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# Draft

# Environmental Assessment

for

Marion Beggs Point Park (Town of Essex)

and the

Cloud Property (Columbia County)

This document produced by the:

Town of Essex

and the

NYS Office of Parks, Recreation and Historic Preservation

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### 1.1 PURPOSE

The purpose of this Environmental Assessment (EA) is to evaluate potential environmental impacts resulting from a Conversion of 2.23-acres of parkland in the Town of Essex, New York (the Town) known as Marion Beggs Point Park. The proposed action is the transference of Land and Water Conservation Fund (LWCF) compliance requirements from this site to +/-130-acres of private lands (the Cloud Property) contiguous with Lake Taghkanic State Park, in Columbia County, New York. These lands are being acquired by the NYS Office of Parks, Recreation, and Historic Preservation (OPRHP) as replacement for this Conversion, as required by Section 6(f)3 of the LWCF Act of 1965, as amended.

NPS will not consider a Conversion unless “[a]ll practical alternatives to the proposed Conversion have been evaluated.”<sup>1</sup> Part of meeting this requirement is demonstration that an adequate environmental review has been completed. Because LWCF is a Federal program, all environmental reviews must be completed pursuant to the National Environmental Policy Act of 1969, as amended (“NEPA”)<sup>2</sup>. There are many pathways that an action could take to satisfy NEPA; these include a Categorical Exclusion (“CE”), completion of an EA, or completion of an Environmental Impact Statement (“EIS”). The NEPA pathway for this project is an EA because the proposed action does not meet the criteria for a CE and is not included in the list of actions that normally require an EIS.

This EA provides a framework for the Town and OPRHP to evaluate potential environmental impacts of the proposed action. Chapter 1 covers the purpose, need, scope and background of the proposed action. Alternatives are discussed in Chapter 2. The core of this EA is Chapter 3 and 4, which contain an assessment of the presence or absence of various environmental resources (Chapter 3), and the determination of level of impact (Chapter 4) for both the property being Converted (Marion Beggs Point Park) and the property coming under 6(f) protection (Cloud Property). The list of environmental resources assessed is derived from the NPS’ Environmental Screening Form<sup>3</sup>. The potential impact to these resources, as described in this EA, will be reviewed by NPS as part of the Conversion process. The EA concludes with Chapter 5 covering consultation and coordination.

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<sup>1</sup> 36 C.F.R 59.3(b)(1). Also, LWCF Manual Chapter 8(e)(3)(a) at page 8-5.

<sup>2</sup> Section 6(f)(3) Conversions. Pursuant to 36 CFR 59.3, the scope of the environmental review for Section 6(f)(3) Conversions is the entire Section 6(f)(3) park proposed for Conversion, including for partial Conversions, and lands proposed for replacement including the proposed development for public outdoor recreation use and associated activities. Resources beyond the existing Section 6(f)(3) area are not subject to review unless required by other federal compliance programs.

<sup>3</sup> See Part 6 of Proposal Description and Environmental Screening Form (NPS Form 10-904).

## 1.2 NEED

The underlying problem is a co-located public drinking water supply system within and adjacent to an LWCF-funded site. The Town cannot comply with an EPA mandate and NYS DOH Consent Order for the community drinking water source and treatment.

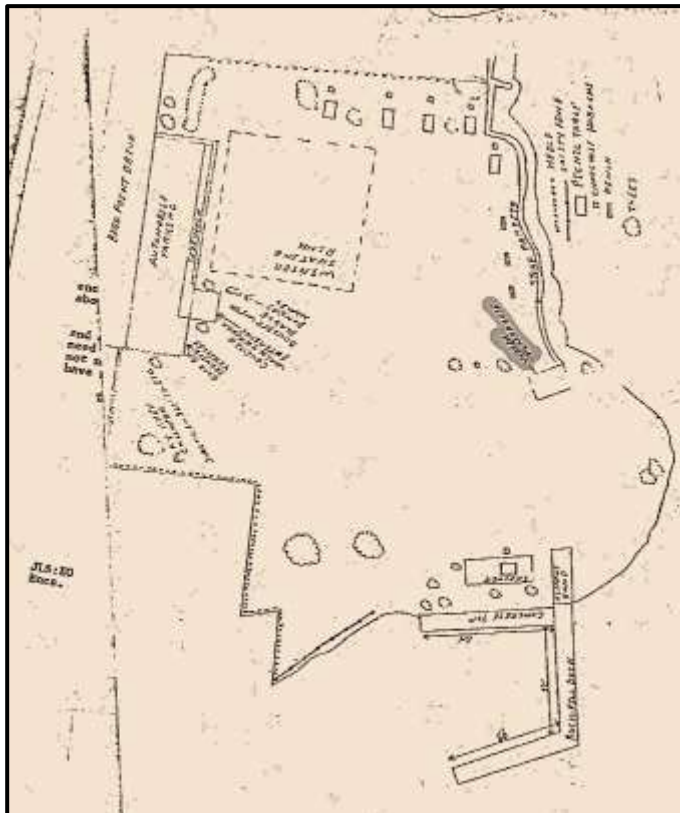
There are no viable alternatives to obtain and treat drinking water within the Town other than an expansion of the drinking water treatment system into the LWCF-funded site.

The mandate, Consent Order, and upgrade and expansion of the Town drinking water system will collectively be referred to as the “precipitating action”, whereas the Conversion will be referred to as the “proposed action”.

The Conversion will allow the Town to use the Park’s land to expand and improve the Town of Essex Drinking Water System while also improving the public outdoor recreation experiences offered at the Park. New York State Parkland protections will remain in effect and no net loss of parkland will occur. The completion of the proposed action will result in the continued co-location of the Essex Drinking Water System (supply and treatment) within the Park. The Conversion will also enable the Town to comply with Environmental Protection Agency (“US EPA”) and New York State Department of Health (“NYS DOH”) mandated improvements to the Essex Drinking Water System under the Safe Water Drinking Act while maintaining and enhancing park amenities.

## 1.3 PROPOSED WATER INFRASTRUCTURE PROJECT

Lake Champlain has been the primary source of supply for drinking water in the hamlet of Essex since the 1930s. As with any water supply, the appurtenant facilities, such as a



pumphouse or water-treatment facility have always been close-by the source-- near the supply intake. Early in the 1970s, the Town of Essex began to assume responsibility and ownership for the original three private systems serving the hamlet. At the same time, the Town of Essex began to initiate a community development program that involved land acquisition (two parcels), drinking water infrastructure improvements, recreational facilities, and recognition of the community’s historic resources. To all these ends, and over the course of the 1970s, the Town of Essex began to acquire land at Beggs Point for public shoreline access and

build both a modern community water system and community park.

Design plans for a pumphouse and treatment plant were submitted to NYS DOH in June of 1975, and subsequently were built on Beggs Point contemporaneously with the development of a park at the same location. During this same time period, \$37,500 in LWCF funds were applied for and obtained (1975-1977), The LWCF grant was for both acquisition and development of the park. The grant was awarded in April of 1975. It had 2, 1-year extensions and expired 12/31/79. The grant also identified a 20' x 20' area that would not be included within the park project area. This area is the footprint of the existing drinking water pump house and treatment facility. The Essex Historic District was nominated to the State and National Registers of Historic Places on May 28, 1975. (See hand-drawn map.)

The Town always envisioned these uses and designations as complimentary ones that assisted the Town of Essex to revitalize, celebrate its history, provide safe and secure drinking water supply, shoreline access, and recreational space.



More recently, NYS DOH has mandated the Town of Essex to upgrade the public drinking water system serving the hamlet of Essex.

Accordingly, the Town has proposed renovations and upgrades in the Town's Park, including a minor expansion of its existing water treatment plant located on Town parkland. Upgrades include installation of a water fountain, aesthetic improvements to the building façade, and constructing a public restroom and an observation deck.



The mandated upgrades to the public drinking water system and its coterminous location within Park have triggered this Conversion action.

The Town of Essex sees a unique opportunity presented by the mandated drinking water system improvements that enables park enhancements and new amenities to be added to the Park and to integrate the public facility uses in an aesthetic manner.

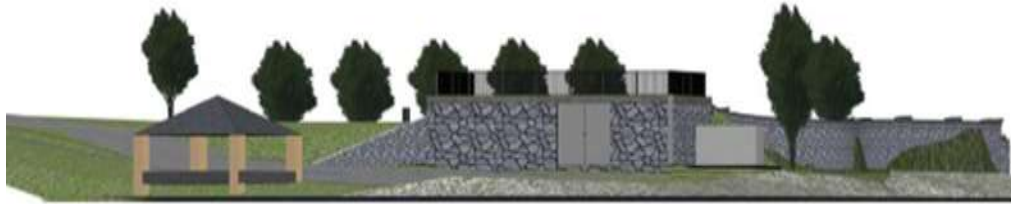


The proposed building modifications will provide the park with an easily located public restroom and water fountain. The ADA-compliant heated bathroom will provide a family restroom immediately accessible to the park and be open year-

round. The exterior of the building will utilize stone fascia in order to blend with existing natural and constructed stone features including a stone wall and small stone structure. The proposed observation deck will blend with the existing topography

at the site to create a smooth transition between the park area and viewing platform. The platform will be approximately 783 ft<sup>2</sup> and will consist of an open area surrounded by a railing. New plantings will be strategically placed to ensure that the building environs are screened from the observation of lake users.

The proposed improvements will comply with EPA and NYS DOH drinking water regulations and increase water quality through the installation of a new treatment process. They will offer the public the advantages of access to potable water as well as a restroom.



These enhancements are designed to improve the public’s recreational use and amusement while using the Park and, thus, are not a prohibited diversion of parkland to a non-park use. Park improvements can be shown to serve park purposes and “contribute to the use and enjoyment” of the park.

This approach to integrate and enhance park functions and amenities with the operation of the treatment plant is based upon negotiations with NYS DOH. The viewing platform, bathroom, and potable water access-location provides all these for the lakeside pavilion, dockage, and in general for park visits. NYS DOH would normally require the site to be secured and fenced, which would make it off limits to park visitors. In keeping with the Town of Essex’s desire to provide a blended and integrated park-treatment plant interface, NYS DOH has agreed with alternative security measures that are less intrusive. The proposed expansion and improvements to the treatment plant located within Park also provide a singular opportunity to enhance park amenities. A restroom, water fountain, and viewing platform, together with the façade improvements will add significant value to park amenities—compared to what is there now. The facade improvements make the plant appear to be part of the 19th century walls and remains of the Nail Factory and contributes to the pleasurable nature of the site environs.

