

A. INTRODUCTION

This section provides an overview of resource use patterns in agriculture, recreation, and land use, and provides a description of existing conditions and settings of the Nation's properties subject to the fee-to-trust application.

As discussed in the Project Description, the Montezuma parcel has been withdrawn from the fee-to-trust application and is therefore no longer part of the Proposed Action or alternatives. Therefore, any analysis of the Montezuma parcel that was included in the DEIS has been removed from this FEIS. Since the publication of the DEIS, the background conditions of the Project Area have not changed to any degree that would substantively affect the analyses or the conclusions drawn thereon. The Nation continues to utilize its properties in the manner described in the DEIS. Furthermore, there have been no substantive environmental or socioeconomic changes in the vicinity of the Project Site that warrant further analysis of the existing conditions, or future with or without the Proposed Action.

B. AGRICULTURE

The subject properties are located in an area that is largely characterized by low-density residential and agricultural land uses.

CAYUGA COUNTY

According to the 2002 Census of Agriculture, Cayuga County had 881 farms encompassing approximately 238,129 acres, or approximately 18 percent of the County's 522,000 acre land base.¹ According to the County's 1997 Land Use Plan,² agriculture is a significant component of the county's economy. The 2000 U.S. Census, however, indicates that agriculture accounts for only 3.9 percent of Cayuga's County's jobs. The county's Land Use Plan acknowledges that agricultural land has and will continue to undergo conversion to alternate land uses. The Agriculture and Farmlands Protection Plan for Cayuga County³ was adopted by the Cayuga County Agricultural and Farmlands Protection Board ("AFPB") in 1996 to set out basic policies to protect and promote agriculture in the county.

There are a number of agricultural districts within Cayuga County which provide property owners with protection from local laws which unreasonably restrict farm operations. None of the

¹ Available at <http://www.agcensus.usda.gov/Publications/2002/index.asp>.

² Available from the Cayuga County Department of Planning and Development, 160 Genesee Street, 5th Floor, Auburn, NY 13021.

³ Available from the Cayuga County Department of Planning and Development.

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Nation's properties are located in areas of previously adopted Cayuga County agricultural districts.

UNION SPRINGS PROPERTY

The subject property in Union Springs is comprised of four contiguous tax parcels which are substantially developed or commercial properties supporting the Nation's gas station, car wash, convenience store, and gaming operations. In addition, the Nation farms the 82 tillable acres of its 108 acre vacant tax lot for soybean cultivation. The farming activity consists of an annual cycle of preparing soil and planting, mid-summer spraying, and fall harvesting. Adjacent properties include a mix of residential, agricultural, and retail land uses. Based upon field investigations (see Appendix L of the DEIS) and historic aerial photography, the subject property appears to have once been in agricultural use. As discussed in Chapter 3.1, "Land Resources," the subject property contains soils considered by the USDA to be prime farmland soils.

SPRINGPORT PROPERTY

The subject property in Springport is approximately 3-acres and is currently vacant residential land. Adjacent properties consist mainly of residences, and several farm fields in the vicinity. Historic aerial photographs dating to 1938 indicate that this property has historically been vacant. The property contains soils considered by the USDA to be prime farmland soils. For more information regarding site soils, as discussed in Chapter 3.1, "Land Resources."

SENECA COUNTY

According to the 2002 Census of Agriculture, Seneca County had 466 farms encompassing approximately 127,242 acres. According to the Seneca County Agricultural Enhancement Plan, agriculture is an integral component of the county's economy. The 2000 U.S. Census indicates that 2.9 percent of the labor force is employed in the agricultural sector. On March 21, 2001, the Seneca County Agricultural Enhancement Board adopted the Seneca County Agricultural Enhancement Plan¹ to identify opportunities and challenges for the future of agriculture in the county. The plan notes that the amount of farmland has increased slightly, while the state and national numbers have decreased.

SENECA FALLS PROPERTY

The Seneca Falls property supports the Nation's LakeSide Enterprises commercial/retail uses including a retail gas station, convenience store, and formerly a gaming operation. Surrounding lands include a mix of residential, agricultural, and retail uses. Historic aerial photographs of the subject property indicate that the project parcels could have been used as farmland, as discussed in Section 3.1, "Land Resources." The Nation's property in Seneca Falls contains soils considered by the USDA to be prime farmland soils, and Town of Seneca Falls draft Comprehensive Plan indicates that the property contains soils of statewide importance. The property, however, has historically been substantially developed as a campground, with associated support facilities, as well as the current commercial operations of the Nation. In

¹ Available from the Cornell Cooperative Extension of Seneca County, 308 Main Street Shop Centre, Waterloo, NY 13165.

addition, the Nation's Seneca County property is not located in a previously adopted Seneca County agricultural district.

C. RECREATION

SENECA COUNTY

There are several New York State and national recreational facilities located in proximity to the Nation's Seneca Falls property (see Figure 3.10-1). Cayuga Lake State Park is located on Route 89, less than one mile directly south of the Nation's Seneca Falls Property. This New York State Park has a beach, boat launch site, campground, recreation areas, and recreation building among other amenities.

The Women's Rights National Historical Park is located east of the Nation's property in Seneca Falls. This National Historic Park, which encompasses 4.38 acres owned by the National Park Service and 2.45 acres of non-federal land in Seneca Falls, consists of four major historical properties and a Visitor Center.

To the south of the Seneca Falls property is the Deans Cove Boat Launch. This New York State Park is a boat launch site with fishing access.

To the north of the Seneca Falls property, is the Montezuma National Wildlife Refuge. The Montezuma National Wildlife Refuge, which encompasses 7,068 acres of land, lies at the north end of Cayuga Lake. The refuge provides resting, feeding, and nesting habitat for waterfowl and other migratory birds.

