



Onondaga County



Lakeview Amphitheater
Final Environmental Impact
Statement

SEQR Lead Agency:

Onondaga County

October 2014



Prepared by:



FINAL ENVIRONMENTAL IMPACT STATEMENT

FOR THE

LAKEVIEW AMPHITHEATER

Onondaga County, New York

Lead Agency: Onondaga County
401 Montgomery Street
Room 407 Court House
Syracuse, New York 13202
Contact: David Coburn
Phone: (315) 435-2647

Prepared By: C&S Companies
499 Col. Eileen Collins Boulevard
Syracuse, New York 13212
Contact: Bob Palladine
Phone: (315) 455-2000

and

Environmental Design & Research,
Landscape Architecture, Engineering & Environmental Services, D.P.C.
217 Montgomery Street, Suite 1000
Syracuse, New York 13202
Contact: Ben Brazell
Phone: (315) 471-0688

Date Accepted by Lead Agency: October 14, 2014

Online Access: <http://www.ongov.net/environment/amphitheater.html>

TABLE OF CONTENTS

1.0	INTRODUCTION.....	1
1.1	SUMMARY OF SEQR PROCESS.....	1
1.2	SUMMARY OF THE DEIS.....	2
1.2.1	Summary of Potential Impacts Identified in the DEIS.....	3
1.2.2	Summary of Mitigation Proposed in the DEIS.....	4
2.0	REVISIONS TO THE DEIS.....	7
2.1	PROJECT CHANGES.....	7
2.2	ADDITIONAL INFORMATION.....	7
2.2.1	Proposed Remedial Action Plan.....	7
2.2.2	Traffic.....	13
2.2.3	Biological Resources.....	19
2.2.4	Noise.....	21
3.0	CORRECTIONS TO THE DEIS.....	29
4.0	RESPONSE TO PUBLIC COMMENTS.....	31
	Comment Letter 1. Robert Papworth.....	32
	Comment Letter 2. Doretta Adams.....	32
	Comment Letter 3. Les Monostory.....	38
	Comment Letter 4. Bill Mastropool.....	54
	Comment Letter 5. Lloyd Withers.....	55
	Comment Letter 6. Conrad Strozik, Les Monostory, Hugh Kimball.....	58
	Comment Letter 7. Michael Sullivan.....	60
	Comment Letter 8. David Stilwell (U.S. Fish and Wildlife Service).....	61
	Comment Letter 9. Hugh Kimball.....	63
	Comment Letter 10. Sarah Eckel.....	64
	Comment Letter 11. Barbara Patapow.....	67
	Comment Letter 12. Lance Robson.....	67
	Comment Letter 13. Katharine Lewis.....	75
	Comment Letter 14. Katharine Lewis.....	77
	Comment Letter 15. Hugh Kimball.....	79
	Comment Letter 16. Gerald Frys.....	80
	Comment Letter 17. Kay Howard.....	81
	Comment Letter 18. Robert Papworth.....	82
	Comment Letter 19. Joe Heath.....	84
	Comment Letter 20. Alma Lowry.....	87
	Comment Letter 21. Joshua Reap.....	91
	Comment Letter 22. Les Monostory.....	92
	Comment Letter 23. Lance Robson.....	93
	Comment Letter 24. Hugh Kimball.....	96
	Comment Letter 25. James Shults.....	97
	Comment Letter 26. Fred Miller.....	98
	Comment Letter 27. Sarah Eckel.....	99
	Comment Letter 28. Amelia LeFevre.....	100
	Comment Letter 29. Andy Mager.....	101
	Comment Letter 30. Jim DiBlasi.....	102
	Comment Letter 31. Ray Cudney.....	102

Comment Letter 32. Lloyd Withers.....	103
Comment Letter 33. Mark Frechette (NYSDOT).....	104
Comment Letter 34. Frank Lepkowski	107
Comment Letter 35. Mary Kuhn.....	108
Comment Letter 36. Peter Michel	108
Comment Letter 37. Robert Papworth	110
Comment Letter 38. Bob Snyder	111
Comment Letter 39. Anonymous ("rtoad21")	112
Comment Letter 40. Robert Simpson.....	114
Comment Letter 41. Joseph Heath.....	116
Comment Letter 42. Lloyd Withers.....	153
Comment Letter 43. Peter Michel	158
Comment Letter 44. Wendy Yost.....	158
Comment Letter 45. Anonymous ("buddy1941").....	159
Comment Letter 46. Hugh Kimball.....	159
Comment Letter 47. Brian Smith.....	161
Comment Letter 48. Linda DeStefano.....	163
Comment Letter 49. Caleb Laieski.....	164
Comment Letter 50. Sandra Gowing.....	166
Comment Letter 51. Anonymous ("thelink_mvile").....	167
Comment Letter 52. Anonymous ("hareld").....	168
Comment Letter 53. Anonymous ("hillside53").....	170
Comment Letter 54. Anonymous ("wdrath").....	172
Comment Letter 55. Anonymous ("jnswickett")	174
Comment Letter 56. Bonnie Shoultz	176
Comment Letter 57. Sheila Sicilia	176
Comment Letter 58. Sheila Sicilia.....	178
Comment Letter 59. Safia Gravel	178
Comment Letter 60. Safia Gravel	180
Comment Letter 61. Catherine Schultz.....	182
Comment Letter 62. Keith Lindner	184
Comment Letter 63. Martin Gugino.....	186
Comment Letter 64. John Imes.....	186
Comment Letter 65. Dik Cool.....	188
Comment Letter 66. Sue Eiholzer	188
Comment Letter 67. Joe Heath.....	189
Comment Letter 68. Conrad Strozik.....	191
Comment Letter 69. Conrad Strozik.....	195
Comment Letter 70. Donna Hamblin.....	196
Comment Letter 71. Lloyd Withers.....	198
Comment Letter 72. Hugh Kimball.....	201
Comment Letter 73. Charlotte (Chuckie) Holstein.....	202
Comment Letter 74. Katherine (Kate) Lewis	202
Comment Letter 75. Bob Papworth.....	203
Comment Letter 76. Les Monostory.....	204
Comment Letter 77. Conrad Strozik.....	205
Comment Letter 78. Alma Lowry	205

Comment Letter 79. Frank Moses	208
Comment Letter 80. Beth Kinne	210
Comment Letter 81. Jack Manno	210
Comment Letter 82. Mary Thompson	211
Comment Letter 83. Lendra Monkemeyer	212
Comment Letter 84. Catherine Landis	213
Comment Letter 85. Christine Riley	214
Comment Letter 86. Paul Eiholzer	215
Comment Letter 87. Ann Jamison	217
Comment Letter 88. Richard Romeo	218
Comment Letter 89. Aggie Lane	220
Comment Letter 90. Diana Green	222
Comment Letter 91. Louise Poindexter	224
Comment Letter 92. Lula Donald	226
Comment Letter 93. Mark Feldman	227
Comment Letter 94. Ronald Bell	228
Comment Letter 95. Joanne Stevens	230
Comment Letter 96. Peter Scheibe	232
Comment Letter 97. Christopher Lajewski	233
Comment Letter 98. Cindy Squillace	238
Comment Letter 99. Brian Smith	240
Comment Letter 100. Carol Baum	243
Comment Letter 101. Anonymous ("jerry.rivers13@yahoo.com")	244
Comment Letter 102. Cheri Capparelli	246
Comment Letter 103. Andy Mager	247
Comment Letter 104. Frank Moses and Paul Richardson	248
Comment Letter 105. Elmore Davis	256
Comment Letter 106. Joan James	258
Comment Letter 107. Fred Miller	260
5.0 REFERENCES	261

LIST OF TABLES

Table 1. Summary of Potential Impacts Identified in the DEIS	3
Table 2. Summary of Measures to Avoid, Minimize, and/or Mitigate Impacts	5
Table 3. Residential Zoned Parcels Compared with Source Sound Pressure levels	23
Table 4. Human Reaction to Increased Sound	23
Table 5. Analysis of Sound Pressure Levels as a Function of Ambient Conditions	26
Table 6. State-listed Wildlife Species Documented in the Vicinity of Onondaga Lake	30

LIST OF FEIS FIGURES

- Figure 1. Regional Project Location
- Figure 2. Project Location
- Figure 3. Site Master Plan
- Figure 4. Sound Propagation Model
- Figure 5A. Ambient Monitoring – Continuous
- Figure 5B. Ambient Monitoring – Instantaneous

LIST OF FEIS APPENDICES

- Appendix A Lead Agency SEQR Resolutions
- Appendix B Proposed Remedial Action Plan
- Appendix C Traffic Impact Study
- Appendix D Updated Plant and Wildlife Species Lists
- Appendix E Integrated Pest Management Program
- Appendix F Public Comments on the DEIS
- Appendix G Final Feasibility Study
- Appendix H Human Health Risk Assessment
- Appendix I Supplemental Human Health Risk Evaluation
- Appendix J Remedial Investigation

COMMONLY USED ACRONYMS AND ABBREVIATIONS

BMP	Best Management Practice
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
dBA	decibels, A-rated
DEIS	Draft Environmental Impact Statement
EAF	Environmental Assessment Form
FEIS	Final Environmental Impact Statement
FHWA	Federal Highway Administration
FS	Feasibility Study
HHRA	Human Health Risk Assessment
HHRE	Human Health Risk Evaluation
IBA	Important Bird Area
IPM	Integrated Pest Management
NYCRR	Official Compilation of Codes, Rules, and Regulations of the State of New York
NYS	New York State
NYSDEC	New York State Department of Environmental Conservation
NYSDOH	New York State Department of Health
NYSDOT	New York State Department of Transportation
OU	Operable Unit
PRAP	Proposed Remedial Action Plan
ROD	Record of Decision
SCO	Site Clean Up Objective
SEQR	State Environmental Quality Review Act
SPDES	State Pollutant Discharge Elimination System
SWPPP	Stormwater Pollution Prevention Plan
TIS	Traffic Impact Study
USEPA	U.S. Environmental Protection Agency
USFWS	U.S. Fish & Wildlife Service

1.0 INTRODUCTION

This Final Environmental Impact Statement (FEIS) is prepared for the Lakeview Amphitheater (hereafter, the Project) pursuant to the New York State Environmental Quality Review Act (SEQR) and its implementing regulations, 6 NYCRR Part 617. This document was preceded by a Draft Environmental Impact Statement (DEIS). The FEIS builds upon the DEIS, providing extensive responses to public and agency comments received on the DEIS, and including additional information that builds upon the information in the DEIS, and in response to public and agency input. The DEIS is incorporated by reference into this FEIS, and remains in full effect except where specifically amended. However, this FEIS does not, in general, reiterate information that remains accurate and unchanged from the DEIS.

The FEIS provides a comprehensive analysis of the potential environmental impacts of the Project and identifies reasonable alternatives or mitigation measures to reduce the effect of those impacts to the maximum extent practicable, while weighing the social and economic considerations of the Project. It is not the intention of SEQR for environmental factors to be the sole consideration in agency decision-making. The purpose of SEQR is to ensure that the environmental impacts of an action are weighed and balanced with social, economic and other considerations so that a suitable balance of social, economic and environmental factors may be incorporated in the planning and decision-making processes of state, regional and local agencies.

1.1 SUMMARY OF SEQR PROCESS

On February 14, 2014, Onondaga County circulated to potentially interested/involved SEQR agencies Part 1 of a Full Environmental Assessment Form (EAF) and a statement indicating that the County intended to serve as Lead Agency for the review of the proposed Lakeview Amphitheater. Following the required 30 day coordinated review period, no agency objected to Onondaga County assuming the role of Lead Agency. In addition, Onondaga County, as Lead Agency, issued a Positive Declaration (which necessitated the preparation of a DEIS), and initiated the Public Scoping Process on April 4, 2014. The DEIS was accepted as complete on July 1, 2014, and copies of the DEIS were subsequently delivered to involved/interested agencies, and posted to the County's website on June 6, 2014 (<http://www.ongov.net/environment/amphitheater.html>). Opportunities for detailed agency and public review were provided during the DEIS public comment period (July 9 through September 5, 2014), including public hearings conducted by the Lead Agency on July 23 and August 26, 2014, at the legislative

chambers (room 407) in the downtown courthouse (please see FEIS Appendix A for SEQR Resolutions issued by the Lead Agency). A responsiveness summary has been prepared as part of this FEIS (Section 4.0) to address the substantive comments received on the DEIS during the public comment period.

The following represent the next steps in the SEQR process for the Project, starting with issuance of this FEIS by the Lead Agency:

- FEIS issued by Lead Agency (Onondaga County).
- Final notice of completion of FEIS published in the New York State Department of Environmental Conservation (NYSDEC) Environmental Notice Bulletin.
- Distribute FEIS and a copy of the public notice to the agencies listed in Section 2.5.2 of the DEIS.
- 10-day minimum consideration period before issuing findings.
- Lead Agency issues Findings Statement.
- Involved agencies issue Findings Statements and make their permit decisions.

1.2 SUMMARY OF THE DEIS

The DEIS described the Lakeview Amphitheater as an outdoor event complex that will include an amphitheater with an estimated seating capacity of approximately 17,500 (both covered and lawn seats), a nature area, vendor/festival area, a smaller outdoor community theater, recreational trails, an observation pier, and other amenities. Associated infrastructure will include access roads/driveways and utilities (power, water, sewer, etc.). Vehicular access to the amphitheater will be provided from I-690 and the local road network, and parking will be accommodated through use of the existing New York State Fair parking lots located between the fairgrounds and Onondaga Lake. Pedestrians will also be able to access the amphitheater through use of the Onondaga Lake Park Trail System and the pedestrian bridge from State Fair Boulevard. The DEIS also contemplated future additional water-based access through use of a seasonal (removable) docking system and associated water taxis. Construction will occur in phases, anticipated to begin in the late fall/winter of 2014 and conclude in the fall of 2015. The Lakeview Amphitheater Facility will be owned by Onondaga County, and the entire site is expected to remain in public ownership. Please see Section 2.1 for an updated project description, which indicates that the observation pier/docking facility and the community theater are no longer components of the proposed action.

Various plans and support studies were prepared and included in the DEIS, which provided detailed information on discrete topical areas in furtherance of the SEQR evaluation. These studies included the following:

- Traffic Impact Study (DEIS Appendix G)
- Sound Propagation Report (DEIS Appendix H)
- Preliminary Stormwater Pollution Prevention Plan (SWPPP) Outline (DEIS Appendix I)

In addition to providing a description of the site (Section 2.1), a detailed Project description (Section 2.2), and a summary of the purpose, need, and benefit of the proposed Project (Section 2.3), the DEIS also presented a summary of the required approvals and regulatory process (Section 2.5), a discussion of potential environmental impacts and proposed mitigation measures (Section 3.0), unavoidable adverse impacts (Section 4.0), Project alternatives (Section 5.0), commitment of resources (Section 6.0), cumulative impacts (Section 7.0), growth inducing impacts (Section 8.0), and Project effects on the use and conservation of energy resources (Section 9.0). See the DEIS for a full discussion of these topics. A summary of the potential impacts and mitigation presented in the DEIS are given below.

1.2.1 Summary of Potential Impacts Identified in the DEIS

In accordance with requirements of the SEQR process, potential impacts arising from the proposed action were identified early in the application process and were evaluated in the DEIS with respect to an array of environmental and cultural resources. The potential impacts identified in the DEIS are summarized in Table 1 below:

Table 1. Summary of Potential Impacts Identified in the DEIS

Topic	Potential Impacts
Geology, Soils, and Topography	Disturbance of contaminated materials and/or elements of the site remedies. Increased loads on site soils, slope stability issues.
Water Resources	Construction runoff into waterways. Increase in impervious surfaces.
Climate and Air Quality	Emissions and fugitive dust during construction. Short-term increases in vehicle exhaust emissions.

Topic	Potential Impacts
Biological, Terrestrial, and Aquatic Ecology	Direct loss of vegetation and wildlife habitat. Displacement, incidental injury or mortality during construction. Alteration/conversion of wildlife habitat. Removal of potential roosting habitat (trees) for rare bat species.
Aesthetic/Visual Resources	Minor temporary impacts during construction. Visibility of new building (Amphitheater).
Historic, Cultural, and Archaeological Resources	No significant impacts to historic or archeological resources.
Open Space and Recreation	Temporary impacts (closures, relocation) to the West Shore Trail during construction.
Traffic and Transportation	No adverse impacts associated with small events. I-690 traffic flow impacts during large/sold-out events.
Noise and Odor	Noise levels in excess of 65 dBA during portions of concert events. No significant odor impacts anticipated.
Documented Environmental Conditions	Intrusive work associated with installation of utilities, preliminary site grading and installation of foundations.
Public Health and Safety	Intrusive work associated with installation of utilities, preliminary site grading and installation of foundations.
Land Use and Zoning	Temporary impacts to land use during construction. Conversion of a vacant lakeshore parcel into an area utilized by the public periodically for special performance events.
Growth and Community Character	Minor inconsistencies with some community planning documents.
Community Facilities and Services	Temporary closures of the West Shore Trail.

1.2.2 Summary of Mitigation Proposed in the DEIS

The DEIS identified various measures to avoid, minimize and/or mitigate potential environmental impacts, as described below in Table 2.

Table 2. Summary of Measures to Avoid, Minimize, and/or Mitigate Impacts

Topic	Proposed Avoidance/Mitigation Measures
Geology, Soils, and Topography	<p>Sediment and erosion controls during construction and SWPPP compliance.</p> <p>Engaging nationally recognized geotechnical experts, familiar with the soil conditions and this site in particular, to assist the design team.</p> <p>Care and maintenance consistent with the Honeywell long term Site Management Plan and Institutional Controls to preserve integrity of remedial actions put in place by Honeywell and Crucible.</p>
Water Resources	<p>Multiple measures will be engineered into the site development plans to capture, treat and/or reduce stormwater runoff from the site, which is expected to enhance groundwater and surface water quality over existing conditions.</p>
Climate and Air Quality	<p>Best management practices (BMPs) during construction, including dust control measures.</p> <p>Construction will be performed consistent with a NYSDEC-approved Site Management Plan, developed as part of the ongoing remediation effort for the larger Wastebed 1-8 area.</p>
Biological, Terrestrial, and Aquatic Ecology	<p>Development of an overall Project master plan that maximizes the protection/integration of natural communities to the extent practicable.</p> <p>Adherence to designated work/disturbance limits and avoidance of off-limit sensitive areas during construction.</p> <p>Restoration of temporarily disturbed areas, and coordinating restoration efforts with the long-term remedy to be implemented by Honeywell.</p> <p>The buildings associated with the Project will incorporate bird-friendly design.</p> <p>To avoid mortality of protected bat species that could be roosting in trees at the Project site, tree cutting will be restricted to between October 15 and March 31, when bats are hibernating off-site.</p> <p>Lighting fixtures associated with pedestrian pathways, roads, parking areas, and building exterior areas for the proposed facility will be consistent with "Dark Sky" initiatives.</p>
Aesthetic/Visual Resources	<p>Implementing a Project design intended to blend with the environment through use of textures and materials (e.g., stone, wood) representative of nature.</p> <p>Lighting fixtures associated with pedestrian pathways, roads, parking areas, and building exterior areas for the proposed facility will be consistent with "Dark Sky" initiatives.</p> <p>Project visibility does not necessarily equate to an adverse visual impact; adding a visually interesting focal point, attracting the attention of potential spectators, and creating a source of community pride can be considered a benefit.</p>

Topic	Proposed Avoidance/Mitigation Measures
Historic, Cultural, and Archaeological Resources	<p>No impacts to historic or archeological resources; therefore, no mitigation required or proposed.</p> <p>Consultation pursuant to Section 106 of the National Historic Preservation Act, Section 14.09 of the New York State Parks, Recreation, and Historic Preservation Law (and, for NYSDEC, DEC Policy CP-42: Contact, Cooperation and Consultation with Indian Nations).</p>
Open Space and Recreation	<p>Since overall impacts to open space and recreation from the proposed Project are believed to be positive, no mitigation required or proposed.</p>
Traffic and Transportation	<p>Implementation of various operational and/or capital improvement measures for large, sold-out events.</p>
Noise and Odor	<p>Implementation of best management practices for sound abatement during construction.</p> <p>Active Sound Management capability with sound level monitoring and adjustment of specific sound sources (medium-scale roof speakers) during performances.</p>
Documented Environmental Conditions	<p>Implementation of BMPs during construction (e.g., dust suppression, sediment and erosion control measures). Implementation of controls to promote access to desired areas during events.</p> <p>Care and maintenance carried out consistent with the Honeywell long term Site Management Plan and Institutional Controls put in place to preserve the integrity of the site cover and other remedy components both for the Crucible Landfill and the wastebeds.</p>
Public Health and Safety	<p>Implementation of construction and site management plans to control access and vehicular traffic, which will be site specific addressing the range of potential physical and environmental hazards associated with each phase of the work, as well as the potential pathways by which workers and the public could be impacted and by incorporating proactive and conservative prevention and control measures for those situations.</p> <p>Care and maintenance carried out consistent with the Honeywell long term Site Management Plan and Institutional Controls put in place to preserve the integrity of the site cover and other remedy components both for the Crucible Landfill and the wastebeds.</p> <p>Site security will be enhanced through design features which include fencing, specific area lighting, video surveillance, emergency communications network, and routine police/park ranger patrols.</p> <p>Community Air Monitoring Plan (CAMP) during construction per NYSDEC DER-10.</p>
Land Use and Zoning	<p>The proposed Project is consistent with existing land uses, and consequently mitigation measures are not required or proposed.</p>
Growth and Community Character	<p>The project is generally consistent with the major goals common to many of the existing planning documents, and consequently mitigation measures are not required or proposed.</p>

Topic	Proposed Avoidance/Mitigation Measures
Community Facilities and Services	Temporary trail closures coordinated with appropriate park officials and communicated to the public.

2.0 REVISIONS TO THE DEIS

The FEIS builds upon the DEIS, providing additional information in response to public comment.

2.1 PROJECT CHANGES

The Project remains as described in Section 2.1 of the DEIS with the exception of the following: the observation pier/season docking system and the community theater are no longer components of the proposed action. The Project site is located on Lakeview Point, on the western shore of Onondaga Lake (see FEIS Figure 1). Situated north of the existing New York State Fairgrounds parking lots and the Interstate 690 (I-690) and NYS Route 695 exchange, and east-southeast of the mouth of Nine Mile Creek, the Project site is located approximately 1.2 miles north of the Village of Solvay, 1.0 mile south of the Village of Liverpool, and 1.9 miles northwest of the City of Syracuse (see FEIS Figure 2). The Project will be an outdoor event complex, which will include an amphitheater with an estimated seating capacity of approximately 17,500 (both covered and lawn seats), a nature area, vendor/festival area, recreational trails, and other amenities (see FEIS Figure 3).

2.2 ADDITIONAL INFORMATION

This section provides an overview of additional information that will further enable the Lead Agency to make the necessary findings under SEQR.

2.2.1 *Proposed Remedial Action Plan*

The Lakeview Point site is located within one of the Onondaga Lake superfund subsites, known as Wastebeds 1 through 8. The project area is also listed on the New York State Registry of Inactive Hazardous Waste Sites as a State Superfund Class 2 site (NYS Registry: 734081). The majority of the project site is located within the areas known as Wastebeds 5 and 6 although access to the site may involve portions of Wastebeds 1 through 4. Located on a portion of Wastebed 5 is the closed Crucible Steel landfill (NYS Registry: 734021), a former steel mill solid waste fill site which covers an area of

approximately 20 acres and contains an estimated volume of about 225,000 cubic yards of both non-hazardous and hazardous wastes.¹ With the proposed use of this area as a public park and entertainment venue, the health and safety aspects of the site are an important issue. To address remediation of the site consistent with the proposed use, Honeywell has prepared a Feasibility Study (FS) for Operable Unit No. 1(OU1) to evaluate remedies for the site². OU1 includes the soils and fill materials on Wastebeds 1 through 8 excluding site groundwater, which is a separate operable unit (OU2). A separate Feasibility Study is currently underway for OU2 (as discussed in detail below). The OU1 FS document outlines the development, screening and evaluation of remedial alternatives designed to be protective of human health and the environment and to improve natural habitat, and is included as FEIS Appendix G. Each alternative developed as part of that plan, is being evaluated consistent with CERCLA and NYSDEC guidance in terms of the following criteria:

1. Overall protection of human health and the environment
2. Compliance with Applicable, Relevant or Appropriate Requirements (ARARS)
3. Long term effectiveness and permanence
4. Reduction of mobility, toxicity or volume
5. Short term effectiveness
6. Implementability, and
7. Cost

In addition to the FS, a Human Health Risk Assessment (HHRA) for the Wastebeds 1-8 Site Geddes, New York dated April 2011 was prepared by O'Brien and Gere Engineers³. The HHRA WB 1-8 document, which is included as FEIS Appendix H and can be viewed at <http://www.dec.ny.gov/chemical/37558.html> provides a comprehensive assessment of risk for the entire study area incorporating a range of exposure media, scenarios and receptors. The 2011 HHRA identified the potential exposure pathways by which populations may be exposed to site-related contamination, the toxicity of the chemicals that are present and the potential for cancer risks and non-cancer health hazards from exposure to those chemicals. A

¹ *Crucible Landfill Revised Landfill Closure Plan Volumes 1 & 2 (C&S, 1986)*

² Honeywell, *Revised Final Feasibility Study Report Wastebeds 1 through 8 - Operable Unit No. 1 Geddes, NY. (O'Brien and Gere, September 2014)* <http://www.dec.ny.gov/chemical/37558.html>

³ Honeywell, *Wastebeds 1-8 Human Health Risk Assessment Revised Report, O'Brien & Gere, April 2011.* <http://www.dec.ny.gov/chemical/37558.html>

four-step process was utilized as part of this study for assessing site-related human health risks for a reasonable maximum exposure (RME) scenario. These steps included:

1. Hazard Identification, which identifies the contaminants of potential concern at the site based on several factors such as toxicity, frequency of occurrence and concentration.
2. Exposure Assessment, which estimates the magnitude of actual and/or potential human exposures, the frequency and duration of these exposures and the exposure pathways under current and likely future land use scenarios.
3. Toxicity Assessment, which determines the types of adverse health effects associated with chemical exposures, and the relationship between magnitude of exposure and severity of adverse effects, and
4. Risk Characterization, which summarizes and combines outputs of the exposure and toxicity assessments to provide a quantitative assessment of site-related risks and hazards, and presents a discussion of the uncertainties of the process.

The HHRA work has recently been supplemented by a Supplemental Human Health Risk Evaluation, Onondaga Lake Superfund Site, Wastebeds 1-8, Lakeview Amphitheater, Geddes, NY, May 2014, prepared by USEPA (HHRE), which is included as FEIS Appendix I and can be viewed at <http://www.epa.gov/region02/water/lakes/onondaga.htm> as an addendum to the 2011 HHRA document reflecting current information on site conditions and the intended use of the area for the amphitheater venue. The USEPA document reflects current information on site conditions and the intended use of the wastebed areas for the amphitheater venue. The HHRE evaluation included a comparison of the human receptors for the intended use (Amphitheater Attendee, Amphitheater Maintenance Worker, and Amphitheater Construction Worker) likely to be associated with the proposed Lakeview Amphitheater Facility to receptors that were quantitatively evaluated as part of the 2011 HHRA. It is important to note that the HHRA and the HHRE evaluated the risks assuming there would be no remediation, nor access or use controls such as fencing or signage. Therefore, once the remedial measures and controls are implemented, there will be reduced potential for human exposure to site contaminants as compared to the conditions which were assumed in the HHRA and in the supplemental evaluation. The HHRE concluded that the potential risks and hazards associated with the Amphitheater Attendee and Amphitheater Maintenance Worker are expected to be within acceptable risk ranges and targets. The study does,

however, recommend protective measures for Amphitheater Construction Workers while engaging in on site activities. This is due to their proximity to potential contaminants in soil, groundwater and air while working on site including excavation work and handling of soil materials. Construction workers on this project will utilize appropriate health and safety precautions and protective equipment in accordance with the HHRE and the prevailing Site Management Plans to implement construction of the proposed remedies.

As part of the regulatory process established for the remedial alternatives, following review of the evaluations documented in the FS Report, NYSDEC and USEPA are proposing an alternative from the FS as the preferred remedy for the site and have published a Proposed Remedial Action Plan (PRAP) for Operable Unit 1 describing their findings. This plan is now available for public review and comment, and is included as Appendix B to this FEIS. Following receipt of public comments on the PRAP, a selected remedial alternative will be finalized and documented in a Record of Decision (ROD) for the site. It should also be noted that in developing the PRAP, for areas of the site that included proposed development (*e.g.*, lawn seating areas within the amphitheater footprint), sampling data were compared to the NYSDEC site clean-up objectives (SCOs) for restricted residential use (which includes active recreational use). Specifically, samples within the footprint of Wastebed 6 and areas extending to the shoreline of Onondaga Lake around Wastebed 6 were evaluated using these more stringent SCOs. NYSDEC found that there were no contaminants of potential concern (COPCs) in surface soils which exceeded the restricted residential use SCOs (applicable for active recreational use) in that area.

As presented in the PRAP, the preferred remedy involves placement of vegetated cover and engineering/institutional controls on the site as a function of the intended use of each area. The cover system would be applied over approximately 171 acres of the Wastebed 1-8 site including all of the open areas within the Amphitheater project limits exclusive of those which have already been remediated or capped. More specifically, the PRAP proposes placement of a vegetative cover system consisting of either vegetative enhancement or placement of a soil or structural fill substrate capable of providing water holding capacity, rooting volume and growing conditions to support a planted vegetative cover utilizing native species appropriate for each area of use. The placement and thickness of the substrate range from a basic wood fiber mulch/compost/fertilizer layer to as much as one foot of gravel or two feet of soil and would be a function of the characteristics and use of each area including areas of Passive Recreational Use (limited potential for soil contact, *i.e.* parking lots, etc.), areas of Active Recreational Use (potential for soil contact,

i.e., park grounds, seating areas) and areas of Ecological Resources Value (undeveloped upland areas supporting native flora and fauna) among others.

Any fill material brought to the Site would need to meet the requirements for the identified site use as set forth in 6 NYCRR Part 375-6.7(d). Native species would take precedence for the vegetative component of covers. Structures, such as buildings, pavement, or sidewalks could serve as acceptable substitutes for the vegetated cover types described above.

Institutional controls in the form of environmental easements would also be used as part of the proposed remedy to provide for work that is consistent with a NYSDEC-approved Site Management Plan. This overall plan will include an Institutional and Engineering Control Plan that identifies all use restrictions and engineering controls for the remedy and details the steps and media-specific requirements necessary for an effective remedy and a Monitoring Plan to assess the performance and effectiveness of the remedy. Elements of the Institutional and Engineering Control Plan will include, but not be limited to, environmental easements, land use restrictions, access controls and a provision that future on-site construction include either vapor intrusion monitoring and/or installation of vapor intrusion controls. For enclosed occupied building structures, engineering controls consisting of active or passive vapor intrusion controls will be incorporated into the architectural plans. The Monitoring Plan may also include a post construction vapor intrusion evaluation for enclosed occupied structures to assess whether additional control measures or monitoring are warranted.

Following receipt of public comments on the PRAP, the selected remedial alternative will be finalized and documented in a Record of Decision (ROD) for the site. The final remedy will then be implemented by Honeywell under the supervision of the involved regulatory agencies. Design of the surface and subsurface features of the amphitheater project are being coordinated with technical staff of Honeywell and the regulators so that they can be implemented in conjunction with both the existing and proposed site remedies. Early phases of construction of the project will involve some intrusive work associated with installation of utilities, preliminary site grading and installation of foundations, while later stages of construction and site preparation as well as the ultimate use of the facilities and surrounding grounds will benefit from the proposed remedies as they are implemented. Other than for various phases of construction, this FEIS impact analysis is based upon use of the site with the selected remedy in place. Although not anticipated, if there are any material changes between the preferred remedy as presented in

the PRAP and the final remedy selected by the NYSDEC/USEPA and set forth in the ROD, Onondaga County will conduct a supplemental environmental review to address the material differences to the extent that such changes affect the conclusions outlined in the FEIS or subsequent Findings Statement.

With respect to Operable unit 2 (OU2), a Feasibility study is underway to evaluate further remedial alternatives for groundwater. Currently, groundwater contamination is being addressed as part of the Integrated Interim Remedial Measures (IRM) program. The objective of this IRM is to mitigate the discharge of contaminants in groundwater and seeps to Onondaga Lake and Ninemile Creek, and erosion of exposed Solvay waste from the Site to Onondaga Lake. In addition to the remedial elements of the IRM, mitigation wetlands and a hydraulic control system adjacent to Onondaga Lake Remediation Area A will be designed and constructed. Collectively referred to as the Integrated IRM, these measures are addressing contaminant discharge and groundwater upwelling from the Site to Onondaga Lake and Nine Mile Creek, erosion of exposed Solvay waste, and the habitat along the Onondaga Lake shoreline. The general overall remedial strategy for groundwater in the area has been to manage as necessary the shallow and intermediate groundwater that is discharging toward Onondaga Lake and Ninemile Creek and to minimize the recharge of groundwater from infiltration. This recharge creates a mounding effect on top of the wastebeds as shallow and intermediate groundwater flows outward toward Onondaga Lake, Ninemile Creek, and other surface water bodies, such as drainage ditches. Consistent with this strategy for remediation, the site work design of the Amphitheater will help control groundwater recharge on the site. Storm water runoff flows are expected to increase as positive drainage and the percent of impervious areas grow beyond existing conditions as a result of site development and operations. As such, portions of the stormwater volume, which previously may have percolated to groundwater and increased contaminant loading, will no longer percolate through the contaminated soil media, helping to mitigate groundwater issues. Pollutants associated with surface runoff will also be reduced as imported cover is placed. Overall stormwater contaminant loadings associated with past use of the site should be reduced. The net effect of the change from current use to the proposed use is therefore expected to be beneficial. In addition, placement of geotechnical borings on the site have been, and will be conducted consistent with the Honeywell site work plans including, where appropriate, double cased borings with bentonite/cement pressure grouting to prevent creation of preferential groundwater pathways and review and approval of piling plans by NYSDEC prior to installation.

2.2.2 Traffic

The Traffic Impact Study (TIS) which evaluates the potential transportation impacts from the proposed Lakeview Amphitheater Facility has been revised and supersedes the previous study of the same name dated June 2014 which was included in the Draft Environmental Impact Statement (DEIS). The analysis was revised and the study resubmitted in order to address comments from the New York State Department of Transportation (NYSDOT), the Federal Highway Administration (FHWA), and the public, and is included as Appendix C to this FEIS.

As stated in the DEIS, Onondaga County is proposing to construct a 17,500 seat (combination indoor and lawn seating) outdoor events center on County-owned land on the western shore of Onondaga Lake, in the Town of Geddes. For the purpose of this study, it was assumed that the venue will host 15 to 20 large events during a concert season. Smaller scale events are also anticipated to occur several times per year. While events will range from small, local gatherings to concerts by popular musical acts, it is anticipated that a sold-out event could generate approximately 7,000 vehicles to be accommodated along the adjacent roadway network. If the amphitheater were to be used during the New York State Fair to host fair concerts in place of the existing grandstand, traffic control during such events would fall under the NYSDOT and New York State Police traffic operations plans which are already in place.

It should be noted that both NYSDOT and the New York State Police were consulted about operations during the fair, and traffic management plans for the fair were reviewed. Information gained from these reviews was used to create the four preliminary Traffic Management Plans (TMPs) for amphitheater events.

The methodology used in the revised TIS to determine the impacts of the traffic generated by the proposed facility was developed in consultation with the NYSDOT and FHWA. Several traffic conditions or scenarios were established and considered for the local roadways and intersections as well as the adjacent interstate-system. The traffic conditions considered in the revised TIS report are as follows:

- Existing (2014) traffic conditions during the typical arrival periods
- Design year (2016) no-build traffic conditions during the typical peak arrival periods, 6:00 – 7:00 PM

- Design year plus 20 years (2036) no-build traffic conditions during the typical peak arrival periods, 6:00 – 7:00 PM
- Design year (2016) full-build traffic conditions for the proposed development for a small event during typical peak arrival periods, 6:00 – 7:00 PM
- Design year plus 20 years (2036) full-build traffic conditions for the proposed development for a small event during typical peak arrival periods, 6:00 – 7:00 PM
- Design year (2016) full-build traffic conditions for the proposed development for a large, sold-out event (arrival, 6:00 – 7:00 PM and departure, 10:00 – 11:00 PM)
- Design year plus 20 years (2036) full-build traffic conditions for the proposed development for a large, sold-out event (arrival, 6:00 – 7:00 PM and departure, 10:00 – 11:00 PM)
- Mitigated conditions for the full-build traffic conditions, as needed

The design year traffic condition scenarios include a growth of background traffic to account for unknown development in the area through 2036. The NYSDOT provided a 0.3% growth rate to be used, based on the most recent regional travel demand model.

The typical peak arrival period analyzed, Friday from 6:00 – 7:00 PM, was determined based on the following considerations:

- Major events are assumed to occur on evenings with a start time of 7:30 or 8:00 PM
- It was assumed that the parking areas would be opened to the public starting at 5:30 PM for a 7:30 PM event start and attendees would arrive as follows:
 - 25% from 5:30 – 6:00 PM
 - 70% from 6:00 – 7:00 PM
 - 5% from 7:00 – 7:30 PM
- Large morning or midday events during the typical work week are not anticipated

These assumptions are consistent with operating plans and arrival data from comparable facilities like the Saratoga Performing Arts Center (SPAC) and the Constellation Brands – Marvin Sands Performing Arts Center (CMAC).

Parking for the facility will be accommodated with the Orange and Brown State Fair parking lots. The Orange Lot is estimated to be able to accommodate approximately 6,500 vehicles. While the Orange Lot will be able to accommodate the small, local event demand, use of the Brown Lot, which has an estimated capacity of 3,500 vehicles, with a connecting shuttle bus service to the amphitheater entrance will be necessary for larger events that approach the amphitheater's seating capacity. The combined use of these two lots will be able to accommodate the 7,000 vehicles anticipated with a large, sold out event. If an event at the Amphitheater is held in conjunction with the State Fair, other State Fair lots, off-site lots and shuttle service currently used for the State Fair would be available to patrons.

For these large, sold-out events, it is recommended that attendees be directed to utilize the following routes and parking facilities:

- I-690 Westbound traffic take Exit 7 and will park in the Orange Lot
- I-690 Eastbound traffic will take Exit 6 towards NYS RT 695, onto Pumphouse Road, State Fair Boulevard (NYS RT 931B), and into the Brown Lot
- NYS RT 695 Northbound will merge onto I-690 Eastbound, take Exit 7 to State Fair Boulevard, and into the Brown Lot
- Bridge Street (NYS RT 297) traffic will take a right onto State Fair Boulevard and a left onto the connector road to the Orange Lot entrance
- State Fair Boulevard traffic (from the west) will park in the Brown Lot
- Willis Avenue traffic will park in the Orange Lot via State Fair Boulevard and the connector road

Because the Orange Lot access drive is located directly across from an Interstate highway ramp, the FHWA has jurisdiction over its access and use. Permission to use the road under this condition is called a "break in access" and is granted by FHWA. Currently, provisional break in access has been granted for the Loop-the-Lake Trail and Honeywell remediation project as well as that in place for the State Fair. Onondaga County has met with FHWA and NYSDOT to discuss granting break in access for the amphitheater use as well. FHWA has stated that they would grant a break in access for the amphitheater if it is demonstrated that mitigation measures would prevent degradation in safety and service on I-690. The requested information that describes that mitigation is contained in the revised traffic impact study. A stand alone "Break in Access Study" consisting of the information from the TIS and additional construction

drawings will be submitted to FHWA and NYSDOT at the appropriate time to secure the required approvals.

Accident information was obtained from NYSDOT in order to determine if there is a high incidence of accidents within the study area. Verbal description reports of accidents as recorded in the Accident Location Information System (ALIS) over the three-year period of October 1, 2010 to September 30, 2013 for the local roadways and January 1, 2011 to December 31, 2013 for the interstates and ramps were obtained for the study area. On the local roadways, a total of 91 reported accidents were provided by the ALIS. A total of 195 accidents occurred on the interstate mainline segments and associated ramps within the study limits. The Pumphouse Road, Bridge Street and Willis Road intersections along State Fair Boulevard exceed the statewide average by a considerable margin. The I-690 Westbound Exit 7 off-ramp accident rate is above the average, but there was only 1 accident in the three year period, and that occurred during the Fair with drug impairment involved. The only State Fair Boulevard segment significantly above the statewide average is from the Exit 7 connector road to Willis Avenue. On the interstate mainline segments and ramps within the study area, 16 of the 21 segments were below the statewide average or had no accidents in the study period, both including State Fair dates and excluding them. Four of the remaining 5 segments and 7 of the 11 ramps showed significantly higher accident rates than the statewide average.

Traffic models were created in Vissim, a microscopic, multi-modal traffic flow simulation software, and included adjacent local roadways and intersections as well as I-690, NYS RT 695, and the ramps between the two limited access highways. Traffic volumes projected to the year 2036 were used to populate the model.

Proposed Mitigation

Small Event

With minimal impacts during arrival and the lower background volumes anticipated during departure, there are no proposed mitigation measures (i.e. improvements to the transportation system or changes in traffic control) for an event with approximately 500 attendees. While not necessary to maintain an acceptable level of traffic control, to enhance safety and to be available on-site if needed, it is recommended to place

law enforcement officers at the intersection of the I-690 Westbound Exit 7 off-ramp and the Orange Lot access.

Large Event

Mitigation for the proposed amphitheater facility and associated traffic for a large event fits into two categories: capital improvements and operational improvements as described in Section V of the revised TIS. When collected into a usable form, operational improvements are called a traffic management plan or TMP. Detailed TMPs usually consist of a combination of drawings and narrative descriptions of temporary traffic control measures to be used during special events. For example, NYSDOT and the New York State Police utilize TMPs to describe their operations during the New York State Fair. For this study, a total of four preliminary TMPs were developed, one each for small event arrival, small event departure, large event arrival, and large event departure. Since they are preliminary, the TMPs consist of plan drawings which are contained in the TIS Report (see FEIS Appendix C). Detailed narratives will be developed as the project moves from study phase into design. Effective TMPs are living documents that are modified and improved over time with “lessons learned” from actual field practice.

Four additional drawings have been developed that are to be used in tandem with the TMPs. They are traffic operations management plans for both the Orange Lot and Brown Lot arrival and departure scenarios and provide detailed information about shuttle bus routing.

Elements of a TMP can include: manned traffic control staffing, portable variable message signs, ITS operations, dynamic sign messaging, highway advisory radio, temporary static signing (including permanently installed flip up/flip down signing that is only readable during event periods), traffic signal timing modifications, reversible lanes, and temporary lane/road/entrance closure and/or use modifications.

Police personnel for traffic control is perhaps the most effective and vital component of TMPs. People on the ground, able to respond to changing traffic situations in real time, are essential. It is recommended that two officers work at each location where the need for manned traffic control is identified. The proposed mitigation plan for small events identified no areas where manned traffic control is required, but it is still recommended to place officers at the intersection of the I-690 Westbound Exit 7 off-ramp and the Orange

Lot access drive. For large events, manned traffic control will be required at several intersections for both arrival and departure periods.

Based on an analysis that simulated numerous scenarios for a sold-out event, the following operational and capital improvement measures will be implemented as necessary in order to minimize impacts to the surrounding transportation system:

Operational Measures

- Provide public outreach regarding desired parking areas and traffic routing based on incoming direction of travel by posting directions on the facility website and other forms of social media, and broadcasting on Highway Advisory Radio
- Utilize law enforcement officers on the ground to manually control key intersections in the area, focusing on moving traffic along Pumphouse Road, State Fair Boulevard, Bridge Street, the I-690 Westbound Exit 7 off-ramp, and ingress/egress at parking lots and shuttle bus access points
- Utilize existing dynamic message signs (DMS) on the I-690 Eastbound and Westbound mainlines and install a new electronic message sign on NYS RT 695 Northbound to direct traffic in real-time and warn motorists of potential slowdowns
- Utilize existing intelligent transportation system (ITS) cameras monitored by the NYSDOT Traffic Management Center during events to update the DMS in real-time and communicate with the police on the street controlling traffic to help ensure traffic is flowing as efficiently and safely as possible
- Utilize permanently installed, “flip-up” style temporary signage to direct traffic to the appropriate lanes, exits and parking areas both arriving and departing events
- Utilize transit buses as shuttles to transport attendees between the Brown Lot and the facility before and after the event

Capital Improvements

- Widen and lengthen the I-690 Westbound Exit 7 off-ramp to include three lanes approaching the connector road to State Fair Boulevard, providing approximately 400 feet of two-lane storage for a total length of approximately 2,600 feet

- Reconstruct shoulders on the Exit 7 connector road and Pumphouse Road to full depth to allow for the full use of pavement width to accommodate additional travel lanes during large events, and reconfigure the approaches to a traditional four way intersection

The traffic related capital improvements phase of the project would be carried out separately from the construction of the amphitheater and would be phased for completion prior to the 2016 concert season. Use of the amphitheater in the 2015 season is planned to be part of the State Fair Labor Day activities and therefore would have the advantage of the manned control and break in access mitigation measures which are already in place during fair week. Consultation with FHWA and NYSDOT is ongoing with regard to the design, scheduling, and implementation of the traffic related capital improvements. Potential impacts associated with these improvements would include temporary disruption of traffic patterns, noise and dust generation as well as stormwater and erosion control issues. In order to address these potential impacts, any capital improvement work will be done in accordance Section 209 – Soil Erosion and Sediment Control of the NYSDOT Standard Specifications, NYSDOT 209 Series Standard Sheets, and the State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activity – GP-0-10-001. A separate work zone traffic control plan for ramp improvement and shoulder construction work will also be utilized as part of the design package to mitigate traffic impacts and provide for vehicle and worker safety. The construction documents will also specify NYSDOT approved erosion and stormwater control and mitigation measures for the highway construction work.

These measures when implemented are expected to minimize impacts to the surrounding highway network during events at the proposed facility. It is assumed that as an additional benefit, they would improve safety and operations during the State Fair.

2.2.3 Biological Resources

Additional data sources were reviewed to develop a more thorough understanding of the avian community currently utilizing the Project site. These sources include a 2008-2009 study of mercury in birds at Onondaga Lake conducted by the Biodiversity Research Institute (Lane et al., 2012) and a 2014 SUNY ESF thesis studying avian community composition, blood mercury, and chromium in the wastebeds (Chaudhury, 2014). Data from these studies were used to update the Wildlife Species List, attached to the FEIS as Appendix D. The Wildlife and Plant Species Lists were also updated to include the results of the

September 2014 BioBlitz, an event hosted by SUNY ESF that explored the biodiversity of the Lake by inventorying and cataloging every species of plant and animal that could be found within a 24-hour period.

The Biodiversity Research Institute (BRI) studied mercury in resident and migratory birds that nest and forage within the littoral zones and wetlands of Onondaga Lake. Field sampling occurred in 2008 and 2009. Results indicated that a number of songbirds and most breeding shorebirds sampled had blood mercury concentrations that exceed 0.70 µg/g, the level recently determined to impair reproductive success for songbirds. Blood mercury levels in all target species were significantly higher than at the reference site on Oneida Lake (Lane et al., 2012).⁴

Anand Chaudhury's thesis research at SUNY ESF sought to determine if the Onondaga Lake Waste Beds support a diversity and abundance of breeding birds comparable to other similar sites in the region, and to determine if mercury and chromium present in the soil and water pose a risk to breeding birds. According to this thesis, the Waste Beds had a similar complement of birds as compared to reference sites with similar habitat, depending on the time of year. Species diversity was as high or higher than the reference sites, and abundance of some species, such as yellow warbler and house wren, was higher at the Waste Beds than the reference sites. While median chromium and blood mercury levels in insectivorous birds at the Waste Beds were below adverse effect levels, blood mercury levels in some individual birds was above levels known to cause lethal and reproductive failure effects. The results from invertebrates indicate that mercury exposure varies at different locations within the Waste Beds. Also, the shells of mollusk collected in the Waste Beds contained elevated levels of chromium. Despite this, the Waste Beds host a diverse ecosystem that includes successional forest, scrub/shrub, and grass land areas and support a thriving bird community with high diversity and abundance (Chaudhury, 2014).

The DEIS determined that there would be no impacts to Indiana bats, as tree removal would occur between October 15 and March 31 when bats are in hibernation. To further reduce impacts, the DEIS committed to limiting exterior lighting to the "minimum acceptable to ensure security and safety" and using "fully shielded" and downward facing lighting fixtures to direct light towards the ground when concerts are not being held at the facility. The United States Fish and Wildlife Service (USFWS) provided comments on the

⁴ Lane, O.P., S.T. Edmonds, J. Atwood, K. Regan, D. Buck, and D. Evers. 2012. *Assessment of Mercury Exposure in Birds at Onondaga Lake: 2008-2009*. Report BRI 2011-17 submitted to U.S. Fish and Wildlife Service, Cortland, NY. Biodiversity Research Institute, Gorham, Maine.

DEIS dated July 11, 2014 (see Comment Letter 8 in FEIS Section 4.0). In this letter, the USFWS stated, *"We appreciate the proactive implementation of these conservation measures. We also recommend these additional conservation measures to further reduce the likelihood of impacts to Indiana bats:*

- *Avoid impacting potential roost trees to the greatest extent practicable as bats may use them in the future. This can be done by retaining standing live trees that have exfoliating (separated from cambium) bark and are greater than 12 inches dbh, by retaining black locust, shellbark, shagbark, and bitternut hickories, if present, as much as possible, regardless of size and condition (live, dead or dying), and by retaining snags or trees with cavities as much as possible regardless of species;*
- *Bright orange construction flagging or fencing should be used to clearly demarcate trees to be protected compared with those to be cut prior to the initiation of any construction activities at these sites. This will help to ensure that contractors do not accidentally remove more trees than anticipated; and*
- *No artificial dyes, coloring, insecticide, algaecide, and/or herbicide will be used on the ground for long-term maintenance of the property."*

Onondaga County is committed to minimizing impacts to Indiana and northern long-eared bats, and appreciates the feedback from the USFWS. The additional conservation measures recommended above will be implemented during project construction and operation. With respect to long-term maintenance of the property, operations will conform to Onondaga County's Pest Management and Control Directive dated July 13, 2009 (included in Appendix E of this FEIS). This directive outlines the County's Integrated Pest Management (IPM) program, which promotes pest control strategies that are the least hazardous to human health and the environment by placing priority on prevention rather than undue reliance on chemical pesticides. Please see FEIS Appendix E for additional information.

2.2.4 Noise

Unwanted noise from events has been identified as an unavoidable impact in the DEIS (see Section 4.0). Consistent with NYSDEC guidance as contained in Program Policy DEP-00-1, the initial noise impact evaluation for this project predicted the amphitheater source sound pressure levels (SPLs) calculated starting with maximum octave-band RMS sound pressure levels (1 second average) of normally anticipated loud rock music in outdoor amphitheater venues of this type, based on data measured at similar venues.

Attenuation in each band was calculated based on a 20-log rule (- 6 dB for doubling of distance), and included the effect of temperature and humidity (70% RH; 25 degree Celsius – summer conditions). Additional attenuation of sound as allowed for in the guidance such as variations in topography were not added in to the analysis, nor did the analysis assume any sound reduction for excess attenuation related to sound propagation over grass, foliage, or any other “soft” surfaces. Therefore, the model can be considered conservative. Although wind and temperature inversions can reduce the attenuation under certain conditions, the degree to which attenuation is reduced during these conditions is difficult to predict. Conversely, when the receiver is upwind of the source, attenuation due to distance can greatly exceed 6 dB per doubling of distance, particularly in the case of the amphitheater where the predominant wind direction is from the West/Northwest. However, attenuation from wind effects was not included so as to simulate a worst case condition.

Image 3-8 of the DEIS shows the anticipated maximum source sound levels within approximately 2 miles of the Amphitheater location. Image 3-9 compares expected maximum source sound levels from concerts in the proposed Amphitheater with expected maximum source sound levels from concerts in the existing State Fair Grandstand.

As a further analysis, the model results were then overlaid on the zoning maps for the area to show the number of residential parcels within each source sound pressure level contour. Overlays of the source sound propagation model with tax map information as shown on Figure 4 indicate that the relative impacts to residential receptors with respect to source sound levels would actually be lower for a concert at the Lakeview Point site than a similar concert held at the Fairgrounds and that this use would be compatible with the existing events in the area. Table 3 shows the approximate number of residential parcels (receptors) within each source sound pressure level zone indicated in Figure 4 based on Image 3-9 from the DEIS. As can be seen from the table, there should be a significant reduction in the number of residential receptors for an event held at the Lakeview venue site as compared to the current situation with the Fairgrounds.

Table 3. Residential Zoned Parcels Compared with Source Sound Pressure levels

A	B	C	D
Source Sound Pressure Level	State Fairgrounds Site Receptors	Lakeview Amphitheater Site Receptors	Difference B - C
55 - 60 dBa	1316	826	- 490
60 - 65 dBa	663	245	-418
65 - 70 dBa	78	103	+ 25
70 + dBa	15	9	-6
Total	2072	1183	-889

The next step in the analysis considered ambient Sound Pressure Levels (SPLs) in the areas of potential impact to determine where a closer assessment of impact potential may be warranted. NYSDEC Program Policy DEP-00-1 guidance states that the addition of any noise source in a non-industrial setting should not raise the ambient noise level in a residential receptor area above a maximum of 65 dBa since this level still allows for undisturbed speech during outdoor activities. NYSDEC also offers the following information on the effects of increased sound levels on humans.

