FES 91-12

FINAL ENVIRONMENTAL IMPACT STATEMENT

NORTHERN MONTEZUMA WETLANDS PROJECT

SENECA, WAYNE and CAYUGA COUNTIES NEW YORK

NAWMP

USF&WS

NYSDF&W

JUNE 1991

FES 91-12

FINAL ENVIRONMENTAL IMPACT STATEMENT

PROJECT: Northern Montezuma Wetlands Project

LOCATION: New York State: Counties of Wayne, Cayuga, and Seneca; Towns of Brutus, Cato, Victory, Rose, Savannah, Galen, Butler, Aurelius, Montezuma, Conquest, Mentz, Seneca Falls, and Tyre

RESPONSIBLE AGENCIES/
CONTACT PERSONS:

U.S. Fish and Wildlife Service
Mr. Carl Melberg
One Gateway Center, Suite 700
Newton Corner, MA 02158

and, as co-lead agency,

New York State Department of
Environmental Conservation
Mr. Donald Slingerland
Wildlife Resources Center
Delmar, New York 12054

ABSTRACT: The Northern Montezuma Wetland Project is a land conservation and management project jointly sponsored by the U.S. Fish and Wildlife Service and the New York State Department of environmental Conservation under the auspices of the North American Waterfowl Management Plan. This Final Environmental Impact Statement describes this project, its purpose and need, alternatives to the proposal, the environmental setting, environmental impacts, and mitigating measures associated with implementing the project. Proposed is the acquisition of real property and real property interests (easements, management agreements, life and term use reservations, etc.) and the management of these lands for waterfowl and wetlands wildlife in the Montezuma Marsh complex in central New York.

Kenneth F. Wich
Director, Division of Fish & Wildlife
Dept. of Environmental Conservation
50 Wolf Road
Albany, New York 12233

for

Ronald E. Lambertson
Regional Director, Region 5
U.S. Fish and Wildlife Service
One Gateway Center
Newton Corner, MA 02158

Kenneth F. Wich 5/31/91
Kenneth F. Wich (date)

Ronald E. Lambertson (date)

JUN 4 1991

Summary

This Final Environmental Impact Statement (FEIS) has been prepared pursuant to the requirements of the National Environmental Policy Act and the New York State Environmental Quality Review Act. The United States Fish and Wildlife Service (Service) and the New York State Department of Environmental Conservation (Department), acting in concert with the objectives of the North American Waterfowl Management Plan, have developed a land conservation and management proposal known as the Northern Montezuma Wetlands Project. This project, located just north of Cayuga Lake in Seneca, Wayne, and Cayuga Counties, will consolidate and unify management efforts and land ownerships at the federal, state, and private level to achieve specified objectives developed for this project regarding wetland protection, creation, restoration, and enhancement for migratory waterfowl and other wetland-dependent species of wildlife.

The Service and the Department have identified four alternatives for accomplishing specified objectives along with a No Action alternative. The No Action alternative would involve only the application of legislatively mandated land use regulations respective to wetlands in the project area, and the continuance of planned management and maintenance of existing public lands. There would be no additional purchases of land by the Service or the Department and no extraordinary efforts or public expenditures to manage land. Human uses of project area lands would likely follow current land use trends, possibly resulting in further wetland resource loss or degradation and wildlife impacts.

The Proposed Action describes measures the Service and the Department would take to purchase lands and real property interests on a negotiated basis from willing sellers on approximately 36,050 acres, exclusive of existing state and federal land, and manage these lands for wildlife habitat and public recreational and educational uses. The Proposed Action as described would consolidate and tie together existing federal, state, and private lands into a cooperative effort to protect, restore, and enhance wetlands and associated upland habitats specifically for waterfowl. Compatible public recreational uses on lands acquired would be permitted in accordance with adopted public use regulations for these categories of land areas, and educational opportunities for research and demonstration areas would be enhanced.

An alternative encompassing a larger area than the Proposed Action is also described. It includes additional wetlands in the Montezuma Marsh Complex and associated uplands, totalling approximately 50,979 acres, exclusive of existing state and federal land. Elements of land purchases and management would be identical to those described for the Proposed Action, but would be implemented on a larger scale. Correspondingly, the benefits and impacts of this alternative would also be greater than that of the Proposed Action.

A scaled-down alternative, involving only acquisition and management of existing wetlands and reduced upland associations, also is examined. This alternative would basically be a wetland preservation and management project and would not include restoration or creation of wetland habitats. Remnant wetlands that now exist in the Montezuma Marsh Complex would be purchased in the same manner as described in the Proposed Action, along with a very narrow strip of upland adjacent to these wetlands to provide limited administrative

access, limited wildlife management opportunities, and a small buffer from adjacent land uses. This alternative includes an area of 11,200 acres exclusive of existing state and federal lands. The benefits and impacts of this alternative would correspondingly be less than those of the Proposed Action, and substantially less than would accrue from the larger alternative.

A non-governmental alternative is also presented. This alternative involves the participation of only the private sectors in implementing conservation measures and management practices to meet the stated purposes of this project. This alternative does not involve the Department or the Service, but may include private individuals and organizations such as The Nature Conservancy, Ducks Unlimited, Audubon Society, and others.

Other alternatives are analyzed and dismissed as not being reasonable, practical, or viable and are identified in this document along with reasons for not elaborating on them.

Through Service and Department informational meetings, news releases, formal contacts, and the scoping process, several major environmental impacts have been identified and are addressed in detail in this document.

Major concerns include the impact on the tax base of affected towns as a result of Service and Department land acquisition efforts. Proposed wetland management, enhancement, restoration, and creation activities raised significant issues regarding the area's hydrology and possible exacerbation of downstream flooding, as well as the impacts on adjoining land uses by impounding water. The project area is located in a major agricultural region of New York, and significant issues regarding this project's impact on agricultural resources and agribusinesses were identified.

Other environmental impacts and issues identified early in the project's development were increased crop damage potential from wildlife, especially from blackbirds, protection of sensitive archaeological sites known to exist in the project area, and the impact the project would have on recreational use and educational opportunity in the area. Potential conflicts identified include wetland/agriculture coexistence, proposed airport and nuclear/hazardous waste disposal siting, Indian land claims, and wetland management conflict potential with transportation and utility corridors.

Mitigation measures are identified that are positive measures that can be undertaken to reduce or eliminate the magnitude of the impact on human or natural resources. Secondary or spin-off impacts such as increased tourism, increased development pressure on lands in the project periphery, and increased demand for leased hunting and guide services in the project periphery are also discussed.

Significant beneficial environmental, social, and natural resource impacts will occur with all but the No Action alternative. Implementation of land conservation and management programs will dramatically benefit wetland-related wildlife, especially waterfowl, shorebirds, and endangered and threatened species. Public use of and access to natural resources for controlled recreational and educational uses will be realized. The natural functions and benefits of freshwater wetlands, such as flood control, pollution abatement,

and water resource improvement, will be protected and enhanced in this watershed. The benefits derived from this project will be realized not only locally, but on a statewide and regional basis.

Coordination and consultation has occurred throughout the development of this project. Personal staff contacts have been made with the town supervisors and county chairmen, state senators and assemblymen, congressional representatives, individual landowners, the news media, and private groups and organizations. An advisory group consisting of representatives of the towns, counties, landowners, Farm Bureau, Agriculture and Markets Department, The Nature Conservancy, Ducks Unlimited, the Federation of New York State Bird Clubs, educational institutions, and the New York State Conservation Council has been formed and has taken an active role in the development of this project. Presentations at several civic groups and environmental management councils have been made to discuss the project. Media coverage of agency News Releases, meetings, and interviews with staff has been extensive. Consultation with utility companies, town boards, agricultural agencies, the U.S. Geological Survey, and other involved groups, agencies, and individuals has also occurred (refer to Coordination and Consultation Section). It has been the intent and commitment on the part of both of the sponsoring agencies to be open, forthright, and sincere in these and in future public discussions about this project.

The five alternatives were presented to the public through a Draft Environmental Impact Statement (DEIS) released in May 1990. A review period of approximately 90 days was provided during which written comments were received. Public hearings were held in Waterloo, Weedsport and Savannah on June 19, 20 & 21, respectively at which 64 individual or group statements were given and recorded. All of the comments have been analyzed and where possible have been incorporated into the currently proposed action presented in this FEIS. Responses to the comments received on the DEIS are given at the end of this FEIS.

Northern Montezuma Wetlands Project
Draft Environmental Impact Statement

Table of Contents

Table of Contents (continued)

Table of Contents (continued)

Table of Figures

Table of Tables

I. Purpose and Need

Purpose of the Project

The Northern Montezuma Wetlands Project has been jointly developed by the Department and the Service to protect, enhance, and restore one of New York's premier wetland complexes. This area once contained over 40,000 acres of contiguous wetland, which provided resting, feeding, nesting, and brood rearing habitat for numerous migratory birds and resident wildlife. This wetland complex, if under state and federal ownership, would provide one of the most active migration staging areas in central New York and the best opportunity in the state to protect, restore, and manage extensive habitat for the benefit of both society and wildlife.

This project was developed to accomplish certain objectives. They include:

1. Provide increased protection and enhancement of wetland habitats and adjacent lands within the project area in recognition of the area's significant value as a major waterfowl and migratory bird staging area in the Atlantic Flyway.

2. Provide increased protection of existing nesting and feeding habitats of endangered, threatened, and special concern species of wildlife, and create and enhance additional habitats for these species to help ensure the viability of these species' populations in New York State.

3. Restore drained wetlands to their original wetland state whenever and wherever it is feasible, legal, and practical to do so within the project area.

4. Improve accessibility to this wetland complex for compatible wildlife-related public recreation, education, and research.

5. Maximize the production of waterfowl and other selected wetland wildlife through implementation of proven management techniques to provide additional nesting and breeding habitat in the project area.

6. Foster the continued private involvement in the protection, management, and enhancement of the area's wildlife resource.

7. Provide protection for rare biotic communities existing within project boundaries.

Need for the Project

The Northern Montezuma Wetlands Project has been developed jointly between the Service and the Department, pursuant to the North American Waterfowl Management Plan (NAWMP). This plan is an agreement between the United States and Canada to address habitat protection and management

needs for waterfowl on the North American continent. Waterfowl populations are experiencing significant long-term declines which are directly attributable to declining quality and quantity of wetland habitats and production areas.

The NAWMP established ambitious goals and specific objectives to secure the future of waterfowl through protection, enhancement, and restoration of wetlands and associated upland habitats. In recognition of the magnitude of this task, the Plan identified high priority wetland habitat areas, called Joint Ventures, and called for cooperative partnerships between state and federal agencies, private landowners, and conservation organizations to make it successful.

The Northern Montezuma Wetlands Project, (see Figure 1) situated within the Lower Great Lakes/St. Lawrence Basin Joint Venture area, was developed in the spirit of cooperation by including The Nature Conservancy, Ducks Unlimited, the New York State Federation of Bird Clubs, the New York State Conservation Council, Farm Bureau, and other private groups and individuals into the development and implementation of the project. Additionally, two major landowners of managed wetlands in the project area, the Savannah Evergreen Preserve and the Vanderbilt Marsh Hunt Club, are currently and plan to continue to work closely with the Department and the Service to further the objectives of the NAWMP. Other major landowners may eventually become cooperators as well.

The complex of wetlands known as the Montezuma Marshes are now owned and managed by a mix of local, federal, state, private groups, and individual ownerships. There is a need to tie together these various lands and the management practices conducted on these lands, so as to fully realize the objectives of the project and preclude potential conflicts.

Project area lands need to be managed in order to produce the desired products. Providing only additional protective measures to the wetland habitat present will help maintain the status quo, but will do little to restore or increase wildlife populations or provide the benefits inherent in the accomplishment of the project objectives.

Upland areas adjacent to the existing wetlands are desirable as part of this project. These adjoining uplands are where waterfowl nest, feed, and where many species of wetland-related wildlife find the requirements for life. Uplands are needed to provide access to the wetlands for administrative purposes and to facilitate visitor access and recreational uses. Uplands are also needed to provide buffer areas between managed wetlands and land uses that can potentially conflict with each other.

A need exists to prevent further losses of wetlands and wildlife habitats in the project area. Historically, the Montezuma Marshes were much more extensive than now exist. Uses and alterations of the landscape have dramatically reduced the quantity and quality of wetlands and wildlife habitats within the study area, thus, substantially reducing the functions and benefits these wetlands once provided. Many of these wetland conversion and alteration activities continue today. To

United States Department of the Interior

FISH AND WILDLIFE SERVICE
One Gateway Center, Suite 700
Newton Corner, MA 02158

NORTHERN MONTEZUMA WETLAND PROJECT
Final Environmental Impact Statement

Dear Reviewer:

Enclosed for your review and comment is the Environmental Impact Statement for the proposed Northern Montezuma Wetland Project in Cayuga, Seneca and Wayne Counties, New York.

The attached Environmental Impact Statement, prepared jointly between the U.S. Fish and Wildlife Service (Service) and the New York State Department of Environmental Conservation (Department), addresses the purpose and need for the protection and management of important fish and wildlife habitat in one of New York State's premier wetland complexes. Various alternatives for long-term protection and management of these important habitats are presented and the possible environmental consequences evaluated.

The Service and the Department are providing this document for your review. Written comments would be appreciated within the comment period deadline date of August 5, 1991.

Please address comments to either:

Kenneth F. Wich
Director, Division of Fish & Wildlife
Dept. of Environmental Conservation
50 Wolf Road
Albany, New York 12233

Ronald E. Lambertson
Regional Director, Region 5
U.S. Fish and Wildlife Service
One Gateway Center
Newton Corner, MA 02158

Enclosure

U.S. DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE
ONE GATEWAY CENTER
NEWTON CORNER, MASSACHUSSETTS 02158

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE, $300

POSTAGE AND FEES PAID
U.S. DEPARTMENT OF THE INTERIOR
INT 423

United States Fish and Wildlife Service
Attn: Mr. Carl Melberg
One Gateway Center, Suite 700
Newton Corner, MA 02158

COMMENT SHEET FOR THE NORTHERN MONTEZUMA WETLANDS PROJECT

Final Environmental Impact Statement

Name: _____

Organizaton: _____

Street: _____

City: _____ **State:** _____ **Zip:** _____

Phone Number: (_____) _____ - _____

Comments: _____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

(Please use additional paper for further comments.)

Which alternative do you favor? _____

_____
Signature

Comments should be received by August 5, 1991.

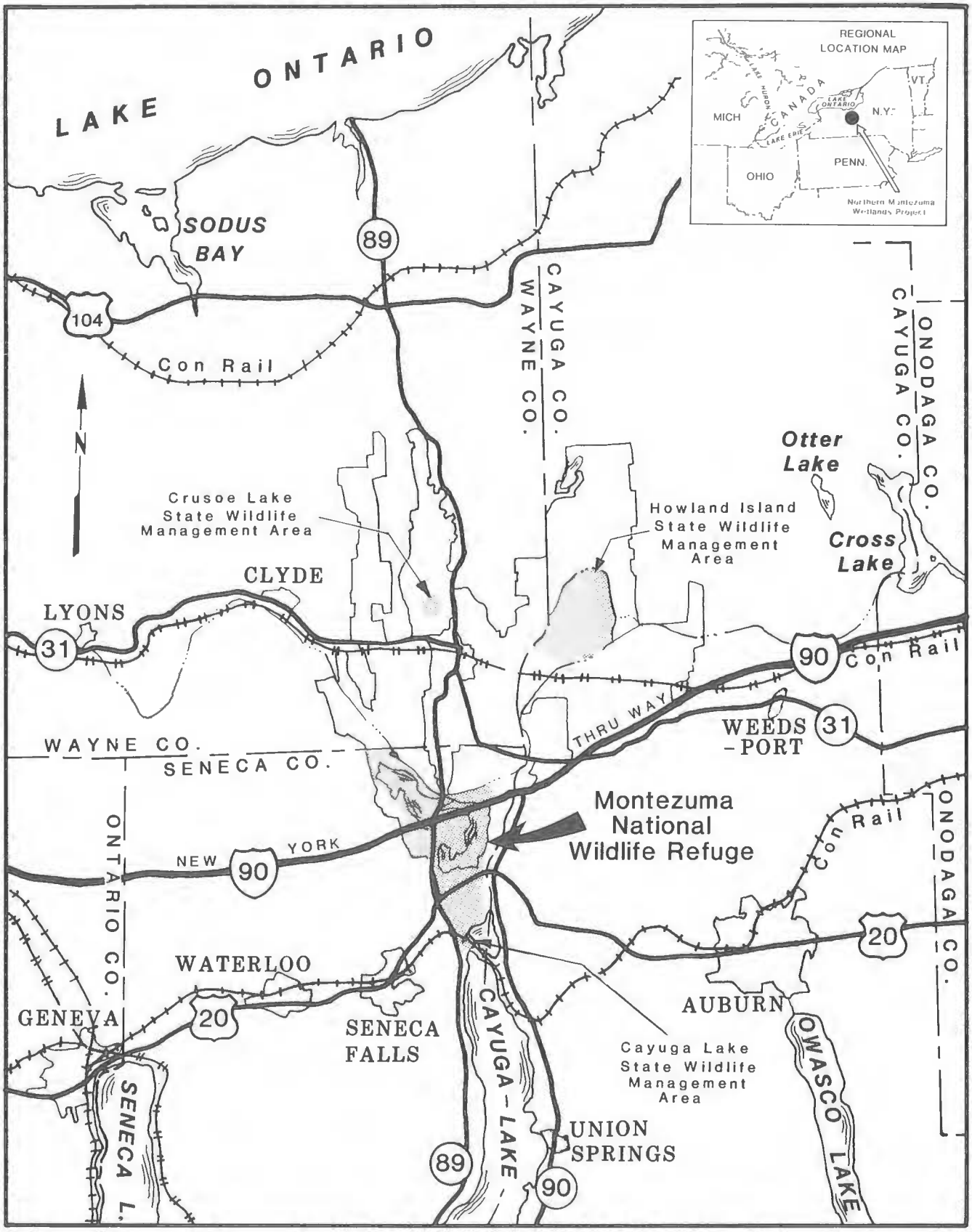
(Fold in half, staple or tape, and mail. No postage necessary.)

accomplish project objectives, additional protection and management is needed to prevent further losses.

A need exists for public access for outdoor recreational activities that this project can provide. The project lies midway between two major metropolitan areas, Rochester and Syracuse. Numerous smaller cities and villages are in close proximity. Recreational needs of these populations are likely to continue to increase. A wide variety of compatible recreational activities can be accommodated in the project area.

At this time, there is no coordinated or regional program or facility that interprets the natural and cultural history of the Montezuma project area. This process has been started, to the extent possible, by the extension and education efforts of the staff at the Montezuma NWR. A need exists to expand these efforts to cover the entire Montezuma/ Savannah marsh complex and to embrace a correspondingly larger audience.

NORTHERN MONTEZUMA WETLANDS PROJECT



VICINITY MAP Figure 1

II. Alternatives

Introduction - This section identifies and describes five alternative actions that may be pursued, as well as the relationship of each alternative of each action in relation to the objectives of the project.

Early in the project planning process, a proposed "study area" was described and portrayed on maps that were used extensively in public contacts. As a result of public involvement early in the process and a closer examination of land ownership patterns, wetland maps, and expressions of interest from landowners participating in the project, the original "study area" has been modified and should not be confused with present proposals. Three action alternatives resulted from this modification. A proposal larger than the original "study area" was developed, a proposal basically the same as the "study area" but with some minor boundary changes was developed, and a proposal considerably smaller than the "study area" was developed. The reader who is familiar with the original "study area" should be aware that changes in these original boundaries have been made to develop the three action alternatives. Two additional alternatives are also described in this section that are considered "no action" alternatives; one addresses a true "no action" course, and one a non-governmental approach.

A. Alternative 1 - No Action

An option open to the Department and the Service is to take no action and acquire no land or interests in land within the project area. Land development and land use activities within the project area would proceed according to local, state, and federal laws and regulations. Moreover, the Department and the Service would engage in no management of private land in the project area, and no management would take place beyond that which is planned and now occurring on public lands.

A number of land use laws, regulations, and controls are applicable to all lands within the project area. These include various state, federal, and local laws that regulate alterations to the landscape. A brief description in summary form of these laws is found in the Appendix A to this document for reader reference. These laws and regulations would continue to exist and influence land uses in the project area if the No Action alternative were chosen.

It is because of the inadequacy of these laws and regulations to address the purposes and needs for this project, as discussed in Section I, that the Department, the Service, and allied private organizations have developed the proposal known as the Northern Montezuma Wetland Project. The existing land use laws and regulations can and do provide some level of protection to wetlands and wildlife habitats, but generally are deficient in that they do not ensure absolute protection and are typically mute in regards to creation, enhancement, and restoration of wetlands and wildlife habitats. The regulations do not address the need to provide

increased access for compatible use and enjoyment of the area's natural resources that acquisition can provide. Most regulations do not provide any incentive for, or promotion of, managing lands for wildlife or provide absolute assurance that land conservation measures are undertaken to sustain or manage resources to produce the social benefits that can accrue from that management.

It is because of these inadequacies in the law that a positive cooperative effort has been developed.

Uses of the Wetland. Many recreational activities are supported in the project area. Access to the wetland is at the discretion of the property owners. The number of persons who would want to utilize the resources of the project area should continue to grow.

Costs of Development and Operation. The no action alternative means that the Department and the Service would make no extraordinary additional expenditures within the project area to accomplish the objectives set forth for the project. Only normal, routine maintenance and management would continue to occur on existing public lands in the project area.

Summary of Environmental Effects. If the no action alternative were the chosen course, existing development and land use practices would continue within the project area. No wetland restoration or enhancement by government agencies would occur. New York State's Freshwater Wetlands Act, and to some degree the Federal Clean Water Act, cannot now effectively prevent drainage practices for agricultural purposes in wetland areas. Section 404 of the Clean Water Act provides a narrow agricultural exemption for certain ongoing activities. A Corps of Engineers permit is required for conversion of wetland to farmland. The wetlands could become smaller or have a reduced function or benefit due to increased pollution and siltation from agricultural activities, industry, and new residences. Downstream flooding problems would most likely become more severe if more wetland were converted to farmland. The habitat now present in the project area could be reduced, and the populations of wildlife could decline.

B. Alternative 2 - Wetlands Protection with Management Zone (Proposed Action)

1. Definition of Action
   Acquisition Phase of the Project

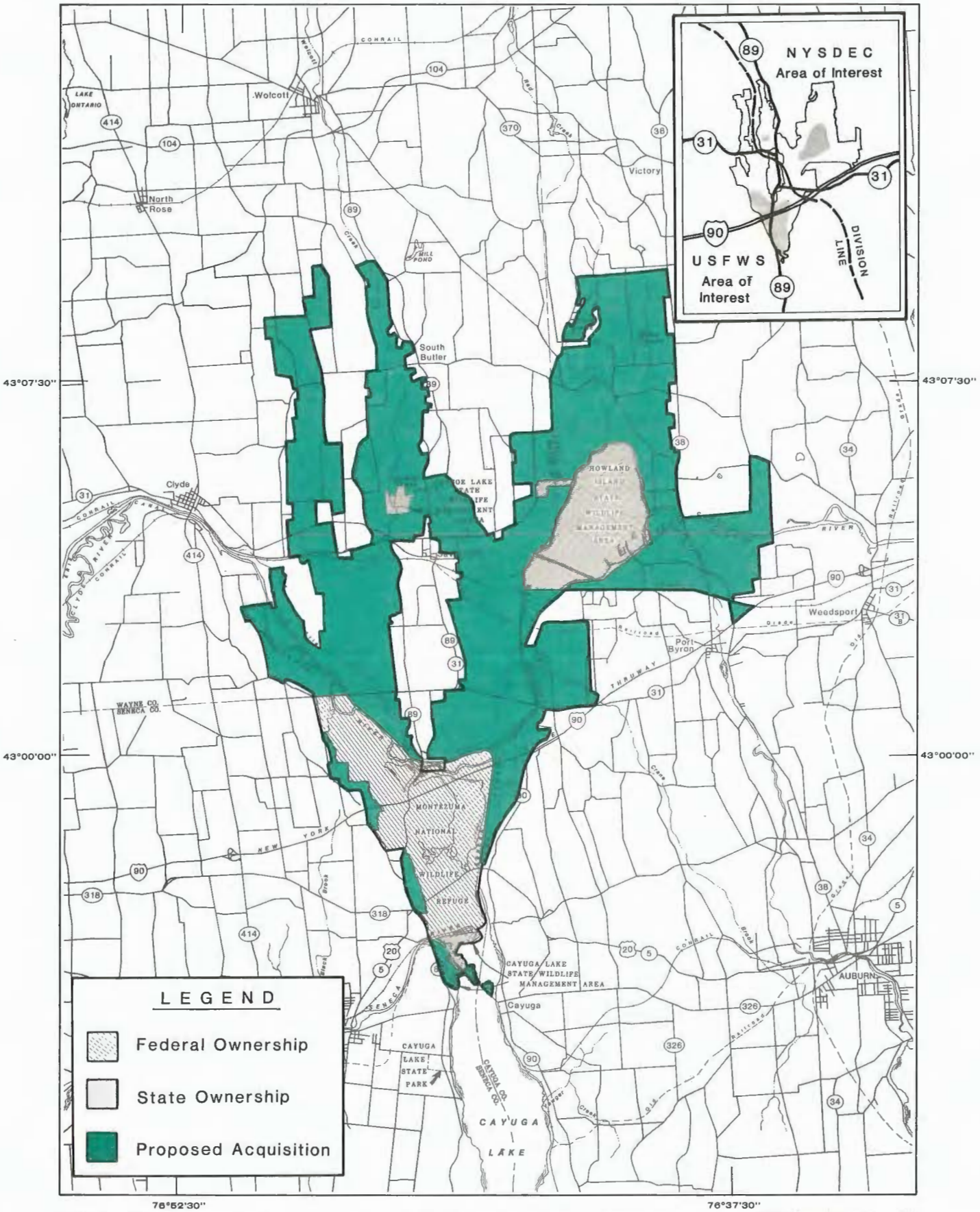
This alternative involves the purchase of real property and real property interests (easements, management agreements, life and term use reservations, etc.) as may be negotiated with interested landowners within the area shown in Figure 2. This area includes 24,150 acres in the state area of interest and 11,900 acres in the federal area of interest (refer to insert in Figure 2), excluding existing public land.

NORTHERN MONTEZUMA WETLANDS PROJECT

UNITED STATES
DEPARTMENT OF THE INTERIOR

SENECA, WAYNE and CAYUGA COUNTIES
NEW YORK

UNITED STATES
FISH AND WILDLIFE SERVICE



COMPILED IN THE DIVISION OF REALTY
FROM SURVEYS BY U.S.G.S. AND U.S.F.&W.S.

0 8000 16000 24000 32000 FEET

0 2 4 6 8 KILOMETERS

NEWTON CORNER, MASSACHUSETTS
FEBRUARY 1989

ALTERNATIVE 2

FIGURE 2
PROPOSED ACTION

Emphasis will be placed to secure lands in a manner compatible with the landowner's interest in participating in the project. It is not necessary for the Department or the Service to purchase in fee every property to accomplish the goals of the project. Certainly, a landowner who desires to sell his property will be made a purchase offer for fee acquisition. Other landowners may be receptive to a conservation easement, or to reserve agricultural rights, timber rights, or other uses of their properties. Project sponsors desire to work with each landowner to determine, by negotiation, what can be done to further project goals on private lands through the use of a variety of options.

On lands in the project boundary now currently in agricultural production, the continued use of these lands in this manner will be encouraged on upland areas because of their values to wildlife. Agricultural use of prime and statewide important soil types that are now in production of food and fiber are important natural and economic resources. Interested farm landowners that are concerned about keeping these lands in production over the long term will be encouraged to consider such possible approaches as negotiating development rights, or reserving life or term use of agricultural rights on these lands. Other approaches can be negotiated as well.

The unique soils included in the project area--the mucks--are of special agricultural significance and also represent sensitive natural and economic resources. The Department and the Service would not seek to purchase these in fee unless they became available on the open market or were offered for sale to the sponsoring agencies. Interested muck farm owners would be encouraged to consider a flowage easement to permit flooding of these lands after the fall harvest until the spring planting season. Such flooding would provide soil erosion protection on these highly erodible soils and extend their useful agricultural life by slowing subsidence and oxidation. It would also serve to provide habitat for migratory waterfowl and shorebirds in the late fall and early spring. The dates for flooding and draining, of course, would be negotiated.

Wetland properties in the project area will be acquired in fee only if the owner desires to sell in fee. Otherwise, protective easements or other options would be used to secure these wetlands to meet project goals. The sponsoring agencies have a special interest in these wetland properties and desire to negotiate with the owners to achieve mutually agreeable methods of providing protection and management of these resources.

The project area under this alternative is defined as the existing and drained wetlands that generally lie below the 390-foot contour interval, with adjoining uplands optimally extending at least 600 lineal feet and at least 5 feet in vertical elevation from the existing or the former wetland boundary. The 390-foot contour level represents the perimeter of the original contiguous Montezuma Marsh Complex. The minimum 600 lineal feet of upland area would provide the best area for waterfowl nesting cover, buffer areas, administrative and recreational access, as well as management flexibility without conflicting with existing or future land uses adjoining the public lands.

In the state area of interest, specific boundary lines will be determined ultimately by negotiation with each landowner, physical features of the land, property lines, and the potential for various management activities. Residences and other structures generally will be excluded from consideration for purchase, but exceptions will be made on a case-by-case basis, depending on landowner desires.

In the federal area of interest, the Service will follow its established acquisition policy by working with willing sellers within the final approved acquisition boundary. The Service will only obtain the minimum interest in the land necessary to satisfy refuge objectives.

The Service and the Department, take a very judicious and conservative attitude toward the use of eminent domain in their land acquisition programs. While this authority must not be precluded, a policy for its use as well as general acquisition policies are located in Appendix B.

Lands purchased by the Service will become part of the Montezuma NWR. Lands purchased by the Department will become part of the state's Wildlife Management Area System.

Acquisition Phase of The Project

Acquisition refers to the process and procedure of purchasing lands in fee, as well as the procurement of less-than-fee interests, such as life or term use reservations, flowage agreements, easements, or other real property rights. A wide variety of options, which are compatible with the project objectives, will be available to the area landowners.

Detailed mapping will be done to permit boundary refinements and identify ownership patterns and land features. Landowner contacts, surveys, appraisals, and negotiations with landowners all need to occur. Title objections must be cleared and payments made. Purchases of lands or interests will be on a negotiated basis for the foreseeable future.

To facilitate the approval phase of the project, the state has assigned a project manager for the state area of interest, and the federal government will handle it through its Regional Realty Office in Newton Corner, Massachusetts.

After the purchase of lands, easements, and cooperative agreements, maintenance and management of these properties will include a variety of public uses and wildlife management techniques.

Management Phase of the Project

On lands where cooperative agreements and easements are acquired, all public use and wildlife management will be subject to the restrictions established in the agreement between the government agency and the private landowner.

On land purchased in fee title by the Department or the Service, public use and wildlife management activities will be subject to the laws and regulations of a State Wildlife Management Area and a National Wildlife Refuge, respectively.

Public use on State Wildlife Management Areas generally includes hunting, fishing, trapping, and boating within a framework of a limited set of restrictions. Public use on National Wildlife Refuges is generally prohibited unless specifically authorized. At Montezuma National Wildlife Refuge, hunting, trapping, environmental education, wildlife observation, and fishing are open to the public in accordance with refuge-specific regulations.

Wildlife management on lands purchased by the Department or Service will include a variety of techniques to assure species and habitat diversity within the project area.

The current and future use of agriculture within the project area will continue. Certain areas adjacent to the wetland will be established as waterfowl nesting areas and subsequently be maintained in dense warm and cool season grasses.

Forested lands will be managed for both production and preservation. Certain areas will be protected and maintained in certain successional stages, while other areas will be managed to produce forest products and diverse successional stages. This will allow for the greatest diversity of wildlife habitats.

Wetland management will focus on enhancement of existing wetlands and the restoration of previously drained wetlands. Various techniques will be applied throughout the project area. These techniques include: the development of green timber and shallow water impoundments; the restoration of freshwater

marshes; the protection of unique and valuable habitat types (inland salt marsh); and the establishment of level ditching, paddy systems, and potholes within the marsh. Artificial wildlife nesting structures will be installed where appropriate.

Certain habitat types will be maintained and enhanced specifically for endangered, threatened, and special concern species of wildlife.

This is a brief overview of the wildlife management possibilities within the project area. Site-specific management plans have not been developed for the lands proposed for acquisition. At the time when the Service or the Department obtains manageable quantities of land, specific management plans will be developed. The Service and the Department will prepare additional NEPA and SEQRA documents and apply for all necessary federal and state permits at that time.

Management Plan

This management plan portrays the overall concepts and techniques that will be utilized to administer regulated public access and habitat management activities. It is not intended to be a detailed specification of when, how, and where specific activities will occur. It is intended to be a framework within which refinements will be made as lands and funds become available for implementation over the next several decades.

Funding sources for doing the work necessary must be found, and staff must be either hired or reassigned to implement this phase of the project. Maintenance and development activities will require a permanent and substantial commitment of staff and funds to this project by all parties involved and will create a need for office and maintenance center staffing and facilities within the project area.

Public Use Management

Recreational and educational use of project lands that is compatible with wildlife uses is one of the project's goals. It is acknowledged that because of the mix of state, federal, and private land that will result in the area, recreational and educational uses will vary by land ownership and the varying potentials that each land ownership inherently possesses. Outstanding opportunities and possibilities exist within the project area for research activities, education and extension efforts, and a vast array of outdoor recreational uses.

Should this alternative be chose, the Department would establish a multi-functional facility in the Savannah area. This would serve as administrative office space to carry out acquisition negotiations and management activities, a maintenance center, and visitor contact station/educational center that would be staffed at least portions of the year, if not full time. There has been considerable interest at the local level in having a Department presence in the Savannah area. Such a presence will be essential to carry out acquisition and management programs and to serve the environmental education/extension needs in the area.

Private Land

Whether owned by individuals or organizations, private lands within the project area will remain under the control of the owner(s). Recreational and educational uses of these lands will be at the discretion of and with the express permission of the landowner(s). Opportunities and resources exist on these private lands for uses that may not be available on public lands and vice versa. Cooperative efforts between the public and private sector to accommodate desirable uses wherever possible will be strongly encouraged, so as to fully realize the project area's tremendous potential for recreational and educational uses.

Public Land

Lands purchased by the Department will be classified as Wildlife Management Areas and will be subject to statewide public use regulations that have been established for this category of land (see Appendix E). Lands purchased by the Service will become a part of the National Wildlife Refuge System, and public recreational and educational uses will be regulated in accordance with regulations established for these lands (see Appendix D). Most recreational uses can be accommodated, with a few exceptions. To facilitate public uses on public sector land, the boundaries of these lands will be identified with appropriate signs, safe parking areas will be constructed in key locations, and informational billboards placed at strategic access sites. Where possible, overlooks, observation sites, and trails could be constructed to facilitate public use if sufficient demand and funding for these facilities exists. During critical times of the year, public use activities on portions of the project lands may be restricted or prohibited in order to provide waterfowl refuges, protect waterfowl and endangered species nesting areas from disturbances, or prevent conflicts with other activities or programs.

Habitat Management

From the wildlife management viewpoint, integrating management on both the wetlands and uplands portions of the project is essential. Upland activities will affect wildlife use of the wetlands, and the reverse is true. A strong interrelationship exists between habitat types, in that most species depend on a variety of different habitats. Many species of waterfowl, for example, are highly dependent on upland areas for nesting, feeding, and loafing. Both habitat types must be provided and managed in close proximity to realize the project objectives.

a. Agricultural Land Management

On public land in the project area, the use of private agriculture is a legitimate land use and can be used effectively as a tool to manage vegetation. Agricultural land that becomes part of the project should continue to be made available through cooperative agreements to interested local farmers for crop production, pursuant to a Conservation Plan prepared with Soil Conservation Service staff that incorporates sound farming practices and includes wildlife benefits (a sample of such agreements is shown as Appendix G). In return for use of public lands, farmers could provide services in lieu of payment to assist in management of these lands. These arrangements have worked exceptionally well on existing federal and state-owned lands. Similar agricultural uses on other lands in the project area will be encouraged. The practice of rotating agricultural uses with wetland restoration measures on drained wetlands in the project area offers an opportunity for research, while potentially providing both agricultural and wildlife resource benefits.

b. Nesting Cover Management

As much as 15% of the lands in the project area adjacent to wetlands will be intensively managed for dense nesting cover (grasses) proven to be beneficial for nesting waterfowl and other wildlife. Both cool and warm season grasses should be established and maintained. These grasses may be harvested as an agricultural (hay) crop. Grasslands can be established or maintained as part of an agricultural agreement on public or private lands. Nesting cover establishment will receive priority on fields immediately adjacent to wetland areas to increase waterfowl production.

c. Forest Land Management

Forested properties in the project area should be managed for the production of forest products and wildlife resources. To accomplish this, a forest inventory and management plan should be prepared with input from professional foresters and implemented through sales of wood products. As with the agricultural lands, a portion of the revenues generated by these sales may be used to offset development and maintenance costs on both private and public lands. The management of certain selected forested wetland tracts as green timber impoundments provides important waterfowl benefits by providing high-protein aquatic invertebrate blooms utilized by waterfowl early in the year prior to nesting. Careful management of these impoundments is required to draw the water down seasonally to maintain forest health and vigor.

d. Wetland Management

Intensive management of existing and drained wetlands within the project area by the private and public sectors will be necessary if the objectives of the project are to be realized. The degree of response obtained from wildlife populations will largely depend on the success of habitat management practices performed on the area specifically for their benefit.

Prior to implementation of any management activity involving wetlands in the project, all permits and approvals from the appropriate regulatory agencies must be obtained. All wetland management projects will be designed to be consistent with the Services' Region 5, Wetland Alteration Policy for Fish and Wildlife Management. Assurances that the practice will not affect the property and/or riparian rights of the landowners must be obtained, unless these rights have been purchased or otherwise legally agreed upon. For the parties involved in this project, this factor must be kept in mind in developing and negotiating final project boundaries and proposed purchases wherever water level manipulations are eventually proposed.

Wetland management techniques that would be employed, as described below, need definition to adequately describe what these techniques involve.

Green Timber Impoundment - Managing water levels in a wooded wetland so as to provide early spring habitat benefits to migratory waterfowl, then draining the area in late spring to ensure forest health and vigor.

Potholes - Small ponds excavated out in dense cattail or other emergent wetlands or wet meadows to provide open water habitat and increased habitat edge to benefit dabbling ducks, muskrats, herons, grebes, black terns, etc.

Level Ditching - Linear channels excavated in dense marsh vegetation in an irregular pattern to provide increased open water for dabbling ducks, furbearers, and shorebirds. These channels have no outlet and do not drain wetlands.

Paddy System - An area typically enclosed by dikes where water is temporarily stored at shallow depths of two feet or less during peak migration times for ducks and shorebirds and completely drained at other times for agricultural uses, etc.

Impoundment - An area typically diked with water controls that is usually flooded to depths of an average of 18" or less on a permanent basis. Periodic drawdown or drainage of these impoundments every few years is done to promote aquatic plant growth and oxidation and decomposition of sediments. These benefit waterfowl, shorebirds, furbearers, and other wildlife.

Wetland Restoration - Recreation and enhancement of wetland conditions and values by using the above-mentioned techniques.

Due to the size, spatial relationship, cover type differences, hydrological influences, and inherent management potentials of the wetland resources in the complex, it makes sense to manage the various wetland units or compartments differently in order to realize their many benefits. The Crusoe Lake wetland unit, for example, is predominantly wooded swamp, and portions of it may lend these areas well to green timber impoundment management practices. The Savannah Evergreen Preserve/ Vanderbilt Hunt Club wetland unit is now predominantly cattail marsh, where level ditching and potholes would provide resting and brood rearing areas for waterfowl and furbearer production sites. The now-drained wetlands of the Savannah muck unit may be suited for a paddy system using a rotation of agricultural use and wetland restoration. The large impoundments on the Montezuma NWR act as major staging areas for waterfowl and hunting/ feeding areas for bald eagles, ospreys, and potential restoration for breeding colonies of black terns. The

concept of emphasizing different management activities for each of the different "compartments" within the overall complex, so as to achieve the project purposes, should be recognized in development of more detailed management plans.

The most desirable cover type for the majority of wildlife species is open emergent marsh having a well-balanced (50:50 ratio) interspersion of wetland plants and open water. Water depths will vary from marsh to marsh. Wetland restoration efforts within the complex should be directed towards management for emergent marsh. The remaining wetland should be managed, within ecological constraints, so as to provide a variety of other wetland types, including wooded swamp, wet meadow, shrub swamp, inland saline marsh, and open water habitats to enhance habitat diversity for both wildlife and human uses. Detailed hydrology and engineering plans and feasibility studies may be necessary prior to any construction activities that will enable management practices to be implemented.

To accomplish the wetland habitats goal, a variety of techniques will be utilized on existing wetland areas. To influence vegetative growth and open water interspersion, the ability to control water levels on most of the area is essential. Diking and ditching with water control structures so as to create impoundments is the time-proven method of gaining water level manipulation ability. A number of relatively small impoundment sites having independent water control ability is more conducive to achieving management objectives than having relatively few large impoundments.

Other techniques that should be utilized, in conjunction with or independent from impoundment development, would be mechanical and/or chemical manipulations to open up dense vegetative stands in existing wetlands. Excavations may be in the form of "potholes", irregularly shaped level ditches, or a combination thereof, distributed throughout the wetland to enhance interspersion of wetland types.

Former wetlands that have been drained and converted to agricultural uses, or partially drained as a result of nearby agricultural drainage activities, may be restored to their original wetland condition either permanently or in a rotational plan incorporating agricultural uses, providing sufficient ownership or property interests are in place.

Techniques available to accomplish restoration would include diking, ditching, and water control structure development (impoundment), or perhaps simply blocking the artificial existing drainage system outlets.

Many of the existing muck farms currently have dikes in place to prevent water intrusion. Use of these dikes for water retention is another possibility.

Planting of wetland vegetation where suitable soils and hydrology exist can expedite the restoration process and/or influence vegetative species composition on restored sites.

e. Habitat Maintenance

Once habitat development occurs, maintenance of these habitats will be necessary to keep them productive. Maintenance of desirable habitat types will require managing water levels, including periodic drawdown to rejuvenate wetland productivity, mowing, prescribed burning, forest product sales, and other techniques.

Pest control will also be necessary in the wetland areas of the project, notably carp and purple loosestrife and phragmites control. Carp control can be accomplished through drawdown, and purple loosestrife can be controlled by vigilant application of integrated management, including mechanical, hydrological, biological, and chemical controls.

f. Archaeological Sites

Numerous sites within or adjacent to the Northern Montezuma Wetland Complex have been identified as being the locations of native American inhabitation. Most of these are found on the periphery of the historic Montezuma Marsh and are a testament to the fact that these marshlands were used extensively by the Indians for hunting and food gathering. Harold Secor's publication, Pre-History of the Savannah, New York Area, 1987, gives substantial information regarding these sites. Management activities that may affect these sites will require a detailed archaeological survey prior to implementation, so as to ensure that the value these sites possess can be protected. Coordination with the State Historical Preservation Office and others is required prior to any construction activities that may alter these sites.

g. Unique/Significant Habitats

Within the Northern Montezuma Wetlands Complex several sites exist that have been identified as presently or historically possessing unique or unusual ecological or biological attributes. These sites include several inland salt wetlands that are rare, natural occurrences of wetland types more typically found on coastal areas and other unusual or rare plant community types, including wetland communities that are classic representations of that type. Also included are colonial bird nesting sites, deer wintering concentration areas, and habitats for special concern, threatened, and endangered wildlife.

Management programs will be tailored to continue protection of these sites at a level consistent with that site's rarity or ecological importance. Consultation with the appropriate experts will be made prior to any construction, impoundment, or other management activity that might adversely affect these sites.

h. Wildlife Nesting Structures

The use of artificial nesting structures has been shown to increase production of a wide variety of wildlife in areas where natural nest sites are limited or where interspecific competition for existing nest sites is high. Nesting structures have been shown to be beneficial for species such as ospreys, eastern bluebirds, mallards, Canada geese, American kestrels, barn owls, bald eagles, prothonotary warblers, wood ducks, grey squirrels, purple martins, chickadees, and several more.

Where and when desirable, such structures may be constructed and located on project area lands to provide nesting sites for species identified as needing them. Construction of these structures is a suitable educational activity and popular with scout groups, sportsmen organizations, schools, birding groups, and individuals who have an interest along these lines.

i. Endangered, Threatened, and Species of Special Concern

A number of wildlife species that are currently listed as endangered, threatened, or of special concern are presently known to be breeding residents within, or in close proximity to, the Northern Montezuma Wetland Complex study area. Additional species of the same status are suspected to be breeding residents or are migrant species that may be found at certain times of the year are listed in Appendix F.

Through the utilization of accepted wildlife management techniques, the potential for enhancement of some of these diminished populations would appear promising.

The protection and management of endangered species is a high-priority goal for New York's Division of Fish and Wildlife. This fact, along with popular supports from the public, justifies enhancement of these species when the opportunity arises.

It must be recognized that some conflicts between endangered or threatened species activities and other programs may occur. In this event, a careful analysis of the situation will take place at both the state and federal levels before any further action is taken. If any possibility for detrimental effects to the endangered or threatened species exists, these species must receive the highest priority.

Since all endangered and threatened species listed federally must also appear on the New York State list with at least the same level of protection, the New York endangered, threatened, and special-concern lists will be used as the standard for individual species status evaluations. Since the state list may include other species not listed federally, but determined to be in jeopardy within state boundaries, its use for such evaluations is justified. Continual monitoring of this list will be necessary in order to react to changes in individual species status.

It is apparent that management to enhance some of the listed species would be neither practical nor financially possible. An initial study to determine which species can and should be aided will be done. Any such investigation will be included in the management of the area.

As has been the case in the past, some management techniques have proven beneficial to non-target species, i.e., grassland establishment for waterfowl nesting habitat, creating nesting areas for northern harriers, and water impoundments also for waterfowl production creating suitable breeding habitat for bald eagles, black terns, and osprey. Any proposed physical alterations in the present habitat quality within the study area will be evaluated to determine the possible benefits or detriments to resident or suspected resident species addressed in this section. If any possibility for adverse effects to the endangered or threatened species exists, these species must receive the highest priority.

The status of species of special concern will present an interesting opportunity in regards to management on the Northern Montezuma area. Although many of these species already receive protection under the law, some do not. Which of these species are resident or migrate through the area must be determined. Until their population status is evaluated, they should receive special consideration before any management action is taken that might affect their continued existence.

Specific management activities that would be of benefit to these species would include, but not be limited to: construction and placement of artificial nesting structures or platforms; reintroduction of indigenous species to restore populations in suitable unoccupied habitats; creating habitat for selected species for breeding, nesting, feeding, and resting; extension and informational programs to promote public understanding, support, and participation; and management (regulation) of public use activities that may otherwise conflict with programs undertaken to benefit these species.

This alternative is the Department's and the Service's proposed action, for it meets the objectives set forth in the Purpose and Need section of this document. This alternative balances the amount of land necessary to achieve conservation and management goals without unnecessarily purchasing vast amount of land. This alternative is confined to the former Montezuma Marsh Complex, as it existed, with a reasonable amount of upland.

C. Alternative 3 - Wetlands Protection with Minimal Management Zone

1. Definition of Action

Under this alternative, the Service and the Department propose to protect and manage approximately 11,200 acres of the most critical wildlife habitat. These lands would be protected through the purchase of real property and/or real property interests (easements, management agreements, life and term use reservations, etc.), as may be negotiated with interested landowners within the area shown in Figure 3. These lands would be included into either the National Wildlife Refuge System or one of New York State's Wildlife Management Areas.

The acquisition boundary includes the remaining wetlands within the former Montezuma Marsh Complex with a 200-foot management zone surrounding them.

This alternative is a much-reduced version of the preferred alternative, providing for protection of only existing wetlands without additional wetland restoration. The upland management zone provides very limited wildlife management options and is established primarily to reduce the impacts of human disturbance to the wetland habitat. Development and implementation of a management plan for alternative 3 will reflect the same objectives, methods, and responsibilities outlined for the proposed alternative, but to a much lesser degree.

Due to the reduced upland acreage and no wetland restoration efforts, wildlife management opportunities, as well as public use, will be limited. This alternative is primarily a habitat protection effort to prevent further degradation and destruction of the remaining wetland.

As in alternative 2, this alternative will continue to provide protection for the diversity of migratory birds, including waterfowl, raptors, songbirds, shorebirds, and other waterbirds which now inhabit this area.

D. Alternative 4 - Maximum Wetlands Protection and Management Zone

1. Definition of Action

This alternative involves the purchase of real property and real property interests (easements, management agreements, life and term use reservations, etc.) as may be negotiated with interested landowners within the area shown in Figure 4. This area is defined as the existing wetlands and currently drained wetlands (mucklands) that generally lie below the 400-foot contour interval, with an approximate 600-foot management zone of adjoining upland areas adjacent to, connecting, and lying between the wetlands. The area includes 50,979 acres.

This alternative varies from alternative 2 in that, here, by extending the project boundary to the 400-foot contour interval, it includes virtually all wetlands (up to the head of a drainage system) in this complex, rather than stopping acquisition and management at the 390-foot contour interval.

Residences and other structures will generally be excluded from purchase, as will be most of the major upland areas (drumlins).

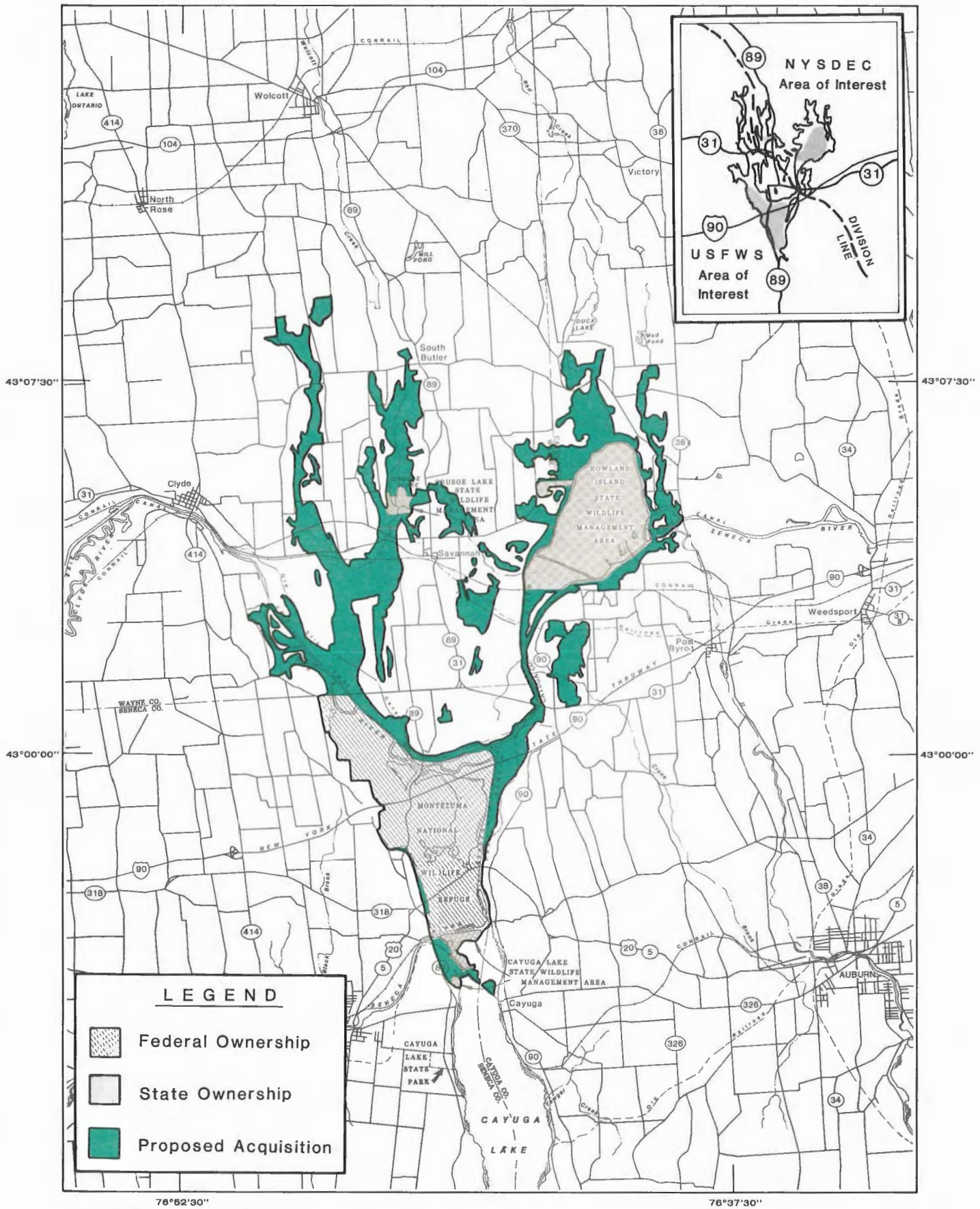
Specific boundary lines will be determined by negotiation with each landowner, but will generally follow road systems. (This is applicable for New York State area of interest. In the federal area of interest, acquisition will be within the proposed boundary).

NORTHERN MONTEZUMA WETLANDS PROJECT

UNITED STATES
DEPARTMENT OF THE INTERIOR

SENECA, WAYNE and CAYUGA COUNTIES
NEW YORK

UNITED STATES
FISH AND WILDLIFE SERVICE



COMPILED IN THE DIVISION OF REALTY
FROM SURVEYS BY U.S.G.S. AND U.S.F.&W.S.

0 8000 16000 24000 32000 FEET

0 2 4 6 8 KILOMETERS

NEWTON CORNER, MASSACHUSETTS
FEBRUARY 1989

FIGURE 3

ALTERNATIVE 3

Lands purchased will be managed to further the objectives of the project. Lands where less-than-fee interests are negotiated will be managed to the extent the negotiated interest allows.

Management of these lands is outlined in the management plan for the proposed action, but over a larger area. This alternative represents the establishment of the most complete wetland ecological unit of any of the alternatives. It accomplishes this by including essentially all current and former wetlands to the head of minor drainages with contiguous wetlands or to major political, navigational, or transportation barriers or boundaries--with a minimum 600-foot management zone surrounding these wetlands.

This concept of ecological completeness is in itself an important consequence of this action. The potential significance of this alternative over other proposed actions goes beyond the fact that it encompasses a physically larger area. It ensures the greatest degree of protection to the resource, maximum public recreation opportunity, and maximum cooperation in developing and achieving land management objectives.

E. Alternative 5 - Acquisition/Protection/Management by Non-governmental Agencies

Non-governmental management of this project would involve the active participation of non-profit natural resource groups dedicated to the preservation of fish, wildlife, and unusual biological community habitats.

Groups that have been active in the northeast in recent years and that would possibly participate in the Northern Montezuma Project include: The Nature Conservancy, Ducks Unlimited, National Trust for Historic Preservation, and the National Audubon Society, to name a few.

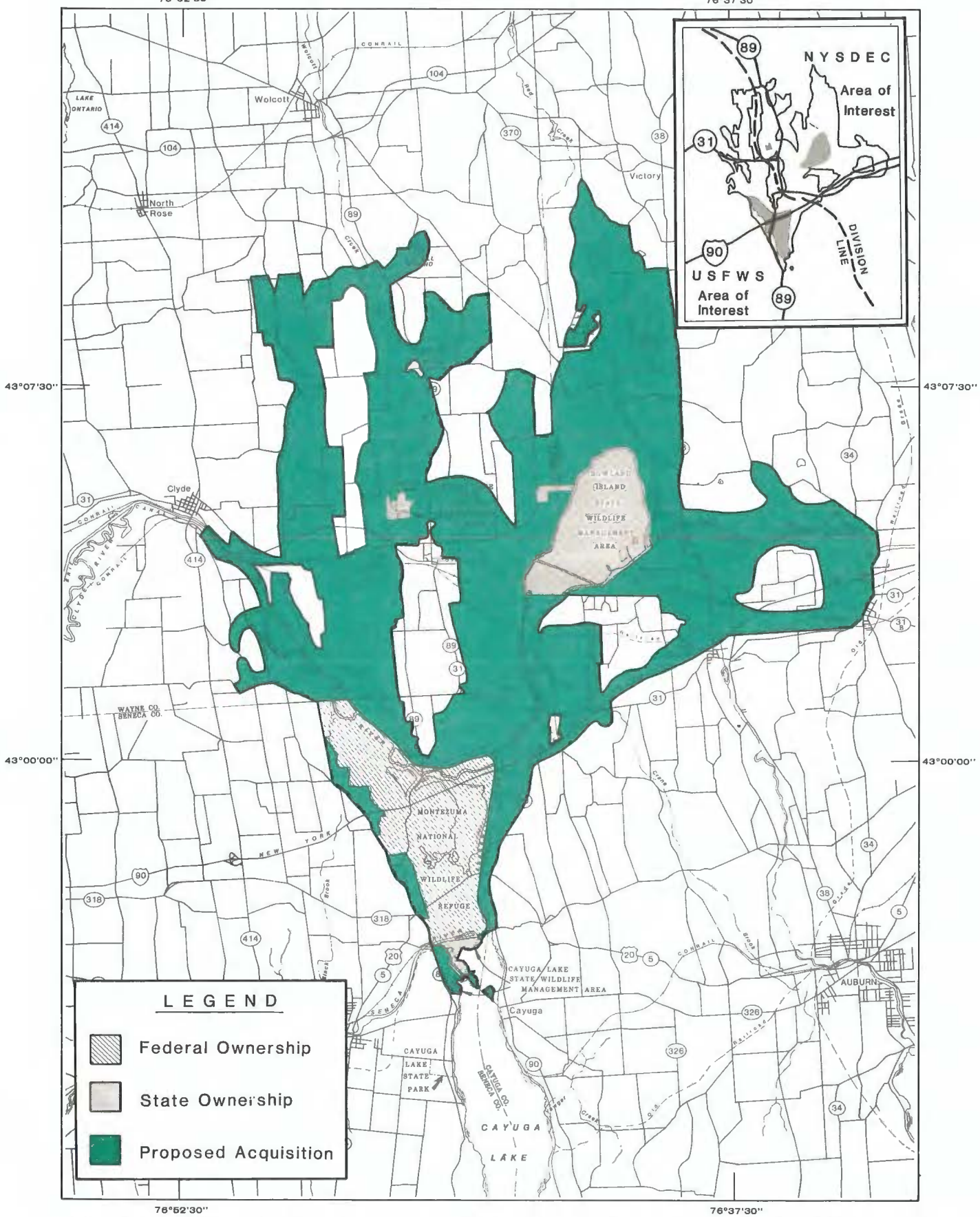
Non-governmental management, then, would include fee purchase by the private organizations of key parcels, as well as lease agreements or easements which would accomplish habitat protection. In a practical sense, the impact and, thus, attainment of project goals would be implemented to a far less degree than that which state and federal action could accomplish. Limitation of funds (normally from private donations) and other nationwide acquisition priorities would also reduce the scope of private organization involvement.

