

# NEVERSINK RIVER UNIQUE AREA

## UNIT MANAGEMENT PLAN

June 2, 1997

### Vision of the Neversink River Unique Area Management Unit

The Neversink River Unique Area Management Unit will be restored to two lost 18th century forest communities. Once again, huge white pine, eastern hemlock and hardwoods will line the River corridor while the highlands will be predominantly American chestnut and oak. Wild trout will inhabit the River and its tributaries while a diverse and healthy population of wildlife occur throughout the landscape. Strong public support for the Unit will ensure that unique features are enhanced for compatible recreational, scientific and economic opportunities. As a result, neighboring landowners will be self-motivated to extend the benefits of these ecosystems to their properties and thereby enhance the landscape of the Neversink River Unique Area.

New York State Department of Environmental Conservation

George E. Pataki, Governor

John P. Cahill, Acting Commissioner

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Unit Management Plan

**PREFACE**

The policy of the Department of Environmental Conservation (DEC) is to manage State lands<sup>1</sup> for multiple use to serve the People of New York State. This Unit Management Plan is the first step in carrying out that policy. The plan has been developed to address management activities on this unit for the next 6-year period. A review and update will occur in 2003 and at five year intervals after that. Some management recommendations extend beyond the 6-year period. Factors such as budget constraints, staffing, wood product markets, and forest health problems may require deviations from the scheduled management activities.

The Department's ecosystem management goal, with its concepts of biological improvement and multiple use, is to maintain an ecosystem which is balanced in terms not only of natural factors but also of the anticipated requirements that the People of New York State place on State lands. The basic objective of this Unit Management Plan is to make people a compatible part of the environment of the Neversink River Unique Area Management Unit so that these lands are passed on to future generations in better condition than when they were acquired.

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<sup>1</sup> The term "State lands" as used herein refers only to those lands under the jurisdiction of the Department of Environmental Conservation.

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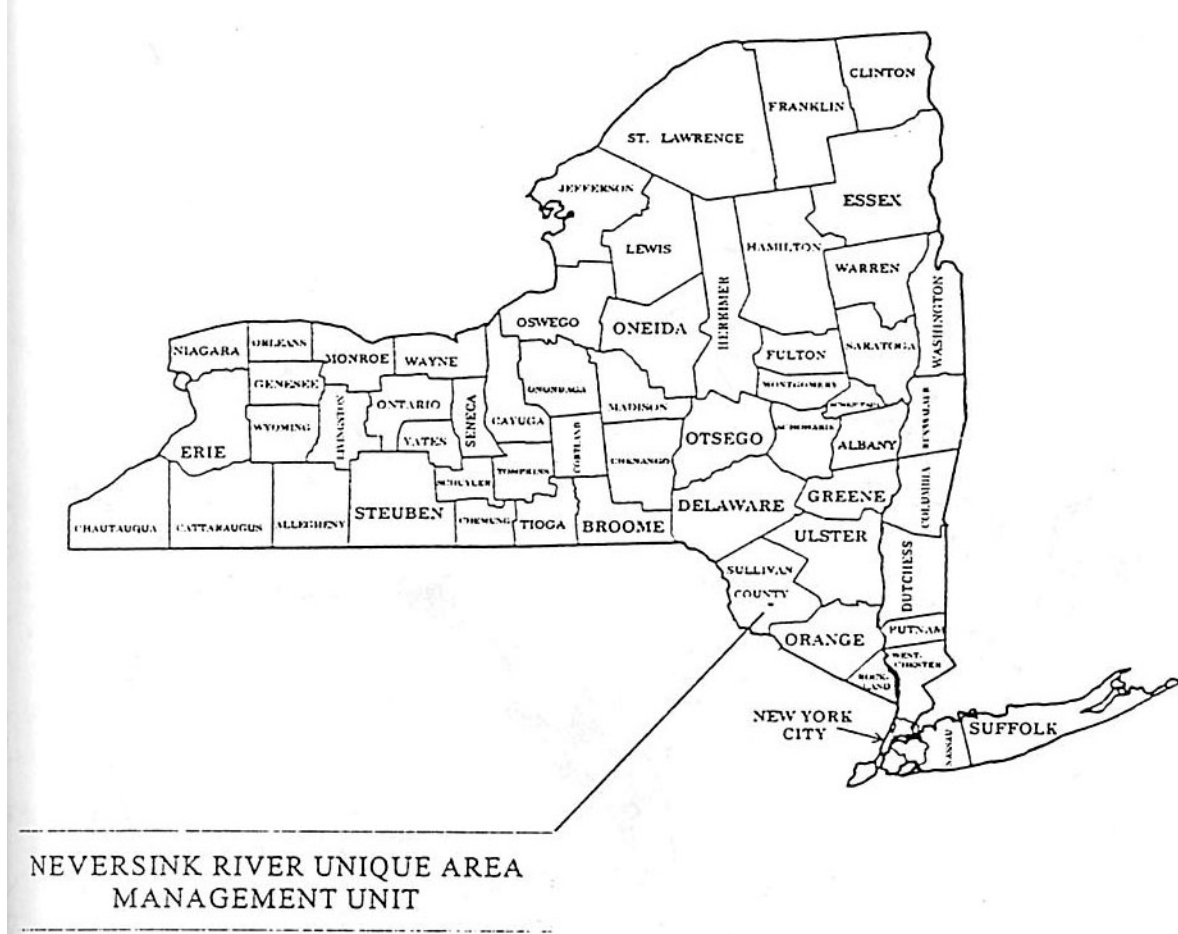
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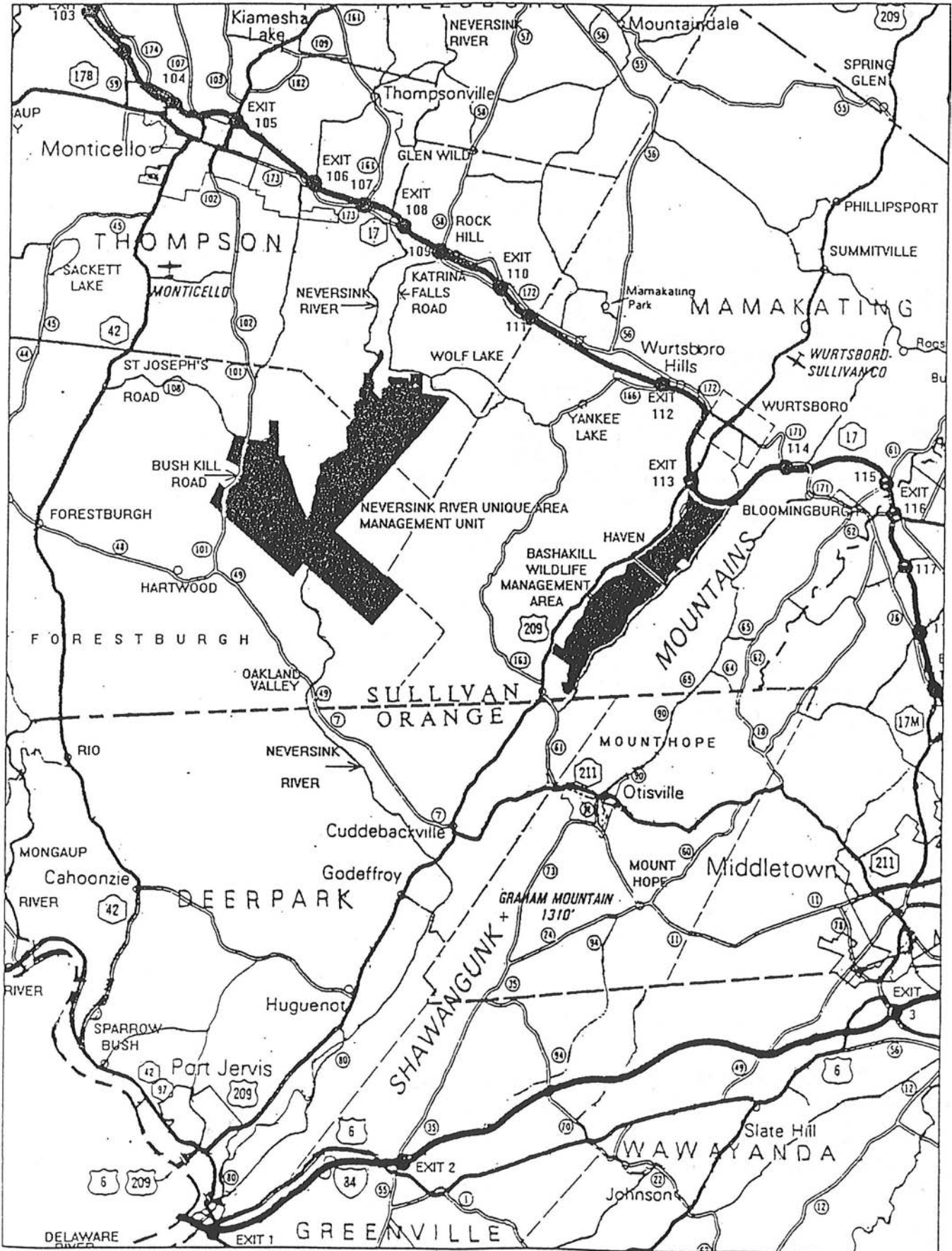
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Map 2. Regional Location Map





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Map 3. Topographical Map

Scale = 1:100,000

Contour Interval = 20 Meters

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I. INTRODUCTION

A. Area Location and Description

The Neversink River Unique Area Management Unit is in the incorporated Towns of Forestburgh and Thompson, Sullivan County, in southeast New York State (See Location Maps 1 and 2, page vii and viii). This management unit (Unit) consists of the 4,881-acre Neversink River Unique Area, sometimes called the Neversink Gorge, and the 585-acre Wolf Brook Multiple Use Area (MUA). All these lands are owned by the People of the State of New York and administered by the NYS Department of Environmental Conservation (DEC). This document is the Unit Management Plan (UMP) which provides direction to DEC for managing the State owned lands within this Unit.

The principal natural resource asset of the Unit is the Neversink River which flows south, generally through the central portions of State land ownership. The Unique Area includes most, but not all of the steep hillsides that define the Neversink River corridor or gorge between the northern and southern limits of State ownership. The River is generally 100 feet wide throughout the Unique Area with sufficient perennial water flow to sustain a limited trout population and seasonal flows that support white water boating. The Neversink River extends 4.9 miles between the north and south ends of the Unit.

Public access to the Unit occurs at the north end and western edge of the Unit. Northern accesses occur along Katrina Falls and Wolf Lake Roads about 3.5 miles south of the Hamlet of Rock Hill and NY Route 17. Access along the western edge occurs at the parking lot on the east side of Bush Kill Road (County Road 101 and also known as Stephen Crane Trail) 7.7 miles south of Broadway in the Village of Monticello, via St. John's Street and Cold Spring Road (County Road 102). The western edge of the Unit can also be accessed from Cuddebackville in Orange County. From State Route 209, go west on Oakland Valley Road (Orange County Road 7 and Sullivan County Road 49) for 7.3 miles, then north on Bush Kill

Road (County Road 101) 1.4 miles to the parking lot. This parking area can also be accessed from State Highway 42 in Forestburgh by traveling east on St. Joseph's Road (County Road 108) 3.9 miles then south on Bush Kill Road 1.4 miles. All access to the Neversink River within the Unit occurs only with significant foot travel on woodland trails from parking areas along these highways. Portions of the western edge of the Unit are defined by the eastern edge of the abandoned Ontario and Western (O&W) Port Jervis to Monticello railroad bed.

The principal infrastructures within the Unit are forest roads, a privately leased fish hatchery, parking areas and quarries. Public use of forest roads within the Wolf Brook Multiple Use Area is limited to summer and fall. Eden Brook or Fish Hatchery Road is closed to the public but used as ingress-egress for the hatchery and by landowners and guests of privately owned parcels along the road. This fish hatchery has existed for decades and occurs along the upper elevations of Eden Brook. The fish hatchery lease includes 49.1 acres of land and 194.3 acres of buffer zone posted with restricted signs to protect the hatchery. Parking areas occur along Wolf Lake Road, Katrina Falls Road and Bush Kill Road. In addition, at the western end of the Unit is a 12 acre sand and gravel quarry and a 2 acre inactive bluestone quarry.

The Nature Conservancy designated the Neversink River as one of the 75 "Last Great Places" throughout the United States, Latin America and the Pacific. One of the last populations of the globally-endangered dwarf wedge mussel (*Alasmidonta heterodon*) occurs in the Neversink River approximately 6.5 miles below the Unique Area. A population of this particular species of mussel indicates a high water quality and healthy ecosystem of the River. The Neversink River is a relatively pristine river that supports many native florae and fauna associated

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with inland Atlantic rivers. Similar watercourses have been degraded or lost to dams.<sup>2</sup>

2,805-acre Clove Development Tract in December 1981.

B. Definition of Land Classification

1. Unique Area

A Unique Area must possess one or more of the following attributes: special natural beauty; wilderness character; geological significance; ecological significance, including areas essential for the conservation of threatened or endangered species; character suitable for inclusion in the State Nature or Historical Preserve and be located outside the Adirondack and Catskill Parks<sup>3</sup>.

The use of such lands should be focused around and preserve those special characteristics for which the area was so designated; ie: its special natural beauty and ecological significance. As such, top priority should be given to activities that can utilize the site without degrading the scenic, ecological, historic, archeological and other unique features. This Unit may accommodate a variety of uses but each must be planned and managed to avoid negative impact to the unique qualities for which the Unit was created.

On May 20, 1980, the New York State Nature and Historical Preserve Trust Board requested DEC to acquire "Neversink Wilderness properties" in Sullivan County as a Unique Area in the category of wilderness character. Acquisition could include less than fee interests (typically referred to as conservation easements) as may be appropriate. Funding sources for this project would include Unique Area funds, other [State] bond acts and federal sources to the extent possible. The first parcel purchased was the

The Neversink River Unique Area was designated as such for the protection and enhancement of the geological and ecological features of the area that make it unique.<sup>4</sup> Limited public uses compatible with this objective would be encouraged. The Neversink River corridor within the Unique Area is certainly of special ecological and aesthetic character for the immediate area, the State of New York and the northeast region of the country. Regarding ownership of State lands within counties that are part of the Adirondack or Catskill Parks, the New York State Constitution and NYS Environmental Conservation Law (ECL) require Unique Area or similar designation.<sup>5</sup> The funding sources used to purchase the properties also required special circumstances and land use. The Unique Area designation provides protection of the natural resources and integrity of ownership for and by the People of the State of New York through various laws, rules and regulations. Most of these statutes are included in the ECL and enforced by the DEC forest rangers, conservation police and legal staff.

2. Multiple Use Area

A Multiple Use Area is defined by the nature of the funding source use to acquire the parcel(s). The Park and Recreation Land Acquisition Act of 1960, and the Environmental Quality Bond Act of 1972 and 1986 contained provisions for acquisition of State lands. These lands serve multiple purposes involving conservation and development of natural resources, including preservation of scenic areas, watershed protection, forest management and recreation. The classification of State Forest was initiated by the New York State Reforestation Law of 1929 and the Hewitt

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<sup>2</sup> The Nature Conservancy, Lower Hudson Chapter newsletter, Spring/Summer 1993.

<sup>3</sup> "Unique Area Preservation Project" is defined at ECL 51-0703(4), (see page 28); "Unique Character" is defined at ECL 52-0101(4)(h).

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<sup>4</sup> Draft Environmental Impact Statement, February 1988, page 7.

<sup>5</sup> NYS ECL 51-0703(4), ECL 52-0101(4); Definitions of Unique Area Preservation Project and Unique Character.

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Amendment of 1931 that set forth the legislation which authorized the Conservation Department (predecessor agency of DEC) to acquire land by gift or purchase for reforestation areas. These State Forests, consisting of not less than 500 acres of contiguous lands, were to be forever devoted to *"reforestation and the establishment and maintenance thereon of forests for watershed protection, the production of timber, and for recreation and kindred purposes"*. This broad program is presently authorized under Article 9, Title 5 of the NYS Environmental Conservation Law.

Today there are nearly 700,000 acres of State Forests and Multiple Use Area lands throughout the State. The use of these lands for variety of purposes such as timber production, hiking, skiing, fishing, trapping and hunting is of tremendous importance economically and to the health and well-being of the people of the State.

C. Parcels Encompassed in the Unit

Four contiguous parcels encompass the entire Neversink River Unique Area Management Unit at this time, totaling 5,466.667 acres, as shown on Map 4 and Table 1. The first parcel is 585.44 acres, purchased in 1964 from Gilbert A. and Elva E. Banks. This parcel is in the northeast corner of the Unit and became designated as Wolf Brook Multiple Use Area. The second parcel is 2,805.41 acres, purchased in 1981 from the Clove Development Corporation, a subsidiary of Orange and Rockland Utilities. This parcel includes most of the present State ownership of the Neversink River and those State lands east of the River. The hunting, fishing and trapping rights to 1,733.74 acres of the northern portions of this parcel were owned by a third party and were not included in that purchase. The third parcel is 6.307 acres, purchased in 1986 from Andrew J. Blackburn located near the end of Katrina Falls Road. The fourth parcel is 2069.51 acres, purchased from Philwold Estates Inc. in 1991. All of this parcel is west of the centerline of the Neversink River. In addition to the four parcels, a land swap of 26.963

acres between the SNY Wolf Brook MUA and O.W.L. Realty Corp. occurred in 1988. This land swap of equal acreage provided access to the MUA from Wolf Lake Road and increased privacy and security to the Wolf Lake community. In 1993, the hunting, fishing and trapping rights on the 1733.74 acres of the Clove parcel was acquired through eminent domain from Benjamin I. Wechsler. Map 4. provides the general location of each of these parcels that comprise the Neversink River Unique Area.

D. History of the Unit and Surrounding Area

The rugged terrain, lack of good agricultural soils and distance from established settlements along the Hudson and Delaware River valleys discouraged European settlement in the area of this Unit until after the American Revolutionary War. The Neversink River corridor within the Unique Area was most likely heavily forested with huge white pine and hemlock. This would be an ecosystem that provided a less than favorable habitat for the wildlife species that native Americans and early settlers depended upon. Regardless, it is assumed that native Americans and European hunters, trappers and explorers traveled through the Unit and area on trails that paralleled the River. East-west travel would be much easier through the Oakland Valley corridor (what eventually became the Mount Hope and Lumberland Turnpike) or the rolling hills north of the Unit. These areas had shallow fords to permit safe crossing during most of the year.

The first settler to inhabit the Town of Forestburgh is believed to be David Handy shortly after the American Revolutionary War<sup>6</sup>. He and his wife developed a home site and small shingle making industry along what is today called Hartwood Club Road about 1.2 miles south of the Oakland Valley Road (County Road 48). It is unknown when Handy came to the area but he did serve in the Revolutionary War as a resident of Ulster County.

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<sup>6</sup> History of Sullivan County, J.E. Quinlan, 1873

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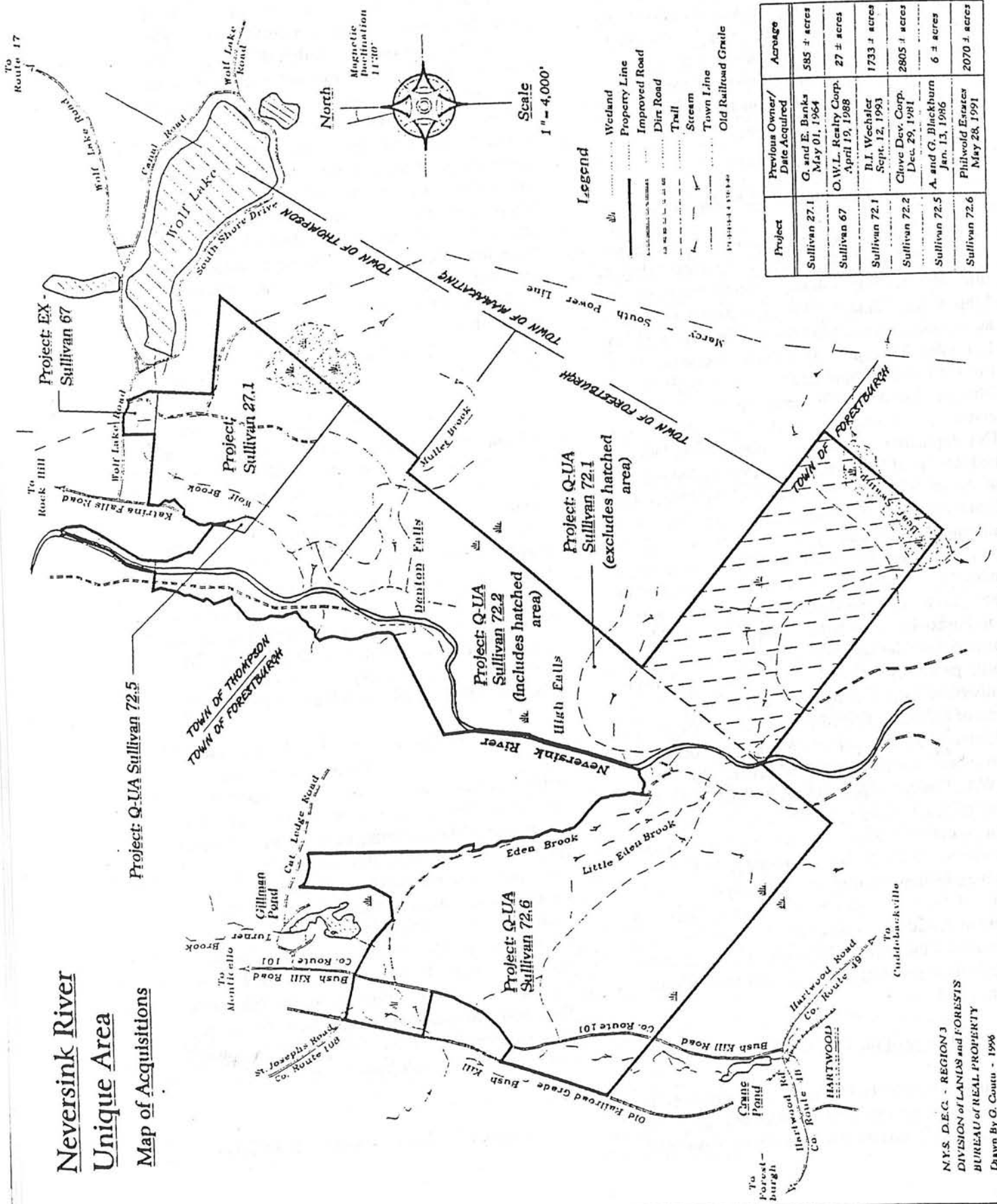
This area of Forestburgh was included as part of Ulster County at that time. Handy died in 1814 and a NYS Historical Marker occurs along Hartwood Club Road near this original settlement.

In 1783, Captain Abraham Cuddeback built a sawmill on the Bushkill stream where it intersects with the Neversink, approximately three miles below the southerly end of the Unique Area. This is considered the beginning of commercial use and exportation of Forestburgh's most abundant natural resource and namesake, *forests*, or more specifically lumber and hemlock bark. Abundant water supplies and gradient of streams provided ideal power sources for early sawmills. Forests of the area provided lumber for building, tannic acid for tanning leather, shingles, scoops (shovels), firewood and charcoal. In addition, the steeper slopes exposed a source of bluestone, a valuable building and sidewalk commodity.

Map 4. Map of Acquisitions

# Neversink River Unique Area

## Map of Acquisitions



Project	Previous Owner/ Date Acquired	Acreage
Sullivan 27.1	G. and E. Banks May 01, 1964	585 ± acres
Sullivan 67	O.W.L. Realty Corp. April 19, 1988	27 ± acres
Sullivan 72.1	B.I. Wechsler Sept. 12, 1991	1733 ± acres
Sullivan 72.2	Clive Dev. Corp. Dec. 29, 1981	2805 ± acres
Sullivan 72.5	A. and G. Blackburn Jan. 13, 1986	6 ± acres
Sullivan 72.6	Phildwold Estates May 28, 1991	2070 ± acres

N.Y.S. DEC. - REGION 3  
DIVISION OF LANDS and FORESTS  
BUREAU of REAL PROPERTY  
Drawn By G. Coutu - 1996

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There were at least three significant settlements in the 1800's within the boundaries of the Unique Area. The least significant in population, development and duration appears to have been Quarryville. This community is designated on an old map<sup>7</sup> of the Town of Forestburgh, circa 1872. Quarryville was located on the east slope of the Neversink River Valley and probably along the property line between the State of New York and lands now or formerly owned by Leonard near the site of the old White Oak Hunting Club cabin. The 1872 map indicates that this community was entirely in Great Lot 31 of the Minisink Patent, Divisions 1 and 7 which is the former Clove Development Tract and now the southeast portion of the Unique Area. This community was accessible over "Bluestone Quarry Road" that appears to be the northern extension of Griffin Road. The south end of Griffin Road begins along the Oakland Valley Road, 0.6 miles south of the Neversink River. Probably, this community existed solely as living quarters for quarry laborers and would have been abandoned in the late 1890's when the bluestone market collapsed. The nearest farm would have been the Griffin homestead that was established in the early 1800's on the plateau along Griffin Road, about 3/4 miles north of Oakland Valley Road at the Sullivan and Orange County line.

The most historical settlement within the Unique Area was called Hackledam located at the intersection of Wolf Brook (the western outflow of Wolf Lake) and the Neversink River.<sup>8</sup> This community was mostly in the Town of Thompson on the east side of the River. Around 1800, a Dutch immigrant surnamed Hackle, built a [saw]mill at the end of Wolf Brook. He eventually built a wire cable suspension bridge across the Neversink at this location. Cable and abutments along with numerous stone foundations

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<sup>7</sup>. This map was published in the "Anniversary Journal, Forestburgh Sesquicentennial, 1837-1987", page 4.

<sup>8</sup> As described in the "Anniversary Journal, Forestburgh Sesquicentennial, 1837-1987", pg 6.

of the settlement can still be seen today. The bridge allowed for settlements to develop on both sides of the River but most of the industries occurred on the east side. A stage coach station was located where an old road crosses Mullet Brook near the eastern property line, about one mile southeast of Hackledam. In time, Hackledam included 30 or so families, two sawmills, a tannery, a grist mill, a brewery, vineyards and a large farm.<sup>9</sup> Most likely, this community came to an end with the loss of available timber and bluestone markets as well as better economic opportunities near Monticello. Hackledam eventually became more of a bedroom community before it was totally abandoned. By 1918 this community, including the school building, moved up-river to the present end of Katrina Falls Road.

The most industrial of communities to develop within the Unique Area was Gilman's Station. This hamlet was located near the intersection of the O&W Railroad (Monticello to Port Jervis line) tracks and St. Joseph's Road. About 1850, W. W. Gilman began to establish one of the largest tanneries and sawmills in Sullivan County. In 1871, the O&W was providing tremendous opportunities for transporting merchandise. The tanning and lumber businesses eventually lead to an employment of 200 workers at this site. A picture of the area taken in 1886 and other evidence indicate the tannery, engine house and sawmill were located on lands now part of the Unique Area immediately south of St. Joseph's Road. By the late 1890's, the industries at Gilman Station had for the most part ended.

The 1872 map also indicates a sawmill and homestead(s) of Gillett and Howell on the west side of the Neversink River near Eden Brook. Remains of mill(s) and foundations can still be found at this location.

Histories of sawmills, quarries and the railroad are especially important for understanding the existing

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<sup>9</sup> As accounted by Andrew J. "Drew" Blackburn, Katrina Falls Road, Rock Hill.

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ecosystems in the Neversink River Unique Area. The 1800's were a period of great exploitation of natural resources throughout the country. Sullivan County and the Unique Area were no exception. In his book History of Sullivan County, published in 1873, J. E. Quinlan makes several comments about the depletion of forests when detailing history in the Town of Forestburgh. Referring to the Gilman real estate holdings, Quinlan states "*In their [Gilmans'] tract is the best remaining forest of white pine in the county.*" Quinlan also insists that lumbering will end [shortly] when the forests are destroyed but bluestone quarries are almost inexhaustible for generations to come. A special variety of bluestone was found in the Oakland Valley area about that time. Quinlan states, "*Probably this pigment [mineral] and the stone quarries of the vicinity will make Oakland a busy place even after its oak-forests are destroyed*". Both industries were greatly diminished before 1900.

The history of land use within the Unit and surrounding area can be assumed and summarized as follows. White pine would have been the first trees cut because locally, it is a good quality species of lumber. Hemlock was sought for its bark that was used to tan leather. Use of hemlock logs for lumber would have occurred when white pine was in limited supply. Often, hemlock logs were left after the bark was removed. Firewood was always needed for cooking and heating and charcoal was made for blacksmith use. With the advent of the railroad, large amounts of timber, leather and stone could be transported as needed in a relatively short period. This promoted the increase of logging and quarrying with little or no thought to what was left of the mature forests, soil integrity or stream water quality. The mill at Gilman Station could and probably did process all the available timber within a five mile radius. This would include almost all of the Unique Area west of the Neversink River. Clearcutting was probably not deliberate since there was no point in cutting trees that did not have immediate use. Photographs of the era do show hillsides somewhat deforested as a result of heavy logging and subsequent tree mortality from disease,

insects or wildfire. Forest fires would have been common to heavily cut areas or areas immediately around or uphill of a railroad. It wasn't until the late 19th century that the State of New York began to take some action toward control of forest fires. Not until 1924 did areas of the State outside the Catskill and Adirondack Park areas become included in forest fire control districts. Quarry activity was very extensive and very much a gamble. High quality bluestone was known to occur in the area of the Unique Area but not every vein of stone would be valuable. This led to quick exploration for high quality stone with little or no care for the surrounding forest cover. Charcoal production would occur where there was a quantity of hardwood timber, especially oak. Trees would be cut, piled, buried and burned to make charcoal. Forest fires were very common to areas where charcoal was produced.

Rapid transportation provided by the railroad led to quick depletion of these resources and eventually an end to associated industries. Bluestone lost its value with the advent of concrete in the late 1800's. Charcoal was replaced by coal which was readily transported by canals and railroads. But timber, especially white pine and hemlock lumber, would remain a local harvestable resource even to this day. The Unique Area was for the most part spared from agricultural use because of the steep and rocky terrain that has very little potential for the lowest levels of farming. Portions of the Unique Area west of Bush Kill Road were probably farmed at one time and a pasture cover still exists at the corner of Bush Kill Road and St. Joseph's Road.

Forests returned to heavily cleared or disturbed lands with the absence of fire and the lack of deer or cattle that eat young trees. Deer were few and far between during the 1800's when little or no laws controlled hunting and "living off the land" was accepted and expected. Most cleared land in the Area had little value to grazing livestock. The forests that redeveloped were not necessarily like the ones that were eliminated. Hardwoods replaced white pine and hemlock in most areas.



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This occurred because hardwoods can sprout from existing root systems and tend to grow faster at an early age than either pine or hemlock on most soil conditions. White pine and hemlock appear to develop best when growing in partial shade of taller, typically hardwood, trees. American chestnut and varieties of oak were probably the most successful at redeveloping because these species are resistant to shallow and droughty soils and low intensity wildfires. Chestnut blight, caused by the introduced fungus *Endothia parasitica*, was first reported in the United States in 1904. Within 50 years, this fungus had spread through the entire range of American chestnut, killing nearly all trees of this valuable species. At present, only a scattering of small American chestnut trees occur in the Unit and most of these are infected by the fungus. But in the late 1800's, as the trees grew back on cut-over lands, a new industry began in Sullivan County, and the Unique Area was no exception.

While the railroad led to the widespread loss of mature forests, it also brought a new industry to replace lumber and bluestone. The railroad provided relatively fast public transportation from the New York City metropolitan area to the "country". People with the financial means to leave the city in the summer months, when it was stifling hot and dirty, came to Sullivan County. Land that had been cleared of most commercial timber had no other value. Large tracts of land were purchased by wealthy buyers with recreational values in mind. The change of clientele using the railroads became obvious when train stations were changed from shacks to buildings with architectural design and "modern" conveniences. Small tracts of woodlands were combined to form large private estate holdings that would exist to this day. The lands that once had value for commercial products now were valuable for sport hunting and fishing, recreation and aesthetic quality.

The Clove Development Tract was purchased by Rockland Light and Power Company, now Orange and Rockland Utilities, between 1927 and 1931 for possible use as a reservoir for generating

hydroelectric power. When New York City developed the Neversink Reservoir approximately 17 miles north and upstream of the Unit, insufficient water would occur at this location for a hydro-electric project. No significant land use activity other than recreation is said to have occurred on this parcel during this period.

Today, the vast majority of the Unit is naturally forested with hardwoods and limited areas of softwoods. Most evidence indicate that timber harvesting has not occurred within the Unique Area for many decades. Wolf Brook MUA has had several small timber harvests sold to neighborhood sawmills. The Marcy-South Powerline was developed in the mid 1980's which resulted in a clearing of 41 acres of MUA lands. The Philwold parcel was actively managed for timber products under the New York State Forest Tax Law program (480a, NYS Real Property Law) during the 1980's. Pre-commercial woodland thinning, commonly called timberstand improvement or TSI, was accomplished on 500 to 600 acres within the Philwold Tract.

## II. INFORMATION ON THE UNIT

### A. Inventory of Real Property

Table 1. provides a synopsis of the individual parcels and acquisitions that comprise this Unit. Map 4. provides a general location of these parcels.

#### 1. Description of Acquisitions

##### a. Sul. 27.1

Sullivan 27.1 was acquired in fee from Gilbert A. Banks and Elva E. Banks on May 1, 1964. The funding source used to purchase this parcel was the Park and Recreation Land Acquisition Bond Act of 1960. This purchase included two parcels of adjoining lands totaling 585.44 acres. These State lands were originally named as Wolf Lake Multiple Use Area. The name was changed in the 1980's to Wolf Brook Multiple Use Area to prevent public confusion with the privately owned Wolf Lake community located ½ mile away.

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b. Sul. 72.2

Sullivan 72.2 was acquired in fee from Clove Development Corporation, a subsidiary of Orange and Rockland Utilities Corporation, on December 29, 1981. This, as well as future purchases, were in response to the following resolution of the New York State Nature and Historical Preserve Trust Board on May 20, 1980:

*"RESOLVED, that the Department of Environmental Conservation be requested and authorized to acquire the Neversink Wilderness properties (Sullivan County) as a Unique Area in the category of wilderness character, to include less than fee interests as may be appropriate, supplementing Unique Area funds with funds from other Bond Act categories and Federal sources to the extent feasible."*

Table 1. Parcels and Acquisitions Included in the Neversink River Unique Area Management Unit.

Parcel	Acres	Date Acquired Page/liber	Funding Source	Previous Owner
Sul. 27.1	585.44	<u>5/01/64</u> 672/374	1960 PRBA	Banks, Gilbert A. & Elva E.
Sul. 72.2	2805.41	<u>12/29/81</u> 1025/196	1972 EQBA	Clove Dev. Corp.
Sul. 72.5	6.307	<u>1/13/86</u> 1205/76	1972 EQBA	Blackburn, Andrew J.
Sul. 67 <sup>1</sup>	26.963	<u>4/19/88</u> 1342/231	No Funds	O.W.L. Realty Corp
Sul. 72.6	2069.51	<u>5/28/91</u> 1524/55	1986 EQBA	Philwold Estates Inc.
Sul. 72.1 <sup>2</sup>	1733.74	10/12/93 <sup>3</sup>	1972 EQBA	Wechsler, Benjamin I.
<b>TOTAL</b>	5466.667 Acres			

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1. This parcel was a land exchange of equal acreage between The State of New York (Wolf Brook MUA) and O.W.L. Realty Corp.
  2. This acquisition was for the hunting, fishing and trapping rights on portions of Sul. 72.2 not previously acquired.
  3. This acquisition was executed by Appropriation Map 6-389.
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A federal grant from the Land and Water Conservation Fund was obtained to assist with this purchase. Funds from the 1972 Environmental Quality Bond Act (EQBA) were also used but no record has been found regarding the federal funding designation for this acquisition. This purchase included 2,805.41 acres in fee. 1733.74 acres of this purchase did not include the rights to hunt, fish or trap which, at the time, were held by Benjamin I. Wechsler.

c. Sul. 72.5

Sullivan 72.5 was acquired from Andrew J. Blackburn and Gertrude N. Blackburn on January 13, 1986. This parcel is 6.307 acres located at the end of Katrina Falls Road. This parcel provides improved public access to the Clove Development tract. Funding for this purchase came from the 1972 EQBA.

d. Sul. 67

Sullivan 67 was acquired in fee from O.W.L. Realty Corp., the corporation that owns Wolf Lake and adjoining properties, on April 19, 1988. This project was an exchange of equal areas between lands of O.W.L. Realty and the Wolf Brook Multiple Use Area. This exchange provided much needed unencumbered public access to the MUA from Wolf Lake Road while increasing the buffer area of O.W.L. Realty land between the MUA and the Wolf Lake community. The area of exchange was 26.963 acres and no funding was necessary.

e. Sul. 72.6

Sullivan 72.6 includes 2,069.51 acres of land acquired in fee from Philwold Estates Inc. on May 28, 1991 using 1986 EQBA funding. This purchase included Eden Brook Fish Hatchery with life time lease and operating rights to Jon Wallach,

president of Eden Brook Aquaculture, Inc. This purchase also included two lease areas, 46.665 acres around the hatchery and 2.447 acres around the caretaker's house. Due to the irregular shape of the surveyed leased lands, a buffer zone of all State lands north of the line separating Great Lots 22 and 23 not included in the lease was established. The buffer zone includes 194.285 acres of State land. Public access and use is not encouraged on the leased and buffer zone acreage, a total of 243.397 acres.

f. Sul. 72.1

Sullivan 72.1 was the acquisition by eminent domain proceedings of the hunting, fishing and trapping rights from Benjamin I. Wechsler on October 12, 1993. This acquisition provided full rights of use to the People of the State of New York on the 1733.74 acres within the Clove Development tract that were not purchased in December 1981. The funding source of this purchase was the 1972 EQBA.

