



Department of
Environmental
Conservation

OSWEGATCHIE CONSERVATION EASEMENT RECREATION MANAGEMENT PLAN

Towns of Croghan and Diana
Lewis County

May 2019

DIVISION OF LANDS AND FORESTS

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ACKNOWLEDGEMENTS

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MANAGEMENT PLAN SUMMARY

The Oswegatchie Conservation Easement encompasses approximately 16,929 acres in the Towns of Croghan and Diana in Lewis County, including more than 14,000 acres located within the Adirondack Park. The property includes 3.5 miles of the Middle Branch of the Oswegatchie River, shares 9.6 miles of boundary with forest preserve lands, and 0.6 miles of boundary with state forest land. The Oswegatchie Conservation Easement Recreation Management Plan (RMP) outlines NYSDEC's proposed management for the property moving forward.

RMP Management Proposal Summary

- Passenger vehicle use on 12.7 miles of roads, which provide access to the conservation easement and adjacent forest preserve lands;
- A new 5.7 mile Motorized Access Program for People with Disabilities route, leading to the Blue Swamp Tract;
- Designation/construction of 17.6 miles of snowmobile routes (most existing) and 6.7 miles of alternative snowmobile routes to be used during logging operation closures;
- Seasonal ATV use on Bald Mountain Road (5.2 miles) will be allowed and administered by Lewis County subject to a temporary revocable permit;
- Designation/construction of 6.1 miles of hiking trails;
- Designation/construction of 6 parking areas;
- Designation of 8 campsites (1 universally accessible);
- Hunting, fishing and trapping throughout the Property (hunting subject to exclusive rights outlined in conservation easement deed).

Notable Revisions Made to the RMP Following the 2017 Public Comment Period

- The conservation easement deed has been uploaded to the NYSDEC website and linked in the RMP;
- Subject to an annually reviewed temporary revocable permit, Lewis County will be authorized to administer seasonal ATV use on Bald Mountain Road;
- The alternative snowmobile route originally proposed on Long Lake Trail has been moved to an old forest management trail extending from Silver Dawn Road (the Mink Creek Trail);
- Additional alternative snowmobile routes are proposed west of Palmer Creek and between Bald Mountain and Blue Swamp Roads;
- A new parking area and ¼ mile foot trail providing easier access to Deer Pond has been proposed.

REVIEW DECLARATION

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

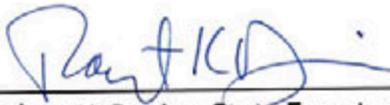
ACCEPTED BY GRANTOR:
The Molpus Woodlands Group



Ken Sewell
COO Molpus Woodlands Group, LLC
Manager MWF Adirondacks, LLC

May 3, 2019
Date

ACCEPTED BY GRANTEE:
Department of Environmental Conservation, New York



Robert K. Davies, State Forester
NYS Department of Environmental Conservation
Division of Lands and Forests

5/16/19
Date

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USE OF CONSERVATION EASEMENTS

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

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

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

This recreation management plan will explain the combination of public recreational rights the State acquired through the conservation easement and how these rights are to be implemented on the Property so as to be compatible with the rights (forest management, private recreation activities) which were retained by the landowner.

PURPOSE OF THE RECREATION MANAGEMENT PLAN (RMP)

This Recreation Management Plan (RMP) applies to those lands subject to a conservation easement held by NYSDEC within Lewis County, in the Towns of Croghan and Diana, referred to herein as the Oswegatchie Conservation Easement or "OCE" (also referred to in this RMP as the "Protected Property" or "Property"). The Oswegatchie Conservation Easement acquisition number is 45-181.

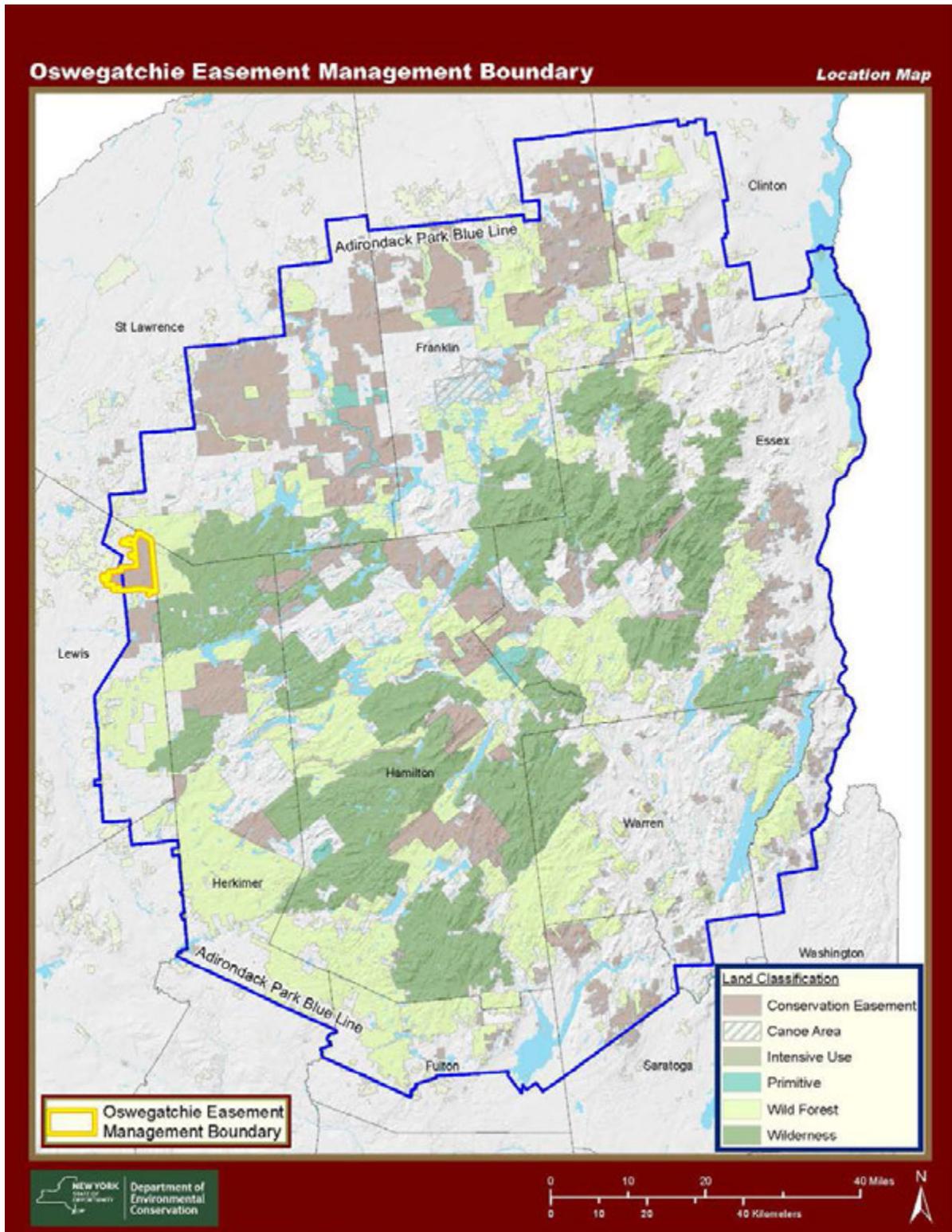
The Oswegatchie Conservation Easement grants the State of New York specific legal interests in the Easement Property, including a guaranteed right to permit public access (with certain limitations) to all of the lands for participation in certain natural resource-based outdoor recreation activities.

Public recreation access to privately-owned conservation easement lands is guided by a Recreation Management Plan (RMP) that is developed for each easement property. Preparation of this RMP is required by the conservation easement. It is the position of the Department to provide a copy of this RMP to the property owner ("the Landowner") for review even if the easement may not require NYSDEC to do so. This RMP addresses the State's role in planning, implementing, and managing for public access and recreation rights on the Oswegatchie Conservation Easement. It describes NYSDEC's planning process and provides opportunities for stakeholders to participate in that process.

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

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

LOCATION OF THE OSWEGATCHIE CONSERVATION EASEMENT



Oswegatchie Conservation Easement – Recreation Management Plan

May 2019

I. PROPERTY DESCRIPTION

A. Overview

The Oswegatchie Conservation Easement (OCE) is comprised of 16,929 acres in the Towns of Croghan and Diana in Lewis County. Nearby population centers include Carthage/Fort Drum (~30 miles west), Watertown (~40 miles west), Gouverneur (~25 miles to the north), and Lowville (~25 miles to the southwest). The easement includes over 14,000 acres within the Adirondack Park, with the remaining acreage lying west of the Adirondack Park Blue Line. Subject to the conservation easement deed, the Property remains privately owned, though New York State owns rights to permit specific public recreation opportunities on the Property. The conservation easement deed which encumbers the OCE can be found at: http://www.dec.ny.gov/docs/regions_pdf/oswegcedeed.pdf

Currently, NYSDEC permits public motor vehicle access to the OCE over Bald Mountain Road, which leads northerly to the Property from Long Pond Road in the Town of Croghan. The public may also access the Property from Bryant Bridge Road, but only for the purpose of transporting car-top boats for use on the Property. Bear Pond Road crosses the southeast corner of the Property, however there is no formal parking or access point. Snowmobile trails C8 (Bald Mountain Road, Bryant Bridge Road, and Mullins Flow Road), S50 (Blue Swamp Road), S82 (Bear Pond Road/Tunnel Road), S84 (Microburst Boulevard), and S84B (Long Lake Trail/Silver Dawn Road) also cross portions of the Oswegatchie Conservation Easement.

B. Tract and Compartment Descriptions

In 1989 the Oswegatchie Conservation Easement was purchased from Lassiter Properties Inc. along with nearly identical easements on several other tracts owned by Lassiter Properties. In St. Lawrence County, Lassiter granted the Aldrich, Beers Lot, Kildare, Preston Lot, and Pine Hill Conservation Easements. In Lewis County, the Oswegatchie Conservation Easement was granted, containing lands both within and outside of the Adirondack Park (the Bald Mountain and Blue Swamp Tracts respectively). Additionally, some property was purchased from Lassiter Properties in fee and added to the Forest Preserve, including lands adjacent to the OCE.

The OCE is located in three separate NYSDEC Unit Management Planning Areas but is managed as a single unit out of the DEC Lowville Office. The Aldrich Pond Wild Forest Unit Management Plan (UMP) was completed in 1995 and includes management actions for portions of the Property north of the Middle Branch of the Oswegatchie River. The Watson's East Triangle Wild Forest Unit Management Planning Area includes the portion of the Property south of the Middle Branch of the Oswegatchie River and within the Adirondack Park, and the UMP was completed in 2010. Lastly, the Westward Waters Unit Management Planning Area includes the portion of the Property outside of the Adirondack Park and the UMP was completed in 2016. The Watson's East Triangle and Westward Waters UMPs do not address the OCE, in anticipation of the completion of this RMP. This RMP serves as the current management plan for the OCE and

management actions included in the Aldrich Pond Wild Forest UMP which relate to the OCE no longer apply. Management of forest preserve lands addressed in the Aldrich Pond Wild Forest UMP remain subject to the Aldrich Pond Wild Forest UMP.

C. Adjacent Lands and Rights-of way

1. Public Lands and NYSDEC Conservation Easements

The Frank E. Jadwin Memorial State Forest is located west of the OCE, sharing two small lengths of boundary line, totaling less than a mile. Aldrich Pond Wild Forest is located northeast of the OCE and shares approximately 3.6 miles of boundary line. Watson's East Triangle Wild Forest is located east of the OCE sharing approximately 5 miles of boundary line and south sharing approximately 1 mile of boundary line. Lastly, the Croghan Tract Conservation Easement and Pepperbox Wilderness Area are located a few miles south and southeast of the OCE respectively. NYSDEC also owns Public Fishing Rights (PFRs) on the West Branch of the Oswegatchie River and Desert Creek, both abutting the southern boundary of the Property.

The Oswegatchie Conservation Easement is proximately located to the units listed above, but also related on a landscape level. Hydrologically, the Middle Branch of the Oswegatchie River flows west between Aldrich Pond Wild Forest and Watson's East Triangle Wild Forest prior to crossing the OCE for approximately 3.5 miles. The river then crosses privately owned land before entering Frank E. Jadwin Memorial State Forest. Tributaries of the Middle Branch of the Oswegatchie River located on the OCE include Cold Spring Creek, Fish Creek, Mink Creek, Palmer Creek and Shaw Brook. The West Branch of the Oswegatchie River flows west between Watson's East Triangle Wild Forest and the Pepperbox Wilderness Area south of the OCE, through privately owned land, another portion of Watson's East Triangle Wild Forest and into Frank E. Jadwin Memorial State Forest. Tributaries of the west branch located on the OCE include Blanchard Creek, Blue Swamp Creek, Desert Creek, and Trout Lake Creek.

Nearby NYSDEC lands are often accessed from the same roads as the OCE, and some lands provide additional access opportunities where they are adjacent to each other. A NYSDEC kiosk located at the corner of Long Pond Road and Fish Creek Road in the Town of Croghan depicts access to state lands and conservation easements throughout the area. Hunters, anglers, and trappers often recreate in several units in a single day, and snowmobilers cross at least one other unit to get onto or off of the OCE. Many other recreationists cross between units to access their desired destination.

Long Pond Road provides access to the Croghan Conservation Easement and the Bear Pond Road. The latter passes through the OCE as well as accesses Watson's East Triangle Wild Forest and the Five Ponds and Pepperbox Wilderness areas. Blanchard Creek Road passes through Frank E. Jadwin Memorial State Forest and approaches the western boundary of the OCE, representing a potential access point. Mullins Flow Road and Tunnel Road provide access to Aldrich Pond Wild Forest and Watson's East Triangle Wild Forest respectively, while Silver Dawn Road provides access to the OCE from Aldrich Pond Wild Forest. The Long Lake and Bald to

Buckhorn Snowmobile Trails represent additional recreation corridors connecting opportunities on the OCE and Forest Preserve lands. Finally, public access by foot is possible across all shared state land/OCE boundaries.

2. FWMA Agreements & PFRs

Several public recreation sites are located directly south of the OCE. Non-motorized watercraft and fishing are allowed on Clear Pond, accessed from Long Pond Road through a NYSDEC Fish and Wildlife Management Act (FWMA) agreement with private landowners. Long Pond may also be accessed for fishing through a FWMA agreement; using less than 10 horsepower or non-motorized watercraft. Public Fishing Rights (PFRs) allow for public fishing on portions of the West Branch of the Oswegatchie River and Desert Creek, south of the Property.

3. Public Rights-of way

NYSDEC owns public rights-of way across private property from Long Pond Road across the Blue Swamp Road, from Long Pond Road across the Bald Mountain Road, and over the Steam Sleigh Road. A public motor vehicle right-of-way for non-motorized boat recreationists follows the Bryant Bridge Road, east across the Middle Branch of the Oswegatchie River to the Property boundary. Additionally, an easement allowing for paddling the Middle Branch of the Oswegatchie River west to where Bryant Bridge Road crosses the river, portaging where necessary is granted in the easement. NYSDEC also owns a right-of-way leading northeasterly to the county line, as well as one leading southeasterly from the gravel pit along the fore-mentioned northeasterly oriented corridor. These rights-of way are described in easement language included in Appendix B, and excepting the final two, which have not been successfully located, are shown on the map included in Appendix M.

4. Private Lands

MWF Adirondacks (who currently owns the OCE), and ten other private landowners own land adjacent to the OCE. Similarly, to the OCE, surrounding lands are used primarily for forest management and recreation lease income.

5. Private Rights-of-Way

Private rights-of way can complicate the management of conservation easements, raising issues concerning maintenance, permissible vehicle uses and illegal trespass. Identifying users who have a right to use a certain road, under their deeded rights, and those who are using it illegally is difficult, and will continue to be a challenge for NYSDEC staff moving forward. It is known that several private landowners within the Five Ponds Wilderness Area, Pepperbox Wilderness Area, and Watson's East Triangle Wild Forest retain a right of way "northwesterly to the public highway to Harrisville", likely over the Bald Mountain Road. The NYSDEC Property Manager will continue to research other private rights-of way which may affect the Property moving forward.

D. Property History

Before the end of the 1700's, the land now comprising the Oswegatchie Conservation Easement was occupied by natives. In 1792, Alexander Macomb purchased nearly 4,000,000 acres in northern New York, comprising present day Lewis, Jefferson, St. Lawrence and Franklin Counties, and portions of Herkimer and Oswego Counties. The OCE is found within Macomb's Purchase Great Tracts 4 and 5. In 1830, the Town of Diana was formed from a portion of the existing Town of Watson, and in 1841 the Town of Croghan was formed in part from a portion of the then existing Town of Diana. In 1854, the Oswegatchie River was declared a public highway from the confluence of the Middle and West branches to their sources.

The OCE has been used for timber production since the late 1800s. Historical recreational use has been largely represented by hunting, fishing, and trapping, as well as the related lease of camps on the Property. In more recent history, the Diamond International Corporation acquired the OCE in 1962. Diamond International was then taken over by Sir James Goldsmith and his company, Diamond Acquisition, and many Diamond International holdings were put up for sale. In 1988, the OCE represented a portion of 96,000 acres for sale in northern New York. The New York State Department of Environmental Conservation entered into negotiations to purchase conservation easements and fee land on a portion of these acres, but by the end of the year Lassiter Properties Inc. had completed purchase of the entire acreage.

Following outcry from many environmental groups, NYSDEC renewed its efforts to conserve a portion of the old Diamond International lands. In 1989, Lassiter Properties Inc. sold New York State (facilitated by the Nature Conservancy) conservation easements on 40,000 acres including the OCE, as well as 15,000 acres in fee. Under the Oswegatchie Conservation Easement, Lassiter retained the rights to continue harvesting timber, exclusive use of existing structures (lease camps), as well as exclusive hunting rights for September through December for 30 years – ending in 2019. These activities have continued to be a source of income for Lassiter and subsequent owners Rayonier Forest Resources LP (2008), and MWF Adirondacks LLC (2014). Under the conservation easement, New York State acquired specific conservation, development and public recreation rights. The Department now pays 72.3% of the OCE property taxes; the negotiated portion of taxes represented by purchased rights. Since acquiring a conservation easement on the Property, NYSDEC has designated several roads as open to public motor vehicles, built Microburst Boulevard in 1995, replaced the bridge over the Middle Branch of the Oswegatchie River in 2004, and removed the fire tower from the summit of Bald Mountain in 2009.

The Aldrich Pond Wild Forest Unit Management Plan (UMP) was completed in 1995 and, in addition to the Forest Preserve lands, addressed the portion of the OCE north of the Middle Branch of the Oswegatchie River. The Aldrich Pond plan opened many roads and trails on the Property to motor vehicles, ATVs, snowmobiles, horses, and bicycles. In 2004, all roads on the OCE were administratively closed to ATVs in conjunction with an amendment to the Aldrich Pond Wild Forest UMP which closed most roads to ATVs on that Forest Preserve unit. Currently, several OCE roads are open for passenger vehicles and/or snowmobiles.

E. Current Landowner Use of the Property

The OCE remains privately owned and the Landowner has retained all rights not purchased by New York State through the conservation easement. Among the rights retained by the Landowner, specific “Reserved Rights” are identified in the easement including the right to conduct forest management activities, exclusive use of structures located on the Property, and limited mineral rights. Current Landowner use of the Property, consistent with these retained rights is outlined below.

1. Forest Management Activities

A major purpose of the conservation easement on this Property is to ensure that forest resources will continue to be available to the current and future landowners for viable, sustainable forest management and the associated long-term production of forest products. The Landowner actively manages specific forest stands for timber. It is common to see foresters, loggers, and logging equipment on the Property, and individuals using the Property for recreation can expect to encounter this type of activity during a typical visit.

2. Closure Zones

Portions of the OCE may be closed for a period of time while forest management operations are occurring, as provided for by the conservation easement. The Landowner may also close portions of the Property which are being prepared for, currently being, or having been planted with seedlings for up to five years. These rights have been used infrequently by the Landowner. When possible, the Landowner and NYSDEC work to provide alternative routes and recreation opportunities for the public when and where closures occur.

3. Recreational Leases

Twelve (12) private lease camp structures are currently located on the Property, and the Landowner retains the right to replace structures and outbuildings which existed on the Property at the time the conservation easement was granted, totaling seventeen (17) camps/structures. Structures are exclusively owned by the Landowner and are currently leased to private hunting clubs. The public is not permitted in their premises. Lessees may access their camps on motorized vehicles (e.g. passenger vehicles, ATVs, and snowmobiles), including the use of roads not open to the public for such uses. NYSDEC recommends that the Landowner provide identification stickers for all lessee vehicles. The Landowner and its Lessees also retain the exclusive right to hunt on the OCE from September 1st to December 31st of each year, through the year 2019.

F. Public Recreation Rights

New York State has purchased specific rights through the conservation easement, which allow NYSDEC to permit limited public access to the Property for participation in certain outdoor recreation activities. Department implementation of recreation rights may be limited by natural resource considerations, or other factors described in this RMP. Conservation easement recreation rights are included in Appendix B and summarized below.

1. Recreation Access and Use Rights

Non-motorized Access - Use and Activities

NYSDEC has the right to provide public access to the property for a variety of dispersed, non-motorized outdoor recreational activities, such as: hiking, snowshoeing, cross-country skiing, photography, bird watching, wildlife observation, picnicking, boating (with car-top watercraft such as canoes, kayaks, or rowboats), swimming, camping as permitted on forest preserve lands, bicycling on existing roads, horseback riding, fishing, and trapping. These activities are permitted year-round on the entire Property. Public hunting is currently only allowed from January 1st through August 31st of each year (as specified in the Easement). Beginning January 1, 2020 NYSDEC will have the right to allow public hunting year round, subject to applicable laws, regulations, and seasons.

Motorized Access - Use and Activities

NYSDEC has the right to allow public motor vehicle access (vehicles include passenger vehicles, all-terrain vehicles, and snowmobiles) to and across the Property on all roads established at the time the easement was granted, or those built afterwards in accordance with easement terms.

2. Construction of New Infrastructure

NYSDEC may construct new foot, bicycle, and snowmobile trails, roads less than 0.5 miles in length and parking areas less than 1.0 acres in size, or longer roads and larger parking areas with landowner permission. Bridges, culverts, gates and other barriers may be employed in coordination with the Landowner. Campsites may also be constructed as occurs on forest preserve lands.

3. Other CE Provisions Affecting Public Use

Boundary Line Marking

Conservation Easement language allows but does not require either the Landowner or NYSDEC to mark boundaries and post signage.

Recreation Signage

NYSDEC may erect signs as necessary to exercise all Affirmative Rights, including managing public recreation.

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

NYSDEC and the Landowner have the right to undertake emergency actions necessary to preserve and protect private property interests, public recreation amenities, and human health and safety in response to natural disasters, environmental hazards, or other threats.

II. PROPERTY RESOURCES

A. Natural Resources

1. Physical Resources

Terrain/Topography

Topography of the Oswegatchie Conservation Easement ranges from over 1,600 feet in elevation at the summit of Bald Mountain to just under 1,080 feet below Rainbow Falls on the Middle Branch of the Oswegatchie River. Slopes are generally steeper in the southwest portion of the Property than elsewhere, but the entire Property can generally be described as flat to gently rolling hills. A topographical map is included in Appendix K.

Soils

The majority of the OCE has Tunbridge-Potsdam-Lyman-Crary soils. A small area in the northern portion of the Property has Tunbridge-Pillsbury-Lyman soils. Small portions near the northern and southern boundaries also have Duxbury-Colton-Adams soils. Overall, no soils on the property are particularly sensitive to recreation facilities proposed in this plan.

The Tunbridge Series (USDA, 2015)

The Tunbridge series consists of moderately deep, well drained soils on glaciated uplands. They formed in loamy till. Saturated hydraulic conductivity is moderately high or high throughout the mineral soil. Slope ranges from 0 to 75 percent. Mean annual precipitation is about 40 inches, and mean annual temperature is about 44 degrees Fahrenheit. Tunbridge soils are on nearly level through very steep glaciated uplands. They are on mountain side slopes, mountain tops, mountain ridges, hill tops, and hill slopes. The frost-free season ranges from 60 through 160 days. In wooded areas the common trees are American beech, white ash, yellow birch, paper birch, northern red oak, sugar maple, eastern white pine, eastern hemlock, red spruce, white spruce, and balsam fir.

The Duxbury Series (USDA, 2015)

Water

Waterbodies on the Oswegatchie Conservation Easement represent an important component of the greater ecosystem as well as a resource for public recreation. The OCE is part of the Oswegatchie River Basin, which is a portion of the greater St. Lawrence River Basin.

The Middle Branch of the Oswegatchie River runs westerly through the OCE and is classified as Scenic where it runs through the Property under Article 15, Title 27 of New York's Environmental Conservation Law; the Wild Scenic and Recreational Rivers Act. A notable feature of the river on the Property is Rainbow Falls, an 80-foot waterfall near the western boundary of the Property. Additional named streams which cross the OCE include Blanchard Creek, Blue Swamp Creek, Browns Creek, Burning Creek, Cold Spring Creek, Desert Creek, Fish Creek, Mink Creek, Palmer Creek, Panther Creek, Scuttle Hole Creek, Shaw Brook, and Trout Lake Creek. Named palustrine bodies include Deer Pond, Little Mouldy Pond, Little Silver Dawn Lake, Mouldy Pond, and Silver Dawn Lake.

