

RECREATION MANAGEMENT PLAN DEVELOPMENT AND REVIEW PROCESS

DEC (department) held Conservation Easements (CEs) with public recreation rights identify the types of recreation and access allowed on an eased property. The degree and intensity of public use and the specific locations on the property where public recreation activities are destined to occur are not usually determined in the CE but deferred until the property is actually opened to the public through either an approved Interim Recreation Management Plan (IRMP) or a Recreation Management Plan (RMP).

Specific CEs refer to recreation plans as Land Management Plans, Unit Management Plans, or Recreation Management Plans. Some older CEs do not require the department to prepare a management plan before implementation of recreation rights. However, it is the position of the department to develop plans for implementing public recreation on CE lands and for consistent administrative purposes to call these plans Recreation Management Plans (RMPs).

The RMP is to be a complete self-contained (standalone) document that presents the public recreation activities and access planned for the eased property and provides the conditions and restrictions on that public use. CE recreation planning and RMP development must consider the relationship between proposed recreation on the CE property and adjacent parcels such as Forest Preserve and State Forest lands. The RMP is intended to invite broad public input and explore the full range of purchased recreation rights. Public use of the property will be shared with the private landowner. Therefore, development of a RMP is essential to avoid, or at least minimize, conflict between the multiple purposes of forest management, public recreation and any other private recreational use. RMPs may be attached as an appendix or incorporated into a State Land Unit Management Plan (UMP) for background, comprehensiveness, or to support State Land recreation planning decisions.

Lands encumbered by Conservation Easements are private property and therefore, department administered public recreation activities on such land in the Adirondack Park, are to be reviewed by the Adirondack Park Agency (APA) staff for consistency with the Adirondack Park Private Land Use and Development Plan (APLUDP); the Wild, Scenic and Recreational Rivers System Act; and the Freshwater Wetlands Act. Section 814 of the Adirondack Park Agency Act requires State agencies which intend to undertake any new land use and development in the Adirondack Park to give due regard to the provisions of the APLUDP and the shoreline restrictions and shall file a notice of such intent thereof with the APA. The department and the APA have agreed to exercise their respective authority and responsibility through the cooperative arrangements created by the August 2010 "Memorandum of Understanding Between the APA and the DEC Concerning State-Owned Conservation Easements on Private Lands within the Adirondack Park" (APA/DEC MOU) with regard to new and use or development by the department on conservation easements.

The following development and review process shall be followed by department staff as they plan for, and develop, a Recreation Management Plan.

1. DEC planner (Planner) initiates an internal discussion with Regional and Central Office CE staff in the preparation of the RMP. Department staff will determine the following:
 - the public recreation rights purchased in the conservation easement
 - recreation impacts and influences on the conservation easement property¹ and on any surrounding state lands
 - SEQRA requirements
 - the extent of other department program's involvement and review
 - review recreation plan's content and establish a timeline and discuss the RMP planning process below.
2. Planner holds a public scoping session/meeting and/or comment period to present to stakeholders, elected officials, sporting community, lessees and other members of the public the recreation rights the State purchased on the property. The Planner will gather input on public recreational interests, concerns, possible user conflicts etc.
3. Planner, in consultation with landowner, prepares an initial draft RMP based on the conservation easement public recreation rights and input from the public scoping session.
4. Prior to SEQR compliance, the Planner reviews the attached "Recreation Management Planning SEQRA Guidance" to determine if the proposed management actions in the RMP are Type I actions requiring the preparation of a Full Environmental Assessment Form (Full EAF) or Unlisted actions. If it is determined the actions/projects within the Recreation Management Plan are considered Unlisted, the Planner shall prepare a Short Environmental Assessment Form (Short EAF).
Note: A consultation with the Division of Lands and Forests (DLF) SEQR coordinator should occur to confirm which is the appropriate EAF to complete. Region will not sign EAF until step 10.
5. After Regional review (Supervising Forester, Regional Forester, Natural Resources Supervisor, Regional Director, and ADA Coordinator) the initial draft RMP and SEQR EAF documents are submitted by the Region to Central Office CE staff for review.
6. Once Central Office CE staff have completed their review, they provide the initial draft RMP to the DLF and Statewide ADA Accessibility Coordinators for review. Central Office CE staff provide the RMP and SEQR materials to the DLF SEQR Coordinator for review.
7. Central Office CE staff, DLF and Statewide ADA Accessibility Coordinators and DLF SEQR Coordinator provide comments on the initial draft RMP and EAF to the Planner. If necessary, Planner revises proposed plan and EAF.
Note: If significant revisions are made, Planner should provide the revised draft RMP to landowner for review.
8. RMPs for easement properties within the Adirondack Park: Region, in consultation with Central Office CE staff, submit the proposed draft RMP to Adirondack Park Agency (APA) staff for review² of the draft plan to ensure it is consistent with:
 - The Adirondack Park Agency Act (Section 814)
 - New York State Freshwater Act
 - The New York State Wild, Scenic and Recreational Rivers System Act
- 8a. Once the Region receives a Review Memo from APA staff, Planner submits draft RMP, Executive Brief and APA Review Memo to their Regional Land Manager (i.e.: Natural Resources Supervisor and/or Regional Forester) for review and comment. If necessary, Planner revises proposed draft RMP.
9. The Region submits the draft RMP, Executive Brief, and APA Review Memo (if applicable) to Central Office CE staff.
10. The Region/Central Office staff sign SEQR EAF documents and forward signed documents to DLF SEQR Coordinator.

