

e-Appendix F

ASSESSMENT OF PUBLIC COMMENT ON THE 2009 DRAFT PLAN

In 2008, DEC and OPRHP began the process of updating the 2006 Plan, asking the Regional Advisory Committees for recommendations. These suggestions and other public comments received since the publication of the 2006 Plan were evaluated, along with changes in the law, regulations and the Agencies' programs, to prepare a revised Plan. The Draft Plan and DGEIS were made available for public comment beginning on January 7, 2009 and ending on February 27, 2009. A statewide set of 22 public hearings and workshops on the documents served to answer questions and receive comments. Public comments were received via the public hearings, mail, E-mail, fax and through DEC's website established for the Open Space Plan (www.dec.ny.gov/lands/47990.htm). A total of 464 people commented on the Draft Plan. A list of the commenters is included in e-Appendix G. *Through the public comment process, DEC and OPRHP received many excellent recommendations and comments which have been added to the Final Plan.*

PUBLIC COMMENTS ON THE STATE'S OPEN SPACE CONSERVATION PLAN

DEC & OPRHP agree with many of the following comments and their impact on New York's Open Space Conservation Program. Additional responses are provided for comments where further information can be provided by DEC or OPRHP.

Bigger, Better, Bottle Bill

Comment: "Support the Bigger, Better, Bottle Bill (BBBB) as a *supplementary* funding source for the EPF, *not* a replacement for the Real Estate Transfer Tax."

Comment: "If passed by the state legislature and signed by the Governor, the BBBB will need to be tested and tracked to determine its effectiveness in generating funds."

Comment: "A phase in of the BBBB revenue stream for supplementing revenues in the EPF is recommended."

Response: *The 2009–2010 State budget approved by Governor Paterson includes the Bigger, Better, Bottle Bill in the State's General Fund.*

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Response: *The 2009–2010 State budget approved by Governor Paterson includes the Bigger, Better, Bottle Bill in the State's General Fund.*

De-Emphasis on Acquisition

Comment: Several comments expressed concern over the de-emphasis on acquisition as a primary conservation tool.

Response: *The "de-emphasis" on acquisition in the revised 2009 Plan is an acknowledgment that there are too many critical environmental needs facing us to be answered by only one "primary" conservation tool. Responding to global climate change, increased flooding, rising urban temperatures and sea levels, which are affecting our largest cities and populations; expanding development or sprawl, which is affecting our watersheds and water quality; and landscape fragmentation, which is affecting our State's rich biological diversity, can not simply rely on acquisition by the State as the answer to all these problems. The State will continue to use land acquisition as an important conservation tool. However, the scale of response needed is one that relies on collective responsibility, planning and initiative actions at all levels of local, state and federal government; State businesses, landowners and citizens. Continued emphasis on State acquisition as the primary conservation tool ignores this reality and de-emphasizes this necessity.*

Current Acquisition Projects

Comment: "Ongoing land acquisition projects should be brought to conclusion as a consideration for the commitment that the private land owners have made to negotiate in good faith with NYS."

Comment: "Council urges that land acquisition remain the cornerstone of conservation."

Response: *DEC & OPRHP agree, and we are also committed to completing projects previously agreed upon with private landowners and land trusts.*

Local Government Planning

Comment: "It is time for the State to be realistic and forthright on land use planning at the local level: towns and villages do not have the resources to plan fast enough nor at the scales (e.g., watershed, regional, or multi-county) necessary to accommodate growth in a way that adequately protects natural resources."

Comment: "Request the State to devote more energy, knowledge, training, and funding to assist with local town, watershed, ecosystem, and regional planning. If we spend less on land purchases, we should be spending more on planning and education."

Comment: "Effective, well-funded strategies are needed to respond to the immense challenge of climate change, which threatens the ecosystems on which we all depend."

Response: *DEC & OPRHP agree with these statements and are continuing to work with the State's Smart Growth Cabinet and the Department of State (DOS) to respond to the increasing concern and planning needed at the local government level. For further information, see <http://smartgrowthny.org/index.asp>.*

Access to Acquisition Funds

Comment: "Currently, the mechanisms in place for state agencies, local municipalities and non-profits to access funds to acquire priority projects are lengthy, cumbersome, and highly competitive; not allowing for any degree of certainty that the funds will be forthcoming. The Advisory Committee recommends that the State develop solutions to

these problems to allow all of the land protection partners opportunities to access fast, accountable, and certain funds for land acquisitions identified as priorities in the Open Space Plan."

Comment: "There needs to exist an established protocol that recognizes the common goal of several plans to protect important conservation areas and which enable DEC to partner with another conservation organization to react quickly and decisively in accelerating the easement development or acquisition process."

Comment: "Propose that a revolving fund be established and utilized in order to enable a rapid response to such opportunities by a land trust with demonstrated abilities to close transactions and meet their stewardship obligations."

Comment: "Advocate for increased partnerships between non-profit land trusts and state, county and local governments, along with increased funding from the State to land trusts for conservation easement projects as a method of protecting priority projects identified in this Plan."

Response: *DEC & OPRHP agree with these comments and are continuously working with local governments, land trusts and other not-for-profits to assist them through the State government's fiscal process for acquiring easements or fee lands identified as priority projects. The intermediate role that many land trusts play in quickly stepping in to acquire desirable properties, and then working with the State towards ultimate conveyance, is a valuable role.*

Comment: "Recognizing the present state of the economy and the emerging trend of a downturn in philanthropic giving to non-profit that partner with state and federal agencies in environmental initiatives, along with the fact that previous bond acts for conservation are spent down, is it not an appropriate time to prepare and send a bond act proposition to the voters?"

Response: *A bond act proposition would first need to be passed by the State Legislature prior to being sent to the State's voters.*

Comment: "Support a broader use of Clean Water State Revolving Funds (SRF) to finance acquisition of key watershed properties."

Response: *DEC recognizes the value of the State SRF as a possible means to finance the acquisition of key watershed properties by land trusts and governments in an effective and cost-efficient way to address non-point source water pollution.*

Real Property Tax Law 480-a

Comment: "480-a mandates sustained timber harvesting in order to maintain its tax abatement even when the covered land would be more valuable to its owners and the public if preserved in its natural state." "...[f]orest landowners have reported feeling pressured into logging in order to maintain their 480-a tax status."

Comment: "Encourage DEC to open 480-a to forest preservation activities as current 480-a's restriction of "forest crops" to "timber or pulpwood" reflects an outdated view of forest goods & services."..."This definition ignores the growing market for carbon offsets, tradable economic goods that are generated through the preservation, and not logging, of forest lands."

Comment: "DEC should propose to amend [480-a] or enact a *new* program to expand the approved land uses to include a variety of natural resource management purposes as alternatives to commercial forest management."

Response: *DEC believes that the current Forest Tax Law could be updated in the future to incorporate the broader "ecosystem services" goals that forests provide beyond timber harvesting.*

Environmental Conservation Law (ECL) Amendments

Comment: "Amend the 1970 NYS Wetlands Law and update the wetlands maps."

Comment: "Amend the Environmental Conservation Law to increase penalties for violations."

