

STATE OF NEW YORK
SUPREME COURT COUNTY OF ALBANY

In the Matter of the Application of

PROTECT THE ADIRONDACKS! INC.,

Plaintiff-Petitioner

For a Judgment Pursuant to Section 5 of
Article 14 of the New York State Constitution
and CPLR Article 78

-against-

NEW YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION
and ADIRONDACK PARK AGENCY,

Defendants-Respondents.

State of New York :
 :ss.:
County of Essex :

Daniel M. Levy, being duly sworn, deposes and says:

1. I have been employed as a Forester 1 in the New York State Department of Environmental Conservation (DEC) since October, 2000, first in DEC Region 6, until the fall of 2002, and then in DEC Region 5. I received a Bachelor of Science Degree in Forestry Conservation from the University of Massachusetts in February 1999.

2. In my position, I have been responsible for management, development and protection of forest lands both inside and outside of the Adirondack Park and I have extensive experience in the layout and construction of trails on Forest Preserve lands. Specifically, my responsibilities have included the design and construction of a portion of the Taylor Pond-Catamount Trail Community Connector Snowmobile Trail (Taylor Pond Trail) in the Taylor Pond Wild Forest.

AFFIDAVIT OF
DANIEL LEVY

Index No. 2137-13
RJI No. 01-13-ST-4541

Hon. Gerald W. Connolly

3. I have read the allegations in the complaint/petition (complaint) that the construction of Class II trails violates the State Constitution, Article XIV, § 1, that a substantial amount of timber will be cut, that the trails are not consistent with the wild forest nature of the preserve, and that the trails create a man-made setting. Complaint ¶ 82. I submit this affidavit in opposition to those allegations and in support of the State respondents' motion for summary judgment. Previously, I submitted an affidavit sworn to on September 24, 2013 (9/24/13 Levy Aff.).

Taylor Pond Trail

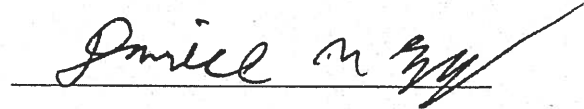
4. I am familiar with the Taylor Pond Trail, having supervised most of its construction. The Taylor Pond trail, located in the southwest corner of Clinton County, connects the northern end of the Wilmington Trail at the Forestdale Road in the Wilmington Wild Forest with existing trails around Taylor Pond (Taylor Pond Loop) in the Taylor Pond Wild Forest.

5. The Taylor Pond Trail lies in the Taylor Pond Wild Forest Management Complex Unit Management Plan (UMP) published in February 2013, and construction began on the trail in July 2013. *See* 9/25/13 Levy Aff., Ex. A (UMP excerpts). A total of 133 trees were approved to be cut on approximately 0.5 miles of Forest Preserve land. *See* 9/25/13 Levy Aff., Ex. C (ENB Notice 7/24/13). Most of the trees proposed to be cut (116) were four inches or less in diameter at breast height (dbh), and the balance of the trees (17) were between 5 and 8 inches dbh. *See* 9/25/15 Levy Aff.

6. In July of 2016, I visited a portion of the Taylor Pond Trail for the first time since 2013. Some of the trees I had initially marked and tallied to be cut had not been cut, although I


did not count the number of uncut trees. To date, 0.5 miles of the Taylor Pond Trail has been built to the 9 foot tread width and construction of the trail is complete.

7. The complaint alleges that trail construction techniques such as the bench cutting, bridge building, and terrain manipulation, are "inconsistent" with preserving the wild forest character of the Forest Preserve lands. Complaint ¶¶ 98-118. With respect to the Taylor Pond Trail, impacts to the Forest Preserve were minimal. No bench cuts, rock removal or bridge construction was necessary on the trail. The only surface manipulation was the making of a pathway through a pre-existing berm (a man-made mound of earthen material) to connect the trail to a parking area adjacent to the Forestdale Road, which is open to the public for multiple use access including hiking and snowmobiling.



DANIEL M. LEVY

Sworn to before me this 22 day
of August 2016


Notary Public

Kathy R. Scriver
Notary Public, State of New York
No. 01Sc6146364
Qualified in Franklin County
Commission Expires May 15, 2018

EXHIBIT A

**AFFIDAVIT OF DANIEL M. LEVY
IN OPPOSITION TO
PLAINTIFF'S MOTION FOR
PRELIMINARY INJUNCTION
SWORN TO SEPTEMBER 24, 2013**

2. I have read the complaint-petition (complaint) of petitioner-respondent Protect the Adirondacks! (Protect) and Protect's September 13, 2013 motion to enjoin the construction of the Taylor Pond Connector and other community connector snowmobile trails. I submit this affidavit in opposition to that motion.

3. I am familiar with the following documents, among others:

- a. Adirondack Park State Land Master Plan (Master Plan) as it relates to trail construction;
- b. 2006 Snowmobile Plan for the Adirondacks (2006 Snowmobile Plan);
- c. DEC guidance document entitled "Snowmobile Trail Siting, Construction and Maintenance on Forest Preserve Lands in the Adirondack Park adopted in 2009 (2009 Snowmobile Trail Guidance);
- d. another guidance document entitled "Adirondack Park Agency State Land Master Plan Interpretation – Standard Snowmobile Trail Bridge Design and Use of Natural Materials for Design and Construction" adopted in June 2006 (2006 Snowmobile Bridge Guidance);
- e. 2009 OPRHP document entitled "Guidelines for Snowmobile Trail Groomer Operator Training;"
- f. Taylor Pond Management Complex Unit Management Plan (UMP); and
- g. DEC's tree cutting policy, LF 91-2.

4. The Taylor Pond Connector will connect the northern end of the Wilmington Trail on the Forestdale Road in the Wilmington Wild Forest with existing trails around Taylor Pond (Taylor Pond Loop) in the Taylor Pond Wild Forest.¹ The Taylor Pond Connector begins at the Catamount Mountain trail head on Forestdale Road and proceeds northward a distance of approximately 0.5 miles over the Catamount Mountain Foot Trail (a four-mile hiking trail to the

¹ The Taylor Pond Connector is basically an extension of the Wilmington Trail that commences at Forestdale Road, opposite from the end point of the Wilmington Trail. DEC refers to the Taylor Pond Connector and Wilmington Trail separately because they are located in separate Wild Forests and are authorized in separate UMPs.

summit of Catamount Mountain). The Connector then leaves Catamount Foot Trail and the Forest Preserve and proceeds northward over private property for a distance of approximately 2.5 miles. The Connector will return to Forest Preserve land and join trails constituting the Taylor Pond Loop Trail, which is open to snowmobile use. *See Exhibit D (Map on which I have marked the location of the Taylor Pond Connector).*

5. When completed, the Taylor Pond Connector will be part of the Northern snowmobile trail network that will provide future snowmobile access between the Town of Wilmington in Essex County to many different areas open to snowmobiling near Malone, Franklin County and Plattsburgh, Clinton County. The Catamount Trail portion of the Taylor Pond Connector is a multi-use trail open to hiking, snowshoeing, cross country skiing and snowmobiling in the winter months when there is sufficient snow cover; the portion of the Taylor Pond Connector on private land will be open only to snowmobiling.

6. In seeking an injunction, Protect claims that the construction of the Taylor Pond Connector will involve the clear cutting of trees, removal of rocks and ledges, grading, bench cutting and tapering in order to build a road-like trail. *See September 13, 2013 Affidavit of John W. Caffry, Esq. (Caffry Aff.), ¶ 23.* The allegations in the Caffry Affidavit and the complaint refer to the construction of the Seventh Lake Mountain Community Connector Trail and provide no basis to enjoin construction of the Taylor Pond Connector. Whereas the Seventh Lake Mountain Trail involved the construction of several portions of new trail, most of the Forest Preserve portion of the Taylor Pond Connector incorporates approximately a half mile of the bed of the existing Catamount Mountain Foot Trail, which historically is an old road that had become overgrown with new growth.

7. DEC approved construction of the Taylor Pond Connector in February 2013 after the Adirondack Park Agency (the Agency) determined that the trail and other projects proposed in the Taylor Pond Management Complex unit management plan (UMP) conformed to the Adirondack Park State Land Master Plan.² Before construction began, a work plan identified the trees to be cut and all other necessary activities on the Catamount Trail portion of the Connector and also an approximate 100-foot re-route of a portion of the existing trail around Taylor Pond. *See Exhibit No. B (work plan).*

8. Construction of the Taylor Pond Connector as approved in the work plan began in July 2013. A total of 133 trees were proposed to be cut from the approximately 0.5-mile long portion of the existing Catamount Foot Trail, the 100-foot portion at the north end near Taylor Pond, and a short section connecting the Trail to a parking area in order to create a trail tread (portion of a trail used for travel) nine feet in width. Most of the trees proposed to be cut (116) are four inches or less in diameter at breast (dbh, a height of 4¹/₂ feet from the ground surface), and the balance of the trees (17) are between 5 and 8 inches dbh. *See Exhibit No. E (tally of trees proposed to be cut).* While construction of this portion of the Connector on the Catamount Foot Trail has not been completed to its full 9-foot width, the trail is usable by snowmobiles. About 82 trees in the Catamount trail portion, most less than four inches dbh, remain to be cut.