Table 4. Human Reaction to Increased Sound

Increase in Sound Pressure (dB)	Human Reaction
Under 5	Unnoticed to Tolerable
5 - 10	Intrusive
10-15	Very Noticeable
15 - 20	Objectionable
Over 20	Very objectionable to intolerable

The guidance goes on to say that sound pressure level increases of more than 6 dB may require a closer analysis of impact potential depending on the character of the surrounding land uses and receptors, and that an increase of 10 dB (A) deserves consideration of avoidance and mitigation measures in most cases. It should be noted that the NYSDEC guidelines are intended for situations where the noise generated is continuous in nature and that the sound levels predicted in the amphitheater model are not continuous sound levels generated during each event, but instead are maximum anticipated sound levels that will occur for a portion of some events during certain times of a given performance. The duration of these maximum sound levels, the number of times during an event they will occur, and the number of events during the season during which these sound levels may occur, will depend on the events that are

scheduled. Nevertheless, the NYSDEC guidelines were used as a reference for a conservative assessment of relative impact.

In order to further refine the areas of potential impact, ambient sound levels were then considered utilizing established references (USEPA 550/9-79-100) for the setting and land use of the area. As mentioned previously, areas where the amphitheater source levels exceeded 65 dBa were considered impacted regardless of ambient conditions. This included approximately 112 residential parcels in the Lakeland area. For those areas where amphitheater source levels were 65 dBa or less, additive sound levels were calculated for a range of ambient values that could be expected based on the reference information. For these conditions, any areas where the resultant SPLs exceeded 65 dBa and the increase in sound pressure levels exceeded 5 dBa were considered impacted. Conversely, if the SPL did not exceed 65 dBa, the impact was considered acceptable even if the increase exceeded 5 dBa as this is a temporary condition and the resultant SPL still allows for normal outdoor activity. In cases where high background ambient SPLs contributed to an exceedance of the 65 dBa threshold but the increase in SPL over ambient was less than 5, this was also considered acceptable as the difference would be considered unnoticeable and tolerable based on the NYSDEC guidance. The results of this analysis are shown in Table 5.

For the 826 residential parcels within the 55 to 60 dBa SPL source level contours (which includes some 500 parcels in the Town of Salina and Village of Liverpool), the calculations showed that no homes should experience an SPL greater than 63 for the range of ambient values modeled. This SPL is similar to normal conversation at a distance of 3 feet and was not considered adverse under this analysis. For the 245 residential parcels in the 60 to 65 dBa source level contours (predominately in the Lakeland area), only those experiencing a source SPL from the amphitheater in the range of 64 to 65 dBa could achieve an additive sound level greater than 65dBa with an increase over ambient of greater than 5dBa for the range of ambient sound levels analyzed. As can be seen in Table 5, those parcels within the 64 to 65 dBa source sound level contour with ambient sound in the 56 to 60 dBa range would be considered impacted under this analysis. Taking this into account, an additional 67 parcels were considered impacted in addition to the 112 parcels identified previously, bringing the total to 179 parcels out of a total of approximately 1183 sites.

In order to corroborate the range of ambient sound pressure levels used in the analysis, an ambient sound level survey was conducted to characterize the existing acoustical environment in the vicinity of the project. In particular, ambient sound levels were measured within the general area of Lakeland where the 64 to 65

SPL source levels were evaluated in the analysis. Current ambient noise sources in that area include traffic on local roads and Interstate 690, residential and commercial uses, outdoor activities, wildlife and rustling vegetation. Measurements were taken on a Saturday evening between 6 pm and 11 pm when no major event was scheduled for the fairgrounds. This was felt to be representative of conditions for a typically scheduled concert at the amphitheater. Two locations were selected to represent the range of conditions across this contour, including one in the vicinity of Alhan Parkway and Pleasant Beach Road (where homes are in proximity to the Interstate) and an open area 200 feet east of State Fair Boulevard sheltered from the road by buildings and trees located at the opposite end of the development furthest away from the Interstate. In addition, instantaneous readings were taken every hour across the site. As shown in Figure 5A, ambient noise levels, expressed as Leq over the study period, ranged from 49.9 dBA to 56.4 dBA across the site. Instantaneous readings taken at random intervals throughout the study period were typically in the range of 65 to 66 dBA as shown in Figure 5B. This correlates well with the range of ambient sound values used in the analysis of 50 to 65 dBA as shown in Table 5.

Although, significant adverse impacts associated with noise are not predicted for the majority of receptors, the design of the proposed amphitheater will include measures to mitigate unwanted noise. These include orientation of the facility, vegetative cover and bermed seating areas. As stated in the DEIS, and as recognized by the Town of Geddes in its exemption of “musical instruments when used as part of a band of music” from its unnecessary noises ordinance, sound generated on the stage by instruments, instrument amplifiers and stage monitors are the artist’s means of expression and these sound levels (Source One) along with sound generated by the large-scale sound reinforcement loudspeakers flanking the stage (Source Two) are controlled by the artist and their technicians. As such they cannot typically be managed by the venue other than possibly by contract in special cases. Source Three sounds, which are generated by medium-scale loudspeakers distributed along the leading edge of the roof and are mixed for the audience located on the lawn, can be and often are controlled by the venue. The design of the amphitheater will allow for additional mitigation of unwanted noise through control of the Source Three speaker array (back edge of the shell) to shape sound for the lawn seating area and control off site sound pressure levels.

With regard to local zoning ordinances, sound pressure levels beyond some portions of the County property line will exceed the Town of Geddes minimum performance standard for industrial use of 70 dBA

daytime (6am to 10 pm) and may possibly exceed the 60 dBA nighttime (10pm to 6am) for brief periods. However, the 70 dBA threshold is not expected to be exceeded beyond the industrial zoned area of the Town with the exception of a small area of commercial (3) and residential (9) zoned parcels in Lakeland where sound pressure levels may exceed 70 dBA. Currently, there appears to be only a single residence located within the 70+ dBA contour on those 12 parcels. It should also be noted that the sound levels shown are not continuous sound levels generated during each event, but instead are maximum anticipated sound levels that will occur for a portion of some events during certain times of a given performance. While the duration of these maximum sound levels, the number of times during an event they will occur, and the number of events during the season during which these sound levels may occur will depend on the events that are scheduled, the County does not anticipate that event related sound levels will exceed the Town's established levels by more than 6 decibels for a period of more than six minutes during any 60 minute continuous period.

Table 5. Analysis of Sound Pressure Levels as a Function of Ambient Conditions

Source SPL (Amphitheater)	Ambient SPL (Background)		SPL Increase Over Ambient ²
L _A	L _B	L _A + L _B ¹	(L _A + L _B) - L _B
55	50	56	6
55	51	56	5
55	52	57	5
55	53	57	4
55	54	58	4
55	55	58	3
56	50	57	7
56	51	57	6
56	52	57	5
56	53	58	5
56	54	58	4
56	55	59	4
56	56	59	3
57	50	58	8
57	51	58	7
57	52	58	6
57	53	58	5

Source SPL (Amphitheater)	Ambient SPL (Background)		SPL Increase Over Ambient ²
L _A	L _B	L _A + L _B ¹	(L _A + L _B) - L _B
57	54	59	5
57	55	59	4
57	56	60	4
57	57	60	3
58	50	59	9
58	51	59	8
58	52	59	7
58	53	59	6
58	54	59	5
58	55	60	5
58	56	60	4
58	57	61	4
58	58	61	3
59	50	60	10
59	51	60	9
59	52	60	8
59	53	60	7
59	54	60	6
59	55	60	5
59	56	61	5
59	57	61	4
59	58	62	4
59	59	62	3
60	50	60	10
60	51	61	10
60	52	61	9
60	53	61	8
60	54	61	7
60	55	61	6
60	56	61	5
60	57	62	5
60	58	62	4
60	59	63	4
60	60	63	3

Source SPL (Amphitheater)	Ambient SPL (Background)		SPL Increase Over Ambient ²
L _A	L _B	L _A + L _B ¹	(L _A + L _B) - L _B
61	51	61	10
61	52	62	10
61	53	62	9
61	54	62	8
61	55	62	7
61	56	62	6
61	57	62	5
61	58	63	5
61	59	63	4
61	60	64	4
61	61	64	3
62	52	62	10
62	53	63	10
62	54	63	9
62	55	63	8
62	56	63	7
62	57	63	6
62	58	63	5
62	59	64	5
62	60	64	4
62	61	65	4
62	62	65	3
63	53	63	10
63	54	64	10
63	55	64	9
63	56	64	8
63	57	64	7
63	58	64	6
63	59	64	5
63	60	65	5
63	61	65	4
63	62	66	4
63	63	66	3

Source SPL (Amphitheater)	Ambient SPL (Background)		SPL Increase
L_A	L_B	$L_A + L_B$ ¹	Over Ambient ²
			$(L_A + L_B) - L_B$
64	54	64	10
64	55	65	10
64	56	65	9
64	57	65	8
64	58	65	7
64	59	65	6
64	60	65	5
64	61	66	5
64	62	66	4
64	63	67	4
64	64	67	3
65	55	65	10
65	56	66	10
65	57	66	9
65	58	66	8
65	59	66	7
65	60	66	6
65	61	66	5
65	62	67	5
65	63	67	4
65	64	68	4
65	65	68	3

Notes:

- 1) Highlighted segment are areas of potential impact.
- 2) L_A and $L_B = 10 \log_{10} (10^{(L_A/10)} + 10^{(L_B/10)})$ dB
- 3) All units are in dBA.

3.0 CORRECTIONS TO THE DEIS

During the preparation of the FEIS, a small number of necessary corrections were identified within the DEIS. These corrections are described below.

- The species observed in the USFWS's 2007-2008 Winter Waterfowl Survey were included in the DEIS, as part of the Wildlife Species List in DEIS Appendix A. However, these observations were inadvertently omitted from DEIS Table 2, State-listed Wildlife Species Documented in the Vicinity of

Onondaga Lake (although each of the listed species observed in the USFWS were included in the table due to observations). A corrected version of this table that has been updated to include observations made during the USFWS's 2007-2008 Winter Waterfowl Survey is included below as FEIS Table 6. State-listed species observed during the 2007-2008 Winter Waterfowl Survey are designated by the code "FWS-WW" in the source column. Table 6 has also been updated to include the new sources of avian data described above in Section 2.2.3, specifically observations made during Anand Chaudhury's thesis research (designated as "ACTR") and the 2014 BioBlitz (designated as "BB").

Table 6. State-listed Wildlife Species Documented in the Vicinity of Onondaga Lake

Common Name	Scientific Name	NYS Legal Status	Source ¹
Birds			
Black Tern	<i>Chlidonias niger</i>	Endangered	BBS
Peregrine Falcon	<i>Falco peregrinus</i>	Endangered	CBC, BB
Henslow's Sparrow	<i>Ammodramus henslowii</i>	Threatened	BBS
Upland Sandpiper	<i>Bartramia longicauda</i>	Threatened	BBS
Northern Harrier	<i>Circus cyaneus</i>	Threatened	BBS, BBA, CBC
Bald Eagle	<i>Haliaeetus leucocephalus</i>	Threatened	OS-OBG, FWS-WW, CBC, ACTR, BB
Pied-billed Grebe	<i>Podilymbus podiceps</i>	Threatened	FWS-WW, BBA, CBC, BB
Common Tern	<i>Sterna hirundo</i>	Threatened	BBS, ACTR, BB
Cooper's Hawk	<i>Accipiter cooperii</i>	Special Concern	OS-OBG, BBS, BBA, CBC, BB
Northern Goshawk	<i>Accipiter gentilis</i>	Special Concern	CBC
Sharp-shinned Hawk	<i>Accipiter striatus</i>	Special Concern	BBS, BBA, CBC
Grasshopper Sparrow	<i>Ammodramus savannarum</i>	Special Concern	BBS, BBA
American Bittern	<i>Botaurus lentiginosus</i>	Special Concern	BBS
Red-shouldered Hawk	<i>Buteo lineatus</i>	Special Concern	CBC
Common Nighthawk	<i>Chordeiles minor</i>	Special Concern	BBA
Cerulean Warbler	<i>Dendroica cerulean</i>	Special Concern	BBS
Horned Lark	<i>Eremophila alpestris</i>	Special Concern	BBS, BBA, CBC
Common Loon	<i>Gavia immer</i>	Special Concern	FWS-WW, CBC, BB
Yellow-breasted Chat	<i>Icteria virens</i>	Special Concern	BBS
Red-headed Woodpecker	<i>Melanerpes erythrocephalus</i>	Special Concern	BBS, BBA
Osprey	<i>Pandion haliaetus</i>	Special Concern	OS-EDR, BBS, BBA, ACTR, BB
Vesper Sparrow	<i>Pooecetes gramineus</i>	Special Concern	BBS
Golden-winged Warbler	<i>Vermivora chrysoptera</i>	Special Concern	BBS
Reptiles			
Bog Turtle ²	<i>Clemmys muhlenbergii</i>	Endangered	FWS
Eastern Massasauga ³	<i>Sistrurus catenatus</i>	Endangered	FWS
Wood Turtle	<i>Glyptemys insculpta</i>	Special Concern	ARA

Common Name	Scientific Name	NYS Legal Status	Source ¹
Mammals			
Indiana Bat ⁴	<i>Myotis sodalis</i>	Endangered	OS-NHP, FWS
Eastern Small-footed Bat ³	<i>Myotis leibii</i>	Special Concern	FWS
Fish			
Lake Sturgeon	<i>Acipenser fulvescens</i>	Threatened	OCDWEP/SUNY-ESF

¹ Source: BBS = USGS Breeding Bird Survey; BBA = New York State Breeding Bird Atlas; CBC = Audubon Christmas Bird Count; ARA = New York State Amphibian and Reptile Atlas; OS-NHP = Project-specific Natural Heritage Program correspondence (species identified as occurring within 0.25 mile the Project site); FWS = US Fish & Wildlife Service consultation website (includes records for all of Onondaga County); FWS-WW = US Fish & Wildlife Service's 2007-2008 Winter Waterfowl Survey; OCDWEP/SUNY-ESF = Onondaga County Department of Water Environment Protection and SUNY College of Environmental Science and Forestry; OS-OBG = on-site ecological surveys conducted by O'Brien & Gere; OS-EDR = on-site ecological surveys conducted by EDR; ACTR = Anand Chaudhury's Thesis Research; BB = 2014 Onondaga Lake BioBlitz.

² Also federally-listed as threatened.

³ Also a candidate for federal listing.

⁴ Also federally-listed as endangered.

- DEIS Section 3.9 (Noise and Odor) incorrectly referenced images in the text. References to "Image 3-7" should read "Image 3-8", references to Image "3-8" should read Image "3-9". In addition, the last sentence of DEIS Section 3.9.2.2 should be replaced with "The 70 dBA threshold is not expected to be exceeded beyond the Industrial zoned area of the Town with the exception of a small area of commercial (3) and residential (9) zoned parcels in Lakeland where sound pressure levels may exceed 70 dBA. Currently, there appears to be only a single residence located within the 70+ dBA contour on those 12 parcels."

4.0 RESPONSE TO PUBLIC COMMENTS

The DEIS for the Lakeview Amphitheater was accepted as complete by the Lead Agency on July 1, 2014 and copies of the DEIS were subsequently delivered to involved/interested agencies and individuals, and posted to a website managed by the Lead Agency (<http://www.ongov.net/environment/amphitheaterdocs.html>). Opportunities for detailed agency and public review were provided during the DEIS public comment period (July 11, 2014 through September 5, 2014), including two public hearings conducted by the Lead Agency at 11:00 am on July 23, 2014 and 6:00 pm on August 26, 2014, both of which were held in the Legislative Chambers of the Onondaga County Court House. Written and oral comments received during the DEIS public comment period are summarized and addressed in this FEIS. The County received 107 separate "comment letters" (hardcopy, email, and oral comments) containing 445 individual comments being considered in this responsiveness summary. Of these, 17 of the commenters submitted multiple comments, and 26 commenters submitted identical comments. In addition, a total of eight (8) anonymous comment letters were received from commenters that

did not provide their name or other means of identification. Each of the 445 specific comments received on the DEIS is addressed below. Please also see Appendix F of this FEIS for a copy of all comments received.

Comment Letter 1. Robert Papworth

Comment 1A: The commenter suggests that the planning process evaluate the use of plasma gasification technology for the complete destruction of the wastes that are contained at the site. The costs for the cleanup of the site were estimated to exceed \$6.0 billion during a time period of 30 years, which is unthinkable. Plasma gasification processing should be able to do the job for less than \$50 million, with thorough remediation of the site for safe public use. Plasma gasification is now being used to thoroughly treat a wide variety of industrial, chemical, medical, nuclear, and municipal solid wastes in many countries around the world. One of the most significant employments for plasma gasification has been to eliminate large stockpiles of waste that have existed for many years, through excavation and destruction of those accumulations. No polluted soil, water, or chemicals would exist at the Onondaga Lake site following treatment. The site would be completely excavated; all of the hazardous residues would be destroyed. The commenter provided a brief list of established plasma gasification system vendors.

Response 1A: The means and methods by which Honeywell remediates the site, under the direction of NYSDEC and USEPA, is beyond the scope of this project as described in Section 2 of the DEIS. The technologies used to develop remedial alternatives have been assembled by Honeywell as part of their Feasibility Study phase of work. Comments regarding remedial alternatives and remedial technologies should be directed to the NYSDEC as described in Response 3D.

Comment Letter 2. Doretta Adams

Comment 2A: The Village of Liverpool already has too much noise from trains, planes, thruway, sirens, fire trucks, traffic. It is deafening at times. It has gotten much worse over the last 15 years, and concerts in the evening that will blast the Village when there is a respite from daytime noise will put residents over the edge. The concerts at the

Fairgrounds are enough to listen to for 10 days as the Onondaga Lake water carries the sound just like you're there. For those that have to get up and go to work and/or try to sleep in the daytime because of night jobs, it is getting to be a stressful village.

Response 2A: Unwanted noise from events has been identified as an unavoidable impact in the DEIS (see Section 4.0). As described in Section 2.2.4 of the FEIS, consistent with NYSDEC guidance as contained in Program Policy DEP-00-1, the initial noise impact evaluation for this project predicted the amphitheater source sound pressure levels (SPLs) calculated starting with maximum octave-band RMS sound pressure levels (1 second average) of normally anticipated loud rock music in outdoor amphitheater venues of this type, based on data measured at similar venues. Attenuation in each band was calculated based on a 20-log rule (- 6 dB for doubling of distance), and included the effect of temperature and humidity (70% RH; 25 degree Celsius – summer conditions). Additional attenuation of sound as allowed for in the guidance such as variations in topography were not added in to the analysis, nor did the analysis assume any sound reduction for excess attenuation related to sound propagation over grass, foliage, or any other “soft” surfaces. Therefore, the model can be considered conservative. Although wind and temperature inversions can reduce the attenuation under certain conditions, the degree to which attenuation is reduced during these conditions is difficult to predict. Conversely, when the receiver is upwind of the source, attenuation due to distance can greatly exceed 6 dB per doubling of distance particularly in the case of the amphitheater where the predominant wind direction is from the West/Northwest. However, attenuation from wind effects was not included so as to simulate a worst case condition.

Image 3-8 of the DEIS shows the anticipated maximum source sound levels within approximately 2 miles of the Amphitheater location. Image 3-9 compares expected maximum source sound levels from concerts in the proposed Amphitheater with expected maximum source sound levels from concerts in the existing State Fair Grandstand.

As a further analysis, the model results were then overlaid on the zoning maps for the area to show the number of residential parcels within each source sound pressure level contour. Overlays of the source sound propagation model with tax map information indicate that the relative impacts to residential receptors with respect to source sound levels would actually be lower for a concert at the Lakeview site than a similar concert held at the Fairgrounds and that this use would be compatible with the existing venues in the area.

The next step in the analysis considered ambient Sound Pressure Levels (SPLs) in the areas of potential impact to determine where a closer assessment of impact potential may be warranted. NYSDEC Program Policy DEP-00-1 guidance states that the addition of any noise source in a non-industrial setting, should not raise the ambient noise level in a residential receptor area above a maximum of 65 dBa since this level still allows for undisturbed speech during outdoor activities. NYSDEC also offers the following information on the effects of increased sound levels on humans.

Increase in Sound Pressure (dB)	Human Reaction
Under 5	Unnoticed to Tolerable
5 – 10	Intrusive
10-15	Very Noticeable
15 – 20	Objectionable
Over 20	Very objectionable to intolerable

The guidance goes on to say that sound pressure level increases of more than 6 dB may require a closer analysis of impact potential depending on the character of the surrounding land uses and receptors and that an increase of 10 dB (A) deserves consideration of avoidance and mitigation measures in most cases. It should be noted that the NYSDEC guidelines are intended for situations where the noise generated is continuous in nature and that the sound levels predicted in the amphitheater model are not continuous sound levels generated during each event, but instead are maximum anticipated sound levels that will occur for a portion of some events during certain

times of a given performance. The duration of these maximum sound levels, the number of times during an event they will occur, and the number of events during the season during which these sound levels may occur, will depend on the events that are scheduled. Nevertheless, the NYSDEC guidelines were used as a reference for a conservative assessment of relative impact.

In order to further refine the areas of potential impact, ambient sound levels were then considered utilizing established references (USEPA 550/9-79-100) for the setting and land use of the area. As mentioned previously, areas where the amphitheater source levels exceeded 65 dBa were considered impacted regardless of ambient conditions. This included approximately 112 residential parcels in the Lakeland area. For those areas where amphitheater source levels were 65 dBa or less, additive sound levels were calculated for a range of ambient values that could be expected based on the reference information. For these conditions, any areas where the resultant SPLs exceeded 65 dBa and the increase in sound pressure levels exceeded 5 dBa were considered impacted. Conversely, if the SPL did not exceed 65 dBa, the impact was considered acceptable even if the increase exceeded 5 dBa as this is a temporary condition and the resultant SPL still allows for normal outdoor activity. In cases where high background ambient SPLs contributed to an exceedance of the 65 dBa threshold but the increase in SPL over ambient was less than 5, this was also considered acceptable as the difference would be considered unnoticeable and tolerable based on the NYSDEC guidance. The results of this analysis are shown in Section 2.2.4 of the FEIS.

For the 826 residential parcels within the 55 to 60 dBa SPL source level contours (which includes some 500 parcels in the Town of Salina and Village of Liverpool), the calculations showed that no homes should experience an SPL greater than 63 for the range of ambient values modeled. This SPL is similar to normal conversation at a distance of 3 feet and was not considered adverse under this analysis. For the 245 residential parcels in the 60 to 65 dBa source level contours (predominately in the Lakeland area), only those experiencing a source SPL from the amphitheater in the

range of 64 to 65 dBa could achieve an additive sound level greater than 65dBa with an increase over ambient of greater than 5dBa for the range of ambient sound levels analyzed. As can be seen in Table 3 of FEIS Section 2.2.4, those parcels within the 64 to 65 dBa source sound level contour with ambient sound in the 55 to 61 dBa range would be considered adversely impacted under this analysis. Taking this into account a conservative estimate would add approximately 67 additional parcels to the 112 parcels identified previously as being impacted, bringing the total to 179 parcels out of a total of approximately 1183 sites.

In order to corroborate the range of ambient sound pressure levels used in the analysis, an ambient sound level survey was conducted to characterize the existing acoustical environment in the vicinity of the project. In particular, ambient sound levels were measured within the general area of Lakeland where the 64 to 65 SPL source levels were evaluated in the analysis. Current ambient noise sources in that area include traffic on local roads and Interstate 690, residential and commercial uses, outdoor activities, wildlife and rustling vegetation. Measurements were taken on a Saturday evening between 6 pm and 11 pm when no major event was scheduled for the fairgrounds. This was felt to be representative of conditions for a typically scheduled concert at the amphitheater. Two locations were selected to represent the range of conditions across this contour including one in the vicinity of Alhan Parkway and Pleasant Beach Road where homes are in proximity to the Interstate and an open area 200 feet east of State Fair Boulevard sheltered from the road by buildings and trees located at the opposite end of the development furthest away from the Interstate. In addition, instantaneous readings were taken every hour across the site. As shown in Figure 5A of the FEIS, ambient noise levels, expressed as Leq over the study period, ranged from 49.9 dBa to 56.4 dBa across the site. Instantaneous readings taken at random intervals throughout the study period were typically in the range of 65 to 66 dBa as shown in Figure 5B of the FEIS. This correlates well with the range of ambient sound values used in the analysis of 50 to 65 dBa.

Although, significant adverse impacts associated with noise are not predicted for the majority of receptors, the design of the proposed amphitheater will include measures to mitigate unwanted noise. These include orientation of the facility, vegetative cover and bermed seating areas. As stated in the DEIS, and as recognized by the Town of Geddes in its exemption of “musical instruments when used as part of a band of music” from its unnecessary noises ordinance, sound generated on the stage by instruments, instrument amplifiers and stage monitors are the artist’s means of expression and these sound levels (Source One) along with sound generated by the large-scale sound reinforcement loudspeakers flanking the stage (Source Two) are controlled by the artist and their technicians. As such they cannot typically be managed by the venue other than possibly by contract in special cases. Source Three sounds, which are generated by medium-scale loudspeakers distributed along the leading edge of the roof and are mixed for the audience located on the lawn can be and often are controlled by the venue. The design of the amphitheater will allow for additional mitigation of unwanted noise through control of the Source Three speaker array (back edge of the shell) to shape sound for the lawn seating area and reduce off site sound pressure levels.

With regard to local zoning ordinances, sound pressure levels beyond some portions of the County property line will exceed the Town of Geddes minimum performance standard for industrial use of 70 dBA daytime (6am to 10 pm) and may possibly exceed the 60 dBA nighttime (10pm to 6am) for brief periods. However, the 70 dBA threshold is not expected to be exceeded beyond the industrial zoned area of the Town with the exception of a small area of commercial (3) and residential (9) zoned parcels in Lakeland where sound pressure levels may exceed 70 dBA. Currently, there appears to be only a single residence located within the 70+ dBA contour on those 12 parcels. Assuming *arguendo*, that the County is subject to the Town’s zoning ordinance, it should also be noted that the sound levels shown are not continuous sound levels generated during each event, but instead are maximum anticipated sound levels that will occur for a portion of some events during certain times of a given performance. While the duration of these maximum sound levels, the number of times

during an event they will occur, and the number of events during the season during which these sound levels may occur, will depend on the events that are scheduled, the County does not anticipate that event related sound levels will exceed the Town's established levels by more than 6 decibels for a period of more than six minutes during any 60 minute continuous period.

Comment Letter 3. Les Monostory

Comment 3A: On behalf of the Izaak Walton League of America Central New York Chapter (of which he is Vice President) and the Onondaga County Federation of Sportsmen's Clubs (for which he is a Board member), the commenter is requesting an extension of the public comment period and additional public hearings to allow the public a greater chance to examine the cost and environmental impacts of the Amphitheater Project, as well as potential alternative siting options. He attached a leaflet generated at meetings of these groups that requests an extension of the public comment period and additional public hearings, and identifies specific topics of concerns to the groups. The leaflet indicates that the answers to the groups' questions "depend on yet-to-be-determined plans or are buried in the 654-page Draft Environmental Impact Statement."

Response 3A: In response to requests from the public, Onondaga County (acting as the SEQR Lead Agency) extended the public comment period and scheduled an additional public hearing. As originally set forth in their July 1, 2014 resolution (see Appendix A of this FEIS), Onondaga County indicated that the public comment period on the DEIS would conclude at 4:30 pm on August 11, 2014, and a single public hearing was scheduled at 11:00 am on July 23, 2014. Subsequently, as set forth in their August 5, 2014 resolution (see Appendix A of this FEIS), Onondaga County extended the public comment period to conclude at 4:30 pm on September 5, 2014, and an additional public hearing was scheduled at 6:00 pm on August 26, 2014.

Comment 3B: Does the Syracuse area need such a venue?

Response 3B: As indicated in Section 2.3 (Project Purpose, Need and Benefits), pages 14 and 15 of the DEIS, the purpose of establishing an outdoor events center at the Lakeview Point site is to help enhance public access to the western shore of Onondaga Lake, to take advantage of the new opportunities available as a result of the remediation and restoration efforts taking place on the western lakeshore and to further economic opportunity throughout the Syracuse Metropolitan Area and revitalization in the Town of Geddes and Village of Solvay. Beyond these objectives, the project will offer the following social, economic and quality of life benefits to the community and region:

- The concerts and other live events at the Lakeview Amphitheater will bring people together each summer along the western shores of Onondaga Lake
- The Amphitheater will provide a top-tier performance space, which will be a “must-play” destination for high profile artists in a unique, outdoor setting
- The amphitheater will be located in a publicly accessible park along a historically significant natural resource
- The Amphitheater will become a destination or starting point for children and their families who walk, run, rollerblade, or ride along the lake
- The design and construction of the Amphitheater will have a direct impact of approximately \$50 million that will benefit the Town of Geddes, Village of Solvay and the Greater Syracuse Region
- Concerts will generate spending on tickets, food and beverage, merchandise and other items
- Concertgoers, including out-of-town travelers, will patronize local restaurants, retail establishments, and hotels that will benefit the Town of Geddes, Village of Solvay and the Greater Syracuse Region
- The County of Onondaga will receive sales tax and room occupancy tax revenues from spending by concertgoers
- The consumer spending induced by the Amphitheater will support additional jobs in the local economy that will benefit the Town of Geddes, Village of Solvay and the Greater Syracuse Region.

In addition, please also note that The CenterState Corporation for Economic Opportunity (CenterState CEO) provided written comment on the DEIS, dated August 25, 2014 (see Comment Letter 40 below). CenterState CEO is a twelve-county business leadership and economic development organization, based in Syracuse, New York. They represent more than 2,000 members and serve as the region's primary economic, community and business development catalyst. Together, they work to achieve regional growth and total community prosperity through partnerships, planning and problem solving. (<http://www.centerstateceo.com/>) In their August 25, 2014 comment letter, CenterState CEO states, "Revitalization of our communities' lakefronts and water resources has been made a priority by the Central New York Regional Economic Development Council. The Council has called for investment in the region's waterways through, among other strategies, mixed-use redevelopment and marketing of recreational and heritage tourism. The proposed Lakeview Amphitheater Facility at the lake's western shore is in line with these priorities." See Comment Letter 40 below for additional detail.

The project is consistent with the concepts developed by local planners as expressed in the Onondaga Lake Development Plan 1991, the Syracuse-Onondaga County Planning Agency (SOCPA) 1995 Land Use Plan, the community's vision for the future of a revitalized Onondaga Lake as provided to the Onondaga Lake Partnership in the 2007 EcoLogic report and consistent with some of the historic findings in the recent report F.O.C.U.S. on Onondaga Lake – A Road Map to Facilitating Reconnecting the Lake with the Community."

The Lakeview Amphitheater will advance this concept by capitalizing on a unique landform present on the western shore, helping to protect and improve the lake oriented vistas which were previously unavailable to the public and allowing opportunity for visitors to experience Onondaga Lake from this peninsula, and is expected to enhance the quality of life in the community for years to come. As presented and analyzed in the DEIS, the Lakeview Amphitheater would achieve the project objectives.

It should also be noted that nothing in SEQR requires an Economic Impact Analysis to be overlaid as part of SEQR or require that economic data and projections to be made the subject of environmental review. The proper inquiry, rather, is whether relevant areas of environmental concern were targeted, the requisite hard look taken, and the adverse environmental impacts mitigated to the extent practicable.

Comment 3C: Should this Project be installed in the proposed site, or would another site be more viable? What alternative sites or designs might provide the same or greater benefits with fewer negative impacts? Is an amphitheater the best use for this site?

Response 3C: A key objective of this project is the development of currently existing County-owned parkland in order to increase visitation to County parkland on the western shore of Onondaga Lake, and build upon the success realized on the eastern shore of the lake (i.e., Onondaga Lake Park, which is the most popular park in Central New York with over 1 million visitors annually). Although the recently opened West Shore Trail has increased visitation in this area, the County's parkland along the western shore of Onondaga Lake is currently underutilized. By hosting large-scale events at the Lakeview Amphitheater there will be enhanced exposure to the western shore, which is expected to increase use of this parkland in the future.

To investigate alternative sites that are consistent with and could support the objectives of the project, various County-owned lands along the western shore of the lake were screened for their ability to support the project concept and goals. Since the County owns approximately 90% of the lands abutting the Lake, the evaluation of suitable sites necessarily focused on County-owned property already dedicated to public recreation along the western shore.

In addition, the alternatives analysis process is described in Section 5.0 (Alternatives Analysis) of the DEIS, which includes an evaluation of Alternative Project Location (Section 5.1), Alternative Project Design and Scale (Section 5.2), the No Action

Alternative (Section 5.3), and Alternative Screening (Section 5.4). Based on spatial constraints as the first criterion, alternative locations were reviewed and one alternative site that met the spatial requirement was identified. The two candidate sites were then evaluated based on a further series of criteria related to suitability for development and operation, including proximity to residences and businesses, available public utilities, opportunities for community enhancement, sensitive receptors, visual impacts, construction impacts, engineering considerations and constructability and operability. In comparison, the Lakeview Point site had more positive attributes to support the intended use.

Based on this initial screening, the analysis then focused on finding a favorable site within Lakeview Point. Several different alternative sites were evaluated that considered a variety of factors such as suitability for the proposed amphitheater facilities, constructability, geotechnical issues, acoustics, noise impacts, visual impacts and other environmental considerations. A total of four site locations were considered on Lakeview Point, and based on initial screening two were evaluated in further detail (i.e., the "Cove" and "Beacon" concepts as presented in DEIS Section 5.2). Of the sites not evaluated further, one option that was initially considered consisted of constructing the main stage house facilities on top of Lakeview Point at the far eastern end of the point. This location most closely resembled the location that was depicted when the project was first announced publicly. Due to constraints associated with width of the point in this location and access of delivery vehicles/trucks to the backstage facilities, this location was not considered for further development. A second location that was initially considered consisted of locating the amphitheater closer to the NYS Fair parking lots to more readily access the back stage facilities. While this option was ideal from a facility access standpoint, several significant issues rendered this option not suitable for further development, including proximity to I-690 and the significant ambient noise that would be detrimental to the intended use, and a significant portion of the venue being located on the old Crucible landfill, which would have required a significant amount of fill to be placed on the capped landfill to develop

the slopes necessary for the lawn seating. In addition, this location is relatively removed from the lake resulting in poor water views (and unobstructed views of I-690).

With respect to the more detailed evaluation of the Cove and Beacon concepts, as stated in Section 5.2 of the DEIS, “The two concepts with the greatest potential involve the ‘Cove’ setting along the northern shore of Wastebed 6 and the ‘Beacon’ setting located atop the peninsula between Wastebeds 5 and 6. These are shown conceptually in Images 5:4 and 5:5. Each setting presents its own advantages and challenges. In evaluating each alternative setting, environmental impacts were considered. In comparison, the preferred alternative (Cove setting) minimizes physical disturbance of the upper surfaces of the wastebeds, provides additional cover and reinforcement of the northern wastebed dikes, helps to control drainage and runoff in the steeper slope areas, reduces impacts to the Crucible landfill site and has a lower visual impact on the surrounding areas. The ‘Cove’ alternative, if selected, would serve to mitigate impacts associated with these features.”

With respect to alternative construction scheduling, please see Response 41P, which states that implementation of the remedy ultimately selected by the NYSDEC/USEPA would be phased to accommodate the timing of amphitheater construction. Coordination of construction timing with implementation of the remedy will serve to limit the duration of disruption and eliminate the potential of having to disrupt an already completed remedy in order to construct the project (or any other project) at a later date. In addition, to the extent that the coordinated construction effort can be undertaken in the winter months, potential impacts to the Indiana bat and northern long-eared bat can also be mitigated.

Furthermore, Lakeview Point is located in an area that has historically been, and currently is, home to many large events. Existing impacts associated with this mature system, which includes the NYS Fair Parking Lots and CENTRO bus service, are well understood and have been accommodated by the affected communities for decades. The NYS Fair takes place on 12 consecutive days and the 2014 attendance ranged

from 46,094 to 122,870 (average attendance of nearly 80,500 per day), as compared to the proposed Lakeview Amphitheater, which will host intermittent events with up to 17,500 attendees per event. Therefore, siting the proposed project in this specific location is a compatible use and would have comparatively lower impact relative to other potential alternative sites without this area's history and experience.

The 1991 Onondaga Lake Land Use Plan evaluated the public lands along the western shore for their ability to support a variety of uses and proposed an amphitheater as a suitable use for this site. The 2012 F.O.C.U.S. on Onondaga Lake report also expressed a strong preference for the area to remain in the public domain and in their findings reported public support for cultural events including an art park, concerts and an amphitheater. Please see Sections 5.0 through 5.4 (pages 139 through 147) of the DEIS for additional information.

The goal of the alternatives review in an EIS is to investigate means to avoid or reduce one or more identified potentially adverse environmental impacts associated with a proposed action. Suggested alternatives to be reviewed under SEQRA in addition to siting include items such as scale of the features and design of the project components. 6 NYCRR Part 617 further requires that the alternatives discussion include a range of reasonable alternatives which are feasible considering the objectives and capabilities of the project sponsor. The proposed action under SEQRA is the construction and operation of an outdoor events center and the goals of the proposed action are as stated in the DEIS. The project objective is to continue to develop existing park and recreation resources by establishing an outdoor events center to help enhance public access to the western shore of Onondaga Lake, to take advantage of the new opportunities available as a result of the remediation and restoration efforts taking place on the western lakeshore and to further economic opportunity and revitalization in the Town of Geddes, Village of Solvay, and surrounding area. Alternatives which are not consistent with the objectives and capabilities of the sponsor are not considered feasible under SEQRA.

Comment 3D: How deep is the semi-liquid waste underneath the surface soil? Can a safe, stable footing be installed? How will visitors to the amphitheater be protected from contamination on site?

Response 3D: As indicated in Section 2.1 (Site Description), page 11 of the DEIS, the Solvay Waste material varies in thickness across the site, but is generally in the range of 60 to 70 feet thick. Stable structures with pile foundations can be and have been built on similar materials in several areas of the County including along the lake shore. Design of the surface and subsurface features of the amphitheater project are being coordinated with technical staff of Honeywell and the involved state and federal agencies so that they can be implemented in conjunction with the existing and proposed remedies for the site, including both the Crucible and Honeywell elements. Nationally recognized geotechnical experts, familiar with the soil conditions and this site in particular, have assisted the design team in developing facilities, which are compatible with these subsurface conditions. Comprehensive geotechnical investigations have been completed and further work is being conducted prior to final design to establish the basis for selecting the appropriate foundation design.

In order to address contamination at the project site, NYSDEC and USEPA are proposing a site remedy that will be implemented in conjunction with the development of the property. The selected remedy will be one that is protective of both human health and the environment and will be tailored specifically to the intended uses of the site. To address remediation of the site consistent with the proposed use, Honeywell has prepared a Feasibility Study (FS) for Operable Unit No. 1 (OU1) to evaluate remedies for the site⁵. OU1 includes the soils and fill materials on Wastebeds 1 through 8 excluding site groundwater, which is a separate operable unit (OU2). A separate Feasibility Study is currently underway for OU2 (as discussed in more detail in this response below). The OU1 FS document outlines the development, screening and evaluation of remedial technologies and alternatives designed to be protective of

⁵ Honeywell, *Revised Final Feasibility Study Report Wastebeds 1 through 8 - Operable Unit No. 1 Geddes, NY.* (O'Brien and Gere, September 2014) <http://www.dec.ny.gov/chemical/37558.html>

human health and the environment and to improve natural habitat. The remedial alternatives are based on the proposed intended uses of each area within the site, including use of Wastebeds 5 and 6 as a public events center and park, and must be protective of human health and the environment in order to be approved by the regulatory agencies. They must also be compatible with the existing remedies implemented nearby in Ninemile Creek and Onondaga Lake. Each alternative developed as part of that plan, is being evaluated consistent with CERCLA and NYSDEC guidance in terms of the following criteria:

1. Overall protection of human health and the environment
2. Compliance with Applicable, Relevant or Appropriate Requirements (ARARS)
3. Long term effectiveness and permanence
4. Reduction of mobility, toxicity or volume
5. Short term effectiveness
6. Implementability, and
7. Cost

In addition to the FS, a Human Health Risk Assessment (HHRA) for the Wastebeds 1-8 Site Geddes, New York dated April 2011 was prepared by O'Brien and Gere Engineer⁶. The HHRA WB 1-8 document, which can be viewed at <http://www.dec.ny.gov/chemical/37558.html> provides a comprehensive assessment of risk for the entire study area incorporating a range of exposure media, scenarios and receptors. The 2011 HHRA identified the potential exposure pathways by which populations may be exposed to site-related contamination, the toxicity of the chemicals that are present and the potential for cancer risks and non-cancer health hazards from exposure to those chemicals. A four-step process was utilized as part of this study for assessing site-related human health risks for a reasonable maximum exposure (RME) scenario. These steps included:

⁶ Honeywell, *Wastebeds 1-8 Human Health Risk Assessment Revised Report, O'Brien & Gere, April 2011*. <http://www.dec.ny.gov/chemical/37558.html>

1. Hazard Identification, which identifies the contaminants of potential concern at the site based on several factors such as toxicity, frequency of occurrence and concentration.
2. Exposure Assessment, which estimates the magnitude of actual and/or potential human exposures, the frequency and duration of these exposures and the exposure pathways under current and likely future land use scenarios.
3. Toxicity Assessment, which determines the types of adverse health effects associated with chemical exposures, and the relationship between magnitude of exposure and severity of adverse effects, and
4. Risk Characterization, which summarizes and combines outputs of the exposure and toxicity assessments to provide a quantitative assessment of site-related risks and hazards, and presents a discussion of the uncertainties of the process.

The HHRA work has recently been supplemented by a Supplemental Human Health Risk Evaluation, Onondaga Lake Superfund Site, Wastebeds 1-8, Lakeview Amphitheater, Geddes, NY, May 2014, prepared by USEPA (HHRE) which can be viewed at <http://www.epa.gov/region02/water/lakes/onondaga.htm> as an addendum to the 2011 HHRA document reflecting current information on site conditions and the intended use of the area for the amphitheater venue. The USEPA document reflects current information on site conditions and the intended use of the wastebed areas for the amphitheater venue. The HHRE evaluation included a comparison of the human receptors for the intended use (Amphitheater Attendee, Amphitheater Maintenance Worker, and Amphitheater Construction Worker) likely to be associated with the proposed Lakeview Amphitheater Facility to receptors that were quantitatively evaluated as part of the 2011 HHRA. It is important to note that the HHRA and the HHRE evaluated the risks assuming there would be no remediation, nor access or use controls such as fencing or signage. Therefore, once the remedial measures and controls are implemented, there will be reduced potential for human exposure to site contaminants as compared to the conditions which were assumed in the HHRA and in the supplemental evaluation.

The HHRE concludes that the potential risks and hazards associated with the Amphitheater Attendee and Amphitheater Maintenance Worker are expected to be within acceptable risk ranges and targets. The study does however, recommend protective measures for Amphitheater Construction Workers while engaging in on site activities. This is due to their proximity to potential contaminants in soil, groundwater and air while working on site including excavation work and handling of soil materials.

As part of the regulatory process established for the remedial alternatives, following their review of the evaluations documented in the FS Report, NYSDEC and USEPA have proposed an alternative from the FS as the preferred remedy for the site and have published a Proposed Remedial Action Plan (PRAP) for Operable Unit 1 describing their findings. This plan is now available for public review and comment. A copy of the proposed plan is included as Appendix B, can be viewed at http://www.dec.ny.gov/docs/regions_pdf/wste18ou1plan2014.pdf, and will also be available at the following locations:

Onondaga County Public Library Syracuse
Branch
447 South Salina Street
Syracuse, NY 13204

Solvay Public Library
615 Woods Road
Solvay, NY 13209

Atlantic States Legal Foundation
658 West Onondaga Street
Syracuse, NY 13204

NYSDEC Region 7
615 Erie Blvd., West
Syracuse, NY 13204

Written comments should be submitted by Oct. 17 to NYSDEC, Attn: Tracy A. Smith, 625 Broadway Albany, NY 12233, Phone: 518-402-9676, email: tracy.smith@dec.ny.gov

It should also be noted that in developing the PRAP, for areas of the site that included proposed development (e.g., lawn seating areas within the amphitheater footprint), sampling data were compared to the NYSDEC site clean up objectives (SCOs) for restricted residential use (which includes active recreational use). Specifically, samples

within the footprint of Wastebed 6 and areas extending to the shoreline of Onondaga Lake around Wastebed 6 were evaluated using these more stringent SCOs. NYSDEC found that there were no contaminants of potential concern (COPCs) in surface soils which exceeded the restricted residential use SCOs (applicable for active recreational use) in that area.

As presented in the PRAP, the preferred remedy involves placement of vegetated cover and engineering/institutional controls on the site as a function of the intended use of each area. The cover system would be applied over approximately 171 acres of the Wastebed 1-8 site including all of the open areas within the Amphitheater project limits exclusive of those which have already been remediated or capped. More specifically, the PRAP proposes placement of a vegetative cover system consisting of either vegetative enhancement or placement of a soil or structural fill substrate capable of providing water holding capacity, rooting volume and growing conditions to support a planted vegetative cover utilizing native species appropriate for each area of use. The placement and thickness of the substrate range from a basic wood fiber mulch/compost/fertilizer layer to as much as one foot of gravel or two feet of soil and would be a function of the characteristics and use of each area including areas of Passive Recreational Use (limited potential for soil contact, i.e. parking lots, etc.), areas of Active Recreational Use (potential for soil contact, i.e. park grounds, lawn seating areas) and areas of Ecological Resources Value (undeveloped upland areas supporting native flora and fauna) among others. Any imported fill material used would need to meet the requirements for the identified site use as set forth in 6 NYCRR Part 375-6.7(d). Native species would take precedence for the vegetative component of covers. Structures, such as buildings, pavement, or sidewalks could serve as acceptable substitutes for the vegetated cover types described above.

Institutional controls in the form of environmental easements would also be used as part of the proposed remedy to provide for work that is consistent with a NYSDEC-approved Site Management Plan which includes an Institutional and Engineering Control Plan that identifies all use restrictions and engineering controls for the remedy

and details the steps and media-specific requirements necessary for an effective remedy and a Monitoring Plan to assess the performance and effectiveness of the remedy. Elements of the Institutional and Engineering Control Plan will include, but not be limited to, environmental easements, land use restrictions, access controls and a provision that future on-site construction include either vapor intrusion monitoring and/or installation of vapor intrusion controls. Risk assessment associated with vapor intrusion is typically applicable only to sites with pre-existing buildings. In the case of proposed buildings, an assessment to establish exposure risk is difficult because appropriate building data cannot be collected. The issue of potential vapor intrusion for a proposed building on a site having residual subsurface vapor contamination would be addressed in the building design, and would incorporate appropriate control measures, designed in conjunction with and consistent with, the building ventilation package.

Following receipt of public comments on the PRAP, the selected remedial alternative will be finalized and documented in a Record of Decision (ROD) for the site. The final remedy will then be implemented by Honeywell under the supervision of the involved regulatory agencies. Design of the surface and subsurface features of the amphitheater project are being coordinated with technical staff of Honeywell and the regulators so that they can be implemented in conjunction with both the existing and proposed site remedies. Early phases of construction of the project will involve some intrusive work associated with installation of utilities and preliminary site grading and installation of foundations, while later stages of construction and site preparation as well as the ultimate use of the facilities and surrounding grounds will benefit from the proposed remedies as they are implemented. Other than for various phases of construction, this FEIS impact analysis is based upon use of the site with the selected remedy in place. Although not anticipated, if there are any material changes between the preferred remedy as presented in the PRAP and the final remedy selected by the NYSDEC/USEPA and set forth in the ROD, Onondaga County will conduct a supplemental environmental review to address the material differences to the extent

that such changes affect the conclusion outlined in this FEIS and subsequent Findings Statement.

With respect to Operable unit 2 (OU2), a Feasibility study is underway to evaluate further remedial alternatives for groundwater. Currently, groundwater contamination is being addressed as part of the Integrated Interim Remedial Measures (IRM) program. The objective of this IRM is to mitigate the discharge of contaminants in groundwater and seeps to Onondaga Lake and Ninemile Creek, and erosion of exposed Solvay waste from the Site to Onondaga Lake. In addition to the remedial elements of the IRM, mitigation wetlands and a hydraulic control system adjacent to Onondaga Lake Remediation Area A will be designed and constructed. Collectively referred to as the Integrated IRM, these measures are addressing contaminant discharge and groundwater upwelling from the Site to Onondaga Lake and Nine Mile Creek, erosion of exposed Solvay waste, and the habitat along the Onondaga Lake shoreline. The general overall remedial strategy for groundwater in the area has been to manage as necessary the shallow and intermediate groundwater that is discharging toward Onondaga Lake and Ninemile Creek and to minimize the recharge of groundwater from infiltration. This recharge creates a mounding effect on top of the wastebeds as shallow and intermediate groundwater flows outward toward Onondaga Lake, Ninemile Creek, and other surface water bodies, such as drainage ditches. Consistent with this strategy for remediation, the site work design of the Amphitheater will help control groundwater recharge on the site. Storm water runoff flows are expected to increase as positive drainage and the percent of impervious areas grow beyond existing conditions as a result of site development and operations. As such, portions of the stormwater volume which previously may have percolated to groundwater and increased contaminant loading, will no longer percolate through the contaminated soil media, helping to mitigate groundwater issues. Pollutants associated with surface runoff will also be reduced as imported cover is placed. Overall stormwater contaminant loadings associated with past use of the site should be reduced. The net effect of the change from current use to the proposed use is therefore expected to be beneficial. In addition, placement of geotechnical borings on the site have been, and

will be conducted consistent with the Honeywell site work plans including, where appropriate, double cased borings with bentonite/cement pressure grouting to prevent creation of preferential groundwater pathways and review and approval of piling plans by NYSDEC prior to installation.

Comment 3E: Honeywell has invested a huge amount of treasure and time to restore a more naturally sound environment to the proposed construction site. What will the environmental impacts be?

Response 3E: The environmental impacts associated with the Lakeview Amphitheater are presented in detail in Section 3.0 (Existing Conditions, Potential Impacts, and Mitigation Measures) of the DEIS. Specifically, this section of the DEIS contains 14 subsections, each of which presents the Existing Conditions associated with the respective resources, the Potential Impacts that may result from the construction and/or operation of the Lakeview Amphitheater, and Mitigation Measures proposed to offset identified impacts. These 14 subsections and the resources analyzed in each are as follows:

- Section 3.1 Geology, Soils, Topography
- Section 3.2 Water Resources
- Section 3.3 Climate and Air Quality
- Section 3.4 Biological, Terrestrial, and Aquatic Ecology
- Section 3.5 Visual and Aesthetic Resources
- Section 3.6 Historic, Cultural, and Archeological Resources
- Section 3.7 Open Space and Recreation
- Section 3.8 Traffic and Transportation
- Section 3.9 Noise and Odor
- Section 3.10 Documented Environmental Conditions
- Section 3.11 Public Health and Safety
- Section 3.12 Land Use and Zoning
- Section 3.13 Growth and Character of the Community
- Section 3.14 Community Facilities and Services

Comment 3F: Will this Project really create the economic engine that developers are promising? Does the Project make economic sense? Will neighboring communities like Geddes and Solvay see enough economic benefits to outweigh the costs?

Response 3F: Please see Response 3B.

Comment 3G: How will the excess noise from regular concerts be managed?

Response 3G: Please see Responses 2A and 32A.

Comment 3H: How will the excess traffic from regular concerts be managed?

Response 3H: This subject is addressed in FEIS Section 2.2.2. Please see that section for additional detail. To summarize, management of traffic generated from concert events at the proposed amphitheater will involve a combination of permanent construction improvements and temporary traffic control measures. Construction improvements include widening and lengthening the I-690 westbound Exit 7 off-ramp and deceleration lane, reconfiguring the intersection at the bottom of ramp, and shoulder reconstruction (pavement strengthening) on the Exit 7 Connector Road and Pumphouse Road, all to accommodate additional lanes of traffic during peak flows.

Traffic management plans have been developed for use during concert events. These plans will be implemented in the hours preceding and following the actual concert to address traffic entering and leaving the event. Measures include manned traffic control (police directing traffic) at key intersections and driveways, permanent traffic signs that are displayed during event days and covered at all other times, messages to motorists on electronic signs along the major highways, shuttle buses between parking lots, parking attendants and circulation plans within parking lots, dedicated gates for emergency access, and possible monitoring and communication with New York State Department of Transportation's traffic management center.

With respect to the Exit 7 mitigation measures, these traffic related capital improvements would be implemented after the construction of the amphitheater and would be phased for completion prior to the 2016 concert season. Use of the amphitheater in the 2015 season is planned to be part of the State Fair Labor Day activities and therefore would have the advantage of the manned control and break-in access mitigation measures that are already in place during the State Fair. Consultation with FHWA and NYSDOT is ongoing with regard to the detailed design, scheduling and implementation of the traffic related capital improvements. Additional Work Zone Traffic Control for ramp improvement and shoulder construction work will be included as part of the design package based on NYSDOT 619 series specifications and standard sheets specifying NYSDOT approved control and mitigation measures for the highway construction work.

