

A. INTRODUCTION

This section describes the existing vegetation and wildlife resources on the Nation's properties subject to this fee-to-trust application. This information is based on site inspection, and from published sources and databases of species occurrence, including the NYS Breeding Bird Atlas Project (see Appendix I of the DEIS), "Checklist of Amphibians, Reptiles, Birds and Mammals of New York State" (NYSDEC), "New England Wildlife" (DeGraaf and Yamasaki 2001), and the NYS Natural Heritage Program database (see Appendix C of the DEIS).

Each of the properties was visited on June 1, 2006 to inspect general habitat conditions, the presence of water features and wetlands, and to inventory the primary species of vegetation and habitat cover types. The descriptions of the properties as discussed below reflect the full extent of observations made during the site visit. Most of the subject properties have relatively low vegetation and wildlife values due to their current condition as mowed lawn, such as the Seneca Falls and Springport properties. The Union Springs property has a larger parcel of open agricultural land and forested hedgerow habitat more botanically diverse than the other three. Nevertheless, it is primarily open agricultural land - a vegetative cover type that is very common in the region. In sum, none of the subject properties comprise unique habitats rare in Cayuga or Seneca counties.

As discussed in the Project Description, the Montezuma parcel has been withdrawn from the fee-to-trust application and is therefore no longer part of the Proposed Action or alternatives.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

The Nation's property in Seneca Falls consists entirely of open, mowed lawn area occupying a former campground and including several outbuildings and a gas station. The site is very level in topography. Gravel drives giving access to the former camp sites are still evident and the site has been maintained (mowed) up to the present day. Scattered trees generally 6-10 inches in diameter constitute the only woody vegetation found within the project site. American sycamore (*Platanus occidentalis*), weeping willow (*Salix babylonica*), common buckthorn (*Rhamnus cathartica*) and silver maple (*Acer saccharinum*) occur sporadically within the campground as shade trees for the camp sites.

Immediately west of the subject property and bordering the site, a wooded wetland occurs that contains a range of plant species, including Virginia Rose (*Rosa virginiana*), red osier dogwood (*Cornus stolonifera*), arrowwood (*Viburnum recognitum*), American elm (*Ulmus americana*), swamp white oak (*Quercus bicolor*), soft rush (*Juncus effusus*), and apple (*Malus/Pyrus sp.*). Although located offsite, this wooded wetland contributes to the habitat value of the subject property, offering foraging and refuge opportunities for animal species that utilize both open areas and wooded wetlands. See Figure 3.6-1 for an aerial photograph of this site.

MAPPED WETLANDS

The nearest NYS Wetland is located immediately south of the Seneca Falls Parcel, and is connected via culvert under Garden Street to the forested wetland located on the western boundary of the subject parcel identified as New York State wetland SF-31. The parcel itself contains no NYS Wetlands. The NWI maps indicate that the wetland bordering the subject parcel to the west is a PSS1A wetland - meaning a palustrine, scrub-shrub, broad-leaved deciduous, temporarily flooded wetland. Site inspection confirms this wetland type, and finds that it has been developing to a more mature, forested wetland over time. See Figures 3.2-1 and 3.2-2.

UNION SPRINGS PROPERTY

The largest of the contiguous properties at 111.16 acres, the Union Springs property consists primarily of former and currently farmed agricultural land that is open field habitat dominated by grasses and soybean cultivation. Bordering the property to the north and south are tree/shrub dominated hedgerows that demarcate the property from adjacent parcels. The western portion of the subject property consists of deciduous forest habitat, separating it from residential properties further west. The land generally slopes to the west, descending in elevation from NYS Route 90 towards Cayuga Lake. As shown in Figure 3.6-1, the site supports two open water farm ponds which receive runoff from the open field. The eastern pond is an isolated depression surrounded by open field. The western pond is located adjacent to wooded hedgerow habitat, receiving surface flows from a wooded wetland stream within the hedgrows, then discharging directly westward. Both pond features appear as open water on USGS Quadrangle maps and as PUBHx by the NWI.

