

10. Public Policy

Two public policy issues were raised during the Scoping Process. The first was whether Suffolk County was legally permitted to sell this land based upon the way in which it was acquired. The Suffolk County Attorney's Office has indicated that the County has the right to sell the property.

The second issue was why the County would sell undeveloped forested land while spending County funds to purchase other parcels for open space preservation. This second issue is addressed in detail below.

10.1. Existing Conditions

Suffolk County and the Town of Brookhaven administer open space acquisition programs that, collectively, have preserved tens of thousands of acres of open space, thus permanently protecting these areas from future development. The land parcels that are the subject of this study are mostly vacant, forested areas which are owned by Suffolk County. Thus, it is Suffolk County that will ultimately decide the disposition of the subject parcels. Aside from the proposed uses that are the subject of this study, another potential use for the subject land parcels is permanent preservation as open space. The latter use is of particular interest to civic groups and other members of the public. To aid the evaluation of the potential utility of the subject parcels for open space, a discussion of the County's Open Space Policy Plan, including the decision-making process and the evaluation criteria that are employed to select properties for potential open space acquisition, is provided below.

Suffolk County open space acquisition efforts are organized according to three programs:

- New Drinking Water Protection Program
- Multifaceted Land Preservation Program
- Environmental Legacy Program

New Drinking Water Protection Program

The New Drinking Water Protection Program broadens the program's original aim of drinking water protection to the environmental protection of open space and farmland. The program goals for a proposed acquisition are:

- Freshwater/tidal wetlands and buffer land for the same
- Lands within the watershed of a coastal stream, as determined by a reasonable planning or hydrological study
- Any tract of land located fully or partially within a statutorily designated Special Groundwater Protection Area
- Lands determined by the County Department of Planning to be necessary for maintaining the quality of surface and/or groundwater in Suffolk County
- Lands identified by the South Shore Estuary Reserve (SSER), Peconic Estuary Program (PEP), and/or Long Island Sound Comprehensive Conservation and Management Plan (LISCMP) as needed to protect coastal water resources
- Farmland development rights pursuant to Chapter 8 of the Suffolk County Code and in accordance with the rating system set forth in Exhibit A attached hereto and made a part hereof, and/or any successor exhibit thereto.
- Open space, in accordance with the criteria set forth in Exhibit B attached hereto and made a part hereof, and/or any successor exhibit thereto.
- Wetlands, woodlands, pine barrens, and other lands which are suitable only for passive, recreational use, subject to such terms and conditions regarding the actual use of such land as may be imposed by duly enacted resolution of the County of Suffolk, including, but not limited to, traditional preexisting use of such land, anything in Section 1-7 of the Suffolk County Charter to the contrary notwithstanding, as are determined to be eligible for acquisition, via duly enacted resolution of the County of Suffolk, in accordance with the criteria set forth in Exhibit B, attached hereto and made a part hereof, and/or any successor exhibit thereto.
- Land for use as Hamlet Greens, Hamlet Parks, pocket parks (with the effect of providing public spaces that reinforce community livability by enhancing the pedestrian-friendly nature of communities, including uses for outdoor activities, playgrounds, and other public gathering purposes), active parkland, active

recreation, historic and/or cultural park uses, all subject to continued public access to such property, as are determined to be eligible for acquisition via duly enacted resolution of the County of Suffolk, in accordance with the criteria set forth in Exhibit C attached hereto and made a part hereof, and/or any successor exhibit thereto, after taking into consideration the advisory recommendations, if any, of the Suffolk County Planning Department and the Suffolk County Board of Trustees of Parks Recreation and Conservation, which Suffolk County resolution shall also explicitly designate the authorized use of such land.