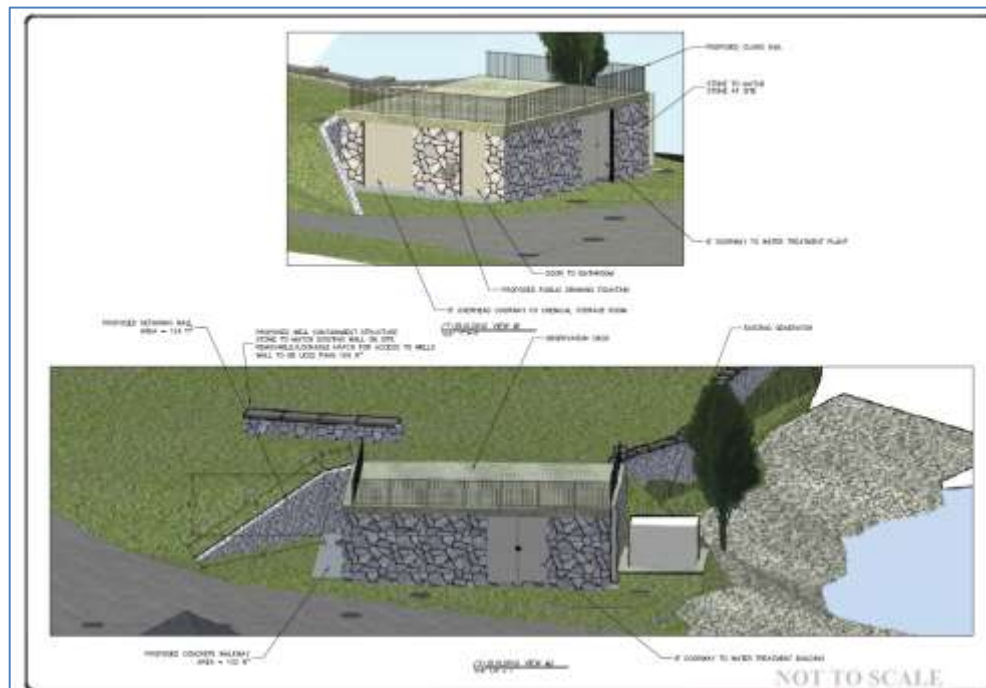
Safe drinking water is the lifeblood of the community. The Park is an important economic resource for Essex, providing visitors and residents with shoreline access, lake vistas, and recreational space. Once the NYS Environmental Facilities grant-funded water improvement project opportunity passes (FY 2020), there are no guarantees that enhancements and park amenities will be made any time in the near future.

After considerable review of this proposed action by the Town of Essex, the NPS determined that although the improvements do enhance recreational opportunities at Park, under current regulations, the action triggers Conversion of parkland and at a minimum, substitute land of at least equal fair market value and reasonably equivalent recreational usefulness must be provided.

*Note: A link to a larger version of the Existing Conditions and Proposed Improvements at Beggs Park can be found at:*

[http://www.essexnewyork.com/wp-content/uploads/2019/11/Essex-Water-SEQRA-Type-1-NEG-DEC-Package-10-23-17\\_reduced.pdf](http://www.essexnewyork.com/wp-content/uploads/2019/11/Essex-Water-SEQRA-Type-1-NEG-DEC-Package-10-23-17_reduced.pdf)

This Conversion was triggered by a project to improve drinking water quantity and quality in the Town of Essex. The following is a description of that infrastructure project, as well as some of the mitigating actions that will be undertaken to mitigate environmental impacts.





The Park site is proximate to the existing water distribution system and hosts the raw water supply from two onsite wells and the intake pipe for Lake Champlain surface waters. The project consists of an expansion of the existing building to accommodate equipment for an NYS DOH approved water treatment process, as well as construction of a chemical storage room, public bathroom, water fountain, and rooftop viewing platform.

Proposed construction will take place in areas previously disturbed by activities related to construction and installation of the initial building, chlorine contact tank, backwash effluent tank, parking lot, and retaining wall. In areas where no evidence of previous ground disturbance was found by observation or in documentation, an archaeological survey has been carried out, specifically in the area of the proposed force main. No construction activities will take place within the boundary of the mean high-water mark, set at an elevation of 99.8'. The precipitating construction activities are localized to less than 14% of the overall site.

The proposed upgrade to the existing water treatment process will consist of replacing the existing treatment train with three (3) new, DOH approved conventional filters, raw water pumps, backwash pumps, discharge pumps, necessary piping and valves as well as new chemical feed pumps, pressurized carbon filtration unit, UV disinfection units and associated process meters and controls. Additionally, a chemical storage room, rooftop viewing platform and a bathroom will be constructed in the expanded area. Due to the needed expansion, the building will become higher and wider with an increased building footprint; however, the expansion will not decrease the distance between the building and the edge of Lake Champlain. To accommodate the new process equipment required by the DOH and USEPA orders and for construction of the bathroom and chemical storage room, the building footprint will be expanded from 432 ft<sup>2</sup> to 783 ft<sup>2</sup>.

The exterior of the new building will utilize stone fascia to blend with existing stone features (a stone wall and small stone structure). The observation deck/platform will be approximately 783 ft<sup>2</sup> and will consist of an open area surrounded by a railing. The building elevations will remain approximately equal to the existing conditions; the height of 9' may be increased to 9.5' to 10' with the construction of the viewing platform and base for the railings surrounding the platform. The platform railings will be approximately 4' in height as required by the building code. The building finished floor elevation will match existing conditions and set at an elevation of 105.66', which is 3.36 feet above the 100-year flood level of 102 feet.

The building expansion will create increased floor area through construction of a new front and side wall. The width of the southwest side of the building will increase by 10', however, the increase will not decrease the distance from the building to the mean high-water mark of the lake. The increased building width will be due to the construction of the separate chemical storage room and bathroom. These will be located on the

western side of the building; therefore, the width of the building will increase away from the lake. The closest point of the proposed sidewall expansion is separated horizontally by 39' from the mean high-water mark of 99.8'.

The building front (southeast side) will be expanded by 7' to provide increased area in the process room. This will align the building with the existing edge of the parking area. The proposed front wall expansion will not decrease the distance from the building to the mean high-water mark of Lake Champlain. The closest point of the proposed front expansion is separated by 23' from the mean high-water mark of 99.8'. Lake users will be shielded from the front aspect of the building using vegetative screening.

The two on-site production wells will be enclosed in a wall constructed of stone that matches the stone features located at the site. The wall will provide an area for park users to relax, but will also protect the pump casings from accidental damage. The wall will have a removable hatch and will be secured using a lock to ensure that no non-permitted persons may tamper with the well casings. The wall will not exceed an area of 100 ft<sup>2</sup>.

The proposed building will provide the park with an easily located public restroom and water fountain. The proposed restroom will be ADA compliant and will include a toilet, sink, and a changing station for infants. The bathroom will have an area of approximately 72 ft<sup>2</sup>, providing ample area for handicapped accessibility and adequate room for movement within the bathroom. The bathroom and water fountain will be accessed by a concrete walkway that will be flush with the floor of the building and will slope away from the building to allow for runoff to flow toward lower elevations away from the bathroom and water fountain. The water fountain will be mounted on the wall of the building, directly adjacent to the bathroom and will feature a spout as well as a faucet to allow for filling of water jugs and water bottles.

Wastewater will flow from the bathroom, water fountain, and treatment process (backwash) drains into a small pump station located on the opposite side of the parking area, to the north of the pavilion. The pump station consists of an underground tank and grinder pump as well as associated float controls. The pump station will pump up to the existing municipal gravity sewer located to the west of the site and will convey all wastewater from the water treatment building and public bathroom. Through the installation of the proposed treatment system and force main, the direct outfall of backwash effluent into Lake Champlain will be eliminated from the site. Therefore, the need for a SPDES permit will be eliminated.

The proposed improvements will not only increase water quality through the installation of a new treatment train but will offer the public the advantages of access to potable water as well as an observation deck that effortlessly directs attention on the area's natural beauty. To shield users of the lake from the proposed development, plantings

will be strategically placed to ensure that the building and associated generator are screened from the observation of lake users.

## 1.4 BACKGROUND

### **Geographic Information**

Name of park or recreation area proposed for Conversion: Marion Beggs Point Park

Parcel Information: Town of Essex, parcel tax map number is 40.73-3-22.004

Address: 22 Beggs Point St. Essex New York 12936. This parcel is classified on the 2017 Final Assessment Roll as a Picnic Site, owned by the Town of Essex.

Description of the area proposed for Conversion:

The area is an irregular shaped site with a front dimension of 140 feet of road frontage along the east side of Beggs Point Street (Beggs Point Drive) and 25 feet of frontage on the south side of Beggs Point Street (Beggs Point Drive). There is also ~800 feet of water frontage on Lake Champlain.

The site is level then slopes towards the shoreline of Lake Champlain. The elevation is at 100 feet from Beggs Point Street then gently slopes downward towards Lake Champlain.

Acreage to be converted: 2.23

Acreage remaining in LWCF 6(f) protection: 0

### Locational Analysis

The town is on the eastern edge of Essex county. It is 17 miles (27 km) south-southwest of Burlington, Vermont, which is on the opposite shore of Lake Champlain, 32 miles (51 km) south of Plattsburgh, 94 miles (151 km) south of Montreal, Quebec, and 135 miles (217 km) north of Albany, New York. Essex County is inside the Adirondack Park.

### **Description of the community and population served by the park, including users of the park and uses.**

Essex is a town in Essex County, New York, United States overlooking Lake Champlain. The population was 671 at the 2010 census. The racial makeup of the town was 99.72% White, 0.14% Native American, and 0.14% from two or more races. Hispanic or Latino of any race were 0.14% of the population.