Response: *DEC is currently working to enhance our State's wetland protections and the final Plan makes several recommendations on this subject (see Responding to Climate Change, 'Establishing Riparian Buffers & Wetland Protections').*

Comment: "The Committee recommends that the State Legislature pass a technical amendment to change the name of Article 49, Title 2, from "State Land Acquisition" to "Open Space Conservation," in order to reflect the overall planning process that has evolved."

Response: *DEC and OPRHP anticipate this technical amendment will be made at some point in the future. More importantly, both agencies appreciate the public support and recognition of the State's Open Space Conservation Program being more than just state land acquisition.*

State Environmental Quality Review (SEQR)

Comment: "Encourage local designations of Critical Environmental Areas under SEQRA to ensure that open space values are fully considered in local project reviews."

Response: *Agreed.*

Comment: "Revise the full [Long] Environmental Assessment Form (LEAF) to include a question regarding whether a project is within an Open Space Conservation Priority Project Area."

Response: *This issue will be reviewed by DEC.*

Comment: "Create and enforce development siting guidelines for all new development within Scenic Areas of Statewide Significance (SASS) and State Scenic Byways to protect scenic resources while guiding the creation of well-designed and appropriately-scaled development."

Response: *These suggestions have been submitted to the Department of Transportation (DOT), which administers the Scenic Byways Program, and to the Department of State (DOS), which administers the SASS program, for them to consider.*

Comment: "Environmental impact statements (EIS) need to be made more readily available to both the public and especially town officials."

Response: *The public and town officials can review significant or notable permit applications, including the EISs on DEC's public website; see www.dec.ny.gov/permits/6061.html. Copies of other EISs can be requested through DEC's Division of Environmental Permits or by email provided on this web page. For additional information on accessing EISs, please see www.dec.ny.gov/permits/6197.html.*

Civilian Conservation Corps

Comment: "Support the call for the creation of a new Civilian Conservation Corps, at least, at the state level and hopefully at the national level as well. A new CCC, or a Green Jobs Corps, could employ thousands throughout the state in the environmentally and ecologically restorative work of replanting denuded stream banks, removing invasive species, dismantling unneeded roads and dams and culverts, stewarding conservation easement lands and public waters, retrofitting old buildings, improving public transit systems, and generally transforming ours into a restorative economy, rather than an exploitative one. A new CCC could also overcome the backlog of maintenance projects at state campgrounds and other public facilities."

Response: *Subject to availability of funding, DEC and OPRHP support the concept of a reinvigorated CCC or similar organization.*

Land Acquisitions

Long Island: Critical Need for Conservation Acquisitions

Comment: "More State acquisitions need to take place on Long Island, where open space conservation is more threatened and pressing than in the Adirondacks."

Response: *There remains many desirable open space projects to complete in all regions of the State. DEC and OPRHP will therefore continue to work with local governments, land trusts and not-for-profits to conserve properties on Long Island and elsewhere throughout New York.*

Working Forest Conservation Easements

Comment: "Ownership of land by large timber companies does not necessarily result in over development or degradation of the resource. Lassister and Finch Pruyn have been good stewards of working forests. Why do acres of timber lands need to be purchased? What do they need to be protected from? "

Response: *Virtually every major timber company operating in the Adirondacks and Tug Hill has divested their land holdings in the last 15 years. DEC has strategically used its available land acquisition funding to acquire working forest conservation easements on these properties, thus permanently protecting the timber base of the North Country by legally requiring that these large blocks of forests remain in forest land use. A relatively small portion of these lands, representing exceptional natural and recreational assets such as lakes and rivers corridors, have been acquired in fee by DEC and added to the State Forest Preserve without significantly impacting the region's timber base. The greatest threat to the region's forests is the continued subdivision of large blocks of forest land into smaller units which are subsequently sold for non-forestry uses. Fortunately, the State's aggressive working forest easement program has eliminated this possibility on more than 600,000 acres of Adirondack forest land in the last 15 years.*

Comment: "Conservation easements, is a separate category of State-owned land, and appropriate guidelines for their management and use should be included in the [Adirondack and Catskill] State Land Master Plans."

Response: *DEC is continuing to work with APA on this issue.*



Sale or Transfer of State-owned "Surplus Lands"

Comment: "When considering the sale or transfer of state owned 'surplus lands' their 'conservation values' need to be evaluated and weighed in a standardized consistent manner. If no State agency or recognized Indian Tribe or Nation is interested in ownership then a local land trust should be consulted. The price paid to the State by a land trust for the surplus land could be factored on the appraised value of the conservation easement minus the calculated stewardship fee or some equitable formula developed in adopting such an alternative in State sale of surplus lands to a land trust, putting land on local tax roles while still protecting the lands."

Response: *DEC and OPRHP agree that better efforts can be made to ensure that valuable open space parcels acquired by the State are reviewed by both agencies prior to disposition decisions being made; and that local governments and conservation organizations are provided an opportunity for input into this process as well.*



Conserving Small Properties

Comment: "Smaller properties are often left out of plans, both state and local. These properties still have critical environmental significance. Suggest identifying a mechanism where people can go to DEC [or OPRHP] with proposals for these smaller parcels."

Response: *One of the generic priority projects in the Plan is the "Small Projects" category, which both DEC and OPRHP have used extensively.*

INCREASE PUBLIC ACCESS TO INFORMATION

Developing a Comprehensive Open Space Planning Database

Comment: "DEC should adopt a comprehensive database of open space [resources] and open space plans which will provide the public with statewide information on these plans, their adoption and their implementation."

Comment: "Suggests that data regarding properties/lands (i.e., habitat, species information, hydrology) needs to be made easily available and accessible, especially to municipalities. It is important to integrate data across governmental entities and not-for-profits. The key is to make data more readily available and easily accessible."

Response: *DEC maintains extensive databases related to conserving and protecting New York's natural resources. This data can be accessed through DEC's Interactive Online Mapping Gateway, www.dec.ny.gov/pubs/212.html. The State's GIS Clearinghouse, www.nysgis.state.ny.us, also provides an ever-growing amount of natural resources and man-made infrastructure data to the public, and to local and state planning agencies. Open space plans for State forest lands managed by DEC are addressed through the Unit Management Planning process. These plans assess the natural and physical resources present within a certain land unit, identify opportunities for recreational use, consider the ability of the resources to accommodate such recreational uses, and identify management objectives for public use which are consistent with the land classification guidelines and the character of the lands. Unit Managements Plans for certain State forest lands can be accessed from the DEC website at: www.dec.ny.gov/lands/4979.html. Many of the final recommendations in the Plan relate to the State providing technical assistance, training and education on open space planning, including continuous database building intended for public use.*

Access & Awareness of the Plan

Comment: "Public access is a critical part of the Plan. The OSP protects people's own backyards and we need to increase public awareness of the Plan, including municipalities and the general public. The OSP needs more "teeth" to increase the ability to influence funding."

