

statement of findings

wild and scenic river study

april 1982

FISH CREEK
EAST BRANCH



NEW YORK

This report was prepared pursuant to Public Law 90-542, the National Wild and Scenic Rivers Act. Publication of the findings herein should not be construed as representing either the approval or disapproval of the Secretary of the Interior. This report provides information for further consideration by the National Park Service, the Secretary of the Interior, other federal and state agencies, and the public.

**STATEMENT OF FINDINGS
WILD AND SCENIC RIVER STUDY**

**East Branch of Fish Creek
New York**

**Denver Service Center
National Park Service
United States Department of the Interior**

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HIGHLIGHTS OF FINDINGS

1. The East Branch of Fish Creek, other than a 1.9-mile segment containing Boyd Dam and Tagasoke Reservoir, is eligible for designation under the National Wild and Scenic Rivers Act (PL 90-542).

The river has high water quality and sufficient volume. It is free-flowing, except at the Tagasoke Reservoir, and has one or more outstandingly remarkable natural and cultural values meeting national eligibility criteria (see East Branch, Fish Creek Study Area map). The river is also eligible for designation to the state's Wild, Scenic, and Recreational Rivers System.

In order to analyze the river's eligibility, it was divided into three segments based on resource values. Segment 1, from stream headwaters to Sweeney Road, southward for a distance of 14.1 miles, meets the criteria as a wild river. Segment 2, from Sweeney Road to Palmer Road, excluding Boyd Dam and Tagasoke Reservoir, for a distance of 21.1 miles, meets the criteria as a scenic river. Segment 3, 4.8 miles in length from Palmer Road to the confluence with the West Branch, meets the criteria as a recreational river. These segments are shown on the River Segment Eligibility and Potential Classification map in the "Major Findings" section.

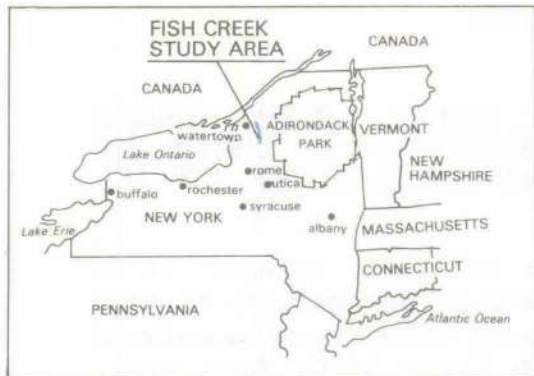
2. Although the East Branch is eligible for inclusion in the National Wild and Scenic Rivers System, the degree of public interest and support is not sufficient to recommend national designation.

Suitability for inclusion of an eligible river in the national system is based on local or local/state support for river protection; exceptions are made only when there are major federal holdings in the river corridor. Even though the East Branch is eligible for designation, public comment to date reflects lack of support and indicates that designation is not suitable.

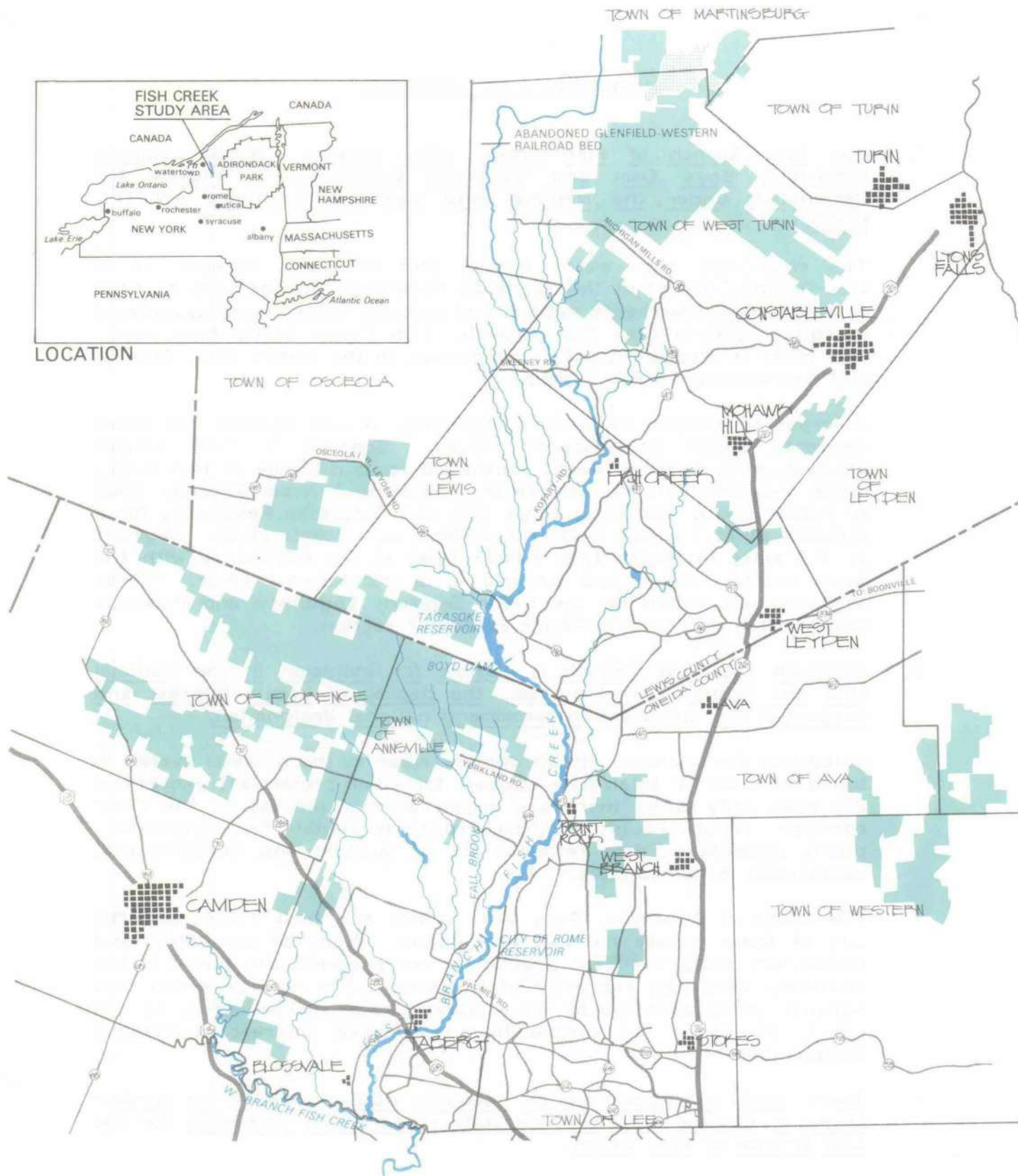
The towns of Annsville, Ava, Lee, Lewis, and West Turin, and the city of Rome oppose national designation. Many of the towns and landowners along the East Branch do not perceive any threat to the relatively unspoiled character of the stream and are concerned that national designation would only attract more recreationists to the area. Relatively few people have expressed interest in national designation.

3. There does not appear to be adequate public support for further study to develop local or local/state conservation strategies for the East Branch of Fish Creek.

This finding is based on public meeting responses, written responses, and responses from the Citizen Participation Steering Committee (also reflecting town government attitudes). The towns of Ava, Lee, and West Turin, and the city of Rome do not favor



LOCATION



STATE PARK
STATE REFORESTATION AREA



2 MILES

EAST BRANCH FISH CREEK STUDY AREA

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continuing the study, but the town of Lewis believes the study effort should continue.

In the long run, the potential benefits of continuing the study can only be measured by the resulting actions. The benefits of developing local/state conservation strategies will be worth the additional effort and cost only if there is a commitment by town governments and local landowners toward long-term coordination efforts to conserve the stream.

