



Department of  
Environmental  
Conservation

# Kushaquua Tract

## Conservation Easement

### Recreation Management Plan

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**Towns of Brighton and Franklin**  
**Franklin County**

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*Governor*

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# Introduction

On April 22, 2004, International Paper Company (IP) and the State of New York publicly announced their intent to close on the largest land conservation agreement ever undertaken in the history of the State of New York. Under the terms of the agreement, over 255,000 acres of the IP ownership, across 21 separate tracts in 9 counties and 34 towns, was encumbered by a working forest conservation easement (CE) held by the state. Subsequently, in August of 2006, IP sold the entirety of those lands encumbered by the conservation easement to the Lyme Adirondack Timberlands I, LLC and Lyme Adirondack Timberlands II, LLC which are subsidiaries of the Lyme Forest Fund Limited Partnership (hereinafter referred to collectively as Lyme) of Hanover, New Hampshire. Similar to other conservation easement agreements on large industrial timberlands in the Adirondack Park, the IP easement terms apply to all current and future owners of the property in perpetuity.

The goals of the conservation easement, as finally adopted, were multi-faceted and including, but not limited to: the preservation of open space values, protection against development, provisions dictating sustainable forest management practices to be used in managing the property's natural and timber resources, protection of sensitive areas and ecological resources, limitation of tract subdivision and in certain specific circumstances, provision for public recreation on a tract-by-tract basis. Generally speaking, tracts designated by the easement as wholly open to full public recreation are referred to as "Easement A" tracts, whereas those tracts where public recreation rights were strictly limited or absent are commonly referred to as "Easement B" tracts. As identified by the conservation easement, approximately 84,000 acres of the current Lyme ownership falls under Easement A with the remaining 171,000 acres falling under Easement B.

This Draft Recreation Management Plan (RMP) addresses public recreational use of one of the largest Lyme Easement A tracts, the Kushaqua Tract (see general location map in Appendix A). With a total of 18,989 contiguous acres located just north of the hamlet of Onchiota in east-central Franklin County, the tract straddles the boundary line between the towns of Franklin and Brighton. As with other Easement A properties encumbered under the IP easement, the State acquired full public recreation rights on the Kushaqua Tract for the specified purposes of public hunting, fishing, trapping, hiking, camping, canoeing and boating. The implementation of these rights is conditioned upon the landowner's approval of this RMP.

Private lease camps and their associated large acreage, exclusive use, "posting leases" on the tract have been reduced to one-acre "envelopes" under the terms of the easement. On areas of the property identified as private recreational lease envelopes, Lyme has reserved the right to lease private recreation rights to camp owners within the one-acre envelopes. In keeping with these terms, the private one-acre lease areas are closed to all public access and recreation; camp envelope lessees are guaranteed a designated access route to their camp, but when outside their

one-acre envelope or designated access route, the lessees enjoy the same rights and privileges that are afforded to the public while recreating on the property. Full public recreation rights, as defined by the conservation easement, went into effect on the Kushaqua Tract on April 22, 2009. Since that time the tract has been managed under an existing Interim Recreation Management Plan (IRMP) that was developed at the time of the easement's acquisition.

## Plan Intent and Purpose

A Recreation Management Plan by definition plans for the public recreational use in accordance with the terms and conditions of the applicable conservation easement. Protection and sustainability of the resources is also required through the easement but is achieved through third party green certification and other mechanisms, not the Recreation Management Plan. Property level audits are undertaken which include information gathered from field data collection and assessments overseen and completed by a variety of natural resource professionals, both public and private. Additional biological and resource information is obtained from forest management plans, timber harvest plans, and permit applications. The landowner updates this information on a periodic basis and makes it available to the Department when updates are finalized. The Department recognizes that public recreation planning cannot be undertaken without consideration of the natural resources base. The information regarding natural resource protection and sustainability as described above has been evaluated and considered during the development of the RMP.

This Recreation Management Plan (RMP) has been developed to facilitate and manage public recreational use of the Kushaqua Tract property. The RMP complies with the terms and conditions of the Conservation Easement and may be updated, amended or revised from time to time, as needed, to reflect the State's implementation of the Public Recreational Easements granted in the CE. All Amendments and revisions are also subject to landowner approval per the terms of the conservation easement.

During the interim period between the initial acquisition of the CE and the development and landowner approval of this RMP, public recreational use of the Property was allowed in accordance with an Interim Recreation Management Plan (IRMP) that was developed and approved at the time of acquisition. The IRMP was developed in consultation with the Landowner, and as drafted, was not intended to address all the issues related to public recreation on the property. Likewise, the IRMP did not identify all the potential public use opportunities that the property was capable of providing nor did it address all of the potential conflicts between user groups that may occur. As a public document, the IRMP introduced the public, local governments, stakeholders and other interested parties to the Departments planning process and provides limited opportunities for some stakeholders to voice their opinion on how this area should be managed in the future. Due to the time requirements to complete the IRMP, an

abbreviated public participation process was utilized. In recognition of that shortcoming, public participation has been fully integrated into the development of this RMP.

Issues and concerns not fully fleshed out in the IRMP are better addressed in this RMP as a result of opportunities for more extensive on-site planning and reconnaissance as well as preliminary public and stakeholder input. This RMP details the implementation of specific public uses determined by the Department to be appropriate and feasible for the foreseeable future. Furthermore, this RMP furnishes the means to discuss and clarify issues pertinent to the easement and states the mechanisms and protocols to be used for management of the public recreation activities.

The landowner has reviewed and granted conceptual approval of this RMP. Subsequent to the landowner review, a public comment period will be initiated. During the public participation period, this Draft RMP will be made available for public review and comments. Public participation is important in that it gives interested parties the opportunity to learn, provide advice, and influence decisions about how the easement should be managed within the legal context of the purchase. After considering public comments and making edits as appropriate based on that input and landowner consultation, the RMP will be finally adopted, paving the way for public use opportunities to be implemented. Full build-out of the recreation opportunities identified in this RMP is anticipated to be completed in phases as funding and personnel resources permit.

## Recreation Plan Implementation

This RMP is solely intended to be a tool designed by the Department to facilitate the Department's management of the public access and public recreational uses of the Protected Property determined by the Department to be appropriate for the duration of the RMP in effect at the time. The RMP is not intended to be a complete restatement of the Affirmative Rights granted under the International Paper Conservation Easement. For a detailed list of the full rights granted in the Conservation Easement, please refer to the Conservation Easement document which is publicly available on file at the appropriate county clerk's office.

Implementation of this RMP and the construction of facilities proposed herein, are subject to relevant provisions of the Environmental Conservation Law (ECL), Executive Law, NYSDEC rules and regulations, NYSDEC policies and procedures, the NY State Environmental Quality and Review Act (SEQRA), and the terms and conditions of the recorded Conservation Easement document that apply specifically to this Property. SEQRA documents associated with RMP development and implementation are found in the appendix of this RMP. Foremost among the guidance documents guiding the planning, design and construction of facilities will be the

Memorandum of Understanding Between the Adirondack Park Agency and The Department of Environmental Conservation Concerning State-Owned Conservation Easements on Private Lands in Adirondack Park (hereafter referred to as the MOU) dated June 2010. The public draft of this RMP was reviewed by the Adirondack Park Agency (APA) in June 2013 and was determined to be compliant with the MOU. Implementation and construction will occur as funding, personnel and resources are made available. As facilities build-out is planned and executed, projects will be evaluated, designed and implemented in compliance with various permitting requirements and guidance documents.

The public recreation facilities proposed in this RMP have been evaluated on the ground by DEC field staff for their safety, suitability and practicality. As part of the evaluation process, proposed project locations were identified using input from the Landowners agents who handle the day-to-day administration of the private rights on the Property.

## **Tract Overview**

The Kushaqua Tract property is situated in east-central Franklin County on lands located north and west of the hamlets of Onchiota and Loon Lake. The largest portion of the property is in the Town of Brighton (10,213 acres) with the remainder situated in the Town of Franklin (8,776 acres). The majority of the forest lands surrounding the tract are part of the New York State Forest Preserve's Debar Mountain Wild Forest Unit. A number of small to medium size private ownerships also adjoin the property along its southern and eastern boundaries. Some of the principle natural features on the property include the cliffs on the southern exposure of Loon Lake Mountain, the Sable Mountain Range, Mountain Pond and the headwaters of the North Branch of the Saranac River

The lands comprising the modern-day Kushaqua Tract, along with many of the adjoining lands, have been logged to one extent or another for well over 120 years. Much of the logging was conducted with the goal of removing merchantable saw timber to supply a wide variety of local and regional sawmills, however, lower grade wood products were harvested to make charcoal at a number of kilns that existed largely within an approximately 10 mile radius of the property. The arrival of the Chateaugay (precursor to the Delaware and Hudson) and New York Central Railroads to the Loon Lake and Onchiota areas in the late 19<sup>th</sup> century facilitated an increased demand for the remaining timber resources on the property. As a direct consequence of the extensive logging slash combined with the arrival of the railroads, much of the remaining forest in the Loon Lake and Onchiota areas burned in wildfires during the period from 1903 to 1908.

The core of the Kushaqua property was acquired by IP in January of 1898. Over the course of the

next century, acquisition of large and small forest tracts contiguous to the core area created the tract as it exists today. Throughout their tenure as the property owner, IP leased exclusive recreation rights, commonly referred to as “posting leases”, over the entire acreage of the present-day Kushaqua Tract. Prior to the State’s acquisition of the conservation easement, the Kushaqua Tract was leased as a posting lease for the exclusive use of the membership of the Kushaqua Hunting Club, an incorporated sporting club that existed for the better part of a century. Under the auspices of the posting lease, club members were permitted by the landowner to construct hunting and fishing camps and appurtenant structures on an as-approved basis. Along with their exclusive use posting lease tenancy on the tract, the Kushaqua Hunting Club dissolved as a corporation in April 2009. The remnants of the IP posting lease camp development are still readily apparent on the property today. Under the terms of the CE, LFF, and their successors in title, have reserved rights to privately lease one-acre camp envelopes on this tract in perpetuity. Presently, 32 occupied one-acre camp envelopes still accommodate exclusive private use on the property. Many of the modern-day camp locations have been in continuous use by hunters and fishermen dating back as far as the late 1800s, oftentimes providing a unique outdoor experience to as many as five generations of the same family. Under the terms of the CE, two additional camp envelopes may be designated and developed on the property following the relocation of existing camps currently situated in ecologically sensitive areas.

Throughout IP’s ownership, and subsequently under LFF’s ownership, the Kushaqua Tract has been managed as a working forest with the intent of practicing sustainable forest resource management while supplying a variety of local and regional saw and paper mills with fiber and log grade forest products. The Kushaqua property has been certified by the Sustainable Forestry Initiative (SFI) as being a well-managed source of wood products whose forest management practices adhere to strict environmental and socioeconomic standards in accordance with the Principles and Criteria of SFI. Additional information regarding SFI and its standards can be found at [www.sfiprogram.org](http://www.sfiprogram.org).

## Primary Access

The Kushaqua Tract is generally inaccessible by passenger vehicles traveling directly from the south, west and north, however, public highways provide direct access to a significant portion of the eastern boundary of the property. The southern part of the tract is accessed from the east using the Kushaqua-Mud Pond Road and a right-of-way which accesses the southeastern corner of the tract via the North Branch Road. A designated public parking area and trail register box/informational kiosk were constructed adjacent to the property entrance on the North Branch Road during the summer of 2009. Other than the southern access, the majority of the remaining access originates either from points along National Grid’s Malone to Lake Colby Utility Line, or from the road shoulder of Franklin County Route 26 (a.k.a the Port Kent to Hopkinton Turnpike

or Old Route 99) which follows the eastern boundary of the tract, beginning at a point approximately 1.5 miles north of the intersection of the Kushaqua-Mud Pond Road and Franklin County Route 26, and ending at the northeast property corner near Duck Pond, approximately 1.1 miles north of the Mullins Road (conservation easement property road). Both the Kushaqua-Mud Pond Road and Franklin County Route 26 are public roads maintained year-round by the Town of Franklin.

Interior access is provided by approximately 100 miles of internal roads and trails of varying type and condition that were developed with the intent of providing access for the landowner's forest management operations and/or lessee access to remote areas of their former posting lease. Just over 45 miles of the existing road network is built to a gravel haul road standard capable of supporting log trucks and heavy equipment. Generally, existing road conditions are largely dictated by the purpose for which they were built and the time elapsed since they were last maintained. Proposed opportunities for public motorized access over the existing interior road and trail network, as well as proposals for the creation of new motorized access routes presumably opened for eventual shared use, will be outlined more completely in later sections of this RMP.

## Area Identification and Signing

Where a need is evident, the Department and/or the landowner may opt to post signage or visitor use management facilities which define, regulate or direct notice to a variety of property features, accesses and permitted uses. Property managers representing the Department and the landowner have, and will continue to, directly interface on a regular basis regarding areas of identified need and the methods and implementation necessary to address that need. Signs and improvements designed and constructed with the management of public use in mind will be built to the standards and guidelines agreed to in the Conservation Easement Public Recreation and Trail Sign Manual (see Appendix E) and the Shared-Use Roads Signing Manual (see Appendix F) which was developed and adopted following the joint consultation of the Department, the landowner and the landowner's forest manager in January 2011.

The identification and posting of one-acre private lease camp envelopes within the Kushaqua Tract boundaries is solely the responsibility of the private lessees. Camp envelope lessees will consult with the landowner or their designated representative to determine the boundaries of their envelope lease. According to the terms of the CE, posting of private lease envelopes must be done in such a way that it does not interfere substantially with the public's rights in the property.



# Natural Resource and Culture Components

## Physical Resources

### *a. Geology*

Many factors over a vast period of time have played a part in creating the land as it is today. The slowest and the most drastic changes have undoubtedly been caused by geological events. Several times over the past billion and a half years the area has been covered by oceans and then formed into great mountains only to erode away and again to be covered by water.

As mountains go, the Adirondacks are relatively new, having started the slow creation process less than twenty million years ago. It is believed that a hot spot under the earth's crust resulted in the uplift of the Adirondacks. Even though the Adirondacks are relatively young, the rocks that make them up are very old. The bedrock of much of the Adirondacks was created as part of the Grenville Series, an area of sedimentary rock that covers a large portion of northeastern North America. The Grenville Series was created over a billion years ago when the area was covered by a shallow sea. Over time, the original rock has been buried and changed through many geological processes. Through uplift and erosion, the Adirondacks are one of the few locations where the Grenville Series is exposed at the surface of the earth.

The bedrock which lies under the property in some cases consists of similar or identical parent materials, however, bedrock formation from the component parent materials came about in two distinctly different ways. The predominant type bedrock underlying the property is comprised of gneiss. Gneiss is an example of a metamorphic rock which is formed when its principle parent material, granite (an igneous rock), is exposed to consistent geological pressure accompanied by temperatures which exceed 600 to 700 degrees Celsius. At a much lesser extent, the other bedrock present on the Kushaqua Tract consists of unconsolidated sedimentary materials from glacial and alluvial deposits. This type of bedrock typifies sedimentary rock which is comprised of parent materials of a wide variety of compositions and sizes of parent materials ranging from unweathered boulders to silt and clay. Sedimentary bedrock is formed from a combination of compaction, physical conditions, chemical alterations and biological interactions.

Over time, the forces of erosion and deposition have changed the surface landscape. Throughout the Adirondacks, the most dramatic of these changes were the result of glaciers. The world's climate grew colder 1.6 million years ago, resulting in the formation of huge sheets of ice which advanced and retreated several times. The last of these ice sheets reached its peak approximately 22,000 years ago and retreated from New York 10,000 years ago. As these ice sheets advanced, they tore away huge quantities of soil and rock from the landscape; later, as they retreated, they deposited this material in new locations. This glacial action shaped the mountains, ridges, valleys

and drainages found on the property.

The geological history of the Tract is readily apparent in the steep lower and middle slopes of the Loon Lake and Sable Mountain ranges, and in the valleys and drainages interspersed between them.

### ***b. Soils***

All soils are formed by the chemical and physical breakdown of parent material. However, on the property, soil composition stands in contrast with the bedrock beneath. The soils in the Property are largely derived from glacial deposits that have been moved and deposited as glaciers advanced and retreated. Soil characteristics are quite variable and fluctuate widely from location to location. There are basically two broad soil types found in the Property; glacial tills and glacial outwash.

Glacial tills consist of material that was directly deposited by a glacier. These soils are a mixture of clay, silt, sand, and stone. Their occurrence in the Property is widespread, although they tend to dominate the lower and middle slopes. The deeper and richer soils occur around the base of the mountains, especially on terraces and those slightly elevated locations that escaped the fluvial phase in late glacial retreat, meaning places a hundred feet or so higher than the nearby river system. Today, these richer soils are dominated by hardwood tree and shrub species with mixed conifer/hardwood stands found at the lower slopes with partially water-washed soils.

Glacial outwash soil is made of material which was deposited by water flowing from a glacier. These are stratified soils deposited as eskers and moraines in areas subject to periods of flash-flooding during the glacial retreat and from which the nutrient-bearing silts and clays have been washed away. Because the soils are so stony, these soils tend to be dominated by softwood species such as balsam fir and spruce which are able to quickly out-compete other tree species that have more extensive site and nutrition requirements.

### ***c. Terrain/Topography***

The terrain through the Property is varied. There are steep rugged areas, gentle rolling terrain, large sloping hills, numerous small streams, and two significant stream valleys; Hays Brook and the North Branch of the Saranac River. The maximum elevation on the Kushaqua Tract, found on the eastern exposure of the Loon Lake Mountains, is approximately 3,000 feet. The minimum elevation, 1,700 feet, is in the North Branch Saranac River drainage in the southern portion of the property. The only other elevation of significance within the tract boundaries is the highest summit in the Sable Mountain range which is approximately 2,800 feet. The following USGS 7.5' x 15' map series quadrangles cover the Kushaqua Tract property: Loon Lake, Debar Mountain, and Bloomingdale.

#### *d. Water*

The property is drained by both the Lake Champlain and St. Lawrence River watersheds. Approximately 40 miles of Class C (T) protected streams cross or originate within the property including headwaters of two streams of regional significance, the North Branch of the Saranac River and Hays Brook. These major streams and their tributaries within the property have been identified as historical trout waters. Department standards define the highest and best use of Class C streams as the following:

##### *§701.8 Class C fresh surface waters*

The best usage of Class C waters is fishing. These waters shall be suitable for fish, shellfish, and wildlife propagation and survival. The water quality shall be suitable for primary and secondary contact recreation, although other factors may limit the use for these purposes.

The (T) suffix accompanying the water quality classification indicates that the designated water is considered to be trout waters and that any water quality standard, guidance value, or thermal criterion that specifically refers to trout or trout waters applies. There is one contiguous pond, Mountain Pond (29 acres), located on the eastern property boundary, as well as an Unnamed interconnected four pond complex (total surface area of 7.8 acres) which is situated near the northern property boundary adjacent to the western exposure of the Loon Lake Mountains. Anecdotal evidence regarding the Unnamed pond complex, as well as a May 1985 Adirondack Lake Survey Corporation (ALSC) study of Mountain Pond, indicate that both ponds are historical brook trout waters.

#### *e. Wetlands*

Wetlands are important ecological areas for wildlife habitat, water protection, flood control, and recreational values. For these reasons, they are protected by state and federal regulations. Wetlands throughout the Kushaqua Tract have been mapped and digitized through the efforts of both the National Wetlands Inventory and the Adirondack Park Agency. Analysis of this information shows that there are approximately 1,669 acres of wetlands located within the property boundaries. Some of these identified wetlands are part of a larger complex that extends beyond the property boundaries (see Appendix D) Wetlands in this area tend to be clustered in the geographic core of the tract, as well as in the western and southern extents of the property, and are generally closely associated with ponded waters and stream drainages.

#### *f. Air/Climate*

The climate for the Property can best be described as cool and wet. The mean annual temperature is 41 degrees Fahrenheit. The average annual precipitation is 39.81". The record extreme temperatures are 98 and -35 degrees Fahrenheit.

In January 1998, a major ice storm affected the Property. Damage throughout the area varied based on several local conditions, but was most heavily influenced by elevation. Major portions of the property were in areas which received heavy damage. This storm will have impacts on the property for years to come. Severely damaged trees likely will not survive, damaged trees will be susceptible to attack from insects or disease, increased sunlight to the forest floor will increase growth of understory vegetation, and debris from damaged trees will make cross-county travel more difficult for some time. In order to avoid all the negative consequences from the ice storm, the landowner has engaged in salvage logging on the property as need dictates according to their forest management strategy.

## Biological Resources

### *a. Vegetation*

Vegetative communities currently present on the property are typical of those generally found throughout northern New York. The New York Nature Heritage Program places the property in two ecozones, the Sable Highlands and the Western Adirondack Foothills.

The Kushaqua Tract is mostly forested. The Natural Heritage Program classifies it as a forested upland system. There are a variety of forest communities which are represented. Examples of most of the forest communities which are found throughout the northern Adirondack Park can be found on the property.

Currently, the Natural Heritage Program has not listed any vegetative species of significance as being present in the property.

### *b. Wildlife*

The Kushaqua Tract is home to a diverse range of amphibian, reptile, bird and mammal species that benefit from, and flourish in, a wide range of habitat types. Some elevations and their established forest types within the tract boundaries fall within the criteria used for the designation of the Adirondack Sub-Alpine Forest Bird Conservation Area (BCA). With the exception of the BCA, no other occurrences of protected species, species of concern, or their critical habitats have been identified by the Natural Heritage Program within the property boundaries.

A bird species principally associated with the BCA is the Bicknell's Thrush (*Catharus bicknelli*) which has been designated by New York State as a Species of Special Concern. Elevations exceeding 2,800 feet, which exhibit primarily spruce-fir forest cover types, have been identified

as potential breeding and nesting habitat for the Bicknell's Thrush. Recent research conducted on the Bicknell's Thrush shows that no conclusive evidence suggesting that human use and enjoyment of areas meeting the BCA threshold criteria has any deleterious effect on the breeding success of this species. Recognizing that the maintenance and/or construction of public recreation facilities inside the BCA has the potential to have a more significant impact when power tools are used, any maintenance or construction work involving power tools and associated with this RMP will be limited to periods outside of the May 15 through July 31 breeding season for Bicknell's Thrush. Construction or maintenance of public recreation facilities using non-motorized tools and equipment may occur at any time of year inside the BCA boundary. As research on the BCA and the Bicknell's Thrush continues, if BMPs for construction and maintenance are developed and broadly adopted, they will supercede the guidance furnished here.

Recent research conducted by the Wildlife Conservation Society (Glennon, M.J. 2014. Dynamics of boreal birds at the edge of their range in the Adirondack Park, NY. Northeastern Naturalist 21(1):51-71) suggests, based on research conducted outside of, but proximal to the Kushaqua Tract, that some of the terrestrial and wetland habitats found on the property may be critical year-round habitat or seasonal breeding and nesting habitat for a number of rare bird species identified by the New York Natural Heritage Program as either watch-list species or species of greatest conservation need. Those species are detailed in the table below:

<b>Common Name</b>	<b>Latin Name</b>	<b>Global Rank</b>	<b>State Rank</b>
Bay-Breasted Warbler	<i>Setophaga castanea</i>	G5	S2B
Cape May Warbler	<i>Setophaga tigrina</i>	G5	S2B
Tennessee Warbler	<i>Oreothlypis peregrina</i>	G5	S2B
Olive-Sided Flycatcher	<i>Contopus cooperi</i>	G4	S3B
Rusty Blackbird	<i>Euphagus carolinus</i>	G4	S2B
Three-toed Woodpecker	<i>Picoides dorsalis</i>	G5	S2
Yellow-Bellied Flycatcher	<i>Empidonax flaviventris</i>	G5	S3B
Black-Backed Woodpecker	<i>Picoides arcticus</i>	G5	S3
Boreal Chickadee	<i>Poecile hudsonicus</i>	G5	S3
Palm Warbler	<i>Setophaga palmarum</i>	G5	S2S3B
Gray Jay	<i>Perisoreus canadensis</i>	G5	S3

NYNHP Ranking Codes:

- G5- Demonstrably secure globally
- G4- Apparently secure rangewide
- S2- Vulnerable to extirpation from New York State
- S3- Uncommon or local to New York with limited occurrences
- B- Indicates state status of a migratory species

As part of their findings, WCS reiterates the research of others (Boyle and Samson 1985) that suggests motorized recreation can pose a threat to the occurrence or abundance of these species. Although no known occurrences of these species has ever been officially documented on the property, considerations for these sensitive habitats are of concern to the Department and the management actions proposed in this RMP reflect that concern. With few exceptions, to the greatest extent practicable, the RMP focuses public motorized use on roads and trails that are already established and have already been utilized by cars, trucks, ATVs and snowmobiles associated with the private rights in the property over the course of several decades. In further support of that strategy, roads and trails proposed to be opened to public motorized use are subject to phased opening that gives all due consideration to a variety of potential negative impacts including impacts to natural resources like wildlife. As part of the phased opening protocol (detailed starting on page 40 of this RMP), negative impacts determined to be associated with public motorized use may trigger the temporary or permanent closure of existing motorized access opportunities on the property, or they may permanently or temporarily foreclose the opportunity for new motorized access in addition to that which is already existing.

