SNOWMOBILE PLAN FOR THE ADIRONDACK PARK/FINAL GENERIC ENVIRONMENTAL IMPACT STATEMENT

COUNTIES OF:

CLINTON, ESSEX, FRANKLIN, FULTON, HAMILTON, HERKIMER, LEWIS, ONEIDA, SARATOGA, ST. LAWRENCE, WARREN AND WASHINGTON





OCTOBER 2006

GEORGE E. PATAKI, GOVERNOR

DENISE M. SHEEHAN, COMMISSIONER

NEW YORK STATE DEPARTMENT OF ÉNVIRONMENTAL CONSERVATION 625 BROADWAY
ALBANY, NEW YORK 12233

BERNADETTE CASTRO, COMMISSIONER

NEW YORK STATE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION EMPIRE STATE PLAZA, AGENCY BUILDING 1
ALBANY, NEW YORK 12238

FOR FURTHER INFORMATION, CONTACT: ROBERT K. DAVIES, STATE FORESTER

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF LANDS AND FORESTS
625 BROADWAY

ALBANY, NY 12233-4250

FGEIS Accepted on October 18, 2006





State of New York Department of Environmental Conservation Albany, New York 12233-1010



MEMORANDUM

NOV 1 2 2006

TO:

The Record

FROM:

Commissioner Denise M. Sheehan and Commissioner Bernadette Castro

SUBJECT:

Snowmobile Plan for The Adirondack Park/Final Generic Environmental Impact

Date: 11/10/01

Statement

The Final Snowmobile Plan for The Adirondack Park/FGEIS has been completed. The Plan is consistent with Article XIV, Section 1 of the New York State Constitution, the ECL, the State of New York Snowmobile Trail Plan, OPRHP rules, regulations and policies, and DEC rules, regulations and policies for the care, custody and control of the Adirondack Forest Preserve. The Plan includes management objectives and an environmental impact statement and is hereby approved and adopted.

Bernadette Castro

Commissioner, New York State Office of Parks, Recreation and Historic Preservation

Denise Sheehan

Commissioner, New York State Department of Environmental Conservation



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CHAPTER 1: EXECUTIVE SUMMARY

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EXECUTIVE SUMMARY

PLAN CONTENT

This document is the Final Conceptual Snowmobile Plan for the Adirondack Park/Generic Environmental Impact Statement (Final Plan/GEIS). It is a supplement of the State of New York Snowmobile Trail Plan (Statewide Snowmobile Plan), adopted by the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) in 1989. As part of the planning and environmental process, the existing snowmobile trail system was assessed and various alternatives for the development of snowmobile trails in the Adirondack Park were analyzed with the assistance of a Snowmobile Focus Group (see description, page 7). As a result of this analysis, a preferred alternative was selected and is described in the Final Plan/GEIS.

<u>Chapter 1</u> is the Executive Summary of the major sections of the Final Plan/GEIS.

<u>Chapter 2</u> answers some commonly asked questions about the Final Plan/GEIS and describes the planning process used in the development of this Final Plan/GEIS. It explains how the Final Plan/GEIS relates to Article XIV, Section 1 of the New York State Constitution, State policies and guidelines, the Statewide Snowmobile Plan and other state and municipal plans, as well as other state and private lands.

<u>Chapter 4</u> Environmental Setting, provides background information about and describes the Adirondack Park and existing snowmobile system.

<u>Chapter 5</u> Vision and Goals, describes the overall vision for the snowmobile system and outlines the goals for the development and management of a system.

<u>Chapter 6</u> The Plan/Preferred Alternative outlines the concept of creating a system of snowmobile trail connections between communities in the Park, the reconfiguration of the existing system and criteria for developing and maintaining this trail system in a manner that minimizes adverse environmental and other impacts on both the Forest Preserve and other public and private lands. <u>Section I</u> describes the existing and proposed trail system, identifies community connection goals and identifies the concept of reconfiguring the snowmobile trail system on the Forest Preserve. <u>Section II</u> defines the guidelines and criteria for how snowmobile trails and trail segments will be constructed and maintained, particularly when and if they are located on Forest Preserve lands within the Park.

SETTING

The Adirondack Park snowmobile trail system encompasses more than 1800 miles of trail on both public and private land. Much of this mileage is maintained with monetary assistance from the New York State Snowmobile Trail Development and Maintenance fund. The successful continuance of this trail system depends on cooperation between municipal officials, private landowners, snowmobile clubs, local and regional interest groups and several state agencies.

The development, maintenance and use of the trail system are subject to legal guidance from:

- Article XIV, Section 1 of the New York State Constitution
- The Adirondack Park Agency Act
- The Adirondack Park State Land Master Plan (APSLMP)
- The Environmental Conservation Law
- The Parks, Recreation and Historic Preservation Law

- 6 NYCRR Parts 190, 617 and 666
- 9 NYCRR Part 570
- DEC Policy

PLAN RECOMMENDATIONS

The Final Plan/GEIS includes a recommendation for a conceptual plan to create a system of snowmobile trail connections between communities in the Park. Key to this concept is the reconfiguration of the existing system to ensure protection of sensitive resources on both public and private land. In recognition of this, the Final Plan/GEIS outlines guidelines and criteria for how snowmobile trails and trail segments will be developed and maintained, particularly when and if they are located on Forest Preserve lands within the Park.

The concepts in the Final Plan/GEIS are put forth in recognition that snowmobiling is a winter recreation activity that is critical to supporting the economies of the communities in the Park. Further, the Final Plan/GEIS recognizes that motorized winter recreation in and among the wild lands that make up the Forest Preserve and on sensitive private lands must be configured in a manner that protects the wild forest values that these areas have been set aside for and are managed as. Therefore, the Final Plan/GEIS proposes the concept that, in establishing a snowmobile trail system that connects communities in the Park, it is essential to create a net benefit to the Forest Preserve lands. This net benefit will result through the reconfiguration of the existing snowmobile trail system, with a focus on shifting snowmobile trails to the periphery of the Forest Preserve, re-designating existing snowmobile trails in the interior for non-motorized use and avoiding sensitive private lands.

The Final Plan/GEIS is a concept document. It does not in itself designate snowmobile trails nor will it result in the implementation of specific, on the ground activities. It is intended to establish a framework for discussion through a public process to implement specific proposals. Implementation will require DEC policy revisions and will require approval (for specific activities on Forest Preserve lands) through the Unit Management Planning process established in the APSLMP, including determinations by APA regarding APSLMP conformance. Both of these processes require additional review pursuant to the State Environmental Quality Review Act (SEQRA) and further analysis with respect to all governing authorities.

ENVIRONMENTAL REVIEW

The planning process is subject to the State Environmental Quality Review Act (SEQRA). All reasonable alternatives concerning the various recommendations found herein have been analyzed and the potential environmental impacts assessed. All of the discrete recommendations are also compiled as one preferred alternative, encompassing the entire scope of actions to be taken under the Final Plan/GEIS.

IMPLEMENTATION

The concepts in the Final Plan/GEIS will be implemented by the New York State Department of Environmental Conservation (DEC) and OPRHP, in consultation with the Adirondack Park Agency. Implementation of several plan recommendations may require amendment of certain DEC policies. The DEC policy revision process will commence upon adoption of the Final Plan/GEIS. Implementation of specific, on the ground proposals for snowmobile trails and trail segment proposals will take place through the Unit Management Planning process established in the APSLMP in compliance with SEQRA. Which, as noted above, will include APSLMP conformance determinations.

CHAPTER 1 - EXECUTIVE SUMMARY
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QUESTIONS AND ANSWERS ABOUT THE PLAN AND GENERIC ENVIRONMENTAL IMPACT STATEMENT

1. What Is The Action?

The action is the adoption and implementation of a Final Plan/GEIS. The Final Plan/GEIS will be a supplement to the State of New York Snowmobile Trail Plan (Statewide Snowmobile Plan) as it relates to the Adirondack Park.

2. Who is Proposing To Do This?

The Commissioner of the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) and the Commissioner of the New York State Department of Environmental Conservation (DEC or "the Department") are proposing the action.

3. Why Was This Document Written?

This Final Plan/GEIS was written to provide conceptual guidance for identifying, developing and maintaining a snowmobile system within the Adirondack Park. Further, it was written to provide guidance and criteria for developing and maintaining snowmobile trails on the Forest Preserve.

4. What was the planning process?

The stepwise approach to developing this Final Plan/GEIS is outlined in Appendix B of this document. In summary, this process involved four phases:

1. Phase I: Define Vision and Goals for the Final Plan/GEIS (as outlined in Chapter 5) At the outset of the process DEC and OPRHP developed a set of goals intended to address the existing challenges and issues associated with snowmobiling in the Adirondacks, as well as the needs of snowmobilers and local Adirondack communities with respect to this activity in the Park.

2. Phase II: Information and Assessment

This phase involved data collection and field work to identify the network of existing snowmobile trails on state land in the Park. This data was and will continue to be verified through the unit management planning process on a unit by unit basis. In addition, early in the planning process there were six (6) initial public meetings held statewide to introduce the planning concept and identify issues to be addressed in the plan.

3. Phase III: Develop Final Plan/ GEIS

This Final Plan/GEIS was developed cooperatively by the DEC and OPRHP with comment from other New York State agencies, the public and a Snowmobile Focus Group (see section #5 below).

4. <u>Phase IV: Prepare Final Plan</u>

Following the public comment period required by the State Environmental Quality Review Act (ECL Article 8) and implementing regulations at 6 NYCRR Part 617, the Final Plan/GEIS was prepared.

5. How Much Opportunity Has There Been For Public Participation?

A series of informational meetings was held in 2001 to provide information and obtain comments from the public at the following locations:

Monday, February 26 - Town of Webb Offices in Old Forge, Herkimer County Thursday, March 8 - Colton Pierrepont High School, Colton Street, St. Lawrence County Wednesday, March 14 - Town of Queensbury Town Hall, Glens Falls, Warren County Thursday, March 15 - Sanford Library/Town of Colonie Library, Albany County Monday, March 19 - Rochester Museum & Science Center, Rochester, Monroe County Tuesday, March 20 - Radisson Hotel, Utica, Oneida County

In addition to these sessions, public comment was gathered at the Association of Towns Annual Meeting on February 20, 2001 in New York City and at the "Local Government Day," on March 23, 2001 at the Hotel Saranac in Saranac Lake, Essex County.

The Draft Plan/Draft GEIS was available for public review and comment from December 22, 2003 to March 31, 2004. Public hearings were held at the following locations:

February 9, 2004	Guilderland, Albany County
February 11, 2004	Rochester, Monroe County
February 24, 2004	Greenvale, Nassau County
February 25, 2004	Long Island City, Queens County
March 2, 2004	Tupper Lake, Franklin County
March 3, 2004	Glens Falls, Warren County
March 10, 2004	Old Forge, Herkimer County
March 11, 2004	Utica, Oneida County

A Snowmobile Focus Group was formed to assist in collecting information for plan development, and was comprised of twelve (12) representatives (see participant list in Appendix A) from snowmobile and environmental groups, private landowners and local government. Snowmobile Focus Group members were selected to represent the broad spectrum of interests that would potentially be affected by the Final Plan/GEIS. This group met 19 times during the planning process. The group provided information which assisted the agencies in understanding key issues and analyzing proposed alternatives. Specifically, they provided information on:

- issues;
- the Plan outline:
- goals for establishing community connection trails;
- where these trails/trail segments would be located on the Forest Preserve, criteria for providing a net benefit to the Forest Preserve, including the redesignation of interior trails for non motorized use; and
- where these trails/trail segments would be located on private land, recognizing the need to be sensitive to the needs of private landowners in terms of compensation and privacy.

6. How Should This Final Plan/GEIS Be Reviewed?

The Final Plan/GEIS can be read from cover to cover or one may concentrate on particular areas of interest. A Table of Contents has been included within the report for easy location of chapters and sections. The Final Plan/GEIS is also available on the DEC website at: http://www.dec.state.ny.us/website/dlf/publands/forpreshome.html

7. Who Are The Involved Agencies Under The State Environmental Quality Review Act?

Because OPRHP has primary funding authority through the Snowmobile Trail Development and Maintenance Fund, and DEC is the agency which undertakes and oversees design, layout and maintenance of snowmobile trails in the Adirondack Forest Preserve, DEC and OPRHP are acting as co-lead agencies for this Final Plan/GEIS. The

Adirondack Park Agency (APA or "the Agency") is an involved agency because of its role in determining conformity with the APSLMP of actions implemented pursuant to DEC policy revisions and Unit Management Plan development that are recommended as a result of this Final Plan/GEIS. The New York State Department of Transportation (NYS DOT) is an involved state agency because of its role in reviewing the Final Plan/GEIS for compatibility with the state highway system.

8. Who adopts the Final Plan/GEIS?

The Commissioner of OPRHP and the Commissioner of the DEC, as SEQRA lead agencies.

9. What Is The Legal Significance Of The Plan?

The adoption of the Final Plan/GEIS by DEC and OPRHP does not create authority and must be implemented in compliance with the NYS Constitution, State Laws, the APSLMP and regulations. Implementation of a proposed action or actions outlined in the Final Plan/GEIS may require changes to DEC policy. Further, it will require the review of specific proposals for Forest Preserve lands through the Unit Management Planning process, in conformance with the APSLMP. APSLMP conformity determinations will be made by the APA through the Unit Management Planning process. Although the Final Plan/GEIS is also programmatically significant to DEC and OPRHP and to a lesser extent DOT and APA, all agencies have committed to use good faith efforts to implement the Final Plan/GEIS.

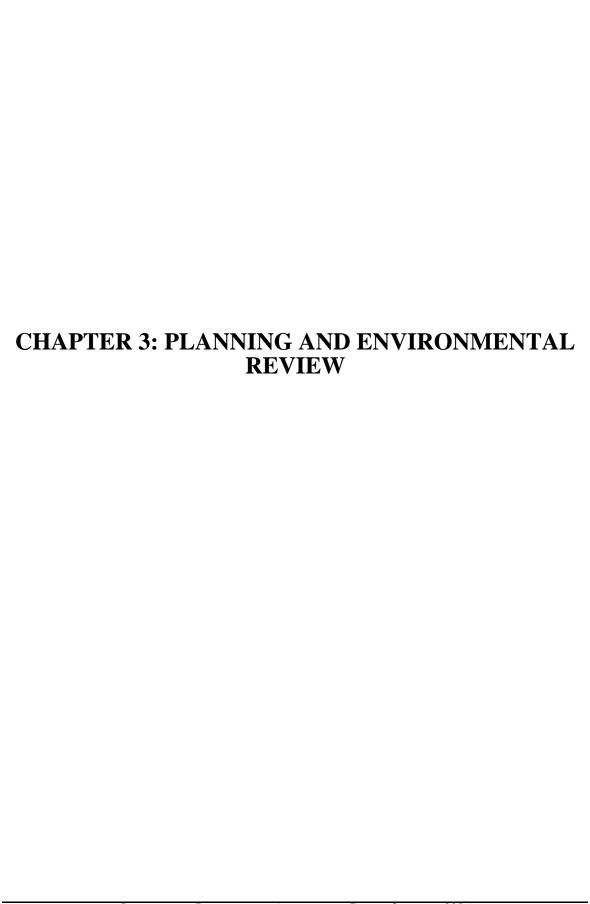
10. Do UMPs Need To Be Consistent With The Plan?

UMPs will be written or amended to reflect the recommendations of the Final Plan/GEIS, to the extent that they are consistent with legal authority, including but not limited to Article XIV of the State Constitution and the APSLMP.

11. Will other documents need to be changed to implement this plan?

Full implementation of the Final Plan/GEIS may require amendments to DEC policy before certain recommendations may be reflected in UMPs. Revision to existing DEC policy will be implemented through the procedure established in the DEC Commissioner Policy #1, including the provision that a draft policy is noticed in the Environmental Notice Bulletin (ENB) with a summary of the draft policy document. Following a minimum 30-day comment period, the policy is finalized and published in the ENB. SEQRA review may be required, depending on the scope of the policy. APSLMP conformity determinations will be made by APA through the unit management planning process.







PLANNING AND ENVIRONMENTAL REVIEW

I. STATE ENVIRONMENTAL QUALITY REVIEW ACT

Due to extensive public involvement and large number of issues identified during the public meetings listed in Section III above, it was determined that additional scoping meetings were not necessary.

Parts 1 and 2 of a Full Environmental Assessment Form (see Appendix P) were completed in July of 2001.

On July 25, 2001, a letter was sent to village mayors, town supervisors, county executives, county legislature chairs, and potentially involved or interested agencies within the Adirondack Park boundary in Clinton, Essex, Franklin, Fulton, Hamilton, Lewis, Oneida, St. Lawrence, Saratoga, Warren, and Washington Counties, informing them of the following:

- That DEC and OPRHP intended to adopt and implement a snowmobile plan for the Adirondack Park;
- That DEC and OPRHP intended to serve as co-lead agencies for SEQRA purposes regarding the plan;
- That unless recipients of the letter responded to the contrary within 30 days of receiving the letter, DEC and OPRHP would assume that they agreed with DEC and OPRHP's colead agency status;
- That DEC and OPRHP intended to issue a Positive Declaration and prepare a Draft Environmental Impact Statement (DEIS) on the plan; and
- That the EIS process would be initiated by holding public information/scoping sessions in several locations throughout the state.

A copy of Part 1 of the completed EAF was included with the letter. No responses were received objecting to DEC and OPRHP serving as co-lead agencies. As a result of the public information meetings held in 2001 and the information gathered at these sessions and through the Snowmobile Focus Group, the agencies determined that sufficient information was gathered to identify the issues to be considered and reviewed in the Draft Plan/Draft GEIS.

A literature review was performed, searching available databases for published information regarding the environmental impacts of snowmobiles. A bibliography was produced and a summary of abstracts was compiled. The topics included in the search were:

- Air Resources
- Water Resources
- Wildlife
- Vegetation
- Aesthetics
- Other User Groups

The list of publications found and a summary of the relevant findings published therein are included in Appendix E.

A Positive Declaration (Notice of Intent to Prepare a Draft Environmental Impact Statement, see Appendix P) was published in the December 24, 2003 issue of the Environmental Notice Bulletin, and sent to village mayors, town supervisors, county

executives, county legislature chairs, and potentially involved or interested agencies within the Adirondack Park boundary in Clinton, Essex, Franklin, Fulton, Hamilton, Lewis, Oneida, St. Lawrence, Saratoga, Warren, and Washington Counties.

The Draft Plan/Draft GEIS was available for public review and comment from December 22, 2003 to March 31, 2004.

Upon completion of the public review period, the involved agencies considered all substantive comments. The Draft Plan/Draft GEIS was revised to incorporate public comments as appropriate and a responsiveness summary produced (see Appendix I). Upon completion and public notice of the Final GEIS, there will be a 10-day period for agencies and the public to consider the document prior to final action, as required by SEQRA regulations. Finally, the Commissioner of OPRHP and the Commissioner of the DEC adopt the plan and issue a Statement of Findings which will describe the action being taken and a description of the basis for their decision.

The generic environmental review that was conducted as part of this Final Plan/GEIS is outlined in Appendix P. This generic review will be supplemented by site-specific environmental review conducted during the Unit Management Planning process.

II. ARTICLE XIV, SECTION 1 OF THE NEW YORK STATE CONSTITUTION

Within the Adirondack Park, virtually all State land is part of the Forest Preserve, governed by Article XIV, Section 1 of the New York State Constitution providing in part:

The lands of the state, now owned or hereafter acquired, constituting the Forest Preserve as now fixed by law, shall be forever kept as wild forest lands. They shall not be leased, sold or exchanged, or be taken by any corporation, public or private, nor shall the timber thereon be sold, removed or destroyed....

The State is obligated to comply with this provision in its administration of the Forest Preserve. This provision of the State's Constitution has been interpreted by the Courts and the Attorney General. The two principal issues affecting existing and proposed snowmobile trails on State land are whether the purpose is consistent with the purposes for which the Forest Preserve was created, and, if so, whether the "wild forest" character for the land is preserved. Whether the "wild forest" character of the Forest Preserve is preserved in turn depends in part upon whether material amounts of timber are cut. Constitutional issues may be minimized where a snowmobile trail is located on an otherwise legal seasonal road, or other legally existing facility which has not been improved to accommodate snowmobile use because such trails are not thereby altering the "wild forest character" of the Forest Preserve.

In a landmark Article XIV case, <u>MacDonald v. Association for the Protection of the Adirondacks</u>, 253 N.Y. 234 (1930)("MacDonald"), the New York State Court of Appeals (New York's highest court) struck down a statute which authorized the cutting of approximately 2,500 trees for the construction of a bobsled run for the 1932 Olympics.

The purpose of the constitutional provision, as indicated by the debates in the Convention of 1894, was to prevent the cutting or destruction of the timber or the sale thereof, as had theretofore been permitted by legislation, to the injury and ruin of the Forest Preserve. To accomplish the end in view, it was thought necessary to close all gaps and openings in the law, and to prohibit any cutting or any removal of the trees and timber to a substantial extent. The

Adirondack Park was to be preserved, not destroyed. Therefore, all things necessary were permitted, such as measures to prevent forest fires, the repairs to roads and proper inspection, or the erection and maintenance of proper facilities for the use by the public which did not call for the removal of the timber to any material degree. The Forest Preserve is preserved for the public; its benefits are for the people of the State as a whole. Whatever the advantages may be of having wild forest lands preserved in their natural state, the advantages are for every one within the State and for the use of the people of the State. Unless prohibited by the constitutional provisions, this use and preservation are subject to the reasonable regulation by the Legislature.

* * *

No longer was the land or timber to be sold or even condemned for public purposes. The forests were to be preserved as wild forest lands, and the trees were not to be sold or removed or destroyed. Whereas the Legislature had authorized the building of roads through these lands, this power was thereafter conferred not through legislation, but by constitutional amendments... If it were deemed necessary to obtain a constitutional amendment for the construction of a State highway, the use to which the Forest Preserve might be put with legislative sanction was greatly limited. Trees could not be cut or the timber destroyed, even for the building of a road. This seems to be a fair conclusion to be drawn from the adoption of these constitutional amendments after the Constitution of 1894.

253 N.Y. at 239-240.

Under the case, reasonable cutting is permissible when necessary to protect the Forest Preserve or to enable the public to safely use the Forest Preserve, so long as such cutting does not injure the wild forest character of the Preserve. Thus, the issue of whether a particular cutting is "material" appears to be tied to Article XIV, Section 1's directive that Forest Preserve lands be "forever kept as wild forest lands." Although this standard is quite subjective, the application of the standard by the Court of Appeals in MacDonald resulted in a finding that the cutting of between 2600 to 2700 trees three inches or more in diameter over a 1-1/4 mile stretch in a swath 16 to 20 feet wide (averaging one such tree every 2.7 to 2.9 feet) for the purpose of creating the bobsled run was unconstitutional.

A more recent case, <u>Balsam Lake Anglers Club v. Department of Environmental Conservation</u>, 199 A.D. 2d 852, (App. Div., Third Department, 1993), held that the cutting of 350 trees and an additional 312 saplings over 1.9 miles (for an average of one such tree every 33.4 feet) for a trail relocation, and an undetermined number of trees and saplings for construction of a cross country ski trail and five new parking areas, constituted a constitutionally permissible amount of cutting:

Petitioner initially contends that the unit plan violates N.Y. constitution, article XIV, § 1... Although this provision would appear, as petitioner argues, to prohibit any cutting or removal of timber from the forest preserve, the Court of Appeals, noting that the words of the NY constitution must receive a reasonable interpretation, has construed this provision as "prohibit [ing] [the] cutting or [the] removal of * * * trees and timber to a substantial extent "(Association for Protection of Adirondacks v. MacDonald, 253 N.Y. 234, 238, 170 N.E. 902). Thus, the court has indicated that

only those activities involving the removal of timber "to any material degree" will run afoul of the constitutional provision (id., at 238, 170 N.E. 902). Although petitioner may question the soundness of this interpretation, particularly in view of what it has characterized as the unambiguous and absolute prohibition contained in N.Y. constitution, article XIV, § 1, we elect, absent authority to the contrary, to follow the interpretation advanced by the Court of Appeals...

We are similarly unpersuaded that the addition of five new parking areas and the relocation and construction of certain trails as proposed in the unit plan are improper uses of the forest preserve and/or involve unconstitutional amounts of cutting. The record before us indicates that approximately 350 trees have been or will need to be cut to accommodate the trail relocation; the remaining cutting (312 saplings) concerns vegetative growth that DEC does not classify as trees. (The amount of cutting needed for the proposed new trail and parking lots has not yet been determined.) These proposed uses appear compatible with the use of forest preserve land, and the amount of cutting necessary is not constitutionally prohibited.... 199 A.D. 2d at 853-854.

See Appendix J for a Discussion of summaries of several Attorney General Opinions addressing various proposals to cut timber in the Forest Preserve.

III. LAWS AND REGULATIONS

The Statewide Snowmobile Plan was adopted pursuant to Articles 3 and 27 of the New York State Parks, Recreation and Historic Preservation Law (PRHPL). The Final Plan/GEIS will be adopted pursuant to PRHPL, Articles 3 and 27, in addition to the following provisions of law:

- The Environmental Conservation Law (ECL), §§ 3-0301(1)(d) and 9-0105(1) authorizing the Department to exercise care, custody and control of the Forest Preserve (also see implementing regulations found at 6 NYCRR Part 190);
- The Adirondack Park Agency Act (Executive Law, Article 27) authorizing APA to develop the APSLMP (governing use of State lands in the Park), and the Adirondack Park Land Use and Development Plan (governing use of private lands in the Park);
- APSLMP which establishes a classification system for State lands within the Adirondack Park, and Guidelines for management and use of lands in each classification;
- The New York State Freshwater Wetlands Act (see ECL, Article 24 and Executive Law, Article 27) which regulates wetlands larger than one acre or with a free interchange of water with an adjacent water body within the Park;
- The New York State Wild, Scenic and Recreational Rivers (WSRR) Act, (ECL Article 15, Title 27, and respective implementing regulations found at 6 NYCRR Part 666 and 9 NYCRR Part 577) which provides the DEC with jurisdiction over State owned designated river areas in the Park and the APA with jurisdiction over privately owned designated river areas in the Park.

Finally, any actions taken to implement the Final Plan/GEIS must be in accordance with all applicable State laws and all local laws and regulations of the local political subdivision in which the action will be located.

The full reference for these authorities are provided in Appendix K.

IV. STATE POLICIES AND GUIDELINES

Implementation of the Final Plan/GEIS will also be subject to the DEC policies and guidelines, including but not limited to:

- Snowmobile Trails Forest Preserve (ONR-2)
- Administrative Use of Motor Vehicles and Aircraft in the Forest Preserve (CP-17)
- Motor Vehicle Access to State Lands Under the Jurisdiction of DEC for People with Disabilities (CP-3)
- Tree Cutting on Forest Preserve Land (O&D #84-06)
- Cutting and Removal of Trees in the Forest Preserve (LF-91-2)
- Division Regulatory Policy (LF-90-2)
- Policies and Procedures Manual title 8400 Public Land Management

V. RELATIONSHIP TO STATEWIDE SNOWMOBILE PLAN

In 1985 the State Legislature required OPRHP to prepare a statewide plan for the development and maintenance of snowmobile trails and facilities in the various counties of the State (Chapter 779, Laws of 1985; PRHPL § 27.17[2]). The State of New York Snowmobile Trail Plan (the Statewide Snowmobile Plan) was completed by OPRHP in October, 1989. The overall goals of the plan are to provide a statewide snowmobile trail system while protecting the environment and properly addressing the concerns of the non-snowmobiling public. The Statewide Snowmobile Plan provided a trail classification system and conceptual corridor trail system. The locations for establishing trails are based on the judgement of the local sponsors, landowners, affected state agencies and OPRHP, and must be in accordance with local land use plans, the APSLMP, unit management plans (UMPs) and state agency management programs.

Under the provisions of ECL §§ 3-0301(1)(d) and 9-0105(1), the DEC is authorized to exercise "care, custody and control" of the Adirondack Forest Preserve. Consequently, implementation of the Statewide Snowmobile Plan and this Final Plan/GEIS in the Forest Preserve is subject to DEC policies, rules and regulations. As required by the APSLMP, a UMP is prepared for each Forest Preserve unit for management purposes. All trails proposed as part of a local land use plan must be in accordance with the UMP for the unit.

The Adirondacks are included within the Statewide Snowmobile Plan but due to the uniqueness of the region, the classification and standards for snowmobile trails within the Forest Preserve will be refined in this document to better reflect the character of the area. The Final Plan/GEIS also includes the identification of a conceptual system of community connections, balanced with interior trail re-designations for non-motorized use only, and other possible mitigative actions, thereby creating a net benefit to the "wild forest character" of the Forest Preserve. This net benefit will be evidenced in various ways. By concentrating the majority of snowmobile use along the periphery of Forest Preserve units and along major travel corridors, the interior areas of those units will have less motorized and non-motorized forms of recreation and decreased impacts on wildlife. Additionally, snowmobile trails that are re-designated for non-motorized use will naturally re-vegetate to narrower widths and a more consistently closed canopy, thereby improving the aesthetic experience of non-motorized trail users. Therefore, the Final Plan/GEIS provides more specific guidance for the region and is a supplement to the Statewide Snowmobile Plan. The Statewide Snowmobile funding for snowmobile trails managed by the DEC will be guided by the trail classification and guidelines/standards identified within the Comprehensive Snowmobile Plan for the Adirondack Park as implemented through DEC policies. All state agencies have committed to use good faith efforts to implement the Final Plan/GEIS.

VI. RELATIONSHIP TO OTHER PLANS

A. Adirondack Park State Land Master Plan

The APSLMP is authorized by the Adirondack Park Agency Act, § 816 (originally § 807) of Article 27 of the Executive Law, and was prepared by the APA in consultation with the DEC, and approved by the Governor. It establishes a classification system for State lands within the Adirondack Park, and Guidelines for management and use of lands in each classification. The APSLMP has the force of legislative enactment, as determined by the case of Helms v. Reid 394 N.Y.S. and 987 (Hamilton County Supreme Court, 1977).

With respect to Article XIV, the APSLMP provides:

...the provisions of the master plan are intended to be constitutionally neutral. While obviously no structure, improvement or use held to be unconstitutional is permitted by this Master Plan, no inference as to the constitutional appropriateness or inappropriateness of any given structure, improvement or use should be drawn from whether it is allowed or prohibited in a particular land classification. This master plan is not intended to make constitutional determinations regarding unrelated issues under Article XIV, which are properly a matter for the Attorney General and ultimately the courts.

(APSLMP, Page 1.)

The APSLMP provides guidelines for the use of motor vehicles and snowmobiles in areas classified as Wild Forest and Intensive Use. Relevant definitions from the APSLMP include:

- 1. **Motor Vehicle** a device for transporting people, supplies or material, incorporating a motor or an engine of any type for propulsion and with wheels, tracks, skids, skis, air cushion or other contrivance for traveling on or adjacent to land and water or through water. The term includes such vehicles as automobiles, trucks, jeeps, motorbikes, dirt or trail bikes, any type of all-terrain vehicles, duffle carriers, snowmobiles, snowcats, bulldozers and other earth-moving equipment and motorboats. (APSLMP, Page 17.)
- 2. **Road** an improved or partially improved way designed for travel by automobiles and which may also be used by other types of motor vehicles except snowmobiles, unless the way is a designated snowmobile trail; and is,
 - (i) either maintained by a state agency or a local government and open to the general public;
 - (ii) maintained by private persons or corporations primarily for private use but which may also be open to the general public for all or a segment thereof; or,
 - (iii) maintained by the Department of Environmental Conservation or other state agency and open to the public on a discretionary basis. (APSLMP, Page 18.)

- 3. **Snowmobiles** a motor vehicle designed solely for travel on snow or ice by means of a combination of tracks and a ski or skis. (APSLMP, Page 19.)
- 4. **Snowmobile Trail** a marked trail of essentially the same character as a foot trail designated by the Department of Environmental Conservation on which, when covered by snow and ice, snowmobiles are allowed to travel and which may double as a foot trail at other times of year. (APSLMP, Page 19.)

In areas classified as Wild Forest, snowmobile trails are a conforming use. There are both basic guidelines and special guidelines for snowmobile uses:

<u>Basic Guideline 1</u>: "The primary wild forest management guideline will be to protect the natural wild forest setting and to provide those types of outdoor recreation that will afford public enjoyment without impairing the wild forest atmosphere." (APSLMP, Page 32)

<u>Basic Guideline 4</u>: "Public use of motor vehicles will not be encouraged and there will not be any material increase in the mileage of roads and snowmobile trails open to motorized use by the public in wild forest areas that conformed to the master plan at the time of its original adoption in 1972." (APSLMP, Page 32)

<u>Snowmobile Trails</u>: "Snowmobile trails should be designed and located in a manner that will not adversely affect adjoining private landowners or the wild forest environment and in particular:

- the mileage of snowmobile trails lost in the designation of wilderness, primitive and canoe areas may be replaced in wild forest areas with existing roads or abandoned wood roads as the basis of such new snowmobile trail construction, except in rare circumstances requiring the cutting of new trails;
- wherever feasible such replacement mileage should be located in the general areas as where mileage is lost due to wilderness, primitive or canoe classification;
- appropriate opportunities to improve the snowmobile trail system may be pursued subject of basic Guideline 4 set forth above, where the impact on the wild forest environment will be minimized, such as (i) provision for snowmobile trails adjacent to but screened from certain public highways within the Park to facilitate snowmobile access between communities where alternate routes on either state or private land are not available and topography permits and, (ii) designation of new snowmobile trails on established roads in newly acquired state lands classified as wild forest; and,
- deer wintering yards and other important wildlife and resource areas should be avoided by such trails." (APSLMP, Page 35)

The APSLMP prohibits new snowmobile trails in Wild Forest areas without a Unit Management Plan prepared by the DEC in consultation with the APA. Relocation and maintenance of snowmobile trails are addressed by a Memorandum of Understanding between the Agencies describing "ordinary maintenance" and other actions such as relocation or major rehabilitation of trails and bridges which require consultation between the Agencies to determine compliance with the APSLMP.

B. Unit Management Plans

Unit Management Plans (UMPs) are prepared by the DEC in consultation with the APA and are also authorized by § 816 of the Adirondack Park Agency Act.

Guidelines for UMPs are found in the APSLMP and the Policies of the DEC.

The APA determines that UMPs are in conformance with the APSLMP prior to their approval by the Commissioner of Environmental Conservation.

New and reconfigured trails contemplated for State lands pursuant to this Final Plan/ GEIS will require specific authorization in an approved UMP for the location in question. UMPs will be written to reflect the recommendations of the Final Plan/GEIS, to the extent that they are consistent with legal authority existing at that time. Full implementation of the Final Plan/GEIS may require amendments to DEC regulations and policy before certain recommendations may be reflected in UMPs. Until such time as policy revisions are adopted by the DEC, UMPs will be written to reflect current policy, and will be amended when policy revisions take effect. Determinations of whether these UMP provisions conform to the APSLMP guidelines are made by APA through the unit management planning process.

C. Conserving Open Space in New York State (NYS Open Space Plan or OSP)

The State's first Open Space Plan (OSP) was authorized by the Legislature in 1990 (Chapter 146, § 41 of the Laws of 1990), ECL § 49-0207. The OSP is prepared by OPRHP and the DEC, in consultation with nine Regional Advisory Committees appointed by county governments and the State. The OSP provides the blueprint for State activities to conserve open space. Priority projects identified in the OSP are eligible for land acquisition funding from the State's Environmental Protection Fund (EPF) established by ECL Article 54.

Among its Guiding Principles, the 2002 OSP provides:

"The State should work in partnership with others including local governments, not-for-profit conservation organizations and private land owners to establish and achieve land conservation goals.

State acquisition of land and easements on land are only two of a number of strategies for conserving open space, recreational, historical and cultural resources with public values. The key to the success of this Plan is fitting the appropriate strategy to the resource.

In pursuing open space conservation goals, the State must deal fairly and openly with property owners, local governments, and citizens in general."

The Region 5 and Region 6 Advisory Committees have taken a very active role in the discussion about the future open space needs in the Adirondack region. The 2002 OSP identifies 29 priority projects within these two regions, many of which have the opportunity to expand snowmobiling trails. In particular, the priority project, entitled, "Recreational Trail Linkages and Networks," ensures that the State can acquire key trail linkages in the Adirondacks. This priority project states:

"Long distance trails linkages and networks, (including water routes) for a variety of motorized and non-motorized recreational uses (such as hiking, skiing, biking, snowmobiling, canoeing, and other appropriate uses) are important as a way for local communities to benefit from neighboring State lands. The State has an obligation to adequately maintain and police such trails and to protect adjacent private landowners from illegal trespass, poaching, and other nuisances resulting from the inappropriate use of such trails. An Adirondack region-wide process is underway that will result in a plan that identifies new or existing trails that need to be protected or established through the use of easement, fee title acquisition and other conservation tools from willing sellers. (It is not the intent of this project to achieve broader acquisition.) The result of this exercise will be a regional plan for long-distance trails that ensures protection for land-owners as well as the trail system and a permanence for the trail."

The Recreational Trail Linkages and Network priority project provides the opportunity to enhance/expand the snowmobile trail system through fee simple acquisitions or easements. Easements may be attractive to private landowners who want to maintain certain rights to their lands. Easements can be structured in a manner that provides for a permanent right to cross the property but through a corridor that can change in alignment between the points of entry and exit.

The 2002 Open Space Plan currently is being updated and a final 2006 Open Space Plan will be revealed this year; and will again include the "Recreational Trail Linkage and Networks" priority project.

D. Statewide Comprehensive Outdoor Recreation Plan (SCORP)

The Statewide Comprehensive Outdoor Recreation Plan (SCORP) is prepared every five years by OPRHP to provide statewide policy direction and to fulfill the agency's recreation and preservation mandate. The SCORP process has evolved well beyond its original purpose of satisfying eligibility requirements for the continued funding under the Land and Water Conservation Fund (LWCF). The document serves as a status report and as an overall guideline for recreation resource preservation, planning and development.

The SCORP identifies seven statewide policies. Each policy is supported by a number of action strategies. The policies most relevant to the Final Plan/ GEIS are:

- II. Preserve and protect natural and cultural resources.
- III. Develop comprehensive recreational, greenway and heritage trail systems.

The analysis of the over 14,000 item recreation facility inventory and the results of a General Citizen Survey provide the basis for determining the level of participation and facility needs for various activities including snowmobiling. In addition, the SCORP identifies major program initiatives and their accomplishments and goals for the next five years.

One of the major program initiatives is Trails and Greenways. The goals identified in support of the trails initiative are:

- IV. Encourage Congress and the State Legislature to support funding and program initiatives that enhance trail and other recreation opportunities for the public.
- V. Strengthen the State Trails Planning and Development Program.
- VI. Strengthen stewardship of the State's trails systems.
- VII. Encourage coordination of trail planning and development across lines of political jurisdictions, agencies and levels of the government.
- VIII. Strengthen communication and cooperation among all types of trail users and providers.
- IX. Advance the development of a statewide system of interconnected trails and greenways and provide access to them.
- X. Conduct research and education to improve the quality of user experiences and enhance resource protection.
- XI. Increase public awareness of New York State's trails and greenway corridors and their economic, social, educational and environmental benefits.
- XII. Provide and improve trail systems for people with disabilities.

All of these goals are applicable to the snowmobile planning process.

E. Municipal Plans

Towns and villages may adopt a Comprehensive Plan pursuant to Town or Village Law, a local open space plan pursuant to the authority for the State Open Space Plan, or other planning and land use management guidance that may address the establishment, design and/or management of snowmobile trails. These plans may also play a role in the design and location of trails on private lands.

VII. RELATIONSHIP TO LANDS OTHER THAN THE FOREST PRESERVE

Slightly over half of the 6-million acre Adirondack Park is comprised of privately-owned lands. The interface between public and private land is an area of significant challenges and equally significant opportunities. Care must be taken to respect the concerns of those private land owners who would prefer not to be subjected to the intrusion of snowmobiles, while at the same time efforts should be made to identify and recruit those landowners who are willing to grant public snowmobile access to their property when such access will improve the overall snowmobile trail system.

The Final Plan/GEIS can only conceptually recommend that trails should be located on private (including conservation easements) and other public lands. The establishment of trails on these lands is dependent on the willingness of the landowner and their relationship with the local sponsor. The conditions of an agreement, location of the trails and trail standards will be determined by the landowner. Proper stewardship of the trail and respect of the land are critical for the long-term use of private lands. The development of a trail system will be more challenging when the trails traverse several parcels of private land. It only requires one dissenting landowner to break the continuity of the system.

In those cases where adjacent landowners do not wish their property to be used for snowmobiling, measures should be taken to prevent "leakage" of snowmobile traffic onto private lands from the public trail system. Such measures might include enforcement, signage, trail siting and education.

As it does throughout the state, OPRHP will work with municipal officials and trail organizations to establish a working relationship with private landowners in the Adirondack Park to acquire permission to use their lands for snowmobile trails. Permission must be voluntary and must be sought in an environment where there exists a tradition of private leases to organizations for recreational activities. Because of this tradition, it may be necessary to pro-actively seek the participation of private landowners by offering financial incentives to participate in the state trail program. These incentives may take the form of permanent recreational easements, seasonal easements, yearly land rentals, or other forms of financial incentive. The NYS Open Space Plan lists as a priority project "Long distance trail linkages and networks." Funding for the development and enhancement of such linkages and networks is available from the Environmental Protection Fund. (See page 19 for a more detailed discussion of the NYS Open Space Plan). While the changing location of trails on private land is the norm for most of the state system, providing trails on private land that can be depended on will minimize the need to relocate trail connections on state land and lessen the demand on state land for trail connections. This plan identifies a number of attractive community connections that have been identified through the planning process. Gaining the voluntary participation of private landowners will be key to successfully completing many of those trails.

Within the Adirondack Park, there are also two private trail systems maintained for public use. The Towns of Webb and Inlet operate a system of private trails within their municipalities. These trails require the purchase of a local permit and are operated as a single system with reciprocal agreements between the two adjoining towns. The state system of trails connects to this private trail system through trails located on the Remsen-Lake Placid Rail Corridor, trails in the Moose River Plains Wild Forest and trails which come south through Raquette Lake.



CHAPTER 4	4: ENVIRO	ONMENTAL	SETTING



ENVIRONMENTAL SETTING

I. AREA DESCRIPTION

New York State's Adirondack Park is a six-million acre area, roughly 20% of the State, located in the northeastern portion of the State. The Park is larger than the combined acreage of many of the nation's most famous national parks and has gained international recognition as part of a larger biosphere reserve. Established in 1892, the Park is unique, divided about evenly between public and private lands, which are intermingled. Within the Adirondack Park, there are about 130 separate settlements, 103 separate municipal jurisdictions and 12 counties.

The Park's public lands provide the largest assemblage of wild lands east of the Mississippi River.

The Park was established by an act of the Legislature in 1892, and Forest Preserve lands within the Park were given protection in 1895 by a constitutional provision now located in Article XIV, Section 1 of the New York State Constitution (see also page 12). This additional protection was deemed necessary primarily because of ongoing abuses of the Forest Preserve, which was originally created in 1885 by an act of the Legislature. Among the early rationales for creating the Park were: watershed protection; creation of a timber reserve; and public recreation.

In the mid-1900s, recreation pressures and increasing motorized access prompted the Legislature to enact protective laws to prevent the destruction of the natural values and resources of the Park. One such law was the Adirondack Park Agency Act, enacted in 1971, which established the APA and required the agency to prepare the APSLMP (see also page 16). The APSLMP establishes a classification system for State lands within the Adirondack Park, and Guidelines for Management and Use of lands in each classification. These lands now total approximately 2.7 million acres within the six-million acre Adirondack Park. Approximately 1.3 million acres of Forest Preserve are classified "wild forest" by the APSLMP.

In addition to recreation, tourism and the economic benefits, the Forest Preserve provides a number of additional benefits, among them: watershed protection; protection of biological diversity and unique natural communities; air and water quality protection; and environmental research and education.

The Park's natural resources include more than 2600 lakes, 1600 miles of designated Wild, Scenic and Recreational Rivers, the State's highest mountains and large intact temperate hardwood forest habitats that are unique in North America. Fish and wildlife provide extensive opportunities for hunting, fishing and observation.

Commercial forestry and secondary industries like wood processing and pulp and paper are among the region's most important economic assets. Millions of tourists visit the region in all seasons. The Park has a year-round population of about 135,000 permanent residents, and more than 70,000 seasonal residents.

II. THE ADIRONDACK SNOWMOBILE EXPERIENCE

Riding snowmobiles in the Adirondack Park offers the opportunity to enjoy a wide variety of trail experiences. The snowmobile trails typically wind through hilly or mountainous terrain within a natural setting, connecting small communities and area attractions. The intermingled nature of public and private land within the Park frequently results in trails whose character may change along the route.

A. Snowmobile Trails on Forest Preserve Lands

1. Types of Trails

Trails on Forest Preserve lands offer an opportunity to experience a wild forest character through a system of seasonal motor vehicle roads and back country snowmobile trails. These back country trails generally are narrower than trails on private lands, and are often located on abandoned woods roads or other trails with essentially the character of a foot trail.

The types of roads and trails found on Forest Preserve lands are as follows:

- a. Trails on Forest Preserve Roads
 Forest Preserve Roads open to motor vehicle traffic (includes roads in campgrounds) designated open for snowmobile travel. (These roads are usually not plowed in winter.)
- b. Trails on Forest Preserve Trails (subject to APSLMP and Article XIV) designated open for snowmobile travel.

2. Trail Mileage

In 1980, DEC conducted a survey of existing roads and trails used by snowmobiles within the Adirondack Forest Preserve. The survey declared the existence of 848.88 miles of roads and trails used by snowmobiles. It is impossible to relate the 1980 survey to each segment of the existing trail network. Data from the survey was compiled in narrative format and not depicted in any accompanying maps. Further, DEC staff appear to have been inconsistent in methods used and in their decision as to whether or not to include public or administrative roads in the survey of "trail" mileage. In the absence of better information, such survey data was used in DEC policy as the limit for trail development in an attempt to ensure compliance with the APSLMP directions that there be "no material increase" in snowmobile trails in the Forest Preserve beyond those existing in 1972.

In the winter of 2001, the DEC performed a GPS survey of all known existing snowmobile trails on Adirondack Forest Preserve lands. Through the UMP process, the accuracy of this coverage is being assessed in order to verify the status and mileage of each trail. Maps depicting the location of Forest Preserve Roads and Trails designated open for snowmobiling in each Forest Preserve Unit where snowmobile trails exist are found in Appendix R.

B. Snowmobile Trails on Other Public Lands (DOT, Municipal, etc.)

There are various public entities that administer property in the Adirondack Park that does not constitute Forest Preserve land. DEC snowmobile policy does not apply to trails on these lands, listed below, nor does it apply to trails on private lands.

- a. Trails on Municipal lands / Municipal trail systems
 - i. Roads
 - (a) Plowed
 - (b) Seasonal
 - ii. Trails
 - (a) Trails with access by permit
 - (b) Trails open to the general public
- b. Trails on Canal Corporation lands
- c. Trails on DOT lands
 - i. Railway corridors
 - ii. Highways
- d. Trails on SUNY land

C. Trail Classification

The existing classification system is based on the Statewide Snowmobile Plan, and consists only of two classes, A and B. While this system suits the purposes for which it was originally intended by OPRHP - to delineate levels of funding which would be applied to trails funded by OPRHP - it does not reflect the diversity of routes on which snowmobiles travel in the Adirondack Forest Preserve. The trail classification system outlined in this Final Plan/GEIS allows for the creation of trail standards that are more appropriate for each situation.

D. Physical Trail Characteristics

1. Trail Width

The APSLMP, while not specifying a maximum trail width, defines snowmobile trails as having "essentially the same character as a foot trail." Although certainly not the only factor, width of a trail does have a significant effect on its overall character. It should be noted that the "essentially the character of a foot trail" is not defined in the APSLMP and that foot trails vary in width throughout the Park on Forest Preserve lands. Current DEC policy, ONR-2, however, sets a maximum snowmobile trail width at eight feet, with an exception on some trails allowing for a width of 12 feet on curves and steep grades.

2. Trail Alignment and Grade

In November 2001, DEC practice on several snowmobile trail matters, such as alignment and grade of trails, was clarified by Interim Guidelines. Implementation of this Plan/GEIS proposes to revise current DEC policy and replace the Interim Guidelines.

3. Trail Surface

The APSLMP defines snowmobile trails as having "essentially the same characteristic as a foot trail." Trail surfaces is one of the primary aspects of a trail contributing to its character. Current DEC policy does not address trail surface characteristics but the Interim Guidelines do; proposals for guidance for DEC personnel regarding the appropriate trail surface for snowmobile trails are included in this Final Plan/GEIS.

4. Drainage

In November 2001, DEC practice on several snowmobile trail matters, such as drainage of snowmobile trails, was clarified by Interim Guidelines. Implementation of this Plan/ GEIS proposes to revise current DEC policy and replace the Interim Guidelines.

5. Wetlands

In November 2001, DEC practice on several snowmobile trail matters, such as wetlands, was clarified by Interim Guidelines. Implementation of this Plan/ GEIS proposes to revise current DEC policy and replace the Interim Guidelines.

III. USE OF PRIVATE LANDS

Snowmobilers have relied on use of private property for riding areas since the earliest days. Without the cooperation of private property owners, there would be no statewide snowmobile trail system.

In the beginning, snowmobilers would ride on their own property and that of their neighbors. As snowmobiles improved, ride distances became longer, and more people took up the activity, more space became available as more landowners granted permission for their friends and neighbors to ride. Specific snowmobile routes were established, and informal trail systems began to develop.

Over time, many of these informal trail systems were formalized by local snowmobile clubs who maintain contact with the landowners and maintain the trails on a continuing basis. In some cases the landowners benefit by having a club maintain a passage through their property that can be used by the landowner for other activities. Clubs build bridges, install culverts, trim brush, and otherwise help landowners care for their property.

The General Obligations Law (§9-0103) affords landowners protection from liability associated with snowmobile use on their property, and all clubs that maintain state-funded snowmobile trails are eligible for liability coverage under a statewide policy. Today more than 85 percent of snowmobile trail mileage in New York State is located on private land with the permission of the landowners.

Several municipalities in the Adirondack Park report they have lease agreements with large landowners to use portions of their land as official snowmobile trail. These municipalities pay approximately \$1000 per year per mile of trail. Some local trail clubs make similar trail lease payments.



CHAPTER 5: VISION AND GOALS



VISION & GOALS

I. VISION

To develop and maintain an integrated snowmobile trail system on public and increasingly on private land in the Adirondack Park that will provide snowmobilers with an experience that is consistent with the spirit and letter of Article XIV, Section 1 of the New York State Constitution, is respectful of the rights and interests of private landowners, and strives to enhance the vitality of the Park's citizens by providing trail linkages between local communities within the Park.

II. GOALS

- 1. Protect natural and cultural resources, and the wild forest character of public lands in the Park (as envisioned by the Constitution, APSLMP and appropriate laws, rules, regulations) by:
 - considering underutilized trails for abandonment;
 - utilizing to the maximum extent possible routes on the periphery of Wild Forest Units or parallel and near to travel/transportation corridors for new trail development and, where appropriate, re-designating trails in the interior of Wild Forest Units or in the vicinity of private in-holdings for non-motorized use only;
 - focusing on opportunities to route trails on non-state lands wherever possible and encouraging long-term commitment of corridor trail systems on private lands through cooperative agreements with private landowners, consistent with the provisions of the OSP;
 - establishing a clear set of standards for snowmobile trails and snowmobile related activities on public lands;
 - increasing law enforcement resources at all levels to address trespass and deter illegal activity on the trail system and in surrounding public and private areas; and
 - providing intelligent and resource protective trail system planning in an overall way rather than dealing with each trail segment individually.

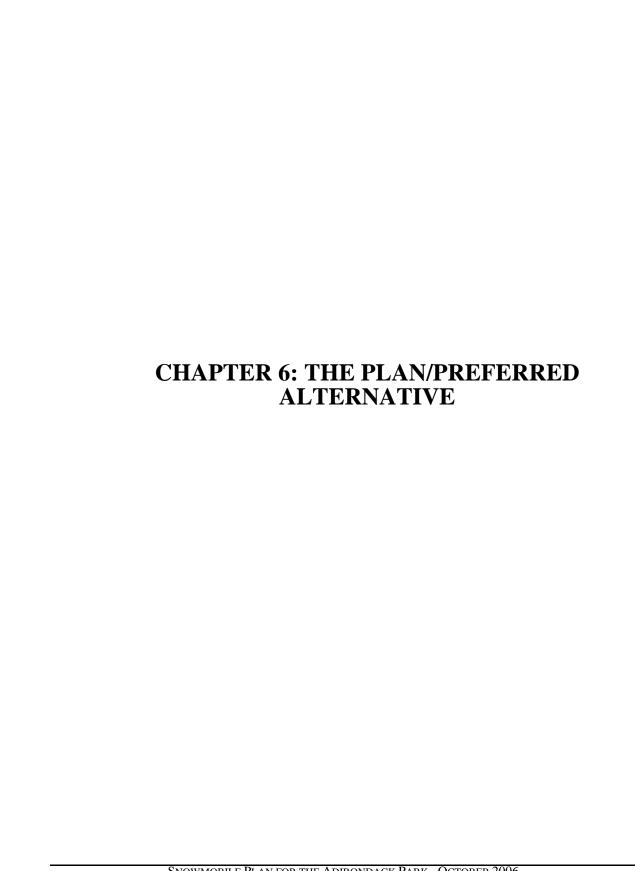
2. Providing a safe, enjoyable snowmobile experience by:

- avoiding unsafe trail conditions;
- minimizing dependency on lake and road crossings;
- encouraging partnerships with the private sector, state and local governments that will provide, maintain and operate snowmobile trails; and
- establishing a clear set of standards for snowmobile trails and snowmobile related activities on public lands.

3. Promoting tourism and economic opportunities for local communities by:

- connecting communities and major points of interest;
- connecting trail systems from outside of the Park;
- connecting to necessary support services (gas, food, lodging, etc.); and
- identifying important snowmobile trail connections.







The Plan/Preferred Alternative

The Final Plan/GEIS is a conceptual plan for the creation of a system of snowmobile trail connections between communities in the Park and criteria for locating, developing and maintaining this trail system in a manner that mitigates potential adverse environmental and other impacts on both the Forest Preserve, other public lands and private lands. The Final Plan/GEIS outlines the concept of creating community connections based on a set of criteria, including the protection of sensitive resources on both public and private land. Further, the Final Plan/GEIS outlines proposed guidelines and criteria for how snowmobile trails and trail segments will be developed and maintained, particularly when and if they are located on Forest Preserve lands within the Park.

<u>Section I</u> describes the existing and proposed trail system, identifies community connection goals and identifies the concept of reconfiguring the snowmobile trail system on the Forest Preserve.

Section II sets forth guidelines and criteria for how snowmobile trails and trail segments will be constructed and maintained, particularly when and if they are located on Forest Preserve lands within the Park. Appendix G includes the analysis of alternatives for how this set of criteria were established as the preferred alternative.

I. TRAIL SYSTEM

A. Existing Trail System

Snowmobile routes on public and private lands within the Adirondack Park are part of the Statewide Funded Trail System (administered by OPRHP). These trails are intended to provide linkages between communities and points of interest within and outside of the Park. In addition, there are many miles of trails on both public and private lands that provide access to hunting, fishing and other winter recreational pursuits.

1. Forest Preserve Lands

Trails on Forest Preserve lands offer an opportunity to experience a wild forest character through a system of seasonal motor vehicle roads and back country snowmobile trails. Back country trails generally are narrower than trails on private lands, and are often located on abandoned woods roads or other trails with essentially the character of a foot trail.

The trails that currently exist on the Forest Preserve serve to connect communities and points of interest, as well as routes for accessing hunting, trapping, fishing and other recreational opportunities on public lands. The location of routes currently being used by snowmobilers on Forest Preserve lands has been identified as part of

the planning process . (See Environmental Setting, Chapter 4, for more details on trails in the Forest Preserve).

The APSLMP requires that there "not be any material increase in the mileage of roads and snowmobile trails open to motorized use by the public in wild forest areas that conformed to the master plan at the time of its original adoption in 1972" and that "the primary wild forest management guideline will be to protect the

natural wild forest setting and to provide those types of outdoor recreation that will afford public enjoyment without impairing the wild forest atmosphere." The existing DEC Program Policy ONR-2, "Snowmobile Trails-Forest Preserve," currently identifies that the mileage of snowmobile trails in or on the Forest Preserve shall not exceed 848.88 miles. This mileage restriction is based on a 1980 inventory of roads and trails used by snowmobiles at that time. Because there were no maps created to accompany the inventory data and the data was not measured or collected by a standard method, it is difficult at best to compare the 1980 mileage with the current trail system. As a result, the 848.88 mile limitation has been of limited utility when considering snowmobile management issues in the development of UMPs.

UMPs have focused on ensuring that there is no material increase in the mileage of snowmobile trails in the unit to which a particular UMP pertains, thereby collectively keeping the preserve-wide mileage of snowmobile trails relatively unchanged. The determination as to whether there is a "material increase" in road or snowmobile trail mileage is fundamentally fact driven, and requires a variety of factors to be addressed. This determination should be made based on the best information, maps and other data available. Further, it should be viewed on a Parkwide basis, based on unit-by-unit observations. It should also include the consideration of lands added to the Wild Forest units after 1972, which lands contained snowmobile trails at the time of acquisition. The Agency provides a formal determination in this regard for each UMP as these plans are developed and presented to the Agency.

The best available information regarding the mileage of snowmobile routes in Adirondack Wild Forest and Primitive Areas was compiled in 2006 by the Department, based on GPS data collected early in this planning process. This data is summarized in the table below:

Approximate Mileage of Snowmobile Routes in Adirondack Wild Forests and Primitive Areas		
Trails in Wild Forests	616.85	
Roads in Wild Forests	170.12	
Trails in Primitive Areas	7.84	
Roads in Primitive Areas	8.36	
Roads on State Forests Classified as Wild Forest	37.8	
TOTAL	840.97	

2. Other Public and Private Lands

The majority of snowmobiling opportunities within the Adirondack Park are on trails located on other public and private lands. There is estimated to be 1,172 miles of funded snowmobile trails in the Park. This mileage figure may change from year to year due to new trail opportunities and land owner permissions. In addition, there is substantial mileage of trails that provide secondary trails, systems

maintained by private permit such as those within the Towns of Webb and Inlet (these Towns claim to maintain 500 miles of routes within their systems) and private lease agreements.

There are several miles of snowmobile routes on public lands, not designated as Forest Preserve lands. These include, but are not limited to lands owned and/or managed by the NYS Department of Transportation, the State University of New York, DEC (State Forests), the Canal Corporation and municipalities.

Conservation easements purchased by the DEC also provide public snowmobiling opportunities as specified in easement agreements and should be utilized for snowmobile trail connectors to the extent feasible.

B. Proposed Trail System

This Final Plan/GEIS includes the concept that the Adirondack Park Snowmobile Trail System be designed to enhance the recreational opportunities within the Park for a variety of users, to create trail connections between communities and to minimize adverse environmental and other impacts on both the Forest Preserve and other public and private lands. It is envisioned that the new trail system will involve trails on public and, increasingly, on private lands, as provided herein. Creation of this new system will involve the reconfiguration of the existing system on the Forest Preserve, including, through the UMP process, the designation of Class III trails/trail segments to establish community connections and the redesignation of existing snowmobile trails located within the interior of Wild Forest Units or adjacent to private in-holdings for non-motorized use. It may also require the relocation or development of trails on private lands through the acquisition of trail easements, conservation easements, or other access rights from willing sellers.

1. Establishment of Community Connections

A conceptual framework for a community connection trail system which provides routes on public and private land traveling both north to south and east to west linking communities and points of interest was developed through broad based public discussion and information gathering. The existing trail system was assessed during the development of this Final Plan/GEIS and the missing links to provide for a Park-wide community connection system were identified as "proposed community connections." While the communities to be connected have been identified as desirable by local governments and the snowmobiling community through the course of the planning process, the actual "on-the-ground" routes that establish the connections will be determined through the UMP process in the case of Forest Preserve lands, and through the establishment of appropriate cooperative agreements with willing landowners on private lands. It is also critical to recognize that it may not be possible to effect all of these connections, and that other community connections may be identified as desirable or necessary. Further, it must be recognized that many of the connections already exist and the focus should be on improving connection trails through re-routing, trail improvements and reduction of interior trails in favor of better trails on the periphery of units.

There are a number of factors that will influence the ability to establish a route. These factors include, but are not limited to:

Willing participation by private landowners

The Adirondack Park snowmobile trail system will be comprised of a system of trails on public and private lands. The willing participation of private landowners is critical to developing new community connectors. The State, municipalities and the snowmobiling community must work closely with the landowner to develop sources of revenue to acquire access rights from landowners who are willing to grant or convey them, and to address landowners' concerns regarding trail location, trail design, safety, liability, noise, pollution, trespass and other considerations. Long term use of private lands will depend on the proper use and stewardship of the trails, respect for the property and the development of good relations between the users and landowner.

Community support

Community connectors serve two primary functions: (1) they provide primary north-south and east-west linkages to and through the Adirondack Park and (2) they generate economic benefits to the communities. Fully realizing the benefits of the connectors requires community support and acceptance for snowmobile activity. This includes providing basic services such as lodging, fuel and food that make the community a staging area, destination point and/or rest area. The diversity of the snowmobile system will increase as more communities are connected to the snowmobile system. This will have the added effect of attracting more users but also dispersing them throughout the Park.

Identification of (a) appropriate route locations on the Forest Preserve for community connection snowmobile trails/trail segments and (b) interior Forest Preserve snowmobile trails that will be redesignated for non-motorized use only through the Unit Management Planning Process

Proposed community connections are conceptual and identify public interest to link communities in the Park. When and if specific designation of community connection trails/trail segments are identified to be located on the Forest Preserve, some additional use of the Forest Preserve may occur. As a means of enhancing the wild forest character of the Forest Preserve, it will be necessary that there be a net benefit for the Forest Preserve by protecting interior, wild forest areas through the re-designation of interior Forest Preserve snowmobile trails for non-motorized use, as well as taking other possible mitigative actions. Both the establishment and designation of actual Class III trails/trail segments on the Forest Preserve and the re-designation of interior Forest Preserve trails for non-motorized use only will be identified and approved through the UMP Process.

A commitment to trail stewardship

The construction, maintenance and grooming of trails will be undertaken as specified in existing laws, rules, policies and guidelines for public lands, and according to conditions agreed upon with landowners on private lands. Proper maintenance will ensure that potential adverse environmental impacts are avoided and mitigated while providing a safe and pleasurable trail experience and result in a successful community connection.

Environmental conditions and potential impacts to natural resources

Avoiding and minimizing potential adverse environmental impacts is critical in developing a sound community connection system. Wetlands and environmentally sensitive areas should be avoided. Wetland, stream crossing and other permits will be obtained, as necessary. The trail guidelines and standards must be followed. Trail construction, maintenance and grooming on Forest Preserve lands must be carried out in strict accordance with DEC standards.

Potential conflicts with other recreational interests

Community connectors will likely attract trail interest in addition to snowmobilers. Trails should be designed to minimize potential conflicts with other trail activities. DEC and OPRHA undertake continuing educational efforts with respect to good trail ethics by all user groups to help ensure the long-term use of the trail.

ATV trespass and resulting damage to trails have and continue to occur throughout the public trail system. This plan recognizes those occurrences, and during the design and construction of new trails, and during the relocation, rehabilitation or maintenance of existing trails, efforts will be made to eliminate trespass to the greatest extent possible.

Community Connection Goals

- GOAL 1 Travel South to North, from Northville to Colton, by connecting existing trail segments with the following links:
 - 1. Northville to Wells
 - 2. Speculator to Indian Lake
 - 3. Indian Lake to Long Lake
 - 4. Long Lake to Remsen/Lake Placid railway corridor, at Horseshoe Lake
- GOAL 2 Travel South to North, from Washington County to Newcomb (to points east/west), by establishing the following links:
 - 5. Washington County to Lake George
 - 6. Warrensburg to Chestertown
 - 7. Chestertown to Minerva via
 7a. Johnsburg to North Creek to North River
 7b. Johnsburg to Pottersville to Minerva
 - 8. Minerva to Newcomb

GOAL 3 Travel North to South, from Plattsburgh to Lake George, by establishing the following links:

- 9. Plattsburgh to Ticonderoga
- 10. Ticonderoga to existing trail system in and adjacent to Lake George Wild Forest
- 11. Chestertown to Warrensburg
- 12. Warrensburg to Lake George

GOAL 4 Travel East to West, from Ticonderoga to Forestport/Booneville, by connecting existing trails segments with the following links:

- 13. Ticonderoga to Newcomb:
 - 13a. By traveling south through Schroon Lake and Pottersville, onto Minerva and Newcomb
 - 13b. By traveling directly west to North Hudson to Newcomb
- 14. Long Lake to points west:

- 14a. By traveling west to the Remsen/Lake Placid railway corridor, at Horseshoe Lake
- 14b. By traveling south to Raquette Lake
- 15. South Lake to Forestport
- GOAL 5 Travel West to points along the western Park boundary and outside to Tug Hill and Central New York, by establishing the following link:
 - 16. McKeever to Brantingham
- GOAL 6 Travel East from Raquette Lake to Indian Lake (to connect to points east/west and north/south), by establishing the following link:
 - 17. In Moose River Plains, to connect existing trails to Raquette Lake

Reconfiguration of the Snowmobile Trail System on the Forest Preserve

Creation of the Adirondack snowmobile trail system as envisioned by this Final Plan/ GEIS involves the creation of Class III (community connector) routes and the shifting of snowmobile use from the interior of Wild Forest areas to the periphery and along transportation corridors. This proposed re-configuration of the Adirondack snowmobile route system will involve the designation of Class III trails/trail segments on the Forest Preserve in order to establish community connections and this is anticipated to result in additional Winter and Summer use of certain Forest Preserve lands.

The designation of Class III trails/trail segments on the Forest Preserve will be identified through the UMP process. When and if Class III trails or trail segments are designated in an approved UMP, some additional use of the Forest Preserve may occur. As a means of enhancing the wild forest character of the Forest Preserve, and in recognition of the requirements of the APSLMP with respect to "no material increase" of snowmobile trails in the Forest Preserve, the redesignation of some existing snowmobile trails to non-snowmobile use will occur.

The reconfiguration of trails on the Forest Preserve will be implemented through the same UMP process as the Class III trail designation. This reconfiguration will be established by designating interior Forest Preserve snowmobile routes to retain the footpath character of traditional shared use trails and serve non-snowmobile recreational purposes when designating Class III trails and/or trail segments on the Forest Preserve, generally on the periphery of Wild Forest Units or along transportation corridors. Such Class III trails will be designed and maintained to provide for appropriate snowmobile travel while minimizing adverse environmental impacts and protecting the wild forest character of the Forest Preserve.

The implementation of this concept will require a long-term commitment by the state, local communities and the snowmobiling public to establish opportunities for providing community connector trails and re-designating or abandoning trails that currently exist in interior Forest Preserve areas from snowmobiling to non-motorized shared use recreation.

a. Creating a Net Benefit to the Forest Preserve

The intended purpose of the reconfiguration described is that there be a net benefit for the Forest Preserve by protecting interior wild forest areas and shifting snowmobile use closer to the periphery of the Forest Preserve along transportation corridors. This net benefit will be evidenced in various, although generally unquantifiable, ways. By concentrating the majority of snowmobile use along the periphery of Forest Preserve units, the interior areas of those units will have less motorized traffic, lower exhaust emission levels, lower noise levels, reduced user conflicts between motorized and non-motorized forms of recreation and decreased impacts on wildlife. Additionally, snowmobile trails that are re-designated for non-snowmobile use will re-vegetate to narrower widths and a more consistently closed canopy, thereby improving the aesthetic experience of trail users.

b. Re-designation of Interior Trails for Non-motorized Access

As a means of enhancing the wild forest character of the Forest Preserve, and in recognition of existing mandates with respect to the material increase of snowmobile trails in the Forest Preserve and the above outlined principles of reconfiguration of the Forest Preserve trail system, it will be necessary through the UMP process to re-designate current snowmobile trails for use as hiking or non-snowmobile shared use trails, or in certain instances abandon trails altogether.

Goals for Interior Trail Re-designation:

The re-designation of Interior Trails for non-motorized access will take place during the development or amendment of a UMP. The following goals will provide the basis for the identification of snowmobile trails currently designated for snowmobile use, for re-designation as non-snowmobile trails:

- To provide a net benefit to the Forest Preserve through such actions as re-designating or abandoning interior snowmobile trails and other possible mitigative efforts when establishing a Class III trail or trail segment on the periphery of a unit or along transportation corridors.
- To eliminate illegal motorized access to public or private lands.
- To eliminate hazardous snowmobiling conditions.
- To eliminate potential threats to the environment.
- To eliminate potential conflicts with adjacent properties, in particular when trails terminate at or pass within 500 feet of private in-holdings, are of such proximity to in-holdings as to cause adverse impacts to those in-holdings, or use roads, trails or other travel corridors that pass through or provide direct access to such in-holdings.
- To eliminate trails that do not lead to a specific facility or feature used by the public in the winter season.
- To eliminate trails that are no longer used or receive only minimal use.
- To eliminate the proliferation of trails where there are numerous existing routes in the interior of a Wild Forest unit which accomplish the same connection.
- To reduce maintenance costs for snowmobile trails.

Potential Interior Forest Preserve Areas that may have Trails to be Re-designated

Certain Wild Forest units exhibit a proliferation of duplicative trails, i.e., trails that connect the same two end points by means of different routes. These units should be the focus of efforts to re-designate snowmobile trails for non- motorized use, but will not be the only areas in which trails are re-designated. Wild forest areas that contain concentrations of duplicative snowmobile trails include:

- that portion of Lake George Wild Forest lying east of Lake George;
- that portion of Wilcox Lake Wild Forest lying north of Harrisburg Lake:
- the southeastern portion of Ferris Lake Wild Forest near Spectacle Lake;
- the western portion of Independence River Wild Forest;
- that portion of Saranac Lakes Wild Forest west of Follensby Clear Pond;
- that portion of Black River Wild Forest near Nicks Lake and Nelson Lake.

II. STANDARDS AND GUIDELINES

Creation of the Adirondack snowmobile trail system as envisioned by this Final Plan/GEIS in Section I of this Chapter will involve the reconfiguration of trails on the Forest Preserve and encouraging trail development on other private and public lands. This Section outlines proposed guidelines for how these trails will be developed and maintained. Appendix G includes the analysis of alternatives that were considered in selecting the preferred alternative, outlined below.

In order to implement all of these concepts, DEC policy (specifically, DEC ONR-2, Snowmobile Trails) must be amended through the Commissioner policy process (DEC CP-1). In addition, specific on the ground proposals for designating and reconfiguring snowmobile trails or trail segments based on the new trail classification system (as outlined below) and for determining which trails will be groomed and by what type of grooming equipment will need to be implemented through the unit management planning process as outlined in the APSLMP. This process will include determinations by APA regarding conformance with the APSLMP guidelines.

A. Forest Preserve Lands

1. Trail Classification:

Define a new trail classification system for the Adirondack Forest Preserve as follows:

Class I Trails: Trails on Forest Preserve Roads

Snowmobile routes on roads seasonally open to motor vehicle traffic (includes roads in campgrounds), designated for snowmobile travel in the winter.

Class II Trails: Trails on Forest Preserve Trails

- II-a Primary routes on shared use trails, designated for snowmobile travel lead to population areas and services (repair shops, service stations, restaurants, lodging) and are therefore more likely to receive moderate to high use levels.
- Il-b Secondary routes on shared use trails, designated for snowmobile travel lead to recreational sites (fishing, hunting, camping, scenic areas or overlooks), most likely to be a dead-end trail, or could lead from a minor trailhead to a trail. Likely to receive moderate to low use levels.

Class III Trails: Community Connector Trails

The Class III trail designation will be unique to Forest Preserve lands. Class III trails will be designated through the UMP process. This trail designation will only be applied to trails that connect communities. In general, this type of trail will only exist on the periphery of a unit or fall generally within 500 feet of a travel corridor. Under those circumstances where the protection of the Forest Preserve can best be achieved by avoiding extensive wetlands, endangered species habitat, non-motorized trails, steep terrain or other sensitive areas along the periphery of a unit, trails that are primarily located along the periphery but have a segment or segments that fall outside of the 500-foot corridor may be designated as class III trails. In such eases where a Class III trail or trail segment leaves the 500-foot corridor in order to avoid sensitive areas or unsafe conditions, the trail shall be routed so as to return

to the corridor in as short a distance as possible once the trail has passed the sensitive areas in question.

The Class III trail shall be the primary travel route for snowmobiles within a unit and shall not serve to duplicate or parallel other trails within the unit. The Class III trail may be groomed by motor vehicles other than a snowmobile (as defined below) and may be open for other authorized recreational uses. The UMP shall establish what recreational uses in addition to snowmobiling may be allowed, including such uses as hiking, cross country skiing, equestrian use and biking, but may not include motorized recreation other than snowmobiling. The UMP will also establish how and by what means construction and maintenance of such trails shall occur. A Class III trail may be up to 9 feet wide and have a prepared surface as provided for in DEC policy.

DISCUSSION:

This trail classification system best reflects the diversity of snowmobile trails in the Adirondack Park. There are various types of snowmobile trails that exist on Forest Preserve Lands. These include snowmobile trails on Forest Preserve roads, snowmobile trails that provide a "trail" experience similar to a hiking or horse trails, and snowmobile trails that function to connect communities and necessary services. The current trail classification system is based on the Statewide classification system, but is simplified to reflect only the corridor/secondary nature of existing trails and does not address the need to create a system of community connection trails, or the need to enhance the wild forest character in interior portions of Wild Forest Units in the Forest Preserve. This new trail classification system better meets the needs for resource protection and user safety. Further, by more closely defining the types of trails and their appropriate location, it will allow for better management of the trail system and environmental protection of the resources.

This new trail classification system will also provide more economic opportunities for communities in the Park. The trail classification system will provide two economic benefits. First, it will provide the user with a better expectation of what types of trails are available and will assist in providing community connections or a "touring" experience for snowmobiles in the Adirondack Park. Secondly, the Class III Trails will serve to link communities and encourage users to seek services that support the communities.

The Forest Preserve lands are unique in that they are also governed by Article XIV, Section 1 of the NYS Constitution and the APSLMP. This new trail classification system better reflects the conditions that exist on Forest Preserve lands within the Adirondacks and the need for a classification system that will serve to meet the needs of the snowmobiling and local communities, while remaining focused on the paramount need to protect the wild forest character of the Forest Preserve.

When there is a need to designate a Class III snowmobile trail or trail segment to provide a community connector route on the Forest Preserve, this designation will be proposed through the UMP process and must be balanced with the identification of trails to be re-designated as non-snowmobile trails or abandoned altogether, as well as other possible mitigative actions in order to provide a net benefit to the Forest Preserve.

2. <u>Snowmobile Route Design, Construction and Maintenance</u>

a. Alignment and Grade:

Define Adirondack Forest Preserve snowmobile trail alignment and grade standards as follows:

- 1. Trail alignment should avoid blind curves and abrupt changes in either horizontal or vertical direction and should be designed to ensure that:
 - a. The sight distance shall not be less than 50 feet.
 - b. Curves will have a radius of at least 25 feet.
- 2. To the greatest extent possible, trail alignment should avoid long straight sections by following the contours of the terrain as much as possible and minimizing tree cutting.
- 3. The maximum grade of trails should not exceed 20% unless deemed necessary, in an approved UMP, to minimize environmental impacts associated with trail construction.
- 4. Trails should normally avoid being located on existing cross slopes greater than 12%.
- 5. Trails should avoid wetlands and rocky areas to the greatest possible extent.
- 6. In locations where there are serious environmental or safety conditions, the trail should be rerouted rather than rehabilitated at that location.

DISCUSSION:

Practices to be followed in designing, constructing and maintaining snowmobile trails include following contours, minimizing tree cutting, rerouting around serious environmental conditions and avoiding wetlands and rocky areas. These criteria vary from current practice in that it allows response to actual environmental conditions and does not restrict the maximum grade to 20%. There may be instances where grades exceeding 20% cannot be avoided, or avoiding them would cause more severe impacts to the surrounding area. For example, routing around a grade might require cutting more trees or impact a nearby wetland. Allowing the trail to proceed at a grade greater than 20% may be necessary to lessen other environmental impacts. Use of appropriate drainage structures on all slopes is anticipated to mitigate any environmental impacts that could result from potential soil erosion.

Construction of new trails anywhere in the Forest Preserve will require approval in a UMP and be subject to SEQRA. Through proper construction methods and the identification of sensitive areas within a UMP, and SEQRA analysis, it is possible to construct a trail segment that exceeds 20% and still minimizes environmental impacts.

These criteria also rely on the proposed tree cutting guidelines (see page 48) which provide clear guidance that the cutting of overstory trees should be avoided in order to maintain a closed canopy, thus maintaining the desired level of resource protection and achieving the desired result of maintaining a closed canopy over snowmobile trails.

b. Trail Width

Define Adirondack Forest Preserve snowmobile trail width standards as follows:

Class I May be maintained to the width of the existing road corridor.

Class II:

II-a May be maintained to an 8-foot maximum

cleared trail width and to a 12-foot maximum cleared trail width on curves and steep

running slopes.

II-b May be maintained to an 8-foot maximum

cleared trail width.

Class III May be maintained to a 9-foot maximum

cleared trail width and to a 12-foot maximum

cleared trail width on curves and steep

running slopes.

DISCUSSION:

This system is proposed to replace the existing Class A and B snowmobile trail classification system in the Forest Preserve.

This system allows maintaining Class I trails to the width of the existing road corridor. Class I trails that utilize existing road corridors will be consistent with the existing standards: the level of snowmobiling opportunities on existing roads will be maintained, therefore posing no new impacts.

With respect to Class II-a trails, this proposal essentially reflects trail width standards that exist under current policy. For those trails that are designated as Class II-a trails under the new trail classification system therefore, trail width standards would not change. Since most Class II-a trails will be interior trails, it is desirable to minimize such widening in order to maintain the wild forest character of the Forest Preserve to the maximum extent possible.

With respect to Class II-b trails, this proposal essentially reflects trail width standards that exist under current policy. Class II-b trails will be maintained at a maximum width of 8 feet. Class II-b trails will provide a more primitive type of trail experience; trails will be more rugged and narrower. These trails may be more technically challenging and require slower speeds. They are expected to be less traveled and provide more of a "back country" experience.

Class III trails (connecting trails between communities) will be designed to more safely accommodate two-way traffic while maintaining the wild forest character. In some instances, where more than one trail exists to reach the same destination, and one or more of those trails is re-designated for non-motorized use, the resulting shift in use may concentrate snowmobile traffic on Class III trails. Class III trails will be limited to 9 feet wide because trails wider than this take on more of an appearance of a road than that of a trail. The Class III trails are expected to attract more snowmobilers than Class II trails.

It is expected that impacts which may result from the creation of Class III trails will be minimal. Many of these trails will be located on old roads and existing trails that have traditionally been cleared and maintained to this width. For new trail construction, any impacts will be offset by the fact that interior snowmobile trails that are re-designated for non-motorized use will be allowed to grow in to narrower widths, thus reducing the area of disturbance that is maintained on those trails. Because Class III trails are to be primarily located parallel to existing travel corridors, these impacts are anticipated to be less intrusive than if they were located in interior forest areas. The degree of soil compaction on Class III trails may also be greater than that found on other classes of trails, due to greater amounts of use.

c. Tree Cutting

Define tree cutting standards for Adirondack Forest Preserve snowmobile trails as follows.

- 1. Cutting trees should be avoided to the greatest extent possible, but where cutting is required, trees must be identified, tallied and included in a work plan in accordance with <u>DEC Program Policy LF-91-2 Cutting and Removal of Trees in the Forest Preserve.</u>
- 2. A closed canopy should be maintained over a trail, whenever possible. Cutting of overstory trees should be avoided in order to maintain a closed canopy.
- 3. Cutting trees to expand a trail from its current width or otherwise improve a trail will require approval in a UMP.
- 4. All trails, regardless of class, shall be kept clear to a height of twelve (12) feet, as measured from ground level, where the cutting of trees or other woody growth of over three (3) inches Dbh is not necessary. Branches protruding into the cleared area may be pruned.
- 5. Hazard and danger trees (those with structural problems) that are outside the cleared trail width may be cut pursuant to an approved work plan (see Lands & Forests policy LF-91-2 for work plan content and approval requirements).
- 6. When a fallen or tipped tree impedes the safe flow of traffic, and has not been identified in a work plan for routine brushing and blowdown removal, it can be removed immediately by authorized personnel and all such cutting

shall be reported to the Regional Forester.

- 7. Trees should be felled away from the trail to minimize the amount of material that needs to be moved, and should be delimbed and cut into short enough lengths to lay flat on the ground. Once delimbed and cut up the trees should be dispersed and not left in piles next to the trail.
- 8. Trees should be cut flush with the ground and the root mass left in place. If it is necessary to remove the root mass because it protrudes above the trail surface and presents a hazard to snowmobiles, then it should be rolled or placed (so intervening vegetation and organic matter is not removed) off of the trail into the woods and set down so as to have the lowest profile possible with as much of the trunk as possible cut off.

DISCUSSION:

These criteria are intended to minimize the impacts to the environment and maintain a wild forest character while providing a safer trail for the user. They prescribe procedures for removal of trees to protect the trail and the adjacent site from erosion, during removal of trees and after the trees are removed. They provides the clearest guidance for removal of trees in a manner that limits impact to the trail and the surrounding area.

They adhere to LF-91-2, the DEC tree cutting policy. This policy requires a tally of all trees over three inches in diameter and a work plan if trees over three inches in diameter are going to be cut. Any expansion of trail width must be authorized in a UMP and will require a site specific SEQRA review.

They provide clear and concise guidance for maintaining the trail width and cleared height for the safety of the user. They also clearly define procedures for programmed and immediate needs to provide for the safe flow of recreational traffic.

Further, they provides for the maintenance of a closed canopy over the trail. During the seasons when the trail is not covered with a protective layer of snow it is susceptible to erosion. The main cause of erosion is the impact of rain drops, loosening soil particles and washing them away. Maintaining a canopy over the trail will intercept falling rain preventing it from falling directly onto the trail. The closed canopy will also provide the benefit of maintaining the wild forest character of the area in compliance with constitutional requirements. It also protects overstory tress regardless of size, recognizing the importance of the tree crowns in protecting the trail and maintaining the wild forest character of the area.

d. Trail Surface

Define Adirondack Forest Preserve snowmobile trail tread surface standards as follows:

1. Trails should follow the existing contours of the natural forest floor and not be graded flat. At no time will a bulldozer be used on a snowmobile trail. The appropriate

type of landscaping equipment to be used on snowmobile trails are machines such as a small excavator or a skidsteer, with a preference for rubber tires or tracks. This type of machinery is designed to carry out specific tasks and can be operated in manner that will limit impacts on the trail surface.

2. <u>Class III and II-a trails:</u>

Boulders, rocks and stumps that protrude more than six (6) inches above the surface of the trail tread and pose a hazard to snowmobiles may be removed. Boulders, rocks and stumps that protrude six (6) inches or less above the surface of the trail tread may not be removed.

Removal of boulders, rocks or stumps resulting in the disturbance or modification of more that 50 feet of the trail will require the location and extent to be marked in the field and will be included in an approved work plan.

Rocks removed from the trail will be buried underground in the trail so as not to protrude more than six (6) inches above the surface of the trail tread. The earth moved to dig the hole into which the rock is to be placed, will be used to fill the hole that resulted from the rock removal.

The preferable method for large stump removal will be grinding. This method results in the least intrusive impact on soil surface conditions. Small stumps can be removed and buried (in the method described above for rocks).

Alternatives to removal should be considered to minimize the need for disturbance of the ground, reduce the likelihood of creating drainage problems and to reduce the need for significant fill. Such alternatives may include fracturing (if method is explosives, this must be approved in a trail specific work plan), covering or minor relocation of the trail where a rock or boulder may be too large or the number too great to deal with by any other method.

Cuts and fills will be minimized. They will be undertaken in a manner that minimizes root damage. The maximum amount of cut, fill, or cut and fill combined, measured vertically, will be 20% of the tread width. Cuts and fills will be balanced as much as possible to minimize the amount of cut or fill at any location. Side slopes will be dressed and tapered within the cleared trail width. Any and all necessary trail modifications are permissible if such modifications are made using hand tools only.

3. <u>Class II-b trails:</u>

Cuts and fills and necessary trail modifications may be undertaken if such modifications are made using hand tools only.

DISCUSSION:

These criteria provide for a safe use experience while protecting the environment and the wild forest character. Removing rocks improves the safety of the trail by making the trail easier to navigate and removing obstructions that might be hazardous to snowmobilers. It requires that protrusions in the trail be over six inches above the trail surface before they are allowed to be removed. Leaving rocks protruding less than six inches will minimize disturbance to the trail surface, reducing and preventing erosion. It also will help maintain the wild forest character of the trail. Leaving rocks in the ground that protrude up to six inches also establishes six inches as the measure of snow cover necessary to provide safe snowmobile travel. 12 inches of snow will generally pack to six inches and cover any protrusions below six inches. Requiring six inches of packed snow to cover the trail before it is passable will protect the trail from erosion during periods when there is minimal protective cover from snow and ice, such as the early fall and during the spring thaw.

This criteria clearly define procedures for removing rocks with the least disturbance to the ground by placing them or rolling them off the trail and allow for consideration of alternative methods for removal of protrusions, allowing for the selection of a method that can best address the situation with the least impacts to the environment.

Further, this criteria allows cuts and fills to be up to 20% of the trail width, which is a more realistic measure of grading.

In addition, these criteria requires the use of hand tools on the narrower, less-used Class II-b trails. Using hand tools will limit the amount of disturbance to the trail, and help to reduce noise during maintenance activities. Use of hand tools is intended to affect the decision making process of the maintenance crews, encouraging them to seek the easiest manner possible to do the work and to avoid doing work that is unnecessary. Use of hand tools will make less noise than use of power tools, lessening the impact to other users in the vicinity. Use of hand tools for all work is not feasible from an economic standpoint; however, the use of hand tools on the Class II-b trails is not cost prohibitive. It is also more respectful of other users' visitor experience and will help to maintain essentially the character of a foot trail on less-traveled trails.

e. Drainage

Define Adirondack Forest Preserve snowmobile trail drainage standards as follows:

1. Adequate drainage will be provided within the cleared trail width to prevent trail erosion and washout and to maintain a safe trail. All snowmobile trails will be sited to avoid drainage features and shall be constructed so as to not intercept groundwater. Natural drainage patterns will be maintained. Bridges shall be the preferred method for crossing all wet areas as authorized in an approved UMP, shall be constructed out of natural materials where feasible and all bridges shall be constructed to allow for the maximum cleared trail width.

2. Water bars and broad-based dips which are installed perpendicular to a trail, and ditches which run parallel to the trail, may extend beyond the cleared trail width to the extent necessary to effectively remove water from the trail surface, provided that no trees are cut outside the cleared trail width. The installation of new culverts will not be used as a drainage device unless specified in a duly adopted Unit Management Plan.

DISCUSSION:

These criteria prescribe routing trails to avoid water bodies and interception of ground water. They also prescribe use of existing drainage patterns and list bridges as the preferred method to cross wetlands. Using natural drainage patterns and bridges helps to ensure minimal impact on the resource by preventing erosion, filling of wet areas, and trampling of wetland vegetation. They mitigate the visual impact of the bridge by prescribing the use of natural materials to the extent possible.

Further, they provide specific guidance on the types of structure allowed and how they are may be used in trail construction and maintenance. They allow for drainage structures to be placed outside the cleared trail width as long as trees are not cut, thus limiting the impact to adjacent forest ground cover.

These criteria minimize the impacts of drainage structures on the environment and the level of maintenance that would be required. The criteria are designed to reduce trail erosion, maintain natural drainage patterns and not intercept groundwater. Bridges will be used to protect wetlands and require UMP approval and SEQRA review.

f. Wetlands

Define Adirondack Forest Preserve snowmobile trail wetlands standards as follows:

- 1. Wetlands should be avoided to the greatest extent possible.
- 2. When wetlands crossings or trail locations adjacent to wetlands are proposed, the trail will be designed to minimize potential adverse impacts.
- 3. Any activity in or near a wetland shall be undertaken with prior consultation with the APA and with recognition of Army Corps of Engineer's permit requirements.

DISCUSSION:

This criteria provides for the avoidance of wetlands to the greatest extent possible. When wetlands need to be crossed the trail would be designed to minimize potential adverse impacts. Any activity in or near a wetland requires consultation with the APA.

3. <u>Snowmobile Operation</u>

a. Snowmobile season

Allow snowmobiling on Forest Preserve snowmobile trails as specified in 6 NYCRR Part 196.2(a)(1) and the APSLMP.

DISCUSSION:

The vast majority of snowmobile operators use only groomed trails, because of the smoother, safer riding experience that they offer. Current DEC practice limits grooming to a period specified in either an Adopt-A-Natural Resource (AANR) Stewardship Agreement or a Temporary Revokable Permit (TRP). Generally the period during which grooming is permitted under these documents does not begin until after the close of the Northern Zone big game hunting season, effectively minimizing the amount of snowmobile traffic on Forest Preserve lands during the hunting season. Likewise, private landowners who allow the use of snowmobiles on their property often request that snowmobilers wait until after the big game hunting season. Maintaining this status quo addresses to a reasonable extent the potential conflicts between snowmobilers and hunters, while still allowing hunters to use snowmobiles on Forest Preserve lands if desired or necessary. The current policy provision, which will be maintained under these criteria as set forth above, prohibiting the removal of rocks from snowmobile trails unless they protrude more than six inches from the ground effectively prevents grooming activities from commencing until sufficient snow cover is available to protect soil resources from being impacted by grooming activities, even if the grooming period specified in the AANR or TRP has begun.

b. Speed limits

Retain current language in Parks and Historic Preservation Law (PRHPL) §§25.03 and 25.05, and increase safety education efforts through additional signage, and coordination with snowmobile safety course instructors, snowmobile dealers and snowmobile clubs.

DISCUSSION:

Although the status quo recognizes the need for safe snowmobile operation throughout the State, by implementing additional efforts to educate snowmobilers about the nature and character of the new snowmobile trail system, new users as well as snowmobilers who have been riding in the Adirondacks for years will be made aware of the changes that will affect their riding experience and allow them to adjust their riding styles accordingly.

