

228 Hampton Rd.  
Syracuse, N.Y. 13203  
(315) 471-0914

June 30, 2014

David Coburn, Director  
Onondaga County Office of the Environment  
John H. Mulroy Civic Center, 14th Floor  
Syracuse, N.Y. 13202

Re: Comments on Draft Scoping Document for the Amphitheater Project  
at Onondaga Lake

Dear Mr. Coburn:

Thankyou for providing an informative web-site which affords wide communication on the planning for the pollution cleanup along the shore of Onondaga Lake.

I suggest that the planning process evaluate the use of plasma gasification technology for the complete destruction of the wastes which are contained in the site. The costs for cleanup of the site, which were estimated to exceed \$6.0 billion during a time period of 30 years, are unthinkable. Plasma gasification processing should be able to do the complete cleanup job for less than \$50 million, with thorough remediation of the site for safe public uses. Plasma gasification now is being used to thoroughly treat a wide variety of industrial, chemical, medical, nuclear, and municipal solid wastes in many countries around the world.

Here is a brief list of established plasma gasification system vendors. These vendors are able to deliver, install, and operate plasma gasification systems today. And, they are able to custom configure an installation to meet the particular requirements of the site.

1. Westinghouse Plasma Corp., Inc. At: <http://www.westinghouse-plasma.com>  
Based in Madison, Pa., it is a subsidiary of Alter NRG of Canada, at: <http://www.alternrg.com> .  
Installations now exist in Japan, China, and Britain. This technology is employed for, possibly, the world's largest system, at Tees, England.

2. PEAT International, Inc. At: <http://www.peat.com> Based in Northbrook, Illinois. This system has been used to treat a wide variety of feedstocks including industrial, hazardous, medical, and pharma wastes. Installations now exist in India, Taiwan, China, and California.

3. InEnTec, Inc. At: <http://www.inentec.com> Based in Bend, Oregon. This system is capable of treating municipal, industrial, medical, and hazardous waste. A variety of configurations are deployed, including truck mounted mobile systems. The technology now is employed in Oregon, Japan, Taiwan, and Malaysia.

4. Vision Plasma Systems, Inc. At: <http://www.visionplasma.com> Based in Reno, Nevada. This vendor's systems are deployed aboard ships in ISO 40 Ft. containers, as well as at Veterans Administration hospitals and military installations. It is stated as capable of treating 5 tons per day of hazardous, municipal, industrial, and other forms of waste.

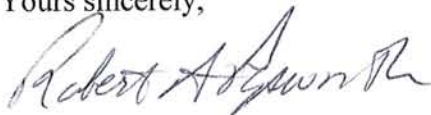
5. Tetronics International, Ltd. At: <http://www.tetronics.com> Based in Swindon, England, where its demonstration facility is located. The facility is used to help customers configure new installations and to treat test samples of materials. There are more than 80 installations of this technology, worldwide, in various industries. The Tetronics web-site is informative about employment of its technology in a variety of applications.

The outcome of plasma gasification treatment is complete elimination of hazardous waste through its destruction, at very high temperatures. No polluted soil, water, or chemicals would exist at the Onondaga Lake site following the treatment. The site would be completely excavated; all of the hazardous residues would be destroyed.

This brief list is an introduction to the market for plasma technologies. There are several additional vendors, and there are engineering consulting firms which are experienced in assisting clients to accurately specify their particular requirements, to recommend a vendor, and to negotiate a contract. One engineering firm reports that it knows of 19 vendors, worldwide.

Finally, 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. It is a proven technology.

Yours sincerely,



Robert A. Papworth, Trustee  
The Nature Conservancy, CWNY

From: Doretta Adams [<mailto:dadams2012@twcny.rr.com>]

Sent: 6/27/2014 1:05 PM

To: Glenn Coin

Subject: Onondaga Lake Amphitheater

I am so against this proposal, but I don't know where to send my complaints to. We in the village of Liverpool already have too much noise. Noise from trains, planes, thruway, sirens, firetrucks, traffic going thru the village is deafening at times. It has gotten much worse over the last 15 years, and a concert that will blast us in the evening when we have a respite from daytime noise will put us over the edge. They concerts at the Fairgrounds are enough to listen to for 10 days as the Onondaga lake water carries the sound just like we are there. For those of us who have to get up and go to work and also try to sleep in the daytime because of our night jobs, it is getting to be a stressful village.

Thank you.

Doretta Adams

Sent from my iPad

From: <[fishbugm5@twcny.rr.com](mailto:fishbugm5@twcny.rr.com)>  
To: [davidcoburn@ongov.net](mailto:davidcoburn@ongov.net),  
Cc: [kevinholmquist@reagan.com](mailto:kevinholmquist@reagan.com), [mikmeplochocki@hotmail.com](mailto:mikmeplochocki@hotmail.com)  
Date: 07/08/2014 02:51 PM  
Subject: Public comments & review of DEIS for Amphitheater Plan

David and Legislators,

See attached for comments and a leaflet generated at two meetings held last night with Joe Heath and the Onondaga County Federation of Sportsmen's Clubs. Conrad Strozik attended the meeting with Joe Heath, and I attended the Sportsmen's Federation meeting as a Federation board member.

Both groups are calling for an extension of time and more 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.

Les Monostory, V.P.  
Izaak Walton CNY Chapter  
(See attached file: Coalition Leaflet Time Extension v1.docx)

>----- Message from Unknown on Unknown -----

>

>

>Ladies and Gentlemen,

>

>

>As you may have noticed, the Onondaga Lake Amphitheater project appears  
>to be moving forward, as though on greased rails, at an alarming pace.  
>I am asking that all club delegates discuss this issue within your club  
>membership and be prepared to discuss your club's feelings on the  
>matter, at the upcoming (less than two weeks away) Delegates' Picnic. I  
>am attaching the flyer, again, so that you can forward it, and get  
>people to make their reservations. I would like as many club delegates  
>in attendance as possible so that we can discuss the apparent lack of  
>opportunity for public input on this Multi-million dollar project. So  
>far, there is only one public hearing scheduled and the public comment  
>period is very short, for such a large project, with such far reaching consequences.

>

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>Subjects that will be discussed include, but are not limited to:

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>Does the Syracuse area need such a venue?

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>

>Should this project be installed on the proposed site, or, would  
>another site be more viable?

>

>

>What will the environmental/economic impacts be?

>

>

>At the very least, should the pace be slowed, to make sure that the  
>plan is sound, from the standpoints of engineering (how deep is the  
>semi-liquid waste, underneath the surface soil, and can a safe, stable  
>footing be installed?), environmental concerns (Honeywell has invested  
>a huge amount of treasure and time to restore a more naturally sound  
>environment to the proposed construction site.),and economic concerns  
>(Will this project really create the economic engine that developers  
>are promising?).

>

>

>Our Federation's Board of Directors wants your input, before we  
>formulate our position regarding this massive project.

>

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>Thanks for your anticipated input.

>

>

>Dave Simmons

# The Lakeview Amphitheater Project

## WHAT'S THE RUSH?

Public review of the environmental and community impacts of the proposed amphitheater is currently scheduled to end on August 11<sup>th</sup> after only 30 days

### IMPORTANT QUESTIONS REMAIN UNANSWERED

- How will the excess noise and heavy traffic from regular concerts be managed?
- How will visitors to the amphitheater be protected from contamination on site?
- Does the project make economic sense? Will neighboring communities like Geddes and Solvay see enough economic benefits to outweigh the costs?
- 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?

Answers to these questions depend on yet-to-be-determined plans or are buried in the 654-page Draft Environmental Impact Statement. The public has only **30 days** to review this document and **only one public hearing** in which to share concerns.

THIS IS A PUBLICLY FUNDED PROJECT. TELL THE COUNTY TO TAKE THE TIME TO ANSWER THESE QUESTIONS, TO ASK FOR PUBLIC OPINION, AND TO HEAR PUBLIC CONCERNS IN A FAIR AND TRANSPARENT PROCESS.

### REQUEST AN ADDITIONAL 30 DAYS FOR PUBLIC REVIEW OF THE DRAFT ENVIRONMENTAL IMPACT STATEMENT AND MORE PUBLIC HEARINGS!

Send requests for an extension of time and more hearings to:  
David Coburn, Director/Onondaga County Office of the Environment  
421 Montgomery Street  
Syracuse, NY 13202  
[DavidCoburn@ongov.net](mailto:DavidCoburn@ongov.net)

and send copies of these requests to your County Legislator.

Watch FACEBOOK PAGE for more information about the project, community meetings, and community actions.

### CITIZENS FOR A BETTER AMPHITHEATER PLAN

(including Citizens Campaign for the Environment, Onondaga Shoreline, Neighbors of the Onondaga Nation, Izaak Walton League, Law Office of Joseph Heath, **others?**)

From: Contact Office of the Environment <[no-reply@ongov.net](mailto:no-reply@ongov.net)>  
To: [DavidCoburn@ongov.net](mailto:DavidCoburn@ongov.net),  
Date: 07/10/2014 01:25 AM  
Subject: Contact the Office of the Environment [#86]

>Your Name: Bill Mastropool

>(required)

>

>Your email address: [Bmastropool@gmail.com](mailto:Bmastropool@gmail.com)

>(required)

>

>

>First off I think the amphitheater is a excellent idea.

>Second I really like the connection to Solvay you are proposing by

>a bike/walkway, but I have what I believe is an excellent idea:

>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. virtually connecting the village of

>Liverpool to the village of Solvay. Since the trail around

>the lake is about finished I believe it fits right in. It could

>make stops at the State Fair before and after the

>Amphitheater/New West side trail. 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 bicyclist, runners and walkers. Last I knew the Tram

>was sponsored by Wegmans. maybe they would like to

>participate in the expansion of it. I vision it would be a major

>tourists attraction.

>



From: "L. Withers" <[lwithers@twcny.rr.com](mailto:lwithers@twcny.rr.com)>  
To: [joaniemahoney@ongov.net](mailto:joaniemahoney@ongov.net), [OnondagaLakeWestProject@ongov.net](mailto:OnondagaLakeWestProject@ongov.net),  
[davidcoburn@ongov.net](mailto:davidcoburn@ongov.net),  
Date: 07/11/2014 04:14 PM  
Subject: Amphitheater

Dear County Executive Mahoney,

The proposed amphitheater is quickly becoming the sequel to our county's baseball stadium story; another nice project put in the wrong place and for all the wrong reasons.

Some things to consider:

There is no business plan.  
How does one justify committing \$30million 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.

The sites remediation plans remain undetermined and confidential. Last week, the wastebeds were described as being as 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.

The project goes against the community's plan for Onondaga Lake's shoreline. It's commissioned report 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 (KEEP THE LAKE PUBLIC). The second most important feature that emerged from our research is that the shoreline maintain natural areas with minimal development and F.O.C.U.S believes that does need to be a priority for the future of Onondaga Lake shoreline. The least important aspects of Onondaga Lake shoreline to the citizens included residential development and commercial development.<sup>2</sup> (Conclusions, FOCUS on Onondaga Lake) <http://www.ongov.net/documents/FOCUSonOnondagaLake.pdf>

The Onondaga Nation opposes building on the Wastebeds Our community finally understands that Onondaga Lake is a sacred site of the Onondaga Nation and 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.



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 election. 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's working for them, every weekend, all summer long.

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.

The group, Citizens for a Better Plan is being organized by local environmental, civic, and sporting groups 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 actually help avoid years of regrets down the road.

Sincerely,

Lloyd Withers  
Onondaga Shoreline  
Citizens for a Better Plan  
(315) 243-9118

From: <[fishbugm5@twcny.rr.com](mailto:fishbugm5@twcny.rr.com)>

To: [davidcoburn@ongov.net](mailto:davidcoburn@ongov.net),

Cc: [kevinholmquist@reagan.com](mailto:kevinholmquist@reagan.com), [mikeplochocki@hotmail.com](mailto:mikeplochocki@hotmail.com)

Date: 07/12/2014 03:31 PM

Subject: Izaak Walton comments on inadequate investigation of alternate Amphitheater sites

David and Legislators,

Please see attached Izaak Walton CNY Chapter comments on SEQR based evaluation of alternate sites for the proposed Lakeview Amphitheater.

Les Monostory

(See attached file: Alternative Sites not investigated.docx)

Onondaga County's Draft EIS for the Lakeview Amphitheater  
Is Deficient in Investigating Alternative Sites

The Izaak Walton Central New York Chapter submitted comments on the proposed Lakeview Amphitheater on April 30, 2014 and raised two main concerns regarding the project. First was the lack of investigating alternative sites for this \$100 million project, and second, the lack of a fiscal analysis comparing the cost of alternative sites.

Chapter president Conrad Stozik recommended investigation of alternate sites such as the Inner Harbor or vacant City land south of Erie Boulevard. A third alternative could be the existing New York State Fairgrounds on the west side of I-690. CNY Chapter members have submitted additional comments on the Draft EIS, but investigation of candidate sites in addition to the County's selected Lakeview site is a key issue.

Since the dates when our comments were submitted in late April and May, Onondaga County has submitted further reports for the environmental review process, including a Draft and Final Scoping Document and a 654 page Draft Environmental Impact Statement.

Requirements of the Part 617 State Environmental Quality Review Act

There are two significant sections in the Part 617 SEQR regulations that pertain to examination of alternatives to a proposed development project – Part 617.8 on Scoping, and Part 617.9 on the preparation and content of environmental impact statements.

Under section (f) (5) of Part 617.8, the final written Scope should include the reasonable alternatives to be considered. Under section (b) (1) of Part 617.9 concerning the content of the environmental impact statement, item (1) 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.”

Onondaga County's Draft and Final Scoping Documents are Limited to Investigation of Only One Alternative Site for the Amphitheater Project at Maple Bay

In its Draft EIS for the Lakeview Amphitheater, Onondaga County indicates in section 5.1 on 'Alternate Project Location' that “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 on County property at the Northwest corner of the lake.

The Maple Bay site was determined to be inadequate on the basis that while the site “had the minimum space required to accommodate the proposed stage house and seating areas ... there is little additional space for ancillary facilities or amenities.” 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 for the Amphitheater Project 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 either the cost or environmental impacts of potential Amphitheater sites other than the chosen Lakeview Amphitheater site.

#### Recommendations for Evaluation of Potential Alternative Sites for the \$100 Million Amphitheater Project

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. An unknown share of those moneys is planned to be allocated for "community benefits" to be provided for the Village of Solvay and the Town of Geddes in the proximity of Onondaga Lake.

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 on property owned by the State of New York. It may be possible to convert the existing and deteriorating Grandstand to a multi-use public facility that could include a stage and expanded seating for concert presentations.
- (2) The Inner Harbor location in the City of Syracuse, 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 both the community and the New York State Fairgrounds.
- (4) Vacant City land south of Erie Boulevard. Once again, this alternative location could provide an economic boost for a central location within the City of Syracuse.

Prepared by the following officers of the Central New York Chapter of the Izaak Walton League of America – July 2014

Conrad Strozik, President

Les Monostory, Vice President

Hugh Kimball, Conservation Issues Chairman

From: Michael Sullivan <[Michael.Sullivan@sjhsyr.org](mailto:Michael.Sullivan@sjhsyr.org)>  
To: "'DavidCoburn@ongov.net'" <[DavidCoburn@ongov.net](mailto:DavidCoburn@ongov.net)>,  
Date: 07/14/2014 03:40 PM  
Subject: amphitheater

Hi David,

I hope I'm writing to the correct person. Let me start by saying, I fully support the plan for the new amphitheater. I think it is a great location, and I have rode bike to look at site from the trail, of course. As a long time concert-goer to places like Saratoga Springs (SPAC), Candidaigua (CMAC), Darien lake, and Lewiston's ArtPark, I would like to make these suggestions:

- Bathrooms- Make sure you install enough. Avoid port a potties if possible and create more for women as there are always long lines. Make it so they don't create smells where people will be sitting.
- Access/Parking- There is plenty of room to create a nice large parking lot for easy access to the grounds. Allow tail gaiting (CMAC doesn't) so concert goers can arrive early to avoid traffic jams. Just patrol for any rowdy behavior or underage drinking.
- Capping-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.
- Size- I heard the 17,000 number throw out there, but it might limit you to bigger acts and day long festivals that can draw 20-25,000. Just a thought.

That's it for now. Thanks. It will be great. Mike

From: "VanDonsel, MaryEllen" <[maryellen\\_vandonsel@fws.gov](mailto:maryellen_vandonsel@fws.gov)>  
To: <[DavidCoburn@ongov.net](mailto:DavidCoburn@ongov.net)>,  
Cc: Noelle Rayman <[noelle\\_rayman@fws.gov](mailto:noelle_rayman@fws.gov)>  
Date: 07/15/2014 07:43 AM  
Subject: Lakeview Amphitheater

Hello -

Please see the attached file for U.S. Fish and Wildlife Service comments on the subject project. A hard copy will be forthcoming via regular mail.

Have a nice day.

MaryEllen VanDonsel  
U.S. Fish and Wildlife Service  
New York Field Office  
3817 Luker Road  
Cortland, NY 13045  
607-753-9334  
607-753-9699 (fax)

"We cannot do great deeds as a nation unless we are willing to do the small things that make up the sum of greatness." ~ Teddy Roosevelt

(See attached file: 14TA0800out.pdf)



# United States Department of the Interior



## FISH AND WILDLIFE SERVICE

3817 Luker Road  
Cortland, NY 13045

July 11, 2014

Mr. David Coburn  
Environmental Director  
County of Onondaga  
Office of the Environment  
John H. Mulroy Civic Center  
421 Montgomery Street, 14<sup>th</sup> Floor  
Syracuse, NY 13202

Dear Mr. Coburn:

The U.S. Fish and Wildlife Service (Service) has reviewed the Draft Environmental Impact Statement (DEIS) dated June 2014, for the Lakeview Amphitheater proposed on the west side of Onondaga Lake in the vicinity of the New York State Fairgrounds and the outlet of Nine Mile Creek in the Town of Geddes, Onondaga County, New York.

### Project Description

The proposed project involves an amphitheater with both covered and lawn seats, a vendor area, recreational trails, and associated amenities such as access roads/driveways and utilities for power, water, and sewer. No new construction for parking is needed as the public will use existing lots between Interstate 690 and Onondaga Lake. In addition, a seasonal removable dock is proposed along the shoreline of the project area to improve boating access to the amphitheater. The project will have a one-year build-out beginning fall/winter 2014. No wetland or stream impacts are anticipated, and approximately 78 acres of primarily young forest will be removed as a result of this project. There is no federal nexus associated with this project.

The following comments are submitted pursuant to our authorities under the Endangered Species Act (ESA) of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*), the Bald and Golden Eagle Protection Act (BGEPA) (16 U.S.C. 668-668d), and the Migratory Bird Treaty Act (MBTA) (16 U.S.C. 703-712; Ch. 128; July 13, 1918; 40 Stat. 755).

### Endangered Species Act

Three federally-listed species are known to occur in Onondaga County – the bog turtle (*Clemmys* [= *Glyptemys*] *muhlenbergii*; Threatened), the American hart's tongue fern (*Asplenium scolopendrium* var. *americana*; Threatened), and the Indiana bat (*Myotis sodalis*; Endangered).



Section 3.4 of the DEIS states that, “due to the lack of suitable habitat”, it is presumed that the American hart’s tongue fern and bog turtle are not within or adjacent to the project site; therefore, there are no impacts anticipated to these species. The Service agrees that suitable habitat is not present within or adjacent to the project site.

Also in Section 3.4, it is stated that Indiana bats are likely foraging and/or potentially roosting within the proposed project site as known roosts are within 1.5 miles. Despite that the majority of the site consists of young forest, it is likely that Indiana bats are foraging in the area due to the project being in close proximity to known roost trees. It was 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, exterior lighting will be the “minimum acceptable to ensure security and safety” and that lights would be “fully shielded” and downward facing to direct light towards the ground. 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 be 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, algacide, and/or herbicide will be used on the ground for long-term maintenance of the property.

The eastern massasauga rattlesnake (*Sistrurus catenatus*) is a federal candidate species known to occur in Onondaga County. Section 3.4 of the DEIS states that no suitable habitat is present on the project site for this species. The Service agrees that suitable habitat is not present within or adjacent to the project site.

The northern long-eared bat (*Myotis septentrionalis*) (NLEB) is currently proposed for listing under the ESA. The final listing decision for the NLEB is expected in April 2, 2015. At this time no critical habitat has been proposed for the NLEB. The entire state of New York is within the range of the NLEB; this species can occur above 900-foot elevation, unlike Indiana bats. During the summer, the NLEB typically roosts singly or in colonies in cavities, underneath bark, crevices, or hollows of both live and dead trees and/or snags (typically  $\geq 3$  inches dbh). Males and non-reproductive females may also roost in cooler places, like caves and mines. This bat seems opportunistic in selecting roosts, using tree species based on presence of cavities or

crevices, or the presence of peeling bark. It has also occasionally been found roosting in structures like barns and sheds (particularly when suitable tree roosts are unavailable). They forage for insects in upland and lowland woodlots and tree-lined corridors. During the winter, the NLEB predominately hibernates in caves and abandoned mine portals. Additional habitat types may be identified as new information is obtained.

Species proposed for listing are not afforded protection under the ESA; however, as soon as a listing becomes effective, the prohibition against jeopardizing its continued existence and “take” applies regardless of an action’s stage of completion.

Several known occurrences of NLEB are within close proximity to the proposed project; the closest is within 0.6 mile. Due to this distance, NLEB are likely foraging and/or roosting within the project site. If the final decision is to list NLEB as endangered and if the project construction is anticipated to continue beyond April 2, 2015, then we recommend incorporating the conservation measures listed above for Indiana bats. These measures should also reduce the likelihood of impacts to NLEB.

No further consultation pursuant to ESA 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) that may affect the Indiana bat or NLEB and that have not already been analyzed in this consultation.

Should project plans change, or if additional information on listed or proposed species or critical habitat becomes available, this determination may be reconsidered. The most recent compilation of federally-listed and proposed endangered and threatened species in New York is available for your information. Until the proposed project is complete, we recommend that you check our website every 90 days from the date of this letter to ensure that listed species presence/absence information for the proposed project is current.\*

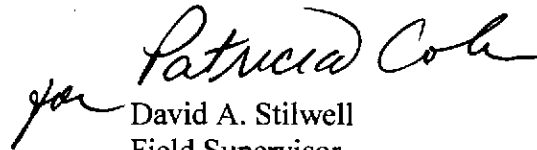
#### *Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act*

The bald eagle (*Haliaeetus leucocephalus*) is also found in the county. Eagles have been delisted pursuant to the ESA, but remain protected under the BGEPA, MBTA, and by the state of New York. The nearest bald eagle nest is northwest 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. Despite the potential for winter activity in close proximity to the project area, we do not anticipate any impacts to bald eagles as a result of this project. The amphitheater will not be open to the public during winter; however, some buildings on site may be used for meetings. If eagles are found within or near the project area, the Service recommends that you follow the Bald Eagle Management Guidelines found on the Service’s website at: <http://www.fws.gov/migratorybirds/baldandgoldeneaglemanagement.htm>.

The species above are also listed by the New York Department of Environmental Conservation (NYSDEC), with the exception of NLEB. Any additional information regarding the project and its potential to impact a listed species should be coordinated with this office and with the NYSDEC's Region 7 Cortland Office.

Thank you for coordinating with the Service on this proposed project to avoid and minimize impacts to the Indiana bat and NLEB. We appreciate the opportunity to comment on this proposed project. Please contact Noelle Rayman at 607-753-9334 if there are any questions regarding this letter and reference file number 14TA0800.

Sincerely,

  
David A. Stilwell  
Field Supervisor

\*Additional information referred to above may be found on our website at:  
<http://www.fws.gov/northeast/nyfo/es/section7.htm>

cc: NYSDEC, Cortland, NY (S. Joule and T. Bell)  
NYSDEC, Albany, NY (Wildlife Diversity)

From: [Contlr14@aol.com](mailto:Contlr14@aol.com)  
To: [DavidCoburn@ongov.net](mailto:DavidCoburn@ongov.net),  
Date: 07/17/2014 03:21 PM  
Subject: Re: Amphitheater Project

I did find the conceptual design this morning and on quick review found it useful, but also that there are unresolved issues like the location of the docking area and how to protect the pilings from corrosion. It is my general feeling that the process under SEQRA is moving too fast for the actual plans for the project. I would like to see the comment period extended until the TBDs are resolved and communicated to the public and the legislature.

I appreciate your taking the time to send this to me. Thank you very much.

Hugh K

In a message dated 7/17/2014 2:29:26 P.M. Eastern Daylight Time,  
>[DavidCoburn@ongov.net](mailto:DavidCoburn@ongov.net) writes:

>

>Hugh:

>

>Just wanted to get back to you re: your comments at Tuesday's CEH  
>meeting

>re: the Amphitheater project. You had expressed an interest in seeing

>more detail on the facility design. That information is available on

>the "Onondaga Lake West" project site:

>

>[http://www.ongov.net/executive/onondagalakewest/documents/Onondaga\\_Coun](http://www.ongov.net/executive/onondagalakewest/documents/Onondaga_Coun)

>ty\_Lakeview\_Amphitheater\_Conceptual\_Design\_Report\_June\_2014.pdf

>

>

>Hope this information is helpful. Russ, if you want to make this

>information available to the rest of the Council, please feel free.

>

>Thanks.

>

>David

From: "Sarah Eckel" <[seckel@citizenscampaign.org](mailto:seckel@citizenscampaign.org)>  
To: "'Sarah Eckel'" <[seckel@citizenscampaign.org](mailto:seckel@citizenscampaign.org)>,  
Date: 07/18/2014 03:59 PM  
Subject:

Dear County Executive Mahoney, distinguished members of the Onondaga County Legislature, Mayor Miner, Mayor White, Mayor Benedetti, Supervisor Falcone, and Supervisor Nicotra

Please find attached a letter on behalf of several organizations in Onondaga County requesting an extension to the public comment period for the Lake Amphitheater project. Additionally we request two more public hearings with at least one of those during the evening so that citizens who work may have the opportunity to attend.

Thank you for consideration of our request.

Respectfully submitted on behalf of those who signed,  
Sarah Eckel

Sarah Eckel  
Legislative & Policy Director  
Citizens Campaign for the Environment  
518-339-2853  
[seckel@citizenscampaign.org](mailto:seckel@citizenscampaign.org)  
[www.citizenscampaign.org](http://www.citizenscampaign.org)

(Embedded image moved to file: pic10021.jpg) CCE\_email\_signature  
Find us on facebook & twitter

-----  
Confidentiality Notice:

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-----  
(See attached file: AmphitheaterExtensionRequest\_0714.pdf)

CNY CHAPTER OF IZAAK WALTON LEAGUE OF AMERICA \* CITIZENS CAMPAIGN  
FOR THE ENVIRONMENT \* LAW OFFICE OF JOE HEATH \* NEIGHBORS OF THE ONONDAGA  
NATION \* ONONDAGA COUNTY FEDERATION OF SPORTSMEN'S CLUBS \* ONONDAGA  
SHORELINE \* PARTNERSHIP FOR ONONDAGA CREEK \* SIERRA CLUB, IROQUOIS GROUP

July 16, 2014

Hon. Joanne M. Mahoney  
County Executive  
Onondaga County  
John H. Mulroy Civic Center, 14th Floor  
Syracuse, New York 13202

**RE: Amphitheater Public Comment Period and Public Hearings**

Dear County Executive Mahoney,

We, the undersigned organizations, are writing to you today to request an extension to the public comment period and additional public hearings for the amphitheater project. Our coalition represents environmental and civic organizations. Specifically we are requesting a 90-day public comment period and two additional hearings, with at least one hearing during the evening to accommodate the working public.

As the development of the amphitheater has moved quickly, many of our organizations have concerns regarding the process and site evaluation. Some of our specific concerns are the siting of the amphitheater on the wastebeds since the remediation efforts for the wastebeds have not yet been completed. The economic viability of the amphitheater and how this will impact the county budget and county taxpayers is unclear. What alternate 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. How will the noise and traffic be mitigated? How will this project impact neighboring communities? In addition to these questions we strongly believe that the items listed as "To Be Determined" on the Environmental Assessment Form should be released to the public as soon as possible.

While we have a number of concerns our primary concern is that the citizens of Onondaga County 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 we are hopeful that you will agree that a thoughtful and extended time frame to consider the impacts of this project is warranted.

Thank you for your time and consideration of our request. We would appreciate an opportunity to discuss this request and our concerns with your office.

Thank you again.

Sincerely,

Conrad Strozik  
President  
CNY Chapter, Izaak Walton League of  
America

Sarah Eckel  
Legislative & Policy Director  
Citizens Campaign for the Environment

Joe Heath  
Law Office of Joe Heath

Sue Eiholzer & Jack Ramsden  
Neighbors of the Onondaga Nation

cc: Onondaga County Legislature  
Syracuse Mayor Stephanie Miner  
Liverpool Mayor Gary White  
Solvay Mayor Ronald Benedetti  
Geddes Supervisor Manny Falcone  
Salina Supervisor Mark Nicotra

David Simmons  
President  
Onondaga County Federation of  
Sportsmen's Clubs

Lloyd Withers  
Onondaga Shoreline

Lionel Logan  
President  
Partnership for Onondaga Creek

Martha Loew  
Chair  
Sierra Club, Iroquois Group



From: "Patapow, Barbara J." <[bpatapow@scsd.us](mailto:bpatapow@scsd.us)>  
To: "[DavidCoburn@ongov.net](mailto:DavidCoburn@ongov.net)" <[DavidCoburn@ongov.net](mailto:DavidCoburn@ongov.net)>,  
Date: 07/21/2014 08:59 AM  
Subject: what's the rush

I am requesting an additional 60 days for public review of the Onondaga Lakeview Amphitheater Project. I believe this project has not been adequately studied or planned. I am also speaking for my mother, Louise Patapow, who is 88 years old and extremely concerned, as well. Thank you.

**New York State  
FISH AND WILDLIFE MANAGEMENT BOARD**

**Region 7**



**22 July, 2014**

**Mr. David Coburn  
Director Onondaga County Office of the Environment  
John H. Mulroy Civic Center, 14<sup>th</sup> Floor  
421 Montgomery St.  
Syracuse, NY 13202**

**Memorandum of Concern, Subject: Proposed Lakeview Amphitheater Project**

The Region 7 Fish and Wildlife Management Board is a statutorily established volunteer board made up of delegates representing the nine counties of the Department of Environmental Conservation's Region 7. It represents the interests of the sporting public, including the 63,000 sporting license holders of Onondaga County, the landowners and county governments of the region as pertains to fish, wildlife and habitat management and sporting access.

The board is concerned by the rapid pace of the planning and abnormally short proposed development timeline for the Lakeview Amphitheater. We feel that the current public comment period is far too short. The one public hearing to be held is to be held during the business day preventing the majority of interested persons from attending or speaking. We are requesting a lengthened comment period and additional public hearings to address some of the concerns this board may have. Some of the concerns include:

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 (Draft EIS). As the Draft EIS 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 Draft EIS that is required.



..

We are concerned with a seemingly casual approach in the Draft EIS 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 what exactly they were assessing. They also may inevitably lead to a weakened and flawed public comment process.

We have concerns 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 Draft EIS 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 waste beds 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 in 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 quantities we believe the serious matters of potential contamination during and after construction 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.

We are also concerned with the over reliance on the Human Health Risk Assessment (HHRA) completed prior to the construction of the paved lake trails. There is 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 proposed development and use profiles of the project. We feel that a new more comprehensive HHRA is warranted that addresses the now specified location, uses and scope of the project.

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. This leads to the issue of the loss of the view-scape 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 center piece 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 Draft EIS.



..

The proposal includes a possible future boat docking facility without specifying a location. The Draft EIS 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 protective cap and newly restored aquatic vegetation on the lake bottom. A specific site should be designated and the environmental impacts specified.

As proposed, there would be probable conflicts 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.

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. We feel that a thorough search for alternative sites is fully warranted before moving ahead with the proposed Lakeview Amphitheater.

For all these unresolved and poorly addressed concerns we feel that the current public comment period is far too short. The one public hearing to be held is to be held 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. Lastly, now that there is a concrete proposed development plan and location we believe the Draft EIS 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 EIS should be followed by another public comment period and adequate public hearings to allow for the appropriate give and take such a project deserves.

Respectfully,

Lance Robson  
Chairman

cc:  
Honorable Joanne M. Mahoney  
Onondaga County Executive

Mr. J. Ryan McMahan  
Chairman, Onondaga County Legislature

Region 7 FWMB Memo of Concern, Subject: Proposed Lakeview Amphitheater, 22 July, 2014.

..

Mr. Kenneth P. Lynch  
NYSDEC Region 7 Director

From: "Katharine (Kate) Lewis" <[lewisk99@gmail.com](mailto:lewisk99@gmail.com)>  
To: [kbey@syrgov.net](mailto:kbey@syrgov.net),  
Cc: [ryanmcmahon@gmail.com](mailto:ryanmcmahon@gmail.com), [mikeplochocki@hotmail.com](mailto:mikeplochocki@hotmail.com),  
[DavidCoburn@ongov.net](mailto:DavidCoburn@ongov.net)  
Date: 07/23/2014 09:22 AM  
Subject: Comments on proposed ampitheatre

Dear Mr Bey

I am writing to ask for an extension of the public comment period on the ampitheatre project and additional public hearings. There is only one public hearing scheduled and it is during the working day - so I cannot attend and I imagine that many other people will also not be able to attend.

I am very concerned about this project and about the speed with which it is being pursued.

I do not understand why there is such a rush, especially for a project which is so huge, will use up so much tax payer 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.

I have 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 this project goes ahead as planned.

The proposal is to build the ampitheatre on top of waste beds that are known to contain toxic waste and that have the potential to be much more dangerous than we suspect at the moment. I have been doing research on two until-now uncharacterised chemicals found in the tar pits and the lake and potentially also present in these waste beds (I am a Biology professor at SU) and we are 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 potential effects on young children. There are huge potential health risks associated with the current proposal. This site has not been thoroughly studied and there are far too many unknowns with the current plan.

Why does the ampitheatre need to be built on this site? Why can't it be built somewhere else - without these 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 much less? Like on the state fair site for example?

It is not even clear to me why there is a proposal to build an ampitheatre. Ampitheatres 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.  
I haven't seen any business plan for this venture. It has the potential to  
be a big financial disaster if not properly thought out.

It is also not clear that the environmental impact statement has adequately  
considered noise. Noise carries more easily across water. This is not  
addressed as far as I can see in the environmental impact statement.

Thanks for your time in considering these issues

All the best  
Kate Lewis

--

-----  
Dr Katharine Lewis (Kate)  
530 Cumberland Avenue  
Syracuse  
NY13210  
[kelewi02@syr.edu](mailto:kelewi02@syr.edu)

<http://biology.syr.edu/faculty/lewis/lewis.htm>



From: "Katharine (Kate) Lewis" <[lewisk99@gmail.com](mailto:lewisk99@gmail.com)>  
To: [DavidCoburn@ongov.net](mailto:DavidCoburn@ongov.net), [OnondagaLakeWestProject@ongov.net](mailto:OnondagaLakeWestProject@ongov.net),  
Date: 07/23/2014 09:32 AM  
Subject: Fwd: Comments on proposed ampitheatre

Dear Mr Coburn

I am writing to express my strong concerns about the ampitheatre project. [I cc'd you in my message to my county legislature - but this is a message more directly related to the project itself - rather than the way in which it is being rushed].

I have looked at the environmental impact statement and I am 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 this project goes ahead as planned.

I am also very concerned about the whole idea of building an ampitheatre on top of these waste beds that are known to contain toxic waste and that have the potential to be much more dangerous than we suspect at the moment. I have been doing research on two until-now uncharacterised chemicals found in the tar pits and the lake and potentially also present in these waste beds (I am a Biology professor at SU) and we are finding that they are highly toxic.

The remediation for this site has not yet been decided. I do not think this project should be pursued until this is settled and there has been chance for the public and environmental bodies and groups to assess the final remediation plan.

Also, as far as I can tell the original assessment of the safety of this site for the lake path did not consider potential effects on young children. Also - what would be the effects on people who work at this site? They are not construction workers but they are also not equivalent to "trespassers" - which seems to be the assesment for concert goers. There are huge potential health risks associated with the current proposal. This 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 contaminants and toxins in situ - we need to know more.

To be honest - I don't understand why the ampitheatre needs 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 these 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 much less? Like on the state fair site for example?

It is not even clear to me why there is a proposal to build an ampitheatre. Amphitheatres 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. I haven'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?

It is also not clear to me that the environmental impact statement has adequately considered noise. Noise carries more easily across water. This is not addressed as far as I can see in the environmental impact statement.

Please can you submit these comments to the consideration of the proposal

All the best  
Kate Lewis

--

-----  
Dr Katharine Lewis (Kate)  
530 Cumberland Avenue  
Syracuse  
NY13210  
[kelewi02@syr.edu](mailto:kelewi02@syr.edu)

<http://biology.syr.edu/faculty/lewis/lewis.htm>

--

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Dr Katharine Lewis (Kate)  
Associate Professor

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<http://biology.syr.edu/faculty/lewis/lewis.htm>  
Neuroscience at SU - <http://neuroscience.syr.edu/>

From: [Contlr14@aol.com](mailto:Contlr14@aol.com)  
To: [DavidCoburn@ongov.net](mailto:DavidCoburn@ongov.net),  
Date: 07/23/2014 02:41 PM  
Subject: Amphitheater Comments 7/23/14 For the record

Mr. Coburn,

Sorry I did not get a chance to say hello, but for the official record here is what I said at the hearing. Thank you.

Hugh Kimball

Amphitheater Comments 7/23/14

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 I 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. I would be concerned that our board could be challenged by someone saying that we did not follow a proper process under SEQRA.

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. I am not a lawyer, but I do advise caution against moving the SEQRA 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.

I would add that since the legislature is the lead agency in the process that I am disappointed that you are not fully represented to hear our comments.

Thank you,

Hugh Kimball  
8223 Dexter Parkway  
Baldwinsville, NY 13027

Since I still had time, I ad libbed a comment about the photos showing spotlights from the amphitheater straight out and up at an angle into the air when the EAF indicated downcast lights and "dark skies." I don't know exactly how I phrased it.

From: Gerald Fry's <[geraldfrys@gmail.com](mailto:geraldfrys@gmail.com)>  
To: [DavidCoburn@ongov.net](mailto:DavidCoburn@ongov.net),  
Date: 07/23/2014 04:16 PM  
Subject: Amphitheater on polluted land

Sir,

I'm from Buffalo, and just want 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 when the problems of the Love Canal, in Niagara Falls, NY surfaced.

Please be careful, and don't be DUMB in making the same mistake twice.

Safety first!

Gerald Fry's  
861 Fyler Rd. # 27  
Kirkville, NY 13082  
315-627-0385  
e-mail: [geraldfrys@gmail.com](mailto:geraldfrys@gmail.com)

From: Kay Howard <[kmhowardgreen@gmail.com](mailto:kmhowardgreen@gmail.com)>  
To: [DavidCoburn@ongov.net](mailto:DavidCoburn@ongov.net),  
Date: 07/23/2014 08:30 PM  
Subject: Amphitheater

The proposed amphitheater seems to be a great idea on the surface. However we need to think past just the possible monies to be gained. There are real issues such as noise, pollution and traffic; all of which are complaints currently with the State Fairgrounds during large events. As a commuter that works differing shifts, these are some of the concerns I have. I am also very concerned about how this may affect wildlife. As the lake is revitalized, it is a foregone 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.

