

# e-Appendix F

## ASSESSMENT OF PUBLIC COMMENT ON THE 2014 DRAFT PLAN

In 2013, DEC and OPRHP began the process of updating the 2009 Plan, asking the Regional Advisory Committees for recommendations. These suggestions and other public comments received since the publication of the 2009 Plan were evaluated, along with changes in the law, regulations and the Agencies' programs, to prepare a revised Plan. The Draft Plan was made available for public comment beginning on September 17, 2014 and ending on December 17, 2014. A statewide set of 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 and through DEC's website established for the Open Space Conservation Plan ([www.dec.ny.gov/lands/98720.html](http://www.dec.ny.gov/lands/98720.html)). A total of 462 people and organizations commented on the Draft Plan. A list of the commenters is included in e-Appendix G.

The State open space conservation plan outlines a series of policy and program recommendations to enhance efforts that are on-going in New York State to advance Open space conservation at the state and local level with the many partners that are involved in this effort.

Open space conservation provides multiple benefits: it helps sustain economically important sectors including agriculture, forestry, outdoor recreation and tourism; provides habitat for wildlife; protects water and air quality, ecosystems and endangered species; provides the basis for outdoor recreational activities, improves surrounding property values and community attractiveness, and in this era of rapid climate change, helps improve resilience to communities and private land owners.

The Plan also details a series of priority open space conservation projects that are based on the work of the nine Regional Advisory Councils that have been established to provide input to the Department of Environmental Conservation and the Office of Parks, Recreation and Historic Preservation. Those projects, listed in the Plan, are eligible for conservation funding

Following are responses to the many comments that were received during the development of this Plan. Comments were overwhelmingly in support of an aggressive State sponsored Open Space Conservation program. Many comments suggested specific priority conservation projects. Those comments were provided to the Regional Advisory Committees for their consideration. Many comments were made on specific uses to be allowed on specific parcels. Responses to such suggestions are beyond the scope of this Plan, and are best dealt with within the context of the development of Management plans or master plans for specific open space parcels. Both DEC and OPRHP, and most local governments, provide ample opportunity for public input into the development of plans guiding the use of specific open space projects including state forests, forest preserve, state parks and Historic sites, wildlife management areas and local parks and preserves.

### PUBLIC COMMENTS ON THE OPEN SPACE CONSERVATION PLAN

Through the public comment process, DEC and OPRHP received many excellent recommendations and comments, which have been added to the Final 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.

## Funding

**Comment:** Many comments were received supporting increased funding through the Environmental Protection Fund.

**Comment:** The EPF does not currently contain adequate funding for land conservation to accomplish the Governor's vision as stated in the draft Plan.

**Comment:** The EPF needs a sustained increase to stewardship funding so DEC and State Parks can properly steward the lands in their charge.

**Comment:** The state budget does not currently contain adequate funding to implement the program aspirations detailed in the draft Plan.

**Comment:** Support was expressed for the Community Preservation Act.

**Comment:** The Open Space Conservation Plan demonstrates that there is a significant unmet funding need, especially in the Environmental Protection Fund's Open Space Acquisition, Farmland Protection and Municipal Parks lines. The funding for these three lines is half their peak funding in 2008-9.

**Comment:**

- How are these recommendations going to be achieved?
- Are there plans to restore meaningful funding for land acquisition in next year's Environmental Protection Fund?
- If not, what new sources of funding are proposed?
- We urge New York State to restore meaningful land acquisition funds to the Environmental Protection Fund in 2015 to at least the 2008 level of \$66 million.

**Comment:** A "Give a Gift" line should be included on state income tax forms for land conservation.

**Comment:** The real estate transfer tax should go to the EPF rather than the general fund of the state budget.

**Comment:** Support was expressed for recommendations regarding increases in funding to a variety of programs.

**Comment:** The state should promote the protection of natural resources and open space related to water quality through the use of water improvement districts

**Comment:** The Environmental Facilities Corporation should consider providing low interest loans for open space and farmland protection projects that protect water quality as a parallel, non-competing funding program to the Clean Water State Revolving Fund for traditional infrastructure projects, with its own dedicated funding source. The state should also consider providing direct grants to support these projects given the permanent benefits of protecting land critical to water quality.

**Comment:** The state should also incentivize local communities to contribute to open space and farmland protection projects by providing preferential treatment for state grant applicants working in communities where local funding for open space has been generated.

**Response:** During Governor Andrew Cuomo's tenure, The State Environmental Protection Fund has been nearly doubled to a record \$300 million, including \$40 million of land acquisition. Future funding will be addressed in upcoming budget submissions. The EPF also provides funds to the Land Trust Alliance, which provides competitive grants to individual land trusts through the Conservation Partnership Program. Since 2002, the Conservation Partnership Program has awarded \$13.1 million in grants. The plan also encourages local communities to develop local open space conservation programs.

## Grants

**Comment:** Support was expressed for the Conservation Partnership Program to build capacity of land trusts in New York.

**Comment:** Support was expressed for continuing the Conservation Partnership grant program for New York land trusts, which serves as a national model for building the capacity of land trusts to support the goals of the Open Space Conservation Plan.

**Comment:** Ensure that the allocation of state monies through competitive grant processes are equitably distributed between rural and urban communities.

**Comment:** Funding for the Municipal Parks Grants Program should be increased in the future.

**Comment:** Support was expressed for creating more options for grants to local municipalities.

**Comment:** Support was expressed for the park and trail not-for-profit organizations capacity grants program.

**Comment:** Support was expressed for the state to continue to provide grants and funding for both government entities and qualified local organizations to pursue projects to advance long-term goals of open space preservation and protection.

**Response:** The State will continue to fund grant programs to improve the capacity of our many land trust partners as well as municipalities. The record amount of funding in the EPF will allow for the expansion of these efforts.

### Staffing

**Comment:** We are past the point where state agencies are crippled by staff shortages, and it would be irresponsible to not begin the process of reversing this trend.

**Comment:** Support was expressed for efforts to restore critical staff at DEC, State Parks, the Attorney General's office and other agencies in order to advance contracts, grants and project approvals in a timely and cost-effective manner.

**Response:** Currently, DEC and State Parks are addressing staff deficiencies.

### Acquisition

**Comment:** The State should use the EPF to acquire and make more accessible lands near and in urban centers.

**Comment:** The state should focus on managing the land it has and not buy more.

**Response:** The EPF is used by both DEC and OPRHP to acquire land throughout the State, including urban areas. The State is focusing on State land stewardship, and is acquiring land so that future generations will have adequate open space. Part of the State's strategy is pursuing buffers and inholdings to state lands, which can make state land stewardship more efficient.

### Data

**Comment:** Make baseline GIS data on each region's natural resources more accessible and provide GIS trainings to groups interested in data gathering and analysis.

**Response:** All of DEC's and OPRHP's land acquisition data is available through the GIS Clearing House. The Department of State has also recently launched a gateway data portal.

### Taxes

**Comment:** New York State should pay real estate taxes on all current or future lands or easements held by DEC or State Parks.

**Response:** The payment of local taxes by either DEC or OPRHP on lands acquired for open space purposes is set forth in the State's Real Property Tax Law.

### Open Space Conservation Plan

**Comment:** The Plan should incorporate statewide reference in its examples.

**Comment:** The need for federal, local and private contributions to open space conservation is appropriate.

**Comment:** The Open Space Plan needs to include an analysis of budget, program, and staffing, social, and economic consequences.

**Comment:** Performance measures should be developed for the Plan to help the Regional Advisory Committees and the general public be better informed and better situated to revise and adapt the plan based on progress between iterations of the Plan.

**Comment:** The Plan should incorporate metrics so it is possible to determine if its implementation is successful and meeting the State's objectives.

**Comment:** Plan should focus on most important goals and be fiscally responsible.

**Response:** The Plan attempts to tie together the open space needs of the State and its local government partners. It provides priorities for the acquisition programs of DEC and OPRHP, which are largely funded

through the Environmental Protection Fund, sometimes matched by federal funds and private. It also identifies policies and programs that can be helpful to local governments and land trusts. It also acknowledges the roles that are played by the federal government. Open Space conservation is a dynamic and fluid undertaking that takes many different forms, depending on the conservation challenge presented. The public overwhelmingly supports an aggressive Open Space Conservation program, which continues in bad economic times as well as in good economic times.

### SEQR

**Comment:** Draft Environmental Impact Statement needs to be updated – has not been updated since original plan.

**Comment:** Adequate staffing and funding is needed to enforce the State Environmental Quality Review Act, and rules regarding legal standing need to be reformed.

**Comment:** The Plan's draft generic environmental impact statement should be updated and should include the environmental benefits of private forest land ownership with respect to providing diversity of habitats, protecting endangered species, providing clean water and air, storing carbon and providing recreational opportunities.

**Response:** The EIS was last updated in 2009 to reflect previous changes and the use of open space to help to mitigate and adapt to Climate Change. For this iteration of the Plan, the 2009 EIS was deemed to cover actions now covered by the Plan as detailed in the Finding Statement issued with the final Plan.

### Property Rights

**Comment:** Do not further limit rights of property owners beyond local zoning laws or more and more people will move out of NY to friendlier states.

**Response:** The Open Space Conservation Plan does not restrict private property rights. Land acquisition pursuant to the Plan is done on a willing seller basis.

## OPEN SPACE CONSERVATION PLAN INTRODUCTION

**Comment:** Once open space is gone it is nearly irrecoverable.

**Comment:** Please preserve as much land as possible for future generations.

**Comment:** Suggest changing the wording of a NYS Conservation Goal to: "To protect habitat to sustain hunting, fishing, trapping and wildlife viewing."

**Comment:** Suggestion was made to incorporate mention of the role of federal agencies in A Tradition of Recreation by introducing the many acres and miles of rivers and canals owned and/or managed in partnership with those federal agencies.

**Comment:** Open Space lands have a positive economic impact.

**Comment:** Add to the Conservation Toolbox a section on Bond Acts.

**Comment:** The included definition of Environmental Justice should be expanded to encompass all classes of discrimination groups, including sex, age, physical ability and sexual orientation.

**Comment:** The Plan should discuss equal access to open space.

**Comment:** Plan light on bringing underserved communities to the land or bringing the land to underserved communities.

**Response:** The Region 1 Regional Advisory Committee report acknowledges 30 Potential Environmental Justice Areas in Nassau and Suffolk Counties and mentions by name five priority projects, though many more could qualify under the broad acquisition categories. Unfortunately, there is often little land left to preserve in densely populated areas where most of the PEJA's are located. Staff is sensitive to the issue and always looking for opportunities to bring land to underserved areas.

## PROMOTING OUTDOOR RECREATION

**Comment:** Concern was expressed promoting outdoor recreation and other uses of open space resources is being emphasized over protecting open space.

**Comment:** Concern was expressed that the draft Plan emphasizes recreational use of open space as a high priority than protecting open space, properly stewarding habitats and ecosystems, and addressing climate change. Suggestion was made to reorder the themes to have outdoor recreation come forth in the list.

**Comment:** Please keep outdoor tourism and outdoor recreation as major factors in the land acquisition decision making process.

**Comment:** Several commenters pointed out the positive economic impacts of recreation.

**Response:** The Open Space Plan acknowledges that conserving outdoor resources produces a positive economic benefit for nearby communities, while ensuring that the natural resources are protected.

### Bicycling

**Comment:** Areas should be sought to expand mountain biking opportunities as an important economic opportunity.

**Comment:** Support was expressed for promoting the use of bicycle bells and proper trail etiquette to ensure safety of both bicyclist and pedestrians on multiple use trails.

**Comment:** Safe bike routes and trails should be a key part of NY's Open Space Conservation Plan to enhance tourism and public health.

**Response:** OPRHP and DEC promote the responsible use of bicycling, an increasingly popular form of outdoor recreation.

### Trails

**Comment:** Maintain recreational trail linkages and networks for all user groups.

**Comment:** Support was expressed for a rail trail between Old Forge to Lake Placid.

**Comment:** Include action item to "Recommend to local governments that when roads are abandoned, that they be designated as "qualified abandoned" to ensure continued public access to the travel corridor."