Otherwise, wildlife species and communities found on the Kushaqua Tract are generally typical of those observed throughout the Adirondack Region. Wildlife species commonly found on the property include, but are not limited to: whitetail deer, black bear, ruffed grouse, woodcock, a variety of boreal bird species including black capped chickadees and gray jays, red and gray fox, fisher, beaver, common snapping turtle, bobcat, long and short tail weasels and snowshoe hares. In addition, anecdotal evidence obtained from the landowner's forestry staff, private camp lessees, Department staff and public users indicates that a resident moose population has become established both within the property, and in the immediately surrounding area.

### *c. Fisheries*

The major streams and their tributaries within the property have been identified as historical trout waters. Stream surveys conducted in the past by the DEC Bureau of Fisheries indicate that both the North Branch Saranac River, and Hays Brook, are home to native brook trout fisheries; presumably, small tributaries of these major streams support brook trout as well. The unnamed pond complex situated in the northern portion of the tract exhibits habitat features capable of supporting a native brook trout fishery and anecdotal evidence obtained through interviews in the field indicates that one exists.

Mountain Pond was surveyed by Bureau of Fisheries staff in the summer of 2009. Prior to the 2009 survey, the pond had been surveyed by the Adirondack Lakes Survey Corporation (ALSC) during the summer of 1985. The ALSC survey showed brook trout as inhabiting the pond as well as northern redbelly dace, Creek chub, White sucker and Brown bullhead. By contrast, the 2009 survey yielded only Brown bullhead, pearl dace, White sucker, Creek chub and northern redbelly dace as being the only species present. The 2009 survey indicates that the average depth of the

pond is approximately two feet with one deeper hole, approximately five feet deep, found in the eastern end of the pond. The pond was largely covered with emergent vegetation when surveyed and despite a cool, rainy summer, water temperatures at the time of the survey hovered around 60 degrees Fahrenheit which is at the upper extent of acceptable water temperatures capable of sustaining brook trout fisheries. Bureau of Fisheries staff consulted during the drafting of this RMP recommend that the waters of Mountain Pond be considered as a candidate for the stocking of brown trout in an effort to re-establish the pond as a viable recreational fishery. Based on the guidance of Fisheries staff, streams and tributaries identified as native brook trout fisheries consistent with documented survey data will not receive stocked fish in an effort to maintain the native fishery in its natural state.

Access to fishing opportunities on the property will be developed in close consultation with Fisheries staff in an effort to ensure that the potential effects of public use and access do not significantly contribute to the degradation of the native fisheries. DEC will periodically conduct fisheries surveys on the property, as time and resources permit, in order to develop data to be used to determine future management decisions regarding stocking and other management actions with the intent of providing the public with suitable fishing opportunities. Existing access points to stream corridors and ponds may be improved to better facilitate public access; determinations will be based primarily on resource considerations with a secondary emphasis on meeting user demand.

## Cultural Resources

Cultural resource identification and inventory provide an important link between the culture of Northern New York and its use of forest resources. Although no current, formal, cultural resource inventory has been known to be conducted on the property, Department Forestry staff have received training in how to recognize cultural and historical resources, as well as what measures need to be taken when such resources are discovered in the course of project implementation. In the future, recreation use planning will consider any existing identified cultural sites, as well as any new cultural resource inventories, in the recreation planning process and when appropriate, offer recreational or interpretive experiences in association with cultural sites.

Notable known locations of cultural significance that are found within the property boundaries include the former bed of the New York Central Adirondack Division Railroad line (a.k.a. the Mohawk and Malone Railroad), the Loon Lake Fire Tower observer's cabin and the location of Hays Brook Camp #12 near the western boundary of the property.

## Visual/Scenic Resources

The tract offers recreational users numerous opportunities to view natural scenic beauty. With the exception of the summit of Loon Lake Mountain, which lies in the state-owned Forest Preserve and is accessed from the east via the easement lands, most of the points of elevation within the property boundaries are forested and consequently provide somewhat limited views, if any at all. Conversely, when viewed from the property's road network, these forested hills provide motorized and non-motorized recreational users with a relatively unbroken scenic landscape that is particularly beautiful during the fall foliage season. Some vista areas from the road network provide limited views of Whiteface Mountain, Meenhaga Mountain and its firetower, the North Branch of the Saranac River drainage basin, and the steep slopes of the Sable and Loon Lake mountain ranges. The stillwater section of the North Branch of the Saranac River in the extreme southern portion of the property, as well as Mountain Pond on the eastern boundary, provide scenic viewing opportunities for paddlers. Future recreational planning will consider additional improvements such as scenic pull-offs along forest roads and hiking trails to natural features of interest.

## Existing Recreational Use

As discussed previously, the Kushaqua Tract has been used for hunting, fishing and other outdoor recreational purposes, by means of a private recreation leasing system, for well over 100 years. During this period, the Kushaqua Hunting Club negotiated lease terms with the landowner which specified the terms of the club's exclusive recreational use of the entire property during a fixed time period.

Since the conversion to the private one-acre envelopes in 2009, the landowner has revised the terms of private recreation leases for the purposes of aligning them with the terms of the CE regarding camp construction and modification, the installation of minor improvements, and the terms of lessee access to the property using motorized vehicles. While many of the private recreation camps are used primarily during the big game hunting season, numerous camp members use their camps and access rights for a wide variety of four-season outdoor-based recreation including hiking, berry picking, nature photography, wildlife viewing, fishing, trapping, snowmobiling and ATV riding to name just a few.

Some unauthorized recreational use of the property by the public has occurred over the course of generations, however, by all accounts, the levels or extent of that use could hardly be characterized as regular. Public use and access prior to April 2009 (the date when the property was opened for public recreation) has generally been a mixture of trespass and permitted use gained with the permission of the landowner. This use has principally focused around the well-known and heretofore closed access to Loon Lake Mountain from County Route 26.



The well-developed road and trail network existing on the property constitutes a substantial resource that served the recreational and access needs of the private lessees well during their exclusive time on the property. Likewise, this infrastructure provides exceptional opportunities for recreation facilities and access development that will, in the future as a result of recreation planning, accommodate the public as well as camp envelope lessees who continue to lease from the landowner.

## Public Use Administration and Management

The easement allows the Department to provide public recreation opportunities in a manner that is consistent with the easements objectives. Any allowed public use must consider the reserved rights of the landowner. Consistent administration and interactive communication between all parties is extremely important to meet all the objectives of the easement. With few exceptions, public use shall be managed in a manner consistent with general public use of State Forest areas.

### Public Use Objectives

The Department's planning for and implementation of public recreational uses on the portions of the property designated for such uses, shall be consistent with the purposes of the easement and the following general objectives for such uses:

- the protection of public safety;
- the protection of natural resource values and biological diversity, recognizing that the capacity of the property to accommodate public recreation is limited;
- the removal of trash or debris such as papers, bottles, cans, or other garbage left on the property by the public;
- not interfering with the Landowner's forest management activities; and
- that the location and condition of trails, parking areas, campsites, and other recreational improvements shall be reviewed at least annually and more frequently, if necessary.

### **“Minimum Tool” Management**

The Department allows and promotes public recreational use of the Kushaquua Tract to the extent that the adverse physical and social impacts of public use are controlled and reduced to the greatest extent possible. When public recreational use must be controlled to prevent misuse and overuse, it is best to do so by education and the application of the minimum tools, equipment, regulations, or practices necessary that will bring the desired result. To achieve this, the Department uses the “minimum tool” necessary to obtain specific objectives, employing indirect methods (limiting parking, etc.) whenever possible, and developing regulations only where necessary and as a final resort. Existing programs that promote outdoor recreation use and etiquette will be utilized where appropriate and feasible. Examples of successful programs and messages used in other management units include, Leave No Trace™ and Tread Lightly!™.

**Specific Plan Guidelines.** In addition to the general objectives listed above, development of the RMP and implementation of public recreational uses of the property shall be consistent with the following specific guidelines:

*Standards for Public Recreational Roads and Trails-* The RMP shall establish minimum standards and specifications for roads and trails designated for public use. Based on the standards and specifications, the Department shall decide whether portions of trails and roads shall be repaired, improved, relocated, or if public use shall be temporarily suspended. Standards for the signing of designated public recreational roads and trails, developed in consultation with the landowner, are specified in this RMP and will be implemented in the field as public access opportunities become available.

*Snowmobile Use-* The main purpose of snowmobile use on the property is to connect existing snowmobile trail systems on and off the property. Trail design and maintenance standards shall conform to such manuals and guidelines produced by the New York State Office of Parks, Recreation, and Historic Preservation, the DEC/Lyme Signing Plan or an equivalent State agency, and in general use by the agency at the time in question. Additional signs, to be used in limited situations where public snowmobile users must share road space with the landowner's forest management contractors, will be developed and posted as need dictates.

*All-Terrain Vehicle Use-* Public ATV use shall be restricted solely to roads and trails capable of supporting ATV use, and shall be managed in a manner that prevents damage to natural resource values and biological diversity.

*Private Camp Leases-* Public recreation access opportunities and their associated facilities will be available for the use and enjoyment of both the public and the private camp lessees. The Department, in consultation with the landowner, will develop public recreation facilities in a manner which minimizes the potential for public user conflict with the reserved rights of the landowner, including forest management and lease camp envelopes.

## Management Actions

### Access

The Department shall have access to, on and across the property at all times for the purpose of:

- Monitoring the conservation easement.
- Undertaking periodic inspections, enforcing the conservation easement, or taking any and all legally permissible actions necessary or appropriate to remedy or abate violations of the conservation easement.

- Exercising and administering the Department's other Affirmative Rights as set forth in the conservation easement.

Under the terms of the conservation easement, the Department may provide for, and permit access by, the public:

- By non-motorized means, including but not limited to: hiking, rock climbing, bicycling, snowshoeing, cross-country skiing, horseback riding and the use of horses or other similar animals for transportation of supplies, and traveling by mechanized aids for persons with mobility impairment.
- By canoe, motorboat, and other watercraft on streams, rivers, wetlands, bogs or other bodies of water.
- By motor vehicle and motorized recreational vehicle, including snowmobile and all-terrain vehicle; provided, however, that motorized access by the public shall only be over those roads and trails that (i) have been designated for recreational use along with the specific type(s) of vehicle permitted for motorized access, and (ii) have been specifically marked with appropriate signage for the type(s) of vehicle permitted for such motorized access.
- For camping at campsites specifically designated by the Department for such use.
- For hunting, fishing, and trapping in accordance with applicable laws and regulations.

### **Barriers, Gates, and Locks**

The Department will install gates or barriers, where a need is evident, to control or prohibit public use. All new and replacement gates, installed by the Department, will meet the Department's safety standards as to color, design, and signage.

DEC staff will work closely in concert with the landowner, and their representatives and lessees, to ensure that all property gates are secured in a timely and effective manner according to mutual agreement that is considerate of each other's operational needs. In response to a recognized need, the Department will post signs intended to direct public use and access at all gates, barriers and principle access points, including those where unauthorized access or use by the public is known

to be occurring. Ensuring that gates and barriers remain locked and/or secure, where necessary to discourage unauthorized use by the public, will require that all affected parties, both public and private, work collectively and consistently. Situations which require access to a gate by multiple parties will be addressed with a mutually agreed upon locking system which ensures that no party's rights of access to the property are diminished or interfered with.

### **Boundary Line Maintenance**

The landowner, or any designated group or individual working on the landowner's behalf with their expressed consent, may identify, maintain, post and mark the boundaries of the Kushaqua Tract property and the one-acre cabin envelopes contained within. The Department may identify, mark, and maintain boundaries with signs in form and content reasonably satisfactory to the landowner describing the public rights associated with the conservation easement lands. The Department may elect to mark portions of the Kushaqua Tract boundary, where it abuts adjacent Forest Preserve lands, for the purpose of better facilitating public use administration of each property.

Pursuant to this RMP, the Department will only construct facilities and improvements for public use when a certain determination has been made that the facility or improvement is wholly within the boundaries of the conservation easement lands.

### **Maintenance of Improvements**

The conservation easement agreement provides general guidance on how the costs for maintaining improvements are to be shared. The Department and the landowner will share the expense of any maintenance or replacement of improvements based on the proportionate amount of use and benefit that each party derives from the open and accessible improvement. A cost-sharing agreement, developed by both parties with due consideration to their respective annual budgets and work-plans, shall be discussed, reviewed and updated, as a minimum, each year at the annual meeting or at whatever interim point deemed necessary by either party.

When considering cost-sharing arrangements, it is important to mention that neither the Department, nor the landowner, is responsible for assuming a cost that is not commensurate with the interest they have in a particular shared improvement. With that in mind, the Department is solely responsible for incurring costs unique to providing for public access and use; likewise, the landowner is solely responsible for incurring costs unique to providing for their reserved rights in the property. Any damage caused by public recreational activities shall be the responsibility of the Department to repair. Any damage caused by the Landowners activities (for example logging operations or the lease holders) shall be the responsibility of the Landowner to repair.

When roads and trails are constructed by the Department, they will be generally built to the standards the Department uses on State forest lands (DEC Unpaved Forest Road Handbook, August, 2008). In addition, roads and trails will be constructed and maintained with deference to the conservation easement road standards that have been mutually agreed to by the landowner and the Department. During construction and maintenance, Best Management Practices (BMPs) will be utilized to protect the natural resources (see BMP Field Guide at DEC website): [http://www.dec.ny.gov/docs/lands\\_forests\\_pdf/dlfbmpguide.pdf](http://www.dec.ny.gov/docs/lands_forests_pdf/dlfbmpguide.pdf).

The public's use of roads, trails, recreational amenities or any improvement may be subject to temporary or permanent closure, removal or relocation if the Department determines that the use is having a negative impact on natural resources, the landowner's forest management, Department administration of the property, or is contributing to substantial conflicts with other users or lease holders.

### **Search, Rescue, Fire, and Law Enforcement**

Emergency response to search, rescue, and fire will be coordinated by the Office of Public Protection, in conjunction with Franklin County emergency services.

Office of Public Protection Staff assigned to routinely patrol the property will maintain a current inventory of existing open areas on the property capable of being utilized as emergency helicopter landing zones.

Generally speaking, the public recreational use of this property will be managed using the Minimum Tool Method which dictates that management initially concentrate on regulating public use by the methods that are least intrusive or degrading to the outdoor recreationists experience. That said, the Department will promulgate site specific regulations pertaining to the public use of the Kushaqua Tract property, as dictated by an apparent and well-reasoned need, for the purposes of future recreational management and law enforcement.

The Department will notify the landowner of all emergency actions and serious violations occurring on easement lands.

The landowner will report public use violations to the Department and file complaints through the area manager and/or the regional dispatch center.

The Department, New York State Police, and other public law enforcement and safety agencies will have full access to easement lands.

## **Signs**

The Department will be primarily responsible for installing, constructing, and maintaining all signs deemed necessary for identifying access to designated camping sites and recreational amenities as well as roads and trails open for public motorized and non-motorized recreational activities. Following prior consultation with the Department, the landowner may elect to place additional signage that they feel is situation-appropriate for specific access points.

Public use management sign formats will consist of a mixture of standard Department sign formats combined with tract and/or easement specific signs whose design and content has been developed through a collaborative process between the Department and the landowner. The Conservation Easement Public Recreation Road and Trail Sign Guidance Manual (Appendix E) and the Shared Use Roads Signing Manual (Appendix F) will be the principle guiding documents in selecting signs to be used on the property.

Signs placed with the intent of managing public use and access will generally fit in to one of the following broad categories:

- Directional Signs
- Caution Signs
- Administrative Signs
- Trail, Route and Mileage Markers
- Regulatory Signs

## **Enforcement**

The Department will monitor public use on the Kushaquua Tract and appropriate management actions will be implemented to keep public use from negatively impacting natural resources on the property. The Department's Office of Public Protection (OPP) officers will routinely patrol the property for illegal use and issue tickets when warranted.

DEC Forest Rangers, Environmental Conservation Police Officers and their supervisors were routinely consulted and actively involved in planning activities throughout the development of this RMP. Rangers and Officers support the types and extent of motorized use in the RMP. Staff agree that the ATV use planned in the RMP will redirect illegal ATV use from nearby Forest Preserve to the Kushaquua Tract.

It is also understood that the presence of private lease camps and their members, many who have used the property for three generations or more, will serve to monitor and report ATV use. This

will assist in determining the need for increased enforcement efforts and identify locations of concern to public safety.

DEC Forest Rangers and Environmental Conservation Police will provide at least the same level and types of monitoring and enforcement as provided on forest preserve lands in the Adirondacks. However, there will be a higher level of monitoring on ATV use especially in the early phases of the opening of roads to public ATV use. This will include patrols and details as determined necessary and adequate.

## **Parking**

All public parking areas will be located within the boundaries of the Kushaqua Tract easement property (see Appendix C). Locations designated and improved for parking lots have been developed in consultation with the landowner and are sited with due consideration to both the public and private rights in the property. The intent of designated parking areas is to channel public use to identifiable primary access points and desirable locations on, or nearby to, the easement lands. Generally speaking, parking areas are located near trail heads and centrally located access points designed to accommodate public fishing, hunting, trapping, boating, paddling, hiking, biking, equestrian and motorized vehicle access opportunities. Parking area design will include provisions for the parking of ATV, boat, snowmobile, and horse trailers where appropriate. Design criteria will also appropriately size designated parking areas in order to indirectly control levels of public use at any one location with a focus on ensuring that public use patterns do not exceed the capacity of both the recreational and natural resources to withstand that use.

Along designated and opened motorized roads and trails, public users will be permitted to pull-off and park for hunting, fishing, trapping and other recreational activities, provided that in doing so, the road is not obstructed in any manner which impedes other vehicles from travel. Specific roadside locations where traffic flow problems as a result of vehicles pulling off are readily apparent, along with locations where problems become apparent after public access has been opened, will be posted with administrative signs indicated that pulling off is prohibited at that location.

Parking area locations are detailed in Appendix C of this RMP. Additional similar parking areas may be designated and constructed by the Department as needed in the future, subsequent to siting consultation with the Landowner.



## Permitted Public Recreational Uses

The conservation easement allows for a wide variety of public recreation uses for the property. The following public recreation uses are meant to provide a general overview of the programs the Department intends to implement on the property and the manner in which those uses and opportunities will be managed and administered. The uses listed are by no means an all-inclusive list of permitted uses and recreational opportunities that may be provided to the public in the future.

### Motorized Uses

The laws and regulations which govern public use of motor vehicles on DEC Conservation Easement properties will be applied to the roads and trails on the Kushaquua Tract easement property which have been designated for, and opened to, public use. (see Codes, Rules and Regulations of the State of New York, Title 6 Conservation (A), Chapter II and NYS Vehicle and Traffic Law as applicable).

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

All users of ATVs and snowmobiles must wear appropriate safety equipment.

Roads open to motor vehicle use will be posted to a maximum speed limit of 25 mph, unless conditions or posted signs indicate otherwise.

Additional motorized access opportunities may be identified, evaluated and opened periodically by the Department in response to stakeholder input following landowner consultation.

At some future point subsequent to the initiation of public motorized access to the property, consideration may be given to the viability and practicality of constructing a re-route of the Mountain Pond Road (road #2) around the NYSEG ownership which road #2 currently crosses for a total distance of 0.25 miles about 0.8 miles west of its eastern terminus.

Well reasoned special regulations governing public motorized use on the property will be promulgated by the Department if necessary.

## **ATV Use**

The easement contains provisions for the public use of ATVs on roads and trails identified for such use on the Kushaqua Tract property. This use is generally considered appropriate on easement lands for several reasons: (1) while these lands are located in the Adirondack Park, the fee ownership is retained by a private owner, so the lands are not considered part of the Forest Preserve, and use is not confined by Article 14 of the State Constitution; (2) while APA land classifications for state lands are restrictive with respect to motor vehicle use, easement lands are classified by the Private Land Use and Development Plan (generally as Resource Management), a classification that is significantly less restrictive than State land classifications (including allowance for motor vehicle roads); (3) generally easement lands are managed for the production of wood fiber, either lumber or pulp, and as such have a pre-existing network of woods roads which have been built to accommodate motor vehicle (truck) use; and (4) these easement lands have a history of private recreation use including extensive lessee ATV use on existing trail networks.

In this RMP, the Department has planned ample opportunities for broad public ATV access on existing gravel roads deemed appropriate for motor vehicle or ATV use. In addition, a restricted public ATV usage program, intended for enhanced access during the fall sporting seasons, on a limited number of designated unimproved roads is detailed under the “RMP Implementation” section of this RMP. Broader ATV access opportunities proposed for the public are found in the Appendix B-1 of this plan. The limited use ATV access opportunities are detailed in Appendix B-3 of the plan. The Department will continue to review the existing road and trail network to consider additional access opportunities, including the designation of more seasonal roads and trails for program access, particularly access to hunting, fishing and trapping areas. Appropriate opportunities for enhanced ATV access may be considered and implemented under the State’s affirmative rights. In those circumstances, locations will be identified, evaluated and opened or closed periodically subsequent to consultation between the landowner and the Department.

Public motor vehicle, ATV and snowmobile use of existing roads and trails is selected according to standards that are mutually agreed to by the landowner and the Department. Standards will incorporate a wide variety of factors and considerations including, but not limited to: operator safety, navigability, potential for resource degradation, cost, anticipated types and levels of use, and seasonal factors. Standards may be changed periodically, following joint consultation, in consideration of the operational and logistical needs of either party, but any future new road or trail construction and existing road maintenance will be done according to these standards.

Where appropriate opportunities arise, including seasonal ATV use, the development of designated

ATV accessible roads and trails will be identified, evaluated and opened or closed annually or periodically subsequent to consultation between the landowner and the Department.

### **Snowmobile Use**

At the current time, the only legitimate snowmobile use occurring on the property is either associated with the private rights of the landowner, or has been independently negotiated between the Department, Franklin Snowmobilers Incorporated (a DEC volunteer and partner), and the landowner under the auspices of the IRMP. In this RMP the Department intends to develop new snowmobile routes through the Kushaqua Tract property with the purpose of providing important connections to the local and regional trail system. The annual opening and closing of public snowmobile opportunities will be at the discretion of regional Department staff to ensure that all mutual safety concerns are addressed and that potential damage to the landowners growing stock and other natural resources is minimized.

Typically, two different types of snowmobile riding opportunities are usually afforded to the public on DEC conservation easement lands. These two types include:

A.) Groomed Snowmobiling Opportunities: Roads and trails designated for grooming by a tracked groomer or snowmobile with a drag. Groomed snowmobile trails on the Property will provide important connections between communities in the region and will be restricted to public roads and trails specified annually for snowmobile use.

B.) Snowmobile Use for Program Access: Under this circumstance, the Department allows public users, following consultation with the landowner, to use snowmobiles on roads and trails that are un-groomed. This type of access is typically implemented to accommodate public use during the winter months for accessing recreational activities and programs, particularly access to specific hunting, trapping and ice fishing areas. Under this RMP, access of this nature will be carefully evaluated and developed subsequent to the opening of groomed riding opportunities to ensure that trespass, resource degradation and unsafe conditions are not being created or encouraged. Future circumstances which may allow for greater accommodation of this type of access will be reviewed on a case by case basis, and will be identified, evaluated and opened or closed annually or periodically subsequent to consultation between the landowner and the Department.

### **Non-motorized Uses**

The public may enter and use the property to enjoy non-motorized recreational activities including, but not limited to: hiking, horseback riding, hunting, fishing, trapping, cross-country skiing, backcountry skiing, snowshoeing, rock climbing, bouldering, dog-sled mushing, paddling,

boating and bicycling. This RMP proposes the opening of two cross-country skiing connections, which will also serve hikers and mountain bikers, to existing trails on adjacent Forest Preserve lands as well as the improvement of access to the Loon Lake Mountain trail which begins on the Property and ends on the mountain's summit which is located on adjacent Forest Preserve lands. The regulations which apply to these activities on State-owned lands will be in effect (see Codes, Rules and Regulations of the State of New York, Title 6 Conservation (A), Section 190.8).

Due to the wild character of the recreational opportunities in the North Branch and Hays Brook drainages, the Department's administrative strategy will be to designate and maintain public watercraft usage of these streams as non-motorized craft only. This use will be periodically evaluated to ensure that resource and recreation management goals are being met. Special regulations governing use of these streams will be considered and drafted as need becomes apparent.

The use of gasoline-powered outboard motors for the propulsion of watercraft on any pond or stream of this property is prohibited. Special regulations governing this type of activity will be considered and drafted as a need becomes apparent.

The use of electric trolling motors will be permitted on Mountain Pond. The Department will periodically evaluate this type of usage and act accordingly based on real or potential resource impacts.