Response: *The Open Space Plan is available through DEC's public website, providing wide public access. Both DEC and OPRHP believe that the Plan has helped maintain interest in a strong and well-funded State Open Space Conservation Program. Both agencies also hope the State Plan inspires complementary efforts at the local and regional level to develop and implement local and regional open space plans.*

Annual Land Acquisitions Report

Comment: "An annual report documenting all open space conservation successes should be developed and maintained."

Response: *In accordance with the State's Open Space Conservation Plan, land and conservation easement acquisitions executed by DEC on behalf of The People of the State of New York can be found on DEC's public website at www.dec.ny.gov/lands/5069.html, updated throughout the year.*

Conservation Guidance for Private Landowners

Comment: "Guidance for landowners needs to be developed that will give people a list of contacts and information to help them conserve their properties."

Response: DEC's public website, www.dec.ny.gov/lands/309.html, as well as several other local and statewide land trusts located in New York, maintain websites and contacts to assist landowners interested in conserving their properties. To find a local land trust, see the Land Trust Alliance's website at: www.landtrustalliance.org.

Regional Advisory Committee Reports

Comment: "Because of the amount of volunteer time, regional knowledge, professional experience, dedication and interest put forth by the Regional Advisory Committees, the full reports with the Committees' policy recommendations should be kept in the main document in the Plan."

Response: DEC & OPRHP have added abridged versions of the Committee reports, which have the Committees' policy recommendations and a listing of the Committee members, back into the Plan. Unabridged or full Committee reports, which also contain the priority project narrative descriptions that make up the Plan's Chapter V, "Priority Conservation Projects," are provided in the Plan's electronic appendix, e-Appendix A: www.dec.ny.gov/lands/47990.html.

Comment: "The State should maintain a priority conservation projects list on its website, even if not in printed documents, and should clearly state in the 2009 Plan that projects from past plans not yet completed remain priorities unless otherwise noted."

Response: Priority projects can be found on the DEC Open Space Conservation Plan web page at www.dec.ny.gov/lands/47990.html.

Comment: "Full regional reports from the 2006 Open Space Plan should at least be included in electronic versions of the new plan."

Response: A link to the 2006 Open Space Conservation Plan will be provided on DEC's Open Space website along with the PDF links to the revised Final 2009 Open Space Conservation Plan.

Comment: "Stakeholders that participate on several regional committees are interested in knowing the outcome of the regional recommendations and how we and our partners on the committees can further efforts to improve the efficacy of the state's open space protection program. It is helpful for committee members to learn about work that is done between revisions of the Plan so that they can assist the state in building on that work. Sharing additional information about how the successful stakeholder process associated with the development of the Plan influences the state's program will increase public support for and participation in this effort in the future."

Response: DEC & OPRHP highly value the recommendations received by the Regional Advisory Committees. The professional expertise and regional knowledge are invaluable to the agencies' central offices in Albany. Each recommendation from each Committee report is read, evaluated, and seriously considered. Each recommendation is not individually responded to as many are recognized across regions and are beyond the ability of DEC and OPRHP to address in a practical manner. However, we agree that in order to improve the efficacy of the State's Open Space Conservation Program, a closer and more realistic examination of what can be achieved by existing State personnel within the three to five year time frame of the Open Space Plan revision process should be identified, which this year's plan outlines. The bulk of these recommendations come from the advice of the Regional Committees.

Proposed State Lands Tax Cap

Comment: "Several local communities are concerned about the Governor's proposal to freeze payments of taxes on State lands. This will force the local land owners to make up the difference."

Comment: "This item has been a major item of contention by local governments in opposition to lands being considered by the State. If the State decides not to pay taxes or to freeze tax payments to the local governments it will discourage support for any future land acquisitions."

Comment: "The recent overturning of the Supreme Court Decision (Dillenburg vs. NYS) allows the State to continue paying taxes on State land and to make payments in lieu of taxes on certain designated State lands such as designated Wildlife Management Areas."

Comment: "In addition to paying taxes on lands acquired, community benefit is important to get people interested in future conservation easements and to get grass roots support for land acquisition projects."

Comment: "Passing of the State Tax Cap on state-owned lands would be of great detriment to future open space conservation efforts."

Comment: "Any land acquisition or easement plan should include an ongoing commitment by the State to continue to pay real property taxes on existing and newly acquired lands within the Forest Preserve...the State should not attempt to place an arbitrary cap on these payments."

Response: The final 2009-2010 State budget signed by Governor Paterson eliminates the tax cap.

Real Estate Transfer Tax (RETT)

Comment: "In order to accomplish the initiatives put forth by the Commissioners in the 2009 Draft Plan, protection of the Environmental Protection Fund (EPF) must continue to be funded with a consistent, reliable source, which is the Real Estate Transfer Tax (RETT)."

Response: The 2009-2010 State budget continues to fund the EPF with the State's Real Estate Transfer Tax and other dedicated revenues.

Environmental Protection Fund (EPF)

Comment: "The EPF should remain to be funded at \$300 million."

Comment: "The implication of the recent disinvestment in the EPF is that conserving open space and natural resources is a luxury we cannot afford when the state economy faces a serious downturn and state tax revenues face a crisis. A degraded state environment, a loss of natural resources, a failure to respond to climate change, and to implement smart growth measures, will in due course only add to New York's economic woes. We cannot take short-term actions that will make future long-term actions more difficult and more expensive."

Comment: "Deserving more emphasis in the Plan is that the conservation of lands and waters that make our state and our nation great should always be recognized as a societal priority, even during economically difficult times. Protecting our natural heritage is not a luxury but a vital necessity."

Comment: "In the exhaustive list of tools available for open space conservation, there are local, state and federal incentives, programs, partnership, and finances laid out that help New York maximize every dollar it has for environmental protection and restoration. Without the Environmental Protection Fund many of these partnerships and programs are crippled, limiting the ability to leverage both private and federal funds."

Comment: "The 'sweeping' of \$125 million from the EPF for non-EPF purposes in 2008 and the \$45 million proposed decrease in the 2009-10 state budget could reduce the EPF to \$40-45 million, just ten million more than the original EPF appropriation of 1993."

Comment: "The cuts to the EPF, other environmental programs and state agency staffing levels included in the State's FY2009-10 will undermine the ability of the State to utilize the conservation tools and strategies identified in the [Plan]. Open space acquisition, farmland protection, municipal parks, waterfront revitalization, invasive species, the Hudson River Estuary, as well as, State land stewardship programs, must be funded at more adequate levels in the EPF. We also believe that legislation is needed this year to make technical amendments to the New York State Conservation Easement Tax Credit program to ensure the maximum potential of the program is reached."

Response: *The 2009-2010 State budget signed by Governor Paterson funds the EPF at \$222 million.*

OPEN SPACE CONSERVATION PLAN INTRODUCTION

Open Space Conservation Goals & Economic Analysis

Comment: "Delaware County commissioned an Economic Impact Analysis of the New York City Watershed Land Acquisition Program."..." Preliminary results show a tax shift to existing landowners despite the City paying taxes on this land."

Comment: "An Economic Impact Analysis should be required for this Plan to show the social and economic impacts of the State's land acquisition program on our local communities and economy."

Comment: "A study should be undertaken to review, make determinations and recommendations on both the immediate and the long-term health and viability of the timber industry in the Greater Adirondack Region."

