



Board of Directors

June 15, 2015

Charles Clusen
Chair

Kathy Regan
NYS Adirondack Park Agency
PO Box 99
Ray Brook, NY 12977

Sidney Harring
Dale Jeffers
Michael Wilson
Vice-Chairs

RE: Public comments on UMP Amendments for community connector snowmobile trails in the central Adirondacks between Newcomb, Minerva and North Hudson

James Long
Secretary

Dear Ms. Regan,

David Quinn
Treasurer

The planning by the Department of Environmental Conservation (DEC) and Adirondack Park Agency (APA) to link communities in the central Adirondacks through class II community connector snowmobile trails through the Forest Preserve is a controversial proposal with many elements to consider. These snowmobile trails are major corridors that could be heavily used. The full scope of environmental impacts has never been evaluated by the State of New York.

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Protect the Adirondacks has reviewed the draft UMP Amendments and finds many important legal and environmental issues have been glossed over. Proposed actions violate the Wild, Scenic and Recreational Rivers Act, DEC Rivers Act Regulations and the Adirondack Park State Land Master Plan. Please find specific comments below.

Significant Legal Obstacles Confront Minerva-to-Newcomb Snowmobile Trail

Many major problems confront planners for the Minerva-to-Newcomb snowmobile trail. The Vanderhacker Mountain Wild Forest UMP approved in 2005 lists eight alternatives for a Minerva-to-Newcomb class II community connector snowmobile trail. It goes without saying that if there was one good option, then eight alternatives would not have been identified. The intervening years have done nothing to remove the significant obstacles facing the APA-DEC regarding approval and construction of a viable Minerva-to-Newcomb snowmobile trail.

Peter Bauer
Executive Director

Given the significance of six critical barriers to development of this trail, PROTECT urges the APA-DEC not to undertake any trail construction until 100% of a viable trail system is affirmed and publicly disclosed. Following details the barriers that APA-DEC should recognize during its review of a Minerva-to-Newcomb trail.

Significant Legal Questions Must be Answered Regarding Construction of a New Snowmobile Bridge over the Boreas River: The question of "grandfathering"

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private rights of leaseholders for recreation on former Finch Paper lands as a justification for exempting motor vehicle bridges from the Wild, Scenic and Recreational Rivers Act and DEC's Rivers Act regulations in Scenic River corridors has been raised by the DEC. This has a bearing on the APA's review of DEC's proposal to build a new bridge over the Boreas River. The 1995 Blue Mountain Wild Forest UMP includes a passage that describes the closing of an existing snowmobile trail due to land acquisition and the management of a classified Wild River corridor. This information is important because it has a bearing on the DEC's proposal for crossing the Boreas River. No pretense was made in this officially approved UMP about somehow "grandfathering" non-conforming uses/rights; such as motorized uses on new Forest Preserve lands within the Rivers Act corridor, which the DEC is proposing now. Below are two relevant passages:

Remove the snowmobile trail designation from the end of the Elm Island Trail

The existing Elm Island snowmobile trail starts in the vicinity of the Indian Lake landfill and terminates at Elm Island on the Cedar River. This dead end secondary trail was only moderately used and a portion of the trail will be closed to snowmobiles in Year I of the plan. The section of trail east of the four way intersection enters the Cedar River wild river corridor where motorized uses are not legal. This action also complies with DEC policy which discourages short dead end trails: "existing snowmobile trails less than five miles in length, or otherwise inappropriate for snowmobile use, should be converted to ski touring trails."

The 2.5 mile section of trail between the four way intersection to Elm Island will be changed from a snowmobile to a cross country ski trail. Snowmobilers will still be able to ride from the Indian Lake landfill to the four way intersection and continue to the Adirondack Lake Road. (Page 96)

a. Cedar River (See Appendix 22)

The Cedar River is classified as both a "wild" (approximately seven miles) and "recreational" (1.2 miles) river as it winds through the Blue Mt. Unit. A portion of the "recreational" river section, at the north end of the Benton Road, is a popular day use picnic area. Additionally, a deep water pool with adjacent sand banks attracts local residents to this natural swimming hole.

Portions of two marked snowmobile trails are located within the "wild" river corridor boundary between Elm Island and Town lands to the west. These trails were in existence prior to classification. A combination of improper trail location and maintenance restrictions due to river classification will result in the closing of these trails to snowmobiles. The end of the Elm Island Trail will be designated as a Nordic Ski Trail.