CAYUGA COUNTY

There are two public recreational facilities located in proximity to the Nation's Cayuga County properties (see Figure 3.10-1). The Montezuma National Wildlife Refuge is located approximately 9 miles north of the Union Springs property, and the Long Point State Park located approximately 8 miles south of the Nation's Springport property.

The Montezuma National Wildlife Refuge, which encompasses 7,068 acres of land, lies at the north end of Cayuga Lake. The refuge provides resting, feeding, and nesting habitat for waterfowl and other migratory birds. Long Point State Park is located to the south of the Nation's Cayuga County properties along Route 90 and contains areas for boating and fishing.

D. LAND USE PLANS

INTRODUCTION

This section contains a discussion of the local and regional land use setting and a discussion of the framework by which land use is guided and regulated in the area. This section also describes the existing land uses for the Nation's properties and adjacent properties.

LAND USE

The Nation's subject properties are located on six separate parcels (eight tax map I.D. numbers) in the Town of Seneca Falls in Seneca County, and the Village of Union Springs and the Town of Springport in Cayuga County, New York (see Figure 1-2, "Property Location").

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SENECA COUNTY

The Seneca Falls property consists of three tax lots comprising a single contiguous property of 13.98 acres. The property is currently developed, consisting of the Nation’s LakeSide Trading operations, consisting of a gas station and convenience store, and LakeSide Entertainment, consisting of the gaming operation. Table 3.11-1 shows the existing uses of the Seneca Falls property. The Nation’s LakeSide Trading gas station and convenience store are located on one tax parcel approximately .69 acres in size (36-1-49). The Nation’s property also consists of a former boat repair building that is not currently in operation (36-1-48.2). The LakeSide Enterprise office building is located on a separate tax parcel (36-1-48.1). The current condition of land and building development, including the gas station and convenience store uses, were in existence at the time the Nation acquired the property; the gaming facility was in operation at the time of the fee-to-trust application.

The surrounding area consists of agricultural, residential, and recreational uses. The New York Chiropractic College campus is located approximately 2,000 feet to the north of this property. Figure 3.11-1, “Seneca Falls Generalized Land Use” shows approximate land uses within one-half mile of these parcels.

**Table 3.11-1
Existing Uses: Seneca County Property**

Tax Number	Lot Acreage	Building Dimensions	Land Use	Zoning
Town of Seneca Falls Property				
36-1-48.1	10.42	Building one = 1,240 sf. Building two: 1,296 sf.	Office buildings (Former Campground)	Agriculture (A-1)
36-1-48.2	2.87	Store front = 1,800 sf. Shop = 4,872 sf.	Former boat repair	Residential (R-1)
36-1-49	0.69	Building with canopy frame = 2,922 sf.	LakeSide gas station and convenience store and LakeSide Entertainment (gaming facility)	Residential (R-1)
Source: Town of Seneca Falls Tax Collector				

The existing use (gas station and convenience store) is generally consistent with land uses in the immediate vicinity. There are several commercial operations directly east of the properties on Route 89.

CAYUGA COUNTY

The Nation’s two Cayuga County properties are comprised of five tax lots in the Village of Union Springs and the Town of Springport. These tax lots and their designation numbers are shown in Table 3.11-2 below.

Union Springs Property

The Union Springs property is comprised of a contiguous block of property comprised of four tax parcels totaling approximately 111 acres. The property consists of vacant land, agricultural fields, LakeSide Trading, consisting of a convenience store, car wash, and gas station, and LakeSide Entertainment, consisting of the gaming facility. The surrounding area consists of