NORTHERN MONTEZUMA WETLANDS PROJECT

UNITED STATES
DEPARTMENT OF THE INTERIOR

SENECA, WAYNE and CAYUGA COUNTIES
NEW YORK

UNITED STATES
FISH AND WILDLIFE SERVICE



COMPILED IN THE DIVISION OF REALTY
FROM SURVEYS BY U.S.G.S. AND U.S.F.&W.S.

0 8000 16000 24000 32000 FEET

0 2 4 6 8 KILOMETERS

NEWTON CORNER, MASSACHUSETTS
FEBRUARY 1989

FIGURE 4

ALTERNATIVE 4

The key element in a non-governmental alternative would be an information and education program highlighting the vital role that wetlands play in the environmental health of North America. The commonly listed wetland benefits which would be explained include flood and storm water control, wildlife habitat, water supply, water quality, fisheries, food chains, recreation, open space and aesthetic appreciation, and education and scientific research.

F. Dismissed Alternatives

Several alternatives were initially discussed but eventually dismissed as not suitable for further consideration in the development of this project.

One dismissed alternative was the acquisition of all lands within the project boundaries--a so-called perimeter acquisition. This alternative would have precluded all private land ownership within the project boundary, other than buildings and lots immediately within a village or individual residences with a minimal piece of land associated with each residence. Such an approach would certainly maximize governmental control of all activities in the project area but virtually exclude all private participation. It would minimize negative environmental impacts that can result from private ownership, but it would also preclude the positive advantages, incentives, and opportunities arising from private ownership-based enterprises. Since many landowners within the project boundary would object to fee conveyance willingly, condemnation would be inevitable. Perimeter acquisition by eminent domain is often more costly to the acquirer but often provides benefits (e.g., moving expenses, relocation of buildings, facilities, or machinery) to the seller, not usually associated with negotiated boundary willing seller-based projects. Such an approach may be seen by the public at large as a "hostile takeover". Eminent domain acquisition can provide an effective screen for landowners who do not wish to be perceived as "selling out" to the government and, therefore, can actually encourage landowners otherwise hesitant to sell. However, the policies of the Department and the Service are to use condemnation under very limited and infrequent situations (see Appendix B). This approach was deemed unnecessary. To accomplish the objectives of this project, it is unnecessary to evaluate it as a full alternative.

The second alternative considered unlikely was one in which private sector cooperation within the project boundaries would be excluded. Too many opportunities would be lost under this approach, as well as setting a stage for hostile relationships between private landowners remaining within the project boundary and the governmental agencies managing the public lands of the project. Therefore, this alternative was dismissed as undesirable or infeasible.

The third alternative dismissed from further consideration was acquisition of lands within the project boundary for protection purposes only, with no active management of those lands. This would have precluded all benefits and opportunities provided by active land management, facilities construction, or capital improvements and simply have held the land in perpetuity as a public land trust, allowing nature to take its course. Such an approach was deemed irresponsible and failing to utilize the great productive potential of these lands for food, fiber, or recreation, as well as to provide for the welfare and safety of the public; hence, it was dismissed as an alternative.

III. Summary and Comparison

A. Summary and Comparison of Alternatives

Introduction

There are major differences between the four action alternatives and one no action alternative proposed in this document. These action alternatives were developed to accomplish the objectives of the Department and Service described in detail in the Purpose and Need section of this document. In summary, they were to: provide increased protection and enhancement of wetland habitat; provide increased protection for habitats required by endangered, threatened, and special concern species of wildlife; restore drained wetland; improve public accessibility for compatible recreation, education, and research; maximize production of waterfowl and other wetland wildlife species; protect rare biotic communities; and foster the continued private involvement in the protection, management, and enhancement of the area's wildlife resources. The alternatives will accomplish these objectives to varying degrees. This section will compare and contrast the impacts of each alternative.

Alternatives

Alternative 1 (no action) involves only the application of existing land use regulations to wetlands in the project area and the continued management of existing public land. No federal or state land acquisition would be undertaken and there would be no impacts on farmland, tax structures, wildlife, or recreation, other than those which will naturally occur.

Alternatives 3 (state and federal acquisition of wetlands only) and 5 (non-governmental acquisition) involve only the minimal purchase of property, property rights, and/or the acquisition of management interests on approximately 11,200 acres, exclusive of existing state and federal lands. Only current wetlands and a minimal management zone are included in these two alternatives. Impacts on farmland and the area tax structure would be minimal. Management activities will have a modest beneficial effect on wildlife, habitat protection efforts, and recreational opportunities.

Alternative 2 (the proposed action) includes the purchase of property, property rights, and/or signing of management agreements on some 36,050 acres of land, exclusive of existing state and federal holdings. Wetlands, potential wetlands, and a more extensive upland management zone are included. Impacts on farmland and tax structure are more substantial, since some farmland will be taken from production and tax revenues reduced. Benefits to wildlife, habitat protection efforts, and recreational opportunities would be considerably greater.

Alternative 4 (maximum wetlands protection) involves the purchase of property, property rights, and/or the signing of management agreements on 50,979 acres of land, exclusive of existing state and federal holdings. Wetlands, potential wetlands, and a more substantial upland management zone are included. This alternative has the greatest impacts on farmland and the area tax structure. It also provides the maximum benefits for wildlife, habitat protection, and recreational opportunities.

A comparison of the specific effects of these alternatives is provided below.

B. Summary and Comparison of Environmental Consequences

Introduction

Among the five alternatives, there are significant differences in their probable effects upon the environment. The environmental consequences of the alternatives are compared below. Section IV, "Environmental Consequences", presents detailed information on how the various alternatives would affect the environment. That information is summarized here, at the conclusion of the description of the alternatives, for the convenience of the readers.

Hydrology

If the no action alternative were selected, a slow, continuing decline in water quality could be expected to continue within the project area. Housing development, commercial activity, and run-off from agricultural lands would all contribute to the degradation of water quality. Alternatives 2, 3, and 4 would serve to improve water quality, natural flood storage, and ground water quantity and quality by varying degrees, based on the amount of wetland preserved or restored. The non-governmental alternative would have a small, positive impact on the hydrology of the project area.

Differences in Land Use/Cover Type

The various alternatives present significantly different approaches in land management within the project area. These approaches would have markedly different effects upon the cover which would eventually be found in the project area.

All of these alternatives, except the no action alternative, would involve active management of the habitats within each proposal. The non-governmental alternative would involve the management of an area (similar to alternative three) by non-governmental agencies. The remaining three alternatives would involve active management by the Service and the Department to varying degrees. These three alternatives would involve the development of impoundments, potholes,

ponds, level ditching, and access points. The proposed alternative

and maximum wetland protection involve the restoration of former wetland.

Table 1 contains a summary of land use acreages of the major project alternatives. Both present and project completion (acquisition and management) figures are given to provide an approximation of the land use changes that are possible. These are estimates based on future sales from willing sellers across all land use types. Since actual sales might be concentrated more in one type than another, the actual breakdown in the future could be somewhat different.

Table 1

Comparison of Acreages of Major Alternatives by Cover Type

	Alternative 2 Proposed Action		Alternatives 3 & 5 Wetlands Only		Alternative 4 Maximum Wetlands	
	Present	Completion	Present	Completion	Present	Completion
Agricultural	22,460	17,410	3,500	1,760	32,700	24,500
Wetland						
Forested	9,240	9,440	7,910	8,000	10,760	11,160
Non-forested	4,500	8,330	4,190	5,840	4,710	10,590
Upland Forests						
Deciduous	350	350	90	90	720	720
Evergreen	270	270	-	-	410	410
Mixed	9,660	10,220	5,900	5,900	12,630	13,580
Open Water	2,540	2,990	2,290	2,290	2,560	3,530
Urban/Built-Up	130	130	20	20	250	250
Total	49,150	49,150	23,900	23,900	64,740	64,740

Biological and Management Considerations

Protection and management of wetland habitats by the Service and the Department would occur in alternatives 2, 3, and 4. Alternative 3 would provide a minimal amount of protection and management, alternative 2 (the proposed action) would provide a high level of protection and management, and alternative 4 would provide the highest level of protection and management to the area's resources. Alternative 1 would provide no additional protection or management of these resources. Alternative 5 could provide some level of protection, but likely not as great as alternative 3. In regard to meeting the project objective of providing additional protection and enhancement through management of wetland habitats, the alternatives would be ranked, from the lowest level of protection to the highest, as 1, 5, 3, 2, 4.

Upland areas adjacent to wetlands are of critical importance to the

production of wildlife and to buffer wetlands from adjacent land uses. Alternatives 3, 2, and 4 would provide for protection and management of both the wetland and upland areas. Alternative 4 would provide the highest level of protection and management, followed by alternative 2 and then alternative 3. Alternatives 1 and 5 would not address this resource need.

Significant wildlife habitats, including areas identified in the Natural Heritage Inventory, are areas identified by the state as having high natural resource protection concern due to the rarity of these sites globally or statewide. Alternatives 5, 3, 2, and 4 would address the need to provide additional protection to these sites, in the order given. Alternative 5 would provide some protection, and alternative 4 the best protection.

Certain endangered, threatened, and special concern species of wildlife depend on the project area for feeding, breeding, and migration habitat. Alternatives 5, 3, 2, and 4 would provide opportunity to protect and enhance habitats and populations of these species; the degree of protection and enhancement opportunity that each of these alternatives would provide is ranked in the order given above, from lowest to highest. Alternative 1 would provide no additional protection to these resources.

Restoration of drained wetlands back to their former wetland state, with the improvement in wildlife habitat, would occur in alternatives 2 and 4 but not with alternatives 1, 3, or 5.

Management of lands is an integral and important part of this project in order to realize the objectives set forth for the project and to obtain the benefits that effective management can have for wildlife and people. This management includes public use and habitat management utilizing techniques described in the description of the proposed action. The Department and the Service would implement management plans and techniques on lands in the project area under alternatives 3, 2, and 4. The level of management and the level of effectiveness of management would be ranked in the order given above, with alternative 3 being the lowest level, and alternative 4 the highest level of management. No management would be undertaken by the Service and Department under alternatives 1 or 5.

In summary, alternative 4 would best meet the objectives set out for this project, but would have the highest impact on the social and economic environment. Alternative 2 would meet the objectives and has been chosen as the proposed action in balancing all environmental and social consequences. Alternative 3 would fall short of meeting all the project objectives but would address some of them. Alternative 5 also falls short of meeting all the objectives and can reasonably be expected to only partially accomplish one or two of the goals. Alternative 1 (no action) would, of course, not meet any of the objectives.

Table 2

Comparison of Biological and Management Considerations

Biological and Management Considerations	Alternative I	II	III	IV	V
Protection and management of freshwater wetlands	No	Yes	Yes	Yes	Yes
Management of upland areas	No	Yes	Yes	Yes	No
Protection to significant habitats	No	Yes	Yes	Yes	Yes
Protection and enhancement of endangered species	No	Yes	Yes	Yes	Yes
Management of public use	No	Yes	Yes	Yes	No
Restoration of drained wetlands	No	Yes	No	Yes	No

Changes in Tax Bases and Revenues

All alternatives discussed in this statement will have some effect on the tax bases of the towns, counties, and school districts in the project area. The no action alternative would have an indirect impact on the local tax bases through the eventual residential development of the area, resulting in an expanded tax base. Alternatives 2, 3, and 4 will impact tax bases by removing property and/or property rights from the tax base and putting them into government ownership. Alternative 5 may affect the tax base if non-profit organizations, which are tax exempt, purchase property and/or property rights in the area.

Tax revenues and expenditures will also be changed under all these alternatives. Tax revenues can be anticipated to increase under the no action alternative, although tax expenditures will correspondingly increase due to increased demand for public services and schools, resulting in an increase in tax rates to finance these services. Alternatives 2, 3, 4, and 5 will decrease tax revenues in varying degrees. Alternative 3 and 5 will probably decrease the revenues equally, but to a lesser extent than alternatives 2 and 4. Alternative 2 will decrease revenues further, while alternative 4 would decrease revenues the greatest. These four alternatives would not increase tax expenditures and would eventually reduce tax expenditures because of the lesser demands on municipal budgets for schools, garbage, fire, etc., compared to the anticipated effects of the no action alternative. Table 3 compares the actual tax losses, while Table 4 compares the percentage impacts to the tax revenues received for the various alternatives in 1989 figures.

On properties purchased in fee title by the Service, Refuge Revenue Sharing payments will be paid to the local towns to mitigate these tax losses. Table 5 shows anticipated payments by town.

Table 3

Potential Loss of Tax Revenues (dollars/year)
If All Properties in Each Alternative were Purchased in Fee

	Alternative 2		Alternative 3		Alternative 4	
Reduction In	Federal Areas of Interest	State Areas of Interest	Federal Areas of Interest	State Areas of Interest	Federal Areas of Interest	State Areas of Interest
Town Taxes						
Aurelius	-	-	-	-	-	583
Brutus	-	-	-	-	-	3,731
Butler	1,220	308	527	83	2,078	4,979
Cato	-	-	-	-	-	1,845
Conquest	-	16,092	-	2,156	-	16,576
Galen	8,267	714	4,754	-	17,208	717
Mentz	-	2,832	-	395	-	5,618
Montezuma	391	1,614	184	486	624	2,028
Rose	1,031	334	576	-	1,064	334
Savannah	9,798	29,888	5,866	8,365	9,965	35,408
Seneca Falls	16	73	-	-	16	73
Tyre	9,520	1,218	1,085	-	9,928	1,218
Victory	-	-	-	-	-	1,003
County Taxes						
Cayuga	906	24,358	425	3,581	1,443	49,127
Seneca	9,786	1,429	1,110	-	10,204	1,429
Wayne	25,516	37,882	14,662	10,246	38,882	50,770
School District Taxes						
Cato-Meridian	-	13,064	-	180	-	26,819
Clyde-Savannah	75,270	65,206	29,589	15,127	99,433	70,229
North Rose-Wolcott	3,462	9,146	1,751	3,988	5,497	28,594
Port Byron	2,046	54,281	960	10,060	3,258	94,018
Red Creek	-	-	-	-	-	3,887
Seneca Falls	3,794	1,023	70	-	7,279	1,023
Union Springs	-	-	-	-	-	22,525
Weedsport	-	329	-	-	-	20,191

Table 4

Percentage Negative Impact of Each Alternative on Total Tax Receipts
If All Properties in Each Alternative were Purchased in Fee

Towns	Alternative 2	Alternative 3	Alternative 4
Aurelius			0.8%
Brutus			1.5%
Butler	1.0%	0.4%	4.0%
Cato	-	-	1.0%
Conquest	9.4%	1.0%	9.5%
Galen	1.5%	0.8%	3.0%
Mentz	2.0%	0.3%	4.0%
Montezuma	2.5%	0.8%	3.0%
Rose	0.4%	0.2%	0.5%
Savannah	15.0%	6.0%	18.0%
Seneca Falls	0.02%	-	0.02%
Tyre	8.0%	0.8%	8.0%
Victory	-	-	1.0%
Counties			
Cayuga	0.2%	0.03%	0.4%
Seneca	0.3%	0.03%	0.3%
Wayne	0.4%	0.2%	0.5%
School Districts			
Cato Meridian	1.0%	0.02%	2.0%
Clyde Savannah	8.0%	3.0%	10.0%
North Rose-Wolcott	0.4%	0.2%	1.0%
Port Byron	3.0%	0.6%	5.0%
Red Creek	-	-	0.5%
Seneca Falls	0.1%	0.002%	0.2%
Union Springs	-	-	0.7%
Weedsport	0.02%	-	0.9%

Table 5

Comparison of Refuge Revenue Sharing Payments (dollars/year)
If All Properties in Each Alternative were Purchased in Fee

Estimated Revenue Sharing By Town	Alternative 2	Alternative 3	Alternative 4
Butler	3,188.00	1,680.00	4,637.00
Galen	15,000.00	7,448.00	24,998.00
Montezuma	2,768.00	1,704.00	2,765.00
Rose	1,072.00	345.00	2,358.00
Savannah	11,392.00	4,136.00	11,393.00
Seneca Falls	90.00	90.00	90.00
Tyre	23,250.00	11,640.00	23,808.00

Agricultural Changes

An important consideration in this Final Environmental Impact Statement was the amount of farmland which would be removed from production. For two of the alternatives, no farmland would be removed from production--these are the no action alternative and alternative 5. However, it is anticipated that some farmland will be removed from production over time, regardless of this project. Each of the other alternatives would result in some farmland being removed from agricultural use.

Table 6 contains a summary of estimated farmland impacts across the major project alternatives. These are based on our best estimates, given average land sales across all land use categories. Especially active sales in one category could alter the "potential acreage of farmland converted" line considerably. Full discussions are presented in "Environmental Consequences" for each specific alternative.

Table 6

Comparison of Estimated Farmland Impacts

	Alternative 2 Proposed Action	Alternatives 3 & 5 Wetlands Only	Alternative 4 Maximum Wetlands
Total Acreage of Alternative	49,150	23,900	64,740
Farmland Acreage Involved	22,460	3,500	32,700
Potential Acreage of Farmland Converted	5,050	1,740	8,200

Recreation

If the "no action" alternative was chosen, there would continue to be a steady decline in public recreational opportunity within the project area. Alternatives 2, 3, and 4 would all mean additional recreational opportunities from existing levels; again, contingent upon the possible scope of this project. The non-governmental alternative would probably mean no change from current opportunities or a slight improvement.

Table 7 Comparison of Recreational Opportunities

Recreational Opportunities	Alternative 1	Alternative 2	Alternative 3	Alternative 4	Alternative 5
Hunting	Decline	Increase	Decline	Increase	Decline
Fishing	Current Levels	Increase	Current Levels	Increase	Current Levels
Trapping	Current Levels	Increase	Decline	Increase	Decline
Hiking	Current Levels	Increase	Current Levels	Increase	Decline
Boating	Current Levels	Increase	Current Levels	Increase	Current Levels
Camping	Decline	Increase	Current Levels	Increase	Decline
Nature Study	Current Levels	Increase	Current Levels	Increase	Current Levels
Canoeing	Current Levels	Increase	Current Levels	Increase	Current Levels

IV. Description of the Affected Environment

A. Physical Resources

1. Location

The project area is located in Wayne, Cayuga, and Seneca Counties in central New York State's Finger Lakes region, midway between the cities of Rochester and Syracuse. The project area includes wetlands, former wetlands, and adjacent upland areas north of Cayuga Lake, extending up the Black Creek, Crusoe Creek, Butler Creek, and Seneca River drainages (see Figure 5). Within the project area are located the Montezuma NWR and the Cayuga Lake, Crusoe Lake, and Howland Island WMA's.

The area lies within the drumlin sub-zone of the Great Lake Plain physiographic zone of New York State.

2. Climate

The project area is generally cold and snowy in winter and warm in summer. Precipitation is well distributed during the year. From late fall through winter, snow squalls are frequent and total snowfall is normally heavy. In some years, a single prolonged storm can produce more than two feet of snow on the ground, and strong winds create deep drifts.

Table 8 gives data on temperature and precipitation as recorded at Sodus Center for the period 1951 to 1974. Table 9 shows probable dates of the first freeze in fall and the last freeze in spring. Table 10 provides data on length of the growing season.

In winter the average temperature is 27 degrees F, and the average daily minimum temperature is 19 degrees F. The lowest temperature on record, -27 degrees F, occurred at Sodus Center on January 28, 1963. In summer the average temperature is 67 degrees F, and the average daily maximum is 80 degrees F. The highest temperature, 101 degrees F, was recorded on August 27, 1953.

Growing degree days, shown in Table 8, are equivalent to "heat units". During the month, growing degree days accumulate by the amount that the average temperature each day exceeds a base temperature (40 degrees F). The normal monthly accumulation is used to schedule single or successive plantings of a crop between the last freeze in spring and the first freeze in fall.

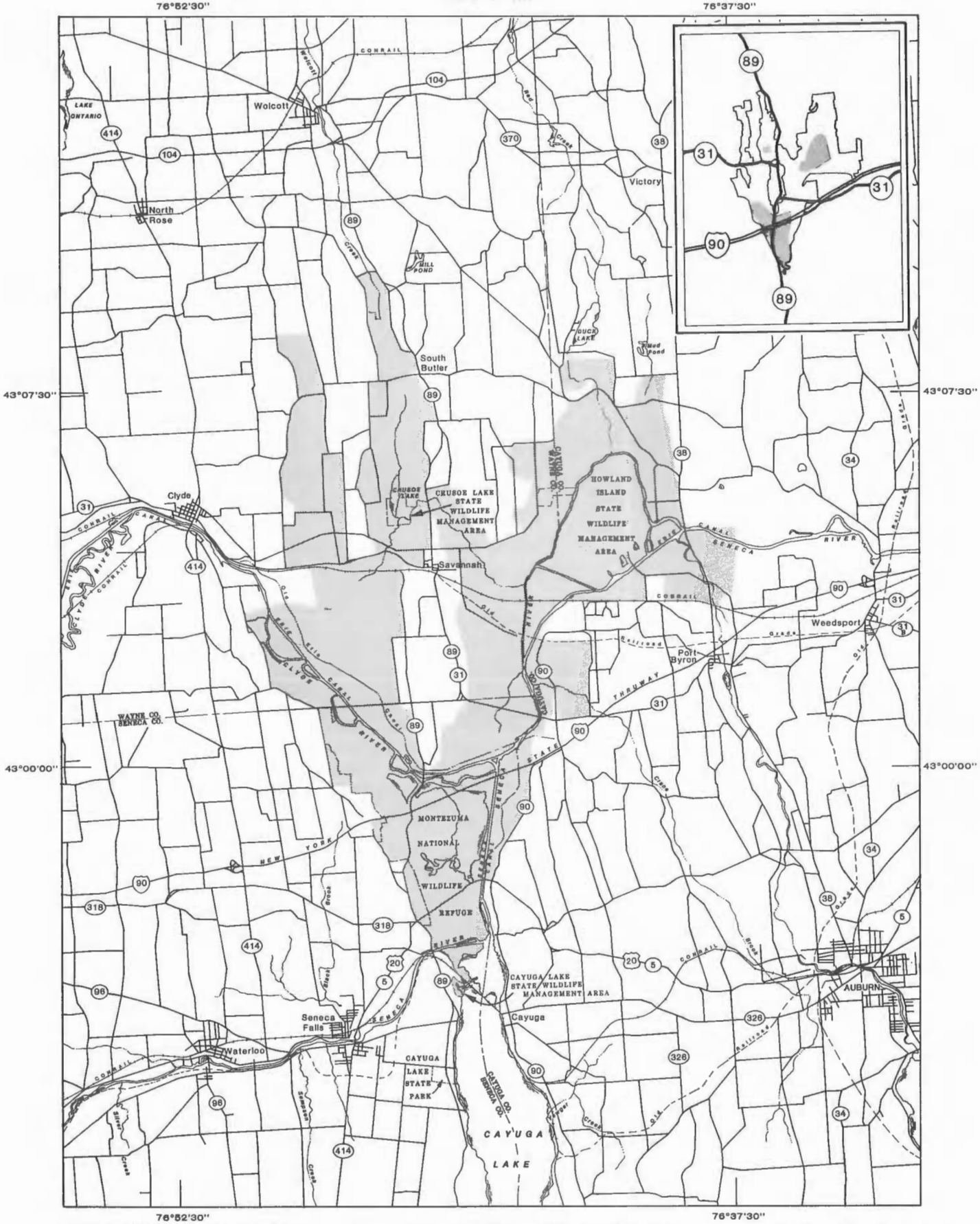
Of the total average annual precipitation, 18 inches, or 50 percent, usually falls in April through September, which includes the growing season for most crops. In two years out of ten, the April-September rainfall is less than 16 inches.

NORTHERN MONTEZUMA WETLANDS PROJECT

UNITED STATES
DEPARTMENT OF THE INTERIOR

SENECA, WAYNE and CAYUGA COUNTIES
NEW YORK

UNITED STATES
FISH AND WILDLIFE SERVICE



COMPILED IN THE DIVISION OF REALTY
FROM SURVEYS BY U.S.G.S. AND U.S.F.&W.S.

0 8000 16000 24000 32000 FEET

0 2 4 6 8 KILOMETERS

NEWTON CORNER, MASSACHUSETTS
FEBRUARY 1989

FIGURE 5

PROJECT AREA LOCATION MAP

WAYNE COUNTY SOIL SURVEY

TEMPERATURE AND PRECIPITATION DATA

nth	Temperature[1]						Precipitation[1]				
	Average daily maximum	Average daily minimum	Average	2 years in 10 will have-- Maximum temperature higher than--	2 years in 10 will have-- Minimum temperature lower than--	Average number of growing degree days[2]	Average	2 years in 10 will have-- Less than--	2 years in 10 will have-- More than--	Average number of days with 0.10 inch or more	Avera snowf
	F	F	F	F	F	Units	In	In	In		In
ry	32.2	16.8	24.6	56	-12	10	2.53	1.72	3.26	8	25
ary	33.9	17.1	25.5	55	-10	7	2.61	1.35	3.63	6	21
	41.5	25.3	33.4	70	2	44	2.35	1.41	3.19	7	15
	56.1	36.3	46.2	83	20	212	3.00	1.95	3.93	7	1
	67.1	45.1	56.1	89	28	499	3.20	2.09	4.21	8	
	77.8	54.7	63.4	94	36	856	3.10	1.47	4.41	6	
	81.8	59.5	70.7	95	45	952	2.79	1.61	3.74	6	
t	80.0	58.0	66.2	93	42	962	3.36	2.15	4.46	7	
mber	73.2	51.8	59.8	93	30	762	3.04	1.84	4.10	7	
er	62.6	42.5	52.6	84	24	391	3.66	1.61	5.31	7	
ber	48.4	33.4	40.9	71	12	97	3.95	2.50	5.26	9	5
ber	36.0	22.6	29.3	62	- 4	21	2.82	1.75	3.78	8	1
ar	57.6	38.6	47.4	95	-15	4,813	36.41	31.83	40.80	86	8

ded in the period 1951-74 at Sodus Center, N.Y.

wing degree day is a unit of heat available for plant growth. It can be calculated by adding the maxi
nimum daily temperatures, dividing the sum by 2, and subtracting the temperature below which growth i
l for the principal crops in the area (40 F).

TABLE 9. FREEZE DATES IN SPRING AND FALL

Probability	Temperature[1]		
	24 F or lower	28 F or lower	32 F or lower
Last freezing temperature in spring:			
1 year in 10 later than---	April 20	May 18	May 26
2 years in 10 later than--	April 15	May 10	May 19
5 years in 10 later than--	April 5	April 24	May 5
First freezing temperature in fall:			
1 year in 10 later than---	October 23	October 6	September 22
2 years in 10 later than--	October 29	October 12	September 28
5 years in 10 later than--	November 10	October 25	October 10

[1]Recorded in the period 1951-74 at Sodus Center, N.Y.

TABLE 10. GROWING SEASON LENGTH

Probability	Daily minimum temperature during growing season[1]		
	Higher than 24 F	Higher than 28 F	Higher than 32 F
	Days	Days	Days
9 years in 10	193	149	131
8 years in 10	202	160	139
5 years in 10	218	183	156
2 years in 10	235	205	173
1 year in 10	243	217	182

[1] Recorded in the period 1951-74 at Sodus Center, N.Y.

The heaviest one-day rainfall during the period of record was 3.3 inches at Sodus Center on October 19, 1967. Thunderstorms number about 29 each year, 17 of which occur in summer. Average seasonal snowfall is 88 inches. The greatest snow depth at any one time during the period of record was 51 inches. On the average, 40 days have at least one inch of snow on the ground.

The average relative humidity in mid-afternoon is about 60 percent. Humidity is highest at night, and the average at dawn is about 80 percent. The percentage of possible sunshine is 65 percent in summer and 34 percent in winter. The prevailing direction of the wind is from the west-southwest. Average wind speed is highest, 12 miles per hour, in January.

3. Topography

The project area is characterized by broad, flat basins with classic drumlin formations interspersed throughout the area. These drumlins are egg-shaped to cigar-shaped hills resulting from glacial deposits. Heights of these drumlins, above the base, range from 60-150 feet high. The flat basin below the 390-foot contour interval is the location of the existing and historically present Montezuma Marsh.

In the south central portion of the project area lies Crusoe Island, an area of high ground up to 500 feet in elevation, that is two miles wide and five miles long. The village of Savannah lies at the north end of this island. Seasonally, Crusoe Island was entirely surrounded by water and the Montezuma Marsh.

4. Soils/Geology/Minerals

The project area is generally underlain by a combination of limestone and limestone/shale bedrock. These calcareous rocks, which underlie much of the Lake Plains, have given rise to the highly productive glacial till found throughout the project area. The Montezuma Marshes (and their underlying muck) are the remains of a glacial lake which included Cayuga Lake. Drumlin formations, commonly seen in and around the project area, are also the result of the last glaciation.

Three major soil groups are found within the project boundaries. The single largest group is comprised of various types of muck (lake bottom and marsh organic materials) occurring at or below the 380-foot contour level. The remaining area is characterized by the Ontario soil association in the drumlin zones and the Odessa-Schoharie Fulton-Lucas association found in the southwestern corner of the project. All three of these have good potential for agriculture and wildlife.

Mucklands within the project range from deep mucks with long-term agricultural potential to the relatively shallow Martisco mucks having relatively low potential. Those mucks occurring between the Thruway and the Conrail tracks are generally of high quality, while those north of the tracks are much more variable. Developed mucks are classified as agricultural lands, while undeveloped mucks are classified as wetlands in the land use analyses discussed.

Mucks are valuable agricultural resources, but the cost of clearing, draining (or pumping), and management can be quite high. Agricultural mucks are rarely permanent due to problems with soil blowing, oxidation, and subsidence. Improper management can appreciably hasten these processes and shorten the commercial life of the muck. Ultimately, mucks become unprofitable to farm and are abandoned to revert to cattail marshes and other forms of wetland vegetation. Due to their unstable structure and propensity for flooding, mucks are unsuitable for development and construction. There are currently 4,435 acres of actively farmed muck soils within the project area.

The remaining two soil associations, Ontario and Odessa-Schoharie/ Fulton-Lucas, are generally found above 380 feet in the higher, better drained uplands. These soil associations would represent farmlands and upland forests. Since these soils are also structurally much more sound than the mucks, virtually all building and development has occurred here. These soil associations are considered to be good to excellent farmlands where topography (steepness of slope) is not a problem. On steeper slopes, especially along drumlin sides, erosion control is required if cultivated. Most of these slopes have been left wooded and represent much of the upland forest cover type occurring on the project. Occasional lenses of sand and gravel deposits within these soil associations also permit localized mining activities.

In addition to associations, soils have also been categorized by the Soil Conservation Service as being Prime, Unique, or of Statewide Importance.

Prime Farmland is land best suited for producing food, feed, forage, fiber, and oilseed crops, and also available for these uses (the land could be presently crop land, pasture land, forest land, or other land, but not urban land or water). It has the soil quality, growing season, and moisture supply needed to produce sustained high yields of crops economically when treated and managed, including water management, according to modern farming methods. Prime Farmland is one of the most important resources of the nation. In the Northern Montezuma Project Area, 32% of the total soil mapping units in the area have been designated as Prime Farmland.

Unique Farmland is land other than Prime Farmland that is used for the production of specific high-value food crops. It has the special combination of soil quality, location, growing season, and moisture supply needed to produce sustained high quality and/or high yields of a specific crop when treated and managed according to modern farming methods. Examples of such crops are grapes, fruits, and vegetables. In the Northern Montezuma Wetlands Project Area, 9% of the total soil mapping units in the area have been designated as Unique Farmland. Nearly all the former wetland acreage that have been drained and are in muck farming are considered Unique Farmland.

Additional Land of Statewide Importance is land in addition to Prime and Unique Farmland that is of statewide importance for the production of crops. It is important to agriculture in New York, yet exhibits some soil properties that do not meet Prime Farmland criteria. These soils can be farmed satisfactorily with drainage improvements, erosion control practices, or flood protection. They are nearly level to sloping, can be cultivated with modern farm machinery, and produce fair to good crop yields when managed properly. In the Northern Montezuma Project Area, 23% of the total soil mapping units in the project area is designated as Additional Land of Statewide Importance.

Other lands not meeting the above definitions comprise 36% of the area's soil mapping units. These lands are found on the steeper slopes of drumlin formations and in freshwater wetlands.

The reader should be aware that the designation of Prime and Statewide Important Farmlands does not necessarily reflect the uses these lands are now experiencing. About 20% of the Prime and Statewide Important Farmland in the area is not now in production of agricultural products; rather, is in other vegetation types such as woodlots and brush or is used for residential developments or other than agricultural land uses.

Specific soil types associated with these farm lands can be obtained from the local Soil Conservation Service.

Historically, a number of salt wells and mines found in the northeastern part of the project area were used by the Indians and early settlers. These have fallen into disuse, as more economical means of obtaining salt were developed. No commercial use is currently known, although a major salt marsh is now owned and protected by The Nature Conservancy as a unique plant community.

Natural gas exploration and leases have become more common in recent years and could be of major importance if commercial quantities are found. Engineers feel that the Montezuma area has some potential, so additional exploration can be expected in the future.

B. Water Resources

1. Hydrology

The Northern Montezuma Project area consists of land within three counties (Wayne, Seneca, and Cayuga) and all or part of thirteen towns (Galen, Savannah, Seneca Falls, Tyre, Butler, Aurelius, Cato, Conquest, Mentz, Rose, Brutus, Victory, and Montezuma). This physiographic region is considered the Erie-Ontario Lowland. Almost all surface drainage within this project eventually reaches Lake Ontario through the Western Oswego River Drainage Basin (Figure 6).

Ground Water Resources

There are two types of water-bearing materials in the region--consolidated (bedrock) and unconsolidated glacial deposits. Bedrock formations in this tri-county area are sedimentary in origin of Upper Silurian through Upper Devonian age. The bedrock is covered in most places by unconsolidated deposits of glacial origin. The unconsolidated sand and gravel deposits produce the best yield of water for wells in the region.

Nearly all of the ground water in this area is derived from precipitation that falls on the land surface and is absorbed by the mantle of surficial deposits. Average annual precipitation is 36 inches (range--21 inches to 45 inches). In the northern part of the basin, the most important sources of ground water are sand and gravel deposits adjacent to and in hydraulic contact with the Barge Canal.

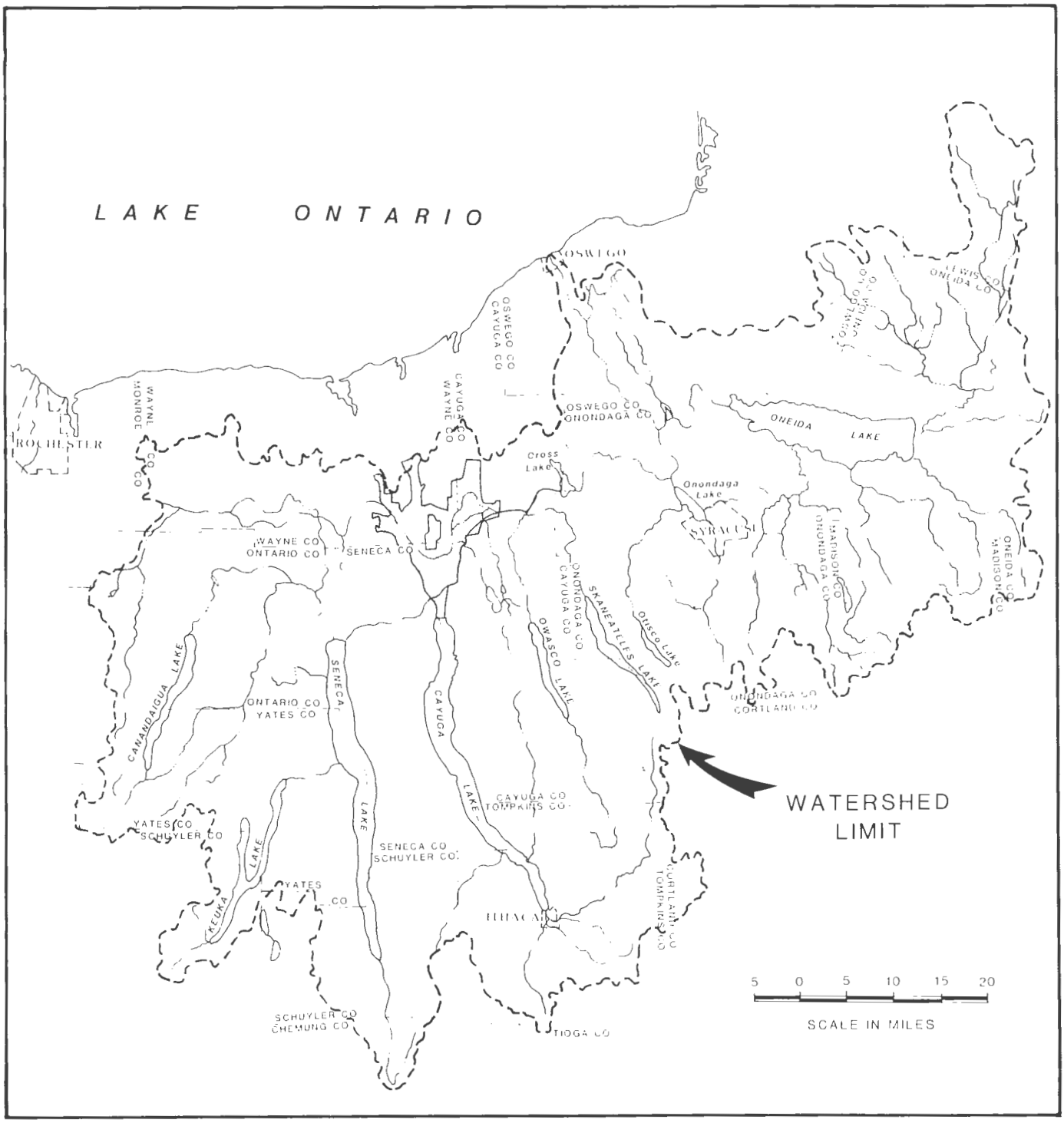
In general, the quality of ground water in this region of central and western New York is fair to good. Hardness, high mineral concentrations (iron, manganese, chloride, and sulfur), and turbidity are all common characteristics of ground water in the Finger Lakes region.

All water supplies in the region can meet health department standards with minimum treatment.

Surface Water Resources

The primary surface-water resource is the easterly flowing New York State Barge Canal. The canal is, for the most part, within the former natural channels of the Clyde and Seneca Rivers which border the current Montezuma NWR. The Northern

NORTHERN MONTEZUMA WETLANDS PROJECT



WESTERN OSWEGO RIVER DRAINAGE BASIN

Figure 6

Montezuma Project area will encompass a 17.5-mile segment of the main canal. The drainage area to the Seneca River (Barge Canal) above the Owasco Lake outlet, at the eastern side of the project area, is approximately 2,600 square miles; 1,600 square miles of that drainage area comes through Mud Lock, the feeder canal from Cayuga and Seneca Lakes, the two largest Finger Lakes.

Surface water concerns include: (1) the quality of water that flows within the Barge Canal, (2) flood flows generated by the operation of the Barge Canal, and (3) surface-water supply availability for upland impoundment areas.

A long-term (possibly four-year) study is being considered by the United States Geological Survey for this project area. The objectives of this study are to: (1) provide an overall resource appraisal of this watershed, (2) describe the current quantity and quality conditions of the surface and ground water resources within the proposed project area, and (3) develop the hydrologic database needed to develop a water management plan for properties within the state and federal areas of acquisition.

Public concerns regarding the periodic flooding of lands in the Seneca River/Barge Canal area downstream from the Project area are evident. As can be seen from Figure 6, and as documented in published reports by the Cross Lake-Seneca River Association, this stretch of water is the outlet for a massive watershed including six of the major Finger Lakes. Periodic high water flows resulting from storms and/or snowmelt in this watershed is funneled through the Seneca River/Barge Canal system from the southern bounds of the project area downstream.

Over recent years, people have encroached on the historic floodway and floodplain with structural improvements that are highly vulnerable to these periodic and predictably occurring floods. Commencing in 1829, New York State began a series of excavations at or near Jack's Reef that eventually lowered the Seneca River and Cross Lake eight to eleven feet from pre-1829 levels. Mean elevation at this section of the canal system is now 374 feet (Cross Lake-Seneca River Association 1988 Report, Water Level Control Study Committee).

Pre-1829, the mean low water elevation at Cross Lake would thus be at a minimum 382.0 feet, and represents the limit of state ownership.

The Office of General Services (OGS) is the State agency responsible for administering public lands under water. Officials at OGS state that New York State has always claimed ownership to the 382.0-foot level at Cross Lake (Gaip, per. comm.).

It would appear, that the Hurricane Agnes storm event was the only time in documented history when flood waters exceeded state ownership elevations.

Structural damages on the Seneca River/Barge Canal system in the downstream Cross Lake area may indeed be partially resulting from private construction on public lands. The project sponsors strongly recommend that a task force be appointed that would document to the extent possible the human occupation of the floodway and flood zone of the Barge Canal/Seneca River system.

In a related vein, it would be impossible to "restore" water level control in the Seneca and Clyde Rivers to the 1903 ". . . original Barge Canal System design parameters . . .". This is because there has been over 80 years of monumental alterations to the 5,000 square mile watershed. The systematic drainage and filling of wetlands for agricultural and other economic development, the channelization of streams, the construction of highways, residential areas, business districts, and other changes have all combined to profoundly and irreversibly alter the 1903 precepts for water management in the New York State Barge Canal System.

Therefore, it seems somewhat misleading to attempt to assign primary or even significant causality for alleged "nuisance" flooding (CLSRA terminology) to the existence or operation of the Montezuma NWR. Similarly, the Department and the Service have similar reservations, in the absence of any scientific support, about attempts to portray the expansion proposal as a potential major contributor to so-called "nuisance" flooding.

C. Vegetation

1. Land Use/Cover Types

This discussion is based on the boundary and acreage calculations of the "Proposed Action". As described in Part II, the proposed action (or Alternative 2) encompasses some 36,050 acres of land to be either placed under management agreement or be acquired. For the purpose of this analysis, the 13,100 acres of existing state and federal land have been added to this, giving a total area of 49,150 acres. Land use and covertype breakdowns for the remaining alternatives will be presented in the appropriate section under Part IV, Environmental Consequences.

The project area's strong agricultural/wetland nature is quite obvious when land use and cover type breakdowns are examined. Based on maps provided by the Department's Habitat Inventory Unit (see Figure 7) some 74% of the project land area is classified either as in agricultural use or as a wetland. Overall land use classifications are as follows: All types of agriculture, 22,460 acres (46%); wetland types, 13,740 acres (28%); upland forests, 10,280 acres (21%); open water, 2,540 acres (5%); and built-up lands, 130 acres (less than one percent).

While agriculture constitutes the largest single land use (22,460 acres) a portion of these lands, 4,450 acres, are muckland soils derived from drained wetlands. As a result, the division between wetland and agriculture within the project boundaries is a bit vague. The wetland acreage will increase if mucks are abandoned or will decrease if new mucks are developed (from existing wetlands).

Agricultural lands are defined as any lands currently under or recently under some sort of active cultivation. Project area examples include croplands used to grow corn, hay, or potatoes, lands used as pastures, or former croplands that are now idle or fallow (but have not grown up into brush). Further information on project soils is given in the write up on "Soils/Geology/ Minerals", while further agricultural information can be found under "Agricultural Resources".

The next largest land use category is wetlands, amounting to some 13,740 acres. Wetlands are those areas where the water table is at, near, or above the land surface for a significant part of most years. Aquatic vegetation is usually established, although there may be alluvial mud flats present which are non-vegetated. Shallow water areas where aquatic vegetation is submerged are classed as open water and are not included in this category.

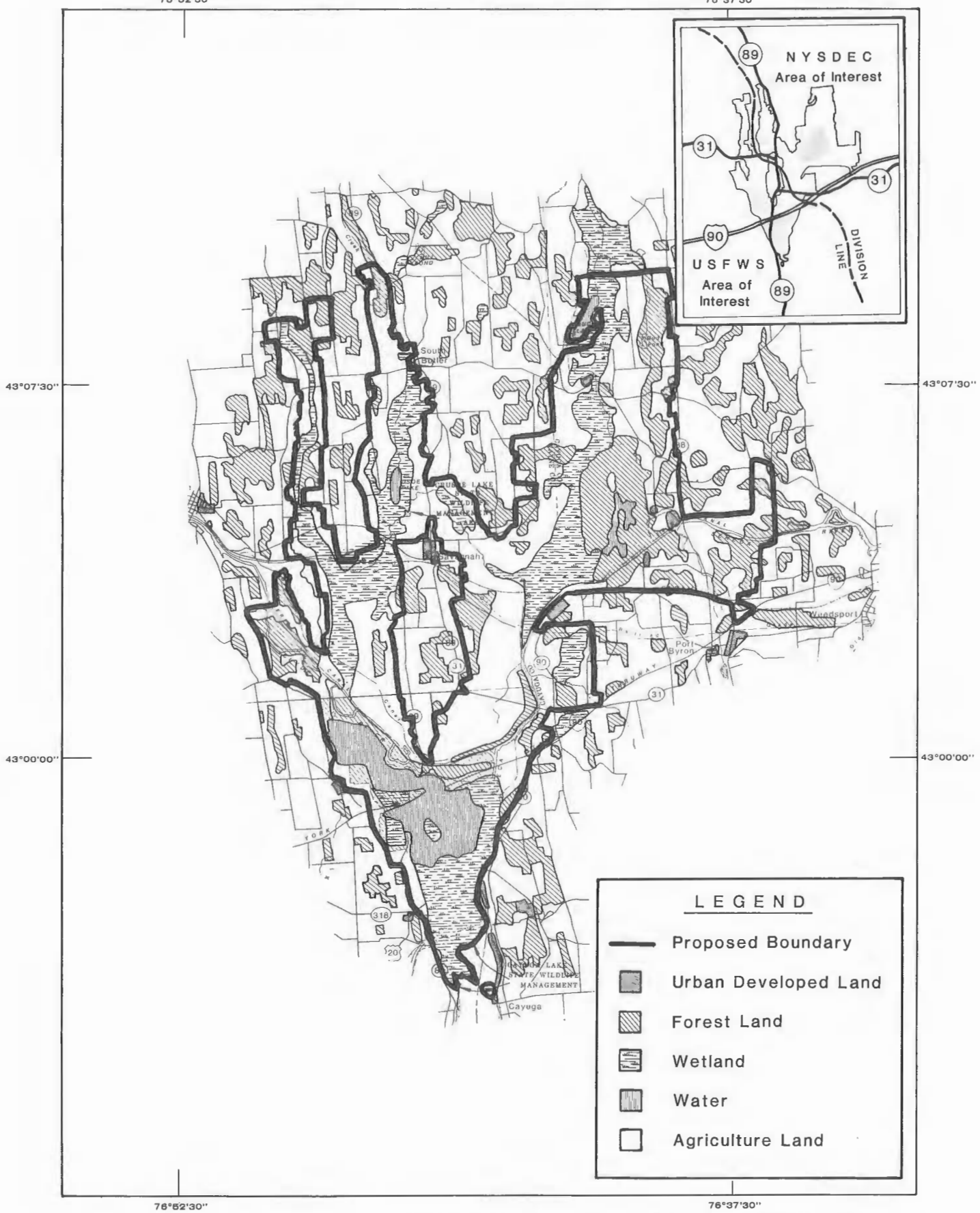
The wetland category is further broken down into forested wetlands (9,240 acres) and non-forested wetlands (4,500 acres). Forested wetlands in the Montezuma area are dominated by woody vegetation such as red maple, silver maple, red ash, swamp white oak, and sycamore. Blue beech is often found in the understory. Non-forested or herbaceous wetlands are dominated primarily by cattails, swamp loosestrife, purple loosestrife, bulrushes, and sedges. Also included are the occasional salt marsh and non-vegetated mud flat found in the area.

NORTHERN MONTEZUMA WETLANDS PROJECT

UNITED STATES
DEPARTMENT OF THE INTERIOR

SENECA, WAYNE and CAYUGA COUNTIES
NEW YORK

UNITED STATES
FISH AND WILDLIFE SERVICE



COMPILED IN THE DIVISION OF REALTY
FROM SURVEYS BY U.S.G.S. AND U.S.F.&W.S.

0 8000 16000 24000 32000 FEET

0 2 4 6 8 KILOMETERS

NEWTON CORNER, MASSACHUSETTS
FEBRUARY 1989

FIGURE 7

HABITAT TYPES

Upland forests make up the next largest category accounting for a total of 10,280 acres. This is made up of dry forested lands stocked with trees capable of producing timber or other wood products. This category can be further divided into deciduous forest lands, 350 acres; evergreen forest land, 270 acres; and mixed forest land (stocked with both evergreen and deciduous trees), 9,650 acres.

Deciduous forests are characterized by trees which lose their leaves in the fall. Typical tree species occurring within the project area include sugar maple, red maple, basswood, elm, and several varieties of oaks.

Evergreen forests are characterized by trees which remain green throughout the year. In the Montezuma area these are predominantly pines, spruces, and hemlocks.

Mixed forest lands include good representations of both evergreen and deciduous trees with neither predominating. The typical mixed forest of Montezuma would include maples, oaks, elm, white pine, and hemlock. As can be seen by the acreage figures, most of the forested uplands in the project fall into this category.

Some 2,540 acres of the project are classified as open water which are pools, lakes, streams, or canals which do not show emergent aquatic vegetation (such as cattails). Examples include the major pools of the Montezuma National Wildlife Refuge, Howland Island Wildlife Management Area, and Crusoe Lake Wildlife Management Area, plus the Seneca River and Barge Canal. The northern portion of Cayuga Lake just south of the refuge was not included in these acreage estimates.

The final category is the urban or built-up lands amounting to only about 130 acres, or much less than one percent of the project area. No communities fall within the project boundaries (this is true of all the alternatives), so this category reflects only the occasional group of houses alongside of a road. In practice, many of these will be eliminated from project boundaries as more refined maps are developed.

2. Significant Habitat

Definitions:

Habitat - The sum total of environmental conditions of a place or an area where a plant or animal species lives and meets its life requirements.

Significant Habitat - Habitat of special interest or value, due to its providing the key factors for survival of, and due to the presence of, endangered, threatened, or special concern species, unusual concentrations or variety of fish or wildlife (often seasonal in nature, such as spawning, nesting, or wintering areas), and unusual or unique ecological associations especially in regard to plants. Relatively intense fish and wildlife values and human recreation associated with such wildlife, concentrated in a limited geographic area, complete the concept of significant habitats.

Wildlife

There are ten recorded significant habitats for fish and wildlife, such as bald eagle site, osprey nest site, heron rookeries, deer wintering areas, and historical nesting habitat for black terns, within the project area.

An example of the potential value of this site to the recovery of some of these species is given for the black tern. Formerly, "as many as 1,000 pair of black terns nested [here] in the late 1950's (Hocutt pers. comm.), [although] less than 10 birds were present in 1989 and no breeding attempts were noted. Due to the lack of open water/emergent vegetation interspersion, the Montezuma wetlands currently provide less than ideal black tern breeding habitat. Efforts to improve the capability to regulate water levels at this refuge are aimed at reducing stands of purple loosestrife, excluding carp which destroy rooted aquatic vegetation, and restoring native emergent vegetation. Correlating the return of nesting black terns with the restoration of open water/emergent vegetation interspersion could be especially instructive" (Novak, 1990).

Rare Plants and Ecological Communities

The current and historic records of the Department's Significant Habitat Unit and the New York Natural Heritage Program show that there are nineteen Natural Heritage records of rare plants and plant communities, such as inland salt marsh, graminoid fens, and various species of trees and herbaceous plants within the project area (Appendix D). Many of these earlier records may represent plants or plant communities no longer occurring in the project area, but found in the area prior to the extensive agricultural development in the 1930's and 1940's or the permanent impounding of water in the 1950's and 1960's.

In order to determine the apparent presence or absence of plant or animal species, at any given site or in the project area as a whole, field investigations would have to be conducted at appropriate times throughout the year. The establishment of such a comprehensive record would be needed to accurately determine the nature and extent of significant plant communities currently on or adjacent to the project area.

D. Wildlife

1. Fish and Wildlife

The Northern Montezuma Wetlands Complex provides habitat for a wide variety of wildlife, including sixteen species of amphibians, fifteen species of reptiles, forty-three species of mammals, two hundred forty-two species of birds, and fifty-two species of fish. A list of these species with their relative abundance and protective status is provided in Appendix D. Each of these species has either been documented or can reasonably be expected to be present in the area, at least for a portion of the year.

Included in the list and reported to be present in the project area are two state and/or federally listed endangered species (bald eagle, peregrine falcon), three state-listed threatened species (common tern, osprey, and northern harrier) and thirteen state-listed species of special concern (spotted salamander, Jefferson salamander, wood turtle, small-footed Myotis, upland sandpiper, black tern, common barn owl, short-eared owl, common nighthawk, eastern bluebird, vesper sparrow, Henslow's sparrow, and grasshopper sparrows).

The presence of 368 species of fish and wildlife, of which 262 are known or are likely to breed in the area, is testament to the value the Montezuma Wetlands and surrounding upland areas have for wildlife resources.

The value of the wetland and associated upland habitat within the Northern Montezuma Wetlands Complex has been recognized at both the state and national levels. The area serves as a major staging area for tens of thousands of migratory birds. Most noticeable are the ducks and geese that concentrate here in the spring and fall on their annual migration. Numerous species of shorebirds such as the sandpipers, plovers, and terns depend heavily on this area as well, as do many songbirds. Resident species most noticeable in the area include white-tailed deer, beaver, muskrat, raccoon, mink, fox, and other mammals.

The critical value of this area's role in the migratory patterns of many species, especially waterfowl, is significant. Production of these species is presently not up to its potential due to land uses on upland areas adjacent to wetlands.

The mix of habitat types in the area also is of high value for resident species of wildlife. The southern half of the area and around the Howland Island vicinity is of significant value as a major deer wintering area. As many as 250 white-tailed deer find winter food and shelter here during normal and severe winter periods and, to a lesser extent, during mild winter periods. Deer move to this area from a three-county area to find winter quarters. Major land use changes could affect deer populations in this area if the habitat was significantly altered by removal of forest vegetation.

Populations of several species of wildlife have been estimated to presently exist in the area. These estimates are averages of the annual population fluctuations for resident species in suitable habitat and peak numbers for migratory species. Examples are:

Deer - 20 per square mile
Raccoon - 40 per square mile
Black Ducks - 20,000
Mallards - 150,000
Canada Geese - 400,000
Muskrats - 4 per acre
Grey Squirrel - 5 per acre
Beaver - 2 per square mile
Pheasant - 10 per square mile
Pileated Woodpecker - 1 per square mile
Eastern Bluebird - 8 per square mile

The wide array of both resident and migratory species is due to the varied habitat types in the complex. The mix of agriculture, wooded wetlands, emergent marsh, and mixed successional stages of vegetation on the upland areas all contribute to species diversity.

E. Cultural

1. Land Ownership Patterns and Tax Base

The general project area encompasses thirteen townships in Cayuga, Seneca, and Wayne Counties. These townships represent a total land area of nearly 250,000 acres and a taxable assessed value of some 3.624 billion dollars. The biggest single industry is agriculture and its related support enterprises. Town and county tax revenues generated each year amount to approximately $7,164,000.

Also included in the project area are eight school districts: Cato-Meridian, Clyde-Savannah, North Rose-Wolcott, Port Byron, Red Creek, Seneca Falls, Union Springs, and Weedsport. In total, these districts collect some $18,378,000 in school taxes from the project area.

In total, more than 2.8 million dollars in property taxes are collected from the thirteen townships which make up the project area. Additional assessments for fire protection and village taxes (where applicable) would raise this figure still higher. See Table 11 for a more complete breakdown of acreages, assessed value, and taxes generated.

Included in the acreage figures, but not in the taxable assessed value total, are 14,456 acres of land already in public ownership. These include the Montezuma NWR, 6,432 acres: Howland Island WMA, 3,602 acres; Crusoe Lake WMA, 225 acres; Cayuga Lake WMA, 179 acres; the Barge Canal/Seneca River right-of-way (ROW), 3,403 acres; and the NYS Thruway ROW, 615 acres.