Water Quality

Water quality in aquatic systems on the Oswegatchie Conservation Easement is generally very good. Table 1 includes water quality classifications and standards from Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York (6 NYCRR) - Chapter X and associated maps, as well as protection status under Title 5, Article 15 of the Environmental Conservation Law. Class C waters are described as best used for fishing and are suitable for fish, shellfish, and wildlife propagation and survival. Water Quality is suitable for primary and secondary contact recreation. Class D waters are also described as best used for fishing. Due to conditions such as intermittency of flow, these waters will not support fish propagation, but will support survival of fish, shellfish, and wildlife. Class D waters are also suitable for primary and secondary contact recreation. Water standards with (T) are trout waters - all water quality standards, guidance values, or thermal criterion specifically referring to trout or trout waters apply. The St. Lawrence River Basin Waterbody Inventory/Priority Waterbodies List Report includes waters located on the OCE, but generally did not assess waterbodies on the Property (NYSDEC, 2009).

Table 1. Water Quality and Protected Status of Named Streams on the Oswegatchie Conservation Easement

Water Body	Water Quality Classification ¹	Water Quality Standard ¹	Protected ²
Blanchard Creek	D	D	No
Blue Swamp Creek	D	D	No
Browns Creek	C	C(T)	Yes
Burning Creek	D	D	No
Cold Spring Creek	C	C(T)	Yes
Desert Creek	D	D	No
Fish Creek	C	C(T)	Yes
Mink Creek	C	C(T)	Yes
Oswegatchie River (Middle Branch)	C	C(T)	Yes
Palmer Creek	C	C(T)	Yes
Panther Creek	C	C(T)	Yes
Scuttle Hole Creek	C	C(T)	Yes
Shaw Brook	C	C(T)	Yes
Trout Lake Creek	C	C(T)	Yes

1) Classification/Standard under Title 5, Article 15 of the Environmental Conservation Law

2) Protected under 6NYCRR

Wild, Scenic and Recreational Rivers

The Middle Branch of the Oswegatchie is designated as a Scenic River where it runs through the Oswegatchie Conservation Easement, under Article 15, Title 27 of New York’s Environmental Conservation Law. By definition, Scenic Rivers are free of diversions or impoundments except for log jams, with limited road access and with a river area largely primitive and undeveloped, or that is partially or predominantly used for agriculture, forest management and other dispersed human activities that do not substantially interfere with public use and enjoyment of the river and its shore. In the case of the Middle Branch of the Oswegatchie River, forest management occurs on the Oswegatchie Conservation Easement and the river is crossed once on the Property by Mullins Flow Road. The portion of the river designated as Scenic is approximately 14.5 miles in length, 3.5 miles of which are on the Property.

Wetlands

There are numerous wetlands on the Oswegatchie Conservation Easement, identified by several wetland surveys. The Adirondack Park Agency identifies 3,256 acres of wetland on the Property and within the Adirondack Park blue line. An additional four wetlands outside the Adirondack Park are subject to New York's Freshwater Wetlands Act (~432 acres). The National Wetlands Inventory identifies approximately 2,224 acres wetlands located throughout the Property. Of special note, the Natural Heritage Program identifies a spruce-fir swamp located in the vicinity of Blue Swamp Creek as a high quality occurrence of an uncommon community type. Special care will be taken to follow all rules, regulations, and permit procedures when conducting any activities which may affect wetlands on the OCE. In addition to regulation by the Adirondack Park Agency and the Freshwater Wetlands Act, the U.S. Army Corps of Engineers protects wetlands under Section 404 of the Clean Water Act. Wetland locations are generally depicted in Appendix L.

2. Biological Resources

Fish and Wildlife

Fish and wildlife species which inhabit the Oswegatchie Conservation Easement are similar to those commonly found throughout the western Adirondack region. The Division of Fish, Wildlife and Marine Resources manages fish and wildlife by Wildlife Management Unit (WMU); the Oswegatchie Conservation Easement is located within WMU 6J.

Mammals

Mammals likely to be found on the OCE include American marten, beaver, black bear, bobcat, coyote, fisher, gray fox, long-tailed weasel, mink, moose, muskrat, porcupine, raccoon, red fox, river otter, short-tailed weasel, snowshoe hare, striped skunk, and white-tailed deer. Implementation of this RMP is not anticipated to significantly impact the health of mammal populations.

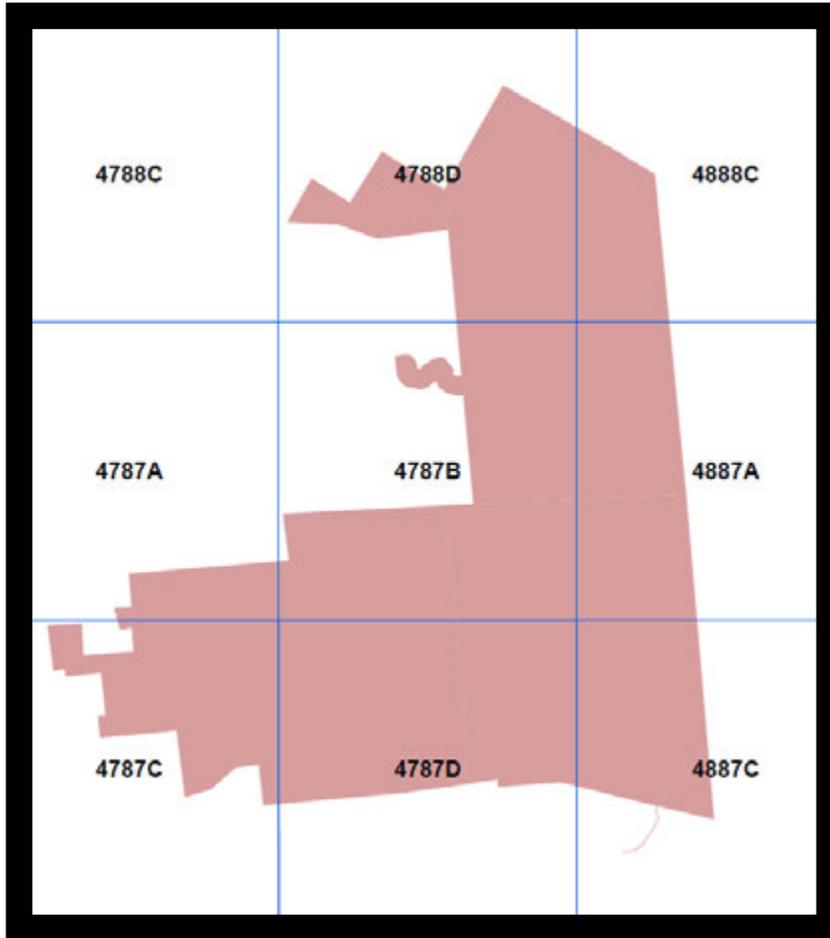
Birds

In general, birds associated with aquatic systems of the region include common loon, great blue herons, and a variety of waterfowl. Birds that frequent beaver meadows and other more open habitat include alder flycatchers, chestnut-sided warblers, common yellowthroats, eastern towhees, field sparrows, indigo buntings, Nashville warblers, and yellow warblers. Birds associated with forest habitat most commonly include black-capped chickadees, black-throated blue warblers, blue jays, brown creepers, downy woodpeckers, pileated woodpeckers, red-eyed vireos, wood thrushes, and yellow-bellied sapsuckers. Black-throated green warblers, golden-crowned kinglets, pine siskens, and purple finches are also commonly found in coniferous forest stands.

The 2nd NYS Breeding Bird Atlas (NYSDEC BBA, 2000-2005) includes eight (8) survey blocks which encompass the OCE (4787A, 4787B, 4787C, 4787D, 4788D, 4887A, 4887C, and 4888C; Map 1). Birds identified in these blocks are shown in Appendix F. Among these, species of Special

Concern include the Cerulean Warbler, Common Loon, and Sharp-shinned Hawk. Implementation of this RMP is not anticipated to negatively impact identified bird species.

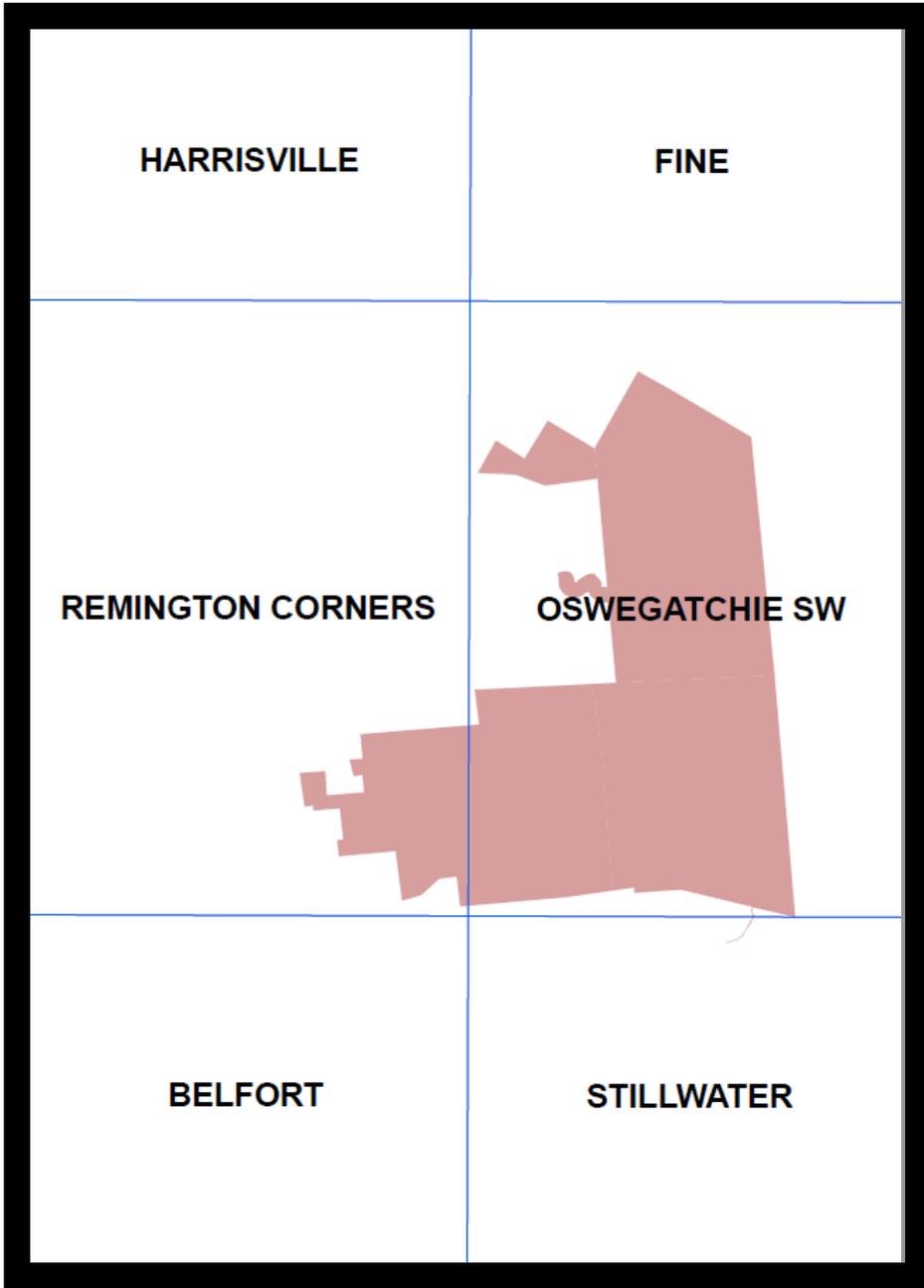
Map 1. Breeding Bird Atlas Survey Blocks Encompassing the OCE



Herpetofauna

According to the NYS Herp Atlas Project (NYSDEC Herp Atlas Project, 1990-1999), reptiles and amphibians found in the area (USGS Quad/Survey Blocks: Remington Corners and Oswegatchie SW; Map 2) include: northern dusky, northern redback, northern spring, northern two-lined, and spotted salamanders; the eastern newt, American toads, bullfrogs, gray treefrogs; green, mink, northern leopard and pickerel frogs, northern spring peepers, snapping turtles, DeKay's brownsnake, eastern garter, northern redbelly, smooth green, and northern ringneck snakes; eastern milksnakes, and northern watersnakes. Smooth green snakes are identified as a Species of Greatest Conservation Need in the New York State Comprehensive Wildlife Conservation Strategy. Implementation of this RMP is not anticipated to negatively impact identified herpetofauna species.

Map 2. Herp Atlas Survey Blocks



Fish

Surveys indicate fish likely to be found in ponds and streams on the Property include brook trout, brown bullhead, creek chub, northern redbelly dace, and white suckers. NYSDEC has surveyed Cold Spring Creek, Deer Pond, Little Silver Dawn Lake, Palmer Creek, and Silver Dawn Lake for fish species. Historic survey data is also available from the Adirondack Lakes Survey Corporation (ALSC, 1987) and includes Little Mouldy Pond, Little Silver Dawn Lake, Mouldy Pond, and Silver Dawn Lake. Table 2 shows species which have been identified in each of these water bodies. NYSDEC also stocks Deer and Silver Dawn Lakes with brook trout.

Table 2. Fish Species Identified on the Oswegatchie Conservation Easement

Water Body	NYSDEC Survey	ALSC
Cold Spring Creek	Brook Trout, Creek Chub, Brown Bullhead	
Deer Pond	Brook Trout, Brown Bullhead, Creek Chub, White Sucker	
Little Mouldy Pond		Brown Bullhead
Little Silver Dawn Lake	Brook Trout	Brook Trout, Northern Redbelly Dace
Mouldy Pond		Brown Bullhead
Palmer Creek	Brook Trout	
Silver Dawn Lake	Brook Trout	Brook Trout

Hunting, Fishing, and Trapping Harvest

Harvest of fish and wildlife has historically and continues to be supported on the Oswegatchie Conservation Easement and in Wildlife Management Unit 6J.

Deer populations in WMU 6J are primarily influenced by winter weather conditions (generally more abundant after successively mild winters and reduced after harsh winters) as they are throughout the Adirondacks. Currently, WMU 6J does not have buck take or population objectives and Deer Management Permits (DMP) are not issued in the unit to regulate antlerless deer take. There is an annual female take from bow and muzzleloader hunting seasons, but harvest is relatively small, and negligible in terms of population effects. Deer Management Assistance Program tags are issued in the unit where localized populations are abundant and impacting landowners. Table 3 shows deer harvest numbers for 2005-2014.

Table 3. Deer Harvests for Wildlife Management Unit 6J

Season	Adult Males (per sq. mi.)	Total Take (per sq. mi.)
2006	1061 (0.7)	1549 (1.0)
2007	1415 (0.9)	1946 (1.2)
2008	1621 (1.0)	2134 (1.4)
2009	898 (0.6)	1268 (0.8)
2010	873 (0.6)	1192 (0.8)
2011	920 (0.6)	1278 (0.8)
2012	1150 (0.7)	1548 (1.0)
2013	1175 (0.7)	1590 (1.0)
2014	861 (0.5)	1,187 (0.8)
2015	727 (0.5)	1030 (0.7)
Average	953 (0.7)	1472 (1.0)

Black bears are found throughout the unit and annual harvests vary depending on weather and the abundance of natural foods like beechnut and cherry. The long term trends in bear harvest for the Adirondacks and WMU 6J are stable. Total black bear take for WMU 6J from 2010-2016 was 89, 48, 78, 70, 81, 88, 77 and respectively

In addition to data presented in this RMP, deer and bear harvest data is available to the public at <http://www.dec.ny.gov/outdoor/42232.html>.

Furbearer populations are generally believed to be healthy and able to support continued harvest, subject to Department regulations. An exception, fisher populations are of slight concern in the Adirondacks, and are managed under the Fisher Management Plan (NYSDEC, 2016). Furbearer harvest data for the Towns of Croghan and Diana is shown in Table 4.

Table 4. Pelt-Sealed Furbearer Harvest for Towns of Croghan and Diana

Season	Beaver	Fisher	Otter	Bobcat	Marten
2006-07	393	82	31	7	0
2007-08	216	65	30	11	0
2008-09	339	33	44	12	0
2009-10	421	22	54	3	0
2010-11	*	37	60	5	1
2011-12	*	36	64	13	0
2012-13	*	34	52	5	0
2013-14	*	22	40	11	0
2014-15	*	10	19	6	0
2015-16	*	9	33	10	0
Average	342	35	43	8	0

**beaver pelt sealing was discontinued after the 2009-10 season*

Avian game species found on the OCE include the American Crow, Common Merganser, Hooded Merganser, Mallard, Ruffed Grouse, Wild Turkey, and Wood Duck. Of these, wild turkey represents the most popular game species. Harvest of wild turkey in Lewis County is shown in Table 5.

Table 5. Estimated Wild Turkey Harvest for Lewis County

Year	Spring Harvest	Fall Harvest
2006	311	47
2007	417	138
2008	311	85
2009	498	145
2010	276	81
2011	279	63
2012	254	70
2013	371	71
2014	363	91
2015	196	20
Average	328	81

Fishing regulations for the OCE are contained in the annual Fishing Regulations Guide. No Special Regulations for fishing water bodies on the OCE were in effect in 2017.

Overall, no conflicts between public recreation proposed in this RMP and fish and wildlife species populations is anticipated. Fish and wildlife management, hunting, fishing, and trapping regulations are the responsibility of the Division of Fish, Wildlife, and Marine Resources. Future management of these species will be guided by Division staff, and specific plans they develop.

Vegetation

The Oswegatchie Conservation Easement lies almost entirely within the Western Adirondack Foothills Ecozone. A small portion of the southwest corner of the Property is also in the Western Adirondack Transition Ecozone. Most of the OCE can be described as Laurentian-Acadian Northern Hardwood Forest with interspersed Laurentian-Acadian Swamp Systems. Small areas of low elevation spruce-fir-hardwood forest, pine-hemlock-hardwood forest, and Central Appalachian pine-oak rocky woodland are also found on the Property. Tree species most commonly associated with the property include American beech, black cherry, black spruce, eastern hemlock, red maple, sugar maple, yellow birch, and white pine. Species like beech, cherry and oak provide important food for wildlife. These species are cyclic in their production of hard and soft mast, and wildlife will feed on them (especially beech nuts) to the exclusion of all others when available. The OCE is managed for the production of forest products, and as such, growth of commercially desirable species is facilitated, representing a major influence of vegetation diversity, composition, and age.

Natural Heritage Program Elements of Occurrence

The Natural Heritage Program represents a partnership between the New York State Department of Environmental Conservation and the State University of New York College of Environmental Science and Forestry, and documents species and communities of special concern. According to Natural Heritage Program, the OCE includes a confined river community, represented by the Middle Branch of the Oswegatchie River. The river is described as alternating sections of runs, riffles, and pools with a narrow bed and steep banks, and as a community with excellent estimated viability. Threats are described as localized disturbances.

The Natural Heritage Program also identifies a 330-acre spruce-fir swamp community in the southwestern portion of the OCE. The community is described as mostly swamp with embedded wetter communities of black spruce-tamarack bog, shrub swamp and shallow emergent marsh. Disturbances include two small logging roads, and threats are identified as potential alteration of hydrology or intensive logging in upland areas. The community has excellent estimated viability.

Endangered, Threatened and Species of Special Concern

According to the Natural Heritage Program, no species identified by New York or the United States Federal Government as Endangered, Threatened, or a Species of Special Concern have been found on the Property, though common loons (NYS Species of Special Concern) have been identified in Aldrich Pond Wild Forest and Watson's East Triangle Wild Forest, east of the Property. Common loons are unlikely to be found on the OCE since they require large, flat waters to take off, not found on the Property. As previously mentioned, the NYS Breeding Bird Atlas identifies the Cerulean Warbler, Common Loon, and Sharp-shinned Hawk as species of Special Concern and the NYS Herp Atlas identifies smooth green snakes as Species of Greatest Conservation Need in survey blocks containing the Property. The New York State Comprehensive Wildlife Conservation Strategy Plan guides management and protection of these species (NYSDEC CWCS, 2005).

Invasive Species

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

The Adirondack Park Invasive Plant Program (APIPP) is a partnership program between the New York State Department of Environmental Conservation, Department of Transportation, Adirondack Park Agency, Adirondack Chapter of the Nature Conservancy, and more than 30 other cooperating organizations. The most recent data from APIPP on aquatic invasive species did not include a survey of any water bodies on the OCE, and no invasive species were found in

nearby Clear Pond, French Pond, Long Pond, Mud Pond, Rock Pond, or Trout Lake directly south of the property. Likewise, no terrestrial invasive species have been identified by APIPP on the Property. It should be noted that APIPP surveys are primarily conducted along major travel corridors in the Adirondack Park, and areas like the OCE are lower on the priority list for survey. The portion of the Property outside of the Adirondack Park is located in the St. Lawrence Eastern Lake Ontario Partnership for Regional Invasive Species Management (SLELO PRISM). SLELO has not identified any invasive species on the OCE.

Despite the lack of documented invasive species on the OCE, many invasive species present a threat to the area and have been documented nearby. APIPP lists aquatic invasive species including brittle naiad, curly-leaf pondweed, Eurasian watermilfoil, European frog-bit, fanwort, variable-leaf watermilfoil, water chestnut, and yellow floating heart as having been observed in the Adirondack region. Terrestrial invasive species in the region include common reed grass, garlic mustard, giant hogweed, Japanese knotweed, oriental bittersweet, purple loosestrife, swallow-worts, wild parsnip, and yellow iris. Invertebrates, the balsam woolly adelgid, Eurasian boar, and the sirex woodwasp have also been identified in the Adirondack Park. Several invasive species that have not yet been identified in the Adirondack Park but of concern include hydrilla, kudzu, Asian longhorn beetle, emerald ash borer, and hemlock woolly adelgid.

Invasive species represent a likely ecological issue on the OCE moving forward. Implications of proposed recreation management relating to the spread of invasive species has been considered while drafting this plan.

B. Manmade and Cultural Resources

1. Property Infrastructure

Roads

Appendix I describes all roads on the OCE, and they are depicted on the map included in Appendix M. Due to the fact that most roads on the Property have been constructed during forest management operations, roads range from skid trails to hardened and improved roads able to accommodate logging trucks and passenger vehicles. Some roads have been long abandoned and may be difficult to identify on the ground, while others are wide, well maintained, and able to accommodate motor vehicles.

To date NYSDEC, in agreement with the Landowner, has opened approximately 11.9 miles of road for public motor vehicle use, including Bald Mountain Road, Bear Pond Road, Bryant Bridge Road, Microburst Boulevard, Mullins Flow Road, Silver Dawn Road, and Tunnel Road. These roads are generally in very good condition and may be driven with a two-wheel drive, low clearance vehicle. The Bryant Bridge right-of-way, which may only be used by car-top boat recreationists, is in slightly rougher condition, and at times may require four-wheel drive and/or high clearance. Appendix J lists NYSDEC designated public motor vehicle roads on the Property.

Bridges and Culverts

Currently, five (5) bridges are located on the Property, and one is located on the Bald Mountain Road Right-of-Way. Appendix J lists bridge conditions and public recreational use. Culverts are located on many currently used roads as well as old abandoned forest management roads. Culverts on designated public motor vehicle roads are maintained and replaced as needed, in coordination with the Landowner.

Gates

Currently, nine (9) gates are utilized by NYSDEC to manage public recreation on the Easement. Several privately owned properties are adjacent to the Property and connect to the road system on the OCE. Some of these connecting roads have important gates for controlling public access, however these gates are not administered by NYSDEC. An inventory of NYSDEC gates pertinent to public recreation management is included in Appendix J.

Structures and Lease Camps

NYSDEC maintains an inventory of forestry structures and lease camps located on the Property. Currently, there are twelve (12) lease camps and associated outbuildings on the OCE. Up to seventeen (17) structures/lease camps may be located on the Property if the Landowner chooses to rebuild those structures present at the time the conservation easement was granted.

Gravel Pits

Numerous gravel pits exist and are permitted on the Property under the conservation easement. Gravel pits must be maintained to minimize adverse effects and operated in accordance with applicable laws and regulations. NYSDEC may coordinate with the landowner to utilize gravel pits located on the Property to construct public recreation facilities and/or maintain shared roads and facilities.

2. Cultural Resources

In 1903 and 1908 fires burned out of control in many forested areas of New York State. These conditions arose from factors including drought, high winds, heavy fuel loads from forest management operations, and locomotive sparks. New York State responded by setting up fire districts, naming fire wardens, passing new legislation, and constructing fire towers for detection. Among the 124 towers standing during peak years (57 within the Adirondack Park), one fire tower was located on Bald Mountain, on what is now the Oswegatchie Conservation Easement. In recent years, some fire towers have been removed, while others remain. Currently, 34 fire towers remain in the Adirondack Park (NYSDEC, 2010). In 2009, NYSDEC purchased and removed the remains of the tower that had been located on the summit of Bald Mountain on the OCE. Water bars were then installed on the access route from the Bald Mountain Road to the west. The foundation of this fire tower can still be observed on site.