### **Camping**

Under the terms of the CE, the Department has acquired the rights to designate and open campsites for public use on the property. Due to a known unsatisfied recreational demand and the logistical limitations of the property, drive-in sites will be given preferential consideration under this RMP when resources become available for campsite construction. Appropriate opportunities for the development of designated campsites that provide a more primitive experience, accessed either partially or wholly through non-motorized means, will be evaluated at the time of identification and, if found desirable, will be constructed and opened subsequent to a future RMP amendment process. Sites will be located, designated and designed following a review of site conditions, accessibility of area roads and trails, and the availability of viable recreational opportunities and notable natural features nearby.

Prior to construction, conceptual campsite locations identified for designation in this RMP will be mutually agreed to by the Landowner and the Department. Campsites may be closed or relocated in the event that continued public use interferes with the landowner's forest management operations, creates conflict between public and private users of the property or facilitates negative impacts to the natural resources on a substantial scale.

For the term of this and subsequent RMP's, public camping on the property will only be permitted at sites formally marked and designated by the Department. In the event that user management problems develop and the "Camp at Designated Sites Only" policy is not adhered to, the Department will consider the development of tract-specific regulations to manage use and encourage compliance. Otherwise, all camping will be managed subject to the same regulations that apply to state-owned lands except in cases where resource or public use conditions warrant the promulgation of special regulations or policy (Title 6 NYCRR section 190.3, 190.4, 190.8).

Campfires on the property shall be limited to campfire rings located at the designated campsites with the only exception being bona fide emergency situations. Public users engaged in firewood gathering for campfires on the property are limited to the use of dead and down wood only; live, standing trees are not allowed to be cut by the public at any time. All trees, whether live or dead, are the property of the landowner and may not be transported off of the property by the public at any time. Unattended fires are prohibited (Title 6 NYCRR section 190.1).

The construction of lean-tos for public use is not being considered during the course of this RMP. The Department will examine areas suitable for lean-tos and consider them as need dictates in future RMP amendments.

## **Fishing**

Fishing is permitted on the Property in accordance with existing laws and regulations. The public may access all streams, rivers, ponds on the property by foot or other access means as may be allowed, for fishing, unless specifically prohibited.

This RMP proposes fishing access sites (see Appendix C) at Mountain Pond, a portion of the North Branch of the Saranac River and Hays Brook. All three locations will feature designated parking for public vehicles.

At Mountain Pond, all public users will be able to drive from the designated parking area to the start of a universally accessible boardwalk for the purpose of dropping off watercraft, equipment and members of their group. A two vehicle parking area, for exclusive parking by people with disabilities possessing a valid CP-3 permit issued by the Department, will be constructed at the staging area. Members of the general public accessing the shoreline will have to return to the designated parking area to park their vehicle following the drop off of watercraft, equipment and group members and then return to the staging area on foot. The universally accessible boardwalk will extend approximately 340 feet from the staging area to the shoreline of Mountain Pond.

The Hays Brook access point will be designated at an existing location in close proximity to the stream channel. Due to the wild and remote nature of Hays Brook as it runs through the property, parking area size at the access point will be limited to three vehicles in an effort to mitigate the potential for excessive angler pressure on the brook trout fishery resource.

The North Branch of the Saranac River, and its headwaters within the property, constitutes what is arguably the most significant fisheries resource addressed by this RMP. From the point where it leaves the property near the southern boundary, to a point upstream most of the way to the North Branch-Hays Brook Road (property road #1), the stream has the wide, meandering quality of an alder-lined backwater. Upstream of the North Branch-Hays Brook Road, the stream narrows considerably and the gradient grows gradually steeper. This RMP proposes the construction of a fishing access point serving the reaches of the river south of property road #1 at a location adjacent to the existing designated parking area and registration kiosk at the property gate on the North Branch Road. Due to the wild and remote nature of the North Branch of the Saranac River upstream of property road #1, no access improvements will be made in an effort to mitigate any potential for excessive angler pressure on the brook trout fishery resource.

Additional improved public access to streams and other water bodies on the protected property, or enhancement to existing recreational facilities outlined in this RMP, may be developed at the discretion of the Department in consultation with the landowner. In those circumstances, locations will be identified, evaluated and opened or closed periodically subsequent to consultation between the landowner and the Department.

## **Hunting**

Hunting is permitted on the property as allowed under existing laws and regulations.

The diverse habitat found on the property supports a wide variety of big and small game wildlife species. With the exception of lease camp envelopes, the entire property will be open to public hunting during legally established open hunting seasons, except where specifically prohibited by posted notice. Property maps will be posted at all appropriate known public access points. In addition, as soon as is practicable, maps detailing private lease camp locations will be made available for public hunters on the Department's website.

## **Trapping**

Trapping is permitted as allowed under existing laws and regulations.

The diverse habitat found on the property, in concert with some of the forest management

practices being conducted by the landowner, supports a wide variety of fur bearers. With the exception of the lease camp envelopes, the entire property will be open to public trapping during legally established, open trapping seasons, except where specifically prohibited by posted notice.

In consideration of both the landowner's and the Department's interest in the property road system and infrastructure, appropriate opportunities for enhanced motorized access to certain parts of the property, for the purpose of trapping, may be considered. In those circumstances, locations will be identified, evaluated and opened or closed periodically subsequent to consultation between the landowner and the Department.

### **Wildlife Viewing and Nature Appreciation**

The Kushaquua Tract offers outstanding opportunities to the public for wildlife viewing and nature appreciation. Improved opportunities for wildlife viewing areas will be examined. If suitable locations are identified, observation platforms may be constructed. In those circumstances, locations will be identified, evaluated and opened or closed periodically subsequent to consultation between the landowner and the Department.

### **Mountain Bike Use**

The logging roads through the Property provide ample opportunities for mountain bike use.

Mountain bikes are allowed on any road or trail that is signed open to the public for mountain bike use.

This RMP proposes the development of 2 trail segments intended to serve mountain bikers and other non-motorized recreational users by connecting to existing trails on adjoining Forest Preserve lands in the Grass Pond and Sheep Meadow areas. Construction of, additional mountain bike trails may occur on the property following consultation with the landowner.

### **Equestrian Use**

The numerous roads and skid trails on the property offer excellent potential opportunities for equestrian use. Currently, horse-back riding is permitted on all roads and trails on the property signed for equestrian use and will be considered as an additional use on the 2 trail segments leading to the Forest Preserve. The Department will monitor this use for any potential conflicts between equestrians and motorized vehicle and equipment users as well as circumstances of resource degradation related to this use. In the event that conflict or degradation becomes

apparent, management actions directed toward resolving them will be taken, including allowing horse-back riding only on roads and trails specifically designated for that purpose. Opportunities for improved access and trails for equestrian use, and appropriate partnerships, will be in considered in the future following consultation with the landowner.

Following the successful complete construction of the Grass Pond and Sheep Meadow connections, as well as the construction of the preferred alternative of either the Jack's Camp or Skiff Pond trail connections, those trails will be evaluated to determine their suitability for equestrian use. If horse-back riding is found to be a suitable use, the State will provide those opportunities in accordance with the affirmative rights afforded under the conservation easement. Trails may be opened or closed periodically subsequent to consultation between the landowner and the Department

### **Access for Persons with Disabilities**

In general, the extensive road and trail development on the property lends itself well to universal accessibility for all public recreational users.

This RMP proposes access to Mountain Pond where a boardwalk will be constructed from a staging area at the end of an existing motor vehicle road to the shoreline of Mountain Pond for the purpose of providing universal access to the pond for people of all abilities.

In addition, four of the designated camping sites identified in this RMP will be universally accessible with site features constructed and maintained to the standards required by the Americans with Disabilities Act (ADA).

As additional non-motorized trails or other appropriate facilities and improvements are identified, designated or improved, the Department will move forward with their planning and construction subject to the availability of resources.

### **Application of the Americans with Disabilities Act (ADA) for Conservation Easements**

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 had 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. Title II of the ADA requires, in part, that reasonable modifications must be made to the services and programs of public entities, so that when those services and



programs are viewed in their entirety, they are readily accessible to and usable by people with disabilities. This must be done unless such modification would result in a fundamental alteration in the nature of the service, program or activity or an undue financial or administrative burden.

Title II also requires that new facilities, and parts of facilities that are newly constructed for public use, are to be accessible to people with disabilities. In rare circumstances where accessibility is determined to be structurally impracticable due to terrain, the facility, or part of facility is to be accessible to the greatest extent possible and to people with various types of disabilities.

Consistent with ADA requirements, the Department incorporates accessibility for people with disabilities into the planning, construction and alteration of recreational facilities and assets supporting them. This Recreation Management Plan (RMP) incorporates an inventory of all the recreational facilities or assets supporting the programs and services that were negotiated with the landowner to be available on the easement. The level of accessibility that exists or may be developed to the programs, services and facilities on the easement is also assessed. In conducting this assessment, DEC employs guidelines which ensure that programs are accessible, including buildings, facilities, and vehicles, in terms of architecture and design, transportation and communication to individuals with disabilities.

Any new facilities, assets and accessibility improvements to existing facilities or assets proposed in this RMP are identified in the section containing proposed management actions.

The Department is not required to make each of its **existing** facilities and assets accessible as long as the Department's programs, taken as a whole, are accessible.

For copies of any of the above mentioned laws or guidelines relating to accessibility, contact the DEC Universal Access Program Coordinator at 518-402-9428 or [UniversalAccessProgram@dec.ny.gov](mailto:UniversalAccessProgram@dec.ny.gov)

# RMP Implementation

## Existing Access Network

One of the principal features that makes the Kushaquua Tract property so desirable for public outdoor recreation is the well-developed access network of roads and trails, totaling almost 100 miles, that has been developed and improved over the course of decades by the current landowner and their predecessors. The extensiveness of the network necessitates the naming and/or numbering of property roads and trails to help streamline recreation use planning, implementation and administration.

The tables and guidelines detailed in the access plan and phasing structure below provide an inventory of all roads and trails proposed to be used or accessed under the recommendation of this RMP, as well as plans for phased initial opening where applicable. Appendix B of this RMP contains maps which detail these roads and trails. This information will be updated as necessary during future RMP amendment processes.

The Department will utilize phased opening of public access opportunities as an overall management strategy to evaluate, monitor, plan and account for public motorized access on the property. A phased and methodical opening of public access provides Department staff with the ability to monitor the impacts of use to ensure natural resources are protected from misuse or overuse. This strategy will also allow for potential user conflicts to be effectively addressed in a manner that best compliments management goals and objectives expressed in this RMP.

If Department staff determine ATV or other activities are having a negative impact on the natural resources or are resulting in user conflicts a number of management options are available to alleviate the impact including: temporary or permanent closure of that existing open road or trail; delay or permanently cease future phases of opening of new road and trail access; or both.

Conditions that trigger taking these actions in include but are not be limited to: impacts on natural resources; trespass on adjacent private or public lands; and conflicts with lessees, the landowner's employees or contractors or other public users.



## Access Plan and Phasing Structure

### **Multiple Access Roads- Motor Vehicles, ATVs and Snowmobiles**

The roads listed below in **Table 1** are gravel surfaced roads which will be opened initially on a managed basis as determined by the Road Phasing Structure, and then annually thereafter if appropriate, to public use according to the following conditions:

- ***DEC may close any road to any or all public motorized use for any reason, at any time, by posted notice.*** Violators will be prosecuted.
- Roads will be opened annually, subject to the phasing structure terms and conditions outlined below, at the close of the spring mud season.
- Motor Vehicles and ATVs may access the roads identified in Table 1 between the post-mud season opening and the time at which the first snowfall adequate for snowmobiling occurs.
- Snowmobiles may access the roads identified in Table 1 beginning at the time at which the first snowfall adequate for snowmobiling occurs and ending with spring break up.
- ATVs must access the roads listed from a designated parking area within the property boundaries of the Kushaqua Tract (*no entry from adjoining properties or public highways*)
- ATV operators traveling with a group are limited to a group size of no more than six ATVs and operators/passengers unless permitted by a valid Temporary Revocable Permit (TRP) issued by the Department.
- ATV users must meet all requirements of the NYS Vehicle and Traffic Law pertaining to operator age, registration, insurance and required safety equipment.
- Large group events (trail rides, poker runs, fundraisers or events of a similar nature) will not be permitted on the property.
- The Minimum Tool Approach to public user management will be employed- special regulations will be promulgated as a need becomes evident.

<b>Table 1 - Multiple Access Roads</b>			
<b>Road/Trail Name</b>	<b>Road Number</b>	<b>Proposed Mileage Open to Public</b>	<b>Proposed Public Means of Access</b>
North Branch-Hays Brook Road	1	7.5 miles	Motor Vehicles ATVs Snowmobiles
Mountain Pond Road	2	2.87 miles	Motor Vehicles ATVs Snowmobiles
Hunter's Camp Road	3	3.79 miles	Motor Vehicles ATVs Snowmobiles
Aden Road	4	1.3 miles	Motor Vehicles ATVs Snowmobiles
Center Road	5	2.33 miles	Motor Vehicles ATVs Snowmobiles
			Motor Vehicles ATVs

Sable Mountain Road	7	1.1 miles	Snowmobiles
Loon Lake Mountain Road	5-3	5.3 miles	Motor Vehicles ATVs Snowmobiles
UnNamed Ponds Road	5-4	0.7 miles	Motor Vehicles ATVs Snowmobiles
No Name	2-2	0.36 miles	Motor Vehicles ATVs Snowmobiles
No Name	5-2	0.7 miles	Motor Vehicles ATVs Snowmobiles
<b>Total Mileage Proposed</b>		<b>25.95 miles</b>	

**Table 2 - Roads Phasing Structure**

<b>Phase</b>	<b>Road Name(s)/Number(s)</b>	<b>Opening Date</b>	<b>Terms and Conditions</b>
1	Mountain Pond Road/ #2 Hunter's Camp Road/ #3	By the close of year 1 following RMP adoption	Levels and impacts of public motorized use will be closely monitored and addressed as necessary and appropriate.
2	Aden Road/ #4	By the close of year 2 following RMP adoption	Opening of phase 2 roads will be contingent upon the successful opening and management of phase 1 roads.
3	Center Road/ #5 No Name/ # 5-2 Loon Lake Mountain Road/ # 5-3	By the close of year 3 following RMP adoption	Opening of phase 3 roads will be contingent upon the successful opening and management of phase 1 and 2 roads
4	Remaining Unopened Roads Identified for Public Use in Table 1	As funding and resources permit	Opening of phase 4 roads will be contingent upon the successful opening and ongoing management of roads opened in previous phases.

## **Limited Use ATV Roads for Enhanced Sporting Season Access**

The roads listed below in **Table 3** are gravel surfaced and unimproved roads which will be opened annually to the specified public use according to the following conditions:

The usage of ATVs on the roads designated in the table below will be restricted to the time frame of the annual Northern Zone Big Game Season. For the purposes of this restriction, this RMP defines the Northern Zone Big Game Season as beginning with the early bear season in September and ending with the close of the big game rifle season in early December. Designated roads open (or closed as need may necessitate) to ATV use will be conspicuously posted as such, and updated information regarding ATV access restrictions will be provided at informational kiosks on the property as well as on the Department's website.

This access privilege has been afforded to big game hunters for the purpose of improving access to and from remote areas over existing roads that are currently incapable of sustaining public car and truck traffic.

Public users must abide by the following guidelines:

- ***DEC may close any road to any or all public motorized use for any reason, at any time, by posted notice.*** Violators will be prosecuted.
- ATVs may only be operated during the existing permitted operating period on roads legitimately designated as open for that type of access.
- ATV users must meet all requirements of the NYS Vehicle and Traffic Law pertaining to operator age, registration, insurance and required safety equipment.
- ATV operator must be in possession of a valid NYS Big Game Hunting License and be legally able to hunt per the definition of hunting prescribed by the Environmental Conservation Law.

Department staff, in consultation with the landowner, will closely monitor seasonal ATV use and take any management and enforcement action deemed necessary to ensure user safety and the mitigation of potential resource degradation, including closing roads public use.

<b>Table 3 - Roads Accessible Under ATV Usage Restrictions</b>			
<b>Road/Trail Name</b>	<b>Road Number</b>	<b>Proposed Mileage Open to Public</b>	<b>Proposed Public Means of Access</b>
Headwaters Road	6	0.36 miles	ATV
No Name	2-3	1.8 miles	ATV
No Name	3-3	1.8 miles	ATV
<b>Total Mileage Proposed</b>		<b>3.96 miles</b>	

### **Snowmobile Access Roads**

The roads listed below in **Table 4** are gravel surfaced and unimproved roads, and in some cases skid trails, which will be opened annually to the specified public use according to the following conditions:

- ***DEC may close any road to any or all public motorized use for any reason, at any time, by posted notice.*** Violators will be prosecuted.
- Roads and trails specified in Table 4 may or may not be opened annually subject to funding, resources, surface condition and/or the operational needs of the easement landowner or DEC subsequent to joint consultation on an annual basis.
- The roads and trails specified in Table 3 are generally intended for one of two purposes, those being:
  - Providing connections to existing snowmobile trail systems on adjoining privately-owned and State Forest Preserve lands which have been identified as highly desirable by the local snowmobile riding community.
  - Providing flexible re-routing options that strive to achieve the year-to-year continuity of the snowmobile trail system while considering public safety and the landowner's need to conduct timber harvesting operations.
- Connections to snowmobile trail systems on adjoining State Forest Preserve lands may only be implemented and opened to public travel subsequent to their adoption and approval in the Debar Mountain Wild Forest Unit Management Plan.

**Table 4 - Snowmobile Access Roads**

Road/Trail Name	Road Number	Proposed Mileage Open to Public	Intended Purpose
No Name	5-1	0.4 miles	Re-Routing Option
Easement Property connection to Jack's Camp Trail	N/A	0.3 miles	Connection to Existing Trail System on Forest Preserve
Easement Property connection to Skiff Pond Trail	N/A	0.4 miles	Connection to Existing Trail System on Forest Preserve
No Name	2-3	1.8 miles	Connects to Existing Trail System on Private Land
No Name	2-2	0.9 miles	Connects to Existing Trail System on Private Land
<b>Total Mileage Proposed</b>		<b>3.8 miles</b>	

### **Roads Providing Barrier Free Access for People of All Abilities**

The roads listed below in **Table 5** are unimproved roads, and in some cases skid trails, which will be opened annually to the specified public use according to the following conditions:

- *DEC may close any road to any or all public motorized use for any reason, at any time, by posted notice.* Violators will be prosecuted.
- Roads and trails identified for public access in Table 5 will be available for motorized access only by persons possessing a valid permit issued by the Department under Commissioner's Policy 3 (CP-3) which pertains to providing access to lands and facilities for persons with disabilities.
- These routes may be used and accessed by persons who do not possess a CP-3 permit, but they may be accessed by non-motorized means only.

**Table 5 - Roads Providing Barrier Free Access for People of All Abilities**

Road/Trail Name	Road Number	Proposed Mileage Open to Public	Proposed Public Means of Access
Access to Mountain Pond	N/A	0.5 miles	Motor Vehicles to Staging Area 340' ADA Boardwalk from Staging Area to Shoreline Dock
<b>Total Mileage Proposed</b>		<b>0.5 miles</b>	

## **Roads and Trails Providing Opportunities for Non-Motorized Users**

The roads listed below in **Table 6** are roads and trails which will be opened annually to the specified public use according to the following conditions:

- ***DEC may close any road to any or all public use for any reason, at any time, by posted notice.*** Violators will be prosecuted.
- Roads and trails specified in Table 6 will be available for year-round public non-motorized access as appropriate for conditions.
- For the purposes of Table 6, non-motorized use includes access by foot, snowshoe, and skis of any type and mountain bike.
- It is important to note that public users of the roads and trails specified in Table 6 should expect to encounter motorized traffic and/or heavy equipment associated with the landowner's forest management activities, the private camp lessee's rights of access, and/or the State's affirmative rights to provide public motorized access opportunities.
- The Kushaqua Tract is working forest; users expecting a more primitive, wilderness-type non-motorized recreation experience should focus their plans on Forest Preserve lands better suited to the type of experience they prefer.



**Table 6 - Roads and Trails Available for Public Non-Motorized Use**

Road/Trail Name	Road Number	Proposed Mileage Open to Public	Proposed Public Use
Tower Road	9	1.9 miles	Hiking/Mountain Biking Non-Motorized Winter Access
Mullins Road	10	1.6 miles	Hiking/Mountain Biking Non-Motorized Winter Access
Access to Loon Lake Mtn Trail	N/A	0.6 miles	Hiking/Mountain Biking Non-Motorized Winter Access
Easement Property connection to Sheep Meadow Trail	N/A	0.3 miles	Hiking/Mountain Biking Non-Motorized Winter Access
Easement Property connection to Grass Pond Trail	N/A	0.5 miles	Hiking/Mountain Biking Non-Motorized Winter Access
Easement Property connection to Jack's Camp Trail	N/A	0.3 miles	Hiking/Mountain Biking Non-Motorized Winter Access Snowmobiles- Winter
Easement Property connection to Skiff Pond Trail	N/A	0.4 miles	Hiking/Mountain Biking Non-Motorized Winter Access Snowmobiles- Winter
Access to North Branch Saranac River	N/A	0.06 miles	Portage on Foot
All Other Property Roads and Trails	N/A	+/- 95 miles	Hiking/Mountain Biking Non-Motorized Winter Access
<b>Total Mileage Proposed</b>		<b>+/- 100 miles</b>	

### **Logistics**

A variety of factors influence the phasing and rate at which proposed RMP projects are completed.

The state government fiscal constraints of recent years have limited the Department's ability to complete projects, however, at the same time they have opened new doors to partnership opportunities that have been effective and successful as well as sustainable. Opportunities for partnerships to assist in implementing the projects proposed in this RMP will be actively sought

and if appropriate, formalized through the Department's volunteer stewardship programs.

Actual work planning for projects proposed by this RMP is also a factor influencing project initiation and completion. Ensuring that projects are compliant with existing laws, regulations, permitting requirements and guidance documents is critical prior to initiating construction and often requires a substantial investment of time and resources.

Access, or lack thereof, also continues to be a factor that influences RMP project completion. Working forests and their infrastructure require construction and maintenance activities that are well planned and innovative. Execution of these activities requires the use of skilled equipment operators and trades people who are experienced in getting work done in the woods where conditions vary greatly from the built environment of more developed settings. In rural areas such as the where the Kushaqua Tract is situated, a limited talent pool of these type of skilled workers exists. For this reason, project completion is sometimes delayed by difficulty in retaining skilled workers to do the work. In addition, the expense of doing work can oftentimes be considerable due to factors such as terrain, drainage and seasonal conditions. Planning for projects proposed in this RMP will focus on the construction of the safest and most durable facility or improvement in the most cost effective manner possible.

When examining all of the logistical considerations and influencing factors, one that is arguably the most important is active interfacing between the Department and the landowner on a regular basis. Effective conservation easement management is only possible through the cooperation and open communication of land managers representing both parties. With this in mind, the timing and phasing of projects proposed in this RMP will give all due consideration to their potential impacts on the landowner's forest management operations and the private rights enjoyed by their lessees. Where practical and appropriate, the timing of construction and maintenance projects being conducted by the Department will be done in a manner that compliments ongoing work being conducted by the landowner. For these reasons, and due to the dynamics of completing project work in a working forest setting, priorities may change from year to year as necessity may dictate.

## **Project Implementation - Access Plan**

Projects detailed in this Access Plan are stratified by type of use, resource base and priority. A detailed implementation schedule of the projects listed here can be found in Appendix G of this RMP. Primary priority projects are intended to be completed in the first five years following adoption of this RMP. Secondary priority projects are intended to be completed in years five through ten and tertiary priority projects will be addressed through future RMPs subsequent to the amendment process.

### **Projects Requiring RMP Approval Only**

#### **Access to Ponds and Streams**

- Designate and sign a portage access from the existing North Branch Road parking area to the river bank of the North Branch of the Saranac.
- Designate put-in locations for the launching of non-motorized water craft (canoes and kayaks) on the North Branch of the Saranac River and Hays Brook. Construct improvements as dictated by site conditions to minimize the potential for resource degradation as a result of sustained public use.
- Construct a barrier free transition dock on the shoreline of Mountain Pond for the purpose of serving both non-motorized and motorized paddlers and boaters.

#### **Road Maintenance, Repair and Upgrade- Motorized Access**

- Maintain, repair and/or upgrade all or part of the Multiple Access Roads, specified in Table 1 on Page 32 of this RMP, as necessary to open them for public motor vehicle, ATV and Snowmobile use. Potential partnership opportunities that may assist in the completion and upkeep of these projects will be fully explored.
- Maintain, repair and/or upgrade all or part of roads # 2-3 and 5-1 as necessary to open them for snowmobile riding on trails maintained by a tracked groomer. Potential partnership opportunities that may assist in the completion and upkeep of this project will be fully explored.
- Maintain, repair and/or upgrade all or part of the Limited Use ATV Roads for Enhanced Sporting Season Access, specified in Table 2 on Page 34 of this RMP, as necessary to open them for public ATV use. Potential partnership opportunities that may assist in the completion and upkeep of these projects will be fully explored.