4. Motor Vehicle Use Guidelines

a. Construction and Maintenance

Define Adirondack Forest Preserve snowmobile trail motor vehicle use standards as follows.

General

Motor Vehicle use for the purposes of snowmobile trail construction and maintenance on Class II-b snowmobile trails will be prohibited. For all other classes of snowmobile trails, motor vehicle use for construction and maintenance should be limited as much as possible.

- 1. Administrative personnel, equipment and materials shall be brought to the site by the least intrusive method possible, as identified in priority order below. A more intrusive method should be used only if the less intrusive method(s) are not feasible.
- Non-motorized means or, during periods of sufficient snow cover, by snowmobile
- By aircraft
- By appropriate motor vehicles. Motor vehicle use will only be approved when all alternative means of transportation (i.e., non-motorized, snowmobiles, aircraft) are demonstrated to not be feasible. The motor vehicle(s) used shall be that which is suitable for the particular activity but has the least potential adverse impact on the environment. Even where motor vehicle use has been approved, administrative personnel shall utilize motor vehicles only to the minimum extent necessary.
- 2. Proposed motor vehicle or aircraft use shall also be described in a Conceptual Use Plan, per CP- 17, "Record Keeping and Reporting of Administrative Use of Motor Vehicles and Aircraft in the Forest Preserve," or any successor policy.
- 3. Any motor vehicle used shall display an official "DEC Administrative Use" sign, unless otherwise prominently identified as a DEC vehicle.
- 4. All motorized uses will be supervised by an individual who has attended and completed DEC training concerning guidelines and policies for snowmobile trail construction and maintenance.
- 5. A detailed work plan, approved by DEC Lands & Forests staff must be prepared for any work to be done on snowmobile trails, except for Initial Annual Maintenance Trips described below.
- 6. A trail log must be prepared to record any work that is done on snowmobile trails.
- 7. Work requiring use of motor vehicles or aircraft should be done, as much as possible, during the months of August, September, and October.

Work Trips

There are four classes of work trips using motor vehicles which are allowed on Forest Preserve snowmobile trails.

1. Inspection/Reconnaissance Trips. Periodic Inspection/Reconnaissance Trips of snowmobile trails are necessary

- to determine work that may be needed to maintain the trail according to standards, to correct dangerous conditions, and to identify areas suffering environmental degradation.
- No motor vehicles may be used, except snowmobiles during periods of sufficient snow cover, or if undertaken in conjunction with an Initial Annual Maintenance Trip as allowed below.
- Inspection/reconnaissance may take place concurrently with the 'Initial Annual Maintenance Trip' described below.
- No work of any kind may be conducted during an inspection/reconnaissance trip unless specifically authorized by an AANR, TRP, or work plan approved by DEC L&F staff.
- A trail log will be developed detailing the location and type of work needed.
- 2. Initial Annual Maintenance Trips. These trips will be undertaken solely for the purpose of removing fallen branches and trees that obstruct the trail, and unclogging ditches, drainage ways and culverts.
- A detailed work plan will not be required prior to these work trips.
- Motor vehicle use is limited to either: (a) three (3) trips and no more than 30 miles per forest preserve unit/year or; (b) 50% of the trail mileage of the unit per year or; (c) one trip per trail per year. Trips will be planned so that motor vehicles used run over the same section of trail only once, to minimize the visual and soil impacts from tire treads.
- Trips will only be conducted in the months of August, September, and October.
- Annual snowmobile trail routine maintenance work plans must identify the specific trail segments where the Initial Annual Maintenance Trip(s) will occur.
- All activities undertaken during an authorized Initial Annual Maintenance Trip will be recorded in a Trail Log.
- **Maintenance, Rehabilitation and Construction Trips.** These trips include all other work trips on snowmobile trails.
- All work done on snowmobile trails should be accomplished by the least intrusive method possible, as identified in priority order above.
- All work done on snowmobile trails, except for "Inspection/Reconnaissance Trips" and "Initial Annual Maintenance Trips" described above will require an approved, detailed work plan.
- **4. Grooming and Associated Winter Maintenance Trips**. These trips include mechanized grooming of the snow surface.
- proposed grooming standards are discussed in the "Snowmobile Route Grooming" section which follows this section.

Oversight

Oversight of projects performed with motor vehicles shall be as follows:

1. The Regional Natural Resource Supervisor, or his/her designee, shall be notified no less than 48 hours prior to initiation of motor vehicle use, and shall determine whether trail conditions are then suitable for such work and vehicle use.

- 2. The Regional Natural Resource Supervisor, or his/her designee, will be responsible for assuring that Department staff periodically monitor and inspect all construction and maintenance work to ensure compliance with the Work Plan.
- Department staff shall inspect the work at times which coincide with the use of equipment that has the greatest potential to cause environmental damage.
- All construction activities involving heavy equipment will be supervised by DEC staff
- Within seven days of completion of authorized construction and maintenance activities, the Regional Natural Resource Supervisor shall ensure that the work was satisfactorily completed according to trail standards and, if applicable, permit conditions met.

DISCUSSION:

These criteria are subject to the requirements for use of motor vehicles in CP-17. They minimize such use of motor vehicles on interior trails while still allowing them to be used on Class II-a trails (primary routes to services and population areas) and prohibit the use of motor vehicles on Class II-b trails. Limiting such use of motor vehicles on lesser used trails will help maintain the wild forest character of the area. These criteria allow for motor vehicle use to maintain Class III trails (community connectors), which are expected to have higher levels of use. Use of motor vehicles for maintenance of these more frequently used trails will help provide for a safer trail system while keeping associated costs down.

b. Snowmobile Route Grooming

Define grooming of Adirondack Forest Preserve snowmobile trails as follows:

Mechanized grooming is the process of using equipment to prepare the trail snow surface for safe travel by snowmobiles. Grooming removes moguls, covers icy areas with snow, and conditions the snow surface for safe passage. Grooming is tailored to the type of trail and shall not alter the width of the trail or alter the physical character of the trail. Grooming will be allowed on the Adirondack Forest Preserve as set forth above and as follows:

<u>Class I Trails:</u> Any Groomer.

Class II Trails:

II-a Snowmobile with a drag or small tracked groomer,

maximum width will be less than trail width within the allowable tread width. Use of small tracked groomer to be approved through the UMP process

pursuant to the criteria listed below.

II-b No grooming.

<u>Class III Trails:</u> Any Groomer, subject to appropriate size, width and

weight limitations, maximum width will be less than trail width within the allowable tread width. Type of groomer to be approved through the UMP process.

Criteria for Grooming to be Allowed on Limited Type of Class II-a Trails:

In certain instances, snowmobile trails on Forest Preserve lands are located along primarily along sections of old road that cross a combination of State and private lands. In some cases these routes exist on Forest Preserve parcels because they provided the link between communities. Many of these trails are located in the periphery of the wild forest boundaries and often have more of a road like character with a generally smoother trail surface, fewer rocks and roots, lack of vegetation in the trail tread, and existing cleared width of at least 8 feet wide. A limited number of Class II-a trails or trail segments may be eligible for consideration for small tracked groomers and only if the following conditions exist and are exercised:

- 1. It is not necessary to alter the trail character, including cleared width and trail surface conditions, in order to accommodate a small tracked groomer;
- 2. This trail or trail segment serves as a critical part of larger local or community based trail systems;
- 3. There is a justified need to cross a particular piece of State lands with no viable alternative route;
- 4. The route does not duplicate other trails in the area that serve the same purpose;
- 5. The use of a small tracked groomer on a Class II-a trail or trail segment in a particular unit is an exception, not the rule; and
- 5. The use of a small, tracked groomer on the trail is approved in a Unit Management Plan, justified by the criteria listed above.

The use of mechanical groomers, as described above, will be operated only by

administrative personnel including DEC staff or volunteers under an agreement with the DEC (AANR or TRP) and covered by workers compensation.

DISCUSSION:

These criteria specifically define mechanized grooming as the process of using equipment to prepare the trail snow surface for safe travel by snowmobiles. Grooming removes moguls, covers icy areas with snow, and conditions the snow surface for safe passage. It is tailored to the type of trail and may not alter the width of the trail or alter the physical character of the trails. Use of small, tracked groomers must also only be approved through the UMP process.

This criteria does not mandate grooming but provides a set of standards for trails where grooming is allowed. On Class II-a trails any groomer must stay within the allowable cleared width and for Class III trails and the width of the groomer must be less than trail width within the allowable tread. This will help protect areas adjacent to the trail and keep the groomer within the trail width. Grooming of these trails will provide a safe visitor experience, the ungroomed Class II-b trails will provide a more

primitive experience into interior Forest Preserve areas. The limitations on grooming may also help to direct use away from interior trails onto the Class III corridors along roads and the periphery of Forest Preserve land units.

Current DEC practice limits grooming to a period specified in either an AANR Stewardship Agreement or a TRP. Generally the period during which grooming is permitted under these documents does not begin until after the close of the Northern Zone big game hunting season, eliminating the potential for conflict between groomers and hunters. The current policy provision, which will be maintained, prohibits the removal of rocks from snowmobile trails unless they protrude more than six inches from the ground. This effectively prevents grooming activities from commencing until sufficient snow cover is available, thus protecting soil resources from being impacted by grooming activities, even if the grooming period specified in the AANR or TRP has begun.

B. Other Public and Private Lands

1. <u>Snowmobile Route Design and Construction</u>

Within the Adirondack Blue Line there are approximately 1172 miles of state funded trail on a combination of private and public lands other than those within the Forest Preserve. The system of OPRHP funded trails, including Forest Preserve trails, is depicted in Appendix R. The system is predominantly on private land with some mileage on municipal roadways open to snowmobiling. In addition, there are also private trail systems within the Towns of Inlet and Old Forge that require snowmobilers to purchase local permits. Finally, there exist small trail segments that are part of private club systems. These systems typically involve an agreement between a club and a large landowner. Any trail that is supported with state funds must allow access to any New York registered snowmobile without the payment of additional fees.

In addition to the trails on private land and municipal roads, trails also exist within railroad rights-of-way under the jurisdiction of NYS Department of Transportation.

All of the trails mentioned above are developed and maintained pursuant to the New York State Snowmobile Trail Plan. The trails have all been developed in accordance with the Standards and Guidelines for Snowmobile Trails distributed by OPRHP. This document provides guidance in relation to the construction of trails. OPRHP does not require that trails meet the criteria outlined in the existing document to participate in state funding opportunities. These trails vary greatly in width and topography. There is no maximum trail width established in the existing plan on trail standards and guidance.

Maintenance of trails is accomplished through local trail sponsors (municipalities) working with local snowmobile trail clubs or by the trail sponsor directly undertaking trail maintenance and grooming work.

It is not uncommon for trail locations to change from season to season or even during the season. The moving, relocation or closing of a trail is undertaken in consultation with OPRHP, but nonetheless can cause confusion among trail users.

There are laws and regulations that apply to any project undertaken in the Adirondack Park which need to be considered, and if applicable, complied with before any changes in trail location are undertaken.

Current legal guidance provides sufficient protection of natural resources in relation to the design and construction of snowmobile trails in the Adirondack Park outside of the Forest Preserve.

2. Snowmobile Route Maintenance

Trail maintenance on trails outside the Forest Preserve occurs by volunteers, snowmobile clubs, and municipal employees, depending on the trail and its location. For trails that are designated to be within the Statewide Snowmobile System, funding for maintenance is available through the Statewide Snowmobile Fund. Such funding is provided by the State through the Trail Sponsor. The NYS Office of Parks, Recreation and Historic Preservation's "Standards and Guidelines for Snowmobile Trails" publication provides guidance for the maintenance of trails. The ultimate responsibility for the type and level of trail maintenance rest with individuals, groups, and/or organizations responsible for the trail.

3. <u>Snowmobile Route Grooming</u>

Virtually all snowmobile trails outside the Forest Preserve are groomed. Currently, it is estimated that 59 different groomers operate within the Blue Line of the Park. The largest groormers are diesel powered fully tracked vehicles capable of operating over a variety of terrain and conditions. The smallest groomers are work class snowmobiles which resemble touring class sleds with slightly larger and wider rear tracks. Any groomer is operated in tandem with a drag that levels, packs and contours the snow on the trail. Drags are sized according to the groomers capabilities and size of the trail. They range from four foot wide to more than eight feet wide. Grooming frequency varies greatly depending on the amount of snowmobile traffic on a trail, trail contour and climatic conditions. Some trails may only be groomed once a week during the season while other trails may require nearly daily grooming. The larger groomers need less passes on a trail then their smaller counterparts to achieve a given result.

The method of grooming on other public and private lands will continue to be determined by the land owner and/or entity responsible for the maintenance of the trail. This practice is consistent with such land outside the Adirondacks.

4. <u>Partnerships</u>

The majority of the snowmobile trails outside the Forest Preserve occurs on private land through partnerships among the snowmobile groups, private landowners and/or municipalities. The trails may be available to the general public, use via a permit (i.e., Town of Webb) or restricted to a particular group such as a hunting club. Trails that are designated as part of the Statewide Snowmobile System are available to the general public. The NYS Open Space Plan lists as a priority project "long distance trail linkages and networks." Funding for such linkages and networks is available from the Environmental Protection Fund. (See page 19 for a more detailed discussion of the NYS Open Space Plan).

Trail organizations should strive for long term agreements with private landowners and expand and strengthen partnerships. Private landowners should be encouraged to enter into agreements with the trail organizations. This will help maintain the long term continuity of the Statewide Snowmobile Trail System and provide alternatives for relocating trails from the interior areas of the Forest Preserve.

Municipal governments should be encouraged to participate in the Statewide Snowmobile Trail System. Participation in the statewide program provides the opportunity to develop a trails network with other trail systems. It also provides alternative trail routes between locations that avoid trails within the Forest Preserve.

DISCUSSION:

These recommendations are a reasonable and effective means of ensuring the long-term stability of the snowmobile trail system. Long-term stability will reduce the environmental impacts that would result from the construction of new trails, which would necessarily occur when trail segments were removed from the trail system.

C. Guidelines for both Public and Private Lands

1. <u>Trail Siting</u>

The following existing law and policy provisions and proposed guidelines are applicable to both public and private lands.

Wild, Scenic and Recreational Rivers Act

The full text of the implementing regulations for the Wild, Scenic and Recreational Rivers Act can be found in Appendix Q.

Adirondack Park State Land Master Plan (pertinent sections)

Wild Forest Guidelines, Snowmobile trails:

Snowmobile trails should be designed and located in a manner that will not adversely affect adjoining private landowners or the wild forest environment and in particular:

- -- appropriate opportunities to improve the snowmobile trail system may be pursued subject to basic guideline 4 set forth above, where the impact on the wild forest environment will be minimized, such as (I) provision for snowmobile trails adjacent to but screened from certain public highways within the Park to facilitate snowmobile access between communities where alternate routes on either state or private land are not available and topography permits and, (ii) designation of new snowmobile trails on established roads in newly acquired state lands classified as wild forest; and.
- -- deer wintering yards and other important wildlife and resource areas should be avoided by such trails.

DEC Policy ONR-2: Snowmobile Trails, Forest Preserve (pertinent sections):

• Snowmobile trails shall not be established where impacts on adjacent private holdings are probable without the prior written agreement of the private landowners involved.

- Snowmobile trails shall be located so as to avoid crossing bodies of water, the edge of ledges or ravines, environmentally sensitive floral and faunal areas, wetlands, deer wintering areas and other significant habitats so that the values of these habitats are not diminished for wildlife purposes or otherwise.
- Existing woods roads and trails should be utilized as snowmobile trails when possible in lieu of constructing new trails.
- Snowmobile trails shall be located and maintained so as to ensure safe travel.

State of New York Snowmobile Trail Plan (page 16):

The following important considerations will become guidelines in establishing the corridor/secondary trail system.

- Minimize major highway crossings to the greatest extent possible.
- Minimize major water body crossings such as large rivers, ponds and lakes to the greatest extent possible.
- Maximize the use of utility rights-of-way and abandoned railroad beds and trestles, where possible.
- Maximize the effort to have trails pass close to existing support facilities, when possible (i.e., food establishments, lodging, picnic areas, club houses, gas and oil service stations, as well as repair shops.)

In addition to the existing law, policy provisions and guidelines noted above, adopt the following guidelines for snowmobile trail siting in the Adirondack Park:

- 1. Where feasible through the acquisition of trail easements, conservation easements, or other access rights from willing sellers, new or relocated snowmobile trails should be sited on private lands to minimize impacts on the Forest Preserve.
- 2. New or relocated snowmobile trails within Wild Forest areas should generally be sited on the periphery of such areas and along existing travel corridors to minimize impacts within the interior of such areas.
- 3. Snowmobile trails on public or private land should be designed and located in a manner that will not adversely affect adjoining landowners.
- 4. Avoid siting trails that end at private land where public snowmobile access is not permitted.

DISCUSSION:

These recommendations identify particular locations that are preferred for snowmobile routes, and those that are inappropriate for snowmobile routes. Locating trails along existing travel corridors will minimize snowmobile impacts on interior Forest Preserve areas and shift them to areas where motor vehicle traffic already exists. Avoiding siting trails that end at private lands will reduce the potential for conflict between users of public land and private landowners. This also provides guidance regarding the acquisition of real property interests to secure long-term integrity of the snowmobile system, which will minimize disturbance impacts from new trail construction necessary for trail re-locations.

2. <u>Controlling Public Use of the Trail System</u>

PRHPL Article 25 governs the use of snowmobiles on private lands. The Parks Law also provides a mechanism for local governments to provide a statutory framework in order for snowmobiling to be undertaken on public roads and on other lands within the municipality.

The Parks Law sets out minimum equipment requirements, requirements for operator training, when and what type of insurance is required and general operating standards. Also included in the PRHPL is the principle that a snowmobile may be operated on private lands with the permission of the land owner. The State designated trail system provides a mechanism for obtaining the generic permission of a landowner to allow the activity on private lands.

Law enforcement is necessary to ensure compliance with the Parks Law. The use of other motorized recreational vehicles on snowmobile trails is a substantial problem that must be addressed. Law enforcement is provided by the State Police. Environmental Conservation Officers, New York State Rangers, local sheriffs, and local police forces within the Park. Parks provides local assistance for law enforcement that pays up to 50% of local expenditures up to a maximum of \$25.000 (\$12,500 State payment). In addition both Parks and DEC provides training to all law enforcement agencies in relation to enforcing laws that govern the operation of snowmobiles. All law enforcement agencies operate from both motor vehicles and snowmobiles in their enforcement activities. During 2000, \$30,000 was provided to municipalities for snowmobile enforcement within the Park. This monetary assistance does not include enforcement efforts on the part of the DEC Forest Rangers or Environmental Conservation Officers, New York State Police or OPRHP Park Police.

In addition to the the existing guidelines noted above, adopt the following guidelines for controlling illegal public use of the snowmobile trail system in the Adirondack Park:

- 1. Increase law enforcement at all levels.
- 2. Increase education efforts through additional signage, publication of brochures, maps. Inform users where legal and safe public snowmobiling opportunities exist on public and private lands.
- 3. Monitor all trails on a periodic basis.
- 4. Propose legislation which would help to reduce the illegal use of ATVs on snowmobile trails.

DISCUSSION:

These are reasonable and effective means of controlling public use of the snowmobile trail system. Failure to implement any one of the four would reduce the effectiveness of control efforts, and therefore would not reduce environmental impacts to as great an extent.



	APPEND	OICES	
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APPENDIX	X A- FOCUS GR	OUP PARTICIPA	ANTS



APPENDIX A - FOCUS GROUP PARTICIPANTS

Adirondack Association of Towns and Villages

Adirondack Council

Adirondack Landowners Association

Adirondack Mountain Club

Adirondack Snowmobile Association

Association for Protection of Adirondacks

Empire State Forest Products Association

Hamilton County Board of Supervisors

NYS Snowmobile Association

Residents Committee to Protect the Adirondacks

St. Lawrence County Snowmobile Association

Town of Newcomb



APPENDIX B-	· PLAN DEV	'ELOPMEI	NT PROCESS



APPENDIX B PLAN DEVELOPMENT PROCESS

The Final Plan/GEIS was prepared through the following process, pursuant to the State Environmental Quality Review Act (SEQRA) and implementing regulations found at 6 NYCRR §617:

- Development of Vision and Goals for the Plan GEIS (see page 29)
- Information and Assessment
 - Identified the existing network of snowmobile trails in the Adirondack Park.
 - Compiled list of existing laws, rules. regulations, policies and other legal authorities governing the use and management of snowmobiles in the Adirondack Park.
 - Published notification of public informational meetings.
 - Conducted informational meetings to share information about the proposal to develop the Final Plan/GEIS and to receive public input regarding issues, ideas and concerns related to snowmobiles in the Adirondack Park.
 - Formed Snowmobile Focus Group and met with them periodically throughout the planning process to continue information gathering efforts and distill important issues.
- Developed Draft Plan/Draft GEIS and Initiated SEQR
 - Identified Lead Agency and distributed notification of such to potential involved agencies and affected municipalities.
 - Compiled information gathered in previous phase.
 - Prepared Draft Plan/Draft GEIS.
 - Completed Environmental Assessment Form (EAF).
- Conducted Public Review of Draft Plan/Draft GEIS
 - Prepared and published Notice of Completion of Draft EIS/Notice of Public Hearing in Environmental Notice Bulletin (ENB).
 - Held public meetings inside and outside of Adirondack Park to receive comments on Draft Plan/Draft GEIS.
 - Received public comments for a minimum of 30 days following publication of Notice of Completion.

Prepared Final Plan/GEIS

- Compiled and reviewed public comments received.
- Revised Draft Plan/Draft GEIS, addressing all relevant and substantive comments
- Published Notice of Completion of Final GEIS in ENB
- Following minimum ten-day findings period prepare and file findings statement prior to adoption of Final Plan/Final GEIS



APPENDIX C-SUMMARY OF ISSUES ASSOCIATED WITH SNOWMOBILING RAISED DURING PUBLIC INVOLVEMENT



SUMMARY OF ISSUES ASSOCIATED WITH SNOWMOBILING

The following issues were raised by members of the public at the various public meetings held by the DEC for the purpose of gathering public input. They have been grouped into broad topic areas and do not reflect any prioritization of issues.

Trail location

- Within the Forest Preserve, place trails parallel to main roads where possible, but far enough back for safe travel and separation from sand and salt
- Trails parallel to main roads should be screened
- Forest Preserve snowmobile trails should be on wild forest areas
- Snowmobile trails should be restricted to private land as much as possible
- Leave snowmobile trails to the perimeter of the Park.
- State should look into negotiating agreements to locate trails on private lands
- Locate trails that link with restaurants, gas stations and other services
- Need more loop trails, 30 to 200 miles
- Re-route trails to avoid crossing lakes and ponds
- Link transportation opportunities to Park destinations
- 95% of trails used now were here 20 years ago
- Need to consider compatibility of snowmobile trails with wild, scenic and recreational rivers
- Agree with idea of creating "community connector" trails
- Concerned with focus of shifting trails from public to private land
- Continue to prohibit snowmobiles from wilderness areas

Trail standards

- Trails should have character of footpaths; no wider than 8'
- 8' wide trails are too narrow for safety; to base the logistic and maintenance standards of a snowmobile trail to that of a foot trail will lead to disaster and fatalities
- Keep older trails on Forest Preserve open and make them wider
- Shared trails should not be widened
- Trails should not be graded by bulldozers or made wider
- Wider trails bring in ATVs
- Need safer standards for corners, curves, e.g., separate each direction at curves
- Need for appropriate standards for maintenance of trail infrastructure (bridges, culverts, etc.)
- Need different standards for primary (community connections) and secondary (backcountry) trails with respect to trail development, maintenance and grooming
- Need criteria for trail closure (i.e., appropriate methods of barricading)
- Trails should be a minimum of 12 feet wide.

Trail maintenance

- No bulldozing of trails attracts ATVs.
- Trail maintenance work done should be minimal

- Trails should be properly maintained
- Grooming is a very important part of maintaining trails
- Groomers do not belong on the Forest Preserve
- Establish consistent trail marking system with NYS reflective permanent markers
- The better the trail, the happier the private landowner who allows them.
- Need to better coordinate maintenance and grooming among clubs scheduled grooming
- Support snow plowing of trails to keep adequately maintained including parking areas at trailheads.
- 6" is too large for rock removal restriction

Trail Safety

- Corridors turn into speedways and this leads to problems
- Need reasonable speed and machine size limits
- 8' trails will lead to many head-on conflicts and accidents; this standard may have been appropriate at the time it became policy but is now outdated and dangerous
- Need sufficient funding for search and rescue.
- Need much more policing of trails to keep them safe
- Educate all winter users of the trail
- Agree with eliminating water and road crossings
- Make trails one-way to avoid having to widen them

Environmental impacts

- DEC, APA and OPRHP should be involved in noise and pollution discussions
- Need to decrease number of snowmobiles and emissions
- Need to keep noise levels low in communities, especially late at night
- Impact of snowmobiling minimal once the snow melts
- Snowmobile engines should be quieter.
- Ensure that environmental data is accurate and up-to-date.
- Need to address impacts of snowmobiling on wildlife
- Need to work with manufacturers.
- Study environmental impacts with new machines and new data, not old outdated information
- Motorized access should be restricted to protect the environment and solitude of the backcountry
- Need to prepare a full Environmental Impact Report
- Protect fragile areas without the eliminating specific user groups
- Need to address "aesthetic" intrusions (noise, smell, visual) to adjacent landowners
- Need to examine impacts of trail crossings to wetlands and water bodies

Economic Issues

- Need to fund implementation of Comprehensive Snowmobile Plan
- Snowmobiles are important to North Country economy
- Need money set aside to acquire trails and easements.
- Landowners should charge for use of trails
- Landowners should not charge for the use of their trails
- Need to establish a separate registration and trail fee, obtainable at the

- same places you buy fishing and hunting licenses
- Need to establish an "Adirondack Pass" for those who recreate
- Charge a registration fee for hikers
- Increase registration fees from \$15 to \$50 as long as money goes directly to trail maintenance
- Provide a provision for private contractors to build trails with state funding.
- Fees should be dedicated to enforcement
- Plan should aim not to hinder economic benefits of snowmobiling

User Conflicts/Compatibility

- Cross-country skiers appreciate snowmobile trails to ski on
- Need "quiet" recreational areas as well as a place for motorized experience
- Need for cooperation and respect between trail users
- There is enough room for all recreationists
- Need shared trail system
- Need to respect private landowners; do not violate their peaceful enjoyment of their land.
- Keep trails away from residences
- Need to address risk to landowner (theft, trespass).
- Clubs that work with landowners take care of most objections landowners have to snowmobiles.
- Snowmobile should not interfere or distract from other recreational uses.
- Some roads and trails outside of the Forest Preserve should be reserved for non-motorized users in the winter
- Need to keep snowmobilers on proper trails and away from sports people

Illegal Uses/Trespass

- Need to address issue of trespassing in private front yards and sidewalks
- Need more of an enforcement presence
- Provide sufficient funding from State to enforce trail use and trespass problems
- Need to address trespass issues where snowmobiles cross private land (posted with "no snowmobiles" sign) to get from one trail to another (short cut)

Accessibility

- Need to understand that snowmobiling provides an opportunity for the disabled to see the woods
- Need trails to allow access for hunters, fishermen, elderly and disabled
- Need to address the need for establishment and construction of trailheads and parking facilities

Mileage/Amount of Trails in System

- Need to address the issue of new land acquisitions and how this relates to mileage; dilution effect, more state land-same mileage
- Many municipalities can now be accessed only by state land; the

mileage will most assuredly need to be raised to conduct an honest effort in connecting the populations

- Do not increase mileage of snowmobile trails
- Need more trails to disperse use and emissions from snowmobiles
- No new snowmobile trails should be designated without first implementing a Snowmobile Trail Master Plan for the entire park
- Add additional trails on Conservation Easement lands; secure funding for future acquisitions
- All current trails should be closed permanently, following the lead of NPS
- Deny proposal to increase snowmobile trails
- Existing and potential trails should be identified

APSLMP/Rules & Regs/Policy

- State Land Master Plan needs to be updated to reflect needs of snowmobiling today
- New trail construction on forest preserve should receive prior approval
- Ban snowmobiles on State land within Adirondack Park except for emergency use and maintenance of trails and buildings
- Motorized access should be banned/carefully restricted
- If snowmobiles are allowed on forever wild land, there should at least be enforced rules which make that kind of land seem different from other places.
- Snowmobile trails on state land should be called "snowmobile corridors," an intensive use so as not to degrade the concept of "wild."
- Establish one consistent set of rules that cover the entire Park
- Create a permit system for the use of public trails

Specific Trails to be Created/Eliminated

- Open the short (1.3 mile) snowmobile trail through the forest preserve from Cranberry Lake (Chair Rock to Horseshoe Lake via the Otterbrook Rd)
- Maintain existing RR snowmobile corridor through Beaver River
- Keep trail from Beaver River Station to Tupper Lake open
- Put in connecting link between St. Lawrence County and Ontario Trail Systems at the Prescott/Ogdensburg bridge; use "ferry service" of 15 passengers, bus and 6x2 sled trailer.
- Do not close Beaver River Trail
- Need a connection from Beaver River to Long Lake
- Need another trail west from Old Forge to Tug Hill the Remsen/Lake Placid RR and another existing route are very heavily used
- Need better crossing of Moose River at McKeever the Remsen/Lake Placed RR trestle and Rt. 28 bridge are both unsafe at times
- Many "underutilized trails" are used by rabbit hunters, deer hunters, and ice fisherman and are their only access to these activities; they may seem to go nowhere but do in fact serve a purpose. Make sure "under-utilized" trails really are under-utilized
- A couple of additional trails in the Inlet/Eagle Bay area would greatly help congestion, along with trails wider than 8'
- Need new connection for trail to Rondaxe Lake from Route 28
- In Moose River Plains can there be a connection between Rock Dam Road to south of Big T intersection

- Need connection from Eighth Lake Campground back to Inlet (off the end of the trail from Uncas Road) because have to cross Seventh Lake to do it now.
- Support Thurman Connection Snowmobile Club to cross State Land
- Problems with noise around bridge, Cold Brook Drive in Colton.

ATV and other Motorized Access

- Do not construct trails for ATVs on public lands
- Keep ATV use to the periphery
- Support ATV access to public lands
- Support off-road motorcycles access to public lands
- ATVs are damaging to the trails.
- Ban motorized use in Wild Forest and Wilderness Units (jet skis, ATVs, motorcycles)
- ATVs cause serious erosion problems.
- Ban all ATVs on snowmobile trails.
- ATVs should not use hiking trails.
- Outlaw ATVs except on roads where motorized access is currently permitted.
- Include ATV access in all future UMPs.
- ATV, snowmobile and floatplane access should be discouraged.



AP	PENDIX	D- EXIS	STING S	NOWMO	OBILE SY	STEM



EXISTING SNOWMOBILE SYSTEM

While no specific data has been collected for the Adirondack Park, it can be assumed that, with respect to the following information, trends in the Park mirrored trends in other parts of New York State, as described below.

A. The History of Snowmobiling in New York State

1. The Beginning

Development of small snow vehicles began soon after the internal combustion engine became a practical source of power. But inventors struggled to produce a workable over-the-snow conveyance until after World War II. By the mid-1950s, heavy, crude "snow machines" were in production in Ontario, Minnesota, and elsewhere. It is likely that a handful of these reached New York State for use in high snow areas like the Adirondack mountains and the Tug Hill plateau.

The 1960s saw the development of practical lightweight snow machines allowing snowmobiling as recreation rather than simply winter transportation. No restrictions were placed on the use of snowmobiles on Forest Preserve lands until such use became prevalent enough to cause concern over its effects on remote areas and the solitude and tranquility they provide. In 1964, in response to public comment, the Conservation Department prohibited snowmobile use in the Forest Preserve except on roads constructed for four-wheel-drive vehicles.

2. Growth

By the mid 1960s, several small companies in New York were distributing numerous brands of snowmobiles to a growing group of dealers across the State. New York State initially treated snowmobiles as a kind of winter motorcycle, allowing elective licensing for limited road use with motorcycle-style license plates for this purpose. Similar activities were taking place throughout North America. Snowmobiling became popular as a new winter recreation, and machine sales rose.

By the late 1960s, the exploding number of snowmobiles had created new problems. New York State snowmobile registration was revised to an off-road vehicle program similar to boat registration. A state-funded assistance program for local snowmobile law enforcement was initiated. At the local level, the Town of Webb (Old Forge) established one of the nation's first municipal trail systems for snowmobile enthusiasts.

In 1968, the Conservation Department amended its policy and prohibited snowmobiles everywhere in the Forest Preserve except on trails specifically posted for their use.

During the same period, snowmobile accidents resulted in an epidemic of injuries and fatalities. Noise and trespass problems created landowner concerns. The media took increasing note of the growing popularity of snowmobiling and the problems it created. Resulting state

legislation established minimum equipment, noise emission, and operational standards for the vehicles, as well as requiring liability insurance coverage for the operator when crossing a highway. Legislation also established a safety certificate training program for snowmobilers from ages ten to eighteen.

Snowmobile owners began to organize into local clubs to provide suitable places to ride. The result was establishment of many local seasonal trail systems, mostly on private property, with the consent of the landowners.

The early 1970s energy crisis and economic slowdown combined with lighter winters to reduce demand, resulting in many manufacturers, distributors, and dealers exiting the business. The number of snowmobiles registered in the state declined from more than 150,000 in 1975 to less than 61,000 in 1985.

In 1972, Governor Nelson A. Rockefeller approved the APSLMP, which provided management guidelines for Forest Preserve lands. These guidelines permit the use of snowmobiles in wild forest, primitive (under certain conditions) and intensive use areas, and prohibit snowmobile use in wilderness and canoe areas.

3. Stabilization

In 1976, New York snowmobile clubs organized a statewide user organization called the New York Snowmobile Coordinating Group (NYSCG). The Group successfully lobbied State government for establishment of a snowmobile trail fund program to partially offset the cost of maintaining trails. This program was initiated in 1985, with management vested in the Marine and Recreational Vehicles (M&RV) Bureau of OPRHP. The Statewide Snowmobile Plan developed by that agency was adopted in 1989 (see also page 20).

New York snowmobile registrations hit a low point in 1990 at just under 50,000. Since then, registrations have been on a steady rise. Snowmobiles registered in New York State have increased to approximately 150,000 machines in the 2001-02 season. Snowmobiling has become a significant part of the winter recreational fabric of the State.

New York has traditionally been a leader in snowmobile safety. In 1996, OPRHP created the first adult level snowmobile safety training course in the nation. The State has also been very active in establishing and promoting uniform trail signage and rider signaling standards for North America. In addition, a mandatory helmet law was enacted in 1998.

In 1997, OPRHP published the first edition of a statewide snowmobile corridor trail map to reflect the growing integration of the state's trails.

B. Trends in Snowmobile Usage

Number of Registered Snowmobiles

New York continues to rank fourth among all states in registered snowmobiles due to population, disposable income, snowfall, open space for operation, and other factors. About 15% of New York snowmobile registrations are by non-residents. Most of these snowmobilers travel to New York from Pennsylvania and New Jersey. Virtually every county in the State has experienced increased snowmobile registration totals over the past decade.

Trail Mileage

Statewide, over 9,000 miles of predominantly seasonal trails, mostly on private lands, now receive partial support from the state snowmobile trail fund. In addition, there are more than 200 miles of funded trails in New York State Parks, and several hundred additional miles available on lands administered by the DEC. Trails in the funded system are mapped for management purposes. Growth in funded trail mileage is slowing as more of the established main routes are incorporated into the statewide trail system. However, non-funded and informal trails also exist throughout the State that have not been documented.

Of the over 9,000 miles of State-funded trails, roughly 650 miles on Forest Preserve land receive assistance from the State Snowmobile Trail Development and Maintenance fund. It is estimated that more than 1,100 miles of funded trails in the Adirondack Park exist on privately owned lands.

Several factors cause the formal (and informal) trail system to be modified on an annual basis. These include sprawls, conversion of land from agriculture to residential, landowner concerns, environmental issues, voluntary abandonment, and changing economic uses of the land.

Rise of Snow Touring

There are many types of snowmobile riding. Transportation for work (farmers, linemen, trappers, rural health care and public safety, etc.) and for other recreational activities (hunting, ice fishing, access to camps, etc.) drove early snowmobile development. These uses continue today, as one snowmobile owner in five still rides for these reasons. Recreational snowmobiling includes short local rides (sometimes called field riding), family outings, day trips, and more structured activities such as ride-in meals, charity rides, poker runs, and organized club trips.

Snowmobile touring is becoming very popular in some parts of North America. Touring is defined as an extended trip with one or more overnight stays at trail side lodging properties. Many companies now offer professionally conducted tours in various snow belt areas, and self-guided tours are becoming increasingly popular in some parts of eastern Canada.

Many snowmobilers appear to be riding longer distances than in the past, and riding more miles in a season when conditions permit. This makes touring a very enticing activity for riders who seek extended snowmobile outings. The study released by Merwin Rural Services Institute of SUNY Potsdam ("the Merwin study") showed that the average snowmobilers were traveling nearly 1000 miles per season, spending 24 days' snowmobiling and overnighting 3.5 days in the State each year.

Increasing Travel to Ride Outside New York State

Snowmobilers from almost all parts of North America are showing more willingness than ever to travel to enjoy their pastime. This has led to the rise of snowmobile tourism, particularly in eastern Canada, northern New England, and some parts of the American Midwest and West.

Despite the natural advantages of the Adirondack mountains and the lake-effect snow belts off the Great Lakes, New York's snowmobile tourism infrastructure has not fully developed. The Merwin study showed that about one-third of the average resident rider's annual mileage was outside New York State.

The Town of Webb (Old Forge) and the Town of Inlet both aggressively market their communities to snowmobilers, and maintain a system of private trails within their municipalities. These trails require the purchase of a local permit and are operated as a single system with reciprocal agreements between the two adjoining towns. The State system of trails connects to this private trail system through trails in the surrounding region.

C. Snowmobile Trail Grooming

Snowmobile trail groomers smooth out the snow on trails by removing mogul patterns of mounds and dips formed by snowmobile use. To accomplish this requires expensive equipment and is a time-consuming activity that is tailored to the trail and snow conditions. The end result provides an enjoyable and safe riding experience.

1. Equipment Definition

A trail groomer has two basic components - a power unit and a drag to smooth the snow. The drag is a sled-like tow-behind that utilizes cutting blades to shear off the tops of bumps and process the snow to fill the holes, and a rear-mounted weight component to smooth out and pack the snow.

2. Groomer Classes and Capabilities

There are generally recognized four classes of snowmobile trail groomers. They are:

Class A, Heavy: Large two- or four-tracked industrial vehicles pulling hydraulic drags up to ten feet in width. They are recommended for heavily used trails in extreme conditions. Requiring trained operators and service specialists, they exhibit the high maintenance costs associated with these requirements. Examples include the Bombardier BR 180 & 160 and the Tucker 2000. Typical cost, new, is more than \$100,000 including drag.

Class B, Moderately Heavy: Farm tractor conversions or smaller versions of heavy groomers pulling mid-sized hydraulic drags. These groomers also require trained operators and service specialists. They are recommended for heavy use areas where terrain and snow depth is not extreme. Examples include the Bombardier BR 60 & 110, the Tucker 1000, and the Gilbert 700 tractor conversion. Typical cost, new, is \$75,000 to \$100,000 including drag.

Class C, Moderately Light: Small twin-tracked industrial vehicles pulling hydraulic drags up to five feet in width. They can produce good results on moderately used trails as long as extreme terrain and snow depth are avoided. Examples include the Bombardier BR 100 & Bombi, and the ASV Track Truck. Since the Bombi and Track Truck are both out of production, new machine choices in this class are very limited. Typical cost, new, is \$55,000 to \$90,000 including drag.

Class D, Light: Single or twin tracked utility snowmobiles pulling light weight drags up to four feet wide. Although easy to operate and inexpensive to maintain, repeated passes will be needed on heavily traveled trails because these drags cannot remove large bumps. Therefore, they are best suited for narrow, low-volume trails. Models include the Ski-Doo Skandic & Alpine (Alpine production discontinued), the Polaris Wide Trak series, the Arctic Cat Bearcat, and the Yamaha VK 540 "Viking." Typical cost, new, is less than \$12,000 including drag.

3. Groomer Operators

Local snowmobile clubs own and operate most trail groomers in New York State. However, OPRHP owns several groomers, mostly class D units, for operation in State Parks. Some local governments also own and operate groomers. Sometimes local businesses also own and operate groomers. Local clubs groom snowmobile trails on lands under DEC jurisdiction under Adopt-A-Natural Resource stewardship agreements, authorized by §9-0113 of the Environmental Conservation Law (ECL); local governments groom snowmobile trails on lands under DEC jurisdiction under Temporary Revocable Permits, authorized by §9-0105(15) of the ECL.

4. Sources of Funding for Grooming Operations

Many snowmobile clubs generate the funding required to purchase grooming equipment. The clubs levy relatively nominal membership dues, so a great deal of additional fund raising is necessary. Club fund raisers typically include barbecues, raffles, races, and contributions from local businesses, club members, and other trail users.

Municipal groomers are purchased in the same manner as other municipal equipment. Grooming operations by municipalities and clubs are usually partially covered by municipal trail grooming grants.

D. Trail Signage

Just as automobile drivers need clear, consistent road signage to improve safety and help them find their way, snowmobilers need clear, consistent trail signage for the same reasons. (See also "Trail Safety" Section on page 97.)

1. International Snowmobile Trail Signing System

Acting through the Northeast Chapter of the International Association of Snowmobile Administrators (NEIASA) and the International Snowmobile congress (ISC), OPRHP is a leading participant in the development of a comprehensive international trail sign system. This system seeks to present necessary information in a coherent and consistent manner. Since snowmobile trails are narrower than automobile roads and signs are therefore closer to those reading them, snowmobile trail signage is smaller than road signage. Implementation of this system in New York State required conformity to sign standards (color) within the Adirondack Park.

To promote the proper posting of signs, OPRHP has produced a Trail Signing Handbook and videotape for use by snowmobile clubs, government employees, and others involved in trail development and maintenance. Proper posting includes efficacy, compliance with international standards, and good environmental practices.

2. Seasonality

Snowmobile trail signage may be installed on a permanent basis, but is more typically installed on a seasonal basis, going up in the late fall and coming down in the early spring to be stored until the following season.

3. Sourcing Trail Signs

Since trail signs are standardized and used in volume on the thousands of miles of NYS snowmobile trails, professionally produced signs are required. OPRHP manages a supply of the basic trail signs for use in New York State, with costs covered by the snowmobile trail fund.

E. Safety

Snowmobile safety is a function of machine, operator, and trail in combination.

1. Overview

Between 1992 and 2001 the overall number of snowmobile accidents in New York State grew from 212 to 475. During that same period registrations grew from less than 50,000 to 146,000. The number of fatalities has not changed significantly. The fatality rate fell from 0.32 fatalities per 1000 registered snowmobiles to 0.13, during the same period the accident rate fell from 4.29/1000 to 3.24/1000.

2. Operator Safety

Basic operator instruction is included in the snowmobile safety handbook included with each new snowmobile. Snowmobile safety education classes are also widely available in New York State. The youth course is a prerequisite for unsupervised operation by riders between ten and eighteen years of age. These courses are taught by volunteer instructors and sponsored by snowmobile clubs, agricultural extension services, law enforcement agencies, or other community groups. Dozens of courses are offered throughout the state each fall and winter. Annually over 5,000 New York snowmobilers successfully complete this course.

Operator instruction is also available on videotape cassettes. These cassettes may be supplied with new machines, and are also sometimes available at no charge from snowmobile dealerships. Some snowmobile clubs maintain videotape lending libraries and have these instructional and safety tapes available to their members.

The Internet is another source of snowmobile operator instruction and safety tips. Sites with this information are maintained by OPRHP and by the ISMA. Links to one or both of these sites are available on web sites maintained by many local snowmobile clubs.

For the past eight years, the snowmobile community has celebrated International Snowmobile Safety Week during the third week in January as a way to focus attention on safe riding. In 1998, New York State enacted a mandatory helmet law for all snowmobile operators and passengers. New York has also adopted an aggressive "snowmobiling while intoxicated" statute (PRHPL § 25.24) modeled after the boating while intoxicated law.

Only five states have enacted a legal speed limit for the operation of snowmobiles on trails. Following is a summary table of those speed limits:

State	Speed Limit
Idaho	45 mph on groomed trails
Minnesota	50 mph
New Hampshire	45 mph
Vermont	35 mph on state land; 50 mph on lakes
Wisconsin	50 mph during nighttime hours

There is currently no statewide speed limit for the operation of snowmobiles on public highways or public trails in New York State. PRHPL § 25.03 provides that it is unlawful for any person to operate a snowmobile "at a rate of speed greater than reasonable or proper under the surrounding circumstances." Factors that determine what speed is "reasonable or proper" include: sight distance; snow/trail conditions; alertness of the operator; brake wear; and the presence of other trail users, among others. Essentially a safe speed is that which permits the operator to bring the snowmobile to a stop within the distance the operator can see ahead of the snowmobile.

Some New York communities have established local snowmobile speed limits.

No scientific studies are known to have been performed analyzing the effectiveness of speed limits in reducing the number or severity of snowmobile accidents. However, the two most commonly cited factors contributing to snowmobile accidents are alcohol and excessive speed.

Effective sight distance is quite variable, and can be affected by such factors as weather and snow dust raised by other snowmobiles. Nighttime sight distance is even more limited than daytime sight distance, and is dependent not only on natural conditions, but on the effective illumination of a snowmobile's headlamp. PRHPL § 25.17(a) requires that all snowmobiles operating in New York State be equipped with "at least one white or amber headlamp having a minimum candlepower of sufficient intensity to reveal persons and vehicles at a distance of at least one hundred feet ahead during hours of darkness under normal atmospheric conditions."

Stopping distance is also quite variable, and is dictated by such factors as: quality of braking equipment; condition of snow; and human reaction time. Studs can be added to a snowmobile's drive track to increase braking power, but are not standard factory-installed equipment. Stopping distance on hard packed snow or ice is longer than that on loose, un-compacted snow. Stopping distance tests were

conducted by the Minnesota Highway Safety Center in St. Cloud. On hard packed snow at an average speed of 49 mph, riders needed 151.5 feet to stop. At 33 mph riders required 85 feet to stop. These tests did not involve human reaction time, since riders knew where they were supposed to start braking. Average human reaction time is 0.75 seconds.

3. Trail Safety

Inadequate riding facilities greatly increase the risk of snowmobile accidents. Risks include cables and guy wires, fences, rocks, low hanging branches, tree stumps, thin ice, ice pressure ridges, cars and trucks, and other obstacles which are not present on a well-planned trail.

Well designed, signed, and maintained trails have been proven to significantly reduce the likelihood of accidents and injuries. International statistics indicate that only 10 to 15 percent of all snowmobile accidents occur on trails where up to 90 percent of snowmobile riding takes place. New York State snowmobile accident statistics historically (1990 to 1996 seasons inclusive) show that 15 to 30 percent of snowmobile accidents occur on trails. For the 2001 snowmobile season, 28% of accidents occurred on improved trails. Of these, accidents on ungroomed trails usually outnumber accidents on groomed trails by a ratio of 2½ or 3 to 1.

Because of the APSLMP provision that snowmobile trails in the Adirondack Forest Preserve have the character of a foot trail, there is higher likelihood that they will have more curves and fewer straight sections than trails in other areas of the state. This necessitates that snowmobile operators drive at slower speeds on Forest Preserve lands than they might on other lands.

Frozen water is a particular concern for trails. The annual number one cause of snowmobile fatalities in Ontario is drowning. During 2002 at least two persons drowned while snowmobiling in New York. In view of the risks of ice, OPRHP has determined those trails over frozen bodies of water are ineligible for NYS snowmobile trail fund support, and supports efforts to move trails off of ice everywhere.



APPENDIX E- DISCUSSION OF LITERATURE RELATOR TO THE ENVIRONMENTAL EFFECTS OF SNOWMOBILING	ATED



DISCUSSION OF LITERATURE RELATED TO THE ENVIRONMENTAL EFFECTS OF SNOWMOBILING

Preliminary Research Results

In the spring of 2001, DEC hired an intern from SUNY-ESF to perform a search of the available research databases and compile a list of literature concerning the environmental effects of snowmobiles. The resulting list was disappointingly short. Only 28 published studies were found dating from between 1973 and 2001, which were designed and carried out in such a way and examined such factors as to render them appropriate to assist in assessing the ecological impacts of snowmobiles in the Adirondack Park. One additional study was published in June of 2002, and was added to the list of literature reviewed for the purposes of this plan.

The original list of literature compiled includes the following citations:

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Subsequent Research Results

In 2005, DEC hired a contractor, Ecology & Environment, Inc., to perform a more comprehensive literature review and develop more in-depth discussions of environmental and economic impacts associated with snowmobiling. Additional studies were found that further discussed issues associated with snowmobiling.

The assembled list of published articles and proceedings were reviewed by DEC staff and contractors, and pertinent results and conclusions from them were compiled and grouped into specific topic areas as follows:

1. Emissions

Emission Standards

Automobiles are subject to strict emission regulations that have evolved over a period of many years, resulting in the use of cleaner fuel and the installation of catalytic converters to reduce nitrogen oxides, unburned hydrocarbons, and carbon monoxide in the exhaust and onboard gasoline vapor recovery systems. Automobile manufacturers must meet these regulations in order to offer their vehicles for sale in the US, and in many areas of the U.S. owners must subject their vehicle to a yearly emissions inspection. In areas where automobiles have contributed a significant percentage of the total air pollution emissions, these control regulations have resulted in large reductions in emissions per automobile. In most urban areas where automobiles are a significant contributor to air pollution, the growth in the number of automobiles has offset the reductions achieved in emissions per vehicle such that emission levels for automobiles have generally held steady rather than decline.

The snowmobile industry historically has utilized engines that produce performance for their customers but are not designed to minimize engine exhaust emissions. Given the environmental operating conditions under which snowmobiles are used (i.e., cold air temperatures and off-road snow conditions), two-cycle engines have provided the reliability and performance that manufacturers desire in their products. However, these engines emit a significant amount of unburned fuel as hydrocarbons due to engine blowby.

As with many types of off-road vehicles and small pieces of equipment powered by internal combustion engines, engine exhaust has not been regulated in the past. Four-stroke and direct-injection two-stroke engines are generally considered to have lower levels of environmental impact than regular two-stroke engines. Four-stroke and direct-injection two-stroke engines are not commonly used by the snowmobiling public at present. The EPA recognizes the need to control emissions from small engines and off-road vehicles and is in the process of implementing emission control regulations. Beginning in 2006, the EPA will begin implementing emission standards for new snowmobiles (USEPA 2006). These standards are based in large part on research and studies conducted in Yellowstone National Park and on internal research and development on feasible emission reductions by snowmobile manufacturers. The EPA's nationwide snowmobile emission standards are not as stringent as the Yellowstone BAT requirements (Table 1).

As the EPA snowmobile emission standards are implemented over a period of several years, new snowmobiles will gradually enter into use and older machines will be used less frequently or not used at all. Thus, the average emissions per snowmobile will decrease. If current snowmobile activity levels are maintained, overall emissions also would decrease. However, growth in snowmobile use, either through an increase in the number of snowmobiles in use or through more miles ridden per snowmobile, would cause an increase in emissions.

Concern over the amount of air pollutants in snowmobile engine exhaust and the growth in the number of snowmobiles has resulted in the EPA taking action, as discussed above, to control snowmobile engine emissions. Prior to model year 2006, snowmobiles are not subject to engine emission regulations, except in Yellowstone National Park. Emission regulations began at Yellowstone for the 2004-2005 winter use season. Snowmobiles used in Yellowstone National Park must meet emission levels that result from the use of Best Available Technology (BAT). In response, snowmobile manufacturers have developed snowmobiles that meet these requirements.

The new EPA emission standards for snowmobiles are not as stringent as the Yellowstone snowmobile BAT requirements. Table X-X compares current snowmobile emission rates to Yellowstone BAT requirements and the EPA snowmobile emission standards. Beginning with model year 2006, 50% of new snowmobiles offered for sale will be required to meet EPA emission standards; in subsequent years 100% of new sleds must meet these standards. By 2012, emission standards are fully implemented for new sleds.

Approximately 148,000 snowmobiles were registered in 2005 - 2006 with the New York State Department of Motor Vehicles. During the 1996-1997 snowmobile season, an average dealer in New York sold approximately 80 new snowmobiles, and in the late 1990s and early 2000s, snowmobile registrations grew by about 10% per year (NYSOPRHP 2004). Some percentage of the new snowmobile sales is due to growth in the sport, while some is for replacement of older snowmobiles. Assuming that the sale of new snowmobiles continues at past levels, it will likely take several years for the snowmobile population in New York to include a significant percentage of snowmobiles meeting the EPA snowmobile emission regulations.

	Hydrocarbons (g/kW-hr)	Carbon Monoxide (g/kW-hr)	Implementation Schedule
Current (typical)	150	400	Not applicable
Yellowstone BAT 2004	<15	<120	2004
EPA 2006	100	275	50% of new sleds
EPA 2007 to 2009	100	275	100% of new sleds
EPA 2010	75	275	100% of new sleds
EPA 2012	75	200	100% of new sleds

Key:

BAT = Best Available Technology g/kW-hr = grams per kilowatt hour

EPA = (United States) Environmental Protection Agency

Table 1. Snowmobile Emission Rates and Emission Standards.

Thus, the average emissions from snowmobile activity on a per-snowmobile basis will gradually decline over the next several years as an increasing percentage of snowmobiles meeting the emission regulations enters into use.

Air Quality Issues

Snowmobile emissions contain both inorganic and organic compounds (Bishop et al. 2001; NPS 2000; Ingersoll 1999). Inorganic compounds present in snowmobile exhaust include carbon monoxide, ammonium, nitrogen oxides, and sulfur oxides (NPS 2000; Ingersoll 1999). Nitrogen and sulfur oxides can react with water to form nitrate and sulfate, respectively. These inorganic compounds and ammonium have been found at elevated levels on snowmobile trails in Yellowstone National Park (Ingersoll 1999).

Two-stroke engines emit higher levels of hydrocarbons and particulate matter than four-stroke engines, approximately the same level of carbon monoxide, and lower levels of NOx compounds. Emission levels increase with engine speed, regardless of engine type. Hydrocarbon emissions decrease as engines reach normal operating temperatures, and are lower when cruising as opposed to accelerating. Carbon monoxide emissions decrease with decreasing temperatures.

Quantitative data on air quality in the towns or along snowmobile parking areas and trails in the Adirondack Park were not found during the literature review. Therefore, studies conducted in Yellowstone National Park that focus on understanding air quality issues associated with snowmobile use in that park were reviewed (Bishop et al. 2001; Cain and Haines 2001; Carroll and White 1999; Greater Yellowstone Clean Air Partnership 2005; Janssen and Schettler 2003; Morris et al. 1999; NPS 2000). Several of these studies involved ambient air quality sampling research conducted at Yellowstone National Park. In addition, an air sampling study of snowmobile emissions in Eagle River, Wisconsin, was reviewed (WDNR 2000).

It is important to note that there are several important differences between Yellowstone National Park and the Adirondack Park that impact air quality characteristics. These include:

- Landscape the majority of the Yellowstone snowmobile trail issues and related studies are located in a large valley setting, which impacts air movements. Adirondack Park snowmobile trails cover a range of topography.
- Points of Ingress/Egress Access into Yellowstone Snowmobile trails is limited to one
 to several locations at any time and is controlled by the National Park Service. There
 are many access points into the Adirondack Park snowmobile trail system that are not
 regulated.
- Climate there are important differences between weather patterns in the Rocky Mountain Region in the western United States compared to the Adirondack Park in the eastern United States that impact air quality and movement patterns.

Several of the Yellowstone studies have shown that air pollution levels can be elevated in the vicinity of areas of high snowmobile use, such as at entrance gates, at loading/unloading areas, and at trail junctions where snowmobiles may idle or congregate (Bishop et al. 2001; NPS 2000 and 2004; and Morris et al. 1999). The Eagle River, Wisconsin, study was limited in the area covered and duration. The focus of the study was to evaluate ambient air quality levels at a school near a snowmobile oval racetrack (the Derby track) during an approximately week-long racing event (WDNR 2000). The study did not find elevated levels of carbon monoxide during that period. The Eagle River study also monitored for several hazardous air contaminants and compared the results to those from urban areas in Wisconsin (Green Bay, Milwaukee, and Wisconsin Rapids). For most of the hazardous air contaminants evaluated, concentration levels were found to be similar to levels found in other urbanized areas in

Wisconsin. However, two hazardous air contaminants (1,1,1, trichloroethane and toluene) were found at higher concentrations than expected. The concentration of 1,1,1, trichloroethane was higher than the maximum concentrations measured in Milwaukee and Wisconsin Rapids, but within the range measured in Green Bay. The concentration of toluene on one day during the sampling period was higher than the maximum measured at Green Bay, Milwaukee, and Wisconsin Rapids.

Studies conducted in Yellowstone National Park in the late 1990s and early 2000s have shown snowmobile hydrocarbon emissions to be a high percentage of the total hydrocarbon emission inventory for the park (Bishop et al. 1999; Bishop et al. 2001; NPS 2000). One study estimated that hydrocarbon emissions from snowmobiles account for 77% of the Park's total annual hydrocarbon emissions (Bishop et al. 2001). The National Park Service (NPS) gives the range of hydrocarbon emissions from snowmobiles as 68% to 90% of total hydrocarbon emissions, depending on which emission factors are used for each vehicle type (NPS 2000). The NPS study also states that CO emissions attributable to snowmobiles may contribute as high as 68% of the total annual CO emissions in the park. Several of these studies also suggest the primary reason for the difference in emissions is the different levels of emission control currently applied to automobiles versus snowmobiles.

2. Effects on Mammals

Evidence regarding effects of snowmobiles on large mammals is inconsistent (Aasheim 1980, Olliff et. al., 1999). Harassment of wildlife appeared to be a problem when snowmobiles first became commercially available as recreational vehicles, but this problem appears to be non-existent now. Likewise, concerns were expressed early on regarding the possibility of over-harvesting game due to increased accessibility of remote areas. These concerns appear to have been unfounded. Minnesota DNR (1972) in a study of whitetail deer movements in south-central Minnesota indicated that deer appeared to select areas that had less snowmobiling activity. Aasheim (1980) summarized impacts of snowmobiling on the environment indicated a key finding that regardless of the potential for impact, any additional stress to wildlife in the winter is not desirable.

Evidence is conflicting regarding the ability of large mammals such as deer, elk and moose to "habituate" to snowmobiles and other human activities. The National Park Service has compiled a large annotated bibliography regarding the impacts of winter recreation, including snowmobiling on wildlife (see

http://www.nps.gov/yell/publications/pdfs/wildlifewinter/index.htm for additional information).

Large mammals accustomed to human activity may not to be affected significantly by snowmobiles, and deer that are not exposed to significant amounts of human activity do exhibit more pronounced behavioral changes as a result of snowmobile activity. Deer appear more likely to move away from hikers or skiers than from people on snowmobiles. Study results vary concerning changes in routine behavior of deer in the vicinity of snowmobile trails. Some research has found that deer home ranges may be larger during snowmobile season, while other research does not attribute changes in deer activity to human presence. At times deer bedding and feeding activities did not appear to be altered by snowmobile use. Other studies indicate that ungulates utilize areas near snowmobile trails less, hide from the disturbance, or, if the interaction is direct, run from the machine.

Changes in animal behavior are not a dependable indicator or the effects of disturbance on heart rate. One study stated that "Intensity of response is dependent on distance from disturber," while another showed that the effects on deer heart rate were similar at distances of 40 m and 2 m. Greater fright response was exhibited by deer when snowmobiles approached

deer directly as opposed to tangentially.

Evidence is often cited indicating that snowmobile trails may reduce the amount of energy expended by deer during the winter. While deer sometimes use snowmobile trails to facilitate winter travel, they do not appear to exhibit a preference for snowmobile trails over deer trails. In some cases, snowmobile trails serve to supplement, but not replace, deer trail systems. Any energy saved by travel along snowmobile trails is likely to be offset by disturbances by snowmobile traffic.

Despite the seeming disparity among research results, some researchers have not shied from making definitive statements regarding snowmobile trail management with respect to deer. Two that stand out are the statements that "deer should remain as undisturbed as possible in winter, harassment by dogs and snowmobile traffic is counter to their long-term physiological and behavioral adaptations," and "it is evident that disturbance by snowmobiles is contrary to long-term energy conservation adaptations of white-tailed deer." While not disputing the veracity of these statements when taken in context with the studies in which they were made, the unique nature of the Adirondack Park's deer habitat, characterized by almost 3 million acres of land on which active timber management is prohibited, must be noted. Generally speaking, public lands within the Adirondack Park provide relatively poor habitat when compared to managed forests or a mixture of agricultural and small woodlots. As forests mature, the amount of available browse provided by openings, agricultural land and forest edges begins to decrease as trees mature, saplings grow out of reach of deer and the forest understory begins to die back from a lack of sunlight. Deer wintering areas, for example, while providing protection from the elements, are extremely deficient in available and/or nutritious foods that deer need to survive the winter. Overall, severity of weather, availability of good habitat and hunting are more influential factors affecting deer mortality in the Adirondacks than is snowmobile traffic.

Frequency of traffic did not seemingly affect the average percent of moose active, or the number of moose present in study areas. Snowmobile traffic did displace moose to less favorable habitats in at least one study, yet some analyses suggested that moose are only minimally affected by increasing snowmobile activity.

Glucocorticoid levels in elk were significantly higher during the snowmobile season than during the wheeled vehicle season, and also increased significantly during the snowmobile season as daily snowmobile traffic increased. Chronically elevated levels of glucocorticoids may lead to reproductive suppression, ulcers, muscle wasting, and immune suppression. Population levels over the past 35 years in the study area suggest that the population may be able to compensate for the physiological effects of increased snowmobile activity. No research is known to have been done studying the effects of snowmobile traffic on glucocorticoid levels in Adirondack animal species.

There is little available information regarding the impacts of human activities, in particular winter recreational activities impact carnivores (Greater Yellowstone Winter Wildlife Working Group 1990). Carnivores in Adirondack Park include: coyote, bobcat, fox, mink, and Canada lynx. However, several life history characteristics (e.g. large home-range size, secretive behavior and avoidance of humans) make them particularly vulnerable to human disturbance, particularly in the winter. With the large home-range size there may be a need to regularly cross snowmobile trails. Additional impacts could result as a result of noise displacement and compaction of snow (e.g. modifies travel patterns of prey species).

Far less research has been conducted regarding the effects of snowmobiles on small mammals. Small mammals may be affected by snow compaction, sub-snow temperature reductions and elevated sub-snow carbon monoxide levels in the area of snowmobile trails. Whether or not

this may affect predator populations, or have a significant effect on overall small mammal populations is not known.

3. Water Quality Issues and Effects on Aquatic Communities

Adams (1975) indicated that snowmobile emissions can contribute harmful amounts of lead to the environment. However, Adams conducted her work in the early 1970s, when leaded gasoline was still in use. Given that leaded gasoline is no longer sold in the United States, snowmobile emissions are no longer expected to be a significant source of lead to the environment.

Organic chemicals identified in snowmobile emissions include benzene, ethylbenzene, toluene, xylenes, methyl tert-butyl ether (MTBE), 1,3 butadiene, formaldehyde, acetaldehyde, and polycyclic aromatic hydrocarbons (PAHs) (Einarson 2002; Ingersoll 1999). Benzene, ethylbenzene, toluene, and xylenes are volatile organic compounds (VOCs) and are by-products of gasoline combustion. PAHs also are generated by gasoline combustion, as well as other combustion processes (Smith et al. 1988). MTBE is a gasoline additive. Ingersoll (1999) found concentrations of benzene, ethylbenzene, toluene, xylenes, and MTBE to be substantially higher in snow samples collected from snowmobile trails in Yellowstone National Park than in snow samples collected nearby but off the trails. Einarson (2002) attributed MTBE in a groundwater aquifer near Lake Tahoe partly to MTBE emissions from snowmobiles. In addition to the specific organic chemicals identified above, snowmobile exhaust also contains other aliphatic and aromatic hydrocarbons from burned and unburned gasoline and hydrocarbons from two-stroke engine oil (NPS 2000).

Nitrate, sulfate, and ammonium are highly water soluble and thus are more likely to be transported by runoff to rivers and lakes during snowmelt. Other possible fates for these inorganic substances include uptake by vegetation and/or incorporation into soils due to ion exchange reactions (Brady 1974). However, these latter two processes are not expected to be important during snowmelt when soils are frozen and plants are largely dormant.

Carbon monoxide is gaseous and thus is not likely to accumulate in the snowpack along snowmobile trails. Reduced air quality is the principal concern associated with carbon-monoxide emissions by snowmobiles.

The principal fate of benzene, ethylbenzene, toluene, and xylenes in the environment is volatilization followed by photolytic degradation (i.e. exposure to sunlight) in the atmosphere (Smith et al. 1988). Although some fraction of these chemicals deposited in snowmobile trails may reach streams and lakes via runoff, these chemicals are expected to quickly volatilize from surface waters (Smith et al. 1988).

MTBE also is a VOC; however, it tends to partition substantially more into water than other common VOCs in gasoline (Squillace et al. 1997). As a result of this tendency, MTBE from snowmobile trails is expected to be transported to lakes and rivers during snowmelt. The half-life of MTBE in surface water bodies depends on water velocity, depth, and temperature (Squillace et al 1997). In shallow (less than 1 meter deep) streams, the estimated half-life of MTBE ranges from 0.2 to 3 days at 5 degrees C, depending on flow velocity. A half-life of several months is estimated for deep lakes (greater then 10 m deep) with little through flow (Squillace et al. 1997).

Because of their generally low water solubilities, PAHs strongly partition to particulate and dissolved organic matter and to inorganic particulate matter (Smith et al. 1988). Thus, PAHs

in snowmelt typically reach lakes and rivers bound to particles rather than in dissolved form. Their ultimate fate in aquatic systems is incorporation into sediments followed by slow biodegradation (Smith et al. 1988). As a result, benthic organisms are more likely to be exposed to PAHs than fish or other aquatic organisms that live in the water column of a lake or stream.

During the extensive literature review, three studies (Rhea et al. 2005; Ingersoll 1999; Adams 1975) were identified that can be used to infer potential impacts on surface water bodies from snowmobile emissions.

Rhea et al. (2005) measured PAHs in water, sediment, and snow at various locations in Grand Teton National Park, several of which were near areas frequented by snowmobilers. All samples contained very low concentrations of total PAHs, with the greatest concentrations in water, snow, and sediment being 320 nanograms per liter, 600 nanograms per liter, and 480 nanograms per gram, respectively. Rhea et al. (2005) concluded that the presence of PAHs in snow is low and thus the potential contribution from snowmobiles is low.

Ingersoll (1999) investigated the impacts of snowmobile emissions on snowpack chemistry in Yellowstone National Park. This study concluded that elevated levels of benzene, ethylbenzene, toluene, xylenes, MTBE, and several inorganic compounds (e.g., ammonia and sulfate) were present in snowpack along snowmobile trails. Background levels of these contaminants were detected in snow at distances of 50 and 1,000 meters from snowmobile trails. Although contaminants were detected, Ingersoll (1999) concluded that watershed-level effects from snowmobile emissions are unlikely based on these results.

Adams (1975) operated a snowmobile on a small pond in New Hampshire to investigate the impact of snowmobile emissions on aquatic biota during ice-out. The level of snowmobile use on the pond was equivalent to one snowmobile burning 250 liters of leaded gasoline per season on a 0.4-hectare pond with an average depth of 1 meter. Adams observed reduced stamina of brook trout (measured by the ability to swim against a current) and uptake of hydrocarbons and lead by brook trout. However, it is important to note that the level of snowmobile use on the pond studied by Adams was excessive on a confined 0.4-hectare pond, and the study was conducted with leaded gasoline, which is no longer available in the United States.

The three studies discussed above provide conflicting evidence of potential effects on surface water quality from snowmobile use. Recent work by Rhea et al. (2005) and Ingersoll (1999) suggest that effects are unlikely. However, the older work of Adams (1975) suggests that adverse effects are possible in small catchments subjected to very concentrated snowmobile use. Additional evaluation should be considered to determine whether high-use snowmobile areas are located near small, isolated catchments in the Adirondack Park. If such areas exist, site-specific sampling of snow, surface water, and/or sediment should be considered to evaluate potential impacts.

4. Effects on terrestrial plant communities

Much of the early research concerning herbaceous plants was directed toward the effects on agricultural crops, as farm fields were common places for snowmobile trails. Reduced forage yields were found in some species, but not in others. Prolonged exposure of alfalfa plants to cold temperatures was shown to cause a reduction of their stored food reserves to a point where many plants were unable to grow the following spring. Conversely, one study stated that "snowmobile traffic had no significant effect on the yield and height of the two winter cereals." There was a significant amount of variability among studies, generally attributed to the variability of weather conditions from year to year. Impact of snowmobile traffic on

sphagnum moss was negligible. Other herbs and shrubs in marshland areas showed population declines directly correlated to snowmobile traffic intensity.

The thermal conductivity of compacted snow is higher than un-compacted snow. This reduces the buffering effect that the snow provides against temperature extremes and fluctuation. The resulting lower soil temperatures and increased frost incidence and depth may contribute to reduced growth and flowering of herbaceous plants under snowmobile trails. If soil temperatures under snowmobile trails are reduced enough they can kill perennial herbs having fleshy subterranean organs. However, if large increments of snow are received early in the winter before air temperatures become extremely cold, the damage to forest herbs is lessened. Seeds of some herbaceous and woody plants can germinate under natural snow cover, but may not under compacted snow.

If the snow under a trail is compacted enough to form an ice layer, carbon dioxide trapped under the ice layer may accumulate in concentrations that are toxic in the root layer of soil. Ice sheet formation can also cause physical injury to plants.

Research concerning woody plants was directed at studying physical damage to plants, rather than overall growth. Snowmobiling on depths of snow less than six inches can lead to significant woody plant damage. Initial snowmobile traffic appears to create the most damage to seedlings, the level of damage dropping off with additional traffic. One study showed that one pass of a snowmobile damaged 78% of saplings on a woodland trail, and 25% were damaged heavily enough that they probably would not survive. In some cases, deciduous tree species which readily form root suckers will increase in population on or near snowmobile trails. Minimal traffic will kill young conifers. Deciduous trees that do not readily form root suckers can be eliminated from travel corridor.

On slopes, there tended to be more damage to plants when snow depth was under five inches, due the churning effects of snowmobile slipping.

5. Effects on soils

A natural, un-compacted snow thickness of more than 45 cm (18 inches) will prevent frost penetration of the soil. Frost under compacted snow was found to be two to five times deeper than that under un-compacted snow. Soil under snowmobile trails froze more deeply, and remained frozen much longer than soils under un-compacted snow. The time required for soils to warm up lagged as well after all snow was gone. Downward frost penetration underneath trails also increased the moisture content of the frozen portion of soil profiles. Compaction of snow cover can lead to frost heaving, erosion, and later thawing season for roads, all of which may increase maintenance costs. Root damage due to freezing can be a problem where plants grow in mats (bogs, alpine, tundra). The variability of spring weather conditions led to conflicting results as to whether snow compaction affects erosion. Compacted snow provides some insulation, but bare soil thaws faster than soil under compacted snow. Most of the snow compaction occurs after one pass with a snowmobile, and compaction was maximized after less than ten passes. None of the studies reviewed collected any data regarding snow compaction by tracked groomers.

Colder soil temperatures retard soil microbe activity in spring, but there is doubt as to whether this is biologically significant, as microbial activity rebounds rapidly once soil temperatures equalized with surrounding soils.

The ground pressure of a 400-pound snowmobile is less than 0.5 pounds per square inch (psi). The ground pressure of the average four-wheel-drive vehicle is 30 psi, and that of the average hiker is 5 psi. No indication of soil compaction was found due to snowmobile traffic. Soil bulk

densities were not found to be impacted by snowmobile traffic. Erosion may actually be reduced due to longer melt time of snow on trail; erosion may increase if vegetative cover is affected.

None of the studies reviewed collected any data regarding soil compaction or erosion resulting from the use of tracked groomers.

On slopes, there tends to be more damage to soils when snow depth was under 5 inches. Spinning and sliding can cause erosion on steep slopes. Stream bank erosion can be a problem, depending on crossing design and water level fluctuations.

6. User conflicts

While some skiers said snowmobiles prepare trails for skiing, six times more said they ruin trails. 4% of skiers responding to a survey said snowmobiles improve safety on the trail, whereas 20% said they felt snowmobiles constitute a danger to skiers. The most frequent dislike expressed among skiers was that the noise and smell of the machines destroy the natural setting.

Data "do not suggest that the on-site presence of cross-country skiers interferes in any substantial way with the quality of the recreational experience for snowmobilers."

Both groups tend to disagree with the statement that "cross-country skiers understand the needs of snowmobilers."

"62% of snowmobilers agreed with the statement that 'snowmobilers understand the needs of cross-country skiers,' while only 16% of skiers agreed. "This finding suggests that snowmobilers may be more tolerant of and accommodating towards skiers than skiers are toward snowmobilers. It also suggests that snowmobilers are unaware of the negative impacts of their recreational activity upon the other group. [T]he conflict between the two user-types is asymmetrical...; cross-country skiers are sensitive to and affected by the presence of snowmobilers, while the reverse is not the case." 74% of skiers disagreed with the statement that "skiers and snowmobilers can mix happily if both use common sense" whereas 87% of snowmobilers agreed with the statement." Again, on-site conflicts do not appear to exist in the minds of snowmobilers while they seem to be very real for most skiers. Cross-country skiers choose their activity precisely for the reasons which make it susceptible to impact, whereas snowmobilers choose theirs precisely for the reasons which may generate those impacts."

APPENDIX F-	DISCUSSION OF ECO OF SNOWMOBILING	



ECONOMIC IMPACTS OF SNOWMOBILING

Introduction

The New York State Department of Environmental Conservation (NYSDEC) issued the Draft Comprehensive Snowmobile Plan for the Adirondack Park/Draft Generic Environmental Impact Statement (the Plan) in December 2003. As part of the Plan, an economic analysis was presented that received comments during the public comment period. As a result of these comments received, the following expansion on the original economic analysis was conducted to include various aspects of other (non-motorized) winter activities in the Adirondack Park that were previously not included, in addition to other potential impacts such as those on real estate/property values.

It is likely that the total population of the Adirondacks will continue to increase. The table below shows changes in population in the Adirondacks between the 1970 and the 2000 Census (Table 2).

Table 2 Population for the Counties of the Adirondacks within the "Blue Line" (1970-2000)

County			Percent Change		
	1970	1980	1990	2000	(1970- 2000)
Clinton	13,837	14,448	15,196	15,587	12.6
Essex	34,631	36,094	37,152	38,851	12.2
Franklin	16,488	16,883	16,850	18,513	12.3
Fulton	7,183	8,941	8,930	9,075	26.3
Hamilton	4,714	5,058	5,279	5,379	14.1
Herkimer	2,469	2,859	2,928	2,867	16.1
St. Lawrence	4,835	4,654	3,862	3,896	-19.4
Saratoga	6,015	6,632	7,393	8,183	36.0
Lewis	315	362	408	410	30.2
Oneida	267	313	355	333	24.8
Warren	18,521	21,101	22,965	27,845	50.3
Washington	2,056	2,233	2,732	2,783	35.3
Total	111,331	119,578	124,050	133,722	20.1

^{*} Figures for the years 1970, 1980, and 1990 are estimates by the Adirondack Park Agency. Year 2000 figures for Essex and Hamilton Counties are from the 2000 Census and the other counties are estimates by the Office of Parks, Recreation and Historic Preservation for the portion of the county within the Adirondacks (inside the "blue line").

Given both the increases in the population of the region and the increase in the number of snowmobilers in New York State (as discussed later), it is important that future decisions regarding this activity be made with an eye to increasing the well being of both the participants and the communities they affect.

The intention of this section is to present the economic impact of snowmobiling as well as the overall impact of other winter activities and their affects on the local economy. It should be recognized that other winter recreational pursuits on the Forest Preserve also contribute to local economies in the Adirondack Park. These include but are not limited to: downhill and cross country skiing, wildlife observation, hunting/fishing, snowshoeing, and winter camping. Where information exists, these will be discussed further in the section below

Economic Contribution of Snowmobiling

While studies have been conducted regarding the economic impact of snowmobiling in New York State, data regarding economic impact solely in the Adirondack Park is limited. This section provides a discussion of, citing qualitative numbers where available and otherwise discussing qualitatively, snowmobiling's economic impact to the Adirondack Park. It is noted that economic input of any given activity does not determine whether or not the pursuit of that activity is appropriate in the Forest Preserve, since there are numerous additional factors in the decision-making process.

The economic contribution of snowmobiling is oftentimes an important economic driver in less-developed, rural areas because it represents a major source of winter tourism income to businesses that would oftentimes need to close during the winter season. It is possible that the changes to the snowmobile trail systems that are proposed in this Plan may increase the economic contribution of snowmobiling to the Adirondack region by attracting more use of the system.

One of the goals of the Snowmobile Plan is to promote tourism and economic opportunities for local communities by:

- § Connecting communities and major points on interest;
- § Connecting trail systems from outside of the Park;
- § Connecting to necessary support services (i.e., gas, food, lodging); and
- § Identifying important snowmobile trail connections.

The extent of the potential increase cannot be estimated with the current information available. Nor is it possible to estimate whether or not the increased use of the Adirondack snowmobile trail system would result in an increased economic contribution to the New York State economy as a whole, or simply create a shift from other parts of the State to the Adirondack region.

Measuring the Contribution

Total annual expenditures by North American snowmobilers exceed \$9 billion according to the International Snowmobile Manufacturers Association (ISMA). The Merwin study concluded that snowmobiling had a total economic impact of \$476.2 million on the Empire State in 1997 (Merwin Rural Services Institute 2003). The number of registered snowmobiles in New York has grown significantly since the Merwin study, upwards of 75%. During the 02/03 and 03/04 seasons, the number of registered snowmobiles peaked around 172,000, of which between 10-13% are out-of-state riders (17,200 – 22,360). The 04/05 season experienced a drop in the number of snowmobiles registered to approximately 159,000 due primarily to the limited snowfall received that winter. Preliminary estimates indicated that the 2005 - 2006 season had approximately 148,000 snowmobile registrations for a below average snowfall season. The number of snowmobilers registering on an annual basis is directly proportional to the "quality" of snowfall received that year. According to the NYS Department of Motor Vehicles (DMV) registration data shows the following:

Table 3 Snowmobiling Registration Data for New York State

Region	Registered Snowmobiles	% of Total				
Adirondacks	11,234	7%				
Other New York State	133,650	80%				
Out of State	21,264	13%				
Total 166,148 100%						
Source: Based on DMV data on file in May 2003.						

The Merwin study economic impact figure of \$476 million was in line with similar studies conducted in other northeastern snow states. A 1997 University of Maine study found a \$226 million impact in the State of Maine, a 1996 University of New Hampshire study determined a \$367 million impact in the State of New Hampshire, and 1994 Johnson State College study showed a \$165 million impact in Vermont (University of Maine 1998, Okrant and Goss 2003, and McElvany 1995). In 2001, McElvany published another economic study that indicated the snowmobiling in the state of Vermont attributed more than \$520 million in the state economy (McElvany 2001). A 1997 Lebanon Valley (PA) College study that found a \$96 million impact in Pennsylvania, and a 1998 Michigan State University study that determined a \$1 billion impact in the State of Michigan (Raffield and Guerrisi 2000, and Stynes et al. 1998). It is estimated that more than 6,455 full time jobs are created by snowmobiling in Michigan.

The number of full time jobs in New York that are directly attributable to snowmobiling has not been established. However, using the same proportions from Michigan, their estimate of approximately 6,500 jobs with a \$1 billion economic impact from snowmobiling would equate to approximately 3,100 jobs using New York's economic impact figure of \$476 million. In the Michigan study, these jobs were divided into two categories – Snowmobiling Trip-related Jobs (59% of total) and Snowmobile Equipment-related Jobs (41% of total). It is assumed that the same proportion would exist in New York State, which would correspond to 1,271 equipment-related jobs and 1,829 trip-related jobs. Trip related jobs would include such industries as transportation and services, recreation, hotel, eat and drinking establishments, retail and wholesale stores, and government (Stynes et al. 1998).

Snowmobile Related Businesses in New York State

Many diverse businesses throughout New York State benefit from the snowmobile industry, specifically some of the more rural areas in the Adirondack Park region. Jobs and income generated by these businesses help supplement summer tourist activities during the winter. Businesses potentially benefiting from snowmobiling include:

- Dealers and distributors of snowmobiles, parts, accessories, and snowmobile trailers
- Automobile dealers who sell four-wheel drive trucks
- Hospitality businesses including lodging establishments and restaurants
- Gas stations
- Real estate agents handling rural and vacation property
- Hardware, lumber, and other building supply retailers and wholesalers

APPENDIX F - ECONOMIC IMPACTS OF SNOWMOBILING DISCUSSION

- Sign manufacturers
- Banks and credit unions that finance vehicles and businesses
- Agents and underwriters who insure vehicles and businesses
- Many manufacturing companies in New York State have significant snowmobile industry involvement
- Albany International, of Albany County, is a key supplier of synthetic insulation for snowmobile apparel
- Olympia Sports Company, of Westchester County, is a major manufacturer and distributor of snowmobile gloves
- Roetin Industries, of Ontario County, is the world's largest manufacturer of snowmobile ski runners and a producer of other snowmobile hard parts

Other small businesses located in NYS include snowmobile performance parts manufacturers and suppliers, snowmobile apparel manufacturers and distributors, and snowmobile trailer suppliers.

In addition, one of the theories behind the DEC Snowmobile Plan is that through the use of trails between different destinations in the Adirondack Park, "community corridors" would be established that would tie communities together. The potential would exits to link the communities to further share and increase spending by snowmobile participants.

Origin-Destination of Snowmobile Travelers

Data obtained from the 2003 Snowmobile Owner Survey describes the general usage of snowmobile areas in New York State by an origin-destination matrix (see Table 4). The Adirondack region has the highest visitation rate of all regions in the state. The major issue when assessing trail usage in the Adirondack region is determining what percentage of snowmobile activity days are generated by citizens of the Adirondacks that remain in the region and what percentage of snowmobile activity days in the Adirondacks result from snowmobilers who live elsewhere and travel into the region.

According to the data in Table 3, 80% of the snowmobile days originating in the Adirondacks stay within the region, and 74% of the snowmobile days in the Adirondacks are generated by people living outside the region.

Approximately 19.9% of snowmobiling days spent by residents of the Adirondack region take place in other parts of the state, and approximately 17.2% of snowmobiling days spent by New York State citizens living outside the blue line takes place within the Adirondacks. Finally, 40.1% of the snowmobiling days spent by out-of-state residents using a snowmobile in New York State take place in the Adirondacks.

Based upon the historic usage statistics presented, it is anticipated that the Adirondack Park region will continue to be highly utilized by snowmobilers from within and without the Adirondack Park region.

Table 4. Travel Patterns of Snowmobiling Activity Days Reported in the 2003 Snowmobile Survey

		Destinations										
		Allegany	Capital	Catskill	Central	Finger	Hudson	Metro	Niagara	1000		
Origins	ADK*	Region	District	Park	NY	Lakes	Valley	NYC/LI	Region	Islands	Tug Hill	Total
ADK*	2,410	30	52	30	69	30	30	30	0	88	238	2,621
Allegany	0	1,179	0	0	95	35	0	0	120	0	38	1,309
Capital District	1,531	5	1,732	136	794	5	0	0	5	0	587	4,203
Catskill Park	38	0	0	69	6	0	126	5	0	0	151	113
Central NY	878	0	18	600	5,214	340	0	0	0	53	2,136	7,050
Finger Lakes	279	4	0	6	423	1,901	0	0	41	12	603	2,613
Hudson Valley	517	0	48	269	114	1	729	0	0	2	516	949
Metro NYC/LI	185	0	0	119	141	6	0	35	0	2	145	451
Niagara	353	915	0	30	103	639	0	0	2,736	26	695	2,040
Thousand Islands	1,628	0	0	0	19	0	0	0	0	1,083	431	1,647
Tug Hill	289	3	4	0	602	0	0	0	0	88	1,687	898
Out of State	1,160	465	0	35	51	40	20	0	79	7	1,034	2,891
Total	9,268	2,601	1,854	1,294	7,631	2,997	905	70	2,981	1,361	8,261	39,223

^{* -} Adirondack Park

The expenditures by visitors to the Adirondack region for snowmobile related activities are considered direct effects. The direct effects of snowmobiling related activities on the economy have subsequent effects, namely indirect and induced effects. Indirect effects are the measure of production related activity resulting from direct effects and the wages generated by this round of spending are again spent and cause what is called induced effects. The total of the direct, indirect and induced effects are calculated through economic modeling or a multiplier analysis. An area such as the Adirondacks, there would be a low multiplier effect because, despite its size, there would be a high degree of "leakage." Leakage is defined as the degree to which money spent on local industry leaves the region due to the limited ability of the local economy to address all the needs of the consumers.

The initial assessment to estimate the economic impact within the Adirondacks is as follows:

The Merwin report, *Snowmobiling in New York*, estimated the following annual expenses for snowmobilers that could reasonably be considered money spent at a snowmobiling destination: snowmobile rental, \$138; gasoline and oil, \$401; parts and service, \$308; motels, \$259; meals, \$315. This gives an estimate of \$1,421 spent per year per household at destination. The same survey reported the median number of snowmobile days per household at 30. This would give an approximate expense of \$47.37 spent per day per person at destination during the 1996-1997 season. Adjusting this figure for inflation to 2001 (2002 not yet available), it becomes \$53.02.

Rounding everything off considerably, there are approximately 2.5 million snowmobile days occurring in New York State each year. About 600,000 take place in the Adirondacks. Approximately 434,000 of these snowmobile days are by visitors from outside the Adirondacks, spending approximately \$23 million directly on snowmobiling related activities. Using a multiplier of two (considered reasonable for an area such as the Adirondacks), the total economic impact is \$46 million.

Another, separate economic impact calculation was performed by the New York State Office of Parks, Recreation and Historic Preservation (NYS OPRHP), in which the total aggregate expenditures for snowmobiling in the Adirondack Park were slightly higher at \$52.2 million. The calculation was completed using the origin-destination information in Table 3. First, 80% of the snowmobile days originating in the Adirondacks stay within the region and 74% of the snowmobile days in the Adirondacks are generated by people living outside the region.

Approximately 19.9% of snowmobiling days done by residents on the Adirondacks take place in other parts of the state. About 17.2% of snowmobiling by New York State citizens living outside the blue line, takes place within the Adirondacks. Finally, 40.1% of the snowmobiling by out-of-state residents using a snowmobile in New York State takes place in Adirondacks.

Table 5. New York State Office of Parks, Recreation and Historic Preservation Estimated Economic Impact of Snowmobiling in the Adirondacks

Region of Origin	Aggregate Total	% of Snowmobiling	Aggregate
	Expenditures	within the	expenses in the
		Adirondacks	Adirondacks
Adirondacks	\$19.7 million	80.1%	\$15.8 million
Other New York	\$40.4 million	17.1%	\$6.9 million
State			
Out of State	\$8.5 million	40.1%	\$3.4 million
Total	\$68.6 million		\$26.1 million

As with the Merwin study noted above, there is a need to account for secondary spending. The impact of the \$26.1 million dollars spent in the Adirondacks is inflated using an economic multiplier of 2, which is appropriate for a community like the Adirondacks and identical to the Merwin study. This results in a total economic impact of \$52.2 million according to the NYSOPRHP, compared with \$46 million in the Merwin study. It should be noted that these studies were completed approximately 6 years apart where inflation may account for some of the difference.

Participation Rates and Infrastructure "Needs" of Winter Related Activities

Information regarding the economic benefits of winter recreational activities other than snowmobiling is limited. Extensive searches were performed in order to obtain relevant and useful secondary sources of information. In addition to reviewing available data and publications, information was obtained by interviewing individuals in the Adirondack Park Region who have specific knowledge of tourism and various winter activities such as snowmobiling and cross-country skiing. This information was used to qualitatively compare the overall impact of snowmobiling with other winter activities.

Because detailed information on other winter activities is not as readily available, snowmobiling will be used as a benchmark by which to compare other winter activities.

The New York State Comprehensive Outdoor Recreation Plan (SCORP) 2002 estimated future needs and the projected number of participants in various activities, including ice skating, cross-country skiing, downhill skiing, and snowmobiling. These estimates were based on data from the 1998 General Public Recreation Survey. The results are presented in Table 6 and 7.

Table 6. Estimates of Future Growth in Various Recreational Activities in Adirondack Park, New York

Activity Participants – 1998 and 2020								
1998 % of 1998 2020 % of 2020 Participants Population Participants Population Growth % Growth								
Ice Skating	2,224,410	15.00%	2,314,360	15.61%	89,950	4.04%		
Cross-Country Skiing	779,626	5.26%	821,864	5.54%	42,238	5.42%		
Downhill Skiing	1,626,855	10.97%	1,678,672	11.32%	51,818	3.19%		
Snowmobiling	758,989	5.12%	790,897	5.33%	31,907	4.20%		

Activity Days – 1998 and 2020								
	1998	Per Participant	2020	Per Participant	Activity Growth	% Growth		
Ice Skating	7,294,969	3.28	7,551,508	3.26	256,539	4.04%		
Cross-Country Skiing	2,596,809	3.33	2,742,065	3.34	145,256	5.42%		
Downhill Skiing	7,566,912	4.65	7,807,035	4.65	240,124	3.19%		
Snowmobiling	3,186,382	4.20	3,372,364	4.26	185,982	4.20%		

Source: SCORP 2002

Table 7. Relative Index of Need for Various Recreational Activities in Adirondack Park, New York

The Relative Index of Need

County	Local Winter Activities	Cross-Country Skiing	Downhill Skiing	Snowmobiling
Clinton	3	4	4	5
Essex	2	3	4	4
Franklin	2	3	4	4
Fulton	4	4	4	5
Hamilton	1	3	4	4
Herkimer	4	4	4	5
Lewis	3	3	4	4
Oneida	4	5	5	5
St. Lawrence	4	3	4	5
Saratoga	5	5	5	5
Warren	3	4	4	5
Washington	4	4	4	5
AVERAGE	3.25	3.75	4.17	4.67

Source: SCORP 2002

Table 5 indicates that, in terms of the number of participants in winter activities, ice skating ranks the highest, followed by downhill skiing, cross-country skiing, and snowmobiling, with cross-country skiing experiencing the highest anticipated percent growth rate from 1998 to 2020. However, when coupled with the number of activity days, the ranking changes to downhill skiing, ice skating, snowmobiling, and cross-country skiing. This is due to the fact that more days per participant are spent downhill skiing and snowmobiling.