As of the last Census, there were 302 households out of which 24.2% had children under the age of 18 living with them, 51.0% were married couples living together, 9.9% had a female householder with no husband present, and 33.1% were non-families. 27.5% of all households were made up of individuals and 12.3% had someone living alone who was 65 years of age or older. The average household size was 2.35 and the average family size was 2.79. The median age was 45 years. For every 100 females there were 105.5 males. For every 100 females age 18 and over, there were 98.2 males.

The median income for a household in the town was \$37,596, and the median income for a family was \$40,104. Males had a median income of \$26,905 versus \$19,583 for females. The per capita income for the town was \$20,087. About 10.8% of families and 11.0% of the population were below the poverty line, including 15.1% of those under age 18 and 9.5% of those age 65 or over.

The entire hamlet of Essex is situated among quaint shops, cafes, and restaurants, including the newly renovated Essex Inn. Most notable for their placement on the National Register of Historic Places, the entire hamlet is included on the Registry. The Park is a point of interest for visitors and community residents. Tourists walk the Historic District and stop at the park on Lake Champlain where horseshoe nail and window sash factories were located before burning down in the early 1900s. Visitors and residents enjoy the scenic vistas, site history, playground, fishing pier and boat launch. Various local groups, such as Essex Initiatives, host events and activities at the park.

The Town does not collect data on specific park users. However, it is reasonable to assume that the Park is used year-round by residents and by visitors during the tourist season.

This chapter provides information for the interested and affected public and decision-makers to understand why the proposed alternative was selected from a range of alternatives that were evaluated and considered. The term “range of alternatives” refers to the set of all reasonable alternatives as well as other alternatives considered but eliminated from detailed analysis (46.420(c); Q1a). The range of alternatives evaluated in this EA reflects the complexity of the proposal and extent of related environmental issues.

Three alternatives were considered by the Town in consultation with OPRHP and NPS. These alternatives were: No Action, a Small Conversion, and a Full Conversion.

### 2.1 NO ACTION

This alternative proposes no Conversion of any portion of Marion Beggs Point Park.

The Town stands in violation of federal and state drinking water regulations and standards. Legally binding Orders and possible fines from NYS DOH and the US EPA require the Town to take action. Under the EPA and DOH Consent Orders, the Town explored four options for providing safe drinking water:

1. Drilling wells on private lands with adequate groundwater supply
2. Drilling wells on Town property outside the shoreline setback
3. Buying water from a neighboring town
4. Moving the treatment plant outside the setback 6(f)-protection area.

Regarding the first option, the Town was unable to locate a willing private owner with enough water to supply the Town. According to the NYS DOH, the Town considered 20 sites for new wells.

The Town does not own property with an adequate groundwater supply in proximity of the water distribution system. Therefore, the second option was not feasible. However, the Town will use two wells located in Park near the authorized water treatment facility, as recommended by NYS DOH. The wells will not provide sufficient water during times of peak demand, so the Town will continue to draw from surface water in Lake Champlain. The Town will use the upgraded water treatment facility to treat the well water and also surface water from Lake Champlain during times of peak demand.

The cost of connecting to another town's water supply and contracting with that town would exceed the Town's NYS Environmental Facilities Corporation water improvement grant and user fees. Therefore, the Town could not pursue the third option.

Regarding the fourth option, the Town considered a location adjacent to the Town's water tower. This location did not have the acreage to accommodate a new treatment plant and any construction would have involved significant ground disturbance, including blasting bedrock. Also, the Town does not have sufficient funds to relocate the water treatment facility and to decommission the old treatment plant in the Park.

The adverse consequences of no action include the potential that the Town will continue to be out of compliance with DOH and EPA requirements for drinking water. This consequence carries public health ramifications if the drinking water supply for Town

residents is not safe. Therefore, the No Action alternative is found to be infeasible and rejected.

## 2.2 SMALL CONVERSION

This alternative proposes to convert a portion of Marion Beggs Point Park, comprising only the footprint of the expanded water treatment building. This expansion would provide area for chemical storage and an ADA-accessible public bathroom., and would constitute less than one percent of the Park's total area.

Based upon consultation with NPS and OPRHP staff during 2017, the size of the proposed Conversion was carefully contemplated. The Town, State and NPS collectively concluded that, should the Town need to further expand the subsurface equipment of the drinking water distribution system, the Town would need to submit for another Conversion and provide another replacement parcel. Thus, this alternative was rejected for not meeting the Town's needs or the needs of the LWCF program.

From August 2017 through February 2018, the Town attempted, in good faith, to identify suitable local and nearby properties that would qualify as replacement lands for a Small Conversion. More than five parcels were identified and none qualified under the regulations. After an exhaustive search for exchange parcels, the Town could not find a qualified parcel in the town or in nearby towns resulting in a failed search for "substitute land that offers reasonably equivalent recreation opportunities" within the Town of Essex. After exhausting all local options for exchange, the Town appealed to New York State for help. In February 2018, OPRHP agreed to acquire a substitute parcel for the Conversion.

## 2.3 FULL CONVERSION

This alternative proposes to Convert the entirety of Marion Beggs Point Park.

The Town considered existing New York State law and regulations, and determined that they provide adequate protections to insure continued public outdoor recreational land use. Furthermore, the precipitating activities stabilize and support the recreational viability of the site by improving amenities and services to park users.

The Town determined that removing the entire Park from the Land and Water Conservation Fund estate would allow them the flexibility to conduct further expansions to the drinking water system and make park enhancements, as a matter of public health and safety, while still under the protection of the NYS Legislature as Parkland. The Park will continue to be maintained as Parkland.

## 2.4 SELECTION OF PREFERRED ALTERNATIVE

A preferred alternative is the alternative that "would best accomplish the purpose and need of the proposed action while fulfilling [LWCF] statutory mission and responsibilities, giving consideration to economic, environmental, technical, and other factors" (46.420(d)). In this case the preferred alternative is the Full Conversion.

The Council on Environmental Quality (CEQ) requires that the proposed action consider connected and similar actions during a NEPA review: "Proposals or parts of proposals

which are related to each other closely enough to be, in effect, a single course of action” are to be evaluated in a single NEPA document (1502.4). Consequently, the Federal and State-mandated improvements to the Essex Drinking Water System are directly linked to the status of the Park as a grantee of the LWCF. The “do nothing” alternative is infeasible and inappropriate because the Town of Essex stands in violation of federal and state drinking water regulations and standards that impact public health and safety. Doing nothing, and therefore not triggering an LWCF Conversion, would endanger public health and safety and violate both Federal and State public drinking water requirements.

The partial Conversion of the park, due to the expansion of the drinking water treatment building in to the LWCF Section 6(f) protected park area, would not allow the Town the needed flexibility to make future expansions or improvements to the drinking water system without converting additional park acreage. Although the Town has merged two municipal functions — that of providing a drinking water treatment facility for the benefit of the public-at-large and an outdoor recreation facility for the recreating public — their co-existence does not meet LWCF requirements.

The Town and State have concluded that converting the entire LWCF Section 6(f) protected area of Marion Beggs Point Park is the Preferred Alternative.

The Town recognizes that the Conversion will remove Federal 6(f) protection from the park. However, existing parkland protections under New York State case law will continue. Existing land uses as a public park and drinking water system will not change due to the Conversion.

Improvements and expansion of the water treatment plant and appurtenant facilities will be integrated into the park setting, park amenities added, and enhancements to the landscaping and stormwater management will be installed.

In addition, the Preferred Alternative will allow the Town to invest in an infrastructure project that benefits outdoor recreation.

The Conversion alternative enables the Town to protect public health and safety in a manner that respects the public interest and the Town’s fiduciary responsibilities to the water system users. All other alternatives were technically and/or economically infeasible and would have placed an unreasonable economic burden on the community and its people.

Following the Conversion, public access will continue to be provided on the converted parcel. The park will continue to provide passive and active recreational opportunities including picnicking, lake access, scenic vistas, and contemplative activities. The site will also continue its historical and customary use as a park and drinking water treatment plant. There will be no loss of public outdoor recreation parkland and recreational usefulness as a result of this Conversion. The Park will remain under New York State legal protections.

## 2.5 ALIGNMENT WITH STATEWIDE COMPREHENSIVE OUTDOOR RECREATION PLAN

The Conversion is in accord with the below themes of the [2020-2025 Statewide Comprehensive Outdoor Recreation Plan \(SCORP\)](#).

1. Keep the outdoor recreation system welcoming, safe, affordable, and accessible.
2. Improve the visitor experience.
3. Restore and enhance the State outdoor recreation system with an emphasis on conservation and resiliency.

Furthermore, the Conversion and its precipitating events will support the following SCORP recommendations, either directly or indirectly:

- Encourage the use of trails to increase physical activity as well as reduce the risk of many chronic diseases.
- Continue to inventory important ecosystems and natural connectors.
- Continue to develop interstate, statewide, regional, and local approaches to protect biodiversity.
- Encourage open space preservation by assessing lands adjacent to public outdoor recreation sites for future acquisition potential.
- Encourage the protection and/or acquisition of critical connectors between parks and open space acquisition of in-holdings and important properties adjacent to existing public landholdings.
- Ensure that the acquisition of open space resources is consistent with the approaches and recommendations identified in the NYS Open Space Conservation Plan.
- Encourage the use of fee and non-fee acquisition as well as other techniques in the protection of important open space, scenic, historic, and ecologically sensitive areas.
- Enhance habitat connectivity and reduce habitat fragmentation.
- Expand climate resiliency and adaptation efforts.
- Promote wildlife management efforts that improve biodiversity in parks and natural areas.
- Preserve, connect, and enhance natural areas and ecosystems to improve biodiversity.



