A. INTRODUCTION

This chapter summarizes and responds to comments received during the public review and comment period on the Draft Supplemental Environmental Impact Statement (DSEIS, June 5, 2009) for the Fresh Kills Park East Park Roads Project. Public review of the DSEIS commenced on June 5, 2009, with the distribution of the DSEIS and the Notice of Completion. A public hearing was held on June 22, 2009 at Wagner College, Spiro Hall 2, 631 Howard Avenue, on Staten Island, NY, to accept verbal comments on the DSEIS. The period for submitting written comments on the DSEIS remained open through July 24, 2009.

Section B, below, lists the agencies, organizations, and individuals who commented on the DSEIS. Section C summarizes and responds to the comments. Where these comments resulted in changes to the DSEIS, this is noted in the response and these changes are identified in the Final Supplemental Environmental Impact Statement (FSEIS) by double-underlining. Appendix G to this SEIS contains a copy of the written comments.

B. AGENCIES, ORGANIZATIONS, AND INDIVIDUALS WHO COMMENTED ON THE SCOPE**COMMENTORS AT THE JUNE 22, 2009 PUBLIC HEARING**

1. Nick Dmytryszyn for Staten Island Borough President James P. Molinaro (Dmytryszyn)
2. David Ceder for Honorable James S. Oddo, New York City Council, 50th District (Ceder)
3. Charles V. Sorrentino (Sorrentino)

WRITTEN COMMENTS SUBMITTED ON THE DSEIS

4. Staten Island Borough President James P. Molinaro, comments submitted July 24, 2009. (Molinaro)
5. Stephen A. Watts, III, Environmental Program Specialist II, New York State Department of Environmental Conservation, Division of Environmental Permits, Region 2, July 24, 2009. (Watts)

¹ This chapter is new to the FSEIS.

C. RESPONSE TO COMMENTS

OVERVIEW AND GENERAL COMMENTS

Comment 1: 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 at the June 22 public hearing, that after my office finally, read through this massive SEIS, it is clearer more 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 figures 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, trafficwise, if you eliminated more than 90 percent 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, trafficwise, if you eliminated 90 percent of these connections?

Figure 3 is what I have been proposing for the past year and a half in Landfill 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 the hundreds of Staten Islanders who have come out to public scoping sessions and hearings on Fresh Kills and the roads, is that we want to recycle the existing Department of Sanitation (DSNY) 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 and 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. (Molinaro, Dmytryszyn)

Response:

As discussed in this SEIS, the City of New York, with the New York City Department of Parks & Recreation (DPR) as lead agency, is proposing approximately 7 miles of park roads within a larger Fresh Kills Park including up to three connections to Richmond Avenue. The design of Fresh Kills Park was the subject of a comprehensive environmental review that culminated with the *Fresh Kills Park Final Generic Environmental Impact Statement (FGEIS)* issued on March 13, 2009. The plan for converting Fresh Kills Landfill into a park is the result of many years of design collaboration and community input for the purposes of providing new public access and recreational facilities, waterfront recreation, and improved local vehicular circulation. The design process involved multiple public meetings throughout Staten Island and was developed in close partnership with numerous City and State agencies, including DPR, the New York City Department of Sanitation (DSNY), the New York City Department of City Planning (DCP), the Mayor's Office for Economic Development and Rebuilding, the New York City Department of Transportation (NYCDOT), and the New York City Department of Health and Mental Hygiene (DOHMH). The office of the Staten Island Borough President (SIBP) was also involved in the preparation of the Master Plan. State agencies involved in this process have included the New York State Department of Environmental Conservation (DEC), the New York State Department of Transportation (NYSDOT), and the New York State Department of Health (NYSDOH).

One of the key purposes of Fresh Kills Park, as identified in the Master Plan, the *Fresh Kills Park FGEIS* (March 2009), and this SEIS is to provide for vehicular access through and across the park between Richmond Avenue and the West Shore Expressway in order to reduce local traffic congestion and to minimize the traffic impacts of the proposed park. The proposed Fresh Kills Park East

Roads are critical elements in that vehicular circulation plan and would provide the linkages to Richmond Avenue on the east.

The proposed East Park roads would serve two very important vehicular circulation needs, both of which would share the proposed park roads: 1) local (Staten Island) through travelers, who would travel to or from the West Shore Expressway (i.e., the diverted traffic, which is expected to be the dominant traffic volume through the park) primarily seeking reliable and unconstrained flow through the park; and 2) park users destined for the park. As discussed in the SEIS, there is an undeniable need to ease traffic congestion on Staten Island. Traffic in the western/middle section of Staten Island is particularly heavy. Moreover, congestion is only expected to increase as western Staten Island continues to develop. In response to growing community concerns regarding local traffic, the City of New York created the Staten Island Transportation Task Force, which is a multi-agency task force led by representatives from NYCDOT and DCP (also represented are local community boards, NYSDOT, the Metropolitan Transportation Authority [MTA], and the Port Authority of New York and New Jersey [Port Authority]). The Staten Island Transportation Task Force has identified the construction of the Fresh Kills Park roads as one of its key recommendations for relieving local traffic congestion in addition to transit enhancements, alternative transportation modes, and other road improvement projects that are being implemented and considered for the area. DPR supports the construction of the proposed roads.

Build-out of the proposed park roads is subject to the City's capital budget allocations. By 2016 it is assumed by DPR, as presented in the SEIS, that a connection to the West Shore Expressway and Richmond Avenue via the Yukon Connection would be completed. With respect to the park build-out, it is assumed that elements at North and South Park would also be completed (anticipated park phasing is presented in the March 2009 FGEIS, see also Figure 1-4 in this SEIS). Completion of the two additional park road connections to Richmond Avenue as well as East and West Parks and the Confluence is expected post-2016, as is the completion of East Park, West Park, and the Confluence. DPR believes that this phasing program for the overall Fresh Kills Park Project reflects appropriate phasing from the perspective of allocating the anticipated funding expected to be available to Fresh Kills Park in the upcoming years, as well as a reasonable expectation of projects that can be designed for capital construction given the many challenges in implementing Fresh Kills Park and the East Park Roads. These challenges include the many physical and environmental constraints at the site as reflected by multiple regulatory agency approvals that are necessary at the local, State, and Federal levels. Moreover, DPR believes that this phasing is an appropriate balance of park projects with road projects, which will allow Fresh Kills Park to move forward with the necessary vehicular access along with improvements in the local traffic

circulation that will allow Staten Islanders to drive to and across the Fresh Kills property.

Comment 2: We are all aware that we are busting at the seams with a population of approximately one-half million and growing, and a quarter of a million registered vehicles and growing. Therefore, we must ensure that sufficient roads designed to facilitate traffic flow are built throughout the Fresh Kills site. Such roads, properly designed, will act as a catalyst to ease some of our traffic problems and provide a viable east-west corridor from Richmond Avenue to the West Shore Expressway. (Ceder)

Response: As discussed above, one of the key purposes of Fresh Kills Park, as identified in the Master Plan, the *Fresh Kills Park FGEIS* (March 2009), and this SEIS is to provide for vehicular access through and across the park between Richmond Avenue and the West Shore Expressway in order to reduce local traffic congestion and to minimize the traffic impacts of the proposed park. The proposed Fresh Kills Park East Roads project is a critical component of that vehicular circulation plan and is designed to provide the new east-west connections along Richmond Avenue.

Comment 3: 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 Staten Island parks, such as Silver Lake. One can only imagine what an un-maintained Fresh Kills would look like. (Molinaro)

Response: DPR provides the level of maintenance at City parks that is necessary to keep the parks accessible and functioning. The New York City Park system is recognized as one of the best park systems in the world. DPR will allocate the necessary funds and provide the required park maintenance at Fresh Kills Park as individual park projects are developed and the site is opened to public access. It is the City's policy that the ability to maintain capital improvements is required before capital funds are approved for design.

Comment 4: There is also no discussion of 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 [park]. 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? (Molinaro)

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Response: As stated above, DPR has developed a phasing program for Fresh Kills Park that provides an appropriate balance of both park projects along with providing the necessary vehicular access to and across Fresh Kills Park for both Staten Islanders and the public at large.

Comment 5: This SEIS also does not perform an in-depth analysis to weigh the fiscal/environmental benefits of the following: extending the closure of Landfill Section 6/7 so that all the roads could be designed and implemented while Landfill 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. (Molinaro)

Response: The final closure plan for Landfill Section 6/7 (Final Closure Report, Addendum 1), which is one of the actions addressed in this SEIS, has, in fact, been prepared to coordinate the final closure construction of Landfill Section 6/7 such that the road embankments and subgrade for the Yukon Avenue and Forest Hill Road Connections can be integrated into the upcoming phase of final closure construction at Landfill Section 6/7 (this is the 2011 analysis condition presented in the DSEIS). This approach to the phasing will, in fact, provide substantial fiscal benefits to the City as compared to retrofitting the final landfill cover at a later date to accommodate the proposed roads. DEC, however, must approve this modification to the final cover design in order for this integrated plan to move forward.

Comment 6: Given that the SEIS states that no pedestrians will be allowed to use Landfill Section 6/7 for almost 30 years—which translates into Landfill 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 Landfill 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. (Molinaro, Dmytryszyn)

Response: The closure plan for Landfill Section 6/7 has been determined by the DEC and the City of New York and is outlined in the Order on Consent. During the time between completion of closure construction at Landfill Section 6/7 and implementation of the proposed park roads, DPR would not be proceeding with any habitat enhancement projects within East Park. In fact, the first phase of the East Park Roads, the Yukon Avenue Connection, would be implemented well in advance of any restoration projects within East Park. Implementation of habitat design and restoration at East Park is a long-term project. Until such time as the

landscape and habitat improvements on Landfill Section 6/7 move forward, which is also a post-2016 phase of the project, the landfill cover at East Park will have the mix of stabilizing ground cover grasses in accordance with the final cover plan with gravel DSNY access roads required under the Landfill Section 6/7 final cover design. DSNY will continue to maintain this cover as part of its post-closure care and operations requirements. DPR will also continue to seek funding sources to move forward with the East Park roads and East Park projects as part of the overall Fresh Kills Park project and will continue in the future, as it has since the inception of the Fresh Kills Park Master Planning process, to seek community input into developing the design and phasing of all Fresh Kills Park capital projects.