On average, although fewer in total number compared with cross-country skiers, snowmobilers spend more days participating in their activity than do cross-country skiers since they typically travel longer distances and have more extended trips. Cross-country skiers also conflict more with snowmobilers than do downhill skiers and ice skaters due to the nature of the two sports and the trail systems that they both utilize.

SCORP 2002 also presented an evaluation of the "Relative Index of Needs," which essentially assigns numeric values (on a scale of 1 to 10) indicating the degree to which additional facilities are needed to meet future demand (see Table 6). A rating of 1 indicates a large availability of recreation resources relative to demand, with little or no crowding. A rating of 10 indicates that most sites are heavily used.

As shown in Table 7, the winter-related activities that were assessed each had a similar Relative Index of Need. Snowmobiling rated the highest in the Relative Index of Need, indicating that the facilities and infrastructure associated with that activity may require the most work to be able to accommodate future needs. However, snowmobiling's "Index of Need" was not significantly higher than that of other winter activities.

There are a number of Forest Preserve uses that involve non-motorized activities that are important components to the economics of the Adirondack region. Some examples in include: snow-shoeing, nature photography, and other local activities. Based on the Index of need estimates, these activities are important contributions to local economies and need to be considered in the development of future trail systems.

Economic Contribution of Other Winter Recreational Activities

A 1999 study by Holmes & Associates and SUNY-Plattsburgh noted the significant lack of research concerning the economic contribution of tourism to the economy of the Adirondack Park. The focus of the study was "the views and observations of small business owners" in the central and western Adirondacks. Among the major findings of the study was the following:

After sightseeing, the activities viewed as making the largest contribution to the area's tourism economy is snowmobiling, canoeing and kayaking, hiking, cross-country skiing, downhill skiing and observing birds and animals, in that order. A majority of respondents view those six recreation activities as "very important" to their local economies. When asked to indicate those activities with the most economic potential, the business operators selected two top candidates: snowmobiling and cross-country skiing. A closer look at sub-regions within the Adirondacks shows substantial geographic variation in perceived economic opportunities. For example, business operators in the Star Lake, Tupper Lake, and Long Lake communities believe snowmobiling has the greatest economic potential, while the Old forge and Speculator areas view cross-country skiing as having the greatest potential. Downhill skiing is viewed as having great economic potential in the Speculator and Tupper Lake areas. The preference for winter recreation activities reflects in part the business operators' preference for an expanded winter tourist season and highlights winter activities that appear to be locally underdeveloped. Nonetheless, the almost unanimous support of expanded snowmobiling and crosscountry skiing point to the importance of a central and western Adirondack initiative to plan, develop and promote those opportunities.

Major downhill and cross-country ski centers in Adirondack Park include Whiteface Mountain and Gore Mountain for downhill skiing and Garnet Hill Cross-country Ski Area and the Jack Rabbit Trail and Interconnect Pass for cross-country skiing. There are numerous other skiing locations in the Adirondack Park area.

Not surprisingly, viewing scenery was recognized as the most important activity (Figure 1). Nationally, sightseeing is among the most popular tourism activities. What may be surprising is that snowmobiling was selected as the next most important activity, economically. The order of the next three is also very interesting, with canoeing and kayaking as third in importance among the activities listed. Especially surprising is that cross-country skiing is viewed as equal in economic value to hiking.

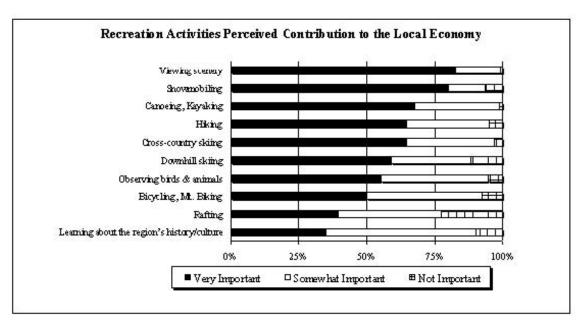


Figure 1. Recreational Activities Perceived Contribution to the Local Economy. (Holmes & Associates 1999)

Whether or not there is a significant difference in the economic contributions of various recreational pursuits is not a question that can accurately be answered given the existing data that is available. In the final analysis, the question may be purely academic, since economic contribution does not mean that any particular form of recreation is or is not suitable for the Forest Preserve.

Impact of Snowmobiling on Real Estate and Property Values

To assess recent trends in real estate and property values in the Adirondack Park Region, data from the New York State Office of Real Property Services were analyzed to determine whether there has been a historic increase or decrease in the typical sale price of homes/properties in the Adirondack Park. Housing sales data for a seven-county area (including Clinton, Essex, Franklin, Hamilton, Herkimer, St. Lawrence, and Warren) were

APPENDIX F - ECONOMIC IMPACTS OF SNOWMOBILING DISCUSSION

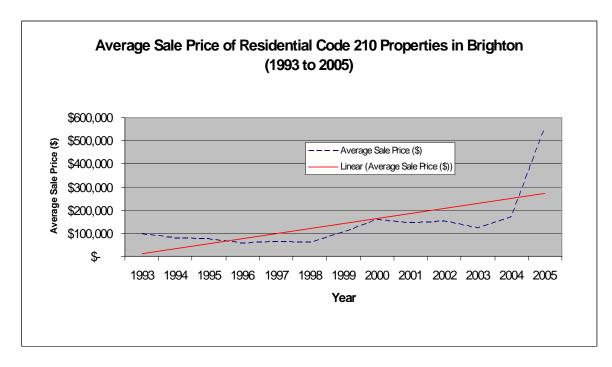
organized by year sold, location, and residential category (only "arm's length sales" were included, which are transactions between persons in which each acts in their own self-interest). Although other counties are located partially within the Adirondack Park, the seven counties were chosen because either all or considerable portions of the counties are located within the Park boundaries. Including counties not significantly within the Park would run the risk of skewing the data. In addition, specific areas that could be considered high-use with respect to winter snowmobiling activities were specifically called out for analysis and are discussed below.

Several residential categories were examined, including single-family, year-round residences (code 210), rural residences with acreage (code 240), and seasonal residences (code 260). These three housing categories were chosen in order to capture both the impacts on permanent residents as well as seasonal residents and investors. Based on recommendations from the Adirondack Park Agency on snowmobile use and the locations of major snowmobile trails in the Park, the following areas were selected as representative locations where property has the potential to be affected by snowmobiling:

- Towns of Brighton and Harrietstown (Franklin County)
- Towns of Indian Lake, Inlet, and Lake Pleasant (Hamilton County)
- Town of Webb (Herkimer County).

While other counties and areas were examined during the process, these specific areas are presented due to the location of snowmobile trails in proximity to urban centers within each of the counties.

The data indicate that, since 1993, there have been general linear increases in the value of properties under the two classifications (210 and 260) for Franklin (town of Brighton), Hamilton (town of Inlet), and Herkimer (town of Webb) Counties (see Figures 2 to 4). In some instances, the increase in value has been substantial, while in other cases the increase has been only moderate. For instance, in the Town of Inlet the average price of single-family residence has risen from \$100,000 in 1993 to just over \$ 300,000 in 2004 (see Figure 3). Property code 240 properties in Clinton County also were examined and showed a similar linear increase in value between 1993 and 2004. In some instances, there was a drop in value in 2005 (see Figure 4), but that may be due to the use of incomplete data for that year.



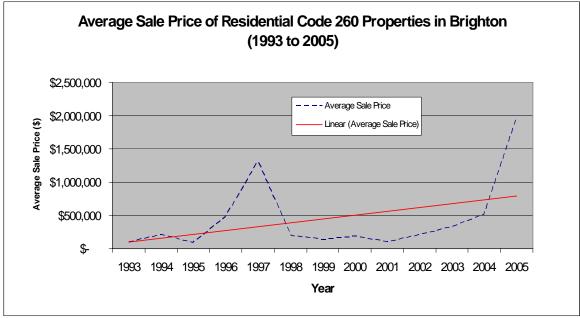
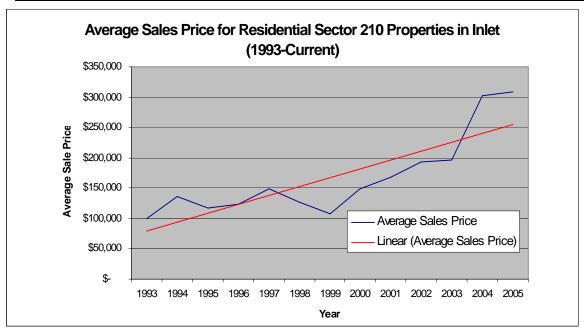


Figure 2. Average Sale Price of Code 210 (single-family residential) and 260 (seasonal residence) Properties in the Town of Brighton, Franklin County, New York (1993 to 2005).



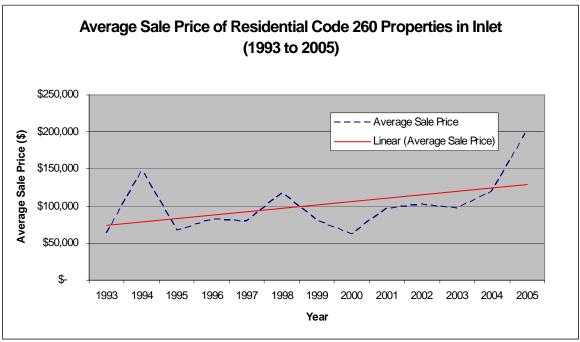


Figure 3. Average Sale Price of Code 210 (single-family residential) and 260 Seasonal residence) Properties in the Town of Inlet, New York (1993 to 2005).

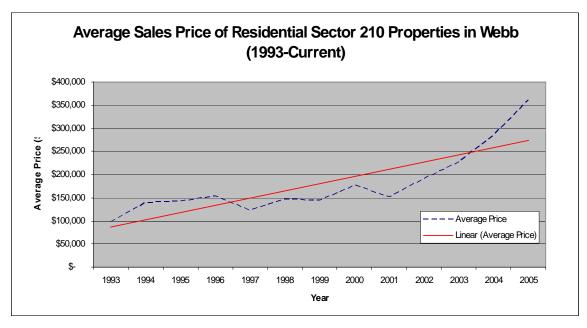




Figure 4. Average Sale Price of Code 210 (single-family residential) and 260 (seasonal residence) Properties in the Town of Webb, New York (1993 to 2005).

APPENDIX F - ECONOMIC IMPACTS OF SNOWMOBILING DISCUSSION

Based on the available data, it is unclear whether there is a direct linkage between property values and proximity to snowmobile trails. Long-term monitoring of economic property values could be completed by utilizing the Snowmobile Trial Map GIS layer. This GIS layer could be used for the development of a relational database between the geographic points of the snowmobile trail and other data sources such as property sales. The actual sales price of properties along the Community Connectors could be monitored to provide a more accurate depiction of the relationship between snowmobile trails and property values.

During interviews with local real estate brokers and professionals (i.e., members and directors of Adirondack Park organizations and associations), various opinions were expressed regarding the potential impact that a snowmobile trail would have on a piece of property that it either runs through or is adjacent to. However, there was no overall consensus on impacts; the interviews were very subjective, and opinions were based primarily on the individual's predisposition to snowmobiling versus non-motorized winter activities.

Some individuals felt that people coming to the Park to buy a second home desire a quiet, pristine environment in which to enjoy their home. Others indicated that a major attraction for individuals buying a second home in the Park is the proximity to snowmobile trails and the desire to have access to a snowmobile trail directly from their property. Some buyers approach the real estate brokers with that specific request, whereas other buyers indicate that they want a property that is as far away from any motorized-use trail as possible.

Several real estate agencies were contacted to obtain their opinions regarding the impact of snowmobiling on property values, but they did not have quantifiable data to support their opinions. In general, most real estate agents consulted felt that snowmobile trails do not have a significant impact on property values, either positive or negative. Essentially, the value of a property is what the market is willing to pay for that property. The amenities offered by a property are desirable to different people, and an absolute impact on property values cannot be specifically quantified.

In summary, snowmobiling, as well as other winter recreation activities, are important contributors to the Adirondack economy.

APPENDIX F -ECONOMIC IMPACTS OF SNOWMOBILING DISCUSSION

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APPENDIX G- ANALYSIS OF ALTERNATIVES -CRITERIA FOR LOCATING, DEVELOPING AND MAINTAINING THE ADIRONDACK SNOWMOBILE TRAIL SYSTEM



STANDARDS AND GUIDELINES: CRITERIA FOR LOCATING, DEVELOPING AND MAINTAINING THE ADIRONDACK SNOWMOBILE TRAIL SYSTEM

- I. Forest Preserve Lands
 - A. Trail Classification:

STATUS QUO:

<u>DEC Program Policy ONR-2 Snowmobile Trails-Forest Preserve</u> (pertinent sections):

- 1. Trail Classification: Snowmobile trails shall be classified as either Class A or B.
 - a. Class A Trails are those that are major travel routes, which provide physical features that permit grooming if deemed desirable and;
 - i. Follow old roadways, or;
 - ii. Connect with groomed trail systems on adjacent public or private lands, or;
 - iii. Join with other trails on State land to form a long loop or other major travel corridor.
 - b. Class B trails are those that are other than major travel routes that are not designed for grooming and, which:
 - i. Are connecting or "spur" trails companion to Class A trails, or:
 - ii. Lead to a particular point of interest such as a popular ice fishing pond, a scenic overlook, etc.

OPRHP Statewide Snowmobile Plan - The 1989 Statewide Snowmobile Plan identified a proposed corridor trail system that was conceptual in nature and would link Adirondack communities and outside areas. The statewide system is composed of nine corridor trails. It does not necessarily reflect any existing or proposed trails within the geographic locations identified. The locations for establishing trails are contingent upon the judgement of the local sponsors, landowners, affected state agencies and must be in accordance with land use plans such as the APSLMP and DEC's Unit Management Plans.

Corridor trails are described in the Statewide Snowmobile Plan as "through trails" that connect to other trails and to communities. They are designed and maintained to handle larger volumes of trails

than secondary trails. The corridor trails listed in the Statewide Snowmobile plan do not correspond to the Community Connector trails listed in this Plan/GEIS. Secondary trails generally are those which lead from a corridor trail to a facility (trailhead, scenic area, food, fuel, lodging, etc.) or community that is not directly accessible from the corridor trail. Secondary trails are often narrower and receive less use than corridor trails.

Three of the conceptual corridor trails envisioned in the Statewide Snowmobile Plan traverse parts of the Adirondack Park: Trail #4, Trail #7 and Trail #8. Trail #4 goes east to west from the Pennsylvania state line, near Westfield (southwest corner of New York State) to the Vermont border south of Whitehall. In between, it traverses the southern portion of the Adirondack Park from Salisbury to Fort Ann. Trail #7 is a north-south trail from Quebec to Pennsylvania. It connects Quebec Corridor Trail 5 to the Malone area in New York, where it links up with Adirondack Railroad rights-of-way. From Malone to Lake Clear Junction, the trail is situated on an old railroad grade from which the tracks have been removed. Between Lake Clear Junction and Remsen, the trail runs along the Remsen-Lake Placid Travel Corridor. (A summary of the management plan for the Travel Corridor can be found in Appendix I.) Trail #8 is a "circle trail" located primarily around the edges of the Adirondack Park that interconnects existing trails as much as possible. This trail connects some of the Adirondack winter resort areas like Old Forge and Speculator and some of the better riding areas, including Cranberry Lake, the Central Adirondacks, Clinton County. and the Brantingham Lake area in Lewis County, as well as part of the Warren County system and other systems.

The Draft Plan/Draft GEIS has used this conceptual framework as the foundation for its proposed system of community connections, balanced with interior trail re-designations for non-motorized use, that would be designed and managed in keeping with the character of the Adirondacks. Similar to the Statewide Snowmobile Plan, these Community Connector trails are conceptual in nature and will utilize existing trails to the maximum extent possible.

ALTERNATIVES:

ALTERNATIVE 1: No action. Define the Trail Classification system as it is

currently defined in <u>DEC Program Policy ONR-2</u>

Snowmobile Trails-Forest Preserve.

ALTERNATIVE 2: Define a new trail classification system for the Adirondack

Forest Preserve as follows:

1. Class I Trails: Trails on Forest Preserve Roads

Snowmobile routes on roads open to motor vehicle traffic (includes roads in

campgrounds), designated for snowmobile travel.

- 2. Class II Trails: Trails on Forest Preserve Trails
 - II-a Primary routes on shared use trails, designated for snowmobile travel lead to population areas and services (repair shops, service stations, restaurants, lodging) and are therefore more likely to receive moderate to high use levels.
 - Il-b Secondary routes on shared use trails, designated for snowmobile travel lead to recreational sites (fishing, hunting, camping, scenic areas or overlooks), most likely to be a dead-end trail, or could lead from a minor trailhead to a trail. Likely to receive moderate to low use levels.
- 3. Class III Trails: Community Connector Trails

The Class III trail designation will be unique to Forest Preserve lands. Class III trails will be designated through the UMP process. This trail designation will only be applied to trails that connect communities. In general, this type of trail will only exist on the periphery of a unit or fall generally within 500 feet of a travel corridor. Under those circumstances where the protection of the Forest Preserve can best be achieved by avoiding extensive wetlands, endangered species habitat, non-motorized trails, steep terrain or other sensitive areas along the periphery of a unit, trails that are primarily located along the periphery but have segment or segments that fall outside of the 500-foot corridor may be designated as class III trails. In such eases where a Class III trail or trail segment leaves the 500-foot corridor in order to avoid sensitive areas or unsafe conditions, the trail shall be routed so as to return to the corridor in as short a distance as possible once the trail has passed the sensitive areas in question.

The Class III trail shall be the primary travel route for snowmobiles within a unit and shall not serve to duplicate or parallel other trails within the unit. The Class III trail may be groomed by motor vehicles other than a snowmobile (as defined below) and may be open for other authorized recreational uses. The UMP shall establish what recreational uses in addition to snowmobiling may be allowed, including such uses as hiking, cross country skiing, equestrian use and biking, but may not include motorized recreation other than snowmobiling. The UMP will also establish how and by what means construction and maintenance of such trails shall occur. A Class III trail may be up to 9 feet wide and have a prepared surface as provided for in DEC policy.

DISCUSSION:

Of the two alternatives, Alternative 2 (preferred) best reflects the diversity of snowmobile trails in the Adirondack Park. There are various types of snowmobile trails that exist on Forest Preserve Lands. These include trails on Forest Preserve roads, trails that provide a "trail" experience similar to a hiking or horse trails, and trails that function to connect communities and reach services. The classification system under Alternative 1 (status quo) is based on the Statewide classification system, but is simplified to reflect only the corridor/secondary nature of existing trails and does not address the need to create a system of community connection trails, while enhancing the wild forest character in interior portions of Wild Forest Units in the Forest Preserve. In establishing this, Alternative 2 better meets the needs for environmental protection and user safety. Further, by more closely defining the types of trails, it will allow for better management of the trail system and environmental protection of the resources.

Alternative 2 will also provide more economic opportunities than Alternative 1. The trail classification system will provide two benefits. First, it will provide the user with a better expectation of what types of trails are available and will assist in providing community connections or a "touring" experience for snowmobiles in the Adirondack Park. Secondly, the Class III Trails will serve to link communities and encourage users to seek services that support the communities.

Alternative 1 does not reflect the types of trails that currently exist on Forest Preserve lands. Furthermore, the OPRHP Classification does not reflect limitations of Article XIV, Section 1 of the NYS Constitution and the APSLMP; the OPRHP Classification was designed for statewide application. The Forest Preserve lands are unique in that they are also governed by Article XIV, Section 1 of the NYS Constitution and the APSLMP. Alternative 2 better reflects the conditions that exist on Forest Preserve lands within the Adirondacks and the need for a classification system that will serve to meet the needs of the snowmobiling and local communities, while remaining focused on the paramount need to protect the wild forest character of interior portions of the Forest Preserve.

When there is a need to designate a Class III trail to provide a community connector route on the Forest Preserve, this designation will be proposed through the UMP process and must be balanced with the identification and consideration of trails to be re-designated as non-snowmobile trails or abandoned altogether, as well as other possible mitigative actions in order to provide a net benefit to the Forest Preserve.

- B. Snowmobile Route Design, Construction and Maintenance
 - 1. Alignment and Grade:

STATUS QUO:

<u>DEC Program Policy ONR-2 Snowmobile Trails-Forest Preserve</u> (pertinent sections):

2. Alignment and Grade

- Trail alignment should avoid blind curves and abrupt a. changes in either horizontal or Vertical direction.
- Minimum sight distance shall not be less than 50 feet. b.
- Curves with a radius of less than 25 feet shall not be c. included in any trail alignment.
- Grades shall not exceed 20%. d.
- Line and grade shall be designed so as to insure that e. the average snowmobile operator can safely negotiate the trail with little or no difficulty and experience a ride that is interesting and safe.

NYS DEC Interim Guidelines for Snowmobile Trail Construction and Maintenance in the Adirondack Forest Preserve (pertinent sections):

Alignment and Grade:

- 1. Trail alignment should avoid blind curves and abrupt changes in either horizontal or vertical direction. To the greatest extent possible, trail alignment should avoid long straight sections, avoid cutting trees over eight (8) inches dbh and maintain a closed canopy over the trail.
- 2. The minimum sight distance shall not be less than 50 feet.
- 3. Curves will have a radius of at least 25 feet.
- The maximum grade of a snowmobile trail shall not exceed 20%. 4.
- 5. Trails should normally avoid being located on existing slopes over 12% and in no event will be located on existing slopes over 20%.
- 6. Trails should avoid wetlands and rocky areas to the greatest possible extent.
- 7. In cases where there are serious environmental or safety conditions the trail should be rerouted rather than attempting to rehabilitate the trail at that location.

ALTERNATIVES:

Define alignment and grade standards as they are currently **ALTERNATIVE 1:**

defined in *DEC Program Policy ONR-2 Snowmobile*

Trails-Forest Preserve.

No action. Define Adirondack Forest Preserve snowmobile **ALTERNATIVE 2:**

trail alignment and grade standards as they are defined in NYS DEC Interim Guidelines for Snowmobile Trail

<u>Construction and Maintenance in the Adirondack Forest</u> Preserve.

<u>ALTERNATIVE 3</u>: Define Adirondack Forest Preserve snowmobile trail alignment and grade standards as follows:

- 1. Trail alignment should avoid blind curves and abrupt changes in either horizontal or vertical direction and should be designed to ensure that:
 - a. The sight distance shall not be less than 50 feet.
 - b. Curves will have a radius of at least 25 feet.
- 2. To the greatest extent possible, trail alignment should avoid long straight sections by following the contours of the terrain as much as possible and minimizing tree cutting.
- 3. The maximum grade of trails should not exceed 20% unless deemed necessary, in an approved UMP, to minimize environmental impacts associated with trail construction.
- 4. Trails should normally avoid being located on existing cross slopes over 12%.
- 5. Trails should avoid wetlands and rocky areas to the greatest possible extent.
- 6. In locations where there are serious environmental or safety conditions, the trail should be rerouted rather than rehabilitated at that location.

<u>ALTERNATIVE 4:</u> Define Adirondack Forest Preserve snowmobile trail alignment and grade standards as follows:

- 1. Trail alignment should avoid blind curves and abrupt changes in either horizontal or vertical direction and should be designed to ensure that:
 - a. The sight distance shall not be less than 50 feet.
 - b. Curves will have a radius of at least 25 feet.
 - c. The maximum grade (running slope) of a snowmobile trail shall not exceed 20%.
- 2. To the greatest extent possible, trail alignment should avoid long straight sections by following the contours of the terrain as much as possible and minimizing tree cutting.
- 3. Trails should normally avoid being located on existing cross slopes over 12%.
- 4. Trails should avoid wetlands and rocky areas to the greatest possible extent.
- 5. In locations where there are serious environmental or safety conditions, the trail should be rerouted rather than rehabilitated at that location.

Preferred Alternative Alternative 3

COMPARISON OF ALTERNATIVES:

Alternative	blind curves	horiz/vert changes	minimum sight distance	minimum curve radius	maximum grade	existing slopes	wetlands/rocky areas	straight sections	tree cutting	safety design
1	avoid	N/A	50 ft	25 ft	20%	N/A	N/A	N/A	N/A	design for average operator
2	avoid	avoid abrupt changes	50 ft	25 ft	20%	avoid slopes over 12%, may not exceed 20%	avoid	avoid long straight sections by following contours and avoiding trees > 8 in dbh	avoid trees greater than 8 in dbh, maintain a closed canopy over the trail	reroute rather than rehabilitate if serious environmental or safety conditions
3 preferred	avoid	avoid abrupt changes	50 ft	25 ft	20% unless in an approved UMP	avoid slopes over 12%	avoid	avoid long straight sections by following contours and routing around trees	minimize	reroute rather than rehabilitate if serious environmental or safety conditions
4	avoid	avoid abrupt changes	50 ft	25 ft	20%	avoid slopes over 12%	avoid	avoid long straight sections by following contours and routing around trees	minimize	reroute rather than rehabilitate if serious environmental or safety conditions

DISCUSSION:

Comparison of the four alternatives for alignment and grade of snowmobile trails is difficult because there is very little variation between the alternatives. A similar level of resource protection and rider safety is afforded by all the alternatives. Practices include following contours, minimizing tree cutting, rerouting around serious environmental conditions and avoiding wetlands and rocky areas. The key difference is that Alternative 3 (preferred alternative) allows response to actual environmental conditions and does not restrict the maximum grade to 20%. There may be instances where grades exceeding 20% cannot be avoided, or avoiding them would cause more severe impacts to the surrounding area. For example, routing around a grade might require cutting more trees or impact a nearby wetland. Allowing the trail to proceed at a grade greater than 20% when necessary would lessen other environmental impacts. Use of appropriate drainage structures on all slopes is anticipated to mitigate any environmental impacts that could result from potential soil erosion.

Construction of new trails anywhere in the Forest Preserve will require approval in a UMP and is subject to SEQRA. Through proper construction methods and the identification of areas within a UMP, and SEQRA analysis, it is possible to construct a trail segment that exceeds 20% and still minimizes environmental impacts.

Alternative 3 does not limit the cutting of trees to trees eight inches or less in diameter. This restriction, found in the Interim Guidelines, was intended to maintain closed canopy over snowmobile trails. However, depending on the age of the forest through which a given trail travels, an eight-inch tree could be a dominant canopy tree or an understory tree. The tree cutting guidelines proposed to be incorporated into DEC policy (see page 81) provide clear guidance that the cutting of overstory trees should be avoided in order to maintain a closed canopy, thus maintaining the same level of environmental protection and achieving the desired result of maintaining a closed canopy over snowmobile trails.

Trail Width



<u>DEC Program Policy ONR-2 Snowmobile Trails-Forest Preserve</u> (pertinent sections):

3. Trail Width (Funded Corridor Trails)

Funded Corridor Trails are trails or parts of trails that have been designated by the Office of Parks, Recreation and Historic Preservation as portions of the statewide snowmobile corridor trail system.

- a. Class A trails may be kept clear to a width of eight (8) feet on straight or gently curved stretches of trail and to a width of twelve (12) feet on curves and steep grades.
- b. Class B trails may be kept clear to a maximum width of eight (8) feet.
- c. All trails, regardless of class, shall be kept clear to a height of twelve (12) feet, as measured from ground level.
- 4. Trail Width (All Other Trails Not Funded Trail Corridors)
 - a. Class A trails may be kept clear to a width of eight (8) feet on straight or gently curved stretches of trail and to a width of twelve (12) feet on curves and steep grades where the cutting of trees or other woody growth of over three (3) inches DBH is not necessary.
 - b. Class B trails may be kept clear to a maximum width of eight (8) feet where the cutting of trees or other woody growth over three (3) inches DBH is not necessary.

All trails, regardless of class, shall be kept clear to a c. height of twelve (12) feet, as measured from ground level, where the cutting of trees or other woody growth of over three (3) inches DBH is not necessary.

NYS DEC Interim Guidelines for Snowmobile Trail Construction and Maintenance in the Adirondack Forest Preserve (sections as noted below):

Trail Width:

- 1. The total cleared width of a snowmobile trail shall not exceed eight (8) feet except that the total cleared width may be 12 feet on steep grades (between 15% and 20%) or sharp curves (inside turning radius of 25 to 35 feet). Trails located on roads used by motor vehicles (either open to public or maintained by the Department for administrative purposes) may be maintained to the width of the existing road bed.
- 2. No trees, except those that due to structural problems present an immediate hazard to the safe use of the trail by snowmobiles, or brush will be cut outside the cleared width of trails as specified above. No rocks will be removed from outside the cleared area of the trail. Branches protruding into the cleared area may be pruned.

Adirondack Park State Land Master Plan (pertinent sections):

Snowmobile Trail: A marked trail of essentially the same character as a foot trail, designated by the Department of Environmental Conservation on which, when covered with snow and ice snowmobiles are allowed to travel and which may double as a foot trail at other times of the year.

ALTERNATIVES

Define trail width standards as in *DEC Program Policy ONR-2* **ALTERNATIVE 1:** Snowmobile Trails-Forest Preserve.

No action. Define Adirondack Forest Preserve snowmobile trail **ALTERNATIVE 2:** width standards as in NYS DEC Interim Guidelines for Snowmobile Trail Construction and Maintenance in the Adirondack Forest Preserve.

ALTERNATIVE 3: Define Adirondack Forest Preserve snowmobile trail width standards as follows:

Class I May be maintained to the width of the existing road corridor.

Class II

Il-a May be maintained to an 8-foot maximum cleared trail width and

up to 12-foot maximum cleared trail width on curves and steep

running slopes.

II-b May be maintained to an 8-foot maximum cleared trail width.

Class III May be maintained to an 8-foot tread width and to a 12-foot tread

width on curves and steep running slopes. In addition, allow up to a 9-foot and 13-foot respective maximum cleared trail width to

accommodate drainage, bridges or signage.

ALTERNATIVE 4: Define Adirondack Forest Preserve snowmobile trail width

standards as follows:

Class I May be maintained to the width of the existing road corridor.

Class II

II-a May be maintained to an 8-foot maximum cleared trail width and

to a 12-foot maximum cleared trail width on curves and steep

running slopes.

II-b May be maintained to an 8-foot maximum cleared trail width.

Class III May be maintained to a 9-foot tread width and to a 13-foot tread

width on curves and steep running slopes. In addition, allow up to a 10-foot and 14-foot respective maximum cleared trail width to

accommodate drainage, bridges or signage.

ALTERNATIVE 5: Define Adirondack Forest Preserve snowmobile trail width

standards as follows:

Class I May be maintained to the width of the existing road corridor.

Class II:

Il-a May be maintained to an 8-foot maximum cleared trail width and

to a 12-foot maximum cleared trail width on curves and steep

running slopes.

II-b May be maintained to an 8-foot maximum cleared trail width.

Class III May be maintained to a 12-foot maximum cleared trail width.

ALTERNATIVE 6: Define Adirondack Forest Preserve snowmobile trail width

standards as follows:

Class I: May be maintained to the width of the existing road corridor.

Class II:

Il-a May be maintained to a 9-foot maximum cleared trail width and

to a 12-foot maximum cleared trail width on curves and steep

running slopes.

II-b May be maintained to an 8-foot maximum cleared trail width.

Class III May be maintained to a 12-foot maximum cleared trail width.

ALTERNATIVE 7: Define Adirondack Forest Preserve snowmobile trail width

standards as follows:

Class I May be maintained to the width of the existing road corridor.

Class II

Il-a May be maintained to an 8-foot tread width and to a 12-foot tread

width on curves and steep running slopes. In addition, allow up to a 9-foot and 13-foot respective maximum cleared trail width to

accommodate drainage, bridges or signage.

II-b May be maintained to an 8-foot maximum cleared trail width.

Class III May be maintained to an 8-foot tread width and to a 12-foot tread

width on curves and steep running slopes. In addition, allow up to a 9-foot and 13-foot respective maximum cleared trail width to

accommodate drainage, bridges or signage.

ALTERNATIVE 8: Define Adirondack Forest Preserve snowmobile trail width

standards as follows:

Class I May be maintained to the width of the existing road corridor.

Class II

Il-a May be maintained to a 9-foot tread width and to a 13-foot tread

width on curves and steep running slopes. In addition, allow up to a 10-foot and 14-foot respective maximum cleared trail width to

accommodate drainage, bridges or signage.

II-b May be maintained to an 8-foot maximum cleared trail width.

Class III May be maintained to a 9-foot tread width and to a 13-foot tread

width on curves and steep running slopes. In addition, allow up to a 10-foot and 14-foot respective maximum cleared trail width to

accommodate drainage, bridges or signage.

ALTERNATIVE 9: Define Adirondack Forest Preserve snowmobile trail width

standards as follows:

Class I: May be maintained to the width of the existing road corridor.

Class II:

II-a May be maintained to a 12-foot maximum cleared trail width. II-b May be maintained to an 8-foot maximum cleared trail width.

Class III May be maintained to a 12-foot maximum cleared trail width.

ALTERNATIVE 10: Define Adirondack Forest Preserve snowmobile trail width

standards as follows:

Class I: May be maintained to the width of the existing road corridor.

Class II:

II-a May be maintained to an 8-foot cleared maximum trail width and

to a 12-foot maximum cleared trail width on curves and steep

running slopes.

II-b May be maintained to an 8-foot maximum cleared trail width.

Class III May be maintained to an 9-foot cleared maximum trail width and

to a 12-foot maximum cleared width on curves and steep running

slopes.

Preferred Alternative Alternative 10

DISCUSSION:

There are ten alternatives proposed for determining the width of snowmobile trails. Alternative 1 and Alternative 2 (status quo) do not prescribe trail widths in relation to the preferred alternative for Trail Classification, and thus will not be assessed in the accompanying discussion and table. Alternatives 3 through 10 prescribe trail width standards that utilize the proposed Trail Classification system that includes Class I, II-a, II-b, and III trail types. This system is proposed to replace the existing Class A and B snowmobile trail classification system.

Class I

Alternatives 3 through 10 are the same with regard to Class I trails (trails on roads open to motor vehicles), in that they all allow maintaining Class I trails to width of the existing road corridor. Class I trails that utilize existing road corridors will be consistent with the existing standards: The level of snowmobiling opportunities on existing roads will be maintained, therefore posing no new impacts.

Class II-a

Alternative	Maximum cleared trail width	Maximum tread width
3	8 feet, 12 feet on slopes and curves	same
4	8 feet, 12 feet on slopes and curves	same
5	8 feet, 12 feet on slopes and curves	same
6	9 feet. 12 feet on slopes and curves	same
7	9 feet, 13 feet on slopes and curves	8 feet. 12 feet on slopes and curves
8	10 feet, 14 feet on slopes and curves	9 feet, 13 feet on slopes and curves
9	12 feet	same
10 (preferred)	8 feet, 12 feet on slopes and curves	same

With respect to Class II-a trails, Alternatives 3 through 5 and 10 are the same, and essentially reflect trail width standards that exist under current policy. For those trails that are designated as Class II-a trails under the new trail classification system therefore, trail width standards would not change. The remaining alternatives would result in various amounts of trail widening over existing conditions. Since Class II-a trails will be interior trails, it is desirable to minimize such widening in order to maintain the wild forest character of the Forest Preserve to the maximum extent possible.

Class II-b

Alternatives 3 through 9 all propose to maintain Class II-b trails at a maximum width of 8 feet. Class II-b trails will provide a more primitive type of trail experience; trails will be more rugged and narrower. These trails may be more technically challenging and require slow speeds. They are expected to be less traveled and provide more of a "back country" experience. There is no difference in the impacts of each of the alternatives for class II-b trails.

Class III

Alternative	Maximum cleared trail width	Maximum tread width
3	9 feet, 13 feet on slopes and curves	8 feet, 12 feet on slopes and curves
4	10 feet, 14 feet on slopes and curves	9 feet, 13 feet on slopes and curves
5	12 feet	same
6	12 feet	same
7	9 feet, 13 feet on slopes and curves	8 feet, 12 feet on slopes and curves
8	10 feet, 14 feet on slopes and curves	9 feet, 13 feet on slopes and curves
9	12 feet	same
10	9 feet, 12 feet on slopes and curves	same

Class III trails (connecting trails between communities) will be designed to accommodate safe two-way traffic while maintaining the wild forest character. In some instances, where more than one trail exists to reach the same destination, and one or more of those trails are re-designated for non-motorized use, the resulting shift in use may concentrate snowmobile traffic on Class III trails. Class III trails will be limited to 9 feet wide because trails wider than 9 feet take on more of an appearance of a road than that of a trail. The Class III trails are expected to attract more snowmobilers than Class II trails.

It is expected that impacts which may result from the creation of Class III trails will be minimal. Many of these trails will be located on old roads and existing trails that have been traditionally cleared and maintained to the current standards. Any impacts will be offset to some degree by the fact that interior snowmobile trails that are re-designated for non-motorized use will be allowed to grow in to narrower widths, thus reducing the area of disturbance that is maintained on those trails. The degree of soil compaction on Class III trails may also be greater than that found on other classes of trails, due to greater amounts of use.

Tree Cutting



<u>Porest Preserve</u> requires that all tree cutting associated with the construction of new facilities or the expansion or modification of existing facilities in the Forest Preserve be approved by the Director of the Division of Lands & Forests. Tree cutting associated with the ordinary maintenance of facilities in the Forest Preserve must be approved by the Regional Forester. (See Appendix F for the complete policy.)

NYS DEC Interim Guidelines for Snowmobile Trail Construction and Maintenance in the Adirondack Forest Preserve (pertinent sections):

Tree Cutting:

- Cutting trees to expand a trail from its current width or otherwise 1. improve a trail will require a unit management plan.
- 2. Trees should be felled away from the trail to minimize the amount of material that needs to be moved, and should be delimbed and cut into short enough lengths to lay flat on the ground. Once delimbed and cut up the trees should be dispersed and not left in piles next to the trail.
- Cutting trees should be avoided to the greatest extent possible, 3. but where cutting is required, trees must be identified, tallied and included in a work plan.
- 4. Trees should be cut flush with the ground and the root mass left in place. If it is necessary to remove the root mass because it protrudes above the trail surface and presents a hazard to snowmobiles, then it should be placed (not pushed) off of the trail into the woods and set down so as to have the lowest profile possible with as much of the trunk as possible cut off.

ALTERNATIVES

ALTERNATIVE 1:

No action. As pertains to Adirondack Forest Preserve snowmobile trails, incorporate tree cutting standards outlined in NYS DEC Interim Guidelines for Snowmobile Trail Construction and Maintenance in the Adirondack Forest **Preserve** into **DEC Program Policy ONR-2 Snowmobile** Trails-Forest Preserve. In addition, continue to adhere to tree cutting standards as set forth in *DEC Program Policy LF-91-2*, Cutting and Removal of Trees in the Forest Preserve.

ALTERNATIVE 2: Define tree cutting standards for Adirondack Forest Preserve snowmobile trails as follows.

- 1. Cutting trees should be avoided to the greatest extent possible, but where cutting is required, trees must be identified, tallied and included in a work plan in accordance with DEC Program Policy LF-91-2Cutting and Removal of Trees in the Forest Preserve.
- 2. A closed canopy should be maintained over a trail, whenever possible. Cutting of overstory trees should be avoided in order to maintain a closed canopy.
- 3. Cutting trees to expand a trail from its current width or otherwise improve a trail will require a unit management plan.

- 4. All trails, regardless of class, shall be kept clear to a height of twelve (12) feet, as measured from ground level, where the cutting of trees or other woody growth of over three (3) inches Dbh is not necessary. Branches protruding into the cleared area may be pruned.
- 5. Hazard and danger trees (those with structural problems) that are outside the cleared trail width may be cut pursuant to an approved work plan (see Lands & Forests policy LF-91-2 for work plan content and approval requirements).
- 6. When a fallen or tipped tree impedes the safe flow of traffic, and has not been identified in a work plan for routine brushing and blowdown removal, it can be removed immediately and all such cutting shall be reported to the Regional Forester.
- 7. Trees should be felled away from the trail to minimize the amount of material that needs to be moved, and should be delimbed and cut into short enough lengths to lay flat on the ground. Once delimbed and cut up the trees should be dispersed and not left in piles next to the trail.
- 8. Trees should be cut flush with the ground and the root mass left in place. If it is necessary to remove the root mass because it protrudes above the trail surface and presents a hazard to snowmobiles, then it should be rolled or placed (so intervening vegetation and organic matter is not removed) off of the trail into the woods and set down so as to have the lowest profile possible with as much of the trunk as possible cut off.

Define tree cutting standards for Adirondack Forest Preserve **ALTERNATIVE 3:** snowmobile trails as follows.

- 1. Cutting trees should be avoided to the greatest extent possible, but where cutting is required, trees must be identified, tallied and included in a work plan in accordance with DEC Program Policy LF-91-2Cutting and Removal of Trees in the Forest Preserve.
- 2. A closed canopy should be maintained over a trail, whenever possible. Cutting of trees greater than six inches dbh should be avoided as much as possible.
- Cutting trees to expand a trail from its current width or otherwise improve a trail 3. will require a unit management plan.
- 4. All trails, regardless of class, shall be kept clear to a height of twelve (12) feet, as measured from ground level, where the cutting of trees or other woody growth of over three (3) inches dbh is not necessary. Branches protruding into the cleared area may be pruned.
- 5. Hazard and danger trees (those with structural problems) that are outside the cleared trail width may be cut pursuant to an approved work plan (see Lands & Forests policy LF-91-2 for work plan content and approval requirements).

- 6. When a fallen or tipped tree impedes the safe flow of traffic, and has not been identified in a work plan for routine brushing and blowdown removal, it can be removed immediately and all such cutting shall be reported to the Regional Forester.
- 7. Trees should be felled away from the trail to minimize the amount of material that needs to be moved, and should be delimbed and cut into short enough lengths to lay flat on the ground. Once delimbed and cut up the trees should be dispersed and not left in piles next to the trail.
- 8. Trees should be cut flush with the ground and the root mass left in place. If it is necessary to remove the root mass because it protrudes above the trail surface and presents a hazard to snowmobiles, then it should be rolled or placed (so intervening vegetation and organic matter is not removed) off of the trail into the woods and set down so as to have the lowest profile possible with as much of the trunk as possible cut off.

Preferred Alternative: Alternative 2

COMPARISON OF ALTERNATIVES:

Alternatives	Require UMP	maintain closed canopy	disperse debris	avoided as much as possible	cut flush leave roots	adhere to LF-91-2	cleared height	cut hazard trees outside	allow intermediate removal	diameter specification
1	yes	no	yes	yes	yes	yes	none	no	N/A	N/A
2 (preferred)	yes	yes	yes	yes	yes	yes	12'	yes	yes	avoid overstory trees
3	yes	yes	yes	yes	yes	yes	12'	yes	yes	avoid over 6"

DISCUSSION:

The alternatives all attempt to minimize the impacts to the environment and maintain a wild forest character while providing a safe trail for the user. All three alternatives prescribe procedures for removal of trees to protect the trail and the adjacent site from erosion, during removal of trees and after the trees are removed. However alternative 2 (preferred) and alternative 3 provide the clearest guidance for removal of trees in a manner that limits impact to the trail and the surrounding area.

All the alternatives adhere to LF-91-2, the DEC tree cutting policy. This policy requires a tally of all trees over three inches in diameter and a work plan if trees over three inches in diameter are going to be cut. Any expansion of trail width must be addressed in a UMP and will require a site specific SEQRA review.

Alternatives 2 and 3 both provide clear and concise guidance for maintaining the trail width and cleared height for the safety of the user. They also clearly define procedures for programmed and immediate needs to provide for the safe flow of recreational traffic.

From an environmental standpoint the most significant difference between the alternatives is the maintenance of a closed canopy over the trail. During the seasons when the trail is not covered with a protective layer of snow it is susceptible to erosion. The main cause of erosion is the impact of rain drops, loosening soil particles and washing them away. Maintaining a canopy over the trail will intercept falling rain preventing it from falling directly onto the trail. The closed canopy will also provide the benefit of maintaining the wild forest character of the area in compliance with constitutional requirements. Both Alternatives 2 and 3 maintain the closed canopy over the trail, the difference is that alternative 2 protects overstory tress regardless of size, alternative 3 uses a six-inch diameter as a measure rather than the importance of the tree crowns in protecting the trail and maintaining the wild forest character of the area.

Trail Surface



NYS DEC Interim Guidelines for Snowmobile Trail Construction and Maintenance in the Adirondack Forest Preserve (pertinent sections):

Trail Surface

- 1. Trails should follow the existing contours of the natural forest floor and not be graded flat.
- 2. Boulders and rocks located within the trail will not be removed unless they protrude more than six (6) inches above the ground surface and pose a hazard to snowmobiles. Removal of individual rocks or small groups of rocks may be done as work progresses. Removal of boulders or rocks resulting in the disturbance or modification of more that 50 feet of a trail will require the location and extent to be marked in the field and included in a work plan. Rocks removed from the trail should be placed (not pushed) off the trail and set so as to have the lowest profile possible.

3. Cuts and fills will be minimized to the maximum extent possible and where necessary will be done for safety reasons only. Cuts and fills will be undertaken so as not to cause root damage and will not exceed a total of 18 inches. Cuts and fills will be balanced to minimize the amount of cut or fill at any location and to reduce root damage. Side slopes will be dressed and tapered within the width limits of the trail.

ALTERNATIVES

ALTERNATIVE 1: No action. Define Adirondack Forest Preserve snowmobile trail

surface standards as defined in NYS DEC Interim Guidelines for Snowmobile Trail Construction and Maintenance in the

Adirondack Forest Preserve.

Define Adirondack Forest Preserve snowmobile trail tread **ALTERNATIVE 2:** surface standards as follows:

- Trails should follow the existing contours of the natural forest floor and not be 1. graded flat.
- 2. Boulders and rocks that protrude more than six (6) inches above the surface of the trail tread and pose a hazard to snowmobiles may be removed.
 - a. Alternatives to removal should be considered to minimize the need for disturbance of the ground, reduce the likelihood of creating drainage problems and to reduce the need for significant fill. Such alternatives may include fracturing (if method is explosives, this must be approved in a trail specific work plan), covering or minor relocation of the trail where a rock or boulder may be too large or the number too great to deal with by any other method.
 - Removal of boulders or rocks resulting in the disturbance or modification b. of more that 50 feet of the trail will require the location and extent to be marked in the field and included in an approved trail specific work plan.
 - Rocks removed from the trail should be rolled or placed (so intervening c. vegetation and organic matter is not removed) off the trail and set so as to have the lowest profile possible.
- 3. Cuts and fills will be minimized. They will be undertaken in a manner that minimizes root damage. The maximum amount of cut, fill, or cut and fill combined, measured vertically, will be 20% of the tread width. Cuts and fills will be balanced as much as possible to minimize the amount of cut or fill at any location. Side slopes will be dressed and tapered within the cleared trail width.

<u>ALTERNATIVE 3:</u> Define Adirondack Forest Preserve snowmobile trail tread surface standards as follows:

1. Trails should follow the existing contours of the natural forest floor and not be graded flat.

2. <u>Class III and II-a trails:</u>

Boulders and rocks that protrude more than six (6) inches above the surface of the trail tread and pose a hazard to snowmobiles may be removed.

Removal of boulders or rocks resulting in the disturbance or modification of more that 50 feet of the trail will require the location and extent to be marked in the field and included in an approved work plan.

Rocks removed from the trail should be rolled or placed (so intervening vegetation and organic matter is not removed) off the trail and set so as to have the lowest profile possible.

Alternatives to removal should be considered to minimize the need for disturbance of the ground, reduce the likelihood of creating drainage problems and to reduce the need for significant fill. Such alternatives may include fracturing (if method is explosives, this must be approved in a trail specific work plan), covering or minor relocation of the trail where a rock or boulder may be too large or the number too great to deal with by any other method.

Cuts and fills will be minimized. They will be undertaken in a manner that minimizes root damage. The maximum amount of cut, fill, or cut and fill combined, measured vertically, will be 20% of the tread width. Cuts and fills will be balanced as much as possible to minimize the amount of cut or fill at any location. Side slopes will be dressed and tapered within the cleared trail width. Any and all necessary trail modifications are permissible if such modifications are made using hand tools only.

3. Class 11-b trails:

Cuts and fills and necessary trail modifications may be undertaken if such modifications are made using hand tools only.

<u>ALTERNATIVE 4</u>: Define Adirondack Forest Preserve snowmobile trail tread surface standards as follows:

1. Trails should follow the existing contours of the natural forest floor.

2. <u>Class II-a trails:</u>

Boulders and rocks that protrude more than six (6) inches above the surface of the trail tread and pose a hazard to snowmobiles may be removed.

Removal of boulders or rocks resulting in the disturbance or modification of more that 50 feet of the trail will require the location and extent to be marked in the field and included in an approved work plan.

Rocks removed from the trail should be rolled or placed (so intervening vegetation and organic matter is not removed) off the trail and set so as to have the lowest profile possible.

Alternatives to removal should be considered to minimize the need for disturbance of the ground, reduce the likelihood of creating drainage problems and to reduce the need for significant fill. Such alternatives may include fracturing (if method is explosives, this must be approved in a trail specific work plan), covering or minor relocation of the trail where a rock or boulder may be too large or the number too great to deal with by any other method.

Cuts and fills will be minimized. They will be undertaken in a manner that minimizes root damage. The maximum amount of cut, fill, or cut and fill combined, measured vertically, will be 20% of the tread width. Cuts and fills will be balanced as much as possible to minimize the amount of cut or fill at any location. Side slopes will be dressed and tapered within the cleared trail width. Any and all necessary trail modifications are permissible if such modifications are made using hand tools only.

3. Class II-b trails:

Cuts and fills and necessary trail modifications may be undertaken if such modifications are made using hand tools only.

Class III trails: 4.

Class III trails may be graded by mechanical means to render the surface smooth and even. However, rocks removed from the trail should be rolled or placed (so intervening vegetation and organic matter is not removed) off the trail and set so as to have the lowest profile possible.

Grading or removal of boulders or rocks resulting in the disturbance or modification of more that 50 feet of the trail will require the location and extent to be marked in the field and included in an approved work plan.

Cuts and fills will be minimized. They will be undertaken in a manner that minimizes root damage. The maximum amount of cut, fill, or cut and fill combined, measured vertically, will be 20% of the tread width. Cuts and fills will be balanced as much as possible to minimize the amount of cut or fill at any location. Side slopes will be dressed and tapered within the cleared trail width. Any and all necessary trail modifications are permissible if such modifications are made using hand tools only.

ALTERNATIVE 5: Define Adirondack Forest Preserve snowmobile trail tread surface standards as follows:

1. Trails should follow the existing contours of the natural forest floor and not be graded flat.

2. Class III and II-a trails:

Boulders and rocks that protrude more than six (6) inches above the surface of the trail tread and pose a hazard to snowmobiles may be removed as follows:

Class III trails: within the allowed maximum tread width.

Class II-a trails: within that portion of the trail which is within two feet of the centerline of the trail.

Removal of boulders or rocks resulting in the disturbance or modification of more that 50 feet of the trail tread will require the location and extent to be marked in the field and included in an approved work plan.

Rocks removed from the trail should be rolled or placed (so intervening vegetation and organic matter is not removed) off the trail and set so as to have the lowest profile possible.

Alternatives to removal should be considered to minimize the need for disturbance of the ground, reduce the likelihood of creating drainage problems and to reduce the need for significant fill. Such alternatives may include fracturing (if method is explosives, this must be approved in a trail specific work plan), covering or minor relocation of the trail where a rock or boulder may be too large or the number too great to deal with by any other method.

Cuts and fills will be minimized. They will be undertaken in a manner that minimizes root damage. The maximum amount of cut, fill, or cut and fill combined, measured vertically, will be 20% of the tread width. Cuts and fills will be balanced as much as possible to minimize the amount of cut or fill at any location. Side slopes will be dressed and tapered within the cleared trail width. Any and all necessary trail modifications are permissible if such modifications are made using hand tools only.

3. <u>Class II-b trails:</u>

Cuts and fills and necessary trail modifications may be undertaken if such modifications are made using hand tools only, except that rocks may only be removed from that portion of the trail which is within two feet of the centerline of the trail.

ALTERNATIVE 6: Allow any and all necessary trail modifications of Adirondack

Forest Preserve snowmobile trails to be undertaken if such

modifications are made using hand tools only.

<u>ALTERNATIVE 7:</u> Define Adirondack Forest Preserve snowmobile trail tread

surface standards as follows:

1. Trails should follow the existing contours of the natural forest floor and not be graded flat. At no time will a bulldozer be used on a snowmobile trail.

2. Class III and II-a trails:

Boulders, rocks and stumps that protrude more than six (6) inches above the surface of the trail tread and pose a hazard to snowmobiles may be removed. Boulders, rocks and stumps that protrude six (6) inches or less above the surface of the trail tread may not be removed.

Removal of boulders, rocks or stumps resulting in the disturbance or modification of more that 50 feet of the trail will require the location and extent to be marked in the field and included in an approved work plan.

Rocks removed from the trail will be buried underground in the trail so as not to protrude more than six (6) inches above the surface of the trail tread. The earth moved to dig the hole into which the rock is to be placed, will be used to fill the hole that resulted from the rock removal.

The preferable method for large stump removal will be grinding. This method results in the least intrusive impact on soil surface conditions. Small stumps can be removed and buried (in the method described above for rocks).

Alternatives to removal should be considered to minimize the need for disturbance of the ground, reduce the likelihood of creating drainage problems and to reduce the need for significant fill. Such alternatives may include fracturing (if method is explosives, this must be approved in a trail specific work plan), covering or minor relocation of the trail where a rock or boulder may be too large or the number too great to deal with by any other method.

Cuts and fills will be minimized. They will be undertaken in a manner that minimizes root damage. The maximum amount of cut, fill, or cut and fill combined, measured vertically, will be 20% of the tread width. Cuts and fills will be balanced as much as possible to minimize the amount of cut or fill at any location. Side slopes will be dressed and tapered within the cleared trail width. Any and all necessary trail modifications are permissible if such modifications are made using hand tools only.

3. <u>Class 11-b trails:</u>

Cuts and fills and necessary trail modifications may be undertaken if such modifications are made using hand tools only.

PREFERRED ALTERNATIVE: Alternative 7 COMPARISON OF ALTERNATIVES:

Alternative	follow contours, do not grade flat	remove protruding rocks	cut and fills	work plan required if more than 50 linear feet are disturbed	side slopes dressed and tapered within limits of trail	Require Hand Tools
1 - all classes of trails	yes	> 6", push rocks off trail	minimize, cannot exceed 18"	yes	yes	no
2 - all classes of trails	yes	> 6", consider alternatives to minimize impact, roll rocks or place rocks off trail	minimize, max vertical cut and fill 20% of tread width	yes	yes	no
3 - Class III and II-a trails 3 - Class II-b trails	yes	> 6", consider alternatives to minimize impact, roll rocks or place rocks off trail	minimize, max vertical cut and fill 20% of tread width	yes	yes	yes
4 Class II - a trails 4 - Class I-b trails	yes	> 6", consider alternatives to minimize impact, roll rocks or place rocks off trail	minimize, max vertical cut and fill 20% of tread width	yes	yes	no yes
4 - Class III trails	no: must follow contours but grading allowed	N/A since trails may be graded flat				no

5 - Class III and II-a trails 5 - Class II- b trails	yes	> 6", consider alternatives to minimize impact, roll rocks or place rocks off trail; Class II-a and II-b only within two feet of trail's centerline	minimize, max vertical cut and fill 20% of tread width	yes	yes	yes			
6 - all Classes of trails	allow any an	allow any and all necessary modifications with use of hand tools yes							
7 - Class III and II-a trails 7 - Class II- b trails	yes	> 6", consider alternatives to minimize impact, bury rocks undergroun d in trail	minimize, max vertical cut and fill 20% of tread width	yes	yes		yes		

DISCUSSION:

All of the alternatives are prescribed to provide for a safe use experience while protecting the environment and the wild forest character. Grading trails and removing rocks improves the safety of the trail by making the trail easier to navigate and removing obstructions that might be hazardous to snowmobilers. Alternatives 1 (status quo) through 3 require that protrusions in the trail be over six inches above the trail surface before they are allowed to be removed, with the exception that Class III trails may be graded flat under Alternative 4. Leaving rocks protruding less than six inches will minimize disturbance to the trail surface, reducing and preventing erosion. It also will help maintain the wild forest character of the trail. Leaving rocks in the ground that protrude up to six inches also establishes six inches as the measure of snow cover necessary to provide safe snowmobile travel. 12 inches of snow will generally pack to six inches and cover any protrusions below six inches. Requiring six inches of packed snow to cover the trail before it is passable will protect the trail form erosion, during periods when there is minimal protective cover from snow and ice, such as the early fall and during the spring thaw.

Alternatives 1 through 5 and 7 all require rocks to be removed with minimal impacts, also with the exception that Class III trails may be graded flat under Alternative 4. Grading of Class III trails would have too great an impact on the wild forest character of the Forest Preserve. Therefore, Alternative 4 is not appropriate. Alternative 5 has the additional requirement that rocks only be removed from the central portion (within two feet of the trail's centerline) of Class II-a and Class II-b trails. This would result in an inconsistent trail surface. Because the eight-foot trail width of these two classes is intended to allow two-way traffic, the restriction of rock removal to the central portion of the trail would create a hazardous situation any time

snowmobiles moved to the outside of a trail to pass one another. Therefore, Alternative 5 is not appropriate. Alternatives 2 through 5 clearly define procedures for removing rocks with the least disturbance to the ground by placing them or rolling them off the trail. Alternative 1 allows rocks to be pushed off the trail; this method can disturb the ground cover, soil and organic matter on the forest floor, leading to erosion. Alternatives 1 through 5 also allow for consideration of alternative methods for removal of protrusions, allowing for the selection of a method that can best address the situation with the least impacts to the environment. Alternative 7 provides that boulders, rocks and stumps will be buried in the trail at a level not to protrude more than 6" above the trail surface.

Alternative 1 allows cuts and fills to be up to 18 inches, measured vertically. Alternatives 2 through 5 and 7 allow cuts and fills to be up to 20% of the trail width, which is a more realistic measure of grading. Using 20% of trail width is more protective of the resource, allowing for adequate grading to prevent erosion and improve drainage it is also more appropriate for safety and maintenance. For these reasons, Alternative 1 is not the preferred alternative.

Only Alternative 6 requires the use of hand tools for all trail surface work. Alternatives 3 through 5 and 7 require the use of hand tools on the narrower, less-used Class II-b trails. Using hand tools will limit the amount of disturbance to the trail, and help to reduce noise during maintenance activities. Use of hand tools is intended to affect the decision making process of the maintenance crews, encouraging them to seek the easiest manner possible to do the work and to avoid doing work that is unnecessary. Use of hand tools will make less noise than use of power tools, lessening the impact to other users in the vicinity. Use of hand tools for all work is not feasible from an economic standpoint; however, the use of hand tools on the Class II-b trails is not cost prohibitive. It is also more respectful of other users' visitor experience and will help to maintain the character of a foot trail on less-traveled trails.

Drainage



<u>DEC Program Policy ONR-2 Snowmobile Trails-Forest Preserve</u> (pertinent sections):

5. Drainage

Adequate drainage shall be provided to prevent washouts, sheet ice, and other hazards to the safety of trail users. Open streams may be bridged as necessary for safety purposes or the trail rerouted so as to eliminate the stream crossing.

<u>NYS DEC Interim Guidelines for Snowmobile Trail Construction and Maintenance in the Adirondack Forest Preserve</u> (sections as noted below):

Drainage:

- 1. Adequate drainage will be provided within the limits of the trail to prevent trail erosion, washout and to maintain a safe trail. All snowmobile trails will be sited to avoid drainage features and shall be constructed so as to not intercept groundwater. Natural drainage patterns will be maintained. Bridges shall be the preferred method for crossing all wet areas and all bridges shall be constructed to a maximum of eight feet in width.
- 2. Water bars and ditches which are installed perpendicular to the trail may extend beyond the 8-foot cleared width to the extent necessary provided that no trees are cut outside the 8-foot cleared trail width. Culverts will not be used on new snowmobile trails during this interim period unless their use is specifically approved in a completed Unit Management Plan for the area in question.
- 3. Ditches which run parallel to the trail will be located within the 8-foot cleared trail width and with adequate ice and snow cover will form a portion of the running surface. In instances where a parallel ditch cannot be located within the 8-foot cleared trail width, a ditch running parallel to the trail may be located outside the cleared trail width during this interim period if specifically approved in a completed Unit Management Plan for the area in question.

ALTERNATIVES

ALTERNATIVE 1: Define Adirondack Forest Preserve snowmobile trail drainage

standards as defined in **DEC Program Policy ONR-2** Snowmobile Trails-Forest Preserve.

ALTERNATIVE 2: No action. Define Adirondack Forest Preserve snowmobile trail

drainage standards as defined in *NYS DEC Interim Guidelines* for Snowmobile Trail Construction and Maintenance in the

Adirondack Forest Preserve.

ALTERNATIVE 3: Define Adirondack Forest Preserve snowmobile trail drainage standards as follows:

- 1. Adequate drainage will be provided within the cleared trail width to prevent trail erosion and washout and to maintain a safe trail. All snowmobile trails will be sited to avoid drainage features and shall be constructed so as to not intercept groundwater. Natural drainage patterns will be maintained. Bridges shall be the preferred method for crossing all wet areas as provided in an approved UMP, shall be constructed out of natural materials where feasible and all bridges shall be constructed to allow for the maximum cleared trail width.
- 2. Water bars, and broad-based dips which are installed perpendicular to a trail, and ditches which run parallel to the trail, may extend beyond the cleared trail

width to the extent necessary to effectively remove water from the trail surface, provided that no trees are cut outside the cleared trail width. The installation of new culverts on a snowmobile trail will not be used as a drainage device unless specified in a duly adopted Unit Management Plan.

ALTERNATIVE 4: Define Adirondack Forest Preserve snowmobile trail drainage standards as follows:

- 1. Adequate drainage will be provided within the cleared trail width to prevent trail erosion and washout and to maintain a safe trail. All snowmobile trails will be sited to avoid drainage features and shall be constructed so as to not intercept groundwater. Natural drainage patterns will be maintained. Bridges shall be the preferred method for crossing all wet areas as provided in an approved UMP, shall be constructed out of natural materials and all bridges shall be constructed to allow for the maximum cleared trail width.
- 2. Water bars, and broad-based dips which are installed perpendicular to a trail, and ditches which run parallel to the trail, may extend beyond the cleared trail width to the extent necessary to effectively remove water from the trail surface, provided that no trees are cut outside the cleared trail width. The installation of new culverts on a snowmobile trail will require consultation with the APA.

Preferred Alternative:	Alternative 3
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COMPARISON OF ALTERNATIVES:

Alternative	provide within trail width	site to avoid features and ground- water	maintain natural drainage patterns	bridges preferred crossing	water bars and ditches and broad based dips	culverts	parallel ditches
1	not defined	yes	not defined	yes or reroute	not defined	not defined	not defined

2	yes	yes	yes	yes, 8' max width	may extend beyond 8' cleared width provided no tress are cut, does not include broad based dips	require UMP	allowed within cleared width otherwise require UMP
3	yes	yes	yes	yes, width of trail, require UMP, use natural materials to extend possible	all may extend beyond cleared width provided no tress are cut	yes, with approval in UMP	yes, allowed outside cleared width if no trees cut
4	yes	yes	yes	yes, width of trail, require UMP, use natural materials	all may extend beyond cleared width provided no trees are cut	yes, with APA consultat ion	yes, allowed outside cleared width if no trees cut

DISCUSSION:

Alternative 1 does not adequately address the types of drainage structures available and used in the Forest Preserve to prevent erosion and protect wetlands. Alternative 1 protects the environment through siting but does not clearly define the types of drainage devices allowed and how they are to be used. Lack of specific guidelines can lead to design and maintenance of trails that do not adequately protect the resource or the trail. Alternative 1 also restricts the width of bridges to 8 feet. The proposed trail classification system in this plan is wider than 8 feet in some cases; narrowing a trail down to 8 feet to cross a bridge could pose a hazard to snowmobiler safety.

All alternatives prescribe routing trails to avoid water bodies and interception of ground water. They also prescribe use of existing drainage patterns and list bridges as the preferred method to cross wetlands. Using natural drainage patterns and bridges helps to ensure minimal impact on the resource by preventing erosion, filling of wet areas, and trampling of wetland vegetation. Alternatives 3 (preferred) and 4 mitigate the visual impact of the bridge by prescribing the use of natural materials. Alternative 4 requires natural materials while Alternative 3 only requires natural material to the extent possible. This allows some measure of flexibility, allowing the

use of synthetic materials when such use may allow for improved protection of natural resources.

Alternatives 2 (status quo) through 4 provide specific guidance on the types of structures allowed and how they are may be used in trail construction and maintenance. They allow for drainage structures to be placed outside the cleared trail width as long as trees are not cut, thus limiting the impact to adjacent forest ground cover. Alternatives 2 and 4 specifically allow for the use of broad based dips where applicable. These gradual dips in the trail provide for drainage without the need for waterbars across the trail. Waterbars are slightly more intrusive and don't blend as well with the surrounding environment.

Alternative 3, is the best alternative for minimizing the impacts of drainage structures on the environment and the level of maintenance that would be required. The guidelines are designed to reduce trail erosion, maintain natural drainage patterns and not intercept groundwater. Bridges will be used to protect wetlands and require UMP approval and SEQRA review.

Wetlands

STATUS QUO:

<u>9 NYCRR Part 578</u> (pertinent sections)

- §578.2(a) No person shall undertake any regulated activity without first obtaining an agency permit.
- § 578.3(m) Person means any corporation, firm, partnership, association trust, estate, one or more individuals, and any unit of government or subdivision thereof, including the State and any State agency.
- §578.3(n)
 - (1) Regulated activity means any of the following within the boundaries of a freshwater wetland:
 - (i) land use and development or subdivision;
 - (ii) any form of draining, dredging, excavation, removal of soil, peat, mud, sand, shells, gravel or other aggregate from any freshwater wetland, either directly or indirectly;
 - (iii) any form of dumping, filling, or depositing of any soil, stones, sand, gravel, mud, rubbish or fill of any kind, either directly or indirectly; (iv) erecting any structures, constructing any roads, driving pilings, or placing of any other obstructions whether or not changing the pattern of flow or elevation of the water;(v) clearcutting of more than three acres.
 - (2) Regulated activities also include, whether or not within wetland boundaries:
 - (i) any form of pollution, including installing a septic tank or sewer outfall, discharging sewage

- treatment effluent or other liquid wastes into or so as to drain into a freshwater wetland; or
- (ii) any other activity which substantially impairs the functions served by or the benefits derived from freshwater wetlands set forth in section 24-0105 of the Freshwater Wetlands Act, including any diversion of surface or subsurface drainage that adversely affects the natural hydrological regime of or substantially increases erosion of or siltation or sedimentation into, the wetland.

<u>DEC Program Policy ONR-2 Snowmobile Trails-Forest</u> <u>Preserve</u> (pertinent sections):

3. Snowmobile trails shall be located so as to avoid crossing bodies of water, the edge of ledges or ravines, environmentally sensitive floral and faunal areas, wetlands, deer wintering areas and other significant habitats so that the values of these habitats are not diminished for wildlife purposes or otherwise.

<u>NYS DEC Interim Guidelines for Snowmobile Trail Construction and Maintenance in the Adirondack Forest Preserve</u> (sections as noted below):

Wetlands:

1. All wetlands should be avoided to the greatest extent possible. Snowmobile trails located in or requiring work in a designated wetland or substantially impairing the functions or benefits of a designated wetland will require a Freshwater Wetlands Act permit from the Adirondack Park Agency. Wetland permits must be obtained prior to undertaking any work in or affecting wetlands.

ALTERNATIVES :

ALTERNATIVE 1: No action. Continue to adhere to the provisions of 9 NYCRR Part

578, and further define Adirondack Forest Preserve snowmobile trail wetlands standards as defined in <u>NYS DEC Interim</u>
<u>Guidelines for Snowmobile Trail Construction and</u>
<u>Maintenance in the Adirondack Forest Preserve</u>.

<u>ALTERNATIVE 2</u>: Define Adirondack Forest Preserve snowmobile trail wetlands standards as follows:

- 1. Wetlands should be avoided to the greatest extent possible.
- 2. When wetlands crossings or trail locations adjacent to wetlands are proposed, the trail will be designed to minimize adverse impacts.

APPENDIX G -

3. Any activity in or near a wetland shall be undertaken with prior consultation with the APA and with recognition of Army Corps of Engineer's permit requirements.

Preferred Alternative: Alternative 2

COMPARISON OF ALTERNATIVES:

alternative	avoid wetlands	Require permit from APA	minimize impacts	consult with APA for any activity in or near a wetland
1	yes	yes	not defined	no
2 (preferred)	yes	no	yes	yes

DISCUSSION:

Both alternatives are protective of the wetland resources. However Alternative 2 is the most protective of the resource. It provides for the avoidance of wetlands to the greatest extent possible. When wetlands need to be crossed the trail would be designed to minimize adverse impacts. Any activity in or near a wetland requires consultation with the APA. Alternative 1 does not specifically require minimizing impacts or consultation with APA even when a permit may not be required. While Alternative 2 does not specify the requirement of an APA permit. this protection is already provided by existing regulations.

Snowmobile Operation

I. Snowmobile season

STATUS Quo:

The Adirondack Park State Land Master Plan defines a snowmobile trail as: A marked trail of essentially the same character as a foot trail designated by the DEC on which, when covered by snow and ice, snowmobiles are allowed to travel and which may double as a foot trail at other times of year.

6 NYCRR §196.2(a)(1) provides that the use of snowmobiles on State Lands within the forest preserve is permitted "on trails designated and marked by the Department of Environmental Conservation... when the trail traveled is completely covered with snow or ice."



ALTERNATIVE 1: No action. Allow snowmobiling on Forest Preserve snowmobile trails as specified in 6 NYCRR Part 196.2(a)(1) and the APSLMP. **ALTERNATIVE 2:** Allow snowmobile travel on Forest Preserve snowmobile trails

only during a specified snowmobile season with beginning and

ending dates.

ALTERNATIVE 3: Allow snowmobile travel on Forest Preserve snowmobile trails

only during a specified snowmobile season with beginning and ending dates, and only when there is a one-foot minimum

un-compacted snow depth.

ALTERNATIVE 4: Allow snowmobile travel on Forest Preserve snowmobile trails

only during a specified snowmobile season with beginning and ending dates, and only when there is a one-foot minimum un-compacted snow depth, with the provision that trails or portions thereof may be closed as conditions require.

<u>ALTERNATIVE 5</u>: Allow snowmobile travel on the Forest Preserve only when there

is a one-foot minimum un-compacted snow depth with the provision that trails or portions thereof may be closed as

conditions require.

Preferred Alternative: Alternative 1

DISCUSSION

The vast majority of snowmobile operators use only groomed trails, because of the smoother, safer riding experience that they offer. Current DEC practice limits grooming to a period specified in either an AANR Stewardship Agreement or a TRP. Generally the period during which grooming is permitted under these documents does not begin until after the close of the Northern Zone big game hunting season, effectively minimizing the amount of snowmobile traffic on Forest Preserve lands during the hunting season. Likewise, private landowners who allow the use of snowmobiles on their property often request that snowmobilers wait until after the big game hunting season. Maintaining this status quo addresses to a reasonable extent the potential conflicts between snowmobilers and hunters, while still allowing hunters to use snowmobiles on Forest Preserve lands if desired or necessary. The current policy provision, which will be maintained under the preferred alternative, prohibiting the removal of rocks from snowmobile trails unless they protrude more than six inches from the ground effectively prevents grooming activities from commencing until sufficient snow cover is available to protect soil resources from being impacted by grooming activities, even if the grooming period specified in the AANR or TRP has begun.

Speed limits



Parks, Recreation & Historic Preservation Law Title D, Article 25.

§25.03 Operation of snowmobiles: general. It shall be unlawful for any person to drive or operate any snowmobile in the following unsafe or harassing ways:

1. Imprudent speed. At a rate of speed greater than reasonable or proper under the surrounding

circumstances.

§25.05(8)(d) No person shall operate a snowmobile on the frozen surface of public waters within one hundred feet of a person. including but not limited to a skater, not in or upon a snowmobile or within one hundred feet of a fishing shanty or shelter except at the minimum speed required to maintain forward movement of the snowmobile or on an area which has been cleared of snow for skating purposes unless the area is necessary for access to the public water.

§25.05(8)(e) No person shall operate a snowmobile within one hundred feet of a dwelling between twelve o'clock midnight and six o'clock am., at a speed greater than minimum required to maintain forward movement of the snowmobile.

ALTERNATIVES :

Local ordinances As established by local law.

ALTERNATIVE 1: No action. Retain the current language in PRHPL §§25.03 and

25.05.

ALTERNATIVE 2: Retain current language in PRHPL §§25.03 and 25.05, and

increase safety education efforts through additional signage, and

coordination with snowmobile safety course instructors,

snowmobile dealers and snowmobile clubs.

ALTERNATIVE 3: Retain current language in PRHPL §§25.03 and 25.05, and set a

maximum speed limit for snowmobiles in the Forest Preserve.

Preferred Alternative: Alternative 2

DISCUSSION:

Although the status quo recognizes the need for safe snowmobile operation throughout the State, Alternative 1 is not appropriate, because it does not consider conditions unique to the Adirondack Forest Preserve. Alternative 3 is not appropriate, because setting a speed limit may imply that the maximum speed allowed is safe everywhere on the trail system. It could also be argued that those responsible for maintaining the snowmobile trails would be required to ensure that the trails are safe for travel at the posted speed limit. This new legal requirement would increase the liability of snowmobile clubs to such an extent that they would in all likelihood have to stop maintaining trails. It also may mean that the character of snowmobile trails in the Forest Preserve would be altered in a manner that takes away from the wild forest character.

By implementing additional efforts to educate snowmobilers about the nature and character of the new snowmobile trail system as in Alternative 2 (preferred), new users as well as snowmobilers who have been riding in the Adirondacks for years will be made aware of the changes that will affect their riding experience and allow them to adjust their riding styles accordingly.

Motor Vehicle Use Guidelines

II. Construction and Maintenance

STATUS QUO:

<u>The Adirondack Park State Land Master Plan</u> (pertinent sections)

Wild Forest Guidelines, Motor vehicles, motorized equipment and aircraft:

- 1. All uses of motor vehicles, motorized equipment and aircraft permitted under wilderness guidelines will also be permitted in wild forest areas.
- 2. In addition, the use of motor vehicles, snowmobiles, motorized equipment and aircraft will be allowed as follows:
 - (a) by administrative personnel where necessary to reach, maintain or construct permitted structures and improvements, for appropriate law enforcement and general supervision of public use, or for appropriate purposes, including research, to preserve and enhance the fish and wildlife or other natural resources of the area. (page 34)

<u>DEC Program Policy ONR-2 Snowmobile Trails-Forest Preserve</u> (pertinent sections): this policy is silent on use of motor vehicles for construction and maintenance of snowmobile trails

NYS DEC Interim Guidelines for Snowmobile Trail Construction and Maintenance in the Forest Preserve: this guidance is silent on use of motor vehicles for construction and maintenance of snowmobile trails. See Appendix H for the complete wording of this document.

<u>Clarification of Practice Regarding Motor Vehicle Use for Snowmobile</u> <u>Trail Grooming Maintenance and Construction in Wild Forest</u> See Appendix H for the complete wording of this document.

ALTERNATIVES :

ALTERNATIVE 1:

No action. Define Adirondack Forest Preserve snowmobile trail motor vehicle use standards as in <u>Clarification of Practice</u> <u>Regarding Motor Vehicle Use for Snowmobile Trail Grooming.</u> <u>Maintenance and Construction in Wild Forest</u>

ALTERNATIVE 2:

Define Adirondack Forest Preserve snowmobile trail motor vehicle use standards as follows.

General

Motor vehicle use on snowmobile trails for construction and maintenance should be limited as much as possible;

- Administrative personnel, equipment and materials shall be brought to the site by the least intrusive method possible, as identified in priority order below. A more intrusive method should be used only if the less intrusive method(s) are not feasible.
 - Non-motorized means, or during periods of sufficient snow cover, by snowmobile
 - By aircraft
 - By appropriate motor vehicles. Motor vehicle use will only be approved when all alternative means of transportation (i.e., non-motorized, snowmobiles, aircraft) are demonstrated to not be feasible. The motor vehicle(s) used shall be that which is suitable for the particular activity but has the least potential adverse impact on the environment. Even where motor vehicle use has been approved, administrative personnel shall utilize motor vehicles only to the minimum extent necessary
- Proposed motor vehicle or aircraft use shall also be described in a Conceptual Use Plan, per CP- 17, "Record Keeping and Reporting of Administrative Use of Motor Vehicles and Aircraft in the Forest Preserve," or successor policy
- Any motor vehicle used shall display an official "DEC Administrative Use" sign, unless otherwise prominently identified as a DEC vehicle.
- All motorized uses will be supervised by an individual that has attended and completed DEC training concerning guidelines and policies for snowmobile trail construction and maintenance.
- A detailed work plan, approved by DEC Lands & Forests staff must be prepared for any work to be done on snowmobile trails, except for Initial Annual Maintenance Trips described below.
- A trail log must be prepared to record any work that is done on snowmobile trails.
- Work requiring use of motor vehicles or aircraft should be done, as much as possible, during the months of August, September, and October.

Work Trips

There are four classes of work trips using motor vehicles on forest preserve snowmobile

- **Inspection/Reconnaissance Trips.** Periodic Inspection/Reconnaissance Trips of snowmobile trails are necessary to determine work that may be needed to maintain the trail according to standards, to correct dangerous conditions, and to identify areas suffering environmental degradation.
 - No motor vehicles may be used, except snowmobiles during periods of sufficient snow cover, or if undertaken in conjunction with an Initial Annual Maintenance Trip as allowed below.
 - Inspection/reconnaissance may take place concurrently with the 'Initial Annual Maintenance Trip' described below.
 - No work of any kind may be conducted during an inspection/reconnaissance trip unless specifically authorized by an AANR, TRP, or work plan approved by DEC L&F staff.
 - A trail log will be developed detailing the location and type of work needed.

- **Initial Annual Maintenance Trips.** These trips will be undertaken solely for the purpose of removing fallen branches and trees that obstruct the trail, and unclogging ditches, drainage ways and culverts
 - A detailed work plan will not be required prior to these work trips.
 - Motor vehicles may be used, but are limited to: 3 trips and no more than 30 miles per forest preserve unit/year or; 50% of the trail mileage of the unit per year or; one trip per trail per year. Trips will be planned so that motor vehicles used run over the same section of trail only once, to minimize the visual and soil impacts from tire treads.
 - Trips will only be conducted in the months of August, September, and October.
 - Annual snowmobile trail routine maintenance work plans must identify the specific trail segments where the Initial Annual Maintenance Trip(s) will occur.
 - All activities undertaken during an authorized Initial Annual Maintenance Trip will be recorded in a Trail Log.
- Maintenance, Rehabilitation and Construction Trips. These trips include all other work trips on snowmobile trails.
 - All work done on snowmobile trails should be accomplished by the least intrusive method possible, as identified in priority order above.
 - All work done on snowmobile trails, except for "Inspection/Reconnaissance" Trips" and "Initial Annual Maintenance Trips" described above will require an approved, detailed work plan.
- **Grooming and Associated Winter Maintenance Trips.** These trips include mechanized grooming of the snow surface.
 - proposed grooming standards are discussed in item b. "Snowmobile Route Grooming" which follows this section. The conditions for motor vehicle use identified in this section apply only if they are also listed in the "Snowmobile Route Grooming" section.

Oversight

Oversight of projects performed with motor vehicles shall be as follows:

- The Regional Natural Resource Supervisor, or his/her designee, shall be notified no less than 48 hours prior to initiation of motor vehicle use, and shall determine whether trail conditions are then suitable for such work and vehicle use
- The Regional Natural Resource Supervisor, or his/her designee, will be responsible for assuring that Department staff periodically monitor and inspect all construction and maintenance work to ensure compliance with the Work Plan.
 - Department staff shall inspect the work at times which coincide with the use of equipment that has the greatest potential to cause environmental damage.
 - All construction activities involving heavy equipment will be supervised by DEC staff
 - Within seven days of completion of authorized construction and maintenance activities, the Regional Natural Resource Supervisor shall ensure that the work was satisfactorily completed according to trail standards and, if applicable, permit conditions met.

Follow the guidelines in Alternative 2, however, prohibit the use **ALTERNATIVE 3:**

of motor vehicles on Class II-b trails. Note Exception: These conditions will not apply to snowmobile trails where CP-3

permits are issued.

ALTERNATIVE 4: Follow the guidelines in Alternative 2, however, limit the

operation of motor vehicles to Class I and Class III trails; prohibit the use of motor vehicles for the construction and maintenance of

Class II-a and Class II-b trails.

ALTERNATIVE 5: Prohibit the use of motor vehicles for the construction and

maintenance of all Adirondack Forest Preserve snowmobile trails.

Preferred Alternative: Alternative 3

COMPARISON OF ALTERNATIVES:

Alternative	ONR-2 definition s	amended Clarification of practice definitions	Use of motor vehicles	Exceptions
1	X			
2		X	Administrative Personnel	
3 (preferred)		X	Administrative Personnel	No motor vehicles on II-b trails. Except on trails also designated for CP-3 access
4		X	Administrative Personnel	Limit motor vehicle use to Class I and Class III trails
5			None	N/A

DISCUSSION:

Alternative 1 (status quo) does not address the use of motor vehicles for construction and maintenance of snowmobile trails. However, Commissioner Policy 17, "Record Keeping and Reporting of Administrative Use of Motor Vehicles and Aircraft in the Forest Preserve" (CP-17) allows for the use of motor vehicles by administrative personnel in Wild Forests. All of the alternatives are subject to the provisions for use of motor vehicles in CP-17, except for alternative 5 which prohibits the use of motor vehicles for maintenance of snowmobile trails. Alternative I does not provide clear direction and may lead to confusion and inappropriate use of motor vehicles. Alternative 5 does not allow the use of any motor vehicles for construction and maintenance of snowmobile trails: it is not reasonable or cost effective to construct and maintain a safe network of snowmobile trails without some use of motorized vehicles.

Alternative 3 (preferred) and Alternative 4 both clearly define the use of motor vehicles on snowmobile trails in the Forest Preserve. Alternative 3 is the preferred alternative because it minimizes the use of motor vehicles on interior trails while still allowing them to be used on Class II-a trails (primary routes to services and population areas). Alternative 3 also prohibits the use of motor vehicles on Class II-b trails, except if they are open for access by persons who have been issued CP-3 permits. Limiting the use of motor vehicles on lesser used trails will help maintain the wild forest character of the area. Alternative 3 allows for motor vehicle use to maintain Class III trails (community connectors), which are expected to have higher levels of use. Use of motor vehicles for maintenance of these more frequently used trails will help provide for a safer trail system while keeping associated costs down.

VII. Snowmobile Route Grooming



DEC Program Policy ONR-2 Snowmobile Trails-Forest Preserve (pertinent sections):

6. Maintenance

Grooming of trails will not be performed by the c. Department. If grooming is desired, user groups may perform grooming under Temporary Revocable Permit or Natural Resource Agreement.

Clarification of Practice Regarding Motor Vehicle Use for Snowmobile Trail Grooming, Maintenance and Construction in Wild Forest:

III. Grooming.

The Master Plan defines "snowmobile trail" as having "essentially the same character as a foot trail."Snowmobile trail widths shall not exceed eight feet, except on curves and steep slopes, where widths of no greater than twelve feet are allowed. However, the character of such trails varies widely, and therefore the width of appropriate groomers and grooming equipment will vary from trail to trail. In some cases, such as where a trail is on an old road that is closed to public motor vehicle use in the summer and is relatively smooth, straight, and free of vegetation, eight feet wide groomers and grooming equipment may be used without altering the character of the trail. In other cases, such as hilly, rocky, and twisting foot trails, eight feet wide groomers and grooming equipment may be inappropriate because of the potential for trail alteration.

Consequently, approval of the use of grooming equipment shall include a discussion of the specific character of the trail(s) on which grooming will be authorized, a specification of the type of groomer and/or grooming equipment which is authorized on each such trail, and an explanation as to why such groomer and/or grooming equipment will not alter the fundamental nature of each trail on which it will be used. In those cases where the use of groomers or grooming equipment in excess of six feet in width is being proposed, appropriate Department staff shall photograph

the trail at representative locations prior to the use of the groomers and shall retain the photographs to ensure that there is a record which demonstrates that the fundamental nature of the trail has not been altered.

ALTERNATIVES

ALTERNATIVE 1: No action. Define grooming of Adirondack Forest Preserve

snowmobile trails as in *Clarification of Practice Regarding*

Motor Vehicle Use for Snowmobile Trail Grooming,

Maintenance and Construction in Wild Forest.

Define grooming as in **DEC Program Policy ONR-2** ALTERNATIVE 2:

Snowmobile Trails-Forest Preserve amended as follows:

Grooming of trails is not to be a function of the c. Department. DEC will contract for these services with user groups or local governments under agreements such

as AANR's or Temporary Revocable Permits.

Define grooming of Adirondack Forest Preserve snowmobile **ALTERNATIVE 3:**

trails as follows:

Mechanized grooming is the process of using equipment to prepare the trail snow surface for safe travel by snowmobiles. Grooming removes moguls, covers icy areas with snow, and conditions the snow surface for safe passage. Grooming is tailored to the type of trail and shall not alter the width of the trail or alter the physical character of the trail.

Grooming will be allowed on the Adirondack Forest Preserve as follows:

Class I Trails: Any Groomer.

Class II Trails:

Any Groomer, maximum width will be 1-footless than trail width II-a

Snowmobile with a drag within the allowable tread width. II-b

Class III Trails: Any Groomer, maximum width will be one foot less than trail

width.

ALTERNATIVE 4: Alternative 3 with the following changes:

Class I Trails: Any Groomer.

Class II Trails:

Snowmobile with a drag within the allowable tread width. II-a Snowmobile with a drag within the allowable tread width. II-b

Class III Trails: Any Groomer, maximum width will be one foot less than trail

width.

APPENDIX G -ANALYSIS OF ALTERNATIVES - CRITERIA FOR LOCATING, DEVELOPING AND MAINTAINING THE ADIRONDACK SNOWMOBILE TRAIL SYSTEM

ALTERNATIVE 5: Alternative 3 with the following changes:

<u>Class I Trails:</u> Any Groomer.

Class II Trails:

II-a Snowmobile with a drag within the allowable tread width.

II-b No grooming.

Class III Trails: Any Groomer, maximum width will be one foot less than

trail width.

<u>ALTERNATIVE 6</u>: Define grooming of Adirondack Forest Preserve

snowmobile trails as follows:

Mechanized grooming is the process of using equipment to prepare the trail snow surface for safe travel by snowmobiles. Grooming removes moguls. covers icy areas with snow, and conditions the snow surface for safe passage. Grooming is tailored to the type of trail and shall not alter the width of the trail or alter the physical character of the trail.

Grooming will be allowed on the Adirondack Forest Preserve as set forth above and as follows:

<u>Class I Trails:</u> Any Groomer.

Class II Trails:

II-a Snowmobile with a drag or small tracked groomer, maximum

width will be less than trail width within the allowable tread width. Use of small tracked groomer to be approved through the

UMP process pursuant to the criteria listed below.

II-b No grooming.

<u>Class III Trails:</u> Any Groomer, subject to appropriate size, width and weight

limitations, maximum width will be less than trail width within the allowable tread width. Type of groomer to be approved

through the UMP process.

<u>Criteria for Grooming to be Allowed on Limited Type of Class II-a</u> Trails:

In certain instances, snowmobile trails on Forest Preserve lands are located along primarily along sections of old road that cross a combination of State and private lands. In some cases these routes exist on Forest Preserve parcels because they provided the link between communities. Many of these trails are located in the periphery of the wild forest boundaries and often have more of a road like character with a generally smoother trail surface, fewer rocks and roots, lack of vegetation in the trail tread, and existing cleared width of at least 8 feet wide. A limited number of Class II-a trails or trail segments may be eligible for consideration of small tracked groomers and only if the following conditions exist and are exercised:

APPENDIX G -ANALYSIS OF ALTERNATIVES - CRITERIA FOR LOCATING, DEVELOPING AND MAINTAINING THE ADIRONDACK SNOWMOBILE TRAIL SYSTEM

- 1. It is not necessary to alter the trail character, including cleared width and trail surface conditions, in order to accommodate a small tracked groomer;
- 2. This trail or trail segment serves as a critical part of larger local or community based trail systems;
- 3. There is a justified need to cross a particular piece of State lands with no viable alternative route;
- 4. The route does not duplicate other trails in the area that serve the same purpose;
- 5. The use of a small tracked groomer on a Class II-a trail or trail segment in a particular unit is an exception, not the rule; and
- 6. The use of a small, tracked groomer on the trail is approved in a Unit Management Plan, justified by the criteria listed above.

The use of mechanical groomers, as described above, will be operated only by administrative personnel including DEC staff or volunteers under an agreement with the DEC (AANR or TRP) and covered by workers compensation.

COMPARISON OF ALTERNATIVES

Alternative	Class I	Class II-a	Class II-b	Class III	
1	Not specified				
2	Up to 6' wide, over 6' wide requires justification, maintain record of trail conditions prior to grooming				
3	Any groomer	Any groomer, maximum width 1' less than width of the trail			
4	Any groomer	Snowmobile with a drag, within allowable tread width		Any, maximum width 1' less than width of the trail	
5	Any groomer	Snowmobile with a drag, within allowable tread width	No grooming	Any, maximum width 1' less than width of the trail	

6 (preferred)	Any groomer	Snowmobile with a drag, or small tracked groomer in limited instances, within allowable tread width	No grooming	Any, maximum less than width of the trail
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DISCUSSION:

Alternative 1 (status quo) does not adequately define the use and restrictions of grooming snowmobile trails in the Forest Preserve. Without specific definitions or standards there is not clear direction on the use of grooming equipment on Forest Preserve snowmobile trails. Alternatives 3 through 5 (preferred) specifically define mechanized grooming as the process of using equipment to prepare the trail snow surface for safe travel by snowmobiles. Grooming removes moguls, covers icy areas with snow, and conditions the snow surface for safe passage. It is tailored to the type of trail and does not alter the width of the trail or alter the physical character of the trails.

