

Appendix C

Responsiveness Summary to Public Comments

(Written comments and those voiced at public meetings)

The following meetings were held to solicit public comments for this plan:

Scoping Meetings:

- Oct. 21, 2003 American Legion Post 409, 100 Legion Drive, Gowanda, NY 7:00 - 9:00 PM**
- Oct. 23, 2003 Bellevue Fire Hall, 511 Como Park Boulevard, Cheektowaga, NY 7:00 - 9:00PM**

Draft Plan Public Hearings

- July 11, 2006 Bellevue Fire Hall, 511 Como Park Boulevard, Cheektowaga, NY 7:00 - 9:00PM**
- July 13, 2006 American Legion Post 409, 100 Legion Drive, Gowanda, NY 7:00 - 9:00PM**

Responsiveness Summary to Public Comments

Management Action Item			Comments
Access	1	Ensure adjacent land owner rights are observed.	DEC's public outreach activities will be to encourage visitors to respect private property and refrain from trespassing. This includes additional signage.
	2	Repair Forty Road bridge.	DEC will not be pursuing repair of this bridge
	3	Access adequate/do nothing.	DEC believes improved public access is warranted.
	4.1	Better parking.	Parking lots will be upgraded where feasible.
	4.2	At Unger and Vail (Ross Access).	DEC will pursue some expansion at this lot.
	4.3	At Valentine Flats.	DEC will pursue some expansion at this lot.
	4.4	For horse trailers.	The main Zoar Unit is designated a foot traffic only area.
	4.5	Provide year-round parking.	DEC currently does not have funding for this but will pursue Adopt A Natural Resource agreements with Town and/or DOT.
	4.6	Parking for hunters.	No problems have been recorded or reported.
	4.7	Add parking at Gowanda-Zoar Road (near Britt property).	DEC will pursue parking at this location.
4.8	Create parking area at Forty Road, Persia side which is suitable for rafter buses to park and/or turn around.	Parking lot already exists.	

Management Action Item			Comments
Access	4.9	Post Forty Road Persia parking lot “Parking For Zoar Access Only” and “Falls is Private Property”.	DEC will place kiosks with property maps outlining the boundaries of Zoar MUA.
	4.10	Create parking area on Forty Road, Town of Otto.	DEC will investigate this option.
	4.11	Plow parking at Holcomb and Unger Ponds.	DEC will pursue an “Adopt A Natural Resource” agreement with Town.
	4.12	Investigate potential use of Button Road for parking area development.	DEC to pursue having Town repair and maintain road year round for better access.
	5	Better foot access for fishing.	Currently access exists at Holcomb and Ross Ponds via Unger Road and via Valentine Flats Road to gorge. DEC will pursue additional parcels for public access.
	6	Port-a-johns.	One facility exists at Forty Road parking area during the summer only. DEC will pursue funding for an additional facility at Valentine Flats parking area.
	7.1	Motorized access.	DEC will continue to prohibit public motorized access to the Zoar Unit due to safety concerns and minimum trail size guidelines for ATV use on state lands. DEC administrative activities and emergency response access may involve the use of motorized/ mechanized equipment.
	7.2	Do not allow motorized access.	Same as Item 7

Management Action Item			Comments
Access	7.3	Allow motorized access on existing logging roads.	Same as Item 7
	7.4	Develop paid permit only system for motorized vehicles.	Same as Item 7.
	8	Better ID of adjoining trails.	Currently there are no formal adjoining trails. However, additional trail development and marking will be evaluated.
	9.1	Combine horse and snowmobile trails.	Horses and snowmobiles are prohibited. The area is designated “foot traffic only”. Snowmobile clubs could adopt a trail and cross the detached as part of an existing trail system.
	9.2	Develop 2-3 hr. horse trail loop.	Zoar MUA is not large enough for this size loop trail. DEC will consider a loop trail on the detached parcel if interest groups establish a cooperative agreement for trails on adjacent private land.
	10	Limit access to old forest areas.	DEC will not limit the number of people who enter and use the Zoar Unit. Education about impacts will be part of the public outreach process.