Comment 7: 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 Landfill Section 6/7 as passive and that views from North Park and the wildlife refuge towards Section 6/7 should be free of cars. (Molinaro)

Response: Figure 1-15 of the DSEIS presents the Staten Island Borough President (SIBP) proposal, also referred to in the DSEIS as the “East Park Loop Road and Richmond Avenue Connections” option. A full discussion and description of this design option began on page 1-45 of the DSEIS and is based on the February 2009 URS report prepared for the SIBP as part of the Fresh Kills Park FGEIS (issued March 2009). In addition, Appendix B contains a full set of engineered schematic drawings for the East Park Loop Road option. Lastly, the Fresh Kills Park project is not biased against the SIBP proposal and is evaluating a number of options for vehicular access to and across Fresh Kills Park, one of which is the SIBP proposal. In fact, the DSEIS examined the common elements of all the road alignment options under consideration (including the Yukon Avenue Connection and the connections at Fresh Hill and Richmond Hill Roads as presented by the SIBP option), focusing on the near-term implementation of the Yukon Avenue Connection, which is a common element between the DPR and SIBP proposals. It is also noted that DPR is continuing to evaluate the East Park Loop Road option as one of the options for completion of the East Park road system. Minimizing the visual impact of the proposed park roads from the other locations within the proposed Fresh Kills Park as well as nearby parks (e.g., William T. Davis Wildlife Refuge) is a factor, but not the only factor that will be considered in the selection of the East Park Road alignment.

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Comment 8: The SEIS finally mentions several times that Landfill 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? (Molinaro)

Response: As stated above, the road work across Landfill Section 6/7 is proposed to commence with road embankment and subgrade construction as part of the 2011 final landfill cover modification which is one of the actions that is the subject of this SEIS environmental review. The second phase of the East Park project, to be completed and operating by the 2016 analysis year, is the Yukon Avenue Connection. DPR does not propose to implement landscape or habitat restoration until after 2016. Until the time restoration is implemented, the cover of Landfill Section 6/7 will continue to be managed and maintained as engineered final landfill cover, not as a designed or landscaped habitat.

Comment 9: 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. (Molinaro)

Response: As stated in the *Fresh Kills Park FGEIS* (March 2009) and this SEIS, a principal goal of the Fresh Kills Park project is to have appropriate, acceptable, and safe volumes of traffic through the park, recognizing that local through traffic will be using the proposed roads. In fact, local traffic is expected to be the dominant vehicular travel through the park. The goal of the project is not to reduce vehicular traffic through the park, but to manage and design for that traffic in accordance with these objectives. Such objectives are appropriate traffic management tools used at many parks that carry through traffic, such as Central Park and Prospect Park.

Comment 10: 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? (Molinaro)

Response: As stated above, DPR is seeking to deliver a balanced program of park and road projects at Fresh Kills Park. At full build-out, the proposed park will include nearly 7 miles of roads, with bridges and connections to the West Shore

Expressway that will significantly enhance local circulation. Up to 2 miles of park road are proposed in East Park. It is an important objective of the park plan to meet local needs for improved connectivity and vehicular circulation. As also stated above, with respect to East Park, DPR has proposed in the SEIS to advance two important phases of the East Park Project: 1) coordination with final cover closure construction to institute the necessary road embankments at Landfill Section 6/7; and 2) implementation of the Yukon Avenue Connection. In fact, these two phases of road project would be completed well in advance of any East Park habitat or recreational projects. As stated above, in the context of the overall Fresh Kills Park plan, DPR has proposed a balance of road and park projects, given the current levels of available funding for the Fresh Kills Park project.

Comment 11: 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. (Molinaro)

Response: The *Fresh Kills Park FGEIS* (March 2009) evaluated the impacts of the proposed service road and ramp connections to the West Shore Expressway. Preliminary designs and the GEIS were also reviewed by NYSDOT. Future funding sources will determine if this would be a City- or State-funded project, or a combination thereof. As the highway access phases of the Fresh Kills Park project move forward, additional design coordination, as well as permits and approvals, will be necessary. The West Shore Expressway projects are discussed as part of the future condition in this SEIS and were not analyzed as part of this environmental review because the purpose of the SEIS was to specifically analyze the proposed East Park Roads.

Comment 12: Pages S-2 and 1-2 describe the proposed project as: 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 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

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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. (Watts)

Response: DPR has not selected a preferred alternative and, as described in the SEIS, is examining four road options for the post-2016 conditions and completion of the East Park road system. Those options are:

- Four-lane Forest Hill Road, Richmond Hill Road, and Yukon Avenue Connections;
- Two-lane Forest Hill Road and Richmond Hill Road connections;
- A four-lane Yukon Avenue Connection only; and
- East Park Loop Road and Richmond Avenue Connections (a.k.a., the SIBP alternative), with connections at Richmond Hill and Forest Hill Roads, and Yukon Avenue.

DPR has not reached a final decision on these long-term alternative park road alignments or designs. They are presented in the SEIS so that, in accordance with CEQR/SEQR, the impacts of the 2011 project (Final Cover Design, Addendum 1), and the 2016 project (two-lane Yukon Avenue connection) can be comprehensively and fully evaluated with respect to their potential long-term impacts and in a manner consistent with the overall Fresh Kills Park Plan objectives (as evaluated in the March 2009 FGEIS). One of the key objectives of the Fresh Kills Park plan is to provide a completed park road system across Fresh Kills that will both benefit the local community through improved local circulation and connectivity and will provide vehicular access to the proposed park. DPR also recognizes that an additional SEIS is likely to be necessary once a decision is made on the post-2016 park road alignment options and is committed to preparing that SEIS, should it be appropriate, as part of its decision making for that phase of the proposed East Park Roads project.

Comment 13: We have enough two-lane roads in Staten Island. The proposal for two-lane roads will only create back-ups onto Richmond Hill Road, Forest Hill Road, and Richmond Avenue. The Yukon Avenue entrance to park should be four lanes; it is the most direct route from the major arteries across the viaducts to the West Shore Expressway. (Sorrentino)

Response: Comment noted. As discussed above, DPR is examining a number of road design options and no decision has been made on the alternative road designs for completion of the East Park roads. One of the key purposes of Fresh Kills Park, as identified in the Master Plan, the *Fresh Kills Park FGEIS* (March 2009), and this SEIS is to provide for vehicular access through and across the

park between Richmond Avenue and the West Shore Expressway in order to reduce local traffic congestion and to minimize the traffic impacts of the proposed park.

Comment 14: The Victory Boulevard extension—a mapped but never built road that exists in the Fresh Kills Landfill—is an opportunity to prove that we can build a world-class park while addressing some of the infrastructure challenges of modern-day Staten Island. Its existence should not be seen as an obstacle or burden that must be overcome for the Parks Department to reach its dream of creating a great Parks complex at Fresh Kills. We should not consider any legal or de facto demapping of this roadway unless and until we have found a way to address the ever-growing traffic along Victory Boulevard properly. (Ceder)

Response: The Victory Boulevard proposed demapping is an action that is separate from the proposed actions evaluated in this SEIS. That action, however, was evaluated in the *Fresh Kills Park FGEIS* (March 2009). This SEIS has been prepared specifically to address the proposed East Park roads. It is recognized that the proposed East Park roads project will draw traffic away from Victory Boulevard to the north and Arthur Kill Road to the south and is therefore a project that can serve to reduce traffic congestion along Victory Boulevard. Chapter 1, “Project Description,” and Appendix F to this SEIS “Supplemental Traffic Data,” provide additional information with respect to the purpose and need for the proposed roads and the traffic relief that can be provided to the community.

CHAPTER 1: PROJECT DESCRIPTION

Comment 15: Page 1-14: Justification and Design for Separate Landfill Service Roads—Parks does not provide a reference to the FGEIS where the separation of public roads and park roads was discussed. If this is a new policy decision, there is no explanation as to why it was not introduced during the GEIS process. (Molinaro)

Response: The need to separate public roads and DSNY landfill access service roads for monitoring and maintenance activities is not a new requirement. It was a major factor in the design and coordination phase with DSNY for the proposed park roads as presented in the GEIS. DEC, as an involved agency in this process, also requested additional information on the landfill service roads circulation patterns as part of the public scoping process. Additional information of this justification is provided on page 1-14 of this FSEIS.

Comment 16: Also on page 1-14, 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 parkland 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. (Molinaro)

Response: There is no dichotomy. DPR recognizes that the proposed East Park design must accommodate both park roads and DSNY maintenance and service road requirements in addition to park landscapes and recreational facilities. DPR has proposed a park design that meets the balancing of these needs. For the East Park Loop Road (SIBP) option, DPR is continuing to explore that option along with three other options described above for the purposes of ultimately reaching the best road and park design decision, taking into consideration traffic and circulation benefits along with minimizing environmental impacts.

Comment 17: Also on page 1-14, 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” of multipurpose paths around the base of the landfill? (Molinaro)

Response: The existing DSNY perimeter service roads at the base of Landfill Section 6/7 provide optimal access for DSNY maintenance and monitoring activities (see page 1-14 of the FSEIS). Some of these activities would be difficult to perform if the landfill service roads are converted to public roads. However, the present service road alignment is highly suitable for the multi-purpose paths providing active recreation such as biking, rollerblading, and running. Surfaces and lane widths under this shared multi-purpose path can also be designed to meet both recreational and DSNY vehicles needs. Functional separation from the 24-hour public road traffic would also provide safety for DSNY personal and recreational users. Lastly, as stated above, DPR is continuing to examine the East Park Loop Road option along with three other road options for the purposes of developing a completed East Park road design with the least environmental impact and maximum circulation benefits.

Comment 18: Parks provides no details for what a hiking trail that also serves as a DSNY “service road” would look like with respect to the Yukon Service Road. 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. (Molinaro)

Response: The design detail for hiking trails across Landfill Section 6/7 calls for a 15-foot-wide gravel path along the Yukon Service Road. DPR and DSNY believe that hiking trails across the landfill section can safely accommodate both hikers and DSNY maintenance vehicles.

Comment 19: There is no discussion as to why it is essential to have landfill service roads separate from public roads. Indeed, seeing how none of the other landfill

sections embrace this “essentiality,” why it must be done only in Landfill 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. (Molinaro, Dmytryszyn)

Response: Separate roads for landfill service and public traffic would allow DSNY to safely perform the routine and emergency monitoring, maintenance, and repairs at Landfill Section 6/7 without disrupting public traffic. Separating traffic flows allows DSNY to perform their necessary monitoring and maintenance functions at the landfill and the public road could then handle through traffic without conflict between public and DSNY vehicles. In fact, the other landfill section park designs, (e.g., North and South Park) would also have public roads that are separate from DSNY maintenance roads.

