

FINDINGS STATEMENT
CAYUGA COUNTY
EMERGENCY COMMUNICATIONS PROJECT



Lead Agency:

Cayuga County Legislature
160 Genesee Street
Auburn, New York 13021

Contact: Fred Westphal, Esq.
160 Genesee Street
Auburn, New York 13021
(315) 253-1274

Prepared by:

Gilberti, Stinziano Heintz & Smith, P.C.
555 East Genesee Street
Syracuse, New York 13202-2159

and

Spectra Environmental Group, Inc.
19 British American Boulevard
Latham, New York 12110

December 2010

TABLE OF CONTENTS

1.0	INTRODUCTION	1
1.0.1	The Need For The Project.....	1
1.0.5	Site Consistency Review and Future SEQRA Actions.....	3
1.0.6	Facts and Conclusions.....	3
1.1	Preliminary Statement.....	4
1.2	State Environmental Quality Review Act Compliance	5
1.3	Proposed Action.....	7
2.0	FACTS AND CONCLUSIONS REGARDING THE RELEVANT ENVIRONMENTAL IMPACTS	10
2.1	GEOLOGY	10
2.1.1	Facts	10
2.1.2	Findings.....	10
2.2	WATER	12
2.2.1	Groundwater	12
2.2.2	Surface Water.....	14
2.3	TERRESTRIAL & AQUATIC ECOLOGY.....	15
2.3.1	Vegetation.....	15
2.3.2	Fish and Wildlife.....	17
2.3.3	Wetlands & Floodplains	20
2.4	AIR.....	21

2.4.1	Facts	21
2.4.2	Findings.....	22
2.5	AGRICULTURE	24
2.6	TRANSPORTATION.....	26
2.6.1	Facts	26
2.6.2	Findings.....	26
2.7	LAND USE AND ZONING.....	27
2.8	COMMUNITY SERVICES AND RECREATION.....	29
2.8.1	Facts	29
2.8.2	Findings.....	29
2.9	DEMOGRAPHY	30
2.9.1	Demographics	30
2.9.2	Environmental Justice.....	31
2.10	VISUAL RESOURCES.....	32
2.10.1	Facts	32
2.10.2	Findings.....	33
2.11	NOISE.....	37
2.11.1	Facts	37
2.11.2	Findings.....	37
2.12	HISTORICAL AND ARCHEOLOGICAL RESOURCES	38
2.12.1	Facts	38
2.12.2	Findings.....	38

2.13	OTHER CULTURAL RESOURCES.....	41
2.13.1	Facts	41
2.13.2	Findings.....	41
2.14.1	Non-Radio Frequency Related.....	41
2.14.2	Radio Frequency Related.....	42
3.0	ALTERNATIVES.....	45
4.0	IRREVERSIBLE AND IRRETRIEVABLE COMMITMENT OF RESOURCES	48
5.0	CUMULATIVE IMPACTS AND GROWTH INDUCING ASPECTS.....	49
5.1	CUMULATIVE IMPACTS.....	49
5.2	GROWTH INDUCING ASPECTS	50
6.0	EFFECTS ON THE USE AND CONSERVATION OF ENERGY.....	51
7.0	SITE CONSISTENCY REVIEWS AND FUTURE SEQRA ACTIONS	52
8.0	SOCIAL AND ECONOMIC BENEFITS OF THE Project AND SECURITY CONSIDERATIONS.....	54
9.0	DECISION AND CERTIFICATIONS.....	54

1.0 INTRODUCTION

1.0.1 The Need For The Project

State, municipal and federal agencies have employed wireless communications systems for several decades to communicate within and between their organizations and to provide services to their constituents. In recent years, there have been a number of well-publicized events that have occurred that demonstrate the desirability of a county-wide wireless communications system for public safety and public service entities to better prevent and respond to emergencies and protect Cayuga County's residents. Technological advances make it possible to design and implement a secure wireless communications system that both allows local and distant first responders to coordinate the efforts on an as-needed basis in a secure environment as well as to serve routine, day-to-day communications needs on a local basis. Although the technology exists to allow such an advanced, secure and reliable system, no such network exists today in Cayuga County. It is for this reason that the Cayuga County Legislature (the "County") seeks to make improvements to its existing emergency radio communications system ("Project").

Generally speaking, communications amongst public safety providers is critical to the reduction of incident response time. The communications and coordination between multiple agencies during large events, natural disasters such as ice or wind storms, and man made disasters, including fire, are all examples of events that put an extreme load on public safety communications systems. Seamless communications between Cayuga County's 911 Center, police organizations, emergency medical services ("EMS") providers, and fire departments across Cayuga County is a daunting task during an emergency, and the Project is intended to make that task manageable.

A range of factors challenge the existing emergency radio communications system, including that (1) the existing system is currently outdated and has met its useful service life, and replacement parts for certain equipment are no longer manufactured or available; (2) the existing system has a limited number of communications sites for the entire County and radio coverage is not adequate for public safety; (3) there are many areas in Cayuga County where adequate coverage is very poor or does not exist; (4) many system users across municipalities are unable to communicate with one another because of the varying frequency bands. This lack of interoperability causes additional problems when managing the scene of an incident, particularly when multiple jurisdictions are involved.

Further, Federal regulations will require Federal Communications Commission (“FCC”) license holders such as Cayuga County to comply with frequency “re-banding” requirements which necessitate modifications to the existing system and installation of new equipment.

1.0.2 Project Location

The Project will generally be located throughout Cayuga County. Additionally, where coverage requirements necessitate it, sites may be constructed on lands neighboring Cayuga County. For purposes of the generic environmental review contained in the Draft and Final Generic Environmental Impact Statements (collectively, “GEIS”), a study area encompassing Cayuga County and a limited area of neighboring land beyond Cayuga County’s borders (the “Study Area”) is being used. The exact number and locations of Project sites is not known at this time.

1.0.3 Public Input on the SEQRA Process

As part of its environmental review process, the County held 2 public meetings in August and November 2010. The County notified over 75 interested parties about the meetings, delivered the draft scoping document and the Draft Generic Environmental Impact Statement (“DGEIS”) to all of these parties and placed the DGEIS in a public repository. Further, the County posted the DGEIS and the Final Generic Environmental Impact Statement (“FGEIS”) on its website at <http://co.cayuga.ny.us/radio-project.html>. At the public hearings, no comments were received. The County also accepted written comments during the scoping process and in response to the DGEIS.

1.0.4 The Findings Statement

The Findings Statement by the County for the proposed Project has been prepared in accordance with Article 8 of the New York State Environmental Conservation Law, the State Environmental Quality Review Act (SEQRA). Issuance of this Findings Statement completes the generic environmental review of the proposed Project. Consistent with SEQRA’s regulations, the GEIS assessed the environmental impacts that may occur as a result of future deployment and operation of the Project across Study Area. As of completion of this environmental review process, no Project facility locations have been identified.

This Findings Statement also identifies the specific conditions or criteria under which individual Project antenna sites or network management centers (“NMCs”) may be approved and developed, including requirements for any subsequent SEQRA compliance.

1.0.5 Site Consistency Review and Future SEQRA Actions

As set forth in the DGEIS, completion of this generic review is only one step in the environmental review process of the Project. The next phase of the environmental review process will involve an evaluation of potential impacts resulting from each proposed Project tower and/or NMC (the Site Consistency Review).

The Site Consistency Review and any supplemental information will provide a basis for the County's issuance of a finding of consistency with the GEIS, a finding of no significant impact (negative declaration), an amended findings statement, or a finding of significant impact (positive declaration) requiring a Supplemental Environmental Impact Statement ("SEIS"). The scope and extent of further SEQRA review is within the discretion of the County as lead agency.

1.0.6 Facts and Conclusions

The deployment of the Project will provide an overwhelming benefit to Cayuga County. It will improve safety for the general public; increase protection for the County's infrastructure, and improve effectiveness and safety for Cayuga County's first responders.

The Project also requires a design that will minimize its impact on the environment. Minimal impact is primarily achieved through the siting guidelines which minimize the proliferation of towers by providing an alternative to uncoordinated, independent systems. Adherence to both the siting guidelines to the extent practicable and individual antenna site criteria will serve to limit any impacts to the greatest extent practicable.

Consistent with 6 NYCRR 617.9(b)(7), the DGEIS incorporates by reference the Generic Environmental Impact Statement prepared in 2004 for the New York State Office for Technology's Statewide Wireless Network ("OFT GEIS"). Throughout the DGEIS, relevant discussions of potential significant impacts and appropriate mitigation contained in the OFT GEIS are referenced or reproduced in whole or in part where relevant to this generic environmental review. Where necessary, the OFT GEIS has been revisited, updated and confirmed to provide an accurate projection and evaluation of the environmental impacts associated with construction and operation of the Project.

It is reasonable and appropriate to rely on information in the OFT GEIS because many of the same environmental considerations were evaluated in that study, and the Project proposes a similar wireless network to that evaluated for the Statewide Wireless Network ("SWN") in the OFT GEIS. Accordingly, the DGEIS follows a similar format and scope as the OFT GEIS. It

omits discussion of environmental impacts associated with areas of New York State outside of Cayuga County and/or not otherwise applicable to the Project, as appropriate.

The GEIS concludes that the construction or operation of the Project (within the parameters set forth in the GEIS) will not result in significant adverse impacts to geology, water resources, wetlands and floodplains, air quality, agricultural resources, transportation, community services and utilities, or demography. To the extent that there may be any possible adverse environmental impacts to these resources, they will be minimized to the greatest extent practicable.

Potentially significant impacts to natural, human, and cultural resources include terrestrial and aquatic ecology (avian species), land use, visual resources, noise, historical and archaeological resources, and human health and safety (radiofrequency electromagnetic emissions effects). Any impacts will be limited to the maximum extent practicable by adherence to the siting guidelines to the extent feasible (described fully in section 5.0 of the DGEIS) and analysis of individual potential sites as they are identified. As stated in the siting guidelines, collocation on existing, County or municipally-owned towers, buildings or other Project-suitable structures will be employed as much as practicable. The siting guidelines and other mitigation measures included in the GEIS and this Findings Statement will minimize or avoid any potential significant adverse impact to the maximum extent practicable.

1.1 Preliminary Statement

This Findings Statement by the Cayuga County Legislature for the proposed Project has been prepared in accordance with Article 8 of the New York State Environmental Conservation Law, the State Environmental Quality Review Act (SEQRA). Issuance of this Findings Statement completes the generic review of the proposed Project.

Consistent with SEQRA's regulations (6 NYCRR Part 617), the GEIS assessed the environmental impacts that may occur as a result of future deployment and operation of the Project across the Study Area. This Findings Statement identifies the specific conditions under which individual Project antenna sites or NMCs (collectively, "Project Facilities") may be approved and developed, including requirements for any subsequent SEQRA compliance. All proposed Project facilities will be subject to a Site Consistency Review to determine whether the potential environmental impacts of such development meet the conditions and thresholds set forth in the GEIS and this Findings Statement. No further SEQRA procedures will be conducted when an individual Project facility can be deployed in conformance with the conditions and

thresholds established in the GEIS. Where the proposed Project facility may result in environmental impacts that exceed thresholds in the GEIS, additional evaluation of the site will be undertaken including, in appropriate cases, the preparation of an SEIS.

1.2 State Environmental Quality Review Act Compliance

SEQRA's purpose is to ensure a careful review by all interested parties of any potentially significant environmental impacts at the earliest possible time in the development of a project. By fostering public discussion of potentially significant environmental impacts prior to any Project deployment, SEQRA has and will continue to afford the County important opportunities to obtain information that will assist the agency in making siting decisions that meet Project Coverage Requirements. The County will ensure that any potential environmental impacts of the Project are avoided or mitigated to the maximum extent practicable.

The County has acted as lead agency for the environmental review of the Project. As discussed in the DGEIS, (Section 1.4), review of the Project was permissibly segmented, pursuant to 6 NYCRR section 617.3(g)(1). See pages 16-17 of the DGEIS.

Pursuant to 6 NYCRR section 617.3(g)(1), the County permissibly segmented the review of the "Design Project" (obtaining prime contractors and subcontractors for the design, engineering, construction, and operation of the Project, and consideration of approvals related to bonding for the Project so that sufficient funding exists to explore appropriate alternatives as required by SEQRA and other provisions of law) from the remainder of the Project.

