



**New York State Office of Parks,
Recreation and Historic Preservation**

The Governor Nelson A. Rockefeller Empire State Plaza Agency Building 1, Albany, NY 12238
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David A. Paterson
Governor

Carol Ash
Commissioner

**AGENCY DECISION
AND
STATEMENT OF FINDINGS**

Adoption of a Master Plan for Black Diamond Trail

The New York State Office of Parks, Recreation and Historic Preservation has prepared a Final Environmental Impact Statement (FEIS) and Final Master Plan for the Black Diamond Trail located in the Towns of Ithaca and Ulysses and the City of Ithaca in Tompkins County, New York.

By the authority vested in me in State Parks, Recreation, and Historic Preservation Law, I do hereby adopt the Final Master Plan for the Black Diamond Trail.

This decision represents certification of the attached Findings Statement prepared in accordance with the requirements of 6 NYCRR Part 617.11, the regulations implementing Article 8 of Environmental Conservation Law - the State Environmental Quality Review Act. This decision is based on the Findings Statement and the content of the Master Plan/Final Environmental Impact Statement.

Carol Ash
Commissioner
NYS Office of Parks, Recreation and Historic Preservation

Date

DRAFT FINDINGS STATEMENT
State Environmental Quality Review Act
Black Diamond Trail Master Plan

Pursuant to Article 8 (State Environmental Quality Review Act - SEQRA) of the Environmental Conservation Law and 6 NYCRR Part 617, the NYS Office of Parks, Recreation and Historic Preservation (OPRHP), as lead agency, makes the following findings:

Title of the Action:

Adoption and Implementation of a Master Plan for the Black Diamond Trail

Location:

The Black Diamond Trail is a 15-mile, off-road and pedestrian and bicycle trail facility located in the Towns of Ithaca and Ulysses and the City of Ithaca in Tompkins County, New York.

Description of the Action:

The action is the adoption and implementation of a Master Plan for the Black Diamond Trail.

Date of Completion of the Final EIS: July 9, 2008

Findings:

1. These findings consider the following relevant environmental impacts, the facts and conclusions disclosed in the Final EIS; weigh and balance relevant environmental impacts with social, economic and other considerations; provide a rationale for the agency's decision; certify that the requirements of 6 NYCRR Part 617 have been met; and certify that consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is the one which avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions those mitigative measures that were identified as practicable.

2. The Final Plan was subject to a complete Environmental Impact Statement process including three public information and scoping meetings and a public hearing.
3. The Final Environmental Impact Statement contains a chapter on responses to the comments on the Draft EIS. This chapter contains clarification of issues raised during the review of the Draft EIS. It also provides information that has been used in the preparation of the final plan.
4. The Black Diamond Trail is located in the Towns of Ithaca and Ulysses and the City of Ithaca in Tompkins County and is within OPRHP's Finger Lakes State Park Region.
5. The Black Diamond Trail is an off-road bicycle and pedestrian dedicated trail facility for residents and visitors of Tompkins County, New York, with a focus on connecting the four major State Park facilities in the county (Robert H. Treman State Park, Buttermilk Falls State Park, Allan H. Treman State Marine Park and Taughannock Falls State Park) to neighborhoods and communities and other major trip destinations. The trail is projected to be 15 miles in length and encompass 226 acres of public lands.
6. The setting of the trail includes three different landscapes:
 - The trail segment connecting Robert H. Treman to Buttermilk Falls passes through the Cayuga Inlet stream valley. The area provides a variety of natural and cultural settings consisting of bottomlands lush with regenerating floodplain forest vegetation and wildlife and small pockets of wetlands. Much of the area had been farmed in the early 19th and 20th centuries by Native Americans and European settlers.
 - The trail segment connecting Buttermilk Falls and Allan H. Treman State Marine Park follows a former railroad corridor and the banks of the Cayuga Inlet Flood Control Channel through the City of Ithaca. The area has pockets of floodplain forest along the Cayuga Inlet stream adjacent to the abandoned railroad corridor before entering the urbanized landscape of Ithaca and the City of Ithaca's Cass Park.
 - The longest segment of the trail, connecting Allan H. Treman to Taughannock Falls is the rail-to-trail component of the project. This segment of the trail follows the route of the former Lehigh Valley Railroad line. The landscape at the southern end consists of towering canopy of maple, hemlock, oak and hickory trees, then transitions to open agricultural fields, abandoned agricultural lands and rural residential land uses as it heads north to Taughannock Falls.
7. In addition to providing a connection to the four major state park facilities in Tompkins County, with their campgrounds, swim areas, picnic grounds and hiking trails; the Black Diamond Trail provides an off-road trail alternative to access neighborhoods and parks in the City of Ithaca, residences and businesses in the Town of Ithaca, the Cayuga Nature Center in the Town of Ulysses and residences and businesses in the Town of Ulysses.
8. Natural resource inventory literature searches and filed investigations identified the presence of two locally rare plants, Kentucky coffee tree (*Gymnocladus dioica*) and green dragon (*Arisaema dracontium*) and two rare animal species, tawny emperor butterfly (*Asterocampa clyton*) and bog turtle (*Clemmys muhlenbergii*), within the trail study area which included a one-mile width along the proposed trail route. Field reports compiled by the Natural Heritage Program were consulted to identify the latest records for the butterfly and the turtle. The tawny emperor butterfly was last reported in 1993 and the turtle in 1940 which is not expected to be found in the trail study area due to the dramatic changes to the turtle's preferred habitat.

