

New York State



Department of Environmental Conservation

Division of Lands & Forests

Bureau of State Land Management

## Neversink River Unique Area

### Amendment

to the

1997 Neversink River Unique Area Unit Management Plan

### FINAL

Towns of Forestburgh, Thompson, and Mamakating – Sullivan County

August 2013

NYS Department of Environmental Conservation

Region 3

21 South Putt Corners Rd. New Paltz, N.Y. 12561

Governor **ANDREW M. CUOMO**

State Forester **ROB DAVIES**

Commissioner **JOE MARTENS**

ANDREW M. CUOMO  
GOVERNOR



JOE MARTENS  
COMMISSIONER

STATE OF NEW YORK  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
ALBANY, NEW YORK 12233-1010

## MEMORANDUM

**TO:** The Record

**FROM:** Joseph J. Martens *JJM*

**DATE:** *August 20, 2013*

**SUBJECT:** Neversink River Unique Area UMP Amendment

The Neversink River Unique Area Unit Management Plan Amendment has been completed. The Plan is consistent with Department policy and procedure, involved public participation and is consistent with the Environmental Conservation Law, Rules and Regulations.

# Amendment to the Neversink River Unique Area Unit Management Plan

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*July, 2013*

This is an amendment to the Neversink River Unique Area (NRUA) Unit Management Plan (UMP) adopted in June of 1997. The UMP provides the area description and history; information on the inventory, use and capacity to withstand use; management and policy; projected use and management proposed and a schedule for implementation and budget. The Department is initiating an amendment process to address issues that have arisen since the plan's adoption in 1997 as follows:

1. Acquisition of 1,693 acres on the south side of the NRUA from Leonard Realty Inc. in May of 2001.
2. Acquisition of 97 acres at the north end of the NRUA from Sullivan County in November of 2002.
3. Termination of the Eden Brook Fish Hatchery Lease in February 2011.

## **I. Current Conditions**

### **A. Leonard Realty Acquisition**

The State of New York acquired the 1693 acre Leonard Realty parcel in 2001, fulfilling an objective essential to achieving the vision of ensuring healthy and diverse populations of wildlife, fish and forest communities along the river and across the larger landscape as envisioned in the 1997 UMP. This key acquisition, which made another 2 mile stretch of the Neversink River publicly accessible, is comprised of rolling to sharp hills, deciduous and coniferous forest and affords ample opportunity for traditional outdoor recreational uses including hunting, hiking and fishing. Located on the southern end of the NRUA, a few old dilapidated camps, various pieces of larger machinery, and an extensive network of old skid roads are found on this property.

#### **1. Existing Access to the Leonard Acquisition**

There are three main points of access to the 1,693 acres the State of New York acquired from Leonard Realty Inc in 2001.

Skinner Road has served as access to the southernmost portion of the property for many years. The Department maintains an easement on the private road leading up to

the gate. While there is some concern that further development of the access may lead to an overuse of the gravel road, the distance of the access from any prominent feature of the property suggests that use will be minimal compared to other access points on the property.

Griffin Road was the primary access to the Leonard parcel prior to acquisition by NYS. It has since been gated by a private property owner south of the property. The state maintains its right to use all portions of this historical right of way for administrative purposes.

Eden Road provides access to the west side of the Barber's Eddy portion of the river. The state currently maintains a parking lot and gate at the point in which the road leads into the Unique Area.

## **2. Natural Resources found within the Leonard Acquisition**

### ***Forest Resources***

The forests within this parcel have been commercially harvested and largely consist of second growth upland oak forests with large corridors of hemlock along the Neversink River and its tributaries. The upland oak forest is transitioning toward eastern white pine. A portion of the property was heavily harvested and is in an early successional state. Using state forest inventory methods, data will be collected to determine species composition, density and forest cover types for this parcel.

### ***Wetlands***

Ash swamp is the most notable wetland on the property. The majority of this wetland occurs on private land but about a third of it falls within the boundaries of the Leonard acquisition.