Management Action Item			Comments
Access	11.1	Camping - allow it.	Currently, the site is a “day use area” only due to safety concerns. Campers are directed to nearby East Otto State Forest.
	11.2	Permit-based system for canoe and hike-in camping.	
	11.3	Do not allow camping.	
	12.1	Develop site in Gowanda for removal of canoes and boats.	DEC will investigate sites which could be used for hand launching of boats and water craft.
	12.2	Improve access and launch for non-motorized boats.	
	13	Establish separate areas for each type of recreation - e.g.: hiking, motorized/non-motorized, wildlife viewing, etc.	DEC provides a variety of recreational activities to the public via its lands and forests holdings in Region 9 and across the State. Some sites, such as Zoar Valley, are not conducive to every type of recreation and thus have limitations and restrictions.
	14	Use area as natural area, not a state park.	DEC agrees
	15	Create recreational opportunities for senior citizen use.	DEC will consider loop trails of different lengths at the Zoar Unit.
	16	Charge no fees.	DEC agrees and no fees are charged.

Management Action Item			Comments
Land Management	1.1	Recognize and protect old growth. Permanent designation and protection of old growth areas.	DEC will update its Forest inventory for the Unit and evaluate likely stands for old growth. DEC will designate a “protection area” for the gorge and a 300' buffer which will provide protection for areas likely to be identified as having old growth areas.
	1.2	Map old growth.	
	1.3	Publicize old growth.	
	1.4	Define old growth.	DEC will define Old Growth using current academic research and practical knowledge.
	1.5	Look to Diggins old growth survey and others for definition of old growth and buffers.	Public outreach on the Unit will be evaluated and conducted if needed.
	2.1	Explain deed restrictions and any exceptions.	There are no deed restrictions except utility easements and a cemetery. In addition, Zoar Unit includes properties acquired by DEC which were not included in the Darling family gift.
	2.2	Rededicate as Unique Area.	DEC will identify the gorge area and a 300' buffer as a “protection area” and ask the State Legislature to dedicate the area include within the “protectionarea” to the Nature and Historical Preserve Trust.
	2.3	Designate entire MUA as Forever Wild.	The remaining property will remain in the Multiple Use Area land use category.
	2.4	Promote conservation of gorge.	The Unit cannot be designated Unique or forever Wild as per State law. See Section on Pertinent State Land Classifications for details.

Management Action Item			Comments
Land Management	3.1	No cutting trees.	DEC will not remove trees from the “protection area” other than for public health, safety or trail maintenance. Some trees may be removed along access roads leading to the 300’ buffer for wildlife habitat improvement.
	3.2	No cutting old growth.	
	3.3	No timber harvesting.	
	3.4	Use deed wording for management/non-management of land.	
	4.1	Better ID of state lines.	DEC agrees. Improved state land boundary marking is included in the UMP implementation plan.
	4.2	Post all boundaries.	
	5.1	Post land for hunting and fishing on the MUA.	DEC agrees. Hunting and Fishing regulations will be posted. Kiosks will also be used for information dissemination.
	5.2	Allow passive recreation - hunting and fishing.	These recreational activities will continue on the Zoar MUA.
	6.1	Create 300-foot buffer along gorge.	DEC agrees. See Section on Management Objectives. DEC cannot restrict all human activities within the gorge.
	6.2	Buffer strips to prevent erosion.	
	6.3	No human disturbance in gorge.	
	7	No gravel mining on MUA.	DEC agrees. See Section on Management Actions