**Response:** This is a determination for local government to make; the state does not have the legal authority to make this designations, therefore it is outside the scope of this Plan.

**Comment:** Close the gaps and complete the 360-mile Erie Canalway Trail by the Erie Canal bicentennial in 2017.

**Comment:** Actively develop a plan for creation, design, maintenance and promotion of a comprehensive, interconnected statewide system of multi-use trails, spearheaded by a statewide task force.

**Comment:** NY should develop a statewide trail system plan for creation, design, maintenance, and promotion of a comprehensive, interconnected statewide system of multi-use trails, spearheaded by a statewide task force. The plan should be informed by MPO regional trail plans. Such a plan would help guide acquisition and funding decisions so that resources can be devoted to those corridors that provide important linkages between communities and public lands across the state.

**Comment:** The state should encourage counties and local municipalities to prepare trails and greenways plans as part of their comprehensive plans to ensure that critical corridors are available for the future.

**Comment:** New York should dedicate state funds to multi-use trail development, and rely solely on the Federal Transportation Enhancements Program.

**Comment:** Education and outreach should be provided to educate trail users on trail etiquette to protect the surrounding ecosystem and landowner's property in the case of trail easements.

**Comment:** Support was expressed for further establishing permanent trail corridors for multiple uses including snowmobiling to avoid the need to reroute trails as land ownership and uses change.

**Comment:** The North Country National Scenic Trail is eager to work in partnership with NY within the limits of

the law, budget and staff availability:

- Trail Towns - Canastota NY is a North Country Trail Association “Trail Town”. We anticipate adding other communities as tourist destinations in the near future.
- Making public lands attractive to a diversity of the population.
- Seeking to ensure that trails are accessible to people of all abilities.
- Acquisition of land for the trail from willing sellers. Per the 2009 amendment to the National Trails System Act, the North Country NST can secure lands via willing sellers.
- Connecting land to people – The North Country NST supports a strategic and prioritized linking of state lands rather than a piecemeal approach, with the goal to be an uninterrupted non-motorized trail open to foot traffic the entire length of the state.
- Protecting and enhancing scenic, historic, and cultural resources along the length of the trail.
- Engaging youth with nature and promoting outdoor recreation in general.
- Engaging with ecotourism and long distance excursion communities.

**Comment:** Trail volunteer groups could benefit from small pots of funding for smaller trail remediation projects.

**Comment:** Hiking trails should be more widely advertised so people can know the best places to hike.

**Comment:** Support was expressed for protecting trail linkages.

**Comment:** Include additional data on the benefits of NY’s parks and trails.

**Comment:** Support was expressed for the Region 3 Regional Advisory Committee recommendation to expand the model of the Conservation Partnership Program to an EPF funded grant program to support not-for-profit parks and trails organizations to build capacity for stewardship of trails.

**Response:** One of the priority conservation projects in the Plan is specifically for conserving long distance trails.

### Horses

**Comment:** Disappointment was expressed with the extension of hunting seasons due to its shortening the time state lands with developed horse trails can safely be used for horseback riding.

**Comment:** The plan should incorporate more opportunities to expand horse trail riding into existing conservation lands and into priority conservation projects.

**Comment:** Horse riding constituents are mostly women and horse riding trails allow women to get out into nature.

**Comment:** Support was expressed for maintaining current horse riding opportunities and encouraging additional opportunities.

**Comment:** Several commenters wondered why only a few trail systems open to horseback riding were mentioned in the plan, and why some trail systems were not mentioned.

**Response:** The use of trails on specific state land holdings is determined through the Unit Management Planning process.

### Public Land Recreational Access

**Comment:** Recommendations were made on specific public access improvements on state owned lands and conservation easements.

**Comment:** Support was expressed for public lands as a place to support recreation activities that contribute to the local economy.

**Comment:** Support was expressed for expanding public transit to improve access to public lands.

**Comment:** Make it safe for people to explore forested areas and public lands by making staff available on these properties to assist the public.

**Comment:** Review and create a database of all qualified abandoned roads.

**Comment:** There needs to be more clarity on the recreational opportunities available to the public on state-owned conservation easements.

**Comment:** Several comments were received regarding specific lands that are appropriate for municipal park projects.

**Response:** The recommendations for specific state owned lands were shared with regional DEC and OPRHP staff for consideration. Governor Cuomo is committed to improving public access and has made investments through the New York Works program as well as through the Environmental Protection Fund's State Land Stewardship line, and through a \$900 million plan for capital improvements at State Parks and Historic Sites.

**Response:** Land conservation takes place at several levels, including state and local. It is important for residents and local communities need to work together to make local projects happen.

### Hunting, Fishing and Trapping

**Comment:** Please save our sporting rights.

**Comment:** Support was expressed for conducting habitat improvements for game species on all State Forests.

**Comment:** Concern was expressed regarding the difficulty of finding good private and public hunting land available to hunters. Access might be improved through tax incentives for private landowners to allow hunters access.

**Comment:** Concern was expressed about an apparent lack of visible use of Pittman/Robertson funds for habitat improvements.

**Comment:** Suggestion was made to make a survey available to hunters to voice their opinions on hunting related matters.

**Comment:** Additional areas within state parks should be opened to hunting and be open during the same time as the season on surrounding lands.

**Comment:** Deer hunting season should be expanded to help decrease deer/vehicle accidents.

**Comment:** Muzzle loading season should be discontinued because a hunter only has one shot and if the animal is non-fatally wounded it would run and suffer.

**Response:** Several commenters urged the Plan to address various aspects of hunting, fishing and trapping. These activities can only take place on undeveloped open spaces, which this Plan supports and encourages. Different land management agencies have different rules on the public uses that are allowed on open space properties which are under their management. The Public needs to address concerns or comments about specific positions on hunting, fishing and trapping to the land manager during the development of plans to manage specific properties.

Promoting Outdoor Recreation and open Space. Protected open space provides both public recreation opportunities and the protection of natural resources. Both DEC and OPRHP have policies and procedures in place to make sure that actions undertaken to provide recreation do not come at the expense of ecosystem or natural resource degradation. The missions of both agencies include both goals, which are not mutually exclusive and which require a balanced approach. Hunting, Fishing, Trapping and Wildlife Observation are very popular activities at various DEC, OPRHP, and local parks and preserves. While the State Open Space Conservation Plan supports the acquisition of open space by all levels of government, the actual development of management plans by the entity that owns and has management responsibilities guiding the public use of individual properties is where public input is appropriately sought on the types of public uses that will be allowed.

### Private Land Access

**Comment:** Support was expressed for addressing the need to ease the landowner's liability in allowing trails on private property.

**Comment:** Support was expressed for providing incentives to encourage landowners to grant access across their land for the provision of recreational and natural access corridors.

**Comment:** Support was expressed for the passage of legislation to address private landowner liability for allowing recreational to occur on their property, which is a hurdle for hunting access and trail connections.

**Comment:** Landowners should be paid for property use for outdoor recreation, not just for sportsmen, include hikers.

**Response:** Landowner liability is currently addressed by General Obligations Law section 9-0103. Expansion of that law to include additional recreational activities requires action by the State legislature.

### Camping

**Comment:** Interest was expressed in having campgrounds with more walk in sites and fewer car/RV sites; and more campgrounds that do not have lights on at night to decrease light pollution.

### Tourism

**Comment:** The Plan should include more on the importance of ecotourism as a fast growing niche of the tourist industry.

**Comment:** NYS should launch a marketing effort that markets State Parks, DEC and Canal Corporation lands together (most NYers and visitors do not distinguish between lands owned by the three agencies), including a single website with an interactive map that also features local parks, trails and outdoor resources.

**Comment:** Support was expressed for the recommendations to expand ecotourism opportunities.

**Response:** Governor Cuomo has taken unprecedented steps to highlight the wonderful outdoor recreational opportunities that New York State possess. Through his snowmobiling, rafting and fishing challenges, the Governor has been able to showcase various regions of New York State. The Governor has also provided \$50 million for a renewed tourism budget which will reinvigorate visitation to New York's diverse outdoor recreational assets, be they State Parks, State Forests, the Forest Preserve of the Catskills and Adirondacks, and other facilities owned by municipal governments. Part of the Governor's budget will promote parks, trails and activities to nature lovers through targeted publications and websites.

### Universal Access

**Comment:** The Plan should clearly define Universal Access and clarify that it is not simply providing motorized access to hard to reach places.

**Comment:** NY's parks and trails should be made more welcoming and accessible to all users, including evaluation using the Universal Trail Assessment Process (UTAP). Information gathered during UTAP evaluations should be made available at the trail and on the web.

**Comment:** Concern was expressed that Universal Access means providing paths paved with asphalt, which would have adverse environmental impacts. Also, concern was expressed that recreational trails are taking precedence over environmental protection.

**Response:** Many commenters urged the State to make its facilities more accessible to all members of the public. The state and its local government partners have a responsibility, under the Americans with Disability Act and other federal and state laws and requirements, to ensure that facilities are universally accessible. This responsibility is being carried out by DEC, OPRHP and our partners in local governments and private non-profit organizations. The Department and OPRHP will continue to focus on universal access through the development and implementation of management plans

### Diversity

**Comment:** NY should do more to make parks, trails and other open spaces more welcoming to diverse populations.

### Health

**Comment:** DEC and State Parks should become permanent members of the state's Obesity Prevention Coalition, Designing a Strong and Healthy New York (DASH) to help encourage the use of DEC and State Parks facilities could be used as venues for community physical activity programs.

### Motorized Recreation

**Comment:** Snowmobilers enjoy riding in areas off groomed trails and would appreciate access to such opportunities.

**Comment:** The Adirondack Snowmobile Plan should be revised to include a class of snowmobile trail that is un-groomed and would remain open even if it little used.

**Comment:** Snowmobiling provides significant recreational and economic benefits to NY, and without an extensive trail network these benefits will be lost.

**Comment:** Support was expressed for the creation of an ATV trail on state lands that could be maintained and policed using funds from ATV permits or registrations. Volunteers may also be interested in stewarding the trails.

**Comment:** Keep rights of way and access for recreational vehicles in open spaces.

**Comment:** Support was expressed for increasing snowmobiling opportunities including in the Adirondacks.

**Comment:** A snowmobile connector trail between Newcomb, Minerva and Indian Lake is important for those communities and snowmobilers.

**Comment:** Support was expressed for increased opportunities for ATV and snowmobiles in State Parks, especially an ATV trail system.

**Comment:** Support was expressed for more motorized access and recreational opportunities.

**Comment:** Support was expressed for not allowing ATV access to state owned lands except for people with mobility impairments as is currently done by DEC.

**Comment:** Support was expressed for allowing electric only Off Highway Vehicles (OHV) on trails on state lands as a reduced noise way to allow their use on state lands and to encourage the OHV producers to make more electric vehicles.

**Comment:** There needs to be more restrictions on ATV usage in the woods. These vehicles are a threat to the natural landscape and the noise disrupts the ecosystem.

**Response:** The Open Space Conservation Plan does not describe uses for lands acquired by DEC and State Parks. The development of Individual Unit Management Plans, Master Plans and Recreational Management Plans includes public input, including discussions of what uses will be allowed on various units of state land.

### Connecting People with Nature

**Comment:** Support was expressed for getting more people outdoors, especially children.

**Comment:** Stronger connections need to be made between schools, children and NY's open spaces, especially farms.

**Comments:** Our State Parks should be utilized for environmental education on topics including green infrastructure and pollinators.

**Comment:** The National Park Service at the Upper Delaware Scenic and Recreation River would be honored to be listed among the organizations with which DEC collaborates in educating the public about natural resource and environmental quality topics regarding water quality and aquatic species.

**Comment:** Support was expressed for an Outdoor Adventure curriculum to connect children to nature.

**Comment:** More effort should be made to educate the public about biodiversity, wildlife and vegetation

**Response:** One of the goals of the Open Space Conservation Plan is connecting people with nature and the Plan provides many tools to do so.

