SEQR information/environmental data and explanations derive directly from NYSDEC/SEQR webpages (accessed: 3/07-11/18)

Campus Parking Plans: Summary of Concerns

Submitted by Members of the Faculty Senate Executive Committee and Concerned Faculty

PREAMBLE

NYSDEC = New York State Department of Environmental Conservation, Albany, NY, regional offices around the State.
SEQR = State Environmental Quality Review
SGPA = (New York State) Special Ground Water Protection Agency

The Executive Committee, in representing Faculty concerns, acknowledges the need to develop more parking spaces for the college community, and we also acknowledge that a team of staff from Facilities Planning has developed a plan (henceforth in this commentary and resolution, to be referred to as The Plan) to do so. However, we have yet to be willing to attest that The Plan sent to the Chair of the Faculty on March 2, 2018 represents best practice uses of the land capacity of the campus, or that in developing and defining The Plan, a best practice governance and inclusion model was utilized so as to align with both the College's Mission and its values.

Lack of public review and assessment, and inadequate stakeholder input to The Plan is contrary to the transparency requirements of the College's Mission and values. The Plan may be seen as reducing the campus commitment to land stewardship; it does not appear to promote "best practices" for addressing campus infrastructure and operations while addressing environmental sustainability.

Among many various Best Practice Environmental Concerns we have listed the following:

The Long Island Aquifers, one of the most productive aquifers in the United States. The aquifers underlying Long Island are among the most prolific in the country. Almost all of Long Island's drinking water is from groundwater with surface water an insignificant contributor. According to the *USGS Estimated Use of Water in the United States in 2000*, Nassau and Suffolk counties utilized more than 375 million gallons of groundwater per day for public, domestic, industrial, and irrigation uses (NYSDEC/Lands and Waters/Groundwater/Long Island Aquifers, 03/11/18).

The State University College at Old Westbury, located on the former Ambrose Clarke Estate, is currently the largest contiguous tract of remaining open source recharge land in Nassau County and is a **Special Ground Water Protection Area (SGPA)** (noted on Plan Maps provided by Facilities Planning), so designated because the land and soil, forest and ground cover serve as a source of needed, effective natural filtration of storm/flood water to LI's sole source aquifer that provides the vast majority of fresh water (drinking water) for all of Long Island residential, industrial and agricultural use. In addition, natural filtration protects the surface

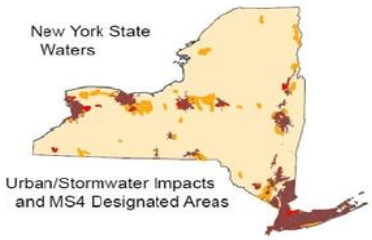
waterway drainage into our Island's vast saltwater and fresh water networks in streams, bays, lakes, ponds and ocean. Every time we rearrange/hardscape any piece of open footprint natural filtration (trees and soil, grassland and soft scape), we close up and rearrange the storm water drainage and reduce the quality and capacity of the land to return cleaner water to the aquifer upon which all residents and workers on Long Island rely for fresh, natural, clean drinking water.

Concerns about returning recharge to the aquifer, via the natural and protected open drainage basins, is important to Long Islanders outside of the campus. Long Island women are living in a region designated as having a high comparative risk for breast cancer. Keeping endocrine disrupting chemicals out of the fresh water systems is a health prevention measure of high value to those who live on the Island. Natural filtration of storm water run-off is an efficient mechanism for reduction of toxic leaching into the aquifer. The more hardscape on drain sensitive land, the less power the land has to filter storm water runoff.

In addition to the value of the land as a natural recharge, the College at Old Westbury has an environmental compact with the State, enacted June 17, 2001, to maintain a minimum of 300 acres of the campus for permanent preservation as open space. This preservation Act includes the necessity to provide Periodic Review of the campus Open Space Stewardship Plan, to assess where we succeeded or failed to meet the stewardship goals of previous plan; and to determine any revisions that might be required in meeting the open space preservation goals for this parcel of land.

The current Parking Plan calls for the creation of a storm water collection and recharge sump. The majority of human made land sumps, once replete across Long Island, were removed decades ago. Some were found to concentrate toxic materials in a confined space rather than allowing for overland distribution of storm runoff to be more effectively filtered through soil across the drain acreage. Still fresh water allows for pest and pathogen concentrations requiring vector control and management by local/state jurisdictions/or lead agencies at an expense and potential toxic load to taxpayers. Typical vector remediation for mosquitos consists of chemical means with the toxic load resultant or management by *BT* (A small mosquito larvae-eating fish found in fresh or brackish water) seeding of the water. Both remedies carry financial burdens. The plan before us calls for a sump to capture storm water runoff, which will increase with the additional hardscaping and leveling of natural drainage on the land.

