Draft
Environmental Assessment for the East Sidney Lake Master Plan

Delaware County, New York

March 2019

DRAFT FINDING OF NO SIGNIFICANT IMPACT

ENVIRONMENTAL ASSESSMENT FOR THE EAST SIDNEY LAKE MASTER PLAN

DELAWARE COUNTY, NEW YORK

In accordance with the National Environmental Policy Act of 1969 (NEPA), including guidelines in 33 Code of Federal Regulations (CFR) Part 230 (Procedures for Implementing NEPA), the Baltimore District of the U.S. Army Corps of Engineers (USACE) has assessed the potential impacts of the 2019 East Sidney Lake Master Plan (2019 Master Plan).

The 2019 Master Plan will provide guidance for stewardship of natural resources and management for long-term public access to, and use of, the natural resources of East Sidney Lake, including the land use classification of the USACE-managed lands. Land use classifications (see Table S-1) provide for development and resource management consistent with authorized purposes and other Federal laws. The 2019 Master Plan provides a comprehensive description of East Sidney Lake (the Project), a discussion of factors influencing resource management and development, new resource management objectives, a synopsis of public involvement and input into the planning process, descriptions of existing development, and consideration of future development activities.

Under the No Action Alternative, the USACE would take no action, which means no new resources analysis or land use reclassifications would occur. The operation and management of East Sidney Lake would continue as outlined in the 1961 Master Plan.

The Proposed Action includes adopting the 2019 Master Plan to reflect changes in land management and land uses, USACE regulations and guidance that have occurred since the 1961 Master Plan, and coordination with the public. The 2019 Master Plan refines land classifications to meet authorized project purposes and current resource objectives. This includes a mix of natural resource and recreation management objectives that are compatible with regional goals established by stakeholders and the USACE during the master planning process, recognize outdoor recreation trends, and are responsive to public comments. The purpose of the Proposed Action is to ensure that the conservation and sustainability of the land, water, and recreational resources at East Sidney Lake comply with applicable environmental laws and regulations and to maintain quality land for future use. The 2019 Master Plan is intended to serve as a comprehensive land and recreation management plan for the next 15 to 25 years, which reflects changes that have occurred since 1959 in outdoor recreation trends, regional land use, population, legislative requirements, USACE management policy, and wildlife habitat at East Sidney Lake.

The need for the Proposed Action is to update the East Sidney Lake Master Plan in accordance with January 2013 updates to the Engineer Regulation (ER) and Engineering Pamphlet (EP) 1130-2-550.

Table S-1 identifies the required land and water surface classification changes associated with the Proposed Action.

Table S-1. Proposed Changes to Land Use Classifications at East Sidney Lake

Classification	1961 Master Plan (acres)[1]	2019 Master Plan (acres)	Description
Project Operations	ND	14	Lands associated with the dam and spillway structures that are operated and maintained for fulfilling the flood risk management and water storage missions of East Sidney Lake. Although acreage was not defined in the 1961 Master Plan, USACE has determined the land fitting the new criteria totals 14 acres (land providing direct support to the operations of the Project's primary missions).
High-Density Recreation	ND	50	Lands used for intensive recreational activities. This includes the following areas within project lands: • The 40-acre East Sidney Recreation Area, outleased by the Town of Sidney. • Franklin School District private use recreation fields located in flowage easements, approximately 10 acres. This land use classification has been developed to support concentrated visitation and use of the recreational facilities they host. Dependent on available space, funding, and public demand, these areas may support additional outdoor recreation development in the future. These areas include boat launches, day use areas, and campgrounds. No specific projects have been identified.
Multiple Resource Management Lands			
Low-Density Recreation	ND	1	Lands with minimal development or infrastructure that support passive public recreation use, like fishing, hunting, wildlife viewing, or hiking. The overlook is the only designated low density recreation area on project lands. It includes informational signage, a walking path on top of the dam, and approximately 12 parking spots. There is less than 1 acre within project lands that falls under this classification.
Vegetative Management	ND	992	This land use classification includes an ecosystem-based management approach and is designated for stewardship of forest, prairie, and other native vegetative cover. The primary objective for these lands is to manage the forest to ensure a healthy, diverse, and visual aesthetic continuous forest canopy throughout the East Sidney Lake property. The provision and protection of wildlife habitat and the availability of these lands for passive recreation activities are also important objectives. Current recreational use of these lands includes, but is not limited to hunting, bank fishing, wildlife viewing, and hiking. Future uses include all existing uses with the possibility of enhancing these uses with amenities like signage or new primitive access trails.
Water Surface			
Designated – No Wake	ND	3	Designated No-Wake areas are intended to protect environmentally sensitive shorelines and improve boating safety near key recreational water access areas such as boat ramps. Designated No-Wake areas at East Sidney Lake includes the area in front of the dam and the area around the designated beach area. These areas are typically marked with standard U.S. Coast Guard regulatory buoys. This change reflects new classification criteria and no actual change in water use.

Table S-1. Proposed Changes to Land Use Classifications at East Sidney Lake

Classification	1961 Master Plan (acres)[1]	2019 Master Plan (acres)	Description
Restricted	ND	4	Restricted water surface includes those areas where recreational boating is prohibited or restricted for project operations, safety, and security purposes. The Restricted water surface at East Sidney Lake include a small area around the dam and intake tower as well as the area within the stilling basin.
Open Recreation Area	ND	203	Open Recreation area includes all water surface areas available for year-round or seasonal water-based recreational use. With the exception of the Restricted areas described in the above paragraphs, the remaining water surface of approximately 203 acres at East Sidney Lake water surface would be designated as Open Recreation.

[1] The 1961 Master Plan did not include land classifications. When East Sidney Lake was established, the only land allocation category that applied to the Project was Operations, which includes lands required to operate the dam and accomplish the primary authorized purposes of the Project.

ND = Not Defined; NYS DEC = New York State Department of Environmental Conservation; USACE = U.S. Army Corps of Engineers

USACE chose the Proposed Action because it would meet regional goals associated with good stewardship of land and water resources, meet regional recreation goals, and allow for continued use and development of project lands without violating national policies or public laws.

USACE used the Environmental Assessment (EA) and comments received from other agencies to determine whether the Proposed Action requires the preparation of an Environmental Impact Statement (EIS). This included assessment of all environmental, social, and economic factors that are relevant to the recommended alternative considered in this assessment. The EA determined negligible impact would occur to the following resources: air quality, greenhouse gases and climate, noise, geology, cultural resources, groundwater, wild and scenic rivers, utilities, hazardous materials and waste, socioeconomics and environmental justice, and traffic and transportation (see Section 3.1 of the EA). Minor impacts could occur to water resources, soils, and biological resources, and beneficial impacts would occur to land use and recreation (see Sections 3.2 through 3.5 of the EA).

Conclusion

Based on the summary of effects evaluated in the EA, I have determined that the Proposed Action alternative, which I have selected, will not have a significant effect on the natural and human environment. For this reason, no Environmental Impact Statement needs to be prepared.

Date

John T. Litz, PMP
Colonel, U.S. Army
Commander and District Engineer

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ENVIRONMENTAL ASSESSMENT ORGANIZATION

This Environmental Assessment (EA) evaluates the effects to the natural and human environment from the 2019 East Sidney Lake Master Plan. The EA will facilitate the decision-making process regarding the Proposed Action and alternatives.

CHAPTER 1 INTRODUCTION, PURPOSE, NEED, AND SCOPE summarizes the purpose of and need for the Proposed Action, provides relevant background information, and describes the scope of the EA. This Chapter also includes public involvement and agency coordination efforts conducted during preparation of the EA.

CHAPTER 2 PROPOSED ACTION AND ALTERNATIVES examines alternatives for implementing the Proposed Action and describes the recommended alternative.

CHAPTER 3 ENVIRONMENTAL SETTING AND CONSEQUENCES describes the existing natural and human environments, and identifies the potential effects of implementing the Proposed Action and alternatives.

CHAPTER 4 CUMULATIVE EFFECTS describes the impact on the environment that may result from the incremental impact of the action when added to other past, present, and reasonably foreseeable actions.

CHAPTER 5 COMPLIANCE WITH ENVIRONMENTAL LAWS provides a listing of environmental protection statutes and other environmental requirements.

CHAPTER 6 IRRETRIEVABLE AND IRREVERSIBLE COMMITMENT OF RESOURCES identifies any irreversible and irretrievable commitments of resources that would be involved in the Proposed Action should it be implemented.

CHAPTER 7 SUMMARY OF ENVIRONMENTAL CONSEQUENCES summarizes the potential environmental consequences of implementing the Proposed Action and alternatives.

CHAPTER 8 REFERENCES provides bibliographical information for cited sources.

CHAPTER 9 LIST OF PREPARERS identifies persons who prepared the document and their areas of expertise.

APPENDIX A PUBLIC AND AGENCY CORRESPONDENCE provides relevant documentation of correspondence with the public and agencies.

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ACRONYMS

Acronym	Definition
AHPA	Archeological and Historic Preservation Act
Bc	Barbour loam
Bg	Barbour-Trestle complex
BMP	best management practice
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
CRIS	Cultural Resource Information System
EA	Environmental Assessment
EIS	Environmental Impact Statement
EO	Executive Order
EP	Engineering Pamphlet
ER	Engineering Regulation
FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance Rate Maps
FPPA	Farmland Protection Policy Act
GIS	Geographical Information System
MBTA	Migratory Bird Treaty Act
ND	Not Defined
NEPA	National Environmental Policy Act
NFIP	National Flood Insurance Program
NHPA	National Historic Preservation Act
NRHP	National Register of Historic Places
NRCS	Natural Resources Conservation Service
NWI	National Wetlands Inventory
NYS DEC	New York State Department of Environmental Conservation
ROI	region of influence
SME	subject matter expert
T/A/Y	tons per acre per year
TkC	Tunkhannock gravelly loam, 8 to 15 percent slopes
USACE	U.S. Army Corps of Engineers
USDA	U.S. Department of Agriculture
USEPA	U.S. Environmental Protection Agency
USFWS	U.S. Fish and Wildlife Service
Vo	Volusia channery silt loam

DRAFT ENVIRONMENTAL ASSESSMENT

EAST SIDNEY LAKE MASTER PLAN

DELAWARE COUNTY, NEW YORK

CHAPTER 1 INTRODUCTION, PURPOSE, NEED, AND SCOPE

1.1 INTRODUCTION

The Master Plan is the strategic land use management document that guides the comprehensive management and development actions related to all project recreational, natural, and cultural resources throughout the life of the project. Specific to this Environmental Assessment (EA), East Sidney Lake (also referred to as the Project) which was authorized and constructed for the primary purposes of controlling floods in the Otselic River Watershed and Upper Susquehanna River Basin.

The U.S. Army Corps of Engineers (USACE) produces and uses the Master Plan to guide the responsible stewardship of USACE-administered lands and resources for the benefit of present and future generations. The Master Plan presents an inventory and analysis of land resources, resource management objectives, land use classifications, resource use plans for each land use classification, current and projected park facility needs, an analysis of existing and anticipated resource use, and anticipated influences on overall project operation and management. Specific to East Sidney Lake, the Master Plan presents an evaluation of the assets, needs, and potentials of East Sidney Lake and provides direction for appropriate management, use, development, enhancement, protection, and conservation of the natural and man-made resources at the Project. The Master Plan is guided by Engineer Regulation (ER) and Engineering Pamphlet (EP) 1130-2-550. USACE land use classifications provide for development and resource management consistent with authorized purposes and other Federal laws.

The USACE is proposing adoption of a new Master Plan at East Sidney Lake to reflect changes that have occurred to the Project, in the region, in recreation trends, and in USACE policy since the 1961 Master Plan. This EA considers the potential impacts to the natural and human environment from implementation of the 2019 East Sidney Lake Master Plan (herein referred to as the "2019 Master Plan").

1.1.1 Project Location and Setting

East Sidney Lake is in Delaware County, New York, on Ouleout Creek, approximately 5 miles upstream of the confluence of the creek with the Susquehanna River near the village of Unadilla (see Figure 1-1). Project lands occupy approximately 1,267 acres of land with 590 fee simple acres and 677 flowage easement acres. The dam that created East Sidney Lake controls a drainage area of 102 square miles, which is approximately 5 percent of the Upper Susquehanna River Basin and 93 percent of the Ouleout Creek drainage area (USACE 2019).

The term "**fee simple**" refers to land owned by an entity or individual; in this case, land owned by the federal government. The USACE manages fee simple lands and also leases portions of the Project to other entities for recreational, resource management ,and agricultural purposes (see Section 3.5).

The term "**easement**" refers to land which a user has rights over, however is not owned by the user. The USACE has the right to flood 677 acres of non-USACE owned land under flowage easements.

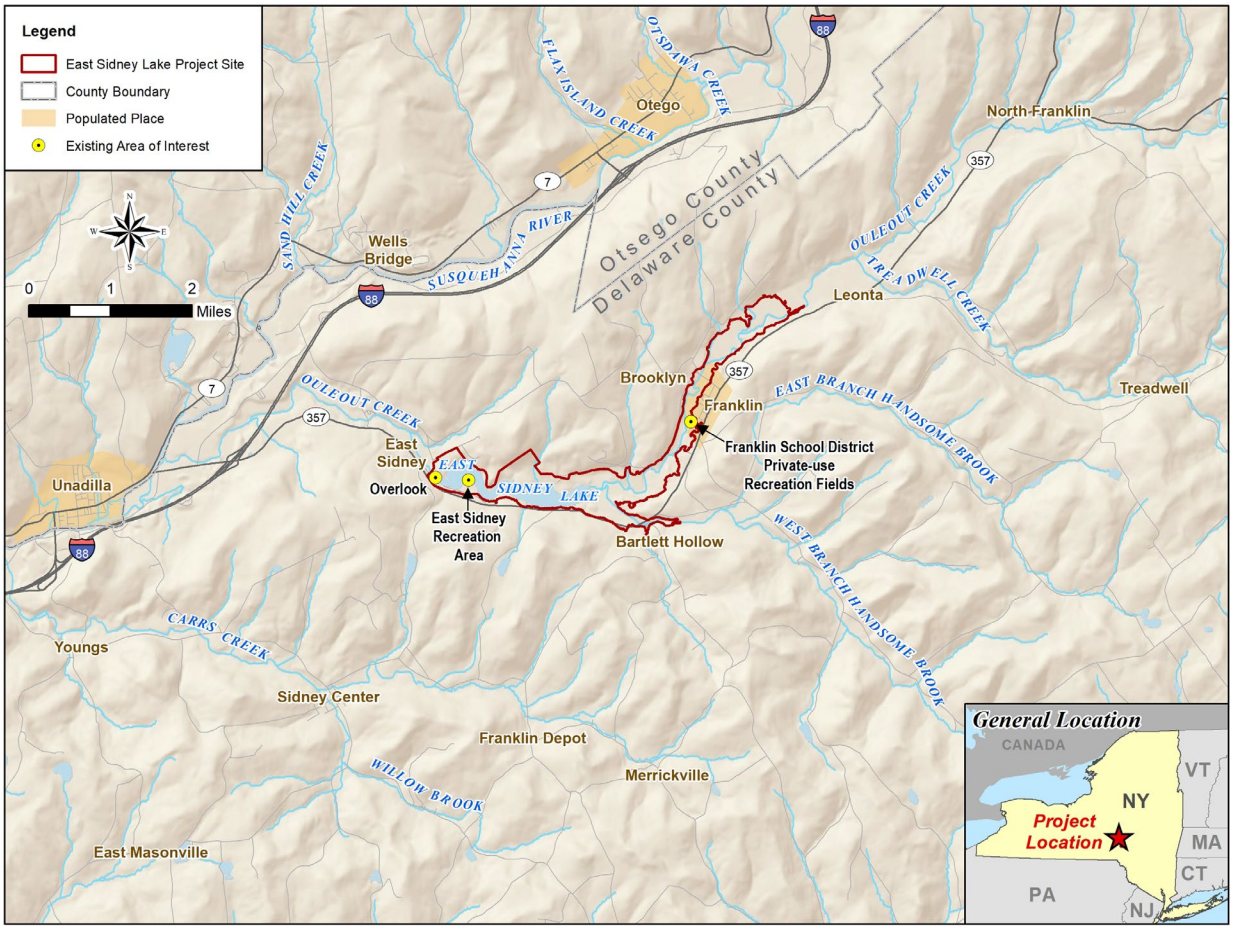


Figure 1-1. Project Location Map

1.1.2 Project Background

The East Sidney Lake project on Ouleout Creek was authorized by the Flood Control Act of June 22, 1936 (Public Law 74-738, 74th Congress, 2nd Session) in order to control floods in the Upper Susquehanna River Basin. The East Sidney Lake project was one of the seven flood control projects included in the Definite Project Report for Flood Protection, Upper Susquehanna River Basin, approved by the Chief of Engineers in October 1939.