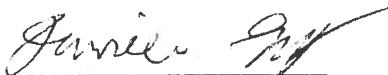
9. Although the cutting on the Catamount Trail portion of the Connector Trail will average approximately 20 feet per tree, the alternative of routing the snowmobile trail in a different location on Forest Preserve land would have required the construction of a new trail, necessitating far more tree cutting and possibly bench cuts and other major surface manipulation

² The Taylor Pond Wild Forest is one of seven areas of State land that DEC manages through the UMP.

activities. Use of the approximate 0.5 segment of the existing Catamount Foot Trail and private lands as a route for the snowmobile trail as required by the 2009 Snowmobile Trail Guidance minimized impacts to the Forest Preserve because there was no need to make any bench cuts, remove any rocks, or construct any bridges. The only surface manipulation was the making of a pathway through a pre-existing berm (a man-made mound of earthen material) to connect the trail to a parking area off Forestdale Road that is used by hikers and snowmobilers. (The berm was a leftover from when the parking area was used for mining sand and gravel prior to State acquisition of the land).

10. Protect's allegations that construction of the Taylor Pond Connector will cause irreparable harm to Forest Preserve lands are not correct. Any minor disturbance caused by the construction of the trail will be temporary in nature. The trail corridor will revegetate and blend in with the wild forest character of adjoining lands. The trail will then again look essentially like the original Catamount Foot Trail.

11. Accordingly, Protect's motion to enjoin any further construction of the Taylor Pond Connector should be denied.


Daniel M. Levy

Sworn to before me this ^{24th}~~21st~~ day
of September, 2013


Notary Public

SCOTT ABRAHAMSON
NOTARY PUBLIC-STATE OF NEW YORK
No. 02AB6273782
Qualified in Essex County
Commission Expires December 24, 2016

EXHIBIT A



NEW YORK STATE

Department of Environmental Conservation

DIVISION OF LANDS & FORESTS

Taylor Pond Management Complex

including:

Taylor Pond Wild Forest
Wickham Marsh Wildlife Management Area
Ausable Marsh Wildlife Management Area
Pauline Murdock Wildlife Management Area
Clinton County State Forest Areas 2, 3 and 4

Unit Management Plan

Towns of Ausable, Black Brook, Peru and Saranac - Clinton County
Towns of Chesterfield, Elizabethtown, Essex, Jay, Lewis, St. Armand, Westport
and Willsboro - Essex County
Town of Franklin - Franklin County

ANDREW M. CUOMO
Governor

JOE MARTENS
Commissioner

For Further Information Contact:

Daniel Levy
New York State Department of Environmental Conservation
1115 State Route 86
P.O. Box 296
Ray Brook, NY 12977-0296
rSump@gw.dec.state.ny.us

February 2013

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ANDREW M. CUOMO
GOVERNOR



JOE MARTENS
COMMISSIONER

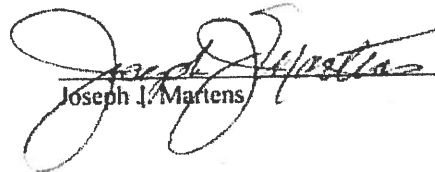
STATE OF NEW YORK
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
ALBANY, NEW YORK 12233-1010

MEMORANDUM

TO: The Record
SUBJECT: Taylor Pond Management Complex
DATE: FEB 28 2013

The Final Taylor Pond Management Complex Unit Management Plan has been completed and the Adirondack Park Agency found it to be in conformance with the Adirondack Park State Land Master Plan.

The Final UMP is consistent with the State Constitution, Environmental Conservation Law, and Department Rules, Regulations and Policies and is hereby approved and adopted.



Joseph J. Martens

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Adirondack
parkagency

RESOLUTION ADOPTED BY
THE ADIRONDACK PARK AGENCY
WITH RESPECT TO TAYLOR POND MANAGEMENT COMPLEX
UNIT MANAGEMENT PLAN

January 10, 2013

WHEREAS, Section 816 of the Adirondack Park Agency Act directs the Department of Environmental Conservation to develop, in consultation with the Adirondack Park Agency, individual management plans for units of land classified in the Master Plan for Management of State Lands and requires such management plans to conform to the general guidelines and criteria of the Master Plan; and

WHEREAS, in addition to such guidelines and criteria, the Adirondack Park State Land Master Plan prescribes the contents of unit management plans and provides that the Adirondack Park Agency will determine whether a proposed individual unit management plan complies with such general guidelines and criteria; and

WHEREAS, the Department of Environmental Conservation has prepared a unit management plan for State Lands in Clinton, Essex and Franklin Counties which includes proposed management actions for the Taylor Pond Management Complex dated December, 2012; and

WHEREAS, the Department has filed a SEQOR Negative Declaration and published a notice in the Environmental Notice Bulletin on January 9, 2012; and

WHEREAS, the Department of Environmental Conservation is the lead agency, and the Adirondack Park Agency is an involved agency whose staff have been consulted in the preparation of the proposed plan; and

WHEREAS, the Agency is requested to determine whether the final Taylor Pond Management Complex Unit Management Plan, dated December, 2012, is consistent with the standards and guidelines of the Adirondack Park State Land Master Plan; and

WHEREAS, the Adirondack Park Agency has reviewed the proposed Taylor Pond Management Complex Unit Management Plan; and

WHEREAS, the Taylor Pond Complex Unit Management Plan recognizes the need to improve public use and enjoyment of the area, avoid user conflicts and prevent overuse according to the guidelines and criteria of the Adirondack Park State Land Master Plan; and

WHEREAS, the Plan's objectives include providing reasonable public access where appropriate in order to provide visitors with recreational opportunities while minimizing resource impacts; and

WHEREAS, the Plan proposes formal adoption and management by the Department of the Catamount Mountain, Fay Mountain, Burnt Hills State Forest and the Casey Road Portage trails and to reroute trails as necessary to minimize resource impacts; and

WHEREAS, the Plan proposes the establishment of new trailheads and parking areas for Catamount Mountain, Poke-O-Moonshine Ranger Trail, Terry Mountain Mud Pond and Military Pond; and

WHEREAS, the Plan proposes four Group tent sites which will be made available by permit to a group of affiliated individuals and limited to a maximum group size of 12 at designated sites along water bodies; and

WHEREAS, the Plan proposes three additional primitive tent sites along the Northern Forest Canoe Trail, which crosses this unit, to increase recreational opportunities for paddlers and other recreationalists to camp; and

WHEREAS, the Plan proposes that the Department monitor the location and extent of key invasive plant species, train Department staff to identify and document the extent of invasive plants, and work with the Adirondack Park Invasive Plant Program to effectively manage and eradicate invasive plants; and

WHEREAS, the Plan identifies a management priority of increasing the understanding of the occurrence and distribution of wildlife species and their habitat as well as to monitor and inventory wildlife populations and their habitat; and

WHEREAS, the Plan identifies the Department's intention to manage for wildlife in Ausable Marsh and Wickham Marsh Wildlife Management Areas using forest management and other practices, but also the need to protect sensitive Class I wetlands and the rare species found in these habitats; and

WHEREAS, the Plan identifies the Department's intent to study the suitability of developing a trailered boat launch at Union Falls Pond;

WHEREAS, the Plan identifies the Department's intent to review and develop options for the construction of a Mountain Bike Trail System that would interconnect with other Units;

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Section 816 of the Adirondack Park Agency Act, the Adirondack Park Agency finds the Taylor Pond Management Complex Unit Management Plan, dated December, 2012, conforms with the general guidelines and criteria of the Adirondack Park State Land Master Plan; and

BE IT FINALLY RESOLVED, that the Adirondack Park Agency authorizes its Executive Director to advise the Commissioner of Environmental Conservation of the Agency's determination in this matter.

Ayes: S. Craig, P. Hooker (DED), A. Lussi, F. Mezzano,
D. Scozzafava (DOS), R. Stegemann (DEC),
W. Thomas, L. Ulrich, W. Valentino, C. Wray

Nays: None

Abstentions: None

Absent: R. Booth

/lhb

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2. Snowmobile Trails

Present Conditions:

The snowmobile trails in this unit are in disarray, maps depicting the trails and roads as they exist at the time of the development of this plan, as well as how they will look after the recommendations made in this plan are implemented can be found in Appendix Z. In addition the trails at these time periods along with their classifications according to the 2006 Snowmobile Plan for the Adirondack Park/Generic Environmental Impact Statement (Comprehensive Plan) are found in the table in Appendix B. The trails in this and other units need to be unified and connected with the State Wide Trail System. The core of the trails in this unit lie around Silver Lake and Taylor Pond. In agreement with the recommendations of the Wilmington Wild Forest UMP this plan proposes a connection between Taylor Pond and the Town of Wilmington. This plan also calls for a connection to the Town of Peru.

