

# **Decision Notice and Finding of No Significant Impact**

## **Forest Plan Amendment for Caywood Point Management Area Designation**

**USDA Forest Service  
Finger Lakes National Forest  
Township of Lodi, Seneca County, New York**

### **Decision and Reasons for the Decision**

In October 2003 the Finger Lakes National Forest (FLNF) completed the Caywood Point Management Area Designation Environmental Assessment (Caywood Point EA). The Caywood Point EA discloses the impacts of a proposed Forest Plan Amendment to designate newly acquired National Forest System lands with a Management Area prescription, desired future condition, and standards and guidelines. This Forest Plan amendment is a programmatic action and is not related to a specific project.

### ***Background***

In 1996 and 1997, the Trust for Public Land conveyed approximately 214 acres to the Forest Service. These land parcels are referred to as the Caywood Point parcels, and are located off Route 414 in the township of Lodi, Seneca County, New York. The FLNF assigned these new parcels to Management Area (MA) 9.2. This management area category is the designation given to newly acquired land, and is considered a holding category until studies are done to determine the desired future conditions and management prescription for these land areas. The proposal to change the management area from MA 9.2 requires an amendment to the FLNF Land and Resource Management Plan (Forest Plan).

### ***Purpose and Need for Action***

The purpose of the proposed change in management area designation is to proactively address the future interests of the public by having the parcel assigned to a management area category where future projects can be considered. The parcel has great potential for recreational opportunities, and has historical significance, i.e., the Queen's Castle is located on the site, which is listed on the National Register of Historic Places. There are many opportunities for interpretive and educational activities. The current management area prescription for Caywood Point, MA 9.2, limits management actions to protecting existing resources, uses, and facilities. MA 9.2 only allows for management activities to counteract or prevent damage to the resources because of natural or human caused events, or to ensure public safety. The intention of this management area prescription, MA 9.2, is to protect the natural resource and management options of newly acquired lands until it can be placed in an appropriate Management Area.

**Decision Notice and Finding of No Significant Impact**  
**Forest Plan Amendment for Caywood Point Management Area Designation**

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The action proposed in the Caywood Point EA is to change the management area designation from MA 9.2, a holding category for new acquired lands, to MA 8.1E, a Special Area for recreation and education. MA 8.1 protects special areas with uncommon or outstanding biological, geological, cultural, historical, or recreational significance. This would address the interests of the public desiring active management of the Caywood Point parcel while preserving the property's special values for the education and enjoyment of present and future generations.

The Caywood Point EA documents the analysis of three alternatives to meet this need. See the section entitled "Other Alternatives Considered" for further explanation.

***Decision***

Based upon my review of the effects of all the alternatives, and the comments received from the public, I have decided to implement Alternative 1, the Proposed Action, which designates the Caywood Point parcel as MA 8.1E, a Special Area having uncommon or outstanding biological, geological, recreational, cultural, or historical significance. The intent of this MA prescription is to preserve these values for the education and enjoyment of present and future generations.

My decision includes the assignment of specific standards and guidelines for MA 8.1E as described in the Caywood Point EA to direct the management of this parcel (EA, Appendix B). It also includes the authorization for Amendment No. 4 to the 1987 FLNF Forest Plan to change the existing MA 9.2 designation for the Caywood Point parcel to MA 8.1E.

This alternative best meets the purpose and the need for the proposal while addressing public issues associated with this action.

The history of this parcel as a recreational and educational site, first as the artist colony/summer retreat known as Fossenvue in 1875, then as a Boy Scout Camp until our acquiring the land; combined with extensive interest to see it continued to be utilized as a recreation and educational site, was the basis for me selecting this Alternative, as opposed to the Undeveloped or No-Action Alternatives.

The Caywood Point parcel has potential for a myriad of recreational opportunities, such as hiking, camping, bird watching, fishing, swimming, boating, picnicking, and hunting. The parcel has established trails, bridges that traverse ravines, and an expansive beachfront area along Seneca Lake with limited access. The diversity of topography from steep beach side cliffs to ravines, and flat woodlands and shrub lands is home to many types of flora and fauna. The parcel also has great historical interest with the Queen's Castle, a building on the National Register of Historic Places for the part it played in Women's Rights history in the late 19<sup>th</sup> Century, at the time Camp Fossenvue was in full swing; the Boy Scout influence back to the early 1920's, and Native American influence and Sullivan's Campaign (an American Revolution military action). There are many opportunities for interpretive and educational activities. The FLNF, in conjunction with local historical societies, and other groups, can expand upon the historical, natural, cultural, physical, and botanical aspects of

**Decision Notice and Finding of No Significant Impact**  
**Forest Plan Amendment for Caywood Point Management Area Designation**

---

Caywood Point and design educational programs, teaching aides, etc. to educate the local community, children, and the general public.