Please also see Comment letter 33 submitted by the NYSDOT, and the Lead Agency's responses.

Comment Letter 4. Bill Mastropool

Comment 4A: The commenter thinks the amphitheater is an excellent idea and really likes the proposed bike/walkway connection to Solvay. He offers a suggestion: construct a single narrow additional lane for the tram which starts in Liverpool to come down to where the bike hub would be on Milton Ave., connecting the Village of Liverpool with the Village of Solvay. It could make stops at State Fair Blvd. before and after the Amphitheater. The businesses in the Village of Liverpool have thrived because of the parkway which has the tram ride. Let the Village of Solvay benefit from it as well. Along with giving the elderly a chance to enjoy it like the bicyclists, runners, and walkers. The tram is sponsored by Wegmans, maybe they would like to participate in the expansion of it. It would be a major tourist attraction.

Response 4A: Comment noted.

Comment Letter 5. Lloyd Withers

Comment 5A: There is no business plan. How does one justify committing \$30 million without one? A quick search of amphitheater finances around the country shows operational losses combined with the constant struggle to boost attendance. \$5.5 million has already been committed to this one in advance of determining whether it can succeed or even be maintained.

Response 5A: Please see Response 3B.

Comment 5B: The site's remediation plans remain undetermined and confidential. Last week, the wastebeds were described as being safe as a green field. This week, the engineering report reveals geotechnical properties that include real issues of slope stability, fill and settlement problems, and a description of why the waste will corrode steel and concrete. Millions will be spent on filling and capping the site, millions more on diverting and treating the toxic chemicals in its groundwater, conclusions reached without the benefit of the still-secret feasibility study.

Response 5B: Please see Response 3D and FEIS Section 2.2.1 for a detailed discussion on the Proposed Remedial Action Plan (PRAP). As indicated, development of the PRAP is part of an open, public process that involves the participation of numerous state and federal agencies with prescribed requirements for public participation. As further indicated in Response 3D, other relevant studies that have been prepared (e.g., FS, HHRA, HHRE) are available through publicly accessible websites, and are also included as appendices to this FEIS.

Comment 5C: The Project goes against the community's plan for Onondaga Lake's shoreline. The 2012 report, FOCUS on Onondaga Lake, clearly laid out the public's desires for the future of the lake. The most important priorities to the residents of Onondaga County are that the lake remain in the public domain. The second most important feature that emerged from our research is that the shoreline maintain natural areas with minimal

development, and FOCUS believes that needs to be a priority for the future of Onondaga Lake. The least important aspects of the Onondaga Lake shoreline to the citizens included residential and commercial development.

Response 5C: As indicated in Section 2.2 (Detailed Description of the Proposed Action), page 14 of the DEIS, "The Lakeview Amphitheater Facility will be owned by Onondaga County, and the entire site is expected to remain in public ownership." In addition, residential or commercial developments are not proposed at the site.

On page 7 of the FOCUS Report, under the heading "Findings – Past Reports," the report states, "To a lesser, but not insignificant extent, the public has asked for boat tours and cruises, as well as cultural events and displays along the shoreline including concerts, an art park and an amphitheater." On page 17 of the FOCUS Report, under the heading "Findings - Interview Assessments," the report states, "Although no one interviewed even came close to suggesting that an amusement park be placed on the shoreline of Onondaga Lake, almost everyone advocated for activities that once again make the lake a destination spot." The County feels the proposed Amphitheater is clearly in keeping with this key finding.

With respect to the 2012 FOCUS report, please see Table 4 (Project Consistency with Local Planning Documents) on pages 130 and 131 of the DEIS. This table outlines the relevant goals/strategies of numerous planning documents and identifies project consistencies and inconsistencies. Regarding inconsistencies between the project and the 2012 F.O.C.U.S. report, DEIS Table 4 indicates that the Lakeview Amphitheater does not limit development to Solvay, Liverpool and the Inner Harbor. However, DEIS Table 4 also identifies six consistencies between the project and the 2012 FOCUS report as follows:

- Increases opportunity for events-oriented uses on the lakeshore
- Integrates with an existing and currently expanding recreational and fitness-oriented use (multipurpose trail on site and connection to the northwest)

- Preserves public ownership of waterfront area
- Provides new public waterfront access
- Provides for option of non-automobile transportation connections with water taxi service
- Provides for cultural events and displays along the shoreline including concerts, an art park and an amphitheater

The County feels that project consistencies with the 2012 FOCUS report outweigh project inconsistencies.

With respect to the shoreline maintaining natural areas with minimal development, please see FEIS Figure 3 (Site Master Plan). As depicted, project design has preserved the majority of the shoreline around Lakeview Point, with the only potential for vegetation removal along the shoreline occurring on the northern portion of Lakeview Point as a result of amphitheater operations.

Comment 5D: The Onondaga Nation opposes building on the wastebeds. Our community finally understands that Onondaga Lake is a sacred site of the Onondaga Nation and the Haudenosaunee. It only follows that protocol, a sense of decency, and common courtesy dictate the need for garnering the Nation's approval before undertaking a project of this magnitude at the lake.

Response 5D: In a letter dated August 25, 2014, Joseph J. Heath (General Counsel for the Onondaga Nation) provided comments on the Lakeview Amphitheater DEIS on behalf of the Onondaga Nation. Please see Comment Letter 41 below for additional detail regarding the Onondaga Nation's comments on the DEIS, and the Lead Agency's responses.

Comment 5E: The residents of Lakeland and Liverpool have not been made aware of the extreme and adverse noise that they will experience because of this site's selection. Amphitheaters generate lots of noise and lots of noise complaints. Just ask the

neighbors of Paper Mill Island or of the Regional Market's F Shed how it is working for them, every weekend, all summer long.

Response 5E: Please see Responses 2A and 32A.

Comment 5F: An ideal alternative site lies just across the way at the NYS Fairgrounds. The Grandstand is in need of renovation and the Fairgrounds provide all the same economic benefits to the same area and without the associated risks. Costs for environmental remediation, utilities, infrastructure, parking, etc. are all lower at the Fairgrounds.

Response 5F: Please see Response 3C.

Comment 5G: Local environmental, civic, and sporting groups have organized the new group, Citizens for a Better Plan, to improve the public's involvement in the Project's decision making process. Their request to extend the DEIS's comment period (beyond 30 days) and to add more public hearings (there's just one scheduled) are reasonable and may help avoid years of regret down the road.

Response 5G: Please see Response 3A.

Comment Letter 6. Conrad Strozik, Les Monostory, Hugh Kimball

Comment 6A: Section (b)(1) of Part 617.9 of the SEQR regulations indicates that "An EIS must assemble relevant and material facts upon which an agency's decision is to be made. It must analyze the significant adverse impacts and evaluate all reasonable alternatives." Section 5.1 of the Lakeview Amphitheater DEIS states, "To develop this alternative, various County owned public lands along the western shore of the lake were screened for their ability to support the project concept." The only alternative site considered by the County was Maple Bay at the northwest corner of the lake. Maple Bay was clearly inadequate as far as traffic and parking for the Amphitheater. It was looked at only to meet SEQR requirements to look at alternate sites. The major

missing element from Onondaga County's evaluation of alternative sites is any evaluation of potential sites located off the County owned lands. This unreasonable decision by the County has the effect of preventing any environmental or fiscal comparison of the cost and environmental impacts of potential Amphitheater sites other than the chosen Lakeview Amphitheater site.

Response 6A: Please see Response 3C.

Comment 6B: The current estimate for the cost of the proposed Lakeview Amphitheater is approximately \$100 million, with \$30 million to be contributed by New York State and \$70 million to be provided by residents of Onondaga County. The Izaak Walton CNY Chapter recommends the evaluation of alternative sites for the Amphitheater Project in the following locations that are not owned by Onondaga County, but nevertheless may offer suitable sites at a lower cost and comparable or lesser environmental impacts than the Lakeview site -- a former and still existing hazardous waste site. These potential alternative sites should include the following: (1) the present New York State Fairgrounds owned by New York State. It may be possible to convert the existing Grandstands to a multi-use public facility. (2) The Inner Harbor location, which is surrounded by bars, restaurants, the Destiny Commercial Complex, and other facilities that concert goers would find attractive and within walking distance. (3) Vacant lands in the Lakeland community in the Town of Geddes. Construction of the Amphitheater Project in this community could provide an economic boost for the community and the Fairgrounds. (4) Vacant City lands south of Erie Boulevard. This alternative could provide an economic boost for a central location within the City of Syracuse.

Response 6B: Comment noted. Please see Response 3C. This environmental impact review is associated with a project with the stated purpose of revitalizing the western shore of Onondaga Lake and encouraging use and enjoyment of the lake.

Of the sites listed by the commenter, only sites 1 (Fairgrounds) and 3 (Lakeland) are located within the targeted area. Neither of those two sites, however, provide

waterfront access to the public, and none of the sites listed take advantage of the new opportunities available as a result of the remediation and restoration efforts taking place on the western lakeshore, also a project objective. Alternatives that are not consistent with the objectives of the project sponsor would not be considered feasible in relation to this specific action being evaluated under SEQR. Please also see Response 3C for a detailed discussion of alternatives.

Comment Letter 7. Michael Sullivan

Comment 7A: The commenter fully supports the plan for the new amphitheater. He has ridden his bike on the new trail, and it is a great location for an amphitheater. He offers a number of suggestions for Project design, based on his experiences as a long-time concert goer at places like Saratoga Springs (SPAC), Canandaigua (CMAC), Darien Lake, and Lewiston's Art Park.

Response 7A: Comment noted.

Comment 7B: Make sure to install enough bathrooms. Avoid port-a-potties if possible. Create more facilities for women as there are always long lines. Make sure the bathrooms don't produce smells where people will be sitting.

Response 7B: Comment noted.

Comment 7C: There is plenty of room to create a nice large parking lot for easy access to the grounds. Allow tail gating (CMAC doesn't) so concert goers can arrive early to avoid traffic jams. Just patrol for any rowdy behavior or underage drinking.

Response 7C: Comment noted.

Comment 7D: Has there been any discussion about capping the soda ash with a poly membrane, then topsoil, to relieve patrons of possible leaching or contamination? Sounds like it is safe without (overkill) but it may help with public opinion.

Response 7D: Please see Response1A.

Comment 7E: Designing the amphitheater to hold 17,000 people might limit you to bigger acts and day long festivals that can draw 20-25,000.

Response 7E: Comment noted.

Comment Letter 8. David Stilwell (U.S. Fish and Wildlife Service)

Comment 8A: The USFWS appreciates the proactive implementation of conservation measures to protect bats, including the seasonal tree cutting restrictions and minimizing exterior lighting. They also recommend the following additional conservation measures to further reduce the likelihood of impacts to Indiana bats: (1) Avoid impacting potential roost trees to the greatest extent practicable to preserve the site for future use by bats. Retain standing live tree that have exfoliating bark and are greater than 12 inches dbh. Retain shellbark, shagbark, and bitternut hickories, along with black locusts, as much as possible, regardless of size and condition (live, dead, or dying). Retain snags or trees with cavities as much as possible regardless of species. (2) Use bright orange construction flagging or fencing to clearly demarcate trees to be protected compared with those to be cut prior to the initiation of any construction activities at the site. This will help ensure that contractors do not accidentally remove more trees than anticipated. (3) No artificial dyes, coloring, insecticide, algaecide, and/or herbicides should be used on the ground for long-term maintenance of the property.

Response 8A: Onondaga County appreciates the feedback provided by the USFWS. The additional conservation measures recommended are incorporated into this FEIS as additional mitigation measures for the project. With respect to long-term maintenance of the property, all operations will be undertaken in accordance with the Onondaga County Pest Management and Control Directive dated July 13, 2009 (included in Appendix E of this FEIS). This directive outlines the County's Integrated Pest Management (IPM) program, which promotes pest control strategies that are the least hazardous to

human health and the environment by placing priority on prevention rather than undue reliance on chemical pesticides. Please see FEIS Appendix E for additional information.

Comment 8B: Several known occurrences of northern long-eared bat are within close proximity to the proposed Project; the closest is within 0.6 mile. Due to this distance, northern long-eared bats are likely foraging and/or roosting within the Project site. If the final decision is to list northern long-eared bat as endangered and if the Project construction is anticipated to continue beyond April 2, 2015, then USFWS recommends incorporating the conservation measures previously listed for Indiana bat. These measures should also reduce the likelihood of impacts to northern long-eared bats.

Response 8B: Please see Response 8A.

Comment 8C: No further consultation pursuant to the Endangered Species Act (ESA) of 1973 is necessary for this Project provided that (1) the Project scope and activities remain unchanged, (2) any applicable conservation measures are implemented, and (3) there are no other changes (e.g., to the landscape, habitat, etc.) that may affect Indiana bat or northern long-eared bat and that have not already been analyzed in this consultation.

Response 8C: Comment noted. Although not anticipated, to the extent there are changes in the project that may affect Indiana bat or northern long-eared bat, Onondaga County will consult with the U.S. Fish and Wildlife Service to discuss such changes.

Comment 8D: Bald eagles have been delisted pursuant to the ESA, but remain protected under the Bald and Golden Eagle Protection Act (BGEPA), Migratory Bird Treaty Act (MBTA), and by the State of New York. The nearest bald eagle nest is approximately 2.8 miles from the Project site. In addition, Onondaga Lake experiences wintering bald eagle activity; however, most of the eagle activity is at the southern end of the lake where

water remains open during winter. Although the amphitheater will not be open to the public during the winter, some buildings may be used for meetings. Despite the potential for winter eagle activity in close proximity to the Project, the USFWS does not anticipate any impacts to bald eagles as a result of this Project. However, if bald eagles are found within or near the Project site, the USFWS recommends the Bald Eagle Management Guidelines (www.fws.gov/migratorybirds/baldandgoldeneaglemanagement.htm) be followed.

Response 8D: Comment noted. If bald eagles are found to be actively using or nesting within or near the project site, Onondaga County will follow the Bald Eagle Management Guidelines, and consult with the U.S. Fish and Wildlife Service, as necessary.

Comment Letter 9. Hugh Kimball

Comment 9A: The commenter reviewed the conceptual design document and found it useful. However, there are unresolved issues like the location of the docking area and how to protect pilings from corrosion.

Response 9A: With respect to the docking area, since release of the DEIS it has been determined that this feature is no longer proposed as a component of the proposed action.

To the extent the commenter is referring to the pilings associated with the Amphitheater, geotechnical studies have been completed, with special attention to suitability of materials and coatings for the environment in which they will be placed. Experience with sheet piles and structural piles in the immediate area and at similar sites has been considered in the preliminary design process. For example, with NYSDEC approval, Honeywell has installed pilings in the construction of some of its facilities, which have been built in an area with subsurface conditions that are similar to those at the site of the proposed project. Likewise, NYSDEC approval has been granted to the County for protocols related to installation of borings and similar approvals will be sought for the pile placement plan.

Comment 9B: The process under SEQR is moving too fast for the actual plans for the Project. The commenter would like to see the comment period extended until the TBDs are resolved and communicated to the public and the legislature.

Response 9B: With respect to the SEQR process moving too fast, please note that the SEQR process for the Lakeview Amphitheater was initiated over 8 months ago on February 14, 2014, when Onondaga County circulated to potentially involved/interested agencies its intent to serve as Lead Agency along with Part 1 of the Full Environmental Assessment Form (EAF).

With respect to extending the public comment period on the DEIS, please see Response 3A.

With respect to resolving "TBDs", it is assumed that the commenter is referring to the EAF. However, subsequent to the Environmental Assessment Form (EAF), Onondaga County prepared a Draft Environmental Impact Statement (DEIS), which answers the items identified as "to be determined" in the EAF.

Comment Letter 10. Sarah Eckel

Comment 10A: The commenter attached a letter on behalf of several organizations in Onondaga County requesting an extension to the public comment period for the amphitheater project. Many of the organizations have concerns regarding the process and site evaluation. Specifically, a 90-day public comment period is requested. These groups are also requesting two more public hearings with at least one of those during the evening so that citizens who work may have the opportunity to attend. The citizens of Onondaga County should be given ample time to review, ask questions, and engage fully in this process. The future of Onondaga Lake's shoreline is important to all of the County's residents, and a thoughtful and extended time frame to consider the impacts of this project is warranted.

Response 10A: Please see Response 3A.

- Comment 10B: The commenter expressed concern about siting the amphitheater on the wastebeds since the remediation efforts have not yet been completed.
- Response 10B: Please see Response 3D and FEIS Section 2.2.1 (Proposed Remedial Action Plan).
- Comment 10C: The economic viability of the amphitheater and how this will impact the county budget and county taxpayers is unclear.
- Response 10C: Please see Response 3B.
- Comment 10D: What alternative sites could reasonably be employed to serve the same purpose, considering that this particular site is in the middle of an extensive clean up and remediation plan?
- Response 10D: With respect to alternatives please see Response 3C. With respect to the remediation plan please see Response 3D.
- Comment 10E: How will the noise be mitigated?
- Response 10E: Please see Responses 2A and 32A.
- Comment 10F: How will the traffic be mitigated?
- Response 10F: In order to measure the effects of proposed event traffic on the existing road network and to assess required mitigation, traffic simulation programs recommended by the New York State Department of Transportation and Federal Highway Administration were used. These programs model the highway network by combining background traffic and assumed event traffic and routing all traffic on the routes needed to access the concert site and parking facilities. The model looked at potential growth and traffic for an event twenty years in the future. Both small (500 person) and large (sellout)

events were modeled, with separate scenarios for traffic arriving to the event, and for traffic leaving the event. The highway improvements and operational considerations shown by the model as needed to maintain an acceptable level of traffic flow on all highways are described in Response 3H and FEIS Section 2.2.2. Please also see Comment Letter 33 from the NYSDOT, and the Lead Agency's responses thereto.

Comment 10G: How will this project impact neighboring communities?

Response 10G: DEIS Section 3.13 (Growth and Character of the Community) indicates that the project location is a strategically important area of Onondaga County for many different stakeholder groups. For this reason, its future development is discussed in a variety of planning documents produced over the last few decades. These various plans provide guidance and direction regarding the physical development and programming of the area in order to contribute to the overarching strategies and goals of the various stakeholders. DEIS Section 3.13.3 (Proposed Mitigation) states, "As discussed above, the proposed Project is generally consistent with existing land use and community character of the Project site and adjacent areas, and the major goals common to many of the existing planning documents described above (Table 4). These consistencies include:

- Redevelopment of underutilized properties,
- Addition of new recreational opportunities along the Onondaga Lake shoreline,
- Integration with existing transportation and recreational infrastructure,
- Continued public ownership of and enhanced public access to the Onondaga Lake shore.

In summary, due to the overall consistency with existing conditions and stated plans, no significant adverse impacts to community character are expected."

It should also be noted that existing and long-established infrastructure and public transportation systems in this area, including the NYS Fair Parking Lots and Centro's

NYS Fair Park-N-Ride Service, were designed to accommodate large-scale events and have a demonstrated capacity to do so. Any impacts associated with this existing and mature infrastructure/transportation system are well understood and have been accommodated by the affected communities for decades. The NYS Fair takes place on 12 consecutive days and 2014 attendance ranged from 46,094 to 122,870 (average attendance of nearly 80,500 per day), as compared to the proposed Lakeview Amphitheater, which will host intermittent events with up to 17,500 attendees per event. Therefore, this site already has the developed parking, transportation infrastructure and traffic management planning and experience needed to accommodate the anticipated level of site use

Comment 10H: The items listed as "To Be Determined" on the Environmental Assessment Form should be released to the public as soon as possible.

Response 10H: Please see Response 9B.

Comment Letter 11. Barbara Patapow

Comment 11A: The commenter is requesting an additional 60 days for public review of the Onondaga Lakeview Amphitheater Project. She believes the Project has not been adequately studied or planned. She is also speaking for her mother, Louise Patapow, who is 88 years old and extremely concerned.

Response 11A: Please see Response 3A.

Comment Letter 12. Lance Robson

Comment 12A: The Region 7 Fish and Wildlife Management Board is concerned by the rapid pace of the planning and abnormally short proposed development timeline for the Lakeview Amphitheater, and feel the public comment period is far too short. The one public hearing to be held is during the business day preventing the majority of interested persons from attending or speaking. A lengthened comment period is appropriate and

should include multiple evening hearings to better allow full public discourse on the matter.

Response 12A: Please see Response 3A.

Comment 12B: The Scoping document was not adequately detailed enough in scope or design nor was it site specific enough to lead to an adequate Draft Environmental Impact Statement. As the DEIS was begun and substantially completed well before either a development type or final location were decided on, the document reads more like a Draft Generic Environmental Impact Statement than the project specific DEIS that is required.

Response 12B: As stated in Section 2.5.1 (SEQR Process), page 19 of the DEIS, "Onondaga County, as Lead Agency... initiated the Public Scoping Process on April 4, 2014. Public scoping represents an initial step in the review of potential environmental impacts under SEQR. The primary goals of scoping (which is an optional step in the SEQR process) are to focus an EIS on potentially significant impacts and to eliminate consideration of those impacts that are irrelevant or non-significant. A draft scoping document for the proposed Lakeview Amphitheater was released for public and agency review and comment on April 11, 2014. The comment period provided an opportunity for agencies and the public to review and comment on the identification of significant environmental conditions and resources that may be affected by the proposed action, and the extent and quality of information necessary to address those issues during the SEQR process. The comment period ended on May 12, 2014. A final scoping document was issued May 22, 2014, which identified the significant environmental conditions and resources that may be affected by the proposed Lakeview Amphitheater, and defined the extent and quality of information necessary to address those issues."

With respect to completing the DEIS well before either a development type or final location were decided on, the DEIS provides detailed information and site-specific

alternatives and analyses related to both architectural design and facility location. Specifically, when analyzing potential visual impacts related to architectural design, Section 3.5.2.2.3 (Wire Frame Renderings), page 75 of the DEIS states, "...two different potential designs were used in developing the wire frame renderings; one that is more traditional and presents limited contrast to the landscape with its horizontal/gently rounded profile while the other design presents more of an architectural statement and visual focal point." In addition, Section 5.2 (Alternative Project Design and Scale), page 142 of the DEIS states, "With regard to design, several different concepts and settings are being evaluated. The two concepts with the greatest potential involve the "Cove" setting along the northern shore of Wastebed 6 and the "Beacon" setting located atop the peninsula between Wastebeds 5 and 6. These are shown conceptually in Images 5:4 and 5:5. Each setting presents its own advantages and challenges. In evaluating each alternative setting, environmental impacts were considered. In comparison, the preferred alternative (Cove setting) minimizes physical disturbance of the upper surfaces of the wastebeds, provides additional cover and reinforcement of the northern wastebed dikes, helps to control drainage and runoff in the steeper slope areas, reduces impacts to the Crucible landfill site and has a lower visual impact on the surrounding areas. The "Cove" alternative, if selected, would serve to mitigate impacts associated with these features."

Comment 12C: The Region 7 Fish and Wildlife Management Board is concerned with a seemingly casual approach in the DEIS in which a large number of serious undetermined construction processes and design considerations are glossed over. This leaves a reasonable doubt as to the accuracy of the findings. In short, the number of important details left for later decisions would seem to indicate that the drafters did not know, and apparently still don't know, exactly what they were assessing. This also may lead to a weakened and flawed public comment process.

Response 12C: The Lead Agency respectfully disagrees with the commenter. The environmental impacts associated with the Lakeview Amphitheater are presented in detail in Section 3.0 (Existing Conditions, Potential Impacts, and Mitigation Measures) of the DEIS.

Specifically, this section of the DEIS contains 14 subsections, each of which presents the Existing Conditions associated with each respective resource, the Potential Impacts that may result from the construction and/or operation of the Lakeview Amphitheater, and Mitigation Measures proposed to offset identified impacts. Please see Response 3E for additional information.

As indicated in 6 NYCRR Part 617.1(c), "the basic purpose of SEQR is to incorporate the consideration of environmental factors into the existing planning, review and decision-making processes of state, regional and local government agencies at the earliest possible time." The DEIS was developed in parallel with a detailed Conceptual Design Report and both documents were prepared by the same team of primary consultants. The information set forth in the Conceptual Design Report was used as the basis for the project description/impact analyses provided in the DEIS. The Conceptual Design Report has been available to members of the public since early June 2014 when it was posted to the County's website (<http://www.ongov.net/environment/amphitheaterdocs.html>). In addition, the DEIS was prepared consistent with a Final Scoping Document, the purpose of which is to focus the DEIS on potentially significant impacts and to eliminate consideration of those impacts that are irrelevant or non-significant. Please see Response 12B above for additional information on the Public Scoping Process conducted by the SEQR Lead Agency for this project.

Comment 12D: The Region 7 Fish and Wildlife Management Board is concerned that the design of the cap over the waste beds seems to have been limited in total thickness and height to keep the weight over the less than stable waste and natural substrates at an acceptable level. The DEIS describes the underlying Solvay Process Waste as being of a "silt-like texture with little or no structural development". The waste in the proposed Amphitheater location is described as "somewhat poorly drained to poorly drained." In addition, the waste bed and cap sit on a deeper bed described as peat and marl (typically a wet clay and sand mixture). It seems extremely unlikely that the existing cap was designed to remain effective over such an unstable substrate in

anticipation of a massive municipal structure, roads, and parking areas being superimposed on the cap. The closure plans for the wastebeds identified possible future disturbance as a major issue affecting the integrity of the cap. What has been proposed necessarily includes significant disturbance and vibration not planned for the design of the cap and requires actual penetration of the cap by piles, etc. As many of the contaminants present are harmful in any quantity, the Board believes the serious matters of potential contamination were glossed over and deserve more public scrutiny and a far more specific description of the design and associated risks along with the intended mitigating processes.

Response 12D: Please see Response 3D.

Comment 12E: The Region 7 Fish and Wildlife Management Board is also concerned with the over reliance on the Human Health Risk Assessment (HHRA) completed prior to the construction of the paved bike trails. There is a huge difference between an assessment of a paved lakeside trail and the proposed major disturbance and construction effort in the interior of the property. The current HHRA addressed the trail area only and assumed no off trail usage of the property, and that what use there was of the trail would be fleeting and transient in nature. Such a study is completely inadequate to address the new proposed development and use profiles of the project. A new more comprehensive HHRA is warranted that address the now specified location, uses, and scope of the Project.

Response 12E: The Human Health Risk Assessment for the Wastebeds 1-8 Site Geddes, New York dated April 2011 prepared by O'Brien and Gere Engineers (HHRA WB 1-8) is separate and distinct from the Human Health Risk Assessment Onondaga Lake, Wastebeds 1-8 Site: Bike Trail, Geddes, NY dated January 2009 prepared by USEPA (BTHHRA). The HHRA WB 1-8 document, which can be viewed at <http://www.dec.ny.gov/chemical/37558.html> provides a comprehensive assessment of risk for the entire area beyond the lake trail incorporating a range of exposure media, scenarios and receptors. This work has been supplemented by the Supplemental

Human Health Risk Evaluation, Onondaga Lake Superfund Site, Wastebeds 1-8, Lakeview Amphitheater, Geddes, NY, May 2014, by USEPA (HHRE) which can be viewed at <http://www.epa.gov/region02/water/lakes/onondaga.htm> as an addendum to the 2011 HHRA WB 1-8 document reflecting current information on site conditions and the intended use of the Wastebed 5 and 6 areas for the amphitheater venue. The HHRE evaluation included a comparison of the human receptors for the intended use (Amphitheater Attendee, Amphitheater Maintenance Worker, and Amphitheater Construction Worker) likely to be associated with the proposed Lakeview Amphitheater Facility to receptors that were quantitatively evaluated as part of the 2011 HHRA WB 1-8 baseline human health risk assessment. It is important to note that the HHRA and the HHRE evaluated the risks assuming there would be no remediation, nor access or use controls such as fencing or signage. Therefore, once the remedial measures and controls are implemented, there will be reduced potential for human exposure to site contaminants as compared to the conditions which were assumed in the HHRA and in the supplemental evaluation. The supplemental risk evaluation (HHRE), even without remediation, concluded that the potential risks and hazards associated with the Amphitheater Attendee and Amphitheater Maintenance Worker are expected to be within acceptable risk ranges and targets. The study does, however, recommend protective measures for Amphitheater Construction Workers while engaging in on site activities due to their proximity to potential contaminants in the soil, groundwater and air while working on-site, including excavation work and handling of soil materials.

Comment 12F: Another concern is the loss of what for some years has been intended and widely touted to be a green space for wildlife and native flora to "re-wild" the area.

Response 12F: With respect to impacts to wildlife/ecology, please see Responses 41D and 41E.

Comment 12G: Another issue is the loss of the viewscape of an undeveloped lake shoreline in an urban setting. This extremely rare undeveloped urban landscape feature has been touted and promoted for years by the County and State as a centerpiece of the lake restoration efforts. The radius considered in terms of such impacts was 1 mile. The

view across the lake is far longer and a much larger visual radius should be considered in a corrected DEIS.

Response 12G: As stated in Section 3.5.1 (Visual and Aesthetic Resources, Existing Conditions), page 65 of the DEIS, "A 1.0-mile study area is typically used as an industry standard for visual assessments for small projects such as buildings, communication towers, and/or electrical utility lines." (See footnote 52 at the bottom of DEIS page 65) However, visually sensitive areas were identified and inventoried beyond the 1.0-mile study area, as clearly depicted on DEIS Figure 10 (Visually Sensitive Resources). In addition, as discussed in Section 3.5.2.2.2 ((Visual and Aesthetic Resources, Field Review), page 74 of the DEIS, visibility of the Project was evaluated in the field by raising two 15-foot by 6-foot helium-filled balloons to a height of 87 feet above existing grade to provide locational and scale reference. Visibility was then documented and photographs were taken from 101 representative viewpoints "within the 1-mile radius study area as well as points on the water and along the Onondaga Lake shoreline beyond the study area..." These viewpoints (along with the 1.0-mile study area) are clearly depicted on DEIS Figure 12 (Viewpoint Location Map). With respect to the commenter's concern about the view across the lake, this type of vantage point was specifically analyzed in in the DEIS through creation of a wireframe rendering through use of a photograph taken at the Onondaga Yacht Club Boat Launch directly across the lake (referred to in the DEIS as Viewpoint 1, and also depicted in DEIS Figure 13).

Please also see FEIS Figure 3 (Site Master Plan). As depicted, project design has preserved the majority of the shoreline around Lakeview Point, with the only potential for vegetation removal along the shoreline occurring on the northern portion of Lakeview Point as a result of amphitheater operations.

Comment 12H: The proposal includes a possible future boat docking facility without specifying a location. The DEIS includes a presumption of minimal soil and aquatic vegetation disturbance and of minimal impacts from dredging. As no firm location of a proposed boat launch is included in the proposed development plan, that conclusion of minimal

future disturbance is not warranted due to the possible disturbance of the protected cap and newly restored aquatic vegetation on the lake bottom. A specific site should be designated and the environmental impacts specified.

Response 12H: Please see Response 9A.

Comment 12I: As proposed, there would be probable conflict due to lawful waterfowl hunting. State law allows waterfowl hunting without the usual land based requirement to have permission from the occupants of structures within 500 feet provided that the shot path is over water. The waters near the proposed development area are currently used for lawful waterfowl hunting and such hunting would continue to be legal after development.

Response 12I: As indicated on the Onondaga County Parks website, "Duck hunting is productive along the West Shore of Onondaga Lake, though shooting is not allowed on, at or through park lands" pursuant to Local Law No. 2, 1965. The proposed Amphitheater site is considered "park lands" in the context of this activity, as are all County-owned land around the lakeshore. See <http://onondagacountyparks.com/plan-your-visit/fish-boat-camp-hunt/> for additional information.

Comment 12J: There appear to be far more suitable potential locations for such a project that would not have the host of real and potential environmental issues the current proposed location presents. The Region 7 Fish and Wildlife Management Board feels that a thorough search for alternative sites is fully warranted before moving ahead with the proposed Lakeview Amphitheater.

Response 12J: Please see Response 3C.

Comment 12K: Now that there is a concrete proposed development plan and location, the Region 7 Fish and Wildlife Management Board believes the DEIS should be substantially updated to address the specific issues related to the proposed development and use

of the area and to replace the generic unfocused comments and conclusions it now contains. The Final Environmental Impact Statement should be followed by another public comment period and adequate public hearings to allow for the appropriate give and take such a project deserves.

Response 12K: As indicated in Response 12C above, the DEIS was developed in parallel to a detailed Conceptual Design Report and both documents were prepared by the same team of primary consultants. The information set forth in the Conceptual Design Report was used as the basis for the project description/impact analyses provided in the DEIS. With respect to the FEIS, SEQR requires a reasonable time period (not less than 10 calendar days) for agencies and the public to consider the FEIS before the lead agency's findings are made.

Comment Letter 13. Katharine Lewis

Comment 13A: The commenter asked for an extension of the public comment period and additional public hearings. There is only one public hearing scheduled and it is during the work day, so she cannot attend and imagines that many other people will also not be able to attend. She is very concerned about this project and the speed with which it is being pursued. She does not understand why there is such a rush, especially for a project which is so huge, will use up so much taxpayer money and will also use the windfall money from the casino bill (which could be spent on other things) and has so many potential complications -- both for human health, the environment around the lake, and unforeseen increased costs.

Response 13A: Please see Response 3A.

Comment 13B: The commenter has looked at the environmental impact statement, and there are several issues that have yet to be resolved. The solutions to these potential problems need to be designed and debated before the project goes ahead as planned.

Response 13B: Please see Response 12C.

Comment 13C: The proposal is to build the amphitheater on top of wastebeds that are known to contain toxic waste and that have the potential to be much more dangerous than we suspect at the moment. As a biology professor at SU, the commenter has been doing research on two until-now uncharacterized chemicals found in the tar pits and the lake and potentially also present in the wastebeds, and finding that they are highly toxic. The remediation for this site has not yet been decided. Also, the original assessment of the site for the lake path did not consider the effect on young children. There are huge potential health risks associated with the current proposal. The site has not been thoroughly studied and there are too many unknowns with the current plan.

Response 13C: The nature and characteristics of contamination at this site have been extensively studied over the past two decades. The documents produced, including the Remedial Investigation (RI) Report for the Wastebeds 1-8 Site, can be viewed at <http://www.dec.ny.gov/chemical/37558.html> and is also included as FEIS Appendix J. The Proposed Remedial Action Plan (PRAP) has been developed and was published by the NYSDEC on September 17, 2014. Although the Bike Trail Human Health Risk Assessment (BTHHRA) (EPA, 2009) <http://www.epa.gov/region02/water/lakes/onondaga.htm> did not evaluate young children as receptors in the exposure population, the Human Health Risk Assessment Wastebeds 1-8 Site Geddes, New York dated April 2011 prepared by O'Brien and Gere Engineers (HHRA WB 1-8) did consider effects on young children (Age 0 to 6) as part of the analysis. See Response 3D for additional information.

Comment 13D: Why does the amphitheater have to be built on this site? Why can't it be built somewhere else -- without the potential health implications (workers having to wear hazmat suits and the potential for later discovery of chemicals more toxic than we thought, for example) and where the costs of building could be so much less? Like on the state fair site for example?

Response 13D: With respect to alternatives please see Response 3C. With respect to potential health implications, please see Response 3D.

Comment 13E: It is not even clear why there is a proposal to build an amphitheater. Amphitheaters usually lose money. Is there even a need for one in this area given the venues we already have -- that are not at full capacity as it is. The commenter hasn't seen any business plan for this venture. It has the potential to be a big financial disaster if not properly thought out.

Response 13E: Please see Response 3B.

Comment 13F: The environmental impact statement does not seem to adequately consider noise. Noise carries more easily across water. This is not addressed in the environmental impact statement.

Response 13F: Please see Responses 2A and 32A.

Comment Letter 14. Katharine Lewis

Comment 14A: The commenter has looked at the environmental impact statement, and is very concerned about the fact that there are several issues that have yet to be resolved and/or specific plans that have yet to be determined. The solutions to these potential problems need to be designed and debated before the project goes ahead as planned.

Response 14A: Please see Response 12C.

Comment 14B: The whole idea of building an amphitheater on top of wastebeds that are known to contain toxic waste and that have the potential to be much more dangerous than we suspect at the moment is very concerning. As a biology professor at SU, the commenter has been doing research on two until-now uncharacterized chemicals found in the tar pits and the lake and potentially also present in the wastebeds, and

finding that they are highly toxic. The remediation for this site has not yet been decided. This Project should not be pursued until this is settled and there has been a chance for the public and environmental groups to assess the final remediation plans. Also, the original assessment of the site for the lake path did not consider the effect on young children. Also -- what would be the effects on the people who work at the site? They are not construction workers but also not equivalent to "trespassers" -- which seems to be the assessment for concert goers. There are huge potential health risks associated with the current proposal. The site has not been thoroughly studied and there are far too many unknowns with the current plan. When it was studied it was not with this use in mind. Not enough places have been sampled. We do not know enough about what chemicals and toxins are contained in this site, particularly if the plan is to leave these contaminant and toxins in situ -- we need to know more.

Response 14B: Please see Response 13B. The nature and characteristics of contamination at this site have been extensively studied over the past two decades. The documents produced, including the Remedial Investigation (RI) Report for the Wastebeds 1-8 Site, can be viewed at <http://www.dec.ny.gov/chemical/37558.html>. The Proposed Remedial Action Plan (PRAP) has been developed, please see Response 3D for additional information. With respect to the HHRA, please see Response 12E.

Comment 14C: Why does the amphitheater have to be built on this site? What other sites were considered? Why was this site chosen? Why can't it be built somewhere else -- without the potential health implications (workers having to wear hazmat suits and the potential for later discovery of chemicals more toxic than we thought, for example) and where the costs of building could be so much less? Like on the state fair site for example?

Response 14C: With respect to alternatives please see Response 3C. With respect to potential health implications, please see Response 3D.

Comment 14D: It is not even clear why there is a proposal to build an amphitheater. Amphitheaters usually lose money. Is there even a need for one in this area given the venues we already have -- that are not at full capacity as it is. The commenter hasn't seen any business plan for this venture. It has the potential to be a big financial disaster if not properly thought out. Why are we proposing to spend such huge sums of money on something for which there is no evident need and no business plan?

Response 14D: Please see Response 3B.

Comment 14E: The environmental impact statement does not seem to adequately consider noise. Noise carries more easily across water. This is not addressed in the environmental impact statement.

Response 14E: Please see Responses 2A and 32A.

Comment Letter 15. Hugh Kimball

Comment 15A: The plan before you is a conceptual design, not a complete plan of a complex project. The conceptual design talks about alternatives that may be used as far as protecting pilings from corrosion, and it indicates a possible different location for the docking area just to mention two of many items listed in the Environmental Assessment Form as "to be determined." As a member of a planning board, the commenter would be reluctant to hold a final public hearing, to finalize an EIS, and to approve a project without full plans based on actual site information. He would be concerned that the board could be challenged by someone saying that we did not follow a proper process under SEQOR. That does not mean that the design/build procedure cannot be followed, but indicates that the EIS and project approvals need to be finalized after most of the design portion is completed. He is not a lawyer, but does advise caution against moving the SEQOR process too fast. You should be cautious to ensure you are not signing a blank check. Please allow more time for the public and yourselves to get all the details. Also, since the legislature is the lead agency in the process, the commenter is disappointed that they are not fully represented to hear comments.

Response 15A: With respect to the completeness and adequacy of the DEIS, please see Response 12C. With respect to the EAF and items listed as "to be determined," please see Response 9B. With respect to participation of the legislature, please see Response 24B.

Comment 15B: The illustrations of the amphitheater show spotlights pointed straight out and at an angle up in the air, yet the EAF indicated downcast lights and "dark skies."

Response 15B: When discussing mitigation for impacts to aesthetic resources, DEIS Section 3.5.3, page 78 states, "To minimize potential nighttime impacts from exterior lighting when the proposed facility is *not in use* [emphasis added], exterior lighting will be restricted to the minimum acceptable lighting to ensure security and safety. In addition, all lighting fixtures associated with pedestrian pathways, roads, parking areas, and building exterior areas for the proposed facility will be 'fully shielded' or fitted with opaque hoods, shields, louvers, shades, and/or other devices to insure that all light generated by the light source is directed downward and not outward horizontally. The lighting fixtures will be consistent with the intent of various 'Dark Sky' initiatives (generally speaking; e.g., Dark Sky Society, 2009)."

Comment Letter 16. Gerald Fry

Comment 16A: The commenter is from Buffalo and just wanted to make everyone aware of the problems building on waste dumps. The people here in Syracuse never experienced the sad mess and tragedy that occurred with the problems of the Love Canal in Niagara Falls surfaced. Please be careful and don't be dumb in making the same mistake twice. Safety first!

Response 16A: Please see Response 3D for a detailed discussion of the remediation plan specific to this project site. It should also be noted that health and safety is a very important factor in the adaptive reuse of former waste sites. Beneficial reuse of former industrial sites has progressed greatly over the past 20 years with numerous successes based upon

application of appropriate responses conducted under strict regulatory oversight. Some relevant examples include the following:

- The 38 acre Syosset Landfill site [NYSDEC Environmental Site Remediation Database Site Code 130011] hosts the Town of Oyster Bay animal shelter, the Town of Oyster Bay Department of Public Works office complex, and sanitation yard, which includes vehicle parking and maintenance, composting, and DPW maintenance materials storage. Asphalt has been placed as the surface material in areas of vehicle parking and equipment storage, recycled concrete was used in areas where composting or materials storage is conducted, and a vegetative cover was placed in buffer or undesignated areas.
- The 297 acre Fountain Avenue Landfill [NYSDEC Environmental Site Remediation Database Site Code 224003] and the neighboring (to the southwest) 110 acre Pennsylvania Avenue Landfill [NYSDEC Environmental Site Remediation Database Site Code 224002] are located along the northern shore of Jamaica Bay in the Borough of Brooklyn of the City of New York, Kings County. Both capped and closed landfills are located on property that is owned by the National Park Service and are used as public park lands with hiking trails and access for fishing.

Comment Letter 17. Kay Howard

Comment 17A: There are real issues, such as noise, which is a complaint currently with the State Fairgrounds during large events.

Response 17A: Please see Responses 2A and 32A.

Comment 17B: There are real issues, such as pollution, which is a complaint currently with the State Fairgrounds during large events.

Response 17B: Please see Response 3D.

Comment 17C: There are real issues, such as traffic, which is a complaint currently with the State Fairgrounds during large events.

Response 17C: Please see FEIS Section 2.2.2 (Traffic), which provides a detailed summary of the traffic impact analysis conducted for the proposed amphitheater project. Please also see Comment Letter 33 from the NYSDOT, and the Lead Agency's responses.

Comment 17D: The commenter is very concerned about how the Project may affect wildlife. As the lake is revitalized, it is a forgone conclusion that more animals and birds will gravitate naturally to the area. Large events with constant disruption will certainly have a negative impact on their ability to live and survive there.

Response 17D: Please see Responses 41 D and 41E.

Comment 17E: Fix the Inner Harbor first (which also had grandiose plans that fell through) and then let's talk about the rest of the lakefront.

Response 17E: Comment noted.

Comment Letter 18. Robert Papworth (Verbal Comments Provided at the July 23, 2014 Public Hearing)

Comment 18A: The commenter proposes delaying the project for a year in order to get time to clean up the waste beds 1 through 8 using plasma gasification technology for the purposes of destroying the chemicals in the site without toxic residue of any kind. Plasma gasification and pyrolysis technologies have been developing for the last couple decades so that an entire industry has developed. There are numerous vendors working here in North America and around the globe. Toxic landfills are not permitted in Japan or a number of European countries, and they're discouraged in England by a landfill tax. Here in the U.S. we continue to use open landfills because we're just that extravagant with our land. The commenter provided a listing of some companies that do this type of work, including Phoenix Solutions Company, InEnTec of Oregon,

Westinghouse Plasma Corporation, Advanced Plasma Ltd., Tetronics, Pyrogenesis of Canada, PEAT International, EnterSol Technologies, INEOS Bio, JFE Engineering, Chinook Sciences, TopLine Energy Systems, and Plasco Energy Group. It would be very easy to narrow down this potential list and invite the most likely candidates to come here and explain what they can in Onondaga County.

Response 18A: Please see Response 1A.

Comment 18B: There are a number of categories of problems with wastebeds 1 through 8. They appear to be nearly of pure chemicals. The wastebeds created up the hill to receive the material from the bottom of the Lake is going to be mixed sediment with sand and chemicals co-mingled, and the same would be true for the Nine Mile Brook Stream and for Ley Creek on the opposite side of the Lake. When there is a lot of sand mixed in, it's the practice to treat the material at a temperature that is not plasma level, which is a very intense level of treatment, but rather at a lower level to try to destroy the chemicals without melting all the sand -- because you wind up with a great mass of vitrified matrix that you would have to cart away somewhere else. But the wastebeds 1 through 8, which is the site under discussion here, is nearly pure chemicals and could be treated with plasma gasification. The commenter has a FOIL request to NYSDEC for any information they may have about the specific nature of the chemicals in core samples from the wastebeds that could be forwarded to a plasma gasifier. The solutions here are available and easily accessible. The Project ought to be delayed for a year or two to give an opportunity to bring these technologies to bear on the problem.

Response 18B: Please see Response 1A.

Comment 18C: The commenter states that plasma gasification could also take care of Onondaga County and Cortland County ash disposal with no toxic materials left. If the County owned a plasma gasifier Honeywell could rent this technology and remediate the wastebeds 1-8. Then the county could continue to use this system long range. The

commenter would like the opportunity to set up a meeting between proposed vendors of this technology and the County, the NYSDEC, the EPA, and other interested parties in a County office building.

Response 18C: Comment noted.

Comment Letter 19. Joe Heath (Verbal Comments Provided at the July 23, 2014 Public Hearing)

Comment 19A: This is a sacred Lake. This is where the Peacemaker formed the Confederacy and where the Haudenosaunee came together under the Great Law of Peace. Congress has recognized the Haudenosaunee's contribution to western society. We shouldn't treat it as a wastebed. Let's reclaim it and celebrate the fact that this is a sacred Lake.

Response 19A: The Lead Agency respectfully recognizes the history of the Haudenosaunee in relation to Onondaga Lake.

Comment 19B: This is the last major section of the shoreline of the Lake that we have a chance to really reclaim and restore. We really ought to take a look at whether we could really clean that up and restore it to the park land that the County has designated it to be. The Nation believes that the Lake is a living organism. It supports the fish, the animals, and the reptiles. The waste is harmful to the natural world, it sucks the water out of eggs. The amphitheater will clearly disturb what little wildlife is left there.

Response 19B: In addition to the buildings associated with this project, the proposed Lakeview Amphitheater facility will result in park land that will be available for public use. Currently, the West Shore Trail traverses the site of the project; however, trail users are encouraged to stay on the trail only. Following completion of the Lakeview Amphitheater facility, the public will have access to a greater portion of Lakeview Point in the form of park land, and Onondaga Lake will continue to support fish and other wildlife. The decision as to how the wastebeds are to be remediated is not within the County's control. Further, impacts to wildlife have been fully considered in the DEIS. Please see Responses 41D and 41E.

Comment 19C: When Solvay was dumping their waste there for decades, they also dumped almost any other chemical that they had or that any other company had -- it's called co-disposed waste. So we have a list of chemicals within the Solvay waste, which is really very chilly: benzene, carcinogen. Chromium -- actually the chromium is in the Crucible Steel pocket. When you look at the diagrams you see a baseball shaped field of green in the middle. That's Crucible Steel's waste. Chromium in there with a cap and a very thin layer, so that you can't have trees growing down through the cap because that would get you down into the toxins. We're going to make that permanent as well. You have ethyl benzene, naphthalene, PCBs, PAHs, there's some sewage sludge in there which we know contains heavy metals. Toluene, xylene, DDT. This is why when the EPA did there amended human health risk they recommended construction workers wear haz mat material. This is where we're going to invite families on top of, knowing that most of these very serious chemicals vaporize? So the answer is we're going to put 15 feet of dirt fill on top? But this is not a stable area. The waste is so unstable and sponge-like that the fill will depress it 6 feet. The report says that a temporary road would have to be 4 or 5 feet deep and then it would sink. Otherwise there have been troubles with trucks sinking up to their axles here.

Response 19C: Other than for various phases of construction, this DEIS impact analysis is based upon use of the site with the selected remedies in place. With respect to the stability of the site soils and the remediation plan associated with this project site, please see Response 3D.

Comment 19D: The wastebeds are a very expensive place to build because the waste is salty and has other corrosive properties to it. So it will corrode any steel pilings that are mandatory for this construction. You have to have specially coated steel.. And it will cure concrete, which makes one wonder if it is the best place to build.

Response 19D: Design of the surface and subsurface features of the amphitheater project are being coordinated with technical staff of Honeywell and the involved state and federal

agencies so that they can be implemented in conjunction with the existing and proposed remedies for the site, including both the Crucible and Honeywell elements. Nationally recognized geotechnical experts, familiar with the soil conditions and this site in particular, have assisted the design team (and will continue to do so) in developing facilities, which are compatible with these subsurface conditions. Pile materials and coatings will be chosen for compatibility with the soil media encountered. Borings will be installed in a manner that prevents migration of contaminants (see Response 9A for additional information). Construction work will be carried out consistent with a NYSDEC approved Site Management Plan developed as part of the remediation effort for the larger Waste Bed 1-8 area (see Response 3D for additional detail), a site specific Stormwater Pollution Prevention Plan (SWPPP), and the statewide NYSDEC State Pollution Discharge Elimination System (SPDES) Stormwater General Permit.

Comment 19E: We need more public input. We need more time. Consider extending the public comment period to 90 days. Consider having more public hearings, and not during working hours -- hold them after working hours. What's the rush?

Response 19E: Please see Response 3A.

Comment 19F: Think about whether or not this could ever make money. You're going to take \$30 million, two-and-a-half million a year from the casino settlement. From what we've seen there is no business plan. That is another problem. Seriously. The commenter sits on the board of directors of a small manufacturing company. If he brought a \$30 million proposal with no business plan, he'd need another job. Before you spend taxpayer money, it would be good to see if this could ever make money. These amphitheatres around the country consistently lose money. Saratoga loses money.

Response 19F: Please see Response 3B.

Comment 19G: Do we really need an amphitheater? You've allocated half a million dollars to concerts at the baseball stadium and had one.

Response 19G: Please see Response 3B.

Comment 19H: Is this really the best place for an amphitheater or should we upgrade the State Fairgrounds, which would bring all of the benefits to the local area that certainly are something to look at.

Response 19H: Please see Response 3C.

Comment Letter 20. Alma Lowry (Verbal Comments Provided at the July 23, 2014 Public Hearing)

Comment 20A: The DEIS and related documents really need to recognize the nature of this site. It is not simply man-made land as described in the DEIS, it's not simply an area that was previously used as a landfill. It is an industrial waste landfill which is 60 to 70 feet of contaminants piled on top of what was previously wetland. They're filled with hazardous levels of contaminants. And moving forward to the amphitheater project means we're going to freeze this landscaping in place. We're going to maintain this landfill underneath whatever you build on top of there for the foreseeable future. The DEIS fails to acknowledge the seriousness of the contaminants in the co-disposed waste. The list of hazardous contaminants is long, those are the contaminants that are found exceeding State defined soil clean up objectives that are relevant to the site and relevant to this use that is being proposed. The co-disposed wastes are randomly deposited around the site. They're not in a particular pocket than can be identified and attacked, they're scattered all over.

Response 20A: With respect to the remediation plans for this site please see Response 3D. With respect to the extent of studies that have taken place at this site, please see Response 13C. Please also see Response 16A, which discusses the adaptive reuse of former waste sites, which have been successfully remediated and converted into frequently used land.

Comment 20B: Large areas of the site remain uncharacterized, e.g., the interior of wastebed 6 where you're talking about putting picnic areas, lawn seats, and a community theater building -- that area is probably one of the least sampled areas on the site, so we don't really know where the co-disposed waste and contaminants might be within that area. The human health risk assessment is only as good as the data that goes into it. So it's important that we understand how accurate, how effective that health assessment is, given that we don't have a lot of data about the interior of wastebed 6. When the bike trail went through there was a lot of additional testing that was done along the perimeter of the bike trail. That's when you were bringing hundreds of people onto the site over the course of the year to walk on a paved trail and maybe have a few of them stray off. Now you're talking about thousands of people on the site on a regular basis and there is no additional testing done to determine whether the interior of that site is really safe.

Response 20B: The nature and characteristics of contamination at this site have been extensively studied over the past two decades. Please see Response 13C for additional information.

Comment 20C: The human health risk assessment failed to consider exposure levels and risks to children under the age of six. Those children were not considered likely to stray off the paved bike trail. They were not part of the human health risk assessment that was done for the bike trail and they're not being considered now.

Response 20C: For a detailed discussion of the HHRA's conducted for this site, please see Response 12E.

Comment 20D: The DEIS relies on a remedial action plan to try to prove there is no threat to human health. Keep in mind that the remediation plan is not developed yet. Right now what we have is a range of proposals, putting down a vegetative cover. And the fact that you're moving forward with the DEIS before you have a remediation plan, which

means you don't really know what is going to happen on the site, you don't know how it's going to be controlled, you don't know how your plans are going to interact with those controlled plans. You don't know how long it's going to take for the remediation to be effective. What we do know based on those alternatives that have been discussed is already disconcerting. The preliminary discussion of the preferred method, which is a soil and vegetative cover, estimates that it's going to be about three years from the time it is implemented for that vegetative cover to be fully protective across the site. And the remedial action objectives will take about six to eight years to be fully realized from the time of approval of the remediation plan. You're talking about bringing thousands of people on the site within a year and a half, and the remediation plan won't be fully effective for three to eight years -- that's a concern.