I believe we are putting our greed before our common sense. Fix the inner harbor first (which also had grandiose plans that fell through) and then let's talk about the rest of the lakefront.

STATE OF NEW YORK : COUNTY LEGISLATURE  
COUNTY OF ONONDAGA

In the Matter of  
LAKEVIEW AMPHITHEATER,

PUBLIC HEARING in the above matter conducted at the Onondaga County Legislative Chambers, Room 407 of the Onondaga County Court House, 401 Montgomery Street, Syracuse, New York before, JOHN F. DRURY, CSR, RPR, Notary Public in and for the State of New York, on July 23, 2014, 11:00 am.

Appearance s:

- J. RYAN McMAHON Chairman Legislature
- JOHN DOUGHERTY 2nd District
- JIM CORL 3rd District
- JUDITH TASSONE 4th District
- KATHLEEN RAPP 5th District
- DANNY J. LIEDKA 7th District
- CHRISTOPHER RYAN 8th District
- PEGGY CHASE 9th District
- KEVIN HOLMQUIST 10th District
- PATRICK KILMARTIN 11th District
- DAVID H. KNAPP 12th District
- CASEY E. JORDAN 14th District

- Kelly Berger, Esq. Counsel for Board
- Katherine French Deputy Clerk Legislature

PRESENTERS OF PROJECT:

- Robert Duclos from C&S Company
- Ben Brazell from EDR Companies

Reported By:  
John F. Drury, CSR, RPR  
Court Reporter 471-7397

Roll Call

THE CHAIRMAN: Good morning. Call the public legislative hearing for public comment on the DEIS statement that's been prepared as part of the proposed Lakeview Amphitheater project. We'll call this hearing to order. Would the clerk please call the roll.

CALLING ROLL BY MS. FRENCH:

- Q. Legislator May?
- A. (No response).
- Q. Legislator Dougherty?
- A. Here.
- Q. Legislator Corl?
- A. Here.
- Q. Tassone?
- A. Here.
- Q. Rapp?
- A. Here.
- Q. Plochocki?
- A. (No response).
- Q. Liedka?
- A. Here.
- Q. Ryan?
- A. Here.

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Roll Call

- Q. Chase?
- A. Here.
- Q. Holmquist?
- A. Here.
- Q. Kilmartin?
- A. Here.
- Q. Knapp.
- A. (No response but entered 5 min later).
- Q. Shepard?
- A. (No response).
- Q. Jordan?
- A. Here.
- Q. Williams.
- A. (No response).
- Q. Ervin.
- A. (No response).
- Q. Chairman McMahon?
- A. I'm here.
- Q. Eleven present, six absent.

THE CHAIRMAN: So we have a quorum. Was the notice of this hearing actually published?

THE CLERK: It was.

THE CHAIRMAN: Couple housekeeping

Chairman

1 items for everybody. We obviously have  
2 exits here and here. Please turn off  
3 your cell phones at this point. When  
4 you're asked to speak, if you signed up  
5 to speak when you come up please, if you  
6 have written statements please turn them  
7 into the clerk. If you do want to speak  
8 and you have yet to sign up please come  
9 up and sign up.

10 How we're going to do this, because  
11 as of right now I believe that the  
12 presentation has been set up in a way  
13 where everybody can be here, we can have  
14 a quorum. We'll have a presentation  
15 first. And then after that we will have  
16 comments from the public. And it's  
17 important to note that the comments  
18 should be on the content of the DEIS. I  
19 know throughout the past few weeks we  
20 received different comments and  
21 different questions. Some of them on  
22 economic viability of the amphitheater,  
23 some of them on will this hurt other  
24 County assets, the Civic Center

Holmquist

1 information is going to have many many  
2 opportunities to be disseminated on the  
3 web site. We already had a public  
4 information session. The public has not  
5 had an opportunity to come up and speak.  
6 Again, they're here to talk, speak  
7 with us. A public hearing is where the  
8 public tells us their opinion. This dog  
9 and pony show is not what they came here  
10 to see. They came here, and if they  
11 want to give their presentation after  
12 the public hearing I think that would be  
13 more than appropriate. I view this as  
14 very inappropriate. The public has not  
15 had an opportunity to give their input.  
16 THE CHAIRMAN: Legislator Holmquist,  
17 let me interrupt you, if I may. We have  
18 12 speakers signed up. The presentation  
19 will be 20 minutes. Each speaker is  
20 allowed three to four minutes to speak.  
21 So I think we're talking about an hour  
22 to an hour and-a-half time frame. If a  
23 speaker had to leave and they wanted to  
24 let us know they had to leave I would  
25

Holmquist

1 performances, that is not what we're  
2 talking about here today. We're talking  
3 about the contents of the DEIS.

4 If people still have those questions  
5 and they want to submit them we can get  
6 answers from the professionals that have  
7 been giving us those answers. So saying  
8 that, Bob if you want to go forward and  
9 start the presentation that would be  
10 great.

11 LEGISLATOR HOLMQUIST: Mr. Chairman.

12 THE CHAIRMAN: Yes, Kevin?

13 LEGISLATOR HOLMQUIST: Can I be  
14 recognized before the presentation?

15 THE CHAIRMAN: Absolutely.

16 LEGISLATOR HOLMQUIST: Thank you,  
17 Mr. Chairman. This meeting today was  
18 advertised as a public hearing. This is  
19 the only opportunity that I can see so  
20 far that at least we've divulged, that  
21 the public has an opportunity to come in  
22 and give us their opinions. I'm not  
23 interested in seeing the presentation  
24 before the public hearing. This  
25

Holmquist - Chairman

1 have no problem stopping the  
2 presentation to do that.  
3 The reason why the presentation may  
4 be of value is that some of the  
5 questions may be answered that they may  
6 have via the presentation if they were  
7 not at the previous presentation a  
8 couple weeks ago. But I totally agree  
9 that the main goal here is to hear from  
10 the public. If the public, if someone  
11 in the crowd has to leave for whatever  
12 reason, we will stop the presentation  
13 and bring them up. But if we have  
14 twelve people asking questions, giving  
15 opinions on information they did not  
16 have and yet maybe we can answer the  
17 questions, I think that might bring some  
18 value.  
19 LEGISLATOR HOLMQUIST: All right, I  
20 hope we don't lose one person today that  
21 would want to speak and they have a  
22 commitment.  
23 THE CHAIRMAN: Exactly, if one  
24 person has to leave please let our staff  
25



Duclos

1 know right in the back row, I will stop  
2 the presentation and we will let them  
3 come up and they will be heard. Sound  
4 good?  
5

6 LEGISLATOR HOLMQUIST: Thank you.

7 **MR. DUCLOS:** Well, good morning  
8 everyone. With that as a segue I think  
9 our marching orders were very clear to  
10 keep this brief because obviously as the  
11 chairman stated and Legislator Holmquist  
12 stated, really the purpose of today is  
13 to get feedback from the public relative  
14 to the DEIS. So we will keep the dog  
15 and pony show to a minimum and keep it  
16 as brief and factual as we can.

17 First of all, can everybody hear me  
18 okay? I would just like to mention a  
19 few quick things. I'm Bob Duclos, I'm  
20 from C&S Company, I am the program  
21 manager for the County overseeing the  
22 Amphitheater Project. Ben Brezell is  
23 here with me this morning, he is from  
24 EDR Companies, and the two of us are  
25 just going to give you a very brief

Duclos

1 overview of the EIS process and then  
2 turn it over to you to make your  
3 comments.  
4

5 I just want to thank everybody for  
6 coming on behalf of the County, we do  
7 appreciate your comments. Today is an  
8 opportunity for you to have your  
9 comments expressed relative to the DEIS.  
10 But outside of today obviously we

11 encourage you to submit written comments.  
12 There is a formal process for doing that  
13 and a mechanism set up for you to  
14 provide your comments on the EIS. And  
15 Ben will explain to you when he's done  
16 how the best way to go about doing that.

17 Very briefly what we're going to  
18 cover in the next 18 and-a-half minutes  
19 is just to walk you through really three  
20 things. First of all, where are we in  
21 the SEQR process, what has been  
22 accomplished to date, where are we today  
23 and what are the remaining steps that  
24 are to be completed as part of the EIS  
25 and SEQR process.

Duclos

1 Many of you have heard quite a bit  
2 already about the Amphitheater Project.  
3 So I'm just very briefly going to give a  
4 quick overview of what it is and then  
5 we'll get into the meat of the EIS. And  
6 that's what Ben is going to do. Because  
7 really very briefly give you a sense for  
8 what is in the EIS and what it addresses  
9 and not going to go through the details  
10 of that per se today. And then lastly  
11 and really most importantly is to  
12 explain how to provide your comments to  
13 the project team in the County as part  
14 of the project.  
15

16 One thing I will mention I know it  
17 is probably quite hard to see the content  
18 that's up here today, so what I would  
19 like to make sure you're aware of is on  
20 everything that you see on the screen  
21 here today will be available on the  
22 County website, you can download it as a  
23 PDF file and look at it at your leisure  
24 as you can with the full content of the  
25 EIS and the other documents related to

Duclos

1 the project.  
2

3 Very briefly, the SEQR process is a  
4 New York State process. Where are we?  
5 Or actually what has been completed to  
6 date so far with regard to SEQR? As you  
7 know back in February of this year  
8 Onondaga County declared itself and was  
9 formalized as the lead agency for the  
10 project under SEQR, so Onondaga County  
11 is the lead agency who is responsible  
12 for complying with the SEQR process  
13 related to this project.

14 Back in April the County issued  
15 what's called a positive declaration  
16 under SEQR. And really essentially what  
17 that means is given the scope and  
18 magnitude of the project that's being  
19 undertaken and the location that it's  
20 being undertaken at, the County felt it  
21 was wise and prudent to have an  
22 Environmental Impact Statement prepared  
23 based on the size and magnitude of the  
24 Amphitheater Project.

25 Lastly, in May there was a formal

Duclos

1  
 2 scoping process was submitted. And  
 3 basically what that was, was to give the  
 4 public an outline of what the contents  
 5 of the Environmental Impact Statement  
 6 would be. And give the public an  
 7 opportunity to comment on what the scope  
 8 of issues that should be addressed as  
 9 part of the Environmental Impact  
 10 Statement.

11 Where are we today? At the last  
 12 Legislative meeting back in July the  
 13 County deemed the Draft Environmental  
 14 Impact Statement suitable for public  
 15 review. It was officially made  
 16 available for the public to comment on  
 17 after that point in time. What I will  
 18 mention is that the Draft EIS was  
 19 published on the County website back in  
 20 the early part of June. So it was  
 21 actually available back prior to the  
 22 July 1st time frame.

23 The EIS is available in a number of  
 24 locations. It's on the County website.  
 25 You can download the entirety of the

Duclos

1 Environmental Impact Statement, and  
 2 there is also a hard copy of that  
 3 document available at the Village of  
 4 Solvay Public Library.

5 The public comment period began back  
 6 in early July and currently it's  
 7 scheduled to end on August 11th. So we  
 8 would encourage your comments both today  
 9 and after the meeting as well.

10 What are the future steps? So  
 11 basically during the month of August we  
 12 will be continuing the public comment  
 13 period where after today you'll have the  
 14 opportunity to submit comments to the  
 15 County. As I said a minute ago, that  
 16 will conclude on August 11th. During  
 17 the period of August to November is  
 18 where all of the public comments that  
 19 are received as part of the EIS process  
 20 will be cataloged and reviewed by the  
 21 project team, members of the County, and  
 22 ultimately a Final Environmental Impact  
 23 Statement will be prepared during the  
 24 period of August to November where the

Duclos

1  
 2 comments are reviewed, they are  
 3 responded to, and a responsiveness  
 4 summary is prepared as part of the EIS.  
 5 So all of the comments will be widely  
 6 available to see what they were and how  
 7 they were responded to as part of the  
 8 EIS process.

9 What is the purpose and need of the  
 10 project? One part of the SEQR and  
 11 Environmental Impact Statement is to  
 12 state or make clear what is the purpose  
 13 and need of the project. And relative  
 14 to the Amphitheater Project there are  
 15 three primary objectives or purposes and  
 16 needs of the project that have been  
 17 identified in the very beginning of the  
 18 EIS.

19 You can see what those are here.  
 20 Number 1 is to enhance public access to  
 21 the west shore of Onondaga Lake. To  
 22 take advantage of new opportunities  
 23 created by the remediation efforts that  
 24 really have been ongoing for 15 years  
 25 relative to the Honeywell cleanup

Duclos

1 improvements as well as the significant  
 2 improvements that were made by Onondaga  
 3 County relative to the CSO program.

4 Lastly, it's to further economic  
 5 opportunities in the Village of Solvay  
 6 and the Town of Geddes, and there is a  
 7 second initiative that is being under-  
 8 taken related to the project, related to  
 9 the revitalization of the Solvay and  
 10 Bridge Street area.

11 Most of you probably know where the  
 12 project is located. As I said, it is  
 13 located along the west shore of Onondaga  
 14 Lake. Lakeview Point is really located  
 15 in the middle of Onondaga Lake along the  
 16 western shore. And it protrudes out  
 17 into a small portion of the Lake here.

18 As Ben will describe through his  
 19 presentation, that we've been through  
 20 the locations and sites and that were  
 21 some that were considered along the west  
 22 shore with regard to siting of the  
 23 facility and that was considered as part  
 24 of the EIS.  
 25

Duclos

The recommended alternative or option as explained in the EIS and was explained in the public meeting a week and-a-half ago is to locate the facility in the Lakeview Point area.

Lastly, what is the project description or in a nutshell what does it consist of? As you probably heard it is an outdoor amphitheater venue that will accommodate approximately 17,500 concert goers or attendees at the facility. Some of those will be located under a covered pavilion and the remainder would be located on lawn seating that you might have had the opportunity to attend at similar locations throughout the state.

Really a key component of the project is really to enhance the area as public park land. The land is owned by Onondaga County, so the site master plan that is shown in the EIS and in the other documents relative to the facility don't solely focus on the amphitheater

Brazell

but focus on other amenities that the public and the community continue to use along the west shore, such as the bike trail that was opened in May of this year and other things along the west shore.

So that is a project description in a nutshell. And what I'd like to do, we're going to do a microphone shift very quickly. Ben Brazell from EDR is going to very briefly talk you through the contents of the EIS. And then we will conclude and open it up for your comments. So thank you.

**MR. BRAZELL:** Thank you, Bob. Before I get into the content of the EIS I very quickly want to describe how the document is structured. There are three main organizational components of the EIS. There is the DEIS text; there is the DEIS figures and there is the DEIS appendices.

The DEIS text which includes the cover page, the table of contents,

Brazell

executive summary, the references, totals 174 pages. The DEIS text is followed by the figures throughout the text in various stages. A given figure is given to help facilitate the discussion; there are 20 figures following the DEIS text. After the figures are the DEIS appendices. There are nine appendices, appendix A through appendix I.

Specific to the DEIS text, as I mentioned there is an Executive Summary, that's Section 1.0. There is also a Description of the Proposed Action that's Section 2.0. All the information that Bob just summarized through the SEQR process to date, various SEQR steps, project description, etc., that's located in Section 2.0.

Section 3.0 is what I refer to as the meat of the document. It's titled Existing Conditions, Potential Impacts, and Mitigation Measures. It identifies 14 subcategories, each of which is

Brazell

evaluated through those three processes. Those 14 categories are identified up on the slide right here. The last category on the bottom right, Alternatives. As Bob mentioned those were evaluated in the DEIS, that has its own dedicated section, that's not a subsection of the 3.0.

So what I'm going to do very briefly, I had a little more detail planned but I'm basically going to flip through each of these slides to outline the meat of the DEIS, subsections within 3.0, so you understand how it's organized and where you can find specific information that you may be interested in.

So DEIS Section 3.1 is Geology, Soil and Topography. As I said I was going to get into a little more detail on each of these slides, however in the interest of time to facilitate initiation of the public hearing I'm just going to flip through the titles.

21

1 Brazell  
2 DEIS Section 3.2 is Water Resources.  
3 DEIS Section 3.3 is Climate and Air  
4 Quality. Section 3.4 is Biological,  
5 Terrestrial and Aquatic Ecology. And  
6 this is just a brief depiction of some  
7 of the existing conditions on the site.  
8 This information is all taken from the  
9 EIS, and this just basically shows some  
10 of the existing disturbance from the  
11 trail, ongoing disturbance associated  
12 with remediation activity, etc.  
13 Section 3.5 is Visual and Aesthetic  
14 Resources. There were multiple analyses  
15 conducted to evaluate this resource.  
16 This is just a depiction of a couple of  
17 staff members actually filling a large  
18 balloon with helium. That balloon was  
19 then flown at the anticipated maximum  
20 height of the amphitheater structure.  
21 And then photographs were taken using  
22 high resolution digital SLR photography  
23 from various locations around the Lake.  
24 DEIS Section 3.6 is Historic,  
25 Cultural and Archeological Resources.

22

1 Brazell  
2 DEIS Section 3.7 is Open Space and  
3 Recreation. 3.8 is Traffic and  
4 Transportation. 3.9 is Noise and Odor.  
5 Just briefly, this also is a graphic  
6 from the DEIS. This comes from a  
7 project specific sound propagation  
8 analysis. It compares the sound  
9 propagation associated with the State  
10 Fair facility in comparison to the  
11 proposed amphitheater facility.  
12 Documented Environmental Conditions  
13 are addressed in DEIS Section 3.10.  
14 Public Health and Safety is addressed in  
15 DEIS Section 3.11. I just want to  
16 briefly note this website, this is a  
17 link to the Environmental Protection  
18 Agency's website. It's on the bottom of  
19 page 119 I believe of the DEIS  
20 documents. It takes you to the EPA's  
21 website, which is just a screen shot of  
22 the EPA's website where the EPA prepared  
23 a supplemental human health risk  
24 assessment specific to this proposed  
25 project. So that link can take anybody

23

1 Brazell  
2 directly to the EPA website and anybody  
3 can then download this document.  
4 Land Use and Zoning, DEIS Section  
5 3.12. Growth and Character of the  
6 Community, Section 3.13. And the last  
7 subsection of Section 3 is Community  
8 Facilities and Services.  
9 Now as mentioned, alternatives are  
10 addressed in the DEIS. There is a  
11 dedicated section alternatives is  
12 Section 5 from Section 5.0 to 5.4. The  
13 specific alternatives that were  
14 addressed were Alternative Project  
15 Location, Alternative Project Design and  
16 Scale, and the No Action alternative,  
17 which is a requirement of the SEQR  
18 process.  
19 So looking into alternative project  
20 location, County owned land along the  
21 west shore of Onondaga Lake was  
22 evaluated. Two potential spots were  
23 identified. The Lakeview Amphitheater  
24 spot on Lakeview Point, and Maple Bay.  
25 As a result of some of the constraints

24

1 Brazell  
2 associated with Maple Bay, namely it  
3 cannot accommodate parking, and there  
4 are numerous mapped wetlands at Maple  
5 Bay, therefore that site has the  
6 potential to result in a significant  
7 adverse impact to ecological resources.  
8 The Lakeview Point location is  
9 deemed the preferred location. With  
10 respect to Alternative Project Designs,  
11 two designs have been proposed. The  
12 Beacon concept and Cove concept. The  
13 Beacon concept places the amphitheater  
14 atop Lakeview Point. It's more  
15 prominent, more visible. The Cove  
16 concept places the amphitheater on the  
17 north side of the point, it's  
18 essentially tucked into the existing  
19 topography that's there now.  
20 The Cove concept results in less  
21 physical disturbance to the site, less  
22 fill having to be brought in to  
23 accommodate the amphitheater, and it's  
24 less visible. Therefore, the Cove was  
25 determined to be the preferred

Brazell

1  
2 alternative.  
3 That concludes the brief summary of  
4 the contents of the DEIS. As mentioned,  
5 the DEIS in its entirety can be  
6 downloaded from the County amphitheater  
7 website. A printed copy is available  
8 for review from the Solvay Public  
9 Library. Through August 11th public  
10 comments in written form will be  
11 accepted after today. Those can be  
12 mailed or hand delivered to Dave Coburn  
13 at the address right there. And can be  
14 e-mailed to Dave as well. I'm going to  
15 leave this slide up throughout the rest  
16 of the hearing so people can write that  
17 down if need be. That concludes the  
18 presentation. Thank you.

19 THE CHAIRMAN: Thank you, Bob. At  
20 this point we'll start the public  
21 comment period. Our first speaker is  
22 Robert Papworth from the organization  
23 CCE. And Robert, if you could you come  
24 on up and if you could just, your  
25 organization and title, spell out what

Papworth

1  
2 CCE stands for the public because they  
3 don't know.  
4 **ROBERT PAPWORTH:** Okay, thank you  
5 for the opportunity. I was prompted to  
6 be here by Linda DiStefano of CCE, which  
7 is Citizens Campaign for the  
8 Environment. I'm a trustee for the  
9 Nature Conservancy in Western New York,  
10 which is a chapter that runs from about  
11 Utica to Lake Erie and from the  
12 Pennsylvania border up to Canada.

13 What I'm going to propose here is  
14 not to cancel this project that's been  
15 outlined or throw away all the hard work  
16 that's been done, but to delay it for a  
17 year in order to get time to clean up  
18 the waste beds 1 through 8 using plasma  
19 gasification technology for the purposes  
20 of destroying the chemicals in the site  
21 without toxic residue of any kind.

2 Plasma gasification and pyrolysis  
3 technologies have been developing for  
4 the last couple of decades so that an  
5 entire industry has developed. There

Papworth

1  
2 are numerous vendors working here in  
3 North America and around the globe.  
4 Toxic waste landfills are not  
5 permitted in Japan or in a number of  
6 European countries, and they're  
7 discouraged in England by a landfill tax.  
8 Here in the United States we continue to  
9 use open landfills because we're just  
10 extravagant with our land, and that's  
11 the situation we find ourselves in.

12 Let me very briefly read to you a  
13 list of some of these companies. The  
14 first is Phoenix Solutions Company,  
15 they're based in Minneapolis, Minnesota.  
16 I've talked with Dr. Gary Hanus, who is  
17 a senior VP and chief technical officer.  
18 They do a lot of work in Japan, they've  
19 also done work for the army logistics  
20 agency, destroying at this point, a  
21 large amount of asbestos.

22 A second company InEnTec of Oregon.  
23 They're owned by Waste Management. A  
24 third company Westinghouse Plasma Corp.  
25 is owned by a firm in Canada. Maybe the

Papworth

1  
2 world's most widely developed or widely  
3 deployed plasma technology.

4 Advanced Plasma, Ltd. from Swindon,  
5 England. Has a new contract to supply  
6 an MSW plant in Port of Hamilton,  
7 Ontario, a community of about 550,000  
8 people. That system is valued at a \$34  
9 million purchase price.

10 Next company is Tetronics, another  
11 English firm. Another firm is  
12 Pyrogenesis of Canada based in Montreal.  
13 PEAT International based in Northbrook,  
14 Illinois. I have had quite a bit of  
15 dialogue with them. Another firm is  
16 EnterSol Technologies based in Fairfax,  
17 Virginia. Another firm based in  
18 Switzerland, INEOS Bio. JFE Engineering,  
19 a firm based in Japan with worldwide  
20 offices, an American office in Long  
21 Beach, California.

22 Chinook Sciences based in  
23 Nottingham, England, with an office in  
24 New York and New Jersey. They have just  
25 announced a \$300 million project for the

1 Papworth

2 Emirate for municipal solid waste  
3 destruction in the Emirates.  
4 TopLine Energy Systems in Florida  
5 and Plasco Energy Group from Ottawa.  
6 While that's 14 companies I eliminated  
7 already half a dozen firms based on such  
8 factors as inaccessibility and financial  
9 weakness and to just try to bring down  
10 the list. It would be very easy to take  
11 this list and bring it down to four or  
12 five most likely candidates that you  
13 would like to speak to to have them,  
14 give them an opportunity to come in here  
15 and explain here in Onondaga County what  
16 they can do.

17 We have a number of categories of  
18 problems with waste beds 1 through 8  
19 appears to be a nearly of pure chemicals.  
20 In contrast to what he said, the waste  
21 beds created up the hill to receive the  
22 material from the bottom of the Lake is  
23 going to be mixed sediment with sand and  
24 chemicals co-mingled. The same would be  
25 true for Nine Mile Brook stream and also

30

1 Papworth

2 for Ley Creek on the opposite side of  
3 the Lake.  
4 When there is a lot of sand mixed  
5 in, it's the practice to treat the  
6 material at a temperature that is not  
7 plasma level, which is a very intense  
8 level of treatment but rather at a lower  
9 level, to try to destroy the chemicals  
10 without melting all the sand. Because  
11 you wind up with a great mass of  
12 vitrified matrix that you would have to  
13 cart away someplace. So from what I can  
14 tell so far the waste bed 1 through 8  
15 site, which is the site under discussion  
16 here, is nearly pure chemicals and could  
17 be treated with plasma gasification.  
18 I don't really have a table of  
19 constituents, I have a FOIL request in  
20 to DEC to request any information that  
21 they might have. So far as I can tell  
22 at the present time the core samples  
23 that were taken were forwarded to a firm  
24 in Massachusetts called Bio Remediation  
25 Laboratory, which reported back on the

1 Papworth

2 biological or human health consequences  
3 of the material. But it does not really  
4 address the specific nature of the  
5 chemicals to be able to forward that to  
6 a plasma gasifier, nothing to do with  
7 that. So maybe the DEC would have  
8 information, to manage to get it out of  
9 the files, we'll do so as quickly as  
10 possible. They have a deadline to get  
11 back to me by August 19th.

12 THE CHAIRMAN: Bob, you have one  
13 minute.

14 ROBERT PAPWORTH: Let me ask if  
15 anybody wants to shoot out a question  
16 about this concept, maybe I can handle  
17 it very briefly. I'm not an engineer by  
18 training I'm an economist by training.  
19 But I have a computer industry  
20 background, so I plunged into the  
21 technology issue and applied technology  
22 questions, which I have a lot of  
23 familiarity. And I think the solutions  
24 here are easily available and  
25 accessible. And so this project ought

32

1 Heath

2 to be delayed for a year or two to give  
3 an opportunity to bring those  
4 technologies to bear on the problem.  
5 Thank you.

6 THE CHAIRMAN: Bob, if you have any  
7 notes or written statements if you want  
8 you can leave them here and make sure  
9 they're in the minutes.

10 ROBERT PAPWORTH: I gave a copy of  
11 this document to her.

12 THE CHAIRMAN: Thank you Bob. Our  
13 second speaker will be Joe Heath,  
14 general counsel for the Onondaga Nation.

15 **JOE HEATH:** Good morning, appreciate  
16 this opportunity to be heard. I haven't  
17 been in here since I think 2008 when we  
18 were talking about green infrastructure.  
19 I really appreciate the sequence of  
20 pictures we have here, because it  
21 reminds us that this is a sacred Lake.  
22 This is where the Peacemaker formed the  
23 Confederacy and where the Haudenosaunee  
24 came together under the Great Law of  
25 Peace. Congress has recognized the

Heath

1  
2 Haudenosaunee's contribution to western  
3 democracy. And we shouldn't treat it as  
4 a waste bed.

5 I hope you all take a very close  
6 look at that as you leave, because  
7 that's what we're going to leave in  
8 place for our children and our  
9 grandchildren and we're just going to  
10 cover it up.

11 I probably have been out on those  
12 waste beds close to 50 times in the last  
13 10 years. But I learned a great deal  
14 about them in the last month or so as  
15 we've taken a closer look at this  
16 proposal. This is the last major  
17 section of the shoreline of the Lake  
18 that we have a chance to really reclaim  
19 and restore. And so we really ought to  
20 take a look at whether or not we could  
21 really clean that up and restore it to  
22 the park land that the County has  
23 designated it to be.

24 The Nation believes that the Lake is  
25 a living organism. It supports the

Heath

1 fish, the animals and the reptiles.  
2 This waste is harmful to the natural  
3 world, it sucks the water out of eggs.  
4 The amphitheater will clearly disturb  
5 what little wildlife is left there.

6 I learned a term over the last  
7 months called co-disposed waste. Kind  
8 of an Orwellian term. What that means  
9 is that when Solvay was dumping their  
10 waste there for decades they also dumped  
11 almost any other chemical that they had  
12 or that any other company had. So we  
13 have a list of chemicals within the  
14 Solvay waste, which is really very  
15 chilly: Benzene, carcinogen. Chromium.  
16 Actually the chromium is in the Crucible  
17 Steel pocket. When you look at the  
18 diagrams you'll see a baseball shaped  
19 field of green in the middle. That's  
20 Crucible Steel's waste. Chromium in  
21 there, with a cap and a very thin layer,  
22 so that you can't have trees growing  
23 down through the cap because that would  
24 get you down into the toxins. We're

Heath

1 going to make that permanent as well.  
2 You have ethyl benzene, naphthalene,  
3 PCBs, PAHs, there's some sewage sludge  
4 in there which says we know contains  
5 heavy metals. Toluene, xylene, DDT.  
6 This is why when the EPA did their  
7 amended human health risk study they  
8 recommended that construction workers  
9 wear haz mat material. This is where  
10 we're going to invite families on top of  
11 which most of those very serious  
12 chemicals and carcinogens vaporize.

13 So the answer to that we're going to  
14 put 15 feet of dirt fill, up to 15 feet  
15 I think is what it is. But the waste is  
16 so unstable and sponge-like that it will  
17 depress it 6 feet. This is not a stable  
18 area. The report says that a temporary  
19 road would have to be four to five feet  
20 deep and that then it would sink.  
21 Otherwise there have been troubles with  
22 trucks sinking up to their axles here.

23 It's also a very expensive place to  
24 build because the waste is salty and has  
25

Heath

1 other corrosive properties to it. So it  
2 will corrode any steel pilings that are  
3 mandatory for this construction. You  
4 have to have especially coated steel.  
5 And it will cure concrete, which makes  
6 one wonder if this is the best place to  
7 build it.

8 We also need to comment about we  
9 need more public input. We need more  
10 time. I would ask you to consider  
11 extending the public comment period to  
12 ninety days. That you have public  
13 hearings, not during working hours. You  
14 have them after working hours, and I  
15 would hope as a taxpayer that you would  
16 think about whether or not this could  
17 ever make money. You're going to take  
18 \$30 million, two and-a-half million a  
19 year from the casino settlement. I can  
20 say right now that from what we've seen  
21 there is no business plan. That's  
22 another problem. Seriously.

23 As I sit on the board of directors  
24 of a small local manufacturing company,  
25

Heath

1  
2 if I brought a \$30 million proposal to  
3 that company with no business plan, I'd  
4 have another job. So I think before you  
5 spend taxpayer money, that's what this  
6 is, it would be good to see whether or  
7 not this could ever make money. And  
8 these amphitheatres around the country,  
9 other speakers will get to that,  
10 consistently lose money. Saratoga loses  
11 money.

12 THE CHAIRMAN: One minute, Mr. Heath.

13 JOE HEATH: Thank you. I just leave  
14 you with a number of questions that we  
15 have heard over the last few weeks.  
16 What's the rush? Do we really need an  
17 amphitheater? You've allocated a half  
18 million dollars to have concerts at the  
19 baseball stadium; you had one. Is this  
20 the best place for an amphitheater or  
21 should we upgrade the State Fair  
22 Grounds, which would bring all of the  
23 benefits to the local area that  
24 certainly are something to look at.

25 So do we need an amphitheater?

Lowry

1  
2 What's the rush. And is this the best  
3 place? Let's reclaim that and celebrate  
4 the fact that this is a sacred Lake.  
5 Thank you.

6 THE CHAIRMAN: Thank you, Mr. Heath.  
7 If you have any comments for the record  
8 Mr. Heath, please feel free to drop them  
9 off at the clerk. Our next speaker is  
10 Alma Lowry. You're with the law office  
11 of Joseph Heath.

12 ALMA LOWRY: Good morning, thank you  
13 for the opportunity to speak to you  
14 today. My name is Alma Lowry, I'm an  
15 environmental lawyer, I've been working  
16 in and around Syracuse for the last  
17 decade. Most recently working with Joe,  
18 representing the Onondaga Nation,  
19 primarily around the restoration and  
20 remediation of Onondaga Lake.

21 And I'm not going to belabor the  
22 point that Joe made but I do want to  
23 emphasize that the DEIS and related  
24 documents you're looking at really need  
25 to recognize the nature of this site.

Lowry

1  
2 It is not simply man-made land as  
3 described in the DEIS, it's not simply  
4 an area that was previously used as a  
5 landfill. It is an industrial waste  
6 landfill which is 60 to 70 feet of  
7 contaminants piled on top of what was  
8 previously wetland. They're filled with  
9 hazardous levels of contaminants. And  
10 moving forward to the Amphitheater  
11 Project, means that we're going to  
12 freeze this landscaping in place. We're  
13 going to maintain this landfill  
14 underneath whatever you build on top of  
15 there for the foreseeable future.

16 Joe mentioned co-disposed waste, one  
17 of my biggest concerns with the DEIS  
18 really fails to acknowledge the  
19 seriousness of the contaminants in the  
20 co-disposed waste. The list of  
21 contaminants as Joe mentioned is long,  
22 those are hazardous contaminants, those  
23 are the contaminants that are found in  
24 exceeding state defined soil clean up  
25 objectives that are determined to be

Lowry

1  
2 relevant to the site and relevant to  
3 this use that is being proposed on the  
4 site.

5 What's important about this  
6 co-disposed waste it's that they're  
7 randomly deposited around the site.  
8 They're not in a particular pocket that  
9 we can identify and attack, they're  
10 scattered all over. And so where large  
11 areas of the site remain  
12 uncharacterized, say for example, the  
13 interior of waste bed 6 where you're  
14 talking about putting picnic areas and  
15 trails and lawn seating and a community  
16 theater building. That area is probably  
17 one of the least sampled areas on the  
18 site. So we don't really know where the  
19 co-disposed waste and contaminants might  
20 be within that area.

21 When the gentleman described the  
22 DEIS mentioned the human health risk  
23 assessment that the EPA adopted for use  
24 for this project, that human health risk  
25 assessment is only as good as the data



Lowry

1 that goes into it. So the fact that we  
 2 don't have a lot of data about the  
 3 interior of waste bed 6 it's important  
 4 that we understand how effective, how  
 5 accurate that health risk assessment is.  
 6 When the bike trail went through  
 7 there was a lot of additional testing  
 8 that was done along the perimeter of the  
 9 bike trail. That's when you were  
 10 bringing hundreds of people onto the  
 11 site over the course of the year to walk  
 12 on a paved trail and maybe have a few of  
 13 them stray off. Now you're talking  
 14 about thousands of people onto the site  
 15 on a regular basis and there is no  
 16 additional testing done to determine  
 17 whether the interior of that site is  
 18 really safe.  
 19 And the human health risk assessment  
 20 also failed to consider exposure levels  
 21 and risks to children under the age of  
 22 six. Those children were not considered  
 23 to be likely to stray off the bike trail.  
 24 They were not part of the human health  
 25

42

Lowry

1 risk assessment that was done for the  
 2 bike trail, they're not being considered  
 3 now.  
 4 You also are relying on a remedial  
 5 action plan to try to, in the DEIS, to  
 6 ensure to prove there is no threat to  
 7 human health care. Keep in mind the  
 8 remediation plan is not developed yet.  
 9 Right now what we have is a range of  
 10 proposals. Putting down a vegetative  
 11 cover. And the fact that you're moving  
 12 forward with the DEIS before you have a  
 13 remediation plan which means you don't  
 14 really know what's going to happen on  
 15 that site, you don't know how it's going  
 16 to be controlled, you don't know how  
 17 your plans are going to interact with  
 18 those controlled plans. You don't know  
 19 how long it's going to take for the  
 20 remediation to be effective. What we do  
 21 know based on those alternatives that  
 22 were discussed is already disconcerting.  
 23 The preliminary discussion of  
 24 wanting the preferred method, which is a  
 25

Lowry

1 soil and vegetative cover on the site  
 2 estimates it's going to take about three  
 3 years for that vegetative cover to be  
 4 fully protective across the site. Three  
 5 years from the time that it's implemented.  
 6 And the remedial action objectives will  
 7 take about six to eight years to be  
 8 fully realized from the time of approval  
 9 of the remediation plan.  
 10 You're talking bringing thousands of  
 11 people on the site within a year and-a-  
 12 half. And the remediation plan won't be  
 13 effective for three to eight years.  
 14 That's a concern.  
 15 THE CHAIRMAN: One minute.  
 16 ALMA LOWRY: There is a lot of other  
 17 proposed options that we rely on in the  
 18 DEIS. It talks about mitigation. The  
 19 site management plan, the landscaping  
 20 waste line design, all of these are  
 21 identified as waste mitigating impacts,  
 22 but we don't know what they are and  
 23 neither do you. These are hard for us  
 24 to comment on this without that  
 25

44

Lowry

1 information and hard for you to make a  
 2 decision without that information.  
 3 There is no discussion of impact on  
 4 wildlife as Joe mentioned. There is no  
 5 discussion of potential growth inducing  
 6 impact. The range of alternatives being  
 7 considered is being artificially  
 8 constrained by the purposes that were  
 9 put up on the site, which quite frankly  
 10 support lots of uses on the site other  
 11 than an amphitheater, and really should  
 12 be considering alternatives besides an  
 13 amphitheater on that site given the  
 14 purposes of that project. If you really  
 15 want an amphitheater, that's the  
 16 purpose, then you need to consider  
 17 alternatives off this site.  
 18 My final point is just the  
 19 difficulty of making comments in this  
 20 time frame. Part of the reason that I'm  
 21 able to make these comments is that I'm  
 22 familiar with the remedial  
 23 investigation, the feasibility study,  
 24 all the documents that Honeywell  
 25

Reap

1  
2 produced over the years about this site.  
3 And I've done the EIS's before and I  
4 know what the system looks like. The  
5 community doesn't. They need time to  
6 talk and they need time to ask questions,  
7 they need informational meetings and  
8 some additional time to get their  
9 thoughts in order. And I really urge  
10 you to extend the time to at least  
11 ninety days and some additional public  
12 hearings for that kind of conversation  
13 to take place. Thank you.

14 THE CHAIRMAN: If you have any of  
15 those notes for the record please feel  
16 free to submit them. Joshua Reap,  
17 Associated Builders and Contractors.

18 JOSHUA REAP: Thank you, Mr. Chairman  
19 and members of the County Legislature,  
20 it's nice to be here today. Associated  
21 Builders & Contractors, calls Central  
22 New York our home, our corporate  
23 headquarters are right over here in East  
24 Syracuse.

25 And today we want to applaud the

Reap

1  
2 County administration and this  
3 Legislative body for discussing this  
4 project. ABC supports the construction  
5 of the amphitheater if it's built openly  
6 and competitively, because it will  
7 create many construction jobs in the  
8 community, and the lasting effects of  
9 the finished project, if done right,  
10 will help improve the quality of life  
11 for the citizens in the region for  
12 generations to come.