Snowmobile use on the Unknown Pond Trail will be phased out pending completion of the new snowmobile trail between the Benton Road and the Rock River Trail. (Page 128)

The following passages from Blue Mountain Wild Forest UMP are also instructive for stating the DEC's position in 1995 on management of motor vehicles in River Act corridors. It appears that the current DEC administration is attempting to gut the motorless management imperative for Wild and Scenic river corridors. Also, please note that both Wild and Scenic corridors are .5 miles in width and require, in essence, Wilderness management.

The SLMP permits all terrain bicycles in wild forest areas on trails deemed suitable for such use as specified in individual UMP's. Even in this land classification, certain constraints limit the opening of all trails within the unit to ATB's. Factors such as private land crossings, topography, drainage, and impacts to other recreational activities were considered in identifying possible ATB trails within the Blue Mountain Wild Forest Area. High public use, terrain constraints, and private land restrictions limit the

suitability of the Northville-Lake Placid Trail, Tirrell Pond Trail, and Blue Mountain Trail for bicycle use. Portions of the existing Elm Island and Unknown Pond Snowmobile trails, and Pasley Falls Nordic Ski trail are located in a “wild river” corridor. This river classification requires that the corridor be managed in accordance with the guidelines for wilderness areas which would prohibit ATB use. (Page 106)

DEC maintenance and trail construction within the “wild river” corridor will be in accordance with the SLMP guidelines for wilderness areas.

The statement shows that at one time the DEC recognized that a snowmobile trail – and thus all other motor vehicle uses – within the “wild river” corridor was not allowed. The same constraint exists for Scenic River corridors. Current planning by the APA-DEC marks a sharp deviation from established precedent for both agencies. This change in policy needs to be addressed head-on by the APA Commissioners.

The Blue Mountain Wild Forest UMP should be required reading for all APA Commissioners, staff and DEC staff working on these issues.

DEC regulations for the Rivers Act for Forest Preserve lands prohibit motor vehicle use. The APA legal staff must review DEC regulations for Scenic River corridors. PROTECT expects to see an answer to this question in the APA’s Response document for these UMP Amendments.

The Environmental Impact Statement (EIS) published by the DEC for adoption of its regulations for management of the Wild, Scenic and Recreational Rivers Act on Forest Preserve lands should also be required reading for all APA Commissioners, staff and DEC staff working on these issues. This EIS clearly states in many areas the environmental concerns of Rivers Act corridors, the priority for natural resource protection, and the sharp limitations on motorized uses and new bridges.

PROTECT holds the position that construction of a new snowmobile bridge over the Boreas River must comply with the Wild, Scenic and Recreational Rivers Act and DEC’s Rivers Act regulations. APA legal staff should provide a public presentation to the APA Commissioners on compliance with the Rivers Act.

Practical Barriers for Crossing the Boreas River: A specific location and bridge design has not been provided for where and how the DEC plans to cross the Boreas River. Clearly, the Boreas River must be crossed at some point somewhere to connect Minerva to Newcomb, yet this information has not been made available. PROTECT’s reconnaissance of Forest Preserve lands along the Boreas River north of Route 28N found significant challenges for building a bridge. APA-DEC should be clear-eyed about the practical realities of building this bridge. PROTECT expects to see an answer to this question in the APA’s Response document for these UMP Amendments.

Hazards of Roadside Trail on Route 28N: Long stretches of the proposed snowmobile trail are slated to be located on the roadside of Route 28N. This road is already short on good sight lines. PROTECT is concerned about public safety, but we’re also aware that many private landowners are not interested in having a snowmobile trail cross their lands.

These dangers cannot be understated. PROTECT expects to see an answer to this question in the APA’s Response document for these UMP Amendments.

Many Private Landowners Opposed to Snowmobile Trail: There are many private landowners impacted by the proposed Minerva-to-Newcomb trail that PROTECT has heard do not support a snowmobile trail through their land. It’s important that the DEC have 100% of the trail organized with trail agreements before the APA approves this trail or construction of any portion begins.

At the south end of Forest Preserve lands in Minerva, the trail dead-ends 2-3 miles from Sporty Bar, the intended destination. Many landowners between the Forest Preserve and Sporty Bar oppose a snowmobile trail through their lands. It is unacceptable public policy for the APA-DEC to approve and build a trail that is blocked by unwilling private landowners whose wishes must be respected. It is unacceptable for APA-DEC to simply say that the Town of Minerva or the local snowmobile club will work out the details. DEC must connect this trail at the Minerva end to some kind of legitimate trailhead with parking. If this cannot be accomplished, then the trail should not be approved.

There are many barriers along this route from private landowners who want no part of a snowmobile trail through their lands. PROTECT expects to see an answer to this question in the APA's Response document for these UMP Amendments.