The preferred alternative is Alternative 6, which allows grooming on Class I, II-a, and III trails but not on Class II-b trails. This is more limited than the status quo that allows grooming on all snowmobile trails and Alternative 4 that allows grooming on II-b trails. The preferred alternative does not mandate grooming but provides a set of standards for trails where grooming is allowed. On Class II-a trails a snowmobile with drag and the limited use of small tracked groomers must stay within the allowable cleared with and for Class III trails, the maximum is 1-footless than the trail width. This will help protect areas adjacent to the trail and keep the groomer within the trail width. Grooming of trails will provide a safe visitor experience, the ungroomed Class II-b trails will provide a more primitive experience into interior Forest Preserve areas. The limitations on grooming in Alternative 6 may also help to direct use away from interior trails onto the Class III corridors along roads and the periphery of Forest Preserve land units.

Current DEC practice limits grooming to a period specified in either an AANR Stewardship Agreement or a TRP. Generally the period during which grooming is permitted under these documents does not begin until after the close of the Northern Zone big game hunting season, eliminating the potential for conflict between groomers and hunters. The current policy provision, will be maintained under the preferred alternative, prohibits the removal of rocks from snowmobile trails unless they protrude more than six inches from the ground. This effectively prevents grooming activities from commencing until sufficient snow cover is available, thus protecting soil resources from being impacted by grooming activities, even if the grooming period specified in the AANR or TRP has begun.

A. Other Public and Private Lands

1. Snowmobile Route Design and Construction

STATUS QUO:

Within the Adirondack Blue Line there exist over 1200 miles of state funded

trail on a combination of private and public lands other than those within the Forest Preserve. The system of OPRHP funded trails, including Forest Preserve trails, is depicted in Appendix L. The system is predominantly on private land with some mileage on municipal roadways open to snowmobiling. In addition, there are also private trail systems within the Towns of Inlet and Old Forge that require snowmobilers to purchase local permits. Finally, there exist small trail segments that are part of private club systems. These systems typically involve an agreement between a club and a large landowner. Any trail that is supported with state funds must allow access to any New York registered snowmobile without the payment of additional fees.

In addition to the trails on private land and municipal roads, trails also exist within railroad rights-of-way under the jurisdiction of NYS Department of Transportation.

All of the trails mentioned above are developed and maintained pursuant to the New York State Snowmobile Trail Plan. The trails have all been developed in accordance with the Standards and Guidelines for Snowmobile Trails distributed by OPRHP. This document provides guidance in relation to the construction of trails. OPRHP does not require that trails meet the criteria outlined in the existing document to participate in state funding opportunities. These trails vary greatly in width and topography. There is no maximum trail width established in the existing plan on trail standards and guidance.

Maintenance of trails is accomplished through local trail sponsors (municipalities) working with local snowmobile trail clubs or by the trail sponsor directly undertaking trail maintenance and grooming work.

It is not uncommon for trail locations to change from season to season or even during the season. The moving, relocation or closing of a trail is undertaken in consultation with OPRHP, but nonetheless can cause confusion among trail users.

There are laws and regulations that apply to any project undertaken in the Adirondack Park which need to be considered, and if applicable, complied with before any changes in trail location are undertaken.

ALTERNATIVES

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No alternatives are recommended to change the existing conditions. Current legal guidance provides sufficient protection of natural resources in relation to the design and construction of snowmobile trails in the Adirondack Park outside of the Forest Preserve.

Snowmobile Route Maintenance

STATUS QUO:

Trail maintenance on trails outside the Forest Preserve occurs by volunteers, snowmobile trails groups, and municipal employees depending on the trail and its location. For trails that are designated to be within the Statewide Snowmobile System, funding for maintenance is available through the Statewide Snowmobile

Fund. Such funding is provided by the State through the Trail Sponsor. The NYS Office of Parks, Recreation and Historic Preservation's "Standards and Guidelines for Snowmobile Trails" publication provides guidance for the maintenance of trails. The ultimate responsibility for the type and level of trail maintenance rest with individuals, groups, and/or organizations responsible for the trail.

ALTERNATIVES

No alternatives are recommended to change the existing conditions.

Snowmobile Route Grooming

STATUS Quo:

Virtually all snowmobile trails outside the Forest Preserve are groomed. It is estimated that 59 different groomers operate within the Blue Line of the Park. The largest groomers are diesel powered fully tracked vehicles capable of operating over a variety of terrain and conditions. The smallest groomers are work class snowmobiles which resemble touring class sleds with slightly larger and wider rear tracks. Any groomer is operated in tandem with a drag that levels, packs and contours the snow on the trail. Drags are sized according to the groomers capabilities and size of the trail. They range from four foot wide to more than eight feet wide. Grooming frequency varies greatly depending on the amount of snowmobile traffic on a trail, trail contour and climatic conditions. Some trails may only be groomed once a week during the season while other trails may require nearly daily grooming. The larger groomers need less passes on a trail then their smaller counterparts to achieve a given result.

ALTERNATIVES

No alternatives to the existing conditions have been recommended. The method of grooming on other public and private lands will continue to be determined by the land owner and/or entity responsible for the maintenance of the trail. This practice is consistent with such land outside the Adirondacks.

Other Public and Private Lands

2. Snowmobile Route Design and Construction

STATUS Ouo:

Within the Adirondack Blue Line there exist over 1200 miles of state funded trail on a combination of private and public lands other than those within the Forest Preserve. The system of OPRHP funded trails, including Forest Preserve trails, is depicted in Appendix L. The system is predominantly on private land with some mileage on municipal roadways open to snowmobiling. In addition, there are also private trail systems within the Towns of Inlet and Old Forge that require snowmobilers to purchase local permits. Finally, there exist small trail segments that are part of private club systems. These systems typically involve an agreement between a club and a large landowner. Any trail that is supported with state funds must allow access to any New York registered snowmobile

without the payment of additional fees.

In addition to the trails on private land and municipal roads, trails also exist within railroad rights-of-way under the jurisdiction of NYS Department of Transportation.

All of the trails mentioned above are developed and maintained pursuant to the New York State Snowmobile Trail Plan. The trails have all been developed in accordance with the Standards and Guidelines for Snowmobile Trails distributed by OPRHP. This document provides guidance in relation to the construction of trails. OPRHP does not require that trails meet the criteria outlined in the existing document to participate in state funding opportunities. These trails vary greatly in width and topography. There is no maximum trail width established in the existing plan on trail standards and guidance.

Maintenance of trails is accomplished through local trail sponsors (municipalities) working with local snowmobile trail clubs or by the trail sponsor directly undertaking trail maintenance and grooming work.

It is not uncommon for trail locations to change from season to season or even during the season. The moving, relocation or closing of a trail is undertaken in consultation with OPRHP, but nonetheless can cause confusion among trail users.

There are laws and regulations that apply to any project undertaken in the Adirondack Park which need to be considered, and if applicable, complied with before any changes in trail location are undertaken.



No alternatives are recommended to change the existing conditions. Current legal guidance provides sufficient protection of natural resources in relation to the design and construction of snowmobile trails in the Adirondack Park outside of the Forest Preserve.

Snowmobile Route Maintenance



Trail maintenance on trails outside the Forest Preserve occurs by volunteers, snowmobile trails groups, and municipal employees depending on the trail and its location. For trails that are designated to be within the Statewide Snowmobile System, funding for maintenance is available through the Statewide Snowmobile Fund. Such funding is provided by the State through the Trail Sponsor. The NYS Office of Parks, Recreation and Historic Preservation's "Standards and Guidelines for Snowmobile Trails" publication provides guidance for the maintenance of trails. The ultimate responsibility for the type and level of trail maintenance rest with individuals, groups, and/or organizations responsible for

the trail.



No alternatives are recommended to change the existing conditions.

Snowmobile Route Grooming

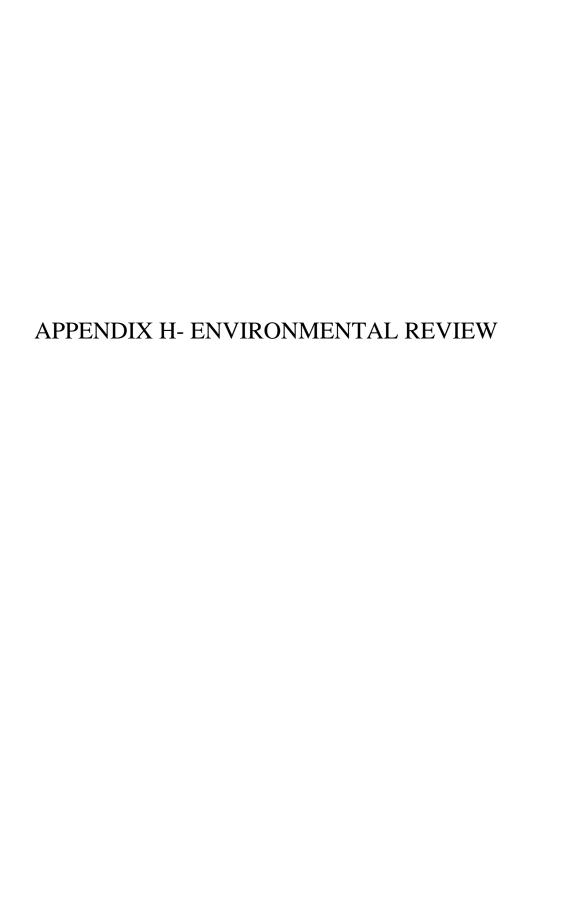
STATUS Quo:

Virtually all snowmobile trails outside the Forest Preserve are groomed. It is estimated that 59 different groomers operate within the Blue Line of the Park. The largest groorners are diesel powered fully tracked vehicles capable of operating over a variety of terrain and conditions. The smallest groomers are work class snowmobiles which resemble touring class sleds with slightly larger and wider rear tracks. Any groomer is operated in tandem with a drag that levels, packs and contours the snow on the trail. Drags are sized according to the groomers capabilities and size of the trail. They range from four foot wide to more than eight feet wide. Grooming frequency varies greatly depending on the amount of snowmobile traffic on a trail, trail contour and climatic conditions. Some trails may only be groomed once a week during the season while other trails may require nearly daily grooming. The larger groomers need less passes on a trail then their smaller counterparts to achieve a given result.

ALTERNATIVES

No alternatives to the existing conditions have been recommended. The method of grooming on other public and private lands will continue to be determined by the land owner and/or entity responsible for the maintenance of the trail. This practice is consistent with such land outside the Adirondacks.







ENVIRONMENTAL REVIEW

I. INTRODUCTION

The Final Plan/GEIS provides a conceptual framework for future decisions by DEC and OPRHP regarding snowmobile trail development and maintenance programs in the Adirondack Park. Adoption of the plan is an action that is subject to the State Environmental Quality Review Act (SEQR). Since the agencies have determined that the adoption of the plan may have significant environmental effects, the plan has been prepared as a Generic Environmental Impact Statement (GEIS). The Final Plan/GEIS will be a supplement to the Statewide Snowmobile Trail Plan as it relates to the Adirondack Park.

A GEIS is an assessment of the possible impacts of a broad based action or of a group of related actions and is more general and conceptual in nature than a site specific EIS. This chapter focuses on the proposed actions and their potential impacts, and the process by which site specific environmental analysis will be conducted during the implementation phase.

The Statewide Snowmobile Trail Plan, adopted in October of 1989, consisted of 3 primary elements:

- A map of conceptual corridor locations
- A grants program for the distribution of monies from the Snowmobile Trail 2.
- 3. Guidelines for preparation of local 3 year plans and environmental review of those plans

As a supplement to the Statewide Snowmobile Trail Plan, the Final Plan/GEIS is a regional plan for the reconfiguration and maintenance of the existing regional snowmobile trails system within the Adirondack Park. It provides a more detailed conceptual map than the Statewide Snowmobile Trail Plan, that includes existing Forest Preserve snowmobile trails, as well as OPRHP-funded trails on other lands in the Adirondack Park. The Final Plan/GEIS also proposes a more detailed trail classification system than the Statewide Snowmobile Trail Plan, and criteria for the identification of snowmobile trails to be re-designated for non-motorized use. The trail classifications and associated development and management guidelines were formulated to reflect the range of snowmobile routes currently existing in the Adirondack Forest Preserve, as well as a proposed Class III (Community Connector) classification.

Once the proposals in the Final Plan/GEIS are implemented throught the appropriate policy revision process, the distribution of monies from the Snowmobile Trail Fund for trails within the Forest Preserve will be based on the new trail system. Local sponsors will continue to be required to provide a local 3-year plan when applying for trail maintenance funds, as required by the Statewide Snowmobile Trail Plan. Administration of trails outside the Forest Preserve will continue to be guided by the Statewide Snowmobile Trail Plan.

Summary of Action

This Final Plan/GEIS is a supplement of the State of New York Snowmobile Trail Plan (Statewide Snowmobile Plan), adopted by the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) in 1989. The Final Plan/GEIS describes a conceptual Adirondack Park snowmobile trail system, and proposes guidelines and standards for developing and maintaining that system within the context of current Constitutional requirements, statutes, rules, regulations and policies, and within the context of certain proposed changes thereto as herein specified. The Final Plan/GEIS includes the following sections:

- Common questions the public and other groups have asked during the informational meetings, and answers to those questions;
- A description of the planning process used in the development of the Draft Plan/Draft GEIS, explaining how the Draft Plan/Draft GEIS relates to Article XIV, Section 1 of the New York State Constitution, State policies and guidelines, the Statewide Snowmobile Plan and other state and municipal plans, as well as other state and private lands;
- Background information about the Adirondack Park and the existing Adirondack snowmobile system;
- Vision and goals for the development and management of the snowmobile trail system;
- A conceptual proposal to create a system of snowmobile trail connections between communities in the Park and criteria for locating, developing and maintaining this trail system in a manner that minimizes adverse environmental and other impacts on both the Forest Preserve and other public and private lands;
- Assessment of a conceptual system of proposed community connections balanced with interior trail re-designations for a non motorized use; and
- An assessment of the environmental and economic impacts associated with the Final Plan/GEIS.

The Final Plan/GEIS identifies, analyzes and selects a set of preferred options that will guide the following aspects of Forest Preserve snowmobile trail administration:

- Trail classification
- Snowmobile route design, construction and maintenance
- Snowmobile operation
- Motor vehicle use

Statewide guidelines found in the Statewide Snowmobile Trail Plan are applicable to trails on other public and private lands. The overall preferred alternative was derived from grouping the preferred option from each issue area and assuring that each was compatible with the others. The overall preferred alternative provides the basis for the Final Plan.

A number of actions are required to implement the plan. The process will vary by the nature of the action. These actions can be grouped into two categories, revision of policy or regulation and adoption or amendment of a UMP.

Once the proposals in the Final Plan/GEIS are implemented throught the appropriate policy revision process, the Snowmobile Trail Fund, administered by OPRHP, will

provide funding support at the OPRHP Class A funding level for the maintenance and development of Class I, II-a and III trails that have been approved by DEC. Class II-b trails will be eligible for funding at a reduced level, reflecting the fact that these trails are not groomed. The process for applying for trail funds will be the same as trails on private lands in the Adirondack Park and trails on public and private lands outside the Adirondack Park.

II. IMPACTS OF ALTERNATIVES

A. Trail System

The Adirondack Park Snowmobile Trail System will be designed to enhance the recreational opportunities within the Park for a variety of users, to create trail connections between communities and to minimize adverse environmental and other impacts on both the Forest Preserve and other public and private lands. It is envisioned that the new trail system will involve trails on both public and private lands. There will be no material increase in the miles of snowmobile trails within the Forest Preserve.

Creation of this new system will involve modification of the existing system on public and private lands, including the designation and creation of community connector trails/trail segments and the re-designation of existing snowmobile trails located within the interior of Wild Forest Units or adjacent to private inholdings as non-motorized trails. It may also require the relocation or development of trails on private lands through the acquisition of fee title, conservation easements, or other access rights from willing sellers. Any modification of the existing trail system within the Forest Preserve will be considered through the UMP process. Through this process, alternatives to and environmental impacts associated with any change will be considered and the location of the trail will be determined. Community connectors through private land will require local snowmobile clubs/sponsors securing agreements with the landowners.

In general, the concepts for the reconfiguring the trail system in the Final Plan/GEIS will improve the character of the interior areas of the Wild Forest areas through the designation of some interior snowmobile trails to non-motorized trails and development of community connectors along the periphery of the Wild Forest Units and along major transportation corridors. By concentrating the majority of snowmobile use along the periphery of Forest Preserve units and along transportation corridors, the interior areas of those units will have less motorized traffic, lower exhaust emission levels, lower noise levels, reduced user conflicts between motorized and non-motorized forms of recreation and decreased impacts on wildlife. Additionally, snowmobile trails that are re-designated for non-motorized use will re-vegetate to narrower widths and a more consistently closed canopy, thereby improving the aesthetic experience of trail users. This will also reduce the off season trail maintenance that is required in the interior Wild Forest areas. As the Final Plan/GEIS is implemented, it is expected that there will be additional snowmobilers attracted to the Adirondack Park. As a result, there will be increased economic benefits to the local communities. Along with increased use, there will likely be a minor, if any, adverse impact to the air quality. Since the activity is dispersed throughout the Adirondack Park with many access points to the trail system, there will be

APPENDIX H -ENVIRONMENTAL REVIEW

minimal adverse impacts. In addition, with more stringent air quality emission standards and improved technologies, the impact on air quality will decrease over time.

Any increase in usage will likely occur as the trail system evolves over a period of time. This may take a number of years due to the level of cooperation, coordination and process that will have to occur to develop a trail system that involves Forest Preserve and private lands. In addition, the total impact of the trail system will be distributed throughout the park. Unlike other areas of the country, there are multiple entry and exit points to the trail system.

The development of a community connector system will focus more of the snowmobile use within the Adirondack Park to those trails. It will also attract more touring snowmobilers and generate economic benefits to the communities. Most long distance users require food, fuel and lodging.

The trail system will have negligible impacts on noise and the air quality of the Adirondack Park. There will be no material increase in the trail system within the Forest Preserve. The noise generated from snowmobiles will decrease in interior Wild Forest areas as trails are re-designated and increase to areas near travel corridors. This will benefit non-motorized users of the interior Wild Forest but may have a negative impact on residents near travel corridors. The Environmental Protection Agency will be implementing more stringent emission standards for snowmobiles over the next few years. This will result in improved air quality.

В. Standards and Guidelines

The Final Plan provides better guidance and clearly defines the procedures required for construction or maintenance activities.

1. Trail Classification

The Final Plan identifies four classes of snowmobile trails within the Forest Preserve as compared to two under the existing system. More classifications permits the ability to better design management and operational standards and guidelines for each type of trail. This will range from the more intense use Class III trails to the minimal maintenance, no-grooming Class II-b trails. The trail classifications have been designed to provide a variety of recreational experiences in a safe manner. Knowledge of the classification system should allow snowmobilers to have a clear understanding of the experience they can expect on any given trail. The most significant change from the no action alternative is the designation of Class II-b and Class III trails. Class II-b are secondary routes on shared use trails that lead to recreational sites or could lead to a Class I, II-a or III trail connection or from a trailhead. These trails are designed for low intensity use and will not be groomed, therefore, providing a more primitive type of trail experience. The Class III trails are community connector trails designed for higher levels of snowmobile use than currently experienced. Any increase in snowmobile usage in the Adirondacks will likely focus on the Class III trails. This will result in increased noise for these corridors, which will be located along the periphery of Forest Preserve units and along existing travel corridors, and an attendant decrease in noise levels in the

interior areas of affected Forest Preserve units. With the new emissions standards, significant impact on air quality is unlikely. In contrast, there will be existing snowmobile trails that will be re-designated as non-motorized trails. As a result, the overall impacts to the snowmobile system in the Adirondack Park are likely to be minimal or reduced since there will be a balancing between the designation of the Class II-b and Class III trails and the re-designation of existing trails as non-motorized trails.

Because the APSLMP requires that management of Forest Preserve lands be planned through UMPs, any reclassification of existing trails and creation of new trails, and the layout of new Community Connector trails will take place through the UMP process, and will receive additional SEQR review in that process.

2. Alignment and Grade

The level of protection of the resources is similar to the status quo. There are instances where running slopes exceeding 20% cannot be avoided. Through the UMP process proper construction methods will be utilized to minimize any potential environmental impacts.

3. Trail Width

Class I, Class II-a and Class II-b trails encompass existing snowmobile routes, and trail width standards for them do not represent a significant change from existing standards. Class III trails are designed to provide for a higher volume of traffic than any existing Forest Preserve snowmobile trail. The width will be 9 feet on straight or gently curved stretches of trail and a width of twelve feet on curves and steep grades for existing Class A trails. Therefore the Class III trails will be one foot wider on straight stretches as compared to Class A trails. The alignment of the trail will be determined through the UMP process. This will help reduce the number of trees that would have to be cut, and other environmental impacts.

While the creation of Class III trails may have some impact on other users of the trail system such as hikers, cross-country skiers and snowshoers, this impact will be mitigated by the improved hiking experience found on those existing snowmobile trails that are re-designated for non-motorized use. Such trails will re-vegetate to narrower widths and more consistent closed canopy, thus improving the aesthetic experience for users of the trails. There may also be instances when certain hiking groups such as families and elderly people find that the trail surface and character of Class III trails are preferable to interior hiking trails.

4. Tree Cutting

The preferred alternative provides clearer guidance in the cutting and removal of trees, and the protection of the resources than the status quo. There is greater emphasis on maintaining the overstory regardless of the size of the tree. Both the status quo and the preferred alternative recommend that culling of trees should be avoided to the greatest extent possible. The preferred alternative provides direction on the method that should be used to remove the root stock and other

tree material in a manner that protects the resource and is aesthetically acceptable. The preferred alternative also provides for the clearing of fallen trees that may represent a safety hazard, without undue delay, resulting in a safer trail system. A work plan is required to perform any tree cutting. Overall, there will be less of an impact on the environment as compared to existing practices. The number of trees cut will be determined within the UMP's and work plans.

5. Trail Surface

The preferred alternative will provide better protection to the environmental resources than currently exists. Alternatives will be considered that would minimize the disturbance of the ground and reduce the likelihood of creating drainage problems. Various methods for the removal of protrusions greater than 6 inches above the surface can be considered beyond the use of hand tools. This will provide for the selection of a method than can best address a situation in the most appropriate method with the least impacts to the environment.

Requiring that alternatives to rock removal be considered, minimizing cuts and fills, requiring that trails follow the natural contours of the land and requiring that rocks removed from the trails not be pushed off the trail will all minimize disturbance in the case of Class II-a and Class III trails, thus improving the aesthetics of snowmobile trails for all users. The requirement that all work performed on Class II-b trails will likely create an even heightened aesthetic improvement, since this requirement will significantly reduce the amount of trail alteration that can physically be accomplished.

6. Drainage

The methods to address drainage are similar to those currently utilized. The primary differences are that size of the bridges will be consistent with the type of trail and that the installation of new culverts on a snowmobile trail will require consultation with the APA. The preferred alternative fosters the use of natural materials for the construction of bridges but would consider the use on non-natural material if the structure would be less intrusive, requires less maintenance and would have less environmental impact.

These changes to existing policy are anticipated to have little or no impact on the experience of other users of the snowmobile trail system. The slight increase in bridge width is not likely to create significantly increased visual impacts, and the provision for using less intrusive materials is likely to decrease visual impacts. Also, improved drainage standards will help to ensure that trails are better able to withstand year-round use, which will improve the experience of non-motorized users of the trail system.

7. Wetlands

The preferred alternative provides for the avoidance of wetlands to the greatest extent possible. When wetlands need to be crossed, the trail would be designed to minimize adverse impacts. Any activity in or near a wetland would require consultation with the APA This further reinforces the level of protection that is provided under the existing conditions.

By avoiding wetlands, the experience of trail users other than snowmobilers is improved, since trails will be better suited for non-winter seasonal use. Hiking on dry trail is presumed to be much preferable to hiking on wet or muddy trails. Drier trails will also better withstand use when there is no snow cover.

8. Wild, Scenic and Recreational Rivers

There are no proposed changes.

9. Snowmobile Season

There are no proposed changes.

10. Speed Limits

The preferred alternative provides for increasing educational efforts to inform snowmobile users of, the types of trails that exist on the Forest Preserve, allowing them to better anticipate the conditions they are likely to encounter.

11. Use of Motor Vehicles for Construction and Maintenance

There are no existing guidelines in DEC policy for the use of motor vehicles in the construction and maintenance of snowmobile trails on Wild Forest areas. The Adirondack Park State Land Master Plan allows the use of motor vehicles by administrative personnel "where necessary to reach, maintain or construct permitted structures," but does not provide a definition for the term "administrative personnel." The draft plan provides guidelines that would limit the use of motor vehicles to protect the character and environmental resources of the Wild Forest. Administrative personnel, equipment and materials would be brought to the work site by the least intrusive method possible which are identified in priority order. Inspection and reconnaissance trips would not utilize motor vehicles. However, snowmobiles may be used only during periods when there is sufficient snow. All work done on snowmobile trails, except for inspection and reconnaissance trips and Initial Annual Maintenance trips will require a detailed work plan. Since the use of motor vehicles will require a work plan and be supervised by DEC staff, the level of use will be limited and monitored. This will minimize potential environmental impacts. Use of motor vehicles will be reduced even further on Class II-b trails, as all motor vehicle use will be prohibited.

Because there is no current clear guidance regarding the use of motor vehicles in the construction and maintenance of snowmobile trails, the overall level of such use is likely to decrease. This will improve the experience of non-winter trail users by reducing the likelihood of encountering motor vehicles on the trail.

12. **Snowmobile Route Grooming**

Trail grooming is solely a manipulation of snow, and does not result in any physical alteration of the underlying ground. Grooming equipment is approved based on its compatibility with the existing trail, and trails are not widened for the purpose of accommodating larger grooming equipment. The preferred alternative will allow for grooming on Class I, II-a, and III trails but not on Class II-b trails. This is more limited than the status quo that allows grooming on all

snowmobile trails. However, not all of the Class II-b trails are currently groomed. Therefore, the overall impact on the existing groomed trails will be minor. The classification of the snowmobile trails will determine whether or not a trail will be groomed and to what extent. Any modification to the existing trail system will occur through the UMP's.

13. Other Public and Private Lands

There will be no change in design and construction, route maintenance or grooming guidelines on other public and private lands. They will be consistent with the trail system that is maintained throughout the state. The plan recommends relocation trails within the Forest Preserve and new trails on other public and private lands. The property owner would have to agree on the location and type of maintenance permitted. Long term agreements with private landowners are recommended to help ensure the continuity of the trail system. Therefore, in the long term additional trail development would be expected on other public and private lands.

• IMPACTS OF PLAN IMPLEMENTATION

• Short-Term Impacts

The immediate short-term impact of implementing the Final Plan/GEIS will be in the form of increased DEC staff time necessary to revise existing policy to enact the standards and guidelines dictated by the Final Plan/GEIS. Once this is done, existing UMP's will need to be amended and new UMP's will need to be prepared to reflect the conceptual re-configuration of the trail system and creation of Community Connection trails. Until these steps are accomplished, the re-configured snowmobile system cannot be implemented.

• Long-Term Impacts

Long-term impacts include a possible increase in overall levels of snowmobile traffic, with an attendant increase in economic benefit to local communities. Increasingly stringent EPA emissions standards should mitigate any increase in emissions and impacts to air quality, although it is impossible to estimate the likely increase in snowmobile traffic or the estimated change in emissions levels. Shifting of snowmobile traffic to the periphery of Forest Preserve units and along transportation corridors should decrease user conflicts and wildlife impacts. New standards should reduce soil impacts and water quality impacts.

• Cumulative Impacts

Full implementation of the entire Final Plan/GEIS will occur over a number of years. Further, due to them any points of access to the snowmobile trail system, the increase in use will be dispersed throughout the Adirondack Park. Therefore, significant impacts to any one area are not likely.

While the anticipated increase in snowmobile traffic within the Adirondack Park may increase exhaust emissions above what they would be without implementing the Final Plan/GEIS, stricter emissions standards will reduce the

APPENDIX H -ENVIRONMENTAL REVIEW

overall impact of this increase. In particular, the EPA regulations call for a three-phase reduction in snowmobile emissions. By 2006, emission levels must be reduced to 70 percent of levels permitted in 2002. By 2010, emissions must be reduced to half of present-day levels, and by 2012 emissions can amount to only 30 percent of present levels. Because it is impossible to estimate how great an increase in snowmobile traffic will occur, it is also impossible to estimate what the increase in snowmobile exhaust emissions will be.

The plan will redirect the level of snowmobile use from interior Wild Forest areas to the peripheral areas, where motor vehicle traffic is already concentrated. This will enhance the non-motorized user experience in the interior Wild Forest areas while providing better connections with wider trails to the communities for snowmobilers. User conflicts should be reduced for all user groups. These factors should result in increased tourism and economic benefits to local communities. However, the re-designation of trails will reduce the opportunities for snowmobilers to experience the Wild Forest character of interior areas and make it more challenging for cross country skiers who prefer to use trails groomed for snowmobiling.

Increased education and law enforcement efforts are anticipated to reduce unauthorized use of both public and private lands. Proposed trail siting guidelines should result in reduced potential for trespass onto private lands and wilderness areas.

Soil impacts are anticipated to decrease as a result of implementing the Final Plan/GEIS. Trail grades and cross slopes will be reduced; wetland crossings will be minimized; trail surface guidelines will reduce soil disturbance during construction and maintenance of trails.

Safety is expected to improve as a result of Final Plan/GEIS implementation. Improved education efforts should allow riders to better anticipate the conditions likely to be encountered on the Adirondack Forest Preserve snowmobile trail system; trail surface guidelines allow for removal of protruding rocks that could pose safety hazards: tree cutting standards allow for expedient clearing of hazard trees and trees that have fallen across trails.

The overall impact of snowmobiles on wildlife is anticipated to decrease as a result of implementing the Final Plan/GEIS. Snowmobile traffic will be reduced in interior areas and will be shifted to areas where motor vehicle traffic already exists. Snowmobile trails that are re-designated as non-motorized trails will re-vegetate, narrowing or even eliminating the fragmentation effect that they may currently have on forested areas.

The UMP process will include SEQR analysis of the alternatives for trail alignment and provide for public input. The environmental impacts of re-designating trails or developing additional trails will be evaluated through this process. Elements that will be considered within this process will include but not be limited to:

- Soils/Wetlands
- Drainage
- Vegetation
- Fish/Wildlife

APPENDIX H -Environmental Review

- User Conflicts
- Relationships with adjacent landowners and other public lands
- Tourism/Economic impacts

The evaluation will consider both short and long term impacts. Short term impacts will primarily relate to those associated with the construction of new trails and functions related to the operation and maintenance of the trail system. These have been discussed within, the previous section.

UNAVOIDABLE ADVERSE IMPACTS

New trail layout and trail re-designation decisions will be made in the UMP process. It is impossible at this time to determine how many miles of trail will be affected because tree density (number of trees per acre) varies with stand age, species composition, site quality. The number of trees cut will be mitigated by re-designated trails re-vegetating to narrower widths.

The preparation of UMP's for Forest Preserve lands and local plans for other lands within the Adirondack Park may identify additional adverse impacts which cannot be avoided. In such circumstances the impacts will be identified and described within the SERQ documents prepared for the UMP or local plan.

• IRREVERSIBLE AND IRRETRIEVABLE COMMITMENT OF RESOURCES

The planning, development and implementation of this Plan will involve irreversible and irretrievable commitments of public funds in the form of time, labor and materials. Also, there is a commitment to the long-term maintenance of a snowmobile trail system for the Adirondack Park. This commitment will be made by all state agencies, local municipalities, snowmobile groups/clubs and private landowners involved in the administration of this trail system. Acquisition of trail corridors through easement, or fee title by the State will lead to a commitment to expend time, labor and materials to maintain these trail corridors for snowmobile use.

GROWTH INDUCEMENT

Implementation of the Snowmobile Plan for the Adirondack Park may result in increased snowmobile use throughout the Adirondack region by developing community connector trails. These community connector trails are meant to link Adirondack communities that offer snowmobile travelers services such as food, lodging, fuel and repair service. The creation of community connector trails may increase the Adirondack Park's attractiveness to the snowmobile touring market as well as increase the local recreational snowmobile rider's territory. This will bring positive, on-going, economic impacts to the Adirondack communities. Impact will

be in the form of increased business investment in the community, increased tax revenue, and possibly more year-round business and employment opportunities

SUPPLEMENTAL ENVIRONMENTAL REVIEW

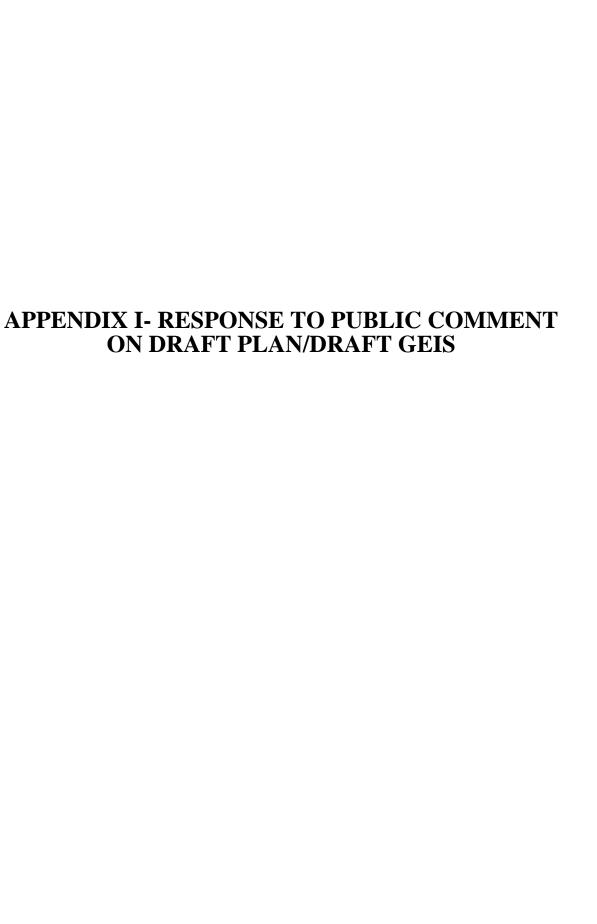
As part of the State's responsibility under the State Environmental Quality Review Act (SEQRA), DEC and OPRHP will review proposed implementation projects with respect to consistency with this Final Plan/GEIS. Projects found to be consistent with the Final Plan/GEIS can go forward without any additional review. Other types of proposals may require additional review ranging from completion of an environmental assessment form to perhaps a site specific environmental impact statement. For example, the preserve-wide conceptual proposal to re-designate, relocate or abandon interior Forest Preserve snowmobile trails and replace them with trails on private land or the perimeter of Forest Preserve Units, has a positive net benefit to the trail system and the Forest Preserve. This net benefit will be evidenced in various, although generally unquantifiable, ways. By concentrating the majority of snowmobile use along the periphery of Forest Preserve units and along transportation corridors, the interior areas of those units will have less motorized traffic, lower exhaust emission levels, lower noise levels, reduced user conflicts between motorized and non-motorized forms of recreation and decreased impacts on wildlife. Additionally, snowmobile trails that are re-designated for non-motorized use will re-vegetate to narrower widths and a more consistently closed canopy, thereby improving the aesthetic experience of trail users. However, site specific impacts of re-designating, relocating or abandoning specific trails or trail segments will be evaluated on a case by case basis within the UMP of the Forest Preserve unit containing the trail. Also, the final routing of all of the Community Connector trails will undergo further SEQR review in the UMP process. Site specific studies of factors such as topography, significant ecological resources, rare, threatened or endangered plant and animal species will be conducted as required by the UMP process. Site specific impacts will undergo SEQR review be and mitigated within the UMP. Other types of proposals that may require additional environmental review include but are not limited to:

- Any new actions not addressed within the Final Plan/GEIS that do not meet the Type II or Exempt categories within Part 617, the rules and regulations implementing SEQR;
- Any change from the preferred alternative for trail system development or management which may result in significant environmental impacts; and,
- Any leases, easements, memoranda of understanding, or other agreements between the State and private entities or other agencies that affect resources in a manner that is not sufficiently addressed in the Final Plan/GEIS.

NO ACTION ALTERNATIVE

Taking no action at this time would result in the continuation of snowmobile traffic at current levels in interior areas of Wild Forest areas, with an anticipated continuation of the trend of increasing traffic as the sport of snowmobiling grows. Conflicts with other winter users of the Forest Preserve and adjacent land owners would likely increase with the increase in snowmobile traffic.







1. Introduction

The New York State Department of Environmental Conservation (NYSDEC) issued the Draft Comprehensive Snowmobile Plan for the Adirondack Park/Draft Generic Environmental Impact Statement (the Plan) in December of 2003. The public comment period extended through March of 2004. During that time, NYSDEC conducted numerous public meetings to discuss the Plan and seek input and comment from the public and numerous entities. The following is a synopsis of the substantive comments received and the responses developed by the Plan team.

2. Master Comments and Master Responses

2.1 Economic Impact

Economic Impact Comment 1: Several commenters recommended that New York State (the State) should use a permit/pass system. Various ideas included: Plan should at least consider a trail pass system, similar to Vermont (VAST), or the State should institute a permit system for the use of snowmobile trails, fees to be used for trail maintenance.

Response: The VAST trail system in Vermont is a 4,600 mile, state-instituted trail system made available to both in-state and out-of-state snowmobilers upon purchase of a Trail Maintenance Assessment/Trail Pass decal. This state trail system maintains, operates, and administers essentially all of the trails throughout the state of Vermont. There are very few private organizations or resorts that own and operate their own trail systems.

A majority of the work is performed by volunteers from local snowmobiling clubs. The TMA/Trail Pass fees for in-state and out-of-state users are broken down to pay for administration costs, a scholarship fund, trail construction projects, maintenance and debrushing, insurance, equipment, and signage. Agreements made between VAST and private landowners are solely for snowmobile use during the "open" season (mid-December to mid-April); other activities require the permission of the landowners. In addition, Vermont has strong statutes to protect landowners from being sued by individuals who are injured while using their land. The regulations in New York State to protect landowners against lawsuits from people who are injured on their land are not as stringent.

Proposing a state-wide permit system for a trail system spanning all of New York State is beyond the scope of this EIS; therefore, it is not appropriate for analysis. If such a state-wide system were ever proposed and developed, the Adirondack Park Snowmobile Plan would be a building block for that system, as it is a component of the New York State Snowmobile Plan.

Economic Impact Comment 2: Many commenters indicated that the State should study economic contributions of <u>all</u> winter recreation. Concerns included that revenue generated by snowmobiling is offset by the revenue that would be generated by users who are displaced by snowmobiles. In addition, some reviewers felt that snowmobiling is not as economically important as it is made out to be and that the Plan should provide an economic comparison of motorized and non-motorized winter recreation.

Response: Information regarding the economic benefits of winter recreational activities other than snowmobiling is limited. Extensive searches were performed in order to obtain relevant and useful secondary sources of information. In addition to reviewing available data and publications, information was obtained by interviewing individuals in the Adirondack Park Region who have specific knowledge of tourism and various winter activities such as snowmobiling and cross-country skiing. This information was used to qualitatively assess the overall impact of snowmobiling with other winter activities.

The New York State Comprehensive Outdoor Recreation Plan (SCORP) 2002 estimated future needs and the projected number of participants in various activities, including ice skating, cross-country skiing, downhill skiing, and snowmobiling. These estimates were based on data from the 1998 General Public Recreation Survey. The results are presented in Tables 2-1 and 2-2.

Table 2-1 Estimates of Future Growth in Various Recreational Activities in Adirondack Park, New York

	1998 Part- icipants	% of 1998 Population	2020 Part- icipants	% of 2020 Population	Growth	% Growt
Ice Skating	2,224,410	15.00%	2,314,360	15.61%	89,950	4.04
Cross- Country Skiing	779,626	5.26%	821,864	5.54%	42,238	5.429
Downhill Skiing	1,626,855	10.97%	1,678,672	11.32%	51,818	3.19
Snow- mobiling	758,989	5.12%	790,897	5.33%	31,907	4.20

Activity Days – 1998 and 2020						
	1998	Per Participant	2020	Per Participant	Activity Growth	% Growth
Ice Skating	7,294,969	3.28	7,551,508	3.26	256,539	4.04%
Cross- Country Skiing	2,596,809	3.33	2,742,065	3.34	145,256	5.42%
Downhill Skiing	7,566,912	4.65	7,807,035	4.65	240,124	3.19%
Snowmobiling	3,186,382	4.20	3,372,364	4.26	185,982	4.20%

Source: SCORP 2002

Relative Index of Need for Various Recreational Activities in Table 2-2 Adirondack Park, New York

The Relative Index of Need						
County	Local Winter Activities	Cross- Country Skiing	Downhill Skiing	Snowmobi ling		
Clinton	3	4	4	5		
Essex	2	3	4	4		
Franklin	2	3	4	4		
Fulton	4	4	4	5		
Hamilton	1	3	4	4		
Herkimer	4	4	4	5		
Lewis	3	3	4	4		
Oneida	4	5	5	5		
St. Lawrence	4	3	4	5		
Saratoga	5	5	5	5		
Warren	3	4	4	5		
Washington	4	4	4	5		
AVERAGE	3.25	3.75	4.17	4.67		
Source: SCORP 2002						

Table 2-1 indicates that, in terms of the number of participants in winter activities, ice skating ranks the highest, followed by downhill skiing, cross-country skiing, and snowmobiling, with cross-country skiing experiencing the highest % growth rate from 1998 to 2020. However, when coupled with the number of activity days, the ranking changes to downhill skiing, ice skating, snowmobiling, and cross-country skiing. This is due to the fact that more days per participant are spent downhill skiing and snowmobiling.

On average, snowmobilers spend more days participating in their activity than do cross-country skiers since they typically travel longer distances and have more extended trips. Cross-country skiers also conflict more with snowmobilers than do downhill skiers and ice skaters due to the nature of the two sports and the trail systems that they both utilize.

SCORP 2002 also presented an evaluation of the "Relative Index of Needs," which essentially assigns numeric values (on a scale of 1 to 10) indicating the degree to which additional facilities are needed to meet future demand (see Table 2-2). A rating of 1 indicates a large availability of recreation resources relative to demand, with little or no crowding. A rating of 10 indicates that most sites are heavily used.

As shown in Table 2-2, the winter-related activities that were assessed each had a similar Relative Index of Need. Snowmobiling rated the highest in the Relative Index of Need, indicating that the facilities and infrastructure associated with that activity may require the most work to be able to accommodate future needs. However, snowmobiling's Index of Need was not significantly higher than that of other winter activities.

Economic Impact Comment 3: Commenters indicated that the Plan will have a negative impact on property values and business income. On the other hand, some felt that if snowmobiling is not accommodated in the future, property in the area will become worthless.

Response: The above comments fall on opposite sides of the snowmobiling issue; however, both deal with property values and the positive or negative impact that snowmobiling theoretically has on property values. Therefore, the following response is meant to address both comments together.

APPENDIX I RESPONSE TO PUBLIC COMMENT ON DRAFT PLAN/DRAFT GEIS

To assess recent trends in real estate and property values in the Adirondack Park Region, data from the New York State Office of Real Property Services were analyzed to determine whether there has been a historic increase or decrease in the typical sale price of homes in the Adirondack Park. Housing sales data for a seven-county area (including Clinton, Essex, Franklin, Hamilton, Herkimer, St. Lawrence, and Warren) were organized by year sold, location, and residential category (only "arm's length sales" were included, which are transactions between persons in which each acts in their own self-interest). Although other counties are located partially within the Adirondack Park, the seven counties were chosen because either all or considerable portions of the counties are located within the Park boundaries. Including counties not significantly within the Park would run the risk of skewing the data. In addition, specific areas that could be considered high-use with respect to winter snowmobiling activities were specifically called out for analysis and are discussed below.

Several residential categories were examined, including single-family, year-round residences (code 210), rural residences with acreage (code 240), and seasonal residences (code 260). These three housing categories were chosen in order to capture both the impacts on permanent residents as well as seasonal residents and investors. Based on recommendations from the Adirondack Park Agency on snowmobile use and the locations of major snowmobile trails in the Park, the following areas were selected as representative locations where property has the potential to be affected by snowmobiling:

- Towns of Brighton and Harrietstown (Franklin County)
- Towns of Indian Lake, Inlet, and Lake Pleasant (Hamilton County)
- Town of Webb (Herkimer County).

While other counties and areas were examined during the process, these specific areas are presented due to the location of snowmobile trails in proximity to urban centers within each of the counties.

The data indicate that, since 1993, there have been general linear increases in the value of properties under the two classifications (210 and 260) for Franklin, Hamilton, and Herkimer Counties (see Figures 2-1 to 2-6). In some instances, the increase in value has been substantial, while in other cases the increase has been only moderate. For instance, in the Town of Inlet the average price of single-family residence have risen from \$100,000 in 1993 to just over \$300,000 in 2004 (see Figure 2-4). Property code 240 properties in Clinton County also were examined and showed a similar linear increase in value between 1993 and 2004. In some instances, there was a drop in value in 2005 (see Figures 2-2, 2-3, and 2-6), but that may be due to the use of incomplete data for that year.

Based on the available data, it is unclear whether there is a direct linkage between property values and proximity to snowmobile trails. A more thorough analysis will be possible when NYSDEC completes its development of a detailed GIS data map for the snowmobile trail system. Once completed, this GIS data map will allow for the development of a relational database between the geographic points of the snowmobile trail and other data sources such as property sales. At that point, it will be possible to establish a vicinity corridor among the trail system and to query on only properties adjacent to, and within certain intervals of, the trail (e.g., 0 to 1 mile, 1 to 2 miles, etc). This will provide a more accurate means of determining the relationship between snowmobile trails and property values.

During interviews with local real estate brokers and professionals (i.e., members and directors of Adirondack Park organizations and associations), various opinions were expressed regarding the potential impact that a snowmobile trail would have on a piece of property that it either runs through or is adjacent to. However, there was no overall consensus on impacts; the interviews were very subjective, and opinions were based primarily on the individual's predisposition to snowmobiling versus non-motorized winter activities.

APPENDIX I RESPONSE TO PUBLIC COMMENT ON DRAFT PLAN/DRAFT GEIS

Some individuals felt that people coming to the Park to buy a second home desire a quiet, pristine environment in which to enjoy their home. Others indicated that a major attraction for individuals buying a second home in the Park is the proximity to snowmobile trails and the desire to have access to a snowmobile trail directly from their property. Some buyers approach the real estate brokers with that specific request, whereas other buyers indicate that they want a property that is as far away from any motorized-use trail as possible.

Several real estate agencies were contacted to obtain their opinions regarding the impact of snowmobiling on property values, but they did not have quantifiable data to support their opinions. In general, most real estate agents consulted felt that snowmobile trails do not have a significant impact on property values, either positive or negative. Essentially, the value of a property is what the market is willing to pay for that property. The amenities offered by a property are desirable to different people, and an absolute impact on property values cannot be specifically quantified.

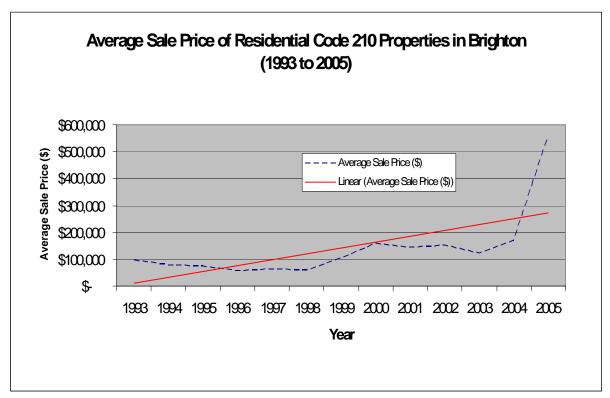
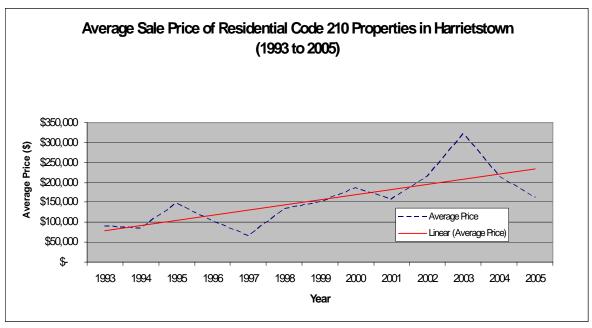




Figure 2-1 Average Sale Price of Code 210 (single-family residential) and 260 (seasonal residence) Properties in the Town of Brighton, Franklin County, New York (1993 to 2005)



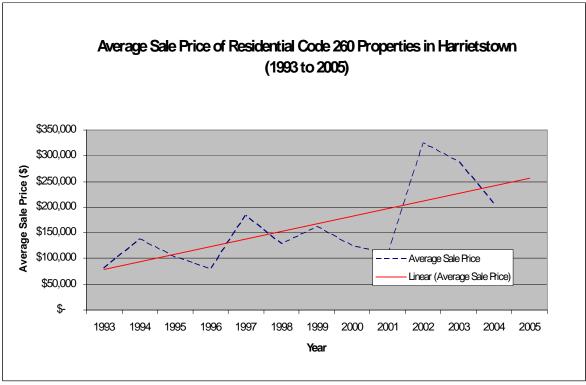
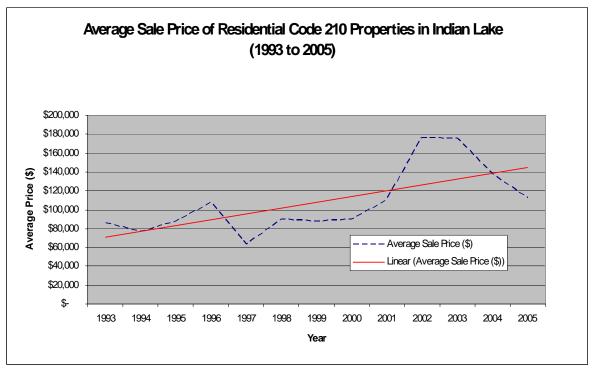


Figure 2-2Average Sale Price of Code 210 (single-family residential) and 260 (seasonal residence) Properties in the Town of Harrietstown, New York (1993 to 2005)



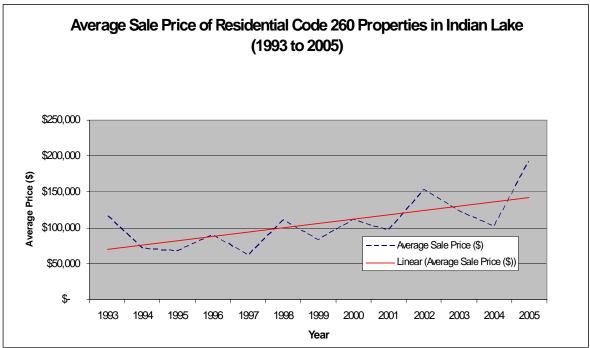
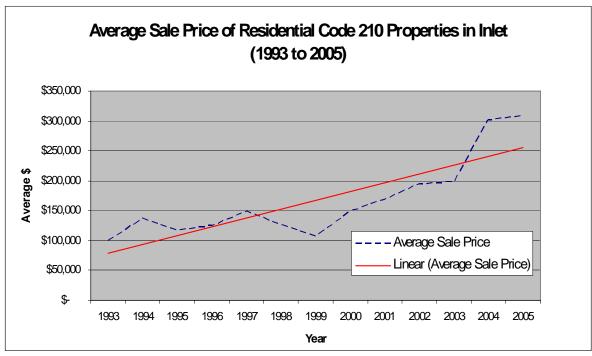


Figure 2-3 Average Sale Price of Code 210 (single-family residential) and 260 (seasonal residence) Properties in the Town of Indian Lake, New York (1993 to 2005)



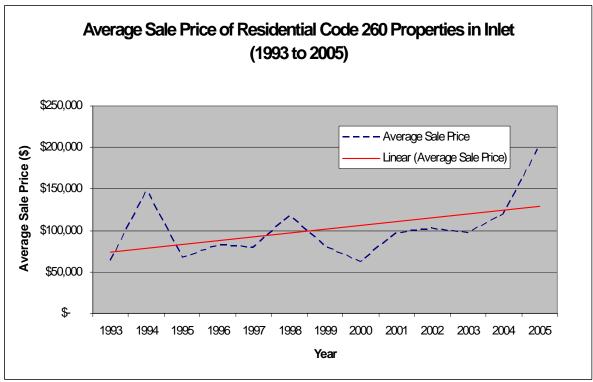


Figure 2-4 Average Sale Price of Code 210 (single-family residential) and 260 (seasonal residence) Properties in the Town of Inlet, New York (1993 to 2005)

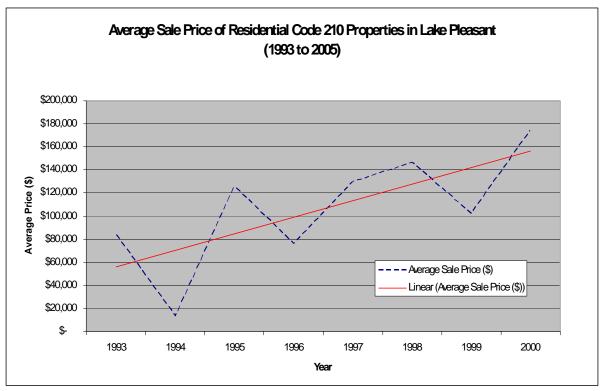




Figure 2-5 Average Sale Price of Code 210 (single-family residential) and 260 (seasonal residence) Properties in the Town of Lake Pleasant, New York (1993 to 2005)

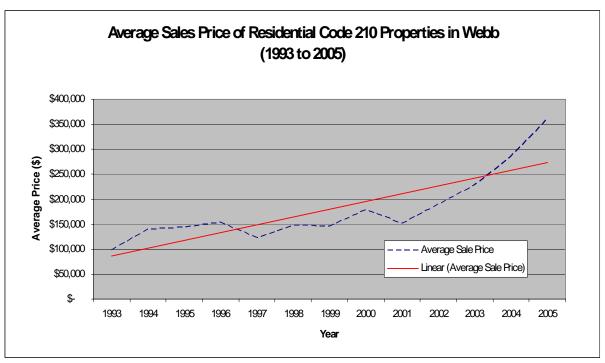




Figure 2-6 Average Sale Price of Code 210 (single-family residential) and 260 (seasonal residence) Properties in the Town of Webb, New York (1993 to 2005)

Economic Impact Comment 4: Some commenters thought that data regarding economic impact of snowmobiling should be gathered before moving ahead with the Plan. Certain reviewers went on to indicate that the results of the New York State Office of Parks, Recreation, and Historic Preservation (NYS OPRHP) Draft Economic Impact of Snowmobiling in the Adirondack Park Region study should be incorporated into the Plan.

Response: The results of an extensive review of existing literature, data, and research has been incorporated into these responses and the redraft of the economic impact section. However, most of the reports on the economics of snowmobiling addressed other geographic areas of North America. The only report that pertained directly to the Adirondack Park Region was the study titled *Draft Economic Impact of Snowmobiling in the Adirondacks* (NYS OPRHP 2004). The OPRHP 2004 study concluded that snowmobiling contributes \$52.2 million annually to the Adirondack Park's regional economy, including consideration for secondary spending. Much of the data presented in this study can be updated with publicly available data such as the DMV records on snowmobiling registration. The study also presented the results from the 2003 Snowmobile Owners Survey and estimates on economic impacts from snowmobiling. However, major limitations of the OPRHP study were its lack of information on other winter activities and their potential economic impacts on the Adirondack Park region. The Final Plan will include an expanded consideration of the economic impacts of all winter recreational activities.

The full list of resources that were reviewed to obtain economic information/data on snowmobiling is presented in the reference section of this report. Additional discussion of these papers will be presented in the *Revised Economic Impact of Snowmobiling in the Adirondacks*.

Economic Impact Comment 5: Several commenters expressed concern that the Plan was not specific enough about monetary resources available to implement the Plan. Specific economic concerns/suggestions included:

- Cost of building new trails will likely exceed what is available in the Trail Fund;
- *Increased enforcement will cost more*;
- Use the Environmental Protection Fund to purchase easements and to assist snowmobile clubs with this endeavor (encouraging long-term agreements). Snowmobile clubs are volunteer organizations and probably do not have skills or the finances available to enter into long term agreements. In addition, NYS should become more involved with this process; and
- The state should consider instituting a snowmobile registration fee increase, with dedicated funding stream for grooming and maintenance of trails.

Response: There already exists a dedicated Snowmobile Fund derived from the snowmobile registrations. Since the hearings, a two-tier registration exists, that increases the registration fees for snowmobilers who register snowmobiles and are not a member of a trail clubs that maintains trails and is a member of NYSSA. The Snowmobile Fund provides funding for the development and maintenance of trails. The construction of new trails will occur over a number of years and it is anticipated that most new development would be funded through the Fund. The Snowmobile Fund further provides funds for law enforcement. Given that the total mileage will remain relatively the same, the cost for enforcement should not change.

Economic Impact Comment 6: Several commenters suggested that impacts of the Plan on natural resources have an economic impact as well, and these should be considered in the Plan.

Response: The value of natural resources would need to be measured prior to assessing an economic impact of snowmobiling on those resources. There are various of ways to measure economic impact, such as the travel cost method or a contingent valuation survey. However, these types of studies are well beyond the scope of the Plan and would require significant effort and research. In addition, there is the problem of how to accommodate the different ways that different groups value natural resources. Some people believe that the presence of a pristine forest has a certain value, and others believe that the recreational uses that the forest provides are of a certain value. Due to these varying methods of valuing natural resources, it would be difficult to place a value on the natural resources in the Adirondack Park that everyone would agree upon.

The Snowmobile Plan will proceed under the assumption that as long as the proposed action does not work in opposition to the overall mission and development standards as stated in the Adirondack Park State Land Master Plan (as determined by the Adirondack Park Agency), it is deemed that there will be negligible "loss of natural resources" due to the clustering of development. In addition, some anticipate that the potential increase in the recreational usage value will add value to the Park and the local economies. It should be noted that some opponents of the Plan believe that its implementation will decrease the value of natural resources in the Park.

Economic Impact Comment 7: Several commenters suggested that the Plan should indicate stewardship costs of the trail and what the costs to taxpayers will be.

Response: The NYS Snowmoible Trail system for corridor and secondary snowmobile trails is funded through the Snowmobile Fund and primarily developed and maintained by snowmobile clubs

Additional Economic Impact Comments:

The following additional comments were received on the Plan but are noted as statements, rather than pertaining to a particular response:

- *Supports registration fee increase.*
- Supports additional fee for snowmobile owners who are not members of a club affiliated with NYSSA.
- Public funds should not be used to maintain snowmobile trails on public lands.
- State must be responsible for all costs of implementation.
- Economic benefit of snowmobiling is more important than environmental impacts.
- Economic contribution of snowmobiles goes to part of the state that needs it most at the time of year it is most needed.
- Money needed to implement changes in the snowmobile system would be better spent on other programs, such as education.
- Economic development is not part of the DEC mission, and should not be part of DEC's decision-making.
- Failure to improve trail system in NY will result in increased loss of revenue to other states and Canada.

Response: Thank you for your comment. No response required. These are statements of opinion, not substantive comments related to the scope, analysis, or conclusions of the GEIS; thus, it is not considered necessary to formulate a response.

2.2 Environmental Impact Comments

- **Environmental Impact Comment 1:** Many reviewers indicated that the information presented in the Plan on environmental impacts of snowmobiling is insufficient.
- Response: During the revision of the Plan, a more exhaustive literature review of the potential environmental impacts of snowmobiling in the Adirondack Park has been included. Specific impact discussion is provided in more detail in the responses below.
- **Environmental Impact Comment 2:** The Plan should propose studies of the impacts of snowmobiling on a variety of topics, including: air, water, and noise pollution, wildlife impacts, snowmobile-use numbers, and health impacts. This would provide better data on air, water, noise, wildlife, and health impacts.
- Response: During the revision of the Plan, a more extensive review of literature related to the air quality impacts of snowmobiling was completed. A reference list of 30 reports and studies evaluating snowmobile-related ambient air quality and exhaust emission characterization is presented at the end of this document. All of the reports and studies in the list have been reviewed in the process of preparing revisions to the Plan.
- Studies conducted in Yellowstone National Park that focus on understanding air quality issues associated with snowmobile use in that park were reviewed (Bishop et al. 2001; Cain and Haines 2001; Carroll and White 1999; Greater Yellowstone Clean Air Partnership 2005; Janssen and Schettler 2003; Morris et al. 1999; NPS 2000). Several of these studies involved ambient air quality sampling research conducted at Yellowstone National Park. In addition, an air sampling study of snowmobile emissions in Eagle River, Wisconsin, was reviewed (WDNR 2000).
- Several of the Yellowstone studies have shown that air pollution levels can be elevated in the vicinity of areas of high snowmobile use, such as at entrance gates, at loading/unloading areas, and at trail junctions where snowmobiles may idle or congregate (Bishop et al. 2001; NPS 2000 and 2004; and Morris et al. 1999). The Eagle River, Wisconsin, study was limited in the area covered and duration. The focus of the study was to evaluate ambient air quality levels at a school near a snowmobile oval racetrack (the Derby track) during an approximately week-long racing event (WDNR 2000). The study did not find elevated levels of carbon monoxide during that period. The Eagle River study also monitored for several hazardous air contaminants and compared the results to those from urban areas in Wisconsin (Green Bay, Milwaukee, and Wisconsin Rapids). For most of the hazardous air contaminants evaluated, concentration levels were found to be similar to levels found in other urbanized areas in Wisconsin. However, two hazardous air contaminants (1,1,1, trichloroethane and toluene) were found at higher concentrations than expected. The concentration of 1,1,1, trichloroethane was higher than the maximum concentrations measured in Milwaukee and Wisconsin Rapids, but within the range measured in Green Bay. The concentration of toluene on one day during the sampling period was higher than the maximum measured at Green Bay, Milwaukee, and Wisconsin Rapids.
- Quantitative data on air quality in the towns or along snowmobile parking areas and trails in the Adirondack Park were not found during the literature review. In order to study the air quality impacts associated with snowmobiling in the Adirondack Park, emphasis should be placed on areas of high snowmobile use in or near populated areas.

- Thus, a general study scope has been developed to identify locations where high snowmobile use occurs in or near populated areas and to develop a snowmobile traffic survey plan. The first step will be a determination of snowmobile traffic volumes. From this data, emission estimates on an hourly basis will be developed using emission rates identified from the literature. Dispersion modeling also will be conducted to estimate air pollutant concentrations near and away from the use areas for both the present and any proposed future conditions.
- Environmental Impact Comment 3: Several reviewers suggested that research on snowmobile use shows that it can cause significant adverse impacts to the environment. Yellowstone studies indicate snowmobiles produce up to 68 % of the park's carbon monoxide (CO) and 90 % of total hydrocarbon emissions despite being outnumbered by automobiles 16 to 1.
- Response: Studies conducted in Yellowstone National Park in the late 1990s and early 2000s have shown snowmobile hydrocarbon emissions to be a high percentage of the total hydrocarbon emission inventory for the park (Bishop et al. 1999; Bishop et al. 2001; NPS 2000). One study estimated that hydrocarbon emissions from snowmobiles account for 77% of the Park's total annual hydrocarbon emissions (Bishop et al. 2001). The National Park Service (NPS) gives the range of hydrocarbon emissions from snowmobiles as 68% to 90% of total hydrocarbon emissions, depending on which emission factors are used for each vehicle type (NPS 2000). The NPS study also states that CO emissions attributable to snowmobiles may contribute as high as 68% of the total annual CO emissions in the park. Several of these studies also suggest the primary reason for the difference in emissions is the different levels of emission control currently applied to automobiles versus snowmobiles.
- Automobiles are subject to strict emission regulations that have evolved over a period of many years, resulting in the use of cleaner fuel and the installation of catalytic converters to reduce nitrogen oxides, unburned hydrocarbons, and carbon monoxide in the exhaust and onboard gasoline vapor recovery systems. Automobile manufacturers must meet these regulations in order to offer their vehicles for sale in the US, and in many areas of the U.S. owners must subject their vehicle to a yearly emissions inspection. In areas where automobiles have contributed a significant percentage of the total air pollution emissions, these control regulations have resulted in large reductions in emissions per automobile. In most urban areas where automobiles are a significant contributor to air pollution, the growth in the number of automobiles has offset the reductions achieved in emissions per vehicle such that emission levels for automobiles have generally held steady rather than decline.
- The snowmobile industry utilizes engines that produce performance for their customers but are not designed to minimize engine exhaust emissions. Given the environmental operating conditions under which snowmobiles are used (i.e., cold air temperatures and off-road snow conditions), two-cycle engines have provided the reliability and performance that manufacturers desire in their products. However, these engines emit a significant amount of unburned fuel as hydrocarbons due to engine blowby.
- Concern over the amount of air pollutants in snowmobile engine exhaust and the growth in the number of snowmobiles has resulted in the EPA taking action to control snowmobile engine emissions. Prior to model year 2006, snowmobiles were not subject to engine emission regulations, except in Yellowstone National Park. Emission regulations began at Yellowstone for the 2004-2005 winter use season. Snowmobiles used in Yellowstone National Park must meet emission levels that result from the use of Best Available Technology (BAT). In response, snowmobile manufacturers have developed snowmobiles that meet these requirements.
- The new EPA emission standards for snowmobiles are not as stringent as the Yellowstone snowmobile BAT requirements. Table 2-3 compares current snowmobile emission rates to

Yellowstone BAT requirements and the EPA snowmobile emission standards. Beginning with model year 2006, 50% of new snowmobiles offered for sale will be required to meet EPA emission standards; in subsequent years 100% of new sleds must meet these standards. By 2012, emission standards are fully implemented for new sleds.

Table 2-3 Snowmobile Emission Rates and Emission Standards						
	Hydrocarbons (g/kW-hr)	Carbon Monoxide (g/kW-hr)	Implementation Schedule			
Current (typical)	150	400	Not applicable			
Yellowstone BAT 2004	<15	<120	2004			
EPA 2006	100	275	50% of new sleds			
EPA 2007 to 2009	100	275	100% of new sleds			
EPA 2010	75	275	100% of new sleds			
EPA 2012	75	200	100% of new sleds			
Key: BAT = Best Available Technology g/kW-hr= grams per kilowatt hour						

BAT = Best Available Technology g/kW-hr= grams per kilowatt hour EPA = (United States) Environmental Protection Agency

Approximately 150,000 snowmobiles are registered with the New York State Department of Motor Vehicles (NYSDMV). During the 1996-1997 snowmobile season, an average dealer in New York sold approximately 80 new snowmobiles, and in the late 1990s and early 2000s, snowmobile registrations grew by about 10% per year (NYSOPRHP 2004). Some percentage of the new snowmobile sales is due to growth in the sport, while some is for replacement of older snowmobiles. Assuming that the sale of new snowmobiles continues at past levels, it will likely take several years for the snowmobile population in New York to include a significant percentage of snowmobiles meeting the EPA snowmobile emission regulations. Thus, the average emissions from snowmobile activity on a per-snowmobile basis will gradually decline over the next several years as an increasing percentage of snowmobiles meeting the emission regulations enters into use.

Environmental Impact Comment 4: Several reviewers commented that snowmobile impacts are overblown. Some further thought that smog is not created in the wintertime because of cold weather (ozone is created by heat and sun).

Response: The term "smog" was developed by combining the words "smoke" and "fog." It is used to describe an atmospheric condition where air pollution contains a mixture of smoke and fog, resulting in reduced visibility. Both "summer smog" and "winter smog" are known air pollution issues. Smog can be created on a regional scale in the summer by the reaction of two components of vehicle exhaust (nitrogen oxides and volatile organic compounds) in the presence of heat and sunlight to form ozone and very fine particles. Winter smog forms by a different mechanism. In winter, visible air pollution may be observed on a more local scale due to the direct emission of particulate from various types of sources, including wood stoves and snowmobiles. Particles from snowmobile exhaust may also form due to the condensing of gaseous pollutants to a liquid particle during extremely cold weather. Often in winter, and especially on very cold mornings, the atmosphere near the ground is very calm, allowing the formation of a temperature inversion. This can trap pollutants near the ground and result in a layer of air pollution. Thus, "smog" can be seen in the winter as well, although it has formed by a different process and is on a more localized scale than during summer.

Environmental Impact Comment 5: Several reviewers expressed concern that snowmobiles create noise pollution and those noise impacts are wide-ranging, not just in the immediate area of trail.

- Response: All manufacturers equip snowmobiles with muffler systems to control noise. However, there are currently no EPA regulations limiting noise from snowmobiles. This was discussed under the Environmental Setting Chapter, II.D.1.. In some instances, local communities have adopted noise ordinances for snowmobiles. For example, the Bloomington, Minnesota, City Code restricts noise levels from snowmobiles manufactured after 1975 and sold in Minnesota to a sound level of 75 decibels (A-weighted scale) measured at 50 feet from the snowmobile.
- Manufacturers do make some snowmobiles that meet these local standards and other voluntary noise standards. Other than the establishment and enforcement of local noise regulations, there is no control over individuals making modifications to their snowmobiles that may result in increased noise levels.
- **Environmental Impact Comment 6:** Additional commenters expressed concerns that snowmobiles pollute the air, and some expressed concern that the plan failed to address pollution claims from residents of Old Forge and Inlet.
- Response: As with many types of off-road vehicles and small pieces of equipment powered by internal combustion engines, engine exhaust has not been regulated in the past. The EPA recognizes the need to control emissions from small engines and off-road vehicles and is in the process of implementing emission control regulations. As discussed in the response to a previous comment, beginning in 2006, the EPA will begin implementing emission standards for new snowmobiles. These standards are based in large part on research and studies conducted in Yellowstone National Park and on internal research and development on feasible emission reductions by snowmobile manufacturers. The EPA's nationwide snowmobile emission standards are not as stringent as the Yellowstone BAT requirements.
- As the EPA snowmobile emission standards are implemented over a period of several years, new snowmobiles will gradually enter into use and older machines will be used less frequently or not used at all. Thus, the average emissions per snowmobile will decrease. If current snowmobile activity levels are maintained, overall emissions also would decrease. However, growth in snowmobile use, either through an increase in the number of snowmobiles in use or through more miles ridden per snowmobile, would cause an increase in emissions. However, with the more stringent standards and current trend of declining snowmobile registrations, the impact from emissions should be reduced.
- **Environmental Impact Comment 7:** Several commenters expressed concern that various chemicals leak from snowmobiles and pollute surface and groundwater.
- Response: The lakes and rivers in the Adirondack Park are highly valuable natural resources. The Park contains more than 2,600 lakes and 1,600 miles of designated Wild, Scenic, and Recreational Rivers. The following response provides some background explanation on pollution from snowmobiles and then reviews several studies that examined the impacts of snowmobiling on an aquatic environment.
- Major Chemical Groups Present in Snowmobile Emissions
- Snowmobile emissions contain both inorganic and organic compounds (Bishop et al. 2001; NPS 2000; Ingersoll 1999). Inorganic compounds present in snowmobile exhaust include carbon monoxide, ammonium, nitrogen oxides, and sulfur oxides (NPS 2000; Ingersoll 1999). Nitrogen and sulfur oxides can react with water to form nitrate and sulfate, respectively. These inorganic compounds and ammonium have been found at elevated levels on snowmobile trails in Yellowstone National Park (Ingersoll 1999).

- Adams (1975) indicated that snowmobile emissions can contribute harmful amounts of lead to the environment. However, Adams conducted her work in the early 1970s, when leaded gasoline was still in use. Given that leaded gasoline is no longer sold in the United States, snowmobile emissions are no longer expected to be a significant source of lead to the environment.
- Organic chemicals identified in snowmobile emissions include benzene, ethylbenzene, toluene, xylenes, methyl *tert*-butyl ether (MTBE), 1,3 butadiene, formaldehyde, acetaldehyde, and polycyclic aromatic hydrocarbons (PAHs) (Einarson 2002; Ingersoll 1999). Benzene, ethylbenzene, toluene, and xylenes are volatile organic compounds (VOCs) and are byproducts of gasoline combustion. PAHs also are generated by gasoline combustion, as well as other combustion processes (Smith et al. 1988). MTBE is a gasoline additive. Ingersoll (1999) found concentrations of benzene, ethylbenzene, toluene, xylenes, and MTBE to be substantially higher in snow samples collected from snowmobile trails in Yellowstone National Park than in snow samples collected nearby but off the trails. Einarson (2002) attributed MTBE in a groundwater aquifer near Lake Tahoe partly to MTBE emissions from snowmobiles. In addition to the specific organic chemicals identified above, snowmobile exhaust also contains other aliphatic and aromatic hydrocarbons from burned and unburned gasoline and hydrocarbons from two-stroke engine oil (NPS 2000).

Transport and Fate of Chemicals Deposited in Snowmobile Trails

- Nitrate, sulfate, and ammonium are highly water soluble and thus are more likely to be transported by runoff to rivers and lakes during snowmelt. Other possible fates for these inorganic substances include uptake by vegetation and/or incorporation into soils due to ion exchange reactions (Brady 1974). However, these latter two processes are not expected to be important during snowmelt when soils are frozen and plants are largely dormant.
- Carbon monoxide is gaseous and thus is not likely to accumulate in the snowpack along snowmobile trails. Reduced air quality is the principal concern associated with carbon-monoxide emissions by snowmobiles.
- The principal fate of benzene, ethylbenzene, toluene, and xylenes in the environment is volatilization followed by photolytic degradation (i.e. exposure to sunlight) in the atmosphere (Smith et al. 1988). Although some fraction of these chemicals deposited in snowmobile trails may reach streams and lakes via runoff, these chemicals are expected to quickly volatilize from surface waters (Smith et al. 1988).
- MTBE also is a VOC; however, it tends to partition substantially more into water than other common VOCs in gasoline (Squillace et al. 1997). As a result of this tendency, MTBE from snowmobile trails is expected to be transported to lakes and rivers during snowmelt. The half-life of MTBE in surface water bodies depends on water velocity, depth, and temperature (Squillace et al 1997). In shallow (less than 1 meter deep) streams, the estimated half-life of MTBE ranges from 0.2 to 3 days at 5 degrees C, depending on flow velocity. A half-life of several months is estimated for deep lakes (greater then 10 m deep) with little through flow (Squillace et al. 1997). (It should be noted that MTBE has been banned as a gasoline additive in New York State since January 1, 2004).
- Because of their generally low water solubilities, PAHs strongly partition to particulate and dissolved organic matter and to inorganic particulate matter (Smith et al. 1988). Thus, PAHs in snowmelt typically reach lakes and rivers bound to particles rather than in dissolved form. Their ultimate fate in aquatic systems is incorporation into sediments followed by slow biodegradation (Smith et al. 1988). As a result, benthic organisms are more likely to be exposed to PAHs than fish or other aquatic organisms that live in the water column of a lake or stream.

Possible Surface Water Quality Impacts

- During the extensive literature review, three studies (Rhea et al. 2005; Ingersoll 1999; Adams 1975) were identified that can be used to infer potential impacts on surface water bodies from snowmobile emissions.
- Rhea et al. (2005) measured PAHs in water, sediment, and snow at various locations in Grand Teton National Park, several of which were near areas frequented by snowmobilers. All samples contained very low concentrations of total PAHs, with the greatest concentrations in water, snow, and sediment being 320 nanograms per liter, 600 nanograms per liter, and 480 nanograms per gram, respectively. Rhea et al. (2005) concluded that the presence of PAHs in snow is low and thus the potential contribution from snowmobiles is low.
- Ingersoll (1999) investigated the impacts of snowmobile emissions on snowpack chemistry in Yellowstone National Park. This study concluded that elevated levels of benzene, ethylbenzene, toluene, xylenes, MTBE, and several inorganic compounds (e.g., ammonia and sulfate) were present in snowpack along snowmobile trails. Background levels of these contaminants were detected in snow at distances of 50 and 1,000 meters from snowmobile trails. Although contaminants were detected, Ingersoll (1999) concluded that watershed-level effects from snowmobile emissions are unlikely based on these results. Again, it should be noted that MTBE has been banned as a gasoline additive in New York State since January 1, 2004.
- Adams (1975) operated a snowmobile on a small pond in New Hampshire to investigate the impact of snowmobile emissions on aquatic biota during ice-out. The level of snowmobile use on the pond was equivalent to one snowmobile burning 250 liters of leaded gasoline per season on a 0.4-hectare pond with an average depth of 1 meter. Adams observed reduced stamina of brook trout (measured by the ability to swim against a current) and uptake of hydrocarbons and lead by brook trout. However, it is important to note that the level of snowmobile use on the pond studied by Adams was excessive on a confined 0.4-hectare pond, and the study was conducted with leaded gasoline, which is no longer available in the United States.
- The three studies discussed above provide conflicting evidence of potential effects on surface water quality from snowmobile use. Recent work by Rhea et al. (2005) and Ingersoll (1999) suggest that effects are unlikely. However, the older work of Adams (1975) suggests that adverse effects are possible in small catchments subjected to very concentrated snowmobile use. Additional evaluation should be considered to determine whether high-use snowmobile areas are located near small, isolated catchments in the Adirondack Park. If such areas exist, site-specific sampling of snow, surface water, and/or sediment should be considered to evaluate potential impacts.
- **Environmental Impact Comment 8:** Some reviewers indicated that the corridor nature of many of the snowmobile trails will keep emissions from dispersing into greater areas.
- Response: The primary influencing factors in the dispersion of emissions are wind speed, the stability of the atmosphere, and terrain features. In winter, a highly stable atmosphere would occur on a calm, clear, cold early morning; air near the ground is colder than air approximately 10 meters above the ground. This situation inhibits the upward mixing of air pollutants released near the ground. However, if less stable conditions occur and a wind is blowing, the wind will carry emissions away from a snowmobile trail. As wind speed decreases it takes longer to disperse emissions from the snowmobile trail. Emissions from repeated snowmobile passage along a corridor when a wind is blowing will not accumulate along the trail but will be transported out of the area. If conditions are calm or nearly calm, or the emissions occur in a valley that is sheltered from the wind, repeated snowmobile passage along a corridor may result in the temporary buildup of air pollutants along the trail corridor.

- The potential effect of snowmobiling along a linear corridor was studied in the mid-1990s (Fussel, Park Science, Vol. 17, No. 1). In this study, levels of carbon monoxide were measured at various distances behind a single snowmobile traveling on a trail. The study did not find carbon monoxide levels above the 1-hour national ambient air quality standard at any distance behind the snowmobile. However, the study's author suggested that a group of snowmobiles traveling in a line may result in higher carbon monoxide levels for riders at the end of the line of snowmobiles than was observed for the single snowmobile used in the study. The levels of carbon monoxide that riders at the end of line would be exposed to would be higher during travel on trails during low wind/calm wind conditions.
- Environmental Impact Comment 9: Several reviewers expressed concern that the Plan relies on EPA emissions standards that are yet to be implemented. The standards could be changed, old machines that do not meet those standards will continue to be used, and increased snowmobile use resulting from the Plan may offset reduction from standards.
- Response: The EPA's emissions standards for snowmobiles phase-in for new 2006 model year snowmobiles. The final standards are in place for the 2012 model year. In its support document for the emissions standards, the EPA estimates that the average snowmobile lasts 7 to 9 years (EPA 2002). Thus, it will likely take several years before a significant number of snowmobiles meeting the standards are in use on snowmobile trails in the Adirondack Park. An improvement in average emissions per snowmobile will be realized over time.
- The impact from implementation of snowmobile emission standards was seen in a study conducted in Yellowstone National Park (Sive et. al. 2003). In this study, VOC levels at various locations in the park were measured, and the results showed that snowmobiles not meeting the park's BAT requirements contributed to significantly higher VOC levels in the park and in West Yellowstone, Montana. The report concluded that in the subsequent year, when the vast majority of snowmobiles entering the park will be equipped with BAT, VOC levels will likely be much lower. This study also suggested that with limits placed on the number of snowmobiles entering the park (limited to one-half of the number that entered the previous year), air quality will improve dramatically. Thus, in Yellowstone National Park, improved air quality is being achieved with snowmobile emission controls and snowmobile traffic limits.
- Annual snowmobile exhaust emissions in the Adirondack Park result from the air pollutant emission rate from snowmobiles and the miles traveled by the snowmobiles. The future emission rate will be limited by the EPA emission standards for new snowmobiles; however, as seen in the Yellowstone study (Sive et al. 2003), snowmobile miles traveled also had a bearing on the annual emissions. Growth in the number of snowmobile miles traveled prior to full implementation of the EPA's snowmobile emission standards has the potential to offset future emission reductions due to those standards and result in an annual emission increase.
- **Environmental Impact Comment 10:** Several commenters were concerned that pollution impacts will continue into summer because ATVs will use the snowmobile trails proposed in the Plan.

Response:

ATV's are considered a separate trail activity and is not within the scope of this plan.

2.3 Miscellaneous Comments

Miscellaneous Comment 1: Some commenters suggested that the State should place snowmobiling on the State's plan for tourism promotion and development to make it a destination sought by snowmobilers from neighboring areas.

- Response: Snowmobiling is included in the "I Love New York" promotional material available through the New York State Tourism Web site, and about 25 contacts in the Adirondack region are listed following a query to their database (http://www.iloveny.state.ny.us/search/recreation_index.asp). Snowmobiling is also discussed as one of four winter activities in the Statewide Comprehensive Outdoor Recreation Plan (SCORP) 2002.
- **Miscellaneous Comment 2:** Certain commenters felt the Plan should provide guidance for communications on where to invest in facilities, lodging, attractions, and tour packaging or marketing.
- Response: Providing guidance on where to invest in facilities, lodging, attractions, and tour packaging or marketing is beyond the scope and purpose of the Plan for the Adirondacks. Local municipalities, chambers of commerce, and private developers can use the Plan as a tool to determine where snowmobile trails and usage would be appropriate and potentially profitable.
- **Miscellaneous Comment 3:** Many reviewers thought the Plan should estimate increased trail usage and increased visitation in the region.
- Response: Data obtained from the 2003 Snowmobile Owner Survey describes the general usage of snowmobile areas in New York State by an origin-destination matrix (see Table 2-4). The Adirondack region has the highest visitation rate of all regions in the state. The major issue when assessing trail usage in the Adirondack region is determining what percentage of snowmobile activity days are generated by citizens of the Adirondacks that remain in the region and what percentage of snowmobile activity days in the Adirondacks result from snowmobilers who live elsewhere and travel into the region.
- According to the data in Table 2-4, 80% of the snowmobile days originating in the Adirondacks stay within the region, and 74% of the snowmobile days in the Adirondacks are generated by people living outside the region.
- Approximately 19.9% of snowmobiling days spent by residents of the Adirondack region take place in other parts of the state, and approximately 17.2% of snowmobiling days spent by New York State citizens living outside the blue line takes place within the Adirondacks. Finally, 40.1% of the snowmobiling days spent by out-of-state residents using a snowmobile in New York State takes place in the Adirondacks.
- Based upon the historic usage statistics presented, it is anticipated that the Adirondack Park region will continue to be highly utilized by snowmobilers from within and without the Adirondack Park region. The exact increase or decrease in usage that would result from the proposed DEC Snowmobile Plan is unknown.

Table 2-4 Travel Patterns of Snowmobiling Activity Days Reported in the 2003 Snowmobile Survey

Travel Pattern of Snowmobile Activity Days Reported in 2003 Snowmobile Survey												
		Destinations										
		Allegany	Capital	Catskill	Central	Finger	Hudson	Metro	Niagara		Tug	
Origins	ADK	Region	District	Park	NY	Lakes	Valley	NYC/LI	Region	Islands	Hill	Total
ADK	2,410	30	52	30	69	30	30	30	0	88	238	2,621
Allegany	0	1,179	0	0	95	35	0	0	120	0	38	1,309
Capital District	1,531	5	1,732	136	794	5	0	0	5	0	587	4,203
Catskill Park	38	0	0	69	6	0	126	5	0	0	151	113
Central NY	878	0	18	600	5,214	340	0	0	0	53	2,136	7,050
Finger Lakes	279	4	0	6	423	1,901	0	0	41	12	603	2,613
Hudson Valley	517	0	48	269	114	1	729	0	0	2	516	949
Metro NYC/LI	185	0	0	119	141	6	0	35	0	2	145	451
Niagara	353	915	0	30	103	639	0	0	2,736		695	2,040
Thousand Islands	1,628	0	0	0	19	0	0	0	0	1,083	431	1,647
Tug Hill	289	3	4	0	602	0	0	0	ů	88	1,687	898
Out of State	1,160	465	0	35	51	40	20	0	79	7	1,034	2,891
Total	9,268	2,601	1,854	1,294	7,631	2,997	905	70	2,981	1,361	8,261	39,223

Miscellaneous Comment 4: Several commenters indicated that the State should make registering a snowmobile in the state an easier and more profitable process.

Response: This is beyond the scope of the plan.

Miscellaneous Comment 5: Some reviewers thought that the Plan did not examine the carrying capacity of snowmobile trails on the Adirondack Park preserve.

Response: The snowmobile system within the Adirondack Park is an open system with many points of entry and egress. The system is comprised of various types of trails with different user patterns. Therefore, it is not feasible to estimate a carrying capacity of the trail system within the Adirondack Park.

Miscellaneous Comment 6: Several reviewers felt the Plan should attempt to estimate the "snowmobile carrying capacity" of the park.

Response: The term "carrying capacity" has its roots in range and wildlife sciences. As defined in the range sciences, carrying capacity means "the maximum number of animals that can be grazed on a land unit for a specific period of time without inducing damage to the vegetation of related resources" (Arthur Carhart National Wilderness Training Center, 1994). This concept, in decades past, was modified to address recreational uses as well; although in its application to recreational use it has been shown to be significantly flawed when the outcome sought has been the "maximum number" of

people who should visit and recreate in an area. Much research has shown that the derivation of such a number is not useful. Essentially, this is because the relationship between the amount of use and the resultant amount of impact is not linear (Krumpe and Stokes, 1993). Nevertheless, the shortcomings of a simple carrying capacity approach have become so apparent that the basic question has changed from the old one: "How many is too many?" to the new, more realistic one: "How much change is acceptable?". Professionally-informed judgements must be made such that carrying capacity is given definition in terms of resource and social conditions that are deemed acceptable; these conditions must be compared with the real, on-the-ground conditions; certain projections must be made; and management policies and actions must be drafted and enacted with an aim toward maintaining or restoring the conditions desired.

Limits of Acceptable Change (LAC) and Visitor Experience and Resources Protection

(VERP) Models are two methods which employ carrying capacity concepts, not as prescriptions of the total number of people who can visit an area, but as prescriptions of the desired resource and social conditions that should be maintained to minimum standards regardless of use. Establishing and maintaining acceptable conditions depends on well crafted management objectives which are explicit and which draw on managerial experience, research, inventory data, assessments and projections, public input, and common sense. When devised in this manner, objectives founded in the LAC and VERP models essentially dictate how much change will be allowed (or encouraged) to occur and where, as well as how management will respond to changes. Indicators (measurable variables that reflect conditions) are chosen, and standards (representing the bounds of acceptable conditions) are set, all so that management efforts can be effective in addressing unacceptable changes. A particular standard may be chosen so as to act as a simple trigger for management action (as in VERP), or it may be chosen to act as a kind of boundary which - given certain assessments - allows for management action before conditions deteriorate to the point of no longer meeting the standard (as in LAC).

Even well-conceived and executed efforts can prove ineffective, and when this is the case, management responses must be adjusted. Monitoring of resource and social conditions is absolutely critical. Use of these models will involve the identification of acceptable resource and social conditions as defined by measurable indicators; an analysis of the relationship between existing conditions and those desired; a determinations of the necessary management actions needed to achieve desired conditions; and development and implementation of a monitoring program to see if objectives are being met.

Miscellaneous Comment 7: Several commenters were concerned that the Plan proposes to scrap the State's long-standing mileage cap of 848 miles for a more comprehensive approach that more successfully implements the no material increase provision. Reviewers felt that without a detailed inventory of the existing trail system, it is unclear how the no material increase provision of the state master plan could be met by eliminating this cap.

- Response: This plan provides the most recent data available on Park-wide Trail Mileage estimates. The plan notes that in 1980, DEC conducted a survey of existing roads and trails use by snowmobiles within the Adirondack Forest Preserve. The survey documented the existence of 848.88 miles of roads and trails used by snowmobiles. It is impossible to relate the 1980 survey to each segment of the existing trail network. Data from the survey was compiled in narrative format and not depicted in any accompanying maps. Further DEC staff appear to have been inconsistent in their decision as to whether or not to include public or administrative roads in they survey of "trail" mileage. In the absence of better information, such survey data has been established in DEC policy as the limit for trail development which ensures compliance with the APSLMP directions that there be "no material increase" in snowmobile trails in the Forest Preserve beyond those existing in 1972.
- The APSLMP requires that there "not be any material increase in the mileage of roads and snowmobile trails open to motorized use by the public in wild forest areas that conformed to the master plan at the time of its original adoption in 1972." This determination is fundamentally fact driven, and requires a variety of factors to be addressed based on the presently available knowledge regarding 1972 conditions, and other considerations that the APA may determine to be material in any particular unit. The APA provides a formal determination in this regard for each State land Unit Management Plan that it reviews for compliance with APSLMP as these plans are developed and presented to the APA. Completion of all Wild Forest UMP's will serve to refine and confirm the existing trail mileage estimates while providing for a safer, more environmentally sound trail system through the re-alignment of trails within the concept of "no material increase" contained in the Master Plan.
- Miscellaneous Comment 8: The Draft Plan defers the identification of the specific trail routes in the various Wild Forest areas to the Unit Management Plan planning process. This will make it extremely difficult to control the maximum mileage of snowmobile trails in the Adirondack Park.
- Response: See response above. Re-alignment and possible addition of trail mileage in individual Wild Forest Units will be determined through the Unit Management Planning process. Factors that will be evaluated in re-routing of trails are primarily related to safety, environmental protection and closure of under utilized and poorly designed trails. It is expected that the total trail mileage will be within the range of existing estimates. DEC and APA will work cooperatively to insure that the "no material increase" provision of the APSLMP is adhered to.
- **Miscellaneous Comment 9:** The draft plan needs to discuss the impacts of snowmobile use on conservation easement lands adjacent to the park.
- Response: This issue will be addressed in a number of ways, including the development of Recreation Management Plans for easement lands and through coordinated development of Unit Management Plans for units with adjacent easement lands.

