



Department of
Environmental
Conservation

FLATROCK MOUNTAIN CONSERVATION EASEMENT

FINAL RECREATION MANAGEMENT PLAN

Herkimer County, Town of Webb

November 2021

NYS DEC, REGION 6, DIVISION OF LANDS AND FORESTS

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REVIEW DECLARATION

NYSDEC has responsibility for managing public access and recreation on the Flatrock Mountain Conservation Easement property, in accordance with the content of the conservation easement. The Parties agree that this Recreation Management Plan (RMP) is consistent with the terms, conditions, and purposes of the conservation easement and reviewed/approved for implementing the public recreation program on the Flatrock Mountain Conservation Easement tract.

ACCEPTED BY GRANTOR:
Northeastern Loggers' Association, Inc.



Joseph Phaneuf, Executive Director

10/20/21
Date

ACCEPTED BY GRANTEE:
Department of Environmental Conservation, New York.



Robert K. Davies, Director
Division of Lands & Forests

11/10/21
Date

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PREFACE

Use of Conservation Easements

The Legislature of the State of New York has declared the public policy of the State to be the conservation, preservation, and protection of its environmental assets and natural and man-made resources. In addition to purchasing conservation lands on behalf of the People of the State, the New York State Department of Environmental Conservation (NYSDEC or DEC) also protects land and natural resources by acquiring less than full interests in land, using a permanent legal agreement called a Conservation Easement. Conservation Easements are used widely across the United States by government and non-profit land conservation organizations to protect a variety of properties with important natural resources and other landscape values such as water quality, wildlife habitat and sensitive ecosystems, wetlands and riparian areas, scenic areas such as meadows and ridgelines, agricultural land, working forests, and historic sites. The primary function of easements is to limit or eliminate future development and undesirable land uses on a property, while allowing for continued private ownership and traditional management. Some Conservation Easements allow public access to the protected property and some do not.

New York State acquires Conservation Easements primarily on properties that buffer existing State lands, provide additional public recreational opportunities, and/or maintain large working forests. There are now hundreds of thousands of acres of land in New York that are protected by Conservation Easements acquired by the State. Most of that land consists of large tracts of commercial timber land in the Adirondack and Tug Hill regions; however, DEC also holds easements on a variety of other properties across the State.

On most large working forest Conservation Easement properties, the State has acquired some level of public recreation rights in addition to development and land use restrictions. In some cases, a wide range of public recreational use is permitted, and in others public access is very limited. The amount of public access depends largely on the goals and objectives of the landowner and the State at the time the easement was negotiated. All of these lands are actively managed for forest products, and many of the companies who own the land also rely on income from private hunting and fishing club leases.

This recreation management plan will explain the combination of public recreational rights the State acquired through the Conservation Easement and how these rights are to be implemented on the Protected Property in a compatible way with the rights (forest management) which were retained by the landowner.

I. INTRODUCTION

In October 2003 the Department of Environmental Conservation completed a land acquisition project known as the Minnehaha Tract. Utilizing funds provided by the Environmental Protection Fund (EPF) of 1993, in accordance with the New York State's Open Space Plan (OSP) of 2002, New York State acquired interests in approximately 844 acres of land through fee title acquisition (333 acres) and Conservation Easement (511 acres) from The Nature Conservancy (TNC) of Arlington, V.A. Both properties are in the Town of Webb, Herkimer County and are separated by the Remsen-Lake Placid Travel Corridor.

The lands acquired in fee are located immediately adjacent to the Moose River corridor and became Forest Preserve, within the Black River Wild Forest. For those lands encumbered by a Conservation Easement (identified as Flatrock Mountain), the Department acquired public recreation rights and development rights. The grantor retained fee title ownership and the right to manage the lands to produce forest products, for educational purposes, and related purposes. TNC subsequently sold the Property to the Northeastern Loggers' Association (NELA), Inc. of Old Forge, N.Y.

The Flatrock Mountain Conservation Easement identifies three main purposes:

- The primary purpose of the easement is to perpetuate and sustain the productive forest resources and economics of a working forest under long-term, professional management, while allowing for educational/interpretive uses and minimizing impacts on other conservation values.
- The second purpose is to "conserve the wildlife habitat and other natural resource features associated with the Protected Property, including its predominant character as a northern hardwood forest".
- The third purpose is to "provide opportunities for public recreation in a manner that is consistent with the purposes identified above".

This Recreation Management Plan applies to the Flatrock Mountain Conservation Easement, also referred to as the "Property" or "Protected Property" (Acquisition project #22-167.02). The lands that were purchased in fee will be addressed accordingly in a future revision of the Black River Wild Forest Unit Management Plan.

A. Purpose of the Recreation Management Plan (RMP)

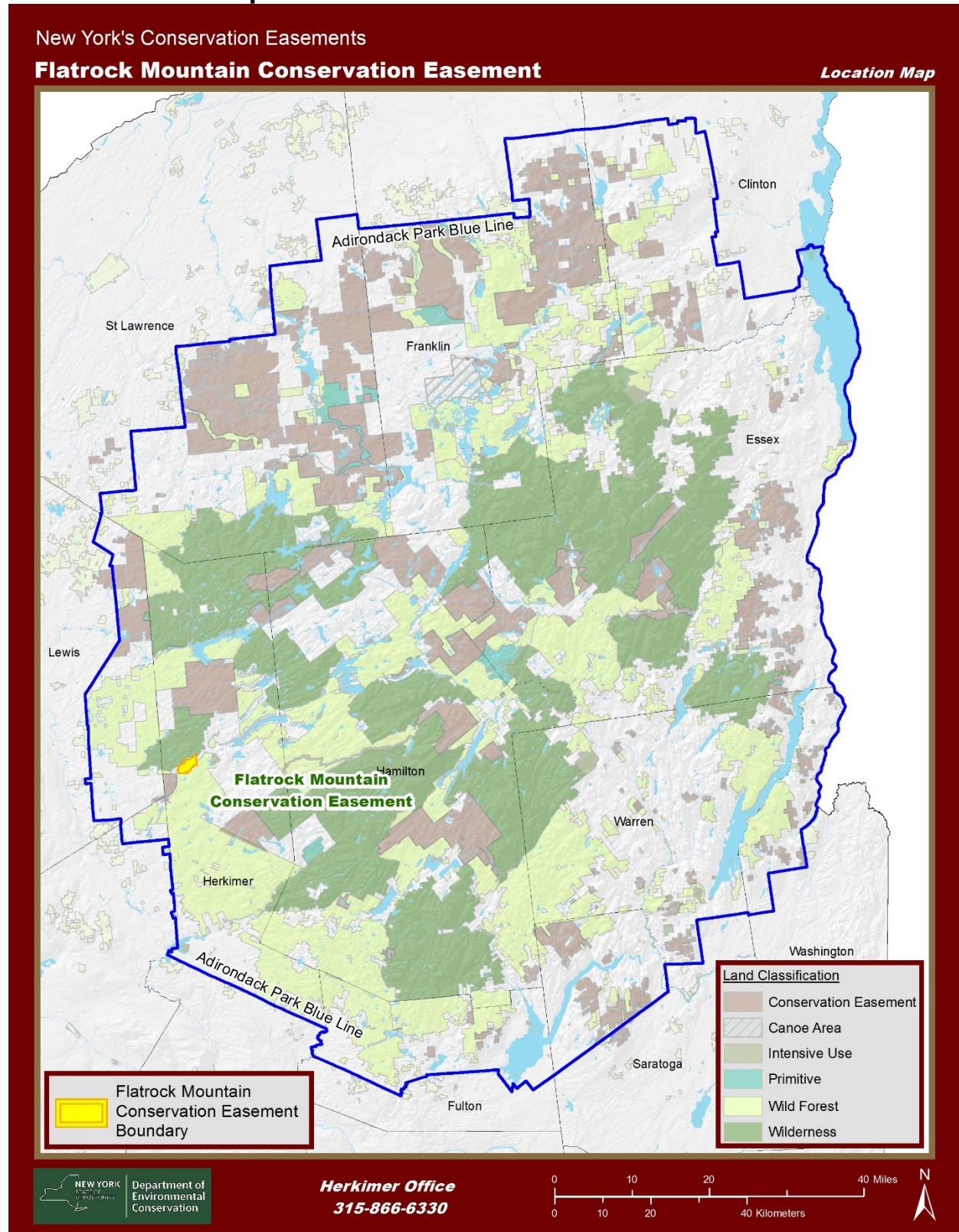
The Flatrock Mountain Conservation Easement grants the State of New York specific legal interests in the Protected Property, including a guaranteed right to permit public access (with certain limitations) to all of the lands for participation in certain natural resource-based outdoor recreation activities.

Public recreation access to privately-owned Conservation Easement lands is guided by a Recreation Management Plan that is developed for each easement property. Preparation of this RMP is required in accordance with this Conservation Easement. It is the position of the Department to provide a copy of this RMP to the landowner (currently NELA, herein referred to as “the Landowner”) for review even if the Easement may not require the DEC to do so. This RMP addresses the State’s role in planning, implementing, and managing for public access and recreation rights on the Flatrock Mountain Conservation Easement property. It describes DEC’s planning process and provides opportunities for stakeholders to participate in that process.

This RMP has been developed pursuant to, and is consistent with, relevant provisions of the Environmental Conservation Law (ECL), Executive Law, NYSDEC rules and regulations, NYSDEC policies and procedures, the State Environmental Quality and Review Act (SEQRA), DEC/APA MOU Concerning State-owned Conservation Easements on Private Lands within the Adirondack Park and the terms and conditions of the recorded Conservation Easement document that apply specifically to this Protected Property. The Landowner has been consulted during the public recreation planning process and has had an opportunity to review and comment on this RMP. A Full Environmental Assessment Form (FEAF) has been prepared for this RMP in accordance with SEQRA.

The purpose of an RMP is to establish a planned, written management scenario, to implement the State's rights and protect the property rights of the private fee owner, as specified in the Conservation Easement. It is intended that such management document remain consistent and in effect over time, despite changes in agency personnel or private land ownership. The RMP integrates consideration of pertinent legislation, legal codes, rules and regulations, policies, easement-specific requirements and conditions, and property-specific information into a single document. Provided in the RMP will be a description of the Property and past and present uses; relevant public recreation opportunities and limitations; how public access and recreation will be implemented and managed; who will have responsibility for various management tasks; identification of public recreation facilities that may already exist on the Protected Property; new public recreation facilities and improvements proposed to be constructed and maintained; and how public access is anticipated to interact with other uses of the Protected Property such as active forest management and private leasing programs. The RMP preparation process and resulting document provides a means for discussing and clarifying pertinent issues, clearly stating management goals and mechanisms, review of the proposed public recreation activities and actions and implementing public recreation on the Protected Property. Periodically RMPs may be revised, updated, or amended.

B. Location Map of the Flatrock Mountain Conservation Easement



II. Property Overview

A. Geographic Information

1. Property Description and Access

This Conservation Easement, located within the Adirondack Park, is composed of approximately 511 acres of land along NYS Route 28 in the Town of Webb, near Thendara and approximately 3.8 miles west of Old Forge. The Property is bound on the north by numerous landowners, a New York State Department of Transportation (DOT) parking area and NYS Route 28; on the east by non-industrial private forestland; on the south by several landowners and the Remsen-Lake Placid Travel Corridor; and on the west by the Minnehaha Road. There is a small 5 acre in-holding on the top of Flatrock Mountain which is the site of a communications tower. A map of the Protected Property can be found in Appendix I-Map #1 (Existing Access Map).

The Flatrock Mountain Easement Lands are not bisected by any town, county, or state highways. Access to the Protected Property is provided by NYS Route 28, the Minnehaha Road, and the Remsen-Lake Placid Travel Corridor.

2. Tract, Parcel or Compartment Descriptions

The Protected Property is in one contiguous tract and is managed as one unit.

III. NATURAL and CULTURAL RESOURCES

A. Physical Resources

1. Terrain/Topography

The moderately sloping terrain is composed of low hills and two peaks in the opposite, northeast and southwest, ends of the Protected Property. The lowest elevation is at 1,725 feet, along the Remsen-Lake Placid Travel Corridor and ranges upwards to 2,050 feet at the summit of Flatrock Mountain.

2. Geology and Soils

The bedrock which covers much of the Adirondacks was formed in the Precambrian period through the combined processes of submersion, sedimentation, erosion, volcanic action, and metamorphism. Glacial movement during the last ice age, around 9,000 years ago, carved out the matrix of lakes, mountains, hills, and valleys that is known today. The retreating glaciers also left behind large boulders and a mixture of fragments across the landscape to eventually form the soils present.

Soil survey data for the northern half of Herkimer County from the USDA Natural Resource Conservation Service's Web Soil Survey (2019) shows that Becket-Tunbridge and Tunbridge-Lyman soils are found on the Property. These soils were formed in glacial till and are well drained, stony loams with low lime content. These soils have an association with boulders and rock outcrops that influence where recreational facilities can be established.

3. Water

The Protected Property is located within the Black River Watershed and experiences seasonally heavy spring runoff due to snowmelt. Excluding the numerous small, ephemeral streams that handle this and other precipitation events, there are no other water bodies on the Property. However, the Middle Branch of the Moose River is a short distance to the south.

4. Wetlands

Wetland areas possess great ecological, aesthetic, recreational and educational values. Their capacity to receive, store, and slowly release rainwater and snowmelt, helps them protect water resources by stabilizing water flow and minimizing soil erosion and sedimentation. Wetlands also act as "natural sinks" by removing pollutants from water entering these areas. Wetlands are one of the most productive habitats for fish and wildlife, and provide numerous opportunities for hunting, fishing, trapping, wildlife observation and photography.

All wetlands inside the Adirondack Park that are one acre in size and larger or any size wetlands adjacent to open water are protected under the 1975 New York State Freshwater Wetlands Act by the Adirondack Park Agency. Approximately 2.2% (11.3 acres) of the Protected Property is classified as wetland.

B. Biological Resources

1. Fish and Wildlife

Although no formal surveys have yet been accomplished, wildlife present are likely typical of the western Adirondacks. Birds of prey common to the area include the barred owl, great horned owl, broad-winged hawk, northern goshawk and red-tailed hawk. Songbirds present include various species of woodpeckers, flycatchers, wrens, thrushes, vireos, warblers, blackbirds, finches, grosbeaks and sparrows. Common upland game bird species include the wild turkey and ruffed grouse. The Easement Lands are also likely home to a variety of large and small sized mammals. Some of the larger sized mammals include the white-tailed deer, black bear, coyote, bobcat, raccoon, varying hare, striped skunk, porcupine, red fox, gray fox, fisher and marten. The smaller sized mammals include a variety of bats, shrews, moles, and mice, along

with the ermine, long-tailed weasel, eastern chipmunk, gray squirrel and red squirrel.