Multifaceted Land Preservation Program

The Multifaceted Land Preservation Program incorporates four former programs, i.e., the Land Preservation Partnership, Open Space Preservation, Farmland Development Rights, and the active parkland component of the Community Greenways Fund. These four programs are effectively continued through the following eight criteria:

- The Land Preservation Partnership Program for the acquisition of open space which must be in a 50/50 partnership with a town or village
- The Open Space (Preservation) Program for the purpose of preserving water supply, wetlands and woodlands.
- The Farmland Development Rights Program for purchasing development rights from landowners to preserve the land for farming
- Parkland purposes for both active and passive parkland and historic/cultural sites
- Environmentally sensitive land acquisition for preserving lands with unique geological features, wetlands, surface waters, endangered or threatened species and their habitats
- Watershed and/or estuary protection intended for the acquisition of land that drains to a river, stream, lake or estuary in order to preserve the characteristics of these aquatic systems

- Drinking water protection purposes for the purpose of preserving lands within the Pine Barrens Zone or in a Special Groundwater Protection Area (SGPA) with priority given to lands within the Pine Barrens Core Area
- Active Parklands Stage II Acquisition Program where the County purchases the land and a town, village or community group is required to design, build and maintain the property for an active recreational use

Environmental Legacy Program

The Environmental Legacy Program allocates funds for the acquisition of environmentally-sensitive lands, active recreation sites, historic properties and farmland development rights for those acquisition where there is a local partner, another government entity and/or not-for-profit environmental land protection organization who provides a 50 percent matching contribution. The four types of acquisitions that are permitted under this program are as follows:

- Open Space Preservation category which follows the criteria of the traditional Open Space Program, initiated in 1986, to preserve the County's water supply, wetlands and woodlands
- Purchase of Farmland Development Rights from farmers thus providing for the right to use the land for farming in perpetuity
- Active Parklands category provides for the purchase of land for playgrounds, soccer, football, and baseball fields, outdoor concerts, equine endeavors and other community recreational needs for the public
- Historic Properties category provides for the acquisition of properties that exhibit historical or archaeological significance, i.e., generally those that are listed on the National or State Register of Historic Places or is a location of prehistoric/archaeological significance identified by the New York State Office of Parks, Recreation and Historic Preservation

These programs were devised in accordance with a number of open space preservation goals. These goals are grouped within three main categories as follows:

Natural Resource Protection

- Preservation of groundwater – All drinking water on Long Island is extracted from underground aquifers. Deep recharge zones containing vegetative land cover provide the greatest protection of the aquifers and are preferred candidates for permanent preservation.
- Preservation of coastal resources – Bluffs, ocean and bay beaches, dunes and river, lake and stream shorelines are worthy of preservation owing to their uniqueness and significance to plant and wildlife habitats.
- Preservation of wetlands – Wetlands provide a number of environmental and ecological benefits and are thus highly valued for preservation; this also includes upland areas that are important to wetland function and quality.
- Preservation of watershed and stream corridors – It is ecologically and environmentally important to protect lands that drain to water bodies.
- Preservation of plant and animal habitats – Endangered and threatened species are of particular concern according to this goal. Natural habitats, in order to maintain their integrity, must be comprised of areas that are large enough to maintain diversity and long-term ecological health.
- Preservation of scenic vistas and open areas – The preservation of open space in rural and semi-rural areas are essential to preserving rural and semi-rural ways of life and for providing attractive settings for the public.

Farmland Preservation

- Farmland Preservation – Farming is an historic and viable industry in Suffolk County. It also contributes to tourism, preserves open areas and provides scenic vistas. The preservation of local farming as a way of life is also an important component of the broader goal of farmland preservation

Recreational Uses

- Passive Recreation – The preservation of trails and greenbelts for walking and hiking offers substantial human benefits.
- Active Recreation – The goal is to provide recreational opportunities that are not typically available in smaller local parks.
- Preservation of cultural and historic resources – The intent is to preserve a sense of stability and identity for a community through the preservation of historic and archaeological resources, including properties such as museums, historic sites/buildings, and cultural centers.
- Access to shoreline – The preservation of access to scenic waterbodies and the properties that provide this access is another important open space goal.
- Hamlet Park – Parks in hamlet centers offer areas for walking, social interaction and relaxation. Acquisitions in downtown areas are often appropriate for improving the aesthetics and vitality of downtown areas.

