

1 State Environmental Quality Review Act Considerations

1.1 Introduction

The New York State Environmental Quality Review Act (SEQRA) is set forth in Article 8 of the New York State Environmental Conservation Law (ECL), and implementing regulations for SEQRA are located at 6 New York Code of Rules and Regulations (NYCRR) Part 617.

SEQRA applies to any public agency that has the authority to issue a discretionary permit or other type of approval for an action, or if the agency funds or directly undertakes the action. Where there is more than one governmental agency involved in issuing permits or approvals for a particular action, the agency principally responsible for undertaking, funding or approving an action is designated the “lead agency.” This lead agency will then have the primary responsibility for ensuring that SEQRA is observed, and that any required studies are undertaken in compliance with its provisions (6NYCRR §617.6). With respect to this project, the lead agency is the Suffolk County Legislature.

SEQRA requires that governmental agencies review and consider the environmental impacts of an action prior to undertaking, funding or approving the action (ECL §8-0109). “Actions” are broadly defined at ECL §8-0105, and under appropriate circumstances, may include vector control programs and the issuance of governmental permits for such programs. Certain categories of actions which are not subject to SEQRA environmental review requirements are denoted as “Type II” actions. These include actions undertaken on an emergency basis for the protection of life, health, property, or for the preservation of natural resources (6NYCRR §617.5[b][33]), acts of the New York State Legislature, courts, and the State Governor, (6NYCRR §617.5[b][37]), and routine or continuing agency administration and management (6NYCRR §617.5[b][20]).

The governmental agency must take a “hard look” at the environmental impacts of the proposed action. If the agency finds that environmental impacts are not significant through its review of an Environmental Assessment Form (EAF), then the agency may issue a “negative declaration,” and undertake, fund or approve the action without further proceedings under SEQRA. In the event that an action may have significant environmental impacts, the governmental agency must

prepare (or cause to be prepared), and then present for public comment, an Environmental Impact Statement (EIS). In the EIS, environmental impacts are to be reviewed, and alternatives to the proposed action are to be considered. The agency must then prepare findings regarding the proposed action and its environmental impacts. The findings statement identifies environmental impacts and incorporates mitigation measures to ensure that adverse environmental effects will be minimized or avoided to the maximum extent possible. At this point, the SEQRA review process is complete. The agency may then undertake, fund or approve the action (ECL §8-0109, 6NYCRR §617.11).

This document represents the Draft Generic Environmental Impact Statement (DGEIS) for the Suffolk County Vector Control and Marsh Management Long-Term Plan (Long-Term Plan). The Long-Term Plan provides a description of the means that the County will use to manage mosquitoes over the next 12 years, including management of marshes (which represent important potential mosquito breeding sites). The Long-Term Plan describes the Integrated Pest Management (IPM) approach selected by the County to achieve its desired level of mosquito control. Mosquito control conducted through IPM requires that problems be identified through scientific surveillance, and then addressed through source reduction (including water management), biocontrols, larval control, and, if all these elements do not suffice to reduce risks to public health and welfare, adult control. Public education and outreach are essential for any successful program, and may reduce the need for organized control efforts.

The following documents have been incorporated by reference into this DGEIS:

- The Suffolk County Vector Control and Wetlands Management Long-Term Plan, prepared for the Suffolk County Department of Public Works and the Suffolk County Department of Health Services by Cashin Associates (Hauppauge, NY), dated April 15, 2006. The Long-Term Plan's primary goals are to decrease potential risks to human health and public welfare from mosquitoes and mosquito control measures, and to reduce the use of pesticides for vector control. The Long-Term Plan proposes an Integrated Pest Management (IPM) approach, relying on scientific surveillance to determine the presence of mosquito problems, and primarily using source reduction (including implementing progressive water management in County marshes, as permissible and advisable) to

address the problems. The Long-Term Plan also allows for the use of larval control with biorational pesticides to address problems not alleviated by source control, and, if absolutely necessary to preserve human health and welfare, the use of adult control using pesticides that have been shown to have the potential for little to no impacts to people and the environment. The Long-Term Plan has been attached to this DGEIS as Appendix A.

- The Suffolk County Wetlands Management Plan, prepared for the Suffolk County Department of Public Works and the Suffolk County Department of Health Services by Cashin Associates (Hauppauge, NY), dated April 2006. This document, which is also Appendix 1 of the Long-Term Plan, presents the plan by which the County intends to implement its progressive water management program, which is intended to address mosquito control issues in wetlands as well as enabling other kinds of salt marsh restoration projects. The Wetlands Management Plan establishes that the County no longer will rely on maintenance of the legacy grid ditch system as its means of water management. Instead, the County is adopting more progressive water management techniques. The default action for marshes is to allow for reversion; however, where mosquito breeding leads to associated adult mosquito problems, the County will cooperatively develop projects with the local municipality and other interested parties, the scope of which will be largely determined by the land managers' goals and needs for the property in question. The Wetlands Management Plan identifies the means by which the project development process will occur, and sets goals and priorities so that all salt marshes in the County can be assessed in terms of need for management over the next 12 years. The Wetlands Management Plan includes an appendix. The Wetlands Management Plan has been attached to this DGEIS as Appendix B.
- The Salt Marsh Management Best Management Practices Manual, prepared for the Suffolk County Department of Public Works and the Suffolk County Department of Health Services by Cashin Associates (Hauppauge, NY), dated April 2006. This document describes the 15 Best Management Practices (BMPs) and four Interim Actions/Ongoing Maintenance Activities (IMAs) developed to implement the Wetlands Management Plan. The 15 BMPs were grouped as those that appear to have the potential for No to Little Impact, those that have the potential for Minor Impacts, and those that

have some potential for Major Impacts. Guidance in selecting from the BMPs was clearly outlined, so that advantages and disadvantages associated with each BMP were clearly described. The Manual also detailed resource requirements for implementing the BMPS. The BMP Manual has been attached to this DGEIS as Appendix C of the DGEIS.

