The Flatrock Mountain Conservation Easement (CE) Draft Recreation Management Plan is being presented to the public in cooperation with the Northeastern Loggers' Association, Inc. (NELA), the property landowner. The New York State Department of Environmental Conservation (DEC) is encouraging the public to comment on the draft Recreation Management Plan (RMP) for Flatrock Mountain Conservation Easement. This NYSDEC presentation will share an overview of CE's, the Flatrock Mountain CE tract, and the goals presented in the draft RMP.

During the State’s continued response to COVID-19, DEC is not holding an in-person public meeting. DEC will accept public comments through April 23, 2021, by email: r6.ump@dec.ny.gov or by regular mail, addressed to Michael Marsh, Forester, NYS-DEC 225 N. Main Street Herkimer, NY 13350.

Please read the notes included with these slides for a thorough presentation of information.
Conservation Easement (CE) Benefits

• A CE is a permanent legal agreement entered into by a landowner, or a non-profit land trust, or a government agency, in this case, DEC.

• The benefit to the public is preservation of natural resources, working forests, and open space possibilities for public recreation uses.

A conservation easement is a permanent legal agreement entered into by a landowner and state or local government, or a non-profit land trust. CE documents identify the open space values being protected, and clearly describe the restrictions being placed on a property. The primary function of a CE is to limit or eliminate future development and undesirable land uses on a property, while allowing for continued private ownership and traditional management. Some CE allow public recreational access to the protected property and some do not; either way the public benefits by the substantial environmental protection achieved.
The 511-acre Flatrock Mountain Conservation Easement tract is in the Western Adirondacks southwest of Old Forge in the town of Webb, Herkimer County, between State Route 28 and Middle Branch Moose River. The Flatrock Mountain CE was part of a larger acquisition project completed by DEC in partnership with The Nature Conservancy (TNC) back in 2003. Some of this land became part of the forest preserve. However, on 511 acres, a conservation easement conveying only development and public recreation rights were purchased, leaving all other rights in private ownership. This property was then sold by The Nature Conservancy to the Northeastern Loggers’ Association, Inc. (NELA) of Old Forge. NELA remains the current landowner of this tract.
A NYS Department of Transportation Parking Area is located next to the property. The Flatrock Mountain CE is also located between the Ha-De-Ron-Dah Wilderness to the north and the Remsen-Lake Placid Travel Corridor and the Black River Wild Forest to the south. Numerous private land parcels also adjoin this property.
Objectives

- Sustainable forest management in perpetuity
- Conserve natural features and wildlife habitat
- Public access and recreation

This conservation easement has three main objectives. The first is to allow sustainable forestry to continue to be practiced on the property. The second is to protect this tract from development and thereby protect its natural features and wildlife habitat present. The final objective is to provide access to the public for a variety of recreational activities.
Landowner Rights

- Forest Management including timber harvesting, road building, temporary logging closures, and gate installation

- Five-acre exclusion area (adjacent to the DOT pull-off) with rights for limited structures within it

Under the Conservation Easement, NELA, the Landowner, retains various rights.

NELA has an educational and outreach mission for the forest products industry so their forest management rights allow them to pursue this mandate. These rights also include the ability to temporarily close areas of the property to public access where active timber harvesting is occurring. It should be noted that all forest management activities are conducted in accordance with a forest management plan reviewed by NYSDEC.

The Landowner also reserves the right to install gates on roads constructed for forest management purposes they do not want the public to drive motor vehicles on.

The Landowner has the right to construct a “non-commercial educational/interpretive center” or a “residence containing no more than 3,000 interior square feet of dwelling space” with additional ancillary structures allowed for the care and maintenance of this structure and the Property. The general location of this structure is restricted to a five-acre lot adjacent to the DOT parking area. The Landowner reserves the right to exclude the public from using this five-acre area and post it accordingly.
Public Recreational Rights (Non-Motorized)

- Hiking, biking, x-country skiing, snowshoeing, nature and wildlife observation, horseback riding, hunting, fishing, and trapping
- Camping
- Trail Construction

In addition to holding the development rights to the property, DEC also owns the public recreation rights. A wide variety of non-motorized recreational activities, including those listed on this slide, are allowed on the property. However, any new non-motorized recreational trails must be approved by the landowner and designated in a Recreation Management Plan or otherwise.
Public Recreation Rights (Motorized)

- Snowmobiling on the Old Forge-McKeever trail

- Recreation Management Plan and landowner approval can designate additional motorized corridors

Motorized recreation on the property is more restricted. The only current motorized recreational access on the property is the Old Forge-McKeever snowmobile trail, which is part of the larger regional trail network (Town of Webb Trail #6). Additional motorized access on roads and trails can be designated in the Recreation Management Plan, which is subject to Landowner approval.
Recreation Management Plan (RMP)

The document which:
- Summarizes NYSDEC obligations and rights to the property
  - Based upon the terms of the easement document - the deed
- Specifies how public recreational rights are to be implemented
- Subject to approval by NELA (the landowner)

The Recreation Management Plan, or RMP, is a requirement of the CE document. This plan summarizes the rights held by DEC and specifies how these public recreational rights are to be exercised. As previously noted, the RMP is subject to approval by the Landowner, who reviewed and approved this draft RMP.
Rights vs. Access and Proposed Actions

- NYSDEC acquired a specific suite of public rights when it purchased the Flatrock Mountain Conservation Easement.

