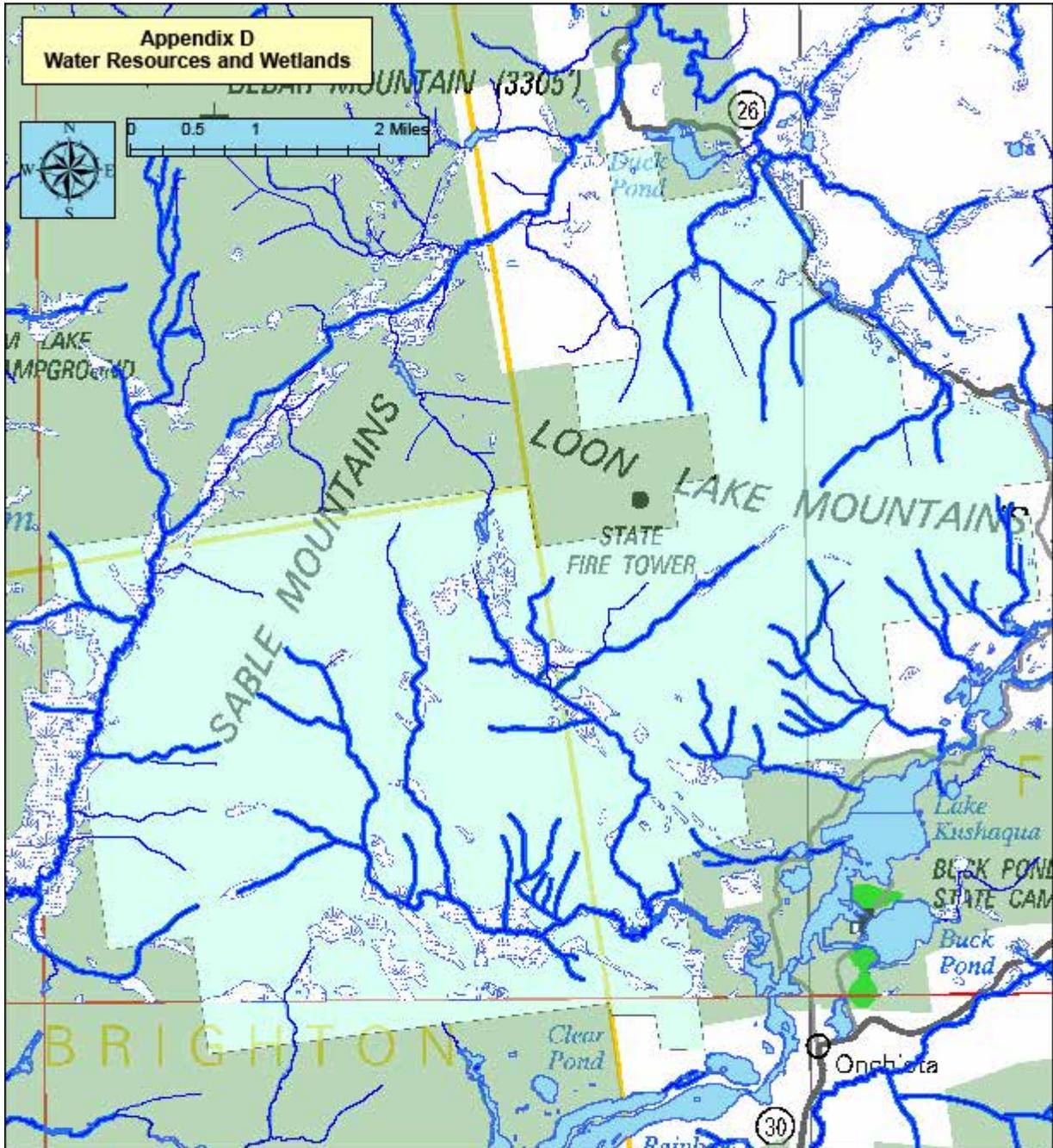


Appendix D - Water Resources and Wetlands Map



**Appendix D
Water Resources and Wetlands**

0 0.5 1 2 Miles



SABLE MOUNTAINS

LOON LAKE MOUNTAINS

STATE FIRE TOWER

Lake Kushaqua

BUCK POND STATE CAMP

Buck Pond

Clear Pond

Onchiota

BRIGHTON

**Kushaqua Tract Conservation Easement
Recreation Management Plan
Water Resources and Wetlands Maps
March 2013**

Legend

- Stream, 1:24,000
- Classified Stream- Protected
- Known Wetlands-NWI
- Debar Mountain Wild Forest
- Kushaqua Tract Conservation Easement

Appendix E - SEQR

The State Environmental Quality Review Act (SEQRA) requires the consideration of environmental factors early in the planning stages of any proposed action(s) that are undertaken, funded or approved by a local, regional or state agency. A Full Environmental Assessment Form is used to identify and analyze relevant areas of environmental concern based upon the management actions in the draft unit management plan. For this plan, SEQRA review has been initiated with the preparation of both the EAF and Negative Declaration. Upon review of the information contained in the EAF, there will not be a significant impact on the environment. Any changes that are made to this draft plan, based upon public comments, will be considered in the EAF and determination of significance prior to completing the final plan. The Negative Declaration appears below.

**State Environmental Quality Review
NEGATIVE DECLARATION
Notice of Determination of Non-Significance**

Identifying # 2016-DD-5-12

Date February 11, 2016

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The NYS Department of Environmental Conservation as lead agency, has determined that the proposed action described below will not have a significant environmental impact and a Draft Environmental Impact Statement will not be prepared.