The County notified all potentially interested and involved agencies of its intention to permissibly segment the environmental review of this action pursuant to 6 NYCRR section 617.3(g)(1). The County concluded that the Design Project is in the nature of a preliminary planning and design action and therefore would not have any significant adverse impact on the environment and would not commit the Agency to a particular course of action. Additionally, the County found that none of the dangers of segmentation were present because of the thorough review taking place in the GEIS. Thereafter, the County made a finding of no significant impact regarding the Design Project and issued a Negative Declaration. Accordingly, an environmental impact statement ("EIS") need not be prepared regarding the Design Project.

Additionally, the County considered segmentation of certain minor improvements to existing emergency wireless communications systems related to the City of Auburn 911 Communications system (the "Improvements"). The Improvements, including collocation of antennas on the City of Auburn 911 and the County 911 Emergency Center, installation of associated equipment

shelters and emergency backup generators for the sites, and installation of wiring at the Onondaga County 911 Center, were reviewed for purposes of SEQRA. The County determined that the Improvements constitute a replacement, rehabilitation, or reconstruction in kind as that term is used in 6 NYCRR 617.5(c)(2) because the Improvements will be installed at locations with a substantially similar use (i.e., emergency wireless communications).

The County determined that segmentation was permissible because the Improvements constitute a Type II action that may be segmented and require no SEQRA review, and the County found that none of the dangers of segmentation were present because of the thorough review taking place in the GEIS. The County nevertheless reviewed the potential environmental impacts that could result from the Improvements. Finding that there were no potential significant adverse environmental impacts, the County issued a Negative Declaration for the Improvements.

The Project

The County also considered the relevant areas of environmental concern and applied the criteria set forth in 6 NYCRR 617.7(c) in relation to the Project and concluded that development of the Project may result in a significant adverse impact on the environment. On June 30, 2010, the County issued a Positive Declaration of Significance for the Project. Notice of the Positive Declaration appeared in the Department of Environmental Conservation's Environmental Notice Bulletin ("ENB") on July 21, 2010. The Positive Declaration of Significance was circulated to the involved and interested agencies on July 7, 2010.

Because the Project will involve construction of a number of new towers and refurbishing existing towers which will span the entire geographic area of Cayuga County, as well as some neighboring lands, the County determined to conduct a generic review of Project. The County prepared and circulated a draft scope for a generic environmental impact statement on August 9, 2010. The County gave written notice of the draft scope to potentially involved agencies and interested parties, to the extent that they could be identified, inviting them to participate in the SEQRA process.

The County invited agencies and the public to submit written comments on the draft scope and conducted a public scoping session at the Cayuga County Offices on August 16, 2010. The scoping process was designed to focus the GEIS on any potentially significant adverse impacts of the action and to eliminate consideration of irrelevant or non-significant impacts. No comments were received on the draft scope. Accordingly, the County prepared a final scope,

which approved by the County on September 28, 2010 and was circulated to potentially involved and interested agencies.

The County prepared the DGEIS on the basis of the final scope and on the criteria set forth in 6 NYCRR parts 617.9 and 617.10. On October 26, 2010, the County accepted the DGEIS as adequate with respect to its scope and content for the purpose of commencing public review and distributed it to potentially involved and interested agencies. The County also made the DGEIS available for public review at the Seymour Public Library, 176 Genesee Street, Auburn, NY 13021 and online at <http://co.cayuga.ny.us/radio-project.html>. Pursuant to 6 NYCRR section 617.12(c)(1), the County published a Notice of Acceptance of Draft GEIS and Public Hearing in the November 3, 2010 edition of the ENB. The County also mailed a Notice of Completion of Draft Generic Environmental Impact Statement & Notice of SEQRA Public Hearing to over 75 potentially involved and interested agencies (including cities, towns and villages in the Study Area). Further, notice of the hearing was published in accordance with SEQRA in the Citizen on October 31, 2010 and in the Post Herald on November 3, 2010.

A public hearing was held on November 18, 2010 at BOCES, 1879 West Genesee Road, Room 1, Auburn, NY. No comments were received. The Public Notices published in relation to the DGEIS for the Project stated that comments would be received through Monday, November 29, 2010. No written comments were received. The FGEIS acknowledged that the County as lead agency has met its obligations pursuant to SEQRA and provided several opportunities for public and governmental participation throughout the process. The County accepted the FGEIS as complete and issued a Notice of Completion on December 20, 2010. The County properly filed, circulated, and published the FGEIS in accordance with SEQRA thereafter.

1.3 Proposed Action

The proposal under consideration in this DGEIS includes an integrated solution, incorporating several radio technologies. The core network would consist of a UHF Simulcast Trunked system and a UHF Simulcast Analog paging system. This network would be specifically designed to meet the County's requirements, the communications needs for today, as well as allowing for expansion for future technology standards established by the public safety community. Below is a high level view of what is being proposed to meet the fundamental requirements of the Cayuga County performance specification:

- A UHF trunking and a conventional UHF analog simulcast paging system
- A single simulcast network for improved countywide coverage

- A network compatible with the nationally adopted Association of Public Safety Communications Officials (APCO) Project 16 and Project 25 digital communications standards
- An infrastructure that provides capacity, capability and expandability for the future
- A new digital microwave transport backbone
- Single point of entry for subscriber information
- Expandability to support additional simulcast systems, channels and multiple zones
- Reduced Prime to Remote site bandwidth requirements
- High reliability and Remote site routers
- Security Partitioning
- A design that shares the Onondaga Master Switch and affords the County a lower cost system design that would not sacrifice functionality or autonomy

The core of the proposed system consists of a between 7 and 15 radio site simulcast trunked system which would result in:

- APCO Project 25 compliance and Simulcast technology to improve radio coverage
- 87% portable on street countywide radio coverage
- Mobile, portable radio subscriber equipment
- Console interface equipment
- System/Network management equipment
- Microwave network for data transmission

The proposed simulcast digital trunking solution proposal includes the latest generation compatible base radio platform with IP connectivity throughout the network. The stations would

use APCO Project 25 12.5 kHz digital technology that would meet future FCC requirements, including the upcoming FCC narrowband requirements.

The Project would include base stations to meet the County's analog interoperability requirements. To provide County dispatchers with the necessary access to the trunking system, the system would include up to date, compatible radio dispatch consoles, which would be located at the 911 Center. The Project includes consoles that consist of PC-based workstations at each console position. This configuration would minimize any significant operational changes at the 911 Dispatch Center.

The proposed system would include providing compatible subscriber radios for communication system users. All radios would be flash upgradeable for future expansion when required. The Project would provide 87% area reliability. Clear communications would be realized throughout the rural, suburban and high population areas of Cayuga County.

It is anticipated that between 7 and 15 antenna sites will be required for the Project. Where feasible, sites may be sited on existing, County or municipally-owned structures. Antenna support structure heights vary depending on the height of available structures, coverage requirements and the environmental and aesthetic features of the siting location. If collocation pursuant to the siting guidelines is not feasible, construction of a new tower, sited pursuant to the siting guidelines, is expected.

The Project will also include one or more Network Management Centers. The NMCs' activities include providing dispatch services and regional support for the system, monitoring and directing use of the FCC Mutual Aid Channels; directing communications during emergency situations; providing backup for other NMCs; and coordinating other agency communications. Additionally, at least one NMC will provide system management and administration; coordination with all aspects of the Project; monitoring system traffic status; monitoring antenna site status; servicing Project problems; dispatching service crews to trouble spots; monitoring Project security; optimization of the Project and performing Project resource management in times of emergency. NMCs may have building or roof-mounted antennas and may be connected to an existing or new antenna site.

2.0 FACTS AND CONCLUSIONS REGARDING THE RELEVANT ENVIRONMENTAL IMPACTS

The DGEIS provided a detailed discussion of the County's environmental settings in section 3.0 and potentially significant adverse impacts in section 4.0. Where potentially significant adverse impacts were identified, section 5.0 identified measures to mitigate them.

As discussed in the DGEIS, there are no significant adverse environmental impacts that cannot be avoided or adequately mitigated if the Project is implemented. Adherence to both the siting guidelines and individual antenna site criteria will serve to limit any impacts to the maximum extent practicable. No potentially significant adverse environmental impacts not previously identified in the DGEIS were raised during the comment period.

2.1 GEOLOGY

2.1.1 Facts

The Study Area is located within the Ontario Lowlands and the Allegheny Plateau physiographic provinces. The Ontario Lowlands physiographic province is part of a larger basin and is occupied by present-day Lake Ontario. The Allegheny Plateau physiographic province extends from Lake Erie in the west to the Catskill Mountains in the east.

As depicted on Appendix A, Figure 3- Study Area Surficial Geology to the DGEIS, there are a variety of surficial deposits present in the Study Area, however, no areas of sensitive surficial geology such as sand dunes are present.

2.1.2 Findings

The County's evaluation of surficial, subsurface and topographic resources and characteristics revealed that they will not be significantly impacted by the construction or operation of the Project. Mitigation of any minor impact to these resources from excavation, grading, blasting or filling to construct antenna sites can be effectively achieved by the application of routine construction best management practices. Excavation, grading, blasting or filling will not occur in connection with the establishment of NMCs in existing buildings or for the collocation of Project antennas (unless the existing structures used for collocation require significant reconstruction). Where collocation requires reconstruction of an existing facility, the native surficial and subsurface geology and topography will have previously been disturbed at the time when the structure was originally constructed.

Potential impacts posed by the construction of Project facilities will be reduced to the maximum extent practicable through the following mitigation measures:

- Avoiding undeveloped ("greenfield") sites to the extent feasible through the application of the siting guidelines
- Collocating and siting as many Project facilities as possible on previously developed land through the application of the siting guidelines
- Performing site-specific reviews to avoid significant geologic and topographic resources and features
- Following standard "best management practices" during construction
- Maintaining general ground stability to prevent slope failure and erosion
- Providing adequate support for the structure
- Sloping excavation walls to the natural angle of repose
- Spreading bearing loads with spread tracks or temporary matting for facilities located in an area with low bearing capacity soils
- Installing drainage systems to reduce subsurface soil saturation
- Using proper design and construction practices if blasting is required to remove bedrock
- Replacing unstable soils with materials having greater bearing capacities
- Providing erosion and sediment control through the use of site grading, detention basins, silt fences and hay bales

The County will complete a Site Consistency Review for every proposed Project facility. For each Project facility, the Site Consistency Review will evaluate the facility's potential impacts on geologic resources as well as the proposed site's consistency with the criteria set forth in the GEIS and this Findings Statement. If the Site Consistency Review demonstrates that the proposed siting is consistent with the findings and the GEIS, the Project facility will be allowed to proceed without further SEQRA review. If the Site Consistency Review reveals potential

impacts that were not considered in the GEIS, the County will conduct additional site-specific environmental review.

2.2 WATER

2.2.1 Groundwater

2.2.1.1 Facts

There are a vast array of groundwater resources located in the Study Area that are used in all aspects of life, work, and play. The Cortland-Homer Preble Aquifer is located within the Study Area, as well as the Fulton, Syracuse, and the Cortland unconsolidated aquifers and a number of unconfined aquifers, as depicted on Appendix B, Figure 1 of the DGEIS. Groundwater is used throughout the County as the primary source of potable drinking water.

2.2.1.2 Findings

Construction activity associated with the Project will not require the use of groundwater. If any water is needed for construction it will be obtained from previously developed sources. Antenna sites are anticipated to require no water or sewer resources during Project operations. NMCs are served by potable water either from public systems or from dedicated wells.

Antenna sites and NMCs require electric generators and engines. Incidental or accidental spills or leaks of lubricating oils from the engines may occasionally occur, resulting in a minor amount of oil spilling onto concrete foundation slabs or into the soil. Additionally, the backup power supply at antenna sites will operate on diesel fuel, which has the potential for minor leaks or discharge of diesel fuel.

As detailed in the GEIS, the County's evaluation of water resources revealed that groundwater will not be significantly impacted by either the construction or operation of Project facilities. Mitigation of any minor impact to groundwater resources from incidental or accidental leaks from cars, trucks and other construction vehicles operated at Project sites is easily achieved by following construction best management practices. Mitigation of any indirect minor impact to groundwater resources from vegetation removal, excavation, grading, trenching and placement of fill is also achieved through best management practices.