### ADDRESSING CLIMATE CHANGE

**Comment:** Support was expressed for the inclusion of recommendations from the NYS 2100 Commission.

**Comment:** Restoration and creation of new parks and trails can provide protective systems and facilities to address climate change and increased storm intensity.

**Comment:** More emphasis should be placed on all lands affected by or potentially affected by climate change,

not just coastal and riparian areas.

**Comment:** The Plan should be make more explicit the recommendations that can yield co-benefits to both built and natural communities.

**Comment:** Support was expressed for the use of green infrastructure to address climate change.

**Comment:** Build the capacity of local government to incorporate climate resilience into their planning processes.

**Comment:** Incorporate resilience analysis into conservation planning and targeting including climate resilience science developed by The Nature Conservancy (Anderson, 2014) should be incorporated into Appendix C: Project Eligibility & Evaluation Process.

**Comment:** Increase protection of resilient sites for species and communities that rely on at-risk low elevation, fertile lands. Evaluate New York’s existing conservation lands to identify gaps that need to be filled to ensure conservation of the full range of habitats to support the State’s biodiversity. Develop conservation goals to balance New York’s conservation portfolio with resilient examples of low elevation, fertile sites. Integrate resilience into farmland conservation priorities. Identify thresholds for resilience for low elevation fertile sites to set effective goals for conservation in these challenging landscapes.

**Comment:** Ensure accessibility of resilience data for private organizations and New York State agencies. Develop a database of resilience data and a set of easy to use guidance documents that explain the concepts of resilience and their application for conservation planning and project evaluation. These materials should be used by the State and conservation organizations as one “filter” for evaluating land conservation projects. Support state agencies, local governments, land trusts and others in integrating resilience into local and regional community and conservation planning.

**Comment:** A section on protecting naturally resilient landscapes should be added to the Addressing Climate Change chapter based on the resilience analysis developed by Mark Anderson of The Nature Conservancy and adapted and downscaled by several organizations for use in NY. Resilience should also be incorporated into the project scoring criteria in e-Appendix C’s Resource Value Ratings System.

**Comment:** DEC and State Parks should promote the benefits of regional planning and provide examples of memorandums of understanding and other legal vessels through which to establish regional plans.

**Response:** Many commenters asked that local governments incorporate climate resilience into their planning processes. The state has taken historic steps to do so. DEC has established a Climate Smart Communities program to provide technical assistance to local governments to deal with Climate resilience and developing carbon neutral communities. Governor Cuomo signed legislation in 2014, the Community Risk and Resiliency Act, which requires the State to provide guidance to permit applicants and local governments about the use of natural resources to reduce risk to property and communities. The guidance will focus on the use of protected wetlands, riparian areas and intact forests to protect community and property values.

### Forests and Climate

**Comment:** Support was expressed for encouraging the use of professional forester and/or trained and certified logging contractors during timber harvest activities, but recommendation was made to not make them regulatory mandated.

**Comment:** New study published in *Nature* demonstrates that older trees sequester more carbon annually per tree than younger trees.

**Comment:** DEC should discontinue timber sales for wood used in space heating and co-generation, and concentrate on timber sales that will be used for durable wood products like furniture because durable wood products sequester carbon for a longer duration.

**Comment:** Broad statements about harvesting timber to enhance sequestration is too scientifically controversial at this time to be included in the Plan.

**Comment:** Support was expressed for climate change mitigation and adaptation through sustainable forestry section and its recommendations.

**Comment:** Recommendations should be included to address the impacts of overabundant deer on forest regeneration, including aggressive implementation of specific actions included in the Management Plan for

White-Tailed Deer in New York State 2012-2016.

**Comment:** The Plan should review the role of working forests in mitigating climate change.

**Response:** Many commenters pointed out that forests sequester carbon and help make communities more resilient. They are correct. This Plan recognizes the value of trees and forests. Many of the priority projects included in the Plan contain forests and are included for the multiple benefits they bestow upon land owners, the public and surrounding communities.

Growing trees sequesters carbon, and many products made with wood displace materials that utilize fossil fuels in their manufacture.

### Funding

**Comment:** Major additional funds will be needed to address climate change beyond current EPF funding.

**Comment:** Climate change related projects should be identified as a separate group within the Plan and additional funds earmarked specifically for these projects should be expedited in order to allow for rapid acquisition when these parcels are available.

**Comment:** Support was expressed for creating a Climate Change Fund.

**Response:** During Governor Andrew Cuomo's tenure, The State Environmental Protection Fund has been nearly doubled to a record \$300 million, including \$40 million of land acquisition. Future funding will be addressed in upcoming budget submissions. The EPF also provides funds to the Land Trust Alliance, which provides competitive grants to individual land trusts through the Conservation Partnership Program. Since 2002, the Conservation Partnership Program has awarded \$13.1 million in grants. The plan also encourages local communities to develop local open space conservation programs.

### Streams Rivers, and Estuaries

**Comment:** State should adopt vegetated stream corridor buffer regulations.

**Comment:** Concern was expressed about the recommendation to expand regulatory requirements to protect riparian buffers rather than supporting existing voluntary protections. Recommendation was made to expand voluntary incentives to developers and agriculture.

**Comment:** Support was expressed for enhancing aquatic connectivity, such as right-sizing culverts.

**Comment:** Identify critical needs and opportunities for stream buffering, including addressing low-hanging opportunities.

**Comment:** The Trees for Tribes program should be expanded to the entire state.

**Comment:** Use of proper vegetation along waterways to both controls the flow of water into and out of streamside properties as well as providing much needed habitat for fauna indigenous to these streams/ivers should be recommended.

**Comment:** There is a need for mandatory stream buffer regulations.

**Comment:** Protect the Hudson River from further in-water building.

**Comment:** Support was expressed for the creation of a federal Hudson River Estuary Habitat Restoration Plan.

**Comment:** Suggestion was made to add the Delaware River watershed to the list of exceptional natural resources (beginning of chapter).

**Comment:** Support was expressed for the Hudson River Habitat Restoration Plan.

**Response:** Many commentators urged the State to adopt programs and policies to protect streams, rivers and estuaries as a way to make communities more resilient in the face of climate change. It is agreed and under the leadership of Governor Cuomo, unprecedented activities are taking place to improve the readiness of communities throughout the state — including coastal communities and inland communities that are prone to flooding—to take steps necessary to protect communities and private property. Preserving and conserving natural features like riparian areas (streams and rivers), wetlands, coastlines and intact forests are among the tools advocated by the state and local communities. The Plan provides a platform for the state and its local

government partners to use open space conservation as part of a long term strategy to mitigate and adapt to climate change. In a “home rule” state like New York, many of these efforts will take place at the local government level. Through DEC’s Hudson River Estuary program and the Department of State’s extensive programs of assisting local government with planning assistance and training, the tools are in place to empower local governments to conserve community natural resources important to ward off the negative impacts of climate change. New York also is home to a vibrant land trust community, many of whom are members of the Land Trust Alliance. The state has invested in the capacity of land trusts to assist local communities to identify and to take actions to protect and conserve open space that is important for community resilience. These efforts are on-going and expanding. The Hudson River Estuary Program developed a program called Trees for Tribes that seeks to reforest stream buffers to improve water quality, reduce flooding and improve resilience to climate change. Trees for Tribes is expanding to cover the entire state with support from the EPF.

### Wildlife and Climate

**Comment:** A recent study by the National Audubon Society found that nearly half of North America’s birds are at risk from climate change if we do not act quickly to protect the places birds need to survive now and in a warmer future and reduce greenhouse gas emissions.

**Comment:** Recommendation was made to address future species range shifts caused by climate change by identifying and protecting lands critical to wildlife habitat connections throughout the state, including the southern Lake Champlain Valley, the Black River Valley, northwest from Adirondack Park to Ontario’s Algonquin Park, the Mohawk Valley and along water courses. Areas of continuous protected forest will be especially critical as climate change forces some species to move northward or upward to follow their climate “envelopes” and puts boreal and cold-water species at risk.

**Comment:** Include a recommendation to provide for corridors to facilitate species adaptation to climate change.

**Response:** Wildlife is impacted by climate change. The scientific literature is replete with recommendations that conserved corridors will help wildlife migrate up gradient to conditions more hospitable. Many priority conservation projects identified in the Plan have corridor elements to help wildlife.

### Coasts

**Comment:** The state should facilitate the development and application of hybrid engineering approach that incorporate both green or ecosystem-based, and gray or hard infrastructure for the protection of shorelines.

**Comment:** Support was expressed for retreating from coastlines to allow natural systems to protect against and adapt to sea level rise and storm surge.

**Comment:** Focus on Coastal Resilience through open space acquisition on the LI Sound, Atlantic Coast and South Shore Estuary Reserve.

**Comment:** Support was expressed for incorporating vulnerability to sea level rise and enhanced storm surge and protection of critical habitats into land acquisition and conservation programs.

**Comment:** Support was expressed for continuing the state buyout program in vulnerable coastal areas and integrating with municipal Community Reconstruction Zone plans and City of New York planning efforts.

**Comment:** State should join coastal buyout efforts of TNC, County, NRCS and NY Rising.

**Response:** Funding permitting, DEC will acquire parcels in the Shirley Mastic Conservation Area and other low-lying coastal areas as a means of fostering coastal resiliency, as stated objective of the Plan.

**Comment:** Healthy ecosystems should be maintained and restored along coasts and within coastal watersheds, including natural buffers around water bodies, connecting aquatic and terrestrial ecosystems and monitoring and responding quickly to invasive species infestations.

**Comment:** Strong support for implementing sea level rise adaptation strategies should be considered in waterfront and open space planning.

**Comment:** Discussion of coastal resilience should include greater mention of the Great Lakes shoreline.

**Response:** Many commenters noted that coasts are vulnerable to sea level rise in this era of climate change.

New York State is leading the way to protect coastlines by using a variety of strategies to reduce risk and enhance resiliency. These strategies include protecting undeveloped area along coastlines, restricting development in storm surge areas, strategic buy-outs of structures where feasible and the use of green infrastructure incorporating elements of natural resources in the design of engineered solutions to keep rising sea levels from damaging shore side structures.

### Floodplains and Wetlands

**Comment:** Support was expressed for protecting floodplains and wetlands.

**Comment:** Parks should be built in flood prone areas rather than buildings.

**Response:** Floodplains and wetlands are the critical first line of defense to develop community resilience. Keeping development out of floodplains and wetlands, and conserving entire systems of wetlands and floodplains is crucial to reduce risk to property owners and communities.

### Lakes

**Comment:** Plan 2014 for Lake Ontario needs to be funded to restore the health of Lake Ontario.

**Comment:** Support was expressed for the Lake Ontario Coastal System Plan and the state was urged to adopt that plan.

**Comment:** Support was expressed for restoring natural lake levels in Lake Ontario.

**Comment:** Lake Ontario needs consistent funding to maintain wetlands.

**Comment:** Support was expressed for the International Joint Commission's Plan 2014 for Lake Ontario and the St. Lawrence River to reestablish variability to lake and river levels to help reestablish wetlands.

## ENSURING CLEAN WATER, AIR AND LAND FOR A HEALTHY PUBLIC AND VIBRANT ECONOMY

**Comment:** Support was expressed for several of the actions items in this chapter.

### Community Open Space

**Comment:** Urban parks and green spaces provide a number of benefits to residents.

**Comment:** [Region 3 Regional Advisory] Committee Recommendation #12 covering Environmental Justice with regards to support for community gardens, urban green spaces and waterfront access including Hudson River should receive high priority. Expanding community garden support to include urban agriculture and farming in the recommendations should be a high priority in this regard since protecting the Hudson Valley foodshed is listed as a regional advisory committee recommendation.

**Comment:** Support was expressed for recommendations regarding community gardens, urban green spaces and waterfront access.