13 As part of that as well it's my  
14 understanding this is the only public  
15 hearing on this and I wanted to just  
16 deviate from the study very briefly.  
17 Today I would like to communicate with  
18 you the thoughts, comments and concerns  
19 that many within our membership have  
20 expressed to me with respect to the  
21 Amphitheater Project and some of the  
22 discussions here that relates to design  
23 build and possibility of moving forward  
24 with that particular methodology.

25 ABC has long supported design-build

Reap

1  
2 without any restrictions, such as  
3 mandated project labor agreements, PLA.  
4 Unencumbered design-build has been  
5 proven to be an effective project  
6 delivery technique that has proven to  
7 lead to faster production times and  
8 lower costs, and certainly seem to be  
9 very tempting to use design-build on  
10 this project. However when arbitrary  
11 prerequisites like project labor  
12 agreements are mandated by the government  
13 are used on projects, it severely  
14 diminishes the effects or benefits of  
15 using design-build on public works.

16 A PLA typically requires that  
17 virtually all workers utilized on a  
18 project be hired through a local union  
19 hall. ABC of course is comprised or has  
20 merit shop contractors, and our members,  
21 if any of them were to accept the PLA on  
22 this job, such a mandate would require  
23 their firms to lay off their own  
24 qualified locally employed skilled,  
25 highly skilled craftsmen and women. The

Reap

1  
2 decision produces obviously, if they do  
3 that, a negative direct impact on this  
4 community. So that's a financial impact  
5 on families and communities that we  
6 don't want to see happen.

7 In effect the PLA mandate precludes  
8 70 percent of the workforce. And  
9 statistics, 70 percent of the  
10 construction workforce in Upstate New  
11 York has a direct relationship with  
12 their construction companies. Put it in  
13 other terms, mandating the PLA is like  
14 telling a number 1 ranked basketball  
15 team, such as what you have here,  
16 telling the whole team to sit on the  
17 bench and their all-star players have to  
18 sit out the game and sub in other  
19 players from other schools who have no  
20 idea how the playbook works. I don't  
21 know about you, but you can't really  
22 build a project or play a basketball  
23 game in this case, with a completely  
24 different set of workers who may not  
25 know how things function.

Reap

1  
2 And I mention this because on a  
3 design-build, if a contractor chooses to  
4 use a PLA on their own when it's not  
5 mandated, that's because they know what  
6 works best for them. But when the  
7 government comes in and mandates you,  
8 that causes a lot of confusion and lot  
9 of inefficiencies that leads to  
10 disastrous complications on the project.

11 I raise that point simply because  
12 the State of New York obviously is  
13 authorizing this County use of design-  
14 build needs permission from the  
15 Legislature. That permission would  
16 likely have to come from the Legislature  
17 and I know the Governor can sign a bill  
18 to allow that. That bill we see that  
19 all kinds of power houses looked at it,  
20 found that if you want to use  
21 design-build it requires you to use the  
22 project labor agreement. Among other  
23 things that could be effectively  
24 disastrous for serving public projects.

25 There is many different points in

Reap

1 that legislation, I know we provided  
2 some of those to you guys already. But  
3 they would diminish the effectiveness of  
4 design-build for this project.

5 I would also like to note that many  
6 other groups such as general contractors  
7 from Upstate, Design-Build in America  
8 which is a leading force of design-build  
9 all oppose government mandated PLAs on  
10 public works projects. I certainly  
11 understand what is at stake here, but I  
12 caution this Legislative body in order  
13 to provide Onondaga County. We're  
14 trying to get something done here for  
15 the greater good of the community. I  
16 just really encourage you to take the  
17 time to look at all the avenues here and  
18 oppose any kind of prerequisites that  
19 will stifle competition and prevent  
20 people from a fair opportunity of public  
21 works.

22 So with that said, in the alternative  
23 I encourage you to continue to move  
24 forward here with the comments today,  
25

Monostory

1  
2 and thank you again for letting me speak.  
3 And if this body or anyone else is  
4 wanting to know more about our position  
5 we have specifically with the Legislation,  
6 which again are in the public record  
7 written already that I've provided to  
8 the clerk. Thank you, very much.

9 THE CHAIRMAN: Thank you, Josh. Les  
10 Monostory. Less is with Izaak Walton  
11 Central New York Chapter.

12 LES MONOSTORY: Good morning. I'm  
13 looking forward to presenting a point of  
14 view I guess from the conservation  
15 community here. A little background  
16 information. I worked for Onondaga  
17 County Environmental Management Council  
18 basically since that Council was formed  
19 back in 1973. I was involved with the  
20 original Onondaga County Environmental  
21 Plan in 1973, which provided the original  
22 proposals for the Onondaga Lake cleanup.  
23 And I have a personal history -- or  
24 personal interest in water resources,  
25 that's actually my area of expertise.

Monostory

1  
2 And I have been following the Lake  
3 cleanup activities for about 45 years  
4 now.

5 The Izaak Walton Central New York  
6 Chapter is something that I formed back  
7 in 1989. When Allied Chemical closed in  
8 '86, a year later Bob Brookberger, a  
9 local conservationist, sportsman, and I  
10 proposed that the Lake be reopened to  
11 fishing. And we talked with then  
12 Commissioner Williams. And he agreed to  
13 reopen the Lake for catch and release  
14 fishing.

15 The Izaak Walton Chapter has  
16 sponsored ever since 1987 an annual  
17 fishing, family fishing event. We had  
18 our most recent one last weekend in June  
19 with over 120 people participating. The  
20 Chapter also been monitoring water  
21 quality in the streams for the past 23  
22 years I believe. We are also involved  
23 with reclamation of Bear Trap Creek, a  
24 tributary of Onondaga Lake that flows  
25 through the Mattydale community.

Monostory

1  
2 The Draft Environmental Impact  
3 Statement is supposed to be the main  
4 focus of this hearing. I do have some  
5 comments specifically on that. But what  
6 I would also like to comment on on behalf  
7 of the conservation and environmental  
8 community, who has not had an opportunity  
9 to really review the plans. I mean  
10 these plans came out of the blue earlier  
11 this year and no one really has  
12 discussed these plans and proposals from  
13 the environmental community.

14 There will be comments from other  
15 folks here today and have been on the  
16 specifics of issues of the Draft  
17 Environmental Impact Statement. Our  
18 main concern is that the SEQR procedures  
19 are not being followed here adequately.  
20 And I have submitted comments to David  
21 Coburn on the fact that Onondaga  
22 County's Draft EIS for the Lakeview  
23 Amphitheater is deficient in investigating  
24 alternative sites for this project. The  
25 County has only had one other site owned

Monostory

1 by the County, the Maple Bay site, and  
2 it was determined not to be adequate for  
3 the amphitheater. So we're looking at  
4 this one option as the only one that's  
5 really been reviewed by the County.

6 The SEQR Act requires under two  
7 sections of the Scoping document, and  
8 the preparation of the Final  
9 Environmental Impact Statement that  
10 under the Scoping part an EIS must  
11 analyze the significant adverse impacts  
12 and evaluate all reasonable  
13 alternatives. The Scoping document says  
14 that the final written scope should  
15 include the reasonable alternatives to  
16 be considered. We feel that this has  
17 not been done and you know, the County  
18 in effect only looked at one site here.

19 The major missing element from  
20 Onondaga County's evaluation of  
21 alternative sites is any evaluation of  
22 potential sites located off the County  
23 owned lands. This unreasonable decision  
24 by the County has the effect of

Monostory

1 preventing any environmental or fiscal  
2 comparison of either the cost or the  
3 environmental impact of potential  
4 amphitheater sites other than the  
5 selected Lakeview site. In terms of  
6 alternatives sites that could be  
7 considered --

8 THE CHAIRMAN: One minute left.

9 LES MONOSTORY: -- the present New  
10 York State Fair Grounds on property  
11 owned by the State of New York, the  
12 Inner Harbor location in the city of  
13 Syracuse, which is surrounded by bars,  
14 restaurants, Destiny complex and other  
15 facilities that concert-goers would find  
16 attractive. Vacant lands in the  
17 Lakeland community in the town of  
18 Geddes, vacant lands south of the Erie  
19 Boulevard. This site could provide an  
20 economic boost for a central location  
21 within the city of Syracuse. David  
22 Coburn does have our comments. Thanks,  
23 very much.

24 THE CHAIRMAN: Thank you, Les. Our

Robson

1 next speaker Lance Robson with New York  
2 State Fish and Wildlife, a citizen  
3 board.

4 **LANCE ROBSON:** Good morning, I'm  
5 Lance Robson, the chairman of the Region  
6 7 Fish and Wildlife Management Board.  
7 Like to thank the Legislature for the  
8 opportunity to speak today. We're a  
9 volunteer board established by state law  
10 made up of delegates representing the  
11 nine counties of the DEC's Region 7. We  
12 represent the interests of the land  
13 owners, County government and the  
14 sporting public, including 63,000  
15 sporting license holders in Onondaga  
16 County, in matters pertaining to fish,  
17 wildlife and habitat management and  
18 sporting access.

19 We're concerned about the rapid pace  
20 of planning and developing a timeline  
21 for the Lakeview Amphitheater. The  
22 public comment period is for too short.  
23 We're requesting a lengthier comment  
24 period, additional public hearing to

1 Robson

2 address some of the concerns the Board  
3 may have. Some of those concerns  
4 include that the Scoping document was  
5 not adequately detailed enough. The  
6 final plan was only settled on a couple  
7 weeks ago. So the Scoping documents  
8 lack the design specifics and location  
9 specifics necessary to produce a  
10 competent Draft EIS. As a result, the  
11 DEIS reads more like a generic  
12 Environmental Impact Statement than the  
13 site specific one required under SEQR.

14 We're concerned with the seemingly  
15 casual approach in the DEIS in which a  
16 large number of serious undetermined  
17 construction design and safety  
18 considerations were glossed over. The  
19 number of important details left to a  
20 later decision would seem to indicate  
21 that the drafters did not know and  
22 apparently still don't know exactly what  
23 they were assessing.

24 The proposed avoidance of mitigation  
25 practices are essentially one large To

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1 Robson

2 Be Determined. How can you expect to  
3 make a competent decision or have a fair  
4 and open public comment process when you  
5 haven't even published what it is we're  
6 supposed to be commenting on?

7 We also have concerns along with  
8 others about the design of the existing  
9 cap being inadequate. The waste beds 1  
10 through 8 are not fully mitigated yet,  
11 remediated yet. We're actually gambling  
12 that we're going to be able to do the  
13 remediation at the same time as the  
14 construction and maintain the health of  
15 the construction workers, public health  
16 going forward and not create other  
17 issues. I would submit to you that  
18 that's a big risk to be taken for  
19 something that very few people see any  
20 sense of urgency about this and why it's  
21 suddenly so necessary to ram through in  
22 a 16 or 18 month timeline.

23 We're also concerned, have the same  
24 concerns that other have with the  
25 existing human health risk assessment.

1 Robson

2 It was completely inadequate to deal  
3 with heavy construction in the interior  
4 of the project. We don't even know what  
5 it is that we're going to be working on  
6 and digging into. But the Draft EIS  
7 defines the Solvay Process waste as  
8 being of silt-like texture with little  
9 or no structural development. That in  
10 turn is sitting on what's listed as beds  
11 of peat and moro. Moro is a clay and  
12 sand mixture, a wet clay and sand  
13 mixture probably in this case.

14 I see a lot of faces here that are  
15 old enough to remember waterbeds. You  
16 want to think in terms of a waveless  
17 waterbed that you're going to try to  
18 build this amphitheater and these other  
19 stuff on top of it. Probably like  
20 nailing jello to a wall frame.

21 Another concern is that we're  
22 looking at the loss of what for years  
23 has been intended to be a green space of  
24 native wildlife and plants to be wild in  
25 the area. This in turn leads to the

60

1 Robson

2 issue with the loss of the view-scape  
3 and the long undeveloped Lake shoreline  
4 and urban setting. This extremely rare  
5 undeveloped urban landscape feature has  
6 been touted and promoted for years by  
7 the County and state as the centerpiece  
8 of the Lake restoration efforts.

9 The radius considered in the DEIS  
10 for these matters was only one mile.  
11 The view across the Lake is far longer  
12 than that, we feel that needs to be  
13 expanded in an updated Draft EIS.

14 THE CHAIRMAN: One minute.

15 LANCE ROBSON: One social impact  
16 that this, just will give you an idea  
17 here, the waters immediately adjacent to  
18 where this project is being planned are  
19 open for lawful water fowl hunting. It  
20 will continue to be after this is  
21 developed. Just something to keep in  
22 mind.

23 There appear to be far more suitable  
24 locations for the project than the toxic  
25 waste beds. We would like to see those

Robson

1 explored and we feel like with others  
2 that that standard of SEQR and DEIS has  
3 not been met. So for all this  
4 unresolved and inadequately addressed  
5 concerns we feel that the current  
6 comment period is too short. It needs  
7 to be substantially lengthened, needs to  
8 be public hearings in the evening when  
9 the majority of people can attend them.

10 And the Draft EIS needs to be  
11 updated now that there is actually a  
12 location and a plan. That should have  
13 been done before the EIS was published,  
14 frankly. It should have been gone back  
15 and gone through the EIS, even if it  
16 delayed it. I do thank you for the  
17 opportunity to speak. I look forward to  
18 speaking with any of you at any time on  
19 this or any other matter. Thank you.

20 THE CHAIRMAN: Thanks, Lance. Our  
21 next speaker is Hugh Kimball from  
22 Baldwinsville, New York.

23 **HUGH KIMBALL:** Thank you. The plan  
24 before you is a conceptual design, not a  
25

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Kimball

1 complete plan of a complex project. The  
2 conceptual design talks about  
3 alternatives that may be used as far as  
4 protecting pilings from some corrosion.  
5 It indicates a possible different  
6 location for the docking area. Just to  
7 mention two of many items listed in the  
8 Environmental Assessment Form as To Be  
9 Determined.

10 As a member of the Planning Board I  
11 would be reluctant to hold a final  
12 public hearing to finalize an EIS and to  
13 approve a project without full plans  
14 based on actual site information. I  
15 would be concerned that our board could  
16 be challenged by someone saying we did  
17 not follow a proper process under SEQRA.  
18 This does not mean that the design-build  
19 process procedure cannot be followed.  
20 But it indicates that the EIS and  
21 project approvals need to be finalized  
22 after most of the design phase is  
23 completed.

24 I am not a lawyer, but I do advise  
25

Kimball

1 caution against moving this SEQRA  
2 process too fast. You should be  
3 cautious to ensure that you are not  
4 signing a blank check. Please allow  
5 more time for the public and for  
6 yourselves to get all the details.

7 I would add, this is not part of my  
8 prepared, but I would add that since the  
9 legislature is the lead agency in the  
10 process I'm a little disappointed that  
11 you are not fully represented here.

12 I have one other comment as long as  
13 I have the time, I initially sent a  
14 comment in on the Scope section and one  
15 of those comments I was happy to see was  
16 on dark skies downcast lighting. And  
17 that made it to the next phase of the  
18 DEIS. And yet we see a picture of the  
19 amphitheater with lights going straight  
20 out and lights going up into the sky. I  
21 don't see that as dark skies. Thank you.

22 THE CHAIRMAN: Thank you. James  
23 Shults, Syracuse, New York.

24 **JAMES SHULTS:** Hi, my name is Jim  
25

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Shults

1 Shults. I do not come here with any  
2 particular area of expertise. I'm a  
3 retired teacher from the Syracuse city  
4 school district. And I've been very  
5 active in the arts community both as a  
6 performer and as an advocate for many  
7 years.

8 I actually came here today more  
9 prepared to talk about this whole  
10 project from the point of view of the  
11 arts. But since this is not what we are  
12 allowed to do in today's session I will  
13 not do that. What I would like to do is  
14 tell you that I have been, over the  
15 years, I've been a very very frequent  
16 concert-goer, in at least four or five  
17 of these open type of summer theaters  
18 all the way from the Buffalo area into  
19 western Massachusetts. And I have a  
20 good idea of what they are like and how  
21 they were used.

22 What I would like to say is that the  
23 life-blood of most of these places is  
24 the area that is called the lawn, getting  
25

1 Shults

2 a lawn ticket. So that you're not  
3 sitting inside but you can come, sit on  
4 the ground, spread out blankets and have  
5 your family or your friends together  
6 with you and have a picnic and listen to  
7 whatever concert is being offered.

8 I would say that asking people to  
9 come and go to a concert in an area  
10 where there is some question or where at  
11 least there is a public perception of  
12 question as to whether the area is  
13 polluted or whether the area is safe,  
14 whether it is clean enough to do so is  
15 going to, without proper education and  
16 without a lot of convincing, cause people  
17 to be hesitant to use the facility.

18 I haven't seen in the people that  
19 I've talked to, a lot of enthusiasm for  
20 the facility because of that reason, and  
21 because of other reasons as well. I  
22 would say that I would strongly  
23 recommend that questions be encouraged.  
24 That meeting times be set up in evenings  
25 and weekends when people who are working

66

1 Miller

2 are able to come in and get their  
3 concerns taken care of. And that  
4 everybody get a chance to feel as though  
5 they can be on board with the facility  
6 that is going to be safe and healthful  
7 and some place where you are going to  
8 feel very comfortable taking your family  
9 and your friends. Thank you.

10 THE CHAIRMAN: Thank you, James.  
11 Fred Miller, Nine Mile Creek Conservation  
12 Council.

13 **FRED MILLER:** Thank you, Mr. Chairman  
14 for welcoming the community to observe  
15 the process. My name is Fred Miller,  
16 I'm president and founder of the Nine  
17 Mile Creek Conservation Council.  
18 Basically we're an all volunteer  
19 non-profit corporation dedicated to the  
20 preservation of Nine Mile Creek and  
21 watershed issues. We've worked on  
22 projects from Marcellus into the Lake,  
23 although we don't get involved in the  
24 Lake very much, we are strictly an  
25 apolitical organization.

1 Miller

2 Going back right at 25 years it  
3 seems, going back to the early days of  
4 the Lake issues, it participated through  
5 the Pirro administration up to the  
6 present administration and with the  
7 involvement of the Honeywell Corporation  
8 on the cleanup. There was concern that  
9 other organizations would be eliminated  
10 but that was just contrary to what  
11 actually happened. It was an outreach  
12 into the public and into various  
13 communities. The documentation for that  
14 would be found in media files and  
15 corporate files and even your own  
16 Legislature files in hearings over the  
17 years. That is substantiated as  
18 evidence.

19 One of the critical things that I  
20 find in the process that is disturbing  
21 to our group is that primarily the  
22 entire process for the many years has  
23 been inclusionary. But this particular  
24 rush seems to be odd. It's an  
25 exclusionary process where whether you

68

1 Miller

2 spend federal, state or local dollars  
3 those are taxpayer dollars. And it's  
4 important that the people are involved  
5 in this process.

6 One of the concerns is the DEIS,  
7 that's a 654 page document. Now  
8 everybody seems to ask for extra time  
9 when they review these documents, but in  
10 the context of let's say our normal  
11 lives of working, traveling, in the  
12 middle of the summer, vacations, elder  
13 care, all sorts of issues in life, you  
14 need to read through this document. If  
15 you're not a scientist or an engineer,  
16 where in our board we have the luxury of  
17 having scientists and engineers so  
18 they'll be able to understand it. But  
19 for the average person, has anybody in  
20 this Legislature, by a show of hands,  
21 how many of you actually read that  
22 document cover to cover in order to  
23 understand it as if it was a legal case?  
24 Raise your hand if you have read it. I  
25 haven't. Now you're asking me in

Miller

1  
2 three weeks, going on vacation, if I'm  
3 going to be able to read through this.  
4 An average person reading this will have  
5 questions, they'll have to go back and  
6 ask some of the specialists and see what  
7 the pros and cons are and what the  
8 positives and negatives are. What we're  
9 concerned about are the negatives.

10 So asking for more time in that  
11 context is the responsibility I think of  
12 this Legislature and the elected  
13 officials to let the community become  
14 involved. Asking for more time is not  
15 unreasonable by any means whatsoever.  
16 The environmental community was involved  
17 in the process, participation for the,  
18 especially the area on the west shore.

19 A critical aspect that was involved  
20 with this was throughout the area is  
21 involved with the diversity of the  
22 usability of the Lake. The highly  
23 developed east shore, the quietness of  
24 the last forest land between Lakeshore  
25 Heights and Maple Bay on Onondaga Lake.

Miller

1  
2 There is no other forest land. So it  
3 was very appealing to the environmental  
4 community to see that we could have  
5 hotdog machines and soda machines on one  
6 side of the Lake, but other people want  
7 to use it in a quiet sense can go to the  
8 other side. There is a lot of  
9 interesting wildlife studies by ESF and  
10 some other organizations including  
11 engineering firms.

12 There is a lot of positive input to  
13 be gathered and given to this Legislature  
14 so that each of you can make an  
15 intelligent decision on what you're  
16 going to do when you actually are  
17 spending taxpayers dollars you're  
18 responsible to your constituents, and  
19 I'm one of those constituents and so are  
20 the other people involved.

21 THE CHAIRMAN: One minute.

22 FRED MILLER: In concluding that,  
23 give the environmental community and the  
24 conservation groups an opportunity to  
25 read through this document and to come

Eckel

1  
2 up with some ideas. They might be very  
3 productive with the process, whether pro  
4 or con results, that's what people are  
5 asking for. I think you do owe it to  
6 the people in this community to open up  
7 that process. Make it inclusionary by  
8 giving people more time. And I think  
9 that is fair for everybody in this room.  
10 That's all I have to say, thank you for  
11 your time very much.

12 THE CHAIRMAN: Thank you, Mr. Miller.  
13 Sarah Eckel, Citizens Campaign for the  
14 Environment.

15 **SARAH ECKEL:** Hi, how are you all?  
16 Thanks you for the opportunity to speak  
17 today. My name is Sarah Eckel, I'm the  
18 legislative and policy director on the  
19 Citizen's Campaign for the Environment.  
20 We're an 80,000 member non-profit  
21 non-partisan advocacy organization. We  
22 have 4,000 members here in Onondaga  
23 County who work throughout New York  
24 State.

25 First of all, we would just like to

Eckel

1  
2 highlight the point made several times  
3 already, and that is the extension to  
4 the public comment period. As has been  
5 noted, this is a 654 page document,  
6 highly technical, and it's the middle of  
7 summer. We think that people should be  
8 given an opportunity to thoughtfully  
9 review and go through this and ask  
10 questions. We should have public  
11 hearings that are accessible to the  
12 working public. And that's a reasonable  
13 request.

14 And it's something that should be  
15 reflected in the fact that we're  
16 developing the west side of the Lake and  
17 the community cares deeply about.  
18 Because as we have seen throughout the  
19 remediation process people have been  
20 involved and they've been showing up and  
21 commenting, because we care about the  
22 fact that we have this beautiful  
23 treasure in our community, that we have  
24 to decide how to move forward with it.  
25 We should honor the public and let them



Eckel

1  
 2 have a part of that conversation with  
 3 this.  
 4 It's been mentioned before and I'll  
 5 highlight it again. We're moving  
 6 forward with this process in front of  
 7 the remediation process for the waste  
 8 beds. And that's putting the cart  
 9 before the horse. We should be  
 10 remediating those, we should go to the  
 11 process for remediating the process and  
 12 some of the options on the table should  
 13 those waste beds stay or go? By  
 14 necessarily approving this process we're  
 15 taking options off the table before that  
 16 process even has the time to go forward.

17 And again, the community needs to be  
 18 able to look and weigh the options in  
 19 front of them before they make a  
 20 decision with whether we're going to  
 21 build something on the west side of the  
 22 Lake.

23 Finally, just want to address the  
 24 point brought up earlier with the public  
 25 access, that's one reason why they want

Eckel

1  
 2 to develop the amphitheater. The  
 3 amphitheater's proposed site is going to  
 4 impact the bike trail that was just put  
 5 in place recently. So we're going to  
 6 cut off the bike trail that we just put  
 7 it in with gates, so we are going to  
 8 limit public access for something that  
 9 we just put in. And we're also going to  
 10 say that you can only come to those  
 11 spots if you have tickets. So we're  
 12 limiting public access, not improving  
 13 public access.

14 I think these are all the questions  
 15 that we need to put on the table and we  
 16 need to acknowledge. If we really want  
 17 to improve public access to the Lake  
 18 then we should encourage other options  
 19 that should be on the table besides an  
 20 amphitheater. Thank you.

21 THE CHAIRMAN: Thank you, Sarah, and  
 22 just some of this is -- all of this is  
 23 being recorded. So what we'll do, some  
 24 of the comments or perceptions, we'll go  
 25 through with the experts to get some of

LeFevre

1  
 2 the clarifications on some of this  
 3 process and we'll make sure that's all  
 4 public. Next speaker is Amelia LeFevre,  
 5 Syracuse Peace Council.

6 **AMELIA LEFEVRE:** Hello, my name is  
 7 Amelia LeFevre, I'm here representing  
 8 neighbors of the Onondaga Nation and the  
 9 Syracuse Peace Council. First, I do  
 10 want to address concerns about the rush  
 11 to process here. With few exceptions  
 12 this isn't our paid, you know, the  
 13 community doesn't have a paid job to  
 14 spend time looking at the Draft  
 15 Environmental Impact Statement. We're  
 16 trying to fit this in looking at this  
 17 long technical document around our job  
 18 and our families. Thirty days is  
 19 insufficient time. One public hearing  
 20 during business hours is insufficient.  
 21 I'm asking for an extension of the  
 22 public comment period to ninety days and  
 23 at least two more public hearings and in  
 24 the evening, please.

25 The Chairman has asked us to limit

LeFevre

1  
 2 our comments to concerns about the DEIS.  
 3 It's not clear to me how the County is  
 4 being held accountable for responding to  
 5 other questions that are outside of this  
 6 comment period and process. So that's a  
 7 question.

8 And then concerns about the  
 9 environmental impacts. I'm very  
 10 concerned about potential impacts to  
 11 wildlife. As has been mentioned this  
 12 site, Lakeview Point, is one of the last  
 13 wild or you know, open wilderness areas  
 14 on the Lake. We're looking at  
 15 destroying that. I have questions about  
 16 impact on wildlife from the noise from  
 17 the amphitheater, traffic, vibrations,  
 18 people coming and going, you know, in  
 19 the evenings all throughout the summer,  
 20 I don't think that's clear. I don't  
 21 think we have had that answered.

22 I'm very concerned that this plan  
 23 is, you know, rests on a remediation  
 24 plan that hasn't been developed yet.  
 25 That doesn't make any sense to me. And

LeFevre

1  
2 I can't understand how you all can make  
3 a decision without knowing what the  
4 remediation plan is.

5 I'm very concerned about building on  
6 top of waste beds. Somebody else made  
7 this point that, you know, once we build  
8 on top of the waste beds if we don't  
9 clean them up first we're saying that  
10 we're going to keep that waste there for  
11 a very long time. That's not what I  
12 would like to see happen. I think the  
13 public needs a chance to give you input  
14 about what we would like to see happen  
15 with that site. I also think more sites  
16 need to be considered. I don't think  
17 this is the right site for an amphitheater.

18 I think the question of whether the  
19 County needs an amphitheater is a  
20 question, but aside from that even if  
21 the answer to that is yes, this is not  
22 the right site for it. Thank you very  
23 much.

24 THE CHAIRMAN: Thanks, Amelia. I  
25 apologize, I don't know how to read the

Mager

1  
2 next name. Last name Demi. The address  
3 is 2013 East Genesee Street.

4 UNIDENTIFIED FEMALE: I think she  
5 went to the restroom.

6 THE CHAIRMAN: Okay, if she comes  
7 back we'll go to the next one then she  
8 can come after that. Andy Mager, the  
9 Neighbors of the Onondaga Nation.

10 **ANDY MAGER:** Good afternoon  
11 Legislators and Chairman and others  
12 gathered here, my friends who are part  
13 of the public. For the last 15 years  
14 I've been part of Neighbors of the  
15 Onondaga Nation. We're a group of  
16 Central New Yorkers who believe that we  
17 have a debt to pay to our friends who  
18 live just south of the city of Syracuse  
19 now.

0 And we also believe that all of our  
1 lives and our community can be enriched  
2 by working together more effectively.  
3 As we work with people in Onondaga we've  
4 learned about the importance that the  
5 Lake has for them both historically and

Mager

1  
2 currently. Many of you probably know  
3 that it's where the Haudenosaunee  
4 Confederacy was founded some thousand  
5 years ago. Many of you may not know  
6 that that Nation just competed in the  
7 world Lacrosse championship coming third  
8 behind Canada and the United States. So  
9 a real recognition that they have a  
10 place in the table internationally.

11 About four years ago the Onondaga  
12 released a document called their Vision  
13 for a Clean Onondaga Lake. Our  
14 organization along with Syracuse  
15 University, the Forestry school and  
16 others held an event at Syracuse Stage  
17 to release that to the public. Where  
18 they went through their vision of what  
19 the Lake could be like.

20 Most of us here are probably aware  
21 of what the Lake was like a hundred or  
22 more years ago and assuming desecration  
23 of the Lake. Fortunately we're in the  
24 process of some revitalization of the  
25 Lake and we very much support that work.

Mager

1  
2 That evening the County Executive was  
3 among a group of community responders  
4 who heard the Vision and responded very  
5 positively, saying that they would  
6 really like to be part of supporting  
7 that Vision and seeing it brought to  
8 life.

9 I'm here in part to come back to the  
10 County Executive and to you as the  
11 people who are dealing with this SEQR  
12 process to say that rushing this project  
13 forward does not fit in with honoring  
14 that Vision, with trying to work with  
15 the Onondagas to carry out that Vision.  
16 Others have emphasized, and I very much  
17 agree that this process should require  
18 some real deliberation and time. And  
19 thirty days is fully insufficient for  
20 that. So that's a really fundamental  
21 piece that we ask you to extend the time  
22 for consideration and comments and add  
23 additional public hearings.

24 Others have mentioned issues of the  
25 habitat along the lakeshore. About the

Mager

1  
2 dangerousness of building on this waste  
3 bed, and it's not only waste beds 1  
4 through 8, but also the old Crucible  
5 landfill that's under that area. And as  
6 a father of an eleven year old who likes  
7 to explore and move around places I  
8 would hesitate taking him to a facility  
9 that has a, you know, a foot or a few  
10 inches of dirt on top of those dangerous  
11 toxins that are buried there.

12 You know, part of why this is being  
13 pushed appears to be a desire for  
14 economic development. I'm currently  
15 unemployed, which is part of why I can  
16 be here, so I certainly share the need  
17 for more jobs and economic development  
18 in our community. And I think we need  
19 to look at many ways to do that. There  
20 is nothing that I've seen that describes  
21 in any clear way the projected economic  
22 benefits of this project. It's clear  
23 that there would be significant economic  
24 costs that the County will be paying.  
25 My understanding is 70 million for the

Mager

1  
2 construction and there will be  
3 significant ongoing costs as well. To  
4 the best of my knowledge there is no  
5 business plan that people can look at  
6 and say, yes, this is a good investment  
7 or not a good investment of our tax  
8 dollars.

9 So I want to close by saying that as  
10 part of the publicity for the public  
11 event that happened at Solvay high  
12 school, people had asked the County  
13 Executive about what seemed to be the  
14 rush for this process. And she said  
15 that the rush was in the sort of design-  
16 build process. That there was a desire  
17 once it was approved to move it forward  
18 expeditiously. But she said that the  
19 environmental review process needs to be  
20 given its due time. Thirty days is not  
21 due time for this process. So again, I  
22 ask you to extend that time frame and  
23 give the public ample opportunity to  
24 weigh in and share concerns and dialogue  
25 with people before moving ahead with

Chairman

1  
2 this project. Thanks very much for your  
3 time.

4 THE CHAIRMAN: Thank you, Andy.  
5 Last name Demi, is she back?

6 UNIDENTIFIED FEMALE: Not back yet.

7 THE CHAIRMAN: She is in the  
8 building though?

9 UNIDENTIFIED FEMALE: She is.

10 THE CHAIRMAN: Is there any other  
11 speakers that wanted to speak? Who have  
12 not signed up? Okay. We'll wait for  
13 the last speaker. If you have any other  
14 questions or comments today's hearing  
15 was about the DEIS, but there is various  
16 other questions and points that were  
17 made. If you could make them and e-mail  
18 them to David Coburn. And also feel  
19 free to e-mail these questions or  
20 comments to myself and we'll work on  
21 getting answers on them to you.

22 Clearly we're not going to vote on a  
23 proposal without having a business plan  
24 or knowing what the costs are or whatnot.  
25 Any of these types of concerns clearly

Monostory

1  
2 will be addressed before any allotment  
3 of the monies are dedicated to the  
4 building of this project.

5 But did our last speaker come back  
6 into the room? No. Any other speakers  
7 that want to come up? Yes?

8 **LES MONOSTORY:** I just want to make  
9 a comment about the natural condition of  
10 the west shore of Onondaga Lake. Again,  
11 since I've been involved as a former  
12 environmental planner and I guess a  
13 constituent of the Lake usage for a long  
14 period of time. The original purpose  
15 and goals of the west shore trail that  
16 was proposed around 1973 or 1974 was to  
17 bring back the natural shoreline and to  
18 sort of revitalize the ecology of that  
19 portion of Onondaga Lake.

20 Probably the most significant  
21 habitat along that west shore was the  
22 wetland forest along the mouth of Nine  
23 Mile Creek. A good portion of that  
24 forest actually had to be taken out as  
25 part of the Nine Mile Creek, really as

Monostory

1 part of the Honeywell cleanup of the  
2 mouth of Nine Mile Creek, where mercury  
3 deposits had washed down from Geddes  
4 Brook to Nine Mile Creek to the mouth of  
5 -- well, the mouth of the river Nine  
6 Mile Creek where it enters Onondaga  
7 Lake.

8 Probably that section of the Lake  
9 was the most significant environmental  
10 habitat. A good portion of that was  
11 taken out in order to remove contaminated  
12 soil in that area. The amphitheater  
13 site right now faces that area that used  
14 to be this very significant wetland  
15 area. It has been replanted, it's going  
16 to take another 50 or more years to  
17 really bring back the wetland forest  
18 that used to exist there.

19 But I mean this is just another  
20 example of the history of trying to --  
21 the history of reestablishing natural  
22 areas along that lakeshore. Honeywell  
23 has proposed rebuilding wetlands at  
24 several locations. Honeywell is also

Robson

1 restoring portions of the Lake bottom to  
2 enable fish spawning and to reclaim  
3 sections that were contaminated by  
4 waste. They're going to put clean sand  
5 and such new habitat along the shore.

6 So what I'm saying I guess is that  
7 this project is going to have a  
8 significant impact on what a lot of  
9 people considered to be one of the  
10 special features of Onondaga Lake is the  
11 fact that the west shore had been  
12 largely undeveloped. Thank you.

13 THE CHAIRMAN: Thank you. Any other  
14 speakers? Hearing none, all right now  
15 we have two people going on overtime.

16 LANCE ROBSON: Two issues I didn't  
17 bring up need to be spoken about.

18 THE CHAIRMAN: Two minutes.

19 LANCE ROBSON: Lance Robson, chairman  
20 Region 7 of Fish and Wildlife Management  
21 Board. One issue, I deal with funding  
22 for public access projects around the  
23 state as a major port of what our board  
24 does particularly for sporting access,

Robson

1 but a lot of that involves all kinds of  
2 recreational access, wildlife related  
3 access, a lot like bird watching and  
4 nature watching etc.

5 Just a thought, on whatever funding  
6 you use for that Lakeside trail that  
7 exists now, if any of that involved any  
8 grants that were predicated on open  
9 public access you might need to go back  
10 and revisit those grants and do some  
11 homework before you start restricting  
12 access with gates around that amphitheater.  
13 Because I've seen problems in a lot of  
14 other areas. Make sure whatever you do  
15 doesn't conflict with your previous  
16 funding.

17 The last thing waste beds 9 through  
18 15 which wrap around a good part of this  
19 site, are part of the Honeywell consent  
20 decree to which Onondaga County was a  
21 party, that's a binding consent decree.  
22 A major part of that deals with the  
23 restoration of wildlife in that area.  
24 Some of the species specifically

Papworth

1 mentioned in that decree are relatively  
2 reclusive. We're talking about putting  
3 that amphitheater right up against those  
4 boundary lines. I would like to see  
5 those matters addressed in an updated  
6 DEIS. We would actually like to see an  
7 EIS with some meat in it rather than To  
8 Be Determined Later. Let's do the  
9 process correctly we can talk about  
10 specifics of the sites and the plan and  
11 the process. Thank you.

12 THE CHAIRMAN: Thank you. Any other  
13 new speakers? This is it, no more  
14 overtime. I'm being very gracious here.

15 ROBERT PAPWORTH: Thank you, one  
16 more minute. I neglected to mention  
17 before that its obvious that the County  
18 owns an incineration system. And that  
19 it produces toxic ash. The toxic ash is  
20 trucked to Rochester for disposal in a  
21 landfill that's owned by Waste  
22 Management. With a heavy disposal fee  
23 and of course all the trucking  
24 logistics. A new proposal includes

Papworth

Cortland County, which adds to the quantity of more toxic ash to dispose of.

Plasma gasification is capable of destroying this ash. There would be nothing toxic remaining at all. If the County owned a plasma gasifier and Honeywell rented a time on it, Honeywell could destroy the chemicals in a responsible area, 1 through 8 waste beds. Then the County would continue to use the system long range.

Now, in talking with these vendors these last few weeks I was asked by one of them if I could set up an opportunity for the vendor to make a web based initial presentation to a group of people. And I said I would try to see if I could do that. Like to see if I could get somebody from the County, from the DEC, from EPA, who knows who else. To sit down some place, maybe a County office building to hear a web base presentation about gasification, some time in the next four weeks. So I

Dibiasi

propose that maybe we can make arrangements to do something like that. Thank you.

THE CHAIRMAN: Thank you. At this point we'll now call the public hearing closed.

FOLLOWING ARE WRITTEN COMMENTS NOT SPOKEN.

**JIM DiBLASI:** I am writing to you today to voice my objection to the use of a project labor agreement (PLA) on the proposed Onondaga Lake Amphitheater Project, and any other project this county may undertake. As a taxpayer I am opposed to government mandated PLAs because these agreements drive up costs for taxpayers as they unnecessarily limit bidders.

As you are likely aware, state law requires that anytime a government entity undertakes a PLA it must first perform a feasibility study to determine if a PLA is beneficial. These studies are subjective in the facts considered and often make a recommendation for a PLA based on an assumption that PLAs will save money through measures such as negotiated union work rules and assurances of labor harmony. There is only one time a post-project audit has been performed to determine whether or not a PLA necessarily accomplishes these and other pointed facts; that study took place here in Onondaga County.

I would like to draw your attention to that the last significant project this county undertook with a PLA was the ACJ Lake Improvement Project. After the project was complete, the Comptroller, Robert Antonacci, performed an audit of

Cudney

the PLA to find that the "measured economic benefits of the use of a PLA were not realized." Specifically the study revealed that the PLA did not provide the county with the savings of nearly \$12 million projected in the feasibility study. Additionally, the report finds, the PLA was not a necessary element to obtaining the work rules and concessions offered by the local labor collective bargaining unit. It is my understanding this is the first and only time a full audit of a PLA was performed and it was found to not be a financial benefit to the citizens of Onondaga County.

