April 15, 2020

Richard Weber, Deputy Director for Planning  
NYS Adirondack Park Agency  
P.O. Box 99  
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**Re. Remsen – Lake Placid Travel Corridor UMP Amendment**

Dear Rick,

Adirondack Wild appreciates the opportunity to comment on the final Travel Corridor UMP amendment and its compliance with the Adirondack Park State Land Master Plan (APSLMP).

In 2017, Supreme Court of Franklin County ruled that the 2016 draft Travel Corridor Unit Management Plan amendment failed to conform to the APSLMP because the UMP improperly tried to amend the Master Plan itself by creating a new Recreational Trail classification. In response to that Court’s decision, the APA properly amended the APSLMP to incorporate Recreational Trails or Rail Trails within the Travel Corridor classification, either alongside Railroad uses or as a substitute for rail. As a result, one of Adirondack Wild’s principal objections to the 2016 UMP amendment – that it blatantly violated the Master Plan – was addressed.

Unfortunately, this UMP still fails to conform to the APSLMP and to SEQR by not properly identifying, describing, and assessing potential adverse impacts on Forest Preserve bordering the Travel Corridor. Further, by dismissing climate change as an insignificant factor this UMP also ignores trends in temperature, rainfall patterns and decreasing snowpack which both directly and indirectly affect DEC management recommendations and future projections of public use, carrying capacity, wildlife and ecosystem health. DEC and APA need to consistently address climate change and related impacts and apply them as part of review for UMP consistency with the APSLMP.

For the reasons raised, Adirondack Wild urges the APA to declare this final amendment out of compliance and recommend that DEC makes specific improvements to address its current deficiencies.

**Court Decision:** While the Court’s decision is described in Appendix I (Response to Public Comment), its significance is such that it should be included within the Travel Corridor UMP planning timeline and chronology. Judge Main’s 2017 ruling caused DEC to return to the APA during 2018 for an APSLMP amendment, without which the Rail Trail would violate the classification and management guidelines of the Master Plan. The APSLMP has the force and effect of law and courts will enforce its guidelines.
Therefore, Judge Main’s consequential decision should be mentioned more prominently, rather than be hidden within Appendix I.

**Adverse Impacts to Forest Preserve are poorly or not at all described and mitigated:** Starting on page 85, DEC fails to list, describe, or assess any adverse impacts to the Forest Preserve caused by off-corridor recreational uses encouraged by this amendment. Eleven Forest Preserve units are immediately adjacent to the Travel Corridor – Wild Forest, Wilderness, Primitive and Canoe areas. The amendment promotes new off-corridor recreational uses all along the rail and trail segments of the Corridor, affecting all eleven units, both directly and indirectly. One example will suffice, on page 68: “Big Moose to Tupper Lake segment can provide opportunities for remote hunting, fishing, paddling, camping, and hiking and additional trail connections to remote areas. For example, the Corridor runs along the eastern side of the Five Ponds Wilderness Area to places only accessible from trailheads much farther away. Opportunities exist for traditional train station stops or flag stops along this segment, and these opportunities are often in close proximity to the Corridor, such as at Lake Lila and the Boy Scout Camp at Sabattis.”

Given these stated objectives, the amendment is obligated to describe actual and potential impacts on the physical, biological, social and psychological characteristics and conditions on the Forest Preserve. Degree of loss of wilderness or wild forest character resulting from these activities is basic to the UMP review process and to APA’s responsibilities to review for APSLMP compliance. DEC’s amendment completely fails this test.

Yet, DEC’s amendment elliptically acknowledges impacts when it states on page 45: “establishment of flag stops adjacent to Forest Preserve is a complex issue in which the NYSDEC, NYSDOT, APA and the rail operator must explore to identify specific locations.” Having acknowledged “complex issues” facing the Forest Preserve by the actions proposed in the amendment, the DEC is obligated by SEQRA to explicitly identify, describe, assess and attempt to mitigate them, whether the issues are posed by flag stops or by other infrastructure and recreational uses along the Travel Corridor.

Instead of observing SEQRA requirements, this UMP amendment improperly appears to favor the future modification of adjacent Wilderness UMPs to accommodate recreational uses along the Corridor. The amendment states on page 9: “To bolster trail connectivity during times of year when the trains are operating along the RTL Segment, Beaver River can serve as a launching-off point for paddlers and hikers heading to unique wilderness destinations on Forest Preserve lands adjacent to the Corridor. The establishment of a trailhead and trail that link the Corridor to Lake Lila is a priority, to be closely coordinated with the railroad operator and subject to an amendment to the UMP for the William C. Whitney Wilderness Area, and possible review under APA Act Section 814.”