III. PUBLIC USE ADMINISTRATION AND MANAGEMENT

A. Administration

NYSDEC has responsibility for managing public access and recreation in a manner consistent with the terms and provisions of the conservation easement. NYSDEC will retain this underlying authority and responsibility even in situations in which it may approve another organization to serve as a partner in recreation management. Successful implementation of this RMP will require frequent communication among all parties involved in the management of public recreation and access to the Property, including NYSDEC, the Landowner, and partners.

The Oswegatchie Conservation Easement is subject to Article 49, Title 3 of the New York State Environmental Conservation Law, which legally defines conservation easements in New York State. The conservation easement is a permanent encumbrance on the Property and can be modified or extinguished only as provided for in § 49-0307. As such, public recreation NYSDEC is able to permit on the property is limited to the potential activities and opportunities listed in Section I(F) of this RMP.

1) Management Staff and Responsibility

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

The Land Manager will be responsible for:

- 1) Overseeing the coordination and preparation of this RMP, as well as periodic updates, revisions, or amendments.
- 2) Coordinating the implementation of this and subsequent RMPs.
- 3) Overseeing the budget outlined in the RMP.

- 4) Assuring that management activities of all NYSDEC Divisions, as they relate to this RMP, comply with applicable laws, regulations, policies, and easement terms.
- 5) Monitoring resource conditions and public use; addressing conflicts; and assessing the effectiveness of the RMP in addressing resource protection and public needs.
- 6) Fostering communication about management activities within NYSDEC, between NYSDEC and the Landowner, and between NYSDEC and the public. The Land Manager will be the primary liaison with the Landowner regarding public access and use issues.

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

2) Laws, Regulations, Memoranda, Policies, and Plans

This RMP has been developed within the constraints and guidelines set forth by Article 9 of the Environmental Conservation Law; Parts 190 -199 of Title 6 NYCRR of the State of New York; established NYSDEC policy; and the terms and conditions of the conservation easement that encumbers the Property.

a) State Land Use Controls

Adirondack Park Agency (APA)

NYSDEC must consult with the Adirondack Park Agency (APA) where recreation management actions on the Property and within the Adirondack Park involves activities such as: improvements or actions within or adjacent to freshwater wetlands, Wild, Scenic, or Recreational Rivers, or other waterbodies. This RMP and subsequent amendments must also be submitted to APA for review and comment consistent with the procedures outlined in the DEC/APA MOU Concerning State-Owned Conservation Easements on Private Land within the Adirondack Park.

The *2010 Memorandum of Understanding between the Adirondack Park Agency and Department of Environmental Conservation: Concerning State-Owned Conservation Easements on Private Land within the Adirondack Park*, pertains to the portion of the Property within the Adirondack Park Blue Line. The MOU guides coordination and communication between the APA and NYSDEC, RMP development, and lists activities requiring Agency consultation, notice and/or review or no Agency review. The APA's role relating to the Freshwater Wetlands Act, and administration of the Wild, Scenic and Recreational Rivers System Act on conservation easements is also outlined. All management of public recreation on the OCE by NYSDEC is subject to this MOU.

Freshwater Wetlands Act

All activities pursuant to this RMP and future amendments must adhere to permit requirements of the Freshwater Wetlands Act. The Act regulates activities within 100 feet of freshwater wetlands in New York State. The APA administers the Freshwater Wetlands Act inside the Adirondack Park and NYSDEC administers the Act outside the Park.

State Environmental Quality Review Act (SEQRA)

In New York State, most projects or activities proposed by a state agency or unit of local government, and all discretionary approvals (permits) from a NYS agency or unit of local government, require an environmental impact assessment as prescribed by 6NYCRR Part 617 State Environmental Quality Review. SEQRA requires the sponsoring or approving governmental body to identify and mitigate the significant environmental impacts of the activity it is proposing or permitting. NYSDEC's preparation of this RMP, as well as any future amendments require compliance with SEQRA.

Wild, Scenic, and Recreational Rivers Act

All activities pursuant to this RMP and future amendments must adhere to the Wild, Scenic, and Recreational Rivers Act. The Middle Branch of the Oswegatchie River is classified as Scenic where it passes through the OCE. APA administers the Wild, Scenic, and Recreational Rivers Act for private lands within the Adirondack Park, and NYSDEC administers the Act for private lands outside the Park. As such, River Projects are regulated by APA Rules and Regulations within ¼ mile of each bank within the Park, and by NYSDEC within ½ mile of the bank outside the Park

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Sections 190.0, 190.1, 190.12, 190.3, 190.4, and 190.8 apply to the OCE. A list of prohibitions for "Lassiter Properties" is listed in 190.12(f)

b) Federal Land Use Controls

Americans with Disabilities Act (ADA)

The Americans with Disabilities Act (ADA), along with the Architectural Barriers Act of 1968 (ABA) and the Rehabilitation Act of 1973; Title V, Section 504, have had a profound effect on the manner by which people with disabilities are afforded equality in their recreational pursuits. The ADA is a comprehensive law prohibiting discrimination against people with disabilities in employment practices, use of public transportation, use of telecommunication facilities and use of public accommodations. Title II of the ADA requires, in part, that reasonable modifications must be made to the services and programs of public entities, so that when those services and programs are viewed in their entirety, they are readily accessible to and usable by people with disabilities. This must be done unless such modification would result in a fundamental alteration in the nature of the service, program or activity or an undue financial or administrative burden.

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

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

Any new facilities, assets and accessibility improvements to existing facilities or assets proposed in this RMP are identified in section IV of this plan.

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

For copies of any of the above mentioned laws or guidelines relating to accessibility, contact the DEC Universal Access Program Coordinator at:
UniversalAccessProgram@dec.ny.gov

Section 404 of the Clean Water Act

The Army Corps of Engineers (ACOE) protects wetlands, irrespective of size, under Section 404 of the Clean Water Act. All activities pursuant to this RMP or future amendments must adhere to permit requirements of the ACOE.

c. NYSDEC Policies

Commissioner's Policy 3 (CP-3)

The Motorized Access Program for People with Disabilities (MAPPWD) outlined in Commissioner's Policy #3 (CP-3) was adopted in 1997 and guides management of lands under the jurisdiction of the Department of Environmental Conservation. This policy establishes guidelines for issuing temporary revocable permits (TRPs) allowing qualified people with disabilities to use motor vehicles to gain access to designated routes on certain state lands. NYSDEC is not required to make each and every of its existing facilities and assets universally accessible. The facilities or assets proposed to be universally accessible in this RMP are identified in section IV of this plan.

Boundary Line Maintenance

Standards and procedures for boundary line maintenance are outlined in NR-95-1.

Volunteer Stewardship Agreements (VSAs)

Commissioner's Policy #58 outlines Volunteer Stewardship Agreements (VSAs), previously administered under the Adopt-A-Natural Resource Stewardship Program (ONR-1). VSAs permit individuals or groups to volunteer on NYSDEC administered lands, working on activities outlined in the Agreement. VSAs provide volunteers with liability and workers compensation protection and are terminable at any time by the Department. On the OCE, the Long Pond Snowmobile Club currently has a VSA with the Department to maintain specified snowmobile trails on the Property. Other VSAs may be agreed upon as determined appropriate for the Property. Generally, VSAs are issued to long-term volunteer partners.

Temporary Revocable Permits (TRPs)

Temporary Revocable Permits (TRPs; ONR-3) may be issued by the Department for the use of the Oswegatchie Conservation Easement beyond the scope under which public access and recreation are generally permitted. This policy outlines activities which may be conducted under a TRP, those that are prohibited, and the procedure for application and approval of TRPs. Generally, TRPs are issued for short-term activities.

d. Plans

Aldrich Pond Wild Forest Unit Management Plan

The Aldrich Pond Wild Forest Unit Management Plan, completed in 1995 and amended in 2004, addresses public recreation on adjacent forest preserve lands east of the Property, and included management actions for the portion of the OCE north of the Middle Branch of the Oswegatchie River. This RMP now serves as the current management plan for the OCE and management actions included in the Aldrich Pond Wild Forest UMP which relate to the OCE no longer apply. Management of Forest Preserve lands addressed in the Aldrich Pond Wild Forest UMP remains subject to the Aldrich Pond Wild Forest UMP.

Watson's East Triangle Wild Forest Unit Management Plan

The Watson's East Triangle Wild Forest Unit Management Plan addresses public recreation on adjacent forest preserve lands east and south of the Property.

Westward Waters Unit Management Plan

The Westward Water Unit Management Plan addresses public recreation west of the OCE, including the Frank E. Jadwin Memorial State Forest which abuts the Property.

NYS Comprehensive Wildlife Conservation Strategy (CWCS)

The Comprehensive Wildlife Conservation Strategy serves as the state's guiding document for managing wildlife Species of Greatest Conservation Need and actions needed to conserve them in the future. New York's CWCS was approved by the U.S. Fish

and Wildlife Service State Wildlife Grant Programs to secure federal funding support for the species and habitat restoration actions outlined in the plan.

NYS Snowmobile Trail Plan

The Statewide Snowmobile Plan was completed by the NYS Office of Parks, Recreation and Historic Preservation (OPRHP) in 1989. The New York State Snowmobile Plan for the Adirondack Park was released jointly by NYSDEC and OPRHP in 2006 and supplements the New York State Snowmobile Plan, providing a conceptual plan for snowmobile trails inside the Adirondack Park.

NYS Open Space Plan

The 2014 NYS Open Space Plan updates the 2009 Open Space Plan. The plan provides guidance for protection of New York's significant natural, scenic, recreational, historic and cultural resources.

B. Principals, Goals and Objectives

1. Management Principles

The following principles, consistent with the public recreation rights acquired under the conservation easement, will be used to manage public recreation on the Property.

- A) Manage the Oswegatchie Conservation Easement as a composite resource.
- B) Manage public recreation with consideration for the Property's capacity to withstand use, and with primary consideration for impacts on natural resources on the Property.
- C) Provide for motorized and non-motorized recreation opportunities, except where the potential for natural resource impacts, risk to public safety, conflicts with Landowner Reserved Rights, or other conditions make such uses incompatible.
- D) Maintain the quality of the public's recreational experience by separating or minimizing conflicting uses where possible.

2. Management Goals and Objectives

The goals and objectives for managing public recreational use of the Easement Property must consider a variety of stakeholder interests, public expectations, and the use and ownership of the Property by the Landowner. The goals presented below are general statements about desired outcomes, while the objectives are more specific and are intended to guide management actions.

Goal 1: Avoid or minimize any negative impacts of public recreation on the natural resources and environmental benefits of the Property.

Objectives

- A) Avoid constructing new facilities or infrastructure in rare, unique, or vulnerable habitats and communities identified on the Property.

- B) Protect rare, unique, or vulnerable fish and wildlife. Consult Division of Fish, Wildlife and Marine Resource (FWMR) staff in preparation of this RMP and in preparation for any amendments in the future. Should concerns regarding fish or wildlife arise, consult the FWMR as needed. Where any legitimate negative impacts on Endangered, Threatened, Species of Special Concern or Species of Greatest Conservation Need are possible, close or move facilities in consultation with the Division of FWMR.
- C) Implement public recreation within the boundary of the Middle Branch of the Oswegatchie River Area consistent with the Wild, Scenic and Recreational Rivers Act.
- D) Follow Best Management Practices (BMPs) in constructing, maintaining, and managing all public recreation and facilities.
- E) Maintain gates and appropriate signage to restrict motorized recreational activities in prohibited areas.
- F) Post signage addressing invasive species where appropriate.

Goal 2: Construct, maintain, and manage facilities/infrastructure to facilitate a variety of outdoor recreational opportunities on the Property, consistent with Department policies.

Objectives

- A) Provide public recreation signage and make information available to the public about accessing and recreating on the Property.
- B) Maintain or construct roads for public motor vehicle access throughout the Property.
- C) Maintain or construct snowmobile trails on the Property to provide connections between the snowmobile trail system surrounding the Property, and to be used as detours around Landowner forest management activities.
- D) Where feasible, designate non-motorized trails to destinations on the Property where no motor vehicle roads exist.
- E) Construct accessible facilities to facilitate recreation opportunities for individuals with disabilities, comparable with opportunities provided to the public throughout the Property.
- F) Designate CP₃ route(s) where appropriate, to provide access to accessible facilities.
- G) Construct/designate parking areas to serve as access points for the numerous outdoor recreation activities permitted on the Property.
- H) Designate primitive campsites throughout the Property.
- I) Where practical, provide opportunities for car-top boating.

Goal 3: Avoid or minimize conflicts between public recreational use and Landowner forest management activities, permitted structures, lessees, and other Reserved Rights.

Objectives

- A) Plan management of all public recreation on the Property in this RMP or future amendments.
- B) Coordinate siting of all public recreation facilities with Landowner.
- C) Where possible, route all public recreation corridors and site facilities away from lease camps on the Property.
- D) Construct gates or place signage where needed to keep public motor vehicles, snowmobiles, and other motorized means of transportation on designated routes.
- E) Designate parking areas and post signage to prevent members of the public from parking in front of gates.
- F) Maintain an open dialogue with the Landowner and Landowner representatives.

Goal 4: Enforce laws and regulations on the Property.

Objective

- A) Provide management guidance to NYS Forest Rangers and Environmental Conservation Officers who will enforce laws and regulations on the Property.

Goal 5: Periodically assess the impacts of recreational uses on other recreational uses, forest management activities, leases, and natural resources.

Objectives

- A) Monitor conditions using Guidelines and Standards outlined in this RMP.
- B) Maintain an open dialogue with the Landowner or Landowner designated Land Manager.

Goal 6: Use the Oswegatchie Conservation Easement as a conservation education resource.

Objective

- A) Place environmental and forest management interpretation signage where appropriate.

C. Best Management Practices

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

- Locate structures and facilities on flat, stable, well-drained sites.
- Locate improvements to minimize necessary cut and fill.
- Locate improvements away from streams, wetlands, and unstable slopes.
- Avoid channeling public recreation to areas where threatened and endangered species are known to exist.
- Limit the size of parking lots and other improvements to the minimum necessary to meet the intended use, or to indirectly control amount of use.
- Minimize tree cutting.
- Construct roads, trails, bridges and other stream crossings at right angles to stream crossings.
- Use stream crossings with low, stable banks, firm stream bottom, and gentle approach slopes.
- Using stream bank stabilizing structures.
- Limit stream crossings and construction on or near streams to periods of low flow.
- Minimize the use of equipment in streams.
- Design, construct, and maintain bridges and other improvements on or near streams to avoid disrupting or preventing movement of fish and other aquatic species.
- Use proper drainage devices, such as water bars and broad-based dips, to prevent erosion and damage to improvements.
- Use soil stabilization practices on exposed soil around construction areas, especially bridges, immediately after construction.
- Using natural materials to blend structures into the natural surroundings.

D. Guidelines

Guidelines

Development of this Recreation Management Plan and implementation of public recreation on the Protected Property will be consistent with the guidelines outlined below.

Americans with Disabilities Act (ADA)

The Americans with Disabilities Act requires in part, that reasonable modifications must be made to the services and programs of public entities, so that when those services and programs are viewed in their entirety, they are readily accessible to and usable by people with disabilities. All facilities are not required to be accessible under ADA, as long as programs taken as a whole provide accessible opportunities. All accessible campsites proposed in this RMP will be constructed in accordance with and under guidance of the Americans with Disabilities Act. Accessible parking spaces will also be provided in compliance with the ADA.

All-Terrain Vehicles

ATVs will be restricted to roads capable of supporting their use while minimizing impacts on the natural resources of the Property. ATV use is not a Department program, but is an allowable means of accessing other Department programs or connecting non-Department trails, limited to roads under the encumbering conservation easement. Whether designating ATV access routes

provides access beyond that provided by passenger vehicles should be considered. Management challenges unique to the administration of ATV routes such as illegal off-road use should also be considered.

Bicycle Routes

Bicycle routes will be restricted to roads capable of supporting their use and non-motorized trails proposed in this RMP. Designated bicycle routes will minimize impacts on the natural resources of the Property. Routes opened for public bicycle use should be connected to bicycle trails on forest preserve lands and town roads whenever possible.

Foot Trails

Foot trails will be routed on existing forest management roads and trails wherever possible. Construction and maintenance of foot trails will be in accordance with BMPs and foot trail standards listed in this RMP. In addition to foot traffic, foot trails may support snowshoeing, cross-country skiing, and/or horseback riding.

Equestrian Recreation

Minimal use of the Property by equestrian recreationists is anticipated. Should issues related to equestrian recreation become an issue on the Property, NYSDEC will promptly evaluate the situation and implement appropriate management actions.

Gravel

Use of gravel pits on the Property for construction and maintenance of facilities and infrastructure will be coordinated with the Landowner. All applicable laws and regulations will be followed.

Lease Camp Structures

The Department will work to minimize impacts of public recreation on Landowner lessees wherever possible. Lessees may recreate on the OCE subject to the same rules as the public, except that additionally they have exclusive access to their camps, and through 2019, exclusive hunting rights from September 1st through December 31st. Lessees may also access their camps using motorized vehicles on roads not open to the public. The Department will make every effort to minimize conflicts by posting rules on the NYSDEC website, boundary and roadside signage, kiosks and other information outlets. NYSDEC meets annually and communicates regularly with the Landowner and will address any specific issues as needed.

Parking

Parking areas will be constructed in locations outlined in this RMP. Surfaces of all parking areas will be hardened and level and meet ADA standards. Two-car parking areas where space for construction is limited may not meet ADA standards. Roadside parking may be permitted throughout the Property, except in front of gates or where otherwise posted.

Passenger Vehicles

Passenger vehicles will be restricted to roads capable of supporting their use while minimizing impacts on the natural resources of the Property. These roads will be signed "Truck and

Automobile Routes” as described in the Conservation Easement Public Recreation Road and Trail Sign Guidance Manual and maintained in accordance with the Oswegatchie Conservation Easement Road and Snowmobile Trail Standards (Appendix E).

Primitive Campsites

All campsites will be managed consistent with the following desired conditions.

Oswegatchie Conservation Easement - Campsite Guidelines

Desired Conditions	Non-Roadside Sites	Roadside Sites	Accessible Sites
General Description	Slight to moderately altered condition	Slight to moderately altered condition	Moderate to highly altered condition
Ecological Conditions	Some areas may be moderately affected by visitor use	Some areas may be moderately affected by visitor use	Some areas may be moderately affected by visitor use
Frequency and Duration of Impacts	Moderate, impacts to some areas persist year to year	Moderate, impacts to some areas persist year to year	Moderate, impacts to some areas persist year to year
Visual Impacts	Moderate, but some may be apparent to most visitors	Moderate, but some may be apparent to most visitors	Moderate, but accessible features will be apparent to all visitors
Social Impacts	High opportunity for solitude	Moderate opportunity for solitude	High opportunity for solitude
	Moderate degree of challenge to access	Relatively low degree of challenge to access	Relatively low degree of challenge to access

Recreation Signage

All public recreation signage will be designed, posted, and/or constructed under the guidance of the CE Public Recreation Road and Trail Sign Guidance Manual (http://www.dec.ny.gov/docs/lands_forests_pdf/cesigntrailguidance.pdf). Boundary signage will be posted as described in NR-95-1, Standards and Procedures for Boundary Line Maintenance. The landowner is responsible for signing restricted and limited public access areas subject to the landowner's Reserved Rights.

Snowmobiles

Snowmobiles will be restricted to roads capable of supporting their use and trails constructed subject to this RMP. Public snowmobile use of the Property will focus on connection to a larger public snowmobile trail network. Trail design and maintenance standards shall conform to such manuals and guidelines produced by the New York State Office of Parks, Recreation, and Historic Preservation, or an equivalent State agency, as well as the Oswegatchie Conservation Easement Road and Snowmobile Trail Standards (Appendix E).

E. Standards

The Oswegatchie Conservation Easement is actively managed for timber resources, a Reserved Right of the Landowner and anticipated use of the Property for the foreseeable future. The Landowner also retains limited mineral rights and exclusive use of permitted structures on the Property. Gravel pits, forest management trails, roads, log landings and lease camp structures are located throughout the Property. In contrast to Forest Preserve lands managed by NYSDEC, signs of human management of the Property is evident across much of the landscape. Conservation easements represent a more developed forest setting on the Recreation Opportunity Spectrum than forest preserve lands and represent a different recreation experience.

Since public recreational facilities like campsites, parking lots, snowmobile trails, and foot trails will generally be sited to utilize old gravel pits, landings and forest management trails, some unique recreation facility standards were developed for this Property. Standards represent the minimum standards infrastructure and facilities should be maintained at. Recreation facility standards do not address or attempt to control quality of infrastructure solely used by the Landowner, including roads to camps, forest management trails, and old landings not designated as public facilities in this RMP. The Department will continue to monitor terms of the conservation easement separate from public recreation under its Conservation Easement Monitoring Program.

Campsites

Campsites will be managed in pursuit of the standards listed on the next page. Where standards are not equivalent to campsite conditions, rehabilitation, moving or closing of the site should be considered. Initial campsite standards will be documented as the sites are designated.

Oswegatchie Conservation Easement - Campsite Standards

	Indicator	Standards		
		Non-Roadside Sites	Roadside Sites	Accessible Site
Resource Standards	Size of Campsite (sq. ft.)	1200	1200	1200
	¹ Mineral Soil Exposure (sq. ft.)	0-50%	0-50%	N/A site hardened
	² Vegetative ground cover (onsite)	25%-75%	25-50%	N/A site hardened
	³ Condition Class	3 or <	4 or <	N/A site hardened
Social Standards	Frequency of contact with other parties while at camp site	Low (1-2/day)	Moderate (2-3/day)	Rare (0-1/day)
	Degree of challenge to access	>1/4 mile from motorized access	<1/4 mile from motorized access	Motorized access

(1) *Exposed Soil (On-site): Estimate the percentage of exposed soil defined as soil with very little or no organic litter (partially decomposed leaf, needle, or twig litter) or vegetation cover within the campsite boundary. Dark organic soil (the decomposed product of organic litter) should be assessed as bare soil when its consistency resembles that of peat moss. If there are few thin patches of organic litter, assess the entire area as bare soil.*

(2) *Estimate the percentage of live non-woody vegetative ground cover within the campsite boundaries (e.g., herbs, grasses, and mosses but not saplings or tree seedlings).*

(3) *Condition Class Definitions*

Class 1: Recreation site barely distinguishable; slight loss of vegetation cover and/or minimal disturbance of organic litter.

Class 2: Recreation site obvious; vegetation cover lost and/or organic litter pulverized in primary use area.

Class 3: Vegetation cover lost and/or organic litter pulverized on much of the site, some bare soil exposed in primary use areas.

Class 4: Nearly complete or total loss of vegetation cover and organic litter, bare soil widespread.

Class 5: Soil erosion obvious, as indicated by exposed tree roots and rocks and/or gullyng.

Roads and Snowmobile Trails

The Oswegatchie Conservation Easement Road & Snowmobile Trail Standards are included in Appendix E. Motorized routes will be signed as being open to only certain types of motor vehicles, such as passenger vehicles, snowmobiles, or all-terrain vehicles (ATVs), consistent with the CE Public Recreation Road & Trail Sign Guidance Manual (http://www.dec.ny.gov/docs/lands_forests_pdf/cesigntrailguidance.pdf).

Foot Trails

A Trails: All trails used solely for non-motorized recreation on the Oswegatchie Conservation Easement will be managed consistent with Forest Preserve Class IV Trail Standards. Where these trails use old forest management roads, they may be wider or more substantial than specified standards but will only be maintained to specified levels.

Class IV Forest Preserve trails are described as follows: Tread is likely worn and possibly quite eroded, rocks may be exposed and little or no duff remains. Up to one year's accumulated blowdown may be present and small stream crossings may exist. Acceptable maintenance of Class IV trails is described as "Drainage where needed to halt erosion and limit potential erosion, tread hardening where drainage proves to be insufficient to control erosion. Remove blowdown annually. Brush to maintain trail corridor. Tread 18"-24", Clear 4' wide, 8' High.

B Trails: Foot trails shared with Landowner roads, camp access trails, or snowmobile trails will be managed under the discretion of the NYSDEC Land Manager. These trails will be wider than typical foot trails, as they are also used for other purposes.

Oswegatchie Conservation Easement – Foot Trail Standards

	Indicator	Standards	
		A Trails	B Trails
Resource Standards	Maintained Tread Width	18-24"	Land Manager discretion in consideration of other uses
	Length of Water/Mud Occurrences	< 50 feet per occurrence	Land Manager Discretion
Social Standards	Frequency of contact with other parties while on trail	2-3/day	2-3/day

Unconfined Recreation

In addition to designated public recreation facilities on the Property, this RMP seeks to facilitate a quality experience for unconfined outdoor recreationists. Unconfined recreation includes those activities which do not rely on facilities such as designated campsites or foot trails. Examples

include hunting, fishing, trapping, orienteering, wildlife observation, and countless other outdoor pursuits. While unconfined recreationists may use roads, parking areas, and trails for access, their primary recreational activity will occur away from this infrastructure. Unconfined recreation activities will generally be dispersed enough to minimize resource impacts. Therefore, no specific standards are outlined in this RMP. The Land Manager will however, be cognizant and responsive to resource impacts from this type of recreation. Social standards are significant contributors to the quality of unconfined recreation and are outlined on the next page.