2. Land Use Regulations

Current land use regulations, by town, are summarized in Table 12. Local zoning requirements, where present, take precedence over state regulations. The basic state zoning regulation, part of the Realty Subdivision Law administered by County Health Departments, becomes actionable for five or more plots, five acres or less in size (see documents - NYS Realty Subdivision Laws Article 2, Title II Public Health Law; Article 17, Title 15 Environmental Conservation Law).

The current public use rules and regulations by which the Montezuma NWR and the State Wildlife Management Areas are administered are listed in Appendix E.

State and federal environmental legislation also applies to this project. New York State regulates streams and wetlands (Environmental Conservation Law Article 15 and Article 24 respectively). A permit from the Department is needed before altering the bed or banks of a protected stream under Article 15. Article 24 provides that before a wetland larger than 12.4 acres (5 hectares) is dredged, filled, etc., a permit is obtained. The U.S. Army Corp of Engineers and the U.S. Environmental Protection Agency administer Section 404 of the Rivers and Harbors Act of 1899 which protects wetlands and navigable waters against unregulated activity.

Reference is made in the "no-action" alternative Appendix A, for further details on state and federal environmental legislation.

Table 11. Acreages, Assessed Value, and Tax Revenue for the Montezuma Project Area (dollars/year)*

Township	Acres (Land Area)	Assessed Value (Taxable)	County Taxes (Raised)	Town Taxes (Raised)
Cayuga County		970,189,000	13,750,000	
Aurelius	19,072	10,037,000	918,000	70,000
Brutus	14,464	73,179,000	56,000	247,000
Cato	23,241	34,438,000	257,000	173,000
Conquest	23,160	2,745,000	170,000	171,000
Mentz	10,944	4,019,000	277,000	129,000
Montezuma	12,160	5,493,000	187,000	81,000
Victory	22,016	2,074,000	186,000	69,000
Seneca		382,667,000	3,700,000	
Tyre	21,376	12,916,000	131,000	135,000
Seneca Falls	16,320	113,370,000	934,000	436,000
Wayne County		2,271,155,000	17,073,000	
Butler	24,248	21,730,000	157,000	208,000
Galen	40,384	54,660,000	453,000	607,000
Rose	22,080	36,640,000	336,000	303,000
Savannah	22,976	27,130,000	214,000	259,000
School District				
Cato-Meridian		40,183,000		1,236,000
Clyde-Savannah		77,942,000		1,646,000
North Rose-Wolcott		255,366,000		3,216,000
Port Byron		20,277,000		1,863,000
Red Creek		4,652,000		830,000
Seneca Falls		35,452,000		4,227,000
Union Springs		97,908,000		3,187,000
Weedsport		147,077,000		2,173,000

*Rounded off to nearest $1,000.

NORTHERN MONTEZUMA PROJECT

TABLE 12. **ZONING SUMMARY***** As of August 1990

unty	Town	Zoning Requirements	Subdivision Regs	Lot Size Law *	Mobile H Law**
ga	Aurelius	X	-	-	-
	Brutus	X	X	-	-
	Cato	X	X	-	-
	Conquest	-	-	-	-
	Mentz	X	X	-	-
	Montezuma	X	X	-	-
	Victory	X	UC	-	X
ca	Seneca Falls	X	X	X	X
	Tyre	-	-	-	-
e	Butler	X	-	X	X
	Galen	X	X	X	X
	Rose	X	-	X	X
	Savannah	X	-	-	-

e 12.
:'d)

Indicates a zoning commission has been appointed
and a zoning law is under consideration.

ot size laws control the area required for construction and certain dimensional considerations such as
etbacks of structures from property lines. Unlike zoning, these laws generally do not regulate uses.
ommunities with zoning laws include these regulations with the zoning laws.

obil Home Law establishes specific regulations for this type of housing and usually addresses mobile h
n individual lots and in parks. Some communities with zoning laws may have a separate Mobile Home Law
his is the case, such a law is usually referenced in the zoning law. Others will incorporate regulati
overning mobile homes within the zoning law.

: All septic tank installations must be approved by the County Health Department.

: N.Y.S. Public Health Law Mandate subdivision review whenever a fifth residential lot is created or
offered within a three year period.

: N.Y.S. Uniform Building and Fire Code is applicable in all jurisdictions and required issuance of a
building permit prior to construction.

: A wide range of other laws may effect a particular project these include the Federal Flood Insuranc
Program, The Freshwater Wetlands Act, and the State Environmental Quality Review Act, among others.

Data supplied by Town and County Planning Agencies.

3. Agricultural Resources

Agriculture is clearly the major commercial enterprise within the project area. As described in section A, more than 44% of the total project land area is in some form of agricultural production. Soil associations found in the project have a high potential for agricultural use wherever wetness and topography are not problems. Sites unsuitable for agriculture have remained either in wetlands or upland forests. Virtually the entire area is included in one of several agricultural districts.

Lands currently under cultivation have a reasonably long-term potential to remain in production. Soil types occurring within the project area have high potential for agricultural uses. Poorer quality mucks along with steep and/or poorly drained uplands will be the first to leave agriculture as management costs increase.

Major crops grown include potatoes, onions, and corn. Spring wheat, oats, alfalfa, cabbage, beans, soybeans, and peas are also grown with some frequency. Of these, potatoes, onions, and corn are commonly grown on muck (organic) soils. Upland (mineral) soils are primarily devoted to corn, wheat, oats, and hay, either as cash crops or as forage for direct use on dairy farms.

In an average year, some 2,670 acres of potatoes are grown in the project area representing the number one cash crop. This is about 8% of the state total of 31,500 acres, and has a cash value of about five million dollars. Durkee-French Foods in Wolcott is dependent upon Montezuma area potatoes for about 95% of its processing requirements. Statewide, potato production has declined to the point where almost half of the statewide consumption comes from other states and countries.

Second to potatoes in economic importance is the onion crop grown on the better quality (deeper) mucks. Three hundred sixty (360) acres were grown in 1988 having a commercial value of about one million dollars. Figures from 1988 are not yet available for statewide production, but a total of 11,600 acres were grown in 1987. If 1988 figures were similar, the project area crop represents about 3% of the state total.

Corn for grain accounts for about 2,000 acres of the project with a value of some $600,000. As long as water is properly controlled, corn can successfully be grown on mucks too shallow for potatoes or onions. Corn is also grown on many upland, mineral soil sites and in association with dairy farms, making for the relatively high acreage figures. Grain corn is very widely grown over the state totalling some 510,000 acres in

1987. When compared to this figure, the project numbers are quite small, representing only about one-half of one percent of the total.

The remaining field crops do not see the widespread use nor do they have the economic impact of potatoes, onions, and corn. With the exception of the "big three", crop composition changes from year to year based upon market conditions and capabilities of the land. Corn for silage, alfalfa, and other types of hay are consistently grown on the area's dairy farms.

Overall, agriculture has a tremendous impact on the communities in and around the project area. John C. Stowell, president of the Empire State Potato Club, has estimated that 80% or $5,280,000 of the income generated by agriculture changes hands four or five times before leaving the community. With such a strong resource base, it is doubtful if this situation will change in the foreseeable future.

The strong agricultural economy is further reflected in the number of support services located within the area. A quick review of area business directories show there are at least twenty-two banks or branch offices in communities in or near the project area. Production Credit offices are listed in Auburn and Waterloo. Twenty farm equipment dealers are listed within a fifteen-mile radius of the project area. These represent most major "long-line" equipment manufacturers along with a large number of "short-line" companies. In case of a breakdown, farmers are only a few minutes away from parts and service. Sources of fertilizers and farm chemicals are also nearby. More than ten are listed within a twenty-five mile radius and several are located within ten miles.

In short, the agricultural economy in the project area is widely based and well supported. It represents the single largest land use in the area. There will be many opportunities to realize the benefits which agricultural activities provide for wildlife management. To assure these benefits continue, any farmlands purchased will be eligible to remain in farming unless specifically used for other purposes (see Management Plan outlined in the description of the proposed action). In addition, reverting mucklands will be integrated into the project and would potentially be available for agriculture in the future.

4. Transportation and Utility Corridors

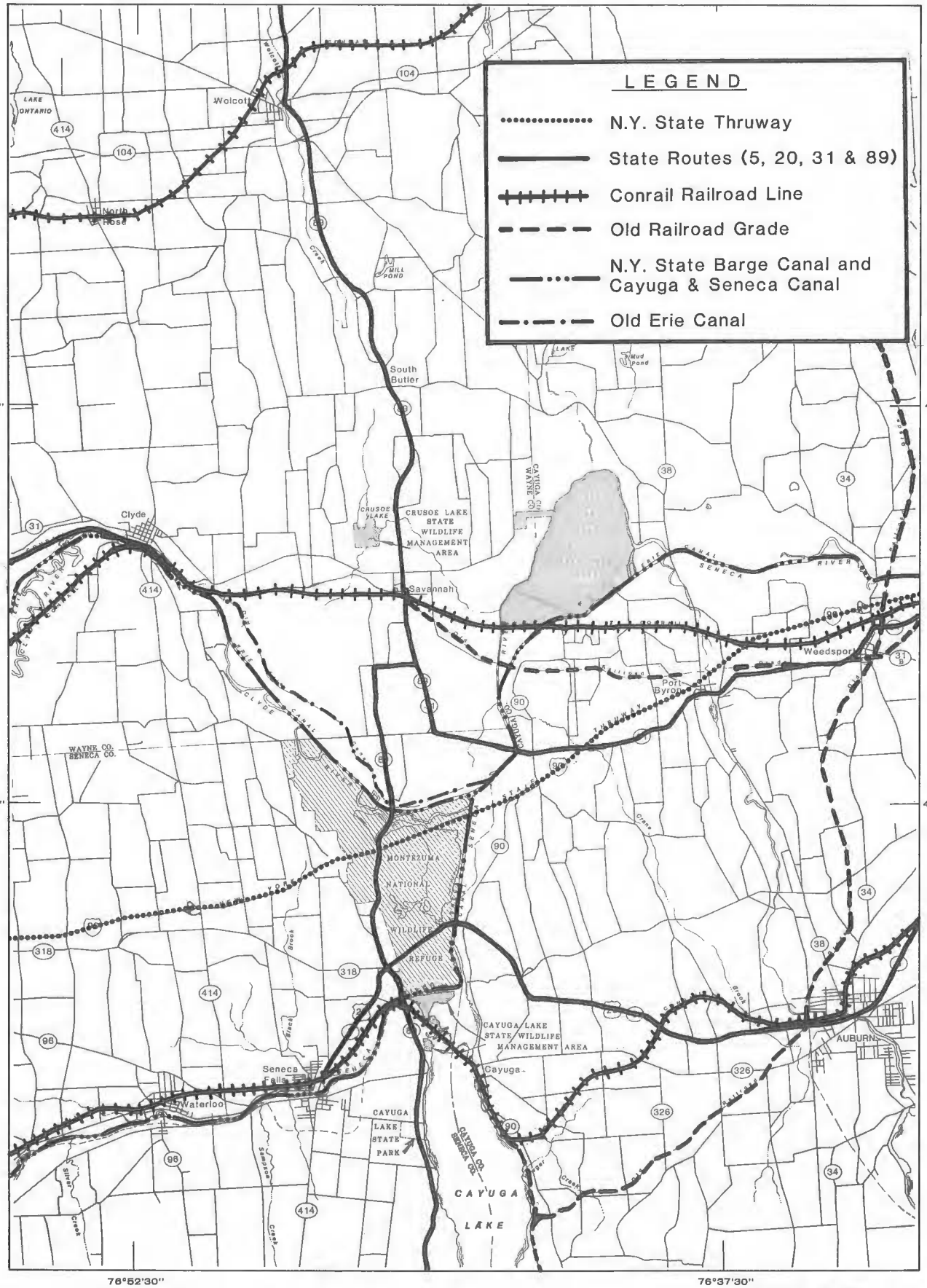
There are seven state highways, one interstate highway, and numerous county and town roads contained within and crossing through the project area (shown in Figure 8). The New York State Thruway, an interstate toll road, crosses the southern

NORTHERN MONTEZUMA WETLANDS PROJECT

UNITED STATES
DEPARTMENT OF THE INTERIOR

SENECA, WAYNE and CAYUGA COUNTIES
NEW YORK

UNITED STATES
FISH AND WILDLIFE SERVICE



COMPILED IN THE DIVISION OF REALTY
FROM SURVEYS BY U.S.G.S. AND U.S.F.&W.S.

0 8000 16000 24000 32000 FEET

0 2 4 6 8 KILOMETERS

FIGURE 8

NEWTON CORNER, MASSACHUSETTS
FEBRUARY 1989

MAJOR TRANSPORTATION CORRIDORS

portion of the project area, while State Routes 5, 31, 34, 38, 90, and 370 cross various portions of the project area. County and town roads run throughout the entire project area.

Conrail Railroad Company operates two rails which pass through the northern and most southern portions of the project area. The New York State Barge Canal and the Cayuga Seneca Canal are the major waterway transportation routes through the area.

There are four power companies--Niagra-Mohawk Power Corp., Rochester Gas and Electric Corp., New York State Electric and Gas Corp. and the New York Power Authority--who own power lines greater than 115 KV running through the area.

Three major underground telephone lines cross the project. They include the American Telephone and Telegraph Company, MCI Telecommunications, and the North American Defense Command Line.

Consolidated Natural Gas, Socony Mobil Oil Company, Buckeye, Rochester Gas and Electric Corp., and the Tennessee Gas Company all have gas or oil pipelines which run through the project area.

All these utilities are identified in the project area in Figure 9.

F. Recreational and Educational Uses

The publicly owned lands within the project area now receive a wide array of public recreational uses, totalling approximately 200,000 visitor-use days per year. Hiking, birding, nature observation and photography, hunting, trapping, and fishing are the predominant activities. The same uses occur to a lesser extent on the privately owned land within the project area by the landowners and their invitees.

There were 1,868,930 sporting licenses of all types sold in New York State in the fiscal year ending September 30, 1988. In the three-county region of the project, 65,785 licenses were sold during this same time period.

Waterfowl hunting is a major outdoor recreational activity in the Northern Montezuma project area. Of the total yearly Canada goose harvest in New York State, more than 50% occur in the Finger Lakes region. Waterfowl hunting clubs have a long tradition in the project area. Indeed, many acres of land have been kept as marsh to accommodate duck hunting. The trapping of furbearers, such as muskrat, fox, mink, raccoon, and beaver, is well established as well. In fact, muskrats of the Montezuma region are recognized around the world for their deep, dark color and superior fur durability. Several properties within the project area are licensed by the Department of Environmental Conservation as registered muskrat

marshes for furbearer production and recreational harvest by trapping.

There is a wide array of fishing opportunity available in the Northern Montezuma area. The Seneca River/Barge Canal waterway provides fishing for walleyes, northern pike, small and largemouth bass, many species of panfish, and channel catfish.

Cayuga Lake is special in many ways; not the least of which is the existence of warm and cold water fisheries within the same body of water. Cayuga Lake supports excellent populations of small and largemouth bass, northern pike, pickerel, lake trout, rainbow trout, and brown trout. Approximately 365,000 fishing trips per year are conducted on Cayuga Lake. The Northern Montezuma project area is strategically located between two major metropolitan areas and, as such, is a focus of outdoor education activities for all levels of educational institutions.

G. Cultural/Historic Sites

Numerous important archaeological sites representing the Archaic, Transitional, and Woodland periods of prehistory have been identified within or adjacent to the Northern Montezuma Wetlands Complex. Many of these are found on the periphery of the prehistoric Montezuma Marsh, either at or slightly above the 380-foot contour line. Scattered artifacts are also found within the Archaic marsh itself (under 380 feet). Figure 10 shows the general location of several major known sites.

The earliest signs of human occupation in this area date back to about 8000 BC, testament to some 10,000 years of extensive use for hunting and food gathering. Without doubt, additional artifacts and even additional village sites may be found as the area is further explored. Harold Secor's publication, Prehistory of the Savannah, New York Area, 1987, gives substantial information regarding existing sites and the artifacts found in the area. Another excellent source is William Ritchie's book, The Archaeology of New York State, 1969, where the author discusses the major Montezuma sites and their statewide implications.

Structures of historical significance have also been identified within the project area--mostly pertaining to the Erie/Barge Canal systems. Numerous family cemeteries occur near the project area, but none are known to fall within project boundaries.

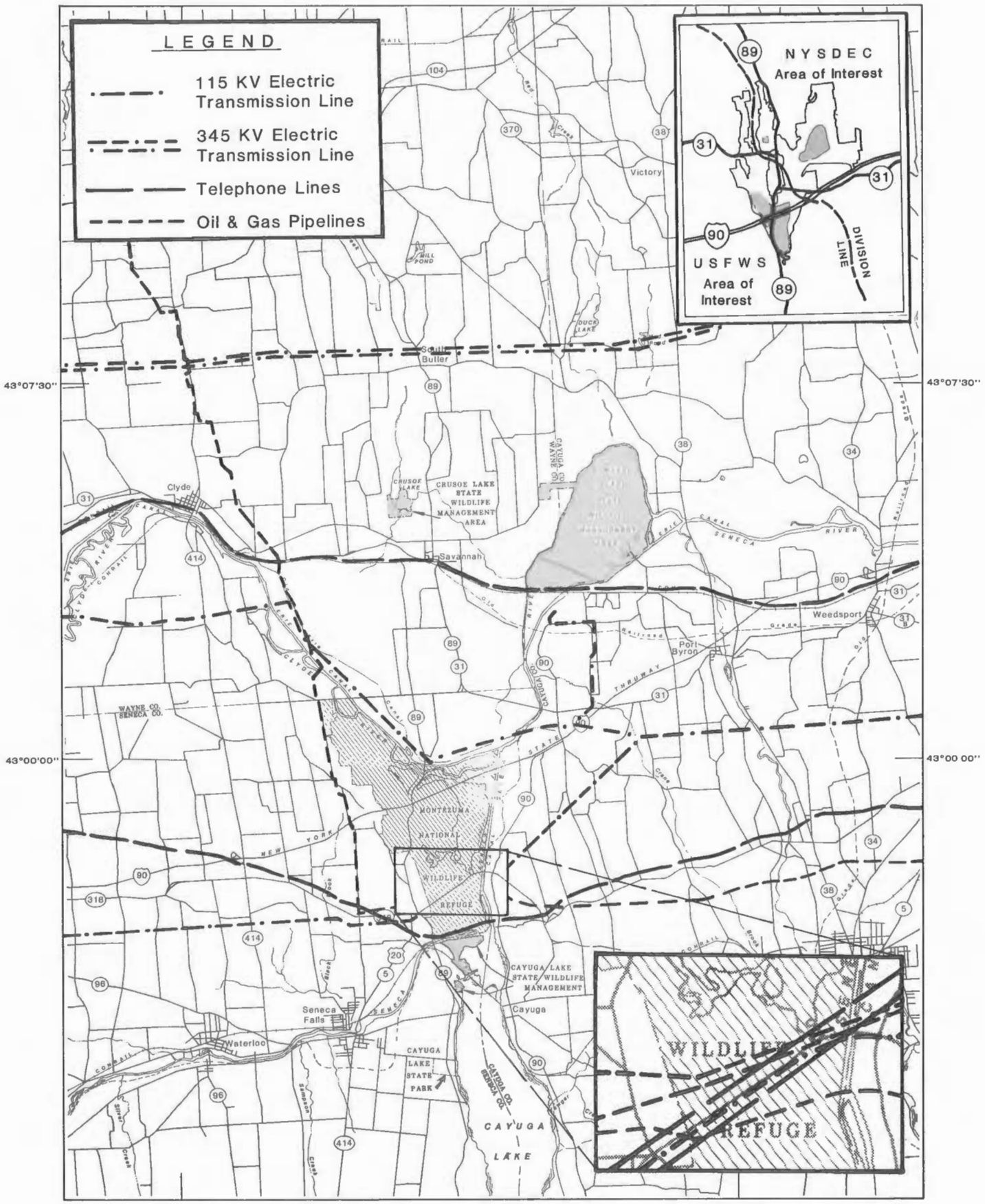
No further effort will be made as a part of this study to identify precise site locations; numerous publications and organizations are available for that purpose. It must be stated, however, that this project's staff are aware of the archaeological significance of the area and are required by law to ensure that impacts are avoided or mitigated before any management technique is conducted.

NORTHERN MONTEZUMA WETLANDS PROJECT

UNITED STATES
DEPARTMENT OF THE INTERIOR

SENECA, WAYNE and CAYUGA COUNTIES
NEW YORK

UNITED STATES
FISH AND WILDLIFE SERVICE



COMPILED IN THE DIVISION OF REALTY
FROM SURVEYS BY U.S.G.S. AND U.S.F.&W.S.

0 8000 16000 24000 32000 FEET

0 2 4 6 8 KILOMETERS

NEWTON CORNER, MASSACHUSETTS
FEBRUARY 1989

FIGURE 9

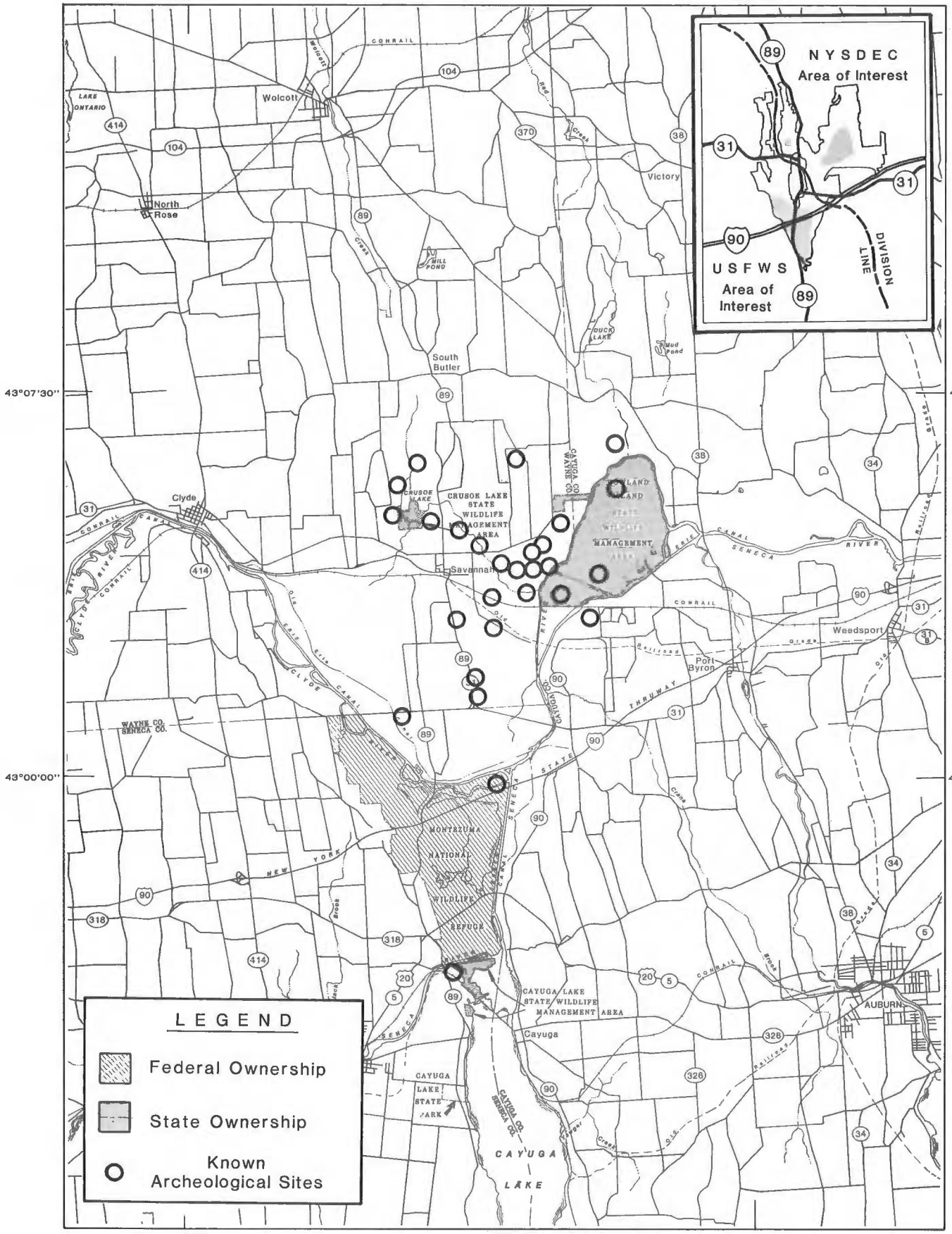
Major Gas, Oil, Telephone & Electric Lines Through The Project Area

NORTHERN MONTEZUMA WETLANDS PROJECT

UNITED STATES
DEPARTMENT OF THE INTERIOR

SENECA, WAYNE and CAYUGA COUNTIES
NEW YORK

UNITED STATES
FISH AND WILDLIFE SERVICE



COMPILED IN THE DIVISION OF REALTY
FROM SURVEYS BY U.S.G.S. AND U.S.F.&W.S.

0 8000 16000 24000 32000 FEET

0 2 4 6 8 KILOMETERS

NEWTON CORNER, MASSACHUSETTS
FEBRUARY 1989

FIGURE 10

ARCHEOLOGICAL RESOURCES

V. Environmental Consequences

A. Effects of Alternative 1 - No Action

As described in section 11 A, the no action alternative is a scenario whereby neither the Service nor the Department would seek to purchase lands, easements, or management agreements in the North Montezuma project area, nor would the agencies manage public use or wildlife habitats in the area other than on lands now in federal or state ownership.

Under a no action proposal, the Service and Department would rely on federal, state, and local land use regulations and the conservation ethics of the landowners to protect and manage lands in the project area, including the important archaeological sites, significant wildlife habitats, freshwater wetlands, natural heritage sites, and other cultural resources.

There is a heightened public awareness of the values that wetlands provide to society, but the agencies have found little, if any, public support for more restrictive regulation of wetlands, particularly when it affects agricultural uses of wetlands. Indeed, many owners of wetlands have indicated public acquisition as being preferable to additional regulation.

1. Physical

a. Topography

No major changes in topography are expected to occur under this alternative, other than relatively minor and localized grading, leveling, and tilling around new home sites.

b. Soils/Geology/Minerals

It is unlikely that soil types or geological conditions will or can be affected. Soil condition (wetness, compaction, erosion) can and will change predominantly as a result of agricultural practices and degree of conservation measures applied by the landowners. Mineral extraction in the form of sand and gravel mining probably will increase in the area, as the resource is presently in good quantity and quality and local demands for these products will likely continue at present or increased levels.

c. Climate

No climate changes are expected to occur as a result of the no action alternative being chosen.

d. Hydrology

Increased development in the project area for residential sites that rely on wells for a water supply could locally affect water table levels and yields.

Surface water drainage patterns will likely either remain the same or increase in extent, affecting soil conditions and wetland quality and quantity in the project area. Although some efforts are being explored by various groups and agencies to undertake major flood control/water management programs in the Seneca River/Barge Canal System, the likelihood of something happening to affect the hydrology of this vast watershed is highly speculative.

e. Land Use/Cover Type

It is likely that the predominant land use in the project area will be agriculturally oriented for the foreseeable future, providing that the area's soil productivity and the agricultural economy continues to support and encourage agricultural uses. Given this projection, it is reasonable to assume that former wetlands (mucklands and other sites) that have been drained for agricultural uses will remain in their drained condition. Additional existing wetland acreage could also be drained and converted to agricultural uses, and wetlands near drained and converted wetlands will be degraded as the normal water level regime in these wetlands will be affected by artificial drainage practices up and downstream. Presently, tighter wetland protection methods prohibit draining and converting of additional wetland by farmers who participate in federal subsidy programs. Not all farmers participate in these programs; it would, therefore, be expected that wetland wildlife habitats now existing in the project area would continue to be in jeopardy, and former wetlands that are now in agricultural uses will not be restored to productive wetlands.

Residential development would be expected to increase in the future with the suburbs of Syracuse and Rochester expanding towards the project area. This development, if it follows past trends, will likely occur along road systems on open agricultural or vacant lands. This development replaces wildlife habitat with other land uses.

With the project area's inherent value for waterfowl use, increased purchasing and/or leasing lands in the area by private hunting clubs will likely occur. Landowners can enjoy the revenue derived from these sales and leases, but

this activity generally precludes recreationists who cannot afford to belong to a club from participating in recreational endeavors on these lands.

2. Biological

a. Fish and Wildlife

Over time, fish and wildlife populations in the project area will diminish in numbers and species richness if projected land use trends indeed occur. Habitat availability and quality will likely see continued decline with increased residential and agricultural pressures on the land base.

There will be no additional effort on the part of the state or federal agencies to manage wildlife habitats through restoration or enhancement, thus no wildlife benefits to society would result from agency management. The possibility does exist for private landowners to implement wildlife habitat management programs, but it is reasonable not to anticipate that this would happen to the degree proposed by the state and federal agencies.

b. Significant Habitat

Sites containing rare or unusual flora, fauna, or ecological communities were historically found in private lands in the project area, and other than the state and federal wetlands regulations, only the landowners provide any level of protection to these sites. The potential for alteration, degradation, or loss of these sites and their values under the no action alternative is high. Restoration of these historical sites to their former condition is less likely under this alternative. However, under certain circumstances such as protective easements, private ownership can provide a high degree of effective protection for significant habitats; uncertainty of the tenure of ownership and owners not knowing of the presence of these habitats are often the weakest points in resource protection under private control.

3. Cultural

a. Land Ownership Patterns and Tax Base

As mentioned earlier, it is likely to expect that as residential development occurs, the number of landownerships and individual parcels will increase in time, providing for a larger taxable base in the local area with a corresponding higher demand for public services and schools with an increase in tax rates to

finance these services. The trend of diminishing numbers of family farms will likely continue, with fewer but larger commercial farms dominating the agricultural scene.

b. Land Use Regulations

It is unlikely that land use regulations will change to the degree that wildlife habitats can be sufficiently protected. Current land use regulations give minimal protection to wetlands, especially as they pertain to draining, and virtually no protection to uplands. Appendix A contains a summary of existing state and federal laws which regulate land use. There are no immediate prospects of local, state, or federal legislation that will effectively protect critical wildlife habitat that is not associated with a federally listed endangered species.

c. Agricultural Resources

In addition to the agricultural resources impacts that have already been discussed in the land use section, it is worth noting some long-term realities that are likely to occur in the project area. Drained wetlands are highly productive where the drained muck soils can be managed. However, these muck soils are (when exposed) highly erodible, and actually oxidize and subside over time leaving only the subsoils available. These subsoils can also be very productive for agricultural crops with intensive management, for a time. Eventually, the cost of this intensive management may lead to abandonment of these soils. However, as human populations increase, the demand for agricultural commodities that can be grown on muck soils also increases. This leads one to the conclusion that existing wetlands (that are, in effect, muck soil "banks") may be under considerable pressure for drainage and conversion to agricultural use in the future. In the project area, most of these wetlands are upstream from existing muck farms. It is reasonable, then, to suggest that as old muck becomes abandoned and new muck is put into production through wetland drainage, these drained mucklands will continue to be maintained in the downstream areas, thus, preventing them from reverting to their former vegetated type.

Regardless of the muckland swampland interchange, farm numbers and the overall acreages being farmed in the project area will continue to decline. Figures taken from the 1987 Census of Agriculture indicate a 10.5% decline in farm number across New York State during the five years from 1982 until 1987. This trend is expected to continue. Areas with better farmland, such as Montezuma, may show

lesser declines, but they are by no means immune. A case in point are the farmlands recently converted to wildlife use by the Savannah-Evergreen organization. These conversions will continue both in the active and passive sense. Many previously farmed fields have been left fallow for so many growing seasons that they have now converted to shrubs, brush, and small trees. Therefore, even in the absence of government land purchase, it might not be unreasonable to predict a decline in active farmland amounting to 1% or more per year. In addition, there seems to be a steady increase in acreage held or leased by private hunting clubs. This trend is expected to continue as Central New York gains a reputation as a major duck and goose hunting capital.

d. Transportation and Utility Corridors

Increased demand for residential sites will likely increase the need for utility services and place increased demands on transportation facilities in the project area in future years.

e. Cultural/Historic Sites

With increased residential demand in the area, it is likely that increased alterations and perhaps even loss of archaeological sites in the project area will occur.

f. Recreational and Educational Uses

There is an apparent increasing demand for outdoor recreational opportunity and environmental/outdoor eduction programs. With the changes and impacts anticipated to occur in the project area as discussed earlier, one could assume that the available resources and access to these resources would diminish, thus, resulting in less opportunity and availability of land for recreation and education in the project area.

In summary, the no action alternative will likely result in increased impacts on the natural environment in the project area, diminishing over time the natural resource benefits and values that now exist and could be enhanced in the project area.

B. Effects of Alternative 2 - Wetlands Protection with Management Zone

1. Physical

a. Topography

Only minor changes in the area's topography would occur as a result of implementing the proposed action.

New dike construction to enhance wetland areas would be the most noticeable change in the project area's topographical features. Pothole and level ditch construction in existing wetlands will create shallow excavations and "islands" of spoil material in these wetlands. New drainage ditches to supply water to and from restored wetlands and wetland impoundments will also represent minor topographical change.

Minor grading and graveling to level off parking areas would also occur. On historically present wetland areas that are to be restored, grading of the substrate prior to impoundment to provide a variation in water depths and islands in the area also would likely occur.

None of the anticipated changes in topography are considered to be significant deviations from practices now present and occurring in the project area, nor will any of the topographical changes block or impair any vistas, overlooks, or scenic views.

b. Soils/Geology/Minerals

None of the actions proposed under this alternative would have any effect on the geology or soil on lands protected by the Service or Department. Mineral extraction would be regulated by the governmental agencies.

Construction activities (dikes, potholes, ditches, parking areas) that will cause temporary impacts of noise and soil disturbance will be mitigated through careful timing of construction activities, the use of erosion control devices, and prompt seeding of disturbed soils.

Prime, unique, and statewide important farmlands would be affected by wetland restoration and management plans under this alternative. The unique farmlands (muck farms) would be reverted back to wetland as they became uneconomical to farm, due to subsidence or the high cost of water management (drainage). Actual impacts cannot be determined until specific management plans are developed for these areas.

c. Climate

It is not expected that this alternative will have an impact on the general climate of the area; possibly, there would be an effect on very localized, micro-climate immediately adjacent to water impoundments. Such impoundments tend to modify or slow down temperature and humidity changes that are often quite rapid in dry upland areas.

d. Hydrology

Choosing the "proposed action" alternative would improve the hydrology of the area by enhancing surface water quality through reduced use of agricultural chemicals and the inherent ability of freshwater wetlands to "cleanse" water of acquired impurities.

With each additional acre of wetland created, area ground water resources will be improved, by allowing more land to function as a storage and ground water recharge basin, as well as increasing the floodwater storage capacity of the region.

Eventual design and construction of wetland restoration projects under this alternative should not exacerbate downstream flooding problems. Indeed, it is likely that restoration of the former Montezuma Marshes will lessen downstream flooding problems, as these restored marshes will serve to capture, retain, and gradually release storm water flows. This is a recognized natural function of wetlands. Restored marshes can serve a dual purpose in providing critical wildlife habitat and providing some flood control function to lessen existing downstream flooding concerns.

Managed wetlands created in the project area would be designed to capture and retain surface water. Thus, these managed wetlands can serve to actually increase the size of the water retention basin over what now exists in the project area. Land uses now in the project area are intended to get water off these lands as soon as possible. The proposed action involves the intent to retain water on these lands for wildlife management purposes. It is reasonable to predict that this will help lessen, but certainly not preclude, existing downstream flooding problems.

e. Land Use/Cover Type

As described in the "Description of the Affected Environment" (Part III) this alternative contains a total of 49,150 acres--36,050 acres of new land to be brought under management agreement or purchased outright and 13,100 acres of existing state and federal land. Current land use acreages are as follows: Agriculture, 22,460; wetlands, 13,740; upland forests, 10,280; open water 2,540; and built-up lands, 130.

It is possible that this alternative would increase wetland acreage from 13,740 to 17,770 and open water acreages from 2,540 to 2,990. Agricultural lands would decline from 22,460 to about 17,410 acres due to the reverting of certain mucks back into wetlands and the conversion of limited upland sites into fallow fields. Ultimately, it is expected that only 5,050 acres of agricultural land would come out of production, much of that to natural attrition (estimated to be a one percent loss per year for 20 years). Otherwise, a strong agricultural component will be maintained indefinitely, as this is desirable for many wildlife species.

Finally, the upland forest cover types will increase slightly from 10,280 to 10,840 acres as a result of natural succession--fallow fields reverting to shrubs and then sapling forests. Built-up lands should remain at their current level of about 130 acres.

The types of vegetation change that can be expected under this alternative and a description of the management techniques to be used can be found in the description of the proposed action (the Management Plan). Since lands will be purchased primarily from willing sellers, resulting in a patchwork of ownerships for the near future, it is impossible to tell which wildlife management techniques will be applied and when they will be applied. Also, as management agreements are signed, a great deal will depend upon what can be negotiated with the individual property owner. However, a review of the Management Plan should give a good overview of future project management.

2. Biological

a. Fish and Wildlife

Significant changes in fish and wildlife populations, use, and production in the project area can be expected as a result of implementing the proposed action. Habitats for

a multitude of species will be protected, enhanced, created, and expanded through private and public efforts to purchase and manage lands. Species groups including waterfowl, shorebirds, marsh waders, reptiles, amphibians, several endangered and threatened species, warm water fish, and wetland-related mammals would be the primary benefactors, as would bird and mammal species that require emergent wetland vegetation or grasslands for nesting.

Overall, implementation of this alternative would benefit all species of wildlife present, to some degree. Protection, enhancement, and restoration of diverse habitat types will provide the basic life requirements for a wide variety of wildlife. Certain management practices implemented within the project area will benefit certain species of wildlife at the expense of others. Through diversifying the habitat, this proposal should provide for the long-term protection and management of specific habitat requirements for all wildlife species present.

Clearly, management of wetlands and adjacent upland areas represents a major component of the project that addresses the purposes and needs of the proposed action.

Projected changes to wildlife populations as a result of this alternative are identified in Appendix D, which gives the degree of impact for each as a result of implementing the proposed action.

The establishment of dense nesting cover, as described in the management plan in the description of the proposed action, will be of considerable benefit for ground nesting birds such as puddle ducks, pheasants, northern harrier, song sparrows, and others, as well as cottontail rabbit and small mammals. This nesting cover is grass crops of warm and/or cool season grasses that can also be incorporated into farming practices and used as forage for livestock.

Managed wetlands are extremely valuable for many species. Benefactors would include all amphibians, waterfowl, herons, bitterns, shorebirds, black terns, muskrats, many reptiles, and raptors. These wetlands provide habitat for both resident species as well as migrants. Potholes and level ditches provide many of the same benefits, but are particularly of value as breeding habitat for puddle ducks. Green timber impoundments are extensively used by breeding amphibians and produce large numbers of aquatic insects that breeding waterfowl utilize as food prior to egg laying. Paddy systems, temporarily flooded units rotated with agricultural crops, are highly valued feeding areas for waterfowl that can attract and keep migratory

birds on public land and away from depredating on private crops nearby.

It should also be noted that through habitat management, some species now absent form the project area could potentially be reintroduced as habitat is created. This activity has been done for bald eagles successfully within the project area. Other possible candidates for reintroduction would be river otters and bog turtles.

b. Significant Habitat

A greater degree of protection than is currently available under various land use regulations of New York State law should be a result of acquiring these lands for public ownership.

There may be some opportunities for re-establishment or enhancement of the plant and animal species significant habitats in the project area. For example, the bog turtle, an endangered species in New York State, could potentially exist in the project area. They may be there as yet undiscovered or could be re-introduced into areas they were historically known to occupy, if suitable habitat still exists, or could be introduced to a habitat created specifically for them. Similarly, historical sites for rare plants or ecological communities, if currently extirpated, might be restored with a change in land management practices or through re-introduction of these life forms.

There is also a need to more thoroughly field investigate the project area to determine the current status of rare plants and animals, as well as other significant habitat sites. Knowledge of the abundance and distribution of these sites will affect decisions for active management of the land, abundant or widely distributed species might tolerate some losses, unoccupied suitable habitats might serve as mitigation sites for other development or serve to increase or enhance populations of rare plants and animals.

Most of the records for rare plants and animals and significant habitats are from lands already in public ownership. For some species, this may be because the only suitable sites are in public ownership. It is also reasonable to expect that publicly owned lands have been more completely bio-surveyed than privately owned lands, at least for certain species groups. If the latter is the case, it is all the more reason to begin bio-surveys, whenever possible, before lands are acquired from private owners.

The establishment of this project will result in an intensification or enhancement of fish and wildlife values and human recreation associated with wildlife. In combination with the current high level of such values and use, it is reasonable to claim that the entire project area would qualify as a significant habitat for fish and wildlife as a result of this action.

3. Cultural

a. Land Ownership Patterns and Tax Base

The major concerns brought out during the scoping process were loss of tax base, loss of tax income, and a decline in property (investment) value. Loss of tax base might occur when high quality farmland or land with development potential is converted by the government to wildlife habitat of low tax value. Direct loss of tax revenues result when lands are purchased by the government and no taxes paid.

Without question, the assessed valuation of wetlands would be considerably lower than the value of improved muck. However, it is expected that most truly valuable mucks will remain under private ownership and management, at least for the immediate future. Lower-value mucks eventually would revert to wetland with a corresponding assessment loss, regardless of state or federal activities in the area.

Another concern relating to loss of tax base involves the purchase and removal of houses and other improved properties. This should be a minimal problem with the Montezuma Project. Improved properties will be avoided, where possible, by adjusting project boundaries. Most commercial sites have already been removed from the project.

The third major concern was the loss of property values due to agency buying activities within the project. This has not been the case in the past when governmental agencies purchased land. Typically, when projects like Montezuma are implemented, property values increase. Under these circumstances, state and federal agencies represent an additional buyer for property where there might have been few or none before. Additionally, the Service and the Department are required by law to purchase lands at their fair market value. Some people who do sell their lands will relocate in a new area. Those who choose to remain in the area will use money from such sales to

reinvest into the community in new homes, improvements on existing homes, and purchases of additional goods and services. With increased demand, additional housing starts, and the upgrading of existing housing, property values increase and the area economy is greatly benefited.

This alternative includes a total of 36,050 acres of private land located in three counties, thirteen towns, and six school districts. To assess the impacts to the various taxing jurisdictions within the project area, the following parameters were established:

1. Only land assessment values were used for these calculations. Improvements to these lands will be excluded from acquisition whenever possible.

2. Figures represent fee title acquisition only. Conservation easements, management agreements, and other less than fee options within the project will further reduce these tax losses.

3. Average land assessments for these properties are used to determine the actual town, county, and school district impacts.

4. Tax losses were determined for only the acreages within each proposal.

5. The figures represent the tax losses if the entire area were acquired instantly. Acquisition is anticipated to take many years to complete.

This alternative involves a total of 36,047 acres of non-governmental land, of which 11,896 acres are within the federal area of interest, and 24,151 acres are within the state area of interest. These areas have a taxable assessed value of approximately $7,989,306. Total taxes received in 1989 for these areas were:

County $99,877
Town $83,316
School District $227,621

Specific county, town, and school district tax impacts are listed in Table 13, page 93.

This table represents an accurate example of the projected tax losses assuming the entire project was acquired instantly and all in fee title.

State and federal acquisition activities will affect these

Table 13 **Tax Data for Alternative 2, Proposed Action**
Town and County (dollars/year)
If All Properties in Each Alternative Were Purchased in Fee

Township	Total Town Acres	Project Acreage	Land Assessment	Town Tax Loss	County Tax Loss
FEDERAL AREA OF INTEREST					
Cayuga County					
Montezuma	12,160	530	26,568	391	906
Seneca County					
Seneca Falls	16,320	16	4,500	16	41
Tyre	21,376	2,980	902,296	9,520	9,745
Wayne County					
Butler	24,248	738	168,879	1,220	1,619
Galen	40,384	4,188	998,554	8,267	11,094
Rose	22,080	331	112,600	1,031	932
Savannah	22,976	3,113	1,241,863	9,798	11,871
STATE AREA OF INTEREST					
Cayuga County					
Aurelius	19,072	0	0	0	0
Brutus	14,464	0	0	0	0
Cato	23,241	0	0	0	0
Conquest	23,160	8,031	257,827	16,092	16,059
Mentz	10,944	2,679	81,748	2,832	4,564
Montezuma	12,160	2,173	109,526	1,614	3,735
Victory	22,016	0	0	0	0
Seneca County					
Seneca Falls	16,320	99	20,093	73	182
Tyre	21,376	203	115,470	1,218	1,247
Wayne County					
Butler	24,248	196	42,600	308	408
Galen	40,384	217	86,262	714	958
Rose	22,080	119	36,500	334	302
Savannah	22,976	10,434	3,788,152	29,888	36,214

Table 13 (Cont'd) Tax Data for Alternative 2, Proposed Action School Districts

School District	Tax Loss State Area of Interest	Tax Loss Federal Area of Interest	Total Loss
Cato-Meridian	13,064	-	13,064
Clyde-Savannah	65,206	75,270	140,476
North Rose-Wolcott	9,146	3,462	12,608
Port Byron	54,281	2,046	56,327
Red Creek	-	-	-
Seneca Falls	1,023	3,794	4,817
Union Springs	-	-	-
Weedsport	329	-	329

taxing agencies, but at nowhere near the above-mentioned amounts. Acquiring property from willing sellers as funds become available means that a sizable percentage will remain in private hands for the foreseeable future. With purchases being made over the course of many years, tax impacts will have ample time for mitigation.

Tax losses will be further reduced by the following mitigating measures:

1. Any payments made "in-lieu-of taxes" by either the State or Federal government.

2. The construction of new homes and upgrading of existing homes for replacement housing.

3. Increased commercial development in the form of restaurants, motels, and businesses supplying equipment for recreational pursuits.

4. Increased property values.

5. Reinvestment of property sale income back into the community as additional goods and services are purchased.

6. Growing interest in the area as a waterfowl hunting center (occurring independently of the project).

7. Exclusion of, whenever possible, any improvements from the project by adjusting the project boundary.

8. Acquisition of conservation easements and less than fee interest in real property within the project area.

The Service and Department acquisition policy encourages conservation easements, agreements, life and term uses, and other less-than-fee interests that can tailor a landowner's interests with that of the agencies involved. Less-than-fee interest purchases also lessen the impact on the tax rolls, as the landowner will continue to pay taxes on the property interests they retain.

The Service and Department policies on payment in lieu of taxes are as follows:

New York State does not routinely pay taxes on Department lands located outside of the Catskill and Adirondack Parks. Usually, only those lands specifically identified in Article 5, Title 2, Sections 534 and 536 of the Real

Property Tax Law can be taxed. The addition of lands to either of these sections requires that an amendment be passed by the Legislature and approved by the Governor. Therefore, without legislative action, the purchase of lands by the Department does represent a loss of tax revenues.

The exception to this general policy can be found in Article 5, Title 2, Section 545 of the Real Property Tax Law. Under this statute, a series of "transition assessments" can be requested by various tax districts if and when state purchases constitute two percent or more of the total assessed valuation. "Transitional assessments" are recalculated each year by the state board of equalization and assessment based upon reports received from the affected tax district. Once certified by the state board, the New York State comptroller "shall pay as state aid the amounts, equivalent to taxes, denied on such assessments . . . ."

The Service has a program under the Refuge Revenue Sharing Act, as amended, which provides annual payments in lieu of taxes to the local governmental unit. The payment formula is based on 3/4 of one percent of the land's fair market value, 25% of net receipts, or $.75 per acre for all purchased or donated land. Service lands are reappraised every five years to determine the current fair market value. The funding for these payments is derived from the net income from sales of products or privileges on Service-owned lands. If these funds cannot match the yearly calculated refuge revenue sharing payments, Congress is authorized to appropriate money to make up the deficit. In years where Congress fails to appropriate sufficient funds, the payments to local governments will be reduced accordingly.

The Service conducted a study to estimate the refuge revenue sharing payments under Public Law 95-469 for each governing tax body within this alternative. In order to develop these estimates, the following conditions were established:

1. Revenue sharing figures are simply estimates to be used as a guide in discussing this acquisition alternative.

2. These estimates are based on information available at the time of the study and subject to change upon more up-to-date data.

3. No actual physical inspection of each lot within the proposal was undertaken.

4. No value of physical structures or improvements are included.

5. Any reference to acreage was obtained by planimeter of quadrangle maps and aerial photographs.

6. The calculations do not include any revenue sharing figures within the existing refuge boundary.

The results of the revenue sharing study are summarized as follows:

Town	Estimated Revenue Sharing/year
Butler	$ 3,188.00
Galen	$ 15,000.00
Montezuma	$ 2,768.00
Rose	$ 1,072.00
Savannah	$ 11,392.00
Seneca Falls	$ 90.00
Tyre	$ 23,250.00

Mitigation of lost taxes beyond refuge revenue sharing is outside of the jurisdiction of the involved agencies in this project to effect such changes. An innovative approach might be something along the lines of creating a natural resource development zone, which would provide local incentives to areas such as this one to preserve and manage natural resources that benefit and support an internationally significant resource base.

b. Land Use Regulations

If the "proposed action" alternative were implemented, most of the project area would experience considerable change in terms of its land use regulations. Land purchased outright by the Department would become part of a Wildlife Management Area and would be subject to all the associated laws and regulations (see Appendix E). Generally, hunting, trapping, fishing, boating, and camping are allowed within a framework of limited restrictions.

Lands purchased by the Service will become part of the National Wildlife Refuge System and will be subject to that set of laws and restrictions (see Appendix E). In general, most land uses such as hunting, fishing, birding, nature observation, and photography are permitted under specific refuge regulations.

Lands not purchased but included in a management agreement will be restricted (in land use) by the terms of the

specific management agreement and by any further restriction placed on the land by the property owner. Otherwise, only existing local, state, and federal land use regulations (if any) would be in effect. For an additional discussion of existing land use laws, see the Land Use Regulations section under "Effects of Alternative I".

c. Agricultural Resources

With such a large percentage of farmland within the project area, it is inevitable that agricultural impacts will be felt. Farmlands will be purchased and converted back to wetlands wherever feasible. Upland areas, where purchased, may be converted to nesting cover and other habitat types. Lands purchased and left in farming will very likely have management restrictions which may dictate mowing schedules, crop rotations, and other activities. Purchased mucklands that continue in active agriculture will be managed to maximize soil conservation by such practices as winter cover crops and hedges to reduce wind erosion. Lands in private ownership but under management agreements with the Department or the Service will have similar restrictions. Some 22,460 acres of farmland are included in this alternative. The ultimate effect of these activities will potentially be a reduction in the amount of farm commodities produced, at least in the long term (10+ years).

However, the immediate effect of this project on agricultural production would be limited. Since land will be purchased primarily through willing sellers, truly valuable agricultural lands may stay in private ownership indefinitely. It should also be remembered that some loss of farm production can be expected even if the project is never implemented.

Land abandonment, development, and other losses are a fact of life in the agricultural community. Statewide, farm numbers continue to decline at the rate of about ten percent every five years. While this does not necessarily reflect a direct loss of farmland in the Montezuma area, it is indicative of long-term trends. The project impact on area food processors should also be minimal. Durkee-French Foods is the major processor in the area, and they depend heavily on onions and potatoes grown in the project area. Since these are high-value crops grown only on the best mucks, no immediate change would be anticipated. High-value crops would continue to be grown on the best mucks, as long as those mucks remain economically viable. Loss of viability is a process that will occur independent of project activity.

The greatest impact will be felt on land only suitable for lower-value crops (such as corn and hay) or lands with more severe management difficulties such as topography and/or wetness. With average sales activities we can reasonably expect the conversion of 3,000 acres of these kinds of farmland to public ownership over the next decade. Ultimately as much as 5,050 acres of farmland could be converted upon project completion. Since crop values are relatively low and productivity modest on these poor quality lands, the economic impact should be minor.

Some agricultural land may be purchased as part of this project and kept in agricultural use as a part of the project's management plan that, if not purchased by the Service or the Department, would have been sold to development or other interests and lost from agricultural production forever. These lands will be made available for continued farming activities pursuant to a permit issued to interested farmers. Following a conservation plan on these lands is one condition of this permit.

Approximately 400 acres of now-fallow agricultural land on the Howland Island WMA will be made available for agricultural production, which will help offset production losses in the vicinity as a result of management activity. Improved access to the island to facilitate the movement of large farm equipment can be provided from the west, rather than across the narrow bridge on the south side of the island. The improved access on the west side will require a new crossing over the old Seneca River channel and vegetation clearing and regrading of a former access road.

Crop depredation by wildlife is a continuing concern of project area farmers who fear the problem may become more acute as wildlife management activities are applied on newly purchased lands. Additional wildlife habitat will mean increased wildlife numbers which could lead to additional losses. Crops are already being damaged by blackbirds, raccoons, white-tailed deer, and to a lesser extent, Canada geese.

Blackbird (usually red-winged blackbirds, grackles, starlings, and cowbirds) have caused long-term problems for the agricultural community. Blackbirds damage sprouting corn in the spring, damage corn ears while in the milk stage in late summer, as well as damaging fully matured corn. Blackbird flocks form in late July and can remain in the area until late October or early November. Cattail marshes are used for both nesting and roosting cover.

Biologists believe that flocks responsible for crop damage are made up of both migrant and local birds attracted by the availability of food and roosting cover. Therefore, increasing nesting and roosting cover (in other words, cattails) would have the effect of increasing blackbird numbers, especially the local component. Current blackbird control techniques would have to be continued and perhaps expanded in some instances. Assistance is available through the U.S. Department of Agriculture which has an animal control biologist on staff. Department regional biologists can also offer assistance. Current damage control programs should be adequate to keep losses within acceptable limits. Blackbird numbers have been stable in recent years.

Raccoons pose a continuing problem for area farmers, especially those growing corn and other attractive crops. Populations seem to fluctuate somewhat and may only be minimally affected by trapping and hunting activities. Low fur prices have further reduced raccoon utilization in recent years.

Since raccoons use the edges of marshes and swamps when foraging, project management activities may result in a modest increase in numbers. Existing control techniques would continue and may need to be expanded. The preferred method is to maximize hunting and trapping activities during the fall and winter months. However, these seasons may occur too late in the year to be a realistic control tool in cases of continued severe damage. Nuisance racoon trapping may be necessary during the summer months.

White-tailed deer problems currently encountered by project area farm owners should not increase as a result of acquisition or management activities. Farmers may currently be experiencing severe damage due to either poor hunter access or non-governmental restrictions placed on hunter take. Lands purchased by the Department or Service will be open for hunting under the same regulations now in place for their respective lands. Access to federal lands may improve as uplands and other areas more suitable for deer hunting are added to the refuge.

Better access will result in better deer herd control with no changes in existing state or federal hunting regulations. Where severe problems persist, damage control permits can be issued by the appropriate Department Regional Offices. However, this should not be necessary if deer are adequately harvested during the regular hunting season. If anything, this project should result in less deer damage than now experienced.

Canada goose numbers in the greater Finger Lakes Basin have been increasing over the last decade or so, and those numbers may still be rising. Wildlife biologists believe the reasons are threefold: open water all winter on the Finger Lakes, large acreages of grain corn for food, and refuge from hunting (such as certain areas on the lake). These elements maintain a sizable resident goose population which attracts additional migrants. Agricultural damage occurs primarily in the spring. Seedling wheat on low-lying, marginal fields may be consumed or trampled, leaving bare spots and areas which ripen too slowly to be properly harvested. Mallards and black ducks can also damage fields, but the problem is quite rare.

Biologists do not believe that project activity will substantially increase goose depredation problems. Increasing the amount of wetland available will make the area more attractive to nesting birds but should have little effect on numbers of overwintering birds. Wetlands provide neither food nor open water during the winter months. However, since goose numbers are still increasing, early project activity may give the impression of having that effect.

Programs are now in place to provide farmers who are experiencing crop damage with measures to mitigate that damage. Such measures include scaring devices, noise makers, chemical repellents, and other means to discourage bird use of affected fields. In New York there is no existing program for direct compensation of crops damaged or lost due to wildlife, although some forms of crop insurance can cover this. Within the project area, it will be possible for a landowner who is experiencing crop damage by migratory birds to enter into an agreement, lease, or easement with the Service which could provide the owner with compensatory relief up front for providing migratory bird feeding areas.

Comments have been received concerning the possibility of weeds spreading from uncultivated public land to adjoining properties. Lands purchased and not left in farming will be converted as quickly as possible to appropriate wetland or upland (grass) habitat, thereby limiting the establishment of noxious agricultural weeds. Mowing or other management practices may be needed in the odd, severe case. The purchase of non-agricultural lands will represent no change to surrounding landowners and should not require any special weed-control practices.

Water level changes were expressed as a concern by a

number of landowners, both in and out of the project boundaries. A second concern has been the effect that rising water levels on re-flooded lands might have on adjacent landowners. In no case will lands be flooded if this will create problems for nearby landowners. An owner's responsibility to adjacent landowners is clearly defined in civil law. Such land will either not be flooded or will only be flooded after appropriate actions are taken (dikes, drainage ditches, etc.) to protect other owners.

Impacts on agricultural support industries in and around the project area will directly depend upon the amount of farmland taken out of production. Banks along with dealers in machinery, seeds, fertilizer, and chemicals will feel the effects of any lands lost to production. Agricultural support industries must expect some decrease in the number of farmers being serviced regardless of project activities. If implemented, the Montezuma Project may hasten the loss of farmlands, although the overall effects should be minimal as long as the best lands remain in production.

