

State Environmental Quality Review

Findings Statement

Pursuant to Article 8 (State Environmental Quality Review Act - SEQRA) of the Environmental Conservation Law and 6 NYCRR Part 617, the Central Pine Barrens Joint Planning and Policy Commission, as an involved agency, makes the following findings.

Name of Action: New York Statewide Wireless Network (SWN)

Description of Action: The New York State Office for Technology (OFT) proposes to develop the SWN for voice and data radio communications services to enable public safety and public service entities operating within the State of New York to better respond to and protect its citizens. The SWN will provide essential connectivity to coordinate the delivery of governmental services to the citizens of New York and to enable immediate coordination of public safety resources in emergency situations to ensure the public's safety and welfare. The proposed SWN project is fundamentally an infrastructure, a collection of radio sites throughout the state interconnected by a network, monitored and controlled by a pair of redundant operations centers. The proposed action is the development of the SWN, which includes the primary regional build out, final engineering design, Statewide implementation involving the construction and operation of the Network and ongoing maintenance of the SWN.

To date an FGEIS has been completed on the project. Elements of the SWN may include the construction of radio towers and transmission infrastructure. Such elements may be constructed within the Central Pine Barrens as defined by Article 57 of the Environmental Conservation Law.

Location: Central Pine Barrens

Agency Jurisdiction: Article 57 of the Environmental Conservation Law

Date Final EIS Filed: March 30, 2005

Facts and Conclusions in the EIS and ECL relied upon to Support Decision:

The Central Pine Barrens Joint Planning and Policy Commission finds that it is an involved agency because it must make a determination that the New York State Office for Technology's (OFT) Statewide Wireless Network (SWN) plan and the components thereof proposed for the Central Pine Barrens area conform with Environmental Conservation Law Article 57 and the Central Pine Barrens Comprehensive Land Use Plan. The OFT acknowledges that the Commission is an involved agency recognizing the Commission's jurisdiction



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on the project. (SWN FEIS at 186).

As an involved agency the Commission must issue findings on the SWN plan. OFT's actions must be consistent with this Findings.

The Commission finds that the New York State Legislature "determined and declared that the Long Island Central Pine Barrens area is a major resource of statewide significance where the hydrological and ecological integrity is endangered." (ECL §57-0119). The Commission further finds that within the Central Pine Barrens there are regionally significant environmental features, including, but not limited to, Core Preservation Area, Critical Resources Areas, significant wildlife corridors, viewsheds, open spaces, ecological communities and habitats of statewide significance.

The Commission finds that the SWN project may have a significant adverse impact on the environment and these features in particular.

The Commission finds that pursuant to ECL §57-0123(3)(a), "no state approval, certificate, license, consent, permit, or financial assistance for the construction of any structure or the disturbance of any land within such area shall be granted, unless such approval or grant conforms to the provisions of such land use plan."

The Commission finds that ECL §57-0121(6) requires the Central Pine Barrens Comprehensive Land Use Plan to contain a "program for state . . . implementation of the [Plan] and the various elements thereof in a manner that will insure the continued, uniform, and consistent protection of the Pine Barrens ecosystem and development objectives including guidelines for consistency with the land use plan by state, county and local agencies."

The Commission finds conformance is required for state activities which constitute development and for those state activities which do not constitute development as defined ECL §57-0107.

The Commission finds it must review state proposals to determine whether they are consistent with the Article 57 and the Land Use Plan.

The Commission therefore finds that in order for the SWN project to conform with Article 57 and the Central Pine Barrens Comprehensive Land Use Plan, the OFT must submit each SWN proposal, whether or not it involves construction or disturbance, within the Central Pine Barrens as defined by Article 57 to the Commission for a determination as to whether the proposal conforms to Article 57 and the Comprehensive Land Use Plan prior to the commencement of any construction activities, clearing or other preparatory work. The Commission also notes that there are existing structures located within the Central Pine Barrens that could accommodate SWN technology so as to obviate the need to construct new structures to support SWN technology.