As a taxpayer I seriously question the use of a PLA on the Onondaga Lake Amphitheater Project and ask that you oppose the use of a PLA on the project. It would make no sense for this county to enter into another PLA when it was revealed that the last substantial project governed by a PLA did not reap any of the benefits this governmental body sought. I encourage you to vote no to wasting the money on a PLA feasibility study and in the alternative simply bid the Onondaga Lake Amphitheater Project using the traditional competitive low bid methodology.

**RAY CUDNEY:** I am here today to voice my opinion on the proposed Onondaga Lake Amphitheater project. I have been involved with design-build projects for over 33 years, both as an owner of a 100+ person architectural and engineering firm, and most recently as a project executive with a high-profile design-build construction firm. I also serve on Governor Cuomo's 12 member NY-Works task force. It is my hope that my comments will help guide this Legislative body to make informed decisions that will protect the

Cudney

Interests of County taxpayers.

Let me begin by stating that I am in support of the outdoor concert and events venue. If done properly, it has the potential to provide a huge and positive benefit for generations to come. It is a great opportunity to serve as a catalyst for other high-profile projects that will help revitalize the Onondaga Lake area.

What I am concerned about is the State's arbitrary prerequisite that the County must use a Project Labor Agreement (PLA) with design-build on this project.

PLAs 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. As a result, PLAs drive up the cost of construction by reducing competition and effectively excluding qualified and capable contractors and their skilled employees from building projects paid for by their own tax dollars.

PLAs are simply bad public policy. In my mind a PLA can't ever be justified by anyone that fully understands the facts about PLAs and adverse implications on cost and schedule. Certainly they can't be justified by someone that has an obligation to uphold taxpayers interest.

Furthermore, the 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 you seek. In short, a PLA/ design-build methodology will only cause

Gudney

problems.

"Best Value" is achieved when an environment that encourages creativity and innovation is established. The County will achieve the best balance of cost, quality and schedule when the best and brightest are given an opportunity. If the County is committed to achieving excellence on this 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. Thank you.

\* \* \* \* \*  
 C E R T I F I C A T E

This is to certify that I am a Certified Shorthand Reporter and Notary Public in and for the State of New York, that I attended and reported the above entitled proceedings, that I have compared the foregoing with my original minutes taken therein and that it is a true and correct transcript thereof and all of the proceedings had therein.

*John F. Drury*  
 JOHN F. DRURY, CSR, RFR

Dated: July 28, 2014

From: "L. Withers" <[lwithers@twcny.rr.com](mailto:lwithers@twcny.rr.com)>  
To: [DavidCoburn@ongov.net](mailto:DavidCoburn@ongov.net),  
Cc: [jryanmcmahon@gmail.com](mailto:jryanmcmahon@gmail.com), [joaniemahoney@ongov.net](mailto:joaniemahoney@ongov.net),  
[debbiematuro@ongov.net](mailto:debbiematuro@ongov.net)  
Date: 07/24/2014 04:05 PM  
Subject: DEIS for Amphitheater and Noise Report

July 24, 2014

Mr. David Coburn  
Director, Onondaga County Office of the Environment John H. Mulroy Civic Center, 14th Floor  
421 Montgomery Street  
Syracuse, New York 13202

David,

Please add this email and attached report to my previously submitted comments on the DEIS for the proposed Onondaga Lakeview Amphitheater.

The attached report by Environmental & Safety Associates, LLC, is a review of the noise related portions of the DEIS. A number of serious deficiencies with the DEIS's findings for the operation of the facility are detailed.

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 10:00pm and 6:00 am are improperly ignored in the DEIS.

Thank you.  
Regards,  
Lloyd Withers  
Onodaga Shoreline  
405 Bradford Parkway  
Syracuse, NY 13224  
(315) 243-9118

cc. Onondaga County Leg. Chair J. Ryan McMahan  
Onondaga County Executive Joanie Mahoney  
Onondaga County Legislature Members via Debbie Maturo for distribution (See attached file: Onondaga Lake Project Comments 07-14.pdf)

(315) 243-9118

cc. Onondaga County Leg. Chair J. Ryan McMahon

Onondaga County Executive Joanie Mahoney

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# ENVIRONMENTAL & SAFETY ASSOCIATES, LLC

2600 Kings Lake Blvd., Naples, FL 34112-5409

P.O. Box 151, Baldwinsville, NY 13027-0151

Telephone: 1-888-667-3723 Alt Tel: 315-804-6560 [esaconsulting@comcast.net](mailto:esaconsulting@comcast.net)

July 6, 2014

Lloyd Withers  
Onondaga Shoreline Preservation Group  
405 Bradford Parkway  
Syracuse, NY 13224

Upon your request, the undersigned reviewed the noise-related portions of the DEIS submission for the Onondaga County Lakeview Amphitheater dated June 2014, as prepared by C&S Companies using input from Acoustic Dimensions.

This review encompassed pages 104-109 of the document and Pages 1-3 of Appendix H – the Sound Propagation Report. Our observations and comments follow:

## Construction Noise

The presentation addresses both construction noise (Section 3.9.2.1), which can be considered a relatively temporary condition similar in nature to what is already occurring in the area, and operational noise (section 3.9.2.2) which can and must be considered a potentially negative issue throughout summer months.

## Ambient Sound Levels

It is noted that the area around the proposed site is zoned industrial, and that both traffic and industrial noise contribute to the ambient in that area. But other purely residential areas in and toward Lakeland, the Village of Liverpool and the Town of Salina across the lake are affected as well.

The study references NYSDEC DEP-00-01 **which clearly states that “sound level increases over background ... in the range of 3 to 6dBA may have**

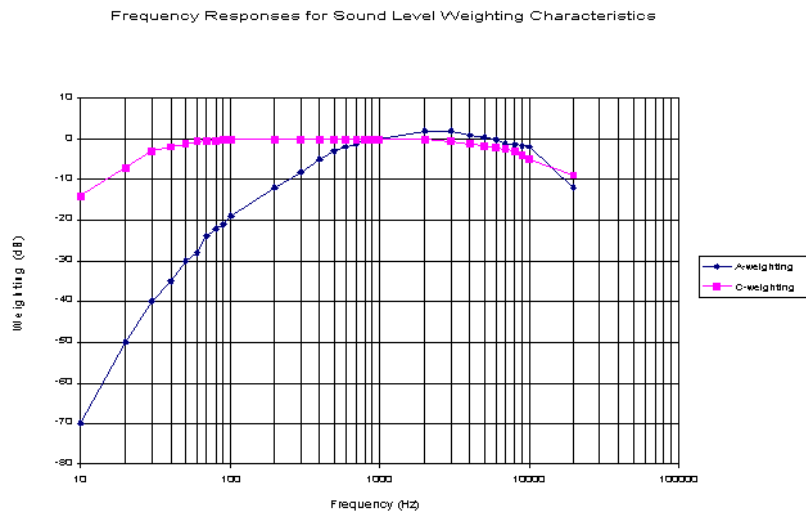
potential for adverse noise impact.” One would expect that ambient noise studies would have been conducted at noise-sensitive receptors to determine the ambient at those locations – particularly after dusk – in evaluating the effects of “operational noise.” We see no evidence of such testing.

## Source Analysis

Page 106 of the report states that “sound propagation levels are based on *estimated average source levels.*” Are these averages for a month, a week, a day which includes a concert, during a concert itself (which includes quiet periods between numbers), or during the actual performance? This is not clear.

The analysis of performance noise in the study recognizes all sources of noise relating to operations. A major concern, however, is that the advent of improved sound systems and speakers has created environmental noise issues relating to popular musical entertainment with particularly high levels of low frequency sound.

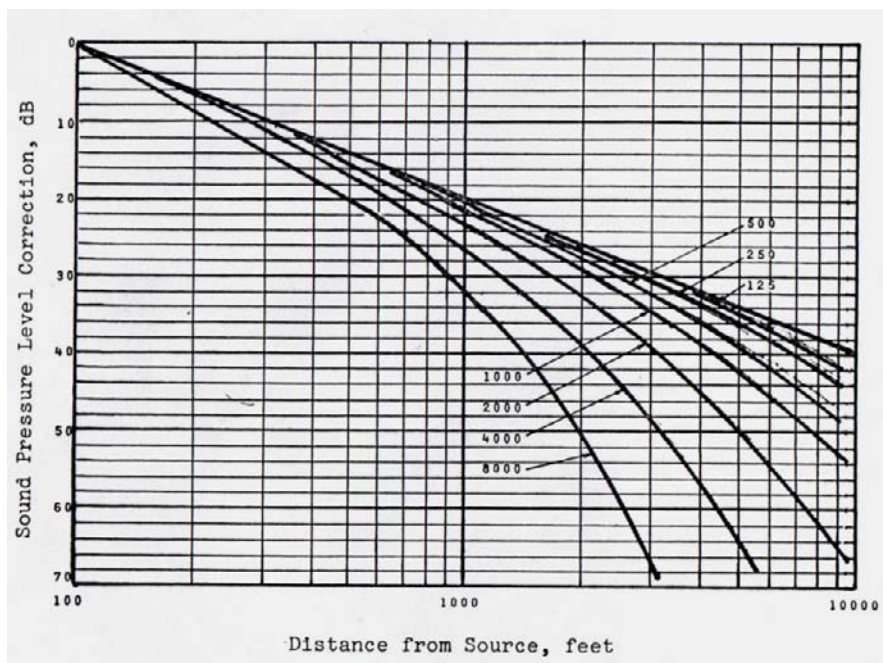
As noted in Exhibit H, the estimates are conventional models using A-weighting, which largely ignores this low frequency sound. Although still “the industry standard approach,” this decades-old formula may not accurately reflect the annoyance associated with pulsing bass. Many communities are adopting ordinances which reference C-weighting, or set limits in various frequency bands, specifically controlling sound below 100Hz.



## Propagation

Theoretically, sound dissipates about 6dB for every doubling of the distance from a point source. This only holds true for lower frequency sound over a non-reflective surface.

The propagation models shown in Images 3-8 and 3-9, show the dissipation of the sound to be 10dB for each doubling of the distance from the source. Looking at the chart below, with higher frequency sound dissipating more rapidly, it appears that the modeling program used 1000Hz as its basis.



This is unrealistic when dealing with modern music having a high content of mid and low frequency sound. Higher frequency sound is directional, and speakers can be placed to direct that sound away from noise-sensitive receptors. Conversely, low frequency sound is omni-directional, tends to "hug the terrain" and, because it has more energy, travel long distances.

Also, the models in the submission show the dissipation of the sound over land to be the same as over water. As many have experienced, this does not hold true, because the highly reflective water surface reinforces the sound traveling over it. As a consequence, the sound levels at the Liverpool/Salina shoreline are likely to be higher than predicted.

## Operational Discipline

It has been our experience that, when mixing and sound levels are left up to the performing group, there is little discipline nor concern for the environment and residents. Typically, the person at the sound board is responsive only to the band and the perceived desires of the audience.

## Regulations

The Town of Geddes noise code for Industrial A zoning (see below) is quite specific regarding sound level limits. In the selective version outlined in Exhibit H, the petitioner appears unaware that allowable levels after 10PM are 10dBA lower than daytime limits – and events at the proposed facility are likely to extend beyond this time – and exceed both limits.

### Town of Geddes Noise Code for Industrial A Zoning

“(1) Noise. No use within an industrial zone shall emit a measurable noise which shall be unreasonably loud or disturbing to surrounding property owners and/or users. The standards for determining whether a noise is unreasonably loud or disturbing shall be as follows:

**(a) No noise measured at a property line of an industrially zoned property shall exceed 70 decibels during the period between 6:00 a.m. and 10:00 p.m. or 60 decibels during the period between 10:00 p.m. and 6:00 a.m. The decibel limits shall be decreased by five decibels for any industrially zoned property adjacent to a residentially zoned property.**

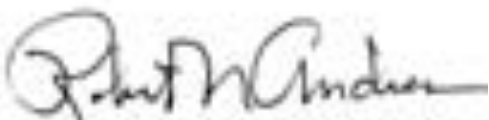
(b) Sound-pressure levels in decibels shall be measured on the A-weighted response scale with a meter set to the slow response mode. Sound level meters used shall have the characteristics defined in the American National Standards Institute Publication S1.4 1971 (R1983). Measurements shall be conducted in accordance with ANSI S1-36, 1979.

(c) The sound level may not exceed these established sound levels by more than six decibels for a period of more than six minutes during any sixty-minute continuous period.

(d) Noise as measured at the property line shall not be objectionable due to intermittence, beat frequency, high frequency or other disturbing characteristics. For noises that the Code Enforcement Officer determines to be impulsive in character (example, hammering) or objectionable for any of the other above-noted characteristics, then the standards cited in Subsection E(1)(a) shall be reduced by five decibels. Sounds of short duration, such as impact noises, shall be measured with either an impact analyzer or a sound-level meter having a standardized I (impulse) characteristic.”

Yours truly,

ENVIRONMENTAL AND SAFETY ASSOCIATES, LLC



Robert N. Andres, CSP, CPE, DABFE, INCE

*Technical Advisor for, and on behalf of, Noise Free America*



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DEPARTMENT OF TRANSPORTATION  
REGION 3  
333 EAST WASHINGTON STREET  
SYRACUSE, NY 13202  
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CARL F. FORD, P.E.  
REGIONAL DIRECTOR

JOAN MCDONALD  
COMMISSIONER

August 6, 2014

Mr. David Coburn, Director  
Office of the Environment  
County of Onondaga  
John H. Mulroy Civic Center  
421 Montgomery Street – 14<sup>th</sup> Floor  
Syracuse, NY 13202

Dear Mr. Coburn:

RE: SEQR – DRAFT ENVIRONMENTAL IMPACT  
STATEMENT (DEIS), LAKEVIEW  
AMPHITHEATER FACILITY, TOWN OF  
GEDDES, ONONDAGA COUNTY

We have received material regarding the above-referenced proposal. We have reviewed the DEIS and have the following comments:

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.

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.

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 believes 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.



Mr. David Coburn, Director  
August 6, 2014  
Page 2

- 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.
- 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).
- 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?

We look forward to continued coordination with the County, its consultants, and the FHWA on this project. If you have any questions on our DEIS comments, please contact Betsy Parmley, Regional Permit Engineer, at (315) 428-4382..

If you have any general questions, please contact John Reichert of my staff at 315-428-4405.

Very truly yours,

MARK FRECHETTE, P.E.  
Director, Planning & Program Management Group

By 

John G. Reichert, P.E.  
Civil Engineer II

From: [flep14@verizon.net](mailto:flep14@verizon.net)  
To: [David.Coburn@ongov.net](mailto:David.Coburn@ongov.net), [tassone@twcny.rr.com](mailto:tassone@twcny.rr.com),  
Date: 08/17/2014 10:55 AM

Subject: Comments on proposed Amphitheater

I read in today's paper that if the proposed amphitheater is build 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 the birds chirping). Many of us would like the 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.

Frank Lepkowski

Liverpool resident

From: mary kuhn <[mtkuhn@gmail.com](mailto:mtkuhn@gmail.com)>  
To: [DavidCoburn@ongov.net](mailto:DavidCoburn@ongov.net),  
Date: 08/17/2014 11:30 AM  
Subject: Amphitheater

Mr. Coburn:

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 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.

Thank you.

Mary Kuhn  
108 Orvilton Drive  
Syracuse, NY 13214



From: <[peterwmichel@gmail.com](mailto:peterwmichel@gmail.com)>  
To: <[DavidCoburn@ongov.net](mailto:DavidCoburn@ongov.net)>, <[joaniemahoney@ongov.net](mailto:joaniemahoney@ongov.net)>, <[OnondagaLakeWestProject@ongov.net](mailto:OnondagaLakeWestProject@ongov.net)>, <[bfmay6@yahoo.com](mailto:bfmay6@yahoo.com)>, <[kevinholmquist@reagan.com](mailto:kevinholmquist@reagan.com)>, <[john@johndougherty.org](mailto:john@johndougherty.org)>, <[pkilmartin@oncountyleg.com](mailto:pkilmartin@oncountyleg.com)>, <[jcor11@twcny.rr.com](mailto:jcor11@twcny.rr.com)>, <[dknappmb@aol.com](mailto:dknappmb@aol.com)>, <[tassone@twcny.rr.com](mailto:tassone@twcny.rr.com)>, <[shepard@twcny.rr.com](mailto:shepard@twcny.rr.com)>, <[RappKathleen5@gmail.com](mailto:RappKathleen5@gmail.com)>, <[cejordan@cnyemail.com](mailto:cejordan@cnyemail.com)>, <[mikeplochocki@hotmail.com](mailto:mikeplochocki@hotmail.com)>, <[jryanmcmahon@gmail.com](mailto:jryanmcmahon@gmail.com)>, <[legislatorliedka@gmail.com](mailto:legislatorliedka@gmail.com)>, <[williamsforleg@yahoo.com](mailto:williamsforleg@yahoo.com)>, <[cjryan1123@yahoo.com](mailto:cjryan1123@yahoo.com)>, <[ervinforcountyleg@gmail.com](mailto:ervinforcountyleg@gmail.com)>, <[peggychase2013@twcny.rr.com](mailto:peggychase2013@twcny.rr.com)>,  
Date: 08/22/2014 04:03 PM  
Subject: Don't Rush the Onondaga Lake Amphitheater

I am writing to express my strong concerns about the adequacy of the Draft Environmental Impact Statement for the Onondaga Lake Amphitheater Project. 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 by the proposed amphitheater project.

Examples of critical issues and the unanswered questions that surround these issues include but are not limited to:

- 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?
- 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?
- 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?

Hence, I urge 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 State Environmental Quality and Review Act (SEQRA).

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.

From: <[rppwrth@verizon.net](mailto:rppwrth@verizon.net)>  
To: <[DavidCoburn@ongov.net](mailto:DavidCoburn@ongov.net)>, <[joaniemahoney@ongov.net](mailto:joaniemahoney@ongov.net)>, <[OnondagaLakeWestProject@ongov.net](mailto:OnondagaLakeWestProject@ongov.net)>, <[bfmay6@yahoo.com](mailto:bfmay6@yahoo.com)>, <[kevinholmquist@reagan.com](mailto:kevinholmquist@reagan.com)>, <[john@johndougherty.org](mailto:john@johndougherty.org)>, <[pkilmartin@oncountyleg.com](mailto:pkilmartin@oncountyleg.com)>, <[jcor11@twcny.rr.com](mailto:jcor11@twcny.rr.com)>, <[dknappmb@aol.com](mailto:dknappmb@aol.com)>, <[tassone@twcny.rr.com](mailto:tassone@twcny.rr.com)>, <[shepard@twcny.rr.com](mailto:shepard@twcny.rr.com)>, <[RappKathleen5@gmail.com](mailto:RappKathleen5@gmail.com)>, <[cejordan@cnyemail.com](mailto:cejordan@cnyemail.com)>, <[mikeplochocki@hotmail.com](mailto:mikeplochocki@hotmail.com)>, <[jryanmcmahon@gmail.com](mailto:jryanmcmahon@gmail.com)>, <[legislatorliedka@gmail.com](mailto:legislatorliedka@gmail.com)>, <[williamsforleg@yahoo.com](mailto:williamsforleg@yahoo.com)>, <[cjryan1123@yahoo.com](mailto:cjryan1123@yahoo.com)>, <[ervinforcountyleg@gmail.com](mailto:ervinforcountyleg@gmail.com)>, <[peggychase2013@twcny.rr.com](mailto:peggychase2013@twcny.rr.com)>,  
Date: 08/22/2014 04:47 PM  
Subject: Don't Rush the Onondaga Lake Amphitheater

Hello: 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 past 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 Waste-Bed 1-8. Moreover, a less intensive thermal treatment (sub-plasma) also is capable of remediating the same waste-bed, as well as other sub-sites, in the Onondaga Lake project.

Robert Papworth  
[rppwrth@verizon.net](mailto:rppwrth@verizon.net)

From: <[bobsnyder\\_86@msn.com](mailto:bobsnyder_86@msn.com)>  
To: <[DavidCoburn@ongov.net](mailto:DavidCoburn@ongov.net)>, <[joaniemahoney@ongov.net](mailto:joaniemahoney@ongov.net)>, <[OnondagaLakeWestProject@ongov.net](mailto:OnondagaLakeWestProject@ongov.net)>, <[bfmay6@yahoo.com](mailto:bfmay6@yahoo.com)>, <[kevinholmquist@reagan.com](mailto:kevinholmquist@reagan.com)>, <[john@johndougherty.org](mailto:john@johndougherty.org)>, <[pkilmartin@oncountyleg.com](mailto:pkilmartin@oncountyleg.com)>, <[jcor11@twcny.rr.com](mailto:jcor11@twcny.rr.com)>, <[dknappmb@aol.com](mailto:dknappmb@aol.com)>, <[tassone@twcny.rr.com](mailto:tassone@twcny.rr.com)>, <[shepard@twcny.rr.com](mailto:shepard@twcny.rr.com)>, <[RappKathleen5@gmail.com](mailto:RappKathleen5@gmail.com)>, <[cejordan@cnyemail.com](mailto:cejordan@cnyemail.com)>, <[mikeplochocki@hotmail.com](mailto:mikeplochocki@hotmail.com)>, <[jryanmcmahon@gmail.com](mailto:jryanmcmahon@gmail.com)>, <[legislatorliedka@gmail.com](mailto:legislatorliedka@gmail.com)>, <[williamsforleg@yahoo.com](mailto:williamsforleg@yahoo.com)>, <[cjryan1123@yahoo.com](mailto:cjryan1123@yahoo.com)>, <[erwinforcountyleg@gmail.com](mailto:erwinforcountyleg@gmail.com)>, <[peggychase2013@twcny.rr.com](mailto:peggychase2013@twcny.rr.com)>,  
Date: 08/22/2014 07:30 PM  
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Examples of critical issues and the unanswered questions that surround these issues include but are not limited to:

- 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?
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- 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?

Hence, I urge 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 State Environmental Quality and Review Act (SEQRA).

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.

From: <[Rtoad21@aol.com](mailto:Rtoad21@aol.com)>  
To: <[DavidCoburn@ongov.net](mailto:DavidCoburn@ongov.net)>, <[joaniemahoney@ongov.net](mailto:joaniemahoney@ongov.net)>, <[OnondagaLakeWestProject@ongov.net](mailto:OnondagaLakeWestProject@ongov.net)>, <[bfmay6@yahoo.com](mailto:bfmay6@yahoo.com)>, <[kevinholmquist@reagan.com](mailto:kevinholmquist@reagan.com)>, <[john@johndougherty.org](mailto:john@johndougherty.org)>, <[pkilmartin@oncountyleg.com](mailto:pkilmartin@oncountyleg.com)>, <[jcor11@twcny.rr.com](mailto:jcor11@twcny.rr.com)>, <[dknappmb@aol.com](mailto:dknappmb@aol.com)>, <[tassone@twcny.rr.com](mailto:tassone@twcny.rr.com)>, <[shepard@twcny.rr.com](mailto:shepard@twcny.rr.com)>, <[RappKathleen5@gmail.com](mailto:RappKathleen5@gmail.com)>, <[cejordan@cnyemail.com](mailto:cejordan@cnyemail.com)>, <[mikeplochocki@hotmail.com](mailto:mikeplochocki@hotmail.com)>, <[jryanmcmahon@gmail.com](mailto:jryanmcmahon@gmail.com)>, <[legislatorliedka@gmail.com](mailto:legislatorliedka@gmail.com)>, <[williamsforleg@yahoo.com](mailto:williamsforleg@yahoo.com)>, <[cjryan1123@yahoo.com](mailto:cjryan1123@yahoo.com)>, <[erwinforcountyleg@gmail.com](mailto:erwinforcountyleg@gmail.com)>, <[peggychase2013@twcny.rr.com](mailto:peggychase2013@twcny.rr.com)>,  
Date: 08/22/2014 08:21 PM  
Subject: Don't Rush the Onondaga Lake Amphitheater

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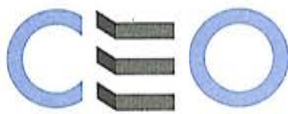
From: Robert Simpson <[rsimpson@centerstateceo.com](mailto:rsimpson@centerstateceo.com)>  
To: "[joaniemahoney@ongov.net](mailto:joaniemahoney@ongov.net)" <[joaniemahoney@ongov.net](mailto:joaniemahoney@ongov.net)>,  
Cc: "'[BillFisher@ongov.net](mailto:BillFisher@ongov.net)' ([BillFisher@ongov.net](mailto:BillFisher@ongov.net))"  
<[BillFisher@ongov.net](mailto:BillFisher@ongov.net)>, "[davidcoburn@ongov.net](mailto:davidcoburn@ongov.net)"  
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Date: 08/26/2014 12:47 PM  
Subject: CenterStateCEO Comments on Lakeview Amphitheater  
Sent by: Lisa Sculley <[lsculley@centerstateceo.com](mailto:lsculley@centerstateceo.com)>

Please see attached letter from Rob Simpson. Thank you.

Lisa Sculley  
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(See attached file: CenterState CEO Comments on Lakeview Amphitheater.pdf)





**CENTERSTATE  
CORPORATION FOR  
ECONOMIC OPPORTUNITY**

August 25, 2014

Joanne M. Mahoney  
Onondaga County Executive  
John H. Mulroy Civic Center, 14<sup>th</sup> Floor  
421 Montgomery Street  
Syracuse, NY 13202

Re: Comments on the proposed Lakeview Amphitheater Facility

Dear County Executive Mahoney:

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 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.

As you know, 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 and its shoreline. 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.

Furthermore, 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.

At the same time, 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.

Like all investments of significance, there are real and perceived risks and challenges that must be addressed. We support the ongoing public scoping process for this facility, as well as a thorough environmental impact analysis to answer concerns related to the location of the facility on the waste beds and the health of users of the facility. We also recommend and support a competitive analysis to

LEADING BUSINESS AND ECONOMIC GROWTH IN CENTERSTATE NEW YORK

determine how this 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. The Amphitheater should also 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, 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 Facility only stands to further enhance these existing benefits. As the region's economic development leadership organization, CenterState CEO encourages the County of Onondaga to continue its forward movement with this endeavor, with a shared goal of achieving the continued rebirth of Onondaga Lake.

Sincerely,



Robert M. Simpson  
President

From: Alma Lowry <[alma.lowry@gmail.com](mailto:alma.lowry@gmail.com)>  
To: [DavidCoburn@ongov.net](mailto:DavidCoburn@ongov.net),  
Date: 08/25/2014 08:15 PM  
Subject: Nation Comments on DEIS

Dear Dave:

Attached are comments filed on behalf of the Onondaga Nation on the Draft Environmental Impact Statement for the proposed amphitheater project. A hard copy will follow.

Please let me know if you have any questions.

Alma Lowry  
(See attached file: Onondaga Nation Comments on Amphitheater DEIS.pdf)

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August 25, 2014

**VIA ELECTRONIC and FIRST CLASS MAIL**

David Coburn, Director  
Onondaga County Office of the Environment  
John H. Mulroy Civic Center, 14<sup>th</sup> Floor  
421 Montgomery Street  
Syracuse, NY 13202

**Re: DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE  
LAKEVIEW AMPHITHEATER PROJECT ON WASTEBEDS**

Dear Mr. Coburn:

On behalf of the Onondaga Nation (“the Nation”), I am submitting the following comments on the Draft Environmental Impact Statement (DEIS) for the proposed Lakeview Amphitheater Project. The Onondaga Nation is the Firekeeper or central council fire of the Haudenosaunee, which is composed of the Mohawk, Oneida, Onondaga, Cayuga, Seneca, and Tuscarora Nations. From colonial times to the present, the Nation has maintained a government-to-government relationship with New York State and related local governments and submits these comments in that capacity and not as a member of the general public.

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 the Haudenosaunee have an obligation to care for the lands 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.

Towards that end, 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 shore of the Lake and preclude additional remediation. In addition, there are serious flaws with the DEIS itself and with the limited opportunities being provided by the County for public deliberation regarding this proposal.

Under the State Environmental Quality Review Act (SEQRA), an Environmental Impact Statement (EIS) must be prepared for any state action that “may have a significant impact on the environment. E.C.L. § 8-0109(2). SEQRA defines “environment” broadly as “the physical conditions which will be affected by a proposed action, including land, air, water, minerals, flora, fauna, noise, objects of historic or aesthetic significance, existing patterns of population concentration, distribution, or growth, and existing community or neighborhood character.” E.C.L. § 8-0105(6). The purpose of SEQRA review is to ensure that the environmental impacts of state actions are identified early and mitigated or avoided to the extent possible. *Jackson v. New York State Development Corp.*, 67 N.Y.2d 400, 414-15, 503 N.Y.S.2d 298, 303 (Ct. App. 1986).

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. *Jackson*, 67 N.Y.2d at 417, N.Y.S.2d at 305. 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. *Id.*

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 the this DEIS will allow the County to provide a “reasoned elaboration” of its decision on this project.

#### **I. The DEIS Does Not Evaluate Potential Adverse Impacts on Wildlife or Habitat.**

The western shore of Onondaga Lake provides a rare wildlife resource – undeveloped, ungroomed natural area along an urban lake shore. The proposed Lakeview

Amphitheater project 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.

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.

Perhaps most importantly, 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 on a regular basis throughout the summer could well drive American bitterns and other and other sensitive birds and wildlife away.

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.

Further, 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.

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.

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.

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 SEQRA 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 sitings 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, yellow-bellied flycatchers and Arcadian flycatchers, on or near the wastebeds. The DEIS does not account for these more recent and more site-specific studies and sitings.

In short, 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.

## **II. The DEIS Fails to Consider Potential Health and Safety Impacts of the Project.**

The County fails to properly characterize the health and safety risks presented by its proposed use of this site. In particular, the DEIS does not acknowledge the range of



industrial wastes dumped at the site, the level or type of contaminants present, or the distribution of those contaminants. In addition, it relies on an incomplete Human Health Risk Assessment (HHRA) and an undeveloped remediation plan to assure visitor safety from contaminants. Additional assessment is required to fully characterize potential health and safety risks of the proposed use.

First, 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, ethylbenzene, 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.

The DEIS insists that these contaminants are of no concern, relying on an HHRA generated by EPA and a remediation plan for the site that has yet to be developed. However, the HHRA is inadequate for several reasons and reliance on an undeveloped remediation plan is inappropriate.

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.

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.

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.

Finally, 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 SEQRA.

As a result of these failures, neither the public nor the County can be assured that human health and safety issues related to the contamination site will be appropriately managed. The County should amend these sections of the DEIS to provide more details about contaminant levels on site and should wait for specific remediation plans to allow development of appropriate and specific mitigation proposals.

### **III. The Noise Analysis is the DEIS is Inadequate.**

The DEIS provides a minimal assessment of the potential noise generated by the project, ignoring several relevant factors, and essentially punts the issue of mitigation. 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, this 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 make 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](http://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](http://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.

Given the brevity and inadequacy of the noise impact “study” in the DEIS, it 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.

Despite this minimal analysis, 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 unmitigable 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.

#### **IV. The DEIS Fails to Acknowledge the Unmitigable Traffic Impacts Created by the Project.**

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. 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.

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.

Beyond ignoring the failure of its proposed mitigation measures, the DEIS assumes that concerts will occur on weekends without any data or evidence in support. It fails to consider the potential cumulative impacts of events that might be scheduled during the State Fair. Further, as noted in Section VI below, it fails to consider the air

quality impacts of the idling traffic generated by long wait times to enter the project site during large events.

## **VI. The DEIS Fails to Properly Evaluate Air and Water Impacts.**

The DEIS includes sections on air and water quality impacts of project construction and operation. However, as with many other portions of the analysis, these sections are incomplete and inappropriately rely on future planning documents to assess impacts and ensure that adequate mitigation is undertaken.

With respect to air quality impacts, 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. 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. In addition, 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.

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. 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, like the remediation plan discussed in Section II above, is required by law. SEQRA demands more than a simple assertion that a project will comply

with environmental laws, which is a minimal presumption for all projects. SEQRA requires actual assessment of the environmental impacts that may be generated despite compliance with environmental law.

## **VII. The DEIS Fails to Consider Project Impacts on Community Resources.**

The DEIS asserts that there will be no significant or unmanageable impacts on public services or utilities. However, these assessments are not fully justified and are frequently based on questionable assumptions.

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 BalloonFest or JazzFest, and an on-going summer concert schedule or the potentially differing needs of day-time, family-focused events and night-time, 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.

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.

### **VIII. The Project is Not Compatible with Community Preferences for or Public Commitments to Increased Public Access to the Lakeshore.**

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 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.

In addition, 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.

#### **IX. The DEIS Does Not Consider a Reasonable Range of Alternatives.**

In addition to defining a project's environmental impacts and evaluating potential mitigation, SEQRA 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 SEQRA review.

SEQRA requires that a "reasonable consideration of alternatives" be included in any Environmental Impact statement. *County of Orange v. Village of Kiryas Joel*, 44 A.D. 2d 765, 769 (2d Dept. 2007). Although this analysis need not include every potential alternatives, *id.*, the EIS must include a "reasonable range" of alternatives, *Halperin v. City of New Rochelle*, 24 A.D. 3d 768, 777 (2d Dept. 2005), that would achieve "the same or similar objectives" as the preferred alternative, *Sun Co., Inc. v. City of Syracuse Indus. Development Agency*, 209 A.D.2d 34, 50, (4<sup>th</sup> Dept. 1995).

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 SEQRA. *See Sun, Co., Inc.*, 209 A.D.2d at 50.

Specifically, 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 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.

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 SEQRA 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 include 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.

Finally, 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.

## **X. The DEIS Improperly Defers Analysis of Specific Environmental Impacts and Potential Mitigation Measures.**

As noted within several of the sections above, 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 SEQRA. 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. The Site Management Plan is expected to set out mitigation for construction-related impacts, including dust control, worker safety, air quality monitoring and management of erosion and run-off to protect water quality, as well as methods for managing erosion and run-off related to intensive site use to protect fragile areas and prevent exposing visitors to contaminants.

A more detailed site and landscape design plan is expected to detail the best management practices, design elements and wayfinding tools that will direct visitors to appropriate areas of the site, both to protect sensitive natural areas and to preserve any remediation-related site covers. Presumably, this plan will also identify those sensitive areas to be avoided. Specific noise mitigation measures are to be developed on an ad hoc basis in the future. Potential human health and environmental risks to be mitigated through a yet-to-be-developed remedial action plan. A detailed construction plan will identify the specific measures needed to support project-related facilities given the unstable and corrosive nature of Solvay Wastes. The presence of an endangered plant species may be revealed in a future site survey. 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 SEQRA 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 SEQRA 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.

#### **XI. The DEIS Fails to Consider Impacts on the Nation’s Culture.**

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.

Additionally, 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.

## **XII. The County Does Not Have Sufficient Information on the Potential Economic and Social Benefits of the Project or on Project Costs.**

The DEIS recognizes that this project will result in environmental losses and unmitigable environmental impacts. In particular, the project will result in the loss of 70 acres of previously undeveloped habitat and unavoidable impacts on adjacent wildlife. For larger concerts, noise impacts on adjacent residential communities are described as inevitable and no adequate mitigation has been found for identified traffic delays. Despite assertions that the DEIS is the "primary means by which the potential costs and benefits of the Project are described and weighed" (DEIS, p. 136-137), the County has failed to provide any assessment, quantification, or even discussion of the economic or social benefits of this project.

SEQRA 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 SEQRA 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 amphitheatres 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.

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.

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.

Without this information, it is difficult to imagine that County can fulfill its SEQRA obligation to “weigh and balance relevant environmental impacts with social, economic and other considerations,” 6 N.Y.C.R.R. 617.11(d); *Town of Amsterdam v.*

*Amsterdam Indus. Development Agency*, 95 A.D.3d 1539, 1544 (3d Dept. 2012), and provide a “reasoned elaboration” of the basis for its final decision, *Id.*, at 1544. The DEIS should be amended to include an assessment of the likely economic benefits of this project, both in general and for Solvay and surrounding communities in particular, and any other social benefits expected.

### **XIII. The County Has Provided Inadequate Opportunity for Public Review of and Comment on the DEIS.**

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.

### **CONCLUSION**

For all these reasons, the DEIS does not meet the minimum requirement of SEQRA. The County should 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 alternatives analysis.

Sincerely,

*Joseph J. Heath*

Joseph J. Heath

cc: Onondaga Nation Council of Chiefs  
Onondaga County Legislators  
EPA Region 2  
DEC Region 7  
Gov. Andrew Cuomo



From: "L. Withers" <[lwithers@twcny.rr.com](mailto:lwithers@twcny.rr.com)>  
To: [DavidCoburn@ongov.net](mailto:DavidCoburn@ongov.net),  
Cc: [jryanmcmahon@gmail.com](mailto:jryanmcmahon@gmail.com)  
Date: 08/27/2014 04:56 PM  
Subject: Amphitheater DEIS Public Hearing Comments

David,  
Attached, please find a copy of my comments from the August 26 Public Hearing on the DEIS for the proposed Lakeview Amphitheater.  
Thank you,  
Lloyd Withers  
Onondaga Shoreline  
(315) 243-9118(See attached file: Amptitheater Public Hearing 8.doc)

Amphitheater Public Hearing 8/26/2014

Lloyd M. Withers, Onondaga Shoreline

Thank you for extending the public comment period for this draft environmental impact statement. I was not able to attend the first hearing and am glad to have this opportunity to share some thoughts with you. I have met with some of you about this plan, and appreciate those of you who took the time to understand these concerns.

My name is Lloyd Withers and I started a group that advocates for a civic improvement project called; Onondaga Shoreline. Our mission is the return of a parcel of clean land around Onondaga Lake to the Onondaga Nation. I'll speak more about that later.

The proposed wastebed amphitheater's draft environmental impact statement has many shortcomings. You know about the health risks and added expenses associated with building on the Solvay Wastebeds and Crucible Landfill- and 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, Solvay, or the Town of Geddes. And the risks associated with this project are real and are deserving of full disclosure.

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 amphitheaters. 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?

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.

This DEIS fails to address many other aspects of the noise issue. It does not account for noise traveling over water better than it does over land. It fails to address low frequency sound waves, those bass tones that cause people to call their local representatives to complain, and it fails to even describe how extreme levels of noise from the amphitheater will adversely effect the lake's wildlife populations. The noise problem that will be

created for the residents of Lakeland and Liverpool is addressed by suggesting you warn them of any upcoming shows.

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?

There are also some lesser known aspects of this project.

I last spoke to the legislature in 2011, through Onondaga Shoreline's efforts to convince you of the importance of doing the right thing and helping to correct an historic wrong. It was then, that 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.

One year later, this 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” while ignoring this body’s formal recognition of Onondaga Lake as a sacred site.

I would ask you to consider the answer to this question; “If your word to our neighbors means nothing, or 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?”

The amphitheater is being planned for the wrong place and for the wrong reasons. Please consider a more suitable location.

Thank you.

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From: Peter Michel <[peterwmichel@gmail.com](mailto:peterwmichel@gmail.com)>  
To: [DavidCoburn@ongov.net](mailto:DavidCoburn@ongov.net),  
Cc: [kevinholmquist@reagan.com](mailto:kevinholmquist@reagan.com)  
Date: 08/27/2014 05:56 PM  
Subject: The Amphitheater Plan

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.

Thank you.