Despite some of the problems encountered, project activities in the main will not be detrimental to the farm community. Public agencies like the Department of Environmental Conservation and the U.S. Fish and Wildlife Service have long cooperated with farmers through land rentals (of public land), cooperative work agreements, and outright contract work. For example, Howland Island currently has 600 acres of farmland available for use. The access problem due to the narrow bridge may be solved by a second bridge across the Seneca River on the west side of the property. This will be designed to handle modern farm equipment. Farmland like this will be available for the foreseeable future since some cultivated land should be mixed with other habitat types in order to optimize wildlife diversity. A similar arrangement will be made on any new lands purchased.

It is expected that a very active and viable farm economy will remain in the area as long as the resource base (soil) remains productive. Maintenance of farmland is desirable for both the farm community and the wildlife manager. Therefore, it is hoped that a considerable part of the farm economy will remain into the indefinite future.

d. Transportation and Utility Corridors

There would be no substantial impacts to transportation routes or utilities within the project area under this

alternative. The existing state, county, or local roads would remain under current ownership and operation with no additional use restrictions placed on them. There will be no additional demands upon local transportation systems beyond those expected to result from normal growth in the area. The continued use and maintenance of existing telephone and electric lines, as well as gas and oil pipelines, would not be affected by federal or state acquisition and management. Expansion of existing facilities within the project area would be regulated by existing laws and regulations. Expansion of facilities in or across state or federally acquired lands would have to follow state or federal right-of-way regulations, as well as additional federal regulations concerning any proposed activities' compatibility with the refuge's established purpose.

New York State and the federal government have owned and managed property in the project area for over 50 years. During that time, it has been demonstrated that the maintenance of these utility and transportation corridors can be a compatible use with the resources this proposal is attempting to protect. Choosing this alternative should not alter this past relationship.

Increased visitor use to the area will potentially increase maintenance needs to area road systems, particularly on unsurfaced or gravel surfaced secondary roads. In some instances, where these roads serve no permanent residences or other developments, the appropriate highway department may choose to officially abandon maintenance of these roads, or suspend maintenance on a seasonal basis. This may result in limiting or impairing vehicular access to some areas of private or public lands.

e. Cultural/Historic Sites

Due to the project's great size and the heavy concentration of archaeological sites and artifacts within its boundaries, no overall project area survey for archaeological resources has been attempted. Any management activity involving physical change of an area known or expected to contain archaeological resources will require a site-specific survey. Site management plans may be altered if a significant resource is discovered. Preservation and/or mitigation would be necessary when significant resources are identified. Coordination with the State Historic Preservation Office and other appropriate individuals or organizations will be maintained throughout this process.

Site-specific management plans cannot be presented at this time, since purchases will be primarily from willing sellers. Specific management plans will be developed when sufficient contiguous acres are acquired for management. Types of construction associated with wetland wildlife management procedures include ditching, building of dikes and dams, water control structures, small parking areas, and re-flooding. These will all be subject to review of impact, followed by archaeological or historic resource studies as appropriate.

f. Recreational and Education Uses

On all lands purchased in fee by the State of New York, many outdoor recreational activities will be permitted and encouraged, thus, expanding substantially the opportunities for such activities as hunting, fishing, trapping, birding, hiking, boating, canoeing, cross country skiing, and picnicking for the general public. Certain activities such as camping, removal of vegetation, and other generally incompatible uses would not be allowed except by special permit from the Department. Reference is made to the regulations governing public use activities on wildlife management areas in Appendix E.

The Service is directed by Congress to provide wildlife-oriented public use on acquired lands when it is determined compatible with the purposes for which the refuge was established and only when funds are available. In most cases, the Service strives to provide visitors with educational and recreational opportunities such as wildlife observation and photography, environmental education, hiking, hunting, trapping and fishing. However, all proposed public uses are evaluated to determine their compatibility and potential impacts on refuge wildlife management objectives. Reference is made to the regulations governing public use activities on Montezuma National Wildlife Refuge in Appendix E.

On lands where an easement or other real property interest where less-than-fee title is negotiated, recreational activities by the public may or may not be allowed, depending on the interest purchased and the wishes of the landowner. On private lands, access to and recreational use of these lands is at the discretion of the landowner.

In the long term, implementation of the proposed action will provide increased land areas and opportunities for public recreational uses. In the event that recreational uses become a conflict with wildlife, facilities, or each other, these conflicts may be resolved by regulating such uses as may be necessary.

It is also likely that private lands within or near the public lands will be in demand for waterfowl hunting opportunity, offering landowners the potential for income by leasing hunting rights or by charging access fees. Increased hunting recreation will be provided, in any case, on lands peripheral to the project area, and waterfowl produced on the project area will contribute to increased recreational hunting in other states in the flyway.

Public lands in the area will be available for environmental research activities and environmental/outdoor education programs. Considerable interest in developing a state-operated environmental education facility on public land as part of this project has been expressed by area schools and educators. An interpretive/visitors center can assist in coordinating the information network which is so desirable for developing a true area appreciation. While conducting many programs of its own, a center will encourage and assist in the development of better service delivery in the interpretive and information fields. The center, in cooperation with other area organizations, can serve to promote tourism and develop training programs in high visitor contact activities. The potential and feasibility of such an educational facility will be examined if the project is approved and acquisition efforts are successful. If ultimately developed, such a facility would likely be extensively used and would function in connection with the education/interpretation program of the Montezuma NWR.

It is anticipated that after acquisition and development of the project, an additional 100,000 visitor-use days of recreational opportunity will accrue in the project area. The recreational use of the project will now total 300,000 user visits per year.

g. Health Concerns

As governmental agencies whose primary responsibility is to serve the public by properly managing our commonly owned natural resources, the Service and the Department are committed to improve the health of our environment and, thus, the people using that environment. Public health concerns involving natural resource management will be closely monitored using existing staff or consultants as required.

In the last two years mosquitos in the project area have been particularly bothersome. This is due primarily to weather patterns of above-normal rainfall, which has

created an abundance of mosquito breeding habitat. There has been no change in water management on public lands that would contribute to or be the sole consol factor for this population increase. This pattern of above-normal rainfall follows a period of years of below-normal rainfall which depressed mosquito populations. Thus, the boom in mosquito populations follows a period of population depression, making the current situation appear worse. There has been no documentation of a health problem caused by disease-bearing mosquitos in the project area. Widespread state-approved spraying to control mosquitos is unwarranted at this time.

The preservation/management of wetlands invariably sparks discussion of insect-borne health concerns. Triple E (Eastern equine encephalitis) is a mosquito-transmitted viral disease recently identified east of Syracuse, New York, near the Cicero Swamps. Only certain species of mosquitos carry the virus, so spraying is predicated on finding the key mosquitos before control is attempted.

It has long been recognized that deep, freshwater marshes are not major breeding areas for mosquitos since numerous predatory species of animals are available to prey on mosquito larvae. However, certain habitat management activities will undoubtedly increase mosquito numbers. The State Health Department has the authority to institute spraying programs when, in their opinion, mosquitos pose a human health hazard.

Lyme disease is a bacterial disease transmitted by the bite of the deer tick. First identified in Lyme, Connecticut, in 1975, the disease has now been found in many states and throughout Long Island, parts of New York City, and along the Hudson Valley in New York State. As of this writing, no Lyme disease ticks have been identified in the Northern Montezuma Project area, but common anti-tick precautions should be taken when walking through high grass or brush.

Raccoon rabies first appeared in New York in the spring of 1990 along the Pennsylvania border. It is anticipated that raccoon rabies will spread northward at a rate of 35-50 miles per year. If this occurs as expected, rabid raccoons may be present in the project area by 1993 and can present obvious health concerns to humans and domestic animals. The New York State Departments of Agriculture and Markets, Health and Environmental Conservation have adopted policy and procedures for managing this situation when it occurs, to protect public health. But rabies has been present in the project area counties for decades.

h. Unavoidable Adverse Impacts

Acquisition of lands by governmental agencies will remove these lands from the tax rolls. To maintain the same level of tax revenue coming into the towns, counties, school districts, and special use districts, the tax levy on the lands remaining in private ownership in the various taxing districts would be increased.

Greater public recreational use activity on public lands may result in increased but localized littering, noise, disturbance to wildlife, vegetation damage, and vehicular traffic on some roads.

An increase in migratory bird use and production in the area may cause an increase in agricultural crop damage by these species. Of particular concern is blackbird damage to corn.

Siltation, erosion, and compaction of soils as a result of construction activities for parking areas, dikes, potholes, ponds, level ditching, and other earth-moving activities may occur. Agricultural lands that may be purchased may be removed from production as a result of wetland restoration activity, parking area construction, or disinterest in farming these lands by local farmers pursuant to the agricultural permit program operated on public lands. Small acreages or odd-shaped fields resulting from public purchase may preclude continued agricultural production on these areas due to their affected viability, access, or uneconomical farming practices that would have to be utilized to keep them in production. Again, the magnitude of these results is likely to be small given the existing trend away from farming.

i. Short-term Use vs. Long-term Productivity

The local short-term uses of the environment would occur through the implementation of wetland management techniques which include the impoundments. The management of these areas would cause long-term productivity of wildlife including, waterfowl, raptors, songbirds and wetland dependent furbearers and other mammals.

j. Irreversible and Irretrievable Commitments of Resources

Implementation of the Northern Montezuma Wetland Project will consume or convert natural and manmade resources and make them unavailable for other uses.

Acquisition of lands by the Department and the Service will provide long-term natural resource protection and management of these lands. This action will preclude individual freedom to utilize these lands in accordance with one's individual choice. Private land ownership will be lost, as will the right to will property to heirs. The potential for development of these lands for residential or commercial purposes by the private sector will be lost. Structural improvements that may be purchased and declared surplus to government needs will be sold and demolished or relocated off public lands.

Management practices will also convert land resources from private to public purposes. Restoration of former wetlands will make these areas unavailable for agricultural, residential, commercial, and other uses for all practical purposes, unless these restored wetlands were drained once again to make them available for farming. Parking areas that would be constructed would be unavailable for other uses. Private recreational uses of lands would be converted to public recreational uses, and these uses would be regulated under public ownership. Land use options would be restricted as a result of public ownership and management.

Manpower commitments by the Service and the Department in purchasing and managing lands within the project area make these human resources unavailable for other Department and Service programs and projects.

There will be impacts on unique and prime farmland by wetland management efforts, but these impacts are not irreversible if it is determined that it is in the best public interest, at some future date, to again cycle wetlands back to agricultural use.

k. Growth Inducing Aspects

Additional state and federal ownership will provide increased waterway access and other additional recreational opportunities; activities such as hiking, hunting, trapping, fishing, bird watching, and boating will increase. A proportional increase in the purchasing of equipment to sustain these activities will be expected along with an increase in the sale of Department fishing, hunting, and trapping licenses. Increased public use will create a need to provide services for individuals engaging in these activities. These will include restaurants and gas stations, motels, guiding services, and businesses supplying equipment for recreational pursuits.

Permanent Department staff will be hired to administer the

project area, and it is anticipated that the federal refuge staff will eventually expand to cover additional workload. Besides staff moving into the project area and buying or building homes, sale of recreational properties adjacent to project lands should be anticipated.

Potential construction projects allied to the project would include a New York State Department of Environmental Conservation area headquarters complex, a main tenancy center, and possibly, a research/visitors center or environmental education center.

l. Use and Conservation of Energy

As a land preservation and management project, the only use of energy sources would be the use of fuel and petroleum products to operate vehicles and machinery associated with the purchase, management, and maintenance of the lands in the project area. Such uses are not anticipated to represent a significant energy demand.

m. Possible Conflicts

- Native American Land Settlements.

The Northern Montezuma Wetland Project is partially located within a land area that is claimed by a tribe of native Americans as belonging to them pursuant to a treaty dating back to the 1700's. There has been recent litigation and negotiations with this group to settle the matter. This project is not in any way an effort by the government to purchase land with the intent of offering such lands to the Indians as a means of settling this controversy. What may eventually be negotiated or mandated by the courts is not within the jurisdictional powers of the agencies involved with this project.

- Nuclear Waste Disposal Sites.

New York State is currently examining a number of locations for disposal of low-level nuclear wastes generated within the state. The Northern Montezuma Wetlands Project is not in any way an effort by the government to purchase land for eventual use as a hazardous or nuclear waste disposal site. The people and agencies involved in examining this disposal siting have made an effort to ensure that such a site is not in conflict with the Northern Montezuma Wetland Project.

- Regional Airport Establishment.

Proposals have been raised in the past for new county

airports in the vicinity of the Montezuma NWR. Such proposals in close proximity to known flight paths of migratory birds can create obvious problems with aircraft/bird strikes. The management of the Northern Montezuma Wetland Project, of which the Montezuma Refuge is a part, will likely increase the numbers of migratory birds in this area, which could further reduce the potential for a major airport in this area.

C. Effects of Alternative 3 - Wetlands Protection with Minimal Management Zone

1. Physical

a. Topography

Minor changes in topography would occur for grading visitor parking areas, totalling less than five acres throughout the project area, and for pothole and small pond construction within the wetlands area.

b. Soils/Geology/Minerals

None of the actions proposed under this alternative would have any effect on the geology or soil on lands protected by the Service or Department. Mineral extraction would be regulated by the governmental agencies.

Construction activities (dikes, potholes, ditches, parking areas) that will cause temporary impacts on noise and soil disturbance will be mitigated through careful timing of construction activities, the use of erosion control devices, and prompt seeding of disturbed soils.

c. Climate

This action will not affect the climate of this project.

d. Hydrology

This alternative would protect and maintain the water quality, groundwater resources, and groundwater recharge capabilities at the present level with little to no improvement.

e. Land Use/Cover Type

This alternative contains about 23,900 acres total--11,200 acres of land to be placed under management agreement or purchased, plus 12,700 acres of existing state and federal land. Overall, land use distribution is

as follows: wetland types, 12,100 acres (9,240 acres of forested wetlands and 4,190 acres of non-forested wetlands); upland forests, 5,990 acres (90 acres of deciduous forests and 5,900 acres of mixed forests); agriculture, 3,500 acres; open water, 2,290 acres; plus 20 acres of built-up land. For a full description of these land use categories, please refer to the "Land Use/Cover Type" section under Part III, "Description of the Affected Environment".

The implementation of this alternative would have a relatively small impact on the existing land use distribution, since only wetlands are under primary consideration. The very limited farmland acreages included will probably be "lost", in any case, to either land abandonment or purchases for recreational pursuits. If we assume that about half (1,760 acres) of the existing farmland will remain in production, the estimated ultimate land use distribution will be as follows: wetland types, 13,840 acres (8,000 acres of forested wetland and 5,840 acres of non-forested wetlands); upland forests, 5,990 acres; agriculture, 1,760 acres; open water, 2,290 acres, plus the same few acres of built-up lands.

2. Biological

a. Fish and Wildlife

Should this alternative be selected, preservation of key tracts of existing wetland and upland areas would be undertaken. Fish and wildlife resources would likely remain in the area in their present status (Appendix D). Management to influence wildlife population levels would be extremely limited and, thus, little if any change would be expected.

This alternative, because of its restrictive nature, would not permit the extent of management of wildlife habitats as described in the proposed action. Restoration of former wetlands would not be undertaken by the Department or the Service. Water level management on existing wetlands would be all but precluded, as the management zone of uplands would, in many places, not allow elevational changes in water levels without affecting neighboring landownerships. Dense nesting cover establishment in the upland area would be developed if administrative access were permitted by adjoining owners. The potential for some minor wetland management by potholes and level ditching would exist to some extent.

It is likely to if this alternative were chosen, only minor benefits to fish and wildlife would occur due to

limited management. Species that would benefit from even limited management would include puddle ducks, muskrats, shorebirds, herons, and small mammals. Habitats for those species now existing in the area would be protected from possible future alterations caused by conflicting land uses.

b. Significant Habitat

The agencies involved would provide additional protection for significant habitats which fall within this proposed alternative. Those habitats not associated with wetlands would be protected by current land use regulation, New York State law, and federal flood plain protection regulations. This alternative provides more protection than if no action was taken, but less protection than the proposed alternative.

Wetlands-dependent plant and animal species would be the primary beneficiaries of land management plans implemented under this alternative's acquisition strategy. In fact, most of the endangered, threatened, rare, or special concern species of plants and animals found in the project area are dependent upon or associated with wetlands.

3. Cultural

a. Land Ownership Patterns and Tax Base

Potential tax impacts would be much reduced under this option, as only those remaining wetlands along with a 200-foot management zone within the historic Montezuma Marsh complex would be considered. No additional wetland restoration would be attempted.

This alternative includes 11,200 acres of non-governmental land in three counties, eight towns, and five school districts. These impacts were derived using the same criteria explained in alternative 2, for comparison purposes.

This alternative involves a total of 11,203 acres of non-governmental land, of which 5,617 acres are within the federal area of interest, and 5,586 acres are within the state area of interest. These areas have a taxable assessed value of approximately $2,711,391. Total taxes received in 1989 for these areas were:

County $30,024
Town $24,477
School District $61,725

Specific county, town, and school district tax impacts are listed in Table 14, page 114.

This example represents an accurate example of the projected tax impacts assuming the entire project was acquired instantly and all in fee title.

All mitigating measures described in alternative 2 can be implemented for this alternative. For comparison of the Refuge Revenue Sharing payments, the following information is provided:

Town	Estimated Revenue Sharing/year
Butler	$ 1,680.00
Galen	$ 7,448.00
Montezuma	$ 1,704.00
Rose	$ 345.00
Savannah	$ 4,136.00
Seneca Falls	$ 90.00
Tyre	$ 11,640.00

b. Land Use Regulations

Changes in land use regulations can be expected on any lands purchased by the Department or Service. Land purchased outright by the Department would become part of a Wildlife Management Area and be subject to all the associated laws and regulations. Lands purchased by the Service will become part of the National Wildlife Refuge System and will be subject to refuge laws and regulations. Laws governing the use of Wildlife Management Areas and National Wildlife Refuges are included in Appendix E.

Lands not purchased but placed under management agreement would be subject to any agreement restrictions and any further use restrictions established by the landowner. Otherwise, only existing local, state, or federal land use restrictions (if any) would apply. Currently, these laws (see Appendix A for a summary) give only minimal protection to wetlands (relative to draining) and virtually no protection to uplands.

c. Agricultural Resources

The impacts of this alternative on agriculture should be quite minimal. As is stated under the "Land Use/Cover Type" section above, farmland is involved (about 3,500 acres). Much of this farmland is quite marginal (wet) and will probably be "lost" to either land abandonment or recreational land uses, regardless of what course the Department and/or Service pursue.

Table 14

Tax Data for Alternative 3
Town and County (dollars/year)
If All Properties in Each Alternative Were Purchased in Fee

Township	Total Town Acres	Project Acreage	Land Assessment	Town Tax Loss	County Tax Loss
FEDERAL AREA OF INTEREST					
Cayuga County					
Montezuma	12,160	263	12,463	184	425
Seneca County					
Seneca Falls	16,320	0	0	0	0
Tyre	21,376	572	102,830	1,085	1,110
Wayne County					
Butler	24,248	302	72,874	527	699
Galen	40,384	2,405	574,211	4,754	6,335
Rose	22,080	185	62,934	576	521
Savannah	22,976	1,890	743,476	5,866	7,107
STATE AREA OF INTEREST					
Cayuga County					
Aurelius	19,072	0	0	0	0
Brutus	14,464	0	0	0	0
Cato	23,241	0	0	0	0
Conquest	23,160	1,253	29,199	2,156	1,819
Mentz	10,944	380	11,413	395	637
Montezuma	12,160	860	32,986	486	1,125
Victory	22,016	0	0	0	0
Seneca County					
Seneca Falls	16,320	0	0	0	0
Tyre	21,376	0	0	0	0
Wayne County					
Butler	24,248	45	11,500	83	110
Galen	40,384	0	0	0	0
Rose	22,080	0	0	0	0
Savannah	22,976	3,048	1,060,238	8,365	10,136

Table 14
(Cont'd)

Tax Data for Alternative 3
School Districts

School District	Tax Loss State Area of Interest	Tax Loss Federal Area of Interest	Total Loss
Cato-Meridian	180	-	180
Clyde-Savannah	15,127	29,589	44,716
North Rose-Wolcott	3,988	1,751	5,739
Port Byron	10,060	960	11,020
Red Creek	-	-	-
Seneca Falls	-	70	70
Union Springs	-	-	-
Weedsport	-	-	-

In addition, even if all of this land were acquired, it would still be beneficial to leave a percentage in agriculture for a variety of management reasons (see the Management Plan in the description of the proposed action). Therefore, it is probable that less than 1,740 acres of farmland will ultimately be used for the other purposes of this project.

d. Transportation and Utility Corridors

This alternative would have the same impacts as described in alternative 2.

e. Cultural/Historic Sites

See discussion for alternative 2 under Cultural/Historic Sites. This alternative involves a smaller area, but the same procedures are required on federal and state acquired lands.

f. Recreational and Education Uses

Should this alternative be selected, a modest increase of recreational and educational uses would occur on those lands purchased by the federal or state agencies. Access to lands purchased would be very limited due to the locations of the lands acquired and minimal numbers of access points. Visitor use could be expected to increase on public lands from the present 200,000 visitors per year to 225,000 visitors per year. Activities presently occurring on Service and Department land will occur on acquired lands, where appropriate.

g. Health Concerns

Same impacts as described in alternative 2.

h. Unavoidable Adverse Impacts

Same impacts as described in alternative 2.

i. Short-term Use vs. Long-Term Productivity

The local short-term uses of man's environment would not change or be significantly impacted through this alternative. Long-term productivity and divesity of plant and animal life in existing wetlands areas would be protected.

j. Irreversible and Irretrievable Commitments of Resources

All the unavoidable adverse impacts, as well as irreversible and irretrievable commitments of resources, described in alternative 2 would apply to this alternative, but to a lesser degree considering the smaller scope of this alternative.

k. Growth Inducing Aspects

Although continued use of project lands would continue under this alternative, expansion of public use activities, as well as growth in allied industries, would not be assured. The possibilities of a research/visitor center being constructed is unlikely under this alternative, although a state-operated headquarters facility would most likely be acquired.

l. Use and Conservation of Energy

Same as described in alternative 2.

m. Possible Conflicts

All of the potential conflicts outlined in alternative 2 would relate to this alternative.

D. Effects of Alternative 4 - Maximum Wetlands Protection and Management Zone

1. Physical

a. Topography

Changes in topographical features under this alternative would be the same as described in alternative 2, plus additional diking would be possible between upland drumlin sites to create new and enhance existing wetland acreages within the extended project boundary.

b. Soils/Geology/Minerals

None of the actions proposed under this alternative would have any effect on the geology or soil on lands protected by the Service or Department. Mineral extraction would be regulated by the governmental agencies.

Prime, unique, and statewide important farmlands would be affected by wetland restoration and management plans under this alternative. The unique farmlands (muck farms) would be reverted back to wetland as they became uneconomical to farm, due to subsidence or the high cost of water management (drainage). Other farmlands may become too wet

to continue farming adjacent to managed wetlands. These effects are not irreversible losses.

c. Climate

It is not expected that this alternative will have an impact on the general climate of the area; possibly, there would be an effect on very localized, micro-climate immediately adjacent to water impoundments. Such impoundments tend to modify or slow down temperature and humidity changes that are often quite rapid in dry upland areas.

d. Hydrology

Choosing alternative 4 would provide all of the impacts associated with the proposed action (2) but would entail a substantial increase in the number of landowners involved. It is anticipated that this alternative, by protecting virtually all wetlands within a small part of this watershed, will offer greater protection against downstream flooding. Those wetlands act as natural catch basins for excess precipitation or run-off.

e. Land Use/Cover Type

Alternative 4, the maximum wetlands protection option, includes a total of 64,439 acres within the established boundaries; 50,979 acres of land to be either placed under management agreement or acquired plus 13,460 acres of existing state and federal land. Current land-use acreage for this alternative are as follows: agriculture, 32,700 acres; wetlands, 15,470 acres (10,760 acres of forested wetlands and 4,710 acres of non-forested wetlands); upland forests, 13,760 acres (720 acres of deciduous forests, 410 acres of evergreen forests, and 12,630 acres of mixed forests); open water, 2,560 acres; and built-up lands, 250 acres.

This alternative would increase wetland acreages from 15,470 to 21,660. Open water would increase from 2,560 to 3,530. Agricultural lands would decline from 32,700 to about 24,500 acres due to the conversion or reverting of certain mucks back into wetlands and the conversion of limited upland sites into fallow fields and ultimately sapling stage mixed forests. Ultimately, it is expected that only some 8,200 acres of agricultural land would come out of production, some of that to natural attrition. This limited conversion will help to maintain a strong agricultural component within the project area--a very desirable feature for many species of wildlife. The upland forest cover types will increase slightly from 13,760 to 14,710 as a result of natural succession.

Built-up lands should remain at their current level of about 250 acres.

The types of vegetation changes that can be expected and a description of the management techniques involved in these changes can be found in the description of the proposed action. Since most land purchases will be from willing sellers, resulting in a patchwork of ownerships, it is impossible to tell which technique will be applied where. Also, a great deal will depend upon what is negotiated, as management agreements are signed on lands not acquired outright.

2. Biological

a. Fish and Wildlife

Impacts on fish and wildlife resources pursuant to this alternative will be significant and would result in changes greater than those anticipated for the proposed action. This alternative would protect and allow management of substantially more high-value wetlands and adjoining upland habitats than that of the proposed action. This additional habitat quantity would allow much greater flexibility to the Service and the Department to affect habitat quality and to manage upland habitats for resident and migratory species. The acquisition of what will be a nearly complete ecological unit will strengthen the project area's value for wildlife by reducing habitat fragmentation. Fragmented habitat, or islands of habitat, may have no value for certain species of wildlife due to their need for a critical minimum land mass to meet their life requirements, i.e., some species require larger areas than that provided by separate "islands" of apparently suitable habitat. However, when and if the intervening and adjacent non-habitat lands can be managed, such as by acquisition, to fill in the habitat "blanks", then that entire area may well become suitable habitat for such species. An example of the type of wildlife to benefit from large blocks of habitat would be forest interior nesting species of birds such as the red-shouldered hawk, a species whose existence in New York is currently threatened probably due to a shortage of large blocks of wet, deciduous woods for nesting and rearing of its young.

This alternative, if chosen, will maximize the opportunity to reduce wildlife habitat fragmentation and to ensure that there is, on the project area, a "critical mass" of suitable habitat for virtually all species that could possibly occur here.

By ensuring the continued existence of all wetlands to the

heads of streams in this local watershed, downstream impacts from silting and flooding to fish and wildlife habitats will potentially be minimized. Headwater wetlands are also often especially valuable to wildlife and natural communities because of the presence of year-round open spring seeps or as nursery grounds for species that occur as adults in downstream habitats. This alternative thus recognizes the value of upper watershed protection for ensuring ecological integrity and maximizing natural resource benefits for the investment made.

Under this alternative, the potential for public nuisance caused by insects or wildlife will continue to exist. However, should an actual rather than potential nuisance situation occur, management action shall be taken to ensure public health, safety, and welfare.

Management of wetlands and upland areas would occur, as described in the proposed action management plans, and would have significant wildlife resource benefits for those species identified.

This alternative allows for the most flexibility and opportunity for management of wildlife habitats through purchase, easements, and agreements.

This management would potentially benefit most species of wildlife now found in the area and provide for increased ability to manage endangered, threatened, and special concern species on both wetland and upland habitats.

Considerable opportunity for cooperative management in the form of education/demonstration areas on both public and private lands would be possible. With sufficient large tracts of land available for management techniques emphasizing agriculture and forestry as major land uses, species such as cottontail rabbit, ring-necked pheasant, ruffed grouse, songbirds, raptors, and small mammals would greatly benefit.

With the protection and management of wetland habitats being expanded to further reaches in the watershed, wetland species such as puddle ducks, herons, shorebirds, aquatic furbearers, and certain wetland songbirds would also benefit to a greater degree than the proposed action, utilizing those techniques earlier described for restoring and enhancing wetland values over a larger area.

b. Significant Habitat

Protection for significant habitats within the bounds of

this alternative are the same as described in the proposed alternative. Choosing this alternative would most likely protect a greater amount of significant habitats than any of the alternatives proposed. By definition of the term, this alternative will strengthen the effectiveness of the project area in its entirety as a significant habitat for fish and wildlife and maximize associated human enjoyment and benefits derived from those resources. Also, additional protection to these habitats will be provided by an extended management zone surrounding all wetlands in this local watershed. However, it should be recognized that mere passive ownership, by the public, of these lands will not necessarily guarantee restoration or continuance of significant habitats for fish and wildlife; active research and land management practices may well be required.

3. Cultural

a. Land Ownership Patterns and Tax Base

This alternative has the greatest potential for impact on the area land ownership and tax structure. This option would include a total of 50,979 acres, some 14,929 acres more than the recommended action. These lands are located in three counties, thirteen towns, and eight school districts. Since no additional public lands are included (with the exception of a few acres of highway and canal lands) this would all be existing private lands.

These impacts were determined using the same criteria explained in alternative 2, for comparison purposes.

This alternative involves a total of 50,979 acres of non-governmental land, of which 16,087 acres are within the federal area of interest, and 34,892 acres are within the state are of interest. These areas have a taxable assessed value of approximately $12.2 million. Total taxes received in 1989 for these areas were:

County $151,857
Town $114,996
School District $386,723

Specific county, town, and school district tax impacts are listed in Table 15, page 124.

This example represents an accurate example of the projected tax losses assuming the entire project was acquired instantly and all in fee title.

All actions to mitigate effects of the proposed action could be used to mitigate the effects of this alternative. Considering the increased size and, thus, impacts of this alternative, all mitigating measures would be correspondingly larger. For comparison of Refuge Revenue Sharing payment in the federal area of interest, the following information is provided:

Town	Estimated Revenue Sharing/year
Butler	$ 4,637.00
Galen	$ 24,998.00
Montezuma	$ 2,765.00
Rose	$ 2,358.00
Savannah	$ 11,393.00
Seneca Falls	$ 90.00
Tyre	$ 23,808.00

b. Land Use Regulations

Changes in land use regulations can be expected on any lands purchased by the Department or Service. Land purchased outright by the Department would become part of a Wildlife Management Area and be subject to all the associated laws and regulations. Lands purchased by the Service will become part of the National Wildlife Refuge System and will be subject to refuge laws and regulations. Laws governing the use of Wildlife Management Areas and National Wildlife Refuges are included in Appendix E.

Lands not purchased but placed under management agreement would be subject to any agreement restrictions and any further use restrictions established by the landowner. Otherwise, only existing local, state, or federal land use restrictions (if any) would apply. Currently, these laws (see Appendix A for a summary) give only minimal protection to wetlands (relative to draining) and virtually no protection to uplands.

c. Agricultural Resources

See the discussion of this subject under alternative 2. This alternative would involve approximately 32,700 total acres of farmland. With average sales activities, one can reasonably expect the acquisition of 5,000 acres of farmland for public ownership over the next decade. A total of 8,200 acres might be converted by the end of the project. Of the various alternatives, this one will have the greatest agricultural impacts. The same mitigating factors discussed under alternative 2 would be in effect for this alternative.

d. Transportation and Utility Corridors

Same as described in alternative 2.

e. Cultural/Historic Sites

See discussion for alternative 2 under Cultural/Historic Sites. This alternative involves a greater area, which could possibly provide protection for more cultural/ historic sites. The same survey procedures are required for this alternative.

f. Recreational and Education Uses

This alternative would result in substantially more public land for public recreational and educational pursuits than that of the proposed action. The types of public uses allowed would be the same as those described in the proposed action, but with more land available for these uses, visitor use is anticipated to be in the realm of 400,000 visitor days per year. This alternative will directly provide more recreational opportunity because of its larger size and may indirectly do so, as well, by virtue of providing a greater "critical mass" of wildlife habitat or of public land available for recreation.

g. Health Concerns

and

h. Unavoidable Adverse Impacts

and

i. Short-term Use vs. Long-Term Productivity

Same as described in Alternate #2.

j. Irreversible and Irretrievable Commitments of Resources

The effects of this alternative will be the same as those described for the proposed alternative, but because a greater area would be affected, a proportionately greater effect would result from this alternative.

k. Growth Inducing Aspects

Acquisition of these lands will preclude their use for other development purposes with a resultant long-term effect on real estate markets and other economics. It is impossible to predict whether local economics, in general, will benefit or suffer in the long term as a result of this alternative. In the short term, land sales and re-investment locally will have a significant positive effect

Table 15

Tax Data for Alternative 4
Town and County (dollars/year)
If All Properties in Each Alternative Were Purchased in Fee

Township	Total Town Acres	Project Acreage	Land Assessment	Town Tax Loss	County Tax Loss
FEDERAL AREA OF INTEREST					
Cayuga County					
Montezuma	12,160	789	42,300	624	1,443
Seneca County					
Seneca Falls	16,320	16	4,500	16	41
Tyre	21,376	3,205	941,034	9,928	10,163
Wayne County					
Butler	24,248	1,128	287,423	2,078	2,756
Galen	40,384	7,450	2,078,329	17,208	23,090
Rose	22,080	337	116,200	1,064	962
Savannah	22,976	3,162	1,263,045	9,965	12,074
STATE AREA OF INTEREST					
Cayuga County					
Aurelius	19,072	125	81,863	583	7,339
Brutus	14,464	1,742	953,093	3,731	6,142
Cato	23,241	813	384,500	1,845	2,647
Conquest	23,160	8,253	265,582	16,576	16,543
Mentz	10,944	4,468	162,163	5,618	9,053
Montezuma	12,160	2,768	137,599	2,028	4,693
Victory	22,016	1,484	30,246	1,003	2,712
Seneca County					
Seneca Falls	16,320	99	20,093	73	182
Tyre	21,376	203	115,470	1,218	1,247
Wayne County					
Butler	24,248	2,099	688,661	4,979	6,604
Galen	40,384	218	86,660	717	962
Rose	22,080	119	36,500	334	302
Savannah	22,976	12,501	4,487,730	35,408	42,902

Table 15
(Cont'd)

Tax Data for Alternative 4
School Districts

School District	Tax Loss State Area of Interest	Tax Loss Federal Area of Interest	Total Loss
Cato-Meridian	27,497	-	27,497
Clyde-Savannah	70,229	99,433	169,662
North Rose-Wolcott	28,594	5,497	34,091
Port Byron	96,131	3,258	99,389
Red Creek	3,985	-	3,985
Seneca Falls	1,023	7,279	8,302
Union Springs	23,095	-	23,095
Weedsport	20,702	-	20,702

on area economics. Agricultural economics might well benefit from this alternative, if the decision was made to commit major portions of active farmland to agriculture on a long-term basis. In fact, this alternative is based on the premise that there will be a long-term commitment to cooperative farming for the production of food and fiber for direct use by humans, as well as to enhance benefits to fish and wildlife. Cooperative farm leases could potentially be a very cost- effective method both for: 1) the lessor who could potentially lease agricultural lands at favorable rates and pay rent by in-kind services, and 2) the management of the land for fish, wildlife, and general conservation purposes.

l. Use and Conservation of Energy

Same as proposed alternative, with a slight increase.

m. Possible Conflicts

All possible conflicts remain as described in the proposed alternative.

E. Effects of Alternative 5 - Acquisition/Protection/Management by Non-Governmental Agencies

1. Physical

a. Topography

Under this alternative, it is highly speculative as to any changes in topography others may make in the project area. If other organizations were to assume elements of this proposal, changes similar to alternative 2 could be possible.

b. Soils/Geology/Minerals

This action will not affect the soils, geology, or minerals of the area.

c. Climate

This action will not affect the climate of the area.

d. Hydrology

Accomplishing the goals of the project using this alternative would mean that private, non-profit habitat protection-type organizations such as The Nature Conservancy, Trust For Public Land, etc., step in and purchase land or lease protection rights.

Any such activity, as described above, would have a stabilizing effect on the hydrology of the project area. But the scope of action attainable by the private organizations in meeting the project goals would be much less than combined state, federal, and private operation.

e. Land Use/Cover Type

This option is somewhat similar to alternative 3, in that only existing wetland sites are under consideration and the same approximate boundaries are used. For a breakdown of current land uses, see the section on "Land Use/Cover Type" under alternative 3.

The implementation of this alternative should not change existing land use patterns other than for those natural alterations occurring independently of the project. These are discussed under the "Land Use/Cover Type" and "Agricultural Resources" sections of alternative 1 ("No Action"). Basically, many of the marginal muck fields will naturally revert to wetlands as their management costs (for agricultural purposes) increase. Additional lands will be converted for recreational pursuits. Some wetlands may be drained in an effort to develop new muck fields.

2. Biological

a. Fish and Wildlife

If this alternative were selected, preservation of key areas by private and non-profit conservation organizations, the wildlife resources would most likely remain at the current state (see Appendix D) within these protected areas. The wildlife resources in areas not protected could be expected to decline as the quality of the wetland and adjacent upland were degraded through time. Management to influence wildlife population levels would most likely be extremely limited and substantial benefit to wildlife through management is unlikely.

b. Significant Habitat

Significant habitats under this alternative would continue to be protected to a certain extent by existing laws, provided the habitats occurred in wetlands, flood plains, or freshwater environments; otherwise, there is no specific protection afforded by law to these habitats.

Under certain circumstances, private ownership can provide

a high degree of effective protection for significant habitats. Protective easements and personal interests, charters, policies, and purposes of corporations can all contribute to maintenance and protection of significant fish and wildlife habitats on privately owned lands. In some cases, private ownership can be even more effective than public ownership in protecting such habitats, especially against trespass. Also, private ownership provides opportunities for land use development and other forms of management not readily available to governmental agencies. Liquidity of assets is one such opportunity available to private corporations like The Nature Conservancy, which has the ability to rapidly acquire lands for protection; and if time and priorities warrant it, these corporations can just as rapidly sell the property and use those funds for other more critical acquisitions. Private ownership, therefore, can provide greater flexibility in response to changing circumstances.

Uncertainty of the tenure of ownership is often the major failing of resource protection under private control; recall that private conservation agencies can sell their holdings, under certain circumstances, and are not obligated to sell to other private conservation agencies or to the government. Although not necessarily indicative of private conservation agencies, the average tenure of private landownership in New York's forested lands is seven to eight years. A short-term ownership by a private conservation agency may result in subsequent ownerships that are less protective than a conservation agency, thus, perpetuating a situation of uncertainty for significant habitats. Indirectly, such changing ownerships can cause difficulties if cooperative plans between several landowners are required to effectively protect or manage significant habitats.

This alternative might well require a project-specific, active governmental program to work with private landowners to develop conservation easements, cooperative management plans, or other land management strategies to ensure the continuation of significant fish and wildlife habitat values in the project area.

3. Cultural

a. Land Ownership Patterns and Tax Base

This alternative would involve the purchase of lands by a series of non-governmental agencies with no action taken by the Department or the Service. Tax impacts would vary, depending on the tax exempt status of the agencies involved. It is anticipated that the area which would

eventually be protected would be similar to alternative 3. The tax impacts would be similar if the agencies were tax exempt (see Table 3).

The mitigating measures identified in alternative 2 would apply to this alternative, but to a smaller extent. The only exemption would be payment in lieu of taxes. Those agencies which are not tax exempt would continue to pay taxes; those that are tax exempt would not pay any tax.

b. Land Use Regulations

Existing land use regulations would change very little under this alternative. No lands are to be purchased by the Department or Service. The major restrictions would be those established by the landowner. Otherwise, only existing local, state, or federal land use restrictions (if any) would apply. Currently, these laws (see Appendix A for a summary) give only minimal protection to wetlands (relative to draining) and virtually no protection to uplands.

c. Agricultural Resources

The impacts of this proposal on agriculture would be very minimal. As described under alternative 3, only existing wetlands would be acquired with perhaps a minimal amount of surrounding uplands. Ultimately, only about 1,700 acres of existing farmland could convert to wildlife habitat, much of it through natural processes (abandonment, etc.) as the farm economy settles out.

d. Transportation and Utility Corridors

This alternative will not have any effect on transportation and utility corridors.

e. Cultural/Historic Sites

The only protection of cultural/historic sites would be the current laws as they pertain to a private citizen's responsibilities to protect these resources.

f. Recreational and Education Uses

Other groups, individuals, and organizations without Service or Department involvement, that may implement the project, would have discretion on the extent and nature of public recreational and educational uses of lands under their control. It is likely that these groups and organizations would permit increased uses on their lands

compared to the present extent of uses under private, individual ownership. An increase of perhaps 10,000 visitor-use days could occur, depending on the extent of land held by these groups and the level of visitor use they determine to be acceptable.

g. Health Concerns

Most private/non-profit conservation agencies would lack the field staff and laboratory facilities to, as an example, adequately monitor raccoon populations for rabies or search for the species of mosquitoes that can carry the triple E virus. Therefore, it is anticipated that there would be little to no change in current health concerns of the area.

h. Unavoidable Adverse Impacts

This alternative does not produce significant unavoidable adverse impacts.

i. Short-term Use vs. Long-term Productivity

The local short-term use of man's environment for several key parcels of land. Long-term productivity and diversity of plant and animial life in these areas would be protected.

j. Irreversible and Irretrievable Commitments of Resources

This alternative does not require irreversible and irretrievable commitments of resources.

k. Growth Inducing Aspects

As with alternative 3, expanded public use of all kinds would not be assured under this alternative. Public use of the project would be greater than with alternative 1, however, thus producing some economic development.

l. Use and Conservation of Energy

m. Possible Conflicts

Possible conflicts would be the same as alternative 2.

VI. Coordination/Consultation and Agencies/Individuals Receiving This Document

Throughout the planning of the Northern Montezuma Wetlands Project, the Service and the Department have communicated with a large number of diverse publics that have an interest in the proposal. Contacts have included both formal and informal communications by telephone, letter, and personal meetings. An advisory group representing a wide array of interests was formed by the Department to formalize a means of communication and consultation with key publics. Below are listed agencies, organizations, and individuals who have been contacted and consulted with in some manner, as well as agencies and individuals who will receive this document:

The Auburn Citizen
Canadiagua Lake Duck Hunters Club
Carrier Corporation Retirees Club
Cato-Meridian School District
Cayuga County Environmental Management Council
Central New York Regional Planning Board
Chairmen of the Wayne, Seneca and Cayuga County Boards of Supervisors
Clyde-Savannah School District
College of Environmental Science and Forestry
Community College of Finger Lakes
Cornell Cooperative Extension Vegetable Crop Specialist
Cornell University
Cross Lake-Seneca River Association
The Democrat and Chronicle
Ducks Unlimited
Durkee-French Foods, Inc.
Eaton Birding Society
Empire State Potato Club
Farm Credit Services Bureau
Farmers Home Administration
The Finger Lakes Times
N.Y. State Senator Paul L. Kehoe
N.Y. Assemblyman Michael J. Bragman
N.Y. State Senator Hugh T. Farley
N.Y. Assemblyman Maurice Hinchey
N.Y. Assemblyman Richard F. Nozzolio
N.Y. State Senator John Randy Kuhl
N.Y. State Senator James L. Seward
N.Y.S. Office of Parks, Recreation and Historic Preservation
N.Y.S. Fish and Wildlife Management Act Board
N.Y.S. Farm Bureau
N.Y.S. Department of Agriculture and Markets
N.Y.S. Health Department
N.Y.S. Archaeological Society
N.Y.S. Conservation Council, Inc.
N.Y.S. Museum
N.Y.S. Gas Group
N.Y.S. Electric and Gas Corporation

N.Y.S. Office of General Services-Bureau of Land Utilization
N.Y.S. Federation of Bird Clubs
The Nature Conservancy
Niagra-Mohawk Power Corporation
The Post-Standard
Region 8 Fish and Wildlife Management Board
Rochester Gas and Electric Corporation
Rochester Museum and Science Center
Savannah Community Club
Savannah Evergreens
Seneca Falls School District
Town Supervisors in the Towns of Galen, Savannah, Butler, Huron, Seneca Falls, Tyre, Mentz, Ovid, Junius, Conquest and Montezuma
U.S. Congressman Frank Horton
U.S. Department of Health and Human Services
U.S. Department of the Treasury-Internal Revenue Service
U.S. Geological Survey-Water Resources Division
U.S. Senator Alfonse M. D'Amato
U.S. Senator Daniel P. Moynihan
U.S. Soil Conservation Service
Vanderbilt Marsh Hunt Club
Wayne County Federation of Sportsmen's Club
Wayne County Soil and Water Conservation District
Wayne, Seneca and Cayuga County Departments of Planning
Wayne, Seneca and Cayuga County Real Property Tax Service, Treasurer's Office and County Clerks
Western N.Y. Finger Lakes Waterfowlers
All individuals who have requested a copy of this document

Several news releases issued by the Department and the Service were published in local and regional newspapers, and a radio interview was aired, providing a wide coverage of information about the project.

VII. List of Preparers

Michael Allen - Senior Fish and Wildlife Technician

Mr. Allen has been an employee of the Department of Environmental Conservation since 1975 and specializes in endangered species activities. His primary duties involve land management activities on public lands and species management programs in Yates and Ontario Counties, in addition to endangered species work throughout New York State.

Education - Associates in Applied Science in Natural Resources Conservation.

Kenneth L. Bodell - Review appraiser

Mr. Bodell has been a U. S. Fish and Wildlife Service employee since 1963. His entire career with the Service has been in the Division of Realty dealing with the appraisal and negotiations for lands to be included in the National Wildlife Refuge system. His principle duties involve the review of all real estate appraisals completed by staff or private contractors for proposed acquisitions by the Service or state game and fish agencies within Region 5. He also serves as a technical consultant and advisor to Regional Office, Department of Justice and state game and fish officials.

Education - Bachelor of Science in Forest Management.

Paul Casey - Wildlife Biologist

Mr. Casey has been a U.S. Fish and Wildlife Service employee since 1984. He has worked in the Land Planning section of the Office of Realty since August of 1988. Prior to his current position, Mr. Casey was employed as an Assistant Refuge Manager at Wertheim National Wildlife Refuge. Primary duties in his present position involve initial studies and biological analysis of candidate areas proposed for acquisition as part of the National Wildlife Refuge System.

Education - Bachelor of Science in Wildlife Management.

David Conley - Fish and Wildlife Technician

Mr. Conley has been employed by the Department of Environmental Conservation since 1969, working primarily on Cayuga and Onondaga Counties. Primary responsibilities have involved waterfowl banding and management activities in New York and Canada, cooperative access programs on private lands, furbearer management, and field surveys and census activities.

Education - Bachelor of Science in Wildlife Management.

Jean Gawalt - Senior Wildlife Biologist

Mr. Gawalt has been a New York State Environmental Conservation employee since 1976. His primary duties include serving as the Bureau of Wildlife's Upland Habitats Specialist for the Forest Preserve and State Forest Unit Management Planning Programs, coordination of the Federal Aid Project to support habitat management on Wildlife Management Areas, and coordination of the 1985 Farm Bill for the Bureau of Wildlife.

Education - Bachelor of Science in Wildlife Management.

Walter J. Quist - Ascertainment Supervisor

Mr. Quist has been an employee of the U.S. Fish and Wildlife Service since 1974. He has worked in the Land Planning Section of the Office of Realty since November, 1978. Prior to this position, he was employed by the Migratory Bird Habitat Research Lab., Laurel, Maryland. There he assisted in such projects as the ecology of wintering waterfowl, aquatic and benthic sampling of Chesapeake Bay, and numerous waterfowl banding programs. Primary duties in his present position involve the supervision of a team of wildlife biologists that review and/or submit all land acquisition projects for approval. This five-member team has the responsibility for the 13-state northeastern region.

Education - Bachelor of Science in Natural Resources

Bruce Robinson - Land and Claims Adjuster

Mr. Robinson has been employed by the Department of Environmental Conservation since 1982 in the Division of Lands and Forests' Bureau of Real Property.

Education - Associates Degree in Forestry and Surveying.

Don Slingerland - Senior Wildlife Biologist

Mr. Slingerland has been an employee of the New York State Department of Environmental Conservation since 1974. He has worked in the Game Bird Unit at the Delmar Wildlife Resources Center since September of 1979. Prior to that position he worked as an Environmental Educator at the Rogers Environmental Education Center in Sherburne, New York. There, he assisted in developing informational materials for Department programs, worked with school officials to coordinate resource training programs, and taught in numerous public workshops. Primary duties in his present position include the overall coordination of the Northern Montezuma Wetlands Project, supervision of the two Department Game Farms, the preparation and review of orders for yearly hunting season changes, and management coordination of several game bird species.

Education - Bachelor of Science in Biological Sciences/Wildlife Management.

Dale Smith - Senior Fish and Wildlife Technician

Mr. Smith was employed by the Conservation Department in March, 1958, as Conservation Aide and later became Conservation Foreman. He has had the title of Fish and Wildlife Technician since 1974. His duties include day-to-day supervision of four WMA's in Cayuga and Onondaga Counties. Mr. Smith has operated a waterfowl banding station each fall and conducted waterfowl nesting surveys each spring on two WMA's (Howland Island and Three Rivers) since 1974.

Wesley B. Stiles - Senior Wildlife Biologist

Mr. Stiles has been an employee of the New York State Department of Environmental Conservation since 1970. He has worked as a wildlife biologist in the Region 7 Office, Cortland, since 1973. Prior to that, Mr. Stiles worked in the Region 6 Office at Watertown and the Region 8 Office at Avon. In these positions, he assisted in waterfowl management activities, including duck and goose banding, wetland development work on newly acquired wildlife management areas, and assisted in land acquisition tasks. Primary duties in his present position involve administration of the New York State's freshwater wetlands law and land acquisition activities.

Education - Bachelor of Science in Wildlife Management.

David C. Woodruff - Senior Wildlife Biologist

Mr. Woodruff has been an employee of the New York State Department of Environmental Conservation since 1972. Prior to State employment, he worked with the U.S. Fish and Wildlife service at the Iroquois and Parker River National Wildlife Refuges. His primary duties involve wetlands management, regulation and acquisition for New York State in Wayne and Ontario Counties. Mr. Woodruff is a certified Wildlife Biologist by the Wildlife Society.

Education - Associates in Applied Science in Natural Resources Conservation and Bachelor of Science in Wildlife Management.

VIII. **References**

Anderson, J.R., E.R. Hardy, J.T. Roach, and R.E. Witmer. 1976. A Land Use and Land Cover Classification System for Use With Remote Sensor Data. United States Department of Interior, Washington, DC 28 pp.

The Archaeology of New York State. Ritchie, W.A. 1965. Natural History Press, Garden City, NY. 357 pp.

Atlas of Breeding Birds in New York State, The. Andrle & Carroll, 1988.

"Birds Found on Montezuma National Wildlife Refuge". Refuge Brochure, U.S. Fish and Wildlife Service.

Birds of New York State. Bull, John. Doubleday/National History Press, Garden City, NJ. 1974.

Capron, James. Cooperative Extension Agent, Field Crop Specialist, Canandaigua, NY. Personal communication.

"Checklist of the Amphibians, Reptiles, Birds and Mammals of New York State, Including Their Protective Status" NYSDEC

Chemical Quality of Ground Water in the Western Oswego River Basin, New York, ORB-3, 1975. U.S. Dept. of Interior, Geological Survey in coop. with NYSDEC.

Classification of Wetlands and Deepwater Habitats of the United States. Cowardin, L. M. et al. 1979. U.S. Department of the Interior, Washington, D.C. 20240.

Cline, M. G. 1963. Soils and Soil Associations of New York, Cornell Extension Bulletin 930. New York State College of Agriculture, Ithaca, NY. 63 pp.

Corps of Engineers, New England Division. 1971a. Charles River, Massachusetts, main report and attachments. Waltham, MA. variously paged.

Developing and Managing the Water Resources of New York State, NYS Water Resources Commission, 1967. Albany, NY. NYS Cons. Dept., Division of Water Resources. 52 p.

Finger Lakes Region Water Resources Management Strategy, August 1987. NYSDEC, Division of Water, pp. 1-2.

"Fisheries Survey of the NYS Barge Canal". Steward, Kristine. June 1984. NYSDOT

Freshwater Wetlands Inventory Technical Manual. Cole, N. B. and E. Fried. 1981. New York State Department of Environmental Conservation, Albany, NY 12233. Gaip, L. OGS Albany Office. Personal communication, August 6, 1990.

Ground Water Resources of the Western Oswego River Basin, N.Y., ORB-5, 1974. U.S. Dept. of Interior, Geological Survey in coop. with NYSDEC.

A Guide to Important Characteristics and Values of Freshwater Wetlands in the Northeast. Larson, Joseph S. ed. 1973. Water Resources Research Center, University of Massachusetts, Amherst, MA 01003 Public. No. 31.

Higgins, B.A., and J.A. Neeley. 1978. Soil Survey of Wayne County, New York. United States Department of Agriculture, Washington DC 210 pp.

Hutton, F.Z. 1971. Soil Survey of Cayuga County, New York. United States Department of Agriculture, Washington, DC 205 pp.

Hutton, F.Z. 1972. Soil Survey of Seneca County, New York. United States Department of Agriculture, Washington, DC 143 pp.

"Mammals Found on Montezuma National Wildlife Refuge". Refuge Brochure, U.S. Fish and Wildlife Service.

McNiel, Carol, Cooperative Extension Agent, Field Crop Specialist, Canandaigua, NY. Personal communication.

Models for Assessment of Freshwater Wetlands. Larson, Joseph S. ed. 1976. Water Resources Research enter, University of Massachusetts, Amherst, MA 01003. Public. No. 32.

New York Agricultural Statistics Service. 1988. New York Agricultural Statistics, 1987-1988. State of New York Department of Agriculture and Markets, Albany, NY. 95 pp.

Novak, P. 1990. Black tern survey report (in press). NYSDEC, Wildlife Resources Center, Delmar, NY 12054.

O'Connor, S. and N. B. Cole. 1989. Freshwater Wetlands Inventory Data Analysis. New York State Department of Environmental Conservation, Albany, NY 12233.

"Reptiles and Amphibians Found on the Montezuma National Wildlife Refuge". Refuge Brochure, U.S. Fish and Wildlife Service.

Secor, H. 1987. Pre-History of the Savannah, New York, Area. Wayne County Historical Society, Lyons, NY. 69 pp.

Smith, John, Supervisor, Durkee-French Foods, Inc., Wolcott, NY. Personal communication.

Soil Survey of Wayne County, New York. USDA Soil Conservation Service, October 1978.

Stowell, John C., President, Empire State Potato Club, Inc., Savannah, NY. Personal communication.

Water Level Control Study Committee 1988 Report. Cross Lake-Seneca River Association.

Water Resources of the Central N.Y. Region. Weist, Jr., William G. and G.L. Giese, U.S. Geological Survey State of N.Y. Conservation Department - Water Resources Commission.

Water Resources of the Montezuma Refuge, Summary. U.S. Geological Survey, Ithaca, N.Y., 1989.

IX. Appendices

Appendix A

Laws Which Affect the Project Area

FEDERAL

The Service, through its Division of Ecological Services, would continue to review proposals for activities in or affecting navigable waters that are sanctioned, permitted, assisted, or conducted by the federal government. These review functions, delegated to the Service by the Secretary of the Interior, are prescribed by the Fish and Wildlife Coordination Act, the National Environmental Policy Act of 1969, the Estuary Protection Act, the Airport and Airway Development Act of 1970, the Watershed Protection and Flood Protection Act, the Endangered Species Act, and various Executive Orders. The following are the most important laws to which the Service review function applies:

Rivers and Harbors Act of 1899

Section 10 of this Act declares it unlawful to build in navigable waters of the United States, or to excavate, or fill or in any manner to alter or modify the course, location, condition, or capacity of any navigable water of the United States, unless the activity is approved by the Chief of the Corps of Engineers (COE) and Secretary of the Army. Certain COE permits also require approval by the Environmental Protection Agency (EPA) as a result of the Federal Waters Pollution Control Act of 1972, as amended.

Navigable waters are defined in common and case law as any water that is or has been navigable in fact, or is capable of being made navigable through reasonable improvements, including any shoals, falls, rapids, or other interruptions requiring land portage, and which is used or useful in interstate or foreign commerce. The federal jurisdiction on such waters extends throughout their length (including non-navigable tributaries in some decisions) and laterally to the limit of the plane of the ordinary high water, defined on rivers as neither the flood nor lowest flow stage, but the usual high water state, and on tidal waters as the mean high tide line.

Federal Water Pollution Control Act of 1972 (FWPCA) as amended by the Clean Water Act of 1977 and the Clean Water Act Amendments of 1987

This Act set up a federal permit system to regulate the discharge of pollutants into waters of the United States. The Act is administered by EPA and proclaims two goals for the United States: (1) to achieve swimmable, fishable waters wherever attainable by 1983, and (2) to eliminate the discharge of pollutants into navigable waters.

Section 208 of the Act (Water Quality Management) ties together various water pollution control and abatement requirements, including municipal, industrial, and residual waste, runoff, and ground water pollution control. The Act places the responsibility for development and carrying out solutions to these problems with state and local governments.

Under Section 208, geographic areas with significant water quality problems are singled out for area wide planning. EPA provides funding to develop the plan to control all point and non-point source pollution and land use as it relates to water quality. Although wetland protection can be incorporated into Section 208 management plans, the resulting planning relates primarily to water pollution and water quality. Nothing in the Act would prevent landowners from draining wetlands and growing crops, unless the agricultural practices would result in a water pollution problem. It is too early to determine what the effect of 208 planning will have on wetland preservation efforts.

Section 402 of the Act requires permits from EPA for the discharge of any pollutant into navigable waters. Under this program it is illegal to discharge any unpermitted refuse into any navigable waters of the United States. New York State has assumed this program and is responsible for its operation within the state.