Name of Action: Adoption and Implementation of the Kushaquua Recreation Management Plan

SEQR Status: **Type 1** X
 Unlisted

Conditioned Negative Declaration: **Yes**
 X **No**

Description of Action: The Recreational Management Plan (RMP) for the Kushaquua Tract Conservation Easement addresses public access and recreational use. The State acquired full public recreational rights on the Kushaquua Tract which encompasses 18,989 acres for the purposes of motorized and non-motorized access for public hunting, fishing, trapping, hiking, camping, canoeing and boating. All measures will be taken to ensure the management actions proposed in this plan will not degrade the character of the area. Management issues that may come up will be discussed between the Department and the landowner, as necessary.

The primary goals of management of these lands will be to:

- a. Provide reasonable public access via motor vehicle and other means to allow the public to enjoy the range of recreational opportunities provided by these lands;
- b. Minimize the impact of public recreational use on the natural resources of the area;
- c. Minimize the conflicts between public recreational use and the landowner's camp envelope lessees;
- d. Minimize the conflicts between public recreational use and the forest

- e. management activities carried on by the landowner;
- e. Encourage continued private land stewardship as a working forest through voluntary compliance with Best Management Practices (BMP's), and the Forest Management Plan(s);
- f. Develop a better understanding of the natural resources of the planning area in cooperation with the other landowners;
- g. Involve the full range of public interests in the planning process and;
- h. Maintain the largely undeveloped character of the planning area. Maintain a high quality sustainable environment for future generations.

Specific management actions proposed in this plan include: maintenance and rehabilitation of facilities, construction and improvement of parking areas, construction and improvements to access trails and water bodies and construction of campsites.

Location: (Include street address and the name of the municipality/county. A location map of appropriate scale is also recommended.)

Lands comprising this unit are located in the Towns of Brighton and Franklin in Franklin County.

Reasons Supporting This Determination:

(See 617.7(a)-(c) for requirements of this determination; see 617.7(d) for Conditioned Negative Declaration) A full Environmental Assessment Form has been completed and it has been determined that no proposed action will have an adverse environmental impact. All management activities will comply with Department policies and guidelines, Environmental Conservation Law, rules and regulations, permitting requirements and will be consistent with the Easement Agreements.

All construction projects will incorporate the use of Best Management Practices, including but not limited to the following:

Locating improvements to minimize necessary cut and fill;

Locating improvements (where possible) away from streams, wetlands, and unstable slopes;

Use of proper drainage devices such as water bars, culverts and broad-based dips;

Locating trails to minimize grade;

Using stream crossings with low, stable banks, firm stream bottom and gentle approach slopes;

Constructing stream crossings at right angles to the stream;

Limiting stream crossing construction to periods of low or normal flow;

Avoiding areas where habitats of threatened and endangered species are known to exist;

Using natural materials (where possible and economical) to blend the structure into the natural surroundings;

Locating parking areas on flat, stable, well-drained sites;

Whenever possible, utilizing wood buffers to screen parking areas from roads;

Limiting the size of the parking lot to the minimum necessary to address the intended use;

Limiting construction to periods of low or normal rainfall;

Ditches, culverts, road fabric, and surfacing with gravel or other appropriate natural material will be utilized when necessary;

Wherever possible, lay out trails on existing old roads or cleared or partially cleared areas;

Using stream bank stabilizing structures made of natural materials such as rock or wooden timbers.

The Department's planning for and implementation of public recreational uses on the portions of the property designated for such uses are consistent with the purposes of the easement. Management activities in this plan will ensure natural resource protection and biological diversity, recognizing that the capacity of the property to accommodate public recreation is limited. The Department will periodically inspect recreational facilities and their use to ensure natural resource protection, compliance with the easement and non-interference with the landowner's management activities. If necessary, management changes will be made in order to resolve conflicts or mitigate resource degradation. Any enforcement violations will result in Department actions necessary to remedy these non-compliance issues.

Any new construction conducted within wetlands will occur under an appropriate wetlands permit from the Adirondack Park Agency (APA). Any areas disturbed will be re-seeded and mulched with native species, as necessary. Construction will be limited to periods of dry weather and lower water flow.

The majority of the projects proposed in this RMP are minor. Areas where construction is proposed are generally in already cleared areas or previously disturbed ones. Small connector trails or parking areas that involve new construction or improvements will employ Best Management Practices to minimize any potential impacts. Because the scale of these projects are relatively small and Best Management Practices will be followed, there is not expected to any adverse environmental impacts. The acreage of the following projects are approximate and could change at the time of construction, however only by an insignificant amount. If necessary, facilities will be closed to protect natural resources if seasonal conditions are not suitable for the established use, or if damage persists, facilities will be permanently closed. In addition, promulgating specific regulations for these lands is also possible, if conditions are warranted. The following are specific management activities proposed in the plan.

The Hays Brook Access Site will provide public paddling, fishing, hunting and wildlife viewing opportunities in a remote stream valley. A parking area for three vehicles will be constructed adjacent to the North-Branch Hays Brook Road. There will be a short portage from the parking area to the designated access points on the stream bank. The access point may be hardened depending upon site conditions to mitigate any potential

natural resource degradation.

The Mountain Pond Access Site is intended to provide public boating (paddle craft and small boats with electric motors) fishing, hunting and wildlife viewing opportunities on a small pond. Approximately 0.4 miles of existing unimproved roads and skid trails will be upgraded to a motor vehicle road standard and approximately 190 feet of new vehicle road will need to be constructed for the purpose of accessing a staging area near Mountain Pond. An accessible two vehicle parking area, for exclusive parking by people with disabilities possessing a valid CP-3 permit issued by the Department, will be constructed at the staging area. Members of the public who do not possess a CP-3 permit will be permitted to drop off and retrieve watercraft, equipment and group members at the staging area, but they will be required to park their vehicle in the designated parking area on Road # 2-2 when using this facility. A barrier free boardwalk will extend approximately 340 feet from the staging area to the shoreline of Mountain Pond where a barrier free transition dock will be constructed. A wetlands permit may be required for this project.