Potential minor impacts to groundwater will be reduced to the maximum extent practicable through the following mitigation measures:

- Development of a Spill Prevention, Countermeasures and Control Plan (“SPCC”) to provide primary and secondary containment measures to control any spill at a construction site
- Using only water for dust control to avoid or minimize the introduction of chemicals to construction sites
- For sites with fuel storage, a standard spill response kit (absorbent pads or booms, “speedi-dry,” shovels, plastic sheeting and drums) will be kept on site
- Requiring fuel storage tanks used on Project facilities to meet all State, Uniform Fire Code and Underwriter’s Laboratory certification requirements, including leak detection with remote notification and overfill protection.
- Continuous monitoring of fuel deliveries by delivery personnel with supplier carrying a spill response kit on the delivery vehicle.
- Conducting regular repairs and inspections of all tank and fuel lines on site to ensure that they are not leaking any fluids
- Immediate cleanup of any petroleum product release into the soil
- Using best management practices during construction to eliminate or minimize soil erosion
- Minimizing the duration of construction activities
- Reducing the area of disturbance
- Planning construction activities in accordance with anticipated weather conditions
- Placing hay bales, silt fences, temporary berms and rip-rap to control erosion
- Constructing drainage swales
- Revegetating disturbed areas
- Constructing temporary or permanent stormwater detention basins

The County will complete a Site Consistency Review for every proposed Project facility. For each Project facility, the Site Consistency Review will evaluate the facility’s potential impacts on

groundwater resources as well as the proposed site's consistency with the criteria set forth in the GEIS and this Findings Statement. If the Site Consistency Review demonstrates that the proposed siting is consistent with the findings and the GEIS, the Project facility will be allowed to proceed without further SEQRA review. If the Site Consistency Review reveals potential impacts that were not considered in the GEIS, the County will conduct additional site-specific environmental review.

2.2.2 Surface Water

2.2.2.1 Facts

Major surface water features in the Study Area include Lake Ontario, Owasco Lake, Cross Lake, Cayuga Lake, Skaneateles Lake, Otisco Lake, the Erie Canal, Seneca River, Salmon Creek, Sterling Creek, Owasco Lake Inlet and Owasco Lake Outlet. These surface waters are used for a variety of purposes including water supply, recreation and commercial manufacturing. Special protections are in place for the New York State Canal system, part of which is located in the Study Area, and for coastal areas along Lake Ontario.

2.2.2.2 Findings

As detailed in the GEIS, the County's evaluation of water resources revealed that surface water will not be significantly impacted by the construction or operation of the Project. In evaluating potential impacts to water resources, an important overall consideration is that project-related activities involve very small areas. For example, typical antenna sites will not disturb more than one acre, inclusive of access roads. NMCs will be housed in preexisting buildings in urban areas, using established potable water and sewer systems.

Construction related activities will require the use of no water beyond that which will be imported to a site. Potential minor impacts to surface water will be very similar to impacts to groundwater resources during the construction of the Project. The same mitigation measures will be used to eliminate or reduce any potential impacts.

No construction related activities are anticipated to require either potable water or wastewater treatment. The operation of the Project is not expected to result in an increase in the demand for potable water and wastewater treatment at and around NMCs. Minor impacts to surface waters that may result from incidental release from fuel storage and engine operation during Project construction and operation can be eliminated or reduced through the mitigation measures

described above. Construction related activities affecting vegetation and erosion rates and patterns will be mitigated to the maximum extent practicable through best management practices.

The County will complete a Site Consistency Review for every proposed Project facility. For each Project facility, the Site Consistency Review will evaluate the facility's potential impacts on surface water resources as well as the proposed site's consistency with the criteria set forth in the GEIS and this Findings Statement. If the Site Consistency Review demonstrates that the proposed siting is consistent with the findings and the GEIS, the Project facility will be allowed to proceed without further SEQRA review. If the Site Consistency Review reveals potential impacts that were not considered in the GEIS, the County will conduct additional site-specific environmental review.

2.3 TERRESTRIAL & AQUATIC ECOLOGY

The terrestrial and aquatic ecological resources of the Study Area are broadly distributed, but highly variable due to physiographic, vegetation and land use variations. The Study Area is within the Eastern Broadleaf Forest (Continental) Providence which generally contains the following vegetative cover types: natural forested upland, shrubland/herbaceous upland, agriculture and wetlands. The Study Area's predominant ecological communities include Central Appalachians, Finger Lake Highlands, Erie-Ontario Plain, and Drumlin. *See* DGEIS Appendix C, Figure 1. Predominant ecological communities of the this eco-region include northern forest, atlantic highlands, northern Appalachian and atlantic maritime highlands. Other important ecological communities in this area include: eastern temperate forest, mixed wood plains, eastern great lakes and Hudson lowlands.

2.3.1 Vegetation

2.3.1.1 Facts

The New York Natural Heritage Program ("NYNHP") catalogues both plant and animal species and ranks them according to their rarity on both a Statewide and global scale. No comprehensive rare plant surveys of the State have been conducted. Several lists of rare plants are maintained, although these lists contain some conflicting information. The New York State Department of Environmental Conservation ("NYSDEC") rare plant list indicates the presence of 11 federally listed endangered and threatened plants in the State. The U.S. Fish and Wildlife Service ("FWS") lists only six plant species as endangered or threatened in the State. The DGEIS, Appendix C, Table 2 lists the protected plants and natural communities contained within the Study Area.

2.3.1.2 Findings

As detailed in the GEIS, no significant impacts to vegetation are expected as a consequence of the construction or operation of the Project. There may be minor impacts to vegetation during construction resulting in loss of vegetation from clearing, including loss of listed species, and vegetation has the potential to be damaged by chemicals used or spilled during the construction and/or operational phases. None are expected to be significant.

Minor impacts to vegetation resources can be completely eliminated or substantially reduced through the following mitigation measures:

- Using preexisting access-ways where available, including roads, trails, rights-of-way and transmission lines
- Heavily wooded areas and forest interiors will be avoided when possible; the cutting of mature trees will be kept to a minimum
- Maintaining appropriate buffer areas where needed
- Locating access roads and antenna sites on level portions of available property where possible; utilizing areas of minimum slope will be selected to the extent practicable thereafter.
- Placing sediment and sedimentation controls such as silt fencing, hay bales, sediment traps, channels, sediment basins, turbidity curtains and temporary plantings
- Stockpiling disturbed soils on-site or otherwise covering them; reusing soils on-site to promote revegetation
- Revegetating disturbed areas after the completion of construction to the extent practicable
- Removing dead, dying or otherwise unstable trees
- Modifying site layout to the extent practicable if listed species are discovered; in the event that location or layout of a site cannot be altered, a species specific relocation plan will be developed as described in DGEIS Section 5.2.3.1.
- Species specific protection plan will be developed when necessary

- Preparing for spill response and control as discussed in the Water section above
- Storing maintenance and vegetation control chemicals in accordance with manufacturer's instructions; use of products with least potential for environmental damage where possible;

The County will complete a Site Consistency Review for every proposed Project location. For each Project facility, the Site Consistency Review will evaluate the facility's potential impacts on vegetation as well as the proposed site's consistency with the criteria set forth in the GEIS and this Findings Statement. If the Site Consistency Review demonstrates that the proposed siting is consistent with the findings and the GEIS, the Project facility will be allowed to proceed without further SEQRA review. If the Site Consistency Review reveals potential impacts that were not considered in the GEIS, the County will conduct additional site-specific environmental review.

2.3.2 Fish and Wildlife

2.3.2.1 Facts

The Study Area has a varied population of fish and wildlife. Both State and federal authorities monitor the populations and protect many bird, mammal, fish, reptile and amphibian and plant species. Federal and State authorities assign legal status (endangered, threatened or special concern) to many of these species to facilitate their continued existence or recovery in the State. Appendix C, Table 3 of the DGEIS lists the endangered, threatened, and special concern species located in the Study Area.

Bird populations in the County are sizeable, due in no small part to the presence of diverse breeding, nesting and forage habitat. Portions of the migratory bird travel corridor known as the Atlantic Flyway which includes principal and merging routes passes through the Study Area. Recognizing these significant bird populations, the State developed a model Bird Conservation Area ("BCA") program based on the Important Bird Area ("IBA") program developed by the Audubon Society. These IBAs provide essential habitat to one or more species of breeding or non-breeding birds. State-owned lands and waters that meet IBA criteria can be designated as a BCA, which gives birds and bird conservation priority in the management of sites.

Bird Conservation Areas located in the Study Area include Bear Swamp, Montezuma Wetlands Complex, Cayuga Lake, Seneca Army Depot, and Southern Skaneateles Lake Forest. Important Bird Areas include Aurora Grasslands Complex, Greater Summerhill Area, Montezuma Wetlands Complex, and Southern Skaneateles Lake Forest. Wildlife Management Areas in the

Study Area include Cross Lake Islands, Cayuga Lake, Willard, and Northern Montezuma National Wildlife Refuge.

2.3.2.2 Findings

Potential impacts to fish and wildlife may exist in all land use areas as a result of construction and operation of antenna sites. Potential impacts to fish and wildlife may include: temporary or permanent displacement of common fish and wildlife species or their habitats and potential disturbance of wildlife due to soil erosion, stream sedimentation, or chemical contamination. Construction activities may result in incidental injury or mortality to fish and wildlife species, as well as physical disturbance to nesting and foraging areas.

The direct and indirect impacts described above could affect listed endangered, threatened and special concern fish and wildlife species, if such species exist at or around a proposed antenna site. Individual animals may be eliminated for various reasons as a result of construction activities, but populations of these species can be maintained within similar habitat in the vicinity of an antenna site.

Operational phase activities will have limited impact on fish and wildlife, with the possible exception of the potential impact on avian species. Potential impacts specific to avian species and bats include navigational and physical disturbances, such as flight collisions with antenna structures, resulting from construction of new or higher antenna sites.

Despite reports of collision fatalities at some known types of communications towers for over 50 years, there is virtually no risk to avian species posed by the types of towers associated with the Project. According to the studies, while birds may collide with towers of virtually any height, fatality events are limited, almost exclusively, to towers over 500 feet in height. Guy wires are the single most important risk factor with respect to bird collisions. Un-guyed towers (e.g., monopoles and lattice towers) pose virtually no risk to birds. Additionally, multiple sets of steady-burning red lights attract night-migrating birds to communications towers rather than unlit towers or towers with only flashing lights.

As detailed in the GEIS, potential impacts to fish and wildlife (including threatened, endangered and species of special concern) are expected to be minor. Given the predominant types of towers proposed for the Project, impacts to avian species are expected to be minimal. No other operational phase impacts to fish and wildlife are expected. In addition to the mitigation measures described above for vegetation, the County will reduce or eliminate any minimal impacts to fish and wildlife (including bird populations) through the following:

- Conducting wildlife/habitat surveys to identify nesting sites, forage and transient or permanent wildlife pathways prior to site development consistent with the requirements contained in Section 5.2.3 of the DGEIS;
- Restricting access road speed limits to minimize or prevent increased mortality from traffic
- Consideration will be given to altering access routes so that nesting sites are not disturbed
- Not disturbing nests of endangered or threatened species or species of special concern that may be found at an antenna site.
- If a nesting location is in an area that will cause disruption to the antenna site structure or service, the site supervisor will notify the project manager to contact a qualified professional to prepare a protection and relocation plan.
- Minimizing outdoor chemical applications and appropriately scheduling such applications to minimize impacts to endangered, threatened or special concern species.
- Compliance with Natural Heritage Program and/or FWS guidelines for protection of endangered, threatened or species of concern, where applicable
- Compliance, to the extent practicable, with the September 2000 FWS Interim Guidelines for Recommendations On Communications Tower Siting, Construction, Operation, and Decommissioning

The County will complete a Site Consistency Review for every proposed Project facility. For each Project facility, the Site Consistency Review will evaluate the facility's potential impacts on fish and wildlife as well as the proposed site's consistency with the criteria set forth in the GEIS and this Findings Statement. If the Site Consistency Review demonstrates that the proposed siting is consistent with the findings and the GEIS, the Project facility will be allowed to proceed without further SEQRA review. If the Site Consistency Review reveals potential impacts that were not considered in the GEIS, the County will conduct additional site-specific environmental review.