2. Leases, Easements and Right-of-Ways

a. Fish Hatchery Lease and Easements

In July of 1989, as a condition of the Philwold parcel acquisition, DEC agreed to continue the lease of the fish hatchery on this property with Eden Brook Aquaculture, Inc. The Lessee, Jon Wallach, president of Eden Brook Aquaculture, Inc., has lifetime use of the lease area and improvements for the sole purpose of operating the fish hatchery. The facilities are to be maintained in good condition and a lease payment of \$6,000 per year<sup>10</sup> is paid to the State. The

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<sup>10</sup> An increase of Lease payment occurs every five years by the cost of living as determined by the US Dept. of Labor,

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State can terminate the lease if the hatchery is not continuously operated or if the lessee defaults in the performance of any of the lease obligations. Eden Brook Aquaculture, Inc. may terminate the lease at anytime. The lease area and associated restricted area includes 243.397 acres of State land.

b. Eden Brook Road Easement

The Fish Hatchery lease includes the rights of use of Eden Brook Road within the lease or buffer zone acreage. In addition, Benjamin I. Wechsler and his assignees have the deeded right to use Eden Brook Road and some other interior roads for access to their properties. At present, there are thirteen privately owned tax map parcels that have Eden Brook Road as ingress-egress.

c. NYPA Marcy-South Powerline

On September 4, 1985, the Power Authority of the State of New York (PASNY), also known as the New York Power Authority (NYPA), acquired a permanent easement to construct and maintain the Marcy-South transmission facilities across 41.42 acres of the Wolf Brook MUA. In return, NYPA purchased and transferred title to DEC 42 acres of property adjacent to the State owned Painter Hill MUA in the Town of Mamakating, Sullivan County. At that time, no land was available for purchase next to Wolf Brook MUA.

In addition, NYPA constructed 1.2 miles of Class A forest access road, including a bridge over Wolf Brook, drainage structures and parking area, within Wolf Brook MUA. This road extends from the Wolf Brook Road to the north end of the Unique Area.

d. O&R Easements on Philwold Tract

Orange and Rockland Utilities, Inc. (O&R) on June 4, 1948 obtained a right-of-way from the Philwold Estate to construct and maintain electrical service from Bush Kill Road to Eden Brook Fish Hatchery. The clearing limit of this

right-of-way is 10 feet from the outermost wire. O&R also constructed an electric line along Bush Kill Road prior to the State's acquisition of the Philwold property. Since no recorded right-of-way for this line can be found, O&R must obtain a Temporary Revocable Permit from DEC for maintenance work on the line that occurs over State land.

3. Encroachments

Two known encroachments to State lands within the Unit occur on the west side of Katrina Falls Road about 0.7 miles south of Wolf Lake Road. The most recent property line survey indicates that portions of buildings, fenced areas, other structures, disabled automobiles, dumps and residential yards occur on State land along this property line. There is some interest on part of the landowner(s) for a land exchange to eliminate encroachments. Any land exchange will be of equal or greater value to State ownership. In addition, a triangular shaped privately owned property of approximately 0.25 acre in size is surrounded by State land immediately south of this property line. A residential trailer is located on this property within several feet of the State line. Several encroachments associated with residential use occur on State lands around this property.

4. Real Estate Taxes Paid on the Unit

All the parcels within the Unit are classified as fully exempt and no land taxes or payments in lieu of taxes are paid to Sullivan County or the local communities. Appendix 7. provides a list of tax map parcels with acreage and assessed value. Legislation by the SNY is required for the State to pay taxes based on assessment or to make payment in lieu of taxes. DEC supports either of these options while recognizing it already provides many of the public services needed for and within the Unit. These services include fire protection, rescue, law enforcement, sanitation, planning and management. There are no town or county highways providing exclusive access to the Unit. One residential structure occurs in the Unit along Bush Kill Road and several buildings occur along

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Consumer Price Index. See Appendix 6, Summary of Fish Hatchery Lease.

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Eden Brook Road. Since local taxes or payment in lieu of taxes are not paid at this time, some direct costs of local firefighting suppression within the Unit can be reimbursed under New York State Finance Law, Section 54-e.

B. Geographical and Geological Information

1. Geographic Location

The Neversink River Unique Area Management Unit is located in the southern half of Sullivan County, approximately 3.5 miles south of the Hamlet of Rock Hill along State Highway 17. A portion of the northern end of the unit occurs along Katrina Falls and Wolf Lake Roads. The Unit is partially bounded to the east by a portion of the Mamakating and Forestburgh Town Line. The southern end of the unit is about 2 miles north of the Orange and Sullivan County Line along Oakland Valley Road. The western edge of the Unit is defined by portions of the eastern edge of the abandoned O&W, Port Jervis to Monticello, railroad bed. The western portion of the Unit occurs along Bush Kill Road 6.5 miles south of the Village of Monticello. The Unit occurs between latitudes 41 degrees 36 minutes at the north end and 41 degrees 31 minutes at the south. The western extent of the Unit is 74 degrees 41 minutes longitude while the east extent is 74 degrees 36 minutes.

2. Geology

The Unit lies on the southern Appalachian Plateau province which is distinguished by its uniformity of upper elevations, deep ravines, steep escarpments and huge boulders. The area was completely glaciated during the last ice age which ended about 10,000 years ago. As the glaciers retreated, the area was covered with glacial till ranging from a few inches on hilltops to several hundred feet in some valleys.

The Neversink River flows south through the central portions of the Unit creating what is commonly referred to as the "Neversink Gorge".

The terrain is mountainous and steep in most areas with rock cliffs angling up sharply from the river's edge. Elevations range from about 780 feet where the Neversink River exits the Unit to 1,640 feet above sea level at a small hilltop in the southeast corner. Outside of the Gorge, the average elevation is approximately 1,300 feet above sea level with no areas below 1,000 feet.

3. Soils

Soils occurring in the uplands of the Unit generally belong to the Wurtsboro-Swartswood Association. The surface layers of these soils are medium in texture but vary from nearly level to steep, shallow to moderately deep and somewhat well to excessively well drained. A seasonal high water table, steep slopes, stones and slow permeability are the major limitations of these soils. Wetland areas include soil types named Neversink loam, Neversink and Alden soils, very gravelly and Palms muck. Soils along the Neversink River include Fluvaquents-Undifluvents complex and Philo silt loam. The field at the intersection of St. Joseph's Road and Bush Kill Road occurs on Chenango gravelly loam. A list of soil types occurring in the Unit as shown on maps in Soil Survey of Sullivan County, New York, 1989 occurs in Appendix 5. The Survey includes detailed information about individual soil type characteristics, potential productivity and recommended uses.

4. Climate

Within the region of the Unit, the average temperature in January is 21EF and 67EF in July. Average annual precipitation is 52 inches. The Unit can experience significant snowfall which is typically deeper and longer lasting than other portions of southern Sullivan County. A snow pack of 20 to 30 inches occurred over most of the Unit during January 1996.

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C. Vegetative Cover Types

The vast majority of the Neversink River Unique Area Management Unit is naturally occurring forest land that developed on lands heavily cut for timber products or bluestone mining during the late 1800's. Two major forest ecological communities occupy most of the Unit. These are best considered second and third growth communities that are generally in an evenaged condition. Table 2. provides a general description of cover types occurring in the Unit and Map 5. indicates general locations of these cover types. List 1. includes several minor communities that also occur at scattered locations throughout the Unit.

1. Major Forest Communities

The principal forest community found in this Unit is called "Allegheny oak forest" as defined by the New York Natural Heritage Program<sup>11</sup> in Ecological Communities of New York State, 1990. This forested upland community occurs on well drained sites, usually on ridgetops, upper slopes, or south to west facing slopes. This forest community includes approximately 3,353 acres or 62% of the Unit upland of the River and major tributaries. The dominant tree species are red oak (*Quercus rubra*), white oak (*Q. alba*), black oak (*Q. velutina*) and chestnut oak (*Q. montana*). American chestnut (*Castanea dentata*) was a significant canopy co-dominant before the chestnut blight. Sprouts and small chestnut trees can still be found scattered throughout this community. Associate species include red maple (*Acer rubrum*), eastern hemlock (*Tsuga canadensis*), eastern white pine (*Pinus strobus*), shagbark hickory (*Carya ovata*), pignut hickory (*C. glabra*), white ash (*Fraxinus americana*), black birch (*Betula lenta*), yellow poplar (*Liriodendron tulipifera*), trembling aspen (*Populus tremuloides*), bigtooth aspen (*P. grandidentata*).

The second major forest ecosystem is called "Hemlock-northern hardwood forest" as defined by the NY Natural Heritage Program. This is a mixed forest that typically occurs on middle to lower slopes or ravines, on cool, mid-elevation slopes and on moist, well drained sites at the edge of wetlands. This forest type covers 1,931 acres or 35% of the Unit along the corridors of the Neversink River, Eden Brook, Wolf Brook and Mullet Brook. The principal tree species in this ecosystem are eastern hemlock (*Tsuga canadensis*), American beech (*Fagus grandifolia*), sugar maple (*Acer saccharum*), red maple (*Acer rubrum*), red oak (*Quercus rubra*), white pine (*Pinus strobus*), yellow birch (*Betula alleghaniensis*), black birch (*Betula lenta*), basswood (*Tilia americana*) and tulip tree (*Liriodendron tulipifera*). The relative cover of hemlock is variable within this community ranging

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<sup>11</sup> The New York Natural Heritage Program is supported by funds from DEC and The Nature Conservancy.

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Table 2. Acreage of Vegetative Types and Forest Size Classes in the Neversink River Unique Area Management Unit.

Land Cover Type	0-11"	12"+	Non Forest	Total	%
Natural Hardwood Forest <sup>1</sup>		3,353		3,353	62
Natural Conifer Forest		0		0	0
Natural Mixed Forest <sup>2</sup>		1,931		1,931	35
Open Water Resources			54	54	1
Open Swamp			58	58	1
Open Fields			11	11	0
Open Utility Line ROW <sup>3</sup>			46	46	1
Sand/Gravel/Stone Quarry			14	14	0
<b>TOTAL ACRES</b>	0	5,284	183	5,467	100

1. Natural hardwood forests are referred to as the Allegheny oak forest community.
2. Natural mixed forests are referred to as the Eastern hemlock-northern hardwoods forest community.
3. This cover type includes all of the Marcy-South right-of way in the Wolf Brook MUA. The vegetative cover is considered Successional blueberry heath by NY Natural Heritage Program.

from a minor component at higher elevations to nearly pure stands along drainages. White pine is generally the tallest tree in evenage growing conditions surpassing other species by tens of feet in height.

2. Other Ecological Communities

Allegheny oak and Eastern hemlock-hardwood forests are not the only ecological communities within the Unique Area. List 1. includes other communities defined by the NY Natural Heritage.

List 1. Ecological Communities of the Neversink River Unique Area Management Unit.

- Appalachian oak-hickory forest
- Chestnut oak forest
- Appalachian oak pine forest
- Successional northern hardwood
- Hemlock-hardwood swamp
- Red maple-hardwood swamp
- Pitch pine-oak-heath woodland
- Black spruce-tamarack bog
- Rich hemlock-hardwood peat swamp
- Successional blueberry heath
- Successional old field
- Gravel mine

Sand Mine  
Rock Quarry

3. Trends of Natural Forest Development

There are several ecological factors which will lead to a reduction of plant and animal diversity within the Unit. Shade tolerant trees, shrubs and plants will out-grow shade intolerant species when developing beneath overstory trees. Sugar maple, American beech, eastern hemlock, white pine and other shade tolerant trees will increase in overall percentage in an unmanaged forest. Birch, oak, poplar, black cherry, white ash, basswood and other shade intolerant trees will typically not reproduce or regenerate under tree shade. White-tailed deer are responsible for eating most species of trees and shrubs within their reach. Only white pine, beech and birch appear to survive deer browsing in established forests. In addition, eastern hemlock is threatened by a sapsucking insect, called hemlock wooly adelgid, that has almost eliminated hemlock from the Hudson River corridor, south of Ulster County. Most of the hardwood forest communities in this Unit are

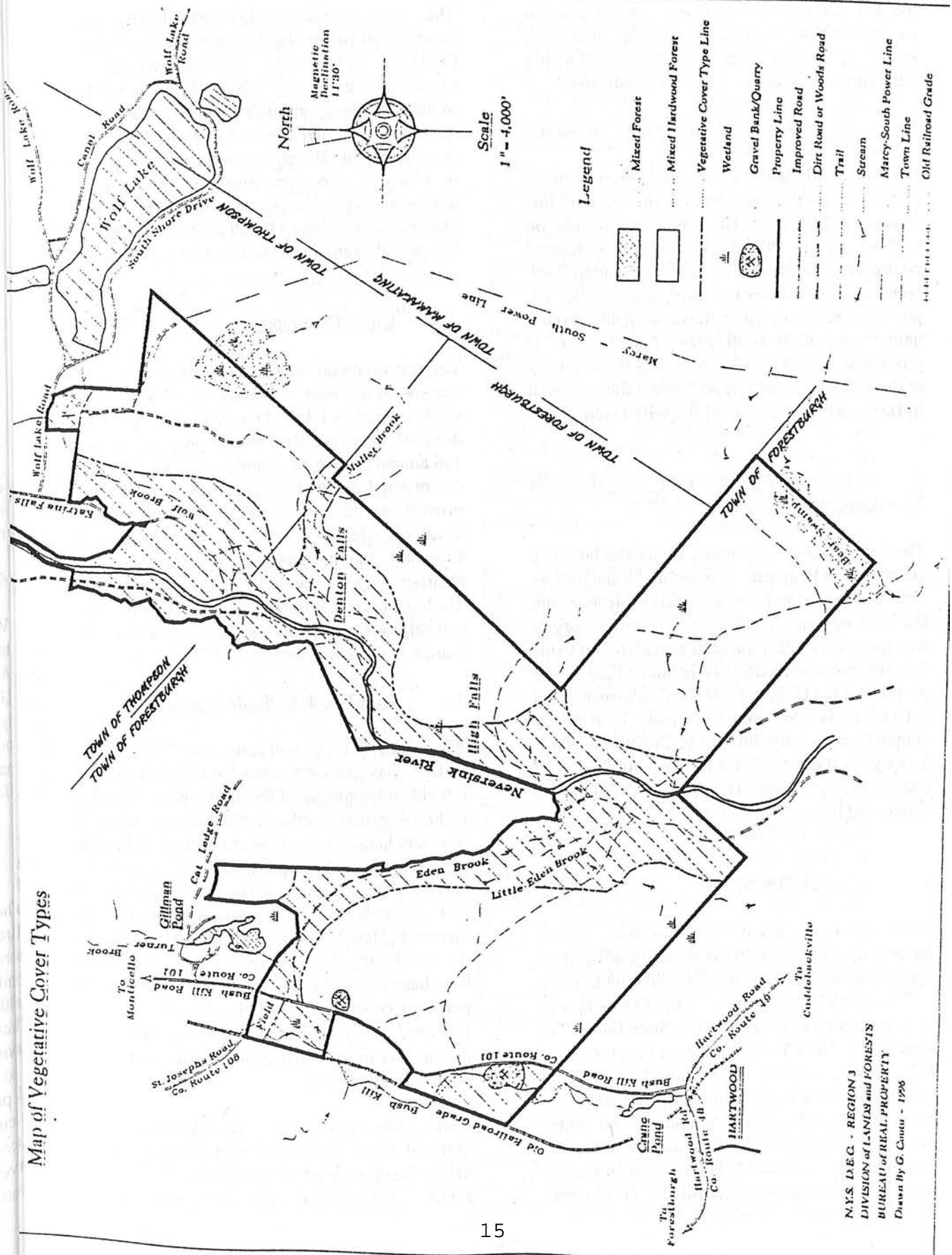
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expected to naturally develop more beech and white pine than any other tree species. This will reduce the diversity of tree, shrub and plant species in forest communities. A subsequent reduction of wildlife species should also be expected. This



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Map 5. Map of Vegetative Cover Types



N.Y.S. D.E.C. - REGION 3  
DIVISION OF LANDS AND FORESTS  
BUREAU OF REAL PROPERTY  
Drawn by G. Cona - 1998

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trend is not expected to change unless a major forest disturbance (fire, blowdown, disease or insect epidemic) occurs or human forestry (silvicultural) treatments are accomplished.

4. Significant Plants and Plant Communities

Both the Significant Habitat and Natural Heritage Program files were reviewed with respect to this Management Unit. No potential impacts on endangered or threatened plants, or natural community occurrences, have been identified. Nevertheless, numerous protected plants are present in the Unit. The removal of plants or other natural materials from State Forest lands is prohibited by statute. Violations of Section 9-1503 of the Environmental Conservation Law can result in fines up to \$25 per plant illegally taken.

D. History of Post World War II Forest Management Activities

The forestry practices applied over the last fifty years are in a large part responsible for the present character, health and development of forests within the Unique Area. A statistical forest inventory of tree species, size, commercial potential and value has either not been done or is out of date for all portions of the Unit. One of the first management activities is to develop and conduct a comprehensive forest inventory. Pre-World War II history of the tracts within the Unit has been addressed earlier in this UMP. Post WW II history is detailed below.

1. Philwold Tract

Prior to 1979, some selective-type timber harvesting of the largest and best quality trees appears to have occurred within this tract. From 1979 until 1991, 1,794 acres of the Philwold tract was committed to the New York State Forest Tax Law (480a, New York State Real Property Law, File 48-6 Inactive). The statutory goal of managing this acreage during this period was to grow and eventually harvest commercial timber

products. The objectives of management were to improve the growth and health of some of the best quality stands of timber committed to the program. This was accomplished by conducting non-commercial timberstand improvement thinnings (TSI) on 500 to 600 acres of commercially immature forest lands. This resulted in a weeding of unhealthy and poor timber quality trees to allow the best timber quality trees to improve in growth rate and health. Weed trees were either cut down or killed by chainsaw girdling. These forest improvement practices were conducted by a private forester and monitored by DEC foresters. During this period, commercial timber harvesting did not occur.

2. Clove Development Tract

There is no record or visual evidence that major portions of this tract were commercially harvested while owned by Clove Development. One large dead oak tree along the easterly property line had 116 annual growth rings and probably germinated or sprouted in the 1870's. Large diameter tree growth and the lack of stumps indicate that this stand has redeveloped from intensive logging for firewood, tannin, lumber, quarrying and land clearing associated with the area's earlier history. There is a considerable area of blowdown in the central portions of this tract that occurred from storms in 1979 and October 1987.

3. Wolf Brook Multiple Use Area

While under DEC authority, the Wolf Brook M.U.A. has been managed for commercial and individual harvesting of forest products. This has included several small selective harvests of white pine and hemlock sawlogs at the west end of the parcel by a neighboring logger and sawyer in the early 1980's. Approximately 57 thousand board feet of sawlogs were harvested generating an income to New York State of \$887. Beginning in the late 1970's, dead or weed trees and tree tops have been sold to local individuals as firewood for personal consumption. Less than 10 cords of firewood per year, on average, was harvested

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during this time which generated an income to NYS of \$10 per cord.

During 1986 and 1987, the Power Authority of the State of New York (PASNY) constructed the Marcy-South power line through the Wolf Brook MUA. The right-of-way within the MUA is approximately 5,500 feet long and 365 feet wide occupying 41 acres. The timber (firewood and sawlogs) removed to establish the ROW was sold to local log buyers and firewood dealers. Approximately 825 cords and 43.5 thousand board feet of sawlogs were sold generating an income to NYS of \$11,811. Construction of the ROW resulted in a forest road system beginning at Wolf Lake Road and ending at the easterly property line in the ROW. A forest road was also developed from the ROW to the southerly property line of the MUA which is the northern boundary line of the Clove Development Tract and part of the Neversink River Unique Area.

E. Forest Health Issues

1. Forest Fires

Since WW II, forest fires have occurred within the Unit but have been generally small and extinguished in relatively short time. Typically, DEC Forest Rangers conducted the suppression efforts of every fire that was not contained immediately along a public highway or well developed private road. Fire reports, maintained in DEC archives, document the day(s) of occurrence, size of fire, cause of ignition and cost of suppression. Usually there is also narrative information pertaining to unusual circumstances related to the fire or the suppression effort. Although fire may be responsible for the expansive oak forest cover in the Unit and surrounding area, it has not had an appreciable affect on the existing forest cover for more than 50 years. Nevertheless, most of the Neversink River Unique Area contains large amounts of natural flammable fuels, such as oak leaves, branch and tree debris and mountain laurel. Any wildfire in or around the Unit during a dry period

has the potential to cause serious loss of tree cover. Dry periods are common in the spring when leaves are not fully developed but a fire hazard exists at any time when rain or snow is absent for a week or more.

2. Forest Insects

a. Gypsy Moths

Insect pests have had a significant affect on the present forest cover. The most significant pest has been gypsy moth (*Lymantria dispar*) defoliation of oak. The caterpillar stage of the gypsy moth eats leaves of many hardwood trees during late spring and early summer. Since the early 1960's, most of the Unit was significantly defoliated two or more times each decade. White and chestnut oak are the preferred species and typically the first to die from defoliation or related diseases. Red, black and other oak species are also severely defoliated when caterpillar populations are epidemic. Other tree species, including white pine and hemlock will be defoliated during the worst infestations. Most defoliated pine or hemlock are in the understory of the oak canopy and are certain to die from a single attack. Natural predators (both insects and diseases) of gypsy moths appear to have controlled the last epidemic in the eastern portions of Sullivan County and, to a lesser degree, along the Delaware River. Future defoliations from gypsy moths are not predictable but are certainly possible. Severe defoliations will continue to reduce oak as the principal family of trees within the Unit.

b. Hemlock Woolly Adelgid

Hemlock wooly adelgid is an insect that has all but eliminated eastern hemlock from Connecticut and the southern Hudson Valley in New York State. It is unknown if this insect will become a serious threat to hemlock in the area of the Unit. Soil and climatic conditions as well as genetic variations between hemlock may prevent this insect from becoming established and killing trees in the area of this Unit. Hemlock is a major species in the River corridor and the potential loss is a serious threat to the forest ecosystem of the Unit, county and region. Healthy hemlock trees should be

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retained in forest management activities to preserve this species and its related ecosystems. Forest management activities should attempt to naturally regenerate this species where at all possible. At present, there are no effective methods for controlling hemlock woolly adelgid in forest conditions.

3. Forest Diseases

Tree diseases have not been as serious a threat to the forest cover when compared to wildfire, gypsy moths or hemlock woolly adelgid. The last serious tree disease was chestnut blight (*Endothia parasitica*) which almost eradicated American chestnut from eastern United States and the Unit. This disease continues to kill small sapling and larger trees but the tenacity of American chestnut to naturally regenerate has maintained this species to limited occurrences within the Unit.

F. River and Stream Resources

1. The Neversink River

A total of 4.9 miles of the Neversink River are contained within the Neversink River Unique Area boundaries. Of this total, 1.1 miles of river in the center and 0.6 miles at the north end of the Unique Area are half owned by private concerns. (The property line between State and private ownership is generally the centerline of the River.) The entirety of the Neversink River within the Unique Area is classified as a protected trout stream in the NYS Environmental Conservation Law and related codes, rules and regulations.

The section of Neversink River within the Unit can generally be described as a fairly continuous section of large "pocket" water, which is a run (or "glide") interspersed with many larger boulders resting on the bottom substrate of the stream. The dominant substrate type is cobble with very little fine gravel substrate having been identified in this section of River. There are a limited number of deeper pools within the Unique Area, with one notable long pool located just downstream from the confluence with Eden Brook. Two waterfalls

of note occur within the Unique Area: Denton Falls and High Falls, both with drops on the order of ten feet.

2. Stream segments in the Management Unit

Table 3. lists classified streams that occur in the Unit. A stream not listed but known to flow year round takes on the same classification as the stream into which it flows.

3. Ponded segments

The only identified ponds in the Unit are several small instream impoundments on Eden Brook located within the lease and buffer zones of the Eden Brook Hatchery. Three of these impoundments were created by artificial dams or impoundment structures, as described under Inventory of Facilities. The largest of these ponds is estimated to be less than one surface acre in size.

4. Navigable-in-Fact

The Neversink River, both in and outside of the Unit, is considered navigable-in-fact waters as described by NYS laws and legal opinions. Tributaries of the Neversink within this Unit are not considered navigable-in-fact. While private, corporate, municipal and State ownership may extend across or to the middle of the River, navigability allows one to operate a vessel on the River without trespass in much the same manner as a public highway is used for travel. The legal right of using navigable waters includes incidental uses that are reasonably necessary to enjoy the right. These incidental uses would include poling the water bottom, lining through rapids, scouting for rapids and carrying or portaging the vessel on the shore or margin of the waterway to the minimum extent necessary to go around or avoid obstacles. The fact that there are natural obstacles along navigable waters does not void the determination of navigable-in-fact. Fishing from a vessel using navigable waters, including temporary anchoring and wading is not considered a right of

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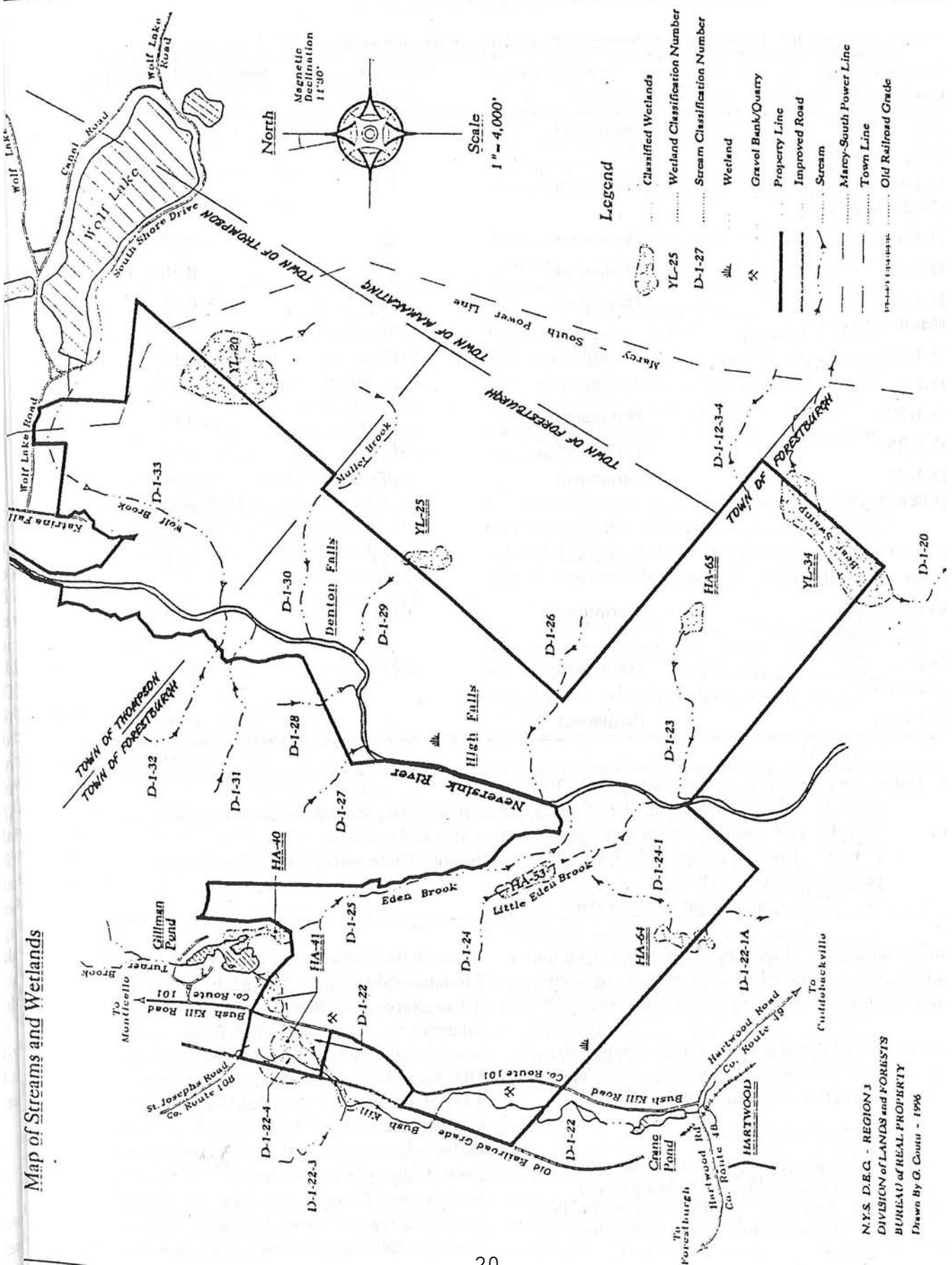
navigability.<sup>12</sup> The public right of navigation does not include a right to camp or picnic on privately owned lands, nor cross privately owned land to gain access to or egress from navigable waters. DEC Division of Law Enforcement Officers and Forest Rangers have been directed not to arrest or issue appearance tickets to those exercising the public right of navigation. Persons who hinder someone from exercising the public right of navigation are legally viewed as creating a public nuisance similar to a person hindering vehicle

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<sup>12</sup> As decided in (final appeal) *Douglaston Manor, Inc. vs George Bahrakis et al*; State of NY Court of Appeals; February 11, 1997

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Map 6. Map of Streams and Wetlands



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Drawn By G. CHIUU - 1996

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Table 3. Classified Streams in the Neversink River Unique Area Management Unit.

Stream Index # Common Name	Frequency of Flow	Classification Standard <sup>1</sup>	Stream Length in Miles
D-1 (Neversink River)	Permanent	B(T)	4.90
D-1-33 (Wolf Brook)	Permanent	C	1.29 (0.68 in MUA)
D-1-32	Permanent	C	0.17
D-1-31	Permanent	C	0.30
D-1-30 (Mullet Brook)	Permanent	C(T)	0.95
D-1-29	Intermittent	C	0.19
D-1-28	Permanent	C	0.23
D-1-27	Permanent	C	0.15
D-1-26	Permanent	C	1.10
D-1-25 (Eden Brook)	Permanent	C(T)	1.86 (0.98 outside the hatchery)
D-1-24, trib 1 (Little Eden Bk)	Permanent	C(T)	1.36
D-1-24 upper (Little Eden Bk)	Intermittent	C(T)	1.14
D-1-22 (Bush Kill)	Permanent	B(T)	1.40
D-1-22-4	Permanent	B	0.38
<b>TOTAL</b>			<b>15.42 Miles</b>

1. Definitions: Title 6, NYCRR, Parts 701.7, 701.8

Class B - The best usages of Class B waters are primary and secondary contact recreation and fishing. These waters are suitable for fish propagation and survival.

Class C - The best usages of Class C waters is fishing. These waters shall be suitable for propagation and survival.

(T) - Waters suitable for trout survival.

traffic on a public highway. DEC enforcement personnel are directed to refer matters of such public nuisance to the DEC Regional Attorney.<sup>13</sup>

Within the vicinity of the Unit, public access to the Neversink River is over existing State owned lands as described in this Unit Management Plan. Public access to the Neversink may also occur at Holiday Mountain Ski Center, owned by the Town of Thompson or at locations where public highways intersect with the Neversink River. The two nearest highway accesses over the Neversink are Old Route 17 or Bridgeville Road (County Road 173) at Bridgeville, and Oakland Valley

<sup>13</sup> Synopsis of May 9, 1991 Memorandum From Marc Gerstman, Deputy Commissioner and General Counsel, NYS DEC, Subject: Public Right of Navigation - Enforcement Guidance. See Appendix 8.

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Road (County Road 49) at Oakland Valley. The most realistic boating of the Neversink in this area is from Bridgeville to Hackledam. At Hackledam, boaters would carry their boats to the end of Katrina Falls Road. Several accounts indicate that boating in the Unit is difficult, dangerous and best navigated by experienced boaters under ideal conditions. A detailed account of navigating this stretch of River occurs in the publication "Appalachian Waters 1: The Delaware and its Tributaries", pages 173-181, authored by Walter F. Burmeister and published by Appalachian Books, Oakton, Virginia.

G. Fisheries Habitat

List 2. includes those fish species that have been identified to occur in the Neversink River within the Unique Area. Brook trout have been identified in Eden and Little Eden Brooks and brown trout have been identified in Little Eden Brook. No other DEC fisheries data exists for any of the other waters of the Unit. In those permanent tributary sections for which no fisheries data exists, the streams would be expected to contain brook trout, brown trout, and slimy sculpin (Cottus cognatus) if the streams run cold enough throughout the summer. Additionally, these stream segments may contain all of the species in List 2., with the likely exception of largemouth and smallmouth bass and redbreast sunfish.

List 2. Fish Species Known to Occur in the Neversink River.

brown trout	<u>Salmo trutta</u>
brook trout	<u>Salvelinus fontinalis</u>
rainbow trout	<u>Oncorhynchus mykiss</u>
white sucker	<u>Catostomus commersoni</u>
fallfish	<u>Semotilus corporalis</u>
smallmouth bass	<u>Micropterus dolomieu</u>
largemouth bass	<u>M. salmoides</u>
redbreast sunfish	<u>Lepomis auritus</u>
blacknose dace	<u>Rhinichthys atratulus</u>
longnose dace	<u>R. cataractae</u>
common shiner	<u>Notropis cornutus</u>
cutlips minnow	<u>Exoglossum maxillingua</u>
shield darter	<u>Percina peltata</u>
margined madtom	<u>Noturus insignis</u>

American eel Anguilla rostrata

The Neversink River through the "Gorge" has been something of a biological enigma, with a fish population including (and perhaps numerically dominated by) warmwater species such as redbreast sunfish (Lepomis auritus), smallmouth bass (Micropterus dolomieu), largemouth bass (M. salmoides), and fallfish (Semotilus corporalis). Yet, this fishery has gained a popular reputation as an excellent wild trout fishery. The width, volume, and bottom composition make traditional stream electroshocking sampling techniques difficult at best. The remoteness of much of the river (along with the steep terrain) limit reasonable access by a large crew with equipment to only a few locations.

These conditions, along with the long history of private ownership of the property, have limited the Department's opportunities to conduct fisheries surveys of the Neversink River in this area. The first survey on record was conducted in 1935, utilizing angling to a large extent. The Department did not resurvey this section of the river until August of 1994, when three different locations within the Unique Area were sampled by electroshocking.

This trout fishery is reportedly dominated by brook trout (early in the season) and larger brown trout (through the later season). It is hypothesized that there are two major limitations to this trout fishery:

1. Visually, in-stream spawning habitat appears to be limited at the locations that have been inspected, as the substrate is characterized by larger boulders, cobble, with some bedrock shelves present.
2. Thermally, the Neversink apparently gets marginally warm for good trout growth during most summers, as this reach is too far downstream to derive much benefit from the relatively meager 45 cubic feet per second (cfs) release from the Neversink Dam 20 miles upstream. During the August, 1994 electroshocking survey, water temperatures were consistently in the mid-70's at



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both the upstream and downstream ends of the property. Trout collections during this survey were very light, and this provides a somewhat limiting view of the fishery, since late-summer low water conditions make the river most "workable" for an electroshocking crew.

Laboratory studies have indicated that an average weekly temperature of 66° F (with a daily maximum not exceeding 75° F) results in best brown trout (Salmo trutta) growth, with brook trout (Salvelinus fontinalis) requiring a somewhat colder thermal regime. Four cold permanent tributaries and unquantified groundwater inputs undoubtedly provide some thermal relief to the trout population during the summer, but these inputs only drop the river temperature by a couple of degrees in the five mile length of the "Gorge", based on the August 1994 survey. Spring outlets may occur in the river which provide sites of thermal relief to trout, but these locations are currently unknown.

A hypothetical scenario which may describe the observed dynamics of this fishery include:

1. Brook trout recruitment to the Neversink River from wild, self-sustaining populations in at least the four permanent tributaries mentioned above. Out-migration of brook trout from these tributaries in the fall, possibly in search of spawning habitat, places some larger fish into the Neversink River at a time when they might be expected to add growth until late fall, and then also add growth the following spring until the river warms unacceptably the following summer. This would explain the reported early season brook trout fishery; it is unknown if these individuals find thermal refuge somewhere in the river, or ultimately succumb to the high water temperatures.

2. Brown trout recruitment from both Neversink River spawning (probably limited) and tributary spawning. Limited past surveys have documented a very low density population only in Little Eden Brook, with **no** adult brown trout observed in any of the tributaries during a fall 1995

field inspection. It is unknown whether the apparent low density of brown trout observed in the Neversink is due to a low density of broodstock, spawning habitat, or high juvenile mortality.

Verification of this hypothetical scenario (or determination of an alternative scenario) is dependent upon the adequate sampling of this resource. Sampling during spring and fall is desirable to document the distribution of trout when thermal conditions are not limiting, although spring sampling may be very difficult due to typically higher springtime river discharges. The documentation of a typical annual thermal regime will help in the determination of the validity of the hypothetical scenario.