4. Although there appear to be few immediate threats to East Branch resources, the character of the stream and the quality of its water and fishing could be vulnerable to development pressure.

From 1974 to 1979, the Tug Hill land market was fairly active. Annsville and Lee were two of the six most active land markets in the Tug Hill Region (39 towns in the region) during the same period. All towns along the East Branch, except Martinsburg, increased in population from 1970 to 1980. Lee and Annsville, in the southern portion of the stream corridor, recorded the greatest amount of growth. Many nonresidents use Tug Hill for summer and winter recreational activities. Population growth and recreational pressure are expected to continue, resulting in additional pressures on the East Branch, particularly in the southern portion of the stream corridor. In addition, proposals have been made to install major electric transmission lines across the East Branch.

5. Various segments of the East Branch currently are afforded different amounts of protection, especially through recent adoption and implementation of local codes. However, no formal or coordinated river conservation efforts are being undertaken by the state, local governments, or private landowners to ensure continued protection of river resource values.

The seven East Branch towns, other than Annsville, have adopted local land-use controls that include some form of natural resource protection measures. These codes will need to be amended from time to time to meet town needs and state laws. Cooperation and equitable enforcement procedures are required for success of these codes. The city of Rome Watershed Rules and Regulations, as authorized by state law, also provides a mechanism to protect the East Branch water resources.

New York State has enacted a number of laws that have been and can be used to protect the resources of the East Branch, although the success of these programs and regulations depends on adequate funds, public information, and cooperation of local citizens, industry, and governments.

These local and state laws provide mechanisms to aid in the protection of East Branch water and shoreline qualities. However, the laws do not afford total or coordinated stream protection. As development and recreational pressures increase, a more concerted local or combined local/state effort will probably be required to avoid stream degradation.

STUDY BACKGROUND

PAST STUDIES OF THE EAST BRANCH

In 1974, a study authorized by the Tug Hill Commission recommended that 17 miles of the upper East Branch be added to the state's Wild, Scenic, and Recreational Rivers System (see following map). Also in 1974, the New York Department of Environmental Conservation (DEC) evaluated an 18.4-mile segment of the lower East Branch and recommended it be added to the state system as a scenic and recreational river.

Subsequently, the Tug Hill Commission recommended that the entire East Branch be considered a unique stream area. At that time (1975), the state's rivers program was not viewed by the commission as being appropriate for the Tug Hill region.

In 1977, the Heritage Conservation and Recreation Service (HCRS) surveyed the East Branch as a part of its nationwide inventory of rivers. While not determining classification levels, the agency found that approximately 39 miles of the stream appeared to meet the minimum criteria of the Wild and Scenic Rivers Act and would be eligible for designation.

THE NPS CONGRESSIONALLY AUTHORIZED STUDY

In 1978, the Onondaga Audubon Society requested that New York Congressman Donald Mitchell support several items involving potential legislation, including a wild and scenic river study for the East Branch of Fish Creek. As a result, the authorization for study of the East Branch was included in Public Law 95-625, the Parks and Recreation Act of 1978. Apparently, relatively few people in the Tug Hill region of New York were aware that the East Branch would be studied by the federal government; this became one of the major concerns expressed at public meetings in 1981.

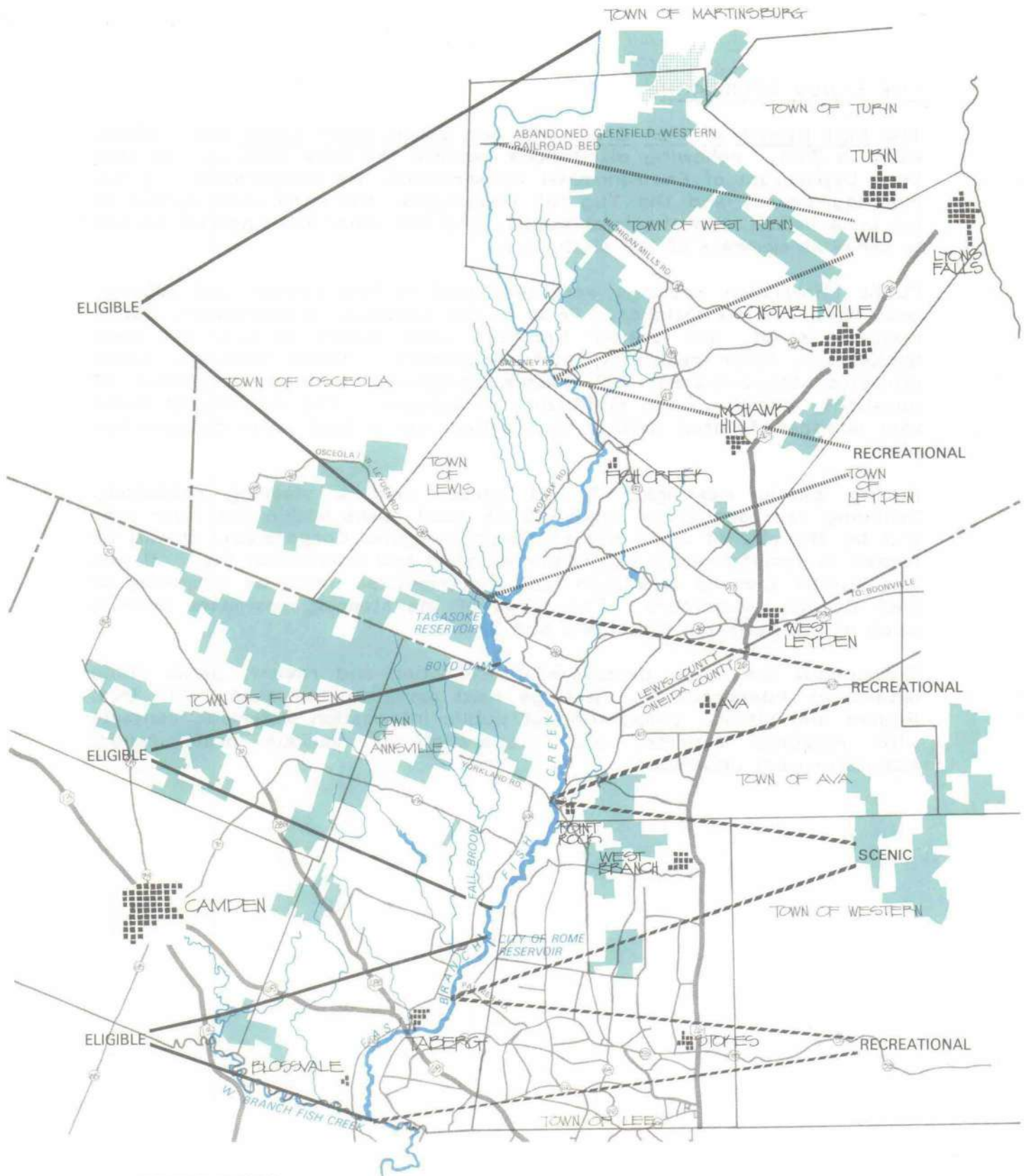
STUDY OBJECTIVES

The two basic objectives of this study are

- to determine if the stream is eligible for inclusion in the national wild and scenic rivers system and if the stream is suitable for national designation based on either extensive federal land within the river corridor or substantial local or local/state support for stream protection

- to assist and encourage local and state government, private landowners, and others to work together to protect the stream's outstanding resources in the future

Unless significant local interest in a coordinated river protection effort develops, the second objective of the study will not be undertaken, and a report based on this Statement of Findings will be prepared for Congress.



- - - - - NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION -1974
 MUENCH, OSINKI, PFLEEGER AND GEIS-SYRACUSE, NEW YORK -1974
 ————— HERITAGE RECREATION AND CONSERVATION SERVICE-1977 (DID NOT DETERMINE CLASSIFICATION)



0 2 MILES

PAST STUDY RECOMMENDATIONS FOR ELIGIBILITY / CLASSIFICATION

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THE STUDY APPROACH

The East Branch of Fish Creek Wild and Scenic River Study was initiated early in 1981. Following discussions between the Park Service, the New York Department of Environmental Conservation, the Cooperative Tug Hill Planning Board, and the Tug Hill Commission, the commission agreed to act as a liaison with the local public, and the other two agencies agreed to serve as members of the study team.

Public information meetings were conducted in West Leyden and Taberg, New York, in late October. Prior to the meetings, a newsletter, public response sheet, and answer brochure were mailed to over 200 local landowners, other residents, and newspapers. These meetings, which attracted approximately 100 people, produced a lively exchange of questions, answers, and statements of concern. The majority of those who attended favored neither designation nor a local river conservation plan.

During public meetings, it was agreed that a steering committee, including representatives appointed by local towns within the river area and by the city of Rome and the Georgia-Pacific Corporation, should be formed to facilitate local public participation and information flow. It was also agreed that no less than half the committee would be comprised of East Branch landowners. The views of the steering committee provide much of the basis for findings 2 and 3.

Throughout the study process--data collection and review, aerial photo land-cover interpretation, meetings held early in the study with local leaders and others, preparation of public information materials, contacts with resource experts, and preparation of various draft report materials--were undertaken.

DESCRIPTION OF FISH CREEK STUDY AREA

REGIONAL SETTING

The Tug Hill area, encompassing parts of four counties, lies between Lake Ontario and the Adirondack Mountains in upstate New York (see the study area map in the "Highlights of Findings" section). Watertown, Rome, Utica, and Syracuse are the largest communities close to this region. The Tug Hill plateau, which occupies most of the region, rises gradually to an elevation of nearly 2,000 feet. Along the east side of the plateau, a steep escarpment is a unique geologic feature of the region.

The East Branch of Fish Creek originates near the highest part of the Tug Hill upland, flowing generally southward to join the West Branch south of the community of Taberg. From the confluence, the main stem of Fish Creek flows south and west and empties into Oneida Lake.

SOCIOECONOMIC OVERVIEW

The primary concentration of economic activity in the Tug Hill area is situated in the northeast portion along the Black River valley and in the southern portion near Oneida Lake and Syracuse, Rome, and Utica. More than half the region's inhabitants live in this area. The economic base consists of forestry, farming, and wood and food processing industries. The logging industry has declined since its peak in 1870. Dairy farming is economically strong in the Black River valley, but marginal farmlands around the Tug Hill upland have been reverting to forest or inactive use since 1910. Other than service, retail, and wholesaling employment that supports these primary industries, the nearby urban centers provide the employment base (Dyballa, Raymond, and Hahn 1981).

The East Branch lies in seven towns within Lewis and Oneida counties. Lewis recorded a population increase from 1970 to 1980, whereas Oneida recorded a population decrease. These changes have resulted in an overall population increase of 13.1 percent for the seven towns. The largest increases occurred in the southern East Branch towns of Annsville and Lee. These increases suggest in-migration from Syracuse, Utica, and Rome and an interest in the area's recreational potential. Local planning boards predict that the southern towns will grow faster than the rest of the Tug Hill region.

LANDOWNERSHIP AND USE

Landownership

Nearly all the land adjacent to the East Branch is privately owned. The Georgia-Pacific Corporation is the major landowner in the study area, with major holdings in Lewis County north of the Tagasoke Reservoir. Approximately 14 miles of the upper East Branch shoreline are owned by the corporation. Of the 95 privately owned tracts contiguous to the East Branch in Oneida County, 66 are less than 80 acres in size. Generally,

private tracts are smaller and more numerous in the southern portion of the study area.

The only public lands adjacent to the East Branch are at the city of Rome Reservoir, at the city's Boyd Dam and Tagasoke Reservoir, and a small tract of state reforestation land at the upper end of Tagasoke Reservoir. The study area map shows the extent of state lands near the East Branch.

Land Use

Most of the stream corridor is undeveloped and forested. Residential uses are primarily located in the unincorporated community of Taberg in Annsville. There is also a small residential settlement south of Yorkland Road at Point Rock, approximately a half-mile from the East Branch.

Dairy farming is the predominant land use south of Taberg. Agricultural uses are concentrated in the more level sections adjacent to the stream corridor below Boyd Dam.

Forestry activities primarily occur in the portion of the stream corridor that lies north of Osceola Road. The Georgia-Pacific Corporation leases hunting and fishing rights to several private sporting clubs. The Fish Creek Club Farm is located on Sweeney Road, the uppermost public auto access to, or paralleling, the stream.

NATURAL AND CULTURAL ATTRIBUTES

Natural Characteristics

The East Branch is free-flowing except at Tagasoke Reservoir. The stream from Osceola Road northward to the headwaters is the least developed free-flowing river in New York State outside the Adirondack Park area. The remaining portion southward to the West Branch has land-use characteristics similar to the least developed free-flowing rivers in New York State.

The East Branch, above Tagasoke Reservoir, flows through the unique topography of the Tug Hill upland. Below the reservoir, the stream flows through significant limestone and shale bluffs to north of Palmer Road. The gorge formed by the East Branch and the waterfalls on Fall Brook provide a high degree of visual diversity and outstanding scenic vistas. Other natural attributes include islands, rapids, and diverse stream channel patterns.

The river corridor contains diverse vegetation characterized by a beech-maple forest. Above Tagasoke Reservoir, the stream area primarily supports a mixed hardwood-conifer forest.

From the West Branch to the city of Rome Reservoir, smallmouth bass, pumpkinseed, white sucker, brown trout, and various bait fish species inhabit the East Branch. Brown trout, rainbow trout, white sucker, brown bullhead, and bait fish appear in the stream from the city of Rome



From the Osceola Road bridge, looking upstream, to the headwaters. The East Branch of Fish Creek has been identified as the least developed free-flowing river in New York State outside Adirondack Park.



Property of the Fish Creek Club Farm (fishing club). This photo is taken looking upstream from the Sweeney Road bridge, which is the uppermost auto access to the stream.

Reservoir to Tagasoke Reservoir. Above Tagasoke Reservoir, the pools and riffle areas provide excellent habitat and fishing for naturally reproducing populations of brook trout; brown and rainbow trout are also present. Wildlife species include white tailed deer, raccoon, gray squirrel, fox, and ruffed grouse.

No endangered or threatened species of wildlife, fish, or plants have been identified in the study corridor; however, the East Branch contains potential habitat for several species of rare or endangered plants (State University of New York 1974).

The East Branch drains 188 square miles, with an average annual flow of 543 cubic feet per second at Taberg. An analysis of the daily flow records at the Taberg gauge station indicates that flow fluctuates widely. The upper portion of the stream, particularly above Sweeney Road, contains a number of wetlands that act as sponges moderating these fluctuations. During heavy precipitation, wetlands act as detention basins, and during dry periods they contribute to the base flow. The largest flows generally occur in the spring, as snowfall in the area averages more than 200 inches annually.

The East Branch has high water quality as indicated by naturally reproducing trout populations. The absence of stream corridor development and the presence of unreactive sandstone bedrock have helped maintain this quality.

Recreation

The East Branch provides excellent opportunities for fishing, canoeing, and kayaking. Public fishing rights extend from Point Rock (with some exceptions at the lower end) to north of Kotary Road. Several sportmen's clubs, such as the Fish Creek Club, lease hunting and fishing rights from the Georgia-Pacific Corporation.