- The Recommended Final Scope, Draft Generic Environmental Impact Statement, Suffolk County Vector Control and Wetlands Management Long-Term Plan and Environmental Impact Statement, prepared December 2, 2002, and adopted by the Suffolk County Legislature by Resolution December 16, 2003 (Resolution 1122, “Making a Determination Concerning Final Scope for the Generic Environmental Impact Statement for the Suffolk County Vector Control and Wetlands Management Long-Term Plan”), signed by County Executive Robert Gaffney December 18, 2003. This document describes the topics and issues that are required to be addressed by this DGEIS. It discusses certain specific topics raised by those who commented on the draft Scope for the DGEIS, and concludes with a detailed potential outline for the DEIS. The Final Scope has been attached to this DGEIS as Appendix D of the DGEIS.
- The Workplan for the Suffolk County Vector Control and Wetlands Management Long-Term Plan and Environmental Impact Statement project, prepared by Cashin Associates (Hauppauge, NY) and Cameron Engineering (Syosset, NY), June 2002, revised August 2002, and again in November 2002. This document was prepared in response to a Request for Proposals (issued by Suffolk County in April 2002 and revised in response to comments May 2002), and was revised in response to County requests for additional information (the August 2002 revision) and in response to Scoping comments (the November 2002 revision). It was incorporated by reference into the Final Scope. The workplan contains 14 individual Tasks, designed to culminate in the production of an impact analysis of the Long-Term Plan developed through the project. The Workplan called for a combination of research document preparation, field work and reconnaissance, experimental design and execution, digitization of paper records, preparation of a quantitative risk assessment and impact analysis, public outreach, and the

preparation of the Long-Term Plan and its associated GEIS. The Workplan has been attached to the DGEIS as Appendix E of the DGEIS.

The subject project is classified as a Type I action pursuant to SEQRA. The County Legislature has assumed lead agency status in this matter.

This DGEIS has been prepared in accordance with Section 8-0109 of the ECL, the implementing regulations of SEQRA at 6NYCRR Part 617, and other applicable guidelines. The purpose of this DGEIS is to identify the potentially significant adverse environmental impacts that could result from the adoption and implementation of the Long-Term Plan. This information will assist the County in identifying any potentially significant environmental impacts from the proposed action and provide, as applicable, recommendations for plan modifications to mitigate or eliminate such impacts. The specific components of the proposed action are described more fully in Section 2.10.

If, upon completing its review of the DGEIS and considering all relevant comments received during the public participation process, the Legislature finds that the proposed action will not have a significant adverse impact on the environment, and a final EIS need not be prepared; it may adopt, file, and publish a negative declaration. Otherwise, the County must prepare a Final Generic Environmental Impact Statement (FGEIS) and issue a Findings Statement. At the findings stage, the Legislature will be required to:

certify that consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures that were identified as practicable (6 NYCRR §617.11(e)).

The above language, in addition to other statements incorporated into the statute, clearly articulate that the implementation of SEQRA is intended to recognize environmental protection as one major consideration in the decision-making process, and that a balanced approach is needed in order to give appropriate weight to all “essential considerations.” Such considerations include socioeconomic issues.

Normally, the mandatory “no-action alternative” provides the basis from which to evaluate whether a proposed action will be consistent with the requirements and spirit of SEQRA. However, in this instance, the no-action alternative would result in the continuation of the current County vector control program. To determine the full potential for impact from adoption of the Long-Term Plan, this analysis has included a “no vector control” alternative, so that clear determinations of the potential for impacts from all actions proposed in the Long-Term Plan can be resolved. When such impacts are determined to be “significant,” as this term is used and defined in §617, suitable mitigation is required in order to satisfy the intent of SEQRA. Similarly, any action that reduces the potential for adverse environmental impacts as compared to circumstances that would be expected in the absence of said action is consistent with the intent of SEQRA.

This DGEIS is intended to provide an analysis of the possible environmental impacts of a sequence of potential actions across the County into the next 12 years. The potential for impacts have been determined for these actions in general, and, at times, for specific locations throughout the County. However, the determination of specific potential impacts has not been made for the entire County for all activities outlined in the Long-Term Plan. Thus, the purpose of this document is to perform a “generic” assessment of potential impacts of implementing the Long-Term Plan. The DGEIS also provides the basis from which mitigative actions can be developed to avert or assuage potential impacts. For the purposes of this analysis, the action to be reviewed is the Long-Term Plan, dated April 15, 2006, which has been included by reference in this document and is attached as Appendix A.

1.2 General Scope of a DGEIS

As noted in 6NYCRR §617.10(a), a DGEIS is broader in scope and more general than a Draft Environmental Impact Statement (DEIS), and may be based on conceptual information as the action being considered may involve large areas or many phases or actions over the course of many years. For the above reasons it is instructive to review the County’s general responsibilities for future SEQRA reviews (if necessary) as they relate to the Long-Term Plan.

According to SEQRA §617.10(d):

When a final GEIS has been filed under this part:

- (1) No further SEQRA compliance is required if a subsequent proposed action will be carried out in conformance with the conditions and thresholds established for such actions in the GEIS or its findings statement;
- (2) An amended findings statement must be prepared if the subsequent proposed action was adequately addressed in the GEIS, but was not addressed or was not adequately addressed in the findings statement for the GEIS;
- (3) A negative declaration must be prepared if subsequent proposed action was not addressed or was not adequately addressed in the GEIS and the subsequent action will not result in any significant environmental impacts;
- (4) A supplement to the final GEIS must be prepared if the subsequent proposed action was not addressed or was not adequately addressed in the GEIS and the subsequent action may have one or more significant adverse environmental impacts.

The above excerpt from the SEQRA statute should serve to guide future decision making in terms of the necessity for future environmental investigations relating to the Long-Term Plan. If modifications are proposed to the Long-Term Plan, or if actions are to be taken that exceed certain thresholds (discussed immediately below), consideration should be given to whether the changes or actions exceeding the thresholds are consistent with the Long-Term Plan, as reviewed in the GEIS. If not, or if these future modifications or actions exceeding the thresholds are clearly inconsistent or not adequately addressed in the GEIS, an EAF should be prepared to evaluate the potential environmental impacts of the modifications or actions. If through the EAF process, it is determined that an environmental impact is not anticipated, the modifications can be adopted or the work could proceed without further SEQR review. If, however, it is determined that there may be one or more significant environmental impacts associated with the modifications to the Long-Term Plan or the actions that exceed the designated thresholds, a supplemental EIS is required.

Suffolk County is expected to adopt findings on an environmental review of its Long-Term Plan for Vector Control and Wetlands Management. The environmental review took the form of a GEIS. According to SEQRA, a GEIS is appropriate for “an entire program or plan having wide application or restricting the range of future alternative policies or projects ...” (6 NYCRR

§617.10(a)(4)). SEQRA points out that GEISs should “set forth specific conditions or criteria under which future actions will be undertaken or approved, including requirements for subsequent SEQR compliance” (6 NYCRR §617.10(c)). This may include “thresholds and criteria for supplemental EISs to reflect significant impacts ... not adequately addressed or analyzed in the generic EIS” (ibid).