The USACE completed the East Sidney Lake project in 1950 for the primary purposes of controlling floods in the Upper Susquehanna River Basin as part of a comprehensive flood control plan. The Project provides immediate flood protection for the valley downstream from the dam and assists in controlling floods on the Susquehanna River. A major secondary use of the project lands and waters is recreation and environmental stewardship of natural and cultural resources. The Project is heavily utilized by individuals and groups from near and far who participate in a variety of activities like boating, fishing, hiking, picnicking, and enjoying the great outdoors (USACE 2018).

The dam consists of rolled earth and rockfill, rising 130 feet from the streambed and extends 2,010 feet across the valley. The Project controls a drainage area of 102 square miles. At summer recreation pool, the lake is approximately 210 acres in size. This corresponds to approximately 3,350 acre-feet of water, where 3,300 acre-feet is used for flood risk management and 50 acre-feet is used for conservation storage. At the designed flood control level, elevation 1,203 feet, the lake covers 1,110 acres, stores approximately 33,350 acre-feet of water, and extends 5.5 miles upstream of the dam (USACE 2019). The Project also contributes

to Executive Order (EO) 13508 goals to protect habitat and water quality and expand public access within the Chesapeake Bay Watershed (USACE 2018).

1.2 PURPOSE AND NEED FOR THE ACTION

The purpose of the Proposed Action is to ensure that the conservation and sustainability of the land, water, and recreational resources at East Sidney Lake comply with applicable environmental laws and regulations and to maintain quality land for future use. The 2019 Master Plan is intended to serve as a comprehensive land and recreation management plan for the next 15 to 25 years, which reflects changes that have occurred since 1961 in outdoor recreation trends, regional land use, population, legislative requirements, USACE management policy, and wildlife habitat at East Sidney Lake.

The need for the Proposed Action is to update the East Sidney Lake Master Plan in accordance with January 2013 updates to ER and EP 1130-2-550.

1.3 SCOPE OF THE EA

The USACE prepared this EA pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 Code of Federal Regulations [CFR] 1500–1517), and the USACE implementing regulations, Policy and Procedures for Implementing NEPA, ER 200-2-2 (USACE 1988) to evaluate existing conditions and potential impacts of implementing the 2019 East Sidney Lake Master Plan. NEPA requires federal agencies to review potential environmental effects of federal actions which includes the adoption of formal plans, such as master plans, approved by federal agencies upon which future agency actions will be based.

Alternatives considered within this EA focus on the proposed land use classifications as presented in the 2019 Master Plan and the types of future development projects that could occur within the land use classifications. The EA does not consider implementation of specific projects identified within the 2019 Master Plan during the master planning process as these projects are conceptual in nature. The USACE would conduct further NEPA analysis on projects identified within the 2019 Master Plan once funding is available and detailed project planning and design occur.

In accordance with the above regulations, the USACE intends to use this EA to meet USACE's regulatory requirements under NEPA and provide USACE with the information needed to make an informed decision about the potential effects to the natural and human environment from implementing the Proposed Action.

1.4 PUBLIC AND AGENCY INVOLVEMENT

The USACE invites public participation in the NEPA process. Consideration of the views of and information provided by all interested persons and stakeholders promotes open communication and enables better decision-making. USACE coordinated with agencies, organizations, and members of the public with a potential interest in the Proposed Action during development of the 2019 Master Plan and in preparation of this EA. A Public Notice was sent to interested parties on December 11, 2018, announcing that USACE was preparing an EA for the 2019 Master Plan update (see Appendix A). Stakeholders contacted included the Town of Sidney Park Manager and the New York State Department of Environmental Conservation (NYS DEC).

1.4.1 Public Review

The EA process includes a 30-day public review period. A notice of availability was published in the Tri-Town News, Daily Star and Evening Sun regarding the availability of the Draft EA. A hard copy of the Draft EA is available at the Franklin Free Library in Franklin, New York. This document has also been placed for review on the Project's website at the following URL address:

https://www.nab.usace.army.mil/ESL-Master-Plan-Revision/. Public comments received during the 30-day public comment period will be considered in preparation of the Final EA and will be made part of the Administrative Record.

1.4.2 Agency Coordination

The USACE has distributed this Draft EA to the U.S. Fish and Wildlife Service (USFWS) – Region 5 and the NYS DEC.

The USACE also coordinated with the USFWS New York Ecological Services Field Office and NYS DEC in preparation of this EA regarding the presence and potential affects to protected species. Information on protected species in included in Section 3.4.

Copies of agency correspondence are included in Appendix A of this EA.

CHAPTER 2 PROPOSED ACTION AND ALTERNATIVES

2.1 DEVELOPMENT OF ALTERNATIVES

USACE identified alternatives considered within this EA as part of the master planning process. This Chapter describes the master planning process, screening criteria for alternative development, and the alternatives carried forth for detailed analysis within this EA.

2.1.1 Master Planning Process

USACE guidance recommends the establishment of resource goals and objectives for purposes of development, conservation, and management of natural, cultural, and human-made resources at a project location. Goals describe the desired end state of overall management efforts, whereas objectives are concise statements describing measurable and attainable management activities that support the stated goals. Goals and objectives are guidelines for obtaining maximum public benefits while minimizing adverse impacts on the environment and are developed in accordance with 1) authorized project purposes, 2) applicable laws and regulations, 3) resource capabilities and suitability, 4) regional needs, 5) other governmental plans and programs, and 6) expressed public desires. Table 2-1 outlines the goals and objectives proposed in the 2019 East Sidney Lake Master Plan.

Table 2-1. Growth Concepts Identified within the 2019 Master Plan

Goal	Description	Objectives	Timeframe
1	Improve infrastructure and utilities	✓ Address key safety concerns	Short to Mid-range (within the next 1 to 10 years)
2	Enhance existing recreation sites and amenities	✓ Expand hiking trails – connect current system of trails	Short to Mid-range (within the next 1 to 10 years)
3	Expand recreational opportunities in key areas	No requirements identified for this goal.	Not Applicable
4	Invest in key operational and support facilities	No requirements identified for this goal.	Not Applicable

2.1.2 Screening Criteria

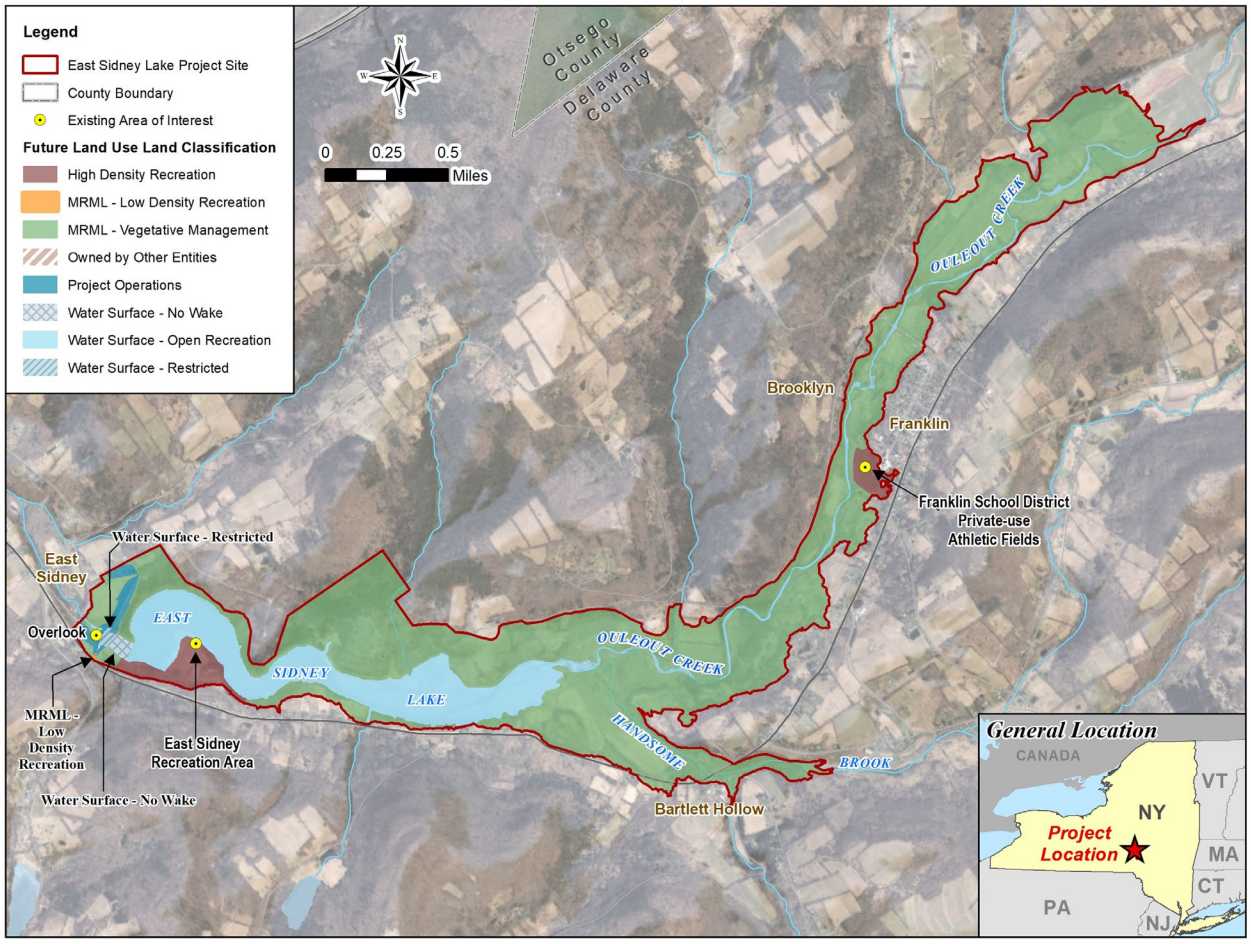
For an alternative to be considered viable, it must be compatible with the primary project missions of flood risk management, water quality control, and water supply. In addition, the alternative must meet management goal objectives and USACE-wide Environmental Operating Principles as described in Chapter 3 of the 2019 Master Plan. Based on these criteria, this EA considers the No Action Alternative (Section 2.2) and the Proposed Action Alternative (Section 2.3).

2.2 ALTERNATIVE 1: NO ACTION ALTERNATIVE

The No Action Alternative serves as a basis for comparison to the anticipated effects of the other action alternatives. Under the No Action Alternative, the USACE would take no action and would not adopt the 2019 Master Plan. The operation and management of East Sidney Lake would continue as outlined in the current 1961 Master Plan. No new land use classifications would occur and a framework for future development at East Sidney Lake would not occur.

2.3 ALTERNATIVE 2: PROPOSED ACTION ALTERNATIVE (PREFERRED ALTERNATIVE)

Under Alternative 2, the USACE would implement the 2019 Master Plan and associated changes in land management in compliance with USACE regulations and guidance. This alternative would adopt land classifications to USACE standards and include resource objectives that reflect current and projected needs compatible with regional goals. Required changes associated with the Proposed Action include classifications of land, classification of the water surface, and adoption of new resource management and recreation objectives. Figure 2-1 depicts the proposed new land use classifications within the 2019 Master Plan. Table 2-2 quantifies the proposed land and water surface reclassifications and provides a description of the land use classification along with types of future projects that could occur within each land use classification, as applicable.



MRML = multiple resource management lands

Figure 2-1. Proposed East Sidney Lake 2019 Master Plan Reclassification Map

Table 2-2. Proposed Changes to Land Use Classifications at East Sidney Lake

Classification	1961 Master Plan (acres)[a]	2019 Master Plan (acres)	Description
Project Operations	ND	14	Lands associated with the dam and spillway structures that are operated and maintained for fulfilling the flood risk management and water storage missions of East Sidney Lake. Although acreage was not defined in the 1961 Master Plan, USACE has determined the land fitting the new criteria totals 14 acres (land providing direct support to the operations of the Project's primary missions).
High-Density Recreation	ND	50	Lands used for intensive recreational activities. This includes the following areas within project lands: • The 40-acre East Sidney Recreation Area, outleased by the Town of Sidney. • Franklin School District private use recreation fields located in flowage easements, approximately 10 acres. This land use classification has been developed to support concentrated visitation and use of the recreational facilities they host. Dependent on available space, funding, and public demand, these areas may support additional outdoor recreation development in the future. These areas include boat launches, day use areas, and campgrounds. No specific projects have been identified.
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Water Surface			
Designated – No Wake	ND	3	Designated No-Wake areas are intended to protect environmentally sensitive shorelines and improve boating safety near key recreational water access areas such as boat ramps. Designated No-Wake areas at East Sidney Lake includes the area in front of the dam and the area around the designated beach area. These areas are typically marked with standard U.S. Coast Guard regulatory buoys. This change reflects new classification criteria and no actual change in water use.

Table 2-2. Proposed Changes to Land Use Classifications at East Sidney Lake

Classification	1961 Master Plan (acres)[a]	2019 Master Plan (acres)	Description
Restricted	ND	4	Restricted water surface includes those areas where recreational boating is prohibited or restricted for project operations, safety, and security purposes. The Restricted water surface at East Sidney Lake include a small area around the dam and intake tower as well as the area within the stilling basin.
Open Recreation Area	ND	203	Open Recreation area includes all water surface areas available for year-round or seasonal water-based recreational use. With the exception of the Restricted areas described in the above paragraphs, the remaining water surface of approximately 203 acres at East Sidney Lake water surface would be designated as Open Recreation.

[a] The 1961 Master Plan did not include land classifications. When East Sidney Lake was established, the only land allocation category that applied to the Project was Operations, which includes lands required to operate the dam and accomplish the primary authorized purposes of the Project.

ND = Not Defined; NYS DEC = New York State Department of Environmental Conservation; USACE = U.S. Army Corps of Engineers

The Proposed Action would update the 2019 Master Plan compliant with ER and EP 1130-2-550, and would meet goals and objectives outlined in the 2019 Master Plan. Therefore, this alternative is the Preferred Alternative and will carry forward as the Proposed Action.

2.4 ALTERNATIVES ELIMINATED FROM FURTHER CONSIDERATION

The USACE initially considered other alternatives to the Proposed Action as part of the master planning charette process. However, none met the purpose of and need for the Proposed Action or the USACE regulations and guidance. As such, no other alternatives beyond the No Action and Preferred Alternative are being carried forward for analysis in this EA.

CHAPTER 3 ENVIRONMENTAL SETTING AND CONSEQUENCES

3.1 INTRODUCTION

This Chapter describes the natural and human environments that exist at the Project and the potential impacts of the No Action Alternative and Proposed Action (Preferred Alternative), outlined in Chapter 2. The description of baseline data sources and approach for analyzing impacts are discussed in Sections 3.1.1 and 3.1.2, respectively.

Several resources were determined not to be affected by the Proposed Action; therefore, a detailed analysis of these topics is not presented in this chapter. Section 3.1.3 provides a discussion of resources carried through for further analysis within the EA, and justification for those resources dismissed from further analysis.

3.1.1 Description of Baseline Data and Data Sources

The EA used the following types of data to characterize the affected environment of the Project:

- Geographical Information System (GIS), including waters and wetlands inventory, floodplain mapping, and vegetation
- Aerial photography: U.S. Department of Agriculture (USDA), National Agriculture Imagery Program
- Regional and local reports: including Natural Resources Conservation Service (NRCS) Soil Surveys and previous studies conducted at East Sidney Lake
- Agency databases including the USFWS and the U.S. Environmental Protection Agency (USEPA)
- Information presented within the 2019 Master Plan
- Agency consultation

3.1.2 Approach for Analyzing Impacts

Impacts (consequence or effect) can be either beneficial or adverse and can be either directly related to the action or indirectly caused by the action. Direct effects are caused by the action and occur at the same time and place (40 CFR 1508.8[a]). Indirect effects are caused by the action and are later in time or further removed in distance, but are still reasonably foreseeable (40 CFR 1508.8[b]). As discussed in this chapter, the alternatives may create temporary (less than 1 year), short-term (up to 3 years), long-term (3 to 10 years following the Master Plan), or permanent effects.

