

## **STATEMENT OF FINDINGS**

State Environmental Quality Review Act  
Division of Fish and Wildlife  
Wildlife Management Areas and Other Lands

Pursuant to Article 8 (State Environmental Quality Review Act - SEQRA) of the New York State Environmental Conservation Law (ECL) and the implementing regulations in Part 617 of Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York (6 NYCRR), the Department of Environmental Conservation (DEC or the Department), as lead agency, makes the following findings:

### **I. NAME OF ACTION**

Adoption of Supplemental Final Environmental Impact Statement (SFEIS) to update the "1979 Final Programmatic Environmental Impact Statement on Habitat Management Activities of the Department of Environmental Conservation Division of Fish and Wildlife" (PEIS).

### **II. ACCEPTANCE DATE OF SFEIS**

This SFEIS, which amends the PEIS dated December 15, 1979 and is posted on DEC's website at [http://www.dec.ny.gov/docs/wildlife\\_pdf/eishabitat.pdf](http://www.dec.ny.gov/docs/wildlife_pdf/eishabitat.pdf) was adopted by DEC December 11, 2017.

### **III. LOCATION**

Statewide on public land classified as wildlife management, multiple use, and unique area.

### **IV. DESCRIPTION OF THE ACTION**

#### **A. Background**

The Division of Fish and Wildlife (DFW) manages over 230,000 acres of wild state land for wildlife reproduction and wildlife-dependent recreation using a variety of methods. These methods were described, and their environmental impacts analyzed in the 1979 PEIS.

Through this SFEIS, DEC updates and amends the 1979 PEIS as follows. Other than as modified by this supplement, the original PEIS remains in full force and effect.

#### **B. Proposed Management Changes and Updates**

1. Deletions:
  - a. Removal of certain invasive species planted for habitat.
  - b. Removal of the use of explosives for creating habitat.
  - c. Removal of the use of poisons for killing wildlife.
2. Revisions:
  - a. Maintaining up to 5,000 acres of agricultural habitat to benefit wildlife and recreation.
3. Additions:

- a. Preparation of Wildlife Management Area plans.
- b. Use of even-aged forest management to enhance wildlife habitat.
- c. Use of selected herbicides to control undesirable vegetation.
- d. Use of approved organisms to control invasive species.
- e. Use of grazing livestock to control vegetation as needed.

## **V. ANALYSIS OF IMPACTS**

### **A. Preparation of Wildlife Management Area plans.**

1. Beneficial Impacts: Improving information available for making informed habitat management decisions, improving continuity of management, documenting management for analysis and modifications if warranted.
2. Adverse Impacts: None

### **B. Use of even-aged forest management to enhance wildlife habitat.**

1. Beneficial Impacts: Where implemented, and in conjunction with selective practices, the technique will create habitat for declining species of wildlife including endangered and threatened species.
2. Adverse Impacts: Temporary adverse impacts could include erosion, noise, odors and recently-cut areas that some members of the public may find unsightly. Impacts to sensitive species, such as bats and forest-nesting raptors will be avoided through monitoring and screening before conducting work. Scheduling work outside of wildlife reproduction and other sensitive periods will prevent adverse effects. Habitat for some common forest-dwelling species may be reduced but their survival may increase through greater food abundance.

The impact of planned even-aged management on atmospheric carbon levels will be minimal. Overall, a small short-term decrease in carbon storage, followed by a small increase in carbon storage can be expected. These effects will likely cancel each other and any overall effect-beneficial or adverse-will be negligible.

### **C. Vegetation Management with Herbicides.**

1. Beneficial Impacts: Judiciously used, herbicides control or eradicate invasive vegetation, maintaining or restoring habitat so that it is suitable for wildlife, including that endangered and threatened.
2. Adverse Impacts: Adverse impacts can be significant if herbicides are not selected and used properly. These include harming non-target plants and animals, polluting water, and potential harm to the applicator. These impacts can be avoided or significantly reduced by:
  - Selecting a formulation, type of application, and timing that is effective for the situation and has the minimum possible adverse effects.

- Following all the herbicide label directions including using appropriate personal protective equipment.
- Notifying potentially-affected nearby residents well in advance of an application.

The Department regulates herbicides independently of the EPA, researching impacts and providing additional protection from adverse effects.

#### D. Biological Control of Invasive Species

1. **Beneficial Impacts:** On-site, targeted, effective, and economical control of selected invasive species without the potential adverse effects and cost of alternative means such as herbicides or physical removal.

2. **Adverse Impacts:** Consumption or other damage to non-target vegetation or impacts to other non-target species which could result in significant population loss. These adverse impacts are avoided by requiring thorough testing before approving the introduction of any organisms into the state to ensure they do not harm non-target species. Release of biological control organisms requires both a federal permit from USDA APHIS as well as a DEC Liberation of Fish and Wildlife license. All biological control organisms are thus independently reviewed to ensure their safety.

#### E. Conservation Grazing

1. **Beneficial Impacts:** Effective control of vegetation allowing habitat to become or remain viable for wildlife, including endangered and threatened species.

2. **Adverse Impacts:** Overgrazing, undesirable nutrient enrichment (eutrophication) and reduction of water quality and potential trampling of wildlife. These impacts are avoided through low stocking rates, careful selection and management of grazers and fencing. When the desired level of grazing has been reached, the animals are removed. Trampling is avoided by knowing the location of sensitive species and keeping grazers out of those areas.