Additionally, the County has recently issued a Draft Comprehensive Water Resource Management Plan (December 2010) which states the following:

Within Suffolk County's overall planning context of open space protection, it is recommended that parcels within the 50 year contributing area to public supply wells and parcels located within the 25 year contributing area to surface water features be specifically identified and assigned a high priority for purchase, particularly when there is a significant opportunity to protect and preserve existing ground or surface water quality. Based on available land use information provided by the SCPD (as recent as 2007 for the western towns), there are currently over one thousand vacant parcels (or parts thereof) located within the 50 year contributing area to community supply wells, and over thirty thousand vacant parcels (or parts of parcels) located within the 25 year contributing area to surface water features.

As this is a draft document, it is unknown if the document, when finally adopted, will carry this same broad recommendation, as these areas appear to cover a significant amount of the total land area of the County.

10.2. Impacts of Proposed Project on Open Space Programs and Policies

As the properties that comprise the study area are currently owned by Suffolk County, they are not among the County's open space acquisition priorities or listed on Suffolk County's Master List II, Environmentally Sensitive Land, Farmland, and Recreationally Important Land Acquisitions. In order to evaluate whether this land, if not already owned by Suffolk County, would have priority within the County's Open Space Program, the potential value of the proposed project's parcels was evaluated according to the twelve goals defined above:

Preservation of Groundwater

Area A lies within Hydrogeological Zone III; this is an important deep recharge zone on Long Island. However, it is important to consider that most of Area A is already developed. Only undeveloped areas within deep recharge zones are deemed valuable for preservation. The remainder of the project area (including Areas B through F) lies within Hydrogeological Zone VI which is not a deep recharge zone.

Preservation of Coastal Resources

The proposed project is not located adjacent to any shorelines. The Carmans River, the nearest shoreline to the proposed project, is located over 600 feet from the edge of Area A. Area A is presently more than half developed with County maintenance facilities and storage yards.

Preservation of Wetlands

There are no wetlands in Areas A through F.

Preservation of Watershed and Stream Corridors

Field surveys determined that runoff from Area A – which is the closest area of the project to a waterway – does not reach the Carmans River at present. The proposed project would retain all runoff (up to an 8-inch storm event which is a rare precipitation event) on site. Areas B through F are far removed from the Carmans River and do not contribute any surface runoff to the river.

Preservation of Plant and Animal Habitats

An ecological survey of the site (Appendix E) indicated that there were no rare, threatened or endangered species within the project area. Except for the developed portions of Area A, the remainder of the study area is comprised almost entirely of forested areas that are typical of the forest habitats found throughout Suffolk County.

Preservation of Scenic Vistas and Open Areas

Area A, which is mostly developed with maintenance facilities and storage yards, has little scenic value other than along its north and west perimeter. Areas E and F are forested, but limited in area and surrounded by industrial and municipal uses; these areas have little scenic value given their setting. Areas C and D are forested but adjacent to a sand mining operation; this use detracts from their scenic value. Area B is the most isolated and internal of the study areas and is generally flat topographically; it hosts a common forest type of Long Island and has no unique scenic features. However, it is adjacent to the cultivated fields of the County Farm and the forest provides a complementary natural background to the farm.

Farmland Preservation

None of the study areas are farmed at present. Significant portions of Areas B, D, E and F comprise prime farmland soils. However, these areas, which are almost entirely forested, would have to be cleared for farming.

Passive Recreation

Area A, which is mostly developed with County maintenance facilities and storage yards, offers little value for passive recreation. Areas B through F are almost entirely forested but have existing trails, most of which are used for maintenance of the high-tension electrical towers. Other than their generally flat forested areas, Areas B through F offer no other natural amenities, such as water courses or water bodies, interesting topography, and scenic vistas. The proximity of Area B to the County Farm can be considered as a cultural amenity.

