

A. INTRODUCTION

NEPA requires a visual impact analysis to: 1) evaluate the visual and aesthetic impacts from a proposed action; 2) identify the relationship of the impacts to potential views of and from the project; and 3) identify measures to avoid, minimize, or reduce adverse impacts. This visual impact analysis was conducted following the NYSDEC Program Policy (DEP-00-2, July 31, 2000) entitled “Assessing and Mitigating Visual Impacts”. This policy incorporates NEPA requirements for conducting a visual impact analysis and provides a methodology to be used in assessing the visual impacts of a proposed action. As required by NEPA, this visual impact analysis identifies the scenic resources within the project study area and assesses the potential visual impacts resulting from the proposed project. This methodology includes a survey of local resources within the study area.

This section describes the visual characteristics of the Nation’s properties subject to the fee-to-trust application, and the immediate surrounding area. The visual quality of an area is a composite of different elements from the type, size, and use of buildings, to street patterns and road characteristics, the presence or absence of natural resources; and visual resources such as view corridors, vistas, and views of prominent natural resource features.

While a proposed action may be visible from many public and private vantages, mere visibility does not constitute a significant adverse impact. The significance of the visibility is dependent on several factors, including: presence of any designated historic or scenic resources within the viewshed of the proposed action, distance, general characteristics of the surrounding landscape, and the extent to which the visibility of the proposed action interferes with the public’s enjoyment or appreciation of these resources. A significant adverse visual impact would only occur when the effects of design, distance, and intervening topography, and vegetation, and context do not minimize the visibility of an object, and the visibility significantly detracts from the public’s enjoyment of a resource.

As discussed in the Project Description, the Montezuma parcel has been withdrawn from the fee-to-trust application and is therefore no longer part of the Proposed Action or alternatives.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. AFFECTED ENVIRONMENT

NATIONAL OR STATE REGISTER OF HISTORIC PLACES

As discussed in Chapter 3.7 “Cultural Resources,” there are five sites listed on the National Register of Historic Places or the New York State Register of Historic Places within the generalized study area of the Nation’s subject properties. These sites include the Ferry Farm, Peter Yawger House, William Richardson House, Almeron Durkee House, and the Charles Howland-William H. Chase House. The Seneca Falls Village Historic District is also located within the subject counties.

TOWN OF SENECA FALLS

The Seneca Falls Village Historic District, which is located within the Village of Seneca Falls, is approximately 2 miles west of the Nation’s Seneca Falls property. Due to distance, existing topography, vegetation, and the built environment, the Seneca Falls Village Historic District is not visible from the Nation’s Seneca Falls property, nor is the Nation’s property visible from the District.

The Ferry Farm is approximately 0.2 miles northeast the Nation’s Seneca Falls property. Although this home is relatively close to the subject property, Ferry Farm is separated from the Nation’s property by Route 89, commercial properties, and a portion of Cayuga Lake State Park. Therefore, this historic home is not visible from the Nation’s Seneca Falls property.

VILLAGE OF UNION SPRINGS

The Charles Howland-William H. Chase house is located approximately 0.6 miles south of the Nation’s Union Springs property. Although this home is relatively close to the subject property, the distance, existing vegetation, and topography obscures the view of this historic home from the Union Springs property.

The Peter Yawger House is approximately 2.5 miles north of the Nation’s Union Springs property. The William Richardson House is approximately 1.75 miles north of the Union Springs property. Due to distance, existing vegetation, and topography, these historic homes are not visible from the Nation’s Union Springs property.

TOWN OF SPRINGPORT

The Almeron Durkee House is located approximately one mile north of the Nation’s vacant Springport Property. Due to distance, existing vegetation, and topography these historic homes are not visible from the Springport property.

STATE PARKS

Cayuga Lake State Park is located on Cayuga Lake in Seneca Falls. Portions of the park extend inland and are located across the street from the Nation’s Seneca Falls property. The beachfront portions of the Cayuga Lake State Park are not visible from the Nation’s Seneca Falls Property. There are no State Parks in the vicinity of the Nation’s Union Springs, or Springport properties.