### **VI. MITIGATION**

The practices identified above were analyzed and determined not to have significant adverse impacts when implemented with the relevant best management practices, conditions, and restrictions adopted by the DFW.

### **VII. ALTERNATIVES**

#### A. Rejected Alternatives

1) Wildlife Management Area plans: The alternative of not preparing habitat and access plans for WMAs was considered. This alternative was rejected because it would not provide the guidance and continuity required to appropriately and effectively manage WMAs.

2) Forest Management Practices; Even-aged forest management: The alternative of only using uneven-aged or “selective” forest management to regenerate forest stands was considered. This would lead to the germination, growth, and replacement of only shade-tolerant trees and not provide food or habitat for most declining target wildlife. With very limited light penetration, any understory vegetation, essential for wildlife, would quickly be consumed by deer. Native biodiversity would decrease significantly.

The alternative not to manage forests was also considered. This would lead to closed canopies and very slow replacement of any forest trees. Mast-bearing trees would be diminished, providing little food for wildlife. With virtually no light reaching the forest floor, there would be almost no understory vegetation providing no habitat or food for wildlife. Native biodiversity would decrease considerably.

3) Herbicides: The alternative not to use herbicides in the WMA system was considered. By removing a key tool for controlling undesirable vegetation, this alternative would lead to the growth and expansion of existing invasive species stands and to the colonization of new areas. The control of some species, such as *Phragmites australis*, is nearly impossible without the use of herbicides. This alternative would significantly reduce native biodiversity and habitat, adversely affecting rare and at-risk species and potentially leading to local extirpation.

4) Biological control of Invasive Species: The alternative of not using organisms such as insects to control invasive species removes a key option in the control of invasive species, including the control of forest pests that may cause the extinction or extirpation of trees such as ash and hemlock.

5) Conservation grazing: The alternative not to use livestock to graze and control vegetation removes an important and low-impact option for habitat management. While currently grazing is not widely practiced, it remains a low-cost and low-impact option for managing and improving habitat, including that of at-risk species.

6) No-Action Alternative: The no-action alternative would not update the 1979 PEIS. The DFW would be required to evaluate the impact of the above habitat management activities every time it sought to implement them, leading to costly, inefficient, and untimely management of wildlife habitat in the WMA system.

## B. Findings of Preferred Alternatives

1) Wildlife Management Area plans: Preparation and promulgation of Wildlife Management Area plans will guide current and future habitat management and provide consistency, transparency, continuity, and effective management.

2) Forest Management Practices; Even-aged forest management. Manage forests in the WMA system using even aged silviculture towards the goal of reaching 10% of the forested landscape as young forest (approximately 0- 10 years old). Uneven-aged management will continue when and as appropriate.

3) Herbicides: Will be used as part of an Integrated Pest Management (IPM) strategy to eradicate or control harmful invasive-exotic or undesirable competing species. Selective use, conditions, and precautions will avoid or significantly reduce adverse effects.

4) Biological Controls: Release of biological control organisms, after national and state review, as a tool to control invasive species as part of IPM.

5) Conservation grazing: Use of livestock such as goats, sheep, or cows to control invasive species, restore degraded habitats, and maintain desired ecological stages to provide critical habitat for at-risk wildlife.

6) Amend 1979 PEIS: Amend and update the 1979 PEIS through supplement (SFEIS). This action will allow the DFW to implement the techniques described facilitating and expediting the responsible and efficient management of natural resources. Through the adoption of this SFEIS, the public will be kept informed of the DFW's current management goals and techniques.

## **VIII. COASTAL CONSISTENCY REVIEW**

Several of the locations managed by the DFW fall within the "Coastal Zone" of New York as defined by the Department of State, requiring a review for consistency with the Coastal Zone Management Act of 1972 as implemented through the Coastal Management Program (CMP) of 1981. The DFW recently prepared a Coastal Assessment Form and determined that its activities fall primarily within the "Fish and Wildlife" and secondarily within the "Agriculture" sections of the CMP. By protecting and managing sensitive habitats, its goals and actions are supportive of the fish and wildlife policies of the CMP. By helping wildlife and providing access to productive agricultural lands, its actions are consistent with the agricultural policies of the CMP.

## **VIII. CERTIFICATION OF FINDINGS TO APPROVE**

Having considered the SFEIS, 1979 PEIS, and Coastal Assessment Form, and having considered the preceding written facts and conclusions relied upon to meet the requirements of 6 NYCRR § 617.9, this Statement of Findings certifies that:

1. The requirements of Article 8 of the ECL (SEQR), as implemented by 6 NYCRR Part 617, have been met;

2. Consistent with social, economic and other essential considerations, from among the reasonable alternatives available, the actions chosen are ones which avoid or minimize adverse environmental effects 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 and the management actions described herein those measures which were identified as practicable; and

3. The actions described in the 1979 PEIS as amended by the SFEIS (2017) are fully consistent with the Coastal Zone Management Act of 1972 as implemented through the Waterfront Revitalization and Coastal Resources Act of 1981 and the policies of New York's Coastal Management Program.



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Basil Seggos  
Commissioner  
New York State Department of Environmental Conservation

December 11, 2017

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Date