



**Board of Directors**

August 2, 2023

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**Chair**

Robert Ripp  
NYS DEC – Region 5 Warrensburg Sub-Office  
Division of Lands and Forests  
232 Golf Course Road  
Warrensburg NY 12885

James McMartin Long  
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**Vice-Chairs**

Barbara Rottier  
**Secretary**

**Re: North Country National Scenic Trail Project Draft Work Plan**

David Quinn  
**Treasurer**

Dear Robert,

Nancy Bernstein  
John Caffry  
Andy Coney  
Dean Cook  
James C. Dawson  
Lorraine Duvall  
Robert Glennon  
Roger Gray  
Evelyn Greene  
Sidney Haring  
Dale Jeffers  
Mark Lawton  
John Nemjo  
Peter O'Shea  
Philip Terrie  
Chris Walsh

Protect the Adirondacks has reviewed the draft Work Plan prepared by the NYS Department of Environmental Conservation (DEC) for the proposed hiking trail project noticed in the July 19, 2023 Environmental Notice Bulletin. We value the opportunity to review and comment on this draft Work Plan that provides details about the work proposed on Forest Preserve lands in the Hoffman Notch Wilderness Area to aid in the completion of the North Country National Scenic Trail (NCNST). We offer the following comments for your consideration prior to finalizing the Work Plan.

Work Plan Article 14 Compliance

**Staff**

We appreciate that the draft Work Plan generally follows the draft Forest Preserve Work Plan template. The draft Work Plan includes a basic description of the desired conditions for the project, a description of the project, a description of the measures taken to avoid, mitigate and minimize impacts to natural resources, and contains the other sections that are required by the draft Forest Preserve Work Plan template.

Peter Bauer  
**Executive Director**

Claudia K. Braymer,  
Esq.  
**Deputy Director**

While this draft Work Plan has a good description of the desired conditions of the NCNST, it does not have a detailed, site-specific assessment of this Forest Preserve Wilderness Area, and the desired conditions for it, to demonstrate an “analysis of the relevant constitutional, statutory, and regulatory factors have been considered prior to the actual construction or modification of a project previously approved in a UMP.”

Christopher Amato,  
Esq.  
**Conservation Director  
and Counsel**

We note that this Work Plan does not include a section on, or discussion of, “Article 14 Compliance,” but simply provides a box in the Regulatory Clearance Checklist for “Tree Cutting,” which is but one of the critical

Article 14 compliance evaluations that should occur during the development of a Forest Preserve Work Plan. Notably, the proposed project will cut 324 trees over the 2.5 miles of new trail construction in the Forest Preserve (approximately one mile of trail will be located on private land and on an old road corridor). That amount of cutting translates to approximately 130 trees per mile. In 1993, in the *Balsam Lake* decision, the Appellate Division found that the State's plans to cut 350 big and small trees (counting trees 1" DBH and above) to extend a cross-country ski trail by 2.3-miles (152 trees per mile) did not violate Article 14. Thus, the proposed project would not violate Article 14 based upon the amount of tree cutting that is planned. This analysis should be conducted by DEC and presented clearly in the Work Plan.

We applaud the references in the Work Plan (pp. 1-3) to the intent to have trail construction that protects the "Wilderness experience"; a proposed project must be in done accordance with the "ultimate objective of protecting the forest as wilderness." There should also be a discussion of Article 14 compliance for maintaining into the future the "wild state" of the Forest Preserve in this proposed state management action. These are important parts of the new Work Plan policy that should have been utilized here, especially because this is in a Wilderness Area.

Additionally, the DEC Forest Preserve Work Plan Policy template for Work Plans, found in Attachment 1 of the Work Plan Policy, requires approvals from the Regional Program Manager, Regional Supervisor of Natural Resources, Regional Director, and Division Director. These signoffs are missing from the draft Work Plan.

### Description of Desired Conditions

As noted above, the Description of Desired Conditions in the Work Plan needs to reflect the classification of this area as Wilderness. The State Land Master Plan (p. 22) states that Wilderness Areas are "where the earth and its community of life are untrammelled by man . . . having a primeval character, without significant improvement . . . to preserve, enhance and restore, where necessary, its natural conditions". In addition, the SLMP (p. 22) states that Wilderness Areas have "outstanding opportunities for solitude or a primitive" recreation. The Work Plan should more clearly dictate that the desired conditions resulting from the construction and management of the proposed project will meet the objectives and characteristics of Wilderness Areas. The NCNST must be "designed and located so as to blend with the surrounding environment and to require only minimal maintenance", and "to emphasize the self-sufficiency of the user to assume a high degree of responsibility for environmentally-sound use . . and for his or her own health, safety and welfare". SLMP p. 23.

Care must also be taken to protect the carrying capacity of this Wilderness Area. The Work Plan should include measures to ensure that carrying capacity is not exceeded by the potentially high use of the NCNST. For instance, should the parking area be limited to a certain number of vehicles.

Alternatives Section

The draft Work Plan policy received many comments pushing for more expansive alternative action considerations. The “Analysis of Project Location and Design Alternatives” section should be bolstered to provide a better understanding of possible alternatives such as alternative trail alignments or routes within the general area that has been selected for the proposed trail.

On behalf of the Board of Directors of Protect the Adirondacks, please accept our gratitude for the opportunity to share our comments on this draft Work Plan.

Sincerely,

A handwritten signature in black ink that reads "Claudia K. Braymer". The signature is written in a cursive, flowing style.

Claudia Braymer,  
Deputy Director