The Caywood Point parcel will continue to be in the character of the Finger Lakes National Forest. In accordance with the Forest Plan management direction, two goals come to mind that reflect this thought; the first goal being (1) to protect the environment, which includes protecting resources, diversity of life forms, and significant cultural and historical resources; and the second goal, (2) providing a variety of goods and services, emphasizing those not available from other lands, which includes providing types of recreation that require large, relatively undeveloped land areas, providing room to roam, and opportunities for relative solitude and freedom from restrictions (Forest Plan, Section 4.04).

This decision only changes the management prescription of the parcel, from MA 9.2 (a holding category) to MA 8.1E, a Special Area for recreation and education. No ground disturbing activities will occur without further environmental analysis with the associated public involvement. The designation of a MA is the first step in the overall process of any site-specific project or projects being proposed.

I believe the decision should be made now, as opposed to waiting until the completion of the FLNF Forest Plan revision process, which would be the situation described in Alternative 3, No Action. Although the Forest Plan Revision is slated to be complete in 2005, the actual implementation date is unknown, as this document could be appealed, and in the court process for several years. By making a management area decision now, we will ensure these lands can be utilized by the public in the near versus extended future.

***Other Alternatives Considered***

In addition to the selected alternative, I considered two other alternatives, Alternative 3 – No Action, and Alternative 2- Undeveloped Action. A summary comparison of the effects of these alternatives can be found in the Caywood Point EA on pages 16-21.

Alternative 3 – No Action:

Under the No Action alternative, (Alternative 3), the land at Caywood Point would remain as MA 9.2, and the current standards and guidelines for MA 9.2 would apply. These standards and guidelines can be found in Appendix D of the Caywood Point EA. Management options would be limited to protecting existing resources, uses, and facilities until the parcel was assigned to a management prescription. A management area designation would be assigned during Forest Plan Revision, which is expected to be completed in 2005.

Alternative 2 – Undeveloped Action:

Under the Undeveloped Action, (Alternative 2), the land at Caywood Point would be changed to MA8.1E, a Special Area to remain Undeveloped, and the proposed standards and guidelines would apply. These standards and guidelines can be found at Appendix C of the Caywood Point EA. While Alternative 2 meets the Forest Plan's goals and objectives (as stated in the Caywood Point EA, pages 7 and 8) of protecting significant cultural and historical resources and providing types of wildlife habitat not common on other lands, it does not meet the goals of providing types of recreation that require large, relatively

**Decision Notice and Finding of No Significant Impact**  
**Forest Plan Amendment for Caywood Point Management Area Designation**

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undeveloped land areas or promoting the use of the Forest for environmental education and research (Forest Plan, section 4.04).

***Public Involvement***

The proposed action has been listed in the FLNF Schedule of Proposed Actions since the July-September 1999 issue, and has been listed in all subsequent issues to date. The purpose of the Schedule of Proposed Actions is to provide a status report and a short summary of proposals that are undergoing, or will under go, environmental analysis on the FLNF and is mailed to individuals, organizations, and agencies interested in Forest Service management activities.

The Forest Service mailed a scoping letter August 1, 2002, seeking public input on the proposal for a Forest Plan amendment to change the management area designation of the Caywood Point parcel. Of the six hundred sixty-three (663) scoping letters mailed out, we received six (6) responses. These responses provided several issues associated with the proposed action:

1. The Caywood Point parcel has value as a relatively undisturbed landscape that provides a habitat for various wildlife and bird species, a lakeside habitat not readily found around Seneca Lake.
2. The Caywood Point parcel has a highly sensitive visual component, which should be considered when proposing any development or structures. Structures should maintain the character and outstanding values of the area.
3. The Caywood Point parcel should remain undeveloped, with not public access to the lake, no timber harvesting and existing public roads should be closed to public use.

The Caywood Point EA was completed and publicly distributed in October of 2003. Although the administrative appeal opportunities for this project fell under regulations pursuant to 36 CFR 217, which do not mandate a 30-day public comment period, I was interested in hearing any potential concerns before I made a final decision for this project. Over six hundred twenty five (625) EA's were mailed out, and we received 26 comments. Some comments that we received were either outside the scope of the proposed action, irrelevant to the decision being made, or opinions, general comments, or position statements and will not be discussed in this document.