Oswegatchie Conservation Easement – Unconfined Recreation Standards

Social Standards	
Indicator	Standard
Frequency of contact with other parties while >150 feet from road, trail, campsite, or other facility	<1/day

F. Public Input

In developing proposals for recreation facilities on the Property, demand for recreation on the OCE and the surrounding region, as well as public sentiment regarding related issues was collected. The public offered opinions, suggestions, and information regarding issues of concern during a public meeting held on May 24, 2001 at Beaver River Central School, as well as by mail and e-mail. The 2001 public meeting was meant to solicit comments regarding the draft Unit Management Plan for Watson’s East Triangle Wild Forest, which at the time of the meeting, included the RMP for the Oswegatchie Conservation Easement. The Department subsequently decided to draft a stand-alone RMP for easement lands. The May 24, 2001 meeting was attended by 60 individuals, with 18 making public comments. The list below summarizes the received comments.

General

- Management of the Property should consider landscape level relationships with adjacent lands
- There is a lack of access to the portion of the unit north of Mud Pond and west of Bald Mountain Road
- No changes in uses or facilities should be made
- Increase all recreational opportunities on the Property

Non-Motorized Recreation

- Provide more opportunities for non-motorized outdoor recreation activities

Motorized Access and Recreation

- Allow roadside parking in addition to designated parking areas
- Don't provide too much motorized access; particularly where it may lead to illegal motorized use of adjacent forest preserve lands
- Existing illegal motor vehicle and ATV use necessitates more law enforcement on the Property
- General support for ATV use on easement lands
- Include recreation opportunities for ATV and other 4-wheel drive vehicles on the Property
- Address/clarify NYSDEC policies regarding ATVs

Water Based Recreation

- There should be a parking area and canoe access to the Middle Branch of the Oswegatchie River
- Consider restricting motor boats to either low horsepower or electric motors but not banning them completely

Environment & Ecology

- Environmental impacts of snowmobiling including emissions and impacts on the natural soundscape should be evaluated before expanding the snowmobile trail system
- Environmental impacts of snowmobiling on wildlife should be considered
- Address reintroduction of extirpated species
- Expand ecological inventories used during planning process including mapping natural communities, botanical and entomological inventories, and monitoring for invasive species

Other

- Provide information on the economic value of conservation easements including harvest information, estimated stumpage value, basal area at the time of purchase and time plans are released and age-class diversification
- Provide tax information for the Property

A public comment period following the release of the draft RMP was held from November 30, 2016 to February 1, 2017 and a public meeting was held on December 13, 2016 at the Lowville DEC Office. Following the revision of this public draft, another public comment period was held from November 21st to December 21st, 2018. A summary of public comments and Department responses is located in Appendix G.

G. Recreation Use Constraints

In addition to limited, specific public recreation rights acquired through the Conservation Easement on the Property, consideration of management and natural resource constraints guide the proposals of this RMP. The following were considered during the drafting of this RMP.

ATV & OHV Management

In recent years, Off-Highway Vehicles (OHVs) or “side-by-sides” over 70 inches wide and 1,000 pounds have grown in popularity and are considered by many to be one and the same as All-Terrain Vehicles (ATVs). All ATVs/OHVs exercising NYSDEC’s Affirmative Rights under the conservation easement would need to be registered and insured. Currently in New York State, only ATVs less than 70 inches wide and less than 1,000 pounds can be registered. NYSDEC’s right to manage public motorized recreation also includes similar vehicles, such as motorcycles.

Department Resources

NYSDEC has a limited amount of financial and staff resources to manage recreation on the OCE. All public recreation activities and facilities proposed in this RMP have been evaluated for the benefits they provide in terms of recreational opportunities versus the amount of finite financial and staff resources they will require for construction, maintenance, management, and enforcement. In some cases, volunteer labor through the Department’s Volunteer Stewardship Agreement program may supplement staff time. Additional factors for consideration relating to the use of Department resources include public demand for specific recreation opportunities and uniqueness of recreation opportunities/facilities.

Guidance, Policies, Plans, Laws and Regulations

Several department guidance documents and policies direct management of conservation easements by NYSDEC. Likewise, pertinent laws and regulations have numerous requirements that must be followed in developing and implementing this RMP. Most documents pertinent to the management of public recreation on the OCE are listed and described in Section III(A).

Natural Resource Constraints

The Conservation Easement which encumbers the OCE limits further development of the Property, while permitting compatible uses. In consideration of the spirit of the Conservation Easement, which references significant natural resource value which has not been subject to extensive development or exploitation, compatibility of proposed public recreation is evaluated through the lens of impact on natural resources of the Property. No public recreation activity or support facility is proposed in this RMP that is believed to substantially impact the natural resources of the Property in a negative manner.

IV. PROPOSED RECREATION MANAGEMENT ACTIONS

A. General Management Actions

1. Boundary Identification

Conservation Easement language permits the Landowner and/or NYSDEC to mark boundaries of the Protected Property, though neither is required to. NYSDEC will work in cooperation with the landowner to maintain all painted boundaries of the Property and commits to signing exterior property boundaries and roads open to public motor vehicles with boundary signage. A survey

is required and has been requested by the Land Manager for a portion of the boundary outside the Adirondack Park. All boundaries and public motor vehicle roads will be maintained, painted and signed according to NR-95-1, Standards and Procedures for Boundary Line Maintenance.

DEC signs boundaries with small 7.5"x11.25" metal signs which include basic information about the Property. Current boundary signage reads: "Conservation Easement Public Recreation Area; Hunting Prohibited 1 Sept. thru 31 Dec." The signs also incorrectly list Lassiter Properties Inc. as the landowner, and an incorrect address for the NYSDEC Lowville Office. Signs adjacent to public motor vehicle roads have been replaced with those with incorrect information cut off. Given the resources required to replace signage, signs will not be replaced until 2020, when seasonal restrictions on public hunting will end. NYSDEC will design new boundary signage in coordination with the Landowner. The Land Manager for the Division of Lands and Forests will submit a Sign Request Form to the Division of Operations by January 1, 2019 to ensure new boundary signs are ready to be posted in January of 2020.

2. Recreation Signage

NYSDEC is responsible for posting signage pertaining to all aspects of Public Recreation on the Property. As outlined above, boundary signage is currently outdated and will be replaced in January of 2020 on all exterior boundaries and along all public motor vehicle roads. The kiosk located on the corner of Fish Creek and Long Pond Road will continue to hold a map showing the location of the Oswegatchie Conservation Easement in relation to surrounding state lands and conservation easements. An additional kiosk will also be constructed near the southern boundary of the Property on the Bald Mountain Road. The new kiosk will include a map and information about the OCE and the portions of Aldrich Pond Wild Forest and Watson's East Triangle Wild Forest accessed from the Property.

Area signs are approximately 3'x3' wooden signs hanging from a sign standard (post) that list the name of the public lands, such as Oswegatchie Conservation Easement, as well as the Department, Landowner, and sometimes acreage and special public use restrictions. Area signs for this Property are currently located on the eastern boundary of the Long Lake Trail leading onto Aldrich Pond Wild Forest, as well as on Mullins Flow Road and Tunnel Road leading into Aldrich Pond Wild Forest and Watson's East Triangle Wild Forest respectively. Additional area signs are located on the corner of Bald Mountain Road and Long Pond Road, and the northern end of Microburst Boulevard. All area signs will be maintained and updated as needed.

Placement of additional public recreation signage will be guided by the Conservation Easement Public Recreation Road and Trail Sign Guidance Manual (http://www.dec.ny.gov/docs/lands_forests_pdf/cesigntrailguidance.pdf). Signage will name roads and trails, and identify them as open for permitted public motorized and non-motorized uses. Broad category signs including but not limited to stop signs and no parking signs will also be used.

3. Fisheries and Wildlife Management

The Division of Fish and Wildlife will manage wildlife and fisheries consistent with conservation easement terms. Applicable Division of Fish and Wildlife plans include but are not limited to:

DEC Fish Management Activities EIS, Comprehensive Wildlife Conservation Strategy (CWCS), State Wildlife Action Plan (SWAP), Bald Eagle Conservation Management Plan, Black Bear Management Plan, Bobcat Management Plan, Fisher Management Plan, and the White-tailed Deer Management Plan.

4. Public Information

A proposed kiosk on Bald Mountain Road will include a map of all public recreation facilities on the OCE and portions of Aldrich Pond Wild Forest and Watson's East Triangle Wild Forest accessed from the Property. Additional kiosk materials will include invasive species information, and an explanation of forest management on the Property, drafted in consultation with the Landowner. NYSDEC will communicate changes in management including completion of new facilities through the NYSDEC website, social media, and press releases.

5. Recreation Enforcement and Emergency Response

NYSDEC's Office of Public Protection will work with the Landowner and NYSDEC's Division of Lands and Forests to enforce recreation related issues on the Property. In case of emergency, NYSDEC staff, the Environmental Conservation Police, Forest Rangers, State Police, and other emergency response personnel will have full access to the Property. Emergency response for search, fire, and rescue on the Property, as on State lands, will be coordinated by the NYS Forest Rangers at (518) 408-5850, though a response may include other emergency responders.

6. Cost Sharing

NYSDEC will coordinate with the Landowner concerning the maintenance of all facilities used for or in support of public recreation, including roads, trails, bridges, and culverts. Where maintenance is determined to be mutually beneficial, both parties may agree to contribute funds, materials, equipment, man hours, etc. towards repairs, replacement, construction, or remediation. Both NYSDEC and the Landowner agree to correct any damages caused to shared facilities while exercising their respective rights. NYSDEC will repair facilities damaged by its staff or assigns, as well as members of the public recreating on the Property. The Landowner will repair shared facilities damaged during forest management activities or by its lessees.

7. Recreation Monitoring

Monitoring of public recreation on the Oswegatchie Conservation Easement will be directed by the existing Monitoring Plan for the Property, which outlines monitoring for all terms of the conservation easement. Monitoring reports will address such issues as trash, facility damage, resource damage from public recreation, and condition of public recreation facilities. Road, snowmobile trail, campsite, foot trail, and unconfined recreation standards included in this RMP will guide public recreation monitoring and management. Standards will first be evaluated at the time of facility designation or construction.

Social recreation standards have not been evaluated in previous NYSDEC Recreation Management Plans. This RMP does not outline a frequency or timeline for social standard monitoring activities, but defines social standards considered to be appropriate at the time this RMP was drafted.

8. Removal of Debris

As required by the encumbering Conservation Easement, the method for removing debris from the Protected Property is outlined in Appendix D.

8. Capacity of the Resource to Withstand Use

While it is acknowledged that all recreation activities and facilities have some level of impact on the natural resources of the Property, all proposals in this RMP and management activities moving forward are and will be guided by the compatibility of those activities with the protection of the natural resources on the Property. Natural resources include but are not limited to soils, biotic communities, vegetation, wildlife, water bodies, and wetlands.

Should concerns arise relating to the impacts of any public recreation access, activity or facility, the Department will analyze, and may re-evaluate management of related public recreation. Particular care will be taken to protect Species of Greatest Conservation Need, Natural Heritage Program Occurrences, water bodies, and wetlands located on the Property. It is possible that the status of species located on the Property may change, or the discovery of additional species on the Property may occur. The capacity of the OCE to withstand use will be continually evaluated, and promptly addressed.

B. Specific Recreation Management Actions

All recreation activities described in this section address the Goals and Objectives of this Recreation Management Plan. A timeline for Management Actions is included in Section V. Ongoing maintenance will be executed under discretion of the Property Manager. Appendix N includes a map of all existing and proposed public recreation on the Property.

1. Accessing the Property with Motor Vehicles

Current Situation

Currently, Bald Mountain Road, Bear Pond Road, Bryant Bridge Road, Microburst Boulevard, Mullins Flow Road, Silver Dawn Road, and Tunnel Road are open to public motor vehicles as per the conditions of the Conservation Easement and in agreement with the Landowner. The portion of Bryant Bridge Road between Bryant Bridge and the western Property boundary is only open for car-top boat recreationists.

Discussion

All roads currently open to public motor vehicles (cars, trucks, motorcycles, or similar passenger vehicles) are in good repair, and provide meaningful access to the Property. As such, none are in consideration to be closed in this RMP. The Bryant Bridge Road right-of-way is in worse condition than other sections of road opened to motor vehicles, however due to limitations described in the conservation easement, the use of this section of road solely for car-top boat recreation does not warrant maintenance to the same standard as other roads. This RMP recommends NYSDEC pursue public motor

vehicle access over the northern portion of the Bald Mountain Road leading to Bryant Bridge, in exchange for the closure of the Bryant Bridge right-of-way. Under such an arrangement, NYSDEC would maintain the entire Bald Mountain Road. Alternatively, acquisition of a permanent right-of-way for all public vehicles over Bryant Bridge Road is desirable.

Roads not currently opened for public motor vehicles on the Property vary greatly in condition. Appendices I and M list and depict corridors subject to terms of the encumbering conservation easement which address roads, however many of these roads are not suitable for passenger vehicle use. Some roads which existed at the time the conservation easement was granted are difficult to identify after years without use. Others were not designed or built to accommodate typical passenger vehicles, and would require rerouting, rehab, or major renovation to be used.

Roads which are in good condition or could reasonably be improved to meet Department standards for public motor vehicle roads include Alcohol Inn Road, Blue Swamp Road, Deer Pond Road, Ladue Camp Road, Long Lake Road (Trail), Mouldy Pond Road, Palmer Creek Road (Palmer Creek Trail north of Palmer Creek), Suzie's Road Extension, and unnamed roads off of Bald Mountain and Blue Swamp Roads and outside the Adirondack Park blue line. The Department also owns rights it has not exercised to open the Steam Sleigh Right-of-Way, and rights-of way leading northeasterly to the county line and southeasterly from a gravel pit. Additionally, new roads may be constructed subject to conservation easement terms.

The Alcohol Inn Road is in good repair but connects to a network of several other roads which would require Department maintenance or for gates to be installed. This road also crosses a small bridge which would require Department maintenance. This portion of the Property is easily accessed by foot, and there are no outstanding destinations. The Deer Pond Road ends at a private lease camp on Deer Pond. Alternative foot access to Deer Pond is proposed. Similarly, Mouldy Pond Road leads to a private lease camp. While the public can access the pond on foot, there is no desirable fishery and the pond is too small to attract paddlers.

NYSDEC does not own a right-of-way across private land to open Long Lake Road (Trail) to the public from Bryant Bridge Road, and the road is not connected to Tyler Road in Aldrich Pond Wild Forest except for a snowmobile and non-motorized recreation trail. As a result, the Ladue Camp Road is also inaccessible to motor vehicles. The Palmer Creek Trail connects to Bald Mountain Road and extends south to Palmer Creek as a drivable road, however the connection to Bald Mountain Road crosses ~1/2 mile of private land, currently owned by MWF Adirondacks. This RMP recommends that NYSDEC pursue acquisition of a right-of-way or other agreement to allow public use of this 1/2 mile of road. Suzie's Road and other roads which cross the Property outside the Adirondack Park blue line also cross private land before entering the OCE, not allowing legal access.

The Blue Swamp Road is 5.7 miles long, including a 1.9-mile right-of-way from Long Pond Road. The road is in good repair, and NYSDEC owns the right to open it for public motor vehicles. Numerous forestry roads intersect the right-of-way portion of the corridor, leading west towards the West Branch of the Oswegatchie River, and east towards Clear Pond, Lanes Pond, and Twin Ponds. If NYSDEC were to open the road to the public, most of these intersecting roads would require installation of gates in coordination with the landowner, and an additional gate would need to be installed at the northern Property boundary to prevent public trespassing. No particularly desirable destinations are accessed from the Blue Swamp Road, though Blue Swamp Creek crosses below the road, and is surrounded by a 330-acre Spruce-Fir Swamp. One lease camp is located adjacent to the road, and one other significant road leads east and parallel to the trail for approximately 1.2 miles. Opening the Blue Swamp Road to public motor vehicles would require maintenance of 1.9 miles of right-of-way in addition to any portion of the road opened on the Property. Using Department resources to open this road to an area with minimal public demand for access is not considered to be a priority.

Two roads leading off of Bald Mountain Road provide opportunities for “drive-in” access campsites. These sites are anticipated to be particularly desirable starting in 2020 for the big game hunting season. By allowing motor vehicle access off of Bald Mountain Road, seasonal hunting camps may be set-up away from the main road corridor.

The Steam Sleigh Right-of-Way does not facilitate any additional access or public use of the Property to that proposed in this plan and crosses several wetlands. The right-of-way leading northeasterly to the county line and southeasterly from a gravel pit on the fore-mentioned route is not identified in any maps and to date the Department has been unable to locate any corridors meeting this description. It is possible that these rights-of way are represented by the Bear Pond Road, or a portion of the road network east of Deer Pond which lead north. Department staff will continue to research these rights-of way, but the Department is likely best served to construct a new road in coordination with the Landowner if such is needed.

Lastly, in addition to general maintenance of public motor vehicle roads, bridges are located on Bald Mountain Road across the West Branch of the Oswegatchie River, Shaw Brook, and Cold Spring Creek. Bryant Bridge Road also crosses the Middle Branch of the Oswegatchie River before leading to Mullins Flow Road and the Aldrich Pond Wild Forest. The Department must ensure that these bridges meet requirements of the New York State Department of Transportation for public safety in order to maintain public use of these roads. The bridge on Bald Mountain Road crossing the West Branch of the Oswegatchie River requires repairs and is currently being evaluated by Department engineers.

Management Actions

Roads on the Property which have already been opened for public motor vehicle use will continue to be open for such use. These include Bald Mountain Road, Bear Pond Road, Bryant Bridge Road, Microburst Boulevard, Mullins Flow Road, Silver Dawn Road, and

Tunnel Road. The Bryant Bridge Road Right-of-Way may only be used by car-top boat recreationists. Additionally, two campsite access roads will be opened leading off of the Bald Mountain Road.

NYSDEC will work to acquire rights-of way or alternative agreements with private landowners to provide additional public motor vehicle access to the portion of the Property north of the Middle Branch of the Oswegatchie River and to the Blue Swamp Tract.

2. **Parking**

Current Situation

There are no designated parking areas on the Property.

Discussion

Parking areas will be designated at all locations where demand for parking is anticipated. On the OCE, these locations are believed to be trailheads and the Property kiosk. The bridge crossing the Middle Branch of the Oswegatchie River and end of the Silver Dawn Road have also been used for parking in the past and may warrant designation.

Since much of the recreation on the OCE is anticipated to be represented by unconfined recreation, particularly hunting, fishing, and trapping; recreationists may want to park along the roadside. The OCE has many areas where old landings and pull-offs provide ample room for roadside parking.

Accessible parking spaces consistent with ADA requirements will be provided wherever possible, excepting locations where there is only room for a two-car lot. All parking areas should be hardened and level to facilitate accessibility.

Management Actions

Parking areas will be constructed near the kiosk on Bald Mountain Road, at trailheads for the Deer Pond, Rainbow and Silver Dawn Trails, near the bridge crossing the Middle Branch of the Oswegatchie River, and at the end of Silver Dawn Road. All parking areas will meet ADA requirements, excepting the Rainbow and Silver Dawn Trailhead Parking Areas, due to space available for parking area construction.

3. **Accessing the Property Under the Motorized Access Program for People with Disabilities (MAPPWD)**

Current Situation

No MAPPWD/CP-3 routes are currently designated on the Property.

Discussion

In general, the MAPPWD serves to provide qualified individuals with disabilities access to state lands that are otherwise closed to motorized vehicles.

As discussed above, the Blue Swamp Road is not proposed to be opened to public motor vehicles due to maintenance requirements over a significant length of road, and challenges in managing trespass off of the right-of-way, south of the Property. Designating the Blue Swamp Road as a MAPPWD/CP-3 Route would require less maintenance by NYSDEC. Additionally, since the Department would issue a permit for all individuals driving the road in a motor vehicle, signage could be used instead of gate installation to direct where users can and cannot go.

This RMP attempts to provide similar recreation opportunities to individuals with disabilities as those available to all public recreationists. Popular recreational activities anticipated on the Property following the release of this RMP include camping, fishing, and trapping. Following the 2019 expiration of the Landowner's exclusive hunting rights, it is anticipated that the primary recreation activity on the OCE will be hunting. By designating the Blue Swamp Road as a MAPPWD/CP-3 route, camping, hunting, trapping, and nature observation opportunities for qualified individuals with disabilities would be enhanced on the Property. Also, due to the fact that the road would not be open to all public motor vehicles, and the lack of facilities proposed in the western portion of this Property, this route would provide permit holders an excellent opportunity for solitude.

Management Actions

The Blue Swamp Road will be opened under the MAPPWD to CP3 permit holders using passenger vehicles. To facilitate snowmobile use of the road and protect against mud season damage the route will be open for seasonal use only from approximately April 15th – December 15th each year.

4. Accessing the Property by Snowmobile

Current Situation

Existing snowmobile trails on the Property are located on Bald Mountain Road, Blue Swamp Road, Bryant Bridge Road, Microburst Boulevard, Mullins Flow Road, and Tunnel Road. The Long Lake Trail, Silver Dawn Road/Mink Creek Trail, Palmer Creek Trail, Palmer Creek West Trail and a connector between Silver Dawn Road and the Long Lake Trail have also been used as snowmobile trails in the past.

Discussion

Impacts associated with snowmobile use are believed to be appropriate on the OCE. The snowmobile trails on the Oswegatchie Conservation Easement provide several important connections to the surrounding snowmobile trail network. Due to the fact that the Landowner retains the right to close recreation facilities during forest management activities or replanting, it is important that alternative trail connections are

identified. Alternative routes designated in this RMP may not be kept brushed-out and may be closed and/or ungroomed from year-to year. These trails are meant to connect the larger snowmobile trail network when winter logging operations necessitate closure or rerouting of snowmobile traffic. The Burning Creek, Casey Rumble, Silver Dawn Road/Mink Creek Trail, Palmer Creek and Palmer Creek West Trails are alternative snowmobile routes, to be used during closures due to Landowner forest management activities.

The Watson's East Triangle Wild Forest UMP proposed constructing the Burning Creek Trail from the OCE onto forest preserve lands to serve as an alternative route during logging operations. A draft of this RMP also included the proposal to construct Burning Creek Trail – however a preferable route has since been identified. The Casey Rumble Trail is proposed to be designated between Bald Mountain Road and Blue Swamp Road, providing an alternative route when Bald Mountain Road is being used for winter timber harvests, while eliminating the need for construction of additional snowmobile trail mileage in Watson's East Triangle Wild Forest. The Casey Rumble Trail follows existing hunting club trails and old skid trails, but will require brushing, some widening, and the construction of one 20-foot bridge. In conjunction with the designation of Casey Rumble Trail, in the future, Bald Mountain Road may be widened or a parallel trail constructed from the southern Property boundary to the trail intersection. This additional work would serve to minimize the length of road shared by snowmobiles and logging trucks.

The Department currently has a Volunteer Stewardship Agreement (VSA) with the Long Pond Snowmobile Club to maintain snowmobile trails on the Property. NYSDEC intends to continue this partnership for the foreseeable future, subject to terms listed in the VSA.

In addition to general maintenance of snowmobile trails, major bridges on Palmer Creek (Palmer Creek Trail), and the West Branch of the Oswegatchie River require regular maintenance.

Management Actions

Trails on Bald Mountain Road, Blue Swamp Road, Bryant Bridge Road, Microburst Boulevard, Mullins Flow Road, and Tunnel Road are proposed to be designated as primary snowmobile trails. Proposed alternative trails to be used during trail closures include the Mink Creek, Palmer Creek and Palmer Creek West Trails, along with the new Casey Rumble Trail. Bald Mountain Road will be widened, or a parallel trail will be constructed from the southern boundary of the OCE to the new Casey Rumble Trail.

5. Accessing the Property by ATV

Current Situation

No public ATV use is currently permitted on the Property.

Discussion

NYSDEC has acquired the right to permit public motor vehicle access on the OCE, including passenger vehicles, snowmobiles, All-Terrain Vehicles (ATVs) and other similar motorized vehicles. Public motor vehicle access may be permitted on existing roads or newly built roads per easement terms.

ATV recreation is not a Department program, but rather a means for providing access to other recreation opportunities. NYSDEC does not open roads or trails for ATV pleasure riding, but ATV access may be allowed on conservation easements as a means of connecting local non-DEC public ATV trail networks. Lewis County has requested that Bald Mountain Road be opened to ATVs to facilitate connectivity in the County's trail system.

In seeking to provide motorized access to recreation opportunities on the OCE, the Department has considered non-winter access holistically. Discussion relating to opening existing OCE roads to passenger vehicles is also applicable to ATV access. Roads which the Department has determined do not provide meaningful access to recreation, cannot be legally accessed by the public, or cannot be feasibly maintained for motorized use are discussed in section IV-B-1.

The OCE has a robust road system, and in this RMP, most of the roads which can be legally accessed and feasibly maintained have been opened to passenger vehicles. Many roads on the OCE do not provide meaningful access to recreation opportunities, would require significant improvement, and/or the Department does not own legal access to them because they come onto the OCE from adjacent private lands. For roads which have already been opened or are proposed to be opened to passenger vehicles, also allowing ATV use would not increase access to the OCE. The Department has determined that proposed passenger vehicle access to the OCE provides adequate motorized access to Department supported recreation on the Property.