The North Branch Saranac River Access Site will provide public paddling, fishing, hunting and wildlife viewing opportunities in a scenic stream valley. A short portage will be designated from the parking area to the designated access point on the stream bank. Depending upon site conditions, this access point may require hardening to mitigate any potential natural resource degradation.

The Grass Pond Trail Connector is intended to provide approximately 1.4 miles of a public foot, ski, mountain bike and possibly equestrian connector trail from the easement property to the existing Grass Pond trail situated on adjacent Forest Preserve lands. A trail for the easement portion of the project will be approximately 0.5 miles, constructed between the easement/Forest Preserve common boundary and a point on the Hunter's Camp Road.

The Sheep Meadow Trail Connection will provide approximately 1.8 miles of public foot, ski, mountain bike and possibly equestrian access from the easement property to the existing Sheep Meadow trail situated on adjacent Forest Preserve lands. A trail approximately 0.3 miles for the easement portion of the project will be constructed between the existing stream crossing at the proposed Hays Brook Access Point to the easement/Forest Preserve common boundary.

A Forest Preserve Snowmobile Trail Connection will provide a groomed public snowmobile trail connection from the easement property to either the existing Jack's Camp snowmobile trail or the existing Skiff Pond snowmobile trail, both of which are situated on adjacent Forest Preserve lands. In addition to motorized usage, the trail will provide opportunities for hiking, mountain biking and possibly equestrian use during the spring, fall and summer seasons. The easement portion of the project, a trail approximately 0.3 miles for the Jack's Camp route option or, approximately 0.4 miles for

the Skiff Pond route option will be constructed between the easement/Forest Preserve common boundary and a point on either the North Branch-Hays Brook Road or the Unnamed Ponds Road. Routing options will ensure public traffic is away from private lease camps located in the area.

Twelve camping sites have been designated for public use within this RMP. Each campsite will include a fire ring and an outhouse. Five of the campsites will be designated for tent use only, while the remaining seven campsites will be available for public use with camper trailers or recreational vehicles up to a maximum overall length of twenty feet. Four designated campsites will be accessible. A total of six designated parking areas are proposed under this RMP. Both camping sites and parking areas will be built following an examination of site conditions.

ATV use will be restricted solely to roads and trails capable of supporting such vehicles and will be managed in a manner that prevents damage to natural resources. These roads and trails will be periodically checked to ensure there is no degradation of natural resources.

Some facilities proposed in this plan may require the removal of a minimal number of trees as well as brushing trails and pruning tree branches.

If Conditioned Negative Declaration, provide on attachment the specific mitigation measures imposed, and identify comment period (not less than 30 days from date of publication in the ENB)

For Further Information:

Contact Person: Sean Reynolds
Address: NYS DEC
1115 State Route 86
Ray Brook, NY 12977

Telephone Number: (518) 897-1291

For Type 1 Actions and Conditioned Negative Declarations, a Copy of this Notice is sent to:

Appropriate Regional Office of the Department of Environmental Conservation

Chief Executive Officer, Town/City/Village of

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin - NYS DEC - 625 Broadway - Albany, NY 12233-1750 (Type One Actions Only)

Appendix F - Public Comment Responsiveness Document

**Public Comment Responsiveness Document
Kushaqua Tract Conservation Easement Lands
Revised Draft Recreation Management Plan**

Comments on 2015 Draft RMP

The following is a summary of public comments received during September of 2015 following the public release of the Revised Draft RMP for the Kushaqua Tract Conservation Easement Lands. The Department received 80 comments in the form of letters and e-mails. In addition, oral comments were received at a public meeting conducted on September 1, 2015. While the intent is to use actual excerpts when possible, in many cases it was necessary to condense and paraphrase. In some instances comments were too general for a specific response. Instances where public input pointed out minor factual mistakes, typos, etc. resulted in corrections or changes made directly to the plan.

Motorized Recreation

- 1.) Does not favor of ATV/Snowmobile access in the Adirondacks and on public lands due to resource concerns and trespass.

Response: *These lands, and the rights that the State has acquired in them under the conservation easement, provide DEC with the tools necessary to ensure the lands are sustainable and protected, while at the same time better serving a broader spectrum of public recreational enthusiasts who are seeking a broader range of nature-based recreation and access, in a more balanced manner. Management of conservation easement lands in this manner provides recreation alternatives that are otherwise not available on state-owned fee lands, and as such, serves to further protect state lands by providing legitimate opportunities in a landscape where the proposed uses are appropriate and sustainable, rather than in the Forest Preserve, where they are not.-*

Opening the designated roads to ATV access will be done in phases over a period of years as described under the heading “RMP Implementation” beginning on page 40 of the RMP. This will allow DEC and the landowner to evaluate the impacts on natural resources on both the Kushaqua Tract and the adjacent forest preserve lands as well as user conflicts before opening additional roads to public ATV use. The Department, as stated beginning on Page 41, “may close any road, to any or all public motorized use for any reason, at any time, by posted notice” which may include, but not be limited to, impacts on resources and trespass on adjacent forest preserve and private lands.”

- 2.)The RMP should initiate a process that identifies appropriate ATV and motorized use on easement lands while addressing the larger issues concerning ATV use on Forest Preserve lands. The State should enact comprehensive reforms for ATV riding before broadly expanding use. Commenter urges DEC to rebalance the RMP to account for increased ATV use with a

comprehensive park-wide ATV policy and to provide greater safeguards for biodiversity and opportunities for quiet recreational experiences within the plan.