The Adirondack Park Agency will be involved in the review of project proposals for easement lands and review of recreation management plans for easement lands.

Miscellaneous Comment 10: Several comments received suggested that in order to create a successful community connector network, the plan should fully address willing participation by private landowners, community support, and identification of appropriate route locations on the Forest Preserve. In addition, in order to increase the potential for participation by landowners, the plan should identify incentives for landowners to participate in the network.

Response: The final plan generally outlines possible locations for community connecters in locations where direct connector routes do not currently exist. Further planning and involvement of local snowmobile clubs, local officials and property owners will be needed to successfully implement specific community connector routes.

Miscellaneous Comment 11: Many comments were received on the reclassification of all snowmobile routes in the Adirondack Park. Reviewers were concerned that there should be no difference in classification of trails in the Forest Preserve. Some reviewers went on to indicate that routes on snowmobile trails should remain the character of a foot trail as mandated by the State Land Master Plan (SLMP), which states that there will not be any material increase in the mileage of roads and snowmobile trails open to motorized use by the public in wild forest areas. Additional clarification was provided by some reviewers that in order for trails to retain the character of a foot trail, there should be no removal of rocks protruding 6 inches or more from a trail.

Response: The final plan proposes the following revisions to current DEC policy: Revisions of DEC policy ONR-2 "Snowmobile Trails - Forest Preserve" are:

- Creation of a new trail classification system;
- Replacement of the current mileage limit regarding snowmobile trails in the Adirondack Forest Preserve;
- Revision of standards for design, construction and maintenance of snowmobile trails on Forest Preserve lands;
- Inclusion of enhanced tree cutting guidelines.

The proposed revisions are meant to create improvements to the existing snowmobile trail system while remaining within the requirements of the APSLMP.

Miscellaneous Comment 12: Several reviewers thought that allowing motorized access for "Administrative Use" vehicles in the Forest Preserve is inappropriate.

Response: TRP's and AANR's approved by DEC for snowmobile trail maintenance include provisions to insure that all maintenance activities are done under appropriate supervision and Department policy guidelines.

- Miscellaneous Comment 13: Some reviewers thought that the Plan violates Article XIV of the New York State Constitution (the" forever wild" clause) by proposing to widen (e.g., by tree cutting) hundreds of miles of new snowmobile trails from 8 to 12 feet wide.
- Response: There is no case law on whether snowmobile trails violate Article XIV. Under the SLMP Snowmobile trails have the essential character of a foot trail and that is what the Final Plan maintains. The proposal to widen trails from 8 to 12 feet in the Draft Plan/ GEIS has been modified in the Final Plan/ GEIS.
- **Miscellaneous Comment 14:** Some reviewers indicated that the Plan does not set forth quantifiable and definitive benchmarks for measuring the net benefit for the Forest Preserve.
- Response: The goal of the Snowmobile Plan is to create a safe system of trails within the Adirondack Park in an environmentally sound manner and in conformance with the APSLMP. Goals of the Plan include protecting natural resources, and the wild forest character of public lands in the Park (as envisioned by the Constitution, APSLMP and appropriate laws, rules, regulations) by considering underutilized trails for abandonment; utilizing to the maximum extent possible routes on the periphery of Wild Forest Units or parallel and near to travel/transportation corridors for new trail development and, where appropriate, re-designating trails in the interior of Wild Forest Units or in the vicinity of private in-holdings for nonmotorized use only; focusing on opportunities to route trails on non-state lands wherever possible and encouraging long-term commitment of corridor trail systems on private lands through cooperative agreements with private landowners, consistent with the provisions of the State Open Space Plan; establishing a clear set of standards for snowmobile trails and snowmobile related activities on public lands; increasing law enforcement resources at all levels to address trespass and deter illegal activity on the trail system and in surrounding public and private areas; and providing intelligent and resource protective trail system planning in an overall way rather than dealing with each trail segment individually. Other benefits to be achieved for trail users through the implementation of this plan will be to provide a safe, enjoyable snowmobile experience by avoiding unsafe trail conditions; minimizing dependency on lake and road crossings; encouraging partnerships with the private sector, state and local governments that will provide, maintain and operate snowmobile trails; and establishing a clear set of standards for snowmobile trails and snowmobile related activities on public lands.
- **Miscellaneous Comment 15:** Many reviewers indicated that the snowmobile trail width needs to exceed 8 feet, pointing out that two 48-inch-wide snowmobiles going in opposite directions cannot pass with some margin of safety.
- Response: This plan proposes a variety of trail widths depending on the location and overall use of specific trails. The APSLMP requires that snowmobile trails located on Forest Preserve lands within the Adirondack Park should maintain the "essentially the character of a foot trail". These trails should not be expected to be

used or maintained for use by snowmobiles as higher speeds. Snowmobile operators must also have a high level of responsibility for safe operation and use of trails under a variety of conditions. As proposed in the final plan, interior trails should be considered to be primarily for travel at low to moderate speeds with the need for caution whenever snowmobiles have the need to pass on the trail. Class III community connector trails are proposed for development with wider trail widths to allow for a greater safety factor for two snowmobiles to pass along any section of trail.

- **Miscellaneous Comment 16:** Many commenters indicated that the tracked groomers must be allowed on trails to improve safety of trails and snowmobile access purposes.
- Response: The final plan proposes a variety of trail experiences on Forest Preserve trails, from ungroomed trails to trails groomed only by a snowmobile with drag, to regularly groomed trails using tracked groomers.
- Miscellaneous Comment 17: Many commenters indicated that restrictions on trail conditions (e.g. narrow trails, limitations on removal of hazards, and prohibiting maintenance of trails through the season) contribute to potentially unsafe conditions. Some commenters went on to indicate that all rocks should be removed from Class III trails and elaborated that a 6-inch rock in a trail is a potential hazard at certain times in the season (e.g., in some instances it can take up to 16 inches of snow to adequately cover a 6-inch-high obstacle). Without rock removal, trails are potentially inaccessible for long periods of time, limiting the snowmobile season.
- Response: It is impossible for every trail to be developed so that all hazards and potentially unsafe conditions are removed. Reliance must be placed on the ability of the snowmobile operator to use the equipment in a safe and responsible manner depending on trail conditions and adequacy of snow cover.
- Miscellaneous Comment 18: Some commenters further indicated that the Class IIa and IIb trails proposed in the Plan are a safety issue and are very inefficient in allowing for grooming access, since these trails are limited to a 4-foot maximum drag.
- Response: As noted above, the final plan recommends that a variety of trails should be developed on Forest Preserve lands. Use of a snowmobile with a drag is a long-standing practice for snowmobile trail maintenance. However, it is recognized that this practice is more appropriate on interior trails which tend to get less use and therefore are expected not to need constant maintenance as provided by larger tracked groomers.
- **Miscellaneous Comment 19:** Some commenters questioned that the Plan relies on the assumption that trails can be relocated onto private lands in some areas (i.e.,

community connectors). Some commenters indicated that without the cooperation of certain landowners, there is a risk to losing snowmobile trail connections through various communities. On a similar note, some commenters indicated that before community connectors are proposed a complete trail system map needs to be developed in order to adequately assess any proposal for a new trail system.

- Response: The final plan recognizes that cooperation with private land owners will be critical to the successful development of community connectors. It will be critical for local snowmobile clubs to identify and work with interested and willing landowners to create connector trails as public lands are not always available for this purpose, especially in the vicinity of more developed community centers. Opportunities exist for development of landowner agreements and purchase of permanent easements through the State's through the Snowmobile Trail Development and Maintenance Fund. Local open space plans are another mechanism that can be used to address the establishment, design and/or management of snowmobile trails. The State's Open Space Plan provides a blueprint for State activities to conserve open space. Priority projects identified in the OSP are eligible for land acquisition funding from the State's
- Environmental Protection Fund (EPF). The Open Space Plan identifies priority projects in the Adirondacks, many of that have the opportunity for expanding snowmobiling trails. In particular, the priority project to create "Recreational Trail Linkages and Networks," focuses on the need to create key trail linkages in the Adirondacks through fee title and easement purchases.
- Miscellaneous Comment 20: Some commenters indicated that the Plan does not adequately address the issue of financing easements, and elaborated that there needs to be a better commitment to stewardship. Some proposed that there should be consideration for leased easements, since they may be more effective as private land network-building tools than any combination of policies.
- Response: The EPF provides for the acquisition of conservation easements but not for the lease of lands. A conservation easement is a permanent action and a lease temporary with a set time frame.
- Miscellaneous Comment 21: The plan lacks an analysis of the economic impact of snowmobiling and does not present sufficient baseline information about current or projected snowmobiling activity in the region. Current data about snowmobiling is lacking, information about current trends is not included, there is no inventory of existing trails or any maps of proposed trails, and there is no information about how expansion of the snowmobile network could contribute to the region's economy.
- Response: Further information on the baseline of snowmobiling, and information from the OPRHP report was incorporated into the comment-response and economic analysis supplement for the Final EIS. This includes basic spending, economic impacts, trends and usage. The Final Plan includes more specific information

- about the location of existing trails and potential locations to establish proposed community connections. The decisions regarding the future trail network (Community Connection Corridors) will be part of Unit Management Plan (UMP) development process.
- **Miscellaneous Comment 22:** The draft plan provides no guidance on how communities can benefit economically by pointing to where investments can be made in facilities and lodging, complementary attractions, or tour packages and marketing.
- Response: It is outside the scope of the Final Plan/GEIS to provide guidance or direct community development. Information on the existing environment and basic industries and sectors impacted by snowmobiling and other winter activities are outlined in the comment-response and economic analysis supplement. Once the future snowmobile trail routes are established (through the UMP process), communities and municipalities can use this information to enhance and develop the corridors with appropriate uses and businesses to establish economic growth.
- Miscellaneous Comment 23: The draft plan lacks consistent information about where the full set of current trails are located, where future trail additions should be or what the capital and life cycle/stewardship costs will be for the overall trail network, or its Forest Preserve or private land components. There are no estimates of public or private sector costs for the network as a whole. Without a full evaluation of the potential economic impacts, potential benefits and costs, and some evidence of clear strategic thinking of how communities can best develop and benefit from snowmobile traffic, the plan will not serve as an effective guidance document.
- Response: The Final Plan/GEIS includes more complete information about where the full set of current trails is located and where future trail additions may be made. See Comment 11 of this letter for discussion regarding costs of trail construction.
- **Miscellaneous Comment 24:** The draft plan does not attempt to quantify expected increases in tourist visitation and also does not address what improvements may be needed, such as lodging and parking lots, to handle increased visitation.
- Response: Increases in tourist visitation have not been quantified at this point in the process. The actual increase in visitation vs. the movement of visitors from the park interior to other areas of the park is undetermined and would be analyzed at the point where corridors and trail routes are established.
- **Miscellaneous Comment 25:** The draft plan lacks projections for increased usage of the trail system and does not address those stewardship needs generated by the impacts of increased usage in relation to the needs for rider education, community safety, and enforcement and available funding to sustain these initiatives.

- Response: Projections on the increased usage of the trail system were not made in this stage of development. Rider education, community safety and enforcement would be proportional to current usage. Once projections are made and a more accurate relationship can be established, snowmobiling-related needs will be better defined.
- Miscellaneous Comment 26: The current plan does not address how communities could potentially be impacted by changes in the trail system, either positively or negatively. There is no information on how decisions will be made to involve communities in the network for the proposed connector trails. There is also no information on what the potential community impacts of location along these routes could be.
- For example, what would be the potential land use, car and truck access, recreational and public safety issues/impacts that could result from an extensive system of roadside snowmobile corridors?
- What community infrastructure may be required to support more extensive and tourist-based snowmobiling activity?
- What are the potential community costs of necessary improvements from a development and maintenance perspective?
- Finally, there is no suggested methodology that can assist a community in key decisions in preparation for being part of a trail network in ways that will both improve the local economy and protect community character.
- Response: Until a determination on the location of future trails is fully established, the exact impact on local communities cannot be estimated. Communities along the snowmobile corridors will benefit economically due to increased traffic and patrons at local businesses. More information on the implementation of the new snowmobile trails will take place during the development of the UMPs.
- a. Compatible land uses would need to be established along snowmobile corridors. These would take into account safety issues as well as economically beneficial uses to both the community and snowmobiling tourists. These would be further discussed and outlined in the development of the UMPs.
- b. Community infrastructure such as gas stations, dining establishments, hotel/motel accommodations are examples of tourist-based assets that could be established.
- c. Cost and maintenance of established improvements were not estimated and are outside the scope of the EIS.
- **Miscellaneous Comment 27:** The plan does not address the need for a coordinated signage system which will have an impact on how user friendly the trail system will be in terms of visitor orientation.
- Response: The Draft Plan was created as a component of the NY Statewide Comprehensive Plan (Statewide Plan). The Statewide Plan contains

information and guidelines regarding signage, including specific signage guidelines for trails in the Forest Preserve. Part of the development of the UMPs will concentrate on maintaining "multi-use" trails where they will be user friendly for both motorized and non-motorized uses.

Miscellaneous Comment 28: The plan does not address signage or potential conflicts with pedestrians in communities that have sled travel.

Response: See response to Comment #27.

- **Miscellaneous Comment 29:** The plan does not adequately address safety needs within the community or the need for speed monitoring or speed recommendations within communities and the Forest Preserve.
- Response: Safety and enforcement of laws will be established in communities where the new trail system and corridors are established. The Statewide Plan provides some guidance for speed restrictions.
- Miscellaneous Comment 30: In addition, the plan does not propose additional resources for enforcement other than the suggestion that "fees should be dedicated for enforcement." While the plan acknowledges the need to "increase law enforcement at al levels," there is no information about how this will be done or what financial and personnel resources will be made available.
- Response: The source of funds and personnel for enforcement of laws and safety concerns is outside the scope of the EIS and is a programmatic issue that would need to be determined by state agencies and the communities during the trail development phase of this project.
- **Miscellaneous Comment 31:** The plan does not identify the stewardship costs of trail network or what the costs to taxpayers will be.
- Response: It was proposed that an estimation of costs to implement the plan could be gathered in two ways. First, a review of literature from other high-use, snowmobiling areas, in other states may provide insight as to implementation costs associated with a given snowmobile network. Another method could estimate costs through an examination of capital costs of establishing a new snowmobile trail per mile. This would be done by computing the entire length of new snowmobile trails, based on the Community Connector concept, and applying an approximate cost per mile of trail (Table 1). These could be used to "ballpark" the cost of the new trail network. However, it is uncertain who would be responsible for the payment of the associated capital costs for the trail system and that is beyond the scope of the EIS.
- Information on stewardship costs (it is assumed these are referring to maintenance costs) was gathered. The average cost for maintenance and grooming for different class trails is noted in the table below:

Table 1. Estimated Costs of Constructing Snowmobile Trails.

Class	Cost of Maintenance and Grooming
Class A Trail	\$500-600 per mile
Class B Trail	\$400-500 per mile
Class C Trail	\$250-300 per mile
Source: Vic Wood, p	ersonal communication, 2006.
Note:	

Class A Trails are those that are major travel routes, which provide physical features that permit grooming if deemed desirable.

Class B Trails are those that are other than major travel routes that are not designed for grooming.

Class C Trails are neither major routes or designed for grooming.

Miscellaneous Comment 32: The plan does not address how the increased existing network of trails and proposed changes to the trail system will impact other types of winter recreationalists (cross country skiing, snowshoeing, ice climbing, nature observers, birders).

Response: There is an abundant amount of information in the literature on the economic impact of snowmobiling. Much of this information has been added to the comment-response and economic analysis supplement for the Final EIS. In addition, there is limited information on other winter-recreational sports and non-motorized activities. To the extent that data and research allowed, further analysis of these activities was performed and is part of the expanded economic impact analysis that is a supplement to the Draft EIS.

Miscellaneous Comment 33: In accordance with the perceived constitutional issues, it was suggested that there are questions here of a gravity beyond the purview of DEC staff, and thus they should be presented in a forum where the people decide. Pro-snowmobilers felt that they were not fairly represented in the focus group.

Response: The snowmobiling community had equal representation and opportunities to comment throughout the development of the Plan.

Miscellaneous Comment 34: It was stated that the APA would have been more appropriate than the DEC to formulate a comprehensive plan relevant to the Adirondack Park, and that the APA should evaluate the Plan for compliance with the APSLMP in a public document.

Response: The APA has reviewed the plan and comments have been incorporated.

Miscellaneous Comment 35: The elimination of the 848.88 mileage cap is unacceptable, and potentially in violation of the ASLMP, to those who believe it has already been exceeded (beyond the current estimate, because GPS does not reflect topography). Conversely, the "no material increase" provision in UMP's is not acceptable to snowmobilers, who perceive that they have lost

- trail mileage (even without considering Wilderness reclassifications and new land acquisitions). Is the current mileage 1195 or 741? All commenting municipal groups (citing economic reasons), and snowmobile clubs, were in favor of increased mileage of wider, groomed trails, while the majority of individual respondents were opposed. However, almost all were decidedly against any plan that does not provide assurance of at least maintaining the status quo for their position, interpreting any vagueness or omission as a threat.
- Response: This plan is an effort to improve the experiences of both groups, by protecting interior portions of the Forest Preserve, while at the same time establishing a more user-friendly trail network.
- **Miscellaneous Comment 36:** Similarly, the intent to deal with specific recommendations on a UMP by UMP basis is viewed as too limited in scope, and therefore too risky, by all. EVERYONE wants to see the big picture, before lending support to anything.
- Response: With both public and private land configurations, the trail system will, by nature, always be dynamic, so the big picture will always be a 'snapshot in time'.
- Miscellaneous Comment 37: Owners of private inholdings are worried that a reconfigured trail system may route trails through, or provide access to, their land; while snowmobile proponents fear that trails on private land are not a sure thing, and therefore are no substitute for trails on state land. Whether accomplished with easements, tax breaks, or other means, more information about trails on private land, is desired by all concerned.
- Response: No guarantees can be given in this plan with regard to private land.

 However, with careful consideration of private landowners rights and concerns, this will evolve in time.
- **Miscellaneous Comment 38:** The economic evaluation should have covered at least 12 counties, not 11.
- Response: The economic evaluation was limited to the area of study of *Snowmobiling in New York* (NYS Snowmobile Association, Inc.) with data provided by the 1998 General Public Recreation Survey.
- **Miscellaneous Comment 39:** Snowmobile registration fees should be dedicated to the creation and maintenance of trails.
- Response: This is already the case.
- **Miscellaneous Comment 40**: Brook trout spawning habitat was reported to have been destroyed by sand runoff from construction of a snowmobile "highway" between Lake Rondaxe and Big Moose.
- Response: We do not have information on this particular report, however, any future work will be done in accordance with Best Management Practices for water quality and environmental protection.

Miscellaneous Comment 41: The Adirondack Scenic Railroad requests "that the final Snowmobile Plan acknowledge the Railroad's preeminence in the hierarchy of permitted (or unpermitted) corridor users, and that the Plan does nothing to hinder the present or anticipated Railroad operations."

Response: This will be added.

Miscellaneous Comment 42: The St. Lawrence County Snowmobile Association states that they requested a replacement of the St. Lawrence County representative on the focus group, and were denied.

Response: The current representative is considered an effective member of the focus group.

Miscellaneous Comment 43: Page 133: With reference to the bullet, "Prioritize the use of motor vehicles and require the use of alternative means of transportation when feasible."; the alternative types of transportation that would be considered should be listed.

Response: This is outlined in greater detail in the Final Plan..

Miscellaneous Comment 44: Page 146: Flow diagram referred to is on page 140, not page 116?

Response: This will be corrected.

Miscellaneous Comment 45: Page 190: Need to clarify the Vehicle and Traffic Law effect on ATV usage on roads within the Forest Preserve, e.g. abandoned roads in the interior.

Response: This section of the Vehicle and Traffic Law only applies to public highways that are open to cars and trucks. The Department is currently working on an ATV policy that addresses the use of ATVs on the Forest Preserve.

Miscellaneous Comment 46: Page 211, no. 3: "APSLMP or APSLMP" corrected to "APSLMP or CPSLMP"?

Response: This will be corrected.

Miscellaneous Comment 47: Page 218: What is the reason that, "...in no case may a recreational-type four wheeler be utilized."?

Response: Work vehicles should be recognizable as such.

APPENDIX J- SUMMARIES OF OPINIONS OF THE ATTORNEY GENERAL ON TREE CUTTING UNDER ARTICLE XIV, SECTION 1 OF THE NYS CONSTITUTION



APPENDIX J SUMMARIES OF OPINIONS OF THE ATTORNEY GENERAL ON TREE CUTTING UNDER ARTICLE XIV, SECTION 1 OF THE NYS CONSTITUTION

Although there have been no Attorney General Opinions¹ that directly address the constitutionality of snowmobiles and snowmobile trails on Forest Preserve lands, there have been at least sixteen Attorney General opinions indirectly related to snowmobile trails in that they discuss various proposals to cut standing timber within the Preserve. These opinions, especially since MacDonald, generally conclude that immaterial cutting is allowed where the purpose of the cutting is: (a) to make the Forest Preserve accessible for certain types of recreational activity; or (b) to protect public health and safety. What follows is a summary of these opinions in chronological order.

- 1. 1915 Attorney General's Opinion 190 opined that the State Highway Department could not, under the Forever Wild Clause, deviate or change the route of a highway in the Forest Preserve if such change would necessitate the cuffing and removal of any standing timber thereon outside the limits of an old established highway.
- 2. 1919 Attorney General's Opinion 266 opined that a statute authorizing the Conservation Commission to lay out paths and roads in the Adirondack Park for the convenience of the people in visiting the same and to promote easy access to the forests as a safeguard against the spread of forest fires was not a violation of the Forever Wild Clause. The opinion reasoned that the Constitutional Convention considered that paths and roads could, in the public interest, be laid out in the park and that the "trifling destruction" of timber made necessary in doing the work was not a sufficient objection to offset the benefits which would follow the laying out and improvement of suitable roads.
- 3. <u>1927 Attorney General's Opinion 252</u> opined that the Conservation Department could prune or remove such timber from the Forest Preserve as good forestry required in areas where the Department was attempting to reforest denuded areas of the Forest Preserve and noted:
- ... It is obvious that the framers of the Constitution in adopting this provision had in mind the protection and preservation of the forests and also that they had in mind the security for all the people of State of the indirect utility resulting from such protection of floods, regulating the water supply, reducing the violence or floods, affording recreation grounds and adding to the natural beauties of the region, rather than the direct utility--the products of the forest. 1927 Attorney General's Opinion at 253.
- 4. <u>1931 Attorney General's Opinion 142</u>, the first Attorney General's opinion relating to the issue of tree cutting in the Forest Preserve after <u>MacDonald</u>, opined that the Forever Wild Clause did not prohibit the cutting of

Other than the interpretation given this "forever wild" clause by the Appellate Division and the Court of Appeals in the MacDonald case, the only authority we have to aid in the decision are the various opinions of the Attorney General in which the "forever wild" clause of the Constitution has not been uniformly interpreted. Helms v. Reid, 90 Misc. 2d 583 at 593 (Hamilton County Supreme Court, 1977).

Opinions of the Attorney General do not have the force of law. Although they may be cited as persuasive authority, they are opinions only and are not conclusive as to what is allowed by Article XIV, Section 1 of the Constitution. Furthermore, Attorney General's opinions on Forest Preserve issues may be less persuasive than Attorney General's opinions on other subjects because opinions related to the Forest Preserve have often been inconsistent with each other:

APPENDIX J SUMMARIES OF OPINIONS OF THE ATTORNEY GENERAL ON TREE CUTTING UNDER ARTICLE XIV, SECTION 1 OF THE NYS CONSTITUTION

trees in order to eliminate two dangerous curves from a State highway. The opinion indicated that the elimination of the curves was necessary for the protection of the traveling public which used the Forest Preserve, that it afforded better protection against forest fires, and made policing the Preserve less difficult.

- 5. 1933 Attorney General's Opinion 369 opined that reasonable cutting and removal of timber from the Forest Preserve for the purpose of building a road necessary for the protection of the Forest Preserve from fire did not violate the Forever Wild Clause so long as such destruction was not to any material degree. This opinion cited language in the MacDonald decision that it is reasonable to interpret the Constitution to allow the Conservation Department to take such steps as are necessary to preserve the Forest Preserve from harm. The opinion indicated that all "necessary" things to protect the Forest Preserve from fire could be taken.
- 6. 1933 Attorney General's Opinion 395 opined that the Forever Wild clause prohibited the reconstruction of roads from Saranac Lake to Ray Brook to Lake Placid where 2.100 trees would have to be cut. The opinion cited the MacDonald decision's language that the Forever Wild clause was intended to forbid the cutting down of trees to any substantial extent for any purpose.
- 7. 1934 Attorney General's Opinion 268 opined that the Conservation Department could authorize the construction of cross country ski trails in the Forest Preserve. The opinion indicated that the trails would be within the contemplated purposes for which the Forest Preserve was created and the few trees which would be cut were immaterial.
- 8. <u>1934 Attorney General's Opinion 309</u> opined that the Forever Wild clause did not prohibit the Conservation Department from giving permission to the United States Coast and Geodetic Survey for the placement of triangulation stations because such stations were an aid to conservation work of the state. The opinion noted that the number of small trees utilized or removed and the amount of necessary trimming of the trees would be immaterial.
- 9. 1934 Attorney General's Opinion 315 indicated that the Forever Wild clause did not prevent the Conservation Department from securing and transporting dead or down timber from convenient locations in the Forest Preserve to the public camp sites therein for use as fuel by the public so long as the work was done under the direction and control of the Department. The opinion indicated that the adaptation of dead standing trees to use as fuel where none was otherwise at hand was a reasonable and proper use for the protection of the State land and the benefit of the public.
- 10. 1935 Attorney General's Opinion 274 opined that the Forever Wild clause did not prevent the removal of an immaterial amount of tree growth for the purpose of opening vistas or views in connection with the building of pedestrian trails in the Forest Preserve. The opinion cautioned that tree removal must be carried on with care in order that the tree removal not pass the point of immateriality, and that an extensive removal of timber for any purpose might constitute a constitutional violation when a lesser one would not.

- 11. <u>1935 Attorney General's Opinion 308</u> opined that under the police power the Conservation Department could remove dead tree stubs when such are a menace to the safety of those using the Forest Preserve or a menace to the preserve itself as a fire hazard.
- 12. 1948 Attorney General's Opinion 159 concluded that the cutting of browse in the Forest Preserve for the purpose of feeding wild deer, pursuant to regulations limited such cuff ing to brush, saplings and the lower branches of trees, did not constitute a violation of the Forever Wild Clause, because the framers of the Constitutional provision intended not only to protect the forest growth. but "the lives of the wild denizens of the forest" as well.
- 13. <u>1950 Attorney General's Opinion 150</u> opined that radio towers for purposes of fire protection could be installed within the Forest Preserve but "there may be no interference with the wild forest character of the land or destruction of timbers as such." 1950 Attorney General's Opinion at 149.
- 14. 1954 Attorney General's Opinion 157 opined that the Conservation Department could not permit the cutting of over 5,000 trees in the forest preserve for the purpose of relocating or reconstructing an existing State highway system. The opinion rejected an argument that the roadway work was necessary to protect the lives and safety of the public citizens who use the highway, and consequently would be a reasonable and beneficial use of the forest preserve for the public good. The opinion noted that the Constitutional provision had previously been amended to allow the construction of another highway, and reasoned that such a constitutional amendment would have been unnecessary unless the Forever Wild Clause had forbidden such construction.
- 15. 1986 Attorney General's Opinion 3 opined that Article XIV, Section 1 did not prohibit the Department from cutting a few scattered trees and using the wood therefrom to construct beams to traverse bogs and wet areas and to curb trail erosion where such structures were necessary to maintain popular and steep trails to lessen soil compaction, erosion and the destruction of vegetation. The opinion cited earlier Attorney General Opinions which authorized the cutting of immaterial amounts of timber, yet seemed to include a word of cautionary:

We do not address here the question of whether, in light of present day technology, firefighting techniques and theories about the harms versus natural benefits of some fires in wild forest areas, the measures approved in these earlier opinions would today be considered "necessary" to protect the preserve. Neither are we asked to decide whether it would be appropriate today to further encourage heavier recreational uses of the fragile preserve by cutting trees to open new ski trails or scenic vistas. 1986 Attorney General's Opinion at page 11.

16. 1990 Attorney General's Opinion 4 opined that the Forever Wild Clause prohibited the Department of Environmental Conservation from issuing a temporary revocable permit to allow the Town of Arietta to trim or remove 13 1 trees in the Forest Preserve in the vicinity of the Piseco Airport in order to provide for a safe, clear landing zone in accordance with Federal Aviation Agency standards. The opinion noted that a 1965 amendment to the Forever Wild Clause which authorized the Department to convey 28 acres of Forest

APPENDIX J -SUMMARIES OF OPINIONS OF THE ATTORNEY GENERAL ON TREE CUTTING UNDER ARTICLE XIV, SECTION 1 OF THE NYS CONSTITUTION

Preserve land within the Town for an extension of the airport runway and landing strip in exchange for thirty acres of land owned by the Town neither explicitly nor implicitly authorized the cutting of trees outside of the 28 acres which was conveyed to the Town pursuant to the amendment.

APPEND	IX K- TABI	LE OF AU	ΓHORITIE	S



APPENDIX K -TABLE OF AUTHORITIES

New York State Constitutional Provisions
Article XIV, Section 1
New York State Statutes
Environmental Conservation Law Article 2414
Environmental Conservation Law Article 5417
Environmental Conservation Law Article 8
Environmental Conservation Law § 15-2705
Environmental Conservation Law § 3-0301(1)(d)
Environmental Conservation Law § 49-020717
Environmental Conservation Law § 9-0105(1)
Environmental Conservation Law § 9-0105(15)
Environmental Conservation Law § 9-011332
Executive Law Article 27 14
General Obligations Law § 9-010339
Parks, Recreation & Historic Preservation Law Article 25106
Parks, Recreation & Historic Preservation Law Article 2714
Parks, Recreation & Historic Preservation Law Article 3
Parks, Recreation & Historic Preservation Law § 25.03
Parks, Recreation & Historic Preservation Law § 25.05(8)(d)84
Parks, Recreation & Historic Preservation Law § 25.05(8)(e)
Parks, Recreation & Historic Preservation Law § 25.17(a)
Parks, Recreation & Historic Preservation Law § 25.24
Parks, Recreation & Historic Preservation Law § 27.17(2)
New York State Cases
Balsam Lake Anglers Club v. Department of Environmental Conservation. 199 A.D. 2d 852. (App. Div.,
Third Department, 1993)
MacDonald v. Association for the Protection of the Adirondacks. 253 N.Y. 234 (1930)12-, -13-
New York State Regulations
6NYCRR Part 190
6NYCRR Part 617

APPENDIX K -TABLE OF AUTHORITIES

6NYCRR Part666	-14-
6 NYCRR §196.2(a)(1)	-82-
9NYCRR Part 570	-14-

APPEN	NDIX L- CU	RRENT	DEC POI	LICIES



MEMORANDUM

TO: Regional Supervisors of Natural Resources

FROM: Robert H. Bathrick

SUBJECT: DIVISION DIRECTION - LF-91-2 (Revision of LF 84-2)

Cutting, Removal or Destruction of Trees and Endangered, Threatened

or Rare Plants on Forest Preserve Lands: FINAL POLICY

PURPOSE:

The purpose of this memorandum is to establish administrative procedures for the implementation of Commissioner Williams' Organization and Delegation Memorandum #84-06 relating to the construction of new facilities, the expansion or modification of existing facilities and routine maintenance projects on lands of the Forest Preserve. In areas classified wilderness, such projects shall be undertaken only for purposes of protecting

either user safety or natural resources values.

BACKGROUND:

Such Organization and Delegation Memorandum states, in part: "Section 9-0 105 of the Environmental Conservation Law provides that the Division of Lands and Forests has responsibility for the 'care, custody and control' of the Adirondack and the Catskill Forest Preserve. In accordance with this responsibility, all construction of new facilities, expansion or modification of existing facilities and maintenance of facilities, that will result in cutting, removal or destruction of trees and endangered, threatened or rare plants as defined in 6NYCRR subdivision 193.3(b), (c) and (e), on any of the lands constituting the Forest Preserve shall require approval of the Director of the Division of Lands and Forests...". In order to carry out this direction and policy, the succeeding procedures will be followed by regional and non-regionalized personnel in requesting approval for such projects on lands of the Forest Preserve that involve the cutting, removal and/or destruction of trees and endangered, threatened or rare plants. In all cases, the provisions and constraints of the Organization and Delegation Memorandum will be recognized and complied with.

PART 1 Construction of New Facilities and the Expansion or Modification of Existing Facilities.

PROCESS [AND CALENDAR]

Regional Forester

APPENDIX L - CURRENT DEC POLICES

1.

Regional Operations Supervisor or Manager of Non-Regionalized Facility

Note: It shall be the responsibility of the Regional Forester to insure that SEQR requirements are compiled with for all projects.

Following conceptual approval of the project by the Regional and/or appropriate Central Divisional Offices, prepare a Forest Preserve Project Work Plan in the form attached hereto as Appendix A for each proposed project. Each such plan shall include: (1) a description of the project and its purpose, (2) a sketch map delineating the project and showing its location, (3) a count by species and size class, of all trees 3" DBH and over to be cut, removed or destroyed, (4) identification of any endangered, threatened rare species or habitats within 300" of the area to be disturbed, (5) a description of measures to be taken to mitigate the impact on vegetative cover, (6) proposed use of motorized equipment or motor vehicles if any, (7) for projects proposed for the Adirondack Forest Preserve not already incorporated within an approved unit management plan, a copy of the completed and signed Long Environmental Assessment Form (EAF), a Negative or Positive Declaration and a dated copy of the project notice as it appears in the Environmental Notice Bulletin (ENB), (8) for projects proposed for the Catskill Forest Preserve not incorporated in an approved unit management plan and involving the physical alteration often or more acres the documents required are the same as 7. (9) For Catskill Forest Preserve projects involving the alteration of less than 10 acres either a Short Environmental Assessment Form (EAF) or Negative Declaration, and (10) for projects incorporated within an approved UMP, a dated copy of the project notice as it appears in the ENB.

2.	Submits completed Work Plan to the
	Regional Supervisor for Natural
	Resources.

Regional Supervisor for Natural Resources

3. Reviews Work Plan for completeness and conformance to Delegation Memorandum #84-06 and forwards to the Regional Forester.

Regional Forester

- 4. Enters receipt of Work Plan and Regional Log of Forest Preserve Projects (see Appendix B attached).
- 5. Reviews Forest Preserve Project Work Plan to determine if project is appropriate, taking into consideration Forest Preserve land classification, unit management plan goals and management objectives for the land area involved.
- 6. Makes on-site field inspections as necessary and appropriate.
- 7. Insures that SEQR requirements for each project have been addressed.
- 8. Consults with Operations Supervisor or Facility Manager to effect any changes or modification to Work Plan.
- 9. Signs Work Plan signifying approval or disapproval by stating reasons in comments section. If approved, forwards Work Plan through Regional Supervisor for Natural Resources to Regional Director or appropriate Division Director, in the case of non- regionalized facilities. If disapproved, returns Work Plan to originator.
- 10. Completes regional log.

Regional Director or Director of division responsible for facility.

- 11. Reviews Forest Preserve Project Work Plan.
- 12. Signs Work Plan signifying approval or Regional Director or Director of division indicates disapproval by stating reasons in responsible for facility comments section.

13.	If approved, forwards Work Plan to
	Director of Lands and Forests. If
	disapproved returns Work Plan through
	Regional Supervisor for Natural
	Resources and Regional Forester to
	originator.

Director of Lands & Forests

- 14. Effects review of Work Plan by appropriate Central Office staff to determine that Plan conforms to Division goals and is in keeping with responsibility for care, custody and control of lands of the Forest Preserve.
- 15. Signs Work Plan signifying approval or indicates disapproval by stating reasons in comments section.
- 16. Returns Work Plan to Regional Director or appropriate Division Director.

Regional Director or Director of Division responsible for facility

17. Distributes Work Plan through Regional Supervisor for Natural Resources and Regional Forester to originator.

Regional Operations Supervisor or Manager of Non-Regionalized facility

18. Implements project in accordance with Work Plan approvals and conditions. Regional Director or Director of Division responsible for facility.

Regional Forester

- Monitors implementation of Work Plan to insure conformance to approvals and Regional Operations Supervisor or Manager of conditions. Non-Regionalized facility.
- 20. On completion of project, completes
 Regional Forester Inspection Report (see
 Appendix C attached) and retains in
 Project File.

PART II Routine Maintenance Projects

PROCESS

Application for routine maintenance projects on lands of the Forest Preserve shall be submitted on the form attached hereto as Appendix D as soon as possible in advance of the starting date of the project. The Application should

be directed to the Regional Supervisor for Natural Resources who will forward it to the Regional Forester. The Application will be reviewed as rapidly as possible by the Regional Forester and a determination made as to approval or disapproval.

When approvals have been granted, a copy of the Application will be forwarded to appropriate Regional Lands and Forests personnel to assure proper notification and provide for monitoring of the project.

Applicants should consider the following guidelines when submitting project requests:

1. Maintenance of foot trails, snowmobile trails, cross-country ski trails, horse trails, canoe carrys, lean-tos and bridges, etc.

This includes projects that involve blowdown removal, hazard tree elimination (3" or more in diameter (DBH)), problem tree removal (3" or more in diameter (DBH)). etc.

Applications may be submitted by Area if appropriate (i.e., High Peaks Wilderness Area, St. Regis Canoe Area. Saranac Lake Wild Forest, Whiteface Mountain Intensive Use Area, etc.). Trails should be listed separately with the total length of the trail covered by a single application, if appropriate, and in priority order of needed maintenance.

Live-standing trees may be cut or used for the construction or repair of bridges, lean-to's, dry tread, waterbars other minor trail structures only after considering the following alternatives and in accordance with the following conditions:

- A. Alternatives to any type of trail hardening or structural development must be considered, especially in wilderness areas where such structures diminish the character of the area. Such alternatives include the closing or limitation of use of a trail where the impact of such use is leading to degradation of the other resources and the character of the Forest Preserve. A second alternative is to relocate the trail lin such a way that trail hardening would not be necessary.
- B. If, after considering the above alternatives, it is determined that structures are needed to protect the surface of the trail or the safety of the public, the following materials should be considered in order of priority:
 - 1. Native rock or stone from near the site.
 - 2. Native rock or stone from another location brought to the site.
 - 3. Peeled, untreated timber or logs from another location brought to the site.
 - 4. Treated timber or logs from another location brought to the site.
 - 5. On-site trees in accordance with the conditions under "C" following

- C. If on-site trees are to be used, such use must be in accordance with the following conditions:
 - 1. The Regional Forester or his designated representative must approve all trees to be cut. after considering any other previous cutting that has been done in the area.
 - 2. Cutting must be discreet with tops fully lopped and dispersed out of sight of the trails, and with stumps cut flush to the ground.
 - 3. Designated trees must be between 3 18 inches in diameter (DBH), and must be a least 100 feet apart.
 - 4. Structures requiring the use of live on-site trees should not be replaced more frequently than 7-10 years, which is the range of normal life expectancy. However, concern for human safety must be paramount. Structures deemed to be hazardous shall be replaced as needed.

Dead and downed material may be used for such purposes although consideration must be given to human safety and the longevity or life of such structures when such material is used.

2. Maintenance of roads, phone lines, power lines, ski lifts, downhill ski trails, parking areas, openings round buildings, scenic vistas, etc. including work done under temporary revocable permit.

This includes projects that involve the removal of hazardous, problem, or edge trees three inches or more in diameter (DBH).

Projects should be listed individually but, several may be submitted on a single application if they are similar in nature (i.e., phone lines A, B, & C). Tree counts are advisable where more than an occasional live tree (i.e., no more than one danger or edge tree per 300 feet) must be cut to avoid potential damage to the facility in question. Felled trees may not be utilized fo any purpose and should be scattered near the site so as not to interfere with the facility and to be unobtrusive.

No logs, brush or slash resulting from the maintenance of public highway or utility rights of way on Forest Preserve lands shall be left within 20 feet of the right of way. Such material may not be utilized for any purpose, but shall be scattered unobtrusively beyond 20 feet of the right of way.

3. Removal of dead and hazardous trees in developed areas such as campgrounds and ski centers that potentially endanger people.

This includes projects involving removal of dead and/or hazardous trees in developed or intensive use areas.

Applications should be submitted separately for each facility. However, all projects for a specific facility can be included on a single application. Tree counts should be included with the application. Trees that are proposed to be removed should be flagged. Trees that are felled may be cut up and used for fuel at the facility, but for no other purpose.

4. Boundary line surveys and maintenance

This includes all projects on lands of the Forest Preserve whether done by Department employees or by others under contract to the Department.

No survey lines, traverse or final, are to be projected straight through the woods by the cutting of large trees in order to expedite the survey.

More than one survey project may be included on a single application but, separate applications should be submitted for survey projects geographically distant from each other.

5. Salvage of windfall timber when such blowdown timber constitutes a fire hazard.

This includes projects of fire hazard circumstances and should be submitted on applications for each area involved.

In any of the above situations, projects will be checked and monitored by the Regional Forester.

Director of Lands and Forests

Motor Vehicle Access to State Lands Under Jurisdiction of the Department of Environmental Conservation for People with Disabilities

Commissioner Policy	Department ID: CP-3	Program ID: N/A
Issuing Authority:	Originating Unit:	
Name: John P. Cahill	Office/Division: Natural Resources/Lands & Forests	
Title: Acting Commissioner	Unit:	
Signature: /s/	Phone: (518) 457-7433	
Issuance Date: June 4, 1997	Latest Review Date: (Office Use):	

Abstract: This policy clarifies the Departments authority to issue temporary revocable permits (TRPs) to provide motor vehicle access to certain State lands under the jurisdiction of the Department for qualified people with disabilities. It includes criteria which will be used to determine if a person qualifies for such TRPs. The policy also establishes a procedure for the appeal of TRPs which have been denied, suspended or revoked.

Related References: Article XIV, Section 1 of the New York State Constitution

Vehicle and Traffic Law

Department Rules and Regulations, particularly 6 NYCRR Part

196

The Adirondack Park State Land Master Plan The Catskill Park State Land Master Plan

Department Policy and Procedures Manual, Title 8400, Chapter

8426

I. Purpose

The purpose of this policy guideline is to clarify the authority of the Department of Environmental Conservation to issue temporary revocable permits (TRPs) to qualifying people with disabilities to allow them motor vehicle access to certain specified State lands under the Department's jurisdiction, thereby facilitating such access. Such a clarification will assist the Department in identifying opportunities to provide access to certain State lands under the Department's jurisdiction to people with disabilities.

II. Background

The Department manages approximately four million acres of State land in New York State. This land can, consistent with existing law, provide those with disabilities with significant recreational opportunities.

In issuing permits to qualifying people with disabilities to use motor vehicles on State lands, the Department must comply with existing law. On Forest Preserve lands, the Department must comply with the directive in Article XIV, Section 1 of the New York State Constitution which requires that Forest Preserve lands be "forever kept as wild forest lands." Thus, the Department may not issue permits which have the result of diminishing the forever wild character of these forest lands.

The Adirondack Park and Catskill Park State Land Master Plans¹ restrictions on motor vehicle access into the Forest Preserve, as well as the Department's rules and regulations pertaining to motor vehicle use, place additional legal constraints on where motor vehicles may be used. In both the Adirondack Park and Catskill Park, motor vehicle use is prohibited on trails and in areas, is limited to designated and specifically marked roads in lands classified as Wild Forest and Intensive Use, and is prohibited on all lands classified as Wilderness, Canoe and Primitive.

On Department lands outside the Forest Preserve, current restrictions for motor vehicle use are not as stringent and provide a wider range of opportunities: use of motor vehicles is allowed where specifically permitted by posted notice or by permit issued by the Department. Another legal constraint, applicable on all lands under the jurisdiction of the Department, is found at Vehicle and Traffic Law §2405. It provides that all-terrain vehicles may not travel on a road unless it has been specifically marked for such use.

The past three decades have been witness to increased efforts to afford people with disabilities equivalent opportunities of life in all aspects of society. They, along with their families and friends, want to share the experiences that others have. They also do not want to face barriers, either constructed or attitudinal, that artificially prevent the enjoyment of life's benefits. The Architectural Barriers Act of 1968, Section 504 of the Rehabilitation Act of 1973 (as amended) and the Americans with Disabilities Act (ADA) of 1990 have all compelled federal, state and local governments to analyze their facilities and recreational opportunities and take steps to make them accessible. These acts seek the removal of the barriers to equal opportunity. The legislation that has the most bearing on State recreational programs is the ADA. with guidelines for analysis of facilities, implementation of accessibility minimum standards and a system of accountability. These legislative mandates establish only minimum requirements, and, for the purposes of this policy, do not require amendments

Executive Law ~ 816(1) provides that this Adirondack Park State Land Master Plan, "shall guide the development and management of State lands in the Adirondack park;" the Master Plan therefore has the effect of law

The Catskill Park State Land Master Plan was prepared by the Department of Environmental Conservation as a means of enabling it to fulfill its statutory duty, found at ECL \sim 3-0301(d) and 9-0105(1), to exercise the care, custody and control of lands of the Forest Preserve.

¹These Master Plans establish several classifications of State land within the Parks, such as Wilderness, Wild Forest, and Intensive Use, with each classification representing a different level of protection and public use and a different recreational setting. The Plans also identify different geographic units of State land within the Parks and place them within these classifications. The Master Plans prescribe general guidelines governing permissible uses within these land classifications, including the use of motorized vehicles.

to Article XIV, Section 1 of the State Constitution, the Department's rules and regulations, or the Adirondack Park State Land Master Plan or Catskill Park State Land Master Plan. The Department is, however, broadening the scope of its consideration to provide people with disabilities access which may involve the use of motor vehicles on certain lands under its jurisdiction.

- In the developed recreational facilities that it manages, such as campgrounds, the Department continues to be active in improving access for people with disabilities and has already provided many opportunities for their use. Now, where appropriate, consistent with constitutional, statutory and regulatory provisions and the Adirondack Park State Land Master Plan and Catskill Park State Land Master Plan, the Department will provide a means for a greater enjoyment of the lands it manages. All conditions of this policy guideline are directed for the protection of the public and the resource while enhancing access opportunities for people with disabilities.
- The Adirondack Park State Land Master Plan and the Catskill Park State Land Master Plan and the Department's rules and regulations place various limitations on the availability of roads, trails and geographical areas that can be opened to motor vehicle use. Reforestation and other lands administered by the Department offer opportunities to allow for this type of access. Some Forest Preserve lands (classified as Intensive Use and Wild Forest) offer similar opportunities.
- With this policy, the Department is addressing one aspect of making certain lands under its administration accessible to people with disabilities and facilitating recreational opportunities for them where legal and appropriate. For both the Department and the people who enjoy and use public lands, it is expected that everyone will assume increased responsibility for stewardship of those lands. All conditions and implementations of this policy guideline are to be directed for the protection of the public and the resource involved.

III. Definitions

For the purposes of this policy guideline, the following definitions shall apply:

- a. All terrain vehicle (ATV) means a motor vehicle described as such in Section 2281 (1) of the Vehicle and Traffic Law. It does not include a snowmobile. (See Appendix I).
- b. Area means land under the jurisdiction of the Department.
- c. Certification/Certified means a signed statement by a licensed physician on a form provided by the Department (see Appendix II), certifying that a person has one or more impairments, disabilities or conditions as defined in paragraph "j" of this policy which document the need for the person to use a motor vehicle, and the nature, degree and term of the disability. The certification shall specify the length of time during which such certification is effective.

All certifications must be dated within one year prior to the date of application.

The approval of the application and the issuance of the Permit may be made without certification of disability, provided that the disability is an obvious, visually identifiable permanent disability which impairs mobility (as defined in

paragraph "j"): for example, the loss of all or a portion of a leg. In this instance, a statement of compliance with certification requirements shall be made by the Regional land manager and become a part of the application.

The possession by the person of a Non-Ambulatory Hunter Permit is also acceptable proof of qualifying disability. This document is issued by the Division of Fish and Wildlife, Special Licenses Unit of the Department. (See Appendix III). As with an obvious disability, a statement of compliance with certification requirements shall be made by the Regional land manager and become a part of the application.

- d. Companion(s) means person(s) who may accompany the qualified person with a disability as necessary to attend to his/her needs.
- e. Department means the Department of Environmental Conservation, its officers and employees.
- f. Mechanized Aid means a nonmotorized or motorized wheelchair, or other similar devices, such as a three-wheeled mobility device, designed solely for use by a mobility impaired person for locomotion that is suitable for indoor use in a pedestrian area as well as outdoor use by a person with a disability.
 - A nonmotorized or motorized wheelchair is considered as a part of the person with a disability and not a motor vehicle.
- g. Mobility Impairment means a disability that is a qualified disability as defined in paragraph 's."
- h. Motor Vehicle means every wheeled or tracked vehicle or other device including a trailer attached thereto, operated by any power other than muscle power, and includes, but is not limited to, automobiles, trucks, motorcycles, recreational vehicles (RVs), all terrain vehicles (ATVs), electric propelled carts and scooters, whether or not licensed by the Department of Motor Vehicles or other state agency and operated either on or off the public highway. It does not include a mechanized aid, as defined herein, or airplanes, float planes, helicopters or any other device capable of flight and powered by a motor, or boat or vessel powered by a motor.
- i. Permit means a nontransferrable temporary revocable permit as authorized by the Environmental Conservation Law to allow the use of State lands under the jurisdiction of the Department (See Appendix V).
- j. Qualified Person with a Disability is an individual who:
 - 1. Cannot walk two hundred feet without stopping to rest; or,
 - 2. Cannot walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair, or other assistive device; or,
 - 3. Is restricted by lung disease to such an extent that the person's forced (respiratory) expiratory volume for one second, when measured by spirometry, is less than one liter, or the arterial oxygen tension is less than sixty mm/Hg on room air at rest; or,

- 4. Uses portable oxygen; or,
- 5. Has a cardiac condition to the extent that the person's functional limitations are classified in severity as Class III or Class IV, according to standards set by the American Heart Association; or,
- 6. Is severely limited in their ability to walk due to an arthritic, neurological, or orthopedic condition.
- k. Regional land manager means the individual charged with the administrative responsibility for the Department lands on which a qualified person with a disability desires access.
- 1. Road means an improved or partially improved way designed and maintained for travel by automobile and may also be used by other types of motor vehicles, including snowmobiles, on those ways designated for such use; and is,
 - 1. Either maintained by a State agency or local government and open to the general public; or,
 - 2. Maintained by private persons or corporations primarily for private use but which may also be open to the general public for all or a segment thereof, or,
 - 3. Maintained by the Department or other State agency and is open to the public on a discretionary basis; or,
 - 4. Designated by the Department for use by qualified people with disabilities.
 - 5. Pursuant to the Adirondack Park State Land Master Plan and Catskill Park State Land Master Plan, the Department may further restrict the use of motor vehicles where in its judgment the character of the natural resources in a particular area or other factors make such restrictions desirable.
- m. Trail means a marked and maintained path for travel by foot, pack or ridden animal, or snowmobile. Outside the Adirondack Park and Catskill Park, a trail may also be specifically marked for travel by a qualified individual with a certified disability using a suitable motor vehicle.

IV. Policy

- It shall be the policy of the Department to provide a qualified person with a certified disability access by a suitable motor vehicle to appropriate lands under its jurisdiction.
- A qualified person with a certified disability who wants to access State land by a suitable motor vehicle, where either the desired location is closed to motor vehicles or is open to certain motor vehicles, but not the type of motor vehicle desired to be used by that person, may do so only through the authority of a Permit. Such Permit shall provide that a specified qualified person with a certified disability is authorized to operate a suitable type of motor vehicle as

designated in the permit on all roads. trails and geographical areas designated by the Department for such use and elsewhere as specifically approved, consistent with current law and rules and regulations. In the Adirondack Park and the Catskill Park, motor vehicle use is prohibited on trails and in geographical areas, and is limited to designated and specifically marked roads on lands classified as Wild Forest and Intensive Use. Motorized use is prohibited on all lands classified as Wilderness, Canoe and Primitive.

There shall be no restriction on or permit needed by a person with a disability accessing public lands by the use of a mechanized aid.

- On lands administered by the Department, a suitable type of motor vehicle shall 1. be allowed to provide motor vehicle access for qualified people with disabilities to operate on designated roads, trails and geographical areas where, in the opinion of the Department with comments from the public where appropriate, the use of such motor vehicles will not have a deleterious effect on the trail, road or geographical area, the land's natural resource values or the experience of other users. Such designation and use must be consistent with current law, including the Environmental Conservation Law, the State Land Master Plan for the Adirondack Park or Catskill Park, as the case may be, Department rules and regulations, a Unit Management Plan for the area, and an administrative directive consistent with current law, and must not endanger the safety and welfare of the general public. Within the Adirondack Park and Catskill Park, the motor vehicle may not be used on trails and in geographical areas, and may only be used on designated and specifically marked roads. On lands outside of the Adirondack and Catskill Parks, such motor vehicles may also be parked or stopped within twenty five feet of the trail or road corridor. Consistent with Vehicle and Traffic Law ~24O5, the use of all terrain vehicles on roads is allowed only where the road has been specifically marked for such use.
- 2. The use of a motor vehicle for the purposes of this policy guideline shall be in a prudent and safe manner and/or as specifically posted, recognizing that others using the road, trail or area may not expect or be prepared for encountering the motor vehicle and its operator. The qualified person with a disability operating a motor vehicle and hikers, Nordic skiers, bicyclists, equestrians and others shall accord mutual deference to the other's needs.
- 3. A suitable motor vehicle designed by the manufacturer for use by more than one person may be used to transport the qualified person with a disability and, when necessary to assist the qualified person with a disability, a companion to accomplish the purpose of the Permit. Where the vehicle is not designed to accommodate more than one person, the qualified person with a disability may be accompanied by a companion using a vehicle designed for use by a single person. Any additional person (s) travelling with the person with a disability must do so on foot.

The companion should remain within sight of the permittee, except in emergencies, and shall carry a photocopy of the Permit on his or her person.

4. The operators of any type of vehicle must possess proof that they have met the statutory requirements for its operation.

- 5. If a qualified person with a disability intends to hunt from a motor vehicle, he/she must have a Non-ambulatory Hunter Permit (41-10-2 and 82-20-162) issued under rules and regulations 6NYCRR 170.5 and Environmental Conservation Law, Section 11-0931(2) (see Appendix III).
- 6. The Permit must be in the possession of the qualified person with a disability to whom issued, and is nontransferrable. A photocopy of the Permit must be prominently displayed in or on the vehicle being used to transport the qualified person with a disability and the vehicle of his/her companion(s) and any other motor vehicle to be used by or to transport the qualified person with a disability for the purpose described in the Permit.
- 7. If a motor vehicle is used by a qualified person with a disability under Permit to transport legally taken fish or wildlife, only that fish or wildlife legally obtained by the permittee and the companion(s) may be so transported. A motor vehicle may not be used as a general purpose vehicle by another person when operated by the qualified person with a disability. The personal items of the companion(s) may be transported in/on the motor vehicle of the qualified person with a disability. A motor vehicle, for the purposes of this policy, may not be operated on public lands in the absence of the qualified person with a disability, except in an emergency.

V. Responsibility

The responsibility for interpretation and update of this document, and overall management shall reside with the Office of Natural Resources, or its successor.

VI. Procedure

A. Application and Permitting

- 1. A qualified person with a disability desiring to use a motor vehicle on designated Department roads, trails or geographical areas where such use is otherwise not permitted must first obtain a Permit.
- 2. The applicant must present certification of his/her qualifying disability upon application, unless the person has an obvious, visually identifiable permanent qualifying disability, or the applicant presents a Non-ambulatory Hunter Permit.
- 3. The applicant must complete the "Application for a Temporary Revocable Permit" (see Appendix IV). The Permit will authorize travel by a suitable motor vehicle on roads. trails or geographical areas which have been designated by the Department for the use of qualified people with disabilities using a motor vehicle. The applicant will submit the application to any Regional office of the Department.
- 4. The Permit shall specify the authorization for a companion(s) to accompany the qualified person with a disability, if he/she chooses to be so accompanied. The permit shall specify that in the Adirondack Park and Catskill Park, motor vehicle access is prohibited on trails and geographical areas and is limited to designated and specifically marked

- roads in Wild Forest and Intensive Use areas and prohibited on all lands classified as Wilderness, Canoe, and Primitive areas.
- 5. The inspection fee required of applicants for Permits shall be waived by the Department for a qualified person with a disability seeking such a Permit under this policy guideline. If the applicant is applying to use State land for a competitive event, the provisions of the Temporary Revocable Permit Policy and Procedure relating to inspection fees and liability insurance will be followed.
- 6. When hunting from a motor vehicle, the applicant must first obtain a Non-ambulatory Hunter Permit 82-20-162 and Card ID 4 1-10-2 (see Appendix III).
- 7. Additional restrictions or stipulations may be imposed as necessary by the Regional land manager on a case-by-case basis.
- 8. The application package shall be processed in the region as a routine permit, with a ten workday maximum processing time.
- 9. The Permit may be issued for any time period, not to exceed one year from date of issue, except that a Permit may be issued for a period of five years to a qualified person with a disability either certified or visually obvious as permanent.
- 10. The Permit may be renewed without recertifying the disability, provided that the request for renewal is within the term of the disability as described in the original certification.
- 11. The Department will assure that renewal applications are sent to permittees, other than those with a permanent disability. The reminder notice will include a questionnaire to survey the efficiency of this permit system. Questionnaires will also be sent routinely to those persons with a five-year permit.

B. Denial of Permit

- 1. The Department shall deny the application for a Permit if the applicant does not meet the qualifying requirements. The applicant may reapply at any time, once the conditions for receiving the permit are met.
- 2. The applicant may appeal the denial of a Permit to the Regional Supervisor of Natural Resources for the region in which the permit was issued within thirty workdays of the date of notification of denial. If requested by the applicant, the Regional Supervisor of Natural Resources will schedule a meeting between the applicant and the Regional land manager. The Regional Supervisor of Natural Resources shall render a decision within ten workdays of receipt of the applicant's appeal or from the date of the meeting. The applicant may appeal the decision of the Regional Supervisor of Natural Resources to the Regional Director within thirty workdays of the second denial. The Regional Director will issue a final decision within fifteen workdays of receipt of the appeal.

C. Suspension and/or revocation of Permit

- 1. The Permit may be suspended or revoked at any time during the duration of the Permit if the conditions of the Permit are not met, the permittee and/or the companion(s) is in violation of this policy, in violation of any Department rule and regulation or in violation of state or federal laws. For minor violations, the Regional land manager will follow the procedures for the suspension of a Permit, as described herein. However, for major violations, the Regional land manager may revoke the permit immediately. The permittee may appeal the revocation, following the procedure for appealing a revocation.
- 2. The Permit holder shall be given notice of pending suspension by certified mail, return receipt requested, and shall be allowed ten workdays from date of receipt to conform to the conditions or provisions of the Permit. However, if the situation for compliance is deemed critical by the Regional land manager, he/she may immediately suspend the Permit. If the Permit is suspended. notice shall also be given that, unless the conditions or provisions of the Permit are adhered to, the Permit shall be revoked at the end of the ten-workday suspension period.
- 3. The Regional land manager shall initiate the procedure to suspend the Permit, preparing a memorandum citing the reason(s) for cause for suspension to the Regional Supervisor of Natural Resources. The Regional Supervisor of Natural Resources shall notify the permittee in writing of the impending suspension, the reason(s) justifying the suspension and the requirement(s) to rectify the situation.
- 4. If a permittee fails to comply with the conditions to lift the suspension, the Regional Supervisor of Natural Resources shall proceed with notification of the revocation of the Permit.
- 5. A permittee may appeal the revocation of a Permit to the Regional Supervisor of Natural Resources for the region in which the permit was issued within thirty workdays of the date of notification. If requested by a permiftee, the Regional Supervisor of Natural Resources will schedule a meeting between the permittee and the Regional land manager. The Regional Supervisor of Natural Resources shall render a decision within ten workdays of receipt of the permittee's appeal or from the date of the meeting. The permittee may appeal the decision of the Regional Supervisor of Natural Resources to the Regional Director within fifteen workdays of the denial of the appeal. The Regional Director will issue a final decision within fifteen workdays of receipt of the appeal.
- 6. A permittee will not be authorized to use the Permit during the term of the suspension, revocation or appeal process.

D. Evaluation

All aspects pertaining to the implementation. administration, use, and effect of the provisions of this policy and procedure will be reviewed annually. Modification of the policy and its procedures will be done by the Department following consultation with the user group, the general public and concerned organizations.

Recordkeeping and Reporting of Administrative Use of Motor Vehicles and Aircraft in the Forest Preserve					
Commissioner Policy	Department ID: CP-17	Program ID: N/A			
Issuing Authority:	Originating Unit:	Originating Unit:			
Name: John P. Cahill	Office/Division: Natura	Office/Division: Natural Resources/Lands & Forests			
Title: Acting Commissioner	Unit:	Unit:			
Signature: <u>/s/</u>	Phone: (518) 457-7433	Phone: (518) 457-7433			
Issuance Date: March 29, 2000	Latest Review Date: (C	Latest Review Date: (Office Use):			

Abstract: This policy recites Adirondack Park State Land Master Plan and Catskill Park State Land Master Plan guidelines and establishes recordkeeping and reporting requirements for administrative motor vehicle and aircraft use on Forest Preserve lands within the Adirondack Park and Catskill Park.

This policy replaces and supercedes CP 17, entitled "Administrative Use of Motor Vehicles and Aircraft in the Forest Preserve," effective November 23, 1999. This policy is effective on March 29, 2000.

Related References: Adirondack Park State Land Master Plan: Catskill Park State Land Master Plan; Article XIV, § 1 of the New York State Constitution; and §87 of the Public Officers Law

I. Purpose

The purpose of the policy on Recordkeeping and Reporting of Administrative Use of Motor Vehicles and Aircraft in the Forest Preserve is to recite existing guidelines and provide recordkeeping and reporting requirements for administrative use of motor vehicles on roads not open to public motor vehicle use and of aircraft on Forest Preserve lands within the Adirondack and Catskill Parks, with the intent of minimizing such use.

The Department of Environmental Conservation's Office of Public Protection ("OPP") shall be exempt from the reporting requirements of this policy. However, OPP remains subject to Article XIV, Section 1 of the New York State Constitution and all provisions of the Adirondack Park State Land Master Plan and Catskill Park State Land Master Plan, including those which govern motor vehicle and aircraft use for administrative purposes. OPP maintains independent records of such activities as part of its law enforcement responsibility.

II. Background

- Article XIV, Section 1 of the New York State Constitution directs that lands classified as Forest Preserve, as defined by Environmental Conservation Law §9-0101(6), be "forever kept as Wild Forest lands."
- The Adirondack Park Agency ("APA"), pursuant to Article 27 of the Executive Law, has adopted the Adirondack Park State Land Master Plan ("APSLMP"), which classifies State lands in the Park according to "their characteristics and capacity to withstand use" and includes guidelines for the administrative use of motor vehicles on roads not open to the public and of aircraft. The Department of Environmental Conservation ("the Department") must comply with the APSLMP, which has the force and effect of law.
- The Department has adopted the Catskill Park State Land Master Plan ("CPSLMP") as policy to govern the administration of Forest Preserve lands in the Catskill Park.. The CPSLMP is closely patterned after the APSLMP and, similarly, includes a classification system and guidelines for the administrative use of motor vehicles on roads not open to the public and of aircraft.

III. Policy

It is the policy of this Department to establish recordkeeping and reporting requirements for the administrative use of motor vehicles on roads that are closed to public motor vehicle use and of aircraft on Forest Preserve land within the Adirondack Park and Catskill Park to the extent that such use is allowed by relevant provisions of State law. The following definitions, guidelines, responsibilities and procedures shall govern administrative motor vehicle use in the various land classification areas.

A. Definitions

For purposes of this policy, the following definitions will apply:

- 1. "Commissioner" means the Commissioner of Environmental Conservation.
- 2. "Department" means the Department of Environmental Conservation and its Offices and Divisions.
- 3. "Motor Vehicle.)' defined in the Adirondack Park and Catskill Park State Land Master Plans, means a device for transporting people, supplies or material, incorporating a motor or an engine of any type for propulsion and with wheels, tracks, skids, skis, air cushion or other contrivance for traveling on or adjacent to land and water or through water. The term includes such vehicles as automobiles, trucks, jeeps, motorbikes, dirt or trail bikes, any type of all-terrain vehicles, duffle carriers, snowmobiles, snowcats, bulldozers and other earth-moving equipment and motorboats.

- 4. "Office of Public Protection" means the Department's Office of Public Protection, including Environmental Conservation Officers and Rangers.
- 5. The following terms shall be defined as provided in the Adirondack Park and Catskill Park State Land Master Plans, respectively: "Aircraft", "Wilderness Area", "Primitive Area", "Canoe Area", "Wild Forest Area", "Intensive Use Area", "Historic Area", "State Administrative Areas", "Wild, Scenic and Recreational River Area," "Travel Corridor Area, "snowmobiles" and "all terrain vehicle."

B. Guidelines

1. Administrative Use of Motor Vehicles and Aircraft

It is the responsibility of the Department to ensure that administrative use of motor vehicles and aircraft on Forest Preserve lands in the Adirondack Park and Catskill Park complies with relevant provisions of State law and Department policy. All administrative use of motor vehicles and aircraft on Forest Preserve lands must, therefore, comply with the following requirements of the Master Plans:

- (a) Adirondack Park State Land Master Plan provisions:
 - 1. In Wilderness areas:
 - a. Administrative personnel will not use motor vehicles or aircraft for day-to-day administration, maintenance, or research.
 - b. Use of aircraft, but not motor vehicles, may be permitted for a specific major administrative maintenance, rehabilitation or construction project if that project involves conforming structures or improvements, or the removal of non-conforming structures or improvements, upon written approval of the Commissioner.
 - c. Such use of aircraft will be confined to off-peak seasons for the area in question and normally will be undertaken at periodic intervals of three to five years, unless extraordinary conditions, such as a fire major blow-down or flood mandate more frequent work or work during peak periods.
 - d. Irrespective of the above guidelines, use of aircraft, but not motor vehicles, for a specific major research project conducted by or under the supervision of a state agency will be permitted if such project is for purposes essential to the preservation of Wilderness values and resources, no feasible alternative exists for conducting such research on other state or private lands, such use is

- minimized, and the project has been specifically approved in writing by the Commissioner after consultation with the APA.
- e. Irrespective of the above or any other guidelines in the APSLMP, use of motor vehicles and aircraft will be permitted by or under the supervision of appropriate officials, in cases of sudden. actual and ongoing emergencies involving the protection or preservation of human life or intrinsic resource values--for example, search and rescue operations, forest fires, or oil spills or similar large-scale contamination of water bodies.
- f. Written logs will be kept by the Department recording use of motorized vehicles and aircraft. The Department will prepare an annual report providing details of such motorized uses and the reasons therefore and file it with the APA. (1)
- g. Where a Wilderness boundary abuts a public highway, the Department of Environmental Conservation will be permitted, in conformity with a duly adopted unity management plan, to locate within 500 feet from a public highway right-of-way, on a site-specific basis, trailheads, parking areas, fishing and waterway access sites, picnic areas, ranger stations or other facilities for peripheral control of public use, and, in limited instances, snowmobile trails.
- h. Where a Wilderness boundary abuts a water body accessible to the public by motorboat, the Department of Environmental Conservation will be permitted, in conformity with a duly adopted UMP, to provide, on a site-specific basis, for ranger stations or other facilities for peripheral control of public use or for the location of small, unobtrusive docks made of natural materials on such shorelines in limited instances where access to trail heads or the potential for resource degradation may make this desirable.
- i. During the phase out of existing nonconforming roads and state truck trails, the use of motorized vehicles by administrative personnel for transportation of materials and personnel will be limited to the minimum required for proper interim administration and the removal of nonconforming uses. After the phase out, the Department of Environmental Conservation will prohibit all administrative use of such roads and trails by motor vehicles. [Note: unlike paragraphs a through h above, this paragraph is not taken verbatim from the APSLMP. In the interest of brevity, this paragraph summarizes paragraphs 2 and 3 under the heading "Roads,

snowmobile trails and state truck trails" on page 19 of the APSLMP].

2. In Primitive Areas:

- a. All uses of motor vehicles and aircraft permitted under Wilderness guidelines will also be permitted in Primitive Areas.
- b. In addition, the use of motor vehicles and aircraft by administrative personnel will be permitted to reach and maintain existing structures, improvements or ranger stations: (a) whose eventual removal is anticipated but cannot be removed by a fixed deadline; or (b) in primitive areas not destined to become Wilderness whose presence is of an essentially permanent character; in each case as specified in a duly adopted UMP.
- c. Continued use of existing roads and state truck trails by administrative personnel will be permitted, to the extent necessary to reach and maintain structures and improvements whose removal, though anticipated, cannot be effected by a fixed deadline or, in the case of primitive areas not destined to become Wilderness whose presence is of an essentially permanent character.

3. In Canoe Areas:

- a. All uses of motor vehicles and aircraft permitted under Wilderness guidelines will also be permitted in primitive areas.
- b. In addition, motor vehicles and aircraft may be used by administrative personnel, but only for purposes designed to preserve or enhance the water or fishery resources of the area as specified in duly adopted unity management plans.

4. In Wild Forest Areas:

- a. All uses of motor vehicles and aircraft permitted under Wilderness guidelines will also be permitted in Wild Forest areas.
- b. In addition, the use of motor vehicles and aircraft will be allowed by administrative personnel where necessary to reach, maintain or construct permitted structures and improvements, for appropriate law enforcement and general supervision of public use, or for appropriate purposes, including research, to preserve and enhance the fish and wildlife or other natural resources of the area.

5. In Wild, Scenic and Recreational River Areas:

a. Wild Rivers:

- (I) Wild rivers and their river areas will be managed in accordance with the guidelines for Wilderness areas.
- (ii) Motorboat usage of wild rivers will be prohibited.

b. Scenic Rivers:

- (i) Scenic rivers and their river areas will be managed in accordance with the guidelines for the management of Wild Forest areas (except where such rivers flow through Wilderness, primitive or canoe areas, where the more restrictive guidelines of the particular area will apply).
- (ii) Access points to the river shore or crossings of the river by roads, fire truck trails or other trails open to motor vehicle use by administrative personnel will normally be located at least two miles apart.
- (iii) Other motor vehicle roads in the river area will not be encouraged and, where permitted, will normally be kept at least 500 feet from the river shore and will be screened by vegetation or topography from view from the river itself.
- (iv) Motorboat use is not normally permitted but may be allowed by the Department, where such use is already established, is consistent with the character of the river and river area, and will not result in any undue adverse impacts upon the natural resource quality of the area.

c. Recreational rivers:

- (i) Recreational rivers and their river areas will be administered in accordance with the guidelines for management of Wild Forest areas (except where such rivers flow through Wilderness, primitive or canoe areas, where the more restrictive guidelines of the particular area will apply).
- (ii) Motorboat use of recreational rivers may be permitted, as determined by the Department.

6. In all other Classified Areas:

The APSLMP Plan does not discuss the administrative use of motor vehicles or aircraft use within Intensive Use, Historic, State Administrative Areas and Travel Corridor Areas. Accordingly, such use in these areas will not be subject to the compulsory review and the mandatory recordkeeping and reporting standards set forth below. However, only the most appropriate motor vehicle for the intended administrative use and that which incurs the least amount of environmental impact shall be used. In the case of travel corridors, administrative use of motor vehicles on state lands within the travel corridors but outside of the right-of-way shall conform with the guidelines for the classification of those lands.

7. In Unclassified lands and waters:

Prior to classification, such lands and waters are administered on an interim basis in a manner consistent with the character of the land and its capacity to withstand use and which will not foreclose options for eventual classification.

(b) Catskill Park State Land Master Plan provisions:

1. In Wilderness areas:

- a. Administrative personnel will not use motor vehicles or aircraft for day-to-day maintenance.
- b. Administrative use of motorized equipment or aircraft may be permitted for maintenance, rehabilitation, construction, fish stocking or research projects involving conforming structures or improvements, or the removal of nonconforming structures upon the approval of the Commissioner of Environmental Conservation.
- c. Such use of motorized equipment or aircraft will be confined to off-peak seasons for the area in question and normally will be scheduled at three-to five-year intervals, unless extraordinary conditions such as a fire, major blowdown, flood or ecological disaster require more frequent work.
- d. Irrespective of the above guidelines, use of aircraft, but not motor vehicles, for a specific major research project conducted by or under the supervision of a state agency will be permitted if such project is for purposes essential to the preservation of Wilderness values and resources, no feasible alternative exists for conducting such research on other state or private lands, such use is minimized, and the project has been specifically approved in writing by the Commissioner of Environmental Conservation.

- e. Irrespective of the above or any other guidelines in the CPSLMP, use of motor vehicles and aircraft will be permitted by or under the supervision of appropriate officials, in cases of actual and ongoing emergencies involving the protection or preservation of human life or intrinsic resource value--for example, search and rescue operations, forest fires, or large-scale contamination of streams, ponds and lakes.
- f. During the phase out of existing nonconforming roads and state truck trails, the use of motorized vehicles by administrative personnel for transportation of materials and personnel will be limited to the minimum required for proper interim administration and the removal of nonconforming uses. After the phase out, the Department of Environmental Conservation will prohibit all administrative use of such roads and trails by motor vehicles.

2. In Wild Forest Areas:

- a. All uses of motor vehicles and aircraft permitted under Wilderness guidelines will also be permitted in Wild Forest areas.
- b. In addition, the use of motor vehicles and aircraft will be allowed by administrative personnel where necessary to reach, maintain or construct permitted structures and improvements, for rescues, or for appropriate law enforcement and general supervision of public use.
- c. Continued use of existing roads, and State truck trails by administrative personnel will be permitted, as necessary to reach, maintain and construct permitted structures and improvements and conduct approved fish and wildlife research and management projects.
- d. Wilderness guidelines (including those relating to the administrative use of motor vehicles and aircraft) apply to all lands and waters over 2,700 feet in elevation unless otherwise specified in a Wild Forest guidelines.

3. In all other Classified Areas:

The CPSLMP Plan does not discuss the administrative use of motor vehicles or aircraft within Intensive Use and State Administrative Areas and Travel Corridor Areas. Accordingly, such use in these areas will not be subject to the mandatory recordkeeping and reporting requirements set forth below.

However, only the most appropriate motor vehicle for the intended administrative use and that which incurs the least amount of environmental impact shall be used.

4. In Unclassified lands and waters:

Prior to classification, newly acquired lands will be administered on an interim basis in a manner consistent with the character of the land and its capacity to withstand use and which will not foreclose options for eventual classification.

C. Review and Recordkeeping

All administrative use of motor vehicles on roads closed to the public and of aircraft, except that of OPP, shall be subject to the recordkeeping and reporting requirements of this policy. These requirements are intended to ensure that administrative use complies with the Master Plans and the procedural requirements of this policy, as well as other applicable state law, regulation and policy, and is intended to minimize the administrative use of motor vehicles on roads closed to public motor vehicle use and of aircraft on Forest Preserve lands within the Adirondack Park and Catskill Park. A comprehensive review will ensure that there is a justifiable need for motor vehicle or aircraft use, that feasible alternatives to motor vehicle or aircraft use have been examined, that the motor vehicle or aircraft use is most appropriate given the purpose and location of the access, and that such use will incur minimal, if any, environmental impact.

Emergency use, such as fire control and abatement and search and rescue missions, shall be recorded and reviewed in accordance with Section V.A of this Policy. A Conceptual Motor Vehicle and Aircraft Use Plan for monitoring and inspection, land management and planning, patrol, enforcement, maintenance, rehabilitation, replacement and development of structures and improvements, liming and stocking. research and reclamation shall be required in accordance with the procedures set forth in Section V. B. of this Policy. Non-emergency uses which are not included in the conceptual Motor Vehicle and Aircraft Use Plan shall require prior approval in accordance with the procedures set forth in Section V.C. of this Policy. Where there is a question as to whether a particular administrative use has been approved as part of the Conceptual Motor Vehicle and Aircraft Use Plan, prior approval shall be sought pursuant to Section V.C.

The Department shall maintain written documentation on the administrative use of motor vehicles on roads that are closed to the public and of aircraft on Forest Preserve lands within the Adirondack Park and Catskill Park Each Department Office and/or Program Division Regional manager shall provide to the Regional Director a quarterly record of administrative motor vehicle use on such lands. Such a record will include, but not be limited to. the date and time of motor vehicle use, the location where such motor vehicle use occurred, the frequency and duration of such use, and the purpose for such use (See "Appendix A". "Appendix B", "Appendix C" and "Appendix D"). This record shall be provided on a quarterly basis, (i.e., January. April, July and October), to the Director of the Division of Lands and Forests by the Regional Director. This submission shall be accompanied by a Notice of Availability published in

the Environmental Notice Bulletin by the Regional Director. These records shall be retained in the Region and in Central Office for a period of three years from the date of the record. In accordance with the Freedom of Information Law (FOIL), these records, or portions thereof, as well as the documentation described below, or portions thereof, will be made available upon proper request.

IV. Responsibility

It shall be the responsibility of all Department divisions and staff to implement the guidelines and procedure of this policy. It shall also be the responsibility of the Division of Lands and Forests to periodically review the provisions of this policy and recommend amendments, where necessary. As noted above, it shall further be the responsibility of each Division of this Department to provide the Regional Director with written quarterly reports on all administrative uses of motor vehicles on roads closed to the public and of aircraft on Forest Preserve lands within the Adirondack Park and Catskill Park. The Regional Director shall then forward such record to the Director of the Division of Lands and Forests for a quarterly compilation of all administrative motor vehicle use on roads closed to the public and of aircraft within the Forest Preserve.

The Commissioner's Designee to the APA shall be responsible for the preparation of the annual report providing details of motorized uses in Wilderness areas and the reasons therefore, and for the filing of such report with the APA.

V. Procedure

The following procedures shall govern the administrative use of motor vehicles on roads closed to the public and of aircraft in the Forest Preserve within the Adirondack Park and Catskill Park.

A. Emergency Motor Vehicle and Aircraft Use:

- 1. For activities carried out in response to any sudden, actual and ongoing emergency where immediate action is warranted, the Department's Regional Forester for the region(s) in which the activity took place must be notified in writing within 72 hours after commencement of the action.
- 2. Within ten (10) days of completion of the activity and termination of the emergency, a record must be developed by the Program/Division involved in the emergency activity and forwarded to the Regional Forester containing a description of the activity, the location and site of the activity, the reasons why the situation was an emergency. the type of motor vehicles or aircraft utilized and the frequency and duration of such motor vehicle or aircraft use.
- 3. In the case of emergency action by an entity other than the Department, a representative of the Department shall, within 72 hours of such notification, visit the site of the activity to ascertain that the activity was or is carried out in a manner that caused or causes the least change, modification or adverse impact to life, health, property or natural

- resources. Modifications to such procedures shall be made when necessary to lessen such activity's impact.
- 4. The Department's Regional Forester shall maintain a written record of the activity of the entity and the Department's inspection, as required by "Record keeping", above, on the form provided as "Appendix D", and provide, on a quarterly basis, a report to the Regional Director. The Regional Director shall then forward such report to the Director of the Division of Lands and Forests on a quarterly basis.
- 5. The Department shall maintain documentation of emergency activities on the form attached as "Appendix C" and shall comply with the requirements of "Record keeping" above. Each Office or Division shall maintain a record of its emergency motor vehicle and aircraft use and submit a quarterly report of actual use to the Regional Director, who shall then forward such quarterly report to the Director of the Division of Lands and Forests.

B. Conceptual Motor Vehicle and Aircraft Use Plan:

- An annual plan for motor vehicle access to roads closed to the public and of 1. aircraft on Forest Preserve lands in the Adirondack Park and Catskill Park shall be submitted by the Regional Division Program Manager to the Regional Forester for monitoring and inspection, land management and planning, patrol, enforcement, maintenance, rehabilitation, replacement and development, liming and stocking, research and reclamation, where authorized by the applicable Master Plan or other provision of State law. The annual plan must be submitted to the Department's appropriate Regional Forester in writing at least sixty (60) business days prior to January 1 of each year. A complete plan must specifically identify the area(s) within the Preserve to be accessed, the purpose(s) and necessity for such access, the types and numbers of motor vehicles and aircraft to be used and the estimated frequency and duration of the activity, including estimated starting and ending dates for such access. The plan must also contain an assessment of the viability of non-motorized options and/or a justification for the use of motor vehicles and aircraft. The plan shall be submitted on the form attached as "Appendix A".
- 2. The Regional Forester shall review the plan and submit comments, if any, within ten (10) working days of its receipt to the Regional Division Program Manager. Within ten (10) business days following completion of the Regional Forester's review, the Regional Forester and the Regional Program Manager shall both sign a recommendation for approval of the Conceptual Motor Vehicle and Aircraft Use Plan to the Regional Director. After receipt and review, the Regional Director, within twenty (20) business days, shall compile all plans for the Region into a single mailing and forward the package, with a recommendation for approval, to the Division Director of the Division of Lands and Forests. The Division Director, after receipt and review will approve, approve with modification or reject the Regional plans within ten (10) business days. Upon final approval, a Notice of Availability will be published in the Environmental Notice Bulletin.

- 3. An approved Conceptual Motor Vehicle and Aircraft Use Plan for any of the above-listed activities will authorize the requesting party to utilize a motor vehicle and/or aircraft to access roads that are closed to the public on Forest Preserve lands in the Adirondack Park and Catskill Park on an ongoing and continual basis for the purposes identified in the request in compliance with relevant provisions of the APSLMP or APSLMP. There shall be no additional approval required for the duration and scope of activities which are identified in the request on an annual basis.
- 4. The Department shall maintain documentation of administrative activities on the form attached as "Appendix C" and shall comply with the requirements of "Record keeping" above. Each Office or Division shall maintain a record of administrative motor vehicle on roads closed to the public and aircraft use and submit a quarterly report of the use to the Regional Director, who will forward a copy to the Division Director of Lands and Forests.
- 5. The Regional Director, Regional Supervisor of Natural Resources and the Regional Division Program managers for each Department Office or Division shall meet annually with the Division Director to review the past year's administrative motor vehicle and aircraft use on Forest Preserve land in the Adirondack and Catskill Forest Preserves and how to incorporate the experiences of the past year into the following year's conceptual plan.
- Modification or amendment to the conceptual use plan must be made when 6. circumstances for administrative use require significantly greater access or more frequent visits than originally anticipated. Such modification or amendment must be made prior to such additional use. Modifications that result in additional access or visits that do not exceed originally anticipated figures by fifty percent (50%) do not require amendment to the conceptual use plan unless they result in an increase of more than twenty-five (25) visits per year. However, all increased use must be documented and appear in the quarterly report(s). Those modifications that result in additional access or visits that exceed originally anticipated figures by fifty percent (5 0%) or more, or result in an increase of more than twenty-five (25) visits per year, and all other modifications shall be made in a manner consistent with the prior approval review process noted below. The conceptual use plan may be modified or amended when less use will actually occur then originally anticipated, but such modification or amendment is not required.
- C. Prior Approval for Motor Vehicle and Aircraft Use:
 - 1. A request for aircraft access or motor vehicle access to roads closed to the public the Forest Preserve for administrative uses other than those constituting an emergency and other than those included in the conceptual use plan or any amendment or modification thereto, must be submitted to the Department's appropriate Regional Forester in writing at least thirty (30) working days prior to the anticipated start date of the activity. A complete request must specifically identify the area within the Forest Preserve to be accessed, the purpose and need for such access, an assessment of the viability of non-motor vehicle or aircraft options, the types and numbers of motor vehicles and aircraft to be used, and the estimated frequency and duration of the activity, including desired dates

- for such access. The request should be submitted on the form attached as "Appendix B".
- 2. Upon receipt of such request, the Regional Forester shall review the request within ten (10) working days and submit comments, if any, to the Regional Program Manager and the Division Director of the Division of Lands and Forests. Within twenty (20) business days from completion of the Regional Forester's review, and after receiving written approval from the Division Director of the Division of Lands and Forests, the Regional Forester and the Regional Program Manager shall agree to and both sign an approved request.
- 3. The Department shall maintain documentation of administrative activities on the form attached as "Appendix C" and shall comply with the requirements of "Record keeping" above. Each Office or Division shall maintain a record of its administrative activities and submit a quarterly report of such activities to the Regional Director.
- 4. The Regional Director, Regional Supervisor of Natural Resources and the Regional Division Program managers for each Department Office or Division shall meet annually to review the past year's administrative motor vehicle and aircraft use within the Forest Preserve. The Regional Director, Regional Supervisor of Natural Resources and the Regional Division Program managers for each Department Office or Division shall meet annually with the Division Director to review the past year's administrative motor vehicle and aircraft use on Forest Preserve land in the Adirondack Park and Catskill Park and how to incorporate the experiences of the past year into the following year's conceptual plan. Where approval was granted for a multi-year activity, this review shall include a determination of continuance.
- 5. Although this policy addresses only the administrative use of motor vehicles and aircraft, it should be noted that the APSLMP requires that logs be kept on theuse of motorized equipment in Wilderness areas, and that the annual report of motorized uses in Wilderness areas which the Department must provide to the APA must include details on the use of motorized equipment as well as motor vehicles and aircraft.

The DEC Policy System

Program Policy	/	1	Program ID: N/A		
Γitle: Snowmobile Trails - Forest Preserve					
Issuing Authority:		Originating Unit:			
Name: Frank Dunstan		Office/Division: Natural Resources/ Lands and Forests			
Γitle: Director - Divisior	of Lands and Forests	Unit: Bureau of Public Lands			
Signature: <u>/s/</u>	Date:	Phone: (518) 457-7433			
ssuance Date: Septemb	er 2, 1998	Latest Review Date (Office Use):			

Abstract: The policy establishes procedures by which snowmobile trails may be planned, located, constructed, used and maintained on Forest Preserve lands. Further, it includes the types of trails that are permissible and specifies standards.

Related References:

- Article XIV, Section I of the New York State Constitution
- Title XI, Article 47 of the Vehicle and Traffic Law
- Title D, Article 21 of the Parks and Recreation Law
- <u>Department Rules and Regulations, particularly 6 NYCRR Part</u>

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- The Adirondack Park State Land Master Plan
- The Catskill Park State Land Master Plan
- 1985 Memorandum of Understanding Between the Adirondack Park Agency and the Department of Environmental Conservation
- Department Policy and Procedures Manual, Title 840.0, Chapter 8426
- Division of Lands and Forests Policy LF-91-2

I. Purpose

The purpose of this policy is to establish a procedure by which snowmobile trails are to be planned, located, constructed, used and maintained on Forest Preserve lands. Further, it is to outline the types of trails that are permissible and specify standards to be followed.

II. Background

Over the years, municipalities and private organizations have developed networks of snowmobile trails that benefit the locality. Through interconnecting trails crossing the Forest Preserve, extended travel enhances the snowmobile experience.

In the Forest Preserve, snowmobile trails are permitted only in those areas classified as Wild Forest and Intensive Use.

Where a Wilderness, Primitive or Canoe Area boundary abuts a public highway, snowmobile trails may be located within 500 feet of the highway right-of-way on a site-specific basis in limited instances in conformity with a duly adopted unit management plan.

Snowmobile trails crossing the Forest Preserve are generally narrower than those on private land, requiring slower speeds and more cautious driving.

These general guidelines and policies are derived from the recommendations of the Temporary Study commission on the Future of the Adirondacks as stated in its report dated December 15, 1970. The pertinent recommendations from that report are as follows:

- 124. Existing mileage of snowmobile trails on wild forest land should not be expanded but it should be improved-by:
 - a. converting dead end trails more than ten miles long to loop trails;
 - b. converting dead end trails less than five miles long to ski touring trails;
 - c. relocating existing trails that are damaging the environment to other areas of wild forest land better suited to snowmobile use.
- 126. Other rights-of-way should be acquired as they become available and, subject to the other recommendations of the Commission, added to the snowmobile trail system where appropriate.
- 127. Snowmobile trails in wilderness areas should be closed immediately and snowmobile use of these areas prohibited.
- 128. Snowmobile trails in primitive areas should be phased out over a five year period and snowmobile use of these areas prohibited at the end of that time.
- 129. The state should encourage the development of snowmobile trails on private lands. To the extent that such trails become available, the mileage of snowmobile trails on wild forest land should be proportionately reduced.
- 131. Existing snowmobile trails less than five miles in length, or otherwise inappropriate for snowmobile use, should be converted to ski touring trails.

On the basis of the above recommendations, specific Guidelines for snowmobile trails were promulgated in the Adirondack Park State land Master Plan. Those Guidelines pertinent to snowmobile trails and the use thereof are as follows:

WILD FOREST - Basic Guidelines

- 4. Public use of motor vehicles will not be encouraged and there will not be any material increase in the mileage of roads and trails open to motorized use by the public in wild forest areas that conformed to the master plan at the time of its original adoption in 1972.
- 5. Care should be taken to designate separate areas for incompatible uses such as snowmobiling and ski touring or horseback riding and hiking.
- 7. No new structures or improvements in wild forest areas will be constructed except in conformity with a finally adopted unit management plan. This guideline will not prevent ordinary maintenance, rehabilitation or minor maintenance of conforming structures or improvements, or the removal of nonconforming uses.
- 8. All conforming structures and improvements will be designed and located so as to blend with surrounding environment and to require only minimal maintenance.

Structures and Improvements

The maintenance and rehabilitation of the following structures and improvements will be allowed but new construction will not be encouraged:

• snowmobile trails are set forth below;

Motor Vehicles, Motorized Equipment and Aircraft

2. ...the use of motor vehicles, motorized equipment and aircraft will be allowed as follows:

(c) by snowmobiles on trails now or hereafter designated by the Department of Environmental Conservation in accordance with basic guideline 4 set forth above, and will the guidelines for such trails specified below.