Given the extremely conservative current harvest regulations (No Kill, Artificial Lures Only), it will be exceedingly difficult to improve this wild trout fishery from its current condition if the fishery does not respond to an enhancement of spawning habitat. Stocking (of a variety of potential life stages) is also an option, but this action would compromise the stated goal of a wild trout fishery.

1. Special Fishing Regulations

Special fishing regulations pertain to the Neversink River and tributaries located within the Neversink River Unique Area. Appendix 4. includes these specific fishing regulations. Only artificial lures may be used for fishing and trout must be released when caught. Trout fishing season on these waters occurs between April 1 and September 30. These special fishing regulations do not apply where the right to fish is privately owned. The rights of navigation do not include the right to fish on or over private lands.

H. Wetlands

The Neversink River Unique Area contains all or part of eight DEC designated and protected freshwater wetlands. Table 4. provides a synopsis of these wetlands. Wetlands smaller than 12.4 acres are not classified as DEC protected and

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have not been identified in this Plan. An inventory of these wetlands will occur when a comprehensive forest inventory is conducted.

I. Wildlife

Within the Mongaup Hills Ecozone, Chambers<sup>14</sup> lists 19 species of reptiles, 20 species of amphibians, 99 species of birds and 53 species of mammals that are possible residents of the Unit. Appendix 1. lists those species which are probable residents of the Area. Appendix 2. lists those species of birds identified as breeding within the area according to the Breeding Bird Atlas.

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<sup>14</sup> "Integrating Timber and Wildlife Management", Robert E. Chambers, SUNY College of Environmental Science and Forestry, 1983.

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Table 4. List and Character of DEC Protected Wetlands in Neversink River Unique Area.

WETLAND ID #	Total Acreage	Acreage in UMP	Wetland <sup>1</sup> Classification	Wetland Type
HA-41	77.8	51.9	II	Conifer
HA-42	18.3	<1.0	II	Shrub
HA-53	22.4	22.4	III	Conifer
HA-64	20.8	12.1	II	Deciduous
HA-65	12.9	12.9	II	Deciduous
YL-20	105.5	33.3	II	Shrub
YL-25	21.0	<1.0	IV	Conifer
YL-34	91.4	69.8	II	Deciduous
<b>TOTAL</b>	<b>370.1</b>	<b>204.4</b>		

1. Wetland classification means the designation placed upon a mapped wetland by the Department pursuant to a classification system promulgated in Title 6, NYCRR 664. That system establishes four separate classes that rank wetlands according to their ability to perform wetland functions and provide wetland benefits. Class I wetlands provide the most critical of the state's wetland benefits. Class II wetlands provide important wetland benefits. Class III wetlands supply wetland benefits and Class IV provide some wildlife and open space benefits.

Information pertaining to specific classes of species or species of popular concern is included below.

1. Endangered and Threatened Species

Wildlife species classified as "endangered"<sup>15</sup> are not believed to occur within the Unit or immediate landscape. The Unit is a significant habitat of eastern timber rattlesnakes, a threatened

species<sup>16</sup> in New York State. Locations of endangered or threatened species or sites of specific habitat are confidential and release of this information is carefully controlled.

2. Eagles and Raptors

Bald eagles and other raptors use the Neversink Gorge as a travel corridor and as sites for feeding and roosting. Peregrine falcons are known to occur within the Unit creating some hopes of possible nesting. Nesting of bald eagles or peregrine falcons within the Unit has not been discovered to date despite efforts to identify such sites.

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<sup>15</sup>. "Endangered species" are determined by DEC to be in imminent danger of extinction or extirpation in New York State, or federally listed as endangered. All such species are fully protected under NYS Environmental Conservation Law.

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<sup>16</sup>. "Threatened species" are determined by DEC as likely to become an endangered species within the foreseeable future in New York State, or federally listed as threatened. All such species are fully protected under NYS Environmental Conservation Law.

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3. Beaver

There is an abundance of beaver habitat in the Unit with active feeding along the River during the 1995-96 winter. Besides the River, any of the tributaries and many of the wetlands will support beaver populations. DEC Bureau of Wildlife expects normal fluctuations of beaver population. The beaver occupancy rate<sup>17</sup> for Wildlife Management Unit (WMU) 32 is 20%.

4. Small Game

Many species of small game and furbearers are found in the Unit and surrounding landscape. Turkeys, grouse, squirrels, fox and coyote are just a few of the game species available for hunters, trappers and wildlife enthusiasts. Hunting and trapping are valuable management tools that provide much outdoor recreation.

5. White-Tailed Deer

The Unit is located entirely in the Deer Management Unit (DMU) 51 portion of the Mongaup Hills ecozone. DMU 51 is considered one of the poorest deer ranges in southern New York. Winter range lacks quality deer browse and summer range is limited by the dense forest canopy and lack of graze. Deer harvested by hunters during the big game season typically have the smallest yearling antler beam diameters of any DMU in New York State. Body weights measured from deer taken on adjoining hunting areas are also small, indicative of the overall poor quality of deer habitat. When winter mortality occurs, it will most likely occur in this Unit sooner and more severely than at other locations. No surveys have been done to fully define the distribution and extent of deer winter concentration areas, however such locations are poorly defined in DMU 51. The extent of deer survival directly corresponds to the severity of winter.

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<sup>17</sup> A beaver occupancy rate is DEC's desired percentage of active beaver sites to total potential beaver sites.

In terms of hunter harvest, DMU 51 currently has a buck take objective (BTO) of 3.0 bucks per square mile. The 1995 buck take was 2.58 bucks per square mile, slightly below the objective. The area is still recovering from the harsh winters of 1992-93 and 1993-94 when significant winter mortality occurred in DMU 51. It is anticipated that the 1996 buck take should be at the objective. The highest buck take for this area was in 1986 when 4.5 bucks per square mile were taken following several successive mild winters.

Future deer management for the area should focus on providing access to insure sufficient hunter density to achieve adequate female harvest. There is little value in attempting to improve winter range with existing deer populations.

6. Black Bears

Black bears are known to utilize all or portions of the area at different times of the year. Home range varies depending upon time of year and food availability. Typically, an adult female has a summer range in excess of 15 square miles (9,600 acres) while the range of a male is somewhat larger. The lack of residential or commercial development in the Unit diminishes the likelihood of bear/human encounters that are frequently found in adjoining areas to the north and east.

The Unit is within a part of the Southern Catskill bear range. Population of the entire range can well exceed 150 bears especially during the fall. Much of these numbers are transient bears from Pennsylvania. Tagging records confirm that many young males enter the Southern Catskill range in search of unoccupied territories. Bear populations in the Unit probably peak in the fall when mast and other natural foods are abundant. It is not known if there are any bear dens nor are there any records of bears denning within the Unit. The size and topography of the Unit make it likely that some overwintering occurs. Bear hunting occurs in the Unit and surrounding landscape incidental to deer hunting. An average of 3 to 5 bears per year are taken in the Town of Forestburgh. Management for bears will focus on providing

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information to users of the Unit regarding bear behavior and avoidance of bear/ human interactions. While posing no threat to humans, black bears can be conditioned to become a nuisance when attracted to food.

J. Roads

The State Forest Road system provides for both public and administrative access within the Unit. The roads are constructed to standards that provide reasonably safe travel while keeping maintenance

Table 5. Classification and Length (in miles) of Forest Roads within the Neversink River Unique Area Management Unit.

-----Length in Miles-----				
Parcel	Public Forest Access Roads	Haul Roads	Access Trails	Total Miles
Wolf Brook MUA	1.9	0.7		2.6
Clove Tract				0.0
Blackburn Tract				0.0
Philwold Tract			2.6	2.6
<b>TOTAL</b>	<b>1.9</b>	<b>0.7</b>	<b>2.6</b>	<b>5.2</b>

costs to a minimum. There are three types of roads, Public Forest Access Roads, Haul Roads and Access Trails, which provide different levels of access, according to the standards of construction and maintenance.

1. Public Forest Access Roads

Public Forest Access Roads are permanent and unpaved. They may be designed for all-weather use depending on location and surface material. These roads provide primary access within State lands. The standards for these roads are those of the Class A and Class B access roads as described in the Unpaved Forest Road Handbook.<sup>18</sup>

2. Haul Roads

Haul Roads are permanent and unpaved but are not designed for all-weather travel. They are constructed primarily for removal of forest products and only provide limited access within the Unit. As such, these roads may or may not be open for public use. The standards for these roads are those of Class C roads as provided for in the Forest Road Handbook.

3. Access Trails

Access Trails are unpaved and may be permanent but do not provide all-weather access within State lands. These trails are originally designed for removal of forest products and may be used to meet other management objectives such as

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<sup>18</sup> "Unpaved Forest Road Handbook" DEC policies and Procedures.

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recreational trails. These trails are constructed according to Best Management Practices.<sup>19</sup>

4. Inventory of Forest Roads

Table 5. lists the classification and mileage of designated forest roads in the Unit. Several miles of other old roads and trails occur throughout the Unit. Most of these have deteriorated to allow very limited use of four-wheel drive vehicles. These undesignated roads are only used for hiking or emergency access.

5. Road Regulations

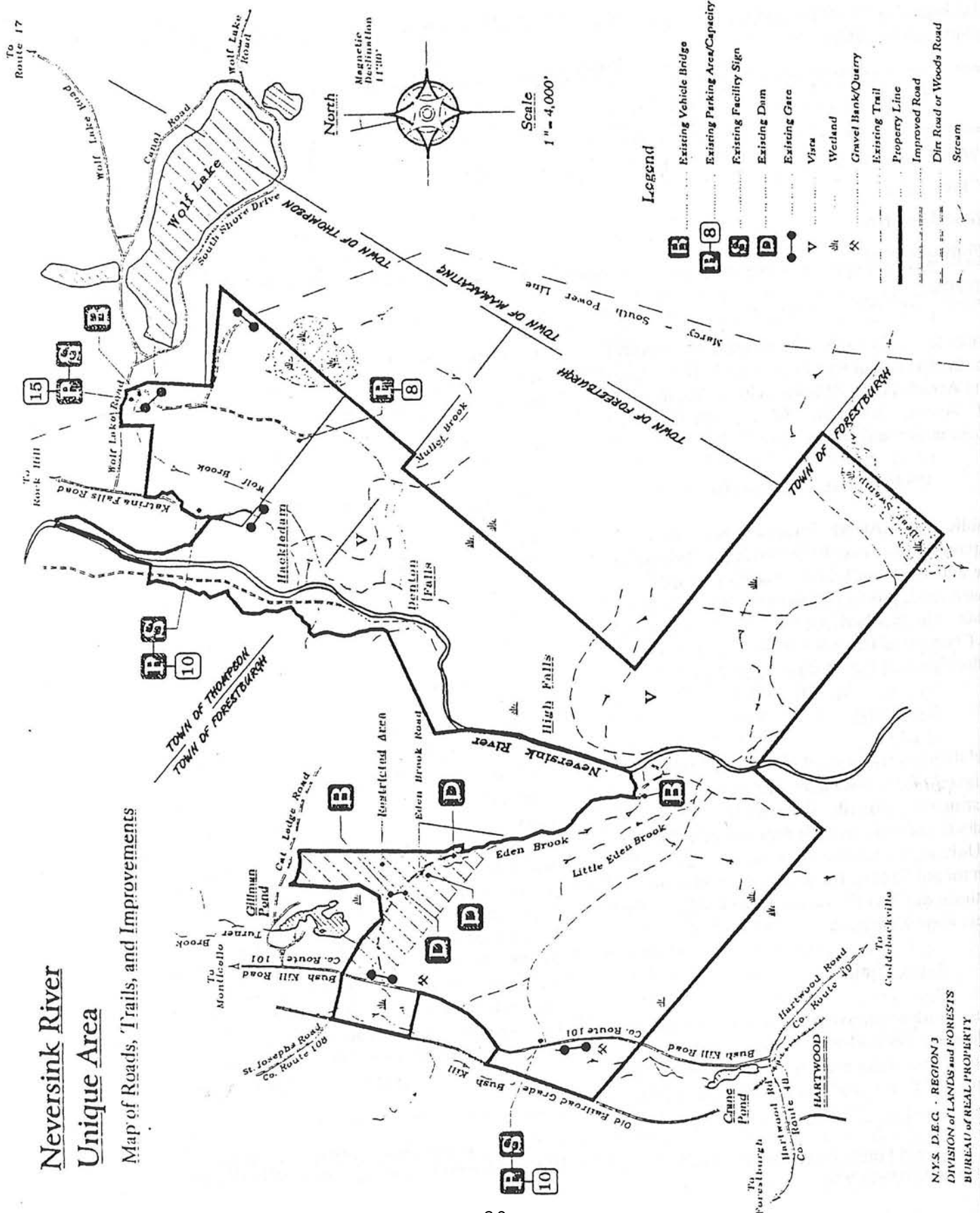
Maximum speed limit on public forest access roads is 25 m.p.h. Section 190.8(m) of the New York Code of Rules and Regulations, Title 6 states: *"Use of motor vehicles on State land under the jurisdiction of the Department of Environmental Conservation outside the Forest Preserve is prohibited, except where specifically permitted by posted notice or by permit issued by the Department."* New York State Vehicle and Traffic laws pertain to all motorized vehicles and the use of such vehicles as if State lands were public highways. Forest roads within Wolf Brook MUA are open for public use between June 1st and December 15th, when weather conditions permit. The forest road in the Philwold Tract is Eden Brook Road which is closed to public use.

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<sup>19</sup> Best Management Practices are defined in DEC publication regarding commercial logging practices.

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Map 7. Map of Roads, Trails & Improvements



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K. Recreation

Many passive and active recreational opportunities exist in the Unit. These include, but are not limited to, hunting, fishing, trapping, hiking, cross country skiing, cross country bicycling, wildlife observation, bird watching, and nature study. By regulation, camping is only allowed in the Wolf Brook Multiple Use Area at this time.

The Unit encompasses 4.9 miles of the Neversink River, including two waterfalls, as prime fishing and aesthetic resources of the area. The steep rocky ridge on the east side of the River opposite Eden Brook provides an excellent vista both up and down the Neversink Gorge. Another vista within the Unit occurs along the trail between Hackledam and the upper portion of Mullet Brook.

Three small (less than 1 acre) instream ponds along with a series of small dams and raceways are located within the Eden Brook Fish Hatchery lease area. These ponds are not open to the public at this time, as required by the fish hatchery lease.

Public use of motor vehicles, ATVs and snowmobiles is prohibited within and on the Unique Area. Motor vehicles intended for legal highway use are allowed on the Forest Access Road system within Wolf Brook MUA when the gate near Wolf Lake Road is open. The use of ATVs and snowmobiles is prohibited within the MUA until appropriate roads or trails are designated for such use.

L. Camping

Camping has been prohibited within the Neversink River Unique Area since the adoption of applicable DEC rules and regulations in 1989 (Title 6, NYCRR 190.10(c)2). Although prohibited, some primitive backpack camping has occurred in the Area without serious consequence.

Wolf Brook Multiple Use Area has a history of limited tent, recreational vehicle (RV), trailer and "car" camping. Most of this activity has been

allowed or regulated by a DEC camping permit issued by a DEC Forest Ranger. Usually, this camping occurs during deer hunting season (both bow and rifle seasons) between mid-October and mid-December. Some camping occurs during early trout fishing season between April 1st and late May. "Car camping" and associated garbage, noise and vandalism occur mostly in the summer with peak use during Memorial Day, Fourth of July and Labor Day weekends. According to trail registers and Forest Ranger records, most of the users of the Unit live in Sullivan or Orange counties. Weekday and some weekend "party" activity is typically done by local youths in the spring and early summer and is strongly related to underage alcohol drinking or illegal drug use. Forest Ranger patrols have so far been successful at substantially reducing these incidents.

M. Inventory of Facilities

1. Eden Brook Fish Hatchery

The Eden Brook Fish Hatchery contains a dilapidated wooden house, a clapboard fish hatching and rearing building, a cinder block feed house and a cement quonset style building presently being utilized for cleaning and preparing of hatchery raised fish for market. The hatchery caretaker's house and residential easement occurs on 2.447 acres on the east side of Bush Kill Road at the St. Joseph's Road intersection. A small garage and shed are also located at this residential site.

2. Impoundment Structures (Dams)

Three water impoundment structures or dams have been identified within Eden Brook Fish Hatchery and along the course of Eden Brook. These dams were inspected by DEC Dam Safety on November 16, 1992. A general description of each dam is listed below.

a. Fish Hatchery Dam #1, 163C-5213

This dam is constructed with laid up flat stone located on the south side of Eden Brook Road approximately 4000 feet east of Bush Kill Road.



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The top of the dam is 18 feet above the existing stream immediately downstream of the dam. There are two 2 foot deep spillways about 4 feet long located near the center of the structure. The overall length of the dam is 163 feet and it is 10 feet wide (thick). There is an 8 inch steel drain pipe at the base of the dam below the two spillways. The impoundment is less than one surface acre and the dam hazard rating is "A". Regular maintenance and inspections are recommended.

b. Fish Hatchery Dam #2, 163C-5214

This dam is constructed with stone and concrete located 200 feet downstream of Dam #1. This dam impounds a surface area of water 200 feet long by 75 feet wide. The dam is 75 feet long and 11 feet high with a 5 foot long spillway 18 inches below the top of the dam. A 15 inch steel pipe is 4 feet below the spillway. This dam has a hazard rating of "A" and regular maintenance and inspection are recommended.

c. Fish Hatchery Dam #3, 163C-5215

This dam is constructed with stone, concrete and earth-fill located 700 feet below Dam #2. This dam impounds an area of 200 feet long and 145 feet wide (0.67 acres). The dam is 142 feet long, 16 feet high and 10 feet wide. The spillway is 5.2 feet long and 1.6 feet below the top of the dam. An 8 inch steel pipe is 13 feet below the spillway. This dam has a hazard rating of "A" and regular maintenance and inspection are recommended.

3. Parking Lots

Three parking lots have been developed within the Unit at this time at the following locations.

a. Parking Lot along Bush Kill Road

This parking lot was developed in 1994 on the east side of Bush Kill Road 1.4 miles south of St. Joseph's Road and 1.4 miles north of Oakland Valley Road. This lot was designed and built to accommodate 10 parked cars.

b. Parking Lot along Wolf Lake Road

This parking lot was developed in 1988 on the west side of the Forest Access Road, 150 feet south of Wolf Lake Road. This lot was designed and built to accommodate 15 parked cars.

c. Parking Area along Katrina Falls Road

This parking area is undeveloped but occurs at the facility sign and old log landing area on the east side of Katrina Falls Road, 0.4 miles south of Wolf Lake Road. This area can generally accommodate 10 parked cars.

4. Bridges

Five bridges are found in the Unit. Two bridges occur along Eden Brook Road which are 32 foot by 12 foot wooden plank type structures over Eden Brook. Although this road is closed to public use, these bridges need to be inspected by DEC Operations staff for safety concerns. A 40 foot by 20 foot concrete bridge over Wolf Brook occurs near the entrance of the MUA Forest Access Road about 100 yards south of Wolf Lake Road. Two small wooden bridges occur on the trail from Katrina Fall Road to Denton Falls, one over Wolf Brook the other over Mullet Brook. These bridges need to be replaced in the near future.

5. Gates

Four metal pipe gates constructed from well casings and built to DEC policy standards are located within the unit at the following locations:

a. Wolf Brook MUA

This gate is located at the bridge over Wolf Brook along the MUA forest access road about 100 yard south of Wolf Lake Road. This gate is kept open from June 1st (end of spring turkey hunting season) to December 15th (end of deer hunting season) each year according to weather and road conditions. It is closed in the winter months to protect the roads from damage associated with vehicle use during winter and spring thaws. A private gate is located at the eastern end of the Haul Road along the Marcy-South right-of-way at

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the State/private land boundary. This gate is owned and maintained by the adjoining owner.

b. Katrina Falls Road

This gate is located several hundred feet past the Town maintained end of Katrina Falls Road. This gate is only open for DEC administrative or emergency use.

c. Gravel Bank

This gate is located at one entrance to the gravel bank on Bush Kill Road. The road beyond this gate is only used for DEC administrative and emergency uses. Other roads into the gravel bank are blocked with large boulders.

d. Eden Brook Road

This gate is located along Bush Kill Road at the entrance to Eden Brook Road. Eden Brook Road is closed to public use as required by the fish hatchery lease.

6. Facility Signs

Wolf Brook MUA facility signs occur at two locations; one at the entrance to the Forest Access Road along Wolf Lake Road and the other at a parking area along Katrina Falls Road. A Neversink River Unique Area facility sign is in place at the Bush Kill Road parking area.

7. Gravel, Sand and Stone Quarries

An abandoned 12 acre sand and gravel quarry is located west of Bush Kill Road near the southwest corner of the unit. A two acre bluestone quarry and rubble is located 0.5 miles south of St. Josephs Road along the east side of Bush Kill Road.

8. State Boundary Lines

The length of exterior boundary lines for the entire Unit is 24.68 miles. Most of these lines are surveyed, marked with yellow paint and posted with "Unique Area" or "Multiple Use Area" signs as appropriate. The last scheduled maintenance of these lines occurred between June 1994 and April 1995.

9. Other Structures or Facilities

An old abandoned school bus is located in the gravel bank area west of the parking lot along Bush Kill Road. This is a non-conforming structure within the Unit and is scheduled for removal. In addition, there are a few previous dump sites in the Unit. One occurs about 0.5 mile south of the end of Town maintenance of Katrina Falls Road. Several smaller dump areas occur in and around the sand and gravel banks west of Bush Kill Road. At least one hand-dug water well is known to occur in the Unit which will be filled in as soon as possible. Any other well or similar hazard must be filled to prevent injury and subsequent liability to the State. Other similar non-conforming structures or facilities that are undocumented will be removed or eliminated as soon as possible.

10. Historical Structures and Artifacts

Most of the historical artifacts within the Unit are stone foundations of 19th century buildings. These include sawmills, grist mills, residences, barns, bridge abutments, survey markers, etc. Most of these occur in the Hackledam area but there are similar remains throughout the Unit. At least one cemetery occurs in the Unit (its location is confidential to prevent vandalism). Additional remains are expected to be found, described and mapped when a vegetative and historic inventory is accomplished. Some findings will be made confidential to protect historical value. Management activities will ensure that historical values are protected and maintained.

N. Constraints on the Unit

Many diverse constraints are placed upon the Neversink River Unique Area Management Unit. Some of these include laws, codes, rules and regulations, the Environmental Impact Statement, legal right-of-ways, leases and temporary revocable permits. Besides these constraints, are laws and regulations pertaining to the purchase of properties and the activities authorized to occur

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on the properties. Policies and procedures within DEC also regulate and limit management options and user activities. Only those constraints that are particularly important to management and use of the Unit are listed below.

1. Designation of Unique Area

This Unit has developed in response to several legal proceedings and associated laws, rules and regulations. DEC was initially directed to create the Neversink River Unique Area on May 20, 1980. The NYS Nature and Historical Preserve Trust Board requested DEC to acquire properties of wilderness characteristics in the vicinity of the Unit (see UMP page 8). The acquisition of Unique Area properties are guided by this action and by the nature of funds used to purchase lands or rights. The NYS Environmental Conservation Law (ECL), section 51-0703 (4), defines a "Unique Area Preservation Project" as:

*"A state project to acquire lands of special natural beauty, wilderness character, geological, ecological or historical significance for the state nature and historical preserve and similar lands within a forest preserve county outside the Adirondack and Catskill Parks."*

2. Environmental Impact Statement

The following are excerpts from the Draft Environmental Impact Statement (DEIS), Neversink River Unique Area, February, 1988 which was finalized May 1989.

*As noted in the Summary, this DEIS addresses a proposed action by DEC to acquire certain lands and land rights to complete the formation of the Neversink River Unique Area. The proposed action includes acquisition of the hunting, fishing, and trapping rights over a certain parcel of land*

*which the State now owns in fee,<sup>20</sup> and acquisition in fee of additional lands contiguous to lands which the State now owns in fee. (A map of relevant parcels is attached as Appendix A) [see UMP Map 8.]. Those rights and lands would be acquired in a series of acquisitions through negotiated purchase or by the process of eminent domain. (DEIS page 2)*

*The proposed Neversink River Unique Area would unify under State ownership lands of natural beauty, wilderness character, and geologic, ecological and historical significance. (DEIS page 3)*

*The proposed Unique Area would be dedicated to the protection and enhancement of the geological and ecological features of the area that make it unique. Limited public uses compatible with this objective would be encouraged. (DEIS page 7)*

*In order to afford this very scenic and wild portion of the Neversink River corridor the permanent protection of State ownership, to preserve its resource characteristics, to provide an opportunity for compatible recreational activities and to establish a unit of appropriate management size and scope, DEC also proposes to acquire additional parcels, as shown on the Map, [UMP Map 8.] as components of the proposed Unique Area. Acquisition of these lands would provide for permanent protection of the Gorge as well as appropriate public access. (DEIS page 8)*

*D. Detailed Description of the Components of the Proposed Action*

*1. Acquisition of the hunting, fishing and trapping rights over the 1800 acre parcel which the State owns in fee, shown on the map as SNY 1. Acquisition of the rights would*

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<sup>20</sup> This acquisition occurred on Oct. 12, 1993 as Sul. 72.1 (See Table 1.).

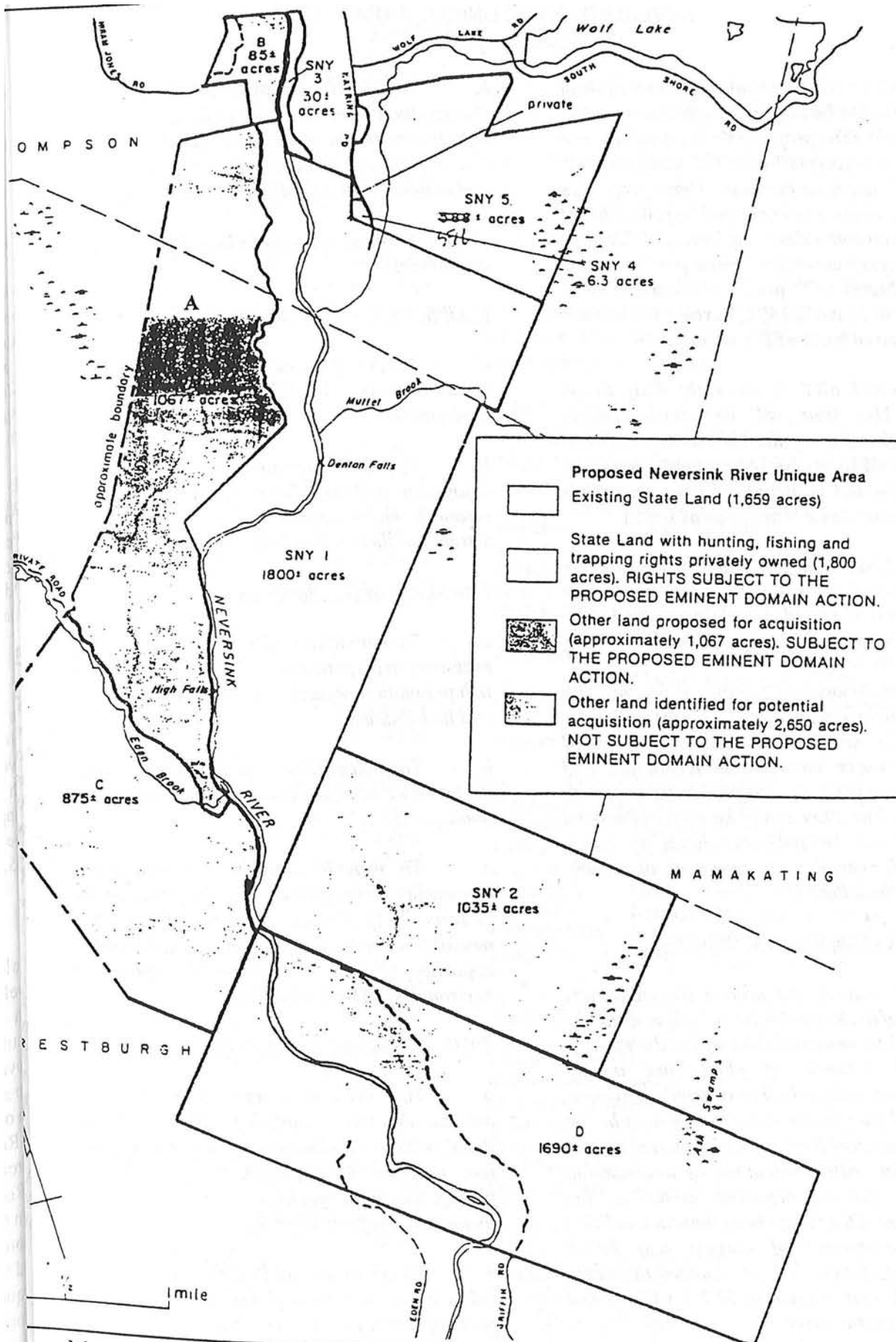
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*permit the public a full range of compatible uses of these State lands unrestricted by any reserved recreational rights. [These rights were fully acquired by the SNY on October 12, 1993]*

2. *Acquisition in fee of Parcel "A" on the map, approximately 1067+/- acres, would allow public access, use and protection of the scenic and recreational resources on the lands west of the Neversink River and adjacent to the existing State-owned parcel, SNY 1. SNY 1 and Parcel A include the most scenic area of the Gorge and would comprise the central, core portion of the proposed Unique Area. [This acquisition by the SNY has not occurred to date. The DEIS called for eminent domain acquisition of this parcel which was approved by judicial review but not acted upon by DEC Commissioner Jorling within the required time restraints.]*

3. *Acquisition in fee of Parcel "B" on the map. Purchase of the 85 acres would permit access to the proposed Unique Area from the north and the west side of the Neversink River. [This acquisition by the SNY has not occurred to date.]*

Map 8. Map of Proposed Acquisitions as Described in the Environmental Impact Statement (DEIS), May 1989



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4. *Other parcels of land or portions of them are proposed to be acquired for addition to this Unique Area. The properties most desirable are identified as parcels "C" of 875+/- acres and "D" of 1690+/- acres on the map. Those properties would provide access to and public protection of more area on both sides of the Neversink River, as well as access from and perimeter parking on the south. [Parcel "C" plus 1195+/- acres were acquired on May 28, 1991, Parcel "D" has not been acquired by the SNY to date.]*

5. *Parcel SNY 5, currently Wolf Brook Multiple Use Area, will be administratively designated as part of the Unique Area. (DEIS page 9)[Wolf Brook MUA remains designated as an MUA but is included in the Neversink River Unique Area Management Unit.]*

6. *Additional lands or interests in lands may be considered at some future time if their acquisition is identified in the UMP as needed for management or ecological purposes.*

7. *The Department proposes to develop, with public participation, a Unit Management Plan for the Neversink River Unique Area. The Plan would specify resource management techniques and would be subject to SEQR review prior to adoption. The Plan would be directed toward managing the Unique Area lands so as to accomplish certain management objectives, including the following:*

General Land Management Objectives

a. *To sustain and protect the wilderness character of the Neversink River Unique Area, the unit would be managed to continue the existing ecological balance of plant and animal communities, relatively free of man's influence. The dominating forces would continue to be the natural ecological forces of the plant and animal communities with a minimum of intervention. Thus, the general objective would be the preservation of the Gorge in its natural condition for the enjoyment of current*

*and future generations of New Yorkers. Limited timbering may be allowed in areas of SNY 5 which are a distance from the River.*

b. *To establish the availability of a Forest Ranger force and Environmental Conservation Officer presence to monitor and patrol the area to ensure protection and proper use of the natural and man-made resources. (DEIS page 10)*

c. *To remove non-conforming facilities, such as buildings.*

Wildlife Management Objectives

a. *To protect and maintain all native wildlife species at levels compatible with their natural environment.*

b. *To provide appropriate opportunities for enjoyment and beneficial use of the wildlife resources while maintaining a quality recreational setting for current and future generations.*

Fish Management Objectives

a. *To maintain habitat and water quality necessary to perpetuate the self-sustaining native fish population occurring in the Neversink River and its tributaries.*

b. *To implement season, size and bag limits designed to maintain a recreational fishery for quality-sized wild trout.*

c. *To provide optimum opportunity for enjoyment and beneficial use of the fish resource in terms of quality and numbers of sport fish available to anglers seeking an enjoyable fishing opportunity in a wilderness character environment. (DEIS page 11)*

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Public Use Management Objectives

a. To provide for a variety of recreational pursuits that are compatible with the Unique Area's wilderness character. These may include tent camping in appropriate areas, hiking, photography, bird watching, ecological research, fishing, hunting and trapping.

b. To construct facilities that will enhance public use of the area. Included may be perimeter parking areas, pedestrian bridges, handicapped access, interior administrative and emergency use roads, hiking trails and sanitary facilities.

c. To make public use of the Unique Area as safe, enjoyable and non-destructive to the forest and aquatic ecosystems as possible by:

1. Developing site-specific regulations for the Neversink River Unique Area, including adopting modifications of existing hunting and fishing regulations, if required.

2. Monitoring the intensity of permitted recreational use to avoid damage to the resource through overuse.

3. Implementing an appropriate Neversink River Unique Areas boundary program. Markers would be mounted at major access points to enhance recognition of the resource and to avoid trespass on adjoining private lands. (DEIS page 12)

Water Resource Management Objectives

To monitor periodically the quality and quantity of the water resources. Regional staff would continue research activities to ascertain any impact from sedimentation, acid precipitation or other pollutants. The DEC regulates releases from Delaware Basin Reservoirs under Article 15, Title 8 of the Environmental Conservation Law and 6 NYCRR Part 671. (The statute and regulations

are available at DEC offices for public review).

7. Threatened and Endangered Species  
As part of its management strategy, DEC would take steps to inventory and protect those communities of endangered species of animals and vegetation existing within the Unique Area, and to preserve them within the capacity of the resource to support the species.

8. Archaeological and Historical Sites  
As part of its management strategy, DEC would preserve the archaeological and historical sites, which are described on page 18 of this DEIS.

9. Fire Management  
DEC would maintain an available Forest Ranger presence with the capacity to suppress fires. (DEIS page 13) [End of DEIS excerpts]

3. Applicable Laws, Rules, Regulations and Policies

List 3. lists most applicable NYS Environmental Conservation Laws, rules and regulations and DEC policies that govern the administration and management of the Unit.

List 3. NYS Environmental Conservation Laws, Rules, Regulations and Policies Applicable to the Neversink River Unique Area Management Unit

a.	<u>Environmental Conservation Law</u>
Article 9	Lands and Forests
Article 11	Fish and Wildlife
Article 15	Water Resources
Article 17	Mineral Resources
Article 24	Wetlands
Article 33	Pesticides
Article 51	Implementation of Environmental Quality Bond Act of 1972
Article 52	Implementation of Environmental Quality Bond Act of 1986
Article 71	Enforcement

b. Title 6 New York Code of Rules and Regulations (NYCRR)

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Chapter I	Fish and Wildlife
Chapter II	Lands and Forests
Chapter III	Air Resources
Chapter IV	Quality Services
Chapter V	Resource Management Services
Chapter VIIa	Implementation of EQBA of 1972
Chapter X	Division of Water Resources

#### c. DEC Policies

Public Use  
Temporary Revocable Permits (TRP)  
Motor Vehicle Use  
Timber Management  
Unit Management Planning  
Pesticides  
Prescribed Burning  
State Forest Master Plan  
Policy on Naming Places  
Inventory  
Acquisition  
Road and Trail Construction  
Fish Species Management  
Habitat Management  
Wild Species Management  
Handicap Access

#### 4. Permanent and Ongoing Uses

##### a. Fish Hatchery Lease

The Eden Brook Fish Hatchery is privately operated on lands within the Unit through a lifetime lease for Jon Wallach, President, Eden Brook Aquaculture, Inc. This lease arrangement was a continuation of a lease with Philwold Estates Inc. which sold the parcel to NYS in 1991. This lease includes 49.1 acres of exclusive use and 194.3 additional acres of buffer zone. The lease requires DEC to post Eden Brook Road to prohibit use thereof by any persons other than Lessor and its authorized employees and agents and to take no affirmative action to invite the public into the Buffer Zone. A summary of this lease and subsequent Agreement of Amendment to lease is at Appendix 6.

##### b. Eden Brook Road

The road that accesses the Eden Brook Fish Hatchery, named Eden Brook Road or Fish Hatchery Road begins on the east side of Bush Kill Road 1/4 mile south of St. Joseph's Road. This road is classified as an Access Trail and is approximately 2.6 miles long ending near the Neversink River. Public use of this road by

vehicle or other method is prohibited as part of the fish hatchery lease. This road is a legal right-of-way as ingress/egress for Benjamin I. Wechsler, his assigns and the private landowners along the easterly edge of the road<sup>21</sup>. At present, there are thirteen tax map parcels with rights of use of Eden Brook Road. Benjamin [I.] Wechsler owns eight lots, two lots are owned by other individuals and three lots are owned by corporations. A locked gate, visible from Bush Kill Road, is located at the beginning of Eden Brook Road. The right of ingress-egress by aforementioned persons includes foot and vehicle use of Eden Brook Road to its southern terminus near the Neversink River. This easement also allows for parking within 100 feet of Eden Brook on SNY lands. Only the use of two other "roads" or "paths" that depart from Eden Brook Road are addressed in the easement. One of these "roads" or "paths" is probably the "jeep trail" shown on the 1966 edition of the USGS Hartwood 7.5 minute topographic map that roughly parallels the Neversink River and ends at Oakland Valley.<sup>22</sup>

##### c. Marcy-South Powerline

The New York State Power Authority owns and operates the right-of-way (ROW) and transmission of electric energy across 41.42 acres of Wolf Lake Multiple Use Area. Access to the utility lines and support towers by NYPA and its contractors must be allowed at any time. Tree growth will be eliminated within the ROW through periodic mechanical trimming or application of herbicides. Vegetation that does not attain a certain height is allowed and encouraged as a maintenance technique of the ROW.

