

## Appendix F



USFWS

*Great Blue Heron at Tschache Pool*

# **U.S. Fish and Wildlife Service Montezuma National Wildlife Refuge Land Protection Plan**



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## Introduction, Purpose, and Scope

This Land Protection Plan (LPP) identifies the proposed expansion area (PEA) for Montezuma National Wildlife Refuge (NWR, refuge), as proposed in the U.S. Fish and Wildlife Service's (Service, we, our) preferred alternative (alternative B) in the draft Comprehensive Conservation Plan (CCP) and Environmental Assessment (EA) for the refuge. Working with New York State Department of Environmental Conservation (NYSDEC), we delineated a PEA totaling approximately 2,156 acres of biologically important land in the Montezuma Wetlands Complex (MWC). The MWC is an area recognized for its role in the conservation of migratory birds, particularly waterfowl. The mission of the MWC is to protect, restore, enhance, and manage wildlife habitat; to preserve and restore ecological integrity for the long-term benefit for wildlife populations and society; and to serve as a model for landscape-level restoration and ecosystem management. The lands in the PEA have been identified for protection already. Our main reason for proposing the expansion is to improve our ability to administer refuge boundaries by avoiding a patchwork of ownership between New York State and the Service.

The Service already owns 735 acres within the PEA; these acres are within the current approved acquisition boundary. We were able to acquire these acres by categorically excluding them under NEPA. However, acquisition of the additional 1,421 PEA acres would not be subject to categorical exclusion under NEPA; therefore, we have prepared this LPP and incorporated it into the Draft Montezuma NWR CCP/EA. Ownership of the remaining 1,421 acres is currently divided among the New York State Canal Corporation (NYS Canal Corporation), various municipalities, and private parties. We recommend acquiring up to 1,421 acres, primarily in fee title.

The purposes of this LPP are to

- announce our intent to expand the boundary of the refuge;
- provide landowners and the public with an outline of Service policies, priorities, and protection methods for land in the project area;
- assist landowners in determining whether their property lies within the proposed expansion boundary; and
- inform landowners about our long-standing policy of acquiring land only from willing sellers. We will not buy any lands or acquire easement rights if the owners are not interested in selling.

The LPP presents the methods the Service and interested landowners can use to accomplish their objectives for wildlife habitat within the PEA. Attachment 1 shows the original approved refuge acquisition boundary, the PEA, and the land parcels in the PEA. A corresponding table (table F.4) identifies each parcel, its tax map number, acreage, and our priority and recommended option for acquiring and protecting its habitat.

The scope of this document is limited to the proposed acquisition of lands for the expansion of Montezuma NWR as defined by the PEA. It is not intended to cover the development and/or implementation of detailed, specific programs for the administration and management of those

lands. Overall, we expect that new lands would be managed in much the same manner (with regards to natural resources, public use, etc.) as what is proposed under alternative B of the CCP.

## Project Description

### Original Approved Refuge Acquisition Boundary

The refuge lies in central New York, in Cayuga, Seneca, and Wayne Counties, between the cities of Rochester and Syracuse. We currently own 9,184 acres of the 19,510 acres in the approved acquisition boundary. Refuge habitats include emergent marshes, mudflats, open water, bottomland floodplain forest, old fields, shrublands, croplands, grasslands, and successional and mature upland forest. Signature species include a variety of waterfowl, shorebirds, and migratory songbirds, as well as bald eagle (*Haliaeetus leucocephalus*) and osprey (*Pandion haliaetus*).

In 1937, the Bureau of Biological Survey (the precursor to the Service) purchased lands just north of Cayuga Lake. This area had supported the “Montezuma Marsh.” These lands were drained when the Seneca River was lowered by the construction of a lock and dam at the northern end of Cayuga Lake (Gable 2004). The following year, on September 12, 1938, the Montezuma Migratory Bird Refuge was established through Executive Order 7971, signed by President F.D. Roosevelt (3 FR 2235). Hence, migratory birds continue to be the primary focus of our management efforts, in accordance with the central purpose of the refuge, as defined by the executive order under which we were established, “...as a refuge and breeding ground for migratory birds and other wildlife...” For other lands acquired under the Migratory Bird Conservation Act (16 U.S.C. 715-715r), as amended, the purpose of acquisition was: “...for use as an inviolate sanctuary, or for any other management purpose, for migratory birds.”

The current approved acquisition boundary of 19,510 acres is the result of the executive order that created the refuge, a major expansion of the boundary as detailed in an Environmental Impact Statement (EIS) conducted by the Service with NYSDEC acting as a colead agency (USFWS and NYSDEC 1991), and several minor expansions which were conducted via NEPA categorical exclusions. The 1991 EIS was prepared for the expansion of existing lands managed by the Service and the NYSDEC. Following guidelines drawn from the North American Waterfowl Management Plan (NAWMP 2004), this expansion addressed goals and objectives for accomplishing conservation and management within a 154,880-acre focus area.

The Record of Decision for the 1991 EIS established a joint Service and NYSDEC 50,000-acre acquisition area and a division line between the Federal area of interest and the State area of interest. The boundary of this division line was determined to be roughly the State Route 31 corridor in the eastern and central sections of three key drainage areas, with the entire westernmost drainage within the Service area of interest. Areas to the north of this division line were designated for NYSDEC acquisition and management and areas to the south were designated for Service acquisition and management (see map F.1). The Service acquisition boundary was formalized through a LPP which was approved in 1994 (USFWS 1994). In recent years, the State has been unable to fund land acquisitions in its focus area, and has requested that the Service acquire certain parcels, as they became available, which is how several units above State Route 31 have come under Service ownership. The PEA is an adjustment of this

designation to consolidate these and other parcels. The PEA is located within the area originally identified for NYSDEC acquisition. This adjustment is made with the support and approval of NYSDEC (see attachment 2) for the incremental purchase of lands in the PEA.

Once an acquisition boundary is established, the Service can acquire lands under a variety of statutory authorities (Refuge Manual 3 RM 1.3). To date, the Service has acquired interests in 9,184 acres for the refuge under the following authorities (see table F.1):

1. Emergency Wetlands Resources Act of 1986 [16 U.S.C. 3901(b)]
2. Migratory Bird Conservation Act [16 U.S.C. 715d]
3. Fish and Wildlife Act of 1956 [16 U.S.C. 742f(a)(4)]

Table F.1. History of Land Acquisition at the Montezuma NWR Through 2012.

Acquisition Date	Acreage <sup>1</sup>	Funding Source <sup>2</sup>
1937	2,564	MBCF <sup>2</sup>
1938	2,354	MBCF
1939	544	MBCF
1940	444	MBCF
1941	279	MBCF
1942	34	MBCF
1945	6	None
1959	176	MBCF
1963	27	MBCF
1965	16	MBCF
1993	53	MBCF
1995	397	MBCF
1996	186	MBCF
1997	54	MBCF
1998	608	MBCF
1999	142	MBCF
2000	87	MBCF
2001	387	MBCF, LWCF <sup>3</sup>
2002	75	MBCF, LWCF
2004	80	LWCF
2005	106	LWCF
2006	64	MBCF
2007	381	MBCF
2008	26	LWCF
2009	63	MBCF
2012	31	MBCF
<b>Total</b>	<b>9,184<sup>4</sup></b>	

<sup>1</sup> Acres are rounded to whole numbers. Includes lands that were donated to the U.S. Fish and Wildlife Service.