Opening the Bald Mountain Road as a connector within the Lewis County ATV trail system is a viable consideration as NYSDEC works to cooperate with local government to enhance recreation and access opportunities. If Bald Mountain Road were to be opened to ATVs for this purpose, it would provide a meaningful north-south route within the trail system. NYSDEC could open the route directly but would prefer to authorize Lewis County to administer ATV use on Bald Mountain Road under a temporary revocable permit (TRP). The TRP would save Department resources since Lewis County would be charged with sharing maintenance of the Bald Mountain Road. The TRP would also function as an assurance that impacts from ATVs are being addressed on an ongoing basis – since the TRP would need to be renewed annually (though it could be revoked at any time should problems arise), management of ATV impacts and illegal use stemming from Bald Mountain Road could be written into TRP terms on a yearly basis. Regardless of how ATV use is administered, potential managerial and environmental impacts would remain the ultimate responsibility of NYSDEC.

Illegal off-road ATV use, trespass on adjacent lands (particularly forest preserve lands), and associated natural resource impacts represent primary Department concerns relating to opening Bald Mountain Road to ATVs. The OCE has many old forest management trails, providing management challenges related to keeping vehicles that are capable of driving off-road on a designated route. Conservation easement terms limit NYSDEC to permitting ATVs on designated roads only. The Bald Mountain Road does not directly abut forest preserve, but passes 0.1 miles east of the portion of Watsons East Triangle Wild Forest surrounding the West Branch of the Oswegatchie River (the Bald to Buckhorn snowmobile trail and proposed connector foot trail lead to this area) and 1.5 miles west of the Herkimer County/Watson's East Triangle Wild Forest boundary (roads leading to the boundary are indirect, but generally connect to the Burning Creek Snowmobile Trail proposed in the 2010 Watson's East Triangle UMP). Bald Mountain Road also includes a right-of-way for 1.1 miles through private lands.

Environmental impacts from ATV use in forest settings has been well documented. A 2008 U.S. Forest Service study of the effects of all-terrain vehicles on forested landscapes notes off-trail use as reducing or even eliminating vegetation, compacting soils, loosening soils, increasing erosion, and decreasing the ability for soil to absorb rainfall. The study notes the most important management implication being that ATV traffic should be limited to designated trails, and that in areas with off-trail use "reduction in the ability of natural resources to maintain their composition and structure and perform their natural functions" can be expected. A 2007 U.S. Geological Survey Report evaluated 700 peer-reviewed papers, magazine articles, agency and non-governmental reports, and internet websites relating to impacts of Off-Highway Vehicles (including ATVs) on land health. The report serves as a valuable resource, listing significant environmental impacts from ATVs including those relating to soil health and watershed condition, vegetation health, habitat condition and health of wildlife populations, water quality and air quality. Many of these impacts were observed even when OHVs/ATVs were only used on hardened trails or roads.

In summary, motorized access to NYSDEC recreation opportunities is adequately provided by proposed passenger vehicle access. Lewis County has requested to open Bald Mountain Road, a hardened road designed to accommodate motor vehicles, to connect its ATV trail system. ATV use confined to the Bald Mountain Road is anticipated to have minimal impacts on soil and vegetation. Impacts on wildlife, habitat, air and water quality, as well as the natural soundscape are likely, however these impacts are consistent with those from passenger vehicle use and forestry practices which occur on the property. Natural resource impacts relating to illegal off-road use represent the primary environmental concern relating to public ATV use of the Bald Mountain Road. As noted above, off-road use has widespread and significant environmental impacts on forested landscapes and is not permitted by the conservation easement. If public ATV use were to be permitted on Bald Mountain Road, NYSDEC reserves the right to close this route to ATV use if significant off-road use, trespass onto other state or private lands, or notable environmental impacts are documented.

Management Actions

Lewis County will be authorized to administer ATV use on Bald Mountain Road between Long Pond Road and the conservation easement boundary (5.2 miles), subject to a temporary revocable permit (TRP). Lewis County is not guaranteed the right to perpetually permit ATV use on Bald Mountain Road – the County’s exercise of NYSDEC’s ATV rights will be reviewed by the Department as the permit is renewed annually and may be revoked if conditions of the permit are not met or significant environmental impacts are observed and cannot be remedied. NYSDEC will document impacts from ATV use on the OCE in conservation easement monitoring reports and evaluate the impacts annually prior to renewing the Temporary Revocable Permit. The Department may require Lewis County to implement specific management or corrective actions relating to ATV use prior to renewing the TRP or at any time impacts are documented. Corrective actions may not be limited to the Bald Mountain Road corridor – they may address any issue suspected to originate from public ATV use on the Bald Mountain Road. If significant off-road use, trespass onto other state or private lands, or notable environmental impacts are documented, NYSDEC will close Bald Mountain Road to ATVs.

Terms of the TRP should include but are not limited to:

- 1) The Department may close Bald Mountain Road to ATVs at any time for health, safety or environmental reasons.
- 2) No TRP will be issued to Lewis County unless the County can first show that legal ATV routes connect to the Long Pond Road/Bald Mountain Road intersection and northern portion of Bald Mountain Road where it leaves the OCE. If legal ATV access to Bald Mountain Road is cut off to the north or south, the road will be immediately closed to ATVs on the OCE.
- 3) ATV users may access Bald Mountain Road directly from Long Pond Road in the south or Bald Mountain Road where it passes through private land to the north. No other entry points to Bald Mountain Road are permitted.
- 4) All ATV users on Bald Mountain Road must meet requirements of the NYS Vehicle and Traffic Law pertaining to operator age, registration, insurance and required safety equipment.
- 5) The TRP must identify dates when ATV use will be permitted. These dates should not extend beyond the dates Lewis County’s ATV trail system is open, or when the abutting private landowner to the north has permitted ATV use.
- 6) No alternative routes over the conservation easement should be used at any time.
- 7) A Lewis County ATV permit is not required for the public to use the Bald Mountain Road through the OCE.
- 8) The TRP issued to Lewis County will not cover any competitive events or organized rides.
- 9) The underlying fee owner may close the route at any time for timber harvesting purposes.
- 10) Prior to renewing the TRP each year, Lewis County will provide NYSDEC a report summarizing Sheriff enforcement efforts and other County resources used while administering ATV use on Bald Mountain Road the prior year.

- 11) NYSDEC may require Lewis County to undertake management actions including but not limited to the following:
 - a. Install boulders or other barriers along the route;
 - b. Install gates on and/or along the route;
 - c. Post and maintain Department approved signage;
 - d. Replant vegetation in damaged locations;
 - e. Maintain, improve, or fix the Bald Mountain Road and associated infrastructure.

6. Hiking, Cross-country Skiing, and Snowshoeing

Current Situation

Public hiking, cross-country skiing, and snowshoeing are currently permitted throughout the Property. There are no designated foot trails.

Discussion

Hiking, cross-country skiing, and snowshoeing are facilitated by trails specifically designed for non-motorized recreation. While off-trail traverse of the Property will continue to be permitted and managed through unconfined recreation standards, the designation of several foot trails is also proposed. Recreation trails will serve to concentrate impacts associated with recreation and will be managed in accordance with trail standards outlined in this RMP. Designated trails will facilitate numerous other recreation activities, including hunting, fishing, trapping, camping, paddling, and nature study.

Destinations on the OCE for which it is desirable to provide foot access include Deer Pond, Silver Dawn Lake, Little Silver Dawn Lake, and the Middle Branch of the Oswegatchie River. Access to the portion of Watson's East Triangle south of the Property (where the only access is the Bald-to-Buckhorn Snowmobile Trail which crosses private land), is also desirable. Rainbow Falls on the Middle Branch of the Oswegatchie River is impressive and there is demand for a maintained trail to view it. However, steep slopes and wetlands located on both the north and south sides of the river provide no good options for trail location within the Property boundary (only 500 feet on either side of the river). With no designated trail, members of the public are still permitted to access the falls, provided they remain within the marked Property boundaries.

Demand for additional foot trails is believed to be relatively low on the Property. Numerous old forest management roads/trails exist as an alternative to designated routes and may also be used for travel. The western portion of the Property, which does not include any designated foot trails, may be accessed from Frank E. Jadwin Memorial State Forest, or by walking the unnamed private lease camp access road network from Bald Mountain Road to the Palmer Creek Snowmobile Trail. No designated foot trail will be provided to this portion of the Property, as there are no points of interest, and it will primarily support unconfined recreation activities.

Management Actions

Public hiking, cross-country skiing, and snowshoeing will continue to be permitted throughout the Property, on roads, trails and off-trail. Foot trails will be constructed/designated to Deer Pond, Silver Dawn Lake, Little Silver Dawn Lake, south to the Middle Branch of the Oswegatchie River, connecting to the Long Lake Trail and leading to Aldrich Pond Wild Forest, leading to the Middle Branch of the Oswegatchie River near the western Property boundary, and connecting to the Bald to-Buckhorn Trail from the kiosk parking area. A trail register will be constructed at the Silver Dawn Trailhead.

NYSDEC will pursue alternative public access to Rainbow Falls should the opportunity arise.

7. Paddling:

Current Situation

Currently, members of the public engaging in car-top boating (canoe/kayak) may access the Property using the Bryant Bridge Road Right-of-Way. The public may use non-motorized boats on all navigable waters on the property. These include but are not limited to the Middle Branch of the Oswegatchie River, Deer Pond, Mouldy Pond, Silver Dawn Lake, and Little Silver Dawn Lake. No formal boat launch facilities are located on the Property.

Discussion

Limited opportunities for boating exist on the OCE. It is anticipated that few recreationists will boat on any of the water bodies located on the Property, due to their small size or paddling difficulty. No issues relating to use of motorized boats is anticipated due to the small size of all water bodies.

The Middle Branch of the Oswegatchie River is rated from Class III to Class V where it crosses the Property. A limited number of advanced kayakers do paddle the river, usually putting in at the bridge on the river where the Bryant Bridge Road changes to Mullins Flow Road and taking out at the bridge on Bryant Bridge Road west of the Easement boundary. A potential additional take-out point upstream from Rainbow Falls is available at the Rainbow Trail proposed in this RMP. To date, there have been no requests for formal launch sites on the river.

Deer Pond and Silver Dawn Lake are stocked by NYSDEC with brook trout, and neither currently has a designated access route. Due to their small size and lack of vehicle access, it is not anticipated that either of these water bodies will be used often for paddling, however the opportunity to fish for brook trout may attract some dedicated anglers to carry in a boat. Deer Pond is most easily accessed by walking the Deer Pond Road, though the road ends at a private lease camp. The proposed Deer Pond Trail will serve to separate public recreationists from the lease camp. Silver Dawn Lake is most easily

accessed from a camp access route, proposed in this RMP as the Silver Dawn Trail. Little Silver Dawn Lake also contains brook trout and is accessible from the proposed Silver Dawn Trail. Lastly, Mouldy Pond is accessible by walking the Mouldy Pond Lease-Camp Access Road. The pond is small, shallow, and does not represent a desirable fishery to anglers.

Management Actions

Members of the public engaging in car-top boating (canoe/kayak) will continue to be able to access the Property using the Bryant Bridge Road Right-of-Way. The public will be permitted to use non-motorized boats on all navigable waters on the property. Foot trails are designated in this RMP to Deer Pond (Deer Pond Trail), Silver Dawn Lake (Silver Dawn Trail), Little Silver Dawn Lake (Silver Dawn Trail), and the Middle Branch of the Oswegatchie River (Rainbow Trail). No formal boat launches will be constructed, however the parking area proposed near the Middle Branch of the Oswegatchie River will facilitate the launching of car-top boats.

8. Bicycling

Current Situation

Public bicycling is currently permitted on all roads open for public motor vehicle use.

Discussion

The conservation easement permits the Department to allow bicycles to use all roads existing on the Property prior to the granting of the conservation easement. Additional roads constructed after the granting of the conservation easement, and trails may also be designated for bicycle use in this RMP with the agreement of the Landowner.

Allowing bicycles on all roads, (not just designated public motor vehicle roads) is not expected to have significant negative environmental impacts. By permitting bicycles on all roads on the OCE, widespread access to the Property would be facilitated, and OCE roads would connect town roads and those open to bicycles in Aldrich Pond Wild Forest and Watson's East Triangle Wild Forest. The Department could choose to close individual roads to bicycle use by posting appropriate signage if issues arise. Limited bicycle use on the OCE is anticipated.

Management Actions

Bicycling will be permitted on all roads located on the OCE (map in Appendix M). No routes will be specifically maintained for bicycles.

9. Horseback Riding

Current Situation

Equestrian recreation is currently permitted on all roads open for public motor vehicle use, and off-road.

Discussion

Limited equestrian recreation has been observed on the Property, and no appreciable increase is anticipated. Should issues arise relating to equestrian recreation in the future, the Department will address the issues – management may include directing use to different locations or restricting use in certain locations. The Department provides facilities specially designed for the use of horses nearby in the Independence River Wild Forest, Independence River State Forest, and Otter Creek State Forest.

Management Actions

Equestrian recreation will continue to be permitted on all roads open for public motor vehicle use, and off-road.

10. Camping:

Current Situation

As provided for in the conservation easement, public camping is currently permitted throughout the Property under the same rules and regulations as it is permitted on forest preserve and state forest lands. There are currently no designated campsites.

Discussion

Currently, limited camping occurs on the OCE, and it is anticipated that the majority of future camping activities will take place in association with the big game hunting season. Subject to the Landowner’s Reserved Rights, public hunting during big game season is not allowed until the year 2020. Designating campsites, including drive-in sites for hunters, will concentrate camping activities at appropriate locations, especially during big game hunting season. Additionally, the designation of campsites sites near some of the more desirable features of the Property, such as ponds and the Middle Branch, may be used by anglers, paddlers and other outdoor recreationists. Accessibility of campsites to individuals with disabilities should be considered.

Management Actions

Camping will continue to be permitted under the rules and regulations that provide for camping on state lands. In addition, eight primitive campsites will be designated/constructed. Walk-in sites will be located near Silver Dawn Lake, Deer Pond, and east of Rainbow Falls on the Middle Branch of the Oswegatchie River. Two “roadside” campsites will be located on spur roads off of Bald Mountain Road, one will be located on the Bald Mountain Road itself, and one will be located off of Bear Pond Road. An accessible campsite will be constructed on the Blue Swamp Road, including an accessible privy, accessible picnic table, and hardened surfaces. As on all state lands, a NYS Forest Ranger issued permit will be required for groups of ten (10) or more campers, and/or when staying for more than three (3) nights. Firewood may be gathered for on-site use from dead and downed trees on the Property.

11. Hunting

Current Situation

Public hunting on the Property is currently prohibited from September 1st through December 31st of each year, as required by the conservation easement. Public hunting is permitted outside of these dates, subject to applicable rules and regulations.

Discussion

Public hunting is subject to the conservation easement terms under which NYSDEC acquired public recreation rights. Public hunting date restrictions will expire in 2019, at which time it is anticipated that public hunting will become a primary recreational use of the Property.

Access to the Property for hunting purposes is provided by numerous motor vehicle roads, trails, parking areas, and roadside parking proposed in this RMP. In the north, the Silver Dawn Trail, Long Lake Trail, and parking area at the end of the Silver Dawn Road provide hunting access. South of the Middle Branch, parking areas are located at the Middle Branch Bridge, Rainbow Trail, and kiosk. West of Bald Mountain Road, the Palmer Creek Trail and Blue Swamp Road provide access. Additionally, hunters can walk onto the OCE from Blanchard Creek Road in Frank E. Jadwin Memorial State Forest. The Bald to Buckhorn Connector Trail, Mullins Flow Road, and Tunnel Road all provide access to Forest Preserve land for hunting.

Deer and bear harvest data is included in the Section II of this RMP. Hunting is regulated by the Division of Fish, Wildlife and Marine Resources.

Management Actions

Through 2019, hunting is permitted from January 1st through August 31st each year. Beginning in 2020, public hunting will be allowed year-round. All public hunting is subject to applicable seasons, rules and regulations.

12. Fishing/Trapping

Current Situation

Public fishing and trapping are currently permitted on the Property, subject to applicable rules and regulations.

Discussion

All roads, trails, and parking areas designated in this RMP facilitate fishing and trapping activities. Fish and furbearer data is included in the Section II of this RMP. Of particular interest, brook trout have been identified in Cold Spring Creek, Deer Pond, the Middle Branch of Oswegatchie River, Silver Dawn Lake, Little Silver Dawn Lake, and Palmer Creek. Deer Pond and Silver Dawn Lake are also stocked with brook trout annually. Access to all of these water bodies is provided for in this RMP.

Fishing and Trapping are regulated by the Division of Fish, Wildlife and Marine Resources.

Management Actions

Public fishing and trapping on the Property will continue to be permitted, subject to applicable seasons, rules and regulations.

V. IMPLEMENTATION SCHEDULE AND ESTIMATED BUDGET

Table 6 outlines a phased schedule for implementation of the proposed management actions and their estimated costs. The estimated costs of implementing these projects are based on historical costs incurred by the Department for similar projects. These cost estimates do not include capital expenditures for items such as equipment, nor do they include the value of program staff salaries. Table 7 outlines the Property annual maintenance budget.

Table 6. Oswegatchie Conservation Easement RMP Implementation Schedule & Budget

Year/Phase	Task	Estimated Cost	Estimated Staff Hours
1	Submit Sign Request Form for road and other public recreation signage	-	2
2	Post road signage designating motor vehicle routes	-	16
	Construct Silver Dawn Trail Parking Areas	\$1,500	16
	Construct Silver Dawn Trail Register	\$500	20
	Construct Silver Dawn Trail Gate	\$1,500	16
	Construct/improve, clear, and sign Silver Dawn Trail	\$1,500	32
	Designate Silver Dawn Lake & Bear Pond Road Campsites	-	8
	Draft Initial TRP for Lewis County to Administer ATV use on Bald Mountain Road	-	8
3	Construct Casey Rumble Snowmobile Trail	\$10,000	120
	Construct Casey Rumble Snowmobile Trail Gate	\$1,500	16
	Construct Deer Pond Trail and parking area	\$2,500	32
	Construct Rainbow Trail Parking Area	\$1,500	16
	Construct, clear, and sign Rainbow Trail	-	8
	Construct Bald Mtn Rd Kiosk Parking Area near southern boundary	\$1,500	16
	Designate Deer Pond and Rainbow Trail Campsites	-	8

Table 6 (cont). Oswegatchie Conservation Easement RMP Implementation Schedule & Budget

4	Construct Bald Mountain Road Kiosk, design kiosk map, and compile other kiosk materials	\$2,000	16
	Sign Silver Dawn Road and Middle Branch Parking Areas	-	6
	Construct Bald to Buckhorn Connector	-	16
5	Submit Sign Request Form for new Boundary Signage	-	2
	Designate 3 campsites on/adjacent to Bald Mountain Road	-	8
	Sign Blue Swamp Road & Long Lake Trail	-	16
6	Post New Boundary Signage	-	112
	Post CP3 Signage and Lock	\$100	6
	Construct Accessible Campsite (Blue Swamp Rd)	\$5,000	48
	Clear Palmer Creek/Palmer Creek West Trail if needed	\$3,000	100

Table 7. Oswegatchie Conservation Easement Annual Maintenance Budget

Annual Maintenance	Cost
Road/MAPPWD Maintenance (grade, rake, mow) - 18.4 miles @ \$1,500/mile	\$27,600
Trail Maintenance (brushing, blowdown removal, drainage) - 12.8 miles @ \$700/mile	\$8,960
Maintenance of Kiosk & Signs \$500/yr	\$500
Maintenance of 11 Gates \$100/yr	\$1,100
Maintenance of 5 Bridges \$1000/yr	\$5,000
Maintenance of 6 Parking Areas \$100/yr	\$600
Boundary Line Maintenance for 36 miles @ \$200/mile over 5-year rotation	\$1,440
Total	\$45,200

VII. References

Adirondack Lakes Survey Corporation. 1987. Historic Data. Accessed January 7, 2015.
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VIII. APPENDICES

- A. Acronyms and Definitions
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Appendix A: Acronyms and Definitions

ADA: Americans with Disabilities Act
APA: Adirondack Park Agency
ATV: All-terrain Vehicle
CP3: Commissioner's Policy 3
EAF: Environmental Assessment Form (SEQRA)
ECL: Environmental Conservation Law (NY)
MAPPWD: Motorized Access Program for People with Disabilities
MOU: Memorandum of Understanding
NYSDEC: New York State Department of Environmental Conservation
RMP: Recreation Management Plan (NYSDEC Conservation Easements)
OCE: Oswegatchie Conservation Easement
OHV: Off-Highway Vehicle
OPRHP: Office of Parks, Recreation & Historic Preservation
SEQRA: State Environmental Quality Review Act (NY)
TRP: Temporary Revocable Permit
UMP: Unit Management Plan (NYSDEC Forest Preserve Units)
VSA: Volunteer Stewardship Agreement
WMU: Wildlife Management Unit

All-Terrain Vehicle (ATV): Any self-propelled vehicle, including an off-road motorcycle that is manufactured for use on off-road trails or in off-road competitions. These vehicles are less than 70 inches wide and weigh less than 1,000 pounds.

CP3/Motorized Access Program for People with Disabilities: Temporary revocable permit system that provides motor vehicle access to certain state lands administered by DEC to qualified individuals with disabilities.

Off-Highway Vehicle (OHV): Any self-propelled vehicle designed for use off highways, weighs more than 1,000 pounds, and is wider than 70 inches.

Public Motor Vehicle: Motor vehicles which may be registered, insured, and legally driven on public highways in New York State.

Road: Designated public recreation corridors open to public motor vehicles in this RMP.

Snowmobile Trail: Road or trail designated as an official snowmobile route in this RMP.

Temporary Revocable Permit (TRP): Permit allowing temporary use of state lands and conservation easements for specific activities. TRPs are administered under Department Policy ONR-3.

Trail: Designated public recreation corridors not open to public motor vehicles in this RMP.

Appendix B: Conservation Easement Recreation Language

The following language has been clipped from the conservation easement which encumbers the Protected Property. The entire conservation easement deed is available at:

http://www.dec.ny.gov/docs/regions_pdf/oswegcedeed.pdf

Affirmative Rights

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

1. The Grantor grants to the Grantee and its successors the right to view the Protected Property in its natural state, including the right of public access to the Protected Property for recreational purposes only, subject to the Terms and Conditions and Reserved Rights set forth herein. This right of public recreational use includes the following:

(a) Access to and over the Protected Property by foot including hiking, snowshoes, cross-country skiing or on horseback. The use of horses, or other similar animals, for riding or transport of supplies is permitted.

(b) Access to the Protected Property by vehicle, only over presently established roads. Vehicle, as used in this easement, includes all motor vehicles, bicycles, snowmobiles, all-terrain vehicles and other similar forms of transport.

(c) Canoe and other means of nonmotorized access and travel by the public on any navigable streams which cross the Protected Property.

(d) Camping by the public is permitted and will be regulated in the same manner as on existing Forest Preserve land or in accordance with the Unit Management Plan to be developed by the Grantee. Camping by those exercising the Grantor's reserved hunting

rights is not subject to regulation by the Grantee, provided that those exercising such rights shall leave the sites free of debris and garbage and shall not create a health hazard.

(e) Firewood may be gathered from dead and downed trees only for on-site use by the public to build fires for cooking or warmth only.

(f) Fishing and trapping by the public is permitted in accordance with established seasons and applicable rules and regulations.

(g) Pursuant to the Reserved Rights Section, the hunting rights have been retained by the Grantor, to the exclusion of the public, on the Protected Property during the period September 1 through and including December 31 for the years 1989 through and including 2019. During those years, hunting by the public is permitted only for any established season not within the September 1 to December 31 period. After December 31, 2019, hunting by the public on the Protected Property is permitted in accordance with established seasons and applicable rules and regulations.

(h) Grantee shall have the right to construct and maintain trails for nonmotorized and snowmobile use in addition to those which may already exist on the Protected Property subject to the Grantee's Unit Management Plan to be developed.

(i) Grantee shall have the right to construct and maintain roads (not to exceed one-half mile in length) and parking lots (not to exceed one acre in size) as necessary for the exercise of the recreational rights conveyed in this easement. Provided, however, any roads exceeding one-half mile in length ^{or ~~at~~ ^{or ~~not~~}} any parking lots exceeding one acre in size shall be subject to the consent of the Grantor, which consent shall not be unreasonably withheld.

2. The Grantor grants to the Grantee and its successors and assigns the right to enter upon and inspect the Protected Property to determine the compliance of the Grantor, its successors or assigns, with this easement. Grantor shall within thirty (30) days after any inspection be provided a copy of any inspection report.

3. In response to natural disaster, environmental hazard or threats to human safety, Grantee may take any emergency action necessary to preserve the Protected Property.

Terms and Conditions

8. In order to provide for the safe and reasonable cooperative use of the Protected Property, the parties agree as follows:

(a) Grantee, at Grantee's expense, in consultation with Grantor will prepare a Unit Management Plan. Said Unit Management Plan will address the proposed use by the public of the Protected Property. Said Unit Management Plan shall incorporate only the rights and privileges herein granted to the public.

(b) Both the Grantor and the Grantee may, but neither is under obligation to the other to, mark boundaries or corners of the Protected Property and may erect such signs as may be necessary to carry out their rights and obligations hereunder provided that all signs thus displayed by the Grantor shall conform to specifications contained in any applicable laws or governmental regulations.

(c) The Grantor and the Grantee shall jointly develop a method to be detailed in the Unit Management Plan for the removal of any debris, such as papers, bottles, cans or other garbage left on the Protected Property by individuals utilizing the same and will cooperate with each other so that all such debris and garbage will be removed promptly.