Response: *It is the Department's position, with a the broad consensus of Adirondack Park Agency staff and many stakeholders, that working forest conservation easement lands constitute the best and most appropriate opportunity to accommodate the managed use of ATVs. The Department, acting on behalf of the People of the State, acquired the conservation easement on the Kushaqua Tract with the intention of providing the public with motorized access to outdoor recreational opportunities in areas where such activity is more appropriate, sustainable and permissible than the Forest Preserve. The RMP identifies appropriate routes for ATV use within the Kushaqua Tract Conservation Easement property. The opening of routes will be phased in over a period of years to allow the DEC and the landowner to evaluate the activity and avoid adverse impacts. This phased approach will help DEC manage the activity in a way that protects the experience of other visitors and the natural resources. Use of ATVs on Conservation Easements in the Adirondack Park is strictly regulated and limited to a few specific sites. Addressing park-wide ATV use policy is beyond the scope of the RMP.*

3.) The NYS Strategic Plan for State Forest Management categorically rejects the use of ATV trail systems as “failed experiments” that are not both environmentally compatible and socially acceptable.

Response: *The NYS Strategic Plan for State Forest Management allows for limited accommodation of ATVs and OHVs on State Forests with connector trails and as a necessary component of the MAPPWD program. The alternative of developing extensive ATV trail systems on State Forests was not selected due to past failed experiences, issues with illegal use and increasing budgetary and staffing constraints.*

The NYS Strategic Plan for State Forest Management recognizes that management of ATV use on Conservation Easements differs from use of ATVs on State Forest lands. “It is important to note that the analysis of impacts and constraints associated with State Forest lands is not applicable to Conservation Easements. The important differences include: rights retained by fee owners; differences in road standards; and use by and wishes of the fee owners and surrounding landowners. ATV use may be found to be compatible with the different set of circumstances found on Conservation Easement lands.”

In reference to the proposed Treaty Line State Forest trail system that would have consisted of 80 to 100 miles of ATV trails on Treaty Line State Forest the Strategic plan explains that the Treaty Line ATV trail system proposal was withdrawn based on the criteria that it was not both environmentally compatible and socially acceptable. The Treaty Line proposal was strongly opposed by neighbors that felt the trail system would change the character of the Treaty Line State Forest and the surrounding area.

4.) Current enforcement against illegal ATV use is inadequate.

Response: *The Department continues to devote funding, equipment and personnel resources to enforce against all types of illegal use on lands the state owns or holds a public interest in. Forest Rangers and Environmental Conservation Officers continue to pursue, enforce against and prosecute offenders using the best currently available information and the resources at their disposal.*

5.) There is not a sufficient amount of law enforcement resources to properly manage the proposed motorized access in this plan.

Response: *Department staff from the Office of Public Protection (OPP) have directly participated in the RMP development process and the internal discussion that accompanied it. OPP staffing in the field is sufficient to conduct monitoring and enforcement of the public uses associated with proposals put forth in this RMP, in addition to their current workload.*

6.) ATV use regulations, enforceable on the Forest Preserve and public lands, should be included in the RMP. DEC needs to develop regulations that prohibit ATV use on the Forest Preserve and regulate ATV use on conservation easement tracts.

Response: *Information directing the public to existing regulations pertaining to ATV use is provided under the section titled “Motorized Uses” on page 29 of the RMP. The Department intends to utilize a combination of existing regulations, phasing the road openings over a period of years, minimum tool management (see page 22 of the RMP) and the experience and expertise of our law enforcement field staff to manage and direct ATV use on this property. The promulgation of new regulations will be undertaken if deemed necessary.*

7.) DEC must undertake efforts to emphatically discourage the ability of local municipalities to seek loopholes under section 2405.1 of the New York State Vehicle and Traffic Law.

Commenter is concerned that Kushaqua will become an ATV riding destination where local roads are opened by town governments and riding will be disruptive and dangerous to local homeowners.

Response: *The access plan, as detailed in the RMP, specifically directs all ATV operators to access the designated on-property ATV-accessible roads by trailering their ATVs to designated on-property parking areas. DEC will regularly communicate these directions to the public through a variety of means including on-property informational kiosks, press releases, social media, and direct electronic, written or verbal communications. All on-property parking areas designated by the RMP are physically separated from public highways (which fall under municipal jurisdiction) by stretches of private roads that don’t fall under municipal jurisdiction and subsequently don’t*

fall under the purview of V&T 2405.1. As discussed in the RMP, general management of the public's interest in the property will focus on the Minimum Tool Approach (see page 22), however, if serious issues arise in the course of RMP implementation of new motorized access, the Department may consider the promulgation of special regulations as deemed necessary and appropriate. If, at some future time, local municipalities should move to open public highways under V&T 2405.1, and the Department is approached with a proposal to provide a legitimate connection to the Kushaqua Tract property from those opened highways, proposals will be considered and evaluated on their merits on a case-by-case basis.

DEC has no oversight or regulatory role established by statute which would afford it the rights or responsibilities associated in any way with influencing or preventing municipalities from promulgating local laws and ordinances. With the phased opening of roads as discussed in the RMP implementation section of this plan (see page 38), the Department believes that damage to the natural resources of the property is not likely. If access and public recreation-related usage proves to become a resource degradation concern in either the short term or the long term, the RMP establishes a management structure that provides the Department with the tools it needs to effectively manage and rectify any problems.

8.) This is the first state RMP in the Adirondack Park to permit ATVs.