Beautiful, Mature Forests to be Damaged by New Snowmobile Trail: DEC-APA need to provide better information on the condition of the forests that will be impacted by the proposed new Minerva-to-Newcomb trail on the east side of Route 28N in the Vanderhacker Mountain Wild Forest area. PROTECT's visits to these areas have found mature forests with many old growth characteristics. PROTECT expects to see an answer to this question in the APA's Response document for these UMP Amendments.

Newcomb-to-North Hudson Snowmobile Trail

The only major obstacle appears to be barriers from private landowners just west of the Adirondack Northway who oppose this trail passing through their lands. Once again, it's important that 100% of this trail be organized before any work begins to build it. Also, PROTECT requests that the APA revisit any approvals for a snowmobile trail on private lands once these lands become public Forest Preserve.

These private lands should be respected. Here is one individual who left the Town of Inlet to escape the noise, pollution and degraded quality of life caused by heavy snowmobile use and sought refuge in quiet North Hudson:

I am an Adirondack native having grown up in Inlet N.Y.

We moved to North Hudson 16 years ago and have restored an early 1800's farm house on 55 acres.

Our land is on both sides of the Blueridge road and has over 800 feet on the Branch River, which is a "studied" river and protected from development by the state of New York. Having seen first hand what happens to a town with heavy snowmobile traffic and what comes with it, we are adamantly opposed to the snowmobile connector going through our or any area of North Hudson N.Y.

North Hudson has no services other than a gas station in the winter and snowmobiling would have absolutely no benefit to our community financially or otherwise. In fact it would be a hardship due to the inevitable strain on our small Emergency Service and Fire Department. As any one knows in the North Country, if you own property and want to build on land that is Wetlands or borders Wilderness or Forever Wild state lands, it is extremely difficult if not impossible to receive an APA permit to do so.

Allowing the snowmobile connector going through our "protected" areas would continue to create divisiveness for Natives and the public at large, showing that the rule of law can change randomly at the whim of a very few.

The mere fact that the only destinations between North Hudson and Newcomb are a gas station and a Bar speaks of how ludicrous this plan is. For many of us, we live here to enjoy the serenity this area has to offer. That's why we chose to be here and not Lake George or Inlet.

Our town North Hudson needs help from the state to survive, but this is NOT the way. It will not benefit us in any way. We strongly urge you to not allow this connector plan to go through and destroy our wilderness and our way of life.

Additional Issues of Concern about New Class II Community Connector Snowmobile Trails in the Central Adirondacks

New Road Near Palmer Pond: A new road is being proposed near Palmer Pond. There have not been new roads proposed for construction in the Forest Preserve in many years and this is unnecessary. This proposal requires a great deal more legal and environmental scrutiny and should not be approved.

Plan Fails to Provide Snowfall Data: The plan provides little useful information about long-term snowfall data for snowmobiling in North Hudson or Minerva, communities in the eastern Adirondacks that receive far less snowfall than communities in the western Adirondacks. In the “Response to Public Comments” on this matter the DEC provides a wholly inadequate response.

DEC should include long-term snowfall data in UMPs to support construction of new trails.

These proposals are for multiple use trails so snowfall is not required for all uses.

DEC is justifying not examining snowfall data because it plans to use these trails for multiple uses, though the principal use that shapes how these trails will be designed and constructed is not supported by good data. This is not how public policy decisions should be made. Thee UMP Amendments before the APA are clearly for new Class II Community Connector Snowmobile trails. PROTECT expects to see an answer to the question about historic snowfall records in the APA’s Response document for these UMP Amendments.

Snowmobile Trail Closures: The plan proposes to close over 11 miles of snowmobile trails in the interior that are not actively used. One trail to be closed separates and, constitutes the boundary between, the Vanderhacker Mountain Wild Forest area and the Hoffman Notch Wilderness area. PROTECT supports these actions and believes snowmobile trails in remote interior areas should be closed. Yet, the mileage of new snowmobile trails in this proposed plan is 14 miles, which will negatively impact the Forest Preserve.

One such trail proposed for closure is the Cheney Pond snowmobile trail, which has been unusable for 20 years since the Lester Flow bridge went out. This trail was never part of a serious snowmobile trail network and was of dubious quality to begin with, yet the DEC scores this mileage for trail closure. It should also be pointed out All Terrain Vehicles (ATV) used by the inholders and illegally by the general public have destroyed this route. ATV abuse often follows snowmobile trails.