Reserved Rights

1. To exclusively occupy, use, repair, maintain and improve, demolish, replace, abandon or vacate but not expand or extend any structures, out-buildings, facilities, and dams, as now exist upon the Protected Property. The Grantor shall have the exclusive right to the year-round use of all presently existing structures, outbuildings and hunting camps.

14. The Grantor reserves the right to, but shall not be required to, restrict and limit public access and use for limited periods of time to those areas in which a hazard is presented to the public by active logging or construction activities by the Grantor pursuant to its reserved rights. In addition, the Grantor reserves the right, but shall not be required, to restrict and limit public access and use for a period of five (5) years to those areas on the Protected Property which have undergone or are being prepared for the planting of seedlings. The Grantor shall advise the Grantee of such restricted areas thirty (30) days in advance. All such restricted areas shall be identified through proper signs erected by the Grantor warning the general public.

16. The Grantor has the right to construct new roads on the Protected Property. Grantor has the right to install gates or other barriers and otherwise prohibit public access to any new roads constructed after the granting of this easement. Provided, however, the public shall have the right to use such new roads for travel by foot, nonmotorized bicycle, animal, snowmobile. In the event that a new road replaces the public access provided by presently existing road, then, public motorized access can only be prohibited by actual agreement of the Grantor and the Grantee.

Parcel CR-1

Together with a permanent easement over the bed and waters of the Middle Branch of the Oswegatchie River for the benefit and use of the general public for canoeing purposes only from the most westerly boundary of Parcel CR-1 (c) in a generally westerly direction downstream to the point where the Middle Branch passes under the Bryant Bridge Road; a town highway under the jurisdiction of the Town of Diana. Canoeing shall include the right to portage over the adjacent lands of the Grantor whenever such portaging is necessary.

Together with a permanent easement over the roadway which commences at the terminus of the Bryant Bridge Road where same passes over the Middle Branch of the Oswegatchie and continues in a general easterly direction, over lands of the Grantor, to the most westerly bounds of Parcel CR-1 (a) for use by the public only for purposes of transporting canoes and canoeists to the lands encumbered by the easement herein conveyed where the same may be launched. No other use may be made by the public of this roadway; in no event may any vehicles be parked along the roadway as the same passes over the lands of the Grantor.

Parcel CR-2

TOGETHER WITH all rights-of-way heretofore granted to the Grantor including specifically a perpetual right-of-way from the Town Road known as the Long Pond Road over the "Bald Mountain" Road running northerly, the "Steam Sleigh" road running north, northeasterly, the "New Road" running northeasterly to the County line, and a road running southeasterly from the gravel pit on the said New Road to the southeasterly part of the above described premises.

Parcel CR-3(c)

Parcel CR-3 (c)

The right of ingress and egress over a certain right-of-way described in an agreement between Anthony Zehr and Arline R. Zehr, Ralph Zehr and Arlene I. Zehr, grantors, and the J.P. Lewis Company, grantee, dated June 26, 1961, and recorded at Lewis County Clerk's Office in Liber 265 of Deeds at Page 129, which right-of-way leads northerly from the Long Pond Road, so-called.

Appendix C: Suggested Public Recreation Rights for Acquisition

The following is a list of rights that are desirable for NYSDEC to acquire in furtherance of developing and improving recreation opportunities on the Oswegatchie Conservation Easement:

- 1) Acquire a right-of-way or alternative public access to Rainbow Falls outside the existing Property boundary.
- 2) Acquire public motor vehicle access over the northern portion of Bald Mountain Road, while closing public access across the car-top boat right-of-way on Bryant Bridge Road.
- 3) As an alternative to item 2, acquire full public motor vehicle access rights across Bryant Bridge Road.
- 4) Acquire public motor vehicle access over Long Lake Trail from Bryant Bridge Road to improve motorized access to the portion of the OCE north of the Middle Branch of the Oswegatchie River.
- 5) Acquire alternative public motor vehicle access to the Blue Swamp Tract.

Appendix D: Method for Removal of Garbage and Debris from the Lassiter Conservation Easements

In accordance with the Terms and Conditions Section 8(c) listed in the Lassiter Conservation Easements granted to the Nature Conservancy Inc. on December 23, 1988, and conveyed to The People of the State of New York on June 14, 1989, the New York State Department of Environmental Conservation (NYSDEC) and the Property Owner agree to the following methods for the removal of debris, such as papers, bottles, cans or other garbage left on the Protected Property, and will cooperate with each other to ensure all garbage and debris will be removed promptly:

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

Garbage and debris on the Property mutually agreed to have originated from members of the public, NYSDEC or its assigns will be removed by NYSDEC. This includes garbage/debris located at public recreation facilities constructed, maintained or otherwise administered by the Department including designated campsites, recreation trails, and parking areas.

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

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

Appendix E: Oswegatchie Conservation Easement Road & Snowmobile Trail Standards

Road & Snowmobile Trail Standards were adapted from "HFFill and NYS DEC Road Specifications"

Oswegatchie Conservation Easement Road and Snowmobile Trail Standards

ROAD/TRAIL SPECIFICATION FACTOR	VEHICULAR ROAD VOLUME CLASS ¹			SNOWMOBILE TRAIL VOLUME CLASS		
	LOW	MED	HIGH	LOW	MED	HIGH
# of TRAFFIC LANES	1	1	1+	1	1	2
MINIMUM CURVE RADIUS w/o signage(feet)	50	50	50	n/a	40	50
MAXIMUM GRADE % (sustained/ short stretch)	10/15	10/15	10/15	10/15	10/15	10/15
SHOULDER WIDTH, EACH SIDE(feet)	3 to 4	4 to 5	5 to 6	n/a	n/a	n/a
TRAVELED SURFACE WIDTH(feet)	10	12	14	6/8	12	14
MINIMUM TURNOUT SPACING	n/a	½ mi	1/4 mi	n/a	n/a	1/2mi
SURFACE SPECIFICATIONS	BMP's ²	BMP's	BMP's	BMP's	BMP's	BMP's
DITCHING	BMP's	BMP's	BMP's	BMP's	BMP's	BMP's
CULVERT INSTALLATION SPECIFICATIONS ³	BMP's	BMP's	BMP's	BMP's	BMP's	BMP's
MIN. SIGHTING DISTANCE w/o SIGNAGE(feet)	100	150	250	n/a	150	250
VEGETATION CONTROL	cut/remove	cut/remove	cut/remove	n/a	n/a	cut//remove
PITCH(maximum)	<10%	4" crown	4" crown	n/a	20%	15%
STREAM AND WETLAND CROSSING SPECS	BMP'S	BMP'S	BMP'S	BMP'S	BMP'S	BMP'S
SENSITIVE AREA SET BACKS	BMP'S	BMP'S	BMP'S	BMP'S	BMP'S	BMP'S
SIGNAGE STANDARDS ⁴	Minimal	Basic	Moderate	Minimal	Basic	Moderate
GATE LOCATIONS	as agreed	as agreed	as agreed	as agreed	as agreed	as agreed
SEASONAL USE SPECIFICATIONS ⁵	surface	surface	surface	winter	winter	winter
MAINTENANCE STANDARDS	minimal	as needed	regular	none	none	groomed
ENVIRONMENTAL STANDARDS ⁶	APA/DEC	APA/DEC	APA/DEC	APA/DEC	APA/DEC	APA/DEC
INSURANCE STANDARDS ⁷	NYS REG	NYS REG	NYS REG	NYS REG	NYS REG	NSY REG
ENFORCEMENT ⁸	DEC	DEC	DEC	DEC	DEC	DEC

- 1 VEHICLE VOLUME SPECS:
 LOW: +/- <20 ROUND TRIPS/MONTH
 MEDIUM: +/-20-300 TRIPS/MONTH

 HIGH: +/- >300 TRIPS/MONTH
 APPENDIX J LISTS VOLUME CLASSES
 - 2 BMPS ARE PER THE NYS FORESTRY BEST MANAGEMENT PRACTICES FOR WATER QUALITY: BMP FIELD GUIDE
 - 3 ALL CULVERTS SHALL BE PROPERLY HEADED WITH STONE, WOOD, OR STEEL/PLASTIC COLLARS
 - 4 SIGNAGE STANDARDS:
 MINIMAL - SIGNS FOR IDENTIFYING ROAD NAME WHERE BEGINS AND FOR HAZARDOUS SITUATIONS SUCH AS BARRIERS/KNOWN HAZARD PREVENTING PASSAGE AHEAD, STOP SIGN INDICATING INTERSECTION WITH A MODERATE OR HIGHER VOLUME ROAD

 BASIC - SAME AS MINIMAL PLUS BRIDGE APPROACH SIGNAGE, SHARP CURVE SIGNS, OR ADDITIONAL AS OTHERWISE NEEDED AND AGREED UPON BY DEC AND HFFIII (EG. SUCH AS SUGGESTED SPEED LIMIT IF IS FIRST ROAD INTO A PROPERTY

 MODERATE - SAME AS BASIC PLUS SUGGESTED SPEED LIMIT (UNTIL IT BECOMES A REGULATION), TURNOUT SPACING, OR ADDITIONAL AS OTHERWISE NEEDED AND AGREED UPON BY DEC AND HFFIII
 - 5 "SURFACE" MEANS THE CONDITION AND TYPE OF THE SURFACE WILL SET STANDARDS FOR SEASONAL USE. GENERALLY CLOSED DURING MUD SEASON (AS POSTED) TO PUBLIC MOTOR VEHICLE AND LOG TRUCK USE, BY AGREEMENT OF DEC AND THE LANDOWNER. "WINTER" MEANS WINTER USE ONLY.
- MAINTENANCE STANDARDS:
- MINIMAL - CONDITION CHECKED ANNUALLY, ROUTINE MAINTENANCE SUCH AS GRADING, DITCH CLEANING POTHOLE/WASHOUT REPAIR GENERALLY NEEDED ONLY EVERY THREE OR FOUR YEARS
- AS NEEDED - SAME AS MINIMAL BUT DUE TO HIGHER USE LEVELS WILL LIKELY NEED SOME ROUTINE MAINTENANCE ANNUALLY OR EVERY OTHER YEAR
- REGULAR - ANNUAL ROUTINE MAINTENANCE LIKELY NEEDED
- 6 APA/DEC REGULATIONS ON WETLANDS, STREAM CROSSING, ETC.
 - 7 NYS REGULATIONS ON INSURANCE REQUIREMENTS FOR VEHICLES
 - 8 MOLPUS IS RESPONSIBLE FOR INFORMING LESSEE'S OF RULES AND REGS FOR USE OF TRAILS AND RELATED RETAINED RECREATION RIGHTS; DEC HAS LEGAL AUTHORITY FOR ENFORCEMENT OF DEC REG'S WITH MEMBERS OF THE PUBLIC, INCLUDING MOLPUS LESSEES WHEN ARE RECREATING AS MEMBERS OF THE PUBLIC.

Appendix F: Breeding Bird Atlas Species for Oswegatchie Conservation Easement Blocks

Common Name	Scientific Name	NYS Legal Status
Alder Flycatcher	<i>Empidonax alnorum</i>	Protected
American Crow	<i>Corvus brachyrhynchos</i>	Game Species
American Goldfinch	<i>Spinus tristis</i>	Protected
American Kestrel	<i>Falco sparverius</i>	Protected
American Redstart	<i>Setophaga ruticilla</i>	Protected
American Robin	<i>Turdus migratorius</i>	Protected
Baltimore Oriole	<i>Icterus galbula</i>	Protected
Barn Swallow	<i>Hirundo rustica</i>	Protected
Barred Owl	<i>Strix varia</i>	Protected
Belted Kingfisher	<i>Megaceryle alcyon</i>	Protected
Black-and-white Warbler	<i>Mniotilta varia</i>	Protected
Black-billed Cuckoo	<i>Coccyzus erythrophthalmus</i>	Protected
Blackburnian Warbler	<i>Dendroica fusca</i>	Protected
Black-capped Chickadee	<i>Poecile atricapillus</i>	Protected
Blackpoll Warbler	<i>Dendroica striata</i>	Protected
Black-throated Blue Warbler	<i>Dendroica caerulescens</i>	Protected
Black-throated Green Warbler	<i>Dendroica virens</i>	Protected
Blue Jay	<i>Cyanocitta cristata</i>	Protected
Blue-headed Vireo	<i>Vireo solitarius</i>	Protected
Broad-winged Hawk	<i>Buteo platypterus</i>	Protected
Brown Creeper	<i>Certhia americana</i>	Protected
Canada Warbler	<i>Wilsonia canadensis</i>	Protected
Cedar Waxwing	<i>Bombycilla cedrorum</i>	Protected
Cerulean Warbler	<i>Dendroica cerulea</i>	Protected-Special Concern
Chestnut-sided Warbler	<i>Dendroica pensylvanica</i>	Protected
Chimney Swift	<i>Chaetura pelagica</i>	Protected
Chipping Sparrow	<i>Spizella passerina</i>	Protected
Common Grackle	<i>Quiscalus quiscula</i>	Protected
Common Loon	<i>Gavia immer</i>	Protected-Special Concern
Common Merganser	<i>Mergus merganser</i>	Game Species
Common Raven	<i>Corvus corax</i>	Protected
Common Yellowthroat	<i>Geothlypis trichas</i>	Protected
Dark-eyed Junco	<i>Junco hyemalis</i>	Protected
Downy Woodpecker	<i>Picoides pubescens</i>	Protected

Appendix F (cont): Breeding Bird Atlas Species for Oswegatchie Conservation Easement Blocks

Eastern Kingbird	<i>Tyrannus tyrannus</i>	Protected
Eastern Phoebe	<i>Sayornis phoebe</i>	Protected
Eastern Towhee	<i>Pipilo erythrophthalmus</i>	Protected
Eastern Wood-Pewee	<i>Contopus virens</i>	Protected
European Starling	<i>Sturnus vulgaris</i>	Unprotected
Evening Grosbeak	<i>Coccothraustes vespertinus</i>	Protected
Field Sparrow	<i>Spizella pusilla</i>	Protected
Golden-crowned Kinglet	<i>Regulus satrapa</i>	Protected
Gray Catbird	<i>Dumetella carolinensis</i>	Protected
Gray Jay	<i>Perisoreus canadensis</i>	Protected
Great Blue Heron	<i>Ardea herodias</i>	Protected
Great Crested Flycatcher	<i>Myiarchus crinitus</i>	Protected
Great Horned Owl	<i>Bubo virginianus</i>	Protected
Hairy Woodpecker	<i>Picoides villosus</i>	Protected
Hermit Thrush	<i>Catharus guttatus</i>	Protected
Hooded Merganser	<i>Lophodytes cucullatus</i>	Game Species
Hooded Warbler	<i>Wilsonia citrina</i>	Protected
House Wren	<i>Troglodytes aedon</i>	Protected
Indigo Bunting	<i>Passerina cyanea</i>	Protected
Killdeer	<i>Charadrius vociferus</i>	Protected
Least Flycatcher	<i>Empidonax minimus</i>	Protected
Magnolia Warbler	<i>Dendroica magnolia</i>	Protected
Mallard	<i>Anas platyrhynchos</i>	Game Species
Merlin	<i>Falco columbarius</i>	Protected
Mourning Dove	<i>Zenaida macroura</i>	Protected
Mourning Warbler	<i>Oporornis philadelphia</i>	Protected
Nashville Warbler	<i>Vermivora ruficapilla</i>	Protected
Northern Flicker	<i>Colaptes auratus</i>	Protected
Northern Parula	<i>Parula americana</i>	Protected
Northern Waterthrush	<i>Seiurus noveboracensis</i>	Protected
Ovenbird	<i>Seiurus aurocapilla</i>	Protected
Pileated Woodpecker	<i>Dryocopus pileatus</i>	Protected
Pine Siskin	<i>Spinus pinus</i>	Protected
Pine Warbler	<i>Dendroica pinus</i>	Protected
Purple Finch	<i>Carpodacus purpureus</i>	Protected
Red-breasted Nuthatch	<i>Sitta canadensis</i>	Protected
Red-eyed Vireo	<i>Vireo olivaceus</i>	Protected

Appendix F (cont): Breeding Bird Atlas Species for Oswegatchie Conservation Easement Blocks

Red-tailed Hawk	<i>Buteo jamaicensis</i>	Protected
Red-winged Blackbird	<i>Agelaius phoeniceus</i>	Protected
Rose-breasted Grosbeak	<i>Pheucticus ludovicianus</i>	Protected
Ruby-throated Hummingbird	<i>Archilochus colubris</i>	Protected
Ruffed Grouse	<i>Bonasa umbellus</i>	Game Species
Rusty Blackbird	<i>Euphagus carolinus</i>	Protected
Scarlet Tanager	<i>Piranga olivacea</i>	Protected
Sharp-shinned Hawk	<i>Accipiter striatus</i>	Protected-Special Concern
Song Sparrow	<i>Melospiza melodia</i>	Protected
Spotted Sandpiper	<i>Actitis macularius</i>	Protected
Swamp Sparrow	<i>Melospiza georgiana</i>	Protected
Tree Swallow	<i>Tachycineta bicolor</i>	Protected
Turkey Vulture	<i>Cathartes aura</i>	Protected
Veery	<i>Catharus fuscescens</i>	Protected
White-breasted Nuthatch	<i>Sitta carolinensis</i>	Protected
White-throated Sparrow	<i>Zonotrichia albicollis</i>	Protected
Wild Turkey	<i>Meleagris gallopavo</i>	Game Species
Willow Flycatcher	<i>Empidonax traillii</i>	Protected
Wilson's Snipe	<i>Gallinago delicata</i>	Game Species
Winter Wren	<i>Troglodytes troglodytes</i>	Protected
Wood Duck	<i>Aix sponsa</i>	Game Species
Wood Thrush	<i>Hylocichla mustelina</i>	Protected
Yellow Warbler	<i>Dendroica petechia</i>	Protected
Yellow-bellied Flycatcher	<i>Empidonax flaviventris</i>	Protected
Yellow-bellied Sapsucker	<i>Sphyrapicus varius</i>	Protected
Yellow-rumped Warbler	<i>Dendroica coronata</i>	Protected
Yellow-throated Vireo	<i>Vireo flavifrons</i>	Protected

Appendix G: Public Comments and Response Summary

The following is a summary of public comments relating to the draft Oswegatchie Conservation Easement (OCE) Recreation Management Plan (RMP). Written public comments were accepted between November 30, 2016 and February 1, 2017. Comments on a revised, second draft of the plan were accepted between November 21st and December 21st 2018.

Comments are summarized below – they have been condensed, paraphrased, etc. however excerpts are included where possible. Department responses are included.

First Public Comment Period

The Department received 17 written comments between November 30, 2016 and February 1, 2017. A public meeting was also held on December 13, 2016 at the NYSDEC Lowville office, during which oral comments were documented. The December 13th meeting was attended by 28 people, with 9 individuals providing specific comments.

RMP Format

- 1. The format of RMPs is too wordy and confusing for comprehension by the general public.**

A standard Department template was used to draft this RMP. RMPs are intended to be comprehensive management plans focused on the implementation of acquired public recreation rights. Use of technical language and discussion of complex issues is warranted. An executive summary has been added to the beginning of the RMP to outline major proposals.

- 2. Include topographic maps for the OCE, including waterbodies, wetlands, roads and bridges. The maps contained in the plan are insufficient for meaningful review of the RMP.**

Maps in the RMP show waterbodies and wetlands (Appendix L), and roads (Appendix I). Bridges are listed in Appendix J and may be assumed to exist where roads are shown to cross major streams. A topographic map has been added.

- 3. General support for RMP content including:**
 - **Fish and wildlife data.**
 - **Recreation monitoring and development of standards to guide future management decisions.**
 - **The capacity of the resource to withstand use (protection of natural resources) as a factor in determining compatible recreational activities.**

- **Noting that enforcement of applicable laws and regulations, including ATV trespass and off-road riding, is a significant management challenge.**
- **Clipped easement language relating to recreational rights**

NYSDEC agrees these are valuable items to include in the OCE RMP. The full conservation easement deed has also been uploaded on the Department website and is now referenced in the RMP.

4. **Additional modifications to the RMP that are warranted include more direct documentation of the conservation easement, particularly the “Recitals” and “Conservation Values” sections. Inclusion of these sections of the easement along with recreational rights, would provide a more cohesive picture of what a RMP should be providing in terms of resource protection and recreational opportunities.**

The conservation easement’s reference to significant natural resource value is noted in the RMP. The entire conservation easement deed has been uploaded on the Department website and is linked in the RMP.

Planning Process

1. **Give greater consideration to ATV rights when developing RMPs.**

The implementation of motor vehicle rights, including ATV use were evaluated along with all other public recreation rights which were acquired on the OCE. Discussion of each recreation access/use is included in section IV-B.

2. **Consider landowner rights and traditional lessee uses when developing RMPs.**

NYSDEC has developed the RMP with consideration for rights retained by the landowner and the landowner has reviewed the RMP and provided comments. Lessees may continue to hunt, fish, and trap on the OCE subject to this RMP.

3. **NYSDEC should reach out to the NYS Fish and Wildlife Management Board earlier in the planning process.**

NYSDEC acknowledges the value in receiving feedback from the Fish and Wildlife Management Board. While the Department is willing to accept input throughout the planning process, draft RMPs are not released prior to the public comment period.

4. **The Department should sit down with key stakeholders to develop an RMP more aligned with the intent of conservation easements.**

NYSDEC coordinated development of the RMP with the landowner. All other stakeholders are welcome to comment, suggest alterations, or express concerns during the draft RMP public comment period.

5. SEQR should not be completed by the same individuals who draft RMPs.

While Part 1 of the Full Environmental Assessment Form was prepared by the author of the RMP, the identification of potential impacts in Part 2; and the evaluation of the magnitude and reasons in support of the determination of significance as contained in Part 3 were performed by a separate Responsible Officer.

6. The public comment period should be extended.

The comment period between November 30, 2016 and February 1, 2017 was longer than a typical 30-day comment period. A longer comment period was selected due to timing around the winter holidays. A second comment period was held from November 21st to December 21st 2018 due to significant changes to the RMP following the first public comment period.

7. Conservation Easements and the UMP Process

- **Clarify the statement that “management recommendations in this RMP will replace all management recommendations proposed in the Aldrich Pond Wild Forest UMP for the portion of the Property north of the Middle Branch of the Oswegatchie River.” As written, this statement would suggest that the RMP planning process would supersede the formal UMP process guided by the Adirondack Park State Land Master Plan.**
- **If ATV use were to be permitted on the OCE pursuant to this RMP it would undermine the intent and integrity of the Aldrich Pond Wild Forest UMP and create a backdoor mechanism for modifying it without full and adequate review and transparency.**

In the past, management plans for some conservation easements were included in Unit Management Plans (UMPs), which focused on state-owned lands inside and outside of the Adirondack Park. NYSDEC now drafts stand-alone Recreation Management Plans for conservation easement lands rather than including management for conservation easements within UMPs. The Adirondack Park State Land Master Plan does not apply to conservation easements, however the Adirondack Park Agency has some oversight relating to the OCE through the Freshwater Wetlands Act, Wild Scenic and Recreational Rivers Act, and Section 814 of the Adirondack Park Agency Act.

The Aldrich Pond Wild Forest UMP contains management actions for the portion of the OCE north of the Middle Branch of the Oswegatchie River. Language has been revised in the RMP to clarify that this RMP addresses management throughout the OCE, but does not influence management of forest preserve lands subject to the Aldrich Pond Wild Forest UMP.

Accessing the OCE and Adjacent Forest Preserve Lands - General

1. General support for access to Aldrich Pond Wild Forest and Watson's East Triangle Wild Forest as addressed in the RMP.

The OCE serves as the primary access for portions of each of these units. Since purchasing the conservation easement, the Department has constructed Microburst Boulevard (1995) and replaced the motor vehicle bridge over the Middle Branch of the Oswegatchie River (2004) to facilitate access.

2. Provide better access to Rainbow Falls.

As discussed in the RMP, the OCE boundary is only 500 feet from each side of the Middle Branch of the Oswegatchie River near Rainbow Falls and steep slopes and wetlands make routing a trail difficult. Acquiring rights for alternative public access is suggested in Appendix C.

3. Except for car-top boat recreation, the OCE is not easily accessible from the north. Provide motor vehicle access to the Property from the north over Bald Mountain Road or Bryant Bridge Road. Can NYSDEC amend the conservation easement to facilitate access to the OCE from the north?

Bald Mountain Road and Bryant Bridge Road cross private property. NYSDEC does not own the right to permit public access over Bald Mountain Road between Bryant Bridge and Microburst Blvd or over Bryant Bridge Road except for car-top boat recreation access. At the time the conservation easement was purchased, the landowner was unwilling to sell the Department additional motorized access rights on these roads. The Department has previously tried to acquire these rights and will continue to do so, as noted in the additional rights for acquisition listed in Appendix C.

4. Blue Swamp Tract Access:

- **Don't believe NYSDEC has a legal right-of-way over Blue Swamp Road from Long Pond Road.**

The conservation easement purchased by the state from Lassiter Properties included the right of ingress and egress over the right-of-way from the Long Pond Road to the

property as conveyed by Anthony Zehr, Arline R. Zehr, Ralph Zehr, and Arline I. Zehr to J.P. Lewis Co., June 26, 1961, recorded at the Lewis County Clerk's office at book 265, page 129.