2.3.3 Wetlands & Floodplains

2.3.3.1 Facts

Wetlands are among the most productive ecosystems in the world and can be found in every region of the State, regardless of land use type. The wetlands regulated by the NYSDEC located in the Study Area are depicted at DGEIS Appendix C, Figure 2. Federal wetlands located in the Study Area are depicted at DGEIS Appendix C, Figure 4. Wetlands provide critical fish and wildlife habitat, natural water quality improvement, floodwater storage, shoreline erosion protection, aesthetic enhancement and biological productivity.

Floodplains located in the Study Area are depicted at DGEIS Appendix C, Figure 3.

2.3.3.2 Findings

As detailed in the GEIS, impacts to wetlands are not expected from operation of Project facilities. Minor impacts to wetlands are possible during the construction of antenna sites. Potential impacts include direct loss of wetland acreage; alteration of wetland functionality; wetland segmentation and changes in flow patterns; changes to resident vegetation and fish and wildlife species; and damage from sedimentation and pollutants. The potential impact of human activity on floodplains consists of reduction in the volume capacity of the floodplain by placing fill below the 100 year elevation, thus raising the flood elevation and increasing the velocity of floodwater flow during future stormwater events.

Although improbable, it may be necessary to place an antenna in a wetland, which may cause a certain amount of wetland to be drained or filled. Antenna sites may also result in altered water flow rates and chemistry that may compromise the biological functioning of the wetland. Additionally, these changes may introduce greater quantities of sediment and pollutants, which has the potential to compromise the functional integrity of the wetland. The installation of access roads and wetland filling may also alter existing native wetland vegetation and wildlife.

On a project wide basis, siting guidelines will minimize impacts to wetlands and floodplains by favoring collocation of facilities on existing County or municipally-owned facilities, using previously disturbed locations as well as requiring a desktop search for wetlands, followed up with field surveys where necessary to determine the presence of wetlands on property being considered for acquisition. The County will avoid wetlands, their adjacent areas, and floodplains when siting Project facilities where possible. Where avoidance of wetlands is not possible, the County will obtain all required NYSDEC and U.S. Army Corps permits and implement

appropriate mitigation measures in consultation with these agencies. If siting a new tower in a floodplain becomes unavoidable, further SEQRA review on a site-specific basis would be required.

Mitigation may include:

- Avoiding undeveloped sites through the siting guidelines
- Collocating and siting as many Project facilities as possible on previously developed land
- Performing site-specific reviews to avoid wetland resources
- Consulting a qualified professional to ensure that wetland functions are not unnecessarily disturbed by construction
- Using erosion and sediment controls as described in the Geology and Water sections above
- On site stockpiling and stabilizing of disturbed soils
- Restoring and replacing disturbed wetland areas in consultation with appropriate regulatory authorities when necessary

The County will complete a Site Consistency Review for every proposed Project facility. For each Project facility, the Site Consistency Review will evaluate the facility's potential impacts on wetlands and floodplains as well as the proposed site's consistency with the criteria set forth in the GEIS and this Findings Statement. If the Site Consistency Review demonstrates that the proposed siting is consistent with the findings and the GEIS, the Project facility will be allowed to proceed without further SEQRA review. If the Site Consistency Review reveals potential impacts that were not considered in the GEIS, the County will conduct additional site-specific environmental review.

2.4 AIR

2.4.1 Facts

The construction of Project facilities will involve the operation of construction equipment with diesel- and gasoline-fired internal combustion engines. This equipment is powered by engines ranging in size from 50 horsepower to 300 horsepower. Operation of this equipment will

produce several air pollutants caused by the combustion of fuel, including CO₂ which may have an impact on climate change. Construction of antenna sites may also require earth-moving, stockpiling of soils and the travel of construction vehicles over unpaved roads. These activities may produce fugitive particulate emissions (*i.e.*, dust). Dust produced from such activities is largely dependent on the area being worked, the volume of soil being handled, the type of soil being moved and the moisture content of the soil.

Most Project facilities will have prime power supplied by the local electric utility. In metropolitan areas, backup power will likely be supplied by emergency generators driven by diesel-fired internal combustion engines. Emergency generator size for Project Facilities could be up to 50 kilowatts (“kW”) per hour (with a potential for one generator rated up to 100 kW/hr)(exempt from air permitting requirements). Emergency power will be required only occasionally and for limited periods.

2.4.2 Findings

As detailed in the GEIS, no significant impacts to air resources are expected from the construction or operation of the Project. The GEIS included modeling of predicted engine emissions using a worst-case scenario and found that emissions will be well below the National Ambient Air Quality Standards (“NAAQS”) for all criteria pollutants, below NYSDEC's short-term and annual guideline concentrations for hazardous air pollutants (“HAPs”) and Criteria Pollutants & Volatile Organic Hazardous Air Pollutants, therefore, no potentially significant air impacts due to construction or operation are expected.

Best management practices will eliminate or reduce any construction related air impacts. Emissions associated with off-road, diesel-powered construction equipment will be minimized with the use of engines equipped with particulate traps where possible or the use of operational techniques, such as frequent tune-ups, to assure proper and complete fuel combustion. Should smoking diesel exhaust be noted, particularly under light or no-load conditions, fuel adjustments and other engine tune-up activities will be performed to eliminate visible emissions. During operation of the NMCs and antenna sites, minimization of the emissions from operation of diesel fuel engines will be achieved by routine maintenance and use of lean burn or spark retard engines to reduce NO_x emissions.

The minor air impacts potentially associated with Project construction and operation can be completely eliminated or substantially reduced through the following mitigation measures:

- Applying water to suppress dust on unpaved roads

- Watering and sweeping paved roads as necessary
- Minimizing the height of excavation spoil piles
- Covering soil piles with tarps or other wind screens
- Curtailing earth-moving activities during high wind conditions
- Conducting daily visible dust checks to assure effective mitigation of any observed fugitive dust
- Conducting more frequent visible emission checks during periods of high site activity, low rainfall or high wind days
- Applying good engineering practice stack height (at least 2.5 times the height of the nearest building or 1.5 times such height if the stack is located on a roof or in an area without nearby structures or high terrain) to the stationary engine exhaust stacks

Best practices for minimizing CO₂ emissions (and thereby potential impact to climate change) include:

- Use of high-efficiency generators and cooling systems,
- Use of existing and/or previously disturbed sites to minimize vegetation/forest loss
- Waste recycling, where appropriate

The County will complete a Site Consistency Review for every proposed Project facility. Each Site Consistency Review will evaluate the facility's potential impacts on air resources as well as the proposed site's consistency with the criteria set forth in the GEIS and this Findings Statement. If the Site Consistency Review demonstrates that the proposed siting is consistent with the findings and the GEIS, the Project facility will be allowed to proceed without further SEQRA review. If the Site Consistency Review reveals potential impacts that were not considered in the GEIS, the County will conduct additional site-specific environmental review.

2.5 AGRICULTURE

2.5.1 Facts

A substantial portion of the Study Area is dedicated to agriculture, producing a diverse array of agricultural commodities such as flowers, trees, shrubs, hay, fruits, vegetables, wheat, grain products, dairy products, meat and poultry products. Cayuga County is the top producer in New York for corn for grain or seed. Seneca County has highest inventory of hogs and pigs in New York State. The Study Area is located in the Finger Lakes Region which is one of the premier grape growing regions in the U.S. east of the Rocky Mountains, which is home to almost 10,000 acres of vineyards and over 70 different grape varieties, which are used for the production of grape juice and wine.

State and municipal laws provide for the identification of agricultural districts. Certain resource protections apply to lands located in agricultural districts. Substantial portions of the State's agriculturally productive land and soils lie outside of agricultural districts and within other land use types. These lands are commonly used for agricultural production. Agricultural Districts located in the Study Area are depicted on Appendix E, Figure 1 of the DGEIS.

2.5.2 Findings

Soil compaction, burial and erosion may occur during construction and operation of Project facilities. Agricultural lands may also be occupied during construction and operation of Project facilities and, accordingly, will not be available for agricultural production. Project construction and facility locations may interfere with agricultural land management systems and associated agricultural operations.

Nevertheless, impacts to agricultural soils from construction or operation of the Project are expected to be insignificant, particularly given the amount of agricultural land in the Study Area. New project sites may require dedicating up to an acre of land, although the actual space occupied will be significantly smaller. Accordingly, the Project does not pose a significant impact to agricultural soils.

The instances of tower construction or operation interfering with agricultural land management systems and associated operations will be negligible in the context of the overall acreage and farming activity in the Study Area. Therefore, the Project will not have a potentially significant adverse effect on agricultural land management systems and associated operations.

The County will undertake the following mitigation measures to reduce or eliminate any minor impacts to agricultural soils resulting from the construction or operation of the Project:

- Collocating sites on existing County or municipally-owned facilities where feasible
- Review of individual sites for consistency with Coastal Management Program Policy Number 26
- Keeping the occupied area to a minimum,
- Disturbing the least amount of soil possible for the telecommunication equipment and access,
- Implementing BMPs for disturbed soils during construction
- Re-vegetating disturbed areas following construction,
- Use of compaction and surface protection measures,
- Avoiding drainage and irrigation systems in the site design
- Repairing any affected drainage or irrigation systems,
- Scheduling construction activities to avoid interfering with agricultural operations.

The County will complete a Site Consistency Review for every proposed Project facility. For each Project facility, the Site Consistency Review will evaluate the facility's potential impacts on agricultural resources as well as the proposed site's consistency with the criteria set forth in the GEIS and this Findings Statement. If the Site Consistency Review demonstrates that the proposed siting is consistent with the findings and the GEIS, the Project facility will be allowed to proceed without further SEQRA review. If the Site Consistency Review reveals potential impacts that were not considered in the GEIS, the County will conduct additional site-specific review.

2.6 TRANSPORTATION

2.6.1 Facts

The DGEIS extensively reviewed the transportation resources present in the Study Area at Section 3.3.1. The DGEIS analyzed a worst-case scenario to identify any possible increase in demand that transportation of labor, materials and equipment for construction of the Project will place on transportation infrastructure.

During the construction phase of the Project, delivery of construction materials and large mobile equipment and commuting site workers may temporarily increase the amount of traffic. However, the impact of commuting construction crews of up to 15 persons would create only a transient impact. According to the DGEIS, adding up to 15 vehicle trips will not create a significant impact on traffic patterns throughout the Study Area.

During the operational phase of the Project, operation of NMCs will not increase current levels of permanent staff, so no increase in vehicle trips is expected. Tower sites are unmanned and would need occasional visits by maintenance crews. Accordingly, transportation impacts will not be significant.

2.6.2 Findings

Due to the small incremental number of daily trips, the relatively large base of existing traffic on the adjacent road system and the normally long life expectancy of highways, no construction-related delays are anticipated and no deterioration of the existing transportation infrastructure is expected to occur as the result of the construction of Project facilities. The County anticipates no impacts to transportation infrastructure as a result of this normal use of infrastructure components.

No adverse impacts to transportation resources are anticipated and therefore, no mitigation is required. The contractor will comply with all applicable transportation laws and regulations related to the movement of construction equipment and materials (including towers and shelters) to and from construction areas, including obtaining permits where necessary.

For each Project facility, the Site Consistency Review will evaluate the facility's potential impacts on transportation resources as well as the proposed site's consistency with the criteria set forth in the GEIS and this Findings Statement. If the Site Consistency Review demonstrates that the proposed siting is consistent with the findings and the GEIS, the Project facility will be

allowed to proceed without further SEQRA review. If the Site Consistency Review reveals potential impacts that were not considered in the GEIS, the County will conduct additional site-specific review.

2.7 LAND USE AND ZONING

2.7.1 Facts

Land uses in the Study Area are diverse, but can be reduced to eight generalized land use types consisting of water, residential development, commercial/industrial development, barren, natural forested upland, shrub land/herbaceous upland, agriculture and wetland. The DGEIS contains a generalized use map for the Study Area at Appendix G, Figure 2.

Land use planning in the Study Area takes place at municipal, regional and State levels. Many, but not all, municipalities have enacted zoning codes. In some instances, municipalities create inter-municipal agreements to address regional planning issues. Other regional planning initiatives are promoted by the State, with voluntary local participation, such as the Greenway Compact Program. Some planning is initiated at the federal level and implemented at the State and local level.