Comment 20: Why is there not one figure in this chapter that details what is the Borough president’s proposal versus Parks’ (see Figure 1-8a)? 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? (Molinaro)

Response: The DSEIS presented many graphics and text descriptions of the East Park Loop Road (a.k.a., the SIBP proposal). Figure 1-15 of the SEIS presented the SIBP proposal. In addition, preliminary alignment drawings prepared by HDR/Arup based on the proposed URS designs (February 2009) were presented in the DSEIS appendices (Appendix B) and are also included in this FSEIS.

Comment 21: On page 1-15, regarding the landfill road crossing design guidelines (second paragraph), Parks does not provide a discussion as to when this policy was adopted (i.e., avoiding park road design interference with DSNY landfill service roads). Specifically, when was this decided and by whom? (Molinaro)

Response: As stated above, the objective for separated circulation paths has been part of the design and the coordination between DPR and DSNY. Additional text was provided in the SEIS at the request of the DEC, which oversees the monitoring and maintenance obligations at Fresh Kills Landfill (see page 1-14). DEC requested these additional project description details for the purposes of understanding how the various traffic patterns at East Park would function (e.g., public roads, maintenance roads) with a focus on ensuring that the proposed park public roads would not conflict or interfere with DSNY’s maintenance operations and obligations.

Comment 22: There is no discussion under the description of the primary road system 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.” (Molinaro)

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Response: All of the park road connections to Richmond Avenue, which would be public roads, are part of the Fresh Kills Park primary road system.

Comment 23: On page 1-18, regarding the Forest Hill Road Connection, this is Parks' proposal and not the Borough President's proposal and this should be noted. Why not mention other options here? (Molinaro)

Response: The Forest Hill Road Connection segment over the landfill is required only in the DPR alignment. A Forest Hill Road Connection to Richmond Avenue in the segment between Landfill Section 6/7 and Richmond Avenue is required under both the DPR proposal and the SIBP (East Park Loop Road) design options (see Figure 1-15, "East Park Loop Road and Richmond Avenue Connections"). All other options, including the East Park Loop Road (SIBP) option, have been described and evaluated in the DSEIS.

Comment 24: On page 1-18, it is not clear why Parks alludes to "one option" here with respect to the Richmond Hill Road Connection. Is the reader at this point in the SEIS aware of what the other options are, including the Borough President's option? (Molinaro)

Response: In response to this comment, additional text has been added to the FSEIS explaining the SIBP option relative to the design and circulation patterns for the Richmond Hill Road connection under this option (see page 1-19 in this FSEIS).

Comment 25: On page 1-19, the bullets with respect to 2016, 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. (Molinaro)

Response: Funding for the capital projects for the 2016 road projects, which are assumed to include the Yukon Avenue Connection, the West Shore Expressway Connections, and segments of the Confluence Loop Park Road, is (at this time) expected to come from the City's capital budget. DPR is also exploring the potential for other sources, including State funding sources. As stated above, the *Fresh Kills Park FGEIS* (March 2009) addressed the ramp connections to the West Shore Expressway.

Comment 26: On page 1-27, last paragraph, 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." (Molinaro)

Response: As stated in the SEIS there are two park road analysis years, 2016 and 2036. These are not construction years, but are analysis years for the purposes of examining the potential impacts of the proposed park roads with respect to traffic, for example. All natural resources examined in this SEIS are based on

current ecological/habitat conditions and the proposed road designs (see Appendix B). There are no added environmental impacts assumed in the SEIS with respect to future changes, modifications, or improvements in habitats associated with the proposed Fresh Kills Park Project. Thus, from the perspective of natural resources, there are no environmental benefits associated with doing all the park roads now as compared with the phasing presented in the SEIS, which assumes the Yukon Connection is completed by 2016 and the full East Park roads system is completed post-2016.

Comment 27: On page 1-28, given the recognition that Staten Island is the fastest-growing county in the state and the associated traffic increases, should there not be a discussion on the following: if Staten Island is the fastest growing county, and traffic will, and not may, 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"? (Molinaro)

Response: DPR concurs with the comment. A principal purpose of the SEIS is, in fact, to advance the proposed park roads through the modification of the Landfill Section 6/7 final cover design so as to expedite the accommodation of future park roads and to advance the construction of park roads, in particular the Yukon Avenue Connection. That modification is one of the actions addressed by this FSEIS, which is the approval of the Landfill Section 6/7 Final Cover Design Report, Addendum 1 (September 2009).

Comment 28: On page 1-28, this is a very confusing statement: "...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..." 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? (Molinaro)

Response: The costs referred to in the SEIS text cited in the above comment are the costs of avoiding impacts to landfill infrastructure or wetland systems, through the use of substantially more expensive viaduct and culvert construction rather than embankment (filling) road design options, for example. As park implementation moves forward with respect to the four long-term design options under consideration, more detailed designs will better inform these decisions and the long-term choices as they relate to the selection of the completed East Park Road alignment. This SEIS has presented the environmental data to inform that

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decision with respect to potential impacts on landfill infrastructure, natural systems, and traffic, as well as other environmental analyses prepared for each of the four options and has met the requirements of CEQR/SEQRA with respect to not only the evaluation of those design options, but alternatives as well.

Comment 29: By advocating a period of 20+ years to build the roads, that the revived landfill will clearly be habitat re-established, and thus environmental impacts will automatically be an obstacle to road construction. (Molinaro, Dmytryszyn)

Response: DPR is not advocating a 20-year waiting period for the roads. Rather, as stated above, DPR has taken a number of steps to advance the East Park roads projects and Richmond Avenue Connections, including advancing the addendum to the final cover design and implementation of the proposed Yukon Avenue Connection. Moreover, DPR does not propose any habitat enhancement projects in the interim years that would result in greater impacts due to the park roads or that would be a future obstacle to road construction.

Comment 30: 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? (Molinaro)

Response: DPR concurs with this statement. To that end, the City's proposal at this time is to modify the final closure design at Landfill Section 6/7 for the purposes of incorporating a road embankment that can accommodate either a future two- or four-lane park road across Landfill Section 6/7 via the proposed Yukon Avenue and Forest Hill Road Connections.

Comment 31: 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. (Molinaro)

Response: Bike and pedestrian ways in East Park are part of the overall East Park design. These park elements were examined in the March 2009 FGEIS and were presented in this SEIS as part of a discussion of the overall circulation plan for East Park. The focus of the SEIS is, however, the proposed East Park Roads. The presentation of bike or pedestrian ways in this SEIS is presented solely for the purposes of identifying any potential impacts or conflicts between these activities within East Park and the anticipated vehicular travel along the proposed East Park roads.

Comment 32: On page 1-29, it is not clear what DPR means with respect to wetlands approval. Is DPR 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? (Molinaro)

Response: DPR recognizes and has disclosed in the SEIS that there are wetlands identified in accordance with Army Corps of Engineers methodologies that would be impacted by the proposed East Park roads. This assessment is based on current, not future, conditions. Filling or shading of these wetlands requires permits from State and Federal agencies. State agency approvals for any impacts on freshwater wetlands would be addressed through the State's "Protection of Waters" program which protects water quality and aquatic habitats. These SEIS conclusions are based on current, not future unknown conditions, including the delineation of current wetland lines.

Comment 33: The SEIS does not discuss how future investigations for post-2016 roads will be conducted or 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? (Molinaro)

Response: Funding sources have not been identified for future investigations of the completed East Park road system. However, DPR acknowledges that the selection and implementation of the post-2016 park road alignments is likely to require an SEIS given the critical decisions that would need to be made with respect to avoiding, minimizing and, if necessary, mitigating potential impacts on landfill systems, natural resources, and traffic as part of that future alignment choice. Funding sources, design, and implementation for this phase of the road projects will be determined as DPR moves into the next phases of road design and evaluation. In accordance with CEQR/SEQRA, DPR, as Lead Agency in the environmental review process, and in conjunction with involved agencies that also have an approval role or decision to reach regarding these park road proposals, such as DEC, will determine when the environmental review is completed (also referred to as certified as complete).

Comment 34: On page 1-30 it is stated that a completed road network may not be done for 20 or 30 years. 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 redo? (Molinaro)

Response: As stated above, DPR believes that an SEIS will be necessary as the longer-term (post-2016) East Park Road alignment design progresses and an alignment and design decisions move forward.

Comment 35: On page 1-43 (third paragraph) 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 connection, 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 portion of Landfill Section 6/7 directly down to the Loop, bypassing the berm and the Yukon Avenue connection. (Molinaro)

Response: The park road alignment option that parallels the Richmond Avenue berm to reach the Yukon Avenue Connection is 4,990 linear feet. The distance in the East Park Loop Road alignment between Richmond Avenue and the proposed Yukon Avenue Connection is about 5,015 linear feet (thus, they are about equidistant). DPR is evaluating the four longer-term options under consideration for completion of the East Park road system. This includes the Richmond Hill Road Connection option that parallels Richmond Avenue and the East Park Loop Road option that extends along the west side of Landfill Section 6/7. In its consideration of these options, distance and travel time will be factors, as will other considerations, such as overall improvements in traffic conditions, and minimizing impacts to natural ecological resources and the landfill environmental protection systems,.

Comment 36: On page 1-43 (to the top of 1-44), the SEIS does not state why the “two-lane option succeeds to a greater degree in limiting the visual and physical intrusion of the park roads in the landscape...” 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.” (Molinaro)

Response: A two-lane park road at 40 feet wide as compared with a four-lane park road at 60 feet wide would have less of a physical structure and visual presence in the park. However, depending upon the park road width that is ultimately selected from among the options under consideration, with either a two-lane or a four-lane-wide road, DPR would design the park road corridor to minimize impacts from the road on the adjacent park uses. The description of 40-foot-wide and 60-foot-wide roads was presented in the FGEIS Scope of Work and was the subject of review in the *Fresh Kills Park FGEIS* public review process as well as this SEIS process.

Comment 37: On page 1-48, the SEIS does not discuss why street lighting was never envisioned. (Molinaro)

Response: Street lighting along park roads was always envisioned as part of the East Park roads project.