Further environmental reviews for actions taken under the Long-Term Plan relate to two types of actions:

- adoption of the Annual Plan of Work by the County Legislature
- permitting of water management projects (actions taken by the NYSDEC and potentially by local governments or agencies).

1.2.1 Criteria for Additional Environmental Review Relating to the Annual Plan of Work

Upon adoption of Findings, the Legislature (as Lead Agency) will have satisfied itself that the potential impacts of the Long-Term Plan have been adequately reviewed. From this perspective, if an Annual Plan of Work complies substantively with the Long-Term Plan, then potential impacts of that annual plan will have been adequately considered, as well.

The primary criterion for determining if an Annual Plan of Work is not substantively in accord with the Long-Term Plan should be the annual plan’s compliance with the overall approach of the Long-Term Plan, and, where specified, a failure to use particular actions, or a major deviation from an important specific set of actions. In general, annual plans need to focus on the use of surveillance to determine where mosquito problems exist, and to primarily employ source reduction tools to reduce the impact of mosquitoes on people. An important source reduction tool must be implementation (over time) of the techniques for water management developed in the Best Management Practices manual, as outlined in the Wetlands Management Plan. Any plan that proposes to manage mosquitoes without surveillance or to not use water management as a means of obtaining long-term control of mosquito problems will require additional environmental review.

Other criteria that would lead to additional environmental review of an annual plan would be:

- failure to include public education and outreach steps to educate residents and visitors on the means that are available to avoid mosquito bites and diseases associated with mosquitoes
- reductions in staffing levels as allocated in the Long-Term Plan to population or disease surveillance
- failure to commit to respond to all mosquito complaints using personnel appropriately trained to identify and mitigate sources of mosquito problems
- no coordination with local governments on minor water management projects
- no review of major water management projects by agencies or organizations outside of Suffolk County government
- absence of a mitigation strategy for any failures to meet water management objectives, as identified in an annual Wetlands Strategy Plan or Triennial Program Report
- proposed use of a non-native biocontrol organism not already resident in Suffolk County natural environments
- proposed use of a larvicide other than *Bacillus thuringensis var israelensis* (Bti), *Bacillus sphaericus*, or methoprene
- proposed use of an adulticide other than resmethrin, sumithrin, permethrin, natural pyrethrins, or malathion
- identification of a preferred adulticide agent other than resmethrin or sumithrin
- administrative changes that resulted in daily operational authority no longer residing with the Superintendent of the Division of Vector Control of the Suffolk County Department of Public Works (SCVC), or in operational authority under a declared health emergency

no longer residing with the Commissioner of the Suffolk County Department of Health Services (SCDHS)

Environmental reviews may consist of a negative declaration if no significant environmental impacts will result (6 NYCRR §617.10(d)(3)) or a supplemental environmental impact statement if one or more significant adverse impacts may result (6 NYCRR §617.10(d)(4)). Use of an expanded EAF may be appropriate when a negative declaration is proposed.

1.2.2 Water Management Projects Criteria

Upon adoption of Findings, the Legislature (as Lead Agency) will have satisfied itself that the potential impacts of the Long-Term Plan have been adequately reviewed. From this perspective, the classification of allowable water management actions (as described in the Best Management Practices manual) as “no to little” potential impacts, “minor” potential impacts, and “major” potential impacts will have been accepted, and the descriptions of the potential for impacts (and the mitigation steps to avoid impacts) will have been deemed to be adequate.

Nonetheless, on a project by project basis, the following criteria need to be considered to determine if additional environmental reviews are warranted:

- the techniques to be employed have been classified as having the potential for major environmental impacts
- the total area of the wetlands that may be affected by the project exceeds 15 acres with hydrology being the primary consideration
- the project requires physical alteration of more than 15 acres of wetlands
- consultation with local authorities or review by the Screening Committee finds there is a potential for major impacts under the proposed course of action

Environmental reviews may consist of a negative declaration if no significant environmental impacts will result (6 NYCRR §617.10(d) (3)) or a supplemental environmental impact statement if one or more significant adverse impacts may result (6 NYCRR §617.10(d)(4)). In light of the extensive reviews of the techniques to be employed for water management in the

GEIS and associated documents, use of an expanded EAF to cite relevant sections of the GEIS or to report on local data collection efforts that justify the project may be appropriate if a negative declaration is proposed.

1.3 Project Purpose

In 1999, West Nile virus (WNV), a mosquito-borne disease, was detected in North America for the first time. Human cases occurred in New York City, and horses were diagnosed with the disease in Suffolk County. This disease has since spread nation-wide, causing hundreds of deaths and thousands of hospitalizations. As a result of this new disease threat, vector control practices in the United States were altered, including those of municipalities in the New York metropolitan area. This increased public interest and scrutiny of vector control operations.

Suffolk County is authorized to conduct mosquito management under New York State Public Health Law (PHL) Article 15 (Sections 1500, 1501, and 1502) and Section C8-4 of the Suffolk County Charter (Part 380 of the Suffolk County Code). In Suffolk County, SCVC is required to submit Annual Plans which are required to undergo legislative review. The Council on Environmental Quality (CEQ), which is advisory to the County Executive and Legislature, issues a recommendation regarding a SEQRA determination. The County Legislature, as Lead Agency, makes the final SEQRA determination. Some aspects of the Annual Plan are also reviewed by the New York State Department of Health (NYSDOH).

On October 18, 2001, SCDPW submitted a 2002 Vector Control Plan of Work and associated EAF to the CEQ. The CEQ and general public expressed concerns regarding the potential for environmental impacts associated with the Annual Plan of Work. After extensive review and public comment, SCDPW amended the 2002 Plan of Work, reducing the scope of work to be done during 2002 in order to ensure that any potential environmental impacts associated with the Plan of Work fell below the SEQRA threshold for determining significance. The CEQ recommended a Negative Declaration be adopted. The Legislature adopted the scaled back Plan of Work, and issued a Negative Declaration, provided that an Environmental Impact Statement (EIS) be prepared for future vector control work performed by Suffolk County. The preparation of the EIS would identify the potential environmental and public health impacts associated with the vector control program.

SCDPW subsequently prepared a separate EAF for the development of a Vector Control and Wetlands Management Long-Term Plan. This EAF was submitted to the CEQ on May 2, 2002. On May 15, 2002, the CEQ issued a recommendation for a Positive Declaration to the Suffolk County Legislature. The Legislature issued the Positive Declaration at its meeting on August 6, 2002.