The Study Area falls within the Central Great Lakes Region for the Department of State Division of Coastal Resources, with portions of the Study Area adjacent to Lake Ontario being located within a coastal zone. Coastal zones are subject to New York State coastal policies and the Coastal Zone Management Program, which is the State's implementation of the Federal Coastal Zone Management Plan. The state Coastal Management Program includes a series of 44 policies. State agencies must comply with these policies when approving, funding, or undertaking an action. Furthermore, the Coastal Management Program is implemented through locally adopted and State approved LWRPs.

2.7.2 Findings

New York law provides that governmental agencies are immune from local land use laws when the interests of the public outweigh the interests to be served by zoning and land use laws. (*Matter of County of Monroe*, 72 N.Y.2d 338, 343 (1988)). Due to the over-arching public interest associated with the Project in addressing the critical need to improve public safety communications, the County has concluded that the County's paramount interests in an effective and comprehensive emergency communications system renders the County exempt from local zoning and land use regulations in connection with the Project. In addition, land that is in the

public domain, such as federally and State-owned land, is not subject to municipal planning and zoning, but may be subject to other State or federal statutes, constitutional provisions, land use plans or master plans. The County will comply with all applicable constitutional, statutory and regulatory provisions in the siting of Project facilities. To the extent practicable, the County will also comply with local zoning and land use regulations in connection with the proposed Project.

Generally, the manner in which the County will deploy the Project, including the siting guidelines, is largely consistent with minimum setbacks, maximum heights, coloration, lighting, visual impacts, and collocation requirements contained in local zoning requirements. Likewise, the siting criteria for the Project set forth in the visual analysis of the DGEIS are consistent, to the extent practicable, with these local land use regulations.

The construction of Project antenna sites may, in some instances, be inconsistent with local zoning and land use laws. Collocations, pole mounts and roof mounts, however, will have no impact on existing land use. Properly sited, the location of an antenna site in a particular area is expected to have no impact on surrounding land uses. Newly constructed Project sites may impact existing land use by converting the land to a telecommunications use for at least the duration of the operation of the Project and may have an effect on the value of adjacent land due to perceived visual impacts and perceived concerns over health effects. The County will mitigate these perceived impacts to the maximum extent practicable by:

- Complying, to the extent practicable, with local zoning requirements to achieve consistency and harmony with local land use patterns and zoning regulations. If compliance with local zoning is not feasible, the County will necessarily rely upon its immunity from local land use laws.
- The County will comply, to the extent practicable, with the substantive provisions (setbacks, berming, height limitations, lighting limitations, site security and access road security) of the zoning law or telecommunications ordinance that may be in effect in the municipality in which the facility is proposed to be located
- The County will make a determination as to any substantive provision of the local zoning law or telecommunications ordinance that may be in effect with which compliance is not practicable
- Reviewing each proposed site and identifying whether the site is located in a special resource area, greenway, recreationway, waterway access, corridor or trail. The County will avoid siting within these resources to the extent practicable

- Complying with any State land use program that may be applicable to the extent practicable (*e.g.*, Coastal Zone Management plans, aquifer protection plans, open space conservation plan and large resource protection plans)
- Complying, to the extent practicable, with specific regional plans or compacts governing tower placement within their borders

For each Project facility, the Site Consistency Review will evaluate the Project facility's potential impacts on land use and zoning as well as the proposed site's consistency with the criteria set forth in the GEIS and this Findings Statement. If the Site Consistency Review demonstrates that the proposed siting is consistent with the findings and the GEIS, the Project facility will be allowed to proceed without further SEQRA review. If the Site Consistency Review reveals potential impacts that were not considered in the GEIS, the County will conduct additional site-specific review.

2.8 COMMUNITY SERVICES AND RECREATION

2.8.1 Facts

Community services are provided by the State and municipal governments. Population-dependant services include: highway maintenance; utilities (natural gas, electric, steam, telecommunications services and water utilities); solid waste; education, and recreation facilities. Population- and communications-dependant services include: 911 dispatch; law enforcement; fire; emergency medical services; state military forces and health care services. *See* DGEIS Section 3.3.3 for a detailed discussion of the community services present in the Study Area.

2.8.2 Findings

Construction of antennas and NMCs will create, at most, a temporary, negligible increase in demand for community services. Population-dependent resources such as health care and social services, education and recreational facilities will not experience an increase because no new permanent employees are anticipated as part of the Project. Additional resources may be needed for public services such as snow removal and road maintenance for new access roads associated with antenna sites. Overall, the Project will cause a negligible increase in demand on community services and utilities.

As detailed in the GEIS, construction and operation of Project facilities are not expected to have a significant impact on community services and recreation.

The County will mitigate potential impacts of Project construction and operation on community services by:

- Siting NMCs in existing facilities with existing services where possible
- Reducing the number of facilities that will need new electric and gas utilities by siting antennas at existing facilities where possible
- Using existing communications land-lines at NMCs and antenna sites wherever adequate capacity exists
- Minimizing construction waste through reduction, reuse and recycling where possible
- Minimizing electric and fuel consumption through the application of uniform building codes which require energy conservation measures including: fully insulated structural components (*e.g.*, walls, windows and doors); energy efficient appliances and instruments; and programmable thermostats for heating and cooling systems
- Reducing waste at NMCs by recycling consistent with the availability of commercial recycling programs.

For each Project facility, the Site Consistency Review will evaluate the facility's potential impacts on community services and recreation as well as the proposed site's consistency with the criteria set forth in the GEIS and this Findings Statement. If the Site Consistency Review demonstrates that the proposed siting is consistent with the findings and the GEIS, the Project facility will be allowed to proceed without further SEQRA review. If the Site Consistency Review reveals potential impacts that were not considered in the GEIS, the County will conduct additional site-specific review.

2.9 DEMOGRAPHY

2.9.1 Demographics

2.9.1.1 Facts

The DGEIS used the most recent demographic data compiled for New York State provided by the decennial U.S. Census Bureau, Census 2000 database for its review of the demography of the

State. The population of Cayuga County is 79,526, Onondaga County is 454,753, and Seneca County is 34,049. DGEIS Table 3.5 in Section 3.3.4.1 contains the breakdown of population by race in each of these counties that make up the Study Area. Median household incomes as of the 2000 census within the Study Area, by county, are: Cayuga County: \$47,308; Onondaga County: \$50,640; Seneca County: \$46,364. The population per square mile in the various counties that make up the Study Area, as of 2000, was: Cayuga County: 118.3; Onondaga County: 583; Seneca County: 102.6.

2.9.1.2 Findings

Due to the transient and short-term nature of construction activities, demographic changes are not expected as a result of the construction of antenna sites or NMCs. With no expected demographic changes as a result of the construction of antenna sites, or NMCs, no mitigation will be necessary. Operational phase activities will not include additional permanent staffing and, therefore, require no mitigation.

2.9.2 Environmental Justice

2.9.2.1 Facts

As detailed in the GEIS, although the siting of Project structures does not necessarily trigger compliance with the NYSDEC's Environmental Justice policy set forth in CP-29 Environmental Justice and Permitting, the County has committed to following the measures for achieving Environmental Justice ("EJ") set forth in that policy. The primary objective of the Environmental Justice program is to assess whether low-income or minority communities will bear a disproportionate burden from industrial, municipal and commercial operations.

The NYSDEC Environmental Justice program provides a methodology for identifying potential communities of concern, evaluating whether they meet the criteria as a minority low-income community and assessing whether their environmental burden is disproportionately high and adverse. Some of the factors considered in the analysis are:

- Boundaries of the community of concern, and rationale for its selection
- Identification of statistical reference area used
- Results of minority, low-income and environmental burden

- Any additional factors that were considered and conclusion of the analysis, incorporating all three factors

DGEIS Appendix I Figure 2 identifies locations in the Study Area where potential EJ areas may exist.

2.9.2.2 Findings

The location of the Project facilities will be selected primarily according to performance or operational standards, meaning that location will be selected according to optimum coverage and other technical specifications, independent of socio-economic factors. Should coverage requirements necessitate the siting of a tower in a potential Environmental Justice area, the environmental impacts may include visual impact, noise generation, inconsistency with surrounding neighborhood characteristics, radio frequency electromagnetic radiation and other issues. In all likelihood, no potential EJ area will be disproportionately affected by the deployment of the Project given that the potential impacts of any individual facility are the same as those forecast for areas that are not designated as potential EJ areas.

The County will analyze potential Environmental Justice impacts in the course of the Site Consistency Review of each proposed site in accordance with NYSDEC Policy CP-29.

2.10 VISUAL RESOURCES

2.10.1 Facts

The Study Area contains numerous scenic resources worthy of protection. Among those specifically singled out for protection are properties eligible for inclusion in the National or State registers of historic places; State parks; urban cultural parks; State forest preserves; national wildlife refuges; national natural landmarks; national park system recreational areas, seashores and forests; rivers designated as national or State Wild, Scenic or Recreational; a site, area, lake, reservoir or highway designated, or eligible for designation, as scenic; State or federally designated or proposed trails; State nature and historic preserve areas; and Bond Act properties purchased as properties of exceptional scenic beauty or open space.

In addition, local governments may designate visual characteristics that are important to their areas including local parks and recreational areas, water bodies, agricultural fields, mountain vistas, and scenic byways and gateways. Local communities may also find that man-made

features possess aesthetic value in instances where these features define the community's character or are immediately associated with a particular community.

A number of state parks, forests, and unique areas are located in the Study Area, including: Dean's Cove Boat Launch, Fillmore Glen State Park, Long Point State Park, Fair Haven Beach State Park, Frozen Ocean State Forest, Bear Swamp State Forest, Hewitt State Forest, Sampson State Park, and Summer Hill State Forest. Cayuga Lake Wildlife Management Area, Cross Lake Islands Wildlife Management Area, Willard Wildlife Management Area, and Montezuma National Wildlife Refuges are also located within the Study Area. Historic districts located in the Study Area include: Aurora Village/Wells College Historic District; Seneca River Crossing Canals Historic District, South Street Area Historic District and the North Main Street Historic District.

The Study Area contains several scenic areas, including the a portion of the Finger Lakes region, the Great Lakes Seaway Trail, the Erie Canalway National Heritage Corridor, the Route 90 Scenic Byway, and the Cayuga Lake Scenic Byway.

2.10.2 Findings

The DGEIS analyzed potential visual impacts through use of the OFT GEIS, which includes a detailed Generic Visual Impact Assessment ("OFT GVIA") that utilizes NYSDEC's Visual Program Policy on Assessing and Mitigating Visual Impacts to assess expected visual impacts across New York State's diverse landscapes. Because the Project includes components and structures visually similar to those examined in the OFT GVIA, similar potential visual impacts can be expected. Additionally, the seven Landscape Similarity Zones ("LSZs") included in the OFT GVIA fully encompass the landscapes of the Study Area. Therefore, the expected visual impact of Project antennas and structures would be the same as that described in the OFT GVIA and the OFT GEIS.

Because all of the LSZs are relevant to the Study Area and similar components to those of the proposed Project are reviewed in the OFT GVIA, and because of the generic nature of the OFT GVIA, the conclusions of the OFT GVIA remain accurate as applied to the Project. The OFT GVIA is incorporated by reference in the DGEIS.

The OFT GVIA evaluated potential visual impacts of the project on typical landscape settings and viewer groups within New York State. For the purposes of this evaluation, landscape settings were consolidated into seven LSZs. A representative photo of each LSZ was used to create simulations of various tower and antenna scenarios at different distances from the viewer.

These simulations were then rated by a panel of landscape architects to characterize project visibility and compatibility with the existing landscape setting. The panel's evaluation allowed several conclusions to be drawn regarding potential visual impact resulting from a network similar to that proposed for the Project. These included the following:

1. Low profile installations will generally not result in adverse visual impact, even at foreground distances.
2. Collocation of the high-profile antennas on existing towers or other structures will generally reduce impact when compared to new tower construction.
3. For the high profile installations, siting is the critical determinant of visibility and visual impact.
4. Opportunities to reduce tower height and the number and size of dish antennas on the high profile installations have the potential to reduce visibility and visual impact in any setting.
5. Exclusive of the support structure, the LMR whip antennas do not contribute to the visual impact of any of the high profile antenna scenarios.
6. Only from near foreground or elevated/superior vantage points are ground facilities likely to contribute to the project's visual impact.
7. In most settings, background installations (*i.e.*, over 2.0 miles from the viewer) will have limited visual impact.
8. Placement of the high profile facilities in certain landscapes with diminished aesthetic quality and/or low viewer sensitivity will have minimal visual impact, almost regardless of distance.
9. Inferior viewer position will generally increase the visual impact of the high profile installations, because they will be viewed against the sky rather than the background vegetation or structures.
10. High profile installations are likely to have an adverse visual impact on pristine natural sites where other man-made features are absent from the landscape.