The majority of the site consists of upland field dominated by such grasses as orchard grass (*Dactylis glomerata*), hairy chess (*Bromus commutatus*), red top (*Agrostis gigantea*), timothy (*Phleum pratense*), and Kentucky bluegrass (*Poa pratensis*). At lower elevations near the hedgerow habitat, such grasses as fowl meadow grass (*Poa palustris*) and rough bluegrass (*Poa trivialis*) occur. The regime of maintenance/mowing has yet to allow the prevalence of woody (tree/shrub) species within the open field area. However, many herbaceous plants are common throughout the field including such species as bull thistle (*Cirsium vulgare*), common burdock (*Arctium minus*), birdsfoot trefoil (*Lotus corniculatus*), curled dock (*Rumex crispus*), dames rocket (*Hesperis matronalis*), knapweed (*Centaurea maculosa*), oxeye daisy (*Chrysanthemum leucanthemum*), New York ironweed (*Vernonia noveboracensis*), sulphur cinquefoil (*Potentilla recta*), and tall buttercup (*Ranunculus acris*). Some shrubs do occur sporadically within the open field, including black raspberry (*Rubus occidentalis*) and sweetbrier (*Rosa eglanteria*). However, these are primarily limited to the hedgerow habitats.

Hedgerows along the north and south border of the project site are dominated by such species as common buckthorn (*Rhamnus cathartica*), sweet cherry (*Prunus avium*), multiflora rose (*Rosa*

multiflora), grape (*Vitis sp.*), and tartarian honeysuckle (*Lonicera tatarica*) with less common occurrence of white ash (*Fraxinus americana*), white oak (*Quercus alba*), pin cherry (*Prunus pensylvanica*), and hawthorne (*Crataegus crus-galli*; *Crataegus pedicellata*). As mentioned above, western portions of the northern hedgerow occur in a topographic lower area and convey runoff to the west. This area of hedgerow contains tree/shrub species that prefer wetter conditions such as American elm (*Ulmus americana*), green ash (*Fraxinus pennsylvanica*) and red panicle dogwood (*Cornus racemosa*).

Two open water pond areas are located on the Nation's Union Springs property as shown in Figure 3.6-2. One is located along the northern property boundary. The other is in the eastern portion of the site. Both have a narrow fringe of shrubs/trees where the edge of field clearing (agricultural activity) has stopped historically allowing woody vegetation to persist. Such species as green ash (*Fraxinus pennsylvanica*), swamp oak (*Quercus bicolor*), common buckthorn (*Rhamnus cathartica*), shagbark hickory (*Carya ovata*), box elder (*Acer negundo*) and sedges (*Carex sp.*) are common immediately adjacent to the open water areas.

A minority of the site consists of deciduous forest habitat. Confined to the western portion of the property, this forest can be described as a mesic (moist), broad-leaved deciduous forest. Although primarily upland habitat, portions of the forest, generally the western-most region, contain a predominance of species adapted to wet conditions and may constitute forested wetland habitat. Dominant tree species in dryer, upland areas include white oak (*Quercus alba*), red oak (*Quercus rubra*), white ash (*Fraxinus americana*), shagbark hickory (*Carya ovata*), and pignut hickory (*Carya glabra*) with swamp oak (*Quercus bicolor*), American elm (*Ulmus americana*), and green ash (*Fraxinus pennsylvanica*) found at lower elevations. Overstory trees have typical diameters of 12-24" with smaller and larger individuals interspersed throughout. The understory is sparsely vegetated and in places dominated by pale swallow wort (*Cynanchum rossicum*) or garlic mustard (*Alliaria officinalis*), both non-native, invasive species. Buckthorn (*Rhamnus cathartica*) and hawthorne (*Crataegus sp.*) are well represented in more open areas of the forest understory. In areas lower in elevation, jewelweed (*Impatiens capensis*) is a dominant ground cover.