There are many designated snowmobile trails in the TPMC. The Taylor Pond snowmobile trail system has its center in and around Taylor Pond. The trail system, however, runs much further than around the pond. In fact, much of the pond trail is hard to ride due to lack of maintenance. The "Trail Groomers," an active snowmobile club based at Silver Lake, is responsible for grooming most of the trails in the unit. The proposed Wilmington Wild Forest trail will be extended from the Forestdale Road along the Catamount trail to private property before returning back to State land to join the Taylor Pond loop.

The Taylor Pond Snowmobile route is located on the Taylor Pond Road Loop and is approximately 11.6 miles in length. The trail has no register box and most of the trail markers are gone. The bridges that were used historically to cross the streams and pond along the trail have rotted away. The section of the trail accessing the lean-to is in fair condition but needs extensive erosion and water control devices installed. The trail section on the south side of the pond was open to the public until 2003 for motor vehicle access. Due to resource degradation issues the department closed the road in order to protect it.

Snowmobile Trail Classification

Class II (Community Connector Trails) - Snowmobile trails or trail segments that serve to connect communities and provide the main travel routes for snowmobiles within a unit are Community Connector Trails. These trails are located in the periphery of Wild Forest or other Forest Preserve areas. They are located as close as possible to motorized travel corridors, given safety, terrain and environmental constraints, and rarely are they located further than two miles away from the nearest of these corridors. They are not duplicated or paralleled by other snowmobile trails.

Class I (Secondary Snowmobile Trails) - All other snowmobile trails that are not Community Connector Trails are Secondary Snowmobile Trails. These trails are located in the periphery of Wild Forest and other Forest Preserve areas where snowmobile trails are designated. They may be spur trails (perhaps leading to population areas and services such as repair shops, service stations, restaurants and lodging), short loop trails or longer recreational trails. If directly connected to Class II trails, new and rerouted Class I trails are located as close as possible to - and no farther than two miles from - motorized travel corridors, although some - with high recreational value - may be located beyond one mile and may approach a remote interior area.

**Snowmobile trails may also be located in Intensive Use Areas as well as in some Primitive areas and in Wilderness areas within 500 feet of the Wilderness boundary.*

Section IV: Management Recommendations

Snowmobile Use on Department Roads. DEC management of all such roads for motor vehicle use, including snowmobiles, is guided by the Departments CP-38 (Forest Preserve Roads) policy.

A Park-wide Perspective on Snowmobile Planning

Until recently snowmobile trail planning and development was accomplished through individual unit management plans on a unit by unit basis. Throughout the development of UMPs, the need to consider a broader approach to snowmobile trail planning became evident. When the Adirondack Park snowmobile trail network is viewed in its entirety, it becomes obvious that there are numerous gaps in the trail network, as well as redundant trails. These gaps isolate individual towns and villages and without connections to other regions may limit opportunities for riding. In other cases ice crossings, necessitated by the lack of land based routes, adversely affects when adjoining trails may be used. These situations not only limit for some communities the opportunity to take advantage of the economic benefits of snowmobiling but also tend to focus more intensive use of areas with a more developed snowmobile trail network.

Developing a better park-wide network will not only improve snowmobiling opportunities throughout the Park, but will offer opportunities to enhance areas within the interior by reducing impacts associated with snowmobile use. Interior trail closures should focus on dead-end trails, those requiring ice crossings, trails that are redundant and those that are in proximity to either wilderness boundaries or areas of the unit that are primitive in character. Although the balance of new long distance connections versus interior back country opportunities may not achieve the desires of all snowmobilers, it is consistent with the direction of snowmobiling on the forest preserve, where the emphasis is on providing trail connections that cross the forest preserve in lieu of trails that utilize the forest preserve as a destination for riding. These concepts are outlined in the 2006 Snowmobile Plan for the Adirondack Park/Generic Environmental Impact Statement and the 2009 Management Guidance - Snowmobile Trail Siting, Construction And Maintenance On Forest Preserve Lands In The Adirondack Park (Management Guidance).

New connecting routes should follow public highway corridors or be as peripheral to the unit as possible. The overall goal of this approach is to focus motor vehicle use in or near travel corridors while making interior portions of the unit more primitive in character.

Trail Closures

As discussed above trails that are redundant and or dead-end trails should be closed to snowmobiles while remaining open to other uses such as bikes, horses, skiing and hiking. Trails that are closed will be blocked with natural barriers unless ongoing administrative access is required. The trail that leaves the southern arm of the Taylor Pond Loop and heads to the Taylor Pond Dam, then to the Nelson Road is a redundant trail. This trail historically provided a loop type riding experience. The trail is no longer needed and will be closed to snowmobiles. Additionally a network of old woods roads, the state owned portion of the Richards Road and trails on the powerlines in this vicinity are redundant and will be closed to snowmobiles once the proposed relocations and new trail construction is completed. Since 1972 many other trails in the unit have been rerouted, and or closed for various reasons. The new closures along with the proposed new trail sections are an attempt to resolve many of the long standing issues with the disconnected snowmobile trail segments that exists in this unit.

New Snowmobile Trail Proposal

The Catamount Trail is currently an unofficial foot trail. This trail has been located here for many years. The Catamount trailhead is in need of a parking area for hikers, snowshoers and snowmobilers. The lot should be large enough to park 5 vehicles with snowmobile trailers in the winter (12 vehicles in the summer) and allow for snow plowing. A small section of the Catamount trail will become a section of the corridor snowmobile trail, connecting the town of Wilmington to the Taylor Pond trail system. Some rerouting along the Catamount mountain trail will be needed in order to accommodate snowmobiles on the short section from the Forestdale Road to the point where it will depart from the State Land and enter the Boeselager property. From the private lands currently owned by Boeselager the trail will connect with the Taylor Pond Loop.

The snowmobile route that encircles Taylor Pond is in moderate condition and needs some rerouting on the western end of the lake to move the route off the water and onto private land. The snowmobile route was originally built as a road with bridges over the eastern side of the lake. When the bridges rotted away it became unusable for vehicles. Historically a portion of the road has supplied access to the lean-to on the southern shore of Taylor Pond. This section of road on the south side of the pond was open to the public until 2003. Due to heavy use, resource degradation issues and a lack of funding for maintenance the department temporarily closed the road until funding is available to properly maintain the road for use by persons with limited mobility. The road on the western edge of the Taylor Pond will be rerouted. This rerouting will be completed through an agreement with the adjacent private land owner and the local snowmobile club. The snowmobile route will also be rerouted in some small sections to avoid hazardous terrain and rocks. This route will become the connection from the Town of Wilmington.

The portion of the snowmobile connection from Terry Mountain State Forest to Fern Lake was originally planned to be completed through a snowmobile club agreement with International Paper Company, Inc. (IP). Since that time the IP lands were acquired by Lyme Adirondack Timber Lands LLC (LATL) and the Department has purchased a conservation easement on the lands. The connection will now have to incorporate planning with the LATL owners and the Department. Once the connection is made through the Easement lands and onto Terry Mountain State Forest the trail will co-exist on logging roads that will take users to the access road for Mud Pond. From Mud Pond a new multi-use trail for snowmobiling and forestry called the Cliff Trail will be constructed to connect Military and Mud Pond with the Red Road (a Department road). A second multi-use trail for snowmobiling and forestry has been laid out and will be built to connect the Cliff Trail and Red Road with the Tower Road (a second Department road). This new trail will be called the Summit Trail. From the ends of these two roads users will travel on to private property and state lands outside of the ADK Park to the Towns of Peru, Plattsburgh and Saranac.

A portion of the C8D trail that is used by snowmobilers to travel from Taylor Pond to Loon Lake runs through lands that have been recently subdivided. Due to this subdivision and expected future sale of the building lots, it is possible that this small portion of the C8D trail will be closed by the new land owners when they develop the lots. In order to provide an alternative route that can be used if the private land owners close the trail, this plan calls for the construction of a new section of trail on state land that will connect the Union Falls Power Line with Union Falls Pond.

Section IV: Management Recommendations

Trail Construction

Before any portion of trail is constructed, a detailed Snowmobile Trail Work Plan will be developed as per the *Management Guidance*. The final layout will utilize existing roads, trails and natural openings to the greatest extent possible. Wetland permits will be obtained from APA if required. It is possible that soil and grade conditions would make the trail suitable for the use of bicycles during the summer and fall months. The location of the proposed route would lend itself to the creation of a number of bicycle trail loops of various lengths. Trail construction will conform to current snowmobile trail policy standards.

Projected Use and Potential Impacts

Any increase in use due to the construction of new routes is offset by the closure of existing trails within the interior of the unit. Not only is the mileage of proposed trail closures greater than the mileage proposed to be constructed, but with regard to the general effects on wild forest character, the beneficial effects resulting from the removal of interior trails are likely to exceed the negative impacts caused by the construction of peripheral trails.