DEC's Division of Fish and Wildlife manages fish and wildlife by Wildlife Management Unit (WMU); the Flatrock Mountain Conservation Easement is located within WMU 5H.

2. Vegetation

The Protected Property is almost completely forested by northern hardwood forest cover types. The Forest Management Plan (Bick 2004, updated in 2015) indicates that beech-sugar maple (Society of American Foresters, SAF, Cover Type Code 60; Society of American Foresters 1980) and red maple (SAF Cover Type Code 108) each comprise approximately 32% of the forest cover, while sugar maple-beech-yellow birch (SAF Cover Type Code 25) accounts for approximately 20%. Other notable forest cover types include black cherry-maple (SAF Cover Type Code 28) and sugar maple (SAF Cover Type Code 27) with each representing approximately 8% of the Protected Property's forest cover.

3. Endangered, Threatened and Species of Special Concern

A review of the Natural Heritage Program database indicated that there are no threatened or endangered species or species of special concern currently identified within the Protected Property. If any are eventually discovered, plans for the conservation of these species will be incorporated into its management.

4. Natural Heritage Program Elements of Occurrence

A review of the Natural Heritage Program database indicated that there are no significant communities known to currently exist on the Protected Property. If any are delineated in the future, plans for their perpetuation will be addressed in any management action that could affect their populations.

5. Invasive Species

As global trade and travel have increased, so have the introduction of non-native species. While many of these non-native species do not have adverse effects on the areas in which they are introduced, some become invasive in their new ranges, disrupting ecosystem function, reducing biodiversity and degrading natural areas. Invasive species have been identified as one of the greatest threats to biodiversity, second only to habitat loss. Invasive species can damage native habitats by altering hydrology, fire frequency, soil fertility and other ecosystem processes.

Fortunately, non-native invasive species have yet to significantly impact the Protected Property. Their management and, if possible, eradication will be addressed if they are found and become problematic. Monitoring for these species will be on-going at the

most likely points of entry (i.e. the sides of NYS Route 28, the DOT parking area and any current or future recreational trails and skid trails).

C. Cultural Resources

1. Cultural and Archaeological

The term “cultural resources” encompasses many categories of human-created resources including structures, archaeological sites and related resources. The Department is required by the New York State Historic Preservation Act (SHPA - PRHPL Article 14) and the State Environmental Quality Review Act (SEQRA - ECL Article 8) to include such resources in the range of environmental values that are managed on public and conservation easement lands.

Archaeological sites are any location where materials (artifacts, ecofacts) or modifications to the landscape reveal evidence of past human activity. This definition includes a wide range of resources ranging from pre-contact Native American camps and villages to Euro-American homesteads and industrial sites. Such sites can be entirely subsurface or can contain above ground remains such as foundation walls or earthwork features.

A search of available archaeological site inventories maintained by the New York State Museum, the New York State Office of Parks, Recreation and Historic Preservation and the Natural Heritage Program database has identified that the adjacent Remsen-Lake Placid Travel Corridor, which is part of the New York Central Railroad Adirondack Division Historic District, is listed on the National Register of Historic Places. Other sources (Beetle 1948, Kudish 1996) have indicated that a flag stop along the same railroad, Onekio (pronounced Ō-nēēk-eyé-ō), was located on part of the Property. Onekio was initially the site of a lumber camp, then a sportsman’s hotel and finally a camp for boys (Beetle 1948). The name, meaning “good water”, was coined by the railroad to put on its timetables. The station closed sometime between June 22 and October 12, 1913 (Kudish 1996).

2. Visual/Scenic Resources

A vista of the Moose River valley to the southeast and beyond has been created through timber harvesting near the top of Flatrock Mountain. Another vista is available along the Loop Trail looking north towards the Ha-De-Ron-Dah Wilderness. On the higher elevations of the Protected Property, views of the surrounding area can generally be seen through the trees when the leaves are off (fall through early spring).

3. Wild, Scenic and Recreational Rivers

There are no sections of river flowing through the Protected Property that are classified

under the Wild, Scenic and Recreational Rivers System Act (ECL Article 15, Title 27). However, the nearby Middle Branch of the Moose River is classified as “Recreational”.

For private lands within the Adirondack Park, including the Property, the implementing regulations for the Wild, Scenic and Recreational Rivers Act can be found in 9 NYCRR §577 and are applicable within one quarter mile of each bank of the river. The section of the Protected Property in this vicinity of the Moose River is not known to have a current use which conflicts with the Wild, Scenic and Recreational Rivers Act or these implementing regulations. However, this classification may place certain restrictions on planned future activities within this area.

IV. LANDOWNER MANAGEMENT AND USE

A. Property History

Prior to purchase by TNC and the subsequent transfer to NELA, the Property was owned by several individuals including Cohen, Romano, Scalem and Rice. It has been an accessible, “working forest” for many years, dating back to at least the early 1900's and likely beyond to the first permanent Euro-American settlements in the area.

1. Past or Pre-existing Public Use and Recreational Use

Given the lack of information from the former owner(s), it is assumed that public access was prohibited. It also appears that the Protected Property was personally used for many of the same recreational pursuits it offers to the public today including, but not limited to, camping, hiking, small and big game hunting, wildlife viewing, horseback riding, rock climbing, snowshoeing and cross-country skiing. These past recreational activities appear to have been sporadic, dispersed and of low intensity.

B. Current Forestry Uses

1. Timber Harvesting and Other Forest Management Activities

A major purpose of the Conservation Easement is to ensure that the forest resource will continue to be under sustainable management. The Landowner actively manages the Property according to a forest management plan (Bick 2004, updated in 2015) reviewed and accepted by DEC. It is common to see foresters, loggers, and logging equipment on the Protected Property. People using this area for recreational pursuits can expect to encounter this type of activity during a typical visit.

Complimentary to this forest management program, another easement and ownership objective is for the Protected Property to serve as a demonstration area for sound forest operations and silvicultural practices. These educational/interpretative opportunities are aimed not only for loggers and foresters but for the public as a whole.

This Conservation Easement restricts forest management activities within two “Forest Management Buffers”; one around any streams, rivers and wetlands and another a visual buffer. Near any of these formerly mentioned water resources on the Property, any forest management will meet or exceed the current accepted practices in the New York State Best Management Practices for Water Quality BMP Field Guide (http://www.dec.ny.gov/docs/lands_forests_pdf/dlfbmpguide.pdf) or its successor. No forest management activities will take place within 100 feet of New York State Route 28 and the Remsen-Lake Placid Travel Corridor, except those conducted for educational or interpretational activities as detailed in the forest management plan. However, trees and other vegetation may be removed as needed for the maintenance of roads, trails, utilities, structures, views and to satisfy safety concerns.

2. Logging Closure Zones

Under the terms of the Conservation Easement, active logging areas may be closed to public access for safety reasons. These closure zones shall not exceed 24 months in length (unless mutually agreed upon by the landowner and DEC) and include the time required for harvesting trees and any immediate remedial work (e.g., repairing skid trails and/or haul roads). No more than 25% of the Protected Property can be closed off at one time. The Landowner is responsible for notifying the DEC of any proposed logging closure zones at least 30 days prior to closure and for posting and marking these areas.

C. Current Non-Forestry Uses of the Property

1. Recreational Leases

There are no private recreational leases on the Protected Property.

D. Property Infrastructure

1. Existing Infrastructure

Most of the existing infrastructure was constructed by the Landowner to facilitate and support their forest management program. The Flatrock Mountain Rd., a logging road leading from the DOT parking area to a series of two log landings and a network of skid trails in the interior (0.6 miles long; see Appendix I-Map #1), has been gradually constructed and improved over the years. This road is not currently open to public motor vehicle use, so the gate near the DOT parking area is kept locked.

There is a private access road (0.3 miles long) originating from private land adjacent to Minnehaha Road which leads to an in-holding on the top of Flatrock Mountain. This road is not open to public motor vehicle use.

There is also a gated logging access point at the northeast end of the property on Rt. 28. Following acquisition of this Conservation Easement, a snowmobile trail traversing

the Protected Property, the Old Forge-McKeever Trail, was developed (1.8 miles long; Appendix I-Map #1) to strengthen the connector trail system from Old Forge south to McKeever. There is no room for parking there the rest of the year, either in the short driveway or along Rt. 28, so it has not and will not be signed as an access point for the Protected Property.

The most recent addition to the existing infrastructure was the construction of the “Loop Trail” by the landowner, a hiking trail (1.8 miles long) which traverses around the top of Flatrock Mountain from the DOT parking area.

2. Forestry Structures and Other Infrastructure

Currently, there are no buildings on the Protected Property; however, the Conservation Easement allows the Landowner to construct either a “non-commercial educational/interpretive center” or a “residence containing no more than 3,000 interior square feet of dwelling space” with additional ancillary structures allowed for the care and maintenance of this structure and the Protected Property. The general location of this structure is restricted to a five-acre lot adjacent to the DOT parking area (Appendix I-Map #1). The Landowner reserves the right to exclude the public from using this five-acre area and post it accordingly.

In support of the Landowner’s educational and outreach mission, there are also numerous interpretive signs placed throughout the Property as well as a main sign and kiosk near the DOT parking area. Another kiosk is located adjacent to the log landing at the northeast end (where the snowmobile trail enters the Property).

3. Gravel Pits

There currently aren’t any active gravel or sand pits on the Property. However, both DEC and the Landowner have the right to use on-site sand and gravel provided its use is in accordance with their respective rights under the Conservation Easement. The location of any sand or gravel pits and the removal of these materials must comply with all applicable laws and governmental regulations. In addition, sand/gravel pits must be located outside of any forest management buffer areas, maintained in a way to minimize any adverse effects of open pit mining and be properly reclaimed once their use ends.

V. RELATIONSHIP OF PROPERTY TO ADJACENT LANDS

A. Public Property

1. Forest Preserve Lands

The nearby state forest preserve lands, including the Ha-De-Ron-Dah Wilderness to the north and Black River Wild Forest to the south, have formal recreational trail systems and numerous primary attraction points (e.g., mountain summits, lakes, ponds and interior structures such as lean-tos); the general lack of these features on the Protected Property likely directs many recreational users to these adjacent public lands. Furthermore, the Flatrock Mountain Conservation Easement tract is likely not as well-known as the neighboring Forest Preserve lands. It is anticipated that public use of the Protected Property will increase once facilities are developed and the public becomes aware of available recreational opportunities.

2. State Forest Lands

There are no state forest lands next to, or nearby, the Flatrock Mountain Conservation Easement.

3. Other State-Owned Property

The DOT parking area along NYS Route 28 and the northern boundary serves the Protected Property as well as the Ha-De-Ron-Dah Wilderness Area to the north. The Remsen-Lake Placid Travel Corridor, also owned by DOT (DOT and DEC share jurisdiction over the corridor), located directly to the south supports the Adirondack Scenic Railroad during the summer and fall months. In the winter during times of sufficient snow cover, the railroad corridor serves as a snowmobile trail from Remsen to Old Forge and numerous other communities to the north. Any changes to the future management direction of this travel corridor could affect recreational use patterns on the Protected Property.

B. Private Property

1. Other State Held CE Properties

The John Brown Tract Conservation Easement Lands are a short distance to the south of the Protected Property. Both the John Brown and Flatrock Mountain tracts provide valuable links in the snowmobile trail system for those wishing to travel from the Old Forge area to communities to the south and west such as Otter Lake, Forestport, Boonville and the Tug Hill Plateau.

2. Other Private Property

Numerous private individuals have land holdings with camps or residences next to the Protected Property. It is likely that much of the current recreational use is from these neighboring owners.

3. Rights of Way

As previously mentioned, there is one deeded right-of-way 20 feet in width from the Minnehaha Road to the small in-holding on top of Flatrock Mountain (Appendix I-Map #1). This parcel is the site of a communications tower on land now or formerly owned by Citizens Telecommunications Company of New York, Inc.

VI. CONSERVATION EASEMENT AFFIRMATIVE RIGHTS

The CE on the Protected Property sets forth rights acquired, terms, restrictions, and establishes a framework for administering the public recreation access rights acquired by the State. The specific terms of the Easement were developed through negotiations between the State and a former Landowner and have resulted in a guaranteed right for the State to permit limited or, in some cases, full public access to the Protected Property and participation in certain outdoor recreation activities. Excerpts from the Conservation Easement agreement related to public recreation rights can be found in Appendix B.

A. Recreation Access and Use Rights

All management actions on the Protected Property, as approved and implemented through this RMP, will be conducted in accordance with those specific easement terms regarding public recreation rights and will consider and strive to be consistent and compatible with the reserved rights of the Landowner. Permitted public recreational activities, as proposed in this RMP, are designed to have limited impacts on the natural resources of the Property and on the Landowner's management of the Property for forest products.

The following affirmative rights, subject to specific terms, conditions, requirements, limitations, and restrictions stated in the Easement and described below, have been granted to the State of New York and apply directly to the development and implementation of this RMP:

1. Non-motorized Access - Use and Activities

DEC has the right to provide public access to the Protected Property for a variety of dispersed, non-motorized outdoor recreational activities, including but not limited to: hiking, bicycling, snowshoeing, cross-country skiing, photography, bird watching, wildlife observation, picnicking, horseback riding, rock climbing and dog-sledding. These activities will be permitted year-round and will be conducted in accordance with all applicable State laws and regulations.

a. Trails

The DEC, as provided for in the conservation easement or otherwise approved by the Landowner, has the right to designate and construct trails on the Protected Property for non-motorized recreational pursuits.

b. Camping

Camping is permitted on the Protected Property in accordance with DEC rules and regulations, specifically 6 NYCRR § 190.3(b), which prohibits camping within 150 feet of any road, trail, spring, stream, pond or other body of water except at sites designated by the DEC. Designated campsites may be established, and lean-tos may be constructed and maintained, as delineated and approved in this RMP.

The Conservation Easement language is consistent with 6 NYCRR § 190.1 and states that only dead and down wood may be used for on-site campfires.

c. Hunting and Trapping

The public is permitted to hunt, fish and trap on the Property subject to applicable NYS laws, regulations, and seasons. DEC may manage the fish and wildlife resources, excluding vegetation, in accordance with regulations or other generally accepted standards for the long-term use and benefit of the public as part of Wildlife Management Unit (WMU) 5H.

2. Motorized Access - Use and Activities

The DEC has the right to provide public motorized use on the Protected Property via certain designated routes or “primary access corridors” (specifically the already constructed snowmobile trail) or as amended and approved by the Landowner in this RMP. This right includes the ability to designate, and if necessary, construct, roads and trails on the Protected Property for public access and use, including universally accessible trails for people with disabilities.

All public motor vehicles and snowmobiles using the Property must be registered and insured.