Active Recreation

Area C would be dedicated to active recreation including baseball, soccer and football fields. These recreational areas would enhance existing active recreation amenities within the Yaphank area.

Preservation of Cultural and Historic Resources

According to a Phase IA Archaeological and Historic Resources Assessment (Appendix I), Areas B through F contain no valuable cultural or historic resources, and mitigation measures will address possible resources associated with Area A.

Access to Shoreline

The parcels that comprise Areas B through F are neither adjacent to nor provide any access to properties that are adjacent to shorelines. The northeastern corner of Area A is adjacent to a parcel that encompasses a portion of the Carmans River just south of Interstate 495. This access point is in an unfavorable location that would require traversing the County storage yards. As such, it does not offer viable and attractive access to the Carmans River.

Hamlet Park

Areas A through F are not situated in nor do they surround any downtown districts.

The Draft Carmans River Watershed Protection Plan (February 2011) identified Area A for acquisition if declared surplus by Suffolk County. This area is currently in County use and the site of two salt/sand storage structures and five other Department of Public Works buildings and may be of limited conservation value. While this site is within the 0-2 year groundwater contributing area of the river, other developed areas within this zone were excluded, so it is unclear why this area was included. In fact this area was not included on the original maps in the report, but was added to the map in the Errata pages. The County believes that this draft recommendation should be reconsidered in view of the existing development on the property and the fact that the planned development is proposed to be designed to have minimal impact on the river by maintaining all stormwater onsite,

sending all wastewater to a wastewater treatment plant, and complying with the County's stringent pesticide and fertilizer requirements as described in Section 5.3. Alternatively, the County could choose to retain ownership of Area A and lease the facilities.

Figure 10-1 depicts the preserved land within the watershed in comparison with the entire watershed and the undeveloped tracts in the project area. The undeveloped tracts in Areas B through F comprise less than 270 acres; this is a relatively small amount of land in comparison with the approximately 6,060 acres of permanently protected land within the 22,700-acre Carmans River watershed. In addition, Figure 10-1 reveals that there are still a number of tracts along the Carmans that have not yet been preserved. These parcels that are adjacent to the river pose much more viable conservation opportunities than the low-value, undeveloped tracts within the project area. Furthermore, Figure 10-1 reveals the previous conservation priorities for the Carmans River; that is, all permanently preserved parcels and tracts of land are directly adjacent to the Carmans River.

Finally, the Suffolk County Planning Department uses the "Suffolk County Open Space Rating System for Natural Environments Checklist" to determine which properties should be acquired. Although the County owns this land, the County prepared two forms for the project site, one for Area A and one for Areas B through D, to evaluate whether this land would be targeted for acquisition, if not already County property. These forms are provided at the end of this Section. The County recommends properties for acquisition that achieve a rating of more than 25 points out of a possible 100 points. Area A was rated at 18 points and Areas B through D were rated at 8 points. Therefore, none of the project site met the County's criteria for recommendation for acquisition for preservation purposes.

10.3. Proposed Mitigation

Given the minimal value of Areas A through F to the preservation of the Carmans River Watershed, their minimal adherence to the goals of the Suffolk County Open Space Plan, and their failure to score highly on the County's rating system, the development of these study areas would pose no impact to open space acquisition plans or acquisition programs and therefore no mitigation is required.

The subject property is also somewhat unique in that it is a large undeveloped tract which is not located within regulated areas such as the Pine Barrens Core or Compatible Growth Areas, a Special Groundwater Protection Area, or a Wild, Scenic or Recreational River

Boundary. The County will need to consider in their SEQRA Findings whether it would be a better use of County resources to encourage development of this land which is unencumbered by regulatory controls, while continuing to protect other lands which may have higher ecological value. It is noted that the development of Area C will provide new recreational opportunities.



This rating system for natural environments is designed to clarify the recommendation and acquisition process for parcels of land that might be acquired with funds from the New Drinking Water Protection Program (effective December 1, 2007), the Multifaceted Land Preservation Program, the Environmental Legacy Fund, or any of the other County open space programs that are designed for the protection of natural environments.