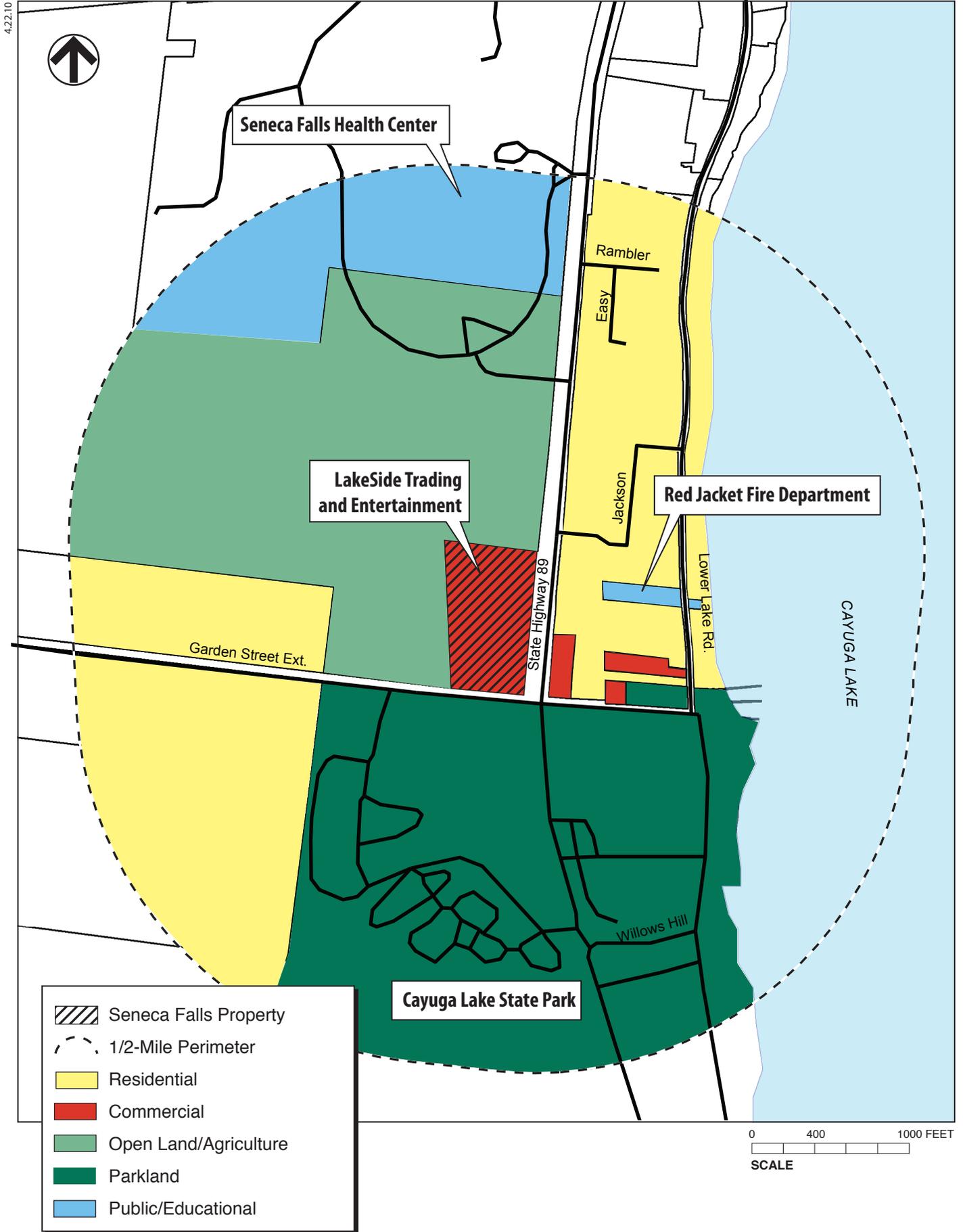


Figure 3.11-1
Seneca Falls Generalized Land Use

agricultural, residential and recreational use. Figure 3.11-2, “Union Springs Generalized Land Use” shows approximate land uses within one-half mile of these parcels. The current condition of land and building development, including the gas station, car wash, and convenience store uses, were in existence at the time the Nation acquired the properties. The site of LakeSide Entertainment was developed and used as a retail automobile parts store prior to the property’s acquisition by the Nation; the Nation’s gaming facility at this location was in full operation at the time of the fee-to-trust application.

The property is bordered by undeveloped land to the north, retail properties including the LakeSide Trading property to the east, a fire department, high school and residential properties to the south, and residential properties to the west. Cayuga Lake is located approximately 500 feet west of the parcel. The bulk of this property is the approximately 108 acre vacant tax lot 134.17-1-1.51, 82 acres of which is tillable and utilized for soybean cultivation. This land use is consistent with the predominant land uses in the surrounding area.

Within the contiguous Union Springs property, the Nation’s LakeSide Trading gas station, convenience store and car wash businesses are located on two separate tax parcels totaling approximately 2 acres (134.17-1-1.21 & 134.17-1-1.121). The immediate area is bordered by vacant land to the north, NYS Route 90 followed by residential properties to the east, local retail shops to the south and vacant land to the west. Based on a review of local records, aerial photographs and historic maps, the parcels were developed as a gas station, convenient store and carwash in 1998, prior to the Nation’s purchase. The existing uses on these parcels are generally consistent with the land uses in the immediate area. There are several other commercial and professional office operations to the south and west of the subject parcels.

**Table 3.11-2
Existing Uses: Cayuga County Information**

Tax Number	Lot Acreage	Building Dimensions square footage (sf)	Land Use	Zoning
Village of Union Springs Property				
134.17-1-1.121	0.98	store = 2,480 sf. canopy & pumps = 3,336 sf. storage shed = 168 sf.	Gas station/ convenience store	Commercial (C)
134.17-1-1.21	1	1,800 sf. 3 bays, 10-foot wide	Car Wash	Commercial (C)
141.05-1-3	1.48	2,304 sf.	LakeSide Entertainment (gaming facility)	Industrial (I)
134.17-1-1.51	108	N/A	Vacant/ Open Land/Agriculture	Industrial (I)
Town of Springport Property				
150.00-1-29.1	3.70	N/A	Vacant/ Open Land	Agricultural Residential (AR)
Sources: Village of Union Springs Tax Collector, Town of Springport Tax Collector				

LakeSide Entertainment is located at 271 Cayuga Street and an approximately 1.48 acre parcel (tax lot 141.05-1-3). This parcel is bordered by agricultural land to the north, NYS Route 90 followed by residential properties to the east, Union Springs Fire Department to the south, and vacant agricultural land to the west. Based on a review of local records, aerial photographs and