All designated trails or roads may be closed mutually by DEC and the Landowner to avoid conflicts with timber harvesting, to avoid damage to the surface due to seasonal weather conditions or to avoid any safety hazard.

B. Public Use of Existing Infrastructure

Since the CE was acquired by New York State, it appears that much of the public use has been concentrated on and adjacent to the primary access point, which is the DOT parking area, and the existing Old Forge-McKeever Snowmobile Trail, logging roads and skid trails. However, some of the numerous skid trails are not suitable for

recreational use due to their steep slopes or rutting and are likely avoided by the public. Except for the snowmobile trail when there are adequate snow depths for snowmobiling, public access is currently restricted to non-motorized means.

There are seasonal spikes in public use of this infrastructure, particularly the heavy traffic received by the snowmobile trail during the wintertime and the observed increase in public use of the entire Protected Property during the big game hunting seasons. Regardless, the general lack of developed facilities such as formal trails with trailhead registers presents a challenge in estimating the actual number of visitors.

It should be noted that natural features of the Protected Property, specifically the numerous rock outcroppings and boulders, attract recreational users such as rock climbers as well.

C. Recreation Signs

DEC is required to designate, with signs, the type of use allowed (i.e. non-motorized versus motorized recreation) on all roads and trails open to the public. Directional signs will be placed on roads and trails and at other points to help provide direction to users. In addition, DEC has the right to erect signs and kiosks, as approved in this RMP, describing the terms and restrictions of public use on the Easement Lands. Other safety information will be posted as necessary.

D. Construction of Other New Infrastructure

In addition to the aforementioned trails and roads, DEC has the right to construct new infrastructure supporting public access and use, such as parking lots, as proposed and approved by the Landowner in this RMP.

E. Other CE Provisions Affecting Public Use

1. Barriers, Gates, and Locks

The DEC has the right to install barriers and gates to control public motor vehicle access consistent with this RMP. The Landowner reserves the right to install gates or other barriers and prohibit access to any road or trail not open to motorized vehicles. Both DEC and the Landowner will have keys to all gates for administrative access and enforcement purposes.

2. Boundary Line Marking

DEC and the Landowner may, but neither is obligated to, mark the boundaries of the Protected Property. Metal signs (shown in Appendix E) delineating these Easement Lands have been erected around the boundary line and along State Route 28. The

boundary lines have also been blazed and painted in yellow. To prevent conflicts with adjacent landowners, periodic boundary line maintenance, including posting the above referenced signs, is highly recommended.

3. Search, Rescue, Fire, Emergency Response, and Law Enforcement

DEC and the Landowner have the right to undertake emergency actions necessary to preserve and protect private property interests, public recreation amenities, and human health and safety in response to natural disasters, environmental hazards, or other threats. The DEC, Environmental Conservation Police, Forest Rangers, State Police, and other emergency response personnel will have full access to the Protected Property. Emergency response for search, fire, and rescue on the Protected Property, as on State lands, will be coordinated by the NYS Forest Rangers, though a response may include other emergency responders. DEC will notify the Landowner of all emergency actions and serious violations that may occur on the Protected Property.

VII. PUBLIC USE ADMINISTRATION AND MANAGEMENT

A. Administration

DEC has responsibility for managing public access and recreation in a manner consistent with the terms and provisions of the Conservation Easement. DEC will retain this underlying authority and responsibility even in situations in which it may approve another organization to serve as a partner in recreation management. Successful implementation of this RMP will require frequent communication among all parties involved in the management of public recreation and access on the Protected Property.

1. Laws, Policies, and Memoranda

This RMP has been developed within the constraints and guidelines set forth by Article 9 of the Environmental Conservation Law; Parts 190 -199 of Title 6 NYCRR of the State of New York; DEC/APA MOU Concerning State-owned Conservation Easements on Private Lands within the Adirondack Park; established DEC policy; and the terms and conditions of the conservation easement(s) that encumber the Protected Property.

a. DEC Policies:

1. Motor Vehicle Access to State Lands Under the Jurisdiction of DEC for People with Disabilities (CP-3)

<http://www.dec.ny.gov/outdoor/76213.html>

2. Volunteer Stewardship Agreements (CP-58)

http://www.dec.ny.gov/docs/lands_forests_pdf/vsapolicy.pdf

3. Temporary Revocable Permits for State Lands and Conservation Easements (ONR-3) <http://www.dec.ny.gov/regulations/51387.html>

b. State-Administered Land Use Controls

1. Freshwater Wetlands Act
2. Wild, Scenic, and Recreational Rivers Act
3. Regulations of the Adirondack Park Agency

c. DEC/APA MOU Concerning State-Owned Conservation Easements on Private Lands within the Adirondack Park
(August 13, 2010)
<http://www.dec.ny.gov/regulations/2401.html>

2. Management Authority, Staff and Responsibility

The Regional Natural Resources Supervisor is the Manager of regional staff in the DEC Division of Lands and Forests, the Division of Fish and Wildlife, and the Division of Marine Resources. The DEC Division of Lands and Forests has primary responsibility for managing public use of the lands subject to this RMP, including development of this Plan, development of individual work plans and schedules, and coordination of all activities with the Landowner, partners, and other DEC Divisions. The Division of Operations, at the request of the Division of Lands and Forests, will oversee construction and maintenance of facilities approved by this Recreation Plan. The Regional Forester in the DEC office in Watertown, N.Y. has overall responsibility for these matters. Reporting to the Regional Forester is a Supervising Forester based in the Herkimer, N.Y. DEC office responsible for forestry and land management programs. Reporting to the Supervising Forester are one or more Foresters that may be assigned to specific tasks in preparing or implementing this Plan. The Regional Fisheries Manager and Regional Wildlife Manager are responsible for all Division of Fish and Wildlife activities. An Aquatic Biologist and a Wildlife Biologist have been assigned planning responsibilities for fisheries and wildlife concerns related to this Protected Property. The Office of Public Protection will be responsible for enforcement of laws and DEC rules and regulations. Forest Rangers have primary responsibility for monitoring and enforcement of most public use of the Protected Property, while Environmental Conservation Officers are responsible for fish and game and environmental quality enforcement. A Land Manager will be designated by the Regional Forester as the lead DEC staff person for developing and implementing this and subsequent Plans for the Conservation Easement property.

The Land Manager will be responsible for:

- 1) Overseeing the coordination and preparation of the RMP, as well as periodic updates, revisions, or amendments.
- 2) Coordinating the implementation of this and subsequent RMPs.
- 3) Overseeing the budget outlined in the RMP.
- 4) Assuring that management activities of all DEC Divisions, as they relate to this RMP, comply with applicable laws, regulations, policies, and easement terms.
- 5) Monitoring resource conditions and public use; addressing conflicts; and assessing the effectiveness of the RMP in addressing resource protection and public needs.
- 6) Fostering communication about management activities within DEC, between DEC and the Landowner, and between DEC and the public. The Land Manager will be the primary liaison with the Landowner regarding public access and use issues.

The development of this RMP has primarily involved DEC staff and the Landowner's land management staff, and communication and coordination of planning efforts between the parties have been critical to formulating management objectives and proposals. Consistent administration and communication are extremely important in preparing and implementing this RMP and adhering to the terms of the Conservation Easement. DEC staff will regularly communicate with the Landowner to review completed activities, address concerns or problems, and coordinate future work.

3. Regulatory Requirements, Approvals and Procedures

Some of the guiding laws, policies, and legal documents outlined above specify certain requirements and approvals that must be met in the management of land and public recreation and is pertinent to the formulation and implementation of this RMP.

a. Application of the Americans with Disabilities Act (ADA)

The Americans with Disabilities Act (ADA), along with the Architectural Barriers Act of 1968 (ABA) and the Rehabilitation Act of 1973; Title V, Section 504, have a profound effect on the manner by which people with disabilities are afforded equality in their recreational pursuits. The ADA is a comprehensive law prohibiting discrimination against people with disabilities in employment practices, use of public transportation, use of telecommunication facilities and use of public accommodations.

Consistent with ADA requirements, the Department incorporates accessibility for people with disabilities into siting, planning, construction and alteration of recreational facilities and assets supporting them.

In addition, Title II of the ADA requires in part, that services, programs and activities of the Department, when viewed in their entirety, are readily accessible to and usable by people with disabilities. The Department is not required to take any action which would

result in a fundamental alteration to the nature of the service, program or activity or would present an undue financial or administrative burden. When accommodating access to a program, the Department is not necessarily required to make each existing facility and asset accessible, as long as the program is accessible by the other means or at a different facility.

This plan incorporates an inventory of all the recreational facilities and assets on the unit or area, and an assessment of the programs, services and facilities provided to determine the level of accessibility. In conducting this assessment, DEC employs guidelines, which ensure that programs are accessible, include buildings, facilities, and vehicles, in terms of architecture and design, transportation and communication to individuals with disabilities.

For outdoor recreational facilities not covered under the current ADA standards, the Department will use standards provided under the Architectural Barriers Act, to lend credibility to the assessment result and to offer protection to the natural resource.

All new facilities, or parts of facilities that are constructed for public use, are to be accessible to people with disabilities. Full compliance is not required where DEC can demonstrate that it is structurally impracticable to meet the requirements. *(See Text of 28 CFR § 35.151 (a)(b) below)*. Compliance is still required for parts of the facility that can be made accessible to the extent that it is not structurally impracticable, and for people with various types of disabilities.

A record of accessibility determination is kept with the work planning record. Any new facilities, assets, and accessibility improvements to existing facilities or assets proposed in this plan are identified in the section containing proposed management actions.

28 CFR § 35.151 (a)(b)

(a) Design and Construction.

(1) Each facility or part of a facility constructed by, on behalf of, or for the use of a public entity shall be designed and constructed in such a manner that the facility or part of facility is readily accessible to and usable by individuals with disabilities, if the construction was commenced after January 26, 1992.

(2) There are exceptions for structural impracticability:

“(i) Full compliance with the requirements of this section is not required where a public entity can demonstrate that it is structurally impracticable only in those rare circumstances when the unique characteristics of terrain prevent the incorporation of accessible features.

(ii) If full compliance with this section would be structurally impracticable, compliance with this section is required to the extent that it is not structurally impracticable. In that case, any portion of the facility that can be made accessible shall be made accessible to the extent that it is not

structurally impracticable.

(iii) If providing accessibility in conformance with this section to individuals with certain disabilities (e.g., those who use wheelchairs) would be structurally impracticable, accessibility shall nonetheless be ensured to persons with other types of disabilities, (e.g., those who use crutches or who have sight, hearing, or mental impairments) in accordance with this section.”

(b) Alterations.

(1) Each facility or part of facility altered by, on behalf of, or for the use of a public entity in a manner that affects or could affect the usability of the facility or part of the facility shall. To the maximum extent feasible, be altered in such manner that the altered portion of the facility is readily accessible to and usable by individuals with disabilities, if the alteration was commenced after January 26, 1992.

For further information contact the ADA Coordinator at accessibility@dec.ny.gov

b. CP-3 Permits

In 1997, DEC adopted “Commissioners Policy - 3 (CP-3), Motor Vehicle Access to State Lands under the Jurisdiction of the Department of Environmental Conservation for People with Disabilities”, available online at <http://www.dec.ny.gov/outdoor/76213.html>. This policy establishes guidelines for issuing temporary revocable permits allowing qualified people with disabilities to use motor vehicles to gain access to designated routes on certain state lands and conservation easement lands. The facilities or assets proposed to be universally accessible in this RMP are identified in the “Proposed Management Actions” section.

c. Adirondack Park Agency (APA)

Land managers will need to consult with the Adirondack Park Agency where recreation management actions on land within the Adirondack Park involve activities such as: improvements or actions within or adjacent to freshwater wetlands; improvements or actions along or adjacent to the shorelines of water bodies; improvements or actions along or adjacent to Wild, Scenic, or Recreational Rivers. The draft RMP has been submitted to APA for review and comment consistent with the procedures outlined in the DEC/APA MOU. Certain proposed recreation projects and activities, as covered in the MOU, may require further APA review under Section 814 of the Adirondack Park Agency Act.

B. Public Recreation Management Principals, Goals and Objectives

1. Management Principles

The following principles, consistent with the public recreation rights acquired, will be used to manage public use of the Protected Property:

- Manage public recreational use and access as a Composite Resource;
- Assess the Protected Property's capacity to withstand use;
- Protect and conserve natural resources;
- Make public use compatible with active forest management and the other reserved rights of the Landowner;
- Provide a variety of outdoor recreational uses;
- Protection of public safety and private property.

2. Management Goals and Objectives

The goals and objectives for managing public recreational use of the Protected Property must consider a variety of stakeholder interests, public expectations, and the use and ownership by the Landowner. The goals presented below are general statements about desired outcomes, while the objectives are more specific and are intended to provide guidance on how to achieve the goals.

Goals:

- Provide reasonable public access to the Protected Property for the purpose of allowing the public to enjoy the permitted range of outdoor recreational opportunities.
- Avoid or minimize any negative impacts of public recreational use on the natural resources and environmental benefits of the Protected Property.
- Avoid or minimize conflicts between public recreational use and forest management activities conducted by the Landowner.
- Conserve wildlife habitat and other natural resource benefits.
- Provide public educational opportunities with regards to forest management.

Objectives:

- Maintain opportunities for dispersed public outdoor recreation by providing suitable marked trail opportunities and general access to areas of the Protected Property for numerous activities including, but not limited to, hunting, trapping, rock climbing and bushwhacking.
- Maintain the quality of the public's recreational experience by separating or minimizing conflicting uses where possible.
- Provide safe and sanitary conditions for public recreation.
- Provide for multiple motorized and non-motorized recreational uses on roads and trails, except where the potential for resource impacts, risk to public safety,

and/or conflicts with forest management activities, the reserved rights of the Landowner or other conditions make such shared use unacceptable.

- Provide opportunities for motor vehicle access under CP-3 on designated roads and trails on the Protected Property.
- Construct and adequately maintain facilities (trails, parking areas, etc.) in response to need and in conformance with the easement agreement, this Recreation Management Plan and DEC rules, regulations and policies.
- Periodically assess the impacts of recreational uses on other recreational uses, forest management activities and natural resources.
- Actively manage the type, level, and location of recreational uses to minimize significant conflicts between recreational activities and commercial forest management activities, and to minimize adverse impacts to fish, wildlife, important habitats, water quality and other natural resources and environmental values on the Protected Property.
- Promote new interest in and increase the public's knowledge of the Easement Lands and all applicable rules and regulations.
- Promote partnerships with the Landowner and/or recreational constituencies and secure assistance as necessary to complete management actions.
- Where applicable, cooperate with the Landowner in their development of educational opportunities about forest management.