Management Action Item			Comments
Land Management	8.1	No management on MUA/preserve it.	Management will be for the preservation of the “protection area” and multiple use of the remaining upland areas and the detached parcel.
	8.2	Keep in natural state.	DEC’s goal is to balance the natural state with some public access, limited to foot trails.
	9	Manage black walnut and other plantations.	DEC agrees. DEC plans to convert non-native conifer plantations to native species via removal of conifers and regeneration of native vegetation.
	10	Complete an EIS for changes in the UMP/current regulations.	SEQRA will be compiled, as required by Article 8 of the ECL.
	11	No management - no fire suppression.	DEC disagrees. If necessary, DEC will attempt to stop a wild fire.
	12	Lose biodiversity as forests age.	DEC feels that enhancement of forest biodiversity is an important goal of forest management.
	13.1	Protect unique plants/animals and their habitats.	DEC agrees. Protection is afforded to these and other species via DEC’s habitat and species management activities.
	13.2	Continue nest box structures.	DEC agrees. DEC plans to continue nest boxes.
	14.1	Maintain habitats that are there (e.g.: meadows).	DEC agrees. Meadow/grassland habitats will be maintained and possibly expanded where feasible.
	14.2	Maintain Ross Farm Meadow.	See Section VII Management Actions
	14.3	Preserve farm land and habitat diversity (old growth).	

Management Action Item			Comments
Land Management	15.1	Look for more acquisitions.	DEC will pursue acquisition of properties to protect the unique ecological characteristics of the area. DEC will investigate the acquisition of additional parcels along the South Branch of Cattaraugus Creek.
	15.2	Expand Zoar to Springville.	
	16	No additional building of roads in MUA.	DEC has no plans to build additional roads in the Zoar Unit. Existing access routes may be upgraded and/or repaired.
	17	Signs at all entrances and exits.	DEC agrees. Signs are and will continue to be posted at Zoar Unit boundaries. Information kiosks will be placed at some parking areas.
Recreation	1.1	Create circular horseback riding trail system.	See Access, Item # 9
	1.2	Year-round horseback riding, except during big game season.	
	1.3	Special “horses only” areas (no hunters) during hunting seasons.	
	1.4	Establish trails wide enough for horses and wagons. Include horse trails and connect to other trails.	

Management Action Item			Comments
Recreation	2.1	MUA for ATVs and/or snowmobiles during specific seasons.	Recreational access will be limited to “foot traffic only” and water craft.
	2.2	Non-motorized vehicles only.	
	2.3	Allow ATV, dirt bike, trucks, NYSORVA use - all purpose, off-highway motorized trail system.	
	2.4	Allow snowmobile use.	
	2.5	Establish NYTRO trail system for ATV’s, 4-wheelers.	
	2.6	Establish special fees for off-road vehicle use.	
	3	Cross-country skiing trails.	Cross-country skiing and snowshoeing are allowed activities. DEC will not establish any “ski-only” trails.
	4.1	Leave as is - no additional recreational uses.	Recreational access will be limited to “foot traffic only” and water craft.
	4.2	Only use trails per Mr. Darling; foot trails with little impact to area.	
	5	Continue raft and canoe use.	DEC agrees. This use will be continued.
6	Establish a bike path.	Bike paths will not be established due to the nature of geology and topography of the Zoar Unit. There are other venues in Region 9 to accommodate bike traffic (e.g. Golden Hill, Cattaraugus 16, Cattaraugus 5 and Cattaraugus 8 State Forests).	

Management Action Item			Comments
Recreation	7.1	Address indecent exposure.	DEC agrees. DEC Forest Rangers and Law Enforcement officers have, and will continue, to address this issue on state property.
	7.2	Establish a “clothing optional” area.	DEC disagrees and will not pursue this idea.
	7.3	Open areas for wading, swimming and bathing.	DEC is proposing a change of NYCRR Section 190.25 to allow for wading since it is a technique used by anglers.
	7.4	Repeal rule on wading in creek.	
	8	Use for bird and wildlife observation.	DEC agrees. This is a current use which will continue.
	9	Preserve hunting and fishing opportunities.	These uses will continue to be allowed.
	10.1	Establish interpretive trails.	DEC proposed a minimal approach to interpretive trails be taken. Signage and maps at parking lots and minimal trail marking will be implemented.

	10.2	Have educational walks and tours by DEC.	<p>DEC does not encourage nor condone or condone large group activities at the Zoar Unit. Foot trails are intended to accommodate individuals, not large groups. Waste management and sanitary facilities become problems if large groups routinely utilize an area.</p> <p>According to state land use policy, a Temporary Revocable Permit (TRP) and liability insurance are required for some events taking place on state forest lands. TRP's are currently not required for group walks at the Zoar Unit.</p>
	10.3	Have educational walks by colleges.	
	10.4	Have walks by old growth experts.	