Response 20D: Please see Response 3D.

Comment 20E: There are a lot of proposed options in the DEIS for mitigation. The site management plan, the landscaping, waste line design, all of these are identified as waste mitigating impacts, but we don't know what they are and neither do you. These are hard for the public to comment on without that information and hard for you to make a decision without that information.

Response 20E: Please see Responses 41Q and 41ZL.

Comment 20F: There is no discussion of impact on wildlife.

Response 20F: DEIS Section 3.4 (Biological, Terrestrial, and Aquatic Ecology) discusses wildlife, and includes Section 3.4.1 (Existing Conditions), Section 3.4.2 (Potential Impacts), and Section 3.4.3 (Proposed Mitigation). More specifically, Section 3.4.1.2 addresses Fish and Wildlife, and includes the following subsections: 3.4.1.2.1 (Birds), 3.4.1.2.2 (Mammals), 3.4.1.2.3 (Reptiles and Amphibians), 3.4.1.2.4 (Fish), 3.4.1.2.5 (Wildlife Habitat), and 3.4.1.2.6 (Threatened and Endangered Wildlife Species). DEIS Section

3.4.2.1.2 then discusses construction impacts to Fish and Wildlife, including discussions on the following topics:

- Incidental Injury or Mortality
- Silt and Sedimentation
- Habitat Disturbance/Loss
- Displacement

DEIS Section 3.4.2.1.3 then discusses construction impacts to Threatened and Endangered Species. Following the discussion on construction impacts, DEIS Section 3.4.2.2.2 addresses operational impacts to Fish and Wildlife and includes discussions on the following topics:

- Habitat Loss
- Disturbance/Displacement

DEIS Section 3.4.2.2.3 then discusses operational impacts to Threatened and Endangered Species. Following the discussion on impacts, DEIS Section 3.4.3.2 addresses mitigation for impacts to Fish and Wildlife and DEIS Section 3.4.3.3 addresses mitigation for impacts to Threatened and Endangered Species. Please see also Response 41D and 41E.

Additionally, please also see Comment Letter 8 above from the U.S. Fish and Wildlife Service, and the Lead Agency's responses.

Comment 20G: The range of alternatives being considered is artificially constrained by the purposes that were out up on the site, which quite frankly supports lots of uses other than an amphitheater and really should be considered for other alternatives other than an amphitheater. If you really want an amphitheater, if that's the purpose, then you need to consider other alternatives off this site.

Response 20G: Please see Response 3C.

Comment 20H: The commenter is concerned with the difficulty of making comments in this time frame. Part of the reason she is able to make these comments is that she is familiar with the remedial investigation, the feasibility study, all the documents that Honeywell produced over the years about this site. And she's done EISs before and knows what the system looks like. The community does not. They need time to talk and they need time to ask questions, they need informational meetings, and some additional time to get their thoughts in order. She urges that the public comment period be extended to at least 90 days and that some additional public hearings for that kind of conversation take place.

Response 20H: Please see Response 3A.

Comment Letter 21. Joshua Reap (Verbal Comments Provided at the July 23, 2014 Public Hearing)

Comment 21A: Associated Builders & Contractors (ABC) supports the construction of the amphitheater if it's built openly and competitively, because it will create many construction jobs in the community, and the lasting effects of the finished project, if done right, will help improve the quality of life for the citizens in the region for generations to come. ABC has long supported design-build without any restrictions, such as mandated project labor agreements (PLA). Unencumbered design-build has been proven to be an effective project delivery technique that leads to faster production times and lower costs, and it certainly seems tempting to use design-build on this project. However, when arbitrary prerequisites like PLAs are mandated by the government, it severely diminishes the effects or benefits of using design-build on public works. If any merit shop contractor or ABC member were to accept a PLA mandate on this project, the mandate would require firms to lay off their own qualified locally employed skilled craftsmen and women. Such a position would produce a negative direct impact on the community by creating a financial impact on families and communities. If a contractor chooses to use a PLA on their own, it is because they know what works best for them. However, when a government mandates the use of the PLA it can cause a lot of confusion and inefficiencies and as a result, disastrous

complications to the project. The commenter states that the opposition lies with the Legislation and such opposition is in public record and provided to the clerk.

Response 21A: The specifics raised by the commenter are beyond the purpose and intent of the SEQR review process as set forth at 6 NYCRR 617.1(c) and (d).

Comment Letter 22. Les Monostory (Verbal Comments Provided at the July 23, 2014 Public Hearing)

Comment 22A: The commenter states, on behalf of the conservation and environmental community, that ample opportunity has not been provided to really review the plans. The commenter states that the plans came abruptly earlier this year and no one really has discussed these plans and proposals from the environmental community.

Response 22A: With respect to an extended public comment period, please see Response 3A.

Comment 22B: The commenter believes that the SEQR procedures are not being followed adequately, and that comments were submitted to David Coburn on the fact that the Onondaga County Draft EIS for the Lakeview Amphitheater is deficient in investigating alternatives sites for the project. The SEQR Act requires under two sections of the Scoping document, and the preparation of the Final Environmental Impact Statement, that scoping must analyze the significant adverse impacts and evaluate all reasonable alternatives. The commenter feels this was not done and the County only looked at one site on County-owned property. The major missing element from Onondaga County's evaluation of alternative sites is any evaluation of potential sites located off the County-owned lands. This decision by the County prevents any environmental or fiscal comparison of either the cost or the environmental impact of potential amphitheater sites other than the selected Lakeview site. Alternative sites listed by the commenter include: New York State Fair Grounds, Inner Harbor Location, vacant lands in the Lakeland Community in the Town of Geddes, vacant lands south of Erie Boulevard.

Response 22B: With respect to alternatives, please see Response 3C. With respect to Scoping, please see Response 12B. With respect to the adequacy of the DEIS, please see Response 12C.

Comment 22C: The commenter has stated that this project will have significant impact to an area people considered to be one of the special natural features of Onondaga Lake. And further explained that this project is in contrast to a history of trying to reestablish natural areas along the lakeshore, including the current Honeywell clean-up effort.

Response 22C: With respect to impacts to the natural environment, please see Responses 41D and 41E. With respect to conflicting with Honeywell remediation efforts, please note that the County and their project development team have worked closely with Honeywell throughout the design process to assure the proposed Lakeview Amphitheater does not conflict with Honeywell's ongoing efforts. None of the shoreline enhancement/reestablishment efforts being undertaken by Honeywell will be impeded by the proposed amphitheater project.

Comment Letter 23. Lance Robson (Verbal Comments Provided at the July 23, 2014 Public Hearing)

Comment 23A: The commenter is concerned with the rapid pace of planning and developing a timeline for the Lakeview Amphitheater and believes that the public comment period is far too short. The commenter requests a lengthier comment period and an additional public hearing to address concerns.

Response 23A: Please see Response 3A.

Comment 23B: The Scoping document was not adequately detailed enough in scope or design nor was it site specific enough to lead to an adequate Draft Environmental Impact Statement. As the DEIS was begun and substantially completed well before either a development type or final location were decided on, the document reads more like a Draft Generic Environmental Impact Statement than the project specific DEIS that is required.

Response 23B: With respect to Scoping, please see Response 12B. With respect to the adequacy of the DEIS, please see Response 12C.

Comment 23C: The Region 7 Fish and Wildlife Management Board is concerned with a seemingly casual approach in the DEIS in which a large number of serious undetermined construction processes and design considerations are glossed over. This leaves a reasonable doubt as to the accuracy of the findings. In short, the number of important details left for later decisions would seem to indicate that the drafters did not know, and apparently still don't know, exactly what they were assessing. This also may lead to a weakened and flawed public comment process.

Response 23C: Please see Response 12C.

Comment 23D: The Region 7 Fish and Wildlife Management Board is concerned with the design of the cap over the waste beds as being inadequate. The wastebeds 1 through 8 are not fully mitigated and remediated yet. The Board believes that it is a gamble to state that the project will be able to maintain remediation efforts while construction of the amphitheater is underway all the while protecting the health and safety of construction workers and the public. The board further states that the human health risk assessment is completely inadequate in dealing with the heavy construction in the interior of the project. The DEIS describes the underlying Solvay Process Waste as being of a "silt-like texture with little or no structural development". That in turn is sitting on what is listed as beds of peat and moro. Moro is a clay and sand mixture that has a tendency to be inundated. The Board believes that the cap and underlying substrate are not suitable as a foundation to support proposed construction.

Response 23D: Please see Response 3D.

Comment 23E: Another concern is the loss of what for some years has been intended and widely touted to be a green space for wildlife and native flora to "re-wild" the area.

Response 23E: With respect to impacts to wildlife/ecology, please see Responses 41D and 41E.

Comment 23F: Another issue is the loss of the viewscape of an undeveloped lake shoreline in an urban setting. This extremely rare undeveloped urban landscape feature has been touted and promoted for years by the County and State as a centerpiece of the lake restoration efforts. The radius considered in terms of such impacts was 1 mile. The view across the lake is far longer and a much larger visual radius should be considered in a corrected DEIS.

Response 23F: Please see Response 12G.

Comment 23G: The Board states that waters immediately adjacent to where the project is being planned are open for lawful water fowl hunting and will continue to be after the project is developed.

Response 23G: Please see Response 12I.

Comment 23H: The Board believes the comment period should be substantially lengthened and that the public hearings need to be in the evening when the majority of people can attend them.

Response 23H: Please see Response 3A.

Comment 23I: The Board feels the Draft EIS needs to be updated now that there is actually a location and a plan. And this should have been done before the EIS was published.

Response 23I: Please see Response 12C.

Comment 23J: The Board states that if any funding for the Lakeside trail was through grant money, the use of gates around the amphitheater could conflict with funding guidelines. The Board cautions the County that this project should not conflict and previous funding.

Response 23J: Comment noted.

Comment 23K: The board states that Wastebeds 9-15 are part of the Honeywell consent decree to which Onondaga County was a party and that was a binding consent decree. A major part of the decree deals with the restoration of wildlife in that area. Some species in that area are relatively reclusive and the amphitheater will rest right along such boundary lines. The board would like to see such matter addressed in the next DEIS. And that such type of information needs to be included in the EIS rather than 'To Be Determined Later'.

Response 23K: With respect to impacts to wildlife/ecology, please see Responses 41D and 41E. With respect to the phrase "to be determined", please see Response 9B. Please note that County is not part of the binding consent decree, nor does the proposed amphitheater rest along the boundary line of Wastebeds 9-15.

Comment Letter 24. Hugh Kimball (Verbal Comments Provided at the July 23, 2014 Public Hearing)

Comment 24A: The commenter is concerned with the lack of information provided in the design and scoping documents. The commenter believes the current plan shows a conceptual design and not a complete plan of a complex project. The commenter believes there are unresolved issues like the location of the docking area and how to protect pilings from corrosion. The commenter feels that the process under SEQR is moving too fast for the actual plans for the Project. The commenter would like to caution the against moving the SEQR process too fast, design of this project the comment period extended until the TBDs are resolved and communicated to the public and the legislature.

Response 24A: With respect to the commenter's concern regarding a lack of information, please see Response 12C. Specifically regarding the docking area and protecting the pilings from corrosion, please see Response 9A. With respect to the concern that the SEQR process is moving too fast, please see Response 9B.

Comment 24B: The commenter believes that since the legislature is the lead agency, they are disappointed that the agency is not fully represented at public meetings.

Response 24B: The Lead Agency conducted two SEQR Public Hearings during the DEIS public comment period, on July 23 and August 26, 2014. Both public meetings were held in the Legislative Chambers of the Onondaga County Court House, and both were administered by Onondaga County, serving as the Lead Agency, in accordance with all procedural requirements. Both were attended by a quorum of the legislature and were transcribed for review by all members.

Comment 24C: The commenter states that they initially sent a comment in on the Scoping document about dark skies downcast lighting and was happy to see that it made it to the next phase of the DEIS. However the pictures depicting potential designs of the amphitheater show lights going straight out and lights pointed up into the sky. The commenter feels that dark skies lighting was not incorporated into these designs.

Response 24C: Please see Response 15B.

Comment Letter 25. James Shults (Verbal Comments Provided at the July 23, 2014 Public Hearing)

Comment 25A: The commenter believes that asking people to come to a concert area where there is some question, or where public perception of question, as to whether the area is safe and clean will, without a proper education and convincing, cause the public to be hesitant to use the facility. The commenter notes the lack of enthusiasm witnessed in the public due to this environmental health concern.

Response 25A: Please see Response 3D.

Comment 25B: The commenter strongly recommends that questions be encouraged and that meeting times be set up in evenings and weekends when the public can come together and address these concerns.

Response 25B: Please see Response 3A.

Comment Letter 26. Fred Miller (Verbal Comments Provided at the July 23, 2014 Public Hearing)

Comment 26A: The commenter finds the public review process exclusionary and rushed and that it does not reflect the inclusionary history of projects in this area. The commenter has reflected that the DEIS document is far too lengthy to read and then completely understand in the three weeks allotted. The commenter believes that asking for more time is not unreasonable and that it should be granted by the legislature. The commenter believes more time should be given for review to allow the environmental community and conservation groups fair time to react and understand the project. The commenter states that such a gesture would provide a sense of inclusiveness in the community, to whom which the legislature are responsible for.

Response 26A: Please see Response 3A.

Comment 26B: The commenter believes that this area is an important contrast to the developed sections surrounding the lake. The commenter states that this area is important for recreation in a quiet sense. It is also an area used for interesting wildlife studies by SUNY-ESF and other organizations including engineering firms.

Response 26B: Following implementation of the project, the Lakeview Amphitheater site will still be available to the public for quiet recreation when concerts or other events are not scheduled. In fact, this project will provide public access to a greater portion of Lakeview Point (currently, public access is essentially restricted to the West Shore Trail). Implementation of the project will not prohibit future wildlife studies.

Comment Letter 27. Sarah Eckel (Verbal Comments Provided at the July 23, 2014 Public Hearing)

Comment 27A: The commenter believes that the extension of the public comment period is needed due to the length and complexity of the DEIS document and given the time of year when families and individuals are on vacation. The commenter feels that the public should be given an opportunity to thoughtfully review the document in order to make informed questions. Also public hearings should be accessible to the working public as well.

Response 27A: Please see Response 3A.

Comment 27B: The commenter expressed concern about siting the amphitheater on the wastebeds since the remediation efforts have not yet been completed. The commenter believes that by pushing the project forward, other opportunities in remediation and with the removal of the wastebeds as a whole will be entirely lost.

Response 27B: Please see Response 3D.

Comment 27C: The commenter calls to attention the loss and/or limiting of public access to the bike trail which was just recently created. The commenter feels that the determined location of the amphitheater will cause a redesign of the brand new bike trail and that the opportunity for public access to the entirety of Lakeview point will be lost or impeded upon.

Response 27C: With respect to public access to Lakeview Point, please see Response 26B. With respect to redesign of the bike trail (i.e., West Shore Trail), it is anticipated that a small portion of the trail's footprint will shift slightly to allow the trail users to interact with/experience the amphitheater (when not hosting concerts). However, the overall location of the trail is not anticipated to change.

Comment Letter 28. Amelia LeFevre (Verbal Comments Provided at the July 23, 2014 Public Hearing)

Comment 28A: The commenter believes that an extension of the public comment period is needed due to the length and complexity of the DEIS document. The commenter states that this is not a paid job, and that it is hard for citizens to read and understand the DEIS in the allotted 30 day time frame. The commenter feels that the public should be given an extension of the comment period to 90 days including at least two more public hearings in the evening.

Response 28A: Please see Response 3A.

Comment 28B: The commenter is concerned with how comments are only limited to those in response to the DEIS. The commenter is questioning how the County is being held accountable for responding to other questions that are outside of the comment period and process.

Response 28B: The public comment period and public hearings associated with the Lakeview Amphitheater DEIS have been conducted consistent with the procedural requirements of SEQOR. The purpose of the public comment period and hearings is to obtain public and agency input on the contents of the DEIS.

Comment 28C: The commenter has raised concerns about the environmental impacts and potential impacts to wildlife as a result of the project. The commenter states that Lakeview Point is one of the last open wilderness areas on the lake and it will be destroyed. The commenter is concerned with adverse impact to wildlife as a result of noise from the amphitheater, traffic, vibrations, and a notable increase in human presence. The commenter believes that these concerns were not answered.

Response 28C: With respect to wildlife impacts, please see Responses 41D and 41E.

Comment 28D: The commenter is very concerned with the notion that the project plan rests on a remediation plan which has not been developed yet. The commenter does not understand how a decision on the project can be made without knowing what the

remediation plan is. The commenter expressed concern about siting the amphitheater on the wastebeds since the remediation efforts have not yet been completed. The commenter believes that by pushing the project forward, other opportunities in remediation and also a removal of the wastebeds as a whole will be lost. The commenter expressed the belief that the public needs to have input on the remediation of the wastebeds and if an amphitheater is even necessary, other sites need to be considered first.

Response 28D: Please see Response 3D.

Comment Letter 29. Andy Mager (Verbal Comments Provided at the July 23, 2014 Public Hearing)

Comment 29A: The commenter has stated that rushing this project and the comment period does not fit in honoring the Onondaga Nation's Vision for a Clean Onondaga Lake. The commenter believes that 30 days are an insufficient amount of time to properly deliberate on the project. The commenter requests that the comment period be extended and that additional hearings be added to the agenda.

Response 29A: With respect to rushing the project, please see Response 9B. With respect to increasing the public comment period, please see Response 3A.

Comment 29B: The commenter is concerned with the health risk involved with constructing and operating a facility on top of not only the wastebeds but also on top of the Crucible landfill. The commenter expressed his hesitation with taking children to facilities that only have a foot of dirt on top of dangerous toxins.

Response 29B: Please see Response 3D.

Comment 29C: The commenter shares the need for more jobs and economic development in the community. However, he states that there is no evidence currently that supports the belief that this project will provide any projected economic benefits. The commenter believes that there will be significant ongoing costs after the 70 million dollars needed

for the construction. The commenter has stated that there is no business plan that people can look at and say if it is a good investment of tax payer dollars or not.

Response 29C: Please see Response 3B.

Comment Letter 30. Jim DiBlasi (Verbal Comments Provided at the July 23, 2014 Public Hearing)

Comment 30A: The commenter has expressed concerns with the use of a PLA on the Onondaga Lake Amphitheater. The commenter requests that the county oppose the use of a PLA on this project as it has been revealed that the last substantial project governed by a PLA did not reap any benefits this governmental body sought. As an alternative, the commenter requests that the County use the traditional competitive low bid method when contracting work on the project.

Response 30A: The specifics raised by the commenter are beyond the purpose and intent of the SEQR review process as set forth at 6 NYCRR 617.1(c) and (d).

Comment Letter 31. Ray Cudney (Verbal Comments Provided at the July 23, 2014 Public Hearing)

Comment 31A: The commenter expressed support of the outdoor concert and events venue and believes that if the project is done properly, it has the potential to provide a huge and positive benefit for generations to come. However, the commenter is concerned with the State's arbitrary prerequisite that the County must use the PLA with design build on this project. The commenter states that PLA'S are anti-competitive special interest schemes that end open, fair and competitive bidding on public works projects. They are wasteful and discriminatory, and limit creativity and collaboration by their exclusionary intent. It is the commenter's opinion that PLAs can't ever be justified by someone that has an obligation to uphold taxpayers interest. The commenter believes that time and resources that will be required to perform a feasibility study and share it with any potential design build teams will grossly affect the ability to deliver the results the County seeks. The commenter states that if the County is committed to achieving excellence on the project, then the County should forego the PLA and open up the bidding to the largest group of qualified architects, engineers, and contractors using a

traditional method of delivery. It is then and only then that the County will realize "Best Value" and the taxpayers dollars will be leveraged for maximum benefit.

Response 31A: The specifics raised by the commenter are beyond the purpose and intent of the SEQR review process as set forth at 6 NYCRR 617.1(c) and (d).

Comment Letter 32. Lloyd Withers

Comment 32A: The commenter attached a review of the noise related portions of the DEIS report prepared by Environmental & Safety Associates, LLC, which details a number of deficiencies with the DEIS's findings for the operation of the facility. Topics such as the measurement of ambient sound levels, the noise source analysis, noise propagation of low frequency sound, the unaccounted for differential of noise traveling over water v. land, and operational discipline of performers sound technicians are all insufficiently addressed in the DEIS. Additionally, the DEIS points to specific restrictions in the Town of Geddes code and describes unaddressed issues with sound levels. The Town's more stringent requirements for sound levels between 10:00 pm and 6:00 am are improperly ignored in the DEIS.

Response 32A: Construction noise will be a temporary situation and is not expected to differ greatly from that which is currently taking place as part of the shoreline IRM and the lake dredging and capping operations. Operational noise from concerts has been recognized as an unavoidable adverse impact in the DEIS. As stated in the report, it is noted that the NY State NYSDEC policy guidelines and Town of Geddes Code both reference A weighted sound levels (dBA). The use of dBA as a sound level descriptor is an industry-standard approach and refers to a single-figure-of-merit sound level descriptor which is meant to approximate the frequency sensitivity of normal hearing. The sound maps were prepared using dBA to relate to the relevant guidance documents and codes. We acknowledge, as stated in the DEIS report, that sound propagation from the Amphitheater will also include sound levels having significant low-frequency spectral content which is not readily characterized when sound levels are measured in dBA. The reasons for this include that low frequency sound is more

prominent over long distances, since mid and high frequency sound energy is subject to air absorption and the directionality of low frequency sound is difficult to control. Bass sound energy from the loudspeakers serving the lawn seating will be propagated relatively uniformly and dispersed over a larger radius than the mid and high frequency sounds. For a further discussion regarding noise impacts please see Response 2A and FEIS Section 2.2.4 (Noise).

Comment Letter 33. Mark Frechette (NYSDOT)

Comment 33A: The Department has reviewed the DEIS and associated TIS for the subject project. We noted that the discussion of transportation related issues differs slightly from what is discussed in the TIS. We followed the TIS, but any discrepancies should be corrected.

Response 33A: Due to other comments received from the NYSDOT, the traffic impact study has been revised. The discussion of traffic related issues in the EIS has also been revised to provide consistency between the EIS and the revised traffic impact study.

Comment 33B: The Department believes that a Traffic Management Plan should be included in the EIS. This should include the mitigation suggested, any signs, location of police, etc. We also believe that during a small event, police control should also be included for the Exit 7 ramp and during departures of the large events. Please clarify that the "green" mitigation of an extra lane on the State Fair Boulevard Connector road is a temporary, event-day mitigative measure, not a permanent change. Emergency response access should also be considered and included in the traffic management plan, as well as within the discussion of the TIS.

Response 33B: A preliminary traffic management plan (TMP) has been created and included in the revised traffic impact study. The TMP provides plans for four (4) different event scenarios: small event arrival, small event departure, large event arrival, and large event departure. Temporary lane designation changes, signage and dynamic message board placement, law enforcement intersection traffic control, shuttle

assumptions and potential routing, and emergency response considerations are included. It is expected that this preliminary TMP will be further refined as operations of the facility are determined. The “green” mitigation is a proposed permanent strengthening of the southbound left shoulder of the connector between the Exit 7 ramp and State Fair Boulevard. This would function as a shoulder at all times other than a concert event. This extra pavement width would be utilized as a second travel lane for traffic turning right onto westbound State Fair Boulevard during major concert events.

Comment 33C: NYSDOT reached out to FHWA, and we received the following comments: The traffic analysis was performed for year 2016 but should be done for future conditions - 2036 (implementation year + 20). The region believe that the background traffic should be projected to the year 2036 using a growth rate of 0.3% per year. This moderate growth rate is consistent with the SMTC regional travel demand model that is currently being used for the I-81 Viaduct Project.

Response 33C: The traffic analysis has been modified to assume a 0.3% growth rate. The modified analysis expands the original analysis by modeling projected traffic in the year 2036.

Comment 33D: NYSDOT reached out to FHWA, and we received the following comments: Given the level of complexity and oversaturated conditions with significant queuing, HCM and Synchro alone may not adequately model traffic - micro-simulation (e.g. CORSIM, VISSIM, Paramics) should be considered.

Response 33D: To be responsive to both NYSDOT and FHWA, the traffic model has been reconstructed and analyzed using VISSIM v5.1. At the same time the model was expanded to include the entire I-690 and NY 695 main lines in the network. Results generated by the VISSIM analysis are reflected in a revised traffic impact study which is included as Appendix C of this FEIS.

Comment 33E: NYSDOT reached out to FHWA, and we received the following comments: Another concern is the level of public agency staff resources that will be necessary to support events and provide information to the public. There should be a clear identification and agreement of the roles and responsibilities for each group (e.g. the TMC, law enforcement).

Response 33E: The preliminary traffic management plans contained in the revised traffic impact study illustrate the assumed resources necessary to provide traffic mitigation during events. Actual division and delegation of responsibilities between involved agencies will need to be finalized before the venue is open for operation.

Comment 33F: NYSDOT reached out to FHWA, and we received the following comments: Are DMS signs and website information enough to get all information out to motorists that they need? Should HAR (along with flashing beacon signs) be employed? You may want to request a preliminary signage plan that includes portable VMS for the freeways and arterial/local streets. Will there be a system in place for identifying when one of the parking lots is near capacity and directing motorists accordingly?

Response 33F: Preliminary traffic management plans have been created for four scenarios: small event arrival, small event departure, large event arrival, and large event departure. The plans are included in the revised traffic impact study. The plans assume using a combination of manned traffic control on both highways and in parking lots, all in radio or cell phone communication with each other, along with static signs, variable message signs, and dynamic message signs. Website postings and social media are also effective means of communicating directions to the public and may be utilized. Other possible strategies would include Highway Advisory Radio or interactive message control of electronic signs from the NYSDOT traffic management center. Parking for the facility will be accommodated with the Orange and Brown State Fair parking lots. The Orange Lot is estimated to be able to accommodate approximately 6,500 vehicles. While the Orange Lot will be able to accommodate the small, local event demand, use of the Brown Lot, which has an estimated capacity of 3,500

vehicles, with a connecting shuttle bus service to the amphitheater entrance will be necessary for larger events that approach the amphitheater's seating capacity. When that occurs police and attendants would direct traffic to the excess capacity in the Orange Lot. This would typically happen past the peak arrival hour, so routing additional traffic to the Orange Lot would not be anticipated to cause operational issues on the highway network. The combined use of these two lots will be able to accommodate the 7,000 vehicles anticipated with a large, sold out event. If an event at the Amphitheater is held in conjunction with the State Fair, other State Fair lots, off-site lots and shuttle service currently used for the State Fair would be available to patrons.

Comment Letter 34. Frank Lepkowski

Comment 34A: I read in today's paper that if the proposed amphitheater is built along the shores of Onondaga Lake that on concert days the trail will be blocked off by gates. I have walked the new trail and it is great. The new bike path has a peaceful feel to it (you can hear birds chirping). Many of us would like to use the trail later in the day. Putting gates up to block use of the trail on concert days means that the bike path will be off limits on many summer days. I'm totally against putting the amphitheater at the proposed site. It should be put someplace else.

Response 34A: The intent of this project is to provide public access to a greater portion of Lakeview Point. Currently, public access is restricted to the West Shore Trail. Following project implementation, numerous portions of Lakeview Point that are currently inaccessible to the public will become accessible. The need to close off access to the portion of the bike trail traversing the foot print of the amphitheater grounds during paid events is an unavoidable impact of the proposed action. However, every effort will be made to minimize the duration of such closures.

Comment Letter 35. Mary Kuhn

Comment 35A: As a citizen of Onondaga County, I am writing to express my deepest disapproval regarding the plans to construct an amphitheater on Onondaga Lake. The risk of toxicity is too great.....less money might be spent by improving the Grand Stand at the Fair rather than at this venue. State monies would be better spent improving our infrastructure. I love concerts, I go to concerts but we do not need this amphitheater in this spot at this time.

Response 35A: With respect to the commenter's concern regarding the risk of toxicity please see Response 3D. With respect to alternate locations, please see Response 3C. With respect to economic considerations please see Response 3B.

Comment Letter 36. Peter Michel

Comment 36A: Key documents that are necessary to provide an informed analysis of the potential impacts have not been developed or made available to the public, leaving many important questions unanswered. Without understanding the extent of the potential impacts, the ability to mitigate impacts is also unknown. We simply don't know enough to be assured that our environment, public health, economy, and quality of life will not be adversely impacted by the proposed amphitheater. The Onondaga County Legislature should hold the DEIS open until key documents and plans are available for review by the public. These include a business plan, site remediation and management plans, long-term traffic mitigation measures, and detailed construction plans for building on unstable wastebeds. Without this information neither the public nor the County Legislature can form a complete picture of the environmental impacts of this project and balance them against the Project's social and economic benefits, as required by the SEQ. As we look to the future of how Onondaga County residents use the lakeshore, it's important for us to do this right and carefully consider the environmental, economic, and public health impacts of any project proposed. It's time to take a step back and allow a more thorough review of all the potential impacts before making a determination on this Project.

Response 36A: With respect to the adequacy of the DEIS, please see Response 12C. With respect to a business plan, please see Response 3B. With respect to a remediation plan, please see Response 3D. With respect to traffic mitigation measures, please see Response 3H and FEIS Section 2.2.2. With respect to detailed construction plans, please see Response 41Q.

Comment 36B: The wastebeds contain harmful chemicals, including known and suspected carcinogens, which have been found in the surface and sub-surface soils. How can we be assured that human exposure to contaminants on site will be properly controlled through a site remediation plan that hasn't even been drafted yet?

Response 36B: Please see Response 3D.

Comment 36C: Bird surveys of the area have documented the presence of important species, including bald eagles, osprey, and common terns. The DEIS fails to appropriately measure the potential impact that construction and operation of the facility will have on birds and wildlife, doesn't adequately document the species present at the site that may be negatively impacted, and fails to consider the impacts on adjacent areas or fragmentation effects. How will these important issues be addressed in order to protect birds and other wildlife?

Response 36C: With respect to impacts to bird species, please see Response 41F. With respect to wildlife impacts please see Responses 41D and 41E.

The commenter's claim that the DEIS doesn't adequately document the species present at the site is wholly inaccurate. Section 3.4.1.2 (Biological, Terrestrial, and Aquatic Ecology, Existing Conditions, Fish and Wildlife) states, "Fish and wildlife resources at the Project site were identified through analysis of existing data sources, correspondence with the NYNHP, and on-site field surveys conducted by OBG and EDR. Specific information on fish and wildlife resources at the Project site is presented below, organized into sub-sections focused on birds, mammals, reptiles and

amphibians, fish, wildlife habitat, and threatened and endangered species. A complete list of wildlife species documented in the vicinity of the Project site, including scientific names, is included in Appendix A." DEIS Section 3.4.1.2.1 (Biological...Existing Conditions...Birds) further states, "Based on existing data, on-site investigations, existing habitat conditions, and species range, it appears that approximately 200 avian species could use the Project site at some time throughout a given year. Details on the Project site's avian community are presented below..." The DEIS then goes on to address breeding birds and wintering birds in significant detail.

Comment 36D: Tentative plans call for laying down six or more feet of fill to support roads and smaller structures, driving support piles down to bedrock 200 feet below the waste for large structures, and potentially employing a range of mechanisms to protect support piles against the corrosive effects of the Solvay waste. Without a final construction design, how can we ensure that structures can be safely built on the wastebeds, which are unstable and corrosive to steel and concrete?

Response 36D: Please see Response 3D.

Comment Letter 37. Robert Papworth

Comment 37A: There is no doubt that thermal treatment technologies are capable of remediating the toxic elements in each of the sub-sites of the Onondaga Lake project. It is remarkable that, during the last 20 years, no mention exists in the documentation of the superfund planning of study and analysis of the potential for using thermal treatments. The most intensive thermal treatment, plasma gasification, is undoubtedly capable of destroying the chemicals in Wastebeds 1-8. Moreover, a less intensive thermal treatment (sub-plasma) also is capable of remediating the same wastebeds, as well as other sub-sites, in the Onondaga Lake project.

Response 37A: Please see Response 1A.

Comment Letter 38. Bob Snyder

Comment 38A: Key documents that are necessary to provide an informed analysis of the potential impacts have not been developed or made available to the public, leaving many important questions unanswered. Without understanding the extent of the potential impacts, the ability to mitigate impacts is also unknown. We simply don't know enough to be assured that our environment, public health, economy, and quality of life will not be adversely impacted by the proposed amphitheater. The Onondaga County Legislature should hold the DEIS open until key documents and plans are available for review by the public. These include a business plan, site remediation and management plans, long-term traffic mitigation measures, and detailed construction plans for building on unstable wastebeds. Without this information neither the public nor the County Legislature can form a complete picture of the environmental impacts of this project and balance them against the Project's social and economic benefits, as required by the SEQR. As we look to the future of how Onondaga County residents use the lakeshore, it's important for us to do this right and carefully consider the environmental, economic, and public health impacts of any project proposed. It's time to take a step back and allow a more thorough review of all the potential impacts before making a determination on this Project.

Response 38A: With respect to the adequacy of the DEIS, please see Response 12C. With respect to a business plan, please see Response 3B. With respect to a remediation plan, please see Response 3D. With respect to traffic mitigation measures, please see Response 3H and FEIS Section 2.2.2. With respect to detailed construction plans, please see Response 41Q.

Comment 38B: The wastebeds contain harmful chemicals, including known and suspected carcinogens, which have been found in the surface and sub-surface soils. How can we be assured that human exposure to contaminants on site will be properly controlled through a site remediation plan that hasn't even been drafted yet?

Response 38B: Please see Response 3D.

Comment 38C: Bird surveys of the area have documented the presence of important species, including bald eagles, osprey, and common terns. The DEIS fails to appropriately measure the potential impact that construction and operation of the facility will have on birds and wildlife, doesn't adequately document the species present at the site that may be negatively impacted, and fails to consider the impacts on adjacent areas or fragmentation effects. How will these important issues be addressed in order to protect birds and other wildlife?

Response 38C: With respect to impacts to bird species, please see Response 41F. With respect to wildlife impacts please see Responses 41D and 41E. With respect to the Commenter's claim that the DEIS doesn't adequately document the species present at the site, please see Response 36C.

Comment 38D: Tentative plans call for laying down six or more feet of fill to support roads and smaller structures, driving support piles down to bedrock 200 feet below the waste for large structures, and potentially employing a range of mechanisms to protect support piles against the corrosive effects of the Solvay waste. Without a final construction design, how can we ensure that structures can be safely built on the wastebeds, which are unstable and corrosive to steel and concrete?

Response 38D: Please see Response 3D.

Comment Letter 39. Anonymous ("rtoad21")

Comment 39A: Key documents that are necessary to provide an informed analysis of the potential impacts have not been developed or made available to the public, leaving many important questions unanswered. Without understanding the extent of the potential impacts, the ability to mitigate impacts is also unknown. We simply don't know enough to be assured that our environment, public health, economy, and quality of life will not be adversely impacted by the proposed amphitheater. The Onondaga County Legislature should hold the DEIS open until key documents and plans are available for

review by the public. These include a business plan, site remediation and management plans, long-term traffic mitigation measures, and detailed construction plans for building on unstable wastebeds. Without this information neither the public nor the County Legislature can form a complete picture of the environmental impacts of this project and balance them against the Project's social and economic benefits, as required by the SEQR. As we look to the future of how Onondaga County residents use the lakeshore, it's important for us to do this right and carefully consider the environmental, economic, and public health impacts of any project proposed. It's time to take a step back and allow a more thorough review of all the potential impacts before making a determination on this Project.

Response 39A: With respect to the adequacy of the DEIS, please see Response 12C. With respect to a business plan, please see Response 3B. With respect to a remediation plan, please see Response 3D. With respect to traffic mitigation measures, please see Response 3H and FEIS Section 2.2.2. With respect to detailed construction plans, please see Response 41Q.

Comment 39B: The wastebeds contain harmful chemicals, including known and suspected carcinogens, which have been found in the surface and sub-surface soils. How can we be assured that human exposure to contaminants on site will be properly controlled through a site remediation plan that hasn't even been drafted yet?

Response 39B: Please see Response 3D.

Comment 39C: Bird surveys of the area have documented the presence of important species, including bald eagles, osprey, and common terns. The DEIS fails to appropriately measure the potential impact that construction and operation of the facility will have on birds and wildlife, doesn't adequately document the species present at the site that may be negatively impacted, and fails to consider the impacts on adjacent areas or fragmentation effects. How will these important issues be addressed in order to protect birds and other wildlife?

Response 39C: With respect to impacts to bird species, please see Response 41F. With respect to wildlife impacts please see Responses 41D and 41E. With respect to the Commenter's claim that the DEIS doesn't adequately document the species present at the site, please see Response 36C.

Comment 39D: Tentative plans call for laying down six or more feet of fill to support roads and smaller structures, driving support piles down to bedrock 200 feet below the waste for large structures, and potentially employing a range of mechanisms to protect support piles against the corrosive effects of the Solvay waste. Without a final construction design, how can we ensure that structures can be safely built on the wastebeds, which are unstable and corrosive to steel and concrete?

Response 39D: Please see Response 12C.

Comment Letter 40. Robert Simpson

Comment 40A: Central New York has a unique economic opportunity in its diverse and vast waterfront resources. Despite its troubled history, Onondaga Lake is witnessing a rebirth that puts it at the forefront for renewed investment. Revitalization of our communities' lakefronts and water resources has been made a priority by the CNY Regional Economic Development Council. The Council has called for making investment in the region's waterways through, among other strategies, mixed-use redevelopment and marketing of recreational and heritage tourism. The proposed Lakeview Amphitheater Facility at the lake's western shore is in line with these priorities.

Response 40A: Comment noted.

Comment 40B: Between the County's municipal infrastructure improvements and Honeywell's ongoing industrial remediation efforts, nearly \$1 billion is being invested in the cleanup of Onondaga Lake. Additionally, more than \$350 million in investment is planned at the Inner Harbor, which will bring new commercial and residential development. A new

amphitheater would only further increase the visibility of this reclaimed natural resource, strengthening its potential to attract first-class entertainment that would draw residents and visitors from near and far. This project has the potential to enhance quality of life elements for the community, bringing new vibrancy and energy to the lakeshore. There is untapped tourism potential for the Syracuse Convention and Visitors Bureau to promote the high-quality entertainment events destined to perform in this facility, as well as selling use of the venue for potential conference and event planners. The Amphitheater stands to create an entertainment showcase that could attract concertgoers from a service region stretching from Binghamton to Ottawa, and beyond. There is also the opportunity to stimulate infrastructure improvements in the town of Geddes as part of this project. Successfully connecting these two components, while driving economic benefits, will depend on continued partnership building among all stakeholders.

Response 40B: Comment noted.

Comment 40C: The commenter recommends a competitive analysis to determine how the facility interacts locally (e.g., with the New York State Fairgrounds, especially as the grandstand reaches the end of its structural life) while competing with other similar facilities along the NYS Thruway.

Response 40C: With respect to economic considerations, please see Response 3B.

Comment 40D: The Amphitheater should work collaboratively with other recreational resources adjacent to Onondaga Lake, while carefully communicating the significance of the lake to the Haudenosaunee. Thanks to the commitment of local, state, and federal partners, Onondaga Lake has made vast improvements in recent years, making it one of the county's most unique assets for resident use and visitor attraction. The Lakeview Amphitheater only stands to further enhance these existing benefits.

Response 40D: Comment noted.

Comment Letter 41. Joseph Heath

Comment 41A: Onondaga Lake is sacred to the Onondaga and Haudenosaunee people. It was on the shores of the Lake that, over 100 years ago, the Peacemaker brought together the then Five Nations to form the Haudenosaunee Confederacy under the Great Law of Peace. The Lake is also the birthplace of western democracy. Historically, Onondaga Lake was central to the Nation's way of life, providing material goods such as fish, food and medicinal plants, and salt. The Lake should be properly treated as a sacred site, and not have its shores covered in up to 80 feet of industrial wastes. The Onondaga Nation and Haudenosaunee have an obligation to care for the land on which we all live, to ensure that future generations have clean air and clean water, and to help protect natural areas and wildlife. The Nation is working for a healing of the relationship between the land and the water; and among themselves and the people of Central New York. The Nation has a sacred duty to work toward its vision of the lake and surrounding areas as an integrated and functioning ecosystem.

Response 41A: The Lead Agency respectfully recognizes the history of the Onondaga Nation and the Haudenosaunee in relation to Onondaga Lake.

Comment 41B: The Nation has consistently advocated for the removal of the industrial wastes that currently ring Onondaga Lake. The Nation has serious concerns about constructing an entertainment venue on Wastebeds 1-8, which will institutionalize a permanently polluted landscape on the western shores of the Lake and preclude additional remediation.

Response 41B: Remedial activities for this site are being evaluated and will be determined by other governmental agencies in accordance with the procedures prescribed by CECRLA and NYSDEC regulations. The Lead Agency respectfully recognizes that the Nation has consistently advocated for removal of the industrial waste as part of the remediation of the site during that evaluation process. The selection of the appropriate remedy is beyond the scope of the action under consideration by the Lead Agency and is not

within the Lead Agency's control.. Please see Responses 1A and 3D for additional information.

Comment 41C: There are serious flaws with the DEIS itself and with the limited opportunities being provided by the County for public deliberation regarding this proposal. The purpose of SEQR review is to ensure that the environmental impacts of state actions are identified early and mitigated or avoided to the extent possible. To meet this goal, agencies are required to take a "hard look" at the environmental impacts of a project, potential mitigation measures for those impacts, and a range of alternative designs that might limit impacts. Agencies are then required to weigh unavoidable environmental impacts against the social and economic benefits expected from a project and to provide a "reasoned elaboration" of the basis for their final decision. The DEIS produced for this project utterly fails to meet this obligation, omitting significant impacts, glossing over potential mitigation, and unduly constraining its alternatives analysis. Without significant revision, it is difficult to see how this DEIS will allow the County to provide a "reasoned elaboration" of its decision on this project.

Response 41C: The SEQR process has been and continues to be transparent, robust, and inclusive of public participation, including steps that are considered "optional" under SEQR (e.g., public scoping, public hearings). As stated in Section 2.5.1 (SEQR Process), page 19 of the DEIS, "Onondaga County, as Lead Agency... initiated the Public Scoping Process on April 4, 2014. Public scoping represents an initial step in the review of potential environmental impacts under SEQR. The primary goals of scoping (which is an optional step in the SEQR process) are to focus an EIS on potentially significant impacts and to eliminate consideration of those impacts that are irrelevant or non-significant. A draft scoping document for the proposed Lakeview Amphitheater was released for public and agency review and comment on April 11, 2014. The comment period provided an opportunity for agencies and the public to review and comment on the identification of significant environmental conditions and resources that may be affected by the proposed action, and the extent and quality of information necessary to address those issues during the SEQR process. The comment period ended on May

12, 2014. A final scoping document was issued May 22, 2014, which identified the significant environmental conditions and resources that may be affected by the proposed Lakeview Amphitheater, and defined the extent and quality of information necessary to address those issues.”

It should also be noted that the Lead Agency extended the public comment period on the DEIS, please see Response 3A for additional information. As a result of this process, the Lead Agency has made every effort to identify potentially significant impacts in the DEIS and/or this FEIS, and mitigation measures have been evaluated and proposed to address these impacts. Where impacts cannot be completely mitigated, these have been identified as unavoidable impacts in Section 4.0 of the DEIS. With respect to alternatives, please see Response 3C. With respect to sufficiency of the DEIS, please see Responses 3E and 12C.

Comment 41D: The western shore of Onondaga Lake provides a rare wildlife resource – undeveloped, ungrouted natural area along an urban lake shore. The proposed Lakeview Amphitheater will permanently displace 70 acres of undeveloped land, almost 20% of the undeveloped or minimally developed land remaining along the western shore of Onondaga Lake. It will temporarily disrupt an additional 30 acres and will fragment the broader undeveloped area. However, the DEIS minimizes disruption to wildlife and vegetation, fails to quantify off-site impacts, and completely ignores fragmentation and other potential negative effects of the project on wildlife and habitat. The DEIS mentions some construction-related impacts, including direct habitat loss and disturbance, disruption from additional noise and human activity, potential silt and sediment impacts on aquatic wildlife, and possible accidents involving wildlife and construction equipment. However, these impacts are characterized as insignificant, since “the western shoreline of Onondaga Lake (including portions of the project site) has been experiencing disturbance from construction-related machinery for years” (DEIS, p. 59). This dismissive assertion fails to consider the distance between other remediation activities and this site; differences between concentrated, intensive construction in a previously undisturbed area and more scattered remediation

activities; the effects of fragmentation on the larger parcel; or the importance of the potential renaturalization of this area in light of on-going disturbances throughout the remainder of the lakeshore.

Response 41D:

The DEIS does not minimize disruption to wildlife and vegetation but rather specifically identifies the anticipated impacts. When addressing potential construction related impacts to vegetation, DEIS Section 3.4.2.1 states, "construction-related impacts to vegetation include cutting/clearing, removal of stumps and root systems, and increased exposure/disturbance of soil. Along with direct loss of (and damage to) vegetation, these impacts can result in a loss of wildlife food and cover, increased soil erosion and sedimentation, a disruption of normal nutrient cycling, and the introduction or spread of invasive plant species...These activities will result in the disturbance of up to approximately 78 acres of shrub/forest vegetation and 22 acres of capped landfill vegetation..." Impacts to wildlife are also specifically identified in Section 3.4.2.1.2. When discussing Incidental Injury or Mortality, the DEIS states this impact "...should be limited primarily to sedentary/slow-moving species such as small mammals, reptiles, and amphibians...If construction occurs during the nesting season, wildlife subject to mortality could also include the eggs and/or young offspring of nesting birds, as well as immature mammalian species that are not yet fully mobile." When discussing Silt and Sedimentation, the DEIS states construction "...may result in sediment and siltation impacts to aquatic habitat. Siltation and sedimentation of water bodies can adversely affect water quality and aquatic habitat. It can interfere with the respiration of aquatic organisms and the survival of fish and amphibian eggs and larvae." When discussing Displacement, the DEIS states this will result "...due to the noise and human activity associated with Project construction. Within New York State, peak breeding time for birds common to successional forest and grassland habitat occurs in late spring and early summer (i.e., May and June). If construction begins before the initiation of breeding activities, then most breeding birds would likely avoid nesting in active construction areas. If construction begins during the breeding

season, then some breeding birds are expected to remain in the area, increasing their risk of construction-related injury or mortality..." The DEIS also addresses potential impacts to Threatened and Endangered Species. Specifically, Section 3.4.2.1.3 states, "...there are no known occurrences of rare or endangered plant species at the Project site, and no construction-related impacts to listed plants or significant natural communities are anticipated... the Project site...provides suitable roosting and foraging habitat for Indiana bat and northern long-eared bat, and is within the range of the nearest hibernaculum. Therefore, it is assumed that both these protected bat species may utilize the Project site. If construction occurs during spring, summer, or fall when bats are active (i.e., not hibernating), roosting bats could be subject to mortality as a result of site clearing activities. In addition, human activity and noise associated with Project construction could result in disturbance/displacement of protected bats...Additional listed species documented in the area are listed above in Table 2. All of these species were detected in low numbers, and most were not actually observed at the Project site. Therefore, the potential risk of Project construction disturbing these species is considered remote."

With respect to fragmentation, it should be noted that Lakeview Point does not contain undisturbed, continuous habitat. As depicted in Image 3-1 (2014 Aerial Photograph of Project Area), page 59 of the DEIS, the proposed location of the amphitheater facility contains numerous existing and ongoing disturbances, including the recently opened West Shore Trail and construction access roads/excavations/staging areas/disturbances associated with Honeywell's remedial activities.

The following provides a summary of the wildlife impact evaluations in the DEIS: DEIS Section 3.4 (Biological, Terrestrial, and Aquatic Ecology) discusses wildlife, and includes Section 3.4.1 (Existing Conditions), Section 3.4.2 (Potential Impacts), and Section 3.4.3 (Proposed Mitigation). More specifically, Section 3.4.1.2 addresses Fish and Wildlife, and includes the following subsections: 3.4.1.2.1 (Birds), 3.4.1.2.2 (Mammals), 3.4.1.2.3 (Reptiles and Amphibians), 3.4.1.2.4 (Fish), 3.4.1.2.5 (Wildlife Habitat), and 3.4.1.2.6 (Threatened and Endangered Wildlife Species). DEIS Section

3.4.2.1.2 then discusses construction impacts to Fish and Wildlife, including discussions on the following topics:

- Incidental Injury or Mortality
- Silt and Sedimentation
- Habitat Disturbance/Loss
- Displacement

DEIS Section 3.4.2.1.3 then discusses construction impacts to Threatened and Endangered Species. Following the discussion on construction impacts, DEIS Section 3.4.2.2.2 addresses operational impacts to Fish and Wildlife and includes discussions on the following topics:

- Habitat Loss
- Disturbance/Displacement

DEIS Section 3.4.2.2.3 then discusses operational impacts to Threatened and Endangered Species. Following the discussion on impacts, DEIS Section 3.4.3.2 addresses mitigation for impacts to Fish and Wildlife and DEIS Section 3.4.3.3 addresses mitigation for impacts to Threatened and Endangered Species.

Comment 41E: The DEIS also downplays the potential negative impacts of project operation on wildlife. The County points to limited remediation activities occurring on and around this site to argue that wildlife are habituated to human presence and will not be significantly affected by the noise, lights, and intensive human use generated by multiple large concerts throughout the course of the summer. However, these uses are quite different. If successful, the Amphitheater will routinely draw almost eighteen thousand people to the site for large concerts, hundreds of people for community theater events, and additional regular daytime visitors to its more scattered trails, nature areas and picnic sites. The DEIS provides no data or other evidence to justify its inappropriate comparison of intense, dispersed, unpredictable human use

throughout the event complex and related trail systems to localized and limited construction operations. The DEIS also fails to consider differences in duration, timing, or quality of noise generated by construction to that generated by rock concerts; differences in lighting required for confined construction operations versus lighting needed to ensure the safety of thousands of concert-goers and to create the concert atmosphere desired by performers; or the differences between temporary construction disturbances and summer-long disruptions extending into the foreseeable future.

Response 41E: The DEIS specifically addresses multiple impacts to wildlife that may result from project operation. Habitat Loss is identified as an operational impact in DEIS Section 3.4.2.2.2, which states, "A total of up to approximately 70 acres of existing wildlife habitat (successional shrubland/forest and capped landfill) will be converted to built facilities and maintained lawns/parkland. Therefore, portions of the existing successional habitat currently on-site will be unavailable as wildlife habitat throughout the operational life of the Lakeview Amphitheater... The conversion of up to approximately 70 acres of undeveloped/successional shrubland/forest and grassland (capped landfill) at the Project site to built communities and mowed lawns represents a somewhat significant loss of existing wildlife habitat (i.e., approximately 18% of the minimally developed/undeveloped County-owned land on the west shore)." Loss of wildlife habitat is also identified as an Unavoidable Adverse Impact in Section 4.0 of the DEIS.

Disturbance/Displacement is also identified as an operational impact in DEIS Section 3.4.2.2.2, which states, "Habitat alteration and disturbance resulting from the operation of the Lakeview Amphitheater could make adjacent areas unsuitable or less suitable for nesting, foraging, resting, or other wildlife use. The true amount of wildlife habitat altered by the Project may extend beyond the functional project footprint, due to the increased human activity, along with the sporadic bright lighting and high sound levels from amphitheater events. However, as previously indicated the western shoreline of Onondaga Lake (including portions of the Project site) has been experiencing

disturbance from construction-related machinery for many years, during both daytime and nighttime hours.” With respect to habituation to ongoing noise activities, because remedial activities using large construction equipment has been occurring for years, it is reasonable to assume that wildlife that consistently uses Lakeview Point has habituated to such activities. Typical noise levels caused by the Honeywell remedial activities are anticipated to be similar to that which is reported in the Roadway Construction Noise Model User’s Guide (USDOT, 2006), the Power Plant Construction Noise Guide (Bolt *et. al.*, 1977), and Procedures for Abatement of Highway Traffic Noise and Construction (USDOT, 1995). The following table summarizes noise levels from construction equipment:

Equipment	Estimated Sound Pressure Level at 50 feet (dBA)	Estimated Sound Pressure Level at 2000 feet (dBA)
Crane	85	53
Forklift	80	48
Backhoe	80	48
Grader	85	53
Man basket	85	53
Dozer	83-88	51-56
Loader	83-88	51-56
Scissor Lift	85	53
Truck	84	52
Welder	73	41
Compressor	80	48
Concrete Pump	77	45

Sources: Bolt *et al.*, 1977; USDOT, 1995; USDOT, 2006.