Comment 38: 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-lane road at Yukon Avenue in 2016 and the 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 through 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. (Watts)

Response: The purpose of the SEIS was to examine the potential for adverse impacts from the proposed park roads. Thus, the DSEIS examined for impact analysis the intersections that could be potentially adversely impacted due to altered vehicular travel patterns with the proposed park roads. It did not examine the intersections where positive impacts or benefits would occur. Therefore, in order to further support the “Purpose and Need” discussion for the proposed East Park roads, this FSEIS provides, in Appendix F, “Supplemental Traffic Data,” which presents the benefits that are projected at local intersections with the proposed East Park roads in place. While the proposed East Park roads would improve LOS at a number of intersections in the long term, both long-term and short-term benefits are that drivers would travel through fewer intersections, travel shorter distances, and spend less time reaching their destinations. Thus, the proposed park roads would provide a more direct and free flow travel pattern in providing connections between the West Shore Expressway and Richmond Avenue. It would also draw traffic volumes from local neighborhoods, such as along the Victory Boulevard corridor, which runs through the Travis neighborhood. It is recognized that the proposed project would not alleviate all traffic congestion in the study area and the intersections cited in the comment would be adversely impacted and subject to further coordination and mitigation with NYCDOT. However, these intersections are located more in commercial areas and the locations were selected for analysis because they are the locations where traffic congestion would be expected to increase due to the diverted traffic. The SEIS has disclosed these potential

impacts and developed mitigation which will be further coordinated with NYCDOT.

As required under CEQR, the proposed mitigation would reduce the impacts to the pre-project (No Build) condition. As stated in Chapter 28 of the DEIS, “Impact Avoidance and Mitigation Measures,” DPR would also continue to coordinate with NYCDOT for the purposes of implementing the required traffic mitigation, for coordinating on the overall East Park vehicular circulation issues, and providing monitoring data for the purposes of identifying, minimizing, and eliminating any traffic impacts from the proposed park. The DSEIS also provides a purpose and need for the proposed roads beginning on page 1-20 of the DSEIS. To summarize the project purpose and need, the East Park roads would:

- Increase regional connectivity for this area of Staten Island;
- Eliminate the need to drive around Fresh Kills to reach the West Shore Expressway;
- Minimize local traffic impacts from the proposed park; and
- Provide park access.

As stated in the DSEIS and this FSEIS, the selection of a preferred road option is contingent on factors subject to further evaluation for the full build out (post-2016 analysis year) for the proposed East Park road system. DPR has not yet reached a decision regarding the longer term park road alignments or widths, such as the need for two or four travel lanes. DPR, however, will continue to examine that decision in more detail as part of future project and road-related design evaluations and in consideration of traffic benefits and environmental impacts that may be anticipated with respect to the long-term park roads. As stated above, this FSEIS also provides additional data and discussion on the purpose and need for the proposed park roads. These data are provided in Attachment F, “Supplemental Traffic Data,” which provides additional information on travel times and distances and the volumes of traffic that would be diverted from local streets and neighborhoods to the proposed East Park roads.

Comment 39: The justification provided on page 1-14 for separate landfill service roads does not clearly explain the need for three different landfill roads. (Watts)

Response: The justification for separate landfill service roads as presented on page 1-14 of the DSEIS explained the need to have DSNY service roads operating separately from the public roads. These separate landfill service roads were shown on pages 1-8a and 1-11a of the DSEIS for the 2016 and 2036 analysis conditions. The DSEIS did not analyze the potential impact for three different landfill service roads. However, this text in the FSEIS has been further modified to elaborate on the need for separate landfill service roads (see page 1-14).

Comment 40: Regarding the Forest Hill Road subbase, 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. (Watts)

Response: As stated in the SEIS, the build year for the Forest Hill Road Connection is not 2036. Construction is expected to occur prior to 2036. The year 2036 is the analysis year for examining impacts such as traffic, air quality, and noise that would occur over time as local vehicular traffic increases due to growth patterns and the diversion opportunities provided by the proposed East Park roads.

Regarding the need for the road subbase work, grading for the road embankment and incorporating the subbase into the landfill final closure construction as proposed in the Landfill Section 6/7 Final Cover Design Report, Addendum 1 (September, 2009) can be achieved with minimal impacts. By contrast, Chapter 22, "Alternatives," in the SEIS presents the significant environmental impacts of retrofitting the landfill cover to provide a subbase for the park roads (see "Alternative Phasing: Reconstructed Final Cover," pages 22-7 through 22-11).

Comment 41: 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 pages 20-31 through 20-35. All modifications not included in the Alternative Final Cover Design Report require separate review and approval by DEC. (Watts)

Response: The June 5 DSEIS was completed before the Final Cover Design Report, Addendum 1 (September 2009), but its analyses were sufficiently comprehensive to account for the modest changes that were made in the design report between the May draft cover report and the September cover report. This FSEIS has also been modified (see pages 20-31 through 20-35) to make the text and graphics consistent between the SEIS and the Final Cover Design Report, Addendum 1 (September, 2009), which is the subject of this SEIS (see also the responses to Comment 45 below).

Comment 42: The DSEIS must clarify the delineation of responsibility for the Post Closure Care Plan, which will include the roads if approved and constructed. (Watts)

Response: As stated in this FSEIS (see pages S-3), the responsibility for implementation of the post-closure care plan will remain the responsibility of DSNY until such time as the City may propose to move that responsibility to another agency. Any change in responsibility would also require the review and approval of the DEC.

With respect to the proposed actions examined in this SEIS, the City is not proposing to modify the agency responsibility as part of the road embankment proposal and no decision has been made yet with respect to the proposed Yukon

Avenue Connection or the long-term completion of the proposed East Park roads.

Comment 43: 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. (Watts)

Response: The text from the Executive Summary and Project Description chapters relative to the “Framework of the Environmental Impact Analysis” has been reconciled for this FSEIS (see pages S-2 and 1-28).

Comment 44: 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. (Watts)

Response: This text has been added to the FSEIS under the discussion of soils (see pages S-20 and 1-36).

Comment 45: 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 (pages S-64 and 2.0-42 to 20-45); and c) cut and fill volumes in Tables 20-8a and 20-8b. (Watts)

Response: As stated above, this FSEIS includes modifications from the DSEIS text and graphics that have been updated to reflect the Final Cover Design Report, Addendum 1 (September 2009). These modifications are limited and include:

- Replacement text relative to 2011 construction period nuisance and vector management, inclement weather obligations, management of litter and debris, dust and vector control, and mass excavation and waste relocation (see pages S-57 through S-60 and pages 20-29 through 20-31);
- Text discussions regarding acceptable noise levels have been clarified as to how they apply to the proposed 2011, 2016 and 2036 construction programs (see pages S-60 and 20-31); and
- Cut and fill volumes as presented in Tables 20-8a and 20-8b have been updated (see also Appendix E, “Supplemental DEC Data”).

As this comment relates to landfill infrastructure protections and noise control measures presented in DSEIS (e.g., in Chapter 23 “Impact Avoidance and Protection Measure”), it is recognized that the park road construction phases (2016 and 2036) may be subject to additional protection measures. In addition, landfill protection and security measures that are not required for the 2011

program may be required for the 2016 and post-2016 road program as public roads are provided across East Park. The additional measures described in the DSEIS were provided in accordance with the SEIS Final Scope of Work.

This FSEIS also provides updates to grading volumes and graphics as presented in the Final Cover Design Report, Addendum 1 (September 2009). In addition, whereas Table 20-8a in the DSEIS presented the combined volumes of cut and fill for the proposed road embankment and subsequent road construction, this FSEIS separates the cut and fill data into the embankment phase on Landfill Section 6/7 (see Table 20-8a) and the road construction phases off Landfill Section 6/7 (see Table 20-8b). In addition, the cut and fill numbers for the embankment were updated based on the current design data to be consistent with the Final Closure Design Report, Addendum 1 (September 2009). All changes between the DSEIS and this FSEIS have been double underlined. In no case have these changes affected the conclusions of the SEIS.

Comment 46: Page 1-22: Which road option is this discussion based on? (Watts)

Response: The discussion on page 1-22 is addressing the local purpose and need for the proposed roads, the associated traffic volumes, and would apply to all of the East Park road options under consideration.

Comment 47: 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 difference 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. (Watts)

Response: There are no significant differences in natural resources or excavation-related impacts (e.g., impacts on air quality, odors, etc.) associated with the proposed 2011 landfill cover with the road embankment or the Yukon Avenue Connection (2016 conditions) with respect to the choice of a 40-foot-wide (2-lane) or 60-foot-wide (4-lane) park road. Detailed data and analysis relative to this comparison is provided in Appendix E of this FSEIS, “Supplemental DEC Data.” For the near term actions (embankment construction), there are no natural resources impacts for the on-landfill work. Appendix E data also identify the differences in the choice of road alignment and design for completion of the East Park road system (i.e., the four options under consideration).

Comment 48: The requirement for post closure care is a minimum of 30 years, not a maximum, as the DSEIS incorrectly states. Please correct. (Watts)

Response: DPR and the DSEIS acknowledge that the post-closure is for a minimum of 30 years. The SEIS states this throughout the document. One text correction was made on page S-1 in the FSEIS in response to this comment.

CHAPTER 2: LAND USE, ZONING, AND PUBLIC POLICY

Comment 49: On page 2-2, under conclusions, this is a false statement: “...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...” 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? (Molinaro)

Response: No decision has yet been made as to whether or not to remove the NA-1 designation. However, as discussed in detail in the *Fresh Kills Park FGEIS* (March 2009), there are no potential adverse impacts to zoning, public policy objectives, or the natural conditions of the site, if the NA-1 designation is removed. After careful consideration by DPR and DCP, the NA-1 designation was proposed to be removed from the project site for the purposes of reflecting the existing site conditions, which, although including tidal and freshwater wetlands, is also a highly engineered and closed landfill.

Fresh Kills Landfill is a constructed landscape built on top of what was once largely wetlands prior to 1948. The 1975 zoning regulations that were put in place (the NA-1 district) did not recognize these site conditions, and included areas devoted to landfill operations. Much of what is included in this district is largely part of the engineered landfill infrastructure (i.e., the meadow plantings used as erosion control on the mounds, and the retention basins or “ponds” constructed for stormwater management). Management of these features is also regulated through a Consent Order with New York State, which overrides many of the protections provided by the NA-1 district. Landfill infrastructure already constructed in the NA-1 district include portions of the landfill service roads, the leachate trench and cutoff wall, the landfill gas collection system, and the landfill drainage system.