There were several general comments related to shoreline protection, water protection, and managing water resources. Although the management of these resources was not specifically addressed in the proposed standards and guidelines for the alternatives, the Forest Plan has general forest wide Standards and Guidelines that address protection of shorelines, wetlands and water resources (Forest Plan, Section 4.13). Rules for the management of the lake itself, Seneca Lake, fall under state laws for the management and protection of the resource. Any proposed activity on the parcel would have a site-specific environmental analysis that would address the effects of that activity on the shoreline, wetlands and water resources, as well as the other resources.

**Decision Notice and Finding of No Significant Impact**  
**Forest Plan Amendment for Caywood Point Management Area Designation**

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One commenter questioned the management of timber in Alternative 1. In accordance with the proposed standards and guidelines, timber would be managed to provide continuous forest cover (EA, Appendix B).

There was a question related to trail erosion, if Alternative 1 was chosen. Under the proposed management area designation, we would be allowed to maintain the trails under this alternative. If a trail were constructed, it would be designed to minimize erosion. This would be addressed in the site specific analysis that would be done for the trail proposal if or when one should occur.

A few commentors proposed alternatives that were already within the range of alternatives discussed. It is important to remember that this proposal is only to designate the management area of the parcel. There are no specific projects proposed at this time.

**Finding of No Significant Impact**

After considering the environmental effects described in the EA, I have determined that these actions will not have a significant effect on the quality of the human environment considering the context and intensity of impacts (40 CFR 1508.27). It is also important to note that, as for all plan amendments, the proposed adjustment evaluated in this amendment is programmatic in nature (i.e., change in Management Area prescription, and modifications of standards and guidelines); consequently they have no effects in and of themselves, but only result in effects when implemented as part of a site-specific project. Thus, an environmental impact statement will not be prepared. I base my finding on the following:

1. My finding of no significant environmental effects is not biased by the beneficial effects of the action. Effects from Alternative 1 may be both beneficial to some resources and adverse to others. As demonstrated in the Caywood Point EA (Chapter 3), the changes and effects are relatively minor, and so there are no impacts that are directly, indirectly, or cumulatively significant in their effects to the resources.
2. There will be no significant effects on public health or safety. Under MA 9.2, we are allowed to manage the resources in the interest of public health and safety. Management direction for MA 8.1E allows further opportunities to address public health and safety issues, for example, the ability to provide safe drinking water (see EA, Appendix B). None of the activities covered by this decision have hazardous components associated with them.
3. There will be no significant effects on unique characteristics of the area, because this action is a Forest Plan amendment and as such, is programmatic and does not in itself authorize any disturbance to historic or cultural resources, prime farmlands, floodplains, wetlands, wild and scenic rivers or ecologically critical areas. This is a programmatic amendment to the Forest Plan, and does not propose or authorize any on the ground activities that could affect the unique characteristics of any sites. Site specific analyses and decisions would have to be made for individual projects (see EA, page 9).

**Decision Notice and Finding of No Significant Impact**  
**Forest Plan Amendment for Caywood Point Management Area Designation**

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4. The effects on the quality of the human environment are not likely to be highly controversial. Controversy as described here is a dispute among the scientific community about the effects of the proposal, not controversy over the proposal itself. There is no controversy because there is no substantial dispute among the scientific community as to the effect of the Federal action on the various biological and physical environments. None of the comments received substantially refute the conclusions reached by Forest resource specialists, and we are not aware of any additional scientific research beyond what has already been examined.
5. The change in MA designation is an amendment to the Forest Plan, and in and of itself, does not involve any unique or unknown risks (see EA, page 8).
6. The action is not likely to establish a precedent for future actions because it only changes the MA category for a land parcel that is currently in a holding category for newly acquired land. Any future site specific project proposals will have to undergo additional environmental analysis and public involvement before any management activities are implemented and this programmatic decision does not commit us to any particular action on the ground.
7. The cumulative impacts are not significant. This is a programmatic Forest Plan amendment. There are no known significant cumulative effects between this action and other past or reasonably foreseeable actions or projects (see EA, pages 22-42).
8. The action will have no significant adverse effect on historic places, objects listed in or eligible for listing in the National Register of Historic Places, or scientific, cultural, or historic resources, because this is a programmatic amendment to the Forest Plan, and does not propose or authorize any on the ground activities that could affect such historic projects. The action will also not cause loss or destruction of significant scientific, cultural, or historic resources, for the same reason (see EA, Heritage Resources, pages 27-31).
9. The action will not adversely affect any endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973. Based upon the Biological Evaluation (see EA, Appendix A), the proposed action will have no direct, indirect, or cumulative adverse effects to threatened, endangered, or sensitive (TES) plants or animals. Re-categorization of land into another MA does not in itself result in any effects on TES/Species of Concern plants and animals, or their habitat. As there are no TES plants or animals known to occur on the Caywood Point parcel, there will be no direct, indirect, or cumulative effect to these plant or animal species (See EA, Appendix A).
10. The action will not violate Federal, State, and local laws or requirements for the protection of the environment. Applicable laws and regulations were considered in the EA (see the next section for a detailed discussion).