- Maintain, repair and/or upgrade 0.4 miles of existing roads and skid trails to access a staging area near Mountain Pond. Approximately 190 feet of new vehicle road will need to be constructed between the end of the upgraded existing road to the staging area. A two vehicle parking area, for exclusive parking by people with disabilities possessing a valid CP-3 permit issued by the Department, will be constructed at the staging area. Members of the public who do not possess a CP-3 permit will be permitted to drop off and retrieve watercraft, equipment and group members at the staging area, but they will be required to park their vehicle in the designated parking area on Road # 2-2 and travel back and forth to the staging area on foot. A barrier free boardwalk will extend approximately 340 feet from the staging area to the shoreline of Mountain Pond where a barrier free transition dock will be constructed.
- Erect gates and barriers as needed to manage public motorized use of the property.

### **Public Parking Facilities**

- Construct a designated parking area with a five vehicle capacity adjacent to the Hunter's Camp Road (road #3). Place an informational kiosk and trailhead register box at the parking area for the purpose of visitor use management.
- Construct a designated parking area with a five vehicle capacity at a former log landing on the eastern terminus of the Loon Lake Mountain Road (Road # 5-3). Place an informational kiosk and trailhead register box at the parking area for the purpose of visitor use management.
- Construct a designated parking area with a five vehicle capacity to serve the Mountain Pond access site. Place an informational kiosk and trailhead register box at the parking area for the purpose of visitor use management.
- Construct a designated parking area with a three vehicle capacity adjacent to the Hays Brook access site. Place an informational kiosk and trailhead register box at the parking area for the purpose of visitor use management.
- Construct a designated parking area with a five vehicle capacity on the UnNamed Ponds road to serve recreational users accessing the north-central portion of the property. Place an informational kiosk and trailhead register box at the parking area for the purpose of visitor use management.

### **Fisheries Resources**

- The Department's Bureau of Fisheries will develop and execute a trout stocking plan for Mountain Pond.

- The Department's Bureau of Fisheries will assess the UnNamed Ponds for their suitability to be managed as a trout fishery. If the ponds are found to be suitable trout waters, the bureau will develop and execute a trout stocking plan. In the event that a viable trout fishery is established, the Division of Lands and Forests will develop access accommodations at the UnNamed Ponds location that are similar in nature to those currently proposed in this RMP for the Mountain Pond location.

### **Public Information**

- Pertinent and periodically updated information regarding existing, open, access opportunities on the property will be made available to the public on the DEC website.

### **Projects Requiring Both RMP Approval and Forest Preserve UMP Approval**

- Initiate construction of a designated cross-country ski trail connecting the property road and trail system to the Grass Pond Trail on the adjacent Debar Mountain Wild Forest (DMWF) lands. Under this RMP, construction will focus on building trail from the existing road and trail network to the property boundary with the DMWF Forest Preserve lands that are accessed through the Hays Brook Horse Trail assembly area. As planned, the trail connection on easement property would begin at a yet-to-be determined location off of the Hunter's Camp Road (road #3). Completion of the connection between the property boundary and the existing terminus of the present-day Grass Pond trail will be subject to its inclusion and adoption as part of the DMWF Unit Management Plan (UMP). If and when a full connection materializes, monitoring for potential visitor use conflicts between skiers and motorized users, as well as potential re-routing of users, may become necessary. Potential partnership opportunities that may assist in the completion and upkeep of this project will be fully explored.
- Initiate construction of a designated cross-country ski trail connecting the property road and trail system to the Sheep Meadow Trail on the adjacent Debar Mountain Wild Forest (DMWF) lands. Under this RMP, construction will focus on building trail from the existing road and trail network to the property boundary with the DMWF Forest Preserve lands that are accessed through the Hays Brook Horse Trail assembly area. As planned, the trail connection on easement property would begin at the location currently proposed for the Hays Brook fishing access (see Appendix C). Completion of the connection between the property boundary and the existing terminus of the present-day Sheep Meadow trail will be subject to its inclusion and adoption as part of the DMWF Unit Management Plan (UMP). If and when a full connection materializes, monitoring for potential visitor use conflicts between skiers and motorized users, as well as potential re-routing of users, may become necessary. Potential partnership opportunities that may assist in the completion and upkeep of this project will be fully explored.

- Initiate construction of a designated groomed snowmobile trail connecting the property road and trail system to an existing groomed snowmobile riding trail on the adjacent Debar Mountain Wild Forest (DMWF) lands. Under this RMP, construction will focus on building trail from the existing property road and trail network to the property boundary with the DMWF Forest Preserve lands that are accessed through Meacham Lake Campground and the former Debar Mountain Game Refuge (aka Debar Meadows). As planned, the trail connection on easement property would begin at a yet-to-be determined location, on either road #1 or road #5-4, somewhere near their respective northern termini. Routing options pertaining to this action are conceptually laid out in Appendix C of this RMP. Completion of the connection between the property boundary and the present-day Jack's Camp or Skiff Pond trails will be subject to their inclusion and adoption as part of the DMWF Unit Management Plan (UMP). If and when an actual trail connection materializes, routing options from the Forest Preserve boundary east through the Kushaqua Tract will need to be fully explored and implemented in a timely fashion that gives due consideration to safety, practicality and resource protection. Potential partnership opportunities that may assist in the completion and upkeep of this project will be fully explored.

# Proposed Public Recreation Facilities and Improvements

## Phasing

When the facilities and improvements proposed in this RMP will actually be built is subject to a variety of factors. The most logical prioritization of facility and improvement construction is directly tied to access. As access roads and trails become open to the public, the priority facility(s) or improvement(s) for construction will be those served by the open access. Site plans for these facilities are found in Appendix C of this RMP. Opportunities to both open access and construct facilities in a consolidated project will be actively sought and implemented as they become available subject to the availability of resources. Potential partnership opportunities that may assist in the completion and upkeep of these projects will be fully explored.

## Facility and Improvement Descriptions

### **Hays Brook Access Site**

This site is intended to provide public paddling, fishing, hunting and wildlife viewing opportunities in a remote and scenic stream valley. This opportunity is best suited for experienced back country paddlers who are accustomed to hauling their boats over beaver dams and navigating narrow, shallow stream channels. A three vehicle parking area will be constructed adjacent to the North Branch-Hays Brook Road (road #1). There will be a short portage from the parking area to the designated access points on the stream bank. As site conditions dictate, the Department may harden and define the access point to mitigate resource degradation. A register box and kiosk will be erected at the access point in an effort to track visitor use and inform users.

### **Mountain Pond Access Site**

This site is intended to provide public boating (paddle craft and small boats with electric motors) fishing, hunting and wildlife viewing opportunities on a small pond.

Approximately 0.4 miles of existing unimproved roads and skid trails will be upgraded to a motor vehicle road standard and approximately 190 feet of new vehicle road will need to be constructed for the purpose of accessing a staging area near Mountain Pond.

An accessible two vehicle parking area, for exclusive parking by people with disabilities possessing a valid CP-3 permit issued by the Department, will be constructed at the staging area. Members of the public who do not possess a CP-3 permit will be permitted to drop off and retrieve watercraft, equipment and group members at the staging area, but they will be required to park their vehicle in the designated parking area on Road # 2-2 when using this facility.

A barrier free boardwalk will extend approximately 340 feet from the staging area to the

shoreline of Mountain Pond where a barrier free transition dock will be constructed. Wetland issues in this phase of the project may necessitate permitting. A register box and kiosk will be erected at the start of the boardwalk in an effort to track visitor use and inform users.

### **North Branch Saranac River Access Site**

This site is intended to provide public paddling, fishing, hunting and wildlife viewing opportunities in a scenic, slow-moving stream valley. This opportunity is best suited for novice to expert paddlers. Some obstructions to the stream channel may be encountered from time to time and beaver dams are often present. A five vehicle parking area has already been constructed adjacent to the North Branch-Hays Brook Road (road #1). A short portage will be designated from the parking area to the designated access point on the stream bank. As site conditions dictate, the Department may harden and define the access point to mitigate resource degradation. A register box and kiosk have already been erected at the access point in an effort to track visitor use and inform users.

### **Grass Pond Trail Connection**

This project is ultimately intended to provide a 1.4 mile public foot, ski and mountain bike access from the easement property to the existing Grass Pond trail situated in the adjacent Forest Preserve lands. As ultimately envisioned, this trail would become part of a network of similar trails providing potential one-day and multi-day backcountry hiking and ski trips. At final build-out when the trail connection has been completed and opened, public parking needs will be served best by the existing Hays Brook Assembly Area parking lot on State Route 30 north of Paul Smiths. For the purposes of the easement portion of the project, a trail, approximately 0.5 miles long, will be constructed between the easement/Forest Preserve common boundary and a point on the Hunter's Camp Road (road #3).

### **Sheep Meadow Trail Connection**

This project is ultimately intended to provide a 1.8 mile public foot, ski and mountain bike access from the easement property to the existing Sheep Meadow trail situated in the adjacent Forest Preserve lands. As ultimately envisioned, this trail would become part of a network of similar trails providing potential one-day and multi-day backcountry hiking and ski trips. At final build-out when the trail connection has been completed and opened, public parking needs will be served best by the existing Hays Brook Assembly Area parking lot on State Route 30 north of Paul Smiths. For the purposes of the easement portion of the project, a trail, approximately 0.3 miles long, will be constructed between the existing stream crossing at the proposed Hays Brook Access Point to the easement/Forest Preserve common boundary



## **Forest Preserve Snowmobile Trail Connection**

This project is ultimately intended to provide a groomed public snowmobile trail connection from the easement property to either the existing Jack's Camp snowmobile trail or the existing Skiff Pond snowmobile trail, both of which are situated in the adjacent Forest Preserve lands. In addition to motorized usage, the trail will also furnish opportunities for hiking and mountain biking in the spring, summer and fall months. This trail will provide an important community connection from the Meacham Lake area to the Onchiota area and other communities to the south and west. In addition, the construction and ultimate opening of this connection will create a safer, more attractive snowmobile route by eliminating a number of miles where snowmobiles, groomers, cars, trucks and snowplows currently share the use of plowed public highways during the winter months. For the purposes of the easement portion of the project, a trail, approximately 0.3 miles long for the Jack's Camp route option or, approximately 0.4 miles for the Skiff Pond route option, will be constructed between the easement/Forest Preserve common boundary and a point on either the North Branch-Hays Brook Road (road #1) or the UnNamed Ponds Road (road # 5-4). Routing options will strive to direct public traffic around or away from private lease camps situated in that area.

## **Camping Sites**

Twelve camping sites have been designated for public use under this RMP. A map detailing the location of designated campsites can be found in Appendix C of this RMP. The map details conceptual locations which may change based on field reconnaissance and implementation of Best Management Practices (BMPs). The Department will consider the development of additional designated camping sites on the property through future RMP amendment processes. Future RMP amendments will likely focus on the addition of more primitive and remote tent camping sites where appropriate.

Campsites will be designated using a standard Department campsite marker. Each campsite will feature a fire ring and an outhouse. Four designated campsites will be constructed with facilities and improvements that are compliant to ADA standards. To the extent practicable, the four universally accessible campsites will be given priority for construction, provided the site conditions of the chosen campsite location are appropriate and conducive to a campsite of that nature. Under this RMP, five of the designated sites will be for tent campers only. The remaining seven sites will be designed to accommodate tow-behind camper trailers and recreational vehicles that don't exceed twenty feet in total length.

Public campers will need to obtain a camping permit from the local Forest Ranger if their intended stay is over three days in length or if their party exceeds ten total members staying overnight. Camping permits will be issued for the duration of the hunting season as is permitted on some Forest Preserve campsites in the local area, however, campers on the easement property may be subject to eviction from their site by Department staff, at any time, with as much reasonable notice as is possible, in cases of poor or deteriorating weather, road or access conditions.

The Department will manage public camping on this property under a policy of “Camping at Designated Sites Only”. Management will focus on the minimum tool approach to management, however, special regulations may be considered if a need becomes evident.

### **Parking Areas**

A total of 6 designated parking areas have been proposed for new construction under this RMP. A map detailing the location of designated parking areas on the property may be found in Appendix C of this RMP. With the exception of the two existing parking areas at the Loon Lake Mountain Trailhead and the North Branch Road, the map details conceptual locations of parking areas; as-built parking areas will be located subject to field reconnaissance and BMPs.

## **Approval of Recreation Management Plan For Kushaqua Tract Conservation Easement on Lyme Adirondack Timberlands I Property**

The State of New York, by and through its Department of Environmental Conservation (DEC) is the named Grantee and will be the holder of a Conservation Easement granted by International Paper Corporation, and which shall be recorded in the Offices of the County Clerk for Franklin County. The Property encumbered by this Conservation Easement (Protected Property) is approximately 18,998 acres in size, with frontage on the North Branch Road and Franklin County Route 26, and is located in the Towns of Brighton and Franklin in the County of Franklin, more particularly described in Schedule A of the Conservation Easement.

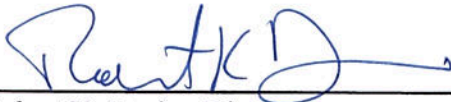
Grantee has developed a Recreation Management Plan (RMP) for Public Recreational Use of the Protected Property. Grantee considers the attached RMP to comply with the terms and conditions of the Conservation Easement. The attached RMP is submitted to Grantor to review the “plan” as a vehicle for Grantee’s implementation of its Affirmative Rights in compliance with the Conservation Easement.

Upon completion of Grantor’s review, Grantor will approve this Recreation Management Plan as being in compliance with the Conservation Easement and sign below as an indication of Grantor’s approval of the Recreation Management Plan.

## APPROVAL DECLARATION

NYSDEC has responsibility for managing public access and recreation on Lyme Adirondack Timberlands Kushaqua Tract Conservation Easement property, in accordance with the content of the conservation easement. The Parties agree that this Recreation Management Plan is consistent with the terms, conditions, and purposes of the conservation easement and reviewed/approved for implementing the public recreation program on Lyme Adirondack Timberlands Kushaqua Tract Conservation Easement.

Notwithstanding the foregoing, should any discrepancies arise between the RMP and the Conservation Easement, the Conservation Easement will prevail.



Robert K. Davies, Director  
Division of Lands & Forests

3/9/16

Date

This RMP has been reviewed/approved by the Property Owner or designee:



Sean Ross, Director of Forestry Operations  
The Lyme Timber Company

3/3/16

Date

## **Appendices**

Appendix A- General Information Maps

Appendix B- Motorized and Non-Motorized Access Maps

Appendix C- Public Recreation Facilities and Improvements

Appendix D- Water Resources and Wetlands Map

Appendix E- SEQR

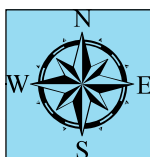
Appendix F- Public Comment Responsiveness Document

Appendix G- Implementation Schedule

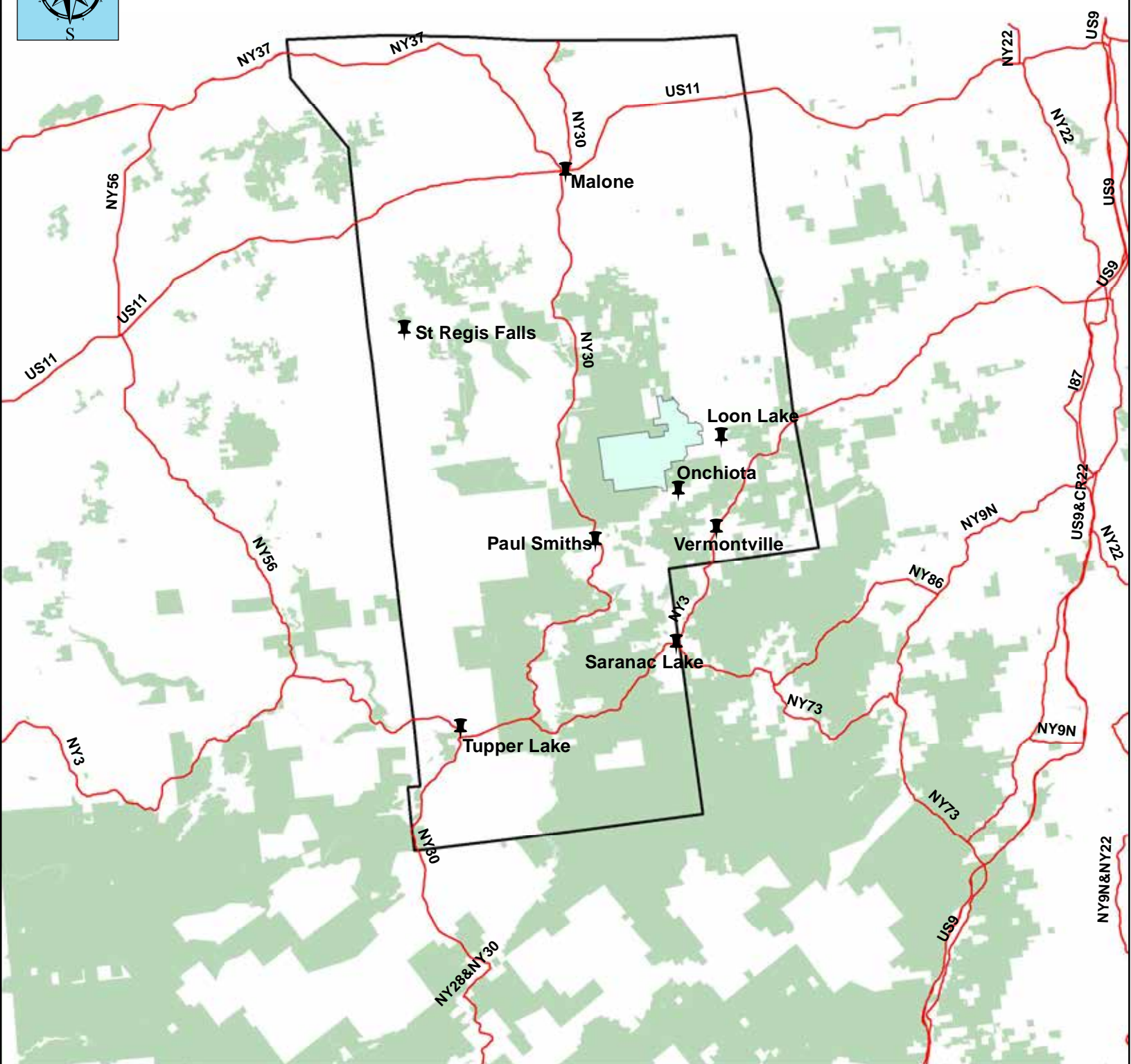
Appendix H- Road Standards

## Appendix A - General Information Maps

**Appendix A-1  
General Location Map**






0 5 10 20 Miles

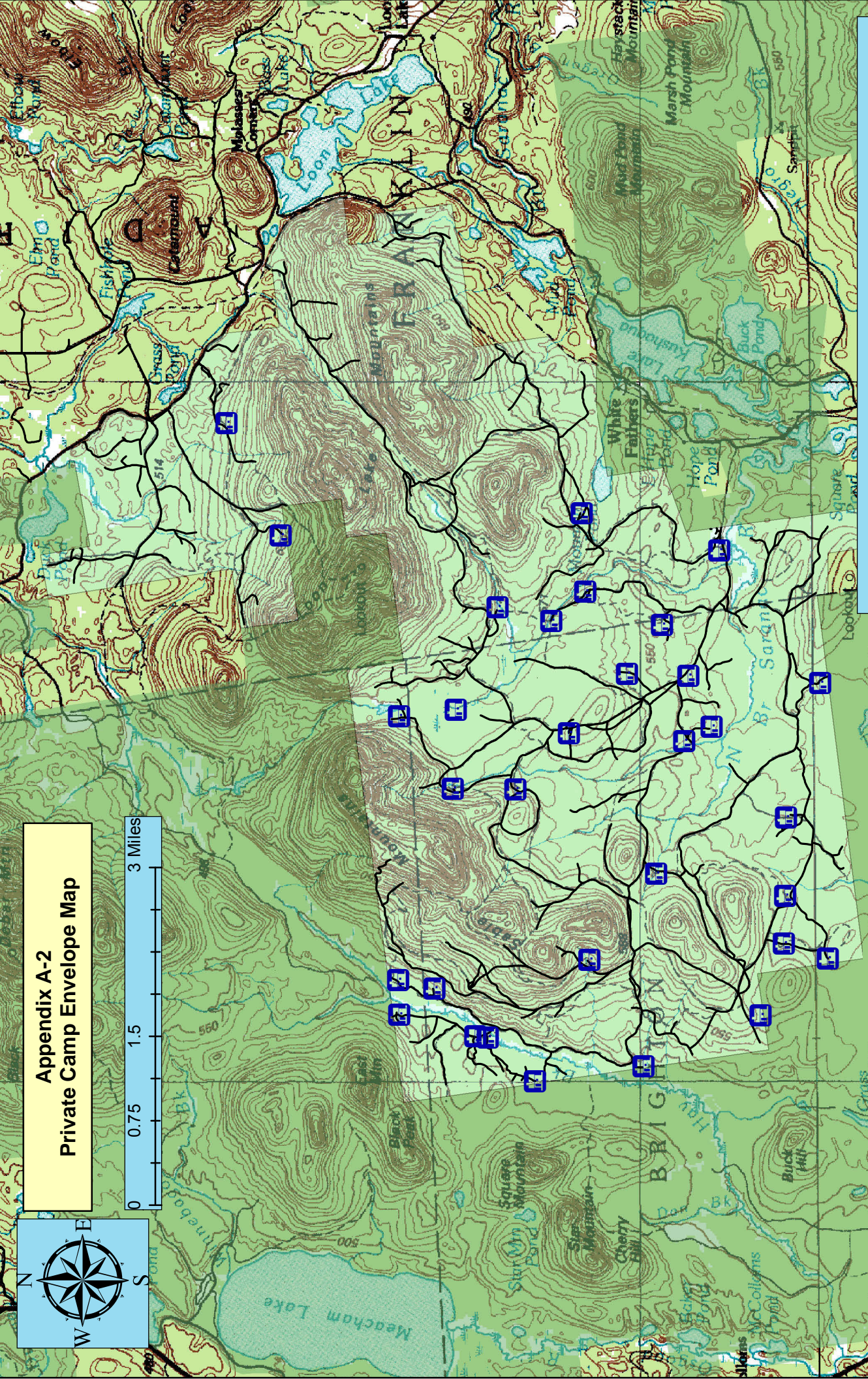


**Kushaquua Tract Conservation Easement  
Recreation Management Plan  
General Location Map  
April 2015**

**Legend**

-  Kushaquua Tract Conservation Easement
-  State-Owned Forest Lands
-  Franklin County, New York





Appendix A-2  
Private Camp Envelope Map



**Legend**

- Occupied 1 acre Camp Envelope Location
- Kushaqua Tract Transportation Network- Gravel/Winter/Skid Trails
- Kushaqua Tract Conservation Easement
- Debar Mountain Wild Forest