Some tree cutting and the removal of other vegetation will be necessary for the construction of proposed trails. Other possible adverse impacts may include temporary disturbance to streams and wetlands, such as increased soil erosion and siltation and stream bottom disturbance. There may be minor noise impacts during construction. Potential environmental impacts will be minimized through the application of best management practices during trail construction.

Monitoring will be important to ensure that environmental degradation of the trail is minimized. If degradation were to occur, the Department would take appropriate mitigation actions, including increased maintenance activities, education and other management actions. The Department will work with local snowmobile clubs to monitor use and to coordinate maintenance activities through the use of Adopt-a-Natural-Resource Stewardship Agreements.

Discussion of No Material Increase

The APSLMP requires that there be no "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" Further, the APSLMP states that "the mileage of snowmobile trails lost in the designation of wilderness, primitive and canoe areas may be replaced in wild forest with existing roads or abandoned wood roads as a basis of such new snowmobile trail construction, except in rare circumstances requiring the cutting of new trails;" and that "wherever feasible such replacement mileage should be located in the general area as where mileage is lost due to wilderness, primitive or canoe classification.

While the no material increase provisions applies to all wild forest areas on a Park-wide basis, efforts are made during the planning process, for each unit, to close unsuitable snowmobile trails to help compensate for new snowmobile trail mileage necessary for trail relocations or new community connector links. In order to determine what contribution proposals of this UMP would make to a "material increase" or decrease in trail mileage, it was necessary to document historic mileage in the unit and compare that mileage to the total mileage proposed in this plan. Implementation of all the proposed

Section IV: Management Recommendations

snowmobile trail changes in this UMP will result in the closure of 13.82 miles of existing trails and roads open to snowmobiling pre-UMP (and the closure of 20.14 miles since 1972) and the creation of 11.6 new miles of trail post -UMP.

In March of 2008 the Adirondack Park Agency adopted a resolution which found that existing DEC policy, which places a cap on the total snowmobile trail mileage on all wild forest units at 848.88 miles, is consistent with the APSLMP. The resolution also outlined the format in which snowmobile trail mileage should be presented in unit management plans. This information is presented below.

This Unit Management Plan:

Base Snowmobile Trail Mileage in 1972:	54.44 miles
Base Snowmobile Trail Mileage (pre UMP):	36.87 miles
Proposed Closure Mileage:	13.82 miles
Proposed New Trail Mileage:	11.6 miles
Total Proposed Trail Mileage (post UMP):	34.65 miles

Park-wide Trail Mileage:

1972 Mileage	Estimated Existing Mileage in All Wild Forest Units	Proposed Net Gain/(Loss) of Mileage in TPWF	New Total Estimated Mileage in All Wild Forest Units	Total Allowable Wild Forest Mileage * *Mileage beyond which would be considered a "material increase"
740	760.77	(2.22)	758.55	848.88

Objectives:

- Provide for snowmobiling opportunities in the TPMC consistent with APSLMP criteria and guidelines.
- Connect the Taylor Pond snowmobile trail system with the snowmobile trails in the Wilmington Wild Forest.
- Connect the Taylor Pond snowmobile trail system with the snowmobile trails in the Loon Lake area.
- Ensure that all snowmobile trails in the unit are being maintained.
- Connect the Taylor Pond snowmobile trail system through Burnt Hill State Forest to New York State Route 3.
- Connect the existing snowmobile trails on Burnt Hill State Forest with those on Terry Mountain State Forest.
- Connect the Taylor Pond snowmobile trail system with trails in the towns of Saranac and Peru.

Management Actions:

- Close the Old Route 3 Mud Pond Snowmobile Trail from Rt.3 to Mud Pond (1.6 miles)
- Maintain the existing snowmobile trail system as a designated snowmobile trail system. Connect the Wilmington Snowmobile Trail to the Taylor Pond Snowmobile Route.

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- Build a snowmobile trail from the Forestdale Road along the Catamount trail to the Boeselager property (0.5 miles).
- Relocate the portion of the snowmobile trail which is located on the north side of the water crossing at Union Falls Pond from private property to adjacent state land if the private land owners close the current trail to the public.
- Build a snowmobile trail from the Boeselager property to the Taylor Pond snowmobile route on the northwest side of the pond.
- Reroute the Taylor Pond Snowmobile Trail off of the water. Build a trail from the current Taylor Pond route to the Boeselager property on the south west side of the pond (0.25 miles).
- Open and connect to the LATL near Fern Lake. These lands have previously been used as a unofficial snowmobile connector between the Taylor Pond trail system and the town of Peru.
- Connect the snowmobile trail from Burnt Hill State Forest to New York State Route 3.
- Replace bridges and perform maintenance on the Taylor Pond snowmobile trail.
- When feasible reroute sections of snowmobile trail running over water and on excessively steep slopes.
- Review all snowmobile trails in AANR's annually to ensure clubs are maintaining the trails covered by their AANR agreements.
- Seek out additional AANR agreements with snowmobile clubs and volunteers for trails not already covered under an AANR agreement.

3. Dams

Present Conditions:

The Taylor Pond dam is the only state-owned dam in the unit. It is located on Black Brook in the town of Black Brook. It is an approximately 390 foot long and 22 foot high earthen dam that is 12 feet wide at the crest. This dam controls the water level of Taylor Pond. A preliminary engineering inspection for the dam was completed on November 5th 2004 by Clough, Harbour and Associates LLP. The report outlined the general condition of the dam, the engineering fees necessary to provide a more in depth investigation, and preliminary costs for rehabilitation and dam upgrades. The dam is a earthen dam with either a partial or complete concrete core. The core measures 18 inches at the crest of the dam where it is visible. The overall assessment of the Taylor Pond dam, ranked the maintenance listed in the preliminary investigation as a medium priority when compared to other dams owned and maintained by the state.

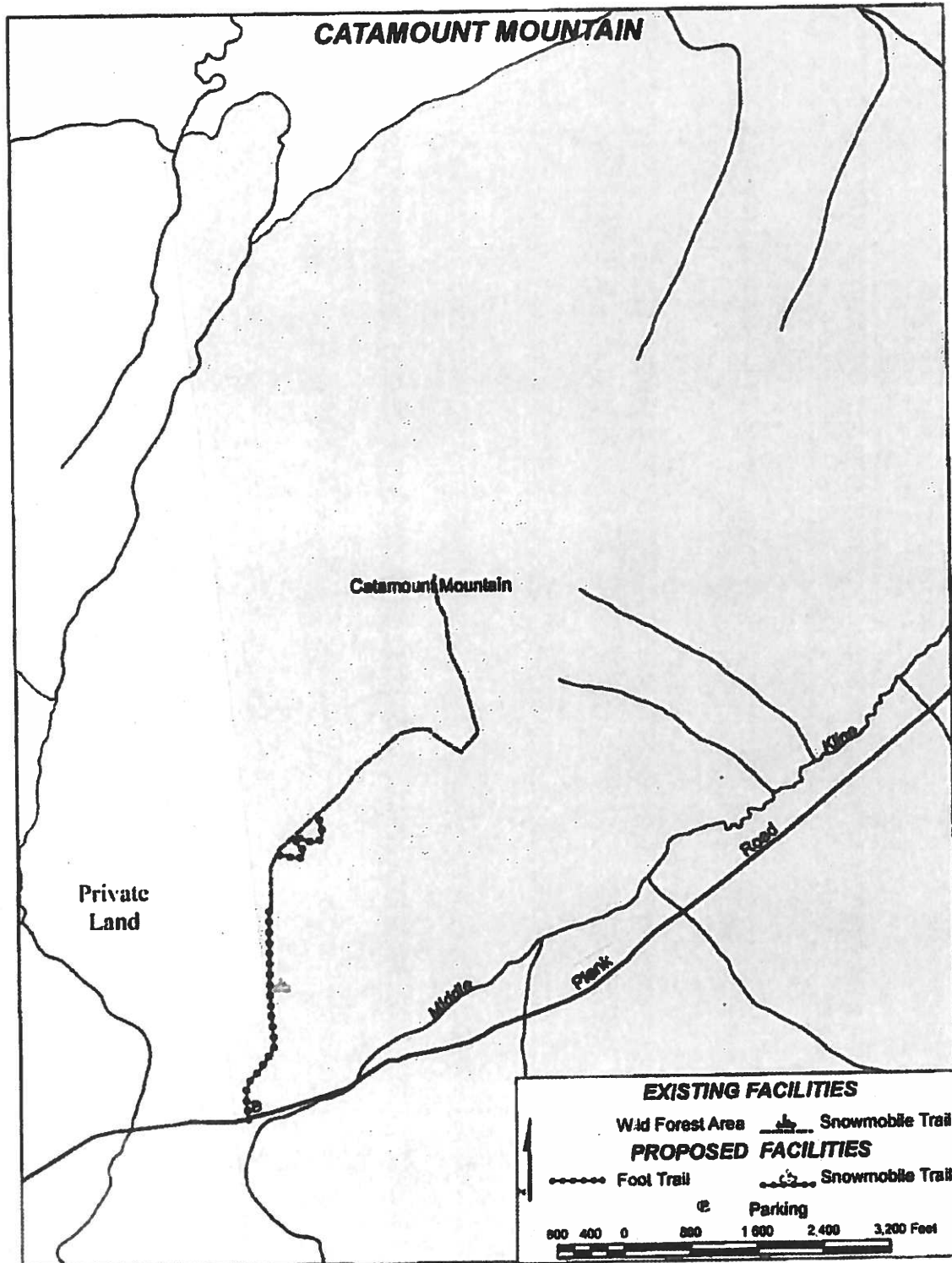
In August of 2006 phase two of the Taylor Pond dam inspection as recommended in the preliminary report of 2004 was completed. The report outlines different methods of bringing the Taylor Pond Dam into compliance with NYS DEC dam safety regulations.