Response: *Public recreationists using ATVs have been accessing roads on the Long Pond Conservation Easement as designated in a 2006 RMP. In addition the IRMP for the Sable Highlands Conservation Easement identifies future opportunities for public ATV use on six linear recreational corridors.*

9.) ATV trails should be kept far away from the Forest Preserve boundary.

Response: *The roads designated for ATV use in the RMP do not provide public ATV access to the Forest Preserve boundary. Due to the nature of the property and its proximity to State Land there are circumstances where ATVs are within a mile or less of the Forest Preserve boundary. Department law enforcement staff are well aware of the concerns at these locations, and as roads are opened to public motorized use in these areas, particular focus will be given to the potential for trespass. Should trespass issues rise to a level of concern the Department has the ability to close any road to any and all public use at any time.*

10.) ATVs should be trailered to a trailhead parking area and not ridden to the property.

Response: *This requirement is specified on page 39 of the RMP.*

11.) Noise pollution created by unmuffled ATVs and snowmobiles is a concern.

Response: *The motorized uses for public recreational access described in the RMP are similar to the motorized uses the landowner has provided to lessees for several decades. When the property was exclusively private posting lease, lessees were able to utilize almost all of the road mileage on the tract for motorized vehicle use; the RMP designates public motorized use on only about 1/3 of the existing road mileage. The noise levels generated by the use of these types of vehicles by the landowner's private lease customers over the course of decades has never triggered concern or complaints about excessive noise. The Department anticipates that the levels of public use of these types of vehicles, and any associated noise impacts, won't be greater than past levels. DEC Office of Public Protection staff will patrol regularly and respond to specific complaints to ensure that all ATVs and snowmobiles are properly equipped and operated.*

- 12.) Increased snowmobile traffic on public highways in the Loon Lake area is a concern. Existing problems will be exacerbated by opening additional access points on Loon Lake Mountain Road.

Response: *The intended goals of the snowmobile trail connections proposed in the RMP are to alleviate the need to ride on public highways and reduce congestion on the main corridor trails that travel through the Loon Lake Area during high use periods. The alternative connections to the existing Forest Preserve snowmobile trail system at Jack's Camp and Skiff Pond are in response to a long-time desire of the local snowmobile community to have connections in the backcountry to eliminate the need to travel on County Route 26 when traveling east and west. The proposed route that leaves the C7 corridor at the Loon Lake Mountain Road and travels south and west to reconnect to the corridor near White Fathers is intended to provide an alternate riding experience and reduce congestion on the corridor during high use times such as weekends and holidays.*

Non-motorized Recreation

- 13.) The RMP precludes the use of this vast amount of land to non-motorized use and access; suggest adding non-motorized sections to the plan. RMP should increase roads and trails available to hikers and cyclists that are barred from use by ATVs and snowmobiles and enhanced access for non-motorized uses such as hiking, cycling and camping.

Response: *While the Department's primary focus on privately owned working forest easement properties is to provide, where reasonable and appropriate, opportunities for enhanced public motorized access that cannot be accommodated on state-owned lands due to law or policy, all property roads are available for public hiking and mountain biking.*

Plans detailing the access planning and phased opening of opportunities for both motorized and non-motorized recreation begins on page 38 of the RMP. Only 1/3 of the property road mileage is designated to be opened to full or limited public motorized use where hikers and bikers would be sharing the road with both public motorized users and the private vehicular traffic associated with the property. On the remaining 2/3 of the road mileage, hikers and bikers would only be sharing

the road with the private vehicular traffic accessing leased camps and motorized access associated with the landowner's active forest management on the property – both of which are typically seasonal and sporadic.

Tower Road, Mullins Road and the Loon Lake Mountain access are available for four season non-motorized use by the public without any public motorized access (See Table 6 on page 45). In addition, the proposed Sheep Meadow and Grass Pond trail connections, if conceptually approved in an adopted Unit Management Plan for the Debar Mountain Wild Forest, would provide additional four season access where the exclusive public use would be non-motorized.

The RMP proposes that a large portion of the northeastern reaches of the property have no public motorized access, leaving those areas to public non-motorized users and private traffic. This area is focused on the eastern and northeastern approaches to Loon Lake Mountain.

14.) It is unfortunate that the re-route of the Loon Mountain hiking trail will be crossed by motorized trails, including ATV trails.

Response: *The RMP does not designate any public motorized use in the area of the Loon Lake Mountain hiking trail. The only motorized use that may occur in this area is associated with the private rights of the landowner.*

15.) Mountain bike users won't like the opportunities provided; they have little desire to bike on dirt roads that have loose stone and are overgrown with grasses and sedges; few will return to ride on a regular basis. Riding a mountain bike through industrial forest landscape, strip cuts or clearcuts is not a pleasurable experience.

Response: *While many mountain bikers prefer single track trails, other cyclist enjoy riding on roads through scenic, forested lands. Anecdotal information and data obtained through observation and trail registers indicates that the Kushaqua Tract is a popular biking destination in the area and often receives repeat visits from bikers who enjoy the property and the opportunities and access it affords in its working forest condition.*

16.) Parking areas should be constructed in western and northern parts of the property which would allow backpackers to better access and use remote portions of the nearby Debar Mountain Wild Forest.

Response: *The RMP includes plans to construct a parking area at Hays Brook in the western portion of the property, as well as a parking area at the UnNamed Ponds in the north-central portion of the tract.*

17.) RMP should include proposals for glade skiing.

Response: *The RMP accounts for cross country and backcountry skiing as potential public recreation opportunities on the property. Where available and suitable, the public may utilize existing roads and trails for the purpose of engaging in these types of recreation. Cutting of vegetation to create and maintain glades is not permitted on the tract as it conflicts with the forest management goals of the landowner.-*

Natural Resource Protection

18.) RMP would benefit from improved natural resource and biological information, as a means to better ascertain the capacity of the property to accommodate the uses proposed in the revised RMP.