9. Portions of the trail corridor will pass through locally unique ecological communities, including floodplain forests and wetlands. Public acquisition of these areas provides an opportunity to protect and expand the acreage of these locally unique habitats.

10. The plan identifies guiding principles for development of the trail, following the OPRHP mission to provide safe and enjoyable recreational and interpretive opportunities for the state's residents and visitors, and to be responsible stewards of the valuable natural, historic and cultural resources.

11. Goals for the trail include:

- Increase opportunities for trail-based recreation and multi-modal transportation options in Tompkins County and the Finger Lakes Region.
- Protect, enhance and interpret the scenic, natural and cultural resources
 - Develop the trail to promote a safe, high-quality, diversified recreational experience and alternate transportation choice.
 - Minimize and/or mitigate, as practicable, impacts on adjacent landowners

12. Two primary alternatives were identified in the Plan: (1) the Status Quo Alternative and (2) the Preferred Master Plan. The Status Quo alternative consists of the current situation, which is no off-road, bicycle and pedestrian dedicated facility. The Preferred Master Plan option for the trail is a combination of design elements for multi-use, multi-purpose trail facilities that best meets the goals for the trail system. This alternative represents the Final Master Plan.

13. Development of the Black Diamond Trail will consider the impacts on all of the natural and cultural resources and construction and operation impacts will be avoided or mitigated to the greatest extent practical by using construction techniques and materials that suit the landscape and by instituting operation and maintenance practices that protect the resources. Impacts associated with the implementation of the plan and mitigation measures identified are as follows:

- The Natural Landscape
 - Flora and Fauna

The trail segment between Robert H. Treman and Buttermilk Falls, which passes through the Cayuga Inlet corridor, is likely to be the most sensitive to change in use. Careful on-site planning and siting of the trail in consultation with a botanist and DEC wetlands staff will mitigate any potential impacts and avoid any rare plants. For the remaining two segments of the trail, the natural landscape includes abandoned railroad corridor and flood control channel areas that either consist of second growth herbaceous or shrub species or cultivated grass.

In all three segments, invasive plant species are present. As a result of the proposed trail acquisition and trail development of the properties, a positive impact will be the development and implementation of management plans that will reduce or eliminate invasive plants and improve the biodiversity of the existing ecological communities.

The removal of vegetation and the presence of people may affect the bird communities, particularly along the trail segment between Robert H. Treman and Buttermilk Falls in the Cayuga Inlet. This area has been relatively undisturbed since the mid-1900s when agricultural lands were abandoned.

The reintroduction of human activities could impact bird species that are not accustomed to disturbance. To mitigate this impact, lands will be acquired to allow siting the trail far enough away from the Cayuga Inlet and thickets of vegetation to protect bird habitat. In addition, new plantings will enhance habitat for floodplain forest bird species.

- Water Resources

Over the course of the 15 miles of trail, approximately 16.3 acres of vegetation will be removed and converted to trail surface. Of the 16.3 acres, 3.9 acres will be converted to an impervious asphalt surface. Impacts to water resources are expected to be minor. The conversion of vegetation ground cover to trail surface will result in a small increase in stormwater runoff. To mitigate the potential impact, OPRHP has selected surface treatments that have lower runoff rates and will install vegetation swales that slow the rate of flow and act as a water filter.

- The Cultural Landscape

- Archeological Resources

No adverse impacts to archeological resources are anticipated along the 15 mile trail corridor. Positive impacts associated with interpreting the history of the area will result from development of the trail. Remnant railroad infrastructure will be incorporated into the trail design thus allowing for railroad history interpretation. Potential impacts to prehistoric resources in the trail corridor between Robert H. Treman and Buttermilk Falls will be avoided in any construction in the area.

- Community Resources

While many positive impacts are associated with the development of the trail, the active use of the trail corridor for transportation and recreation will result in changes to the environment for people living along the trail, including residential and agricultural properties. The segment linking Allan H. Treman to Taughannock Falls utilizes the old Lehigh Valley Railroad corridor which has not operated since the 1950s. Since that time, the corridor has seen little to no use other than that of adjacent property owners. To mitigate the change, OPRHP will incorporate fencing, vegetation screens, property boundary postings and orientation and interpretive signage into the physical trail development. Through the operations plan, security staff will be assigned to monitor activities on the trail. Also, OPRHP will encourage the establishment of a "Friends of the Black Diamond Trail" group involving local residents and service groups that can assist OPRHP in operating and maintaining the trail.

- Tax Base

Property acquisition will result in property being permanently removed from the local tax rolls. The acquisition of properties for the Black Diamond Trail has occurred in stages over time and as such has been absorbed by Tompkins County and the towns incrementally. The involved municipalities are supportive of the project and the benefits associated with transportation and health. Also the trail is expected to contribute to tourism revenues and sales tax in the area which will help offset the reduction in property tax revenue.