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<sup>21</sup> Easement rights conveyed to Benjamin I. Wechsler are recorded in a deed dated December 30, 1968, and recorded in the Sullivan County Clerk's Office on December 31, 1968 in Book 728 of Deeds at page 1098.

<sup>22</sup> As described in a memorandum dated July 28, 1992 to Robert H. Bathrick [Director of Lands & Forests, DEC] from Ann Hill DeBarbieri [DEC Attorney] regarding Philwold Estates - *Wechsler Rights* (See Appendix 9.)



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d. Other Permanent or Ongoing Uses  
Certain uses of State lands which are of a permanent or ongoing nature and which are regulated by legislative action, memorandum of understanding, deeded right-of way, easements or contracts are included in List 4. Some of these uses may not be occurring within the Unit at this time.

#### List 4. Permanent or Ongoing Uses in the Unit

Utility Transmission and Service Lines  
County and Town Highways  
Deeded Right-of-Ways  
Ongoing Forest Products Agreement Contracts  
Cooperative Research Projects  
Agricultural Leases  
Temporary Revocable Permits

#### O. Demands on the Unit

Many diverse demands are also placed upon the Neversink River Unique Area Management Unit. The abundance of forest products and mineral resources within the Unit create a demand for utilizing these resources. At present, public recreation (hiking, fishing, hunting, firewood harvesting, etc.) is the greatest demand on the Unit.

##### 1. Demand for Forest Products

Since the mid-1970's Wolf Brook Multiple Use Area has provided firewood to local residents on an annual basis. The typical request is to purchase one to five standard cords of dead, downed or designated standing hardwood trees, tree tops or abandoned logs. During years when demand is greater than supply, a lottery system is used to select potential firewood buyers. Firewood sales typically generated an income to a NYS special revenue account of \$10 per standard cord. Firewood harvesting of standing live trees is accomplished by DEC forestry staff marking individual trees to be removed with security coded paint. The intent of this woodland thinning process

is to improve the growth and health of the remaining and better quality trees.

The demand for sawtimber from Wolf Brook MUA has been sporadic and related to local demand for white pine and hemlock lumber. The amount of white pine and hemlock occurring on the MUA is only significant for neighboring sawmills. The Unique Area has substantially more high quality, commercially valuable timber resources. The volume of these species is generally insignificant for county or regional timber markets.

The demand for oak and hardwood sawtimber and veneer timber is locally and regionally high and demand is expected to increase. The Allegheny oak forest type in southern Sullivan County and elsewhere is suffering a decline in oak sawtimber. Repeated gypsy moth defoliation, periodic droughts and widespread "high-grade" logging have reduced the percentage of sawlog or better quality oak. Natural regeneration of oak and other high demand hardwood species has generally not occurred over the last four decades. This is primarily due to selective type timber harvests and continuing deer populations that consume young trees. American beech, white pine and black birch are the only timber species that have general success at reestablishing in the partial forest shade that occurs after most harvesting.

##### 2. Demand for Mineral Resources

The remains of sand and gravel quarries occur in the southwest corner of the Unit west of Bush Kill Road. The demand for such products is usually proportional to development or road construction within the vicinity. There appears to be no commercial demand for the remaining supplies of sand and gravel at this site. The need for these materials on this and other DEC management units will occur as road, trail and parking lot improvements are made. At times, it is more economical to purchase these materials from other sources; at other times it is not.

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The demand for bluestone was once the most economically important and landscape destructive industry to affect the Unit. Present day use and demand for bluestone is limited and there is no expectation of a serious demand to affect the management of the Unit.

A future demand for oil, gas or water aquifer drilling to occur within the Unit is possible but highly doubtful. The protective status of the Unique Area should prevent these activities. In any case, legislative action is necessary even to initiate exploration of these resources.

3. Demand for Recreation

As with most of the Lower Hudson and Upper Delaware Valley regions, this Unit is within two hours drive of the New York City metropolitan area and is easily reachable by tens of millions of people within a days drive. The suburban areas of the metropolitan area continue to grow and develop. This increases the use and demand on public open space and especially areas with "unique" characteristics. A principal economic objective of Sullivan County is to increase the number of visitors that come to enjoy the County's natural beauty and resources, commonly called "eco-tourism". The Neversink River Unique Area has the potential to be one of the most valuable natural resource assets within the County and the larger regional area. Several factors have limited present day use of the Unit but these factors should be considered as temporary.

The relatively short State ownership of most Unique Area lands and recreational rights has been the principal reason why more people are not using this Unit. Simply stated, most people do not know about the Unique Area. As longevity of public ownership increases, more people are expected to use the Unique Area.

A second factor limiting use of the Unique Area is the lack of vehicle access and the relatively long hike to the Neversink River. The River is the primary attraction to most non-hunting recreational users. The River is about one mile interior of the

parking area at the end of Katrina Falls Road. The trail from the parking area along Bush Kill Road to the Neversink is 2.6 miles in length. Both these trails have significant grades and require moderate hiking experience and field attire. DEC's State lands management goals include improving and increasing recreational use while maintaining ecosystems and natural character of these State lands. DEC management is expected to increase recreational use of the Unique Area.

Other factors which limit recreational use of the Unique Area include prohibitions against keeping fish, camping and use of motor vehicles. The limited trail system and lack of a bridge across the Neversink discourages many but not all users. Some users prefer the absence of improvements. Lack of brochures, maps and advertisement of the Unit certainly keeps the general public unaware. To a minor degree, the scarcity of nearby major highways, restaurants and overnight accommodations are also limiting the potential use of the Unit. All but the last three factors can be changed by DEC management of the Unit through the Unit Management Plan process and related funding for specific projects.

A more subjective factor of demand for recreation is the cultural characteristic of doing something new and different. The curiosity of people to experience a new "experience" will attract more use of the Unique Area. The best example of this may be white water rafting, canoeing or kayaking that appears to be a growing demand on the Neversink and nearby Mongaup Rivers. Fishing new waters, hunting new ground and seeing new sights are desires and demands characteristic of today's recreationalist. The Unique Area provides such an experience for many aspects of recreational use. Expectations are that more people will want to use the Unit for a greater diversity of activities in the future.

One proposed method of improving eco-tourism to Sullivan County and specifically the Town of Thompson-Village of Monticello area is to develop a trail system from Bridgeville to Monticello via the Unit. The east end of this system would begin

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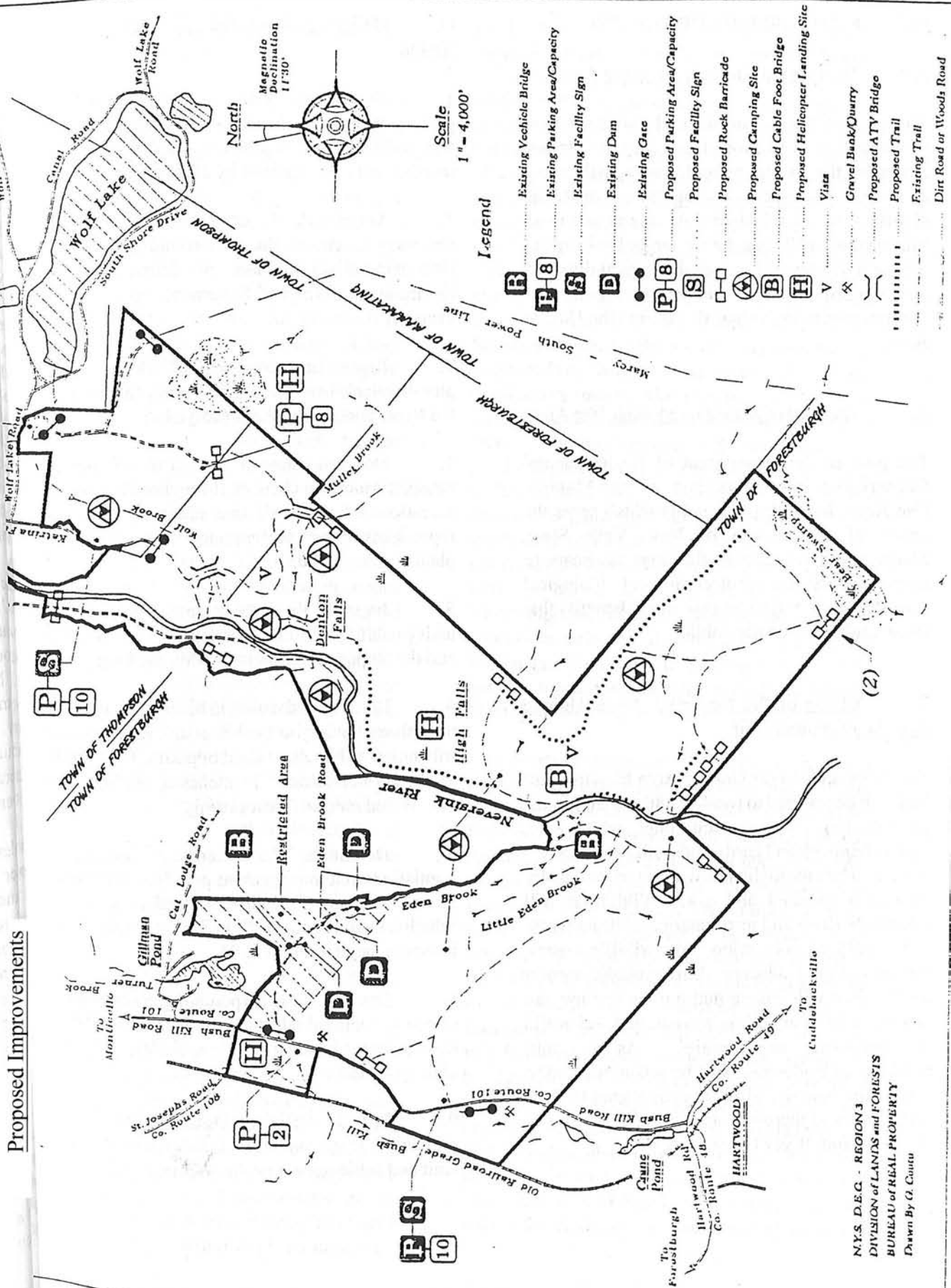
at Holiday Mountain Ski Center, which is owned by the Town of Thompson. The west end of the system are the Sullivan County Rails-to-Trails properties and easements south of Monticello. This proposed trail system would be at least 20 miles in length with a footbridge over the Neversink about mid-way in the system and interior to the Unit. The envisioned trail would attract the more ardent hiker to an experience that is unequalled in the region.

P. Capacity of the Unit to Withstand Use

Any natural resource, ecosystem or man-made improvement has a certain limit of uses that it can withstand. The Neversink River Unique Area Management Unit is no exception and there are definite needs to limit human activities to prevent environmental degradation. Protecting natural resources within and around the Unit will have priority over demands of public use. In areas that surround threatened or endangered species of plants or animals, human and commercial activity will be significantly limited to the degree necessary to protect the ecosystem of the particular species. High use areas, such as the more accessible River edges, overlooks or historical sites will typically need improvements that minimize human impact. Properly designed and constructed trails should be sufficient for this purpose. Commercial uses, such as white-water boating tours or timber harvesting may require an appropriate forest road system to the nearest public highway. Boating or rafting activities may need parking areas or a road system at the upper, middle and lower portions of the River corridor. Rules and regulations, capital improvements, additional acquisitions, interpretive and enforcement personnel along with modifying those factors that encourage or discourage use are all methods that can be used to attain capacity use without degrading the resources of the Unit.

Map 9. Map of Proposed Improvements

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Proposed Improvements

N.Y.S. D.E.C. - REGION 3  
 DIVISION OF LANDS and FORESTS  
 BUREAU OF REAL PROPERTY  
 Drawn By G. Cantor

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#### III. MANAGEMENT OF THE UNIT

##### A. The Goal of Managing Unique Areas

The goal of the Department of Environmental Conservation is to protect and manage Unique Areas for the special natural beauty, wilderness character, geological, ecological or historical significance for which the Area was acquired. Management will consider the larger landscape to ensure ecosystem protection, biological diversity and opportunities for compatible public use without loss to the values that define the Unique Area.

##### B. The Goal of Managing Multiple Use Areas

The goal of the Department of Environmental Conservation is to protect and manage Multiple Use Areas for multiple benefits which serve the needs of the People of New York State. Management will consider the larger landscape to ensure ecosystem protection and biological diversity while optimizing the many benefits that these lands provide the public.

##### C. Vision of the Neversink River Unique Area Management Unit

The Neversink River Unique Area Management Unit will be restored to two lost 18th century forest communities. Once again, huge white pine, eastern hemlock and hardwoods will line the River corridor while the highlands will be predominantly American chestnut and oak. Wild trout will inhabit the River and its tributaries while a diverse and healthy population of wildlife occur throughout the landscape. Strong public support for the Unit will ensure that unique features are enhanced for compatible recreational, scientific and economic opportunities. As a result, neighboring landowners will be self-motivated to extend the benefits of these ecosystems to their properties and thereby enhance the landscape of the Neversink River Unique Area.

##### D. Objectives Essential To Achieve the Vision

1. Develop a system of trails, forest roads, parking areas, campsites and other improvements that provide effective protection and appropriate recreational opportunities by 2006 (10 years).
2. Acquire lands or easements that are necessary to ensure the Vision and protect the Neversink River corridor as defined in the Environmental Impact Statement by 2002 (5 years).
3. Restore an ecosystem of all-age white pine-hemlock-hardwood forest cover throughout the River corridor by 2021 (25 years).
4. Develop enough orchards of blight resistant American chestnut throughout the upper elevations of the Unit that chestnut naturally reproduces among the associate tree, shrub and plant species by 2021.
5. Improve the habitat and population of native wildlife species to correspond with existing and developing ecosystems within the Unit.
6. Preserve and maintain historic qualities of the fish community in the Neversink River and its tributaries with the sustained opportunity to catch wild trout in excess of 14 inches in length in an uncrowded unique forest setting.
7. Determine the sciences, techniques, regulations and management practices needed to attain the Vision. Modify the tasks and work schedules and update this Plan at five year intervals, beginning in 2003.
8. Develop a self-perpetuating constituency of groups, individuals and political leaders who experience the benefits and share the Vision of the Unit by 2002.
9. Provide sufficient DEC staff to ensure protection, management and maintenance of the Unit and achievement of the Vision.

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#### E. Support Information for the Vision and Objectives

Re-establishing two unique 18th century forests and the related Neversink River ecosystem within the Unit provides a variety of human benefits unknown to public ownership. No other State lands will have comparable geologic or ecological features. Public support for these unique features will provide economic benefits to the localities while ensuring adequate protection. Researchers, land managers and others with an interest in ecology will be drawn to the unit in search of techniques that can be used elsewhere. A high demand for recreational use will lead to guide services for fishing, hunting, hiking and other activities. These services will be a local economic opportunity that reduces nuisances to the community and damage to the environment.

Soils, topography, climate, historical indicators and existing forest cover types support establishing and maintaining the envisioned forest communities. DEC policies require that management decisions consider the larger landscape to ensure biological diversity and protect occurring ecosystems. The Vision accomplishes this and goes one step further; it restores an American chestnut-oak forest ecosystem that was eradicated in the early 1900's. Management activities will maintain the large unbroken expanse of forests within the Unit and landscape. Forestry techniques in both the river corridor and highlands will improve forest health and maintain plant diversity without loss of forest continuity. Forestry activities will enhance the fisheries habitat and stream ecology by improving tree health and shading along water resources and by actively preventing soil erosion.

Not only will the forests be unique but the community of plants and animals in these ecosystems will be quite impressive. For example, huge pine, hemlock and hardwoods scattered along the River will overshadow the river corridor and provide abundant nesting and roosting sites for bald eagles, hawks and owls. The resulting balanced all-age forest will increase and maintain the number of dead standing trees or "snags" and

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tree debris on the ground. Consequently, insect populations that live in dead and dying trees will increase. These insects will provide an improved food source for small rodents which become food for predators, such as snakes, fox, coyotes, bobcat, fisher, hawks and owls. By developing immune or blight resistant American chestnut orchards, natural selection and adaptation will occur among subsequent generations of chestnut. This will allow genetic strains best adapted for the landscape to become self-sustaining. Chestnut orchards are expected to lose many trees to the blight as part of developing site specific resistant strains. Lost trees will be replanted with the best developed strains of chestnut that are available at the time. An abundance of American chestnut in the upper forests will increase the amount and frequency of large seeds or "hard mast" as compared to today's oak-hickory forests. This should allow deer, bear, turkey, squirrels and other mast eating wildlife to thrive. Chestnut orchards will be developed on good soil areas that have been thinned to provide a "shelterwood" forest condition. American chestnut is generally shade tolerant and limited shade from a shelterwood overstory will protect the site from excessive drying. Shelterwood thinnings will be done by commercial harvesting. Harvesting contracts will require that all necessary conditions exist for planting and protecting the seedlings. Each chestnut seedling is expected to need a 5 foot tall tree shelter to protect the seedling from deer browsing and antler rubbing.

The fisheries resource within the Unit has a popular reputation for wild trout that appears greater than the capability of the resource itself. Fisheries surveys, although incomplete, indicate that a self-perpetuating wild trout population may be limited by high water temperatures and inadequate spawning sites. Brown trout, an exotic but naturalized species, has the best reputation for trout fishing in the River and can best withstand the high water temperature. Public and/or private stocking of brown trout must be responsible for some of the reputation, especially since there are very limited spawning sites in the Unit. The public highly values a brown trout fishery especially

when large fish are available to anglers. Improving opportunities for trout spawning appears to be the best management technique at this time. Excessive spawning is not a concern nor should it lead to a reduction of wild brook trout populations that inhabit the tributaries. Further investigation of the water resources and trout habitat will provide additional management direction in the future.

Wildfire is a very real threat to each envisioned ecosystem. Any significant amount of deadwood and snags along the River corridor may intensify the damage from fire. In addition, young chestnut trees with protective shelters, as well as most other tree species, are likely to be killed by even low intensity fires. Regardless of prevention techniques, fires should be expected in the Unit but the extent and related damage is controllable. Controlling fires to acceptable size requires forest roads and trails that provide fast access for suppression efforts. All DEC Forest Rangers are trained, experienced and equipped to control and extinguish any fire that can occur in the Unit. Five Rangers are assigned to Sullivan County and a total of 17 are assigned to the New Paltz DEC Region 3 office. In addition, improvements to barriers or gates to forest roads, parking lots, informational kiosks and emergency helicopter landing areas can help prevent fires and enhance fire suppression activities. These improvements not only increase protection to the Unit but will also improve protection of those who use it. DEC Forest Rangers are legally responsible for search and rescue missions within the Unit and throughout New York State.

The Vision does not exclude smaller ecosystems or ecological communities occurring in the Unit. The Neversink River, tributaries, quarry rubble, sand and gravel quarries and fields are some of these smaller ecosystems that occur and will be protected, maintained and/or enhanced as needed. Several wetland sites have varieties of vegetative cover and are different ecological communities. These are excluded as part of the Corridor or upland hardwood forests. The Vision includes protecting and enhancing cultural and historical remnants or artifacts, such as the Hackledam

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settlement, cemeteries, old foundations, old roads and the like. These remnants and artifacts enhance the Vision, showing the relationship between the forests and the early (human) communities. Historical sites and minor (smaller) ecological communities will be excluded from silvicultural treatments when such treatments may degrade these values. The location and character of minor communities and historical values is a key component of the comprehensive forest inventory that DEC will accomplish.

Multiple Use Area designation will continue for the present 585-acre Wolf Brook MUA. This acreage has had a greater intensity of public recreation and forest management activities than the Unique Area. In addition, the Marcy-South right-of-way would be a non-conforming structure in a Unique Area as would the existing system and use of forest roads. No portion of the MUA is visible from the lower elevations along the Neversink River corridor and the nearest lands to the River occur along Katrina Falls Road. The MUA does not have the characteristics that define a Unique Area nor will the MUA designation lessen any value in or of the Unique Area. Although the Vision for the Unit applies to both Areas, managing the Unique Area is a higher priority. Maintaining the MUA designation provides DEC some flexibility to respond to new or increasing demands on the Unit.

The vast majority of law enforcement activities within the Unit can be handled by DEC Forest Rangers and Environmental Conservation Police Officers (ECOs). Each have broad authority to enforce all laws of the State of New York. Typically, Forest Rangers focus on laws and regulations pertaining to the use of State lands while ECOs focus on fish and wildlife laws and regulations. Four ECOs are assigned to Sullivan County and a total of 22 ECOs are assigned to the New Paltz Region 3 office. One Forest Ranger and one ECO are specifically assigned to and reside within a geographical area that includes the Neversink River Unique Area Management Unit.

It is essential to build and maintain partnerships with surrounding landowners and those who value

the Unit. Volunteers should be involved with trail building and maintenance, chestnut orchard development and documentation and other related activities within the Unit. Access to the Unit or landscape by DEC personnel through surrounding private lands is often the most efficient means of handling a problem or project. Neighbors of the Unit have the most to gain by efficient and effective DEC law enforcement, protective services and educational activities. As-needed access through cooperative adjoining landowners is one of the best means of developing, maintaining and protecting all envisioned American chestnut orchards. Related benefits to wildlife populations, aesthetic and recreational opportunities and timber production will be most available to adjoining landowners. Shelterwood conditions needed for chestnut orchards could be coordinated with timber harvests on adjoining properties in order to improve the value of harvested timber for both parties. To the extent possible, harvesting contracts will be used to establish chestnut orchards. Harvesting activities can be used to improve roads and trails needed for protective services and recreational use. These benefits will encourage neighboring landowners to increase the range of the ecosystems to eventually include the watershed and landscape of the Neversink River Unique Area.

IV. ACTIONS ESSENTIAL TO  
ACCOMPLISH OBJECTIVES

A. Improvements for Protecting the Unit

Physical structures and improvements are in many cases, the most cost efficient means of protecting a resource from both appropriate and inappropriate human behavior. Structures are in place at all times as compared to personnel. Structures improve the effectiveness of regulatory signs and often indicate the intent or seriousness of a prohibited activity. Improvements and maintenance to road and trail systems significantly improves patrol efficiency and response time to emergency situations while reducing the cost of management activities. Structures also provide reference points for users which improves



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recreational enjoyment, reduces the chance of becoming lost and improves communication with enforcement, rescue or management staff. The following improvements and maintenance projects are considered critical to properly protecting the Unit.

1. Litter Patrols and Maintenance Projects

DEC will provide regular monthly patrols and elimination of litter at access points and the ability to respond within 5 days of a reported severe litter or dumping occurrence. There is also a need to accomplish labor intensive maintenance such as painting of gates, minor road and trail repair, posting of signs, etc. These projects are accomplished by a NYS Dept. of Correctional Services community services inmate crew dedicated to DEC operational services (Operations). At present, one inmate crew serves Sullivan and Ulster counties. An additional crew is needed to sustain the level of maintenance needed for this and other State lands. Expected cost associated with this Unit is \$500 for tipping (dumping) fees at an appropriate facility and \$2,000 for other repair or maintenance needs not associated with a particular project or improvement.

Project: Maintain litter patrols  
Time Commitment: 36 Work-days per year  
Expected Cost: \$2,500  
Assigned To: DEC Region 3  
Operations Inmate Crew

2. Refuse Removal and Demolition Projects

The primary refuse to be removed from the Unit which requires budgeting are the remains of an old bus located between Bush Kill Road and Bush Kill Creek near the parking area and the dump site along Katrina Falls Road. Most demolition projects needed to bring the Unit into compliance with DEC State land policy have been accomplished. Once the hatchery lease is terminated, there may be a desire to remove some or all buildings and structures.

Project: Remove one 40 passenger bus and eliminate Katrina Falls Road dump site.  
Completed By: Sept. 1998  
Expected Cost: \$1,800  
Work By: DEC Region 3 Operations Field Crew

3. Existing Forest Roads

Existing forest roads on Wolf Brook MUA have strategic importance for emergency response and need to be maintained for limited administrative motor vehicle use and seasonal recreational use. Of the total 2.6 miles of roads in the MUA, 0.7 mile is a Forest Haul Road maintained by the Power Authority of the State of New York. These roads are listed in Table 5.

Project: Repair 1.9 Miles of Roads  
Completed By: Sept. 1998  
Expected Cost: \$5,000  
Designed By: DEC Operation/Policy  
Work By: DEC Region 3 Operations Field Crew

4. Access Road Gates

Five forest access road gates are established in the Unit, four of which are maintained by DEC. A privately owned, maintained and operated gate exists at the eastern end of the Forest Road system in Wolf Brook MUA. The New York Power Authority (NYPA) has legal use through this gate and over the Forest Road system along the Marcy-South powerline right-of-way. An iron gate occurs on the north end of the concrete bridge over Wolf Brook at the 15-car parking area along Wolf Lake Road. This gate is in working condition, is kept closed from end of deer season (Mid December) to end of spring turkey hunting season (late May) and kept open at other times. This gate is also the direct access to the NYPA Marcy-South powerline from Wolf Lake Road. A second iron gate is located at the end of Katrina Falls Road at the boundary to the Unique Area. This gate needs to be relocated to the point on the

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road where town maintenance ends. A new parking area will be built on State lands shortly before the end of town maintenance. A third gate is in working condition located at the entrance to the gravel and sand quarries on the west side of Bush Kill Road. The fourth gate is at the beginning of Eden Brook Road along Bush Kill Road. Typically, each iron gate is painted with NYS Dept. Of Transportation (DOT) yellow paint. A DOT regulation STOP sign is affixed to the center of the gate facing the public highway or access. DEC Region 3 history of iron gates indicates that one of these gates will need to be replaced every three years as a result of vandalism or accident. STOP signs affixed to each gate are typically destroyed more frequently than gates. One STOP sign per year should be expected to need replacement. Moving the Katrina Falls Road gate should be coordinated and funded with construction of the new Katrina Fall Road Parking Area. Funds and ability to replace gates must be ensured each year so that acts of vandalism are discouraged by quick replacement.

Project: Replace 1 iron gate, 3 STOP signs  
Completed By: Sept. 2000  
Expected Cost: \$1,000  
Designed By: DEC Operations/Policy  
Work By: DEC Region 3 Operations Field Crew

5. Motor Vehicle Barriers

Preventing unauthorized use of all types of motor vehicles within the Unit is a significant problem common to most State lands. Permanent barriers, gates on Access trails and active enforcement are all necessary to this end. There are at least 11 old trails commonly used by ATVs or off road vehicles that access the Unit. All of these will be posted with signs "NO UNAUTHORIZED MOTOR VEHICLES" and barricaded with large boulders. Present State ownership does not provide administrative access through private lands to the westerly edge in the Town of Thompson and the southern edge of the Unit where most of these trails occur. If barriers can not be established then these access points are

best posted and effectively patrolled. Boulder barricades are needed at:

- 1) end of trail at cul-de-sac and end of the Forest Access Road (parking lot improvements may eliminate this need);
- 2) where the jeep trail leaves the Unit 500 feet south of Mullet Brook;
- 3) where a jeep trail enters the Unit one mile east of High Falls;
- 4) where an ATV trail enters the Unit near Bear Swamp;
- 5) where a second ATV trail enters the Unit near Bear Swamp;
- 6) where an ATV trail enters the Unit near White Oak Hunting Camp;
- 7) where the jeep trail enters the Unit near White Oak Hunting Camp;
- 8) where the jeep trail leaves the Unit one mile south of Eden Brook on the west side of the Neversink River;
- 9) at the beginning of the trail on the east side of Bush Kill Road 4,000 feet south of St. Josephs Road;
- 10) Where a jeep trail leaves State land along the westerly boundary near Hackledam;
- 11) where a jeep trail enters the Unit at the north end and on the west side of the River.

Project: Establish 11 Rock-boulder ATV Barriers  
Completed By: Sept. 1998  
Expected Cost: \$2,000  
Designed By: DEC Forest Rangers  
Work By: DEC Region 3 Operations Trail Crew

6. Vehicle Bridge Upgrades

The two vehicle bridges along Eden Brook Road and over Eden Brook are in need of a safety inspection. The concrete bridge over Wolf Brook should not need maintenance for many years. The wooden bridges over Wolf and Mullet Brooks need to be replaced with recreational bridges capable of limited ATV use by DEC staff or those

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who are mobility impaired. This replacement is scheduled to occur with trail development. Any improvement or replacement of the Eden Brook bridges may be a responsibility of the Hatchery lessee or other parties with easement use of the road.

Project: Inspect 2 Bridges along Eden Brook Road  
Completed By: Sept. 1997  
Expected Cost: \$0  
Work By: DEC Operations Engineers

7. Helicopter Landing Sites

Three emergency helicopter landing sites are planned for the Unit. The cul-de-sac at the end of the Forest Access Road at the south end of Wolf Brook MUA is an excellent site for some fire suppression activities. This site will be developed and maintained for such purposes by expanding the parking lot as described in this Plan. Car parking at this site should not conflict with emergency helicopter use. An additional helicopter landing site occurs on the open field at the corner of St. Joseph's and Bush Kill Roads. This site has the best public highway access and is close to water for filling helicopter buckets or tanks as needed. Mowing of this field once every three years as planned for wildlife habitat and aesthetic improvements will sufficiently maintain the field for emergency helicopter use. The third site occurs in the blowdown area about 1,000 feet northeast of High Falls. This site can provide critical emergency evacuations of those injured on or along the River in this remote location where even ATV use is severely limited. Developing an emergency helicopter landing area at this location will require removing blowdown trees and existing tree or shrub vegetation within a 100 foot by 100 foot area. Grass seed will be applied to the site to prevent erosion and help eliminate woody vegetative growth. Access to the landing area for construction and maintenance can be accomplished with DEC ATVs and hand equipment. Maintaining this 1/4 acre grass site should not jeopardize the ecosystem since it is relatively small in size within the 50 acre plus

blowdown. Micro-blowdown areas of similar size (1/4 acre) are common in oak and other forest ecosystems.

Project: Develop one remote helicopter site  
Completed By: Sept. 1998  
Expected Cost: \$1,000  
Designed By: DEC Forest Rangers  
Work By: DEC Region 3 Operations Trail Crew

B. Parking Lots

Two new parking areas and an upgrade of an existing area are planned for the first five years of this UMP. Parking areas will be cleared of trees and vegetation, covered with adequate fill and surfaced with appropriate aggregate. Large stones will line the edges of the lot to prevent motor vehicles from entering the Unit. A facility sign will be located at each parking area along a public highway. The planned parking areas are only expected to increase available parking by 2 cars along Bush Kill Road. Maintenance of all parking areas is required to maintain appropriate use. Future increase or decrease of parking areas will be based on the impacts of use to the Unit.

1. Katrina Falls Road Parking Lot

A 10 car parking lot will be constructed in the Wolf Brook Multiple Use Area on the east side of Katrina Falls Road where the pavement and regular Town of Thompson maintenance and snow removal ends. This is expected to provide the principle year-round public access to the Unit east of the Neversink River. At present, parking is haphazard along Katrina Falls Road for approximately 10 cars.

Project: Develop one 10 Car Parking Lot  
Completed By: Sept. 1998  
Expected Cost: \$7,500  
Designed By: DEC Policy/Operations  
Work By: DEC Operations Region 3 Field Crew

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2. Bush Kill Road 2 Car Parking Lot

The second parking area to be constructed will be located on the west side of Bush Kill Road, approximately 0.5 mile south of St. Josephs Road at the site of a previous building. This lot will be designed for two cars to provide public access to the Unit along St. Joseph's and Bush Kill Roads. No facility sign will be at this location but there will be a wood sign "2 CAR PARKING" and a posting of appropriate rules and regulations.

Project: Develop one 2 Car Parking Lot  
Completed By: Sept. 1998  
Expected Cost: \$1,000  
Designed By: DEC Policy/Operations  
Work By: DEC Operations Region 3 Field Crew

3. Cul-de-sac Parking Area

The cul-de-sac at the end of the Forest Access Road along the southerly edge of the Wolf Brook MUA will be improved for safe and adequate parking. This will require "squaring off" the cul-de-sac to provide parking at the edges. Large stones will define the squared off edges with a sign indicating parking area for eight cars and a posting of appropriate rules and regulations. This parking area is also an emergency helicopter landing area that must be kept clear of trees and debris within a 50 foot radius of the center. Conflicts between parked cars and infrequent helicopter landings are not considered a management issue. Access to this parking area is limited to June through mid December. The Forest Access Road is closed to public use during the winter and spring to prevent damage from vehicle use associated with unpaved forest roads.

Project: Develop one 8 Car Parking Lot  
Completed By: Sept. 1998  
Expected Cost: \$1,000  
Designed By: DEC Policy/Operations  
Work By: DEC Region 3 Operations Field Crew

4. Parking Area Maintenance

The Wolf Lake Road Parking Area was constructed for 15 cars during the Marcy-South powerline project. The Bush Kill Road Parking Area was constructed for 10 cars in late 1994. Both will need maintenance in the year 2001. New parking areas will also need maintenance or improvements in five years. Maintenance should include large rock replacement, resurfacing and facility sign replacement. The maintenance schedule includes rehabilitating one 10 car parking area per year. Snow plowing of parking areas will be coordinated with other State lands and based on winter use patterns.

Project: Maintain one 10 Car Parking Lot  
Completed By: June each Year, beginning in 1999  
Expected Cost: \$1,000  
Designed By: DEC Policy/Operations  
Work By: DEC Region 3 Operations Field Crew

C. Recreational Trails

Recreational use of the Unit will primarily occur through normal low intensity foot travel. This will include hiking, cross-country skiing, snowshoeing, fishing, hunting, bird watching, camping, etc. A system of trails will provide safe travel through the Unit from all parking areas. Hiking trails will be develop to form a loop-trail experience where possible. Constructing and maintaining a safe cable foot bridge across the Neversink is planned for a site at or near Eden Brook and at or near the previous Hackledam bridge site. The bridge near Eden Brook is first priority and planned for completion by September 2002. The need for a bridge at Hackledam will be determined after the Eden Brook bridge is established and based on expected use and need of an additional bridge. Site investigation, design and construction of each bridge is expected to cost approximately \$250,000. The Eden Brook Bridge is the critical link between the Rails-for-Trails and Holiday Mountain Ski Center Trail projects. DEC supports this trail system concept and is eager to see it developed. Once critical acquisitions or easements are

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attained by others to establish this trail system, DEC will respond as able to develop the footbridge and connecting trails. All recreational trails will avoid Eden Brook Road and the Fish Hatchery Restricted Area.

1. Existing Trails

Redevelop, repair and improve existing trail network as shown on Map 7. This includes a new bridge over the upper elevations of Mullet Brook and replacing the wooden bridges over Wolf and Mullet Brooks with a wooden ATV bridge designed for DEC administrative and emergency use.

Project: Improve 10.3 miles of trails  
Completed By: Sept. 1998  
Expected Cost: \$7,500  
Designed By: DEC Forest Rangers/Forestry staff  
Work By: DEC Region 3 Operations Trail Crew

2. Re-Establishing the Lost Trail

Redevelop and/or construct "Lost Trail" to connect foot trail from Mullet Brook to trail at High Falls. Build to minimum standards for emergency and administrative ATV use.

Project: Develop 1.2 miles of new trails  
Completed By: Sept. 1998  
Expected Cost: \$2,000  
Designed By: Forest Rangers/Forestry staff  
Work By: DEC Operations Trail Crew/Volunteers

3. Bridgeville to Monticello Trail Links

In addition to other trails planned for this Unit and the footbridge over the Neversink, trail links are needed north of Hackledam and west of the Bush Kill Road Parking Area to establish this trail system. These trail links will be designed and constructed to complement the trails on private lands or easements. DEC desires to allow similar modes of trail use over State lands to those over

private lands but reserves the right to restrict trail use over State lands as necessary to protect the Unit.

Project: Develop 2.0 miles of new trails  
Completed By: Sept. 1999  
Expected Cost: \$4,000  
Designed By: Forest Rangers/Forestry staff  
Work By: DEC Operations Trail Crew/Volunteers

4. Columbine Cliff Trail

A superb vista of the Neversink River Corridor occurs at a height of land due east of where Eden Brook enters the River. A new trail will access this vista from the existing trail one-half mile to the north. The trail will then continue east and parallel the State boundary line until intersecting an existing trail near Bear Swamp. The existing trails will then be improved or re-routed to access the Neversink River across from the discharge of Little Eden Brook. A new trail will be constructed parallel to and along the Neversink River to the proposed foot bridge. This will create a loop trail in the southeast corner of the Unit. These trails will be constructed for limited administrative and emergency ATV use and connected to the trail system to Katrina Falls.