3. Best Management Practices

All public recreation management activities will incorporate the use of Best Management Practices (BMPs) to the greatest practical extent. BMPs are those methods, procedures, and/or devices that are designed to prevent or minimize soil erosion, water run-off, damage to natural resources or wildlife habitat, pollution, pathogens, or other negative environmental impacts when conducting various management activities. BMPs related to the implementation of public access and recreational improvements on the Protected Property may include, but need not be limited to, such considerations as:

- Locate improvements away from streams, wetlands, and unstable slopes.
- Locate improvements to minimize necessary cut and fill.
- Locate camping sites or other structures on flat, stable, well-drained sites.
- Locate trails on existing old roads or cleared, or partially cleared areas where possible.
- Locate trails to minimize grade and avoid streams, wetlands, and unstable slopes to the extent possible.
- Avoiding areas where threatened and endangered species are known to exist.
- Limit the size of parking lots and other improvements to the minimum necessary to meet the intended use.
- Minimize tree cutting.
- Use proper drainage devices, such as water bars and broad-based dips, to prevent erosion and damage to improvements.

- Use stream crossings with low, stable banks, firm stream bottom, and gentle approach slopes.
- Construct roads, trails, bridges and other stream crossings at right angles to the stream.
- Limit stream crossings and construction on or near streams to periods of low flow.
- Design, constructing, and maintaining bridges and other improvements on or near streams to avoid disrupting or preventing movement of fish and other aquatic species.
- Minimize the use of equipment in streams.
- Use soil stabilization practices on exposed soil around construction areas, especially bridges, immediately after construction.

4. Guidelines and Standards

Development of this RMP and implementation of public recreational uses on the Protected Property shall be consistent with the following specific guidelines:

Standards for Public Recreational Trails: Trail construction and maintenance specifications will follow the NYS DEC Trail Construction and Maintenance Manual and NYS DEC's Non-motorized Trail Standards and Specifications (Appendix D) as well as other relevant sources, such as The Complete Guide to Trail Building and Maintenance (Demrow and Salisbury 1998) and the Trail Construction and Maintenance Notebook (Hesselbarth et al. 2007). These guidelines will be used to make informed decisions on locating new trails and whether portions of any existing trails shall be repaired, improved, relocated or if public use shall be temporarily suspended.

Standards for Roads Open under CP-3: Road construction and maintenance will follow the Unpaved Forest Roads Handbook (NYS DEC 2008) as well as the A Landowner's Guide to Building Forest Access Roads (Wiest 1998) and the New York State Best Management Practices Field Guide (http://www.dec.ny.gov/docs/lands_forests_pdf/dlfbmpguide.pdf).

Signs: Trail and road signage will follow the NYS DEC CE Public Recreation Road and Trail Sign Guidance Manual (available on-line at http://www.dec.ny.gov/docs/lands_forests_pdf/cesigntrailguidance.pdf).

Accessible Recreational Infrastructure: The universal designs contained within the NYS DEC Standard Accessible Designs for Outdoor Recreational Facilities will be referenced when planning for new accessible recreational infrastructure.

Snowmobile Trails: Snowmobile trail design and maintenance standards shall conform to manuals and guidelines such as the New York State Snowmobile Trail Manual: Guidelines For Development (available on-line at <http://www.nysparks.com/recreation/snowmobiles/documents/1995SnowmobileTrailMan>).

[ual.pdf](#)) produced by the New York State Office of Parks, Recreation, and Historic Preservation, or an equivalent State agency, and in general use by the agency at the time in question.

C. Public Input

A 30-Day public comment period on a draft version of this RMP was held from March 24, 2021 through April 23, 2021. A complete summary of public comments received, along with their respective responses, can be found in Appendix H.

D. Recreational Use Opportunities and Constraints

1. Potential Activities and Opportunities

Constructing additional trails and associated recreational facilities would enhance and encourage additional public use of the Protected Property. These trails would also provide an opportunity to expand the Landowner's educational efforts.

2. Management and Natural Resource Constraints

Physical constraints to implementing any recreation management action on the Protected Property include steep rocky slopes, soil characteristics and the lack of primary attraction points (e.g., lakes and ponds).

Management constraints are composed of budget and staffing shortages, conflicts with the Landowner's reserved rights, applicable laws and regulations, DEC policy and differing public opinion on how to best manage the Protected Property for recreational use.

VIII. PROPOSED RECREATION MANAGEMENT ACTIONS

A. General Recreation Management Actions

1. Boundary Identification

Boundary identification is essential for the administration and proper recreational use of the Protected Property. Marking and maintaining the roughly 6.0 miles of boundary line is also necessary for the Landowner's forest management program. The Landowner repainted the boundaries of the Protected Property in 2014.

Proposed Management Actions:

- Install a large area identification sign along NYS Route 28 and along the Remsen-Lake Placid Travel Corridor to demarcate the Easement Lands.

- Schedule periodic boundary line maintenance and sign (Appendix E) boundary lines according to DEC standards. DEC and the Landowner will work together and share responsibility for this effort.

2. Recreation Monitoring and Enforcement

Periodic inspections from DEC and the Landowner will serve to monitor recreational use and resource conditions on the Protected Property. Installing trailhead registers will help quantify recreational use.

DEC Forest Rangers, the law enforcement branch covering state-owned and Conservation Easement Lands, will continue to patrol and serve the area.

Proposed Management Actions:

- DEC staff shall schedule periodic inspections of all recreational infrastructure on the Protected Property.
- DEC and the Landowner will communicate concerning any changes in visitor use or degradation of the natural resources on the Protected Property and take appropriate action, including restricting certain uses and closing trails or other recreational infrastructure if necessary, to prevent or minimize any negative impacts or avoid any safety hazard.
- Install trail registers as part of the proposed management actions below and collect baseline public use data to determine average number of yearly users and groups sizes.

3. Proposed Rules and Regulations

Existing regulations relating to public use of State lands under the jurisdiction of the Department of Environmental Conservation are found in 6 NYCRR Part 190. The regulations proposed herein constitutes the minimum level of direct regulation necessary to influence visitor behavior to protect resources and the experiences of visitors.

Proposed Management Actions:

- Amend 6 NYCRR §190.12 (Conservation Easements) to include the following:

190.12(h) Northeast Loggers Association. A conservation easement has been acquired over the following parcel of land as follows:

Minnehaha Tract (Flatrock Mountain). Those lands located in the Town of Webb, Herkimer County by indenture to the Nature Conservancy dated December 30, 2002 and recorded in Herkimer County on December 30, 2002 in Liber 917 of deeds, page 487 and subsequently assigned to The People of the State of New York acting through the Department by assignment dated August 25, 2003 and recorded in Herkimer County on October 27, 2003 in Liber 930 of deeds, page

B. Specific Recreational Activities

1. Public Recreation Use Areas

Public use of the Protected Property will be permitted to the extent that it does not degrade the natural character of the area or interfere with the forest management rights or other reserved rights of the Landowner. The “minimum tool” concept will be used to manage public use and achieve management objectives, using indirect methods when possible (i.e. limiting parking), and direct methods when necessary (e.g., promulgating regulations).

Many of the resource impacts that result from recreational use can be mitigated through an active visitor education and information program. Some visitors lack a basic understanding of the effects their activities have on the resource and need to be informed of the proper use of Easement Lands and all special rules and regulations that apply. A well-developed education and information program can help reduce many user related impacts while improving the visitor experience.

Proposed Management Actions:

- Work cooperatively with the Landowner to develop a public recreation education and information strategy that uses a combination of different techniques to provide a wide array of accurate information to the public. The Property’s history, natural resource values, recreational opportunities, use guidelines and linkages with local communities will be focal points in this effort.
- Promote “Leave-No-Trace” ethics and techniques with all visitors.
- Schedule routine trash removal consistent with the Garbage and Debris Removal Agreement and Procedure (Appendix F) as required by the Conservation Easement agreement.

2. Motorized Access Corridors and Roads

The designation of two new routes only open under CP-3, one on an existing Motorized Access Corridor and the other on a new one, are proposed.

Proposed Management Actions:

- Designate the existing Old Forge-McKeever Snowmobile Trail (1.8 miles long) as accessible with a CP-3 permit during the non-winter months, specifically, when the trail is firm enough to support this use in the spring (generally mid-May) until the end of the regular Northern Zone Big Game Hunting Season at the beginning of December. Only ATVs, no passenger vehicles or trucks, will be allowed on this trail. All ATVs must be registered and insured.
- Designate the Flatrock Mtn. Road, from the DOT parking area south to the second log landing at the southern end of the Protected Property (see Appendix

I-Map #2), as a motorized access corridor accessible with a CP-3 permit (0.6 miles long). Passenger vehicles or trucks will be allowed on this road in addition to ATVs.

- Install new combination locks on the gates at the beginning of this road near the DOT parking area and at the northeastern tip of the Protected Property (where the Old Forge-McKeever Snowmobile Trail leaves the Route 28 corridor) to regulate public access under the CP-3 program. If necessary, modify the gates to meet DEC safety standards as to color, design, and signage.
- Both routes will be delineated via signs by DEC.
- DEC will administer the use of this road and trail for compliance with CP-3. DEC and the Landowner will jointly monitor their conditions and close them to protect the surface, for repairs or for forest management activities when necessary.
- Maintain this road as necessary (Appendix C contains a suggested standard).
- Install a new gate at the western end of the snowmobile trail (see Appendix I-Map #2). Additional gates will be constructed as required based on the joint recommendations of DEC and the Landowner.

3. Snowmobiles and ATVs

The existing Old Forge-McKeever Snowmobile Trail will continue to provide the current connection in the area trail system and a new snowmobile trail, which will utilize an existing skid trail, to the top of Flatrock Mountain will be designated.

All snowmobiles using the trails on the Property must be registered and insured.

Public ATV use will remain prohibited on the Protected Property except under CP-3 permit as proposed above.

Proposed Management Actions:

- Designate the new snowmobile trail to the summit of Flatrock Mountain, the Mountaintop Trail (0.7 miles in length), and mark accordingly (see Appendix I-Map #2). Any necessary improvements to this trail will be implemented before being opened to public snowmobile use.
- In partnership with the Town of Webb, continue to maintain these snowmobile trails under their Temporary Revocable Permit (TRP).
- Maintain the newly replaced bridge (November 2020) at the western end of the existing snowmobile trail when necessary.

4. Hunting and Trapping

Hunting and trapping pressure on the Protected Property appears stable and is not expected to impact the overall population of any species. The wildlife resource will be managed in accordance with all state rules and regulations, and in the case of game species, in the appropriate hunting and trapping seasons as part of the larger Wildlife Management Unit (WMU) 5H.

5. Hiking, Biking, X-C Skiing and Other Non-motorized Uses

The new Mountaintop (snowmobile) Trail (0.7 miles) to the summit of Flatrock Mountain will also be designated as open to hiking and mountain biking during the non-winter months and marked accordingly (see Appendix I-Map #2).

These non-motorized uses will generally be allowed on the entire Protected Property, with the exception that mountain biking may be restricted to certain trails or prohibited altogether during the seasonally wet times of the year to prevent or alleviate significant impacts to the trail surface.

The Loop Trail on the top of Flatrock Mtn. will be restricted to non-mechanized uses (i.e. hiking, snowshoeing, Nordic skiing, etc.) only.

6. Horseback Riding

Horseback riding will continue to be permitted on the Protected Property but restricted to the Old Forge-McKeever Snowmobile Trail and the Flatrock Mountain Road. In the future, this use may only be permitted during certain times of year (i.e. the dry summer months) to avoid negative impacts to the trail surface. Continual monitoring as recommended above will determine whether any further restrictions will be necessary.

7. Rock Climbing

As noted previously, rock climbing, including bouldering (a form of rock climbing performed on smaller rock formations without ropes or a harness, often using pads on the ground to protect the climber from falls) are both already occurring on the Flatrock Mountain Conservation Easement. The proposed Minnehaha recreational trail (see below) will support this sport on the Protected Property through improved access. Periodic monitoring will be required to assess use levels and any resulting impacts (e.g., cutting trees, leaving hardware in place or crash pads and trash behind) from this recreational pursuit.

Proposed Management Actions:

- DEC will periodically monitor the bouldering areas and adjacent rock cliffs for user impact. If necessary, a partnership through a Volunteer Stewardship Agreement will be sought with the Adirondack Climbers Coalition as well as area climbers to better manage rock climbing on the Protected Property through encouraging responsible climbing ethics and use of the area.
- If needed for site protection and to better support this sport, additional access trails to known climbing routes will be developed with the approval of the Landowner.

C. Recreational Support Facilities

1. Trails

Improving public access to the Easement Lands is a priority. Certain trails from the existing network of old skid trails throughout the Protected Property lend themselves to being designated as part of an official trail system but, per the wishes of the Landowner, they generally will not be adopted to avoid conflicts with future timber harvesting. However, these skid trails will remain available for informal non-motorized recreational uses such as hiking. In addition to the existing Loop Trail and new Mountain Top multiple use (snowmobile, hiking and biking) trail mentioned above, another trail will be delineated and developed on the Protected Property.

Proposed Management Actions:

- DEC will work with the Landowner to develop the proposed Minnehaha Trail off the Minnehaha Road depicted on Map #2 in Appendix I. This designated trail, 0.9 miles long, will be constructed to DEC “Trunk Trail” standards (Appendix D) and be open to multiple non-motorized uses such as hiking, cross country skiing and mountain biking. However, horseback riding will be prohibited. This trail will improve access to this section of the Protected Property for activities such as rock climbing and day hiking.
- All designated trails will be marked and signed according to DEC standards.
- Periodic trail maintenance, such as clearing of downed trees, brushing and the cleaning of drainage structures such as waterbars, will be scheduled on all trails.

2. Trailheads and Associated Infrastructure

Constructing trailheads and parking areas would provide formal entry points into the Protected Property and allow DEC to better manage and enumerate visitor use.

Proposed Management Actions:

- DEC will work with the Landowner and DOT to formally designate and develop an official trailhead at the DOT parking area along NYS Route 28 (Appendix I- Map #2). This primary access site for the Protected Property will consist of two accessible parking spaces adjacent to the DOT pull off, an informational kiosk, trail signs and a trail registration structure. A picnic table will also be placed near this trailhead at the DOT parking area.
- Designate and develop a secondary trailhead off Minnehaha Road, including a three-car parking lot (with one space being an accessible parking space), which will also serve the proposed recreational trail. A small kiosk, including a map, along with a trail register will be installed here as well.
- DEC will work with the Landowner to develop and install an interpretive kiosk near Onekio.
- DEC will monitor the parking capacity of these proposed parking areas as well as that of the DOT parking area. If needed, DEC will work with the Landowner and DOT to increase the available number of parking spaces.

- Schedule periodic maintenance of these improvements.