Comment: "There is no statement in your Open Space Goals specifically in support of continued economic growth and vitality in affected communities."

Response: *The State's Open Space Conservation Program is about the State's economic growth and vitality of its communities. If these goals are not met, poor water quality, a lack of natural open spaces for recreation and respite, landscape fragmentation from unplanned development or sprawl, sweltering high temperatures in our largest cities, poor air quality, little access to nature for all State citizens, unhealthy ecosystems from a lack of plant and wildlife diversity, costly imported food, a lack of sustainable industries, and little trace of our culture's history, would be the qualities of a region with little future economic stability or growth; or healthy, enjoyable, vital communities drawing people to live there.*

Open Space Conservation Principles Advancing New York's Government Relationships

Comment: "Propose that DEC, OPRHP and other State agencies that have land holdings, establish government to government relationships with the nine recognized Indian Tribes and Nations of New York State to establish a means to protect cultural resources of mutual interest on such land. DEC's soon to be implemented, "Contact, Cooperation, and Consultation with Indian Nations" would serve as a model for other State agencies to build from."

Response: *Agreed. DEC & OPRHP are working towards this goal.*

The Revised Plan

Comment: "The Plan should continue to include land acquisition accomplishments."

Response: *State land acquisitions and open space conservation successes under DEC management can be viewed on DEC's public website at: www.dec.ny.gov/lands/5054.html; and at www.dec.ny.gov/lands/5069.html.*

Comment: "The Plan should be restructured to have an executive summary and the factual data put in an Appendix."

Response: *The Plan was revised with this goal in mind, thus leading to the current format and wide-use and access to the internet for the electronic appendices.*

Ecosystem-Based Management "An Integrated Statewide Strategy"

Comment: "DEC should craft the Final 2009 New York State Open Space Conservation Plan to lay out, for the first time, an integrated statewide strategy for conservation of our State's natural landscapes, open spaces, protected areas, ecosystems and ecological integrity under an ecosystem-based approach."

Response: *The State's Open Space Conservation program, administered by DEC and OPRHP, in partnership with DOS, Ag & Markets, and DOT, continue to work together to achieve an integrated statewide strategy for conservation.*

TOOLS FOR OPEN SPACE CONSERVATION

Comment: "We appreciate the greater emphasis in the 2009 Plan on the other various tools available for open space conservation, other than land acquisition."

Response: *Agreed, as it is a critical component for the success of the State's Open Space Conservation Program.*

Conservation Easements & A Rural Environmental Justice Issue

Comment: "In cases where there are willing participating landowners without the financial luxury of being able to donate a conservation easement, a means for closing key conservation easement transactions needs to be established."

Comment: "Recommend establishing a grant from the EPF or a dedicated account for land trusts to draw from to remedy this rural, environmental justice inequity."

Response: *DEC agrees with this point and will consider this recommendation, within available funding.*

Comment: "Enhance NYS Conservation Partnership Program."

Response: *Agreed. Enhancement of this valuable program will be supported by the Department as the State's fiscal climate improves.*

Comment: "Implement the Community Preservation Act (CPA)."

Response: *DEC and OPRHP advocate for the adoption of this voluntary, statewide legislation that would provide local governments with the optional authority to put local CPA's in place. However, the actual implementation of this act will rely upon the work of local governments and their constituents.*

Improving New York's Conservation Easement Tax Credit Program

Comment: "Support legislation to make technical amendments to the NYS Conservation Easement Tax Credit program to ensure the maximum potential of the program is reached."

Response: *Agreed.*

Farmlands

Comment: "A farmland preservation board should be created for each DEC region."

Response: *Farmland Preservation Boards exist for many counties throughout New York. The State Department of Agriculture & Markets (DAM) administers this program and suggestions should be directed to this agency.*

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RESPONDING TO CLIMATE CHANGE

Ecologically Sustainable Forester Training & Licensing

Comment: "In order to better conduct research and experimentation in "carbon forestry," the State needs foresters who are trained and licensed in this emerging field. Licensing foresters could go a long way to improving timber stands throughout the State, and encouraging practices which address carbon sequestration and storage, as well as sustainable forest practices."

Response: *State foresters are trained in sustainable forestry practices and are currently meeting certification standards established by the Sustainable Forestry Initiative (SFI) and the Forest Stewardship Council (FSC). Increasing developments in carbon forestry and carbon sequestration are also being gathered and shared with State forestry staff. The issue of licensing of professional forestry is one that continues to be discussed, but is beyond the purview of this Plan.*

State Environmental Quality Review (SEQR)

Comment: "A strengthened State Environmental Quality Review Act (SEQRA) is urgently needed if we hope to respond and adapt to climate change in the Adirondacks and throughout the State."

Comment: "DEC needs to assist local governments by providing training in SEQRA law to ensure SEQRA review is seriously considered and adequately reviewed at the local level."

Comment: "DEC and other agencies must strengthen their oversight of SEQRA at all levels, and incorporate needed review of the carbon impacts of governmental actions."

Response: *DEC is continuously working to ensure the State's Environmental Quality Review process continues to address changing factors affecting our State's natural resources, while continuing to provide assistance to local communities, individuals and governments with the SEQR process. For valuable information on the SEQR process and regional contacts for personal assistance, see DEC's public website: www.dec.ny.gov/permits/357.html.*

Building Local Wetlands

Comment: "A funding program devoted to educating local municipalities on the benefits of building wetlands for flood control prevention, groundwater recharge, nutrient filtering, etc.?"

Response: *Protecting existing wetland resources is a priority objective and the final Plan makes many recommendations on this priority. While Article 24 of the Environmental Conservation Law (ECL) provides the basis for protecting wetlands, enforcement of the ECL is a vital component in the protection and restoration of wetlands that have been inappropriately impacted. Educating the public on the value and need for freshwater wetlands is another tool that serves to preserve wetlands in a pro-active manner. DEC periodically gives presentations to target audiences on its Freshwater Wetland regulatory program on a requested basis. In addition, the emerging "green infrastructure" movement is providing opportunities to address flood control prevention, stormwater management, groundwater recharge, among many other benefits evident in green, healthy communities.*

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FOSTERING GREEN, HEALTHY COMMUNITIES

Soil Surveys & Stormwater Control

Comment: "Revise soil surveys to incorporate the new soil series for disturbed and anthropogenic soils pioneered by the NYC Soil Survey, www.nycswcd.net/soil_survey.cfm, which assists in identifying soils with a high potential for stormwater control because of their infiltration and filtration capacities."

Response: *This recommendation has been forwarded to the State's Department of Agriculture & Markets via their Soil & Water Conservation Committee program.*

Municipal Separate Storm Sewer System Program

Comment: "Riparian zone buffers are a critical aspect of protecting stream water quality from the effects of development and in reducing pollutant loading from stormwater runoff during redevelopment."

Comment: "The Town of Camillus has implemented a Stream Corridor Overlay district within the Town Zoning Code to help provide riparian buffers. Due to concerns over the conflicts of such ordinances with property rights, state guidance would be very helpful in providing language that is consistent with New York State law."