**Comment:** Need to provide access to protected land from urban areas.

**Comment:** Suggestion was made to include the federal agencies to the list of potential partners who can help build the capacity of local governments to develop and implement local open space protection programs.

**Response:** Community Open Space is a very important component of the State Open Space Conservation Plan. New York has a rich tradition of Community Open Space, aided by support from the state and federal governments. The State's EPF provides resources to municipalities to develop and expand local parks and preserves, under the purview of State Parks. The EPF also provides funds for the Land Trust Alliance's grant program, which helps local land trusts build capacity to acquire locally important open space. The federal Land and Water Conservation Fund (LWCF) has provided funds since 1964 to municipalities to acquire and develop outdoor recreational facilities, including open space projects. Nearly all municipal governments in New York have benefited from this source of revenue, which is derived from off-shore leasing by oil and gas companies. Many commenters urged the development of parks in underserved Environmental Justice Communities. The

growing EPF, a fully funded LWCF, coupled with municipal resources are the logical source of funding for these activities.

### Forest Health

**Comments:** Concern was expressed over the reference to a study of the health impacts of losing trees to Emerald Ash Borer without an accompanying recommendation for a major response to EAB.

**Response:** The State operates a major forest health program, focused on the many assaults to our forests and street trees, including the Emerald Ash Borer, the Asian Long Horned beetle, and more recently, the Southern Pine Beetle, which has invaded Long Island's Pine Barrens, and many more. The EPF and funds from the United States Department of Agriculture provide most of the money for these efforts. The State's Urban and Community Forestry program provides grants to communities to inventory and re-plant trees impacted by forest health-related damages to forests and trees.

### Watershed Use

**Comment:** Uses incompatible with watershed and water supply protection should be proscribed including commercial sale of water to private entities and/or for resale or for large scale industrial use such as hydraulic fracturing.

**Comment:** Water reuse should be a priority to protect water quality and aquifer recharge.

**Comment:** Open space preservation is directly connected to water quality protection and the protection of our water supplies.

**Response:** Many Commenters noted that open space protection protects the water quality of surface and aquifer re-charge areas. Agreed. Indeed, New York has been a pioneer in using open space protection as a way to protect water supplies. The creation of the State Forest Preserve and the Adirondack and Catskill Parks in the 19th century was created in large measure to protect the quality and quantity of water supplies. More recently, the protection of the Long Island Pine Barrens has been a priority to protect the underground aquifer providing clean water to millions of New Yorkers. Many municipalities, including New York City and Rochester, also have used open space around reservoirs and lakes to protect drinking water supplies. Such efforts continue with funding from the EPF and other sources.

### Promote Smart Growth and Improve Our Transportation Uses

**Comment:** Add reference to Complete Streets.

**Comment:** Technical resources, outreach and training are needed for rural communities interested in incorporating Smart Growth principles into their planning processes.

**Comment:** The state should urge Amtrak to provide roll on services for bicycles on all its trains operating in New York State.

**Comment:** Support was expressed for the use of trails to connect communities.

**Comment:** Support was expressed for the 2005-2030 Statewide Transportation Master Plan, however, DOT was encouraged to update the state's bicycle and pedestrian plan, which was last updated in 1997.

**Comment:** DEC and State Parks was encouraged to work with communities near their facilities to encourage adoption of Complete Streets policy, and implementation thereof.

**Comment:** New York should commit to supporting local governments through incentives to adopt smart growth practices and to encourage implementation, especially in rural towns that are not always eligible for support targeted at more urban areas.

**Comment:** We need more walkable communities, and public transportation within and between communities.

**Comment:** Include a complete streets program.

**Response:** Many of the comments related to transportation and smart growth that have been expressed in response to this revision of the Open Space Conservation Plan deal with environmentally smart policies that are

directed by other State agencies and which can have a broad impact on open space conservation. Technical resources, outreach and training for New York State’s communities are provided by the Department of State (DOS). DEC and DOS share the priority of encouraging smart growth implementation as a significant component of this outreach and training. Many of the State’s grant programs incentivize smart growth development, whether in name or otherwise, but do not exclude support for other forms of development. The Department of Transportation (NYSDOT), DOS and DEC have been member agencies within the NY State Smart Growth Cabinet since 2007. DEC shall continue to communicate policy and program priorities with other State agencies, working together under Governor Cuomo’s leadership to ensure that grant programs, agency spending plans, and policies have shared direction. Implementation by NYSDOT, and other State agencies, of New York’s Smart Growth Public Infrastructure Policy Act ensures that agencies assess whether a project is suitable within smart growth criteria when considering the commitment of funds. DEC collaborates with DOT and OPRHP on statewide plans, including the Statewide Trails Plan. The above agencies share common goals of making communities more walkable, bikeable and less automobile-dependent, making trails more welcoming and accessible, connecting communities, addressing climate change, ensuring clean water, air and land for a healthy public and vibrant economy. DOT specifically would like to collaborate with all stakeholders on a comprehensive mapping system of recreational trails in NYS.

## PROTECTING, UTILIZING AND CONSERVING OUR STATE’S NATURAL & CULTURAL HERITAGE

**Comment:** There is a spiritual value to natural open space.

**Comment:** Regional conservation needs must be accompanied by stronger references to federal policy i.e. making the federal conservation easement income tax deduction permanent, and reauthorizing the Highlands Conservation Act.

**Comment:** The Plan should consider green cemeteries as a land conservation tool.

**Comment:** DEC was encouraged to actively participate and support the Staying Connected Initiative partnership to protect habitat connections for wildlife.

**Comment:** Support was expressed for the Natural Infrastructure program under the Water Quality Improvement Program and the state should consider how the program can help address open space and land protection needs.

**Comment:** Support was expressed for the conservation of habitat for native species.

### Land Acquisition and Funding

**Comment:** Recommend use of state funding for purchase of fee and conservation easements by not-for-profit conservation organizations and municipalities for purposes related to habitat and water resource protection, for parks and other public outdoor spaces, and for working timberlands on privately owned and managed properties. Make uses consistent amongst state agencies.

**Comment:** Facilitate the sale or transfer of detached, state owned parcels.

**Comment:** Support was expressed for the state’s ability to rise to an opportunity to add to the Forest Preserve or acquire recreational rights through a conservation easement.

**Comment:** Purchase easements and properties for four season recreational use for all user groups.

**Comment:** Support was expressed for expanded use of the State Revolving Loan Fund by state and local government and not for profit land conservation organizations for land conservation related to water quality.

**Comment:** Buying land does not necessarily protect it, there is a need to buy buffer lands as well.

**Response:** During Governor Andrew Cuomo’s tenure, The State Environmental Protection Fund has been nearly doubled to a record \$300 million, including \$40 million of land acquisition. Future funding will be addressed in upcoming budget submissions. The EPF also provides funds to the Land Trust Alliance, which provides competitive grants to individual land trusts through the Conservation Partnership Program. Since 2002, the Conservation Partnership Program has awarded \$13.1 million in grants. The plan also encourages local communities to develop local open space conservation programs.

### Minerals, Oil and Gas

**Comment:** Several commenters felt the Plan should address High Volume Hydraulic Fracturing.

**Comment:** Concern was expressed that the Plan does not address high volume hydraulic fracturing, storage facilities, pipelines, port facilities and compressor stations.

**Comment:** Waste from high volume hydraulic fracturing should not be deposited on public land.

**Comment:** The Plan should address mineral, gas and oil extraction on state lands.

**Comment:** Shale gas should be declared “permanently sequestered” for the climate change benefits that would yield.

**Comment:** The storage of natural gas, high volume hydraulic fracturing and other extractive processes are incompatible with the stated goals of the Plan.

**Comment:** NY’s lands and waters should be protected from the application of any waste products from oil and gas extraction, including brine, which can cause great harm to the ecosystem.

**Comment:** The level of review associated with potential conflicts between energy development and the preservation of open space should be increased to the greatest extent practicable and economically feasible.

**Comment:** Support was expressed for the Governor’s ban of high volume hydraulic fracturing.

**Comment:** Use of public open space for private energy pipelines such as the Rockaway Pipeline at the Fort Tilden, Jacob Riis Park and Floyd Bennett Field areas of Gateway National Recreation Area in the Rockaway section of Queens and Jamaica Bay area of Brooklyn should not be permitted as it appears inconsistent with the public trust doctrine with regards to alienation of parkland and is an inconsistent industrial use of parkland.

**Comment:** Concern was expressed regarding high volume hydraulic fracturing, its possible impacts on drinking water and possible impacts of wastes on open space.

**Comment:** Compulsory Integration of neighboring lands, possibly state-owned lands, for gas leases could be problematic and could be negatively impacted.

**Response:** It is not appropriate for the Open Space Plan to make determinations on whether particular industries should or should not be allowed in New York State, although it should be noted that Governor Cuomo has previously banned high volume hydraulic fracturing in the state. Protection of the State’s land, water and air from industrial pollution occurs through legislation, the Department’s promulgation of regulations and the environmental permitting process, not the Open Space Plan. The Open Space Plan does not change the fact that the use of public open space for private energy pipelines must comply with all applicable law, including but not limited to the public trust doctrine. Nothing in the Open Space Plan alters existing law pertaining to the compulsory integration of neighboring lands for gas leasing

### Forest Preserves and Old Growth

**Comment:** The Plan must recognize the benefits of wilderness to all New Yorkers and therefore must support expanding and protecting the wild resources of the Adirondack Forest Preserve for the benefit of the largest number of New Yorkers possible.

**Comment:** The state should protect remaining forest remnants that exhibit old growth characteristics

**Comment:** Support was expressed for the creating a park service for the Adirondack and Catskill parks modeled on the National Park Service.

**Response:** In 2016, Governor Cuomo completed the largest addition to the Forest Preserve in over 100 years by acquiring 69,000 acres of the former Finch Pruyn lands through an agreement with The Nature Conservancy. Creation of a park service modeled after the National Park Service would require legislation and is therefore outside the scope of this Plan.

### Working Farms

**Comment:** The Department of Agriculture and Markets was encouraged to issue a new Request for Proposals for the Farmland Protection Program, and to continue to do so on an annual basis.

**Comment:** Several commenters expressed concern about the loss of viable farmland.

**Comment:** Support was expressed for community gardens.

**Comment:** The plan should prioritize the goals of supporting the agricultural and forest industries, and this should rank high on the State’s agenda.

**Response:** NYS Department of Agriculture and Markets is implementing a robust farmland protection program based on the purchase of development rights.

### Working Forests and Working Forest Conservation Easements

**Comment:** Support was expressed for the recommended actions related to working forests.

**Comment:** Need to find additional ways to provide meaningful relief to forest landowners so the costs for retaining our remaining open space are minimized or supported by private investment rather than tax funded initiatives. One option is assessing land based on current use.

**Comment:** The Open Space Conservation Plan's rating system should be revised to reduce the score of land acquisition projects that causes the loss of productive forest land of more than 50 acres. The larger the parcel the greater the score reduction.

**Comment:** Include recommendations from the Management Plan for White-Tailed Deer in New York State 2012-2016 to address overabundance of deer as a problem for forest regeneration.

**Comment:** DEC should develop a grant program to fund the acquisition of working forest conservation easements by conservation not-for-profits, counties and municipalities.

**Comment:** The plan should include or provide provisions for a study of the long-term viability of the commercial forest and forest products industries, including references to the costs of raw materials, manufacturing, acquisition plans, target areas for fee and easement acquisitions and other key factors in this property type.

**Comment:** Working forest acreage needs to expand to assure a viable forest products industry is allowed to grow, contribute new industries and help to manage the impacts of climate change.

**Comment:** Working Forest Conservation Easements are a good alternative to the state buying additional Forest Preserve because it keeps forest working while increasing public access and preventing inappropriate development.

**Comment:** Support was expressed for maintaining lease camps on Working Forest Conservation Easements.

**Comment:** Concern was expressed that lease camp lessees may not be fully familiar with the details of their rights and timing of exclusive use due to specific instances of negative interactions with other recreational user.

**Comment:** Support was expressed for third party forest certification as part of Working Forest Conservation Easements.