Section 404 - The 404 regulatory program, which regulates the discharge of dredged or fill material into waters of the U.S., was enacted as part of the 1972 FWPCA and amended during the 1977 CWA reauthorization. The permit program is administered by the Corps of Engineers and EPA. Most types of development or construction in the nation's waters and wetlands involve some discharge of material and thus require a 404 permit. The program is the main federal vehicle for protecting wetland areas since conversion of wetlands often involves placement of dredged or fill material.

The Corps is the primary agency that administers the program. This agency issues or denies permits, writes program regulations, and conducts most of the enforcement work. The Corps also develops general permits for categories of similar activities with minimal environmental impact. The 404 program is related to the Corps' other regulatory authorities under the River and Harbor Act and the Marine Protection, Research, and Sanctuaries Act.

The Environmental Protection Agency writes the environmental guidelines under 404(b) (1) which are the substantative regulations used to evaluate permit applications. EPA has authority under section 404(c) to "veto" Corps issued permits or predesignate an area as unsuitable for disposal based on a determination of unacceptable impact. EPA is responsible for delegating the program to qualified states in accordance with agency regulations. EPA also has parallel enforcement authority under Section 309 of the Act.

Corps regulations state that "full consideration" must be given to fish and wildlife concerns (both state and federal). In practice, the Corps considers fish and wildlife impacts as part of their overall public interest review along with a number of other factors.

Executive Orders

Executive Orders are issued, periodically, to formulate executive policy and promulgate executive directives to federal agencies on current issues. Such policy directives provide an important source of guidance for federal agency actions. Two pertinent orders were issued on May 24, 1977, by President Carter:

Executive Order 11990, entitled "Protection of Wetlands", reads in part: "Each agency shall provide leadership and shall take action to minimize the destruction, loss or degradation of wetlands, and to preserve and enhance the natural and beneficial values of wetlands in carrying out the Agency's responsibilities . . . ," and ". . . each agency, to the extent permitted by law, shall avoid undertaking or providing assistance for new construction located in wetlands unless the head of the agency finds that: (1) there is no practicable alternative to such construction, and (2) the proposed action includes all practicable measures to minimize harm to wetlands which may result from each use."

Executive 11988, entitled "Flood Plain Management" states in part: "Each agency shall provide leadership and shall take action to reduce the risk of flood loss, to minimize the impact of floods on human safety, health and welfare, and to restore and preserve the natural and beneficial values served by flood plains in carrying out its responsibilities for (1) acquiring, managing and disposing of federal lands and facilities; . . . and . . . (2) conducting federal activities and programs affecting land use, including but not limited to water and related land resource planning . . . ."

While the intent of the orders is well meaning, inland and coastal wetlands will not be preserved or protected from other than federal activities. Further, implementation of Executive Orders lies with each federal agency.

NEW YORK STATE

Regulation of Wetlands. The New York State statute which is most directly applicable to control of the project's wetlands is Article 24, "Freshwater Wetlands Act", of the Environmental Conservation Law. That Act essentially outlines a procedure for making an inventory of wetlands and a procedure for granting permits for actions within wetlands. Regulation of wetlands under this law is controlled by the Department; this regulatory role may be assumed by municipal governments. The intent of the Freshwater Wetlands Act is to:

". . . preserve, protect and conserve freshwater wetlands and the benefits derived therefrom, to prevent the despoliation and destruction of freshwater wetlands, and to regulate use and development of such wetlands to secure the natural benefits of freshwater wetlands, consistent with the general welfare and beneficial economic, social and agricultural development of the state".

Under the Freshwater Wetlands Act, a permit must be secured from the Department before any of the following actions may be performed:

- draining, except for agricultural purposes

- dredging

- excavating

- removing soil, mud, sand, shells, gravel, or other aggregate

- dumping or filling or depositing of any soil, stones, sand, gravel, mud, rubbish, or fill

- erecting any structures, roads, the driving of pilings, or placing of any other obstructions whether or not changing the ebb and flow of the water

- any form of pollution

- any other activity which substantially impairs any of the several functions served by freshwater wetlands or the benefits derived from them.

It is unlikely that the Freshwater Wetlands Act would be able to protect the project's wetlands to the degree that the Department could, if the Department or Service had control of the land. The Act only specifies a permit process rather than land use controls. A permit could be granted for activities which might compromise the natural qualities of the wetland, especially because certain types of activities are exempt from the permit process. The activities of farmers and other landowners which result in agricultural production are specifically exempt, including draining of the wetland to add land to agricultural production. Moreover, the Freshwater Wetlands Act has no control over residential development near the wetland, and such development could contribute non-point pollution to the wetland.

The Freshwater Wetlands Act has other limitations. It does not provide an option for management of the wetlands and adjacent buffer areas. Finally, there is nothing in the Freshwater Wetlands Act which would increase the quality or quantity of wetlands in the area or provide public access.

New York Water Pollution Control. Any individual who discharges pollutants into the waters of New York State must secure a permit from the Department and abide by the requirements of the permit. These permits are called SPDES for State Pollution Discharge Elimination System.

Article 15 of The New York State Environmental Conservation Law. Except for the powers exercised by the United States, all regulation of water resources in New York State is under the jurisdiction of the State of New York. The Department exercises the control of water resources for the state. It has powers over:

". . . disturbance of a stream and . . . unreasonable erosion of soil, increased turbidity of the waters, irregular variations in velocity, temperature and level of waters, the loss of fish and aquatic wildlife and the destruction of natural habitat . . ., and the danger of flood or pollution . . . ."

The Water Resources Law includes a permit requirement applicable to streams defined as protected. Anyone who wishes to change or disturb a course or channel of a protected stream must first secure a permit from the Department.

Some farming practices are exempt from the provisions of New York's Water Resources Law. Note:

"No permit . . . shall be required for certain agricultural activities . . .; providing that these agricultural activities consist only of crossing and re-crossing of such streams or watercourses by livestock or by wheeled farm equipment normally used for traditional agricultural purposes; or the use of such stream or watercourse for the withdrawal of water for irrigation where such withdrawal does not require altering the bed, banks, or course of the stream in any manner".

Farmers who engage in other farming practices, such as drainage projects which alter the bed, banks, or course of a protected stream, must secure a permit under the Water Resources Law.

New York State Agricultural Districts. The State of New York has established a way to protect important agricultural lands from urban development by giving them a special tax status when they are within defined districts. In line with the procedure required by the state, the counties have created agricultural districts that cover most of the project area.

One purpose in creating an agricultural district is to protect agricultural lands as "valued natural and ecological resources which provide needed open spaces and clean air sheds . . . ." The action proposed by the Department and the Service is not inimical to this purpose.

However, the restrictions placed on land by an agricultural district cannot provide the level of wetland protection proposed. Agricultural land may be converted to any other use, including urban development, and the law provides only for a financial penalty known as "roll-back taxes". It should be noted that land taken through eminent domain or an involuntary sale is not subject to the financial penalty to the original owner.

In New York State, the Commissioners of the Departments of Agriculture and Markets and of Environmental Conservation have entered into a memorandum of understanding concerning land uses of agricultural districts. That agreement states that whenever the Department might purchase land within an agricultural district, the proposed acquisition must be identified within the district's certification document, and provides for other procedures to be followed.

New York State Requirements for Environmental Impact Statements. The New York State Environmental Quality Review Act provides that when a state or local agency engages in the ". . . acquisition, sale, lease, or other transfer of 100 or more contiguous acres of land", an environmental impact statement may be required.

Such a statement may be required, too, when the following criteria are met:

> ". . . (6) Construction of new non-residential facilities which meet or exceed any of the following thresholds;. . . (i) a project or action which involves the physical alteration of 10 acres; ". . . (8) Any non-agricultural use occurring wholly or partially within an agricultural district (certified pursuant to Agriculture and Markets Law, Article 25 [sic], Section 303) which exceeds 10 percent of any threshold established in this section [29]".

The action proposed by the Department meets those criteria; therefore, the present environmental impact statement has been prepared.

Many of the issues discussed in this document have already been addressed in a general way by the Department in several programmatic impact statements, prepared according to the requirement of the State Environmental Quality Review Act.

Municipal Controls. Zoning Controls. The land area proposed for purchase and for management by the Department and the Service are within different zoning districts, as specified under the respective Town Zoning Ordinances.

Since the zoning of the project area permits development adjacent to and within the wetlands, it is evident that the full exercise of the restrictions permitted under the zoning code cannot protect the wetland for use by the public nor can it preserve or expand habitat for wildlife.

Flood Insurance Program. New York State and its municipalities participate in the National Flood Insurance Program. This program has identified areas which are susceptible to flooding. The properties within the flood plain, therefore, are eligible for flood insurance if they conform to federal standards. Within the project area, the land which lays generally below the 380-foot contour is within the flood hazard area.

Appendix B

Land Acquisition Policies

In the state area of interest, specific boundary lines will be determined ultimately by negotiation with each landowner, physical features of the land, property lines, and the potential for various management activities. Residences and other structures generally will be excluded from consideration for purchase, but exceptions will be made on a case-by-case basis, depending on landowner desires.

In the federal area of interest, the Service would follow its established acquisition policy of obtaining the minimum interest necessary to satisfy refuge objectives. Potential acquisition methods within this proposed boundary include donations, conservation easements, cooperative agreements, and fee title purchases as funding becomes available. In general, any conservation easement must preclude destruction or degradation of habitat and allow refuge staff to adequately manage uses of the area for the benefit of wildlife. Because development rights must be included, the cost of purchasing conservation easements often approaches that of fee title purchase. This sometimes renders this method of acquisition unfeasible. However, donations of easements or voluntary deed restrictions prohibiting habitat destruction will be encouraged.

The use of eminent domain, also referred to as appropriation or condemnation, may be used in the state or federal area of interest as a means of acquisition, but only under very special and limited circumstances.

In the state area of interest, eminent domain may be used in the following circumstances:

1) Full compliance with the State Eminent Domain Procedures Act has been met,

2) The landowner requests this procedure to clear title or avail himself of the financial benefits the procedure permits him,

3) An imminent conflict in land use is presented that cannot be resolved by other means,

4) At some future date the procedure is essential to allow completion of portions of the project and all reasonable alternatives and negotiations have failed.

In the federal area of interest, it is the acquisition policy of the Service to acquire land through condemnation only in order to:

1) Determine the legal owner (clear title)

2) Settle a difference of opinion in value

3) Prevent uses which would cause irreparable damage to the resources for which the refuge was established

4) Consolidate federal ownership to effectively manage or develop the unit.

Condemnation has been used sparingly throughout the Service's land acquisition history. Because the Service recognizes the possible social and economic impacts of acquiring private property through condemnation, it does its utmost to avoid using this approach. Of the 6,255 parcels of land acquired between 1978 and 1987, only 20 or 0.4% were acquired through condemnation.

APPENDIX C

N.Y.S.D.E.C. NATURAL HERITAGE AND SIGNIFICANT HABITATS RECORDS

	Year Last Obs.	Heritage Global Rank	Heritage State Rank	NYS Legal Status	Fed. Status
USGS Cayuga Quadrangle					
Cayuga Salt Marsh, Inland Salt Marsh	1925	G2	S1	---	---
Cayuga Canal Site, *Carya laciniosa*, Big Shellbark Hickory	1932	G5	S1	---	---
USGS Seneca Falls Quad					
Black Lake Salt Marsh, Inland Salt Marsh	1925	G2	S1	---	---
USGS Savannah Quad					
Crusoe Prairie *Valeriana sitchenis* ssp, Marsh valerian	1918	G4G5T4	S1	T	---
USGS Montezuma Quad					
Montezuma Marshes, Carex sartwellii, Sartwell sedge	1919	G4	S1	T	---
Carncross Salt Pond, Inland salt pond	1983	G2	S1		---
Montezuma Marshes, *Carex lupuliformis*, False Hop Sedge	1919	G3G4Q	S2	R	---
Howland Island, Inland Salt Marsh	1983	G2	S1	---	---
Fox Ridge Salt Marsh, Inland Salt Marsh	1983	G2	S1	---	---
Fox Ridge Salt Marsh, *Ranunculus cymbalaria*, Seaside Crowfoot	1987	G5	S1	E	---
Montezuma Salt Marsh Inland Salt Marsh	1981	G2	S1	---	---
Howland Island, *Gymnocladus dioicus*, Kentucky Coffee Tree	1987	G5	S1	R	---
Howland Island, Floodplain forest	1980	G3G4	S1	---	---

	Year Last Obs.	Heritage Global Rank	Heritage State Rank	NYS Legal Status	Fed. Status
Lyons Quad					
Lyons, Chaerophyllum procumbens Spreading chervil	1871	G5	SH	---	---
Victory Quad					
Wetbury Bog, Poa paludigena, Slender Marsh Bluegrass	1917	G3	S1	E	C2
Millers Bog Spring Lake, Rih Graminoid Fen	1985	G3	S1S2	T	---
Northeast Butler, Valeriana sitchensis ssp, Marsh Valerian	1916	G4G5T4	S1	T	---
Botrychium Woods, Triphora trianthophora, Nodding pogonia	1919	G4	SH	V	---

N.Y.S.D.E.C. SIGNIFICANT HABITATS RECORDS

1. SW-50-01 - Black-crowned Night-heron rookery (1978)

   Osprey nest site (1981 1st observed, 1990 currently occupied site)

   Bald Eagle nest site (1987 first breeding record, 1990 currently occupied site)

2. W-50-006 - Great Blue Heron rookery (1978)

   Black-crowned Night-heron rookery (1978)

3. SW-59-001 - Great Blue Heron rookery (no date)

4. DC 59-109,-111,-108,-110 - Deer Winter Concentration Areas

EXPLANATION OF RANKS AND CODES

New York Natural Heritage Program (NYNHP) Ranks

Each element has a global and state rank. The global rank reflects the rarity of the element throughout the world and the state rank reflects the rarity within New York State. Infraspecific taxa are also assigned a taxon rank to reflect the infraspecific taxon's rank throughout the world.

GLOBAL RANK

G1 = Critically imperiled globally because of extreme rarity (5 or fewer occurrences, or very few remaining acres, or miles of stream) or especially vulnerable to extinction because of some factor of its biology.

G2 = Imperiled globally because of rarity (6 - 20 occurrences, or few remaining acres, or miles of stream) or very vulnerable to extinction throughout its range because of other factors.

G3 = Either very rare and local throughout its range (21 to 100 occurrences), or found locally (even abundantly at some of its locations) in a restricted range (e.g., a physiographic region), or vulnerable to extinction throughout its range because of other factors.

G4 = Apparently secure globally, though it may be quite rare in parts of its range, especially at the periphery.

G5 = Demonstrably secure globally, though it may be quite rare in parts of its range, especially at the periphery.

GH = Historically known, with the expectation that it might be rediscovered.

GX = Species believed extinct.

GU = Status unknown.

STATE RANK

S1 = Typically 5 or fewer occurrences, very few remaining individuals, acres, or miles of stream, or some factor of its biology making it especially vulnerable in New York state.

S2 = Typically 6 to 20 occurrences, few remaining individuals, acres, or miles of stream, or factors demonstrably making it very vulnerable in New York State.

S3 = Typically 21 to 100 occurrences, limited acreage, or miles of stream in New York State.

S4 = Apparently secure in New York State.

S5 = Demonstrably secure in New York State.

SH = Historically known from New York State, but not seen in the past 15 years.

SX = Apparently extirpated from New York State.

SE = Exotic, not native to New York State.

SR = State Report only, no verified specimens known from New York State.

SU = Status in New York State is unknown.

TAXON RANK

The T-ranks are defined the same way the Global ranks are, but the t-rank only refers to the rarity of the subspecific taxon, not the rarity of the species as a whole.

A "Q" indicates a question exists whether or not the taxon is a good taxonomic entity.
A "?" indicates a question exists about the rank.

New York State Plant Legal Status

The following categories are defined in regulation 6NYCRR part 193.3 (amendment pending) and apply to New York State Environmental Conservation Law section 9-1503.

E = Endangered Species: listed species are those with
1) 5 or fewer extant sites, or
2) fewer than 1,000 individuals, or
3) restricted to fewer than 4 U.S.G.S. 7 1/2 minute topographical maps, or
4) species listed as endangered by the U.S. Department of the Interior, as enumerated in the Code of Federal Regulations 50 CFR 17.11.

T = Threatened: listed species are those with
1) 6 to fewer than 20 extant sites, or
2) 1,000 to fewer than 3,000 individuals, or
3) restricted to not less than 4 or more than 7 U.S. G. S. 7 1/2 minute topographical maps, or
4) listed as threatened by the U.S. Department of the Interior, as enumerated in the Code of Federal Regulations 50 CFR 17.11.

R = Rare: listed species have
1) 20 to 35 extant sites, or
2) 3,000 to 5,000 individuals statewide.

V = Exploitably vulnerable: listed species are likely to become threatened in the near future throughout all or a significant portion of their range within the state if causal factors continue unchecked. (The attached list does not contain a complete listed of the species in this category.

3/89

New York State Animal Legal Status

Categories of Endangered and Threatened species are defined in New York State Environmental Conservation Law section 11-0535. Endangered, Threatened, and Special Concern species are listed in regulation 6NYCRR 182.5.

E = Endangered Species: any species which meet one of the following criteria:

1) Any native species in imminent danger of extirpation or extinction in New York.

2) Any species listed as endangered by the U.S. Department of the Interior, as enumerated in the Code of Federal Regulations 50 CFR 17.11.

T = Threatened Species: any species which meet one of the following criteria:

1) Any native species likely to become an endangered species within the foreseeable future in New York.

2) Any species listed as threatened by the U.S. Department of the Interior, as enumerated in the Code of the Federal Regulations 50 CFR 17.11.

SC = Special Concern Species: those species which are not yet recognized as endangered or threatened, but for which documented concern exists for their continued welfare in New York. Unlike the first two categories, species of special concern receive no additional legal protection under Environmental Conservation Law section 11-0535 (Endangered and Threatened Species).

P = Protected Wildlife (defined in Environmental Conservation Law section 11-0103): wild game, protected wild birds, and endangered species of wildlife.

U = Unprotected (defined in Environmental Conservation Law section 11-0103): the species may be taken at any time without limit; however, a license to take may be required.

G = Game (defined in Environmental Conservation Law section 11-0103): any of a variety of big game or small game species as stated in the Environmental Conservation Law; many normally have an open season for at least part of the year, and are protected at other times.

3/89

APPENDIX D

NORTHERN MONTEZUMA WETLANDS PROJECT
WILDLIFE SPECIES LIST

KEY

Status:
- P = protected in NYS
- U = unprotected in NYS
- G = game species in NYS
- E = endangered in NYS
- T = threatened in NYS
- S = special concern in NYS
- b = breeds locally

Presence:
- A = abundant
- C = common
- O = occasional
- I = infrequent

Projected Impact of Proposed Action:
- O = no change
- \+ = slight increase (10% or less)
- ++ = moderate increase (11% - 25%)
- +++ = substantial increase (25% or more)
- \- = slight decrease (10% or less)
- -- = moderate decrease (11% - 25%)
- --- = substantial decrease (25% or more)

	Status	Presence	Projected Impact of Proposed Action
AMPHIBIANS			
Red-spotted Newt	U	C b	+
Eastern Red-backed Salamander	U	O b	+
Spotted Salamander	S	I b	O
Spring Salamander	U	I b	O
Mud Puppy	U	O b	O
Jefferson Salamander	S	I b	O
Northern Dusky Salamander	U	O b	+
Eastern Four-Toed Salamander	U	O b	+
Spring Peeper	U	A b	+++
Bull Frog	G	C b	++
Green Frog	G	C b	++
Northern Leopard Frog	G	C b	++
Pickerel Frog	G	C b	++
Eastern Gray Tree Frog	U	O b	O
Wood Frog	G	O b	O
American Toad	U	C b	O

NORTHERN MONTEZUMA WETLANDS PROJECT
WILDLIFE SPECIES LIST

	Status	Presence	Projected Impact of Proposed Action
REPTILES			
Snapping Turtle	U	C b	+++
Stinkpot	U	O b	+
Spotted Turtle	U	O b	+
Eastern Painted Turtle	U	C b	+++
Wood Turtle	S	I b	O
Northern Water Snake	U	C b	+++
Eastern Garter Snake	U	C b	+
Eastern Ribbon Snake	U	O b	O
Northern Black Racer	U	O b	O
Black Rat Snake	U	I b	O
Red-bellied Racer	U	O b	O
Northern Ringneck Snake	U	O b	O
Smooth Green Snake	U	C b	O
Eastern Milk Snake	U	C b	O
Northern Brown Snake	U	I b	O
MAMMALS			
Opossum	G	C b	+
Masked Shrew	U	O b	O
Short-tailed Shrew	U	O b	O
Least Shrew	U	O b	O
Water Shrew	U	O b	+
Pygmy Shrew	U	O b	O
Starnose Mole	U	C b	O
Hairy Tail Mole	U	O b	O
Little Brown Myotis	U	C b	O
Small Footed Myotis	S	I b	O
Eastern Pipistrelle	U	C b	O
Silver Haired Bat	U	O b	O
Big Brown Bat	U	O b	O
Red Bat	U	O b	O
Hoary Bat	U	O b	O
Eastern Cotton tail	G	C b	+
Woodchuck	G	C b	O
Eastern Gray Squirrel	G	C b	O
Southern Flying Squirrel	U	O b	O
Eastern Chipmunk	U	C b	O
Red Squirrel	U	C b	O
White-footed Mouse	U	O b	+
Deer Mouse	U	O b	+
Meadow Vole	U	C b	+
Pine Vole	U	O b	O
Redback Vole	U	O b	O
Southern Bog Lemming	U	I b	O
Muskrat	G	A b	+++

NORTHERN MONTEZUMA WETLANDS PROJECT
WILDLIFE SPECIES LIST

	Status	Presence	Projected Impact of Proposed Action
MAMMALS continued			
Norway Rat	U	C b	O
Meadow Jumping Mouse	U	O b	+
Woodland Jumping Mouse	U	O b	O
Red Fox	G	C b	+
Gray Fox	G	C b	+
Raccoon	G	C b	+
Longtail Weasel	C	O b	+
Ermine	G	O b	+
Least Weasel	G	O b	+
Mink	G	O b	++
Beaver	G	C b	++
Striped Skunk	G	C b	+
Porcupine	U	O b	O
White-tailed Deer	G	A b	O
Coyote	G	O b	O
BIRDS			
Pied-billed Grebe	P	O b	++
Horned Grebe	P	I	+
Red-necked Grebe	P	I	+
Red-throated Loon	P	I	O
Common Loon	P	I	+
Double-crested Cormorant	P	I	+
American Bittern	P	O b	++
Least Bittern	P	O b	++
Great Blue Heron	P	C b	++
Great Egret	P	I	+
Snowy Egret	P	O	+
Little Blue Heron	P	C	++
Green-backed Heron	P	O b	++
Cattle Egret	P	O	+
Black-crowned Night Heron	P	O b	+
Glossy Ibis	P	I	O
Tundra Swan	P	O	++
Snow Goose	G	C	++
Canada Goose	G	A b	++
Brant	G	I	+
Wood Duck	G	C b	+++
Green-winged Teal	G	C b	+++
American Black Duck	G	C b	++
Mallard	G	C b	+++
Northern Pintail	G	C b	+++
Blue-winged Teal	G	C b	+++
Northern Shoveler	G	O b	++
Gadwall	G	O b	+++

NORTHERN MONTEZUMA WETLANDS PROJECT
WILDLIFE SPECIES LIST

BIRDS continued	Status	Presence	Projected Impact of Proposed Action
Eurasian Widgeon	G	I	+
American Widgeon	G	O b	+++
Canvasback	G	O b	+
Redhead	G	O b	+
Ruddy Duck	G	I b	+
Ring-necked Duck	G	I	++
Greater Scaup	G	I	+
Lesser Scaup	G	I	+
Oldsquaw	G	I	+
Black Scoter	G	I	O
Surf Scoter	G	I	O
White-winged Scoter	G	I	O
Common Goldeneye	G	O	+
Bufflehead	G	O	+
Common Merganser	G	I	+
Hooded Merganser	G	C b	++
Red-breasted Merganser	G	I	++
Turkey Vulture	G	C b	+
Osprey	E	O b	++
Bald Eagle	E	O b	++
Northern Harrier	T	O b	+
Sharp-shinned Hawk	P	O b	O
Cooper's Hawk	P	O b	O
Northern Goshawk	P	O b	O
Red-shouldered Hawk	P	I	O
Broad-winged Hawk	P	I	+
Red-tailed Hawk	P	C b	+
Roughlegged Hawk	P	I	O
American Kestrel	P	C b	O
Merlin	P	I	O
Peregrine Falcon	E	I	O
Ring-necked Pheasant	P	O b	+
Ruffed Grouse	P	C b	O
Wild Turkey	P	O b	O
King Rail	P	I	+
Virginia Rail	P	C b	+
Sora	P	O b	+
Common Moorhen	P	C b	++
American Coot	P	C b	++
Black-bellied Plover	P	O	+
Lesser Golden Plover	P	C	+
Killdeer	P	C b	+
Greater Yellowlegs	P	C	++
Lesser Yellowlegs	P	C	++
Solitary Sandpiper	P	C	+
Spotted Sandpiper	P	C b	+

NORTHERN MONTEZUMA WETLANDS PROJECT
WILDLIFE SPECIES LIST

BIRDS continued	Status	Presence	Projected Impact of Proposed Action
Upland Sandpiper	S	I b	O
Whimbrel	P	O	+
Hudsonian Godwit	P	I	O
Ruddy Turnstone	P	I	O
Red Knot	P	I	O
Semipalmated Sandpiper	P	C	++
Western Sandpiper	P	O	+
Least Sandpiper	P	C	++
White-rumped Sandpiper	P	I	O
Baird's Sandpiper	P	I	O
Pectoral Sandpiper	P	O	+
Dunlin	P	I	O
Stilt Sandpiper	P	O	+
Ruff	P	I	O
Short-billed Dowitcher	P	O	+
Long-billed Dowitcher	P	O	+
Common Snipe	G	O b	+
American Woodcock	G	C b	++
Wilson's Phalarope	P	I	+
Red-necked Phalarope	P	I	+
Bonaparte's Gull	P	O	O
Ring-billed Gull	P	C	+
Herring Gull	P	C	+
Great Black-backed Gull	P	O	+
Caspian Tern	P	I	O
Common Tern	T	I b	+
Black Tern	S	O b	+
Rock Dove	U	A b	O
Mourning Dove	P	C b	O
Black-billed Cuckoo	P	O b	O
Yellow-billed Cuckoo	P	C b	O
Common Barn Owl	S	I	O
Eastern Screech Owl	P	C b	+
Great Horned Owl	P	C b	O
Snowy Owl	P	I	O
Barred Owl	P	O b	O
Short-eared Owl	S	O b	O
Long-eared Owl	P	O b	O
Common Nighthawk	S	O	O
Whip-poor-will	P	O	O
Chimney Swift	P	O b	O
Ruby-throated Hummingbird	P	O b	O
Belted Kingfisher	P	C b	+
Red-headed Woodpecker	P	C b	O
Yellow-bellied Sapsucker	P	O b	O

NORTHERN MONTEZUMA WETLANDS PROJECT
WILDLIFE SPECIES LIST

	Status	Presence	Projected Impact of Proposed Action
BIRDS continued			
Red-bellied Woodpecker	P	O b	O
Downy Woodpecker	P	C b	O
Hairy Woodpecker	P	C b	O
Northern Flicker	P	C b	O
Pileated Woodpecker	P	O b	O
Olive-sided Flycatcher	P	O	O
Eastern Wood-pewee	P	O b	O
Acadian Flycatcher	P	O	O
Alder Flycatcher	P	O b	O
Willow Flycatcher	P	C b	O
Least Flycatcher	P	C b	O
Eastern Phoebe	P	C b	O
Great Crested Flycatcher	P	C b	O
Eastern Kingbird	P	C b	O
Horned Lark	P	O b	O
Purple Martin	P	O b	+
Tree Swallow	P	C b	O
Northern Rough-winged Swallow	P	C b	O
Bank Swallow	P	C b	O
Cliff Swallow	P	O b	O
Barn Swallow	P	C b	O
Blue Jay	P	C b	O
American Crow	G	C b	O
Black-capped Chickadee	P	C b	O
Tufted Titmouse	P	C b	O
Red-breasted Nuthatch	P	O b	O
White-breasted Nuthatch	P	C b	O
Brown Creeper	P	C b	O
Carolina Wren	P	O	O
House Wren	P	C b	O
Sedge Wren	P	O b	+
Winter Wren	P	O b	O
Marsh Wren	P	O b	+
Golden-crowned Kinglet	P	O b	O
Ruby-crowned Kinglet	P	O	O
Blue-gray Gnatcatcher	P	O b	O
Eastern Bluebird	S	O b	+
Veery	P	C b	O
Gray-cheeked Thrush	P	O	O
Swainson's Thrush	P	O	O
Hermit Thrush	P	O	O
Wood Thrush	P	C b	O
American Robin	P	A b	O
Gray Catbird	P	O b	O
Northern Mockingbird	P	O b	O
Brown Thrasher	P	C b	O

NORTHERN MONTEZUMA WETLANDS PROJECT
WILDLIFE SPECIES LIST

BIRDS continued	Status	Presence	Projected Impact of Proposed Action
Water Pipit	P	I	O
Cedar Waxwing	P	C b	O
Northern Shrike	P	O	O
European Starling	U	C b	O
Solitary Vireo	P	O	O
Yellow-throated Vireo	P	C b	O
Warbling Vireo	P	C b	O
Philadelphia Vireo	P	I	O
Red-eyed Vireo	P	C b	O
Blue-winged Warbler	P	O	O
Golden-winged Warbler	P	O b	O
Tennessee Warbler	P	I	O
Orange-crowned Warbler	P	I	O
Nashville Warbler	P	O	O
Northern Parula	P	I	O
Yellow Warbler	P	C b	O
Chestnut-sided Warbler	P	O b	O
Magnolia Warbler	P	O b	O
Cape May Warbler	P	I	O
Black-throated Blue Warbler	P	O b	O
Yellow-rumped Warbler	P	O b	O
Black-throated Green Warbler	P	O b	O
Blackburnian Warbler	P	O	O
Pine Warbler	P	I	O
Prairie Warbler	P	I	O
Palm Warbler	P	I	O
Bay-breasted Warbler	P	I	O
Blackpoll Warbler	P	I	O
Cerulean Warbler	P	O b	O
Black-and-white Warbler	P	O	O
American Redstart	P	C b	O
Prothonotary Warbler	P	O b	O
Ovenbird	P	C b	O
Northern Waterthrush	P	C	O
Louisiana Waterthrush	P	I	O
Connecticut Warbler	P	O	O
Mourning Warbler	P	O b	O
Common Yellowthroat	P	C b	O
Hooded Warbler	P	I	O
Wilson's Warbler	P	I	O
Canada Warbler	P	O	O
Yellow-breasted Chat	P	I	O
Scarlet Tanager	P	O b	O
Northern Cardinal	P	C b	O
Rose-breasted Grosbeak	P	C b	O
Indigo Bunting	P	O b	O

NORTHERN MONTEZUMA WETLANDS PROJECT
WILDLIFE SPECIES LIST

	Status	Presence	Projected Impact of Proposed Action
BIRDS continued			
Rufus-sided Towhee	P	C b	O
American Tree Sparrow	P	O b	O
Chipping Sparrow	P	C b	O
Field Sparrow	P	C b	O
Vesper Sparrow	S	I b	O
Savannah Sparrow	P	O b	O
Grasshopper Sparrow	S	I	O
Song Sparrow	P	C b	O
Lincoln's Sparrow	P	I	O
Swamp Sparrow	P	C b	O
White-throated Sparrow	P	O	O
White-crowned Sparrow	P	O	O
Henslow's Sparrow	S	I	O
Dark-eyed Junco	P	O	O
Lapland Longspur	P	O	O
Snow Bunting	P	O	O
Bobolink	P	C b	O
Red-winged Blackbird	P	A b	++
Eastern Meadowlark	P	C b	O
Common Grackle	P	C b	O
Brown-headed Cowbird	P	C b	O
Northern Oriole	P	O b	O
Purple Finch	P	O b	O
House Finch	P	C b	O
Common Redpoll	P	O	O
Pine Siskin	P	I	O
American Goldfinch	P	C b	O
Evening Grosbeak	P	C	O
House Sparrow	U	A b	O
Fox Sparrow	P	I	O
FISH			
Alewife	U	C b	O
Bass, Largemouth	G	C b	+
Bass, Smallmouth	G	C b	O
Bass, Rock	U	C b	O
Bass, White	U	C b	O
Bowfin	U	O b	O
Bullhead, Brown	U	C b	O
Bullhead, Yellow	U	C b	+
Carp	U	A b	+
Catfish, Channel	U	O b	O
Chub, Creek	U	C b	O
Crappie, Black	U	O b	O
Dace, Blacknose	U	O b	O

NORTHERN MONTEZUMA WETLANDS PROJECT
WILDLIFE SPECIES LIST

	Status	Presence	Projected Impact of Proposed Action
FISH continued			
Dace, Longnose	U	O b	O
Darter, Fantail	U	O b	O
Darter, Johnny	U	O b	O
Drum, Freshwater	U	O b	O
Fall Fish	U	I b	O
Goldfish	U	C b	O
Hogsucker, Northern	U	C b	O
Lamprey, Sea	U	O b	O
Burbot	U	O b	O
Mudtom, Tadpole	U	C b	+
Minnow, Bluntnose	U	C b	O
Minnow, Cutlips	U	O b	O
Minnow, Fathead	U	C b	+
Mudminnow, Central	U	O b	O
Perch, Log	U	C b	O
Perch, White	U	C b	O
Perch, Yellow	U	C b	O
Pickerel, Grass	U	I b	O
Pickerel, Chain	U	O b	+
Pike, Northern	G	C b	+
Pike, Walleyed	G	O b	O
Redhorse, Greater	U	C b	O
Redhorse, Northern	U	C b	O
Shad, Gizzard	U	A b	O
Shiner, Common	U	A b	O
Shiner, Emerald	U	C b	O
Shiner, Golden	U	C b	O
Shiner, Mimic	U	C b	O
Shiner, Spotfin	U	C b	O
Stickleback, Brook	U	C b	O
Stickleback, Nine Spine	U	C b	O
Stickleback, Three Spine	U	C b	O
Stone Roller	U	C b	O
Sucker, Common	U	C b	O
Sunfish, Bluegill	U	A b	+
Sunfish, Common	U	A b	+
Silverside, Brook	U	O b	O
Trout, Brown	G	O b	O
Trout, Rainbow	G	O b	O

Appendix E

Environmental Conservation Law
§51.2

PART 51
NYCRR
PUBLIC USE OF STATE WILDLIFE MANAGEMENT AREAS

§51.1 Hunting, trapping and fishing.

Hunting, trapping and fishing are permitted on wildlife management areas except as specifically restricted by posted notice.

§51.2 Boating.

(a) Use of vessels operated by mechanical power is prohibited except as specifically permitted by posted notice.

(b) Overnight mooring or storage of boats is prohibited.

§51.3 Camping.

Camping is prohibited except pursuant to written permission of the regional supervisor having jurisdiction or his agent.

§51.4 Roads and parking areas.

(a) Vehicular use of roads posted against such use is prohibited.

(b) Off-road travel or use of motorcycles, motor scooters, mopeds, trail bikes, snowmobiles or any other motorized vehicles is prohibited except as specifically permitted by posted notice.

(c) Where required by posted notice, parking shall be confined to designated parking areas.

§51.5 Structures.

No permanent structure, blind, stand or platform shall be constructed or placed except pursuant to written permission of the regional supervisor having jurisdiction or his agent.

§51.6 General provisions.

(a) No fires are permitted except for cooking, warmth or smudge; and no fire shall be lighted until all flammable material surrounding it has been removed to the extent necessary to prevent its spread; and no fire shall be left unattended.

(b) Swimming is prohibited except as specifically permitted by posted notice.

(c) No person shall remove, cut or willfully damage or destroy living vegetation of any kind, except pursuant to written permission of the regional supervisor having jurisdiction or his agent.

(d) All personal property shall be removed from the area at the time of leaving the area.

(e) No person shall enter upon property posted with "no trespassing" signs, except pursuant to written permission of the regional supervisor having jurisdiction or his agent.

(f) No person shall discard or deposit any trash, waste or litter on lands or waters, except in waste receptacles when provided for such purpose.

(g) Grazing by domestic animals is prohibited, except pursuant to written permission of the regional supervisor having jurisdiction or his agent.

§51.7 Waivers.

Notwithstanding any provision of this Subchapter, the department, acting by the regional supervisor of natural resources, may waive the application of any prohibition contained in this Subchapter relating to public use of State wildlife management areas, except prohibitions relating to open seasons for taking of fish or wildlife on such areas, where it finds that the application thereof to any individual or group of individuals would be inequitable, discriminatory or not in accord with public policy.

PART 90

HUNTING, FISHING AND PUBLIC USE IN THE MONTEZUMA NATIONAL WILDLIFE REFUGE

(Statutory authority: Environmental Conservation Law, § 11-2106)

Historical Note

Part (§§ 90.0-90.4) filed Oct. 5, 1973; repealed, new (§§ 90.1-90.7) filed Nov. 4, 1974 eff. Nov. 1, 1974.

Section 90.0

Historical Note

Sec. filed Oct. 5, 1973; repealed, filed Nov. 4, 1974 eff. Nov. 1, 1974.

90.1 Applicability. The provisions of this Part shall apply to the Montezuma National Wildlife Refuge located five miles east of Seneca Falls (area). Maps delineating the refuge, including the areas where hunting and fishing are permitted, may be obtained at the refuge headquarters. Montezuma National Wildlife Refuge is closed to all entry and recreational use unless specifically opened to that use(s) by the Secretary of the Interior.

Historical Note

Sec. filed Oct. 5, 1973; repealed, new filed Nov. 4, 1974; amd. filed Oct. 6, 1987 eff. Oct. 21, 1987.

90.2 Migratory waterfowl. (a) No person shall hunt migratory waterfowl in the area other than in those areas designated by signs as open to waterfowl hunting.

(b) No person shall hunt migratory waterfowl in the area on Sunday, Monday, Wednesday or Friday.

(c) Hunters may not possess or fire more than 25 steel shot shells, with shot size no larger than No. 1 fine shot. All lead shot is prohibited.

(d) Waterfowl hunting by persons having a reservation will be allowed on Tuesdays, Thursdays and Saturdays from the opening day of waterfowl season until:

(1) the end of the first half of a split season; or

(2) the pool freezes over--whichever occurs first.

Twenty hunting parties of two or less people will be allowed per day. Boats propelled by power are not permitted. Parties will be allowed to select their own hunting sites within the Tschache Pool. Hunting reservations will be made by a telephone reservation system. Telephone reservations will be accepted at the refuge check station between the hours of 8 a.m. and 12 noon on hunt days. The reservation number is (315) 568-4136. Reservations will only be accepted for the succeeding day's hunting. Reservations for the first day of hunting will be received on the preceding day only. An individual hunter will be granted only one reservation per hunt week (Tuesday/Thursday/Saturday) during the first two weeks of the season.

(e) The first Sunday of the season will be reserved for the young waterfowler's training program hunt.

(f) No person shall hunt migratory waterfowl in the area between 12 noon and one-half hour before sunrise.

(g) No person hunting migratory waterfowl in the area shall fail to check out at the waterfowl check station by 1 p.m.

Historical Note

Sec. Filed Oct. 5, 1973; amd. filed March 5, 1974; repealed, new filed Nov. 4, 1974; amds. filed: Oct. 10, 1975; Oct. 6, 1987 eff. Oct. 21, 1987.

90.3 Big game. (a) Deer of either sex may be taken. No person shall hunt deer in the area in areas designated by signs as closed.

(b) No person shall hunt deer in the area except from the first Monday after November 15 through the first Tuesday after December 7.

(c) No person shall hunt deer in the area on Saturday or Sunday.

(d) For the first two hunt days, no person shall fail to register his take before leaving the area.

(e) All hunters on each hunt day must pick up, possess, and return at day's end, a valid refuge permit card.

Historical Note

Sec. filed Oct. 5, 1973; repealed, new filed Nov. 4, 1974; amd. filed Oct. 6, 1987 eff. Oct. 21, 1987. Amended (d), added (e).

90.4 Small game. (a) No person shall hunt gray squirrels, cottontail rabbits, raccoons, foxes and unprotected mammals in the area except between the third Sunday in December and the last day of February.

(b) No person shall hunt ruffed grouse in the area.

(c) No person shall hunt in the area in the areas designated by signs as closed.

Historical Note

Sec. filed Oct. 5, 1973; repealed, new filed Nov. 4, 1974; amd. filed Oct. 10, 1975 eff. Oct. 9, 1975. Amended (a).

90.5 Fishing. (a) Sport fishing is permitted throughout the year in areas so designated by signs.

(b) Fishing will be permitted only in those areas designated as open to fishing.

Historical Note

Sec. filed Nov. 4, 1974; amd. filed Oct. 6, 1987 eff. Oct. 21, 1987. Amended (b).

90.6 Public access, use and recreation. (a) Travel by motor vehicle or on foot is permitted on designated travel routes for the purpose of nature study, photography and sightseeing during daylight hours.

(b) No person shall travel other than on designated travel routes.

(c) No person shall be in the area after dark.

(d) No person shall have a pet in the area unless it is on a leash.

(e) No person shall be intoxicated while in the area.

Historical Note

Sec. filed Nov. 4, 1974; amd. filed Oct. 6, 1987 eff. Oct. 28, 1987. Amended (d), added (3).

90.7

Historical Note

Sec. filed Nov. 4, 1974; repealed, filed Oct. 6, 1987 eff. Oct. 28, 1987.

APPENDIX F

New York State
Department of Environmental Conservation
50 Wolf Road
Albany, New York 12233

ENDANGERED, THREATENED, AND SPECIAL CONCERN SPECIES OF NEW YORK STATE

1. ENDANGERED

**Chittenango Ovate Amber Snail	Succinea chittenangoensis
Karner Blue Butterfly	Lycaeides melissa
*Shortnose Sturgeon	Acipenser brevirostrum
Round Whitefish	Prosopium cylindraceum
Pugnose Shiner	Notropis anogenus
Eastern Sand Darter	Ammmocrypta pellucida
Bluebreast Darter	Etheostoma camurum
Gilt Darter	Percina evides
Spoonhead Sculpin	Cottus ricei
Deepwater Sculpin	Myoxocephalus thompsoni
Tiger Salamander	Ambystoma tigrinum
Bog Turtle	Clemmys muhlenbergi
*Leatherback Sea Turtle	Dermochelys coriacea
*Hawksbill Sea Turtle	Eretmochelys imbricata
*Atlantic Ridley Sea Turtle	Lepidochelys kempi
Massasauga Rattlesnake	Sistrurus catenatus
Golden Eagle	Aquila chrysaetos
*Bald Eagle	Haliaeetus leucocephalus
*Peregrine Falcon	Falco peregrinus
*Eskimo Curlew	Numenius borealis
*Piping Plover	Cheradrius melodus
Least Tern	Sterna anatillarum
Roseate Tern	Sterna dougallii
Loggerhead Shrike	Lanius ludovicianus
*Indiana Bat	Myotis sodalis
*Sperm whale	Physeter catodon
*Sei Whale	Balaenoptera borealis
*Blue Whale	Balaenoptera musculus
*Finback Whale	Balaenoptera physalus
*Humpback Whale	Megaptera novaeangliae
*Right Whale	Balaena glacialis
*Gray Wolf	Canis lupus
*Cougar	Felis concolor
Eastern Woodrat	Neotoma floridana

II. THREATENED

Lake Sturgeon	Acipenser fulvescens
Mooney	Hiodon tergisus
Lake Chubsucker	Erimyzon sucetta
Mud Sunfish	Acantharchus pomotis
Longear Sunfish	Lepomis megalotis
Cricket Frog	Acris crepitans
Mud Turtle	Kinosternon subrubrum
Blanding's Turtle	Emydoidea blandingii
**Loggerhead Sea Turtle	Caretta caretta
**Green Sea Turtle	Chelonia mydas
Timber Rattlesnake	Crotalus horridus
Osprey	Pandion haliaetus
Red-shouldered Hawk	Buteo lineatus
Northern Harrier	Circus cyaneus
Spruce Grouse	Dendragapus canadensis
Common Tern	Sterna hirundo

III. SPECIAL CONCERN

Buckmoth	Hemileuca maia
Silver Chub	Hybopsis storeiana
Gravel Chub	Hybopsis x-punctata
Blackchin Shiner	Notropis heterdon
Black Redhorse	Moxostoma duquesnei
Banded Sunfish	Enneacanthus obesus
Longhead Darter	Percina macrocephala
Southern Leopard Frog	Rana sphenocephala
Hellbender	Cryptobranchus alleganiensis
Jefferson Salamander	Ambystoma jeffersonianum
Blue-spotted Salamander	Ambystoma laterale
Spotted Salamander	Ambystoma maculatum
Wood Turtle	Clemys guttata
Diamondback Terrapin	Malaclemys terrapin
Worm Snake	Carphophis ameonus
Eastern Hognose Snake	Heterdon platyrhinos
Common Loon	Gavia immer
Least Bittern	Ixobrychus exilis
Cooper's Hawk	Accipiter cooperii
Black Rail	Laterallus jamaicensis
Upland Sandpiper	Bartramia longicauda
Black Tern	Chlidonias niger
Common Barn-Owl	Tyto alba
Short-eared Owl	Asio flammeus
Common Nighthawk	Chordeiles minor
Common Raven	Corvus Corax
Sedge Wren	Cistothorus platensis
Eastern Bluebird	Sialia sialis
Henslow's Sparrow	Ammodramus henslowii
Grasshopper Sparrow	Ammodramus savannarum

Vesper Sparrow	Pooecetes gramineus
Small-footed Bat	Myotis leibii
New England Cottontail	Sylvilagus transitionalis
Harbor Porpoise	Phocoena phocoena

* Indicates that the species is currently listed as "endangered" by the U.S. Department of the Interior.

** Indicates that the species is currently listed as "threatened" by the U.S. Department of the Interior.

Effective 8/3/87

APPENDIX G.

STATE OF NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Division of Fish and Wildlife
SPECIAL USE PERMIT

Date May 11 1990

The New York State Department of Environmental Conservation, hereinafter referred to as the Department, for the consideration of $16.50/acre , sixteen dollars and fifty cents per acre per year , hereby grants to

hereinafter referred to as the permittee, the right to plant, cultivate and harvest agricultural crops as set forth in Bid Form dated 4/12/90

(within the limitations hereafter set forth) on 195 acres of designated croplands

being part of Honeoye Creek Wildlife Management Area, and bounded and described as indicated on the map or description at the area headquarters, for the purpose of Rental of Designated Agricultural Land (See Attached Map)

and for no other purpose whatever during the period April 30 19 90 to August 31, 1990 , inclusive.

General Conditions:

1. The permittee shall assume all costs pertaining to the purpose for which said premises are to be used.

2. The permittee shall not hold the State of New York liable for any damages or injuries sustained while on the premises described above, or involved therewith.

3. Permittee hereby agrees to save harmless and to indemnify the Department against any and all claims for injury to property or person or death arising out of the operations of permittee under this agreement and that this instrument will act as a release to the Department from any and all claims arising out of the removal of the above materials.

This agreement shall be void and of no effect unless permittee shall secure compensation for the benefit of, and keep insured during the life of, this agreement such employees as are required to be so insured by the provisions of Chapter 41 of the Laws of 1914 and acts amendatory thereof, known as the Workmen's Compensation Law; and it is specifically understood that the employees of permittee shall in no way nor under any circumstances be considered as the employees of the Department or of the State of New York, its agents or assigns.

4. It is understood that this area will be open to public hunting and other public wildlife oriented activities, and the permittees shall not hold the State of New York liable for damages or injuries sustained in connection with said public use activities.

5. The permittee shall have the right of ingress and egress upon the above described premises during the period above stated for the purposes above described.

6. This permit may for any reason be revoked by the Department, after due notice.

7. Permittee agrees not to assign, transfer or convey, sublet or otherwise dispose of the agreement or any of its contents or of its rights, title or interest therein or of his power to execute such contract to any other person, company or corporation without the previous consent in writing by the Department.

Special Conditions:

1) Sound Soil Conservation Will be practiced at all times., as per the Conservation Plan.
2) The Permittee will be allowed to plant, cultivate and harvest crops during the period of April 30, 1990 to August 31, 1990 for the consideration of $1,608.75 to be paid as follows: A check will be due at the signing of this agreement made out to the N.Y.S. Conservation Fund for $804.38 with the balance to be provided in services as directed by the Bureau by December 31, 1990.
3) All remaining years of the permit will require one-half the yearly rental price to be paid by check to the N.Y.S. Conservation Fund on or before April 1 of each year. The balance to be by check or services as directed by the Bureau on or before December 31 of each calendar year.
4) If, due to economic circumstances beyond his control, the Permittee wishes to cancel the Special Use Permit, the Bureau must agree and all cropland will be seeded to a permanent seeding as directed by the Bureau prior to cancellation.

The undersigned hereby accepts the above permit and the right to exercise the privileges granted, subject to the terms, covenants, obligations and reservations expressed or implied therein.

Signature
(Permittee)

DEPARTMENT REPRESENTATIVE
Signature

Title Principal Fish & Wildlife Technician

X. Public Comment on the Draft Environmental Impact Statement and Agency Responses

Summary

Public comment on the draft Environmental Impact Statement was received by the Department and the Service at three formal public hearings and by mail subsequent to the public hearings. A summary of the official transcripts taken at the public hearings and the agency responses to these comments is contained in the following pages. Written comments received after the public hearing follow the transcript summary and responses. As many of the written comments contained the same subject matter, representative written comments are duplicated, and a single response is given here in this section to reduce redundancy and duplication. Below is listed the subject of the comments received and the frequency that this subject arose in the written comments received by the agencies.

TOPIC OF COMMENT	NUMBER
Loss of tax base--increased taxes	104
Loss of farm land/crop production	43
Support for the project	32
Wildlife crop damage	30
Insects--disease vectors	27
Eminent domain	25
Stewardship of public lands	25
State and federal public debt	18
No future development needed	15
Oppose project	13
Flooding problems	12
Area economic development hindered	11
Work closer with landowners	10
Local concerns are being ignored	9
Farming restrictions opposed	9
Effect on school districts	8
Indian land claims	6
Effect of water management on private land	6
Alternative 2 is impractical	5
Property owners not notified	3
Hunting conflicts	3
DEC presence needed in area	3

The Department and the Service held three public hearings on the Northern Montezuma Wetlands Project draft Environmental Impact Statement (EIS). These hearings were held on June 19, 1990, at the Seneca County Office Building in Waterloo; June 20, 1990, at the Junior/Senior High School in Weedsport; and June 21, 1990, at the Elementary School in Savannah. Statements from the public regarding the draft EIS were stenographically recorded and transcripts of the hearings were prepared and made available for public review. A summary of the statements received at these hearings follow, along with responses to these statements.

Public Hearing - June 19, 1990, Seneca County Office Building

1. William Dalton - is opposed to the taking of property or regulating its use.

   Response - The policy on the use of eminent domain is described in Appendix B. No additional private land use regulations are proposed as a part of this project.

2. Nancy Dalton - is opposed to recreational use facilities development. Is interested in maintaining land ownership and the natural character of the land.

   Response - Recreational uses and ancillary facilities are proposed only on publicly owned lands and/or private lands only where the landowner is agreeable to such uses. Public uses of private land is at the discretion of the landowner.

3. Richard Clingerman - is interested in maintaining public recreational use at the north end of Cayuga Lake and what DEC will do about proposed developments in this area.

   Response - The Cayuga Lake Wildlife Management Area will continue to be open for recreational uses. The Department will carefully review any permit applications for proposed development in this area. To date, no application has been made or firm plans presented for such development.

4. Rick Capozza - supports the Proposed Action but is opposed to eminent domain.

   Response - Support for the Proposed Action is acknowledged. The policy for use of eminent domain is found in Appendix B.

5. Bruce Prosser - supports the Proposed Action.

   Response - Acknowledged.

6. Edward Lawrence - is concerned that his land drainage is affected by water levels on the Montezuma NWR. Has no objections to the project. Bird depredation on crops and loss of tax base are concerns.

   Response - Staff at the Montezuma NWR will work with Mr. Lawrence to determine the cause of the problem of land drainage and correct it if possible. Crop depredation and loss of tax base are discussed in the EIS in Section V.

7. Barbara Engma - Farmers and government should work together to raise endangered species so landowners don't have to sell their land.

   Response - The proposed action described cooperative agreements that would accomplish this.

8. Hamilton White - Payments in lieu of taxes should be made to local governments. Are properties north of 318 and west of Rte. 89 in a buffer zone? Is concerned about mosquito-borne health problems and the Revenue Sharing Payment calculations.

   Response - Section V B has been revised in regard to payments in lieu of taxes. Other than the lands shown on Figures 2, 3, and 4, no other lands are proposed as a buffer zone. Section V B has also been revised regarding mosquito problems. Section V describes in detail how Revenue Sharing Payments are calculated.

9. Floyd Bush - experiences crop damage from deer and wildfowl.

   Response - Both the Department and the Service have provided Mr. Bush with technical assistance and special permits to mitigate crop damage and will continue to do so, as stated in Section V.

10. Richard Hewitt - is opposed to the project.

    Response - Acknowledged.

11. John Lincoln - Not opposed to environmental protection and wildlife needs. Supports voluntary approaches on wildlife management rather than land acquisition. Opposes the use of eminent domain; farmers should receive direct compensation for crop damage by wildlife; the use of fertilizers and pesticides must not be restricted in permits for agricultural uses on public lands; the implications of the agricultural Districts Law on the project needs more discussion; payments in lieu of taxes must be made by the sponsoring agencies to local governments; concern that wetland management will affect private agricultural land drainage.

    Response - Voluntary approaches through management agreements are an integral part of the proposed action. At the present time, there are no programs offering direct payments to farmers for wildlife damage of their crops. The Department would be pleased to participate in discussions regarding any program development proposing to do this. Fertilizer and pesticide use is not now restricted on permits to farm public land. The agricultural Districts Law and the policy it acts forth is entirely compatible with the goals of this project. Wetland management programs cannot affect private landowners, as this would be an illegal activity. The Revenue Sharing Program and payments in lieu of taxes are discussed in Section V.

Public Hearing - June 20, 1990, Weedsport Junior/Senior High School

1. Richard Chase - feels that available money should be used to maintain existing facilities.

   Response - The New York State Department of Environmental Conservation and the U.S. Fish and Wildlife Service are legally mandated to maintain their properties, whatever and wherever they may be.

2. Edward Grala - does not want to move his property; is opposed to using this property to settle any Indian land claims; and does not want to see a major building project.

   Response - Mr. Grala will not have to move his property; the Northern Montezuma Project has no connection to any Indian land claim settlements; the Northern Montezuma Project is not related to a major building project.

3. Bruce Prosser - supports the efforts of organizations such as Ducks Unlimited to preserve wetlands; is opposed to the use of eminent domain; supports alternative II.

   Response - Works of Conservation organizations such as Ducks Unlimited acknowledged; policy on use of eminent domain is explained in Appendix B; support of alternative II acknowledged.

4. Jack Davies - No one has the right to take my land.

   Response - Comment acknowledged.

5. Vickie Chase - would like to see money used for taking care of land New York State already has. No one is taking care of Howland Island--it is wasting away.

   Response - Howland Island Wildlife Management Area is open for a wide variety of outdoor recreational pursuits. Timber management, agricultural production, and waterfowl research and management are just a few of the activities conducted at Howland Island Wildlife Management Area.

6. Richard Drescher - would like to have Mr. Bill Jaynes speak.

   Response - So noted.

7. Bill Jaynes - Principle concern centers on the hydrology of the entire Oswego River watershed; is appalled that no engineers or hydrologists drafted the document; corrected watershed map; stated that the dEIS is totally unacceptable in size and content.

   Response - The draft Environmental Impact Statement for the Northern Montezuma Wetlands Project is a document written to address land conservation and management programs and was never meant to correct the nuisance flooding problems that have occurred around Cross Lake and the Seneca River; deficiencies in the watershed map will be corrected; legal staff reviewing the dEIS have found that this document satisfies the legal requirements of the State Environmental Review Act and the National Environmental Policy Act.

8. Gerald Smith - prefers alternative II; would maximize the ecological benefits of the project.

   Response - So noted.

9. Janice Lillie - How much land is going to be taken off the tax rolls; the agricultural impacts have not been answered.

   Response - Tax impact data can be found in Tables 13, 14, and 15; agricultural impacts are discussed, starting on page 54 and throughout the document.

10. Ronald Mills - supports the Farm Bureau's position; more hunters can be expected; mosquitos are a problem; rabies in raccoons was not discussed.

    Response - Acknowledged. Recreational hunting is discussed throughout the document, see pages 57-59; mosquito populations are not expected to decline or increase; raccoon rabies has been discussed in the final EIS.

11. Henry Young - Tax base is the big problem; opposed to the project; mosquitos were worse 60 years ago.

    Response - Tax impact data can be found in Tables 13, 14, and 15; acknowledged; as has been stated several times, mosquito populations are not expected to increase or decrease with the institution of any of the alternatives.

12. Honey Goshorn - Impact Statement is incomplete; it does not address hydrology at all; loss of agricultural land will cause this area to have to import potatoes; Seneca and Cayuga Lakes are not being managed by NYS Department of Transportation as flood storage reservoirs.