HERITAGE AREAS

The Village of Seneca Falls is part of the New York State Heritage Area System (formerly known as the Urban Cultural Park System), which is a state-local partnership that preserves and develops areas with a special significance such as the Seneca Falls Reform Movement. Seneca Falls was the location of the first Women's Rights Convention in 1848. The Heritage Area is primarily focused in the Village of Seneca Falls, and includes the main street, canal promenade, and many sites relevant to women's activism.¹ The Seneca Falls Heritage Area is not visible from the Nation's Seneca Falls property. There are no Heritage Areas in the vicinity of the Nation's Union Springs, or Springport properties.

NATIONAL WILDLIFE REFUGES, STATE GAME REFUGES, AND STATE WILDLIFE MANAGEMENT AREAS

SENECA COUNTY

The Montezuma National Wildlife Refuge

The Montezuma National Wildlife Refuge is located within Seneca County approximately 4.5 miles northeast of the Nation's Seneca Falls property. It is located at the north end of Cayuga Lake and serves as a major resting area for waterfowl and other waterbirds as they migrate to and from areas in northeastern and east-central Canada.² Although within the larger study area of the Proposed Action, the Montezuma National Wildlife Refuge is not visible from any of the Nation's properties.

Cayuga Lake Wildlife Management Area

The Cayuga Lake Wildlife Management Area is located south of the Montezuma Wildlife Refuge and two miles north of Cayuga Lake State Park, in the north end of Cayuga Lake in Seneca County. It is comprised of 225 acres of cattail marsh and wooded swamps. It is managed for public hunting, fishing and trapping and wildlife related recreational use. The Cayuga Lake Wildlife Management Area is accessible from the public boat launch in Cayuga Lake State Park, which is adjacent to the Nation's Seneca Falls property³. However, the Cayuga Lake Wildlife Management Area itself is not visible the Nation's Seneca Falls property.

CAYUGA COUNTY

Northern Montezuma Wildlife Management Area

The 6,304 acre Northern Montezuma Wildlife Management Area is part of the nearly 36,000 acre Montezuma Wetlands Complex, which includes the federally-owned Montezuma National Wildlife Refuge, the former Howlands Island WMA, land owned by conservation groups, and private property. Although this wildlife management area is located within the larger study area

¹ http://nysparks.state.ny.us/heritage/herit_area.asp

² <http://www.fws.gov/r5mnwr/>

³ <http://www.dec.ny.gov/outdoor/24431.html>

of the Proposed Action, the Northern Montezuma Wildlife Management Area is not visible from any of the Nation's properties.¹

NATIONAL NATURAL LANDMARKS

The Montezuma Marshes, located within the Montezuma National Wildlife Refuge are a National Natural Landmark. The marshes are located approximately 4.5 miles northeast of the Nation's Seneca Falls property. However, the marshes are not visible from any of the Nation's properties.²

THE NATIONAL PARK SYSTEM RECREATION AREAS, SEASHORES, FORESTS

The Women's Rights National Historic Park is located in Seneca Falls. The park consists of four major historical properties and a visitor center. It is located approximately 2.3 miles from the Nation's Seneca Falls property and is not visible from that location.³ There are no other National Park System Recreation Areas, Seashores, or Forests in the vicinity of the Nation's Union Springs, or Springport properties.

A SITE, AREA, LAKE, RESERVOIR OR HIGHWAY DESIGNATED OR ELIGIBLE FOR DESIGNATION AS SCENIC

CAYUGA LAKE SCENIC BYWAY

The Cayuga Lake Scenic Byway, designated by the New York State Scenic Byways Program, is located within the overall study area.⁴ The Cayuga Lake Scenic Byway follows NYS Route 89 around the west side of Cayuga Lake, and NYS Routes 90, 34B, and 34 around the east side of Cayuga Lake. The Nation's Seneca Falls, Unions Springs, and Springport properties are located on and part of the existing landscape of the Cayuga Lake Scenic Byway.