**Comment:** Consider if conservation easements really ensure sustainable forestry.

**Comment:** There are capacity shortages in all state agencies that hold conservation easements, including the Department of Agriculture and Markets, DEC and State Parks. With over 900,000 acres now under easement, the ability to monitor these acres appropriately is not in keeping with best management practices or in compliance with accepted standards within the land trust community. Allowing sustainable forestry certifications to be used as a proxy for on the ground monitoring only underscores the larger capacity problem.

**Comment:** New York's conservation easement program needs to be revamped and held to the same standards as accredited Land Trust Alliance members.

**Comment:** The easement program should be better monitored, including forest and agricultural easements.

**Comment:** Conservation easements and working landscape easements (agricultural and timber harvesting) have become far more sophisticated over recent years. The DEC should be at the forefront of these changes and information for all state held easements should be transparent and easily accessible online.

**Comment:** Concern was expressed that the recreational benefits available to the general public on lands subject to working forest conservation easements have been too limited in relation to the value paid for the development rights on these lands.

**Comment:** USDA Farm Services Agency does not have adequate staff to administer conservation easements, can those easements be transferred to DEC?

**Comment:** Clear cutting should not be allowed on conservation easements.

**Response:** DEC continues to build its Working Forest Conservation Easement program that include more than 800,000 acres. The wfce program places conservation easements on private forestlands, which requires sustainable forestry practices, restricts non-forestry development and usually provides for some public recreation rights.

### Forest Tax Law

**Comment:** Revise Forest Tax Law (480-a) to provide climate benefits, habitat and mature forest floodplains. Allow FSC certification to substitute for state approved individual forest management plan. Spread the burden of the tax shift across multiple jurisdictions.

**Comment:** The 480/480a Forest Tax Law should be updated to include third-party forestry certifications, additional habitat types including wetlands, reduce the acreage threshold for participation, and provide for a tax incentive for non-forest habitat management.

**Comment:** Question the plan's recommendation to encourage regulatory approaches and suggest that reforming the 480a Forest Tax Law should be the top priority for promoting sustainable forest management and retaining land as managed forest.

**Comment:** Support was expressed for the development of an improved forestry and open space incentives program, to be more inclusive of more landowners, along with improvement of the current Forest Tax Law Program 480-a.

**Response:** Revision to the Forest Tax Law requires action by the legislature.

### Taxes and Open Space

**Comment:** When considering the debate of whether or not the state should pay taxes on state owned lands consider the balance between local property taxes, personal income taxes used to pay property taxes on state owned lands in other parts of the state, and the economic benefits brought by state owned lands including recreational spending at local businesses.

**Comment:** The state should continue to make tax payments on its holdings in the Adirondack Park.

**Comment:** Conservation lands owned by not-for-profits must to remain tax exempt, because the exemption enables land trusts and other conservation and historic preservation groups to own protected land for the public benefit that they would not otherwise be able to afford should property taxes be imposed.

**Comment:** Support was expressed for the continuation of the Conservation Easement Tax Credit and the Conservation Donor Tax Credit.

**Comment:** The state should enhance the tax credit for conservation easement donation to make it larger, and transferrable or refundable.

**Response:** The current Conservation Easement Tax Credit in New York State is a refundable credit of up to 25% of a landowner's annual property tax bill up to \$5,000.

**Comment:** Establishing a market-based trade system for tax credits relating to conservation easements has significantly increased the pace of conservation in other states and should be considered for New York.

**Response:** Changes to the tax law require action by the legislature.

### Stewardship Resources

**Comment:** An allotment of Environmental Protection Fund Stewardship funding should be dedicated to each new state acquisition when acquired to address immediate property needs such as due diligence for soil and groundwater contamination, and public access.

**Comment:** Additional resources are needed to properly steward state owned lands and public recreation opportunities on conservation easement lands.

**Comment:** Increase the budget for DEC and State Parks operations so state lands can more fully realize their potential as economic engines for local communities and DEC and State Parks can make progress towards achieving the goals in the Plan.

**Comment:** Continue and annual investment of \$90 million to address the existing backlog in state park capital needs within a ten-year period time frame.

**Comment:** Support increased funding for NYS Forest Rangers.

**Comment:** DEC should be fully staffed and funded.

**Comment:** Consistent stewardship funding is needed for existing and new publicly owned open spaces in urban areas to ensure they are accessible to the public and maintained for the benefit of people and nature.

**Comment:** Support was expressed for the planned state investment in capital improvement projects at state parks.

**Comment:** State Park's operating budget should be put on an upward trajectory so that our state parks and historic sites can more fully realize their potential as economic engines for local communities, and State Parks can make progress towards achieving the goals in the Plan.

**Comment:** According to the recently release report by the State Comptroller, NYSDEC staff cuts and constrained funding have impacted agency operations for more than a decade. NYSDEC’s budget and workforce should be increased so that they have the employees and the resources necessary to ensure the safety of our air, land, and water and can adequately serve as the stewards of many of our most precious and irreplaceable natural resources.

**Comment:** State Parks should conduct an inventory of assets for mission-related revenue opportunities, such as historic buildings as overnight accommodations.

**Comment:** A strong recommendation was made to restore DEC and OPRHP agency staffing to previous levels in light of the burgeoning demand for high-quality long-term stewardship of state lands for public benefit.

**Comment:** There need to be more Forest Rangers and Park Police to steward state lands.

**Response:** The expanded EPF and NY Works will allow the state to provide more stewardship resources to DEC and State Parks for public lands stewardship.

### Volunteers

**Comment:** Provide safety training to volunteers participating through the Volunteer Stewardship Program, especially where volunteers are working on sites that are environmentally compromised such as former industrial sites.

**Comment:** The State should continue to support partnerships, events and programs that instill a sense of stewardship, particularly in youth, such as the annual I Love My Park Day and Canal Clean Sweep volunteer events.

**Comment:** DEC, State Parks and NYS Canal Corporation should develop a standard, universal registration process for volunteers working on lands under their control. Additionally, steps such as simplifying complicated permitting processes, allowing long-term volunteers such as park Friends or adopt-a- trail groups to sign year-long or multi-year stewardship agreements and removing any fees for volunteer registration and permitting, should be taken to facilitate volunteerism. Also, the issue of volunteer liability and workmen’s compensation insurance while working on public lands should be uniformly addressed across the state.

**Comment:** State Parks should look into establishing a year-round volunteer corps building off its partnership with Parks and Trails New York and local Friends groups for I Love My Park Day.

**Comment:** New York State and the Open Space Plan should formally recognize and provide support to those volunteer or other organizations that increase the research, outreach, and management capacity of state agencies to achieve these obligations of managing natural resources held under the public trust for all citizens of New York.

**Response:** Both DEC and State Parks maintain programs to enlist volunteers in the stewardship of public lands.

### Management Planning

**Comment:** A smoother process for revision of Unit Management Plans, including additional staff resources, is needed to improve stewardship of state owned lands.

**Comment:** NYS is not adequately managing its public lands. There is a need to invest in professional Wilderness area managers.

**Comment:** A comprehensive management plan should be established before a restoration project is undertaken using public funds.

**Comment:** The Adirondack and Catskill Forest Preserves need a complex management strategy that connects across landscapes and multiple land classification in order for sensitive natural resources to be more appropriately managed and protected, and for gateway communities to realize the full economic and community development potential the Forest Preserve contains.

**Comment:** Work should continue to complete DEC Unit Management Plans and OPRHP park master plans for both existing and new land acquisitions. We recommend that specific goals be set for completion of these plans for areas beyond the Adirondacks and Catskill Park.

**Comment:** Please consider opening historic and scenic views in the Adirondacks, Catskills and Taconics.

**Comment:** Comments were submitted regarding the Adirondack State Land Master Plan

**Comment:** The state should examine the possibility of renting state-owned lands for agriculture, where appropriate.

**Comment:** The funding levels and professional orientation of the Division of Lands and Forests is inadequate for the proper management of the Adirondack and Catskill parks.

**Comment:** Wilderness professionals should be managing the Forest Preserve.

**Comment:** Consider the effects of ATVs on protected land.

**Comment:** Fisheries management opportunities need to be stressed in management plans. More should be done to identify spawning areas and ideal habitats.

**Comment:** There should be less area mowed at our parks and natural areas to save energy, reduce pollution and costs, create habitat and lessen the threat of flooding.

**Response:** Both DEC and State Parks develop management plans to protect the natural resources present on the lands they manage and to promote compatible recreational activities. The Adirondack State Land Master Plan is outside the scope of the Open Space Conservation Plan.

#### **Endangered Species**

**Comment:** The Endangered Species Unit at DEC should be restored.

#### **Forest Management**

**Comment:** The Plan needs to include improvements to current white-tailed deer management strategies and policies to address overabundant deer and to help promote forest health, regeneration and resilience. Incorporate goals, objectives and strategies from the Deer Plan.

**Comment:** An index of deer impact on forest health and regeneration should be created and used to reassess and update deer management objectives to properly reflect current populations within management units.

**Response:** DEC has legislative responsibility to manage wildlife within New York State. To this end, the Division of Fish, Wildlife and Marine Resources has developed management for several species, including white-tailed deer and black bear.

#### **Deer Management**

**Comment:** Support was expressed for continued and enhanced incentive programs for high quality grassland and early successional forest habitats. Suggestion was made to increase funding for the Landowner Incentive Program.

**Response:** Recently, DEC's Division of Fish and wildlife has embarked on a Young Forest Initiative to promote early successional forest habitats.

#### **Forest Legacy**

**Comment:** Several commenters expressed support for one or both of the two proposed new Forest Legacy Areas (FLA), the Allegany Plateau FLA and the Shawangunk Ridge FLA.

**Comment:** DEC should consider acquiring working forest conservation easements in the proposed Forest Legacy Areas.

**Comment:** Request was made for the Rensselaer Plateau Forest Legacy Area to be included in Appendix E.

**Response:** The Rensselaer Plateau FLA has already been included in NY's Assessment of Need for the Forest Legacy Program. The two FLAs in Appendix E are new and have not been approved.

#### **Invasive Species**

**Comment:** Need to identify, map and remove invasive species on both public and private lands.

**Comment:** Support was expressed for efforts to control and mitigate the effects of invasive species.

**Comment:** DEC should offer additional technical resources, assistance and guidance for local governments interested in implementing regulatory and non-regulatory measures to limit the spread of invasive species.

**Comment:** More attention needs to be focused on finding permanent long-term funding sources that will allow for adequate staffing and resource allocation by DEC and its partners for all invasive species issues.

**Comment:** The Plan needs to formally recognize that all acquisition projects supported with public funds need to have an invasive species plan as a component of the transaction, whether is the acquisition of fee or easement.

**Comment:** The state was urged to provide resources in the form of personnel and matching grants to manage the growing problem of invasive species in lakes, ponds and streams.

**Comment:** Create a barrier at the Lake Champlain Canal to prevent the spread of invasive species.

**Comment:** More attention should be paid to aquatic invasive species.

**Comment:** Concern was expressed that land acquisition by the state would lead to faster spread of invasive species due to the lack of resources to combat the spread of invasive species.

**Comment:** Include the prevention of the expansion of existing invasive species populations where possible.

**Comment:** Include the Natural Resource Conservation Service's Environmental Quality Improvement Program to the items listed under the subheading "Combat Invasive Species."

**Response:** DEC maintains an aggressive invasive species program with the support of 8 PRISMs.

### Preserving Our Scenic, Historic and Cultural Heritage

**Comment:** Guidance and/or policy should be developed to allow the recognition of historic pathways and sites outside of designated historic areas of the Adirondack Park.

**Comment:** Funding should be made available to support historic tourist destinations like Great Camp Sagamore.

**Response:** The Plan recognizes that many historic resources also have open space resources worthy of protection.

## REGION SPECIFIC COMMENTS

### Regional Advisory Committees

**Comment:** There is a lack of landowner and forest industry representation on Regional Advisory Committees.

#### Region 1

**Comment:** Concern was expressed about the erosion impacts of vehicles traveling on beach and dune areas of the South Shore. Specifically Sore Thumb, Democrat Point and Gilgo Beach.