11. Central Office CE staff provide the draft RMP and Executive Brief to the Director of DLF for review and approval to release draft RMP for a 30-day public comment opportunity.
12. Once the Director of DLF approves the draft RMP, Central Office CE staff provide the draft RMP to DEC Executive for approval to release the plan for a 30-day public comment opportunity.
13. Once approvals are granted from DEC Executive to release the draft RMP for public comment, the Planner and Central Office CE staff will coordinate to determine who will prepare a notice for the Environmental Notice Bulletin (ENB) announcing: 1) SEQR Negative Declaration, 2) Public Comment Period and 3) Public Meeting.
 - Planner or Central Office CE staff submit notice to the DLF SEQR Coordinator for submittal to the ENB.
 - DEC regional staff prepare and submit to Regional Office of Communication Services staff a press release announcing a public comment opportunity for DEC Executive approval.
 - DEC regional staff issue press release. Note: It is important that the press release, ENB notice and RMP webpage are made public the same day.
 - Planner notifies landowner of the department's intent to release the draft RMP for public comment.
14. After the public comment period has ended, the Planner reviews public comments and prepares a responsiveness summary. It may be necessary for the Planner to revise the Draft RMP and update the EAF and Executive Brief, and for the Region to consult with the Landowner if there are significant changes, to get their agreement to the changes. If the EAF has been substantively changed it will need to appear in the ENB again to reflect these changes. The revised EAF will be submitted to the DLF SEQR Coordinator for submittal to the ENB.
15. Planner submits proposed final RMP, responsiveness summary and updated Executive Brief to the Region for review. It is then submitted to Central Office CE staff for review and comment.
16. Central Office CE staff provide comments, if any and the final RMP to appropriate Regional DEC staff. Regional DEC staff provides the final RMP to the landowner for approval/signature³.
17. Once the landowner approves the RMP, Regional DEC staff provide the landowner approved RMP to Central Office CE staff. Central Office CE staff will forward the RMP, public comment responsiveness summary and Executive Brief to the Director of DLF for review and approval.
18. Central Office CE staff will notify regional staff when the RMP has been approved by Director of DLF. Central Office CE staff prepare a Green Flag and provides it, along with the RMP's Executive Brief, to DEC Executive.
19. Regional staff prepare and submit a press release announcing that the department has finalized and adopted the RMP. Regional staff and CE staff determine who will post the final RMP on the department's website.
20. Regional CE staff send a memo to the Town Supervisor(s) within the recreation management planning area notifying them that the department has adopted the final RMP and EAF.

¹ Consultation with the landowner is highly recommended

² In accordance within the APA/DEC MOU Section V, The APA will provide comments to the department with thirty (30) days of receipt of the draft RMP, unless an extension is requested and mutually agreed upon.

³ When required in the Conservation Easement, the landowner has sixty (60) days to sign-off. After sixty (60) days the Regional Land Manager should send a letter notifying the landowner that the department intends to move forward and implement projects in the RMP.

Until recently, Conservation Easement (CE) policy considered Recreation Management Plans (RMPs) to be Resource Management Plans which are Type I actions under State Environmental Quality Review Act (SEQRA) requiring the completion of a Full Environmental Assessment Form (FEAF). A determination was recently made that RMPs, since they address only recreation issues, are not Resource Management Plans, therefore, under SEQRA, adoption of an RMP can be considered an Unlisted action. Unlisted actions for RMPs allow for the use of a Short Environmental Assessment Form, however only under certain conditions. The majority of RMPs will continue to be Type I actions and require a FEAF, however check the criteria below to determine if the projects proposed in the RMP can be considered an Unlisted action.

A. CE LANDS WITHIN THE ADIRONDACK PARK

1. If the proposed management action(s) in the RMP do not result in physical alterations¹ exceeding 2.5 acres AND the conservation easement parcel is not contiguous to forest preserve land, then the action can be considered Unlisted and a Short Environmental Assessment Form (EAF) can be used.
2. If the proposed management action(s) in the RMP result in physical alterations exceeding 2.5 acres and the conservation easement parcel is contiguous to forest preserve land, then the action is considered Type I and requires a FEAF be prepared.

B. CE LANDS OUTSIDE THE ADIRONDACK PARK

1. If the proposed management action(s) in the RMP do not result in physical alterations¹ exceeding 10 acres, then the action can be considered Unlisted and a Short Environmental Assessment Form EAF can be used.
2. If the proposed management action(s) in the RMP result in physical alterations exceeding 10 acres, then the action is considered Type I and requires a FEAF be prepared.

NOTE:

- Unlisted actions are not required to be noticed in the Environmental Notice Bulletin (ENB).
- Type I actions must appear in the Environmental Notice Bulletin (ENB).

¹ Physical alterations include, but are not limited to, the following activities: vegetation removal, demolition, stockpiling materials, grading and other forms of earthwork, dumping, filling or depositing, discharges to air or water, excavation or trenching, application of pesticides, herbicides, or other chemicals, application of sewage sludge, dredging, flooding, draining or dewatering, paving, construction of buildings, structures or facilities, and extraction, injection or recharge of resources below ground.