Whether an impact is significant depends on the context in which the impact occurs and the intensity of the impact (40 CFR 1508.27). The context refers to the setting in which the impact occurs and may include society as a whole, the affected region, the affected interests, and the locality. Impacts on each resource can vary in degree or magnitude from a slightly noticeable change to a total change in the environment. This analysis classifies the intensity of impacts as beneficial, negligible, minor, moderate, or significant. The intensity thresholds are defined as follows:

- Beneficial – Impacts would improve or enhance the resource.
- Negligible – A resource would not be affected, or the effects would be at or below the level of detection, and changes would not be of any measurable or perceptible consequence.

- Minor – Effects on a resource would be detectable, although the effects would be localized, small, and of little consequence to the sustainability of the resource. Mitigation measures, if needed to offset adverse effects, would be simple and achievable.
- Moderate – Effects on a resource would be readily detectable, long-term, localized, and measurable. Mitigation measures, if needed to offset adverse effects, would be extensive and likely achievable.
- Significant – Effects on a resource would be obvious and long-term and would have substantial consequences on a regional scale. Mitigation measures to offset the adverse effects would be required and extensive, and success of the mitigation measures would not be guaranteed.

As stated in Section 1.3, Scope of the EA, the analysis focuses on the proposed land use classifications as presented in the 2019 Master Plan and the types of future development projects that could occur within each land use classification. Specific future projects contained within the 2019 Master Plan are qualitatively considered within this EA, as these projects are conceptual in nature. The USACE would conduct further NEPA analysis on projects identified within the 2019 Master Plan once funding is available and detailed planning and design occur. As illustrated in Table 2-1, these projects would occur within two periods: short-range (within the next 1 to 5 years) and mid-range (within the next 6 to 10 years).

3.1.3 Level of Resource Area Analysis

All potentially relevant resource areas were initially considered for analysis in this EA. Consistent with NEPA implementing regulations and guidance, USACE focused the analysis on topics with the greatest potential for environmental impacts. This sliding-scale approach is consistent with NEPA (40 CFR 1502.2(b)), under which impacts, issues, and related regulatory requirements are investigated and addressed with a degree of effort commensurate with their importance. Some resource topics are limited in scope due to the lack of direct effect from the Proposed Action on the resource or because that resource is not located within the Project. For example, no body of water in the East Sidney Lake watershed is designated as a federally wild or scenic river, so this resource will not be discussed. Table 3-1 provides justification for whether the EA carries a resource area through for detailed consideration.

In conducting this analysis, a qualified subject matter expert (SME) reviewed the potential direct and indirect effects of the No Action Alternative and the Proposed Action relative to each environmental and socioeconomic resource. The SME carefully analyzed and considered the existing conditions of each resource area within the Proposed Action's region of influence (ROI). Through this analysis, it was determined that, for several resource areas, negligible adverse effects would occur. This included air quality, greenhouse gases and climate, noise, geology, groundwater, cultural resources, wild and scenic rivers, utilities, hazardous materials and waste, socioeconomics and environmental justice, and traffic and transportation (see Table 3-1).

Table 3-1. Environmental Resource Area Assessment Criteria and Level of Assessment

Resource Area	ROI	Thresholds of Significance	Dismissed from further Analysis?	Rationale for Level of Assessment
Air Quality	Southern Tier East Intrastate-Air Quality Control Region	Significant impacts to air quality would occur if the Proposed Action generated emissions that: • Exceed the general conformity rule *de minimis* (of minimal importance) threshold values; or • Contribute to a violation of any federal air regulation.	Yes	East Sidney Lake is in an area meeting attainment for all criteria pollutants, and therefore, the General Conformity Rule does not apply (USEPA 2018). Changes to land use classifications under the Proposed Action would not affect air quality. Implementation of future master planning projects would generate temporary emissions from construction activities, including particulate matter and other criteria pollutants. Future development and increased recreational opportunities could also generate increased visitation and corresponding vehicle emissions. These increases, however, would be insignificant and would not affect air quality. Increases could also be offset by people travelling less distance to obtain recreational experiences previously not offered at the Project. As a result, this resource area is not further discussed in this EA.

Table 3-1. Environmental Resource Area Assessment Criteria and Level of Assessment

Resource Area	ROI	Thresholds of Significance	Dismissed from further Analysis?	Rationale for Level of Assessment
Greenhouse Gases and Climate	Delaware County, New York	Significant impacts to greenhouse gases would occur if the Proposed Action contributes to substantial greenhouse gas emissions and climate change.	Yes	Delaware County is in Climate Zone 6 with an average annual temperature of 45.15°F (U.S. Climate Data 2018). Changes to land use classifications under the Proposed Action would not affect greenhouse gas emissions or climate. Implementation of future master planning projects would generate temporary emissions from construction activities, including greenhouse gases. Future development and increased recreational opportunities could also generate increased visitation and corresponding greenhouse gas emissions from vehicles. These increases, however, would be insignificant to greenhouse gas levels and to climate change contribution. Increases in greenhouse gas emissions could also be offset by people travelling less distance to obtain recreational experiences previously not offered at the Project. As a result, this resource area is not further discussed in this EA.
Geology and Topography	Geology and topography within and adjacent to (i.e., within 50 feet) master planning project footprints	Significant impacts would occur to geology and topography if the Proposed Action is located on a geologic unit or contains topography that is unstable, or would become unstable due to the project, potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse.	Yes	The Project falls within the Allegheny Plateau physiographic province, which is a deeply dissected plateau generally characterized by steep slopes. Changes to land use classifications under the Proposed Action would not affect geology or topography. Construction activities associated with future development would not affect the geology and siting and design of future projects would consider the steep topography. As a result, this resource area is not further discussed in this EA.

Table 3-1. Environmental Resource Area Assessment Criteria and Level of Assessment

Resource Area	ROI	Thresholds of Significance	Dismissed from further Analysis?	Rationale for Level of Assessment
Water Resources	Watersheds, state-designated stream segments, wetlands, and groundwater aquifers associated with East Sidney Lake	Significant impacts would occur to water resources if the Proposed Action: • Violates any water quality standards or waste discharge requirements; • Results in an excess sediment load in adjacent waters, affecting impaired resources; • Results in unpermitted direct impacts to waters of the United States; • Violates policies, regulations, and permits related to wetlands conservation and protection; • Substantially affects surface water drainage or stormwater runoff, including floodwater flows; or • Substantially affects groundwater quantity or quality.	No (surface water and wetlands) Yes (groundwater)	East Sidney Lake is in the Ouleout Creek watershed, Hydrologic Unit Code, 0205010110. Changes to land use classification and future master planning projects could have the potential to adversely impact surface waters and wetlands. As a result, these resources are further discussed in Section 3.2. Changes to land use classification and construction of future master planning projects are not anticipated to adversely affect the quality or availability of groundwater. Therefore, groundwater is not further discussed in this EA.
Soils	Soils within and adjacent to (i.e., within 50 feet) master planning project footprints	Significant impacts would occur to soils if the Proposed Action results in substantial soil erosion or topsoil loss.	No	Changes to land use classification and future master planning projects could affect soils susceptible to erosion and Prime Farmland soils. As a result, this resource area is further discussed in Section 3.3.

Table 3-1. Environmental Resource Area Assessment Criteria and Level of Assessment

Resource Area	ROI	Thresholds of Significance	Dismissed from further Analysis?	Rationale for Level of Assessment
Biological Resources	Biological resources within and adjacent to East Sidney Lake	Significant impacts would occur to biological resources if the Proposed Action causes: • Substantial and permanent conversion or net loss of habitat at the landscape scale; • Long-term loss or impairment of a substantial portion of local habitat (species-dependent); • Loss of populations of species; or • Unpermitted or unlawful "take" of species protected under the Endangered Species Act, the Bald and Golden Eagle Protection Act, or the Migratory Bird Treaty Act.	No	Changes to land use classification and future master planning projects have the potential to impact biological resources from loss of habitat and habitat degradation. As a result, this resource area is further discussed in Section 3.4.
Noise	East Sidney Lake and adjacent lands	Significant noise impacts would occur if the Proposed Action: • Violates any federal, state, or local noise ordinance; • Creates incompatible land uses for areas with sensitive noise receptors outside the project area; or • Creates noise loud enough to threaten or harm human health.	Yes	East Sidney Lake is in a physical setting characterized as rural. In rural areas most noise comes from transportation, and human and animal sources (Engineering Toolbox 2013). Changes to land use classifications under the Proposed Action would not change the existing noise environment. Operational activities would be consistent with current noise levels. As a result, this resource area is not further discussed in this EA.

Table 3-1. Environmental Resource Area Assessment Criteria and Level of Assessment

Resource Area	ROI	Thresholds of Significance	Dismissed from further Analysis?	Rationale for Level of Assessment
Land Use and Recreation	Land use within and directly adjacent to East Sidney Lake	Significant impacts would occur to land use and recreation if the Proposed Action: • Conflicts with applicable land use plans, policies, or regulation of an agency with jurisdiction over the project; • Conflicts with applicable habitat conservation plan or natural community conservation plan; or • Diminishes existing recreational opportunities.	No	As the Proposed Action implements changes to land use classifications and identifies future recreational projects within and adjacent to East Sidney Lake, these resource areas are further discussed in Section 3.5.

Table 3-1. Environmental Resource Area Assessment Criteria and Level of Assessment

Resource Area	ROI	Thresholds of Significance	Dismissed from further Analysis?	Rationale for Level of Assessment
Cultural Resources	Cultural resources within and adjacent to (i.e., within 50 feet) master planning project footprints	Significant impacts to cultural resources would occur if the Proposed Action: • Causes substantial adverse change in the significance of historical or archaeological resources as defined in the National Historic Preservation Act (NHPA); or • Disturbs any human remains, including those buried outside of formal cemeteries.	Yes	The USACE manages cultural resources at East Sidney Lake in accordance with the Integrated Cultural Resources Management Plan (ICRMP) (USACE 2017). Per the ICRMP, no Native American sites, objects, or remains have been identified in the lake's draw down area that require compliance with the Native American Graves Protection and Repatriation Act. The ICRMP summarizes previous archaeological surveys conducted near the Project and contained within the New York Cultural Resources Information System (CRIS); no sites were identified at the Project. The ICRMP also states that no significant architectural properties have been documented in the immediate vicinity of East Sidney Lake, and no architectural inventories and assessments are identified in CRIS within one mile of the Project. Changes to land use classification would not adversely affect cultural resources, however, future master planning projects and uses have the potential to directly impact cultural resources from construction and grading activities or indirectly from erosion due to use. In regard to the East Sidney Lake 2019 Master Plan, this would include establishment of new primitive access trails. Prior to future master planning project implementation involving new construction, sites with the potential for archaeological resources (e.g., undisturbed locations) would be managed per the facility's ICRMP. As a result, this resource area is not further discussed in this EA.

Table 3-1. Environmental Resource Area Assessment Criteria and Level of Assessment

Resource Area	ROI	Thresholds of Significance	Dismissed from further Analysis?	Rationale for Level of Assessment
Utilities	Utilities within and near East Sidney Lake	A significant impact would occur if the Proposed Action were to result in a substantial increase in any utility consumption to the extent that generation capacity is exceeded, based on currently available projections, or unacceptable demands are placed on infrastructure supply and distribution systems.	Yes	Changes to land use classifications and future projects identified under the Proposed Action would not affect utilities. Therefore, utilities are not further discussed in this EA.
Hazardous Materials and Wastes	Areas within and adjacent to (i.e., within 50 feet) of master planning project footprints	A significant impact would occur if the project were to create a significant hazard to the public or the environment through release of hazardous materials into the environment.	Yes	No known contaminated sites occur at East Sidney Lake (USEPA 2018). Changes to land use classifications under the Proposed Action would not affect hazardous materials and wastes. Construction-related debris from future master planning projects would be managed, disposed, and recycled in accordance with state and federal requirements. Future development and related increased visitation could result in corresponding minor increases of waste generation, however, any waste generated during operations would be comparable to existing types generated and would be properly managed in accordance with state, and federal requirements. As a result, this resource area is not further discussed in this EA.

Table 3-1. Environmental Resource Area Assessment Criteria and Level of Assessment

Resource Area	ROI	Thresholds of Significance	Dismissed from further Analysis?	Rationale for Level of Assessment
Socio-economics and Environmental Justice	Areas within East Sidney Lake and immediate surrounding communities and counties	Significant impacts to socioeconomics and environmental justice would occur if the Proposed Action: • Causes substantial change to the sales volume, income, employment or population of the surrounding ROI; • Displaces substantial numbers of existing housing units or people, necessitating the construction of replacement housing elsewhere; • Causes disproportionate adverse economic, social, or health impacts on minority or low-income populations; or • Causes disproportionate health or safety risk to children.	Yes	The Proposed Action would not result in any appreciable effects to the local or regional socioeconomic environment. Changes to land use classification would have no impact on socioeconomics or environmental justice. Construction of future master planning projects (primitive trails) would have negligible beneficial effects associated with temporary employment of construction personnel and transportation of goods and materials to the construction sites. There would be no effects on environmental justice since the Proposed Action would be located within federal lands and projects would benefit local residences by enhancing recreational opportunities. Potential effects from construction and operation of future master planning projects would not result in disproportionate adverse environmental or health effects on low-income or minority populations or children. As a result, socioeconomics and environmental justice are not discussed further in this EA.
Traffic and Transportation	Public roadways and key access points within and near East Sidney Lake	Significant impacts to traffic and transportation would occur if Proposed Action: • Causes an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system; • Substantially increases hazards due to a design feature; • Noticeably hinder emergency access; or • Overwhelm existing parking capacity.	Yes	Changes to land use classification would have no impact on traffic and transportation. Future master planning projects would result in temporary increased truck traffic during construction to haul materials and wastes to and from the construction sites. Road closures would not be anticipated for construction of primitive trails and increases in visitation and corresponding traffic would be negligible. As a result, traffic and transportation are dismissed from this EA.

3.2 WATER RESOURCES

3.2.1 Affected Environment

3.2.1.1 Surface Waters and Wetlands

East Sidney Lake is located along Ouleout Creek, which is part of the greater Susquehanna River watershed. The dam at East Sidney Lake controls about 5 percent of the Upper Susquehanna River Basin and 93 percent of the Ouleout Creek drainage area (USACE 2019). The watershed is a mosaic of forested, agricultural, and residential land use. East Sidney Lake is the predominant surface water feature within the Project (see Section 3.2.1.2 regarding water quality and use designations). Numerous tributaries flow into the lake. The primary tributaries include Ouleout Creek and Handsome Brook. No designated wild and scenic rivers are located at or near East Sidney Lake.

Wetlands at East Sidney Lake are concentrated around the confluence of Ouleout Creek and Handsome Brook and within the floodplain of Ouleout Creek. This includes a mix of forested and emergent wetlands (USFWS 2018). Emergent wetlands have also become established downstream of the dam as a result the dam construction and are fed by incidental seepage and runoff (USACE 2019). Wetlands are protected under Section 404 of the Clean Water Act and EO 11990 Protection of Wetlands. In accordance with the Clean Water Act, disturbance to, or filling in, of potential wetlands at the Project are avoided to the highest degree possible, but if necessary, the USACE Regulatory Branch is consulted for jurisdictional determination and possible permitting for wetlands disturbance.