    Response - Final Impact Statement has been amended as directed to comply with the SEQR and NEPA regulations; hydrology is addressed on pages 14-15, 26, 42, 62, 67, 89, 97, and 106; potential agricultural impacts are addressed on pages 9, 12, 39, 41, 45, 50, 54, 55, 64, 67, 78, 80, 90, 95, 97, 99, 105, and 108; the management of the canal system relative to the Finger Lakes is a complicated question recognizing the fact that NYS Department of Transportation does not control all of the lake discharge rates throughout the system.

13. Barb Cousineau - agrees that the Impact Statement is incomplete; no discussion on hydrology; where will the money come from to manage the properties acquired?

    Response - Acknowledged. New York State and the U.S. Fish and Wildlife Service are legally mandated to maintain their properties; money will come from the operating budgets of both agencies.

14. Stephen Kahl - would endorse alternative 4, if tax base loss issue was resolved.

Response - Acknowledged.

15. Ronald Wilson - Loss of tax base and the overall negative impact economically is main issue; Indian land claim another issue; opposed to New York State going further in debt to finance this project and others; opposed to project, unless financial problems are resolved.

    Response - Tax base issues are thoroughly discussed in the dEIS; acknowledged; acknowledged; acknowledged.

16. Herb Marshall - Loss of tax base main issue; since the Federal Government does reimburse towns for loss of taxes and New York State does not, this is discriminating and should result in a lawsuit being brought against the State.

    Response - See previously referenced sections on tax base impacts; so noted.

17. Mr. O'Hara - Totally against this project.

    Response - Acknowledged.

18. Harry Pettingill - Wetlands have increased in the area since 1938.

    Response - Land use changes and plant succession of idle property is discussed throughout the document.

19. Len Flier - in favor of the proposal; incumbent on the State to reimburse towns for tax loss.

    Response - Acknowledged.

20. Ronald Motell - Howland Island is a beautiful place for wildlife; is ridiculous to consider any of the proposals until the Indian land claims case is settled.

    Response - Acknowledged.

21. Sharon Hoatland - We all love the animals, but also want our homes.

    Response - Acknowledged.

22. Charles Dennison - Hearings should have been scheduled back in March when the farmers were not working their fields.

    Response - The hearings were scheduled based on the availability of the document for public review and the mandates of legal advertising requirements.

23. Russell Harris - The New York State Grange is expected to review the document and take a stand.

    Response - So noted.

24. Bill Adams - is against this project.

    Response - So noted.

25. Jim Wiley - is against this project.

    Response - So noted.

26. Glen Harrington - Farm Bureau will have a statement coming out on this project; will New York State pay for crop damage caused by increased numbers of wildlife?

    Response - Acknowledged. New York State does not have a program for paying for crop damage.

Public Hearing - June 21, 1990, Savannah Elementary School

1. Don Calvin - The policy on building purchases renders farm buildings worthless if the land is purchased. The value that the State will pay for wetlands is not reflective of current sales. The loss of tax base in the Town of Savannah is significant. Crop damage by wildlife is a concern. A local DEC presence is needed.

   Response - The Department's policy on building purchases permits exceptions to be made in such cases. Otherwise, severance payments must be made. The tax base impact on the Town of Savannah is recognized as being substantial. Section V B has been revised to further address this. Section V B has also been revised to further address crop damage from wildlife. A local DEC presence has been made a part of the Proposed Action; a multi-functional DEC facility (office, maintenance, education) is now included as a commitment, if this alternative is chosen. The Department has made no purchase offers for land at this time. Any such offers that may be made are reflective of fair market value based on detailed appraisals.

2. Fred Anderson for Senator Kehoe - 1) Payments in lieu of taxes to offset tax base loss is the subject of a bill (Senate Bill 1131-B) introduced by Senator Kehoe; Department support of passage is requested. 2) DEC Commissioner Jorling committed the Department to taking no action until the tax base issue is accommodated. 3) The loss of prime agricultural land is a concern, as 23,500 acres would be removed from production. Senator Kehoe requests that all prime and unique farm land be removed from the project.

Response - 1) DEC will consult with the legislature to attempt to develop a rational statewide approach to the issue of removing lands from the tax base when such lands are acquired in fee. 2) Commissioner Jorling has stated that this "project would not go forward prior to the completion of the Environmental Impact Statement". The project sponsors are very aware of concerns in the Montezuma/Savannah area relative to potential tax losses created by state and federal purchases of land. For federal lands, some revenue sharing monies are made available to local governments to offset tax losses. Payment in lieu of taxes for state lands is made in many parts of the state, such as the Adirondacks and Catskills, and not in others creating an inequitable situation. The sponsors are certainly willing to continue working with all levels of government in an effort to accomodate issues such as this. However, due to the state's fiscal situation and other related concerns, the sponsors cannot promise that this project will not go forward before the tax issue is settled. 3) Alternative III essentially removes all agricultural land from consideration. Not all prime and unique farm land is in active production in the project area. Continued agricultural uses of most farm lands that may be purchased is encouraged under public ownership. Public ownership is one way of ensuring prime and unique farm lands remain in agricultural production.

3. Harold Secor - favors some version of the program. Concentrate on lands below the 380-foot contour level, especially in the Crusoe Lake Basin and drainage system. Tax revenues or new residential structures and private hunting exceeds that from farm land that has been lost through abandonment.

   Response - Alternative III includes those lands of interest. The Crusoe Lake Basin and drainage system lies above the 380 contour interval in many areas, and thus would fall into alternative II. Tax revenues from new construction generally are higher than from tax revenues on abandoned farm land. It should be noted, however, that the costs of local services to new residential properties often exceeds the revenues derived in taxes. Open space properties require little in services, so tax revenues from these areas support themselves.

4. John Giardina - disputes the visitor use figures given on the Montezuma NWR. The loss of tax base is a major concern, as is the economic impact of loss of agricultural land. The project will force people from their homes. Health concerns regarding Lyme disease and EEE are a concern. Crop damage from wildlife is an issue. Project implementation will increase the Town's cost to upkeep roads. More swampland will change the weather.

   Response - Visitor use data on the Montezuma Refuge is supportable as stated, based on actual car counts and visitor surveys. The other concerns he raised are addressed in the EIS in Section V.

5. Dale Jackson - questions the need for land for wildlife. The loss of farms would be a loss of tax base. His land is not for sale.

Response - The Purpose and Need Section (Section I) discusses the need for waterfowl habitat conservation and management. The sponsors acknowledge that agricultural production losses would occur, and the resulting impacts are discussed in Section V.

6. Harry Pettingill - Wetlands have increased in size since 1938 in the local area. The place for this project is in the Dakotas or Canada. There isn't the waterfowl on Montezuma as there should be; water from Cayuga Lake should be brought in. Government should seek the help of farmers in accomplishing wildlife management.

   Response - Wetlands have increased in the area since 1938, but not to the extent that they existed in 1850. Fewer wetlands are present in the project area than in colonial times. Projects similar to this are being implemented in the Dakotas and Canada. The plans for a water source from Cayuga Lake into the Montezuma Refuge are proceeding, which will have a beneficial impact on waterfowl use of the refuge. Cooperation of the private sector, including voluntary management agreements with farmers, is an integral part of the Proposed Action as described in Section II.

7. Joseph Kolczynski - disagrees with the SEQR/NEPA process, as it doesn't allow a referendum (vote) on the project. Economic impacts are a concern, as are the health concerns from Lyme disease and EEE.

   Response - The SEQR/NEPA process does not provide for a public referendum or vote. Public participation and input is a vital component of the process and is important in the decision-making process. Section V has been revised in regards to the economics impact of the project and the expressed health concerns.

8. Frank Everhart - opposed to the whole thing.

   Response - Acknowledged.

9. Donald Waterman - The muck lands are very valuable farm lands and should not be converted to wetlands. How many areas of State land in the last 10 years have not had farmers accept the terms of farming them? Crop damage from wildlife is a concern. Questions the expenditure of public money for this project. Advocates cooperation between farmers and government to accomplish wildlife management.

   Response - The muck lands were once wetlands, and when their viability for agricultural uses ceases, the agencies propose to then purchase them and revert them to wetlands. There have been no cases in the past 10 years of failure to rent State lands for agricultural use because of permit restrictions. The problem of farming on Howland Island is one of access. Cooperative management programs between farmers and the agencies is strongly advocated in the Proposed Action.

10. Bob Erlandt - The open-ended time frame for the project will limit economic growth. Wayne County Grange doesn't believe payments in lieu of

taxes will work. Higher priority environmental problems need the funding this project will consume. Recommends alternative V.

Response - The agencies hold that other factors besides announcement of this project are at work limiting economic development of the area. It is true that "payments in lieu of taxes" spreads the impact among all taxpayers in the state. Funding priorities for environmental issues are usually established at the legislative and executive levels of government. Funding projects such as this has been determined to be a high priority at these levels. Alternative V support is acknowledged.

11. Barbara Engman - prefers alternative I.

Response - Acknowledged.

12. William Jaynes - The dEIS does not address the flooding problem and does not study the hydrology of the area. The project will affect water levels in the canal system for 90 miles. Where will the water come from to fill proposed impoundments? A Corps of Engineers study will be done to determine flooding courses. Recommends alternative I.

Response - The final EIS contains additional information to address these concerns. Major revisions in the hydrology sections have been made.

13. Leonard Davy - is concerned senior citizens would be hurt because of the loss of tax base and other economic impacts of the project.

Response - The economic impacts in Section V have been revised to better address this concern about the loss of tax base.

14. Leon Goode - explained the results of a Project 70 project in Pennsylvania 25 years ago.

Response - No response necessary.

15. Roger Arliss - Increased crop depredation from wildlife as a result of the project is a concern; will farmers be compensated? Wants assurance that agricultural practices (spraying) will not be curtailed on private land adjacent to public land. Encourages further development of management agreements on private lands to accomplish project goals.

Response - Section V has been revised in regards to crop damage impacts from the project implementation. There are no proposals to restrict agricultural land practices on private lands as part of this project. Alternatives II, III, and IV include the use of cooperative approaches on private lands to achieve wildlife management goals.

16. Honey Goshorn - Perceives a conflict between wildlife habitat preservation and allowing hunting on public lands. Is concerned about eminent domain and flooding problems along the Seneca River.

Response - Habitat preservation is paramount if populations of wildlife are to survive. Regulated hunting is a legitimate use of renewable wildlife resources where species populations can sustain this use. Eminent domain policy is clearly described in Appendix B. Hydrology sections have been revised to more fully address stated flooding problems.

17. Bob Davis - would be receptive to a voluntary management agreement to accomplish wildlife goals. Is opposed to removing land from the tax base. Hunting programs on his land work very well but is concerned that hunters using state lands will block private driveways.

    Response - Voluntary cooperative management programs are strongly advocated in the Proposed Action. Recreationists, including hunters, will be directed to specified parking areas provided for their use while they use public lands. See Section II B, Public Use Management.

18. Carol Waterman - is opposed to the project and fears the land acquired would be part of an Indian land claims settlement.

    Response - Opposition is acknowledged. While it is not the intent or purpose of the project to acquire lands for settlement of the Indian land claims, it is true that any public or private land could be a part of such settlement.

19. Kenneth DiSanto - When land is purchased, children do not relocate within the same school district as stated. The proposed project has been identified as the most important impediment to economic development in the area. The impact on the school districts needs elaboration.

    Response - Revisions to Section V B have been made. See also the response to Bob Erlandt (10). The impact on the school districts has been elaborated on in Section V.

20. Cyrus Waterman - is opposed to the proposal and encourages better management on existing management areas.

    Response - Acknowledged.

21. Milt Black - expressed opposition to the project.

    Response - Acknowledged.

22. Walter Davis - not in favor of the program.

    Response - Acknowledged.

23. Janet Slocum - critical of Savannah Evergreen Preserve operations. Alleges that a developer is behind the project.

Response - The Savannah Evergreen Preserve's role in this project is identified in Section I.

24. Gail Taylor - critical of the advertisement of the hearing.

Response - The hearings were advertised in numerous newspapers and other media.

25. Yvonne Phelps - expressed opposition to the project.

Response - Acknowledged.

26. Herman Hull - disagrees with the Town of Savannah's resolution that opposes land acquisition in the Town. Favors the project.

Response - Acknowledged.

27. Susan Blaisdell - opposes the project. Wants to vote on the outcome of the project.

Response - See response to Joseph Kolcynski (7); her opposition is acknowledged.

JUL 16 1990

United States Department of the Interior

NATIONAL PARK SERVICE
North Atlantic Region
15 State Street
Boston, Massachusetts 02109

July 9, 1990

L-7619 (NAR-PEC)
DES-90/0010

Memorandum

To: Regional Director, Fish and Wildlife Service, Newton Corner, Massachusetts

From: Regional Director, North Atlantic Region

Subject: Draft Environmental Impact Statement (DEIS) on the Northern Montezuma Wetlands Project

This memorandum is a response to your request for comments on the DEIS for the Northern Montezuma Wetlands Project. We support the proposed actions to protect waterfowl habitat in and around the Montezuma National Wildlife Refuge. 1

We would like to point out an omission in the statement that there is no mention of the Montezuma Marshes being a National Natural Landmark (NNL), bearing that distinction, since July of 1973. A copy of a map delineating the NNL boundary and an NNL brief are enclosed. 2

The NNL is inspected biannually; the last NNL Status Report by Dr. John L. Confer detailed numerous management issues related to a decline in waterfowl in the Refuge. A copy of his comments are also enclosed for reference. The proposed actions in the DEIS are a good start in addressing the issues threatening the productivity of the Montezuma Marsh habitat.

We appreciate the opportunity to review this environmental statement and encourage its improvement by relevance to the project area's Natural Landmark status.

Gerald D. Patten

Enclosures

Response to National Park Service Comments:

1. Support for the proposed action is acknowledged.

2. 2,100 acres of the present Montezuma National Wildlife Refuge is indeed a National Natural Landmark. This fact was inadvertently omitted in the Description of the Affected Environment; the project sponsors are cognizant of this designation.

AUG 7 1990

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION II
JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, NEW YORK 10278

JUL 31 1990

Mr. Ronald E. Lambertson
Regional Director, Region 5
U.S. Fish and Wildlife Service
One Gateway Center
Newton Corner, Massachusetts 02158

Class: LO
RECEIVED
Region 5

Dear Mr. Lambertson:

The Environmental Protection Agency (EPA) has reviewed the draft environmental impact statement (EIS) for Northern Montezuma Wetland Project located adjacent to the Montezuma National Wildlife Refuge in Cayuga, Seneca and Wayne Counties, New York. This review was conducted in accordance with Section 309 of the Clean Air Act, as amended (42 U.S.C. 7609 12(a) 84 Stat. 1709), and the National Environmental Policy Act.

The Northern Montezuma Wetland Project is a land conservation management project jointly sponsored by the U.S. Fish and Wildlife Service (FWS) and the New York State Department of Environmental Conservation (NYSDEC) pursuant to the North American Waterfowl Management Plan. The project will consolidate and unify existing federal, state, and private lands into a cooperative effort to protect, restore, and enhance wetlands and associated upland habitats, specifically for waterfowl.

The draft EIS describes four alternatives, including the no-action alternative. The second alternative, which is the preferred alternative, would include the purchase of 24,150 acres by the NYSDEC and 11,900 acres by the FWS for a total of 35,050 acres. The lands purchased by FWS would become part of the existing Montezuma National Wildlife Refuge and land purchased by the NYSDEC would become part of its Wildlife Management Area System. The remaining third and fourth alternatives purpose acquiring a total of 11,200 acres of land and a total of 50,979 acres of land, respectively.

Based on our review of the document, the EPA has no objection to the preferred alternative. However, once the property is acquired, the draft EIS states that certain techniques (e.g., green timber impoundment, potholes, level ditching, paddy systems, and impoundments) may be used as part of the management plan to enhance and/or restore certain areas. We understand that

site-specific management plans for these activities will be developed once manageable quantities of land are acquired. EPA requests the opportunity to coordinate with the FWS and the NYSDEC on the developement of these plans and to review these plans when they are available.

Based on our review and in accordance with EPA policy, we have rated this draft EIS as LO, indicating that we have no objection to the project as proposed. However, EPA requests the opportunity to be involved in the next phase of the project, which is the development of site-specific management plans. 3

Thank you for the opportunity to comment. If you have any questions regarding this review, please contact Mr. John Filippelli, Chief, Federal Activities Section at (212) 264-6723.

Sincerely yours,

Robert W. Hargrove

Robert W. Hargrove, Chief
Environmental Impacts Branch

Response to Environmental Protection Agency Comments:

3. The project sponsors welcome EPA involvement and coordination on the development and review of site-specific management plans that will be prepared once manageable quantities of land are acquired.

United States Department of Agriculture
Animal and Plant Health Inspection Service
P.O. Box 96464
Washington, DC
20090-6464

August 1, 1990

Mr. Paul Casey
United States Fish and Wildlife Service
U.S. Department of Interior
One Gateway Center - Suite 700
Newton Corner, MA 02158

Dear Mr. Casey:

Thank you for the opportunity to comment on the Draft Environmental Impact Statement: Northern Montezuma Wetlands Project, Seneca, Wayne and Cayuga Counties, New York, May 1990; DES 90-10.

The following comments are in regard to Item C. Agricultural Resources, pages 78 to 82:

1. The increase in the numbers of blackbirds and geese and the associated crop depredations which could result from this project has been greatly underestimated. This area has the potential to develop goose depredation problems similar to those presently occurring at Horicon National Wildlife Refuge, Wisconsin, and on the Delmarva Peninsula. 4

2. Presently, wildlife damage control efforts by the United States Department of Agriculture (USDA), Animal Damage Control Program, are in the form of technical assistance which provides information or control techniques to farmers. The farmers do the actual control. The farmers must purchase their own control materials and equipment. The goose and blackbird damage control techniques mentioned on page 81 are very time consuming and labor intensive. The proposed wetlands project could result in the need for: (1) additional USDA Animal Damage Control (ADC) biologists; (2) additional ADC equipment and materials purchased by farmers; and (3) an operational funded cooperative program to deal with the increased wildlife depredations. Any or all of these would result in substantially increased outlay of funds by the State, Federal government, and local farmers. There is no discussion of a potential source of funds to meet this need. 5

3. Page 81, paragraph 1: Mallard and black duck damage to crops is rare because the nationwide population of ducks are presently depressed and have been for 10 years or so. If mallard and black duck populations recover as a result of the North American Waterfowl Management Plan, the resulting duck depredations in central New York could become significant. 6

4. Page 81, paragraph 3: There are no chemical repellents legally available to farmers for use in protecting crops from migrating waterfowl damage. Grain fields near the refuge could experience annual duck, goose, and blackbird depredations year after year. Fields located in such areas are ineligible for Federal crop insurance. 7

APHIS—Protecting American Agriculture

5. Blackbirds and geese commonly fly up to 40 miles each day to feed. Blackbirds roosting and geese resting on the refuge could feed and cause depredation over an area of 8,832 square miles. 8

6. It would seem prudent for the refuge to plant large enough corn and grain crops on the refuge to insure that most waterfowl feed on the refuge -- not on surrounding farm lands. This should be incorporated in the planning phase. 9

In regard to Item 1: Possible Conflict, page 88-89, we feel the topic "Agricultural Damage and Depredation" should be included as a possible conflict. 10

Thank you for the opportunity to review the draft document. For additional information regarding our comments please contact Mr. James Forbes, State Director, Animal Damage Control, Albany, New York, Area Code (518) 472-6492.

Sincerely,

Bobby R. Acord
Deputy Administrator
Animal Damage Control

Response to USDA - Animal and Plant Health Inspection Service Comments:

4. The project sponsors disagree as to the effect project management activities will have on blackbird and goose depredation. This subject is covered extensively in the FEIS (see Section V, Alternative 2, Agricultural Resources). Also implied by this comment and others is the belief that existing state and federal holdings are largely responsible for existing depredation problems.

A quick review of some facts and figures are perhaps in order. It has been stated that an effective coverage of miles per day to feed, giving a flock an effective coverage of 5,000 spare miles or some 3.2 million acres. Land use data for central New York indicates that 3.2 million acres will include about 37,137 acres of non-forested wetlands, the type of vegetation complex considered to be ideal blackbird habitat. That same land use analyses shows that public lands in the project area, including the Montezuma NWR and Howland Island WMA, contain less than 1,000 acres of the same vegetation complex. Therefore, based upon habitat production capabilities, it is probable that only one blackbird in 37 is a product of public lands and/or management techniques. If one also considers that flocks are made up primarily of migrants, that effects of refuge and management area production are reduced to the point of being irrelevant.

To follow this line of thought one step further and we add another 3,500 acres of emergent vegetation (making a total of 4,500 acres) as suggested for Alternative 2, still fewer than 10% would be the result of state and federal management activities. Again migrant flocks of blackbirds reduces these numbers to an undetectable level.

In short, the number of blackbirds being produced by any current or future management activities will not be a major factor when compared to the overall potential for the area. The same will hold true for geese. Geese overwinter where there is a good source of food and sufficient open water for loafing. The only open water in mid-winter is on the lakes. Therefore, goose numbers, at least those which are causing the damage [illegible] are responsible for "luring" migratory birds into the area and geometrically increasing the crop damage. Unfortunately, this is no answer to the problem at hand. The local flocks re in the Finger Lakes area to stay. There is simply too much good habitat in central and western New York for them to do otherwise.

Year-round goose numbers in the Finger Lakes region should remain fairly stable. Population numbers and depredation problems of the scale experienced around the Horicon Refuge in Wisconsin are unlikely. As with blackbirds, a tremendous acreage of breeding habitat for geese is already available so that if the population were going to "explode", it should have done so some years ago.

5. This relates closely to response number 4. Since it is believed that future project management activities will contribute little to increasing wildlife depredation problems, this issue was discussed only briefly in the FEIS. See Section II, Alternative 2, Cultural. Agricultural Resources.

   This is not to downplay the very real problem of wildlife depredation, especially from blackbirds, being experienced in the area now. However, putting all current and future (potential) management efforts into perspective, it is highly unlikely that this project will produce the catastrophic increases in wildlife damage that is suggested in this comment.

   As a migratory species, blackbird control falls under the auspices of the Animal Damage Control program (ADC) within U.S. Department of Agriculture (USDA). The ADC has been researching and working to minimize wildlife damage for many years. A number of techniques have been developed which are reasonably effective in controlling damage. These range from the use of repellents and noisemakers, to the disruption of roosting areas. Unfortunately, the use of any of these techniques requires a substantial management and financial investment by the individual farmer. At today's low commodity prices, both of these "investments" may be an impractical luxury for the average farmer. Therefore, the Department and Service will continue to cooperate to minimize existing damages and to avoid, in future management decisions, those practices that may create unnecessary agricultural hardships.

6. State and federal biologists do not believe that mallard and black duck numbers will become a problem in the future. Mallard and black duck numbers are not greatly decreased in this part of the flyway so there will be no major "recovery" in the foreseeable future. Project activities should increase the number of locally nesting ducks, but migratory flocks (which can cause damage) should remain close to existing levels.

7. The use of chemical repellents on waterfowl is not legal nor is it appropriate. Waterfowl have not been a major problem on most farmlands. A more important fact is that chemical repellents can be used on blackbirds when they are causing significant damage.

8. See response number 4.

9. The suggestion that lure crops be planted on federal refuges and state wildlife management areas to attract foraging birds away from private lands is a common one. Unfortunately this is neither practical nor particularly effective. To begin with, there is no way to guarantee where a flock of birds will feed - they will go wherever the crops are most palatable and accessible. The accessibility of one field will not be improved over another when one is dealing with bird flocks that can travel several miles in a few minutes. of the hundreds of thousands of acres of corn, wheat and oats grown in central New York, a few hundred acres grown on a refuge or wildlife management area will not make a significant difference.

   Also, under current federal waterfowl baiting laws, the planting of lure crops would mean that these areas would be closed to hunting. The added sanctuary provided by no hunting over lure crops (as discussed in the FEIS) might very well increase the number of overwintering waterfowl and quite possibly make the crop damage problem worse.

10. The project sponsors do not believe that project activities will measurably increase agricultural damage and depredation over current levels.

DEPARTMENT OF HEALTH & HUMAN SERVICES — Public Health Service — Centers for Disease Control — Atlanta, Georgia 30333

July 19, 1990

Kenneth F. Wich
Director, Division of Fish & Wildlife
Dept. of Environmental Conservation
50 Wolf Road
Albany, New York 12233

'90 JUL 23 P2:58

Dear Mr. Wich:

We have completed our review of the Draft Environmental Impact Statement (DEIS) for the proposed Northern Montezuma Wetland Project in Cayuga, Seneca and Wayne Counties, New York. We are responding on behalf of the U.S. Public Health Service.

If the no-action alternative is selected, it is stated that housing development, commercial activity, and run-off from agricultural lands would contribute to a continuing decline in water quality in the project area. The preferred alternative would serve to improve both water quality and national flood storage, and improve ground water quality. However, it is also stated that increased public use will create a need to provide additional services such as restaurants, gas stations, motels, etc. (page 88). The only mitigation for this potential commercial growth that is addressed appears to be a statement that any potential conflicts may be resolved by regulating such uses as may be necessary (page 84). Although "growth inducing aspects" of the proposed project may not be the purpose of this EIS, the Final document should briefly address the planned mitigation strategy for addressing potential impacts of induced growth, and specifically note that conformance with all State and federal regulations will be required for any new construction within the bounds of this wetlands project. 10a

We were pleased to note the discussion on health concerns regarding potential vector-borne diseases. Mitigation plans are identified that are positive measures that can be undertaken to reduce or eliminate the magnitude of potential impacts on human health. 10b

Thank you for the opportunity to review and comment on this document. Please insure that we are included on your mailing list to receive a copy of the Final EIS, and future EIS's which may indicate potential public health impact and are developed under the National Environmental Policy Act (NEPA).

Sincerely yours,

Kenneth W. Holt, M.S.E.H.
Environmental Health Scientist
Center for Environmental Health
and Injury Control

Response to Public Health Service Comments:

10a. Induced growth in the form of additional services to provide the needs of tourists and other recreationalists to the area is a reasonable but speculative impact of the project. The sponsors feel that little if any mitigation is required. This impact is a positive and desirable one in providing economic incentive and opportunity to the local communities.

10b. Acknowledged.

COMMENT SHEET FOR THE NORTHERN
MONTEZUMA WETLANDS PROJECT

Draft Environmental Impact Statement

Name: JAIME E. MACINO

Organizaton: NEW YORK STATE DEPARTMENT OF TRANSPORTATION

Street: 333 EAST WASHINGTON STREET

City: SYRACUSE State: NEW YORK Zip: 13202

Phone Number: (315) 428 - 4364

Comments:

the State DOT currently possesses several upland disposal sites in the area of concern. These disposal sites must be retained for future use. 11

Also the Army Corps of Engineers flood study may affect the project. We may come up with a solution to the flooding problem, and there would no longer be wetlands in this area. This project should be coordinated with the Acus flood study. 12

(Please use additional paper for further comments.)

Which alternative do you favor?

Jaime E. Macino
Signature

Comments should be received by August 1, 1990.

(Fold in half, staple or tape, and mail. No postage necessary.)

Response to New York State Department of Transportation Comments:

11. The sponsors have no desire, intent, or authority to utilize canal lands in a manner inconsistent with their primary purpose. Nor do the sponsors have any plan or intent to alter, by way of this project, any water level management practices on the finger lakes or canal system that are now in place.

12. The sponsors support a study to address the flooding concerns of the area and will assist the Army Corps of Engineers when possible in studying the hydrology of the area.

State of New York
Department of Agriculture and Markets
1 Winners Circle - Capital Plaza • Albany, New York 12235 • (518) 457-4188

REALTY
RECEIVED
AUG 13 1990
Region 5

MARIO M. CUOMO
Governor

RICHARD T. McGUIRE
Commissioner

August 1, 1990

Mr. Paul Casey
United States Fish and Wildlife Service
One Gateway Center
Suite 700
Newton Center, MA 02158

Dear Mr. Casey:

The New York State Department of Agriculture and Markets has completed its review of the Draft Environmental Impact Statement (DEIS) on the proposed Northern Montezuma Wetlands Project and has concluded that clarification of the project's purpose must be provided along with additional information and analysis before any valid judgements can be made concerning the need for the project, its magnitude and relevant impacts. The comments which follow identify those specific areas of concern which the Department believes must be addressed in revising the DEIS.

I. The DEIS is Unclear with Respect to the Purpose of the Project 13

The DEIS states that the project is being proposed under the auspices of and pursuant to the North American Waterfowl Management Plan (NAWMP), which it describes as "...an agreement between the United States and Canada to address habitat protection and management needs for waterfowl on the North American Continent". The goals and objectives of the NAWMP, as described by the DEIS on page 2, are "...to secure the protection of waterfowl through protection, enhancement, and restoration of wetlands and associated upland habitats". These goals and objectives are consistent with the choice of project location since it is a major migratory waterfowl staging area in the Atlantic Flyway. The DEIS confuses the purpose of the project, however, when it interjects a series of objectives which go beyond the resting and feeding needs of migratory waterfowl to also encompass the nesting and brood rearing requirements of other local and migratory birds and wetland dependent wildlife in general. The Department believes strongly that any justification for this project must

be tied principally to the requirements of migratory waterfowl. The secondary project objectives of supporting increased populations of local wildlife and restoring currently farmed wetlands when that may not be necessary to meet the seasonal needs of migratory waterfowl should be reassessed.

II. The DEIS Fails to Analyze the Adequacy of Lands Already in Public Ownership within the Project Area to Support Migratory Waterfowl 14

It is estimated that about 12,450 acres of wetlands and associated uplands in the proposed project area are already in public ownership. Approximately 6,450 acres in the Montezuma National Wildlife Refuge are under federal control. About 4,000 acres in the Cayuga Lake, Crusoe Lake, and Highland Island State Wildlife Management Areas are under the control of the New York State Department of Environmental Conservation (DEC) with another 2,000 acres of Department of Transportation right-of-ways also under DEC management. Despite the existence of these vast public landholdings, the DEIS fails to demonstrate the degree to which they fail to satisfy the resting and feeding needs of migratory waterfowl. Before a decision can be made relative to the need for acquiring additional acreage, and in what amounts, if any, a thorough analysis of the adequacy, or inadequacy, of existing public lands to meet the migratory waterfowl habitat objectives of the proposed project must be presented.

III. The DEIS Understates the Level of Protection Afforded Wetlands by Existing State and Federal Regulations 1

The DEIS conveys the notion that present state and federal land use regulations provide minimal protection to wetlands, particularly with respect to their drainage for agricultural purposes. For example, in its review of the "no action" alternative on page 64, the DEIS states that: "Current land use regulations give minimal protection to wetlands, especially as they pertain to draining, and virtually no protection to uplands...There are no immediate prospects of local, state, or federal legislation that will effectively protect critical wildlife habitat." The Department believes that these assertions, and others like them which are repeated throughout the DEIS, are a serious understatement of the level of regulatory protection that is provided to wetland resources within New York State by both state and federal law and regulation.

Appendix A of the DEIS is said to contain a summary of all state and federal laws that have some regulatory effect on wetlands. Yet, the Swampbuster provision of the Food and Security Act of 1985 does not appear in the Appendix. This is a significant omission since the Swampbuster provision is aimed at discouraging the conversion of wetlands for agricultural purposes. Under the terms of this provision, farmers who convert wetlands to cropland use subsequent to December 23, 1985 lose their eligibility for USDA program benefits including, but not limited to, price and income supports, crop insurance, Farmers Home Administration loans, Commodity Credit Corporation storage payments, farm storage facility loans, and Conservation Reserve Program annual payments. The text of the DEIS does offer a cursory reference to the Swampbuster provision on page 62, but dismisses it as having little practical wetland protection utility because: "Not all farmers participate in these [USDA] programs." This dramatically understates the extent of Swampbuster coverage which affects approximately 12,000 farmers and 30,000 farm parcels in New York State.

The Department believes the DEIS also underestimates Section 404 of the federal Clean Water Act of 1977 and its effect on wetland protection. In fact, this Department and the State's farm community have become increasingly concerned with the rigid administration of this Section by the U.S. Army Corps of Engineers which is threatening the ability of farmers to continue cultivating lands which have been drained and farmed for many years.

Contacts with local County Soil and Water Conservation District staff confirm that minimal drainage of wetlands for farm production purposes has occurred in the project area in the last five to ten years. The Department, therefore, recommends that a more thorough examination be conducted on the effect of present regulatory protections, that data be gathered and presented on the amount of wetland acreage that has been converted to cropland use within the project area in the last decade, and that such data be used, in the light of existing regulations, to objectively forecast the potential for future wetland conversions for agricultural purposes. Such analysis is essential to the selection of the most appropriate project alternative.

IV. The DEIS Does Not Fully Assess the Incidence or Significance of the Natural Process of Reversion of Abandoned Agricultural Lands to Wetlands and Supporting Upland Habitats 16

The DEIS correctly points out on page 40 that mucks are progressively depleting resources which in time "...become unprofitable to farm and are abandoned to revert to cattail marshes and other forms of wetland vegetation". However, on page 64, it suggests that this may not be the fate of many of the 4,435 acres of farmed muck in the project area which generally lie downstream from existing wetlands.

The DEIS speculates that depleted downstream mucks will be prevented from reverting to wetlands because pressure will be exerted on farmers to drain the upstream wetlands if the demand for agricultural commodities grown on muck soils increases. While the Department disagrees with this conclusion because of the conversion constraints imposed by the Swampbuster and Section 404 provisions, the fact remains that both mineral and organic soils which have been farmed are continuing to go out of production (as the DEIS documents), and that a significant though uninventoried portion of these lands are reverting back to wetlands and associated upland habitats.

In the Department's opinion, the natural reversion process from farmland to wetland substantially negates the need to purchase land, such as the 5,000 acres of farmland which the DEIS predicts will be acquired under the preferred alternative. Consequently, the Department believes that more attention must be devoted to the assessment of farmland reversion trends in the project area over the past two or three decades and to the analysis of how these trends affect the project objectives and ultimately, the proposed alternatives.

V. The DEIS Incorrectly Depicts the Potential Adverse Effects of Reduced Agricultural Acreage on the Overall Viability of Farming in the Project Area 17

On page 55, the DEIS properly notes that the strong farm economy in the project area is reflected in the number of agricultural support businesses which are located nearby. It also logically states on page 82 that: "Impacts on agricultural support industries in and around the project area will directly depend on the amount of farmland taken out of production". It errs, however, or at best oversimplifies this issue when it concludes that "...the Montezuma Project may hasten the loss of farmlands, although the overall effects

should be minimal as long as the best lands remain in production". This conclusion ignores the significant, damaging effect that a loss of critical farm mass can have on the local agribusiness support structure. The fact that the preferred alternative is predicted to result in a 22.5 percent reduction in agricultural acreage, not to mention any lost production due to restrictive management agreements, cannot simply be dismissed as having a minimal adverse impact. The negative effects of lost farm acreage on the overall viability of farming in the project area must be given substantive consideration in determining the most appropriate project alternative.

VI. The DEIS Must Be More Explicit in Describing How Project Management Will Affect Farming Practices and Operations 18

The DEIS acknowledges on page 10 that the management plan portrayed is intended to convey "...the overall concepts and techniques that will be used to administer regulated public access and habitat management activities", and not to provide "...a detailed specification of when, how, and where specific activities will occur". The Department understands that it is not possible to provide detailed, site-specific management plans at this time. However, the Department does believe that additional information must be provided in the DEIS on the potential effects of project management activities on farming practices and operations. In particular, the DEIS must address in more specific terms whether, or to what extent, farmers operating on either publicly acquired lands or those subject to management agreements will be allowed to use fertilizers and pesticides in accordance with accepted integrated pest management methodologies and other best management practices. It must also detail how farms, that are in proximity to acquired lands that are to be flooded, will be protected. The DEIS indicates that "dikes, drainage ditches, etc." will be used to protect other landowners but does not adequately detail how effective soil drainage can practically be maintained during the growing season on farms which are near inundated lands. The DEIS must provide detailed assurances on how gravity-flow drainage will continue and if that is not possible, how agricultural water management will be mitigated.

VII. The DEIS Seriously Underestimates the Project's Potential for Stimulating Increased Wildlife Damage to Crops 19

The DEIS acknowledges on page 79 that crops in the project area "...are already being damaged by blackbirds, raccoons, white-tailed deer, and to a lesser extent, Canada

geese", and that the addition of new, managed habitat "...will mean increased wildlife numbers which could lead to additional losses." The Department believes these additional losses are sure to occur and that they will be substantial.

As the DEIS points out, blackbirds pose particular problems for corn producers, damaging sprouting corn in the spring, corn ears in the late summer, and fully matured corn. A producer in the proposed project area indicates that he suffers about a 10 percent loss in his grain corn crop annually due to blackbird damage despite the fact he employs extensive control measures. He estimates that his losses would easily exceed 50 percent without controls. He also advises that local food processors indicated this year that they would not accept any sweet corn which evidenced blackbird damage. Consequently, this producer chose not to take the risk of planting sweet corn, even though it is a desirable, high value crop.

While the project is ostensibly targeted at migratory waterfowl, the DEIS clearly admits that it will have the effect of increasing blackbird numbers because of the greater availability of cattail marshes for nesting and roosting cover. The Department finds the DEIS proposal to continue and "perhaps" expand current blackbird control techniques to be an unacceptable answer to this serious problem which is sure to worsen as a result of the project. If an expansive implementation alternative, like the preferred alternative, is ultimately adopted, the Department is prepared to seek a legislative remedy which will require the State to provide full reimbursement to producers within the blackbird influence zone of the project area for crop damages inflicted by blackbirds.

VIII. The DEIS Fails to Acknowledge that the Loss of Local Tax Base and Revenues Associated with All the Alternatives Involving Public Acquisition Will Have a Primary Effect on Farmland Owners in the Project Area 20

The DEIS recognizes that acquisition of lands by government agencies will remove them from local tax rolls. For the purpose of comparison, the DEIS examines the local tax reduction consequences of alternatives 2, 3, and 4, the only alternatives which involve public acquisition. This comparison assumes that all lands would be acquired instantly and in fee title. The results indicate that the annual reduction in county, town, and school district taxes for both state and federal areas of interest combined using 1989 dollars would be 410,814 dollars, 116,226 dollars, and 653,576 dollars for alternatives 2, 3, and 4, respectively. While it

is understood that not all lands would be acquired instantly or in fee title, this comparison does reflect the magnitude of the tax revenues at some risk for each of the project alternatives involving public acquisition.

The DEIS also recognizes that agriculture and its related support businesses are the largest single industry in the project area. It clearly demonstrates that agriculture is the largest single land use as well. It comprises, for example, 46 percent of all the land in the preferred alternative. Yet, despite agriculture's overwhelming size and economic presence, the DEIS never acknowledges the fact that farmland owners would obviously have to make up the most significant share of lost tax revenues resulting from public acquisition.

In order to assure that farming, the principal industry in the project area, continues to remain economically viable, the Department strongly believes that the implementation of any alternative involving acquisition of land by the State must also be accompanied by a state program of reimbursement which would provide annual payments in lieu of taxes to affected localities at a level at least equal to payments made by the federal government for such purposes under the Refuge Revenue Sharing Act.

In addressing the above concerns, the Department believes that the Service and DEC must consider other implementation alternatives than those detailed in the DEIS or previously dismissed. All alternatives should 1) be directed at protecting and enhancing habitat for migratory waterfowl; 2) minimize the removal of land from agricultural production through acquisition and only under willing seller conditions; 3) recognize the importance of maintaining the economic viability of agriculture as the area's number one industry; 4) emphasize the obtainment of project objectives through landowner agreements with the sponsoring agencies and private organizations; and 5) be cost effective. 21

The Department believes that a hybrid of the non-jurisdictional alternative meets these criteria and merits serious consideration. This alternative would combine private sector participation in implementing conservation measures and management practices with an active public sector effort to develop management agreements with landowners. One desirable feature might include mandatory agreements with area muck farmers to flood their fields during the non-growing season (approximately November 1 to April 1). This would provide additional landing and resting habitat for migratory waterfowl while also serving to protect valuable muck soils from wind erosion. By not creating permanent cattail marshes, it would also minimize any increase in blackbird

populations and attendant crop damage. Reduced fee simple land takings associated with this kind of operating alternative would afford substantial savings in long term state and federal costs for payments in lieu of taxes.

The Department is convinced that an implementation plan can be developed that will meet the needs of migratory waterfowl without causing significant, adverse impacts to the farming industry in the project area. The Department is prepared to work with the sponsoring agencies to achieve that end.

We appreciate the opportunity to comment.

Sincerely,

Richard T. McGuire
Commissioner

jm

Response to New York State Department of Agriculture and Markets Comments:

13. The purpose of this project is clearly identified in Section I (Purpose and Need) of the FEIS. That purpose is not limited to just the needs of migratory waterfowl or to the objectives outlined in the North American Waterfowl Management Plan (NAWMP). The Department and Service have had a strong interest in the Montezuma area for at least 50 years. Similar projects have been proposed in the past, long before the inception of the NAWMP. These efforts were not limited to the needs of migratory waterfowl.

    Given the wide ranging environmental and species management responsibilities of the DEC and the USFWS, it would be inappropriate to limit the project s cope as suggested. It would also be inappropriate given the types of funding likely to be used in the project's execution.

14. The purpose of the project is not confined to solely the needs of waterfowl. Even so, waterfowl populations would not be declining if existing public holdings were sufficient to provide the habitat requirements to maintain or increase waterfowl populations.

15. The sponsoring agencies believe that the present land regulations alone are not sufficient to adequately protect wetland resources. Land use regulations, such as the Food Security Act of 1985 and its swampbuster provision, are subject to change, repeal, or amendment at any time. Additionally, enforcement of these land use regulations is at best tenuous given the fact that implementing agencies seldom have the resources for adequate enforcement. The sponsoring agencies also believe that regulations alone are not the sole solution to problems of wetlands resource protection, management and public use. This fact is reflected in the frequent public mandates and legislative initiatives to provide funds for acquisition and management of these resources.

16. The project sponsors fail to see why the fact that land might be abandoned "substantially negates" the need to purchase and manage. Reversion of agricultural mucklands back to wetland is discussed in some detail within the FEIS. This process is inevitable.

    The type of wetland formed on reverting muckland may not be of the type that will serve the project's goals and purposes. Management will be required to induce the successional sequence with the most desirable mix of vegetation types. Management is not possible without some form of agreement, easement or transfer of title. Therefore, this project is needed as portrayed in Section I of the delis.

17. Concern over the project's impact on the farming community, both economic and social is widespread. Although covered in some detail in the FEIS, a few points need to be clarified. To reiterate, there is no doubt that a certain amount of farmland will go out of production during the acquisition phase of this project. Up to 22% of the farmland within the project boundaries might be lost by the year 2000. However, it would be incorrect to presume that this entire loss will be due to project activities. Many of these lands will be taken out of production independent of the Northern Montezuma Project.

    This figure of 22% is specifically dealing with farmlands having excessive wetness, impractical topography and declining fertility. Excessive management costs fueled by these factors will make it difficult for a farmer to work these lands and still obtain a reasonable profit. The project sponsors feel that these lands will be forced into alternative uses as economic pressures dictate. If that happens, the Department and Service should be in a position to purchase such lands for the greater public benefit.

    As stated in the FEIS, land will be purchased either in fee title or through easements from willing sellers. State and federal acquisition policies require that these purchases be made at fair market value - as determined by licensed, independent appraisers. It is not the intention of the project sponsors to solicit sales from active farmers - they will have to contact us if they wish to sell.

    As a result, farmland sales to the project should be largely self-regulating. Land that is agriculturally viable should remain in production. Land that is not will revert. These safeguards should be more than adequate to protect that local farming community and to support the intent of New York's Agricultural District regulations. If prime farmlands are sold by willing sellers and end up under project ownership, the stated intention is to leave such lands in production. Local farmers could rent these lands to grow crops as they see fit. The only management restrictions will be to follow an approved farm conservation plan (i.e.: embrace good soil conservation practices) and to limit activities to those which are compatible with state and federal wildlife programs. Properly approved and applied fertilizer and pesticides are certainly acceptable. Public ownership of such lands would therefore effectively guarantee their perpetual availability for agricultural production. Few privately owned farmlands provide permanent legal protection against change in use from agricultural production to other purposes such as residential or commercial development. Permanent protection of New York's agricultural lands in general, is an issue beyond the scope of this delis.

    Farm production from the Montezuma area should remain at its current high levels, especially for those high value crops (potatoes, onions, etc.) grown only on the best lands. Any major change in crop production will probably be due to conditions well removed from this project's activities.

18. The statement has been revised to more clearly define how project management will effectively utilize agriculture as a management tool. An actual use agreement is included in the appendix which specifies the types of operations that are currently in use on state-owed lands.

19. This subject is covered in some detail in response numbers 4,5, and 6. Compensatory payments covering wildlife depredation damage are certainly a possibility if legislative financing can be obtained. Administration of payments however, would be complex and time consuming. For instance, the landowner might first have to exhaust all possible preventive

measures and prove appropriate management (i.e.: reasonable crop selection for the site, appropriate variety selection, timely harvest, etc.) before becoming eligible for payment.

The project sponsors will certainly cooperate to the extent possible in reviewing such a program.

20. The sponsoring agencies recognize this fact. While the USFWS has a revenue sharing program to offset tax loss impacts, DEC does not. DEC will consult with the legislature to attempt to develop a rational statewide approach to the issue of removing lands from the tax base when such lands are acquired in fee.

21. The proposed action has been revised in the statement to better meet the points raised in this comment.

State University of New York
COLLEGE OF ENVIRONMENTAL SCIENCE AND FORESTRY
Syracuse, New York 13210

FACULTY OF ENVIRONMENTAL AND FOREST BIOLOGY

July 19, 1990

Mr. Paul Casey
U.S. Fish and Wildlife Service
One Gateway Center, Suite 700
Newton Corner, MA 02158

Dear Mr. Casey:

The draft EIS-Northern Montezuma Wetlands Project, prepared by your agency, presents some very important and exciting alternatives to enriching wetland habitats in central New York. As the instructor for the Freshwater Wetland Ecology course here, I and my students find this project very interesting, especially in relation to the topic of wetland restoration. As Chair of the Central New York Chapter - The Nature Conservancy, I am not surprised that all of the members that I talk to enthusiastically support the goals of this project.

My only concern is that most alternatives rely partly on the success of restoring mucklands to functioning wetlands. I am very interested in studying natural succession on and restoration of abandoned mucklands in the Northeast, yet I am not aware of a single scientific paper on either topic. If you know of such information, would you please provide it to me? 22

I would especially appreciate being informed about any research opportunities related to these topics, now or in the future. I have enclosed my resume to indicate my background to you. I would be glad to furnish you a pre-proposal or proposal at any time. Thank you for your consideration to this request.

Sincerely,

Donald J. Leopold
Associate Professor

DJL:smp
Enc.

Response to SUNY - College of Environmental Science and Forestry Comments:

22. Reversion of active mucklands through natural succession is occurring in the Northeast, as can be identified in Oswego, Wayne, Orleands and other New York counties. The sponsoring agencies are not aware of any scientific papers that have been published specifically on this subject, and would be fully supportive of efforts to increase the knowledge base. The project could provide opportunity for interesting research. However, it is known through DEC's biological inventory of freshwater wetlands that there were approximately 4,900 acres of reverted drained muckland, and 35,000 acres of actively farmed mucklands as of 1968 in New York. This information is available in the Departments Regional Offices.

COMMENT SHEET FOR THE NORTHERN
MONTEZUMA WETLANDS PROJECT

Draft Environmental Impact Statement

Name: LOUIS A. DE LISIO, SUPERVISOR

Organizaton: TOWN OF GALEN

Street: 105 GLASGOW, P.O. BOX 32

City: CLYDE State: NEW YORK Zip: 14433

Phone Number: (315) 923- 7259

Comments: In Lieu of taxes: No more land should be taken out of Wayne County unless payment in lieu of taxes are made to each government entity where the land is taken for State or Federal use. 23

This should be a New York State project in picking up costs as it is not the wishes of the people in this area. New York Should pay the regular taxes (not 1% or 2% of the taxes) and it should come out of the General fund. Just because other areas of wetlands in the State and the United States have been destroyed, i.e. drained and developed for construction of homes and commercial businesses in the past which has helped their tax base. Do not penalize only our people in this small, depressed area with picking up a heavier tax burden of paying higher taxes to make up for the loss of tax monies taken away by this takeover of wetlands.

Each Town and also Wayne County and many villages passed a resolution in 1988 asking the State not to take anymore land without the payment of taxes. The State can pay full taxes as it does in some of their other State owned land.

Recreation & Visitor & Education Center: The State should provide a recreation area such as on page 84 of Wetlands Proposal book in the Wayne County area and be State operated. The State should place a Visitors center at Savannah with State funds. 24

(Please use additional paper for further comments.) (con't on page 2).....

Which alternative do you favor?

Louis A. De Lisio Supv
Signature

Comments should be received by August 1, 1990.

(Fold in half, staple or tape, and mail. No postage necessary.)

COMMENT SHEET FOR THE NORTHERN
MONTEZUMA WETLANDS PROJECT

Draft Environmental Impact Statement

Name: Louis DeLisio, Supervisor

Organizaton: TOWN OF GALEN

Street: 106 GLASGOW STREET

City: CLYDE State: NEW YORK Zip: 14433

Phone Number: (315) 923-7259 PAGE 2

Comments: RECREATION, VISITOR, & EDUCATIONAL CENTER: (con't)
The State should provide an educational school of 1 and 2 year courses in Environmental Research and have it funded the same as S.U.N.Y.'s..

MONTEZUMA CONSTRUCTION & HEALTH:
The State has to keep a construction crew to maintain some of the roads and highways to and from the project plus their own on State lands. 25
The State should be involved in all the health problems in humans and wild life, particularly Lyme's Disease (ticks) and mosquitoes which carry viruses. Also, the diseases which culminate from an overabundance of wild life. 26

FARMS:
The farmer has to be taken care of because of the destruction of farm crops and products from the over abundance of animals eating their crops. " 27

LAND USE:
D.E.C. should be restricted to land use and have regular meetings with the Town i.e. informational meetings about developments so it may be determined if Town's 28
(Please use additional paper for further comments.) (con't on page 3).....

Which alternative do you favor?

Louis DeLisio Supv
Signature

Comments should be received by August 1, 1990.

(Fold in half, staple or tape, and mail. No postage necessary.)

COMMENT SHEET FOR THE NORTHERN
MONTEZUMA WETLANDS PROJECT

Draft Environmental Impact Statement

Name: LOUIS DELISIO, SUPERVISOR

Organizaton: TOWN OF GALEN

Street: 106 GLASGOW STREET

City: CLYDE State: NEW YORK Zip: 14433

PAGE 3

Phone Number: (315) 923-7259

Comments: LAND USE (CON'T)
Zoning Laws and land use laws are complied with.

RENT OF LAND:
This procedure of land rentals should go back to the area in which you rent land for up-keep of the roads. The State has enough for signs, etc. to keep up its Domain. The State can't take care of what it has in land now. 29

ROADS:
State and County and Town should share cost of road upkeep. If the State has a fee for visitors of the lands then this should be used for road upkeep first. 30
The State should let Towns use or give the Towns rights to sell lots along any roadway to help the Town's tax base. 31

(Please use additional paper for further comments.)

Which alternative do you favor? NONE. But if we are forced or have no say #2

Louis DeLisio Supv
Signature

Comments should be received by August 1, 1990.

(Fold in half, staple or tape, and mail. No postage necessary.)

Response to Louis A. DeLisio - Supervisor, Town of Galen Comments:

23. See response number 20 and Part V.3.A. of the FEIS.

24. The description of the proposed action in the FEIS has been revised to include such a facility in the Savannah area.

25. This fact is identified in the statement in Section II.B.1. Staff to maintain and manage the area must be provided to meet project goals.

26. Health concerns are addressed in the statement in Section V.B.3.g.

27. Agricultural crop depredation by wildlife is addressed in section V.B.3.c. Also see response numbers 4-10, 19.

28. The DEC will comply with all applicable laws and regulations in its management activities. DEC staff would be pleased to attend town meetings if and when invited to discuss proposed developments. Management plans when developed will be publicized and subject to appropriate State and Federal environmental review.

29. Stewardship and management activities on existing state lands under DEC administration are currently provided at the full level that resources will allow. While there are always additional management activities that might be undertaken, these might not change the general appearance of the land nor the public perception of its use. Wildlife management areas are just that. They are not state parks having extensive lawn areas or public buildings. To a certain extent these lands must retain much of their "primitive" character.

30. Maintenance of roads is clearly and legally the responsibility of the governmental unit having jurisdiction. Considerable state and federal assistance is already provided to all jurisdictional levels through various state aid, federal revenue sharing and aid to municipality programs. Roads not seeing sufficient public use can always be abandoned if the county or town feel they are no longer necessary.

31. We disagree, such a proposal would reduce public enjoyment of and access to publicly-owned lands. It is also very doubtful that there will be any shortage of potential building lots within the communities involved. Therefore, the sale of building space is not a reasonable consideration except in very rare circumstances and then such a proposal would be considered only on a case by case basis.

COMMENT SHEET FOR THE NORTHERN
MONTEZUMA WETLANDS PROJECT

Draft Environmental Impact Statement

Name: David Spickerman

Organizaton: Town of Butler - Supervisor

Street: R.D.#1 Rt.89

City: Savannah State: New York Zip: 13146

Phone Number: (315) 594-8450

Comments: I am against this project. I do not feel that the State of New York or the Federal Government can afford to keep buying up land for conservation practices. I also want to protect the environment but taking land off the tax rolls without payment in lieu of taxes is putting a burden on the remaining property owners that will be unbearable. I feel that the State of New York is in a financial crisis now and should conserve resources and maintain the property they own at the present time. We also have to consider the increase in the mosquitoes that can not be controlled now due to D.E.C. regulation. As larger areas are being made available for wildlife we will have more problems with animals destroying crops and farmers will want to be subsidized. I would ask the State to set it's financial priorities and not include any more land acquistion at this time. 32 3 3

(Please use additional paper for further comments.)

Which alternative do you favor? Number 1

David Spickerman Sr.
Signature

Comments should be received by August 1, 1990.

(Fold in half, staple or tape, and mail. No postage necessary.)

Response to David Spickerman - Supervisor, Town of Butler Comments:

32. See response number 20.

33. See response number 26.

34. Agricultural crop depredation by wildlife is addressed in Section V.B.3.c. See also the responses to comments 4-10, 19.

wayne county planning board

NORTHERN MONTEZUMA WETLANDS PROJECT

DRAFT ENVIRONMENTAL IMPACT STATEMENT

COMMENTS

7/30/90

I preface my comments on the above referenced document by saying that I have no dispute with the intent of the Northern Montezuma Wetlands Project. Wetland preservation is vital to habitat protection, flood control and water quality. Consideration must be given to existing development and livelihood. The 13,000 acres currently managed as the Montezuma National Wildlife Refuge are perceived by many as adequate for habitat and wetland preservation.

I take issue with the claim that state and federal ownership would provide one of the most active migration staging areas in Central New York. I believe the existing Montezuma wetland already deserves that designation. Surrounding property owners are significantly responsible for the fact that this is such an active staging area. Contrary to the belief of the state and federal government, private individuals are careful and thoughtful stewards of the environment. 35

The State of New York has a poor land management track record in Wayne County. One need only examine the broken promises associated with Chimney Bluffs State Park to understand why residents are reluctant to place any form of land management in the hands of the state. According to the text of this DEIS, maintenance and development activities will require a permanent and substantial commitment of staff and other resources. As it stands, there is no dedicated long term source of operation and maintenance money in place. There should be no acquisition of land until a long term funding plan for management is developed and readied for implementation. It is totally irresponsible to acquire land without a dedicated mechanism in place to manage and preserve it. 36

Included in this plan should be provision for an office and maintenance center in the Town of Savannah. Any spin-off interpretive or educational center also should be located in southeastern Wayne County. The devastating effect acquisition will have on the tax base of southeastern Wayne County must be compensated for in various ways, one of which is employment opportunities. 37

I am particularly concerned about the impact this plan will have on the agricultural community. The DEIS admits that private agriculture on public land is a legitimate land use. However, the long range goal of the Northern Montezuma Wetlands Project removes many acres of valuable and sensitive farmland from production. I am concerned how this objective correlates with agricultural land policies developed by the NYS Department of Agriculture and Markets. It appears that the State of New York may have conflicting policies on this project, specifically the preservation of active agricultural land verses the removal of that land from production for wetland restoration. Lieutenant 38

county office building lyons, new york 14489 315.946.5919

Governor Stanley Lundine said at a meeting in Canandaigua, NY on July 26, 1990 that agriculture is absolutely basic to the future of New York. I would add that agriculture is absolutely basic to the future of Wayne County. Any long range plan that suggests removal of valuable and irreplaceable agricultural land from production is suspect.

Perhaps the greatest concern I have rests with the potential for town and county tax base erosion. I realize that for the purposes of this DEIS, acquisition means all land management tools, including outright purchase. Because public purchase is an option, it is imperative that there be financial compensation to municipalities who lose tax revenue as a result of land purchase by the state or federal government. 39

The Nature Conservancy, is already acquiring private land, presumably for resale to the NYS Department of Environmental Conservation or the U.S. Fish and Wildlife Service upon completion of the SEQR review. This may be legal as far as SEQR is concerned, but ethically, this practice is wrong. It is use of an agency with no involvement in the SEQR process to further actual acquisition intentions of the state and federal governments. This type of behind the scenes maneuvering creates an immediate atmosphere of distrust and suspicion. The plan may define acquisition in its various forms, but the actions of the Nature Conservancy paint a far different picture. All land acquisition by the Nature Conservancy should cease until the SEQR process is concluded. 40

In conclusion, DEC and the U.S. Fish and Wildlife Service must be sensitive to the impacts this project will have on southeastern Wayne County. In the grand scheme of things, the Towns of Savannah, Galen and Butler may seem insignificant. I maintain that full implementation of land acquisition through public purchase would render one town bankrupt and two more financially crippled. No amount of wetland restoration is worth such a price.