Management Action Item			Comments
Recreation	11	Handicapped access, including ATV use by special permit.	<p>DEC will consider providing a handicapped accessible pathway/ramp at the forty Road parking area to accommodate wheelchair access to Cattaraugus Creek.</p> <p>DEC will post handicapped parking spaces.</p> <p>DEC will consider developing the access route at Valentine's Flats Road as a handicapped accessible pathway.</p>

	12	Increase fines for ECL violators.	Fines are established by statute. DEC will monitor detrimental activities to see if current fines are sufficient.
	13	Explore liability for people exiting state property and onto private property.	<p>DEC will make reasonable efforts to post state property and will use maps and brochures to make visitors aware of state property boundaries. DEC Law Enforcement personnel will issue tickets when violations are discovered.</p> <p>Individuals visiting the Zoar Unit are responsible for their behavior.</p>

Management Action Item			Comments
Safety/Evacuation	1	Establish a good rescue access on state property.	DEC will investigate potential access improvements in the unit for this purpose.
	2	Establish a good rescue access from private property.	DEC will work with local rescue services and private property owners to investigate rescue access opportunities to/from private properties.
	3	Recruit volunteer firemen.	This is a responsibility of local emergency response organizations.
	4.1	Put up information kiosks.	DEC will place kiosks at/near some access points. Information relevant to these topics will be posted on kiosks, at state property boundaries, and other locations as determined necessary. Log books will be added to kiosks to evaluate their effectiveness. DEC will post signs notifying visitors as to when they are leaving state property. It is up to the individual to respect private property.
	4.2	Post carry-in/out signs.	
	4.3	No alcohol/glass/drugs signs.	
	4.4	“Hunting Allowed” signs.	
	4.5	Post hunting seasons.	
	4.6	Post “no target shooting” signs.	
	4.7	Post “Fire Danger” signs.	
	4.8	Place a log book at trail head for “needed trail maintenance”.	
	4.9	Place sign-in log book in parking lot.	
4.10	Post Law Enforcement phone numbers.		
4.11	“Falls Privately Owned/No Trespassing” signs.		

Management Action Item			Comments
Safety/Evacuation	4.12	Demarcate dangerous areas.	Hazards will be noted at the kiosks and that individuals using the property do so at their own risk.
	4.13	Better marking of access points.	
	5.1	Compensate rescuing fire departments.	DEC cannot compensate other agencies performing rescues nor can DEC establish a rescue fee. Local rescue squads are encouraged to pursue the insurance company of those rescued to recoup costs.
	5.2	Establish a fee schedule which rescued people pay.	
	5.3	Establish “emergency vehicle parking only” areas.	
	5.4	Gated emergency access only to Valentine Flats.	This currently exists.
	6.1	Provide search and rescue training to fire departments.	Local fire departments may contact DEC Forest Rangers at any time.
	6.2	Train emergency crews in white water rescue or have experts available.	DEC emergency responders are trained. DEC cannot offer such training to outside agencies.
	6.3	Purchase more/better rescue equipment.	DEC emergency responders currently have no equipment needs.
	7	Designate an emergency response coordinator for Zoar MUA.	DEC’s emergency response coordination responsibilities are assigned to a forest Ranger. Contacts will be noted at information kiosks.
	8.1	Increase number of Law Enforcement patrols.	DEC Forest Rangers and Environmental Conservation police officers currently patrol Zoar MUA several times a week. This practice will continue.
	8.2	Establish better Law Enforcement access.	
	9	Replace Forty Bridge.	This will not be pursued by DEC.