Other construction equipment operates at higher noise levels, such as a rock drill (100 dBA at 50 feet and 64 dBA at 1200 feet) and chipper (96 dBA at 50 feet and 66 dBA at 1200 feet). In comparison, the Noise Propagation Analysis conducted specifically for the proposed amphitheater, which is included in the DEIS as Appendix H, provides anticipated noise levels resulting from concerts. As indicated in DEIS Appendix H (and as depicted in the DEIS narrative in Image 3-8 on page 107), noise levels are estimated at 100 dBA immediately adjacent to the amphitheater, and 70 dBA

approximately 2500 feet from the center point of the amphitheater. However, as indicated in DEIS Section 3.9.2.2 (Noise and Odor, Potential Impacts, Operation), "Sound levels of this magnitude will occur during loud rock and pop music concerts, which can be considered a worst-case scenario." Large concerts will be an intermittent occurrence over several months in a given year. Therefore, the amphitheater will not generate noise (or light) on remaining days of a given year, and the project site will be quieter and experience less disruption during non-concert days in comparison to the ongoing remedial activities.

It should also be noted that the DEIS also analyzes potential operational impacts to Threatened and Endangered (T&E) species. A comprehensive accounting of T&E species is first provided in the existing conditions discussion (DEIS Section 3.4.1.2.6), which states, "...a written request for listed species documentation was sent to the New York Natural Heritage Program (NYNHP). The response letter indicates several occurrences of Indiana bat (*Myotis sodalis*) adjacent to the Project site. This species is both state- and federally-listed as endangered. In addition, the USFWS online consultation identified Indiana bat, northern long-eared bat (*Myotis septentrionalis*), bog turtle (*Clemmys muhlenbergii*), and eastern massasauga (*Sistrurus catenatus*) as federally-listed species that are known to occur in Onondaga County, and could potentially be found at the Project site." When addressing operational impacts to T&E species, DEIS Section 3.4.2.2.3 states, "As described above in Section 3.4.1.2.6, there is no habitat at the Project site for bog turtle or eastern massasauga. Consequently, operation of the proposed Project will have no adverse impact on these species. Similarly, there are no known occurrences of rare or endangered plant species at the Project site, and no operational impacts to listed plants or significant natural communities are anticipated. Human activity and noise associated with events at the Lakeview Amphitheater could result in disturbance or displacement of protected bat species. It is anticipated that any displaced bats would move into similar habitat found both to the north and south of the Project site. Additional listed species documented in the area are listed above in Table 2. All of these species were detected in low numbers, and most were not actually observed at the Project site. Therefore, the

potential risk for the operating amphitheater to disturb these species is considered remote.”

When evaluating impacts, it is also important to consider proposed mitigation measures. To that end, DEIS Section 3.4.3 (Proposed Mitigation) discusses such measures, including “Mitigation of impacts related to construction activity will be accomplished through careful site design (e.g., avoiding sensitive habitat), adherence to designated construction limits, and avoidance of off-limit sensitive areas...To avoid and minimize impacts to aquatic resources resulting from construction-related siltation and sedimentation, an approved sediment and erosion control plan and Storm Water Pollution Prevention Plan (SWPPP) will be implemented. Proper implementation of these plans will assure compliance with NYSDEC State Pollutant Discharge Elimination System (SPDES) regulations and New York State Water Quality Standards...Mitigation for impacts related to habitat loss/conversion will be accomplished through careful site design (i.e., minimizing the conversion of habitat to the extent practicable), restoration of all temporarily disturbed areas, and coordinating restoration efforts with the long-term remedy to be implemented by Honeywell... Mitigation for avian impacts includes elements of the Project’s design. Specifically, the buildings associated with the Project will incorporate bird-friendly design” With respect to bird-friendly design, please also see Response 104B.

Specific to mitigating impacts to T&E species, DEIS Section 3.4.3 states, “To avoid mortality of protected bat species that could be roosting in trees at the Project site, tree cutting will be restricted to between October 15 and March 31, when Indiana and northern long-eared bat are hibernating off-site. It is anticipated that the tree cutting timeframe will be applied to trees greater than or equal to 5 inches diameter at breast height (dbh)... To minimize potential nighttime impacts associated with exterior lighting when the proposed facility is not in use, the minimum acceptable lighting to ensure security and safety will be used... The lighting fixtures will be consistent with the intent of various “Dark Sky” initiatives.” Further, please note Comment Letter 8, which was written by the U.S. Fish and Wildlife Service (USFWS). The USFWS administers the

federal Endangered Species Act (ESA). After indicating their appreciation for the mitigation measures set forth in the DEIS, the USFWS recommend additional conservation measures, which have been agreed to. Subsequently, the USFWS states, "No further consultation pursuant to the Endangered Species Act (ESA) of 1973". Please see Comment Letter 8 and Responses thereto for additional information.

It should also be noted that, as indicated in FEIS Section 2.1 (Project Changes), the community theater is no longer a component of the proposed action.

Comment 41F: The DEIS provides absolutely no support for the baseline assertion that wildlife have become "habituated" to the current construction activity. American bittern, for example, have been noted on or near the site in the past and were once common throughout the watershed. In recent years, American bittern have been sited north of Wastebeds 1-8, near Nine Mile Creek. If this parcel remained undeveloped, given the wetlands present north of the site and those being constructed south of the site, the American bittern might return to nest in the area. Carving out 70 acres of landscaped lawns and inviting the noise, bright lights and crowds of an amphitheater onto the site on a regular basis throughout the summer could well drive American bitterns and other sensitive birds and wildlife away.

Response 41F: With respect to habituation, please see Response 41E above. With respect to American bittern, the DEIS identifies this species. Specifically, in Section 3.4.1.2.1 (Existing Conditions, Fish and Wildlife, Birds), the DEIS indicates that American bittern is documented by the nearest North American Breeding Bird Survey (BBS) route, known as the Cicero Center route, which runs roughly east-west approximately 6.3 miles north of the Project site. Of all the sources evaluated in support of the Existing Conditions Bird Section of DEIS, which includes the BBS, USFWS data, the NYS Breeding Bird Atlas (BBA), the Audubon Christmas Bird Count (CBC), and on-site observations, the BBS is the only source that identified American bittern. This is clearly presented in DEIS Table 2 (State-listed Wildlife Species Documented in the

Vicinity of Onondaga Lake). As indicated above in Responses 41D and 41E, the impacts discussion of the DEIS states, "Additional listed species documented in the area are listed above in Table 2. All of these species were detected in low numbers, and most were not actually observed at the Project site. Therefore, the potential risk of Project construction disturbing these species is considered remote."

Comment 41G: The DEIS appears to recognize that direct human trespass on "sensitive areas" during project operations may generate some negative impacts and suggests mitigation is possible through appropriate landscape design, signs, and other "wayfinding tools" to keep users in designated areas. However, the document does not designate any "sensitive areas," describe how those sites will be determined, or describe specific mitigation measures to be used.

Response 41G: To provide a worst-case analysis, the DEIS assumes that up to 70 acres of wildlife habitat will be disturbed as a result of this project. All areas that are left undisturbed will be considered "sensitive areas", and aside from any trails that may traverse these areas, public access to such areas is expected to be limited.

Comment 41H: The DEIS entirely fails to consider the effects of fragmentation on adjacent naturalized areas. Carving out roughly 20% of the undeveloped or minimally developed land at the heart of the western lakeshore may have serious implications for the integrity of the broader habitat. The intensively used, landscaped tract may create a barrier to movement within this undeveloped area. The altered habitat is likely to attract different species, such as starlings, which are known to aggressively compete with other birds and mammals for food and nesting areas.

Response 41H: Please see Response 41D regarding fragmentation.

Comment 41I: Noise and light disruption will certainly extend beyond the developed tract to adjacent areas. Human disruption within adjacent areas may increase as well, as visitors to the amphitheater site are drawn to adjacent wild areas. All of these impacts may be felt, in

particular, in renaturalized areas along Geddes Brook and Ninemile Creek to the north of this site and in mitigation wetlands that will be built along the shoreline to the south. Developing a public project that may undermine the investments already made in these renaturalization/reconstruction projects is particularly troubling.

Response 41I: With respect to noise and light disruption, please see Response 41E. With respect to renaturalized areas along Geddes Brook and Ninemile Creek and mitigation wetlands along the shoreline, the proposed amphitheater project does not include these areas or propose any activities in these areas. Therefore, the public will not have newly created access to these areas as a result of the Lakeview Amphitheater. As stated in the DEIS, one of the project objectives is to take advantage of the ongoing remediation and restoration efforts. Please see Response 3B for additional information.

Comment 41J: The DEIS briefly mentions, but does not provide any meaningful consideration of the herbicides, fertilizers or other chemical inputs that will be used to maintain the landscaped portions of the complex; the potential for these chemicals to disperse to adjacent, undeveloped areas or wash into nearby water bodies; or their effects on wildlife remaining in the area. Similarly, despite site maps showing parking lots and roadways running directly along the shoreline behind the proposed amphitheater and discussion of this area within the Conceptual Design Report as a staging and parking space for trucks and trailers carrying concert-related equipment, there is no more than a brief mention of typical traffic-related runoff, including hydrocarbons, heavy metals, and salt, or its potential impact on nearby streams or Onondaga Lake itself. Neither of these assessments is included in the section on wildlife or habitat impacts.

Response 41J: With respect to long-term maintenance of the property, operations will conform to Onondaga County's Pest Management and Control Directive dated July 13, 2009 (included in Appendix E of this FEIS). This directive outlines the County's Integrated Pest Management (IPM) program, which promotes pest control strategies that are the least hazardous to human health and the environment by placing priority on prevention rather than undue reliance on chemical pesticides. Please see FEIS Appendix E for

additional information. Regarding runoff, as indicated previously the project will be constructed and operated in accordance with the State Discharge Elimination System (SPDES), which will address impervious surface and associated runoff management. Appendix I of the DEIS contained a Preliminary Stormwater Pollution Prevention Plan (SWPPP) outline, which also addresses pollution prevention measures.

Comment 41K: The DEIS fails to adequately evaluate the presence of or potential project effects on endangered species, threatened species, or species of special concern. For instance, the DEIS explicitly defers assessment of the project's potential impact on endangered pondweed until after opportunities for public comment within the SEQOR process are complete. The DEIS mentions that the endangered Indiana bat and possibly endangered northern long-eared bats have been seen on or might be drawn to the site, but dismisses potential impacts with the unsupported statement that these bats would simply move to area north or south of the site and fails to acknowledge the likely off-site impacts of concert noise, crowd noise and light shows on these nocturnal animals. Although some endangered, threatened or of special concern bird species were acknowledged to be present in the broader area, the DEIS fails to note that many of these birds, including the pied-billed grebe, bald eagle, and common loon, were counted on the lake itself in a 2008-2009 Fish and Wildlife Service study. More recent studies and casual sightings confirm that many of these birds live, breed or hunt in and around the wastebeds. A 2012-2013 survey of the wastebeds by a SUNY-ESF graduate student found bald eagles, osprey, and common tern in addition to a host of other more common birds. Area birders have spotted osprey, common loon, horned larks, American bittern and other birds of interest, such as bobolinks, yellowbellied flycatchers and Arcadian flycatchers, on or near the wastebeds. The DEIS does not account for these more recent and more site-specific studies and sightings.

Response 41K: As previously addressed in Response 41E, threatened and endangered species have been thoroughly evaluated in the DEIS. A comment letter received from the U.S. Fish and Wildlife Service (USFWS) clearly indicates that the DEIS is adequate in its evaluation of threatened and endangered species (see Comment Letter 8). Following

its discussion of conservation measures, this letter states, “No further consultation pursuant to the Endangered Species Act (ESA) of 1973 is necessary for this Project”. Specific to bald eagles, the USFWS states “Bald eagles have been delisted pursuant to the ESA, but remain protected under the Bald and Golden Eagle Protection Act (BGEPA), Migratory Bird Treaty Act (MBTA), and by the State of New York. The nearest bald eagle nest is approximately 2.8 miles from the Project site. In addition, Onondaga Lake experiences wintering bald eagle activity; however, most of the eagle activity is at the southern end of the lake where water remains open during winter. Although the amphitheater will not be open to the public during the winter, some buildings may be used for meetings. Despite the potential for winter eagle activity in close proximity to the Project, the USFWS does not anticipate any impacts to bald eagles as a result of this Project.”

With respect to the state-endangered straight-leaf pondweed, please see Response 9A. The docking facility is no longer a component of the Project and therefore there is no potential impact to straight-leaf pondweed.

The species observed in the USFWS’s 2007-2008 Winter Waterfowl Survey were included in the DEIS, as part of the Wildlife Species List in Appendix A. However, the commenter is correct that these observations were inadvertently excluded from DEIS Table 2, State-listed Wildlife Species Documented in the Vicinity of Onondaga Lake (although pied-billed grebe, bald eagle, and common loon were each included in the table due to other observations in the area). This error is fully described in FEIS Section 3.0, which includes a corrected version of this table that has been updated to include observations made during the USFWS’s 2007-2008 Winter Waterfowl Survey. However, because pied-billed grebe, bald eagle, and common loon were already assumed to be found in the vicinity of the Project site, these additional observations do not change the assessment of impacts as presented in the DEIS.

Regarding other recent site-specific studies, additional sources were reviewed for the FEIS, including data collected during Anand Chaudhury’s 2012-2013 thesis research,

a 2008-2009 study of mercury in birds at Onondaga Lake prepared by the Biodiversity Research Institute (BRI), and the results of the September 2014 BioBlitz conducted at Onondaga Lake by SUNY ESF. Additional discussion of the avian community currently utilizing the Project site can be found in Section 2.2.3 of the FEIS, and the Wildlife Species List has also been updated (see FEIS Appendix D) to include these additional observations.

The potential occurrence of state-listed species is thoroughly evaluated in the DEIS, and as indicated above in Response 41E, "Additional listed species documented in the area are listed above in Table 2. All of these species were detected in low numbers, and most were not actually observed at the Project site. Therefore, the potential risk for the operating amphitheater to disturb these species is considered remote."

Comment 41L: The DEIS is wholly inadequate in its consideration of project impacts on wildlife or vegetation. The County should amend this section to consider the broader impacts of its proposed development on the integrity and functionality of adjacent habitats, on the reconstructed habitats and wetlands to the north and south of this site, and on wildlife remaining within the area.

Response 41L: With respect to wildlife impacts, please see Responses 41D and 41E. With respect to reconstructed wetlands, please see Response 41I.

Comment 41M: The DEIS fails to properly characterize the site and, in doing so, minimizes human health risks posed by the site. The project area is described as "man-made land" or as waste that is "largely . . . calcium carbonate, gypsum, sodium chloride and calcium chloride" with some added fly ash (DEIS, p 110). This description fails to convey the significance of contamination on site or to recognize that most of the contaminants of concern – benzene, toluene, ethyl benzene, xylene, PAHs, phenols, mercury, arsenic and chromium – are associated with industrial wastes that were dumped randomly across the site without recording locations or amounts. As a result, "hot spots" have turned up in unexpected areas, including sites just north and west of the current

parking area. This is important because large areas within the project area, including sections proposed for lawn seating, additional hiking trails, and the community theater, remain uncharacterized and could contain dangerous contaminant levels.

Response 41M: Please see Response 3D and 13C.

Comment 41N: The DEIS insists that these contaminants are of no concern, relying on an HHRA generated by EPA. However, the HHRA is inadequate for several reasons. The HHRA is based on known contamination levels and, as noted above, large sections of the proposed project site have not been tested. Even with this limited information, the HHRA found unacceptable risks for some site users (construction workers and recreational ATV users). The HHRA fails to evaluate potential exposure of or risks to young children (ages 6 and under). This group was not considered likely to trespass on the site in its undeveloped state and therefore was not included in the original assessment. However, as a community park and concert venue complex, the area is likely to draw a significant number of young visitors. The lawn seating and picnic areas may be particularly attractive to families with young children. Despite acknowledging that dust generation created unacceptable risks for ATV users on the site, the HHRA does not consider the potential for dust to be generated by heavy foot traffic, dancing or other operational elements, particularly on the "festival grounds" proposed for the Crucible Steel hazardous waste landfill area. The HHRA assumes that visitors will only be on site for concerts, neglecting to consider the fact that the site will be open to hikers, picnickers and other users when concerts are not scheduled. If the DEIS continues to rely on the HHRA for its environmental analysis, the health assessment should be revised to address all of these concerns.

Response 41N: Please see Responses 12E and 13C. Please also see FEIS Section 2.2.1 (Proposed Remedial Action Plan).

Comment 41O: The DEIS also relies on an undeveloped remediation plan for the site to mitigate contamination-related health and safety impacts. While the DEIS provides some

information on various proposals, no remediation plan has been chosen or finalized. Assuming that an alternative incorporating soil and vegetative covers is chosen, the actual depth and location of these covers are unknown, meaning that it is impossible for the County to fully assess the health and safety impacts of its project or to consider appropriate mitigation. As a result, the mitigation measures discussed in this section are vague at best, relying on unspecified “wayfinding features, natural barriers and enhanced access pathways” to discourage visitors from accessing unidentified sensitive portions of the site and to ensure the integrity of any cover that is installed. A simple assertion that any future remediation plans will comply with federal environmental laws is inadequate for SEQRA analysis.

Response 41O: Please see Response 3D.

Comment 41P: The DEIS fails to consider timing issues related to the proposed remediation. According to the most recent Revised Feasibility Study (Rev'd FS) for the site, if a soil and vegetative cover option is chosen, Remedial Action Objectives (RAOs) are not expected to be fully achieved until 6 to 8 years after approval/initiation of remediation (Revised FS, p. 35). Even simple vegetative covers are expected to take approximately 3 years to reach maturity and be fully protective of both human and animal site users (Revised FS, p. 35). The County plans to put the Amphitheater into use in Fall 2015 and to schedule a full series of events beginning in Spring 2016. Under the best case scenario, this schedule means that thousands of people will be regularly invited to the site more than a year before any vegetative cover would be deemed mature and fully protective and between 4 and 7 years before RAOs are fully achieved. The DEIS provides no assessment of interim risks, the potential effects of intensive human use on immature soil/vegetative covers, or mitigation measures needed to protect recently installed soil and vegetative covers.

Response 41P: Please see Response 3D for a detailed discussion of the remediation plan for this site, which was released by the NYSDEC on September 17, 2014. In addition, a public hearing on the remediation plan was held on September 30, 2014. At this hearing a

NYSDEC official was specifically asked about the timing of implementing the preferred remedy in relation to construction of the proposed amphitheater, and stated that the implementation of the remedy would be phased to accommodate the timing of the amphitheater if that project moves forward. Coordination of construction timing with implementation of the remedy will serve to limit the duration of disruption and eliminate the potential of having to disrupt an already completed remedy in order to construct the project (or any other project) at a later date. In addition, to the extent that the coordinated construction effort can be undertaken in the winter months, potential impacts to the Indiana bat and northern long-eared bat can also be mitigated (please see Comment and Response 8C for additional detail). Please see Responses 12E and 13C for a detailed discussion of Human Health Risk Assessments conducted for this site.

Comment 41Q: The DEIS does not directly address the health and safety implications of project construction – for construction workers, the general public, or wildlife. Although the County acknowledges that there may be some negative impacts from intrusive construction work on a known contaminated site, the DEIS avoids any effort to quantify those impacts or to develop specific mitigation measures. Rather, the DEIS simply states that plans will be developed at some point in the future to manage these risks. Such generic statements and blanket assurances do not constitute the “hard look” at environmental impacts and potential mitigation required by SEQOR.

Response 41Q: The prime contractor conducting work on site will prepare and utilize a site specific construction plan including a Health and Safety Plan (HASP) meeting the minimum requirements of 29 CFR 1910.120 (see #2 in the list of applicable regulations below), NYSDEC DER-10 (see #7 in the list of applicable regulations below) and County specifications. These plans will be prepared by the prime contractor as pre work submittals per County construction document requirements as is customary for public works projects. As portions of the Project site will be shared with the Honeywell Remediation team and there may be nearby public access areas, the Contractor will develop and implement a Site Control Plan (SCP) as part of the HASP, which will

describe acceptable operating procedures to be implemented to provide for worker safety and protection of public health. This plan will be largely in the form of the existing Honeywell Construction Management Workplans, which have been used at the site throughout the Integrated Interim Remedial Measure (IRM) phase of work, were reviewed and approved by NYSDEC and have been effective. Typical site work plans including the Honeywell Community Air Monitoring Plan for Wastebeds 1-8 Integrated IRM can be viewed at <http://www.dec.ny.gov/chemical/37558.html>. The Lead Agency has reviewed these existing plans (included as appendices to this FEIS), is familiar with their contents and found them to be appropriate in terms of content to address mitigation requirements. Site safety plans will be developed for each phase of work and include worker safety meetings to be held at periodic intervals during construction. The HASP will also include an Emergency Response Plan, which will provide procedures to be followed in the case that an incident requiring emergency response occurs at the site. The Emergency Response Plan will outline emergency response protocols, available safety equipment, evacuation routes, chain of command, communication protocols and specify members of the contractor's Emergency Response Team. The following submittals will be required from the contractor, and will be reviewed/approved by the County prior to implementation:

- A. Contractor's HASP including Site Control and Emergency Response plans.
- B. Contractor's Community Air Monitoring Plan compliant with DER-10.
- C. Contractor's proposed procedures for handling, staging, transporting and disposing of impacted material (Soil Management Plan).
- D. Contractor's proposed sampling and laboratory analysis plan.
- E. Proposed waste transporters and disposal sites.
- F. Decontamination procedures for personnel and equipment including decontamination pad construction details.
- G. Waste manifests, bills of lading tracking, chain of custody sheets, staging area inspection forms.

The Contractor will comply with applicable federal, state, municipal, and local regulations and recommendations including, but not limited to, the following:

1. U.S. Environmental Protection Agency (EPA), including Title 40, Code of Federal Regulations.
2. Occupational Safety and Health Administration (OSHA), including Title 29, Code of Federal Regulations, and Parts 1910 and 1926, OSHA, U.S. Department of Labor.
3. State of New York Rules and Regulations, including 6 NYCRR Part 360, 364, and 370-373 regarding management of non-hazardous solid waste, transportation of waste, and hazardous waste management.
4. Recommendations of the National Institute of Occupational Safety and Health (NIOSH).
5. Transportation regulations, including U.S. Department of Transportation regulations, including Title 29 Parts 171 and 172 and New York State Department of Transportation rules and regulations.
6. Onondaga County Department of Water Environment Protection Procedures Governing Acceptance and Treatment of Groundwater and Other Contaminated Waste.
7. New York State Department of Environmental Conservation Program Policy DER-10/Technical Guidance for Site Investigation and Remediation and State of New York Rules and Regulations 6NYCRR Part 375 Environmental Remediation Programs.

As portions of the Project site will be shared with the Honeywell Remediation team and there may be nearby public access areas, the Site Control Plan will include acceptable operating procedures to be used to provide for protection of public health during construction. Proper planning and execution to provide for the safety of the workers and the general public during construction is central to the successful implementation of any major project, and is vital when the project is located in an area that may be visited and traversed by the public during the construction effort. Exclusion zones

limiting access of the public will be designated in the plan and enforced so that Project-related activities will not physically affect the users of the West Shore Trail or other adjacent facilities (e.g., trail-related parking). Access to the West Shore Trail and adjacent areas may be restricted during certain phases of construction, and such restrictions will be subject to prior review and approval of the County. Please also see Response 3D for a detailed summary of the Proposed Remedial Action Plan (PRAP).

Comment 41R: As discussed below and in the July 6, 2014 letter from Environmental & Safety Associates, Inc., submitted as part of Lloyd Wither's comments and adopted by reference herein, the project assessment is wholly inadequate and should be redone. Although past experience with concert venues indicates that noise is by far the most significant impact on surrounding communities, the noise study conducted for the DEIS is a mere three pages long. The study does not measure existing ambient noise levels to allow a proper assessment of change in conditions. It ignores the fact that noise travels farther over water (i.e., over Onondaga Lake) than over land. It acknowledges that sound propagation varies considerably depending on atmospheric, weather, or wind conditions and could change sound levels at any particular receptor by 10dB or more, but makes no effort to calculate these impacts. It asserts without citation that concert noise will not typically exceed 100 dB at the edge of the lawn seating, despite other sources that suggest that rock concert noise typically ranges between 105 and 114 dB (American Academy of Audiology, Levels of Noise in Decibels, available on-line at www.audiology.org/practice/resources/PublishingImages/NoiseChart16x20.pdf; Purdue University Department of Chemistry Safety, Noise Sources and Their Effects, available on-line at www.chem.purdue.edu/chemsafety/Training/PPETrain/dblevels.htm). The DEIS acknowledges that the more disruptive low frequency (bass) noise is not adequately captured by its methodology, but makes no effort to supplement its analysis to evaluate this impact. The study does not consider the timing of concert-related noise (either time of day or day of the week) or assess the impacts of more frequent noise intrusions throughout the course of a summer concert season.

Response 41R: Please see Responses 2A and 32A.

Comment 41S: The noise impact study completely fails to acknowledge that noise from multiple concerts at this location will severely impact the homeowners and residents in both Lakeland and Liverpool. Further, the noise is likely to violate the zoning ordinances in both communities. Because the DEIS fails to acknowledge these threats to these communities, the citizens of the communities and their elected official have been kept in the dark about this threat. In addition, repeated noise violations may result in a forced closure or schedule reduction for the Amphitheater, as has happened for other music venues in the area. So, the County is very likely squandering \$30 million of tax paper money on a venue, that will likely not be able to operate; and thereby, repeat the mistakes we have witnessed in Baldwinsville and the Paper Mill venue.

Response 41S: Please see Responses 2A and 32A.

Comment 41T: Although the DEIS concludes that there will be unacceptable concert-related noise levels within adjacent residential areas, the sole mitigation measures proposed are an undefined reconfiguration of one set of speakers and advice to community members to take refuge indoors or simply leave their homes for the evening. Given this inadequate response, the DEIS should explicitly recognize that the project will cause immitigable noise intrusion into adjacent communities and should take the time to quantify this harm, at least in terms of number and timing of such noise impacts as well as the probable increase in noise levels above ambient noise at those times.

Response 41T: Please see Responses 2A and 32A.

Comment 41U: Although the DEIS contains a relatively detailed traffic analysis within its appendices, the DEIS itself minimizes the results of that study. Specifically, the DEIS fails to acknowledge that traffic backups will remain at unacceptable levels at multiple intersections despite the proposed mitigation, nor does it attempt to quantify the

frequency or duration of project-related traffic jams. Traffic impacts are typically described in terms of Level of Service (LOS), which is defined in terms of driver delay and traffic queue lengths. LOS is rated from A to F with D being the minimally acceptable level for urban areas. Under existing conditions, the intersections studied were all rated LOS C or above. Where concerts at the project were estimated to have an impact on traffic flow (four of the five intersections originally studied and two of the four intersections added in the assessment of large events), the study showed that proposed mitigation would generate minimal, if any, improvements. In fact, as presented in the Lakeview Amphitheater Traffic Impact Study, attached as Appendix G to the DEIS, there were no instances where mitigation measures raised the LOS from unacceptable to acceptable and only a handful of individual lane assessments in which LOS improved at all. However, this utter failure of proposed mitigation is not directly addressed in the DEIS. Instead, the LOS achieved through various mitigation proposals related to large concert events is studiously avoided. Short-term mitigation measures, including manned intersections, additional signs, monitored lights, and defined lane expansions, are simply described as “improving” the situation with additional undefined long-term mitigation required.

Response 41U: In order to respond to the comments received, the traffic impact study has been revised (please see FEIS Section 2.2.2). An enhanced traffic model that includes the adjacent interstate highway network as well as local intersections and roadways is the basis for revised analysis contained in the study. Results indicate intersection and interstate levels of service and delays are expected to operate at acceptable levels during the arrival for large events over the next 20 years at anticipated background traffic volume growth rates. During departure for large events, delays are primarily limited to the vehicles waiting to exit the parking areas, with acceptable operations on the local roadways and interstate highway system. Please also see Responses to Comment Letter 33.

Comment 41V: The DEIS also fails to acknowledge or quantify the expenses related to traffic mitigation—such as how many law enforcement or security personnel will be necessary

to handle the multiple traffic problems. This failure only adds to the over-all failure to produce any meaningful business plan.

Response 41V: Please see Response 3B.

Comment 41W: The DEIS assumes that concerts will occur on weekends without any data or evidence in support.

Response 41W: The traffic impact study includes the analysis of the arrival and departure for events on a typical Friday evening. Traffic volumes during on a Saturday or Sunday evening are typically lower than volumes during the week. Volumes on a Friday evening, especially during the non-winter months, will be comparable to, if not higher than, volumes during the typical workweek. It was confirmed with the NYSDOT that analyzing traffic operations during a typical Friday evening was appropriate for this project.

Comment 41X: The DEIS fails to consider the potential cumulative impacts of events that might be scheduled during the State Fair.

Response 41X: It is not intended to have concert events at the Lakeview Amphitheater at the same time as concerts at the New York State Fair. Since the amphitheater and grandstand hold approximately the same amount of people (17,000 at the grandstand versus 17,500 at the amphitheater), an event at the amphitheater during the fair instead of the grandstand should not significantly increase traffic to the study area. It is assumed that parking and traffic control for the event would be accommodated by Fair operations and protocol.

Comment 41Y: The DEIS fails to consider the effects of idling trucks associated with large concerts. As described in the Conceptual Design Report, trucks will transport concert equipment and crew to the site overnight and are expected to remain idling for large portions of the day as drivers sleep inside.

Response 41Y: As indicated in DEIS Section 3.3.2.2 (Climate and Air Quality, Potential Impacts, Operation), "Once the Lakeview Amphitheater becomes operational, the existing off site State Fairgrounds parking lots will experience increased use. It is anticipated that high volumes of traffic will utilize these lots during scheduled events at the Amphitheater (see Section 3.8), resulting in sporadic short-term increases in vehicle exhaust and dust emissions. Beyond the increased vehicle-related emissions, operation of the proposed facility is not anticipated to have any significant effects on climate or air quality." Although trucks may idle in association with concerts, this is not anticipated to meaningfully increase the air quality effects that will otherwise occur as a result of concertgoers utilizing the adjacent parking lots, or the consistent 24-hour use of the adjacent Interstate 690. However, utility hook-ups will be available for concert performance support vehicles so as to avoid idling.

Comment 41Z: The DEIS acknowledges that there will be sporadic increases in dust and air emissions from the cars arriving at the concert, but makes no effort to quantify that impact or to consider the additional emissions from concert-related traffic delays on adjacent roadways.

Response 41Z: Following project construction, disturbed earth will be stabilized in accordance with the SPDES Permit; therefore, significant dust impacts during project operation are not anticipated. With respect to air emissions during concerts, this impact is expected to be similar to that which occurs when the New York State Fair is operating. The County is not aware of any adverse air emission impacts that result from the New York State Fair. In addition, as indicated in the Proposed Remedial Action Plan, Honeywell's remediation efforts will result in vegetated fill on the parking lots, which is expected to significantly reduce dust related issues in the parking area.

Comment 41ZA: The mitigation discussed in Section 3.3.3.2 is puzzling at best, since it focuses on keeping site visitors out of sensitive areas. While this may be relevant to keeping dust down on the site, it seems otherwise unrelated to air impacts.

Response 41ZA: The discussion at DEIS Section 3.3.3.2 is related to keeping visitors on dedicated portions of the project area so as not to disturb soil and potentially create conditions conducive to generating dust.

Comment 41ZB: As for water quality impacts, the DEIS mentions potential impacts from construction-related erosion and chemical contaminants related to run-off from parking lots, roadways, and landscaped areas. However, there is no effort to quantify these impacts in any way or to assess their significance.

Response 41ZB: The project will be constructed and operated in accordance with the State Discharge Elimination System (SPDES), which will address impervious surface and associated runoff management. Appendix I of the DEIS contained a Preliminary Stormwater Pollution Prevention Plan (SWPPP) outline, which also addresses pollution prevention measures. Calculations necessary to support preparation of the SWPPP will be conducted following final project design. However, since the SWPPP will be prepared in accordance with the SPDES regulations, this is entirely relevant to minimizing/mitigating water quality impacts. In fact, the SPDES program is “designed to eliminate the pollution of New York waters and to maintain the highest quality of water possible -- consistent with public health; public enjoyment of the resource; protection and propagation of fish and wildlife; and industrial development in the state” (NYSDEC, 2014).

Comment 41ZC: The minimal discussion of mitigation is limited to suggestions that the project will incorporate integrated pest management measures, will avoid work in the floodplain, and will implement a Stormwater Management Pollution Prevention Plan (SWPPP) with no description of the mitigation that might be imposed under any of these plans. As a result, there is no meaningful assessment of either the significance of the water quality impacts or the likely success of mitigation measures. In addition, the SWPPP is required by law. SEQR demands more than a simple assertion that a project will comply with environmental laws, which is a minimal presumption for all projects.

SEQR requires actual assessment of the environmental impacts that may be generated despite compliance with environmental law.

Response 41ZC: The DEIS provides much more than a simple assertion that the project will comply with laws. As indicated above, Appendix I of the DEIS contained a Preliminary Stormwater Pollution Prevention Plan (SWPPP) outline.

Comment 41ZD: The DEIS states that there will be no impact on local emergency services, since local services already provide coverage for several large summer events. However, this “assessment” is not based on any hard data and fails to consider the difference between one-time events, such as Balloon Fest or Jazz Fest, and an on-going summer concert schedule or the potentially differing needs of day-time, family-focused events and nighttime, adult-oriented concerts. The DEIS makes no effort to quantify typical emergency service usage at similarly sized concert venues in the area, to assess the routine demands that the project may place on emergency responders (such as directing traffic or providing security at the facility), or to assess whether there is sufficient excess capacity and manpower to handle the increased number of events per summer season.

Response 41ZD: Based on existing facilities and past events in the Syracuse area (e.g., Carrier Dome, State Fair), the local emergency services personnel have demonstrated an ability to adequately staff events larger than those proposed at the Lakeview Amphitheater.

Comment 41ZE: The DEIS presumes that there will be adequate water and sewer services for the site. However, the document relies on unsupported estimates of the water and sewer demand that will be generated by the events complex and makes no effort to quantify the excess water or sewage capacity of local infrastructure. In addition, there is currently no water or sewage service to the site and future service is predicated upon connecting the site to an existing 12 inch water pipe “in the vicinity” of the site and a sewage pumping station that is “somewhat underutilized.” The difficulty and cost of

creating these connections is not considered nor is the potential growth-inducing aspects of bringing such services onto the previously unserved lakeshore area.

Response 41ZE: Meetings with Onondaga County Water Authority and Onondaga County Department of Water and Environmental Protection indicate that there is adequate capacity in the existing system to serve this project. As stated in Section 8.0 of the DEIS, it is not anticipated that the Lakeview Amphitheater will increase the development potential of the surrounding County-owned land along the lakeshore.

Comment 41ZF: The DEIS repeatedly emphasizes that the Lakeview Amphitheater will be a publicly-owned facility and will be accessible to the public when events are not being held. However, the shoreline along this site is already accessible to the public and the natural areas viewable through the expanded West Shore Trail. Rather than increasing public access to the shoreline, this project will require moving the trail away from the shore into a landscaped area comparable to the groomed areas on the eastern shoreline, and eliminating access to an even larger section of the shoreline trail for an undefined period around scheduled events. Assuming that the "auxiliary trail," which is marked on a single figure within the DEIS and mentioned nowhere in the text, is open during concerts, trail users will be treated to a view of the parking lots and area highways rather than the Lake. This is a significant reduction in access, not an increase.

Response 41ZF: The intent of this project is to provide public access to a greater portion of Lakeview Point. Currently, public access is largely restricted to the West Shore Trail. Following project implementation, numerous portions of Lakeview Point that are currently inaccessible to the public will become accessible. With respect to the objectives of the project, please see Response 3B.

Comment 41ZG: In the sections titled "Growth and Character of the Community" and "Open Space and Recreation," the DEIS discusses the impacts on and project compatibility with community preferences and existing development plans for increased public access to

the lakeshore. Unfortunately, these sections downplay impacts on shoreline access, mischaracterize community goals, and largely ignore project elements that are incompatible with these goals. The planning documents referenced in the DEIS largely conflict with the proposed use. While the 1991 Onondaga Lake Development Plan may envision a seasonal performing arts center along the lakeshore, the more recent documents all call for continued public ownership of and access to the shoreline in the form of trails, wildlife viewing stations, and other low- or no-cost options that are compatible with a natural setting. In fact, the 2010 Development Guide for Onondaga County suggests designating the project site as “Protected Open Space” and, in the 2012 FOCUS report, the most frequently cited priority for the Lake was maintenance or restoration of natural areas. Sacrificing 70 undeveloped acres – almost 20% of the remaining undeveloped or minimally developed lands along the lakeshore – for an amphitheater complex that will be limited to paying customers for an undetermined portion of the summer season is simply not compatible with the visions expressed in the cited planning documents. The DEIS should recognize this fundamental incompatibility.

Response 41ZG: Please see Response 5C. In addition, the DEIS demonstrates that project consistencies outweigh inconsistencies with respect to the 2010 Development Guide.

Comment 41ZH: In addition to defining a project’s environmental impacts and evaluating potential mitigation, SEQOR requires consideration of alternatives that might avoid such environmental impacts altogether. The DEIS for the Lakeview Amphitheater Project does not meet this requirement, constraining potential alternatives by describing project purposes and goals to support this particular site and this particular site only. Such artificial limitations are inappropriate and violate the intent of SEQOR review. The EIS must include a “reasonable range” of alternatives that would achieve “the same or similar objectives” as the preferred alternative. In this case, the County has unreasonably constrained its alternatives analysis by creating purposes and goals unrelated to the specific project and designed to limit alternatives to the specific proposed site. Such predetermined commitments to a particular course of action

which effectively preclude meaningful consideration of otherwise reasonable alternatives violates SEQOR.

Response 41ZH: The purposes and objectives for the proposed project are not artificially constrained. The community has been outspoken in its desire for increased access to and recreational opportunities along the Onondaga Lake shoreline. The purpose of the project includes meeting this community demand by opening up access to an area of the Lake that had been largely rendered inaccessible for many years. The project purposes and objectives are also compatible with the broader goal of promoting the revitalization of a once prosperous area of the County that has suffered significant economic decline in recent years. Achieving these purposes and objectives necessarily results in limiting the available sites for project construction and is consistent with SEQOR's mandate that the project sponsors consideration of alternatives be limited to "a description and evaluation of the range of reasonable alternatives to the action that are feasible, considering the objectives and capabilities of the project sponsor."⁷ Because the project purposes and objectives include promotion of access to the west side of Onondaga Lake and revitalization of the adjoining community, the range of alternatives calculated to achieve these objectives dictates siting alternatives that will be consistent with their achievement. Please also see Responses 3C and 5C.

Comment 41ZI: The DEIS lists the project's purposes and goals as: "(1) to help enhance public access to the western shore of Onondaga Lake; (2) to take advantage of the new opportunities available as a result of the remediation and restoration efforts taking place on the lakeshore; and (3) to further economic development and revitalization in the Town of Geddes and surrounding areas" (DEIS, p. 145). In reality, none of these stated goals will be achieved by this proposed placement of the amphitheater on the wastebeds. As noted above, the proposed amphitheater would, in fact, limit public access to the Lake. The remediation and restoration efforts have yet to be defined and this rush to build will interfere with the on-going study and planning of the Natural

⁷ 6 NYCRR 617.9(D)(5)(h)(v)

Resource Damages trustee council. The County has provided absolutely no evidence that the proposed Amphitheater itself will generate economic development in Geddes and Solvay and the economic development that has been proposed for the town of Geddes, in the form of revamped streetscaping and brownfield redevelopment, is being planned independently as part of the Onondaga Lake West Project and separately funded by an additional \$70 million.

Response 41ZI: With respect to achieving the goals of the project, please see Response 3B. With respect to the project's impact to public access to the lake, please see Response 41ZF. The County has been made aware in very general terms that the Natural Resource Damages Trustee Council might, at some point in the future, propose studies and/or plans that might involve a request to seek access to as yet unspecified parcels of County-owned Onondaga Lakefront property. To date no specific study or proposed project related to the site upon which the Lakeview Amphitheater is to be constructed has been proposed, or access for such studies requested. Therefore, the proposed project will not interfere with any current study or proposed plan that involves or is connected to the project site.

Comment 41ZJ: Even if the stated goals were met by this project, taken together, they are narrowly tailored to support development of this particular site and preclude analysis of feasible alternative locations on or around Onondaga Lake that could reasonably support a concert venue. In addition, these goals are wholly unrelated to creation of a concert venue. There are multiple endeavors, ranging from wildlife viewing areas to environmental education centers to kayak/bike rental centers, which would better meet the stated objectives of this project. The failure of the DEIS to consider any of these uses for the site is similarly unreasonable in light of the stated objectives of the project. To comply with its SEQR obligation to consider a reasonable range of alternatives, the County should either amend the project objectives to focus on provision of a concert venue and expand its alternatives analysis to include sites not located on the western shoreline of the lake or retain the stated objectives and expand its alternatives to included other types of projects. In addition, the DEIS provides no data or evidence in

support of its assertion that a viable concert venue must be of the proposed size or include the related amenities. For that reason, smaller venues should be considered, as well as less ambitious event complexes, which would limit disturbance of natural or potentially renaturalized areas.

Response 41ZJ: With respect to alternatives, please see Response 3C.

Comment 41ZK: The DEIS limited alternatives analysis to property already owned by the County. However, given the County's power of eminent domain, such a narrow focus is not reasonable. *Horn v. Int'l Business Machines Corp.*, 110 A.D.2d 87, 95, 493 N.Y.S.2d 184, 191 (2nd Dept. 1985). Additional sites not owned by the County should be considered. At minimum, the existing State Fair Grandstand and sites near the Inner Harbor should be evaluated.

Response 41ZK: Horn is not a commandment to a public entity to consider alternatives that would require taking private property for a public use, especially when publicly owned property already dedicated to a public use which is compatible with the proposed project is available. See also Response 3C.

Comment 41ZL: The DEIS improperly defers analysis of some environmental impacts, relies on undeveloped mitigation-related documents, and fails to fully quantify specific project-related service needs or to justify its assumption that those needs can be met by existing services. As a result, neither the public nor the County can properly assess project-related environmental impacts or the effectiveness of mitigation measures in addressing those impacts and the County cannot make a reasoned determination that the benefits of the project outweigh its costs, as required by SEQR. With its heavy reliance on so many undeveloped mitigation-related documents, the DEIS is essentially kicking the can down the road on far too many critical environmental issues, while rushing ahead without proper planning or public input. The County cites many documents, reports and plans that will address potential environmental impacts and necessary mitigation: a Site Management Plan, a more detailed site and

landscape design plan, specific noise mitigation measures, a remedial action plan, a detailed construction plan, a rare plant survey for an endangered pondweed, etc. In fact, these vague promises of future studies outnumber the actual studies conducted to support this DEIS. The County cannot simply rely on vague promises to consider identified impacts or potential mitigation in more detail in subsequent permitting or review processes. Review and approval of mitigation measures after completion of the SEQR process “denies . . . the public their intended input with respect to whether such analysis and mitigation are appropriate or acceptable.” *Brader v. Town of Warren Town Bd*, 18 Misc.3d 477, 481-82, (Sup. Ct., Onondaga Cty, 2007). Such “tentative plans for mitigation measures” and reliance on mitigation plans to be developed in the future are wholly inadequate for SEQR purposes. *Id.* at 483-8. While detailed mitigation plans may be deferred where the exact contours of a development are not within the control of the lead agency, *Eadie v. Town Bd of Town of North Greenbush*, 7 N.Y.3d 306, 318-19, (2005), that is not the case here. The only reason that mitigation plans are being postponed until after environmental review is complete is the County’s overly ambitious development schedule, which was not designed to allow full analysis or consideration of alternatives and mitigation measures.

Response 41ZL: A Proposed Remedial Action Plan (PRAP) has been prepared, which prescribes in detail elements of the site management plan. The PRAP, which was published by the NYSDEC on September 17, 2014, is summarized in Response 3D and is included as Appendix B of this FEIS. Although not anticipated, if there are any material changes between the preferred remedy as presented in the PRAP and the final remedy selected by the NYSDEC/USEPA and set forth in the ROD, Onondaga County will conduct a supplemental environmental review to address the material differences to the extent that such changes affect the conclusion outlined in this FEIS and subsequent Findings Statement.

With respect to noise mitigation measures, please see Response 2A and 32A. With respect to the timing of the detailed construction plans (including detailed site and landscape design plans), it is industry standard that these be prepared by the selected

contractor prior to construction in accordance with the owner's detailed specifications. To demand that construction specifications be included in the SEQR review is not consistent with the intent of SEQR, which requires evaluation of a proposed action early in the planning and review process. Please see Response to 41Q for further detail on construction plans and mitigation of impacts during construction. Please see Response 9A regarding pondweed surveys. The docking facility is no longer a component of the Project and therefore there is no potential impact to straight-leaf pondweed.

Comment 41ZM: The DEIS includes a section discussing impacts on cultural and archaeological resources. However, this section focuses only on the potential presence of concrete, physical objects of cultural or historic importance, such as submerged ships within the lake or funerary objects. For reasons provided in our comments on the Draft Scoping Document, this narrow focus is inadequate. The cultural and historic importance of Onondaga Lake to the Nation is broader than specific, concrete items. The Lake itself and its shores are sacred to the Nation, as is the vision of the Lake and surrounding areas as an integrated and functioning ecosystem. The County should consider the negative cultural impacts of a project that institutionalizes a permanently polluted waste beds on and around the Lake; precludes additional remediation; and obstructs the potential to create a sustainable, functioning Lake-wide ecosystem. Although the DEIS notes this concern, the response is to discuss federal obligations under National Historic Preservation Act. These obligations are largely irrelevant to the concerns raised. The County should specifically consider the negative impacts of permanently relegating the last remaining undeveloped area along a culturally sensitive lakeshore as a landfill on the Onondaga Nation and on the broader Syracuse area.

Response 41ZM: Other than for various phases of construction, the EIS impact analysis is based upon use of the site with the selected remedy in place. The selected remedy is being determined by applicable federal and state agencies in accordance with CERCLA and state requirements. Please see Responses 3D and 41B for additional detail.

Comment 41ZN: The County's failure to properly and respectfully consult with the Nation on this and many other important aspects of this project is extremely disappointing. The County is well aware of the Nation's cultural and spiritual connections with the Lake; and with its on-going opposition to leaving the waste beds on the shore of the Lake in general, and its specific opposition to this proposed amphitheater. Yet, the County has not written to the Nation directly on this project or held any meeting with the Nation's leaders and Clan Mothers to discuss this project. Essentially, the County has acted as though the Nation was merely another part of the "public", whose views and opinions have been essentially ignored.

Response 41ZN: The Lead Agency respectfully recognizes the Nation's cultural and spiritual connections to the lake. Onondaga County officials have met with the Nation on two occasions during which the amphitheater project was discussed.

The Lead Agency also respectfully recognizes that the Nation has consistently advocated for removal of the industrial waste as part of the remediation of the site, and the Nation has been consulted with respect to the development and selection of the appropriate remedy. The selection of the appropriate remedy is beyond the scope of the action under consideration by the Lead Agency and is not within the Lead Agency's control.

Comment 41ZO: The County has failed to provide any assessment, quantification, or even discussion of the economic or social benefits of this project. SEQR is intended to ensure that government actors and the public have sufficient information to balance the environmental costs of a potential projects against its social, economic or other benefits and to reach a reasoned decision about whether to move forward. *Halperin v. City of New Rochelle*, 24 A.D.3d 768, 775 (2d Dept. 2005). To meet its SEQR obligations, the County must be able to provide a "reasoned elaboration" of the final decision based on the information provided in the Final EIS. *Id.* Unfortunately, the DEIS provides absolutely no information about any project benefits, simply presuming that they exist and that they outweigh the identified unavoidable environmental

impacts. To date, the County has not provided or referenced a business plan, which would at minimum assess demand for additional concert venues in the area, analyze the likelihood that artists already booked into nearby venues would add a stop in Syracuse, and estimate the number of concerts required per year for the Amphitheater to remain profitable. This failure to reference any business plan is of particular concern when one looks at other amphitheater venues in New York State and elsewhere. These amphitheaters all lose money, and can only stay afloat with either corporate or tax payer support. There is no indication or likelihood that this venue will ever approach annual revenues to even meet the \$2.5 million, economic development casino money that will be used to finance the bond necessary for planning and construction.

Response 41ZO: Please see Response 3B.

Comment 41ZP: Despite the fact that one of the project objectives is to spur economic development in Solvay and surrounding communities, there has been no discussion of the potential for incidental spending, job creation, or other economic benefits spilling into these areas. This is a particularly important discussion given the limited benefits that appear to have been realized by State Fair events, which are in similar proximity to these communities. As a result, the gross economic benefits are unknown.

Response 41ZP: Please see Response 3B.

Comment 41ZQ: Similarly, there has been no public discussion and no consideration or analysis within the DEIS of the likely costs of construction and operation for this facility, particularly the added costs of building on the unstable and potentially toxic Solvay Wastes or of the extensive mitigation measures proposed for traffic impacts. The DEIS also fails to assess the costs to adjacent communities for traffic assistance, emergency services or other support. These costs are important to understanding the net economic and social benefits of the project.

Response 41ZQ: Please see Response 3B.

Comment 41ZR: Despite the complexity of the DEIS and the critical importance of this project, which constrains remediation options for this site and shapes future uses of the sole remaining undeveloped or minimally developed landscapes along Onondaga lake, the County provided a limited period for public review and comment. Although the Legislature granted a 30-day extension, the entire review period fell in the heart of the summer, when many people are on vacation or otherwise engaged. In addition, public review was limited by the DEIS failure to provide key details about actual impacts and proposed mitigation measures, repeated reliance on yet-to-be developed documents which were assumed to adequately address many of the identified environmental and community impacts, and the failure to include an appropriate range of alternatives for comparison. To the extent that information was available within the DEIS, such as in the traffic assessment, public review was hampered by the highly technical presentation and the failure of the County to schedule any informational meetings or other opportunities for concerned members of the public to ask questions, get additional information, or get assistance in understanding this technical data.

Response 41ZR: With respect to remediation options for this site, please see Response 3D. With respect to an extended public comment period, please see Response 3A. With respect to the adequacy of the DEIS, please see Response 12C. With respect to the highly technical traffic assessment, it is true that a detailed traffic analysis was included in Appendix G of the DEIS. However, a less-technical summary of this information was provided in Section 3.8 of the DEIS.

Comment Letter 42. Lloyd Withers

Comment 42A: The health risks and added expenses associated with building on the Solvay Wastebeds and Crucible Landfill are well known. As the County Executive often repeats, it is a much studied site due to the massive amounts of toxic chemical waste having been dumped here. Common sense alone would guide most toward a more suitable location for a public amphitheater, especially given the fact that an ideal

location exists less than half a mile away at the nearby NYS Fairgrounds. The Fairgrounds provide a significantly less expensive site for this facility given that it already has the infrastructure and services in place to host the kind of events planned for the amphitheater. Its Grand Stand is in need of renovation, so directing State funds there would serve to transfer the risk associated with the venture away from county residents, to being borne by the entire State, but without taking away any potential benefit to Onondaga County, Solway, or the Town of Geddes. And the risks associated with this project are real and are deserving of full disclosure. The amphitheater is being planned for the wrong place and for the wrong reasons. Please consider a more suitable location.

Response 42A: With respect to the health risks and associated costs of remediation, please see Response 3D. With respect to alternative project locations, please see Response 3C.

Comment 42B: Deputy County Executive Bill Fisher and a representative from SMG, the OnCenter's management group provided the legislature some insight into the still unreleased business plan for the project. They met with your Planning and Economic Development Committee back in March where its minutes describe; "Mr. Fisher [who] stated that they have also asked SMG for input on managing amphitheatres. The Koka Booth Amphitheatre, located in Cary, NC was built recently for slightly less than \$20 million dollars. They pull in 10-12 concerts per year, comparable to what is seen at Darien Lake or CMAC. They are on the water, well landscaped, and have open lawn seating. SMG has done a good job of managing this facility, therefore, the County Executive's office asked them for their experience; cost to build, operation cost, realistic goals for number of concerts. They are currently looking at non-state fair concerts and are very encouraged by what they have learned so far from SMG ,about the business prospects." Now, the Town of Cary, North Carolina is a suburb of Raleigh Durham, Chapel Hill area, which has a population of roughly 2 million. They have made the numbers from the operations of their amphitheater public. In 2014, SMG was projecting 77 events at Koka Booth Amphitheater with a total projected attendance of 125,000 people. It also shows that, since the amphitheater's opening in

2002, it has lost money every year, requiring Cary to keep it going with up to \$900,000 of annual financial support. Here's what SMG told the officials of Cary, "Presently, SMG is evaluating and exploring other opportunities that may assist the Amphitheatre in reaching a more positive bottom line in 2014. The Amphitheatre's profitability potential can be influenced by factors such as inclement weather, national economic trends, competition in the market and artist touring schedules." It's important to note that Cary has a much bigger population, more affluent demographics, and a longer season with better weather than Onondaga County. So, what are the business prospects? What are those costs to build, operation costs, and goals? Why has the SMG information that was shared with the County Executive's office not been shared with the public?

Response 42B: Comment noted. The specifics raised by the commenter are beyond the purpose and intent of the SEQR review process as set forth at 6 NYCRR 617.1(c) and (d).

Comment 42C: Like all other amphitheatres across the country, Koka Booth suffers from noise complaints from its neighbors. Local governments faced with these complaints will typically attempt to find ways to manage sound levels at the facility. When the amphitheater's management is told to control the sound so as not to bother the neighbors, there becomes an unexpected conflict with the artists who contractually insist on control over their performance, including sound volume. Venues not willing to comply with artists' requirements risk them simply going elsewhere. This is what happened here at Baldwinsville's Paper Mill Island Amphitheater. Neighbor noise complaints caused the town to impose restrictions on the performance sound levels, and resulted in a dramatic curtailing of its programming.