The UMP fails to state why this establishment of a trailhead at Lake Lila is a priority, or why the creation of a train platform at Sabattis is a priority, or what may be the impacts of these actions on the Forest Preserve, or why this UMP has the authority to anticipate additional Wilderness UMP amendments irrespective of whether those actions conform to the APSLMP. Establishment of a trailhead and trail linking the Travel Corridor with this (and other) Wilderness areas may potentially introduce new non-conforming uses within Wilderness in violation of the APSLMP guidelines. The action also introduces potential environmental, public health and safety issues which will have to be managed and responded to by DEC Forest Rangers. None of these health and safety issues are described or evaluated, either.
Air Resources and Climate Change: The decision in this UMP (page 95) to consider climate change an insignificant factor for the actions recommended by this amendment is very wrong both from a climatic and an APSLMP compliance perspective. As members of the APA noted during the March 2020 agency meeting, DEC is responsible for leading a statewide legislative initiative under the Climate and Community Protect Act of 2019. Significant UMPs like this one should acknowledge the urgency of this initiative and summarize and assess climate impacts including trends in precipitation and duration of snowpack in the Adirondacks and specifically along the Travel Corridor. In other Adirondack UMPs, DEC acknowledges how regional climate change is altering anticipated management and recreational uses. The seasonal duration of snowpack is changing dramatically in parts of the Adirondack Park. The effect these changes will continue to have on recreational uses of the Travel Corridor should be part of a robust discussion of impacts, mitigation and alternative uses. The planning assumptions that snowmobiling will continue to be an uninterrupted, permanent winter recreational feature on both segments of the Travel Corridor should be examined, as should the associated economic, cultural and environmental benefits and impacts and the management recommendations and future projections of public use, carrying capacity and ecosystem health. DEC and APA need to consistently address these matters and apply them to all Adirondack Unit Management Plans including this amendment.

Trespass and Controlled Access: The UMP states on page 47 “NYSDEC experience with other trail systems has demonstrated most people using the travel corridor will likely stay on the corridor and the large majority of those who access the adjacent Forest Preserve lands will do so on trails and roadways designed for that type of use.” This statement is unsupported by facts. While we agree that the majority of users will use Forest Preserve trails responsibly, DEC has sufficient documentation that a troublesome minority cause extensive damage by riding off-trail in warmer months and off-corridor by snowmobiles, including onto wilderness lands and frozen waters such as Lake Lila as well as onto adjacent private lands closed to public use. The APSLMP expects UMPs to properly assess actual and anticipated recreational uses and the capacity of the resource to withstand both. This UMP needs to candidly describe and address stubborn trespass issues along the Travel Corridor.

Alternative Snowmobile Routes: The 2019 Travel Corridor Draft Amendment and Supplemental EIS inappropriately included possible snowmobile trail connections on Forest Preserve off the Travel Corridor running between Big Moose to Tupper Lake. Section VI.C.2 of the Draft illogically placed the focus on potentially improper and highly controversial snowmobile community connector routes that had nothing to do with the Travel Corridor itself. Not only was this section irrelevant to the Travel Corridor’s management, it contained snowmobile trail designations that had not been properly reviewed under the UMP process and therefore risked being declared out of compliance. We are, therefore, very relieved that DEC has removed this section from the final 2020 amendment.

Despite the removal of these alternative snowmobile routes, DEC refers the Travel Corridor UMP reader to the 2006 Comprehensive Snowmobile Plan for the Adirondack Park to find appropriate snowmobile guidance related to the Travel Corridor. At Governor Pataki’s request, the final Snowmobile Plan left out the governor’s earlier commitment (in previous drafts) to require an amendment to the APSLMP, that being the only way to legally authorize mechanized trail groomers as additional motor vehicles on designated snowmobile trails. Instead, the draft Plan stating this was finalized, and mechanized grooming machines approved without an APSLMP amendment. The failure by the APA during those years to hold hearings and to receive public comment about APSLMP compliance of mechanized trail groomers on designated snowmobile trails remains serious and significant to this very day. APA should reconsider the matter now.
Wildlife Management – Beavers: On pages 49-50 of the UMP, DEC states that it “will provide the rail operator with the necessary permits and other authority to either trap or kill beavers which threaten the stability of the railroad roadbed, bridges, culverts or other drainage structures.” DEC shares with other North American wildlife management agencies the knowledge of how to construct and locate pond leveling and beaver deceiver devices which, properly designed and located, can prevent beaver dams from blocking culverts and flooding adjacent roadbeds. These devices are in widespread use in both the USA and Canada, have proven very successful in preventing flooding and washouts, and prevent beaver populations from being unnecessarily trapped and killed. They do require regular maintenance, of course. The amendment’s failure to mention this alternative beaver management approach violates SEQRA’s requirement to consider all practicable alternatives.

Conclusion: None of the deficiencies we describe in this amendment require months of additional work by DEC to address and resolve. What they do require is collaboration with APA staff to ensure that the protection and preservation of natural resources of the State Lands of the Adirondack Park affected by recommended activity along the Travel Corridor are, in fact, the paramount considerations called for by the Master Plan. Further, they require that conditions such as climate change and actual and projected uses of the Corridor are properly assessed in order to comply with SEQRA and the APSLMP.

Thank you for considering our comments.

Sincerely,

[Signature]

David Gibson, Managing Partner

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