Management Action Item			Comments
Land Management	10.1	Enforce “dawn to dusk” operational policy for MUA.	The Zoar Unit is a “dawn to dusk” facility, meaning the public is welcome to use the property during daylight hours.
	10.2	No restriction of hours.	
Mailed In Comments	1	Watersheds of all gorge tributaries should be put into “no logging” zones.	The “protection area” includes portions of the tributaries and their gorges within the boundaries of the Zoar Unit.
	2	Prohibit all deliberate human disturbances except for passive recreation.	See Section V Management Objectives and management of the “protection area”. Upland areas outside the “protection area” and on the 400 ac. Detached parcel will continue to be managed as an MUA.
	3	Identify measures to enhance passive recreation (improve parking, trail conditions, signage, trail maps).	DEC agrees and has accomplished this during the Unit Management Plan process.
	4	No human activity, via establishment of buffer zones, should disturb any rare plants or animals.	DEC encourages all visitors to refrain from encroaching on areas known to have rare plants/animals.
	5	Remove gravel road to gas well near Point Peter. Replant forest here. Restore the wetland that was filled.	DEC will consider using this area to provide handicapped access to the gorge vista.
	6.1	Blaze trails in a consistent manner.	DEC agrees.
	6.2	Paint blaze and map trails on Erie County plateau north of gorge.	
	7	Construct and paint blaze and map trails to selected vistas and erect appropriate safety fencing.	Trail markings will be improved. Safety fencing will not be erected.

Management Action Item			Comments
Mailed In Comments	8	Print and publicize old growth forest protection policy printed in Buffalo News.	Old growth definition has been included in this UMP. Protection policy is noted in Section V Management Objectives.
	9	List all timber harvest records, include quantity cut, revenue collected and location of each sale.	Areas harvested previously are noted in Figure 4. Additional details can be obtained from the DEC Office in Falconer.
	10.1	Manage upland regions for timber, mineral resources and appropriate recreational uses.	DEC will continue to manage the upland areas for recreational use, wildlife habitat and timber resources. Tree removal will be for plantation conversion to native species and habitat improvement . No surface disturbance will be allowed for removal of mineral resources. Current gas storage agreements must continue to be met.
	10.2	No timber extraction anywhere on parcel.	
	10.3	No commercial fiber extraction.	
	10.4	Manage chestnut plantation only.	The chestnut plantation will continue to be managed as part of DEC's upland management practices.
	10.5	Do not touch black walnuts on Valentine Flats.	The Valentine's Flats area is included in the "protection area" and no trees will be removed unless for public safety or trail maintenance.
	10.6	Reestablish native woodland communities of uneven age.	DEC's plan is to establish an overall upland woodland community of uneven age.
	11	Use horse logging techniques and provide public demonstrations.	Bidders on logging projects on upland areas of the Unit are required to meet DEC's specifications regarding preferred method of logging.

	12.1	State DEC strategy to protect all rare, special concern, threatened and endangered species.	State and Federal laws provide the basis for protection of rare, special concern, threatened and endangered species.
	12.2	Develop a habitat preservation program. Apply for federal funding for this.	
	12.3	Allow American chestnut plantation and some grassland mowing at outer part of Vail Road.	DEC agrees. This current management practice will continue.

Management Action Item			Comments
Mailed In Comments	13	Gain river access on South Branch Cattaraugus upstream of Forty Road, preferably at Skinner Hollow Road on west side of South Branch.	DEC will continue to pursue additional properties in the Zoar Valley Area.
	14	Add self-inflating air mattresses in canisters along the creek bank to increase safety.	DEC disagrees that this will increase safety and will not consider this request.
	15	Leave all current NYCRRs intact.	DEC disagrees and will propose updates and appropriate changes to the regulations affecting the Zoar Unit reflecting current management objectives.
	16	Allow professors to conduct classes and research projects in gorge.	DEC agrees. Temporary Revocable Permits (TRP) and liability insurance are required to conduct this activity on state land.
	17.1	Allow removal of individual fossil specimens and/or rock slabs the size a single person can carry out of the gorge.	DEC disagrees. Removal of any rocks, minerals, plants and animals from state property is prohibited by NYS Environmental Conservation Law and will be enforced at the Zoar Unit as it is on all other state lands.
	17.2	Allow fossil and rock collecting by amateurs and professionals for personal or scientific use, but not for the purpose of monetary gain in the form of payment through resale or tax credits via donation.	
	18	Pursue State Bird Conservation Area status for gorge.	DEC will consider this suggestion.
	19	Buffer zone should encompass the railroad line that runs between Village of Cattaraugus and Gowanda.	This is beyond the scope of this Unit Management Plan.