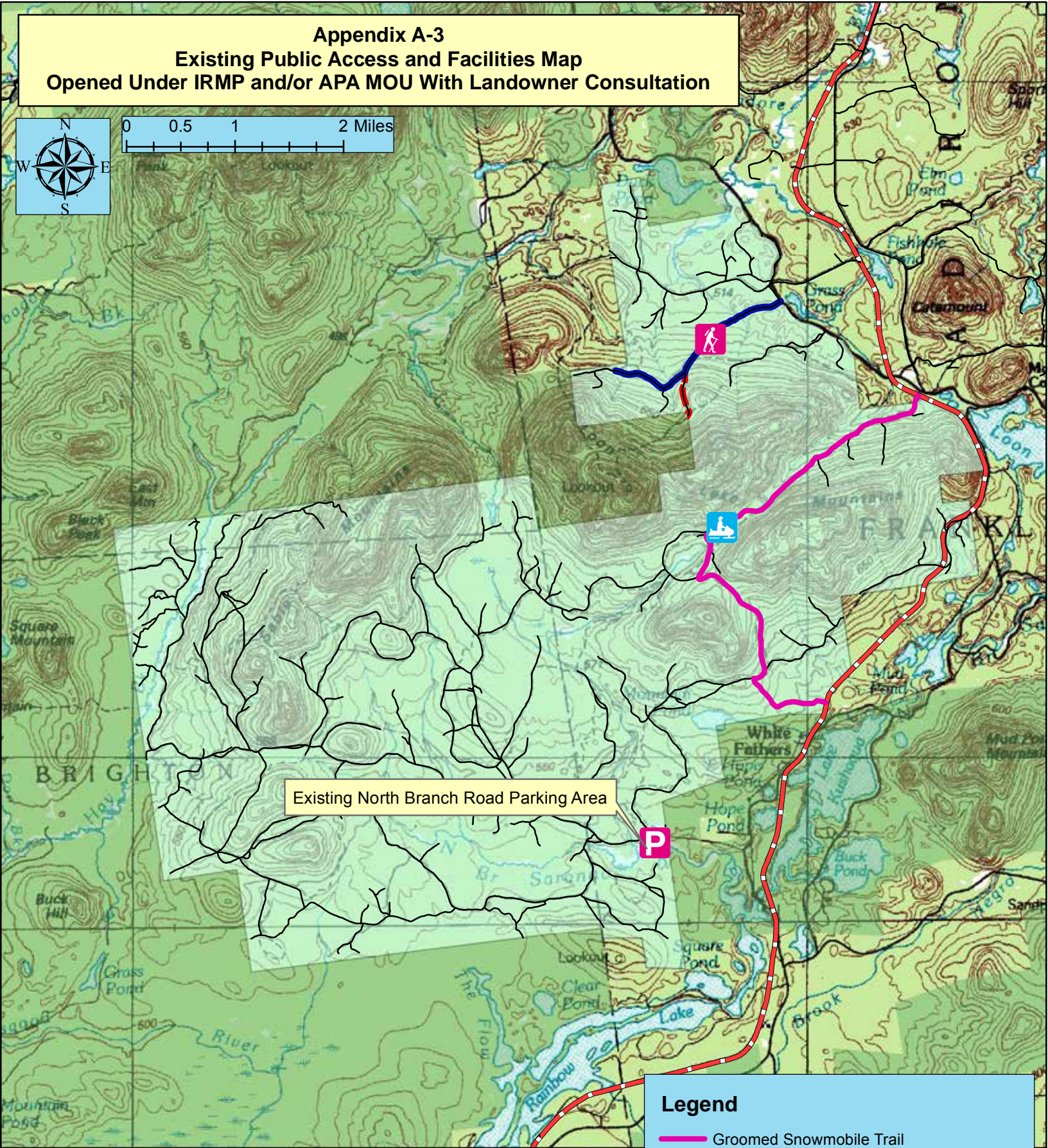
**Kushaqua Tract Conservation Easement  
Recreation Management Plan  
Private Camp Envelope Map**



**Appendix A-3**  
**Existing Public Access and Facilities Map**  
**Opened Under IRMP and/or APA MOU With Landowner Consultation**



0 0.5 1 2 Miles



Existing North Branch Road Parking Area

**Legend**

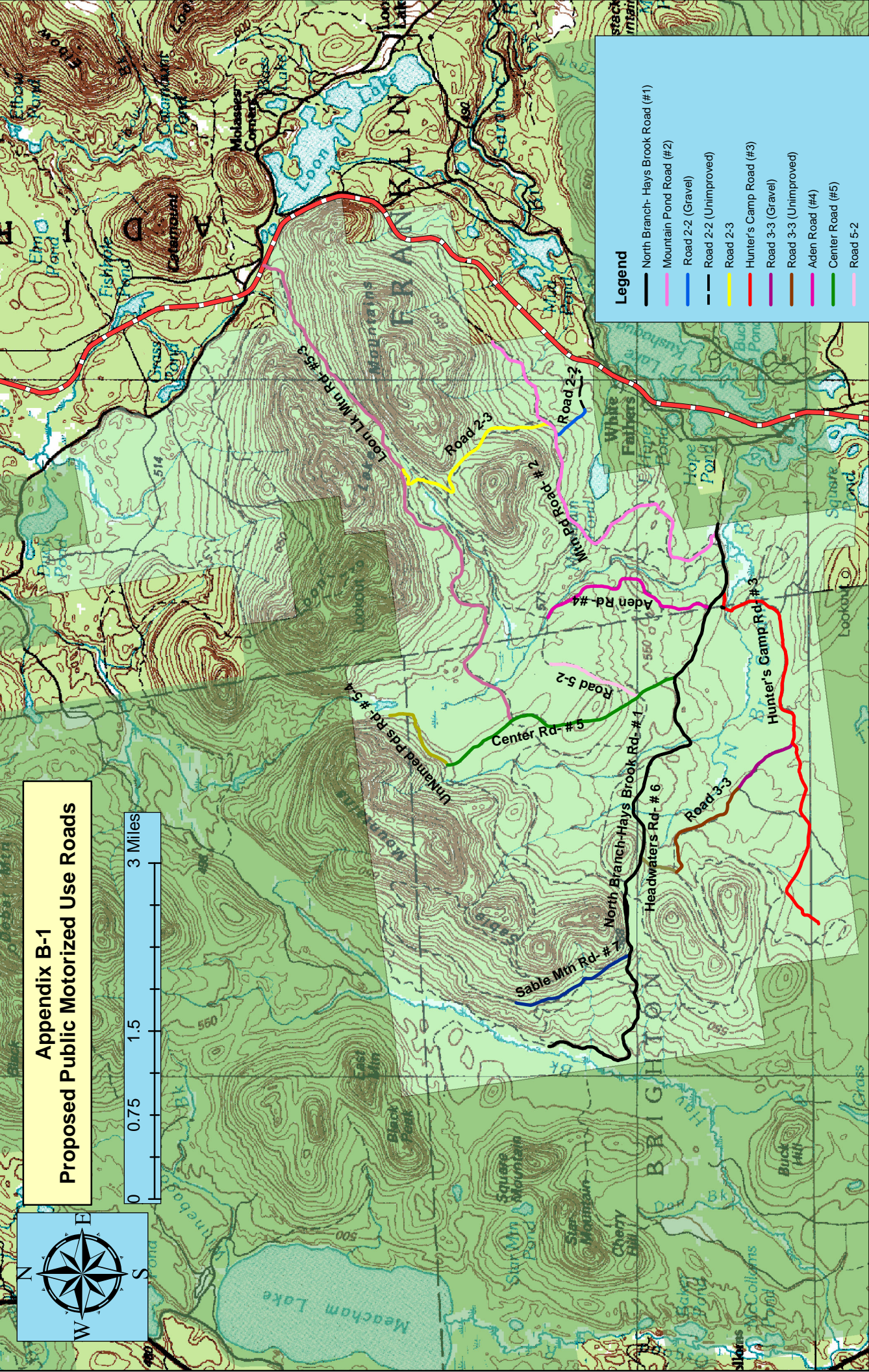
- Groomed Snowmobile Trail
- Debar Mountain Wild Forest
- Kushaqua Tract Conservation Easement
- Kushaqua Tract Easement Roads
- Tower Road (#9)
- - - Existing Loon Lk Mtn Trail
- · - · - OPRHP C7 Groomed Snowmobile Corridor

**Kushaqua Tract Conservation Easement**  
**Recreation Management Plan**  
**Existing Public Access and Facilities Map**  
**April 2015**



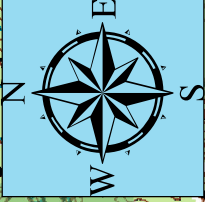
## Appendix B - Motorized and Non-Motorized Access Maps



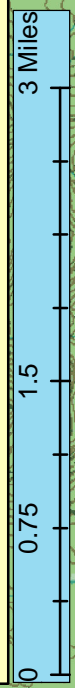


# **Kushaqua Tract Conservation Easement Recreation Management Plan Proposed Motorized Use Roads Map June 2014**





# Appendix B-2 Roads to Opened to Public Motor Vehicles, ATVs and Snowmobiles per RMP Access Plan



**Legend**

Camps- Existing or Approved Location- 1 acre PRIVATE

Open to Public Motor Vehicles/ATVs/Snowmobiles According to RMP Access Plan

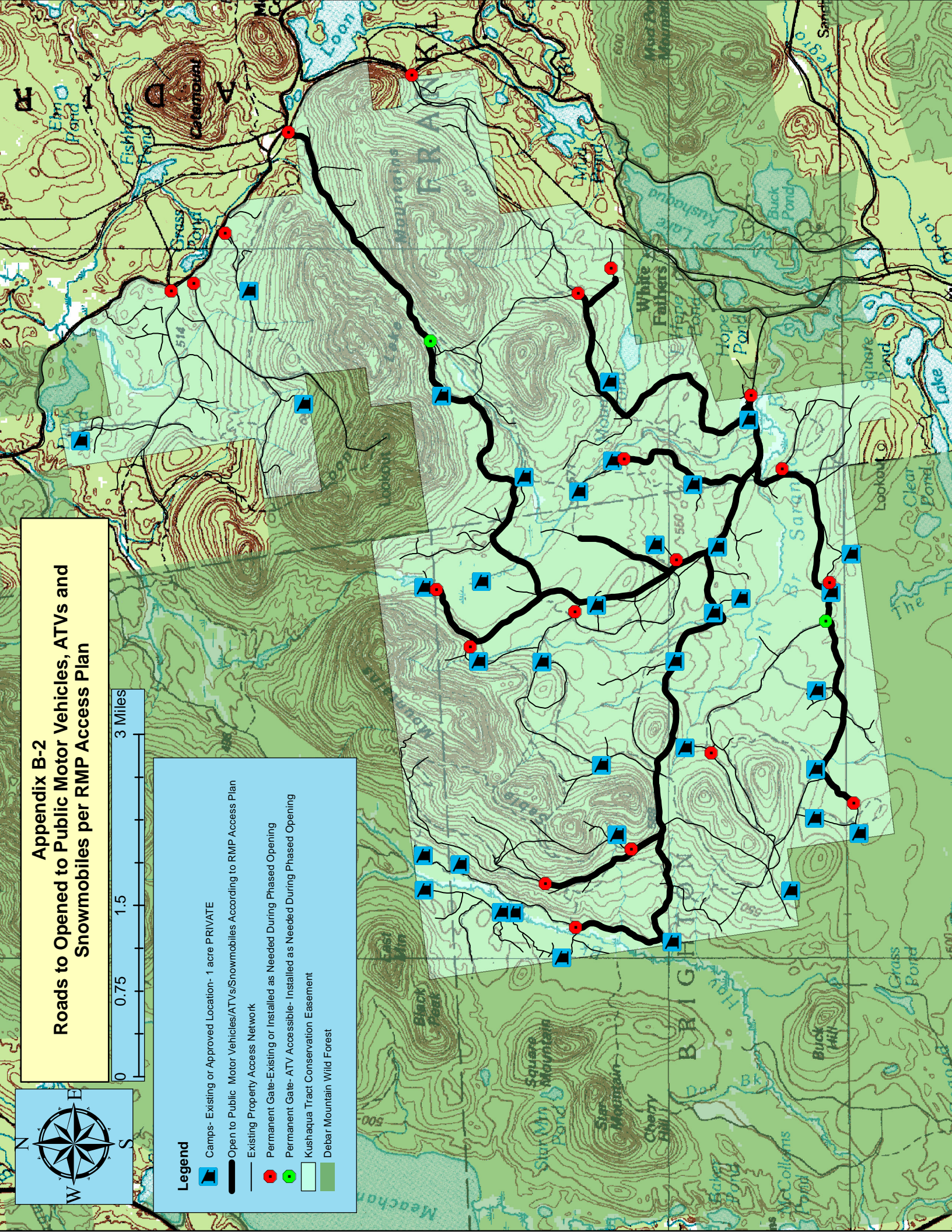
Existing Property Access Network

Permanent Gate-Existing or Installed as Needed During Phased Opening

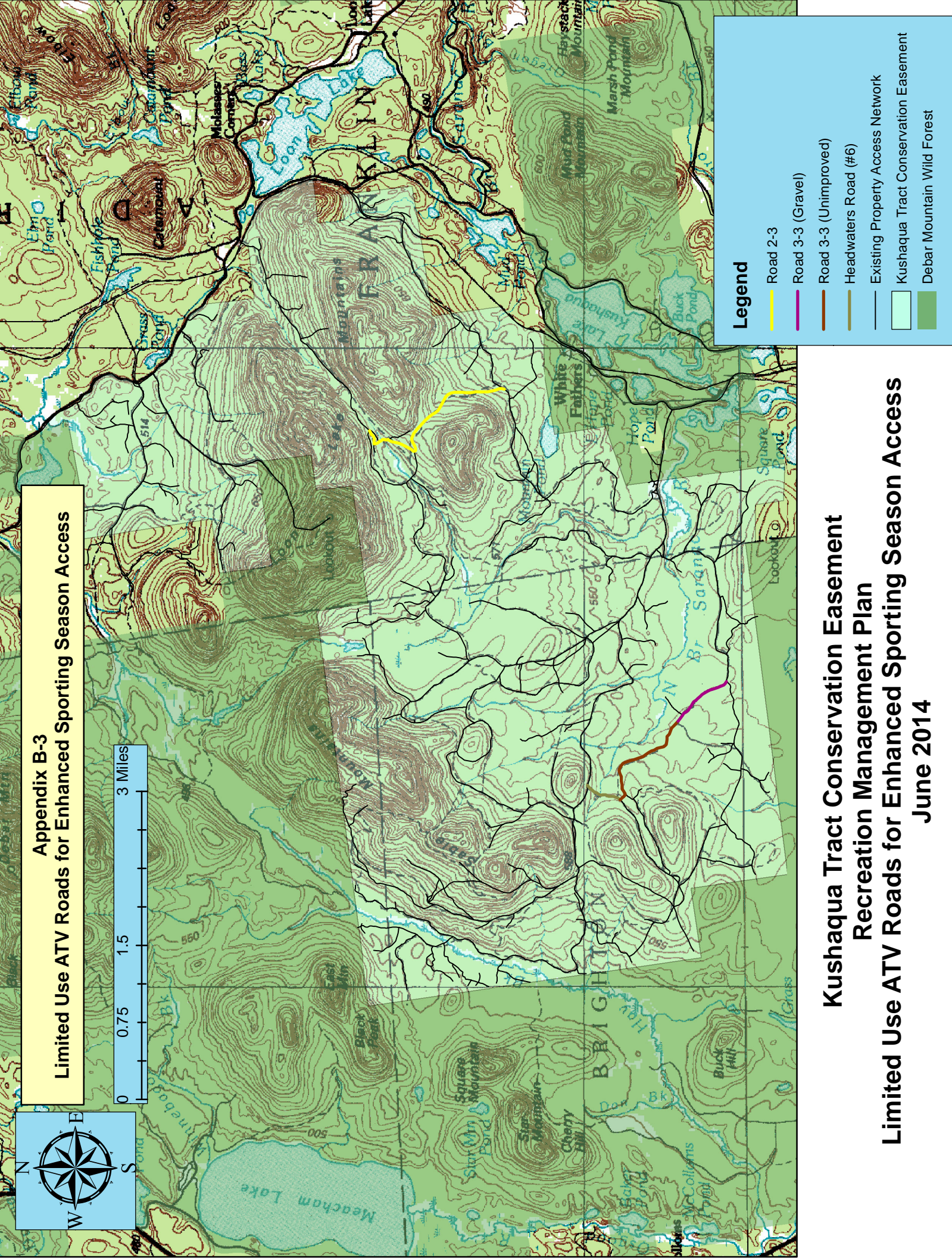
Permanent Gate- ATV Accessible- Installed as Needed During Phased Opening

Kushaqua Tract Conservation Easement

Debar Mountain Wild Forest





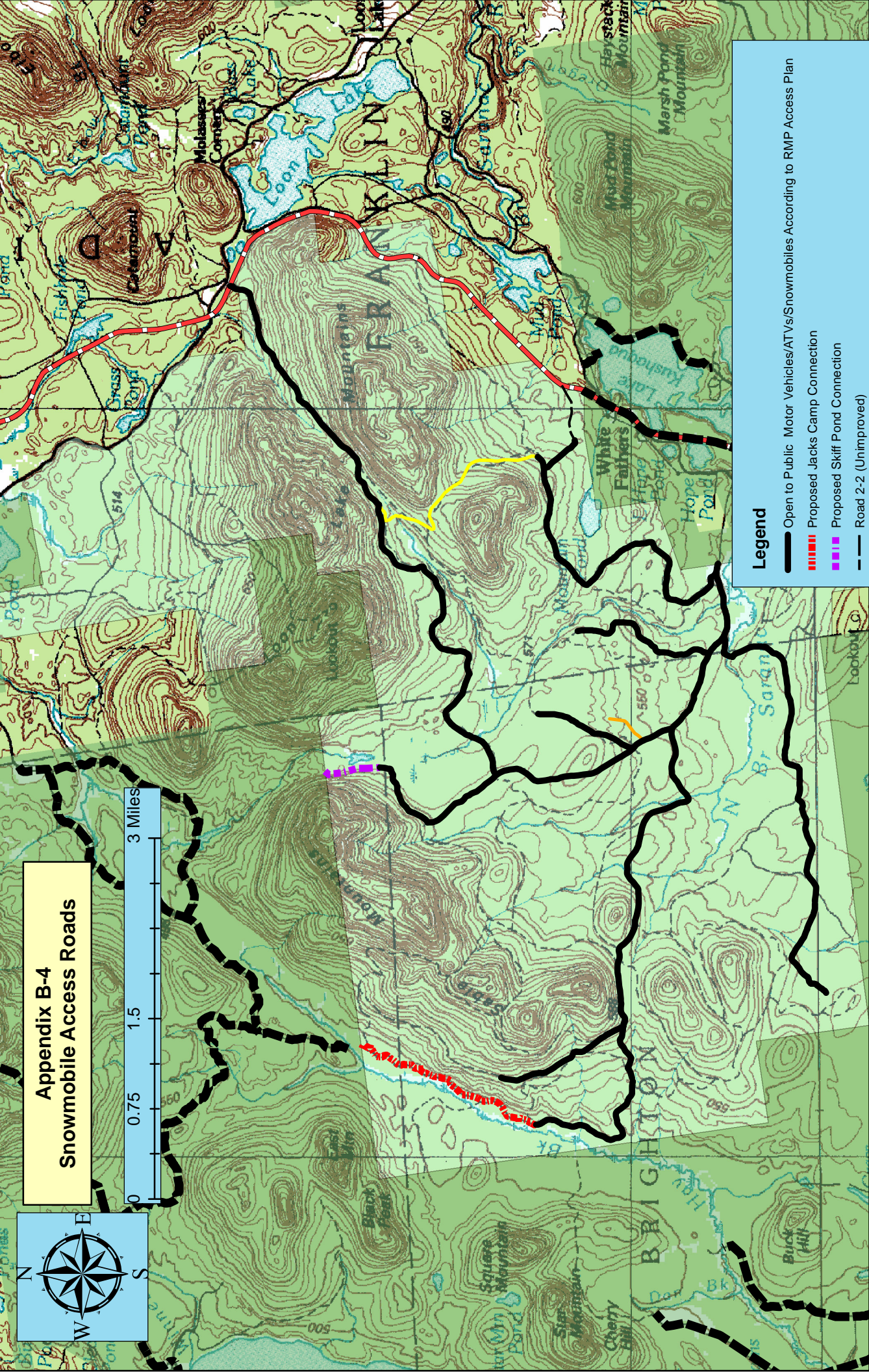


## Appendix B-3

### Limited Use ATV Roads for Enhanced Sporting Season Access

# Kushaqua Tract Conservation Easement Recreation Management Plan Limited Use ATV Roads for Enhanced Sporting Season Access June 2014





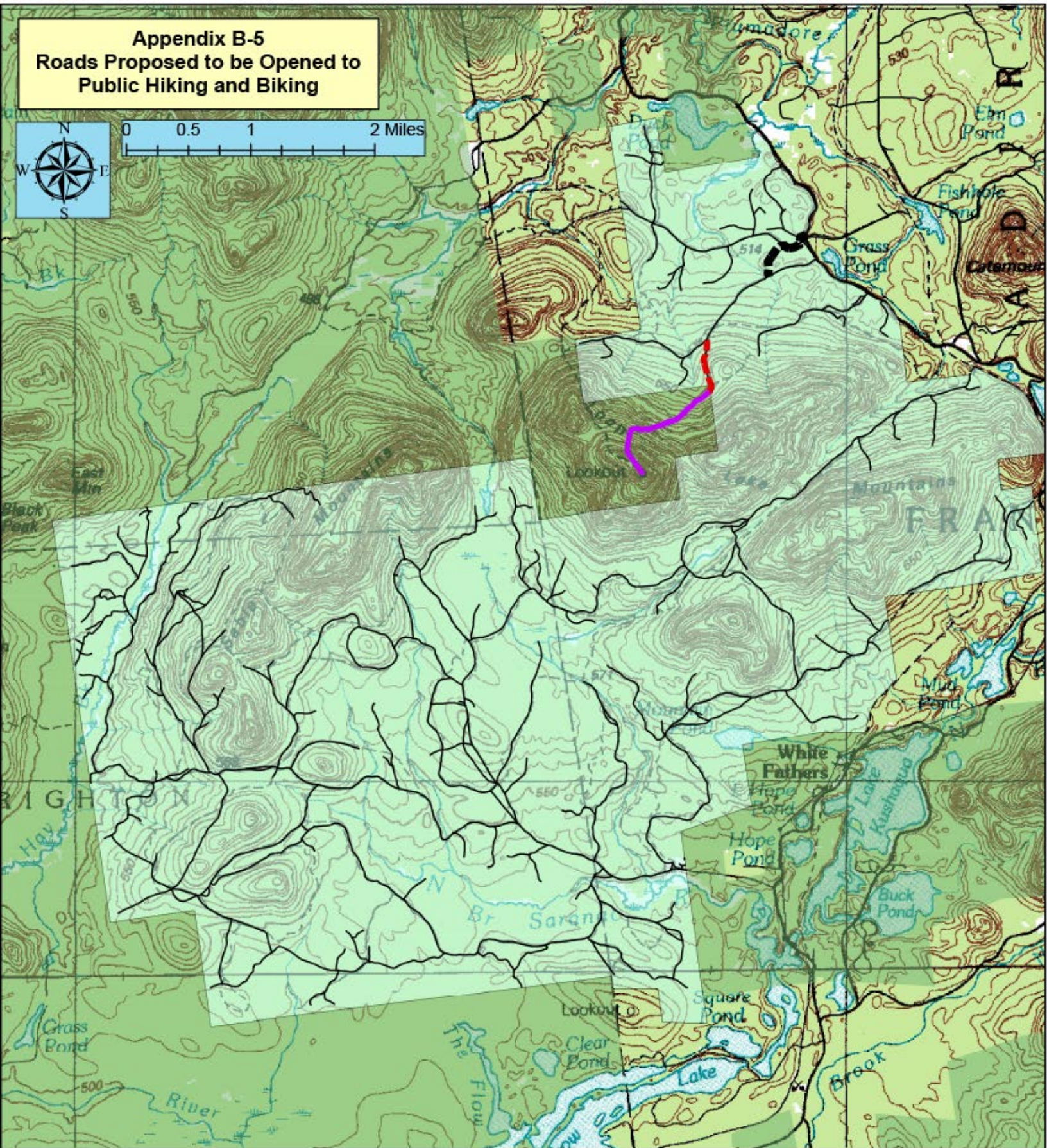
# **Kushaqua Tract Conservation Easement Recreation Management Plan Snowmobile Access Roads June 2014**



**Appendix B-5**  
**Roads Proposed to be Opened to**  
**Public Hiking and Biking**



0 0.5 1 2 Miles



**Kushaqua Tract Conservation Easement**  
**Recreation Management Plan**  
**Proposed Public Hiking and Biking Roads**  
**March 2013**