Response: *Agreed. DEC is continuing to work with its partnering agencies, DAM and DOS, to provide education and training at the local planning level for the implementation of stream corridor and riparian buffer zones, which should be our first line of defense against flooding and storm events that are believed to becoming more intense as a result of global climate change.*

Water Quality Management / Total Daily Maximum Loads (TMDLs)

Comment: "Where does New York State stand regarding TMDLs?"

Response: *The Clean Water Act requires states to identify waterbodies that do not meet water quality standards after the application of effluent standards. This program can be viewed on DEC's Division of Water, Water Quality Monitoring, Assessment & Planning web page at www.dec.ny.gov/chemical/23835.html.*

Waterfront Access

Comment: "Request DEC to support increasing public access to our shorelines and waterfronts for non-motorized recreation, particularly for the launching of canoes and kayaks."

Response: *DEC & OPRHP recognize the importance of shoreline access through the 2009 Plan's "Providing Urban Waterfront Access, Trailways & Greenways" under the Commissioners' Fostering Green, Healthy Communities priority. One example of implementation is through DEC's Hudson River Estuary Program's "River Access Project," where program staff are working with state and federal agencies, non-profits, and municipal partners to create and upgrade shoreline access opportunities in the State's Hudson River communities.*

Connectivity

Comment: "The objective of achieving landscape connectivity and securing animal travel corridors should be specified. Many of these corridors have been identified within the State and could easily be identified in the Plan or as an appendix."

Response: *Securing landscape connectivity for wildlife travel corridors is addressed through our State's State Wildlife Grant Program and Comprehensive Wildlife Conservation Strategy Plan, see www.dec.ny.gov/animals/30483.html.*

Smart Growth

Comment: "Cluster development is not described adequately in the OSC Plan, and it is given too much weight as a paradigm to be replicated. Many believe cluster development is more properly referred to as conservation design, which is a comprehensive process that begins with assessing the land itself, and only reaches a clustered design for site plan approvals near the end of the process, if ultimately deemed appropriate."

Response: *DEC, DOS and the State Smart Growth Cabinet promote conservation design at the local government level. More information on this program can be found at: <http://smartgrowthny.org/index.asp>.*

Brownfields

Comment: "Is there an incentive program for developers to build on Brownfields rather than on green fields such as farmlands?"

Response: *Once clean-up operations are complete Brownfields make ideal areas for re-development, thus avoiding the use of open space. New York offers incentives in the form of technical and financial assistance, as well as liability relief, to encourage the cleanup and reuse of contaminated sites. Incentive programs target both the public and private sector. Information on New York's Brownfield program can be viewed on DEC's website at www.dec.ny.gov/chemical/brownfields.html.*

Local Government Planning Assistance

Comment: The State should identify both priority conservation areas and growth areas in order to aid municipalities in achieving livable, sustainable communities, in addition to supporting and incorporating similar priorities within State policies.

Response: *DEC, DOS and the State Smart Growth Cabinet provide local government planning assistance and leadership in achieving livable, sustainable communities at the State and local level.*

Land Swapping

Comment: "Penalties for buying and flipping land parcels in a short space of time for speculative purposes is not listed in the Plan. Penalties for such practices have been actively employed in Vermont for decades as a way to discourage rural sprawl and better regional planning."

Response: *Buying and flipping of land parcels has not been found to be a critical problem in New York State. The problem is more about what lands are being developed and how they are being developed. The State's Open Space Conservation Plan stresses the need for land use planning, zoning, and local planning board approval in order to address this issue.*

CONNECTING NEW YORKERS WITH NATURE & RECREATION

Connecting Children with Nature

Comment: "We must involve the Department of Education in getting children outside and connected to nature."

Response: *Agreed.*

"Recreational Planning On State Lands"

Comment: "Recommend DEC to work with local municipalities and Lewis County so that state lands, which exist within these jurisdictions, are utilized in a manner consistent with that municipality's recreational and open space goals. With the long-term decline in the forestry industry and the fragility and volatility in the agricultural markets, we must focus on our potential for year-round recreational opportunities."

Response: *Agreed. DEC continues to work with local planning municipalities and Lewis County on their recreational planning goals.*

Comment: "Recommend DEC place greater focus on recreational-based open space planning. This can be achieved by allowing greater recreational access to state lands via existing trails."

Response: *DEC continues to fulfill its mission of managing the State's environmental resources along with providing recreational opportunities on lands managed under its jurisdiction.*

Comment: "Protecting open space from development can be accomplished and recreational activities can occur without being severely restricted by wilderness management."

Response: *Agreed.*

Horse Trails

Comment: "Horse Trails should be added to the priority projects and considered in all recreational planning, along with more mention of recreational trails ... in Plan."

Response: *At the regional level, DEC and OPRHP continue to respond to public requests for recreational opportunities throughout the State, particularly within the areas where the demand is the greatest. Western New York, in particular, continues to show a great demand for horseback riding trails. As such, several State-owned trails provide and encourage horseback riding. Equestrian activities are allowed at most Wildlife Management Areas and State Forests in designated areas throughout these regions. The DEC Regional Land Manager or OPRHP Regional Park Manager can identify areas where horseback riding is allowed. Much of the same information can be obtained from the US Forest Service (Finger Lakes National Forest) and County and Town recreation departments for lands under their jurisdiction.*

SAFEGUARDING OUR STATE'S NATURAL & CULTURAL HERITAGE

Stewardship of State Lands

**NYS Workers Compensation for Individuals
in Stewardship Volunteer Groups**

Comment: "Is there a process that can insure volunteers who may be injured doing stewardship work on State Lands to be covered by NYS Workers Compensation? The Adirondacks and State Parks has this option."

Response: *Conducting volunteer work on state lands under DEC or OPRHP's jurisdiction requires the completion of a Volunteer Application Form. Completing this form and receiving approval provides for coverage under New York State Workers Compensation. The same holds true for groups that execute an Adopt-A-Natural Resource Agreement with DEC and/or OPRHP.*

**Enhancing the Role of Land Trusts, Conservation,
Recreation & Preservation Organizations**

Comment: "Support the recommendation of municipalities partnering with land trusts to assist them in the stewardship of municipally-held conservation easements."

Comment: "The State's Parks and trails represent an important portion of the protected open space within the State. Hundreds of park and trail not-for-profit organizations and local governments play a critical role in expanding and managing that open space through park and trail creation and stewardship. In recognition of their contribution to the continued expansion and stewardship of these open space resources, *the State should establish a grant program, funded through the EPF and jointly administered by Parks & Trails New York and OPRHP, to improve the capacity of park and trail not-for-profits, which often work in partnership with local governments, to create and steward the State's trails and parks.*"

Response: *A similar grant program, jointly administered by DEC and the Land Trust Alliance, has been highly successful and serves as a model for this proposal. See www.landtrustalliance.org/community/Regions/northeast/nyscpp. When the State's fiscal situation improves, such a proposal could be developed.*

Creation of a Stewardship Task Force

Comment: "Additional examination of the [Regional Advisory] Committees' proposed stewardship strategies are needed. This could occur through a task force of representatives from OPRHP and DEC, Committee members from across the State and other key resource people. This task force should spend more time evaluating the practicality, social desirability, fiscal impacts, and potential effectiveness of the suggestions coming from the several Regional Advisory Committee reports across the State, and result in a thoughtful analysis on Stewardship Needs, Practices and Recommendations for Open Spaces in New York State."