<sup>2</sup> MBCF – Migratory Bird Conservation Fund

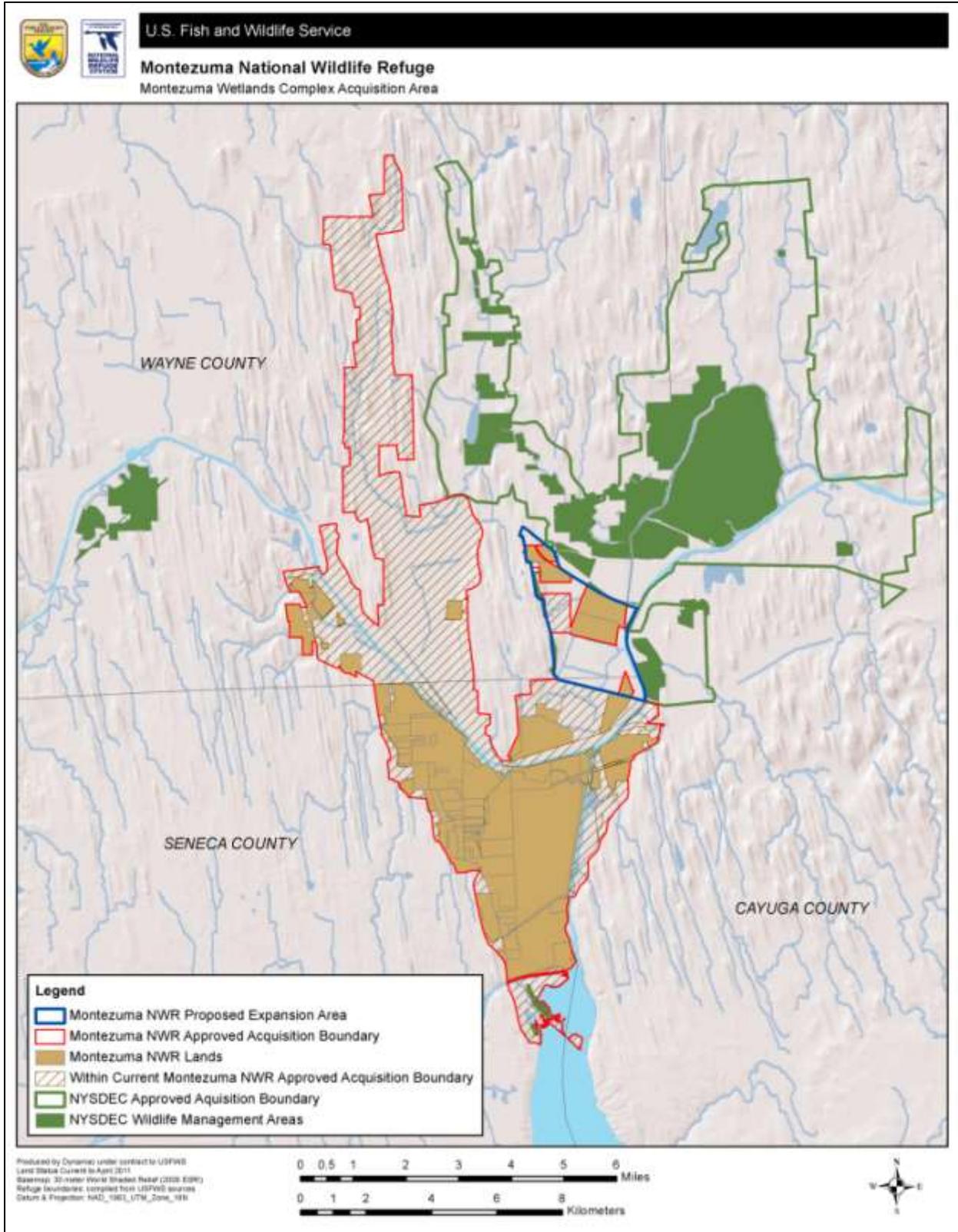
<sup>3</sup> LWCF – Land and Water Conservation Fund

<sup>4</sup> Total includes about 402 acres that are held in conservation easements.

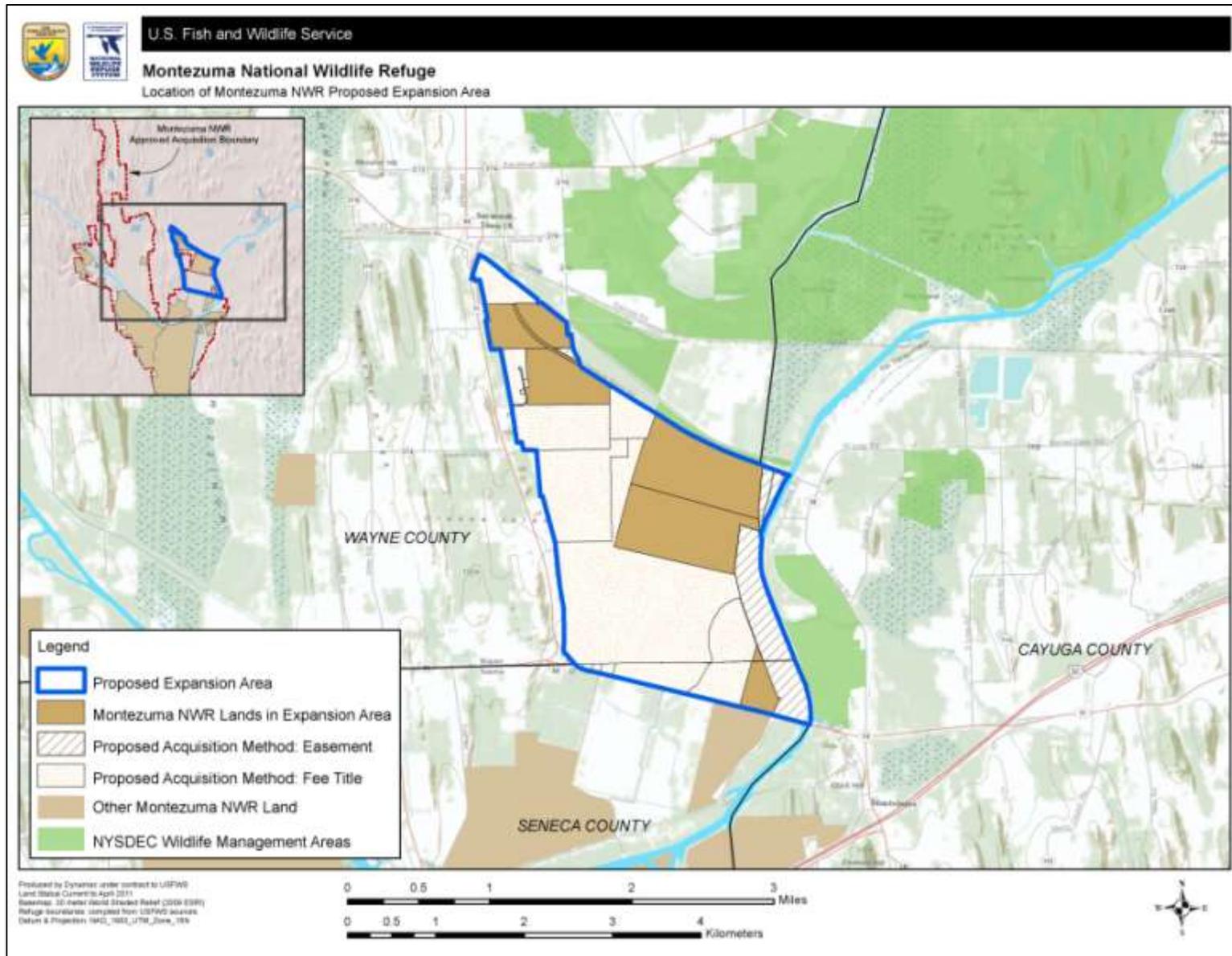
## **Proposed Expansion Area**

The PEA is located in the MWC, between the towns of Savannah and Montezuma just north of the New York State Thruway (Interstate 90) and contains cultivated croplands (also known as mucklands), forests, and riparian areas (see map F.2). It lies in the project area identified by the Service and its partners in the 1991 EIS for the Montezuma Wetlands Project (USFWS and NYSDEC 1991). We developed the current PEA in consultation with NYSDEC as we developed the refuge's CCP. The PEA specifically excludes NYSDEC lands, as those are already being managed for the protection of wildlife and public use.

Much of the mucklands would require restoration, providing valuable wetlands which would support a variety of migratory waterfowl, shorebirds, and marshbirds. Similarly, riparian corridors may need to be reforested to further benefit wildlife. In addition, habitat fragmentation would be decreased, benefitting species that require large intact areas. Furthermore, the refuge already owns several parcels in the PEA, and acquiring the remaining parcels would consolidate the Service's land base, greatly simplifying management and avoiding a patchwork of State and Federal ownership that could be confusing to the public.



Map F.1. Montezuma Wetlands Complex Acquisition Area.



Map F.2. Location of Montezuma NWR Proposed Expansion Area.