Sharon Lilla
Director

CC: Donald Colvin, Supervisor, Town of Savannah
Louis DeLisio, Supervisor, Town of Galen
David Spickerman, Supervisor, Town of Butler
Marvin Decker, Chairman, Wayne County Board of Supervisors
Donna Chittenden, Chairperson, Planning Committee, Board of Supervisors
Senator L. Paul Kehoe
Assemblyman Michael Nozzolio
Assemblyman Robert King
Assemblyman Frank Talomie
Congressman Frank Horton
Senator Alphonse D'Amato
Senator Daniel Moynihan

Response to Wayne County Planning Board Comments:

35. The sponsors agree that most private landowners are reasonably good environmental stewards. However, few will be able to do the types of management necessary to take full advantage of the land's potential. There are also many other benefits inherent in cooperative management or public ownership as described in Section I of the FEIS.

36. See response number 29. Neither of the sponsoring agencies have management responsibility for the Chimney Bluffs State Park.

37. See response number 24.

38. See response number 17. It is not the intention of the project sponsors to remove high quality land from agricultural production. If purchased from willing sellers, these lands will remain in production as long as they are economically viable.

39. See response number 20.

40. The Nature Conservancy is a private land management organization with strong interests in the Montezuma area. They have owned land just west of the Howland Island Wildlife Management Area for a number of years. Any land purchased by the Conservancy may be retained, resold to state or federal agencies, or resold to a private individual. As a private organization, these are all options which they are free to exercise.

Resolution No. 272

In opposition to the Draft Environmental Impact Statement

By: Mr. Dennison, Chairman, Agriculture Committee

WHEREAS, the residents of Cayuga County have reviewed the Draft of the Environmental Impact Statement in regards to the Northern Montezuma Wetlands Project, now, therefore be it

RESOLVED, that the Cayuga County Legislature hereby goes on record opposing the Northern Montezuma Wildlife Expansion program due to the imcomplete D.E.S. as written and the resultant detrimental economic impact on the greater Cayuga County Community. 41

AGRICULTURE COMMITTEE

I HEREBY CERTIFY, THAT I HAVE COMPARED THE FOREGOING COPY OF A RESOLUTION WHICH WAS PASSED AND ADOPTED BY THE LEGISLATURE OF CAYUGA COUNTY, AT A MEETING HELD ON THE 17th DAY OF July, 1990, WITH THE ORIGINAL RESOLUTION, AND THAT THE SAME IS A CORRECT TRANSCRIPT THEREFROM AND OF THE WHOLE THEREOF.

Emma L. Hammond
CLERK COUNTY LEGISLATURE

DATED July 19, 1990.

Response to Agriculture Committee, Cayuga County Legislature Comments:

41. Areas of incompleteness are not defined by the County Legislatures comment, hence it is difficult to make a specific response other than the fact that all SEQR and NEPA requirements have been met. See Section V for analysis of the economic impacts of the project.

THE PORT BYRON CENTRAL SCHOOL DISTRICT

98 UTICA STREET • PORT BYRON, NEW YORK • 13140-0310
(315) 776-5728

T.M. WISNIEWSKI
Superintendent of Schools

T.A. BLANCHFIELD
Business Manager

July 26, 1990

United States Fish and Wildlife Service
ATTN: Mr. Paul Casey
One Gateway Center, Suite 700
Newton Corner, MA 02158

RE:Northern Montezuma Wetlands Project

Dear Mr. Casey:

After a review of the available materials and discussion with various resource people, it is clear that the proposed Northern Montezuma Wetlands Project will have profound effects on Port Byron Central School.

We are opposed to this project due to the effect it will have on our tax base and the negative impact it will have on the area's agricultural resources. It will be essential for our District to receive some redress for lost tax revenues, if an alternative is selected that reduces our tax base. 42

We would select Alternate 1 (no action) but would ask you to modify Alternate 1. Increased service and better management of current holdings would speak to all of the project's objectives. Perhaps a cooperative relationship with private landholders, rather than purchasing or condemning land, is a more positive route to pursue. 43

Funding of this project is going to be pursued through a public bond. We are opposed to this funding mechanism at a time when New York State's resources are being stretched to the limit. Public expectations concerning taxes are that they moderate rather than increase. We are against the upcoming bond issue referendum.

In summary, we believe that continued development of our wetlands is an important priority, but not at the expense of education. A more concerted effort to manage current holdings coupled with efforts to forge new voluntary relationships with private landholders appear to be viable alternatives from our viewpoint. 44

Sincerely,

TM Wisniewski
Timothy M. Wisniewski
Superintendent of Schools

TMW/ebw
cc: file

Response to Port Byron Central School District Comments:

42. See Section V for information on the impact of the project on the tax base and on agricultural resources. Agricultural impacts are also discussed further in response number 17.

43. The description of the proposed action has been revised to emphasize cooperative relationships with private landowners.

44. See response number 29.

Clyde-Savannah Central School District

DISTRICT OFFICE
215 Glasgow Street
Clyde, New York 14433

Phone (315) 923 7747

Fredrick D Goodrich
Superintendent of Schools

July 26, 1990

United States Fish
and Wildlife Service
Attn: Mr. Paul Casey
One Gateway Center
Suite 700
Newton Corner, MA 02158

To whom it may concern:

On behalf of the Clyde-Savannah Board of Education, I enclose a position paper relative to the Northern Montezuma Wetland Project. This document represents the position of the majority of our membership.

Sincerely yours,

Kenneth E. DiSanto

Kenneth E. DiSanto, President
Clyde-Savannah Board of Education

FDG/kk

Enclosure

REALTY
RECEIVED

Region 5

BOARD OF EDUCATION
CLYDE-SAVANNAH CENTRAL SCHOOL DISTRICT #1
215 GLASGOW STREET
CLYDE, NEW YORK 14433

Opposing the agencies of the Federal Government, the State of New York and non-profit public agencies who are tax exempt in the further acquisition of lands in support of the "NORTHERN MONTEZUMA WETLAND PROJECT". Supporting that written legislation be enacted by the federal, state legislature to make payments of monies in lieu of taxes for the proposed property to be acquired for the wetlands project to protect the tax bases of the Towns of Savannah, Galen, South Butler, and Lyons of Wayne County and the Towns of Tyre and Junius in Seneca County, New York which in whole or in part are within the boundaries of the tax base of the Clyde-Savannah Central School District. 45

Whereas, the Board of Education of the Clyde-Savannah Central School District, passed the following resolution. Be it "resolved our local, state and federal legislature be made aware of the concerns and impact this project will have on our school district and not support the use of tax dollars to foster the project". The vote was: YES - 6; NO - 2; the president did not vote, carried. Recorded in Board of Education current minutes book, pages 107 and 108 dated October 19, 1988.

Whereas, the Board of Education and/or it's school officials have never received any formal written request for data to be incorporated in the Draft DES 90-10 Environmental Impact Statement for the Northern Montezuma Wetland Project, the advertised and projected statistics in the impact study are subject to gross error. 45 A

Whereas, the Board of Education feels it is unfair for the Federal Government, New York State and non-profit agencies to own so much land in a small community, to propose the eroding of it's tax base, and leaving only a limited tax base to provide other necessary services to the community residents.

Whereas, at a recent meeting sponsored by the Director of the Wayne County Economic Development Office, and the represented group in attendance of over one hundred people consisting of business, clerical, clergy, school officials, interested citizens, and others from the Towns of Galen and Savannah, recognized that the number one detriment of economic growth at the eastern end of Wayne County is the proposed Northern Montezuma Wetland Project. 46

Whereas, the Clyde-Savannah Central School District now is experiencing a loss in student population due to the purchase of land and homes around the wetland area known as the Vanderbilt Swamp, by a private developer. This developer has made this a private water foul and hunting game reserve. The purchased homes are removed and the student population have left which effects the school district state aid. The removal of residential property is also taking real property off the tax base. 47

it resolved that the Board of Education of the Clyde-Savannah Central School District strongly opposes any federal, state, and non-profit agencies acquisition of properties within the township comprising the tax base of the Clyde-Savannah Central School District without written guarantee that payment of monies will be made in lieu of taxes.

Be it further resolved that the Board of Education of the Clyde-Savannah Central School District strongly urges passing federal and state legislation to abolish the Northern Montezuma Wetland project to allow economic growth to develop in the area. The long term lingering of the project limits the potential of financial investment in the area.

Be it further resolved that the Board of Education of the Clyde-Savannah Central School District urge the legislature and Governor of the State of New York, to adopt and approve legislation to amend the real property tax laws to require the Federal, State and non-profit organizations to require payment of monies in lieu of taxes for all properties acquired to protect the tax bases of local communities.

Be it further resolved that the submitted data become part of any further or future studies, and that copies of this resolution be sent to Governor Mario Cuomo; Senator L. Paul Kehoe; Assemblymen Frank Talomie and Michael Nozzolio; Congressman Frank Horton; and Senators Alfonse D'Amato and Daniel Patrick Moynihan

Respectfully submitted by:

Joseph J. Kolczynski
to Kenneth DiSanto, President
Board of Education

Response to Board of Education, Clyde-Savannah Central School District #1 Comments:

45. See response number 20.

45a. All statistics on taxes were obtained through each County tax office and computer records. All school district tax records were obtained from these master files.

46. The project sponsors do not agree with this assessment. It might be said that development that does not benefit from proximity to publicly owned open space, recreational land, active agricultural land and fish and wildlife habitat probably would be discouraged. A more compelling argument could be made that this project would encourage development that is desired by the areas current residents, development that is beneficial not only to wildlife but most significantly to the towns themselves.

47. The policy on acquiring residential properties is described in Section II.B.1. Essentially, no residential properties would be removed by this project.

CAYUGA COUNTY PLANNING BOARD

James S. Carr AICP
Director

County Office Building, 160 Genesee Street, Auburn, New York 13021 (315) 253-1276

July 30, 1990

Mr. Paul Casey
U.S. Fish and Wildlife Service
One Gateway Center, Suite 700
Newton Corner, MA 02158

Dear Mr. Casey:

The Cayuga County Planning Board at their July 11, 1990 meeting voted by a 7 to 2 majority to oppose the expansion or modification of the Montezuma wetlands anywhere within Cayuga County. This vote was taken after considerable discussion.

Enclosed you will find a copy of the minutes of the July 11 meeting along with a copy of the staff report which is attached as a part of the minutes. This staff report was not adopted by the Board.

Sincerely,

James S. Carr, AICP
Director

JSC:eal
enc.

CAYUGA COUNTY PLANNING BOARD

James S. Carr AICP
Director

County Office Building, 160 Genesee Street, Auburn, New York 13021 (315) 253-1276

MINUTES

CAYUGA COUNTY PLANNING BOARD

July 11, 1990

MEMBERS PRESENT:

John Butera
Judith Lauersons
Ronald Brown
Roger Baldwin
Richard Kalet
David Farrell
Ralph Allen
Francis Vuillemot
Marg DePalma
John Rogalski
Jerry Tonenga
Margaret Mosher
Charles McKeon
John Vogt

STAFF PRESENT:

James Carr
Vijay Mital
Mimi Hoffmann
David Miller

GUESTS PRESENT:

Media representatives from the Citizen and a local radio outlet, Legislators Palega and DeAngelis, Auburn Assistant Police Chief Bertonica, CIDA member Ron Hart, and several unidentified citizens

The meeting was called to order at 7:35 PM.

The minutes of the previous meeting were reviewed and the following corrections made. Fran Vuillemot should be recorded as present. It should be noted that Mike O'Neill was not present, but Dan O'Neill was. On motion by Mr. Butera, second by Mr. Vogt, and on unanimous vote, with the corrections mentioned, the minutes were accepted and approved.

The Board received and considered a report on the disposition of the former County Jail prepared by Nutter Associates. Vijay Mital, City Planning Director, reviewed the report and the role its preparer is performing in conjunction with preparation of an updated City Plan. He explained that the report is preliminary in nature and that greater detail will be required prior to initiating any particular course of action. The report's general recommendation is to use the building for activities such as laboratories or professional offices. The report leaves unanswered questions relating to implementation.

Mr. Carr commented that a special committee of the County Planning Board was formed at the request of the Planning Committee of the Legislature to consider this matter. Its mission was limited in scope. The Planning Committee meets again on Monday and perhaps additional direction will be received then. Also, the County Legislature meets on Tuesday and perhaps at the time it will reach policy decisions on this issue. The nature of the issue has, of course, changed since the announcement by DOC Commissioner Coughlin that the State is not interested in acquiring the facility for a prison transfer station.

Mr. Butera commented that the Committee's emphasis was on discouraging the establishment of the prison facility in downtown Auburn and that future meetings might be able to address a wide range of issues.

A copy of the report will be maintained in the Board's files.

The Board reviewed referrals in accordance with sections 239 L & M, N.Y.S. General Municipal Law. Two matters had been received from the Town of Ira: a proposed commercial planned development requested by William Irving and a proposed area variance to facilitate application for a commercial planned development by Jimmie Hall. Both proposals affect property in the hamlet area known as Bethal, on Rt. 34 near the Oswego County line.

The Irving proposal would establish an auto repair business. The Hall proposal would establish an auto sales business.

The staff reviewed the objectives of the Town Plan and Zoning Law regarding development in this area and the existing development patterns in this area observing that it is predominantly residential. A report prepared by the staff was considered by the Board.

There was extensive discussion regarding the potential for neighborhood deterioration resulting from this sort of commercial development.

A motion was made by Mr. Butera that both of these proposals be denied, seconded by Mr. Brown and unanimously approved.

Fair Haven also referred a matter to the Board for comment. This is a proposal to amend the Zoning Law. The major effect of the proposed amendment would be to tranfer special permit review authority from the ZBA to the Planning Board and establish a comprehensive site plan review requirement in the Law. A motion was made by Mr. Vogt, seconded by Mr. Baldwin and unanimously approved to recommend that the Village approve these amendments.

The Board reviewed the recommendations developed by a special committee of the Board prepared in response to the DEIS for the proposed expansion of the Montezuma Wetlands. Mr. Carr summarized the scope of the project which had previously been discussed by the Board. He also went over the alternatives for the project set forth in the DEIS and summarized policy statements made by DEC officials regarding acquisition of land and development rights.

The committee's recommendation was extensive. There was emphasis on the need for payments in-lieu-of taxes to local and county governments and school districts by the State. A recommendation for approval of

-2-

altarative 2 is contingent upon State legislation to allow this to occur. A copy of the recommendations is attached to these minutes.

Mrs. Mosher, a committee member, stated that there has been extensive concern expressed at public meetings regarding this proposal, that it could negatively impact on downstream areas. She endorsed the recommendation that a hydrologist be made a part of the project team and that detailed analysis be made of these issues prior to any actions. Mr. Allen expressed a concern about the overall viability of the concept. He discussed the extensive nature of current wetland regulations and questioned the need for additional acquisition. He offered the observation that money could be directed toward other activities, for example improving access to water bodies, that might have broader public benefit.

49

50

Mrs. Mosher commented that Mr. Allen's points have validity. She is also concerned about the degree of government influence over the activities of individuals.

Mr. Farrell stated that he has talked to a number of local officials in the area included in the project and that none support the proposal. He also expressed concern about the impact on local tax levies and questioned the State's ability to compensate localities for this tax loss.

Mr. McKeon disputed the first conclusion of the recommendation that it is desirable to protect and expand wetlands. He commented that the regulations are already too extensive and offered examples. He was also concerned about potential use of this area as a settlement of Indian claims.

51

52

Mr. Allen reiterated his concern regarding the overall program concept.

Mr. Brown commented that there is a real possibility that this project would effect Seneca River flooding.

Mr. Vogt asked about potential problems that could result from insufficient funds to complete the project.

Mr. Carr reminded the Board that statements on the DEIS must be submitted by August 1, 1990.

Mr. McKeon made a motion to oppose the expansion or modification of the Montezuma wetlands anywhere within Cayuga County, seconded by Mr. Vogt. There were 7 votes in favor, 2 votes opposed, other members had left the meeting.

There being no other business the meeting was adjourned.

Response to Cayuga County Planning Board Comments:

48. See response number 20.

49. See Section V.B.d. for information on the impacts of the project on downstream areas.

50. See Section I of the statement for a discussion of the project's Purpose and Need.

51. See response number 15. Response number 35 is also relative.

52. See Section V.B.3.1. of the statement.

DRAFT ENVIRONMENTAL IMPACT STATEMENT
NORTHERN MONTEZUMA WETLANDS PROJECT

CAYUGA COUNTY PLANNING BOARD RESPONSE

The Cayuga County Planning Board has reviewed the DEIS for the Northern Montezuma project and submits the following findings and recommendations to the U.S.F. & W.S. and to the N.Y.S.D.E.C.:

1. The Board agrees that action is desirable to protect the wetlands and related upland areas in the Northern Montezuma Wetlands area in order to maintain and expand wildlife habitat and to protect the environmental resources of the area.

2. Of the five alternatives presented by the Service and the Department in the DEIS, the one best suited for carrying out the purposes and objectives of the project is Alternative No. 2.

3. While the Board agrees in principle with Alternative No. 2, it also has concerns about certain impacts that the project may have upon the communities within and adjacent to the proposed project area. Agreement by the Board concerning the adoption and implementation of Alternative No. 2 is contingent upon the satisfactory mitigation of those impacts.

4. The most serious potential impact of the project is the loss of real estate tax revenue by the towns, school districts and the County. In the Town of Conquest, for example, approximately one third of the Town land area would be included in the project area. According to the calculations included in the DEIS, this would result in a loss of about 9.5% of the Town's annual tax revenues if all of the land were to be purchased. While it may be true that all of the land will not be purchased in fee, it is still true that the potential exists for a large withdrawal from the local tax base.

5. The Board questions the benefits of increased development activity in the affected towns which would be generated by the project. While it is possible that there may be increased tourism activities as a result of the project, it is likely that these activities will occur beyond the boundaries of the affected towns. None of the towns have the infracture and transportation networks needed to support new tourism related businesses and the probability of government at any level providing such facilities is virtually non-existent.

6. The major benefits of the project will be at state, national and international level. Therefore, the cost of mitigating local adverse impacts should not be borne solely at the local level. The state government should adopt legislation designed to pay money in lieu of taxes to local and County governments and to school districts within the project area. Such payments should be equal to the taxes which would be paid if the land were on the tax rolls and should be guaranteed on a continuing basis, regardless of annual state budget delibertions.

7. Concern has been expressed by property owners downstream from the project about the possible adverse impacts that the project may have on flooding along the Seneca River. The Board recommends that thorough hydrological investigations be carried out by the service and the Department before any drainage structures or water level modifications are placed on land purchased, and/or managed as a part of the project. No such activity should be undertaken which would exacerbate flooding conditions along the river.

8. Farming is the principal economic activity in the towns which encompass the project area. Also, products produced on those farms are important inputs to industries located in the area. Future management practices on purchased and leased land should be designed to not only protect and enhance wildlife habitat but also to allow and encourage the continued use of high quality soils for high value crops.

9. In conclusion, it is the recommendation of the Board that, contingent upon passage of state legislation which would provide compensation to the County, towns and school districts for lost real estate tax revenues that Alternative No. 2 be adopted. It is also recommended that in the absence of such legislation that Alternative No. 3 be adopted.

Town of Savannah - State Land Acquisition

WHEREAS, the Town of Savannah has been approached by the State of New York as the site of a Wet Land Project and

WHEREAS, the State of New York and several groups now own land in the Town of Savannah and

WHEREAS, this land is Tax exempt and

WHEREAS, New York State pays taxes in other areas of the State and

WHEREAS, the Town of Savannah has 25 million dollars of assessed valuation with the State of New York wishing to acquire about 1/4 or 25% of the total assessed value of the Town and

WHEREAS, the Tax rates in the Town of Savannah are the highest in Wayne County and

WHEREAS, the creation of the Wildlife refuge would create additional claims, upon the financial resources of the Town of Savannah and

WHEREAS, the State of New York has allowed many municipalities to use wet lands for shopping centers, industries and housing, thereby greatly increasing the assessed values of many of the richest subdivisions of the State and

WHEREAS, it is not fair to a small town with very few resources to take a major part of that Town and expect the remaining property owners to support all of the activities of the Town plus the additional activities that project will bring to the Town, and

WHEREAS, many residents of the Town of Savannah work in the area to be taken by the State for this Project and

WHEREAS, the economy of the area will be adversly affected by this Project; now

BE IT RESOLVED, the Town of Savannah opposes the State of New York acquiring land in the Town of Savannah if the State does not pay the Real Property Taxes on the acquired land, and 53

BE IT FURTHER RESOLVED, the Town wishes the State to make provision for the people that will be unemployed by the creation of the Wet Land Project, and 54

BE IT FURTHER RESOLVED, THE Town opposes the State of New York funding special interest groups to buy Real Property. 55

ALSO BE IT FURTHER RESOLVED, that the Board directs the Clerk of the Board to send a certified copy of this Resolution to the following: Wayne County Board of Supervisors, Governor Mario Cuomo, Senator L. Paul Kehoe, Assemblyman Frank Talomie, Assemblyman Michael Nozzolio, Assemblyman Roger L. King, NYSAC, and the Supervisors of the Towns in the County of Wayne.

3 Ayes 0 Nayes
Carried

Response to Town of Savannah Resolution Comments:

53. See response number 20.

54. Some employment opportunities may be created both in the private and public sector if the project is approved.

55. See response number 40. Neither the Department nor the Service funds The Nature Conservancy for upfront expenses. However, we often reimburse them for interest on loans used to buy and hold land.

COMMENT SHEET FOR THE NORTHERN
MONTEZUMA WETLANDS PROJECT

Draft Environmental Impact Statement

Name: HAROLD SECOR

Organizaton: CM. BOARD OF ASSESMENT REVIEW, TOWN OF SAVANNAH

Street: Box 298

City: SAVANNAH State: NEW YORK zip: 13146

Phone Number: (315) 365 2205

Comments: 7/17/90
Dear Mr. Geary
My opinion of the Wetlands project is that the first priority be given to salvaging the Crusoe Lake Basin and revitalizing the Crusoe Creek drainage area as far as Seneca River. The Crusoe Lake Basin so far has not been damaged as great deal by agriculture drainage and pollution and can be brought back to its original state with a very small investment: The Crusoe Creek Drainage area from the Lake east to Seneca River has been damaged to a large extent - primarily by silting and dredging of its channel. This Canal has not proved out to be a good investment and today Much of the Canal that was dredged has been abandoned or at least will not produce a crop worth the farmers investment. This has also lowered the water table from which the Town of Savannah draws its water supply. Raising the water level at this point would be a great benefit to the Town Water supply. The most favorable factor in this plan is the fact that over the Course of this drainage system the water level drops from 380' at its Western most end to approx 377' at the eastern end at Seneca River - this will allow good water control over the entire project. Last but not least this project would not remove a great amount of property from the Town of Savannah Tax Rolls and would be a lot easier to sell to the Tax payers public of the Township. - Yours Would also get the most for your bucks!!
(Please use additional paper for further comments.) Sincerely, Id. Secor 56

Which alternative do you favor? SOME CUMBINATION OF ALL

Harold Secor
Signature

Comments should be received by August 1, 1990.

(Fold in half, staple or tape, and mail. No postage necessary.)

Response to Board of Assessment Review, Town of Savannah Comments:

56. The Crusoe Lake basin is an important part of the overall complex and it is the DEC's highest management priority in eastern Wayne County.

RESOLUTION

WHEREAS: THE U.S. FISH & WILDLIFE SERVICE IN CONJUNCTION WITH THE NYS DEPT. OF EN CON HAVE PROMULGATED A PLAN TO RECREATE THE ORIGINAL MONTEZUMA MARSHES FOR THE ENHANCED PRODUCTION OF WATERFOWL.

and WHEREAS: THE ESTABLISHMENT AND IMPLEMENATION OF THIS PLAN WOULD REQUIRE THE PURCHASE OR TAKING OF APPROXIMATELY 45 SQUARE MILES OF LANDS IN THIS AREA

and WHEREAS THESE LANDS WOULD BE REMOVED FROM THE TAX BASE OF THE VARIOUS TOWNSHIPS AND THE TOWN OF MONTEZUMA AND AT THE PRESENT TIME THERE HAS BEEN NO PLAN PUT FORTH TO LESSEN THIS IMPACT OR TO MAKE UP THIS LOSS OF TAX BASE 57

and WHEREAS THE GRADUAL WITHDRAWL OF THESE AGRICULTURAL LANDS WILL ALSO HAVE AN ADVERSE EFFECT ON THE OVERALL ECONOMY 58 OF THE CENTRAL NEW YORK AREA

and WHEREAS THE ESTABLISHMENT OF THIS EXPANDED MARSHLAND WILL CERTAINLY RESULT IN THE EXPANDED PRODUCTION OF INSECT AND ANIMAL PESTS THAT WILL AFFECT THE HEALTH OF RESIDENTS 59 AND THE AGRICULTURE OF THE ENTIRE SURROUNDING AREA.

THEREFORE BE IT RESOLVED THAT:

THE TOWN BOARD OF THE TOWN OF MONTEZUMA IS FLATLY OPPOSED TO THE ESTABLISHMENT OF THIS PLAN.

CARRIED 4-0

John Giardina, Supervisor
Stanley Longyear, Board Member
Jacqueline smith, Board Member
Thomas Fitzsimmons, Board Member
MARCH 20, 1990

Response to Town of Montezuma Town Board Comments:

57. See response number 20, and 23.

58. See Section V for a discussion of the projects' impact on the area's economy. Also see response number 46.

59. See Section V.B.3.g. for a discussion on real or perceived health impacts of the project.

EXECUTIVE COMMITTEE

92 JOHN STOWELL, Pres
Box 101
Savannah, New York 13146
(315) 365 3223

93 JOHN KUJAWSKI, Vice Pres
143 Sound Ave
Riverhead, New York 11901
(516) 722-4363

91 JOHN CHILD, Sec Treas
Child Road
Malone, New York 12953
(518) 483 5212

CHRIS KIMBALL PETERSON, Ex Sec
P O Box 2615
Binghamton, New York 13902 2615
(607) 722-9588

EMPIRE STATE POTATO CLUB, INC.

OTHER DIRECTORS
92 TIMOTHY CANTWELL
RD#1 Box 112 Richfield Springs NY 13439
(315) 858 0293
92 CLYDE CROSS
RD#2 Bliss NY 14024
(716) 493 5955
92 JAMES GIBSON
RD#1 Wayland NY 14572
(716) 534 5139
92 ALVIN ZAWESKI
Box 241 Jamesport NY 11947
(516) 722 4828
91 TREVOR JACKSON
RD Savannah NY 13146
(315) 365 3327
91 PETER CORWITH
Head of Pond Road Water Mill NY 11976
(516) 726 4623
91 DARYL SMITH
[illegible] Road Lyndonville NY 14098
(716) 765 2063
93 KARL HOFMANN
6120 Concord Road Springville NY [illegible]
(716) 592 2248
93 RUSSELL MATTHEWS
[illegible] Road Henrietta NY 14467
(716) 334 [illegible]
93 KIRK HUBBARD
RD#3 Fulton NY 13069
(315) 592 2829
93 RON ENSLEY
Cascade Road Lake Placid NY 12946
[illegible]

TO FOSTER THE POTATO INDUSTRY IN NEW YORK

July, 30, 1990

United States Fish & Wildlife Service
Attention: Mr. Paul Casey
1 Gateway Center Suite 700
Newton Corner Mass.
02158

Dear Sir:

On behalf of the Empire State Potato Club, Inc, we want to voice our concern in opposition to the Northern Montezuma Wildlife Project. We will address alternative for which represents 50,979 acres, which is the largest area of all alternatives. In this area, 2,700 to 3,000 acres of potatoes are grown in any given year. This represents 10 percent of the state's 28,000 acres. The monetary return to farmers for these potatoes in this area last year was $8.5 million. Most of this money is being spent in surrounding towns and villages within a 25 mile radius, for fuel, oil, fertilizer, chemicals, machinery, building materials, labor, insurance, (taxes). You can see the devastating impact the elimination of this crop would have on these rural communities.

Farming, next to wetlands, is an extra unnecessary burden because of governmental regulations and wildlife damage. We are not against wetlands but farming and people are more essential than wildlife and wetlands. Ninety nine percent of the people in this area are oppose to land acquisition by the state or federal government for the expansion of wildlife refuge.

We call on you to do an indepth study with the local ASCS offices and the Department of Agriculture & Markets to come up with a 60 monetary impact caused by wildlife destruction to crops and the possible lose of crops no longer being grown in this area.

We favor alternative one, which is: No federal or state acquisition and no impact on farmland and a tax structure.

The Empire State Potato Club, Inc. represents over 320 potato growers across New York State. We are much affected by this and hope you will consider our suggestions before making any final decisions.

Thank you for your time.

Sincerely,

John Stowell
President,
Empire State Potato Club, Inc.

COMMENT SHEET FOR THE NORTHERN
MONTEZUMA WETLANDS PROJECT

Draft Environmental Impact Statement

Name: E.B. Robinson, Jr.

Organizaton: Roma Fund

Street: P.O. Box 190

City: Elmwood Park State: NJ Zip: 07407-0190

Phone Number: (201) 794-6683

Comments: I strongly urge adoption of Alternative #4, since this alternative would yield the maximum of wetlands protection. 61

(Please use additional paper for further comments.)

Which alternative do you favor? Alternative Four (4)

July 5, 1990 Edgar B. Robinson, Jr.
Signature

Comments should be received by August 1, 1990.

(Fold in half, staple or tape, and mail. No postage necessary.)

Response to Empire State Potato Club, Inc. Comments:

60. Response numbers 4,5,6 and 19 also relate closely to this comment.

The difficulty in assigning a dollar value to corp losses is considerable. Many variables are involved such as establishing cause of damage and assessing the appropriateness of management. However, the Department and the Service are willing to cooperate in developing such a system if proper funding can be obtained.

61. Acknowledged.

COMMENT SHEET FOR THE NORTHERN
MONTEZUMA WETLANDS PROJECT

Draft Environmental Impact Statement

Name: Harry Schoenmaker

Organizaton: Duck Lake Association

Street: 21 E. Lake Rd.

City: Port Byron State: N.Y. Zip: 13140

Phone Number: (315) 776-8044

Comments: Duck Lake has an association of riparian owners, which was incorporated in 1972. The primary purpose of this association is to improve and preserve the quality of the lake.

In 1989 a committee tested allof our septic systems, with the aid of the Cayuga County Health Department. Only a iew violations were detected, and the testing will be repeated in a few years. Other on-going sampling and testing is done in cooperation with various agencies.

We enjoy a variety of waterfowl, including Canada geese, herons, mallards and loons plus a long list of song birds. Stately trees and unusual wildflowers enhance this environment. The area is well-populated with small mammals, including beaver. Flooding wetlands will increase an already heavy mosquito population, which could threaten the health of humans and pets. 62

At the Conquest hearing on June 21, 1990, Wes Stiles stated that Duck Lake should have been and will be excluded from this project.

When the federal and state deiicits are reduced, your minimal proposal should be sufiicient for the waterfowl.

(Please use additional paper for further comments.)

Which alternative do you favor? ALTERNATIVE #3

Harry Schoenmaker
Signature

Comments should be received by August 1, 1990.

(Fold in half, staple or tape, and mail. No postage necessary.)

Response to Duck Lake Association Comments:

62. Health concerns were address in Section V.B.3.g. of the delis.

GENESEE VALLEY DUCKS UNLIMITED
P.O. BOX E
ROCHESTER, NY 14624

REALTY
RECEIVED
JUL 06 1990
Region 5

July 2, 1990

United States Fish and Wildlife or
Service
Mr. Paul Casey
One Gateway Center
Suite 700
Newton Corner, MA 02158

Dear Mr. Casey:

Please be advised that the proposed Montezuma Wetlands Project is a must for New York as well as the United States. This project must be put in place for the future of wildlife. Please do your best to put this on track - the fast track. 63

Thanks for your help.

For the Ducks

Jon Jarney
New York State Trustee

Response to Genesee Valley Ducks Unlimited, Inc. Comments:

63. Acknowledged.

COMMENT SHEET FOR THE NORTHERN MONTEZUMA WETLANDS PROJECT

Draft Environmental Impact Statement

Name: JOSEPH E CARTIVER
Organizaton: DUCKS UNLIMITED
Street: 6 FACTORY ST
City: UTICA SPRINGS **State:** NEW YORK **Zip:** 13160
Phone Number: (315) 489-7792
Comments: I WOULD LIKE TO SEE MONTEZUMA EXPAND. 64

Please use additional paper for further comments.)

hich alternative do you favor? NO 4

Joseph E Cartiver Jr.
Signature

omments should be received by August 1, 1990.

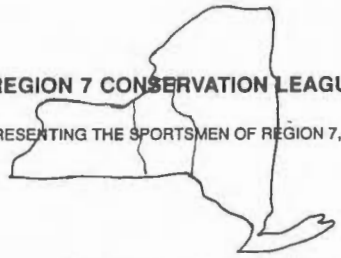
(Fold in half, staple or tape, and mail. No postage necessary.)

Response to Ducks Unlimited, Inc. Comments:

64. Acknowledged.

REGION 7 CONSERVATION LEAGUE

REPRESENTING THE SPORTSMEN OF REGION 7, N.Y.S.



Broome
Cayuga
Chenango
Cortland
Madison
Onondaga
Oswego
Thompkins
Tioga

We, the members of the Region 7 Conservation League and the Cortland County Federation of Sportsmans Clubs, Support the concept of alternative 4 the Maximum Wetlands Protection and Managment Zone. We beleive that this is the only alternative that effectively protects and enhances the maximum amount of land for use be the wildlife and waterfowl.

This ecological completness of the area will benifit all people for decades to come. Not only sportsman, wildlife researches, photographers, and birdwatchers but landowners and the various towns will benifit from this plan. The potintial income from state sales taxes alone will amount to thousands of dollars from interested parties as well as the tourist who will be going to the educational attractions that will be built. 65

We can see no unfavorable impact on the enviroment or the fish and wildlife: on the contrary, many endangered and protected species of plant and animal life would be enhanded. This project would make avaliable more habitat space for many different species of fish and wildlife presently confined to the present wetlands.

We should be proud that such a unique project is happening in our state and region. The benifits we will all gain are immesureable and our grandchildren will have gained back some of the natural environment that was entrusted to us and that we destroyed.

John L. Hasenjager
R.D. #2, Box 176
Cincinnatus, NY 13040

COMMENT SHEET FOR THE NORTHERN
MONTEZUMA WETLANDS PROJECT

Draft Environmental Impact Statement

Name: Harriet T. Marsi , Conservation Chairman

Organizaton: Federation of New York State Bird Clubs, Inc.

Street: Box 1, HC 61

City: Binghamton, NY State: New York Zip: 13903

Phone Number: (607) 722-5921

Comments: The Federation of NYS Bird Clubs, Inc., representing 40 bird clubs, totaling 20,000 members, has long been extremely interested in the Montezuma Wildlife Refuge and so unreservedly supports the concept of the Northern Montezuma Wetlands Project. We have read with interest the Draft EIS - May 1990, for the complex. In our opinion the five Alternative Plans discussed have been fairly, fully and openly presented.

The Federation dismisses Alternative No. 1 (No Action) as failing in the obligation of the State and its citizens to protect this valuable wetland from further degradation.

Alternative No 2 - the Proposed Alternative of the US. Fish and Wildlife Service and the NYSDEC - gets warm approval from the Federation. Simply appreciably increasing the size of she wetland would be of tremendous value to wildlife. And we heartily agree that, along with acquisition, must come management if the quality of the wetland is to be maintained . We especially support the principle of managing the various components within the total wetland area individually, so as to get the maximum production for wildlife out of each segment based on the special features of that particular segment.

The Federation also strongly supports the use of special wildlife techniques to nurture the existing breeding species considered endangered, threatened and of special interest. We also extend the support to efforts to restore habitat for species that once bred in the area but are not now found there.

The Federation dismisses Alternative No. 3 as short-sighted in its plans for the future of the wetland. It represents the minimum effort to prevent continued contamination from surrounding agriculture and

(Please use additional paper for further comments.) (MORE)

Which alternative do you favor? No. 4

Harriet T. Marsi, Ch. Cons. Com.
Signature

Comments should be received by August 1, 1990.

(Fold in half, staple or tape, and mail. No postage necessary.)

Reponse to Region 7 Conservation League Comments:

65. Acknowledged.

FEDERATION OF NEW YORK STATE BIRD CLUBS, INC.

Organized 1947

COMMENTS ON NORTHERN MONTEZUMA WETLANDS PROJECT
CONTINUED

industry. We question how long the minimum will be sufficient. Particularly now, when there are willing sellers, we think a longer term plan would be much wiser.

Alternative No 4 is recognised by the Federation as offering the ideal in protection, preservation and future enhancement of the wetland. Its feature of including the headwaters of the main and feeder streams, thus controlling the total drainage system, seems especially important. Present landowners may seem sympathetic to the goals of the wetland , but there is no guarantying cooperation from future owners. Land around the Wetland complex will probably increase in value as the wetland becomes established. Not only will it be more expensive for the US Fish & Wildlife Service and the NYS DEC to acquire it, as it comes up for sale, but it will go to that person. group of persons or business with the most money. This can mean anything. For full, lasting protection of the wetland the land should be acquired now. 66

A second feature of Alternative 4 that appeals to the Federation is the concept of preserving a large, compact block of habitat. Many wildlife species require this to complete their full breeding cycle. Just preserving a nesting site is not enough, There must be a buffer area to protect against certain predators; and there must be adequate habitat around the nest site to provide food for nestlings, fledglings young and adults. Bald eagkes, osprey, red-shouldered hawks are a few of the birds that would benefit from a large block of wetland=

Alternative No 5 has obvious weaknesses deriving from turning the responsibility of protecting the wetland over to private organization no matter how worthy or dedicated they may be at the present time. T wetland would be only one of the many demands put upon them. All parties would have to agree on a plan. Leadership changes in privat ownership presents a degree of uncertainty that must be recognised. The Federation thinks this alternative should be considered only as a last resort.

In summary: Although the Federation gives full approval to Pand No. 2 as far as it goes, we feel it is of vital importance that the whole watershed be controlled and therefore urge the adoption of Alternative No4.

Harriet T. Marsi, Ch. Conservation Cm

Response to Federation of New York State Bird Clubs, Inc. Comments:

66. Acknowledged.

67. The sponsoring agencies also recognize this need and will begin acquiring lands or management agreements as soon as the environmental impact statement process is completed.

THE NATIONAL WATERFOWL ALLIANCE

WATERFOWL (U.S.A.) LIMITED

National Headquarters
BOX 60 • THE WATERFOWL BUILDING
EDGEFIELD, SC, 29824
(803) 637-5767

August 6, 1990

REALTY
RECEIVED
AUG 13 1990
Region 5

United States Fish & Wildlife
Attn: Mr. Paul Casey
1 Gateway Center
Suite 700
Newton Corner, MA 02158

Dear Paul:

I would like to take this opportunity to voice our support for Alternative #2 which is the Wetlands Protection with Management Zone. We strongly recommend the approval, implementation, and completion of this project to assist in reaching the goals established in the North American Waterfowl Management Plan. 68

Waterfowl U.S.A. is a national, non-profit, conservation organization dedicated to funding waterfowl projects in the United States. We currently have more than 100 chapters in 32 states. We have well over 20,000 members and expect to exceed 25,000 by the end of 1990.

The members of our organization who toured the Montezuma Refuge during our 1989 National Meeting were extremely impressed with the refuge and the large concentration of waterfowl that it benefits. We will be holding this year's National Meeting in New York also. We hope that when we tour the refuge this year that we will be able to see this new project under way.

Sincerely,

Daryl Booth

Daryl Booth
National Director
Chapter Development

"American Bucks for American Ducks"

Response to Waterfowl (USA) Limited Comments:

68. Acknowledged.

COMMENT SHEET FOR THE NORTHERN
MONTEZUMA WETLANDS PROJECT

Draft Environmental Impact Statement

Name: Scott R. Stenberg
Organization: Bawasco Chesapeake Retrievers
Street: 7215 Van Buren Road
City: Baldwinsville State: New York Zip: 13027

Phone Number: (315) 638 - 2786

Comments: Please register these comments in support of the development of the Northern Montezuma Wetlands Project (NMWP): 69

A) Expansion of the current Montezuma wetlands by the NMWP would enhance the waterfowl habitat. Montezuma is a major staging area for waterfowl migrating along the Atlantic Flyway. Due to expanding goose populations utilizing this area, the current wetlands are no longer adequate enough to prevent overcrowding on the marsh. An enlarged Class A wetland would reduce the overcrowding and would better distribute the flock which would reduce the threat of disease to the waterfowl. The NWMP would provide more breeding habitat for resident flocks of ducks and geese in an area that is less prone to drought cycles - a necessity for reducing the continental waterfowl decline. 70

B) NMWP could reduce the current flooding problems along the Seneca River. A properly constructed ditch and dike structure that is beneficial to waterfowl can also benefit flood control by holding back flood waters. The water could be held inside the project to replenish the marsh and then slowly released from the project as required. Current lands are ditched to provide immediate drainage for agricultural purposes; spring run-off is quickly channeled into the Seneca River so that fields can be planted as soon as possible. Improved wetlands would slow the spring run-off and reduce the downstream flooding. 71

C) The wetlands of the NMWP would filter and purify the water passing through them. This would improve the poor water quality of the Seneca River. 72

D) NMWP wetlands would provide seasonal recreation use to a society that is placing a larger and larger demand on its public land for outdoor recreation. 73

E) The NMWP lands are a small part of a once giant wetland known as Great Cayuga Swamp. This great wetland covered more than one hundred square miles of what is now Cayuga, Seneca, and Wayne Counties. Only a fraction of the original wetland remains but the NMWP could restore some of this land and turn it back into the great productive biosphere it once was - a marsh.

The only negative comment that I want to register is that the project is not large enough. There are many more plots of marginal farm land in the Seneca River Basin that should be reclaimed as wetlands. A reclamation that would benefit waterfowl, reduce river flooding, and improve the water quality of the river. 74

Scott R. Stenberg

Response to Bawasco Chesapeake Retrievers Comments:

69. Acknowledged.

70. Acknowledged.

71. The sponsoring agencies agree.

72. The sponsoring agencies agree.

73. The sponsoring agencies agree.

74 The project sponsors maintain that the proposed action is the best balance between environmental and social/economic concerns. However, we agree that other resources beyond the borders of the project area deserve protection and management as well.

ROCHESTER NEW YORK CHAPTER

WATERFOWL (U.S.A.) LIMITED

POST OFFICE BOX 92302
ROCHESTER, NEW YORK 14692

I would like to urge the department to support the Northern Hontezuma Wetlands Project. I represent over 750 members of Waterfowl USA within New York State and they have urged me to do what ever I can to ensure that this project is funded. In this era of environmental awareness and in accordance with the President of the United States who has made a commitment to "No net loss of wetland habitat", this is exactly the kind of project the department should be strongly supporting. 75 I know that other areas are also in need of funding, however due to the small presence of federal wetland refuges in the North American Waterfowl Hanagement Plan priority area of western Lake Ontario and Lake Erie, I cannot think of any other project that would be more beneficial to all wildlife than this one in the region. 76

Waterfowl USA is a nationwide organization dedicated to preserving waterfowl habitat within the boarders of the USA. As you know, not only will this project benefit waterfowl but several other species of wildlife. Some of which are endangered or threatened. All 750 members that I represent know that wetlands are the most productive habitats in the world. With the world renowned success of the Bald Eagle restoration program at Hontezuma, it would be very upsetting not only to the members of Waterfowl USA, but to all people that love our nations symbol if this program had to be canceled because quality habitat was no longer available in the Hontezuma area.

Of the proposals outlined we prefer proposal number 2. 77 We feel this is the overall best option. It is one of the more costly but it is also the most productive given the dollar amount. We also feel that proposals 3 and 4 would be acceptable if the department wishes to go with these options. The option that would be total unacceptable however is proposal 1. We feel it would be very short sighted and foolish decision to do nothing for our nations wetlands.

Reponse to Waterfowl (USA) Limited Comments:

75. Acknowledged.

76. Acknowledged.

77. Acknowledged.

COMMENT SHEET FOR THE NORTHERN
MONTEZUMA WETLANDS PROJECT

Draft Environmental Impact Statement

Name: FRED BELLAMY

Organizaton: EATON BIRDING SOCIETY

Street: 511 CHAPIN ST # 7

City: GENEVA State: N.Y. Zip: 14456

Phone Number: (315) 789-2762 (HM) 787-0465 (WK)

Comments: I DID NOT SEE IN YOUR PLANS THAT THOUGHT SHOULD BE GIVEN TO ESTABLISHING HABITATS FOR MIGRATION OF SHOREBIRDS. 78

ALSO, AN ENVIRONMENTAL EDUCATION CENTER COULD ASSIST IN THE MESSAGE OF THE IMPORTANCE OF WILDLIFE/HABITAT WOULD BE PASSED ON TO THE GENERAL PUBLIC AND TO FUTURE GENERATIONS. 79

ANOTHER PROPOSAL WOULD BE TO REINTRODUCE LOCAL TO THE REFUGE. IT'S FUNCTION WOULD PLAY A SMALL BUT NECESSARY PART IN THE NATURAL REDUCTION OF THE STEADY DEER HERDS THAT GRAZE THE REFUGE 80

(Please use additional paper for further comments.)

Which alternative do you favor? #4 (MAXIMUM)

Fred Bellamy
(Signature) (RESIDENT U.S.)

Comments should be received by August 1, 1990.

(Fold in half, staple or tape, and mail. No postage necessary.)

Response to Eaton Birding Society Comments:

78. Detailed management plans will eventually be prepared if the project gains final approval. The sponsoring agencies welcome participation of the Eaton Building Society and others in the development of these plans.

79. See response number 24.

80. Habitat characteristics of the Montezuma area make it unsuitable for a bobcat reintroduction effort.

Vanderbilt Marsh Club, Inc.
925 Exchange Street
Rochester, NY 14608

REALTY
RECEIVED
MAY 13
Region 5

Dear Mr. Casey and Mr. Slingerland,

As the current president of the Vanderbilt Marsh Club, I would like to comment briefly on your recent draft of the North Montezuma Wetlands Environmental Impact Statement. First, for the record, our correct name is Vanderbilt Marsh Club.

The Vanderbilt Marsh Club agrees with the basic concept of preservation and expansion of waterfowl habitat as proposed in your Northern Montezuma Wetland Project (NMWP). The project's goals are consistent with our own goals which we have practiced for some thirty five years...to not only maintain but to improve our existing wetlands. For this reason our organization initially is eager to be included in your report as one of two existing cooperating land owners (Evergreen being the other).

After analyzing your report, as president I cannot endorse any of its alternatives until the report clarifies the role of cooperating land owners. A) Property owned by cooperating land owners should be delineated in all topographical and tape-location maps published in connection with the NMWP Project and not included in areas marked for acquisition. B) A statement of position by DEC and appropriate federal agencies to the effect that those land owners such as Vanderbilt Marsh Club with forever wild covenants in their deeds would be exempt from acquisition without their consent. C) To further enhance wetland management with the project, more attention should be given to specific areas of cooperation between landowners and NMWP agencies. 81 82 83

Vanderbilt Marsh Club (VMC) endorses the goals set forth in your report and looks forward to working closely with both the Department of Environmental Conservation and the U.S. Fish and Wildlife Service in matters relating to NMWP. I, as president of VMC, or another representative of our club would be pleased to discuss any matters pertaining to your report and our club's future involvement in the NMWP project.

Jay W. Gilbert
President

Response to Vanderbilt Marsh Club Comments:

81. The role of cooperating landowners is to participate in the protection and management of land resources in the project area in a manner consistent with project goals.

82. The term "acquisition" is defined to include such devices as cooperative agreements that the sponsors hope to negotiate with landowners. Thus, lands of cooperative landowners are included in the boundary lines.

83. The policy on the use of eminent domain is discussed in the statement. In effect, there is no need to purchase property by negotiation or appropriation that has a protective covenant or deed restriction such as that on lands of the Vanderbilt Marsh Club.

Mail to:
U. S. Fish and Wildlife Service
Att: Mr. Paul Casey
One Gateway Center, Suite 700
Newton Corner, Mass. 02158

COMMENT SHEET FOR THE NORTHERN MONTEZUMA WETLANDS PROJECT

Draft Environmental Impact Statement

Name: [illegible] Howard

Organizaton: Wolcott Conservation Club

Street: 5069 Huron Street

City: North Rose State: N.Y. Zip: [illegible]

Phone Number: (315) 587 -2785

Comments: Please place me very much in favor of the Montezuma Wetlands Project. The ever shrinking wetlands have progressed so much as to depiate the waterfowl numbers to alarming proportions. The under-study area that is presently being considered for restoration is very unique in that the loss of agricultural production would be minimal. Also the tax loss problem in this area would be short term, counter balanced by increased tourist interests in the future.

The great benefits to the bleak waterfowl picture would be long term and future generations will especially experience the very great impact of this project. 84

(Please use additional paper for further comments.)

Which alternative do you favor? ~~the most extensive plan~~

Signature

Comments should be received by August 1, 1990.

(Fold in half, staple or tape, and mail. No postage necessary.)

Response to Wolcott Conservation Club Comments:

84. Acknowledged.

COMMENT SHEET FOR THE NORTHERN MONTEZUMA WETLANDS PROJECT

Draft Environmental Impact Statement

Name: TIMOTHY NOGA, SECRETARY

Organizaton: FEDERATION OF CONSERVATION CLUBS OF CAYUGA COUNTY

Street: P.O. BOX 591

City: AUBURN State: N.Y. Zip: 13021

Phone Number: (315) 252 -9426

Comments:

THE FEDERATION SUPPORTS ALTERNATIVE #2, Restore the Montezuma Marsh to the historical level of ±390 ABOVE SEA LEVEL.

THE FINAL DRAFT REPORT SHOULD ADDRESS THE FOLLOWING SUBJECTS: 85

① LOSS OF TAX BASE AND COMPENSATION TO PROJECT TOWNSHIPS

② PERMANENT FUNDING SOURCE FROM THE STATE OF NEW YORK 86

③ ESTABLISHMENT OF A PRIVATE LANDOWNER ASSISTANCE PROGRAM BY PUBLIC AND PRIVATE GROUPS TO ENHANCE HABITAT ON ADJACENT PROPERTIES

④ ESTABLISH A CITIZEN ADVISORY GROUP TO MAINTAIN A LIASION BETWEEN PUBLIC AGENCIES AND CITIZEN GROUPS INTERESTED IN THE WETLANDS PROJECT. 87 88

(Please use additional paper for further comments.)

Which alternative do you favor? #2

Timothy M Noga, SECRETARY FCCCC
Signature

Comments should be received by August 1, 1990.

(Fold in half, staple or tape, and mail. No postage necessary.)

Response to Cayuga County Federation of Sportsmens Clubs Comments:

85. This issue is discussed in Section V.

86. While a permanent funding source would be desirable to fund the Northern Montezuma Wetlands Project, such proposals have been rarely accepted in the past.

87. Such a program is now in existence. DEC staff will, upon request, provide such assistance.

88. A citizen advisory group has been established and has been functioning. Continuation of this or a similar group would be desirable and will be considered more fully in the near future.

COMMENT SHEET FOR THE NORTHERN
MONTEZUMA WETLANDS PROJECT

Draft Environmental Impact Statement

Name: C. Martin Parkinson Jr.

Organizaton: Ducks Unlimited and the Central New York Retriever Club

Street: 209 Woodmont Drive

City: Camillus State: New York Zip: 13031

Phone Number: (315) 487-2791

Comments: I wish to state my support for the Northern Montezuma Wetland's Project. I feel that the future of wetlands in the Northeast will hinge on the success or failure of this project. With wetlands disappearing at an almost logarithmic rate, it is heartening to see such an ambitious project. We must take rapid steps now to ensure that our children and their children will have wetlands and appreciate their unique place in nature.

I do feel that the following should be major concerns for this project. First, I feel that land should not be condemned as a means of aquisition. Second, funds lost from land that is removed from the local tax base should be replaced by the project. Third, any reasonable and verifiable damage to property surrounding the wetland project should be compensated. Fourth, limited hunting and other recreational use of the Montezuma Wetlands must be insured and stated in writing so that there will be no question on this point for future use. 89 90 91 92

(Please use additional paper for further comments.)

Which alternative do you favor? Full project expansion

C. Martin Parkinson Jr. 7-25-90
Signature

Comments should be received by August 1, 1990.

(Fold in half, staple or tape, and mail. No postage necessary.)

Reponse to Ducks Unlimited, Inc. and the New York Retriever Club Comments:

89. See response number 83.

90. See response number 20.

91. See response number 19.

92. Compatible recreational uses, which may include hunting, are legitimate activities on lands that become a part of this project.

COMMENT SHEET FOR THE NORTHERN
MONTEZUMA WETLANDS PROJECT

Draft Environmental Impact Statement

Name: EDUARD COOPER

Organizaton: DUCKS UNLIMITED

Street: 2419 E LAKE RD

City: SKANEATELES State: N.Y. Zip: 13152

Phone Number: (315) 685-3257

Comments: THE GRANGE IS SAYING WE WILL LOOSE FARM LAND. IT WAS MARSH TO BEGIN WITH! IT IS BECOMING LESS & LESS PRODUCTIVE EVERY YEAR FOR CROP PRODUCTION.

THE PEOPLE WHO ARE COMPLAINING ABOUT FLOODING ALONG THE CANAL SYSTEM SHOULD NOT HAVE BUILT THIER STRUCTURES ON THE FLOOD PLAIN TO BEGIN WITH. WHY DID ~~THE~~ N.Y. STATE ALLOW THAT BUILDING TO TAKE PLACE? I HAD THE UNDERSTANDING THIS PROJECT WOULD REDUCE FLOODING NOT INCREASE IT. 93

THIS IS A CRITICAL PROJECT FOR WATERFOWL & OTHER WILDLIFE IN CENTRAL NEW YORK. IF WE LOSE THIS PROJECT WE MAY JEOPARDIZE ALL FUTURE PROJECTS IN THE U.S.

(Please use additional paper for further comments.)

Which alternative do you favor? II

Edward A Cooper
Signature

Comments should be received by August 1, 1990.

(Fold in half, staple or tape, and mail. No postage necessary.)

Response to Ducks Unlimited, Inc. Comments:

93. See response number 15.

Cayuga County Farm Bureau has gone on record as being opposed to the Northern Montezuma Wetlands Project. Our concerns about the enlargement of the Montezuma Wildlife Management Area include:

1. The validity of information in the Draft Environmental Impact Statement.
   Example: P.12 "Agricultural land that becomes part of the project should continue ..... These arrangements have worked exceptionally well on existing federal and state-owned lands."
   Howland Island went several years without farmers accepting the agreements offered by the D.E.C. Howland Island currently has a small part of the island being farmed. Other management areas similarly have been without farmers accepting D.E.C. agreements. What is your definition of "exceptionally well"? Is a small percentage in crop production to be considered "exceptionally well"? 94

   Example: P.57 "...public recreational uses, totalling approximately 200,000 visitor-use days per year."
   We would like verification of how this number was determined. Local residents have made many jokes about including N.Y.S. Thruway traffic as visitors because the number seems so overinflated. 95

If information in the above two examples has been exaggerated or overinflated, how can projections be trusted?

2. Will an enlarged area be managed properly? The employees of the Service and Department have stated at the informational meetings that they have no control over budgetary restraints. In view of the current financial status of both the United States government and the New York State government, it is justified to assume that neither the Service nor the Department should expect to have sufficient budgetary funds to carry out all the programs proposed. Realistically, will funding be available to manage an enlarged management area? 96 With society's increased interest in the environment, it would seem more cost effective to have the Department and Service set up a management service for private landowners to promote wetland-wildlife improvements. 97 Actively promoting management expertise to landowners could bring habitat improvements to wildlife far beyond the scope of this project.

3. The method of financing: As promoted in the previous paragraph; A program utilizing free enterprise rather than government ownership should be sought. Rather than asking New York State taxpayers to bond $400,000,000 or more for the enlargement of Montezuma wetlands, a program to promote and coordinate wetland management should be developed to assist present owners to promote wildlife. (Instead of "Alternative 1 - No Action" it should be "Alternative 1 -"Seek cooperation and greater participation to benefit wetland habitat".) 97A

4. Loss of productive farm land.
   The importance of agriculture to the economy is addressed on pages 54-55 of the D.E.I.S. Within the project area are grown

2,670 acres potatoes	value	$5,000,000
360 acres onions	value	$1,000,000
2,000 acres corn	value	$ 600,000

   In rural communities, to remove over $6.5 million of agricultural products would be a major economic impact. It is suggested that agriculture will continue on "reverting mucklands". This needs clarification. 98

Crops cannot be grown on land without proper drainage. If drainage systems are disrupted, crops will not grow on "reverting mucklands".

5. Water levels - drainage patterns.
   As stated in the previous paragraph, it is a false assumption that agriculture can continue without proper drainage. Farmers have to continually maintain and upgrade drainage systems or cropping soon becomes unprofitable.

   There are many houses within the area that during high water periods suffer water damage now. If water levels - drainage patterns are altered how many houses will be adversely impacted (septic systems, wells, or water in the house)? 99

   At meetings it was stated that this project is only interested in land - not buildings. At a meeting in Auburn, N.Y., The Citizen newspaper quoted Commissioner Thomas Jorling as stating that if flooding or damage occurs - the land (home) owner's only recourse is with a lawsuit.