3. Camping and Designated Camp Sites

Camping will continue to be permitted on the Protected Property's in accordance with the terms of the easement. However, with its close proximity to State Route 28, Minnehaha Road and the Remsen-Lake Placid Travel Corridor, the majority of public camping use in the area appears to be on the adjacent Forest Preserve Lands (where a more "remote" experience can be found). Monitoring of this recreational activity will serve the basis for future management action.

Proposed Management Actions:

- Periodic monitoring will determine if it will be necessary to designate campsites on the Protected Property. If so, an appropriate number of sites will be designated with the approval of the Landowner. Pit privies will also be installed at each respective campsite.

4. Signage

All trails, trailheads and other improvements will be delineated with the appropriate signs per DEC standards outlined in the NYSDEC CE Public Recreation Road & Trail Sign Guidance Manual.

Proposed Management Actions:

- Install unit signs and kiosks as described under "Proposed Recreation Management Actions" in Section A "Boundary Identification" and Section B "Specific Recreational Activities".
- Delineate any new infrastructure such as trails with the respective markers and signs as they are constructed and opened to the public.
- Schedule periodic maintenance or replacement of existing signs and trail markers.

IX. IMPLEMENTATION SCHEDULE AND ESTIMATED BUDGET

The following tables outline a schedule for implementation of the proposed management actions and their estimated costs. These cost estimates are based on historical costs incurred by the Department for similar projects. Values for some projects are based on costs for service contracting.

Proposed Projects

Phase 1	Est. Cost and/or Staff Days
Install unit identification signs along NYS Route 28 and the Remsen-Lake Placid Corridor.	\$2,000
Install a new gate at the western end of the Old Forge-McKeever snowmobile trail.	\$3,000
Designate the Old Forge-McKeever snowmobile trail and the Flatrock Mt. Road as open under CP-3, install appropriate signs and combination locks on the gates.	3 Staff Days and \$1,000
Total Cost	\$6,000 and 3 Staff Days

Phase 2	Est. Cost and/or Staff Days
Adjacent to the DOT parking area develop an informational and registration kiosk.	\$2,000
Construct a trailhead, 3 car parking lot and the Minnehaha multiple use trail (0.9 miles of trail @ \$4,000/mile) off Minnehaha Road.	\$3,600
Designate and construct the new Mountaintop snowmobile trail to the top of Flatrock Mountain (0.7 miles @ \$4,000 per mile).	\$2,800
Total Cost	\$8,400

Phase 3	Est. Cost and/or Staff Days
Adjacent to the DOT pull-off develop two accessible parking spaces in cooperation with DOT.	\$4,000
Develop an interpretive kiosk at Onekio.	\$1,250
Total Cost	\$5,250

Annual Projects

Yearly Maintenance Schedule	Est. Cost and/or Staff Days/Year
Boundary Line Maintenance: 1.2 miles/year @ \$400/mile.	\$480

Trail Maintenance (brushing, blowdown removal, drainage): 3.4 miles @ \$700/mile.	\$2,380
Road Maintenance (grade, rake, mow): 0.6 miles @ \$1,500/mile.	\$900
Parking Area Maintenance- 2 areas @ \$200/year.	\$400
Kiosk, signs and trail markers maintenance or replacement.	\$300
Gate Maintenance (3 gates @ \$100/year).	\$300
Monitor public use and visitor impacts on resources.	3 Staff Days
Trash Removal and other routine maintenance.	3 Staff Days
Project work plan development and administration.	10 Staff Days/Year for the first three phases, then 3 Staff Days/Year thereafter
Total Cost	\$4,760 and 9 to 16 Staff Days

X. COMPLIANCE

A. October 2011 - Conservation Easement Recreation Management Plan Guidance

DEC will complete the steps outlined in this document before issuing the Final RMP for this Property.

B. State Environmental Quality Review Act

New York's State Environmental Quality Review Act (SEQR) requires all state and local government agencies to consider and balance environmental impacts with social and economic factors during discretionary decision-making for approving, funding or undertaking all actions. As the lead agency, DEC has prepared an Environmental Assessment Form along with a Negative Declaration for this Recreation Management Plan (see Appendix G). Public comments will be sought, considered, and incorporated into the Recreation Management Plan as appropriate.

C. Wild, Scenic and Recreational Rivers System Act on Private Land

Under the Wild, Scenic and Recreational Rivers System Act, the Adirondack Park Agency administers this law on Private Land within the Adirondack Park. The Adirondack Park Agency will be consulted for any potential impacts or to apply for any necessary permits during the planning phase for any proposed project on the Protected Property that is within 1/4 mile of the Moose River.

D. Freshwater Wetlands Act

The presence of jurisdictional wetlands and the need for all applicable permits will be investigated with consultation from the Adirondack Park Agency, as required by the New York State Freshwater Wetlands Act, prior to implementing any proposed projects within this RMP.

E. APA/DEC MOU Concerning State Owned Conservation Easements on Private Lands Within the Adirondack Park

This MOU between APA and DEC outlines the standards and procedures for APA review and consultation on public recreation projects conducted on Conservation Easement Lands as well as the process for developing a RMP. As stated in the MOU,

the development of a RMP in itself does not constitute a new land use or development. However, depending upon the type, degree and intensity of the recreational use, the implementation of projects in the RMP may do so.

Consistent with this MOU, this RMP will be submitted to the APA for review and comment. During implementation, further consultation with the APA will be sought on any public recreational projects as required.

XI. APPENDICES

A. References

B. Conservation Easement Recreation Language

C. Road Standards and Specifications

D. Trail Standards and Specifications

E. Flatrock Mountain Conservation Easement Sign

F. Garbage and Debris Removal Agreement and Procedure

G. SEQRA Negative Declaration

H. Public Comments and Response Summary

I. Maps

Appendix A: References

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- Pierz, Joseph J. MD. 2003. Snowmobile Injuries in North America. Clinical Orthopedics and Related Research. Volume 409 pp. 29-36
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- Wiest, Richard L. 1998. A Landowner's Guide to Building Forest Access Roads. U.S. Department of Agriculture, Forest Service Northeastern Area State and Private Forestry, NA-TP-06-098. Radnor, P.A.

Appendix B: Conservation Easement Recreation Language

These sections are excerpts from the Conservation Easement Document on file with the Herkimer County Clerk's Office.

AFFIRMATIVE RIGHTS

Those rights agreed to by the parties herein as running with the Protected Property are more fully described as follows:

- 1). Right to View: Grantee, its successors and assigns, shall have the right to view the Protected Property in its current state.
- 2). Right to Access: Grantee, its successors and assigns, shall have rights of access to the Protected Property including the right of access for administrative purposes and the right of public access for recreational purposes only, subject to the TERMS AND CONDITIONS and RESERVED RIGHTS set forth herein.
- 3). Right to Manage Public Recreation: Grantee, its successors and assigns, shall have the right and responsibility to manage the public on the Protected Property in accordance with the purposes of this Conservation Easement, the Recreation Management Plan as prepared by the grantee and approved by the grantor, as defined in the TERMS AND CONDITIONS of this Conservation Easement, and operable laws and regulations administered by the State of New York.
- 4). Right of Public Access: Grantee, its successors and assigns, shall have a right of public access for recreational purposes, to include the following:
 - (a) Public access to and over the Protected Property by foot, bicycle or other non-motorized means including hiking, snowshoeing, cross-country skiing, mechanized aids for mobility-impaired persons, and/or horseback.
 - (b) Public Access over specifically designated Motorized Access Corridors.
Only those Motorized Access Corridors which have been designated in the Recreation Management Plan discussed in paragraph (1) (b) of the TERMS AND CONDITIONS section of this Conservation Easement, and which have been specifically marked for the type of motorized vehicular travel permitted shall be available for public recreational access. The Grantee is responsible for all necessary signs indicating the specific corridors which may be opened for use by the public. The motorized public access provided for above is

subject to the RESERVED RIGHTS of Grantor, including the right to close Motorized Access Corridors to public use in the manner and for the reasons specifically provided for in the RESERVED RIGHTS and TERMS AND CONDITIONS Sections of this Conservation Easement.

- 5). Right to Construct: Grantee, its successors and assigns, shall have the right to construct and maintain new trails for non-motorized use by the public, to construct and maintain new parking lots, and to construct and maintain new Motorized Access Corridors in addition to those which may already exist on the Protected Property, so long as such trails, parking lots, or roads do not interfere with the Grantor's Reserved Right of Forest Management, follow NYS Forestry Best Management Practices for Water Quality - BMP Field Guide or similar guidelines for facilities other than roads, and are provided for in Grantee's Recreational Management Plan or have been otherwise approved by Grantor, such approval not to be unreasonably withheld. Any timber removed by the construction of these roads, trails or parking lots shall belong to the Grantor. Grantor shall be given reasonable time to remove such timber.
- 6). Gravel: The Grantee, its successors and assigns, shall have the right to use on-site gravel in furtherance of Grantee's AFFIRMATIVE RIGHTS under this Conservation Easement. The siting of said gravel removal area shall comply with all applicable laws and regulations.
- 7). Public Camping: The Grantee, its successors and assigns, shall have the right to permit camping by the public in the same manner as currently regulated (or to be regulated) on State lands, provided, however, that designated camping sites shall be delineated in the Recreation Management Plan.
- 8). Open fires: The Grantee, its successors and assigns, shall have the right to permit the public to build fires for cooking, warmth or smudge only with firewood gathered from on-site dead and downed trees. Open fires will be regulated in the same manner as on New York State Forest Preserve lands.

- 9). Public Hunting, Fishing and Trapping: The Grantee, its successors and assigns, shall have the right to permit the public to hunt, fish and trap in accordance with established New York State seasons, applicable rules and regulations.
- 10). Right to Manage: The Grantee, its successors and assigns, shall have the right to manage the fish and wildlife resources, but not manage vegetation for fish and wildlife purposes on the Protected Property, in accordance with regulations or other generally accepted standards for the long term use and benefit of the public within this Conservation Easement's "Purposes of this Grant" Section.
- 11). Emergency Preservation: The Grantee, its successors and assigns, shall have the right to take any emergency action necessary in response to natural disaster, environmental hazard or threats to human safety to preserve the Protected Property and protect the public in response to natural disaster, environmental hazard or threats to human safety. To the extent practicable, the Grantor shall be immediately notified and consulted with regards to any such emergency action.
- 12). Right to Enter: The Grantee, its successors and assigns, shall have the right to enter the Protected Property at all reasonable times and with prior notice, pursuant to paragraph 28 of the TERMS AND CONDITIONS section of the Conservation Easement, for the purpose of:
 - (a) Inspecting the Protected Property to determine if the Grantor is complying with the covenants and purposes of this Conservation Easement.
 - (b) Enforcing the terms of the Conservation Easement.
 - (c) Taking any and all legal actions with respect to the Protected Property as may be necessary or appropriate to remedy or abate violations hereof.
- 13). Right to Construct Structures: Grantee, its successors and assigns, shall have the right to construct, use, repair, maintain, improve, demolish, replace, expand or extend lean-tos, or other structures designed to facilitate public recreation and management of the Protected Property subject to applicable laws and regulations and the provisions of the Recreation Management Plan.

- 14). Right to Restore: Grantee, its successors and assigns, in the event of a breach of any of the covenants, restrictions, or the TERMS AND CONDITIONS section of this Conservation Easement, shall have the right to require Grantor to restore the Protected Property to its natural state and to enforce this right by any action or proceeding necessary; provided, however, that such right shall be exercised only in accordance with the TERMS AND CONDITIONS section of this Conservation Easement. Grantor further grants to Grantee the right to enter upon the Protected Property for the purpose of restoring the same to its natural state, this right to be exercised at the discretion of Grantees, but at all times only in accordance with the TERMS AND CONDITIONS section of this Conservation Easement.
- (a) As used in this Conservation Easement in reference to the Protected Property, the term "natural state" shall be deemed to mean the approximate general natural, undeveloped, unexploited condition of the Protected Property existing immediately prior to a breach of any of the covenants, terms, restrictions or conditions of this Conservation Easement, giving due consideration to the following:
- (i) the normal effects of the passage of time;
 - (ii) the results of natural forces (including, but not limited to, natural fires and explosions, earthquakes, landslides, lightning, floods, wind storms or other acts of God); and
 - (iii) the historical and ongoing management of the Protected Property for silvicultural purposes and the production of timber.
- (b) Where this Conservation Easement requires or permits the restoration of the Protected Property to its natural state following a breach, this Conservation Easement shall not be construed to permit or require the use of extraordinary means to effect such restoration unless the circumstances reasonably require use of such extraordinary means. It is anticipated that the following means

will ordinarily be used in order to restore the Protected Property to its natural state following a breach of this Conservation Easement:

- (i) removal of items and materials not permitted by this Conservation Easement (including, but not limited to, items and materials such as buildings, residences, mobile homes or other structures, fences, signs, billboards or other advertising material, ashes, sawdust, sewage or garbage, scrap material, sediment discharges, oil and its by-products, leached compounds, toxic fumes, or any other unsightly or offensive material, means of artificial illumination, utility lines, roadways or driveways);
- (ii) closure, filling, grading and planting with appropriate vegetative cover, of areas adversely affected by actions not permitted under this Conservation Easement (including, but not limited to, actions such as the construction, dumping, or storage of items or materials referred to in subparagraph (i) above or the extraction of minerals, gas or oil);
- (iii) correction, through reasonably practicable measures, of conditions which adversely affect drainage, flood control, water conservation, fish or wildlife habitat preservation, erosion control or soil conservation;
- (iv) any other appropriate action reasonably necessary to remedy any breach of this Conservation Easement.

- 15). Keys: Grantor shall provide Grantee with all keys to all gates erected on the Protected Property for the purpose of access by Grantee for administrative and enforcement purposes related to this Conservation Easement.

Conservation Easement language applicable to Roads and Trails (from "Terms and Conditions"):

"Age class distribution" means the location or proportionate representation of different age classes in a forest.

- (b) Within uneven-aged stands, at least three distinct age classes shall be maintained:

"Uneven-aged stand" means a stand of trees with three or more distinct age classes, either intimately mixed or in small groups.

- (iv) It is recognized that, at the time of recording of this Conservation Easement, the Protected Property does not contain this type of forest stand distribution, but the Forest Management Plan will describe how proposed management will work toward this distribution.

- (d) Highgrading harvest practices are prohibited. The term "highgrading" means the removal of only certain species above a certain size or of high value, leaving residual stands composed of trees of poor condition or species composition, through which the forest may become depleted over time of the best genetic growing stock.