### 3.1 PROPERTY TO BE CONVERTED (MARION BEGGS POINT PARK)

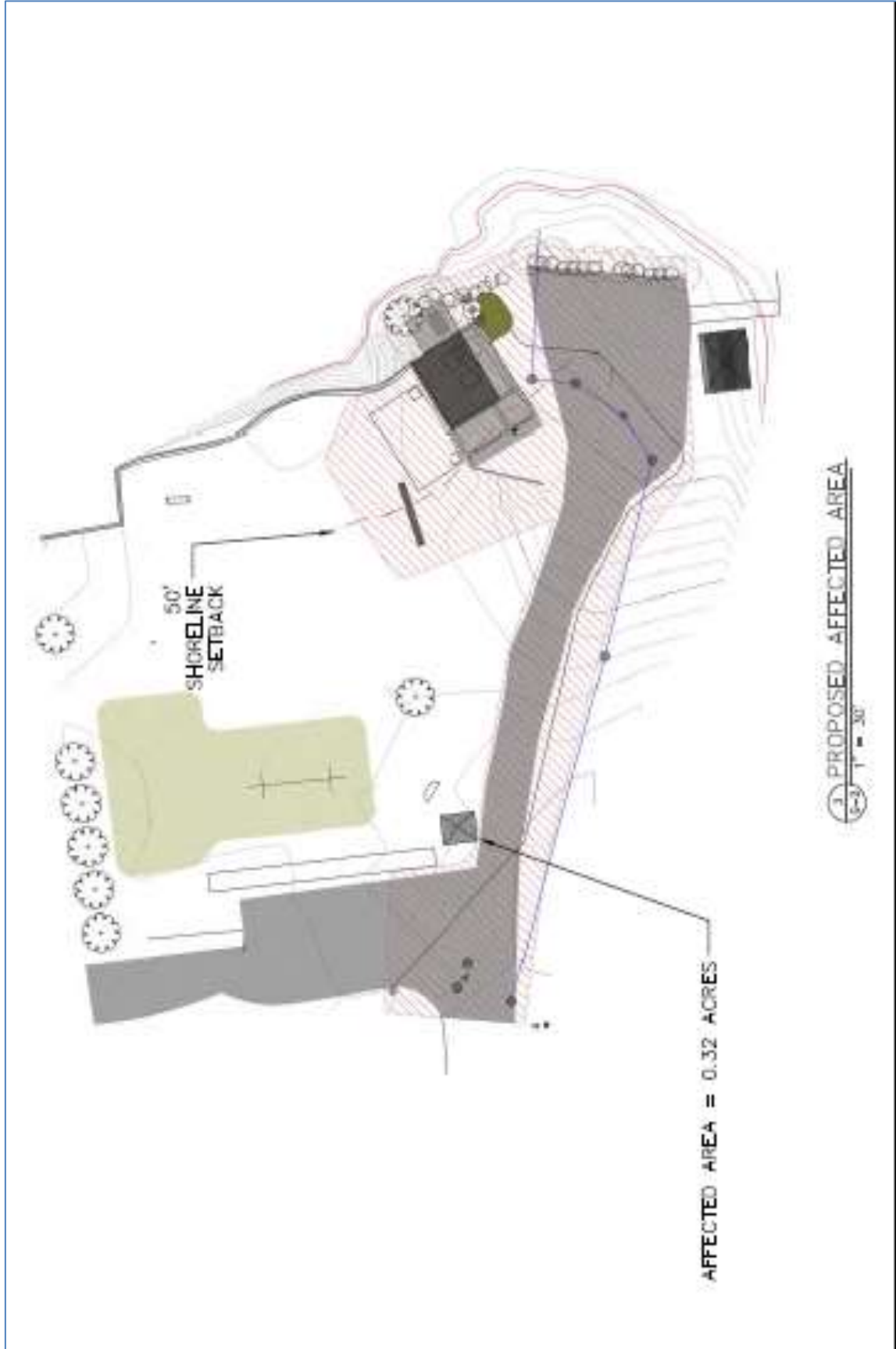
This section contains a description of the existing conditions within the affected environment, being Marion Beggs Point Park.

#### *Existing Land Use*

Marion Beggs Point Park on Lake Champlain was the site of horseshoe nail and window sash factories that were destroyed in a fire in the early 1900s. Despite its past industrial use, records do not indicate any history of contamination, current contamination or remediation needs.

It is also the existing location of the supply, treatment, and distribution infrastructure for the Town of Essex Drinking Water System, which supplies drinking water to residents and property owners in the hamlet of Essex.

Visitors and residents enjoy the scenic vistas, site history, playground, fishing pier and boat launch. Various local groups, such as Essex Initiatives, host events and activities at the park. Recreation facilities in the proposed Conversion area include an entry pavilion, access road, parking area, retaining walls and walking paths, lakeside pavilion, pier/dock, playground, beach, and the existing utilities and infrastructure, including stormwater, sewer, and water systems.



### Existing Environmental Resources

The following table identifies and characterizes existing environmental resources of the Conversion parcel and environs.

Resource	Present (P) or Absent (A)*	Analysis Area Boundary	Description: Location/Size, Nature, Condition, and Scope
1. Geological resources: soils, bedrock, slopes, streambeds, landforms, etc.	P	Conversion Parcel	Entire parcel is a promontory into Lake Champlain and is composed of turf over a combination of rubble from industrial building demolition, native glacial till of varying depths (perhaps 10% of site), and sedimentary bedrock. Outcroppings border shoreline of Lake Champlain. The site is not a designated unique geologic feature in New York State.
2. Air quality	A	Conversion Parcel and Environs	Essex County is not in a nonattainment area for the EPA National Ambient Air Quality Standards..
3. Sound and Noise	P	Conversion Parcel	Generally quiet with seasonal variation in summer months in ambient noise from tourism, boats, and commercial activities.
4. Water quality/quantity	P	Conversion Parcel and Lake Champlain Environs	Lake Champlain adjoins the project site and is regulated by federal and state agencies. Lake Champlain is a Federally designated waterway. It is classified as an impaired waterbody and listed in the most recent compilation of NYS water quality-impaired waterbodies. Impairments include Nutrients, Organics, and Fish Consumption. Currently there are no stormwater management systems in place on the site.
5. Stream flow characteristics	A	Conversion Parcel	No streams or tributaries on the site. Project site is not located within a designated river corridor under the Wild, Scenic and Recreational Rivers 6 NYCRR 666.
6. Marine/estuarine	A	Conversion Parcel	No marine or estuarine resources on the site. Lake Champlain is an inland waterway.

Resource	Present (P) or Absent (A)*	Analysis Area Boundary	Description: Location/Size, Nature, Condition, and Scope
7. Floodplains/wetlands	P	Conversion Parcel	No wetlands on the site. Parcel includes western shoreline of Lake Champlain and has FEMA delineated flood hazards. Portions of the project site are in a designated Floodway, as well as the 100 and 500-year Floodplain.
8. Land use/ownership patterns; property values; community livability	P	Hamlet of Essex	Located south of Ferry Terminal and a seasonal restaurant and north of two marinas with seasonal variations in boat-traffic. Residential and commercial activity in the neighborhood. The entire hamlet of Essex is situated among quaint shops, cafes, and restaurants, including the newly renovated Essex Inn. The Park is a point of interest for visitors and community residents. Tourists walk the Historic District and stop at the park on Lake Champlain. Visitors and residents enjoy the scenic vistas, site history, playground, fishing pier and boat launch. Various local groups, such as Essex Initiatives, host events and activities at the park.
9. Circulation, transportation	P	Conversion Parcel and Environs	<p>Parking is available on Lake Street and access to the waterfront is provided by an access road (Beggs Point Drive).</p> <p>No public transportation service(s) or facilities are available within ½ mile of the proposed site. Existing private ferry service is available between Essex and Charlotte Vermont located within ½ mile.</p>

Resource	Present (P) or Absent (A)*	Analysis Area Boundary	Description: Location/Size, Nature, Condition, and Scope
10. Plant/animal/fish species of special concern and habitat; state/federal listed or proposed for listing	P	Conversion Parcel and environs	As per the 8/13/18 letter from Nicholas Conrad Information Resources Coordinator New York Natural Heritage Program: In response to your recent request, we have reviewed the New York Natural Heritage Program database with respect to the above project. We have no records of rare or state-listed animals or plants, or significant natural communities at the Marion Beggs Point Parkland. In the general vicinity are a winter hibernaculum record of Northern long-eared bat ( <i>Myotis septentrionalis</i> , state and federally listed as Threatened) and breeding records of Northern harrier ( <i>Circus cyaneus</i> , NYS-listed as Threatened).
11. Unique ecosystems, such as biosphere reserves, World Heritage sites, old growth forests, etc.	P	Conversion Parcel	The Park is located within New York's Adirondack Park and UNESCO Biosphere Reserve.
12. Unique or important wildlife/ wildlife habitat	A	Conversion Parcel	According to consultations with NYS Natural Heritage Program Staff and the New York District Office of the U.S. Fish and Wildlife Service, no unique, critical, or important wildlife habitat exist on the site. Project site is not located in or does not adjoin a state listed Critical Environmental Area.
13. Unique or important fish/habitat	A	Conversion Parcel	Site is not designated as a significant coastal fish and wildlife habitat by NYS DEC or DOS.
14. Introduce or promote invasive species (plant or animal)	A	Conversion Parcel	Public access to the site can serve as a transport opportunity for invasive species. The site includes native vegetation as well as grass-lawn areas.