Peter W. Michel, Sculptor  
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From: WENDY YOST <[wyost@verizon.net](mailto:wyost@verizon.net)>  
To: "[DavidCoburn@ongov.net](mailto:DavidCoburn@ongov.net)" <[DavidCoburn@ongov.net](mailto:DavidCoburn@ongov.net)>,  
Date: 08/27/2014 06:59 PM  
Subject: Amphitheater

I am writing to express my opposition to building an amphitheater on the Onondaga Lake Waste bed.

First, there are many environmental concerns about covering over instead of cleaning up the waste. I want the county to continue maximizing resources for cleaning up the lake and its surroundings and avoid further exposure to toxins.

2nd, I want the Lake to be restored to a natural area that supports wildlife

3rd, I don't believe there is any good evidence that this area can support another entertainment venue and am concerned that this venture will be a financial liability to the county.

4th. I believe there are other pressing needs to which \$30 million dollars of tax payer funds could be directed.

Wendy Yost  
822 Glenwood Ave.  
Syracuse, New York



From: Buddy <[Buddy1941@hotmail.com](mailto:Buddy1941@hotmail.com)>  
To: [DavidCoburn@ongov.net](mailto:DavidCoburn@ongov.net),  
Date: 08/27/2014 08:22 PM  
Subject:Amphitheater

Why would government, state & local, waste their citizens money on something they don't need and expose them and their family to an acceptable (?) level of toxic exposure? How little they must care for what their citizens think!

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[peggychase2013@twcny.rr.com](mailto:peggychase2013@twcny.rr.com),  
Date: 08/28/2014 02:10 PM  
Subject: Amphitheater Comments

I very much appreciated the Legislature's decision to extend the comment period, and I welcomed the opportunity to present more on the relationship of SEQRA to the EIS and site approval responsibilities of the Legislature as lead agency. I remain concerned that there are a number of significant issues with this proposed project that have not been addressed by the proponents and designers. Speakers pointed out Tuesday evening the importance of following the SEQRA guidelines properly, and one pointed out that failure to do so could result in an Article 78 suit being filed.

I have seen the letter submitted by Attorney Joe Heath to the county through Mr. Coburn. I believe that the letter is on target in detailing the many concerns a lot of people have with the county's proposal and urge that 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.

I could write a great deal on many of the points made in Attorney Heath's letter but see no reason to recreate what has already been done so well. Rather I will simply point out that 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. I feel strongly that the Legislature needs to ask its questions (and the questions that have been put forth by the public) directly of the engineers, architects, traffic experts, and others who are in the process of designing the amphitheater.

In hopes that it is of some use, I will close with the remarks I made Tuesday evening at the hearing:

As Lead Agency under SEQRA you are collectively filling the role of a planning board, albeit a really large planning board. SEQRA 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. You need to understand that as lead agency you are not limited to saying "yes" or "no." In fact, as Mr.

Holmquist put it so well, you do 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.

Those questions certainly should include many of the items being raised by the public -- alternative locations, physical dimensions, traffic concerns, environmental issues like noise, light and all items that could affect public health and safety. Protecting health and safety is a prime obligation of a lead agency, and the issue raised in the article in the Post-Standard Sunday 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. I am asking you to take your responsibilities as lead agency seriously and do the job SEQRA requires, and please consider costs and potential environmental losses and problems versus social benefits claimed by the proponents of the proposal.

If you eventually reach the point of moving on to funding issues, I hope you will demand some studies that would indicate that the project will operate at least at a break even and will not require taxpayers to make up deficits.

Thank you.

Hugh Kimball

From: <[bpsmith1420@gmail.com](mailto:bpsmith1420@gmail.com)>  
To: <[DavidCoburn@ongov.net](mailto:DavidCoburn@ongov.net)>, <[joaniemahoney@ongov.net](mailto:joaniemahoney@ongov.net)>, <[OnondagaLakeWestProject@ongov.net](mailto:OnondagaLakeWestProject@ongov.net)>, <[bfmay6@yahoo.com](mailto:bfmay6@yahoo.com)>, <[kevinholmquist@reagan.com](mailto:kevinholmquist@reagan.com)>, <[john@johndougherty.org](mailto:john@johndougherty.org)>, <[pkilmartin@oncountyleg.com](mailto:pkilmartin@oncountyleg.com)>, <[jcorl1@twcny.rr.com](mailto:jcorl1@twcny.rr.com)>, <[dknappmb@aol.com](mailto:dknappmb@aol.com)>, <[tassone@twcny.rr.com](mailto:tassone@twcny.rr.com)>, <[shepard@twcny.rr.com](mailto:shepard@twcny.rr.com)>, <[RappKathleen5@gmail.com](mailto:RappKathleen5@gmail.com)>, <[cejordan@cnyemail.com](mailto:cejordan@cnyemail.com)>, <[mikeplochocki@hotmail.com](mailto:mikeplochocki@hotmail.com)>, <[jryanmcmahon@gmail.com](mailto:jryanmcmahon@gmail.com)>, <[legislatorliedka@gmail.com](mailto:legislatorliedka@gmail.com)>, <[williamsforleg@yahoo.com](mailto:williamsforleg@yahoo.com)>, <[cjryan1123@yahoo.com](mailto:cjryan1123@yahoo.com)>, <[ervinforcountyleg@gmail.com](mailto:ervinforcountyleg@gmail.com)>, <[peggychase2013@twcny.rr.com](mailto:peggychase2013@twcny.rr.com)>,  
Date: 08/28/2014 04:04 PM  
Subject: Don't Rush the Onondaga Lake Amphitheater

I am writing to express my strong concerns about the adequacy of the Draft Environmental Impact Statement for the Onondaga Lake Amphitheater Project.

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 by the proposed amphitheater project.

Examples of critical issues and the unanswered questions that surround these issues include but are not limited to:

- 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?

- 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?

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Brian Smith  
227 McConkey Drive  
Tonawanda, NY 14223

From: Linda DeStefano <[ldestefano3@twcnny.rr.com](mailto:ldestefano3@twcnny.rr.com)>  
To: [DavidCoburn@ongov.net](mailto:DavidCoburn@ongov.net),  
Cc: Ryan McMahon <[jryanmcmahon@gmail.com](mailto:jryanmcmahon@gmail.com)>, [mikeplochocki@hotmail.com](mailto:mikeplochocki@hotmail.com), Patrick kilmartin <[pkilmartin@oncountyleg.com](mailto:pkilmartin@oncountyleg.com)>, [lesleydublin@ongov.net](mailto:lesleydublin@ongov.net), [mayor@ci.syracuse.ny.us](mailto:mayor@ci.syracuse.ny.us)  
Date: 08/29/2014 03:10 PM  
Subject:comment on proposed amphitheater

Hi, Dave!

I read the original scoping document (sent with minutes from the Environmental Protection committee, as I recall) and comments from various sources. I'll limit my comment to my primary concern, which 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. I also would 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.

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.

Another aspect is to consider the impact on downtown. I think 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.

Linda A. DeStefano  
5031 Onondaga Rd.  
Syracuse 13215-1403

From: <[Caleb\\_M\\_Laieski@yahoo.com](mailto:Caleb_M_Laieski@yahoo.com)>  
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Date: 08/29/2014 03:55 PM  
Subject: Don't Rush the Onondaga Lake Amphitheater

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From: Sandra Gowing <[sandra4830@yahoo.com](mailto:sandra4830@yahoo.com)>  
To: "[DavidCoburn@ongov.net](mailto:DavidCoburn@ongov.net)" <[DavidCoburn@ongov.net](mailto:DavidCoburn@ongov.net)>,  
Date: 09/01/2014 01:51 PM  
Subject: Amphitheater

I am writing to express my objection to the proposed amphitheater. 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. I feel 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. Putting this aside, do we really need another arena? I don't believe anyone 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, I believe concert goers will simply get on Rt690 and the Thruway and leave the area. 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. 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.

Sandra Gowing, Syracuse

From: <[thelink\\_mville@yahoo.com](mailto:thelink_mville@yahoo.com)>  
To: <[DavidCoburn@ongov.net](mailto:DavidCoburn@ongov.net)>, <[joaniemahoney@ongov.net](mailto:joaniemahoney@ongov.net)>, <[OnondagaLakeWestProject@ongov.net](mailto:OnondagaLakeWestProject@ongov.net)>, <[bfmay6@yahoo.com](mailto:bfmay6@yahoo.com)>, <[kevinholmquist@reagan.com](mailto:kevinholmquist@reagan.com)>, <[john@johndougherty.org](mailto:john@johndougherty.org)>, <[pkilmartin@oncountyleg.com](mailto:pkilmartin@oncountyleg.com)>, <[jcorl1@twcny.rr.com](mailto:jcorl1@twcny.rr.com)>, <[dknappmb@aol.com](mailto:dknappmb@aol.com)>, <[tassone@twcny.rr.com](mailto:tassone@twcny.rr.com)>, <[shepard@twcny.rr.com](mailto:shepard@twcny.rr.com)>, <[RappKathleen5@gmail.com](mailto:RappKathleen5@gmail.com)>, <[cejordan@cnyemail.com](mailto:cejordan@cnyemail.com)>, <[mikeplochocki@hotmail.com](mailto:mikeplochocki@hotmail.com)>, <[jryanmcmahon@gmail.com](mailto:jryanmcmahon@gmail.com)>, <[legislatorliedka@gmail.com](mailto:legislatorliedka@gmail.com)>, <[williamsforleg@yahoo.com](mailto:williamsforleg@yahoo.com)>, <[cjryan1123@yahoo.com](mailto:cjryan1123@yahoo.com)>, <[ervinforcountyleg@gmail.com](mailto:ervinforcountyleg@gmail.com)>, <[peggychase2013@twcny.rr.com](mailto:peggychase2013@twcny.rr.com)>,  
Date: 09/02/2014 09:07 PM  
Subject: Don't Rush the Onondaga Lake Amphitheater

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From: <[hareld@sisna.com](mailto:hareld@sisna.com)>  
To: <[DavidCoburn@ongov.net](mailto:DavidCoburn@ongov.net)>, <[joaniemahoney@ongov.net](mailto:joaniemahoney@ongov.net)>, <[OnondagaLakeWestProject@ongov.net](mailto:OnondagaLakeWestProject@ongov.net)>, <[bfmay6@yahoo.com](mailto:bfmay6@yahoo.com)>, <[kevinholmquist@reagan.com](mailto:kevinholmquist@reagan.com)>, <[john@johndougherty.org](mailto:john@johndougherty.org)>, <[pkilmartin@oncountyleg.com](mailto:pkilmartin@oncountyleg.com)>, <[jcorl1@twcny.rr.com](mailto:jcorl1@twcny.rr.com)>, <[dknappmb@aol.com](mailto:dknappmb@aol.com)>, <[tassone@twcny.rr.com](mailto:tassone@twcny.rr.com)>, <[shepard@twcny.rr.com](mailto:shepard@twcny.rr.com)>, <[RappKathleen5@gmail.com](mailto:RappKathleen5@gmail.com)>, <[cejordan@cnyemail.com](mailto:cejordan@cnyemail.com)>, <[mikeplochocki@hotmail.com](mailto:mikeplochocki@hotmail.com)>, <[jryanmcmahon@gmail.com](mailto:jryanmcmahon@gmail.com)>, <[legislatorliedka@gmail.com](mailto:legislatorliedka@gmail.com)>, <[williamsforleg@yahoo.com](mailto:williamsforleg@yahoo.com)>, <[cjryan1123@yahoo.com](mailto:cjryan1123@yahoo.com)>, <[ervinforcountyleg@gmail.com](mailto:ervinforcountyleg@gmail.com)>, <[peggychase2013@twcny.rr.com](mailto:peggychase2013@twcny.rr.com)>,  
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From: <[hillside53@verizon.net](mailto:hillside53@verizon.net)>  
To: <[DavidCoburn@ongov.net](mailto:DavidCoburn@ongov.net)>, <[joaniemahoney@ongov.net](mailto:joaniemahoney@ongov.net)>, <[OnondagaLakeWestProject@ongov.net](mailto:OnondagaLakeWestProject@ongov.net)>, <[bfmay6@yahoo.com](mailto:bfmay6@yahoo.com)>, <[kevinholmquist@reagan.com](mailto:kevinholmquist@reagan.com)>, <[john@johndougherty.org](mailto:john@johndougherty.org)>, <[pkilmartin@oncountyleg.com](mailto:pkilmartin@oncountyleg.com)>, <[jcorl1@twcny.rr.com](mailto:jcorl1@twcny.rr.com)>, <[dknappmb@aol.com](mailto:dknappmb@aol.com)>, <[tassone@twcny.rr.com](mailto:tassone@twcny.rr.com)>, <[shepard@twcny.rr.com](mailto:shepard@twcny.rr.com)>, <[RappKathleen5@gmail.com](mailto:RappKathleen5@gmail.com)>, <[cejordan@cnyemail.com](mailto:cejordan@cnyemail.com)>, <[mikeplochocki@hotmail.com](mailto:mikeplochocki@hotmail.com)>, <[jryanmcmahon@gmail.com](mailto:jryanmcmahon@gmail.com)>, <[legislatorliedka@gmail.com](mailto:legislatorliedka@gmail.com)>, <[williamsforleg@yahoo.com](mailto:williamsforleg@yahoo.com)>, <[cjryan1123@yahoo.com](mailto:cjryan1123@yahoo.com)>, <[ervinforcountyleg@gmail.com](mailto:ervinforcountyleg@gmail.com)>, <[peggychase2013@twcny.rr.com](mailto:peggychase2013@twcny.rr.com)>,  
Date: 09/03/2014 06:59 AM  
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To: <[DavidCoburn@ongov.net](mailto:DavidCoburn@ongov.net)>, <[joaniemahoney@ongov.net](mailto:joaniemahoney@ongov.net)>, <[OnondagaLakeWestProject@ongov.net](mailto:OnondagaLakeWestProject@ongov.net)>, <[bfmay6@yahoo.com](mailto:bfmay6@yahoo.com)>, <[kevinholmquist@reagan.com](mailto:kevinholmquist@reagan.com)>, <[john@johndougherty.org](mailto:john@johndougherty.org)>, <[pkilmartin@oncountyleg.com](mailto:pkilmartin@oncountyleg.com)>, <[jcorl1@twcny.rr.com](mailto:jcorl1@twcny.rr.com)>, <[dknappmb@aol.com](mailto:dknappmb@aol.com)>, <[tassone@twcny.rr.com](mailto:tassone@twcny.rr.com)>, <[shepard@twcny.rr.com](mailto:shepard@twcny.rr.com)>, <[RappKathleen5@gmail.com](mailto:RappKathleen5@gmail.com)>, <[cejordan@cnyemail.com](mailto:cejordan@cnyemail.com)>, <[mikeplochocki@hotmail.com](mailto:mikeplochocki@hotmail.com)>, <[jryanmcmahon@gmail.com](mailto:jryanmcmahon@gmail.com)>, <[legislatorliedka@gmail.com](mailto:legislatorliedka@gmail.com)>, <[williamsforleg@yahoo.com](mailto:williamsforleg@yahoo.com)>, <[cjryan1123@yahoo.com](mailto:cjryan1123@yahoo.com)>, <[ervinforcountyleg@gmail.com](mailto:ervinforcountyleg@gmail.com)>, <[peggychase2013@twcny.rr.com](mailto:peggychase2013@twcny.rr.com)>,  
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To: <[DavidCoburn@ongov.net](mailto:DavidCoburn@ongov.net)>, <[joaniemahoney@ongov.net](mailto:joaniemahoney@ongov.net)>, <[OnondagaLakeWestProject@ongov.net](mailto:OnondagaLakeWestProject@ongov.net)>, <[bfmay6@yahoo.com](mailto:bfmay6@yahoo.com)>, <[kevinholmquist@reagan.com](mailto:kevinholmquist@reagan.com)>, <[john@johndougherty.org](mailto:john@johndougherty.org)>, <[pkilmartin@oncountyleg.com](mailto:pkilmartin@oncountyleg.com)>, <[jcorl1@twcny.rr.com](mailto:jcorl1@twcny.rr.com)>, <[dknappmb@aol.com](mailto:dknappmb@aol.com)>, <[tassone@twcny.rr.com](mailto:tassone@twcny.rr.com)>, <[shepard@twcny.rr.com](mailto:shepard@twcny.rr.com)>, <[RappKathleen5@gmail.com](mailto:RappKathleen5@gmail.com)>, <[cejordan@cnyemail.com](mailto:cejordan@cnyemail.com)>, <[mikeplochocki@hotmail.com](mailto:mikeplochocki@hotmail.com)>, <[jryanmcmahon@gmail.com](mailto:jryanmcmahon@gmail.com)>, <[legislatorliedka@gmail.com](mailto:legislatorliedka@gmail.com)>, <[williamsforleg@yahoo.com](mailto:williamsforleg@yahoo.com)>, <[cjryan1123@yahoo.com](mailto:cjryan1123@yahoo.com)>, <[ervinforcountyleg@gmail.com](mailto:ervinforcountyleg@gmail.com)>, <[peggychase2013@twcny.rr.com](mailto:peggychase2013@twcny.rr.com)>,  
Date: 09/03/2014 08:09 AM  
Subject: Don't Rush the Onondaga Lake Amphitheater

I am writing to express my strong concerns about the adequacy of the Draft Environmental Impact Statement for the Onondaga Lake Amphitheater Project. 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 by the proposed amphitheater project.

Examples of critical issues and the unanswered questions that surround these issues include but are not limited to:

- 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?
- 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?
- 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?

Hence, I urge 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 State Environmental Quality and Review Act (SEQRA).

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.

From: Bonnie Hazel Shoultz <[bshoultz@syr.edu](mailto:bshoultz@syr.edu)>  
To: "[DavidCoburn@ongov.net](mailto:DavidCoburn@ongov.net)" <[DavidCoburn@ongov.net](mailto:DavidCoburn@ongov.net)>,  
Date: 09/03/2014 08:44 AM  
Subject: Amphitheater

Dear Decision-makers,

I support a full clean-up of Onondaga Lake and its shores, and therefore urge you not to agree to the Amphitheater Project.

I am concerned about the economic impact, the environmental issues involved, the traffic issues (if the Amphitheater does become a popular destination, which is in question), and the effects on human and wildlife health and safety. In addition, I feel that 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, not as a commercial venture that will drain tax dollars.

Sincerely,  
Bonnie Shoultz  
276 W. Seneca Turnpike  
Syracuse 13207

From: <[sicilia.sheila@gmail.com](mailto:sicilia.sheila@gmail.com)>  
To: <[DavidCoburn@ongov.net](mailto:DavidCoburn@ongov.net)>, <[joaniemahoney@ongov.net](mailto:joaniemahoney@ongov.net)>, <[OnondagaLakeWestProject@ongov.net](mailto:OnondagaLakeWestProject@ongov.net)>, <[bfmay6@yahoo.com](mailto:bfmay6@yahoo.com)>, <[kevinholmquist@reagan.com](mailto:kevinholmquist@reagan.com)>, <[john@johndougherty.org](mailto:john@johndougherty.org)>, <[pkilmartin@oncountyleg.com](mailto:pkilmartin@oncountyleg.com)>, <[jcorl1@twcny.rr.com](mailto:jcorl1@twcny.rr.com)>, <[dknappmb@aol.com](mailto:dknappmb@aol.com)>, <[tassone@twcny.rr.com](mailto:tassone@twcny.rr.com)>, <[shepard@twcny.rr.com](mailto:shepard@twcny.rr.com)>, <[RappKathleen5@gmail.com](mailto:RappKathleen5@gmail.com)>, <[cejordan@cnyemail.com](mailto:cejordan@cnyemail.com)>, <[mikeplochocki@hotmail.com](mailto:mikeplochocki@hotmail.com)>, <[jryanmcmahon@gmail.com](mailto:jryanmcmahon@gmail.com)>, <[legislatorliedka@gmail.com](mailto:legislatorliedka@gmail.com)>, <[williamsforleg@yahoo.com](mailto:williamsforleg@yahoo.com)>, <[cjryan1123@yahoo.com](mailto:cjryan1123@yahoo.com)>, <[ervinforcountyleg@gmail.com](mailto:ervinforcountyleg@gmail.com)>, <[peggychase2013@twcny.rr.com](mailto:peggychase2013@twcny.rr.com)>  
Date: 09/03/2014 09:02 AM  
Subject: Don't Rush the Onondaga Lake Amphitheater

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From: "Sheila S. Sicilia" <[sicilias@sunyocc.edu](mailto:sicilias@sunyocc.edu)>  
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Date: 09/03/2014 09:24 AM  
Subject: proposed Onondaga Lakeshore Amphitheater project

Dear Mr. Coburn -

I attended the meeting on the amphitheater project last week, and heard many valid concerns raised 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!

Thank you  
- Sheila Sicilia

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To: <[DavidCoburn@ongov.net](mailto:DavidCoburn@ongov.net)>, <[joaniemahoney@ongov.net](mailto:joaniemahoney@ongov.net)>, <[OnondagaLakeWestProject@ongov.net](mailto:OnondagaLakeWestProject@ongov.net)>, <[bfmay6@yahoo.com](mailto:bfmay6@yahoo.com)>, <[kevinholmquist@reagan.com](mailto:kevinholmquist@reagan.com)>, <[john@johndougherty.org](mailto:john@johndougherty.org)>, <[pkilmartin@oncountyleg.com](mailto:pkilmartin@oncountyleg.com)>, <[jcorl1@twcny.rr.com](mailto:jcorl1@twcny.rr.com)>, <[dknappmb@aol.com](mailto:dknappmb@aol.com)>, <[tassone@twcny.rr.com](mailto:tassone@twcny.rr.com)>, <[shepard@twcny.rr.com](mailto:shepard@twcny.rr.com)>, <[RappKathleen5@gmail.com](mailto:RappKathleen5@gmail.com)>, <[cejordan@cnyemail.com](mailto:cejordan@cnyemail.com)>, <[mikeplochocki@hotmail.com](mailto:mikeplochocki@hotmail.com)>, <[jryanmcmahon@gmail.com](mailto:jryanmcmahon@gmail.com)>, <[legislatorliedka@gmail.com](mailto:legislatorliedka@gmail.com)>, <[williamsforleg@yahoo.com](mailto:williamsforleg@yahoo.com)>, <[cjryan1123@yahoo.com](mailto:cjryan1123@yahoo.com)>, <[ervinforcountyleg@gmail.com](mailto:ervinforcountyleg@gmail.com)>, <[peggychase2013@twcny.rr.com](mailto:peggychase2013@twcny.rr.com)>,  
Date: 09/03/2014 11:17 AM  
Subject: Don't Rush the Onondaga Lake Amphitheater

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Sincerely,

Safia Gravel  
228 Miles Ave.  
Syracuse, NY 13210

From: Safia Gravel <[safia\\_gravel@hotmail.com](mailto:safia_gravel@hotmail.com)>  
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Date: 09/03/2014 11:50 AM  
Subject: Onondaga Lake/ Amphitheater

To our public leaders:

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. 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.

So 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.

And 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.

From: <[babblingbrooksnook@gmail.com](mailto:babblingbrooksnook@gmail.com)>  
To: <[DavidCoburn@ongov.net](mailto:DavidCoburn@ongov.net)>, <[joaniemahoney@ongov.net](mailto:joaniemahoney@ongov.net)>, <[OnondagaLakeWestProject@ongov.net](mailto:OnondagaLakeWestProject@ongov.net)>, <[bfmay6@yahoo.com](mailto:bfmay6@yahoo.com)>, <[kevinholmquist@reagan.com](mailto:kevinholmquist@reagan.com)>, <[john@johndougherty.org](mailto:john@johndougherty.org)>, <[pkilmartin@oncountyleg.com](mailto:pkilmartin@oncountyleg.com)>, <[jcorl1@twcny.rr.com](mailto:jcorl1@twcny.rr.com)>, <[dknappmb@aol.com](mailto:dknappmb@aol.com)>, <[tassone@twcny.rr.com](mailto:tassone@twcny.rr.com)>, <[shepard@twcny.rr.com](mailto:shepard@twcny.rr.com)>, <[RappKathleen5@gmail.com](mailto:RappKathleen5@gmail.com)>, <[cejordan@cnyemail.com](mailto:cejordan@cnyemail.com)>, <[mikeplochocki@hotmail.com](mailto:mikeplochocki@hotmail.com)>, <[jryanmcmahon@gmail.com](mailto:jryanmcmahon@gmail.com)>, <[legislatorliedka@gmail.com](mailto:legislatorliedka@gmail.com)>, <[williamsforleg@yahoo.com](mailto:williamsforleg@yahoo.com)>, <[cjryan1123@yahoo.com](mailto:cjryan1123@yahoo.com)>, <[ervinforcountyleg@gmail.com](mailto:ervinforcountyleg@gmail.com)>, <[peggychase2013@twcny.rr.com](mailto:peggychase2013@twcny.rr.com)>,  
Date: 09/03/2014 11:58 AM  
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Sincerely,  
Catherine A. Schultz  
222 Shacksbush Rd  
Bernhards By, NY 13028

From: <[kwlindne@esf.edu](mailto:kwlindne@esf.edu)>  
To: <[DavidCoburn@ongov.net](mailto:DavidCoburn@ongov.net)>, <[joaniemahoney@ongov.net](mailto:joaniemahoney@ongov.net)>, <[OnondagaLakeWestProject@ongov.net](mailto:OnondagaLakeWestProject@ongov.net)>, <[bfmay6@yahoo.com](mailto:bfmay6@yahoo.com)>, <[kevinholmquist@reagan.com](mailto:kevinholmquist@reagan.com)>, <[john@johndougherty.org](mailto:john@johndougherty.org)>, <[pkilmartin@oncountyleg.com](mailto:pkilmartin@oncountyleg.com)>, <[jcorl1@twcny.rr.com](mailto:jcorl1@twcny.rr.com)>, <[dknappmb@aol.com](mailto:dknappmb@aol.com)>, <[tassone@twcny.rr.com](mailto:tassone@twcny.rr.com)>, <[shepard@twcny.rr.com](mailto:shepard@twcny.rr.com)>, <[RappKathleen5@gmail.com](mailto:RappKathleen5@gmail.com)>, <[cejordan@cnyemail.com](mailto:cejordan@cnyemail.com)>, <[mikeplochocki@hotmail.com](mailto:mikeplochocki@hotmail.com)>, <[jryanmcmahon@gmail.com](mailto:jryanmcmahon@gmail.com)>, <[legislatorliedka@gmail.com](mailto:legislatorliedka@gmail.com)>, <[williamsforleg@yahoo.com](mailto:williamsforleg@yahoo.com)>, <[cjryan1123@yahoo.com](mailto:cjryan1123@yahoo.com)>, <[ervinforcountyleg@gmail.com](mailto:ervinforcountyleg@gmail.com)>, <[peggychase2013@twcny.rr.com](mailto:peggychase2013@twcny.rr.com)>,  
Date: 09/03/2014 12:09 PM  
Subject: Don't Rush the Onondaga Lake Amphitheater - in fact, don't build it

I am writing to express my strong concerns about the adequacy of the Draft Environmental Impact Statement for the Onondaga Lake Amphitheater Project. 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 by the proposed amphitheater project.

Examples of critical issues and the unanswered questions that surround these issues include but are not limited to:

- 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?

- 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?

- 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?

Hence, I urge 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 State Environmental Quality and Review Act (SEQRA).

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.

Keith Lindner  
1330 Westcott St  
Syracuse NY 13210

From: Martin Gugino <[guginom@yahoo.com](mailto:guginom@yahoo.com)>  
To: "[DavidCoburn@ongov.net](mailto:DavidCoburn@ongov.net)" <[DavidCoburn@ongov.net](mailto:DavidCoburn@ongov.net)>,  
Date: 09/03/2014 01:19 PM  
Subject: Public Comment on the Lakeview Amphitheater

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.

Thanks

Martin

Not heaven itself upon the past has power, But what has been, has been, and I have had my hour. Dryden



From: <[dimoroor@hotmail.com](mailto:dimoroor@hotmail.com)>  
To: <[DavidCoburn@ongov.net](mailto:DavidCoburn@ongov.net)>, <[joaniemahoney@ongov.net](mailto:joaniemahoney@ongov.net)>, <[OnondagaLakeWestProject@ongov.net](mailto:OnondagaLakeWestProject@ongov.net)>, <[bfmay6@yahoo.com](mailto:bfmay6@yahoo.com)>, <[kevinholmquist@reagan.com](mailto:kevinholmquist@reagan.com)>, <[john@johndougherty.org](mailto:john@johndougherty.org)>, <[pkilmartin@oncountyleg.com](mailto:pkilmartin@oncountyleg.com)>, <[jcorl1@twcny.rr.com](mailto:jcorl1@twcny.rr.com)>, <[dknappmb@aol.com](mailto:dknappmb@aol.com)>, <[tassone@twcny.rr.com](mailto:tassone@twcny.rr.com)>, <[shepard@twcny.rr.com](mailto:shepard@twcny.rr.com)>, <[RappKathleen5@gmail.com](mailto:RappKathleen5@gmail.com)>, <[cejordan@cnyemail.com](mailto:cejordan@cnyemail.com)>, <[mikeplochocki@hotmail.com](mailto:mikeplochocki@hotmail.com)>, <[jryanmcmahon@gmail.com](mailto:jryanmcmahon@gmail.com)>, <[legislatorliedka@gmail.com](mailto:legislatorliedka@gmail.com)>, <[williamsforleg@yahoo.com](mailto:williamsforleg@yahoo.com)>, <[cjryan1123@yahoo.com](mailto:cjryan1123@yahoo.com)>, <[ervinforcountyleg@gmail.com](mailto:ervinforcountyleg@gmail.com)>, <[peggychase2013@twcny.rr.com](mailto:peggychase2013@twcny.rr.com)>,  
Date: 09/03/2014 01:58 PM  
Subject: Don't Rush the Onondaga Lake Amphitheater

I am writing to express my strong concerns about the adequacy of the Draft Environmental Impact Statement for the Onondaga Lake Amphitheater Project. 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 by the proposed amphitheater project.

Examples of critical issues and the unanswered questions that surround these issues include but are not limited to:

- 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?
- 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?
- 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?

Hence, I urge 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 State Environmental Quality and Review Act (SEQRA).

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.

Thank you,

John Imes  
2599 E. Lake Rd.  
Skaneateles, NY 13152

From: Dik Cool <[dik@SyracuseCulturalWorkers.com](mailto:dik@SyracuseCulturalWorkers.com)>  
To: [DavidCoburn@ongov.net](mailto:DavidCoburn@ongov.net), [joaniemahoney@ongov.net](mailto:joaniemahoney@ongov.net),  
[OnondagaLakeWestProject@ongov.net](mailto:OnondagaLakeWestProject@ongov.net), [bfmay6@yahoo.com](mailto:bfmay6@yahoo.com),  
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[dknappmb@aol.com](mailto:dknappmb@aol.com), [tassone@twcny.rr.com](mailto:tassone@twcny.rr.com), [shepard@twcny.rr.com](mailto:shepard@twcny.rr.com),  
[RappKathleen5@gmail.com](mailto:RappKathleen5@gmail.com), [cejordan@cnyemail.com](mailto:cejordan@cnyemail.com),  
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[peggychase2013@twcny.rr.com](mailto:peggychase2013@twcny.rr.com),  
Date: 09/04/2014 11:47 AM  
Subject:Comments re Onon Lake

Dear Joanie,

Given the positive sustainable things you have done for our county, your support for this amphitheatre 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. And, of course, 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.

Peace,  
Syracuse Cultural Workers  
Dik Cool  
Teresa Florack  
Marie Summerwood  
Andy Mager  
Karen Kerney  
Randy Squillace  
John Faley  
Al Zappala

Dik Cool, Publisher  
Syracuse Cultural Workers  
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800.949.5139 x 106 fax 800.396.1449  
315.474.1132 x 106  
[www.syracuseculturalworkers.com](http://www.syracuseculturalworkers.com)

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This email is free from viruses and malware because avast! Antivirus protection is active.  
<http://www.avast.com>

From: Sue Eiholzer <[rsue@twcny.rr.com](mailto:rsue@twcny.rr.com)>  
To: [DavidCoburn@ongov.net](mailto:DavidCoburn@ongov.net),  
Cc: [joaniemahoney@ongov.net](mailto:joaniemahoney@ongov.net), [OnondagaLakeWestProject@ongov.net](mailto:OnondagaLakeWestProject@ongov.net),  
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[bfmay6@yahoo.com](mailto:bfmay6@yahoo.com)  
Date: 09/04/2014 01:00 PM  
Subject: Onondaga Lake Amphitheater Project

Good morning,

I am very concerned about what I perceive to be inadequacies in the Draft Environmental Impact Statement for the Onondaga Lake Amphitheater Project.

Key documents 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. Perhaps your reading of the DEIS is different from mine. It is a long and complex document.

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?

I believe, also, that 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. AND then there is the fact that the Onondaga Lake is sacred to our neighbors, the Onondaga. Do we really have to do more to desecrate it when we have other options?

Because of all these issues, I urge 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 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 this project and balance them against the project's social and economic benefits, as required by the State Environmental Quality and Review Act (SEQRA), and make an informed judgement and decision.

Sue Eiholzer  
4178 Coxe Rd  
Jamesville, NY 13078

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| | This email is free from viruses and malware because avast!  
Antivirus protection is |  
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From: "Joseph Heath" <[jheath@atsny.com](mailto:jheath@atsny.com)>  
To: <[DavidCoburn@ongov.net](mailto:DavidCoburn@ongov.net)>,  
Date: 09/04/2014 01:07 PM  
Subject:

Good afternoon Dave,

Attached please find a supplemental comment letter relative to the amphitheater from the Onondaga Nation, which includes, inter alia, a transcript of a recent NPR transcript on the wide ranging negative impacts of noise pollution.

Sincerely,  
Joe

From: Dhiki E. Drury [<mailto:dedrury@syr.edu>]  
Sent: Thursday, September 04, 2014 11:30 AM  
To: Joe Heath, Esq; [jheath2@atsny.com](mailto:jheath2@atsny.com)  
Subject: Diane Rehm Show - How Noise Pollution Can Harm Our Health (9/2/14)

Hi Joe,

Below are resources for the Diane Rehm Show from the Tuesday, Sept 2 program titled The Environmental Outlook: How Noise Pollution Can Harm Our Health.

Website:

<http://thedianerehmshow.org/shows/2014-09-02/environmental-outlook-how-noise-pollution-can-harm-our-health>

Transcript:

<http://thedianerehmshow.org/shows/2014-09-02/environmental-outlook-how-noise-pollution-can-harm-our-health/transcript>

PDF Transcript: See Attached.

Best,

Dhiki

(See attached file: Diane Rehm\_Noise Pollution 9-2-14.pdf)(See attached file: 9-2DEIS CommentLtr-Supp.pdf)

**JOSEPH J. HEATH**  
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512 JAMESVILLE AVENUE  
SYRACUSE, NEW YORK 13210-1502  
315-475-2559  
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[jheath@atsny.com](mailto:jheath@atsny.com)

September 4, 2014

**VIA ELECTRONIC and FIRST CLASS MAIL**

David Coburn, Director  
Onondaga County Office of the Environment  
John H. Mulroy Civic Center, 14<sup>th</sup> Floor  
421 Montgomery Street  
Syracuse, NY 13202

**Re: DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE  
LAKEVIEW AMPHITHEATER PROJECT ON WASTEBEDS 1-8**

Dear Mr. Coburn:

The Onondaga Nation filed a detailed set of comments on the Draft Environmental Impact Statement (DEIS) for the proposed Lakeview Amphitheater Project on August 25, 2014. We file these supplemental comments to make one correction and to highlight a concern which underlies much of our earlier critique, but was not explicitly stated as an independent concern.

Specifically, 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.

Further, attached please find the transcript from a National Public Radio Diane Rehm show from Tuesday, September 1<sup>st</sup> 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 SEQRA.

Finally, we would also like to correct one portion of our original comments. On page 7 of the Nation’s August 25, 2014 comments, we cite the Revised Feasibility Study for Wastebeds 1-8. The facts cited are correct; the page number given is not. This data is



found in Section 4.2.5, p. 39 of the most recently revised Feasibility Study.

Sincerely,

*Joseph J. Heath*

Joseph J. Heath

cc: Onondaga Council of Chiefs  
Onondaga County Legislators  
EPA Region 2  
DEC Region 7  
Gov. Andrew Cuomo

# The Environmental Outlook: How Noise Pollution Can Harm Our Health

Transcript for: [The Environmental Outlook: How Noise Pollution Can Harm Our Health](#)

MS. DIANE REHM

11:06:54

Thanks for joining us. I'm Diane Rehm. Noise used to be viewed as merely a nuisance. But recent studies show excessive noise can be a serious health risk. In addition to noise-induced hearing loss, exposure to noise can contribute to cardiovascular disease. Federal noise abatement efforts were defunded during the Reagan administration and never reinstated. As part of our ongoing Environmental Outlook series, we talk about the effects of noise pollution and what to do about it.

MS. DIANE REHM

11:07:35

Joining me in the studio, Dr. Gordon Hughes of the National Institute on Deafness and Other Communication Disorders and Les Blomberg of the Noise Pollution Clearinghouse. Joining us from Portland, Ore., environmental public health lawyer, Monica Hammer. I do invite you to be part of the program. Give us a call at 800-433-8850. Send us an email to [drshow@wamu.org](mailto:drshow@wamu.org). Follow us on Facebook or Twitter. And welcome to all of you.

DR. GORDON HUGHES

11:08:17

Thank you.

MR. LES BLOMBERG

11:08:18

Thank you very much.

MS. MONICA HAMMER

11:08:19

Thank you.

REHM

11:08:20

Great to see you all. Les Blomberg, forgive me for mispronouncing your name earlier. Talk about some of the primary causes of excessive noise.

BLOMBERG

11:08:35

Well, if you look at the noise in the environment that we experience, the biggest one has to be transportation noise. That would be roadways -- from, you know, cars, trucks, buses, planes, trains, ships in some cases. So that would be the major source of noise in our environment. In addition to that, we have industrial noise sources, manufacturing, resource extraction. We have commercial noise sources. We might be next to a bar that has amplified music or a building with a noisy HVAC system, a air-conditioning system or something like that.

BLOMBERG

11:09:14

We also have a lot of recreation noise in our country. Motorized recreation -- boats, motorcycle, dirt bikes, ATVs, shooting of guns, stuff like that. And finally, we just have neighborhood noise that -- lawn equipment, stuff you hear in your neighborhoods, parties.

REHM

11:09:34

You know the one thing you've left out is something I experienced just the other night. I was in a relatively small restaurant and a woman's voice shouted above everything, everyone else. You could hear her throughout the restaurant. And one wonders whether the human response to the kind of noise you're talking about is to get louder itself.

BLOMBERG

11:10:13

Sure. I mean, that's our natural reaction. If we can't hear somebody, we talk louder -- we move closer together or we talk louder. And our world has become -- it's as noisy as it's ever been. Probably 2007 was probably the noisiest year in the history of the world.

REHM

11:10:29

Why 2007?

BLOMBERG

11:10:31

Well, because our major noise sources are planes, trains, cars, stuff like that. In 2008 we had the Great Recession and we had an incredible spike in gas prices. We have not started flying and driving as much as before. And we have retired some of the noisiest aircraft. And so we did hit a peak then, where we're going down. We're not going down because we're trying to tone the noise down. We're going down because of economic and other considerations.