11). Roads and Trails:

- (a) Acknowledgment of Road and Trail System: The Grantor and the Grantee acknowledge the value of the present road and trail systems located on the Protected Property and will accordingly undertake good faith efforts to preserve and maintain the integrity of the road and trail systems upon the Protected Property. Each party at its sole expense may maintain, repair, correct, upgrade or otherwise improve those roads and trails over which it has the right of use subject to the AFFIRMATIVE RIGHTS, DECLARATION OF RESTRICTIONS, and RESERVED RIGHTS sections herein. The Grantor shall have the duty and responsibility to repair and correct, at the Grantor's expense, damages caused to these roads and trails by the Grantor, its invitees, licensees, guests, lessees, officers, employees, agents or contractors. The Grantee shall have the duty and responsibility to repair and correct, at the Grantee's expense and subject to the availability of funds, damages, to those portions of the roads and trails to which it and the public have the right of use,

caused either by the public's recreational use of the Protected Property or directly by Grantee, its invitees, guests, officers, employees, agents and contractors. The parties may mutually agree to temporarily close any road or trail or portion thereof or other appropriate action to protect the public, to protect the structural integrity of a road or trail, and protect against other abusive actions by the public. The parties may mutually agree to abandon any road or trail or portion thereof located on the Protected Property, but any abandonment shall not preclude the reopening of any such road or trail in the future by mutual agreement and, unless otherwise agreed upon, at the expense of the party desiring to reopen any such road. Mutual agreement as used in this paragraph will not be unreasonably withheld by either party.

(b) Access Corridors:

- (i) Primary Access Corridors The Map of the Protected Property identifies "Primary Access Corridors" which will provide for public non-motorized access as well as public snowmobile use. These corridors may not be closed by Grantor except to maintain the structural integrity of a road or trail whenever it is adversely affected by weather conditions, creating such hazards as mud and ice. The roads or trails to be closed under this provision and the duration of said closure shall be mutually agreed upon by Grantor and Grantee. Grantee may also close these corridors to public recreational access at its discretion. Primary Access Corridors may be amended in the Recreation Management Plan as new roads and trails are constructed or as Grantor and Grantee agree to otherwise redesignate existing roads and trails.
- (ii) Other Access Corridors: Grantee may designate additional public access corridors in the Recreation Management Plan (which is subject to Grantor approval). These corridors may be closed to public recreational access upon a showing by Grantor that closure is necessary to

- seasonably avoid damage to the road or trail surface due to weather conditions which would create such hazards as mud or ice, or
- to avoid potential conflicts with forestry management activities, such as harvesting operations and educational/interpretive activities.

- (c) New Roads and Skid Trails: The siting, construction, and maintenance of new and existing roads, associated improvements, and skid trails by either party, must meet or exceed currently accepted New York State Forestry Best Management Practices for Water Quality - BMP Field Guide and any grading or change in topography necessary for roads and skid trails shall blend into the natural topography of the Protected Property and be limited to the minimum necessary for the uses permitted under this Conservation Easement.
- 12). Mining: Mining activities are allowed for non-commercial sand and gravel extraction for use by Grantor and Grantee for on site road, parking lot and landing construction and maintenance. The mining of sand and gravel shall conform to all applicable laws, and all extraction areas shall be reclaimed when sand and gravel activities cease.
- 13). Landings: No landings may be located within 100 feet of any state or local highway or within 200 feet (200') of any water body or wetland unless approved in writing by the Grantee. Any grading or change in topography necessary for landings shall blend into the natural topography of the Protected Property, shall be limited to the absolute minimum necessary for the uses permitted under this Conservation Easement and shall meet or exceed currently accepted practices in the New York State Best Management Practices for Water Quality- BMP Field Guide.
- 14). Perpetuity: The Grantor, for itself and its successors and assigns, and the Grantee hereby agree that the terms of this Conservation Easement are to be construed so as to preserve perpetually the Protected Property as a sustainable forest, provided however that nothing herein contained shall impair the exercise of the RESERVED RIGHTS.
- 15). Failure to Act: Grantor and Grantee shall make every reasonable effort to abide by the terms of the agreement. However, the failure of the Grantee to insist upon the strict performance of any of the terms, conditions, covenants, or restrictions contained herein, shall not be deemed a waiver of any terms, nor shall any such failure of the Grantee in any way bar its enforcement rights hereunder in the event of any

Appendix C: Road Standards and Specifications

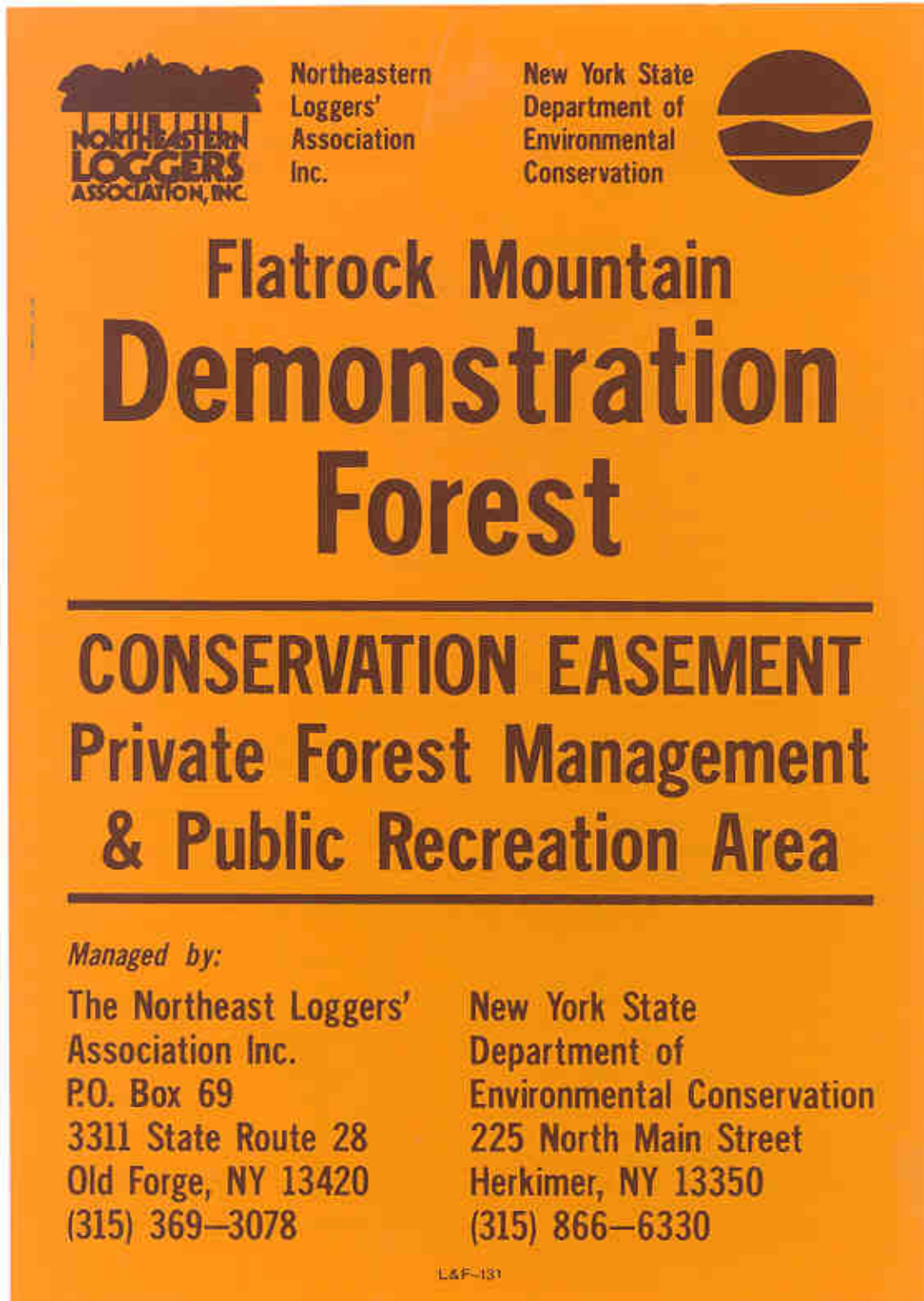
Recommended Public Forest Access Road Design and Maintenance Standards based on those specified in the <u>Unpaved Forest Road Handbook</u> (NYSDEC 2008).	
Traffic Lanes	1
Vehicles Per Hour	1-5
Design Speed-MPH	15-25
Minimum Curve Radius (Ft.)	50
Maximum Grade-Pitch	15%
Maximum Grade-Sustained	10%
Width of Roadbed (Ft.)	14
Width of Travel Surface (Ft.)	12
Turnouts	Inter-visible and not over 1,000 Ft. apart
Vegetation Control	Cut/remove brush as needed
Maintenance/Gravel Surfacing Intervals	As needed
Culvert/Ditching Specifications	NYS Best Management Practice Field Guide
Sign Standards	NYSDEC CE Public Recreation Road & Trail Sign Guidance Manual
Insurance Standards	NYS regulations on insurance requirements for motor vehicles
CP-3 Use Enforcement	NYSDEC

Appendix D: Trail Standards and Specifications

DEC Non-motorized Trail Classification System					
Trail Classification	Marking	Tread	Barriers	Use Level	Acceptable Maintenance
I – Unmarked Route	None	Intermittently apparent, relatively undisturbed organic soil horizon	Natural obstructions present, logs and water courses	Occasional	None
II – Path	Intermittent	Intermittently apparent compaction of duff, mineral soils occasionally exposed	Same as Unmarked Route	Low, varies by location	Intermittent marking with consideration given to appropriate layout based on drainage, occasional barrier removal only to define appropriate route.
III – Primitive	Trail markers, sign at junction with secondary or other upper level trail	Apparent, soil compaction evident	Limited natural obstructions (logs and river fords)	Low	Drainage (native materials) where necessary to minimize erosion, blowdown removed 2-3 years, brushing as necessary to define trail (5-10 years). Bridges only to protect resource (max-2 log width). Ladders only to protect exceptionally steep sections. Tread 14" to 18", clear: 3' wide, 3' high.
IV – Secondary	Markers, signs with basic information	Likely worn and possibly quite eroded. Rocks exposed, little or no duff remaining.	Up to One year's accumulated blowdown, small streams.	Moderate	Drainage where needed to halt erosion and limit potential erosion (using native materials), tread hardening with native materials where drainage proves to be insufficient to control erosion. Remove blowdown annually. Brush to maintain trail corridor. Higher use may warrant greater use of bridges (2-3 logs wide) for resource protection. Ladders on exceptionally steep rock faces. Tread 18"-24". Clear 4' wide, 3' high.

DEC Non-motorized Trail Classification System					
Trail Classification	Marking	Tread	Barriers	Use Level	Acceptable Maintenance
V – Trunk or Primary Trail	Markers, signed with more information and warnings	Wider tread, worn and very evident. Rock exposed, possibly eroded.	Obstructions only rarely, small streams.	High	Same as above; Plus: regular blowdown removal on designated ski trails, non-native materials as last resort. Extensive tread hardening when needed, bridge streams (2-4 logs wide) difficult to cross during high water, priority given to stream crossings below concentrations of designated camping. Tread 18"-26", clear 6' wide, 8' high, actual turnpiking limited to 2% of trail length.
VI – Front Country Trail	Heavily marked, detailed interpretive signing	Groomed	None	Very High	Extensive grooming, some paving, bark chips, handicapped accessible. This is to be implemented within 500' of wilderness boundary.
VII – Horse Trail	Marked as Trunk or Secondary Trail	Wide tread must be rather smooth.	Same as Trunk Trail	Moderate to high	Same as Trunk Trail, except use techniques appropriate to horses. Bridges: 6' minimum width with kick rails, non-native dimensional materials preferred. Tread: 2'-4' wide, clear 8' wide, 10' high.
VIII – Cross Country Ski Trail	Marked High. Special Markers, sign at all junctions with hiking trails	Duff remains. Discourage summer use.	Practically none due to hazards.	High	Focus on removal of obstructions, maintenance should be low profile, tread determined by clearing 6' (should be slightly wider at turns and steep sections). Provide drainage using native materials to protect resource.
IX – Mountain Bike Trail	Marked frequently and No Biking signs posted on adjoining trails not specified for bike use.	New trails to maximum of 4 feet. Tread width less than 18 inches on a rolling grade.	None	Moderate	Remove vegetation at root level. Texture the tread. Keep trails below 2,000 feet. Use existing roads or trails that do not exceed 10%. Blowdown removal (annual). Trail brushing.

Appendix E: Flatrock Mountain Conservation Easement Sign



Appendix F: Garbage and Debris Removal Agreement and Procedure

In accordance with the Terms and Conditions Section 20 ("Debris Removal") listed in the Flatrock Mountain Conservation Easement, the Landowner agrees to the following methods for the removal of debris, such as papers, bottles, cans or other garbage left on the Protected Property, and will cooperate with each other to ensure all garbage and debris will be removed promptly:

All garbage/debris will be removed from the Property within one year of discovery of the items. Whenever possible this timeframe will be less than one year.

Garbage and debris on the Protected Property mutually agreed to have originated from members of the public, NYSDEC or its assigns will be removed by NYSDEC. This includes garbage/debris located at public recreation facilities constructed, maintained or otherwise administered by the Department including designated campsites, recreation trails, and parking areas. Garbage and debris left by the public at the DOT parking area is not on the Protected Property and therefore is the responsibility of DOT, not NYSDEC.

Garbage and debris on the Property mutually agreed to have originated from the Landowner, predecessors, successors, lessees, invitees, contractors and assigns will be removed by the Landowner. This includes items associated with forest management activities conducted on the Protected Property as well as those associated with permitted structures on the Property.

When a consensus cannot be reached regarding the origins of garbage or debris located on the Property, NYSDEC and the Landowner will cooperate to remove all items in a timely manner. This may include cost-sharing, alternating responsibilities for debris removal, or another mutually accepted practice. Failure to agree upon the origins of garbage or debris will not inhibit the parties from removing items in a timely manner.

Appendix G: SEQRA Negative Declaration

Agency Use Only [If Applicable]
Project : _____
Date : _____

Full Environmental Assessment Form Part 3 - Evaluation of the Magnitude and Importance of Project Impacts and Determination of Significance

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

Reasons Supporting This Determination:

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

Question #1

Impact on Land
h. Other impacts:

The construction of the multiple use trail will require trail surfacing such as turnpiking and bog bridging as well as construction of a foot bridge to protect the wetland. Grading will also be required to provide an appropriate slope for public use. The proposed snowmobile trail to the top of Flatrock Mountain will follow an existing skid trail requiring construction to only the lower section of trail. This section will require some movement of soil and grading to establish the appropriate slope for public use. Grading will also be required for the lean-to site.

New trail construction, will occur on some sites where the soil depth is shallow to bedrock as well as some steep slopes. The appropriate design and construction of these facilities will utilize published guidelines such as the US Department of Agriculture Forest Service's Trail Construction and Maintenance Notebook and the department's Trail Construction and Maintenance Manual. This will minimize any potential environmental impacts from occurring. Adhering to the recommendations set forth in the New York State Best Management Practices Field Guide as well as the Best Management Practices below for construction of facilities, will also minimize any potential adverse environmental impacts.