- **Provide access to the Blue Swamp Tract on the Case Marsh Road instead of the Blue Swamp Road from Long Pond Road.**

The Case Marsh Road crosses private property. NYSDEC does not own rights on this road.

- **Keep people off roads intersecting the proposed Blue Swamp MAPPWD Route.**

The only vehicles which will have access to Blue Swamp Road will be people with disabilities who qualify for the Motorized Access Program for People with Disabilities. Directional signage will be placed along the route.

- **General concern over locks for gates on the Blue Swamp MAPPWD Route.**

Multiple locks will be used so that the landowner surrounding the Blue Swamp easement, the OCE landowner, and MAPPWD permit holders each have a separate key or combination lock. NYSDEC is responsible for all individuals accessing the road pursuant to MAPPWD.

- **Open the Blue Swamp Road to all public motor vehicles instead of just as an MAPPWD Route.**

Discussion related to opening the Blue Swamp Road only as a MAPPWD Route is included in section IV-B-3 of the RMP.

Motorized Access

- 1. Request to limit motor vehicle use on the OCE.**

NYSDEC seeks to provide motorized access to the OCE and abutting forest preserve lands to facilitate access to programs and enjoyment of the Property. Discussion relating to motorized access is included in section IV-B.

- 2. Provide motorized access north of the Middle Branch of the Oswegatchie River.**

Since acquiring the conservation easement in 1989, NYSDEC has constructed Microburst Boulevard and replaced the bridge over the Middle Branch of the Oswegatchie River. Prior to these projects, there was no legal motorized access to the OCE north of the Middle Branch. Mullins Flow Road now crosses the Middle Branch of the Oswegatchie

River and Silver Dawn Road leads back onto the OCE from Aldrich Pond Wild Forest. The proposed parking area at the end of Silver Dawn Road is located at the end of the improved gravel road.

Long Lake Trail is the primary access route to the OCE north of the Middle Branch of the Oswegatchie River, however the corridor crosses private property between Bryant Bridge and the OCE boundary. NYSDEC does not own the rights to permit public access over this road.

- 3. Provide motorized access to waterbodies and wetlands for hunting/fishing/trapping, especially seasonal ATV road access. Provide motorized access to Deer Pond, Little Silver Dawn, and Silver Dawn Lake.**

Passenger vehicle access to Cold Spring Creek, Shaw Brook, the Middle Branch of the Oswegatchie River, and MAPPWD access to Blue Swamp Creek (as well as associated wetlands) are provided through management proposals in the RMP. Discussion relating to potential motorized access on the OCE is included in section IV-B.

A parking area and ¼ mile trail to Deer Pond have been added to proposals in the RMP. No hardened roads exist to Silver Dawn Lake. Lastly, the Department does not own rights over Long Lake Trail to provide motorized access to Little Silver Dawn Lake from Bryant Bridge.

- 4. Limited motorized access to more remote portions of the OCE will restrict the use of much of the Property to all but a very few.**

Portions of the OCE are largely inaccessible using existing roads. The only legal access route NYSDEC owns to access the OCE north of the Middle Branch of the Oswegatchie River is Silver Dawn Road and the only legal access owned to the Blue Swamp Tract is Blue Swamp Road. As proposed in the RMP, individuals with disabilities may apply for a permit for special motorized access to the Blue Swamp Tract through the Motorized Access Program for People with Disabilities. Appendix C lists desirable rights for acquisition which may improve motorized access to the OCE in the future.

All-Terrain Vehicle (ATV) Access

- 1. Taxpayers have a right to use ATVs on the OCE:**
 - Taxpayer funds were used to purchase public ATV rights on the OCE and continue to be used to pay taxes on the property based on recreation rights which were purchased, including ATV access. Not allowing ATVs on the OCE is denying the tax paying public rights that were purchased for them.**
 - Restricting ATV access because passenger vehicle access is provided does not address the taxpayer's rights to recreation in a manner they may choose.**

NYSDEC has purchased the right to permit public motor vehicle access (including passenger vehicles which may be registered for use on public highways, ATVs, and snowmobiles) on the OCE. ATV access is just one option the Department has for providing access through the motor vehicle rights which were purchased. NYSDEC is not required to exercise all rights purchased in the conservation easement. Acquired motor vehicle access rights provide the Department with management options in the present as well as the future.

In evaluating potential implementation of access and recreation rights purchased on the OCE, numerous factors were considered. Relating to ATV use, potential impacts on natural resources on the Property, potential for illegal use on adjacent forest preserve lands, strategic use of Department resources, and the degree to which ATVs would increase access to recreation opportunities were considered.

The RMP has been revised to allow Lewis County to administer ATV use on Bald Mountain Road, to serve as a connection route within the County ATV trail system.

- 2. It appears there are numerous roads and trails on the property that are suitable for ATV use, yet the RMP does not propose any ATV access.**

Permitting ATV access on roads already open to passenger vehicles does not improve overall access to the OCE. Passenger vehicle access provides more universal access to the Property than ATV access, since these types of vehicles are owned by most members of the public. Roads which are not proposed to be opened to public motorized access are discussed in section IV-B-1.

The RMP has been revised to allow Lewis County to administer ATV use on Bald Mountain Road, to serve as a connection route within the County ATV trail system.

- 3. The OCE is a working forest with extensive infrastructure and a demonstrated capacity to withstand use. ATV use impacts pale in comparison to landowner logging practices.**

The landowner has reserved the right to practice forestry on the OCE. NYSDEC's evaluation of potential ATV use and impacts is not related to landowner use of the Property.

- 4. Lewis County depends on ATV recreation and related sporting opportunities to support its tourism economy. Proposing ATV recreation opportunities would improve the local economy. NYSDEC land managers should work collaboratively with Lewis County's representatives and Director of Recreation, Forestry and Parks**

to develop a RMP that acknowledges the economic importance and significance of ATV access and use in Lewis County, enhances the County's trail system and motorized access for sporting.

NYSDEC recognizes the importance state owned lands and conservation easements have in relation to local economies. The Department met with Lewis County representatives to discuss Resolution 28-2017 and comments which were submitted during the public comment period. The RMP has been revised to allow Lewis County to administer ATV use on Bald Mountain Road, to serve as a connection route within the County ATV trail system.

- 5. The NYS Open Space Plan is referenced as a guiding document in the RMP. Excerpts from the Open Space Plan Regional Advisory Committees' Report reference acquisition and development of motor vehicle and ATV rights on conservation easements.**

The rights acquired in this conservation easement are consistent with the recommendations of the Open Space Plan, though the language in the current Open Space Plan was created many years after this property was acquired. Discussion concerning proposed motorized access including ATV use is found in section IV of the RMP and in Appendix C the RMP identifies additional acquisitions that would provide improved motor vehicle access to the property.

- 6. The RMP statement "Were ATVs to be permitted on the Property, they would not provide access to any portion of the Property not already accessible by passenger vehicles" seems subjective and erroneous given the numerous roads and trails of varying condition and areas of the property where there is no motorized access.**

This section has been re-written to clarify the intended point: Roads capable of supporting ATV access have generally already been opened to passenger vehicles. Permitting ATV access on roads open to passenger vehicles does not improve overall access to the OCE.

- 7. The RMP statement "NYSDEC does not open roads or trails for ATV pleasure riding, only to provide access to other recreation opportunities and connect local non-DEC trail networks" is erroneous. There are several conservation easements that allow pleasure riding on designated roads.**

ATV recreation is not a Department program (programs include recreation activities such as hunting, fishing, hiking, paddling etc). Several conservation easements allow ATV use

on designated roads to access conservation easement lands and recreation opportunities on them.

- 8. Provide a parking area at the entrance to the Property that will accommodate a parking and unloading area for ATVs. Roads designated for motor vehicles should be all inclusive as defined in the conservation easement. Pleasure riding should be restricted from the end of mud season to the opening of big game season on roads and trails capable to sustain such use. Secondary haul roads and trails existing on the property should be identified to be opened seasonally for ATV use for the purpose of providing access to areas holding fish and game for hunting, fishing, trapping and nature viewing.**

The RMP has been revised to allow Lewis County to administer ATV use on Bald Mountain Road – primarily serving as a “through route”. No other ATV use is proposed, so no parking area will be built. Discussion relating to ATV access is included in section IV-B-5.

- 9. Comprehensive ATV Management**

- **DEC should not encourage any new or expanded ATV activity without a more comprehensive policy to regulate such activities. This is particularly important when considering the fragmented nature of conservation easement lands and the way they are interwoven with forest preserve lands - in particular, the OCE adjoins Aldrich Pond and Watson’s East Triangle Wild Forests.**
- **Comprehensive address of unlawful off-road motorized use (including ATVs) throughout the Adirondack Park, and the demand for securing legal and safe non-forest preserve riding while protecting natural resources is needed. This and future RMPs should initiate a process that identifies appropriate ATV and motorized use on easement lands while addressing the larger issues concerning ATV use on forest preserve lands.**

This RMP only addresses the OCE property. The RMP has been revised to allow Lewis County to administer ATV use on Bald Mountain Road, to serve as a connection route within the County ATV trail system. The Department remains responsible for enforcing against illegal ATV use and minimizing impacts to natural resources. Forest Rangers are responsible for enforcing laws on conservation easement and forest preserve lands.

- 10. Concern that camp lessees will only have access to their camps by motor vehicles on designated roads, and have no rights to use other roads and trails that have traditionally been used for sporting access.**

The landowner has retained the right to maintain lease camps on the property, and lessees may drive directly to and from their camp, on roads which are closed to public motor vehicles. Excepting direct ingress/egress to camps, lessees may access OCE lands and recreate on the Property as members of the public.

Hunting/Fishing/Trapping

- 1. Keep land accessible for hunting, fishing and trapping with limited motor vehicle access.**

Hunting (January-October until expiration of reserved hunting rights in 2019), fishing and trapping are permitted throughout the OCE. A discussion of motorized access is included in section IV-B.

- 2. Sporting activities, traditional uses, hunting, fishing and trapping are not facilitated since ATV access has not been proposed.**

Access to these unconfined recreation opportunities is facilitated by 12.7 miles of roads designated for passenger vehicle use and an additional 5.7 miles (including access rights-of way) through the Motorized Access Program for People with Disabilities. The RMP has also been revised to allow Lewis County to administer ATV use on Bald Mountain Road, and is discussed in section IV-B-5.

- 3. Lessees don't want public access to the OCE due to hunting safety concerns.**

The OCE is already open year-round to the public for recreation. The landowner has reserved some hunting rights through 2019, after which all lessee recreation (including hunting) will be as members of the public.

Information and Signage

- 1. Need adequate signage (what's allowed in what areas on the CE).**

Boundary signage is posted along major road corridors and accessible boundaries of the OCE. As detailed in the RMP, boundary signage will be updated and replaced in 2020. An information kiosk is proposed on Bald Mountain Road.

- 2. There should be better access and another kiosk on Bryant's Bridge Road for those accessing the Property from the north.**

NYSDEC owns a right-of-way over Bryant Bridge Road through private property, only for car-top boat recreation access to the OCE. Bryant Bridge Road is signed to indicate this restriction. Limited car-top boat recreation is anticipated on the OCE, so construction of an additional kiosk in this location is not warranted.

3. **Signage at entrance kiosks and specific language in hand-out brochures should specify the "new" rules in effect after the 2019 hunting seasons. Lessees and legacy users must know that public visitors are permitted to use the formerly exclusive club lands. Signage should also offer current phone numbers for DEC personnel able to sort out disagreements before they escalate in the field.**

Signage will be updated in 2020 to reflect the expiration of exclusive hunting rights on the OCE. Boundary signage will include the NYSDEC Lowville Office phone number, and law enforcement contact information will be provided at the proposed Bald Mountain Road kiosk. The Department will work with the landowner to ensure lessees understand public rights on the Property.

Other Comments

1. **Model the OCE RMP after the Kushaqua Tract RMP, particularly for ATV access and preservation of traditional lessee uses.**

RMPs may differ significantly based on what rights NYS has purchased and management considerations specific to each conservation easement property. Management considerations include existing infrastructure and condition, maintenance and law enforcement issues, alternative access options and potential natural resource impacts. ATV access and preservation of traditional lessee use is further addressed elsewhere in this appendix.

2. **Logging access to the area should be retained.**

The landowner retains the right to conduct forest management activities on the OCE.

3. **Maple sugar operations surrounding the Blue Swamp Road right-of-way should be protected.**

A MAPPWD route is proposed over the Blue Swamp Road right-of-way. This will not impact the landowner's maple syrup operation rights or other rights on their property. Public access will not open until after mud season is over, which is usually well after the sap run has concluded.

4. **Considering purchase price and acquired rights, this conservation easement is not a good deal for the public.**

The conservation easement was purchased in 1989. The value of the conservation easement was determined by independent outside appraisers.

5. **Reconsider who is eligible for MAPPWD permits. Some people on disability are in good physical shape.**

Commissioner's Policy 3 outlines conditions under which individuals qualify for the Motorized Access Program for People with Disabilities. This RMP cannot amend Commissioner's Policy 3.

6. **Build a snowmobile trail to Bear Pond then to Stillwater to connect Stillwater and Big Moose.**

Most of this land is not addressed in this RMP, and portions of this route pass through forest preserve Wilderness Areas where snowmobiling is not permitted. The Bear Pond Road is open to snowmobiles where it crosses the OCE.

Second Comment Period

The Department received 10 written comments between November 21st and December 21st 2018.

RMP Format and Contents

1. **Thank you for making substantial improvement to the documentation and transparency of the conservation easement terms associated with the plan. The inclusion of relevant easement terms within the RMP and linking the full easement document on the NYSDEC website is a significant improvement.**

Noted.

2. **Items included in this RMP we hope to see included in future RMPs across the Adirondack Park include: a) the use of recreation monitoring and the development of standards to guide future management decisions; b) the capacity of the resource to withstand use (protection of natural resources) as a factor in determining compatible recreational activities; and c) noting the enforcement of applicable laws and regulations, including ATV trespass and off-road riding, is a significant management challenge.**

Noted.

3. **Fisheries are acknowledged in the RMP but no plan for future management is included.**

The plan has been updated to reflect that fisheries will be managed consistent with applicable plans completed by the Division of Fish and Wildlife.

Planning Process

- 1. Suggestions of the Region 6 Fish and Wildlife Management Board were essentially ignored.**

All stakeholders are encouraged to comment, suggest alternatives, or express concerns during draft RMP public comment periods. The current draft of the RMP was revised with consideration of all public comments that were received during the first comment period.

- 2. Recommendations of the 2016 Region 6 Open Space Plan have been ignored in drafting the RMP.**

The rights acquired in this conservation easement are consistent with the recommendations of the Open Space Plan, even though the language in the current Open Space Plan was created many years after this property was acquired.

- 3. The Kushaqua RMP serves as an example of how access, and particularly ATV access should be managed on conservation easements.**

RMPs may differ significantly based on what rights NYSDEC has purchased and management considerations specific to each conservation easement property. Management considerations include existing infrastructure and condition, maintenance and law enforcement issues, alternative access options and potential natural resource impacts.

- 4. It is requested that DEC land managers continue to work collaboratively with Lewis County representatives when developing RMPs, to recognize the economic importance and significance of motorized vehicle access and use (inclusive of ATVs) for recreational and sporting activities.**

NYSDEC will continue to work collaboratively with Lewis County. All stakeholders are encouraged to comment, suggest alternatives, or express concerns during draft RMP public comment periods.

- 5. Prejudicial and biased attitudes, recreational preferences and recreational engineering seem at play in the drafting of this RMP.**

NYSDEC staff has developed a Recreation Management Plan with input from a diverse group of professional outdoor resource managers; planners, foresters, biologists, access coordinators, and Operation Supervisors have contributed. A draft of the RMP was released and revisions were made in consideration of stakeholder comments.

Unfortunately, not all stakeholders desire the same management actions. Rationale for each management decision has been provided within the RMP.

Support for the proposed Bald Mountain Road ATV Route

- 1. General support for the proposed Bald Mountain Road ATV route was expressed.**

Noted.

- 2. Opening the Bald Mountain Road to ATVs will benefit the local economy. The ATV route is important for recreation and tourism development.**

Noted.

- 3. The Bald Mountain Road provides an important connection for the Lewis County ATV trail system.**

Noted.

- 4. Currently, the only way to access Jerden Falls Road is by traveling many miles on paved road. Opening Bald Mountain Road to ATVs will help fix this issue.**

Noted.

- 5. Appreciation for DEC's willingness to adapt the RMP to allow some ATV use was expressed.**

The current draft RMP was revised in consideration of all public comments that were received during the first comment period.

- 6. 99% of ATV riders are responsible and respectful of rules.**

It is acknowledged that all user groups contain many responsible recreationists.

- 7. Most people think of ATVs as sport or racing machines, however these types of machines account for about 1% of ATV sales. Most purchasers are 50-years or older and want to leisure cruise.**

Noted.

- 8. Bald Mountain Road could be a great opportunity to set an example of certain roads/trails on state land that can be open to ATVs without damage to the landscape.**

Noted.

9. **ATV use on Bald Mountain Road will be primarily used by locals. The road will be well policed by locals as well as the local ATV club.**

Users keeping an eye on other users can be very helpful, enhancing the enforcement that will be conducted by the Lewis County Sheriffs, NYS Forest Rangers and NYS Environmental Conservation Officers.

Opposition to the proposed Bald Mountain Road ATV Route

1. **General opposition to the proposed Bald Mountain Road ATV route was expressed.**

Noted

2. **Local roads have been opened in violation of NYS Vehicle and Traffic Law, as well as NYS Attorney General Opinion 2005-21 to form an ATV trail network in Lewis County. By opening 5.2 miles of the Bald Mountain Road to ATVs, NYSDEC is contributing to this trail system which contradicts law and Attorney General Opinion.**

NYSDEC has proposed that a TRP may be issued to Lewis County to administer ATV use on Bald Mountain Road. If legal ATV access to Bald Mountain Road is cut off to the north or south Bald Mountain Road will immediately be closed. Long Pond Road (a town road) to the south is currently open to ATVs and to the north Lewis County has permission from a private landowner to use a route that connects to Bald Mountain Road.

3. **NYSDEC hints at NYS Vehicle and Traffic Law/Attorney General Opinion challenges within TRP language that states “no TRP will be issued to Lewis County unless the County can first show that legal ATV routes connect to the Long Pond/Bald Mountain Road intersection and northern portion of Bald Mountain Road where it leaves the OCE. If legal ATV access to Bald Mountain Road is cut off to the north or south, the road will be immediately closed to ATVS on the OCE.”**

This draft TRP language is meant to ensure that Bald Mountain Road is only open as a connection route between a viable trail system to the north and south. Should the private landowner close the road to the north, or the Long Pond Road be closed, the Bald Mountain Road would then also be closed.

4. **Given the *Desantis v. Village of Constableville* decision, the DEC’s use and application of NYS Vehicle and Traffic Law raises serious legal concerns. Opening over 5 miles of what NYSDEC is declaring to be a public road does not meet criteria for where ATVS may be permitted on public roads.**

Bald Mountain Road is a private road that provides access to and across the Oswegatchie conservation easement tract under the terms of the easement. The Department will oversee public ATV access on this road through the issuance of an annual Temporary Revocable Permit (TRP) – which is revocable at any time. Since the Bald Mountain Road is a private road, the requirements of the of the NYS Vehicle and Traffic Law to open a public road to ATV use are not applicable.

- 5. NYSDEC must fully explain the justification for using a Temporary Revocable Permit (TRP) to allow Lewis County to administer ATV use on Bald Mountain Road.**

Justification for using a Temporary Revocable Permit (TRP) rather than the Department managing ATV use on Bald Mountain Road has been added to the RMP.

- 6. NYSDEC should not propose actions that support ATV use without a comprehensive ATV policy. Adjacent forest preserve lands and conservation easements alike may be impacted by ATV use.**

A comprehensive ATV policy is beyond the scope of this Recreation Management Plan. NYSDEC does own the right to open Bald Mountain Road to public ATV use and has addressed management and enforcement issues which may arise from public ATV use on the road.

Access for the Sporting Community

- 1. Allowing Lewis County to develop an ATV trail over Bald Mountain Road is a positive step, but this trail does nothing to address the needs of the sporting community pertaining to ATV use.**

Sporting community access, meaning access for hunting, trapping, and fishing, is provided by an extensive network of roads open to public motor vehicle use. Passenger vehicle access provides more universal access to the Property than ATV access, since ATVs are not owned by most members of the public while passenger vehicles are. Some roads are not proposed to be opened to any public motorized access and the reasons for this are discussed in section IV-B-1 of the RMP.

- 2. Disappointment was expressed that some access rights (particularly motorized access) were purchased on the property but are not being fully implemented under the RMP.**

Access rights that have been purchased by the Department provide management options in the present as well as the future. In evaluating what motorized access and other recreation rights purchased through the OCE would be provided currently for public use, numerous factors were considered. These factors are discussed in the RMP.

- 3. Need to provide more access (particularly motorized) for the sporting public. The sporting community is aging - 20% of hunters are over age 65 and 57% are over age 45.**

Access to unconfined recreation opportunities is facilitated by 12.7 miles of roads designated for passenger vehicle use and an additional 5.7 miles (including access rights-of way) through the Motorized Access Program for People with Disabilities. Lewis County may also administer ATV use on Bald Mountain Road subject to a Temporary Revocable Permit.

- 4. With the proximity of Fort Drum, there are a substantial number of disabled veterans in the area. The RMP should provide more access for them.**

The Blue Swamp Road will be opened under the Motorized Access Program for People with Disabilities. This route will lead to a universally accessible campsite. All designated parking areas will meet ADA requirements, excepting the Rainbow and Silver Dawn Trailhead Parking Areas where space limitations do not allow for a universally accessible parking area.

- 5. More access via Blue Swamp Road and near Deer Pond is requested.**

Specific management considerations relating to the opening of the Blue Swamp Road and roads near Deer Pond are discussed in section IV(B)(1) of the RMP. A short trail to Deer Pond has been added to the plan.

- 6. New York State will not be open for hunting and fishing until Lands and Forests staff understand and accommodate the sporting communities aging demographics and access needs.**

NYSDEC seeks to provide recreational opportunities when these opportunities are consistent with other management objectives. Hunting, fishing, and trapping are allowed throughout the OCE, subject to conservation easement terms.

- 7. It is time for NYSDEC to work collaboratively with the sporting community on big picture issues.**

NYSDEC will continue to work collaboratively with the sporting community. All stakeholders are encouraged to comment, suggest alterations, or express concerns during the development of Recreation Management Plans.

- 8. The revised RMP demonstrates a complete disregard for the traditions and culture of the sporting community, the camp lessees and for the multi-million dollar business hunting, fishing and trapping is in New York State.**

Public fishing and trapping are currently permitted on the Property, subject to applicable seasons, rules and regulations. Public hunting on the Property is currently prohibited from September 1st through December 31st of each year, as required by the conservation easement. Public hunting is permitted outside of these dates, and beginning in 2020, public hunting will be allowed year-round subject to applicable seasons, rules and regulations. This conservation easement provides more sporting opportunities for the public than were available before the easement was acquired.

Snowmobile Trails

- 1. There are already numerous snowmobile trails existing within the easement. The associated cost of constructing and maintaining the Casey Rumble Trail out-weigh any usefulness it may provide.**

In order to increase safety of riders, NYSDEC aims to provide alternative snowmobile routes to use when logging operations are occurring. The Casey Rumble Trail is one of these alternative trails. Specific management considerations relating to the trail are discussed in section IV(B)(4) of the RMP.

- 2. The designation of the Casey Rumble Trail will encourage illegal ATV use.**

The Casey Rumble Trail will not be open to ATVs. Enforcement against illegal use will be conducted by the Lewis County Sheriffs, NYS Forest Rangers and NYS Environmental Conservation Officers.

Enforcement

- 1. The NYS Conservation Officers are already understaffed. Creating more undue stress on their services (opening the Bald Mountain Road to ATVs) seems counterproductive.**

Enforcement against illegal use will be conducted by the Lewis County Sheriffs, NYS Forest Rangers and NYS Environmental Conservation Officers. It should be noted that the Temporary Revocable Permit (TRP) which will allow Lewis County to administer ATV use on Bald Mountain Road will be renewed annually. Prior to renewing the TRP each year, Lewis County will provide NYSDEC a report summarizing Sheriff enforcement efforts and other County resources used while administering ATV use on Bald Mountain Road the prior year. The TRP may be revoked if conditions of the permit are not met or significant environmental impacts are observed and cannot be remedied.

SEQR

- 1. SEQR will need to be re-done to reflect the changes proposed in the updated draft of the RMP.**

SEQR documents have been updated to include consideration of the impact of ATV use on the Bald Mountain Road within the Oswegatchie CE. It has been determined that the opening of the existing Bald Mountain Road to ATVs as part of the Lewis County ATV system will not result in significant adverse environmental impacts.

- 2. NYSDEC must provide a detailed description and maps of the Lewis County Trail System of which the trail on Bald Mountain Road would become a part. NYSDEC must consider the environmental impact of the whole trail network and provide an analysis of the environmental impact of the whole system. To do otherwise would be "segmentation" and would violate SEQR.**

Department staff considered the opening of Bald Mountain Road to ATV use in its SEQR environmental assessment evaluation and determined that opening the road to public ATV use will not result in significant adverse environmental impacts. Also, during the environmental assessment, staff determined that the action does not necessitate a broad review of the entire Lewis County ATV trail system.