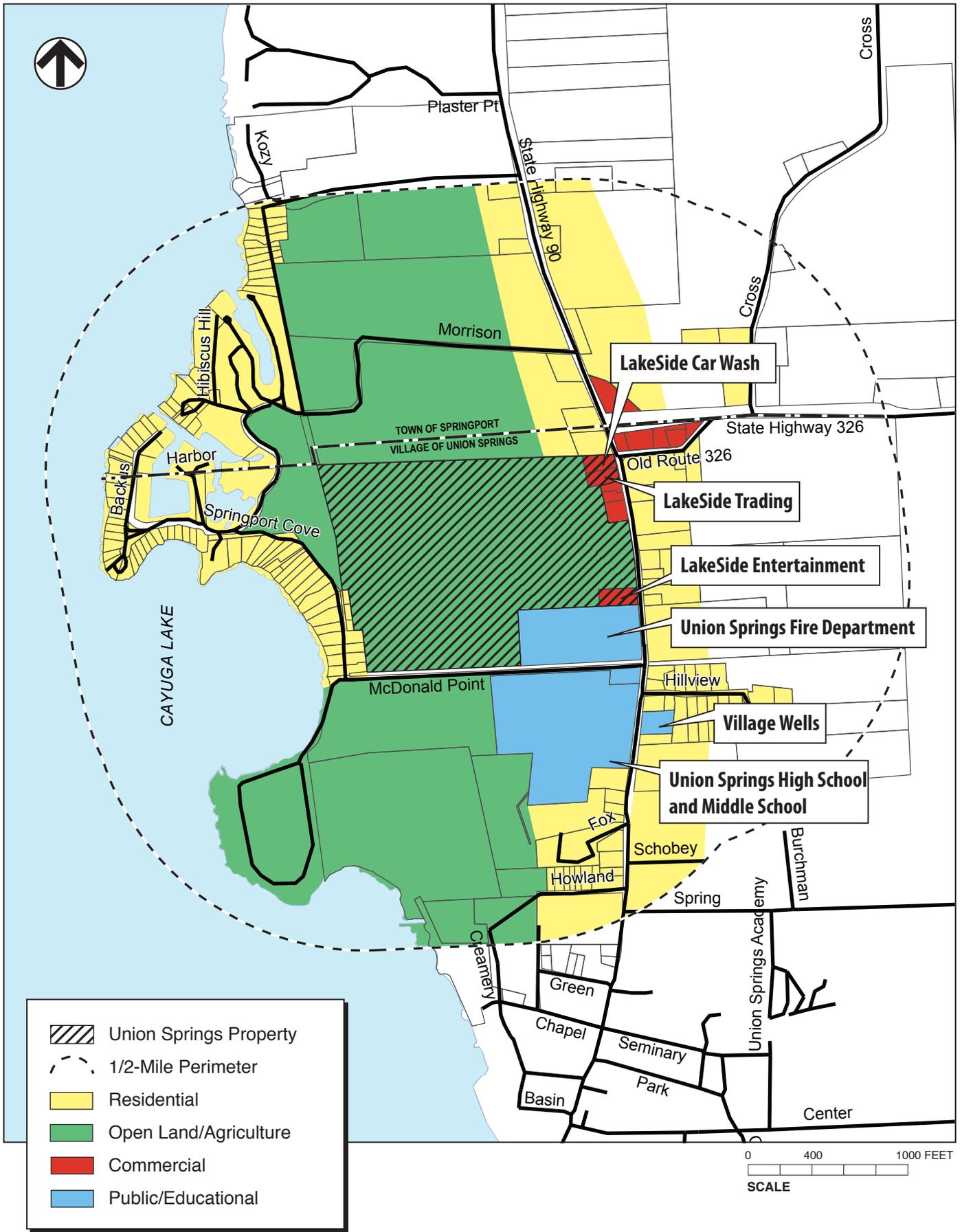


Figure 3.11-2
Union Springs Generalized Land Use

historic maps, the site building was constructed around 2000 prior to acquisition by the Nation. LakeSide Entertainment is comprised of a 2,304 square foot one-story building that includes 86 electronic bingo machines. This use, although distinct in the immediate area, is consistent with other commercial uses located in the vicinity.

Springport Property

The Springport property consists of one tax parcel (150.00-1-29.1) comprised of approximately 3.70 acres. This parcel is rectangular and is bordered on the north and south by residential properties, on the east by NYS Route 90, and to the west by a former railroad bed followed by a wooded area. Based on a review of local records, aerial photographs and historic maps, the parcel appears to have never been developed and is vacant land. Figure 3.11-3, “Springport Generalized Land Use” shows approximate land uses within one-half mile of this parcel. This existing use on this parcel (vacant land) is consistent with the uses in the immediate vicinity of the property.

ZONING

This section contains a discussion of the local zoning on each of the subject properties and the surrounding areas.

SENECA COUNTY

Seneca Falls Property

The Seneca Falls property is predominantly located in the Town of Seneca Falls Residential (R-1) Zoning District. A portion of the former campground is located in the adjacent Agricultural A-1 Zoning District. Figure 3.11-4, “Seneca Falls Zoning” shows the zoning within one-half mile of this parcel.

Permitted uses in the R-1 District include single-family residential, churches, primary and secondary schools, and public buildings. Special conditions apply to uses that include customary home occupations, essential services, off-street parking and loading and signs. Special permit uses include bed-and-breakfast establishments, cluster development, planned unit developments, and post-secondary schools. The existing LakeSide gas station and convenience store, which would qualify as an automobile service station within the Town Code is not a permitted use in the R-1 Zoning District. However, this property existed in its current developed condition prior to the Nation’s acquisition, and the property has been in this use prior to the Nation’s acquisition and assumption of the business operations and therefore qualifies as a legal non-conforming use.

Permitted uses in the A-1 Zoning District include churches, essential services, one-family dwellings, primary and secondary schools, and public buildings. Special conditions apply to uses that include customary home occupations, nurseries and greenhouses, outdoor recreation facilities, and roadside stands. Special permit uses include airports; bed-and-breakfast establishments; electric power plants and transmission stations; extraction of stone, sand and gravel; golf courses and driving ranges; kennels; pet breeders; parks, athletic facilities and outdoor recreation facilities; post-secondary schools; mobile home parks; camping grounds; and recreational vehicle parks. A portion of the site of the former campground is located in the A-1 Zoning District and is no longer an active use on the property.¹

¹ Village of Seneca Falls zoning code available at <http://www.ecode360.com/?custId=SE0155>.