Snowmobile Trails

Snowmobile trails should be designed and located in a manner that will not adversely affect adjoining private landowners or the wild forest environment and in particular:

- the mileage of snowmobile trails lost in the designation of wilderness, primitive and canoe areas may be replaced in wild forest areas with existing jeep trails or abandoned wood roads as the basis of such new snowmobile trail construction, except in rare circumstances requiring the cutting of new trails;
- wherever feasible such replacement mileage should be located in the same general area as where mileage is lost due to wilderness, primitive or canoe classification;
- appropriate opportunities to improve the snowmobile trail system may be pursued subject to basis guideline 4 set forth above, where the impact on the wild forest environment will be minimized, such as (1) provision for snowmobile trails adjacent to but screened from certain public highways within the Park to facilitate snowmobile access between communities where alternate routes on either state or private land are not available and topography permits and, (ii) designation of new snowmobile trails on established roads or jeep trails in newly acquired state lands classified as wild forest; and.
- deer wintering yards and other important wildlife and resource areas should be avoided by such trails.

III. Policy

The above Guidelines as set forth under that section entitled BACKGROUND - are herewith adopted as the Policy controlling snowmobiles, snowmobile trails and the use thereof on the lands and water constituting the Adirondack and Catskill Forest Preserve.

In clarification of the mileage limitation imposed by Basic Guideline No. 4 -- as quoted above - and the authority to replace"...the mileage of snowmobile trails lost in the designation of wilderness, primitive and canoe areas..." in wild forest areas, the following limitation shall apply:

- a. The mileage of snowmobile trails in or on the Adirondack Forest Preserve shall not exceed a total of 848.88 miles and
- b. The mileage of snowmobile trails to be "replaced" in wild forest areas shall not exceed a total of 11.50 miles, which 11.50 miles is included in the 848.88 miles total cited above.

Note: The mileage figures here stated are taken from a document entitled, "ADIRONDACK PARK - Snowmobile Trail Mileage" as compiled by the Division of Lands and Forest. December, 1980, which document is herewith made a part of this policy.

In addition, the following general policies shall apply:

- 1. Existing snowmobile trails shall not be widened or otherwise upgraded without benefit of an approved unit management plan for the land area involved.
- 2. Snowmobile trails shall not be established where impacts on adjacent private holdings are probable without the prior written agreement of the private landowners involved.
- 3. Snowmobile trails shall be located so as to avoid crossing bodies of water, the edge of ledges or ravines, environmentally sensitive floral and faunal areas, wetlands, deer

- wintering areas and other significant habitats so that the values of these habitats are not diminished for wildlife purposes or otherwise.
- 4. Existing woods roads and trails should be utilized as snowmobile trails when possible in lieu of constructing new trails.
- 5. When a snowmobile trail is routed along a public road, such trail shall be located parallel to the traveled way of the road. When a snowmobile trail is routed across a public road, such crossing shall be made at right angles and at a location with adequate sight distance along both the trail and the road.
- 6. When maintenance costs for a snowmobile trail become excessive or the trail cannot be maintained because of fiscal or other constraints, such trail shall be closed.
- 7. When the condition of a snowmobile trail becomes hazardous to the user or a threat to the environment, such trail shall be closed.
- 8. When a snowmobile trail is no longer used or receives only minimal use, such trail shall be closed.
- 9 Dead-end snowmobile trails shall not be established and any such trails now in existence shall be closed unless such trail dead-ends at a specific facility or feature used by the public in the winter season.
- 10. Snowmobile trails shall be located and maintained so as to ensure safe travel.

A. SNOWMOBILE TRAIL STANDARDS

1. TRAIL CLASSIFICATIONS (Snowmobile trails shall be classified as either Class A or Class B.)

- a. Class A Trails are those that are major travel routes, which provide physical features that permit grooming if deemed desirable and;
 - 1. Follow old roadways, or;
 - Connect with groomed trail systems on adjacent public or private lands, or;
 - Join with other trails 'on State land to form a long loop or other major travel corridor.
- b. Class B Trails are those that are other than major travel routes that are not designed for grooming and, which;
 - Are connecting or "spur" trails companion to Class A trails, or:
 - 2. Lead to a particular point of interest such as a popular ice fishing pond, a scenic overlook, etc.

2. ALIGNMENT AND GRADE

- a. Trail alignment shall avoid blind curves and abrupt changes in either horizontal or vertical direction.
- b. Minimum sight distance shall not be less than 50 feet.
- c. Curves with a radius of less than 25 feet shall not be included in any trail alignment.
- d. Grades shall not exceed 20%.
- e. Line and grade shall be designed so as to insure that the average snowmobile operator can safely negotiate the trail with little or no difficulty and experience a ride that is interesting and safe.

3. Trail Width (Funded Corridor Trails)

Funded Corridor Trails are trails or parts of trails that have been designated by the Office of Parks, Recreation and Historic Preservation as portions of the statewide snowmobile corridor trail system.

- a. Class A trails may be kept clear to a width of eight (8) feet on straight or gently curved stretches of trail and to a width of twelve (12) feet on curves and steep grades.
- b. Class B trails may be kept clear to a maximum width of eight (8) feet.
- c. All trails, regardless of class, shall be kept clear to a height of twelve (12) feet, as measured from ground level.

4. Trail Width (All Other Trails- Not Funded Trail Corridors)

- a. Class A trails may be kept clear to a width of eight (8) feet on straight or gently curved stretches of trail and to a width of twelve (12) feet on curves and steep grades where the cutting of trees or other woody growth of over three (3) inches DBH is not necessary.
- b. Class B trails may be kept clear to a maximum width of eight (8) feet where the cutting of trees or other woody growth of over three (3) inches DBH is not necessary.
- c. All trails, regardless of class, shall be kept clear to a height of twelve (12) feet, as measured from ground level, where the cutting of trees or other woody growth of over three (3) inches DBH is not necessary.

5. Drainage

Adequate drainage shall be provided to prevent washouts, sheet ice, and other hazards to the safety of trail users. Open streams may be bridged as necessary for safety purposes or the trail rerouted so as to eliminate the stream crossing.

6. Maintenance

- a. Maintenance on snowmobile trails and parking lots should be accomplished during the late summer and early fall.
- b. During the use season, trails should be kept open and passable as resources permit.
- c. Grooming of trails is not to be a function of the Department. If grooming is desired, user groups may perform grooming under temporary revocable permit.

7. Parking Areas

Parking areas, designed for drive-through of vehicle and trailer, shall be provided as appropriate at strategic access points. Whenever possible, arrangements should be made with the local government responsible for maintaining the adjacent highway to provide for snow removal in the parking lot.

8. Signing

a. Trails shall be marked with a standard 4.5 inch marker placed in both directions at a height to insure visibility when snow is on the ground. Spacing will be determined by local conditions; however, at least one marker shall be placed every one thousand (1,000) feet. In open terrain, markers shall be placed at least every three hundred (300) feet

- b. All access points and trail intersections will be marked with a standard sign stating trail designations and distances. Trails will be measured to obtain accurate distances.
- c. Signs and markers should be replaced as necessary during the fall at the time of other regular maintenance.
- d. If an unusual condition exists, such as an ungroomed section of a trail, such condition will be noted on a temporary sign at either the trail entrance or the trail intersection closest to the unusual condition.
- e. All road crossings will be adequately signed on both the trail and the road so as to give sufficient warning that the crossing is ahead.

9. Maps

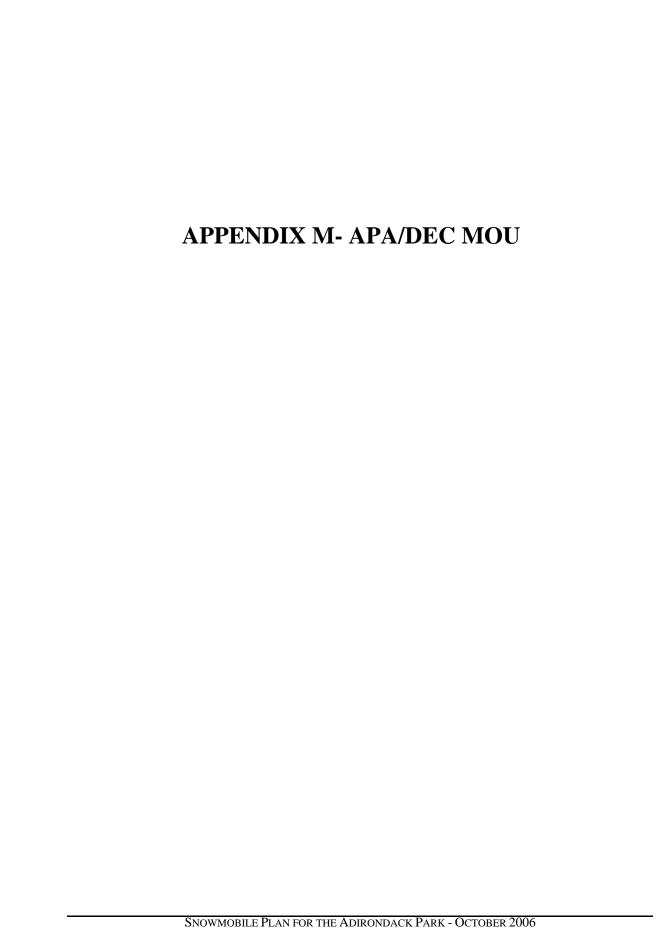
Sketch maps and trail descriptions, suitable for publication in the "Snowmobiling in New York State" booklet, will be prepared by the Regional Office and provided to the Central Office on an annual basis.

IV. Responsibility

The responsibility of interpretation and update of this document, and overall management shall reside with the Office of Natural Resources, Division of Lands and Forests, or its successor.

V. Procedure

The management and actions taken regarding snowmobile trail planning, establishment, construction and maintenance on Forest Preserve lands shall be in accordance with the above stated policy.





MEMORANDUM OF UNDERSTANDING

BETWEEN THE

ADIRONDACK PARK AGENCY

AND THE

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

CONCERNING IMPLEMENTATION OF THE

STATE LAND MASTER PLAN FOR THE

ADIRONDACK PARK

Commissioner
New York State Department of
Environmental Conservation

Chairman New York State Adirondack Park Agency

WHEREAS, the Legislature of the State of New York in 1885 established the Adirondack Forest Preserve, and in 1892 created the Adirondack Park to consist of both the Forest Preserve and private lands within the Park's boundary, and in 1895, the People of the State of New York, through constitutional amendment, further protected the Forest Preserve as lands to remain "Forever Wild;" and

WHEREAS, the New York State Department of Environmental Conservation (the DEPARTMENT) has the statutory responsibility under the Environmental Conservation Law, to provide for the care, custody, and control of the Forest Preserve, and for the protection of other natural resources of the State; and

WHEREAS, the New York State Adirondack Park Agency (the AGENCY), has the statutory responsibility under the Adirondack Park Agency Act for the long-range planning for the Adirondack Park, including the preparation, continual revision and evaluation, administration and interpretation of the Adirondack Park Private Land Use and Development Plan and Map and the interpretation preparation and periodic revision of the Adirondack Park State Land Master Plan (APSLMP), and for the administration within the Park of the Freshwater Wetlands Act; and

WHEREAS, the DEPARTMENT and the AGENCY each recognize that, as units of the same New York State Executive Department, it is imperative that the specific authorities and program responsibilities of each are administered as cooperative elements of a coordinated State government program for the Adirondack Park; and

WHEREAS, the DEPARTMENT and the AGENCY each agree that their specific program responsibilities and activities are enhanced by the involvement and participation of the other, including coordinated policy development and implementation, as well as sharing of information, technical and other resources; and

WHEREAS, the AGENCY and the DEPARTMENT agree that it is in the interest of the State of New York to fully coordinate and integrate their respective program responsibilities as they pertain to the Adirondack Park for the good of the People of the State, State government, the Adirondack local governments, residents of the Park and Park visitors; and

WHEREAS, the DEPARTMENT and the AGENCY agree that this Memorandum is not intended to diminish any authority or responsibility of either the DEPARTMENT or the AGENCY nor transfer to the other any authority to act on matters with which it is charged;

NOW THEREFORE, the parties do hereby agree to exercise their responsibilities and authorities through the cooperative arrangements created by this Memorandum.

I. GENERAL COORDINATION AND COMMUNICATION

- (a) The DEPARTMENT and the AGENCY will each conduct their various program responsibilities with respect to the Adirondack Park State Lands so as to promote the recognition, support and acceptance by the general public of the laws, rules, regulations, administrative policies and procedures of the other.
- (b) The DEPARTMENT and the AGENCY will communicate and coordinate as follows:
 - (1) The agencies agree that any policy or guidance developed by the DEPARTMENT which impacts the AGENCY and any policy or guidance developed by the AGENCY which impacts the DEPARTMENT shall be effective only if developed cooperatively and agreed to by both agencies. Conforming amendments will be made to this Memorandum of Understanding if required by such new policy or guidance.
 - (2) Except with respect to the procedures for Unit Management Planning set forth in section IV, Adirondack Park State Land Unit Management Plans, all actions requiring formal, written interagency consultation pursuant to paragraph I.(b)(4) shall be coordinated through the primary contact persons designated in paragraph I.(b)(3). The agencies shall maintain and share current organization charts depicting their respective subdivisions of program responsibilities.
 - (3) The DEPARTMENT and the AGENCY will each appoint a primary contact person for implementation of this Memorandum. The primary contact person for the DEPARTMENT shall be the Forest Preserve Coordinator, New York State Department of Environmental Conservation. The primary contact person for the AGENCY shall be the Director, Planning, Adirondack Park Agency.
 - (4) Where there has been interagency consultation at the DEPARTMENT and AGENCY staff level and

staff disagree, the matter will be formally referred in writing for resolution as follows. A written request may be transmitted by the primary contact person for the DEPARTMENT to the Commissioner of Environmental Conservation's designee to the AGENCY. A written request may be transmitted by the primary contact person for the AGENCY to the Executive Director of the AGENCY. Issues which cannot be resolved by such designee and such Executive Director within 30 days of such referral will be referred by them for final resolution to the AGENCY Chairman and the Commissioner of Environmental Conservation according to the applicable regulations and procedures of each.

- The DEPARTMENT and AGENCY will share, to the (C) fullest extent possible, all information and data pertaining to the natural, physical, social, and economic resources of the Adirondack Park collected by each.
- (d) The DEPARTMENT and AGENCY will provide each other with actions or policy determinations as described hereafter that may affect program responsibilities of the other.
- (e) The DEPARTMENT and the AGENCY each will not represent any technical or legal positions on behalf of the other except by express mutual agreement; furthermore, the DEPARTMENT and the AGENCY each agree to provide timely notice to the proponent of any improvement within the Adirondack Park of the possible regulatory responsibilities of the other.
- (f) In recognition of the regulatory role and program responsibilities of the AGENCY, the AGENCY shall not request, nor shall the DEPARTMENT provide, any information pertaining to specific acquisitions of land by the DEPARTMENT as additions to the Adirondack Forest Preserve prior to binding contract or title transfer. The DEPARTMENT shall not request the AGENCY to consider any change to the Adirondack Park Private Land Use and Development Plan Map's classification of private lands that the Department proposes to acquire.

II. ADIRONDACK PARK STATE LAND MASTER PLAN

- The AGENCY shall prepare and shall (a) periodically revise the Adirondack Park State Land Master Plan (APSLMP). The APSLMP shall provide a policy framework for the administration and management of the Adirondack Park Forest Preserve lands by the DEPARTMENT. The APSLMP establishes a system and procedure for the classification of all State lands, describes the general guidelines for the management and use of such lands, designates specific units of such land in accordance with the classification system, and provides for the implementation of the APSLMP by the DEPARTMENT through the Unit Management Planning process. Terms within this Memorandum of Understanding shall be interpreted by reference to the definitions and provisions of the APSLMP.
- (b) The AGENCY will consult with the DEPARTMENT in the revision of the APSLMP as follows:
 - (1) The AGENCY shall not undertake the revision of the APSLMP, including any hearings or public review documents without prior notice to the Commissioner of Environmental Conservation of the intent to do so.
 - (2) The AGENCY shall request the official designation of a representative of the DEPARTMENT to participate with the AGENCY on behalf of the DEPARTMENT in any process of APSLMP revision.
 - (3) The AGENCY shall provide the DEPARTMENT with a schedule for the revision of the APSLMP and shall promptly advise the DEPARTMENT of any changes proposed thereto.
 - (4) The AGENCY will solicit the recommendations of the DEPARTMENT prior to the appointment of any citizen's advisory committee for the purposes of assisting the AGENCY in preparing revisions to the APSLMP.

- (5) The AGENCY shall provide the DEPARTMENT with proposed revisions to the APSLMP prior to conducting any required public hearing on such proposed revisions, and shall provide the DEPARTMENT with a minimum of thirty (30) days prior to such hearings for review and response to such proposed revisions.
- (6) The AGENCY will advise the DEPARTMENT, in writing, of its acceptance or rejection of any recommendations of the DEPARTMENT with respect to any APSLMP revision at least fifteen (15) days prior to such hearings.
- (7) The AGENCY, after public hearings on the proposed revisions to the APSLMP shall provide the DEPARTMENT with a copy of the revised APSLMP as proposed for submittal to the Governor for approval, and shall provide the DEPARTMENT with a minimum of thirty (30) days for review and response prior to the submittal of the proposed revised APSLMP by the Chairman of the AGENCY and the Commissioner of the DEPARTMENT to the Governor.

III. STATE LAND CLASSIFICATIONS

- (a) The AGENCY will classify new State land acquisitions in the Adirondack Park using the following procedure:
 - (1) The AGENCY shall not undertake classification of new State land acquisitions within the Adirondack Park without prior written notice to the Commissioner of Environmental Conservation of the intent to do so.
 - (2) The AGENCY shall request the official designation of a representative of the DEPARTMENT to participate with the AGENCY on behalf of the DEPARTMENT in the assignment of classifications to new land acquisitions. The AGENCY shall designate a staff member to serve as the AGENCY's contact person to the DEPARTMENT.

- (3) The AGENCY shall provide the DEPARTMENT with a schedule for the classification of new acquisitions and will promptly advise the DEPARTMENT of any changes to such schedule.
- (4) The AGENCY shall provide the DEPARTMENT with drafts of the proposed classifications prior to the conduct of public hearings and will provide the DEPARTMENT with a minimum of thirty (30) days for review and response to such drafts prior to such hearings.
- (5) The AGENCY shall advise the DEPARTMENT in writing of its acceptance or rejection of the recommendations of the DEPARTMENT with respect to classifications at least fifteen (15) days prior to such hearings.
- (6) The AGENCY, after public hearings on the classifications as required by Executive Law §816(2), shall provide the DEPARTMENT with the classifications as proposed for submittal to the Governor, and shall provide the DEPARTMENT with a minimum of thirty (30) days for review and response prior to the submittal of the proposed classifications by the Chairman of the AGENCY and the Commissioner of the DEPARTMENT to the Governor for approval.

IV. ADIRONDACK PARK STATE LAND UNIT MANAGEMENT PLANS (UMPs)

The DEPARTMENT shall prepare and periodically (a) revise UMPs for each of the discrete units of State land in the Adirondack Park, as outlined in the SLMP, Section I, Introduction, "Unit Management Planning Development". UMPs will contain an inventory of the natural resources facilities and public use of State land units; establish goals and objectives for the future use and management of State land units; evaluate alternative plans for the provision and management of public use of State land units and an assessment of the environmental impacts of each alternative; establish for each unit a management plan, including preferred management options through a procedure involving the participation of interested citizens, user groups and adjacent local governments; describe the specific management goals and policies which are incorporated in the preferred management plan; describe any specific

physical development or improvement projects required by the management plan, including a priority schedule for the completion of each project and estimated costs thereof; provide a priority schedule for the removal and/or termination of any non-conforming uses; and describe procedures for the continued monitoring of the plan's implementation. A UMP cannot amend the APSLMP and as finally adopted shall be consistent with the general guidelines and criteria of the APSLMP. Any inconsistencies between a proposed UMP and the APSLMP will be resolved and any necessary amendments to the APSLMP acted on, in accordance with the provisions of this memorandum, prior to the DEPARTMENT providing the AGENCY with a UMP for its final review and determination as to whether a proposed UMP complies with the general guidelines and criteria set forth in the APSLMP.

- (b) The DEPARTMENT will consult with the AGENCY in the preparation and/or revision of a UMP as follows:
- (1) The DEPARTMENT shall not undertake the preparation and/or revision of any UMP without written notice to the AGENCY of the intent to do so.
 - (2) The DEPARTMENT shall request the official designation of a representative of the AGENCY to participate with the DEPARTMENT in the process of UMP preparation and/or revision. The AGENCY's representative will be an exofficio member of the UMP team. The DEPARTMENT shall designate a staff member to serve as the DEPARTMENT=S contact person to the AGENCY.
 - (3) The DEPARTMENT annually shall provide the AGENCY with a schedule for the preparation and/or revision of any UMP proposed to be undertaken by the DEPARTMENT and shall promptly advise the AGENCY of any changes thereto. The DEPARTMENT will provide the AGENCY with a status report of the preparation and revision of UMPs at the monthly AGENCY meeting.
 - (4) The DEPARTMENT will consult with the AGENCY prior to undertaking the preparation of a UMP to identify significant issues and

- constraints, scheduling, data needs, and public involvement.
- (5) On request of the Department, or on its own initiative, the AGENCY will promptly provide interpretations of the APSLMP to facilitate the preparation of Unit Management Plans (UMPs) and to otherwise administer and manage the State lands of the Adirondack Park.
- (6) The DEPARTMENT will provide the AGENCY with an initial draft of the UMP for each State land unit including alternative management objectives, where appropriate, for review and comment, prior to the preparation of the final draft plan for public review. The AGENCY shall be provided with a minimum of thirty (30) days, but not more than sixty (60) days, for review and response to such drafts, provided that these time frames can be changed for particular UMPs upon agreement by the two agencies.
- (7) The DEPARTMENT will advise the AGENCY in writing of its acceptance or rejection of the recommendations of the AGENCY with respect to any draft UMP or revision.
- (8) The DEPARTMENT, after public review and comment of any UMP, shall provide the AGENCY with a copy of the plan as proposed for the approval of the Commissioner of the DEPARTMENT, and shall provide the AGENCY with a minimum of thirty (30) days for review prior to any action on the plan by the Commissioner of the DEPARTMENT.
- (9) At the conclusion of such review, the AGENCY shall determine whether the proposed individual UMP complies with the general guidelines and criteria set forth in the APSLMP and shall so advise the Commissioner.
- (10) Following the approval of any UMP or revision thereto by the Commissioner, the DEPARTMENT shall file a copy of the approved document with the AGENCY.

V. STATE LAND PROJECT MANAGEMENT

- (a) The DEPARTMENT, in recognition of the unique State interest, policies and programs that apply to the use and development of private lands in the Adirondack Park, shall conduct departmental programs involving the use and development of public lands in such a way as to exemplify the high commitment of the State government to the protection and stewardship of the natural resources, wilderness and other wildlands of the Forest Preserve and open space of the Adirondack Park.
- (b) The DEPARTMENT may conduct activities described in an approved UMP without prior consultation with the AGENCY unless the UMP specifically requires such prior consultation or unless the proposed activity may involve regulated activities in freshwater wetlands.
- The following activities define ordinary (C) maintenance, rehabilitation, and minor relocation of conforming structures or improvements not requiring approval in an approved and filed UMP and not requiring prior AGENCY consultation pursuant to subparagraph V.(d) below. "Ordinary maintenance, rehabilitation and minor relocation" for these purposes is defined as those activities that do not materially change these or appearance of land or the vegetation thereon nor involve the cutting or destruction of trees over 3" dbh unless done in compliance with "Division of Lands and Forests Direction LF-91-2, Cutting, Removal or Destruction of Trees and Endangered, Threatened or Rare Plants on Forest Preserve Lands: FINAL POLICY, "attached hereto as Appendix A. These activities are those that may be carried out in a manner that preserves the land, trails and all appurtenances in a condition that is consistent with the character of the area prior to commencement of a maintenance activity. With respect to any trail or road work, such activities shall only include maintenance work within the existing footprint of such road or trail. More specifically, ordinary maintenance, rehabilitation and minor relocation shall include the following

activities in the following APSLMP classifications:

Wilderness Classified Locations:

Removal of non-conforming facilities.

Maintenance of non-conforming facilities until scheduled date for removal.

Replacement of signs and markers on existing trails and trailheads.

Erection of trailhead registration booths to monitor public use.

Existing trail brushing, removal of blowdown, grubbing, tread stabilization and drainage facilities.

Rehabilitation and maintenance of existing lean-tos.

Relocation of existing lean-tos, campsites and sanitary facilities to over 100-150 feet from water and trails to enhance safety and environmental site protection.

Maintenance of trailhead and parking facilities.

Maintenance or removal of existing bridges.

Maintenance and replacement of existing fire rings, campsites, sanitary facilities, barriers, bridges, dams and trail registration structure.

Erection of new barriers and signs on newly acquired lands and/or on existing lands to control motorized vehicle use.

Canoe classified Locations:

Same as Wilderness classified locations and, in addition: Maintenance of identified State Truck Trails. Primitive Classified Locations:

Same as Wilderness classified locations and, in addition: Maintenance of existing roads, truck trails, jeep trails, Telephone and electric lines, fire towers, cabins and Appurtenances until a UMP is approved and adopted. Thereafter, in accordance with the approved and adopted UMP.

Wild Forest Classified Locations:
Same as Primitive classified locations and, in addition:
maintenance of existing horse barns, boat docks, small
fireplaces, storage sheds, electronic communications
facilities, water supply facilities, and wildlife
management structures; cutting select individual danger
trees pursuant to "Division of Lands and Forests
Direction LF-91-2, Cutting, Removal or Destruction of
Trees and Endangered, Threatened or Rare Plants on Forest

Intensive Use Classified Locations: Same as Wild Forest classified locations, and, in addition:

Preserve Lands: FINAL POLICY."

Maintenance, rehabilitation and minor relocation of all existing roads, fences, buildings, sewers and sanitary facilities, boat facilities, fireplaces, water systems, electric and telephone lines, picnic tables, ditches, interpretive program screens, bulletin boards, garbage facilities, towers, trams, ramps, machinery, generators and retaining walls, including other common public facilities and common DEPARTMENT Administration and Management facilities.

- (d) Activities which may not meet the definition of ordinary maintenance, rehabilitation, and minor relocation of conforming structures or improvements provided in paragraph V.(c) above, and regulated activities which may involve freshwater wetlands, shall not be undertaken by the DEPARTMENT unless specifically agreed to by the AGENCY and the DEPARTMENT after consultation following the procedure set forth in paragraphs V.(e), (f) and (g) below, provided that where activities which may not meet the definition of ordinary maintenance, rehabilitation and minor relocation of conforming structures or improvements are authorized by an approved and filed UMP, consultation shall be required only if so specified in the UMP.
- (e) For all activities requiring consultation between the DEPARTMENT and the AGENCY pursuant to paragraph V.(d) above, the DEPARTMENT will provide the AGENCY with the following information:
 - (1) a site plan showing the area to be affected by the activity on a map;

- (2) a location map;
- (3) a brief narrative description of the proposed activity;
- (4) photos of the area to be affected by the proposed activity;
- (5) if available, basic plans showing what the structure would look like; and
- (6) any additional information that is mutually agreed on.
- (f) Whenever consultation occurs pursuant to paragraph V.(c), the DEPARTMENT will publish notice of such consultation in the Environmental Notice Bulletin, including notice of its availability for inspection at the AGENCY's headquarters.
- (g)The AGENCY shall make a good faith effort to respond to the DEPARTMENT's consultation request within thirty (30) days, but shall respond in not more than sixty (60) days of the receipt of such request unless the two agencies agree to a different time period. If the AGENCY determines that a proposed activity does not meet the definition of ordinary maintenance, rehabilitation, and minor relocation of conforming structures or improvements provided in sub-paragraph (c) above, an UMP or an UMP amendment will be required before the proposed activity may be undertaken. If the AGENCY determines that a proposed activity requires a freshwater wetlands permit, the DEPARTMENT shall not undertake such activity until it has applied for and obtained an AGENCY permit. Where the proposed activity is described in an approved UMP, and the UMP requires consultation with the Agency with respect to the proposed activity, the DEPARTMENT shall not undertake the proposed activity until the AGENCY determines that the activity, as proposed, would be consistent with the SLMP and the UMP.

VI. STATE LAND ACTIVITY COMPLIANCE

(a) All complaints by the AGENCY or any third party to the AGENCY that any activity on State land conducted by or authorized by the Department is not consistent with the SLMP, an applicable UMP or this MOU, will immediately be forwarded to the primary

- contact person for the DEPARTMENT for response. These complaints of alleged violations will be given an investigation number for the purpose of tracking.
- (b) The DEPARTMENT will immediately notify the Director of Planning of the AGENCY of its own discovery of any such activity on State Land which may not be consistent withthe SLMP, UMP or MOU. notifications of alleged violations will be given an investigation number for the purpose of tracking.
- Within thirty (30) days of the DEPARTMENT's receipt (C) of any such complaint or its own discovery of such a compliance issue, or within such different time frame as may be agreed to by the DEPARTMENT and AGENCY staff, the DEPARTMENT will provide AGENCY staff with such information as is necessary to describe the compliance issue, which may include, as appropriate: a description of the activity which is the subject of the complaint; location map, drawings, sketches and photographs which document the nature and extent of the activity; a statement as to when the activity was undertaken; a statement as to whether the activity was undertaken by the DEPARTMENT or authorized by the DEPARTMENT; any relevant project work plan, Temporary Revocable Permit or Adopt-a-Natural-Resource Agreement; a description of any immediate measures undertaken by the DEPARTMENT to protect health, safety or the environment; and other material or information pertaining to the activity that may be relevant.
- (d) AGENCY staff and the DEPARTMENT will undertake a joint review of the activity, which may include joint site visits, and shall review the record to discuss whether the activity was undertaken in compliance with the SLMP, UMP or MOU.
- (e) Within (30) days of receiving the DEPARTMENT's information concerning the activity, AGENCY staff will advise the DEPARTMENT whether it appears that such activity complies with the SLMP, any applicable UMP or this MOU.
- (f) If AGENCY staff advises the DEPARTMENT that such activity did not comply with the SLMP, UMP or MOU, AGENCY staff may issue a proposed agreement to resolve the matter.

- (g)DEPARTMENT staff may elevate an AGENCY staff finding alleging noncompliance and the draft agreement proposed by AGENCY staff for formal determination consistent with the procedures set forth in Paragraphs I.(b)(2) through (4), provided that elevation of such matters to the AGENCY Chairman and the Commissioner of Environmental Conservation shall be noticed in the next reasonably practicable AGENCY monthly mailing package. Furthermore, if the AGENCY Chairman refers the matter to an AGENCY standing committee, notice referral shall be included in the next reasonably practicable AGENCY monthly agenda and mailing package.
- (h) Compliance agreements shall be signed by the Executive Director of the AGENCY and the appropriate Regional Director of the DEPARTMENT and shall include the following:
 - (1) a statement of relevant facts;
 - (2) a finding of noncompliance with the APSLMP and/or any appropriate UMP, including a description of the action or activity leading to such a finding and the effects of such action or activity on pertinent resources;
 - (3) any mitigation measures necessary to bring the action or activity into compliance with the APSLMP and/or any appropriate UMP; and
 - (4) the terms of resolution, including any remediation or restoration plan subsequently developed pursuant to such agreement.
- (i) The AGENCY shall publish notice of compliance agreements in the Environmental Notice Bulletin as soon as is reasonably practicable after execution. In addition, the AGENCY shall publish notice in the Environmental Notice Bulletin, as soon as is reasonably practicable after finalization, of any remediation or restoration plan developed pursuant to paragraph (h)(iv) of this section.
- (j) Once the agreement is signed by both the AGENCY and the DEPARTMENT, the DEPARTMENT shall agree to comply with the agreement and/or take appropriate action to ensure that responsible third parties comply with the agreement.

VII. INTERPRETATION OF THE STATE LAND MASTER PLAN

- (a) Either AGENCY staff or DEPARTMENT staff may petition the AGENCY for a formal interpretation of the SLMP.
- (b) Such a petition will specifically describe the matter to be resolved, including all pertinent facts, and demonstrate good cause for the interpretation. The petition may state a position with respect to the interpretation and may present statutory or administrative references and argument.
- (c) The AGENCY Executive Director will, after consultation with the DEPARTMENT's Designee to the AGENCY, refer the petition to the AGENCY's State Land Committee for development of a draft determination. The State Land Committee will consider the petition and any additional information it deems appropriate in making its determination including, in the discretion of the Committee, a determination not to act on the petition.
- (d) Any draft determination on the petition by the Committee will be referred to the AGENCY for a final determination.
- (e) The AGENCY's final determination will be published in the Environmental Notice Bulletin.

VIII. AMENDMENTS AND APPENDICES

It may be necessary from time to time to review this Memorandum with regards to its effectiveness and to consider amendments and/or appendices hereto. It shall be the responsibility of the respective staff members previously named to bring recommendations for amendments and/or appendices to the AGENCY and the DEPARTMENT upon a consensus of such staff members that such action is appropriate. Any agreed upon amendments or appendices shall become part of this Memorandum of Understanding upon approval of the DEPARTMENT and the AGENCY.

This Memorandum will be revised as necessary after amendments to relevant statutes or regulations, or when other legal requirements take effect, and may be altered or terminated by mutual agreement upon sixty (60) days written notice by either Party to the other.

IX. TERM.

The term of this Memorandum of Understanding shall be ten years, provided that at the end of five years the DEPARTMENT and AGENCY shall undertake a comprehensive review of its terms.

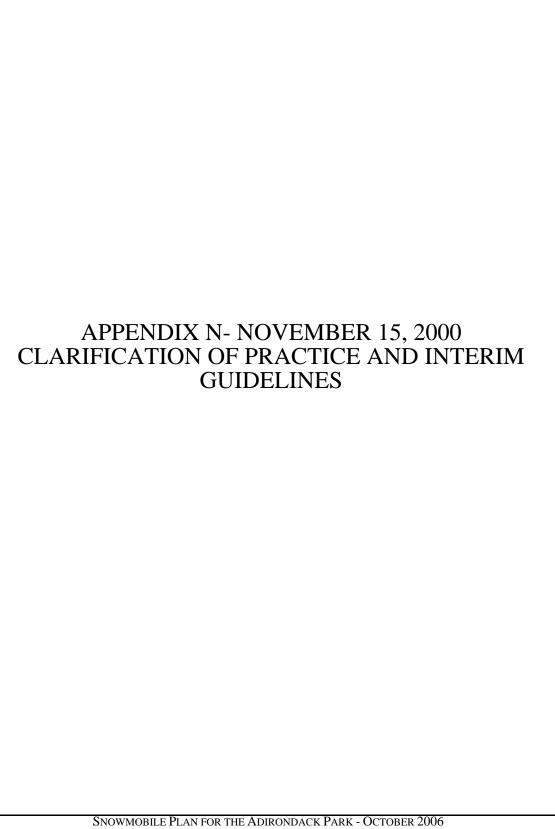
X. EFFECTIVE DATE

This Memorandum will be in full force and effect upon its execution by the Commissioner of Environmental Conservation and the Chairman of the Adirondack Park Agency.

/S/	March 21, 2003
COMMISSIONER	DATE
New York State Department of	
Environmental Conservation	
/S/	March 20, 2003
CHAIRMAN	DATE
New York State	
Adirondack Park Agency	

APPENDICES

Appendix A	Division of Lands and Forests Direction LF-91-2, Cutting, Removal or Destruction of Trees and Endangered, Threatened or Rare Plants on Forest Preserve Lands: FINAL POLICY
Appendix B	1993 Policy on All-Terrain Bicycles
Appendix C	1992 Policy on Fisheries Management
Appendix D	Standard Snowmobile Trail Bridge Design and Use of Natural Materials for Design and Construction, APA State Land Master Plan Interpretation and Staff Guidance, Issued: June, 2006.





CLARIFICATION OF PRACTICE REGARDING MOTOR VEHICLE USE FOR SNOWMOBILE TRAIL GROOMING, MAINTENANCE AND CONSTRUCTION IN WILD FOREST

November 15, 2000

I. Introduction

The Adirondack Park State Land Master Plan ("Master Plan") authorizes the designation of snowmobile trails in areas of the Adirondack Forest Preserve classified as Wild Forest. Such trails require periodic maintenance and construction in order to avoid unsafe conditions. Such trails may also require seasonal grooming to make them suitable for snowmobile use. At the same time, the Department is responsible for conducting such administrative activities in a manner that is consistent with the "forever wild" nature of the Forest Preserve as set forth in Article XIV, Section 1 of the New York State Constitution, the Master Plan, and other applicable law and guidelines.

The Master Plan's guideline number 2 for "motor vehicles, motorized equipment and aircraft," on page 27, provides that motor vehicles, snowmobiles, and aircraft may be used: "(a) by administrative personnel where necessary to reach, maintain or construct permitted structures and improvements." (Emphasis added). Guideline number 1 for "roads, jeep trails and state truck trails," on page 28 of the Master Plan, provides that "continued use of existing roads, snowmobile trails and state truck trails by administrative personnel in wild forest areas will be permitted, to the extent necessary, to reach, maintain and construct permitted structures and improvements." (Emphasis added)

In consideration of the above, the use of motor vehicles for snowmobile trail maintenance, construction and grooming activities shall be limited to the following:

II. Trail Maintenance:

A. Inspection/Reconnaissance Trips. Periodic Inspection/Reconnaissance Trips of snowmobile trails are necessary to scout for dangerous conditions and identify areas needing maintenance to prevent environmental degradation. Such trips will occur either by non-motorized means (e.g., hiking, horseback, or bicycle) or, during periods of sufficient snow cover, by snowmobile. The use of motor vehicles, other than snowmobiles, for Inspection/ Reconnaissance Trips is not considered to be necessary and will not be allowed. Those undertaking an Inspection/ Reconnaissance Trip will develop a Trail Log which describes any trail maintenance or construction which is necessary by specific location for subsequent inclusion in the Work Plan. Construction and maintenance activities (including, but not limited to, routine brushing, blowdown removal and cleaning of culverts) will only be allowed during such Inspection/Reconnaissance Trips if authorized by a TRP. If such activities are authorized in a TRP, all work that is undertaken will be recorded in a Trail Log.

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- B. Motorized Blow Down Removal Trip. All use of motor vehicles will be preceded by a Work Plan as required by subsection C of this paragraph, with the exception of one Motorized Blowdown Removal Trip (ie. no more than two vehicles per trip) per ten (10) miles of snowmobile trail not to exceed more than three (3) Motorized Blowdown Removal Trips in any one state land unit. These Motorized Blowdown Removal Trips will be undertaken solely for the purpose of conducting routine brushing and blow down removal and will meet the following criteria:
- The Motorized Blow Down Removal Trip(s) will be authorized only by TRP or AANR.
- The TRP or AANR will identify the name of the trail where a Motorized Blowdown Removal Trip will be authorized, the approximate distance of the trail and include a map which clearly indicates where the trail begins and where it ends.
- All motor vehicles authorized to be used on the Motorized Blowdown Removal Trip(s) will display a "DEC Administrative Use" placard on the vehicle at all times. The DEC will supply the Administrative Use placards.
- A Motorized Blowdown Removal Trip(s) will be authorized by TRP or AANR only during the months of August, September or October of each year.
- All activities undertaken during an authorized Motorized Blowdown Removal Trip will be recorded in a Trail Log.

Any additional necessary trail construction and maintenance beyond the routine brushing and blow down removal performed on the authorized Motorized Blowdown Removal Trip(s) shall also be described by specific location in a Trail Log and will subsequently be included in the Work Plan and authorized prior to being undertaken.

C. Work Plan. The Regional Forester will be responsible for the development of a Work Plan detailing all construction and maintenance activities for each trail. The Work Plan shall be the document in which the Department demonstrates that the proposed activities will be in compliance with Article XIV of the New York State Constitution, the Adirondack Park State Land Master Plan, any approved Unit Management Plan for the area, the APA/DEC Memorandum of Understanding ("MOU"), the DEC Snowmobile Policy, Commissioner's Policy No. 17, and the Interim Guidelines for Snowmobile Trail Construction and Maintenance. When the Regional Forester is in doubt as to whether a particular activity is in such compliance, the Adirondack Park Agency will be consulted. If proposed maintenance or construction activities will affect a wetland, the Regional Forester will be responsible for ensuring that the Adirondack Park Agency is consulted as to the need for a wetlands permit.

The Work Plan shall comply with the guidance on motor vehicle use set forth below and indicate whether motor vehicle use shall be allowed for such maintenance and construction activities and, if so, specify the type of motor vehicle(s) allowed, the approximate number of trips authorized, and the specific purpose(s) for which such motor vehicles may be used. If the Work Plan proposes motor vehicle use, the Work Plan shall include a detailed discussion of potential alternatives to such use and why such alternatives are not feasible. Motor vehicle use shall only be authorized when no feasible alternative exists.

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The Work Plan shall also specify that each motorized trip will be supervised by an individual that has attended and completed training offered by the Department concerning the Interim Guidelines for Snowmobile Trail Construction and Maintenance. Any Blow Down Removal Trip that has been authorized for the trail in question shall also be shown as part of the Work Plan so that an overall picture of motor vehicle use on a particular trail, as well as a justification for all motorized uses can be determined by reference to the Work Plan.

D. Work Trips All Work Trips will be preceded by a Work Plan as required by subsection C of this paragraph.

The use of motor vehicles for the maintenance and construction of snowmobile trails shall be minimized. Nonetheless, it is sometimes impracticable for administrative personnel to carry by foot all of the materials and equipment which may be necessary for snowmobile trail maintenance, such as the removal of extensive blowdown or bridge or culvert replacement, and snowmobile trail construction activities. Also, there are occasions where the use of heavy equipment is necessary to remove specific dangerous boulders or tree stumps from the footprint of a snowmobile trail.

A motor vehicle may be used for a snowmobile trail maintenance or construction activity only if the motor vehicle is necessary for the accomplishment of that particular activity. Whether the use of a motor vehicle is necessary for the accomplishment of such a task is determined by reference to whether any alternative means of accomplishing the same task is feasible. The following hierarchy should be used to determine whether an alternative means is feasible and a professional analysis using the hierarchy must be recorded by the Regional Forester, who will be held responsible for that analysis:

- 1. Wherever possible, equipment and materials shall be brought to the site by non-motorized means or, during periods of sufficient snow cover, by snowmobile. With sufficient planning, most materials should be able to be brought to the job sites by these means. Similarly, it is preferable for administrative personnel performing the work to arrive at the job site via non-motorized means or, during periods of sufficient snow cover, via snowmobile.
- 2. If it is not feasible for equipment, materials, or administrative personnel to be brought to the site by non-motorized means or snowmobile, then such equipment and materials shall be brought to the site by aircraft.
- 3. If it is not feasible for equipment, materials, or administrative personnel performing the work to be brought to the site by non-motorized means, snowmobile, or aircraft, then appropriate motor vehicles may be used. All motor vehicle use must be <u>necessary</u>, and will only be approved when all alternative means of transportation (i.e., non-motorized, snowmobiles, aircraft) are demonstrated to not be feasible. The motor vehicle(s) used shall be that which is suitable for the particular activity but has the least potential adverse impact on the environment.

except that in no case may a recreational-type four wheeler be utilized. Even where motor vehicle use has been approved, administrative personnel shall utilize motor vehicles only to the minimum amount necessary. Such motor vehicle use must be pre-approved either as part of an annual Conceptual Use Plan or on a case-by-case basis by the Director of the Division of Lands and Forests pursuant to CP-17, Record keeping and Reporting of Administrative Use of Motor Vehicles and Aircraft in the Forest Preserve.

- 4. All motor vehicles authorized to conduct Work Trips shall display a "DEC Administrative Use" placard on the vehicle at all times. The DEC will supply the Administrative Use placards.
- 5. Each TRP or AANR authorizing a Blow Down Removal Trip shall specify that all motorized uses will be supervised by an individual that has attended and completed training offered by the Department concerning the Interim Guidelines for Snowmobile Trail Construction and Maintenance.

Where motor vehicle use is approved as set forth above, the Regional Forester or his/her designee shall be notified no less than 48 hours prior to such use, and shall determine whether trail conditions are then suitable for such use. The Regional Forester will be responsible for assuring that appropriate Department staff will periodically monitor and inspect all construction and maintenance work to ensure compliance with the Work Plan. Appropriate Department staff shall inspect the snowmobile trail at times which are intended to coincide with the use of equipment that has the greatest potential to cause environmental damage. All construction activities involving heavy equipment will be monitored on a daily or every other day basis. Within seven days of completion of authorized construction and maintenance activities, the Regional Forester shall ensure that the parameters of the work authorized in a TRP and/or Work Plan was not exceeded, environmental degradation was minimized, and all designated work was satisfactorily completed. If it is determined that the parameters were exceeded, or there is any question as to whether wetlands disturbance has occurred, the Regional Forester shall consult with the Adirondack Park Agency.

III. Grooming.

The Master Plan defines "snowmobile trail" as having "essentially the same character as a foot trail." Snowmobile trails widths shall not exceed eight feet, except on curves and steep slopes, where widths of no greater than twelve feet are allowed. However, the character of such trails varies widely, and therefore the width of appropriate groomers and grooming equipment will vary from trail to trail. In some cases, such as where a trail is on an old road that is closed to public motor vehicle use in the summer and is relatively smooth, straight, and free of vegetation, eight feet wide groomers and grooming equipment may be used without altering the character of the trail. In other cases, such as hilly, rocky, and twisting foot trails, eight feet wide groomers and grooming equipment may be inappropriate because of the potential for trail alteration.

Consequently, approval of the use of grooming equipment shall include a discussion of the specific character of the trail(s) on which grooming will be authorized, a specification of the type of groomer and/or grooming equipment which is authorized on each such trail, and an explanation as to why such groomer and/or grooming equipment will not alter the fundamental nature of each trail on which it will be used. In those cases where the use of groomers or grooming equipment in excess of six feet in width is being proposed, appropriate Department staff shall photograph the trail at representative locations prior to the use of the groomers and shall retain the photographs to ensure that there is a record which demonstrates that the fundamental nature of the trail has not been altered.

INTERIM GUIDELINES FOR SNOWMOBILE TRAIL CONSTRUCTION AND MAINTENANCE IN THE ADIRONDACK FOREST PRESERVE (ADIRONDACK PARK STATE LAND MASTER PLAN, EXECUTIVE LAW §816)

November 15, 2000

I. ORDINARY MAINTENANCE, REHABILITATION AND MINOR RELOCATION OF SNOWMOBILE TRAILS.

The distinction between what constitutes an improvement or trail widening that requires a UMP and what is ordinary maintenance often depends on the facts involved. The MOU consultation process is the process by which the Department and the Adirondack Park Agency jointly review the facts and agree on which category an action falls in thereby assuring those projects that deserve the public review of the UMP process receive it. Simply because an action is subject to the MOU consultation does not mean it requires a UMP to be undertaken. In fact, in the past, most have been determined to be ordinary maintenance. The level of formality in consultation should be commensurate with the complexity of the question raised and the formality of the response that is needed. For instance, a phone consultation might clarify an ambiguity in a UMP or previous correspondence, while a written request for a MOU determination will require formal documentation of the DEC proposal, SEQRA status and in many cases a field check by a wetlands biologist to determine if a Freshwater Wetlands Act permit is required.

Additionally there is a long-standing agreement that a number of trail maintenance activities are ordinary maintenance. Most of the "triggers" on the following list fall into this category and the Agencies mutually agree that they do not require consultation.

The Agency is also responsible for administering the Freshwater Wetlands Act in the Park and irrespective of whether an activity is determined to be an improvement or ordinary maintenance, it may nevertheless require a permit pursuant to Article 24. DEC staff should keep in mind the need to get early advice on wetland jurisdiction for those activities that may involve those resources.

The following identifies activities that constitute ordinary maintenance or rehabilitation of an existing snowmobile trail and do not require the adoption of a unit management plan or consultation with the APA under the APA/DEC Memorandum of Understanding:

- 1. Brushing (< 3" dbh);
- 2. Mowing;
- 3. Grooming of snow;
- 4. Blow down removal;
- 5. Installation or replacement of water bars;

- 6. Ditching does not require consultation unless wetlands are involved or affected, in which case the activity should be reviewed by Department staff and if necessary consult with the APA for a wetland determination;
- 7. Replacement of existing snowmobile bridges, provided they are the same size, in the same location and use the same abutments or supports;
- 8. Replacement of existing culverts provided they are the same size, length and in the same location;
- 9. Removal of individual rocks or small groups of rocks, to the extent that they present a safety hazard and are specifically identified in a work plan, TRP or specifically approved by the responsible DEC staff person. Removal of large numbers of rocks resulting in the disturbance of >50' of contiguous trail will require consultation with the APA pursuant to the APA/DEC MOU;
- 10. Minor grading to fill excavations or wind throw mounds are authorized but grading to render a trail uniformly smooth is prohibited;
- 11. Tree cutting provided the trees present a safety hazard or otherwise prevent the reasonable use of the trail and are specifically identified in a work plan or TRP or specifically approved by the responsible ranger or forester, consistent with Department policy LF91-2; and
- 12. Minor trail relocation, that is relocating a portion of the trail tread for a distance of 50 lineal feet or less, does not require consultation. Relocating the entire trail tread over any distance or relocating over 50 lineal feet of a portion of the tread will require consultation.

II. CONSTRUCTION, RELOCATION, OR OTHER TRAIL WORK BEYOND ORDINARY MAINTENANCE

In order to preserve the wild forest character of the Forest Preserve and to ensure that they have essentially the same character as a foot trail, snowmobile trails should blend into the natural landscape by following the contours, minimizing disturbance of the ground and vegetation and avoiding areas that are physically and biologically sensitive. Trails should be located and maintained so as to provide a safe and seasonably usable trail. The following guidelines and standards will apply to all snowmobile trails located on the Adirondack Forest Preserve that are not located on roads open to motor vehicle use by the general public or roads maintained by the Department for administrative purposes and not open to the public. Snowmobile trails located on such roads may be maintained in accordance with the guidelines and standards applicable to those roads.

These guidelines will be used as interim guidance for a period of one year pending an update to the Adirondack Park portion of the Comprehensive Statewide Snowmobile Plan and do not constitute an interpretation of the Adirondack Park State Land Master Plan by the Adirondack Park Agency. During this period, staff of both the Adirondack Park Agency and the Department of Environmental Conservation will document and photograph examples of the implementation of these guidelines, including areas where clarification appears to be necessary. This documentation will be used during the snowmobile plan

APPENDIX N CLARIFICATION OF PRACTICE AND INTERIM GUIDELINES

update to identify additional information, guidelines or standards that may be proposed as part of the comprehensive plan relating to Forest Preserve trails in the Adirondacks.

Alignment and Grade:

- 1. Trail alignment should avoid blind curves and abrupt changes in either horizontal or vertical direction. To the greatest extent possible, trail alignment should avoid long straight sections, avoid cutting trees over eight (8) inches dbh and maintain a closed canopy over the trail.
- 2. The minimum sight distance shall not be less than 50 feet.
- 3. Curves will have a radius of at least 25 feet.
- 4. The maximum grade of a snowmobile trail shall not exceed 20%.
- 5. Trails should normally avoid being located on existing slopes over 12% and in no event will be located on existing slopes over 20%.
- 6. Trails should avoid wetlands and rocky areas to the greatest possible extent.
- 7. In cases where there are serious environmental or safety conditions the trail should be rerouted rather than attempting to rehabilitate the trail at that location.

Trail Width:

- 1. The total cleared width of a snowmobile trail shall not exceed eight (8) feet except that the total cleared width may be 12 feet on steep grades (between 15% and 20%) or sharp curves (inside turning radius of 25 to 35 feet). Trails located on roads used by motor vehicles (either open to public or maintained by the Department for administrative purposes) may be maintained to the width of the existing road bed.
- 2. No trees, except those that due to structural problems present an immediate hazard to the safe use of the trail by snowmobiles, or brush will be cut outside the cleared width of trails as specified above. No rocks will be removed from outside the cleared area of the trail. Branches protruding into the cleared area may be pruned.

Tree Cutting:

- 1. Cutting trees to expand a trail from its current width or otherwise improve a trail will require a unit management plan.
- 2. Trees should be felled away from the trail to minimize the amount of material that needs to be moved, and should be delimbed and cut into short enough lengths to lay flat on the ground. Once delimbed and cut up the trees should be dispersed and not left in piles next to the trail.
- 3. Cutting trees should be avoided to the greatest extent possible, but where cutting is required, trees must be identified, tallied and included in a work plan.

4. Trees should be cut flush with the ground and the root mass left in place. If it is necessary to remove the root mass because it protrudes above the trail surface and presents a hazard to snowmobiles, then it should be placed (not pushed) off of the trail into the woods and set down so as to have the lowest profile possible with as much of the trunk as possible cut off.

Grading:

- 1. Trails should follow the existing contours of the natural forest floor and not be graded flat.
- 2. Boulders and rocks located within the trail will not be removed unless they protrude more than six (6) inches above the ground surface and pose a hazard to snowmobiles. Removal of individual rocks or small groups of rocks may be done as work progresses. Removal of boulders or rocks resulting in the disturbance or modification of more that 50 feet of a trail will require the location and extent to be marked in the field and included in a work plan. Rocks removed from the trail should be placed (not pushed) off the trail and set so as to have the lowest profile possible.
- 3. Cuts and fills will be minimized to the maximum extent possible and where necessary will be done for safety reasons only. Cuts and fills will be undertaken so as not to cause root damage and will not exceed a total of 18 inches. Cuts and fills will be balanced to minimize the amount of cut or fill at any location and to reduce root damage. Side slopes will be dressed and tapered within the width limits of the trail.

Drainage:

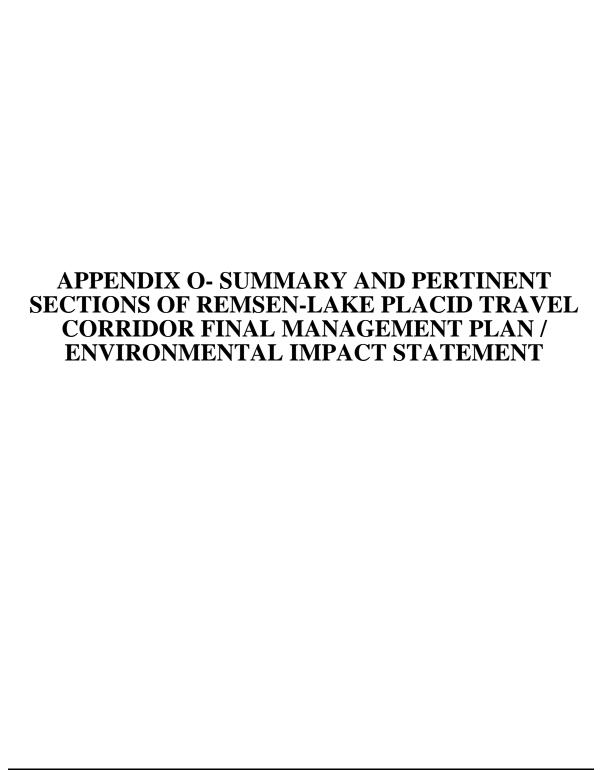
- 1. Adequate drainage will be provided within the limits of the trail to prevent trail erosion, washout and to maintain a safe trail. All snowmobile trails will be sited to avoid drainage features and shall be constructed so as to not intercept groundwater. Natural drainage patterns will be maintained. Bridges shall be the preferred method for crossing all wet areas and all bridges shall be constructed to a maximum of eight feet in width.
- 2. Water bars and ditches which are installed perpendicular to the trail may extend beyond the 8-foot cleared width to the extent necessary provided that no trees are cut outside the 8-foot cleared trail width. Culverts will not be used on new snowmobile trails during this interim period unless their use is specifically approved in a completed Unit Management Plan for the area in question.
- 3. Ditches which run parallel to the trail will be located within the 8-foot cleared trail width and with adequate ice and snow cover will form a portion of the running surface. In instances where a parallel ditch cannot be located within the 8-foot cleared trail width, a ditch running parallel to the trail may be located outside the cleared trail width during this interim period if specifically approved in a completed Unit Management Plan for the area in question.

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Wetlands:

1. All wetlands should be avoided to the greatest extent possible. Snowmobile trails located in or requiring work in a designated wetland or substantially impairing the functions or benefits of a designated wetland will require a Freshwater Wetlands Act permit from the Adirondack Park Agency. Wetland permits must be obtained prior to undertaking any work in or affecting wetlands.







SUMMARY

I. INTRODUCTION

The Remsen-Lake Placid Travel Corridor is a railroad right-of-way approximately 119 miles long and generally 100 feet wide. Constructed in 1892 by William Seward Webb, the line was operated continuously by the New York Central Railroad, and then the Penn Central Railroad, until freight service ceased in 1972. In 1974, the Corridor was purchased by New York State. In 1977, the State leased the line to the Adirondack Railway Corporation. After the bankruptcy of the lessee, and following a long period of litigation, the State acquired the remainder of the lease in 1991.

Later in 1991, an Interdepartmental Task Force (or planning team) composed of representatives of the New York State Department of Transportation (DOT), the New York State Department of Environmental Conservation (DEC) and the Adirondack Park Agency (APA) was formed to develop a management plan for the 119-mile Remsen-Lake Placid Corridor. Three public forums were held in October of that year to assess public opinion regarding the Corridor's future. More than five hundred individuals attended the forums and nearly one hundred of them gave spoken comments. The written and spoken comments were overwhelmingly in support of:

- Resumption of full rail service between Remsen and Lake Placid.
- Recreational use of the Corridor, particularly by snowmobiles.

Following the forums, the Commissioners of DOT and DEC appointed a twenty-four member Citizen Advisory Committee (CAC) to consult with the Task Force in the development of the plan. Membership of the CAC included representatives of each of the counties crossed by the Corridor, members of the business community, landowners, sportsmen, environmentalists, railroad interests and recreationists.

The Planning Team completed the Draft Remsen-Lake Placid Corridor Management Plan/EIS in consultation with the Citizen Advisory Committee in September, 1994. Following public review, the Final Plan was completed in September of 1995.

II. MANAGEMENT ALTERNATIVES CHOSEN FOR ANALYSIS

After several meetings with the CAC, the Task Force identified six alternatives which represent the full range of feasible options for the use and management of the Corridor.

- 1. DISMANTLE THE CORRIDOR
- 2. MAINTAIN THE INTEGRITY OF THE CORRIDOR, CONDUCT NO MAINTENANCE, ALLOW NO PUBLIC USE
- 3. MAINTAIN THE INTEGRITY OF THE CORRIDOR, CONDUCT MINIMAL MAINTENANCE, ALLOW PUBLIC USE BY SHORT-TERM PERMIT ONLY
- 4. OPEN THE ENTIRE LENGTH OF THE CORRIDOR TO COMPATIBLE RECREATIONAL TRAIL USES, ALLOW NO RAIL USES
- 5. DIVIDE THE CORRIDOR INTO RAIL/TRAIL AND TRAIL-ONLY SEGMENTS

6. PERMIT RAIL USES OVER THE ENTIRE LENGTH OF THE CORRIDOR, ENCOURAGE COMPATIBLE RECREATIONAL TRAIL USES

III. MANAGEMENT ISSUES

The following issue questions were developed to highlight the areas of concern which could affect or be affected by the disposition and management of the Corridor. The issues were addressed as part of the analysis of the management alternatives which led to the selection of the preferred alternative.

- How much public support would the alternative have'?
- Would passenger and freight rail service on the Corridor be economically feasible?
- Would the alternative represent the form of Corridor management which would confer the greatest benefits to the Corridor region and the State'?
- Would the economic and social benefits of the plan outweigh the associated environmental impacts?
- What would be the best method of implementing the alternative?

IV. DESCRIPTION OF THE MANAGEMENT ALTERNATIVE PROPOSED FOR ADOPTION

The process of analyzing the six management alternatives resulted in the selection of Alternative # 6 as the preferred alternative which reflects public comment and the opinions expressed by the members of the CAC.

The major features of the alternative are:

- THE TITLE TO CORRIDOR LANDS WILL REMAIN WITH THE STATE. THE CORRIDOR WILL RETAIN ITS "TRAVEL CORRIDOR" CLASSIFICATION.
- RAIL TRACKAGE WILL REMAIN IN PLACE OVER THE ENTIRE 119 MILE LENGTH OF THE CORRIDOR DURING A RAIL MARKETING PERIOD. THE RAILS ON THE CORRIDOR WILL NOT BE REMOVED PRIOR TO REVISION OF THIS MANAGEMENT PLAN/EIS.
- PRIVATE ENTERPRISE WILL BE PROVIDED THE OPPORTUNITY TO DEVELOP TOURIST EXCURSION, PASSENGER, AND FREIGHT RAIL SERVICES ALONG THE ENTIRE LENGTH OF THE CORRIDOR. RAIL DEVELOPMENT WILL LARGELY DEPEND UPON PRIVATELY SECURED FUNDING SOURCES BECAUSE, ALTHOUGH THERE ARE POTENTIAL PUBLIC SOURCES, GOVERNMENT FUNDING AVAILABILITY CAN NOT BE GUARANTEED.
- DEC WILL PURSUE THE MAXIMUM DEGREE OF RECREATIONAL TRAIL DEVELOPMENT ON THE CORRIDOR, INCLUDING HIKING, BICYCLE, AND SNOWMOBILE TRAILS, WHICH IS COMPATIBLE WITH RAIL USES AND HARMONIOUS WITH THE ENVIRONMENT. STEPS WILL BE TAKEN TO DETER TRESPASS ON ADJACENT PRIVATE LAND AND TO MINIMIZE MISUSE OF THE CORRIDOR.

On those Corridor segments temporarily not required for rail services, recreational trail uses could be accommodated within the rail bed. Minor construction projects, such as installing deck planking and safety rails on railroad bridges, could be undertaken to increase the suitability of available Corridor segments for trail purposes and to ensure the safety of trail users.

On segments occupied by rail services, parallel recreational trails could be constructed within the boundaries of the Corridor property, but safely separated from the rail bed. Trails could be developed on segments of the Corridor to be used as links to local or regional trail systems outside the Corridor. However, because the Corridor is flanked in some areas by extensive wetlands and in others by rugged topography, the potential for the development of a continuous parallel trail within the Corridor is severely limited.

DOT and DEC will pursue rail development on the Corridor by making a request for proposals from private companies and organizations. In order to attract the level of investment required, the State will assure potential rail developers of its intention to enter into long-term agreements with rail developers whose proposals were approved. At the end of the rail marketing period, Corridor segments not included in rail proposals approved by the State will be committed to trail development. In effect, alternative 5 would be implemented. In the event that no viable rail service proposals were received during the marketing period, the State would implement alternative 4. No rails will be removed without revision of the Management Plan/EIS. It is recommended that alternatives 3, 2, or 1 not be implemented under any circumstances.

POTENTIALLY SIGNIFICANT ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACTS

In order to allow the full range and magnitude of the environmental, social and economic impacts which could result from the adoption of the preferred alternative to be assessed, the descriptions of the impacts given below reflect the assumption that the alternative is fully implemented.

Beneficial Impacts

- <u>Environmental</u>
- Restoration of rail services on the Corridor will afford a great interpretive opportunity useful in constituency building for the Forest Preserve concept. A train has the ability to show an otherwise remote area of the Adirondacks to large numbers of people without the environmental impacts usually associated with those numbers. As demonstrated by the Adirondack Centennial Railroad (now the Adirondack Scenic Railroad) at Thendara, (see Section VII.D..) the interpretive value of the Remsen-Lake Placid Corridor should not be overlooked. The tourist line near Old Forge has revealed Adirondack beauty along the Middle Branch of the scenic Moose River to over 200,000 people without any impact on that picturesque 4 ½ mile section. A short on-board narrative has educated the passengers about the history and value of the Adirondack Park.

• A minor reduction in the level of public use and associated impacts in other areas of the Forest Preserve as new areas of the Preserve are made accessible from the Corridor.

Social and Economic

Adoption of the plan will provide an opportunity for:

- A significant expansion of the regional economy.
- A substantial increase in rail-and trail-based recreational and educational opportunity.
- The preservation of the Corridor as an important historic resource.
- The development of new public transportation and freight services.
- Substantial revenue to State agencies in proportion to the degree of Corridor development.
- A significant improvement in safety conditions on the Corridor and an associated reduction in the liability exposure of State agencies.
- The improved utilization of a public resource.

Adverse Impacts

• Environmental

Adoption of the plan could lead to:

- Minor pollution of surface waters related to Corridor construction and maintenance and waste water discharges from trains.
- A minor disturbance of wetlands related to parallel trail construction and Corridor maintenance.
- The removal of a substantial amount of vegetation related to Corridor construction and maintenance activities.
- Minor negative effects on fish and wildlife populations related to Corridor construction and maintenance activities, and corridor uses.
- A substantial increase in highway use and traffic congestion in communities where train stations or trailhead are located.
- A moderate increase in the public use of neighboring Forest Preserve lands.
- A moderate increase in the need for law enforcement, fire protection and search and rescue services.
- The potential creation of significant safety hazards.
 - A moderate increase in noise levels in areas surrounding the Corridor.
 - A minor increase in the visual impact of the Corridor on surrounding areas.

• Social and Economic

Adoption of the plan could lead to:

• A moderate increase in the likelihood of trespass onto neighboring private lands. Moderate new costs to State agencies and taxpayers associated with Corridor management.

MITIGATION MEASURES PROPOSED

In order to eliminate or minimize the effects of adverse impacts related to the implementation of the preferred alternative, a number of measures will be taken, as summarized below.

• Environmental Impacts

• Water Quality and Sedimentation

- Filter fabric, silt fences and hay bales will be installed where necessary to minimize sedimentation.
- The problem of repeated damming of culverts by beaver will be addressed.
- The Corridor will receive regular monitoring and maintenance.
- All trains with sanitary facilities will be required to have self-contained systems.
- Rail operators will be required to prevent discharge of petroleum and other pollutants.
- Public education and the proper location of facilities will minimize water pollution related to hiking and camping use.

• <u>Disturbance of Wetlands</u>

Parallel trail construction will not involve the placement of fill in wetlands. Herbicides will not be applied in or near wetlands.

• The Removal of Vegetation

 Vegetation existing within the Corridor right-of-way will be retained, and where appropriate new vegetation will be established, in visually sensitive areas. On Corridor segments where the rail bed will be used only for recreational trail purposes. vegetation will only be removed in a swath of the minimum width necessary.

• <u>Effects on Fish and Wildlife Populations</u>

- Appropriate measures will be taken to protect fish and wildlife habitat during Corridor construction and maintenance activities.
- In order to allow wildlife to move freely, fencing will be erected only where necessary for public safety.

• <u>Localized Increases in Highway Use and Traffic Congestion</u>

- Adequate parking capacity will be provided at all train stations and trailhead.
 - Appropriate traffic control devices will be installed and facilities constructed.

• Increased Use of Adjacent Forest Preserve Lands

- The locations of Corridor trailhead. trail linkages and train flagstops (predetermined locations other than existing stations where backcountry users could board a train) will be carefully selected.
- Corridor management will harmonize with unit management plans for adjacent Forest Preserve lands.

• <u>Increased Need for Law Enforcement. Fire Protection and Search and Rescue Services</u>

- The need for law enforcement services will be minimized through the posting of informational signs and educational outreach.
- Fire potential will be reduced by: (a) removing vegetation on rail segments; (b) enforcing laws and regulations pertaining to railroad fire safety; and (c) educating Corridor maintenance crews and the public.
- The need for search and rescue services will be minimized by: (a) educating trail users; (b) providing trail maps; and (c) marking intersecting roads and trails.

• <u>Safety Hazards</u>

- Rail operations will conform with the safety regulations of the Federal Railroad Administration.
- Parallel trails will be safely separated from the rail bed. Fencing will
 be erected where needed to assure safety. The safety of canoeists will
 be considered when fencing or other means of separating use are
 implemented. Provision for safe crossing by water, or appropriate
 space when necessary to portage, must be integrated into general
 safety concerns.
- Educational efforts will be made.
- The danger of collision between snowmobiles will be minimized by providing a trail surface of adequate width, by clearing sufficient vegetation from the trail to provide adequate sight distances and by posting speed limits.
- Safety rails will be installed on railroad bridges open to trail uses.

• Noise Impacts

- Rail developers will be required to conform with Federal regulations about locomotive noise and will only sound horns when required.
- New York State law regarding noise emissions from snowmobiles will be enforced. Snowmobiles and therefore the sources of snowmobile noise, will largely be confined within the Corridor.

• <u>Visual Impacts</u>

- Vegetation within the Corridor right-of-way will be retained and tree screens will be planted in visually sensitive areas.
- The Corridor's historic appearance will be preserved in all construction and maintenance activities.
- Rail developers will be required to keep the Corridor free of construction and demolition debris.

• Social and Economic Impacts

• <u>Increased Likelihood of Trespass onto Adjacent Private Lands</u>

- Informational signs will be posted and educational outreach will be conducted.
- The locations of Corridor trailhead, trail linkages and train flagstops will be carefully selected.
- Law enforcement presence and monitoring counts of use and trespass will be increased.

New Costs

- Although appropriate funding levels will be a function of the Legislative process, State costs related to rail development will be minimized by largely relying upon private enterprise to fund Corridor rail rehabilitation and development projects. Revenues will be realized as a condition of agreements with rail developers.
- The costs to the State of trail construction and maintenance will be reduced through partnerships with private trail organizations and volunteer assistance.
- The costs to State agencies related to increased enforcement, fire protection and search and rescue services will be minimized through the measures listed in VI.A.7. above.

OTHER PERTINENT SECTIONS

From Section V.B.2. DESCRIPTION OF MANAGEMENT PROPOSED (PROPOSED ACTION) - Operational

• Over the entire length of the Corridor, approved rail use will supersede recreational trail use on the rail bed, subject to the next statement (e.). Trail use on the rail bed

will be encouraged, but only on those Corridor segments or during those seasons when trains were not running.

- While rail use of the Corridor will receive high priority in Corridor management decisions, recreational trail use will also be recognized as an important Corridor management goal. On segments of the Corridor temporarily unoccupied by rail services and where parallel trails have not been constructed, trail uses allowed on the rail bed will become established over time. Therefore, the review of all rail use proposals will involve an analysis of the proposal's importance in furthering the full development of the Corridor's rail potential in light of its impact on recreational trail uses occupying the rail bed. Some rail proposals could be denied as a result of such an analysis. An example would be a proposal for winter rail use which would entail one or two train trips per week, providing that this scenario would represent minor economic or interpretive benefit as compared with that to be gained from a full length snowmobile trail. This would not be considered a sufficient cause to eliminate the use of the Corridor as a snowmobile trail. On the other hand, rail use that increased economic gain to localities and furthered winter recreational opportunities, would be considered a priority. An example of this would be "ski/snowmobile" trains, of sufficient frequency, that would transport recreationists to established off-corridor opportunities.
- Parallel recreational trail construction and use within the Corridor property will be coordinated with existing and planned off-Corridor trail systems. Ideally, local governments, snowmobile and/or hiking clubs, etc. will actively participate in order to more effectively maintain the Corridor and enforce applicable regulations. On segments where the construction of a parallel trail within the Corridor is not feasible because of extensive wetlands or rugged terrain, appropriate trail routes on adjacent Forest Preserve lands and trail easements on adjacent private lands will be pursued. Any proposal to construct a parallel trail in wetlands will be reviewed by the APA, who will determine whether a wetlands protection permit will be required. Trail uses deemed compatible with each other and with surrounding land uses will be encouraged.
- In consultation with the Citizen Advisory Committee (see Description of Alternative 4 in Section XV and Appendix 9), the planning team decided that the following trail uses will be allowed on the rail bed on Corridor segments not occupied by trail service:

Summer

Winter

Pedestrian Pedestrian (includes skiing, snowshoeing)

All Tarrain Piavala

All-Terrain Bicycle Snowmobile

• On Corridor segments occupied by rail service, the following trail uses will be allowed on the parallel trail:

<u>Summer</u> <u>Winter</u>

Pedestrian Pedestrian (includes Horse skiing, snowshoeing)
Horse and Wagon * Snowmobile

All-Terrain Bicycle
Touring Bicycle **

* Use by horse and wagon will require a sufficiently wide trail.

** Use by touring bicycle will require a hardened trail surface.

From Section V.C. DESCRIPTION OF MANAGEMENT PROPOSED (PROPOSED ACTION) -

IMPLEMENTATION STRATEGY

IF AN ANALYSIS OF THE APPROVED DEVELOPMENT PROPOSAL RESULTS IN A DETERMINATION THAT THE IMPORTANCE OF A LONG-DISTANCE SNOWMOBILE TRAIL WILL EXCEED THE IMPORTANCE OF THE CORRIDOR FOR WINTER RAIL USE IN TERMS OF ECONOMIC AND INTERPRETIVE BENEFIT, RAIL OPERATIONS WILL NOT BE PERMITTED TO OCCUPY THE CORRIDOR BETWEEN DECEMBER 1 AND MAY 1 OF ANY YEAR. ALTERNATIVES TO BE ADOPTED COULD INCLUDE DEVELOPMENT OF A PARALLEL SNOWMOBILE TRAIL WHERE NEEDED AND PRACTICAL, AND INTEGRATION OF RAIL TRANSPORTATION FOR SNOWMOBILERS TO IMPORTANT DESTINATIONS.

Snowmobiling is a popular recreational activity throughout the Adirondack region. The yearly influx of snowmobile enthusiasts brings significant economic benefits to local communities. Within the Adirondacks, the Corridor has been identified as one of the most important long-distance snowmobile trunk trails. The State planning team, as well as the two consultants employed by ANCA, have concluded that winter rail potential on the Corridor is limited. Safety considerations preclude the simultaneous occupation of the rail bed by rail and trail users. Therefore, the approved Corridor development proposal will be analyzed to determine the extent to which the success of the rail venture will depend upon winter rail operations. Winter rail operations will be allowed on a particular Corridor segment only if: (1) the rail developer can assure the managing agencies that the potential for winter rail operations will be sufficiently important to displace snowmobile use from the rail bed; (2) the potential for winter rail operations will not be sufficiently important to displace snowmobile use, but it will be feasible to establish a parallel trail for snowmobiles, and its location and manner of construction will meet environmental standards.

From Section V.H. DESCRIPTION OF MANAGEMENT PROPOSED (PROPOSED ACTION) - PUBLIC

USE MANAGEMENT AND CONTROLS

1. Snowmobiles in the Central Section

The railroad corridor has been classified in the Adirondack Park State Land Master Plan as a travel corridor. Snowmobiles are a means of travel, and they

represent a winter economic advantage to communities along the Corridor. As the entity responsible for the management of the adjacent State land, the Department of Environmental Conservation does realize the value of the central section as a large. roadless area. Although believing it is important to perpetuate this area's wild character, the Department does not endorse the integration of all classifications into one large wilderness area at this location. The Department's goal is to protect not only wilderness, but also to ensure the benefits provided by a public and private mix of classifications. Further guidance for the region will be provided by individual Forest Preserve unit management plans, as well as State planning efforts of a broader scope.

From Section VII. PUBLIC USE OF THE CORRIDOR

B. SNOWMOBILING

Snowmobilers have used the Remsen-Lake Placid Corridor for many years since the absence of operating trains. The route was approved for snowmobiling during the 1991-92 season by permit and permits have been granted for the 1992-93 through the 1994-95 seasons. Snowmobilers interested in winter use and persons promoting the Adirondack Centennial/Scenic Railroad's summer use have cooperated in Corridor maintenance by eliminating invading brush and clearing plugged culverts along the route, demonstrating the compatibility of rail and trail uses.

The Final State of New York Snowmobile Trail Plan/Final Generic Environmental Impact Statement was completed by the Office of Parks, Recreation and Historic Preservation in October, 1989. The implementation of this conceptual plan calls for designation of corridor and secondary trails and future development of additional connecting trails and necessary ancillary facilities. The implementation of the plan is contingent on the development of three-year local plans which detail the trail systems of existing and proposed trails. The local plans must also include necessary environmental reviews.

Snowmobiles have been used in upstate New York for well over 20 years. In the early days, snowmobiles were small, sometimes loud sleds capable of speeds of about 40 miles per hour. Modern snowmobiles are larger, more powerful, faster, and quieter. The new machines are often used for trips of 100 miles or more in length. Many riders using these new machines find the relatively level and straight, open railroad corridor ideal for their use. During the winter, snowmobilers provide valuable support to businesses who cater to tourism and recreationists. For example, there are 500 miles of snowmobile trails at Old Forge, New York and this adds considerably to the winter economy of the area.

Snowmobile maps produced by various clubs and divisions of government indicate areas where new routes are needed. Many of the needs can be satisfied by using the Remsen-Lake Placid Corridor.

APPENDIX O -SUMMARY AND PERTINENT SECTIONS OF THE REMSEN-LAKE PLACID TRAVEL CORRIDOR FINAL MANAGEMENT PLAN/ENVIRONMENTAL IMPACT STATEMENT

- The Adirondacks Snowmobile Map published jointly by the seven-counties defines existing trails from Tupper Lake to Malone and Lake Placid. The portions between Tupper Lake and Lake Placid and from Beaver River to Thendara are on the Corridor right-of-way.
- The Old Forge & Central Adirondack Trail Map indicates a portion of the railroad being utilized as a snowmobile trail.
- The Snowmobile Map published by the Lost Trail Snowmobile Club, Boonville, N.Y. clearly defines area trails that could link with a trail on the railroad corridor, with appropriate acquisitions.
- The Long Lake Snowmobile Club with the aid of Town and County officials. has developed a trail that will connect to the railroad corridor at Sabattis. New York and proceed via roads and marked trails to Long Lake, New York.
- The Office of Parks, Recreation and Historic Preservation's *State of New York Snowmobile Trail Plan* proposes use of the rail corridor as an important segment of a north-south, Quebec to Pennsylvania snowmobile route listed therein as Trail #7. Trail #7is one of the main artery routes listed in the OPRHP plan which interconnects the statewide snowmobile trail system. Proposed trail #7 is shown on the *Map of New York State Snowmobile Corridor Trails*, 1995-96 published by OPRHP's Bureau of Marine and Recreation Vehicles. (See Appendix 16)



APPENDIX	K P- SEQR DOCUM	IENTATION



617.20 Appendix A State Environmental Quality Review FULL ENVIRONMENTAL ASSESSMENT FORM

Purpose: The full EAF is designed to help applicants and agencies determine, in an orderly manner, whether a project or action may be significant. The question of whether an action may be significant is not always easy to answer. Frequently, there are aspects of a project that are subjective or unmeasurable. It is also understood that those who determine significance may have little or no formal knowledge of the environment or may not be technically expert in environmental analysis. In addition, many who have knowledge in one particular area may not be aware of the broader concerns affecting the question of significance.

The full EAF is intended to provide a method whereby applicants and agencies can be assured that the determination process has been orderly, comprehensive in nature, yet flexible enough to allow introduction of information to fit a project or action

Full EAF Components: The full EAF is comprised of three parts: Part 1: Provides objective data and information about a given project and its site. By identifying basic project data, it assists a reviewer in the analysis that takes place in Parts 2 and 3. Focuses on identifying the range of possible impacts that may occur from a project or action. It Part 2: provides guidance as to whether an impact is likely to be considered small to moderate or whether it is a potentially-large impact. The form also identifiés whether an impact can be mitigated or reduced. If any impact in Part 2 is identified as potentially-large, then Part 3 is used to evaluate whether or not Part 3: the impact is actually important. **DETERMINATION OF SIGNIFICANCE -- Type 1 and Unlisted Actions** Identify the Portions of EAF completed for this project: X Part 1 Part 2 Part 3 Upon review of the information recorded on this EAF (Parts 1 and 2 and 3 if appropriate), and any other supporting information, and considering both the magnitude and importance of each impact, it is reasonably determined by the lead agency that: The project will not result in any large and important impact(s) and, therefore, is one which will not have a significant impact on the environment, therefore a negative declaration will be prepared. Although the project could have a significant effect on the environment, there will not be a significant effect for В. this Unlisted Action because the mitigation measures described in PART 3 have been required, therefore a CONDITIONED negative declaration will be prepared.* The project may result in one or more large and important impacts that may have a significant impact on the environment, therefore a positive declaration will be prepared. *A Conditioned Negative Declaration is only valid for Unlisted Actions Comprehensive Snowmobile Plan for the Adirondack Park Name of Action NYS DEC and NYS OPRHP

Name of Lead Agency

Date

Deputy Commissioner

/s/

Title of Responsible Officer

Signature of Preparer (If different from responsible officer)

PART 1--PROJECT INFORMATION

Print or Type Name of Responsible Officer in Lead Agency

Signature of Responsible Officer in Lead Agency

July 25, 2001

Peter Duncan

/s/

Prepared by Project Sponsor

NOTICE: This document is designed to assist in determining whether the action proposed may have a significant effect on the environment. Please complete the entire form, Parts A through E. Answers to these questions will be considered as part of the application for approval and may be subject to further verification and public review. Provide any additional information you believe will be needed to complete Parts 2 and 3.

It is expected that completion of the full EAF will be dependent on information currently available and will not involve new studies, research or investigation. If information requiring such additional work is unavailable, so indicate and specify each instance.