Project: Construct 2.6 Miles of new trails  
Completed By: Sept. 1999  
Expected Cost: \$4,000  
Designed By: Forest Rangers/Forestry staff  
Work By: DEC Region 3 Operations Trail Crew

5. Foot Bridge over the Neversink

This UMP plans for construction, use and maintenance of one steel cable suspension bridge designed only for foot travel across the Neversink River near the discharge of Eden Brook. This bridge, referred to as the Neversink River Footbridge, is the critical link between both sides of the Neversink within the Unit and the trail system between Holiday Mountain and Sullivan County Rails-to-Trails project. After this bridge is

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established, a second bridge of similar designed is envisioned for the Hackledam cable bridge site. The second bridge will not be planned until after the first 5 years of this UMP. Both bridges will require considerable site investigation, design and construction at a total cost of approximately \$250,000 for each bridge. This will most likely require a specific State Assembly or Senate member bill as a funding source.

Project: Design and Construct foot bridge  
Completed By: Sept. 2002  
Expected Cost: \$250,000  
Designed By: DEC/OGS Engineers  
Work By: Private contractor

6. Mobility Impaired Access and Trail System

DEC is mandated by the federal Americans With Disabilities Act and directed by policy to provide access and recreational opportunities at all State land units. Access to the Neversink River by those requiring motor vehicle use for travel will be designed, constructed and maintained from the Katrina Falls Parking Lot to the Hackledam area and to an additional site and vista of the River between Wolf Brook and Mullet Brook. A mobility impaired individual will be allowed, under permit, to use an ATV or similar vehicle on the foot trail system between those points designated, constructed and maintained for such limited ATV use. The wooden bridge across Wolf Brook about 1300 feet east of the River will need to be replaced for such use. Existing trails between these points will need minor improvements for such use.

Lands west of the Neversink River within the Unit do not have a suitable and safe ATV trail for use by those mobility impaired. The existing foot trail from the Bush Kill Road Parking Area to the Neversink has significant areas of exposed stones and boulders that limit ATV use. Road construction techniques would be needed to improve this trail for safe travel. Developing another road to the Neversink would be contrary to public comments, the Environmental Impact

Statement and the mission of managing this Unique Area. The rights of private use of Eden Brook Road does not include public use by those deemed mobility impaired. Only Benjamin I. Wechsler and other landowners along Eden Brook Road along with their guests and assigns can use Eden Brook Road. DEC has the rights of administrative and emergency use of this road by any means.

Mobility impaired use of motor vehicles may be allowed on lands within the Unit west of Bush Kill Road if such use is allowed on the Trails-to-Rails project. In all cases, the use of ATVs by those mobility impaired will be allowed only by permit and limited to certain trails, areas and occasions.

Project: Develop 0.75 miles mobile-impaired trail  
Completed By: Sept. 1999  
Expected Cost: \$15,000 construction  
Designed By: DEC Forestry Staff  
Work By: DEC Region 3 Operations Field Crew

7. Mountain Bicycle Trail System

At present, DEC rules and regulations allow the use of bicycles on hiking or foot trails but this is expected to change in the near future. This Plan calls for limiting mountain bicycle use to lands in the Unit west of the Neversink River. Developing mountain bicycle use on the east side will be postponed until after the Eden Brook foot bridge is constructed across the Neversink River. Mountain bicycle use will be coordinated with the planned acquisition and development of a trail system by the Town of Thompson along the east corridor of the Neversink from Holiday Mountain Ski Center to the northern tip of the Unit. Mountain bicycles can be used anywhere and at any time within the Wolf Brook Multiple Use Area including the Forest Access and haul roads.

8. Horse Trail System

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A system of horse trails is not planned at this time for the Unit. If significant public interest develops, DEC may plan an appropriate horse trail system. One limiting factor appears to be a lack of an adequate fording area across the Neversink River within the Unit downstream of Eden Brook. Soils and topography should be acceptable for a horse trail that generally parallels the easterly and southerly Unit property lines with ends at Wolf Lake Road parking area and Rails-to-Trails access at western edge of Unit. A trail system of this design will provide access for forest management activities in the highland areas, which include selective shelterwood timber harvesting and planting, caring and monitoring American chestnut plantations. This trail network would be an important fire break and suppression access through the areas of greatest fire hazard. This trail system would be most susceptible to unauthorized ATV, snowmobile and other motor vehicle use.

9. All-Terrain Vehicle (ATV) Trails

Public use of ATVs and similar vehicles is not planned for this Unit at this time. There is limited public support and broad public opposition for this type of activity within the Unit. The soils in the highland areas of the Unit can probably support limited recreational ATV use but this area is generally long and narrow. Conflicts between ATV users and others would be common, intense and counter-productive to developing and maintaining an effective user constituency group. DEC is formalizing a policy of ATV use on State lands. This policy should first be tested on State Forest, Forest Preserve or Multiple Use Areas rather than Unique Areas. Developing ATV trails for public recreational use should be re-evaluated at each five year review of this Plan. Most recreational trails in the Unit will be built and maintained for limited administrative and emergency use by ATV's owned and operated by DEC. The size and topography of the Unit requires this limited motor vehicle access for fire suppression activities and rescue missions. As noted before, mobility impaired persons will be afforded the opportunity to access several areas

of the Unit using an ATV and restricted by a DEC permit.

10. Snowmobiles

Snowmobile use within the Unit will continue to be prohibited until there is sufficient public interest and an appropriate trail system through State and adjoining private lands. The size and topography of the Unit and the infrequency of sufficient snow cover do not provide an adequate trail system unless adjoining private lands are included. Trail easements would need to be developed as would construction and maintenance of trails, parking areas and other necessary improvements. DEC will not take an active role at supporting a snowmobile trail system in the vicinity of the Unit but will respond to public involvement and consider any proposed trail system that includes the Unit.

D. Camping

Camping will be allowed at specific sites, as described below, after a camping permit is issued by a DEC Forest Ranger. Permits will be available by contacting the locally assigned Ranger directly at his/her home office or by contacting the New Paltz Regional Office. This system encourages campers to plan their trips well in advance and provides direct contact with Rangers for specific information and recommendations. DEC State Land Use and Backpack Camping brochures identify proper ways of treating human waste, campfires, wildlife contacts, drinking water and other camping activities. Since the Unit is managed for passive low intensity recreational use, no refuse receptacles or sanitary facilities will be developed. Campers will be held responsible for their refuse, human waste and camping activity. Each permit has a listing of general State land laws, rules and regulations. The permit may also have specific conditions that must be obeyed. Camping in trailers or recreational vehicles may be allowed in parking areas when authorized by a DEC camping permit. Tents and open fires will not be permitted at any time within a parking area. Camping without a permit, violating the terms of a

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valid permit or violating any State land use regulation are arrestable offenses. DEC Forest Rangers are responsible for enforcing these laws, rules and regulations. Campsite descriptions and related activities are defined below for the Unique Area and the Multiple Use Area.

#### 1. Unique Area Camping

Primitive camping will be allowed at eight designated sites when a camping permit has been issued for such use. Campsites will be at specific locations that provide suitable conditions for primitive camping. Presently, five campsites are planned for the east of the River and three sites west of the River (see Map 9.). Each site will be near a water source but at an appropriate distance from water or trails to ensure protection of these resources. Each site will be a considerable distance from parking areas to ensure primitive backpack camping and to avoid "car camping". Designated campsites will be spread throughout the Unique Area and none are in close proximity to another site. One or two sites will be designated for use by groups of 20 or less campers. This will allow Boy/Girl Scout Troops or similar organizations to camp within the Unique Area. The other sites will be designated for 10 or less campers. Any or all campfires will be restricted to an established fire-ring at each site. Each campsite will be designated on the Neversink River Unique Area Management Unit Trail Map and with a sign at the site. Each site may be relocated within the immediate vicinity or eliminated if deemed necessary to protect the resource or enhance recreational use.

Project: Develop 8 remote campsites  
Completed By: Sept. 1998  
Expected Cost: \$800  
Designed By: DEC Forest Rangers  
Work By: DEC Forest Rangers/Forestry Staff

#### 2. Wolf Brook MUA Camping

Trailer, RV or motor home camping will be allowed at a maximum of three sites by permit only at the informal parking area and log landing area along Katrina Falls Road. This type of camping usually creates few problems because of the large investment in equipment. These sites will be developed just beyond the tree line to provide limited privacy to campers. Improvements to driving and camping surfaces is not deemed necessary at this time because this activity is expected to be limited to deer hunting and early trout fishing seasons. Fire rings will be established for each site. As with primitive camping in the Unique Area, each camper will be held responsible for properly treating their human waste and refuse.

Trailer, RV or motor home camping may be allowed at other locations within the Wolf Brook MUA but always by camping permit only. Camping sites will be at specific locations by permission of the local Forest Ranger. Typically, these site may be along the Forest Access Road and possibly at parking areas if weather conditions are poor for using other sites. Day use parking will be a priority to RV camping at parking areas.

Project: Develop 3 RV campsites  
Completed By: Sept. 1998  
Expected Cost: \$2,000  
Designed By: DEC Forest Rangers/Forestry Staff  
Work By: DEC Region 3 Operations Field Crew

#### E. Public Information About the Unit

Providing information to the public about the Unit in a quick, efficient and inexpensive manner is critical to protecting and managing the Unit. Several techniques are needed to disseminate accurate up-to-date information to recreational users, neighbors, constituents and local officials. This Unit Management Plan (UMP) is designed to



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be the most comprehensive document regarding DEC stewardship of the Unit. The UMP provides a consistent source of background information with a specific vision, objectives, tasks and work projects based on public comments and values. It will be updated and modified as necessary every five years. Recreational users of the Unit are best informed through several methods. A short brochure and map with appropriate listing of rules, regulations, warnings, recommendations and emergency response agencies is most helpful. This brochure can be mailed/faxed from DEC offices or Forest Ranger headquarters as requested. It can also be available through local and county advertizing programs, service agencies and the like. It should also be made available on compact discs (CDS) and electronic on-line services which are a growing source of public information. On-line services also provide opportunities for regular updates and to disseminate more detailed information. Bulletin boards or kiosks at major parking areas are very effective on-site means of informing recreational users. The most effective means of communication to users is through direct contact with DEC personnel, especially Forest Rangers or Assistant Forest Rangers. Locally assigned Forest Rangers and DEC Police Officers are probably the best source of information for local officials, neighbors and constituents of the Unit. The following are tasks required to properly fulfill the objective of public information.

1. Brochure of Unit

This document must be developed soon after the UMP is implemented to reflect management decisions and land use regulations. A map of the Unit, resources and facilities will be included with the most applicable lands use laws, rules and regulations. This brochure will be developed and made available by DEC but it can be duplicated in other publications. A private concern could re-develop this brochure and include other pertinent information on a larger and/or water-proof format ideal for recreational use and eco-tourism promotion. DEC supports these efforts as long as

the information is accurate. The following is the task and cost of DEC developing a brochure for the Unit.

Project: Develop Brochure for Unit  
Completed By: April 1998  
Expected Cost: \$200  
Designed By: DEC Forest Resource Staff  
Published By: DEC Publishing

2. Bulletin Boards

Three bulletin board structures are needed within the Unit at each of the largest parking areas. The parking areas at Wolf Lake Road, Katrina Falls Road and Bush Kill Road will each have a bulletin board posted with the Unit brochure, State land regulations, DEC office and personnel contacts, local emergency agencies and other appropriate information. Bulletin boards are typically 4 foot high and 8 foot long wooden structures with a roof and plexi-glass like covering over the posted information. Once developed, each board should be maintained each year for normal wear, vandalism or accident.

Project: Install and maintain 3 Bulletin boards  
Completed By: September 1998  
Expected Cost: \$6,000 1998, \$1,000 per year  
Designed By: DEC Operations/Policy  
Built By: DEC Region 3 Operations Trail Crew

3. DEC Forest Rangers and Other Personnel

Maintaining the present staff levels of DEC Forest Rangers, Police Officers and management personnel is critical for implementing public information policies described in the UMP. The issue of DEC staffing is addressed under DEC Staffing Requirements in this UMP.

4. On-Line Services

On-line computer services are new and growing methods information can be made available in a very cost effective manner. DEC will purchase

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and maintain access to the Internet where all pertinent information can be stored. Access and printing of any data would be borne by those using the network. Information could be updated in seconds without additional cost to DEC. Network users could request further information from DEC through the network. Requests can be handled by DEC Support, Resource or Management staff as needed without cost of mailing or telephone.

Project: Develop and maintain on-line services  
Completed By: September 1998  
Expected Cost: \$200  
Designed By: DEC Forest Resources  
Developed By: DEC Informational Services (Albany)

F. DEC Staffing Requirements

1. Uniformed Personnel

One DEC forest ranger and one DEC conservation police officer will be assigned to a geographical area that includes the Unit. This should provide a minimum of 1.5 work-days per week of active patrols within and around the Unit. Additional rangers and officers are staffed regionally and provide as-needed response and appropriate action on any given day. In addition, one seasonal assistant forest ranger will be assigned to the Unit two days a week between April 1st and October 15th. Assistant forest rangers have direct contact with users to provide safety and interpretive information. They also assist with maintenance, rescue and fire suppression activities. They are not law enforcement (peace or police) officers.

Project: Maintaining routine patrols of Unit  
Time Commitment: 2 Work-days per week  
Expected Cost: \$6,000/year for Assistant Forest Ranger, 2 days/week from April 1 to October 15.  
Assigned To: Central Office

2. Management Personnel

DEC will assign approximately 100 work-days of professional and technical forestry staff time, 10 work-days of Operational services staff time and 10 work-days of professional and technical wildlife and fisheries staff time each year for the implementation of this Plan and the achievement of the Vision for this Unit. An additional 10 work-days of real property (surveying or cartography) service are also expected.

Project: Schedule of DEC Technical Staffing  
Time Commitment: 130 Work-days per year  
Expected Cost: \$0  
Assigned To: Natural Resources Supervisor

3. Legal Services

Management and protection of the Unit requires DEC to develop legal opinions, implement legal action and continue real estate acquisitions. In particular, the Eden Brook Road easement is a potential liability to DEC and the State of New York. The rights of this easement are not clear and are contrary to the intent of creating the Unique Area. The Philwold tract has other non-exclusive rights that allow an indefinite number of individuals to have private rights-of-use over and on State lands. The intent of creating the Unique Area was to prevent this very occurrence. Resolving the legal status of reserved rights and easements under due process will require legal staff and attention on the part of DEC. This task may be significantly reduced if additional properties or rights are acquired, as recommended later in this Plan.

Project: Legal Services  
Time Commitment: 60 Work-days per year  
Expected Cost: Legal Services Budget  
Assigned To: DEC Central Office Legal Affairs

4. Develop and Maintain Constituency

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DEC staff from all Natural Resource bureaus with management or protective responsibilities for the Unit will take an active role at establishing and maintaining a constituency of groups, individuals and political leaders that use or value the Unit and the Vision.

Project: Support Constituencies  
Time Frame: Initiate by April 1998  
Time Commitment: 12 Work-days per year  
Expected Cost: \$200 per year  
Assigned To: Natural Resources Supervisor

G. Management of Ecosystems and Historical Values

1. Develop a Comprehensive Method of Inventory

The first step to attain the Vision and manage the Unit is to have a statistical inventory of occurring vegetative cover types and associated ecological communities. The inventory should include locating and mapping historical sites, trails, quarries and other pertinent data as related to managing the Unit. The Natural Heritage Program's "Ecological Communities of New York State" provides a framework for identifying communities. DEC, The Nature Conservancy, academic experts and others can provide recommendations for a system of inventory.

Project: Develop comprehensive inventory  
Time Frame: Completed by April 1998.  
Time Commitment: 20 Workday  
Costs: \$200  
Assigned To: DEC Region 3 Forestry Staff

2. Accomplish Inventory of the Unit

The inventory should be accomplished as developed, maintained and used to prioritize work projects.

Project: Conduct ecological inventory  
Time Frame: Completed by October 1998.  
Time Commitment: 40 Work-days  
Costs: \$500  
Assigned To: DEC Region 3 Forestry Staff

3. Inventory of Historical Values

Locate and map, using plane-table mapping methods, the manmade structures related to historical values within the Unit. Have NYS Office of Parks, Recreation and Historical archeologist and local historians identify remnants and artifacts as best possible. Develop a map and description of historical values for informational publishing.

Project: Conduct historical inventory  
Time Frame: Completed by January 2000.  
Time Commitment: 25 Work-days  
Costs: \$500  
Assigned To: DEC Region 3 Forestry Staff

4. Develop American Chestnut Orchard

Developing an American chestnut orchard will first require selecting an appropriate site of five acres or less. This area will be determined through the inventory process and thinned to a shelterwood condition by commercial timber harvesting. The timber sale contract will provide for planting expenses including tree shelters for each seedling. Re-planting of chestnut lost to blight or other factors will occur as needed but is not expected during this six year work schedule. Additional plantations will be determined at the first update of this UMP scheduled for 2002.

Project: Develop 1 American chestnut orchard  
Time Frame: Completed by May 2001.  
Time Commitment: 25 Work-days  
Expected Cost: \$200  
Assigned To: R-3 Forestry Staff

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5. Accomplish Crop-Tree Thinning in River Corridor

Conduct 5 acres of non-commercial timberstand improvement thinning (TSI) using crop-tree thinning techniques to improve the growth and development of a balanced all-aged forest with white pine as principle dominant species. The location of this first TSI project will be determined through the inventory process. TSI should reflect natural forest conditions as much as possible by killing and leaving stand larger weed trees. Herbicide injection of weed trees is preferred if an appropriate registered herbicide that does not enter the ecosystem food chain can be obtained. Otherwise, chainsaw or ax girdling of weed trees will be necessary. Additional TSI projects will be determined at the first update to this UMP scheduled for 2002.

Project: Accomplish 5 acres of TSI  
Time Frame: Completed by Sept. 2001.  
Time Commitment: 5 Work-days  
Expected Cost: \$200  
Assigned To: R-3 Forestry Staff

6. Managing Stone, Sand and Gravel Stone Quarries

Mining, excavating or disturbing bluestone quarries or associated tailings and rubble will not occur in the Unit. There is no anticipated need of bluestone for managing the Unit and some of these sites provide critical wildlife habitats. Some sand, gravel and large boulders at the existing quarry along Bush Kill Road are needed for improvement projects within portions of the Unit west of the Neversink River. Although unexpected, some sand, gravel and/or boulders may be removed from this site for improvement projects at other State lands. Usually, it is less expensive for DEC to purchase these materials at private quarries closer to a project than to transport these materials over long distances. Improvement projects east of the River will most likely use sand and/or gravel purchased at private quarries closer to the site. Sand, gravel or other mineral resource will not be sold or used for any

purposes other than improving State lands. In addition, there is no expectation that more than 1,000 tons of sand and/or gravel will be removed from the quarry in any one project or one calendar year<sup>23</sup>. The only possible exception to removing more than 1,000 tons in one year would be related to construction of the footbridge over the Neversink River. Eden Brook Road will most likely need improvements for equipment and supplies needed to build the bridge. In any event, ten acres of the sand and gravel quarry are scheduled for reclamation to establish a "Watchable Wildlife Site" in 2001. The remaining one or two acres will be maintained as an active quarry for the previously stated purposes.

H. Management of Fish and Wildlife

1. Fisheries Habitat Survey

It is necessary to conduct additional electro-shocking surveys of the Neversink River within the Unit to supplement the August 1994 survey work. The objective of the surveys is to better evaluate the estimated (trout) wild yield to the angler. The wild yield will be estimated by utilizing the "Catch Rate Oriented Trout Stocking" (CROTS) survey analysis guidelines.<sup>24</sup> This survey includes deployment of at least one thermograph in the Neversink to better understand annual thermal regime of the River within the Unit.

Project: Conduct electro-shock fish survey  
Time Frame: Completed by Sept. 1998  
Time Commitment: 47 Work-days  
Expected Cost: \$1,000  
Assigned To: R-3 Inland Fisheries Staff

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<sup>23</sup> The 1,000 ton per year threshold for removing a mineral resource is the limit of mining allowed without need of a DEC Mining Permit.

<sup>24</sup> *Engstrom-Heg, R. 1990. Guidelines for stocking trout streams in NYS, NYS DEC Bureau of Fisheries.*

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2. Artificial Spawning Habitat

The lack of spawning habitat may be a limiting factor of maintaining a wild trout population. Three sites have been identified for placement of artificial spawning habitat (gravel boxes) on tributaries within the Unit. This practice will establish successful techniques that increase trout spawning and may be necessary to develop or maintain the wild trout population.

Project: Develop 3 spawning boxes  
Time Frame: Completed by Sept. 1998  
Time Commitment: 12 Work-days  
Expected Cost: \$1,000  
Assigned To: R-3 Inland Fisheries Staff

3. Provide Angler Parking and Access

A fisheries management objective is to provide for 3600 angler trips per year, a standard assumed fishing pressure for this area. One ten car parking area along Bush Kill Road and one at the end of Katrina Falls Road will accomplish this objective while allowing additional parking for other users. Angler use is not expected to be problematic because of the relatively long walk to the River from parking areas. Trail systems will provide direct access to the River and some access to interior portions of the corridor.

4. Monitor Public Use of Fish Resource

Management of the fish resource within the Unit requires up-to-date knowledge of the type and extent of public use and the attitudes of users about the resource. It is important to regularly document trends in fishing pressure, catch rates and angler attitudes to properly monitor a fishery resource. This information is needed to adjust regulations, stocking rates (if utilized) and to help establish trends in fish populations. A roving creel census provides the most accurate data from anglers but it is labor intense and therefore expensive. Windshield surveys with a pre-addressed and posted survey form is a cost effective option that can be incorporated with existing staff involved with law enforcement,

maintenance and administration of the Unit. Aerial overflights to count anglers and extrapolate fishing pressure is cost effective and has been used to monitor the River within the Unit. A combination of all techniques may provide the most efficient means of developing necessary information. Two techniques are included as UMP tasks.

a. Aerial Overflights

Conduct two weekday and two weekend per month aerial overflights angler surveys between April 1 and October 15 for two consecutive years in a ten year period.

Project: Conduct Aerial Angler Survey  
Completed By: November 1999  
Time Commitment: 1 Work-day per year  
Expected Cost: Bureau of Fisheries Budget  
Assigned To: DEC Region 3 Inland Fisheries

b. Roving Creel Survey

By 2000 and once every ten years thereafter, conduct a two consecutive year roving creel census to assess fishing pressure, catch rates and angler opinion. This survey can be conducted in the Unit by an Assistant Forest Ranger incidental to his/her regular duties. The Bureau of Inland Fisheries could split the cost of hiring a seasonal Assistant Forest Ranger to allow 5 day a week patrol during the years a creel survey is needed.

Project: Conduct Roving Creel Survey  
Time Frame: Fiscal Years 97-98 and 98-99  
Time Commitment: 2.5 workdays per week;  
(26 weeks April to October)  
Expected Cost: \$6,000 per year  
Assigned To: R-3 Inland Fisheries

5. Fishing Regulations

Establish appropriate fishing regulations pertaining to appropriate size, season, possession limit and method of taking to adequately protect and enhance the wild trout fishery.

## NEVERSINK RIVER UNIQUE AREA

### Unit Management Plan

Project: Implement new fishing regs.

Time Frame: Completed by April 2002

Time Commitment: 25 Workdays

Expect Cost: \$0

Assigned To: DEC Inland Fisheries

#### 6. Managing Deer Populations

Improving opportunities for deer hunting is the principal method of managing the white-tailed deer population in this Unit. Additional hunting is needed to improve the male-female ratio by increasing the harvest of female deer. Reducing the deer population should reduce the loss of vegetation and damage to forest ecosystems. Parking areas, trails, camping opportunities, informational services included in this UMP will improve hunting opportunities.

#### 7. Black Bear Release Site

Although, originally thought to be a suitable transfer location for trapped black bears that become a nuisance at other locations in DEC Region 3, release of captured bear is no longer planned to occur in the Unit. Habitat within the Unit and surrounding landscape remains favorable for a naturally occurring population of black bears and bears should continue to inhabit the Unit. The primary issue at this time is that any release in the Unit is not a sufficient distance from Eden Brook Fish Hatchery. Bears typically become a nuisance by causing significant damage to fish hatcheries and there are less problematic release sites in other areas of Sullivan County. Black bears are not considered a risk to hikers. DEC informational programs, including those related to this Unit, advise how to deal with bear encounters.

#### 8. Watchable Wildlife

Providing opportunities for the public to watch wildlife in natural settings is a growing DEC program. The Unit provides several high quality sites for such viewing that will not interfere with the Neversink River corridor. Unit lands on the west side of Bush Kill Road include several distinct ecosystems favorable to varieties of

wildlife. Ecological communities include successional old field, successional blueberry heath, hemlock-hardwood swamp, red maple-hardwood swamp, gravel mine, sand mine, marsh headwater stream and main channel stream as described by the NY Natural Heritage Program. The Marcy-South right-of-way is mostly a successional fern meadow or successional blueberry heath ecological community. With minor wildlife management techniques, some of these communities can be improved to support a greater diversity of wildlife and an increase of existing populations. The following are projects designed to improve wildlife habitat with readily accessible opportunities for the public to view.

##### a. Maintain Tall Grass Field

The 11 acre open area and field at the intersection of Bush Kill and St. Joseph's Roads will be mowed once every three years to control woody vegetation and encourage grass and legume species. Crushed limestone will be applied to the surface of the field after mowing until soil pH is between 6.5 and 7.0. This will encourage more favorable grass and legume species that provide high quality graze for wildlife. Edges of the field that are poorly drained will not be mowed to maintain shrubs as nest sites and protective cover. The field will be mowed in late summer after field nesting activity and to prevent injury to deer fawns. Mowing in this season will allow tender grasses to develop before winter. These grasses provide an important food source to deer and rabbits during the fall, winter and early spring. Tall spring grass will encourage wild turkey nesting and provide a protective cover from predators for young turkey and grouse. Hawks will commonly be seen viewing the field for rodents. Fox, coyotes, owls and other predators will frequent the fields in search of food.

Project: Mow and lime 8 acre Field

Time Frame: August 1998, 2001

Time Commitment: 3 Workdays

Expected Cost: \$1,000

Assigned To: DEC Operations Field Crew

##### b. Reclamation of Sand/Gravel Banks

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The 12 acres of sand and gravel banks located along the west side of Bush Kill Road at the south end of the Unit can be improved for wildlife by appropriate grading and planting of grass, shrubs and trees. Seasonal waterholes will be maintained as will some exposed sand or gravel banks. One or two acres of better quality sand or gravel will be maintained for possible use in the Unit or other State lands. Grasses, shrubs and trees will be native species that reflect the surrounding vegetative cover. Location of new vegetative covers and landscape will be based on a wildlife site plan. Maintenance activities may include periodic mowing of grass areas.

Project: 10 Acre Reclamation Project  
Completed By: June 2001  
Expected Cost: \$5,000  
Designed By: DEC Region 3 Wildlife Staff  
Work By: DEC Region 3 Operations Field Crew

c. Nest Boxes

Appropriate nesting sites are a limiting factor for some species of birds. Bluebird, wood duck, some species of hawks and owls all need nesting conditions that can be developed by establishing simple wooden nest boxes. Nest boxes will be established at those locations for the appropriate species and at numbers which correspond to the local habitat. Each nest box needs to be inspected annually before nesting and replaced or repaired as necessary. About 50 nest boxes are needed. Nest boxes will need replacement after five years, more or less.

Project: 50 Nest Boxes  
Completed By: June 2001  
Expected Cost: \$500  
Designed By: DEC Region 3 Wildlife Staff  
Work By: DEC Region 3 Wildlife Staff

I. Acquire Additional Property/Rights as Needed

Current State land ownership does not fulfill the original objective of creating the State owned

Unique Area. In addition, the problem of non-exclusive property rights that existed on the Clove Tract exists on the Philwold Tract. The fish hatchery lease will terminate upon the abandonment of the Lessee or death of Jon Wallach, president of the Lessee corporation. This easement does not substantially lessen any values associated with the creation of the Unique Area. The other easements over the Philwold tract limit the Department's ability to protect the Neversink River Gorge and Corridor. The private use of Eden Brook Road and the Philwold tract is perpetual unless these rights are acquired by the State. The right-of-use of Eden Brook Road is not limited to a defined number of people and will most likely increase over the years. Private motor vehicles may be operated on the Philwold tract down to or near the Neversink River unless the State acquires such rights. Private land ownership(s) exist along 1.1 miles of the Neversink River near the middle of the undeveloped corridor. Therefore, impacts associated with residential development and/or inappropriate forestry practices can not be prevented on this acreage unless the land is acquired by the State. Scenic or conservation easements are not preferred because enforcement of easements is profoundly complicated requiring more State resources over time than outright ownership. This Plan recommends that the State acquire all rights and easements within the Philwold tract and all lands, rights and easements east of Eden Brook Road and south of the 1,548 foot elevation located 0.5 miles east of the hatchery. Acquisitions will be done on a willing seller-willing buyer basis. These lands were identified in the Environmental Impact Statement (EIS), Neversink River Unique Area, May 1989, but are less than "Parcel A" acquisition described in the EIS. Other properties that provide improved public access to the Unit or those addressed in the EIS for possible acquisition should also be acquired by the State. Map 10. indicates those parcels proposed for acquisition.

NEVERSINK RIVER UNIQUE AREA  
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1. Acquire Necessary Parcels and/or Rights

Initiate the process to acquire parcels, areas or land use rights defined as necessary for the protection and management of the Unique Area and Neversink River Corridor. Acquisitions will be negotiated with willing sellers. This will require significant time from Real Property and Legal Affairs staff.

Project: Acquire parcels identified in Map 10

Time Frame: Completed by April 2003

Time Commitment: 260 Workdays  
(Over six years)

Expect Cost: Environmental Protection Fund

Assigned To: DEC Real Property

2. Eliminate Encroachments

Acquire 0.25(+/-) acre triangular trailer lot along Katrina Falls Road and exchange appropriate lands along property line to eliminate encroachments.

Project: Acquire/exchange properties

Time Frame: Completed by April 2002

Time Commitment: 60 Workdays  
(Over six years)

Expect Cost: Environmental Protection Fund

Assigned To: DEC Real Property

J. Proposed Rules and Regulations (Title 6, NYCRR)

Specific rules and regulations for public use of the Neversink River Unique Area were developed in 1989. These rules and regulations are in addition to general land use prohibitions codified in Title 6, New York Codes of Rules and Regulations (6NYCRR), Part 190, and Article 9 of the Environmental Conservation Law (ECL). Although DEC is embarking to develop a uniform set of rules and regulations that apply to all State lands, specific prohibitions will still be needed for the Unit. The following is a proposed revision of Title 6, NYCRR, Part 190.10(c), Rules and Regulations Pertaining to the Neversink River Unique Area Management Unit:

Proposed Rules and Regulations for the Unit

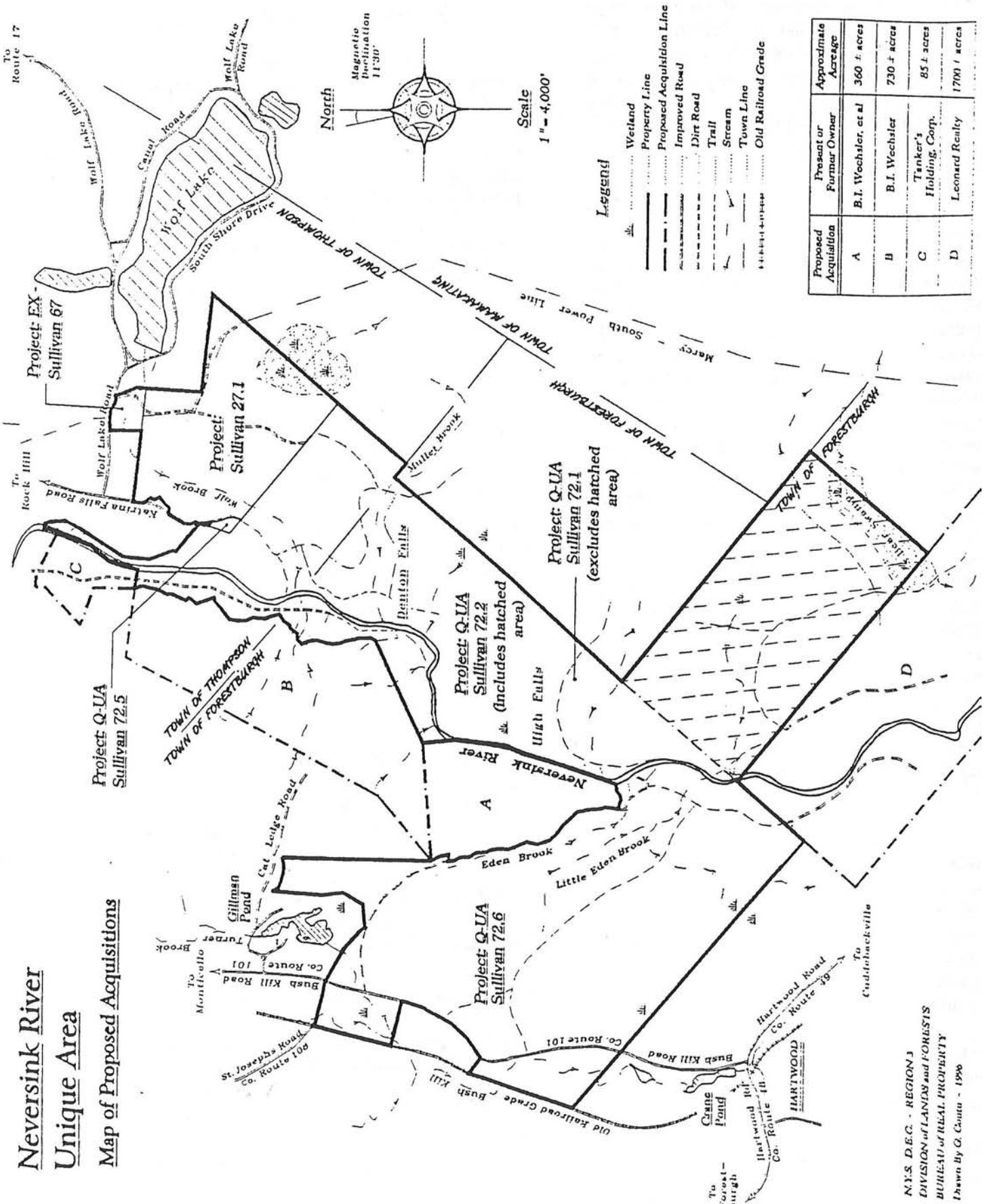
The Neversink River Unique Area Management Unit includes all lands owned by the People of the State of New York lying and situated in the Towns of Thompson and Forestburgh, Sullivan County, along the corridor of the Neversink River south of NY Route 17 and north of Oakland Valley Road (Sullivan County Road 49).

1. Camping is prohibited unless authorized by a Department camping permit issued for a specific site as defined in the Unit Management Plan for the Neversink River Unique Area Management Unit.



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Map 10. Map of Proposed Acquisitions



Neversink River  
Unique Area

Map of Proposed Acquisitions

NEVERSINK RIVER UNIQUE AREA

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2. Open fires are prohibited unless authorized by a Department camping permit and confined to the established fire-ring at a specific camping site.

3. The use and parking of motor vehicles within the Unit is prohibited except;

(i). on the Forest Access and Haul Roads south of the bridge over Wolf Brook within Wolf Brook Multiple Use Area, and only between the end of spring turkey hunting season and the end of fall deer hunting season,

(ii). as authorized by a Department temporary revocable permit, sale of forest products contract, camping permit or sign permitting such activity as defined in the Unit Management Plan,

(iii). those individuals having legal access and use of Eden Brook Road as defined in applicable deeds of record,

(iv). on established parking areas and in a manner consistent with public use by others of such parking area.

4. The use of snowmobiles is prohibited.

5. The use or possession of a mechanically propelled boat or vessel within the Unit except at designated parking areas.

6. The riding or possession of a horse is prohibited within the Unit except within the boundaries of the Wolf Brook Multiple Use Area.

7. Public entry or use of the restricted area associated with the Eden Brook Fish Hatchery as defined in applicable deeds, leases, agreements and maps, is prohibited until 90 days after the termination of the fish hatchery lease and associated agreements and amendments.

8. The use of bicycles is prohibited within the Unique Area except on trails and lands within the

Unit as designated in the Unit Management Plan and subsequent Department land use publications and in a manner consistent with safe use of the Unit.

9. Any activity in the Unit that interferes, disturbs, damages or destroys ecosystem management or recreational enhancement projects and practices defined in the Unit Management Plan and subsequent work schedules is prohibited.

10. The use or landing of an aircraft on lands within the Unit is prohibited unless authorized by;

(i). the Department or a Department official,

(ii). by an authority of a law enforcement, fire, rescue or ambulance agency as required for a specific and immediate law enforcement or emergency incident.

Project: Implement new Regulations

Time Frame: Completed by April 1999

Time Commitment: 25 Workdays

Expect Cost: \$0

Assigned To: DEC Central Office

K. Update of Unit Management Plan

This Unit Management Plan (UMP) will need updating in 2002. This action will begin with a written account of all improvements, changes or other factors which have either occurred in or had an affect upon the Unit. A public meeting will be scheduled once this account is made public to allow comment and seek input regarding further actions needed to achieve the Vision for the Neversink River Unique Area Management Unit. An updated UMP will be published and made available by April 1, 2003.

Project: Update UMP  
Time Frame: Completed by April 2003  
Time Commitment: 25 Workdays  
Expect Cost: \$0  
Assigned To: DEC Region 3 Forestry Staff

NEVERSINK RIVER UNIQUE AREA  
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Table 6. Schedule of Projects for the Neversink River Unique Area Management Unit.