Urban storm water runoff is identified by the NYSDEC as a major source in 37% of all water bodies assessed as impaired in New York State. In another 40% of impaired water bodies, urban storm water runoff is a contributing source (though not the most significant source). In addition, for 35% of the waters with less severe minor impacts or threats urban storm water runoff is noted as a major contributing source of impact (NYS. According to the NYSDEC map of storm water impacted areas in the State red indicated impaired water systems. Note that Long Island across the width and length is denoted in mostly red indicating water impairment at highest level of concern. (NYSDEC/Chemical and Pollution Control/Water/Water Quality Concerns/Top Water Quality Issues/Urban Storm Water Runoff, March 07 2018).



Not only does Long Island fresh water from the natural sole source aquifer rely on natural filtration, it is impaired by extensive hardscape and over use of toxic substances. Long Island 's water is highly impacted and is designated as impaired by storm water runoff as is indicated by the NYS Department of Environmental Conservation in their explanation of the State environmental Quality Review processes.

Storm water runoff is generated when precipitation from rain and snowmelt events flows over land or **impervious s**urfaces such as paved streets, parking lots and rooftops and does not seep into the ground. Consequently, it accumulates and transports chemicals, nutrients, sediment or other pollutants and debris. If the runoff is not captured or it is discharged without first being treated, it can adversely affect water quality in the receiving lakes, rivers and estuaries,

The impact of hardscaping and leveling land that functions as a productive and topographically appropriate drainage/filter area on campus might not be the best practice choice for siting additional parking spaces, especially when areas already compromised exist, and could be reworked to more efficient effect.

The Plan calls for the clear-cutting of large number of larger, older growth trees that also are a source of management of storm water. Trees have another critical environmental benefit and losing them is a net environmental negative, adversely impacting the campus carbon footprint, since trees capture CO_2 and release O_2. Large older trees sequester more CO_2 than small early growth trees. All trees hold CO_2 until they decay, are ground up or burned releasing sequestered CO_2 into the atmosphere. The Plan contains no carbon footprint assessment or plans to offset or mitigate the capture loss and release from tree removal. SUNY campuses are now routinely engaged in the best practices of carbon footprint management, as foundational to transformation of campus infrastructures. Effective strategies for carbon offset not only mitigate carbon footprint (e.g., by installing PV solar panels to appropriate spaces in pre-existing facilities), but also serve as functional mechanisms for reducing carbon-based energy costs and emissions.

Inclusion and Consultation

Over the course of a number of years, Old Westbury Faculty Senators have requested inclusion in, or more detailed information about, the processes and content of decision-making for The Plan. At a number of general review meetings for facilities planning in which the Chair of the Senate is regularly in attendance and is included *pro forma* as the representative of the Faculty, the Senate Chair of 2014-2016 repeatedly questioned the wisdom of this Plan, and was told that there would eventually be a formal review. Her

concerns went unaddressed throughout. She raised the impact of loss of trees and open land on sensitive drainage areas between the buildings which she was informed were in the target area for the proposed infrastructure change.

The issue of decision-making and the processes resultant in the decisions has also been raised during meetings of the *ad hoc* Parking Committee, this year. Again, facilities staff did not reveal details of decision-making nor engage in the planning steps with an inclusive membership. How a decision to exempt the project from a long form SEQR analysis or from public SEQR hearings is unknown to the Faculty. Consultation with the Chair of the *ad hoc* Parking committee, minutes from those meetings and a review of minutes from Faculty Senate meetings indicates that when the issue was raised, administrative principles directing The Plan did not supply complete, transparent information and did not consider opening the stepwise processes to a inclusive composition of campus representatives. In reading through the Parking Committee's document (you can see it here : https://drive.google.com/file/d/1JzqCkQkx5QKnvuQ8-feOHGNxdereGCmO/view) there exist these representative commentaries:

"... more transparent dialogue between administration and Faculty Governance should have taken place in discussions of the new parking lot expected Fall 2018. Moving forward it would be prudent for Faculty Governance and the UUP to be involved in discussions or decisions that impact the campus users, as what occurred this Fall 2017 semester."

"Communication regarding parking across the college has been a contentious issue, which is why the Parking Task Force Committee was formed."

"The Facilities Department has been discussing many options on how to resolve the issues and we learned more about them. However, every suggestion offered was not received in a manner that was conducive towards resolving the issues that the Parking Task Force Committee was charged with in a way to promote Faculty Governance within such decision-making process. It appears that cost is a key factor when considering to either accept/reject any suggestion offered by the Parking Task Force Committee; yet, only 'no,' 'can't,' 'it won't work' etc. statements are offered to the Parking Task Force Committee suggestions. "

Questions about the Plan, and the processes to arrive at this report include, and may not necessarily encompass all concerns that are relevant to what appears to be a lack of Best Practice processes leading to The Plan:

- Which members of the campus community; students, administrative and professional staff and Faculty Governance appointed representatives were present at the planning meetings where relevant data and decision were discussed? Were the contents of discussions and outcomes distributed throughout the campus for each essential step in the process with periods allowed for commentary and challenge?
- Were alternative siting options considered? If so what sites and if not, who decided to forego a comparative evaluation? What comparative data for ecological, health and financial decisions were

compiled and assessed for each option? Who determined which options were viable, based on which data sets and values? Who was party to the decision to rule out or not consider alternate sites?