Periods of medium-high to high flows provide the best boating opportunities. The levels of difficulty range from Class I to Class V, with the most challenging water found below Boyd Dam. Lower flow levels are insufficient for navigation, while higher flows create dangerous conditions.

Cultural Resources

There are no known or recorded archeological sites in the river corridor. The rough and remote character of the East Branch precluded aboriginal habitation. Although aboriginal occupation of the state dates possibly to 10,000 to 12,000 B.C., information from the state historic preservation officer's (SHPO) staff indicates that there is little chance that sites will be found in the study area.

No properties on or close to the East Branch have been entered on the National Register of Historic Places, although there are several National Register sites in nearby towns. However, if cultural resource surveys were conducted in the study area, some sites or structures might qualify for nomination to the National Register.



From the Osceola Road crossing (see bridge in center-left of photo) upstream into the headwaters, the stream passes through a forest of hemlock, spruce, and fir; other species include maple and birch. Note the lack of development in the river corridor at the upper end of Tagasoke Reservoir.



The upper portion of the East Branch contains a number of wetlands that act as sponges by moderating the fluctuating stream flows. The photo also shows the primitive nature of the headwaters area.

MAJOR FINDINGS

WILD AND SCENIC RIVER ELIGIBILITY

1. The East Branch of Fish Creek, other than a 1.9-mile segment containing Boyd Dam and Tagasoke Reservoir, is eligible for designation under the National Wild and Scenic Rivers Act (PL 90-542).

A resource analysis of the East Branch indicates that 40.1 miles of the stream are eligible for inclusion in the National Wild and Scenic Rivers System. A 1.9-mile segment, containing Boyd Dam and Tagasoke Reservoir, is ineligible due to an alteration of the stream's free-flowing characteristics. This finding is based on criteria contained in the Wild and Scenic Rivers Act (PL 90-542). The river is also eligible for addition to the state's Wild, Scenic, and Recreational Rivers System, since the state and federal criteria are essentially the same.

Eligibility Requirements

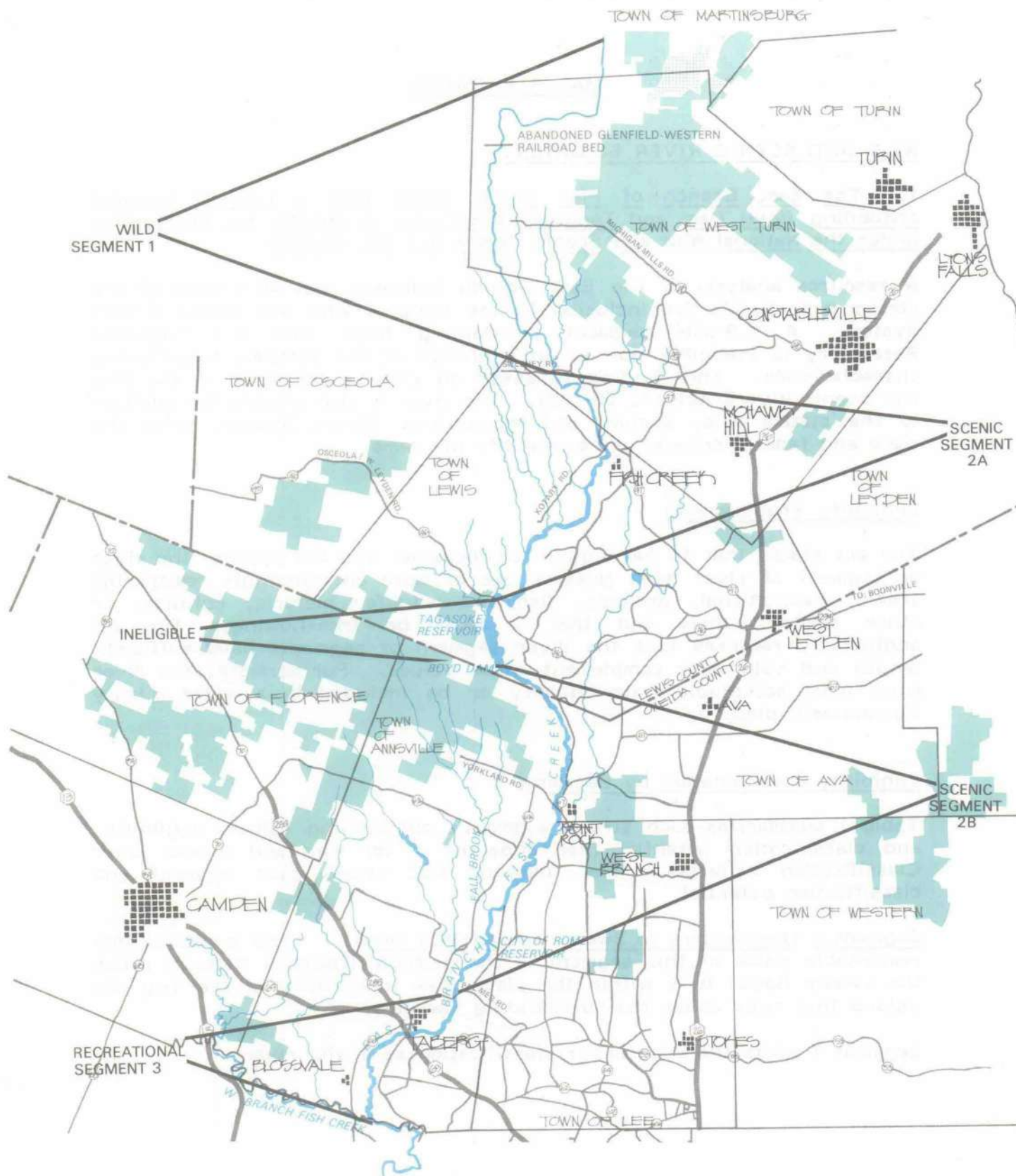
The act states that to be eligible for inclusion into the system, the river or segment of river must possess one or more outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values and that it must be free-flowing. The act additionally requires that the river segment or segments have sufficient length and volume to complement these values. Furthermore, the river must have acceptable water quality or be included in a water quality improvement plan.

Eligibility Determination by Segment

Table 1 summarizes each stream segment's outstanding values, eligibility, and classification potential (see appendix A for Wild and Scenic River Classification criteria). The following map shows each segment and classification potential.

Segment 1 (Headwaters to Sweeney Road-14.1 miles). The outstandingly remarkable value of this segment is the geologic landform through which the stream flows; it is within the plateaulike topography of the Tug Hill upland that rises above the surrounding lowlands.

Segment 1 meets the criteria for classification as a wild river.



RIVER SEGMENT ELIGIBILITY AND POTENTIAL CLASSIFICATION

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Table 1: East Branch of Fish Creek--Segment Length, Eligibility, Values, and Potential Classification

<u>No.</u>	<u>River Segment</u>	<u>Length in Miles</u>	<u>Eligibility</u>	<u>Outstanding Values</u>	<u>Potential Classification</u>
1	Headwaters to Sweeney Road (bridge)	14.1	Yes	Geologic	Wild
2A	Sweeney Road to Osceola Road (Swancott Mills bridge)	9.5	Yes	Geologic Scenic	Scenic
--	Tagasoke Reservoir and Boyd Dam	1.9	No		
2B	Boyd Dam to Palmer Road (bridge)	11.7	Yes	Geologic Scenic Recreation	Scenic
3	Palmer Road to confluence with West Branch	4.8	Yes	Recreation	Recreational

Source: National Park Service, DSC

Segment 2 (Sweeney Road to Palmer Road, excluding Boyd Dam and Tagasoke Reservoir-21.2 miles). The outstanding values of this segment are the geologic landform of the unique Tug Hill upland; the scenery of the steep limestone, shale bluffs, and cascading waters along the stream; and recreation. In the area near the city of Rome Reservoir and the mouth of Fall Brook, the limestone walls rise to a height of 80 to 100 feet, and at places, the rims of the gorge are less than 150 yards apart. Below Boyd Dam, this segment has public fishing access and the best canoeing, kayaking, and fishing on the stream.

