



8 December 2016

Aaron Graves, Forester
NYS DEC
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Conservation
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Education
*
Recreation
Since 1922

RE: Grass River Wild Forest Draft Unit Management Plan (UMP)

Dear Aaron,

Thank you for the opportunity to comment on the Draft Grass River Wild Forest Unit Management Plan.

ADK would like to applaud the attention to forest health in this UMP. The focus on prevention, early detection and eradication of invasive species will be critical in keeping forested land healthy. The focus applied to water quality and wetlands is important as well because aquatic invasive species can destroy critical water resources.

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ADK also commends the Department of Environmental Conservation (DEC) on consolidating user impacts and moving them away from sensitive ecological areas. The centralization of user impacts is well documented as the best way to conserve the resource in areas with regular use and is in accordance with Leave No Trace ethics.

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ADK supports the addition of the waterfall access trails along Tooley Pond Road. These trails will create better access to the falls for the public and make parking along the road safer. Roadside trail signs will make it easier for the public to find these waterfall access trails and we strongly recommend their installation.

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ADK is very concerned with the proposed connector trail described on pg. 102 of the document. The considerable attention to detail and effort in researching the potential for this trail is commendable and the DEC should be recognized for its thorough investigation. However, several important issues have not been considered.

NYCRR196.1 (b) allows DEC to open certain roads to motorized use.¹ However, it is not lawful to operate motorized vehicles on trails in the Forest Preserve. Since the proposed 600ft section of ATV route alternative one is a designated and established Snowmobile trail, the DEC would be violating 6 NYCRR 196.1(b) by opening it to ATV use.

DEC should not open state land for ATV use when other routes currently exist. As explained above, opening trails to ATV use in the Forest Preserve is not lawful and violates 6 NYCRR 196.1 (b). Further, there are currently viable routes for ATV traffic that do not require the crossing of state Forest Preserve land. Since DEC has not indicated that there has been a proposed change in the legality of the current route, there is not even a need to create a connector. DEC has not provided a proper analysis of why the proposed route across Forest Preserve is considered legally permissible, nor has the agency provided a sound policy justification for this new route.

Therefore, DEC must not propose or allow for the construction and maintenance of an ATV route across Forest Preserve because it is unlawful, unnecessary, unanalyzed, and unjustified. The DEC must consider a no action alternative for this proposed amendment. The proposed connector trail crosses a designated Scenic river on a bridge that has not previously been open to public all-terrain vehicle recreational use. The New Bridge is in the Town of Clare and is not and has not ever been legally approved for ATV use. This action would violate the regulations of the NYS Wild, Scenic and Recreational Rivers Act which prohibit motorized recreational uses on bridges across a Scenic River and passing through the designated corridor of a Scenic River.

The Department admits that three conditions must be met before Alternative 1 can be implemented. 1) Certain private landowners must agree to allow the ATV trail to cross their property between the Tooley Pond Conservation Easement and Newton Falls. 2) The Town of Clifton must close River Road and their section of the Tooley Pond Road to ATV use. This is by no means a certainty and no ATV crossing of the Forest Preserve should be based on such an uncertain event. 3) The Town of Clare must open the Tooley Pond Road west from the intersection with New Bridge Road

to the intersection of the Tooley Pond Road with Allen Pond Road. It is clear that the Department is impermissibly manufacturing a situation where Forest Preserve road segments can be opened to ATV use if it is “otherwise impossible for ATVs to gain access to areas or trails adjacent to the highway” under Vehicle and Traffic Law section 2405.1. DEC concedes that sections of Claire and Clifton town roads must be opened and closed before the 900 feet of Forest Preserve roads and trails can be opened to ATV use. Since these events may not happen, DEC cannot now legally open a road and road designated as a snowmobile trail to ATV use.


This proposed unit management plan fails to discuss and analyze the potential impact of placing the potentially high volume “St. Lawrence County Multi-Use (ATV/UTV) Trail on a public motor vehicle road like the Tooley Pond Road. ATV manufacturers make it very clear that ATV use on paved roads is very dangerous. The mixing of car and truck traffic on a narrow county road with large numbers of ATVs and UTVs is affirmatively and negligently creating a hazardous situation which the Department does not discuss or evaluate in violation of the State Environmental Quality Review Act.

The impact of invasive species deserves specific attention in the UMP. The DEC should be making every effort to stop the spread of species like garlic mustard, giant hogweed and purple loosestrife. Instead DEC is promoting the spread of these invasives with the proposed trail since ATV use is a known vector for the spread of invasives. Noise impacts can cause increased stress in wildlife, alter their movement patterns, disrupt nesting and mating and cause direct mortality via collisions. The state can ill afford to improve vectors for invasive species and reduce habitat especially in the light of climate change when the DEC should be making every effort to improve forest resiliency, not weaken it.

Illegal riding opportunities will be enhanced by the opening of this connector trail. The DEC Forest Rangers and Environmental Conservation Officers lack the personnel and equipment to enforce proper ATV use and increasing the access of that use will further undermine the officer’s ability to keep our state lands protected. Although the 900 foot proposed connector is on a railroad bed, the trail continues along the border of the Forest Preserve with easy access to the proposed access trails for the waterfalls along Tooley Pond road. This proximity in conjunction with the

limited space on the trail provide opportunity and incentive for illegal riding into Forest Preserve land. ADK opposes all the ATV trail alternatives brought forth in the UMP amendment due to their potential for causing irreversible environmental damage to the Forest Preserve lands of the Grass River Wild Forest, because there is a lack of justification for such a trail when alternatives exist, and because the manufactured basis for the proposed Forest Preserve road use violates both New York State regulation and law. ADK urges the DEC to recognize the past failed attempts to allow ATV use on the state forest system, as explained in the Strategic Plan for State Forest Management, and to continue to uphold the current prohibition on ATV use on the Forest Preserve.

Sincerely,



Neil F. Woodworth
Executive Director and Counsel
Adirondack Mountain Club, Inc.

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[https://govt.westlaw.com/nycrr/Document/I21f0f8ebc22211ddb7c8fb397c5bd26b?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)&bhcp=1](https://govt.westlaw.com/nycrr/Document/I21f0f8ebc22211ddb7c8fb397c5bd26b?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)&bhcp=1)