- Notes: 1. NYS fiscal years begin April 1st.  
 2. Staff workdays are personnel services of DEC staff. Budget costs do not include personnel service, but are specific to the cost of completing the project which, in some cases, includes the cost of seasonal DEC employees.  
 3. Projects are based on expected and requested budgetary appropriations. Budgetary or personnel shortfalls will reduce, delay or eliminate projects on a year-to-year basis.  
 4. Planning and design of a footbridge over the Neversink River is included in this budget schedule. Construction is not included and will likely require a specific New York Assembly/Senate appropriation. Construction is expected to exceed \$250,000.

Table 6. Schedule of Projects for the Neversink River Unique Area Management Unit.

FISCAL YEAR	ASSIGNED TO:	PROJECT	STAFF WORKDAYS	BUDGET COST
1997-98	Forestry	Develop a comprehensive method of vegetative, ecological and historic inventory of the Unit.	20	\$200
1997-98	Forestry	Develop Brochure of Unit for public use.	20	200
1997-98	Operations	Conduct site investigation for footbridge over Neversink River.	10	0
1997-98	Operations	Inspect vehicle bridges across Eden Brook for safety concerns.	2	0
1997-98 Annual	Fisheries	Provide professional and technical services to implement the UMP.	10	0
1997-98 Annual	Forestry	Provide professional, technical and management services to implement the UMP.	60	0
1997-98 Annual	Legal Affairs	Provide necessary legal services.	60	0
1997-98 Annual	Natural Resources	Provide support of constituency groups	12	200
1997-98 Annual	Operations	Repair and maintain existing improvements.	11	2,000
1997-98 Annual	Operations	Provide monthly and contingent refuse removal. Budget covers tipping fees.	25	500

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Table 6. Schedule of Projects for the Neversink River Unique Area Management Unit.

FISCAL YEAR	ASSIGNED TO:	PROJECT	STAFF WORKDAYS	BUDGET COST
1997-98 Annual	Rangers ECOs	Provide 2 workdays per week on-site patrol of Unit	104	0
1997-98 Annual	Real Property	Provide survey, cartography and other real property services.	10	500
1997-98 Annual	Wildlife	Provide professional and technical services to implement the UMP	10	0
1997-98 TOTAL		ANNUAL BUDGET	354	3,600
1998-99	Fisheries	Conduct roving creel survey	2	6,000
1998-99	Fisheries	Conduct electroshocking and thermographic survey.	47	1,000
1998-99	Fisheries	Develop 3 artificial spawning boxes.	12	1,000
1998-99	Fisheries	Aerial overflight angler census.	1	0
1998-99	Forest Rangers	Develop 8 campsites with fire rings.	10	800
1998-99	Forestry	Conduct vegetative and historic inventory.	40	500
1998-99	Forestry/ ISD	Develop on-line publication of UMP, brochure and other information.	20	200
1998-99	Forestry	Design mobility-impaired trail system.	10	0
1998-99	Forestry Albany	Revise rules and regulations for Unit.	25	0
1998-99	Operations	Develop a 10 car parking area at end of Katrina Falls Road.	2	7,500
1998-99	Operations	Construct and install 3 bulletin boards.	3	6,000
1998-99	Operations	Repair and improve 1.9 miles of forest access roads in Wolf Brook MUA.	2	5,000

NEVERSINK RIVER UNIQUE AREA  
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Table 6. Schedule of Projects for the Neversink River Unique Area Management Unit.

FISCAL YEAR	ASSIGNED TO:	PROJECT	STAFF WORKDAYS	BUDGET COST
1998-99	Operations	Construct boulder barricades on unauthorized trails, 11 sites.	4	2,000
1998-99	Operations	Determine design and expected cost of footbridge over Neversink River.	25	2,000
1998-99	Operations	Develop 3 trailer/RV campsites at Wolf Brook MUA.	2	2,000
1998-99	Operations	Construct new trail link, Lost Trail, 1.2 miles plus access to High Falls.	3	2,000
1998-99	Operations	Remove school bus and eliminate Katrina Falls Road dump site.	2	1,800
1998-99	Operations	Develop 2 car parking area on west side of Bush Kill Road.	1	1,000
1998-99	Operations	Develop emergency helicopter landing area at blowdown near High Falls.	5	1,000
1998-99	Operations	Mow and lime 8 acre field along St. Joseph's Road in August.	3	1,000
1998-99	Operations	Develop 8 car parking area at cul-de-sac on Wolf Brook MUA.	1	1,000
1998-99	Operations	Redevelop, improve and maintain 10.3 miles of existing hiking trails and replace wooden bridges across Wolf and Mullet Brooks.	1	7,500
1998-99 Annual	Fisheries	Provide professional and technical services to implement the UMP	10	0
1998-99 Annual	Forest Rangers	Provide one Assistant Forest Ranger for 5 days per week active patrol in Unit from April through October with split funding for creel survey.	14	6,000
1998-99 Annual	Forestry	Provide professional, technical and management services to implement the UMP.	26	0
1998-99 Annual	Legal Affairs	Provide necessary legal services	60	0

NEVERSINK RIVER UNIQUE AREA  
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Table 6. Schedule of Projects for the Neversink River Unique Area Management Unit.

FISCAL YEAR	ASSIGNED TO:	PROJECT	STAFF WORKDAYS	BUDGET COST
1998-99 Annual	Legal Affairs	Provide legal services for further acquisitions and to eliminate encroachments.	50	0
1998-99 Annual	Natural Resources	Provide support of constituency groups	12	200
1998-99 Annual	Operations	Repair and maintain existing improvements.	11	2,000
1998-99 Annual	Operations	Provide monthly and contingent refuse removal.	30	500
1998-99 Annual	Rangers Ecos	Provide 2 workdays per week of on-site patrol of Unit.	104	0
1998-99 Annual	Real Property	Provide necessary real property services.	10	500
1998-99 Annual	Wildlife	Provide professional and technical services to implement the UMP	10	0
1998-99 TOTAL		ANNUAL BUDGET	558	58,500
1999-00	Fisheries	Conduct roving creel survey	2	6,200
1999-00	Fisheries	Aerial overflight angler census.	1	0
1999-00	Forestry	Map historical values and develop appropriate publication	25	500
1999-00	Operations/ OGS	Design a steel cable bridge over the Neversink River.	10	15,000
1999-00	Operations	Develop mobility impaired trail system, 1.0 miles.	4	15,000
1999-00	Operations	Develop 2.0 miles of trails for Bridgeville to Monticello link.	10	4,000
1999-00	Operations	Construct Columbine Cliff Trail Loop, 2.6 miles.	4	4,000

NEVERSINK RIVER UNIQUE AREA  
UNIT MANAGEMENT PLAN

Table 6. Schedule of Projects for the Neversink River Unique Area Management Unit.

FISCAL YEAR	ASSIGNED TO:	PROJECT	STAFF WORKDAYS	BUDGET COST
1999-00 Annual	Fisheries	Provide professional and technical services to implement the UMP.	10	0
1999-00 Annual	Forest Rangers	Provide one Assistant Forest Ranger for 5 days per week active patrol in Unit from April through October with split funding for creel survey.	14	6,200
1999-00 Annual	Forestry	Provide professional, technical and management services to implement the UMP.	24	0
1999-00 Annual	Legal Affairs	Provide legal services for further acquisitions and to eliminate encroachments.	50	0
1999-00 Annual	Legal Affairs	Provide necessary legal services	60	0
1999-00 Annual	Natural Resources	Provide support of constituency groups	12	200
1999-00 Annual	Operations	Repair and maintain existing improvements.	11	2,000
1999-00 Annual	Operations	Repair and maintain three bulletin boards.	2	1,000
1999-00 Annual	Operations	Maintain 10 car parking area with resurfacing and boulder replacement.	1	1,000
1999-00 Annual	Operations	Provide monthly and contingent refuse removal.	25	500
1999-00 Annual	Rangers ECOs	Provide 2 workdays per week on-site patrol of Unit	104	0
1999-00 Annual	Real Property	Provide necessary real property services.	10	500



NEVERSINK RIVER UNIQUE AREA  
UNIT MANAGEMENT PLAN

Table 6. Schedule of Projects for the Neversink River Unique Area Management Unit.

FISCAL YEAR	ASSIGNED TO:	PROJECT	STAFF WORKDAYS	BUDGET COST
1999-00 Annual	Wildlife	Provide professional and technical services to implement the UMP.	10	0
1999-00 TOTAL		ANNUAL BUDGET	389	56,100
2000-01	Fisheries	Revise rules and regulations for fishing in the Unit or Neversink River.	25	0
2000-01	Forestry	Conduct a shelterwood harvest on 5 acres for American chestnut orchard development.	20	100
2000-01	Forestry	Investigate other trail uses.	3	0
2000-01	Management	Identify, request and secure funding for construction of footbridge.	25	0
2000-01	Operations	Replace or repair one iron gate and three STOP signs.	1	1,000
2000-01	Operations	Bid and secure construction of footbridge.	25	0
2000-01	Wildlife	Develop a reclamation plan for the sand and gravel banks to improve wildlife habitat.	20	200
2000-01 Annual	Fisheries	Provide professional and technical services to implement the UMP.	10	0
2000-01 Annual	Forest Rangers	Provide one Assistant Forest Ranger for 2 days per week active patrol in Unit from April through October.	14	6,400
2000-01 Annual	Forestry	Provide supervisory and management services to implement the UMP.	24	0
2000-01 Annual	Legal Affairs	Provide legal services for further acquisitions and to eliminate encroachments.	50	0
2000-01 Annual	Legal Affairs	Provide necessary legal services.	60	0

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Table 6. Schedule of Projects for the Neversink River Unique Area Management Unit.

FISCAL YEAR	ASSIGNED TO:	PROJECT	STAFF WORKDAYS	BUDGET COST
2000-01 Annual	Natural Resources	Provide support of constituency groups	12	200
2000-01 Annual	Operations	Repair and maintain existing improvements.	11	2,000
2000-01 Annual	Operations	Repair and maintain three bulletin boards.	2	1,000
2000-01 Annual	Operations	Maintain 10 car parking area with resurfacing and boulder replacement.	1	1,000
2000-01 Annual	Operations	Provide monthly and contingent refuse removal.	25	500
2000-01 Annual	Rangers Ecos	Provide 2 workdays per week of on-site patrol of Unit.	104	0
2000-01 Annual	Real Property	Provide necessary real property services.	10	500
2000-01 Annual	Wildlife	Provide professional and technical services to implement the UMP.	10	0
2000-01 TOTAL		ANNUAL BUDGET	452	12,900
2001-02	Forestry	Accomplish 5 acres of TSI in River corridor ecosystem.	5	200
2001-02	Forestry	Develop one 5 acre American chestnut orchard.	5	100
2001-02	Operations	Reclaim sand and gravel banks according to a wildlife management site plan.	5	5,000
2001-02	Operations	Mow and lime 8 acre field along St. Joseph's Road in August.	3	1,000
2001-02	Wildlife	Establish 50 nest boxes.	5	500

NEVERSINK RIVER UNIQUE AREA  
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Table 6. Schedule of Projects for the Neversink River Unique Area Management Unit.

FISCAL YEAR	ASSIGNED TO:	PROJECT	STAFF WORKDAYS	BUDGET COST
2001-02 Annual	Fisheries	Provide professional and technical services to implement the UMP.	10	0
2001-02 Annual	Forest Rangers	Provide one Assistant Forest Ranger for 2 days per week active patrol in Unit from April through October.	14	6,600
2001-02 Annual	Forestry	Provide professional technical and management services to implement the UMP.	24	0
2001-02 Annual	Legal Affairs	Provide necessary legal services.	60	0
2001-02 Annual	Legal Affairs	Provide legal serives for further acquisitions and to eliminate encroachments.	50	0
2001-02 Annual	Natural Resources	Provide support of constituency groups.	12	200
2001-02 Annual	Operations	Repair and maintain existing improvements.	11	2,000
2001-02 Annual	Operations	Repair or maintain three bulletin boards.	2	1,000
2001-02 Annual	Operations	Maintain 10 car parking area with resurfacing and boulder replacement.	1	1,000
2001-02 Annual	Operations	Provide monthly and contingent refuse removal.	25	500
2001-02 Annual	Rangers ECOs	Provide 2 workdays per week on-site patrol of Unit	104	0
2001-02 Annual	Real Property	Provide necessary real property services.	10	500

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Table 6. Schedule of Projects for the Neversink River Unique Area Management Unit.

FISCAL YEAR	ASSIGNED TO:	PROJECT	STAFF WORKDAYS	BUDGET COST
2001-02 Annual	Wildlife	Provide professional and technical services to implement the UMP.	10	0
2001-02 TOTAL		ANNUAL BUDGET <sup>1</sup>	356	21,500
2002-03	Operations	Inspect construction of footbridge.	50	0
2002-03 Annual	Forest Rangers	Provide one Assistant Forest Ranger for 2 days per week active patrol in Unit from April through October.	14	6,800
2002-03 Annual	Forestry	Provide professional technical and management services to implement the UMP.	24	0
2002-03 Annual	Forestry	Conduct public meeting and other necessary tasks to update UMP.	25	0
2002-03 Annual	Legal Affairs	Provide legal services for further acquisitions and to eliminate encroachments.	50	0
2002-03 Annual	Legal Affairs	Provide necessary legal services.	60	0
2002-03 Annual	Natural Resources	Provide support of constituency groups.	12	200
2002-03 Annual	Operations	Repair and maintain existing improvements.	15	3,000
2002-03 Annual	Operations	Repair and maintain three bulletin boards.	1	1,000
2002-03 Annual	Operations	Maintain 10 car parking area with resurfacing and boulder replacement.	1	1,000
2002-03 Annual	Operations	Provide monthly and contingent refuse removal.	25	500

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Table 6. Schedule of Projects for the Neversink River Unique Area Management Unit.

FISCAL YEAR	ASSIGNED TO:	PROJECT	STAFF WORKDAYS	BUDGET COST
2002-03 Annual	Rangers Ecos	Provide 2 workdays per week of on-site patrol of Unit.	104	0
2002-03 Annual	Real Property	Provide necessary real property services.	10	500
2002-03 Annual	Wildlife	Provide professional and technical services to implement the UMP.	10	0
2002-03 TOTAL		ANNUAL BUDGET	401	53,100
2003-04 TOTAL		TOTAL BUDGET FOR FIRST 5 YEARS OF UMP 1997-2003 <sup>2</sup>	2,510	184,200

1. Budget excludes capitol costs of building one suspension footbridge in 2001-2002 projected to cost \$250,000+/- . A separate capitol appropriation will be needed for this project.

2. See above Endnote.

NEVERSINK RIVER UNIQUE AREA  
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 APPENDIX 1.

Appendix 1. Species Known to Occur in the Mongaup Hills Ecozone

The following lists includes those species known to occur or believed to occur within the Mongaup Hills Ecozone as reported by Robert E. Chambers, "Integrating Timber and Wildlife Management", 1983.

NYS Protective Status Definitions

End "Endangered Species," determined by the New York State Department of Environmental Conservation (DEC) to be in imminent danger of extinction or extirpation in New York State, or Federally listed as endangered. All such species are fully protected under New York State's Environmental Conservation Law.

Thr "Threatened Species," determined by the DEC as likely to become an endangered species within the foreseeable future in New York State, or Federally listed as threatened. All such species are fully protected under Environmental Conservation Law.

Spec "Special Concern Species" are those native species which are not yet recognized as endangered or threatened, but for which documented evidence exists relating to their continued welfare in New York State. The Special Concern category, while existing in DEC rules and regulations, does not in itself provide protection. Therefore, a species listed as Special Concern is accompanied by a second notation indicating whether or not such species is otherwise protected.

Game Species Any of a variety of "big game" or "small game" species as stated in the Environmental Conservation Law; many normally have an open season for at least part of the year, and are protected at other times.

Prot "Protected Wildlife" means "wild game, protected wild birds and endangered species of wildlife" as defined in the Environmental Conservation Law.

Un "Unprotected" means that the species may be taken at any time without limit; however, a license to take may be required.

<u>BIRDS</u>	<u>Scientific Name</u>	<u>NYS PROTECTIVE STATUS</u>
Green Heron	Butorides striatus	PROT
Mallard	Ana platyrhynchos	GAME
American Black Duck	Anas rubripes	GAME
Wood Duck	Aix sponsa	GAME
Sharp-shinned Hawk	Accipiter striatus	PROT
Cooper's Hawk	Accipiter cooperii	PROT-SP. CON.
Red-Tailed Hawk	Buteo jamaicensus	PROT
Red-shouldered Hawk	Buteo lineatus	THR
Broad-winged Hawk	Buteo platypterus	PROT
American Kestrel	Falco sparverius	PROT
Ruffed Grouse	Bonasa umbellus	GAME
Wild Turkey	Meleagris gallopavo	GAME

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American Woodcock	Philohela minor	GAME
Common Snipe	Capella gallinago	GAME
Mourning Dove	Zenaida macroura	PROT
Yellow-billed Cuckoo	Coccyzus americanus	PROT
Black-billed Cuckoo	Coccyzus erythrophthalmus	PROT
Common Screech Owl	Otus asio	PROT
	<u>Scientific</u>	<u>NYS PROTECTIVE</u>
<u>BIRDS</u>	<u>Name</u>	<u>STATUS</u>
Great Horned Owl	Bubo virginianus	PROT
Barred Owl	Strix varia	PROT
Whip-poor-will	Caprimulgus vociferus	PROT
Common Nighthawk	Chordeiles minor	PROT-SP. CON.
Chimney Swift	Chaetura pelagica	PROT
Ruby-throated Hummingbird	Archilochus colubris	PROT
Belted Kingfisher	Megaceryle alcyon	PROT
Common Flicker	Colaptes auratus	PROT
Pileated Woodpecker	Dryocopus pileatus	PROT
Red-headed Woodpecker	Melanerpes erythrocephalus	PROT
Yellow-bellied Sapsucker	Sphyrapicus varius	PROT
Hairy Woodpecker	Picoides villosus	PROT
Downy Woodpecker	Picoides pubescens	PROT
Eastern Kingbird	Tyrannus tyrannus	PROT
Great Crested Flycatcher	Myiarchus crinitus	PROT
Eastern Phoebe	Sayornis phoebe	PROT
Willow Flycatcher	Empidonax traillii	PROT
Alder Flycatcher	Empidonax alnorum	PROT
Least Flycatcher	Empidonax minimus	PROT
Eastern Peewee	Contopus virens	PROT
Tree Swallow	Iridoprocne bicolor	PROT
Bank Swallow	Riparia riparia	PROT
Rough-winged Swallow	Stelgidopteryx ruficollis	PROT
Barn Swallow	Hirundo rustica	PROT
Cliff Swallow	Petrochelidon pyrrhonota	PROT
Purple Martin	Progne subis	PROT
Blue Jay	Cyanocitta cristata	PROT
American Crow	Corvus brachyrhynchos	GAME
Black-capped Chickadee	Parus atricapillus	PROT
White-breasted Nuthatch	Sitta carolinensis	PROT
Red-breasted Nuthatch	Sitta canadensis	PROT
Brown Creeper	Certhia familiaris	PROT
House Wren	Troglodytes aedon	PROT
Winter Wren	Troglodytes troglodytes	PROT
Gray Catbird	Dumetella carolinensis	PROT
Brown Thrasher	Toxostoma rufum	PROT
American Robin	Turdus migratorius	PROT
Wood Thrush	Hylocichla mustelina	PROT

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Hermit Thrush	<i>Catharus guttatus</i>	PROT
Veery	<i>Catharus fuscescens</i>	PROT
Eastern Bluebird	<i>Sialia sialis</i>	PROT-SP. CON.
Cedar Waxwing	<i>Bombycilla cedrorum</i>	PROT
Yellow-throated Vireo	<i>Vireo flavifrons</i>	PROT
Solitary Vireo	<i>Vireo solitarius</i>	PROT
Red-Eyed Vireo	<i>Vireo olivaceus</i>	PROT
Warbling Vireo	<i>Vireo gilvus</i>	PROT
Black and White Warbler	<i>Miniotilta varia</i>	PROT
Nashville Warbler	<i>Vermivora ruficapilla</i>	PROT
Yellow Warbler	<i>Dendroica caerulescens</i>	PROT
Magnolia Warbler	<i>Dendroica magnolia</i>	PROT
Black-throated Blue Warbler	<i>Dendroica caerulescens</i>	PROT
Black-throated Green Warbler	<i>Dendroica virens</i>	PROT
		<u>NYS PROTECTIVE</u>
<u>BIRDS</u>	<u>Scientific Name</u>	<u>STATUS</u>
Blackburnian Warbler	<i>Dendroica fusca</i>	PROT
Chestnut-sided Warbler	<i>Dendroica pensylvanica</i>	PROT
Ovenbird	<i>Seiurus aurocapillus</i>	PROT
Northern Waterthrush	<i>Seiurus noveboracensis</i>	PROT
Mourning Warbler	<i>Oporornis philadelphia</i>	PROT
Common Yellowthroat	<i>Geothlypis trichas</i>	PROT
Yellow Breasted Chat	<i>Icterus trichas</i>	PROT
Canada Warbler	<i>Wilsonia canadensis</i>	PROT
American Redstart	<i>Setophaga ruticilla</i>	PROT
Red-winged Blackbird	<i>Agelaius phoeniceus</i>	PROT
Northern Oriole	<i>Icterus galbula</i>	PROT
Common Grackle	<i>Quiscalus quiscula</i>	PROT
Brown-headed Cowbird	<i>Molothrus ater</i>	PROT
Scarlet Tanager	<i>Piranga olivacea</i>	PROT
Northern Cardinal	<i>Cardinalis cardinalis</i>	PROT
Rose-breasted Grosbeak	<i>Pheucticus ludovicianus</i>	PROT
Indigo Bunting	<i>Passerina cyanea</i>	PROT
Purple Finch	<i>Carpodacus purpureus</i>	PROT
American Goldfinch	<i>Carduelis tristis</i>	PROT
Rufous-sided Towhee	<i>Pipilo erythrophthalmus</i>	PROT
Savannah Sparrow	<i>Passerculus sandwichensis</i>	PROT
Grasshopper Sparrow	<i>Ammodramus savannarum</i>	PROT-SP. CON.
Vesper Sparrow	<i>Poocetes gramineus</i>	PROT-SP. CON.
Northern Junco	<i>Junco hyemalis</i>	PROT
Chipping Sparrow	<i>Spizella passerina</i>	PROT
Field Sparrow	<i>Spizella pusilla</i>	PROT
White-throated Sparrow	<i>Zonotrichia albicollis</i>	PROT
Swamp Sparrow	<i>Melospiza georgiana</i>	PROT
Song Sparrow	<i>Melospiza melodia</i>	PROT





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Boreal Red-backed Vole	<i>Clethrionomys gapperi</i>	UNPRO.
Meadow Vole	<i>Microtus pennsylvanicus</i>	UNPRO.
Yellownose Vole	<i>Microtus chrotorrhinus</i>	UNPRO.
Pine Vole	<i>Pitymys pinetorum</i>	UNPRO.
Muskrat	<i>Ondatra zibethica</i>	GAME
Meadow Jumping Mouse	<i>Zapus hudsonius</i>	GAME
Woodland Jumping Mouse	<i>Napaeozapus insignis</i>	GAME
Porcupine	<i>Erethizon dorsatum</i>	GAME
Snowshoe Hare	<i>Lepus americanus</i>	GAME
Eastern Cottontail	<i>Sylvilagus floridanus</i>	GAME
White-tailed Deer	<i>Odocoileus virginiana</i>	GAME

REPTILES

Common Snapping Turtle  
 Stinkpot  
 Spotted Turtle  
 Wood Turtle  
 Eastern Box Turtle  
 Eastern Painted Turtle  
 Five-lined Skink  
 Northern Water Snake  
 Northern Brown Snake  
 Northern Redbelly Snake  
 Eastern Garter Snake  
 Eastern Ribbon Snake  
 Eastern Hognose Snake  
 Northern Ringneck Snake  
 Eastern Smooth Green Snake  
 Black Rat Snake

SCIENTIFIC NAME

*Chelydra serpentina*  
*Sternotherus odoratus*  
*Clemmys guttata*  
*Clemmys insculpta*  
*Terrapene carolina*  
*Chrysemys picta*  
*Eumeces fasciatus*  
*Natrix sipedon*  
*Storeria dekayi*  
*Storeria occipitomaculata*  
*Thamnophis sirtalis*  
*Thamnophis sauritis*  
*Heterodon platyrhinos*  
*Diadophis punctatus edwardsi*  
*Opheodrys vernalis*  
*Elaphe obsoleta*

NYS PROTECTIVE STATUS

UNPRO.  
 UNPRO.  
 UN - SP. CON.  
 GAME - SP. CON.  
 GAME  
 UNPRO.  
 UNPRO.  
 UNPRO.  
 UNPRO.  
 UNPRO.  
 UNPRO.  
 UNPRO.  
 UNPRO.  
 UNPRO.  
 UNPRO.  
 UNPRO.  
 UNPRO.  
 UNPRO.  
 UNPRO.

REPTILES

Eastern Milk Snake  
 Northern Cooperhead  
 Timber Rattlesnake

SCIENTIFIC NAME

*Lampropeltis triangulum*  
*Agkistrodon contortrix mokasen*  
*Crotalus horridus*

NYS PROTECTIVE STATUS

UNPRO.  
 UNPRO.  
 THR

AMPHIBIANS

Marbled Salamander  
 Jefferson Salamander  
 Spotted Salamander  
 Red-Spotted Newt  
 Northern Dusky Salamander  
 Mountain Dusky Salamander  
 Redback Salamander  
 Slimy Salamander

SCIENTIFIC NAME

*Ambystoma opacum*  
*Ambystoma jeffersonianum*  
*Ambystoma maculatum*  
*Notophthalmus viridescens*  
*Desmognathus fuscus*  
*Desmognathus ochrophaeus*  
*Plethodon cinereus*  
*Plethodon glutinosus*

NYS PROTECTIVE STATUS

UNPRO.  
 UN-SP. CON.  
 UN-SP. CON.  
 UNPRO.  
 UNPRO.  
 UNPRO.  
 UNPRO.  
 UNPRO.

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Four-toed Salamander	<i>Hemidactylum scutatum</i>	UNPRO.
Northern Spring Salamander	<i>Gyrinophilus porphyriticus</i>	UNPRO.
Northern Two-lined Salamander	<i>Eurycea bislineata</i>	UNPRO.
Longtail Salamander	<i>Eurycea longicauda</i>	UNPRO.
American Toad	<i>Bufo americanus</i>	UNPRO.
Fowler's Toad	<i>Bufo woodhousei fowleri</i>	UNPRO.
Northern Spring Peeper	<i>Hyla crucifer</i>	UNPRO.
Gray Treefrog	<i>Hyla versicolor</i>	UNPRO.
Bullfrog	<i>Rana catesbeiana</i>	GAME
Green Frog	<i>Rana clamitans melanota</i>	GAME
Wood Frog	<i>Rana sylvatica</i>	GAME
Pickerel Frog	<i>Rana palustris</i>	GAME

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 APPENDIX 2.

Appendix 2. Species of Breeding Birds Within Neversink River Unique Area.

NEW YORK STATE BREEDING BIRD ATLAS  
 BREEDING SPECIES OF: NEVERSINK RIVER UNIQUE AREA  
 1980-1985 DATA - AOU CHECKLIST ORDER<sup>25</sup>

<u>COMMON NAME</u> <u>CONFIRMED BREEDERS</u>	<u>SCIENTIFIC</u> <u>NAME</u>	<u>NEW YORK</u> <u>LEGAL</u> <u>STATUS</u>	<u>NATURAL</u> <u>HERITAGE</u> <u>PROGRAM</u> <u>STATE</u> <u>RANK</u>
American Black Duck	Anas rubripes	Game Species	S4
Ruffed Grouse	Bonasa umbellus	Game Species	S5
Wild Turkey	Meleagris gallopavo	Game Species	S5
Downy Woodpecker	Picoides pubescens	Protected	S5
Hairy Woodpecker	Picoides villosus	Protected	S5
Eastern Wood-Pewee	Contopus virens	Protected	S5
Acadian Flycatcher	Empidonax virescens	Protected	S3
Least Flycatcher	Empidonax minimus	Protected	S5
Eastern Phoebe	Sayornis phoebe	Protected	S5
Eastern Kingbird	Tyrannus tyrannus	Protected	S5
Purple Martin	Progne subis	Protected	S5
Tree Swallow	Tachycineta bicolor	Protected	S5
Barn Swallow	Hirundo rustica	Protected	S5
Black-capped Chickadee	Parus atricapillus	Protected	S5
House Wren	Troglodytes aedon	Protected	S5
Blue-gray Gnatcatcher	Polioptila caerulea	Protected	S5
Hermit Thrush	Catharus guttatus	Protected	S5
Wood Thrush	Hylocichla mustelina	Protected	S5
American Robin	Turdus migratorius	Protected	S5
Gray Catbird	Dumetella carolinensis	Protected	S5
Cedar Waxwing	Bombycilla cedrorum	Protected	S5
European Starling	Sturnus vulgaris	Unprotected	SE
Nashville Warbler	Vermivora ruficapilla	Protected	S5
Black-throated Blue Warbler	Dendroica caerulescens	Protected	S5
Yellow-rumped Warbler	Dendroica coronata	Protected	S5
Pine Warbler	Dendroica pinus	Protected	S5
Black-and-white Warbler	Mniotilta varia	Protected	S5
American Redstart	Setophaga ruticilla	Protected	S5
Worm-eating Warbler	Helmitheros vermivorus	Protected	S4

<sup>25</sup> NYS Legal Status definitions are listed at Appendix 1.

Natural Heritage Program State Ranks:

S3 = Typically 21-100 statewide occurrences

S4 = Apparently secure in New York State

S5 = Demonstrably secure in New York State

SE = Exotic, not native to NYS.

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<u>COMMON NAME</u>	<u>SCIENTIFIC</u>	<u>NEW YORK</u>	<u>NATURAL</u>
<u>CONFIRMED BREEDERS</u>	<u>NAME</u>	<u>LEGAL</u>	<u>HERITAGE</u>
		<u>STATUS</u>	<u>PROGRAM</u>
			<u>STATE</u>
			<u>RANK</u>
Ovenbird	Seiurus aurocapillus	Protected	S5
Louisiana Waterthrush	Seiurus motacilla	Protected	S5
Common Yellowthroat	Geothlypis trichas	Protected	S5
Canada Warbler	Wilsonia canadensis	Protected	S5
Scarlet Tanager	Piranga olivacea	Protected	S5
Rose-breasted Grosbeak	Pheucticus ludovicianus	Protected	S5
Indigo Bunting	Passerina cyanea	Protected	S5
Rufous-sided Towhee	Pipilo erythrophthalmus	Protected	S5
Chipping Sparrow	Spizella passerina	Protected	S5
Field Sparrow	Spizella pusilla	Protected	S5
Dark-eyed Junco	Junco hyemalis	Protected	S5
Brown-Headed Cowbird	Molothrus ater	Protected	S5
Norther Oriole	Icterus galbula	Protected	S5
Purple Finch	Carpodacus purpureus	Protected	S5
American Goldfish	Carduelis tristis	Protected	S5
House Sparrow	Passer domesticus	Unprotected	SE
 <u>PROBABLE BREEDERS</u>			
American Crow	Corvus brachyrhynchos	Game Species	S5
Mourning Dove	Zenaida macroura	Protected	S5
Yellow-billed Cuckoo	Coccyzus americanus	Protected	S5
Yellow-bellied Sapsucker	Sphyrapicus varius	Protected	S5
Northern Flicker	Colaptes auratus	Protected	S5
Olive-sided Flycatcher	Contopus borealis	Protected	S5
Great Crested Flycatcher	Myiarchus crinitus	Protected	S5
Blue Jay	Cyanocitta cristata	Protected	S5
Tufted Titmouse	Parus bicolor	Protected	S5
White-breasted Nuthatch	Sitta carolinensis	Protected	S5
Brown Creeper	Certhia americana	Protected	S5
Winter Wren	Troglodytes troglodytes	Protected	S5
Veery	Catharus fuscescens	Protected	S5
Solitary Vireo	Vireo solitarius	Protected	S5
Yellow-throated Vireo	Vireo flavifrons	Protected	S5
Red-eyed Vireo	Vireo olivaceus	Protected	S5
Yellow Warbler	Dendroica petechia	Protected	S5
Chestnut-sided Warbler	Dendroica pensylvanica	Protected	S5
Magnolia Warbler	Dendroica magnolia	Protected	S5
Black-throated Green Warbler	Dendroica virens	Protected	S5
Blackburnian Warbler	Dendroica fusca	Protected	S5
Northern Waterthrush	Seurus noveboracensis	Protected	S5
Northern Cardinal	Cardinalis cardinalis	Protected	S5
Song Sparrow	Melospiza melodia	Protected	S5

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<u>COMMON NAME</u>	<u>SCIENTIFIC</u>	<u>NEW YORK</u>	<u>NATURAL</u>
<u>CONFIRMED BREEDERS</u>	<u>NAME</u>	<u>LEGAL</u>	<u>HERITAGE</u>
		<u>STATUS</u>	<u>PROGRAM</u>
			<u>STATE</u>
			<u>RANK</u>
Swamp Sparrow	Melospiza georgiana	Protected	S5
White-throated Sparrow	Zonotrichia albicollis	Protected	S5
Red-winged Blackbird	Agelaius phoeniceus	Protected	S5
Common Grackle	Quiscalus quiscula	Protected	S5
House Finch	Carpodacus mexicanus	Protected	S5
Great Blue Heron	Ardea herodias	Protected	S5
<u>POSSIBLE BREEDERS</u>			
Mallard	Anas platyrhynchos	Game Species	S5
Turkey Vulture	Cathartes aura	Protected	S4
Cooper's Hawk	Accipiter cooperii	Protected-Special Concern	S4
Red-shouldered Hawk	Buteo lineatus	Threatened	S4
Broad-winged Hawk	Buteo platypterus	Protected	S5
Rock Dove	Columba livia	Unprotected	SE
Chimney Swift	Chaetura pelagica	Protected	S5
Ruby-throated Hummingbird	Archilochus colubris	Protected	S5
Belted Kingfisher	Ceryle alcyon	Protected	S5
Pileated Woodpecker	Dryocopus pileatus	Protected	S5
Alder Flycatcher	Empidonax alnorum	Protected	S5
Red-breasted Nuthatch	Sitta canadensis	Protected	S5
Golden-crowned Kinglet	Regulus satrapa	Protected	S5
Eastern Bluebird	Sialia sialis	Protected- Special Concern	S5

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Appendix 3. Public Comments at Dec. 12, 1994 Scoping Session

NEVERSINK RIVER UNIQUE AREA  
COMMENTS FROM DECEMBER 15, 1994 SCOPING SESSION

WILDLIFE/HUNTING

- ! No hunting
- ! No hunting until funding for enforcement
- ! No target shooting
- ! No permanent tree stands
- ! Allow deer hunting
- ! Hunting by permits
- ! Cooperative hunting (ie. Stewart)
- ! Restrict hunting by parking lot locations and size
- ! Census deer populations and base hunting pressure on this census
- ! Limit or eliminate doe permits
- ! Bow only for gorge/zone along Hatchery Buffer Area
- ! Coyote control - because of impact on deer herd
- ! Don't control predators
- ! Increase bobcat populations
- ! No trapping along River
- ! Trapping encouraged
- ! Forest management which benefit wildlife
- ! Control burns to improve habitat
- ! Wood Duck Boxes - work with local clubs to accomplish
- ! Do wildlife habitat improvement
- ! Maintain biodiversity
- ! Don't segment property to help protect wildlife habitat
- ! Protect timber rattlesnakes

FISHERIES

- ! Open for fishing
- ! Don't stock
- ! Doesn't want "put and take" stocking
- ! Consider stocking
- ! Wants "no kill"
- ! Doesn't want "no kill"
- ! Minimal Management - left in a wild state
- ! Wild trout management favored
- ! Stream habitat improvement on feeder streams
- ! Special regulation similar to Mongaup River

- ! Extend trout season to October 30 (no kill)
- ! More consistent release regime from Neversink Dam

RECREATION

- ! No recreational development
- ! No motorized vehicles
- ! Permit off road vehicle use
- ! Controlled off road vehicles trails - east side of river
- ! Noise pollution must be considered
- ! No overnight camping
- ! No developed campgrounds on Wolf Brook
- ! Do not expand camping beyond where it is now
- ! Do not restrict camping
- ! Primitive camping only
- ! Limited designated camping area - permit only

RECREATION "CONTINUED"

- ! No mountain bike
- ! Limit mountain bikes - interferes in wilderness experience
- ! Create mountain bike trails
- ! No horses
- ! Horseback trails
- ! No boating on river
- ! No commercial liveries (boating) use on river
- ! Discourage boating
- ! Allow boating
- ! Limit open fires
- ! Cook stoves only
- ! No rock climbing
- ! Trails to accommodate Senior Citizens
- ! Create hiking trails
- ! Use existing trails
- ! Develop ski trails
- ! Create interpretive trails (historic, natural history, field biology)
- ! Connect trails to Town of Deerpark System (Rails to Trails)

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- ! Signage and trail markers compatible with those existing in the Catskills
- ! Include information on brochures and signs along with signs on roads
- ! Use gravel pit for shooting range or parking lot
- ! No bridges
- ! Replace footbridge
- ! More bridges
- ! Area will support green tourism, like Minnewaska State Park
- ! Build Environmental Education Center
- ! Consider area around falls as no entrance zone
- ! No picnic barrels

ACCESS

- ! Limit access
- ! Keep access to river "walk in"
- ! No preferential access rights (ie. ATV via wood roads)
- ! No roads or parking lot near river
- ! No parking on Cold Spring Road
- ! Leave access as is on Cold Spring Road
- ! Stronger parking controls
- ! Expand parking area Cold Spring Road - (3-20 car lots/3 or 4 - 10-12 lots)
- ! Parking lots as needed to serve the public
- ! Provide handicapped access via ATV under permit
- ! Handicapped access with electric motors
- ! Leave gate [*Katrina Falls*] where it is - no parking beyond
- ! Designated "No Parking" Areas for Unique Area and note in DEC Hunting Manual
- ! Katrina Falls roads not passable for rescue

LAND USE/ACQUISITION

- ! "Forever wild"
- ! Keep area as natural as possible
- ! Preserve "wilderness" of the area
- ! Manage for Wilderness Area (No trails, etc.)
- ! Be sure it remains multi-use
- ! Get rid of "unique" status
- ! No lumbering

- ! Use burning instead of logging
- ! Support timber management
- ! Broaden buffer area at Eden Brook Fish Hatchery
- ! Leasing options to adjacent owners (Bill Hellings - White Oak Camp)
- ! Acquire rest of river
- ! Purchase Leonard property
- ! Acquire Wechsler's property

GENERAL

- ! Commitment to complete plan in a certain timeframe
- ! UMP should include details of cost, cost benefit analysis, contract projects out to private biddings, supports economic development
- ! The UMP must be realistic in assessing the agency's ability to fund and enforce
- ! If state doesn't have funding for management, then it should not be open to the public
- ! Work with Neversink Gorge Advisory Committee to write UMP
- ! Pass UMP by Forestburgh Town Board first
- ! Enforcement
- ! More patrol - hire Assistant Forest Ranger, etc.
- ! Equip ranger with cellular phone
- ! Concern for public safety
- ! Concern regarding past chronic trespass on adjacent properties
- ! Consider waste disposal upstream for stream quality protection
- ! No further burden on local communities (fire, police, garbage, traffic)
- ! Pay property taxes



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Appendix 4. Neversink River Unique Area Rules and Regulations

Title 6 NYCRR Part 190.10

(c) Neversink River Unique Area

All lands owned by the People of the State of New York lying and situated in the Towns of Thompson and Forestburgh and abutting that reach of the Neversink River from its confluence with Mercer Brook south to the Sullivan - Orange County line.