The series of waterfalls on Fall Brook near the East Branch, 0.9 mile above the city of Rome Reservoir, provide a unique scenic vista and add to the visual diversity of the segment; these falls are visible from the East Branch.

This segment meets the criteria for classification as a scenic river.

Segment 3 (Palmer Road to Confluence with West Branch-4.8 miles). The major outstanding value of segment 3 is recreation, which is primarily due to the proximity and accessibility of this attractive, unpolluted stream to



Below Tagasoke Reservoir, to north of Palmer Road, the stream flows past significant limestone and shale bluffs. This vertical cliff is near the Yorkland Road bridge in Segment 2.



During periods of medium to high stream flow, stretches of stream between Boyd Dam and Palmer Road provide canoeing challenges of up to level 5 difficulty. Looking upstream from the Palmer Road bridge in late October.

the urban populations of Rome, Utica, and Syracuse, which are all less than 50 miles away. In addition, the upper end of the segment is considered to have outstanding scenery that is similar to the scenery in the lower part of segment 2.

This segment meets the criteria for classification as a recreational river.

RIVER SUITABILITY

2. Although the East Branch is eligible for inclusion in the National Wild and Scenic Rivers System, the degree of public interest and support is not sufficient to recommend national designation.

There are no federally owned lands in the stream corridor. In addition, the town boards of Annsville, Ava, Lee, Lewis, West Turin, and Rome (all members of the Citizen Participation Steering Committee) have either passed resolutions or voted against designation of the East Branch as a wild and scenic river. Those who opposed designation of the stream gave the following reasons for their resolutions:

Traffic would increase into an area almost totally privately owned.

Local input was not requested when the Fish Creek study was legislated in 1978.

West Turin is opposed to designation since the major landowner (Georgia-Pacific) is opposed, and the stream is already protected in West Turin through the Model Rural Development Code. Georgia-Pacific Corporation stated: "It is our belief that inclusion in the Federal Registry [sic] would cause serious negative impacts on the local environment."

Most people have opposed national designation at public meetings. At these meetings, well attended by landowners along the creek, strong concerns were expressed about the potential negative effects of designation--even with local control. The greatest concern was that designation would lead to increased recreational use of the stream and adjoining lands, resulting in trespass, littering, pollution, and damage to private property. Comments, among many, included:

"I think the only ones that will benefit are the people that are coming to it and the landowners are going to be in bad shape trying to cope with the littering here."

"Would there be a big sign up at the corner here in West Leyden and a big arrow pointing the way to Fish Creek and how many miles?"

"I wonder how in this vast United States they found only beautiful unique Fish Creek. It's a slippery little creek--with a million black flies."

"People living here who own property on Fish Creek do not want to be included in any program that deals with federal regulations of the property along Fish Creek."

A few others expressed interest in possible designation or at least some form of river protection.

"I would like to see the natural beauty of the creek preserved which would promote the cleanliness and proper water flow."

"I am completely open-minded about declaring Fish Creek a 'Wild and Scenic River,' at this point . . . I hope to preserve the water facility (or improve it), the fishing (especially trout); the camping on my farm which my family and friends do; in short, the beauty of Fish Creek."

"If you don't get this federal designation and just get state development and local development, you're going to fight this battle against unwanted uses of the river day by day."

The Atlantic Chapter of the Sierra Club has on several occasions expressed support for designation of the East Branch in both the National and New York State Wild and Scenic Rivers Systems:

"The value to the state, local governments and the riparian landowners--other than the recognition that goes with a national designation--is that the adopted plan will insure that the river corridor will be maintained in its present condition. The existence of an adopted plan will guarantee the consistency of state and federal action for the future. . . ."

In summary, most responses to date indicate strong opposition to national designation.

SUPPORT FOR DEVELOPMENT OF CONSERVATION STRATEGIES

3. There does not appear to be adequate support for further study to develop local or local/state conservation strategies for the East Branch of Fish Creek.

There has been little interest expressed in public meetings, in letters received, or in responses from the Citizen Participation Steering Committee to develop optional methods for coordinated protection of stream resources.

Many streamside landowners and others have expressed opposition to further study:

"It is a waste of money and don't feel we need any more regulations."

"I think it's a waste of time and a great waste of taxpayer's money... it's not necessary. We don't need it. We don't want it."

"You're wasting my tax dollars on paying your salary and coming up here before you asked property owners whether they're interested in it."

The Oneida County Farm Bureau wrote in opposition to the study: "If President Reagan's administration is trying to save money, we feel the curtailment of this project is a good place to start."

The town boards of Ava, Lee, West Turin, and the Common Council of Rome have voted against continuation of the study, indicating that the study is a duplication of previous efforts. Unanimously, the committee passed a resolution stating that study workshops to explore protection alternatives would not be productive because of the negative sentiment expressed by the towns and their citizens.

While most residents have not supported wild and scenic river designation, the underlying desire of a number of area residents has been to keep the river as is. A few have expressed that the study could possibly aid this objective.

The town board of Lewis voted that the study should be completed.

The Atlantic Chapter of the Sierra Club stated:

"No threats exist by way of proposals for dams or because of intensive recreation. To the contrary, the study process can proceed on this river wholly in absence of any such pressures, purely for the sake of preparing an adequate plan for resource protection and appropriate development."

Responses to date have mainly opposed study continuation, although some support has been expressed. In the long run, the potential benefits of continuing the study can only be measured in the actions that follow it. The benefits of developing local or local/state conservation strategies will be worth the additional effort and cost only if there is a commitment by local town governments and landowners toward long-term coordination of conservation efforts for the stream.

TRENDS ALONG THE EAST BRANCH

4. Although there appear to be few immediate threats to East Branch resources, the character of the stream and the quality of its waters and fishing could be vulnerable to development pressure.

Development Trends and Recreational Activity

In the late 1960s and early 70s, there was considerable land speculation primarily in the southeastern Tug Hill towns. During this time-frame, the number of nonresident owners and small camp owners increased in the Tug Hill upland towns. In 1971, a second home development of over 200 units was proposed but later abandoned (Dyballa, Raymond, and Hahn 1981). The number of nonresident land transfers as a percent of total of transfers declined slightly from 1974 to 1979 (The Temporary State Commission on Tug Hill 1980).

Since many Tug Hill nonresident owners are from Syracuse, Utica, and Rome rather than distant cities, and since land appears to be a hedge against inflation, nonresident subdivision of land in Tug Hill is expected to continue. Heating with wood may also contribute to interest in owning rural woodlots. It is anticipated that new developed land will occur in more accessible areas on lots less than 2 acres in size.

From 1974 to 1979, the Tug Hill land market was fairly active. Residential and vacant properties recorded the greatest activity in sales. Annsville and Lee were two of the six most active land markets from 1974 to 1979 (The Temporary State Commission on Tug Hill 1980).

All of the study area towns along the East Branch, except Martinsburg, recorded population increases from 1970 to 1980. Lee and Annsville recorded the greatest amount of growth. It appears that these trends will continue, producing additional demand for residential development.