Response 42C: Please see Response 2A and 32A.

Comment 42D: The DEIS does not account for noise traveling over water better than it does over land.

Response 42D: Please see Response 2A and 32A.

Comment 42E: The DEIS fails to address low frequency sound waves, those bass tones that cause people to call their local representatives to complain.

Response 42E: Please see Response 2A and 32A.

Comment 42F: The DEIS fails to describe how extreme levels of noise from the amphitheater will adversely affect the lake's wildlife populations.

Response 42F: Please see Response 41E.

Comment 42G: The DEIS states that this amphitheater will be in violation of the local town and village noise ordinances. What will you tell those taxpayers in Liverpool and Lakeland, those folks who have invested in their homes with the belief that their town's laws, would protect their quality of life and their property values from the negative effects of things like this amphitheater?

Response 42G: Please see Response 2A and 32A.

Comment 42H: In 2011, Onondaga County officially pledged to return clean Onondaga Lake shoreline to the Onondaga Nation in recognition of the lake as a sacred site to the Onondaga Nation. The passage of the resulting resolution made national news and was a great moment in Onondaga County's history. Building a commercial amphitheater on the Solvay Wastebeds 1-8, effectively preserving them in place to pollute the lake well into the future, ignores this body's formal recognition of Onondaga Lake as a sacred site. If your word to our neighbors means nothing, then why should anyone trust that you will live up to your promises in the future?

Response 42H: It is respectfully submitted that the Commenter is incorrect with respect to his characterization of the resolution addressed in his comment and its applicability or even relevance to the environmental review at issue here. The property addressed in

that resolution is not geographically contiguous or proximate to the proposed site of the Lakeview Amphitheater. The text and language of the resolution speaks for itself. Please also see Response 41ZN.

Comment 42I: In 2012, the legislature hired FOCUS Greater Syracuse to compile a report that would act to clarify the community's visions for Onondaga Lake. Its comprehensive study included a poll asking respondents about their wishes for future use with popular ideas like adding a public swimming area, developing an environmental center, adding restaurants, hotels, and other commercial developments, and adding more pedestrian bike trails listed. Central New Yorker's were directed to select from the list and rank the top three options of greatest importance to them. Overwhelmingly, they said what was most important to them was for the County to.; "Maintain or reforest natural areas". Surprisingly, the next most important option was for the County to construct a "Completed pedestrian and biking trail around the entirety of Onondaga Lake." Essentially, the public you serve, told you through your commissioned study that maintaining natural areas around Onondaga Lake was the most important thing you could do, even more important to them than completing the much touted Loop the Lake Trail. The county's formal recognition of the lake as a sacred site and the community's clearly stated desire for maintaining the lake as a natural place represents a real progress away from the days when industry used the lake as a waste dump and our municipality used it as an open cess pool. So, when the Governor announced plans to build a commercial amphitheater on the Solvay Wastebeds 1-8, effectively preserving them in place to pollute the lake well into the future, it countered the public's clearly stated desire for a "natural setting". If your commitment to upholding the public's interests can be outright rejected, then why should anyone trust that you will live up to your promises in the future?

Response 42I: With respect to the FOCUS study, please see Response 5C. With respect to the amphitheater being built on the Solvay Wastebeds, please see Response 3D. With respect to the shoreline maintaining natural areas with minimal development, please see FEIS Figure 3 (Site Master Plan). As depicted, project design has preserved the

majority of the shoreline around Lakeview Point, with the only potential for vegetation removal along the shoreline occurring on the northern portion of Lakeview Point as a result of amphitheater operations.

Comment Letter 43. Peter Michel

Comment 43A: Please consider the well crafted letter from Joseph J. Heath, the general council for the Onondaga Nation and require that the DEIS be amended to address the environmental impacts that have been ignored, to incorporate the additional mitigation described in the multiple planning and design documents yet to be developed and to expand its alternative analysis.

Response 43A: In a letter dated August 25, 2014, Joseph J. Heath (General Counsel for the Onondaga Nation) provided comments on the Lakeview Amphitheater DEIS on behalf of the Onondaga Nation. Please see Comment Letter 41 above for additional detail regarding the Onondaga Nation's comments on the DEIS, and the Lead Agency's responses.

Comment Letter 44. Wendy Yost

Comment 44A: There are many environmental concerns about covering over instead of cleaning up the waste. The county should continue maximizing resources for cleaning up the lake and its surroundings and avoid further exposure to toxins.

Response 44A: Please see Response 3D.

Comment 44B: The Lake should be restored to a natural area that supports wildlife.

Response 44B: Comment noted. With respect to the purpose, need and benefit of the proposed action being evaluated under SEQR, please see Response 3B. With respect to wildlife impacts please see Responses 41D and 41E. Additionally, please also the Comment Letter 8 from the U.S. Fish and Wildlife Service, and Responses thereto.

Comment 44C: There is no good evidence that this area can support another entertainment venue. This venture will be a financial liability to the county.

Response 44C: Please see Response 3B.

Comment 44D: There are other more pressing needs to which \$30 million dollars of tax payer funds could be directed.

Response 44D: Comment noted.

Comment Letter 45. Anonymous ("buddy1941")

Comment 45A: Why would government, state & local, waste their citizens money on something they don't need? How little they must care for what their citizens think!

Response 45A: Comment noted. With respect to public participation and the public comment period for this project, please see Response 3A.

Comment 45B: Why would government, state & local, expose citizens and their families to an acceptable (?) level of toxic exposure? How little they must care for what their citizens think!

Response 45B: Comment noted. With respect to toxic exposure, please see Response 3D.

Comment Letter 46. Hugh Kimball

Comment 46A: There are a number of significant issues with this proposed project that have not been addressed by the proponents and designers. It is important to follow the SEQR guidelines properly, as failure to do so could result in an Article 78 suit being filed. The commenter has seen the letter submitted by Attorney Joe Heath to the county through Mr. Coburn, and believes that the letter is on target in detailing the many concerns a lot of people have with the county's proposal. He urges the administration, the designers of the project, and, most of all, every legislator read it thoroughly and make

sure that all those concerns are addressed and resolved before a vote on either the EIS or the site plan. Planning Boards rely on their own engineers and lawyers, but they also question the developers and their engineers and other professionals when they present proposed projects. As Lead Agency under SEQR you are collectively filling the role of a planning board, albeit a really large planning board. SEQR requires that you follow a defined process, and that process is not a political process. It can and should be, however, a negotiating process. To properly move through to a site approval you should have a complete plan before you, not a conceptual plan. As lead agency you are not limited to saying "yes" or "no" -- you have the ability to make it "less worse." You also are not bound by a timeline established by the proponents. You have the right and the duty to examine everything and then ask questions of the proponents and their engineers, architects, and other professionals involved.

Response 46A: With respect to the letter submitted by Attorney Joe Heath, please see Comment Letter 41 above the Lead Agency's responses for additional detail. With respect to a project plans, please see Response 12C. With respect to being bound by a timeline, please see Response 3A.

Comment 46B: Protecting health and safety is a prime obligation of a lead agency, and the issue raised in the article in the Post-Standard on the problem of stabilizing the waste bed and preventing corrosion of the pilings should get some attention from you. This is where the negotiating comes in--you can request changes in the plans, and, if you feel the issues are serious enough particularly in the health and safety area, you can say "NO." That power gives you the ability to suggest changes and/or mitigation of potential problems. Please take your responsibilities as lead agency seriously and do the job SEQR requires, and please consider costs and potential environmental losses and problems versus social benefits claimed by the proponents of the proposal.

Response 46B: Please see Response 3D.

Comment 46C: When it comes to funding issues, the commenter hopes the legislators will demand studies that indicate that the project will operate at least at a break even, and will not require taxpayers to make up deficits.

Response 46C: Please see Response 3B.

Comment Letter 47. Brian Smith

Comment 47A: Key documents that are necessary to provide an informed analysis of the potential impacts have not been developed or made available to the public, leaving many important questions unanswered. Without understanding the extent of the potential impacts, the ability to mitigate impacts is also unknown. We simply don't know enough to be assured that our environment, public health, economy, and quality of life will not be adversely impacted by the proposed amphitheater. The Onondaga County Legislature should hold the DEIS open until key documents and plans are available for review by the public. These include a business plan, site remediation and management plans, long-term traffic mitigation measures, and detailed construction plans for building on unstable wastebeds. Without this information neither the public nor the County Legislature can form a complete picture of the environmental impacts of this project and balance them against the Project's social and economic benefits, as required by the SEQR. As we look to the future of how Onondaga County residents use the lakeshore, it's important for us to do this right and carefully consider the environmental, economic, and public health impacts of any project proposed. It's time to take a step back and allow a more thorough review of all the potential impacts before making a determination on this Project.

Response 47A: With respect to the adequacy of the DEIS, please see Response 12C. With respect to a business plan, please see Response 3B. With respect to a remediation plan, please see Response 3D. With respect to traffic mitigation measures, please see Response 3H and FEIS Section 2.2.2. With respect to detailed construction plans, please see Response 41Q.

Comment 47B: The wastebeds contain harmful chemicals, including known and suspected carcinogens, which have been found in the surface and sub-surface soils. How can we be assured that human exposure to contaminants on site will be properly controlled through a site remediation plan that hasn't even been drafted yet?

Response 47B: Please see Response 3D.

Comment 47C: Bird surveys of the area have documented the presence of important species, including bald eagles, osprey, and common terns. The DEIS fails to appropriately measure the potential impact that construction and operation of the facility will have on birds and wildlife, doesn't adequately document the species present at the site that may be negatively impacted, and fails to consider the impacts on adjacent areas or fragmentation effects. How will these important issues be addressed in order to protect birds and other wildlife?

Response 47C: With respect to impacts to bird species, please see Response 41F. With respect to wildlife impacts please see Responses 41D and 41E. With respect to the Commenter's claim that the DEIS doesn't adequately document the species present at the site, please see Response 36C.

Comment 47D: Tentative plans call for laying down six or more feet of fill to support roads and smaller structures, driving support piles down to bedrock 200 feet below the waste for large structures, and potentially employing a range of mechanisms to protect support piles against the corrosive effects of the Solvay waste. Without a final construction design, how can we ensure that structures can be safely built on the wastebeds, which are unstable and corrosive to steel and concrete?

Response 47D: Please see Response 12C.

Comment Letter 48. Linda DeStefano

Comment 48A: The commenter's primary concern is impact on wildlife. The Onondaga Lake shore is already highly developed with paved trails, buildings, and a marina. A survey done (perhaps by TNT?) on what people would like to see for Onondaga Lake indicated a very high desire for a natural shore. The commenter would also like this - both for people who enjoy nature and animals in a quiet setting and for the animals themselves. An amphitheater and related buildings and landscaping would disrupt wildlife habitat.

Response 48A: With respect to impacts on wildlife, please see Responses 41D and 41E. With respect to a survey regarding what people would like to see for Onondaga Lake, please see Response 5C (it is assumed that the commenter is referring to the 2012 F.O.C.U.S. report). With respect to the shoreline maintaining natural areas with minimal development, please see FEIS Figure 3 (Site Master Plan). As depicted, project design has preserved the majority of the shoreline around Lakeview Point, with the only potential for vegetation removal along the shoreline occurring on the northern portion of Lakeview Point as a result of amphitheater operations.

Comment 48B: The EIS needs to look seriously at the option of NOT building the amphitheater. It needs to look at alternatives, such as guided nature walks and possibly a small wildlife educational center.

Response 48B: Evaluation of a No Action alternative is required and included in Section 5.3 the DEIS. See also Response 3C for a detailed discussion on alternatives. The Onondaga Lake Park has significant areas devoted to nature walks and other recreational uses. The proposed amphitheater use diversifies the recreational opportunities in the County's park system.

Comment 48C: Another aspect is to consider the impact on downtown. It's a poor idea to draw people away from our existing, very adequate venues, such as the Civic Center and the

Landmark. When downtown is becoming revitalized, we don't need anything to draw people away.

Response 48C: The specifics raised by the commenter are beyond the purpose and intent of the SEQR review process as set forth at 6 NYCRR 617.1(c) and (d).

Comment Letter 49. Caleb Laieski

Comment 49A: Key documents that are necessary to provide an informed analysis of the potential impacts have not been developed or made available to the public, leaving many important questions unanswered. Without understanding the extent of the potential impacts, the ability to mitigate impacts is also unknown. We simply don't know enough to be assured that our environment, public health, economy, and quality of life will not be adversely impacted by the proposed amphitheater. The Onondaga County Legislature should hold the DEIS open until key documents and plans are available for review by the public. These include a business plan, site remediation and management plans, long-term traffic mitigation measures, and detailed construction plans for building on unstable wastebeds. Without this information neither the public nor the County Legislature can form a complete picture of the environmental impacts of this project and balance them against the Project's social and economic benefits, as required by the SEQR. As we look to the future of how Onondaga County residents use the lakeshore, it's important for us to do this right and carefully consider the environmental, economic, and public health impacts of any project proposed. It's time to take a step back and allow a more thorough review of all the potential impacts before making a determination on this Project.

Response 49A: With respect to the adequacy of the DEIS, please see Response 12C. With respect to a business plan, please see Response 3B. With respect to a remediation plan, please see Response 3D. With respect to traffic mitigation measures, please see Response 3H and FEIS Section 2.2.2. With respect to detailed construction plans, please see Response 41Q.

Comment 49B: The wastebeds contain harmful chemicals, including known and suspected carcinogens, which have been found in the surface and sub-surface soils. How can we be assured that human exposure to contaminants on site will be properly controlled through a site remediation plan that hasn't even been drafted yet?

Response 49B: Please see Response 3D.

Comment 49C: Bird surveys of the area have documented the presence of important species, including bald eagles, osprey, and common terns. The DEIS fails to appropriately measure the potential impact that construction and operation of the facility will have on birds and wildlife, doesn't adequately document the species present at the site that may be negatively impacted, and fails to consider the impacts on adjacent areas or fragmentation effects. How will these important issues be addressed in order to protect birds and other wildlife?

Response 49C: With respect to impacts to bird species, please see Response 41F. With respect to wildlife impacts please see Responses 41D and 41E. With respect to the Commenter's claim that the DEIS doesn't adequately document the species present at the site, please see Response 36C.

Comment 49D: Tentative plans call for laying down six or more feet of fill to support roads and smaller structures, driving support piles down to bedrock 200 feet below the waste for large structures, and potentially employing a range of mechanisms to protect support piles against the corrosive effects of the Solvay waste. Without a final construction design, how can we ensure that structures can be safely built on the wastebeds, which are unstable and corrosive to steel and concrete?

Response 49D: Please see Response 12C.

Comment Letter 50. Sandra Gowing

Comment 50A: We should not be building on a toxic waste site. There are the public safety risks to consider as well as the costs involved in covering up the contaminants. It would cost much less to build it someplace without out these issues. The best place would be the State fairgrounds. The grandstand is in need of upgrading and it could be brought up to a state-of-the-art facility for much less than trying to build on the waste beds. It could then be used for the fair acts and well as other concerts.

Response 50A: With respect to building on a toxic waste site, please see Response 3D. With respect to alternative locations, please see Response 3C.

Comment 50B: Putting this aside, do we really need another arena? No one has come up with a solid business plan to explore whether the proposed stadium will be a money maker or even break even. We already have several arenas and when a new one is built it only takes from the existing ones. The SRC arena at OCC took business from the War Memorial, Landmark, and Civic Center. We also have the Turning Stone Casino competing for shows. As far as helping local restaurants and hotels, concert goers will simply get on Rt. 690 and the Thruway and leave the area.

Response 50B: Please see Response 3B.

Comment 50C: The lake is now being cleaned and in the future, it may be possible to also clean the shoreline waste beds. This will become impossible once they are covered with layers of concrete.

Response 50C: Please see Response 3D.

Comment 50D: If the governor is so eager to spend money, we have schools and infrastructure that are badly in need of attention. Good schools, good roads, a clean environment, a working water system to name a few items, will do more to attract people and industry to our area than an arena that can only be used a few months of the year.

Response 50D: Comment noted.

Comment Letter 51. Anonymous (“thelink_mvile”)

Comment 51A: Key documents that are necessary to provide an informed analysis of the potential impacts have not been developed or made available to the public, leaving many important questions unanswered. Without understanding the extent of the potential impacts, the ability to mitigate impacts is also unknown. We simply don't know enough to be assured that our environment, public health, economy, and quality of life will not be adversely impacted by the proposed amphitheater. The Onondaga County Legislature should hold the DEIS open until key documents and plans are available for review by the public. These include a business plan, site remediation and management plans, long-term traffic mitigation measures, and detailed construction plans for building on unstable wastebeds. Without this information neither the public nor the County Legislature can form a complete picture of the environmental impacts of this project and balance them against the Project's social and economic benefits, as required by the SEQR. As we look to the future of how Onondaga County residents use the lakeshore, it's important for us to do this right and carefully consider the environmental, economic, and public health impacts of any project proposed. It's time to take a step back and allow a more thorough review of all the potential impacts before making a determination on this Project.

Response 51A: With respect to the adequacy of the DEIS, please see Response 12C. With respect to a business plan, please see Response 3B. With respect to a remediation plan, please see Response 3D. With respect to traffic mitigation measures, please see Response 3H and FEIS Section 2.2.2. With respect to detailed construction plans, please see Response 41Q.

Comment 51B: The wastebeds contain harmful chemicals, including known and suspected carcinogens, which have been found in the surface and sub-surface soils. How can

we be assured that human exposure to contaminants on site will be properly controlled through a site remediation plan that hasn't even been drafted yet?

Response 51B: Please see Response 3D.

Comment 51C: Bird surveys of the area have documented the presence of important species, including bald eagles, osprey, and common terns. The DEIS fails to appropriately measure the potential impact that construction and operation of the facility will have on birds and wildlife, doesn't adequately document the species present at the site that may be negatively impacted, and fails to consider the impacts on adjacent areas or fragmentation effects. How will these important issues be addressed in order to protect birds and other wildlife?

Response 51C: With respect to impacts to bird species, please see Response 41F. With respect to wildlife impacts please see Responses 41D and 41E. With respect to the Commenter's claim that the DEIS doesn't adequately document the species present at the site, please see Response 36C.

Comment 51D: Tentative plans call for laying down six or more feet of fill to support roads and smaller structures, driving support piles down to bedrock 200 feet below the waste for large structures, and potentially employing a range of mechanisms to protect support piles against the corrosive effects of the Solvay waste. Without a final construction design, how can we ensure that structures can be safely built on the wastebeds, which are unstable and corrosive to steel and concrete?

Response 51D: Please see Response 12C.

Comment Letter 52. Anonymous ("hareld")

Comment 52A: Key documents that are necessary to provide an informed analysis of the potential impacts have not been developed or made available to the public, leaving many important questions unanswered. Without understanding the extent of the potential

impacts, the ability to mitigate impacts is also unknown. We simply don't know enough to be assured that our environment, public health, economy, and quality of life will not be adversely impacted by the proposed amphitheater. The Onondaga County Legislature should hold the DEIS open until key documents and plans are available for review by the public. These include a business plan, site remediation and management plans, long-term traffic mitigation measures, and detailed construction plans for building on unstable wastebeds. Without this information neither the public nor the County Legislature can form a complete picture of the environmental impacts of this project and balance them against the Project's social and economic benefits, as required by the SEQR. As we look to the future of how Onondaga County residents use the lakeshore, it's important for us to do this right and carefully consider the environmental, economic, and public health impacts of any project proposed. It's time to take a step back and allow a more thorough review of all the potential impacts before making a determination on this Project.

Response 52A: With respect to the adequacy of the DEIS, please see Response 12C. With respect to a business plan, please see Response 3B. With respect to a remediation plan, please see Response 3D. With respect to traffic mitigation measures, please see Response 3H and FEIS Section 2.2.2. With respect to detailed construction plans, please see Response 41Q.

Comment 52B: The wastebeds contain harmful chemicals, including known and suspected carcinogens, which have been found in the surface and sub-surface soils. How can we be assured that human exposure to contaminants on site will be properly controlled through a site remediation plan that hasn't even been drafted yet?

Response 52B: Please see Response 3D.

Comment 52C: Bird surveys of the area have documented the presence of important species, including bald eagles, osprey, and common terns. The DEIS fails to appropriately measure the potential impact that construction and operation of the facility will have on

birds and wildlife, doesn't adequately document the species present at the site that may be negatively impacted, and fails to consider the impacts on adjacent areas or fragmentation effects. How will these important issues be addressed in order to protect birds and other wildlife?

Response 52C: With respect to impacts to bird species, please see Response 41F. With respect to wildlife impacts please see Responses 41D and 41E. With respect to the Commenter's claim that the DEIS doesn't adequately document the species present at the site, please see Response 36C.

Comment 52D: Tentative plans call for laying down six or more feet of fill to support roads and smaller structures, driving support piles down to bedrock 200 feet below the waste for large structures, and potentially employing a range of mechanisms to protect support piles against the corrosive effects of the Solvay waste. Without a final construction design, how can we ensure that structures can be safely built on the wastebeds, which are unstable and corrosive to steel and concrete?

Response 52D: Please see Response 12C.

Comment Letter 53. Anonymous ("hillside53")

Comment 53A: Key documents that are necessary to provide an informed analysis of the potential impacts have not been developed or made available to the public, leaving many important questions unanswered. Without understanding the extent of the potential impacts, the ability to mitigate impacts is also unknown. We simply don't know enough to be assured that our environment, public health, economy, and quality of life will not be adversely impacted by the proposed amphitheater. The Onondaga County Legislature should hold the DEIS open until key documents and plans are available for review by the public. These include a business plan, site remediation and management plans, long-term traffic mitigation measures, and detailed construction plans for building on unstable wastebeds. Without this information neither the public nor the County Legislature can form a complete picture of the environmental impacts

of this project and balance them against the Project's social and economic benefits, as required by the SEQR. As we look to the future of how Onondaga County residents use the lakeshore, it's important for us to do this right and carefully consider the environmental, economic, and public health impacts of any project proposed. It's time to take a step back and allow a more thorough review of all the potential impacts before making a determination on this Project.

Response 53A: With respect to the adequacy of the DEIS, please see Response 12C. With respect to a business plan, please see Response 3B. With respect to a remediation plan, please see Response 3D. With respect to traffic mitigation measures, please see Response 3H and FEIS Section 2.2.2. With respect to detailed construction plans, please see Response 41Q.

Comment 53B: The wastebeds contain harmful chemicals, including known and suspected carcinogens, which have been found in the surface and sub-surface soils. How can we be assured that human exposure to contaminants on site will be properly controlled through a site remediation plan that hasn't even been drafted yet?

Response 53B: Please see Response 3D.

Comment 53C: Bird surveys of the area have documented the presence of important species, including bald eagles, osprey, and common terns. The DEIS fails to appropriately measure the potential impact that construction and operation of the facility will have on birds and wildlife, doesn't adequately document the species present at the site that may be negatively impacted, and fails to consider the impacts on adjacent areas or fragmentation effects. How will these important issues be addressed in order to protect birds and other wildlife?

Response 53C: With respect to impacts to bird species, please see Response 41F. With respect to wildlife impacts please see Responses 41D and 41E. With respect to the Commenter's

claim that the DEIS doesn't adequately document the species present at the site, please see Response 36C.

Comment 53D: Tentative plans call for laying down six or more feet of fill to support roads and smaller structures, driving support piles down to bedrock 200 feet below the waste for large structures, and potentially employing a range of mechanisms to protect support piles against the corrosive effects of the Solvay waste. Without a final construction design, how can we ensure that structures can be safely built on the wastebeds, which are unstable and corrosive to steel and concrete?

Response 53D: Please see Response 12C.

Comment Letter 54. Anonymous ("wdrath")

Comment 54A: Key documents that are necessary to provide an informed analysis of the potential impacts have not been developed or made available to the public, leaving many important questions unanswered. Without understanding the extent of the potential impacts, the ability to mitigate impacts is also unknown. We simply don't know enough to be assured that our environment, public health, economy, and quality of life will not be adversely impacted by the proposed amphitheater. The Onondaga County Legislature should hold the DEIS open until key documents and plans are available for review by the public. These include a business plan, site remediation and management plans, long-term traffic mitigation measures, and detailed construction plans for building on unstable wastebeds. Without this information neither the public nor the County Legislature can form a complete picture of the environmental impacts of this project and balance them against the Project's social and economic benefits, as required by the SEQR. As we look to the future of how Onondaga County residents use the lakeshore, it's important for us to do this right and carefully consider the environmental, economic, and public health impacts of any project proposed. It's time to take a step back and allow a more thorough review of all the potential impacts before making a determination on this Project.

Response 54A: With respect to the adequacy of the DEIS, please see Response 12C. With respect to a business plan, please see Response 3B. With respect to a remediation plan, please see Response 3D. With respect to traffic mitigation measures, please see Response 3H and FEIS Section 2.2.2. With respect to detailed construction plans, please see Response 41Q.

Comment 54B: The wastebeds contain harmful chemicals, including known and suspected carcinogens, which have been found in the surface and sub-surface soils. How can we be assured that human exposure to contaminants on site will be properly controlled through a site remediation plan that hasn't even been drafted yet?

Response 54B: Please see Response 3D.

Comment 54C: Bird surveys of the area have documented the presence of important species, including bald eagles, osprey, and common terns. The DEIS fails to appropriately measure the potential impact that construction and operation of the facility will have on birds and wildlife, doesn't adequately document the species present at the site that may be negatively impacted, and fails to consider the impacts on adjacent areas or fragmentation effects. How will these important issues be addressed in order to protect birds and other wildlife?

Response 54C: With respect to impacts to bird species, please see Response 41F. With respect to wildlife impacts please see Responses 41D and 41E. With respect to the Commenter's claim that the DEIS doesn't adequately document the species present at the site, please see Response 36C.

Comment 54D: Tentative plans call for laying down six or more feet of fill to support roads and smaller structures, driving support piles down to bedrock 200 feet below the waste for large structures, and potentially employing a range of mechanisms to protect support piles against the corrosive effects of the Solvay waste. Without a final construction design,

how can we ensure that structures can be safely built on the wastebeds, which are unstable and corrosive to steel and concrete?

Response 54D: Please see Response 12C.

Comment Letter 55. Anonymous (“jnswickett”)

Comment 55A: Key documents that are necessary to provide an informed analysis of the potential impacts have not been developed or made available to the public, leaving many important questions unanswered. Without understanding the extent of the potential impacts, the ability to mitigate impacts is also unknown. We simply don't know enough to be assured that our environment, public health, economy, and quality of life will not be adversely impacted by the proposed amphitheater. The Onondaga County Legislature should hold the DEIS open until key documents and plans are available for review by the public. These include a business plan, site remediation and management plans, long-term traffic mitigation measures, and detailed construction plans for building on unstable wastebeds. Without this information neither the public nor the County Legislature can form a complete picture of the environmental impacts of this project and balance them against the Project's social and economic benefits, as required by the SEQR. As we look to the future of how Onondaga County residents use the lakeshore, it's important for us to do this right and carefully consider the environmental, economic, and public health impacts of any project proposed. It's time to take a step back and allow a more thorough review of all the potential impacts before making a determination on this Project.

Response 55A: With respect to the adequacy of the DEIS, please see Response 12C. With respect to a business plan, please see Response 3B. With respect to a remediation plan, please see Response 3D. With respect to traffic mitigation measures, please see Response 3H and FEIS Section 2.2.2. With respect to detailed construction plans, please see Response 41Q.

Comment 55B: The wastebeds contain harmful chemicals, including known and suspected carcinogens, which have been found in the surface and sub-surface soils. How can we be assured that human exposure to contaminants on site will be properly controlled through a site remediation plan that hasn't even been drafted yet?

Response 55B: Please see Response 3D.

Comment 55C: Bird surveys of the area have documented the presence of important species, including bald eagles, osprey, and common terns. The DEIS fails to appropriately measure the potential impact that construction and operation of the facility will have on birds and wildlife, doesn't adequately document the species present at the site that may be negatively impacted, and fails to consider the impacts on adjacent areas or fragmentation effects. How will these important issues be addressed in order to protect birds and other wildlife?

Response 55C: With respect to impacts to bird species, please see Response 41F. With respect to wildlife impacts please see Responses 41D and 41E. With respect to the Commenter's claim that the DEIS doesn't adequately document the species present at the site, please see Response 36C.

Comment 55D: Tentative plans call for laying down six or more feet of fill to support roads and smaller structures, driving support piles down to bedrock 200 feet below the waste for large structures, and potentially employing a range of mechanisms to protect support piles against the corrosive effects of the Solvay waste. Without a final construction design, how can we ensure that structures can be safely built on the wastebeds, which are unstable and corrosive to steel and concrete?

Response 55D: Please see Response 12C.

Comment Letter 56. Bonnie Shoultz

Comment 56A: The commenter supports a full clean-up of Onondaga Lake and its shores, and therefore urges the Legislature not to agree to the Amphitheater Project. We as a county should pay much more attention to the concerns of the Onondaga Nation. Onondaga Lake is sacred to the Onondaga Nation and the Haudenosaunee, because it was here on the lake's shores that the Peacemaker helped them form the Haudenosaunee Confederacy, uniting nations under the Great Law of Peace. This is the birthplace of western democracy and should be an international World Heritage site.

Response 56A: The Lead Agency respectfully recognizes the history of the Onondaga Nation and the Haudenosaunee in relation to Onondaga Lake. Please see Comment Letter 41 above for additional detail regarding the Onondaga Nation's comments on the DEIS, and the Lead Agency's responses.

Comment 56B: The commenter is concerned about the economic impact of the Project. Onondaga Lake should not be used for a commercial venture that will drain tax dollars.

Response 56B: Please see Response 3B.

Comment Letter 57. Sheila Sicilia

Comment 57A: Key documents that are necessary to provide an informed analysis of the potential impacts have not been developed or made available to the public, leaving many important questions unanswered. Without understanding the extent of the potential impacts, the ability to mitigate impacts is also unknown. We simply don't know enough to be assured that our environment, public health, economy, and quality of life will not be adversely impacted by the proposed amphitheater. The Onondaga County Legislature should hold the DEIS open until key documents and plans are available for review by the public. These include a business plan, site remediation and management plans, long-term traffic mitigation measures, and detailed construction plans for building on unstable wastebeds. Without this information neither the public

nor the County Legislature can form a complete picture of the environmental impacts of this project and balance them against the Project's social and economic benefits, as required by the SEQR. As we look to the future of how Onondaga County residents use the lakeshore, it's important for us to do this right and carefully consider the environmental, economic, and public health impacts of any project proposed. It's time to take a step back and allow a more thorough review of all the potential impacts before making a determination on this Project.

Response 57A: With respect to the adequacy of the DEIS, please see Response 12C. With respect to a business plan, please see Response 3B. With respect to a remediation plan, please see Response 3D. With respect to traffic mitigation measures, please see Response 3H and FEIS Section 2.2.2. With respect to detailed construction plans, please see Response 41Q.

Comment 57B: The wastebeds contain harmful chemicals, including known and suspected carcinogens, which have been found in the surface and sub-surface soils. How can we be assured that human exposure to contaminants on site will be properly controlled through a site remediation plan that hasn't even been drafted yet?

Response 57B: Please see Response 3D.

Comment 57C: Bird surveys of the area have documented the presence of important species, including bald eagles, osprey, and common terns. The DEIS fails to appropriately measure the potential impact that construction and operation of the facility will have on birds and wildlife, doesn't adequately document the species present at the site that may be negatively impacted, and fails to consider the impacts on adjacent areas or fragmentation effects. How will these important issues be addressed in order to protect birds and other wildlife?

Response 57C: With respect to impacts to bird species, please see Response 41F. With respect to wildlife impacts please see Responses 41D and 41E. With respect to the Commenter's

claim that the DEIS doesn't adequately document the species present at the site, please see Response 36C.

Comment 57D: Tentative plans call for laying down six or more feet of fill to support roads and smaller structures, driving support piles down to bedrock 200 feet below the waste for large structures, and potentially employing a range of mechanisms to protect support piles against the corrosive effects of the Solvay waste. Without a final construction design, how can we ensure that structures can be safely built on the wastebeds, which are unstable and corrosive to steel and concrete?

Response 57D: Please see Response 12C.

Comment Letter 58. Sheila Sicilia

Comment 58A: There are many valid concerns about this project, including serious health and environmental impacts, and the lack of research into the actual costs. I can't imagine that the project would proceed in light of these concerns. If this half-baked plan does proceed, it will be obvious that somebody stands to make a lot of money from it, and has bought out our elected officials. That would stink almost as much as an amphitheater built on a toxic waste dump would. When I tell my kids to clean their room, that doesn't mean just throw a rug over the whole mess. Please do the right thing and focus on cleaning up Onondaga Lake!

Response 58A: Comment noted. With respect to health impacts please see Response 3D, with respect to environmental impacts please see Response 20F, with respect to costs please see Response 3B.

Comment Letter 59. Safia Gravel

Comment 59A: Key documents that are necessary to provide an informed analysis of the potential impacts have not been developed or made available to the public, leaving many important questions unanswered. Without understanding the extent of the potential impacts, the ability to mitigate impacts is also unknown. We simply don't know enough

to be assured that our environment, public health, economy, and quality of life will not be adversely impacted by the proposed amphitheater. The Onondaga County Legislature should hold the DEIS open until key documents and plans are available for review by the public. These include a business plan, site remediation and management plans, long-term traffic mitigation measures, and detailed construction plans for building on unstable wastebeds. Without this information neither the public nor the County Legislature can form a complete picture of the environmental impacts of this project and balance them against the Project's social and economic benefits, as required by the SEQR. As we look to the future of how Onondaga County residents use the lakeshore, it's important for us to do this right and carefully consider the environmental, economic, and public health impacts of any project proposed. It's time to take a step back and allow a more thorough review of all the potential impacts before making a determination on this Project.

Response 59A: With respect to the adequacy of the DEIS, please see Response 12C. With respect to a business plan, please see Response 3B. With respect to a remediation plan, please see Response 3D. With respect to traffic mitigation measures, please see Response 3H and FEIS Section 2.2.2. With respect to detailed construction plans, please see Response 41Q.

Comment 59B: The wastebeds contain harmful chemicals, including known and suspected carcinogens, which have been found in the surface and sub-surface soils. How can we be assured that human exposure to contaminants on site will be properly controlled through a site remediation plan that hasn't even been drafted yet?

Response 59B: Please see Response 3D.

Comment 59C: Bird surveys of the area have documented the presence of important species, including bald eagles, osprey, and common terns. The DEIS fails to appropriately measure the potential impact that construction and operation of the facility will have on birds and wildlife, doesn't adequately document the species present at the site that

may be negatively impacted, and fails to consider the impacts on adjacent areas or fragmentation effects. How will these important issues be addressed in order to protect birds and other wildlife?

Response 59C: With respect to impacts to bird species, please see Response 41F. With respect to wildlife impacts please see Responses 41D and 41E. With respect to the Commenter's claim that the DEIS doesn't adequately document the species present at the site, please see Response 36C.

Comment 59D: Tentative plans call for laying down six or more feet of fill to support roads and smaller structures, driving support piles down to bedrock 200 feet below the waste for large structures, and potentially employing a range of mechanisms to protect support piles against the corrosive effects of the Solvay waste. Without a final construction design, how can we ensure that structures can be safely built on the wastebeds, which are unstable and corrosive to steel and concrete?

Response 59D: Please see Response 12C.

Comment Letter 60. Safia Gravel

Comment 60A: Please reconsider allowing the amphitheater being built along the shore of Onondaga Lake. This lake was once a pristine body of water, drinkable and home to many edible fish such as whitefish and even salmon, and was home to very unique and rare ecosystems like the inland salt marshes. It is considered sacred to our first people, the Haudenosaunee and the whole Iroquois confederacy. What happened here was what led to our own constitution.

Response 60A: Please see Responses 56A and 41ZN.

Comment 60B: At one time this land was very abundant, can you believe that right along the shores of the lake we had wolves, bears, turtles, wildcats, snakes, and eagles? Can you imagine a time when the water was perfectly clean and children could swim in it and

we could drink straight from the lake? So much damage has been done, from the harvesting of salt, to the alteration of the hydrology of the creeks and streams and the lake itself and the draining of the land which now makes up our city, to the dumping of tons and tons of toxic substances and pollutants into the lake on a daily basis, to the building of highways along its shores. Onondaga Lake should be the center of our city and even our region. It should be an attraction. It should be protected from harm. It should be safe to use, to swim in, to eat from. It should be a peaceful and pleasant and beautiful place. Full of nature. Wouldn't this be the greatest asset to our city and our region? Wouldn't a pristine, clean, beautiful, peaceful, and safe lake surrounded by forests and wetlands bring many people to visit and admire it? Wouldn't these people want to walk along its shores, boat and swim in its waters, camp or stay along its shores? Wouldn't having such a natural asset make the city of Syracuse a much more attractive place? If you are in doubt perhaps it would be helpful to explore other cities and the natural assets that they love and protect and celebrate and how important those are to their people.

Response 60B: Comment noted. With respect to the purpose, need and benefit of the proposed project please see Response 3B.

Comment 60C: If done correctly, the first step is to really clean up the mess that has been made. Corporations (like Honeywell) can afford to really do a full and thorough cleanup here. The lake should not be surrounded by huge amounts of toxic waste, the waste needs to be fully remediated, not buried and hidden from sight. No matter how well it is hidden and concealed at some unknown point in the future these systems will invariably fail and again the toxic contents will contaminate our waters. Furthermore, this lake will never be an asset if it continues to be surrounded by dirty industries, highways, vast parking lots and noisy venues. It should again, be a peaceful place, full of natural sounds and sights. So lets bring back nature, rather than building things that will detract from the atmosphere.

Response 60C: Comment noted.

Comment 60D: What exactly is the purpose of this amphitheater anyhow? What we need here in Syracuse and Onondaga County is better public transit, more jobs, more skills, more urban farms, more clean and renewable energy production, more affordable housing, better schools, a better life for our children, an economy that works for all of our people, better ways to address poverty, inequality, and segregation, and a better urban environment that is dense, walkable, and full of nature. We have plenty of entertainment venues in the area already. They are not solving the real problems that we have here. Plain and simple, this money should be put to better use.

Response 60D: Please see Response 3B.

Comment Letter 61. Catherine Schultz

Comment 61A: Key documents that are necessary to provide an informed analysis of the potential impacts have not been developed or made available to the public, leaving many important questions unanswered. Without understanding the extent of the potential impacts, the ability to mitigate impacts is also unknown. We simply don't know enough to be assured that our environment, public health, economy, and quality of life will not be adversely impacted by the proposed amphitheater. The Onondaga County Legislature should hold the DEIS open until key documents and plans are available for review by the public. These include a business plan, site remediation and management plans, long-term traffic mitigation measures, and detailed construction plans for building on unstable wastebeds. Without this information neither the public nor the County Legislature can form a complete picture of the environmental impacts of this project and balance them against the Project's social and economic benefits, as required by the SEQR. As we look to the future of how Onondaga County residents use the lakeshore, it's important for us to do this right and carefully consider the environmental, economic, and public health impacts of any project proposed. It's time to take a step back and allow a more thorough review of all the potential impacts before making a determination on this Project.

Response 61A: With respect to the adequacy of the DEIS, please see Response 12C. With respect to a business plan, please see Response 3B. With respect to a remediation plan, please see Response 3D. With respect to traffic mitigation measures, please see Response 3H and FEIS Section 2.2.2. With respect to detailed construction plans, please see Response 41Q.

Comment 61B: The wastebeds contain harmful chemicals, including known and suspected carcinogens, which have been found in the surface and sub-surface soils. How can we be assured that human exposure to contaminants on site will be properly controlled through a site remediation plan that hasn't even been drafted yet?

Response 61B: Please see Response 3D.

Comment 61C: Bird surveys of the area have documented the presence of important species, including bald eagles, osprey, and common terns. The DEIS fails to appropriately measure the potential impact that construction and operation of the facility will have on birds and wildlife, doesn't adequately document the species present at the site that may be negatively impacted, and fails to consider the impacts on adjacent areas or fragmentation effects. How will these important issues be addressed in order to protect birds and other wildlife?

Response 61C: With respect to impacts to bird species, please see Response 41F. With respect to wildlife impacts please see Responses 41D and 41E. With respect to the Commenter's claim that the DEIS doesn't adequately document the species present at the site, please see Response 36C.

Comment 61D: Tentative plans call for laying down six or more feet of fill to support roads and smaller structures, driving support piles down to bedrock 200 feet below the waste for large structures, and potentially employing a range of mechanisms to protect support piles against the corrosive effects of the Solvay waste. Without a final construction design,

how can we ensure that structures can be safely built on the wastebeds, which are unstable and corrosive to steel and concrete?

Response 61D: Please see Response 12C.

Comment Letter 62. Keith Lindner

Comment 62A: Key documents that are necessary to provide an informed analysis of the potential impacts have not been developed or made available to the public, leaving many important questions unanswered. Without understanding the extent of the potential impacts, the ability to mitigate impacts is also unknown. We simply don't know enough to be assured that our environment, public health, economy, and quality of life will not be adversely impacted by the proposed amphitheater. The Onondaga County Legislature should hold the DEIS open until key documents and plans are available for review by the public. These include a business plan, site remediation and management plans, long-term traffic mitigation measures, and detailed construction plans for building on unstable wastebeds. Without this information neither the public nor the County Legislature can form a complete picture of the environmental impacts of this project and balance them against the Project's social and economic benefits, as required by the SEQOR. As we look to the future of how Onondaga County residents use the lakeshore, it's important for us to do this right and carefully consider the environmental, economic, and public health impacts of any project proposed. It's time to take a step back and allow a more thorough review of all the potential impacts before making a determination on this Project.

Response 62A: With respect to the adequacy of the DEIS, please see Response 12C. With respect to a business plan, please see Response 3B. With respect to a remediation plan, please see Response 3D. With respect to traffic mitigation measures, please see Response 3H and FEIS Section 2.2.2. With respect to detailed construction plans, please see Response 41Q.

Comment 62B: The wastebeds contain harmful chemicals, including known and suspected carcinogens, which have been found in the surface and sub-surface soils. How can we be assured that human exposure to contaminants on site will be properly controlled through a site remediation plan that hasn't even been drafted yet?

Response 62B: Please see Response 3D.

Comment 62C: Bird surveys of the area have documented the presence of important species, including bald eagles, osprey, and common terns. The DEIS fails to appropriately measure the potential impact that construction and operation of the facility will have on birds and wildlife, doesn't adequately document the species present at the site that may be negatively impacted, and fails to consider the impacts on adjacent areas or fragmentation effects. How will these important issues be addressed in order to protect birds and other wildlife?

Response 62C: With respect to impacts to bird species, please see Response 41F. With respect to wildlife impacts please see Responses 41D and 41E. With respect to the Commenter's claim that the DEIS doesn't adequately document the species present at the site, please see Response 36C.

Comment 62D: Tentative plans call for laying down six or more feet of fill to support roads and smaller structures, driving support piles down to bedrock 200 feet below the waste for large structures, and potentially employing a range of mechanisms to protect support piles against the corrosive effects of the Solvay waste. Without a final construction design, how can we ensure that structures can be safely built on the wastebeds, which are unstable and corrosive to steel and concrete?

Response 62D: Please see Response 12C.

Comment Letter 63. Martin Gugino

Comment 63A: The Amphitheater should not be built over a polluted lake bed. The pollution should be cleaned before the Amphitheater is built, so that the poison is not left for the people who in the future attempt to revitalize the lakeshore and are involved in removing the amphitheater, whenever that is. The people who dumped the waste there should be compelled to clean it up, and if they have been allowed to "get away with it", then the county, and the State DEC, should not participate in the cover up of that mistake. Build the amphitheater only over land that is not poisoned.

Response 63A: Please see Response 3D.

Comment Letter 64. John Imes

Comment 64A: Key documents that are necessary to provide an informed analysis of the potential impacts have not been developed or made available to the public, leaving many important questions unanswered. Without understanding the extent of the potential impacts, the ability to mitigate impacts is also unknown. We simply don't know enough to be assured that our environment, public health, economy, and quality of life will not be adversely impacted by the proposed amphitheater. The Onondaga County Legislature should hold the DEIS open until key documents and plans are available for review by the public. These include a business plan, site remediation and management plans, long-term traffic mitigation measures, and detailed construction plans for building on unstable wastebeds. Without this information neither the public nor the County Legislature can form a complete picture of the environmental impacts of this project and balance them against the Project's social and economic benefits, as required by the SEQOR. As we look to the future of how Onondaga County residents use the lakeshore, it's important for us to do this right and carefully consider the environmental, economic, and public health impacts of any project proposed. It's time to take a step back and allow a more thorough review of all the potential impacts before making a determination on this Project.

Response 64A: With respect to the adequacy of the DEIS, please see Response 12C. With respect to a business plan, please see Response 3B. With respect to a remediation plan, please see Response 3D. With respect to traffic mitigation measures, please see Response 3H and FEIS Section 2.2.2. With respect to detailed construction plans, please see Response 41Q.

Comment 64B: The wastebeds contain harmful chemicals, including known and suspected carcinogens, which have been found in the surface and sub-surface soils. How can we be assured that human exposure to contaminants on site will be properly controlled through a site remediation plan that hasn't even been drafted yet?

Response 64B: Please see Response 3D.

Comment 64C: Bird surveys of the area have documented the presence of important species, including bald eagles, osprey, and common terns. The DEIS fails to appropriately measure the potential impact that construction and operation of the facility will have on birds and wildlife, doesn't adequately document the species present at the site that may be negatively impacted, and fails to consider the impacts on adjacent areas or fragmentation effects. How will these important issues be addressed in order to protect birds and other wildlife?

Response 64C: With respect to impacts to bird species, please see Response 41F. With respect to wildlife impacts please see Responses 41D and 41E. With respect to the Commenter's claim that the DEIS doesn't adequately document the species present at the site, please see Response 36C.

Comment 64D: Tentative plans call for laying down six or more feet of fill to support roads and smaller structures, driving support piles down to bedrock 200 feet below the waste for large structures, and potentially employing a range of mechanisms to protect support piles against the corrosive effects of the Solvay waste. Without a final construction design,

how can we ensure that structures can be safely built on the wastebeds, which are unstable and corrosive to steel and concrete?

Response 64D: Please see Response 12C.

Comment Letter 65. Dik Cool

Comment 65A: This amphitheater leaves us dumbfounded. It is one of the worst ideas to come down the public projects pike since the idea of building a new hotel next to the Oncenter. You did the right thing there by channeling county support to Ed Riley's reclamation of the glorious Hotel Syracuse. We urge you to tell the governor to spend state tax collars to completely clean Onondaga Lake and create a fitting tribute to the First People - the Onondagas. Or to support desperately-needed infrastructure work. There's no shortage of ways to better spend taxpayer dollars.

Response 65A: Comment noted. Please see Responses 3B and 41ZN.

Comment Letter 66. Sue Eiholzer

Comment 66A: Key documents that are necessary to provide an informed analysis of the potential impacts have not been developed or made available to the public. Without understanding the extent of the potential impacts, the ability to mitigate impacts is also unknown. Perhaps your reading of the DEIS is different from mine. It is a long and complex document. The commenter urges the Onondaga County Legislature to hold the DEIS open until key documents and plans are available for review by the public, including a business plan, site remediation and management plans, long-term traffic mitigation measures, and detailed construction plans for building on unstable wastebeds. Without this information neither the public nor the County Legislature can form a complete picture of the environmental impacts of this project and balance them against the Project's social and economic benefits, as required by the SEQOR, and make an informed judgment and decision.

Response 66A: With respect to the adequacy of the DEIS, please see Response 12C. With respect to a business plan, please see Response 3B. With respect to a remediation plan, please see Response 3D. With respect to traffic mitigation measures, please see Response 3H and FEIS Section 2.2.2. With respect to detailed construction plans, please see Response 41Q.

Comment 66B: At the last public hearing Dr. Kate Lewis, biology professor and researcher at Syracuse University, told us about a highly deadly toxin that she is researching which is not yet on any list of toxins. How can we be assured that human exposure to contaminants on site will be properly controlled through a site remediation plan that hasn't even been drafted yet or doesn't take in to account new toxins? This is only one area of concern. Can we afford not to err on the side of caution?

Response 66B: Please see Response 3D.

Comment 66C: Onondaga Lake is sacred to our neighbors, the Onondaga. Do we really have to do more to desecrate it when we have other options?

Response 66C: Comment noted. With respect to alternatives, please see Response 3C. Please also see Response 41ZN.

Comment 66D: Additional consideration needs to be given to economics, traffic impact, noise impact and quality of life so they will not be adversely impacted by this proposed amphitheater project.

Response 66D: With respect to the adequacy of the DEIS, please see Response 12C.

Comment Letter 67. Joe Heath

Comment 67A: The DEIS fundamentally fails to quantify the likely negative impacts of amphitheater operation because it provides no information about the frequency, duration, or timing of these impacts. How many large concerts are anticipated within a season? When

will the season begin in the spring and when will it end in the fall? Will the concerts typically be scheduled on week nights or on weekends? If some concerts are likely to be held during the week, how often is that likely to happen? When will concerts typically begin and when will they typically end? Other than an unsupported suggestion in the traffic analysis that large concerts are likely to occur on the weekends and to draw incoming traffic near rush hour, the DEIS makes no effort to provide any of this information. Understanding the overall impacts of this project on wildlife, traffic patterns, and quality of life in neighboring communities, however, certainly requires such data. Concerts scheduled during breeding season, for example, may be more damaging to area wildlife than concerts later in the summer. Excess concert noise at 10:30 p.m. on a week night is likely to be more disruptive to surrounding residential areas than similar noise levels on a Saturday afternoon. The DEIS should be revised to include this information and to re-assess the overall negative environmental impacts of amphitheater operation in light of it.

Response 67A: With respect to the timing of events in relationship to traffic impacts, the traffic analysis considered the worst case scenario of events occurring on Friday evenings. See FEIS Section 2.2.2, Response 3H and Comment Letter 33 and Responses thereto. With respect to the adequacy of the DEIS, please see Response 12C. With respect to impacts to wildlife during the breeding season, please note that when discussing construction-related Displacement, the DEIS states “Within New York State, peak breeding time for birds common to successional forest and grassland habitat occurs in late spring and early summer (i.e., May and June)...” Therefore, in relation to concerts scheduled during the breeding season, the project has the potential to result in disturbance/impact to bird species that are breeding within or immediately adjacent to the project site. However, this will be an intermittent occurrence. Please also note that DEIS Section 4.0 identifies the loss of wildlife habitat and increased noise and light during events as unavoidable adverse impacts.

Comment 67B: The commenter attached a transcript from a National Public Radio Diane Rehm show from Tuesday, September 1st on the issue of noise pollution—another area in which

the DEIS's review was fundamentally inadequate. This transcript provide a very educational discussion of the dangers of noise pollution and its numerous negative impacts. For instance, I call your particular attention to this statement, on page 2, by Monica Hammer, an environmental health attorney, when she was asked my Ms. Rehm to provide a summary: "So the health effects of noise are serious. And they're more interesting than you may think. I think everyone knows acute kind of feelings of what happens when you have decreased sleep quality or increased stress because of noise in the short term. And however, the effects of noise go beyond that. Because from a chronic point of view, you experience high blood pressure, reduced learning and productivity, endocrine disruption. And then, finally the long-term risks include heart disease and hearing loss. Hearing loss is a disability and, I mean, that's no small thing. But heart disease, of course, changes mortality figures. . . . [T]here's nothing more serious than that really. And in the United States, we have notices that, . . . in terms of other environmental pollutants, noise is right up there with air pollution. And so, it's over 100 million Americans [who] are affected by noise and are at risk of heart disease and hearing loss due to noise pollution." It is clear that, when one reads this entire transcript, the DEIS have fallen substantially short of the hard look at noise pollution that is mandated by SEQR.

Response 67B: Please see Response 2A and 32A.

Comment Letter 68. Conrad Stozik

Comment 68A: The DEIS does not evaluate potential adverse impacts on wildlife or habitat. Onondaga Lake has developed a rich and diverse community of wildlife. More species of fish are present today in more quantities than in all the past years. Birds including the previously rare found Bald Eagle now populate the lake. Waterfowl are also thriving in areas along the western shore.

Response 68A: With respect to wildlife impacts, please see Responses 41D and 41E. With respect to impacts to bird species, please see Response 41F.

Comment 68B: We have a unique natural treasure few urban areas can claim. Appreciation of the lake by many, whether serious bird watchers, anglers, or simply lovers of nature, would be lost by development along the western shore.

Response 68B: It is expected that implementation of the Lakeview Amphitheater project will provide for increased access to the western shore of Onondaga Lake, and therefore the potential for increased appreciation of the lake by the public.

Comment 68C: The noise analysis in the DEIS is inadequate. The DEIS does acknowledge that noise could be a problem but does not give clear indication how great that amplification over water will affect people near or around the lake. Solving the potential noise problem by asking people to close windows or leave their homes during concerts is not the way to solve this issue.

Response 68C: Please see Response 2A and 32A.