NEW DRINKING WATER PROTECTION PROGRAM

If the property is being recommended for acquisition under the **New Drinking Water Protection Program (effective December 1, 2007)**, then it must meet at least one of the following criteria as per Section C12-2(A)(1):

- a. Freshwater/tidal wetlands and buffer lands for same
- b. Lands within the watershed of a coastal stream as determined by a reasonable planning or hydrological study
- c. Any tract of land located fully or partially within a statutorily designated Special Groundwater Protection Area
- d. Lands determined by the County Department of Planning to be necessary for maintaining the quality of surface or groundwater in Suffolk County
- e. Lands identified by the South Shore Estuary Reserve (SSER), Peconic Estuary Program (PEP), and/or the Long Island Sound Comprehensive Conservation and Management Plan (LICMP) as needed to protect coastal water resources
- g. Open Space
- h. Wetlands, woodlands, pine barrens, and other lands which are suitable only for passive recreational use

If YES, then go to the next page.

MULTIFACETED LAND PRESERVATION PROGRAM

Property is being recommended for acquisition under the following component of the

Multifaceted Land Preservation Program:

- pursuant to the Land Preservation Partnership Program (Resolution No. 751-1997 passive recreation)
- pursuant to the traditional (1986) Open Space Preservation Program
- for environmentally sensitive land acquisition
- for watershed/estuary protection
- for drinking water protection purposes

If YES, then go to the next page.

OTHER OPEN SPACE PROGRAMS:

1986 Open Space Preservation, 1987 (Old) Drinking Water Protection, South Setauket Woods Conservation Area, Environmental Legacy Fund (Open Space category), etc.

If YES, then go to the next page.


SUFFOLK COUNTY OPEN SPACE RATING SYSTEM FOR NATURAL ENVIRONMENTS

Score Subtotal

NATURAL RESOURCE CHARACTERISTICS
A. WETLANDS AND BUFFER AREAS

1. Site contains tidal or freshwater wetlands as identified by New York State Department of Environmental Conservation or local town/village approved maps. (> 50%=10pts.; between 50% and 25%=8pts.; less than 25%=5pts.)		
2. Site contains the buffer area of a tidal wetland (approx. 300 ft.) or freshwater wetland. (approx. 100 ft.) (5pts.)		
3. Site contains both tidal and freshwater wetlands as identified by New York State Department of Environmental Conservation or local town/village approved maps. (2pts.)		
4. Site is located within a drainageway with at least one of the following soil types: At, Bd, Ca, De, Mu, ScB, SdA, SdB, Su, Tm, Wa, Wd, We, Wh. (2pts.)		0

B. GROUNDWATER RESOURCES

1. Site is located within the Pine Barrens Core Area. (10pts.)		
2. Site is located within a Special Groundwater Protection Area (SGPA), but not within the Pine Barrens Core Area. (8pts.)		
3. Site is located within Hydrogeologic Zone I or Zone III (deep aquifer recharge area), but not within the Pine Barrens Core Area or a SGPA. (3pts.)	3	3

C. NATURAL HABITAT

1. Site contains endangered (10 pts.), threatened (10 pts.) and/or special concern (5 pts.) species pursuant to Federal/New York State listings as identified under ECL Section 11-0535; regulation 6NYCRR Part 182.5. (10pts.)		
2. Site contains a New York State Natural Heritage Program Element(s) with a Global rank of G1, G2 or G3 and/or a State rank of S1, S2 or S3. (5pts.)		
3. Site contains an endangered, threatened, exploitably vulnerable or rare New York State Protected Native Plant species as identified under ECL Section 9-1503; regulation 6 NYCRR Part 193.3. (4pts.)		
4. Habitat diversity – Site contains three or more habitat cover types (ie. pine barrens, mature oak forest, wetland, maritime shrubland, etc. (2pts.)		0

