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and Counsel**

May 3, 2023

Keith Carrow
NYS DEC Region 5
Division of Lands & Forests
P.O. Box 296
Ray Brook, NY 12977

**RE: Adirondack Rail Trail Construction - Phase I, Amendment
ENB Notice 4/19/2023**

Dear Keith:

Protect the Adirondacks (PROTECT) previously reviewed and commented on the proposed Work Plan for the parking areas for the Remsen-Lake Placid Travel Corridor for the new Adirondack Rail Trail. We refer you to our letter to Robert Daley dated October 26, 2022 for our prior comments about the two parking lots that are proposed on both sides of Route 86 at Fowler's Crossing between Saranac Lake and Ray Brook.

We have also reviewed the proposed amendment to the Work Plan for the new parking areas for the Adirondack Rail Trail (noticed in the April 19, 2023 Environmental Notice Bulletin). The proposed amendment relates to the parking area on the north side of Route 86. The amendment is proposed in order to maintain the intended slope (1:4) of the west side of the north parking lot, and to reduce the likelihood of erosion of the bank if it were at a steeper slope with less disturbance and tree cutting. The proposed amendment includes extending the footprint of the bank an additional 5 feet in depth for a length of 220 feet. The total footprint of a project and the impacts

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projected from terrain modifications, including the amendment, are unclear.

An additional 66 trees are proposed to be removed, for a total of 421 trees for the two parking areas. We were already concerned with the high level of tree cutting and removal original proposed, and this amendment will increase that tree cutting from 355 trees to 421 trees.

Transparency and Openness

We appreciate having access to Work Plans in ENB notices because it allows the public to obtain the necessary information to submit comments on proposed Forest Preserve management actions. We are also pleased to see that DEC is maintaining the Work Plans on its website where draft plans are posted. We again encourage the DEC to also create a page where all final approved Work Plans are posted, organized by year and DEC region, to serve as a long-term resource for Forest Preserve Work Plans. A publicly-accessible database of final approved Works Plans is particularly important where, as here, an amendment is being proposed, so that the public can view and refer back to the original Work Plan.

Article 14 Compliance

The Work Plan for the proposed amendment is lacking in detail, especially in the section “Description of Measures Taken to Avoid, Mitigate and Minimize Impacts to Natural Resources”. Please refer to our prior comment letter for a full analysis of the relevant legal standards that DEC should evaluate and describe in Work Plans to demonstrate compliance with Article 14. To our knowledge, the assessment of Article 14 compliance has not been undertaken by DEC with respect to the original Work Plan or this amendment. Such an analysis is a cornerstone of the draft Forest Preserve Work Plan template and we encourage DEC to undertake this analysis here.

While we understand that these parking areas are important for providing public access to this Forest Preserve resource (a railroad converted to a multi-use public recreation trail), the projects on these lands must pass Constitutional muster. DEC should provide in the Work Plans information showing that it has “fully considered [the relevant Constitutional] questions”. Draft CP-XX/Forest Preserve Work Plan Policy p. 4.

Conclusion

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

Sincerely,

A handwritten signature in black ink that reads "Claudia K. Braymer". The signature is written in a cursive style with a large initial 'C'.

Claudia Braymer,
Deputy Director