A small portion of the Union Springs property closest to NYS Route 90 has not received mowing/clearing for some years and can be described as old field habitat dominated by early-succession, woody species. Black locust (*Robinia pseudoacacia*), black raspberry (*Rubus occidentalis*), box elder (*Acer negundo*), basswood (*Tilia americana*), black walnut (*Juglans nigra*) and tartarian honeysuckle (*Lonicera tatarica*) occur sparsely in a matrix of other grasses and forbs typical of land left fallow. Tree diameters are generally 6-10 inches indicating their relatively young age.

MAPPED WETLANDS

As mentioned above, there are two open water pond features within the Union Springs property mapped by the NWI as PUBHx – palustrine, unconsolidated bottom, permanently flooded, excavated wetlands. Site inspections verify the location and condition of these wetlands, likely created through excavation for farming purposes. No NYS Wetlands occur on the site. The closest mapped NYS Wetland is wetland US-1 located along the shore of Cayuga Lake and extending inland south of Howland Point approximately ½ mile from the subject property. See Figures 3.2-3 and 3.2-4.

SPRINGPORT PROPERTY

The Nation's property in Springport consists of an open, mowed lawn comprising a residential lot, bounded to the north and south by existing single family residential homes. The property's lawn area has individual scattered trees as landscape features, dominated by green ash (*Fraxinus pennsylvanica*) with diameters ranging from 6 to 20 inches. Green ash is most prevalent in the western portion of the property at its lower elevations. Also present are cottonwood (*Populus deltoides*), red pine (*Pinus resinosa*) and eastern red cedar (*Juniperus virginiana*) and balsam fir (*Abies balsamea*) further east, closer to Route 90. A narrow drainage swale runs along the southern boundary of the property, separating it from the residential lot to the south. Tartarian honeysuckle (*Lonicera tatarica*), Norway maple (*Acer platanoides*), black walnut (*Juglans nigra*), orchard grass (*Dactylis glomerata*), and box elder (*Acer negundo*) occur within the unmowed portions of this swale. See Figure 3.6-3 for an aerial photograph of this site.

Stormwater runoff from the subject property flows westward, entering a drainage ditch crossing beneath a dirt access roadway and entering forested wetlands immediately offsite to the west. This dirt access roadway is a private road that defines the western boundary of the subject property and the other residential lots that front Route 90.

MAPPED WETLANDS

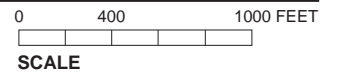
West of the Springport property, across from the dirt access road marking the site's western boundary, mapped wetlands occur. The NWI has mapped these offsite wetlands as Palustrine Forested and Palustrine Scrub-Shrub wetlands both seasonally flooded, saturated. These mapped wetlands are located within and south of Carr's Cove. A small portion of the mapped scrub-shrub wetland extends into the western edge of the subject parcel itself. However, this area is currently cleared of vegetation, has been maintained as lawn for some time, and is separated from the bulk of the wetland to the west by the dirt access roadway defining the property's western boundary. No NYS Wetlands occur onsite or in the vicinity of the subject property. See Figures 3.2-5 and 3.2-6.