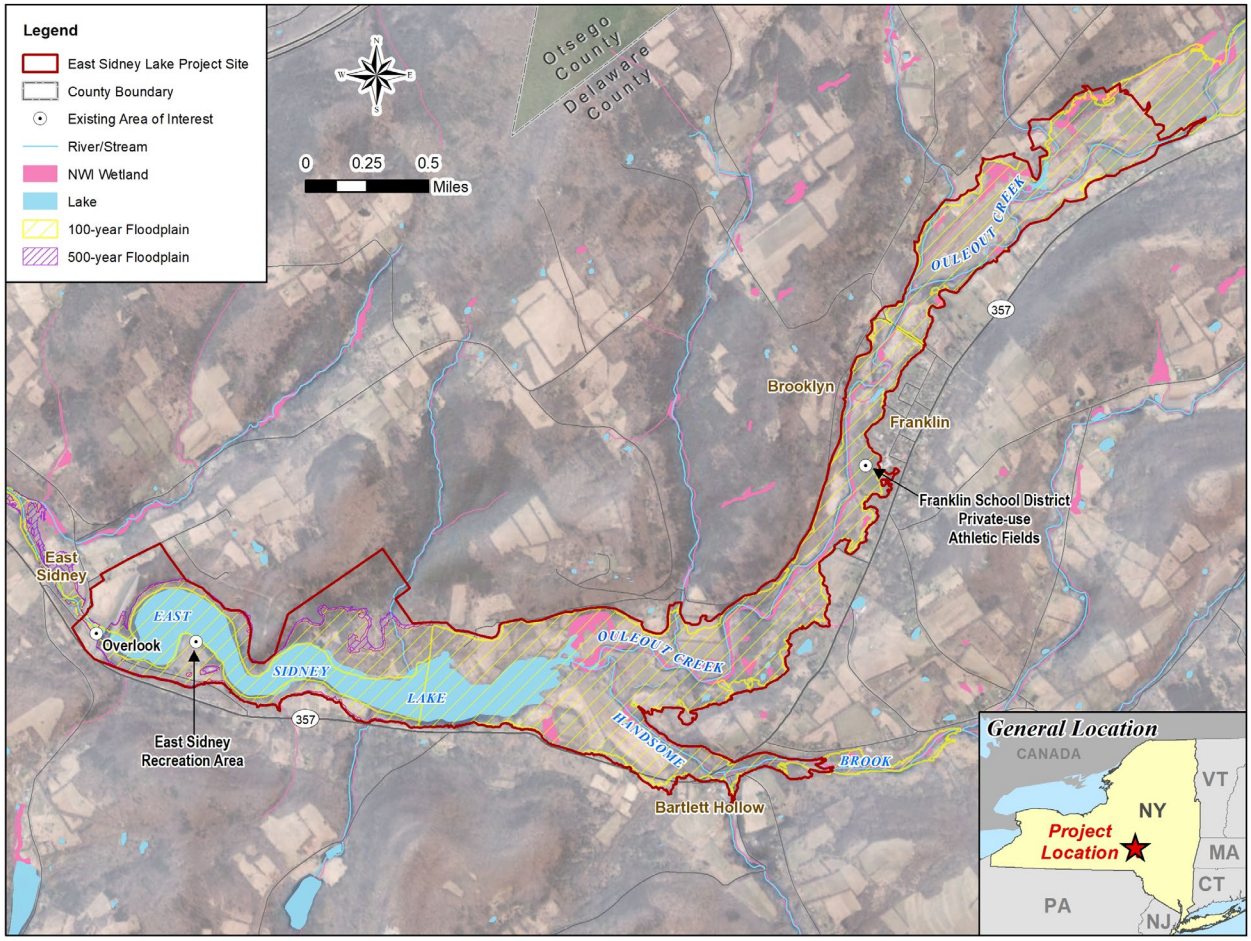
Figures 3.2-1 shows the location of surface water and wetlands within the Project.

3.2.1.2 Water Quality

Overall, water quality is judged to be relatively good, but due to high nutrient concentrations from nearby agricultural uses, the lake is characterized as eutrophic. During the hottest summer months, the lake suffers from algal blooms, thermal stratification, and oxygen depletion at the bottom of the lake. During the spring and fall months recovery occurs as is evident by no thermal stratification and oxygen being found at the bottom of the lake (USACE 2019).

The Clean Water Act requires that states report on water quality of their waters. Through ambient water quality monitoring, states determine if a waterbody satisfies the water quality criteria associated with each state's designated uses. Section 401 of the Clean Water Act requires applicants of a federal license or permit provide a certification that any discharges from the facility would comply with the act, including state-established water quality standard requirements. When a state-defined designated use is not met or supported by the waterbody, it is deemed impaired. Designated uses are defined on a state-by-state basis and documented according to the reporting requirements of Clean Water Act Sections 303 and 305. According to the State of New York's Final 2016 Section 303(d) List and Draft 2018 Section 303(d) List, no impaired waters are located at the Project (NYS DEC 2016, 2018a).

The State of New York designates East Sidney Lake as Class B waters (swimming and recreational contact) and tributaries flowing into the lake are classified as Class C waters (fishing), supporting trout fishing with the potential to support trout spawning (NYS DEC 2018b).



Source: FEMA 2016; USFWS 2018 USGS 2018; USDA-FSA 2017.

Figure 3.2-1. Surface Waters and Wetland Resources at East Sidney Lake

3.2.1.3 Floodplains

Floodplains are areas of land adjacent to rivers and streams that convey overflows during flood events. The Federal Emergency Management Agency (FEMA) defines a floodplain as being any land area susceptible to being inundated by water from any source (FEMA 2018a). FEMA prepares Flood Insurance Rate Maps (FIRMs) that delineate flood hazard areas, such as floodplains, for communities. These maps are used to administer floodplain regulations and to reduce flood damage. Typically, these maps indicate the locations of 100-year floodplains, which are areas with a 1 percent chance of flooding occurring in any single year. EO 11988, Floodplain Management, states that actions by federal agencies are to avoid to the extent possible the long- and short-term adverse impacts associated with the occupancy and modification of floodplain development wherever there is a practicable alternative.

The National Flood Insurance Program (NFIP) requires local jurisdictions to issue permits for all development in the 100-year floodplain, as depicted on maps issued by FEMA. Development is broadly defined to include any man-made change to land, including grading, filling, clearing, dredging, extraction, storage, subdivision of land, and construction and improvement of structures and buildings. For any development to take place, all necessary permits must be obtained, which may include federal and State permits, as well as the local permit. To be properly permitted, proposed development may not increase flooding or create a dangerous situation during flooding, especially on another person's property. If a structure is involved, it must be constructed to minimize damage during flooding. The NYS DEC acts as

the Coordinating Office for the NFIP in New York and is responsible for issuing floodplain development permits.

Floodplains are primarily located along the northern shore of East Sidney Lake and in the western edge of the Project at the confluence of Ouleout Creek and Handsome Brook (see Figure 3.2-1). FEMA classifies the western portion of the Project as Zone AE (base flood elevations determined [1,198 feet]) and the eastern portion of the Project as Zone A (no base flood elevations determined) (FEMA 2018b).

3.2.2 No Action – Environmental Consequences

Under the No Action Alternative, USACE would not implement the 2019 Master Plan and no new land use classifications or future development projects contained within the proposed 2019 Master Plan would occur. The operation and management of East Sidney Lake and USACE lands would continue as outlined in the 1961 Master Plan. Although this alternative does not result in a 2019 Master Plan that meets current regulations and guidance, there would be no significant impacts to water resources on project lands.

3.2.3 Proposed Action – Environmental Consequences

The reclassifications required for the Proposed Action would result in negligible to minor adverse water resource impacts. Table 3.2-1 summarizes potential effects to surface waters and wetlands based on the proposed changes to land use classifications.

Table 3.2-1. Potential Water Resource Impacts from Changes to Land Use Classifications

Classification	1961 Master Plan (acres)	2019 Master Plan (acres)	Potential for Impact
Project Operations	ND	14	**No Impact**. This land use classification would designate lands associated with the direct support for flood control operations, including dam and spillway structures. No new projects are proposed within this land use.
High-Density Recreation	ND	50	**No Impact**. This land use classification recognizes lands currently developed for intensive recreational activities. This includes the East Sidney Recreation Area (managed by the Town of Sidney) and private use recreation fields maintained by the Franklin School District. According to USFWS NWI mapping, approximately 0.10 acres of emergent wetland occur within this land use classification. FEMA FIRM mapping also indicates approximately 37.6 acres of this land use classification occurs within the 100-year floodplain. As no future projects have been identified within these areas, no impacts to water resources are anticipated.
Multiple Resource Management Land			
Low-Density Recreation	ND	1	**No Impact**. This land use classification focuses on lands with minimal development or infrastructure that support passive public recreation use, like fishing, hunting, wildlife viewing, or hiking. The overlook is the only designated low density recreation area on project lands. Designation of this land use classification would not affect water resources and no future projects are planned within this land use designation.

Table 3.2-1. Potential Water Resource Impacts from Changes to Land Use Classifications

Classification	1961 Master Plan (acres)	2019 Master Plan (acres)	Potential for Impact
Vegetative Management	ND	992	**Minor Impact**. This land use includes an ecosystem-based management designated for stewardship of forest, prairie, and other native vegetative cover. According to USFWS NWI mapping, approximately 21 acres of forested wetland and 13.5 acres of emergent wetland occur within this land use classification. FEMA FIRM mapping also indicates approximately 765 acres of this land use classification occurs within the 100-year floodplain. Future new primitive access trails would have minor impacts on water resources, primarily due to the potential for direct disturbance during construction and indirect effects of sedimentation from erosion. Construction and operations of these projects would use BMPs associated with prevention of erosion. All projects would avoid disturbance to surface waters and wetlands, where possible. Any unavoidable impacts would be permitted through the Section 404 process. Improved trails would reduce erosion elsewhere at the Project by encouraging use of maintained designated access points. Proposed projects are not anticipated to impact floodplain elevation or impede or affect flood water movement.
Water Surface			
Designated – No Wake	ND	3	**No Impact.** Designated No-Wake areas are intended to protect environmentally sensitive shorelines and improve boating safety near key recreational water access areas such as boat ramps. This change reflects new classification criteria and no actual change in water use, therefore, no impact would occur.
Restricted	ND	4	**No Impact.** Restricted water surface includes those areas where recreational boating is prohibited or restricted for project operations, safety, and security purposes. No impacts to water resources would occur.
Open Recreation Area	ND	203	**No Impact.** Open Recreation areas include all water surface areas available for year-round or seasonal water-based recreational use. This change reflects new classification criteria and no actual change in water use, therefore, no impact would occur.

BMP = best management practice; NWI = National Wetland Inventory; USFWS = U.S. Fish and Wildlife Service

3.3 SOILS

3.3.1 Affected Environment

According to the soil survey for Delaware County, New York, soils within the Project are predominantly mapped as Barbour loam (Bc), Barbour-Trestle complex (Bg), and Tunkhannock gravelly loam, 8 to 15 percent slopes (TkC). The Bc and Bg soils tend to be well drained are located on floodplains. TkC soils are located along valley trains and terraces and are well drained (NRCS 2018a).

Prime Farmland

The President and Congress enacted the Farmland Protection Policy Act of 1981 to minimize the extent to which federal programs contribute to the unnecessary and irreversible conversion of farmland to nonagricultural uses (Public Law 97-98). Prime farmland is defined by the NRCS as "having the best combination of chemical and physical characteristics for producing food, feed, forage, fiber, and oilseed

crops and is also available for these uses" (NRCS 2018a). Undeveloped land with high crop production potential may be classified as "prime farmland."

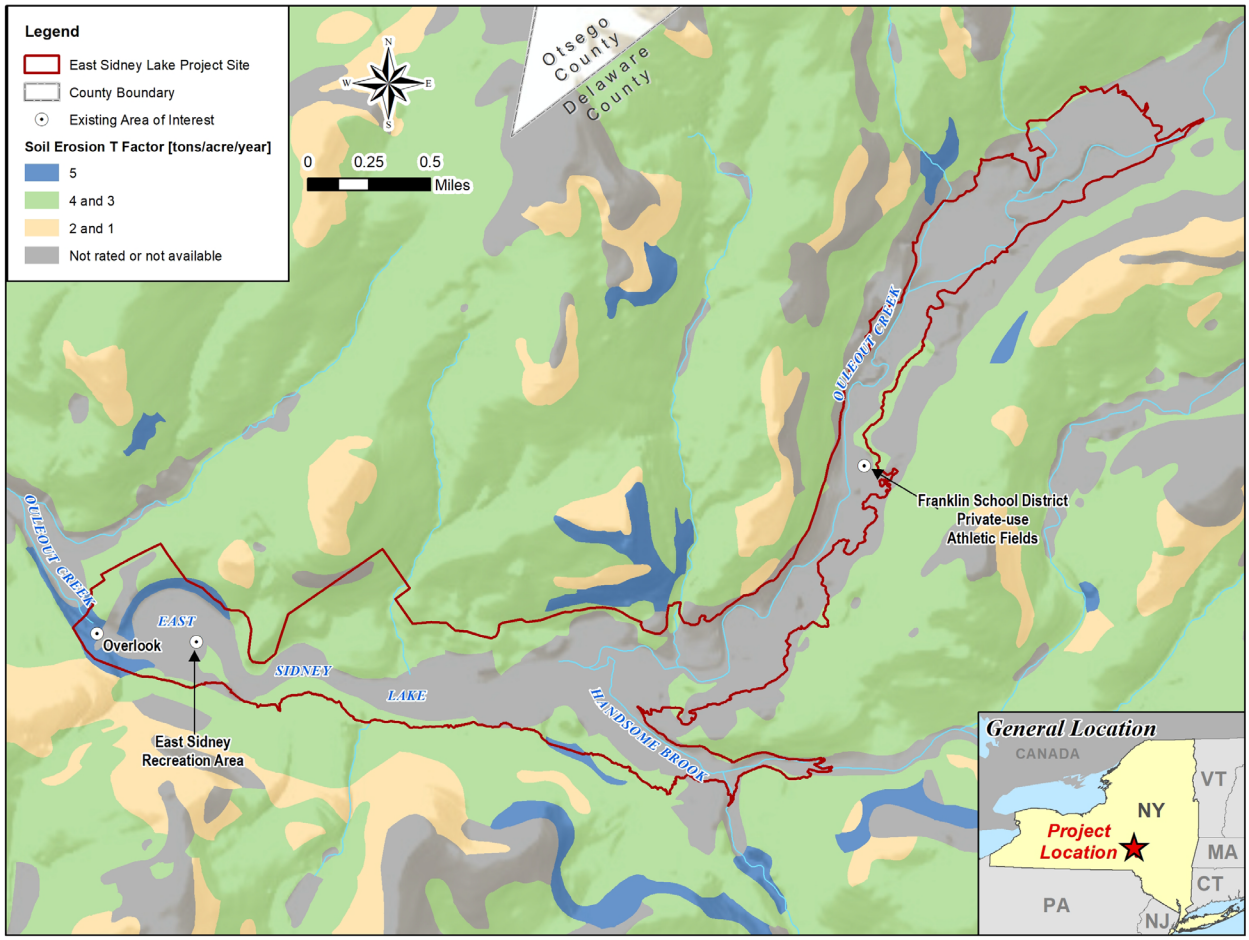
NRCS designates the following soil units, totaling approximately 445 acres, as Prime Farmland at East Sidney Lake (Source: NRCS 2018a):

- Barbour loam
- Barbour-Trestle complex
- Basher silt loam
- Red Hook gravelly silt loam (if drained)
- Riverhead loam, 0 to 3 percent slopes
- Tunkhannock gravelly loam, 0 to 8 percent slopes

Soil Erosion

Soil erosion is a factor at East Sidney Lake due to the steep topography. Soil particles and organic matter can become detached from the soil column by the impact of rain water, and the steep topography can result in erosion. The force of wind can also contribute to the potential for soil erosion. At the moment soil particles become suspended in the runoff or in the air, soil changes from being a natural resource supporting plant growth to being a pollutant – sediment or dust. The EA considers two soil classifications (discussed below) used by the NRCS to determine erosion potential at East Sidney Lake.