- The RMP will allow for the full implementation of these CE rights.

- Only the rights acquired at the time of the Easement can be exercised by the RMP.

- The timeframe of project implementation will be affected by the availability of funding and other resources.

The RMP will allow for the full realization of the recreational rights held by DEC. However, it should be noted that only those rights that were acquired can be implemented by the RMP. Of course, the resources available to DEC, such as funding and staff time, will also influence when any proposals contained within the RMP will become a reality.
This map shows the existing infrastructure of the Flatrock Mountain CE. Except for the snowmobile trail and the Loop Trail (a hiking trail), the roads and trails present were constructed in support of the Landowner’s forest management program. In the southwest corner of the property, there is a road leading to a private inholding (a communications tower) that is not open to the public.
The following is a summary of the most significant proposals within the draft Recreation Management Plan. Further detail on each can be found within the PDF document of the Draft RMP.
This map shows the management actions proposed in the draft RMP, including new recreational trails, the opening of two new trails for use by people with mobility impairments who hold a Motorized Access Program for People with Disabilities permit, parking areas and a new lean-to. The following slides will explain these proposals in further detail.
Designation of Trails for MAPPWD Holders

Old Forge-McKeever Snowmobile Trail (1.8 miles)
- ATVs only will be allowed during the non-winter months.

Flatrock Mountain Road (0.6 miles)
- Passenger vehicles and ATVs will be allowed.

The draft RMP proposes: Designation of an existing logging road and snowmobile trail for ATV use by people with mobility impairments who hold a Motorized Access Program for People with Disabilities (MAPPWD) permit; the NYSDEC Commissioner’s Policy 3 (CP-3) allows those with a qualifying disability to receive a permit to access certain designated routes on State or Conservation Easement Lands with a motor vehicle.

Two new CP-3 routes are proposed:
The Old Forge-McKeever snowmobile trail (ATV only access during the non-winter months) and the Flatrock Mountain Road (also known as the Logging Road, ATVs and passenger vehicles will be allowed). These routes will be closed when necessary, to protect them from damage during the early spring “mud season” or to prevent conflicts with the Landowner’s forest management activities.

The Old Forge-McKeever snowmobile trail will remain open to snowmobiles during the wintertime and both routes will remain open to non-motorized uses (such as hiking, biking, cross-country skiing and horseback riding). However, additional motorized recreational access on either route outside of CP-3 will not be provided.
Designation of a Snowmobile Trail

The Mountain Top Trail (0.7 miles)

- Open to hiking and biking during non-winter months.

A new snowmobile trail, the Mountain Top Trail, from the Flatrock Mountain Road up to the top of Flatrock Mountain, is proposed. This new trail will generally follow an existing skid trail and will be open to non-motorized uses (such as hiking and biking, but not equestrian use) during the remainder of the year.
Designation of a New Multipurpose Trail

Minnehaha Trail (0.5 miles)

- Open to non-motorized uses, except horses.

A new multiple-use trail off Minnehaha Road (the Minnehaha Trail) is proposed. This trail, around 0.5 miles in length, will generally follow the lower slopes of the mountainside and pass sections of ledge and bedrock outcroppings, providing access for rock climbers. Other non-motorized uses, such as hiking, biking and cross-country skiing, will be allowed but equestrian use will not.
Construction of Trailhead & Parking at Route 28 DOT Pull-Off

- 2 ADA compliant parking spaces;
- Informational kiosk;
- Trail register and picnic table.

Adjacent to the Route 28 Pull-off, a formal trailhead is proposed, including installing 2 accessible parking spaces, an informational kiosk and trail register. A picnic table will also be placed on-site.
Construction off Minnehaha Road

- Three parking spaces;
- Informational kiosk.

A second parking area and trailhead are proposed off Minnehaha Road to serve the multiple use trail. Construction of two accessible parking spaces along with a nearby informational kiosk.
Construction of a New Lean-To Near Top of Flatrock Mountain

Access Lean-To from:
• The Loop Trail;
• The proposed snowmobile trail.

At the top of Flatrock Mountain, a new lean-to is proposed. Hikers will be able to reach the lean-to from either the existing Loop Trail or the proposed Mountain Top snowmobile trail.
Next Steps in the Draft RMP Process

• 30-day public comment period begins 3/24/2021;
• DEC will review public responses and, if necessary, revise the draft RMP;
• Final RMP reviewed and approved by landowner and NYSDEC;
• DEC adopts RMP;
• Implement RMP projects in proposed phases.

March 24th marks the release of the Flatrock Mountain CE DRAFT RMP public comment period. The next step will then be to incorporate the feedback received in a revised version of the RMP. After another round of reviews and approvals by the Landowner and Executive staff at DEC, the final RMP will then be released. The improvements outlined in the RMP will be implemented as funding, time and staffing allow.
Public Comment Period Ends April 23, 2021

Send all comments via email to R6.UMP@dec.ny.gov

Or via regular mail to the following address:

Michael Marsh
Forester
NYS-DEC
225 North Main Street
Herkimer, NY 13350

The public comment will begin on March 24, 2021 and be open for 30 days, ending on April 23, 2021.

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Thank You

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