Response: *A Recreation Management Plan by definition plans for the public recreational use in accordance with the terms and conditions of the conservation easement. The protection and sustainability of the resources on the tract is achieved through a variety of means including the terms of the easement and the Recreation Management Plan. The Department recognizes that public recreation planning cannot be undertaken without consideration of the natural resources base. The information regarding natural resource protection and sustainability as described above was evaluated and considered during the development of the RMP.*

19.) Conservation easements are critical natural and ecological buffer lands for adjacent Forest Preserve; easements are intended to complement adjoining Forest Preserve; DEC shares responsibility for resource protection with the landowner.

Response: *The Department agrees with this statement and has mechanisms in place, such as the terms of the easement, third party sustainable forestry certifications, audits and annual reports, to ensure the natural resources of the lands are protected. See response #18.*

20.) RMP should include forest management information, especially for activities like clearcutting which will negatively impact the recreational experience on the tract.

Response: *An RMP is a document intended to plan for and address public use and recreation in accordance with the terms and conditions of the conservation easement. The addition of forest management information is outside the intended scope of the plan, and as a result, is inappropriate for inclusion in the document. Anecdotal information and data obtained through observation and trail registers indicates that a wide variety of users enjoy the property as it exists in a working forest condition. Clearcutting and other logging activities improve opportunities for viewing scenic vistas, viewing and photographing birds and other wildlife and hunting various wildlife species.-*

21.) Kushaqua Tract is “full of wildlife sensitive habitats, especially lowland boreal wetland and lowland spruce fir forests surrounding these wetlands known to harbor some of the rarest birds in the United States”. RMP only notes the importance of Bicknell’s Thrush, but not the 11 species that are dependent on habitats in the Kushaqua Tract and are considered imperiled or vulnerable by the New York Natural Heritage Program. Regular use of all-terrain vehicles is known to fragment the habitats of the above-referenced birds. By expanding public motorized use, DEC is expanding the likelihood of illegal, unenforced, off-road ATV uses within documented, sensitive wildlife habitats.

Response: *DEC is aware of the various sensitive wildlife habitats present on the Kushaqua Tract and took this into consideration when developing the RMP. See response to #9. During the period that the above-referenced research took place, and well prior to the State’s acquisition of its interest in the property, motorized access and use of the property, including the use of ATVs, has been, and continues to be, occurring by lessees for generations without any significant documented deleterious impacts to any wildlife species. At the present time, all of these species are considered by the New York Natural Heritage Program as either a watch-list species or species of greatest conservation need. A table detailing the 11 species, accompanied by New York Natural Heritage Program rankings for each species, may be found on page 17 of the RMP. In addition, language has been added to the RMP which better details restrictions on the use of motorized tools and equipment for recreational facilities maintenance or construction on projects within areas on the property that meet the criteria for inclusion in the Adirondack Sub-Alpine Bird Conservation Area. As previously stated “DEC may close any road, to any or all public motorized use for any reason, at any time, by posted notice”. DEC will monitor ATV usage on roads in sensitive wildlife habitat areas and close roads if there are signs of ATVs leaving the roads and entering sensitive habitat, over usage that is impacting the habitat or the wildlife that utilize it, or other apparent impacts on the habitat or the wildlife that utilize it.*

22.) The RMP needs to better account for the potential impacts an increase in motorized use will have to the natural resource values identified as part of the conservation easement.

Response: *See response #1 and #18 above.*

Other

23.) DEC should explain why the lands that comprise the Kushaqua Tract are “not confined by Article 14 of the State Constitution”.

Response: *Although the conservation easement affords the state and the public with many rights on the property, the property itself is private land titled to a private corporation. The State of New York acquired the less than fee interests it owns in the property through the conservation easement agreement which was statutorily facilitated by Article 49 of the New York State Environmental*

Conservation Law. Article 14 of the New York State Constitution is only applicable to publicly-owned Forest Preserve lands held in fee simple title by the State of New York

24.) DEC's response of "not applicable" to comments seeking better identification and assessment of biological resources in the 2014 plan "severely violates SEQR". Proposals expressed in this RMP should trigger a positive declaration under SEQR. The RMP fails to specify what BMP's will be used to minimize impacts.

Response: *The phrase "not applicable" was in reference to the issue being outside the scope of the rights acquired by the Department under the Conservation Easement. The biological assessment has been expanded in response to public comments (page 16) and New York Natural Heritage Program data was reviewed for occurrences of rare, threatened, and endangered flora and fauna. Proposed actions in the RMP were evaluated through the SEQR process and it was determined that the proposed action will not have significant adverse environmental impacts. A Negative Declaration that includes BMPs has been prepared and included in Appendix E of the RMP.*

25.) The RMP must clearly spell out that the easement allows for access and other specific uses to be revoked at the discretion of the landowner.

Response: *The landowner reviewed the RMP and determined that recreational activities described in the plan are acceptable and in accordance with the terms of the easement. The easement does not permit the landowner to unilaterally revoke the rights of public access or discontinue specific public uses that have been established in the RMP.*

26.) Standards for public recreational roads and trails should be furnished as an appendix to the RMP.

Response: *This information has been included in the final version of the RMP.*

27.) A schedule of taxes paid on the property by SNY and the landowner should be furnished as an appendix to the RMP.

Response: *An RMP is a document intended to plan for and address public use and recreation in accordance with the terms and conditions of the conservation easement. The addition of tax payment information and apportionment is outside the intended scope of the plan, and as a result, is inappropriate for inclusion in the document.*

28.) Improve fishing access on the property and stock ponds and streams on the property.