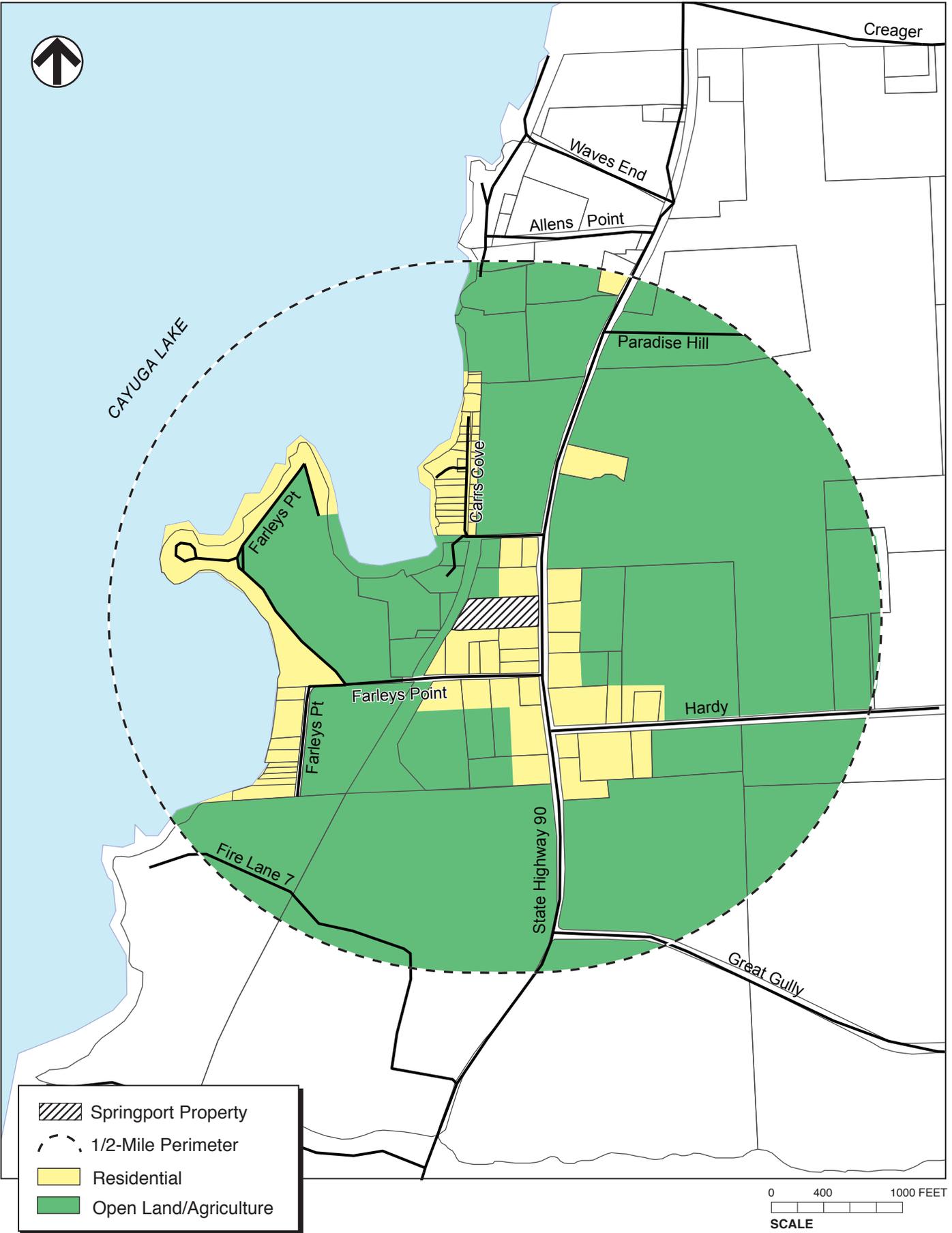
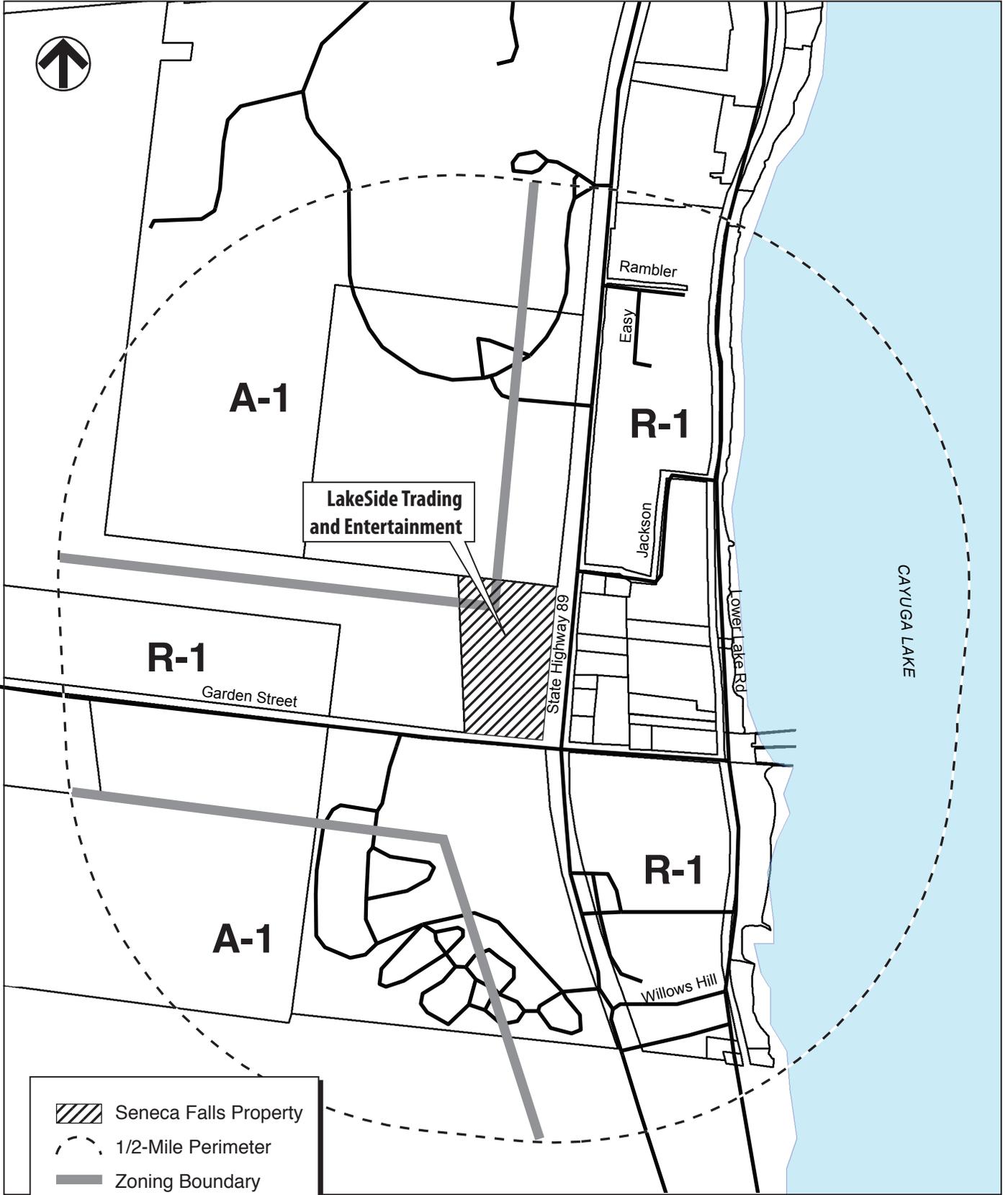