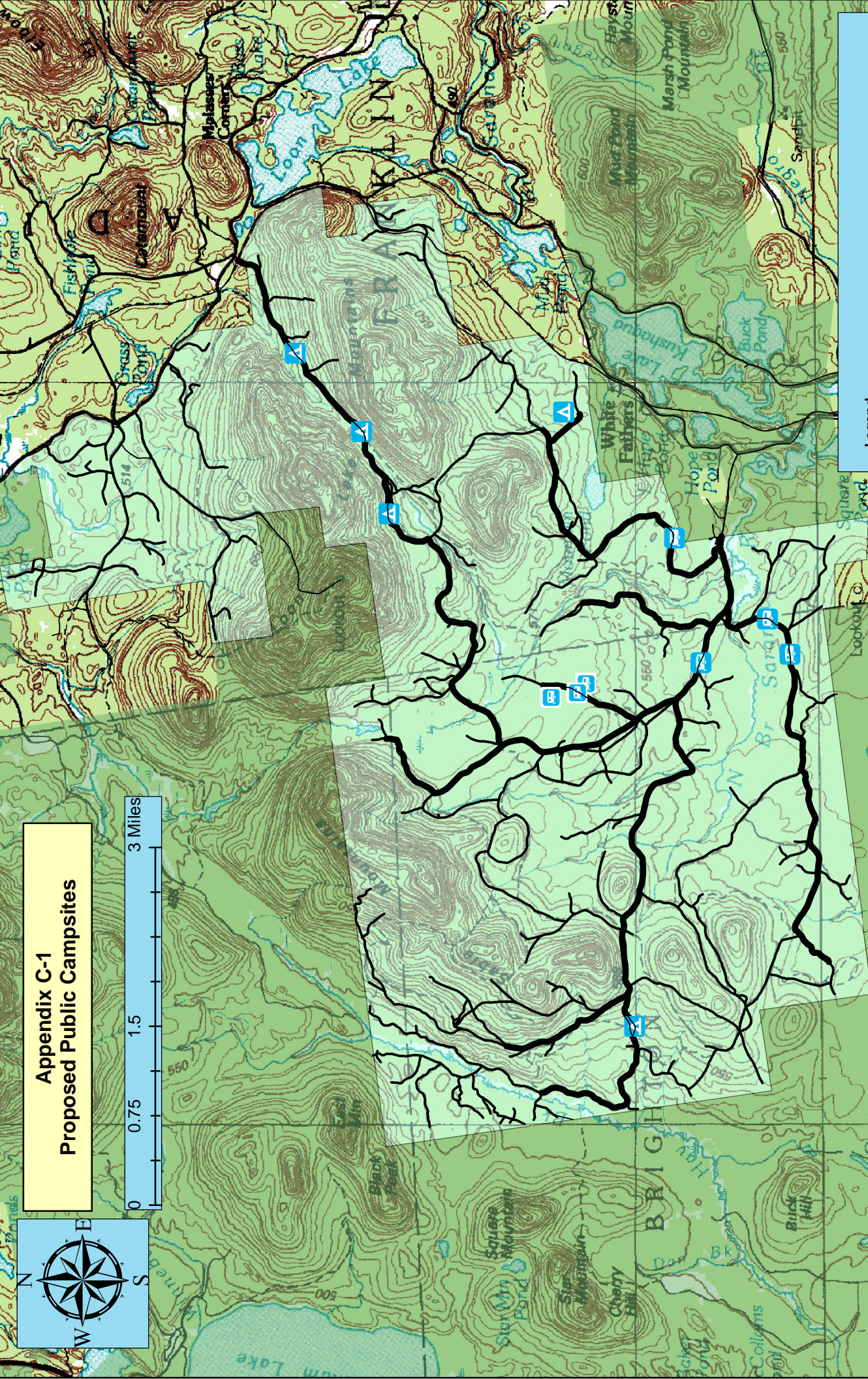
**Legend**

- Roads open to Public Hiking and Biking
- Debar Mountain Wild Forest
- Kushaqua Tract Conservation Easement
- Proposed Access to Loon Lk Mtn Trail-Hiking Only
- Existing Loon Lk Mtn Trail on Kushaqua Tract-Hiking Only
- Loon Lake Mtn Trail- Debar Mtn Wild Forest



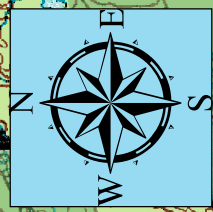
## Appendix C - Public Recreation Facilities and Improvements



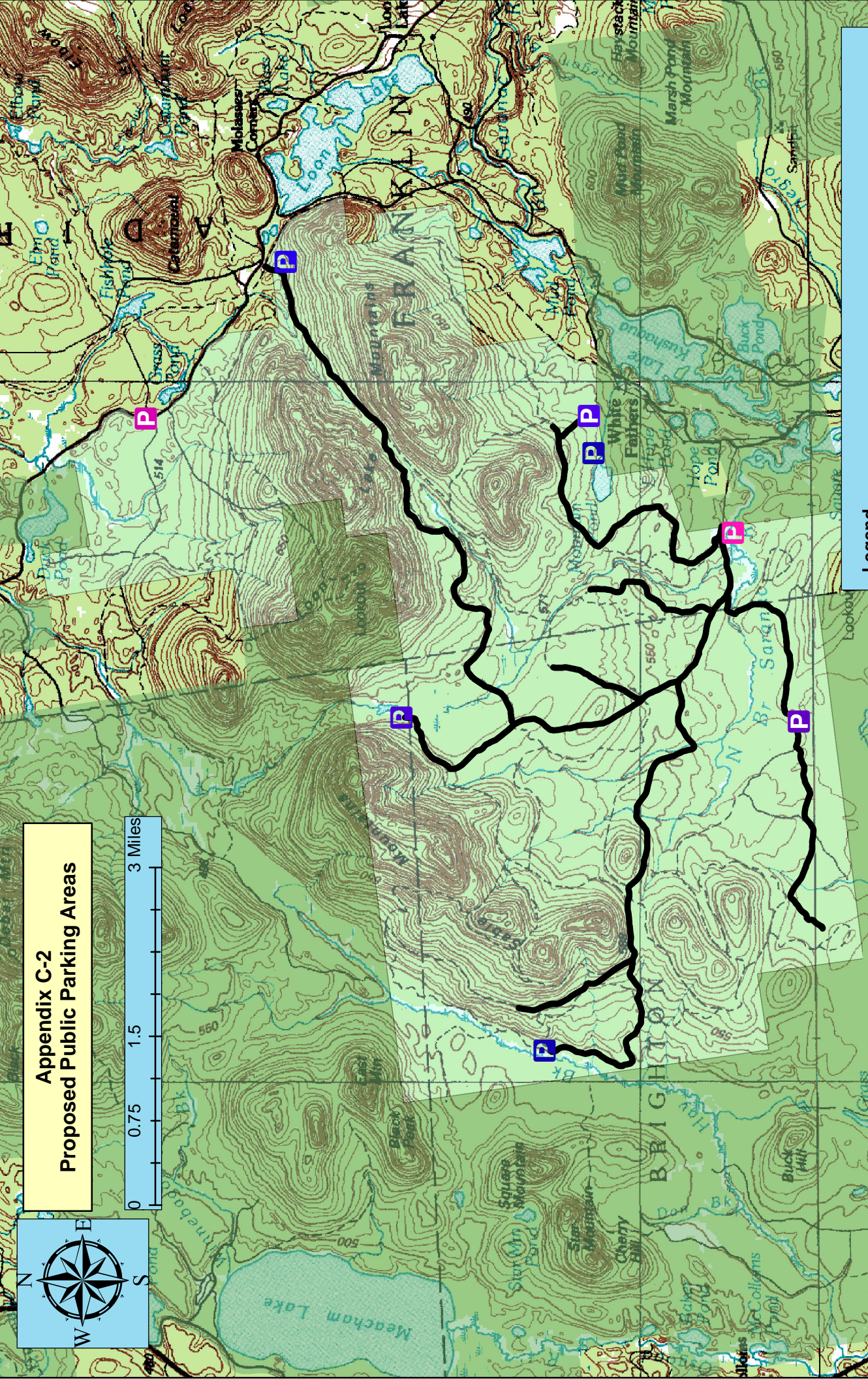
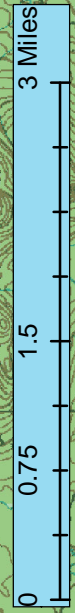


# **Kushaqua Tract Conservation Easement Recreation Management Plan Proposed Public Campsites June 2014**





**Appendix C-2**  
**Proposed Public Parking Areas**



**Legend**

- Proposed Designated Parking Areas
- Existing Public Parking Area
- Open to Public Motor Vehicles/ATVs/Snowmobiles According to RMP Access Plan
- Kushaqua Tract Conservation Easement
- Debar Mountain Wild Forest

**Kushaqua Tract Conservation Easement**  
**Recreation Management Plan**  
**Proposed Public Parking Areas**  
**June 2014**

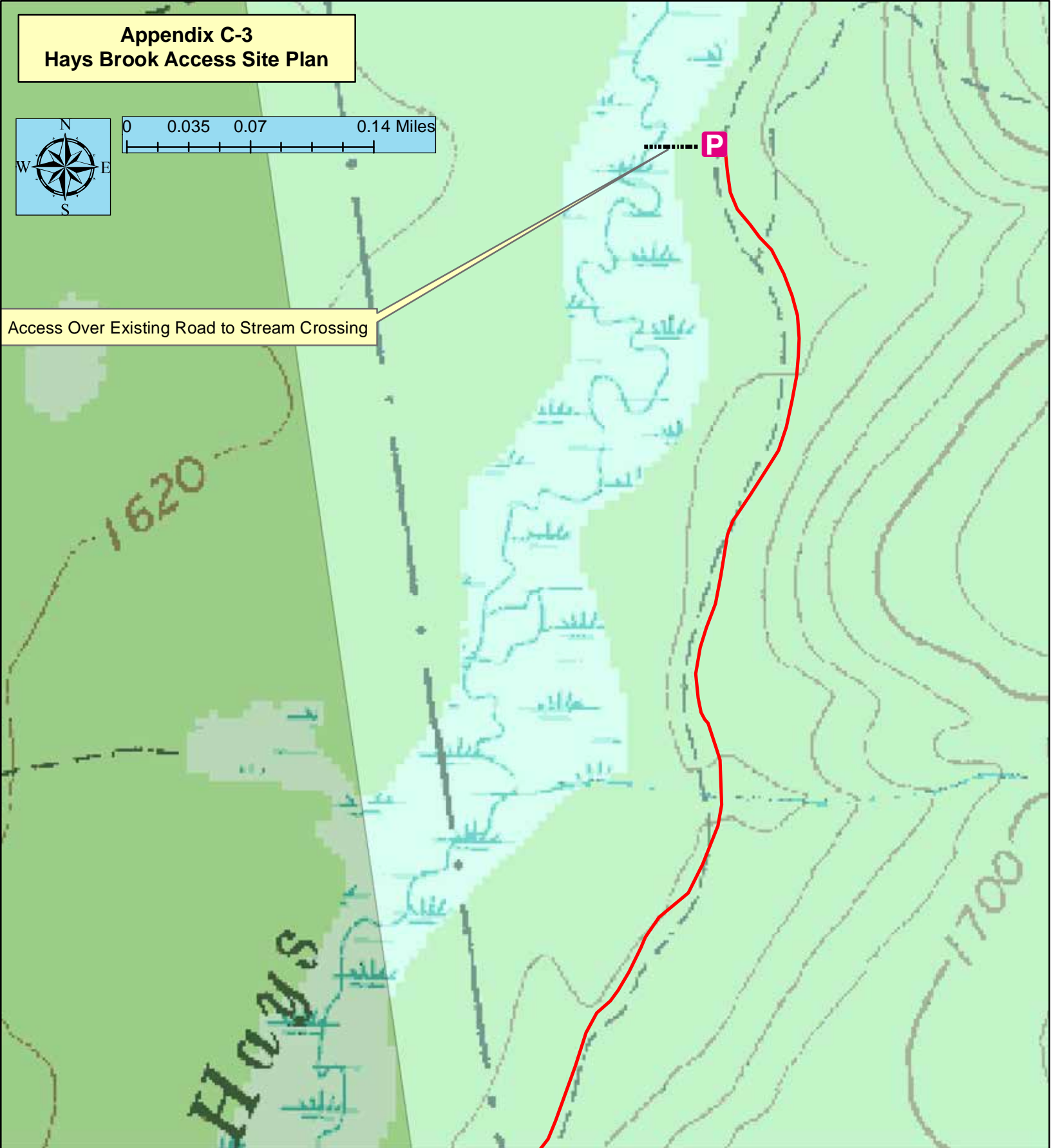


**Appendix C-3**  
**Hays Brook Access Site Plan**







0 0.035 0.07 0.14 Miles

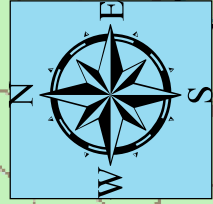
Access Over Existing Road to Stream Crossing



**Kushaqua Tract Conservation Easement  
Recreation Management Plan Proposed  
Hays Brook Access Site  
April 2015**

**Legend**

-  North Branch- Hays Brook Road (#1)
-  Debar Mountain Wild Forest
-  Kushaqua Tract Conservation Easement
-  Designated Parking Area



# Appendix C-4 Mountain Pond Access Site



Barrier Free Boardwalk

Shoreline Access Point

Staging Area & Two Vehicle CP-3 Parking

Mountain Pond  
1827

White

## Legend

- P** Proposed Designated Parking Areas
- Mountain Pond Access- New Construction
- Mountain Pond Access- Upgrade Existing Roads and Trails
- Known Wetlands-NWI
- 100 foot riparian buffer per Conservation Easement
- Mountain Pond Road (#2)
- Road 2-2 (Gravel)
- Kushaqua Tract Conservation Easement
- Debar Mountain Wild Forest

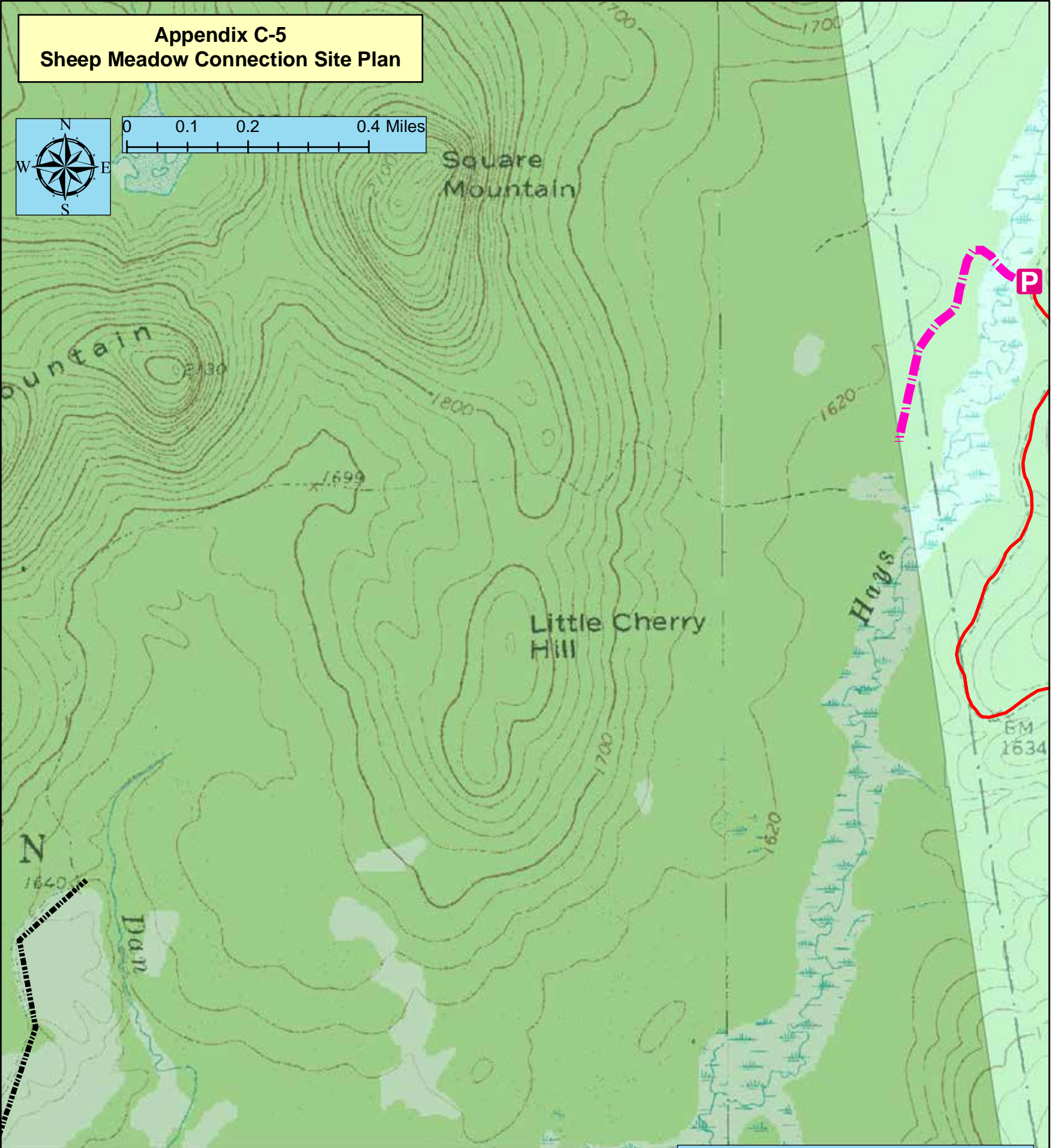
Kushaqua Tract Conservation Easement  
Recreation Management Plan  
Proposed Mountain Pond Access Site  
June 2014



# Appendix C-5 Sheep Meadow Connection Site Plan



0 0.1 0.2 0.4 Miles



**Kushaqua Tract Conservation Easement  
Recreation Management Plan  
Proposed Sheep Meadow Trail Connection  
April 2015**

## Legend

■■■■ Sheep Meadow Trail- Debar Mtn Wild Forest

— North Branch- Hays Brook Road (#1)

■ Debar Mountain Wild Forest

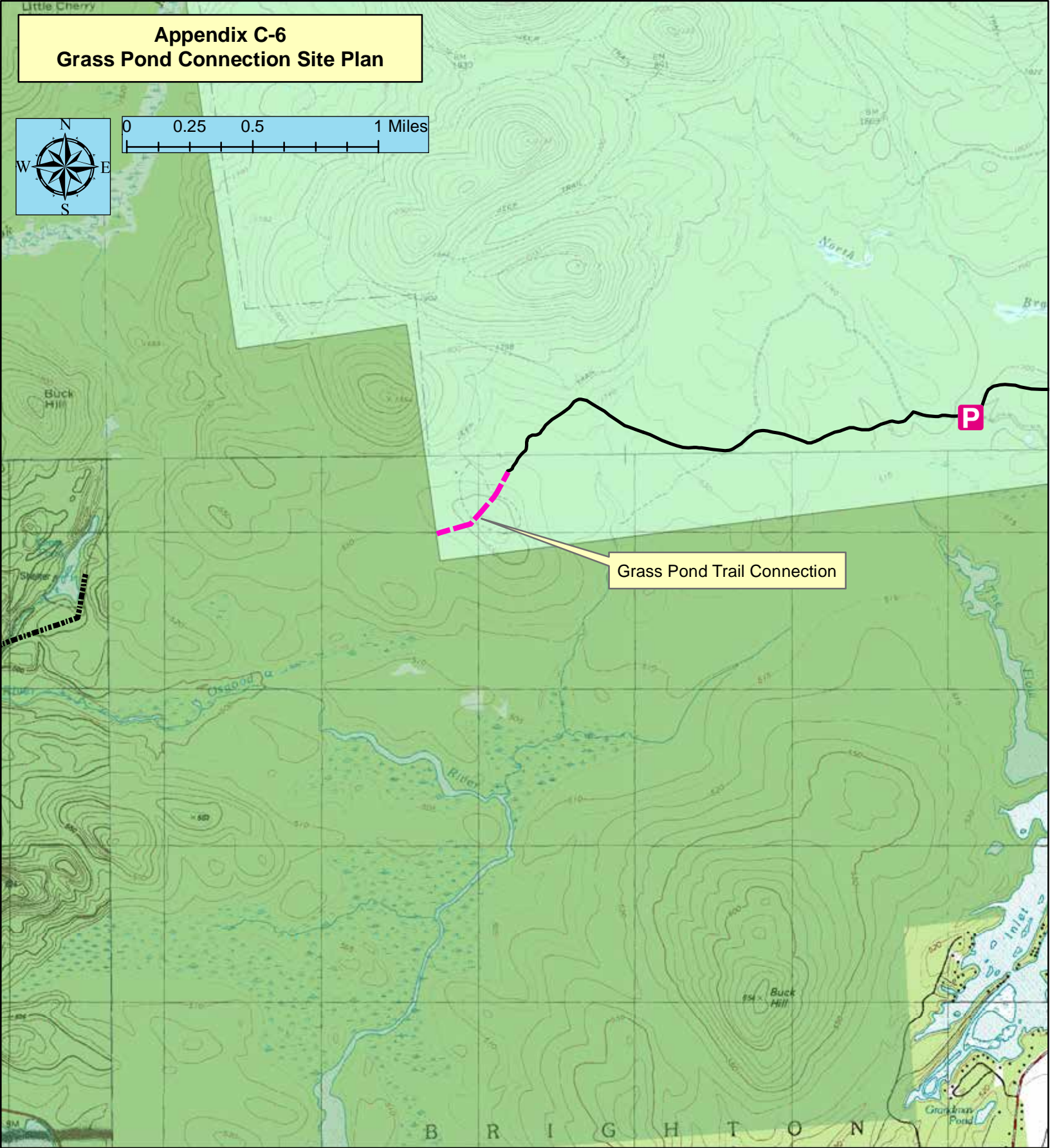
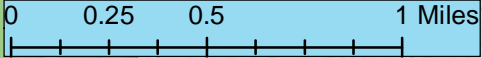
■ Kushaqua Tract Conservation Easement

— Sheep Meadow Trail Connection

**P** Designated Parking Area-Spring, Summer & Fall Only



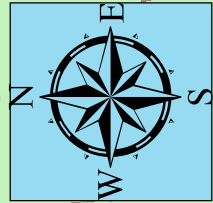
Appendix C-6  
Grass Pond Connection Site Plan



Kashaqua Tract Conservation Easement  
Recreation Management Plan  
Proposed Grass Pond Trail Connection  
April 2015

**Legend**

- Grass Pond Trail- Debar Mtn Wild Forest
- Hunter's Camp Road (#3)
- Debar Mountain Wild Forest
- Kashaqua Tract Conservation Easement
- Designated Parking Area-Spring, Summer & Fall Only



**Appendix C-7**  
**North Branch Access Portage Site Plan**



Proposed North Branch Access Portage

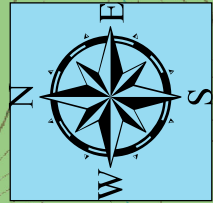
P

**Kushaqua Tract Conservation Easement**  
**Recreation Management Plan**  
**Proposed North Branch Access Portage**  
**June 2014**

**Legend**

-  Existing Public Parking Area
-  Open to Public Motor Vehicles/ATVs/Snowmobiles According to RMP Access Plan
-  Kushaqua Tract Conservation Easement
-  Debar Mountain Wild Forest





**Appendix C-8**  
**Jack's Camp Connection Site Plan**

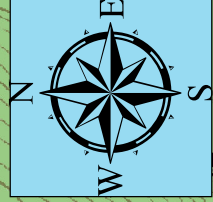


**Legend**

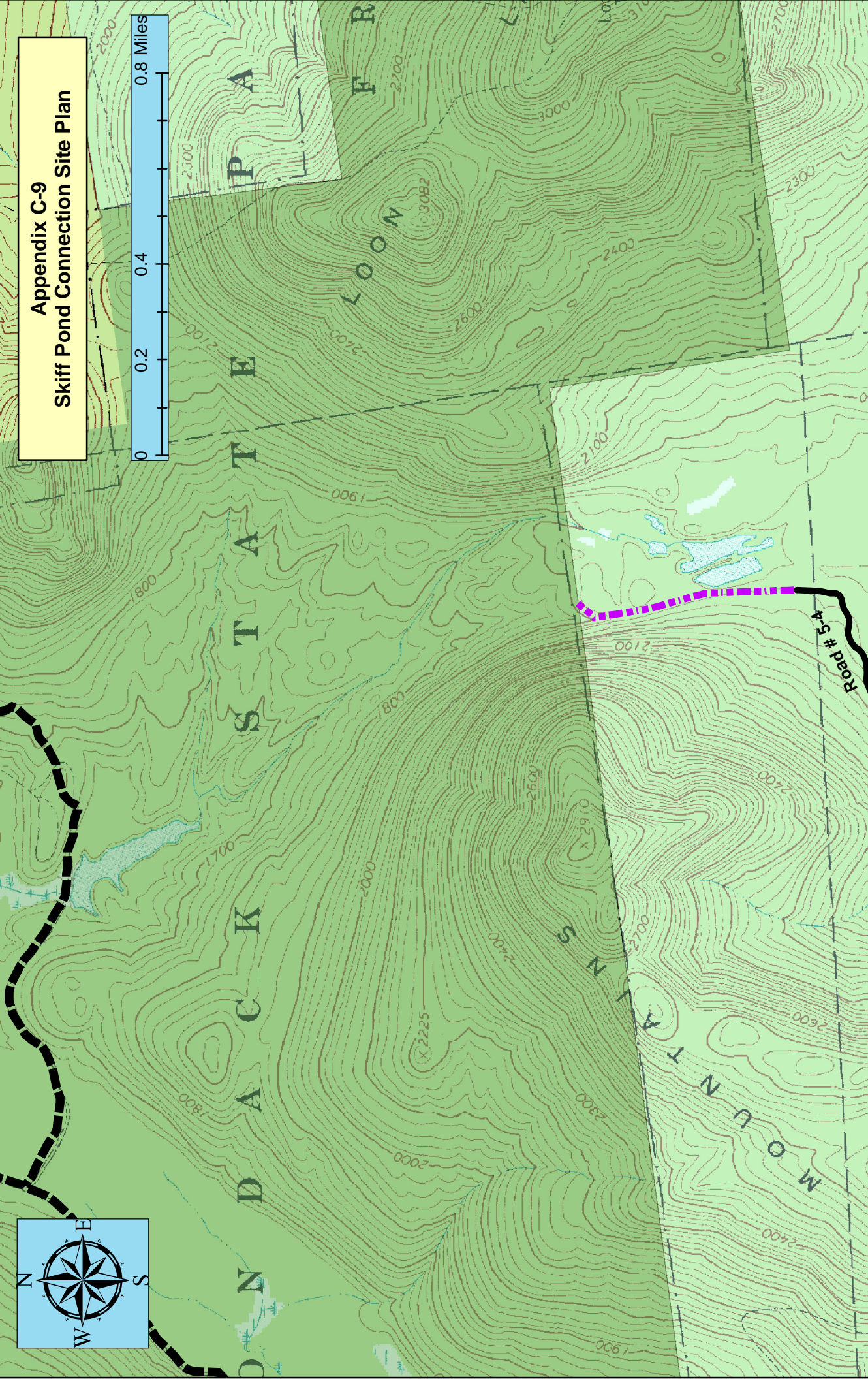
- Open to Public Motor Vehicles/ATVs/Snowmobiles According to RMP Access Plan
- Proposed Jack's Camp Connection
- Forest Preserve Trails-Snowmobile
- Kushaqua Tract Conservation Easement
- Debar Mountain Wild Forest