Moreover, the existing natural features on the site—the wetlands and creeks—are regulated by the DEC. DSNY is currently required to mitigate any impact to these features if disturbance is required due to landfill maintenance or upgrades. DPR will also be required to mitigate any impact to these features if disturbed by the development of the park or associated road system. Thus, there are no adverse natural resources potentially resulting from the removal of the NA-1 special district from the Fresh Kills site.

CHAPTER 10: NATURAL RESOURCES

Comment 50: On page 10-69 in the discussion of habitat impacts, 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 once no more road construction work takes 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? (Molinaro)

Response: The DSEIS examined three analysis years: 2011, completion of final closure construction at Landfill Section 6/7; and 2016 and 2036, which are the near-term and long-term analysis years for the construction and operation of the proposed park roads. These are analysis years and are not completion dates for the proposed park roads (2011 is the expected completion date for the proposed road embankment). These analysis years for the proposed park roads are consistent with the analysis years presented in the *Fresh Kills Park FGEIS*. The development of Fresh Kills Park and the proposed East Park Road System would occur concurrently. Thus, construction of the proposed East Park Roads would not result in impacts on habitats created as part of the same Fresh Kills Park project. To the contrary, these seemingly separate elements of the project, creating landscapes and constructing roads, are very much integrated. As stated above, the final cover at Landfill Section 6/7 would remain as the engineered landfill cover until such time as DPR begins to phase in the post-2016 East Park landscaping elements. Thus, the impacts of the roads on natural resources as presented in the SEIS is not based on future habitats, but is based on existing habitats, such as the wetlands that currently exist in the area east of Landfill Section 6/7, between the landfill and Richmond Avenue. These wetlands were delineated during the data inventory work undertaken for the GEIS (March 2009).

Comment 51: On page 10-98, under the tree protection and plant communities to be preserved, DPR's 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? (Molinaro)

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Response: As stated above, the creation of Fresh Kills Park and the proposed East Park Road System would occur concurrently; they are two parts of one project. The construction of the proposed East Park Roads would not result in the impacts on habitat that is proposed to be created as part of Fresh Kills Park because the habitat would not come into existence but for the park project. DPR is continuing to explore all mechanisms for accelerating the opening of all the proposed park roads, but this is subject to available funding and permitting by state and federal agencies. However, the principal natural resources impacts of the proposed roads are, as stated above, a result of currently existing, not future, habitat conditions.

Comment 52: On page 10-71, it is stated that “...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...” 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 and Landfill Section 6/7. (Molinaro)

Response: As stated above, this SEIS conclusion is based on existing natural resource conditions and not habitats that may be created as part of Fresh Kills Park. The development of the proposed East Park Roads as part of the Fresh Kills Park would not result in impacts to habitat that is also proposed to be created as part of Fresh Kills Park.

Comment 53: On page 10-90, it is stated that there are impacts related to human use and avoidance response. It is stated that this is an impact of the roads. 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. (Molinaro)

Response: Design guidelines for the proposed Fresh Kills Road System were described in the *Fresh Kills Park FGEIS* (March 2009) and this SEIS (see page 1-12). These guidelines take into account not only engineering criteria, but ecological, sustainability, aesthetic, park functionality, and landfill protection principles. The above-mentioned impacts refer to existing natural resources, in particular the habitat east of Landfill Section 6/7, due to the construction of the proposed East Park Roads. However, in order to connect the proposed park roads to Richmond Avenue, the crossing of these habitats is necessary. In the short-term, this impact can be minimized through the use of the Yukon Avenue Connection,

where there is existing filled land and a disturbed area straddling landfill basins B1 and B2.

Comment 54: On page 10-73, the second paragraph, 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, are 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. (Molinaro)

Response: The comment is misinterpreting the statement on page 10-73. That page of the SEIS states the following:

One method for controlling the interaction between people and wildlife is to create a well-designed circulation network. For instance, sensitively siting of roads can minimize potential impacts. Where possible, proposed roads will be on or near existing access roads (e.g., the Yukon Connection). Road design is also critical to minimizing impacts. For instance, roads that are designed with the appropriate finishes and maintained can minimize potential impacts from human activity in a setting of wildlife habitats. Conversely, poorly designed roads can impact wildlife habitats by creating edge effects and barrier effects, and increasing species competition by providing additional access by invasive or non-native species. The degree of impact and its potential to cause habitat fragmentation is site specific and highly dependent on the location, design, construction and maintenance of the road. Recognizing this concern, design proposals for the Fresh Kills Park roads will consider many well-established guidelines that have been demonstrated to minimize impact on wildlife communities, and apply them based on site-specific factors, including location, and habitat and wildlife types which will be reviewed as each road segment proposal moves forward.

As stated in the text above, the purpose of this SEIS is to disclose all potentially significant adverse environmental impacts of the proposed park roads under a reasonable worst-case development scenario. This analysis includes potential impacts on natural resource habitats. In order to satisfy the requirements of CEQR/SEQRA, these impacts must be disclosed and the project can then be modified, if possible, to avoid the impacts or mitigation can be provided to the extent the impacts are unavoidable. As stated in the SEIS, to avoid and minimize this impact, the proposed East Park roads would be designed to

minimize potential impacts from human activity—such as roads and vehicular traffic—in a setting of wildlife habitats. The SEIS does not state or imply that any or all New York City roads are poorly designed. As stated above, the creation of Fresh Kills Park and the proposed East Park Road System would occur concurrently as two connected project components and it is anticipated that pedestrians would utilize amenities in East Park as they are made available for public use.

Comment 55: On page 10-74, why not design the habitats around the park roads? Why not do the roads first? Why must a park come first before Staten Islanders? (Molinaro)

Response: As stated above, the creation of Fresh Kills Park and the proposed East Park Road System would occur concurrently. Thus, the proposed park roads and the associated landscaped corridors and the East Park landscape habitat would, in fact, be designed around the park roads in a comprehensive and integrated manner as suggested in the above comment.

Comment 56: On page 10-75, the SEIS does not provide any statistics or information where Parks has done this type of investigation (e.g., monitoring of wildlife/vehicle collisions) 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 and as measures to minimize impacts. (Molinaro)

Response: As discussed in detail in the *Fresh Kills Park FGEIS* (March 2009), DPR is considering an operations/maintenance plan at Fresh Kills Park as a guide for avoiding impacts to park wildlife (a specific concern of DEC) and the natural features. Unlike Central Park, Fresh Kills Park is adjacent to extensive open spaces and natural areas with wetlands and waterways and is also adjacent to the William T. Davis Wildlife Preserve.

In accordance with the *CEQR Technical Manual*, Chapter 10 of the SEIS addresses natural resources impacts and therefore focuses on all potential impacts of the proposed project including the proposed roads on natural resources. It is an objective of the proposed park and the proposed roads to minimize road impacts on wildlife, not to follow any current patterns of road design and management.

Comment 57: On page 10-81, 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 landfill section ideal for construction work to continue before Section 6/7 is slowly turned into an “undisturbed” state? (Molinaro)

Response: The term “already disturbed landfill” refers to the many decades of landfilling and current closure construction activities as they pertain to Landfill Section 6/7

and the surrounding landfill infrastructure and buffer areas that are part of East Park. As stated in SEIS Chapter 1, "Project Description," it is assumed that the grading and improvements for the proposed roads would, in part, be constructed on the already disturbed areas of Landfill Section 6/7 in accordance with the proposed embankment design by 2011. The Fresh Kills Park Draft Master Plan, as analyzed in the *Fresh Kills Park FGEIS*, and the proposed East Park roads, as discussed in this SEIS, would be implemented concurrently and DPR does not propose creating future park habitats or landscapes on a natural "undisturbed" condition that would comprise in any way the construction of the proposed park roads.

Comment 58: On page 10-90, first paragraph, addressing the phased approach, 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. (Molinaro)

Response: A detailed description of the vehicular circulation and the East Park road system within Fresh Kills Park is discussed in SEIS Chapter 1, "Project Description." This SEIS analyzes three analysis years: 2011, when the proposed road embankment is incorporated into the final closure construction of Landfill Section 6/7 as well as 2016 and 2036, which are the near-term and long-term analysis years for park road operations. The creation of Fresh Kills Park and the proposed East Park Road System would occur concurrently. The construction of the proposed East Park Roads would not result impacts to habitat created as part of Fresh Kills Park.

Comment 59: On page 10-90, the second paragraph, second sentence, 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 Fresh Kills Landfill, but not in 6/7? What is so different about Section 6/7? (Molinaro)

Response: As stated in the DSEIS and this FSEIS, DPR is considering reuse of the Landfill Section 6/7 service roads as one of the long term options for park road construction. However, the principal difference between the East Park reuse of landfill service roads and reuse in other Landfill Sections (e.g., 2/8, 3/4) is that reuse of landfill service roads alone in East Park does not complete the required East Park road network and the necessary connections to Richmond Avenue. With all four of the East Park Road options being considered, the proposed connections to Richmond Avenue must also be provided in order to complete the public road connections. This requires new road segments where there are currently no landfill service roads. Reuse of the service roads in the Confluence, for example, primarily completes the road network by reusing existing bridges and connections to the West Shore Expressway. However, with each of the East Park road options, including the Loop Park Road option which maximizes use the existing landfill service roads, new connections to Richmond Avenue are

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still required. These connections are critical to providing the necessary public road access; however, they also cross more environmentally sensitive wetlands and aquatic resources habitats requiring permits and mitigation, e.g., the Forest Hill Road Connection.

As stated in this FSEIS, DPR is also continuing to examine the East Park Loop Road option, which maximizes reuse of the existing landfill service roads along with three other options for completing the East Park road system. Additional information of the operational requirements of the Landfill Section 6/7 Service Roads is also provided in this FSEIS (see page 1-14).