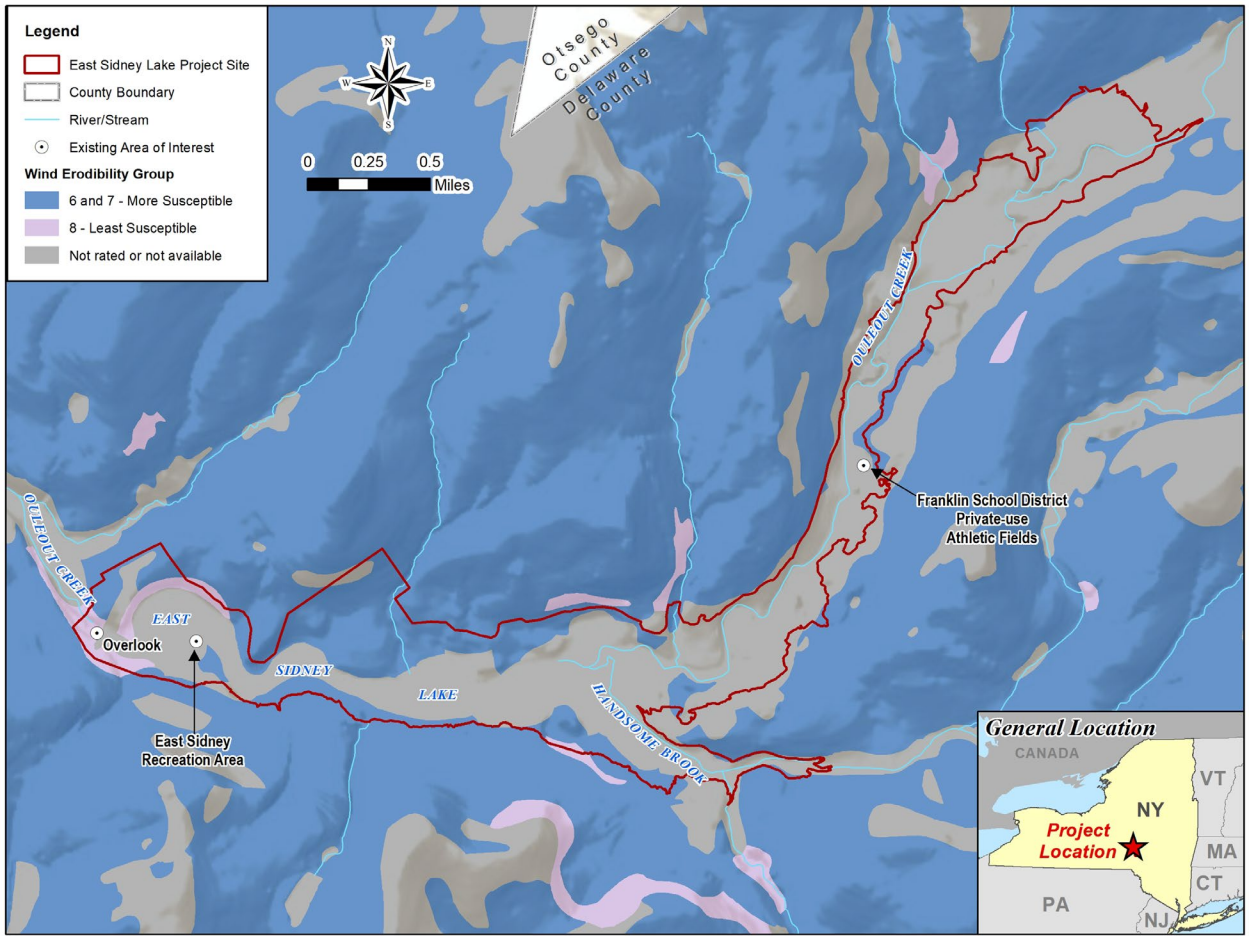
Erosion T Factor is an estimate of the maximum average annual rate of soil erosion by wind or water that can occur on a soil unit without affecting crop productivity (e.g., vegetation growth and cover) over a sustained period. The rate is in tons per acre per year (T/A/Y). A soil with a T Factor rating of 5 T/A/Y can tolerate 5 times as much erosion without a loss in productivity compared to a soil with a T Factor rating of 1 T/A/Y. Erosion T Factor is a good indicator of the overall soil erosion tolerance, and of the effect of erosion on a soil's ability to support plant growth, and can be used for understanding the various soil units' capacity for supporting plant growth following disturbance. As shown in Figure 3.3-1, a majority of the Project is classified as "not rated or not available" and a 4 or 3 erosion T Factor, meaning the soils are moderately resilient to erosion.



Source: NRCS 2018b

Figure 3.3-1. Soil Erosion Potential Considering T Factor

Wind Erodibility Groups (Figure 3.3-2) are also used to determine erosion potential. Wind erodibility groups are assigned to soils based on their inherent susceptibility to wind erosion based on soil properties, primarily soil texture and structure. The group scale runs from Group 1 (being the most susceptible) to Group 8 (being the least susceptible). As shown on Figure 3.3-2, most of East Sidney Lake is classified as "not rated or not available" or characterized by wind erodibility Groups 6 and 7, indicating moderate susceptibility to wind erosion.



Source: NRCS 2018b

Figure 3.3-2. Soil Erosion Potential Considering Wind Erodibility Groups

3.3.2 No Action – Environmental Consequences

Under the No Action Alternative, USACE would not implement the 2019 Master Plan and no new land use classifications or future development projects contained within the proposed 2019 Master Plan would occur. The operation and management of East Sidney Lake and USACE lands would continue as outlined in the 1961 Master Plan. Although this alternative does not result in a 2019 Master Plan that meets current regulations and guidance, there would be no significant impacts to soil resources on project lands.

3.3.3 Proposed Action – Environmental Consequences

The reclassifications required for the Proposed Action would result in negligible to minor adverse and beneficial soil resource impacts. Table 3.3-1 summarizes potential effects to soil resources based on the proposed changes to land use classifications.

Table 3.3-1. Potential Soil Resource Impacts from Changes to Land Use Classifications

Classification	1961 Master Plan (acres)	2019 Master Plan (acres)	Potential for Impact
Project Operations	ND	14	**No Impact**. This land use classification would designate lands associated with the direct support for flood control operations, including dam and spillway structures. No new projects are proposed within this land use.
High-Density Recreation	ND	50	**No Impact**. This land use classification recognizes lands currently developed for intensive recreational activities. This includes the East Sidney Recreation Area (managed by the Town of Sidney) and private use recreation fields maintained by the Franklin School District. Approximately one acre of soils are classified as prime farmland. Designation of this land use classification would not affect soil resources and no future projects are planned within this land use designation.
Multiple Resource Management Land			
Low-Density Recreation	ND	1	**No Impact**. This land use classification focuses on lands with minimal development or infrastructure that support passive public recreation use, like fishing, hunting, wildlife viewing, or hiking. The overlook is the only designated low density recreation area on project lands. Designation of this land use classification would not affect soil resources and no future projects are planned within this land use designation.
Vegetative Management	ND	992	**Minor Impact**. This land use includes an ecosystem-based management designated for stewardship of forest, prairie, and other native vegetative cover. Approximately 410 acres of soil are classified as prime farmland. Future new primitive access trails would have minor impacts on soil resources, primarily due to the potential for direct disturbance during construction and indirect effects of erosion. Construction and operations of these projects would use BMPs associated with prevention of erosion. Improved trails would reduce erosion elsewhere at the Project by encouraging use of maintained designated access points.
Water Surface			
Designated – No Wake	ND	3	**No Impact.** Designated No-Wake areas are intended to protect environmentally sensitive shorelines and improve boating safety near key recreational water access areas such as boat ramps. This change reflects new classification criteria and no actual change in water use, therefore, no impact would occur.
Restricted	ND	4	**No Impact.** Restricted water surface includes those areas where recreational boating is prohibited or restricted for project operations, safety, and security purposes. No impacts to soil resources would occur.
Open Recreation Area	ND	203	**No Impact.** Open Recreation areas include all water surface areas available for year-round or seasonal water-based recreational use. This change reflects new classification criteria and no actual change in water use, therefore, no impact would occur.

BMP = best management practice

3.4 BIOLOGICAL RESOURCES

3.4.1 Affected Environment

3.4.1.1 Vegetation

East Sidney Lake is in Ecoregion 60a (Glaciated Low Alleghany Plateau) which is a broad, fairly homogeneous area that covers much of the northern Allegheny Plateau. The landscape is a mosaic of farmland and woods on low, rolling hills. The native vegetation alternates between Appalachian oak (*Quercus sp.*) forest on drier slopes and northern hardwoods-conifer forest on moist slopes, ravines, and riparian areas. Typically, the rounded tops of the dissected plateau have been cleared for agriculture and the steeper slopes remain forested. The topography and soil make the area more suitable for dairy and livestock farming than for row crops (USEPA 2018b).

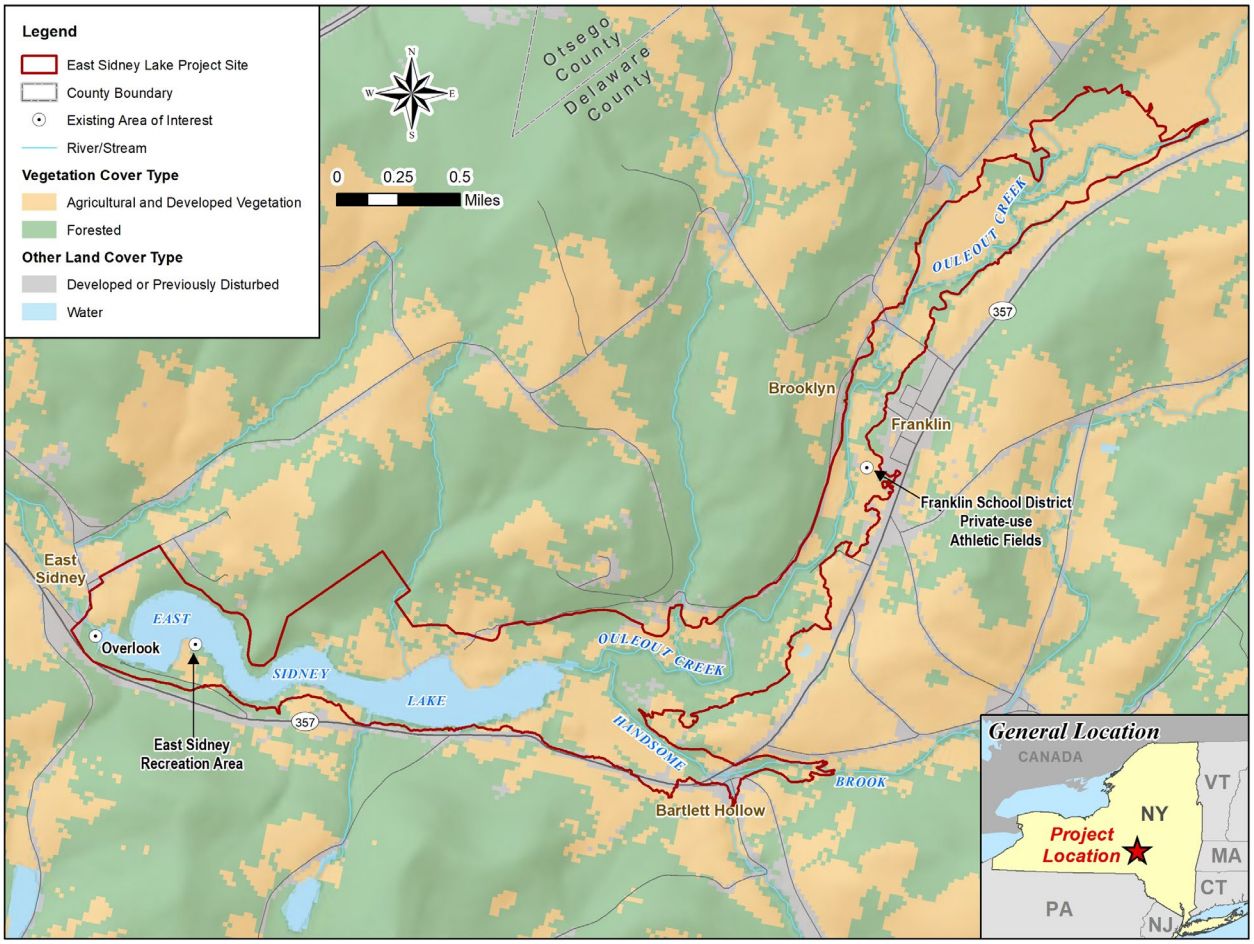
Figure 3.4-1 shows the distribution of vegetation communities at the Project. The predominant cover type is forested and pasture/hay cover type. Forested areas are generally sparse and contained mainly to the upper valley slopes. The areas are dominated by successional northern hardwoods, like red and sugar maple (*Acer rubrum* and *A. saccharinum*), yellow birch (*Betula alleghaniensis)*, American beech (*Fagus grandifolia*), and black cherry (*Prunus serotina*). With the exception of the riparian buffer, which includes the 140-acre East Sidney Recreation Area, the vegetation stands are of various ages depending on the time elapsed since the last disturbance (USACE 2019). Currently, there are no plans for the sale of timber from the East Sidney Lake project.

3.4.1.2 Wildlife and Fisheries

The common species of mammals in the vicinity of East Sidney Lake include white-tailed deer (*Odocoileus virginianus*), black bears (*Ursus americanus*), gray and red foxes (*Urocyon conereoargenteus, Vulpes vulpes*), bobcats (*Lynx rufus*), squirrels (*Sciurus sp.*), opossums (*Didelphis virginiana*) raccoons (*Procyon lotor*), skunks (*Mephitis mephitis*), groundhogs (*Marmota monax*), beaver (*Castor canadensis*), and cottontail rabbits (*Sylvilagus floridanus*) (USACE 2019).

Birds such as woodcock, grouse, and a variety of songbirds inhabit the area. Bald eagles have also been breeding at East Sidney Lake for many years (USACE 2019).

East Sidney Lake is home to a small, warm water fishery and is one of the only walleye (*Sander vitreus*) fisheries in the region. Other fish found at East Sidney Lake include common carp (*Cyprinus carpio*), brown bullhead (*Ameiurus nebulosus*), rock bass (*Ambloplites rupestris*), pumpkinseed (*Lepomis gibbosus*), yellow perch ((*Perca flavescens*), and white sucker (*Catostomus commersonii*). The lake is also a viable site for both a largemouth bass (*Micropterus salmoides*) and small mouth bass (*Micropterus dolomieu*) fishery. Trout (*Oncorhynchus*) are found within the inlet area (USACE 2019).



Source: USGS 2016

Figure 3.4-1. Vegetation Communities at East Sidney Lake

3.4.1.3 Species of Conservation Concern

As of 2018, there two federally threatened species protected under the Endangered Species Act with potential to occur in the Project, the Northern Long-Eared Bat *(Myotis septentrionalis*) and Dwarf Wedgemussel (*Alasmidonta heterodon*) (USFWS 2019). Table 3.4-1 provides information on these species.

Table 3.4-1. Federally Protected Threatened, Endangered, and Protected Species that Could Occur at East Sidney Lake

Common Name	Status	Habitat/Requirement
Northern Long-Eared Bat	FT	Hibernates in high-humidity caves and mines. During the summer, forested areas, including riparian corridors, provide habitat (e.g., decaying trees, loose bark, tree snags and stumps) for roosting, feeding and maternity colonies. Potential habitat could occur at East Sidney Lake. The northern long-eared bat 4(d) rule prohibits incidental take that may occur from tree removal activities within 150 feet of a known occupied maternity roost tree during the pup season (June 1 to July 31).

Table 3.4-1. Federally Protected Threatened, Endangered, and Protected Species that Could Occur at East Sidney Lake

Common Name	Status	Habitat/Requirement
Dwarf Wedge-mussel	FE	Lives on sand, firm muddy sand, firm clay, and gravel bottoms in creeks and rivers of varying sizes with a slow to moderate current. To survive, they need a silt-free, stable streambed and well oxygenated water free of pollutants. Potential habitat could occur at East Sidney Lake. Due to the silt-free substrate requirement, the species would be less likely within and directly upstream of East Sidney Lake.

Bald eagles, a previously listed federally endangered species, were removed from the federal list in August 2007. Although this species is not listed as an endangered or threatened species, it is protected under the Bald and Golden Eagle Protection Act, as noted by USFWS. Bald eagles have been observed at East Sidney Lake, including nesting populations. (USACE 2019).

A review of the USFWS Information for Planning and Conservation database identified two species of migratory birds of conservation concern that have the potential to occur at East Sidney Lake (USFWS 2019). This includes the bald eagle and black-capped chickadee (*Poecile atricapillus practicus*).

The Migratory Bird Treaty Act (MBTA) (16 U.S. Code 703-712) prohibits the take (harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect), or the attempt to engage in any such conduct, of any migratory bird without authorization from the USFWS. All migratory birds (identified in 50 CFR 10.13) are protected under the MBTA. The U.S. Department of the Interior's Office of the Solicitor issued Memorandum M-37050 on December 22, 2017, which adopts the position that the MBTA prohibition on the "taking" or "killing" of migratory birds applies only to deliberate acts intended to take a migratory bird (U.S. Department of Interior 2017). The legal opinion reverses the position of prior administrations that the MBTA prohibits not only the intentional take of migratory birds but also the take of migratory birds that is incidental to otherwise lawful activity (i.e., unintentional). Unintentional take includes disturbance to species and nests during ground-clearing activities, such as clearing, where unobserved nests of migratory birds could be located. The breeding season ranges among species with the earliest having a start of April 10th and latest end of August 31st (USFWS 2019).

State Protected Species

The USACE contacted the New York State Department of Environmental Conservation Natural Heritage Program regarding the potential presence of state-protected species at the Project. According to the Natural Heritage Program's records, bald eagles have been documented nesting adjacent to the Project and along Ouleout Creek (see Appendix A).