**Kushaqua Tract Conservation Easement**  
**Recreation Management Plan**  
**Proposed Jack's Camp Trail Connection**  
**June 2014**





**Appendix C-9**  
**Skiff Pond Connection Site Plan**

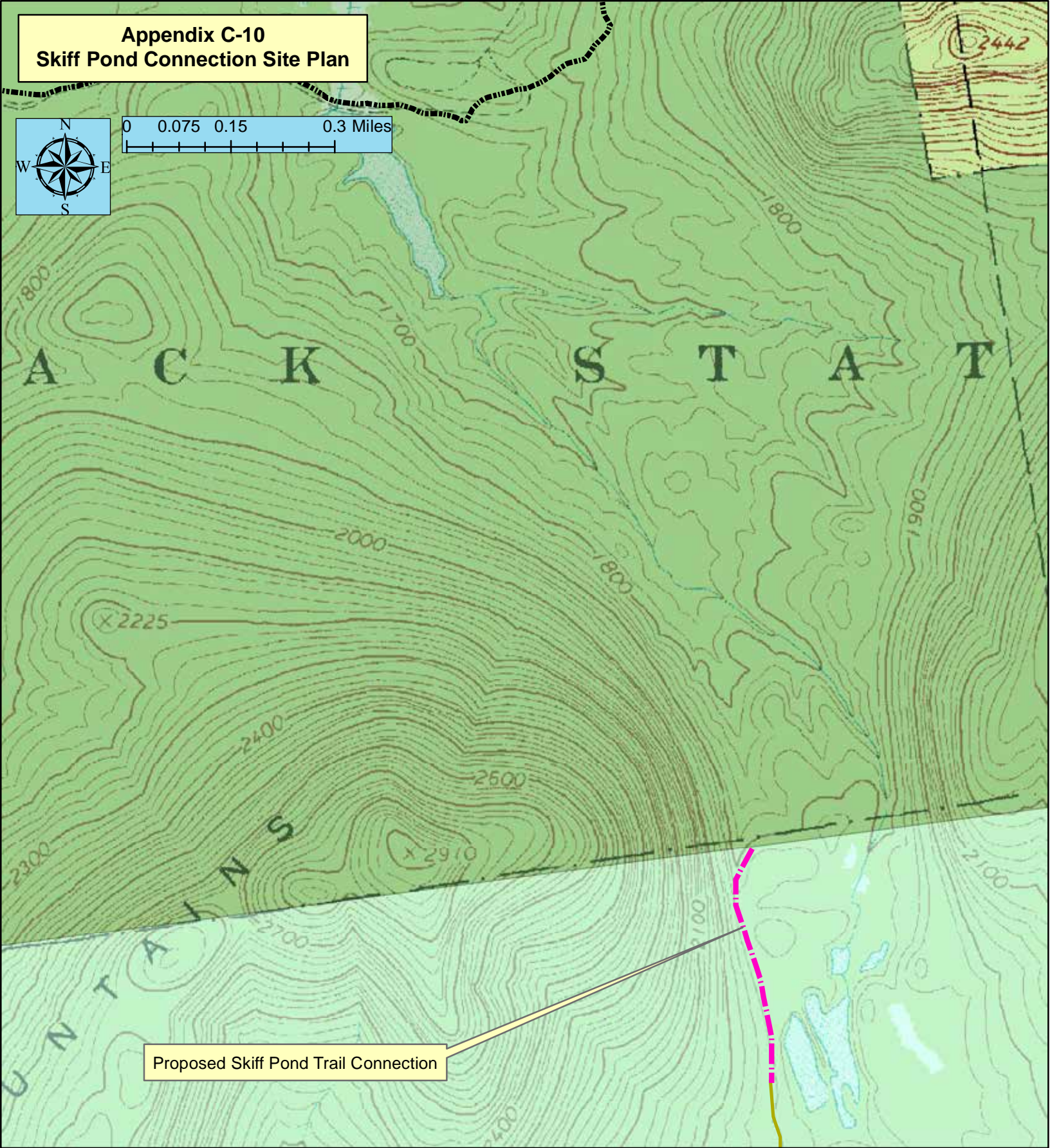
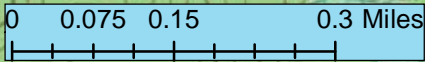


- Legend**
- Open to Public Motor Vehicles/ATVs/Snowmobiles According to RMP Access Plan
  - Forest Preserve Trails-Snowmobile
  - Kushaqua Tract Conservation Easement
  - Debar Mountain Wild Forest

**Kushaqua Tract Conservation Easement**  
**Recreation Management Plan**  
**Proposed Skiff Pond Trail Connection**  
**June 2014**



Appendix C-10  
Skiff Pond Connection Site Plan



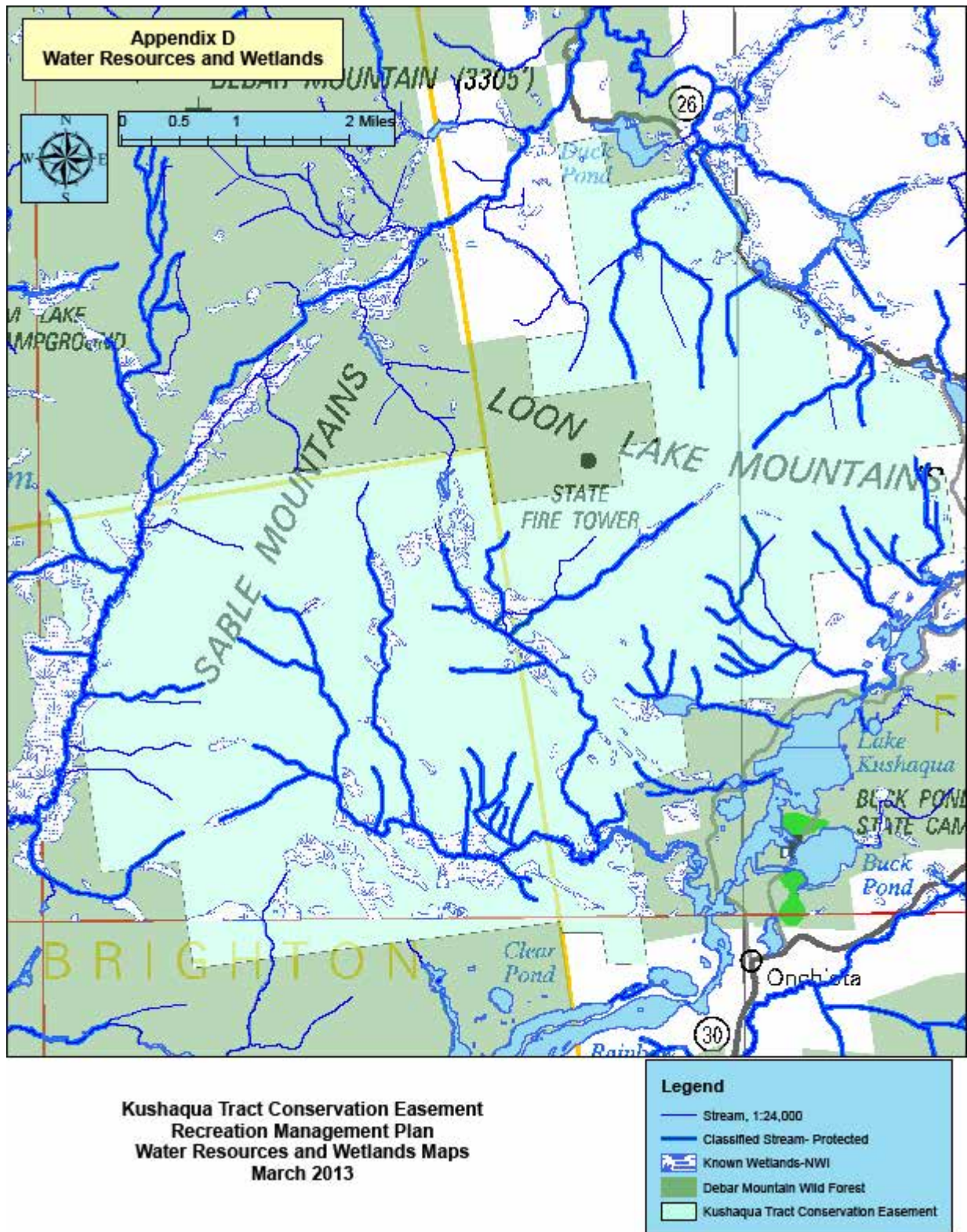
Kushaqua Tract Conservation Easement  
Recreation Management Plan  
Proposed Skiff Pond Trail Connection  
April 2015

Legend

- Skiff Pond Trail- Debar Mtn Wild Forest
- UnNamed Ponds Road (#5-4)
- Debar Mountain Wild Forest
- Kushaqua Tract Conservation Easement

## Appendix D - Water Resources and Wetlands Map





## Appendix E - SEQR

The State Environmental Quality Review Act (SEQRA) requires the consideration of environmental factors early in the planning stages of any proposed action(s) that are undertaken, funded or approved by a local, regional or state agency. A Full Environmental Assessment Form is used to identify and analyze relevant areas of environmental concern based upon the management actions in the draft unit management plan. For this plan, SEQRA review has been initiated with the preparation of both the EAF and Negative Declaration. Upon review of the information contained in the EAF, there will not be a significant impact on the environment. Any changes that are made to this draft plan, based upon public comments, will be considered in the EAF and determination of significance prior to completing the final plan. The Negative Declaration appears below.

**State Environmental Quality Review  
NEGATIVE DECLARATION  
Notice of Determination of Non-Significance**

**Identifying #** 2016-DD-5-12

**Date** February 11, 2016

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The NYS Department of Environmental Conservation as lead agency, has determined that the proposed action described below will not have a significant environmental impact and a Draft Environmental Impact Statement will not be prepared.

**Name of Action:** Adoption and Implementation of the Kushaqua Recreation Management Plan

**SEQR Status:**      **Type 1**   X    
                         **Unlisted**       

**Conditioned Negative Declaration:**             **Yes**  
     X   **No**

**Description of Action:** The Recreational Management Plan (RMP) for the Kushaqua Tract Conservation Easement addresses public access and recreational use. The State acquired full public recreational rights on the Kushaqua Tract which encompasses 18,989 acres for the purposes of motorized and non-motorized access for public hunting, fishing, trapping, hiking, camping, canoeing and boating. All measures will be taken to ensure the management actions proposed in this plan will not degrade the character of the area. Management issues that may come up will be discussed between the Department and the landowner, as necessary.

The primary goals of management of these lands will be to:

- a. Provide reasonable public access via motor vehicle and other means to allow the public to enjoy the range of recreational opportunities provided by these lands;
- b. Minimize the impact of public recreational use on the natural resources of the area;
- c. Minimize the conflicts between public recreational use and the landowner's camp envelope lessees;
- d. Minimize the conflicts between public recreational use and the forest

- management activities carried on by the landowner;
- e. Encourage continued private land stewardship as a working forest through voluntary compliance with Best Management Practices (BMP's), and the Forest Management Plan(s);
- f. Develop a better understanding of the natural resources of the planning area in cooperation with the other landowners;
- g. Involve the full range of public interests in the planning process and;
- h. Maintain the largely undeveloped character of the planning area. Maintain a high quality sustainable environment for future generations.

Specific management actions proposed in this plan include: maintenance and rehabilitation of facilities, construction and improvement of parking areas, construction and improvements to access trails and water bodies and construction of campsites.

**Location: (Include street address and the name of the municipality/county. A location map of appropriate scale is also recommended.)**

Lands comprising this unit are located in the Towns of Brighton and Franklin in Franklin County.

**Reasons Supporting This Determination:**

(See 617.7(a)-(c) for requirements of this determination; see 617.7(d) for Conditioned Negative Declaration) A full Environmental Assessment Form has been completed and it has been determined that no proposed action will have an adverse environmental impact. All management activities will comply with Department policies and guidelines, Environmental Conservation Law, rules and regulations, permitting requirements and will be consistent with the Easement Agreements.

All construction projects will incorporate the use of Best Management Practices, including but not limited to the following:

Locating improvements to minimize necessary cut and fill;

Locating improvements (where possible) away from streams, wetlands, and unstable slopes;

Use of proper drainage devices such as water bars, culverts and broad-based dips;

Locating trails to minimize grade;

Using stream crossings with low, stable banks, firm stream bottom and gentle approach slopes;

Constructing stream crossings at right angles to the stream;

Limiting stream crossing construction to periods of low or normal flow;

Avoiding areas where habitats of threatened and endangered species are known to exist;

Using natural materials (where possible and economical) to blend the structure into the natural surroundings;

Locating parking areas on flat, stable, well-drained sites;

Whenever possible, utilizing wood buffers to screen parking areas from roads;



Limiting the size of the parking lot to the minimum necessary to address the intended use;  
Limiting construction to periods of low or normal rainfall;  
Ditches, culverts, road fabric, and surfacing with gravel or other appropriate natural material will be utilized when necessary;  
Wherever possible, lay out trails on existing old roads or cleared or partially cleared areas;  
Using stream bank stabilizing structures made of natural materials such as rock or wooden timbers.

The Department's planning for and implementation of public recreational uses on the portions of the property designated for such uses are consistent with the purposes of the easement. Management activities in this plan will ensure natural resource protection and biological diversity, recognizing that the capacity of the property to accommodate public recreation is limited. The Department will periodically inspect recreational facilities and their use to ensure natural resource protection, compliance with the easement and non-interference with the landowner's management activities. If necessary, management changes will be made in order to resolve conflicts or mitigate resource degradation. Any enforcement violations will result in Department actions necessary to remedy these non-compliance issues.

Any new construction conducted within wetlands will occur under an appropriate wetlands permit from the Adirondack Park Agency (APA). Any areas disturbed will be re-seeded and mulched with native species, as necessary. Construction will be limited to periods of dry weather and lower water flow.

The majority of the projects proposed in this RMP are minor. Areas where construction is proposed are generally in already cleared areas or previously disturbed ones. Small connector trails or parking areas that involve new construction or improvements will employ Best Management Practices to minimize any potential impacts. Because the scale of these projects are relatively small and Best Management Practices will be followed, there is not expected to any adverse environmental impacts. The acreage of the following projects are approximate and could change at the time of construction, however only by an insignificant amount. If necessary, facilities will be closed to protect natural resources if seasonal conditions are not suitable for the established use, or if damage persists, facilities will be permanently closed. In addition, promulgating specific regulations for these lands is also possible, if conditions are warranted. The following are specific management activities proposed in the plan.

The Hays Brook Access Site will provide public paddling, fishing, hunting and wildlife viewing opportunities in a remote stream valley. A parking area for three vehicles will be constructed adjacent to the North-Branch Hays Brook Road. There will be a short portage from the parking area to the designated access points on the stream bank. The access point may be hardened depending upon site conditions to mitigate any potential

natural resource degradation.

The Mountain Pond Access Site is intended to provide public boating (paddle craft and small boats with electric motors) fishing, hunting and wildlife viewing opportunities on a small pond. Approximately 0.4 miles of existing unimproved roads and skid trails will be upgraded to a motor vehicle road standard and approximately 190 feet of new vehicle road will need to be constructed for the purpose of accessing a staging area near Mountain Pond. An accessible two vehicle parking area, for exclusive parking by people with disabilities possessing a valid CP-3 permit issued by the Department, will be constructed at the staging area. Members of the public who do not possess a CP-3 permit will be permitted to drop off and retrieve watercraft, equipment and group members at the staging area, but they will be required to park their vehicle in the designated parking area on Road # 2-2 when using this facility. A barrier free boardwalk will extend approximately 340 feet from the staging area to the shoreline of Mountain Pond where a barrier free transition dock will be constructed. A wetlands permit may be required for this project.

The North Branch Saranac River Access Site will provide public paddling, fishing, hunting and wildlife viewing opportunities in a scenic stream valley. A short portage will be designated from the parking area to the designated access point on the stream bank. Depending upon site conditions, this access point may require hardening to mitigate any potential natural resource degradation.

The Grass Pond Trail Connector is intended to provide approximately 1.4 miles of a public foot, ski, mountain bike and possibly equestrian connector trail from the easement property to the existing Grass Pond trail situated on adjacent Forest Preserve lands. A trail for the easement portion of the project will be approximately 0.5 miles, constructed between the easement/Forest Preserve common boundary and a point on the Hunter's Camp Road.

The Sheep Meadow Trail Connection will provide approximately 1.8 miles of public foot, ski, mountain bike and possibly equestrian access from the easement property to the existing Sheep Meadow trail situated on adjacent Forest Preserve lands. A trail approximately 0.3 miles for the easement portion of the project will be constructed between the existing stream crossing at the proposed Hays Brook Access Point to the easement/Forest Preserve common boundary.

A Forest Preserve Snowmobile Trail Connection will provide a groomed public snowmobile trail connection from the easement property to either the existing Jack's Camp snowmobile trail or the existing Skiff Pond snowmobile trail, both of which are situated on adjacent Forest Preserve lands. In addition to motorized usage, the trail will provide opportunities for hiking, mountain biking and possibly equestrian use during the spring, fall and summer seasons. The easement portion of the project, a trail approximately 0.3 miles for the Jack's Camp route option or, approximately 0.4 miles for

the Skiff Pond route option will be constructed between the easement/Forest Preserve common boundary and a point on either the North Branch-Hays Brook Road or the Unnamed Ponds Road. Routing options will ensure public traffic is away from private lease camps located in the area.

Twelve camping sites have been designated for public use within this RMP. Each campsite will include a fire ring and an outhouse. Five of the campsites will be designated for tent use only, while the remaining seven campsites will be available for public use with camper trailers or recreational vehicles up to a maximum overall length of twenty feet. Four designated campsites will be accessible. A total of six designated parking areas are proposed under this RMP. Both camping sites and parking areas will be built following an examination of site conditions.

ATV use will be restricted solely to roads and trails capable of supporting such vehicles and will be managed in a manner that prevents damage to natural resources. These roads and trails will be periodically checked to ensure there is no degradation of natural resources.

Some facilities proposed in this plan may require the removal of a minimal number of trees as well as brushing trails and pruning tree branches.

If Conditioned Negative Declaration, provide on attachment the specific mitigation measures imposed, and identify comment period (not less than 30 days from date of publication in the ENB)

For Further Information:

Contact Person: Sean Reynolds

Address: NYS DEC

1115 State Route 86

Ray Brook, NY 12977

Telephone Number: (518) 897-1291

For Type 1 Actions and Conditioned Negative Declarations, a Copy of this Notice is sent to:

Appropriate Regional Office of the Department of Environmental Conservation

Chief Executive Officer, Town/City/Village of

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin - NYS DEC - 625 Broadway - Albany, NY 12233-1750 (Type One Actions Only)

## Appendix F - Public Comment Responsiveness Document

**Public Comment Responsiveness Document  
Kushaqua Tract Conservation Easement Lands  
Revised Draft Recreation Management Plan**

***Comments on 2015 Draft RMP***

The following is a summary of public comments received during September of 2015 following the public release of the Revised Draft RMP for the Kushaqua Tract Conservation Easement Lands. The Department received 80 comments in the form of letters and e-mails. In addition, oral comments were received at a public meeting conducted on September 1, 2015. While the intent is to use actual excerpts when possible, in many cases it was necessary to condense and paraphrase. In some instances comments were too general for a specific response. Instances where public input pointed out minor factual mistakes, typos, etc. resulted in corrections or changes made directly to the plan.

**Motorized Recreation**

- 1.) Does not favor of ATV/Snowmobile access in the Adirondacks and on public lands due to resource concerns and trespass.

***Response:*** *These lands, and the rights that the State has acquired in them under the conservation easement, provide DEC with the tools necessary to ensure the lands are sustainable and protected, while at the same time better serving a broader spectrum of public recreational enthusiasts who are seeking a broader range of nature-based recreation and access, in a more balanced manner. Management of conservation easement lands in this manner provides recreation alternatives that are otherwise not available on state-owned fee lands, and as such, serves to further protect state lands by providing legitimate opportunities in a landscape where the proposed uses are appropriate and sustainable, rather than in the Forest Preserve, where they are not.-*

*Opening the designated roads to ATV access will be done in phases over a period of years as described under the heading “RMP Implementation” beginning on page 40 of the RMP. This will allow DEC and the landowner to evaluate the impacts on natural resources on both the Kushaqua Tract and the adjacent forest preserve lands as well as user conflicts before opening additional roads to public ATV use. The Department, as stated beginning on Page 41, “may close any road, to any or all public motorized use for any reason, at any time, by posted notice” which may include, but not be limited to, impacts on resources and trespass on adjacent forest preserve and private lands.”*

- 2.)The RMP should initiate a process that identifies appropriate ATV and motorized use on easement lands while addressing the larger issues concerning ATV use on Forest Preserve lands. The State should enact comprehensive reforms for ATV riding before broadly expanding use. Commenter urges DEC to rebalance the RMP to account for increased ATV use with a

comprehensive park-wide ATV policy and to provide greater safeguards for biodiversity and opportunities for quiet recreational experiences within the plan.

**Response:** *It is the Department's position, with a the broad consensus of Adirondack Park Agency staff and many stakeholders, that working forest conservation easement lands constitute the best and most appropriate opportunity to accommodate the managed use of ATVs. The Department, acting on behalf of the People of the State, acquired the conservation easement on the Kushaqua Tract with the intention of providing the public with motorized access to outdoor recreational opportunities in areas where such activity is more appropriate, sustainable and permissible than the Forest Preserve. The RMP identifies appropriate routes for ATV use within the Kushaqua Tract Conservation Easement property. The opening of routes will be phased in over a period of years to allow the DEC and the landowner to evaluate the activity and avoid adverse impacts. This phased approach will help DEC manage the activity in a way that protects the experience of other visitors and the natural resources. Use of ATVs on Conservation Easements in the Adirondack Park is strictly regulated and limited to a few specific sites. Addressing park-wide ATV use policy is beyond the scope of the RMP.*

3.) The NYS Strategic Plan for State Forest Management categorically rejects the use of ATV trail systems as “failed experiments” that are not both environmentally compatible and socially acceptable.

**Response:** *The NYS Strategic Plan for State Forest Management allows for limited accommodation of ATVs and OHVs on State Forests with connector trails and as a necessary component of the MAPPWD program. The alternative of developing extensive ATV trail systems on State Forests was not selected due to past failed experiences, issues with illegal use and increasing budgetary and staffing constraints.*

*The NYS Strategic Plan for State Forest Management recognizes that management of ATV use on Conservation Easements differs from use of ATVs on State Forest lands. “It is important to note that the analysis of impacts and constraints associated with State Forest lands is not applicable to Conservation Easements. The important differences include: rights retained by fee owners; differences in road standards; and use by and wishes of the fee owners and surrounding landowners. ATV use may be found to be compatible with the different set of circumstances found on Conservation Easement lands.”*

*In reference to the proposed Treaty Line State Forest trail system that would have consisted of 80 to 100 miles of ATV trails on Treaty Line State Forest the Strategic plan explains that the Treaty Line ATV trail system proposal was withdrawn based on the criteria that it was not both environmentally compatible and socially acceptable. The Treaty Line proposal was strongly opposed by neighbors that felt the trail system would change the character of the Treaty Line State Forest and the surrounding area.*

4.) Current enforcement against illegal ATV use is inadequate.

**Response:** *The Department continues to devote funding, equipment and personnel resources to enforce against all types of illegal use on lands the state owns or holds a public interest in. Forest Rangers and Environmental Conservation Officers continue to pursue, enforce against and prosecute offenders using the best currently available information and the resources at their disposal.*

5.) There is not a sufficient amount of law enforcement resources to properly manage the proposed motorized access in this plan.