REHM

11:11:02

And turning to you, Monica Hammer. The World Health Organization came out with a major report a few years ago on the health findings...

HAMMER

11:11:14

Mm-hmm.

REHM

11:11:14

...of noise pollution. Give us a summary of the main findings.

HAMMER

11:11:20

Sure. 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 and quantity 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.

HAMMER

11:11:57

But heart disease, of course, changes mortality figures. I mean, there's nothing more serious than that really. And in the United States, we have notices that, I mean, in terms of other environmental pollutants, noise is right up there with air pollution. And so it's, over 100 million Americans are affected by noise and are at risk of heart disease and hearing loss due to noise pollution.

REHM

11:12:20

So to you, Dr. Hughes. Give us a sense of what happens physiologically when people are affected by excessive noise.

HUGHES

11:12:33

Well, sound travels down the ear canal and strikes the eardrum. Vibrations are carried across three small bones of hearing we often call the hammer, anvil and stirrup. And these vibrations are transmitted into the hearing organ we call the cochlea. At that point, it's a traveling fluid wave. And delicate sensory hair cells, because of structures on top of them, are stimulated by this traveling wave and transmit sounds to the hearing nerve out to the brain. So it is a problem if the hair cells are lost, because they're the link between the mechanical wave and the electrical nerve. And in fact, it's the hair cells and their supporting structures which can be irreversibly damaged from excessive noise.

REHM

11:13:17

So how do you determine excessive noise as far as the human ear is concerned? Is it a matter of decibels? What is it?

HUGHES

11:13:31

Yes, sound intensity is measured in decibels. And it's on a logarithmic scale. Pristine hearing might be called zero decibel sound-threshold detection. We communicate, normal conversation, about 60 decibels.

REHM

11:13:45

Sixty.

HUGHES

11:13:45

A hair blow-dryer might be, say, 80, 85. And at that point, roughly 85 decibels of sound intensity, we have the potential for noise damage, depending on the duration of exposure. It's a combination of intensity and duration. So every five-decibel increase above 85 of exposure, we should cut the duration in half. There are guidelines from Occupational Safety Health Administration and the National Institute for Occupational Safety and Health, which tell us how to cut in half the time exposure. But basically both permit an eight-hour workday exposure of 85 decibels without protection, but have to cut the time in half or wear ear protection, depending on the increase in noise.

REHM

11:14:34

But now you heard Monica Hammer speak about cardiovascular disease. To what extent or at what decibel would damage begin to the cardiovascular system?

HUGHES

11:14:55

I don't believe I have seen a report which is specific for an intensity. And it will vary with one individual to another. Frankly, I don't like noise at all. So with me, it might start at 90. Whereas another person might tolerate 100.

REHM

11:15:09

That's interesting. Monica Hammer.

HAMMER

11:15:12

Well, my understanding is that recent research that takes place in the EU shows that basically there's a direct correlation between noise and exposure and the incidence of heart disease. And so for every 10-decibel change in noise, you get a 12 percent increased risk in myocardial infarction, which is heart attacks. And that begins -- that risk begins at 45 decibels, which is extremely low-threshold if you think about it, and really points to the fact that as human beings and as, you know, other animals and species get exposed to more noise, our health is going to be suffering.

REHM

11:15:48

So what happens to you, Monica Hammer, if you're in a restaurant and the level of noise starts going up? How does that affect not only your cardiovascular system but your digestive system?

HAMMER

11:16:11

Yeah. I think you're speaking to a great thing, that some -- and I think all of you are kind of naming this idea that some people care a lot about noise and they're more bothered than others, right? And I think that when it comes to our health, you can assume that everyone kind of reacts the same at a baseline level. But those -- let's just -- so, for example, someone who's really annoyed at noise versus someone really who is not annoyed at noise, they both have this baseline-level health effect. Even if someone just doesn't care, their body is still affected. Someone who's annoyed is going to have additional health effects, if that makes sense.

REHM

11:16:45

So what about generational differences? Because I know I am particularly sensitive to noise.

HAMMER

11:16:55

Well, it's funny you should say that, because sometimes, and I mean I know that the NIH specialist can speak more to this, but some -- one indicator of hearing damage is noise sensitivity. And so as we grow older and there is hearing damage there, it's going to be harder for people to hear if they do have hearing damage in a place like a restaurant. And so it's going to be more irritating and frustrating to be in that situation if you have hearing damage.

HAMMER

11:17:24

Other people, you know, who don't have hearing damage, but just are particularly sensitive, obviously are going to react a little bit differently. So yeah, there are variances. But also, you know, from an epidemiological level, through population trends, you can identify significant health effects and we can speak with certainty to those.

REHM

11:17:43

Dr. Hughes, I know that what happens with young kids, for example, is that they do listen to music rather loudly. Is that going to immunize them from concern about noise later on? Or is it going to damage their eardrums?

HUGHES

11:18:08

Noise damage is really the most preventable form of nerve hearing loss that there is. And the earlier we can start to educate families, parents and their young children, the better. We have an active program through our institute called the Noisy Planet.

REHM

11:18:26

Dr. Gordon Hughes, he's director for clinical trials at NIH's National Institute on Deafness and Other Communication Disorders. Short break. Right back.

REHM

11:20:01

And welcome back for this month's environmental outlook. We're talking about noise pollution and noise, of course, in many forms. Here's just one example from Lisa in Silver Spring, Md. who says, "My teenagers are constantly plugged into their iPods. Even if the volume is not excessive, which it probably is, does this constitute a danger? Does having NPR on the radio all day long constitute a danger? Can this research possibly convince my neighborhood supermarket to stop the terrible '70s Muzak?" What do you think, Monica Hammer?

HAMMER

11:21:01

Well, those are a lot of questions there. You know, getting to the point of children and protecting children from hearing loss, I think that's absolutely important. And I'm a mother and I take precautionary measures through headphones when we're in loud spaces. I make my daughter wear headphones, and in terms of earmuffs, if that makes sense, because I know that we're in a number of places that have dangerous acoustical environments. And so if I'm taking her to a concert, you know, that's what she's wearing.

HAMMER

11:21:30

But I think also, I mean, I absolutely also agree that, and again as a mother, if your children are listening to ear buds, those can be very dangerous and cause hearing loss after prolonged use. And so it's definitely something to keep an eye on. If you can hear the music or the television through the ear buds then that's a warning sign that they're too loud.

REHM

11:21:55

That's a warning sign, Les.

BLOMBERG

11:21:57

Yes. I hope to have another warning sign soon. The Noise Pollution Clearing House is developing an app to allow parents and young people alike to determine if they've been listening to their iPod at too loud of a level. And hopefully early next year that'll be available.

REHM

11:22:14

So what will that do? It will send a signal?

BLOMBERG

11:22:18

Yeah, what we'll do is we'll have people count the number of tones that they can hear before and after exposure. And if after listening to your iPod for several hours you can't hear as many tones – quiet tones as you could earlier, we know that you've suffered a temporary threshold shift, a short term loss of hearing. And that's a good indication that you've probably been listening a little too loud.

REHM

11:22:41

And Dr. Hughes, what do those short term hearing losses indicate for the long term?

HUGHES

11:22:49

The community is divided on the possible safety of short term loss, even if it's 100 percent recoverable. Some damage may have occurred that we don't perceive. We know this from animal studies. And some human studies are coming up. So frankly I think a temporary threshold shift, which is what Les is describing, is potentially worse than you would think, even if there's perfect recovery.

REHM

11:23:16

So have you ever been in a situation the likes of which I described in a restaurant where somebody is talking so loudly. And I wonder what you might have done.

HUGHES

11:23:36

Well, I think it's rude for one person to commandeer the environment but basically that can happen. A restaurant has a closed space where in order for a person to hear, he or she may want to raise his voice in order to hear himself talk. And if there's a lot of background noise, he or she will raise his voice above the ambient sound. Unfortunately this dampens out at a certain peak of noise intensity because nobody can hear anybody else. But there could be one person, like the women you described, who's capable of producing a lot more sound intensity.

REHM

11:24:09

I wonder, Monica Hammer, what you think my options might have been in a situation like that.

HAMMER

11:24:20

Yeah, absolutely. I think there's short-term options and long-term options. So let's talk about long-term options first because they're more, I think, interesting. So the long-term options, you know, working with your city, working with your elected officials to increase disclosures on what people are being exposed to real time and also what the dangers are. So some restaurants are dangerously noisy. And – you know, and again we were talking previously about preferences. Some people love that hustle and bustle of, like, an exciting restaurant. It means that, you know, you can feel more important or something, I don't know.

HAMMER

11:24:53

But that being said, you know, it can be dangerous. And so if people are aware, you know, through city or ideally, you know, federal and state educational efforts, then they can maybe make informed decisions about, you know what, this restaurant just disclosed in real time that I'm being exposed to 84 decibels. That's too loud. I'm going to leave. And then the restaurant

has every incentive to produce an acoustical environment that's safe for their customers because people aren't going to eat there if they know that they're in danger.

HAMMER

11:25:25

On the short-term level, which I think, you know, obviously, you know, matters to you, I think that as a consumer you are an incredibly powerful woman. I mean, not only just because you're Diane Rehm, but also because as a consumer, you know, in D.C. you can let your wait staff know. You can – that, you know, noise matters to you and that you're going to make decisions with your dollars.

REHM

11:25:48

I think that's a good point. And I thought afterwards perhaps I should have simply said something to the manager who then might have politely said something to the young woman involved. Here's an – go ahead.

HAMMER

11:26:09

Oh, I apologize. Just that some cities do have noise disclosure ratings that the local newspapers will provide so that consumers can make a choice before they go into the restaurant. And also, I mean, we all – you know, it's an absolutely natural biological response to try to raise your voice. I mean, birds do it too. If the birds are trying to get heard above the freeway noise, they're going to be louder. And we do the same thing. And so we just need to reduce the ambient levels. And that's absolutely feasible. It can be done. It's just that we have to make that conscious effort.

REHM

11:26:41

How many restaurants around the country are engaging in this, Les?

BLOMBERG

11:26:47

I think you're – I think Monica's referring to more like the people who are viewing the restaurants, you know, the restaurant reviewers in the food section of newspapers.

REHM

11:26:56

I see. I see. I see. Rather than the restaurants themselves. All right. Here's an email from Rosemary in West Lafayette, Ind. "Many of us," she says, "use white noise to mitigate the effect of environmental noise. Is that harmful," Dr. Hughes?

HUGHES

11:27:19

It's a principle we call masking, which is covering up one sound by the exposure of another. In this case white sound, if it's not too intense, can successfully block out some environmental sounds. I think earplugs are much more effective myself.

REHM

11:27:35

Earplugs.

HUGHES

11:27:35

Well, removing yourself from the noise environment. Even if it's a restaurant that you'd like to go to, you can always leave. And wearing earplugs, if you can't remove yourself from a noisy environment, sometimes traffic on the streets can be bad.

REHM

11:27:48

And Kevin in San Francisco has written. He says, "I live here in San Francisco. I'm constantly amazed at noise from motorcycles. These machines are acquired by many owners to specifically shock and awe with noise. This seems to be completely ignored by law enforcement and truly has an impact on my quality of life, Les."

BLOMBERG

11:28:22

Yeah, you know, if there was one noise in our environment that would have the biggest impact removed -- most easily removed quickly, it would be motorcycle noise. I've done some observations myself and found that about 70, or even more than that, percent of motorcycles are run with illegal mufflers. They're required by law to have a stamp from the EPA on the muffler itself. It's supposed to be visible. You can kind of do this check yourself as you walk down a street with parked motorcycles, looking to see if it's easily accessible and seeable, this stamp.

BLOMBERG

11:28:57

Most of them -- most motorcyclists who have loud motorcycles remove the motorcycle's mufflers and replace it with straight pipes or mufflers that are less effective, and that's illegal. And it's illegal in every state and we're not enforcing it. I think it's kind of a complicated issue because often police officers tend to have a high percentage of motorcycle riders and that those two groups overlap each other. And I think there's a little reluctance to enforce laws against motorcycles by police departments.

REHM

11:29:29

And what about the motorcycles that the police themselves use? I presume the mufflers are on there.

BLOMBERG

11:29:38

Yeah, those are going to meet the regulations most likely.

REHM

11:29:42

Yeah, that's really interesting that motorcycles...

BLOMBERG

11:29:46

It's intentional noise. It's noise from a person who is trying to make it. You know, a lot of the noise we're experiencing is just kind of second-hand. It's not really intended for anybody. It's just a byproduct of an internal combustion engine, for example. But motorcycle noise is intentional. The operator is trying to make that noise.

REHM

11:30:07

What about the effects of noise on animals? Monica referred to it briefly. Tell us about that.

BLOMBERG

11:30:15

Sure. Well, you know, we share much of the same biological architecture as animals. And we have many of the same effects, hearing loss, sleep loss, activity interference, whether it's nesting or hearing your prey or escaping your predator. So we have many of the same effects. Probably the most interesting study of animals conducted in the last 50 years I bet regarding noise was a phantom roadway. It was done by a grad student out in Idaho.

BLOMBERG

11:30:52

He took a forest that had no roads and put speakers in the trees and created a phantom roadway. And he put this in a migration path of birds and he could turn the roadway on and off. And when he turned the roadway on and left it on for a couple days, he found basically a 25 percent reduction in the bird species in that area -- or in all species -- all birds in that area. And some species left the area entirely.

BLOMBERG

11:31:20

That's important to note that we have 2 million miles -- or, excuse me, 4 million miles of roads in this country. And there's only about 2 percent of our land that you can't hear a roadway from in this country.

REHM

11:31:33



Two percent that you cannot hear a roadway.

BLOMBERG

11:31:36

It's pretty remarkable how many roads we've built in this country and what we have left.

REHM

11:31:41

Surely that must effect our sense of hearing, Dr. Hughes.

HUGHES

11:31:47

We do have too much noise and frankly I think it's going to be easier for us to protect ourselves than expect motorcyclists and other vehicles to turn down the volume. What I do, just by choice, is to carry with me some custom-fitted ear molds that drop the sound down by 25 decibels, which is more than a 10 percent -- excuse me, tenfold reduction in the noise level. It takes the edge off, then I don't have to worry about an ambulance going up the street with a siren or a truck just hitting their esteem pressure brakes, which is particularly bad, or other routine street noise. And I have them with me in case I want to use them.

REHM

11:32:25

You have them with you all the time?

HUGHES

11:32:27

I have them in my pocket now.

REHM

11:32:30

You have earphones on as well. Dr. Gordon Hughes of NIH, Les Blomberg. He's director of the Noise Pollution Clearing House. That's a Vermont-based noise abatement advocacy group, and Monica Hammer. She's an environmental public health lawyer and consultant based in Portland, Ore. And you're listening to "The Diane Rehm Show." Monica, you say that noise is affecting children's ability to learn.

HAMMER

11:33:14

Absolutely. I think that we already have some acoustical standards in classrooms in some situations. But at the end of the day they're an incredibly vulnerable population. And hearing loss in our children is present and, some say, growing.

HAMMER

11:33:31

So I think headphones are a huge source of noise, but also just to the extent that we can protect a vulnerable population, we need to remember that children don't have control over their acoustical environments. They have even less control than we do. And so with that in mind, the best way to control noise is through source control. And by that I mean instead of kind of targeting the child, which, you know, granted I do, right, by putting earmuffs on mine.

HAMMER

11:33:57

But that being said, you know, the most cost effective way is to really reduce noise at its source. The EPA and other federal agencies have authority to do so. And then all of us can benefit from a quieter acoustical environment if really we just have stronger enforcement at the federal level.

REHM

11:34:16

Dr. Hughes.

HUGHES

11:34:17

There was a question a little bit ago on MP3 and similar audio players and ear buds. And this is an example where a child may not have the judgment to recognize the potential for harm. Some of these maximum volumes can go to about 105 decibels.

REHM

11:34:33

Whoa.

HUGHES

11:34:33

And if you use the conversion table about intensity and duration and pretend it's a work environment with the same application, you can only expose about 30 minutes to 105 decibels without the risk of possible damage. So the instruction to the children should be to keep them down below the full volume and be alert to any trouble after they listen to it. The instruction to the manufacturers would be to put in some kind of governor that limits the amount of output. And some of them are already doing that. But this is an important thing for kids to learn.

REHM

11:35:08

Is there any indication that indeed people are losing their hearing earlier because of so much exposure to high decibels?

HUGHES

11:35:25

Well, there is an indication that adolescents are not hearing as well now as they did before but noise is only one possible ingredient. It turns out the average adult compared with 50 years ago hear somewhat better. And this may be because of education programs, noise abatement and industry recreation and so forth.

REHM

11:35:45

Give us some of the history of noise abatement efforts in this country, and as you have now established this advocacy group.

BLOMBERG

11:35:56

Sure. Yeah, when you think of what we've done in this country to abate noise or to address it, we've really had two primary ways of doing this. One was to move to the suburbs. That only worked for people who had enough money to do that. And it only worked for awhile because what we did is we brought all the noise with us to the suburbs. We now have larger lawns, then we got riding lawnmowers, we have weed whackers, leaf blowers, string trimmers, air conditioners. And we've also got the highway nearby that takes us to our place of work, which is probably another suburb.

BLOMBERG

11:36:34

And then the second method that we tried, which was back in 1972, the United States passed the Noise Control Act. And we tried the regulatory approach. That also failed and it failed for a different reason. It failed for politics. Basically it was closed in 1980 by Ronald Reagan and it was closed, you know, because of the conservative philosophy that disliked environmental regulation.

REHM

11:37:02

But did it cost money? Was that part of the problem?

BLOMBERG

11:37:06

Sure. I mean, it does cost money to regulate noise. It doesn't cost that much. When you think about it, we've built billions of dollars of highway, road barriers, much less than the EPA ever spent on trying to control noise. It's much more effective, like Monica said, to control the noise at the source.

REHM

11:37:24

Les Blomberg and Dr. Gordon Hughes and Monica Hammer. They're all here to answer your questions. We'll take a short

break first, talk more, take your calls. Stay with us.

REHM

11:40:01

And as you can imagine we've had lots of emails and comments about motorcycles. This one from Lauren, in Kalamazoo, Mich., summarized the concerns. She says, "I'm listening. I'm bothered by the discussion regarding motorcyclists' intention to make noise. As your guest stated, some bikes have illegal mufflers, however, it's important for bikes to have a minimum sound level as well. Motorcycles are more difficult for motorists to spot than other vehicles. And without the audible cues there would be more accidents." How do you respond, Les?

BLOMBERG

11:40:59

Well, there's so many things wrong with that statement it's hard to begin. First of all, there's absolutely no research that shows that -- the slogan is "Loud Pipes Save Lives." And there's absolutely no research that shows that. Second of all, we have very quiet motorcycles out there right now and they do not have higher accident rates than the noisier ones.

BLOMBERG

11:41:19

The other thing is if you really wanted your motorcycle to warn people, you would reverse your exhaust system to point it forward. People behind you don't need to hear that you're coming. It's people in front of you, but these don't, you know, the people that do this do not do that. They're not doing it for safety.

REHM

11:41:36

Monica, do you want to comment?

HAMMER

11:41:39

Yeah, I think just from an American perspective we have to remember that people want to be free to make noise. They want to, you know, if this is how they choose to erroneously believe that they're going to be safe, not by staying off their motorcycle, but by actually just being louder, I mean, we, you know, it's a difficult balance to respect people's decision to be free to do something and also help the public be free from noise that they don't want to hear.

HAMMER

11:42:08

And so it's a very tricky balancing act. And I think that really, I mean, I keep on thinking about the little birds that are trying to be, you know, chirp a little louder because they're next to a highway. That motorcyclist is going to try to be the loudest thing around. And if we can lower our ambient levels to the extent such that a motorcyclist is like, you know what? I am okay applying with the EPA, complying with the EPA regulations because that's adequate for me to be heard. That is, you know, that's something to aim towards, in my opinion.

REHM

11:42:39

Dr. Hughes, is there any indication that those who ride motorcycles have more hearing problems than those who ride in enclosed cars or trucks?

HUGHES

11:42:55

I suspect the answer is yes. I haven't read anything myself. I did own a motorcycle for seven years.

REHM

11:43:01

Really?

HUGHES

11:43:02

It was incredibly noisy. And you probably get some protection from the helmet and the fact that the sound is pushed behind you, as Les said. But I do think they're just simply too noisy and you probably sustain some damage over a period of months

or years.

REHM 11:43:16  
All right. Let's go to Trish, in Fort Worth, Texas. You're on the air.

TRISH 11:43:23  
Hello, everyone. Hi, Diane, I love your show.

REHM 11:43:24  
Thanks.

TRISH 11:43:26  
I was curious to know if anyone has done research within the autistic community, in terms of sensory sensitivities and noise. I know from experience with variance family members, and reading blogs and such, that they hear things at different levels than a typical person would hear.

REHM 11:43:47  
All right. Les, do you want to comment?

BLOMBERG 11:43:49  
Yeah, I don't have a lot to add to that, but I know that it has been studied and that there is a link between a number of conditions and noise sensitivity.

REHM 11:43:58  
Conditions, including...

BLOMBERG 11:44:01  
Including autism.

REHM 11:44:02  
Yeah. Okay. Let's see if I can get to Doug, in Boone, N.C. Hi, you're on the air.

DOUG 11:44:15  
Good morning, guys. I'll give you a couple of quick statements here. One, my dad is retired from the military, 22 years naval aviation, prop jets at Grosse Ile Naval Air Base down below Detroit. Back then they didn't really have much ear protection and it was pathetic what they did have. When he reached about 70 to 72 years of age, his quality of life became real pathetic. The man was very intelligent. He was a missile designer. He was an aviator.

DOUG 11:44:49  
He was very -- he read two papers, three magazines a day. But when it came to conversation around the dinner table or anything else, he just didn't get into it because he couldn't hear. So eventually I took him to the veteran's. And I said, "Look, you guys have got to help him out here." Because he'd been to the V.A. Hospital I don't know how many times, a thousand times in his lifetime. They never addressed his problem with his hearing. So we got with the Veteran's Affairs, got him registered as a disabled veteran because of his hearing.

DOUG 11:45:28

He got a little bit of money. It wasn't much. But they definitely stayed on top of his hearing for the rest of his life to the time he hit 85 and passed away. What I'm saying is you've got all these guys coming back from Iraq and Afghanistan and who knows where, they're coming back with horrible hearing loss.

REHM

11:45:48

All right. Thanks for calling. Monica?

HAMMER

11:45:50

Yeah, I hear you on the hearing loss and the military weapons and the aviation. I agree. And I have to think both in military situations -- for what it's worth, if we want to highlight a beacon of noise work that is happening at the federal level, it would actually be places that basically, through the veteran's administration, they are trying to prevent hearing loss because it's such an expensive and debilitating disability that can provide so much disservice to the people that we really need to be taking care of.

HAMMER

11:46:26

And then at the civilian level, Workers' Comp laws at the state level are sometimes really pathetic in terms of just we need to prevent hearing loss because compensating them through really base monetary payments isn't going to be adequate to, you know, basically compensate them for the loss in quality of life. And, you know, workplace limits on noise, again, you know, aren't as stringent as they should be. Not at all.

BLOMBERG

11:46:51

You know, your caller highlights why we really ought to be taking care of our hearing. That when you get older people think, oh, well, I just won't be able to hear my wife or something. But when you think of how isolating that is, when you won't be able to hear your grandchildren and talk with them, when there's a family gathering and you're gathered around the table and you just sit there because it's just a buzz of confusion that you can't make out any of the speech from. It's really isolating and it's really depressing. It's really lonely.

REHM

11:47:19

But, you know, the other thing I worry about is the hearing aid industry because I think there are some people who have such difficult problems with using hearing aids effectively. You have to keep trying, Dr. Hughes.

HUGHES

11:47:47

We've been talking about a nerve kind of hearing loss and ignoring the other types. The two most common causes of nerve loss are aging and noise. Now aging, we haven't yet discovered the fountain of youth. Maybe, some day. But noise we can prevent. Unfortunately, noise and aging conspire as we get older to create the same kind of hearing loss, first in the high tones and then invade the speech communication range. So we have a lot of difficulty as we get older, like the one gentleman in Detroit was describing.

HUGHES

11:48:17

Hearing aids can help, but if the ability to recognize words, even if they're delivered loudly enough, is compromised by a lot of damage over many years, that's when the hearing aid ability to help is also compromised.

REHM

11:48:30

Indeed. All right. Let's go to Steve, in Indianapolis. Hi, you're on the air.

STEVE

11:48:38

Good morning. Thank you for taking my call.

REHM

11:48:40

Sure.

STEVE

11:48:42

I am involved in a group called Institute of Noise Control Engineering. And I wanted to point that out as an example of where people are doing some practical work in the field, just ranging from voluntary product noise labeling efforts to studies of occupational noise exposure and noise in classrooms and hospital settings, and in the practical things of like how do you make this thing quieter, for example, whether it's a truck or an air pump or something like that.

STEVE

11:49:11

I'm also involved in organizing their yearly conference, which is coming up next week in Ft. Lauderdale. There is a public outreach workshop for anyone who is interesting in attending on Tuesday, the 9th. And I encourage people to look on the INCEUSA.org website for more details on that. And one other thing regarding the motorcycle noise, there's also a link on that website to a report called, "Noisy Motorcycle: The Quality of Life Issue," which I believe was a National Academy of Engineering report.

REHM

11:49:46

Good. Thank you. Monica, do you want comment?

HAMMER

11:49:49

Yes. Yeah, I love the Institute of Noise Control Engineering. I think you guys do great work. And specifically want to celebrate their work because it's so cost effective. It's so much smarter. It's so much cheaper. And we save -- we literally, you know, save our health through engineering design insulation and enclosures that reduce noise exposure.

REHM

11:50:12

All right. Let's go to Doug in McLean, Va. Hi there.

DOUG

11:50:19

Hi, good morning. A year and a half ago, I moved from a very quiet area to a high-rise apartment overlooking downtown McLean, which really just means overlooking lots of parking lots. And I am appalled at the noise from weed-whackers, leaf blowers, car alarms -- there's several of those every day, including a woman who -- in our building -- who was using her car alarm in the morning to locate her car. Fortunately now she has a space in the basement. The truck back-up alarms. You can hear that awful beeping for a couple hundred yards.

DOUG

11:50:59

Then there are the trash trucks, who pick -- picking up the dumpsters at 6:30 a.m. and slamming them on their trucks to make sure that everything is dumped out. But the worst story is last year, starting at 1:00 a.m., I was awoken by the beeping of something backing up. I went out on the balcony. I could tell there was construction out somewhere -- it looked like it was on the street. And I thought oh, my gosh, did a water main break. I went out and they were paving the parking lot of the office building across the street. So I thought this can't be legal.

DOUG

11:51:34

So I called the police. Officer came out right away, went to talk to them, came back to me and he said, "Well, yeah, what they're doing is illegal, but I can't ticket or stop them." And I have confirmed this with other officers. The only thing that could be done would be if I or the group of us in the building who were really upset by this, had a civil suit against the company. Ridiculous, isn't it.

BLOMBERG

11:52:01

You know, the world...

- REHM 11:52:04  
He move to the wrong place.
- BLOMBERG 11:52:06  
He did.
- REHM 11:52:07  
He really did.
- BLOMBERG 11:52:08  
But it's not his fault.
- REHM 11:52:09  
It's not his fault. Of course not.
- BLOMBERG 11:52:11  
What we've done to the soundscape -- noise is really trash. It's audible litter. And if you could envision noise as McDonalds' wrappers floating in the air, what you would be looking at, if you step out, is what he stepped out on his balcony, is just a landfill. It's just trash everywhere. It's kind of -- it says something about how we value our hearing, I think, in that we've been able to ignore this. Because, you know, in terms of sight, we haven't been able to ignore litter. We've cleaned it up. We are just beginning to start to clean up noise, I think.
- REHM 11:52:47  
There about to start ticketing people here in Washington for litter. And maybe they ought to do the same for sound. And you're listening to "The Diane Rehm Show." Tiny anecdote, years and years ago for our 25th wedding anniversary, my husband and I first went to Florence. Stayed in a very quiet hotel. Beautiful. And went from there to Venice. And we were right on the bay. And the Vaporetti were there. And the noise in the morning and all through the day was just a shock to my system.
- REHM 11:53:43  
And I went to the doorman and said, "I don't think I can stay here." And he said, "Madam, I promise you, just give it 24 hours." He was right. I got used to it. So are we all simply getting used to it?
- BLOMBERG 11:54:03  
You know, sometimes we get used to it. We do habituate somewhat. But there's an extent to which we don't habituate. One is the physiological effects, the cardiovascular effects, they happen no matter what. Also, for some people they don't get used to it. They don't habituate. They become more sensitive with more exposure. And so it's not always that you'll get used to it.
- REHM 11:54:26  
What do you think, Monica?
- HAMMER 11:54:28  
Yeah, I absolutely agree with Les, that, you know, maybe on a conscious level we will get used it, but certainly our bodies will never get used to those unnatural sounds that are really pollution. And we have to think about it as a source of pollution, just as Les was indicating.
- REHM 11:54:46

So in general, I gather cities are not doing a great job about trying to keep noise levels at a low point, Monica.

HAMMER

11:55:02

You know, cities are trying to use a salad fork to slay a dragon. And it's just because that's the tool they have available to them. And it's not their fault. They just basically have limited means through noise ordinances to really reduce pollution at its source. And we really have to look for federal leadership at this level. I mean, I can talk more about what cities can do to increase the level of noise awareness and educate individuals and disclosure and that kind of thing. But at the end of the day we really need a national effort here.

REHM

11:55:33

Do you agree with that, Les?

BLOMBERG

11:55:35

Yes. There is almost no national effort right now. The cities are where the activity is just because they have to be. Cities have had a resurgent in the last 10, 20 years. They've become more popular places to live, more attractive places to live. And mayors of those cities have taken efforts to improve the quality of life by reducing noise. They've done it in Boston, in New York, in major cities there's been efforts to do that. And that is where the action is right now. It's in cities because there isn't any action on the federal level and very little on the state level.

REHM

11:56:08

I would think that there would be cooperation, Dr. Hughes, between the medical community and the civic community trying to achieve some of this.

HUGHES

11:56:21

I think the medical community -- such as our institute, which is devoted to improving public health -- should educate people that noise is preventable, noise damage. And to put out campaigns for target groups, like adolescents.

REHM

11:56:35

All right. We'll have to leave it at that. Dr. Gordon Hughes, Les Blomberg, Monica Hammer, thank you all so much.

BLOMBERG

11:56:46

Thank you very much.

HUGHES

11:56:47

Thank you.

HAMMER

11:56:48

Thank you.

REHM

11:56:48

And thanks for listening all. I hope we haven't damaged your eardrums today. See you tomorrow.

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9/4/2014

The Environmental Outlook: How Noise Pollution Can Harm Our Health | The Diane Rehm Show from WAMU and NPR

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From: "Conrad Strozik" <[ctstrozik@windstream.net](mailto:ctstrozik@windstream.net)>  
To: <[davidcoburn@ongov.net](mailto:davidcoburn@ongov.net)>,  
Cc: <[ryanmcmahon@gmail.com](mailto:ryanmcmahon@gmail.com)>, <[mikeplochocki@hotmail.com](mailto:mikeplochocki@hotmail.com)>, "Les  
Monostory" <[fishbugm5@twcny.rr.com](mailto:fishbugm5@twcny.rr.com)>  
Date: 09/04/2014 01:50 PM  
Subject: Onondaga Lake Amphitheater Comments

Attached is the position taken by the Central New York Chapter of the Izaak Walton League of America concerning the construction of an amphitheater on the West Shore of Onondaga Lake.

Conrad Strozik, President,  
Central NY Chapter  
Izaak Walton League of America (See attached file: Chapter Amphitheater Comments Aug 5  
2014.doc)



**Central New York Chapter  
Izaak Walton League of America**  
2582 Pompey Hollow Rd  
Cazenovia, NY 13035

August 3, 2014

David Coburn, Director  
Onondaga County Office of the Environment  
John H. Mulroy Civic Center, 14<sup>th</sup> Floor  
421 Montgomery Street  
Syracuse NY 13202

Dear Mr. Coburn,

The Central New York Chapter of the Izaak Walton League of America has been involved in the past many years with efforts to restore the quality and use of Onondaga Lake by having a number of its members active in the Onondaga Lake Partnership and the Citizens Participant Working Group. After the county announced building an amphitheater on the shores of the lake, our organization collaborated with other environmental and civic groups in reviewing the DEIS for the proposed amphitheater project. We found that the comments submitted by the Onondaga Nation in their letter to you on August 24 cover all of our concerns in a detailed and well thought out manner. We are listing some of the specific comments that are of special concern to the Central New York Chapter.

**1. 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. 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.

**2. 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.

### **3. 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?

### **4. The DEIS Does Not Consider a Reasonable Range of Alternatives**

SEQRA 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 (3) Empty urban space such as off from Erie Blvd East near the new Center of Excellence Building. 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

### **5. 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. 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 amphitheatres and casinos, once very popular are now losing money or completely closing.

## **6. The County has not provided Adequate Opportunity for Public Review of and Comment on the DEIS.**

SEQRA 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 1914 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.

### **Our Mission**

To conserve, maintain, protect and restore the soil, forest, water, and other natural resources of the United States; to promote means and opportunities for the education of the public with respect to these resources; to promote the enjoyment and sustainable utilization of these resources.

### **Who We Are**

As like-minded conservationists, anglers, hunters, and nature lovers from many different walks of life, we work on locally important issues to fulfill the conservation mission of the Izaak Walton League and our local chapter.

### **Our Interests**

Our chapter has been focused on the Onondaga Lake cleanup and clean water issues including watershed monitoring and protection. Our educational outreach programs, including Project Watershed, promote awareness and appreciation of Central New York resources while encouraging users to utilize those resources in a responsible and sustainable manner.

Yours very truly,  
Conrad Strozik, President,  
Les Monostory, Vice President,  
Central NY Chapter,  
Izaak Walton League of America

Cc: Ryan McMahon, Onondaga County Legislature Chairman  
Mike Plochocki, Onondaga County Legislature Environmental Protection Committee Chairman

From: "Conrad Strozik" <[ctstrozik@windstream.net](mailto:ctstrozik@windstream.net)>  
To: <[davidcoburn@ongov.net](mailto:davidcoburn@ongov.net)>,  
Date: 09/04/2014 02:33 PM  
Subject:Amphitheater

David,

Please see attached.

Conrad(See attached file: amphitheater comments Aug3.docx)

*2582 Pompey Hollow Rd  
Cazenovia, New York, 13035*

August 3, 2014

David Coburn, Director  
Onondaga County Office of the Environment  
John H. Mulroy Civic Center, 14th Floor  
421 Montgomery Street  
Syracuse NY 13202

Dear Mr. Coburn,

Once again I wish to mention a few issues related to the County Lakeside Amphitheater project that are of particulate concern to me rather than list the dozens of issues raised by many individuals and organizations that deal with the unanswered (to be determined) factors in the DEIS as well as the many unfavorable environmental and economic issues. My concerns deal with **Public Opinion and Alternatives**.

**Public Opinion** – For years, as a committee member of the Onondaga Lake Partnership, I have 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. I am 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?

**Alternatives** – To comply with SEQRA, 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.

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 alternative, 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.

Plans to complete the design and build this ill conceived structure need to be placed on hold while county planners take a hard look on what best meets the true needs of the people wishing to use and enjoy Onondaga Lake.

Yours very truly,

Conrad Strozik



From: Donna Hamblin <[lue42hamb@gmail.com](mailto:lue42hamb@gmail.com)>  
To: [DavidCoburn@ongov.net](mailto:DavidCoburn@ongov.net),  
Date: 09/04/2014 03:00 PM  
Subject:

Dear Sir:

I am a board member of the Nine Mile Conservation Council, that has made a statement addressed to you, but I also wish to submit a personal comment with regard to the proposed Amphitheater project.

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?

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 <sup>3</sup>walk in the woods<sup>2</sup> 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.

I understand 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.

I therefore question 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.

Thank you for your attention,

Donna Logue Hamblin, 1894 Old Seneca Tpke. Marcellus, NY 13108

Submitted 09-04-2014

1

2 STATE OF NEW YORK : COUNTY LEGISLATURE

3 COUNTY OF ONONDAGA

4 -----

5 In the Matter of

6 LAKEVIEW AMPHITHEATER

7 -----

8 SECOND PUBLIC HEARING in the above matter,  
9 conducted at the Onondaga County Court House  
Legislative Chambers, Fourth Floor, 401  
10 Montgomery Street, Syracuse, New York before,  
JOHN F. DRURY, CSR, RPR, Notary Public in and for  
11 the State of New York, on August 26, 2014, 6:00 pm.

12 LEGISLATORS PRESENT:

- 14 J. RYAN McMAHON Chairman of Legislature
- 15 BRIAN F. MAY 1st District
- 16 JOHN C. DOUGHERTY 2nd District
- JAMES CORL, JR. 3rd District
- 17 MICHAEL PLOCHOCKI 6th District
- DANNY J. LIEDKA 7th District
- 18 CHRISTOPHER RYAN 8th District
- MARGARET A. CHASE 9th District
- KEVIN A. HOLMQUIST 10th District
- 19 PATRICK KILMARTIN 11th District
- DAVID H. KNAPP 12th District
- 20 DEREK SHEPARD, JR. 13th District
- CASEY JORDAN 14th District
- 21 MONICA WILLIAMS 16th District
- 22 Debbie Maturo Legislative Clerk

23 Reported By:  
24 John F. Drury, CSR, RPR  
25 Court Reporter 471-7397

♀

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1 Chairman

2 THE CHAIRMAN: Good evening. We'll

3 now call to order the public hearing on

4 the Draft Environmental Impact Statement

5 for the proposed amphitheater. To the

6 clerk, was this public hearing duly

7 published?

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CLERK MATURO: It was.

THE CHAIRMAN: Thank you. For the record we have exits in the back of the room, in the front of the room. If everyone can please turn off their cell phones at this time. I'd also, just a reminder, this is our second public hearing on the Draft Environmental Impact Statement. We will have a public hearing on October 1st at 6:00 p.m., at the Geddes Town Hall on Woods Avenue in the courtroom in regards to the economics and potential bonding for this project.

So today we're about the Draft Environmental Impact Statement. So if your comments tonight were about costs, business plan, things of that nature,

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Witners

tonight, now is not the appropriate time to bring that up. But you will have an opportunity to talk about that October 1st at 6 o'clock.

At this time is there any Legislators wishing to speak before we go into the comment period? Okay, seeing none, let's start the comment period. Our first speaker, and remind everyone if we can keep our comments to

Comment Letter 71-84\_Public Meeting\_2014-08-26  
three to four minutes each.

Our first speaker is Lloyd Withers,  
405 Bradford Parkway, Syracuse, New York.

LLOYD WITHERS: Good evening. Thank  
you for extending the public comment  
period for this Draft Environmental  
Impact Statement. I was not able to  
attend the first meeting. I'm glad to  
have this opportunity to share these  
thoughts with you. Some of you have  
taken time to speak with me about this  
plan and I very much appreciate your  
interest.

Some of my comments will address

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Withers

business matters, because certainly the  
Draft Environmental Impact Statement  
requires discussion on those points. My  
name is Lloyd Withers, and I started a  
group that advocates for civic  
improvement project called: Onondaga  
Shoreline. Our mission is the return of  
a parcel of clean land around Onondaga  
Lake to the Onondaga Nation.