3.4.1.4 Invasive Species

Invasive species are defined as non-native species whose introduction into an ecosystem is likely to cause environmental, human, or economic harm. Non-native, or exotic, species have not evolved the natural checks and balances that normally keep population growth in check, thus they can spread rapidly and completely take over natural areas. These species are often difficult and expensive to control.

There are currently no invasive species reported within project boundaries, but there is reason to believe the presence of the following invasive species occur in the surrounding area (USACE 2019):

- Japanese Knotweed (*Polygonum cuspidatum*) – a flowering, bamboo stemmed plant that is indigenous to Eastern Asia. It was introduced to the United States in the late 1880s as an ornamental

on estates as well as for erosion control. It can reach heights of 10 to 15 feet and quickly forms dense thickets that crowd and shade out native vegetation. Once established, it is nearly impossible to eradicate. Long term negative impacts include reducing species diversity, altering natural ecosystems, and negatively impacting wildlife habitats.

- Purple Loosestrife (*Lythrum salicaria*) – a very hardy flowering perennial which can rapidly degrade wetlands, agricultural lands and wildlife habitats. Purple Loosestrife arrived in eastern North America in the early 1800s for flower gardens. The species can successfully be eradicated using a combination of techniques (digging and pulling, chemical control, cutting, and biological control). Biological control is the most effective technique and uses five species of beetles to feed off the leaves, shoots, root tissues, and flowers which severely reduces seed production.

3.4.2 No Action – Environmental Consequences

Under the No Action Alternative, USACE would not implement the 2019 Master Plan and no new land use classifications or future development projects contained within the proposed 2019 Master Plan would occur. The operation and management of East Sidney Lake and USACE lands would continue as outlined in the 1961 Master Plan. Although this alternative does not result in a 2019 Master Plan that meets current regulations and guidance, there would be no significant impacts to biological resources on project lands.

3.4.3 Proposed Action – Environmental Consequences

The reclassifications required for the Proposed Action would result in negligible to minor adverse and beneficial biological resource impacts. Table 3.4-2 summarizes potential effects to biological resources based on the proposed changes to land use classifications.

Table 3.4-2. Potential Biological Resource Impacts from Changes to Land Use Classifications

Classification	1961 Master Plan (acres)	2019 Master Plan (acres)	Potential for Impact
Project Operations	ND	14	**No Impact**. This land use classification would designate lands associated with the direct support for flood control operations, including dam and spillway structures. No new projects are proposed within this land use.
High-Density Recreation	ND	50	**No Impact**. This land use classification recognizes lands currently developed for intensive recreational activities. This includes the East Sidney Recreation Area (managed by the Town of Sidney) and private use recreation fields maintained by the Franklin School District. This includes approximately 20.2 acres of forested land, 20.4 acres of agricultural or maintained vegetation, and 1.7 acres of developed or previously disturbed land. Designation of this land use classification would not affect biological resources and no future projects are planned within this land use designation.
Multiple Resource Management Land			
Low-Density Recreation	ND	1	**No Impact**. This land use classification focuses on lands with minimal development or infrastructure that support passive public recreation use, like fishing, hunting, wildlife viewing, or hiking. The overlook is the only designated low density recreation area on project lands. Designation of this land use classification would not affect biological resources and no future projects are planned within this land use designation.

Table 3.4-2. Potential Biological Resource Impacts from Changes to Land Use Classifications

Classification	1961 Master Plan (acres)	2019 Master Plan (acres)	Potential for Impact
Vegetative Management	ND	992	**Minor and Beneficial Impacts**. This land use includes an ecosystem-based management designated for stewardship of forest, prairie, and other native vegetative cover. Future new primitive access trails would have minor impacts on biological resources, primarily due to the potential for direct disturbance during construction of new trails and indirect effects of vegetation crushing and erosion from trail use. Construction and operations of these projects would use BMPs associated with prevention of impacts to sensitive species, including removal of vegetation outside of nesting seasons for bird species of conservation concern discussed in Section 3.4.1.3 (April 10 – August 31). Any clearing of trees would be avoided during the northern long eared bat pup season (June 1 to July 31), unless surveys are conducted to determine not maternity roost trees are within 150 feet of the site. Construction and operations of these projects would also use BMPs associated with prevention of erosion to include measures to prevent indirect effects to the dwarf wedgemussel from sedimentation. No direct impacts to the mussel would be anticipated as no construction activities are planned within stream habitat. Improved trails would reduce erosion elsewhere at the Project by encouraging use of maintained designated access points. Beneficial impacts to biological resources would occur as classification recognized land designated for vegetation management using an ecosystem-based approach with a focus on native vegetation cover.
Water Surface			
Designated – No Wake	ND	3	**No Impact.** Designated No-Wake areas are intended to protect environmentally sensitive shorelines and improve boating safety near key recreational water access areas such as boat ramps. This change reflects new classification criteria and no actual change in water use, therefore, no impact would occur to biological resources.
Restricted	ND	4	**No Impact.** Restricted water surface includes those areas where recreational boating is prohibited or restricted for project operations, safety, and security purposes. No impacts to biological resources would occur.
Open Recreation Area	ND	203	**No Impact.** Open Recreation areas include all water surface areas available for year-round or seasonal water-based recreational use. This change reflects new classification criteria and no actual change in water use, therefore, no impact would occur to biological resources.

BMP = best management practice

3.5 LAND USE AND RECREATION

3.5.1 Affected Environment

Since completion of the dam in June 1950, project lands continue to be outleased for agriculture, grazing, and recreation purposes. Since adding recreation as an additional authorized purpose, recreational outleases have also been supported. There are currently 11 outleases located within project lands; 1 to the Town of Sidney for the East Sidney Recreation Area and 10 for private agricultural uses (USACE 2019).

Although the primary function of the lake is flood risk management, the Project is also authorized to support recreation opportunities above and below the dam. Recreation facilities within the Project are mostly nature-based, including picnic areas, boat ramps, camp sites, overlook sites, and natural areas. Camping and boating are the two most popular recreation activities. Other recreational activities include fishing, canoeing/kayaking, picnicking, hunting, and wildlife viewing. East Sidney Lake is the primary location for water-related recreation in the area, providing the public with a location for boating, sailing, canoeing/kayaking, paddle boarding, waterskiing, and swimming in the area. East Sidney Lake has consistently provided high quality fishing opportunities for multiple fish species and is regarded as a premier fishing destination in the region.

USACE maintains a recreation pool at 1,150 feet during the summer season to provide visitors boating, fishing, and swimming opportunities. The USACE also maintains all forested lands surrounding the lake, besides the East Sidney Lake Recreation Area. Hunting is permitted throughout these lands as long as state game regulations are followed. Another downstream recreation activity is kayaking and canoeing. Since 2007, USACE has administered a controlled water release every year for the Memorial Day Weekend Canoe Regatta Event. USACE also maintains an overlook facility on the south side of the dam (USACE 2019).

The Town of Sidney operates and maintains the remainder of recreation opportunities and facilities at the lake. The 40-acre park is only open during the summer recreational season and provides 86 electric RV sites, 13 primitive camping sites, 20 picnic sites, a boat ramp and dock, a kayak intake area, 3 bathroom facilities, 1 shower facility, a water spicket, a rentable picnic shelter/event space, a dedicated beach area, a Remote-Control Derby track, a gaga ball pit, a playground, and a basketball hoop (USACE 2019).

The NYS DEC recently authorized ice fishing at East Sidney Lake. Currently, ice fishing can be accessed by parking along State Highway 357 and hiking in. There is the possibility to allow off-season individual gate access to the boat dock and parking within the park, however, a new gate would need to be constructed and the Town of Sidney would need to plow the access road (USACE 2019).

3.5.2 No Action – Environmental Consequences

Under the No Action Alternative, USACE would not implement the 2019 Master Plan and no new land use classifications or future development projects contained within the proposed 2019 Master Plan would occur. The operation and management of East Sidney Lake and USACE lands would continue as outlined in the 1961 Master Plan and there would be no short-, mid-, and long-range planning of future projects for recreational improvements and development at East Sidney Lake. Therefore, the No Action Alternative is anticipated to a have minor impact to land use and recreation. Although this alternative does not result in a 2019 Master Plan that meets current regulations and guidance regarding land use classifications, there would be no significant impacts to land use and recreation.

3.5.3 Proposed Action – Environmental Consequences

The reclassifications required for the Proposed Action would result in beneficial impacts to land use and recreation. Table 3.5-1 summarizes potential effects to land use and recreation based on the proposed changes to land use classifications.

Table 3.5-1. Potential Land Use and Recreation Impacts from Changes to Land Use Classifications

Classification	1961 Master Plan (acres)	2019 Master Plan (acres)	Potential for Impact
Project Operations	ND	14	**Beneficial impact**. This land use classification would consolidate project operations related land use to those areas associated with the direct support for flood control operations, including dam and spillway structures.
High-Density Recreation	ND	50	**Beneficial impact**. This land use classification recognizes lands currently developed for intensive recreational activities. The classification consolidates high-density recreation to those areas associated within and adjacent to existing developed and intensively used areas, specifically to support recreation. Although no projects have been identified, it optimizes the siting of future high-density master planning projects to developed locations.
Multiple Resource Management Land			
Low-Density Recreation	ND	1	**Beneficial impact**. This land use classification focuses on areas suitable for supporting low-impact and passive recreational opportunities such as bank fishing, hiking, wildlife viewing, and for access to the shoreline. Although no projects have been identified, it optimizes the siting of future low-density master planning projects to developed locations (overlook area).
Vegetative Management	ND	992	**Beneficial Impact**. This land use includes an ecosystem-based management designated for stewardship of forest, prairie, and other native vegetative cover. This classification would assist USACE with their goal of protection and management of natural resources at East Sidney Lake. Future new primitive access trails within this land classification would improve recreation opportunities by expanding the trail system and improving access for activities such as hiking, fishing, wildlife viewing and access to the shoreline.
Water Surface			
Designated – No Wake	ND	3	**Beneficial Impact.** Designated No-Wake areas are intended to protect environmentally sensitive shorelines and improve boating safety near key recreational water access areas such as boat ramps.
Restricted	ND	4	**Beneficial Impact.** Restricted water surface includes those areas where recreational boating is prohibited or restricted for project operations, safety, and security purposes. This classification would aid to protect recreational users on the lake.
Open Recreation Area	ND	203	**No Impact.** Open Recreation areas include all water surface areas available for year-round or seasonal water-based recreation. This change reflects new classification criteria and no actual change in water use, therefore, no impact would occur.

CHAPTER 4 CUMULATIVE EFFECTS

As defined by CEQ, cumulative effects are those that "result from the incremental impact of the Proposed Action when added to other past, present, and reasonably foreseeable future actions, without regard to the agency (federal or non-federal) or individual who undertakes such other actions" (40 CFR 1508.7). Cumulative effects analysis captures the effects that result from the Proposed Action in combination with the effects of other actions taken during the duration of the Proposed Action at the same time and place. Cumulative effects may be accrued over time and/or in conjunction with other pre-existing effects from other activities in the area (40 CFR 1508.25); therefore, pre-existing impacts and multiple smaller impacts should also be considered. Overall, assessing cumulative effects involves defining the scope of the other actions and their interrelationship with the Proposed Action to determine if they overlap in space and time.

The NEPA and CEQ regulations require the analysis of cumulative environmental effects of a Proposed Action on resources that may often manifest only at the cumulative level. Cumulative effects can result from individually minor, but collectively significant, actions taking place at the same time, over time. As noted above, cumulative effects are most likely to arise when a Proposed Action is related to other actions that could occur in the same location and at a similar time.

4.1 CURRENT AND REASONABLY FORESEEABLE PROJECTS WITHIN AND NEAR THE ROI

This section identifies reasonably foreseeable projects that may have cumulative, incremental impacts in conjunction with the Proposed Action. Beyond the potential for expansion of the primitive trail system at East Sidney Lake in the 2019 Master Plan, no other project with the ROI were identified. The Delaware County website, including the Planning Department and Delaware County Economic Development sites, were reviewed. No projects were identified, and the county does not have a published comprehensive master plan.

4.2 ANALYSIS OF CUMULATIVE IMPACTS

As discussed above, no growth and development was identified near Easy Sidney Lake and cumulative adverse impacts on resources would not be expected when added to the impacts of activities associated with the Proposed Action or No Action Alternative.

CHAPTER 5 COMPLIANCE WITH ENVIRONMENTAL LAWS

This EA has been prepared to satisfy the requirements of all applicable environmental laws and regulations, and has been prepared in accordance with the CEQ's implementing regulations for NEPA, 40 CFR 1500 – 1508, and the USACE ER 200-2-2, Environmental Quality: Procedures for Implementing NEPA. The 2019 Master Plan is consistent with the USACE's Environmental Operating Principles.

The following is a list of applicable environmental laws and regulations considered and the status of compliance with each (also see Table 5-1 for a summary):

- Anadromous Fish Conservation Act of 1965, as amended – The 2019 Master Plan would not affect anadromous fish populations or interfere with measures to conserve, develop, and enhance anadromous fish resources.
- Archeological and Historic Preservation Act (AHPA) of 1974 –There are no known archaeological sites in the Project boundary. USACE would evaluate future master planning projects contained within the 2019 Master Plan and compliance with the AHPA on an individual basis during the design process as projects become funded.
- Clean Air Act of 1977 – The USEPA established nationwide air quality standards to protect public health and welfare. Existing operation and management of the Project is compliant with the Clean Air Act and would not change with the 2019 Master Plan.
- Clean Water Act of 1977 – The Proposed Action complies with all state and federal Clean Water Act regulations and requirements. A state water quality certification pursuant to Section 401 of the Clean Water Act is not required for the 2019 Master Plan land use reclassifications. There would be no change in the existing management of the reservoir that would impact water quality. None of the proposed land use classifications would adversely impact water quality; erosion and sediment BMPs would be used to prevent sedimentation.
- Endangered Species Act of 1973, as amended – Current lists of threatened or endangered species were compiled for the EA. There would be no adverse impact on threatened or endangered species resulting from the 2019 Master Plan.
- Farmland Protection Policy Act (FPPA) of 1980 and 1995 – The FPPA's purpose is to minimize the extent to which federal programs contribute to the unnecessary and irreversible conversion of farmland to non-agricultural uses. None of the future master planning projects would adversely affect prime farmland soils.
- Fish and Wildlife Coordination Act of 1958, as amended – Information provided by USFWS and state agencies on fish and wildlife resources has been utilized in the development of this assessment.
- Migratory Bird Treaty Act (MBTA) – The MBTA of 1918 extends federal protection to migratory bird species. The nonregulated "take" of migratory birds is prohibited under this act in a manner similar to the prohibition of "take" of threatened and endangered species under the ESA. The timing of resource management activities and construction of future master planning projects would be coordinated to avoid impacts on migratory and nesting birds.
- National Environmental Policy Act of 1969 – This EA analyzes the potential impacts of implementing the 2019 Master Plan, fulfilling the requirements of the Act. This included public and agency involvement and a 30-day review of the Draft EA.
- National Historic Preservation Act (NHPA) of 1966, as amended – Compliance with the NHPA of 1966, as amended, requires identification of all properties in the Project listed in, or eligible for

listing in, the NRHP. There are no known historic structures or archaeological sites in the Project boundary that are eligible for or listed on the NRHP. USACE would evaluate future master planning projects contained within the 2019 Master Plan and compliance with the NHPA on an individual basis during the design process as projects become funded.