The Project may result in significant visual impacts in some instances. Through compliance with the siting guidelines, detailed individualized site assessments described above and in the DGEIS, implementation of appropriate site-specific mitigation measures as discussed in DGEIS Section 5.3.5 of the DGEIS, and compliance with the FCC Programmatic Agreement, impacts to visual resources will be mitigated to the maximum extent practicable, resulting in no overall adverse visual impacts.

The County will complete a Site Consistency Review at every proposed Project location. As part of this review, the County will identify and evaluate the visual resources on and around the proposed Project site. At a minimum, the County will evaluate and document the following:

- Is the proposed Project facility site a “high-profile” site as that term is defined in the OFT GVIA?
- Is the proposed Project facility inconsistent with any applicable FCC Programmatic Agreement?
- Is the proposed Project facility less than five miles from sensitive visual resources?
- Would the proposed site be visible from a parcel of land which is dedicated to and available to the public for the use, enjoyment and appreciation of natural or man-made scenic qualities?
- Would the proposed site be visible from an overlook or parcel of land dedicated to public observation, enjoyment and appreciation of natural or man-made scenic qualities?
- Would the proposed site be visible from a site or structure listed or eligible for listing on the National or State Registers of Historic Places?
- Would the proposed site be visible from State parks?
- Would the proposed site be visible from the State Forest Preserve?
- Would the proposed site be visible from any National Wildlife Refuge or State Game Refuge?

- Would the proposed site be visible from national natural landmarks or other outstanding natural features?
- Would the proposed site be visible from National Park Service lands?
- Would the proposed site be visible from rivers designated as national or State Wild, Scenic or Recreational?
- Would the proposed site be visible from any transportation corridor of high exposure, such as part of the Interstate Highway System, or Amtrak?
- Would the proposed site be visible from a governmentally established or designated interstate or inter-county foot trail, or one formally proposed for establishment or designation?
- Would the proposed site be visible from a site, area, lake, reservoir or highway designated as scenic?
- Would the proposed site be visible from a municipal park or designated open space?
- Would the proposed site be visible from a county road?
- Would the proposed site be visible from a State road?
- Would the proposed site be visible from a local road?

The resources and associated impacts identified during the Site Consistency Review will be evaluated to determine whether they are consistent with the criteria set forth in the GEIS and this Findings Statement. If the Site Consistency Review demonstrates that the proposed siting is consistent with the findings and the GEIS, the Project facility will be allowed to proceed without further SEQRA review. If the Site Consistency Review reveals potential impacts that were not considered in the GEIS, the County will conduct additional site-specific environmental review.

Supplemental site-specific visual analysis will be conducted for any high profile Project facilities that 1) require FAA lighting or color marking, 2) are proposed in a landscape setting significantly different from those evaluated in the OFT GVIA, or 3) are in areas that have established, site-specific visual impact assessment requirements in place (coastal zone, etc.). In addition, because adverse visual impact could not be precluded for any LSZ into which a high

profile facility might be placed, the DGEIS recommended a site-specific, pre-construction visual analysis/siting procedure. This 10-step process is outlined in the DGEIS and includes evaluation of siting options, identification of sensitive visual resources within a 5-mile radius of potential sites, determination of project visibility and evaluation of visual impact on these resources, and consideration of various visual mitigation measures. *See* DGEIS pp.191-92. By completing this process, the potential adverse visual impact of proposed facilities can be avoided, minimized and/or mitigated to the maximum extent practicable.

2.11 NOISE

2.11.1 Facts

Human response to noise is affected by several factors, including loudness, duration, quality, time of day and year, background or residual noise, distance to the source, familiarity with the noise, location or setting and other factors. To accurately analyze the potential noise impacts of the Project, the GEIS evaluated the likely sources of noise associated with the Project.

2.11.2 Findings

As detailed in the GEIS, there may be some minor noise impacts resulting from the construction and operation of the Project. Noise from construction equipment and construction vehicle engine operation will be reduced through the use of noise mufflers specified by the equipment or vehicle manufacturers. Engine noise will also be mitigated by limiting idling time to the maximum extent practicable. Stationary construction equipment noise (*e.g.*, noise from dewatering pumps, compressors and generator engines) will be enclosed in temporary noise-reducing housings in certain circumstances where especially sensitive noise receptors are nearby.

Permanent stationary equipment noise sources (*i.e.*, generator engines) will be equipped with noise mufflers specified by the engine manufacturer. In locations where especially sensitive noise receptors are nearby, noise barriers (walls) will be installed between the source and the receptor or the engine will be housed in a noise-reducing housing or structure. If facility structures require cooling fans, the fans will be located in structures designed to dampen fan noise while allowing for adequate ventilation. Noise from the operation of mechanical or electrical equipment will be reduced by its enclosure in the facility structure which protects the equipment from the weather.

For each Project facility, the Site Consistency Review will evaluate the facility's potential impacts on noise impact as well as the proposed site's consistency with the criteria set forth in

the GEIS and this Findings Statement. If the Site Consistency Review demonstrates that the proposed siting is consistent with the findings and the GEIS, the Project facility will be allowed to proceed without further SEQRA review. If the Site Consistency Review reveals potential impacts that were not considered in the GEIS, the County will conduct additional site-specific review.

2.12 HISTORICAL AND ARCHEOLOGICAL RESOURCES

2.12.1 Facts

Historical and archeological resources are considered valuable because of the link they provide to the past. The State and National Registers of Historic Places are the official lists of buildings, structures, districts, objects and sites significant in the history, architecture, archaeology and culture of the State, and also the United States. The same eligibility criteria are used for both the State and National Registers. State properties are nominated to the State and National Registers by the State Historic Preservation Officer (“SHPO”), and properties under Federal ownership or control are nominated by the Federal Historic Preservation Office. The DGEIS also recognizes that historical resources that are not listed or eligible for listing on the State and National Registers may be designated as historic by local governments.

Historical and archaeological resources in the Study Area are provided in Appendix L, Table 1 of the DGEIS. Historic sites within the Study Area include old fortifications, public and privately owned buildings and homes of historic figures, transportation facilities including canals, trails and railroads, museums, historic parks, cemeteries, U.S. Post Offices, schoolhouses, town and city halls, churches, mills and factories, mansions, train stations, hospitals, libraries, farms, lighthouses, bridges and parks. The New York State Museum lists a large number of archaeologically sensitive sites with significant concentrations in the Study Area, particularly within the northern portions of Cayuga County and along the Erie Canal. See DGEIS Appendix L, Figure 1.

2.12.2 Findings

Construction of Project facilities may adversely affect historical and archaeological resources if any of the characteristics that make the site historically or archaeologically significant are changed. Adverse effects may be direct or indirect and may include: destruction, alteration, displacement or relocation of resources; changes that affect the setting or character of resources, if the setting contributes to the resource’s significance; and the introduction of visual,

atmospheric or audible elements that diminish the integrity of the resource's significant historical features.

It is possible, although unlikely, that some Project sites will be located at, within, or near a historical resource in such a manner as to require modification of the resource. The NMCs are expected to be housed in existing buildings, if any of these buildings are a historic resource, structural modifications necessary to accommodate Project facilities could affect the historic qualities of the structure. In any of these scenarios, potential impacts will be of relatively short duration.

Impacts to historical and archaeological resources will be minimized or avoided to the maximum extent practicable through avoidance, mitigation of visual and noise impacts, and, in rare cases, relocation of the resource.

The primary mechanism for the avoidance and mitigation of impacts to historical archeological resources during Project deployment is the Nationwide Programmatic Agreement for Review Under the National Historic Preservation Act ("Nationwide Agreement"). The Nationwide Agreement applies to new and modified communications facilities subject to FCC approval, *i.e.*, many facilities that will comprise the Project. The Nationwide Agreement excludes certain communication tower enhancements subject to FCC licensing, permitting or approval, which typically pose no adverse impacts on historic resources, from historical preservation review under section 106 of the National Historic Preservation Act ("Section 106"). Where construction or modification of communications facilities subject to FCC licensing, permitting or approval are not eligible for an exclusion, the Nationwide Agreement streamlines Section 106 review.

It is possible that a historic resource may not be covered by the Nationwide Agreement if it is a State Registry listed resource that is not eligible for National Register listing. In any such instance, avoidance and mitigation of adverse impacts to the fullest extent practicable will be accomplished through consultation with SHPO as appropriate. Additional mitigation measures include:

- Avoiding siting NMCs in or on historical structures or properties unless technical requirements render alternative locations infeasible. If NMCs are sited in or on a historical structure or within a historical district, avoidance of changes to the structure, façade and other visible architectural features will be a design goal for these facilities.
- Collocation of new antenna sites, particularly on existing towers or structures that are not historic structures

- Compliance with measures described in other sections of this Findings Statement to mitigate potential visual and acoustic impacts to historical resources and with recommended mitigation measures contained in DGEIS Section 5.3.7.1, to the extent feasible and appropriate.

Unless prior ground disturbance of a depth and extent sufficient to have eliminated the potential presence of intact archeological resources can be confirmed, there is a possibility that an archeological resource is present at or near a proposed Project facility. Construction activities that could destroy or disturb archeological resources may include the removal of vegetation and topsoil; soil stabilization; geotechnical borings; site grading; construction of foundations; temporary and permanent access roads; parking facilities; utility lines; subsurface electrical grounding features; and soil compaction resulting from the operation of construction vehicles.

In all cases of new construction of Project sites, the County will conduct an appropriate archaeological evaluation to ensure that impacts to archeological resources are avoided to the maximum extent practicable. Types of mitigation include avoidance, careful and scientifically controlled excavation, development of a data recovery plan where appropriate, physical protection of a resource to reduce or eliminate construction related ground disturbance potentially affecting a resource and development of an Unanticipated Discovery Plan (“UDP”) to specify procedures to be followed in the event that archaeological remains are inadvertently discovered during construction of the Project.

The County will complete a Site Consistency Review at every proposed Project location. As part of this review, the County will evaluate each Project facility for potential impacts to historic and archeological resources. At a minimum, the County will evaluate the following:

- Are there any previously recorded, newly identified or potentially present archaeological resources in the construction area?
- Are the proposed Project facilities in close proximity to historic resources listed on the Federal or State Registers of Historic Places, or resources eligible for listing?

For each Project facility, the Site Consistency Review will evaluate the proposed site’s consistency with the criteria set forth in the GEIS and this Findings Statement. If the Site Consistency Review demonstrates that the proposed siting is consistent with the findings and the GEIS, the Project facility will be allowed to proceed without further SEQRA review. If the Site

Consistency Review reveals potential impacts that were not considered in the GEIS, the County will conduct additional site-specific review.

2.13 OTHER CULTURAL RESOURCES

2.13.1 Facts

Architectural resources, religious institutions, retreat centers, cemeteries and other similar resources may be adversely impacted by construction related noise and visual disturbances, although any such impacts will be intermittent and non-permanent.

2.13.2 Findings

Mitigation of visual impacts may include blending tower designs using similar style and materials and incorporating camouflage as dictated by the surrounding area. Mitigation measures for religious institutions, retreat centers, cemeteries and other cultural resources for both construction and operation activities may include avoidance and compatibility assessments.

For each Project facility, the Site Consistency Review will evaluate the facility's potential impacts on other cultural resources as well as the proposed site's consistency with the criteria set forth in the GEIS and this Findings Statement. If the Site Consistency Review demonstrates that the proposed siting is consistent with the findings and the GEIS, the Project facility will be allowed to proceed without further SEQRA review. If the Site Consistency Review reveals potential impacts that were not considered in the GEIS, the County will conduct additional site-specific review.

2.14 PUBLIC HEALTH AND SAFETY

2.14.1 Non-Radio Frequency Related

2.14.1.1 Facts

As detailed in the GEIS, public health and safety concerns during construction and operation of Project facilities will be typical of any other facility. The County will take appropriate safety and preventive measures and will comply with all applicable statutory and regulatory requirements for worker safety.