Resource	Present (P) or Absent (A)*	Analysis Area Boundary	Description: Location/Size, Nature, Condition, and Scope
<p>15. Recreation resources, land, parks, open space, conservation areas, rec. trails, facilities, services, opportunities, public access, etc.</p>	<p>P</p>	<p>Conversion Parcel</p>	<p>The park has passive and active recreational opportunities including picnicking, lake access, scenic vistas, and contemplative activities.</p> <p>Recreation facilities include an entry pavilion, access road, parking area, retaining walls and walking paths, lakeside pavilion, pier/dock, playground, beach, and the existing utilities and infrastructure, including stormwater systems for the community (and not the park), sewer, and water systems. Project site or adjoining Lake are currently used for fishing.</p>
<p>16. Accessibility for populations with disabilities</p>	<p>P</p>	<p>Conversion Parcel</p>	<p>Site is not modified to accommodate populations with disabilities and the site's hilly and rough terrain pose accommodation challenges. Existing park road (Begg's Point Drive) provides access to elderly and disabled community members.</p>
<p>17. Overall aesthetics, special characteristics/features</p>	<p>P</p>	<p>Conversion Parcel</p>	<p>Scenic vistas of Lake Champlain north, east, and south. Existing treatment plant is an eyesore with a dilapidated appearance. Limited landscaping on site.</p>
<p>18. Historical/cultural resources, including landscapes, ethnographic, archeological, structures, etc.</p>	<p>P</p>	<p>Conversion Parcel</p>	<p>Project site contains and its environs are listed on the National Register of Historic Places. Site is within the Essex Historic District.</p> <p>Project site, or any portion of it, are not located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.</p> <p>Project site is near to the Lakes to Locks Passage, an American National Scenic Byway Route, which follows Route 22 through the hamlet of Essex.</p>

<b>Resource</b>	<b>Present (P) or Absent (A)*</b>	<b>Analysis Area Boundary</b>	<b>Description: Location/Size, Nature, Condition, and Scope</b>
19. Socioeconomics, including employment, occupation, income changes, tax base, infrastructure	P	Conversion Parcel and environs	The supply, treatment, and distribution infrastructure for the Essex Drinking Water System is in the Park.  For demographic information about employment and occupation, see Chapter 1: "Description of the community and population served by the park, including users of the park and uses".
20. Minority and low-income populations	P	Conversion Parcel and environs	For information on minority and low-income population, see Chapter 1: "Description of the community and population served by the park, including users of the park and uses."
21. Energy resources (geothermal, fossil fuels, etc.)	A	Conversion Parcel	No energy resources are located on the site.
22. Other agency or tribal land use plans or policies	P	Conversion Parcel	The Park area and environs are subject to the Town's Comprehensive Plan, Zoning Regulations, the Local Waterfront Revitalization Law/Plan, and the Adirondack Park Agency Land Use and Development Plan.  No known tribal or ceremonial sacred sites on or near the Park.  Not located in a designated agricultural district certified pursuant to NYS Agriculture and Markets Law, Article 25-AA, Section 303 and 304.
23. Land/structures with history of contamination/hazardous materials even if remediated	A	Conversion Parcel	None present or listed. No portion of the site is listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database nor is the project within 2000 feet of any site listed in the NYSDEC Environmental Site Remediation database.
24. Other important environmental resources to address.	A	Conversion Parcel	None

Resource	Present (P) or Absent (A)*	Analysis Area Boundary	Description: Location/Size, Nature, Condition, and Scope
*Resources listed as absent are dismissed from further environmental review.			

*Existing easements, right-of ways, leases, and any other agreements about use of the Section 6(f)(3) area*

According to a recent site appraisal of the entire Park (Armstrong Appraisals; 4/5/18) and consultation with the Town of Essex, the subject property is not encumbered by conservation rights and easements, deed restrictions or adverse easements, or utility or drainage easements.



### 3.2 REPLACEMENT PROPERTY (CLOUD PROPERTY)

#### *Existing Land Use*

The Cloud Property is a 130.44-acre property in Columbia County directly abutting the LWCF-funded Lake Taghkanic State Park. The physical address is 3206 County Route 8, Town of Gallatin, New York (Tax Parcel Number 195-1-1). The property has been owned by a Jaimie Cloud and is thus referred to by that surname.

The Cloud Property is located in a rural area of Columbia County and is bisected by the right-of-way for County Route 8. The ROW separates a roughly one-acre portion in the property's south from the bulk of the property, which lies north of CR-8.

The primary historic land use was agricultural, similar to much of the surrounding area. A +/- 30-acre peat bog exists near the center of the property. It was ditched by the U.S. Army Corps of Engineers in the 1920s or 1930s for agricultural use. Except for the area of the peat bog, most of the former fields have transitioned into early successional forest. The property has not been farmed since the 1960s.

Current use is best characterized as undeveloped woodland with wetlands. A small dilapidated structure exists along the bog's western edge.

There is an unpaved agricultural road that weaves around the property. The road can be accessed from County Route 8 and leads to a shed on the bog near the western edge. The property includes the headwaters of Lake Taghkanic, a +/- 212-acre man-made lake.

There are federally regulated wetlands on the property and a state and federally regulated stream that flows into Lake Taghkanic. A state Special Concern species is known to occur on the property.

### Existing Environmental Resources

The following table identifies and characterizes existing environmental resources of the replacement parcel (Cloud Property) and—when applicable—its environs.

Resource Type	Present (P) or Absent (A)*	Analysis Area	Description (Location/Size, Nature, Condition, and Scope)
1. Geological resources: soils, bedrock, slopes, streambeds, landforms, etc.	P	Cloud Property	<p>Topography can be generally characterized as two rises—one in the northwest (elev. +/-860ft) and another in the southeast (elev. 891ft)—surrounding a wide, flat depression (elev. +/-750ft).</p> <p>Soil within the depression is primarily peat (Catden muck). Outside the depression soils are silt loam with Nassau channery predominating on the rises to the northeast and southwest, and Canandaigua and Bernardston silt loam along the streambed.</p> <p>Bedrock throughout the property is of the Walloomsac Formation (Ordovician) and consists of slate, phyllite, schist, and metagraywacke. No outcroppings have been identified.</p> <p>The site is not a designated unique geologic feature in New York State.</p>
2. Air quality	A	Cloud Property and Environs	Columbia County is not in a nonattainment area for the EPA National Ambient Air Quality Standards.
3. Sound and Noise	P	Cloud Property	Generally quiet with seasonal variations due to traffic volume on CR-8 and electric motors on nearby Lake Taghkanic (gas-powered are not permitted).
4. Water quality/quantity	P	Cloud Property and Environs	There is a federal wetland and stream located on the property, which flow into Lake Taghkanic. Water quality data is unavailable for the subject property.

Resource Type	Present (P) or Absent (A)*	Analysis Area	Description (Location/Size, Nature, Condition, and Scope)
5. Stream flow characteristics	P	Cloud Property and Environs	<p>The property is traversed by a north-flowing runnel entering at the property's south edge via a culvert under CR-8. This runnel feeds a peat bog at the property's center. The bog was ditched by the Army Corps of Engineers in the 1920s and 1930s for agricultural use. The Army Corps of Engineers constructed eight (or more) channels. These channels run east to west converging at the bog's western edge to form a stream head. This stream drains into Lake Taghkanic, the easternmost major waterbody in the Klein Kill-Roeliff Jansen Kill watershed.</p> <p>The ditches and stream are NYSDEC Regulated (Class. C). The peat bog and stream are federally regulated.</p>
6. Marine/estuarine	A	Cloud Property	No marine or estuarine resources.
7. Floodplains/wetlands	P	Cloud Property and Environs	<p>Property contains more than 30 acres of federally designated wetland resources. The predominant wetland is identified as a 29.08-acre permanently flooded lacustrine limnetic lake habitat with impoundments (L1UBHh) surrounding a 0.64-acre palustrine persistent freshwater emergent wetland (PEM1Fh). The northern edge of this area is mapped as freshwater forested/shrub wetland (PSS1Eh). These three areas comprise the "peat bog" referenced elsewhere in this document. A 2.64-acre permanently flooded, upper perennial riverine habitat (R3UBH) (stream) extends north until draining into a wetland at the east end of Lake Taghkanic.</p> <p>There are no mapped DEC wetlands on the subject property.</p> <p>The property is in neither a FEMA-designated 100- nor 500-year floodplain.</p>
8. Land use/ownership patterns; property values; community livability	P	Town of Gallatin	<p>Subject property is privately, and historically privately, owned. It is a rural, secluded, wooded area within the Town of Gallatin. It is bordered on the northwest by Lake Taghkanic State Park, located just off the Taconic State Parkway. It is bordered on the west by Farm Lily Pond, a 500-acre estate used as a venue for events, such as weddings and reunions. The property to the east is vacant, and there is a residence to the south across CR 8. The surrounding lands are largely forested.</p>

Resource Type	Present (P) or Absent (A)*	Analysis Area	Description (Location/Size, Nature, Condition, and Scope)
9. Circulation, transportation	P	Cloud Property	<p>Vehicular access is solely via an unpaved private road connecting with CR-8 near the intersection with East Pond Lily Road. This road leads west and north to a small structure (shed/barn) located on the northwest section of the bog.</p> <p>There are no parking spaces, lots, or public transportation nodes within the property. No public transportation service(s) or facilities are available within ½ mile of the proposed site.</p>
10. Plant/animal/fish species of special concern and habitat; state/federal listed or proposed for listing	P	Cloud Property	<p>The New York Natural Heritage Program (NHP) database indicates a known occurrence of New England Cottontail, a NYS species of Special Concern, on the subject property.</p> <p>Areas of Hemlock-Northern Hardwood Forest, a significant natural community, are located within Lake Taghkanic, northwest of the property. A rare freshwater mussel and state-endangered plant are known to occur in and around Lake Taghkanic within the state park.</p> <p>Thorough surveys of the subject property have not been conducted.</p>
11. Unique ecosystems, such as biosphere reserves, World Heritage sites, old growth forests, etc.	P	Cloud Property	<p>The NHP database indicates that portions of the Hemlock-Northern Hardwood Forest community within the state park display old growth characteristics including trees over 150 years old.</p>
12. Unique or important wildlife/ wildlife habitat	P	Cloud Property	<p>Along with Lake Taghkanic State Park and New Forge State Forest to the north and east, the Cloud Property contributes to one of only two forested wildlife corridors that cross the Hudson Valley from west to east, connecting the Catskills and Appalachians with the Taconic and Green Mountains.</p> <p>Because of its diversity and its role as a key linkage in regional connectivity, the area south of Lake Taghkanic State Park is considered a high priority area in The Nature Conservancy's analysis of lands likely to remain resilient in the face of climate change.</p>
13. Unique or important fish/habitat	A	Cloud Property	<p>There are no known unique or important fish habitats on the subject property.</p>