The County set forth on a process to develop a vector control and wetlands management plan, where the overall goal would be to reduce impacts to human health from mosquito-borne diseases and any undertaken operations while also generating improved environmental quality through the implementation of the plan.

1.4 Project History

In 2002, the Legislature directed SCDPW (as fiscal manager) and SCDHS (as project manager) to prepare and issue a Request for Proposals (RFP) for the preparation of a Long-Term Vector Control and Wetlands Management Plan together with any associated environmental reviews.

The County had recently participated in the Peconic Estuary Program (PEP) Management Plan process, and found it to be a successful means of addressing technical, legal, and managerial issues, requiring the use of a publicly transparent process that had a great deal of citizen involvement. This allowed controversial and contentious issues to be addressed in a fashion that maximized consensus while also incorporating scientific and technical input. It led to the adoption of a well-regarded, sound program to manage the Peconic Estuary and its environs. Although it was acknowledged that the development of a Management Plan would be more expensive than conducting an environmental review of the existing program, as New York City and Westchester County had done, the potential to reevaluate SCVC operations in a way that could lead to greater public acceptance and support of its mission and plans of work was determined to be preferable.

Suffolk County issued a RFP on April 30, 2002, soliciting professional services in conjunction with the development of the Suffolk County Vector Control and Wetlands Management Long-

Term Plan and Generic Environmental Impact Statement related to SCVC mosquito control activities.

The overall goals of the project were to:

- Assist Suffolk County in developing an effective long-term vector control program, including a comprehensive wetlands management component.
- Minimize pesticide usage while protecting public health.
- Preserve and restore wetlands affected by SCVC activities.

Services to be performed included literature reviews and research, comprehensive assessments of SCVC and other mosquito management agencies, field reconnaissance, a detailed evaluation of alternatives, early demonstration projects, and public education and outreach, along with preparation of a Long-Term Plan and associated GEIS.

Cashin Associates, PC (CA) (Hauppauge, NY), in conjunction with Cameron Engineering and Associates, LLP (Syosset, NY), together with an array of expert sub-contractors, responded on June 17, 2002. This proposal was selected as the most responsive from the proposers that replied. A contract was signed on September 24, 2002, covering the initial aspect of the project (Scoping and finalization of a workplan), although CA had actually been authorized to begin work in mid-August.

The initial task involved the formal scoping of the project. Scoping is defined under the implementing regulations of SEQRA as the process by which the lead agency (the Suffolk County Legislature in this case) identifies potentially significant adverse impacts related to the proposed action, and so defines the issues that need to be addressed in the DGEIS. Topics included under Scoping are specified as the content and level of detail of the analysis, the range of alternatives, the mitigation measures needed, and the identification of non-relevant issues. Scoping identifies required elements of the DEIS, and provides an opportunity for early participation by involved agencies and the public in the review of the proposed action [6NYCRR Part 617.2(a-f)]. It also serves as a legal means of limiting potential challenges to a completed DGEIS, as issues not raised in Scoping may not need to be included in the impact analysis.

Scoping is optional under SEQRA; when it is conducted, it must include opportunities for public participation. Based on the level of interest expressed by involved and interested agencies and the general public, and the importance of the Long-Term Plan, Suffolk County decided that formal Scoping would be conducted. This included a public Scoping hearing.

A draft Scoping document was prepared by SCDHS. The public Scoping process was initiated when that document, dated August 7, 2002, was circulated for public review. In association with the draft Scope, the County also made the following documents available for review:

- The RFP, dated April 2002, issued by SCDPW and SCDHS
- Amendments to the RFP, dated May 24, 2002, issued by SCDHS
- The Draft Workplan, prepared by CA and Cameron Engineering, dated June 17, 2002
- Amendments to the Draft Workplan, as specified in the Addendum to the Proposal, also prepared by CA and Cameron Engineering, dated August 12, 2002
- 2002 Annual Plan of Work for SCVC.

A public Scoping hearing was held on September 10, 2002, at the Suffolk County Legislative Building in Hauppauge. This hearing was conducted by the CEQ, acting on behalf of the County Legislature, as authorized by Chapter 279 of the Suffolk County Administrative Code.

The CEQ held open the public Scoping record until September 25, 2002, in order to afford the opportunity for additional written comments regarding the scope of the DGEIS. All written comments received through that date, as well as minutes and summaries from the various meetings conducted as part of the Scoping process, were collected together. For example, the Steering Committee (see description below) conducted a public meeting in conjunction with the project Technical Advisory Committee (TAC) (see description below) on September 17, 2002, at the Suffolk County Legislative Building in Riverhead. Although this meeting was directed at discussing the substance of the Draft Workplan, and technically was not a SEQRA Scoping session, statements that were made at this meeting were included among the issues considered in finalizing the project scope.

The compendium of comments, titled “Scoping Comments,” was distributed to involved and interested parties. In addition, CA and Cameron Engineering prepared a Scoping Responsiveness Document. This document identified 23 topics raised in the Scoping comments, and identified the means by which 20 of these would be addressed through an amended project workplan. This document was circulated to involved agencies and interested parties. Based on the identified substantive Scoping comments received by the County, the Scope of the DGEIS was amended, and was published by the County for public comment and review. The formal Scope of the DGEIS has been incorporated by reference to this DGEIS, and has been attached as Appendix D.

The Workplan for this project was released by the County in December, 2002, with an Addendum added in September 2003, following the formal adoption and publication of the project Final Scope dated August 1, 2003. The Final Scope was adopted by the Legislature by Resolution 1122 (dated December 16, 2003). The resolution was signed by County Executive Robert Gaffney December 18, 2003. The Workplan has been incorporated by reference into the DGEIS, and has been attached as Appendix E.

The development of the Long-Term Plan required research into optimal mosquito and wetlands management practices, characterizations of historical and current operations, and analysis of important aspects of the Suffolk County settings where these actions might occur. In addition, several demonstration projects and scientific assessments were (and continue to be) undertaken.

In conjunction with the project, to ensure that public involvement in the development of the Long-Term Plan would be maintained, four important project committees were created:

- Technical Advisory Committee (TAC). The TAC was charged with reviewing documents and making recommendations on various scientific and technical issues that might arise with respect to the Long-Term Plan development and other project activities. Membership was primarily drawn from regional and local government agencies, although national and regional research and professional interests also were invited to join. Voting membership was restricted to those approved by the Steering Committee, although all meetings were open to all, and participation in discussions was not limited. Table 1-1

lists all voting members of the TAC with affiliations, and also lists all meeting attendees. The TAC met approximately six times per year.