Objectives:

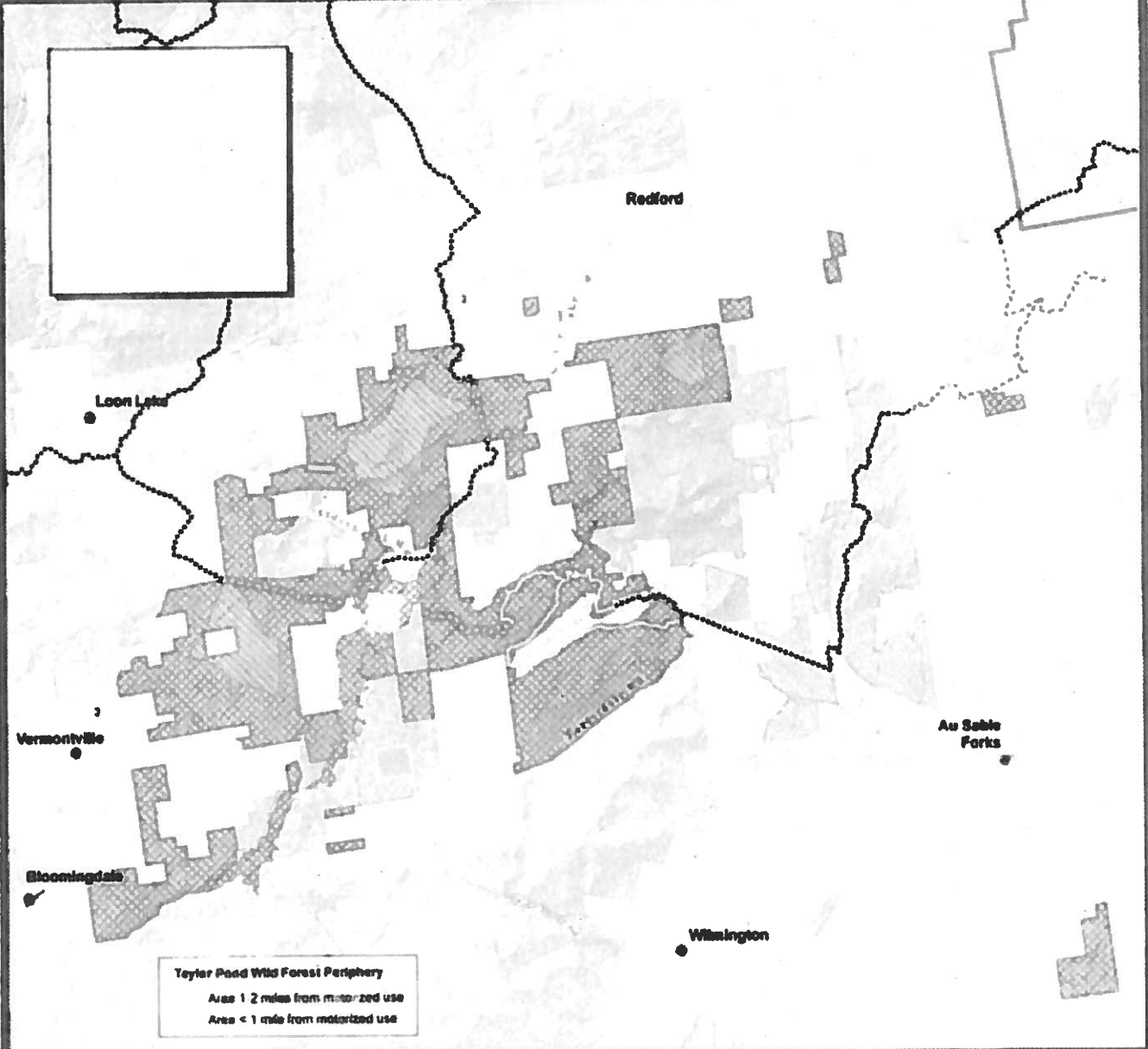
- Maintain the Taylor Pond Dam in accordance with NYS DEC regulations.
- Maintain the level of Taylor Pond at an optimal water level.

Management Actions:

- Perform maintenance when and where necessary.
- Perform periodic scheduled inspections of the dam to determine it's condition.
- Exercise the gate valve on a scheduled basis to maintain the valve.
- Perform needed upgrades as required to keep the dam in compliance with NYS DEC regulations.



Proposed Snowmobile Trail System



Forest Preserve Snowmobile Trails

- Forest Preserve Road
- Class II snowmobile trail
- Class I snowmobile trail
- Trail or road on which snowmobile use to be discontinued

Other Snowmobile Trails

- State Forest snowmobile trail
- Conceptual private land community connector trails

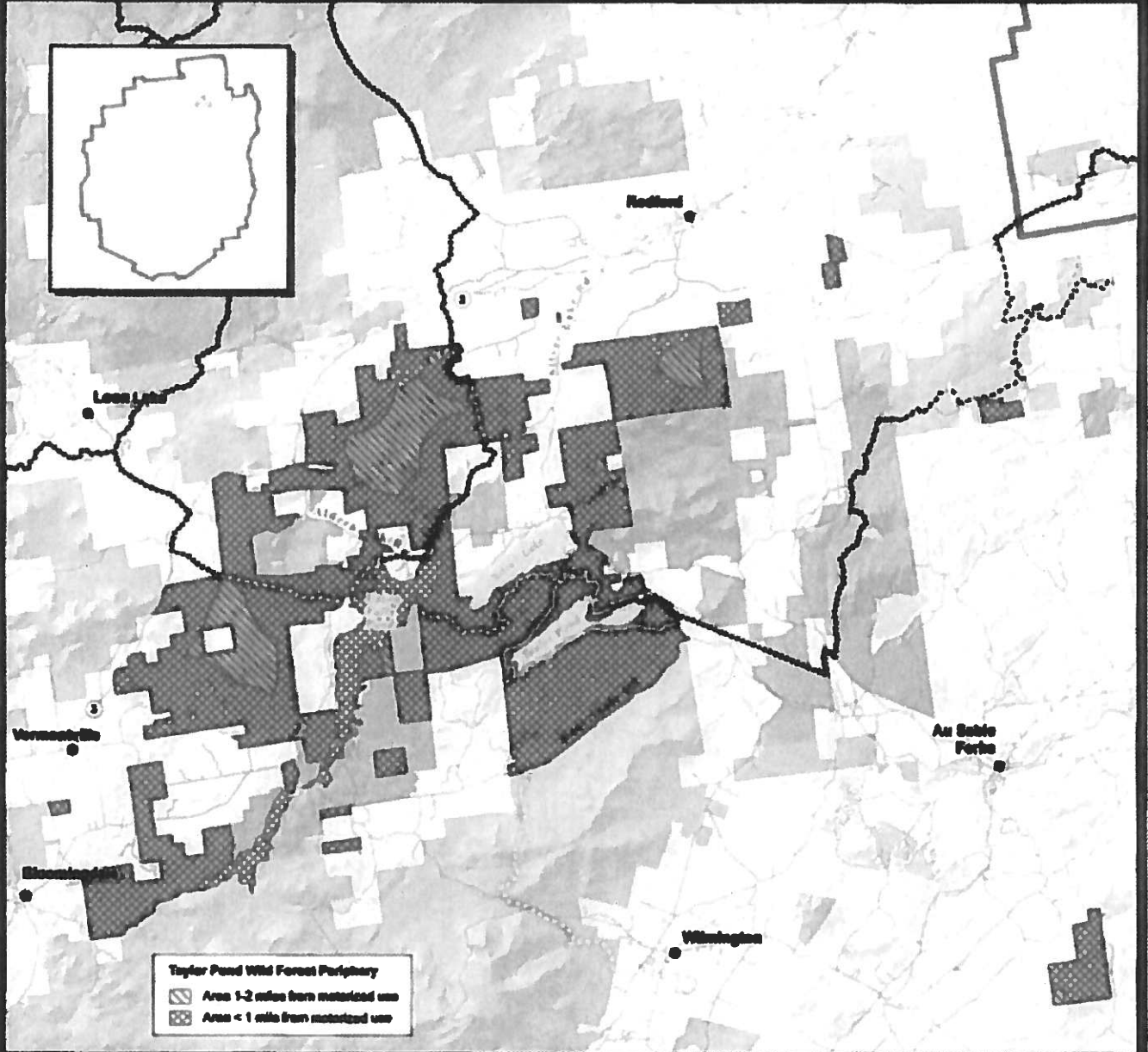
- Taylor Pond Wild Forest
- Adirondack Park State Forest
- Other DEC land
- DEC conservation easement
- Adirondack Park boundary
- Other road
- Other trail