### ***Fisheries***

The fisheries are similar to those discussed in the original UMP. The stretch of the Neversink River within this acquisition includes Barbers Eddy. Barbers Eddy is a sharp bend in the river where the current significantly slows. This area is a popular section of the river to fish.

### ***Threatened, Endangered and Significant Species/Communities***

An analysis of New York Natural Heritage Data for this parcel indicates that there are two species known to use this parcel. These species include Timber Rattlesnakes (S3/G4 Rank) and Bald Eagles (S2S3B, S2N/G5 Rank). Both are listed in New York as threatened. Two known Rattlesnake dens are located on the property. There are no known eagle nests on the property but eagles are known to use the Neversink River corridor.

## **B. Sullivan County Acquisition**

The State of New York acquired a 97 acre parcel of land to the north of the NRUA from Sullivan County in 2002, fulfilling another objective essential to achieving the vision of ensuring healthy and diverse populations of wildlife, fish and forest communities along the river and across the larger landscape as envisioned in the 1997 UMP. This key acquisition, affording another 1/2 mile of public access along the Neversink River, formerly served as an informal camping area. Debris, garbage and waste left on site were cleaned up. A mix of deciduous and coniferous cover types, this acquisition will be managed the same as the rest of the NRUA.

### **1. Existing Access to the Sullivan County Acquisition**

Access to this acquisition is from a small parking area located on Hiram Jones Road.

### **2. Natural Resources found within the Sullivan County Acquisition**

#### ***Forest Resources***

The character of the forest within this parcel is similar to what exists within the Leonard acquisition. Upland hardwoods dominate the higher slopes while hemlock is more prevalent along the Neversink River. Forest inventory work will need to be completed.

#### ***Fisheries***

The fishery along this stretch of the Neversink River is similar to what was discussed in the original UMP. Please refer to the UMP for further elaboration.

#### ***Threatened, Endangered and Significant Species/Communities***

An analysis of New York Natural Heritage Data for this parcel indicates that there are three significant species known to use this parcel. These species include Brook Snaketail (S2/G4 Rank), Appalachian Tiger Beetle (S2/G3 Rank), and Bald Eagles (S2S3B, S2N/G5 Rank). Only the Bald Eagle is listed in New York as threatened. There are no known eagle nests on the property but they are known to use the Neversink River corridor.

## **C. Eden Brook Hatchery Lease Termination**

This amendment addresses the termination of the lease agreement involving the Eden Brook Fish Hatchery. Until recently, the hatchery was allowed to operate as a private entity as per the lease agreement and specified in the Unit Management Plan. The operation of the hatchery required that the Department take steps to restrict public access along Eden Brook Road and a 243 acre portion of the Unique Area known as the “buffer zone”. The termination of the lease agreement invalidates the reason for the existence of the buffer zone along with any restrictions pertaining to public access. This amendment seeks to address any issues related to the level and type of public access

to lands along Eden Brook Road now that the lease agreement with Eden Brook Aquaculture has been terminated.

Eden Brook Road provides access to a number of important features contained within the NRUA. At the end of Eden Brook Road is the Neversink River. Along the road itself there are several man made ponds that were used in the operation of the hatchery. The river and ponds will provide the public with a variety of fishing opportunities. The addition of 243 acres of previously inaccessible land within the buffer zone will now be opened for public use and will provide numerous recreational opportunities for hunting, hiking, and wildlife observation.

#### **D. Existing Access on Eden Brook Road**

Eden Brook Road is an unpaved road that includes two timber bridges before terminating at the Neversink River. Prior to the termination of the lease agreement between the Department and the Eden Brook Hatchery, access along Eden Brook Road was restricted to Department Officials, hatchery personnel, and private landowners who owned property along Eden Brook Road. The Department maintains a gate on the road at its junction with County Route 101 which prohibits unauthorized access but allows Eden Brook property owners deeded rights to pass through. Eden Brook private property owners have and continue to assume maintenance responsibilities for the road and bridges in order to maintain vehicular access to their holdings along the road.