Table 1-1. TAC Attendees and Participants

Name	Affiliation	Voting
Abbene, Irene	US Geological Survey	
Anders, Fred	NYSDOS Coastal Resources	
Antenen, Susan Newkirk, Sarah	The Nature Conservancy	X
Bagg, James	Suffolk County Planning Department	
Balla, Rick	US Environmental Protection Agency	
Berg, David	Cameron Engineering	
Bilecki, Michael	Fire Island National Seashore	
Biss, Rita	Lake Panamoka Civic Association	
Campbell, Scott	Suffolk County Department of Health Services	
Capobianco, Greg	NYS Department of State	
Cavanagh, Michael	Presiding Officer's Office	
Chytalo, Karen	NYSDEC	
Conlon, Joe	American Mosquito Control Association	X
Conover, David Geller, Marvin	Marine Sciences Research Center	X
Cramer, Tom	Council on Environmental Quality	
Davies, Dewitt	Suffolk County Planning Department	
Dawydiak, Walter	Suffolk County Department of Health Services	
de Blasi, Philip	Suffolk County Department of Health Services	
Deering, Michael	Suffolk County Executive's Office	
Dempsey, Mary	Suffolk County Department of Public Works	
DeQuillfeldt, Charles	NYSDEC - Bureau of Marine Resources	
Dillion, Constantine Spirtes, David Reynolds, Michael	Fire Island National Seashore	X
Donohue, Catherine	Fire Island National Seashore	
Durda, Judi L.	Integral Consulting Inc.	
Elkowitz, Terri	Council on Environmental Quality	
Enache, Adrian	US Environmental Protection Agency	X
Esposito, Adrienne	Citizens Campaign for the Environment	X
Essel, Nanette	Suffolk County Legislature	
Fallon, Dave	Div. of Fish, Wildlife & Marine Res.	
Fields, Ginny	Suffolk County Legislature	
Frank, Brian	East Hampton Planning Department	
George, Varughese	Suffolk County Department of Health Services	

Name	Affiliation	Voting
Gibbons, Nick	Suffolk County Department of Parks	
Goodbred, Steven	SUNY @ Stony Brook	
Graulich, Karen	NYSDEC - Marine Habitat Protection	
Greene, Gregory	Cashin Associates	
Guthrie, Chart	NYSDEC - Bureau of Fisheries	
Halavik, Tom	USFWS - Southern New England/NY Bight	
Hamlin, Amy	Suffolk County Vector Control CAC Co-Chair	
Hasbrouck, Emerson	Cornell Cooperative Extension	
Hill, Ken	Suffolk County Department of Health Services	
Hogan, Mara	Suffolk County Department of Health Services	
Hollborn, Rich	Suffolk County Department of Parks	
Iolavera, Pat	Fire Island National Seashore	
Isles, Tom	Suffolk County Planning Department	X
Johnson, Todd	Intergovernmental Relations	
Juchatz, Amy	Suffolk County Department of Health Services	
Kaufman, Mike	Council on Environmental Quality	X
Kessler, Craig	Ducks Unlimited	
Kozlowski, Gregory	New York State DEC	
LaValle, Richard	Suffolk County Department of Public Works	
Lawrence, Marie	Fire Island National Seashore	
Lorence, Steve	NYS DEC	
Maghini, Mark Chmielewski, Alex	USFWS	X
Mahoney, Brendan	Citizens Campaign of r the Environment	
Marsh, Rob	NYS Department of Environmental Conservation	
Mattice, Jack	NYS Sea Grant	X
McAllister, Kevin	Peconic BayKeeper	
McMahon, Thomas	Suffolk County Soil & Water Conservation	X
Minei, Vito	Suffolk County Department of Health Services	
Mitchel, Leslie	Suffolk County Department of Public Works	
Mushacke, Frederick	NYS DEC Div. of Fish, Wildlife & Marine Res.	
Nardone, Enrico	Seatuck Foundation	
Nemickas, Bronius	United States Geological Survey	X
Ninivaggi, Dominick	Suffolk County DPW - Vector Control	
Nuzzi, Robert	Suffolk County Department of Health Services	
O'Kane, Debi	Suffolk County Vector Control CAC Co-Chair	
Ozarsky, Jill	The Nature Conservancy	
Palmer, Vincent	NYSDEC – Pesticide Management Unit	
Pascucci, John	Cameron Engineering & Associates, LLP	

Name	Affiliation	Voting
Patterson, Cindy	Ducks Unlimited	
Paulsen, Ronald	Suffolk County Department of Health Services	
Pavacic, John	NYS Department of Environmental Conservation	
Potente, John	Council on Environmental Quality	
Proios, George	Suffolk County Planning Department	
Reaven, Sheldon	SUNY SB, Dept. of Technology and Society	X
Shaw, Kim	Suffolk County Department of Health Services	
Shea, Marty	Town of Southampton	
Sickles, William	Suffolk County Department of Parks	
Siems, Fran	Suffolk County Presiding Officer	
Smith, Chris	Cornell Cooperative Extension	
Somers, Kim	Cashin Associates	
Terracciano, Steve	United States Geological Survey	
Tonjes, David	Cashin Associates	
Trent, Martin	Suffolk County Department of Health Services	
Tucker, Kelly	CAC Alternate Representative	
Villalba, Fernando	Fire Island National Seashore	
Waters, Robert	Suffolk County Department of Health Services	
Williams, Michelle	US Fish & Wildlife Service	
Wise, William	SUNY	
Yellow, Carl	Legislator Kennedy's Office	
Zappieri, Jeff	NYSDOS - Coastal Resources	X

- Citizens Advisory Committee (CAC). The CAC was intended to provide environmental advocacy organizations, civic associations, other non-governmental organizations, and local governments with a forum to review project progress, make recommendations on draft reports and plans, and to generally provide input to the consultants and their County managers. As a matter of course, local governments generally declined to participate in the CAC. The CAC requested, and was granted, a separate budget to pursue related educational and outreach issues and topics. Table 1-2 lists the voting members of the CAC together with any affiliations, and also lists all meeting attendees. The CAC met monthly.