Resource Type	Present (P) or Absent (A)*	Analysis Area	Description (Location/Size, Nature, Condition, and Scope)
14. Introduce or promote invasive species (plant or animal)	P	Cloud Property and Environs	The property has not been surveyed for invasive species, but due to known occurrences on adjacent parkland, they are likely present.
15. Recreation resources, land, parks, open space, conservation areas, rec. trails, facilities, services, opportunities, public access, etc.	P	Cloud Property	<p>The property is directly adjacent to Lake Taghkanic State Park. The peat bog on the property is ringed by an unpaved road created for agricultural use. This road has no formal connection to the Lake Taghkanic State Park trail system.</p> <p>The property contains no designated conservation areas or facilities developed for recreation use.</p> <p>Electric utility is located along CR-8, otherwise no utilities occur on the property.</p>
16. Accessibility for populations with disabilities	A	Cloud Property	Property is currently undeveloped and does not accommodate populations with disabilities.
17. Overall aesthetics, special characteristics/features	P	Cloud Property	There are wooded views from the road and around the boundary of the property, with open views across the peat bog area in the center of the property. There are no designated scenic resources of statewide significance.
18. Historical/cultural resources, including landscapes, ethnographic, archeological, structures, etc.	P	Cloud Property	There is a small shed/barn on the property. It is not listed on the National Register of Historic Places, New York State, or local registers. The subject property is not within any historic district but Lake Taghkanic State Park is eligible as a Building District. The acquisition of the parcel has been reviewed by the OPRHP Division for Historic Preservation (DHP); DHP has provided a no-effect letter dated 11/4/2019.
19. Socioeconomics, including employment, occupation, income changes, tax base, infrastructure	P	Cloud Property and Environs	The property is located in the Town of Gallatin. The Town's 2018 population was 1,608 persons, with an estimated population density of 41 persons/square mile. The 2018 estimated median household income for the town was \$67,720. The town had an estimated median home value of \$256,085 in 2018.
20. Minority and low-income populations	A	Cloud Property	The subject property is not located within an Environmental Justice area.
21. Energy resources (geothermal, fossil fuels, etc.)	A	Cloud Property	No energy resources are located on the site.

Resource Type	Present (P) or Absent (A)*	Analysis Area	Description (Location/Size, Nature, Condition, and Scope)
22. Other agency or tribal land use plans or policies	A	Cloud Property	Subject property is not located in a designated Agricultural District and has no other designations.
23. Land/structures with history of contamination/hazardous materials even if remediated.	A	Cloud Property	No portion of the site is listed on the Environmental Site Remediation database nor is the site within 2000 feet of any site listed in the NYSDEC database.
24. Other important environmental resources to address.	N/A	Cloud Property	N/A
*Resources listed as absent are dismissed from further environmental review.			

*Existing easements, right-of ways, leases, and any other agreements about use*

There are four small drainage easements in the vicinity of CR-8. These easements are held by Columbia County.

#### 4.1 PROPERTY TO BE CONVERTED (MARION BEGGS POINT PARK)

This section describes to what extent the resource might be affected, how the impact level was determined, and why the chosen impact level is appropriate. The Town of Essex considered all foreseeable direct, indirect, and cumulative impacts, used sound science and best available information, and made a logical, rational connection between the facts presented and the conclusions drawn.

The information is presented in two tiers. The first identifies resources grouped as having no or negligible adverse impacts, followed by resources grouped as benefitting from the precipitating action and the 6(f) Conversion.

##### *No/Negligible Adverse Direct, Indirect or Cumulative Impact*

The following resources were reviewed for applicability to each of the Alternatives and more specifically for the Preferred Alternative presented in Chapter 2. The following site resources may exist, but no negative or negligible adverse impacts, direct, indirect, or cumulative in nature are expected to occur as a result of the 6(f) Conversion, or the precipitating action, particularly because the land will not change use, construction activities are localized and minimized to existing disturbed (open, mowed) areas, and improved stormwater management and plantings will reduce potential adverse impacts to water quality from its current baseline.

For these resources, no additional data is needed to make this determination as it is based on previous environmental reviews at the State and Local level. A comprehensive and thorough environmental review under the New York State Environmental Quality Review Act (SEQRA), as well as a review and approval by the NYS Adirondack Park Agency and its issuance of a Shoreline Variance Permit preceded this EA. The earlier determinations and the current EA are also based upon strong familiarity with the affected environment and a high degree of certainty regarding any and all known and unknown risks. In summary, earlier determinations found that adverse impacts, from the 6(f) Conversion or the precipitating action, on these resources, were insignificant in scale, value, location, or timing. The 6(f) Conversion will not change park land use.

The following numbers and items pertain to the Resources identified in the Table in Section 3.1

1. Geological resources: soils, bedrock, slopes, streambeds, landforms, etc.
  - General excavation and site preparation will be in the footprint of the existing structure and environ where ground was already disturbed. No blasting is anticipated. Precipitating action will involve a construction period of 6-12 months and only one phase of construction.

## 2. Air Quality

- Proposed action will not generate or produce on-site sources of air emissions, including fuel combustion, waste incineration, or other processes or operations. Thus, proposed action does not require a NY State Air Registration, Air Facility Permit or Federal Clean Air Act Title IV or Title V Permit. Proposed action will not generate or emit methane directly.
- Proposed action will not result in an increase in traffic above present levels or generate demand for transportation facilities or services. There will be no net increase or decrease in existing parking facilities at Begg's Park, nor does the action include any modification of existing roads, creation of new roads or changes in existing access.
- Proposed action does not have the potential to produce odors.

## 3. Sound and Noise

- Proposed action will not produce noise that will exceed existing ambient noise levels except during construction and only during the day and for a limited construction period. These will be minor and temporary impacts. Existing natural barriers that could act as a noise barrier or screen will be maintained and additional natural plantings and vegetation will be added around the structure.

## 4. Water quality/quantity

- Part of the system's water will continue to be provided by Lake Champlain with the remainder generated from on-site drilled wells. The improved system will draw the least amount of water it needs to supply residents with safe and secure drinking water, and therefore not cause an increase in water consumption.
- Upon completion of the project, wastewater from the bathroom, water fountain, and treatment process (backwash) will be collected and treated using the existing municipal wastewater system. Through the installation of the treatment system, the direct outfall of backwash effluent into Lake Champlain can be eliminated from the site.
- Lake Champlain will not be impacted by excavation, fill, alteration of banks or shorelines or result in disturbance to bottom sediments. Removal or destruction of aquatic vegetation will not occur. Proposed action will not disturb more than one acre nor create significantly more stormwater runoff, either from new point or non-point source during construction or post construction.
- A comprehensive stormwater management system for the treatment plant environs will minimize impervious surfaces and improve stormwater management from existing current conditions as they impact Lake Champlain.



- Expansion of the water system building will create increased runoff. This will be treated utilizing a rain garden to be located at the southeastern corner of the proposed building. The rain garden was sized according to a volume of 1.5 gallons per ft<sup>2</sup> or proposed roof area. The volume of runoff was confirmed using DEC methodologies and runoff rates calculated using TR-55 methodologies.

#### 7. Floodplains/wetlands

- Floodplain Management and Wetland Protection, Executive Orders 11988 and 11990 direct projects to avoid, to the extent possible, the long and short-term adverse impacts associated with modifying or occupying floodplains and wetlands. However, a practical alternative does not exist (see Chapter 2 and 3). Since Lake Champlain and several adjacent drilled wells are the source of supply for the public water system, proximity to the Lake is essential. The modest expansion and improvements to the existing treatment plant building will improve facility resilience and protections to the public water supply and drinking water system from the possible ill-effects of building flooding. The area of the proposed treatment building upgrade is located outside the 100-year flood and outside the 500-year flood plain, (as shown in the National Flood Insurance Program Flood Insurance Rate Map and Street Index for the Town of Essex, New York effective date April 3, 1987). Additional mitigation measures, or flood resilience measures that will be incorporated into the final design, include elevated electrical equipment and use of an existing emergency generator at the site. The US ACE, as well as the NYS Department of Health and Adirondack Park Agency were consulted on the precipitating action. NYS DOH and APA have approved the building plans with a full understanding of the proximity of the facilities to Lake Champlain.

#### 9. Circulation, transportation

- There will be no impacts to the existing parking on Lake Street or to the access road (Beggs Point Drive) and turnaround.

#### 10. Plant/animal/fish species of special concern and habitat; state/federal listed or proposed for listing

- The impact of concern for the two listed rare species in the general vicinity (Northern long-eared bat and Northern harrier) is the removal of potential roost trees. The proposed work is confined to the park with no expected tree removals and is not expected to significantly impact these species. Action area is not within 660 feet of a bald eagle nest.

#### 11. Unique ecosystems, such as biosphere reserves, World Heritage sites, old growth forests, etc.

- Project site is located within the UNESCO Adirondack Champlain Biosphere Reserve. As part of the Lake Champlain shoreline, the site may be visited by migratory waterfowl. However, since the site will not change in land use and will continue as open space and parkland, it is highly unlikely that there will be any adverse impacts to waterfowl or other animals.
- Project site is within New York State's Adirondack Park. Project has received an approved APA Shoreline Variance.

14. Introduce or promote invasive species (plant or animal)

- Plantings and stormwater gardens will only use native plants. It will not contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area, or promote the introduction, growth, or expansion of range.

17. Overall aesthetics, special characteristics/features

- Expansion of the water system building will increase the width of the eastern-facing wall; the impact on lake users will be lessened by vegetative screening.

18. Historical/cultural resources, including landscapes, ethnographic, archeological, structures, etc.

- As per the Section 106 letter dated 10/17/2017, it was the opinion of the SHPO that project will have No Effect upon archaeological and/or historic resources eligible for or listed in the National Register of Historic Places.
- Shoreline vistas, bluff and stone beach area will not be altered by the 6(f) Conversion or precipitating action.

19. Socioeconomics, including employment, occupation, income changes, tax base, infrastructure

- No expansion of the water district is proposed and existing distribution system will be utilized.
- Public restrooms proposed will generate effluent which will be deposited into existing Town of Essex wastewater system serving the Park and environs. Treatment byproducts and effluent will be disposed of as required by NYS DOH and NYS DEC. Existing industrial SPDES permit will be obsolete once improvements are made to the treatment system. Existing wastewater treatment plant has the capacity to serve the project and restrooms are within the existing district. No expansion of the sewer district is needed.

20. Minority and low-income populations

As per Environmental Justice in Minority and Low-Income Populations, Executive Order 12898, the proposed action will not have a disproportionately high and adverse human health or environmental

effects on minority and low-income populations. While minority populations are extremely small in the Town and low-income populations are modest, the park will continue to provide a free, accessible, and equally-available passive recreational space and shoreline access point for all the residents and visitors to Essex.