Response: *The Regional Advisory Committee recommendations, including specific stewardship strategies, are the basis of the State's Open Space Conservation Plan, which are implemented and utilized by DEC and OPRHP to the most feasible extent possible based on staffing and program funding.*



Adirondack Forest Preserve

Adirondack Park State Land Master Plan

Comment: "The distinctions of Forest Preserve lands – legal and other – are not made until the DGEIS towards the end of the Plan."

Comment: "We would like to have a section within the Plan that identifies the special legal obligations we have within the Park."

Response: *New York's Forest Preserve is highlighted at the start of the Plan under "Our Legacy" chapter, 'Our State Forest Preserve Act', and within the "Resource Inventory/Programs & Partnerships" chapter, 'Safeguarding Our State's Natural & Cultural Heritage' section. The 2009 Plan was reformatted to draw attention to significant issues threatening New York's natural resources and quality of life. Descriptions and distinctions of the State's various natural resources and the programs and partnerships managing these resources are listed in the "Resource Inventory/Program & Partnerships" chapter.*

Management & Use of the Adirondack Forest Preserve

Comment: "[DEC] in concert with the Adirondack Park Agency should assess the current Adirondack Park State Land Master Plan and the management principals for the Forest Preserve, and its uses that have direct and indirect energy implications."

Response: *DEC and APA use the State Land Master Plan and Unit Management Plans to manage the State's Forest Preserve. Comments and recommendations on these two plans should be directed to APA at www.apa.state.ny.us/contact.html or to DEC, Assistant Commissioner of Natural Resources, at www.dec.ny.gov/lands/5263.html or by emailing lfadk@gw.dec.state.ny.us.*

Comment: "Promotion of the use of 'minimum tool' strategies and true wilderness management principals for the Park's wild lands should have a significant positive impact on the Park's overall carbon and energy budget and State energy costs associated with State land management."

Response: *Agreed.*

Comment: "Foremost in this effort, must be promoting wild land planning that insures, as much as humanly possible, the protection of the Park and the Preserve's incredible wildness, biological diversity, connectivity and ecological integrity." ... "To make the Plan more practical in this regard, it could draw on some scientific research ongoing in the Adirondacks which appear to show that critical regional connections are needed at the south end of Lake George in the Lake Champlain-High Peaks regions and in the St. Lawrence River valley, among others."

Response: *DEC is working with the State University of New York's College of Environmental Science & Forestry (SUNY/CESF) on this training.*

Adirondack Park Private Land Use & Development Plan

Comment: "If ever a regional open space planning program needed reform in terms of research and policy analysis, response to current and emerging trends, a more effective regulatory framework, and incentives to numerous local governments and partners to plan and develop more sustainably at the local and county level, it is here in the Adirondacks, which cover one-fifth of New York State, an area the size of Vermont or Massachusetts. Yet, in 35 years our political leaders have not had the political courage to effectuate needed change and bring [this] once innovative national model of regional planning and zoning up-to-date."

Comment: "Update the Adirondack Park Private Land Use & Development Plan, which currently makes it easier to develop rural spaces than it does to reinvigorate older communities, hamlets and villages, and adaptively reuse older buildings."

Response: *DEC has established an Adirondack Working Group to provide local government and community advocacy, participates in the "Common Ground" process, and continues to work through its Adirondack Communities Smart Growth Grant Program to promote smart growth principles, invigorate communities and the economy within our State's Adirondack communities. The Adirondack Park Agency takes the lead in updating the Adirondack Land Use & Development Plan*

Building Rights "Land Bank"

Comment: "As land is acquired by the State for protection of open space, the number of building rights that are available to develop private properties is reduced. In order to preserve the capacity of communities to grow and develop in the future, we believe it is prudent to keep track of the building rights lost to local municipalities in a "bank" that the State can use in the future for the benefit of the residents of the Adirondack Park."

Response: *This is an issue that will need to be addressed through the Adirondack Park Private Land Use and Development Plan, the Adirondack Working Group, and the State's Smart Growth program. The State has been very conscious of this issue and has worked towards a similar practice with its design of the recent Finch Pruyn acquisitions, where specific land parcels in or near built up communities were excluded from the conservation agreement to accommodate future community growth.*

Making the Adirondacks Accessible to All Individuals

Comment: "The past 16 seasons of the operation of the Adirondack Scenic Railroad (originally, The Adirondack Centennial Railway) has allowed over 800,000 people to enjoy an Adirondack Mountain experience without leaving a single footprint in the Adirondack Park(Park). Many of these passengers have a [physical impairment] and would have been unable to enjoy this travel corridor without the use of the train. Most of the views of the Park that are enjoyed by riding the railroad can only be seen from the train; and the train is the only way for everyone to enjoy these unique views. Trains are the environmentally sound means of transportation of our future. The Remsen-Lake Placid Travel Corridor is a great asset of our State and its future as a rail corridor needs to be protected for future generations."

Response: *Agreed.*

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Marcellus Shale Mineral Extraction

Comment: "Protect Allegheny State Park from Marcellus Shale mineral extraction."

Response: *In response to DEC's draft scope for the Draft Generic Environmental Impact Statement on natural gas drilling of the Marcellus Shale formation, OPRHP expressed concerns for the protection of the natural, cultural, and recreational resources for all State Park facilities, which includes Allegheny State Park. Further, DEC's Division of Environmental Permits and the Division of Mineral Resources works to ensure that any mineral extraction project undertaken in the State undergoes State Environmental Quality Review and follows respective State laws.*

Opposition to Mining in the Schoharie Valley

Comment: "Request that the Schoharie Valley Corridor is protected from mining."

Comment: "Support NYS Senate bill (S448) which gives recognition to local land use laws that are in place prior to the timing of a permit application."

Comment: "DEC should not consider mining applications for an area where they are banned by local law."

Comment: "For areas which DEC has determined to be priorities for preservation of open space, stricter permit requirements should be put into place."

Response: *The Division of Mineral Resources follows procedures outlined by the Department for use in processing Mined Land Reclamation permits under the Mined Land Reclamation Law (MLRL). Revision of these procedures and the mining permit application process, along with State Environmental Quality Review (SEQR) procedures, would need to be addressed through the Division. For additional information on the mining permit process, see www.dec.ny.gov/lands/5922.html.*

DEC Personnel Losses

Comment: "The Plan should recognize the impact of another loss in State capacity for the conservation and protection of the Forest Preserve resulting from job elimination within the Divisions of Lands and Forests and Forest Rangers."

Comment: "From 2003–2005, the Division of Lands and Forests in the Forest Preserve region (Regions 3–6) lost about a quarter of its personnel due to attrition – retirements with job titles not filled. This followed several decades of under-funding within the Division. Today, there is yet another hard freeze on hiring. If the DEC does not have the staff it needs and if we can not manage our Preserve and easement legacy truly with a commitment to ecological integrity, our State's capability for managing its natural resources will only grow even more dire."