Many nonresidents use Tug Hill for recreation, and more than 20 fish and game clubs lease the upland area for excellent hunting and fishing. Members are drawn primarily from nearby urban areas and are increasing due to recreational interest in Tug Hill. In addition to hunting and fishing, winter sport activities are increasing.

It appears that with added population growth, particularly in Lee and Annsville, and with increasing recreational interest in the Tug Hill area, development and recreational pressure will increase along the stream corridor.

Water and Power Projects

Based on information developed by the State University of New York, no potential reservoir sites were mapped for the East Branch.

In 1981, the city of Rome filed an application with the Federal Energy Regulatory Commission for a preliminary permit for constructing a powerhouse at the toe of Boyd Dam with a capacity of 1,750 kw, a 400-foot long transmission line, and appurtenant facilities. Power for the project would be used by the city of Rome for municipal purposes. The city is undertaking engineering studies related to the proposed project.

In the past, there have been several proposals to construct a 765 kv transmission line through the East Branch study area. One proposed line (New York Power Pool) has been abandoned or delayed indefinitely, and the other (Niagara Mohawk Volney Edic) would use the existing 345 kv line alignment in the towns of Annsville and Lee. The New York State Electric and Gas Corporation has studied the southern part of the Tug Hill region for a possible transmission corridor in conjunction with a proposed new generating facility near Nine Mile Point. The licensing of the power plant has not been approved. However, at some time in the future there may be a demand for a new line to cross the stream in the southern half of the study area.

Acid Precipitation

More than 50 percent of the lakes over 2,000 feet in elevation in Adirondack Park do not contain fish because of acid precipitation in the northeastern United States (Citizens Advisory Task Force 1980).

Information developed for the Salmon River watershed near the East Branch watershed shows that precipitation on Tug Hill is as acidic as the rest of the northeastern United States. In 1977, however, it appeared that acid precipitation in the headwaters area of Tug Hill had not severely affected the Salmon River or East Branch watersheds.

Survey data collected by the state in 1976 indicate that the stream north of Osceola Road was slightly alkaline. Similar findings were recorded at Taberg and Tagasoke Reservoir (State University of New York 1974). Based on findings in the Salmon River watershed, short-term increases in acidity may occur in the East Branch during high runoff periods in the spring (Clarkson College 1977).

The East Branch should be carefully monitored for acidity levels.

Timber Harvesting

Timber harvesting activities most likely to cause stream degradation include harvesting adjacent to streams, felling and skidding on steep slopes adjacent to water bodies, construction and use of roads and skid trails, and location and use of log landings and stream crossings (Cornell University 1981).

Since forestry will be of continuing importance in the East Branch corridor, it is important that landowners and timber harvesters are aware of and practice adequate management to minimize degradation of water quality and stream disruption.

CONSERVATION THROUGH STATE AND LOCAL EFFORTS

5. Various segments of the East Branch currently are afforded different amounts of protection, especially through recent adoption and implementation of local codes. However, no formal or coordinated river conservation efforts are being undertaken by the state and local governments or private landowners to ensure continued protection of river resource values.

Local Planning and Codes

The Tug Hill Commission, in assisting local governments, has been a facilitator leading to the establishment of several cooperative planning boards in the Tug Hill region. The Cooperative Tug Hill Planning Board (CTHPB), formed in 1974, serves nine towns in the Tug Hill core area. Martinsburg, West Turin, Osceola, and Lewis are members of CTHPB. The Northern Oneida County Council of Governments, formed in 1981, serves the towns of Annsville, Lee, and Ava.

The towns in the East Branch corridor are also served by other planning entities. The towns of Annsville, Lee, and Ava are within the jurisdiction of the Herkimer-Oneida Counties Planning Board and the towns of Lewis, Osceola, West Turin, and Martinsburg are all within the planning area of the Black River-St. Lawrence Regional Planning Board. Lewis and Oneida counties each maintain a county planning board.

It is important to note that counties in New York do not have the statutory authority for zoning; this authority is authorized for towns, cities, and villages. Consequently, in rural areas such as the East Branch corridor, the town boards are the major local legislative bodies to promote compatible development and protect natural resources. There are no incorporated cities or villages in or adjacent to the stream corridor.

A summary of other local natural resource and land protection tools authorized by New York State law is described in appendix B.

Cooperative Tug Hill Planning Board (CTHPB)- Model Rural Development Code

In 1977, CTHPB prepared the Model Rural Development Code. This code contained land-use regulations, subdivision standards, natural resource regulations, street standards, sewage and water disposal standards, and administrative procedures. The code was based primarily on area goals and the natural resource land base described in the "Tug Hill Natural Resource Management Plan" developed by CTHPB in 1976.

The code applies to the protection of East Branch resources through timber harvesting regulations, identification of unique stream areas for special protection, regulations for activities within 100 feet of any water body, and wetlands protection.

Presently, the towns of Martinsburg, West Turin, and Osceola use the Model Rural Development Code or similar versions thereof and each maintains a zoning commission.

The towns of West Turin and Osceola have also entered into an intermunicipal agreement with three other towns (not along the East Branch) to assist in implementation of the code. Among other features, the agreement provides for a joint zoning board of appeals and an enforcement officer from each town working cooperatively among other officers.

Table 2 summarizes the major land-use code provisions for the three towns that have adopted the Model Rural Development Code.

Table 2: Major Land-Use Code Provisions for
Martinsburg, West Turin, and Osceola

<u>Code Provisions</u>	<u>Martinsburg</u>	<u>West Turin</u>	<u>Osceola</u>
Land-Use Regulations (Zoning)	X	X	X
Subdivision Regulations	X	X	X
Natural Resource Regulations			
Prohibiting activities			
within 100 feet of streams,			
lakes, ponds, and wetlands	X	X	X
Wetland Protection ^a	X	X	X
Flood Hazard Protection ^a		X	X
Special areas protected			
within 200 feet of the			
designated area		X	X
Forest Management Standards			
General Standards		X	X
Maintain protective			
vegetation within			
50 feet of a water body		X	X
Environmental Impact			
Assessment and Review ^a	X	X	X
Street Standards	X	X	X
Sewage and Waste Disposal			
Standards	X	X	X

^aNow required by state law

Source: Town codes of Martinsburg, West Turin, and Osceola

All land adjoining the East Branch in the three towns that have adopted the code is zoned "forest resources." The only principal uses permitted outright in this zone are seasonal dwellings and wood processing. However, conditional uses include active recreation (with or without structures), campgrounds, gravel pits, home occupations, and single family dwellings. Conditional uses require a site plan review by the planning board and the issuance of a permit.

All three codes prohibit dumping of materials that would alter the quality of the water or the character of the area and the construction of any principal or accessory use, public street, or public utility line within 100 feet of water bodies. All three codes, by reference to state law, regulate freshwater wetlands.

The West Turin and Osceola codes, by reference, specify that all activities in flood hazard areas shown on HUD maps shall conform to the standards contained in the Federal Flood Disaster Protection Act of 1975.

Osceola has mapped a flood hazard district on the East Branch as part of its code.

The Osceola and West Turin codes also contain provisions affording protection within 200 feet of a special designated area. Prohibited activities in this area include construction of any principal or accessory use; dumping of junk, waste, etc.; cutting more than 50 percent of the value of timber; mining, feed lots, and landings when possible; chemical thinning; and construction of public streets, utility lines, or transmission lines.

West Turin and Osceola have incorporated forest management standards in their codes, primarily defining minimum standards for commercial timber harvesting. These standards include a provision for maintaining a protective strip of vegetation within 50 feet of a water body; therefore, it is necessary to obtain a permit from New York Department of Environmental Conservation to cross any water body. The standards also require winching of logs off steep slopes, minimizing the number of skid trails, and logging steep slopes during dry weather or when the ground is frozen.