2.14.1.2 Findings

Construction and operation of Project facilities will not cause any significant impacts to public health and safety. All Project facilities will be designed and constructed in conformance with best engineering practices with special attention to safety and health parameters applicable to the type of facility to be built. *See* DGEIS Section 5.3.8.3. To assure full compliance with all engineering, health and safety requirements of the Project, certification by a State licensed professional engineer is required for a variety of reports, certificates, and all drawings.

2.14.2 Radio Frequency Related

2.14.2.1 Facts

The Project will employ Trunked Land Mobile Radio technology, which works by sending and receiving signals in the form of radio waves. These radio waves are broadcast through the air in a very specific range. The energy used is a specific portion of the radio frequency spectrum, and the radio frequency spectrum is a very specific portion of the overall electromagnetic spectrum.

The Project proposes installation of approximately three transmitting and one receiving antenna at each site, as well as between 1-5 microwave dishes.

2.14.2.2 Findings

Given that the proposed antenna configuration for each Project facility is proposed to be installed at heights greater than 10 meters, and that the proposed total watts of effective radiated power (“ERP”) is less than 1000 watts, the Project sites typically would be categorically excluded from study by the FCC. FCC has listed certain installations as “categorically excluded” because in previous studies it has been determined through calculations and analysis that, due to their low power or height above ground level, those facilities by their very nature are highly unlikely to cause human exposures in excess of the guideline limits. The antennas installed as part of the Project are expected to fall under such a categorical exclusion, therefore, specific analysis of impact is not required.

Nevertheless, the DGEIS considered potential impact by relying upon previous studies relating to similar proposed emergency communications wireless networks. The OFT GEIS includes a detailed study of potential EMF health impacts from radio and microwave antennas proposed for the SWN (“OFT EMF Study”). *See* OFT DGEIS Volume IV, Public Health & Safety, Appendix A. The antennas, configuration and power density proposed for the Project are consistent with

those used as parameters in the OFT EMF Study and accordingly, it is reasonable to rely upon the reasoning and conclusions contained in the OFT EMF Study as to power densities generated by the Project. Further, additional study of a network system, including antennas, expected to be included in a comparable county-wide network was recently reviewed pursuant to SEQRA. (“Oswego EMF Study.”). The Oswego EMF Study was based on a wireless network, including antennas, configuration and power density, which is consistent with those expected for the Project. Accordingly, it is reasonable to rely upon the reasoning and conclusions contained in the Oswego EMF Study as to power densities generated by the Project.

The OFT EMF Study and the DGEIS evaluated various worst-case scenarios to assess potential electromagnetic field exposures related to Project transmitters, including consideration of preexisting transmitters that might be present on antenna mounting structures, such as poles or towers. The methods used in the OFT EMF Study include standard health risk assessment procedures for quantifying worst-case risks to public health and procedures specified by FCC’s OET Bulletin 65.

The DGEIS included two of the transmitter configurations studied in the OFT EMF Study – Tower-mounted LMR Transmitters and Tower-mounted Microwave Transmitters. Depending upon the configuration and using worst-case scenarios, power densities at critical receptors will be between 600 to 60,000 times less than the FCC standard for Tower-mounted LMR Transmitters; and, 1,000 to 10,000,000 times less than the FCC standard for Tower-mounted Microwave Transmitters.

The Oswego EMF Study was conducted in a manner consistent with the Federal Telecommunications Act of 1996, including performing calculations to evaluate compliance with RF exposure standards as specified by FCC’s OET Bulletin 65, October 1997. The Oswego EMF Study assumed that more than 40 antennas, a number of antennas that could be included in a network that could serve an area the size of Oswego County, were placed on one tower, operating simultaneously and at full power. The Oswego EMF Study also assumed that the power density was much greater than the Project will be in operation by assuming that transmissions will go in all directions instead of only in the preferred direction.

Despite the highly conservative assumptions applied in the Oswego EMF Study, the power density at the head of an assumed six foot tall reference individual was found to be well within FCC limits. The power density under this scenario was found to be just 0.12% of the applicable FCC limit, which is well below the five percent benchmark that would require further analysis.

Construction and operation of Project facilities are not expected to result in any significant impact to public health and safety. Exposure of people to electromagnetic fields arising from Project transmitters will be limited as a result of the Project's compliance with the requirements of the FCC's OET Bulletin 65. The County will mitigate any potential electromagnetic effects by separating people from electromagnetic field sources in the following ways:

- Transmitting antennas will be mounted at elevations beyond the reach of people at ground level and will not be located lower than the 10 meter height associated with the FCC Categorical Exclusion
- Access to antenna mounting structures will be limited to authorized personnel. Fences, gates and other positive methods of restricting access will be used. All tower sites will be posted with warning signs and will be locked at all times. Where necessary, access points also will be monitored by supervised alarms. Access perimeters will be determined based upon minimizing human exposure to EMF side-lobes, that is, unintended down-transmissions.
- Locations of antenna mounting structures will be at reasonable distances from buildings where typically sensitive subpopulations of people might be exposed. Such buildings would include schools, day care centers and hospitals, among other structures. Indeed, a preference for collocating Project transmitters at the safest locations is expressed in the Project siting guidelines by collocating transmitters (where possible) on mounting structures previously found to be situated at low-exposure locations relative to potentially exposed populations.
- Microwave transmitters will have an added exposure-reducing feature in that they are designed for narrow beam point-to-point communications. Such directionality uses a collimated (focused) microwave beam, greatly reducing EMF scattering, and thereby diminishing potential human exposure.

The modeling of worst-case scenarios in both the OFT EMF Study and the Oswego EMF Study indicated electromagnetic exposure orders of magnitude below FCC standards. As a result, there is no scientific evidence that exposure to electromagnetic fields generated by Project equipment will cause any adverse impacts to public health and safety. Inasmuch as the County will comply with all existing FCC safety measurements established for transmitter elevation, access control, distance from buildings, and microwave beam directionality, properly designed, sited and operated Project facilities will not pose any risk of adverse impacts to public health and safety.

For each Project facility, the Site Consistency Review will evaluate the facility's potential impacts on public health and safety as well as the proposed site's consistency with the criteria set forth in the GEIS and this Findings Statement. If the Site Consistency Review demonstrates that the proposed siting is consistent with the findings and the GEIS, the Project facility will be allowed to proceed without further SEQRA review. If the Site Consistency Review reveals potential impacts that were not considered in the GEIS, the County will conduct additional site-specific review.

3.0 ALTERNATIVES

The County considered and evaluated: developing the Project at an alternative scale or magnitude, alternative timing or phasing, alternative technologies, and the no action alternative.

Given the Project's objectives and the important public need it intends to fill, any system that does not provide the minimum functionality identified for the Project is not a viable alternative to the Project.

Alternative Scale or Magnitude

One of the fundamental objectives of the Project is that it be a county-wide system. Any system that is not county-wide is simply not a viable alternative to the current proposal. Even if the Project were reduced in scale or magnitude, the system uses line-of-sight technology, therefore, reducing the number of users would not necessarily lessen environmental impacts of the Project, as the same number of antenna sites would be required to achieve county-wide coverage regardless of the number of users.

The functional capability of the Project does not present a significant opportunity to reduce, to any great extent, the number or physical size of required antenna sites or NMCs. From this perspective, there is no net environmental benefit from reducing or altering the functional features of the system.

Alternative Timing or Phasing

The proposed Project could be delayed for a number of years. In this case, environmental impacts would be delayed. During the period of delay, impacts would be the same as those from the no action alternative.

Delay prevents the County from complying with FCC-mandated re-banding requirements which necessitate modifications to the existing system and installation of new equipment. This

alternative is not feasible solely on the basis that the County would not be in compliance with federal regulation.

During the period of delay, municipalities with a critical need for upgrading their communications systems would likely build their own systems in an uncoordinated and perhaps inefficient manner. The resulting systems would provide limited geographic coverage coincident with its municipal jurisdiction. Rather than minimize the proliferation of tower sites across the Study Area, this approach would likely encourage the proliferation of tower sites. Accordingly, while delay of implementation of a county-wide system may be a viable alternative, such delay would likely result in greater, rather than less, environmental impacts.

Alternative Technologies

Several communications technologies are available and, in varying degrees, are capable of serving public safety and public service needs. The unique requirements of public safety and public service agencies influence the suitability of these other systems.

None of the available alternatives is capable of meeting the Project's functional requirements and, accordingly, cannot realistically be considered a viable alternative.

Land-line communications systems do not meet the Project functional requirements inasmuch as they are not wireless, not portable, have limited multi-party calling, do not provide priority calling, do not provide call preemption and have coverage limited to where hard wire exists.

Cellular communications systems do not meet the Project functional requirements because they have limited multi-party calling, have limited coverage, do not provide priority calling, do not provide call preemption and have limited reliability.

PCS systems do not meet the Project functional requirements because they have limited multi-party calling, have limited coverage, do not provide priority calling, and have no call preemption.

Special Mobile Radio does not meet the Project functional requirements because it has limited digital capabilities, limited multi-party calling, limited coverage, no priority calling and limited call preemption.

No Action Alternative

The "no action alternative" would be not constructing the Project. This alternative would result in use of existing communications systems and whatever ad hoc local improvements become

available in the future. The environmental impact of this alternative includes the uncoordinated proliferation of antenna sites in individual municipalities that may not be capable of operation with a county-wide system. This alternative would result in greater environmental impact than that anticipated from construction of the Project. Further, the County would not be able to comply with FCC re-banding requirements if the No-Action alternative is selected.

4.0 IRREVERSIBLE AND IRRETRIEVABLE COMMITMENT OF RESOURCES

Building the Project will result in an irreversible and irretrievable commitment of some resources. During construction of antenna sites and NMCs, fossil fuels will be used to power construction vehicles. Construction materials, such as concrete and steel for structures, and precious metals for communications equipment will be consumed. Operation of the Project will consume fossil fuels for back-up engine operation. The commitment of these resources to the Project is expected to have negligible environmental impact.

Parcels of land will be committed to long-term use by antenna sites. The presence of these facilities will preclude use of the land for other purposes. Because the antenna site will typically cover less than one acre, the quantity of land dedicated to the Project as opposed to other uses will be insignificant.

Portions of the radio frequency spectrum will be allocated for the Project by the FCC. The FCC will grant an exclusive license to the County for the frequencies required for the Project. Consequently, these frequencies will be unavailable to others as long as the County holds the license for them. The frequencies allocated to the County are not consumed or otherwise permanently eliminated. They are simply occupied by network usage for a time. That usage will preclude use by others for a long time, but not irreversibly.

Implementation of the Project does not result in irreversible and irretrievable commitment of any natural resource other than consumption of fossil fuels and raw materials for construction, and those impacts are anticipated to be insignificant.

5.0 CUMULATIVE IMPACTS AND GROWTH INDUCING ASPECTS

5.1 CUMULATIVE IMPACTS

Cumulative impacts may result from the totality of otherwise insignificant impacts when considered on a Project-wide basis. Cumulative impacts may also result when the impact of the Project is considered with other approved contemporaneous wireless network projects. In the context of the Project, the only potential cumulative impact that may be significant is the potential impact to visual resources. Potential impacts to all other resources have been determined either to be insignificant or capable of mitigation to an extent where any potential impact is no longer considered significant or adverse.

Notwithstanding that no significant impacts to avian resources are anticipated as a result of construction of the Project, the 2000 U.S. FWS interim guidelines require that the cumulative impact of all new towers in excess of 199 feet be considered. At this time, it is not known how many new antenna towers in excess of 199 feet may be required for the Project. Any new towers in excess of 199 feet will necessitate a cumulative impact analysis of such towers.

The potential exists that a visual receptor will have a view of more than one tower, a potential cumulative impact. The OFT GVIA presumes exposure of near-ground and, in some cases, mid-ground receptors to a 180 to 189-foot tower supporting four 10-foot diameter microwave antenna dishes (high-profile towers). In all cases (except rural forested), no impact to receptors at background distances (in excess of two miles) is anticipated. There is a correlation between tower height, antenna size and signal transmission (*i.e.*, the distance the signal is able to travel). Taller towers with a larger antenna result in greater signal transmission capability. A 10-foot diameter antenna on a 180-foot tower is able to transmit its signal well in excess of five miles, assuming no intervening barriers. Thus, while a visual receptor may be within a near-ground or mid-ground distance of a single high-profile tower, it is most likely that the next high-profile tower will be in excess of two miles distant from the receptor and therefore not adversely impacted by that receptor. In other words, it is unlikely that an individual receptor will be exposed to more than one high-profile tower at any given time. From this perspective, there will be no cumulative impact. In the event that intervening barriers require the siting of two or more high-profile towers within near-ground or mid-ground view of an individual receptor, further analysis of the towers' potential cumulative impact will be undertaken.