These UMP Amendments are part of the Largest Expansion of Motor Vehicle Use in the History of the Adirondack Forest Preserve: Construction of Class II Community Connector trail requires extensive construction and terrain modifications to facilitate large bulldozer size groomers and high speed snowmobiling. These trails require extensive use of heavy machinery to excavate, widen, grade and cut bench cuts into trails. These machines remove all understory, require extensive tree cutting of trees over 3” diameter at breast height (DBH), and require the removal of thousands of trees less than 3” DBH. These road-like “trails” require oversized bridges as well as extensive use of deep waterbars to control stormwater impacts from open roadway conditions and sharply reduced forest cover. These 9-12 foot wide trails, which are very often wider, are clearcuts that snake through the Forest Preserve for miles. PROTECT finds that these trails are the most intensive and damaging types of trails built in the Forest Preserve today.

Trails are Designed, Built for High-Speed Snowmobiling and Maintenance with Heavy Duty Motor Vehicle Groomers: These community connector trails are built for high-speed snowmobiling and maintenance.

nance by multi-ton trail groomers. These trails require extensive widening and excavating. These trails bear no resemblance with foot trails, cross-country ski trails or mountain bike trails. No other trail in the Forest Preserve is built to accommodate motor vehicles operating at high rates of speed.

Class II Community Connector Snowmobile Trail Construction Violates the Adirondack Park State Land Master Plan

The State Land Master Plan (SLMP) defines a snowmobile trail as “a marked trail of essentially the same character as a foot trail” and mandates that it be “compatible with the wild forest character of an area.” A snowmobile trail “should be designed and located in a manner than will not adversely affect adjoining private landowners or the wild forest atmosphere....” These road-like community connector “trails” simply do not have the character of a foot trail and violates both the wild forest character and the wild forest atmosphere of the area. PROTECT has consistently stated that community connector class II snowmobile trails do not conform to these three standards.

There is no way this new community connector class II snowmobile “trail” bears any rational resemblance to something having the “character of a foot trail.” A community connector “trail” surface has been graded, leveled, and flattened by a multi-ton excavator. Extensive bench cuts are dug into side slopes that parallel the “trail” for long distances, protruding rocks are removed, extensive tree cutting is done, all understory vegetation is removed, and oversized bridges are built to support multi-ton groomers. In places bedrock may be fractured and chipped or gravel may be used to stabilize the trail surface. Bridges have been outfitted with plastic reflectors for nighttime driving.

A “foot trail” is where people walk single file. They step over roots and rocks. The trail surface is uneven and follows the terrain. There are scarcely any stumps of cut trees. Vegetation on the side often encroaches, and the trail is canopy covered. Steppingstones and split logs are commonly used to pass over streams and wet areas. There are no reflectors.

PROTECT has identified that there are many other areas of the SLMP for Wild Forest areas that are expressly violated by the design and construction of class II community connector class II snowmobile trails, the intended use, and by grooming with large tracked (motor vehicle) groomers. These include:

- Basic Guideline 2 (Motor Vehicles, Motorized Equipment and Aircraft 6) states that public access accommodations should be “consistent with the wild forest character.”

PROTECT does not believe that the new road-like class II community connector class II snowmobile trails are consistent with the wild forest character. The route’s width, bridges, reflectors, bench cuts, ledge cuts, use of gravel and straw, extensive surface alteration, tree removal, understory removal are all inconsistent with the “wild forest character” of Wild Forest areas.

- Basic Guideline 2 (Motor Vehicles, Motorized Equipment and Aircraft #8) states “All conforming structures and improvements will be designed and located so as to blend with the surrounding environment and require only minimal maintenance.” PROTECT does not believe that the new road-like class II community connector class II snowmobile trails meet the minimal maintenance test expressed here. DEC and the APA claim that the grooming of this trail is maintenance. PROTECT does not believe that numerous trips per week by a multi-ton tracked groomer on a major snowmobile route meets the “minimal maintenance” test.

- Basic Guideline 2 (Motor Vehicles, Motorized Equipment and Aircraft 9) states “All management and administrative actions and interior facilities in wild forest areas will be designed to emphasize the self-sufficiency of the user to assume a high degree of responsibility for environmentally sound use of such areas for his or her own health, safety and welfare.”

Leaving aside concerns of snowmobile “environmentally sound use” with their mileage rates less than most SUVs, PROTECT questions the “self-sufficiency” of the users of these new road-like class II community connector class II snowmobile trails where the principal recreational use of snowmobiling can only be accomplished if the trail has been regularly groomed by a multi-ton tracked groomer.

Class II community connector class II snowmobile trails widely violate the State Land Master Plan.

On behalf of the Board of Directors of Protect the Adirondacks, please let me express our gratitude for the opportunity to submit these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Bauer", written in a cursive style.

Peter Bauer

CC: J. Martens
R. Davies
K. Richards
P. Frank
J. Clague
B. Seggos
P. Walke