All three town codes maintain provisions for environmental impact assessment and review of activities altering more than 2 acres of land, excepting certain uses. State environmental regulations are adopted by reference.

Land Use Codes in Lewis, Annsville, Ava, and Lee

The town of Annsville currently does not maintain zoning or subdivision regulations; however, these regulations are in effect in the other three towns. Table 3 summarizes some of the major land-use code provisions of these towns.

Table 3: Major Land-Use Code Provisions for
the Towns of Lewis, Ava, and Lee

<u>Code Provisions</u>	<u>Lewis</u>	<u>Ava</u>	<u>Lee</u>
Zoning	X	X	X
Site Plan Approval for Certain Uses	X	X	X ^a
Flood Hazard Protection	X		X
Wetland Protection	X		X
Sewage Disposal/Sanitary Facilities	X	X	X
Watershed Protection		X ^c	
Subdivision Regulations	X ^b	X ^c	X ^d
State Environmental Quality Review (SEQR)	X		X

^aPlanned unit development used

^bIncluded as supplementary regulations within the zoning law
(references to state law)

^cIncluded in the general provisions of the zoning ordinance
(references to state law)

^dSeparate document

Source: Town codes of Lewis, Ava, and Lee

The Lewis zoning law permits agricultural structures and uses and residential uses and camps throughout the town when code regulations are met. All nonresidential uses, including the subdivision of land, as well as uses in a designated floodplain or wetland, require site plan approval.

The zoning ordinance of Ava also permits residential uses in an agricultural district and requires plan approval for commercial and industrial uses. It does not contain any reference to flood hazard and wetland protection or SEQR requirements, recently mandated by state law.

The zoning ordinance for the town of Lee contains seven land-use districts, including a planned unit development and aircraft noise zone to meet the more urban types of development occurring in the town.

Rome, New York Watershed Rules

Rome, New York has enforced a comprehensive watershed inspection program as required by section 1101 of the New York public health law. These rules apply to the East Branch and all its tributaries and reservoirs that now serve, or which may be developed in the future to serve, as sources of public water supply for the city. They also apply to all watercourses and drainage areas tributary to, or ultimately discharging into, the East Branch or its reservoirs.

General rules that set forth sanitation standards to protect the water supply prohibit certain activities and disposal of wastes at various distances from the reservoirs or tributaries. In addition, specific rules apply to four zones encompassing the East Branch, including its tributaries and both reservoirs above the city of Rome's diverting dam.

State Programs

The state of New York has a number of programs pertaining to natural resources and land management which would apply in river corridor areas. These programs and responsible agencies are listed in appendix B. The programs and objectives that may be most applicable to the East Branch are listed below.

Establishment and Assignment of Water Quality Standards: New York DEC, Division of Waters; U.S. Environmental Protection Agency.

Program Objective: To establish classifications and standards governing the quality and purity of waters of New York State and to assign such classifications and standards in accordance with the best usage of the waters.

Protection of Waters (Stream Protection): DEC, Division of Regulatory Affairs.

Program Objective: To provide for the protection of streams by: minimizing disturbances to the beds and banks of certain streams in order to protect fish and wildlife and their habitat; protecting water rights of property owners along rivers, streams, lakes, and other water bodies; and protecting navigable waters through control of dredging and filling and placement of dams and docks; and providing for public safety through investigation of the conditions of existing dams, piers, and docks.

Prohibition of Stream Pollution Injurious to Fish and Wildlife: DEC, Division of Fish and Wildlife.

Program Objective: To protect fish life, wildlife, or waterfowl inhabiting streams, by setting prohibitions on the introduction of deleterious or poisonous substance into any waters, public or private, in quantities injurious to their health or propagation.

Floodplain Management: National Flood Insurance Program; Department of Housing and Urban Development; DEC; Municipalities.

Program Objective: To limit or protect vulnerable new development in flood risk areas and to provide reasonably priced flood insurance for losses that do occur. It is also intended to implement local land-use regulations in flood hazard areas.

Small Watershed Management Planning: Soil Conservation Service, USDA; County Soil and Water Conservation Districts; DEC.

Program Objective: To develop and improve the management of land and water resources in small watersheds through project-type undertaking, planned and carried out jointly by local, state and federal agencies with the support of landowners and operators. Flood prevention; soil improvement; and the proper development, disposal and utilization of water are principal benefits to be derived.

State Pollution Discharge Elimination System: DEC, Division of Waters and Division of Regulatory Affairs; City and County Health Departments; U.S. Environmental Protection Agency.

Program Objective: To maintain and improve water quality by requiring permits of all parties who propose to discharge pollutants into the state's waters.

Freshwater Wetlands Program: DEC, Division of Regulatory Affairs, Division of Fish and Wildlife.

Program Objective: To regulate the use and development of the state's freshwater wetlands, and to preserve, protect, and conserve the wetlands and the benefits derived from them consistent with the general welfare and beneficial economic and social development of the state.

Fish and Wildlife Management Act: DEC, Division of Fish and Wildlife.

Program Objective: This act establishes a cooperative program for fish and wildlife management for the purpose of obtaining on privately owned or leased lands and waters of the state management practices which will preserve and develop the fish and wildlife resources of the state and improve access to them for recreational purposes.

In addition to the above important programs, New York established a state Wild, Scenic, and Recreational Rivers System in 1972. This is a program to preserve, protect, and enhance rivers with outstanding natural, scenic, historic, ecological and recreational values, paralleling the 1968 federal program. Appendix B contains additional details concerning this program.

Summary Comments - State and Local Codes and Regulations

A number of local and state codes and regulations are operable in the East Branch corridor.

Local land-use codes, including the city of Rome Watershed Rules and Regulations, are important tools to protect the water resources and shoreline of the East Branch. The success of these local codes will be based on public knowledge concerning their existence and function, cooperation, and equitable enforcement.

The content and thrust of the Model Rural Development Code adopted by three East Branch towns sets forth natural resource protection standards important to the preservation of East Branch stream resources. The intermunicipal agreement entered into by West Turin and Osceola certainly should enhance code implementation activity and uniformity of enforcement.

Local governments should prepare or update comprehensive master plans to guide future land-use and public improvement decisions. These local plans should consider private and public sector needs and plans. It is important that the resource plans of large landholders such as Georgia-Pacific be coordinated as much as possible with town plans. Significant changes in the use or management of Georgia-Pacific lands, in particular, within the East Branch watershed could have substantial impacts on the entire stream.

All local codes will need to be periodically amended to meet the natural resource protection and land-use control needs of the towns, particularly as growth occurs. The local codes should conform to local master plans and state laws.

Since the towns of Lee and Annsville are expected to receive the greatest amount of residential development, including second home development, Annsville should consider drafting and adopting a local plan and land-use codes with natural resource protection features as soon as possible.

The state of New York has a number of laws to protect the resources of the East Branch, although adequate protection of the stream cannot depend on these regulations alone. The workability of state laws and rules depends, in particular, on adequate budgeting for implementation and cooperation with and from local citizens and governments. Implementation of state laws and policies should conform to local planning codes and enforcement when possible.

Although these local and state laws in one way or another maintain mechanisms to protect the water quality of the East Branch and adjacent lands, there is no coordinated river conservation effort being undertaken by the state, local governments, or landowners to ensure long-term protection of the stream and stream corridor. With additional development pressures, particularly in the southern portion of the stream, a coordinated local or combined local/state effort will probably be necessary to protect the resources. This effort could take the form of an intermunicipal agreement among towns. In any case, some form of coordinating body will probably be needed to oversee uniform code interpretation and implementation.