Management Action Item			Comments
Mailed In Comments	20.1	Incorporate Smart Growth and Quality Communities concepts and techniques, not just water quality techniques and regulatory controls. Seek state and federal funding for this.	DEC will investigate such opportunities.
	20.2	Coordinate with Cattaraugus County programs.	
	21.1	Allow Zoar MUA to remain as is - recreational opportunities with minimum effect on the environment and low cost to New York State taxpayers.	DEC feels some management is necessary to protect the natural resources at Zoar MUA and to provide for some public access and some recreational activities.
	21.2	Allow Zoar to remain as is. Want no additional publicity or public attendance at Zoar.	
	21.3	Do not create any greater access to the area. It creates too many intrusions to landowners.	
	22.1	Listen to local landowners and protect them, not other people from other parts of the State.	
	22.2	Create a “hotline” for landowners to get an immediate response when state land users violate rights of private property owners.	DEC agrees. Adjacent landowners are very important. DEC will continue to listen to and work with adjacent property owners due to challenges created by the proximity of the Zoar Unit as they arise.
	23.	Set aside a part of Zoar MUA that is closed to the public - similar to Reinstein Woods Nature Preserve.	Contact numbers will be provided at kiosks and to adjacent landowners.
			DEC disagrees. Due to the size and topography of the Unit this would not be feasible.

Management Action Item			Comments
Mailed In Comments	24	Conduct an objective environmental assessment of quality and value of natural resources in the MUA. Include estimated costs of preservation, including capital costs, increased law enforcement, educational programming, trail building and maintenance and revenues NOT earned from potential timber and/or resource extraction.	Some of these suggestions are addressed within the applicable sections of the UMP.
	25.1	Use parking other than private property.	DEC agrees. Parking on private property is discouraged. The Zoar Unit is a “carry in/carry out” facility. All visitors should take their trash with them when they leave the area. This message and reference to respecting private property will be part of our educational message on kiosks and brochures
	25.2	Fence the DEC parking lots to keep trash left behind inside the DEC property and not on private property.	Additional Adopt-A-Natural Resource Agreements may be sought by DEC with an interest groups to conduct additional clean-up days throughout the most heavily used months of the year.
	26	“I would also like to state that my conservation teacher gets many wildlife samples and examples from Zoar Valley.”	It is illegal to take plant and/or animal samples (specimens) from Zoar Unit or any other state property. The exception to this being fish and/or game legally harvested by hunters, trappers or anglers who hold a valid New York State hunting/fishing/trapping license.

Management Action Item

The following additional oral comments were made at the Draft UMP Public Hearing:

1. Comment: The DEC should continue to manage the property to enhance wildlife habitat to increase small game populations, continue to stock pheasants and continue to allow public access.

Response: The lands outside of the protection area will be managed to maintain or enhance wildlife habitats. The pheasant stocking program will continue and measures have been taken to ensure safer hunting conditions. The public will be able to access the entire property as they have been able to do in the past.

2. Comment: The protection area should be extended to cover the entire property and not just the gorge.

Response: The protection area includes the gorge and a buffer area along the gorge which will protect that sensitive area. The remainder of the area will be managed as a Multiple Use Area.

3. Comment: Eminent Domain should not be used to take lands from private citizens.

Response: Lands purchased for inclusion as State land in order to protect the Cattaraugus Creek gorge will *only be purchased from willing sellers*. Unfriendly Eminent Domain will not be used for conservation purposes in this unit.

4. Comment: Change the designation of the area to be under the State Nature and Historic Preserve Trust.

Response: The DEC is taking steps to get that designation changed for the protection area which comprises about one half of the entire area.

5. Comment: The special rules and regulations should be changed.

Response: Once the plan is approved regulation changes will be requested. Those changes are outlined in the plan.