Comment: "Essential natural resource job titles must be filled if our public lands are to be sustainably managed."

Comment: "New titles reflecting training in the ecological and landscape sciences must be created to meet the challenges of large, integrated public-private landscapes, as seen in the Adirondacks. New partnerships must be created to benefit of the conservation of our State's natural resources."

Comment: "At present, the DEC is not being allotted sufficient resources for the careful and comprehensive administration of conservation easement lands."

Response: *DEC recognizes the need to have sufficient staff to manage the huge land base under its responsibility, but staffing at all agencies statewide are a function of available resources.*

Regional Advisory Committees

Comment: "How are the members of the Regional Advisory Committees chosen?"

Response: *The statute authorizing the regional advisory committees (see e-Appendix B of the 2009 Plan on DEC's web site, Article 49-0209) requires that advisory committee members "shall be knowledgeable of, and concerned with, the land preservation, conservation, historic, cultural, recreation and acquisition goals of this chapter." Appointments are therefore made by county governments, with additional appointments made by DEC and OPRHP Commissioners.*

Comment: "The Fish and Wildlife Management Board should be formally brought into the open space planning process."

Response: *Representation and input by the Fish & Wildlife Management Board currently exists on several of the Committees, and is encouraged.*

Region 2

Comment: "The Regional Open Space Advisory Committee should have representation from the Mayor's Office of Long-Term Planning and Sustainability, which developed the PlaNYC Report."

Response: *The Region 2 Advisory Committee has representation from NYC City Planning, one of the city agencies responsible for implementation of the Mayor's plan.*

NYCDEP

Comment: "DEC should coordinate with the NYC Department of Environmental Protection (DEP)'s Watershed Program by adding a NYCDEP representative on the Regional Open Space Advisory Committee in Region 3. ...NYC Watershed Agricultural Council, while the NYC Department of Environmental Protection is represented only on the RAC for Region 4."

Response: *Representation and input from NYC DEP on Region 3 projects currently exists, though a formal position may not be held by the Department because of limitations placed on the amount of representatives and appointments that can be held by a Committee under ECL § 49-0209; see www.dec.ny.gov/docs/lands_forests_pdf/osp08eappb.pdf.*

Region 3

Schunnemunk Mountain/Moodna Creek/Woodstock Mountain {33}

Comment: "Problems have come up with development pressures on undeveloped lands near this project area and this should be addressed in the Plan."

Response: *The priority projects listed in the Plan are identified because of their vulnerability to development pressures as explained in the Open Space Conservation Plan's e-Appendix C – Project Eligibility & Evaluation Process at www.dec.ny.gov/docs/lands_forests_pdf/osp08eappc.pdf.*

PRIORITY CONSERVATION PROJECTS

Requests for additional priority projects for inclusion in the final Plan were forwarded to their respective Regional Open Space Advisory Committees for their review and consideration. Project requests and proposals not identified in the 2009 final Plan will be reconsidered by the Committees for the next revision of the NYS Open Space Conservation Plan.

Impact on Development Proposals for Properties Listed in the Plan

Comment: "Does the listing of a property as a 'Priority Conservation Project' in the State's Open Space Conservation Plan impact local or regional development ordinances or building permits for adjacent properties?"

Response: *No. Properties listed in the Plan only serve to identify areas of the State that are requested to be conserved by the public and the State's Regional Open Space Conservation Advisory Committees. Because these projects are recognized as having environmental, historical and/or recreational significance, listing in the Plan makes them eligible for funding from the State's Environmental Protection Fund, and other State, federal and local funding sources.*

REGION 1

Vassilaro Property, Miller Place, Suffolk County

One hundred and forty-seven (147) comments were received in support of this priority project remaining in the Final 2009 Plan. It has been kept.

Long Island Pine Barrens

Comment: Requests were received both to remove and keep Calverton Grasslands from the Long Island Pine Barrens project category.

Response: *Based on public comments and the natural resources present on the site, the Calverton Grasslands project has been amended to clarify that its listing in the Plan does not impact pending development proposals. The project now reads: "This is the largest contiguous grassland habitat on Long Island and one of the most significant in the entire state. The grasslands and its ten kettlehole ponds are habitat for several state threatened, endangered, and special-concern species including the short-eared owl and the Eastern tiger salamander. The Grasslands are located on the east side of Wading River Road between Middle Country Road and Swan Pond Road in the Hamlet of Calverton, Town of Riverhead. This property was conveyed by the federal government to the Town of Riverhead in 1994,*

pursuant to a law requiring that the property be used for economic development in accordance with a redevelopment plan to replace all or part of the economic activity lost at the site. In accordance with that conveyance, the Town, with the support of Suffolk County and the State of New York, has solicited development proposals. Accordingly, conservation project opportunities will be available only for those portions of the site that are not eligible for development, and inclusion of this site in the Open Space Plan is not intended to preclude or limit development consistent with the federal government conveyance and the Town's land use plans."

Additional Region 1 Priority Project Requests

Comment: "Request 18.7 acres on Shipyard Lane fronting Orient Harbor and 14.6 acres on Narrow River Road adjoining DEC's Long Beach Bay Tidal wetlands be added to the list."

Response: *Both parcels would qualify for EPF funding under the broader "Peconic Pinelands Maritime Reserve" project heading; specific mention of the individual parcels is not necessary.*

Comment: "Request Plum Island and Gardiner's Island to be added to the Plan."

Response: *Both fall under the broader Peconic Pinelands Maritime Reserve heading and do not need to be mentioned specifically to potentially qualify for EPF funding. Projects may be considered for specific mention during the next revision of the Plan.*

Comment: "Request the acquisition of parcels along the Nissequogue be acquired to enhance the LI Greenbelt Trail."

Response: *Those parcels would qualify under the existing LI Sound heading and/or the Long Island Trails and Greenways heading.*

Comment: "Request parcels along Tuthill Creek and the Browns River for the Greenleaf Trail be added to the Plan."

Response: *Both parcels would fall under existing South Shore Estuary Reserve project heading and/or LI Trailways and Greenways. No specific mention is required to qualify for EPF funding.*

Comment: "Request Pipe's Cove be added to the Plan, along with a planned Bay to Sound Trail in the area."

Response: *Pipe's Cove was discussed by the Committee and deemed a Town/County initiative. However, it would fall under the Peconic Pinelands Maritime Reserve project heading and thus specific mention would not be required for EPF funding. A Bay to Sound Trail would fall under LI Trailways and Greenways and/or LI Sound Coastal Area and/or Peconic Pinelands Maritime Reserve. No specific mention is required to qualify for funding.*

Comment: "Request that all woods and open space at Kings Park Psychiatric Center remain under Parks jurisdiction, while improved or formerly improved areas be sold or leased as soon as possible to private enterprise, at no cost to the State for clean-up."

Response: *A remediation plan should be completed prior to any future transfer of the property.*

REGION 3

Little Whaley Lake

Comment: "Little Whaley Lake, Pawling should be added to the Taconic Ridge/Harlem Valley project."