NAME OF ACTION Comprehensive Snowmobile Plan for the Adirondack Park		
Location of Action (include Street Address, Municipality and County) Adirondack Park; Counties of Clinton, Essex, Franklin, Fulton, H Saratoga, St. Lawrence, Washington and Warren	amilton, Herkimer, Lewis	, Oneida,
NAME OF APPLICANT/SPONSOR NYS DEC and NYS OPRHP	Business Telephone (518) 402-9428	
ADDRESS 625 Broadway		
CITY/PO Albany	STATE NY	ZIP CODE 12233-1012
NAME OF OWNER (IF DIFFERENT)	BUSINESS TELEPHONE	12200 1012
Address	_1()	
Сіту/РО	STATE	ZIP CODE
DESCRIPTION OF ACTION		
Adirondack Park, both on public and private lands. Please Complete Each QuestionIndicate N.A. if not applicable		
X Forest X Agriculture X Other highway cor	AFTER acres	acres acres acres acres acres acres
a. Soil drainage: Well drained % of site Modera Poorly drained % of site Modera b. If any agricultural land is involved, how many acres of soil are classified within soil group 1 through 4 of the NYS Land Classification System? 4. Are there bedrock outcroppings on project site? a. What is depth to bedrock? (in feet) 0 to 10 feet 5. Approximate percentage of proposed project site with slopes: 0-10%	tely well drained N/A Acres (see 1 X 10-15%	% of site. NYCRR 370). YES No
15% or 6. Is project substantially contiguous to, or contain a building, site, or district, listed Registers of Historic Places? 7. Is project substantially contiguous to a site listed on the Register of National Nature 8. What is the depth of the water table? O to 20 (in feet)	greater % on the State or National X	YES NO

9. Is	s site located over a prima	ary, principal, or sole s	source aquifer?				X YES	No No
10.	Do hunting, fishing or sh	ell fishing opportunitie	es presently exi	st in the project a	rea?		X YES	No No
11.	Does project site contair endangered?	any species of plant	or animal life th	nat is identified as	s threatened or		X YES	No No
	According to:	Natural Heritage P	rogram					
	Identify each species:	See Attachment 1						
12.	Are there any unique or formations?	unusual land forms or	n the project site	e? (i.e., cliffs, dur	nes, other geolog	gical	X YES	□ No
	Describe:	Cliffs, waterfalls, g	gorges					
13.	Is the project site preser area?	itly used by the comm	nunity or neighb	orhood as an ope	en space or recr	eation	X YES	□ No
	If yes, explain:	43% of the area is f skiing, bird	Forest Preserve	land, and is use	d for hiking, bikir	ng, hunting	, fishing, cam	nping,
		watching, snowmob	oiling, horse bac	k riding, and othe	er recreational p	ursuits		
14.	Does the present site inc	clude scenic views kn	own to be impo	rtant to the comm	nunity?		X YES	No
15.	Streams within or contig	• •	Numerous					
	a. Name of Stream and in which it is tributary	name of River to	Black, Moh	awk, St. Lawren	ce and Hudson	River dra	inages	
16.	Lakes, ponds, wetland a a. Name:	reas within or contigu Numerous	ous to project a	rea:				
	b. Size (in acres):	Total 1,100,000 ac	res: 250,000 ac	res water surfa	<u>ce area; 850,00</u>	<u>0 acres we</u>	etland	
17.	Is the site served by exis	sting public utilities?					X YES	No No
	a. If YES, does sufficient	capacity exist to allo	w connection?				X YES	No No
	b. If YES, will improvement	ents be necessary to a	allow connection	า?			YES	X No
18.	Is the site located in an a AA, Section 303 and 304	agricultural district cer 4?	tified pursuant	to Agriculture and	d Markets Law, A	Article 25-	X YES	□ No
19.	Is the site located in or s Article 8 of the ECL, and	ubstantially contiguou I 6 NYCRR 617?	us to a Critical E	Environmental Are	ea designated po	ırsuant to	X YES	□ No
20.	Has the site ever been u		of solid or hazar	dous wastes?			X YES	No
R I	Project Description							
1. Ph	ysical dimensions and sc	ale of project (fill in di	mensions as ap	propriate).				
á	a. Total contiguous acrea	ge owned or controlled	d by project spo	nsor <u>2,600,</u>	000	acres.		
k	o. Project acreage to be d	eveloped: <u>unkı</u>	nown	_ acres initially;	unknown	acres u	ltimately.	
	c. Project acreage to rema	· ·	unknown	_ acres.				
	d. Length of project, in mil			_ (if appropriate)				
	e. If the project is an expa	=	-	-	N/A	%		
ţ		parking spaces existing			_; proposed	unknow		
•	g. Maximum vehicular trip: n. If residential: Number a	•	N/A		_ (upon comple	tion of proj	ect)?	
'	Initially	One Family	Two Fami	ily	Multiple Famil	у	Condor	ninium
	Ultimately			<u> </u>				
ı	. Dimensions (in feet)	of largest proposed st	ructure N	'A height;	v	vidth;		length.
	J. Linear feet of frontage a				N/A	ft.		J
	low much natural materia				0		tons/cubic	yards.
3. V	Vill disturbed areas be rec	laimed?				N/A	X YES	N o
	a. If yes, for what intended	ed purpose is the site	being reclaimed	d? <u>various</u>				
	b. Will topsoil be stockpil	ed for reclamation?					YES	X No

	c. Will upper subsoil be stockpiled for reclamation?				YES	X No
4. H	low many acres of vegetation (trees, shrubs, ground	covers) will be re	moved from site?	Unknown	<u> </u>	acres.
	Vill any mature forest (over 100 years old) or other located	cally-important ve	egetation be remov	ed by this	YES	X No
•	roject? single phase project: Anticipated period of construct	ion	N/A	months (i	ncluding dem	olition)
	multi-phased:	_	14/7	1110111110, (1	noidaing dom	ontion
	a. Total number of phases anticipated	N/A	(number)			
	b. Anticipated date of commencement phase 1		month	year, (incl	uding demolit	ion)
	c. Approximate completion date of final phase		month	year.		
	d. Is phase 1 functionally dependent on subsequent	phases?			YES	No
8. W	/ill blasting occur during construction				YES	X No
9. N	lumber of jobs generated: during construction	N/A	; after project is c	omplete	N/A	
	Number of jobs eliminated by this project	0				
11.	Will project require relocation of any projects or facilities and leave to the second		a a u ma a bila traila		X YES	No No
	If yes, explain: Plan may involve re-location	ation of some si	iowinobile trails			
12.	Is surface liquid waste disposal involved?				YES	X No
	a. If yes, indicate type of waste (sewage, industrial,	etc) and amount				
	b. Name of water body into which effluent will be dis	· ·				
13.	Is subsurface liquid waste disposal involved?	Type			YES	X No
	Will surface area of an existing water body increase	· —	proposal?		☐ YES	X No
	If yes, explain:					
15.	Is project or any portion of project located in a 100 y	ear flood plain?			X YES	No No
16.	Will the project generate solid waste?				YES	X No
	a. If yes, what is the amount per month		tons			
	b. If yes, will an existing solid waste facility be used?	?			YES	□ No
	c. If yes, give name		; location			
	d. Will any wastes not go into a sewage disposal sys	stem or into a sar	nitary landfill?		YES	□ No
	e. If yes, explain:					
17.	Will the project involve the disposal of solid waste?				YES	X No
	a. If yes, what is the anticipated rate of disposal?		tons/month.			
	b. If yes, what is the anticipated site life?		years.			
18.	Will project use herbicides or pesticides?				YES	X No
19.	Will project routinely produce odors (more than one	hour per day)?			YES	X No
20.	Will project produce operating noise exceeding the	local ambient noi	se levels?		X YES	☐ No
21.	Will project result in an increase in energy use?				YES	X No
22	If yes, indicate type(s)	oity N/A	goll	ana/minuta		
	If water supply is from wells, indicate pumping capa Total anticipated water usage per day	city <u>N/A</u> N/A	gallons/day.	ons/minute.		
	Does project involve Local, State or Federal funding		galloris/day.		X YES	□ No
۷٦.	If yes, explain: Implementation of the p	-	nublic funding fr	om DEC OPPUR	لتتا	
	potential sources.	nan win involve	public fullding in	oiii DEC, OFKHF	and various	ouner
25.	Approvals Required:					
	, pp. c. a.i.c. i c. quincui.		TY	PE	SUBM	ITTAL DATE
	<u></u>	'es No _				
	<u></u>	res No _			_	
	<u></u>	'ES No _				
	<u></u>	'ES No _				
	<u>——</u>	'ES No _				
(Other Regional Agencies Y	'ES No				

State Ag	encies	X YES NO	APA, DEC, OPRHP, po	ossibly
Federal A	Agencies	YES NO		
C. Zoning	and Planning Informatio	n		
1. Does prop	osed action involve a planning or	zoning decision?		X YES NO
	dicate decision required: ng amendment Zoning varia plan Special use	nce New/revision o		n creation use plan
2. What is the	zoning classification(s) of the sit		ensive Use, Rural Use, Reso Moderate Intensity Use	ource Management, Low
3. What is the	maximum potential developmen	t of the site if developed a	s permitted by the present zon	ing?
	from forest to residential; snov ondack Park State Land Maste		nt or re-location within the F	orest Preserve must comply
4. What is the	proposed zoning of the site?	Same as above	(C.2.)	
5. What is the	maximum potential developmen	t of the site if developed a	s permitted by the proposed zo	oning?
Unkno	wn			
6. Is the prop	osed action consistent with the re	ecommended uses in adop	eted local land use plans?	X YES NO
	he predominant land use(s) and a	ū	• •	
Wild For Resource M	est, Wilderness, Primitive, Can anagement, Low Intensity Use,	oe, State Administrative <u>Moderate Intensity Use</u>	, Historic, Industrial Use, Int , Hamlet	ensive Use, Rural Use,
8. Is the prop	osed action compatible with adjo	ining/surrounding land use	es with a ¼ mile?	YES X NO
9. If the propo	osed action is the subdivision of la	and, how many lots are pr	oposed? <u>N/A</u>	
	is the minimum lot size proposed			
	osed action require any authoriza	• •		YES X NO
	proposed action create a demand re protection?	i for any community provid	led services (recreation, educa	ation, YES X No
a. If yes,	is existing capacity sufficient to h	nandle projected demand?		YES NO
12. Will the	proposed action result in the gene	eration of traffic significant	ly above present levels?	YES X No
a. If yes,	is the existing road network adec	quate to handle the additio	nal traffic.	YES NO
D. Inform	ational Details			
Attach a associated w	ny additional information as may th your proposal, please discuss	be needed to clarify you such impacts and the mea	ur project. If there are or ma asures which you propose to n	y be any adverse impacts nitigate or avoid them.
E. Verific	ation			
I certify t	hat the information provided abov	ve is true to the best of my	knowledge.	
Applicant/Spo	onsor Name Peter S. Dunca	n	Da	te July 25, 2001
Signature	Isl		Title Deputy Commis	ssioner for Natural Resources
If the action is assessment.	s in the Coastal Area, and you are			before proceeding with this

<u>Attachment 1: Threatened and Endangered Species Known or Believed to Exist within the Adirondack Park</u>

		1
AGALINIS PAUPERCULA VAR BOREALIS	NORTHERN GERARDIA	THREATENED
AGASTACHE NEPETOIDES	YELLOW GIANT-HYSSOP	THREATENED
AGROSTIS MERTENSII	NORTHERN BENTGRASS	THREATENED
AMMOPHILA CHAMPLAINENSIS	CHAMPLAIN BEACHGRASS	ENDANGERED
ANTHOXANTHUM MONTICOLUM SSP ORTHANTHUM	ALPINE SWEETGRASS	ENDANGERED
APLECTRUM HYEMALE	PUTTYROOT	ENDANGERED
AQUILA CHRYSAETOS	GOLDEN EAGLE	ENDANGERED
ARABIS MISSOURIENSIS	GREEN ROCK-CRESS	THREATENED
ARETHUSA BULBOSA	SWAMP PINK	THREATENED
ARNICA LANCEOLATA	ARNICA	ENDANGERED
ASIO FLAMMEUS	SHORT-EARED OWL	ENDANGERED
ASTER BOREALIS	RUSH ASTER	THREATENED
ASTER RADULA	SWAMP ASTER	ENDANGERED
BETULA GLANDULOSA	TUNDRA DWARF BIRCH	ENDANGERED
BETULA MINOR	DWARF WHITE BIRCH	ENDANGERED
BETULA PUMILA	SWAMP BIRCH	THREATENED
BOTRYCHIUM RUGULOSUM	RUGULOSE GRAPE FERN	ENDANGERED
BUBULCUS IBIS	CATTLE EGRET	PROTECTED
CALAMAGROSTIS STRICTA SSP INEXPANSA	NORTHERN REEDGRASS	THREATENED
CALAMAGROSTIS STRICTA SSP STRICTA	NORTHERN REEDGRASS	ENDANGERED
CALYPSO BULBOSA	CALYPSO	ENDANGERED
CAREX ARCTA	NORTHERN CLUSTERED SEDGE	ENDANGERED
CAREX ATRATIFORMIS	BLACK SEDGE	ENDANGERED
CAREX BACKII	ROCKY MOUNTAIN SEDGE	THREATENED
CAREX BIGELOWII	BIGELOW'S SEDGE	THREATENED
CAREX BUXBAUMII	BROWN BOG SEDGE	THREATENED
CAREX CAPILLARIS	HAIR-LIKE SEDGE	ENDANGERED
CAREX CHORDORRHIZA	CREEPING SEDGE	THREATENED
CAREX CRAWEI	CRAWE'S SEDGE	THREATENED
CAREX CUMULATA	CLUSTERED SEDGE	THREATENED
CAREX FORMOSA	HANDSOME SEDGE	THREATENED
CAREX HAYDENII	CLOUD SEDGE	ENDANGERED
CAREX HITCHCOCKIANA	HITCHCOCK'S SEDGE	THREATENED
CAREX LIVIDA VAR RADICALIS	LIVID SEDGE	ENDANGERED
CAREX MERRITT-FERNALDII	FERNALD'S SEDGE	THREATENED
CAREX MOLESTA	TROUBLESOME SEDGE	THREATENED
CAREX RETROFLEXA	REFLEXED SEDGE	ENDANGERED
CAREX SCHWEINITZII	SCHWEINITZ' SEDGE	THREATENED
CAREX SCIRPOIDEA	CANADIAN SINGLE-SPIKE SEDGE	ENDANGERED
CAREX TENUIFLORA	SPARSE-FLOWERED SEDGE	ENDANGERED
CAREX TINCTA	TINGED SEDGE	ENDANGERED
CAREX TYPHINA	CAT-TAIL SEDGE	THREATENED
CAREX WIEGANDII	WIEGAND'S SEDGE	ENDANGERED
CEANOTHUS HERBACEUS	PRAIRIE REDROOT	ENDANGERED
CIRCUS CYANEUS	NORTHERN HARRIER	THREATENED

		L
CISTOTHORUS PLATENSIS	SEDGE WREN	THREATENED
CLEMMYS MUHLENBERGII	BOG TURTLE	ENDANGERED
CORYDALIS AUREA	GOLDEN CORYDALIS	THREATENED
CROTALUS HORRIDUS	TIMBER RATTLESNAKE	THREATENED
CYNOGLOSSUM VIRGINIANUM VAR BOREALE	NORTHERN WILD COMFREY	ENDANGERED
CYPRIPEDIUM ARIETINUM	RAM'S-HEAD LADYSLIPPER	THREATENED
DESCURAINIA PINNATA SSP BRACHYCARPA	NORTHERN TANSY-MUSTARD	ENDANGERED
DIAPENSIA LAPPONICA	DIAPENSIA	THREATENED
DRABA ARABISANS	ROCK-CRESS	THREATENED
DRABA GLABELLA	ROCK-CRESS	ENDANGERED
DRYOPTERIS FRAGRANS	FRAGRANT CLIFF FERN	ENDANGERED
ELEOCHARIS OBTUSA VAR OVATA	BLUNT SPIKERUSH	ENDANGERED
EMPETRUM EAMESII SSP ATROPURPUREUM	PURPLE CROWBERRY	ENDANGERED
EPILOBIUM HORNEMANNII	ALPINE WILLOW-HERB	ENDANGERED
EQUISETUM PRATENSE	MEADOW HORSETAIL	THREATENED
ERIGERON HYSSOPIFOLIUS	DAISY FLEABANE	ENDANGERED
FALCIPENNIS CANADENSIS	SPRUCE GROUSE	ENDANGERED
FALCO PEREGRINUS	PEREGRINE FALCON	ENDANGERED
FESTUCA SAXIMONTANA	SHEEP FESCUE	ENDANGERED
GALIUM KAMTSCHATICUM	NORTHERN WILD-LICORICE	ENDANGERED
GEOCAULON LIVIDUM	PURPLE COMANDRA	ENDANGERED
GNAPHALIUM SYLVATICUM	WOODLAND CUDWEED	ENDANGERED
HALENIA DEFLEXA	SPURRED GENTIAN	ENDANGERED
HALIAEETUS LEUCOCEPHALUS	BALD EAGLE	THREATENED
HEDEOMA HISPIDUM	MOCK-PENNYROYAL	THREATENED
HIPPURIS VULGARIS	COMMON MARE'S-TAIL	ENDANGERED
HOUSTONIA PURPUREA VAR CALYCOSA	PURPLE BLUETS	ENDANGERED
HUPERZIA APPALACHIANA	APPALACHIAN FIRMOSS	THREATENED
HUPERZIA SELAGO	FIR CLUBMOSS	ENDANGERED
JUNCUS STYGIUS VAR AMERICANUS	MOOR-RUSH	ENDANGERED
JUNCUS TRIFIDUS	ARCTIC RUSH	THREATENED
LACTUCA HIRSUTA	DOWNY LETTUCE	ENDANGERED
LIPOCARPHA MICRANTHA	DWARF BULRUSH	ENDANGERED
LISTERA AURICULATA	AURICLED TWAYBLADE	ENDANGERED
LISTERA AUSTRALIS	SOUTHERN TWAYBLADE	ENDANGERED
LITHOPHANE LEPIDA LEPIDA	A NOCTUID MOTH	ENDANGERED
LITTORELLA UNIFLORA	AMERICAN SHORE-GRASS	ENDANGERED
LOISELEURIA PROCUMBENS	ALPINE AZALEA	ENDANGERED
LUZULA SPICATA	SPIKED WOODRUSH	ENDANGERED
LYCOPODIELLA CAROLINIANA	CAROLINA CLUBMOSS	ENDANGERED
LYCOPODIUM COMPLANATUM	NORTHERN RUNNING-PINE	ENDANGERED
LYCOPODIUM SITCHENSE	SITKA CLUBMOSS	ENDANGERED
LYSIMACHIA HYBRIDA	LANCE-LEAVED LOOSESTRIFE	ENDANGERED
MEGALODONTA BECKII VAR BECKII	WATER-MARIGOLD	THREATENED
MYOTIS SODALIS	INDIANA OR SOCIAL MYOTIS	ENDANGERED
MYRIOPHYLLUM ALTERNIFLORUM	WATER MILFOIL	THREATENED
MYRIOPHYLLUM FARWELLII	FARWELL'S WATER-MILFOIL	THREATENED
MYRIOPHYLLUM PINNATUM	GREEN PARROT'S-FEATHER	ENDANGERED

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ORYZOPSIS CANADENSIS	CANADA RICEGRASS	ENDANGERED
PANICUM FLEXILE	WIRY PANIC GRASS	THREATENED
PELLAEA GLABELLA	SMOOTH CLIFF BRAKE	THREATENED
PETASITES FRIGIDUS VAR PALMATUS	SWEET COLTSFOOT	ENDANGERED
PLATANTHERA HOOKERI	HOOKER'S ORCHID	ENDANGERED
POA FERNALDIANA	FERNALD BLUEGRASS	ENDANGERED
POA GLAUCA	WHITE BLUEGRASS	ENDANGERED
POA INTERIOR	INLAND BLUEGRASS	ENDANGERED
PODOSTEMUM CERATOPHYLLUM	RIVERWEED	THREATENED
POLYGONUM CAREYI	CAREY'S SMARTWEED	THREATENED
POLYGONUM DOUGLASII	DOUGLAS' KNOTWEED	THREATENED
POTAMOGETON ALPINUS	NORTHERN PONDWEED	THREATENED
POTAMOGETON CONFERVOIDES	ALGAE-LIKE PONDWEED	THREATENED
POTAMOGETON HILLII	HILL'S PONDWEED	THREATENED
POTAMOGETON STRICTIFOLIUS	STRAIGHT-LEAF PONDWEED	ENDANGERED
PRENANTHES BOOTTII	BOOTT'S RATTLESNAKE-ROOT	ENDANGERED
PRENANTHES NANA	DWARF RATTLESNAKE-ROOT	ENDANGERED
PROSOPIUM CYLINDRACEUM	ROUND WHITEFISH	ENDANGERED
PRUNUS PUMILA VAR DEPRESSA	DWARF SAND-CHERRY	THREATENED
PRUNUS PUMILA VAR PUMILA	LOW SAND-CHERRY	ENDANGERED
PTEROSPORA ANDROMEDEA	GIANT PINE-DROPS	ENDANGERED
PYROLA MINOR	MOUNTAIN PYROLA	ENDANGERED
RHODODENDRON CANADENSE	RHODORA	THREATENED
RHODODENDRON LAPPONICUM	LAPLAND ROSEBAY	ENDANGERED
RORIPPA AQUATICA	LAKE-CRESS	THREATENED
ROSA ACICULARIS SSP SAYI	PRICKLY ROSE	ENDANGERED
SALIX HERBACEA	DWARF WILLOW	ENDANGERED
SALIX PYRIFOLIA	BALSAM WILLOW	THREATENED
SALIX UVA-URSI	BEARBERRY WILLOW	THREATENED
SAXIFRAGA OPPOSITIFOLIA	PURPLE MOUNTAIN-SAXIFRAGE	ENDANGERED
SAXIFRAGA PANICULATA	WHITE MOUNTAIN-SAXIFRAGE	ENDANGERED
SCIRPUS CESPITOSUS	DEER'S HAIR SEDGE	THREATENED
SCIRPUS CLINTONII	CLINTON'S CLUBRUSH	ENDANGERED
SCIRPUS GEORGIANUS	GEORGIA BULRUSH	ENDANGERED
SCIRPUS HETEROCHAETUS	SLENDER BULRUSH	ENDANGERED
SCLERIA TRIGLOMERATA	WHIP NUTRUSH	THREATENED
SOLIDAGO MULTIRADIATA VAR ARCTICA	ALPINE GOLDENROD	THREATENED
SOLIDAGO SIMPLEX VAR RACEMOSA	MOUNTAIN GOLDENROD	ENDANGERED
SOLIDAGO SIMPLEX VAR RANDII	MOUNTAIN GOLDENROD	THREATENED
SPARGANIUM NATANS	SMALL BUR-REED	THREATENED
SPOROBOLUS HETEROLEPIS	NORTHERN DROPSEED	THREATENED
SUBULARIA AQUATICA VAR AMERICANA	WATER AWLWORT	ENDANGERED
THALICTRUM VENULOSUM	VEINY MEADOW-RUE	ENDANGERED
TOFIELDIA GLUTINOSA	STICKY FALSE ASPHODEL	ENDANGERED
TRIGLOCHIN PALUSTRE	MARSH ARROW-GRASS	THREATENED
TRIPHORA TRIANTHOPHORA	NODDING POGONIA	ENDANGERED
TRISETUM MELICOIDES	MELIC-OATS	ENDANGERED
TRISETUM MELICOIDES	MELIC-OATS MELIC-OATS	ENDANGERED
I KIDE I UNI MIELICOIDES	IMPERC-OVID	ENDANGERED

VACCINIUM BOREALE	HIGH-MOUNTAIN BLUEBERRY	ENDANGERED
VACCINIUM CESPITOSUM	DWARF BLUEBERRY	ENDANGERED
VIBURNUM EDULE	SQUASHBERRY	THREATENED
VIOLA NEPHROPHYLLA	NORTHERN BOG VIOLET	ENDANGERED
VIOLA NOVAE-ANGLIAE	NEW ENGLAND VIOLET	ENDANGERED
WOODSIA ALPINA	ALPINE WOODSIA	ENDANGERED
WOODSIA GLABELLA	SMOOTH WOODSIA	ENDANGERED



ADMINISTRATIO SCENIC AND REC YORK STATE I	N AND MANA CREATIONAL I	RIVERS SYSTEM RIVATE LAND IN	E WILD, IN NEW



PART 666 - REGULATION FOR ADMINISTRATION AND MANAGEMENT OF THE WILD, SCENIC AND RECREATIONAL RIVERS SYSTEM IN NEW YORK STATE EXCEPTING PRIVATE LAND IN THE ADIRONDACK PARK

PART 666

REGULATION FOR ADMINISTRATION AND MANAGEMENT OF THE WILD, SCENIC AND RECREATIONAL RIVERS SYSTEM IN NEW YORK STATE EXCEPTING PRIVATE LAND IN THE ADIRONDACK PARK

(Statutory authority: Environmental Conservation Law, Article 15, Title 27)

Section.

666.1 Purposes and policies of the Act

666.2 Purpose and application of this Part

666.3 Definitions

666.4 Classes of rivers and management objectives for river areas

666.5 Local government implementation

666.6 Boundaries of river areas

666.7 River area management plans

666.8 Permits

666.9 Variances from the regulations

666.10 Penalties and enforcement

666.11 Preservation of natural flow

666.12 Preservation of water quality

666.13 Table of use guidelines

666.14 Judicial review

666.15 Severability

§§ 666.1 Purposes and policies of the act.

The purpose of the Wild, Scenic and Recreational Rivers System Act is to institute a State wild, scenic and recreational rivers system within New York. Many rivers of the State, and their immediate environs, possess outstanding natural, scenic, ecological, recreational, aesthetic, botanical, geological, hydrological, fish and wildlife, historical, cultural, archaeological and scientific values. Improvident development and use of these rivers and their immediate environs will deprive present and future generations of the benefit and enjoyment of these unique and valuable resources. It is the policy of the State as set forth in the Wild, Scenic and Recreational Rivers System Act (Title 27 of Article 15 of the Environmental Conservation Law) hereinafter termed "the Act", that designated rivers of the State and their immediate environs possessing the aforementioned characteristics shall be preserved in a free-flowing condition and shall be protected for the benefit and enjoyment of present and future generations.

§§ 666.2 Purpose and application of this Part.

- (a) The purpose of this Part is to implement the Act by establishing statewide regulations for the management, protection, enhancement and control of land use and development in river areas on all designated wild, scenic and recreational rivers in New York State, except for private land in river areas within the Adirondack Park. Land use and development of private land in river areas within the Adirondack Park are subject to the provisions of Part 577 of Title 9 of the Official Compilation of Codes, Rules and Regulations of the State of New York (9 NYCRR Part 577).
- (b) It is the further purpose of this Part to provide for the protection and enhancement of the interests of landowners in the enjoyment and use of their properties in designated river areas and to help to insure that recreation and other uses are consistent with the intent of the Act.

- (c) The regulations set forth in this Part may be complemented by the promulgation of regulations for individual river areas. Such regulations shall be consistent with the act and no less restrictive than this Part and shall address the specific management issues that are relevant to individual river areas.
- (d) It is a purpose of this Part to encourage the participation of local governments in the management planning process necessary to achieve the goals of the act. It is a further purpose of this Part to authorize and encourage administration by local governments of those provisions of this Part that are within their respective jurisdictions, in place of the Department's administration of such provisions, when such local governments are legally, technically and financially capable of administering such provisions in a manner consistent with the provisions of the ct and this Part.
- (e) In its administration and enforcement of this Part, the department shall give primary emphasis to the protection and enhancement of the natural, scenic, ecological, recreational, aesthetic, botanical, geological, hydrological, fish and wildlife, historical, cultural, archaeological and scientific features of designated rivers and river areas.
- (f) Priority must be given to providing and maintaining wildlife travel corridors, and areas to support important wildlife and botanical values identified in the river corridor designation and final river area boundary studies.
- (g) All new land use or development in a river area must be undertaken in compliance with the standards listed in this Part. No person will:
 - (1) undertake a new land use or development in a river area without a permit unless such use or development is listed as "no permit necessary"; or
 - (2) undertake a new land use or development allowed pursuant to a permit except in accordance with such a permit issued prior to undertaking the land use or development.
- (h) Any new land use or development not listed in this Part as "no permit necessary", "permit required" or "notification required", is presumed incompatible with the purposes of this Act.
- (i) Land uses lawfully existing shall mean:
 - (1) in the case of the subdividing of land, the approval of such plat pursuant to Section 1116 of the Public Health Law or the conditional or preliminary approval of such plat pursuant to Section 276 of the Town Law, Section 7-728 of the Village Law or Section 32 of the General City Law; provided, however, that final plat approval is granted within six months of preliminary plat approval; or
 - (2) in the case of the review of a site plan not involving the subdividing of land, the approval by the appropriate body or office of a city, town or village of the site plan; or
 - (3) in those cases not covered by paragraph (1) or (2) of this subdivision, the issuance of a building permit or other authorization for the commencement of the activities or development for which such permit or authorization was issued; or
 - (4) in the case of local government jurisdictions which do not require such permits or authorizations or for land uses which do not require any government approval, the actual and substantial lawful commencement of the land use or development.
- (j) Any lawfully existing land use which is discontinued for one year following the effective date of this Part [30 days after May 24, 1994] in a given river area, will thereafter be a new land use or development and be subject to the permit requirements and standards of this Part. This restriction will not apply to agricultural land included in a certified farm plan which has been farmed in two of the preceding five years or which is enrolled in a federal set-aside program.

(k) Neither the Act nor this Part will be construed to create or to confer upon any person any right of access, or of ingress and egress, over, upon or to any private lands to reach water or bodies of water that are within a designated river area.

§§ 666.3 Definitions.

As used in this Part, the following words and terms will have the meaning ascribed to them and will apply for purposes of administering the Act in addition to any other words and terms defined in Section 15-2703 of the Act.

- (a) "Accessory structure" means any structure covering an area of 800 square feet or less, located on the same premises and incidental and subordinate to the main structure.
- (b) "Accessory use" means any use of a structure, lot or portion thereof that is customarily incidental and subordinate to and does not change the character of the principal use of the structure or lot.
- (c) "Act" means the Wild, Scenic and Recreational Rivers System Act as set forth in Title 27 of Article 15 of the Environmental Conservation Law or any successor provision of law.
- (d) "Agricultural use" means any management of any land for the production of agricultural products including crops; field crops; fruits; vegetables; horticultural specialties; livestock and livestock products; including the sale of products grown or raised directly on such land, and the construction, alteration or maintenance of fences, agricultural roads, agricultural drainage systems and farm ponds, but not including land used for the processing of any agricultural product.
- (e) "Agricultural use structure" means any barn, stable, shed, silo, garage, fruit and vegetable stand or other building or structure directly and customarily associated with agricultural use.
- (f) "Basal area" means the sum of the cross-sectional areas of specified or total vegetation within a given area measured at four and one-half (4.5) feet (breast height) above ground.
- (g) "Boat launching site" means a site for the launching of boats and that may or may not contain a ramp for trailer boats or attendant parking facilities.
- (h) "Clearcutting" means any cutting of trees one inch or more in diameter measured at breast height that results in a residual density of trees of less than thirty (30) square feet of basal area per acre.
- (i) "Clustering" means the varying of the area and shoreline frontage requirements for structures within a specific tract of land from the area and shoreline frontage requirements of a local zoning ordinance, for the purpose of preserving the natural and scenic qualities of the land in accordance with the provisions of Section 281 of the Town Law, Section 7-738 of the Village Law and Article 37 of the General City Law.
- (j) "Commercial sign directory" means any structure, frame or other support that contains two (2) or more signs as that term is used in this Part.
- (k) "Commercial use" means any use involving the offer for sale or rental, sale, rental or distribution of goods, services or commodities or the provision of recreation facilities or activities for a fee, but not including the manufacturing of goods or commodities.
- (l) "Commissioner" means the Commissioner of the Department of Environmental Conservation, his successors to office and any agency which may succeed to the duties of such office.

- (m) "Community" means an area of existing development delineated by DEC as part of the final boundary setting process that has a minimum of 30 acres and, at the time of legislative designation, a minimum of 85% of the lots developed. In addition, the area must have either lot sizes that average 1/2 acre or less or no less than 40% of the lots developed for industrial, institutional and/or commercial uses.
- (n) "Cultural feature" means any building, structure, historic district, area, site or object, including an underground or underwater site, of significance in the history, architecture, archaeology or culture of this state, its communities or the nation and is eligible for inclusion on the State Register or National Register of Historic Places.
- (o) "Department" means the Department of Environmental Conservation or any agency or body that may succeed to the duties of such office.
- (p) "Development" means any activity that materially affects the existing condition, use or appearance of any land, structure or improvement including any grading, road construction, installation of utilities or other improvements or any other development preparatory or incidental to any such activity, or the subdividing of land as defined in this Part, by any person.
- (q) "Existing dam" means a dam that is in existence when a river is designated in the system and that is presently capable of impounding water in a manner and at a level consistent with the design of the structure as it existed on the date upon which the river was designated in the system.
- (r) "Forest management" means forestry practices, including harvesting of a forest woodland or plantation or other types of cuttings planned as part of a deliberate forest management program and the construction, alteration or maintenance of forest management roads, skidways, logging landings and fences, and related research and educational activities.
- (s) "Forest management road" means any dirt or other unimproved road, including skidways, and used solely for forest management purposes.
- (t) "Forestry management structure" means any structure directly and customarily associated with forest management.
- (u) "Free-flowing" means existing or flowing in natural condition without impoundment, diversion, straightening, riprapping or any other modification of the waterway except for stream improvement structures for fishery management purposes.
- (v) "Height" means the distance as measured from the lowest point of natural ground surface grade elevation to the highest point of the structure.
- (w) "Improvement" means any change in or addition to land, including but not limited to grading, filling, excavating or adding banks, fences, dikes, ditches, pipelines, poles, electrical conduits, roads, streets, curbs, gutters, sidewalks, driveways, parking lots or spaces.
- (x) "Industrial Use" as it applies to such new uses allowed in communities means uses that are limited to light manufacturing, production, assembly of goods or warehousing.
- (y) "Industrial Uses" as it applies to the determination of community boundaries means all existing uses that are customarily associated with the production, storage and transportation of goods.

- (z) "Institutional Use" means government buildings, health care facilities, churches, schools, fire and police facilities, water and sewage treatment plants, correctional facilities, or other facilities of a similar public or semipublic nature as determined by the Department.
- (aa) "Integrated Pest Management" means the use of practical non-chemical approaches, including possible limited use of approved pesticides, for the avoidance and control of pest infestations. It also includes general education and technical training of on-site personnel and the establishment of implementation procedures, evaluation mechanisms and reporting for the management program.
- (bb) "Land" means the earth, on or below the surface of the ground, including all natural resources.
- (cc) "Land use" means any use or appearance of land or a structure, including the particular nature, scale, extent, density and intensity of the use.
- (dd) "Local government" means any county, city, town or village.
- (ee) "Logging landing" means an area where harvested trees are assembled for further processing or are loaded for transportation.
- (ff) "Lot coverage" means that portion or percentage of the lot which is occupied by buildings, structures, pavement or other impervious surfaces.
- (gg) "Major public utility use" means any electric power transmission or distribution line and associated equipment with a rating of more than fifteen (15) kilovolts and that is one mile or more in length; any telephone inter-exchange or trunk cable or feeder cable that is one mile or more in length; any telephone distribution facility containing twenty-five (25) or more pairs of wire and designed to service a new residential subdivision; any television, cable television, radio, telephone and other communication transmission tower; any pipe, conduit or other appurtenance used for the transmission of gas, oil or other fuel that is one mile or more in length; or any electric substation, generating facility or maintenance buildings. Also see subdivision (vv) of this section.
- (hh) "Mean high water" means the approximate high-water level for a given body of water at a given location, that distinguishes between predominantly aquatic and predominantly terrestrial habitat as determined, in order of use, by the following:
 - (1) available hydrologic data, calculations, and other relevant information concerning annual water levels (e.g. discharge, storage, tidal, and other recurrent water elevation data);
 - (2) vegetative characteristics (e.g. location, presence, absence, or destruction of terrestrial or aquatic vegetation);
 - (3) physical characteristics (e.g. clear natural line impressed on a bank, scouring, shelving, or the presence of sediments, litter, or debris); and
 - (4) other appropriate means that consider the characteristics of the surrounding area.
- (ii) "Mobile home" means any self-contained dwelling unit designed to be transported on its own wheels or those of another vehicle and which may contain the same water supply, sewage disposal and electric systems as immobile housing. A dwelling unit that is constructed in sections and transported to and assembled on the site and fixed to a permanent foundation is not a mobile home.
- (jj) "Motor vehicle" means a device for transport incorporating a motor or an engine of any type for propulsion and with wheels, tracks, skids, skis, propeller, air cushion or other contrivance for traveling on or over land or water or through water, other than a motorized vessel as defined in this Part.

- (kk) "Motorized equipment" means any machine or device powered or driven by an internal combustion engine of any type.
- (ll) "Motorized vessel" means any boat or craft driven or powered by an internal combustion engine of any type.
- (mm) "Multiple family dwelling" means any detached building of three or more dwelling units.
- (nn) "One hundred (100) year floodplain" means any land susceptible to being inundated by water from a flood having a one-percent chance of being equalled or exceeded in any given year.
- (00) "Open space recreation use" means any recreation use particularly oriented to and utilizing the outdoor character of an area including necessary trails. "Motorized open space recreation use" means any open space recreation use which utilizes a motor vehicle or motorized vessel and "non-motorized open space recreation use" means any other open space recreation use.
- (pp) "Person" means any individual, corporation, partnership, joint venture, association, organization, government or any agency or political subdivision thereof, or any other entity.
- (qq) "Principal building" means any structure which exceeds eight hundred square feet of floor space. In addition, all agricultural use structures and private dwellings or mobile homes occupied by a farmer of land will together constitute a single principal building.
- (rr) "Private dwelling" means any detached building containing one or two dwelling units, including a mobile home.
- (ss) "Private road" means any road other than a forest management road or a public road.
- (tt) "Project" shall mean any action, activity or development which may result in direct or indirect physical impact on a river area, including, but not limited to, any activity specifically regulated by this Part.
- (uu) "Public road" means any road over which the public has a right of way.
- (vv) "Public utility use" means any electric power transmission or distribution line; any telephone or television trunk or feeder cable or distribution line; any pipe or conduit for the transmission of gas, oil, or other fuels; any water or sewage system pipe or conduit; any television, radio, telephone or other communication transmission tower or receiving device or facility; and any appurtenant facilities whether or not such use is subject to review under Articles VII, VIII, and X of the Public Service Law. Also see subdivision (gg) of this section.
- (ww) "Refuse" means anything thrown away or rejected as worthless or useless, including but not limited to trash, rubbish, garbage and human wastes.
- (xx) "River" means a flowing body of water or a section or portion thereof, including streams, creeks, runs, kills, rills, branches or lakes, which has been designated in the Act, including any tributary thereto expressly included in the designation.
- (yy) "River area" means the river and the land area in its immediate environs bounded as established by the Commissioner pursuant to section 15-2711 of the Act. Upon designation and until boundaries are

established by the Commissioner, the river area shall be that area within one half mile of each bank of the river.

- (zz) "River area management plan" means a plan for the management of a river area or areas as described in Section 666.6 of this Part.
- (aaa) "River bank" means that land area immediately adjacent to and which slopes toward the bed of a watercourse, the integrity of which is necessary to maintain the watercourse. For purposes of this Part, a bank will not be considered to extend more than 50 feet horizontally from the mean high water line, except that it may be extended upgrade to the crest of a contiguous bluff, cliff, hill side or similar feature, where necessary too protect a watercourse.
- (bbb) "River bed" means that land area covered by water at mean high water.
- (ccc) "Road" means any highway, hard-surfaced road, improved or dirt road.
- (ddd) "Run-of-river" means an operational mode for an impounding structure wherein the instantaneous outflow from the impoundment (as releases, spillage, and/or leakage)is always equal to the instantaneous inflow into the impoundment. The storage level of the impoundment must not be permitted to fall below the crest of the dam/flashboards except for emergency situations.
- (eee) "Scientific features" means any special physical or natural attributes in the designated river area that are verified by scientific investigation.
- (fff) "Sign" means any inscribed surface, pattern or artificial lighting, pictorial, symbolic, ornamental or emblematic structure, barrier, fluttering apparatus or other visually communicative or expressive device that is visible from an out-of-doors position and is used to advertise or call the public's attention to any business, activity, object, service or place, give directions or to bear any other kind of message. The term "sign" must not include any traffic control device; any sign placed for less than three months to advertise any event sponsored by a civic, religious, fraternal group or similar not-for-profit organization; to advertise the sale of any merchandise on a temporary basis from a residence; to address any candidate or question that is the subject of a public election or any political issue; to advertise the availability of the premises or some portion thereof for sale or lease; or any patriotic flag or banner not used to advertise a commercial use.
- (ggg) "State agency" means any department, bureau, commission, board or other agency of the State, including any public benefit corporation, any member of which is appointed by the governor.
- (hhh) "Statewide Rivers Inventory" means the inventory of river corridor natural, cultural, and recreational resources maintained by the Department.
- (iii) "Stream improvement structure for fishery management purposes" means any structures made of naturally occurring materials which are designed solely for fishery management purposes and which do not materially alter the natural character of the waterway. Examples include fish barrier dams, fish passage structures, minor diking, cribbing, rip-rapping, bank stabilization, stream deflectors and other structures or improvements.
- (jjj) "Structure" means any object, other than a traffic control device, which is constructed, installed, or placed on land to facilitate land use, and includes such examples as buildings, mobile homes, sheds, tanks, outdoor lighting, bridges, water access parking areas, fences and poles and any fixtures, additions

and alterations thereto and, unless placed for a period of less than six months, trailers, travel trailers, campers, or tents.

- (kkk) "Subdividing of land" or "subdivision" means any active, effective, or proposed division of land into lots, parcels or sites, whether contiguous or not, for the purpose of any form of separate ownership or occupancy as part of a common scheme (including grading, road construction, installation of utilities or other improvements or any other land use and development preparatory or incidental to any such division) by any person or by any other person controlled by, under common control with or controlling such person or by any group or person acting in concert as part of a common scheme or plan. Subdivision of land shall include any map, plat or other plan of the division of land, whether or not previously filed.
- (Ill) "Trail" means a marked and maintained path or way four feet or less in width, and located and designed to provide for reasonable access in a manner causing the least effect on the local environment.
- (mmm) "Undisturbed area" means that portion of a lot or subdivision that is left in a natural state without grading, mowing, landscaping, or destruction or removal of vegetation.
- (nnn) "Water access parking area" means a site for the parking of not more than ten vehicles with foot trail access to the water and which does not contain a ramp for trailered boats.
- (000) "Water-dependent use" means an activity that can only be conducted on, in, over or adjacent to a water-body, because such activity requires access to water, and involves the use of water as an integral part of the activity.
- § 666.4 Classes of rivers and management objectives for river areas.

The system consists of three classes of rivers as designated under Section 15-2711 of the Act.

- (a) Wild rivers are generally five (5) miles or more in length, free of diversions and impoundments and accessible only by water, foot or horse trail. Their river areas are primitive and undeveloped in nature. In general, the minimum distance from the river to a public road or a private road open to the public is one-half mile. Management of wild river areas will be directed to the perpetuation of their wild condition.
- (b) Scenic rivers are generally free of diversions or impoundments with limited road access. Their river areas are essentially primitive and undeveloped or are used for agriculture, forest management and other dispersed human activities which do not in themselves substantially constrain public use and enjoyment of these rivers and their environs. Management of scenic river areas will be directed to preserving and restoring their natural scenic qualities.
- (c) Recreational rivers are generally readily accessible, and may have a significant amount of development in their river areas and may have been impounded or diverted in the past. Management of recreational river areas will be directed to preserving and restoring their natural, cultural, scenic and recreational qualities, except in areas delineated by the Department as communities, which will be managed to avoid adverse environmental impacts and loss of existing river corridor values.
- § 666.5 Local government implementation.

Pursuant to Section 3-0301(2)(p) of the Environmental Conservation Law, the Commissioner may delegate to a local government or a group of local governments its powers, functions, and responsibilities except review and determination of any application for a permit from a state agency, for administration of

designated river areas as it deems proper upon determining that such local government or group of local governments has adequate legal authority, expertise, staff, funding and such other capabilities as the Commissioner may prescribe as being necessary to fully carry out such powers, functions and responsibilities in place of the Department and in a manner consistent with the Act.

§ 666.6 Boundaries of river areas.

- (a) Boundaries will be established subject to the finding of the Commissioner that they are consistent with the purposes and policies of the Act and facilitate the management objectives thereof. Boundaries will be delineated and established to include within the river area those natural, cultural and recreational features whose protection and preservation are necessary to accomplish the purposes of the Act. Such features may include: scenic areas; natural, scientific and cultural features; flood plains and wetlands; significant fish and wildlife habitats; watershed and hydrological aquifer features, ecologically important areas and river-related outdoor recreational facilities. In delineating a river area boundary, consideration may be given to the existence of property boundaries or regulatory boundaries.
- (b) In recreational river areas, the Department may designate specific areas as communities that meet the criteria for such areas as specified in Section 666.3(m) of this Part. Also, any local government partially or wholly within a designated river corridor may submit to the Department the boundary of a proposed community designation. Such proposal will include specific boundaries and supporting information relative to the criteria. The Department will publish a notice in the Environmental Notice Bulletin and in at least one newspaper having general circulation in the area of any departmental or local governmental proposal for a community designation and may hold a public hearing prior to making a decision to adopt, modify or reject such proposal. Boundaries may not exceed a width of one-half mile from each bank of the river.
- (c) Boundaries will be established by the Commissioner following a public hearing held in or near the river area after a river has been included in the system. The Department will publish notices in the Environmental Notice Bulletin and in at least one newspaper having general circulation in the area at least thirty days in advance of any such Departmental hearing. Failure of any person to be aware of the hearing will not invalidate the boundary subsequently established. Within the Adirondack Park, the boundaries will be mutually agreed upon by the Department and the Adirondack Park Agency.
- (d) Upon establishment of the boundary, the Commissioner will file a map and narrative description of same with the clerk of each county in which the designated portion of the river is located. The Commissioner will also notify affected local governments and state agencies of same and provide them with a map and narrative description of the boundary. A notice of establishment of the boundary will be placed in the Environmental Notice Bulletin and a map and narrative description of the boundary will be provided to interested parties upon request.
- (e) Boundaries may be established or amended independently or concurrent with the process of adopting a river management plan and any complementary regulations for an individual designated river, as provided by Section 666.7 of this Part.
- (f) Upon the designation of a river in the system and until boundaries for the river are established, the provisions of this Part will be applicable within one-half mile from each bank of the river.
- (g) Unless otherwise specified, the boundaries of river areas described as a uniform distance from a river bank will themselves wind and turn as the river does. All distances from a river will be measured horizontally from the bank of the river.

- (h) The Commissioner may amend the boundaries of any river area after a public hearing, at the initiative of the Department or as may be requested by any other person, if in the judgment of the Commissioner such amendment would further the purposes and policies of the Act and more aptly facilitate the management objectives thereof. Notice of the hearing will be provided in the same manner as when boundaries are established originally.
- (i) Upon request by any landowner, tenant, mortgagee, contract vendee or optionee or other person having a legal interest in a given property, the Department will determine the terminal points of the river area or classified sections thereof and the bank at relevant points along the river area.
- § 666.7 River area management plans.
- (a) Management plans will be developed by Department of Environmental Conservation for designated river areas to recommend specific actions to protect and enhance all river corridor resources. The Department will encourage participation by local government and interested persons and organizations in the development of studies, reports and plans for rivers designated for study or administration under the Act and also encourage their participation in the planning process necessary to achieve the goals of the Act.
- (b) A river area management plan for a particular river may be prepared by the Department, by an affected local government or group of affected governments or by any person or entity acting in cooperation with any affected local government or governments or this Department. In the event that such plans are not to be prepared by the Department, those local governments, persons or other entities engaged in such activity will be approved by the Department, will act in an advisory capacity to it, and will coordinate and cooperate fully with the Department. The Department will provide such guidance and assistance as may be required to insure that the proposed river management plan is sufficient.
- (c) A river area management plan not prepared by the Department and submitted to the Commissioner for final approval will be reviewed and acted upon by the Department within a reasonable period of time from its submission.
- (d) A river area management plan will:
 - (1) describe existing conditions in the river corridor, including: those natural, cultural and recreational resources identified in available information sources, such as the statewide rivers inventory; prevailing land and water uses; land ownership patterns; and existing management devices;
 - (2) identify the resource management issues not adequately addressed by administration under the Part;
 - (3) identify alternatives considered in determining the actions needed to address the issues identified in paragraph (2) of this Section;
 - (4) propose goals, objectives, policies, management guidelines and necessary actions to implement the plan which are consistent with the purposes and policies of the Act;
 - (5) propose, if necessary, a river area regulation for full implementation of the plan; and
 - (6) propose, if necessary, a revised river area boundary, consistent with Section 666.6 of this Part, for full implementation of the plan.
- (e) A plan prepared in accordance with this Section is required prior to promulgation of specific river area regulations referenced in paragraph (d)(5) of this Section.
- (f) The Commissioner will not approve any proposed plan until conducting a public hearing on the plan held in or near the river area.

(g) Upon the Commissioner's approval of a plan, notice will be published in a newspaper of general circulation in the river area.

§ 666.8 Permits.

- (a) The procedures and schedules for applications for rivers system permits are governed by Article 70 (Uniform Procedures Act) of the Environmental Conservation Law ("ECL") and its implementing regulations contained in Parts 621 and 624 of this Title. An application for a permit will be filed by the applicant with the regional permit administrator on a form prescribed by the Department. Such application must set forth the purpose, character and extent of the proposed regulated activity and shall set forth in detail the reasons the applicant seeks a permit. The application will include:
 - (1) a detailed description of the regulated activity;
 - (2) a map showing the area affected, with the location of the proposed regulated activity and the river;
 - (3) a statement addressing feasible alternatives which do not affect river area resource values or on a site that is not regulated by this Part;
 - (4) a statement identifying the owner of the subject property and, where applicable, written permission of said owner for the applicant to seek permission for, and to carry out, the proposed activity;
 - (5) a description of the planned use of the subject property once the proposed regulated activity is completed;
 - (6) a plan at a scale acceptable to the Department which identifies the lot boundary and the river;
 - (7) clearly labeled photographs of the site;
 - (8) a variance request, when applicable, as specified in Section 666.9 of this Part; and
 - (9) such additional information as the regional permit administrator deems necessary to enable the department to make the findings and determinations required under this Part. For example, the applicant may be required to submit a list of the names of the owners of record of lands adjacent to the subject property upon which the regulated activity is to be undertaken.
- (b) The Department may require the applicant to provide a reasonable number of copies of the application, including associated documents and maps, for the purpose of public review.
- (c) The Department may treat the application as a request for a determination that the proposed project is an action which does not require a permit under this Part.
- (d) The date of expiration of any permit issued pursuant to this part will be not more than five years from the date such permit was issued.
- (e) Review procedures are governed by Article 8 (State Environmental Quality Review Act) of the ECL and its implementing regulations contained in Part 617 of this Title. Reviews and determinations of any permit application from a state agency must be conducted by the Department, and must not be delegated to any local government.
- (f) Before a river system permit is issued, it must first be determined that:
 - (1) the proposed land use or development is consistent with the purposes and policies of the Act and with the provisions of this Part;
 - (2) the resources specified in Section 666.2(e) of this Part will be protected and the proposed activity will not have an undue adverse environmental impact;
 - (3) no reasonable alternative exists for modifying or locating the proposed activity outside of the designated river area; and
 - (4) actions proposed to be undertaken by state agencies are designed to preserve, protect or enhance the resources and values of designated rivers.

- (g) Any permit issued pursuant to this Part may be issued with conditions as are necessary to assure the preservation and protection of affected river area resources and to assure compliance with the policy and provisions of the Act and the standards and provisions of this Part.
- (h) Any permit issued pursuant to this Part may authorize the undertaking of the authorized regulated activity on a periodic basis, as specified in the permit, over a period of time not exceeding five years from the date of issuance of the permit. Such permit shall contain a condition requiring the permittee to notify the Department at least fourteen days in advance of each occasion upon which the permitted activity will be conducted.
- § 666.9 Variances from the regulations.
- (a) No variance may authorize any development or improvement prohibited by the Act. The Department, upon receipt of a written request made in conjunction with a permit application pursuant to this Part, may vary or modify any provision of this Part relating to allowable land uses or development so long as it is the minimum variance necessary and only if:
 - (1) in the case of a request for a use variance, the provision(s) to be varied or modified would cause an unnecessary hardship for the applicant. In order to prove such unnecessary hardship, the applicant must demonstrate that:
 - (i) the provision(s) to be varied or modified deprive the applicant of all economic use or benefit from the property in question, which deprivation must be established by competent financial evidence;
 - (ii) the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the river corridor;
 - (iii) the requested use variances, if granted, will not alter the essential character of the river corridor; and
 - (iv) the alleged hardship has not been self-created.
 - (2) in the case of a request for an area variance, the area or dimensional provision(s) to be varied or modified would cause practical difficulty for the applicant. In making its determination, the Department will consider the benefit to the applicant if the variance is granted, as weighed against the adverse impacts upon river resources. The Department will also consider:
 - (i) whether and to what extent, a change will be produced in the character of the river corridor or a detriment to nearby properties will be created by the granting of the area variance;
 - (ii) whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
 - (iii) whether the requested area variance is substantial;
 - (iv) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the river corridor; and
 - (v) whether the alleged practical difficulty was self-created, which consideration will be relevant to the decision of the Department, but will not necessarily preclude the granting of the area variance.
 - In addition to addressing the foregoing considerations, an applicant for an area variance has the option of seeking to prove, by competent financial evidence, that the strict application of the subject provision(s) of this Part will result in significant economic injury. Such evidence will be limited to the effect of such provision(s) upon the value of the property in question; whether the value would be enhanced were a variance granted will not be relevant. If the applicant demonstrates significant economic injury, the burden is on the Department to establish that the strict application of the subject provision(s) is reasonably related to the purpose and policy of the Act and this Part.
 - (3) in the case of applicants which are State agencies or municipal corporations, the granting of a variance must be equally as environmentally protective of the river values identified in section 666.2(e) of this Part as compliance with the provision(s) to be varied and must fulfill a public health, safety or welfare function.

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- (b) A written request for a variance will contain each of the following:
 - (1) a description of the variance requested;
 - (2) a listing of each standard to be varied;
 - (3) a statement of the minimum relief necessary from each standard to be varied;
 - (4) a map of the area showing the location of the requested variance, proposed mitigation, property boundaries, and adjacent owners of record, if deemed necessary by the Department;
 - (5) in the case of a request for a use variance, the applicant may be required to provide financial evidence which may include the following:
 - (i) the rate of return on the property both with and without the requested variance;
 - (ii) the owner's investment in the property, including purchase price, taxes, expenses, carrying costs, and cost of improvements; and
 - (iii) income, if any, produced by the property.
 - (6) a discussion of alternative site possibilities outside the river area; and
 - (7) a discussion of proposals for environmental impact reduction and/or mitigation. Such proposed mitigation must comply with the following:
 - (i) the mitigation must occur on or in the immediate vicinity of the site of the proposed variance, if possible;
 - (ii) the location of the proposed mitigation must be subject to regulation under the Act and this Part upon completion; and
 - (iii) the mitigation must provide substantially the same or more benefits than will be lost through the proposed activity.
- (c) Any mitigation required in connection with the grant of a variance will be included as a permit condition and must be completed if other work is commenced.
- (d) Any land use or development which, but for this subdivision, would require a variance due to noncompliance with one or more specific standards or criteria in this Part, may be permitted by the Department without such variance if:
 - (1) the Department determines that the project, if approved, will not adversely impact any affected river resource; and
 - (2) the project satisfies all other applicable standards and criteria, including the standards for permit issuance set forth in Section 666.8 of this Part.

For the purposes of this subdivision, a determination of complete application pursuant to Part 621 of this Title shall not preclude the Department from requiring an applicant to submit additional information in the event that one or more potential significant adverse impacts are identified and a variance is necessary for the project to proceed.

§ 666.10 Penalties and enforcement.

Any person who violates the Act, this Part or any order issued by the Department pursuant to the Act or to such regulations may be liable for all penalties and other remedies provided for in the Environmental Conservation Law. Such penalties and remedies may be in addition to any other penalty or remedy available under any other law.

§ 666.11 Preservation of natural flow.

- (a) Dams and Waterway Improvements.
 - (1) No dam, weir, bulkhead, rip rap, diversion or other structure or modification of the waterway shall be constructed upon any river area which has been included in the state wild, scenic and recreational

rivers system except stream improvement structures for fisheries management purposes as expressly authorized in Section 15-2709 of the Environmental Conservation Law.

- (2) New construction or new operation of hydropower facilities on wild rivers is prohibited.
- (3) The Department may approve permits and certifications for the installation of new hydroelectric generation facilities at existing dams on scenic and recreational rivers provided that:
 - (i) a run-of-river operational mode is employed;
 - (ii) there is no diversion of the river above or below the existing dam;
 - (iii) any ancillary facilities, such as access roads and transmission lines, conform with the requirements of the Act, this Part and other applicable State laws and regulations; and
 - (iv) such dams are not on lands in the Forest Preserve, State Nature and Historic Preserve Trust, in State parks, or in State reforestation, multiple use, unique, or wildlife management areas.

(b) Natural flow.

- (1) The natural flow of water in wild rivers shall be maintained and there shall be no new diversions thereof or withdrawals therefrom.
- (2) Permit application reviews of proposed groundwater withdrawals which are located in the watershed of the river area and are regulated pursuant to Article 15, Title 15 of the Environmental Conservation Law shall include consideration of the effect of the proposed activity on stream flow and associated water table levels. Permits for groundwater withdrawals will not be issued if it is determined that such withdrawals would result in significant lowering of the water table or reduction of stream flow.
- (3) Any changes in water releases from an existing water-impounding structure shall be conducted in a manner that will insure the protection, perpetuation and enhancement of riverine biota and the natural, scenic and recreational values of the designated river.
- (4) All water-dependent and water-related developments or land uses, consumptive or otherwise, which are located in or upstream of a designated river segment, and which affect all or part of the flow in the designated river, will be required:
 - (i) to operate in a run-of-river mode; or
 - (ii) to maintain a downstream base-flow that will provide appropriate protection, perpetuation and enhancement of the riverine biota and the natural, scenic and recreational values of the designated river segment.
- (c) Natural drainage systems, including perennial and intermittent streams, swales, and drainage ditches in an open, undisturbed condition, along with adjacent vegetated filter strips shall be maintained.
- § 666.12 Preservation of water quality.

The following water quality standards will apply:

- (a) In wild river areas:
 - (1) New discharges of any substances are prohibited; and
 - (2) Upon its designation by the Legislature, the water quality classification of the river will be evaluated by the Department and consideration will be given to reclassifying the river to Class N pursuant to Part 609 of this Title if this is not the present classification. If a Class N classification is not applicable, the most restrictive classification appropriate, considering future uses of the river, will be applied. Such evaluation will be accomplished as part of the boundary setting process under Part 666.6.
- (b) In scenic and recreational river areas:
 - (1) New discharges from point sources are not allowed unless the applicant shows that such discharge will not have a detrimental impact on river area resources; and
 - (2) Upon its designation by the Legislature, the water quality classification for a river will be evaluated by the Department and a consideration given to reclassification to the most restrictive classification appropriate, considering river corridor resources identified in the statewide rivers inventory, designation

study report and final corridor boundary study, as well as future uses of the river and river area which are allowable. Such evaluation will be accomplished as part of the boundary setting process under Part 666.6:

- c) Existing discharges from point sources will be minimized or eliminated.
- (d) Stormwater runoff from point and nonpoint sources will be controlled and managed by the Department as follows:
 - (1) plans are required for all non-point sources and will be designed to minimize pollutant discharges within the river area;
 - (2) stormwater runoff from a new development will not exceed pre- developmental (natural) conditions; and
 - (3) stormwater runoff must be managed to the extent practicable within each newly created lot. Development plans must provide for control of the first 1/2-inch of runoff from all disturbed and otherwise developed areas.

§ 666.13 Table of use guidelines.

The table and listing of uses, restrictions and standards in this section is incomplete. It includes many of the most often used provisions of this Part. Notes in the tables provide additional standards, restrictions and references.

WILD, SCENIC AND RECREATIONAL RIVERS SYSTEM 6NYCRR PART 666 USE GUIDELINES

Classes of Rivers:	Procedural Requirements:
Wild Rivers	NPN - No permit necessary.
Scenic Rivers	NR - Notification required.
Recreational Rivers	P - Permit required.
Communities	PI - Presumed incompatible.
	X - Prohibited use

\overline{A} .	A. EXISTING LAND USES						
== LA	AND USES AND DEVELOPMENTS	WILD	SCENIC	RECR	COMM		
1.	Continuation, without change, of land uses lawfully existing on the date upon which this Part first takes effect in the river area.	NPN	NPN	NPN	NPN		
2.		NPN	NPN	NPN	NPN		
3.	Resumption of a land use after it is discontinued for one year. [See Note(i)]	P	P	P	P		
4.	Development of any lawfully	P	P	P	P		

existing lot for land uses or developments allowed in the river area notwithstanding that the lot may not satisfy the specified minimum lot area or shoreline frontage widths. [See Note(ii)]

- (i) This requirement is not applicable to agricultural land which has been farmed in two of the preceding five years or which is enrolled in a federal set-aside program as part of a certified farm program.
- (ii) All contiguous parcels held in actual or effective ownership on or after the date upon which this Part first takes effect in a given river area shall be deemed a single lot.

$\overline{\mathbf{B}}$.	B. DAMS, IMPOUNDMENTS AND WATER WITHDRAWALS						
== LA	AND USES AND DEVELOPMENTS	WILD	SCENIC		RECR	COMM	
1.	Modification of the waterway by impoundment, diversion, rip-rap, bulkheads, structures or improvements impeding or altering the natural flow of water or free-flowing condition of the river. [See Part 666.11(a) & Note(i)]		X	X	X	X	
2.	Water withdrawals from the river subject to the provisions of Part 666.11(b).		X	P	P	P	
3.	Surface water diversions subject to the provisions of Part 666.11(b).		X	P	P	P	
4.	Groundwater withdrawals subject to the provisions of Part 666.11(b)(2).		X	P	P	P	
5.	Water releases from impoundments in the watershed of the designated segment subject to the provisions of Part 666.11(b).		X	P	P	P	
6.	Water-related or water-dependent landuses or developments in the watershed of a designated river segment and which affect all or part of the flow in the designated river subject to the provisions of Part 666.11(b).		X	P	P	P	

(i) New construction or operation of hydro-electric generation facilities will be permitted at existing dams on scenic and recreational rivers subject to the provisions in Part 666.11(a)(3).

C.	RESIDENTIAL STRUCTURES				
== LA	ND USES AND DEVELOPMENTS	WILD	SCENIC	RECR	COMM
1.	Private dwellings, mobile homes, and multiple family dwellings located within the 100-year floodplain or within 150 feet of the river and/or tributary bank.	X	X	X	X
2.	Private dwellings and mobile homes dwellings:				
a)	located between 150 and 250 feet of the river or tributary bank. [See Notes(i)-(vi)]	X	X	P	NPN
b)	located more than 250 feet from the river or tributary bank. [See Notes(i)-(vi)]	X	P	P	NPN
3.	Multiple family dwellings located more than 150 feet from the river bank. [see Notes (i), (iv)-(vi)]	X	X	P	P
4.	Conversions of existing principal buildings associated with resort hotels, rental cottages and group camps to residential use.	X	X	P	P
5.	Expansions of lawfully existing residential structures which do not exceed any standard in this Part up to a cumulative total of 500 square feet from the date this Part first takes effect.	X	NPN	NPN	NPN

- (i) All new residential structures constructed within 500 feet of the bank must be screened by vegetation or topographic features as viewed from the river; must not exceed 34 feet in height; and must not be constructed on a slope greater than 15 percent.
- (ii) Each private dwelling or mobile home in a scenic river area must be on a lot of at least 4 acres and have, when applicable, a shoreline frontage of at least 300 feet.
- (iii) Each private dwelling or mobile home in a recreational river area must be on a lot of at least 2 acres and have, when applicable, a shoreline frontage of at least 200 feet.
- (iv) Multiple family dwellings must be on a lot of at least one acre per living unit and have, when applicable, a shoreline frontage of at least 200 feet.
- (v) Clustering will be encouraged and may be allowed by rivers system permit in order to maintain undeveloped and undisturbed open areas.
- (vi) When clustering is permitted, the minimum cumulative, developable acreage, density and, when applicable, shoreline acreage, density and, when applicable, shoreline lot width must be satisfied for the parcel as a whole. For scenic and recreational river areas, not less than 40 percent or 30 percent of the clustered subdivision respectively will be retained in an undisturbed condition during and after development.

D. NON-RESIDENTIAL STRUCTURES		 		
LAND USES AND DEVELOPMENTS	WILD	SCENIC	RECR	COMM
1Agricultural use structures located . 100 feet or more from the river bank. [See Notes(i)-(ii)]	X	NPN	NPN	NPN
2Forest management and accessory structures (other than docks and boathouses) located on slopes of 15% or less, beyond the 100-year floodplain and:				
a150 feet or more from the river)bank, whichever is greater. [See Notes(i) - (iii)]	X	X	NPN	NPN
b250 feet or more from the river)bank, whichever is greater. [See Notes(i) - (iii)]	X	NPN	NPN	NPN
3Lean-tos				
awith less than 200 sq. ft. of floor)space. [see Notes(i)-(iii)]	X	NPN	NPN	NPN
bwith 200 sq. ft. or more of floor)space. [See Note(ii)]	X	P	P	P
4Docks. [See Note(iv)]	X	P	P	P
5Boathouses for boat storage or . shelterage only. [See Note (ii)]	X	P	P	P
6Stream improvement structures . for fishery management purposes.	X	P	P	P
7Fences.	X	P	P	P

- (i) Structures listed above as NPN are P when located less than 500 feet from the river bank or 250 feet from the bank of a tributary but beyond the setbacks specified above.
- (ii) No new non-residential structure shall exceed 34 feet in height except agricultural silos.
- (iii) New forest management and accessory structures constructed within 500 feet of the bank of the river shall be screened by vegetation or topographic features as viewed from the river.
- (iv) Any new dock will be designated and developed so as to minimize its intrusion, if any, into the river and will not impede its natural flow or, if applicable, its navigability.

Ē.	ROADS, TRAILS, BRIDGES AND MOTORIZED AC	CESS			
== LA	AND USES AND DEVELOPMENTS	WILD	SCENIC	RECR	COMM
1.	Private or public roads and private driveways greater than 100 ft. long. [See Notes 1-3(i)]	X	P	P	P
2.	Forest management roads and tributary bridges:				
a)	located less than 150 feet from the bank of the designated river.	X	X	X	X
b)	located 150 feet or more from the bank of the designated river.	NPN	NPN	NPN	NPN
3.	Trails. [See Notes 3(ii)-(iii)]	P	P	P	P
4.	The use and operation of motor vehicles or motorized equipment:				
a)	for forest management purposes only.	NPN	NPN	NPN	NPN
b)	required for any other allowable use.	X	NPN	NPN	NPN
5.	Bridges:				
a)	other than over a designated river, for non-motorized open space recreational uses. [See Notes 1(i) and 2(i)]	X	NPN	NPN	NPN
b)	over a designated river for public roads or for non-motorized open space recreational uses. [See Notes 1(i), 2(i) and 3(iii)]	X	P	P	P

- 1. For Areas With A Scenic River Designation:
 - (i) New or extended public roads, private roads open to the public, and any bridges necessary thereto may be constructed only to provide access for the public to the shoreline of a portion of a scenic river area that is at least 2 land-miles, as measured along the river, from the nearest existing public access on the same side of the river. Except for that portion of a public road which provides access to a river, all such new or extended roads shall be constructed no closer than 500 feet from the river bank.
 - (ii) If no vehicle access exists to a new or existing water-dependent residential or agricultural land-use or development, within a scenic river area, a new private road may be allowed provided that it is not open to the general public, is located at all points at least as far from the river as the land-use or development, and is not located inside or within 100 feet of the river bank.
- 2. For Areas with a Recreational or Community Designation:

- (i) All roads, bridges, and motorized access customarily associated with allowable uses in recreational river areas shall be allowed inside or within 500 feet of the river bank only as such uses are necessary for access to or for crossing the designated river.
- (ii) If there is no vehicle access to a new or existing land use or development within a recreational river area, a new private road may be developed only if it is not open to the general public, is located at all points at least as far from the river as the land use or development to which it will provide access, and is not located inside or within 100 feet of the river bank.
- (iii) If there is no vehicle access to a new or existing commercial, industrial or institutional land use or development dependent upon river access within a community, a new private road providing access to the river may be developed only if it is located at all points at least as far from the river as the land use or development to which it will provide access and is not located inside or within 100 feet of the riverbank, except for single points of access.
- 3. For All Designated Areas:
 - (i) Any new public or private road for non-motorized open space recreation uses shall be reasonable and necessary; be located, designed, and constructed to minimize its visibility from the river, to minimize alteration of the natural environment, and to avoid undue adverse environmental impacts; have its uses effectively restricted to those specified by the person undertaking such activity; and have any associated bridges designed so as to not interfere with the recreational use of the river.
 - (ii) Any new trail for non-motorized open space recreation uses shall be located, designed, and constructed to minimize its visibility from the river, to minimize alteration of the natural environment, and to avoid undue environmental impacts; have its uses effectively restricted to those specified by the person undertaking such activity; and have any associated bridges designed so as to not interfere with the recreational use of the river.
 - (iii) Any bridge associated with a new trail shall be constructed, to the greatest extent, of naturally occurring materials.

F. WATER QUALITY, WASTEWATER TREATM	MENT, AND W	ASTE DISPO	SAL	
LAND USES AND DEVELOPMENTS	WILD	SCENIC	RECR	COMM
Private water supply wells.	X	P	P	P
2. Private sewage disposal systems.	X	P	P	P
3. Waste treatment, storage or disposal except in	X	X	X	X

NOTE

of such refuse.

(i) For additional concerns, standards and requirements, see Section 666.12 on preservation of water quality.

G. SIGNS AND COMMERCIAL SIGN DIRECTORIES	

temporary containers specifically intended for storage

APPENDIX Q:
PART 666 - REGULATION FOR ADMINISTRATION AND MANAGEMENT OF THE WILD, SCENIC AND RECREATIONAL RIVERS SYSTEM IN NEW YORK STATE EXCEPTING PRIVATE LAND IN THE ADIRONDACK PARK

LA	AND USES AND DEVELOPMENTS	WILD	SCENIC	RECR	COMM
1.	Public safety or regulatory signs by any authorized state or local government agency or public utility where otherwise allowed by law.	X	NPN	NPN	NPN
2.	Posting signs pursuant to Sections 11-2109 and 11-2111 of the Environmental Conservation Law that:				
a)	do not exceed 3 sq. ft. in size or 10 feet in height;	X	NPN	NPN	NPN
b)	exceed 3 sq. ft. in size or 10 feet in height.	X	P	P	P
3.	Informational and directional signs as are necessary to the continuance of any existing use that:				
a)	do not exceed 1 sq. ft. in size or 10 feet in height;	X	NPN	NPN	NPN
b)	exceed 1 sq. ft. in size or 10 feet in height.	X	P	P	P
4.	All other signs which are located more than 500 ft. from the river bank, do not contain nor are lighted by any flashing or intermittent lights, and:				
a)	are no larger than 3 sq. ft. in size and are located only upon the property with which the subject of the sign is associated.	X	P	P	P
b)	are no larger than 10 sq. ft. in size	X	X	P	P
H.	PUBLIC UTILITY USES				
== LA	ND USES AND DEVELOPMENTS	WILD	SCENIC	RECR	COMM
1.	Public utility uses which are subject to review pursuan to Articles VII, VIII, and X of the Public Service Law.		NPN	NPN	NPN
2.	Public utility uses which do not constitute major public utility uses, do not cross the designated river and are proposed to be located more than 500 feet from the river bank.	cX	NPN	NPN	NPN
3.	Public utility uses which are not subject to Articles VII, VIII, and X of the Public Service Law which:				
a)	are major public utility uses. [See Notes(iii)-(iv)]	X	P	P	P
b)	are proposed to cross the river, or located within 500	X	P	P	P

feet of the river bank. [see Notes(i)-(iv)]

NOTE:

- (i) River crossings by public utility uses shall be located only where the impacts on the scenic qualities of the river area, as seen from other parts of the river area, are minimized.
- (ii) River crossings by public utility uses shall be limited in number and location, to the extent feasible, to those points along a river where crossings are now made, or in conjunction with bridges, but in no case shall they be more frequent than once every 2 miles, as measured along the course of the river.
- (iii) A river area public utility use shall be so located, designed and constructed as to avoid undue adverse environmental impacts and to minimize visibility from the river and from other parts of the river area.
- (iv) No pole erected for any public utility use, other than those utility uses under the jurisdiction of Article VII or Article VIII of the Public Service Law, shall exceed 40 feet in height.

I. FOREST MANAGEMENT, VEGETATIVE CUTTING AND AGRICULTURE LAND USES AND DEVELOPMENTS WILD **SCENIC RECR COMM** 1. Forest management practices, excluding forest management roads, and other vegetative cutting: P P P a) located less than 100 feet from X the river bank. (see Notes below) **NPN** b) located 100 feet or more from the river bank. (see **NPN NPN NPN** Notes below) 2. Clearcutting **NPN NPN NPN NPN** a) areas less than 25 acres. b) areas 25 acres or more, aggregating areas of 8 acres or P P P P more which are separated by less than 300 feet at any point by an intervening area with an average basal area of at least 60 sq. ft. per acre of trees one inch or more in diameter at breast height. (see Notes below) 3. Harvesting, cutting, culling, removal, thinning or other disturbance of vegetation, not associated with development: X P P P a) located less than 100 feet from the river bank. [See Notes below] b) located 100 feet or more from the riverbank. X **NPN NPN NPN** 4. Agricultural uses

a)	less than 100 feet from the river bank. [See Note (xvi)]	X	NR	NR	NR
b)	100 feet or more from the river bank.	X	NPN	NPN	NPN

- (i) Trees must be felled, where possible, so tops land away from streams.
- (ii) Logging debris must be removed from streams immediately.
- (iii) Tributary crossings may be no closer than 300 feet apart and must be at right angles to the stream channel.
- (iv) Tributary crossings are prohibited where stream bank slopes exceed 10 percent or the stream bottom is not composed substantially of rock.
- (v) Skidding or winching of logs or trees in or along the axis of tributary channels or across wild rivers is prohibited.
- (vi) Log landings must be located on well drained sites 200 feet or more from the river bank and on slopes of less than 10 percent.
- (vii) Road grades may exceed 30 percent for no more than 150 feet.
- (viii) Clearcuttings must leave a 50 foot uncut strip along streams, ponds and wetlands and must be conducted under a harvesting plan approved by the Department.
- (ix) All roads, including skidways, must be regraded after logging is completed.
- (x) Diversion devices must be installed during construction of roads on slopes exceeding 10 percent in such a way that water is diverted from the road and is not discharged directly into the designated river or its tributaries.
- (xi) Any debris resulting from forest management must, if such debris consists of hardwoods, be lopped so that no such debris is piled higher than 4 feet above ground level or, if such debris consists of conifers, lopped so that all limbs are removed up to a point where the tree trunk has a diameter not exceeding 3 inches.
- (xii) Forest management roads must be located so as to minimize their visibility from the river.
- (xiii) Logging equipment must not be stored within the banks of the river or abandoned within the river
- (xiv) No forest management roads will be allowed inside or within 150 feet of the river bank, except those forest management roads necessary for crossing the designated river and developed pursuant to a rivers system permit.
- (xv) The harvesting, cutting, culling, removal or thinning of vegetation inside or within 100 feet of the bank of the river, that is allowed with a rivers system permit, must be undertaken in a manner that preserves the stability of the river bank and minimizes erosion and direct runoff to the river. Such cutting must be performed in recreational river areas for the purpose of creating a view provided that it occurs only in association with a residential structure and that screening of the structure is maintained as viewed from the river.
- (xvi) New agricultural uses within 100 feet of the river bank must be done in accordance with the best management practices (BMP's) contained in the certified county Soil and Water Conservation District conservation plan for the farm. A letter of notification and a copy of the certified farm plan must be submitted to the regional DEC permit administrator prior to commencement of any clearing or removal activities. Failure to comply with the applicable BMP's will be considered a violation of this Part.

J. RECREATIONAL USES AND DEVELOPMENTS

APPENDIX Q:

PART 666 - REGULATION FOR ADMINISTRATION AND MANAGEMENT OF THE WILD, SCENIC AND RECREATIONAL RIVERS SYSTEM IN NEW YORK STATE EXCEPTING PRIVATE LAND IN THE ADIRONDACK PARK

LA	AND USES AND DEVELOPMENTS	WILD	SCENIC	RECR	COMM
1.	Boat launching sites, water access parking areas. [See Note(i)]	X	P	P	P
2.	Transient lodging facilities including campgrounds. [See Note(ii)]	X	X	P	P
3.	Wildlife preserves and private parks. [See Note(ii)]	X	NPN	NPN	NPN
4.	Non-motorized open space recreation uses.	NPN	NPN	NPN	NPN
5.	Public parks and beaches.[See Note(ii)]	X	X	P	P
6.	Golf courses which are operated in full compliance with the provisions of an approved vegetative and integrated pest management (IPM) control plan that includes protection for water quality, wildlife habitate and wildlife travel corridors. [See Note(ii)]	X	X	P	P
7.	Accessory uses for any authorized land use or development.	X	NPN	NPN	NPN

NOTE:

acres.

- (i) Any new boat launching site or water access area will be designated and developed so as to minimize its intrusion, if any, into the river and will not impede its natural flow or, if applicable, its navigability.
- (ii) In scenic and recreational river areas, new structures other than fences, leantos, docks, bridges, water access parking areas, boat launching sites, and agricultural-use structures shall not be constructed on slopes of 15 percent or greater and shall be constructed beyond either:
- (a) the limit of the 100-year floodplain; or

10% or less lot coverage on 3 or more

- (b) (1) in scenic river areas, two hundred and fifty (250) feet from the river bank or any tributary;
- (2) in recreational river areas, one hundred and fifty (150) feet from the river bank or any tributary; whichever is greater.

K. MISCELLANEOUS USES AND DEVELOPMENTS LAND USES AND DEVELOPMENTS **WILD SCENIC RECR COMM** 1. Railroad and appurtenant facilities. X X P P 2. Retail or rental facilities directly X X P P associated with river recreation with

APPENDIX O:

PART 666 - REGULATION FOR ADMINISTRATION AND MANAGEMENT OF THE WILD, SCENIC AND RECREATIONAL RIVERS SYSTEM IN NEW YORK STATE EXCEPTING PRIVATE LAND IN THE ADIRONDACK PARK

3.	Other commercial, industrial, or institutional uses. [See Notes(i)- (xi)]	X	X	X	P
4.	Subdividing of land:				
a)	one and two lot subdivisions for residential development.	X	P	P	NPN
b)	all other subdivision of land.	X	P	P	P
5.	Disturbances of the bed or banks of the river including fill, excavation or permanent structures.	X	P	P	P
6.	Disposal of refuse and human waste of any nature in river area except in temporary containers specifically intended fo storage of such refuse until collections from its point of generation.	n aX	X	X	X

NOTE:

- (i) New development must be screened from the view of the river. It must not detract or interfere with the quality of the view, or exceed 34 feet in height unless it is not visible from other points in the river corridor.
- (ii) New lots must be 3 acres or more of which 30% must remain in an undisturbed condition during and after construction.
- (iii) Existing lots that are smaller than 3 acres may be developed for industrial, commercial and institutional uses so long as they are able to conform to the other provisions in these notes.
- (iv) Lot coverage may not exceed 10% of the lot area. Wetland, 100-year floodplain, and open water land is excluded from lot coverage calculations, except open space calculations. Potential future development must be addressed by the applicant at the time of applying for approval of the initial development.
- (v) Developments must be setback a minimum of 100 feet from public roads except where such setback would interfere with the setback from the river or other resources.
- (vi) Development must not occur on slopes of 15% or greater.
- (vii) Natural drainage systems, including perennial and intermittent streams, swales, and drainage ditches in an open, undisturbed condition, along with adjacent vegetated filter strips must be maintained.
- (viii) Priority must be given to providing and maintaining wildlife travel corridors and areas to support important wildlife and botanical values identified in the river corridor designation and final river corridor studies.
- (ix) New activities are limited to those which do not release harmful effluent into the groundwater or substantially and cumulatively alter associated water table or streamflow levels. No discharge willbe permitted at any point from any private or public sewage disposal system, in such a way or of such a nature or temperature, as can harm river corridor values.
- (x) Commercial, industrial and institutional uses may not exceed water usage equivalent to that of the residential development permitted on the lot under this Part (e.g. limited to dry stores or equivalent facilities).
- (xi) New commercial, industrial and institutional uses must be set back 500 feet from the river bank, 100 year flood plain, wetlands and tributaries.

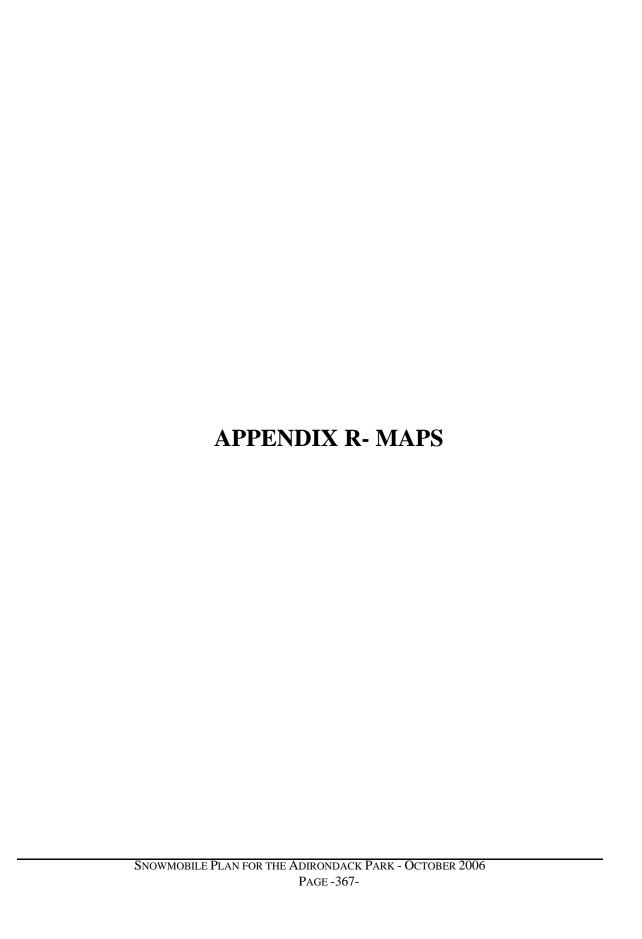
LAND USES AND DEVELOPMENTS	WILD	SCENIC	RECR	COMM
L. OTHER LAND USES AND DEVELOPMENTS NOT SPECIFICALLY LISTED	PI	PI	PI	PI

§ 666.14 Judicial review.

Any person aggrieved by the issuance, denial, suspension, or revocation of a permit may within thirty days from the date of the commissioner's order seek judicial review pursuant to article 78 of the civil practice law and rules in the Supreme Court for the county in which the river area is located.

§ 666.15 Severability.

If any provision of this Part or the application thereof to any person or circumstance is adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or impair the validity of the other provisions of this Part or the application thereof to other persons and circumstances.





APPENDIX R: MAPS

New York State Department of Environmental Conservation Division of Lands & Forests, 5th Floor Bureau of Forest Preserve Management

625 Broadway, Albany, New York 12233-4250 Phone: (518) 473-9518 • FAX: (518) 402-9028

Website: www.dec.state.ny.us

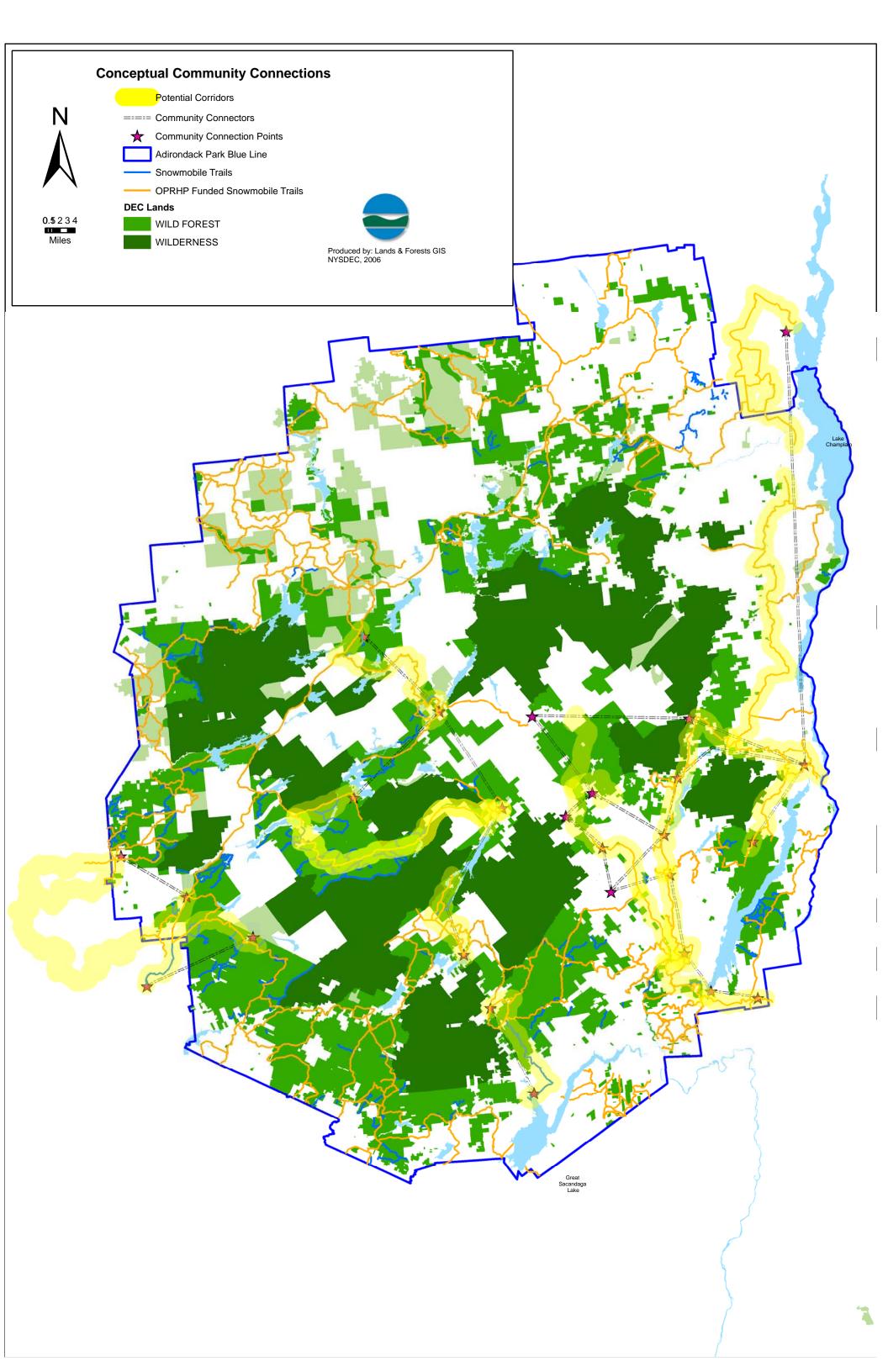


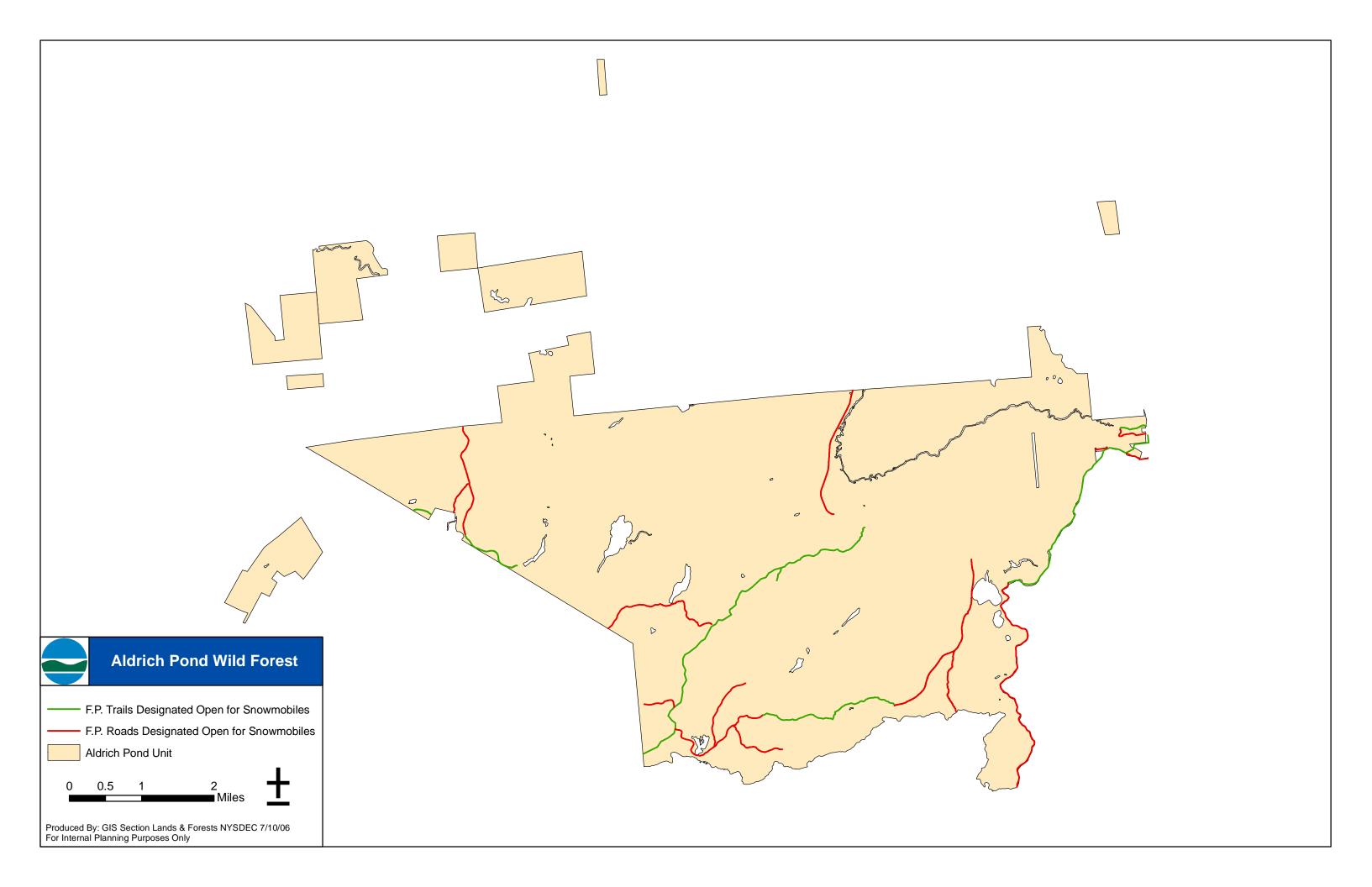
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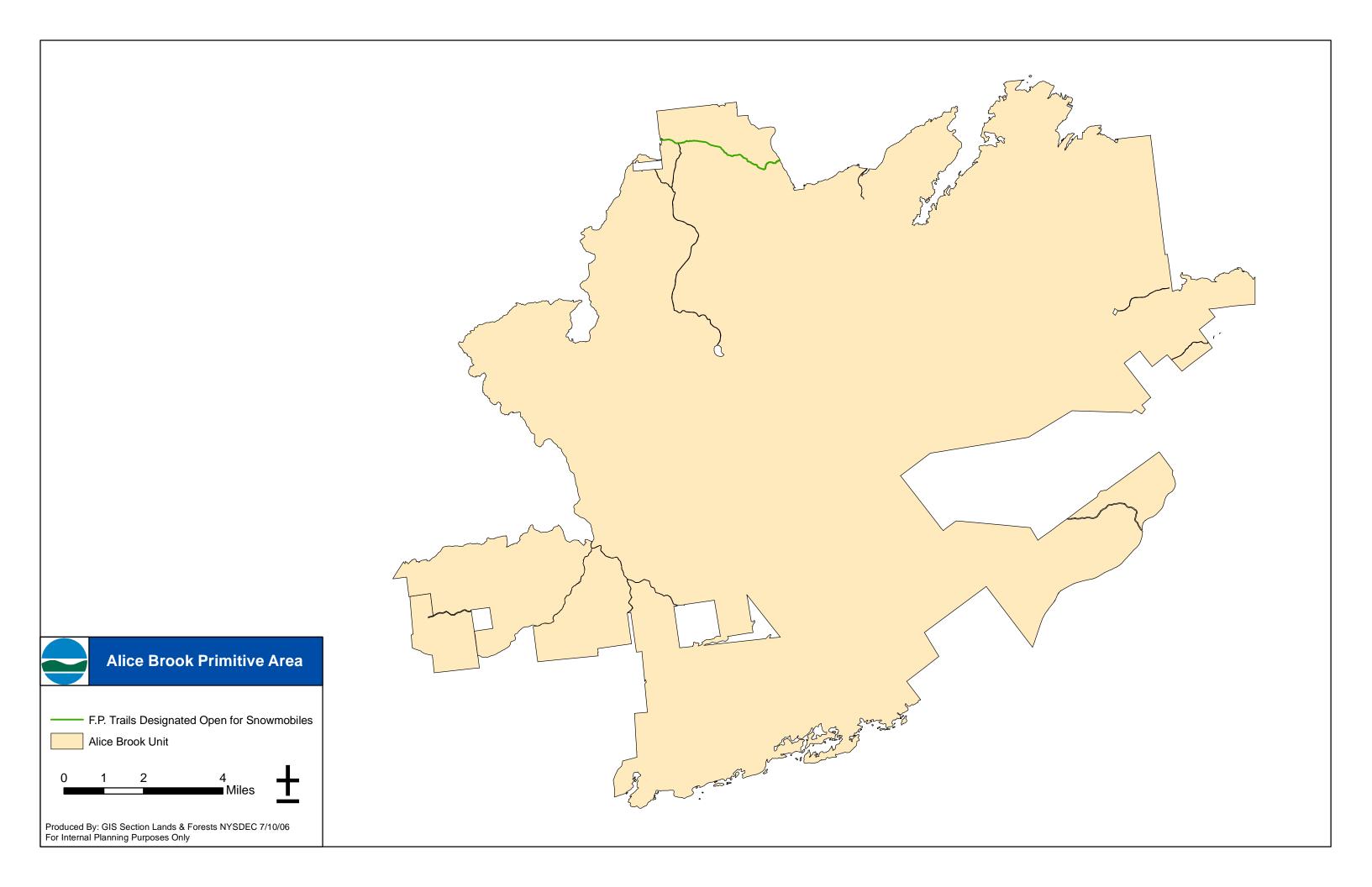
THIS SECTION CONTAINS MAPS PRODUCED FROM THE DEPARTMENT'S DATA ON SNOWMOBILE TRAILS IN THE ADIRONDACK PARK.

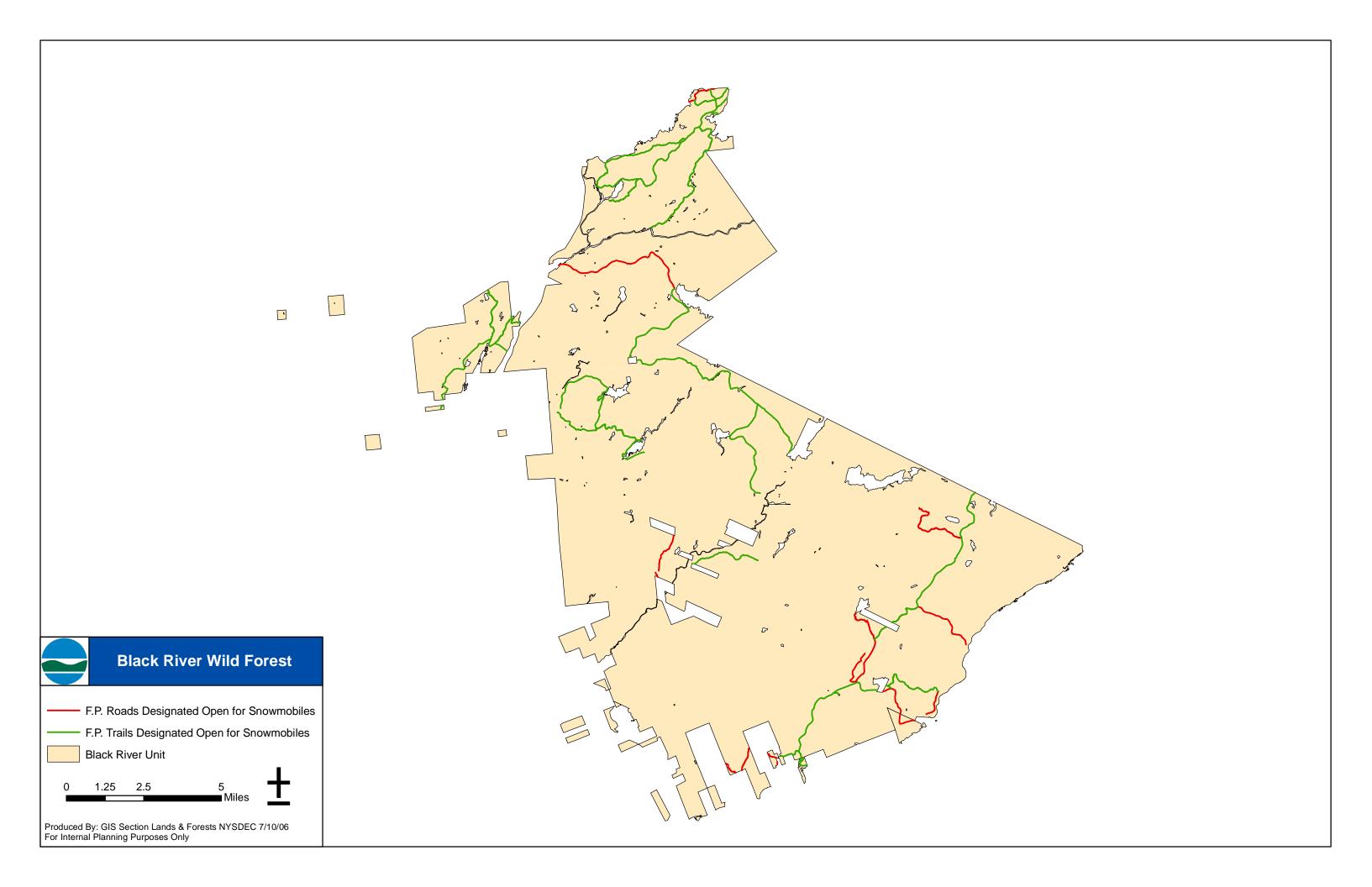
THIS MAP INFORMATION REPRESENTS THE DEPARTMENT'S BEST AVAILABLE INFORMATION TO DATE ON THE MILEAGE OF SNOWMOBILE TRAILS ON FOREST PRESERVE AREAS CLASSIFIED AS WILD FOREST OR PRIMITIVE, AND ON STATE FORESTS CLASSIFIED AS WILD FOREST IN THE ADIRONDACK PARK.