Comment 60: On page 10-95, first paragraph after the bullets, 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? (Molinaro)

Response: As described in SEIS Chapter 10, "Natural Resources" (see page 10-10) the DEC has mapped tidal wetlands (intertidal and high marsh) associated with Main Creek and Richmond Creek (north, south, and west of Landfill Section 6/7) that are regulated under Article 25, "Tidal Wetlands," and its implementing regulations (6 NYCRR Part 661). The "East Park Loop Road with Richmond Avenue Connections" option (a.k.a., the Borough President's road plan) would disturb tidal wetlands adjacent to the William T. Davis Wildlife Refuge that are intertidal and high marsh wetlands as defined in 6 NYCRR Part 661. These wetlands have limited presence of non-native invasive species such as *Phragmites*, are contiguous with those of the William T. Davis Wildlife Refuge and tidal creek tributaries to Main Creek and are, therefore, considered to be higher quality wetlands than other wetlands at the project site that are dominated by invasive species or aquatic habitats associated with the engineered stormwater management basins (e.g., Basins B1 and B2). These higher quality wetlands are avoided by the road alignment options that extend east of Landfill Section 6/7 where the wetlands are dominated by invasive species, or have experienced physical disturbance, such as the stormwater management basins.

Comment 61: On page 10-96, last paragraph, which addresses distance due to haul roads, consider the following; DPR wants to build roads in areas of Landfill Section 6/7 that have not been disturbed before (the western side of the Richmond Avenue berm). Why is this acceptable? In addition, with Parks advocating not using DSNY 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? (Molinaro)

Response: The areas immediately west of Richmond Avenue in the Richmond Hill Road connection have been previously disturbed through the construction of both the landscape berm (which was constructed to screen the landfill) and stormwater drainage Basins B1 and B2 (for example) that provide stormwater control for Landfill Section 6/7. The road proposals in the *Fresh Kills Park FGEIS* (the Richmond Avenue and Forest Hill Road Connections) as well as the East Park Loop Road with Richmond Avenue Connection options (the Borough President’s road plan) examined in this SEIS both address the issue of wetlands and habitat impacts at the Forest Hill Road Connection as well as the Yukon Avenue and Richmond Hill Road connections. As stated in the SEIS, of all of these connections, the Yukon Avenue Connection would have the least environmental impact on natural habitats and is therefore proposed to be advanced as part of the 2016 project plan. For the next phase of road construction, DPR is continuing to examine other options with respect to connections at Forest Hill Road, Richmond Hill Road, in conjunction with the East Park Loop Road option.

As discussed in SEIS Chapter 1, “Project Description,” the Fresh Kills Park vehicular circulation plan must address a number of unusual challenges for traffic planning and road design, not the least of which includes the presence of extensive landfill infrastructure on and around the Landfill Section 6/7 perimeter as well as freshwater and tidal wetlands in the off-mound low-lying areas, in particular the tidal wetlands along Main and Richmond Creeks. The intent of the vehicular circulation plan at Fresh Kills Park is to integrate the roads into the park while providing local traffic relief and limiting environmental impacts to the extent possible. The four alignment options presented in the SEIS were designed with these objectives. Public roads should also be separated from landfill service roads to the extent possible, given the separate functions. This is one the design challenges with the East Park Loop Road alignment.

Lastly, as stated in the SEIS, the East Park Loop Road option is one of four road alignment options that DPR is considering for completion of the East Park Road system. DPR is not opposed to using the DSNY service roads, but is exploring that option along with the three road options in order to maximize the traffic benefits to the local circulation system and minimize environmental impacts on natural resources and landfill infrastructure, as well as monitoring and maintenance obligations.

Comment 62: On page 10-96, the SEIS does not provide a definition of “is likely to have a greater degradation impact” with respect to roads being closer to water bodies, and aquatic habitats? 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? (Molinaro)

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Response: As stated on page 10-96, under the East Park Loop Road options, like the two and four lane Forest Hill Road and Richmond Hill Road Connection options, the park roads could impair the functionality of habitats east of Landfill Section 6/7. For example, amphibians and reptiles are particularly susceptible to these impacts when roads are constructed near aquatic habitats, as these species may be physically separated from water bodies wetlands, food, or nesting sources or upland areas that are used for breeding or foraging. Noise and air pollution, increased human activity, invasive species and potential vehicle collisions can also have degrading effects on habitat located near roadways. There would also be impacts of clearing and filling. These conclusions were presented in the *Fresh Kills Park FGEIS* (March 2009) and this SEIS. They are based on current natural area conditions, not projected conditions 20 years or more from now.

Comment 63: On page 10-97, middle of the top paragraph, addressing wetland mitigation at a 20 to 1 ratio, 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 ratio that would not otherwise not be mitigated under the other proposals? (Molinaro, Dmytryszyn)

Response: DPR believes that compensatory wetland mitigation can be provided for all the proposed East Park road options. As discussed in Chapter 10, "Natural Resources," the East Park Loop Road with Richmond Avenue Connections Option would impact about 1.92 acres of wetlands; the East Park Road System—the Two-Lane Road Option and the Four-Lane Road Option—would impact about 4.65 and 5.6 acres of wetlands, respectively. As presented in SEIS Chapter 23, "Impact Avoidance Measures and Mitigation," wetland mitigation would be applied to all East Park road options and measures would be integrated into the design and operation of the selected park road option to minimize the potential for adverse impacts to aquatic and terrestrial biota (e.g., monitoring of wildlife/vehicle collisions, providing safe wildlife passages, and modifying roadside landscaping and maintenance). In addition, as stated above, no final decision has been made regarding the final design and alignment of the completed East Park Road system. The decision will ultimately be based on a number of factors, including opportunities for maximizing traffic relief as well as limiting the potential for impacts on the landfill infrastructure and wetlands.

Comment 64: Page 10-10. The wetlands section correctly notes that the aquatic habitat east of Landfill Section 6/7, while not mapped by DEC as tidal or freshwater wetlands, are 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. (Watts)

Response: Impacts to aquatic habitats have been included in the quantification of wetland habitat impacts. As stated on page 23-24 of the SEIS, in Chapter 23, “Impact Avoidance and Mitigation,” the proposed East Park Roads project would have wetland and aquatic resources impacts only in the later phase with the completion of the East Park Road system. (No impacts to wetlands would occur in the 2011 or 2016 phases.) This includes project activities that would impact the freshwater wetlands and aquatic habitats east of Landfill Section 6/7, as either direct impacts (e.g., filling a portion of the wetlands for the Richmond Hill Road Connection), or indirectly (e.g., shading from Forest Hill Road connections viaduct, changes in hydrology, habitat fragmentation). As the design for the proposed East Park Roads moves forward, the selected long-term East Park Road options would include the specific mitigation strategies to address to the impacts and mitigation opportunities specific to the selected road option and will include compensatory mitigation measures that are developed in coordination with DEC. In no case it is expected that would there be any unavoidable or unmitigated adverse wetland impacts from the proposed roads. In addition, this SEIS includes in Appendix E, “Supplemental DEC Data,” techniques for avoiding habitat fragmentation impacts due to the proposed East Park roads. These techniques were developed for the *Fresh Kills Park FGEIS* and are applied to the design of the proposed Yukon Avenue Connection.

Comment 65: 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. (Watts)

Response: As stated above, this table includes the quantified acreage impacts to both wetlands and aquatic habitats from filling and shading associated with the proposed East Park roads.

Comment 66: 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. (Watts)

Response: Comment noted. This correction has been made in this FSEIS (see page 10-90 in this FSEIS).

Comment 67: Page 10-93. In the Yukon Avenue 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; and c. Change “two-lane” to “four-lane” in line one of bullet five. (Watts)

Response: Comment noted. These corrections have been made in this FSEIS (see page 10-92 in this FSEIS).

Comment 68: The portion of the Yukon Avenue 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). (Watts)

Response: As presented on page 10-74 of the DSEIS, measures would be incorporated into the proposed Yukon Avenue Connection design that would minimize the potential for park roads to result in significant adverse impacts to aquatic resources and wildlife, including an arched culvert with a natural bottom substrate designed to facilitate movement of aquatic wildlife, and to minimize impairment of flows. Design of this culvert will take into consideration measures that have been demonstrated to facilitate movement of aquatic and terrestrial biota, including reptiles and amphibians (e.g., ensuring that the culvert is at grade and contains a substrate such as gravel or other material). These measures are discussed in this FSEIS, Chapter 23, “Impact Avoidance Measures and Mitigation.” In addition, in response to this comment, additional details relative to the design of this connection have been presented in Appendix E.

CHAPTER 13: INFRASTRUCTURE

Comment 69: On page 13-20, top paragraph addressing finished grade, and landfill protections, and roadway designs, the SEIS is unclear if the Borough Presidents road proposal is, or is not, at odds with landfill infrastructure. (Molinaro)

Response: The analysis of potential impacts to landfill infrastructure under the East Park Loop Road (SIBP) alternative were presented in Chapter 13, “Infrastructure,” of the DSEIS (see pages 13-32 and 13-33) and were also presented in the report “Fresh Kills Landfill Evaluation of Roadway Alternatives in East Park, Draft Report” (URS, February 2009). Among the potential conflicts with landfill infrastructure and operations under this alternative are potential impacts or conflicts with pumping stations and landfill cover (depending on the design details), the landfill gas venting system, DSNY maintenance and monitoring operations (e.g., combined use of public roads and landfill service roads), and drainage across the proposed roads. Given that this road alignment is one of the options under consideration, additional road alignments and design details would need to be evaluated in order to determine if this option can avoid or minimize some of these conflicts. The alternative presented in the SEIS, “Alternative Alignment East Park Loop Road Modified Proposal” presents some road design alternatives by which these impacts could potentially be avoided or minimized.

The SEIS text referenced in the above comment addresses the proposed embankment (2011) closure plan, which would create two road embankment corridors across Landfill Section 6/7, one along the Yukon Avenue Connection and the other along the Forest Hill Road Connection. The modifications to the final cover design that are necessary under the proposed Final Cover Design Report, Addendum 1 were presented in the DSEIS and are also presented in Tables 13-4, 13-5, and 13-6 of this FSEIS.

Comment 70: Page 13-21, post-closure care, second paragraph, addressing the Yukon Service road, 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. (Molinaro)

Page 13-25, Post Closure Care/Service Roads, second paragraph: once again, what is the reason for dedicating landfill service roads separate from Fresh Kills Park and East Park Roads? 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? (Molinaro)

Response: As stated above, Landfill Section 6/7 in East Park is not the only landfill with separate service roads; all of the proposed park areas have separate DSNY service roads. In addition, the intent of the vehicular circulation plan at Fresh Kills Park is to provide the necessary separation of traffic (DSNY service, public roads, and biking/hiking/pedestrian trails) while providing local traffic relief, access to the park, and limiting environmental impacts to the extent possible. The proposed vehicular circulation plan was designed to meet these goals. Public roads should therefore be separated from landfill service roads given their separate purposes and design intents with respect to functionality, road classification, and traffic volumes; separating these systems allows each road to perform its intended function without conflict. DPR, DSNY, NYCDOT, and DDC will continue to collaborate on design of the park roads.