Comment 68D: The Project is not compatible with community preferences for or public commitments to increased public access to the Lakeshore. The Izaak Walton League has for years been involved with the workings of the Onondaga Lake Partnership and its annual conferences and forums. Consistently, it was clear that the public wished to see that the lakes shoreline remains as natural as possible and that no development, public nor private, be considered. Several surveys by Focus have confirmed this objective. Why has the DEIS ignored this position by so many county residents?

Response 68D: Please see Response 5C.

Comment 68E: The DEIS does not consider a reasonable range of alternatives SEQR requires that proper considerations be given to all reasonable alternatives. The DEIS deals with only one and unsatisfactory alternative to building an amphitheater when it's not clear whether we actually need an amphitheater to solve a county problem. Nowhere in the DEIS are statements that Onondaga County needs a venue for concerts. If we

actually do need one, why not consider various other locations such the (1) the Inner Harbor where space and parking would be available, where it would be near shopping, restaurants and future hotels; (2) the State Fair Grounds, rebuild and/or expand the existing grandstand; or (3) empty urban space such as off from Erie Blvd East near the new Center of Excellence Building.

Response 68E: Please see Response 3C.

Comment 68F: Listed in the DEIS is the following statement “the purpose of establishing an outdoor events center at the Lakeview Point site is to 1) enhance public access to the western shore of Onondaga Lake, 2) take advantage of the new opportunities available as a result of the remediation and restoration efforts taking place on the western lakeshore”. If truly enhancing public access and to take advantage of new opportunities are objectives, then we should be looking at a host of other solutions along with the amphitheater. Solutions should be considered that would benefit the majority of the public, young and old, with use of the lake for most of the year. Conversely a specific group of concert goers will only be able to use a lake-side amphitheater for only a much smaller time of a year. Other solutions that could be considered would be completing the Loop the Lake hiking and biking trail and installing boat and canoe launching sites along with related docking facilities at various points on the lake.

Response 68F: With respect to the project purpose, need and benefit please see Response 3B. With respect to alternatives, please see Response 3C. With respect to increased public access, please see Response 19B.

Comment 68G: The County does not have sufficient information on the potential economic and social benefits of the Project or on Project costs. This issue is perhaps the most serious one to impact the amphitheater project because of the many unknown and “to be determined” issues. To begin, there appears to be no initial estimate of the costs. All that is stated is that \$100,000.00 has been set aside for this project. The costs of

dealing with new technical issues of just establishing the building foundation on an unknown base of waste could use all or more of the allocated funds.

Response 68G: With respect to the purpose, need and benefit of the project, and cost estimates please see Response 3B. With respect to “to be determined” issues, please see Response 9B.

Comment 68H: Has a study been made on who will attend the concerts and will the income of the potential attendance offset all the now unknown operating and maintenance expenses? Public entertainment businesses such as amphitheaters and casinos, once very popular are now losing money or completely closing.

Response 68H: Please see Response 3B.

Comment 68I: The County has not provided adequate opportunity for public review of and comment on the DEIS. SEQR requires that that the public be made aware of and be given opportunity to comment on significant projects affecting economic, social, and environmental issues. All this needs to be done in a reasonable manner and so scheduled that the public be given ample opportunity to review and comment. On this amphitheater project it appears that the county or its collaborators wished to “railroad” this project before anyone would learn of its true impact on Onondaga Lake and the related county outdoor opportunities. Is it really so important to build this amphitheater in 2014 so that concerts could be held in 2015? WHY? Giving only several weeks to comment and holding public hearings during the day rather than in the evening again labels the project as an ambitious “railroad” attempt to build a monument to someone’s ego rather than getting the public involved with an issue of substantial public importance especially when using great amounts of public tax dollars. Based on the comments noted above and the Izaak Walton League statements below, we recommend that the county place the amphitheater project on hold. Then (1) provide a new DEIS that answers all the “to be determined” issues, (2) resolve the concerns

raised by ourselves and other concerned environmental and civic organizations and (3) establish a new and reasonable public comment period.

Response 68I: With respect to an extended public comment period and a hearing held during the evening, please see Response 3A. With respect to “to be determined” issues, please see Response 9B. With respect to timing of construction, please see Response 41P.

Comment Letter 69. Conrad Strozik

Comment 69A: For years, as a committee member of the Onondaga Lake Partnership, the commenter has been made aware of a continued desire on the part of the concerned public. The results of discussions, forums and surveys have consistently voiced the opinion and desire that it would be best to leave the western shore undeveloped in its natural state. He is also personally a strong supporter of this position. Once clean and having a natural setting, Onondaga Lake can become a jewel of a national attraction. Where else in this county will you find an urban lake with a natural surrounding void of commercial buildings, summer cottages or ugly waterfront distractions?

Response 69A: With respect to the results of public discussions, forums and surveys, please see Response 5C.

Comment 69B: To comply with SEQR, a lead agency needs to review all alternatives. In addition, it's necessary to define the issue or problem that the project is attempting to solve. It's not clear whether the county needs to build a venue for concerts or whether it wants to improve the appreciation of or acknowledge the existence of a cleaner lake, or whether it simply wants to enhance the use of the lake.

Response 69B: With respect to alternatives, please see Response 3C. With respect to the project purpose, need, and benefit please see Response 3B.

Comment 69C: If a venue for concerts is required, (although no evidence of this exists) then we should examine alternatives. Why not consider expanding the Fairgrounds grandstand? How

about an amphitheater in the Inner-Harbor area? Or in any other empty spots in the city adjacent to parking and linked to buses? On the other hand, if, as noted in the DEIS, “the purpose of establishing an outdoor events center at the Lakeview Point site is to 1) enhance public access to the western shore of Onondaga Lake, 2) take advantage of the new opportunities available as a result of the remediation and restoration efforts taking place on the western lakeshore” then we should be looking at a host of other solutions along with the amphitheater. Solutions that would benefit the majority of the public, young and old, for most of the year rather than a specific group of concert goers that will be able to use a lake-side amphitheater for only a much smaller portion of a year. For less funds, and less environmental issues, the hiking/bike trail around the lake would have a tremendous impact on the appreciation and use of the lake. Rebuilding the existing rest and food stations near the east shore and building new ones near the west shore would enhance the hiking and biking experiences. By including educational exhibits that highlight the natural elements found at the lake and its surrounding area, appreciation of our lake would increase. Building boat launching and various docking facilities for small boats, canoes and kayaks would greatly increase the access and appreciation of the lake for those that wish to get close to and enjoy the water. The county has not done a credible job of truly looking for alternatives; if it had, a lake side amphitheater would not be proposed. In addition, if the county considered public opinion, it would recognize that the concerned people in the county do not want an amphitheater on the West Shore of Onondaga Lake.

Response 69C: With respect to a public desire for an amphitheater on Onondaga Lake, please see Response 5C. With respect to alternatives, please see Response 3C.

Comment Letter 70. Donna Hamblin

Comment 70A: It would seem the public has no say in the actual construction of this facility or of its placement. It has been announced we will have one, and it will be on the View Point of Onondaga Lake. Also that the construction will be started this year. Why is this a

foregone conclusion? Who is making this conclusion? Why is it assumed the general public needs or wants such a venue?

Response 70A: With respect to public input, please see Response 3A. With respect to the need of the project, please see Response 3B.

Comment 70B: What has happened to the hope of the last more natural area being allowed to remain as such? Surely there are also those who would appreciate a refreshing, quiet spot so close to the city. A "walk in the woods" so to speak. Obviously the site is not pristine. It may be more suitable to lighter foot traffic than to bear the remediation needed for construction, traffic and large crowds. An amphitheater would bring its own pollution of light and noise, both quite disturbing. Sited on the View Point it would spread this pollution across the lake as well in its own area.

Response 70B: Onondaga Lake Park has significant areas devoted to nature walks and other recreational uses. The proposed amphitheatre use diversifies the recreational opportunities in the County's park system. A walk in the woods along the lake shore is currently available to the public through use of the West Shore Trail, which traverses forest north and south of the proposed amphitheater project. Impacts associated with the proposed amphitheater project have been thoroughly evaluated in the DEIS, which sets forth Existing Conditions, Potential Impacts, and Mitigation Measures (see DEIS Sections 3.1 through 3.14). With respect to spreading pollution, please see Response 3D.

Comment 70C: The commenter understands that there are other funds to be used. Funds that will address problems in the local area such as clean-up of existing brownfields, upgrading housing in the village of Solvay (including the building of lower-cost housing), repaving the streets, upgrading the status of local business, and other such projects to raise the quality of life in the village. This raises questions about the implementation of priorities. Would it not be more wise to first be concerned with the welfare of an existing community rather than having the public forced to have a problematic

amphitheater built? There are certainly jobs to be had here, in construction, in clean-up, in establishing new businesses as well as upgrading old ones. In so doing the morale of the entire village may be greatly revitalized. This does not necessarily preclude the amphitheater construction, but as in other such projects, it seems universally true there will be cost overruns. What will suffer most in such a situation? The funds for supporting the village. Why let it suffer? My opinion first favors the greater good of the village of Solvay rather than an expensive undertaking that serves a limited good for fewer people, and may even harm their lives.

Response 70C: Comment noted.

Comment Letter 71. Lloyd Withers (Verbal Comments Provided at the August 26, 2014 Public Hearing)

Comment 71A: There are health risks, and added expenses associated with building on the Solvay wastebeds and Crucible landfill. This site has been much studied because of the massive amounts of toxic chemical waste that have been dumped there. Common sense alone would guide most to a more suitable location for a public amphitheater.

Response 71A: Please see Response 3D.

Comment 71B: An ideal location for a public amphitheater is at the New York State Fair Grounds. The Fair Grounds provide a significantly less expensive site for this facility, especially given that it has the infrastructure and services in place to host the kind of events planned for the amphitheater. Its Grand Stand is in need of renovation, so directing state funds there would serve to shift the risk associated with this venture from being borne primarily by County residents, to being carried by the entire state. Maybe more importantly without losing any potential benefit to Onondaga County, Solvay, or the Town of Geddes.

Response 71B: With respect to alternatives, please see Response 3C.

Comment 71C: Deputy County Executive Bill Fisher and a representative from SMG, the OnCenter's management group provided the Legislature with some insight into the still unreleased business plan for the project. They met with your Planning and Economic Development Committee back in March, where the minutes described the following: "Mr. Fisher stated that they have also asked SMG for input on managing amphitheatres. The Koka Booth Amphitheater located in Cary, North Carolina was built recently for less than \$20 million. They pull in 10 to 12 concerts per year, comparable to what is seen at Darien Lake or CMAC. They are on the water and well landscaped and have open lawn seating. SMG has done a good job managing this facility, therefore the County Executive's office asked them for their experience, cost to build, operation costs, realistic goals for a number of concerts. They are currently looking at non-State Fair concerts and are very encouraged by what they have learned so far from SMG about the business prospects." Now, town of Cary, North Carolina, is a suburb of Raleigh, Durham, Chapel Hill area, which has a population of roughly 2 million. Cary has made the numbers from the operation of their amphitheater public. In 2014 SMG was projecting 77 events at Koka Booth Amphitheater, not 10 or 12, with a total projected attendance of 125,000 people. Here's what SMG told the officials of Cary about the upcoming year, that's 2014. "Presently, SMG is evaluating and exploring other opportunities that may assist the Amphitheater in reaching a more positive bottom line in 2014. The Amphitheater's profitability potential can be influenced by factors such as inclement weather, national economic trends, competition in the market and artist touring schedules." It's important to note that Cary has a much bigger population, more affluent demographics, and a longer season with better weather than does Onondaga County. However, despite those advantages Koka Booth Amphitheater has lost money every year since its opening in 2002, requiring the town to keep it going with up to \$900,000 of annual financial support. What are the business prospects for the amphitheater? What are those costs to build, operation costs and goals? Why has the SMG information that was shared with the County Executive's office not been shared with the public?

Response 71C: Please see Response 42B.

Comment 71D: The DEIS does not adequately address the noise issue associated with this facility. Clearly the noise from this will violate the ordinances that are designed to protect the people in Liverpool and Lakeland, to protect their home environment and quality of life.

Response 71D: Please see Response 2A and 32A.

Comment 71E: It's also very important to note that this Legislative body hired FOCUS Greater Syracuse to file a report about the community's visions for Onondaga Lake. They asked the public about future use, things like adding a public swimming area, developing an environmental center, etc. And overwhelmingly, more than 85 percent of the respondents said what was most important to them was for the County to maintain or reforest natural areas. The next most important option was a completed pedestrian biking trail around the entirety of the Lake. The County's formal recognition of the Lake as a sacred site and the community's clearly stated desire for maintaining the Lake as a natural place represents a real progress away from the days when the industry used the Lake as a waste dump, and our municipalities used it as an open cesspool. So when the Governor announced plans to build an amphitheater on Solvay Wastebeds 1 through 8, effectively preserving them to pollute the Lake for generations to come, it came as an affront to the public's clearly stated desire for it to be restored to a natural setting. And simultaneously ignored this body's formal recognition of Onondaga Lake as a sacred site. The commenter asks us to consider the answer to this question: If your word to our neighbor means nothing, if your commitment to upholding the public's interest can be outright rejected, then why should anyone trust that you will live up to your promises in the future?

Response 71E: With respect to the FOCUS study please see Response 5C.

Comment Letter 72. Hugh Kimball (Verbal Comments Provided at the August 26, 2014 Public Hearing)

Comment 72A: To properly move through to a site plan approval (with SEQR) you should have a complete plan before you, not a conceptual plan. You need to understand that as a lead agency you are not limited to saying yes or no. You have the ability to make it less worse. You have the right and the duty to examine everything, and then ask questions of the proponents and their engineers, architects, and other professionals involved. You can request changes in the plans, and if you feel the issues are serious enough, particularly in the health and safety area, you can say no. The commenter is asking the lead agency to take responsibilities seriously and do the job SEQR requires.

Response 72A: Please see Response 12C.

Comment 72B: Protecting healthy and safety is a prime obligation of a lead agency. There is a problem of stabilizing the waste and preventing corrosion of pilings that you should pay attention to.

Response 72B: Please see Response 3D.

Comment 72C: Please consider cost and potential environmental losses versus the social benefits claimed by the proponents of this proposal.

Response 72C: In accordance with SERQA, the Lead Agency will continue to take the necessary hard look at project-related impacts.

Comment 72D: Regarding funding issues, the commenter hopes the lead agency will demand studies to indicate that the project will operate and at least break even, and will not require taxpayers to make up the deficits.

Response 72D: Please see Response 3B.

Comment Letter 73. Charlotte (Chuckie) Holstein (Verbal Comments Provided at the August 26, 2014 Public Hearing)

Comment 73A: In the fall of 2011 County Executive Mahoney contacted FOCUS and she asked us if we could identify what the citizen really want on the shoreline of Onondaga Lake. FOCUS is supposed to be a citizen engagement organization, and we have a pretty broad outreach. In 1997 when FOCUS went to the community to ask the citizens their vision for the community, one of the top preferences at Number 3 (87 votes) was a desire to have Onondaga Lake clean, able for the public to use in any way they desired. The commenter presents the report: There are 54 studies on Onondaga Lake going back to 1928. Historically, people wanted an airport there, later a golf course as well as a venue for cultural events and displays along the shoreline including concerts, an art park, and an amphitheater. The most common theme over the 86 years of studies was that the public wants to have access to the shoreline and don't want to see a lot of development there. They want to be able to get there to fish, boat, hike, bike and do other outdoor activities. Following the research of the former studies FOCUS did a survey of 1,100 people from every zip code in the County. Commenter submitted a copy of the report in the meeting. The Commenter also submitted a copy of a document written by the Onondaga Nation: "The Onondaga Nation for a Clean Onondaga Lake." It discusses how wonderful the lake was, and can be.

Response 73A: Comment noted. With respect to the proposed project's consistency with the FOCUS report, please see Response 5C.

Comment Letter 74. Katherine (Kate) Lewis (Verbal Comments Provided at the August 26, 2014 Public Hearing)

Comment 74A: Why is the amphitheater being built on this site? It's going to cost a huge amount of money and the commenter cannot see that there is a need. There is no business plan. The commenter is concerned the price will continue to rise.

Response 74A: Please see Response 3B. With respect to alternatives, please see Response 3C.

Comment 74B: The Casino windfall money could be otherwise spent on other things by this Legislature.

Response 74B: Comment noted.

Comment 74C: It's not a good site to build on. It's corrosive, it's toxic, and it's going to cost a lot of money. The site contains many highly toxic chemicals: we know that there are carcinogens and chemicals that will adversely impact the development of embryos and normal human reproductive and nervous systems. The commenter is concerned that the EPA does not consider this a risk to young children. Her lab has been examining polyaromatic hydrocarbons (two chemicals that look similar to DDT, but nothing is known about them.) They're not on any list of toxic chemicals, because no one has tested them to see if they're toxic. The commenter has been testing these on fish eggs in miniscule amounts, "lower by order of magnitude than we ever thought we would have to go," and yet finding that there are highly volatile reactions such as heart defects. Fish embryos develop in a similar way as human embryos, particularly heart development. This is very concerning, and only related to the two chemicals examined. The commenter knows that these two chemicals are found in the lake in the tar pit, and likely on this site as well. The site has not been tested well enough, and not evenly enough. These chemicals could be present but not spread evenly.

Response 74C: Please see Response 3D.

Comment Letter 75. Bob Papworth (Verbal Comments Provided at the August 26, 2014 Public Hearing)

Comment 75A: The commenter cannot find any information in the record for the Onondaga Lake Superfund project that suggests that thermal treatment technologies have ever been examined for use in any of the sub sites. The commenter received a proposal from a company called Noble Metals Extraction (mining services co.) to help clean up the lower Ley Creek sand plane. The proposal suggests building a plant to remove toxic materials from the sand, sterilize and replace the sand and bury the toxic solution or

treat it with thermal treatment. The EPA website has a document titled "Citizens to Thermal Distortion" which concludes with the sentence, "Thermal destruction is being used or has been selected for use at over 70 Superfund sites across the country." Why has this not been mentioned in connection with Onondaga Lake or any of the sub sites? The wastebeds no. 1-8 are 60' deep, a mile long and enormous (and full of chemicals.) Why hasn't the topic of thermal treatment and thermal destruction been pursued? The commenter does not want to have the chemical waste be buried under a project site if it could be treated.

Response 75A: Please see Response 1A.

Comment Letter 76. Les Monostory (Verbal Comments Provided at the August 26, 2014 Public Hearing)

Comment 76A: Onondaga County is not in compliance with the SEQR Scoping and Environmental Impact Statement preparation requirements for the analysis of alternatives to the Lakeview Amphitheater site. This may put the County at risk of an Article 78 lawsuit.

Response 76A: The Lead Agency respectfully disagrees with the commenter. Please see Responses 3C, 12B, 12C, and 41ZL.

Comment 76B: Hazardous waste has been deposited at the Crucible or the Crucible landfill site which is located on the same wastebed where the proposed Lakeview Amphitheater site is. The calcium carbonate waste and unknown wastes that were dumped into Onondaga Lake most recently at the east loom and west loom sites have underlaid the calcium carbonates. We don't know how much further liquid wastes will sink. Nobody knows what underlays the wastebeds.

Response 76B: Please see Responses 3D and 13C.

Comment 76C: This is going to be an expensive site to build, and there isn't going to be a cost analysis or the site until October 1st. If the County Legislature approves this site now, they're providing someone a blank check to build this amphitheater.

Response 76C: With respect to economic considerations, please see Response 3B.

Comment 76D: Alternatives haven't been considered, such as the New York State Fair.

Response 76D: Please see Response 3C.

Comment Letter 77. Conrad Strozik (Verbal Comments Provided at the August 26, 2014 Public Hearing)

Comment 77A: Why are we building an amphitheater? To what degree will it solve an existing county problem or issue? If that problem or issue were truly defined, then the county should have first considered the alternatives to solve that problem by using social, economic and environmental considerations. The county first solved this unidentified problem by trying to build an amphitheater, then decided to explain why by saying that it will enhance the use of the lake. The county should have examined alternative measures dealing with enhancing the use of the Lake rather than where to actually site the amphitheater. Concert goers will not enhance the use of the Lake. Nor will the Lake enhance the performance of Lakeside concerts. Why are we building an amphitheater?

Response 77A: With respect to the project need, please see Response 3B. With respect to alternatives, please see Response 3C.

Comment Letter 78. Alma Lowry (Verbal Comments Provided at the August 26, 2014 Public Hearing)

Comment 78A: SEQR requires the lead agency to consider the environmental impacts of the proposed actions and to consider potential mitigation and identify alternative strategies that might avoid any harm identified. If there are environmental impacts, the lead agency is obligated to balance those costs against the social and economic benefits of the project. Why do economic impacts matter? Because it leads to the heart of it. The DEIS has found unavoidable negative environmental impacts, for which mitigation has not been taken. The lead agency has an obligation to balance those costs against

economic and social benefits and provide a reasonable elaboration for the basis of moving forward, or not, with the project. There are problems with the ability to do that because the DEIS is inadequate in several ways. The DEIS omits the significant impacts on analysis, repeatedly replies on undeveloped mitigation measures and fails to consider a reasonable range of alternatives.

Response 78A: With respect to the adequacy of the DEIS, please see Response 12C.

Comment 78B: Birds and wildlife have been drawn to the toxic wastebeds 1-8, probably because this is the least developed tract of land along the lakeshore. Despite the presence of potentially endangered bass, bald eagles, ospreys, common terns and common loons, despite the intense construction period the amphitheater would require, despite the multiple large conferences that would draw thousands of visitors, despite the loud music in perpetuity, the DEIS says there will be minimal impacts on wildlife either on or adjacent to the site. Apparently this is because there has been sporadic construction along the lakeshore and all the wildlife is now habituated to human presence anyway? There is no analysis of this statement. No evidence to support the fact that wildlife has currently habituated. No evidence or analysis showing that the intensive human use proposed is comparable to sporadic scattered construction that has been ongoing around the lakeshore. The DEIS doesn't consider the impact of chemicals or pesticides on wildlife, or consider erosion.

Response 78B: Please see Responses 41D and 41E. Please also see Comment Letter 8 from the U.S. Fish and Wildlife Service and responses thereto.

Comment 78C: The DEIS doesn't consider the impact on wildlife from visitors who will be drawn to the site by the hundreds and thousands, who might intrude into otherwise previously undisturbed areas.

Response 78C: Please see Responses 41D and 41E.

Comment 78D: The DEIS mitigation measures are not accurate. The County kicks the can down the road here, stating that mitigation will be selected by someone else, somewhere else, in yet to be developed plans that one can't see because they don't exist. The landscape, construction, site remediation, and stormwater prevention plans are not finalized yet. The county just says yes, there will be impacts, but they will be taken care of in some fashion with these plans, which the county says will be developed at some point and will comply with the law. SEQOR doesn't make sure you comply with the law. SEQOR asks you to look at the environmental impacts of otherwise legal projects and make sure that the costs are balanced against the benefits. Without any information about the economics of the project, without any idea whether it is going to be economically viable, it doesn't seem like the County can do that: you cannot meet these obligations with this document. The bottom line is that the County needs to go back and needs to revise the DEIS and go through the process again to make sure the SEQOR obligations are met before deciding whether or not to go forward with this project.

Response 78D: With respect to the adequacy of the DEIS, please see Response 12C. With respect to project economics, please see Response 3B. A cardinal principal of SEQOR is that: "As early as possible in an agency's formulation of an action it proposes to undertake" it "[m]ake a preliminary classification of an action as Type I or Unlisted 6 NYCRR 617.6((1) (iv). For public works projects such as the design and construction of the Lakeview Amphitheater, the environmental review process occurs in conjunction with or prior to a decision to fund or undertake the action. Thus, the classification of the proposed action in the public works context triggers the environmental review process so that a determination to fund or undertake the action can be made consistent with the requirements of SEQOR. As a practical matter, this means that while it is possible to determine impacts based on preliminary design and to outline the specific actions needed to mitigate those impacts. The details of certain mitigation measures are necessarily dependent upon specific design elements, although the parameters of those mitigation measures are well known and conform to governing state and federal regulatory programs. Stormwater Pollution Prevention Plans are an example (see DEIS Appendix I [Preliminary SWPPP Outline]).

Comment 78E: SEQR requires the lead agency to consider alternative projects that will achieve the same or similar objectives as the preferred alternative. The goals stated support development of this particular site rather than the development of a viable concert venue. If the goal is a concert venue, consider reasonable alternatives such as a site closer to the Inner Harbor or on the State Fair Grounds. Yet, this is excluded from the DEIS. If the goals set in the DEIS are really the goals of the county, then other site uses need to be considered to meet these goals, such as an environmental education center, a wildlife viewing center.

Response 78E: Please see Response 3C regarding project alternatives.

Comment Letter 79. Frank Moses (Verbal Comments Provided at the August 26, 2014 Public Hearing)

Comment 79A: Onondaga Lake is recognized as a New York State Important Bird Area (IBA), specifically for wintering waterfowl and mentioned for bald eagle, as well. In 2013 it was recognized by the National Audubon Society as one of 23 projects, one of its highest priority projects out of over 2,500 IBAs. Part of that is because of the conservation education programming and creation of the Onondaga Lake Conservation Corps.

Response 79A: The DEIS also identifies this Important Bird Area. Specifically, Section 3.4.1.2.5 (Wildlife Habitat) of the DEIS states, Onondaga Lake was designated by the National Audubon Society as an Important Bird Area (IBA) in 1997, because of its value to congregating waterfowl.

Comment 79B: Waterfowl are attracted to shimmering pavement after a rain event. Hopefully there is a rain initiative where the pavement would be porous so that water would not have a shimmer effect and not trap waterfowl. The DEIS is insufficient in measuring the type of impact this project would have on birds, other wildlife and their habitat.

Response 79B: The DEIS provides a thorough evaluation of wildlife impacts, please see Responses 41D and 41E for additional information. With respect to the commenter's concern regarding shimmering pavement, the County is committed to incorporating bird-friendly design to the extent practicable. Please see DEIS Section 3.4.3.2 for specific commitments. Please also see Response 104B.

Comment 79C: The commenter is requesting additional mitigation measures, such as habitat enhancement for field, landscape, and other infrastructure, such as chimney swift towers; measures to reduce disturbance to bald eagles and other conservation priority species; and dark-sky initiatives during when the amphitheater is not in use.

Response 79C: With respect to dark-sky initiatives, the DEIS indicates this mitigation measure will be utilized. Please see Response 15B. With respect to bald eagles please see Comment 8D provided by the U.S. Fish and Wildlife Service, and Response 8D which states, "If bald eagles are found to be actively using or nesting within or near the project site, Onondaga County will follow the Bald Eagle Management Guidelines, and consult with the U.S. Fish and Wildlife Service, as necessary."

Comment 79D: The DEIS is inadequate in terms of the analysis and assessment of the impact on wildlife, both birds and other kinds of wildlife. It is insufficient in measuring what type of impacts this project would have and what we would lose in regards to birds, other wildlife, and their habitats. If this project does go through, we need to have a clear assessment of the impacts so we can understand how to mitigate or compensate for that loss.

Response 79D: Please see Responses 41D and 41E.

Comment 79E: Another mitigation measure could be to designate a part of the ticket sale prices for concerts to aid the conservation of Onondaga Lake as an important bird area. If 17,000 people come in to enjoy the waterfront, then we would hope that part of the enjoyment they would be paying for through ticket sales, whether its a dollar off the

ticket, would go specifically and directly to the conservation of Onondaga Lake. There is a great potential to provide sustainable revenue to bird conservation through this project.

Response 79E: Comment noted.

Comment Letter 80. Beth Kinne (Verbal Comments Provided at the August 26, 2014 Public Hearing)

Comment 80A: A toxic waste dump is not a good place to build - toxic waste should be scientifically dealt with in order to protect the public health.

Response 80A: Please see Responses 3D and 13C.

Comment 80B: Wouldn't taxpayer money be better spent on our roads or water lines or sewers? The roads in the downtown areas as well as other areas of the city are in need of major repairs.

Response 80B: Comment noted.

Comment Letter 81. Jack Manno (Verbal Comments Provided at the August 26, 2014 Public Hearing)

Comment 81A: We have a moral, sacred, and someday hopefully a legal obligation to listen to and respect the Onondaga People's voice about the environmental impacts of this project. On April 19, 2010 Onondaga County Executive Joanne Mahoney joined Seneca environmental leader Henry Lickers, Onondaga Chief Jake Edwards, then-president of SUNY ESF Neil Murphy, and Syracuse Sustainability Coordinator Andy Maxwell at Syracuse Stage as part of a program titled Sacred Waters: the Onondaga Nation's Vision for the Future of Onondaga Lake. These are some of the words that County Executive Mahoney shared with the audience, "we had the opportunity to sit with the Chief, Oren Lyons, on more than one occasion and get a very good history and understanding of what Onondaga Lake means to the Haudenosaunee, and what it really means to our entire community. It's the home of western democracy, it's the basis of the Constitution of the United States of America, and there is so much history

to Onondaga Lake, we as a community should be embracing it and not obviously using it the way it's been used in the past. I'm going to tell you the things Onondaga County is going to do. One is we're going to continue to try to understand the importance of Onondaga Lake. I went with some of my team to the Onondaga Longhouse. I had a wonderful opportunity to hear from the Onondagas about Onondaga Lake, and we have formally brought the Onondaga Nation into the conversation and made them a real ongoing part of the conversation about how we're going to clean Onondaga Lake." The Nation has spoken very clearly that the rush to build an amphitheater on top of mounds of potentially harmful wastebeds is the opposite of how Onondaga Lake should be cleaned up. Be true to the words of the County Executive and stop the rush for something no one needs and which your partners, the people of the Onondaga Nation, have actively opposed. You have a sacred duty to protect and restore the sacred waters of Onondaga Lake.

Response 81A: Comment noted. Please see Response 41ZN.

Comment Letter 82. Mary Thompson (Verbal Comments Provided at the August 26, 2014 Public Hearing)

Comment 82A: The commenter agrees with the FOCUS Greater Syracuse finding that keeping the lake public and making sure citizens have access to the Lake is a priority.

Response 82A: Comment noted. Regarding the FOCUS study, please see Response 5C.

Comment 82B: When people come in they utilize the facilities, they go to restaurants, they use hotels, there is an economic impact. And therefore there is some economic impact as a result. The commenter is hopeful that this project ties into the Fair Grounds, the OnCenter, and a lot of other event venues that could be utilized in a different kind of way for the community.

Response 82B: Comment noted.

Comment 82C: The commenter is really excited about the neighborhood revitalization. There hasn't been enough discussion about that -- it's really important and is a critical issue to our community.

Response 82C: Comment noted.

Comment 82D: The commenter loves the idea of dedicating a portion of ticket sales to Lake conservation as a mitigation measure for impacts to wetlands. Other communities do that kind of thing and it's something we should consider.

Response 82D: Comment noted.

Comment Letter 83. Lendra Monkemeyer (Verbal Comments Provided at the August 26, 2014 Public Hearing)

Comment 83A: The danger of benzene in drinking water is very great. Benzene evaporates from the soil and can be inhaled and impact the brain. If you put something on your skin, you can wash it off. If you breathe it in, you can't wash it off. We need to be very careful what we do with the benzene and make sure it's cleaned up first.

Response 83A: Comment noted. With respect to public health and safety concerns, please see Response 3D.

Comment 83B: Commenter suggests a roll-up sun shade for the amphitheater, like they did in Rome.

Response 83B: Comment noted.

Comment 83C: We want to keep animals happy, the wildlife. If we didn't build so much or if we built in areas that were already built, it would be safer and let animals have their right to life.

Response 83C: Comment noted. Please see Responses 41D and 41E; please also see Comment Letter 8 and Responses thereto.

Comment Letter 84. Catherine Landis (Verbal Comments Provided at the August 26, 2014 Public Hearing)

Comment 84A: The commenter is researching as part of her dissertation the environmental history of the Lake, going back to a time when the Lake was natural, when there were wetlands, salt springs, and forest all around the Lake and a very rich environment. Things like salmon, passenger pigeons by the million coming to salt springs. Restoring that historical abundance is entirely possible.

Response 84A: Comment noted.

Comment 84B: The DEIS points out that the Project area lies in a large relatively intact mostly undeveloped area along the western shore that's 400 acres. The loss of 20 percent of that habitat is significant. The DEIS kind of dismisses that loss by saying that the wildlife can go elsewhere or become accustomed to the light and noise. But it's not really a comparable disturbance. With the construction that going on currently, the goal is to remove as much as possible, remove and remediate toxic hazards and actually create habitat. Whereas the amphitheater would be destroying habitat, permanently.

Response 84B: With respect to wildlife impacts please see Responses 41D and 41E.

Comment 84C: One of the tenets of conservation biology is the idea of fragmentation. So if you lose 70 acres, it's not only the 70 acres you are losing, but you are also impacting the surrounding areas. A lot of energy is currently being invested in restoring and rebuilding streamside areas along Nine Mile Creek and wetlands along the Lake. There is potential for this contiguous habitat complex, with forest, wetland, aquatic, and grassland habitats.

Response 84C: Please see Response to 41D, which addresses fragmentation.

Comment 84D: The wastebed area where the amphitheater is planned is not just industrial. It is an industrial setting, an industrial waste dump, but it has been healing over the past 60

,70 years. And now it's home to many birds. A 2012-2013 study by SUNY ESF masters students found 59 species of birds in what he described as a thriving bird community. The habitat issue is tremendously important and was not adequately addressed in the DEIS. We're investing millions of dollars restoring the habitat along that side of the Lake, which is relatively natural. Building a facility this size that will attract so many people would seriously undermine these restoration efforts.

Response 84D: With respect to wildlife impacts please see Responses 41D and 41E. Please also see Comment Letter 79 and Responses thereto.

Comment 84E: In terms of planning, development has less impact when it's clustered. So if you're going to build an amphitheater, consider other sites like the Grand Stand or other sites that are already developed on the other side of the Lake, and leave the west shore. Let it heal, let it renaturalize, let the habitat enhancements that happening now, let those coalesce. And listen to the public voices that want Onondaga Lake to be a natural place.

Response 84E: With respect to alternatives, please see Response 3C, and with respect to public opinion, please see Response 5C.

Comment Letter 85. Christine Riley

Comment 85A: At a time when there are large numbers of people un- and under-employed, when the city of Syracuse has in the neighborhood of 40 % of its children living in poverty, when health insurance companies are announcing 15% and higher anticipated increase in premiums for January 2015, when the streets in the county are in dis-repair, etc., etc., how can the county government back a proposal to spend large sums of public money on an entertainment venue? Even if money from the state is coming only for this purpose, someone must stand up and say: this is taxpayer money and there are many more important uses for it. Give us money for what we need.

Response 85A: Comment noted.

Comment 85B: The commenter has yet to see anything that lays out the profits expected. We are talking about an additional concert venue that is centrally located between the well-received stages at Saratoga, Canandaigua, and the Turning Stone. And we are talking about sinking lots of money into an outdoor stage in Syracuse which will have only a few months a year to make any money. It seems likely that the people who attend concerts here are those who might have otherwise traveled to another stage in upstate New York; there needs to be some analysis that shows concert-goers are going to be created by this project.

Response 85B: Please see Response 3B.

Comment 85C: The wastebeds along the west side of Onondaga Lake may be able to be remediated for some purposes but bringing large numbers of people to sit on them is not the best use. Too little is known about the hazards that remain and that may be accentuated by this project.

Response 85C: Please see Responses 3D and 13C.

Comment 85D: It would be better to use this space for something like a community solar project.

Response 85D: Comment noted.

Comment Letter 86. Paul Eiholzer

Comment 86A: Building the amphitheater on a 40 to 80 feet deep industrial waste dump raises questions about the safety of people attending the venue. The waste contains hazardous chemicals, some of which are carcinogenic. The bulk of the wastes are unstable and corrosive requiring that the amphitheater will have to be build the on top of specially coated steel pilings adding significantly to the cost of the project. The DEIS relies on a Superfund "cleanup" plan that has not yet been fully developed or approved to protect public health from this contaminated site. Between this unavailable plan and

gaps in site testing, there is no way to no whether risks to the public health will be appropriately controlled.

Response 86A: Please see Responses 3D and 13C.

Comment 86B: The waste contains hazardous chemicals, some of which are capable of vaporizing into the air.

Response 86B: Please see Response 3D.

Comment 86C: There is no business plan for the Amphitheater or explaining whether the project will be profitable. Many other summer-only concert venues need tax payer and/or corporate support to stay open.

Response 86C: Please see Response 3B.

Comment 86D: The limited noise analysis shows that concerts will routinely violate local noise ordinances. The only solutions proposed are limited changes to one of four sets of speakers and asking residents to go inside or leave the area for the evening.

Response 86D: Please see Response 2A and 32A.

Comment 86E: The traffic analysis shows that large concerts will create unacceptable traffic problems. The short-term solutions discussed in the analysis (with no cost information) won't fix the problem and undefined long-term changes still have to be developed.

Response 86E: Please see Response 3H and FEIS Section 2.2.2. Please also see Comment Letter 33 from the NYSDOT, and the Lead Agency's responses.

Comment 86F: The amphitheater is proposed for one of the last undeveloped sections of habitat along Onondaga Lake. The DEIS inappropriately discounts the impacts of noise, lights, chemical run-off, and intensified human presence on wildlife and ignores issues of habitat fragmentation.

Response 86F: With respect to wildlife impacts, please see Responses 41D and 41E.

Comment 86G: Onondaga Lake is sacred to the Onondaga Nation and the Haudenosaunee, because it was here on the lakes shores that the Peacemaker helped them form the Haudenosaunee Confederacy, uniting nations under the Great Law of Peace. This is the birthplace of western democracy and should be an international World Heritage site, not as a commercial venture that will drain tax dollars.

Response 86G: Comment noted. Please see Response 41ZN.

Comment 86H: The DEIS inappropriately relies on multiple yet-to-be-developed plans to mitigate identified negative impacts and fails to consider a reasonable range of alternatives to this project. The information provided simply isn't enough to allow the balancing of unavoidable harms against expected benefits, as required under the State Environmental Quality Review Act. There is no question but that the DEIS needs to be re-worked and the above discrepancies need to be addressed.

Response 86H: Please see Response 12C. Please also see Sections 1.0 through 3.0.

Comment Letter 87. Ann Jamison

Comment 87A: If money for this project is coming from NY State, and NY State owns the NY State Fair property, then why not renovate the NY State Fair grandstand? All the infrastructure needed to maintain an amphitheater and more are available on State Fair lands. Why not be practical and responsible with NYS taxpayers money and refrain from sticking the Onondaga County taxpayer with the burden of bonding a huge

portion of this proposed project? The new and improved grandstand could be named after Mahoney and Cuomo, thus satisfying their egos.

Response 87A: Comment noted. With respect to alternatives, please see Response 3C.

Comment Letter 88. Richard Romeo

Comment 88A: Key documents that are necessary to provide an informed analysis of the potential impacts have not been developed or been made available to public. Without understanding the extent of the potential impacts, the ability to mitigate impacts is also unknown. We simply don't know enough to be assured that our environment, public health, economy, and quality of life will not be adversely impacted by the proposed amphitheater project. The Onondaga County Legislature to hold the DEIS open until key documents and plans are available for review by the public. These include a business plan, site remediation and management plans, long-term traffic mitigation measures, and detailed construction plans for building on unstable wastebeds. Without this information neither the public nor the County Legislature can form a complete picture. As we look to the future of how Onondaga County residents use the lakeshore, it is important for us to do this right.

Response 88A: With respect to the adequacy of the DEIS, please see Response 12C. With respect to a business plan, please see Response 3B. With respect to a remediation plan, please see Response 3D. With respect to traffic mitigation measures, please see Response 3H and FEIS Section 2.2.2. With respect to detailed construction plans, please see Response 41Q.

Comment 88B: The wastebeds contain harmful chemicals, including known and suspected carcinogens, which have been found in the surface and sub-surface soils. How can we be assured that human exposure to contaminants on site will be properly controlled?

Response 88B: Please see Response 3D.

Comment 88C: Bird surveys of the area have documented the presence of important species, including bald eagles, osprey, and common terns. The DEIS fails to appropriately measure the potential impact that construction and operation of the facility will have on birds and wildlife, doesn't adequately document the species present at the site that may be negatively impacted, and fails to consider the impacts on adjacent areas or fragmentation effects.

Response 88C: With respect to impacts to bird species, please see Response 41F. With respect to wildlife impacts please see Responses 41D and 41E. With respect to the Commenter's claim that the DEIS doesn't adequately document the species present at the site, please see Response 36C.

Comment 88D: Tentative plans apparently have not considered the import and costs to protect support piles against the corrosive effects of Solvay waste. How can we ensure that structures can be safely built on the wastebeds, which are unstable and corrosive to steel and concrete? Salt water/ocean structures are constantly degraded by salt effecting degradation of the structures. Carousel Mall is built on piles and you can feel the movement of the building at expansion and control joints, indicating that such structures are unstable by design.

Response 88D: Please see Response 12C.

Comment 88E: Remember that the proposed site, laden with waste is in what was once a swamp area. Low lying swamp areas are not only vital to the success of indigenous wildlife but they are nature's filtration system for the lake. Is not our goal to clean the lake of all toxic waste and to reclaim clean waters?

Response 88E: The proposed Lakeview Amphitheater project will not conflict with any of the Onondaga Lake remediation efforts. With respect to the purpose, need and benefit of this project, please see Response 3B.

Comment 88F: There are alternate locations, Roth Steel property for example. The south west end of the lake/harbor and the recently remediated lands all along Hiawatha Blvd. Toxic remediation would be less costly at these alternate locations than it would be on existing waste beds. The proposed dirt fill could also raise grades to achieve the same affect as designed at less risk to public health.

Response 88F: With respect to alternatives, please see Response 3C. With response to public health, please see Response 3D.

Comment Letter 89. Aggie Lane

Comment 89A: Key documents that are necessary to provide an informed analysis of the potential impacts have not been developed or made available to the public, leaving many important questions unanswered. Without understanding the extent of the potential impacts, the ability to mitigate impacts is also unknown. We simply don't know enough to be assured that our environment, public health, economy, and quality of life will not be adversely impacted by the proposed amphitheater. The Onondaga County Legislature should hold the DEIS open until key documents and plans are available for review by the public. These include a business plan, site remediation and management plans, long-term traffic mitigation measures, and detailed construction plans for building on unstable wastebeds. Without this information neither the public nor the County Legislature can form a complete picture of the environmental impacts of this project and balance them against the Project's social and economic benefits, as required by the SEQR. As we look to the future of how Onondaga County residents use the lakeshore, it's important for us to do this right and carefully consider the environmental, economic, and public health impacts of any project proposed. It's time to take a step back and allow a more thorough review of all the potential impacts before making a determination on this Project.

Response 89A: With respect to the adequacy of the DEIS, please see Response 12C. With respect to a business plan, please see Response 3B. With respect to a remediation plan, please see Response 3D. With respect to traffic mitigation measures, please see Response 3H and FEIS Section 2.2.2. With respect to detailed construction plans, please see Response 41Q.

Comment 89B: The wastebeds contain harmful chemicals, including known and suspected carcinogens, which have been found in the surface and sub-surface soils. How can we be assured that human exposure to contaminants on site will be properly controlled through a site remediation plan that hasn't even been drafted yet?

Response 89B: Please see Response 3D.

Comment 89C: Bird surveys of the area have documented the presence of important species, including bald eagles, osprey, and common terns. The DEIS fails to appropriately measure the potential impact that construction and operation of the facility will have on birds and wildlife, doesn't adequately document the species present at the site that may be negatively impacted, and fails to consider the impacts on adjacent areas or fragmentation effects. How will these important issues be addressed in order to protect birds and other wildlife?

Response 89C: With respect to impacts to bird species, please see Response 41F. With respect to wildlife impacts please see Responses 41D and 41E. With respect to the Commenter's claim that the DEIS doesn't adequately document the species present at the site, please see Response 36C.

Comment 89D: Tentative plans call for laying down six or more feet of fill to support roads and smaller structures, driving support piles down to bedrock 200 feet below the waste for large structures, and potentially employing a range of mechanisms to protect support piles against the corrosive effects of Solvay waste. Without a final construction design, how

can we ensure that structures can be safely built on the wastebeds, which are unstable and corrosive to steel and concrete?

Response 89D: Please see Response 12C.

Comment Letter 90. Diana Green

Comment 90A: Key documents that are necessary to provide an informed analysis of the potential impacts have not been developed or made available to the public, leaving many important questions unanswered. Without understanding the extent of the potential impacts, the ability to mitigate impacts is also unknown. We simply don't know enough to be assured that our environment, public health, economy, and quality of life will not be adversely impacted by the proposed amphitheater. The Onondaga County Legislature should hold the DEIS open until key documents and plans are available for review by the public. These include a business plan, site remediation and management plans, long-term traffic mitigation measures, and detailed construction plans for building on unstable wastebeds. Without this information neither the public nor the County Legislature can form a complete picture of the environmental impacts of this project and balance them against the Project's social and economic benefits, as required by the SEQOR. As we look to the future of how Onondaga County residents use the lakeshore, it's important for us to do this right and carefully consider the environmental, economic, and public health impacts of any project proposed. It's time to take a step back and allow a more thorough review of all the potential impacts before making a determination on this Project.

Response 90A: With respect to the adequacy of the DEIS, please see Response 12C. With respect to a business plan, please see Response 3B. With respect to a remediation plan, please see Response 3D. With respect to traffic mitigation measures, please see Response 3H and FEIS Section 2.2.2. With respect to detailed construction plans, please see Response 41Q.

Comment 90B: The wastebeds contain harmful chemicals, including known and suspected carcinogens, which have been found in the surface and sub-surface soils. How can we be assured that human exposure to contaminants on site will be properly controlled through a site remediation plan that hasn't even been drafted yet?

Response 90B: Please see Response 3D.

Comment 90C: Bird surveys of the area have documented the presence of important species, including bald eagles, osprey, and common terns. The DEIS fails to appropriately measure the potential impact that construction and operation of the facility will have on birds and wildlife, doesn't adequately document the species present at the site that may be negatively impacted, and fails to consider the impacts on adjacent areas or fragmentation effects. How will these important issues be addressed in order to protect birds and other wildlife?

Response 90C: With respect to impacts to bird species, please see Response 41F. With respect to wildlife impacts please see Responses 41D and 41E. With respect to the Commenter's claim that the DEIS doesn't adequately document the species present at the site, please see Response 36C.

Comment 90D: Tentative plans call for laying down six or more feet of fill to support roads and smaller structures, driving support piles down to bedrock 200 feet below the waste for large structures, and potentially employing a range of mechanisms to protect support piles against the corrosive effects of the Solvay waste. Without a final construction design, how can we ensure that structures can be safely built on the wastebeds, which are unstable and corrosive to steel and concrete?

Response 90D: Please see Response 12C.

Comment Letter 91. Louise Poindexter

Comment 91A: Key documents that are necessary to provide an informed analysis of the potential impacts have not been developed or made available to the public, leaving many important questions unanswered. Without understanding the extent of the potential impacts, the ability to mitigate impacts is also unknown. We simply don't know enough to be assured that our environment, public health, economy, and quality of life will not be adversely impacted by the proposed amphitheater. The Onondaga County Legislature should hold the DEIS open until key documents and plans are available for review by the public. These include a business plan, site remediation and management plans, long-term traffic mitigation measures, and detailed construction plans for building on unstable wastebeds. Without this information neither the public nor the County Legislature can form a complete picture of the environmental impacts of this project and balance them against the Project's social and economic benefits, as required by the SEQR. As we look to the future of how Onondaga County residents use the lakeshore, it's important for us to do this right and carefully consider the environmental, economic, and public health impacts of any project proposed. It's time to take a step back and allow a more thorough review of all the potential impacts before making a determination on this Project.

Response 91A: With respect to the adequacy of the DEIS, please see Response 12C. With respect to a business plan, please see Response 3B. With respect to a remediation plan, please see Response 3D. With respect to traffic mitigation measures, please see Response 3H and FEIS Section 2.2.2. With respect to detailed construction plans, please see Response 41Q.

Comment 91B: The wastebeds contain harmful chemicals, including known and suspected carcinogens, which have been found in the surface and sub-surface soils. How can we be assured that human exposure to contaminants on site will be properly controlled through a site remediation plan that hasn't even been drafted yet? Didn't we learn anything from places like Love Canal?

Response 91B: Please see Response 3D.

Comment 91C: Bird surveys of the area have documented the presence of important species, including bald eagles, osprey, and common terns. The DEIS fails to appropriately measure the potential impact that construction and operation of the facility will have on birds and wildlife, doesn't adequately document the species present at the site that may be negatively impacted, and fails to consider the impacts on adjacent areas or fragmentation effects. How will these important issues be addressed in order to protect birds and other wildlife?

Response 91C: With respect to impacts to bird species, please see Response 41F. With respect to wildlife impacts please see Responses 41D and 41E. With respect to the Commenter's claim that the DEIS doesn't adequately document the species present at the site, please see Response 36C.

Comment 91D: Tentative plans call for laying down six or more feet of fill to support roads and smaller structures, driving support piles down to bedrock 200 feet below the waste for large structures, and potentially employing a range of mechanisms to protect support piles against the corrosive effects of the Solvay waste. Without a final construction design, how can we ensure that structures can be safely built on the wastebeds, which are unstable and corrosive to steel and concrete?

Response 91D: Please see Response 12C.

Comment 91E: The county doesn't make money with the building they have now, what would they do with an outdoor one?

Response 91E: Please see Response 3B.

Comment Letter 92. Lula Donald

Comment 92A: Key documents that are necessary to provide an informed analysis of the potential impacts have not been developed or made available to the public, leaving many important questions unanswered. Without understanding the extent of the potential impacts, the ability to mitigate impacts is also unknown. We simply don't know enough to be assured that our environment, public health, economy, and quality of life will not be adversely impacted by the proposed amphitheater. The Onondaga County Legislature should hold the DEIS open until key documents and plans are available for review by the public. These include a business plan, site remediation and management plans, long-term traffic mitigation measures, and detailed construction plans for building on unstable wastebeds. Without this information neither the public nor the County Legislature can form a complete picture of the environmental impacts of this project and balance them against the Project's social and economic benefits, as required by the SEQR. As we look to the future of how Onondaga County residents use the lakeshore, it's important for us to do this right and carefully consider the environmental, economic, and public health impacts of any project proposed. It's time to take a step back and allow a more thorough review of all the potential impacts before making a determination on this Project.

Response 92A: With respect to the adequacy of the DEIS, please see Response 12C. With respect to a business plan, please see Response 3B. With respect to a remediation plan, please see Response 3D. With respect to traffic mitigation measures, please see Response 3H and FEIS Section 2.2.2. With respect to detailed construction plans, please see Response 41Q.

Comment 92B: The wastebeds contain harmful chemicals, including known and suspected carcinogens, which have been found in the surface and sub-surface soils. How can we be assured that human exposure to contaminants on site will be properly controlled through a site remediation plan that hasn't even been drafted yet?

Response 92B: Please see Response 3D.

Comment 92C: Bird surveys of the area have documented the presence of important species, including bald eagles, osprey, and common terns. The DEIS fails to appropriately measure the potential impact that construction and operation of the facility will have on birds and wildlife, doesn't adequately document the species present at the site that may be negatively impacted, and fails to consider the impacts on adjacent areas or fragmentation effects. How will these important issues be addressed in order to protect birds and other wildlife?

Response 92C: With respect to impacts to bird species, please see Response 41F. With respect to wildlife impacts please see Responses 41D and 41E. With respect to the Commenter's claim that the DEIS doesn't adequately document the species present at the site, please see Response 36C.

Comment 92D: Tentative plans call for laying down six or more feet of fill to support roads and smaller structures, driving support piles down to bedrock 200 feet below the waste for large structures, and potentially employing a range of mechanisms to protect support piles against the corrosive effects of the Solvay waste. Without a final construction design, how can we ensure that structures can be safely built on the wastebeds, which are unstable and corrosive to steel and concrete?

Response 92D: Please see Response 12C.

Comment 92E: Build a place that is more help to the City. Stop sending kids to jail and send them to school instead.

Response 92E: Comment noted.

Comment Letter 93. Mark Feldman

Comment 93A: This type of development on top of the Allied waste beds represents enormous environmental and health risks. This will always be a fragile area and the commenter

is not convinced such a large structure and such traffic can be safely supported. Plus, there is the "yech" factor. A lot of people might think twice about spreading out the picnic blanket on a capped toxic waste site. Is it really safe? Only time will tell -- but don't build until you know.

Response 93A: Please see Responses 3D and 13C.

Comment 93B: Does upstate NY really need another concert venue? Saratoga is a little over 2 hours to the east and Canandaigua is 1.5 hours to the west. Turning Stone is just an hour away. Where is the proof that this proposal could be economically feasible and self-supporting?

Response 93B: Please see Response 3B.

Comment 93C: The entire project seems to be getting rushed to an agreement. I think the economic and environmental impacts have been insufficiently analyzed for a project of this scope.

Response 93C: With respect to the project getting rushed, please see Response 9B. With respect to the adequacy of the DEIS, please see Response 12C.

Comment Letter 94. Ronald Bell

Comment 94A: Economically, the County has not released a business plan for the project nor explained how it will be a profitable enterprise.

Response 94A: Please see Response 3B.

Comment 94B: Much like the SRC Arena, the County will be competing with another open air facility at the NYS Fairgrounds that is only a few miles away. Couldn't the money for this project be better spent on renovating and revitalizing that facility and turning it into the

premiere entertainment facility of that size in the country? And doesn't that facility already have a built in audience of almost a million people?