Two property owners currently have deeded vehicular access over the second bridge leading through state property to the Neversink River. The deed agreement clearly defines those owners as “all present and future owners of that portion of (land) which is easterly of the Bridge Crossing and **within six hundred feet** of the northerly border of Eden Brook...” (Liber 728 of Deeds at pages 1102, 1103) Any unauthorized motor vehicle that crosses the second bridge and does not fall within the ownership requirements set forth by the deed agreement is in violation of Environmental Conservation Law governing the use of motorized vehicles on State land.

#### **E. Cold Spring Road Gravel Pit**

The Department allows limited target shooting on many of its state lands provided that such activity is done in a safe manner, does not interfere with the enjoyment of the property by other users, does not adversely impact adjoining property owners and does not impact the resources of the land. Regulations [NYCRR Part 190.8 (bb)] address many of the issues associated with shooting on State Land. The Department maintains the right to close areas to target shooting if the activity is violating Environmental Conservation Law, State Land Regulations, or is inconsistent with our management efforts on the property.

The Gravel Pit on Cold Spring Road has been used by target shooters for many years. It has been brought to our attention that the level of use is excessive and affecting the quality of life of our neighbors. Some members of the public have also observed unsafe practices by some of the users. After investigating the complaints, the Department found that the area was littered with rubbish associated with target shooting and showed evidence that the level of use was inconsistent with our management goals and objectives for State Lands. The Department plans to clean the rubbish at the site and close it to target shooting until such time that a stewardship agreement with a user group ensures that use takes place safely and at a level that does not impact other state land users and adjoining property owners.

## **II. Proposed Management Actions**

The projects will be organized in seven distinct phases. These phases will occur, in no particular order, as resources become available.

1. **Allowing public use of the 243 acre buffer zone by removing existing Restricted Area signage and reducing it's size to 36 acres encompassing the buildings associated with the fish hatchery.**
2. **Demolition of all buildings associated with the operation of the fish hatchery including the caretakers house located on Cold Spring Road.**
3. **Establish new parking areas on Cold Spring Road and Skinner Road.**
4. **Establish a foot trail from the new Cold Spring Road parking facility to the Neversink River.**
5. **Incorporate Eden Brook Road into the Trail System contingent upon the removal of the buildings associated with the fish hatchery.**
6. **Inventory the Forest Resources for the entire property.**
7. **Establish a trail network to connect Skinner Road to the existing trail system on the property.**
8. **Manage the Gravel Pit on Cold Spring Road to allow for limited target shooting.**

## Phase 1

**Objective: Allowing public use of the 243 acre buffer zone by removing existing Restricted Area signage**

The Department will reduce the size of the buffer zone to an area encompassing the structures associated with the hatchery. These buildings constitute an attractive nuisance and therefore public access will be restricted until demolition is complete. **This temporary restricted area will be no greater than 36 acres in size.** Upon the successful demolition of the buildings along Eden Brook Road, the Department will remove all signs associated with restricting the public's ability to access public lands along Eden Road currently posted as a buffer zone for the Hatchery.

## Phase 2

**Objective: Demolition of all buildings associated with the operation of the fish hatchery including the caretakers house located on Cold Spring Road.**

The Department proposes the demolition and removal of all buildings associated with the operation of the Eden Brook fish hatchery. Many of these buildings are dilapidated beyond repair. The buildings and structures that comprise the hatchery and include the care takers house on Cold Spring Road are an attractive nuisance and should be demolished as resources become available.

Approximate Cost: \$200,000.

## Phase 3

**Objective: Establish new parking areas on Cold Spring Road and Skinner Road.**

The Department proposes the creation of a new **ten car** parking area on the east side of Cold Spring Road, 225 feet south of the intersection with Eden Brook Road. The parking area will include a kiosk, facility sign, and trail register. In addition, a foot trail will be constructed from this parking lot east to connect to Eden Brook Road below the fish hatchery as described below.

Estimated Cost: \$11,000

In addition to a new parking facility on Cold Spring Road, the Department also proposes a development of a **five car** parking facility by the Skinner Road entrance to the property. The parking area will include a kiosk, facility sign, and trail register.