Response: *This project has been added.*

Comment: "Region 3 has priority projects that have an affect on Region 2 concerning water quality for New York City and the Hudson Valley. Abandoning priority projects [in Region 3] will compromise NYC's ability to provide clean water to millions of people."

Response: *The 2009 Plan continues to emphasize the protection of the State's watersheds and water quality as a high priority for both acquisition and broader use of the Conservation Tool Box, found on page 5 of the Plan.*

REGION 4

Rensselaer Plateau

Comment: "Rensselaer Plateau emerging intense use by the larger urbanized population area which is being felt throughout our State."

Response: *Agreed. This project remains listed as a state priority conservation project.*

Dickinson Hill Fire Tower

Comment: "Request the Dickinson Hill Fire Tower to become a part of Grafton Lakes State Park."

Response: *OPRHP continues to work with the NYS Police to address this request.*

REGION 7

Onondaga Escarpment

Comment: "The Onondaga Escarpment Corridor should be elevated from a supplemental project in the 2006 Open Space Plan to a priority project in the 2009 Open Space Plan."

Response: *The Onondaga Escarpment supplemental project from 2006 was combined with the Green Lakes State Park and Minoa Lakes, and the Clark Reservation priority projects to become one integrated priority project called the Onondaga Escarpment Corridor in the 2009 Plan.*

Lime Hollow & Beaver Creek

Comment: "The bogs and fens associated with Lime Hollow and Beaver Creek in Cortland County should be a priority project in the Open Space Plan."

Response: *Lime Hollow was a statewide priority project in the 1998 Open Space Plan but was removed after major open space protection efforts were completed by the Lime Hollow Center. The Fall Creek Fens and Forests regional supplemental project still covers the Lime Hollow and Beaver Creek areas. That status would be sufficient for projects there to qualify for the grant program administered by OPRHP and should enable land protection efforts by the Center to continue.*

State Park in Cortland County

Comment: "Labrador Hollow and adjoining State and private lands should be the site of the State Park to be developed in Cortland County."

Response: *Cortland County has evaluated several sites within the County as candidate locations for a State park and is continuing work on the proposal. However, the Labrador Area is not viewed as a suitable site for the development of park facilities for intense public recreational opportunities. Further, the Labrador Hollow area is protected under Article 45 of the State's Environmental Conservation Law (ECL), "State Nature & Historical Preserve Trust," which dedicates State lands that are in need of the highest level of protection because of their ecologically sensitive and significant resources.*

Silver Lake

Comment: "Silver Lake in Oswego County should be included in the 2009 Plan."

Response: *Silver Lake is included on the list of regional supplemental projects as Mud Pond (Silver Lake) Fen.*

Northern Montezuma Wetlands

Comment: "The Northern Montezuma Wetlands project is important."

Response: *DEC, the USFWS and several partner groups are actively pursuing open space protection efforts in the project area.*

Whiskey Hollow

Comment: "Whiskey Hollow in Onondaga County should be included in the 2009 Plan."

Response: *Whiskey Hollow has been recognized as a significant natural area for many years and is designated as an Important Bird Area. The Regional Advisory Committee has not received a formal project nomination for this area and would need additional information before including it in the Plan. It may be considered for inclusion in the next edition of the OSP.*

Susquehanna River

Comment: "The Susquehanna River in Broome County should receive priority status in the 2009 Plan."

Response: *The Susquehanna River corridor is a linear system having important open space values and several waterway access projects have been completed on the river under the Open Space Plan. The regional committee has not received a formal project nomination for*

a project focused on Broome County and would need additional information before including it in the Plan. A multi-region expansion of the Susquehanna River Valley Corridor {53}, a priority project in Region 4, could also be considered.

Nine Mile Creek

Comment: "Nine Mile Creek in Onondaga County should be designated as a Recreational River."

Response: *The Nine Mile Creek Corridor's importance is recognized by its inclusion in the Plan as a statewide priority project. Designation of the creek as a recreational river would need to follow the provisions of Section 15-2715 of the Environmental Conservation Law.*

Region 7 Supplemental Projects

Comment: "Some supplemental projects from the 2006 Open Space Plan seem to have been dropped from the 2009 Plan."

Response: *The Regional Committee reviewed and consolidated the supplemental project list for the 2009 Plan to remove completed projects and eliminate duplication of projects. Chenango Valley State Park and several other projects involving additions to state parks or historic sites were removed from the list because they are covered by the statewide priority project, "State Park & Historic Site Protection {131}." A foot note has been added to the supplemental project list to explain the consolidation in order to avoid confusion.*



REGION 8

Hemlock-Canadice Lakes

Comment: "Where is this project at?"

Response: *The Hemlock-Canadice Lakes watershed has been a long-standing project in the State's Open Space Conservation Plan. An agreement with the City of Rochester is under discussion.*

Seneca Army Depot

Comment: "Add the Seneca Army Depot to the Priority Project List – the northern white-tailed deer (*Odocoileus virginianus borealis*) can be used as a tourist attraction and designate the Depot as a public conservation park as great public interest has been shown for these deer– protect from further industrial exploitation – Seneca White Deer Conservation Park."

Response: *The Seneca Army Depot project remains on the Final Priority Project list.*

Pinnacle Hill

Comment: "Request Pinnacle Hill to be a high priority conservation project."

Response: *The Regional Advisory Committee felt that Pinnacle Hill was a local project that would be best suited for protection at the City and/or County local level.*

REGION 9

Erie Cattaraugus Rail Trail

Comment: Both opposition and support was expressed for the conversion of the old Buffalo–Pittsburgh Rail Corridor between the Towns of Orchard Park and the Town Ashford to public trail use.

Response: *OPRHP continues to work with the various local groups on this project.*

STATEWIDE

Comment: "An Environmental Justice category should be added to Statewide or Multi-Region Projects."

Response: *Many of the priority projects address Environmental Justice issues.*

FEDERAL FOREST LEGACY

Funding

Comment: "Request DEC and OPRHP to join with the large coalition of partners in advocating for increased funding through the Forest Legacy Program and the Land & Water Conservation Fund and develop strong proposals for these federal dollars to supplement the EPF and other conservation funds."

Response: *DEC & OPRHP continue to advocate for increased Federal Forest Legacy and Land & Water Conservation funds with its various partners and the Members of New York's Congressional delegation.*

Projects

Comment: "Nominate Shawangunk Mountains to US Forest Service as a Forest Legacy Area."

Response: *DEC is currently working with the US Forest Service on this nomination.*

Comment: "Private forest lands in Western New York are among the most productive and biologically diverse hardwood forests in the northeast. An amendment should be made to the [Forest Legacy] Assessment of Need to include the Allegheny Plateau Forest Legacy Area, which would acknowledge the importance of these forests to the economic and environmental health of the State. Future enrollments under the Forest Legacy Program will help retain the land base required for a vibrant forest products industry in this region."

Response: *This amendment has been proposed in the final 2009 Plan and will continue to be pursued by DEC with the United States Forest Service.*