Table 1-2. CAC Attendees and Participants

Name	Affiliation	Voting
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Name	Affiliation	Voting
Bavaro, Laura	Suffolk County Department of Health Services	
Berg, David	Cameron Engineering & Assoc.	
Biss, Rita	Lake Panamoka Civic Association	X
Black, John	CCR-SCC	X
Clark, Jeanne	Homecoming	
Cooke, William	Audubon NY	
Dam, Henry	Cold Spring Harbor	X
Davis, Ed	SSER/CAC/GSBAS	X
Dawydiak, Walter	Suffolk County Department of Health Services	
de Blasi, Philip	Suffolk County Department of Health Services	
Dempsey, Mary	Suffolk County Department of Public Works	
Devinney, Robert B.		
Dolan, Maureen	Citizens Environmental Research Institute	
Doyle, William	Legislator O'Leary's Office	
Esposito, Adrienne	Citizens Campaign for the Environ.	X
Essel, Nanette	Suffolk County Legislature	
Farber, Laurie	LI Sierra Club	X
Fields, Ginny	SC Legislator	
Ford, Elsa	Brentwood/Bay Shore Breast Cancer Coalition	
Gorman, Fred		
Hamlin, Amie	NY League of Conservation,	X
Helm, Jessica	Sierra Club	
Kessler, Craig	Ducks Unlimited	X*
Koehler, Cheryl	Mastic Beach Property Owner	
Ludwig, Gerald	Mastic Beach Property Owners Association	
Mahar, Sean	Audubon NY	X
Mahoney, Brendan	Cornell Cooperative Extension	
Manitt, Andrew	L.I. Neighborhood Network	X
McAlevy, Bob	Red Cedar Pt. Association	X
McAllister, Kevin	Peconic BayKeeper	X
Newhall, John C.	Eastern Fire Island Civic Assoc.	X
Ninivaggi, Dominick	Suffolk County Department of Public Works	
O'Kane, Debbie	North Fork Environmental Council	X
O'Leary, Peter	Suffolk County Legislator	
Ottney, Jessica	Citizens Campaign for the Environment	
Patterson, Cindy	Ducks Unlimited	
Penn, Sheldon	SC Community College	X
Schaefer, Janice	Mastic Beach Property Owners Assoc.	X

Name	Affiliation	Voting
Shaw, Kim	Suffolk County Department of Health Services	
Somers, Kimberly	Peconic Baykeeper, Inc.	
Spitz, Diane	Four Harbors Audubon	
Teta, Diane C.	S. Country Alliance/SSER/CAC	X
Thompson, Dave	Trout Unlimited	
Tonjes, David	Cashin Associates	
Trent, Martin	Suffolk County Department of Health Services	
Tucker, Kelley		
Turner, Robert	Southampton College & Sag Harbor	X
Williams, Thomas	Cornell Cooperative Extension	
Wood, Doug	Grassroots Environmental Education	
Wood, Patti	Grassroots Environmental Education	
Woodle, Alex	Bellport High School	

* relinquished voting membership August 2005

- The Wetlands Subcommittee. This group was initially formed out of the TAC. Its focus was to be on wetlands issues and early action projects. The TAC expected that the Wetlands Subcommittee might provide more direct guidance to the consultants and the County on early phases of such aspects of the project. It was felt that an independent subcommittee was the most proper means of such involvement; otherwise the TAC might find itself reviewing its own recommendations and suggestions. The Wetlands Subcommittee never had a formal voting membership, but participation in its meetings was expanded beyond TAC membership by actively soliciting participation by local municipalities, especially planners and technocrats involved in wetlands work. Those who attended Wetlands Subcommittee meetings are listed in Table 1-3. From mid-2004 through mid-2005, the Wetlands Subcommittee met monthly.

Table 1-3. Wetlands Subcommittee Attendees and Participants

Name	Affiliation
Antenen, Susan	TNC
Balla, Rick	EPA
Berg, David	Cameron Engineering
Capp, Charlie	Group for the South Fork
Davies, DeWitt	Suffolk County Dept. of Planning
DeBlasi, Phil	Suffolk County Dept. Health
Dempsey, Mary	Suffolk County DPW
DeQuildfeldt, Charles	NYS DEC
Frank, Brian	Town of East Hampton
Gibbons, ,Nick	Suffolk County Parks
Goodbred, Steve	MSRC SUNY
Graves, Anthony	Town of Brookhaven
Guarino, Joseph	Town of Babylon
Iwanejko, Tom	Suffolk County DPW
Kassner, Jeff	Cashin Associates
Kessler, Craig	Ducks Unlimited
Kritzer, Jake	Environmental Defense
McAllister, Kevin	Peconic Baykeeper
Nardone, Enrico	Seatuck
Ninivaggi, Dominick	Suffolk County DPW
Pavacic, John	NYSDEC
Penny, Larry	East Hampton Natural Resources
Pickerell, Chris	CCE
Putnam, Mike	NYSDEC-Wildlife
Rafferty, Patti	Nation Parks Service
Shaw, Kim	Suffolk County Dept. Health
Shea, Marty	Town of Southampton
Somers, Kimberly	Cashin Associates
Terry, Mark	Town of Southold
Tetrault, Heather	Southold Trustees
Tonjes, David	Cashin Associates
Wasilco, Mike	NYSDEC-Wildlife

- The Steering Committee. The Steering Committee had ultimate authority over the project. It approved memberships and by-laws of the TAC and CAC, and accepted the draft Long-Term Plan and associated DGEIS for consideration by the CEQ and

Legislature. It was composed of the principal officers (or their representatives) from the Suffolk County Executive, the Presiding Officer of Legislature, CEQ, SCDHS, SCDPW, and the New York State Department of State (NYSDOS). The Steering Committee met approximately every four months.

Another project committee was the Monitoring Committee. This committee was intended to work on technical aspects of pesticides monitoring. Originally, it consisted of scientists and engineers associated with CA and its subconsultants, along with engineers and scientists from SCDHS and SCDPW. The New York State Department of Environmental Conservation (NYSDEC) became involved in the committee near the end of 2003, and thus it became a springboard to develop the workplan and to address permitting issues associated with the Caged Fish Early Action Project. This committee did not meet again after June, 2004.

NYSDEC was originally invited to be a voting member of the TAC and Steering Committee. NYSDEC determined that, because it might serve as a regulator on many project-associated issues, it did not wish to formally serve on any project committees. However, NYSDEC sent representatives to all meetings of the TAC, Wetlands Subcommittee, and Steering Committee, and to many sessions of the CAC and Monitoring Committee.