#### 21. Energy resources

- Neither proposed action nor precipitating action will generate new or additional demand for energy and may even conserve energy by the installation of more efficient equipment and treatment processes. No new energy related facilities will be required. Building will continue to use electric heat with no net change in quantity.

#### 22. Other agency or tribal land use plans or policies

- The proposed project would not have any significant adverse impacts on land use, zoning, or public policy. Project has received an approved APA Shoreline Variance.

#### *Beneficial Direct, Indirect, and Cumulative Impacts*

The following resources were reviewed for applicability in each of the three Alternatives and more specifically for the Preferred Alternative presented in Chapter 2. The following site resources exist, but no negative or negligible negative impacts, direct, indirect, or cumulative in nature will occur as a result of the 6(f) Conversion, or the precipitating action. Instead, the following resources are expected to experience direct, indirect, and/or cumulative positive environmental impacts as a result of the implementation of the proposed action.

The following numbers and items pertain to the Resources identified in the Table in Section 3.1

#### 24. Public Health and Safety

- Improved drinking water quality benefits and enhances quality of life for residents and visitors to Essex. It also enables the Town of Essex to comply with Federal and State Drinking Water Standards.
- The building expansion and improvements will include installation of a multi-purpose roof with safety railings for public use.

#### 8. Land use/ownership patterns; property values; community livability

- Public facility improvements to existing drinking water system (pump house, water treatment equipment and appurtenances), and park enhancements- co-located on an existing passive park environment adjacent to Lake Champlain and embedded within the Hamlet of Essex, New York, a National Register Historic District will support and enhance existing land use patterns, property values and community livability by

providing essential services (drinking water) and public amenities (continued enjoyment of parkland).

15. Recreation resources, land, parks, open space, conservation areas, rec. trails, facilities, services, opportunities, public access, etc.

- Precipitating action will formalize the rooftop viewing platform through renovation and improve the safety and security for use by park users. The proposed observation deck will blend with the existing topography at the site to create a smooth transition between the park area and viewing platform.
- The proposed expansion will include a family restroom and water fountain that will be open to the public year-round.
- The exterior of the building will utilize stone fascia to blend with existing natural and constructed stone features including a stone wall and small stone structure. New plantings will be strategically placed to ensure that the building environs are screened from the observation of park users.
- Existing recreational uses of the park, such as, picnicking, lake access, and fishing, are improved with the facility upgrades.

16. Accessibility for populations with disabilities

- New restroom and pathway leading to it will be ADA compliant.
- The rooftop viewing platform will not be ADA-compliant, but will be accessible from a sloped, grassy area adjacent to the platform that will be modified to remove a “step up” in favor of a smooth, level, transition from grass to rooftop.

17. Overall aesthetics, special characteristics/ features

- The Action, as proposed, will have a beneficial, practical, and positive influence on Aesthetics, Open Space, Recreation, Human Health, and Community Character, because the landscape improvements, stormwater system, façade enhancements, viewing platform, public restroom, and drinking fountain are designed to enhance the visual quality and amenities associated with Park.
- The treatment plant improvements, including the modest expansion, façade improvements, screening, and related visual amenities will improve the visual character of the shoreline from both the waterside and park side.
- Proposed action will continue to have outdoor lighting for safety and security purposes, but only immediately surrounding buildings. Additional plantings and screenings are included in the proposed improvements to obscure the facility.

19. Socioeconomics, including employment, occupation, income changes, tax base, infrastructure.

- The proposed action enables the Town of Essex to protect public health and safety in a manner that respects the public interest and the Town's fiduciary responsibilities to the water system users.
- The site contributes to the economic viability of the community by contributing both a recreational resource and safe drinking water for public consumption.

## 4.2 REPLACEMENT PROPERTY (CLOUD PROPERTY)

### *No/Negligible Adverse Direct, Indirect or Cumulative Impact*

The following site resources may exist, but no negative or negligible adverse impacts, direct, indirect, or cumulative in nature are expected to occur as a result of the proposed action.

#### 1. Geological resources: soils, bedrock, slopes, streambeds, landforms, etc.

- Conversion of the property itself will not result in impacts to geological resources.
- The replacement parcel will be used only for passive recreation including hiking and scenic enjoyment.
- The existing unpaved road will be used to the extent feasible and appropriate to minimize new disturbances. A small parking area may be developed in the future.

#### 3. Sound and Noise

- Conversion of the property itself will not result in impacts to sound and noise.
- Future uses will be passive activities such as hiking and scenic enjoyment and are not expected to adversely impact the area with increased noise.

#### 5. Stream flow characteristics

- Future uses will be passive activities and are not expected to impact stream flow.

#### 9. Circulation, transportation

- Conversion of the property itself will not result in impacts to circulation or transportation.
- A small parking area may be developed in the future to accommodate passive recreational use of the property.

#### 10. Plant/animal/fish species of special concern and habitat; state/federal listed or proposed for listing

- Conversion of the property itself will not result in impacts to species or habitat.
- Future use of the property will include passive recreational activities. The property has been surveyed, and future recreational activities will be planned to minimize impacts to, and to help protect these natural resources, both on the subject property and Lake Taghkanic State Park.

#### 11. Unique ecosystems, such as biosphere reserves, World Heritage sites, old growth forests, etc.

And

#### 12. Unique or important wildlife/ wildlife habitat

- Recreational use of the subject property will be directly linked to the State Park through the trail system. New activities will be planned in a manner to continue to protect sensitive resources in the State Park and surrounding areas. Potential impacts will be minimized by following OPRHP Trail Standards as outlined in the [2010 Statewide Trails Plan](#).

14. Introduce or promote invasive species (plant or animal)

- Future public access to the site can serve as a transport opportunity for invasive species between Lake Taghkanic State Park and the subject property. OPRHP adheres to the environmental management guidelines outlined in the 2010 Statewide Trails Plan (page 44) and OPRHP’s Policy on Native Plants in State Parks and Historic Sites (2017), which serve to prevent or mitigate the spread of non-native species.

17. Overall aesthetics, special characteristics/features

- With only passive recreation planned on the property, the overall scenic aesthetics should not be impacted.

18. Historical/cultural resources, including landscapes, ethnographic, archeological, structures, etc.

- Future trail planning will be reviewed by the Division for Historic Preservation to ensure there will be no impacts to cultural resources.

19. Socioeconomics, including employment, occupation, income changes, tax base, infrastructure

- The addition of the property to Lake Taghkanic State Park will not affect jobs, income changes, or result in a need for additional infrastructure. There will be a loss of taxable property to the tax base. This impact may be offset somewhat by the additional tourism to the park and the benefits to surrounding property values by protecting valuable open space. Overall, it is expected that socioeconomic impacts will be negligible.

*Beneficial Direct, Indirect, and Cumulative Impacts*

The following site resources may exist after or upon acquisition, but no negative or negligible negative impacts, direct, indirect, or cumulative will occur as a result of the proposed action. Instead, the following resources are expected to experience direct, indirect, and/or cumulative positive environmental impacts.

The resource impacts described in the table below align with the resource descriptions contained in the table found in Section 3.2.

#### 4. Water quality/quantity

- The Conversion adds a substantial buffer entirely within the Lake Taghkanic watershed to the park.
- The subject property will be added to the larger LWCF-funded site known as Lake Taghkanic State Park. This provides OPRHP with an opportunity to manage the subject property with the intent of enhancing water-based outdoor recreation activities on and in Lake Taghkanic through water quality improvement on the subject property.
- The implementation of LWCF compliance requirements provides an opportunity to manage the property for trail-based activities such as hiking and birdwatching. Enhancement of such activities by OPRHP may include habitat improvement actions that could result in improved water quality.
- LWCF compliance requirements restrict agricultural, industrial, and commercial uses—which have potential to cause water quality degradation. By limiting these uses, the proposed action serves to limit the potential for degradation of water quality.

#### 7. Floodplains/wetlands

- The Conversion allows OPRHP the opportunity to protect the wetlands on the property.

#### 8. Land use/ownership patterns; property values; community livability

- The Conversion provides additional open space protection in perpetuity and recreational opportunities that will benefit the community and visitors.

#### 10. Plant/animal/fish species of special concern and habitat; state/federal listed or proposed for listing

- The Conversion allows surveys for natural resources to be conducted on the property and protection and management of natural resources in perpetuity.

#### 15. Recreation resources, land, parks, open space, conservation areas, rec. trails, facilities, services, opportunities, public access, etc.

- The Conversion provides additional open space protection and recreational opportunities that will benefit the community and visitors.
- Newly designated trails on the subject property will be officially connected with those at Lake Taghkanic State Park and will be maintained as part of the State Park trail system.



### 4.3 CONCLUSIONS

In this environmental assessment, the Town and OPRHP reviewed the factual record, existing site conditions, proposed site and building plans; they consulted with cognizant regulatory agencies and the public; and they analyzed the magnitude (severity, size, and/or extent) of all potential impacts. After consideration of the above, they concluded that no significant adverse impacts to environmental resources would occur as a result of the Proposed Action.

In conclusion, the Proposed Action would not:

1. Have any adverse impacts on public health and safety.
2. Have significant impacts on such natural resources and unique geographic characteristics such as historic or cultural resources; park, recreation, or refuge lands, wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (E.O. 11990); floodplains (E.O. 11988); and other ecologically significant or critical areas.

The Champlain-Adirondack Biosphere Reserve, the State-designated Adirondack Park, the Federally-designated Lake Champlain, nor Lake Taghkanic State Park will be adversely impacted by the Proposed Action.

3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102(2)(E)].
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.
5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant negative environmental effects.
6. Have a direct relationship to other actions with individually insignificant, but cumulatively significant, negative environmental effects.
7. Have significant impacts on properties listed or eligible for listing on the National Register of Historic Places, as determined by either the bureau or office.
8. Have significant impacts on species listed or proposed to be listed on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.
9. Violate a federal law, or a state, local, or tribal law or requirement imposed for the protection of the environment.
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).
11. Limit access to and ceremonial use of Indian sacred sites on federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007)?
12. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area, or actions that may promote the introduction, growth, or expansion of the range of such.