July 2012



Proposed Snowmobile Trail System



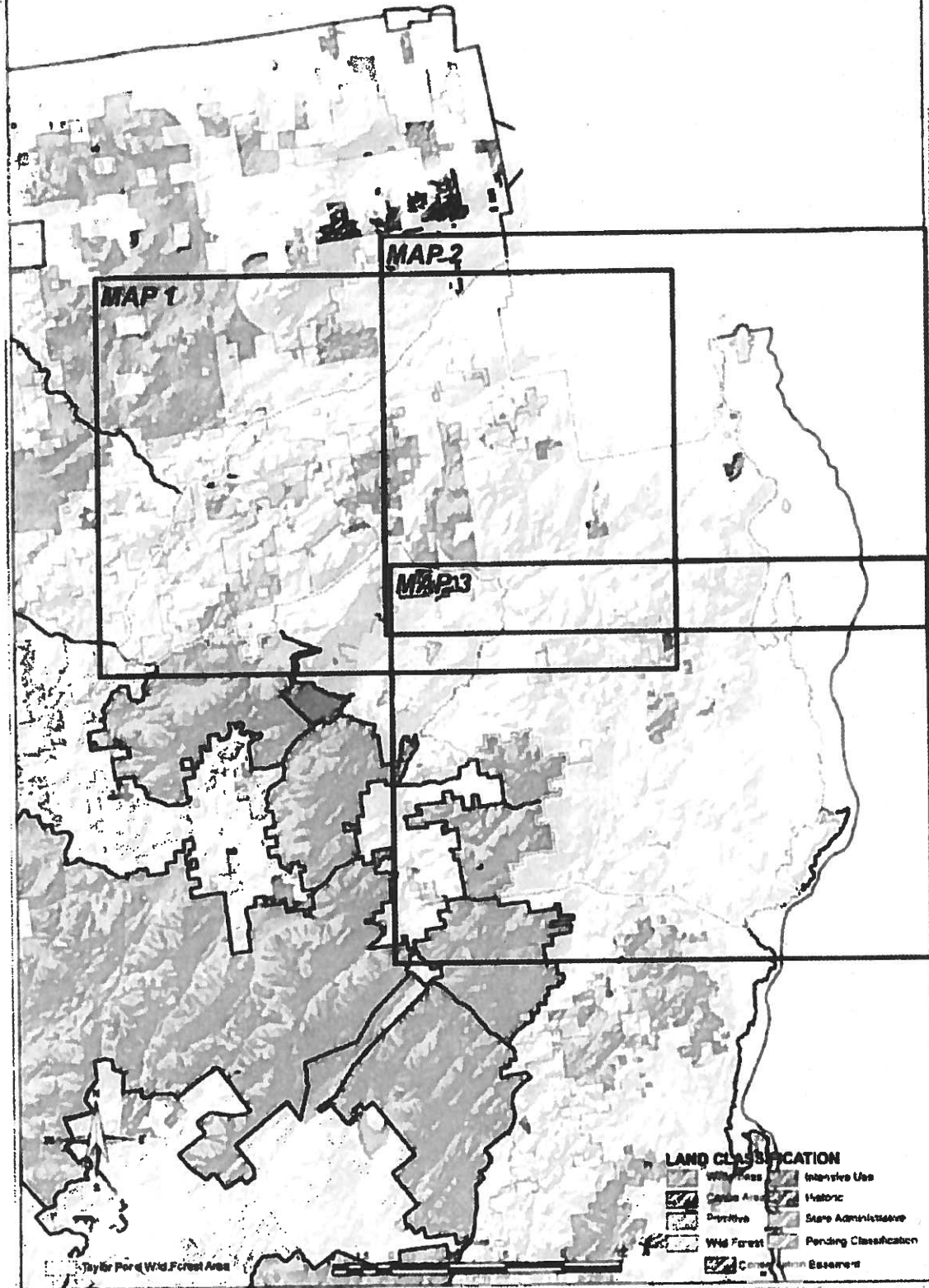
- Forest Preserve Snowmobile Trails**
- Forest Preserve Road
 - Class II snowmobile trail
 - Class I snowmobile trail
 - Trail or road on which snowmobile use to be discontinued
- Other Snowmobile Trails**
- State Forest snowmobile trail
 - Conceptual private land community connector trails

- Taylor Pond Wild Forest
- Adirondack Park State Forest
- Other DEC land
- DEC conservation easement
- Adirondack Park boundary
- Other road
- Other trail

July 2012

0 1 2

ADIRONDACK PARK TAYLOR POND MANAGEMENT COMPLEX



TAYLOR POND MANAGEMENT COMPLEX Overview Map

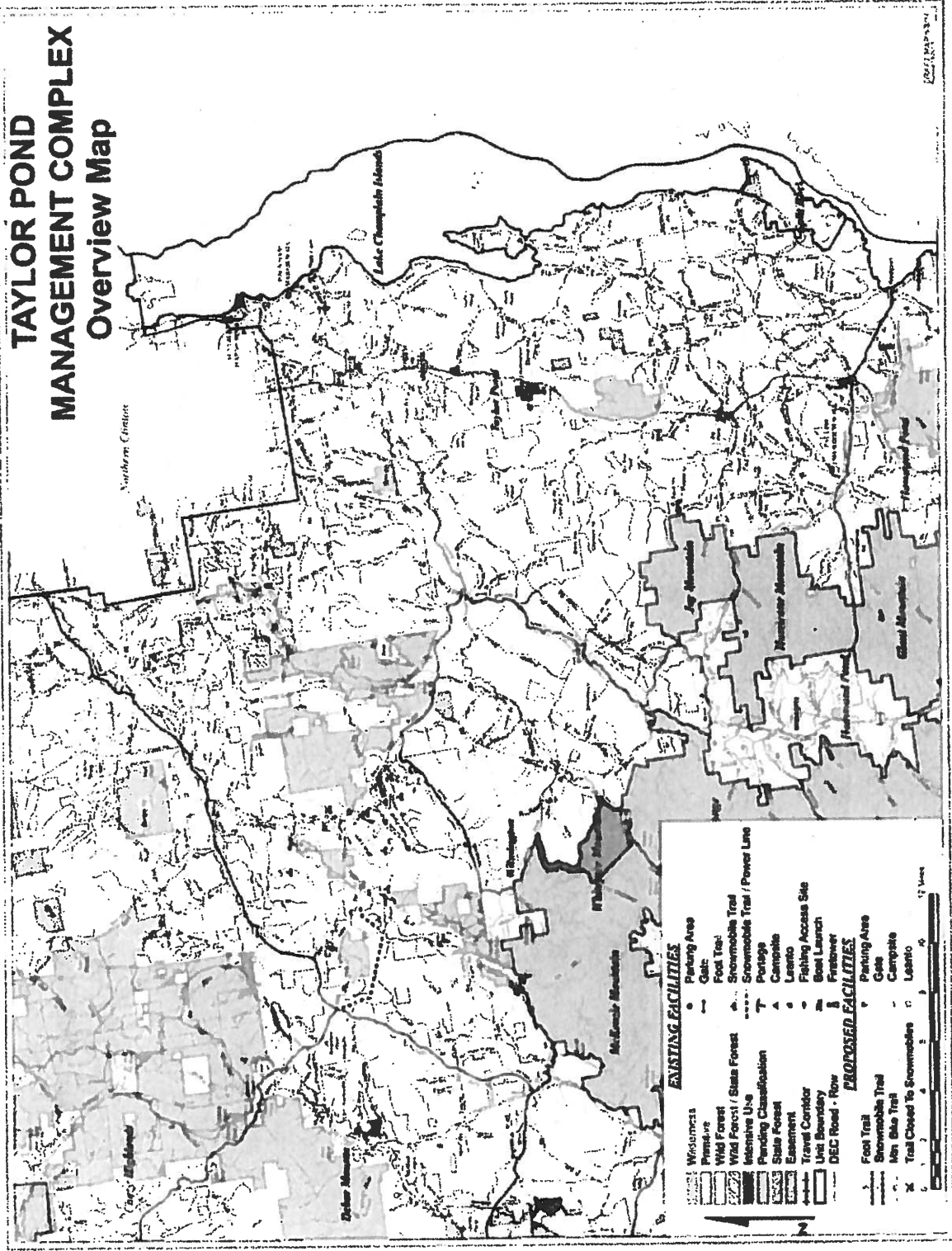


EXHIBIT B



New York State Department of Environmental Conservation
Division of Lands and Forests