1. fires are prohibited at all times;
2. camping is prohibited;
3. rock climbing, the riding or other uses of horses, swimming and hang gliding are prohibited;
4. the launching of mechanically propelled vessels from the area is prohibited;
5. parking of motor vehicles permitted in designated sites only;
6. all uses of the area shall comply with all official department signs, including any signs indicating a restricted area to which entry by members of the public is prohibited;
7. canoes, kayaks, and floats may be portaged only at designated locations;
8. the area is open for public entry and use only from one-half hour before sunrise until one-half hour after sunset;
9. the use of snowmobiles is prohibited; and
10. the defacement, destruction or removal of any State property from the area is prohibited.

6NYCRR Part 10, Sportfishing Regulations

10.3 Additional special fishing regulations for certain waters.

(a) Notwithstanding the provisions of Section 10.1 of this Part and in accordance with Table A in subdivision (b) of this section, no person, when fishing on the designated waters listed in Table A, shall fish in a manner contrary to that specified nor take or possess on the specially designated waters or shores thereof fish of the species listed for those waters:

- (1) other than during the open season specified for such species;
- (2) of a size less than that specified for such species; and
- (3) in excess of the daily limit specified for such species.

(b) Table A - Fishing regulations for specially designated waters.

(53) Sullivan County

(n) Waters:

Neversink River and tributaries located within the Neversink River Unique Area and owned by the People of the State of New York lying and situated in the Towns of Thompson and Forestburgh and abutting that reach of the Neversink River from its confluence with Mercer Brook south to the Sullivan-Orange County line, except any portion thereof where the right to fish is privately owned.

Species: Trout  
Open Season: April 1 through September 30  
Minimum length:  
Daily Limit: No kill  
Method: Artificial lures only

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Appendix 5. Soils within the Neversink River Unique Area Management Unit

The following list of soil types are believed to occur within the Neversink River Unique Area Management Unit as documented in "Soil Survey of Sullivan County, New York, U.S. Agriculture," published in 1989. Abbreviations represent the following soil names as found on Soil Maps 99, 100, 108 and 109.

UPLAND SOILS

Ad	Alden silt loam
AIC	Arnot-Lordstown complex, 0 to 15 percent slopes, very rocky
AIE	Arnot-Lordstown complex, 15 to 35 percent slopes, very rocky
AoE	Arnot-Oquaga complex, 15 to 35 percent slopes, very rocky
ArF	Arnot-Rock outcrop complex, 35 to 70 percent slopes
LoB	Lordstown silt loam, 3 to 8 percent slopes, stony
LrC	Lordstown-Arnot complex, 8 to 15 percent slopes, very stony
Re	Red Hook sandy loam
RhC	Riverhead sandy loam, 8 to 15 percent slopes
ScA	Scriba loam, 0 to 3 percent slopes, stony
SeB	Scriba and Morris loams, gently sloping, extremely stony
SrB	Swartswood gravelly loam, 3 to 8 percent slopes, stony
SrC	Swartswood gravelly loam, 8 to 15 percent slopes, stony
SwE	Swartswood and Lackawanna soils, steep, very stony
SwF	Swartswood and Lackawanna soils, very steep, very stony
TkB	Tunkhannock gravelly loam, 3 to 8 percent slopes
ToE	Tunkhannock and Otisville soils, steep
VaB	Valois gravelly sandy loam, 3 to 8 percent slopes
VaC	Valois gravelly sandy loam, 8 to 15 percent slopes
VaD	Valois gravelly sandy loam, 15 to 25 percent slopes
VaE	Valois gravelly sandy loam, 25 to 35 percent slopes
VaF	Valois gravelly sandy loam, 35 to 50 percent slopes
WIC	Wellsboro and Wurtsboro soils, strongly sloping, extremely stony

WETLAND SOILS

Ne	Neversink loam
Nf	Neversink and Alden soils, very stony
Pa	Palms muck

RIVER PLAIN SOILS

Fu	Fluvaquents-Udifluvents complex, frequently flooded
Pe	Philo silt loam

GRAVEL QUARRY

Pg	Pits, gravel
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FIELDS

ChA	Chenango gravelly loam 0-3 percent slopes
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Appendix 6. Summary of Eden Brook Fish Hatchery Lease and Agreement

*The document below is a summary of pertinent portions of the Eden Brook Fish Hatchery Lease with Agreement of Amendment compiled for use of understanding the Hatchery lease. All questions and legal decisions should be made through the appropriate legal documents. Full texts can be found in records L. 1524 p.027, and L. 1524 p. 045, Sullivan County, NY. This summary includes appropriate additions, deletions, corrections and changes as set forth in the Agreement of Amendment.*

EDEN BROOK FISH HATCHERY LEASE

LEASE made this 31st day of July, 1989 between PHILWOLD ESTATES INC., a New York corporation ("Lessor") ("Lessee") whose post office address is c/o Shea & Gould (Attention: Harold S. Lynton) 1251 Avenue of the Americas, New York, N.Y. 10017 and EDEN BROOK AQUACULTURE, INC., a New York corporation ("Lessee") whose post office address is 1327 Cold Spring Road, R.D. 2, Box 425, Forestburgh, N.Y. 12777 AND AGREEMENT OF AMENDMENT made as of the 1st day of January, 1990 between PHILWOLD ESTATES INC., EDEN BROOK AQUACULTURE, INC. The LEASE was filed with the Sullivan County Clerk on May 28, 1991 and recorded in Liber 1524, pages 027 through 044. The AGREEMENT OF AMENDMENT was filed with the Sullivan County Clerk on May 28, 1991 and recorded in Liber 1524, pages 045 through 054.

1.(a) Description of Leased Premises: Lessor hereby leases to Lessee

(1) the land described in Exhibit A-1 of this Agreement of Amendment (being a portion of the land shown by the survey map made by Robert A. Burgher, P.L.S., dated November 15, 1989, and entitled: New York State Department of Environmental Conservation, Map of Lands to be Acquired pursuant to Section 3-0305 of the Environmental Conservation Law, Project: E-UC Sullivan 72.6, which survey map is intended to be recorded concurrently with the recordation of this Agreement of Amendment), and

(2) the dams, catch basins, houses, sheds, fish egg breeding facilities and all other improvements on said land pertaining to the operation of a fish hatchery. Lessor grants to Lessee a non-exclusive right of ingress and egress (whether by foot or motor vehicle) along the present unimproved road running easterly from Cold Spring Road (Sullivan County Road No. 101) to said land. Lessor shall not affirmatively do anything that will materially interfere with the natural flow of any water from other lands owned by Lessor to said land, but otherwise Lessor shall have no obligation whatever with respect to the condition, preservation or protection of the Premises.

(b) Description of Buffer Zone: The area shown on Exhibit A-1 lying north of the line dividing Lot 22 and Lot 23, excluding the Premises, shall be known as the "Buffer Zone." With respect to the Buffer Zone, Lessor agrees

(1) to post the road referred to in subparagraph (a) hereof, to the extent that the same lies outside of the Premises, so as to prohibit use thereof by any persons other than Lessor and its authorized employees and agents for administrative purposes and

(2) to take no affirmative action to invite the public into the Buffer Zone. Lessor agrees that no trails and no trailheads shall be located within the Buffer Zone and that the fish hatchery shall be reasonably secure against theft or vandalism by persons not authorized to enter on the Premises.

2. Use by Lessee: Upon the commencement of the term of this lease Lessee shall take possession of the Premises and shall continuously operate on the Premises a high quality commercial fish hatchery ("the fish hatchery") in compliance with all laws, rules and regulations of all governmental authorities having jurisdiction. Lessee shall not use or occupy, or suffer or permit to be used or occupied, any part of the Premises for any purposes whatever other than for the operation of the

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fish hatchery. Without in any way limiting the restriction of the preceding sentence, Lessee shall not permit others to hunt or to trap on the Premises and will not do so itself except as required to protect the fish. Production of more than one hundred fifty thousand (150,000) pounds of fish for sale per year shall not be permitted on the Premises. Subject to the provisions of Paragraph 16 of the Lease (renumbered to "15" by this Amendment), the Lessee shall have the right to construct new buildings, modernize, renovate or expand existing buildings, repair, fill and drain any ponds on the property, drill new wells, repair existing wells, provide additional recirculation of water with pumps, upgrade the electrical and other utilities serving the hatchery and its related buildings and do such other repairs and construction as may be required, provided, however, that all such work shall be reasonably necessary for the production of not more than one hundred fifty thousand (150,000) pounds of fish per year. The house on the Premises shall be used only as a personal residence by the person or persons engaged in the operation of the fish hatchery and members of their household.

3. Term: The term of this lease shall be ten years commencing on August 1, 1989 ("Commencement Date") and ending on July 31, 1999 ("Expiration Date"), unless sooner terminated as hereinafter provided. The term of this lease shall, if this lease is then in force, be automatically extended, upon the same terms and conditions, for a period of ten (10) years upon the expiration of the initial and any subsequent term. Anything herein to the contrary notwithstanding, the term of this lease shall end sixty (60) days after the death of Jon Wallach, the President of Lessee at the time of the execution of this lease. The personal representative of Jon Wallach's estate, or, in the event of the assignment of this lease, the then lessee, shall give written notice to the Lessor of the death of Jon Wallach within thirty (30) days after such death.

4. Termination by Lessor:

(a) If Lessee does not promptly commence operation of the fish hatchery or (after commencement) does not continuously operate the fish hatchery (except for suspensions occasioned by causes beyond Lessee's control), Lessor shall have the right to terminate this lease upon thirty days written notice to Lessee.

(b) If Lessee defaults in the performance of any of its obligations under this lease and fails to cure such default within thirty days after written notice from Lessor of such default (or, if such default is not curable within such thirty days, and diligently to prosecute such cure to completion), Lessor shall have the right to terminate this lease upon thirty days written notice to Lessee.

5. Termination by Lessee: Lessee may at any time terminate this lease on at least ninety days prior written notice to Lessor.

6. Rent: Lessee shall pay to Lessor the following rent:

(a) Lessor waives any rent obligation of Lessee to Lessor prior to the Commencement Date hereof;

(b) for the period August 1 - December 31, 1989, \$1;

(c) for each lease year (January 1 - December 31) until December 31, 1994, Six Thousand (\$6,000.00) Dollars. For each lease year from January 1, 1994 to December 31, 1999, and for each lease year in each five (5) year period thereafter, an amount equal to the sum of the following: (i) Six Thousand (\$6,000.00) Dollars, plus (ii) a cost of living increase. Rent shall be payable by Lessee to Lessor monthly in advance on the first day of each month subject to a grace period of ten days to Lessee.

7. Taxes and Utilities:

8. Insurance: Lessee, at its expense, shall obtain and keep in force the following insurance, all from insurers reasonably acceptable to Lessor.

(a) Comprehensive public liability insurance; and

(b) Workmen's Compensation Insurance. In accordance with the law, Lessor, and any others reasonably designated by Lessor, shall be named as insureds under such policies.

9. Indemnification Concerning Injuries:

10. Destruction or Damage:

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(a) If any part or all of the Premises should be destroyed or damaged in whole or in part by fire or other cause, Lessee shall give Lessor immediate notice. Lessee may promptly repair, replace or rebuild the same in conformity with the condition that existed before destruction or damage. Lessor shall not be obligated to do so, nor to pay any of the costs of such repair, replacement or rebuilding.

(b) Lessor shall make all net sums

11. Liens:

12. Subordination to Mortgages:

13. Condition of Premises: Lessee accepts the Premises in their present condition ("as is"), without any representation or warranty by Lessor as to such condition. Lessor shall not be responsible for any patent or latent defect in the condition of the Premises.

14. Repairs: All present and subsequent improvements on the Premises, shall, during the term of this lease, be kept in good condition and repair by Lessee.

15. Alterations, Improvements, etc.: Lessee shall, during the term of this lease, have the right to make improvements and alterations to the extent set forth in Paragraph 2 to improvements on the Premises on compliance with the following conditions:

(a) Such improvements and alterations shall be made in first-class workmanlike manner and shall not, lessen the value or substantially change the character of the fish hatchery.

(b) Complete working plans and specifications shall first have been approved in writing by Lessor, but Lessor shall not unreasonably withhold such approval.

© Lessee shall, if Lessor requires, deliver to Lessor a completion bond in form reasonably satisfactory to Lessor and issued by a surety company reasonably satisfactory to Lessor if the improvements or alterations being performed constitute either (I) a substantial renovation of a structure involving twenty-five (25%)

percent or more of the floor area of the structure or (ii) a substantial new structure.

16. Requirements of Law: Lessee shall comply with all laws, ordinances, orders, regulations and directions of all governmental authorities and public officers pursuant to law that impose any duty on Lessor or Lessee with respect to the Premises or its use or occupation.

17. No Assignment, Sublet or Encumbrance: Lessee shall not assign, transfer, mortgage, pledge or encumber this lease or any interest in the Premises, or sublet all or any part of the Premises, or suffer or permit the use or occupancy of any part of the Premises by anyone other than Lessee, without, in each case, Lessor's prior written consent.

18. Bankruptcy, etc.:

19. Surrender at End of Term, etc.:

20. Demolition of Premises: No structures or improvements on the Premises shall be removed or demolished without the written consent of Lessor; Lessee shall not commit any waste on the Premises.

21. Right of Inspection: Lessor shall have the right to enter the Premises at all reasonable times for purposes of inspection or to show them to prospective purchasers.

22. Lessor's Remedies:

23. "Lessor" Defined; Independence of Lessor:

24. Lessee's Certificate:

25. Notices, etc.: No notice, request, communication, approval or consent shall be effective unless in writing and signed.

26. Covenant of Quiet Enjoyment: Lessor covenants that, subject to the terms and conditions of this lease, Lessee shall peaceably and quietly have, hold and enjoy the Premises throughout the term of this lease.

27. Lease - Entire Agreement: This lease constitutes the entire agreement between the parties

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28. Benefit - Burden: This lease shall bind and inure to the benefit of the successors, assigns and legal representatives of Lessor and, subject to the restrictions herein contained and particularly Section 18, shall bind and inure to the benefit of Lessee and Lessee's successors, assigns and legal representatives.

29. Governing Law: This lease shall be construed and performed in accordance with the laws of the State of New York.

30. The lease dated December 4, 1985, between Philwold Estates, Inc., as lessor and Eden Brook Agriculture, Inc. as lessee is hereby rescinded and shall be of no further force or effect, and neither party hereto and thereto shall be liable to the other thereunder. The Agreement of Amendment dated January 1st, 1990 also between the same parties.

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Appendix 7. 1996-97 Land Tax Records of Parcels Within the Neversink River Unique Area Management Unit.\*

Tax Map Number	Township	Tax Map Acreage* *	Assessment	Assessment per Acre	Jan. 1997 Town/County Tax Liability	School District	Sept. 1996 School Tax Liability	TOTAL TAX LIABILITY
2.-1-1	Forestburgh	555.00	\$77,749	140	5,243	MCS	5,121	10,364
4.-1-10.9	Forestburgh	240.73	159,263	662	10,740	MCS	10,490	21,230
5.-1-1	Forestburgh	449.00	27,310	61	1,842	MCS	1,799	3,640
8.-1-1.1	Forestburgh	448.82	212,970	475	14,362	MCS	14,027	28,389
9.-1-1.1	Forestburgh	638.88	169,626	266	11,439	MCS	11,172	22,611
9.-1-1.17	Forestburgh	177.74	35,548	200	2,397	MCS	2,341	4,739
10.-1-1	Forestburgh	1,035.00	98,058	95	6,613	PJCS	9,328	15,940
20.B-1-2	Forestburgh	757.00	135,879	179	9,163	MCS	8,950	18,113
63.-1-8	Thompson	30.30	76,600	2,528	855	MCS	1,007	1,861
64.-1-1.21	Thompson	26.96	69,900	2,593	780	MCS	919	1,699
68.-1-9	Thompson	502.00	335,600	669	3,745	MCS	4,410	8,155
68.-1-8.1	Thompson	6.31	23,300	3,693	260	MCS	306	566
69.-1-1.1	Thompson	505.19	347,600	688	3,879	MCS	4,568	8,447
	Forestburgh	4,302.17	916,403	213	61,798	MCS	67,106	128,904
	Thompson	1,070.76	853,000	797	9,519	PJCS	9,328	18,847
	<b>TOTAL</b>	<b>5,372.93</b>	<b>1,769,403</b>	<b>329</b>	<b>71,317</b>	<b>TOTAL</b>	<b>74,437</b>	<b>145,754</b>

\* Tax map acreage may not be equal to survey or deed acreage. Survey acreage is considered most reliable.

\*\* 1996-97 Tax rates per \$1,000 assessed value are; Town/County Services                      Monticello School District                      Port Jervis School District  
T/Forestburgh = \$67.4355                      \$65.865358                      \$95.125204  
T/Thompson = \$11.1594                      \$13.140742                      NA

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Appendix 7A 1996-97 Tax Records of Proposed Acquisitions to the Neversink River Unique Area Management Unit.

Tax Map Number	Township	Tax Map Acreage	Proposed Acres of Acquisition	Assessment of Acquisition	Assessment per Acre	Jan. 1997 Town/County Tax Liability	School District	Sept. 1996 School Tax Liability	TOTAL TAX LIABILITY
1.-1-1	Forestburgh	1080	364	\$14,357	39	423	MCS	946	1,369
4.-1-10.3	Forestburgh	610.56	296	25,259	85	1,703	MCS	1,664	3,367
4.-1-10.12	Forestburgh	15.1	15.1	738	49	50	MCS	49	98
9.-1-1.2	Forestburgh	41.71	41.71	9,125	219	615	MCS	601	1,216
9.-1-1.3	Forestburgh	16.07	16.07	2,253	140	152	MCS	148	300
9.-1-1.4	Forestburgh	2.62	2.62	1,855	708	125	MCS	122	247
9.-1-1.5	Forestburgh	2.3	2.3	1,628	708	110	MCS	107	217
9.-1-1.6	Forestburgh	2.3	2.3	1,628	708	110	MCS	107	217
9.-1-1.9	Forestburgh	5.02	5.02	1,715	342	116	MCS	113	229
9.-1-1.10	Forestburgh	5.01	5.01	1,713	342	116	MCS	113	228
9.-1-1.11	Forestburgh	10.19	10.19	1,965	193	133	MCS	129	262
9.-1-1.12	Forestburgh	5.10	5.1	1,713	336	116	MCS	113	228
9.-1-1.13	Forestburgh	5.29	5.29	24,320	4,597	1,640	MCS	1,602	3,242
9.-1-1.14	Forestburgh	5.01	5.01	1,713	342	116	MCS	113	228
9.-1-1.16	Forestburgh	15.25	15.25	2,766	181	187	MCS	182	369
21.-1-1	Forestburgh	1693	1693	82,641	49	5,376	PJCS	7,861	13,237
63.-1-7	Thompson	94.56	94.56	169,500	1,793	1,892	MCS	2,227	4,119
68.-1-1	Thompson	57	57	63,800	1,119	712	MCS	838	1,550
68-1-8.2	Thompson	0.32	0.32	22,100	69,063	247	MCS	290	537
68.-1-10	Thompson	328.37	202	147,946	732	1,651	MCS	1,944	3,595
	Forestburgh	3,514.53	2483.97	175,389	71	11,085	MCS	11,409	22,494
	Thompson	480.25	353.88	403,346	1,140	4,502	PJCS	7,861	12,363
	TOTAL	3,994.78	2837.85	578,735	204	15,587	TOTAL	19,270	34,857



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Appendix 8. Memorandums From Marc Gerstman, Deputy Commissioner and General Counsel, NYS DEC, Subject: Public Right of Navigation - Enforcement Guidance and Subsequent Litigation

MEMORANDUM FROM  
**MARC GERTSMAN**, Deputy Commissioner and General Counsel

New York State  
Department of Environmental Conservation

May 9, 1991

TO: Distribution

SUBJECT: Public Right of Navigation - Enforcement Guidance

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At the request of the Department, Professor John A. Humbach, Associate Dean of Pace University School of Law, completed a significant and comprehensive legal research effort into New York judicial decisions concerning a public right of passage on navigable water known as the public right of navigation. This memorandum, based on Professor Humbach's research and research performed by this office, summarizes the extent and nature of this public right and identifies enforcement issues of concern to DEC. Except as noted, case law citations are omitted in the interest of brevity, but are available on request.

The public right of navigation is rooted in the English common law, and has frequently been recognized by New York courts. The right is often described by the courts as an easement or right of way for travel or passage "as on a public highway."

An early and landmark decision by the New York Court of Appeals, Morgan v. King, 35 NY 453 (1866), expressed the common law right in the following terms:

The true rule is, that the public have a right of way in every stream which is capable, in its natural state and its ordinary volume of water, of transporting, in a condition fit for market, the products of the forests or mines, or of the tillage of the soil upon its banks.

35 N.Y. 2d at 459.

The court held that if a body of water would float to market even "single logs or sticks of timber" it was navigable. As this suggests, specific factual determinations for individual bodies of water are necessary.

Further guidance on the characteristics of navigable waters was provided by the Court of Appeals in the Morgan decision:

Nor is it necessary, that the stream should be capable of being thus navigated, against its current, as well as in the direction of its current. If it is so far navigable or floatable, in its natural state and its ordinary capacity, as to be of public use in the transportation of property, the public claim to such use ought to be liberally supported.

Nor is it essential to the easement, that the capacity of the stream, as above defined, should be continuous, or in other words, that its ordinary state, at all seasons of the year, should be such as to make it navigable. If it is ordinarily subject to periodical fluctuations in the volume and height of its water, attributable to natural causes, and recurring as regularly as the seasons, and if its periods of high water or navigable capacity, ordinarily, continue a sufficient length of time to make it useful as a highway, it is subject to the public easement.

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(Emphasis added.)

Thus, waters which are navigable for more than a brief period during the year under normal weather conditions are likely to be subject to the public right of navigation.

Also, it should be noted that the Court treated navigable waters as a highway. Thus, even if the land under the water and adjacent to the water is privately owned, the public has a right of way or easement of passage on the water as on a highway.

Generally, a legal right of use includes all incidental uses that are reasonably necessary in order to enjoy the right. As to waters which are navigable in fact, these incidental uses would include poling or lining through rapids and otherwise touching the streambed incident to navigation, walking ahead to scout rapids, and carrying or portaging the vessel on the shore or margin of the waterway to the minimum extent necessary to go around or avoid obstacles. In connection with the latter, the fact that some portions of a stream are non-navigable does not preclude a determination that the stream is navigable as a whole.

There is also authority that the public has a right to fish from a boat in navigable waters, even if the bed of the stream is in private ownership, subject to applicable DEC fishing regulations. However, no cases have held that this includes a right to get out of the boat to wade around to fish, or a right to fish from the bank.

The public right of navigation does not include a right to camp or picnic on privately owned lands, nor to cross privately-owned land to gain access to or egress from navigable waters.

At present, many landowners appear to be unaware of, or choose not to recognize, the nature and extent of the public right of navigation; however, given the clear common law authority previously discussed, Division of Law Enforcement staff and Forest Rangers are advised not to issue tickets for trespass in situations involving persons exercising the public right of navigation.

In particular, if an individual landowner makes a citizen's arrest for trespass in a situation involving persons exercising the public right of navigation as outlined above, and delivers that person to a Division of Law Enforcement officer, the officer is not required to take the person into custody or take any other action prescribed in §140.40 of the Criminal Procedure Law ("CPL") on behalf of the landowner if it appears that the body of water is navigable. If so there is no reasonable cause within the meaning of CPL §140.40(4) to believe that the arrested person committed the offense of trespass. This is because it is an element of that offense that the accused enter or remain on premises unlawfully. However, based on the common law right of navigation as described herein, an entry on navigable waters would be lawful.

DEC may also be asked to enforce the public right of navigation on behalf of boaters against private owners attempting to prevent or hinder the exercise of this right. On this issue, the courts have held that it is a public nuisance for a landowner to obstruct, annoy, or hinder the right of passage on privately owned navigable waters; public nuisances are generally actionable only by the State absent a showing of special damages suffered by a private party. The appropriate response in this situation is to collect information about the complaint and to refer the matter through the appropriate Regional Attorney to Dan Luciano in the Division of Legal Affairs.

I am available to discuss any comments or questions concerning this issue.

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Marc S. Gerstman

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MEMORANDUM FROM  
**MARC GERSTMAN**, Deputy Commissioner and General Counsel



New York State  
Department of Environmental Conservation

August 25, 1994

TO: Commissioner Marsh

SUBJECT: Litigation Update: Adirondack League Club Inc. v Sierra Club et. al.

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I am pleased to inform you that on August 18, 1994 the Appellate Division for the Third Judicial Department found that recreational uses of a waterway should be considered in determining whether the waterway is navigable. The majority opinion was written by Judge Casey and concurred in by Judges Mercure and Peters. Judges Yesawich and Cardona concurred in part and dissented in part.

In June, 1991 certain members of the Sierra Club canoed and kayaked down the South Branch of the Moose River, passing through approximately 12 miles of land owned by the Adirondack League Club ("the Club"). While passing through the Club's land, they encountered shallow areas on the river, where they exited their boats and walked on the river bed below the mean high water mark of the river. The Club commenced an action in Supreme Court for trespass, also seeking permanent injunction relief and a declaration that the river is nonnavigable.

The State intervened in the case as a defendant and counterclaimed that "no trespassing" signs suspended by the Club over the River constituted a public nuisance. The Sierra Club and the canoeists also moved for summary judgment, joining the State in contending that the applicable section of the Moose River was navigable as a matter of law.

At the Supreme Court level, the Court had held that the test of navigability should be reformulated from a strictly commercial test to a test that included recreational use. However, the Supreme Court held that under that test there was an issue of fact as to the navigability of the River.

The Appellate Division found that the common law standard of navigability--whether a waterway is capable in its natural state and its ordinary volume of water, of transporting, in a condition fit for market, the products of forests or mines, or of the tillage of the soil upon its banks--to be "an anachronism." Nonetheless, the Court was unwilling to abandon the standard totally, instead finding that the "recreational uses of a stream should be considered as relevant evidence of the stream's suitability and capacity for commercial use." Thus, the court found that the historic use of the River for logging and its recent recreational use were both relevant to the issue of navigability.

The Court also stated broadly that the public's right to navigate includes "the right to use the bed of the river or stream to detour around natural obstructions and to portage if necessary." Whether portaging

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can occur outside of the streambed and above the mean high water mark over private lands was not at issue in this case and therefore remains an open question to be decided in another case. It is clear that the public right of navigation does not include a right to cross privately owned land to gain access to a navigable stream and walk to a public road.

The Court denied the State's motion for summary judgment on our counterclaim that the Club's signs constituted a public nuisance which should be enjoined. The Court found that plaintiff had acted in a good faith belief that the river was not navigable and that there was nothing in the record to suggest that the Club would continue to post the lands. The Court therefore held that the appropriate remedy is a declaratory judgment. In effect, the Court declared the South Branch of the Moose River to be navigable as a matter of law, without a trial.

Judges Yesawich and Cardona agreed with the majority that navigability should be determined by reference to commercial utility, and that recent recreational use of a waterway can be used as evidence that the river would, in fact, be capable of commercial use. However, they indicated that the record did not support a finding that the River was navigable as a matter of law.

I expect the Club to appeal to the Court of Appeals. I shall keep you apprised of developments in this matter.

---

Marc S. Gerstman

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Appendix 9. Memorandum to Robert H. Bathrick [Director of Lands & Forests, DEC] from Ann Hill DeBarbieri [DEC Attorney] regarding Philwold Estates - Wechsler Rights, July 28, 1992.

**New York State Department of Environmental Conservation**  
50 Wolf Road, Albany, New York 12233



**Thomas C. Jorling**  
Commissioner

TO: Robert H. Bathrick

RE: Philwold Estates - Wechsler Rights

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This is in reply to your memorandum to Marc Gertsman dated May 20, 1992 relative to the captioned matter.

When Benjamin Wechsler withdrew from the Philwold Company Partnership, his interest was compensated by a conveyance of certain real property together with certain rights over real property retained by Philwold and now owned by the People of the State of New York (Philwold Tract). This conveyance was made by deed recorded in Liber 728 of Deeds at page 1098, a copy of which is attached to your memorandum.

There are two distinct rights that Benjamin Wechsler has over portions of the Philwold Tract. First is a limited right to use certain roads and paths southerly of Eden Brook; second is the right to use the Hatchery Road. These rights run to different classes of people.

The first right, limited use of certain roads southerly of Eden Brook, consists of the following:

- (1) to have ingress and egress by foot or vehicle over the "roads" (defined as the continuation of Hatchery Road southerly of Eden Brook and other roads or paths in the vicinity).
- (2) to rest or park within the 100 foot strip bounded N. Eden Brook, E. Neversink, S. 100' southerly of Eden Brook, W. Bridge Crossing.
- (3) to cross by foot easterly of the Bridge Crossing to the 100' strip.
- (4) to fish in Eden Brook easterly of the Bridge Crossing.

These rights are only granted to, and can only be exercised by, those who own land easterly of the bridge crossing and within 600 feet of Eden Brook. Based on your staff's advice that the Eden Falls Hunting and Fishing Club, Inc.'s parcel (described in L 1569 cp 120) is northerly of this 600 foot line, it is my opinion that the Club (and its members) do not have any of these rights. However, I would recommend that an accurate survey be obtained in order to definitively establish the location of the parcel.

The second right is the use of the Hatchery Road. A portion of the Hatchery Road forms a boundary between the Philwold Grant and the lands of Wechsler (described in L 728 cp 1106). Thus both we and Wechsler, and his grantees and invitees, have the right to use the Hatchery Road. The deed, however, sets

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no southern terminus of the Hatchery Road, merely describing it as entering from Cold Spring Road and running into the tract and “almost to the Neversink River.” This language is open to interpretation.

Physically, according to the USGS quad sheet (Hartwood Quad, 1966, 7.5 minute series), the unimproved dirt road ends a little south of Eden Brook and thereafter becomes a jeep trail. The point at which the road changes character can be construed to be the southern terminus, provided that it is “almost to the Neversink River.” An accurate measurement of the distance to the Neversink River at the point of change in character will be helpful in further discussion of this issue and should be obtained by regional staff.

The deed itself does not, in this paragraph, define the southern terminus. However, in the previous paragraph, discussing the roads and paths southerly of Eden Brook, the deed recites:

“As the Hatchery Road nears the Neversink River it crosses Eden Brook over a bridge (“Bridge Crossing”) making a continuation of the Hatchery Road from the Bridge Crossing towards the Neversink River.”

This language makes it clear that the Hatchery Road crosses Eden Brook and continues toward the Neversink River. It does not say how far, but is generally supportive of the change in character terminus described above.

The deed description of the Wechsler lands makes reference to the road running from the fish hatchery to the Neversink River. The unimproved dirt road shown on the Quad Sheet does terminate some distance from the Neversink. There is a spur “jeep trail” from that point to the suspension bridge. There is also a jeep trail continuing southerly to Oakland Valley.

It would seem that the first right, to use the continuation of the hatchery road and the other roads and paths in the vicinity suggests that there are several other roads and paths. If the continuation of the hatchery road across Eden Brook terminates at the place where its character changes, then there are at least the two “roads” or “paths” above described continuing from there. There does appear to be one other jeep trail (a “road” or “path”) running westerly from the jeep trail leading to Oakland Valley toward Cold Spring Road.

The hatchery road, over which Wechsler, all of his grantees abutting the hatchery road and his invitees, have the right of ingress and egress by foot or vehicle, is described as running from Cold Spring Road, through the tract, almost to the Neversink River. This would tend to support the southern terminus being at the place where the character changes.

I note that this interpretation is subject to the outcome of pending litigation between Mr. Wechsler and the Department wherein this issue is involved in connection with Mr. Wechsler’s assertions relative to the bridge.

My advice then, subject to the outcome of the litigation is:

- (1) the rights to use the paths and roads (other than the hatchery road) and the other rights described first above, can only be granted to and exercised by those who own easterly of the bridge crossing (over Eden Brook) and within six hundred feet northerly of Eden Brook.
- (2) the Hatchery Road’s southern terminus is where its physical character changes. Mr. Wechsler, his grantees of land abutting the Hatchery Road and their invitees can use the Hatchery Road from Cold Spring Road to its southern terminus.



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Ann Hill DeBarbieri

JAE:tjn

cc: L. Vernon  
J. Economides (2)  
D. Luciano

617.21  
State Environmental Quality Review  
**NEGATIVE DECLARATION**  
Notice of Determination of Non-Significance

Project Number:

Date: October 29, 1997

ID#: 97-PL/SF-3-37

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 (DEC), as lead agency, has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

**Name of Action: Draft Unit Management Plan (UMP) for the Neversink River Unique Area Management Unit**

**SEQR Status:**

**Type I YES**  
**Unlisted No**

**Description of Action: See Attached Pages after this document.**

**Location: The Neversink River Unique Area Management Unit includes 5,467 acres owned by the People Of the State of New York under the care, custody and control of the NYS Department of Environmental Conservation, located in the Towns of Forestburgh and Thompson, Sullivan County, NY, south of NY Route 17 and north of Oakland Valley Road.**

**Reasons Supporting This Determination: See attached pages following this document.**

**For Further Information:**

Contact Person: Andrew T. Jacob, Senior Forestry Technician, DEC Region 3

Address: 21 South Putt Corners Rd., New Paltz NY 12561-1696

Telephone Number: (914) 256-3156

**A Copy of This Notice Sent to:**

Commissioner, NYS DEC, 50 Wolf Road, Albany NY 12233-0001

Chief Executive Officer of the municipality in which the action will be principally located.

Applicant

Other Involved Agencies

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Appendix 10. Negative Declaration of the Neversink River Unique Area Unit Management Plan

**Description of Action:**

The Unit Management Plan (Plan) identifies various resources of the 5,467-acre Neversink River Unique Area Management Unit. The Plan also identifies issues and constraints. The objectives and tasks stated in the Plan are essential to attain DEC's goal of managing unique areas and the vision for this Unit. The vision is to restore to two lost 18th century forest communities so that once again, huge white pine, eastern hemlock and hardwoods will line the River corridor while the highlands are predominantly American chestnut and oak. Wild trout will inhabit the River and its tributaries while a diverse and healthy population of wildlife will occur throughout the landscape. Strong public support for the Unit will ensure that unique features are enhanced for compatible recreational, scientific and economic opportunities. As a result, neighboring landowners will be self-motivated to extend the benefits of these ecosystems to their properties and thereby enhance the landscape of the Neversink River Unique Area.