CA did not have formal permission to begin Tasks 2 through 14 until October 2003, due to contract complications and delays associated with the completion of Scoping and arranging for final funding of the project. Since that time, CA and its subconsultants have reviewed:

- Federal, State and local regulations, laws, and plans that regulate and otherwise guide mosquito management
- Past and present SCVC operations
- Vector control operations as practiced by jurisdictions close to Suffolk County, and distinctive operations elsewhere in the country
- Impacts of mosquitoes on people and other organisms

- Source reduction measures available to reduce those impacts or the risks associated with them
- Water management practices, especially in salt marshes
- Health and environmental impacts and risks associated with modern vector control pesticides
- Innovations in mosquito control
- Alternative (and non-standard) mosquito control technologies

CA and its subconsultants performed extensive field work and local data collection, including local experimentation and environmental characterizations, including:

- Designing, permitting, constructing, and monitoring a progressive water management project (Open Marsh Water Management [OMWM]) at Wertheim National Wildlife Refuge, in conjunction with US Fish and Wildlife Service (USFWS) and the County
- Designing, permitting, and conducting the Caged Fish experiment of larvicide and adulticide impacts under environmentally relevant conditions, documenting all aspects of the applications and subsequent fate and transport, and testing for biological effects, in conjunction with the County and the US Geological Survey (USGS)
- Identifying and characterizing 21 local wetlands (Primary Study Areas, or PSAs) to serve as a basis for determining environmental impacts associated with water management
- Identifying and characterizing four sentinel areas of the County to allow for careful modeling of the risks to human health and the environment from proposed pesticide applications
- Conducting an assessment of the potential for mosquito control ditches to convey land-based pollutants to the surrounding estuaries

- Testing for changes in invertebrate communities at five pairs of salt marshes from extended exposure to mosquito control larvicide formulations
- Determining the long-term vegetation characteristics at two south shore salt marshes, and relating changes in vegetation patterns to extrinsic environmental changes, such as ditching, changes in land use, major storms, and similar factors
- Monitoring turtle use of upland mosquito ditches near Napeague Harbor, and surveying for their presence in three similar settings
- Surveying additional storm water control structures beyond those identified by preliminary County assessments for the potential to breed mosquitoes that might impact human health
- Testing innovative mosquito control formulations and devices in County environments
- Constructing a Geographical Information System (GIS) database of local vector control information along with other relevant County environmental data sets
- Designing and preparing to implement a test of remote sensing capabilities to ascertain vegetation geographical patterns and temporal trends in County salt marshes

This information was released to the public through 27 separate publications associated with the Literature Search, additional reports connected with other tasks of the project, construction and maintenance of a project website where all relevant information, publications, and presentations were posted, professional presentations at local, national, and international meetings, and through production and dissemination of a project specific newsletter.

This entire process was used to craft the Long-Term Plan, and to determine potential impacts associated with the selected plan and considered alternatives.

1.5 Necessary Permits

The creation of the Long-Term Plan, and its adoption by the Suffolk County Legislature, does not require that any permits be issued. The adoption of the Plan does require SEQRA review of the potential impacts of the Plan, however.

Implementation of the Plan will most likely require the County to obtain many permits. Many agencies and governments of all sorts have regulations that may apply to some of the activities to be undertaken under the Plan. For example, pesticides, because of the Federal Insecticide, Fungicide and Rodenticide Act, are generally regulated by the US Environmental Protection Agency (USEPA); in New York State, pesticides are regulated by NYSDEC, through authority granted by USEPA. Coastal wetlands regulations (through the Coastal Zone Management Act and similar and related legislation) have been promulgated by USEPA, the US Army Corps of Engineers (USACOE), NYSDOS, NYSDEC, and local municipalities and trustees. Similar fresh water regulations may also apply to the Plan. Major federal landowners that may have restrictive policies that affect implementation of the Plan include the National Park Service (NPS) and USFWS.

It is intended that the use of a GEIS will streamline the process involved in acquiring necessary permits. This SEQRA document is intended to address nearly all environmental review requirements that may be associated with the acquisition of any necessary State or local permits. It is understood that the process of receiving any needed federal permits will require compliance with the National Environmental Protection Act (NEPA). The process involved in creating the Long-Term Plan and the crafting of the DGEIS was intended to largely address technical impact requirements associated with NEPA, as well as meeting SEQRA impact assessment requirements. Specific NEPA reviews will be undertaken separately, and are likely to be based on the analysis presented here.

1.6 NEPA Reviews

NEPA (42USC. §§4321, *et seq.*) provides for the preservation of environmental concerns in existing and future statutes; “indirectly” requires that federal agencies weigh environmental considerations into their policies...,” and is considered the parent statute of SEQRA, although

SEQRA also “contains a substantive component compelling environmental compliance in decision-making” (see, Todd Gregory Monahan, *Comment: Seeking the Spirit of SEQRA from Beneath the Paperwork*, 65 Alb. L. Rev. 539, 543-544 [2001]).

The purpose of NEPA is to ensure that environmental factors are given consideration in decision-making by federal agencies. The effectiveness of NEPA stems from its EIS requirement that federal agencies must consider the environmental effects of, and alternatives to, all proposals for major federal actions that significantly affect the quality of the human environment. (Sullivan, *Environmental Law Handbook*, 14th Ed., Ch. 12, §1.0 [Government Institutes, Inc. 1997]; 42USC §4332 (C)). Similar to SEQRA, NEPA requires that agencies review proposed actions by means of an Environmental Assessment (EA), to determine whether an EIS will be necessary. If no EIS is required, the agency may promulgate a Finding of No Significant Impact (FONSI), and is then free to proceed with the action.

In the event that a Federal permit is required for a vector control project or action, the NEPA environmental review requirements must be observed.

Although SEQRA was modeled on NEPA, there are differences between the two statutes. The principle difference is that SEQRA explicitly requires agencies to integrate environmental considerations into their decisions. While NEPA only indirectly requires that federal agencies weigh environmental considerations into their policies, and develop decision-making methodology, SEQRA contains a substantive component compelling environmental compliance in agency decision-making (see, Todd Gregory Monahan, *Comment: Seeking the Spirit of SEQRA from Beneath the Paperwork*, 65 Alb. L. Rev. 539, 544 [2001]). While NEPA has been interpreted as a set of essentially procedural requirements, the “express references to agency decision-making in SEQRA reflect an intention by the legislature to impose both procedural and substantive requirements” (Neil Orloff, *SEQRA: New York’s Reformation of NEPA*, 46 Alb. L. Rev. 1128, 1132 [1982]). Compare and contrast the directive set forth in SEQRA, New York ECL Sections 8-0103(7) and 8-0103(9) with that of NEPA, 42USC §4332(2)(B).

Another significant difference is in the breadth of jurisdiction. NEPA applies only to Federal administrative agencies, while SEQRA applies to many agencies at the State and local level,

including local legislative bodies (acts of the New York State Legislature, courts and the Governor are excluded) (42U.S.C §4332; ECL §8-0105, 6NYCRR §617.5(37)).