The size of the two new proposed parking lots were chosen to address the needs of the public wishing to recreate there, but still be small enough to have very little impact to the surrounding areas. Their proposed locations were chosen where the least amount of work, and the least impact, would be required for construction.

The new CP3 designated roads or any trails used by the public on the property will be monitored by the department and the landowner to ensure if any public safety issue develops or degradation of natural resources occurs, appropriate measures such as restricting certain uses and/or closing a trail or road will be taken. Non-motorized uses, particularly mountain biking, may be restricted to certain trails or restricted altogether during seasonally wet times of the year to protect trail surfaces. These decisions will be made by both the department and the landowner.

See attachment for continuation.

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status: ☒ Type 1 ☐ Unlisted

Identify portions of EAF completed for this Project: ☒ Part 1 ☒ Part 2 ☒ Part 3

FEAF 2019

Appendix G: SEQRA Negative Declaration (continuation)

Upon review of the information recorded on this EAF, as noted, plus this additional support information <u>Existing Access Map and Proposed Recreational Facilities Map</u>	
and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the New York State Department of Environmental Conservation _____ as lead agency that:	
<input checked="" type="checkbox"/> A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.	
<input type="checkbox"/> B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency: _____ _____ _____	
There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.7(d)).	
<input type="checkbox"/> C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.	
Name of Action: Flatrock Mountain Conservation Easement Recreation Management Plan	
Name of Lead Agency: New York State Department of Environmental Conservation	
Name of Responsible Officer in Lead Agency: Kramer Kwaczala	
Title of Responsible Officer: Forester 1	
Signature of Responsible Officer in Lead Agency: <i>Kramer Kwaczala</i>	Date: November 3, 2021
Signature of Preparer (if different from Responsible Officer) <i>Kramer Kwaczala</i> for Michael Marsh	Date: November 3, 2021
For Further Information: Contact Person: Michael Marsh Address: NYS-DEC 225 North Main Street Herkimer, NY 13350 Telephone Number: 315-866-6330 E-mail: michael.marsh@dec.ny.gov	
For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to: Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of) Other involved agencies (if any) Applicant (if any) Environmental Notice Bulletin: http://www.dec.ny.gov/enb/enb.html	

PRINT FULL FORM

Page 2 of 2

Appendix G: SEQRA Negative Declaration (continuation)

Question #3

Impacts on Surface Water

i. Other impacts:

Even though trails are delineated to avoid classified wetlands as well as any “wet spots”, a small portion of wetland will need to be crossed for the construction of the multiple use trail. To minimize the potential for erosion, water bars may be used. To protect the surface of the trail and to ensure adequate drainage, turnpiking and/or bog-bridging will be used. A small footbridge might also be constructed over the wetland.

Question #7

Impact on Plants and Animals

j. Other impacts:

Construction of the proposed recreational facilities will require a small number of trees to be cut as well as brush removal. The multiple use trail parking lot will require the removal of trees, however no trees will need to be removed to establish the DOT parking lot. Large trees will be avoided whenever possible. Given the small scale of this work, tree removal is not expected to result in any significant adverse impact on the sites or adjacent areas.

Question #10

Impact on Historical and Archaeological Resources

d. Other impacts:

The Adirondack Forest Preserve is listed on the National Register of Historic Places. All proposed actions comply with the respective regulations for these Conservation Easement Lands. The New York Central Railroad Adirondack Division Historic District (AKA Remsen-Lake Placid Travel Corridor) is adjacent to this parcel and is listed on the National Register of Historic Places. Any of the proposed recreational facilities are not expected to impact it at all. Any actions in the vicinity of Onekio will not disturb the site.

Question #15

Impact on Noise, Odor, and Light

f. Other impacts:

During the construction process, there will be a slight increase in ambient noise levels, however this will be temporary in duration and not expected to cause any negative impacts.

Best Management Practices

Bridges:

- Limiting construction activities in the water to periods of low or normal flow;
- Minimizing the use of equipment in the stream;
- Installing bridges at right angles to the stream channel;
- Constructing bridges to blend into the natural surroundings;
- Using natural materials to blend the structure into the natural surroundings;

Appendix G: SEQRA Negative Declaration (continuation)

Stabilizing bridge approaches with aggregate or other suitable material;
Using soil stabilization practices on exposed soil around bridges immediately after construction;
Designing, constructing and maintaining bridges to avoid disrupting the migration or movement of fish and other aquatic life.

Parking Lots:

Locating parking lots to minimize necessary cut and fill;
Locating parking lots away from streams, wetlands, and unstable slopes wherever possible;
Locating parking lots on flat, stable, well-drained sites using gravel for surfacing or other appropriate material to avoid stormwater runoff and erosion;
Locating parking lots in areas that require a minimum amount of tree cutting;
Limiting construction to periods of low or normal rainfall;
Wherever possible, using wooded buffers to screen parking lots from roads;
Limiting the size of the parking lot to the minimum necessary to address the intended use.

Trails:

Locating trails to minimize necessary cut and fill;
Wherever possible, lay out trails on existing old roads or clear or partially cleared areas;
Locating trails away from streams, wetlands and unstable slopes wherever possible;
Use of proper drainage devices such as water bars and broad-based dips;
Locating trails to minimize grade;
Using stream crossings with low, stable banks, firm stream bottom and gentle approach slopes.

Snowmobile Trail Layout and Construction:

Locate trails on old woods roads, trails, and ROW's to the greatest extent possible;
Avoid grades in excess of 20% unless deemed necessary to minimize environmental impacts;
Avoid cross slopes greater than 12%;
Avoid cutting overstory trees to maintain a closed canopy;
Allow trails to follow the existing contours of the natural forest floor;
Minimize leveling and grading of trail surface;
Minimize rock removal, alternatives to rock removal should be considered to minimize ground disturbance;
Minimize the need for bench cuts through proper trail layout;
Provide adequate drainage within the trail surface to prevent erosion;
Utilize bridges to cross areas where natural drainage patterns may be affected;
Avoid wetlands to the greatest extent possible;
Locating trails near the periphery of the unit;
Avoid environmentally sensitive areas, such as; endangered plant or animal populations, remote interior areas, and deer wintering areas.

Pit Privy:

Appendix G: SEQRA Negative Declaration (continuation)

The location of a pit privy should be at least 66 feet from the nearest stream and no farther than 20 feet from the structure it serves;
It should be located on fairly level ground;
It should be dug in a location having favorable soil permeability.

Due to the numerous logistical factors involved in the construction of the proposed recreational facilities (e.g., available funding and staff), they will likely have to be constructed in multiple phases. This approach is not expected to have any greater environmental impacts than if they were all constructed at the same time.

Management actions proposed in the Flatrock Mountain Conservation Easement Recreation Management Plan will not result in significant adverse environmental impact. They are minor in nature and of short duration. All projects will follow Best Management Practices as set forth in this Full EAF/Negative Declaration and other cited documents minimizing the potential for any impacts.

Appendix H: Public Comments and Response Summary

The DEC accepted public comment on the draft Recreation Management Plan from March 24, 2021 through April 23, 2021. Below is a summary of the comments received via letter, telephone, and email with DEC's response. Similar comments were grouped together, and, in some cases, the comments had to be paraphrased and condensed for brevity.

General

Comment: Commenters state that DEC does not have the money or the staff to maintain its current recreational infrastructure and as a result, should not consider the proposals contained within the RMP.

Response: *Comments noted. DEC relies not only on its own staff, but also with partnerships with numerous individuals and groups, to help maintain the numerous and diverse recreational trails and facilities underneath its jurisdiction. DEC will implement the proposals within the RMP as time, resources and competing priorities (such as maintaining existing infrastructure) permit.*

Comment: Commenters state that the proposed actions in the RMP will result in additional trash on the property, which will attract wildlife and create problems with adjacent residences.

Response: *With any kind of public recreation, there is always the potential for the misuse of the environment. Educational approaches, such as encouraging "Leave No Trace" ethics, along with enforcement from area Forest Rangers and the periodic removal of trash left behind (via the trash removal plan in the RMP) will be used to prevent and remove trash. Given the relatively modest recreational trails and improvements being proposed, along with the previously mentioned efforts aimed at preventing and removing waste, trash is not expected to cause problems with wildlife to the point of affecting adjacent residences.*

Comment: Commenters state that the proposed trash removal and prevention plan is inadequate.

Response: *The trash removal and prevention plan is a requirement of the Conservation Easement Agreement (i.e. the deed) and addresses how trash removal will be handled on the property. DEC feels this plan is adequate since it was modeled after existing agreements currently in use on other Conservation Easement lands.*

Comment: Commenter states their support of the installation of informational kiosks on the property and encourages the emphasis of "Leave No Trace" practices.

Response: *Comment noted.*

Comment: The maps should be revised to include the wetlands present on the property

Response: *The wetlands maps currently available are based on aerial photograph interpretation and may not accurately indicate or delineate wetlands on the ground; therefore, these areas have not been added to the maps of the Property. As part of the project planning process, the APA will be consulted to determine the presence of, and delineate, any wetlands prior to any trail or parking lot construction. If present, any recreational facilities will be constructed in a manner to ensure that any wetland impacts are either avoided altogether or minimized.*

Planning

Comment: Commenter suggests the use of the USFS Recreation Opportunity Spectrum (ROS) framework as a component of holistic recreational planning.

Response: *DEC provides a wide variety of recreational experiences across the ROS in the area, from a “Primitive” setting in the adjacent Ha-De-Ron-Dah Wilderness, to “Semi-Primitive Motorized” environments in the Black River Wild Forest to the south, and to a more developed Rural experience available at the Nicks Lake State Campground. The Flatrock Mountain Conservation Easement Lands fill the “Roaded-Natural” category; the proposals contained within this RMP reflect the character, available opportunities, and recreational demands for such an area.*

Comment: Commenter states that the proximity of Forest Preserve lands and another conservation easement parcel to the property provides DEC with an opportunity to incorporate complex planning into its management of the landscapes to encourage resource protection, prevent habitat fragmentation, and support well-planned recreational opportunities.

Response: *The available recreational opportunities, and their respective experiences, available on adjacent Forest Preserve and Conservation Easement lands were considered as part of this RMP planning process even though this planning document only provides management recommendations for the Flatrock Mountain Conservation Easement. It should also be noted that a previous complex planning effort in the Adirondacks, the Great South Woods Project ([Great South Woods Project | Adirondack Ecological Center | SUNY ESF](#)) included the Protected Property; however, there were no specific recommendations given to be incorporated into this respective RMP.*

Comment: In addition to the excerpts of the Conservation Easement language, Commenter would also like to see “Recitals” and “Conservation Values” included as well to provide a more comprehensive picture of what the RMP, or future amendments to the RMP, should provide in terms of natural resource protection and recreational opportunities.

Response: *The Conservation Easement Agreement outlines the natural resource values to be protected. DEC feels that this document along with this RMP, which includes a detailed discussion of allowed and proposed recreational opportunities including numerous standards and guidelines for simultaneously protecting the natural resources of the Property (see Section VII.PUBLIC USE ADMINISTRATION AND MANAGEMENT) both satisfy this request.*

ADA Access

Comment: Commenter questions safety of access to people with disabilities; will the access trail for this population have appropriate railings to assure the safety of persons using wheelchairs, crutches, walkers, or other mobility aids? Will the access area of this population be developed with an appropriate incline to maintain a safe ascent and descent for people with mobility deficits?

Response: *All proposed accessible facilities will be constructed to meet ADA design standards (including DEC's Standard Accessible Designs for Outdoor Recreation Facilities) for accessibility which include detailed requirements for grade on each respective item. However, railings on the road and trail being opened to motorized access under CP-3 are not required features underneath these same standards.*

State Route 28 DOT Pull-off

Comment: Instead of expanding the parking at the DOT pull off on Rt 28, a parking area should be moved up to the first log landing. Having a kiosk at that location as well as parking would get those users out of the sometimes very crowded parking area below. This area would be the best place to put your CP-3 access, while not detracting from the other.

Response: *Given the short distance to this first log landing, and to the second log landing at the end of the Flatrock Mountain Road as well, DEC and the landowner both wish to provide motor vehicle access to only those with a valid CP-3 permit. This first log landing would be accessible to these permit holders.*

The parking situation at the DOT pull-off, and the proposed parking spaces on the Flatrock Mountain CE, will be monitored, and if necessary, DEC will work with DOT and the Landowner to increase capacity.

Lean-To

Comment: Commenters state that the proposed lean-to at the top of Flatrock Mountain is problematic because of the threat of fire which would threaten a nearby communications tower. The lack of a source of water adjacent to the lean-to would increase the severity of such a disaster. Other concerns include people parking at the end of Minnehaha Road on the cul-de-sac and using the access road to access the

lean-to, thereby trespassing across private land. The location of this lean-to also violates DEC's own Best Management Practices, as included in the SEQR documents, for such structures (which should be at least one mile away from a road).

Response: *The proposed lean-to has been removed from the RMP.*

Comment: Commenters state their concerns over campers leaving human waste behind, contaminating the water supply to local homes and camps.

Response: *Camping has been allowed on the property since the recreational rights were acquired by DEC. To the best of the Department's knowledge, there have not been any problems with the local water supply being contaminated from this recreational activity on the Property. While educational efforts, such as "Leave No Trace" ethics, will be used to prevent the improper disposal of human waste, continual monitoring on the Property will reveal if designated campsites, along with corresponding pit privies to help manage human waste, are necessary.*

Comment: Commenter states that the Middle Settlement Lake area in the adjacent Ha-De-Ron-Dah Wilderness would be a more appropriate location for a lean-to than what is proposed in the RMP.

Response: *Installing additional lean-tos within the adjacent Ha-De-Ron-Dah Wilderness is beyond the scope of this RMP. This action would have to be considered in an amendment, or a complete revision, to the Unit Management Plan for this Wilderness area.*

Multiple Use Trail

Comment: Commenters that the proposed multiple use trail is a "trail to nowhere" without any aesthetic, interpretive or educational values that does not connect into other trails in the area. Adjacent wetlands and saturated ground also suggest that this trail should not be constructed at this location.

Response: *This trail generally follows a section of bedrock outcroppings, a geological feature of interest, providing a short, day-hike. Access to this cliff, as well as the adjacent boulders, for rock climbing is also provided by this trail.*

The layout of this proposed trail layout has been adjusted to avoid wetlands and saturated ground to the greatest extent possible, and any potential impacts will be mitigated by trail construction techniques such as turnpiking or installing bog bridging.

Comment: Commenter states that the proposed trail could potentially disturb habitat for endangered species, including bats which are known to roost on adjacent private land.