Figure 3.11-3
Springport Generalized Land Use



	Seneca Falls Property
	1/2-Mile Perimeter
	Zoning Boundary
A-1	Agricultural
R-1	Residential



CAYUGA COUNTY

Union Springs Property

The individual tax parcels comprising the Nation's contiguous Union Springs property are located in several Village of Union Springs zoning districts. The 108-acre parcel and the 1.48-acre LakeSide Entertainment parcel are primarily located within the Industrial (I) Zoning District. The parcels containing LakeSide Trading (convenience store/gas station) and the car wash are located within the Commercial (C) Zoning District. Figure 3.11-5, "Union Springs Zoning" shows the zoning within one-half mile of this parcel.

Permitted uses in the Industrial Zoning District include limited agricultural uses, government owned or operated recreational facilities; public buildings; libraries; eating places; and motel/hotels. Special permit uses include residential uses; multi-occupancy conversions; churches; public parks or recreation areas; automotive service uses; commercial marine service uses; and non-noxious industrial uses. The Nation's existing use of the 108-acre parcel, which is currently vacant, is consistent with permitted zoning. LakeSide Entertainment, which is located on the 1.48-acre parcel, is also located in the Industrial (I) Zoning District. This use is not explicitly a permitted use in the Industrial (I) District of the Village Zoning Code.

Permitted uses in the Commercial (C) Zoning District include accessory greenhouses; a government owned or operated recreational facility; public buildings; libraries; eating places; motel/hotel, private clubs or lodges, shops and stores, business and professional offices, gasoline service stations, and contractor offices. Special permit uses include minimal agricultural uses, residential uses; multiple family dwellings; churches; public parks or recreation; auto bodies; commercial marine service uses; and wholesale business and storage. The LakeSide Trading convenience store and gas station are consistent with permitted uses in the Commercial (C) Zoning District. The uses of this property existed condition prior to the Nation's acquisition of the property.

Surrounding zoning districts include Agricultural Residential (AR) to the south and east of the property, Residential (R) to the southeast of the property, and a small section of Commercial (C) to the east of the property.¹

Springport Property

The 3-acre Springport property is located in the Town of Springport's Agricultural Residential (AR) Zoning District. The AR Zoning District comprises the entirety of the Town of Springport. Permitted uses in the AR Zoning District include single family residential dwellings, farms, farm structures; and normal farm practices and operations. The subject property is currently a vacant lot and is therefore consistent with the zoning district in which it is located. Figure 3.11-6, "Springport Zoning" shows the zoning within one-half mile of this property.²

¹ Village of Union Springs zoning code available at <http://co.cayuga.ny.us/unionsprings/government/laws/pdf/files/zoningord.pdf>

² Town of Springport zoning code available at the Town Office, 859 State Route 326, Cayuga, NY 13034.