- Noise Control Act of 1972 – Changes to land use classifications in the 2019 Master Plan would not change the existing noise environment.
- Watershed Protection and Flood Prevention Act – The 2019 Master Plan would serve to further prevent erosion, floodwater, and sediment damages in the watersheds. Implementation would not increase overall erosion and sediment within waters and no impacts would occur to floodwaters controlled by the Project.
- EO 11514 (Protection and Enhancement of Environmental Quality) – EO 11514 requires federal agencies provide leadership in protecting and enhancing the quality of the Nation's environment to sustain and enrich human life. The 2019 Master Plan would improve natural resource management and recreational opportunities.
- EO 11593 (Protection and Enhancement of Cultural Environment) – EO 11593 requires federal agencies to administer the cultural properties under their control in a spirit of stewardship and trusteeship for future generations. There are no known historic structures or archaeological sites in the Project boundary. USACE would evaluate future master planning projects contained within the 2019 Master Plan and compliance with the AHPA and NHPA on an individual basis during the design process as projects become funded.
- EO 11990, Protection of Wetlands – EO 11990 requires federal agencies to minimize the destruction, loss, or degradation of wetlands, and to preserve and enhance the natural and beneficial values of wetlands in executing federal projects. The Proposed Action complies with EO 11990. None of the proposed land use classifications would adversely impact wetlands; erosion and sediment BMPs would be used to prevent sedimentation into wetland areas.
- EO 11988, Floodplain Management – This EO directs federal agencies to evaluate the potential impacts of proposed actions in floodplains. The operation and management of the existing project complies with EO 11988. Proposed land use classifications would comply with EO 11988.
- EO 12898, Environmental Justice – This EO directs federal agencies to achieve environmental justice to the greatest extent practicable and permitted by law, and consistent with the principles set forth in the report on the National Performance Review. Agencies are required to identify and address, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations. The 2019 Master Plan would not result in a disproportionate adverse impact on minority or low-income population groups.
- EO 13045, Protection of Children from Health Risks & Safety Risks – This EO directs federal agencies to evaluate environmental health or safety risks that may disproportionately affect children. The 2019 Master Plan would not result environmental health or safety risks to children.
- EO 13175, Consultation and Coordination with Indian Tribal Governments – This EO reaffirms the federal government's commitment to tribal sovereignty, self-determination, and self-government by ensuring agencies consult with Indian tribes and respect tribal sovereignty as they develop policy on issues that impact Indian communities. Future projects would be managed per the facility's ICRMP which includes coordination with tribes listed in Appendix B of the ICRMP.
- EO 13112, Invasive Species – This EO directs federal agencies to evaluate the occurrence of invasive species, the prevention for the introduction of invasive species, and measures for their

control to minimize the economic, ecological, and human health impacts. The 2019 Master Plan would not result in an introduction or increase of invasive species. Land use classification would serve for management of vegetation and high-use areas more prone to invasive species.

- EO 13186, Migratory Bird Habitat Protection – Sections 3a and 3e of EO 13186 direct federal agencies to evaluate the impacts of their actions on migratory birds, with emphasis on species of concern, and inform the USFWS of potential negative impacts on migratory birds. The 2019 Master Plan would not result in adverse impacts on migratory bird habitat. USACE would evaluate future master planning projects contained within the 2019 Master Plan on an individual basis during the design process as projects become funded.
- EO 13508, Chesapeake Bay Protection and Restoration – This EO directs federal agencies to protect and restore the health, heritage, natural resources, and social and economic value of the Chesapeake Bay. The 2019 Master Plan would not adversely affect the resources within the Chesapeake Bay region.
- CEQ Memorandum dated August 11, 1980, Prime or Unique Farmlands – Prime Farmland is land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops, and is also available for these uses. None of the future master planning projects would adversely affect prime farmland soils.

Table 5-1. Compliance of the Proposed Action with Environmental Protection Statutes and Other Environmental Requirements

Federal Statutes	Level of Compliance[a]
Anadromous Fish Conservation Act	Full
Archeological and Historic Preservation Act	Full
Clean Air Act	Full
Clean Water Act	Full
Coastal Barrier Resources Act	N/A
Coastal Zone Management Act	N/A
Comprehensive Environmental Response, Compensation and Liability Act	N/A
Endangered Species Act	In-Progress
Estuary Protection Act	N/A
Farmland Protection Policy Act	Full
Federal Water Project Recreation Act	N/A
Fish and Wildlife Coordination Act	In-Progress
Land and Water Conservation Fund Act	N/A
Magnuson-Stevens Act	N/A
Marine Mammal Protection Act	N/A
Marine Protection, Research and Sanctuaries Act	N/A
Migratory Bird Treaty Act	Full
National Environmental Policy Act	Full
National Historic Preservation Act	Full
Noise Control Act	Full
Resource Conservation and Recovery Act	N/A

Table 5-1. Compliance of the Proposed Action with Environmental Protection Statutes and Other Environmental Requirements

Federal Statutes	Level of Compliance[a]
Rivers and Harbors Act	N/A
Safe Drinking Water Act	N/A
Solid Waste Disposal Act	N/A
Toxic Substances Control Act	N/A
Water Resources Planning Act	N/A
Watershed Protection and Flood Prevention Act	Full
Wetlands Conservation Act	N/A
Wild and Scenic Rivers Act	N/A
Executive Orders, Memoranda, etc.	
Protection and Enhancement of Environmental Quality (EO 11514)	Full
Protection and Enhancement of Cultural Environment (EO 11593)	Full
Floodplain Management (EO 11988)	Full
Protection of Wetlands (EO 11990)	Full
Environmental Justice in Minority and Low-Income Populations (EO 12898)	Full
Protection of Children from Health Risks & Safety Risks (EO 13045)	Full
Consultation and Coordination with Indian Tribal Governments (EO 13175)	Full
Indian Sacred Sites (EO 13007)	N/A
Invasive Species (EO 13112)	Full
Migratory Bird (EO 13186)	Full
Facilitation of Cooperative Conservation (EO 13352)	N/A
Chesapeake Bay Protection and Restoration (EO 13508)	Full
Stewardship of the Oceans, Our Coasts and the Great Lakes (EO 13547)	N/A
Streamlining Service Delivery and Improving Customer Service (EO 13571)	N/A
Prime and Unique Farmlands (CEQ Memorandum, 11 Aug 80)	Full

[a] Level of Compliance:
Full Compliance (Full): Having met all requirements of the statute, EO, or other environmental requirements for the current stage of planning.
Non-Compliance (NC): Violation of a requirement of the statute, EO, or other environmental requirement.
Not Applicable (N/A): No requirements for the statute, EO, or other environmental requirement for the current stage of planning.
In Progress: USACE is currently coordinating with agency to achieve full compliance.

CHAPTER 6 IRRETRIEVABLE AND IRREVERSIBLE COMMITMENT OF RESOURCES

NEPA requires that federal agencies identify "any irreversible and irretrievable commitments of resources which would be involved in the Proposed Action should it be implemented" (42 U.S. Code § 4332). An irreversible commitment of resources occurs when the primary or secondary impacts of an action result in the loss of future options for a resource. Usually, this is when the action affects the use of a nonrenewable resource or it affects a renewable resource that takes a long time to renew. The impacts for this project from the reclassification of land or future master planning projects centered on recreation enhancement and development would not be considered an irreversible commitment because much of the land could be converted back to prior use at a future date. An irretrievable commitment of resources is typically associated with the loss of productivity or use of a natural resource (e.g., loss of production or harvest). No irreversible or irretrievable impacts on federally protected species or their habitat is anticipated from implementing the 2019 Master Plan.

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CHAPTER 7 SUMMARY OF ENVIRONMENTAL CONSEQUENCES

Table 7-1 presents a summary of the environmental consequences by alternative analyzed in this EA. As discussed in Chapter 4, selection of the Proposed Action Alternative would not be anticipated to cause cumulative adverse impacts. Table 7-2 presents conservation measures recommended within Chapter 3.

Table 7-1. Summary of Potential Environmental Effects

Alternative	Intensity of Impact				
	Significant	Moderate	Minor	None/Negligible	Beneficial
Water Resources					
No Action Alternative				X	
Proposed Action Alternative			X	X	
Soil Resources					
No Action Alternative				X	
Proposed Action Alternative			X	X	
Biological Resources					
No Action Alternative				X	
Proposed Action Alternative			X	X	X
Land Use and Recreation					
No Action Alternative			X		
Proposed Action Alternative				X	X

Table 7-2. Conservation Measures for Future Master Planning Projects

Measure	Resource Protected
Construction and operations of future master planning projects would use BMPs associated with prevention of erosion and control of stormwater runoff.	Water and Soil Resources
Construction and operations of future master planning projects would use BMPs associated with prevention of impacts to sensitive species, including removal of vegetation outside of nesting seasons for bird species of conservation concern (April 10 to August 31). Any clearing of trees would be avoided during the northern long eared bat pup season (June 1 to July 31), unless surveys are conducted to determine not maternity roost trees are within 150 feet of the site.	Biological Resources
Construction and operations of future master planning projects would use BMPs associated with prevention of erosion to include measures to prevent indirect effects to the dwarf wedgemussel from sedimentation.	Biological Resources
USACE would evaluate future master planning projects contained within the 2019 Master Plan and compliance with the NHPA on an individual basis during the design process as projects become funded. Sites with the potential for archaeological resources (e.g. undisturbed locations) would be managed per the facility's Integrated Cultural Resources Management Plan.	Cultural Resources

BMP = best management practice; NHPA = National Historic Preservation Act; USACE = U.S. Army Corps of Engineers

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CHAPTER 8 REFERENCES

Engineering ToolBox, (2003). *Outdoor Ambient Sound Levels*. Available at: https://www.engineeringtoolbox.com/outdoor-noise-d_62.html. Accessed November 6, 2018.

Federal Emergency Management Agency (FEMA). 2018a. Flood Zones. Available at: https://www.fema.gov/flood-zones. Accessed November 6, 2018.

FEMA. 2018b. Flood Insurance Rate Maps, 36025C0278D, 36025C0283D, 36025CO279D. Available at: https://msc.fema.gov/portal/firmette?latitude=42.316766133307574&longitude=-75.19912041259755. Accessed December 31, 2018.

FEMA. 2016. National Flood Hazard Layer - Delaware County, New York (NFLH_36025C). Effective Date: 06/16/2016. Federal Emergency Management Agency. Accessed online December 31, 2018 at https://msc.fema.gov/portal/home

New York State Department of Environmental Conservation (NYS DEC). 2018a. The Draft New York State 2018 Section 303(d) List of Impaired Waters Requiring a TMDL/Other Strategy.

NYS DEC. 2018b. Environmental Mapper. Available at: http://www.dec.ny.gov/animals/38801.html. Accessed December 21, 2018.

NYS DEC. 2016. The final New York State 2016 Section 303(d) List of Impaired Waters Requiring a TMDL/Other Strategy.

U.S. Army Corps of Engineers (USACE). 2019. East Sidney Lake Draft Master Plan.
2018. East Sidney Lake Website. Available at: https://www.nab.usace.army.mil/Missions/Dams-Recreation/East-Sidney-Lake/. Accessed December 31, 2018.

USACE. 2017. East Sidney Lake Integrated Cultural Resources Management Plan, 2017-2021.

U.S. Climate Data. 2018. Climate Franklin – New York. https://www.usclimatedata.com/climate/franklin/new-york/united-states/usny2397. Accessed December 31, 2018.

U.S. Department of Agriculture (USDA) Farm Service Agency (FSA). 2017. USDA-FSA-APFO Digital Ortho Mosaic. US Department of Agriculture, Farm Service Agency, Aerial Photography Field Office. Salt Lake City, Utah. Accessed online December 3, 2018 at https://datagateway.nrcs.usda.gov/GDGHome_DirectDownLoad.aspx

USDA NRCS. 2018a. Soil Survey for Delaware County New York. Available at: https://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx. Accessed December 31, 2018.

USDA NRCS. 2018b. Soil Survey Geographic (SSURGO) Dataset for Delaware County, New York. US Department of Agriculture, Natural Resources Conservation Service. Fort Worth, Texas. Accessed online December 31, 2018 at https://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm.

U.S. Environmental Protection Agency (USEPA). 2018a. NEPAssist. https://nepassisttool.epa.gov/nepassist/nepamap.aspx. Accessed December 31, 2018.

USEPA. 2018b. New York Ecoregions. https://www.epa.gov/eco-research/ecoregion-download-files-state-region-2. Accessed December 4, 2018.

USFWS. 2018. National Wetlands Inventory - Version 2 - Surface Waters and Wetlands Inventory for New York. Accessed online December 3, 2018 at https://www.fws.gov/wetlands/data/data-download.html.

USFWS. 2019. IPaC Information for Planning and Consultation. Available at: https://ecos.fws.gov/ipac/. Accessed January 29, 2019.

USGS. 2018. National Hydrography Data. Accessed online on December 3, 2018 at https://viewer.nationalmap.gov/basic/?basemap=b1&category=nhd&title=NHD%20View.

USGS. 2016. GAP/LANDFIRE National Terrestrial Ecosystems 2011 (Version 3). Gap Analysis Program. US Geological Survey. Accessed online December 4, 2018 at https://gapanalysis.usgs.gov/gaplandcover/data/download/.

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Appendix A
Public and Agency Correspondence

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A.1 Public Notice

US Army Corps of Engineers
Baltimore District

Planning Division

Public Notice

East Sidney Lake Project Master Plan Revision and Environmental Assessment

All Interested Parties: The U.S. Army Corps of Engineers, Baltimore District (USACE-Baltimore) is in the process of updating the Master Plan for the East Sidney Lake Project (ESL) located on Ouleout Creek in Delaware County, N.Y. USACE is preparing an environmental assessment (EA) in accordance with the National Environmental Policy Act of 1969, as amended, to assess the impact of the Master Plan Revision to the human and natural environment.

ESL was authorized by the Flood Control Act of 1936, and was constructed, and is managed, by USACE for the purposes of flood risk management, recreation, and environmental stewardship. This Master Plan considers all USACE-managed and maintained portions of land at ESL. It does not consider specific future development opportunities for leased areas, including the East Sidney Lake Park, which is managed by the Town of Sidney.

The draft EA is expected to be publicly released in spring 2019. The purpose of this notice is to inform the public of the initiation of the preparation of an EA for the ESL Project Master Plan. We request that federal and state agencies provide information concerning interests within your organization's area of responsibility or expertise, and the public provide information that may be pertinent to this assessment. Comments or information that may be pertinent to this assessment may be provided to the address listed below until January 11, 2019. A timely review of the enclosed map and a written response will be greatly appreciated and will assist us with preparation of the EA.

A public review meeting will be held after the initial public comment period, ending January 11, 2019, to allow opportunity for the public to submit ideas, comments, and feedback on the Draft Master Plan and Draft EA. This public meeting is planned to occur in April 2019. A Public Notice will be posted, for interested parties, on the project's website and social media, and sent out via individual mailings, in advance of the meeting, indicating the location and time of the event. All updates regarding the Master Plan Update and public meetings may be found on the following site: https://www.nab.usace.army.mil/ESL-Master-Plan-Revision/.

If you would like to request a public scoping meeting before the formulation of the Draft Master Plan and Draft EA to discuss the scope and intent of this project please do so by December 31, 2018 OR if you have any questions, please contact Major Terrence Harrington at (410) 962-1846 or at Terrence.G.Harrington@usace.army.mil. Additionally, questions can be mailed to U.S. Army Corps of Engineers, Planning Division, Subject: East Sidney Lake Project, 2 Hopkins Plaza, Baltimore, MD 21201.

Daniel M. Bierly, P.E.
Chief, Civil Project Development Branch

A.2 Notice of Availability [placeholder]

A.2 USFWS Coordination

United States Department of the Interior

FISH AND WILDLIFE SERVICE
New York Ecological Services Field Office
3817 Luker Road
Cortland, NY 13045-9385
Phone: (607) 753-9334 Fax: (607) 753-9699
http://www.fws.gov/northeast/nyfo/es/section7.htm

In Reply Refer To: January 29, 2019
Consultation Code: 05E1NY00-2019-SLI-0694
Event Code: 05E1NY00-2019-E-02120
Project Name: East Sidney Lake Master Plan Update

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531 *et seq.*). This list can also be used to determine whether listed species may be present for projects without federal agency involvement. New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list.

Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the ESA, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC site at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list. If listed, proposed, or candidate species were identified as potentially occurring in the project area, coordination with our office is encouraged. Information on the steps involved with assessing potential impacts from projects can be found at: http://www.fws.gov/northeast/nyfo/es/section7.htm

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan (http://www.fws.gov/windenergy/

eagle_guidance.html). Additionally, wind energy projects should follow the Services wind energy guidelines (http://www.fws.gov/windenergy/) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm; http://www.towerkill.com; and http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the ESA. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

New York Ecological Services Field Office
3817 Luker Road
Cortland, NY 13045-9385
(607) 753-9334

Project Summary

Consultation Code: 05E1NY00-2019-SLI-0694

Event Code: 05E1NY00-2019-E-02120

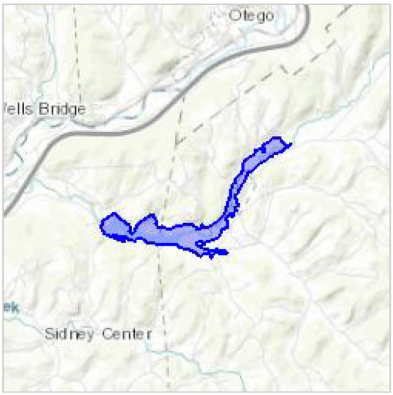
Project Name: East Sidney Lake Master Plan Update

Project Type: Guidance

Project Description: The U.S. Army Corps of Engineers (USACE) Baltimore District is proposing to update their Master Plan for East Sidney Lake and associated changes in land management in compliance with USACE regulations and guidance. Project lands (including the lake and surrounding property) occupy approximately 1,267 acres. The Master Plan is intended to serve as a comprehensive land and recreation management plan for the next 15 to 25 years, which reflects changes in outdoor recreation trends, regional land use, population, legislative requirements, USACE management policy, and wildlife habitat that have occurred since 1961 at East Sidney Lake. Proposed classifications include: Project Operations to reflect lands associated with the dam and spillway structures that are operated and maintained for fulfilling the flood risk management, water supply, and water storage missions of East Sidney Lake; High-Density Recreation to reflect lands that are currently developed for intensive recreational activities and include boat launches, day-use areas, and campgrounds; low-density recreation to support low-impact recreational opportunities such as bank fishing, hiking, wildlife viewing, and for access to the shoreline; and vegetative management to include an ecosystem-based management approach and is designated for stewardship of forest, prairie, and other native vegetative cover. As part of this effort, USACE is preparing an Environmental Assessment (EA). Alternatives considered within the EA focus on the proposed land use classifications as presented in the Master Plan and the types of future development projects that could occur within the land use classifications. The EA does not consider implementation of specific projects identified within the Master Plan during the master planning process as these projects are conceptual in nature. The USACE would conduct further analysis on projects identified within the Master Plan and resources affected once funding is available and detailed project planning and design occur. USACE is requesting information on protected species at the project for consideration in the Master Plan and any conservation measures USFWS recommends for the protection of species at the project.

Project Location:

Approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/place/42.33971930933927N75.17047022942756W



Counties: Delaware, NY

Endangered Species Act Species

There is a total of 2 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries[1], as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

1. NOAA Fisheries, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Mammals

NAME	STATUS
Northern Long-eared Bat *Myotis septentrionalis* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Threatened

Clams

NAME	STATUS
Dwarf Wedgemussel *Alasmidonta heterodon* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/784 Species survey guidelines: https://ecos.fws.gov/ipac/guideline/survey/population/363/office/52410.pdf	Endangered

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, BALTIMORE DISTRICT
2 HOPKINS PLAZA
BALTIMORE, MD 21201

Planning Division February 19, 2019

David Stilwell, Field Supervisor
U.S. Fish and Wildlife Service
New York Ecological Services Field Office
3817 Luker Road
Cortland, NY 13045-9385

Dear Mr. Stillwell:

The U.S. Army Corps of Engineers (USACE) Baltimore District is proposing to update the Master Plan for East Sidney Lake and associated changes in land management in compliance with USACE regulations and guidance. Project lands (including the lake and surrounding property) occupy approximately 1,267 acres (see Figure 1). In conjunction with the Master Plan, USACE is preparing an environmental assessment (EA) in accordance with the National Environmental Policy Act (NEPA) of 1969, as amended, to evaluate the potential effects of proposed Master Plan revisions.

The purpose of this letter is to initiate consultation with the U.S. Fish and Wildlife Service's New York Field Office regarding information on any federally-listed species or critical habitat within the vicinity of the proposed project. USACE is requesting information on protected species at the project for consideration in the Master Plan and any conservation measures USFWS recommends for the protection of species at the project.

Initial search of USFWS records indicates the potential for two federally-protected species, the northern long-eared bat and the dwarf wedgemussel. The following Information for Planning and Consultation (IPaC) report was generated for your reference under the "East Sidney Lake Master Plan Update" project name:

- Consultation Code: 05E1NY00-2019-SLI-0694 Event Code: 05E1NY00-2019-E-02120

The Master Plan is intended to serve as a comprehensive land and recreation management plan for the next 15 to 25 years, which reflects changes in outdoor recreation trends, regional land use, population, legislative requirements, USACE management policy, and wildlife habitat that have occurred since the 1961 Master Plan at East Sidney Lake. Proposed classifications include: Project Operations to reflect lands associated with the dam and spillway structures that are operated and maintained for fulfilling the flood risk management, water supply, and water storage missions of East Sidney Lake; High-Density Recreation to reflect lands that are currently developed for intensive recreational activities and include boat launches, day-use areas, and

campgrounds; Low-Density Recreation to support low-impact recreational opportunities including the existing overlook; and Vegetative Management to include an ecosystem-based management approach designated for stewardship of forest, prairie, and other native vegetative cover along with passive recreation such as bank fishing, hiking, wildlife viewing, and for access to the shoreline. Alternatives considered within the EA focus on the proposed land use classifications as presented in the Master Plan and the types of future development projects that could occur within the land use classifications. The EA does not consider implementation of specific projects identified within the Master Plan during the master planning process as these projects are conceptual in nature. The USACE would conduct further analysis on projects identified within the Master Plan and resources affected once funding is available and detailed project planning and design occur.

We respectfully ask that you provide any information or comments within 30 days to enable us to complete this phase of the project within the scheduled timeframe to Major Terrence Harrington at (410) 962-1846 or Terrence.G.Harrington@usace.army.mil. Additionally, questions can be mailed to U.S. Army Corps of Engineers, Planning Division, Subject: East Sidney Lake Project, 2 Hopkins Plaza, Baltimore, MD 21201.

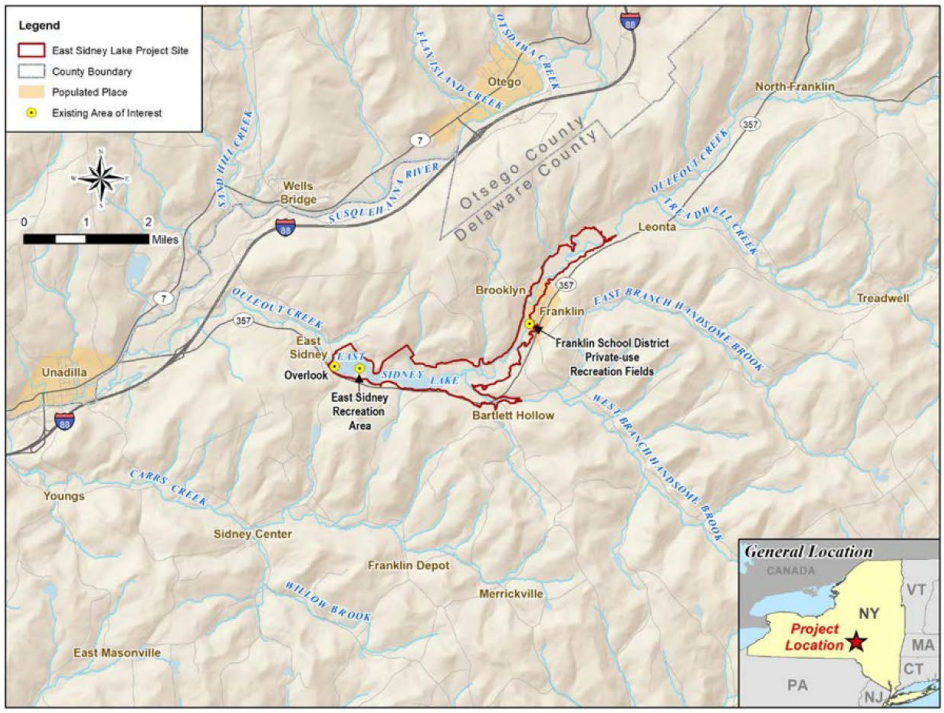
If you have any questions or require additional information, please do not hesitate to call or email. Thank you for your assistance in this matter.

Sincerely,

Daniel M. Bierly, P.E.
Chief, Civil Project Development Branch

Enclosure

Enclosure 1. Project location map.



A.3 New York State Department of Environmental Conservation Coordination

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, BALTIMORE DISTRICT
2 HOPKINS PLAZA
BALTIMORE, MD 21201

Planning Division February 19, 2019

New York Natural Heritage Program – Information Services
NYS DEC
625 Broadway, 5th Floor
Albany, NY 12233-4757

Dear Sir or Madam,

The U.S. Army Corps of Engineers (USACE) Baltimore District is proposing to update the Master Plan for East Sidney Lake and associated changes in land management in compliance with USACE regulations and guidance. Project lands (including the lake and surrounding property) occupy approximately 1,267 acres (see Figure 1). In conjunction with the Master Plan, USACE is preparing an environmental assessment (EA) in accordance with the National Environmental Policy Act (NEPA) of 1969, as amended, to evaluate the potential effects of proposed Master Plan revisions.

The purpose of this letter is to initiate consultation with the New York State Department of Environmental Conservation (NYS DEC) and to request information on any state-listed threatened or endangered species within the vicinity of the project based on the Natural Heritage Program records. Our initial review of the NYS SEC Environmental Resource Mapper indicated the potential occurrence of rare plants or animals in the vicinity of East Sidney Lake. USACE is requesting information on protected species at the project for consideration in the Master Plan and any conservation measures the NYS DEC Natural Heritage Program recommends for the protection of species at the project.

USACE is also consulting with the U.S. Fish and Wildlife Service's New York Field Office regarding information on any federally-listed species or critical habitat within the vicinity of the proposed project.

The Master Plan is intended to serve as a comprehensive land and recreation management plan for the next 15 to 25 years, which reflects changes in outdoor recreation trends, regional land use, population, legislative requirements, USACE management policy, and wildlife habitat that have occurred since the 1961 Master Plan at East Sidney Lake. Proposed classifications include: Project Operations to reflect lands associated with the dam and spillway structures that are operated and maintained for fulfilling the flood risk management, water supply, and water storage missions of East Sidney Lake; High-Density Recreation to reflect lands that are currently developed for intensive recreational activities and include boat launches, day-use areas, and campgrounds; Low-Density Recreation to support low-impact recreational opportunities including the existing overlook; and Vegetative Management to include an ecosystem-based management approach designated for stewardship of forest, prairie, and other native vegetative

cover along with passive recreation such as bank fishing, hiking, wildlife viewing, and for access to the shoreline. Alternatives considered within the EA focus on the proposed land use classifications as presented in the Master Plan and the types of future development projects that could occur within the land use classifications. The EA does not consider implementation of specific projects identified within the Master Plan during the master planning process as these projects are conceptual in nature. The USACE would conduct further analysis on projects identified within the Master Plan and resources affected once funding is available and detailed project planning and design occur.

We respectfully ask that you provide any information or comments within 30 days to enable us to complete this phase of the project within the scheduled timeframe to Major Terrence Harrington at (410) 962-1846 or Terrence.G.Harrington@usace.army.mil. Additionally, questions can be mailed to U.S. Army Corps of Engineers, Planning Division, Subject: East Sidney Lake Project, 2 Hopkins Plaza, Baltimore, MD 21201.

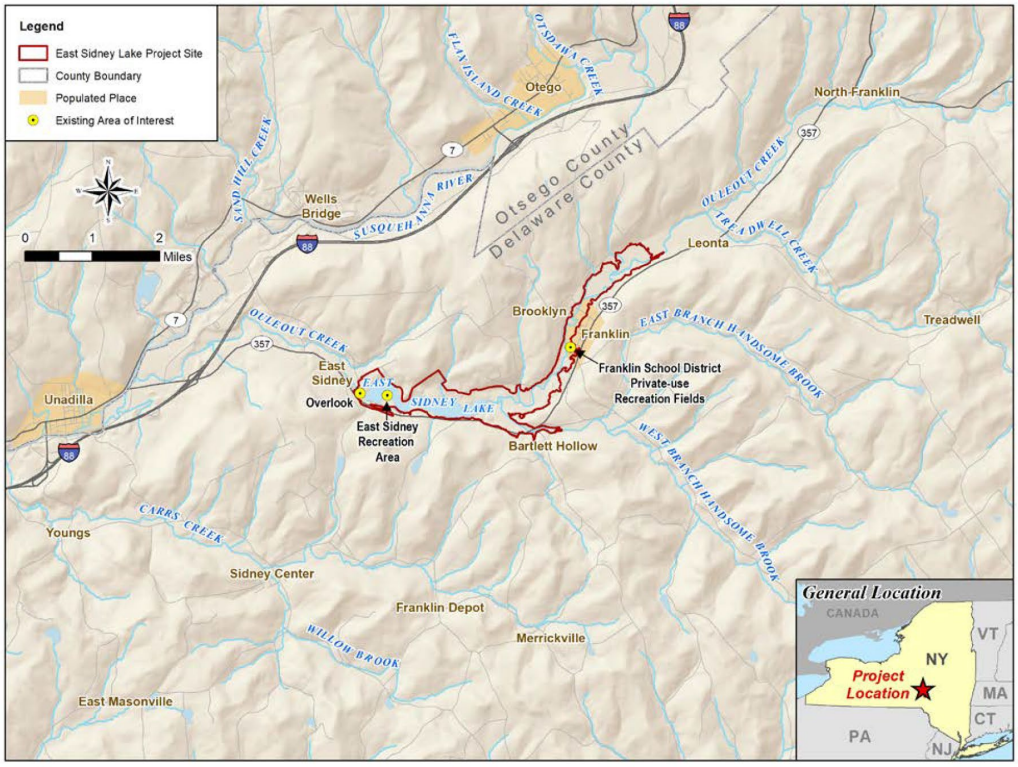
If you have any questions or require additional information, please do not hesitate to call or email. Thank you for your assistance in this matter.

Sincerely,

Daniel M. Bierly, P.E.
Chief, Civil Project Development Branch

Enclosure

Enclosure 1. Project location map.



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Fish and Wildlife, New York Natural Heritage Program
625 Broadway, Fifth Floor, Albany, NY 12233-4757
P: (518) 402-8935 | F: (518) 402-8925
www.dec.ny.gov

March 11, 2019

Daniel M. Bierly
U.S. Army Corps of Engineers, Baltimore District
2 Hopkins Plaza
Baltimore, MD 21201

Re: Master Plan for East Sidney Lake
County: Delaware Town/City: Franklin, Sidney

Dear Mr. Bierly:

In response to your recent request, we have reviewed the New York Natural Heritage Program database with respect to the above project.

Enclosed is a report of rare or state-listed animals and plants, and significant natural communities that our database indicates occur in the vicinity of the project site.

For most sites, comprehensive field surveys have not been conducted; the enclosed report only includes records from our database. We cannot provide a definitive statement as to the presence or absence of all rare or state-listed species or significant natural communities. Depending on the nature of the project and the conditions at the project site, further information from on-site surveys or other sources may be required to fully assess impacts on biological resources.

Our database is continually growing as records are added and updated. If this proposed project is still under development one year from now, we recommend that you contact us again so that we may update this response with the most current information.

The presence of the plants and animals identified in the enclosed report may result in this project requiring additional review or permit conditions. For further guidance, and for information regarding other permits that may be required under state law for regulated areas or activities (e.g., regulated wetlands), please contact the NYS DEC Region 4 Office, Division of Environmental Permits, dep.r4@dec.ny.gov, 518-357-2449.

Sincerely,

Nicholas Conrad
Information Resources Coordinator
New York Natural Heritage Program

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NEW YORK STATE OF OPPORTUNITY | Department of Environmental Conservation

New York Natural Heritage Program  Report on State-listed Animals

The following state-listed animals have been documented at or in the vicinity of East Sidney Lake.

The following list includes animals that are listed by NYS as Endangered, Threatened, or Special Concern; and/or that are federally listed or are candidates for federal listing.

For information about any permit considerations for the project, or for conservation measures for protection of these species, contact the NYSDEC Region x Office, Division of Environmental Permits, at dep.r4@dec.ny.gov, 518-357-2449.

The following species has been documented nesting adjacent to the East Sidney Lake Recreation Area in three locations: north of East Sidney Lake, along Walley Road west of Bookout Road, and south of the east end of East Sidney Lake north of NYS Route 357.

This species has also been documented nesting along Ouleout Creek about .6 mile northeast of the eastern end of the East Sidney Lake Project Site.

COMMON NAME	*SCIENTIFIC NAME*	*NY STATE LISTING*	*FEDERAL LISTING*	
Bald Eagle *Breeding*	*Haliaeetus leucocephalus*	Threatened		15087

This report only includes records from the NY Natural Heritage database.

Information about many of the listed animals in New York, including habitat, biology, identification, conservation, and management, are available online in Natural Heritage's Conservation Guides at www.guides.nynhp.org, and from NYSDEC at www.dec.ny.gov/animals/7494.html.