Specific proposed projects include the following:

1. Improving existing parking areas and adding one two-car parking area will provide a total of 37 year round parking spaces in the Unit. Parking areas will include a facility sign and an information board.
2. Improving 10.3 miles of existing foot trails and constructing 5.8 miles of additional trails to improve hiking opportunities.
3. Constructing a footbridge over the Neversink River downstream of Eden Brook to significantly improve hiking opportunities and support a locally envisioned Bridgeville to Monticello Trail System.
4. Constructing, replacing and maintaining motor vehicle barriers to support the Final Environmental Impact Statement, (FEIS) entitled "Neversink River Unique Area Proposed State Land and Recreational Rights Acquisitions" position that the Unique Area should provide a "wilderness experience."
5. Maintaining and enhancing existing infrastructure to improve those techniques that protect the Unit. These projects include establishing three emergency helicopter landing sites and maintaining or improving existing roads and trails for emergency vehicle or ATV use.
6. DEC will conduct litter patrols twice each month. Existing dumpsites and non conforming structures on the Unit will be eliminated. Routine litter patrols and maintenance projects will be done by NYS Department of Corrections inmate crews assigned and supervised by DEC personnel. These projects comply with DEC policy and are sufficient to remove and help prevent littering and dumping. These efforts support "carry it in, carry it out" policy of maintaining State lands litter free.
7. Camping will be allowed by permit only at eight (8) designated sites within the Unique Area.
8. Ecosystem management of the forest lands will include developing American chestnut orchards in the upper elevations of the Unit and crop tree thinning in the mixed forests along the River and tributaries. Spawning boxes will be established to improve reproduction of brown trout. Wildlife food plots

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will be developed on the open field and sand and gravel quarries west of Bush Kill Road. These are minor modifications of ecosystems that develop healthy wildlife populations and vegetative covers. Selection and use of a licensed herbicide to kill weed trees in forest (crop tree) thinning practices will be accomplished to best imitate the natural loss of trees in the forest.

9. Additional properties and rights-of-use are needed to fulfill the intent of creating the Neversink River Unique Area. Twelve parcels totaling approximately 363 acres are deemed as critical acquisitions. Other acquisitions addressed in the FEIS should be acquired as opportunities occur. Acquisition by NYS has been supported by the NYS Open Space Plan and NYS court decisions.

10. DEC Forest Rangers and Environmental Conservation Police Officers will provide 1.5 work days per week of active patrol within and around the Unit. One seasonal Assistant Forest Ranger will be staffed two days per week from April through October. Additional Forest Rangers and Officers can respond as needed from other assign areas throughout Sullivan County and DEC Region 3.

11. Two acres of an existing twelve-acre sand and gravel pit will remain open. The sand and gravel may be used for improvement projects within the unit.

### **Reasons Supporting Determination**

Projects planned for this Unit will be covered by the following Environmental Impact Statements; "Plan and Final GEIS for Conserving Open Space in New York State," "FEIS on the Neversink River Unique Area Proposed State Land and Recreational Rights Acquisitions," Programmatic Final EIS's on the "State Forest Recreation Management Program" and the "Commercial Forest Products Sales Program". Projects proposed in the plan will be guided by Article 9 of the NYS Environmental Conservation Law, best management practices, the expertise of foresters and biologists and views expressed by the public.

Although implementation of this Unit Management Plan is expected to increase recreational demands on this Unit, this Plan will not have significant impact since the proposed projects will manage and reduce potential user impacts. This will be done by improving and maintaining existing trails and concentrating use on maintained trails to reduce impacts, limiting access to several well established, maintained and patrolled parking areas, enforcing laws and regulations, reducing and eliminating illegal dumping, educating users through a brochure and informational kiosks and identifying the lands needed for acquisition in order to attain the purpose of creating the Neversink River Unique Area.

The following sections under "Description of Action" (above) are keyed to the eleven project areas identified and provide further support for the determination.

1. The addition of one two-car area on the west side of Bush Kill Road provides user access to approximately 100 acres of the Unit that does not have available off-road parking. No trees are expected to be removed for construction. Moving the Katrina Falls Road parking area will result in the removal of only those trees within the 10-car parking area and trees of obvious hazard to the parking area. Neither of these parking areas are in proximity to the Neversink River or its tributaries to cause runoff or sedimentation problems during construction or subsequent use. These sites are nearly level and will be stabilized with appropriate aggregate for the parking area while exposed soils will be planted with indigenous grasses. Well-developed parking areas provide a sense of control and management of State lands. Parking areas that are fully occupied discourage over-use of the resources and encourage users to return at less crowded times.

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2. Improved and newly constructed trails will be located sufficiently away from critical wildlife habitats and occurrences of threatened or endangered plants. Trails will be enhanced or constructed to prevent soil erosion and to protect critical areas within the Unit. The proposed trail system will utilize existing trails as much as possible. With development of the footbridge over the Neversink River, the trail system will provide hiking opportunities from the end of Katrina Falls Road to the Bush Kill Road parking area. Additional trails will provide access and hiking to the southeastern portions of the Unit and to scenic Denton and High Falls. These trails will be developed for emergency use of ATVs as necessary for implementing the objectives of this Plan. The proposed trails will involve an occasional removal of trees and will avoid areas of dense mountain laurel cover. This may lead to some soil erosion and trampling of vegetation. These impacts will be mitigated by avoiding large trees, steep terrain, areas of dense shrubbery and by employing drainage ditches, water bars and occasionally, small unobtrusive culverts to minimize erosion. A small wooden bridge will be constructed over Wolf Brook and another over Mullet Brook to facilitate safe crossing of these streams at all seasons. Location and construction of these bridges will be designed to prevent any erosion for both construction and use. Information boards and pamphlets will provide sufficient information to prevent most users from becoming lost or unintentionally violating a law or regulation pertaining to the Unit.

3. Constructing the footbridge over the Neversink River may require minor disturbances to the bed and banks of the River. Soil and bank erosion will be prevented through appropriate construction techniques, such as use of sediment filters, and seeding and mulching. Siltation during construction will be prevented from entering the stream to the extent possible. The footbridge structure will aesthetically conform to the Unique Area. Structures will be installed to prevent unauthorized motor vehicle use on or across the bridge. Eden Brook Road may need to be improved for construction equipment and supplies. Siltation controls will be used along the road to prevent any degradation of wetlands or open water. Approaches to the bridge will be developed with a non-erosive cover of grass, gravel or wood chips as deemed necessary. The bridge will have sufficient railings to prevent accidental falling. The specific location of the bridge will be determined through the design and engineering process that minimizes to the best degree any and all negative environmental impacts.

4. Preventing motor vehicle use in the Unique Area prevents damage to vegetation, soil erosion and disturbance of wildlife. Structures will conform to DEC policies which provide effective barriers that prevent accidental injury to operators of vehicles approaching a barrier.

5. Helicopter landing areas are at existing open areas that need minor clearing of surrounding vegetation, fallen trees or large stones. An indigenous perennial grass cover will be developed at two sites while the third is developed as a seasonal parking area. The interior helicopter landing site will not affect any significant habitat or occurrence of a threatened or endangered species of animal or plant. Emergency or administrative use of helicopters in the Unit is expected to be less than one occurrence per year. Improving existing trails for emergency ATV use by DEC personnel will help contain and extinguish wildfires. Locked gates, permanent barriers and effective law enforcement will be used to prevent unauthorized motor vehicle use in the Unit. Trails will be improved to prevent erosion by proper design and construction techniques as previously stated and will be established sufficiently away from critical wildlife habitats or occurrences of threatened or endangered plants.

6. Assistant Forest Ranger patrols will be sufficient to handle any interior littering. The "carry it in, carry it out" policy is effective and NYS Department of Correction inmate crews have a long positive history of effectively accomplishing minor maintenance projects and litter patrols.

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7. Camping sites will be sufficiently away from water, critical habitats and occurring threatened or endangered flora and fauna. Campsites are at scattered locations that provide sufficient space for small groups. Campsites will be out-of-sight from established hiking trails. Fire rings will be provided and constructed to prevent an occurrence of a wildfire. DEC issued camping permits will inform campers of general and site specific laws and regulations and help identify those responsible for illegal or improper activities. DEC publications will instruct campers about proper and sanitary camping methods. All refuse must be removed from State lands by those individuals who bring it in.
8. None of these ecosystem management techniques are known to have a significant negative impact of populations of plants or animals. Selection and use of a licensed herbicide to kill weed trees in forest thinning practices will be accomplished to imitate the natural loss of trees in a forest. Prior to this action, a separate environmental assessment will be completed. Other methods of forest weeding (chainsaw felling or ax/chainsaw girdling) add significant quantities of tree debris to the ground in a short period of time which increases the fire hazard and typically has negative aesthetic impacts.
9. If the 12 critical parcels are not acquired by NYS, there is no guarantee that residential or commercial development will not occur in these areas. Much of this acreage is in the immediate view of the Neversink River corridor. Even one structure or land clearing would have significant negative impact to the aesthetics of the Unique Area. The uncontrolled use of Eden Brook Road is contrary to the intention of creating the Unique Area. Although further acquisition of State lands would reduce taxable acreage for Sullivan County communities, any development along Eden Brook Road would require significant local services at local public expense. An expectation of Eden Brook becoming a Town owned and maintained highway should be considered if development continues on the private lands along the road.
10. The amount of time proposed for patrol by Department of Environmental Conservation Forest Rangers and Environmental Conservation Police Officers should provide sufficient patrols and responses to the Unit that encourage compliance of laws and regulations and lead to the apprehension of violators.
11. Only two acres of the sand and gravel pit will be used in the future. This will supply material for the maintenance of roads and parking lots on the Unit. Ten acres of the sand and gravel pit will be reclaimed and revegetated for use as a wildlife observation site.

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Appendix 11. Public Comments to the Draft Neversink River Unique Area Management and DEC's Responses to the Related Issues

The Draft Neversink River Unique Area Unit Management Plan (UMP) was published in November 1996 and open to public comment until March 1997. 180 copies of the Draft UMP were distributed to various organizations, governmental agencies and individuals who requested the document. Draft UMP's were available for public review at the Town Halls of Forestburgh, Mamakating and Thompson, Sullivan County, Crawford Public Library, Monticello, Sullivan County Clerk's Office, Monticello, DEC Region 3 Office, New Paltz and DEC Central Office, Albany, NY. Two public meetings were held at the Sullivan County Government Center on January 24, 1997 to allow verbal comments. All written and verbal comments were reviewed by DEC. The following list is a compilation and synthesis of 30 written and 23 verbal comments of the Draft UMP with no regard to number of similar comments, priority or importance of comments nor intentional disregard of any specific concern, idea or comment. All comments are on file at the DEC Region 3 office in New Paltz. The [Final] Neversink River Unique Area Unit Management Plan reflects DEC's review and consideration of each and every comment and the associated issue. DEC's responses to these issues follow the public comments listed below.

Public Comments Regarding Land Acquisition

- C No eminent domain acquisition -- willing buyer -- seller
- C Future acquisitions -- Where does it stop? Plan too vague.
- C Return present State land to tax roles
- C Must demonstrate need for more land
- C Cost of conservation easements enforcement being too costly is not documented
- C Alternative to eminent domain is management at the local level.
- C Accomplish acquisition projects so area meets its full potential

- C Supports land acquisition on west side of river
- C Opposed to any short term or long term future land acquisitions
- C Some areas which are not unique could be traded with adjacent landowner
- C DEC has history of discouraging partnerships
- C Renew State's working relationship with the Neversink River Unique Area Advisory Committee
- C Commit to local management of State land
- C More local input and control
- C Rockefeller Report - "Preserve & Protect" should be included as part of final plan package
- C Governor's \$10 per acre proposed tax payment on State land woefully inadequate
- C No State purchase of land without payment of all taxes

Public Comments Regarding Land Use

- C Can't manage what State already owns
- C Provide sufficient staff for proper patrol and enforcement of regulations
- C Better land management of already State owned property
- C Increased garbage along Bush Kill Road during deer season
- C Is State financially able to carry out plan
- C Has State considered capacity of area to withstand use and how will we limit use to prevent degradation
- C Plan contradictory. Limited and low density use but talks about increasing use other places. Plan should address upper limit of use.
- C Unique Area designation prohibits motor vehicles, animals (horse?), camping, erection of structures, while plan goes against this by allowing camping, bridge and possible future ATV and horse use.

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- C Encourage timber harvesting. Will aid local economy without degrading area.
- C Do not allow harvesting
- C Past history and current conditions show no reason to preclude timber harvesting
- C No logging except for habitat improvement
- C Plan has no continuance for fire, blowdown, insect, etc. for timber salvage
- C Present abuse of land are ATV's, tree stands and camping
- C Area can take more use with careful management
- C Plant White Pine, Balsam Fir and Mt. Laurel
- C Create many small grass fields through out area

Public Comments Regarding Recreation

- C Any proposed recreational development should be based on site-specific investigations
- C Proceed slowly with trail, heliport development and keep bridge on hold
- C It should be a day use park only
- C No parking lot or road system to accommodate whitewater boating
- C Do not provide easier access to gorge
- C Cross country skiing not mentioned in plan
- C Hiking trails should be laid out with skiers in mind
- C Draft Plan does not address the matter of signage
- C State development of trail system and bridge will create over use of area
- C No horses
- C No ATV's or snowmobiles
- C Need bridge at top of Mullet Brook
- C Partnership with locals to develop and mark trail system
- C Opposed to mountain bike and motorized use of trails
- C ATB (Bikes?) trails should be designated and marked
- C Promote "shared use" concepts on trails
- C Do not allow vehicle traffic

- C Unique characteristics of area not compatible with possible future ATV use. Should be addressed now.
- C No bridge or trail expansion
- C Use Wolf Brook MUA for most recreational activities (camping, RTV, snowmobiling, biking, etc.) and keep unique area unique. (No motorized vehicles, camping, interior helicopter landing sites, commercial boating.)
- C Hiking trail system improves year round use of Holiday Mountain
- C Horse trails, if established, should not be separated from hiking trails
- C Why allow camping when there is not a lack of camping facilities in preserve and along Delaware River
- C Need sanitation facilities at campsites especially group sites
- C Limit number of campers per group, no open fires, cooking on portable gas stove
- C Pleased area will be open to backpack camping
- C Camping by permit but not at designated sites
- C Department should discourage white water boating
- C Do not allow white water boating
- C No watercrafts including tubes, rafts or kayak
- C No guided raft trips
- C A boat take out at Hackledam not realistic because of 1½± mile carry up to new parking lot
- C Page 18 - No. 4 - Navigable in Fact - the following should be inserted in last paragraph after . . . County Rt. 49 at Oakland Valley. - "This is a white water river requiring expert whitewater skills, Class II for the first 3 miles and Class III (sometimes IV) for the remaining 9 miles to Oakland Valley. Scouting and portage of waterfalls are required. Only groups of paddlers should attempt this. Water levels are seldom adequate. The nearest USGS gauge is located upstream at Woodbourne."



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C Arrange water releases from the Neversink Dam to improve commercial rafting possibilities on Neversink River

Public Comments regarding Wildlife

- C More data and surveys needed before providing more access to insure sufficient hunter harvest
- C Regulate hunting like a FWMA Cooperative Area
- C Hunting clubs east of Wolf Brook Unique Area - concerned about excessive number of hunters and safety. Should limit hunting by permit and more patrol of area.
- C No trapping
- C Select pockets for wildlife habitat management

Public Comments Regarding Fisheries Management

- C Fishing should not be "No Kill"
- C When will new fishing regulations be implemented?
- C How can a creel survey be conducted if you can't keep fish?
- C Justify 3,600 fisherman days
- C Landlock Atlantic Salmon have been caught in River
- C Walk in fishing access with size and quantity limit similar to Mongaup River
- C Support a fishing zone along River where trout may be kept
- C Trout fishing by season permit, flies only, limit two fish/day
- C Stock Brown Trout -- Not Brook Trout
- C Opposed to trophy trout/no kill area
- C Immediately lift fishing restrictions

Public Comments Regarding Other Issues

- C Plan incorrect on number of taxable parcels (Seven landowners?) along Eden Brook Road
- C Eden Brook Road will not become a Town maintained road
- C Forestburgh misspelled on map

- C Suggest a topographic map of area be included in plan
- C Not enough time to review plan
- C SEQR/Negative Declaration arrived at prior to completion of plan and public hearing
- C Need to change Negative Declaration and prepare DEIS
- C Potential trespass problems with adjacent landowners must be addressed
- C Lack of substantiation and detail for nearly all recommendations
- C Provide cost/benefit evaluation of projects
- C An independent body should be lead agency in SEQR review
- C Proposed Rules & Regulations, page 58, No. 9. Opposed to "Near" the unit in statement

DEC Response to Land Acquisition Issues

Acquiring additional lands and land rights-of-use within the Neversink River corridor and adjacent to existing State lands continues the Department's goal of ensuring protection of the unique features of the Unit. These features are described by the NYS Nature and Historic Preserve Trust Board, May 20, 1980, the Environmental Impact Statement, Neversink River Unique Area, May 1989 and the Draft Neversink River Unique Area Unit Management Plan (UMP), November 1996. The "Conserving Open Space in New York State, 1992", commonly called the Open Space Plan, identified the Neversink Gorge area as Priority Conservation Project 26 of 75 statewide projects "which deserve immediate conservation attention from DEC, OPRHP and their partners in land conservation."(page 129). The Draft UMP identifies those properties and land use rights that are deemed essential for State acquisition. The two most likely funding sources for any further State acquisition for the Unit are the Environmental Protection Fund and the 1996 Environmental Quality Bond Act. Both funding sources require "willing seller-willing buyer". The UMP is changed to reflect the current funding sources.

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Exchanging land of equal value and assets has occurred within the Unit. One land exchange is being negotiated to eliminate several existing encroachments and similar exchanges can be a viable option for enhancing public protection of the Unit. To date, there are no other land exchanges proposed by a landowner adjoining the Unit. DEC will review any such proposal that improves protection of unique features in and around the Unit. Total fee ownership by the State of New York is only deemed essential within the topographical corridor of the Neversink River and Gorge.

Conservation easements can also be negotiated for land rights outside of the topographical corridor. While conservation easements acquire land rights at a lower cost than full fee ownership, existing easements (in and outside the Unit) require an usually large amount of DEC staff effort as compared to full fee owned State lands. Issues and rights regarding an easement often go unresolved for long periods or repeat with new owners. While DEC field staff can usually resolve illegal or conflicting issues on fee owned State lands in a timely manner, Regional and Central Office real property and legal staff are most often needed for extended periods to resolve issues regarding easements.

DEC supports public involvement for developing unit management plans and implementing protective and management practices. Local individuals, organizations and governmental agencies have contributed to the development and review of this UMP. One UMP project directs DEC staff to develop partnerships, working relationships and constituencies with organizations interested in the Unit. This does not include funding, appointing, authorizing or prioritizing any one particular group. Management of the Unit by the local communities or Sullivan County will require that all management support the mission, goals and objectives of managing Unique Areas assigned to DEC and sufficient local funding to develop and implement a unit management plan. There has been no offer by any agency or

organization to replace DEC management and fulfill the creation and maintenance of the Unit. Local approval of the subdivision of one property into twelve parcels at the southern end of Eden Brook Road does not support the original and current vision, goals and objectives for the Neversink River Unique Area nor the NYS Open Space Plan. The "Preserve & Protect: Challenges facing New York State's Park System, 1993" was developed to address issues concerning the New York State Park System as administered by the NYS Office of Parks, Recreation and Historical Preservation (OPR&HP). The Neversink Unique Area is administered by DEC which operates under a different mission, and different laws, rules, regulations and policies than OPR&HP. The NYS Open Space Plan is a more appropriate guide for managing this Unit.

DEC continues to support State reimbursement for lost or reduced land tax revenues to local municipalities and school districts. DEC will continue to provide the vast majority of public services needed for the protection and management of the Unit. DEC services plus Governor Pataki's proposal of a \$10 per State land acre payment to municipalities in lieu of assessed land taxation should provide a significant net revenue to the communities above local costs associated with the Unit. The \$10 per State land acre reimbursement proposal is somewhat greater than taxes actually paid on Forest Tax Law certified and committed acreage. Most of the Philwold Tract and some of the proposed acquisitions for the Unit has been or is in the Forest Tax Law program.

DEC Response to Land Use Issues

The Neversink River Unique Area Unit Management Plan is the mechanism that addresses existing and foreseeable problems and sets forth the actions DEC will take to protect and manage the Unit. This UMP describes the fundamental principals that will guide decision making regarding the Unit and is the necessary foundation for fiscal support. Funding will be

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requested and, upon approval, allocated to those projects prescribed in the UMP. Strong public support for the Unit and the UMP can significantly help maintain the project scheduling time-table. Most of the annually scheduled projects can continue to be accomplished with 1996-97 fiscal year levels of DEC staff and funding. The Environmental Impact Statement, Neversink River Unique Area, May 1989, provides interim land use restrictions and regulations until a unit management plan is complete. Changes of interim restrictions and proposed regulations were made after considering State land use patterns of the Unit over the last nine years. The Goal of Managing Unique Areas and the Vision of the Neversink River Unique Area guide all management objectives, projects and practices for this Unit and enhance the positions taken in the Draft EIS, February 1988.

The maximum number of people using the Unit at any one time is generally regulated by the number of parking spaces. The existing 43 parking spaces (summer & fall) throughout the Unit will increase by two to 45 spaces. Eight parking spaces are closed from December through May. Previous use of the Unit has not resulted in any significant loss of unique values attributed to the Unit. Snow plowing of parking areas will be coordinated with plowing at other State lands in Sullivan County and based on winter use patterns of the Unit. Once the foot bridge over the Neversink River is in use and connecting trails occur between Monticello and Holiday Mountain, an increase of use is anticipated and encouraged. The hike of 10 or more miles from Monticello or Holiday Mountain to the footbridge should not generate uncontrollable use of the Unit. The bridge, however, will provide an attraction unequalled in Sullivan County and the surrounding region. Management techniques and projects are designed to increase the use of the Unit at low use periods without the impacts of intensive use. Parking spaces in the Unit can be reduced to help manage, control or reduce public use as is necessary to protect the Unit. The UMP and DEC policy allow for alternative methods of

protecting the Unit if existing and anticipated methods are inadequate. Protecting the unique features of the Unit as described in the UMP, Environmental Impact Statement (1989), NYS Environmental Conservation Law and related rules and regulations continues as a priority above and before public use.

Timber harvesting has been planned to occur in the Unit only for the purpose of establishing American chestnut plantations. One harvest and subsequent plantation of approximately five acres is scheduled to occur before the first update of this UMP. In 1997, Sullivan County has a total of 67,422 acres committed to the NYS Forest Tax Law that are intensively managed for commercial harvesting of forest products. The Towns of Forestburgh, Thompson and Mamakating have a total of 24,859 acres committed to the Forest Tax Law in 1997. Forest Tax Law acreage is approximately 15% of the total commercial forest lands in Sullivan County. A need for commercial forest products from the Unit to support forest industries in Sullivan County has not been demonstrated and there are significantly more forest resources on private lands around the Unit and throughout Sullivan County. A blowdown of trees in 1979 and 1987 damaged approximately 50 acres within the Unit. There was no salvage of timber products after either blowdown. Unless removal of dead, dying or severely damaged timber will directly re-establish the envisioned forest cover on the appropriate site(s), salvage harvesting will not occur. In the event of any catastrophic damage or disturbance (blowdown, fire, insect or disease epidemics) to the Unit, management plans and projects can be amended. The Goal of Managing Unique Areas and the Vision of the Neversink River Unique Area Management Unit will guide all subsequent management decisions.

The vast majority of the Unit is being managed to develop the two major forest covers; American chestnut-oak forest and old growth white pine-hemlock-hardwood forest. Wildlife species and subsequent populations will be determined

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primarily by these habitat conditions. Wildlife habitat improvement practices are planned for the western and northeastern edges of the Unit where previous and existing man-made disturbances occur. Habitat improvement is supported by the Vision and Objectives for the Neversink River Unique Area and will generally be a by-product of the prescribed management of the Unit. Common timber harvesting practices may improve habitat conditions for a time but are generally counter-productive at establishing the two major forest covers. At present, only American chestnut will be planted to establish plantations with the expectation that natural regeneration of chestnut will eventually occur. It has not been demonstrated that other tree or plant species need to be planted to accomplish the Vision of the Unit.

DEC Response to Recreation Issues

The UMP designates what recreational activities are allowed in the Unit and at what locations, times and circumstances an activity may be limited. Cross-country skiing was inadvertently omitted in the Draft UMP and is currently considered the same as hiking, walking, snowshoeing and the like. Trails will be designed, constructed and maintained for cross-country skiing where practical but will not be exclusively developed for such purpose. Historical snow packs, topographical features, soil conditions and low public demand do not warrant a significant enhancement of trails for skiing at this time. New trails are planned only to connect existing trails or to create a loop-trail experience. Construction of a bridge over Mullet Brook near the eastern boundary line of the Unit has been added to a UMP project. Trails will be marked according to DEC trail marking policy. The use of motorized vehicles, including snowmobiles and all-terrain vehicles(ATV's) in the Unit is prohibited except for; 1)legal rights-of-use over the Philwold Tract, seasonal use on Forest Roads within the Wolf Brook Multiple Use Area; 2)mobility impaired access between Katrina Falls Road and Hackledam in accordance with a DEC permit; and 3)DEC staff and services for emergency, patrol or administrative use. Acquisition projects include

eliminating motor vehicle rights over the Philwold Tract. Bicycle riding will only be allowed within Wolf Brook MUA portions of the Unit and on lands west of the Neversink River, excluding the Restricted Area. Expanding or further limiting the riding of bicycles will be coordinated with the establishment of the Monticello to Bridgeville Trail system with a footbridge over the Neversink as planned in the UMP. Horse trails are not planned at this time because of low public demand and significant terrain and topographical obstacles. The riding or possession of a horse is only allowed within the Wolf Brook MUA portions of the Unit. Camping and associated campfires will be directly regulated by individual camping permits administered by DEC Forest Rangers. Camping permits provide sufficient control over when, where and how camping is to occur. Permits identify camper responsibilities and are an opportunity for direct contact between DEC staff, especially Forest Rangers, and the camper(s). There is significant demand for back-country camping in the Catskill region and a low expectation of environmental damage associated with this type of camping. Camping in proximity to a public highway will only be allowed for recreational vehicles at improved sites in the Wolf Brook Multiple Use Area and by camping permit only. Recreational boating on the Neversink River is allowed and protected by navigational laws and legal opinions. Motorized water vessels will continue to be prohibited within the Unit but non-motorized boats are a legal use of the River over private and public lands. The UMP does not encourage boating on the River but DEC is legally bound to support public navigation as defined by the courts. To date, the low public demand for improved white water boating in the Unit does not warrant negotiating additional water releases from the New York City Neversink Reservoir. Hydrological data has not been developed to determine the necessary amount and timing of any proposed release. The UMP refers to the publication "Appalachian Waters 1: The Delaware and its Tributaries", pages 173-181, authored by Walter F. Burmeister and published by Appalachian Books, Oakton, Virginia for a

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detailed account of navigating this stretch of River. DEC publications regarding the Unit will not encourage boating, kayaking, tubing, etc. on the Neversink but no management projects will obstruct navigational rights-of-use. Existing and proposed parking areas do not improve access to and from the River for boating. The emergency helicopter landing area south of High Falls is designed to expedite search and rescues throughout the river corridor. DEC Forest Rangers will conduct necessary search and rescue operations throughout the Unit as they do throughout the State.

Fishing from a vessel enjoying the right of navigation over a privately owned stream/lake bed is no longer a right of navigation. The State of New York Court of Appeals (the highest level of court in NYS) reversed a lower court decision on February 11, 1997. The UMP reflects this most recent court decision and DEC management and law enforcement activities will support this conclusion.

DEC Response to Wildlife & Hunting Issues

The existing infrastructure of parking areas, trails and camping areas is sufficient to allow for greater numbers of hunters than has traditionally hunted in the Unit. Information boards, maps and brochures and backpack camping sites, should improve opportunities to hunt. Deer Management Unit 51, in which the Unit is centrally located, continues to have a lower quality deer herd than other areas of southeastern New York. Female deer harvesting continues to be the tool DEC will use to maintain or reduce deer populations and subsequently maintain or improve habitat conditions. There is not sufficient demand for hunting in the Unit to operate a FWMA-like cooperative area hunting program, especially since DEC recently closed one FWMA Cooperative Hunting Areas in Sullivan County. The greatest hunting pressure traditionally occurs on opening day and the first weekend of deer hunting season. This is typical of most State-owned lands in Sullivan County. After these days, the number of hunters on State lands is relatively small.

The Unit is no longer planned as a black bear release site. The feeling is that any increase in the bear population is likely to cause damage to the Eden Brook Fish Hatchery. A naturally occurring population is still expected to inhabit the Unit and surrounding landscape.

Legal trapping of furbearers in the Unit will be allowed according to general statewide and Wildlife Management Unit 32 rules and regulations. The issue of trapping was inadvertently omitted from the Draft UMP. Trapping is needed to maintain a healthy population of furbearers and to keep beaver activity from causing significant damage to the white pine-hemlock-hardwood forest cover along the lower river and tributary corridors. Hunting, fishing and trapping rights were acquired by the State on the Clove Development Tract by use of eminent domain thereby valuing the public right of trapping as an activity and/or management tool. Hunting, fishing and trapping are the most historic and enduring human activities in the Unit and remain compatible uses for accomplishing the UMP mission and vision.

Several wildlife habitat improvement projects are scheduled for lands west of Bush Kill Road. After these projects are completed, a future update of this UMP can provide for similar projects in Wolf Brook MUA along the utility right-of-way and forest road system. Establishing varieties of nest boxes west of Bush Kill Road is included in the UMP and additional boxes can be established in the central portions of the Unit as appropriate for indigenous species. DEC encourages organizations and individuals to sponsor, establish or maintain habitat improvement practices that are consistent with this UMP and specifically approved by DEC Natural Resource staff.

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DEC Response to Fisheries Management Issues

Appropriate fishing regulations (size, season, and bag limit) are established in any water after the collection and analysis of suitable data on the fish populations present. These regulations are never considered to be static or "written in stone" for all time; rather, biological and environmental (habitat) conditions are monitored over time, and adjustments to the regulations are made as deemed appropriate. Procedurally, changes to regulations may be proposed annually, and must be decided upon in time for inclusion in the annual printing of the NYS Fishing Regulations Guide.

Several comments expressed displeasure with the "No Kill" trout regulation. However, there was no specific objection raised to Objective 6 of the Plan, which calls for maintaining a quality wild trout fishery. The decision to manage for wild trout is logical in this unique wilderness area, and is consistent with New York's trout stream philosophy.

The "No Kill" regulation was established in this section of the Neversink River shortly after the acquisition of the hunting, fishing, and trapping rights, with the objective of preserving the population characteristics of this fishery until the fishery could be properly studied, while accommodating some public use of this resource. Some limited collection of data has occurred, with more scheduled for this coming year. The remote nature of the Neversink River within this property, along with the size of the river, makes it a particularly difficult place to sample.

Based on current information, wild brook and brown trout are not abundant in the Unique Area portion of the Neversink River, but those that are present grow well and are capable of attaining large size. Even moderate fishing mortality could seriously diminish the available population and the recreational experience of the fishery. Therefore, the No Kill, artificial lures only regulation provides the greatest assurance that a quality experience will be sustained throughout the season.

Whatever fishing regulation(s) are ultimately decided upon, or changed to over time, they will be established with the sole objective of providing the chance for the angler to catch wild trout over 14" in the setting of the Neversink River Unique Area. There will be no sub-objective of extending preference to any specific group of anglers espousing a particular philosophy of harvest or particular type of fishing rod, for that particular philosophy's sake.

There is no plan to employ trout stocking in any form, consistent with the general fisheries objective of wild trout management. Trout stocking would only be considered if there were a change in the fisheries objective, which would have to be presented for public review at the scheduled revision interval for the Unit Management Plan.

The term "creel survey," as generally used in fisheries management, means an active survey of anglers using a specific resource. Anglers are interviewed either while in the act of angling, or at the end of their trip as they are preparing to leave. Information collected generally includes total time fished, angler origin, gear type, and questions may be asked of the angler concerning fisheries management issues specific to that water. Additionally, details of the day's catch are noted, as related by the angler, and if the angler has harvested any fish, they are inspected for length(s), finclip(s), and a scale sample is taken for age estimation

This "traditional" version of a creel survey is impractical to conduct within this Unique Area, because of its inaccessibility and steep terrain. The Department may have to rely on anglers filling out forms left on their windshields for the collection of catch related information, along with Forest Ranger-conducted interviews collected as Rangers encounter anglers on their regular patrols.

Since 1975 the DEC has managed for landlocked Atlantic salmon (Salmo salar) in the Neversink Reservoir, approximately 20 miles upstream from

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the Unique Area. A variety of stocking strategies have been employed in the Reservoir, and some natural reproduction of landlocked salmon has been documented there. Landlocked salmon have been noted to have some predisposition towards running down/out outlets, and the reservoir does occasionally spill in addition to being the source of a full-time minimum release into the Neversink River. In fact, occasional landlocked salmon have been reported from the Neversink River below the reservoir in the past.

The life cycle of landlocked Atlantic salmon in no way lends itself towards management in the Neversink River tailwater, including the section within the Unique Area. However, occasional individuals will likely show up here in the future as they run over the Neversink Dam spillway, or get entrained into the release works inlet in the reservoir.

The value of 3600-fishing-days was arrived at by making the assumption that the area would attract 150 hr/ac/yr fishing pressure. In the absence of firm data, this is the “standard” fishing pressure value which is assumed for streams in the greater Sullivan County area. This can be used to check the adequacy of angler parking area capacity, and (where stocking is utilized) fishing pressure is an important component of the stocking rate calculations.

It has been pointed out in the plan that the proposed angler parking (which is what currently exists) is considered adequate for 3600 angler trips/yr (or 150 hr/ac/yr). Admittedly, a fishing pressure assumption of 150 hr/ac/yr may be an overestimate, considering the remote “walk in” nature of this fishery. However, revising the estimate of fishing pressure downward in no way modifies any of the proposed actions presented in the Plan.

DEC Response to Other Issues

36 work-days per year are scheduled for litter patrol and general maintenance projects by DEC Region 3 Operations Inmate Crew. This will

include at least one litter patrol each month and two or more patrols during spring, summer and fall. The Executive Summary of the Draft UMP averaged the patrols to two per month. The Operations Inmate Crew will also be assigned to remove smaller non-conforming structures, such as tree stands, old campsites and small dump sites.

DEC will not relinquish land, rights-of-use or easements on or over Eden Brook Road nor support this road becoming a municipally maintained highway. The UMP directs the State to acquire all private rights on and along this road. The Town of Forestburgh has either actively or passively allowed a 12-parcel subdivision on the privately owned lands along Eden Brook Road. Regardless to the number of different owners of these parcels, each parcel has an inherent right to one or more residential structures and an expectation of local services, such as fire protection, police response and school bus service. The present condition of Eden Brook Road is impassable year round except by light weight four-wheel drive vehicles. Although there appears to be no present desire of any party to improve Eden Brook Road to town road specification, maintenance and ownership, public upgrading and maintenance of the road can be mandated by the courts. There is no guarantee that town maintenance will not be mandated but it is reasonable to expect that future owners will insist on municipal services common in the Town of Forestburgh.

The use of “Forestburg” on maps in the Draft UMP follows the spelling of this Township as found on USGS topographic maps. This has been corrected to reflect the local spelling of “Forestburgh”. The Unit has been mapped on several editions of U.S. Geological Survey (USGS) topographic maps which are included in DEC files. A reproduction of one such plotting is now included in the Plan. While DEC State land publications do not typically include maps with contour lines (lines of equal elevation usually in 20 foot intervals), privately published hiking guides often include such information.

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DEC will continue a significant commitment to identifying, maintaining and enhancing State land property lines to protect State interests and prevent trespass to private lands. Some of the private land trespass associated with this Unit occurs from boaters exercising their right to navigate on the Neversink River that does not involve the use of State lands. DEC supports landowner rights regarding illegal trespass. DEC Conservation Police and Forest Rangers along with NY State Police and Sullivan County Sheriff's Deputies are authorized to handle trespass complaints.

State Environmental Quality Review (SEQR) laws, rules and regulations were followed as appropriate for the development of a draft unit management plan for the Neversink River Unique Area. SEQR requirements and DEC unit management planning policies do not require a cost-benefit evaluation of projects. A Draft Environmental Impact Statement for the Neversink River Unique Area was published February 1988 and finalized May 1989. The Negative Declaration for publishing the Draft Neversink River Unique Area UMP was reached after numerous DEC staff from varieties of environmental disciplines developed, reviewed and modified a pre-draft UMP. This plan was also based on years of public comments about the Unit along with a public scoping session on December 15, 1994 in Sullivan County. The files supporting the Draft UMP are maintained at the DEC Region 3 Office in New Paltz. The Draft UMP was published in November 1996, distributed in December 1996, with a public hearing on January 24, 1997 and comments accepted to March 1997. The [Final] Neversink River Unique Area Unit Management Plan reflects the public comments, DEC staff expertise, Executive Directives, laws, legal decisions, rules, regulations, policies and practices as noted in the Plan or contained in the files.

The proposed Rules and Regulations for the Unit has been modified to exclude "or near" and now reads "Any activity in the Unit that interferes,

disturbs, damages or destroys ecosystem management or recreational enhancement projects and practices defined in the Unit Management Plan and subsequent work schedules is prohibited." There are sufficient laws and law enforcement authority outside of the Environmental Conservation Law and its rules and regulations to prohibit interference with governmental administration.