## Status of Resources to be Protected

### Wildlife and Habitat Resources

Most of the land not yet owned by the Service in the PEA is muckland and is currently being farmed. After purchase by the Service, the mucklands would likely be restored to emergent marsh, providing valuable wetland habitat supporting a variety of migratory waterfowl, shorebirds, and marshbirds. The MWC is already one of the largest staging areas for waterfowl migration in the Northeast, supporting over 700,000 birds that pass through on their spring and fall migrations. It has been recognized as an important bird conservation area by many conservation organizations and has been highlighted in many conservation plans including: North American Bird Conservation Plan -Bird Conservation Region 13, Partners in Flight Plan, Audubon New York's Important Bird Area Program and New York State Comprehensive Wildlife Conservation Strategy. Restoration of mucklands would improve the habitat not only for migrating ducks but also for breeding marshbirds, including species of conservation concern such as the pied-billed grebe (*Podilymbus podiceps*), least bittern (*Ixobrychus exilis*), American bittern (*Botaurus lentiginosus*), and black tern (*Chlidonias niger*). Most of the remaining lands are forested and dominated by ashes (*Fraxinus* spp.) and maples (*Acer* spp.). The forested tracts support species of conservation concern such as cerulean warbler (*Dendroica cerulean*), wood thrush (*Hylocichla mustelina*), bald eagle, and Baltimore oriole (*Icterus galbula*). Vegetation and wildlife inventories have not been completed on the privately owned parcels.

Restoration of the mucklands to forest, grasslands, or emergent marsh wetlands, would help connect these habitats with similar areas located on lands already owned by the Service (see map F.4) and our partners.

### Threats to the Resource

The following section describes ongoing threats to natural resources in the vicinity of the PEA, based on information derived from the New York State Comprehensive Wildlife Conservation Strategy (NYSDEC 2005). The PEA lies in the much larger Southeast Lake Ontario Basin (see CCP chapter 2 for a map and additional information on this landscape feature).

#### Habitat Loss and Degradation

The loss, alteration, and fragmentation of habitat all pose the greatest threats to wildlife in the Southeast Lake Ontario Basin (NYSDEC 2005). Fragmentation alters the habitat by breaking up large, contiguous blocks into smaller patches that are unsuitable for area-sensitive species. New roads fragment habitats and create barriers to animal movements between habitats. This threat affects both terrestrial and aquatic species, and includes hardening of the landscape with buildings and roads, but can also result from activities like land clearing and wetland draining for agriculture and mining. Although wetland drainage for agriculture is not presently occurring to a large extent in the basin, the impacts of past drainage are still an issue, particularly in the MWC and surrounding areas. Preserving and restoring the large, contiguous blocks of habitat that remain in the basin and maintaining their connectivity are crucial for the long-term viability of populations of area-sensitive wildlife. The discontinuity of emergent and forested wetlands, along with the loss of other suitable corridors, primarily affects species that are less likely to

move between suitable habitats (e.g., amphibians, turtles). In addition, the alteration of waterways and wetlands, in combination with increased human encroachment into those riparian areas, affect all wetland-dependent species and species groups.

#### Contaminants and Degradation of Water Quality

Water quality dictates, to a large extent, the types and diversity of species that are able to thrive in a water body. Primary contaminants in the basin include road salt, sewage effluent, and pesticides. Chloride contamination from road salts is a concern in some of the smaller lakes and streams. Several of the lakes and many tributary streams receive discharge from sewage treatment plants in the basin. Those discharges contain nutrients, heavy metals, and endocrine (hormone) disrupting compounds. Low dissolved oxygen levels are a continuing problem for aquatic species in Onondaga Lake and the Seneca River, due in part to phosphorus loading from the county sewage treatment plant. Pesticide use on agricultural lands is of concern to reptiles, amphibians, insects, mussels, and freshwater crustacea. Agricultural pesticides are generally nonspecific in their action, often killing benign and beneficial invertebrate species (including pollinating insects) as well as the target pests. Amphibians are particularly susceptible to pesticides and other toxins. The emergence of West Nile Virus in the past few years and the persistence of Eastern Equine Encephalitis in central New York have led to widespread pesticide use in the control of mosquitoes in many wetland areas. These insecticides can be toxic to amphibians. These insecticides can also affect amphibians by depleting their natural food sources (NYSDEC 2005).

#### Invasive Species

Invasive (nonnative) species have the potential to negatively influence native species through habitat alteration (which can change ecological processes), resource competition, predation, or any combination of these factors. All major habitats in the basin are affected by invasive species. Notable invasive aquatic species include common carp (*Cyprinus carpio*), round goby (*Neogobius melanostomus*), lamprey (*Petromyzon marinus*), and zebra mussel (*Dreissena polymorpha*). Invasive terrestrial species include purple loosestrife (*Lythrum salicaria*), mute swan (*Cygnus olor*), and the emerald ash borer (*Agrilus planipennis*). Typically, invasive species cannot be eradicated once they become established, and perpetual and costly control efforts become an integral management component.

Some native species also can cause harm to the environment, usually as a result of high population densities due to human-induced habitat changes. For example, white-tailed deer (*Odocoileus virginianus*) numbers are considered higher than optimal in some areas, a result of increased habitat provided by patchwork of forests and fields, as well as other factors. When overabundant, deer can overbrowse areas, reducing the habitat value to other species, some of which may be rare. Other examples of native species that can be considered pests include muskrat (*Ondatra zibethicus*), beaver (*Castor Canadensis*), and Canada goose (*Branta canadensis*). As with deer, these species have benefitted from land cover alterations, declines in some predator populations, and other causes, allowing them to sometimes reach densities where they can become destructive to habitats, rare species, and infrastructure, requiring their populations to be managed at sustainable levels.

## Continuing Partnership Effort

The threats to the resources described above make preserving land in the MWC crucial and challenging. We recognize the need to collaborate with other conservation organizations in the region, NYSDEC in particular, as they were the colead agency in the development of the Northern Montezuma Wetlands Project Final EIS (USFWS and NYSDEC 1991). The primary purpose of the EIS was to help protect portions of the MWC through partnerships. Many agencies, organizations and individuals (e.g., The Nature Conservancy, NY State Conservation Council, Farm Bureau) contributed to the EIS and are helping to implement it. We would continue to work with our partners to successfully implement the EIS and, if approved, this LPP.

Acquiring lands within the PEA would further the Service's mission, by preserving and enhancing lands and waters in a manner that would conserve the natural diversity of fish, wildlife, plants, and their habitats for present and future generations. Acquiring these lands would also further the refuge's purposes. By restoring mucklands, reestablishing healthy forests, and reducing erosion, sedimentation and nonpoint source pollution, we would be able to maintain and enhance habitats for migratory birds, fish, and State and federally listed species. Furthermore, adding trails, wildlife observation areas, an auto tour route, fishing and hunting access points and lands, and interpretation and education would increase the opportunities for public, wildlife-dependent recreation. Without protection, those lands are unlikely to support (or be restored to support) fish and wildlife populations and, by default, would no longer support opportunities for compatible, wildlife-dependent recreation.

## Action and Objectives

### Authorities for Modifying the Refuge's Original Acquisition Boundary

We anticipate that the Service would continue to acquire lands under the same authorities that have been used to acquire lands in the past. Based on the refuge purpose, lands could also be acquired under several other statutory authorities, including but not limited to:

1. Refuge Recreation Act [16 U.S.C. 460K-1]
2. Endangered Species Act [16 U.S.C. 1534]
3. National Wildlife Refuge System Administration Act [16 U.S.C. 668dd(b)]

We expect that land acquisition within the expansion area would be funded in a manner similar to land acquisition in the current refuge acquisition boundary.