CHAPTER 17: TRANSIT AND PEDESTRIANS

Comment 71: On page 17-1, "Methodology," 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 transit objectives (i.e., transit alternatives and alternative modes to reduce traffic)? 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 Staten Islanders. Staten Island is in 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? (Molinaro, Dmytryszyn)

Response: The SEIS acknowledges that the majority of trips to and from Fresh Kills Park would be via private vehicles. However, it is an objective of the park planners to encourage public transit and alternative modes of transportation to the site for the purposes of providing more sustainable modes of travel, to reduce local traffic and vehicles within the park, and to encourage and facilitate park use that might otherwise be constrained by traffic congestion and parking availability.

The proposed project does not reject vehicular access. Rather approximately 7 miles of roads are proposed with the overall Fresh Kills Park plan and up to 2 miles may be provided with the East Park Road system. The *Fresh Kills Park FGEIS* (March 2009) and this SEIS specifically acknowledge an undeniable need to ease traffic congestion in Staten Island. Traffic in the western/middle section of Staten Island is particularly heavy; moreover, congestion is only expected to increase as western Staten Island continues to develop. This SEIS also provides additional data on the purpose and need for the proposed park roads (see Appendix F).

Lastly, the proposed park roads would be designed to provide transit (bus) service as another way of relieving vehicular congestion. Certainly, it is responsible long-term planning to make transit options available to provide access to Fresh Kills Park.

CHAPTER 20: CONSTRUCTION

Comment 72: Page 20-1, Overview (second paragraph), given this policy/philosophy (i.e., that the project is long-term and will take 30 years), 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 in 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. (Molinaro)

I must object to the possibility that it could take 30 years for the roads to be fully completed. Thirty years to build a beneficial roadway system is not

acceptable and we must work to ensure that the roads become a reality in the very near future. (Ceder)

Response: As stated above, 2016 and 2036 are analysis years for the SEIS. They are not completion years for the proposed roads. As also stated above, DPR is continuing to explore all opportunities for moving forward with the opening of all the proposed park roads, subject to available funding and permitting by state and federal agencies. DPR also anticipates that for the longer-term road design (post-2016) an additional environmental review is likely to be necessary in order to provide the supporting environmental documentation and design details that would be necessary to select the best road alignment option for completing the East Park Road System.

Comment 73: The drilling or pilings mentioned on page S-64 have not been approved by DEC. A separate approval for these may be required. (Watts)

Response: Any piles necessary for implementing the long-term East Park roads would be subject to DEC permitting. The drilling or piling referenced on page S-64 is for the long-term construction of the proposed Forest Hill Road Connection. Thus, the need for any pile driving or drilling would be determined at that time and based on more advanced park road designs for this road segment. This clarification has also been made in this FSEIS (see page S-64).

Comment 74: 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 hydrogen sulfide, 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.) (Watts)

Response: The responses to the above comments are as follows:

- a. The DSEIS presented the measures by which hydrogen sulfide (an odor compound) and other gases would be controlled during final cover construction. These measures were presented in DSEIS Chapter 23, "Impact Avoidance

Measures and Mitigation.” Additional data on gas emissions during the period of final cover closure construction is presented in Appendix E of the FSEIS. As presented in Appendix E, gases that may be emitted during the embankment construction period would not result in significant adverse air quality impacts.

b. Measures to minimize the impacts of fugitive emissions of methane and other chemicals during construction are presented in SEIS Chapter 23, “Impact Avoidance Measures and Mitigation.” Appendix E of the FSEIS also presents additional data on the projected volume of gas emissions that would be released during the implementation of the 2011 embankment construction. As presented in Appendix E, additional gases that may be emitted during this construction period would not result in significant adverse impacts.

c. It is not anticipated that other vermin controls would be necessary beyond those presented on pages 20-29 and 20-30 of this FSEIS.

d. It is anticipated that pile driving (or drilling) and the use of jackhammers would only be performed for road segments that are off the landfill cover, e.g., the east segment, of the Forest Hill Road Connection where the viaduct is proposed. As stated above, the need for pile driving drilling, or jackhammering would be off-mound and the details of such construction activities would be examined as additional road design details are developed for the long-term completion of the East Park road system. This clarification has been added to the FSEIS (see page 20-42).

e. The additional environmental effects of the added time for the landfill closure are provided in Appendix E of the FSEIS with respect to landfill gas and leachate generation. These analyses provide data on landfill gas emissions and leachate that may be generated during the extended one-year construction period with the proposed embankment. Based on these projections, it is concluded that the potential impacts resulting from this additional year of construction would not be significant.

Comment 75: 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. (Watts)

Response: As stated above, Appendix E of this FSEIS provides additional data relative to the impacts of leachate generation with respect to the proposed project, in particular the 2011 analysis year for the proposed embankment and final cover construction. As presented by that data, the anticipated volume of additional leachate during this period of closure construction is not a significant impact of the proposed project.

CHAPTER 21: PUBLIC HEALTH

Comment 76: On page 21-37, regarding the description of public access (first paragraph), isn't this a good argument for building all the roads now (i.e., that public access in East Park will be limited in 2016 with pedestrian access)? 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? (Molinaro)

Response: The years 2016 and 2036 are analysis years for the SEIS. They are not completion years for the proposed roads. As stated above, the implementation of East Park and the proposed East Park Roads would occur during the same project phase and it is anticipated that there would not be any pedestrian impacts under the proposed construction phasing. In addition, as suggested by the comment, DPR is advancing the Yukon Avenue Connection phase of the East Park Roads in advance of any public access or recreational elements in East Park. DPR is also continuing to explore all opportunities for accelerating the construction of the proposed park roads, subject to available funding and permitting by state and federal agencies.

Comment 77: Page 21-37, third paragraph, first sentence, in contrast, 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 this 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 make sense, then, to build the roads before public access is institutionalized and avoid all future SEISs? (Molinaro)

Response: As stated above, design and implementation of the completed East Park Road System would occur post-2016. DPR is exploring all opportunities for accelerating construction of all the proposed park roads, subject to available funding and permitting by state and federal agencies. As stated above, DPR is not proposing to implement any habitat or ecological restoration projects that would compromise construction of the proposed roads. Impacts on wetland and aquatic resources as presented in the DSEIS were based on natural resources and wetland surveys of current conditions, not proposed future park conditions. It is also recognized that in advancing the Yukon Avenue Connection (2016 analysis year), the project is proposing what is suggested by the comment, by advancing this road connection before any public access is provided to East Park.

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Comment 78: Page 21-38, second full paragraph, regarding pedestrian public access, what then, was the purpose of the GEIS if not to describe what the public pedestrian access is to be by 2016 and 2036? 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? (Molinaro)

Response: The purpose of this SEIS was to analyze the potential impacts of the proposed East Park Road System, not the pedestrian access. Pedestrian access impacts, including hiking trails and multi-purpose loop roads, as well as habitat enhancements, were analyzed in the *Fresh Kills Park FGEIS* (March 2009). The reference to "at a later date" has been deleted from this FSEIS.

CHAPTER 22: ALTERNATIVES

Comment 79: Page 22-1, Introduction, Why is there no figure labeled Borough President's proposal? (Molinaro)

Response: The Borough President's plan is not an alternative in the SEIS. Rather, based on comments made on the *Fresh Kills Park DGEIS* (May 2008) the SIBP alternative was examined in detail in the as an alternative in the *Fresh Kills Park FGEIS* (March 2009) and was analyzed as a project option in this SEIS. This option is presented as "East Park Loop Road with Richmond Avenue Connections Option." Figure 1-15 of this SEIS presents the SIBP road alignment. Design drawings of this option were also presented in Appendix B to the DSEIS and are provided in this FSEIS as well.

Comment 80: Page 22-11, description, first paragraph, last sentence: the SEIS does not provide a definition for "demand exceeds capacity." (Molinaro)

Response: In describing the Alternative Phasing (Reconstructed Final Cover 2011 Two-Lane Road Embankment), the DSEIS assumes that once the Yukon Avenue Connection (for example) is operating as a two-lane road, that traffic demand will exceed its carrying capacity (i.e., a situation where the future realized traffic volumes exceed the road design capacity). In this scenario, as examined in the alternative, the City would then have to take the steps necessary to provide additional vehicular capacity as part of the next phase of park road implementation. The alternative presents all the negative impacts of this alternative phasing with respect to having to reconstruct the landfill cover and the traffic disruption that would occur. Based on this evaluation, the alternative demonstrates the appropriateness of completing the proposed road embankment (2011) as part of the final closure cover construction at Landfill 6/7.

Comment 81: Page 22-15, first bullet, since no pedestrian will have access to this section (East Park) for 30 years, there is no explanation as why there should be a present

concern about this item now (i.e., a road along the Main Creek frontage and the related impacts on wetlands and pedestrian/bike paths). Furthermore, where are the rules that state 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? (Molinaro)

Response: As stated above, the creation of East Park and the completion of the East Park circulation plan would occur during the same development phase (post-2016) and it is anticipated that pedestrians would utilize recreational amenities in East Park as these improvements are made available for public use. The issue raised in the SEIS is the compatibility of pedestrian/biking access in conjunction with a public road along this segment of the park road under this alignment alternative. It is expected that the design of bike/pedestrian crossings with proposed park roads would be addressed as part of a more detailed design of the proposed road system within East Park.

Comment 82: Page 22-15, second bullet, if you build the roads now and have 30 years for the landscape and trees to grow, why wouldn't there be a developed landscaped buffer along Main Creek? Indeed, how does the City handle noise and visual prominence of cars in and through Central Park? (Molinaro)

Response: One of the issues with the west alignment around Landfill Section 6/7, as analyzed in this alternative, is the limited space between the base of the landfill and the adjoining wetland habitats of Main Creek. Thus, it is expected that this alternative would require some clearing of natural habitat in order to achieve the road design standards, and the necessary landscaped buffer along with stormwater management. However, as stated above, DPR is continuing to explore this option as a potential long-term alignment as part of the East Park Loop Road option.