APPENDIXES

APPENDIX A: WILD AND SCENIC RIVER CLASSIFICATION CRITERIA

<u>Wild River</u>	<u>Scenic River</u>	<u>Recreational River</u>
Flow--Free-flowing. Low dams, diversion works, or other minor structures that do not inundate the natural riverbank may not bar consideration.	Flow--Same as for wild river.	Flow--May have undergone some impoundment or diversion in the past. Water should not have characteristics of an impoundment for any significant distance.
Accessibility--Generally inaccessible by road. No roads in narrow, incised valley. If broad valley, no road within 1/2 mile (0.4 km) of riverbank. A few inconspicuous roads to the area may be permissible.	Accessibility--Accessible by roads that may occasionally bridge the river area. Short stretches of conspicuous and well-screened roads or railroads paralleling the river area may be permitted, but type of road use should be considered.	Accessibility--Readily accessible with likelihood of parallel roads or railroads along riverbanks and bridge crossings.
Shoreline--Shorelines essentially primitive. Inconspicuous dwellings, limited amount of domestic livestock, and land devoted to production of hay may be permitted. Watershed is naturallike in appearance.	Shorelines--Shoreline and immediate river environs still have overall natural character. Small communities are limited to short reaches of total area. Agricultural practices which do not adversely affect river area may be permitted; this could include unobtrusive row crops and timber harvest.	Shorelines--Some shoreline development; may include all agricultural uses, small communities, or dispersed or clustered residential.
Water quality--Water quality meets minimum criteria for primary contact recreation except where such criteria are exceeded by natural background conditions. Also, water must be capable of supporting propagation of aquatic life normally adapted to habitat of the stream.	Water quality--Water quality should meet minimum criteria for desired types of recreation except where such criteria are exceeded by natural background conditions and aesthetics. Also, water must be capable of supporting propagation of aquatic life normally adapted to habitat of the stream, or it must be capable of being restored to that quality.	Water quality--Same as for scenic

Source: National Park Service, DSC

APPENDIX B: ADDITIONAL INFORMATION ON LOCAL AND STATE PROGRAMS

LOCAL PROGRAMS

The governing bodies of cities, towns, and villages may authorize their planning boards to review and approve subdivision plans. County and regional planning boards are authorized, as granted by county governing bodies, to control subdivisions in towns (other than cities and villages) where there is no planning board with subdivision control power, or where a town board permits such activity in addition to the town planning boards' subdivision control authority.

Each city, village, town, or county may, by ordinance or resolution, establish an official map showing the streets, highways, parks, and drainage systems within their jurisdiction. This "official map authority" basically provides a mechanism by which any modifications to streets and highways must have approval of a local planning agency. The map/procedure can be used for protecting future rights-of-way and guiding the location of future subdivisions.

The realty subdivisions program forms a basic approval process that assists in ensuring adequate sewerage and water supply systems for subdivisions. The New York Department of Environmental Conservation (DEC) has the authority to approve plans for provision of water and sewer services in a subdivision. In many instances, DEC delegates this responsibility to the state health department or county health departments.

Cities, towns, and villages may create a conservation advisory council to assist in the protection of the environment and to provide for the environmentally sound management of the natural resources of the jurisdiction. One of the major goals of a council is to conduct an inventory of all open areas and identify uses/protection for these areas. A council may be redesignated by the local governing body as a conservation board to review all proposals for development of the open space areas.

County governments may create an environmental management council (EMC) to assist in the planning, management, and protection of the air, land, and water. These councils are similar in purpose to the conservation advisory councils at the city, town, and village level.

County sewer agencies may be created to assist in providing waste disposal that will be environmentally sound and will protect the public health. One authorized task, among others, of an established sewer agency is to assemble data on water resources. County soil conservation districts may be created to conserve soil resources through the control and prevention of soil erosion.

STATE RESOURCE MANAGEMENT PROGRAMS

Water Related Programs: Methods and Air Pollution

Establishment and Assignment of Water Quality Standards: DEC, Division of Waters; U.S. Environmental Protection Agency.

Protection of Waters (Stream Protection): DEC, Division of Regulatory Affairs.

Prohibition of Stream Pollution Injurious to Fish and Wildlife: DEC, Division of Fish and Wildlife.

Regulation of Reservoir Releases: DEC, Division of Waters.

Floodplain Management: National Flood Insurance Program; DEC; Department of Housing and Urban Development; Municipalities.

Small Watershed Management Planning: DEC; Soil Conservation Service, USDA; County Soil and Water Conservation Districts.

State Pollution Discharge Elimination System: DEC, Division of Regulatory Affairs; City and County Health Departments; U.S. Environmental Protection Agency.

Water Supply Approval: DEC, Division of Regulatory Affairs; State Health Department; local health departments.

Freshwater Wetlands Program: DEC, Division of Regulatory Affairs and Division of Fish and Wildlife.

Permits for Sources of Air Pollution: DEC, Air Resources Division.

Fish and Wildlife Programs

Fish and Wildlife Management Act: DEC, Division of Fish and Wildlife.

Fish and Wildlife Propagation/Management Program: DEC, Division of Fish and Wildlife and Division of Marine Resources.

Energy Related Programs

Oil and Gas Regulation Programs: DEC, Bureau of Minerals.

Major Steam Electric Generating Facilities and Transmission Line Siting: Public Service Commission; DEC, Division of Regulatory Affairs, Department of Commerce; New York Secretary of State.

Waste Management and Oil Spills

Spills of Bulk Liquids: Department of Transportation; DEC; U.S. Environmental Protection Agency.

Oil/Spill Prevention, Control and Compensation Program: Department of Transportation; DEC; Department of Audit and Control.

Industrial Hazardous Waste Management: DEC, Division of Solid Wastes and Bureau of Hazardous Wastes, U.S. Environmental Protection Agency.

Approval of New Solid Waste Management Facilities (Nonhazardous Waste Facilities): DEC, Division of Solid Waste Management.

Septic Tank Cleaner and Industrial Waste Collector Registration: DEC, Division of Waters; State Department of Health, District and County offices; local health departments.

Mined Land Reclamation, DEC (Bureau of Mineral Resources).

Protected Areas

Protection of Natural and Man-Made Beauty: DEC, Division of Lands and Forests - Bureau of Preservation, Protection, and Management.

Agricultural Districts: DEC, Division of Lands and Forests; Department of Agriculture and Markets; Department of State.

Endangered Species Program and State Environmental Quality Review Act (SEQR)

Endangered Plant Species Protection: DEC, Bureau of Forest Resources Management.

Endangered Animal Species Protection: DEC, Division of Fish and Wildlife.

State Environmental Quality Review Act (SEQR); DEC, Division of Regulatory Affairs.

Wild, Scenic and Recreational River System

Environment Conservation Law Section 15-2703: DEC, Division of Lands and Forests and Bureau of Land Resources Program Development.

This program gives the commissioner of environmental conservation jurisdiction over components of the rivers system outside Adirondack Park and on state-owned land within the Adirondacks. The Adirondack Park Agency (APA) has jurisdiction over parts of the system on private lands within the park.

Rivers are designated by the state legislature, which may also specify certain rivers for study by DEC and/or APA. Both agencies may also initiate such studies on their own and make classification recommendations to the legislature. The law establishes criteria for wild, scenic, and recreational classifications, and provides that DEC or APA must define boundaries and develop and enforce regulations for the protection of streams, once designated, through the management of land and water uses.

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As the nation's principal conservation agency, the Department of the Interior has basic responsibilities to protect and conserve our land and water, energy and minerals, fish and wildlife, parks and recreation areas, and to ensure the wise use of all these resources. The department also has major responsibility for American Indian reservation communities and for people who live in island territories under U.S. administration.

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