### Land Status of Proposed Expansion Area

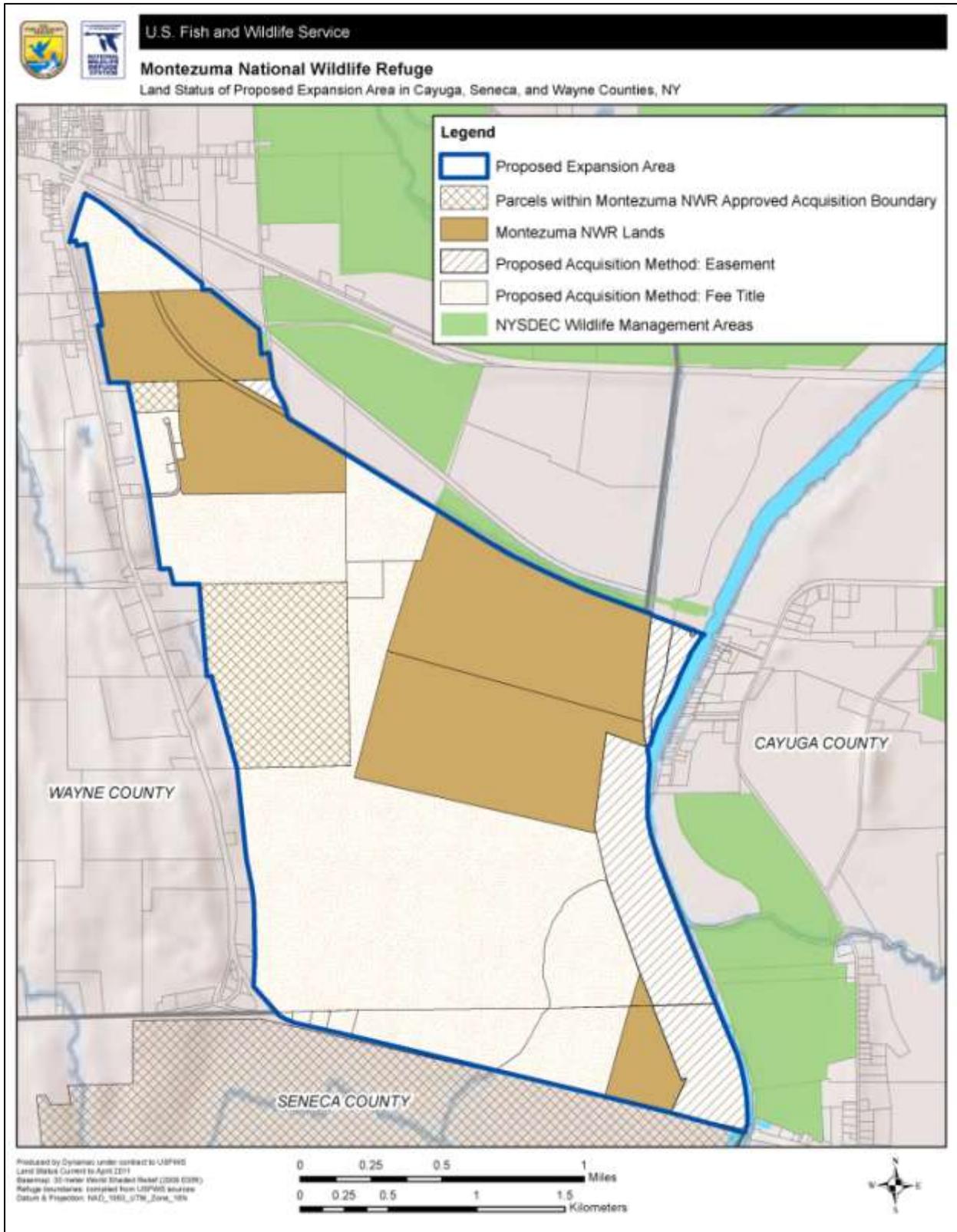
The PEA is a 2,156-acre area at the intersection of Cayuga, Seneca, and Wayne Counties depicted in map F.3. The PEA contains six parcels that are already owned by the refuge in fee title and total 735 acres. The remaining 1,421 acres within the PEA are under various other ownerships and would potentially be available for acquisition (see table F.2).

Table F.2. Land Status and Approximate Acreages for Tri-County Proposed Expansion Boundary.

Land Status in Proposed Expansion Area	Acreage (rounded to nearest acre)			Total
	Cayuga County	Seneca County	Wayne County	
Service-owned Lands Within PEA	0	36	699	<b>735</b>
Acreage of Other Ownerships in PEA	27	196	1,198	<b>1,421</b>
			<b>Total</b>	<b>2,156</b>

### Land Cover and Land Use

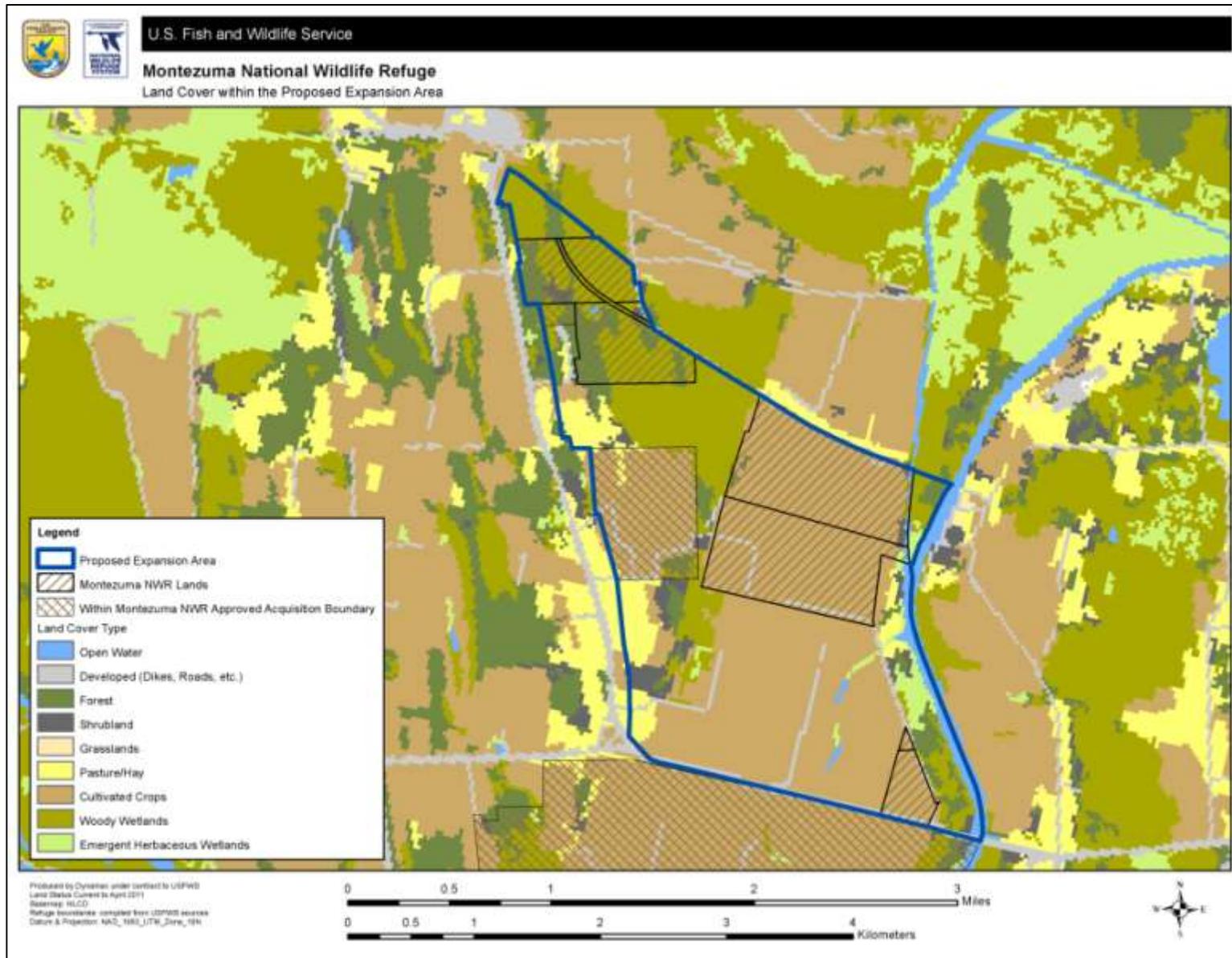
Although habitat types have been defined for lands owned by the refuge, vegetative community types were not available for unowned lands during development of this LPP. We used land cover types defined by the Multi-Resolution Land Characteristics (MRLC) Consortium (Homer et al. 2004) instead. The MRLC land cover data used was developed in 2001, and although land use alterations have resulted in some changes to the area’s land cover, we believe it to provide an adequate approximation of current conditions for the purposes of this LPP. Table F.3 summarizes the general types of land cover of the entire area contained in the entire PEA as well as only the nonrefuge lands within the PEA (see map F.4 for land cover types and distributions). In 2001, cultivated crops were the dominant land cover type, followed by woody wetlands, deciduous forest, and pasture/hay. Shrub/scrub, emergent herbaceous wetlands, and open water each contributed less than 5 percent of the total cover. These land cover types are found in similar percentages in the nonrefuge lands encompassed by the PEA (see table F.3).