**Comment:** Support was expressed for the creation of a New York State program to continue the work of federally funded coastal floodplain buy-out programs on Long Island, and the discontinuation of the use of on-site septic systems in FEMA floodplains.

**Comment:** Developing a comprehensive resilience strategy, including a restoration plan and storm surge barrier assessment for New York Harbor and waterways surrounding New York City and Long Island as well as a strategy for protecting and restoring dunes, beaches, and barrier islands should be the highest priority for the plan for these regions and should include strategy implementation recommendations.

**Comment:** Sea level rise with respect to New York City and Long Island affects the economic viability of the state as a whole and needs immediate and ongoing consideration.

**Comment:** Deferral of land protection during the recession must cease and even be retroactive. More funding for open space preservation overall is necessary.

**Comment:** Full funding required to protect museum pieces such as 400+ acre Eatons Neck.

**Comment:** Development pressures on LI's coastal systems are unrelenting. The land is expensive but its preservation is a health and safety concern and also has significant economic implications because of tourism. LI cannot compete with the rest of the state for EPF dollars on a dollar for dollar basis so Region 1 should have its own line item in the EPF.

**Comment:** Specific focus on shore and near shore land protection.

**Comment:** Support for Conscience Bay Watershed, Patriot's Hollow addition. 17 acres.

**Comment:** Please add Forrest Bonshire property. 2 acres on Main Street, Setauket.

**Response:** Funding permitting, DEC hopes to acquire 17-acre Patriot's Hollow addition in 16-17. Forrest Bonshire property has been privately purchased.

**Comment:** Add to first sentence of recommendations on Page 218 "Groundwater Protection".

**Response:** Groundwater protection gets its own bullet just below the paragraph to which the commenter refers.

**Comment:** The 240 acre former sand pits on East Shore Road in Port Washington, owned by the Town of

Hempstead, should be designated as a nature preserve.

**Response:** The land is Town owned. Its designation as parkland, if appropriate, would be supported by the State but is beyond the scope of this Plan.

### Region 2

**Comment:** Support was expressed for the establishment of the Science and Resilience Institute at Jamaica Bay.

**Comment:** Concern was expressed about the development of a paved path along the Hudson River in the Bronx, Van Cortland Park and the Putnam Nature Trail creating a bicycle speed way, having a negative effect on surrounding nature areas, and supporting private development in and around those areas.

### Region 3

**Comment:** Improve access to the Delaware River for sustainable recreation use.

**Comment:** Support was expressed for several of the recommendations made by the Region 3 Regional Advisory Committee.

**Comment:** Several commenters expressed concerns about the environmental impacts, including water quality, biodiversity and the viewshed, of the proposed casino developments near Sterling Forest and Harriman State Parks.

**Comment:** Expand Schunnemunk Mountain preservation efforts, acquire additional lands including “megaliths.”

**Comment:** Smaller parcels, such as Gonzaga Park, need to be protected; especially those that connect lands in the Moodna Valley.

**Comment:** Concern was expressed about several development projects occurring around Sterling Forest State Park and Harriman State Park.

### Region 4

**Comment:** New York State should partner with Massachusetts DCR on the conservation of the Taconic Ridge, to keep ATV user off steep slopes and for outdoor recreation to provide economic revitalization for the local community.

**Comment:** The new children’s ride at Thacher State Park should have been located near the playground, rather than near formerly quiet parts of the park.

**Comment:** Support was expressed for the development of a greenway corridor along the Hoosic River.

**Comment:** The Long Path in Saratoga County is only conceptual and needs to be included as a regional project.

### Region 5

**Comment:** Support was expressed for the transfer of the open space land associated with the former Mt. McGregor Correctional Facility to State Parks.

**Response:** This transfer occurred on October 15, 2015. The land has been added to Moreau Lake State Park.

**Comment:** Need to include reference to need to create a barrier between Lake Champlain and the Champlain Canal to prevent introduction of invasive species into the lake.

**Comment:** Boreas Ponds and Follensby Pond should be acquired.

### Regions 5/6

**Comment:** Consideration should be given to a buffer zone around the entire Adirondack Park.

### Region 6

**Comment:** Concern was expressed about the water quality impacts on Indian River Lakes due to nutrient loading from septic systems and other sources. Hope was expressed that this problem will be addressed.

**Comment:** Support was expressed for converting the full length of the Remsen Lake Placid rail line to a rail trail.

### Region 7

**Comment:** Shoreline protection is an important issue in Central New York.

### Region 9

**Comment:** The Great Lakes Action Agenda should be integrated to greater extent into the Plan.

**Comment:** Target and restore the fullest biodiversity and functionality values possible in quarry habitat reclamation projects.

**Comment:** Address invasive species and promote riparian buffers in the Erie Canal Corridor in the towns of Amherst and Pendleton.

**Comment:** Several commenters stated that the state should end the NFG Gas storage lease in Allegany State Park due to the environmental sensitivity of the park land, and the existence of old growth forest in the area of the lease.

**Response:** All comments regarding specific locations were referred to the respective Regional Advisory Committees.

## 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 2016 final Plan will be reconsidered by the Committees for the next revision of the NYS Open Space Conservation Plan.**

**Comment:** Several recommendations were received supporting the conservation of lands already held by a variety of government agencies on several levels.

**Response:** A theme of the Open Space Conservation Plan is the need for conservation to occur at all levels of government: federal, state and local. Often conservation involves partnerships between levels of government, neighboring governments and between agencies at a single level of government.

**Comment:** Several comments were received recommending specific parcels for conservation.

**Response:** These recommendations were shared with the pertinent RAC and the regional DEC staff for their review.

**Comment:** Identify parcels recommended for acquisition that are adjacent to natural areas, and those that are identified for intergovernmental transfer.

**Comment:** Regional Advisory Committees should be able to review lands in its region that the state decides to sell or otherwise release.

**Comment:** Support was expressed for additional buffering of Wildlife Management Areas.

**Comment:** Provide for connections between trail systems.

**Comment:** Require each and every proposed acquisition use the Open Space rating system and to provide a report easily available to the public, including on the website. This includes the budgetary impacts for acquisition, developing management plans, and implementing those management plans.

**Comment:** Require all acquisitions to comply with Article 49 law that states “consider in each acquisition whether acquisition of conservation easement or other less than full fee title interests would fulfill the purposes for which the particular acquisition is sought. If it is determined that a conservation easement or other interest would fulfill such purposes, the department or the office will use its best efforts to acquire such easement or interest.”

**Comment:** The state should focus on cheaper land acquisition methods such as conservation easements.

**Comment:** Conservation science, along with other factors including economics, climate resilience, and stewardship burden (which is increased by easement purchases) should all be evaluated for every project before a determination regarding the method of conservation is decided upon by the state, communities and conservation organizations.

**Comment:** The notion of “no net loss” of working forestland would hamper conservation efforts while limiting agencies based on a policy that might not be achievable due to the externalities and global economic trends.

**Comment:** The recent transfer of fee title associated with working forest conservation easements held by DEC demonstrate the ability of eased lands to hold value through ownership changes and validates the importance of simply acquiring easements where development is an imminent threat.

**Comment:** Recommendations were made for adding language about the importance of several priority projects to birds.

**Comment:** Specific comments were provided for priority projects that fall within Important Bird Areas and

Forest Focus Areas, as designated by Audubon New York.

**Response:** Comments were shared with the respective Regional Advisory Committee; recommended language changes were incorporated as appropriate.

**Comment:** Include Region 9 in listing of Important Birds Areas at beginning of priority project chapter.

**Comment:** Casinos will undermine the Open Space Conservation Plan, including impacts to viewsheds.

**Comment:** The Plan should include a priority project for biodiversity corridors.

**Comment:** Priority projects should be rated and given a score.

**Comment:** The local veto provision needs to be reexamined. If not outright repealed, have an upper limit on the size of the tract to be acquired, if bigger than x, no local veto.

**Comment:** Support was expressed for the local veto.

**Comment:** Regional Advisory Committees should include a representative from the equestrian community.

**Comment:** There is a lack of priority projects focusing on fisheries and wildlife.

**Comment:** There needs to be more notification of subject landowners when priority projects are added to the list.

### REGION 1

**Comment:** Specific changes were requested for the description of Plum Island.

**Response:** The recommendation was forwarded to the Region 1 RAC for consideration.

**Comment:** Strong support was expressed for State participation in preservation of Plum Island as open space.

**Comment:** Focus should be on protecting Long Island Sound-front and watershed parcels for water quality and habitat.

**Response:** DEC is in contact with the GSA, Governor's Office, CT officials, a coalition of NGO's and NY elected officials and is monitoring the situation very closely.

**Comment:** Support was expressed for the Central Pine Barrens {2} – Calverton Grasslands including the Enterprise Park at Calverton (EPCAL), including the conservation of a specific part of EPCAL that is slated for development.

**Comment:** Request was made for the inclusion of a priority project for a 115 acre parcel that would connect DEC Access Site 48 and Canoe Lake property. The parcel would provide access to the Canoe Lake property that is currently land locked by private property.

**Comment:** Support was expressed for the inclusion of Lawrence Aviation Superfund Site in Port Jefferson in the priority project list.

**Comment:** Support was expressed for the conservation of a parcel on East Long Beach Road in Nissequogue, which includes nesting habitat for herons.

**Comment:** State funding should be invested in implementing the Critical Lands Protection Strategy from the Peconic Estuary Program's Comprehensive Conservation and Management Plan.

**Comment:** Land conservation programs for the Long Island Sound National Estuary and the South Shore Estuary Reserve need to be updated and funded.

**Comment:** Support was expressed for the conservation of a property owned by National Grid (Shoreham) and the area of Plum Island zoned for conservation use.

**Comment:** Support was expressed for the careful consideration of balancing conservation and development at the former Kings Park Psychiatric Center.

**Comment:** Several commenters expressed support for many local projects that have the support of local governments.

**Comment:** Add Section 45 Block 2 and 3 to the priority acquisition list as addition to Kings Park Unique Area.

**Response:** Though the addition doesn't fit into one of the Region 1 named categories, it is covered under Statewide Priority Project No. 130, "State Forests, Unique Areas and Wildlife Management Areas."

**Comment:** Support Flax Pond addition and Conscience Bay Watershed Additions on the priority acquisition list.

**Response:** Funding permitting, DEC hopes to acquire Flax Pond addition in 15-16 and the 17-acre Conscience Bay Watershed Addition in 16-17. The 3-acre Conscience Bay parcel has been purchased privately.

**Comment:** Add Mud Creek Tributary Wetlands to OSP for coastal resiliency and nature preserve. At Montauk Highway and Great Neck Road, West Babylon 11.7 acres. Contains NYS DEC regulated freshwater wetlands, high water table and FEMA 100 year flood plain.

**Response:** This parcel is covered under South Shore Estuary Reserve.

## REGION 2

**Comment:** Recommendation was made to make Jerome Park Reservoir into a park under NYC Department of Parks and Recreation.

**Comment:** Recommendation was made to add Ridgewood Reservoir to the priority project list.

**Response:** The recommendation was shared with the RAC, which includes representatives from the NYC Department of Parks and Recreation.

**Comment:** Several commenters requested that the list of “Suggested Region 2 Government Properties with Potential for Inter-agency Transfer for Public Open Space & Recreational Use” be restored to the priority project list in the main body of the plan as it appeared in the 2009 Plan.

**Comment:** There is a need to address flooding potential and protection in the Alley Pond North and Doug-Bay area to remedy issues with a Port Authority of NY and NJ project.

**Comment:** A large number of commenters expressed support for the implementation of the Mott Haven/Port Morris Waterfront Plan and the use of Environmental Protection Fund resources to do so. The plan has multiple benefits including providing open space and waterfront access to a diverse and underserved community that has little access, a shoreline buffer from storm effects, and air quality improvements.