### 5.1 PREVIOUS ENVIRONMENTAL REVIEW AND PUBLIC INVOLVEMENT

The two tables below list and describe public involvement and previous environmental reviews undertaken for the two subject properties. The first table (5.2) concerns Marion Beggs Point Park and the second pertains to the Cloud Property (5.3).

### 5.2 PROPERTY TO BE CONVERTED (MARION BEGGS POINT PARK)

A Full SEQRA Environmental Assessment (LEAF), including public review and comment opportunities were completed for the drinking water system improvements in the park environs. These included New York SEQRA Coordinated Review and an Adirondack Park Agency Variance procedure. Details provided in the following table:

<b>Persons/Organizations/Agencies Contacted</b>	<b>Purpose</b>	<b>Date</b>
Ann Ruzow Holland, BA. MA. CAS, Ph.D. AICP Agent/Environmental Consultant to Town of Essex	<b>Preparer.</b> NEPA EA and Supplemental Information. Environmental reviewer involved in preparation of the EA*	10/2016-3//2019
Cedarwood Engineers, Town of Essex Water System Engineers-of-Record	<b>Information</b> for identifying important issues, developing alternatives, or analyzing impacts.	1/2018-3/2019
Town Board of Essex, NY	<b>Lead Agency for Coordinated Review and Consultation.</b> NYS Environmental Quality Review Act (SEQRA) Lead Agency Notice.	05/11/2017
Essex Town, Planning Board, and Zoning Board of Appeals Essex, NY	<b>Governmental Review.</b> Immunity from Town of Essex Zoning Law Resolution Passed by Town Board	07/13/2017
Town Board of Essex, NY-Coastal LWRP Clearance	<b>Governmental Review.</b> Local Waterfront Revitalization Program (LWRP) Consistency Certification Passed by Town Board. NYS DOS Coastal Resources Consultation.	07/13/2017

Essex County Planning Board, NY	<b>Governmental Approval.</b> Essex County General Municipal Law-GML 239 Review Completed by Essex County	07/10/2017
NYS Adirondack Park Agency	<b>Governmental Approval.</b> Jurisdictional Determination, Coordinated Review with Cognizant Agencies. APA Shoreline Variance Application Approved	10/3/2017
NYS OPRHP	<b>Consultation/Clearance.</b> NYS OPRHP-SHPO/Archeological Clearance	5/24/2017
NYS DEC	<b>Consultation/Jurisdictional Determination.</b> NYS DEC Clearance-Wastewater Permits-Water Taking Permit Threshold	06/13/2017
NYS DOS-Coastal Review	<b>Coastal Clearance.</b> NYSDOS-Coastal Review-Non-Jurisdictional	07/10/2017
NYS DOH	<b>Permitting Agency Review.</b> Health Department Review/Project Involvement	07/26/2017
US ACOE	<b>Consultation/Jurisdictional Determination</b> ACOE-Non-Jurisdictional	10/5/2017
NYS DEC Natural Heritage Program	<b>Consultation and Clearance.</b> ESA-State ESA, Critical Habitat-Cleared.	08/21/2018
USFWS-NY District Office	<b>Consultation and Clearance.</b> Online Project Review Request Cleared	9/6/2018
Town of Essex SEQRA and NYS APA Public Hearing	<b>Public Hearing.</b> A Joint Public Hearing for the purposes of the APA Variance and for the Town's SEQRA review was held on September 7, 2017. Public Notice in Official Newspaper. All property owners within 500' of the Park were notified.	09/07/2017
Town of Essex SEQRA Environmental Review	<b>Governmental Review/Approval</b> Multiple-party regulatory consultations led to Parts 1 and 2 of the SEQRA Full EAF documents), Determination, Findings and	10/23/17 11/1/2017

	Recommendations ultimately led to a <b>Negative Declaration under the SEQRA.</b> Published in NYS Environmental Notice Bulletin	
Public Consultations	<b>Public Participation.</b> Monthly Town Board meetings are open to the public. Project openly discussed and noted in the Town Board minutes.	10/2016-3/2019
Intergovernmental Review Process (Executive Order 12372)	<b>EO 12372.</b> Neither the precipitating action nor the 6(f) Conversion were selected for review under this provision.	12/2018

*\*Qualifications. Previous SEQRA and current NEPA-based environmental review and analysis for the Park were conducted by Dr. Ruzow Holland, a Consultant to the Town of Essex with 40+ Years professional experience preparing environmental impact statements and assessments under NEPA and NYS SEQRA. She holds a B.A. and M.A.in Environmental Science with specializations in assessment and landscape ecology. Ruzow Holland also holds a Ph.D. in Environmental Studies with a specialization in Planning. Doctoral-level experience in Environmental Planning, including faculty assignments teaching Environmental Law and Planning also complete her credentials for this assignment.*

### 5.3 REPLACEMENT PROPERTY (CLOUD PROPERTY)

Persons/Organizations/Agencies Contacted	Purpose	Date
Ian Benjamin (OPRHP)	NYS LWCF Program Staff involved in preparation of EA.	January - November 2019
Diana Carter (OPRHP)	NYS Alternate State Liaison Officer who provided guidance and review of EA.	January - November 2019
Nancy Stoner (OPRHP)	Environmental analyst involved in preparation of EA.	January - November 2019

### 5.4 CONSULTATION WITH OPRHP AND NPS

In 2016, The Town of Essex consulted with NYS OPRHP staff and discussed the improvements to both the drinking water system and the Park. Further documentation of existing conditions and proposed improvements were requested and forwarded to, and reviewed together with OPRHP staff. Existing conditions were an eyesore and the immediate surroundings were unsafe. It was agreed that the external improvements were significant and added to the character of the park and to the hamlet’s waterfront. All agreed that the water system improvements provided an exceptional opportunity for the Town to make aesthetic and scenic improvements to the park area through façade work, hard and soft landscaping, and stormwater management.

In order to move the LWCF consultative process along, on May 30, 2017, OPRHP sent a concurrence request to NPS. The Town of Essex believes that New York State’s position was that the improvements were *Enhancements*, did not trigger Conversion, and that no further action with respect to LWCF was needed. The basis for the request for concurrence included:

- Enhancements were designed to add value, complement, and support the outdoor recreation uses in the park.
- Included in the modest addition (351 square feet) were an accessible, family-centered bathroom, access to drinking water, and a safe roof-top viewing platform.
- 100% of the roof area of the entire building, including the addition would serve as a recreational enhancement, and much of the 351 SF addition would also serve the park.

In July, 2017, the Town of Essex heard that New York’s Compliance Officer at NPS was checking with the NPS Washington Office. There was discussion that NPS would classify this 351-square foot park area as a utility ineligible for funding through LWCF as per the LWCF manual, thus triggering a Conversion of parkland.

At the Town's request, a July 2017 conference call was scheduled with NPS staff, including Megan Lang, Jack Howard, and Emily Ferguson (Washington Office). The Town's position that the minor addition is *de minimis* and enhancements to the park such as building an ADA accessible restroom facility and installing a water fountain and roof-top observation deck do not trigger parkland Conversion was rejected by NPS. The Town is not proposing closing the park and the construction site immediately surrounding the facility will be protected by fencing for not more than six months. No additional parking or other uses that would deprive the public of recreational uses are proposed. In fact, the proposed improvements, such as the public restroom, drinking water fountain and observation deck are enhancements to the parkland.

NPS stated, "while the proposal includes new recreational amenities, it will trigger a Conversion because the upgraded pumping station structure would expand into LWCF protected parkland. Based on our review of the project files for this site, the LWCF boundary excluded a small area for the pumping station (approximately 20 x 20 ft.) because it was not considered a compatible use of LWCF parkland."

#### *Opportunities for Alternative Determinations: Public Facilities and Outdoor Recreation Concessions*

The Town presented suggestions to both OPRHP and NPS Staff to classify the outdoor recreation improvements as **public facilities** within the meaning of the LWCF Manual. Further discussion included whether a lease agreement between the Town of Essex and the Essex Water District for a restroom and viewing platform might constitute a **public facility concession**. Both suggestions were rejected by NPS in writing (Email 8 29 17).

*"Public Facility - to meet the eligibility for a public facility, a proposed structure must be compatible with and significantly supportive of outdoor recreation uses at the rest of the site. Public facilities are structures that are open and accessible to the general public. Examples include indoor baseball practice facilities and community recreation centers. Since an expanded pump station is to meet the needs of the Town and not specifically to support outdoor recreation at Beggs Park, it does not meet the criteria as a public facility." (NPS)*

*"Leasing/concessions - the Manual allows for 3rd party operators to provide public outdoor recreation opportunities at Fund assisted sites through lease/concession agreements. Example agreements can include overall management of a park, outdoor recreational equipment rentals or basic food concessions. While there are outdoor recreational opportunities associated with this proposal, it does not fit the criteria for a leasing/concession opportunity." (NPS).*

## References

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For the Town of Essex portions of the Environmental Assessment:

Copies of the Town of Essex SEQRA Environmental Assessment, Supplements, and related documents can be found at the following link:

[http://www.essexnewyork.com/wp-content/uploads/2019/11/Essex-Water-SEQRA-Type-1-NEG-DEC-Package-10-23-17\\_reduced.pdf](http://www.essexnewyork.com/wp-content/uploads/2019/11/Essex-Water-SEQRA-Type-1-NEG-DEC-Package-10-23-17_reduced.pdf)

New York Natural Heritage Program. 2019. Element Occurrence Dataset. New York Natural Heritage Program, State University of New York College of Environmental Science and Forestry, Albany NY. Accessed 7/2019.

New York State Department of Environmental Conservation – Environmental Justice Areas. <https://www.dec.ny.gov/public/911.html>, Accessed November 1, 2019.

New York State Department of Environmental Conservation – Environmental Resource Mapper. <http://www.dec.ny.gov/animals/38801.html>, Accessed November 1, 2019.

New York State Department of Environmental Conservation - Environmental Site Database. <http://www.dec.ny.gov/chemical/8437.html>, Accessed November 1, 2019.