Map F.3. Land Status of Proposed Expansion Area in Cayuga, Seneca, and Wayne Counties, NY.

Table F.3. Land Cover Acreages in the Proposed Expansion Boundary Located in Cayuga, Seneca, and Wayne Counties, New York.

Land Cover Type	Entire PEA Acreage	Percent	Nonrefuge Lands	Percent	Refuge Lands	Percent
Cultivated crops	1,208	56	725	51	471	64
Woody Wetlands	453	21	299	21	148	20
Deciduous Forest	173	8	114	8	66	9
Pasture/Hay	108	5	114	8	7	1
Developed Land	86	4	71	5	22	3
Shrub/scrub	64	3	56	4	7	1
Emergent Herbaceous Wetlands	43	2	28	2	7	1
Open Water	21	1	14	1	7	1
<b>Total</b>	<b>2,156</b>	<b>100%</b>	<b>1,421</b>	<b>100%</b>	<b>735</b>	<b>100</b>
<b>Description of Land Cover Classes:</b>						
<p>Cultivated Crops—Areas used for the production of annual crops, such as corn, soybeans, vegetables, tobacco, and cotton, and also perennial woody crops such as orchards and vineyards. Crop vegetation accounts for greater than 20 percent of total vegetation. This class also includes all land being actively tilled.</p> <p>Deciduous Forest—Areas dominated by trees generally greater than 15 feet tall, and greater than 20 percent of total vegetation cover. More than 75 percent of the tree species shed foliage simultaneously in response to seasonal change.</p> <p>Developed—Includes areas with a mixture of constructed materials and planted vegetation (lawns, city parks, golf courses, etc.). Impervious surfaces range from 20 to 100 percent of total cover.</p> <p>Emergent Herbaceous Wetlands—Areas where perennial herbaceous vegetation accounts for greater than 80 percent of vegetative cover and the soil or substrate is periodically saturated with or covered with water.</p> <p>Open Water—All areas of open water, generally with less than 25 percent cover of vegetation or soil.</p> <p>Pasture/Hay—Areas of grasses, legumes, or grass-legume mixtures planted for livestock grazing or the production of seed or hay crops typically on a perennial cycle. Pasture/hay vegetation accounts for greater than 20 percent of total vegetation.</p> <p>Shrub/Scrub—Areas dominated by shrubs; less than 15 feet tall with shrub canopy typically greater than 20 percent of total vegetation. This class includes true shrubs, young trees in an early successional stage, or trees stunted from environmental conditions</p> <p>Woody Wetlands—Areas where forest or shrubland vegetation accounts for greater than 20 percent of vegetative cover and the soil or substrate is periodically saturated with or covered with water</p> <p>Source: Homer et al. 2004</p>						



Map F.4. Land Cover and Use Within the Proposed Expansion Area.

## Land Protection Priorities

Most of the lands we include in the PEA currently have (or could have, upon restoration) important resource values and high potential for helping support a range of migratory birds, in accordance with fulfilling the purpose of the refuge. Hence, our process for prioritizing future acquisitions is based on the current (or potential) value of priority habitats (e.g., emergent marsh or mucklands that can be restored, riparian habitats, etc.) which are described in detail in the CCP. In addition, we would also focus on areas adjacent to current Service-owned lands, thereby further ensuring habitat connectivity between the refuge and surrounding conservation lands. In general, the availability of land from willing sellers, and the availability of funding at that time would influence the actual order of land acquisition. However, as landowners offer us parcels, and as funds become available, we would base the priority for acquisition on several factors. Furthermore, our intention is to minimize the need to acquire residences and buildings on these lands, while protecting and restoring habitat, so we would evaluate those parcels on a case-by-case basis. We have assigned those lands one of the following three priority categories.

**Priority 1:** Parcels that are dominated by emergent marsh or mucklands (that can be restored).

**Priority 2:** Parcels that contain a high percentage of riparian wetlands.

**Priority 3:** Parcels adjacent to currently owned refuge lands.

## Protection Options

We would use the following options to implement this LPP.

**Option 1:** No Service action

**Option 2:** Fee acquisition by the Service

**Option 2:** Less-than-fee acquisition by the Service

**Option 3:** Management of land owned by others

Service policy in acquiring land is to acquire only the minimum interest necessary to meet refuge goals and objectives, and acquire it only from willing sellers. Our proposal includes a combination of options 2, 3, and 4 above. We believe this approach offers a cost-effective way of providing the minimal level of protection needed to accomplish refuge objectives while also attempting to meet the needs of landowners.

### Option 1. No Service Action

In option 1, we would not expand the refuge acquisition boundary or otherwise attempt to protect and manage additional habitat in the vicinity of the refuge. The draft CCP evaluates this option as part of alternative A, Current Management. We did not select this as our proposal because it would result in fragmented ownership between NYSDEC and the Service, and would likely decrease opportunities to conserve and restore these areas to benefit plants and animals within the MWC.

## Option 2. Fee Acquisition

Under option 2, we would acquire parcels in fee title from willing sellers, thereby purchasing all rights of ownership. This option provides us the most flexibility in managing priority lands, and ensuring the protection in perpetuity of trust resources. Generally, the lands we would consider purchasing in the PEA would require active management (e.g., wetland restoration, controlling invasive species, mowing or prescribed burning, planting, or managing for the six priority public uses). Hence, we anticipate that the use of fee acquisition would be the primary method through which we would protect land in the PEA.

## Option 3. Less-than-fee Acquisition

Under option 3, we would protect and manage land by purchasing only a partial interest, typically in the form of a conservation easement. This option leaves the parcel in private (or other public) ownership, while allowing us control over the land use in a way that enables us to meet our goals for the parcel or that provides adequate protection for important adjoining parcels and habitats. Some of the lands along the Erie Canal and currently owned by the NYS Canal Corporation, could qualify as option 2 lands. The structure of such easements would provide permanent protection of existing wildlife habitats while also allowing habitat management or improvements and access to sensitive habitats, such as for endangered species or migratory birds. It may also allow for public use where appropriate. We would determine, on a case-by-case basis, and negotiate with each landowner, the extent of the rights we would be interested in buying. Those may vary, depending on the configuration and location of the parcel, the current extent of development, the nature of wildlife activities in the immediate vicinity, the needs of the landowner, and other considerations.

In general, any less-than-fee acquisition would maintain the land in its current configuration with no further subdivision. Easements are a property right, and typically are perpetual. If a landowner later sells the property, the easement continues as part of the title. Properties subject to easements generally remain on the tax rolls, although the change in market value may reduce the assessment. The Service does not pay refuge revenue sharing on easement rights. Where we identify conservation easements, we would be interested primarily in purchasing development and some wildlife management rights. Easements are best when

- only minimal management of the resource is needed, but there is a desire to ensure the continuation of current undeveloped uses and to prevent fragmentation over the long-term and in places where the management objective is to allow vegetative succession;
- a landowner is interested in maintaining ownership of the land, does not want it to be further developed, and would like to realize the benefits of selling development rights;
- current land use regulations limit the potential for adverse management practices;
- the protection strategy calls for the creation and maintenance of a watershed protection area that can be accommodated with passive management; or
- only a portion of the parcel contains lands of interest to the Service.

The determination of value for purchasing a conservation easement involves an appraisal of the rights to be purchased, based on recent market conditions and structure in the area. “Acquisition Methods”, below, further describes the conditions and structure of easements.

## **Option 4. Management or Acquisition by Others**

Although it is unlikely that we would rely heavily on this protection option for reasons previously discussed, we would consider it on a case-by-case basis.

## **Acquisition Methods**

We may use three methods of acquiring either a full or a partial interest in the parcels identified for Service acquisition: (1) purchase (e.g., complete title, or a partial interest like a conservation easement), (2) donations, and (3) exchanges.

### **Purchase**

For most of the tracts in the boundary, the proposed method is listed as Fee or Easement; however, the method we ultimately use also depends on the landowner's wishes.

*Fee* purchase involves buying the parcel of land outright from a willing seller in fee title (all rights, complete ownership), as the availability of funding allows.

*Easement* purchase refers to the purchase of limited rights (less than fee) from an interested landowner. The landowner would retain ownership of the land, but would sell certain rights identified and agreed upon by both parties. The objectives and conditions of our proposed conservation easements would recognize lands for their importance to wildlife habitat or outdoor recreational activities, and any other qualities that recommend them for addition to the Refuge System.