Certification of Findings to Approve/Fund/Undertake

Having considered the Draft and Final GEIS, and having considered the preceding written facts and conclusions relied upon to meet the requirements of 6 N.Y.C.R.R. §617.11, this Statement of Findings certifies that:

1. The requirements of 6 N.Y.C.R.R. Part 617 have been met;
2. Consistent with the social, economic and other essential considerations from among the reasonable alternatives thereto, the action approved is one which avoids or minimizes adverse environmental effects to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as a condition that in order to ensure that the elements of the SWN plan proposed for the Central Pine Barrens conform with Article 57 and the Plan, OFT submit to the Commission each specific SWN element proposed for the Central Pine Barrens now or in the future, whether or not it involves construction or disturbance, to allow the Commission to make a determination of conformance with Article 57 and the Plan. Absent such a determination, OFT is not to proceed with any element of the SWN in the Central Pine Barrens.

Central Pine Barrens Joint Planning and Policy Commission

Signature of Responsible Official

Peter A. Scully
Name of Responsible Official

Chairman
Title of Responsible Official

May 20, 2005
Date

Central Pine Barrens Joint Planning and Policy Commission
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Resolution on the New York State Office for Technology's
Statewide Wireless Network



Whereas, the New York State Office for Technology is proposing to implement a Statewide Wireless Network to provide essential connectivity to coordinate the delivery of governmental services to the citizens of New York and to enable immediate coordination of public safety resources in emergency situations and to ensure the public's safety and welfare. The SWN consists of an infrastructure consisting of a collection of radio sites throughout the state interconnected by a network, monitored and controlled by a pair of redundant operations centers.

Whereas, elements of the SWN include, but are not limited to, towers, antennas, radio transmission equipment, and equipment sheds, some of which may be constructed within the Central Pine Barrens, and

Whereas, OFT, as Lead Agent has undertaken a coordinated environmental review of the SWN pursuant to the State Environmental Quality Review Act, and determined that the Commission is an involved agency with respect to the SWN, and

Whereas, the Central Pine Barrens as defined in Article 57 of the Environmental Conservation Law was determined by the New York Legislature to be a "major resource area of statewide significance where the hydrological and ecological integrity is endangered" (ECL §57-0119(1)), and

Whereas, the Commission also notes that there are existing structures located within the Central Pine Barrens that could accommodate SWN technology so as to obviate the need to construct new structures to support SWN technology, and

Whereas, the Central Pine Joint Planning and Policy Commission was created to, among other things, "plan, manage and oversee land use within the Central Pine Barrens area," (ECL §57-0119(1)), and to create, adopt and implement a comprehensive land use plan designed to "protect, preserve and enhance the functional integrity of the Pine Barrens ecosystem and the significant natural resources, including plant and animal populations and communities, thereof," and to provide "guidelines for consistency with the land use plan by state, county and local agencies." (ECL §57-0119), and

Whereas, "no state approval, certificate, license, consent, permit, or financial assistance for the construction of any structure or the disturbance of any land within such area shall be granted, unless such approval or grant conforms to the provisions of such land use plan," (ECL §57-0123(3)(a)), and

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Whereas, within the Central Pine Barrens there are regionally significant environmental features, including, but not limited to, the Core Preservation Area, the Critical Resources Areas, significant wildlife corridors, viewsheds, open spaces, ecological communities and habitats of statewide significance as provided for in Article 57 and the Central Pine Barrens Comprehensive Land Use Plan, (“the Plan”), and

Whereas, the SWN project may have a significant adverse impact on the environment and these features, and

Whereas, the potential significant adverse impacts may be mitigated by review by the Commission of the elements of the SWN plan proposed for the Central Pine Barrens to ensure conformance with Article 57 and the Plan, now, therefore be it

Resolved, the Commission determines that the SWN may have a significant adverse impact on the environment, and

Resolved, the Commission is an involved agency with respect to the SWN Plan as recognized by the OFT, and be it further,

Resolved, in order to ensure that the elements of the SWN plan proposed for the Central Pine Barrens conform with Article 57 and the Plan, the Commission requires OFT to submit to the Commission each specific SWN element proposed for the Central Pine Barrens now or in the future, whether or not it involves construction or disturbance, to allow the Commission to make a determination of conformance with Article 57 and the Plan as to whether the proposal conforms to Article 57 and the Comprehensive Land Use Plan prior to the commencement of any construction activities, clearing or other preparatory work, if necessary, and be it further,

Resolved, the Commission conditionally approves the SWN provided that no element is constructed within the Central Pine Barrens without the Commission first determining that the element is in conformance with Article 57 and the Plan, and be it further,

Resolved, that the Commission issue a Findings Statement consistent with this resolution pursuant to the State Environmental Quality Review Act and its implementing regulations on the SWN plan.

May 18, 2005