It is possible that some public and private project sponsors have plans to build new telecommunications antennas and new tower sites before or contemporaneous with Project

deployment. As a consequence of the siting guidelines, which requires collocation on existing County or municipally-owned facilities where possible, each of these new antenna sites will represent an opportunity to collocate Project antennas. To the extent that this occurs, the cumulative effect of contemporaneous construction and deployment will be positive. Fewer new antennas and tower sites will be required than if these complementary systems were not constructed contemporaneously.

Although some collocation can be expected, the contemporaneous construction of the Project and other telecommunication sites may increase the total number of sites disturbed by construction. The impacts associated with other telecommunications site construction may be expected to be similar to that for Project antenna sites. Cumulative impacts from contemporaneous construction are not anticipated. Nonetheless, because a number of carriers will have similar coverage goals, they may find a common area advantageous for new tower construction. Consequently, it is possible, but not likely, that in some circumstances the contemporaneous construction of Project antennas and other telecommunications antennas will result in some concentration of antennas that would not occur for the Project alone, and some cumulative impacts slightly greater than those reasonably anticipated from construction of the Project alone. In such an event, further analysis will be required.

5.2 GROWTH INDUCING ASPECTS

Growth inducing aspects describe the potential for the action to stimulate new residential, commercial or industrial activity that would not occur if the Project were not built. Residential growth often follows the creation of new job opportunities. Commercial growth may occur in response to increasing residential population. Operation of the Project will offer a negligible number of new jobs through maintenance of antenna sites. No new employees are expected in relation to operation of the NMCs

Deployment of the Project may increase the development potential of a local area. Overbuild of Project antenna sites with collocation could provide opportunities for new or improved commercial wireless coverage in rural and remote areas that currently do not have wireless service. The convenience of commercial wireless service could alleviate a significant impediment to industry, commerce and residential development, and could increase the desirability of these rural areas for growth. While possible, such growth is highly speculative and not capable of evaluation. No other growth inducing aspects are anticipated.

6.0 EFFECTS ON THE USE AND CONSERVATION OF ENERGY

Energy consumption will occur during construction, installation and operation of the proposed structures. During construction, energy will be used for equipment and various construction vehicles. Construction of NMCs is not anticipated to take more than 60 to 90 days for construction in an existing building. Construction of NMCs will be indistinguishable from other commercial construction. Accordingly, construction activities for NMCs will not have a significant impact on fuel resources or energy supplies.

Operational energy will be required for space heating, air conditioning, computers, communications and other electrical equipment. Electricity at NMCs will be provided by electric lines, and natural gas will be provided for heating if available at the location.

Antenna site operation will consume electricity to power telecommunications equipment, space heating, air conditioning, a security system and security lights. Electricity for antenna systems may be supplied by electric lines. In remote locations, electricity may be provided by a generator burning LPG. Antenna sites will be equipped with backup power sources. Antenna site demand for power is on the order of a single-family residential home.

There are no reliable alternatives to these energy sources.

7.0 SITE CONSISTENCY REVIEWS AND FUTURE SEQRA ACTIONS

As set forth in the DGEIS, completion of this county-wide generic review is only one step in the environmental review process of the Project. The next phase of the environmental review process will involve an evaluation of potential impacts to each proposed Project facility location (the Site Consistency Review).

Each site will be subject to an evaluation of its consistency within the thresholds set forth in the DGEIS and the FGEIS.

- If completion of the Site Consistency Review demonstrates that the proposed siting will not adversely impact surrounding resources, then the Project facility will be allowed to proceed without further environmental review.
- Additional site-specific environmental review will be conducted if the Site Consistency Review indicates that resources will be adversely impacted in ways that were not adequately addressed in the GEIS or if the review indicates that further site-specific evaluation is required.
- A Site Consistency Review that demonstrates that the reasonably anticipated impacts associated with construction, operation and maintenance of a Project facility fall within the parameters of the analysis contained in the GEIS and the Findings Statement will not require further review. In these cases, SEQRA does not require the County to take any further action. The County will document its findings of consistency according to the thresholds established in the GEIS.
- A Site Consistency Review that demonstrates that the reasonably anticipated impacts associated with construction, operation and maintenance of a Project facility were not addressed in the GEIS, but are found, after appropriate evaluation, to result in no significant environmental impacts, will require the preparation of a negative declaration.
- A Site Consistency Review that demonstrates that the reasonably anticipated impacts associated with construction, operation and maintenance of a Project facility fall within the parameters of the analysis

contained in the GEIS, but are not adequately addressed in this Findings Statement, will require the preparation of an Amended Findings Statement indicating how the individual site has been determined to be consistent with the findings of the GEIS.

- A Site Consistency Review that demonstrates that the reasonably anticipated impacts associated with construction, operation and maintenance of a Project facility were not addressed in the GEIS and that the siting of a Project facility at the site may have one or more significant adverse environmental impacts, will require the preparation of a Supplemental Environmental Impact Statement (“SEIS”). In these cases, standard environmental review procedures will be followed, including the preparation of an SDEIS with comments and an FSEIS.

The Site Consistency Review and any supplemental information will provide a basis for the County’s issuance of a finding of consistency with the GEIS, a finding of no significant impact (negative declaration), an amended findings statement or a finding of significant impact (positive declaration), requiring an SEIS. The scope and extent of further SEQRA review is within the discretion of County as lead agency.

8.0 SOCIAL AND ECONOMIC BENEFITS OF THE PROJECT AND SECURITY CONSIDERATIONS

Generally speaking, communications amongst public safety providers is critical to the reduction of incident response time. The communications and coordination between multiple agencies during large events, natural disasters such as ice or wind storms, and man made disasters such as fire, are all examples of events that put an extreme load on public safety communications systems. Seamless communications between Cayuga County's 911 Center, police organizations, emergency medical services ("EMS") providers, and fire departments across Cayuga County is a daunting task during an emergency, and the Project is intended to make that task manageable.

A range of factors challenge the existing emergency radio communications system, including that (1) the existing system is currently outdated and has met its useful service life, and replacement parts for certain equipment are no longer manufactured or available; (2) the existing system has a limited number of communications sites for the entire County and radio coverage is not adequate for public safety; (3) there are many areas in Cayuga County where adequate coverage is very poor or does not exist; (4) many system users across municipalities are unable to communicate with one another because of the varying frequency bands. This lack of interoperability causes additional problems when managing the scene of an incident, particularly when multiple jurisdictions are involved.

Further, Federal regulations will require FCC license holders such as Cayuga County to comply with frequency “re-banding” requirements which necessitate modifications to the existing system and installation of new equipment.

9.0 DECISION AND CERTIFICATIONS

After considering the relevant environmental impacts identified in the Draft and Final Generic Environmental Impact Statements, and weighing and balancing the social, economic and homeland security benefits of the Project, the County hereby approves the proposed Project.

The deployment of the Project will provide an overwhelming benefit to the residents of Cayuga County. Overall, it will improve safety for the general public, ensure better protection for Cayuga County’s infrastructure, and increase effectiveness and safety for first responders.

Outdated, unreliable and insufficient communications systems for first responders throughout Cayuga County will be replaced with an integrated communications system that will serve existing subscribers and be available for use by County and municipal public safety and public

service agencies, as well as other agencies approved by the County. The Project will be expandable, and will allow for communication within and among agencies. It will allow users to segregate into separate user groups during normal operations and integrate during times of crisis. The Project will allow the secure transmission of voice and data communications. It will provide extensive coverage throughout Cayuga County's roads and navigable waterways. The Project will provide improved system redundancy and centralized network management to ensure high reliability.

The benefits of the Project can be generally divided into three categories: (1) overcoming current shortcomings in the existing emergency communications network; (2) assisting Cayuga County cities, towns and villages fire and EMS agencies by providing improved communications infrastructure for use that will meet FCC specifications; and (3) avoidance of the need for uncoordinated, independent local systems, to the extent practicable, which in turn, will minimize the proliferation of towers and cumulative adverse environmental impacts that could result from multiple communications networks.

The County proposes to implement a new UHF Simulcast Trunked system that will integrate all emergency communications within Cayuga County and will be available to the County and its municipalities, as well as State and federal agencies as approved by the County. This will allow for greater interoperability as well as more efficient communications. The Project will be expandable, and will allow for coordination within and among agencies. It will be monitored 24 hours a day, 7 days a week, by the provider to ensure that the network will always be available. It will provide 87% geographic coverage portable on street throughout the County. The Project will provide centralized network management to ensure high reliability.

The Project provides a coordinated strategy of deployment for public safety communications infrastructure. As FCC specifications mandate more stringent, and often more expensive, telecommunications facility standards, local development of compliant systems becomes more difficult. The Project will ensure that municipalities do not have to choose between the financial well being of their municipal government and the safety of their citizens. The Project will upgrade emergency systems in a cost-effective and well-planned manner while providing for the safety of citizens across Cayuga County.

The Project also has been designed to minimize its impact on the environment. Minimal impact is achieved through the siting guidelines, which minimizes the proliferation of towers, by providing an alternative to uncoordinated, independent local systems. This process will minimize the cumulative adverse environmental impacts of multiple communications networks.

Minimal impact will also be achieved on a facility-by-facility basis as a result of the screens against which future siting determinations will be made.

The effectiveness of this design is demonstrated by the GEIS, which concludes that the construction or operation of the Project will not result in significant adverse impacts to geology, water resources, wetlands and floodplains, air quality, agricultural resources, transportation, community services and utilities, or demography, resulting from the construction or operation of the Project. To the extent that there may be any possible adverse environmental impacts to these resources, they will be minimized to the greatest extent practicable.

Potentially significant impacts to natural, human and cultural resources such as terrestrial and aquatic ecology (avian species), land use, visual resources, noise, historical/archeological resources and human health and safety (radiofrequency electromagnetic emissions effects), were discussed in detail in the GEIS.

The GEIS has also demonstrated that while there may be minor impacts to visual resources, such impacts can be adequately mitigated. The visual analysis of the GEIS concludes that the vast majority of potential visual impacts resulting from the Project would be associated with the construction of new, high-profile tower sites. The Project siting guidelines substantially mitigate this potential impact by specifically requiring collocation where feasible. For those Project antenna sites that require new construction, there are additional specific mitigation techniques that will eliminate or substantially reduce any visual impact of the individual Project sites.

Mitigation will be achieved through selective siting of the high-profile Project facilities. These measures will almost always serve to substantially reduce project visibility and visual impact. Collocation and siting of antennas where the visual quality of the landscape is already compromised will also reduce visual impact. Minimizing tower height and reducing the size and number of microwave dish antennas wherever possible also will reduce contrast in scale and form. The County will also fully comply with all applicable FCC programmatic agreements pertaining to the siting of antenna sites on or near historic properties. All consultation and permitting requirements under the National and State Historic Preservation Acts will be followed, and historic preservation officers will be consulted. As a result, on both a system-wide and site-specific basis, visual impacts will be mitigated to the maximum extent practicable.

Based upon the facts and conclusions contained in this Findings Statement, the County has determined that deployment of the Project avoids or minimizes adverse environmental impacts to

the maximum extent practicable, consistent with social, economic and other essential considerations from among the reasonable alternatives available.

Accordingly, having considered the Draft and Final GEIS, the County through this Findings Statement, certifies that:

- A. It has considered the relevant environmental impacts, facts and conclusions disclosed in the Final GEIS;
- B. It has weighed and balanced the relevant environmental impacts with social, economic and other considerations;
- C. The requirements of 6 NYCRR Part 617 have been met; and
- D. Consistent with social, economic and other essential considerations from among the reasonable alternatives available, deployment of the Project avoids or minimizes adverse environmental impacts to the maximum extent practicable and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to development of any individual Project site those relevant mitigation measures identified in the GEIS and this Findings Statement.

The County hereby determines that the Project will benefit the residents of Cayuga County and should be pursued.