### **Donation**

We encourage donations in fee title or conservation easement in the approved areas. We are not aware currently of any formal opportunities to accept donations of parcels in our acquisition boundary.

### **Exchange**

We have the authority to exchange land in Service ownership for other land that has greater habitat or wildlife value. Inherent in this concept is the requirement to get dollar-for-dollar value with, occasionally, an equalization payment. Exchanges are attractive because they usually do not require purchase funds; however, they also may be very labor intensive and take a long time to complete.

## **Service Land Acquisition Policy**

Once a refuge acquisition boundary has been approved, we contact landowners within the approved acquisition boundary to determine whether any are interested in selling. If a landowner expresses an interest and gives us permission, and funding is available, a real estate appraiser would appraise the property to determine its market value. Once an appraisal has been approved, we can present an offer for the landowner's consideration.

Our long established policy is to work with willing sellers as funds become available. We would continue to operate under that policy. Appraisals conducted by Service or contract appraisers

must meet Federal as well as professional appraisal standards. Federal law requires us to purchase properties at their market value for highest and best use, which typically is based on comparable sales of similar types of properties.

Since the land in the acquisition boundary is already protected by the MWC, we based the acquisition boundary on maximizing administrative effectiveness. Once the acquisition boundary is approved, the Service has the authority to negotiate with landowners that may be interested or may become interested in selling their land in the future. With those internal approvals in place, the Service can react more quickly as important lands become available. Lands in that boundary do not become part of the refuge unless their owners sell or donate them to the Service.

A landowner may choose to sell land to the Service in fee simple and retain the right to occupy an existing residence. That is called a “life use reservation.” It applies during the seller’s lifetime, but can also apply for a specific number of years. At the time we acquire the parcel, we would discount from the appraised value of the buildings and land the value of the term of the reservation. The occupant would be responsible for the upkeep on the reserved premises. We would own the land, and pay revenue sharing to the appropriate taxing authority.

In rare circumstances, at the request of a seller, we can use “friendly condemnation.” Although the Service has a long-standing policy of acquiring land only from willing sellers, it also has the power of eminent domain, as do other federal agencies. We use friendly condemnation when the Service and a seller cannot agree on property value, and both agree to allow a court to determine fair market value. When we cannot determine the rightful owner of a property, we also may use friendly condemnation to clear title. We do not expect to use friendly condemnation very often, if at all. We would not use condemnation otherwise, as it counters good working relations with refuge neighbors and the public.

### **Funding for Fee or Easement Purchase**

Much of our funding for land acquisition at Montezuma NWR has come from the Migratory Bird Conservation Fund (MBCF), which derives from Federal Duck Stamp revenue. MBCF funds would be used for properties that include large tracts of emergent wetlands or cultivated lands that can be restored to wetlands and waters important for waterfowl. Another source of funding to purchase land is the Land and Water Conservation Fund (LWCF), which derives from certain user fees, the proceeds from the disposal of surplus federal property, the federal tax on motor boat fuels, and oil and gas lease revenues. About 90 percent of that fund now derives from outer continental shelf oil and gas leases. The Federal Government receives 40 percent of that fund to acquire and develop nationally significant conservation lands. LWCF funds would typically be used for to acquire land and easements that consist mainly of upland areas. Another potential source for funding in that category is the North American Wetland Conservation Act.

### **Estimated Acquisition Costs**

In our current approved acquisition boundary of 19,510 acres, approximately 244 parcels remain in private or other ownership and would potentially be available for purchase (fee title or conservation easement) from willing sellers.

Approximately 22 non-Service ownerships lie in the PEA (see table F.4). We estimate the cost of acquiring those 1,421 acres (as full fee simple or conservation easements) at \$2,218,350 million (in 2010 dollars). This rough estimation is based on the following assumptions:

All fee simple lands purchased would be farmland, totaling approximately 1,245 acres (see table F.4). We used a median estimated price of \$1,750 per acre<sup>1</sup> for farmland. Thus, the cost of acquiring all the farmland in the PEA would be  $1,245 \text{ acres} \times \$1,750/\text{acre} = \$2,178,750$ .

- All conservation easements would be forested wetlands totaling about 176 acres. We used a median price of \$300 per acre<sup>2</sup> for forested wetlands. Conservation easements typically cost approximately 75 percent of the full fee title value. Hence, the cost of acquiring all the available conservation easements would be  $176 \text{ acres} \times \$300 \text{ per acre} \times 0.75^3$  (cost of easement) = \$39,600.

Hence, our total estimated cost would be the costs of fee simple lands plus conservation easements or  $\$2,178,750 + \$39,600 = \$2,218,350$  to purchase the 1,421 acres in the PEA.

It must be noted that these costs are outlined here only to provide an approximation based on currently available information and would likely change over time.

## Coordination

Throughout the planning process for the draft CCP/EA, we solicited and carefully considered public comments on Service land acquisition. We worked with the State of New York, regional municipalities, local land trusts, and local and national conservation organizations who are directly involved in land protection strategies in New York.

We will distribute the LPP to all affected landowners, our conservation partners, State of New York, county offices, and local agency and town offices for a 30-day comment period. We will also hold public comment meetings during the public comment period for the draft CCP/EA and LPP.

## Socioeconomic and Cultural Impacts

We do not predict any significant adverse socioeconomic or cultural impacts. We believe there would be an overall positive effect on the socioeconomic environment as a result of the action outlined in the LPP. Were the Service to buy most of the lands in the PEA, positive benefits for communities in New York would include: towns benefiting from increased property values, increased watershed protection, maintenance of scenic values, and increased revenues for local

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<sup>1</sup> Cost per acre for fee acquisition of farmland was estimated based on the most recent appraisals for similar lands purchased by the Service.

<sup>2</sup> Cost per acre for fee acquisition of forested wetlands was estimated based on the most recent appraisals for similar lands purchased by the Service.

<sup>3</sup> Cost per acre for conservation easements was based on the best professional judgment of the Service realty specialist for Montezuma NWR.

businesses from refuge visitors who participate in bird watching, hunting, fishing, and wildlife observation.

There would likely be some adverse impacts, namely a decline of tax revenue to local towns (as lands come under Service ownership). The Refuge Revenue Sharing Act of June 15, 1935 (16 U.S.C. §715s) offsets some of the loss of local tax revenues from federal land ownership through payments to local taxing authorities. The refuge provides annual payments to taxing authorities, based on the acreage and value of refuge lands located within their jurisdiction. Money for these payments comes from the sale of oil and gas leases, timber sales, grazing fees, the sale of other Refuge System resources, and from Congressional appropriations, which are intended to make up the difference between the net receipts from the refuge revenue sharing fund and the total amount due to local taxing authorities. The actual refuge revenue sharing payment does vary from year to year, because Congress may or may not appropriate sufficient funds to make full payment. Recent revenue sharing payments to local towns have been less than what property taxes would have yielded. However, taken together, we believe there to be a net positive effect to the region.

Expanding refuge lands would likely increase protection for existing and potential cultural resources in the area (USFWS 2010). Service ownership would protect unidentified or undeveloped cultural sites from disturbance or destruction. Our interpretation and environmental education programs would continue to promote public understanding and appreciation of the area's rich cultural resources.

## Attachment 1. Parcel Maps and Table

The parcel maps (see maps F.5 through F.7) each show the PEA and all land parcels in that area per county. The corresponding table (see table F.4) lists each parcel, its tax map, block and lot number, acreage, our priority and recommended method for acquisition. The information is derived from the online databases for Cayuga, Seneca, and Wayne County tax offices. Please note that the acreage we derived from our GIS database may differ from the acreage on the county tax maps.