Finally, the threshold for requiring an EIS under SEQRA is much lower under SEQRA. An EIS will be required for any action which “may” have a significant impact on the environment under SEQRA (ECL 8-0109(2), while a NEPA EIS is required for actions “significantly affecting” the environment (42USC 4332(C); Gerrard, Ruzow, Weinberg, *Environmental Impact Review in New York*, Ch. 8, §8.03 [LexisNexis [Mathew Bender] 2004]).

In the event that Federal permits or approvals are required for a vector control project, one or more Federal agencies may have the status of “involved agencies” in the environmental review for the project pursuant to SEQRA (6NYCRR §617.2[s]), and the procedural and substantive requirements of both statutes must be observed.

The NEPA process consists of an evaluation of the environmental effects of an undertaking including its alternatives. There are three levels of analysis depending on whether or not an undertaking could significantly affect the environment. These three levels are:

- categorical exclusion determination
- preparation of an EA resulting in a FONSI
- preparation of an EIS

This project was considered significant from its inception and this DGEIS document was part of the original project scope. This will be helpful, but perhaps not sufficient, to meet all procedural requirements associated with any NEPA review of, for instance, a special use permit for mosquito control in Fire Island National Seashore (FINS), pursuant to a separate, FINS-specific plan prepared on the basis of the Long-Term Plan.

The NEPA process calls for meaningful participation by the public and other stakeholders. This was initiated during the public Scoping process, and continued throughout the project through the functioning of the various committees, including the Steering Committee, the TAC, the CAC, and the Wetlands Subcommittee. Additional outreach would be necessary to meet the procedural

requirements, especially those concerning sequences of submittals and determinations, as are associated with NEPA.

NEPA calls for the use of interdisciplinary approaches and principles in decision-making, as well as calling for decisions to be based on technical and scientific information. CA and its team of subconsultants brought extensive knowledge and a wide array of expertise to bear on this project in the development of alternatives. It must be emphasized that the Long-Term Plan was developed through the Long-Term Plan project process; there was no set plan proposed at the beginning of the project that was to be evaluated for its impacts to the environment, as is often the case for SEQRA reviews. Various potential management options were analyzed and evaluated through the many aspects of the program, described above in some detail.

Peer review is also recommended, so that there will be no conflict among resource specialists regarding validity and interpretation of data and resource information. This was accomplished through interaction with the committees referenced above. In addition, the County commissioned blinded peer reviews of specific project documents through the TAC, soliciting and obtaining expert review by outside academics and involved regulators. Finally, the large number of subconsultants involved in this project resulted in considerable internal peer review, as overlapping and interconnected areas of expertise resulted in fertile oversight of prospective plans.

NEPA requires that any EIS contain information relative to the following:

- Purpose and Need
- Alternatives
- Affected Environment
- Environmental Consequences

Each of these required elements are discussed in detail in this DGEIS. In addition, the Directors Order #12 of NPS was referenced to ensure that NPS-specific NEPA procedures and requirements were adhered to. Although this DGEIS is not submitted as a specific NEPA-

compliant document (as certain NPS requirements still need to be satisfied), when all procedural requirements have been addressed, it is possible that NPS may be able to adopt this document (or one very similar to it) to meet any NEPA requirements associated with its permitting needs.

In 2005 and continuing in 2006, additional meetings between the County and NPS have been undertaken. These meetings are intended to develop a FINS-specific mosquito control plan, based on the Long-Term Plan, one that will comply with natural resource management mandates and concerns that are particular to FINS. These meetings have also recognized the requirement to attend to NEPA procedures, in order that NPS can use material prepared by the County and its consultants to meet NEPA strictures. The intention of the County and NPS is to complete the FINS-specific plan and its associated NEPA review in late 2006 or early 2007.

1.7 Completion of the SEQRA Process

In order to complete the SEQRA process, following the determination of completeness in terms of scope and content of this DGEIS by the CEQ, the following additional steps need to be conducted (per the Suffolk County Code §279-5).

1. CEQ will set a public review period for the DGEIS, which will certainly include at least one hearing for comments by the public, and will establish protocols for the submission of written comments.
2. CEQ will forward the DGEIS, all comments received on the DGEIS, the written record of the hearing(s) held, and any recommendations of the CEQ itself to the Legislature and the County Executive.
3. Based on its review, the lead agency (i.e., the Suffolk County Legislature) may, after completing its review of public comments and the DGEIS prepare a Negative Declaration pursuant to SEQRA if it is determined that the proposed action will not have an adverse environmental impact. The County Executive will review this decision, and will approve or veto it. If a Negative Declaration is determined, the Legislature will issue, file and publish the Negative Declaration pursuant to SEQRA, and it will also be filed with CEQ.

4. If the Legislature is unable to issue a Negative Declaration based on the information available, a Final GEIS (FGEIS) will be prepared to address any and all substantive issues that may be raised during the public review of the DGEIS. The Legislature does have the option of considering the adoption of a Negative Declaration if it is determined that no substantive issues have been raised during the public review of the DGEIS (see point 3, above); this would preclude the need for a FGEIS and Findings Statement (see points 5 and 7, below) and allow the Legislature to proceed directly with the adoption of the proposed Long-Term Plan.
5. The FGEIS will be prepared to respond to all substantive comments raised in the review of the DGEIS. After reviewing the submitted FGEIS, CEQ will determine if it is complete (per SEQRA, §617-10), and circulate its notice of completion and the FGEIS, allowing for a suitable comment period.
6. On completion of the comment period, CEQ will forward the FGEIS, its notice of completion, public comments on the FGEIS, and any comments from CEQ itself to the Legislature and the County Executive.
7. If a Negative Declaration was not issued, based on the information and analysis contained in the DGEIS and FGEIS, the Legislature will adopt a Statement of Environmental Findings, which is the final step in the SEQRA process. The Findings Statement will constitute the environmental basis for the Legislature's decision, and either: (a) will establish that the proposed action avoids or mitigates significant adverse environmental impacts to the maximum extent practicable, consistent with social, economic and other essential considerations from among the reasonable alternatives available (Positive Findings); or (b) will establish that the proposed action does not satisfy this prerequisite for approval (Negative Findings).
8. Positive Findings will be issued by resolution of the Legislature, following which the County Executive will approve or veto the resolution. If the resolution is approved, the Legislature can proceed with the official adoption of the Plan.

9. If Negative Findings are issued, either the Legislature can terminate the Long-Term Plan or the FGEIS can be amended and then resubmitted to CEQ, the Legislature, and the County Executive for reconsideration.

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