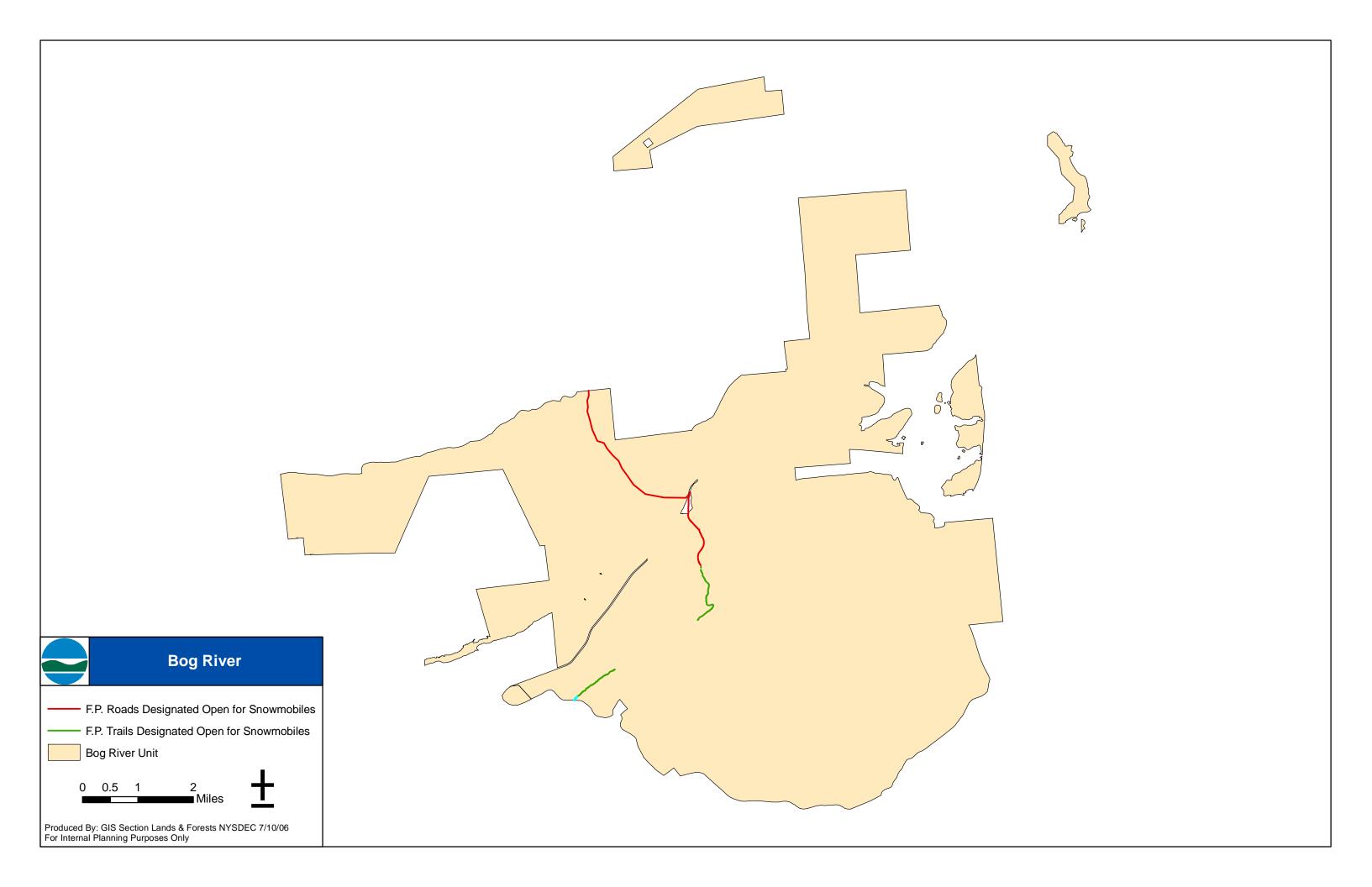
Blue Mountain Wilderness

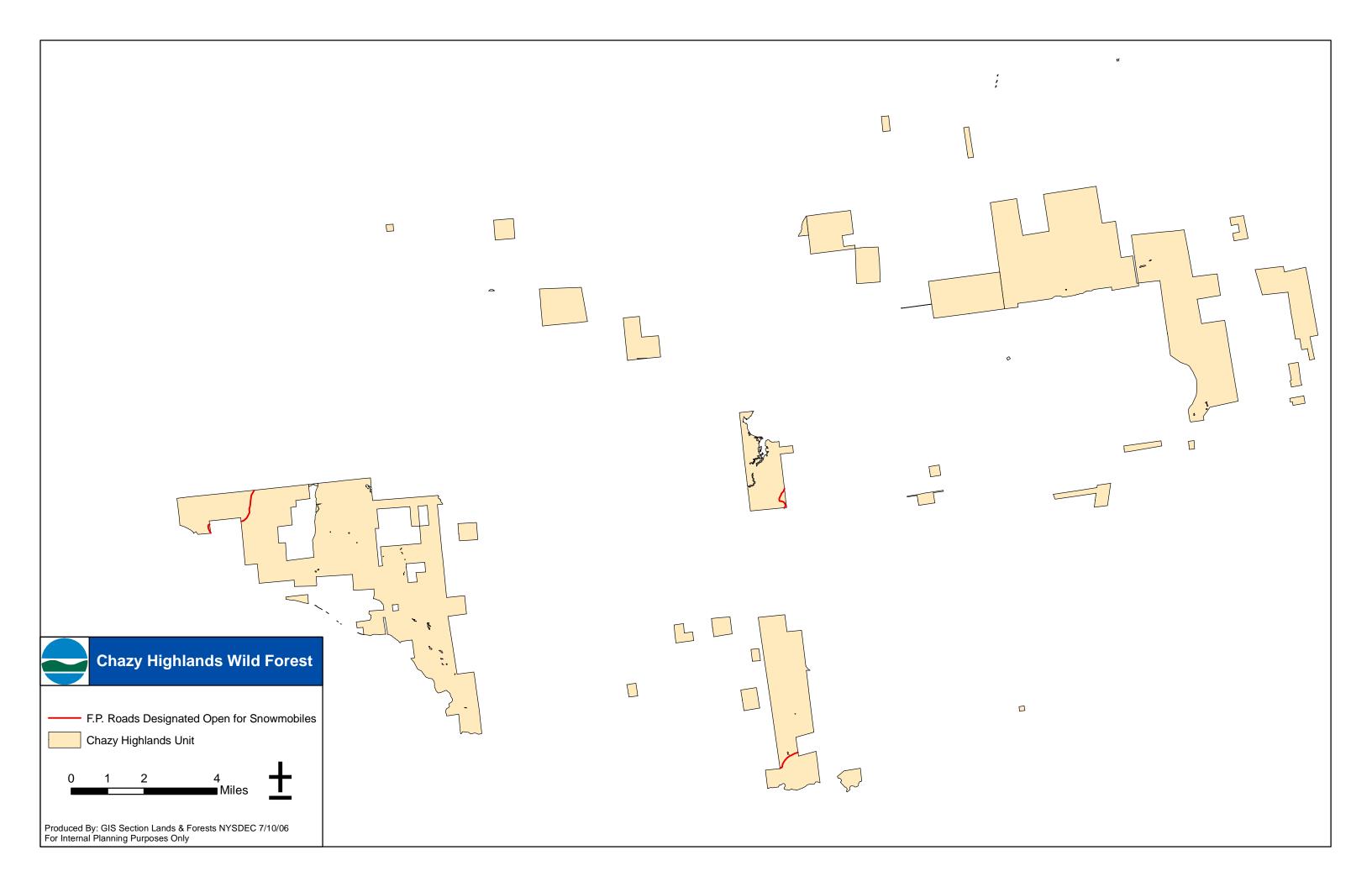
F.P. Trails Designated Open for SnowmobilesBlue Mountain Unit

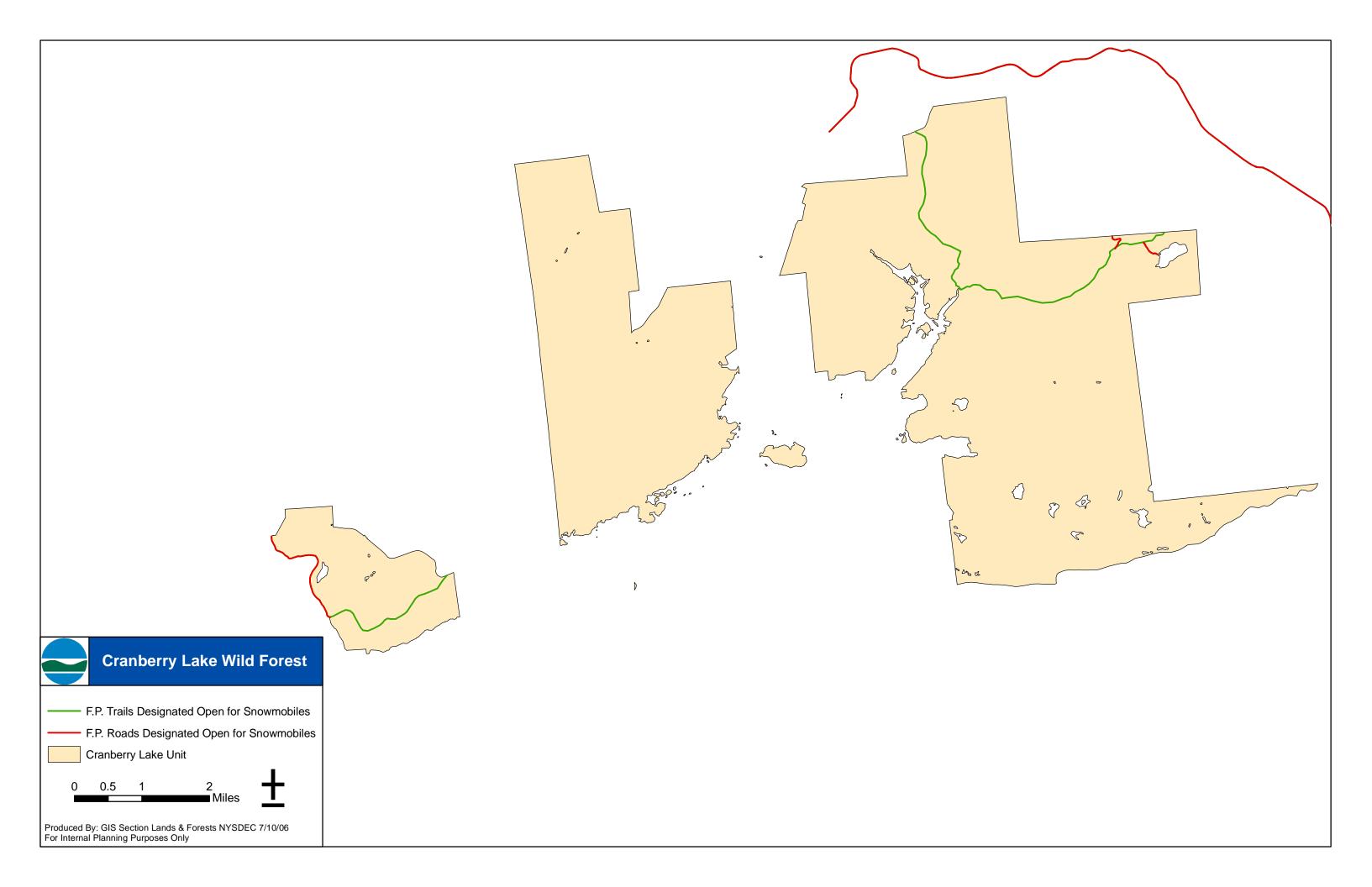
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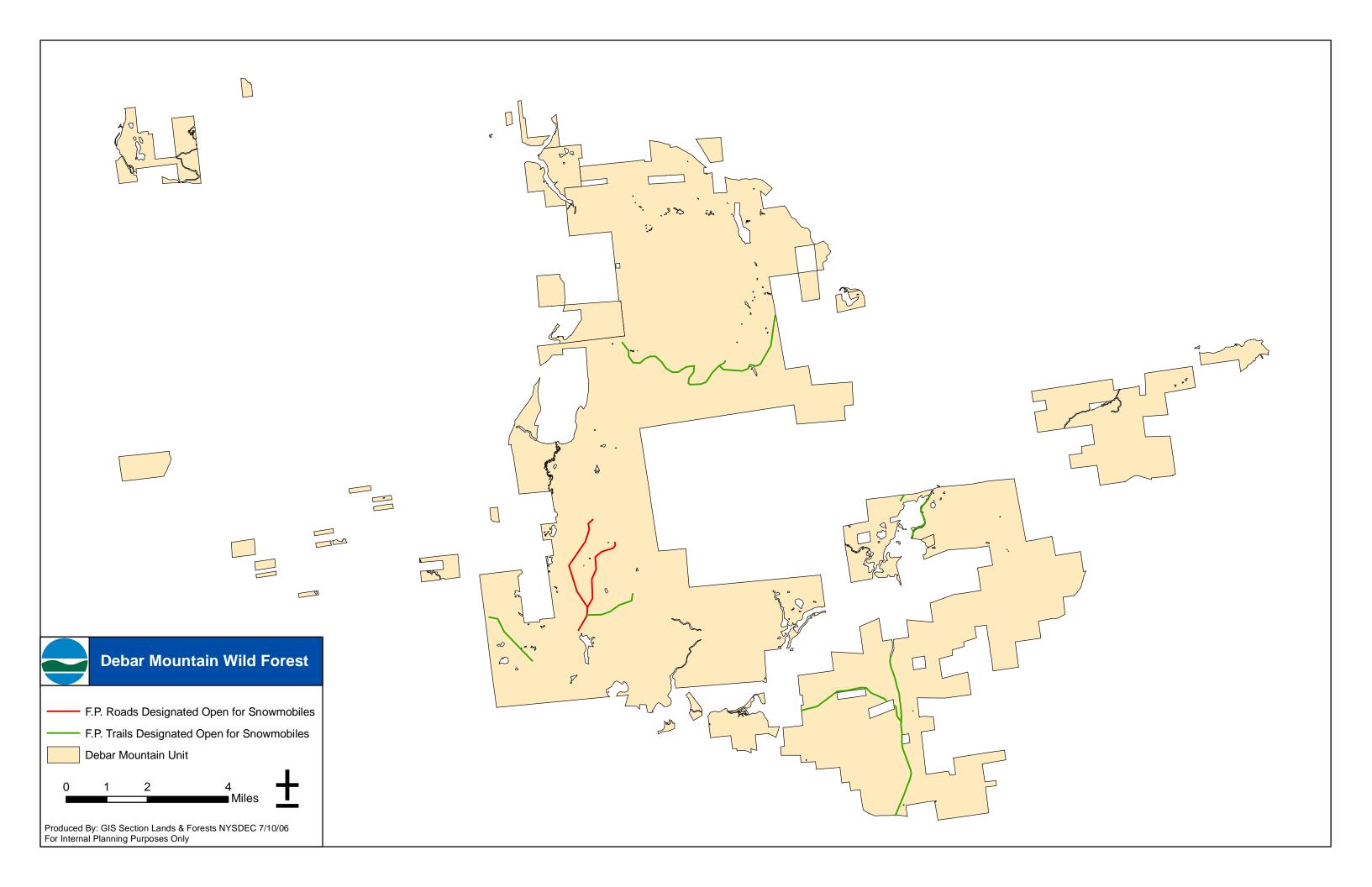


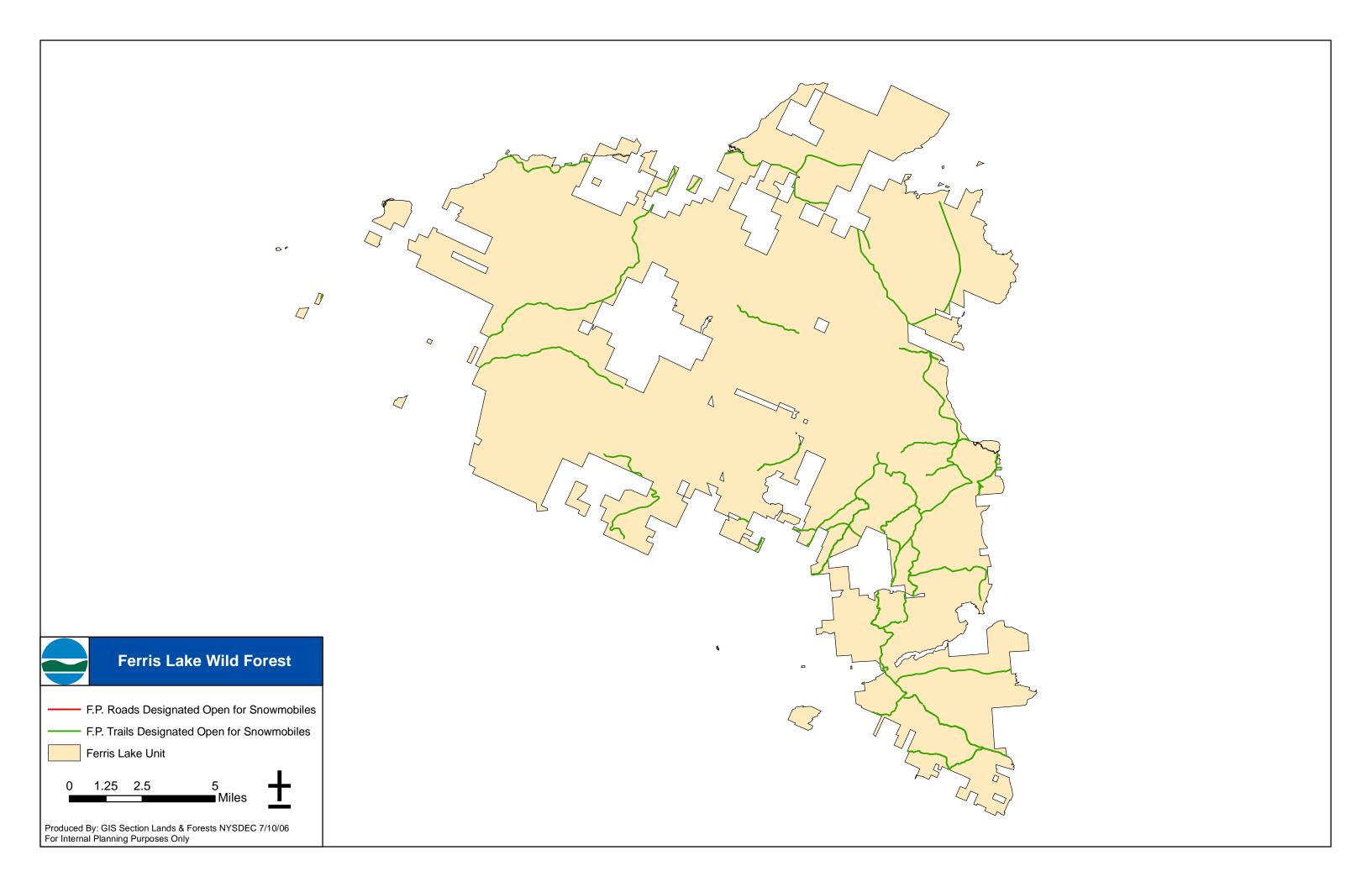
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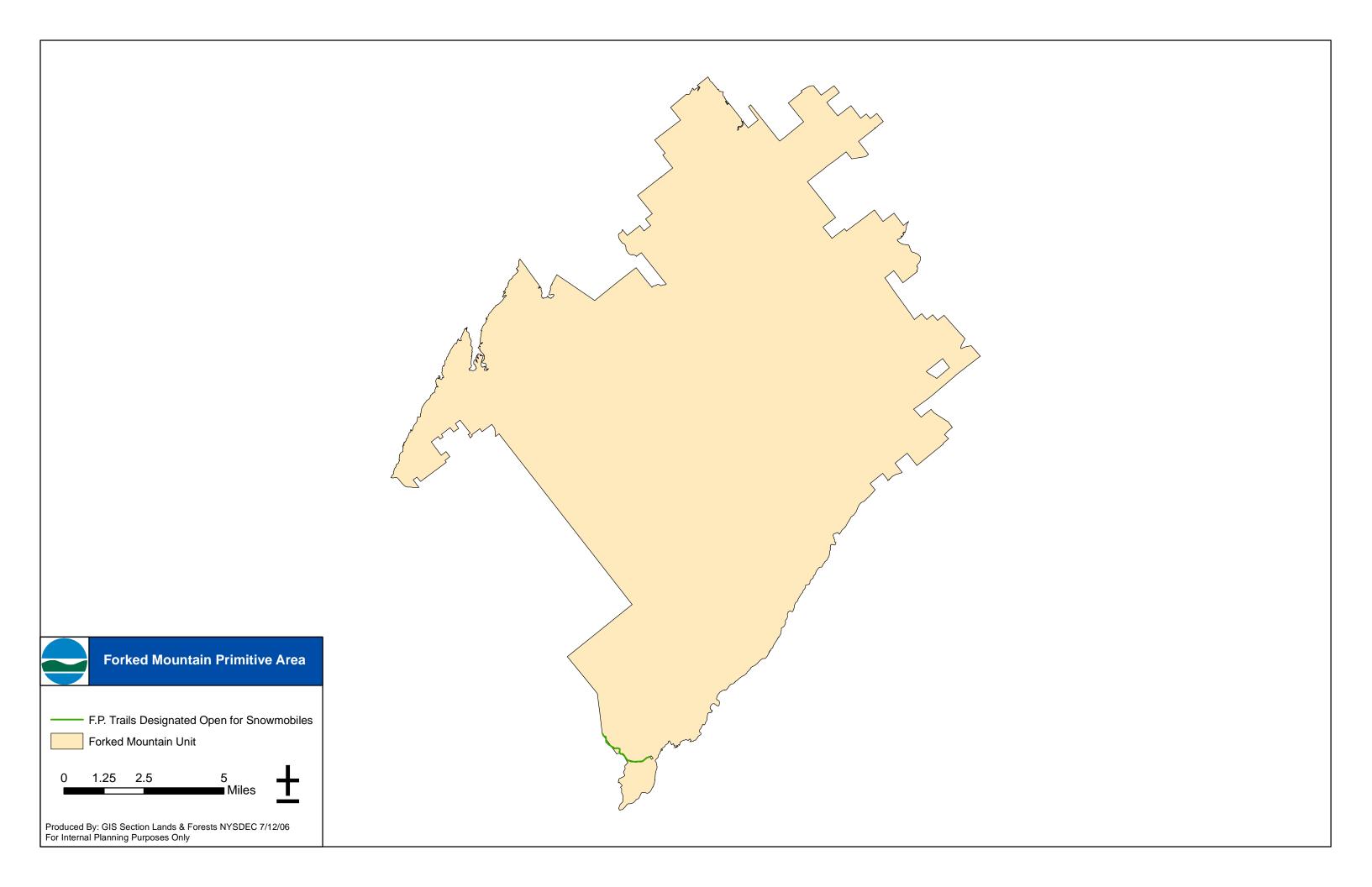


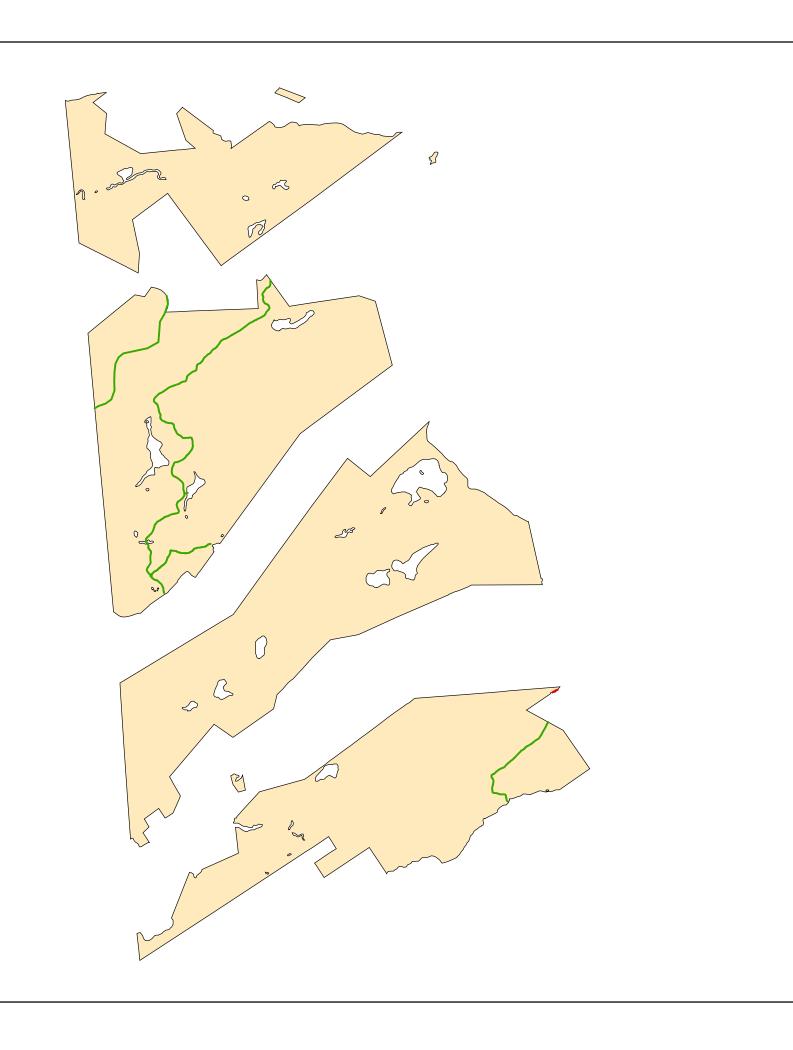


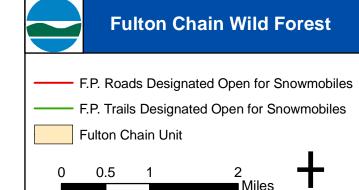




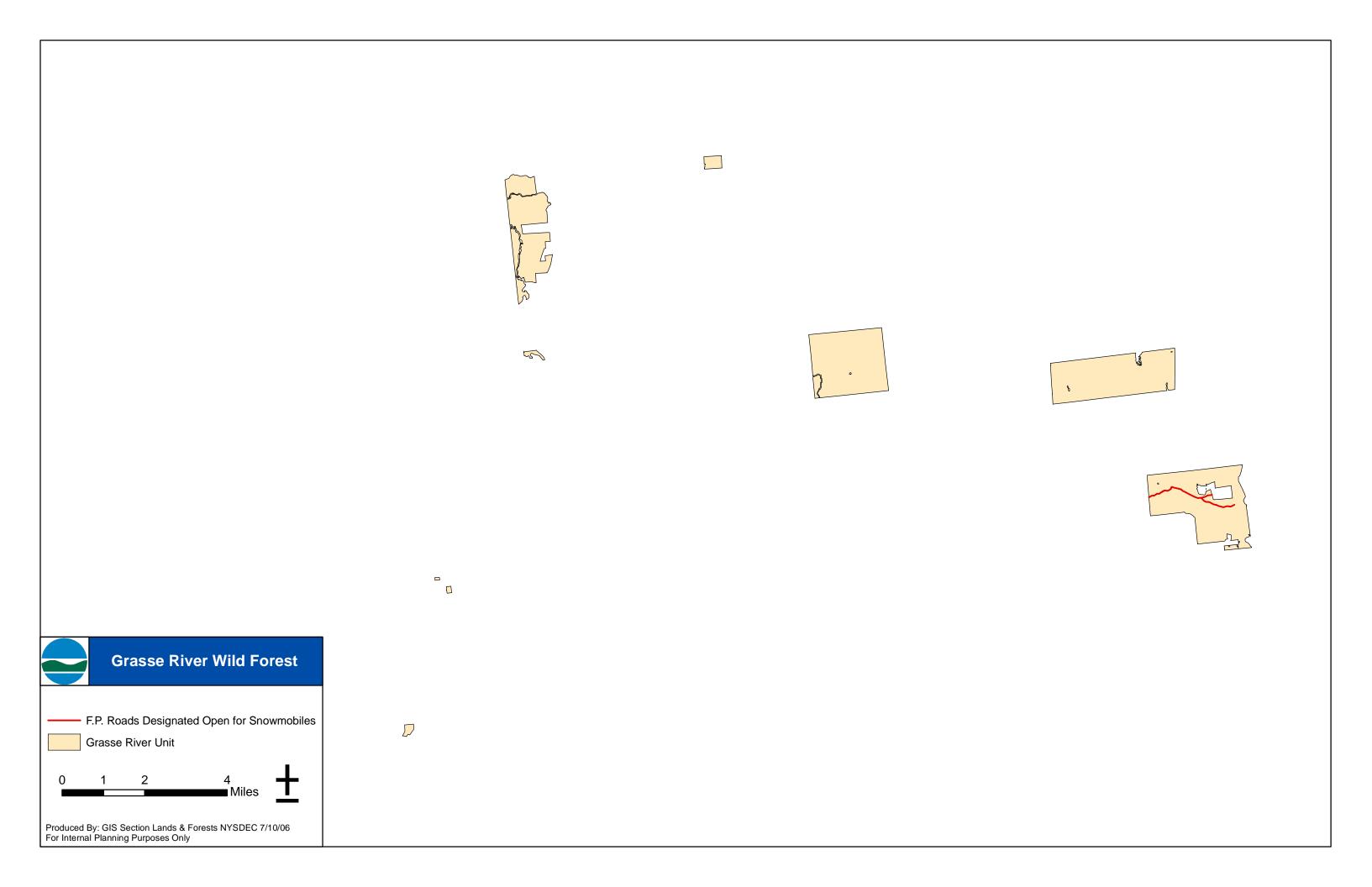


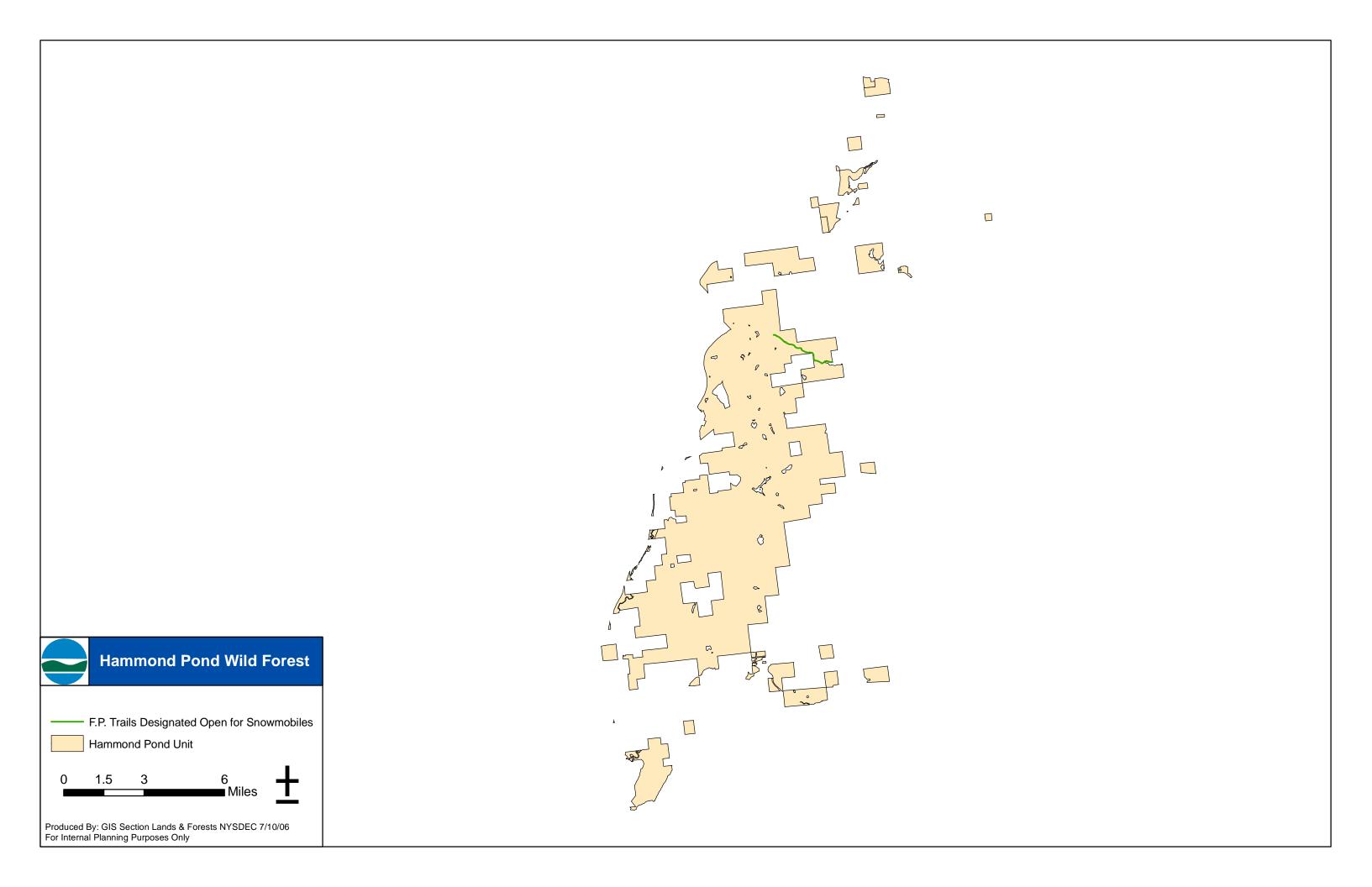


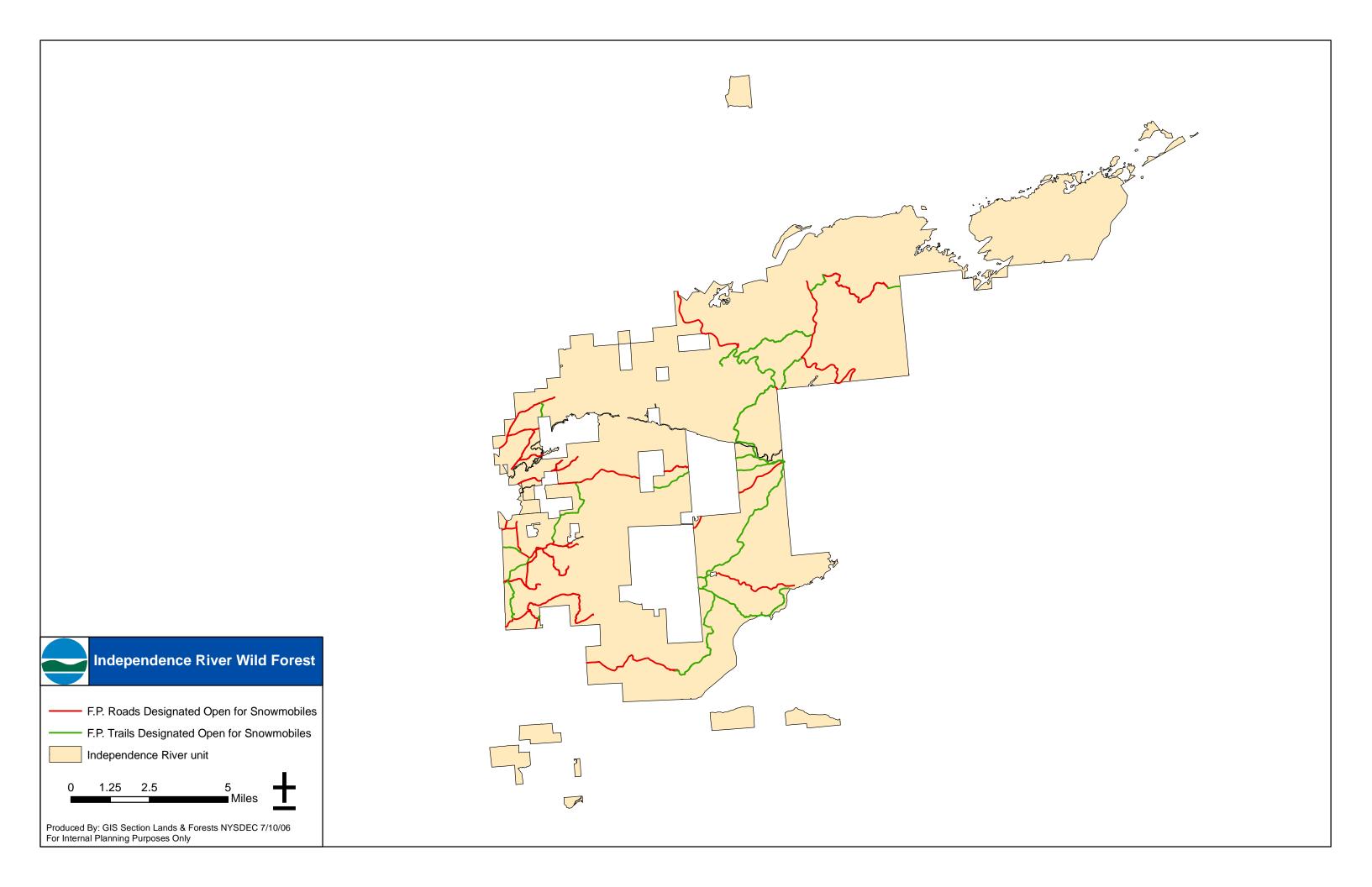


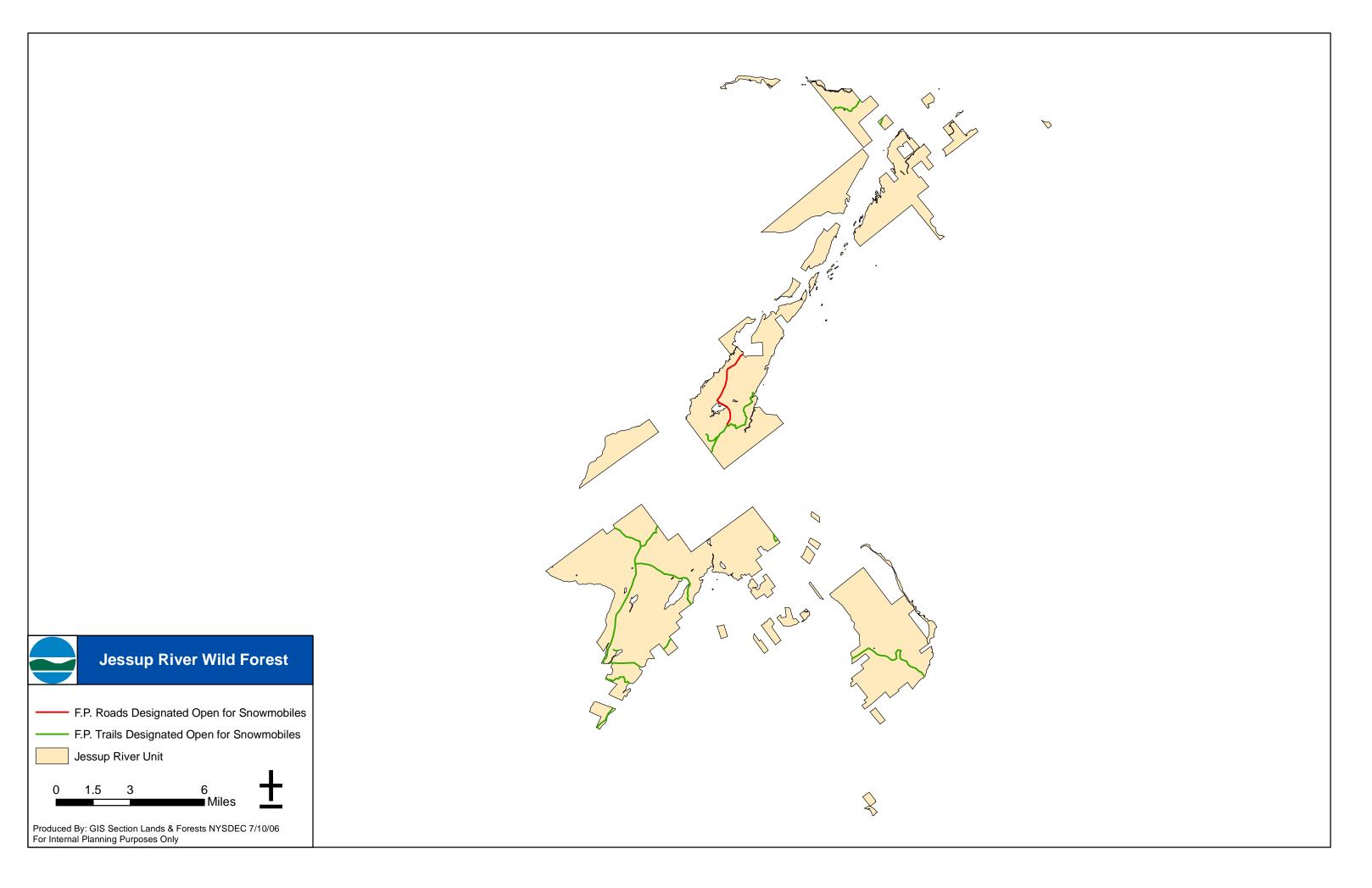


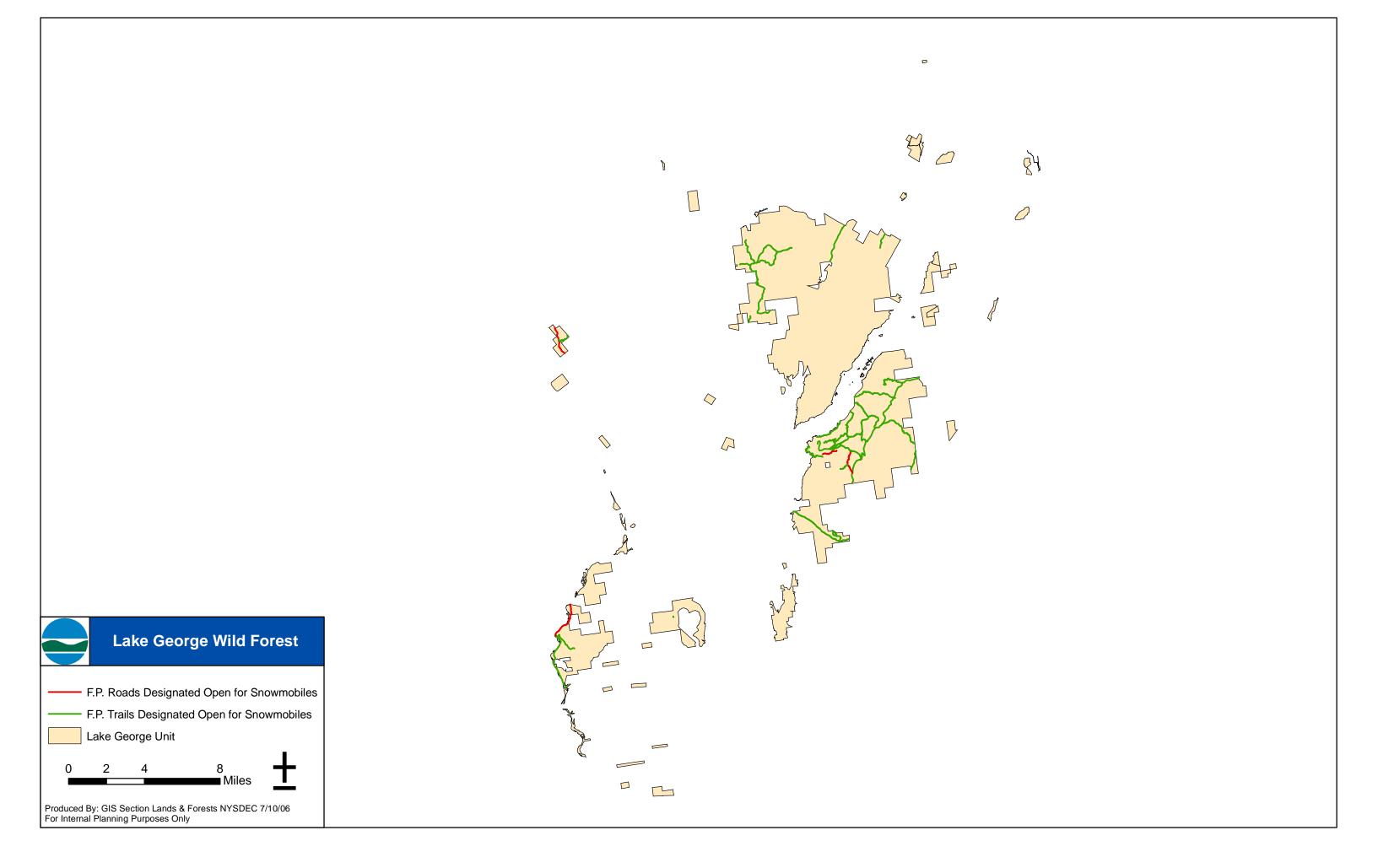
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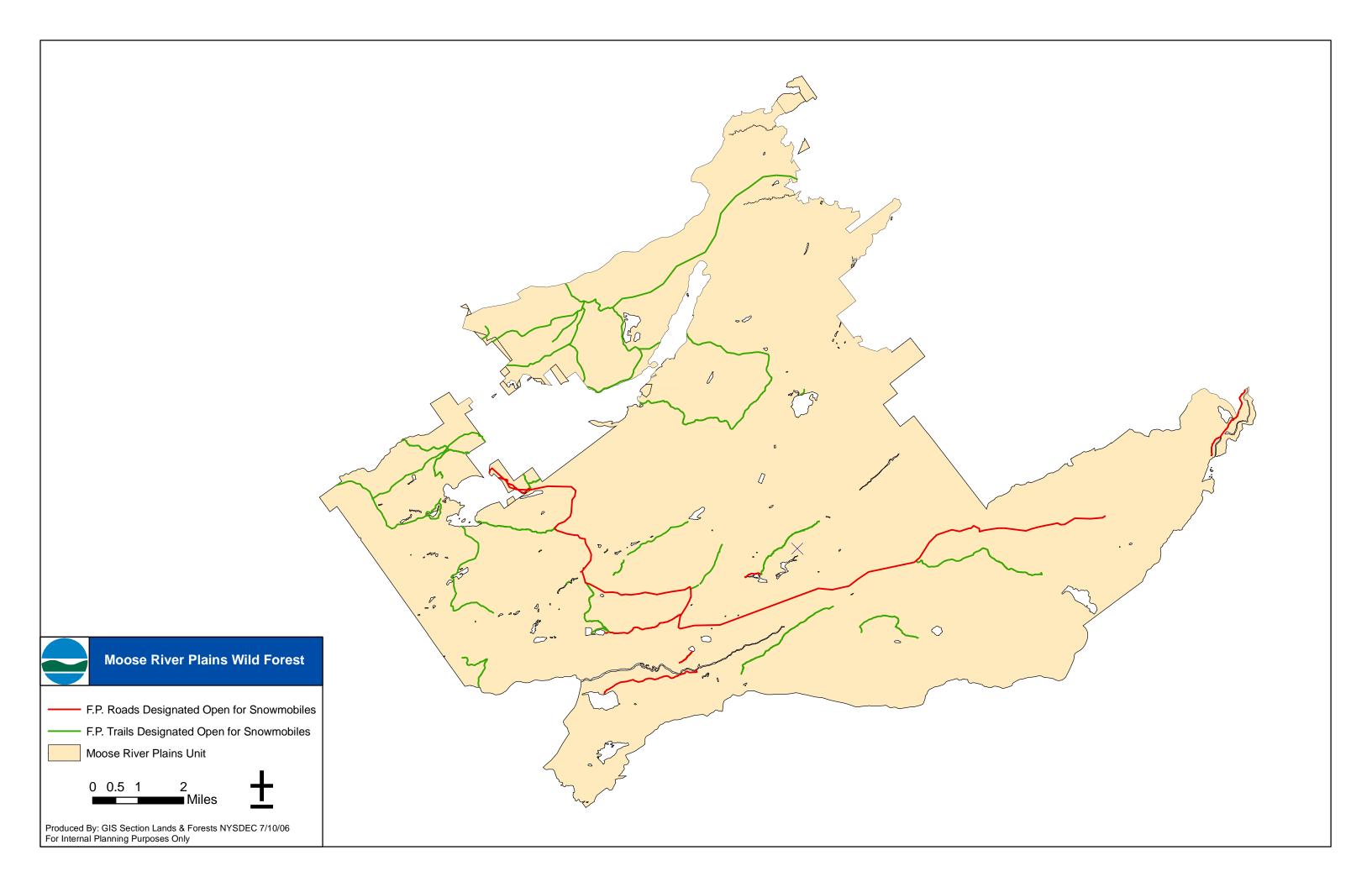


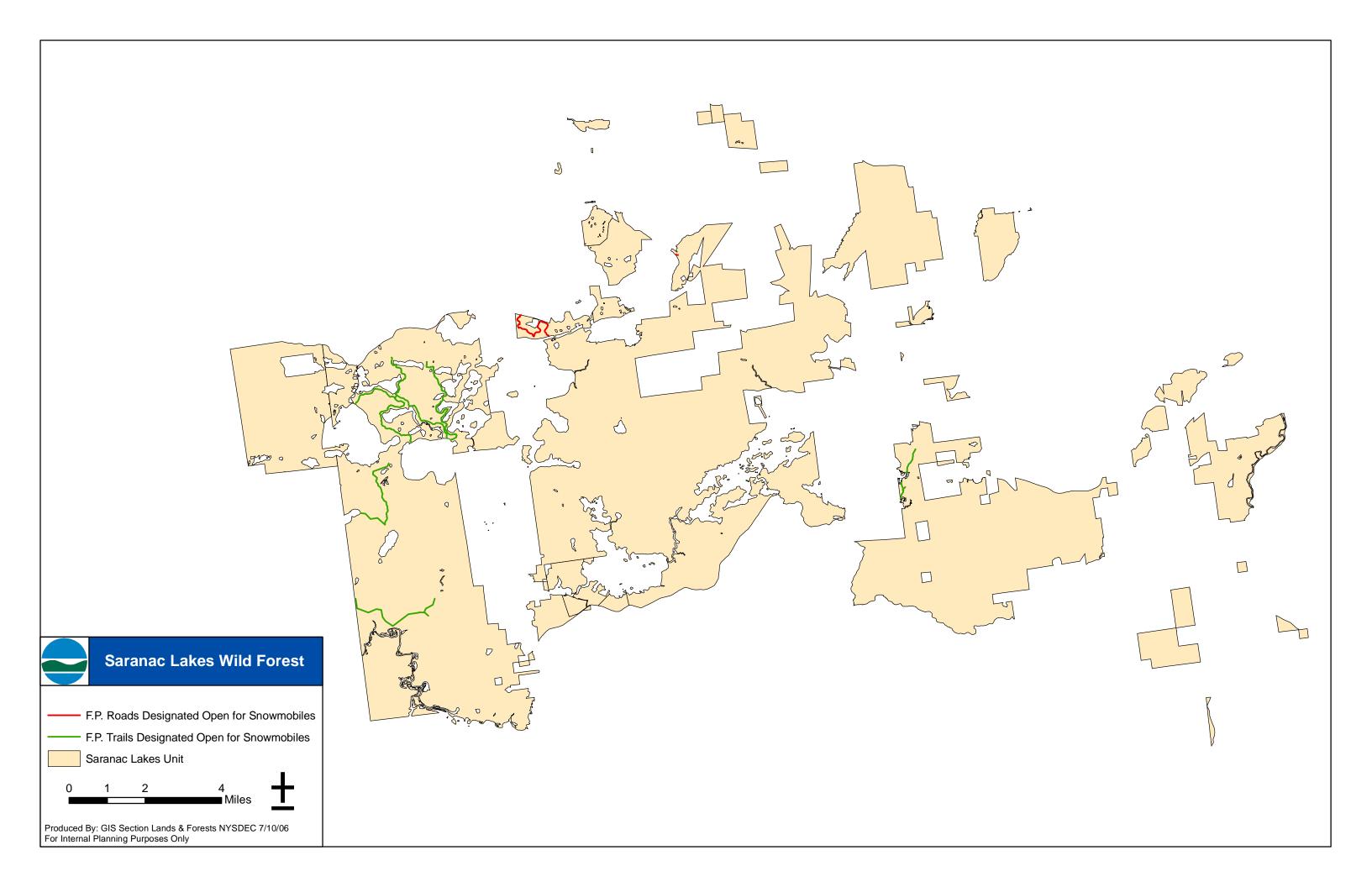


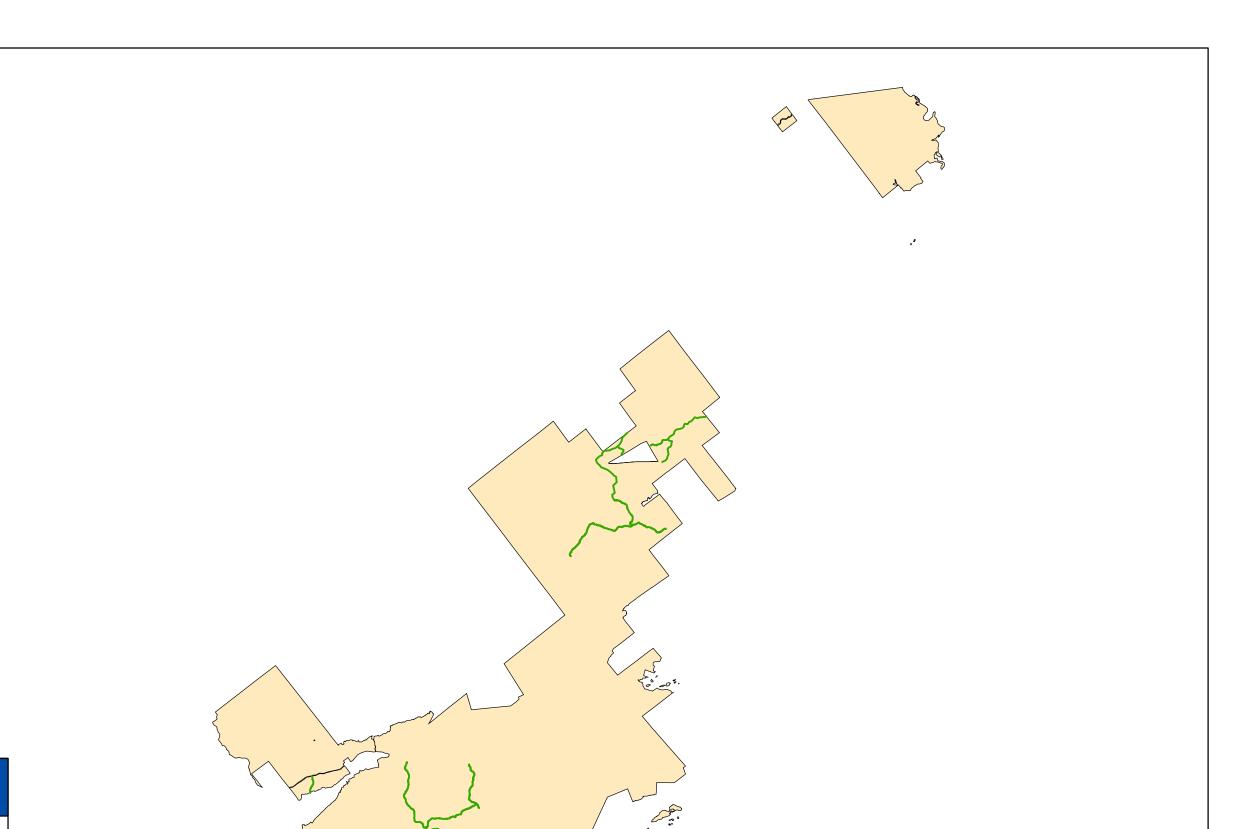


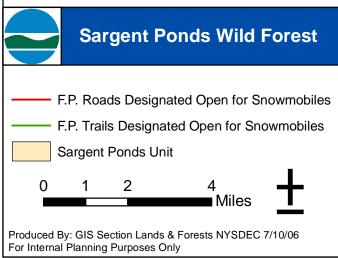


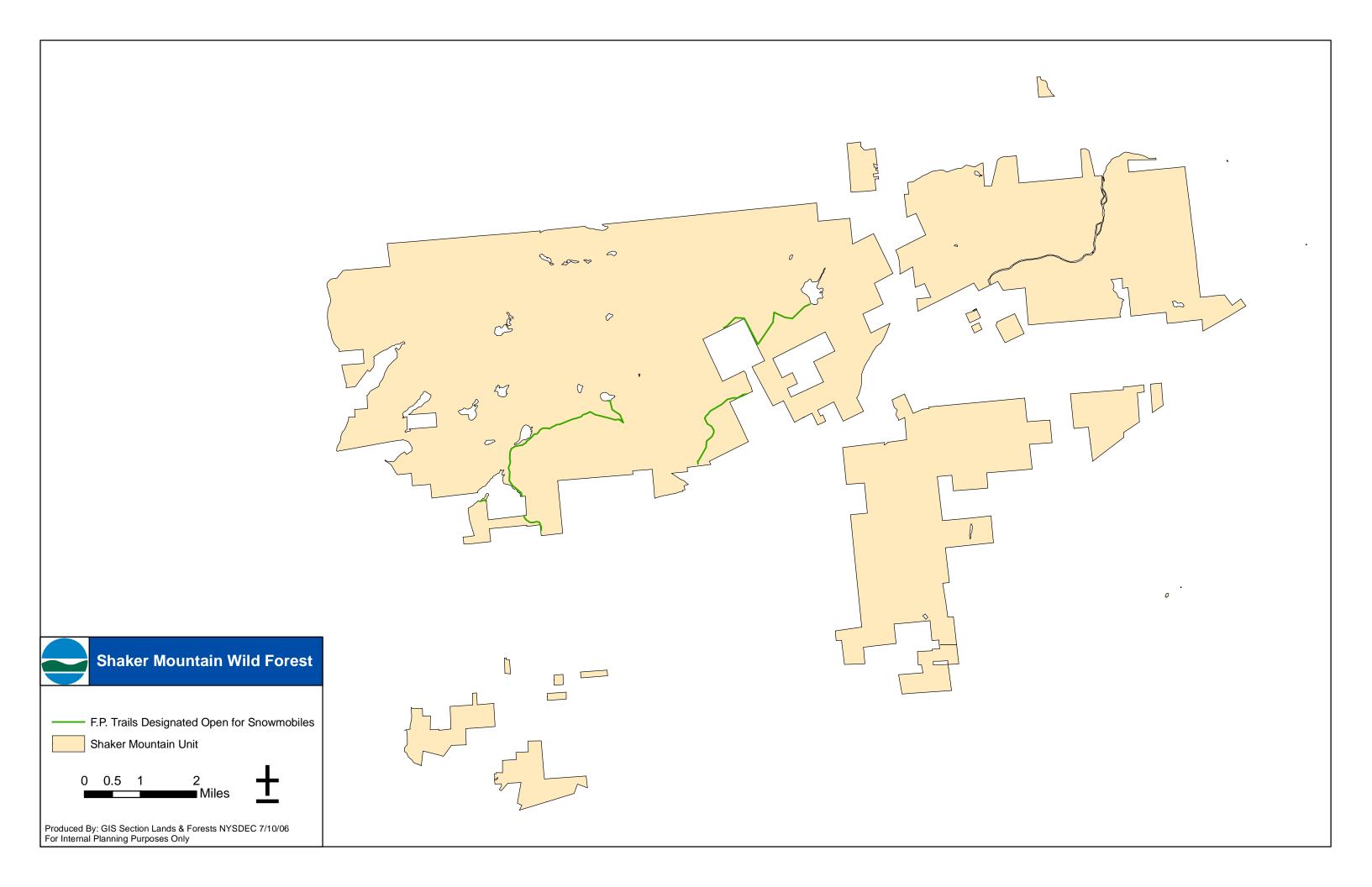


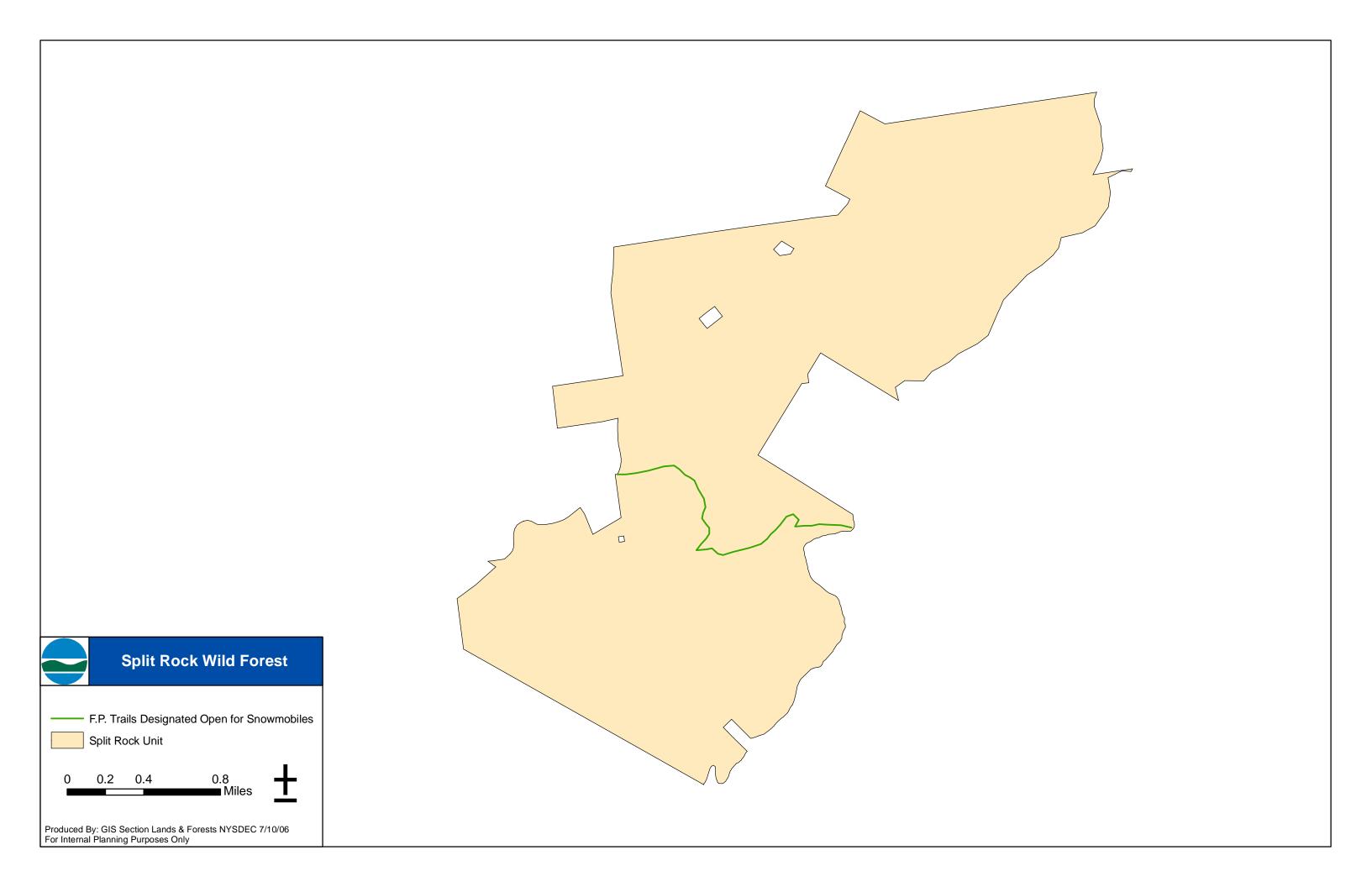


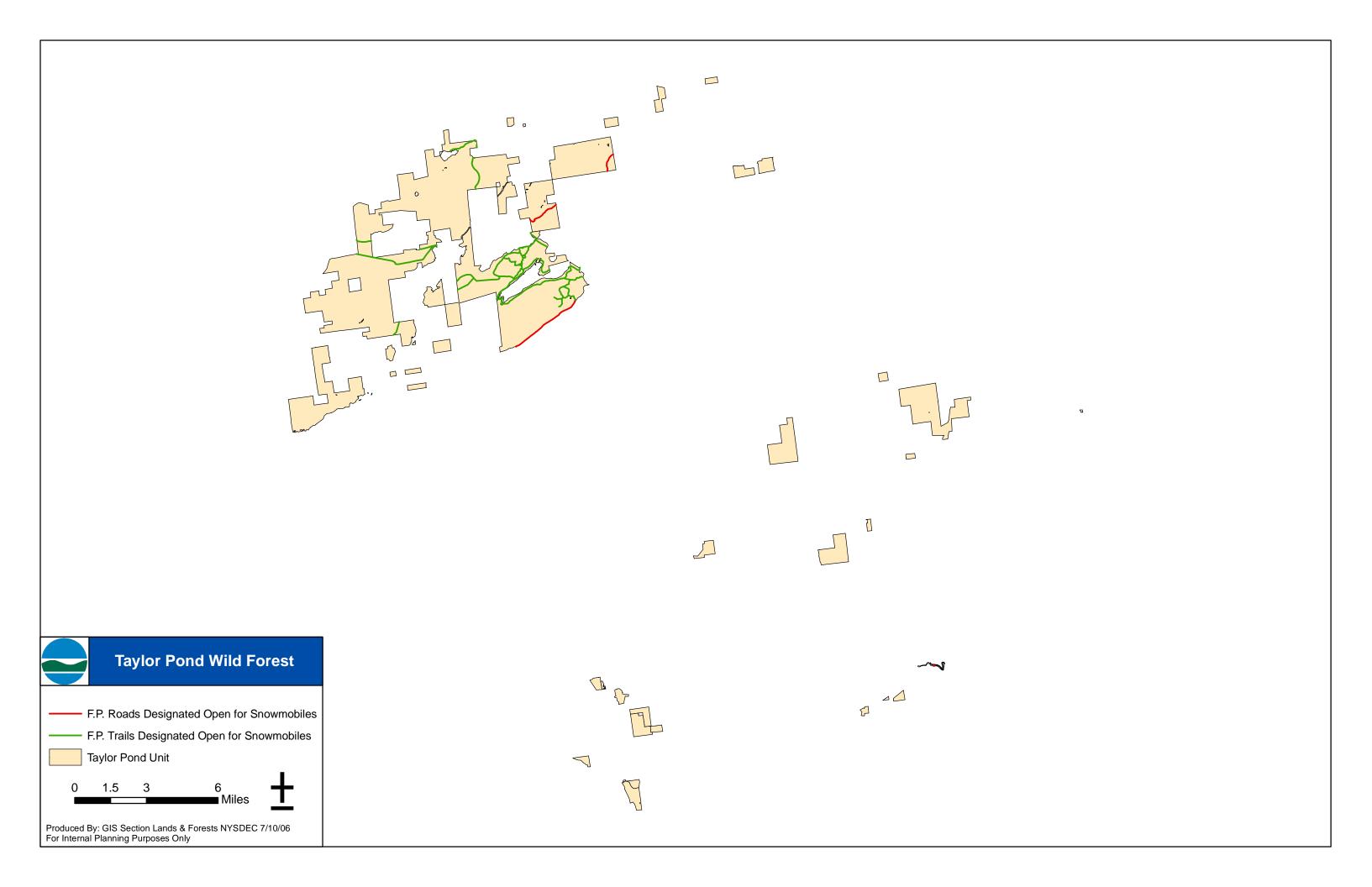


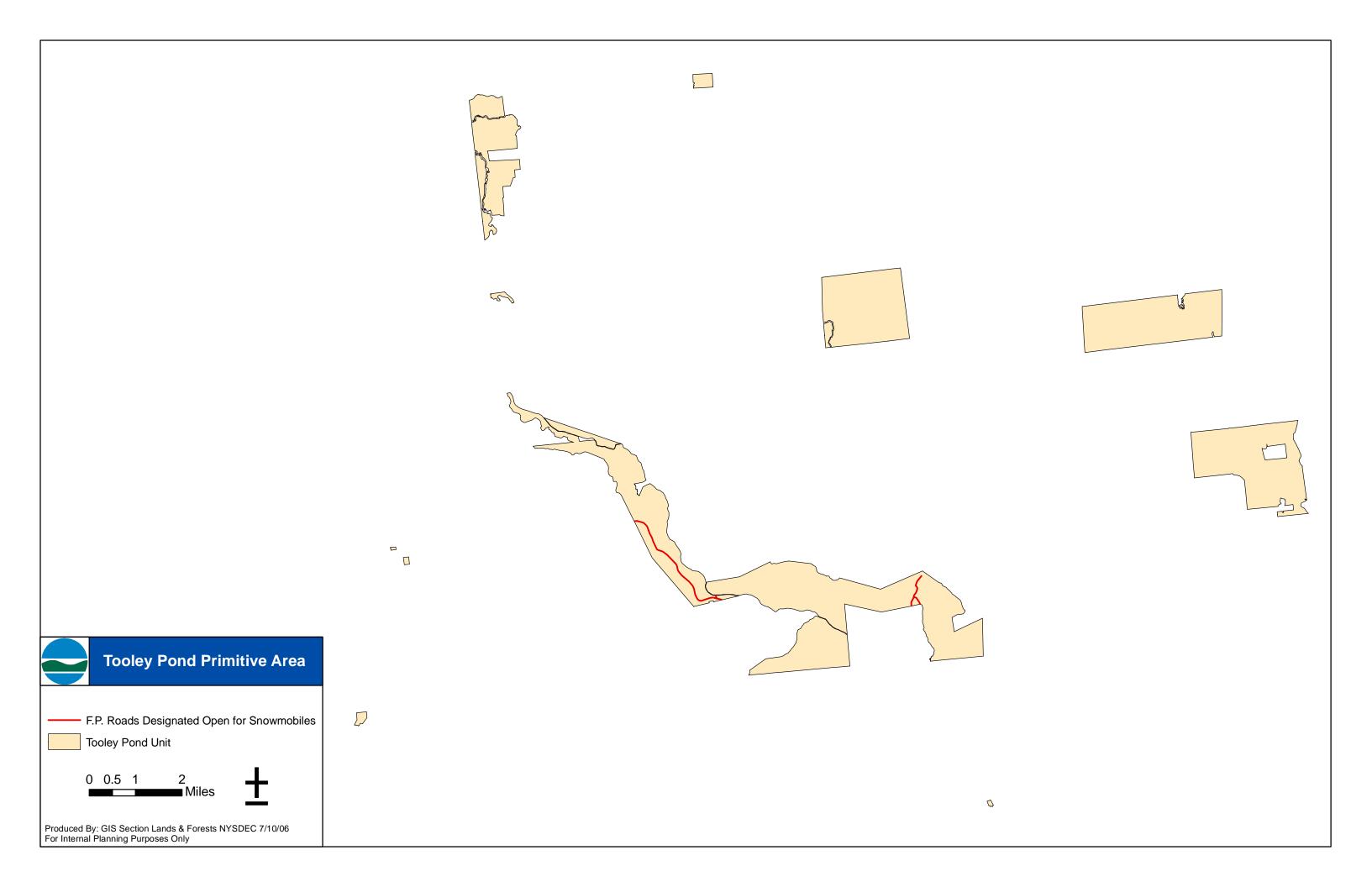


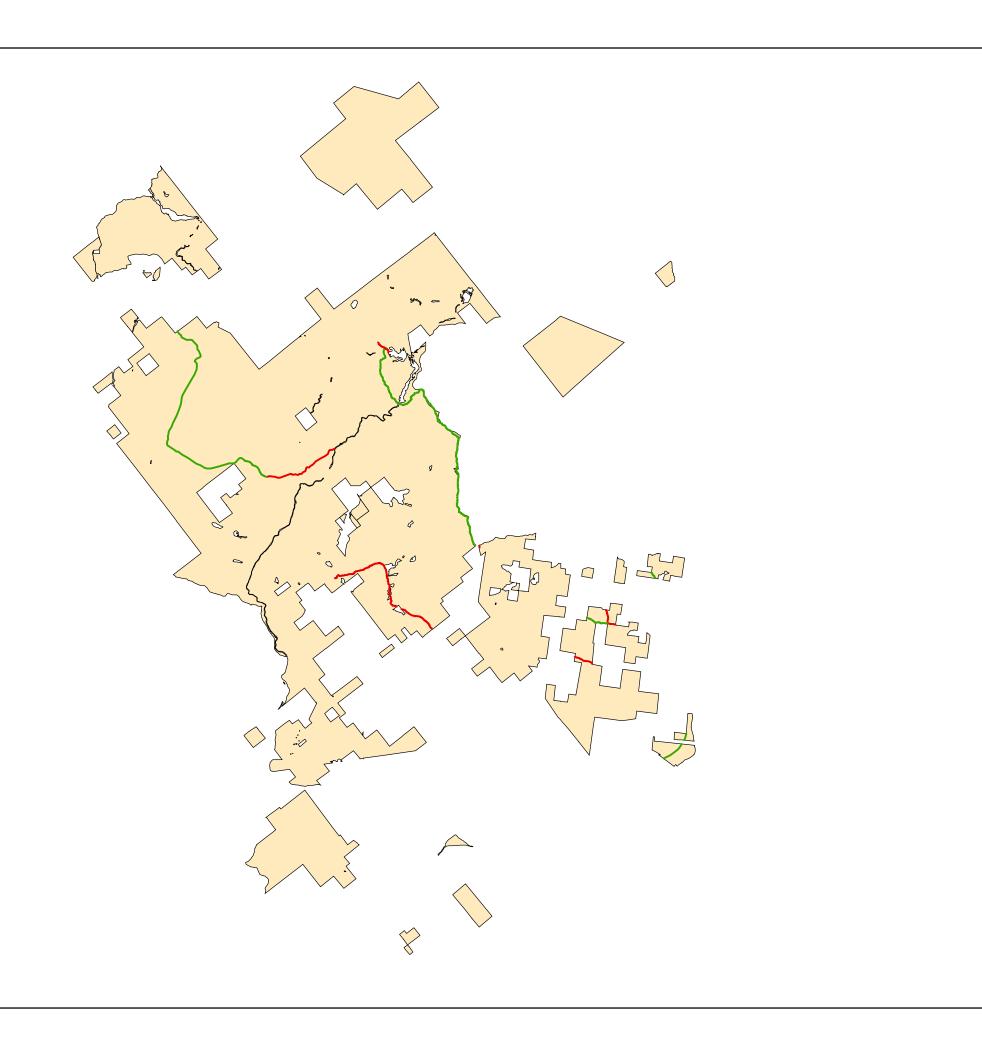












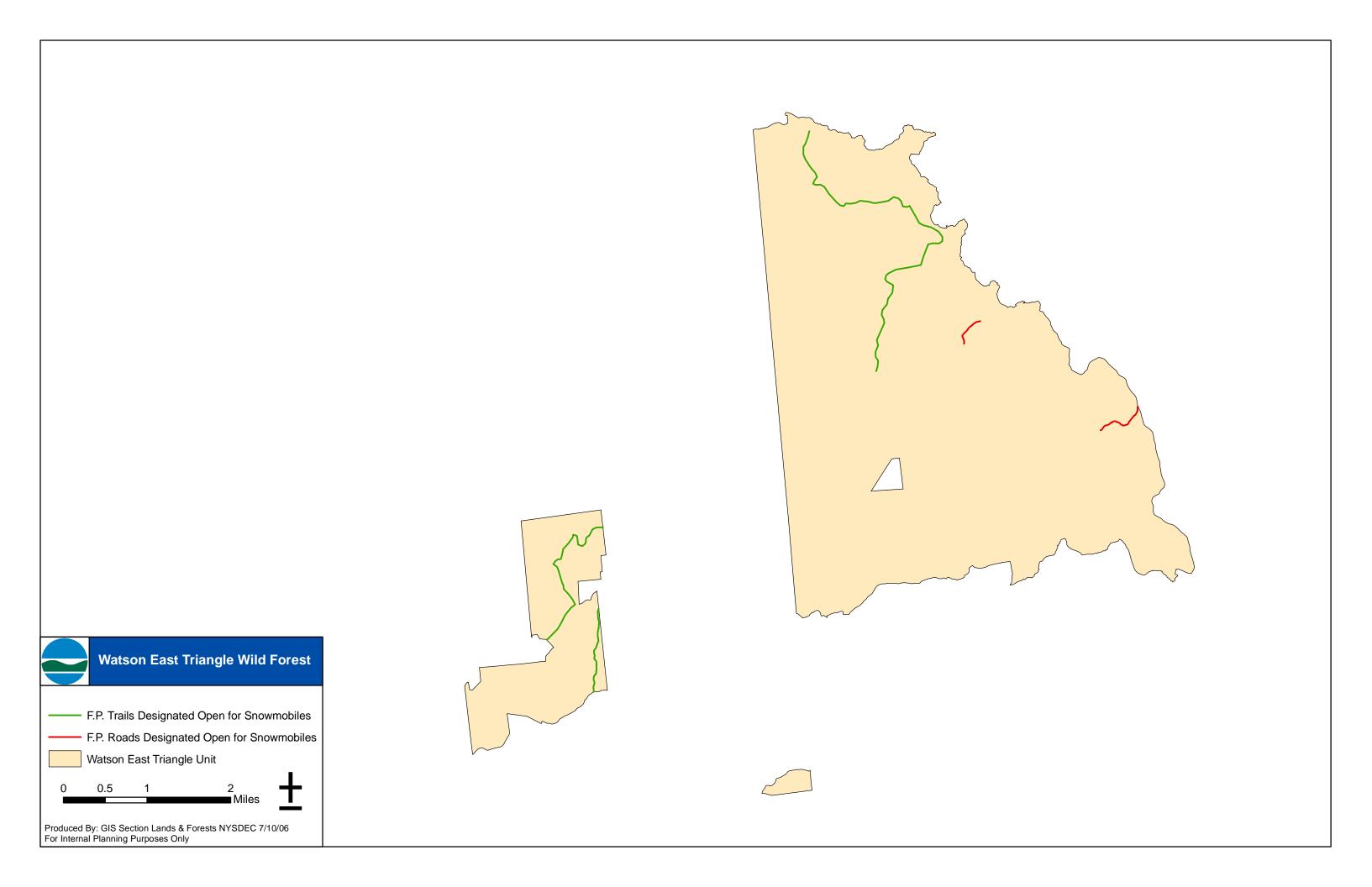
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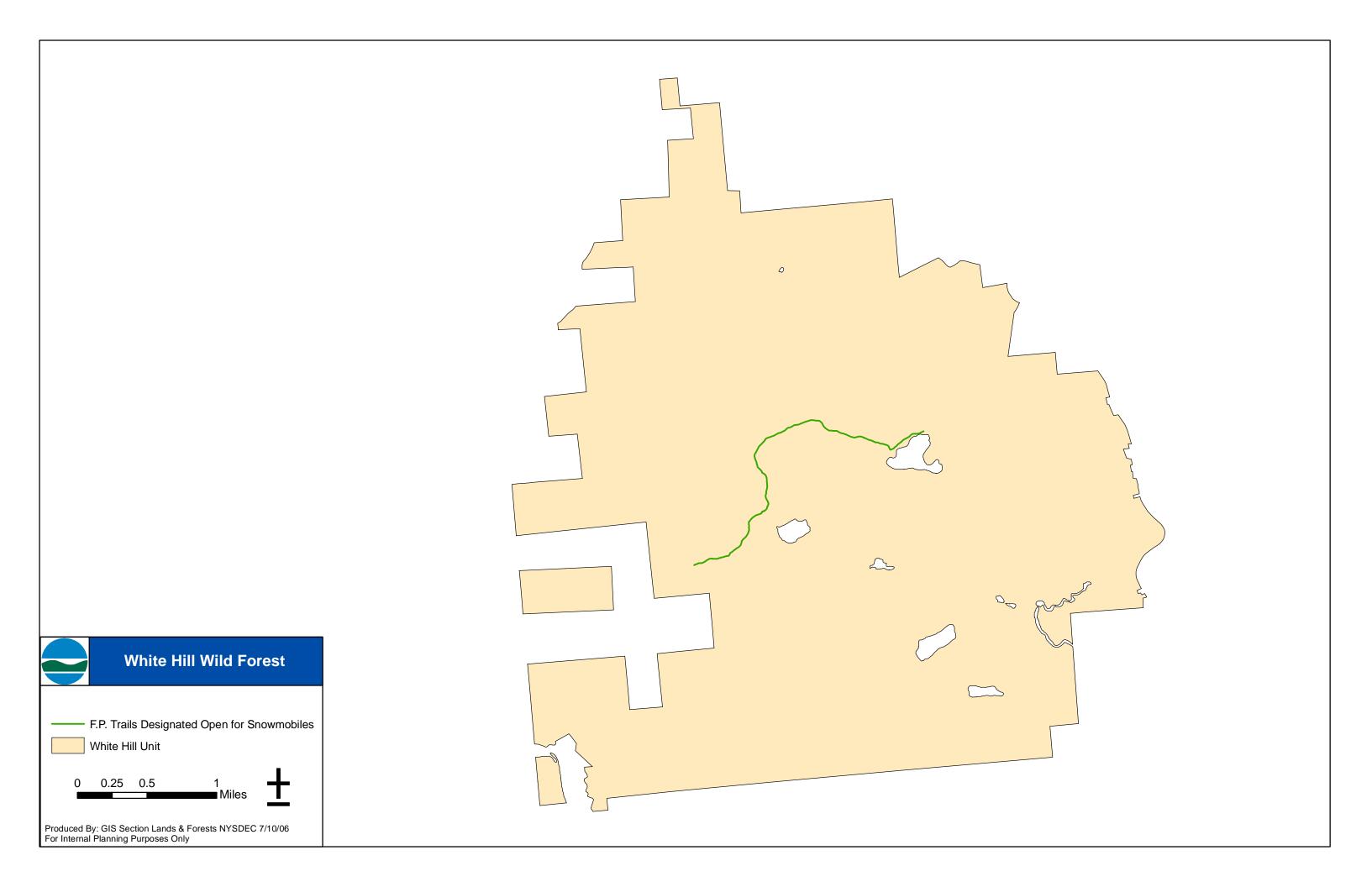
F.P. Roads Designated Open for SnowmobilesF.P. Trails Designated Open for Snowmobiles

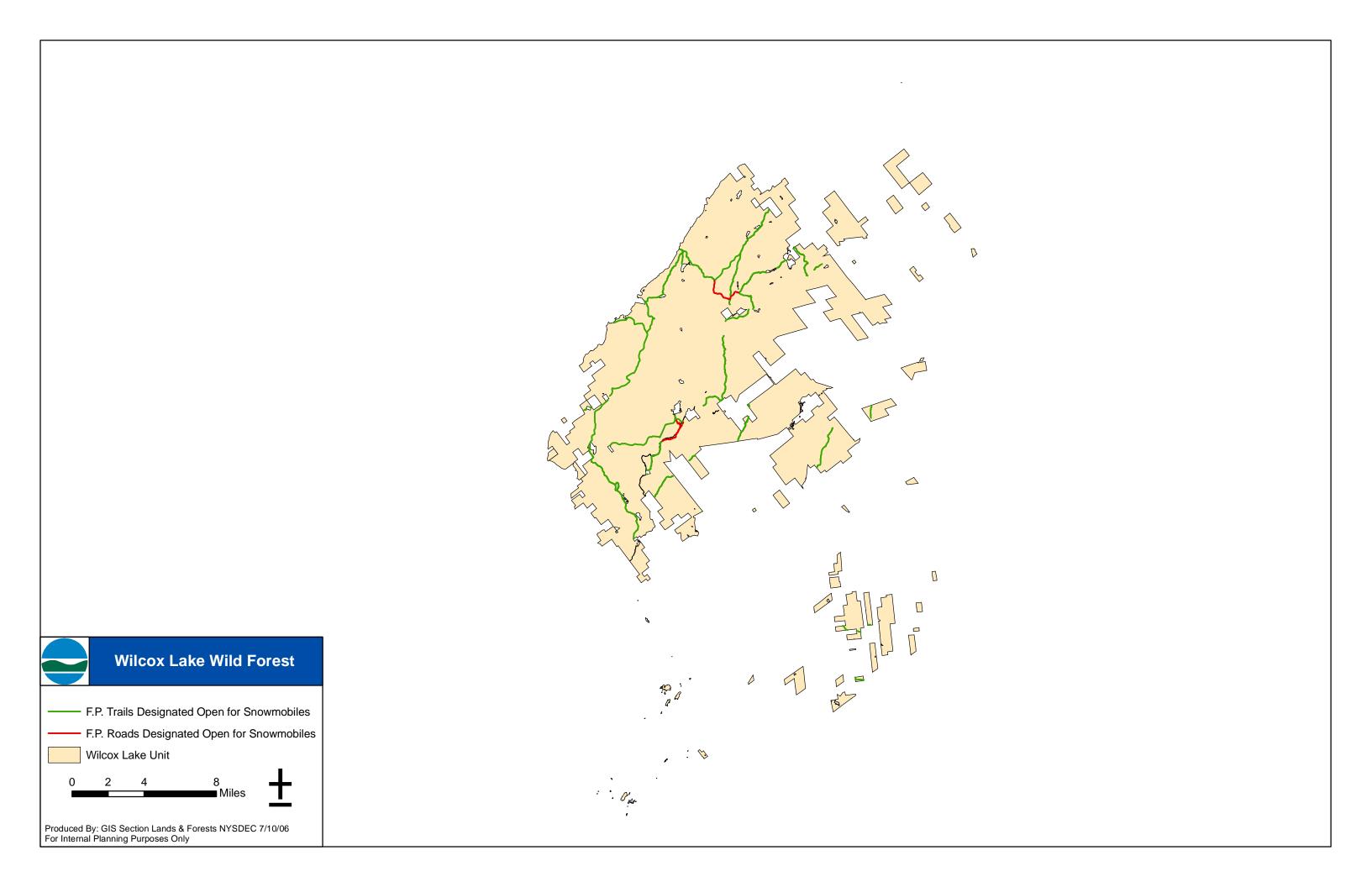
Vanderwhacker Mountain Unit

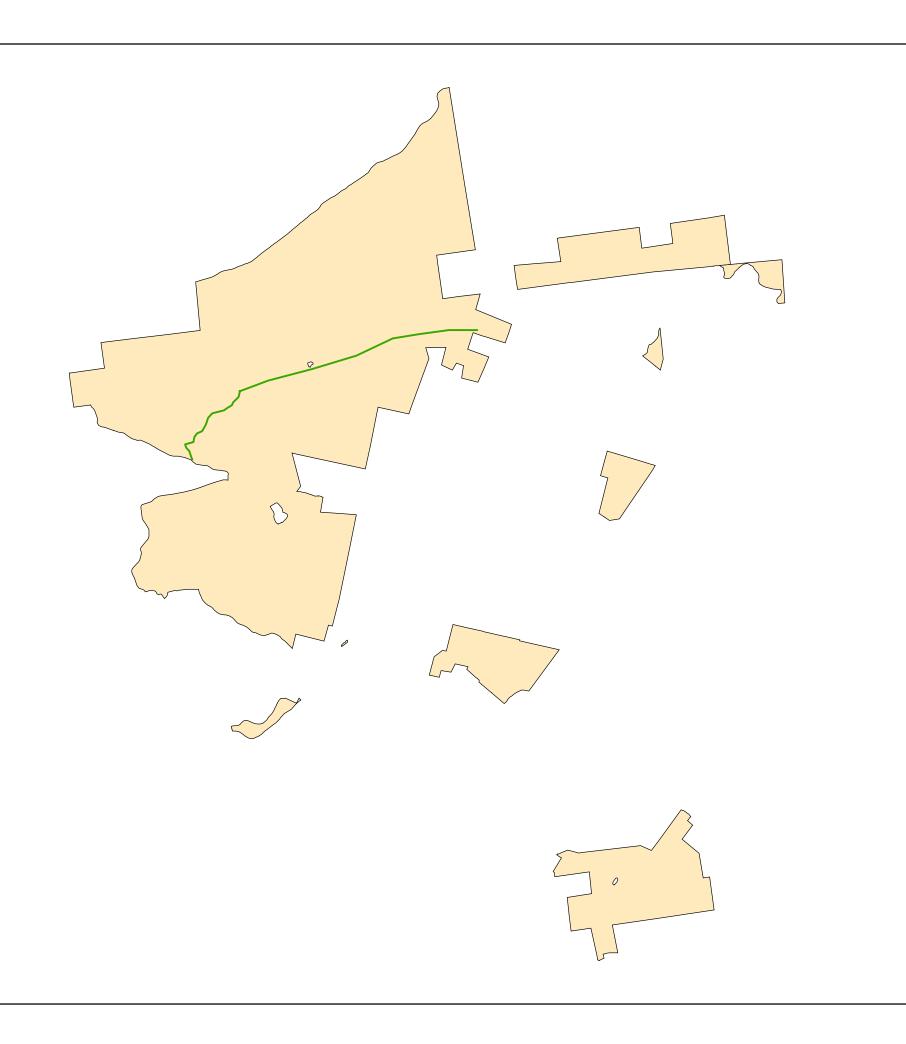
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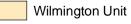


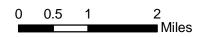


Wilmington Wild Forest

F.P. Trails Designated Open for Snowmobiles

Wilesia start Unit

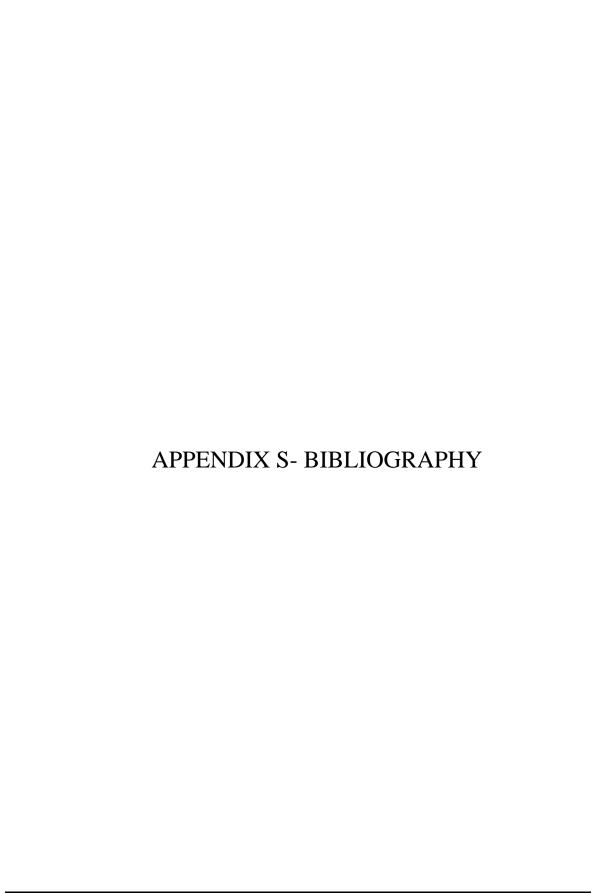






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