Estimated Cost: \$6,000



#### Phase 4

**Objective: Establish a trail from the new Cold Spring Road parking facility the Neversink River.**

A foot trail will be established to connect the new parking facility on Cold Spring Road to the southern portion of Eden Brook Road. The trail will avoid the buildings associated with the fish hatchery and connect into Eden Brook Road just south of the largest of the man made ponds. A small connection will be constructed between the new trail and the existing trail. This connection will help incorporate the new trail into the existing trail system.

#### Phase 5

**Objective: Incorporate Eden Brook Road into the Trail System contingent upon the removal of the buildings associated with the fish hatchery.**

Users will be restricted from accessing the hatchery site until demolition of the buildings is completed. Upon the completion of the demolition, the department will allow access through the hatchery site via Eden Brook Road. The Department will limit public use of Eden Brook Road to foot traffic only. A short connecting trail from the new parking facility on Cold Spring Road will be constructed to provide users access to the western portion of Eden Brook Road as described in phase 3.

#### Phase 6

**Objective: Forest Inventory for the entire property.**

The Department will conduct forest inventory on the entire property. Inventory will take place over a three year time period. The purpose of the inventory is to determine tree species composition, density and cover type to guide Department forest management actions on the property when an update to the original plan is scheduled to be completed in 2019. Forest inventory work is necessary to achieve the objective of restoring an ecosystem of all-age white pine-hemlock-hardwood forest throughout the property, as described in the 1997 UMP. No active forest management is proposed by this amendment.

#### Phase 7

**Objective: Establish a trail network to connect Skinner Road to the existing trail system on the property.**

The Department will work with our trail stewards to develop a trail system that provides the public access from Skinner Road to the existing trail system leading from Katrina Falls Road access and Wolf Brook Multiple Use Area. The new trail network will provide hikers access to unique features such as Barbers Eddy and a vista located high above

the blue trail just south of High Falls. When possible, the trail network will utilize the extensive network of existing logging roads found on the property. Please refer to the attached map for the proposed trail routes.

## **Phase 8**

**Objective: Manage the Gravel Pit on Cold Spring Road to allow for limited Target Shooting.**

Due to the negative resource impacts associated with excessive overuse, the Department has closed the gravel pit on Cold Spring Road to target shooting. However, the Department has expressed its willingness to work with users interested in developing a plan that would allow for continued target shooting, while addressing safety concerns as well as those related to overuse and resource degradation.

## **III. Conclusion**

The termination of the hatchery lease and the acquisition of the Leonard and Sullivan County properties provide the Department with the opportunity to enhance the public's recreational opportunities while respecting the rights and concerns of our neighbors. The actions listed above will assist us in this goal until a complete and thorough update of the plan can be conducted, in 2019, as per our commitments and schedule of UMP completion under Green Certification.

## **IV. State Environmental Quality Review Act**

In 2010, the NYSDEC completed a Strategic Plan/Final Generic Environmental Impact Statement (SPFGEIS) for State Forest Management for state forest lands throughout the state. The Neversink River Unique Area Unit Management Plan amendment does not propose any activities or other management actions that would exceed the thresholds established in this SPFGEIS, therefore, the Department has determined that the amended plan will not result in any significant environmental impacts, and a site specific EIS is not required. The amended plan incorporates the use of best management practices for all proposed projects.

Reasons Supporting This Determination:

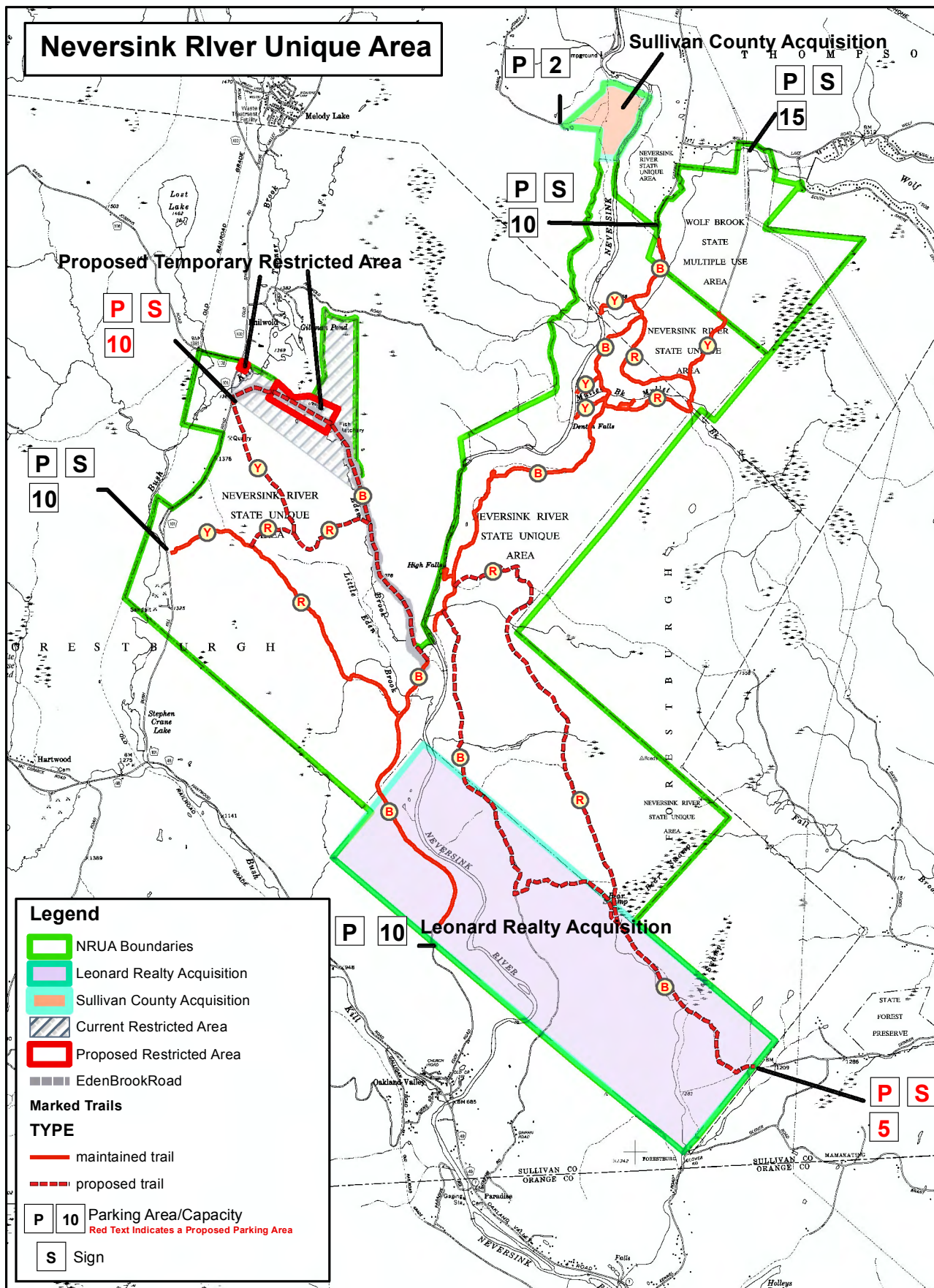
1. The Department will apply best management practices for new trail and parking facilities construction. These practices include, but are not limited to the establishment of erosion control measures such as water bars and maximum average slope thresholds.

2. None of the other actions listed include any activities deemed outside of the scope of the SPFGEIS for management of state lands.

**Actions not covered by the Strategic Plan/Generic Environmental Impact Statement**

In the fall of 2011 a Negative Declaration was prepared for the demolition and disposal of the buildings on the Unique Area. These buildings may contain asbestos.

1. All material generated from the demolition of the buildings will be treated as asbestos containing material, and disposed of according to state and federal laws regulating the disposal of such material. A separate review of this action has been conducted. The results of this separate review have determined that no significant environmental impacts will occur and the Department has issued a negative declaration for this action.



GIS is approximate and should not be considered a substitute for on-site inspection or survey.