   Buildings - houses will not be purchased but may be flooded and a lawsuit will be required to receive compensation. This certainly is not acceptable!

6. How will pest species be controlled? 100
   Mosquito, Deer Fly and other biting insects are currently nuisance pests. Cicero swamp and many other villages are spraying to kill mosquitoes now. Increasing marshland will increase insect populations. Will the public safety demand spraying on the Enlarged Montezuma Wetlands Area in the future?

   It is stated that the raccoon population will increase. There is a high raccoon population now and high population concentrations often result in diseases such as rabies which has been identified in raccoons in New York State already. How many other health risks are there? 101

7. Loss of Tax Base. 102
   The loss of tax base issue was addressed in the D.E.I.S. The impact was understated because the loss of tax base from abandoned buildings was not considered in this accounting.

8. Will eminent domain be used? 103
   At an informational meeting, it was stated that having houses and businesses scattered throughout the acquisition area would not be a problem. If the Department and Service are so confident in their response, it should be put in writing that it will be illegal to use eminent domain on any property transaction related to the Northern Montezuma Wetland Project.

   This brings us back to concern #1: The validity of information. The Department and Service have stated in so many ways for the landowners not to worry no one will be hurt or forced into anything. Yet the Department and Service say (1) they must reserve the right to use eminent domain, (2)tax base losses will occur over a long period (as if that won't hurt anyone), (3)mosquitoes will not be a problem because the fish in managed water will eat the mosquito eggs, etc. VALIDITY OF INFORMATION?!

In the 1960's, politics wanted Central New York to raise sugar beets (the plant located in Montezuma). Economics clearly indicated this would not work - it didn't. In 1990 politics want more wildlife/wetlands area in Montezuma. I fear economics will again have veto power over the success of the project as presented.

Yours truly,

Donald R. Waterman

Donald R. Waterman, President
Cayuga County Farm Bureau

Response to Cayuga County Farm Bureau Comments:

94. "Exceptionally well" means that the Department has had no problems keeping prime farm lands in production on state lands by using the existing procedure, and that farmers have found this arrangement profitable and acceptable.

95. A traffic counter at the entrance to the refuge is used to count cars. This, compiled with visitor surveys done periodically on the refuge is the means by which visitor numbers have been determined.

96. It is realistic that funding will be available to manage the area after acquisition.

97. See response number 87.

97a This cooperation and partnership with farmers is part of alternatives 2, 3 and 4. Using this method alone the Service and the Department will not be able to meet the projects overall goals.

98. Mucklands, due to their physical properties, eventually become depleted when drained. They are highly erodible, and subside due to natural processes. Over time, these soils become worn out and uneconomical for agricultural production. This entire process is referred to as reversion.

99. No residences can legally be adversely affected by water level management by state or federal agencies unless flood easements or agreements have been previously obtained.

100. See Section V of the FEIS.

101. None the project sponsors are aware of.

102. Abandoned buildings were considered in the tax base assessment data. The project sponsors feel that any building abandonment will be the result of economic factors as well as project activities. In calculating tax impacts all tax exemptions were not included in the data analysis. The sponsors consider these exemptions to be greater than the limited building abandonment attributed to project activities.

103. The policy on eminent domain is clearly stated in the document.

Frederick R. Clark
Energy Center
P.O. Box 191
Marcy, New York 13403
315 724 8186

New York Power Authority

June 27, 1990

Mr. Ken Wich
Director, Division of Fish & Wildlife
Dept. of Environmental Conservation
50 Wolf Rd.
Albany, NY 12233

Reference: Northern Montezuma Wetland Project
DEIS May 1990

Dear Ken:

I have reviewed portions of the DEIS with emphasis on the utility corridors. With reference to transportation and utility corridors, page 55 and Figure 9 (page 58), please correct your references to describe the two single circuit 345 KV lines as owned by the New York Power Authority. See attached zerox of Figure 9. The NYPA Niagara-Adirondack 345 KV tie line (NATL 345) is highlighted in blue. 104

For further information or questions, you or your staff may contact me at the address above or Mr. Robert Graves, Director of Real Estate at (607)588-6061.

Very truly yours,

A. E. Talgo

AET/jet

cc: R. W. Graves
A. E. Zelinski
Ronald E. Lambertson

File: Montezuma Expansion 1990

REALTY
RECEIVED
1990
Region 5

Response to New York Power Authority Comments:

104. Acknowledged. Figure 9 has been corrected.

CROSS LAKE-SENECA RIVER Association

Box 33, Baldwinsville, N.Y. 13027
315-635-9445

June 20, 1990

Testomony
Public Hearing Northern Montezuma Wetland Project.

The Cross Lake-Seneca River Associations over 1200 members appreciate receiving the Draft Environmental Impact Statement from the sponsors of the "Northern Montezuma Wetlands Project." 105

The CLSRA's principle concern centers on the hydrology of the entire Oswego River Watershed Drainage Basin. The location of the project area in the Basin and the impact (upstream, within and downstream) its intended use will have on the surface water resource must be adjudged as to the adverse or mitigating impact it will have on this ever increasing flood prone sub-basin.

At the outset, after studying the Statement, we are appalled by the fact that ie List of Preparers, section VII, contain only personnel with an educational ckground and vocational experience in Biological Sciences/Wildlife, Forestry, plied Science in Natural resources, Wildlife and Forest Management but no civil gineers or canal hydrologists. 106

In section VI, "Coordination/Consultation and Agencies/Individuals Receiving is Document (DEIS) we cannot find that the sponsors sought from or communicated th or distributed this draft to any private or public entity concerned with the drological impact this project will have on Surface Water Resources in the NDB. You admit hydrology is a definite problem in the last two sentences on ge 44, and I quote "Nevertheless, the issue of flooding in this stretch of river one that has been identified as a major concern to the project sponsors. The onsors recognize this existing situation and the fact that it is one that quires addressing." But nowhere in the report is it addressed. 107

In section VIII-References, the sponsors did not seek or utilize any drologic data or findings from the multitude of hydrology studies readily ilable to them. Nor were copies of this Draft sent to those directly involved he administration, management or maintenance of this canalized surface water ource, namely; the US Army Corps of Engineers and NYS DOT Waterways Division.

One cannot intelligently discuss the proposed restorations or utilization of ner wetland area that was drained by virtue of the construction of the Barge al System, without an indepth understanding of the modified surface water ource (hydrology) of the region. The region impacted by the Canal project was entire Western Sub-Basin of the ORWDB within which lies the main line of the ge Canal and Cayuga & Seneca Canal.

The project area contains the confluence of the canalized Clyde and Seneca r and Owasco Lake Outlet, and Cayuga Lake.

The drainage area upstream of the Clyde-Seneca River confluence is 864 sq. miles on the Clyde and 1566 sq. miles on the Seneca River totalling 2430 sq. miles. The total drainage area upstream of Owasco Outlet confluence on the Seneca is 2633 sq. miles. The total drainage area of the western sub-basin at Baldwinsville is 3138 sq. miles that will be impacted by this proposed project.

We take particular exception to the map shown on figure 6 entitled "Northern Montezuma Wetlands Project." The proposed expansion covers all points of the compass-not just the northern portion of the former marsh, as Figures 2,3 and 4 illustrate. See map-modified Figure 6.

The map is identified as "Western Oswego River Drainage Basin" when it is truly the entire ORWDB. We have taken the liberty of cross hatching "Northern" and "Western" and have drawn in the sub-basin divide lines to identify the three principal river drainage sub-basins that comprise the entire ORWDB. This makes Figure 6 hydrologically and physiographically correct. Further, the upper Seneca River, flows from Seneca Lake to the north end of Cayuga Lake-not down Route 5 and 20 joining the Seneca River below Mud Locks as shown on Figure 6.

The Owasco Lake Outlet flows to Mosquito Point at the eastern edge of the former Montezuma Marsh. It does not join the Skaneateles outlet at Seneca River below Weedsport as shown on Figure 6.

CLSRA has further modified Figure 6 to identify the major canalized sub-basin by profile. It is of the utmost importance to understand that the former Montezuma Marsh was not and is not one flat level expanse of land or water. The profile clearly identifies four (4) tiers of levels within the proposed project area with canal mean stages of 374', 380', and 381.5' and 386 ft. The "Northern Montezuma Wetlands Project" will encompass a 28.5 mile segment of the main canal including four water control structures at Canal locks namely; Cayuga and Seneca Lock 1 (381.5') Clyde River Locks 26 (386') and 25 (380') and Baldwinsville Lock 24 (374'), and 33.90 miles of the Cayuga Canal to Ithaca totalling 62.4 miles-(not17.5 miles as claimed on page 44 of the DEIS.) Therefore, the proposed project will impact the Barge Canal reaches from Lyons Lock 27 and the Cayuga Canal reach from the Ithaca Terminal to Baldwinsville Lock 24 for a total of 90.55 miles involving a total shoreline length of 254.64 miles.

We must profusely take issue with the totally erroneous claims and statements made in the last paragraph on page 44. I quote. "Over recent years, people have encroached on the historic floodway and flood plains." "People" have owned and occupied the land along this waterway for over 250 years. The waterway was the main route of travel for the original pioneers moving west. Many of the pioneers settled along this waterway and many of their descendents still own and try to utilize their property but find the use is restricted more and more by ever increasing frequency of flooding, with higher stages of flooding and floods of longer duration. 107 A

The historical account of life along the seneca River is replete with comments describing the natural river as being placid, pristene, sluggish, navigable, even during spring runoff, but arduously difficult during late summer, low water periods, when it was necessary to build wing walls in the river bed to raise the water level sufficient to float boats over sand bars and rifts.

The first encroachment of the natural river was authorized by the NYS Legislature in 1809 when they gave exclusive rights to the Seneca River, from Three Rivers Point to Cayuga Lake, to Dr. Jonas Baldwin for 20 years.

Mr. Baldwin was permitted to build the first dam on the Seneca River, with a canal and lock around the dam at what is now called Baldwinsville. His operation did not change the characteristic flow of the river. He was also permitted to construct hydraulic mill races around each end of the dam to provide water power to an ever increasing number of mills constructed down-stream from the dam. The by-pass canal and lock eliminated the difficult task of dragging boats over the rift in the river bed upon which the dam was constructed.

This was a well engineered project and very lucrative to Dr. Baldwin and extremely beneficial to the human environment and public benefit. The single adverse impact the project had on the environment was that it stopped the migration of Atlantic Salmon that spawned in Finger Lake Tributaries. Fish ladders were built but the fish did not choose to use them. Dr. Baldwin was granted a 20 year renewal to his permit in 1829. Then the trouble started.

From this point in time (1829) to the present time, the Seneca River has been subjected to a continuous successions of poorly engineered projects, uncompleted projects, poor administration, fractionized responsibility, incompetent management, non existent operating procedures, encroachment, and exploitation by various State and Federal Agencies, Boards, Commissions and Municipal sub-divisions. As of Feb. 9, 1990 the Senecas River has been in a state of flood for 92 days over the past 114 days.

The acts committed by the afore mentioned government entities constitutes the taking of private land by confiscation without due process. 107

The Statement "Documented records, however, indicate that the highest recorded levels of flood waters is still below the elevational threshold for lands determined by the State of New York as public domain." This is blantantly untrue. Every time the levels exceeded the "elevational threshold" the State raised the threshold above the highest level. The last time this was done was following the worst flood in history, Tropical Storm Agnes in 1972, and again in 1942, 1936, and 1922. B

The storm in 1972 was not the worst "storm" in history as far as the amount of precipitation that fell in the western sub-basin in a given length of time. It was the worst "flood" in history because of the reduction of retention area caused from the high dikes that were built along the river banks around the Montezuma Wildlife Refuge, muck farms and private game farms, preventing the water from spreading out over 65 sq. miles of the former Montezuma Marsh. If the muckland was still available, and the Clyde River Petention Basin, planned and constructed for the Barge Canal and eliminated by the construction of the Montezuma Wildlife Refuge in 1937, was still available, the flood levels would not have risen above the previous "elevation threshold."

Alternative 2, page 13-15, Wetland Management, clearly describes the management intent to totally disregard the added hydrologic adverse impact this project will have on the surface water resource outside, (upstream and downstream) of the project. Further, it does not even mention that the co-sponsors of the project (National Wildlife Service and the DEC) together with the Corps of Engineers and DOT, who were the original exploiters of this natural marsh, caused the repetitive flooding in the first place. 108

Canals are designed not to flood. The original Erie Canal was designed not to flood-and it didn't. The Barge Canal was designed not to flood-but it does only in the ORWDB. It floods repeatedly because it was never completed according to plan. It continues to flood repeatedly - more often - with higher stages and

longer duration because of continuely allowing more dikes to be constructed to prevent the intrusion of canal water from entering the vast expanses of original wetlands reserved as retention area by the canal designers.

The original design of the Barge Canal included a divergent channel from the Northern Montezuma Marsh to Lake Ontario. The Engineers and Surveyors, in 1906, when laying out the canal, determined that when the water level in the new canal was lowered, drying up the Montezuma Marsh, divergent channels must be constructed to convey the excess water out of the basin to control water levels in the canal reaches within 3 feet. There were three schemes devised to do this. The other two schemes involved improving the Sodus Ditch to carry the excess water in the Clyde River to Lake Ontario at Sodus Bay and/or restoring the original divergent channel from Cross Lake via Ox Creek directly to the Oswego River. The Ox Creek diverted all of the excess water in the Seneca River bypassing Jacks Reef, Baldwinsville, Three Rivers and Phoenix and Hinsmanville to the Oswego River. The river bed from Jacks Reef to Hinsmanville was never capable of carrying the entire flow of the Seneca and Oswego River. Mother Nature, the greatest Civil Engineer in the World, knew this and provided Ox Creek as its relief control channel.

The 65 square mile Montezuma Marsh and the Ox Creek divergent channel was cause for the Seneca River to be referred to as a placid, sluggishly flowing river whose level varied only 2 or 3 feet.

But in 1829, four years after the Erie Canal opened, the New York State Legislature Authorized the draining of the Montezuma Marsh- to get rid of the mosquitoes that were making passengers, crew and mules sick from what was called "Swamp Fever." Many people and animals died. The mosquito threatened the continued use of the canal.

The scheme to drain the marsh was to dig a ditch across a loop in the Seneca River around Jacks Reef. The ditch (State Ditch) was dug four feet below low water level of Cross Lake. It lowered the river and Cross Lake four feet, drying up Ox Creek - but it did not drain the marsh because of other reefs and bars upstream to Mosquito Point. The project was a failure and Baldwinsville and Phoenix was experiencing much flooding.

In 1857 the New York State Legislature again authorized the draining of Montezuma Marsh. The scheme this time was to remove the rift at Jacks Reef 4.25 ft. This lowered the river and Cross Lake a total of 8.25 ft. and took Ox Creek entirely out of play. None of the reefs or bars were removed from the upstream river so the Marsh still did not dry up. The Seneca now became a raging torrent and lawsuits for damage claims prevailed.

There was still two feet of water covering the marsh when the Barge Canal dredge cut through the rift at Mosquito Point in approximately 1912. The water level in the river channel was lowered 4 feet below the land surface of the Marsh.

During the construction of the Barge Canal frequent flooding became a cardinal issue. As early as 1914, claims against the State for damages was being brought by mill owners, property owners and farmers from Waterloo to Oswego. In as much as the bulk of the lawsuits came from mill owners in Baldwinsville on the Seneca and Phoenix, Fulton, Minetto and Oswego on the Oswego River, remedial schemes were devised to mitigate flooding at only these locations from whence the lawsuits were generated without regard to the impact it would have on upstream private or agricultural interests or that it violated the established design parameters of the canal system.

Instead of restoring the Ox Creek divergent channel from Cross Lake to the Oswego River, which would have resolved the entire problem, the State Engineers in 1923 blocked the flow of the Baldwinsville reach at Jacks Reefs, replaced the faulty "automatic" control gate at Baldwinsville and blocked the canal channel at the mouth of the Seneca River above Three Rivers Point. The "remedial" projects caused more flooding at higher stages from Jacks Reef to Cayuga Lake, which was thereafter referred to as the "Baldwinsville Pool." It reduced flood stages at Baldwinsville because of the new workable gate. It increased flooding downstream from Baldwinsville, in the Onondaga Basin, because more water could be discharged from Baldwinsville but the channel restriction between channel markers 224 and 229 restricted the outflow to Phoenix. This part of the reach is referred to as the "Onondaga Pool."

These restrictions and obstructions are still in place to this day.

There was only one attempt to resolve or reduce the flooding problem in the Baldwinsville reach 24. The project reportedly called the "North Owasco Outlet Project", a divergent channel from the Seneca River at Mosquito Point, northerly across the watershed divide to the head waters of Wolcott Creek and then to Port Bay on Lake Ontario. The project was started but after dredging only 1.75 miles it was cancelled because of the depression in approximately 1931. The abandoned dredge sits on the bottom of the river with the stacks of the steam boilers still sticking out of the water.

Up to this time, there were no written procedures as to how to control water levels in the canal system or the lake reservoirs. On September 5, 1931, only a short time after the divergent channel project was cancelled, one F.B. Crocker, submitted a proposal in hydrograph form setting down a daily water level rule curve for Cayuga Lake with no detailed written instructions as to how to achieve it. This proposal was approved by F.S. Green, NYS Superintendent of Public Works on Dec. 7, 1931. It did not delegate the responsibility for adhering to this rule curve to any particular person or job position. It could have been the lock tender at Cayuga Lock 1 who would observe lake levels daily and regulate the control gate or send a weekly or monthly report of water levels to the regional engineer who would decide what the gate adjustment should be and get word back to the lock tender. The time delay would be and was disasterous.

During a severe storm in 1936, the muck farmers threatened to blow up the dam in Baldwinsville.

In 1937, the Montezuma Wildlife Refuge was built in the Clyde River Retention Basin eliminating it as a flood control temporary retention basin designed into the Canal System. The Refuge raised and extended the dikes along the Seneca and Clyde River precluding the intrusion of flood waters into the Refuge property. This was a make work project during the depression. 109

This project generated more frequent flooding with less precipitation. Following the flood in 1942 the Corp of Engineers constructed dikes around the Savannah muck farms. Following the flood in 1972, the Corp of Engineers raised the dikes around the muck farms. Private game farms, in the 1980's, have been permitted to construct dikes to impound river water in the Clyde River Wetlands further reducing the flood plain. Now, for the past several years the flood waters are rising so high in the Lock 25 reach, water is overspilling the Refuge control spillways.

And now, the Draft Environmental Impact Study for the Montezuma Wetland

Project on page 44, says the sponsors recognize the existing flood situation and the fact that it is one that requires addressing. They address it by saying on page 67 that they not only intend to impound water within the existing diked farm land but further, as more wetland becomes available they intend to dike that also and impound water 2 to 3 ft deep preventing flood water from a 2633 square mile watershed from intruding into their dikedimpoundments. The only water that will be retained from a precipitous event will be from the rain that falls directly into the impoundments and this will be spilled out into the already flooded river because the crest of the spillways and stop logs will be above flood level.

The canalized Seneca River from Cayuga Lake to Baldvinsville is unique as follows:

(a) It is the longest canalized river reach in the entire Canal System, 33.32 miles.
(b) It is the flatest canalized river reach in the entire Canal System, .98ft in 33 miles.
(c) It has sustained the highest annual flood damage loss in the entire Canal System.
(d) It has the largest canalized river watershed drainage area in the entire 3138 sq. miles.
(e) It has the highest rate of erosion in the entire system.
(f) It has the most floods per year in the entire system.
(g) Its canal banks have the lowest development in the basin.
(h) It has the most channel restrictions in the entire basin.
(i) It has lost the most retention capacity in the entire system
(j) It has the highest number of fractionized management in the basin.
(k) It is the only reach that was not completed in the entire canal system.
(l) It is and has been the most encroached upon, exploited, mismanaged and ignored canalized river reach by Federal and State Governmental Agencies in the entire canal system.
(m) Not one single private property owner along this canal reach can be accused of encroaching or exploiting this waterway. They are taxpaying victims.

In conclusion, the Draft Environmental Impact Statement for the Northern Montezuma Wetland Project is totally unacceptable in scope and content. It intentionally fails to specifically address the fundamental major concern admittedly recognized by sponsors - Regional water level control of this canalized surface water resource in the Western Oswego River Drainage Basin. The National Wildlife Service encroached on the Barge Canal System and exploited this surface water resource in its most vulnerable area in 1937. This act initiated reactionary measures that have compounded the flooding problem to this day.

The members of the Cross Lake-Seneca River Association are devout environmentalist and conservationist who have been tormented for the past 72 years by the unconscionable and selfish acts by bureaucratic sponsored bungled projects effecting this waterway.

This proposed project cannot proceed until mistakes of the past have been fully corrected and water level control in this canalized basin has been achieved within the original Barge Canal System design parameters.

The co-sponsors of this proposed project are totally familiar with Governor Cuomos concern for this canalized waterway by his creation of the Canal Planning & Development Board dedicated to improving the Barge Canal and the land along its banks. The Governor is fully aware of the need to address the flooding problem

in the main line of the canal in the Western sub-basin of the ORWDB and has set aside $500,000 to match Federal funding to undertake an in depth study by the Corps of Engineers. The Governor is in the process of appointing an Advisory Committee that will be charged with the responsibility to find methods and procedures to mitigate the flooding problem while the Corp study is underway, D.E.C. personnel will be on that Advisory Committee.

Therefore, with the Governor seriously involved, and the Department of Environmental Conservation under the direct control of the Governor, the only rational and reasonable decision that can be reached on the proposed Northern Montezuma Wetland Project Draft Environmental Impact Study is Alternative 1, no action - which we fully endorse.

Respectfully submitted,

William L. Jaynes, Jr., Pres.

Encl: 2

Response to Cross Lake - Seneca River Association Comments:

105. The stated principle concern of the CLSRA is with the "...entire Oswego River Watershed Drainage Basin." However, approximately 1/3 of this extremely large watershed (approx. 6,000 square miles) is downstream of Cross Lake. The health and well being of this watershed is shared by all residents within as well as the sponsors of this project.

106. Approximately 1,5000 draft environmental impact statements were distributed to interested parties concerning this project. All levels of government, educational institutions, citizens groups, the news media, commercial corporations and individuals were sent copies of the delis. In addition, the sections concerning hydrology were reviewed and edited by U.S. Geological Survey office based in Ithaca.

107. The hydrologic data used to write sections of the FEIS were contained within references listed on pages 115 -117 of the document.

107a. The sponsors disagree with this statement, refer to section IV B.1 and section V B.1.d.

107b. The sponsors disagree with this statement, refer to response number 107a.

108. The sponsors of the project disagree with this statement: "...clearly describes the management intent to totally disregard the added hydrologic adverse impact this project would have..." All of the proposed wetland management strategies listed on pages 13 -15 will provide for a careful, public environmental review and all necessary State and Federal permits will be obtained prior to implementation.

109. Prior to the creation of the Montezuma National Wildlife Refuge, a large portion of the current federal ownership was farmed. When this area was in Agriculture, there was limited retention capacity since every effort was made to dry the land to allow farming. Current management of the ~~féderhè sefegm dòw~~ ~~ándebdldzugmpbishwaterrtoehèbòoobywaapfowhg~~ run management activities. And, since the federal properties are in a flood hazard area, as in Cross Lake, the overtopping of refuge dikes during periods of flooding is a common occurrence.

110. The primary intent of this delis is to discuss the land acquisition activities leading to a natural resource management project for the Northern Montezuma area. The sponsors of this project disagree with the statement"...it (the delis) intentionally fails to specifically address the fundamental major concern...Regional water level control of this canalized surface water resource..." The protection of wetlands will improve groundwater quality and ameliorate downstream flooding. These are time tested functions of wetlands backed up by fifty years of research and experience.

Working for the Nature of Tomorrow

NATIONAL WILDLIFE FEDERATION

Angie Berchielli, Eastern Great Lakes Regional Executive (518) 797-3747
RD 1, Box 75, Westerlo, NY 12193

July 31, 1990

The Montezuma Wetlands Acquisition Project is perhaps one of the most significant acquisition projects to protect and enhance New York's wetland resource. We feel however, that alternative 2 (the proposed alternative) is acceptable, alternative 4 is the far better proposal and the one we would support the strongest. The importance of having the entire ecological unit under protection and management cannot be overstated. It is an opportunity that should be vigorously pursued and only given up as a last resort. If the issue of taxes to school districts cannot be resolved, then perhaps it is time for the Department and the Conservation Community and the Legislature to set up a trust fund for the "payment in lieu of taxes" to the communities that need it. The Montezuma acquisition could be used as the focal point for this new trust fund. Acquisition under proposal 4 is not one we should give up on easily. 111 112

Further comments on the EIS are as follows:

Page 12- Forest Management

A forest should be managed for both forest products and wildlife benefits. However I believe the priority should definitely be on the wildlife benefits not the forest products. Many necessary habitat changes provide no forest products revenue and forest products can be produced at the expense of the wildlife. Forest habitat changes should be planned by a trained wildlife biologist, not a forester. Staff and essential services should not be tied to revenues that have to be generated by producing a forest product. This becomes even more important during periods of tight dollars. As an example of this problem, current cutting of mast producing oaks on state land is being done for forest product revenues with little regard for wildlife. 113

Page 85 Environmental Education

While Environmental Education is very important and something which we strongly support, the first priority here has to be on to buying the land and providing for the adequate staff to manage it. This doesn't preclude Montezuma from being used as an educational site. This could be further enhanced by DEC (Bureau of Environmental Education) identifying to its educational constituency the value of Montezuma and other wetland areas like that, as important and useful outdoor classrooms. 114

Whether millions of dollars should ever be spent on an actual education center at the refuge is something that should be brought up for discussion as part of a statewide Departmental Environmental Education Plan. Existing centers are currently understaffed and their maintence is given a low priority by the Division of Operations. If that statewide committment of staff and maintence doesn't change, then it becomes very difficult to justify another center.

Page 85 Eastern Equine Encephalitis

I'm not sure what is meant by "recent". I do know that Triple E has been in the Cicero Swamp area for at least 15-20 years. 115

Page 88 New Construction

Unless there is a real demonstrated need for office space in that part of the state, which I don't believe exists, I would find it difficult to justify spending millions of scarce dollars on new construction. Both regions 7 and 8 have relatively new offices in Avon, Syracuse and Cortland. 116

There was no discussion in the EIS of the Seneca Meadows landfill and what the potential impacts would be on further acquisition, especially if the landfill becomes a regional landfill. 117

Some very positive statements were made in this EIS that deserve notice:

Page 24- The dismissal from further consideration of the third alternative.

Page 57- The recognition of "Montezuma rats" for their superior quality. The fur value of these muskrats and duck hunting are what have kept some of the remaining wetlands intact over the years for possible purchase now. We have the revenue generated from these two species to thank for that.

Page 100- This is by far the strongest statement I have seen that recognizes that public ownership alone is not the solution. A far cry from all the rhetoric of the Adirondacks. It is refreshing to see acknowledgment that we still have important research needs especially in the area of habitat, and that land management practices are necessary to maintain the values of the Montezuma Wetlands Complex or any other ecosystem.

Thank you for this opportunity to make comments.

Angie Berchielli

Response to National Wildlife Federation Comments:

111. See response number 20 regarding "payments in lieu of taxes."

112. Aiternative 4 is viable and has not been dismissed.

113. The project sponsors agree that the forest management priority will be to improve wildlife habitat.

114. Acknowledged.

115. Acknowledged.

116. A real need for a local office/visitor contact station does exist. The description of the proposed action had been revised to include such a facility in the Savannah area.

117. Project sponsors have input on the development of the Seneca Meadows landfill through the permitting the SEQR process. No impact is anticipated on land purchases.

The Nature Conservancy

Central/Western New York Office
Suite 301
315 Alexander Street
Rochester, NY 14604
(716) 546-8030

July 30, 1990

Mr. Donald Slingerland
New York State Department of
Environmental Conservation
Wildlife Resource Center
Delmar, NY 12054

Dear Mr. Slingerland:

Please accept this as our comments on the Draft Environmental Impact Statement for the Northern Montezuma Wetlands Project (DES 90-10).

The Central/Western New York Office of The Nature Conservancy supports the efforts of the Department to protect, restore, and enhance the wetlands of Northern Montezuma and concurs with the DEIS that ALternative 2 represents the best option to achieve this. 118

We are pleased to note that the DEIS addressed the conservation and management of habitat for non-game wildlife, particularly Black Tern, Bald Eagle and migratory shorebirds. Also significant are the occurrences of inland saline wetlands, one of which is the Conservancy-owned Carncross Salt Pond Preserve within the project area near Howland Island.

We hope that the Department will proceed with this important project, and we stand ready to assist in its implementation. The currently-organized Montezuma Advisory Committee is an appropriate body to provide guidance to the Department throughout the project's implementation, and we urge that it remain active. 119

Sincerely,

Wayne A. Klockner
Executive Director
Central/Western New York Chapters

WAK/k

National Office, 1815 North Lynn Street, Arlington, VA 22209

Response to Nature Conservancy Comments:

118. Acknowledged.

119. The advisory committee's continued activity and function will be discussed at a future meeting. Should the committee desire to continue periodic meetings, this would be welcomed.

Drahms, A.M.

COMMENT SHEET FOR THE NORTHERN
MONTEZUMA WETLANDS PROJECT

Draft Environmental Impact Statement

Name: Andrea M. Drahms

Organizaton: Clyde-Savannah Board of Education; private citizen

Street: 206 Rt. 89 South

City: Savannah State: New York Zip: 13146

Phone Number: (315) 365-3197

Comments: Although the Montezuma Wetlands Project has worthy objectives, I am opposed to its development for several reasons.

1. The scope of the project is too large and the financial impact to towns such as Savannah would be severe. The potential loss of up to $149,000 in tax revenues for the school district alone would create an increase in the tax rate of $2.00. 1
2. The people who would be most affected by the project will not have a direct vote as to whether or not it is carried out. This approach is undemocratic and un-American. 0
3. Since both the state and federal governments are facing serious deficit problems, this is not the time to be asking taxpayers to fund new programs that are not absolutely necessary to the welfare of people.
4. The Impact statement is not conservative when it claims that property values would increase, rather than decrease as a result of the project. Specific examples should be cited of sites that actually improved property values in other parts of the country.

(Please use additional paper for further comments.) This kind of program has

Which alternative do you favor? #1

Andrea M. Drahms
Signature

Comments should be received by August 1, 1990.

(Fold in half, staple or tape, and mail. No postage necessary.)

Reponse to Andrea M. Drahms

120. The project sponsors disagree. A great deal of time has been spent in obtaining input from people living in the project area. Still more time was spent providing project information so the people could intelligently respond to what was being proposed. Overall, the following public contacts (either to give information or to obtain information) have been made since the inception of the project:

September 16, 1988	-Statewide news release announcing the project. Meeting dates also announced. Project description included.
September 23, 1988	-Open house at the Montezuma NWR to explain project and gather input and concerns.
February 16, 1989	-Statewide news release announcing scoping meeting. Project again described.
February 22, 1989	-Scoping meeting at the Montezuma NWR to receive formal public comments. Received written comments for an additional 30 days. These comments used to write most of delis.
March 1989	-Informational wetlands article in the March-April 1989 issue of "The Conservationist" where project was discussed.
May 24, 1990	-Statewide news release describing project delis, announcing public informational meeting, and announcing dates of formal hearings.
	-Regional news release (for regions 7 and 8) describing project and announcing dates, locations and times of informational meetings.
	-Letter sent to all landowners within the project area announcing the availability of the delis.
	-Distribution of delis by mail and through town clerks offices.
Weeks of June 4 and 11, 1990	
	-Eight informational meetings were held in Seneca Falls, Butler, Montezuma, Savannah, Victory, Clyde, Cato and Conquest to answer questions about project.
June 19,20 and 21, 1990	
	-Formal public hearings at the Seneca County Office Building, Weedsport High School and Savannah Elementary School. Written Comments accepted until August 1, 1990. Comments and concerns about the project received and will be used in formulating the final EIS.

In short, there has been ample opportunity for local people to learn about the project and to provide input right from the beginning. The delis was greatly influenced by the many public comments made. This input proved to be most valuable and has been heavily utilized.

Granger, J

United States Fish and Wildlife Service
Attn; Mr. Paul Casey
One Gateway Center, Suite 700
Newton Corner, MA. 02158

July 29,1990

Dear Mr. Casey,

The proposed 30,000 acre duck pond is a flyway and not a nesting area. The decline in bird population is due to drought conditions in Northern and Western nesting areas.

Land management should be left to interested land owners; not to bureaucratic agencies which are politically motivated and self-serving to be effective over a long period of time.

The present budget deficit problems are such that the State and Federal governments should prohibit any spending for a project such as this frog pond. 121

Farm numbers have decreased , but acreage on remaining farms have increased nullifying somewhat the loss of farm land.

Local zoning laws and ag district laws have evolved over a long period of time and are suitable to the present human population.

To usurp the number one business in N.Y. (agriculture), and make it secondary to a proposed 30,000 acre duck pond is ludicrous. The subsequent loss of processing facilities and other service organizations due to a decline in volume will impact agriculture even more.

The only possible proposal is the no action proposal.

Thank-you,
Jack Granger
Jack Granger
11222 Salter Road
North Rose,N.Y.
14516

Response to Jack Granger

121. Many governmental entities including New York use forms of financing other than direct appropriation. These include bond acts or initiatives. If approved these funds must be used only for the purposes for which they were dedicated. Therefore, the use of bond act monies are entirely separated from any other budgetary process. This has been the primary means by which New York finances land acquisitions, and is a process that will likely continue.

Reynolds, E A.

4030 Galen Road
Clyde, New York 14433
July 21, 1990

NEW YORK STATE DEPARTMENT
OF ENVIRONMENTAL CONSERVATION
Mr. Donald Slingerland
Wildlife Resources Center
Delmar, New York 12054

U.S. FISH AND WILDLIFE SERVICE
Mr. Paul Casey
One Gateway Center, Suite 700
Newton Corner, MA 02158

Dear Sirs:

I want to go on record against any land acquisition to expand the Montezuma Wildlife Refuge as described in the Draft Environmental Impact Statement: Northern Montezuma Wetlands Project, DES 90-10 which takes in Seneca, Wayne and Cayuga Counties.

122

My reasons begin with the fact that property owners in the affected areas were not properly notified by the government that this plan included their homes and farms. Secondly, both the state and federal governments are in debt. The purchase of this land will increase the debt since the project is to be financed by issuing bonds. We cannot borrow to pay for projects like this. The projects should be cancelled.

I have many personal reasons to oppose the project as well. Frankly, I object to the activities of the government working with Robert Congel and Savannah Evergreen to change the landscape and our way of life against our will in order to provide a private shooting gallery not open to the public. The plan speaks about recreation in terms of hunting. The North American Waterfowl Management Plan (NAWMP) also talks about harvesting game fowl. I would like to know how many geese and other types of birds are to be harvested in this extended wetlands each year? How many hunters are there expected to be coming in from out of the area? What assurances do we have that they will follow safe hunting practices? What special permits will you require? What law enforcement plan will you be following to monitor their behavior? The NAWMP indicates that "Canadian geese have reached unprecedented high population levels" (p.6) and yet your study talks about increasing the population by use of these new fly ways. Why?

In addition, the extension of the wetlands by purchase of farmlands and not improved acreage puts the state and federal agencies in their worst light. You appear as Big Brother snatching land away from small family farms and their heirs. Your leaving us our homes means also that you rob us of our equity.

Saying that all the purchases will be voluntary and that eminent domain is a last resort is not convincing. We know that financial pressure causes some people to sell when they would not otherwise chose to do so. We know that living in an area turned back to wilderness and swamp will not be pleasant because of the insects, and will not be viable for farming because of the wildlife. Selling under those circumstances will not be voluntary for any of us. We understand your hidden agenda to force us from our land and we will not accept this.

When we have been put in untenable situations so that our lands are sold against our will, we will still not be able to sell you our homes, because you only want the cheap land. Thus, you ruin our equity, take away our children's inheritance, and claim the sales are voluntary.

For those families in Wayne, Cayuga and Seneca Counties whose lands are not part of this government land grab, there are dire consequences as well. Families who have moved to this area from Pennsylvania because of wildlife refuge projects there report that the increased blackbird population and geese population accompanying the project ruined farm crops and forced families out. Mr. Casey admits being aware of these problems and states that there is a Cornell study investigating whether the cause was the grain in the area or the nesting habitat. That strikes me as blaming the farmer for his or her own problems. There is bountiful grain in the area already. If it were the attraction that caused a bird population to grow to the point of crop destruction, we would see evidence of that now. It is clear to us without high priced studies and statistical analysis that the increased nesting habitat brings the increased and damaging bird population. We will not surrender our farms and homes to the birds. We know that 3% of the nations is now feeding the other 97%. We can not lose more small family farms and depend on the big industrial farms of the midwest to feed the nation. This state has set policy to preserve the family farm, and this proposal ignores that fact.

Another issue that is of concern to every family in the area, whether or not their land is targeted for government acquisition is the issue of local taxes. Taking this amount of land out of private hands erodes the tax base. School enrollment is bound to drop. The town of Savannah has already lost 60 students because of lands acquired by Savannah Evergreen. That means that taxes must increase as fewer people with less land are available to pay the way, and fewer students are in the school districts to attract state aid. There is no way the communities will prosper under this plan. Our villages will be little islands amid the wetland with growth, economic development, and agriculture cut off at the root. Your plan, sirs, guarantees rural poverty throughout the 21st century.

Your plans have selected the most expensive, most intrusive and most disruptive means to achieve wildlife protection. You did

not show any work in evaluating the possibilities of land owner education and cooperative ventures to maintain existing wetlands and wilderness--extensive areas in our county as a matter of fact. You did not measure the acreage that would now qualify for such designation which you could discuss as reasonable people with the landowners to see what alternatives could be worked out. You did not acknowledge that many acres of lake frontage is already state land left in unmanaged undeveloped wilderness in this county. You did not identify people who are concerned with the environment and wildlife in this area who would serve as resources for conservation. Why not? Was it because the government is only interested in taking land, and not conserving it? Or that the power to write and plan on the backs of the tax payers and push it through is too heady for reasoned discussion of cheaper alternatives?

The NAWMP also indicates that carrying capacity in the existing 382,500 acres of lands managed for waterfowl use by wild life agencies in the eastern US can be increase by 25%. (p13) That improved management should be our first concern before we talk about expenditures of this size intruding on the private property rights of tax payers and small farmers in central New York. The NAWMP emphasized the maintenance of farmlands and cooperative efforts with farmers so that the work is "generally beneficial or neutral with respect to agricultural activities and industrial land uses." (p.11) Why did the NY wetlands plan not recognize these issue?

Furthermore, in looking at the references listed with the DEIS, I see that the NAWMP of May 1986 was not even included. Your plan runs counter to nearly all the principals of cooperation set down in that international cooperative plan, and will not be as effective as a plan based on the NAWMP. Neither do you list the 1916 and the 1936 Migratory Bird Conventions, additional basic references in the goal of preserving bird habitat and flyways. Those glaring omissions lead me to question the qualification of the preparers of the DEIS. Not one preparer has an advanced degree over a basic four year bachelors. Clearly they are not skilled in the area of research and knowing what the literature is on the subject. How then can we believe their recommendations are sound and reality based? I am asking that the entire proposal should be resubmitted to experts in the field of conservation with degrees and experience to support their expertise, in order that a complete re-evaluation of the environmental impact be made by people qualified to judge a proposal of such far reaching impact.

In addition, any such re-evaluation and design team should include experts in the area of agricultural land management, rural planners, anti-poverty advocates and migrant worker programs,

public health officials, representatives from school districts, farm bureaus, and residents of the impacted areas. Your failure to look at the plan in a comprehensive manner means that the DEIS is little more than a sales pitch drawn to meet the legal requirement and convince the gullible public of its benign intent.

In the meantime, I insist that this wetland expansion be ended immediately and alternative proposals discussed in view of cost and the right of tax payers to hold private property.

Peace, justice, and land,

Eric A. Reynolds

President George Bush
North American Waterfowl Management Plan Committee
U.S. Secretary of the Interior
Governor Cuomo
Congressman Frank Horton
Senator Alfonse D'Amato
Senator Patrick Moynihan
Senator Paul Kehoe
Assemblyman Michael Nozzolio
Wayne County Board of Supervisors
Seneca County Board of Supervisors
Cayuga County Legislators
Gloria Griffin, Cayuga County Action Program
Wayne County Action Program
Rose Town Board
Butler Town Board
Savannah Town Board
Galen Town Board

Response to Eric A. Raynolds

122. The project sponsors disagree. Not only were all SEQR and NEPA act notification requirements satisfied, considerable additional effort was expended in putting out project information and gathering public input. The preceding response to the "Local Influence" comments describe many of the contacts that were made. In addition, there have been numerous newspaper article, prepaid "legal notices", TV news coverage, radio news coverage and locally sponsored meetings announcing and discussing the project. Finally, as indicated under "Local Influence" all landowners in the project boundaries were contacted directly with the information that a project delis was available concerning the area where their property was located.

Additionally response number 120 explains the great length the Service and the Department expended to involve and inform the local property owners.

RECEIVED
90 JUL 29 AM 10:43
U.S. FISH & WILDLIFE SERVICE
WASHINGTON OFFICE

COMMENT SHEET FOR THE NORTHERN MONTEZUMA WETLANDS PROJECT

Draft Environmental Impact Statement

Name: Walter A. Davis

Organization: W.& R. Davis Farms

Street: 2030 Bixby Wood Road

City: Savannah State: New York Zip: 13146

Phone Number: (315) 365-2266

Comments: This wetlands project will upset the tax structure; especially to my son and myself,who are now paying taxes on 1400 acres. I am afraid the taxes will be raised th the point where we will not be able to pay them. Also, we would not be able to find a buyer for the farms because, of the excessive tax rate if we wanted to sell out! 123

We are also in the position where we will be surrounded by the project and be forced to feed all their livestock and birds. We are plagued with deer and bird damage at present levels.

Without some form of compensation from DEC for lost tax revenue and crop damage we are against the project. The only way we would favor the project would be to sell complete farms to the project then lease back.

If you are interested in what happens to a farm after the state takes over, take a look at the Howland Island Farms.

Which altermative do you favor? As propased - am against!

Walter A Davis
Signature

Response to Walter A. Davis, W. & R. Davis Farms

123. See response number 4.

Mail to:
U. S. Fish and Wildlife Service
Att: Mr. Paul Casey
One Gateway Center, Suite 700
Newton Corner, Mass. 02158

COMMENT SHEET FOR THE NORTHERN MONTEZUMA WETLANDS PROJECT

Draft Environmental Impact Statement

Name: Beverly Lacey

Organizaton: Individual

Street: 30 Sunnyfield Drive

City: Cortland State: NY Zip: 13045

Phone Number: (607) 753.8701

Comments: I am very much in favor of the Montezuma wetlands project as I realize the importance of maintaining adequate resting and nesting areas for our natives waterfowl. I am a past resident of the Cayuga Lake Montezuma areas for the last 27 years and have witnessed the decreasing quality of our wetlands. 124

I am aware of the objections brought on by some areas due to the erosion of their tax base but feel that the importance of this project overshadows the short range problems that are being objected to.

I also feel that the north end of Cayuga Lake, from the railroad tracks to the Seneca River should be included in this project

(Please use additional paper for further comments.)

Which alternative do you favor?

Beverly Lacey
Signature

Comments should be received by August 1, 1990.

(Fold in half, staple or tape, and mail. No postage necessary.)

Dickens, K
Dickens, J
Dickens, C
Dickens, A

July 16, 1990

New York Department of Environmental Conservation
Wildlife Resources Center
Delmar, New York 12054

Dear Mr. Slingerland:

Dickens Farms, Inc. is located in the town of Savannah and encompasses about 1000 acres of upland soil which will be surrounded by the Northern Montezuma Wetlands Project. We expressed our concerns at the scoping meeting of February 1989. This letter is in response to the Draft Environmental Impact Statement that we received in May 1990. We have several concerns about the impacts that the Northern Montezuma Wetlands Proposed Project will impose on our farm, our community and our school district.

Our first major concern is the loss of tax revenues. Of all the townships involved, Savannah will lose the greatest share of tax money because the largest number of acres will be removed from our township. The federal government has a revenue-sharing program which will pay back a small percentage of lost dollars, but the state has no such program. It was suggested in the DEIS that the residents of the affected area urge their legislators to amend the Real Property Tax Law to provide some sort of "in-lieu of taxes" payment. We do not think this is a realistic solution. The chances of getting such an amendment passed is slim, especially when the state is experiencing major fiscal problems. Plus, if it did pass, it must be approved by the Governor which is not a strong probability. If this project brings the numbers of tourists and educators to this area that the DEIS projects, how will the town and county maintain the necessary roads and infrastructure with such a drastic loss in taxes?

Aside from the problem of lost taxes to the town and county, there is an additional loss of approximately $140,000 of school taxes from the Clyde-Savannah School District. There is no mention in the DEIS as to possible ways to mitigate this loss.

With little help from the federal government and no help from the state, the burden of providing lost tax revenues will fall on the private landowners. The residents who are left are facing a drastic tax increase. Farmers, who pay a large percentage of land taxes, will be hard pressed to pay increased taxes of this magnitude.

In conjunction with the problems of rising taxes and lower profitability is the problem of increased loss of crops due to feeding by the wildlife living on the refuge. At the Savannah Information Meeting, June 12, 1990, Gene Holcutt, manager of the Montezuma

Response to Beverly Lacey

124. Acknowledged.

Wildlife Refuge, stated that the federal government had no plans to grow crops to feed the geese or other wildlife living on the refuge. For the most part, the geese, white tail deer, and black birds prefer to feed in the farmer's fields which surround the refuge. A large percentage of crops are lost each year to these three species of wildlife. If the proposed project goes forward, area farmers will incur an even greater loss. The DEIS states that the project needs agriculture to be successful, but without tax relief and compensation for bird and wildlife damage, it is doubtful that area farmers will survive.

At present, Dickens Farms, Inc. is part of an Agricultural District and is committed to keeping its land in agricultural production. According to Section 300 of the Agricultural District Law, "It is ... the declared policy of the State to conserve, protect and encourage the development and improvement of agricultural land for production of food and other agricultural products." According to the DEIS, 41% of the total soil mapping units have been designated "Prime and Unique" farmland. Another 23% has been designated as "Additional Land of Statewide Importance". The DEIS states that marginal farmlands will eventually be returned to wetlands and the rest of the land will remain in agricultural use. With increased taxes and increased crop losses due to wildlife, it may not be possible for agricultural land to stay in production. The Northern Montezuma Wetlands Proposed Project does not appear to be consistent with the state's declared policy to conserve and protect agricultural land. It is not possible to have more wildlife and at the same time have increased agricultural production. With so many years of crop surpluses, perhaps, agricultural production is no longer a high priority, but as the population continues to increase, it is a factor which must be carefully considered.

125

Another agricultural concern is the problem of restricting normal agricultural practices such as the application of pesticides and fertilizers and other chemicals. These practices are vital to crop production and any restriction could reduce production and profit. Also, there have been cases where the farmer has been liable for the loss of wildlife on his property because normal agricultural practices were toxic to wildlife. We at Dickens Farms, Inc. do not want to be placed in a postion of "double jeopardy" where we lose crops because of restrictions and at the same time are liable for wildlife losses incurred through normal farming practices.

Aside from our concerns about the proposed project's impact on agriculture and the tax base, we have several concerns about the project itself. First, we have to question why the project is taking place in this area and not in the Midwest where ducks and other waterfowl have traditionally nested. In the past, Montezuma has not been a nesting and breeding area for ducks. It is part of

the North Atlantic Fly Way which over the years bas attracted a greater number of ducks and geese because of increased production of corn. To convert this area to a nesting and breeding site for waterfowl will be a major undertaking. Once the land is acquired, where will the money come from to manage it? On page 10 of the DEIS, it says, "Funding sources for doing the work necessary must be found, and staff must be either hired or reassigned to implement this phase of the project." In particular, we have to question where the state will get the money to manage this additonal land, especially for diking, impoundments, and other costly changes needed for increased waterfowl nesting and breeding. At present, the state can barely manage the lands it already holds unless "management" means the return of the land to its natural vegetation in a "forever wild" type situation. The federal government may have a little more money available for management purposes, but there is no mention in the DEIS how either the DEC or the Federal Fish and Wildlife Service plan to pay for the managment plans that they have proposed.

It appears that there is a built-in bias in the decison making process for this project. It is an environmental project proposed by two environmental protection agencies. The environmental impact statement was designed to protect the environment from adverse impacts of further development. In this case the DEIS has examined the effects of the proposed project on the environment and found them to be minimal which is reasonal because this is an environmentally protective project. Unfortunately, the DEIS does not adequately explore the adverse economic impacts of this project. What we, as residents of this area need, is an Economic Impact Statement. It is the adverse economic impacts which will effect our futures and the futures of our children.

We at Dickens Farms, Inc. would like to see the No Action proposal implemented in place of the Proposed Action. We believe that the New York State Fresh Water Act adequately protects exisiting wetlands. If further enhancement of waterfowl habitat is necessary, we would like to see private landowners work with the SCS or the ASCS in a cooperative system such as the Conservation Reserve Program. The land could be managed for wildlife, but still be privately owned and consequently remain part of the tax base.

We are not opposed to the protection of wetlands or the environment. We enjoy the abundant and unique wildlife that live in or migrate through this area. It is a thrill to see and hear the sky filled with geese on an October evening or to catch a glimpse of a Bald Eagle soaring over the refuge, but we cannot support a project which threatens the survival of our farm and our community. If the proposed project goes forward, we are facing increased taxes and increased crop damage. These two factors make the future of farming

uncertain. In addition, it is questionable if the Town of Savannah can survive with such a large loss to its tax base and certainly our children's education is at risk with such a substantial loss of school taxes. The people who have proposed this project suggested that we think of our children and what sort of environment we would like to pass on to them. We agree that our children deserve the best environment that we can provide, but we would also like them to have the opportunity to be the fourth generation to manage Dickens Farms, Inc. and reside in Savannah if they choose. If the Proposed Project takes place, it appears that the ducks and geese can look forward to a more promising future than our children.

Sincerely yours,

Kenyon Dickens
Joanne Dickens
Charles Dickens
Agnes Dickens

Response to Kenyon, Joanne, Charles and Agnes Dickens

125. See response number 17.

COMMENT SHEET FOR THE NORTHERN
MONTEZUMA WETLANDS PROJECT

Draft Environmental Impact Statement

Name: Lois Fauvless

Organizaton: _____

Street: 4432 Galen Rd

City: N Rose State: NY Zip: 14516

Phone Number: (315) 594-1148

Comments: I oppose the expansion Project for many reasons -
1) I have worked very hard to purchase my land 126
and I resent the fact that the state + federal Government can impose such restrictions that could cost me my land 2) I oppose the tax burden that this kind of thing imposes on all tax payers who have to foot the bills for the purchase price, also the interest rate on bonds and for the land tax increase for the loss of the town + county revenues who have to make up the difference when all the land goes off tax rolls
3) There is also an increase health risk - Both my daughter and youngest son are allergic to insect bites. I + the rest of my neighbors that live next to this expansion project be ended immediately

(Please use additional paper for further comments.)

Which alternative do you favor?

Alternative 1
NO ACTION

Lois Fauvless
Signature

Comments should be received by August 1, 1990.

(Fold in half, staple or tape, and mail. No postage necessary.)

Response to Loise Fauvless

126. See response number 17.

COMMENT SHEET FOR THE NORTHERN
MONTEZUMA WETLANDS PROJECT

Draft Environmental Impact Statement

Name: Beverly Marro

Organizaton: Resident, Town of Savannah

Street: 13130 West Church Street

City: Savannah State: NY Zip: 13146

Phone Number: (315) 365-3198

Comments: After reviewing the information presented in the Northern Montezuma Wetlands Impact Study and comments heard during public hearings, I am against the proposed project due to the environmental and economic impact it will have on me as a resident and taxpayer in Savannah. 127

I am concerned not only about the tax/financial impact but also about the problems that may arise from increased animal habitats, i.e. mosquito infestation, crop damage, property damage. I am also very concerned about the impact on available farm land. How nice that we want to preserve wetlands, I am in favor of this but I feel it should not be done at the expense of land that provides a living to people and food on out tables.

(Please use additional paper for further comments.)

Which alternative do you favor? None at this time

Beverly Marro
Signature

Comments should be received by August 1, 1990.

(Fold in half, staple or tape, and mail. No postage necessary.)

Response to Beverly Marro

127. See response number 26.

COMMENT SHEET FOR THE NORTHERN
MONTEZUMA WETLANDS PROJECT

Draft Environmental Impact Statement

Name: SUSAN ADIE

Organizaton:

Street: 3970 RIDGE ROAD

City: SENECA FALLS State: N.Y. Zip: 13148

Phone Number: (315, 549 - 8865 128

Comments: I am sorry to see that environmental education ——— and an environmental education facility did not receive more attention.

Again I believe and I would like to see that this state make it a priority to include a DEC operated environmental education center.

(Please use additional paper for further comments.)

Which alternative do you favor? 4 Maximum Protection

Susan Adie
Signature

Comments should be received by August 1, 1990.

(Fold in half, staple or tape, and mail. No postage necessary.)

Response to Susan Adie

128. See response number 24.

COMMENT SHEET FOR THE NORTHERN
MONTEZUMA WETLANDS PROJECT

Draft Environmental Impact Statement

Name: BILL AND LINDA GILLETTE

Organizaton:

Street: 2274 REED RD.

City: SAVANNAH State: NEW YORK Zip: 13146

Phone Number: ( ) .

129

Comments: BEFORE THE STATE TAKES OVER ANY MORE AREAS FOR CONSERVATION PURPOSES, IT BETTER LEARN TO CONTROL THE AREAS IT ALREADY HAS. FOR EXAMPLE, MONTEZUMA WILDLIFE REFUGE HAS BECOME BOTH MOSQUITOE AND CARP INFESTED, AND THE WATERS OF HOLLAND ISLAND ARE FULL OF WEEDS AND INSECTS. HOLLAND ISLAND HAS ALSO BECOME AN EYE SORE TO THE PUBLIC. BECAUSE OF THESE VERY POORLY MANAGED AND OUT OF CONTROL STATE PROJECTS, WE DO NOT FAVOR SEEING THE STATE INCREASE ITS AREAS OF RESPONSIBILITY FOR WILDLIFE MANAGEMENT IN THE NORTHERN MONTEZUMA WETLANDS PROJECT. THE STATE NEEDS TO CONTROL AND UNDERSTAND WHAT WILDLIFE MANAGEMENT IS AND LEARN TO APPLY THIS IF IT BENEFITS ALL CONCERNS (IE., ANIMALS, BIRDS, PLANTS, WATER LIFE, AND PEOPLE.)

THE STATE ALSO NEEDS TO BE MORE CONSISTENT REGARDING WILDLIFE CONSERVATION WITH RESPECT TO ALL LAND OWNERS. CURRENTLY, IN THE SAVANNAH WETLANDS AREA, THERE ARE 2 OTHER PRIVATE CONSERVATION PROJECTS TAKING PLACE. THE STATE SEES NO NEED TO INTERVENE WITH THESE AREAS, BUT THE SMALLER LAND OWNERS ARE THE ONES BEING PURSUED FOR THE NORTHERN MONTEZUMA WETLANDS PROJECT AREA. THE STATE NEEDS TO BECOME MORE CONSISTENT IN ITS DEALINGS WITH LAND OWNERS SUCH THAT THE SMALL AND LARGE LAND OWNERS ARE ALL TREATED EQUAL.

(Please use additional paper for further comments.)

Which alternative do you favor?

Mr & Mrs William Gillette
Signature

Comments should be received by August 1, 1990.

(Fold in half, staple or tape, and mail. No postage necessary.)

Response to Bill and Linda Gillette

129. See response number 29.

COMMENT SHEET FOR THE NORTHERN
MONTEZUMA WETLANDS PROJECT

Draft Environmental Impact Statement

Name: John H Sumner

Organization: Land Owner

Street: 4504 Dressy Rd

City: Savannah State: N.Y. Zip: 13146

Phone Number: 315) 594-2639

Comments: Dear Sirs!

I would like to go on record as
by opposing any purchase of
land for the extension of the
Montezuma Wildlife project

130

However I think the project should
be managed and the Dept. works
with present land owners to improve
conditions - I further object to
the idea of a Bond issue to
promote a project of this magnitude

(Please use additional paper for further comments.)

Which alternative do you favor?

John H Sumner
Signature

Comments should be received by August 1, 1990.

(Fold in half, staple or tape, and mail. No postage necessary.)

Response to John H. Sumner

130. See response number 43.

COMMENT SHEET FOR THE NORTHERN
MONTEZUMA WETLANDS PROJECT

Draft Environmental Impact Statement

Name: Leo + Helen Adams

Organizaton: Cross Lake Improvement Association

Street: 3217 E Foster St

City: Palmyra State: Ny Zip: 14522

Phone Number: 315 x597-x2316

131

Comments:

We are against this project as we feel it will only increase our flooding problem and quality of water, and our fish environment on Cross Lake

(Please use additional paper for further comments.)

Which alternative do you favor? against

Leo + Helen Adams
Signature

Comments should be received by August 1, 1990.

(Fold in half, staple or tape, and mail. No postage necessary.)

Response to Leo & Helen Adams

131. See Section V.B.d. for information on flooding concerns.

INDEX

*U.S. GOVERNMENT PRINTING OFFICE: 1991--523-808/40334

UNITED STATES
TMENT OF THE INTERIOR
H AND WILDLIFE SERVICE
ONE GATEWAY CENTER
ORNER, MASSACHUSETTS 02158

OFFICIAL BUSINESS
ENALTY FOR PRIVATE USE $300

POSTAG
U.S. DEPARTM