Response: *The RMP identifies opportunities for enhanced sporting access and fisheries management for the North Branch of the Saranac River, Hays Brook, Mountain Pond and*

potentially, the UnNamed Ponds, in the future.

29.) Property would benefit from more regular road maintenance.

Response: *The Department will consult and cooperate with the landowner to ensure that roads opened to public motorized use under this RMP are maintained to a standard that is safe and sustainable for the type of use intended.*

30.) The RMP should include a clear statement about how efforts will integrate a final RMP for Kushaquua and a forthcoming UMP for Debar Mountain Wild Forest.

Response: *The RMP details proposed trail connections to facilitate public recreation that would span the property boundary between the Forest Preserve and the Kushaquua Tract easement property and explains the need for the adoption of the proposed connections as part of the Final UMP for the Debar Mountain Wild Forest in order for the projects to be conceptually permitted.*

31.) The RMP's enforcement plan is ambiguous at best and doesn't represent the higher standard that DEC must meet in terms of their easement monitoring and enforcement obligations. The RMP needs to provide further clarification of how the enforcement process would work and the implications to permitted uses if significant impacts are not addressed.

Response: *DEC's monitoring and enforcement of the specific terms and provisions of the easement are beyond the scope of the RMP. Other mechanisms are used to monitor, ensure compliance with, and, if necessary, enforce the terms and provisions of the easement as described in Response #9.*

32.) Clearcutting must be prohibited, enough research has been done on the damage it causes.

Response: *This comment is not relevant to the purpose and intent of the Recreation Management Plan. When properly planned for and executed by a qualified Forester, clearcutting is a silvicultural technique that is recognized by the Society of American Foresters as a method to provide for forest regeneration and the effective long and short term management of stand composition and structure.*

33.) Happy to see the dramatic increase in access that has been included in the revised plan.

Response: *The Department thanks you for your comment.*

34.) The RMP should decrease the number of roads designated for motorized recreation to those identified in the 2014 draft of the RMP. The recreation associated with ATV's is not riding slowly on well managed roads, but in tearing up the backcountry. Kushaquua will become an ATV riding destination where local roads are opened by town governments and riding will be disruptive and dangerous to local homeowners.

Response: *The Kushaquua Tract Easement provides the Department with the necessary tools to ensure that the lands are sustainably managed and protected, while providing a wide variety of public recreation opportunities including motorized access not available on Forest Preserve lands. Providing restricted ATV access on the Kushaquua Tract, on roads that are currently built and existing on this working forest landscape, roads which have been used by private ATVs, logging trucks and motor vehicles over the course of generations, will relieve the pressure of illegal ATV use on Forest Preserve lands.*

The RMP's guidelines for opening roads and trails to ATVs, and maintaining those roads and trails as open to ATVs (see page 38) establish criteria that allows Department staff to make well-reasoned timely decisions regarding the management of public ATV use on the property. Overuse or misuse related to ATVs, or any other means of motorized or non-motorized public access, will not be tolerated and will be dealt with appropriately according to the management structure provided by this RMP.

The phased opening of roads as discussed in the RMP implementation section of this plan (see page 38), provides the Department the ability to protect the natural resources of the property. If access and public recreation-related usage proves to become a resource degradation concern in either the short term or the long term, the RMP establishes a management structure that provides the Department with the tools it needs to effectively manage and rectify the problem.

The RMP specifically directs all ATV operators to access the designated on-property ATV-accessible roads by trailering their ATVs to designated on-property parking areas, and the Department will continue to communicate these directions to the public on a regular basis. (See #7). The Department does not have the authority to prevent municipalities from promulgating local laws or ordinances. However, the Department will continue to work with the local municipalities to protect the natural resources of the Kushaquua Tract and nearby forest preserve lands while safeguarding the people who recreation on the tract and live nearby.

Appendix G - Implementation Schedule

Annual Maintenance and Other Activities	Estimated Cost
Road maintenance- raking, grading, top-dress, culvert cleaning and brushing as needed	\$20,000 10 days
Trail maintenance- blowdown removal, drainage, maintenance of improvements as needed	\$5,000 3 days
Develop and maintain web pages pertaining to the Kushaqua Tract on the DEC website	5 days
Fish stocking	3 days
Conduct biological and chemical surveys of streams and water bodies on the Kushaqua Tract to assess management needs	3 days
Management and administration of the public's recreation rights in the property	30 days
Total Annual Maintenance Costs	\$25,000 54 days

Phase 1	Estimated Cost
Loon Lake Mountain trail connector and parking area	\$7,000 + 10 days
North Branch Saranac River portage access and put-in	\$100 + ½ day
Blowdown removal, brushing and drainage work- groomed snowmobile route (roads #5-3, #2-3 and #2-2)	\$5,000 + 5 days
Road maintenance, repair and upgrade- Mountain Pond Road	\$10,000
Mountain Pond Parking Area	\$4,000
Road maintenance, repair and upgrade- Hunter's Camp Road	\$10,000
Hunter's Camp Road Parking Area	\$4,000
Gate placement as needed to control public use	\$4,000
Total Phase 1 Costs	\$44,100 15.5 days

Phase 2	Estimated Cost
Mountain Pond access route and dock	\$9,000
Road maintenance, repair and upgrade- North Branch – Hays Brook Road	\$20,000
Hays Brook parking area and put-in	\$4,100
Road maintenance, repair and upgrade- Center Road	\$8,000
Road maintenance, repair and upgrade- UnNamed Ponds Road	\$1,500
UnNamed Ponds Parking Area	\$4,000
Gate placement as needed to control public use	\$6,000
Total Phase 2 Costs	\$52,600