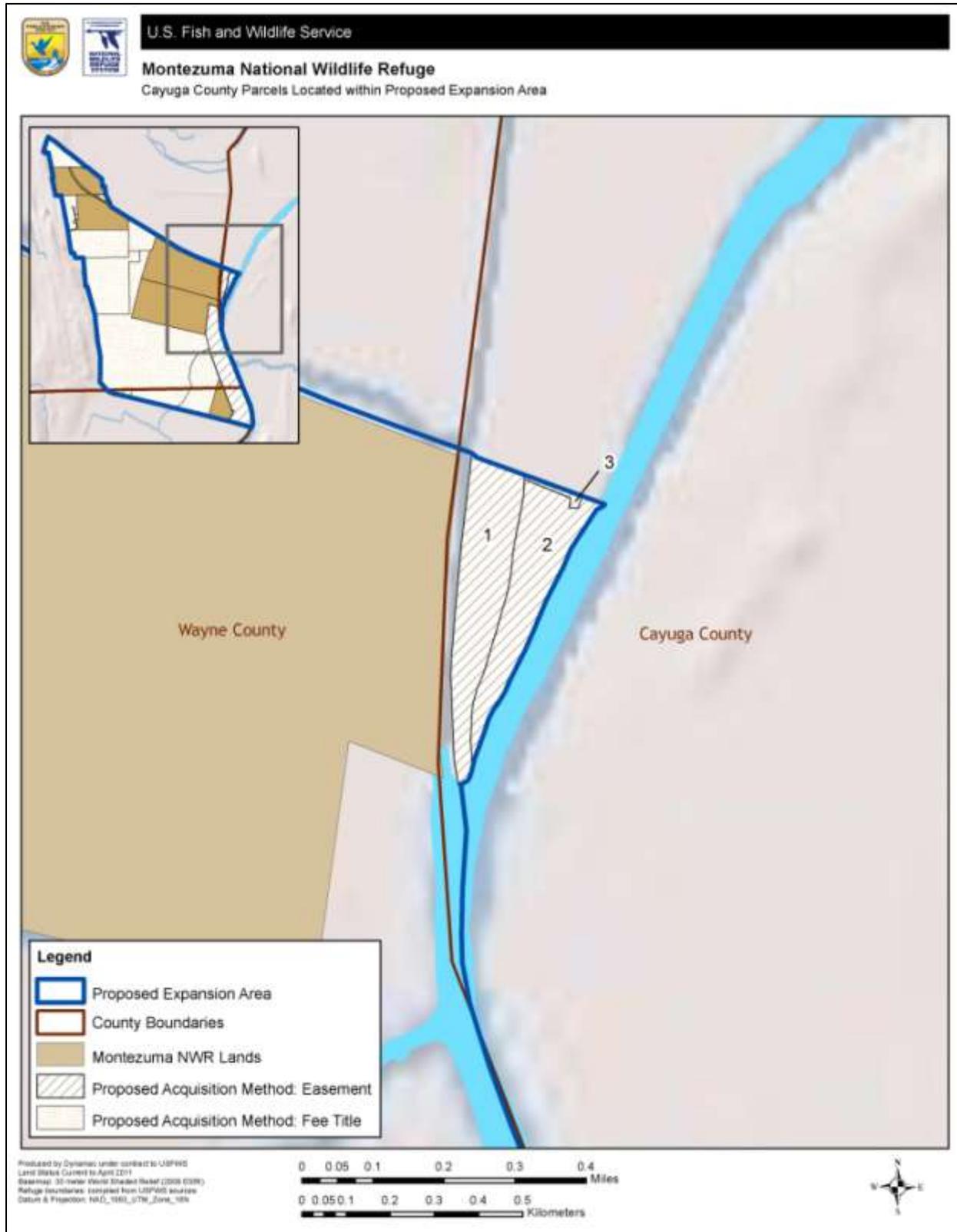
We would acquire either full or partial interest in land parcels, as available from willing sellers over time and as the availability of funding allows. Following are the definitions of the column headers in table F.4:

<b><i>LPP Number</i></b>	Our numerical identifier for each parcel in the acquisition boundary
<b><i>Tax Map</i></b>	County tax map number
<b><i>Block Number</i></b>	The block number on the tax map
<b><i>Lot Number</i></b>	The lot number on the tax map
<b><i>Acres</i></b>	GIS acres generated by Service cartographer (may differ from county tax maps)
<b><i>Priority</i></b>	See “Land Protection Priorities” section above for details
<b><i>Acquisition Method</i></b>	For lands in the acquisition boundary, whether we would acquire fee title or conservation easement (see discussion in “Acquisition Methods”), or if we are proposing to develop a management agreement
<b><i>Potential Source(s) of Acquisition Funding</i></b>	Which current sources of land conservation funds we believe would be most appropriate to fund acquisition of this parcel
<b><i>Current Ownership</i></b>	What type of entity currently owns the parcel, public (other federal, state, or county agencies or townships), public-USFWS (Service-owned property), or private (corporations, individuals, non-profit organizations).

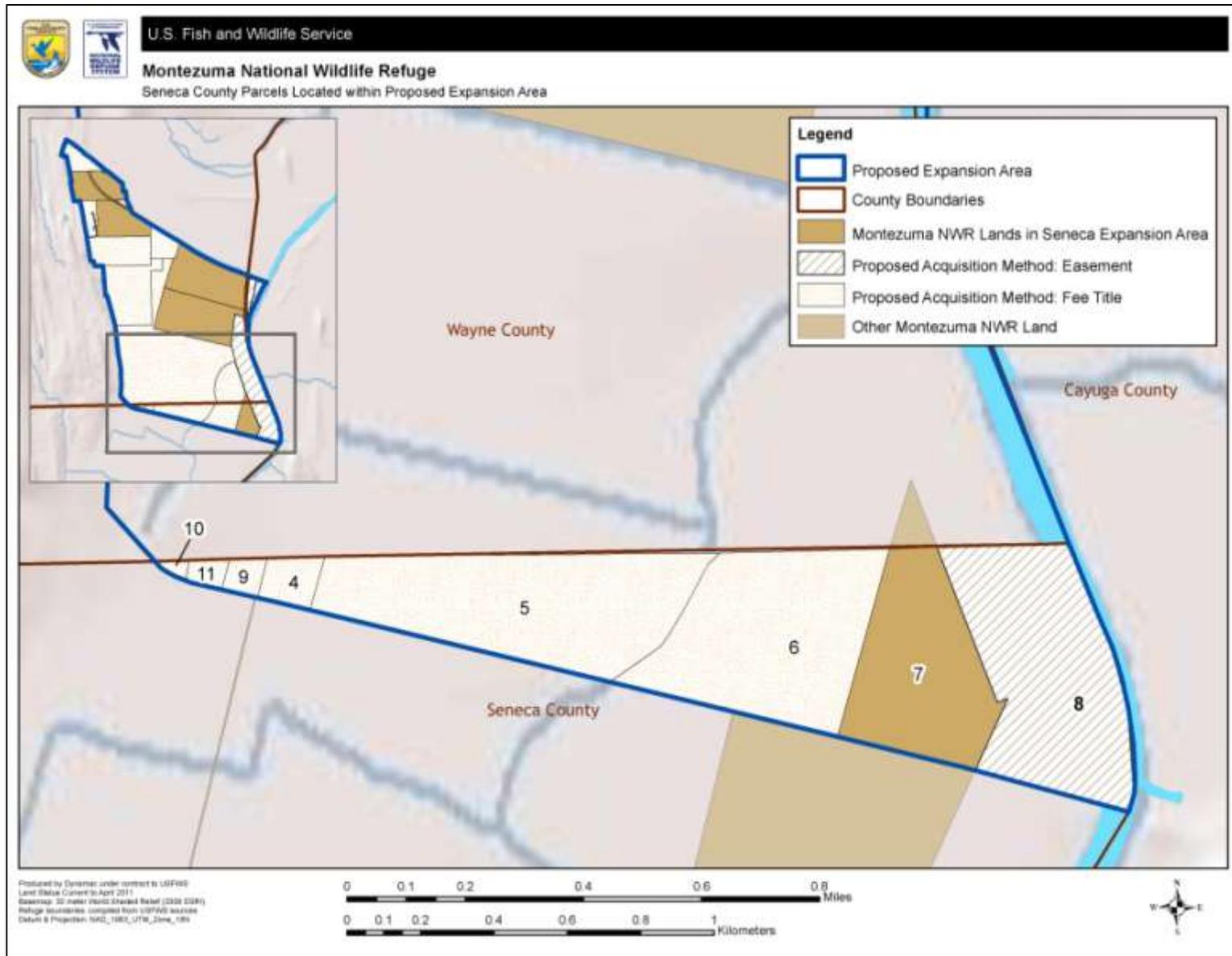
Table F.4. Montezuma NWR Land Protection Parcel List.