Adirondack Park
SNOWMOBILE TRAIL PROJECT WORK PLAN

REGION: 5 OFFICE: Ray Brook TRAIL CLASS: II

UNIT NAME(S): Taylor Pond Management Complex

DEC FORESTER: Dan Levy DATE OF APPLICATION: June 4, 2013

APA CONTACT PERSON: Kathleen Regan DATE OF APA CONTACT(S): January 7, 2013
MAY 6 & 28, 2013

PROJECT NAME: Taylor Pond to Wilmington Community Connector

LOCATION OF PROJECT(S): Clinton County, Town of Black Brook

TRAIL PROJECT IN AN APPROVED UMP: Yes IF YES, LIST UMP PAGE NUMBER(S): 85 - 90

DESCRIPTION OF PROJECT(S): WHERE, WHAT, WHY, HOW

- 1) **Where** - The approved Taylor Pond Management Complex (TPMC) UMP proposes development of a Community Connector snowmobile trail and parking area within the TPMC to connect with the Community Connector snowmobile trail proposed in the Wilmington Wild Forest (WWF) UMP. This trail project is phase two in the development of a community connector snowmobile trail from the Town of Wilmington to Taylor Pond, providing a connection between the communities of Wilmington, Peru and Loon Lake.

This project includes the development of new trail on private lands as well as WF portions of the TPMC. This new trail will begin at the current Catamount trailhead. The trail will follow the current foot trail before leaving public land to travel across private property. The trail will return to public land at Taylor Pond and join the existing Taylor Pond Loop Trail. From here, the route will connect to existing and proposed new trails on Terry Mountain SF heading toward the town of Peru. Location Map Attached.

- 2) **What** - This project will cover brushing, tree cutting, terrain modification and gate installation activities. The core objective of the 2009 Snowmobile Trail Management Guidance is to achieve a balance of tree cutting, rock removal and terrain modification. This is achieved through careful layout to help design a trail that has the character of a foot trail and can be a safe and sustainable, multiuse trail for all users. Balance is achieved through detailed consideration of micro sections of the trail during the initial layout and is further enhanced by adjusting the plan as necessary after each piece is constructed. Snowmobile Trail Work Project Plan Modifications Reports will be submitted to document such adjustments. These reports serve as work plan amendments, or updates, subject to the same approval as the original work plan. The initial work plan and any subsequent modification reports are pulled together in a final documentation of the project.

- a) **Tree cutting** - See tally below. The 133 trees to be cut are marked with a tree scribe and yellow/black flagging. Stumps will be cut flush with the ground. Trees will be dispersed off the trail;

however tree trunks of larger sized trees may be used to delineate the trail at certain locations or may be used to modify the trail tread through a future work plan.

Diameter	Beech	Striped Maple	Hornbeam	White Pine
4"	2	4	1	0
6"	0	0	0	1
8"	0	0	0	1
Total	2	4	1	2

Diameter	Birch	Black Cherry	Balsam Fir	Poplar
4"	3	0	77	0
6"	3	1	3	0
8"	0	0	1	1
Total	6	1	81	1

Diameter	Maple	Spruce		
4"	10	19		
6"	3	1		
8"	1	1		
Total	14	21		

b) **Brushing and Pruning-** The width for this trail over most of its length will be 9 feet. Brush will be cleared to 9 foot width and overhead branches cut 12 feet high. Branches pruned will be done with proper pruning cuts to avoid any branch stubs and allow for trees to heal properly. Small brush that hangs into the trail width from beyond 9 feet can be cut at the base instead of creating "hedge" cuts. Only at a few locations on sharp curves will trail width expand to 12 feet; trees marked to be cut will indicate the specific locations where brushing should be greater than 9 feet.

c) **Rock Removal-** No rocks have been identified for removal under this work plan. Any issues with rocks that become apparent after the corridor is brushed out, or, after initial use, will be addressed through a Snowmobile Work Project Plan Modification Report.

d) **Drainage Devices-** Through proper layout the trail is designed to avoid or minimize developed drainage devices. Due to favorable terrain characteristics the need for drainage devices is minimal in the segment of trail identified in this work plan. No drainage devices have been identified as necessary under this work plan. Areas that require drainage may become apparent after the corridor is brushed out, or, after initial use. If necessary in the future, drainage devices will be addressed through a Snowmobile Work Project Plan Modification Report.

e) **Terrain Modification-** When trails are built similar to this trail, there needs to be a balance of what trees are cut and what soil is moved, or areas leveled. The balance of tree cutting and terrain modification is important to achieve, to help this trail have the character of a foot trail. Terrain modification will take place at the moraine cut adjacent to the parking lot. No other terrain modifications have been identified under this work plan. Again, given the limitations preventing clear views of side slopes in some locations, we will address specific sections of side slope cutting if needed in a Snowmobile

- f) **Trail Markers and Signs-** This trail will be marked with DEC trail markers. These will either be DEC Snowmobile Markers or markers that say TRAIL. The Southern end of this trail will require a DEC trailhead sign, which will be ordered through the sign shop. These will need to be on posts placed along the road. Interior trail junctions will require trail signs that indicate locations along the trail or other destinations. These will be hung on trees or on posts, depending on location.
 - g) **Trail rehabilitation** – any rehabilitation work necessary will be performed by the work crews as they make their way out of the work area. Ruts will be raked smooth and drainage areas impacted by ruts will be restored to working order.
 - h) **Bridges** – No bridges will be needed.
- 3) **Why** – This trail work is being undertaken to eventually establish a new community connector trail between the communities of Wilmington, Peru and Loon Lake. This trail is called for in both the TPMC UMP and WWF UMP. It is being laid out and built in a manner that complies with the 2009 Snowmobile Trail Management Guidance.
- 4) **How** – This portion of the project will be done with trail crews, volunteers and snowmobile club AANR members. The primary tool for the tree cutting and brushing will be chainsaws. Operators will follow all of DEC's rules for safe chainsaw operation, including wearing safety chaps or pants and hardhats with eye and ear protection. Clearing saws will be used for brushing work as needed. Additionally loppers, pole saws and power pruners may be used to accomplish the cutting.

Once the cutting is done trail building tools will be used to move earth, rocks and stumps in the moraine cut. An excavator and skid steer will be used for the moraine cut, and gate installation. These tasks can be performed more neatly and efficiently with a machine than a trail crew. Hand work will be done in combination with the machine as the fine dressing of each feature is best done by hand. As indicated in the minimum tool discussion below, this will be done to minimize impacts while having direct DEC oversight.

MINIMUM TOOL REQUIREMENT DISCUSSION:

Given the motorized use this trail is designed for, these options are considered the minimum tool choices. This trail section is approximately 0.25 miles long.

This segment of trail is a high priority for Region 5 to have in use this winter. Given the timing of the project and the low levels of staff it is determined that the use of an excavator, and a skid steer will be the best choice to be able to accomplish this project in the specified time period. In many instances what the machine can do in a day, would take a trail crew of 5 a week to do and in some cases they wouldn't be able to do the project to the full extent needed.

The 2009 Snowmobile Trail Management Guidance allows for small landscape equipment to be used. We will strive to provide tracked equipment that has the lowest possible impact on the trail tread and can achieve the needed work which has been outlined.

MATERIALS:

Trail markers will need to be ordered for this trail.

1 - 5 lbs box of 2" aluminum roofing nails for the trail markers. (this length is optimum to provide proper placement of trail markers on trees on the trail.

Trailhead signs and internal trail junction signs

6 Gate Ahead warning signs

6 Stop signs

2- 12 foot steel pipe gates

6- 4x4x12' for sign posts

MOTOR VEHICLES, EQUIPMENT REQUIRED: Excavator, Skid Steer, Chainsaws, Clearing Saws.

APA STAFF COMMENTS: None - comments to date now reflected in this document

ARE WETLANDS INVOLVED?: NO IF YES OR UNCERTAIN PROCEED WITH JIF.