Phase 3	Estimated Cost
Road maintenance, repair and upgrade- Loon Lake Mountain Road	\$15,000
Road maintenance, repair and upgrade- Headwaters Road	\$6,500
Road maintenance, repair and upgrade- Roads #3-3 and #3-1	\$5,000
Road maintenance, repair and upgrade- Aden Road	\$6,500
Road maintenance, repair and upgrade- Sable Mountain Road	\$6,500
Campsite designation and construction- 2 standard sites; 2 ADA-accessible sites.	\$6,000
Gate placement as needed to control public use	\$2,000
Total Phase 3 Costs	\$47,500

Phase 4	Estimated Cost
Road maintenance, repair and upgrade- Roads #5-1 and #5-2	\$6,500
Campsite designation and construction- 2 standard sites; 2 ADA-accessible sites.	\$6,000
Project scoping and layout- Grass Pond and Sheep Meadow Connections	7 days
Project scoping and layout- Jack's Camp and Skiff Pond Connections	7 days
Gate placement as needed to control public use	\$4,000
Total Phase 4 Costs	\$16,500 14 days

Phase 5	Estimated Cost
Campsite designation and construction- 4 standard sites	\$2,000
Construct Grass Pond and Sheep Meadow trail connections on easement property	\$5,000
Construct Jack's Camp or Skiff Pond connector on easement property	\$2,500 - \$7,500
Total Phase 5 Costs	\$9,500 - \$14,500

Appendix H – Road Specifications

Road Specifications

ROAD/TRAIL SPECIFICATION FACTOR	VEHICULAR ROAD VOLUME CLASS ¹			ATV TRAIL VOLUME CLASS			SNOWMOBILE TRAIL VOLUME CLASS		
	Low	MED	High	Low	MED	High	Low	MED	High
# OF TRAFFIC LANES	1		1+		1	2		1	2
MINIMUM CURVE RADIUS W/O SIGNAGE (FT.)	50			n/a	35	50	n/a	40	50
MAXIMUM GRADE % (SUSTAINED/SHORT STRETCH)	10% / 15%			10% / 15%			10% / 15%		
SHOULDER WIDTH, EACH SIDE (FT.)	3 to 4	4 to 5	5 to 6	n/a	3 to 4	4 to 5	n/a	n/a	n/a
TRAVELED SURFACE WIDTH (FT.)	10	12	14	6 to 8	10	12	6 to 8	12	14
MINIMUM TURNOUT SPACING	n/a	½ mi	1 mi	n/a	n/a	½ mi	n/a	n/a	½ mi
SURFACE SPECIFICATIONS	BMPs			BMPs			BMPs		
DITCHING	BMPs			BMPs			BMPs		
CULVERT INSTALLATION SPECIFICATIONS ²	BMPs			BMPs			BMPs		
MIN. SIGHTING DISTANCE W/O SIGNAGE (FT.)	100	150	250	n/a	150	250	n/a	150	250
VEGETATION CONTROL	cut/remove			cut/remove			cut/remove		
PITCH (MAXIMUM)	<10%	4" crown		n/a	20%	15%	n/a	20%	15%
STREAM AND WETLAND CROSSING SPECS	BMPs			BMPs			BMPs		
SENSITIVE AREA SET BACKS	BMPs			BMPs			BMPs		
SIGNAGE STANDARDS ³	Minimal	Basic	Moderate	Minimal	Basic	Moderate	Minimal	Basic	Moderate
GATE LOCATIONS	as agreed			as agreed			as agreed		
SEASONAL USE SPECIFICATIONS ⁴	surface			surface			winter		
MAINTENANCE STANDARDS ⁵	minimal	as needed	regular	minimal	as needed	graded	none		groomed
ENVIRONMENTAL STANDARDS ⁶	APA / DEC			APA / DEC			APA / DEC		
INSURANCE STANDARDS ⁷	NYS REG			NYS REG			NYS REG		
ENFORCEMENT ⁸	DEC			DEC			DEC		

- 1 Vehicle volume specs:
 low: +/- <20 round trips/month
 medium: +/-20-300 trips/month
 high: +/- >300 trips/mo

- 2 All culverts shall be properly headed with stone, wood, or steel/plastic collars

- 3 Signage Standards
 - minimal signs for identifying road name where begins and for hazardous situations such as barriers/known hazard preventing passage ahead, stop sign indicating intersection with a moderate or higher volume road
 - basic same as minimal plus bridge approach signage, sharp curve signs, or additional as otherwise needed and agreed upon by DEC and the landowner (eg., such as suggested speed limit if is first road into a property)
 - moderate same as basic plus suggested speed limit(until it becomes a regulation), turnout spacing, or additional as otherwise needed and agreed upon by DEC and the landowner

- 4 "Surface" means the condition and type of the surface will set standards for seasonal use. Generally closed during mud season(as posted) to public motor vehicle and log truck use, by agreement of DEC and the landowner; "winter" means winter use only

- 5 Maintenance Standards:
 - minimal condition checked annually, routine maintenance such as grading, ditch cleaning pothole/washout repair generally needed only every three or four years
 - as needed same as minimal but due to higher use levels will likely need some routine maintenance annually or every other year
 - regular annual routine maintenance likely needed

- 6 APA/DEC regulations on wetlands, stream crossing, etc.

- 7 NYS regulations on insurance requirements for vehicles

- 8 The landowner is responsible for informing lessee's of rules and regs for use of trails and related retained recreation rights; DEC has legal authority for enforcement of DEC regulations with members of the public, including the landowner's lessees when they are recreating as members of the public