**Comment:** Many commenters expressed concerns about the proposed Fresh Direct facility at Mott Haven/Port Morris. Their concerns include a potential grant from Empire State Development to Fresh Direct.

**Comment:** Other boroughs would like the opportunity to embark on a waterfront access plan similar to the one done under Mayor Bloomberg for Manhattan.

**Comment:** Will there be issues relating to eminent domain and what implications, if any, are there for existing tenants/businesses associated with the Mott Haven/Port Morris Waterfront Plan.

**Comment:** The Mott Haven/ Port Morris Waterfront Plan should be implemented, but not at the expense of existing businesses and jobs, a balance should be sought.

**Comment:** Focus was brought by a commenter to the Gantries, which are listed on the State and National Registers of Historic Places, within the Mott Haven/Port Morris Waterfront Plan.

**Comment:** Concern was expressed regarding the type of housing planned in the Port Morris/Mott Haven Waterfront Plan.

**Comment:** Support was expressed for the Inner City/Under-Served Community Parks {17}.

**Response:** The Plan emphasizes the need for everyone to have access to open spaces close to where they live. It is the responsibility of the state and all of its partners to work together to provide this access to all residents of the state.

**Comment:** The railway bed in Van Cortland Park should not be paved, but rather left as a softer surface.

**Comment:** Paving the railway bed and allowing commercial vendors in Van Cortland Park would have negative impacts on wildlife habitat.

**Response:** The comment was shared with the Region 2 RAC, which includes representatives from NYC Department of Parks and Recreation, which manages Van Cortland Park.

**Comment:** Action should be taken to implement the portions of the Bronx River Greenway {9} priority project that relate to the City Island Wetlands and City Island Gateway for resiliency and economic improvement.

**Response:**

**Comment:** Harlem River Waterfront {10} and the Bronx Harlem Greenway {11} priority projects are important in supporting facility improvements needed to support Olympic-style rowing.

**Comment:** Add Teleport Swamp Woods to the priority project list.

**Comment:** Prioritize natural areas such as wetlands and wetland buffers for acquisition over recreational sites as natural areas have a lower initial capital development cost and stewardship and maintenance costs. Specific priority projects were recommended from the Region 2 list. (303)

**Comment:** Recommendations were made regarding stewardship methods and resource allocations for NYC

Parks.

**Response:** The comment was shared with the Region 2 RAC, which includes representatives from NYC Department of Parks and Recreation.

**Comment:** Support was expressed for inner city/underserved parks and connections between parks.

**Comment:** Support was expressed for the Hudson River Greenway and the Bronx Harlem Greenway projects to reconnect communities to their waterfront and protect against climate-change related flooding and future development.

**Comment:** Support was expressed for wetland conservation and restoration throughout Region 2.

**Comment:** Support was expressed for the remediation and restoration of the two areas of City Island discussed in the Bronx River Greenway {9} priority project.

### REGION 3

**Comment:** Support was expressed for the Region 3 priority projects, specifically the Catskill-Shawangunk Greenway to help with the redevelopment of the Eastern Correctional Facility prison farm, a former Department of Correctional Services facility.

**Comment:** Additional specificity requested for reference to Mount Point in the Delaware River Branches and Main Stem Corridors within Catskill River and Road Corridors {39}.

**Comment:** In the Delaware River Branches and Main Stem Corridors within Catskill River and Road Corridors {39} description, Mount Point is most often referred to as Point Mountain.

**Comment:** Request was made for the completion of a Unit Management Plan for Mongaup Valley WMA before any additions are acquired.

**Comment:** A correction was suggested for the acres to be owned by the National Park Service under the [Delaware] River Management Plan.

**Comment:** In relation to Delaware River Highlands {45}, in January 2014 the Secretary Of Interior signed an order effectively deactivating the National Blueway Program.

**Comment:** Specific changes were recommended for the Upper Delaware Scenic Byway/Route 97 within the Catskill River and Road Corridors {39} priority project.

**Comment:** Suggestion was made to add the following action: Improving access to Delaware River lands in partnership with the National Park Service, and the Upper Delaware Council and its member municipalities, as envisioned in the Sullivan County-lead Delaware River Local Waterfront Revitalization Plan and the Upper Delaware River Management Plan.

**Comment:** Specific edits were suggested regarding the Delaware River.

**Comment:** Protection of the Esopus Watershed should be stressed as it serves several municipalities including but not limited to the Cities of Kingston and New York. Protection of the Lower Esopus Creek, which has Clean Water Act 303(d) status as an impaired waterway, should be a priority.

**Comment:** The Town of Ulster should be included in the karst area as it is near and contiguous to the Kingston, Saugerties and Rosendale areas mentioned in the draft plan. It should also be clear that the karst geology is found in the City of Kingston, not to be confused with the Town of Kingston.

**Comment:** Changes were suggested to Karst Aquifer Region {29} to discuss potential threats to water quality in the region.

**Comment:** The Town of Ulster should be included in the Karst Aquifer Region {29}.

**Comment:** Protection of Kingston's water supply, the New York City watersheds and reservoir water should be a high priority and should be of focus for Region 3 conservation efforts.

**Comment:** Add a new regional priority conservation project are: the Ten Mile River Unfragmented Forest.

**Comment:** Expand the Neversink River Corridor Area to include lands surrounding all sides of the Neversink Gorge.

**Comment:** Support was expressed for the Hudson Valley/New York City Foodshed {28} priority project.

**Comment:** Protecting and expanding the Blue Stone Wild Forest together with connecting it to the rail trail network is an open space priority for Ulster County.

**Comment:** Trail interconnectivity should be a priority for Region 3, as should protection of open space along the Lower Esopus Creek in Hurley, the City of Kingston, Ulster and Saugerties.

**Comment:** An addition to the New York Highlands {32} priority project was suggested to include mention of the Army Compatible Use Buffer (ACUB) program that provides buffers to military installations.

**Comment:** The state should conserve the inholdings in Sterling Forest State Park.

**Comment:** Add the viewshed from Mount Peter Hawk watch and the Appalachian Trail.

**Comment:** Support was expressed for the conservation of the Lake Ann property (700 acres) near Schunemunk, which is threatened by development.

**Comment:** Include Teatown Lake Reservation reference in the New York Highlands {32} subsection Highlands East of Hudson River – Croton-to-Highlands Biodiversity Area.

#### REGION 3/4

**Comment:** Foodshed Conservation project should be expanded to include both regions 3 and 4 metropolitan areas.

**Comment:** Efforts should be made to connect population centers to protected lands through trails.

**Comment:** Support was expressed for trails and public access to open space areas near to or overlooking the Hudson River in the City of Kingston and Town of Ulster.

**Comment:** Support was expressed for Hudson River access and trail connectivity north from Kingston towards Saugerties.

**Comment:** Several suggested edits were submitted for projects in Regions 3 and 4 to improve accuracy and readability.

#### REGION 4

**Comment:** Recommend creating a scenic trail on the ROW of the Cherry Valley Railroad.

**Comment:** The Albany Pine Bush should be recognized as a National Natural Landmark in the priority project description.

**Comment:** Undeveloped land in the Albany Pine Bush ecosystem should be purchased and added to the Albany Pine Bush Preserve.

**Comment:** Request was made to add the Rutland (aka Corkscrew) Rail Trail in Stephentown to the list of rail trail corridors to be developed for public access in the Region 4 Rail Trail Projects {54} priority project.

#### REGION 5

**Comment:** The Batten Kill priority project should emphasize protection of the entire watershed including its tributaries. Land conservation should include aspects of both natural resources and recreation access. Collaboration between state agencies and their partners are an important component to success.

**Comment:** Specific parcels are recommended to add to Wilmington Wild Forest for mountain biking and multiple use trails.

**Comment:** Specific recommendations were made for the Lake George Watershed {70}

**Comment:** Specific recommendations were made for the Lake Champlain Watershed {69} Lake Champlain Watershed Natural Communities and Important Species to incorporate grasslands as a linkage between the Lake Champlain watershed and the Lake George watershed through the Washington Count IBA.

**Comment:** Support for the routing of the northern third of the Long Path through Saratoga County to the Adirondacks

**Comment:** Preserve and expand recreational trails for all user groups throughout Region 5, including turning the railway between Tupper Lake and Lake Placid into a trail.

**Comment:** DEC should purchase the Woodworth Lake Boy Scout Camp.

**Response:** This property was sold to a private owner who is not interested in selling it to DEC.

**Comment:** Add the following under the Lake Champlain Watershed priority project: Acquire recreation rights to lands formerly owned by International Paper, now owned by Lyme Timber Company. These lands would provide trail connections between the Champlain Valley and the rest of the Adirondack Park, and could create an attractive destination for mountain bikers.

**Comment:** Add the following as a priority project: Champlain Area Trail System – A community-based program to create hiking/skiing/biking trails to link Champlain Valley communities, connect people with nature, and

promote economic vitality. These trails will connect to other trail systems in the Adirondack Mountains, Champlain Canalway, Lake George, Vermont and Quebec. Protection of natural communities, natural corridors, farmland along the trails will enhance enjoyment of them, attract more users, support the historic hamlets and boost local economies.

**Comment:** Add the following under the Lake Champlain Watershed priority project: Wildway Passage and Beaver Bend of the Boquet River – A Forest Preserve addition of 108 acres in two parcels that will protect habitat connectivity in the Slit Rock Wildway wildlife corridor, specifically between DEC’s Split Rock Wild Forest and the Adirondack Land Trust’s Coon Mountain Nature Preserve, and preserve important riparian habitat along the Boquet River. The protection of these lands will advance the development of a hiking trail between Westport and Essex and add at least two trails to the State’s trail system.

**Comment:** Add a priority project – Long Pond Watershed – Long Pond, located in Willsboro, Essex County, is a beautiful lake whose entire western shore is undeveloped. It is in a forested landscape that extends from the DEC’s Pok-O-Moonshine Forest to the cliffs towering above Lake Champlain’s Willsboro Bay. The watershed is unique because geologically and biologically, it is an extension of the Adirondack Mountains that stretch over to Lake Champlain. It also provides excellent outdoor recreation opportunities.

**Comment:** Please include the summit of Peaked Rock in the Battenkill Corridor to preserve its scenic vista and provide access to the interesting geologic formations on the summit’s south-facing side.

**Comment:** Request was received to add the following fire tower mountains be added to the priority list: Cathead Mountain, Hamilton County; Spruce Mountain, Saratoga County; Stillwater Mountain, Herkimer County; and Swede Mountain, Warren County.

**Comment:** Support was expressed for further conservation of the Washington County {72} – Washington County Grasslands

#### REGIONS 5/6

**Comment:** Add a priority project for the Adirondack Park and surrounding areas for buffers, wildlife corridors and biological connectivity.

#### REGION 6

**Comment:** Concern was expressed of the inclusion of the Black Creek Watershed {75} priority project in the plan due to concern over increased recreational activity leading to increased littering and vegetation damage. Concern also extended to the possibility of the project’s inclusion in the plan causing property values to decrease due to concern over the unknown. Request was made to omit the project from the Final Plan.

**Response:** In general, protected lands serve to maintain or increase the value of adjacent parcels. DEC owned lands are patrolled by DEC Law Enforcement personnel and if littering and related issues are discovered they are addressed. One of the central principles of the Plan is buying fee or easement from willing sellers. In consultation with the Regional Advisory Committee, the project has been maintained in the Final Plan.

**Comment:** Add Point Peninsula as a priority project because of its importance as a critical winter concentration area for arctic breeding birds and other migratory birds.

**Response:** Point Peninsula has been added to the description of the Lake Ontario and Lake Erie Shoreline, Islands and Niagara River {128} priority project.

**Comment:** Support was expressed for further acquisitions in the Rome Sand Plains.

#### REGION 7

**Comment:** Support was expressed for the inclusion of the White Lake Wilderness and Three Falls Woods as standalone projects, and for the State of New York to actively engage the owners of those properties in dialogue that may lead to the acquisition of those tracts.