Seneca Falls

The Nation's Seneca Falls Property is located on NYS Route 89, which is part of the Cayuga Lake Scenic Byway. At the Seneca Falls property, the Cayuga Lake Scenic Byway is approximately 1,200 feet inland from Cayuga Lake. The Nation's Seneca Falls property is currently developed with a gas station, convenience store, offices, and former campground. As discussed in Chapter 3.11 "Resource Use Patterns," the area immediately surrounding this property consists of commercial, agricultural, residential, and recreational uses. The type and character of the development on the Nation's Seneca Falls property is visually consistent with surrounding land uses. In addition, the Nation's Seneca Falls property is on the west side of NYS Route 89, and does not obstruct views of Cayuga Lake from the Cayuga Lake Scenic Byway.

¹ <http://www.dec.ny.gov/outdoor/31112.html>

² http://www.nature.nps.gov/nml/Registry/USA_Map/States/NewYork/nml/mm/index.cfm

³ <http://www.nps.gov/wori/index.htm>

⁴ <http://www.dot.state.ny.us/scenic/cglake.html>

Union Springs

The Nation's Union Springs Property is located on NYS Route 90, which is part of the Cayuga Lake Scenic Byway. The Nation's Union Springs property consists of vacant land, LakeSide Trading (convenience store/gas station), and LakeSide Entertainment. The property is bounded by undeveloped land to the north, a fire department, high school and undeveloped land to the south, seasonal residential properties to the west, and residential and commercial properties to the east. The Nation's property is located on the west side of NYS Route 90, and therefore is between the Cayuga Lake Scenic Byway and Cayuga Lake. At the Nation's Union Springs property, the Cayuga Lake Scenic Byway is approximately 3,600 feet from Cayuga Lake. The LakeSide Trading gas station, convenience store, and car wash located on the property is in an architectural style typical to the region for that type of use. The Nation's LakeSide Entertainment gaming operation is located in a former NAPA auto parts store, although the building is painted in a bright color, the architectural style of the building is similar to the neighboring Union Springs Fire Station, and is not atypical to the region or other buildings along the Cayuga Lake Scenic Byway. The remainder of the parcel is undeveloped and uncultivated farmland, also typical to the region and the byway.

Springport

The Nation's Springport property is located on NYS Route 90. It is approximately 3.70 acres and is bounded by NYS Route 90 to the east, residential properties to the north and south, and a former railroad bed and wooded area to the west. The Springport property is located between the Cayuga Lake Scenic Byway and Cayuga Lake. The Nation's Springport property is comprised of undeveloped, vacant land and contributes to the natural beauty of the area.

SCENIC NYS ROUTE 90

Scenic NYS Route 90, designated by the New York State Scenic Byways Program,¹ is located within the study area. Scenic NYS Route 90 runs from Homer, New York to Montezuma, New York. It traverses west from Homer to Cayuga Lake, where it turns north and travels along the east side of Cayuga Lake. Scenic NYS Route 90 overlaps the Cayuga Lake Scenic Byway from where it turns north and travels along Cayuga Lake until its termination in Montezuma. Therefore, the Nation's Unions Springs and Springport properties are located on Scenic NYS Route 90 and the relationship between these properties and Scenic NYS Route 90 are the same as they are to the Cayuga Lake Scenic Byway. The Nation's Seneca Falls property is not located on Scenic NYS Route 90.

NYSDEC RECOGNIZED RESOURCES NOT FOUND WITHIN THE STUDY AREA

The following resources and resource categories are recognized by NYSDEC as areas where visual impacts could potentially occur. However, none of these resources or resource categories are located within the vicinity of the Nation's properties.

- State Forest Preserve²
- Scenic Areas of Statewide Significance¹

¹ <http://www.dot.state.ny.us/scenic/rt90.html>

² <http://www.dec.ny.gov/lands/4960.html>

Cayuga Indian Nation Trust Application FEIS

- Rivers Designated as National or State Wild, Scenic or Recreational²
- State or Federally designated trail
- Adirondack Park Scenic Vistas
- State Nature and Historic Preserve Areas
- Palisades Park
- Bond Act Properties purchased under the Exceptional Scenic Beauty or Open Space category

¹ http://www.nyswaterfronts.org/waterfront_developed_SASS.asp

² <http://www.rivers.gov/> and <http://www.dec.ny.gov/permits/6033.html>