The proposed wastebed amphitheater  
Draft Environmental Impact Statement has  
many shortcomings. You know about the  
health risks, and added expenses  
associated with building on the Solvay  
wastebeds and the Crucible landfill.

17 And as the County executive often  
18 repeats, it is a much studied site. But  
19 only because of the massive amounts of  
20 toxic chemical waste that has been  
21 dumped there.

22 Common sense alone would guide most  
23 to a more suitable location for a public  
24 amphitheater, especially given the fact  
25 that an ideal location exists less than

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1 Wi thers

2 a half a mile away at the nearby New  
3 York State Fair Grounds. The Fair  
4 Grounds provide a significantly less  
5 expensive site for this facility,  
6 especially given that it has the  
7 infrastructure and services in place to  
8 host the kind of events planned for the  
9 amphitheater. Its Grand Stand is in  
10 need of renovation, so directing state  
11 funds there would serve to shift the  
12 risk associated with this venture from  
13 being borne primarily by County  
14 residents, to being carried by the  
15 entire state. Maybe more importantly  
16 without losing any potential benefit to  
17 Onondaga County, Solvay or the Town of  
18 Geddes. The risks associated with this  
19 project are real and are deserving of  
20 full disclosure.

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and a representative from SMG, the  
OnCenter's management group provided the  
Legislature with some insight into the  
still unreleased business plan for the

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Witners

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  
amphitheaters. 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,  
Page 6



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Wit hers

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.

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Wit hers

THE CHAIRMAN: One minute.

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LLOYD WITHERS: 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.

So 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?

So, I can go through, more of my time is being limited as you can hear, so I'll get to some important items and submit the comments for reading later.

The DEIS does not adequately address the noise issue associated with this facility. Clearly the noise from this will, it has already shown to violate the ordinances that are designed to protect the people in Liverpool and Lakeland, to protect their home

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WITHERS  
environment, their quality of life.  
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

8 future use, things like adding a public  
9 swimming area, developing an environmental  
10 center, etc. And overwhelmingly, more  
11 than 85 percent of the respondents said  
12 what was most important to them was for  
13 the County to maintain or reforest  
14 natural areas.

15 The next most important option was a  
16 completed pedestrian biking trail around  
17 the entirety of the Lake. Essentially  
18 the public you serve told you, through  
19 your commissioned study, that maintaining  
20 natural areas around the Lake was the  
21 most important thing you could do, even  
22 more important to them than completing  
23 the much touted Loop the Lake Trail.

24 The County's formal recognition of  
25 the Lake as a sacred site and the

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1 Wi thers  
2 communi ty's clearly stated desire for  
3 maintaining the Lake as a natural place  
4 represents a real progress away from the  
5 days when the industry used the Lake as  
6 a waste dump, and our municipalities  
7 used it as an open cesspool.

8 So when the Governor announced plans  
9 to build an amphitheater on Solvay  
10 Wastebeds 1through 8, effectively  
11 preserving them to pollute the Lake for

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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.

I would ask you 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?

The amphitheater is being planned

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Kimball

for the wrong place and for the wrong  
reasons. Please consider a more  
suitable location, thank you.

THE CHAIRMAN: Thank you,  
Mr. Withers. Hugh Kimball, please. I  
allowed Mr. Withers to go a little  
longer because he wasn't here the last  
time, so he had a lot to say. So we're  
back on our three to four minute  
schedule everyone.

HUGH KIMBALL: As lead agency under  
SEQRA you are collectively filling the  
role of a planning board, albeit a  
really big planning board. SEQRA  
requires that you follow a defined

17 process, and that process is not a  
18 political process. It can and should be  
19 however, a negotiating process.

20 To properly move through to a site  
21 plan approval you should have a complete  
22 plan before you, not a conceptual plan.  
23 You need to understand that as a lead  
24 agency you are not limited to saying yes  
25 or no. In fact, as Mr. Holmquist put it

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†

1 Kimball  
2 so well, you do have the ability to make  
3 it less worse. You also are not bound  
4 by a timeline established by the  
5 proponents. You have the right and the  
6 duty to examine everything, and then ask  
7 questions of the proponents and their  
8 engineers, architects, and other  
9 professionals involved.

10 Those questions certainly should  
11 include many of the items raised by the  
12 public: alternative locations, physical  
13 dimensions, traffic concerns, and  
14 environmental issues like noise, light  
15 and all items that could affect public  
16 health and safety. Protecting health  
17 and safety is a prime obligation of a  
18 lead agency. And the issue raised in  
19 the article in the Post Standard on  
20 Sunday on the problem of stabilizing the

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pillings should get some attention from  
you.

This is where the negotiating comes  
in. You can request changes in the

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Kimball

plans, and if you feel the issues are  
serious enough, particularly in the  
health and safety area, you can say, no.  
The power to say no gives you the  
ability to suggest changes and/or  
mitigation of potential problems. I am  
asking you to take your responsibilities  
as lead agency seriously and do the job  
SEORA requires, and please consider cost  
and potential environmental losses of  
problems versus the social benefits  
claimed by the proponents of this  
proposal.

If you eventually reach the point of  
moving on to funding issues, I hope you  
will demand some studies that would  
indicate that the project will operate  
at least at a break even and will not  
require taxpayers to make up the  
deficits. Thank you.

THE CHAIRMAN: Thank you,  
Mr. Kimball. Next we have Chuckie  
Holstein from FOCUS.

CHARLOTTE (CHUCKIE) HOLSTEIN: Thank  
Page 12

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Holstein

you, Mr. Chairman and thank you for listening, County Legislator. I also want to thank Lloyd Withers for mentioning the FOCUS report because that's what I'm here to talk about.

In the fall of 2011 County Executive Mahoney contacted FOCUS and she asked us if we could identify what the citizens really want on the shoreline of Onondaga Lake. FOCUS is supposed to be a citizen engagement organization, and we have a pretty broad outreach. We of course said, yes, because 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 of 87 votes was a desire to have Onondaga Lake clean, able for the public to use in any way they desired. So we went ahead and did our report. It's here, and Mr. Chairman I have a copy for you.

THE CHAIRMAN: Thank you.

MS. HOLSTEIN: Actually I would like

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1  
2

Holstein

to give it to you now to refer to a

3 couple pages. The process we used was  
4 interesting. Onondaga Lake has been  
5 studied and studied and studied. So we  
6 thought the first thing we needed to do  
7 was to collect all of the studies that  
8 had been done over the years. We went  
9 back as far as 1928. We had 54 reports,  
10 we had four capstones due to Maxwell  
11 school, who analyzed those reports for  
12 us. Interesting there was some really  
13 wild ideas that came out.

14 The people wanted on the shoreline  
15 of the Lake, some of you may have heard  
16 they thought the airport should be  
17 there; didn't end up there. A golf  
18 course; we didn't get one. But those  
19 were some of the ideas that we heard.

20 Following the research we did a  
21 survey. Over 1,100 people responded.  
22 They came from every zip code in the  
23 County. There was as many men as there  
24 were women, which was very interesting.  
25 We didn't plan it that way, but that's

17

♀

1 Holstein  
2 how that shook out. We then did  
3 individual interviews. Some of the  
4 people here in the room today were  
5 interviewed. 110 private interviews of  
6 key stakeholders in Onondaga Lake. Our  
7 report is the result of all of that.



8                   So let me tell you a little bit  
9                   about the report. As I said to you, we  
10                  have 54 to look at, dating back 86 years.  
11                  So there was a lot that was going on.  
12                  The purpose of our report was to  
13                  identify the key concepts that are  
14                  applicable and desired today, and to  
15                  provide a road map for the County. We  
16                  did that in the process that I just  
17                  spoke to you about.

18                 And the major thing I want to say to  
19                 you today and report is that when the  
20                 capstone students looked at all the  
21                 reports over all of the years, on page 7  
22                 Mr. Chair, they had divided the areas  
23                 into five areas: recreation, tourism,  
24                 health and education, transportation,  
25                 development, environment and community

18

♀

1                                   Holstein  
2                   outreach and engagement.  
3                   And on the section on tourism,  
4                   health and education I'm going to read  
5                   from here. The public asked for  
6                   cultural events and displays along the  
7                   shoreline, including concerts and art  
8                   park and an amphitheater. So that was  
9                   their directly in writing for you.  
10                  There is another reference in the  
11                  Appendix on page 16, and I refer that to

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you as well.

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So I'm here to tell you that indeed over the years the concept of concerts on the Lake and amphitheater on the Lake and certainly culture and art. But I would be remiss if I didn't tell you that the most important thing that was said over and over again for 86 years, including this past year, is keep the Lake public. The public wants to have access to that shoreline. They do not want to see a lot of development on the shore of the Lake. They want to be able to get there to fish, to boat, to hike,

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Lewis  
to bike, to do all the things that you can do outdoors. And Lloyd was right, they want to keep the environment as it always was.  
And last but not least, included in your book, in the folder, is a very beautiful piece that was written by the Onondagas: The Onondaga Nation for a Clean Onondaga Lake. I submit everybody should read this, it is beautifully written, and it talks about how wonderful the Lake was, is and can be. So with that I am concluding. I'll answer any questions.

THE CHAIRMAN: Thanks, Chuckie. We  
Page 16



21 this project. It could be used for  
22 other things. Also it's not a good site  
23 to build on. It's corrosive, it's toxic  
24 and it's going to cost a lot of money.  
25 I don't think it will be obvious until

21

♀

1 Lewis  
2 how much money it is going to cost. I  
3 really worry because is it one of those  
4 things the price is going to go up and  
5 up and up.

6 But the thing I really want to  
7 concentrate on today is the thing that  
8 really I feel very passionately about,  
9 and I'll explain why, is the health and  
10 safety indication. Because the highly  
11 toxic environment, it contains many,  
12 many highly toxic chemicals. We know  
13 about many of them. We know of many of  
14 them, we know that there are  
15 carcinogens, we know that there are  
16 toxins in chemicals that are going to  
17 impact adversely the development of  
18 embryos, that are going to interfere  
19 with normal human reproductive systems  
20 and also the nervous system function.

21 Also I have a concern with the fact  
22 that EPA said so far they do not  
23 consider it a risk to young children.  
24 But what I am concerned about, all the  
25 chemicals we don't know about yet that



3 they die. The fish, while they might be  
4 simpler than us, the embryos grow in a  
5 similar way as the human embryo,  
6 particularly heart development.  
7 We use it now for a heart  
8 development to see. You can look on  
9 YouTube, you can Google, you'll find  
10 lots and lots of things, so this really  
11 concerns me. We thought they might be  
12 toxic but we never expected to see  
13 things like we've seen. These are just  
14 two chemicals, the first two chemicals  
15 we looked at. There might be other  
16 chemicals there that also might be  
17 toxic. We know these two particular  
18 chemicals found in the Lake in the tar  
19 pit, but because we know that Lake  
20 disposed waste very likely on this site  
21 as well. I don't feel this site has  
22 been very well tested. Tested in a  
23 couple places, but not evenly, the  
24 chemicals are not there evenly. They're  
25 not looking for some of the things that

24

♀

1 Papworth  
2 are toxic because we don't know they're  
3 toxic yet. So that scares the people in  
4 my lab working on that. That was the  
5 major thing I wanted you to know about.

6 THE CHAIRMAN: Thank you, Ms. Lewis.  
7 Next we have Bob Papworth, 228 Hampton

8 Road, Syracuse.

9 ROBERT PAPWORTH: Good evening.

10 Thanks once again. When my grandfather  
11 was a boy he kept his rowboat tied up at  
12 Harbor Brook. Rowed out in the evening  
13 to catch perch on the Lake about 1890 or  
14 1900s. Been a long time since we can to  
15 do anything like that.

16 I wrote a memorandum to the County  
17 Executive yesterday, I will briefly  
18 summarize, I won't read the whole thing.  
19 But the gist of it is, in the voluminous  
20 record for the whole Onondaga Lake  
21 Superfund project I cannot find any  
22 information that suggests that thermal  
23 treatment technologies have ever been  
24 examined for use in any of the sub sites.

25 I have just recently obtained a

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Papworth

2 proposal from a company called Noble  
3 Metals Extraction, which is a mining  
4 services company to help clean up the  
5 lower Ley Creek sand plane. The idea is  
6 they would build a plant here and remove  
7 the toxic materials from the sand,  
8 sterilize the sand and go back into the  
9 environment. The toxic solution then  
10 would be buried or hopefully treated  
11 with some sort of thermal treatment.

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document called the Citizens Guide to Thermal Distortion. The document concludes with this sentence. "Thermal destruction is being used or has been selected for use at over 70 Superfund sites across the country." Why have we not had it mentioned in connection with Onondaga Lake? In any of the sub sites?

Had a chance to talk to Tracy Smith just a few minutes ago, he's the DEC man in charge of a lot of the projects. We were talking about wastebeds 1 to 8 and the sheer magnitude of it. It's 60 feet

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Monostory

deep, a mile long and just enormous, and it's full off chemicals. And nobody really knows what to do with them right now. But the point is that we haven't pursued the topic of thermal treatment and thermal destruction to figure out whether there is a way to destroy those chemicals. And I think we need to stop and do that. I hate to see us just bury it under an amphitheater or under any kind of golf course or parking lot or whatever, and just leave it there. So that's the gist of it. And I'm still working on it. Thank you.

THE CHAIRMAN: Thank you, Bob. Next  
Page 22



17 Frank Leskowski. Not here. Next is  
18 Les Monostory.

19 LES MONOSTORY: Thank you for the  
20 opportunity to speak again. Les  
21 Monostory, I'm the founder and  
22 vice-president of the Izaak Walton  
23 Central New York Chapter and an original  
24 board member of the Nine Mile Creek  
25 Conservation Council. I'm also a

27

1 Monostory  
2 retired environmental planner from the  
3 County of Onondaga, 30 year career with  
4 the Environmental Management Council and  
5 the County Health Department.

6 Three major issues that I would like  
7 to bring up. First is a statement that  
8 was at the previous public hearing  
9 basically indicating that Onondaga  
10 County is not in compliance with the  
11 SEQR Scoping and Environmental Impact  
12 Statement preparation requirements for  
13 the analysis of alternatives to the  
14 subject site, the Lakeview Amphitheater  
15 site. And this may put the County at  
16 risk of an Article 78 lawsuit.

17 Second point is, as what Ms. Lewis  
18 pointed out here, hazardous waste has  
19 been deposited at the Crucible or at the  
20 Crucible landfill site which is located

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on the same wastebed where the proposed  
Lakeview Amphitheater site is. And  
underneath those wastebeds, as a matter  
of fact there is a lovely illustration  
of mid 20th century polluted water body.

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### Monostory

And you can see that 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.

The third point is the article that  
appeared in the newspaper this week, I  
believe, and I think that it is very  
instructive, helping to build an  
amphitheater on a toxic waste bed, it  
says, careful. Carefully means this is  
going to be an expensive site to build,  
ladies and gentlemen. And you're not  
going to have a cost analysis for this  
site until October 1st. To me that  
doesn't make sense.

In effect, if the County Legislature  
approves this site now, you're providing  
someone a blank check in terms of  
building this amphitheater site. So  
because we haven't looked at  
alternatives, such as the New York State  
Fair. I can give you a lot of

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Monostory

information, there is tons of information on the history of hazardous waste that has been deposited in Onondaga Lake.

The first one I have here was Onondaga Lake Management Conference in 1993. Declared the Onondaga Lake a Plan for Action. Let me quote from just one page on this. This is the section on mercury and other industrial pollutants and waste. It says, "Since the late 1800s the Onondaga Lake drainage basin has been the site of extensive industrial and chemical manufacturing activities. Mercury discharges from 1947 until 1979 at several sites, the LCP site, which is near Bridge Street, also the one other site was Willis Avenue site." Those are two sites that manufactured mercury and other chemicals.

The wastebeds themselves, what you see on the wastebed site now is the result of, those were liquid wastes put

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Monostory

on the wastebeds, and it took decades

3 for those liquid wastes to sink down to  
4 where they are now. We don't know how  
5 much further they're going to sink. But  
6 a little bit of history, some of these  
7 salt wastes or calcium chlorides were  
8 discharged as a pollution directly into  
9 the Lake and certain of its tributaries  
10 such as Nine Mile Creek, while the rest  
11 were deposited and carried into land  
12 areas, wastebeds located near the Lake.  
13 Those are now called wastebeds 1 through  
14 8.

15 The magnitude of salt discharges can  
16 be gauged by the fact today there are  
17 approximately 1,500 acres of wastebeds,  
18 some as high as 8 feet above grade.  
19 Studies conducted in the 1980s indicate  
20 that over 4,000 tons of chloride were  
21 entering Nine Mile Creek from the area  
22 of the wastebeds.

23 Summit tar pits. The Summit tar  
24 pits are the source of exotic smells  
25 when you drive by 690, the village of

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♀

1 Monostory  
2 Solvay during the summer. Also produced  
3 were benzene and chlorinated benzene  
4 products. Waste from the production of  
5 those chemicals were deposited into the  
6 waste lagoons, Summit tar pits which lie  
7 approximately 200 feet from Onondaga

8 Lake. These lagoons contain  
9 approximately 100 million gallons of tar  
10 waste, which has been shown to  
11 contribute benzene and chlorinated  
12 benzene to the Lake.

13 The Onondaga Lake Superfund site,  
14 this is from Region 2, EPA, consists of  
15 the Lake itself, Onondaga Lake, to my  
16 knowledge is the only Lake in the nation  
17 designated as a Superfund site. 7 major  
18 and minor tributaries and upland sources  
19 of contamination into site --

20 THE CHAIRMAN: One minute.

21 LES MONOSTORY: --called sub sites  
22 of which there are 11. Including the  
23 Crucible waste sites. There are two  
24 Crucible waste sites, one was 3  
25 and-a-half acres where the Honeywell

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1 Monostory  
2 Welcome Center is located now. They  
3 received waste from the 1960s until 2011.  
4 The Crucible landfill site on wastebed  
5 8, which is where the amphitheater is to  
6 be located, was operated for just over  
7 10 years, covered 20 acres. I believe  
8 that Onondaga County also used that for  
9 a while to dispose of waste from the  
10 Metro sewage plant. Not quite clear on  
11 that.

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But I also want to point out quickly  
that of the sites that Honeywell is  
cleaning up now there are designated  
sites adjacent to the wastebeds and --  
got to find the right one here, it has a  
map showing that the wastes that were  
discharged from the Willis Avenue plant,  
LCP Bridge Street plant and other  
locations are located immediately  
adjacent, they call them sediment  
disposal site. They're numbered. And  
one of them is adjacent to where the  
Lakeview site is going to be at the  
mouth of Nine Mile Creek. Honeywell is

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Strozik  
going to be clearing chemicals from that  
site. The other is a site Number 3,  
which covers the entire area from  
basically Nine Mile Creek down to the  
exit from 690 where the Honeywell  
visitor site is located now.

So those sites at the base of the  
wastebeds are being cleaned by Honeywell  
at the present time due to the presence  
of hazardous chemicals. And no one  
knows what underlays the wastebeds that  
you see in the picture over there from  
the mid 20th century. Thank you.

THE CHAIRMAN: Thank you,  
Mr. Monostory. Next up Conrad Strozik,  
Page 28

17 Izaak Walton League, Cazenovia, New  
18 York.

19 CONRAD STROZIK: Good evening, first  
20 of all, I would like to point out that  
21 Cazenovia, New York is Onondaga County.  
22 I am a County resident, yes. Again,  
23 good evening Mr. Chairman, members of  
24 the Legislature, town officials, friends  
25 and County residents concerned with

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1 Strozik  
2 Onondaga Lake. I am Conrad Strozik, a  
3 retired engineer that spent most of my  
4 career in manufacturing management. My  
5 environmental background is presently  
6 comprised by my position as President of  
7 the Central New York Chapter of the  
8 Izaak Walton League, an organization  
9 having several of its members with past  
10 and current involvement with Onondaga  
11 Lake clean up programs and committees.

12 My personal past environmental  
13 experiences have been with the Outreach  
14 Committee of the Onondaga Lake  
15 Partnership, the Citizens Advisory  
16 Committee of the previous Onondaga Lake  
17 Management Conference, and several town  
18 and county environmental commissions and  
19 councils.

20 So Onondaga Lake has been a key

21 element in my concerns for its clean up  
22 and its improvement. But I have one  
23 more item that makes Onondaga Lake  
24 important to me. I grew up in Lakeland.  
25 Many years ago, each morning as I walked

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Strozik

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to Lakeland School on a hill overlooking

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the Lake, I saw Onondaga Lake spread out

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in front of me. Onondaga Lake was part

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of my home. So what happens to Onondaga

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Lake is also a very personal issue for

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me.

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Today I'm not going to review the

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many environmental, social and economic

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concerns related to the amphitheater.

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My colleagues, members of civic and

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environmental groups and others have

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already either written, spoken or will

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speak on these concerns that I fully

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support.

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Instead, I'd like to bring up one

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basic point. Why are we building an

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amphitheater? To what degree will it

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solve an existing county problem or

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issue? If that problem or issue were

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truly defined, then the county should

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have first considered the alternatives

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to solve that problem by using social,

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economic and environmental considerations.

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Doing so, the county would certainly



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Strozik

have reviewed and considered  
alternatives to building an amphitheater  
and may have chosen a different solution  
altogether.

It appears the county first solved  
this unidentified problem by trying to  
building an amphitheater. And then  
decided to explain why by saying the  
amphitheater 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.

Yes, ladies and gentlemen, you will  
leave this hearing with the understanding  
that there are many unanswered concerns  
with building a Lakeside amphitheater.  
I'd like to have you also leave with the  
basic question that I raised. Why are  
we building an amphitheater? Thank you.

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Lowry

THE CHAIRMAN: Thank you, Conrad.

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Next up we have Alma Lowry, Jamesville,  
New York, law office of Joe Heath,  
attorney for the Onondaga Nation.

ALMA LOWRY: Good evening. Thank  
you for the opportunity to speak to you  
again about the proposed Amphitheater  
Project. My name is Alma Lowry, I'm an  
attorney working with the law office of  
Joe Heath, speaking here tonight on  
behalf of the Onondaga Nation.

The Nation has five written comments  
in this matter and I hope you have a  
chance to read those comments. I'm not  
going to try to repeat them tonight  
because they're lengthy. But I want to  
highlight a couple of issues, primarily  
related to the role of SEQR, and the  
legislative role in trying to implement  
this obligation with SEQR.

SEORA requires that you, as the lead  
agency, take a hard look at the  
environmental impacts of the actions  
you're about to take. Consider

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Lowry  
potential mitigation and identify  
alternative strategies that might avoid  
any harm that you've identified. If  
there are environmental impacts your  
obligation as lead agency under SEQR is  
to balance those cost against the social

8 and economic benefits of the project.  
9 Why economic matters are not a  
10 matter to DEIS review? Because it leads  
11 to the heart of it. Your DEIS, despite  
12 all its inadequacies has found  
13 unavoidable negative environmental  
14 impacts, for which mitigation has not  
15 been taken. That means that you have an  
16 obligation to balance those costs  
17 against economic and social benefits and  
18 provide a reasonable elaboration for the  
19 basis for your moving forward or not  
20 with this project, as part of your  
21 obligation.

22 There are some problems with the  
23 ability to do that because the DEIS is  
24 inadequate in several ways. It omits  
25 the significant impacts on analysis, it

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♀

1 Lowry  
2 repeatedly relies on undeveloped  
3 mitigation measures and it fails to  
4 consider a reasonable range of  
5 alternatives.

6 I could talk about a number of  
7 issues for which the environmental  
8 analysis is lacking, I'm going to  
9 highlight one that hasn't been mentioned  
10 yet, impact on birds and wildlife.  
11 Despite the continued presence of toxic

12 waste on wastebeds 1 through 8, birds  
13 and wildlife have been drawn to this  
14 area. Probably because this is part of  
15 one of the last undeveloped or minimally  
16 developed tracts of land along the  
17 lakeshore. We know that there are Bald  
18 Eagles, Ospreys, Common Terns and Common  
19 Loons and on that have been seen on the  
20 wastebeds.

21 We know that there are other  
22 wildlife that has been identified by the  
23 DEIS as using that area including  
24 potentially the endangered bass. But  
25 despite the presence of this wildlife,

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♀

1 Lowry  
2 despite the intense construction of  
3 these posts to the site, despite the  
4 multiple large conference that can be  
5 drawing thousands of visitors, along  
6 with loud music in perpetuity, the DEIS  
7 says there are minimal impacts on  
8 wildlife either on or adjacent to the  
9 site. Apparently this is because there  
10 has been sporadic construction along the  
11 lakeshore and all the wildlife is now  
12 habituated to human presence anyway.

13 There is absolutely no analysis of  
14 this statement. No evidence to support  
15 the fact that wildlife has currently  
16 habituated. There is no evidence or

17 analysis that shows that the intensive  
18 human use that is being proposed for  
19 this site is in any way comparable to  
20 the sporadic scattered construction  
21 that's been ongoing around the  
22 lakeshore. But the DEIS says no impact.  
23 We don't have an impact. They don't  
24 think about the impact of chemicals,  
25 pesticides on the site. They don't

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1 Lowry  
2 think about the fact of erosion, they  
3 don't think about the impact of visitors  
4 who are now drawn to the site by the  
5 hundreds and thousands who might intrude  
6 into otherwise previously undisturbed  
7 area not really covered in the  
8 environmental impact. That's not a hard  
9 look at birds and wildlife impacts.  
10 It's not. Not adequate.

11 Mitigation measures is another part,  
12 DEIS is simply not accurate. The County  
13 kicks the can down the road here,  
14 stating that mitigation will be selected  
15 by someone else, somewhere else, in yet  
16 to be developed plans that one can't see  
17 because they don't exist.

18 Landscape plans, construction plans,  
19 landscape design plans, site remediation  
20 plan which is not finalized yet, storm

21 water prevention plans. Again and  
22 again, and again, the County says, yes,  
23 it will be impacted, it will be taken  
24 care of in some fashion with these  
25 plans, the County says, which will be

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Lowry

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developed at some point. They will

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comply with the law and no problem.

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SEQR doesn't make sure you comply

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with the law. SEQR asks you to look at

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the environmental impacts of otherwise

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legal projects. Make sure that those

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costs are balanced against the benefits.

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Finally, alternative analysis. SEQR

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requires consideration of a reasonable

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range of alternative projects that will

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achieve the same or similar objectives

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as the preferred alternative. In this

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case defined oddly enough as hampering

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public access to the lakeshore. Taking

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advantage of the remediated area around

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the Lake and sudden economic development

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in Solvay, not really designed to -- not

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really tied to a concert venue or to the

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provisions creation of an amphitheater.

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But those are the goals that are stated.

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And they seem to be stated that way, to

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support development of this particular

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site rather than development of a viable

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concert venue.

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Lowry

If the goal is to obtain a viable concert venue then you should consider reasonable alternatives, like a site closer to Inner Harbor or on the State Fair Grounds, and these are excluded from the DEIS. And if the goal you set in the DEIS are really the goals of the County, then you need to consider other uses for this site that would meet those goals. An environmental education center, a wildlife viewing center. Be true to what you say.

Let's think about all the ways we can do that. But the DEIS doesn't do that. As I said, despite the matters, it recognizes unavoidable negative impact on this problem, that means you have to balance the costs to the benefits, and without any information about the economics of the project, without any idea whether it is going to be economically viable or provide benefits within the amphitheater itself. You get secondary economic benefits, I

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Moss

don't see how the County can do that, I

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don't see how you can meet these obligations with this document.

The bottom line is the County needs to go back and needs to revise the DEIS and go through the process again to make sure the SEQR obligations are met before you decide whether or not you go forward with this project.

THE CHAIRMAN: Thank you. Frank Moses, Tennyson Avenue, Syracuse, New York.

FRANK MOSES: Good evening everyone, good evening, Chairman. Thank you for the opportunity for allowing me to speak this evening. The first part of what I want to speak about tonight I hope are as reflective as possible of the Onondaga Audubon Society, who I've been involved with for some time. I've also spent 15 years in environmental education. Worked for the DEC environmental education camps. And close to eight years in bird

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Moss conservation, part of that working for Audubon, and now volunteering for the Onondaga Audubon Society as the liaison to Onondaga Lake.

During the opening of the West Shore Trail Expansion we handed the County



8 Executive, the Onondaga Audubon Society  
9 handed County Executive Mahoney a letter  
10 asking for bird conservation development  
11 standards, which highlighted things like  
12 glass and bird collision mitigation,  
13 light pollution reduction, facility  
14 runoff and wastewater management, design  
15 trap abatement. An example of that  
16 would be having a low shimmer effect for  
17 waterfowl.

18 The Onondaga Lake is recognized as a  
19 New York State important bird area,  
20 specifically for wintering waterfowl and  
21 mentioned for Bald Eagle as well. In  
22 2013 it was recognized by The National  
23 Audubon Society as one of 23 projects,  
24 one of its highest priority projects out  
25 of over 2,500 important bird areas. And

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♀

1 Moss  
2 part of that has been because of our  
3 conservation, education programming  
4 through the creation of the Onondaga  
5 Lake Conservation Corps.

6 But I digress, the design trap  
7 abatement was in relation to not having  
8 a waterfowl get attracted to shimmering  
9 pavement after a rain event. There is a  
10 rain initiative, hopefully that would be  
11 congruent where water would be porous

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and not have the shimmer effect and not  
trap our waterfowl.

And we also ask for habitat  
enhancement for field and landscape  
architecture and other potential  
infrastructure, such as chimney swift  
towers. And to reduce Bald Eagles and  
other birds of conservation priority  
disturbance.

And there is a lot of criticism with  
this process and the Draft Environmental  
Impact Statement, but I did want to  
highlight some of the positive things.  
So we submitted that letter during the

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#### Moss

West Shore Trail Expansion, and then  
further saw that the Draft Environmental  
Impact Statement did include the  
exploration of having bird-friendly  
building design go into the project.  
And also to look at having dark sky  
initiatives during, and knowing that  
would obviously be during when there  
wouldn't be nighttime concerts, it would  
be during when the amphitheater would be  
in idle per se.

So, I did want to say that we as an  
organization are recognizing that those  
types of mitigation efforts are on the  
right path.

17 And in regards to the analysis and  
18 the assessment of the impact on wildlife  
19 and birds, birds and other wildlife, we  
20 are finding consensus that the Draft  
21 Environmental Impact Statement is  
22 inadequate, it's insufficient in terms  
23 of measuring what type of impact this  
24 project would have and what we would  
25 lose in regards to birds, other wildlife

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1 Moss  
2 and their habitat. And I think it's the  
3 idea if this project does go through we  
4 need to have a clear assessment so we  
5 can understand how to mitigate or  
6 compensate for that loss of wildlife.

7 And with that, if there is an  
8 amphitheater that does bring in 17,500  
9 people to the waterfront, that gets to  
10 enjoy the waterfront, then we would hope  
11 that part of their enjoyment they would  
12 be paying for through ticket sales,  
13 whether it's a dollar off the ticket  
14 that goes specifically and directly to  
15 the conservation of Onondaga Lake as an  
16 important bird area.

17 I hope I explained a few things, but  
18 the gist is that we are happy with some  
19 of the things we've seen in the right  
20 path. We think we have a lot more

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recommendations to make. We are not

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happy with the Draft Environmental  
Impact Statement and its ability to  
assess the potential loss of habitat and  
impact on birds and other wildlife. But

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Kinne

we do see opportunity for a community to  
give back to the Lake in the future  
through this project. And we will be  
submitting our comments, we have a board  
meeting, so some of those comments might  
be different from what I'm saying this  
evening. I personally see a great  
potential in terms of providing  
sustainable revenue through this project  
to go to bird conservation. And if it  
does go through, this project, I would  
hope that would be put in place. Thank  
you.

THE CHAIRMAN: Thanks, Frank. Next  
Bob Kinne, Seneca Turnpike.

BETH KINNE: Hello, I came because I  
think it's a really important issue and  
I'm against the proposed Amphitheater  
Project. Toxic waste dump is not a good  
place to build. Toxic waste should be  
scientifically dealt with in order to  
protect the public health. And I would  
say too, wouldn't taxpayer money better  
spent on our roads or water lines or

1 Manno  
2 sewers? For the obvious that the roads  
3 in the downtown area as well as other  
4 areas of the city are in need of major  
5 repairs. Although I'm not sure how you  
6 go about what's deciding most important.  
7 But a toxic waste dump doesn't seem like  
8 a good choice. Thank you.

9 THE CHAIRMAN: Thank you, Beth.  
10 Next we have Jack Manno of Avondale  
11 Place, Syracuse, New York. SUNY ESF,  
12 neighbor of Onondaga Nation.

13 JACK MANNO: Hello, thank you for  
14 hearing us tonight. I'm a professor at  
15 SUNY College of Environmental Science  
16 and Forestry and I worked with the  
17 Onondaga Nation over the last twenty  
18 years on a variety of environmental  
19 issues.

20 I believe we have a moral, sacred  
21 and someday hopefully a legal  
22 obligation to listen to and respect the  
23 Onondaga People's voice about the  
24 environmental impacts of this project.  
25 They will persevere, as they always do.

1 Manno  
2 But it will break their heart once

3 Comment Letter 71-84\_Public Meeting\_2014-08-26  
again.

4 On April 19, 2010 Onondaga County  
5 Executive Joanne Mahoney joined Seneca  
6 environmental leader Henry Lickers,  
7 Onondaga Chief Jake Edwards, the  
8 President of SUNY College of  
9 Environmental Science and Forestry at  
10 the time, Neil Murphy, and Andy Maxwell,  
11 Syracuse Sustainability coordinator.  
12 They were together at Syracuse Stage as  
13 part of a program titled "Sacred Waters:  
14 The Onondaga Nation's Vision for the  
15 Future of Onondaga Lake." We've already  
16 heard a little bit about that. I was  
17 the host of that evening's event.

18 These are some of the words that  
19 County Executive Joanne Mahoney shared  
20 with the audience, she said, "We had the  
21 opportunity to sit with the Chief Oren  
22 Lyons on more than one occasion and get  
23 a very good history and understanding of  
24 what Onondaga Lake means to the  
25 Haudenosaunee, and what it means really

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♀

1 Manno

2 to our entire community. It's the home  
3 of western democracy, it's the basis of  
4 the Constitution of the United States of  
5 America, and there is so much history to  
6 Onondaga Lake, we as a community should  
7 be embracing it and not obviously using

8           it the way it's been used in the past.  
9           I'm going to tell you the things  
10          Onondaga County is going to do. One is,  
11          we're going to continue to try to  
12          understand the importance of Onondaga  
13          Lake. I went with some of my team to  
14          the Onondaga Longhouse. I had a  
15          wonderful opportunity to hear from the  
16          Onondagas about Onondaga Lake, and we  
17          have formally brought the Onondaga  
18          Nation into the conversation and made  
19          them a real ongoing part of the  
20          conversation about how we're going to  
21          clean Onondaga Lake. "

22          County Executive Mahoney, the  
23          Onondaga Nation has spoken very clearly  
24          that the rush to build an amphitheater  
25          on top of mounds of potentially harmful

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♀

1                                   Thompson  
2          wastebeds is the opposite of how  
3          Onondaga Lake should be cleaned up. Be  
4          true to the words of the County  
5          Executive and stop the rush for  
6          something that no one needs and which  
7          your partners, the people of the  
8          Onondaga Nation, have actively opposed.  
9          In your job you have a sacred duty to  
10         protect and restore the sacred waters of  
11         Onondaga Lake. Thank you.

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THE CHAIRMAN: Thank you, Jack.

Next we have Mary Thompson, Dewitt, New York. Home Builders and Remodelers of Central New York.

MARY THOMPSON: Thank you for having me. I'm going to be very brief. You guys certainly have a lot to think about. I'm here in a different capacity. I'm here as an event manager. And I very much agree with the FOCUS Greater Syracuse finding and keeping the Lake public and making sure that the citizens have access to the Lake.

Yet there is a lot, I'm really

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Thompson interested in a lot of the possibilities that could happen with something like an amphitheater. I spent more than 10 years at the OnCenter complex as their director of events, administration. And I was there right after we opened, and we had to find different ways to use the facility, to bring convention dollars in, to bring different events in. Because when that happens people come in, they utilize the facilities, they go to restaurants, they use hotels, and there is an economic impact.

And so we're hopeful that this ties into the Fair Grounds, the OnCenter and



17 a lot of the other event venues that  
18 could really be utilized in a different  
19 kind of way for the community. And  
20 therefore, we can see some economic  
21 impact.

22 The other thing is that we're really  
23 excited about a lot of the neighborhood  
24 revitalization. And I don't know that  
25 there's been enough discussion about

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†

1 Thompson  
2 that. That that's really important and  
3 it certainly is a critical issue to our  
4 community. And so we're excited to see  
5 more of that happening and excited to  
6 see more discussion about that.

7 I also, before I sit down, I wanted  
8 to say that I love Frank's idea using a  
9 portion of the ticket sales as some sort  
10 of a Lake conservation. And other  
11 communities do that kind of item and I  
12 think that's something we should  
13 consider. So thank you.

14 THE CHAIRMAN: Thank you Mary. Next  
15 we have Lendra Monkemeyer.

16 LENDRA MONKEMEYER: My name is  
17 Lendra Monkemeyer, a graduate from SU.  
18 I liked to volunteer for the city parks  
19 as a tree steward, I love it, been doing  
20 it for several years now. I think the

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project, Amphitheater Project, needs to

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be thought of more, as all the previous  
speakers have mentioned. I just want to  
show you some ideas that I have.

First of all, are you aware that the

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Thompson

danger of benzene is very great. EPA  
says they only allow drinking water 5  
parts per billion. And can you imagine  
how much that is? So I asked the  
question, what is 5 parts per billion?  
And I found out that if you have some  
quarters, they go from, in a whole roll  
of quarters they go from Chicago (meant  
Detroit) all the way to Salt Lake City.  
And only one of the quarters is  
actually, 5 quarters would be the size  
of the 5 part per billion, that long  
line going from Detroit to Salt Lake  
City. So you can see how from a little  
benzene, how toxic it is. Also been  
seen to hurt people.

First of all it comes out of the  
soil and also it evaporates and it goes  
into the nose. And the nose is directly  
connected to the brain. Goes directly  
to the brain, and probably people don't  
think about the danger. If you put  
something on your skin you can wash it  
off. If you breathe it in, you can't

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Thompson

wash it off. So I really think we should be very very careful about what we do with the benzene and clean it up first.

And also we can look at, for change a topic most happy idea let's look to Rome. What did they do with their amphitheater? They had a cover on it. It was a roll-up cover. Maybe we can implement that idea. Especially to go into like Thorndon Park, maybe too sunny, maybe we can put a cover over it, it can roll up like they did in Rome. So maybe let's think about more things like that. And then also let's be very careful to make sure that everything works out and we do a thorough research in every area. We want to keep animals happy, the wildlife.

Just the other day I saw a deer two blocks from SU. 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. I

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Landis

just hope that you continue on the

3 project because I do like the idea of an  
4 amphitheater. Many people like the  
5 amphitheater over at Syracuse on the  
6 east side. Shakespeare Place there it's  
7 great. So I think everywhere you have  
8 an amphitheater it's a great asset, so  
9 let's do it, so it's very healthy for  
10 everyone. Thank you.