Comment 83: Page 22-15, last bullet, how is this different from/any of the highways and roads in New York City with respect to impacts from maintenance vehicles? 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. (Molinaro)

Response: The differences would be the requirements of the *Fresh Kills Landfill Post Closure Care Operations and Maintenance Manual*, the regularity with which DSNY performs monitoring and maintenance activities, as well as consideration for public safety, and the potential conflicts with public traffic with both landfill operations and local traffic sharing a public road. As stated in SEIS Chapter 1, "Project Description," the East Park Loop Road with Richmond Avenue Connections option (a.k.a. Borough President's road plan), which assumes this road-sharing operation, is one of the options under consideration for

implementing the East Park Roads System. This option will continue to be explored along with other options for connecting to Richmond Hill Road and Forest Hill Road.

Comment 84: Page 22-16, first bullet, there is no discussion of 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 (i.e., auxiliary access and parking accommodations for the landfill gas condensate tanker truck). (Molinaro)

Response: The comment is correct that in the future, the generation and collection of landfill gas condensate will decline. This consideration will be further evaluated as DPR continues its road option evaluations with respect to the completed longer term (post-2016) East Park Road system alignment.

Comment 85: How are the “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” different from any of the typical highway maintenance functions that occur every day throughout New York City roads? (Molinaro)

Response: As discussed in Chapter 1, “Project Description,” road management and maintenance for Fresh Kills Park roads will require a unique maintenance program that is expected to go far beyond the typical City street maintenance programs. For example, at Fresh Kills Park, road maintenance is expected to involve monitoring landfill settlement to ensure that the critical landfill infrastructure is not compromised. The geotechnical properties of the site itself require special road design and maintenance practices.

In addition, the landfill service roads provide access to various components of the landfill environmental protection systems, which are located throughout the entire Fresh Kills Landfill. Although each of the individual landfill environmental protection systems may only be accessed on a regularly scheduled periodic interval, the combination of all the activities associated with multiple systems results in a requirement for nearly continuous access throughout the site. Consequently, it is an important goal to establish dedicated landfill service roads that are separate from the Fresh Kills Park East Park public roads. Final road design would ensure that construction is consistent with the long-term protections and maintenance of the landfill closure structures and environmental control systems.

Comment 86: On page 22-17, West Alignment Summary, first bullet, 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. (Molinaro)

Response: The discussion on page 22-17 is not a presentation of goals, but summarizes a comparison of impacts for the three alternative alignments that were considered for the west side of Landfill Section 6/7. These alignments were examined during the park road design phase (2007) and are presented for comparison purposes to the proposed East Park Loop Road option presented in the SEIS. The alignment described in this section that considers the on-service road placement has been refined, further designed and presented in the SEIS as the East Park Loop Road Option. These alignments were presented as alternatives during the Fresh Kills Park GEIS scoping (May 2007) and were presented in the *Fresh Kills Park DGEIS* (May 2008) and the *Fresh Kills Park FGEIS* (March 2009) and were also presented as an alternative in the DSEIS. The supporting design reports have also been made available for review.

Comment 87: Page 22-17, last bullet, impacts on tidal wetlands of the off-landfill alignment. 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? (Molinaro)

Response: The SEIS was merely identifying the potential conflicts under this alternative. As stated above, DPR is continuing its evaluation of the west alignment for a park road as part of the completion of the East Park Road system.

Comment 88: Page 22-19, fourth paragraph/line: was this ever an option with respect to park road lighting? (Molinaro)

Response: This sentence has been removed from the FSEIS.

CHAPTER 23: IMPACT AVOIDANCE MEASURES AND MITIGATION

Comment 89: Page 23-4, last paragraph, addressing walkways and roads traverse its parklands and overnight lighting, 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? (Molinaro)

Response: In the analysis of potential impacts due to nighttime lighting, the SEIS states that nighttime lighting can have a significant impact on wildlife activity, including insects, birds, and mammals. To avoid these impacts, some examples of lighting strategies could include: use of a limited, non-continuous lighting schedule in areas where darkness is preferred (reducing light use during low use periods); the use of shielding devices and cutoff-type luminaries with visors or hoods and directional lenses; reduction of ground-reflected light and upward light emissions (which accounts for up to 20 percent of 'sky glow,' or atmospheric light pollution) by assigning proper directionality and pole heights suited to the appropriate use; limiting or adjusting illumination of non-target structures (i.e., bridges, secondary roads, etc.) to minimize light trespass; and,

using light sources suitable for the surface material of roadways or pathways (i.e., concrete vs. asphalt surfaces reflect light differently). In addition, with the exception of areas of Fresh Kills Park where human activity would necessitate light while open to the public (i.e., park facilities open after dark, roadway lighting, road crossings, and parking areas), most walkways or roads traversing parklands would not require overnight lighting. For areas being illuminated through the night, minimizing glare and excessive lighting would be appropriate to minimize impacts. Careful design and planning of lighting arrays would also limit the significant adverse lighting impacts associated with proposed project.

It is anticipated that the new east–west connections between Richmond Avenue on the east and the West Shore Expressway on the west, as public roads, would be open 24 hours a day and illuminated at night.

Comment 90: Page 23-5, addressing park roads and fragmentation, the SEIS does not provide a discussion for the following: these impacts 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 the park. But, once again, what Parks sees as a negative—roads through the landfill—Staten Islanders see as a necessity and a necessary positive. (Molinaro)

Response: As stated above, the conclusion regarding impacts to natural features is based on current conditions, not assumed conditions 20 or more years from now. Advancing the roads would not diminish or eliminate the impact.

Comment 91: Page 23-8, the discussion of traffic and parking and monitoring, what does this mean? How is this monitoring through the course of the project 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 New York State and City DOT, 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? (Molinaro)

Response: As stated in the SEIS, because the proposed Fresh Kills Park Project includes approximately 7 miles of roads, with approximately 2 miles of roads in East Park, along with thousands of parking spaces, and is a major road improvement project that would affect circulation patterns in this area of Staten Island, DPR, will coordinate with NYCDOT and NYSDOT to ensure that the proposed project minimizes adverse traffic impacts on the local circulation system and maximizes circulation benefits. Adverse impacts were caused by the increases in delay at certain intersections and were identified in accordance with the guidelines of the *CEQR Technical Manual*. To address these impacts, DPR is proposing a monitoring program that would evaluate changes in local traffic

conditions as a result of the proposed project. This traffic monitoring would, in turn, allow the City to develop and expand mitigation measures as necessary.

Comment 92: Where is Parks finding the money for the ongoing traffic monitoring and work? And will this require an SEIS? (Molinaro)

Response: DPR will provide traffic monitoring work as the traffic generating elements of the project move forward in partnership with NYCDOT. The provision of traffic monitoring will not require an SEIS.

Comment 93: Regarding capital project review, last line addressing curb cuts and parking lot details, 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? (Molinaro)

Response: This discussion addresses the monitoring program for the overall Fresh Kills Park project. It would not apply to the East Park parking lots. Therefore, this text has been removed from the FSEIS.

Comment 94: On page 23-9, second full paragraph, regarding DPR coordination with NYCDOT and Arthur Kill Road improvements, why is this here? This is a specific SEIS for landfill roads in Section 6/7 and not Arthur Kill Road. (Molinaro)

Response: As discussed in SEIS Chapter 23, "Impact Avoidance Measures and Mitigation," DPR will coordinate with NYCDOT with respect to the improvements along Arthur Kill Road that are currently being explored by NYCDOT. This is a major road corridor in the study area. It is therefore appropriate for DPR to coordinate with NYCDOT regarding these improvements which will certainly affect traffic conditions in the East Park Roads study area.

Given the long term nature of the Fresh Kills Park project, additional traffic analysis will be necessary over the course of the project as individual segments of the Park roads are constructed. As the project moves forward, DPR will continue to monitor the traffic conditions and seek ways of improving traffic flow in and around the Fresh Kills site. DPR will also continue to coordinate with NYSDOT and NYCDOT through the course of project implementation to ensure that the proposed project, including both the proposed park elements and the park road elements, would minimize adverse traffic impacts on local roads.

Comment 95: Why is there a discussion of parking for Arden Heights Neighborhood Park and the South Park Recreational Area? 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. (Molinaro)

Fresh Kills Park East Park Roads SEIS

Response: In response to this comment, this text has been removed from the FSEIS.

Comment 96: On page 23-9, regarding transit service, why is this here? As stated earlier, Staten Island cannot, after decades of trying, 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. (Molinaro)

Response: As discussed in SEIS Chapter 23, “Impact Avoidance Measures and Mitigation,” and as stated above, the proposed project is seeking to provide alternative modes of travel to the project site for the purpose of reducing vehicle trips to the park (which are assumed to be the predominant mode) and to reduce traffic impacts and enhance the park experience. The SEIS acknowledges that the majority of trips to and from Fresh Kills Park would be made via private vehicles. However, as stated above, it is an objective of the Fresh Kills Park planners to encourage transit and alternative modes of transportation for the purposes of providing more sustainable modes of travel, to reduce local vehicle congestion and vehicle within the park, and to encourage and facilitate park use that might otherwise be constrained by traffic and parking availability through mass transit.

Comment 97: On page 23-17, the natural resources protection plan, cannot this be interpreted as an EIS for each phase of construction? 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 EISs 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 in 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. (Molinaro)

Response: DPR is not proposing an EIS for each phase of construction. Rather, the impact avoidance strategies presented in Chapter 23 are presented for the purposes of avoiding and minimizing impacts through future road designs and thereby avoiding the need for additional environmental review. The assessment of natural resources impacts for the SEIS was performed in accordance with methodologies outlined in the *CEQR Technical Manual* with DPR as the Lead Agency and DEC as another key decision maker and involved agency. Under the CEQR/SEQR process, the Lead Agency and involved agencies are responsible for determining impacts of significance, which with respect to the issues raised by the comment above would be ecological impacts to habitats and

individual species. The assessment of ecological impacts as presented in the SEIS was based on existing habitat conditions. These habitats are outside the areas currently affected by landfill construction (e.g., the wetlands along the proposed Forest Hill Road Connection). As also stated above, DPR is proposing to move forward with the proposed road construction and has advanced the proposal for the road embankments across Landfill Section 6/7 and the completion at the Yukon Avenue Connection by 2016. Neither of these activities would result in significant impacts on natural resources.

Comment 98: On page 23-18, top paragraph, maintaining existing mature trees, 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 mature. (Molinaro)

Response: As discussed above, the creation of Fresh Kills Park and the proposed East Park Road System would occur concurrently and the construction of the proposed East Park Roads would not result in tree impacts beyond those that have been identified based on the existing conditions.

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