LPP Number	County	Tax Map	Block/Section Number	Lot Number	Acres	Priority	Acquisition Method	Type of Acquisition Funding	Current Ownership
1	Cayuga	73	1	1	14	2	Easement	MBCF	Public
2	Cayuga	74	1	2.1	12	2	Easement	MBCF, LWCF	Public
3	Cayuga	79	1	8	<1	2	Easement	MBCF, LWCF	Public
4	Seneca	4	1	15	4	1	Fee title	MBCF	Private
5	Seneca	4	1	1	62	1	Fee title	MBCF	Private
6	Seneca	4	1	2	72	1	Fee title	MBCF	Private
7	Seneca	4	1	3	36	N/A	N/A	MBCF	Public - USFWS
8	Seneca	4	1	4	54	2	Easement	MBCF, LWCF	Public
9	Seneca	4	1	14	2	1	Fee title	MBCF	Private
10	Seneca	4	1	12	<1	1	Fee title	MBCF	Private
11	Seneca	4	1	13	1	1	Fee title	MBCF	Private
12	Wayne	0	77111	598406	101	N/A	N/A	MBCF, LWCF	Public - USFWS
13	Wayne	0	78110	418189	2	NA	NA	MBCF	Public - USFWS
14	Wayne	0	78110	310265	77	1	Fee title	MBCF	Private
15	Wayne	0	78110	385428	90	2	Easement	MBCF, LWCF	Public
16	Wayne	0	78110	105659	243	NA	NA	MBCF	Public - USFWS
17	Wayne	0	77110	716797	207	3	Fee title	MBCF	Private
18	Wayne	0	77110	986418	605	3	Fee title	MBCF, LWCF	Private
19	Wayne	0	78110	169860	240	NA	NA	MBCF	Public - USFWS
20	Wayne	0	77111	659029	93	3	Fee title	MBCF, LWCF	Private
21	Wayne	0	77111	513158	<1	3	Fee title	LWCF	Private

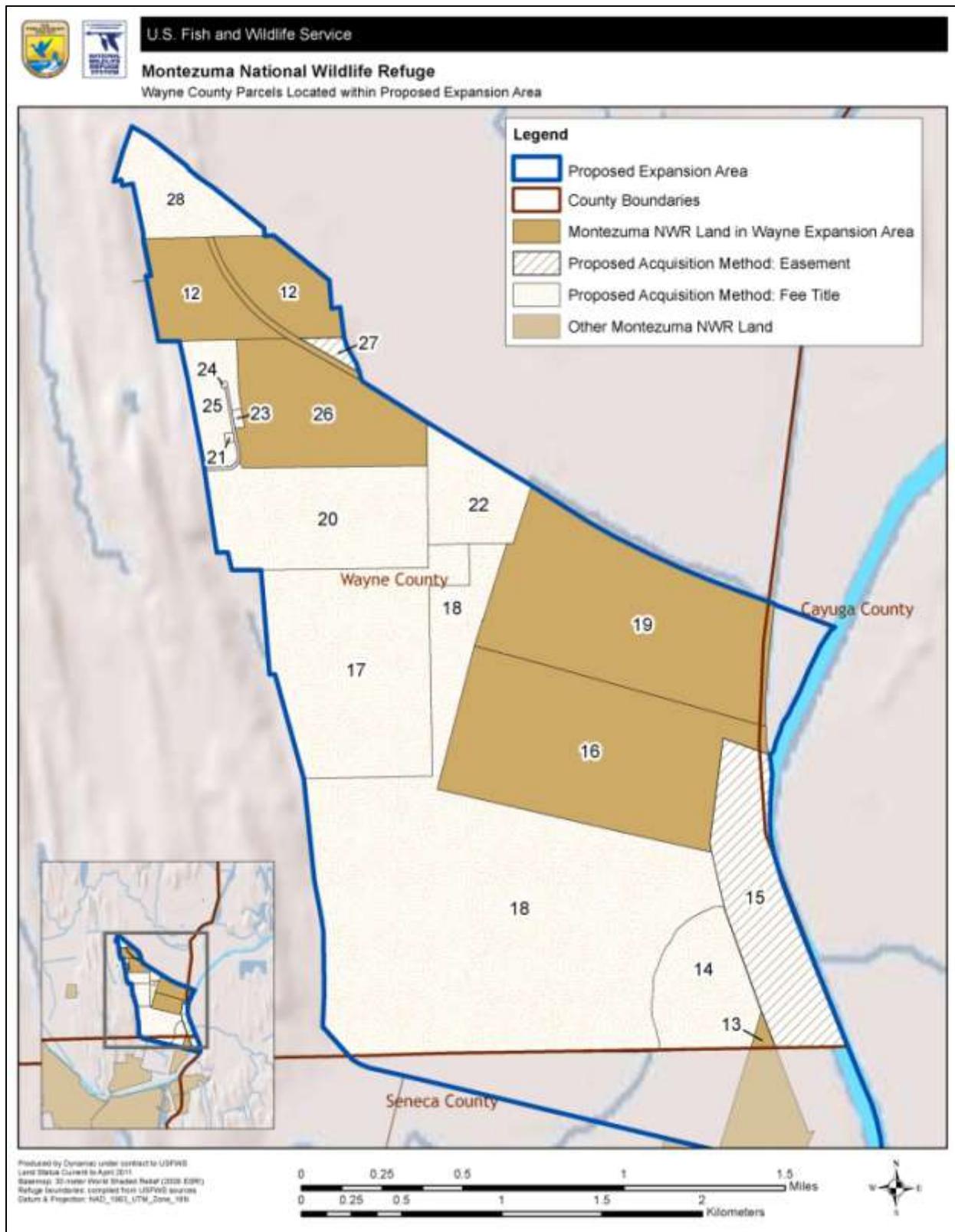
22	Wayne	0	77111	922071	54	3	Fee title	MBCF	Private
23	Wayne	0	77111	527189	1	3	Fee title	LWCF	Private
24	Wayne	0	77111	480254	<1	3	Fee title	MBCF	Private
25	Wayne	0	77111	453213	19	3	Fee title	MBCF, LWCF	Private
26	Wayne	0	77111	661215	113	NA	NA	MBCF, LWCF	Public - USFWS
27	Wayne	0	77111	678307	5	3	Easement	MBCF, LWCF	Public
28	Wayne	10	77111	422555	45	3	Fee title	MBCF, LWCF	Private



Map F.5. Cayuga County Parcels Located Within Proposed Expansion Area.



Map F.6. Seneca County Parcels Located Within Proposed Expansion Area.



Map F.7. Wayne County Parcels Located Within Proposed Expansion Area.

## Attachment 2. Letter of Support

**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION**  
**Division of Fish, Wildlife & Marine Resources**  
625 Broadway, 5<sup>th</sup> Floor, Albany, New York 12233-4750  
**Phone:** (518) 402-8924 • **Fax:** (518) 402-8925  
**Website:** [www.dec.ny.gov](http://www.dec.ny.gov)



Joe Martens  
Commissioner

June 24, 2011

Mr. Tom Jasikoff  
Refuge Manager  
Montezuma National Wildlife Refuge  
3395 Route 5/20 East  
Seneca Falls, NY 13148-9778

Dear Mr. Jasikoff:

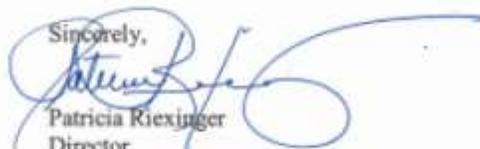
Thank you for writing to inform me about your Land Protection Plan (LPP) that would be incorporated into the Montezuma National Wildlife Refuge's Comprehensive Conservation Plan (CCP), currently under development.

You indicate that the LPP identifies a "new adjusted expansion boundary that would expand the refuge's current approved acquisition boundary by approximately 1400 acres..." I agree with your assessment that this will provide a strong strategic basis for future acquisition and habitat protection plans, and will help with future planning efforts for habitat management in collaboration with the State of New York.

Thus, I endorse your proposal to expand the acquisition boundary by about 1,400 acres, and I support the inclusion of this in your Land Protection Plan.

We view our collaborative efforts to protect and manage a variety of habitat types on the Montezuma Complex as an exemplary case study in effective state-federal relations. We look forward to working with you as the Montezuma National Wildlife Refuge CCP is drafted, and as we explore strategies to enhance wildlife-dependent recreational opportunities, and to manage and protect fish and wildlife habitats.

Thank you.

Sincerely,  
  
Patricia Riexinger  
Director  
Fish, Wildlife & Marine Resources

c: Paul D'Amato, DEC Regional Director



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