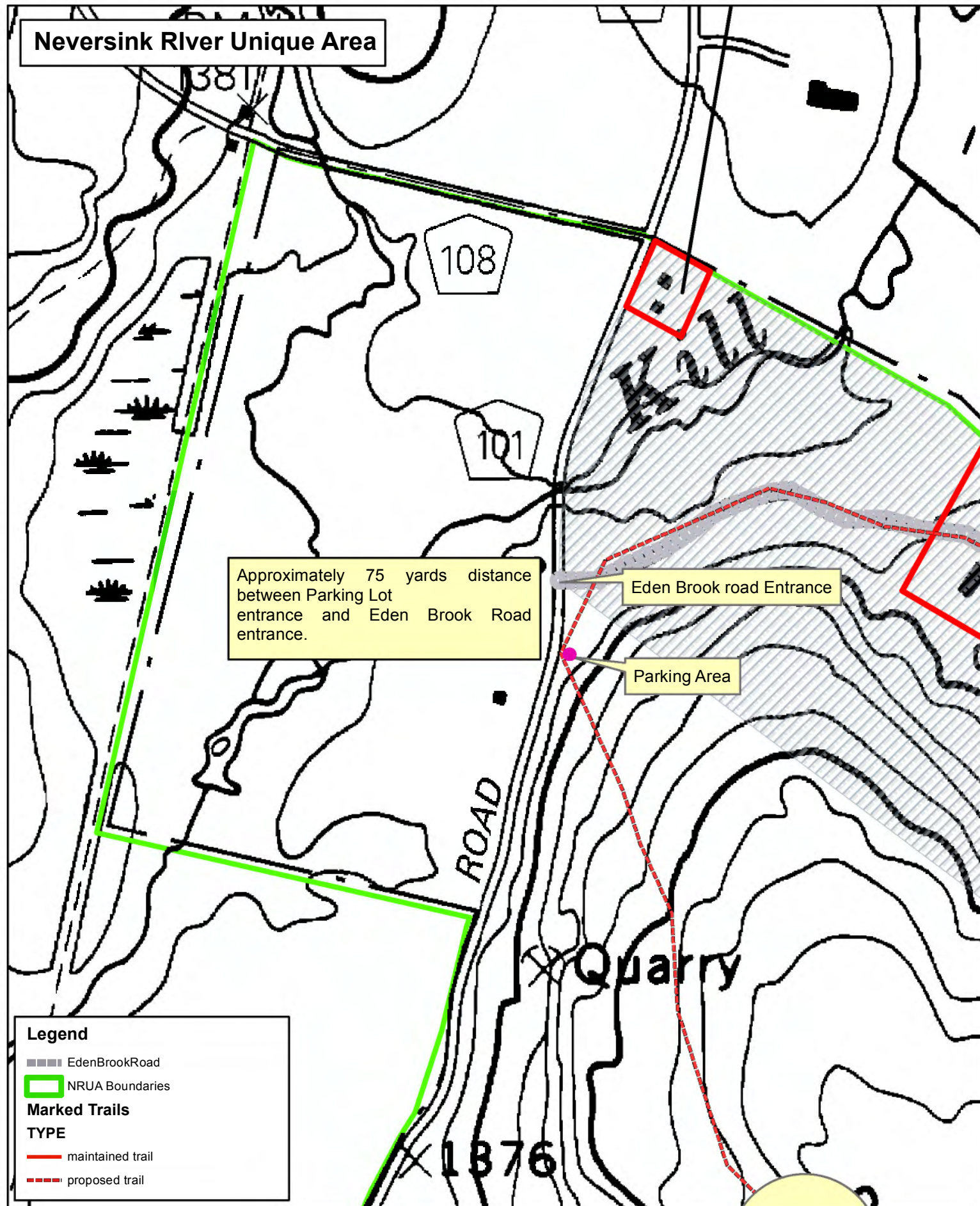
M.C. Paul (NYSDEC DLF SLM)  
July 2011



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# Neversink River Unique Area



GIS is approximate and should not be considered a substitute for on-site inspection or survey.

M.C. Paul (NYSDEC DLF SLM)  
July 2011



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