PHYSICAL CHARACTERISTICS
A. GEOLOGICAL LANDFORMS AND BOUNDARIES

1. Site includes or is adjacent (approx. 300 ft.) to a waterbody such as an ocean/ bay/ sound/ pond/ lake/ river/ stream/ creek. (5pts.)		
2. Site contains a unique geological landform (ie. kettlehole, dune, bluff, escarpment, other) or is located within a major swale area that contributes direct runoff to surface waters. (3pts.)	3	
3. Site contains more than one waterbody, geologic landform as identified in No. 1 and 2 above. (2pts.)		
4. Site is located within the FIRMs 100-year floodplain (V Zone). (2pts.)		
5. Site is located within the FIRMs 100-year floodplain (A Zone). (1pt.)		3

B. SIZE

1. Over 25 acres OR Over 10 acres within a Census Designated Place of \geq 1,000 persons per square mile. (8pts.)	8	
2. Between 10 and 25 acres OR Between 5-10 acres within a Census Designated Place of \geq 1,000 persons per square mile. (6pts.)		
3. Between 5 and 10 acres OR Between 1-5 acres within a Census Designated Place of \geq 1,000 persons per square mile. (3pts.)		8

C. LOCATION

1. Site is adjacent or near (approx 300 ft.) to other County Parkland. (7pts)		
2. Strategic parcel associated with an area earmarked by the Suffolk County Planning Department for future park acquisition or where significant County park/open space interests already exist. (4pts.)		
3. Site has been identified for environmental protection by an estuary program plan: Long Island Sound Study CCMP, Peconic Estuary Plan CCMP or the South Shore Estuary Reserve Plan CMP. (3pts.)		
4. Site is adjacent or near (approx. 300 ft.) to other protected parklands (ie. Federal, state, town, village or is located within a New York State designated Wild, Scenic and Recreational Rivers corridor). (2pts.)	2	
5. Site will provide public access to the shoreline (ie. ocean, bay, etc.). (2pts.)		
6. Site is located within or adjacent to a designated greenbelt or historic trail. (2pts)		
7. Site will provide special view from a high elevation, scenic roadway, major road corridor , waterfront, etc. (2pts.)	2	
8. Site is adjacent or near (approx. 300 ft.) to private open space. (1pt.)		4

STEWARDSHIP MANAGEMENT AGREEMENT

1. Inter-municipal management agreement with Federal, state, town and/or village. (5 pts.)		
2. Management agreement with non-profit environmental organization. (1 pt.)		0

TOTAL SCORE (maximum = 100 points) 18



This rating system for natural environments is designed to clarify the recommendation and acquisition process for parcels of land that might be acquired with funds from the New Drinking Water Protection Program (effective December 1, 2007), the Multifaceted Land Preservation Program, the Environmental Legacy Fund, or any of the other County open space programs that are designed for the protection of natural environments.

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- g. Open Space
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If YES, then go to the next page.

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OTHER OPEN SPACE PROGRAMS:

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SUFFOLK COUNTY OPEN SPACE RATING SYSTEM FOR NATURAL ENVIRONMENTS

Score Subtotal

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4. Site is located within a drainageway with at least one of the following soil types: At, Bd, Ca, De, Mu, ScB, SdA, SdB, Su, Tm, Wa, Wd, We, Wh. (2pts.)	0

B. GROUNDWATER RESOURCES

1. Site is located within the Pine Barrens Core Area. (10pts.)	
2. Site is located within a Special Groundwater Protection Area (SGPA), but not within the Pine Barrens Core Area. (8pts.)	
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A. GEOLOGICAL LANDFORMS AND BOUNDARIES

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5. Site will provide public access to the shoreline (ie. ocean, bay, etc.). (2pts.)	
6. Site is located within or adjacent to a designated greenbelt or historic trail. (2pts)	
7. Site will provide special view from a high elevation, scenic roadway, major road corridor, waterfront, etc. (2pts.)	
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2. Management agreement with non-profit environmental organization. (1 pt.)	0

TOTAL SCORE (maximum = 100 points) 8