C. WILDLIFE RESOURCES

SENECA FALLS PROPERTY

Due to mowed/maintained conditions, the Seneca Falls property's value for wildlife is relatively low. It is best described as buffer habitat for the more valuable wooded wetland parcels to the west and south. It's proximity to Route 89 along its eastern border further reduces the site's value for wildlife. This well-traveled road effectively separates the site from other lands and Lake Cayuga to the east, reducing habitat connectivity. The mowed areas likely serve as edge habitat for some species such as white tailed deer (*Odocoileus virginianus*), which are not endangered or threatened. Several bird species were noted onsite during the June 1 2006 site visit, including catbird (*Dumetella carolinensis*), rufous-sided towhee (*Pipilo erythrophthalmus*), song sparrow (*Melospiza melodia*) and savannah sparrow (*Passerculus sandwichensis*). Other bird species that nest in the adjacent forested lands and forage in open fields, including such species as tree swallow (*Tachycineta bicolor*) and red-tailed hawk (*Buteo jamaicensis*) can also be expected to utilize the site. Such species as racoon (*Procyon lotor*), green frog (*Rana clamitans melanota*) and spring peeper (*Pseudacris c. crucifer*) may utilize the adjacent wooded wetland and traverse portions of the Seneca Fall's property as part of their home ranges.

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However, the site itself is of low wildlife value due to its mowed and partially developed condition.

UNION SPRINGS PROPERTY

During site inspection, a number of bird species common to the region were sighted within the open field habitat. These include red-winged blackbird (*Agelaius phoeniceus*) and various sparrows (*Emberizidae*). Along the edges of the woodland, yellow warbler (*Dendroica petechia*) and red-eyed vireo (*Vireo olivaceus*) were noted. Further into the wooded portions of the site, red bellied woodpecker (*Melanerpes carolinus*) and eastern wood peewee (*Contopus virens*) were noted by call. Wood peewee is a species of note as its nesting requirements are specific to less disturbed, larger blocks of forested habitat. White tail dragonfly (*Plathemis lydia*) was seen adjacent to wet portions of the northern hedgerow and in the vicinity of the northwestern open water pond. This is a very common dragonfly across the U.S., often found near ponds and slow streams.

Lastly, white tailed deer (*Odocoileus virginianus*) were noted throughout the site. The site provides ideal edge habitat for this species.

In addition to species sighted, it can be assumed that the subject property provides habitat for other field-dependant wildlife that can make use of the tall grasses predominant onsite and the adjoining forested hedgerows bordering the field. Animal species that can be expected to utilize the site include field mammals such as eastern mole (*Scalopus aquaticus*), eastern cottontail (*Sylvilagus floridanus*), and meadow vole (*Microtus pennsylvanicus*). Birds that frequent open field habitats gleaning insects from vegetation or catching them in flight such as grasshopper sparrow (*Ammodramus savannarum*), eastern meadowlark (*Sturnella magna*), savannah sparrow (*Passerculus sandwichensis*), eastern bluebird (*Sialia sialis*) and tree swallow (*Tachycineta bicolor*) can make use of the subject property's expanse of open grassland, while American woodcock (*Scolopax minor*) may forage along the wooded edges of the site. Other bird species that prey in open field and edge habitat such as red-tailed hawk (*Buteo jamaicensis*) and American kestrel (*Falco sparverius*) may also occur. Bounded by hedgerows and some forested buffer land to the west, the site contains both nesting/refuge habitat and foraging habitat for species that utilize both forest and field. Some forested wetland habitat exists along the northern and western borders of the site, as well as open water ponds in landscape depressions likely created or modified to capture runoff as part of farming practices. Wetland dependent animals that can be expected to frequent these areas of the site include muskrat (*Ondatra zibethicus*), herons (*Egretta sp.*), bull frog (*Rana catesbeiana*), and snapping turtle (*Chelydra s. serpentina*). Farm ponds on the Union Springs site showed evidence of silt/turbidity from runoff and are therefore unlikely to support herpetofauna that require less disturbed, more pristine wetland and open water conditions, such as spotted turtle or blue spotted salamander.

As mentioned above, the subject property's habitat types are common in the region and wildlife species expected to utilize the site are abundant in Cayuga and Seneca Counties.