Response 94B: With respect to alternative locations, please see Response 3C.

Comment 94C: On environmental dangers, the County is proposing to build the amphitheater on a 40 to 80 feet deep industrial waste dump. The waste contains hazardous chemicals, some of which are carcinogenic and others capable of vaporizing into the air. The bulk of the wastes are unstable and corrosive, so the County will have to build the amphitheater on top of specially coated steel pilings. In health and safety, it seems that covering up a site that holds toxic waste, although cheaper than actually cleaning it up, is exposing the public to greater risk. Site workers will have to wear protective gear but the public will not? This doesn't make common sense.

Response 94C: Please see Responses 3D and 13C.

Comment 94D: On traffic, the County acknowledges short term and long term issues but does not identify costs or funding for the same.

Response 94D: Please see Response 3H and FEIS Section 2.2.2. Please also see Comment Letter 33 from the NYSDOT, and the Lead Agency's responses.

Comment 94E: On noise, the County's analysis shows that local ordinances will be routinely violated.

Response 94E: Please see Response 2A and 32A.

Comment 94F: The Onondaga Nation has spoken very clearly that the rush to build amphitheater on top of mounds of potentially harmful waste beds is the opposite of how Onondaga Lake should be cleaned up. They ask the County Executive to be true to her words at the 4/19/10 Sacred Waters meeting: "We had the opportunity to sit with the Chief Oren Lyons on more than one occasion and get a very good history and

understanding of what Onondaga Lake means to the Haudenosaunee and what it means really to our entire community, it's the home of western democracy, it's the basis of the Constitution of the United States of America, and there is so much history to Onondaga Lake, we as a community should be embracing it and not obviously using it the way it's been used in the past. I'm going to tell you the thing Onondaga County is going to do. One, is we're going to continue to try to understand the importance of Onondaga Lake. I went with some of my team to the Onondaga Longhouse, I had a wonderful opportunity to hear from the Onondagas about Onondaga Lake, and we have formally brought the Onondaga Nation into the conversation and made them a real ongoing part of the conversation about how we're going to clean Onondaga Lake." Stop the rush into something that no one needs and which the people of the Onondaga Nation, have opposed. In her job the County Executive has a sacred duty to protect and restore the sacred waters of Onondaga Lake.

Response 94F: Comment noted.

Comment 94G: On the review of the project, the County has not reconciled the unavoidable harms against the expected benefits of the project as the SEQR requires.

Response 94G: Comment noted. It is the Lead Agency's role under SEQR to make this determination once the Lead Agency has taken a hard look at the environmental impacts of the proposed action and balanced these impacts against the project's needs and benefits. Please also see Response 12C.

Comment Letter 95. Joanne Stevens

Comment 95A: Key documents that are necessary to provide an informed analysis of the potential impacts have not been developed or made available to the public, leaving many important questions unanswered. Without understanding the extent of the potential impacts, the ability to mitigate impacts is also unknown. We simply don't know enough to be assured that our environment, public health, economy, and quality of life will not

be adversely impacted by the proposed amphitheater. The Onondaga County Legislature should hold the DEIS open until key documents and plans are available for review by the public. These include a business plan, site remediation and management plans, long-term traffic mitigation measures, and detailed construction plans for building on unstable wastebeds. Without this information neither the public nor the County Legislature can form a complete picture of the environmental impacts of this project and balance them against the Project's social and economic benefits, as required by the SEQR. As we look to the future of how Onondaga County residents use the lakeshore, it's important for us to do this right and carefully consider the environmental, economic, and public health impacts of any project proposed. It's time to take a step back and allow a more thorough review of all the potential impacts before making a determination on this Project.

Response 95A: With respect to the adequacy of the DEIS, please see Response 12C. With respect to a business plan, please see Response 3B. With respect to a remediation plan, please see Response 3D. With respect to traffic mitigation measures, please see Response 3H and FEIS Section 2.2.2. With respect to detailed construction plans, please see Response 41Q.

Comment 95B: The wastebeds contain harmful chemicals, including known and suspected carcinogens, which have been found in the surface and sub-surface soils. How can we be assured that human exposure to contaminants on site will be properly controlled through a site remediation plan that hasn't even been drafted yet? Didn't we learn anything from places like Love Canal?

Response 95B: Please see Response 3D.

Comment 95C: Bird surveys of the area have documented the presence of important species, including bald eagles, osprey, and common terns. The DEIS fails to appropriately measure the potential impact that construction and operation of the facility will have on birds and wildlife, doesn't adequately document the species present at the site that

may be negatively impacted, and fails to consider the impacts on adjacent areas or fragmentation effects. How will these important issues be addressed in order to protect birds and other wildlife?

Response 95C: With respect to impacts to bird species, please see Response 41F. With respect to wildlife impacts please see Responses 41D and 41E. With respect to the Commenter's claim that the DEIS doesn't adequately document the species present at the site, please see Response 36C.

Comment 95D: Tentative plans call for laying down six or more feet of fill to support roads and smaller structures, driving support piles down to bedrock 200 feet below the waste for large structures, and potentially employing a range of mechanisms to protect support piles against the corrosive effects of the Solvay waste. Without a final construction design, how can we ensure that structures can be safely built on the wastebeds, which are unstable and corrosive to steel and concrete?

Response 95D: Please see Response 12C.

Comment Letter 96. Peter Scheibe

Comment 96A: The commenter is not convinced of the need for the amphitheater let alone the speed with which the plan is being pushed. There are considerable environmental concerns, construction concerns about unstable land and, most importantly, the lack of need for the amphitheater.

Response 96A: With respect to the project need, please see Response 3B. With respect to the speed of the project, please see Response 9B.

Comment 96B: Renovating the Fair Grandstand would be a better and likely a far cheaper approach. The city of Syracuse and the surrounding area have huge infrastructure needs. When the City of Syracuse requested additional funds for repairs NY State government was

dismissive. Each time a project of dubious need like the amphitheater or a new stadium for SU sports is brought up, millions of development dollars appear on the table. The argument is always made that to whine about infrastructure is to block important economic development. That argument is made over and over again. Nonsense!, the foundation for development is a strong infrastructure, without it this amphitheater simply does not meet the needs of the citizens of Onondaga county.

Response 96B: Comment noted.

Comment Letter 97. Christopher Lajewski

Comment 97A: Onondaga Lake has been recognized by Audubon as an Important Bird Area (IBA). A global initiative of Birdlife International, implemented by Audubon and local partners in the United States, the IBA Program is an effort to identify and conserve areas that are vital to birds and other biodiversity. Onondaga Lake is a critical waterfowl wintering area for thousands of ducks, geese and swans along the Atlantic Flyway. Also, dozens of Bald Eagles congregate around the open waters of the lake inlet to feed during the winter season. Furthermore, at least one pair of Bald Eagles has nested at the Onondaga Lake outlet in recent years. In all, nearly 200 species of birds utilize Onondaga Lake throughout the year.

Response 97A: With respect to bald eagles please see Comment 8D provided by the U.S. Fish and Wildlife Service, and Response 8D which states, "If bald eagles are found to be actively using or nesting within or near the project site, Onondaga County will follow the Bald Eagle Management Guidelines, and consult with the U.S. Fish and Wildlife Service, as necessary."

Comment 97B: Audubon New York strongly supports the proposed mitigation for avian impacts and the County's intention to seek LEED Gold certification of the Amphitheater. Specifically we commend that "the buildings associated with the Project will incorporate bird-friendly design. The glass incorporated in the building will be designed to reduce reflectivity and transparency. Tint and pattern can be used to avoid strikes, which will

reduce bird mortality, and lighting will be evaluated both in type and time of operation, to reduce attracting birds to the building" (DEIS Page 64). These design modifications are critical to reduce potential impacts to the birds that depend on the lake's environment, and we greatly appreciate the County's attention to mitigating this impact and ensuring the building will be energy efficient. While we also support that "the lighting fixtures will be consistent with the intent of various "Dark Sky" initiatives" (DEIS Page 78), additional bird-friendly design concepts to further reduce potential impacts can be found at <http://bird-friendly.audubon.org/bird-friendly-design>. Other examples of environmentally friendly amphitheater concepts can be found at the Cricket Wireless Amphitheater <http://cricketwirelessamp.com/about/> and the Hollywood Bowl <http://1800recycling.com/2014/06/hollywood-bowl-continues-eco-friendly-traditions>, and we encourage the Final Environmental Impact Statement (FEIS) and project design to include additional bird-friendly design concepts.

Response 97B: Based on researching the websites provided by the commenter, it appears that these facilities incorporate various "green initiatives" into their operating procedures, including reduced paper usage, recycling, increased employee awareness, encouraging online purchases, utilizing recycled materials, energy and water conservation, and encouraging public transportation. Onondaga County embraces such practices, and commits to utilizing such practices to the extent practicable during facility operation. With respect to bird-friendly design, please see Response 104B.

Comment 97C: To further minimize the project's impact on the immediate Onondaga Lake shoreline, the newly restored wetlands to the north and south of the proposed site, and the birds and other wildlife that utilize the lake habitats, Audubon New York urges the County to advance the alternative Beacon Concept design for the Amphitheater. In particular, we believe the Beacon Concept will cause less disturbance to the lake's environment because sounds from the Amphitheater during operation will travel directly away (south) from Onondaga Lake as opposed to traveling east and southeast over the lake and disturbing birds and other wildlife of the newly restored wetlands.

Response 97C: DEIS Section 5.2 (Alternative Project Design and Scale) addresses both the Beacon and Cove design concepts. As depicted in Image 5-4 of the DEIS, the Cove Concept is oriented such that the stage (and associated amplified sound system) is facing south, while the Beacon Concept (depicted in Image 5-5 of the DEIS) and its stage/sounds system faces southwest. Because one of the design objects was to allow for concertgoers to experience lake views during an event, both of these concepts have a stage orientation away from the lake.

Comment 97D: There is a growing body of scientific evidence (<https://www.hcn.org/blogs/goat/the-price-of-a-loud-world-how-road-noise-harms-birds>) from Boise State University, University of Copenhagen, Aberystwyth University, New Mexico, and Great Britain which suggests that manmade noise can have significant and widespread effects on animals. This was not taken into account, however, when the DEIS assessed the two design alternatives. Additionally, this issue was not discussed as part of the impacts the two design alternatives will have on species that use this area of the lake. The FEIS must include a discussion on how the Amphitheater would reduce noise over sensitive lake habitats, thereby minimizing the negative impacts the Amphitheater will have on birds and other wildlife that depend on this area for nesting, feeding, and shelter.

Response 97D: With respect to wildlife impacts, please see Responses 41D and 41E. Potential noise impacts are specifically addressed in Response 41E.

Comment 97E: The DEIS notes many potential impacts on water resources, however we are concerned about the potential physical disturbance to the shoreline associated with providing boater access. While we recommend and would prefer that no boat dock be constructed at the Amphitheater, should the County move forward with this proposal, further mitigation measures must be included in the FEIS to reduce impacts to waterfowl at the site. Unfortunately, the DEIS only discusses mitigation measures for storm water runoff and does not propose any measures to avoid the impact that the boater traffic and boat dock will have on birds and other wildlife, even though the DEIS

lists several species occurring on the site that would be disturbed by increased boat traffic. These include Killdeer, American Coot, Common Gallinule, Sora Rail, Virginia Rail, Spotted Sandpiper, Purple Sandpiper, Wilson's Snipe, Common Snipe, American Woodcock, Common Tern (threatened in New York State), and Black Tern (endangered in New York State). Some potential mitigation measures that should be considered include: establishing a no wake zone and reduced speed limit near the sensitive wetlands, restricting boating access to the pier through designated boating channels that prohibit access near the surrounding habitat, and ensuring these restrictions are adhered to through adequate enforcement.

Response 97E: With respect to the boat dock, please see Response 9A, which indicates this feature is no longer a component of the proposed action.

Comment 97F: In order to eliminate potential water contamination and maintain the lake's water quality, Audubon New York recommends that the County prohibit the use of pesticides at the project site, except when utilizing Integrated Pest Management techniques to control invasive species and prioritize only limited use of fertilizers. As pesticides are designed to kill, repel, or otherwise control perceived pest organisms, they are intentionally toxic substances that have non-target implications to birds and other wildlife. Whenever insecticides (for insect control), herbicides (for weed control), fungicides (for fungus control), rodenticides (for rodent control), or other pesticides are used, birds, beneficial organisms, pets, and people are put at risk. Furthermore, excessive fertilizer use and runoff will increase algae growth in the lake and ultimately reduce the dissolved oxygen needed by aquatic organisms. The DEIS does not adequately address the potential impacts of pesticide and fertilizer use and these issues must be addressed and mitigated for as suggested above before the EIS is finalized.

Response 97F: As indicated in Response 8A, Onondaga County will adhere to its Pest Management and Control Directive dated July 13, 2009 (included in Appendix E of this FEIS). This directive outlines the County's Integrated Pest Management (IPM) program, which

promotes pest control strategies that are the least hazardous to human health and the environment by placing priority on prevention rather than undue reliance on chemical pesticides. Please see FEIS Appendix E for additional information.

Comment 97G: The DEIS notes the presence of several invasive species that are already threatening the ecological integrity of the project area. These species include: common reed (*Phragmites australis*), garlic mustard (*Alliaria petiolata*), purple loosestrife (*Lythrum salicaria*), autumn olive, European buckthorn, and honeysuckle. However, the DEIS did not include any activities to address and curb their spread. Before this project moves forward, it must include a plan to control the spread of invasive species from the project area and ensure these plants do not invade the newly restored wetland habitats north and south of the site. This is especially important to consider during the construction phase as many of these species are often spread when inappropriate removal methods are utilized.

Response 97G: Onondaga County shares the commenter's concern regarding the spread of invasive species, and agrees that the construction phase of a given project represents a critical time to control such a spread. However, all activities related to constructing new/restored wetland habitats are associated with Honeywell's ongoing remedial efforts, which also include remedial activities in numerous upland habitats on Lakeview Point. Onondaga County does not anticipate the construction activities associated with the amphitheater project will result in any new invasive species related impacts in comparison to the ongoing remedial efforts. In addition, the amphitheater project will not impact any wetlands constructed by Honeywell, nor will it provide public access to such wetlands.

Comment 97H: Audubon New York strongly suggests that the 30 acres of restored natural communities be successional forestland habitat to provide nesting and migratory stopover sites for priority bird species such as the American Woodcock, Golden-winged Warbler, Wood Thrush, Black-throated Blue Warbler, Canada Warbler, Blackburnian Warbler, and Chestnut-sided Warbler. We also suggest that native

vegetation be required in the 50 acres of lawn and landscaped areas. Native plants require less maintenance than non-native vegetation and provide critical habitat and food for both migrating and resident birds and other wildlife.

Response 97H: Comment noted.

Comment 97I: In order to help generate funds to advance restoration activities around the lake and offset the impacts to birds, other wildlife and their habitats, we urge the County to explore establishing a conservation surcharge on each Amphitheater ticket sold. The surcharge could fund conservation projects through the Onondaga Lake Conservation Corps (OLCC), help build on these efforts, and further expand the OLCC to sustain the long-term management plan for Onondaga Lake. There are several venues across the country that have successfully implemented a surcharge on ticket sales to enhance their facilities and the surrounding areas. For example, the Ford's Theater in Washington, D.C. charges a \$2 restoration fee per ticket to upgrade the site, improve accessibility, replace equipment, and create a welcoming and safe environment for its visitors (<http://www.fords.org/home/plan-your-visit/frequently-asked-questions>). Also, the Pacific Amphitheatre charges a fee which goes toward maintaining the property (http://articles.latimes.com/1991-05-17/entertainment/ca-2085_1_ticket-price).

Response 97I: Please see Response 79E.

Comment Letter 98. Cindy Squillace

Comment 98A: As residents of Onondaga County, we write to express our deep concern about the DEIS related to the proposed Amphitheater on Onondaga Lake. We believe it is unacceptable and not in compliance with the State Environmental Quality Review Act (SEQR) to rely on various undetermined plans to address the environmental pollutants known to be on the site. The information provided simply isn't sufficient to balance unavoidable harms against expected benefits, as required under SEQR.

Response 98A: Please see Response 12C.

Comment 98B: On April 19, 2010, Onondaga County Executive Joanne Mahoney, joined Seneca environmental leader Henry Lickers, Onondaga Chief Jake Edwards, then-president of SUNY ESF Neil Murphy, and Syracuse's Sustainability coordinator Andy Maxwell. They were together at Syracuse Stage as part of a program titled, "Sacred Waters: The Onondaga Nation's Vision for the Future of Onondaga Lake." These are some of the words that County Executive Joanne Mahoney shared with the audience: "We had the opportunity to sit with the Chief Oren Lyons on more than one occasion and get a very good history and understanding of what Onondaga Lake means to the Haudenosaunee and what it means really to our entire community, it's the home of western democracy, it's the basis of the Constitution of the United States of America, and there is so much history to Onondaga Lake, we as a community should be embracing it and not obviously using it the way it's been used in the past... I'm going to tell you the thing Onondaga County is going to do. One, is we're going to continue to try to understand the importance of Onondaga Lake. I went with some of my team to the Onondaga Longhouse, I had a wonderful opportunity to hear from the Onondagas about Onondaga Lake, and we have formally brought the Onondaga Nation into the conversation and made them a real ongoing part of the conversation about how we're going to clean Onondaga Lake." County Legislators and Executive Joanne Mahoney, the Onondaga Nation has spoken very clearly that the rush to build an amphitheater on top of mounds of potentially harmful waste beds is the opposite of how Onondaga Lake should be cleaned up. Be true to your words and stop the rush into something that no one needs and which your partners, the people of the Onondaga Nation, have opposed. In your job you have a sacred duty to protect and restore the sacred waters of Onondaga Lake.

Response 98B: Comment noted. Please see Response 41ZN.

Comment 98C: The amphitheater is proposed for one of the last open sections of habitat along Onondaga Lake. The DEIS claims that the impacts of noise, lights, chemical run-off, and intensified human presence that will come with the Amphitheater would have

minimal impact on wildlife and it ignores issues of habitat fragmentation. All of us should have learned by now that our culture tends to assume that we understand the full consequences of our actions, despite our limited understandings of the complex workings of the natural world. History teaches us differently, including the sordid history of the desecration of Onondaga Lake.

Response 98C: With respect to wildlife impacts, please see Responses 41D and 41E. Please also see Comment Letter 8 and Responses thereto.

Comment 98D: The proposed amphitheater would be constructed on a 40 to 80 feet deep industrial waste dump. The waste contains hazardous chemicals, some of which are carcinogenic and others capable of vaporizing into the air. The bulk of the wastes are unstable and corrosive and the beds were not constructed to serve as the subsurface for further development.

Response 98D: Please see Response 3D.

Comment Letter 99. Brian Smith

Comment 99A: In general, CCE believes that the Draft Environmental Impact Statement for the Onondaga Lake Amphitheater Project is inadequate, as it leaves important questions and concerns unanswered. Key documents that are necessary to provide an informed analysis of the potential impacts have not been developed or been made available to public, leaving many important questions unanswered. Without understanding the extent of the potential impacts, the ability to mitigate impacts is also unknown. We simply don't know enough to be assured that our environment, public health, economy, and quality of life will not be adversely impacted from the proposed amphitheater project. CCE strongly urges the Onondaga County Legislature to hold the draft environmental impact statement (DEIS) open until key documents and plans are available for review by the public. These include a business plan, site remediation and management plans, long-term traffic mitigation measures, and detailed construction plans for building on unstable wastebeds. Without this information neither the public

nor the County Legislature can form a complete picture of the environmental impacts of this project and balance them against the project's social and economic benefits, as required by the SEQR. As we look to the future of how Onondaga County residents use the lakeshore, it is important for us to do this right and carefully consider the environmental, economic, and public health impacts of any project proposed. It's time to take a step back and allow a more thorough review of all the potential impacts before making a determination on this project.

Response 99A: Please see Response 12C.

Comment 99B: The wastebeds contain harmful chemicals, including known and suspected carcinogens, which have been found in the surface and sub-surface soils. While the studies that have occurred are insufficient to provide a full picture of contamination levels and the threat to public health, the limited research available show that dangerous contaminants do exist at the site. According to a 2009 EPA report regarding the extension of the lake's bike trail and the 2014 Draft Remedial Investigation Report prepared by Honeywell, the following pollutants were found on-site: Acetone, Benzene, Chromium VI (Hexavalent Chromium), Dieldrin, Ethylbenzene, Naphthalene, Phenols, Polychlorinated biphenyls (PCBs), Polycyclic aromatic hydrocarbons (PAHs), Toluene, Xylene, and DDT. Industrial wastes were dumped randomly across the site without recording locations or amounts. As a result, "hot spots" have turned up in unexpected areas, including sites just north and west of the current parking area. This is important because large areas within the project area, including sections proposed for lawn seating, additional hiking trails, and the community theater, remain uncharacterized and could contain dangerous levels of contamination.

Response 99B: Please see Responses 3D and 13C.

Comment 99C: The DEIS claims that the contaminants are not a problem; however, this assertion is based on a remediation plan for the site that has yet to be developed. How can we be

assured that human exposure to contaminants on site will be properly controlled through a site remediation plan that hasn't even been completed or released to the public yet? While the DEIS does provide some information on various proposals, this is not based on a final plan and may change. Therefore, it is impossible for the County to fully assess the health and safety impacts of its project or to consider appropriate mitigation. The DEIS also relies on a Human Health Risk Assessment (HHRA) by EPA, which fails to provide a complete picture of the scope of contamination at the site. The HHRA is based on known levels of contamination, yet large sections of the site have not been tested. The HHRA fails to evaluate potential exposure of or risks to young children (ages 6 and under), which are likely to attend events at the proposed amphitheater and may be exposed to dangerous levels of contamination.

Response 99C: Please see Response 12E.

Comment 99D: The DEIS fails to appropriately measure the potential impact that construction and operation of the facility will have on birds and wildlife on site and adjacent to the site, and doesn't adequately document the species that are present at the site that may be negatively impacted. Bird surveys of the area have documented the presence of important species, including bald eagles, osprey and common tern, as well as the spotted osprey, common loon, horned larks, American bittern, bobolinks, yellow-bellied flycatchers, and Acadian flycatchers. Endangered Indiana and Northern Long-Eared bats have been seen on or identified as likely to be drawn to the project site and adjacent undeveloped areas. The DEIS fails to consider the impacts on adjacent areas or fragmentation effects. The proposed amphitheater project would carve out roughly 20% of the undeveloped or minimally developed land at the heart of the western lakeshore, thus fragmenting this habitat. The intensely used, landscaped tract may create a barrier to movement within the broader area. The altered habitat may also attract undesirable and non-native species, such as European Starling which aggressively compete with other birds and mammals for food and nesting areas. The DEIS fails to even mention fragmentation impacts.

Response 99D: With respect to wildlife impacts, please see Responses 41D and 41E. Please also see Comment Letter 8, which was provided by the U.S. Fish and Wildlife Service (USFWS). The USFWS administers the federal Endangered Species Act (ESA). After indicating their appreciation for the mitigation measures set forth in the DEIS, the USFWS recommend additional conservation measures, which have been agreed to by the County. Subsequently, the USFWS states, "No further consultation pursuant to the Endangered Species Act (ESA) of 1973".

Comment 99E: Tentative plans call for laying down six or more feet of fill to support roads and smaller structures, driving support piles down to bedrock 200 feet below the waste for large structures, and potentially employing a range of mechanisms to protect support piles against the corrosive effects of Solvay Waste. Without a final construction design, the DEIS fails to ensure that structures can be safely built on the wastebeds, which are unstable and corrosive to steel and concrete.

Response 99E: Please see Response 3D.

Comment Letter 100. Carol Baum

Comment 100A: The amphitheater is proposed to be built in an extremely environmentally complex location - on unstable wastebeds in an area that plant life and animal life is using again. The complexity of the chemical composition of the wastebeds makes it impossible to know what potential hazards exist there. There is no thorough analysis of potential mitigations for the negative impacts. The commenter looks at the project as the "Wastebed Amphitheater" and would never want to go there.

Response 100A: Please see Responses 3D and 13C.

Comment 100B: Building an amphitheater is most likely not a sound economic plan - but we've never seen any business plans, so how would the community think otherwise? The commenter is very concerned about the motivation and speed behind this project.

Yes, it is tempting to grab the money from the State and run, but does it truly make sense in the long run? Will an amphitheater actually become yet another money sink for the taxpayers? From the outside it looks like the real goal of this project is to make it look like the lake clean-up is done, when it really is not.

Response 100B: With respect to a business plan, Please see Response 3B. With respect to the speed of the project, please see Response 9B.

Comment Letter 101. Anonymous (“jerry.rivers13@yahoo.com”)

Comment 101A: Key documents that are necessary to provide an informed analysis of the potential impacts have not been developed or made available to the public, leaving many important questions unanswered. Without understanding the extent of the potential impacts, the ability to mitigate impacts is also unknown. We simply don't know enough to be assured that our environment, public health, economy, and quality of life will not be adversely impacted by the proposed amphitheater. The Onondaga County Legislature should hold the DEIS open until key documents and plans are available for review by the public. These include a business plan, site remediation and management plans, long-term traffic mitigation measures, and detailed construction plans for building on unstable wastebeds. Without this information neither the public nor the County Legislature can form a complete picture of the environmental impacts of this project and balance them against the Project's social and economic benefits, as required by the SEQR. As we look to the future of how Onondaga County residents use the lakeshore, it's important for us to do this right and carefully consider the environmental, economic, and public health impacts of any project proposed. It's time to take a step back and allow a more thorough review of all the potential impacts before making a determination on this Project.

Response 101A: With respect to the adequacy of the DEIS, please see Response 12C. With respect to a business plan, please see Response 3B. With respect to a remediation plan, please see Response 3D. With respect to traffic mitigation measures, please see Response

3H and FEIS Section 2.2.2. With respect to detailed construction plans, please see Response 41Q.

Comment 101B: The wastebeds contain harmful chemicals, including known and suspected carcinogens, which have been found in the surface and sub-surface soils. How can we be assured that human exposure to contaminants on site will be properly controlled through a site remediation plan that hasn't even been drafted yet? Didn't we learn anything from places like Love Canal?

Response 101B: Please see Response 3D.

Comment 101C: Bird surveys of the area have documented the presence of important species, including bald eagles, osprey, and common terns. The DEIS fails to appropriately measure the potential impact that construction and operation of the facility will have on birds and wildlife, doesn't adequately document the species present at the site that may be negatively impacted, and fails to consider the impacts on adjacent areas or fragmentation effects. How will these important issues be addressed in order to protect birds and other wildlife?

Response 101C: With respect to impacts to bird species, please see Response 41F. With respect to wildlife impacts please see Responses 41D and 41E. With respect to the Commenter's claim that the DEIS doesn't adequately document the species present at the site, please see Response 36C.

Comment 101D: Tentative plans call for laying down six or more feet of fill to support roads and smaller structures, driving support piles down to bedrock 200 feet below the waste for large structures, and potentially employing a range of mechanisms to protect support piles against the corrosive effects of the Solvay waste. Without a final construction design, how can we ensure that structures can be safely built on the wastebeds, which are unstable and corrosive to steel and concrete?

Response 101D: Please see Response 12C.

Comment Letter 102. Cheri Capparelli

Comment 102A: Key documents that are necessary to provide an informed analysis of the potential impacts have not been developed or made available to the public, leaving many important questions unanswered. Without understanding the extent of the potential impacts, the ability to mitigate impacts is also unknown. We simply don't know enough to be assured that our environment, public health, economy, and quality of life will not be adversely impacted by the proposed amphitheater. The Onondaga County Legislature should hold the DEIS open until key documents and plans are available for review by the public. These include a business plan, site remediation and management plans, long-term traffic mitigation measures, and detailed construction plans for building on unstable wastebeds. Without this information neither the public nor the County Legislature can form a complete picture of the environmental impacts of this project and balance them against the Project's social and economic benefits, as required by the SEQR. As we look to the future of how Onondaga County residents use the lakeshore, it's important for us to do this right and carefully consider the environmental, economic, and public health impacts of any project proposed. It's time to take a step back and allow a more thorough review of all the potential impacts before making a determination on this Project.

Response 102A: With respect to the adequacy of the DEIS, please see Response 12C. With respect to a business plan, please see Response 3B. With respect to a remediation plan, please see Response 3D. With respect to traffic mitigation measures, please see Response 3H and FEIS Section 2.2.2. With respect to detailed construction plans, please see Response 41Q.

Comment 102B: The wastebeds contain harmful chemicals, including known and suspected carcinogens, which have been found in the surface and sub-surface soils. How can we be assured that human exposure to contaminants on site will be properly controlled

through a site remediation plan that hasn't even been drafted yet? Didn't we learn anything from places like Love Canal?

Response 102B: Please see Response 3D.

Comment 102C: Bird surveys of the area have documented the presence of important species, including bald eagles, osprey, and common terns. The DEIS fails to appropriately measure the potential impact that construction and operation of the facility will have on birds and wildlife, doesn't adequately document the species present at the site that may be negatively impacted, and fails to consider the impacts on adjacent areas or fragmentation effects. How will these important issues be addressed in order to protect birds and other wildlife?

Response 102C: With respect to impacts to bird species, please see Response 41F. With respect to wildlife impacts please see Responses 41D and 41E. With respect to the Commenter's claim that the DEIS doesn't adequately document the species present at the site, please see Response 36C.

Comment 102D: Tentative plans call for laying down six or more feet of fill to support roads and smaller structures, driving support piles down to bedrock 200 feet below the waste for large structures, and potentially employing a range of mechanisms to protect support piles against the corrosive effects of the Solvay waste. Without a final construction design, how can we ensure that structures can be safely built on the wastebeds, which are unstable and corrosive to steel and concrete?

Response 102D: Please see Response 12C.

Comment Letter 103. Andy Mager

Comment 103A: The commenter simply doesn't understand the rush to build the amphitheater proposed for Onondaga Lake, outside the context of the potential state funding to support the project. While much progress has been made in the clean-up of

Onondaga Lake. We have a very long way to go to restore the lake to a safe body of water which can serve as a major resource to all elements of our community, both human and other. Major environmental concerns remain unanswered, despite the hundreds of pages of documents. Building on unstable waste beds with significant concentrations of dangerous chemicals and other industrial by-products seems like a really bad idea, particularly at a venue to which we are inviting families to enjoy events sitting on the grass. Others have analyzed the documents in great detail and offered many technical reasons to slow down this process. The commenter adds his voice in support of those sentiments, and hopes this process is given the time it deserves to allow us to make a thoughtful decision which is in the best long-term interests of the community.

Response 103A: With respect to the project being rushed, please see Response 9B. With respect to the concern associated with families attending events/sitting on the grass, please see Response 3D.

Comment Letter 104. Frank Moses and Paul Richardson

Comment 104A: In regards to Onondaga Lake as an asset to birds, the IBA was established in 1996 by Audubon New York, which is the state program for the National Audubon Society. The lake is recognized for its value to congregating waterfowl and also noted for its support of Bald Eagles. More recently, in 2013, along with 22 other national and international sites, Onondaga Lake was designated as one of National Audubon Society's high priority IBAs. There are over 2,500 Audubon IBAs today.

Response 104A: Please see Response 79A.

Comment 104B: We ask that Onondaga County considers incorporating "Bird-friendly Building Design" and other bird conservation standards into all development projects that take place on and around the shores of Onondaga Lake. To continue a legacy of sustaining Onondaga Lake and its value to birds, the Onondaga Audubon Society respectfully requests that Onondaga County develops and adopts bird conservation development

standards that: (1) Require comprehensive pre-construction and post-construction bird surveys; (2) Prevent human disturbance of Bald Eagle roosting sites and nesting sites of Bald Eagles and other birds of conservation priority; (3) Avoid fragmentation of existing and newly restored habitat that has high conservation value to birds; and (4) Incorporate “Bird-Friendly Building Design” concepts into new and existing building construction that focus on glass and bird collision mitigation, light pollution reduction, facility runoff and wastewater management, design trap abatement, and habitat enhancement via landscape architecture and bird supporting structures (e.g., building a chimney-like tower for nesting Chimney Swifts). We feel that parts of the DEIS are on the right track in regards to mentioning the exploration of incorporation “bird-friendly building design” elements into the project and setting a goal to follow “dark sky initiative” strategies for the facility and grounds lighting. It is a good start that could be augmented with further bird conservation expert recommendations.

Response 104B: The DEIS does more than mentioning the exploration of incorporation of ‘bird-friendly design building design’ elements into the project. DEIS Section 3.4.3.2 (Biological, Terrestrial, and Aquatic Resources, Proposed Mitigation, Fish and Wildlife) states, “Mitigation for avian impacts includes elements of the Project’s design. Specifically, the buildings associated with the Project will incorporate bird-friendly design. The glass incorporated in the building will be designed to reduce reflectivity and transparency. Tint and pattern can be used to avoid strikes, which will reduce bird mortality, and lighting will be evaluated both in type and time of operation, to reduce attracting birds to the building.” In addition, the DEIS provides more detail on dark sky initiatives than suggested in the comment above. Specifically, DEIS Section 3.5.3, page 78 states, “To minimize potential nighttime impacts from exterior lighting when the proposed facility is not in use, exterior lighting will be restricted to the minimum acceptable lighting to ensure security and safety. In addition, all lighting fixtures associated with pedestrian pathways, roads, parking areas, and building exterior areas for the proposed facility will be ‘fully shielded’ or fitted with opaque hoods, shields, louvers, shades, and/or other devices to insure that all light generated by the light source is directed downward and not outward horizontally. The lighting fixtures will be consistent

with the intent of various 'Dark Sky' initiatives (generally speaking; e.g., Dark Sky Society, 2009)."

Comment 104C: In regards to the assessment of impact on birds and other wildlife, it is evident that the DEIS is a gross misrepresentation of what the amphitheater site currently provides habitat for and what could be lost in terms of birds, other wildlife and valuable habitat. The Draft Environmental Impact Statement (DEIS) recognizes that birds and other wildlife rely on the project site and adjacent areas, but minimizes potential disruption to their habitat and lifecycle, fails to quantify off-site impacts, ignores fragmentation and other potential negative effects, and fails to consider the lost opportunity for restoration. The proposed amphitheater site and adjacent natural areas provide habitat for many birds and other wildlife of concern. A 2012-2013 bird survey of Wastebeds 1 – 8, which includes the project site, noted the presence of Bald Eagles, Osprey and Common Tern. Area birders have also spotted Common Loon, Horned Larks, American Bittern, Bobolinks, Yellow-Bellied Flycatchers, and Acadian Flycatchers on or near the project site. Federally listed endangered Indiana and proposed endangered northern long-eared bats have been seen on or identified as likely to be drawn to the project site and adjacent undeveloped areas. The shoreline along the site is a major roosting and foraging site for waterbirds year-round. In 2008 and 2009, the U.S Fish and Wildlife Service surveyed waterfowl on Onondaga Lake and found the NYS "threatened" Pied-Billed Grebe in the area along with Bald Eagles and Common Loons, a declining species.

Response 104C: The DEIS does more than recognize that birds and other wildlife rely on the project site and adjacent areas. Rather Section 3.4.1.2 (Biological, Terrestrial, and Aquatic Ecology, Existing Conditions, Fish and Wildlife) states, "Fish and wildlife resources at the Project site were identified through analysis of existing data sources, correspondence with the NYNHP, and on-site field surveys conducted by OBG and EDR. Specific information on fish and wildlife resources at the Project site is presented below, organized into sub-sections focused on birds, mammals, reptiles and amphibians, fish, wildlife habitat, and threatened and endangered species. A

complete list of wildlife species documented in the vicinity of the Project site, including scientific names, is included in Appendix A.” The DEIS Wildlife Species List included the birds observed during the 2007-2007 Winter Waterfowl Survey. As described in FEIS Section 2.2.3, this list has been updated for the FEIS (see Appendix D) to incorporate data from several more recent sources, including a 2008-2009 Biodiversity Research Institute study, 2012-2013 fieldwork associated with a Master’s thesis, and the 2014 Onondaga Lake BioBlitz. DEIS Section 3.4.1.2.1 (Biological...Existing Conditions...Birds) further states, “Based on existing data, on-site investigations, existing habitat conditions, and species range, it appears that approximately 200 avian species could use the Project site at some time throughout a given year. Details on the Project site’s avian community are presented below...” The DEIS then goes on to address breeding birds and wintering birds in significant detail.

With respect to impacts on wildlife please see Response 41D and 41E. With respect to threatened and endangered species, please also see Comment Letter 8 written by the U.S. Fish and Wildlife Service (USFWS). The USFWS administers the federal Endangered Species Act (ESA). After indicating their appreciation for the mitigation measures set forth in the DEIS in relation to listed bat species, the USFWS recommend additional conservation measures, which have been agreed to. Subsequently, the USFWS states, “No further consultation pursuant to the Endangered Species Act (ESA) of 1973”.

Comment 104D: The DEIS inappropriately minimizes the potential impact of noise, lights, and intensified human use on wildlife. The construction- and operation-related impacts on wildlife identified in the DEIS include habitat loss, disturbance from noise and intensive human use, and possible accidents involving wildlife and construction equipment. However, these impacts are characterized as insignificant, since wildlife are presumed to be “habituated” to noise and human presence due to construction and remediation efforts on the Lake and in some areas along the lake shore. The DEIS fails to consider differences between concentrated construction and scattered, often distant remediation activities along the lake shore; differences in duration, timing, or quality of

construction noise versus rock concert noise; differences in lighting specific construction projects versus lighting a large venue and creating the concert atmosphere desired by performers; or differences between temporary disturbances and summer-long disruptions extending into the foreseeable future. If successful, the amphitheater will routinely draw thousands of people to the site for large concerts with loud music and possibly light shows. Previously undisturbed parts of the site will be opened to visitors by the placement of walking trails, a picnic area, and other amenities. This represents a complete change in the disturbance regime of the site, which may highly and adversely impact sensitive species. The DEIS provides no hard data or other evidence to justify its conclusions or its comparison of intense, dispersed, unpredictable human use throughout the event complex and related trail systems to localized, limited, and often distant construction operations.

Response 104D: Please see Responses 41D and 41E.

Comment 104E: The DEIS doesn't adequately document the species that are present at the site and may be negatively impacted. To properly assess the amphitheater's wildlife impacts, in addition to determining the species present, the County must determine their relative abundance, the role that this site plays in their lifecycle, and the availability of mitigation options. Similar data for adjacent areas is necessary to understand off-site impacts. No data beyond species presence was presented in the DEIS. The County also failed to collect adequate site-specific data. The DEIS relies on generalized, non-site-specific data bases, such as the Breeding Bird Atlas, to identify birds present or likely to be present at the site. Recent studies, such as an extensive 2012-2013 site-specific survey, were ignored and the County's experts made no effort to collect site-specific bird data themselves.

Response 104E: As indicated above in Response 104C, Section 3.4.1.2 (Biological, Terrestrial, and Aquatic Ecology, Existing Conditions, Fish and Wildlife) of the DEIS states, "Fish and wildlife resources at the Project site were identified through analysis of existing data sources, correspondence with the NYNHP, and *on-site field surveys conducted by*

OBG and EDR. [emphasis added] Specific information on fish and wildlife resources at the Project site is presented below, organized into sub-sections focused on birds, mammals, reptiles and amphibians, fish, wildlife habitat, and threatened and endangered species. A complete list of wildlife species documented in the vicinity of the Project site, including scientific names, is included in Appendix A." An updated species list is included in Appendix D of the FEIS, which specifically identifies those species observed on-site. With respect to the 2012-2013 survey referenced by the commenter, please see Response 41K.

Comment 104F: The DEIS fails to consider the amphitheater's impacts on adjacent areas and uses or fragmentation effects. The DEIS doesn't consider impacts on sensitive species, such as the American Bittern which has returned to nearby Nine Mile Creek, or birds on Onondaga Lake. The noise, bright lights, and crowds of the amphitheater are likely to make the area unsuitable for sensitive species and to disturb nesting or migrating waterfowl. The DEIS suggests that endangered bats disturbed by site activity will move north or south of the site. The County provides no field data or other evidence that nearby areas are appropriate for bat roosting, foraging or breeding or, if present, would not be disrupted by site operations. Carving out almost 20% of the minimally developed land along the western lakeshore along will fragment this habitat. The intensely used, landscaped tract may create a barrier to movement within the area or attract undesirable, non-native species, such as European Starling which aggressively compete with other birds and mammals for food and nesting sites. The DEIS doesn't mention fragmentation.

Response 104F: With respect to American bittern, the DEIS identifies this species. Specifically, in Section 3.4.1.2.1 (Existing Conditions, Fish and Wildlife, Birds), the DEIS indicates that American bittern is documented by the nearest North American Breeding Bird Survey (BBS) route, known as the Cicero Center route, which runs roughly east-west approximately 6.3 miles north of the Project site. Of all the sources evaluated in support of the Existing Conditions Bird Section of DEIS, which includes the BBS, USFWS data, the NYS Breeding Bird Atlas (BBA), the Audubon Christmas Bird Count

(CBC), and on-site observations, the BBS is the only source that identified American bittern. This is clearly presented in DEIS Table 2 (State-listed Wildlife Species Documented in the Vicinity of Onondaga Lake). Subsequently, the impacts discussion of the DEIS states, "Additional listed species documented in the area are listed above in Table 2. All of these species were detected in low numbers, and most were not actually observed at the Project site. Therefore, the potential risk of Project construction disturbing these species is considered remote."

The commenter is incorrect when claiming "The DEIS doesn't mention fragmentation." When discussing threatened and endangered wildlife species, DEIS Section 3.4.1.2.6 states, "the USFWS online consultation identified Indiana bat, northern long-eared bat (*Myotis septentrionalis*), bog turtle (*Clemmys muhlenbergii*), and eastern massasauga (*Sistrurus catenatus*) as federally-listed species that are known to occur in Onondaga County, and could potentially be found at the Project site." Subsequently, the DEIS specifically references habitat fragmentation as threats to both the bog turtle and eastern massasauga. (The DEIS then goes on to explain why, based on habitat requirements and other species-specific characteristics, impacts to these species are not anticipated.)

Please also see Responses 41D and 41E regarding wildlife impacts.

Comment 104G: The western shoreline of Onondaga Lake is one of the few places in the Syracuse area that supports waterfowl hunting. Disturbances to area waterfowl may disrupt this use of the Lake.

Response 104G: Please see Response 12I.

Comment 104H: The DEIS briefly notes potential run-off from the site, including herbicides and fertilizers from landscaping and hydrocarbons, heavy metals, and salt from parking lots and roads. There is no assessment of the potential negative impacts of this run-off and

absolutely no link made to habitat or wildlife impacts. These impacts may be particularly important in re-naturalized areas along Geddes Brook and Nine Mile Creek to the north and in mitigation wetlands being built to the south. A public project that undermines investments in habitat reconstruction and precludes returning the last undeveloped parcels along the Lake to a more natural state is particularly troubling, given strong public preferences for a natural lakeshore.

Response 104H: Please see Response 41J.

Comment 104I: The amphitheater project will adversely affect birds and other wildlife and negatively impact birding, which is one of the fastest growing outdoor recreation activities according to a 2006 study done by the US Fish and Wildlife Service.

Response 104I: The amphitheater project will provide increased access to Lakeview Point, and therefore can also provide increased opportunities for bird watching.

Comment 104J: Some recommendations to consider regarding the project: incorporate bird-friendly building design; reduce collisions with low use of glass and/or glass designed to reduce bird collisions; avoid design traps that lure birds in and retain them; use blue and green lights instead of red and white and monitor lights to turn off and release any birds trapped by illumination (blue and green lights have been noted to not attract birds on oil rigs); have landscaping compliment habitat restored by Honeywell (e.g., the use of native vegetation that directly benefits birds and other wildlife); incorporate grass on lawn area of venue that does not need as much mowing or need for pesticides, herbicides, or fertilizer; reduce carbon dioxide emissions by installing electric plug-ins for tractor trailers that would otherwise idle during concerts; incorporate a high use boating area near existing Honeywell Onondaga Lake Visitor Center away from lakeview point and shuttle boaters to events; enforce a low wake zone near point and other restored habitat areas; and consult with bird experts from the on further mitigation techniques.

Response 104J: Comment noted.

Comment 104K: Lastly, if this project is aimed at bringing thousands of event attendees to Onondaga Lake, then there should be a significant portion of sales from tickets at the event to pay to conserve and sustain the lake as a whole and enhance it as an Important Bird Area. It would be appropriate for those funds to support a group like the Onondaga Lake Conservation Corps, which is solely dedicated to Onondaga Lake. Additionally, it would be beneficial to seek out socially responsible performers who would like to contribute toward the sustainability of Onondaga Lake as an Important Bird Area.

Response 104K: Comment noted. Please see Response 79E.

Comment Letter 105. Elmore Davis

Comment 105A: Key documents that are necessary to provide an informed analysis of the potential impacts have not been developed or made available to the public, leaving many important questions unanswered. Without understanding the extent of the potential impacts, the ability to mitigate impacts is also unknown. We simply don't know enough to be assured that our environment, public health, economy, and quality of life will not be adversely impacted by the proposed amphitheater. The Onondaga County Legislature should hold the DEIS open until key documents and plans are available for review by the public. These include a business plan, site remediation and management plans, long-term traffic mitigation measures, and detailed construction plans for building on unstable wastebeds. Without this information neither the public nor the County Legislature can form a complete picture of the environmental impacts of this project and balance them against the Project's social and economic benefits, as required by the SEQR. As we look to the future of how Onondaga County residents use the lakeshore, it's important for us to do this right and carefully consider the environmental, economic, and public health impacts of any project proposed. It's time to take a step back and allow a more thorough review of all the potential impacts before making a determination on this Project.

Response 105A: With respect to the adequacy of the DEIS, please see Response 12C. With respect to a business plan, please see Response 3B. With respect to a remediation plan, please see Response 3D. With respect to traffic mitigation measures, please see Response 3H and FEIS Section 2.2.2. With respect to detailed construction plans, please see Response 41Q.

Comment 105B: The wastebeds contain harmful chemicals, including known and suspected carcinogens, which have been found in the surface and sub-surface soils. How can we be assured that human exposure to contaminants on site will be properly controlled through a site remediation plan that hasn't even been drafted yet? Didn't we learn anything from places like Love Canal?

Response 105B: Please see Response 3D.

Comment 105C: Bird surveys of the area have documented the presence of important species, including bald eagles, osprey, and common terns. The DEIS fails to appropriately measure the potential impact that construction and operation of the facility will have on birds and wildlife, doesn't adequately document the species present at the site that may be negatively impacted, and fails to consider the impacts on adjacent areas or fragmentation effects. How will these important issues be addressed in order to protect birds and other wildlife?

Response 105C: With respect to impacts to bird species, please see Response 41F. With respect to wildlife impacts please see Responses 41D and 41E. With respect to the Commenter's claim that the DEIS doesn't adequately document the species present at the site, please see Response 36C.

Comment 105D: Tentative plans call for laying down six or more feet of fill to support roads and smaller structures, driving support piles down to bedrock 200 feet below the waste for large structures, and potentially employing a range of mechanisms to protect support piles against the corrosive effects of the Solvay waste. Without a final construction design,

how can we ensure that structures can be safely built on the wastebeds, which are unstable and corrosive to steel and concrete?

Response 105D: Please see Response 12C.

Comment Letter 106. Joan James

Comment 106A: Key documents that are necessary to provide an informed analysis of the potential impacts have not been developed or made available to the public, leaving many important questions unanswered. Without understanding the extent of the potential impacts, the ability to mitigate impacts is also unknown. We simply don't know enough to be assured that our environment, public health, economy, and quality of life will not be adversely impacted by the proposed amphitheater. The Onondaga County Legislature should hold the DEIS open until key documents and plans are available for review by the public. These include a business plan, site remediation and management plans, long-term traffic mitigation measures, and detailed construction plans for building on unstable wastebeds. Without this information neither the public nor the County Legislature can form a complete picture of the environmental impacts of this project and balance them against the Project's social and economic benefits, as required by the SEQR. As we look to the future of how Onondaga County residents use the lakeshore, it's important for us to do this right and carefully consider the environmental, economic, and public health impacts of any project proposed. It's time to take a step back and allow a more thorough review of all the potential impacts before making a determination on this Project.

Response 106A: With respect to the adequacy of the DEIS, please see Response 12C. With respect to a business plan, please see Response 3B. With respect to a remediation plan, please see Response 3D. With respect to traffic mitigation measures, please see Response 3H and FEIS Section 2.2.2. With respect to detailed construction plans, please see Response 41Q.

Comment 106B: The wastebeds contain harmful chemicals, including known and suspected carcinogens, which have been found in the surface and sub-surface soils. How can we be assured that human exposure to contaminants on site will be properly controlled through a site remediation plan that hasn't even been drafted yet? Didn't we learn anything from places like Love Canal?

Response 106B: Please see Response 3D.

Comment 106C: Bird surveys of the area have documented the presence of important species, including bald eagles, osprey, and common terns. The DEIS fails to appropriately measure the potential impact that construction and operation of the facility will have on birds and wildlife, doesn't adequately document the species present at the site that may be negatively impacted, and fails to consider the impacts on adjacent areas or fragmentation effects. How will these important issues be addressed in order to protect birds and other wildlife?

Response 106C: With respect to impacts to bird species, please see Response 41F. With respect to wildlife impacts please see Responses 41D and 41E. With respect to the Commenter's claim that the DEIS doesn't adequately document the species present at the site, please see Response 36C.

Comment 106D: Tentative plans call for laying down six or more feet of fill to support roads and smaller structures, driving support piles down to bedrock 200 feet below the waste for large structures, and potentially employing a range of mechanisms to protect support piles against the corrosive effects of the Solvay waste. Without a final construction design, how can we ensure that structures can be safely built on the wastebeds, which are unstable and corrosive to steel and concrete?

Response 106D: Please see Response 12C.

Comment Letter 107. Fred Miller

Comment 107A: Habitat issues are a major concern for the Nine Mile Creek Conservation Council. We are concerned that the proposed Amphitheater will be located directly overlooking Nine Mile Bay at the mouth of Nine Mile Creek, one of the most significant undeveloped sections of wildlife habitat along the west shore of Onondaga Lake. Public plans for construction of a lakeshore trail around Onondaga Lake have consistently focused on maintenance of a natural habitat along this western shoreline.

Response 107A: With respect to wildlife/habitat impacts please see Responses 41D and 41E.

Comment 107B: Environmental dangers are an additional concern as Onondaga County is proposing to build the Amphitheater on an inactive hazardous waste site that has been used for deposition of industrial wastes for over 100 years, some of which may be hazardous to public health and safety. The bulk of these wastes are unstable and corrosive, and will call for complicated and expensive methods of site preparation and construction.

Response 107B: Please see Response 3D.

Comment 107C: Another area of concern that has been expressed by members of the Citizens for a Better Plan community is compliance with the SERA provisions for adequate scoping, and examination of alternative options by Onondaga County as project Lead Agency for siting of the amphitheater project. The Nine Mile Creek Conservation Council has reviewed the DEIS and scoping documents prepared to date. We are in agreement with community recommendations that the lead agency for this project needs to examine alternative sites for the amphitheater that may offer less hazardous options to the significant adverse environmental impacts identified at the Lakeview site, and could therefore be constructed at a lower cost to State and County taxpayers.

Response 107C: With respect to the adequacy of the DEIS, please see Response 12C. With respect to alternatives, please see Response 3C.

5.0 REFERENCES

Bolt, Beranek and Newman, Inc. 1977. *Power Plant Construction Noise Guide*. Prepared for the Empire State Electric Energy Research Corporation. Report No. 3321.

C&S Companies. 1986. *Revised Landfill Closure Plan Volumes 1 & 2*.

Chaudhury, A. 2014. *Avian Community Composition, Blood Mercury, and Chromium in Onondaga Lake Waste Beds, Onondaga County, New York*. Master's Thesis, State University of New York College of Environmental Science and Forestry, Syracuse, NY. May 2014.

Dark Sky Society. 2009. *Guidelines for Good Exterior Lighting Plans*. Available at: <http://www.darksksociety.org/handouts/LightingPlanGuidelines.pdf>

Lane, O.P., S.T. Edmonds, J. Atwood, K. Regan, D. Buck, and D. Evers. 2012. *Assessment of Mercury Exposure in Birds at Onondaga Lake: 2008-2009*. Report BRI 2011-17 submitted to U.S. Fish and Wildlife Service, Cortland, NY. Biodiversity Research Institute, Gorham, Maine.

New York State Department of Environmental Conservation (NYSDEC). 2014. *P/C/I SPDES Permit Program: Introduction State Pollutant Discharge Elimination System (SPDES) – Overview*. Available at: <http://www.dec.ny.gov/permits/6308.html>

O'Brien and Gere. 2014. *Honeywell, Revised Final Feasibility Study Report Wastebeds 1 through 8 - Operable Unit No. 1 Geddes, NY*. September 2014. Available at: <http://www.dec.ny.gov/chemical/37558.html>

O'Brien and Gere. 2011. *Honeywell, Wastebeds 1-8 Human Health Risk Assessment Revised Report, O'Brien & Gere*, April 2011. Available at: <http://www.dec.ny.gov/chemical/37558.html>

U.S. Department of Transportation (USDOT). 1995. *Highway Traffic Noise Analysis and Abatement, Policy and Guidance*. Federal Highway Administration. June 1995.

USDOT. 2006. *Roadway Construction Noise Model User's Guide*. Federal Highway Administration. January 2006.