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January 27, 2013

Hon. Lani Ulrich
Chairwoman
NYS Adirondack Park Agency
PO Box 99
Ray Brook, NY 12977

Hon. Joe Martens
Commissioner
NYS Department of Environmental Conservation
325 Broadway
Albany, NY 12233

Dear Chairwoman Ulrich and Commissioner Martens,

RE: PROTECT finds possible Wetlands Act and stormwater pollution violations along new community connector class II snowmobile trail through the Moose River Plains from 7th Lake to the Sagamore Road

Dear Chairwoman Ulrich and Commissioner Martens,

I recently skied the new community connector class II snowmobile trail from the Sagamore Road to 7th Lake. As you know, Protect the Adirondacks submitted a critique of this new snowmobile trail-building effort on January 3, 2012 and staff from the Adirondack Park Agency (APA) and the Department of Environmental Conservation (DEC) responded on January 23, 2013. We appreciate the response, though found it lacking. While we note that this response failed to address the major questions and policy issues raised in our letter, what came through loud and clear is that both agencies are very proud of their work to build this new trail. This pride was affirmed by staff from both agencies in a meeting with stakeholders in Albany that also took place on January 23, 2013.

The pride of both agencies struck me as completely incongruent with the facts on the ground along the trail when I skied it. When I skied the trail I did not experience feelings of pride, rather I experienced

feelings of disappointment about the environmental damage I encountered, most notably regarding wetlands and stream crossings and lack of measures for stormwater pollution prevention and control.

Please accept this letter (and photographs attached) as a report of possible wetlands violations and stormwater pollution violations that should be investigated by the APA and DEC.

Wetlands Violations

In two locations I encountered areas where the new community connector trail passes through a large wetland, likely a class 1 wetland system. In one wetland one section of bridge had been built, but clearly many more sections are needed. In another wetland no bridges had been built, but they are needed. In both sections snowmobiles have been using the trail.

The DEC-APA *Management Guidance: Snowmobile Trail Siting, Construction and Maintenance on Forest Preserve Lands in the Adirondack Park* states that “When wetland crossing or trail locations adjacent to a wetland are proposed, the trail will be designed to minimize adverse impacts.”

In neither wetland did I see adequate bridges to protect the wetland, nor did I see silt fencing or any type of mitigation efforts. In both wetlands the fact that snowmobiles are driving through the wetland without bridges does not seem to “minimize adverse impacts.” It appears to us that this work violates the Wetlands Act. We respectfully request that your agencies kindly investigate this issue.

Please see pictures attached.

Stream Crossings

In several locations no bridges had been built for stream crossings. These may have been intermittent streams, but they may have also been perennial streams too. In each location snowmobiles were driving through the stream channel. It is our understanding that snowmobiles are not supposed to drive through stream channels and that snowmobiles should have bridges built over streams to protect them.

Also attached, see pictures of the new bridge over the outlet of the Raquette Lake Reservoir. It appeared that more than 1 acre total had been disturbed while this bridge was under construction. There were no signs of silt fencing or any type of stormwater pollution prevention or mitigation efforts.

Please also consider this letter a request under the Freedom of Information Act for all Stormwater Pollution Prevention Plan (SWPPs) requested and approved for this trail. It appears to us that this work necessitated a SWPP in certain areas, or perhaps its entire length, but the lack of standard measures deployed in a SWPP project

raises concerns that no SWPP was obtained. We respectfully request that your agencies kindly investigate this issue.

Please see pictures attached.

Debris Strewn on Trail

I also encountered several instances where various debris, from half buried buckets, to piles of wood, to hay bales, stood along the trail. Please inform us as to the protocol for removing debris from this trail.

PROTECT disagrees with the direction of the APA and DEC on community connector class II trail construction and grooming. We believe that this trail was designed and constructed to facilitate an illegal activity – grooming with a large several-ton tracked groomer on a designated “trail”, which is prohibited by the State Land Master Plan. To facilitate the large multi-ton tracked groomer this “trail” was built to road standards with the resulting negative impacts. This “trail” should have been designed as a class I snowmobile trail and then groomed with a snowmobile pulling a drag.

While our differences on the legality of this trail will continue, what I think we could all agree on is that these trails should be built in ways that do not violate state wetlands and stormwater pollution laws and that they adhere to all standard construction impact and environmental mitigation practices.

We look forward to your response.

On behalf of the Board of Directors of Protect the Adirondacks, please let me extend our appreciation for the opportunity to provide these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Bauer". The signature is fluid and cursive, with a large initial "P" and a stylized "B".

Peter Bauer
Executive Director



Incomplete bridge through what appears to be a class 1 wetland system. Snowmobiles are driving through the wetland, which has pooled water in places. No silt fences or mitigation was visible.



Another view of the incomplete bridge through what appears to be a class 1 wetland system. Notice debris. No silt fences or mitigation was visible.



Part of trail where no bridge was built through a large wetland. Snowmobiles are driving through the wetland, which has pooled water in places.



Section of trail built through a stream crossing with no bridge or protection for the stream. Snowmobiles are driving through the stream channel.



Another section of trail built through a wetland or stream crossing with no bridge or protection for the stream. Snowmobiles are driving through the stream channel.



Construction materials and debris remaining along the trailside.



Extensive disturbed area, likely more than 1 acre, around the new bridge at the outlet of the Raquette Lake Reservoir. Lots of debris. No silt fences or mitigation was visible.



Another view of the extensive disturbed area, likely more than 1 acre, around the new bridge at the outlet of the Raquette Lake Reservoir. Lots of debris. No silt fences or mitigation was visible.