**Comment:** Acquiring land from willing landowners to conserve wetland habitat and transform agricultural land back to its original wetland habitat should be a priority for the Northern Montezuma Wetlands {103} priority project.

**Comment:** Support was expressed for the addition of a priority project for Fall Creek Fens and Forests in Cortland and Tompkins Counties.

### REGION 8

**Comment:** Support was expressed for the protection of the Webster Well Fields.

**Comment:** Support was expressed for additional land protection throughout the Genesee River Watershed.

**Comment:** Support was expressed for the Genesee River Corridor {110}, especially in the urbanized areas of Monroe County, and Caledonia Great Circle.

**Comment:** Additional protections are needed for Hemlock and Canadice Lakes beyond the lakeshore.

**Comment:** Recommendation was made for the conservation of the Dolomite/Old Castle property in the Irondequoit Creek Valley watershed.

**Comment:** Support was expressed for conservation efforts along the shores of Canandaigua Lake to prevent erosion and wildlife habitat.

**Comment:** Request was made for specific mention of a farm property in the Town of Brighton as an Additional Priority to assist the town in conservation of that parcel.

#### Seneca Army Depot

**Comment:** A large number of commenters expressed support for the conservation of the Seneca Army Depot for its variety of ecosystem benefits including habitat for wildlife and water quality protection.

**Comment:** A large number of commenters expressed support for protecting and maintaining the herd of white white-tailed deer within the fence at the Seneca Army Depot.

**Comment:** Revenues from ecotourism associated with the white white-tailed deer could be used to maintain habitat and the fences.

**Comment:** Several commenters expressed concern that the white white-tailed deer would not survive without the protection of the fence that surrounds the Seneca Army Depot.

**Comment:** Many commenters support utilizing the Seneca Army Depot as an ecotourism destination to observe the herd of white white-tailed deer, and as a historical tourism destination highlighting the role of the Seneca Army Depot from WWII through the Cold War. Doing so would also create jobs.

**Comment:** Concern was expressed about details to how the Seneca Army Depot would be run as an ecotourism destination and what say the town would have in those details.

**Comment:** Several local businesses expressed that having the Seneca Army Depot as an ecotourism destination would help support their tourism related businesses.

**Comment:** Several commenters suggested Elk County, PA as an example of how ecotourism could work for the Seneca Army Depot. A lottery for hunting could yield enough revenue to maintain the fence.

**Comment:** Support was expressed by multiple commenters to utilize the Seneca Army Depot as a recreational destination with trails for hiking, horses, birding, cross-country skiing, birding and bicycles, as well as accessible trails.

**Comment:** The Seneca Army Depot could be a popular destination for horseback riding.

**Comment:** The Seneca Army Depot has a variety of birds and other wildlife, which could be utilized for recreation and wildlife research.

**Comment:** The Seneca Army Depot can provide activities for visitors to the casino that was approved for Seneca County.

**Comment:** It would be a shame if the Seneca Army Depot was turned into factories or a hunting ground for the rich and famous.

**Comment:** Seneca White Deer, Inc. has offered bus tours of the Seneca Army Depot, which have sold out each time.

**Comment:** Several commenters expressed that the public is currently denied access to the Seneca Army Depot although it is currently public land.

**Comment:** Several commenters felt the Seneca County IDA has not embraced the idea of the Seneca Army Depot becoming an ecotourism site.

**Comment:** Several commenters want to see much of the Seneca Army Depot back on the tax rolls through industrial, residential and farm uses.

**Comment:** Forty percent of the land base of the Town of Romulus is tax exempt.

**Comment:** Both towns, the Town of Romulus and the Town of Varick, in which the Seneca Army Depot is

located support the reopening of County Highway 135 that crossed the area now occupied by the Depot for the benefit of town residents, emergency services and economic development.

**Comment:** The Town of Romulus is opposed to the inclusion of the Seneca Army Depot in the Open Space Plan.

**Comment:** Efforts to conserve and ensure future management to maintain the shrub/early-successional forest habitats at the Seneca Army Depot are strongly encouraged.

**Comment:** Support was expressed for the efforts of the Varick and Romulus Planning Boards efforts to develop a mixed use zoning while including a conservation area in support of preserving the white deer herd at the Seneca Army Depot.

**Comment:** Support was expressed for providing deer habitat on the Seneca Army Depot and at Sampson State Park.

**Comment:** Support was expressed for returning much of the Seneca Army Depot to the tax rolls through mixed use zoning that supports conservation, residential, agriculture and industrial warehouse purposes.

**Comment:** Local sportsmen expressed interest in DEC purchasing approximately 1,000 acres in the northeast corner of the Seneca Army Depot as a Wildlife Management Area, and for DEC to not maintain the fence on this area.

**Response:** Natural and historic features of the Seneca Army Depot make it an obvious choice for inclusion in the Open Space Plan. This plan also points out strategies, other than state acquisition, to conserve open space.

Although many comments received concerned management of the parcel rather than conservation of the parcel, the breadth of comments on this project illustrates the many diverse views on the future of the Seneca Army Depot and helps explain why reaching a consensus on its future has been so difficult. At this time, the Seneca County IDA has decided to sell the parcel to a private enterprise.

#### REGION 9

**Comment:** Extend the Ecological Corridors {116} project to include areas at the approaches to the Niagara River, i.e., the Buffalo Outer Harbor and Times Beach, which serve as important fish and wildlife habitats.

**Comment:** Support was expressed for protecting Urban Wetlands {124} along the Niagara River Greenway.

**Comment:** There are timber rights reserved by some previous owners of the land that makes up Allegany State Park, which are still held by their heirs and assigns.

**Comment:** The Chadakoin Riverwalk in the City of Jamestown and Lakefront Walk in Dunkirk should be recognized in the Plan. A significant population of softshell turtles was found along the Chadakoin Riverwalk.

**Comment:** Mention should be included that Chautauqua Lake is an Important Bird Area.

**Comment:** Bear Lake Watershed should be its own priority project rather than part of a generalized project.

**Comment:** Support was expressed for the inclusion of Bear Lake in the Plan and for state acquisition of portions of the remaining undeveloped shoreline.

**Comment:** The headwaters of the Niagara River watershed should be included as a priority project seeking to protect critical headwater forest areas.

**Comment:** The Niagara River should be made a specific focus area within the priority projects.

**Comment:** Greater specificity and number of priority projects should be included for Region 9.

**Comment:** The Region 9 priority projects should include more specifics including the protection of headwater areas and mention of specific coastal projects.

**Comment:** Protect and expand core forest areas resilient to climate change of 500 acres or more within the Niagara River Watershed.

**Comment:** Include in the Buffalo River Watershed {112} priority conservation project acquisitions and restorations that are contained within the Buffalo River Habitat Action Plan for the lower river as well as those parcels of land that complete the visions of the Buffalo River Greenway Plan and the Buffalo River Ecological Master Plan.

**Comment:** Include in Region 9 priority conservation projects language encouraging the acquisition, protection and restoration of land to support living infrastructure aimed at reducing the effect of storms and flooding on human and natural communities.

**Response:** This recommendation was shared with the Region 9 Regional Advisory Committee for their consideration. As the commenter points out there is similar language in the statewide priority projects: Riparian Buffers, Coastlines and Wetland Protection Projects Aimed at Reducing the impacts of Storm Surges and Flooding on Human and Natural Communities {131} and Working Forest Lands {133}.

**Comment:** Include the LoCol trail in Trails & Trailways {122}.

**Comment:** The LoCol trail should be mentioned in the Chautauqua County Greenway Plan {115} priority project.

#### MULTI-REGION PROJECTS

**Comment:** Request was made to make the protection of the few large undeveloped areas remaining along Lake Ontario be made a stated priority to make Lake Ontario more accessible to the public and to protect critical migratory bird habitat and other fragile riparian habitats.

**Comment:** Support was expressed for the Onondaga Escarpment {129}, including the cold water fishery of Oatka Creek.

#### STATEWIDE PROJECTS

**Comment:** Support was expressed for State Park's efforts to improve access, protect viewsheds, eliminate in-holdings and provide buffers to protect resources, as well as enhance recreational and cultural resources.

**Comment:** Add a new statewide project to buffer Adirondack Forest Preserve lands including detached parcels.

#### Small Projects

**Comment:** Support was expressed for the Statewide Small Projects {137}.

**Comment:** The limit on acreage or price, but not both should be raised for the Small Project category in order to reflect current land prices.

**Comment:** The limit on acreage and price for the Small Project category should be raised.

**Comment:** A Small Project line item should be included in the budget.

**Comment:** Support was expressed for the Region 4 Regional Advisory Committee's recommendation to make "Enhancement of Public Lands" its own statewide priority rather than including it under "Small Projects" (p. 243-244). The small project limitations imposed on these projects by way of its categorization in the 2009 version of the Plan and the way it continues to be characterized in this draft Plan (p. 155) could create lost opportunities to conserve important in-holdings or parcels adjacent to public lands.

**Comment:** Explore feasibility of splitting the Enhancement of Public Lands subcategory from the Small Projects priority project to allow greater flexibility in cases where the acreage or dollar cap is exceeded, but the project is worthy of conservation.

**Comment:** Increase available for funding for the Small Projects category to decrease the estimated backlog of 12-15 years.

**Response:** The price cap on the Statewide Small Projects was raised to \$425,000 based on the change in the Consumer Price Index from 1992 to 2016.

#### Trails

**Comment:** Moving long distance trail segments off of roadways is important for user enjoyment and to help recruit volunteers to maintain the trails.

**Comment:** The Finger Lakes Trail is a great example of a trail that is well connected to surrounding communities.

**Comment:** Connectivity of the Ulster County rail trail network in Kingston, the Kingston Greenline, should be a high regional conservation priority. This rail trail network should be integrated, combined and coordinated with the Greenway trail system, which includes multi use trails and linkage to historic and other cultural and open space resources. Any use of rail trails or other open space areas with recreational public access for energy pipelines should not be permitted. Regarding water trails, support for kayaking and canoeing on the Rondout Creek and the Hudson River should be included. Water trail camp sites in Kingston should be supported.

**Comment:** The following trails should be included in the priority projects, which are part of Parks and Trails New York's Healthy Trails, Healthy People initiative, which is supported by the state Department of Health's Healthy Heart Program: Montezuma Trails, Little Ausable River Trail, Queensway Trail, Chenango River

Greenway, North Buffalo Greenway/Tonawanda Rail Trail, and the D&H Rail Trail.

**Comment:** Rail Trails or other open space areas with recreational public access should not be used for energy pipelines.

**Comment:** The City of Kingston was a rail hub and should be used as a rail trail hub.

**Comment:** Support was expressed for protecting and gaining access for long distance trail corridors.

**Comment:** Request was made to add the North Country Scenic Trail to the list of trails in the Statewide Small Projects {137} Trails and Greenway Connections.

**Comment:** The description of the Finger Lakes Trail in the Long-distance Trail Corridors, Networks and Linkages {136} priority conservation project should mention that the total length, including side branches is nearly 1,000 miles.

**Comment:** Support was expressed for the Long-distance Trail Corridors, Networks and Linkages {136} priority conservation project.

**Comment:** A commenter notes that the North Country Scenic Trail is designated as a long-distance hiking trail in the 2010 Statewide Trails Plan, hiking trail should be the highest level of development of the trail, and that “the use of motorized vehicles by the general public along any national scenic trail shall be prohibited...”.

**Response:** The comments on individual parcels or priority projects in the various regions of the state were provided to the nine RACs that helped formulate the plan and whose recommendations form the backbone of the regional priority conservation projects. The full state Open Space Conservation Plan was developed to encourage open space conservation at the local, state and federal levels.

### LAND CONSERVATION RESOURCES

**Comment:** Please describe the National Wild and Scenic Rivers designation as it applies to the Upper Delaware Scenic and Recreational River.

**Comment:** Suggestion was made to include the National Wild and Scenic Rivers Act, PL 90-542 as a reference as it relates to the Delaware Scenic and Recreational River.