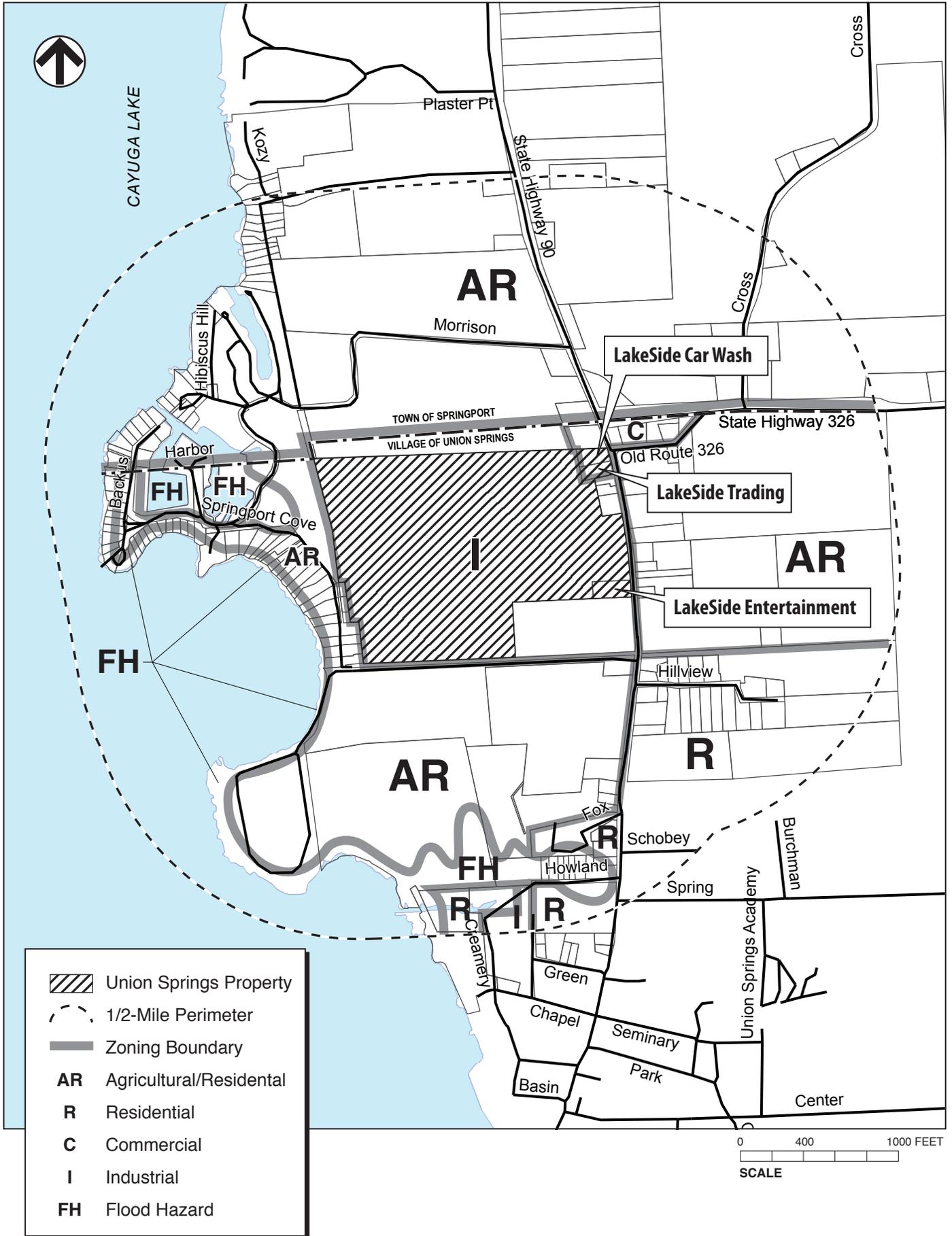
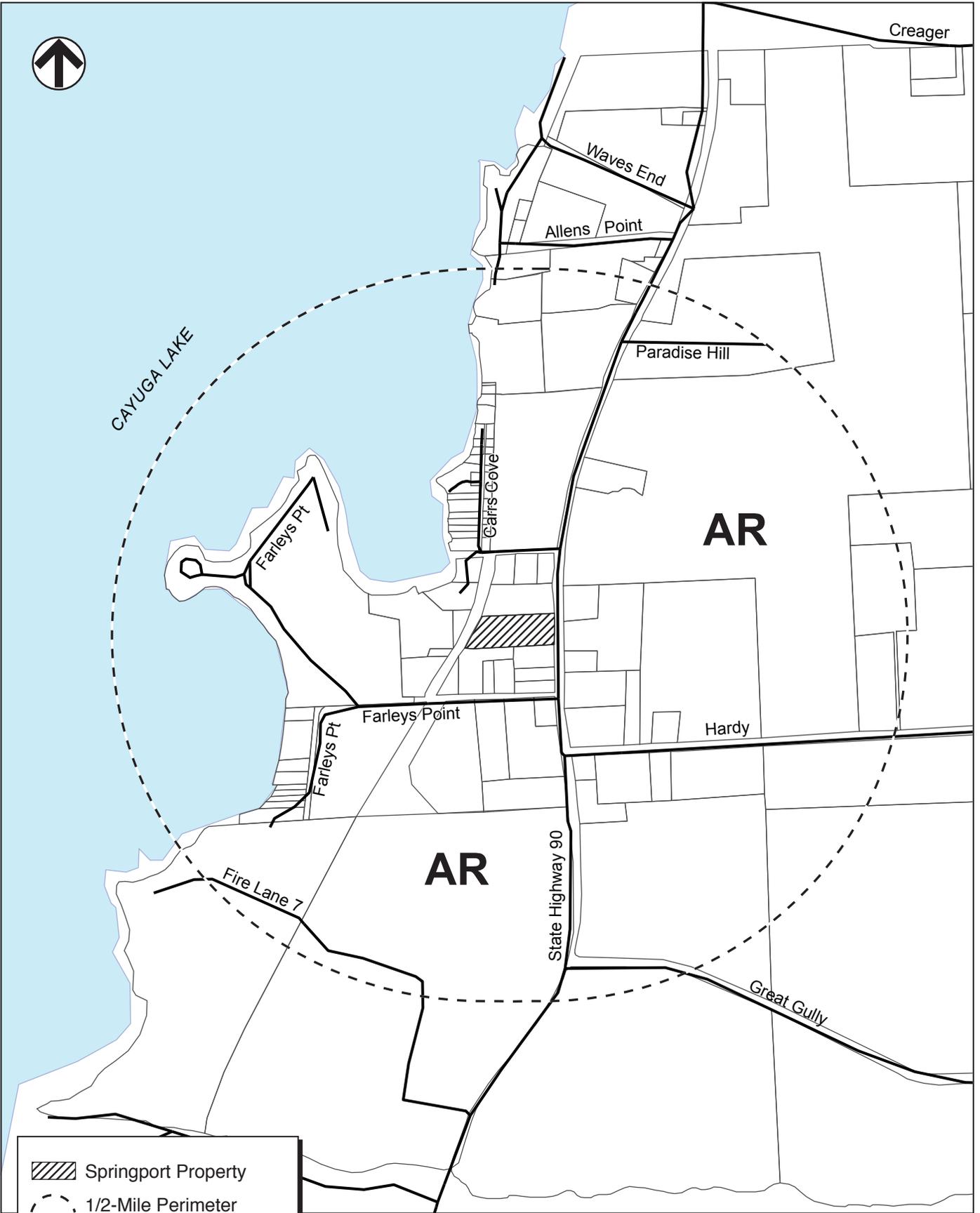