**Findings Required by Other Laws and Regulations**

### ***Consistency with the Forest Plan***

This decision to amend the FLNF Forest Plan is consistent with the intent of the forest plan's long term goals and objectives. This amendment will not change the Forest Plan goals and objectives originally established in 1987. Assigning an appropriate MA designation to newly acquired lands is consistent with direction for MA 9.2 (Forest Plan, Amendment No. 1, page 4.119-1).

### ***National Forest Management Act (NFMA)***

It is my finding that the actions of this decision comply with the requirements of the National Forest Management Act of 1976 and NFMA implementing regulations in 36 CFR Section 219.

I followed the direction found in 16 U.S.C. 1604 (f)(4), 36 CFR 219.10(f), FSM 1922.5, and Forest Service Handbook (FSH) 1909.12(5.32) and determined that this is not a significant amendment to the Forest Plan because it does not meet the required definitions of significance found in FSM 1922.5 and FSH 1901.12(5.32). My reasons for making this determination are discussed in detail on pages 9 and 10, and Chapter 3 of the Caywood Point EA.

### **Administrative Review or Appeal Opportunities**

This decision is subject to appeal pursuant to 36 CFR 217. The last day to file an appeal of this decision is 45 days after a legal notice for this decision is published in the *Ithaca Journal*. In order to be considered, a written Notice of Appeal (in duplicate) must be postmarked or received within 45 days of the legal notice publication, at the following address:

USDA, Forest Service, Eastern Region  
ATTN: Appeals Reviewing Officer; 36 CFR 217  
Gas Light Building, Suite 700  
626 East Wisconsin Ave  
Milwaukee, WI 53202-4616

A copy of the 36 CFR 217 appeal regulations can be obtained from this office or they can be found at the Internet at [http://www.access.gpo.gov/nara/cfr/waisidx\\_00/36cfr217\\_00.html](http://www.access.gpo.gov/nara/cfr/waisidx_00/36cfr217_00.html)

A Notice of Appeal must meet the requirements of 36 CFR 217.9, as listed below:

- State that the document is a Notice of Appeal filed pursuant to 36 CFR part 217;
- List the name, address, and telephone number of the appellant;
- Identify the document in which the decision is contained by title and subject, date of the decision, and the name and title of the Deciding Officer;
- Identify specifically that portion of the decision or decision document to which the appellant objects;

**Decision Notice and Finding of No Significant Impact  
Forest Plan Amendment for Caywood Point Management Area Designation**

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- State the reasons for objecting, including issues of fact, law, regulation or policy; and
- Identify the specific change or changes in the decision that the appellant seeks.

If an appeal is filed, for twenty (20) days following the filing of the notice of appeal, the Appeal Reviewing Officer (listed above) will accept requests to intervene from any interested or potentially affected person or organization. Intervention will be allowed pursuant to 36 CFR 217.14.

**Implementation Date**

Implementation of this decision may occur on, but not before, seven (7) calendar days after the publication of the legal notice of this decision (36 CFR 217.10).

**Contact**

For additional information concerning this decision or the Forest Service appeal process, contact:

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5218 State Route 414  
Hector, New York 14841  
Office: 607-546-4470 (Voice); 607-546-4476 (TTY)  
Fax: 607-546-4474

/s/ Paul Brewster  
PAUL BREWSTER  
Forest Supervisor  
Green Mountain and Finger Lakes National Forests

4/16/04  
Date

**Decision Notice and Finding of No Significant Impact**  
**Forest Plan Amendment for Caywood Point Management Area Designation**

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