Miscellaneous

- 1. Bridges should not be built in beaver flows that could be flooded in the future.**

When siting bridges, future flooding by beaver is considered. The bridge will be sited at a location that is not likely to be impacted by beaver flooding, or any other flooding incidents.

- 2. NYSDEC needs to comprehensively address unlawful off-road motorized use throughout the Adirondack Park.**

A comprehensive ATV policy is beyond the scope of this Recreation Management Plan. Illegal ATV use is enforced against by Lewis County Sheriffs, NYS Forest Rangers and NYS Environmental Conservation Officers.

- 3. An ATV trail system is needed in the Lake George region.**

The Lake George area is not encompassed by the Oswegatchie Conservation Easement RMP.

- 4. Other areas where ATV trails should be considered include the small tract of land on the power line that connects Carthage Reservoir Road to Jerden Falls and the Main Haul Road on the Croghan Tract.**

Neither area is part of the Oswegatchie Conservation Easement RMP. This could be addressed in respective management plans for the state forest and conservation easement these areas are within.

Appendix H: SEQRA Negative Declaration

Agency Use Only [If Applicable]

Project :
 Date :

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

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

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

Reasons Supporting This Determination:

To complete this section:

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

The Oswegatchie Conservation Easement RMP outlines resource and recreation management for the Property, consistent with applicable laws, regulations, Department guidelines, policies, and the conservation easement. Public use of the property and designation/construction of roads, trails, parking areas and campsites represent potential impacts.

After review of Part 2, the following explanations are provided:

Impact on Land: Proposed management actions in the RMP will have minimal impacts on the landscape, including localized and minimal grading of roads, foot/snowmobile trail(s), and grading/leveling of parking areas as needed. Water table depth, slope, and bedrock are not issues of concern. Best Management Practices will be followed for all construction and maintenance projects. Proposed public use is anticipated to have very few impacts on the landscape, particularly due to the fact that higher impact uses such as passenger vehicle, all-terrain vehicle, and snowmobile use will be limited to corridors deemed capable of supporting their use. Overall, no significant adverse environmental impacts on the land are anticipated.

Impact on Plants and Animals: While any project in a forest setting may impact flora and fauna, proposed management actions mostly utilize existing property infrastructure and resources (trails mostly use old forest management trails, roads opened to passenger vehicles and all-terrain vehicles already exist, campsites and parking areas utilize existing clearings). Only minimal brushing and tree removal is anticipated. Some sites will require leveling, grading and hardening of surfaces. Consumptive public uses such as hunting, fishing and trapping are regulated by the NYS Department of Environmental Conservation to protect fish and wildlife populations. Noise and emissions from public motorized uses have potential to impact plants and wildlife, but impacts are anticipated to be small. These impacts are similar to those which occur from forest management equipment which is regularly operated on the Property. The NYS Breeding Bird Atlas identifies the Cerulean Warbler, Common Loon, and Sharp-shinned Hawk as species of Special Concern and the NYS Herp Atlas identifies smooth green snakes as Species of Greatest Conservation Need in survey blocks containing the Property; but proposed management actions are not anticipated to impact these species. Since most proposed facilities utilize existing openings in the forest and existing infrastructure, public use will have few impacts on plants and animals (except consumptive uses which are regulated). No significant adverse environmental impacts are anticipated.

The following Best Management Practices will be adhered to during proposed construction projects:

Locate structures and facilities on flat, stable, well-drained sites; locate improvements to minimize necessary cut and fill; locate improvements away from streams, wetlands and unstable slopes; avoid channelling public recreation to areas where sensitive species are known to exist; limit the size of parking areas and other improvements to the minimum necessary to meet the intended use, or to indirectly control amount of use; minimize tree cutting; use proper drainage devices, such as water bars and broad-based dips, to prevent erosion and damage to improvements; use soil stabilization practices on exposed soil around construction areas immediately after construction; use natural materials to blend structures into the natural surroundings. See attachment.

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status: Type 1 Unlisted

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

Upon review of the information recorded on this EAF, as noted, plus this additional support information
A map depicting proposed public recreation facilities is attached. With the exception of public hunting (which will be permitted at a later date as described in the conservation easement), public use of the property will be consistent with proposed facilities and existing uses.

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the
New York State Department of Environmental Conservation _____ as lead agency that:

- A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.
- B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.d).

- C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: Oswegatchie Conservation Easement Recreation Management Plan

Name of Lead Agency: New York State Department of Environmental Conservation

Name of Responsible Officer in Lead Agency: Kramer Kwaczala

Title of Responsible Officer: Forester 1

Signature of Responsible Officer in Lead Agency: **Kramer Kwaczala** Digitally signed by Kramer Kwaczala
DN: cn=Kramer Kwaczala, o=NYS Department of Environmental Conservation,
ou=Conservation Services, email=kramer.kwaczala@dec.ny.gov, c=US
Date: 2019.04.08.10:51:14 -0400 Date: 4/8/2019

Signature of Preparer (if different from Responsible Officer) **Matthew J. Nowak** Digitally signed by Matthew J. Nowak
DN: cn=Matthew J. Nowak, o=NYS Department of Environmental Conservation,
ou=Administration, email=matthew.nowak@dec.ny.gov, c=US
Date: 2019.04.08.10:51:14 -0400 Date: 4/5/2019

For Further Information:

Contact Person: Matthew Nowak

Address: 7327 State Route 812 Lowville NY 13367

Telephone Number: 315-376-3521

E-mail: matthew.nowak@dec.ny.gov

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

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

PRINT FULL FORM

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Appendix I: Inventory of Property Roads

Road Name	Notes/Condition
Alcohol Inn Rd	Good condition.
Bald Mountain Rd	Good condition.
Bald Mountain ROW	Good condition. Bridge over West Branch of Oswegatchie River needs repair.
Bear Pond Rd	Forest Preserve access. Good condition.
Blue Swamp Rd	Good condition.
Blue Swamp ROW	Good condition.
Bryant Bridge Rd	Good condition.
Bryant Bridge ROW	Car-top boat recreationists only. Acceptable condition.
Campsite Access Rd 1	Forest management road. Good condition.
Campsite Access Rd 2	Forest management road. Good condition.
Deer Pond Rd	Camp access road. Some wet/muddy areas.
Ladue Camp Rd	Good condition.
Long Lake Rd (Tr)	No legal access. Good condition.
Microburst Blvd	Built by NYSDEC. Good condition.
Mouldy Pond Rd	Camp access road. Some wet/muddy areas.
Mullins Flow Rd	Forest Preserve access. Good condition.
Palmer Creek Rd	Fair condition north of Palmer Creek. Grown-in forest management trail west of Palmer Creek.
Silver Dawn Rd	Good condition to end of public motor vehicle road. Grown-in forest management trail beyond.
Steam Sleigh ROW	Wet and muddy.
Suzie's Rd Ext	No legal access. Good condition.
Tunnel Rd	Forest Preserve access. Good condition.
Unnamed 1	Grown-in forest management trail.
Unnamed 2	Grown-in forest management trail.
Unnamed 3	Grown-in forest management trail with some wet areas.
Unnamed 4	Camp access road. Narrow forest management trail with some wet areas.
Unnamed 5	Grown-in forest management trail.
Unnamed 6	Grown-in forest management trail.
Unnamed 7	Most of road in good condition. Northern third grown-in.
Unnamed 8	Old road, partially grown-in.
Unnamed 9	Grown-in forest management trail.
Unnamed 10	Grown-in forest management trail.
Unnamed 11	No legal access. Grown-in forest management trail.
Unnamed 12	No legal access. Fair condition but growing in.
Unnamed 13	Grown-in forest management trail.

* Roads are shown on a map in Appendix M

Appendix J: Inventory of Shared Roads, Trails, and Infrastructure

Public Motor Vehicle Roads

Recreation Corridor	Length (miles)	Motor Vehicle Road ¹	Snowmobile Route ²	Foot Trail ³	Notes
Road		<i>Public motor vehicle road conditions are included in Appendix I.</i>			
Bald Mountain Road	5.2	X (Medium)	X (High)	-	Includes 1.1-mile ROW. Lewis County may be authorized to administer ATV use on this road subject to a TRP.
Bear Pond Road	0.7	X (Medium)	X (High)	-	Primarily used to access Watsons' East Triangle Wild Forest
Blue Swamp Road (proposed)	5.7	X (Low)	X (High)	-	CP-3 access only. Includes 1.9-mile ROW.
Bryant Bridge Road	3.8	X (Medium, ROW Low)	X (High)	-	Includes 1.6-mile ROW for car-top boat recreation
Campsite Access Road 1 (proposed)	0.3	X (Low)	-	-	Drive-in primitive campsite access
Campsite Access Road 2 (proposed)	0.5	X (Low)	-	-	Drive-in primitive campsite access
Microburst Boulevard	1.0	X (Medium)	X (High)	-	Built in 1995 by NYSDEC
Mullins Flow Road	0.5	X (Medium)	X (High)	-	Provides access to Aldrich Pond Wild Forest
Silver Dawn Road	0.3	X (Low)	Alternate Trail (Medium)	-	Spur Road accesses Property from Aldrich Pond Wild Forest
Tunnel Road	0.4	X (Medium)	X (High)	-	Provides access to Watson's East Triangle Wild Forest

- (1) Refers to Vehicular Road Volume Class (Appendix E)
(2) Refers to Snowmobile Trail Volume Class (Appendix E)
(3) A & B Trails are described in Section III(F)

Appendix J (cont): Inventory of Shared Roads, Trails, and Infrastructure

Public Recreation Trails

Recreation Corridor	Length (miles)	Motor Vehicle Road ¹	Snowmobile Route ²	Foot Trail ³	Notes
Trail		<i>All recreation trails in this plan are yet to be created/designated.</i>			
Bald To Buckhorn Connector (proposed)	0.1	-	-	X (A)	Connects Bald Mountain Road to Bald to Buckhorn Trail
Casey Rumble Trail (proposed)	1.9	-	Alternate Trail (Medium)	X (B)	Snowmobile trail to Watson's East Triangle Wild Forest.
Deer Pond Trail (proposed)	0.3	-	-	X (A)	Parking area on Bald Mountain Road to Deer Pond.
Long Lake Trail (proposed)	2.7	-	-	X (B)	Existing road will be maintained as a non-motorized public trail.
Mink Creek Trail (proposed)	2.6	-	Alternate Trail (Medium)	X (B)	Silver Dawn Road to Long Lake Trail.
Palmer Creek Trail (proposed)	1.7	-	Alternate Trail (Low)	-	Pending landowner permission to cross private land - Refers to road and narrow snowmobile trail between Bald Mountain Rd and Blue Swamp Road.
Palmer Creek West Trail (proposed)	0.5	X	Alternate Trail (Medium)	-	Pending landowner permission to cross private land – Blue Swamp Rd north to private land (connects to Case Marsh Trail)
Rainbow Trail (proposed)	0.4	-	-	X (A)	River Access upstream of Rainbow Falls
Silver Dawn Trail (proposed)	2.6	-	-	X (B, A)	Tyler Road to Long Lake Trail with spur to Middle Branch of Oswegatchie River.

(4) Refers to Vehicular Road Volume Class (Appendix E)

(5) Refers to Snowmobile Trail Volume Class (Appendix E)

(6) A & B Trails are described in Section III(F)

Appendix J (cont): Inventory of Shared Roads, Trails, and Infrastructure

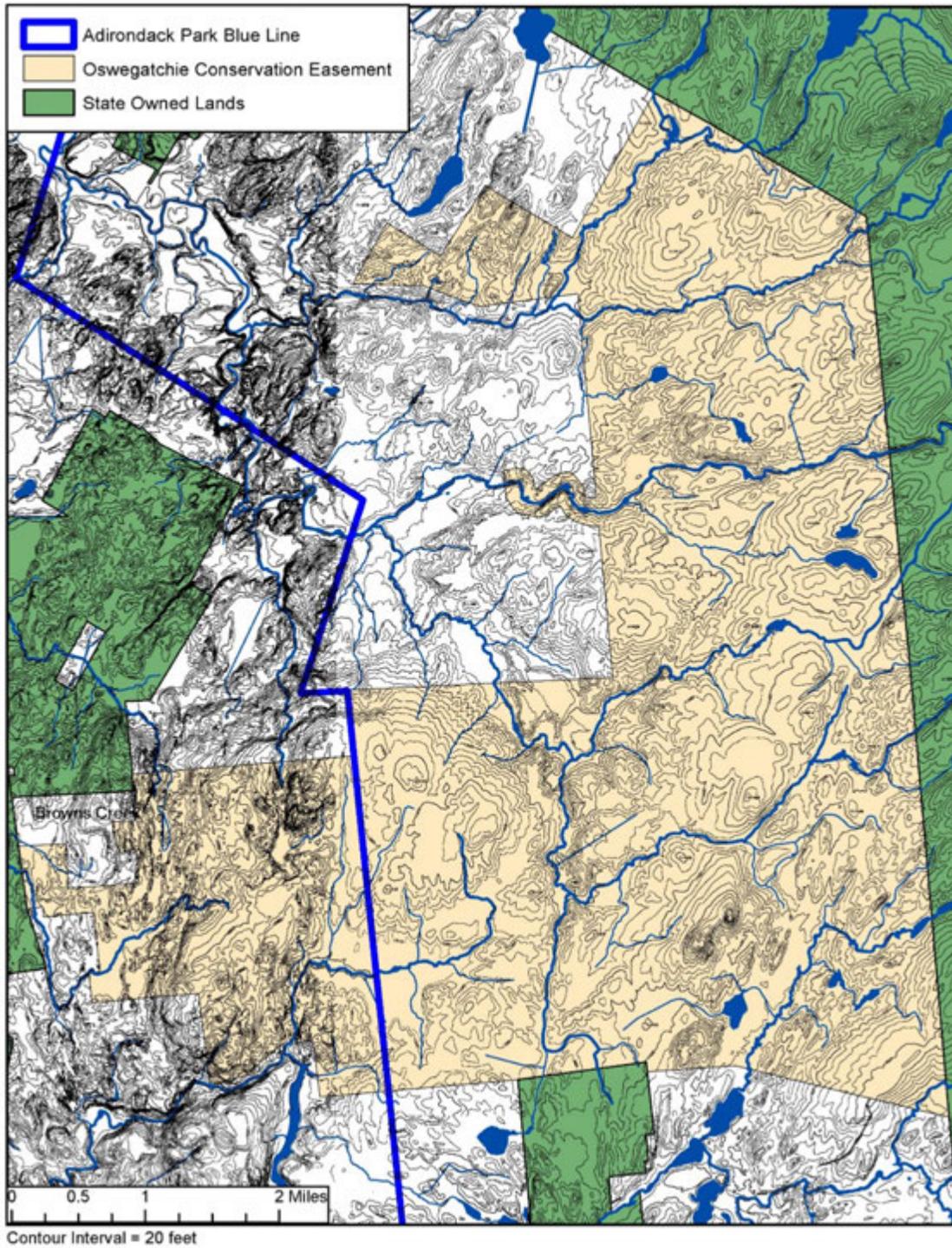
Shared Bridges

Bridge Name	Notes
Casey Rumble Bridge (proposed)	Alternative Snowmobile Bridge. Located at an intermittent stream on Casey Rumble Trail.
Cold Spring Creek Bridge	Motor Vehicle Bridge. Located on Bald Mountain Road. The bridge is in good repair.
Middle Branch Bridge	Motor Vehicle Bridge. Located on Mullins Flow Road, crosses Middle Branch of Oswegatchie River. Bridge is in good repair.
Mink Creek Bridge	Landowner motor vehicle bridge used for public foot trail. Located on Long Lake Trail. The bridge is in good repair.
Palmer Creek Bridge	Alternative Snowmobile Trail Bridge. Located on Palmer Creek Trail (not open for public motor vehicles). Bridge condition needs to be evaluated by engineers before opened for public snowmobile use (alternative trail).
Shaw Brook Bridge	Motor Vehicle Bridge. Located on Bald Mountain Road. The bridge is in good repair and was last maintained in 2014.
West Branch Bridge	Motor Vehicle Bridge. Located on Bald Mountain Road right-of-way, crosses West Branch of Oswegatchie River. The bridge has been "yellow flagged" by NYSDOT and requires continued maintenance in order to keep open for public use.

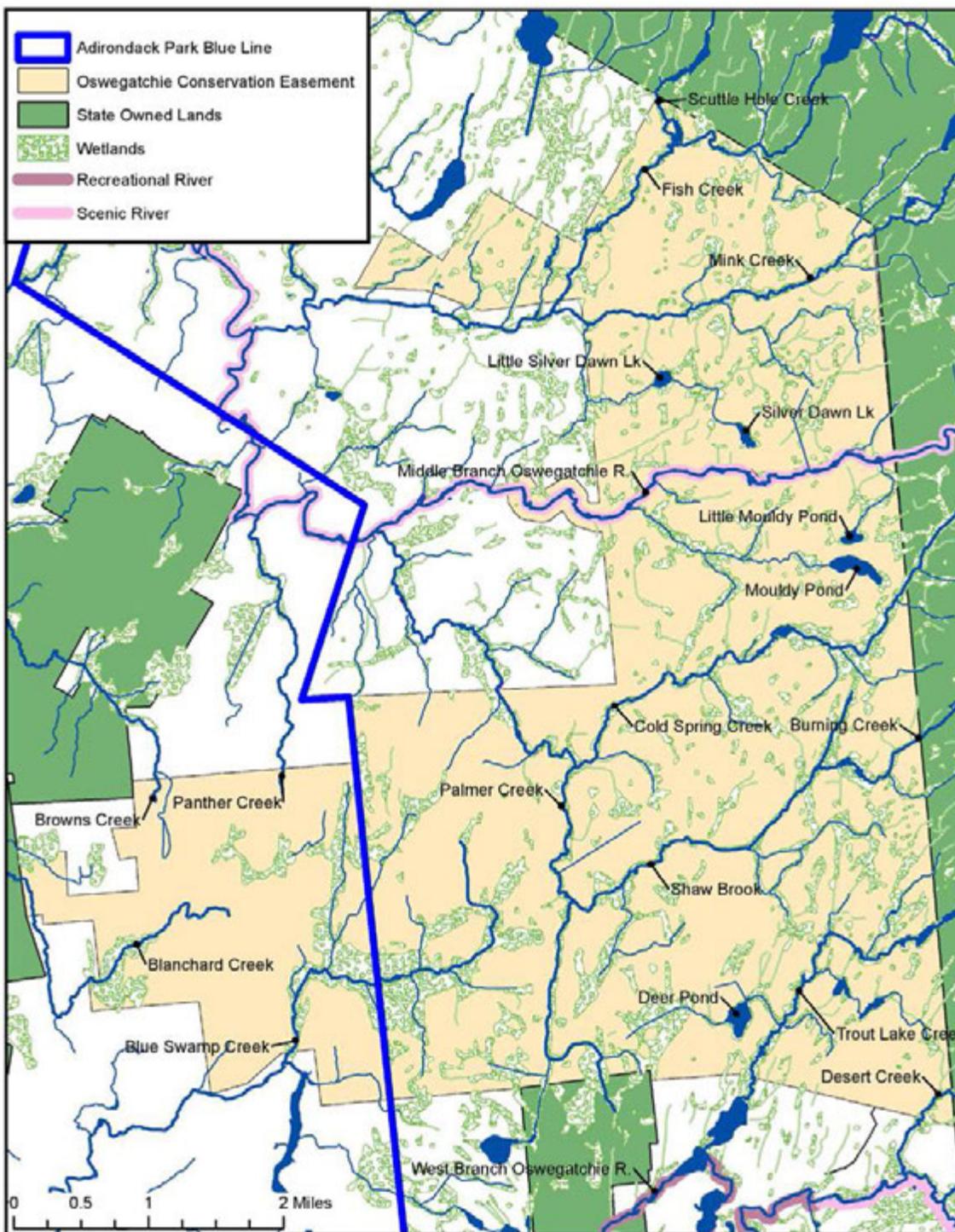
NYSDEC Public Recreation Management Gates

Gate Name	
Alcohol Inn Gate	Junction of Bald Mountain Road and road leading east towards Alcohol Inn lease camp.
Bald Mountain North Gate	Bald Mountain Road at Property boundary, west of Microburst Boulevard.
Bald Mountain South Gate	Bald Mountain Right-of-Way, south of Property boundary.
Blue Swamp North Gate	Blue Swamp Road at Property boundary.
Blue Swamp South Gate	Blue Swamp Right-of-Way at junction with Long Pond Road
Bryant Bridge Gate	Bryant Bridge Road at western Property boundary.
Casey Rumble Trail Gate (proposed)	Proposed Casey Rumble Trail junction with Bald Mountain Road.
Middle Branch Gate	Mullins Flow Road at bridge over Middle Branch of the Oswegatchie River.
Mouldy Pond Gate	Junction of Bryant Bridge Road with Mouldy Pond Road.
Palmer Creek Gate	Palmer Creek Road at Property boundary.
Silver Dawn Trail Gate (proposed)	Proposed Silver Dawn Trail junction with Mullins Flow Road.

Appendix K: Oswegatchie Conservation Easement Topography Map

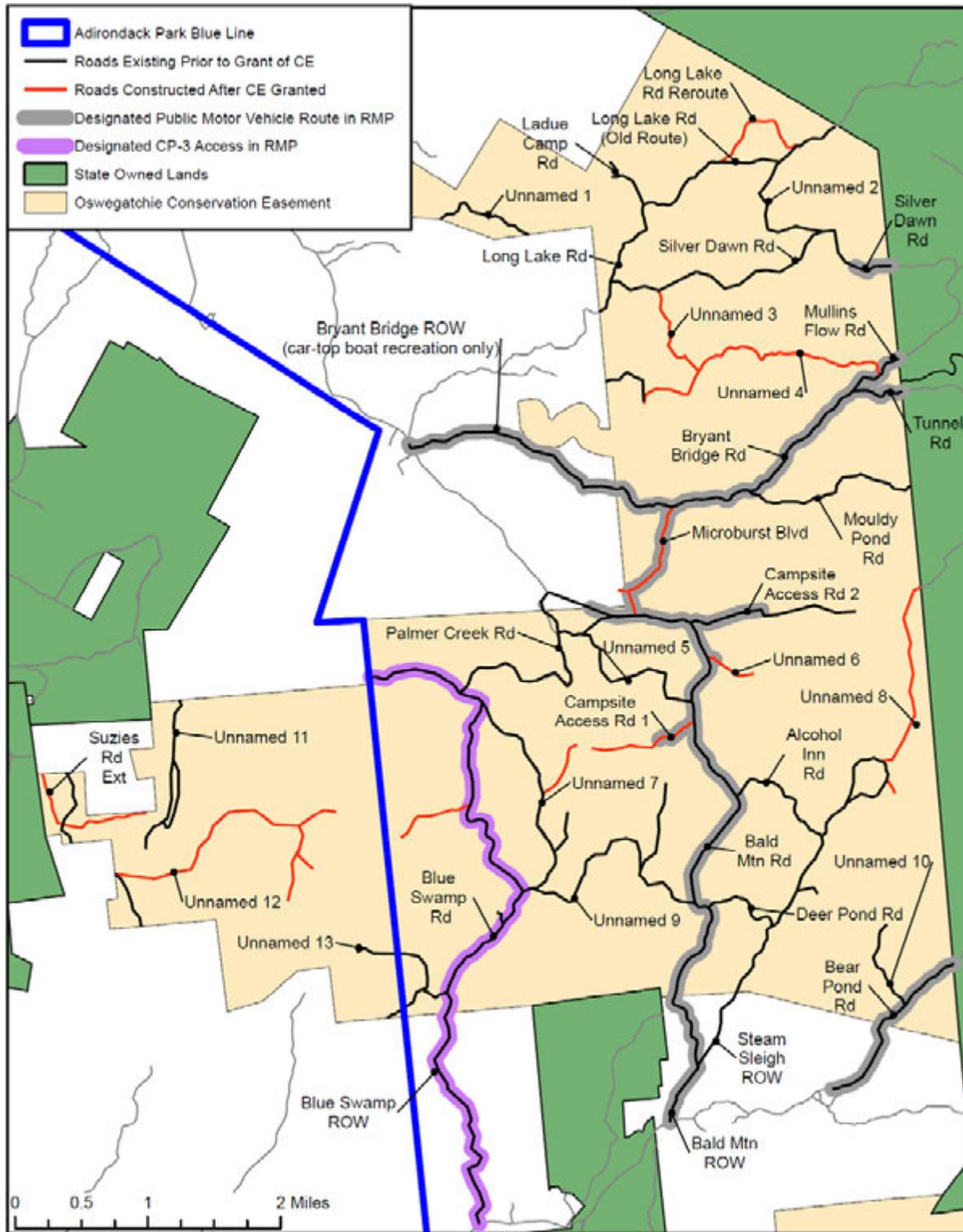


Appendix L: Oswegatchie Conservation Easement Hydrology Map



Wetlands depicted inside the Adirondack Park have been identified by the Adirondack Park Agency. Wetlands depicted outside the Adirondack Park are NYS Regulatory Freshwater Wetlands.

Appendix M: Oswegatchie Conservation Easement Roads Map



Depicted roads vary greatly in condition.