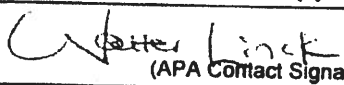

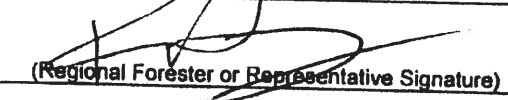
APPROVALS REQUIRED:

ESTIMATED STARTING DATE:

July 7, 2013

ESTIMATED COMPLETION DATE:

November 15, 2013

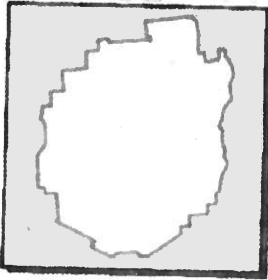
Approvals		
<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied	 (APA Contact Signature)	7/8/2013 Date
<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied	 (DEC Forester/Planner Signature)	7/7/2013 Date
<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied	 (Regional Forester or Representative Signature)	7/8/2013 Date

REGULATORY CLEARANCE CHECKLIST - FOREST PRESERVE PROJECTS

PROGRAM	PERMIT/APPROVAL	REQUIRED		SECURED BY (NAME)	COMMENTS
		YES	NO		
Air Resources	Restricted Burning		X		
Mineral Resources	Mining		X		
Solid/Hazardous Materials	Solid Waste Mgt. Lic.		X		
Water	Dam Safety Review		X		
	Const. in Flood Hazard		X		
	Public Water Supply		X		
	SPDES		X		
Spills Management	Petrol. Bulk Storage		X		
Lands and Forests	Unit Management Plan	X			LUMP approved February 2013
	Tree Cutting	X		Kristofer Alberga	
	Protected Native Plants		X		
	Historic Preservation		X		
Fish and Wildlife	Freshwater Wetlands		X		
	Wild Scenic & Rec. River		X		
	Other Protection of Waters		X		
Compliance Services	EAF		X		
	Negative Declaration		X		
	Env Impact Statement		X		
	Water Quality Cert.		X		
Other DEC	CP-17	X		Kristofer Alberga	
	Flight Request		X		
	Contract Clearance Sh		X		
	DOB Exemption		X		
Outside DEC	APA MOU	X			2009 Snowmobile Guidance Covers
	APA Wetlands Permit		X		
	Corps of Engineers		X		
	Building Permits		X		
	Local Permits		X		
	Easements		X		
	Highway Enter DOT		X		
	Wastewater Disposal		X		

Proposed Snowmobile Trail System

TAYLOR POND WILD FOREST
TERRY MTN. and BURNT HILL STATE FORESTS



Taylor Pond Wild Forest Periphery

- Area 1-2 miles from motorized use
- Area < 1 mile from motorized use

Forest Preserve Snowmobile Trails

- Forest Preserve Road
- Class II snowmobile trail
- Class I snowmobile trail
- Trail or road on which snowmobile use to be discouraged

State Forest Snowmobile Trails

- State Forest snowmobile trail

- Taylor Pond Wild Forest
- Adirondack Park State Forest
- Other DEC land
- DEC conservation easement
- Adirondack Park boundary
- Other road
- Other trail



May 2011



Map produced by New York State Department of Environmental Conservation, Division of Lands and Forests, Bureau of Forest Preserve Management

EXHIBIT C



ENB - Region 5 Notices 7/24/2013

Public Notice

Construction of the Catamount Snowmobile Trail from the Forestdale Road to Taylor Pond

County: Clinton

Lead Agency: New York State Department of Environmental Conservation (NYS DEC)

Location: Taylor Pond Wild Forest, Town of Black Brook, New York.

Project Description: The approved Taylor Pond Management Complex (TPMC) UMP proposes development of a Community Connector snowmobile trail and parking area within the TPMC to connect with the Community Connector snowmobile trail proposed in the Wilmington Wild Forest (WWF) UMP. This project was approved in the Taylor Pond Management Complex UMP (February 2013). This project will be constructed in accordance with the Department's Management Guidance on "Snowmobile Trail Siting, Construction and Maintenance on Forest Preserve Lands in the Adirondack Park" and includes removal of 133 trees.

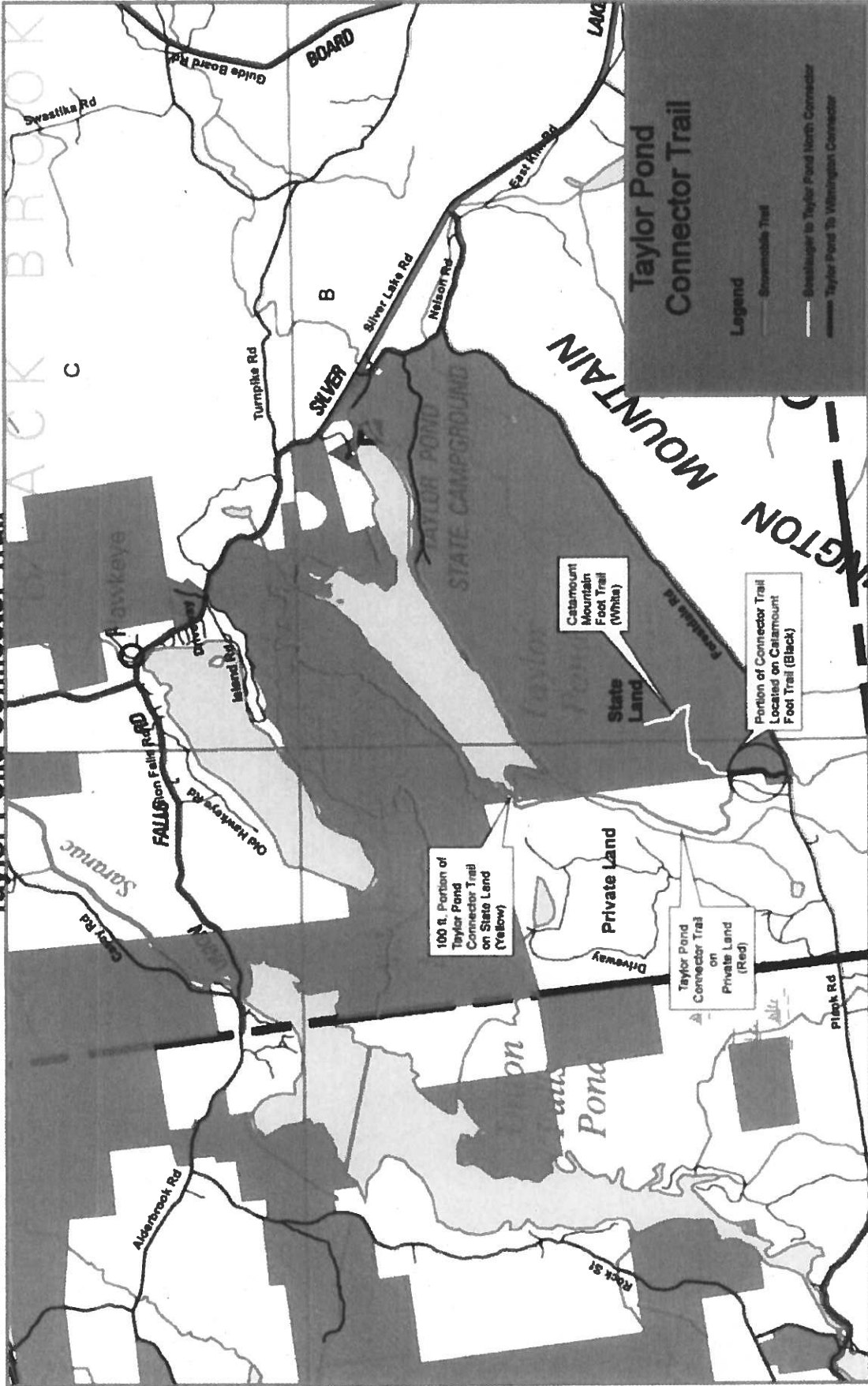
Construction of this new snowmobile connector trail will be approximately one quarter of a mile, beginning at the current Catamount trailhead. The trail will follow the current foot trail before leaving public land to travel across private property. The trail will return to public land at Taylor Pond and join the existing Taylor Pond Loop Trail.

Any tree cutting will be in compliance with Lands and Forest Policy # 91-2 on Cutting, Removal or Destruction of Trees and Other Vegetation on Forest Preserve lands. Best management practices will be followed during construction.

Contact: Robert Daley, NYS DEC - Region 5 Ray Brook, Division of Lands and Forests, 1115 NYS Route 86, Ray Brook, NY 12977, Phone: (518) 897-1291.

EXHIBIT D

Taylor Pond Connector Trail



100 B. Portion of Taylor Pond Connector Trail on State Land (Yellow)

Private Land

Taylor Pond Connector Trail on Private Land (Red)

Portion of Connector Trail Located on Catsamount Foot Trail (Black)

Catsamount Mountain Foot Trail (White)

Taylor Pond Connector Trail

Legend

- Scenic/State Trail
- Connector to Taylor Pond North Connector
- Taylor Pond To Wilkington Connector



EXHIBIT E

Tree Tally

Diameter	Beech	Striped Maple	Hornbeam	White Pine
4"	2	4	1	0
6"	0	0	0	1
8"	0	0	0	1
Total	2	4	1	2

Diameter	Birch	Black Cherry	Balsam Fir	Poplar
4"	3	0	77	0
6"	3	1	3	0
8"	0	0	1	1
Total	6	1	81	1

Diameter	Maple	Spruce		
4"	10	19		
6"	3	1		
8"	1	1		
Total	14	21		

[spruce, balsam fir, birch, maple, poplar, black cherry, white pine, beech, striped maple and Hornbeam]