Figure 3.11-5
Union Springs Zoning



 Springport Property
 1/2-Mile Perimeter
AR Agricultural Residential



PUBLIC POLICY

SENECA COUNTY

Town and Village of Seneca Falls Comprehensive Plan

The Town and Village of Seneca Falls released a Draft Comprehensive Plan in May 2006. This draft Comprehensive Plan defines a number of goals and strategies with regard to the following areas of concern: economic security; social well-being and community services; natural resources, open space and agriculture; parks, recreation and culture; community character and historic preservation; and housing and neighborhoods. The draft plan emphasizes the desire for the preservation of the area's community character which promotes a diverse population, conservation of the local natural environment and agricultural lands, enhancement of the local tourism economy and the strengthening of the area's industry and commerce.

The draft Comprehensive Plan identifies Route 89, the location of the subject property, as a Cayuga Lake Scenic Byway. The Cayuga Lake Scenic Byway surrounds Cayuga Lake. The route features scenic views of the lake and its shores, rural and woodland landscapes and numerous recreational, natural, tourist and cultural attractions. In addition, the draft plan encourages the establishment of "better gateway signage" for the town at many intersections including the intersection of Route 89 and the Garden Street Extension where the Nation's Seneca Falls property is located.

Cayuga Lake Scenic Byway Plan¹

The Cayuga Lake Byway is defined by the United States Department of Transportation as follows: NYS Route 89 at US 20/NYS 5 east of Seneca Falls, Ithaca, Cayuga Heights, Lansing, Genoa, Aurora, Union Springs, Cayuga, Montezuma National Wildlife Refuge, east of Seneca Falls (NYS 89 at US 20/NY5) in the counties of Seneca, Tompkins, and Cayuga.

A corridor management plan has been developed for the byway which identifies a number of goals and strategies for sustainable economic growth along the corridor. Specifically, the plan advocates for the continued encouragement of tourism and associated facilities; use of themed signage; development of a regional marketing campaign; and shared management of the Scenic Byway.

CAYUGA COUNTY

Cayuga County Land Use Plan

The Cayuga County Land Use Plan was adopted on December 3, 1997 by the Cayuga County Planning Board. The plan identifies a number of guidelines and principles for future planning and development county-wide. The plan specifically distinguishes between rural, suburban, and urban settings and provides planning guidelines for each. In addition, the Plan includes generalized county-wide land use plan maps and for specific areas, including the Village of Union Springs.

¹ The Cayuga Lake Scenic Byway Plan is available at the Town/Village offices of the communities associated with the plan.

On the county-wide generalized land use plan, the parcel located in Springport is designated “Rural-Agriculture,” and the Union Springs parcels are designated as “Urban Place-Village.”

*NYS Route 90 Scenic Byway Planning Project*¹

The NYS Route 90 Scenic Corridor is defined by the United States Department of Transportation as follows: NYS Route 90 at US 20/NYS 5 east of Montezuma National Wildlife Refuge, Cayuga, Union Springs, Aurora, King Ferry, Genoa, Locke, Summerhill, and Homer (NYS 90 at Interstate 81) – Cayuga and Cortland Counties.

The Route 90 Scenic Byway Planning Project was developed for Cayuga County as a visual impact analysis and recommendations for the Village of Aurora, Union Springs and Cayuga. The project makes a number of recommendations with regard to parking and vehicular circulation, utilities, signage, lighting and landscaping, architectural details, pedestrian circulation, and open space and waterfront planning.

This planning project document specifically identifies the former NAPA store and suggests that the architecture of this structure does not “fit in with the architectural norms of the Villages in which they locate.”

*Economic Development Plan Scenic Route 90 Waterfront Villages*²

This economic development plan was prepared for the Cayuga County Planning Department in conjunction with the Route 90 Business Association and municipalities located along the highway. The Route 90 Scenic Byway is a 50-mile corridor located along the eastern shore of Cayuga Lake. The plan includes a business inventory and identifies a number of recommendations for business development and enhanced marketing for the area.

*Village of Union Springs Policy Development Plan*³

The Village of Union Springs Policy Development Plan was prepared by the Village of Union Springs Planning Board in 1982. The Plan provides a plan for future growth and includes recommendations for Village growth and development.

REGIONAL PLANS

*The Central New York Comprehensive Economic Development Strategy*⁴

The Central New York Regional Planning and Development Board (“RPDB”) prepares the Central New York Comprehensive Economic Development Strategy on an annual basis to address economic development efforts in Cayuga, Cortland, Madison, Onondaga, and Oswego Counties. The strategy identified the region’s comparative economic advantages and seeks to capitalize on these through project development, business assistance and finance, regional marketing, research and planning, and administration.

¹ Available from the Cayuga County Department of Planning and Development.

² Available from the Cayuga County Department of Planning and Development.

³ Available from the Village Office, Chapel Street, Union Springs, NY 13160.

⁴ Available at <http://www.cnyrpdb.org/programs/ec-dev.asp>.