- What members of the representative faculty, staff and students were involved in all these steps and decisions?
- What information went into making decisions about what hardscape materials should be used? What technical review and analysis took place, regarding permeable ground scape materials and technologies designed for parking fields on sensitive land use areas, where development will interfere with storm water or flood remediation and filtration? (The Faculty has had no input into, and has received no information about, the various different types of ground-scape materials that are suitable for parking field expansions.)
- What is the plan to assess the impact on campus carbon footprint from the loss of trees? Who will conduct the technical assessment? Is there a strategy to mitigate or offset the carbon impact from tree loss? Who was consulted or allowed to propose a strategy to mitigate or offset the carbon impact? Who is responsible for reconciling campus development, that increases carbon footprint, with SUNY and NYS zero net-carbon goals?
- Which and how many ecological considerations were assessed comprehensively and compared for all potential options for siting the spaces and for carbon footprint assessment and offset?
- The NYSDEC explains in its instructions for environmental review that environmental considerations are to be equal to considerations to social and financial needs, at least. Which questions were asked about the cost benefit to the environment? Who was present during the creation of the question profile and the collection and assessment of that data?
- What discussions took place about what level of the SEQR The Plan should receive? Who made those decisions? What meetings, processes or communications allowed for campus and public review of those decisions and for commentary about them?

SEQR- The New York State Environmental Quality Review Act

"The SEQR **"decision making process"** encourages communication among government agencies, project sponsors and the general public." (NYSDEC/SEQR)

Environmental review is designed to help planners and the public evaluate land use with respect to:

- benefit or threat to human health;
- a natural setting (e.g., fish and wildlife habitat, forest and vegetation, open space and areas of important aesthetic or scenic quality);
- agricultural, social, cultural, historic, archaeological, recreational, or educational values; or
- an inherent ecological, geological or hydrological sensitivity to change that may be adversely affected by any change.

The NY SEQR process was established in early 1970's mirroring the health and environmental quality protectionist actions of the early days of the US Environmental Protection Agency. New York State's detailed

process with its many layers of transparent information sharing and public periods of commentary on all private and many public projects was to enforce a wide ranging protection of the varied environmental features and ecological and health needs of New York State and its residents. In recent years under continual pressure from land developers, builders and business interests, the SEQR required that land use projects in NY State undergo an evaluation for determination of the need to fully vet the environmental (including potential public health impacts) as outcomes of each project. If the DEC so determined, a full Environmental Quality review would be required and each of these processes requires public hearings and full disclosure of the project plans and impacts by the staff of the project's lead agency[ies] to the public and a period for the public to reply formally.

In 2014, pressure from entrepreneurs in the building industry and private developers won their policy demands to take the teeth out of environmental review process, when the NYS Legislature removed the authority and power of DEC Oversight of the SEQR process by allowing "agency leads" in charge of projects to "decide for themselves" what level of Environmental Quality Review they thought would be appropriate for their projects (which in practice, places foxes in chicken coops). The Department of Environmental Conservation is no longer in charge of oversight for the quality or level of the SEQ Review, or if and how project directors/managers actualize the process. In addition, if project managers decide to proceed with the most rigorous level of review, they are no longer required to include public review or commentary (Press release of the Empire Center, 12/16/13; E.J. McMahon, 1/14/14NY Torch: A Public Policy Blog of the Empire Center, NYSDEC/SEQR).

In relationship to the Old Westbury project for expansion of parking spaces, the facilities planning team made the decision to use the DEC SEQR Environmental Assessment Short Form rather than to initiate the highest level of evaluation and review to include public hearings and commentary. A more rigorous environmental review would appear to be more consistent with campus obligations under the Open Space Stewardship Plan enacted in 2001.

The Plan reduces the efficiency of natural land filtration and impacts college stewardship of natural resources. It is not clear that The Plan promotes "best practices" for addressing campus infrastructure and operations, while addressing the requirements of sustainability, transparency of processes, shared governance and inclusion in decisions.

Conclusion:

In examining the process and state of quality and transparency leading to the information provided in The Executive Committee of the Faculty Senate and the Faculty cannot support this Plan at this time. We do not have enough concrete information about relevant best practice options and have not been involved in a fully transparent process allowing us to be confident about The Plan as presented. As is our charge and is expected and provided for in the *Mission Statement* of this college and its *Values*, we have the expectation, that in all we do, and all we select, along with other members of the campus community, we are to engage in transparent, shared governance decision making in all matters relevant to the design and delivery of the

curriculum and in decisions relevant to our work conditions and the conditions of our students. In addition, as environmental considerations are central to our mission, the goal of our educational goals and standards as promoted in the *Mission Statement*, we expect the best practice decisions, based on the long-term best decisions for the land under our stewardship.

At this juncture, we cannot promote a judgment of confidence in The Plan, as it has not met the standards of best practices in transparency, stewardship for sustainability and inclusion, all of which are required by the College Mission and its Values.