**Response:** *Department staff from the Office of Public Protection (OPP) have directly participated in the RMP development process and the internal discussion that accompanied it. OPP staffing in the field is sufficient to conduct monitoring and enforcement of the public uses associated with proposals put forth in this RMP, in addition to their current workload.*

6.) ATV use regulations, enforceable on the Forest Preserve and public lands, should be included in the RMP. DEC needs to develop regulations that prohibit ATV use on the Forest Preserve and regulate ATV use on conservation easement tracts.

**Response:** *Information directing the public to existing regulations pertaining to ATV use is provided under the section titled “Motorized Uses” on page 29 of the RMP. The Department intends to utilize a combination of existing regulations, phasing the road openings over a period of years, minimum tool management (see page 22 of the RMP) and the experience and expertise of our law enforcement field staff to manage and direct ATV use on this property. The promulgation of new regulations will be undertaken if deemed necessary.*

7.) DEC must undertake efforts to emphatically discourage the ability of local municipalities to seek loopholes under section 2405.1 of the New York State Vehicle and Traffic Law. Commenter is concerned that Kushaqua will become an ATV riding destination where local roads are opened by town governments and riding will be disruptive and dangerous to local homeowners.

**Response:** *The access plan, as detailed in the RMP, specifically directs all ATV operators to access the designated on-property ATV-accessible roads by trailering their ATVs to designated on-property parking areas. DEC will regularly communicate these directions to the public through a variety of means including on-property informational kiosks, press releases, social media, and direct electronic, written or verbal communications. All on-property parking areas designated by the RMP are physically separated from public highways (which fall under municipal jurisdiction) by stretches of private roads that don’t fall under municipal jurisdiction and subsequently don’t*

*fall under the purview of V&T 2405.1. As discussed in the RMP, general management of the public's interest in the property will focus on the Minimum Tool Approach (see page 22), however, if serious issues arise in the course of RMP implementation of new motorized access, the Department may consider the promulgation of special regulations as deemed necessary and appropriate. If, at some future time, local municipalities should move to open public highways under V&T 2405.1, and the Department is approached with a proposal to provide a legitimate connection to the Kushaqua Tract property from those opened highways, proposals will be considered and evaluated on their merits on a case-by-case basis.*

*DEC has no oversight or regulatory role established by statute which would afford it the rights or responsibilities associated in any way with influencing or preventing municipalities from promulgating local laws and ordinances. With the phased opening of roads as discussed in the RMP implementation section of this plan (see page 38), the Department believes that damage to the natural resources of the property is not likely. If access and public recreation-related usage proves to become a resource degradation concern in either the short term or the long term, the RMP establishes a management structure that provides the Department with the tools it needs to effectively manage and rectify any problems.*

8.) This is the first state RMP in the Adirondack Park to permit ATVs.

**Response:** *Public recreationists using ATVs have been accessing roads on the Long Pond Conservation Easement as designated in a 2006 RMP. In addition the IRMP for the Sable Highlands Conservation Easement identifies future opportunities for public ATV use on six linear recreational corridors.*

9.) ATV trails should be kept far away from the Forest Preserve boundary.

**Response:** *The roads designated for ATV use in the RMP do not provide public ATV access to the Forest Preserve boundary. Due to the nature of the property and its proximity to State Land there are circumstances where ATVs are within a mile or less of the Forest Preserve boundary. Department law enforcement staff are well aware of the concerns at these locations, and as roads are opened to public motorized use in these areas, particular focus will be given to the potential for trespass. Should trespass issues rise to a level of concern the Department has the ability to close any road to any and all public use at any time.*

10.) ATVs should be trailered to a trailhead parking area and not ridden to the property.

**Response:** *This requirement is specified on page 39 of the RMP.*

11.) Noise pollution created by unmuffled ATVs and snowmobiles is a concern.



**Response:** *The motorized uses for public recreational access described in the RMP are similar to the motorized uses the landowner has provided to lessees for several decades. When the property was exclusively private posting lease, lessees were able to utilize almost all of the road mileage on the tract for motorized vehicle use; the RMP designates public motorized use on only about 1/3 of the existing road mileage. The noise levels generated by the use of these types of vehicles by the landowner's private lease customers over the course of decades has never triggered concern or complaints about excessive noise. The Department anticipates that the levels of public use of these types of vehicles, and any associated noise impacts, won't be greater than past levels. DEC Office of Public Protection staff will patrol regularly and respond to specific complaints to ensure that all ATVs and snowmobiles are properly equipped and operated.*

- 12.) Increased snowmobile traffic on public highways in the Loon Lake area is a concern. Existing problems will be exacerbated by opening additional access points on Loon Lake Mountain Road.

**Response:** *The intended goals of the snowmobile trail connections proposed in the RMP are to alleviate the need to ride on public highways and reduce congestion on the main corridor trails that travel through the Loon Lake Area during high use periods. The alternative connections to the existing Forest Preserve snowmobile trail system at Jack's Camp and Skiff Pond are in response to a long-time desire of the local snowmobile community to have connections in the backcountry to eliminate the need to travel on County Route 26 when traveling east and west. The proposed route that leaves the C7 corridor at the Loon Lake Mountain Road and travels south and west to reconnect to the corridor near White Fathers is intended to provide an alternate riding experience and reduce congestion on the corridor during high use times such as weekends and holidays.*

#### Non-motorized Recreation

- 13.) The RMP precludes the use of this vast amount of land to non-motorized use and access; suggest adding non-motorized sections to the plan. RMP should increase roads and trails available to hikers and cyclists that are barred from use by ATVs and snowmobiles and enhanced access for non-motorized uses such as hiking, cycling and camping.

**Response:** *While the Department's primary focus on privately owned working forest easement properties is to provide, where reasonable and appropriate, opportunities for enhanced public motorized access that cannot be accommodated on state-owned lands due to law or policy, all property roads are available for public hiking and mountain biking.*

*Plans detailing the access planning and phased opening of opportunities for both motorized and non-motorized recreation begins on page 38 of the RMP. Only 1/3 of the property road mileage is designated to be opened to full or limited public motorized use where hikers and bikers would be sharing the road with both public motorized users and the private vehicular traffic associated with the property. On the remaining 2/3 of the road mileage, hikers and bikers would only be sharing*

*the road with the private vehicular traffic accessing leased camps and motorized access associated with the landowner's active forest management on the property – both of which are typically seasonal and sporadic.*

*Tower Road, Mullins Road and the Loon Lake Mountain access are available for four season non-motorized use by the public without any public motorized access (See Table 6 on page 45). In addition, the proposed Sheep Meadow and Grass Pond trail connections, if conceptually approved in an adopted Unit Management Plan for the Debar Mountain Wild Forest, would provide additional four season access where the exclusive public use would be non-motorized.*

*The RMP proposes that a large portion of the northeastern reaches of the property have no public motorized access, leaving those areas to public non-motorized users and private traffic. This area is focused on the eastern and northeastern approaches to Loon Lake Mountain.*

- 14.) It is unfortunate that the re-route of the Loon Mountain hiking trail will be crossed by motorized trails, including ATV trails.

**Response:** *The RMP does not designate any public motorized use in the area of the Loon Lake Mountain hiking trail. The only motorized use that may occur in this area is associated with the private rights of the landowner.*

- 15.) Mountain bike users won't like the opportunities provided; they have little desire to bike on dirt roads that have loose stone and are overgrown with grasses and sedges; few will return to ride on a regular basis. Riding a mountain bike through industrial forest landscape, strip cuts or clearcuts is not a pleasurable experience.

**Response:** *While many mountain bikers prefer single track trails, other cyclist enjoy riding on roads through scenic, forested lands. Anecdotal information and data obtained through observation and trail registers indicates that the Kushaqua Tract is a popular biking destination in the area and often receives repeat visits from bikers who enjoy the property and the opportunities and access it affords in its working forest condition.*

- 16.) Parking areas should be constructed in western and northern parts of the property which would allow backpackers to better access and use remote portions of the nearby Debar Mountain Wild Forest.

**Response:** *The RMP includes plans to construct a parking area at Hays Brook in the western portion of the property, as well as a parking area at the UnNamed Ponds in the north-central portion of the tract.*

- 17.) RMP should include proposals for glade skiing.

**Response:** *The RMP accounts for cross country and backcountry skiing as potential public recreation opportunities on the property. Where available and suitable, the public may utilize existing roads and trails for the purpose of engaging in these types of recreation. Cutting of vegetation to create and maintain glades is not permitted on the tract as it conflicts with the forest management goals of the landowner.-*

#### Natural Resource Protection

- 18.) RMP would benefit from improved natural resource and biological information, as a means to better ascertain the capacity of the property to accommodate the uses proposed in the revised RMP.

**Response:** *A Recreation Management Plan by definition plans for the public recreational use in accordance with the terms and conditions of the conservation easement. The protection and sustainability of the resources on the tract is achieved through a variety of means including the terms of the easement and the Recreation Management Plan. The Department recognizes that public recreation planning cannot be undertaken without consideration of the natural resources base. The information regarding natural resource protection and sustainability as described above was evaluated and considered during the development of the RMP.*

- 19.) Conservation easements are critical natural and ecological buffer lands for adjacent Forest Preserve; easements are intended to complement adjoining Forest Preserve; DEC shares responsibility for resource protection with the landowner.

**Response:** *The Department agrees with this statement and has mechanisms in place, such as the terms of the easement, third party sustainable forestry certifications, audits and annual reports, to ensure the natural resources of the lands are protected. See response #18.*

- 20.) RMP should include forest management information, especially for activities like clearcutting which will negatively impact the recreational experience on the tract.

**Response:** *An RMP is a document intended to plan for and address public use and recreation in accordance with the terms and conditions of the conservation easement. The addition of forest management information is outside the intended scope of the plan, and as a result, is inappropriate for inclusion in the document. Anecdotal information and data obtained through observation and trail registers indicates that a wide variety of users enjoy the property as it exists in a working forest condition. Clearcutting and other logging activities improve opportunities for viewing scenic vistas, viewing and photographing birds and other wildlife and hunting various wildlife species.-*

21.) Kushaquua Tract is “full of wildlife sensitive habitats, especially lowland boreal wetland and lowland spruce fir forests surrounding these wetlands known to harbor some of the rarest birds in the United States”. RMP only notes the importance of Bicknell’s Thrush, but not the 11 species that are dependent on habitats in the Kushaquua Tract and are considered imperiled or vulnerable by the New York Natural Heritage Program. Regular use of all-terrain vehicles is known to fragment the habitats of the above-referenced birds. By expanding public motorized use, DEC is expanding the likelihood of illegal, unenforced, off-road ATV uses within documented, sensitive wildlife habitats.

**Response:** *DEC is aware of the various sensitive wildlife habitats present on the Kushaquua Tract and took this into consideration when developing the RMP. See response to #9. During the period that the above-referenced research took place, and well prior to the State’s acquisition of its interest in the property, motorized access and use of the property, including the use of ATVs, has been, and continues to be, occurring by lessees for generations without any significant documented deleterious impacts to any wildlife species. At the present time, all of these species are considered by the New York Natural Heritage Program as either a watch-list species or species of greatest conservation need. A table detailing the 11 species, accompanied by New York Natural Heritage Program rankings for each species, may be found on page 17 of the RMP. In addition, language has been added to the RMP which better details restrictions on the use of motorized tools and equipment for recreational facilities maintenance or construction on projects within areas on the property that meet the criteria for inclusion in the Adirondack Sub-Alpine Bird Conservation Area. As previously stated “DEC may close any road, to any or all public motorized use for any reason, at any time, by posted notice”. DEC will monitor ATV usage on roads in sensitive wildlife habitat areas and close roads if there are signs of ATVs leaving the roads and entering sensitive habitat, over usage that is impacting the habitat or the wildlife that utilize it, or other apparent impacts on the habitat or the wildlife that utilize it.*

22.) The RMP needs to better account for the potential impacts an increase in motorized use will have to the natural resource values identified as part of the conservation easement.

**Response:** *See response #1 and #18 above.*

#### Other

23.) DEC should explain why the lands that comprise the Kushaquua Tract are “not confined by Article 14 of the State Constitution”.

**Response:** *Although the conservation easement affords the state and the public with many rights on the property, the property itself is private land titled to a private corporation. The State of New York acquired the less than fee interests it owns in the property through the conservation easement agreement which was statutorily facilitated by Article 49 of the New York State Environmental*

*Conservation Law. Article 14 of the New York State Constitution is only applicable to publicly-owned Forest Preserve lands held in fee simple title by the State of New York*

24.) DEC's response of "not applicable" to comments seeking better identification and assessment of biological resources in the 2014 plan "severely violates SEQR". Proposals expressed in this RMP should trigger a positive declaration under SEQR. The RMP fails to specify what BMP's will be used to minimize impacts.

**Response:** *The phrase "not applicable" was in reference to the issue being outside the scope of the rights acquired by the Department under the Conservation Easement. The biological assessment has been expanded in response to public comments (page 16) and New York Natural Heritage Program data was reviewed for occurrences of rare, threatened, and endangered flora and fauna. Proposed actions in the RMP were evaluated through the SEQR process and it was determined that the proposed action will not have significant adverse environmental impacts. A Negative Declaration that includes BMPs has been prepared and included in Appendix E of the RMP.*

25.) The RMP must clearly spell out that the easement allows for access and other specific uses to be revoked at the discretion of the landowner.

**Response:** *The landowner reviewed the RMP and determined that recreational activities described in the plan are acceptable and in accordance with the terms of the easement. The easement does not permit the landowner to unilaterally revoke the rights of public access or discontinue specific public uses that have been established in the RMP.*

26.) Standards for public recreational roads and trails should be furnished as an appendix to the RMP.

**Response:** *This information has been included in the final version of the RMP.*

27.) A schedule of taxes paid on the property by SNY and the landowner should be furnished as an appendix to the RMP.

**Response:** *An RMP is a document intended to plan for and address public use and recreation in accordance with the terms and conditions of the conservation easement. The addition of tax payment information and apportionment is outside the intended scope of the plan, and as a result, is inappropriate for inclusion in the document.*

28.) Improve fishing access on the property and stock ponds and streams on the property.

**Response:** *The RMP identifies opportunities for enhanced sporting access and fisheries management for the North Branch of the Saranac River, Hays Brook, Mountain Pond and*

potentially, the UnNamed Ponds, in the future.

29.) Property would benefit from more regular road maintenance.

**Response:** *The Department will consult and cooperate with the landowner to ensure that roads opened to public motorized use under this RMP are maintained to a standard that is safe and sustainable for the type of use intended.*

30.) The RMP should include a clear statement about how efforts will integrate a final RMP for Kushaquua and a forthcoming UMP for Debar Mountain Wild Forest.

**Response:** *The RMP details proposed trail connections to facilitate public recreation that would span the property boundary between the Forest Preserve and the Kushaquua Tract easement property and explains the need for the adoption of the proposed connections as part of the Final UMP for the Debar Mountain Wild Forest in order for the projects to be conceptually permitted.*

31.) The RMP's enforcement plan is ambiguous at best and doesn't represent the higher standard that DEC must meet in terms of their easement monitoring and enforcement obligations. The RMP needs to provide further clarification of how the enforcement process would work and the implications to permitted uses if significant impacts are not addressed.

**Response:** *DEC's monitoring and enforcement of the specific terms and provisions of the easement are beyond the scope of the RMP. Other mechanisms are used to monitor, ensure compliance with, and, if necessary, enforce the terms and provisions of the easement as described in Response #9.*

32.) Clearcutting must be prohibited, enough research has been done on the damage it causes.

**Response:** *This comment is not relevant to the purpose and intent of the Recreation Management Plan. When properly planned for and executed by a qualified Forester, clearcutting is a silvicultural technique that is recognized by the Society of American Foresters as a method to provide for forest regeneration and the effective long and short term management of stand composition and structure.*

33.) Happy to see the dramatic increase in access that has been included in the revised plan.

**Response:** *The Department thanks you for your comment.*

34.) The RMP should decrease the number of roads designated for motorized recreation to those identified in the 2014 draft of the RMP. The recreation associated with ATV's is not riding slowly on well managed roads, but in tearing up the backcountry. Kushaquua will become an ATV riding destination where local roads are opened by town governments and riding will be disruptive and dangerous to local homeowners.

**Response:** *The Kushaquua Tract Easement provides the Department with the necessary tools to ensure that the lands are sustainably managed and protected, while providing a wide variety of public recreation opportunities including motorized access not available on Forest Preserve lands. Providing restricted ATV access on the Kushaquua Tract, on roads that are currently built and existing on this working forest landscape, roads which have been used by private ATVs, logging trucks and motor vehicles over the course of generations, will relieve the pressure of illegal ATV use on Forest Preserve lands.*

*The RMP's guidelines for opening roads and trails to ATVs, and maintaining those roads and trails as open to ATVs (see page 38) establish criteria that allows Department staff to make well-reasoned timely decisions regarding the management of public ATV use on the property. Overuse or misuse related to ATVs, or any other means of motorized or non-motorized public access, will not be tolerated and will be dealt with appropriately according to the management structure provided by this RMP.*

*The phased opening of roads as discussed in the RMP implementation section of this plan (see page 38), provides the Department the ability to protect the natural resources of the property. If access and public recreation-related usage proves to become a resource degradation concern in either the short term or the long term, the RMP establishes a management structure that provides the Department with the tools it needs to effectively manage and rectify the problem.*

*The RMP specifically directs all ATV operators to access the designated on-property ATV-accessible roads by trailering their ATVs to designated on-property parking areas, and the Department will continue to communicate these directions to the public on a regular basis. (See #7). The Department does not have the authority to prevent municipalities from promulgating local laws or ordinances. However, the Department will continue to work with the local municipalities to protect the natural resources of the Kushaquua Tract and nearby forest preserve lands while safeguarding the people who recreation on the tract and live nearby.*

## Appendix G - Implementation Schedule



<b>Annual Maintenance and Other Activities</b>	<b>Estimated Cost</b>
Road maintenance- raking, grading, top-dress, culvert cleaning and brushing as needed	\$20,000 10 days
Trail maintenance- blowdown removal, drainage, maintenance of improvements as needed	\$5,000 3 days
Develop and maintain web pages pertaining to the Kushaquua Tract on the DEC website	5 days
Fish stocking	3 days
Conduct biological and chemical surveys of streams and water bodies on the Kushaquua Tract to assess management needs	3 days
Management and administration of the public's recreation rights in the property	30 days
<b>Total Annual Maintenance Costs</b>	<b>\$25,000</b> <b>54 days</b>

<b>Phase 1</b>	<b>Estimated Cost</b>
Loon Lake Mountain trail connector and parking area	\$7,000 + 10 days
North Branch Saranac River portage access and put-in	\$100 + ½ day
Blowdown removal, brushing and drainage work- groomed snowmobile route (roads #5-3, #2-3 and #2-2)	\$5,000 + 5 days
Road maintenance, repair and upgrade- Mountain Pond Road	\$10,000
Mountain Pond Parking Area	\$4,000
Road maintenance, repair and upgrade- Hunter's Camp Road	\$10,000
Hunter's Camp Road Parking Area	\$4,000
Gate placement as needed to control public use	\$4,000
<b>Total Phase 1 Costs</b>	<b>\$44,100</b> <b>15.5 days</b>

<b>Phase 2</b>	<b>Estimated Cost</b>
Mountain Pond access route and dock	\$9,000
Road maintenance, repair and upgrade- North Branch – Hays Brook Road	\$20,000
Hays Brook parking area and put-in	\$4,100
Road maintenance, repair and upgrade- Center Road	\$8,000
Road maintenance, repair and upgrade- UnNamed Ponds Road	\$1,500
UnNamed Ponds Parking Area	\$4,000
Gate placement as needed to control public use	\$6,000
<b>Total Phase 2 Costs</b>	<b>\$52,600</b>

<b>Phase 3</b>	<b>Estimated Cost</b>
Road maintenance, repair and upgrade- Loon Lake Mountain Road	\$15,000
Road maintenance, repair and upgrade- Headwaters Road	\$6,500
Road maintenance, repair and upgrade- Roads #3-3 and #3-1	\$5,000
Road maintenance, repair and upgrade- Aden Road	\$6,500
Road maintenance, repair and upgrade- Sable Mountain Road	\$6,500
Campsite designation and construction- 2 standard sites; 2 ADA-accessible sites.	\$6,000
Gate placement as needed to control public use	\$2,000
<b>Total Phase 3 Costs</b>	<b>\$47,500</b>

<b>Phase 4</b>	<b>Estimated Cost</b>
Road maintenance, repair and upgrade- Roads #5-1 and #5-2	\$6,500
Campsite designation and construction- 2 standard sites; 2 ADA-accessible sites.	\$6,000
Project scoping and layout- Grass Pond and Sheep Meadow Connections	7 days
Project scoping and layout- Jack's Camp and Skiff Pond Connections	7 days
Gate placement as needed to control public use	\$4,000
<b>Total Phase 4 Costs</b>	<b>\$16,500 14 days</b>

<b>Phase 5</b>	<b>Estimated Cost</b>
Campsite designation and construction- 4 standard sites	\$2,000
Construct Grass Pond and Sheep Meadow trail connections on easement property	\$5,000
Construct Jack's Camp or Skiff Pond connector on easement property	\$2,500 - \$7,500
<b>Total Phase 5 Costs</b>	<b>\$9,500 - \$14,500</b>

## Appendix H – Road Specifications

# Road Specifications

Road/Trail Specification Factor	VEHICULAR ROAD VOLUME CLASS <sup>1</sup>			ATV Trail VOLUME CLASS			SNOWMOBILE TRAIL VOLUME CLASS		
	Low	MED	High	Low	MED	High	Low	MED	High
# OF TRAFFIC LANES	1		1+		1	2	1		2
MINIMUM CURVE RADIUS W/O SIGNAGE (FT.)		50							
MAXIMUM GRADE % (SUSTAINED/ SHORT STRETCH)		10% / 15%			10% / 15%			10% / 15%	
SHOULDER WIDTH, EACH SIDE (FT.)	3 to 4	4 to 5	5 to 6			4 to 5			
TRAVELED SURFACE WIDTH (FT.)	10	12	14						
MINIMUM TURNOUT SPACING	n/a	½ mi	1 mi			½ mi	n/a		½ mi
SURFACE SPECIFICATIONS		BMPs			BMPs			BMPs	
DITCHING		BMPs			BMPs			BMPs	
CULVERT INSTALLATION SPECIFICATIONS <sup>2</sup>		BMPs			BMPs			BMPs	
MIN. SIGHTING DISTANCE W/O SIGNAGE (FT.)	100	150	250						
VEGETATION CONTROL		cut/remove							
PITCH (MAXIMUM)	<10%	4" crown							
STREAM AND WETLAND CROSSING SPECS		BMPs			BMPs			BMPs	
SENSITIVE AREA SET BACKS		BMPs			BMPs			BMPs	
SIGNAGE STANDARDS <sup>3</sup>	Minimal	Basic	Moderate	Minimal	Basic	Moderate	Minimal	Basic	Moderate
GATE LOCATIONS		as agreed			as agreed			as agreed	
SEASONAL USE SPECIFICATIONS <sup>4</sup>		surface			surface			winter	
MAINTENANCE STANDARDS <sup>5</sup>	minimal	as needed	regular	minimal	as needed	graded	none		groomed
ENVIRONMENTAL STANDARDS <sup>6</sup>		APA / DEC			APA / DEC			APA / DEC	
INSURANCE STANDARDS <sup>7</sup>		NYS REG			NYS REG			NYS REG	
ENFORCEMENT <sup>8</sup>		DEC			DEC			DEC	



- 1 Vehicle volume specs:  
low: +/- <20 round trips/month  
medium: +/-20-300 trips/month  
high: +/- >300 trips/mo
- 2 All culverts shall be properly headed with stone, wood, or steel/plastic collars
- 3 Signage Standards  
minimal signs for identifying road name where begins and for hazardous situations such as barriers/known hazard preventing passage ahead, stop sign indicating intersection with a moderate or higher volume road  
basic same as minimal plus bridge approach signage, sharp curve signs, or additional as otherwise needed and agreed upon by DEC and the landowner (eg., such as suggested speed limit if is first road into a property)  
moderate same as basic plus suggested speed limit(until it becomes a regulation), turnout spacing, or additional as otherwise needed and agreed upon by DEC and the landowner
- 4 "Surface" means the condition and type of the surface will set standards for seasonal use. Generally closed during mud season(as posted) to public motor vehicle and log truck use, by agreement of DEC and the landowner; "winter" means winter use only
- 5 Maintenance Standards:  
minimal condition checked annually, routine maintenance such as grading, ditch cleaning pothole/washout repair generally needed only every three or four years  
as needed same as minimal but due to higher use levels will likely need some routine maintenance annually or every other year  
regular annual routine maintenance likely needed
- 6 APA/DEC regulations on wetlands, stream crossing, etc.
- 7 NYS regulations on insurance requirements for vehicles
- 8 The landowner is responsible for informing lessee's of rules and regs for use of trails and related retained recreation rights; DEC has legal authority for enforcement of DEC regulations with members of the public, including the landowner's lessees when they are recreating as members of the public