SPRINGPORT PROPERTY

The Nation's property in Springport is an open residential lot covered by maintained lawn. Aside from a narrow strip of weeds in the swale defining its southern boundary and landscape deciduous and evergreen trees found sparsely throughout the lot, the property has no significant vegetation or diversity of plant stratum (herbaceous, shrub, understory, overstory) that would otherwise provide a more diverse habitat for forage, refuge or nesting of wildlife. The open lawn

provides foraging habitat for birds typically found in suburban areas, such as American robin, black-capped chickadee, cardinal (*Cardinalis cardinalis*), and American crow (*Corvus brachyrhynchos*). It may serve as stopover habitat for a variety of migratory bird species during the spring and fall migrations, as do virtually all the lands (developed or otherwise) in the area. Due to its location adjacent to forested wetland habitat, the Springport property may be utilized sporadically by wetland-dependant amphibians or mammals, such as snapping turtle (*Chelydra s. serpentina*) or mink (*Mustela vison*), but the property does not serve as critical habitat and indeed, may be a population “sink” by attracting animals from the more protected wetlands where they can be preyed upon by raptors or household pets onsite in the open lawn.

D. THREATENED AND ENDANGERED SPECIES

The New York State Natural Heritage Program (“NHP”) and the U.S. Fish and Wildlife Service (FWS) were contacted for information on past records of occurrence of any State-listed or Federally-listed plant and animals species in the vicinity of the subject properties. The FWS, in correspondence dated November 15, 2007, acknowledges the determination of no effect, and states that no further coordination under the Endangered Species Act is required. This correspondence from the FWS is provided in Appendix C of the DEIS.

SENECA FALLS PROPERTY

No records of occurrence for listed (threatened or endangered) species exist for the land area in the vicinity of the Seneca Falls property. The NHP did indicate that one species of insect, the imperial moth (*Eacles imperialis imperialis*), and a “Waterfowl Winter Concentration Area”, are known to occur in the vicinity of the site. Neither the species nor the resource area are protected (“listed”) under New York or federal law. The imperial moth occurs in deciduous or mixed forests feeding on a broad range of foliage. Caterpillars pupate in earthen chambers. Adults are attracted to artificial lights, where they may remain in daylight hours and be eaten by birds. The species is becoming less common where artificial lights are abundant. Regarding the “Waterfowl Winter Concentration Area”, this resource area is on Cayuga Lake itself. The Seneca Falls property is located several hundred feet from Cayuga Lake and on the opposite site of County Route 90 from the Lake. Therefore, the subject property has no direct effect on this resource.

UNION SPRINGS PROPERTY

The NHP has indicated that one threatened plant species, handsome sedge (*Carex formosa*), and a “Waterfowl Winter Concentration Area” are known to occur in the vicinity of the Union Springs property. *Carex formosa* is an inconspicuous sedge species that occurs in mesic woods, especially beech-maple woods, with calcareous soils. It is known historically for the area, but there is no recent information supporting its continued occurrence. This plant may occur onsite or in the vicinity if it is still extant, but was not seen during the June 2006 site inspection. The Waterfowl Winter Concentration Area is confined to Cayuga Lake itself. The Union Springs Parcel does not contain any lakefront property and is separated from Cayuga Lake by wooded land and a residential, lakefront community. As such, the parcel does not contain land directly connected or related to the Waterfowl Winter Concentration Area.

SPRINGPORT PARCEL PROPERTY

One species of NYS “endangered” plant, the straight-leaf pondweed (*Potamogeton strictifolius*), and one resource area, a “Waterfowl Winter Concentration Area” are reported by the NHP for

the vicinity of the Springport property. As mentioned above, the “Waterfowl Winter Concentration Area” is limited to Cayuga Lake itself. The Springport property is located several hundred feet from the lake and has no direct effect on this resource. Regarding straight-leaf pondweed (*P. strictifolius*), it is an aquatic plant of pond and lake margins found in calcareous waters and is suspected to occur along the shores of Cayuga Lake. Eutrophication and competition with invasive species pose the greatest threats to *P. strictifolius*. The Springport property contains no open water or pond habitat appropriate for this plant species and no pondweed was identified onsite during site inspection.