Response: *Natural Heritage Databases, which are updated periodically as new information becomes available, do not indicate any known habitat for, or occurrences of, endangered species on the Property. Further, there are no known hibernacula or occurrences of the Indiana Bat (a Federal and NY State listed endangered species) or the Northern Long-eared Bat (a Federal and NY State listed threatened species) on the Protected Property. While bats may be present in and around the area, the design of the proposed trail does not require a significant removal of trees or create fragmentation of the existing forest habitat. With these minimal impacts, it is believed that the creation of this trail will not significantly impact bat species that live and roost primarily in the tree canopy.*

Comment: Commenters state their support of the development of the proposed Minnehaha Trail and the creation of a formal trailhead to help improve access to the Flatrock boulders.

Response: *Comments noted. The proposed location of this trail has been modified to make it more useful for accessing the boulders on the property.*

Motorized Access Under CP-3 and ATVs

Comment: Commenters state their support for the proposed CP-3 access routes.

Response: *Comments noted.*

Comment: Commenters state their objection to allowing motorized access under CP-3 for the following reasons: ATVs will degrade the resource (i.e., increased erosion on the roads and trails present), cause noise pollution, will lead to trespass on areas of the property not being opened to this use and lead to an overall increase in motorized use in the Adirondacks.

Response: *It should be noted that motorized access to only those qualifying individuals under CP-3, and not the entire public, will be allowed on these designated routes. Both the road and trail open under CP-3 will be signed accordingly.*

Continual monitoring by DEC Staff, in addition to incidental observations from the landowner, their contractors, adjacent property owners, and the public, will keep track of the current CP-3 route conditions and their use by permit holders. Subsequent management action (such as closing this kind of access during excessively wet periods), will be taken to protect the surface of those routes open to CP-3 access. When necessary, repairs will be made or preventive maintenance (such as installing water bars and other erosion control structures) will be installed.

Given the location of the property next to State Route 28, Scusa Road, Minnehaha Road, and the Remsen-Lake Placid Travel Corridor (an active railroad and a

snowmobile trail during the winter) any additional noise from CP-3 access is not expected to be problematic.

If necessary, additional barriers, such as gates or rocks blocking off certain trails, will be installed to prevent users straying from the designated CP-3 corridors. If caught, those straying from these designated routes will have their CP-3 permit revoked.

This proposal for CP-3 access on the property is applicable only to this Conservation Easement and is not reflective of what may or may not be proposed elsewhere on Easement and Forest Preserve Lands in the Adirondacks. Motorized access, where permissible and appropriate, will be considered for these other units in their respective recreational planning efforts.

Comment: Commenters state that if the landowner agrees to allow the proposed CP-3 Routes, a combination of enforcement, signage and physical barriers is needed moving forward to protect this property.

Response: *See previous comment and response.*

Comment: This property is regularly the subject of illegal ATV, dirt bike and snowmobile intrusions in unauthorized areas. NYS Ranger presence here and in the larger area has been insufficient in recent years.

Response: *NYS Rangers will continue to monitor the Property and adjacent Conservation Easement and Forest Preserve Lands during their routine patrols. The recreating public and adjacent home and camp owners can help prevent illegal motorized use by reporting it to the Forest Rangers promptly, preferably as it is occurring, so law enforcement can respond.*

As mentioned previously, barriers can help prevent illegal motorized use from occurring. A gate on the western end of the snowmobile trail, necessary to block off this trail from being accessed illegally, has been added to the proposed actions. Other likely entry points will also be monitored and addressed as necessary.

Comment: Commenter states their concerns over ATV and snowmobile trespass on adjacent Forest Preserve lands.

Response: *The Remsen-Lake Placid Travel Corridor, an active railroad corridor and parcel of Forest Preserve lands which immediately border the Property, is a designated snowmobile trail during the wintertime. There currently isn't any trail connection between these two parcels.*

The Black River Wild Forest is located on the opposite (south) side of the Remsen-Lake Placid Travel Corridor and there aren't any roads or designated trails at this section of the unit, presenting somewhat of an obstacle for illegal motorized access.

State Route 28 separates the Ha-De-Ron-Dah Wilderness to the north from the Flatrock Mountain Conservation Easement lands and a narrow foot trail (the Scusa Access Trail) provides another barrier to illegal motorized access at this access point. The area will be monitored by NYS Forest Rangers and if necessary, barriers such as large rocks or gates will be installed.

Comment: Commenters state that other areas, such as the Moose River Plains Wild Forest and the Black River Wild Forest, should be considered for expanding CP-3 access instead of the Flatrock Mountain Conservation Easement Lands.

Response: *Expanding CP-3 access on Forest Preserve Lands is outside of the scope of this RMP. Additional opportunities for this kind of access would have to be considered in a Unit Management Plan Revision or Amendment for these Forest Preserve Lands.*

Comment: Commenter recommends that DEC consider an Adirondack-wide off-road motorized use policy that includes “[a comprehensive solution that addresses unlawful and inappropriate off-road motorized use (including ATVs) throughout the Park, especially on the Forest Preserve. The State’s solution should also address the demand for securing legal, safe, and environmentally secure, non-Forest Preserve riding, while providing meaningful protections for ecological communities, water, and wildlife. In short, before moving ahead with this and future RMPs, the State should initiate a process that identifies appropriate ATV and motorized use opportunities on easement lands while ensuring strong policy prohibitions are in place concerning ATV use on Forest Preserve lands.]”.

Response: *Comment noted, however, an effort of this kind is outside of the scope of this RMP.*

Snowmobiling

Comment: There currently is a problem with snowmobiles straying from the designated trail and travelling elsewhere on the property. DEC needs to do some enforcement on this issue.

Response: *Comment noted. DEC Forest Rangers have been alerted to this issue and will continue patrolling this Conservation Easement and the adjacent Forest Preserve Lands as part of their duties.*

Comment: Snowmobiling is dangerous and there have been many fatalities in the area. There have been no visible efforts to minimize these fatalities. Creating new snowmobile trails can only lead to more deaths. There is already sufficient snowmobile access on this property and this proposed new trail is unnecessary.

Response: *Any outdoor recreation activity, from hiking to mountain biking to snowmobiling, can be dangerous if conducted irresponsibly. Excessive speed, alcohol, driver inexperience, and poor judgment have been cited the leading causes of snowmobile accidents (Pierz 2003), so the presence of snowmobile trails by themselves do not cause accidents. While an educational program aimed at preventing these unnecessary deaths is needed, doing so is beyond the scope of this RMP. The proposed snowmobile trail will provide another trail option, one that leads to a point of interest (the top of Flatrock Mountain) rather than a connection in the area's trail system as the existing snowmobile trail provides.*

Rock Climbing

Comment: Commenters states their support for encouraging rock climbing on the Flatrock Mountain Conservation Easement.

Response: *Comments noted.*

Comment: Commenters state their support for constructing the proposed multiple use trail since it will improve access for rock climbing on the property.

Response: *Comment noted. As previously mentioned, this proposed trail has been modified to better accommodate rock climbing access.*

Comment: The electric line that runs through the area with a high concentration of boulders should be relocated to further encourage climbing in the area.

Response: *This utility line exists on an easement held by the respective utility company and granted by the landowner prior to DEC acquiring the recreational and development rights to the Property. This corridor cannot be relocated by DEC alone. One of these utility lines is currently sagging due to a tree laying on it; it is anticipated that future line maintenance will help correct this issue.*

Comment: Commenters state their support for ongoing site monitoring to track impacts from recreational access and encourage NYS Department of Environmental Conservation to work with the Adirondack Climbers' Coalition if a Volunteer Stewardship Agreement is deemed necessary to address impacts from rock climbers accessing the area.

Response: *Comments noted. Both the DEC and the Adirondack Climbers' Coalition will work together to monitor the rock-climbing area and implement management action when required.*

Comment: Commenter suggests changing references to “bouldering” (a form of rock climbing performed on smaller rock formations without ropes or a harness, often using pads on the ground to protect falls) to “rock climbing” to help the RMP be inclusive of all climbing uses. While the climbing sub-sport of bouldering will most likely be the primary climbing use, roped rock climbing is also present on the unit.

Response: *Comment noted; these suggested corrections in terminology have been made.*

Minnehaha Road Trailhead

Comment: Commenters state that there isn’t any good reason to establish a parking area and trailhead off Minnehaha Road when there is available parking off State Route 28 and doing so will transform the character of the area. Some of the negative consequences of this action will be increased traffic, cars parking along Minnehaha Road (as the proposed three car size will be too small), increased trash along the road spilling over on to adjacent homes and camps, decreased property values and privacy, along with the general disruption of a tranquil area.

Response: *The parking area off State Route 28 referenced in these comments is part of the former location of this highway and this corridor is not part of the Flatrock Mountain Conservation Easement. It should also be noted that the area’s snowmobile trail system (Town of Webb Trail #6) runs through here during the wintertime. Locating a trailhead off Minnehaha Road maintains access to the area during all four seasons.*

Motor vehicle traffic on Minnehaha Road is not expected to increase significantly, nor are adjacent property values to be harmed, because of these kinds of proposals. With any amount of public use, there is always the potential for the abuse of recreational lands. Educational efforts on the property, and the Adirondacks as a whole, will be used to encourage responsible recreational activities such as practicing “Leave No Trace” ethics.

Comment: Commenters state that increased usage of Minnehaha Road resulting from the proposed parking area will require additional maintenance (thus, shifting the burden to the Town and the County). Also, users parking along side of this road will be an obstacle for emergency vehicles to pass through.

Response: *Although a small increase in traffic on Minnehaha Road can be expected from the proposed 3-car parking lot, this small increase is not expected to cause undue impact to this public road. The capacity of this parking lot, 3 cars, is believed to be consistent with the demand for recreational access in this area. If inadequate, DEC will work with the Landowner to expand the parking lot, as mentioned in the Proposed Actions. Should parking along Minnehaha Road become a problem, DEC will work with the Town of Webb to find solutions (for example, parking bans along this road could be implemented).*

Comment: Commenters state that the proposed parking area and recreational trail off Minnehaha Road will lead to visitors trespassing on adjacent private land.

Response: *The presence of these recreational facilities by themselves do not encourage visitors to trespass on private land. Access to private land from the proposed parking lot or the trail would be either across Minnehaha Road to the west or up a steep slope to the southeast; these features also make any trespassing originating on the property less likely to be accidental. Adjacent landowners are encouraged to mark and post the boundaries of their properties to help prevent any trespassing.*

Comment: Commenter states that this proposed parking area will also lead to people utilizing the nearby railroad tracks (the Remsen-Lake Placid Travel Corridor, an active railroad) to see the Moose River, creating a safety hazard.

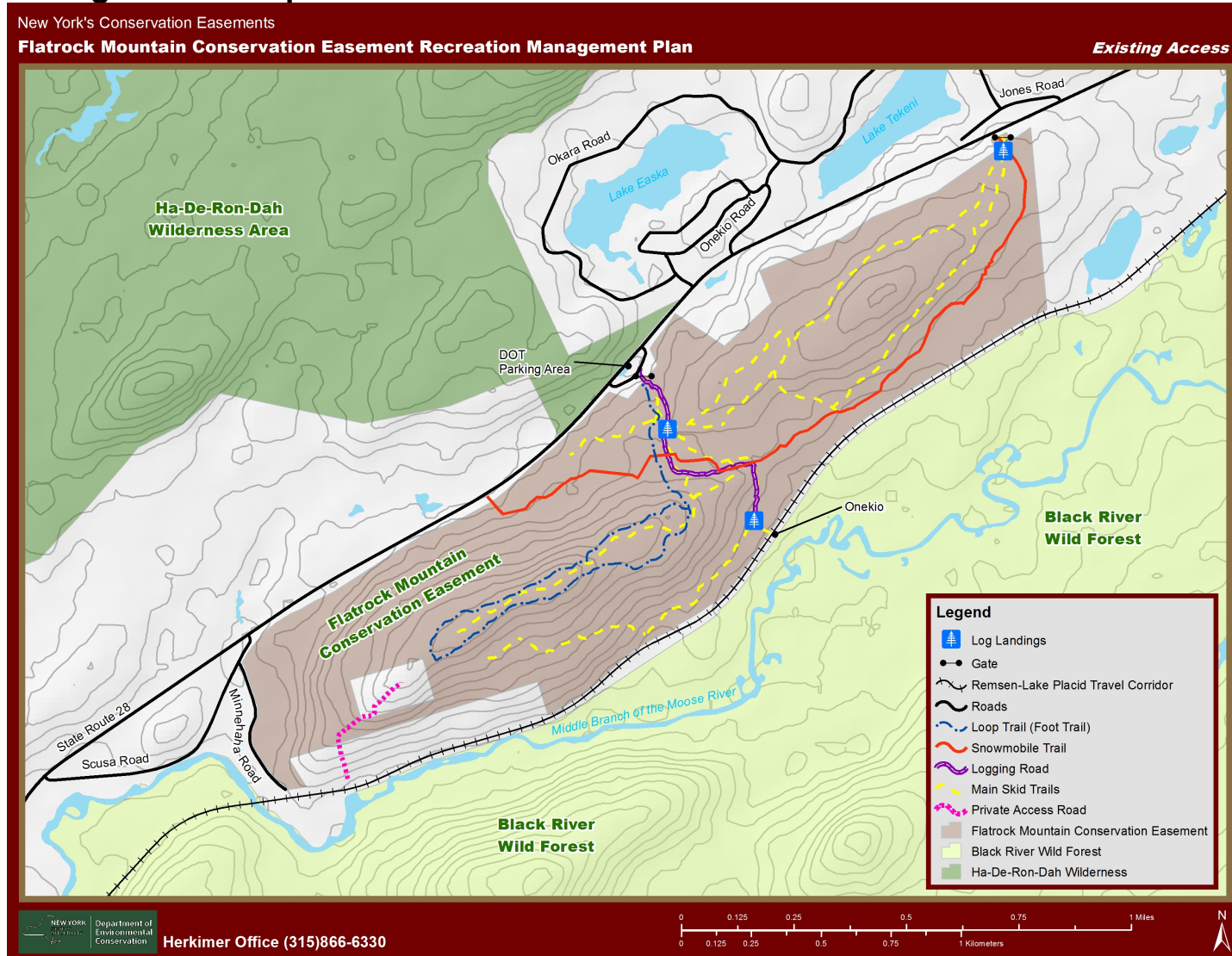
Response: *The section of the Remsen-Lake Placid Travel Corridor near the Property is an active railroad during the non-winter months and is open as a snowmobile trail during the winter months. Those are the only allowed uses. If frequent use of the RR corridor to access the river occurs the ROW can be posted against such use in cooperation with the Adk. RR.*

Comment: The proposed trailhead on the Minnehaha Road is a good idea, as is facilitating access to the impressive rock forms on that end of the property.

Response: *Comment noted.*

Appendix I: Maps

Map #1: Existing Access Map



Map #2: Proposed Recreational Facilities Map