11 THE CHAIRMAN: Thank you, Lendra.  
12 This is the last speaker who signed up,  
13 so if someone else wants to speak after  
14 this speaker please, at this opportunity  
15 come up and fill out a card. Catherine  
16 Landis, SUNY ESF PhD student.

17 CATHERINE LANDIS: Thank you for  
18 this opportunity to comment on this  
19 project. I also grew up not in Lakeland  
20 but in Westvale. Certainly remember  
21 what the Lake was historically and also  
22 feel a personal investment in what we do  
23 with the Lake.

24 Also from my dissertation I'm  
25 looking at the environmental history of

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1 Landis  
2 the Lake, so going back to a time when  
3 the Lake was natural, when there were  
4 wetlands, salt springs, forest all  
5 around the Lake and very rich environment.  
6 Things like salmon, passenger pigeons by  
7 the million coming to salt springs.

8           So my history on Onondaga Lake  
9           restoring that historical abundance and  
10          I think that's entirely possible. So my  
11          comments will be on the impact to  
12          wildlife and habitat mainly, because  
13          that's what I know about.

14          The Environmental Impact Statement  
15          does point out that project area lies in  
16          large relatively intact mostly  
17          undeveloped area along Onondaga Lake,  
18          that's 400 acres. And the loss of 20  
19          percent of that habitat. And that's a  
20          significant loss. Even the  
21          Environmental Impact Statement does say  
22          that. And as it was said earlier it  
23          kind of dismisses that loss by saying  
24          that wildlife, they can go elsewhere, or  
25          they become accustomed to the lights and

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1                                   Landis  
2           to the music -- maybe not the music but  
3           noise.

4           But again, it was pointed out it's  
5           not really a comparable disturbance.  
6           Currently the construction that's going  
7           on now, the goal of that, my  
8           understanding is, to remove as much as  
9           possible, remove, remediate toxic  
10          hazards and actually create habitat  
11          whereas the amphitheater would be

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12 destroying habitat. 20 percent of that  
13 area permanently.

14 The other thing about that is so  
15 conservation biology one of the tenants  
16 is this idea of fragmentation. So that  
17 you can lose that 70 acres, but it's not  
18 only the 70 acres you're losing, it's  
19 also you're impacting the surrounding  
20 areas, you have stream side areas along  
21 Nine Mile Creek, wetlands along the Lake  
22 and Nine Mile Creek that they're  
23 investing a lot of energy in restoring,  
24 rebuilding. So there is a potential for  
25 this contiguous habitat complex. A

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1 Landis  
2 forest wetland, aquatic and grassland  
3 habitat.

4 And the wastebed area where the  
5 amphitheater is planned for is not just  
6 industrial, I mean it is an industrial  
7 setting, industrial waste dump, but it's  
8 also been healing over the past 60, 70  
9 years. And now it's home to many birds.  
10 There was a study in 2012-2013 by SUNY  
11 ESF master students found 59 species of  
12 birds in what he described as a thriving  
13 bird community. So the habitat issue I  
14 think is really tremendously important  
15 And was not adequately addressed in the  
16 DEIS.



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Legislature? Seeing none, public

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hearing is closed.

[Conclusion of public hearing].

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C E R T I F I C A T E

This is to certify that I am a Certified  
Shorthand Reporter and Notary Public in and  
for the State of New York, that I attended and  
reported the above entitled proceedings, that I  
have compared the foregoing with my original  
minutes taken therein and that it is a true  
and correct transcript thereof and all of the  
proceedings had therein.

John F. Drury, CSR, RPR

Dated: September 3, 2014



From: Chris Riley <[get.organized.chris@verizon.net](mailto:get.organized.chris@verizon.net)>  
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Date: 09/04/2014 11:12 PM  
Subject: Amphitheater project

Mr. Coburn,

I am writing to express my deep concern about the amphitheater project proposed for the west side of Onondaga Lake. While, I believe, there are a number of reasons why this project is not a good idea, let me attend to three reasons in particular.

The cost - 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.

Economic benefit to region - I realize that an answer to the first question is that the project will bring money into the region. I have 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.

Health - The wastebeds along the west side of Onondaga Lake may be able to be remediated for some purposes but I don't think bringing large numbers of people to sit on them is the best use. Too little is known about the hazards that remain and that may be accentuated by this project. It would be better to use this space for something like a community solar project.

This letter may not be filled with details about this issue but I do want my concerns conveyed to you. Considering just the questions I raise here requires time that does not seem to be built into this project. Why such a rush? Tell Mr. Cuomo we need his money better spent.

Christine L. Riley  
346 Fellows Avenue  
Syracuse, NY 13210

--

Chris Riley  
Get Organized!  
"Assistance with organizing your life."  
315/247-6496  
[get.organized.chris@verizon.net](mailto:get.organized.chris@verizon.net)

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Date: 09/05/2014 06:29 AM  
Subject: Comments on a review of Counties Amphitheater DEIS

David Coburn  
Director, Onondaga County Office of the Environment

Comments on a review of Counties Amphitheater DEIS.

#### Environmental Dangers:

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 and others capable of vaporizing into the air. 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.

#### Economics:

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 an/ or corporate support to stay open.

#### Noise:

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.

#### Health and Safety:

The DEIS relies on a Superfund <sup>3</sup>cleanup<sup>2</sup> 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.

#### Traffic:

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.

**Wildlife:**

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.

**Sacred Lake:**

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, not as a commercial venture that will drain tax dollars.

**Incomplete Review:**

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 (SEQRA).

There is no question but that the DEIS needs to be re-worked and the above discrepancies need to be addressed.

Paul V Eiholzer  
4178 Coye Rd  
Jamesville NY 13078

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| | This email is free from viruses and malware because avast!  
Antivirus protection is |  
| | active.  
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From: Ann Jamison <[ajami79@aol.com](mailto:ajami79@aol.com)>  
To: [DavidCoburn@ongov.net](mailto:DavidCoburn@ongov.net),  
Date: 09/05/2014 07:01 AM  
Subject: amphitheater comment

If money for this project is coming from NY State, and NY State owns the NY State Fair property etc., 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 monies!!?? & refrain from sticking the Onondaga County taxpayer with the burden of bonding a huge portion of this proposed project.  
P.S. the new and improved grandstand could be named after Mahoney and Cuomo, thus satisfying their egos.

Thank you,  
Ann Jamison  
411 Wolcott Ave.  
Syracuse, NY 13207  
727.0193

From: <[rjromeo@twcny.rr.com](mailto:rjromeo@twcny.rr.com)>  
To: <[DavidCoburn@ongov.net](mailto:DavidCoburn@ongov.net)>, <[joaniemahoney@ongov.net](mailto:joaniemahoney@ongov.net)>, <[OnondagaLakeWestProject@ongov.net](mailto:OnondagaLakeWestProject@ongov.net)>, <[bfmay6@yahoo.com](mailto:bfmay6@yahoo.com)>, <[kevinholmquist@reagan.com](mailto:kevinholmquist@reagan.com)>, <[john@johndougherty.org](mailto:john@johndougherty.org)>, <[pkilmartin@oncountyleg.com](mailto:pkilmartin@oncountyleg.com)>, <[jcorl1@twcny.rr.com](mailto:jcorl1@twcny.rr.com)>, <[dknappmb@aol.com](mailto:dknappmb@aol.com)>, <[tassone@twcny.rr.com](mailto:tassone@twcny.rr.com)>, <[shepard@twcny.rr.com](mailto:shepard@twcny.rr.com)>, <[RappKathleen5@gmail.com](mailto:RappKathleen5@gmail.com)>, <[cejordan@cnyemail.com](mailto:cejordan@cnyemail.com)>, <[mikeplochocki@hotmail.com](mailto:mikeplochocki@hotmail.com)>, <[jryanmcmahon@gmail.com](mailto:jryanmcmahon@gmail.com)>, <[legislatorliedka@gmail.com](mailto:legislatorliedka@gmail.com)>, <[williamsforleg@yahoo.com](mailto:williamsforleg@yahoo.com)>, <[cjryan1123@yahoo.com](mailto:cjryan1123@yahoo.com)>, <[ervinforcountyleg@gmail.com](mailto:ervinforcountyleg@gmail.com)>, <[peggychase2013@twcny.rr.com](mailto:peggychase2013@twcny.rr.com)>,  
Date: 09/04/2014 07:50 PM  
Subject: Don't Rush the Onondaga Lake Amphitheater

I am writing to express my strong concerns about the adequacy of the Draft Environmental Impact Statement for the Onondaga Lake Amphitheater Project. 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.

Please reconsider these critical issues, including but not limited to:

- 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?
- 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.
- 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.

Please 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?

There are alternate locations, Roth Steel property for example. the south west end of the lake/harbor and the recently remediated lands all along Hiawiatha 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.

Hence, I urge 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.

As we look to the future of how Onondaga County residents use the lakeshore, it is important for us to do this right.

While I whole heartedly endorse the need for a performing arts center, I am opposed to the current location for the sake of common sense in protecting our natural assets, wildlife and human well being.

Thank you for your consideration,

Richard J. Romeo, NSPE AIC CIOB ret.  
204 Slawson Dr.  
Camillus , NY 13031

315.488.1435

September 2, 2014

David Coburn  
Director, Onondaga County Office of the Environment  
John H. Mulroy Civic Center, 14th Floor  
421 Montgomery Street  
Syracuse, New York 13202

**RE: Lakeview Amphitheater Project Comments & Concerns**

Dear Mr. Coburn,

I am writing to express my strong concerns about the adequacy of the Draft Environmental Impact Statement for the Onondaga Lake Amphitheater Project. 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 by the proposed amphitheater project.

Examples of critical issues and the unanswered questions that surround these issues include but are not limited to:

- 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?
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- 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?



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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.

Sincerely,

*Hege Lane*  
*340 Midland Avenue*  
*Syracuse, NY 13202*

cc: J. Ryan McMahon, II, Onondaga County Legislature Chairman

David Coburn  
Director, Onondaga County Office of the Environment  
John H. Mulroy Civic Center, 14th Floor  
421 Montgomery Street  
Syracuse, New York 13202

9/2/14

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Sincerely,

*Dianna Green*  
*4304 Abbey Rd.*  
*Syracuse, N.Y.*  
*13215*

cc: J. Ryan McMahon, II, Onondaga County Legislature Chairman

9-2-2014

David Coburn  
Director, Onondaga County Office of the Environment  
John H. Mulroy Civic Center, 14th Floor  
421 Montgomery Street  
Syracuse, New York 13202

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9-2-2014

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Sincerely,

LOUISE POINDEXTER  
134 PALMER AVE  
SYRACUSE, N.Y. 13204

cc: J. Ryan McMahon, II, Onondaga County Legislature Chairman

Didn't we learn anything from places like Love Canal?  
Your building the Amphitheater on top of hazardous  
material, chemicals and they are unstable and  
corrosive.

The County doesn't make money with the building they  
have now, what would they do with an outdoor one...!!!

L. Poindexter



9/2/14

David Coburn  
Director, Onondaga County Office of the Environment  
John H. Mulroy Civic Center, 14th Floor  
421 Montgomery Street  
Syracuse, New York 13202

**RE: Lakeview Amphitheater Project Comments & Concerns**

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Sincerely,

*Luba Donald*  
*348 Midland, one.*  
*Syr. N. Y. 13202*

cc: J. Ryan McMahon, II, Onondaga County Legislature Chairman

*Build a place that is more help to the City*  
*stop sending kids to jail send*  
*them to school,*  
*Thank you*

From: Mark Feldman <[mfeldman351@verizon.net](mailto:mfeldman351@verizon.net)>  
To: [DavidCoburn@ongov.net](mailto:DavidCoburn@ongov.net),  
Cc: [joaniemahoney@ongov.net](mailto:joaniemahoney@ongov.net), [OnondagaLakeWestProject@ongov.net](mailto:OnondagaLakeWestProject@ongov.net),  
[ervinforcountyleg@gmail.com](mailto:ervinforcountyleg@gmail.com)  
Date: 09/05/2014 10:41 AM  
Subject: Comments on the Lakeshore Ampitheater Project

I am writing to register my concerns and opposition to the Lakeshore Ampitheater project. I feel that this type of development on top of the Allied waste beds represent enormous environmental and health risks. This will always be a fragile area and I'm not convinced such a large structure and such traffic can be safely supported.

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.

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? I don't see it.

Finally, there is what I call the "yech" factor. I think 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.

This project is a bad idea. It should not continue.

Respectfully,  
Mark Feldman  
346 Fellows Ave  
Syracuse, NY 13210



From: Ronald Bell <[bell444@gmail.com](mailto:bell444@gmail.com)>  
To: [DavidCoburn@ongov.net](mailto:DavidCoburn@ongov.net),  
Cc: [joaniemahoney@ongov.net](mailto:joaniemahoney@ongov.net), [OnondagaLakeWestProject@ongov.net](mailto:OnondagaLakeWestProject@ongov.net),  
[bfmay6@yahoo.com](mailto:bfmay6@yahoo.com), [kevinholmquist@reagan.com](mailto:kevinholmquist@reagan.com),  
[john@johndougherty.org](mailto:john@johndougherty.org), [pkilmartin@oncountyleg.com](mailto:pkilmartin@oncountyleg.com),  
[jcorl1@twcny.rr.com](mailto:jcorl1@twcny.rr.com), "[dknappmb@aol.com](mailto:dknappmb@aol.com)" <[dknappmb@aol.com](mailto:dknappmb@aol.com)>,  
[tassone@twcny.rr.com](mailto:tassone@twcny.rr.com), [shepard@twcny.rr.com](mailto:shepard@twcny.rr.com),  
[RappKathleen5@gmail.com](mailto:RappKathleen5@gmail.com), [cejordan@cnyemail.com](mailto:cejordan@cnyemail.com),  
[mikeplochocki@hotmail.com](mailto:mikeplochocki@hotmail.com), [jryanmcmahon@gmail.com](mailto:jryanmcmahon@gmail.com),  
[legislatorliedka@gmail.com](mailto:legislatorliedka@gmail.com), Monica Williams  
<[williamsforleg@yahoo.com](mailto:williamsforleg@yahoo.com)>, Chris Ryan <[cjryan1123@yahoo.com](mailto:cjryan1123@yahoo.com)>,  
Linda Ervin <[ervinforcountyleg@gmail.com](mailto:ervinforcountyleg@gmail.com)>, Peggy Chase  
<[peggychase2013@twcny.rr.com](mailto:peggychase2013@twcny.rr.com)>  
Date: 09/05/2014 11:46 AM  
Subject:Comments on the Proposed Onondaga Lake Amphitheater

Dear David,

I understand today is the last day to comment on the proposed Onondaga Lake Amphitheater. Unfortunately, due to a death in the family and the necessity for my being out of town, I was unable to attend the last public hearing so I am submitting my comments by e-mail.

For the organization I represent, the Syracuse Shakespeare Festival, there are many reasons to support the building of the O.L. Amphitheater.

But, commenting as a citizen of Onondaga County and a resident since 1989, it seems the proposal came out of nowhere and is being rushed into reality without proper consideration of its many impacts.

Economically, the County has not released a business plan for the project nor explained how it will be a profitable enterprise. And, 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?

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. I understand that site workers will have to wear protective gear but the public will not. This doesn't make good common sense.

On traffic, the County acknowledges short term and long term issues but does not identify costs or funding for the same.

On noise, the County's analysis shows that local ordinances will be routinely violated.

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.

On the review of the project, the County has not reconciled the unavoidable harms against the expected benefits of the project as the SEQRA requires.

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."

And stop the rush into something that no one needs and which her partners, the people of the Onondaga Nation, have opposed. In her job she has a sacred duty to protect and restore the sacred waters of Onondaga Lake.

I understand that part of the project is money to be spent on the revitalization of the Village of Solvay in the Town of Geddes and I fully support spending those funds earmarked for that purpose.

Thanks for the opportunity to comment. I hope the Onondaga County Legislature and the NYS politicians and bureaucrats involved in the proposal of this project take further time to consider its impact on the today's residents of Onondaga County.

Kind regards,

Ronnie Bell  
517 Stinard Ave.  
Syracuse, NY 13207

Ronald Bell, Executive Director  
Syracuse Shakespeare Festival  
[bell444@gmail.com](mailto:bell444@gmail.com)  
syrsf.org  
315-476-1835 (Shakespeare's Landline)  
315-395-0691 (RB's Cell)

9-2-14

David Coburn  
Director, Onondaga County Office of the Environment  
John H. Mulroy Civic Center, 14th Floor  
421 Montgomery Street  
Syracuse, New York 13202

**RE: Lakeview Amphitheater Project Comments & Concerns**

Dear Mr. Coburn,

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Sincerely,

*J.S.*  
*Joanne Stevens*  
*105 Cheney St.*  
*Syr., NY 13207*

cc: J. Ryan McMahon, II, Onondaga County Legislature Chairman

From: Margaret & Peter <[psmg@earthlink.net](mailto:psmg@earthlink.net)>  
To: "[DavidCoburn@ongov.net](mailto:DavidCoburn@ongov.net)" <[DavidCoburn@ongov.net](mailto:DavidCoburn@ongov.net)>,  
Date: 09/05/2014 01:38 PM  
Subject: Amphitheater plan

Mr. Coburn - I am writing to you to express my concerns over the amphitheater plans.

I am a Syracuse resident and live at 205 Locksley Rd. 13224.

I am 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 to me, the lack of need for the amphitheater. 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.

I am opposed to this amphitheater.

Sincerely,  
Peter Scheibe

From: "Lajewski, Christopher" <[clajewski@audubon.org](mailto:clajewski@audubon.org)>  
To: "[DavidCoburn@ongov.net](mailto:DavidCoburn@ongov.net)" <[DavidCoburn@ongov.net](mailto:DavidCoburn@ongov.net)>,  
Date: 09/04/2014 09:19 PM  
Subject: Onondaga Lake Amphitheater DEIS Comments - Audubon NY

Dear Mr. Coburn,

Audubon New York's comments on the Onondaga Lake Amphitheater DEIS are attached. We appreciate your consideration of these comments. Should you have any questions, please contact me at 315-365-3580.

Best regards,  
Chris

Chris Lajewski Director Montezuma Audubon Center  
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(See attached file: Audubon NY Onondaga Lake Amphitheater DEIS Comments  
Final.pdf)



Mr. David Coburn  
Director, Onondaga County Office of the Environment  
John H. Mulroy Civic Center, 14th Floor  
421 Montgomery Street  
Syracuse, New York 13202

September 2, 2014

Re: Audubon New York Comments on the Draft Environmental Impact Statement for the Lakeview Amphitheater

Dear Mr. Coburn:

Audubon New York, the 50,000 member state program of the National Audubon Society, appreciates the opportunity to comment on the Draft Environmental Impact Statement (DEIS) for the Lakeview Amphitheater. Our mission is to conserve and restore natural ecosystems, focusing on birds, other wildlife, and their habitats, for the benefit of humanity and the Earth's biological diversity. We are the leading voice for the conservation and protection of natural resources for birds in this state, and New York has some of the most unique, productive, and vibrant ecosystems in the world, including Onondaga Lake.

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.

To focus our efforts on protecting and restoring the vital habitats around Onondaga Lake, Audubon New York has organized the Onondaga Lake Conservation Corp (OLCC). Working collaboratively with Honeywell, the Onondaga Audubon Society, Parsons, O'Brien and Gere, and SUNY-ESF, the OLCC has recruited individuals and organizations to assist in the renewal of Onondaga Lake and its watershed. As we look to build upon these efforts, Audubon New York is focused on working collaboratively to ensure that potential developments around the lake are designed to enhance and minimize impacts to the important habitats and species that depend on them. Toward that end, we offer the following specific comments regarding the proposed Lakeview Amphitheater (Amphitheater) development.

**Support the project design modifications to reduce avian impacts**

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.

### **Advance the Beacon Concept**

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.

### **Noise impacts insufficient**

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.

### **Propose stronger mitigation for potential impacts on water resources**

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.

Furthermore, 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.

#### **Develop a management plan for invasive species**

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.

#### **Minimize habitat disturbance/loss**

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.



### **Future ideas to consider**

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 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](http://articles.latimes.com/1991-05-17/entertainment/ca-2085_1_ticket-price)). We look forward to working with the County to advance such a proposal in the future.

Thank you for your consideration of these comments on the Lakeview Amphitheater DEIS. We look forward to continuing to work with Onondaga County to increase the recreational access at Onondaga Lake and improve the habitats for all. Should you have any questions regarding these comments, please contact me at 315-365-3580.

Sincerely,

Chris Lajewski  
Director

From: Andy Mager <[andy@magers.info](mailto:andy@magers.info)>  
To: [DavidCoburn@ongov.net](mailto:DavidCoburn@ongov.net), [joaniemahoney@ongov.net](mailto:joaniemahoney@ongov.net),  
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Date: 09/05/2014 04:38 PM  
Subject: Comments on Amphitheater DEIS from Neighbors of the Onondaga  
Nation  
Sent by: [andy.mager@gmail.com](mailto:andy.mager@gmail.com)

Dear Mr. Coburn, County Executive Mahoney and Onondaga County Legislators:

Please accept the attached comments on the DEIS related to the proposed Onondaga Lake Amphitheater from Neighbors of the Onondaga Nation.

Sincerely,

Andy Mager  
for Neighbors of the Onondaga Nation(See attached file: Neighbors of Onondaga Nation  
comments on Amphitheater DEISŠ.pdf)



## Neighbors of the Onondaga Nation

2013 East Genesee St. \* Syracuse, NY 13210 \* (315) 472-5478  
www.peacecouncil.net/noon \* noon@peacecouncil.net

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September 5, 2014

David Coburn  
Director, Onondaga County Office of the Environment  
John H. Mulroy Civic Center, 14th Floor  
421 Montgomery Street  
Syracuse, New York 13202

Dear Mr. Coburn:

Neighbors of the Onondaga Nation (NOON) is a grassroots organization of Central New Yorkers which recognizes and supports the sovereignty of the traditional government of the Onondaga Nation.

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 (SEQRA) 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 SEQRA.

Our organization has worked for nearly 15 years to educate the broader community about the social and environmental concerns of our Onondaga neighbors. As part of that we have organized many educational programs and presentations. During that period we have received widespread public support for our work with thousands of Central New Yorkers attending our programs. There are nearly 2,000 people on our email list and over 1,700 in our database.

On April 19, 2010, Onondaga County Executive Joanne Mahoney, joined Seneca environmental leader Henry Lickers, Onondaga Chief Jake Edwards, the President of the SUNY College of Environmental Science and Forestry at the time, Neil Murphy and Andy Maxwell, Syracuse's Sustainability coordinator. 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.*

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*NOON is a grassroots educational and advocacy project of the Syracuse Peace Council.*

*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.

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.

In addition, 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.

We believe the amphitheater project should not move forward at the proposed location.

Sincerely,

Cindy Squillace  
*on behalf of the Neighbors of the Onondaga Nation Steering Committee*

From: "Brian Smith" <[bsmith@citizenscampaign.org](mailto:bsmith@citizenscampaign.org)>  
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Date: 09/05/2014 05:13 PM  
Subject:CCE comments on Lakeview Amphitheater Project

Mr. Coburn,

Please see CCE's comments on the Lakeview Amphitheater Project attached.

Regards,

Brian P. Smith  
Associate Executive Director  
Citizens Campaign for the Environment  
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(See attached file: OnondagaLakeAmphitheater\_CCE Comments\_090514.docx)



September 5, 2014

David Coburn  
Director, Onondaga County Office of the Environment  
John H. Mulroy Civic Center, 14th Floor  
421 Montgomery Street  
Syracuse, NY 13202

**Re: DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE  
LAKEVIEW AMPHITHEATER PROJECT ON WASTEBEDS 1-8**

Dear Mr. Coburn:

On behalf of Citizens Campaign for the Environment (CCE), thank you for the opportunity to provide comments on the Draft Environmental Impact Statement (DEIS) for the Lakeview Amphitheater Project on Wastebeds 1-8. CCE is an 80,000 member, non-profit, non-partisan organization that works to protect public health and the natural environment in New York and Connecticut.

For many years, CCE has been an active stakeholder in the cleanup of Onondaga Lake. CCE has advocated for the cleanup of Onondaga Lake and efforts to protect public health and wildlife after a century of pollution and abuse.

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.

In particular, the DEIS fails to adequately address:

**Potential public health impacts.** 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 (Hexvalent 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.

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.

**Adverse impacts to wildlife.** 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.

**Public Safety.** 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.

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 State Environmental Quality and Review Act (SEQRA).

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.

Thank you for your consideration of CCE's comments.

Sincerely,

Brian Smith  
Associate Executive Director

From: Carol Baum <[carol@peacecouncil.net](mailto:carol@peacecouncil.net)>  
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Date: 09/05/2014 06:50 PM  
Subject: Comment of DEIS for proposed Amphitheater

I am very concerned about the proposed lakeshore amphitheater for the following reasons:

--The DEIS is incomplete. 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. I look at it as the "Wastebed Amphitheater" and would never want to go there.

-- 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?

--I am 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.

Thank you.

Carol Baum  
430 Salt Springs Rd.  
Syracuse, NY 13224

From: <[Jerry.rivers13@yahoo.com](mailto:Jerry.rivers13@yahoo.com)>  
To: <[DavidCoburn@ongov.net](mailto:DavidCoburn@ongov.net)>, <[joaniemahoney@ongov.net](mailto:joaniemahoney@ongov.net)>, <[OnondagaLakeWestProject@ongov.net](mailto:OnondagaLakeWestProject@ongov.net)>, <[bfmay6@yahoo.com](mailto:bfmay6@yahoo.com)>, <[kevinholmquist@reagan.com](mailto:kevinholmquist@reagan.com)>, <[john@johndougherty.org](mailto:john@johndougherty.org)>, <[pkilmartin@oncountyleg.com](mailto:pkilmartin@oncountyleg.com)>, <[jcorl1@twcny.rr.com](mailto:jcorl1@twcny.rr.com)>, <[dknappmb@aol.com](mailto:dknappmb@aol.com)>, <[tassone@twcny.rr.com](mailto:tassone@twcny.rr.com)>, <[shepard@twcny.rr.com](mailto:shepard@twcny.rr.com)>, <[RappKathleen5@gmail.com](mailto:RappKathleen5@gmail.com)>, <[cejordan@cnyemail.com](mailto:cejordan@cnyemail.com)>, <[mikeplochocki@hotmail.com](mailto:mikeplochocki@hotmail.com)>, <[jryanmcmahon@gmail.com](mailto:jryanmcmahon@gmail.com)>, <[legislatorliedka@gmail.com](mailto:legislatorliedka@gmail.com)>, <[williamsforleg@yahoo.com](mailto:williamsforleg@yahoo.com)>, <[cjryan1123@yahoo.com](mailto:cjryan1123@yahoo.com)>, <[ervinforcountyleg@gmail.com](mailto:ervinforcountyleg@gmail.com)>, <[peggychase2013@twcny.rr.com](mailto:peggychase2013@twcny.rr.com)>,  
Date: 09/05/2014 06:56 PM  
Subject: Don't Rush the Onondaga Lake Amphitheater

I am writing to express my strong concerns about the adequacy of the Draft Environmental Impact Statement for the Onondaga Lake Amphitheater Project. 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 by the proposed amphitheater project.

Examples of critical issues and the unanswered questions that surround these issues include but are not limited to:

- 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?
- 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?
- 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?

Hence, I urge 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 State Environmental Quality and Review Act (SEQRA).

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.

From: <[cheri@magers.info](mailto:cheri@magers.info)>  
To: <[DavidCoburn@ongov.net](mailto:DavidCoburn@ongov.net)>, <[joaniemahoney@ongov.net](mailto:joaniemahoney@ongov.net)>, <[OnondagaLakeWestProject@ongov.net](mailto:OnondagaLakeWestProject@ongov.net)>, <[bfmay6@yahoo.com](mailto:bfmay6@yahoo.com)>, <[kevinholmquist@reagan.com](mailto:kevinholmquist@reagan.com)>, <[john@johndougherty.org](mailto:john@johndougherty.org)>, <[pkilmartin@oncountyleg.com](mailto:pkilmartin@oncountyleg.com)>, <[jcorl1@twcny.rr.com](mailto:jcorl1@twcny.rr.com)>, <[dknappmb@aol.com](mailto:dknappmb@aol.com)>, <[tassone@twcny.rr.com](mailto:tassone@twcny.rr.com)>, <[shepard@twcny.rr.com](mailto:shepard@twcny.rr.com)>, <[RappKathleen5@gmail.com](mailto:RappKathleen5@gmail.com)>, <[cejordan@cnyemail.com](mailto:cejordan@cnyemail.com)>, <[mikeplochocki@hotmail.com](mailto:mikeplochocki@hotmail.com)>, <[jryanmcmahon@gmail.com](mailto:jryanmcmahon@gmail.com)>, <[legislatorliedka@gmail.com](mailto:legislatorliedka@gmail.com)>, <[williamsforleg@yahoo.com](mailto:williamsforleg@yahoo.com)>, <[cjryan1123@yahoo.com](mailto:cjryan1123@yahoo.com)>, <[ervinforcountyleg@gmail.com](mailto:ervinforcountyleg@gmail.com)>, <[peggychase2013@twcny.rr.com](mailto:peggychase2013@twcny.rr.com)>,  
Date: 09/05/2014 08:58 PM  
Subject: Don't Rush the Onondaga Lake Amphitheater

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Sincerely,

Cheri Capparelli, DVM  
559 Buckingham Ave.  
Syracuse, NY 13210

From: Andy Mager Home <[andy@magers.info](mailto:andy@magers.info)>  
To: [DavidCoburn@ongov.net](mailto:DavidCoburn@ongov.net), [mikeplochocki@hotmail.com](mailto:mikeplochocki@hotmail.com),  
[cejordan@cnyemail.com](mailto:cejordan@cnyemail.com), [joaniemahoney@ongov.net](mailto:joaniemahoney@ongov.net),  
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[pkilmartin@oncountyleg.com](mailto:pkilmartin@oncountyleg.com), [jcorl1@twcnny.rr.com](mailto:jcorl1@twcnny.rr.com),  
[dknappmb@aol.com](mailto:dknappmb@aol.com), [tassone@twcnny.rr.com](mailto:tassone@twcnny.rr.com), [shepard@twcnny.rr.com](mailto:shepard@twcnny.rr.com),  
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[peggychase2013@twcnny.rr.com](mailto:peggychase2013@twcnny.rr.com),  
Date: 09/05/2014 09:06 PM  
Subject: Please Slow Down on Amphitheater Project

Dear Mr. Coburn:

I write as a long-time Syracuse resident who has watched our community seek various forms of economic development and shifted our understanding of how to relate to the natural world.

I simply don'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.

As I said in the first public hearing on the amphitheater, 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.

I add my voice in support of those sentiments.

I hope 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.

Sincerely,

Andy Mager  
559 Buckingham Ave.  
Syracuse, NY 13210

From: Frank Moses <[onondagalakebirds@gmail.com](mailto:onondagalakebirds@gmail.com)>  
To: [DavidCoburn@ongov.net](mailto:DavidCoburn@ongov.net),  
Date: 09/05/2014 11:19 PM  
Subject: Onondaga Audubon Comments Regarding DEIS for Onondaga Lake  
Amphitheater Project

David,

Please find attached the Onondaga Audubon Society's comment letter regarding the DEIS for the Onondaga Lake Amphitheater Project. We greatly appreciate the opportunity to provide input and look forward to future conversations with Onondaga County regarding all matters that impact Onondaga Lake as an Important Bird Area.

Thank you again.

Sincerely,

Frank Moses

Liaison to Onondaga Lake  
Onondaga Audubon Society  
Syracuse, NY

315-857-4907

(See attached file: OAS Amphitheater Letter.pdf)





September 5, 2014

Mr. David Coburn  
Director, Onondaga County Office of the Environment  
John H. Mulroy Civic Center, 14th Floor  
421 Montgomery Street  
Syracuse, New York 13202

Dear Mr. Coburn:

On behalf of the Onondaga Audubon Society, its board, and over 2,250 members, we are writing to provide comment in regards to the Draft Environmental Impact Statement (DEIS) for the Onondaga Lake Amphitheater Project. We have extreme interest in the conservation of Onondaga Lake as high priority Important Bird Area (IBA). In this letter, we have highlighted portions of the DEIS that we are pleased with, parts that are insufficient and inadequate in assessing impact on wildlife, and lastly, we have included recommendations for further mitigation in the event that this project moves forward.

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.

Onondaga Audubon's mission is to engender in Central and Northern New Yorkers a greater appreciation for their land, water, and other natural resources, and to increase respect for the wildlife that inhabits these places, especially birds. We feel strongly that it is our role to advocate for respect for wildlife within special areas like Onondaga Lake.

During the scoping period and on opening day of the west shore trail expansion, OAS requested the following:

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.
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 – example: poorly designed parking lots that appear to waterfowl as bodies of water where they are left unable to take off again
- Habitat enhancement via landscape architecture and bird supporting structures (eg., building a chimney-like tower for nesting Chimney Swifts)

*Officers*

*President*  
Paul Richardson

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Thomas Riley

*Honorary Directors*

Dorothy Crumb

Ellie Long

Marge Rusk

*Ex-Officio*

Chris Lajewski

Onondaga Audubon  
P.O. Box 620  
Syracuse, NY 13201

We feel that parts of the DEIS 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.

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.

❖ **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.

❖ **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.

❖ **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 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.
- 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.
- 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.

It is clear that 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.

What is not clear is how much of a negative impact there will be and more bird data needs to be explored as well as multiple strategies to mitigate the impact of the amphitheater project if it moves forward.

Similar to the OAS letter submitted to County Executive Mahoney in May, below are 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 (eg., 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
- Consult with bird experts from the on further mitigation techniques

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.

Onondaga Audubon is pleased that birds are part of the conversation already in many of the project areas around Onondaga Lake and that our input is valued. While understanding that there is a large and diverse public interest in different types of development surrounding Onondaga Lake, it is imperative that our leaders help maintain the ecological vitality and the quality of life that our lake provides to birds and our community.

Feel free to connect with Onondaga Audubon's Liaison to Onondaga Lake Frank Moses in the future at 315-857-4907 or via email at [onondagalakebirds@gmail.com](mailto:onondagalakebirds@gmail.com) to discuss future input regarding bird conservation.

Thank you for your past support and consideration to continue of the Onondaga Lake Important Bird Area.

Sincerely,



Paul Richardson, President



Frank Moses, Liaison to Onondaga Lake

9/2/14

David Coburn  
Director, Onondaga County Office of the Environment  
John H. Mulroy Civic Center, 14th Floor  
421 Montgomery Street  
Syracuse, New York 13202

**RE: Lakeview Amphitheater Project Comments & Concerns**

Dear Mr. Coburn,

I am writing to express my strong concerns about the adequacy of the Draft Environmental Impact Statement for the Onondaga Lake Amphitheater Project. 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 by the proposed amphitheater project.

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Sincerely,

*Elmore Davis*  
*713 Tallman Street*  
*Syracuse, NY 13204*

cc: J. Ryan McMahon, II, Onondaga County Legislature Chairman

9-2-14

David Coburn  
Director, Onondaga County Office of the Environment  
John H. Mulroy Civic Center, 14th Floor  
421 Montgomery Street  
Syracuse, New York 13202

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Sincerely,

9-2-14

*J. Ryan McMahon*  
193 Lincoln Ave  
SYRACUSE NY 13204

cc: J. Ryan McMahon, II, Onondaga County Legislature Chairman

Fred Miller, President  
Nine Mile Creek Conservation Council, Inc.  
P.O.Box 2501  
Liverpool, New York 13089-2501  
September 5th, 2014  
315-622-9400

Mr. David Coburn, Director  
Onondaga County Office of the Environment  
John H. Mulroy Civic Center  
14th Floor  
421 Montgomery Street  
Syracuse, New York 13202

Topic: Nine Mile Creek Conservation Council, Inc., comments regarding the DEIS lakeshore amphitheater.

Dear Mr. Coburn:

These comments regarding the topic are submitted by the Nine Mile Creek Conservation Council board of directors and are communicated to the county via U.S. Mail certified mail with proper postmark for acceptance by county via advisement of your office.

We appreciate the opportunity to be a part of the process. Our position and concerns are explained in the attached pages entitled: "Comments of the Nine Mile Creek Conservation Council on the Draft EIS for the Lakeview Amphitheater".

On behalf of the NMCCC board of directors,

Fred Miller, President  
Nine Mile Creek Conservation Council, Inc.





**Comments of the Nine Mile Creek Conservation Council**  
**On the Draft EIS for the Lakeview Amphitheater**

Background and History

Created in 1994, the Nine Mile Creek Conservation Council is a not for profit community organization dedicated to preserving Nine Mile Creek and its watershed. One of the Council's major projects was creation of the 'Nine Mile Creek-Erie Canal Water Trail' that extends from the Village of Camillus to the mouth of Nine Mile Creek at Onondaga Lake.

Council members have also been active in construction of canoe and kayak launch sites at several locations along Nine Mile Creek, including the Lakeland launch site located close to the mouth of the Creek, which is the nearest place for paddlers interested in accessing Onondaga Lake from the Water Trail.

NMCCC comments on the public hearing process

Council president Fred Miller indicated in a May letter to David Coburn that Onondaga County was rushing forward with the \$100 million development proposal for the Lakeview Amphitheater and should hear more from the public. Miller indicated that "The NMCCC is deeply concerned about the lack of a comprehensive public hearing process allowing for greater input and discussion". Based on several such comments from the public, Onondaga County legislators agreed to hold an additional public hearing on August 26, and to extend the public comment period on the Draft Environmental Impact Statement until September 5, 2014.

NMCCC comments on the Draft EIS for the Lakeview Amphitheater

Council members have been keeping track of the comments delivered at the public hearings *that were held* for the proposed Lakeview Amphitheater on July 23 and August 26. We are in general agreement with the fact sheets developed by the Citizens for a Better Plan community group that has raised questions about the economics of the Amphitheater Project, as well as concerns over deficiencies in the Draft EIS on environmental issues such as noise, traffic, health and safety issues, wildlife impacts, and SEQR compliance.

Habitat issues are a major concern for the Nine Mile Creek Conservation Council, as 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.

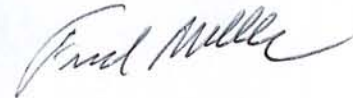
Environmental dangers are an additional concern as Onondaga County is proposing to build the Amphitheater on an inactive hazardous waste site that has been used for deposition of industrial wastes for over 100 years, some of which may be hazardous to public health and safety. The bulk of these wastes are unstable and corrosive, and will call for complicated and expensive methods of site preparation and construction.

Another area of concern that has been expressed by members of the Citizens for a Better Plan community is compliance with the State Environmental Quality Review Act (*SEQRA*) provisions for adequate scoping, and examination of alternative options *by Onondaga County as the project lead agency* for siting of the Amphitheater Project.

The Nine Mile Creek Conservation Council has reviewed the draft EIS and scoping documents prepared to date by Onondaga County. *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.

Submitted on behalf and with approval of the Nine Mile Creek Conservation Council, Inc. (NMCCC), board of directors.

Fred Miller, President, NMCCC

A handwritten signature in cursive script that reads "Fred Miller". The signature is written in black ink and is positioned below the typed name.