

7 December 2018

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**RE:** Draft Amendment to the Blue Ridge Wilderness Unit Management Plan (UMP)

Dear Nick,

Thank you for the opportunity to comment on the Draft Amendment to the Blue Ridge Wilderness Unit Management Plan (UMP).

**Adirondack Mountain Club (ADK)**

ADK is dedicated to protecting and advocating for New York State's wild lands and waters while also teaching people how to enjoy natural places responsibly. Since 1922, the organization has offered people opportunities to stay and play in as well as protect, discover, and explore the outdoors. Today, ADK has 30,000 members in 27 chapters statewide and is served by a professional, year-round staff. The organization is recognized as a vital voice in the commitment to environmental stewardship and ethical outdoor recreation in New York State. ADK members hike, camp, snowshoe, cross-country ski, paddle, and cycle the lands and waters of the Adirondack Park and other state lands. Our members are also monitors and maintainers of trails and recreation infrastructure as well as watchdogs of public lands and watersheds to monitor for invasive species or irresponsible and destructive motorized trespass.

We respectfully request that you consider the following concerns and comments outlined below.

The proposed amendment to the Blue Ridge Wilderness Area Unit Management Plan (BRWUMP) to build a new section of a Community Connector class II snowmobile trail is unlawful in many respects. The Adirondack Mountain Club sees this proposed snowmobile trail as a bad legal precedent for the management of Wilderness areas which would weaken the legal protections afforded to designated Wilderness Areas under the Adirondack Park State Land Master Plan (APSLMP). The prohibition on the use of motor vehicles is a fundamental guideline defining the Wilderness classification in the Adirondack Forest Preserve. This

proposal would also violate the APSLMP by permitting the use of bicycles in the Blue Ridge Wilderness Area.

There is no listing of “snowmobile trail” in the list of allowable Structures and Improvements in Wilderness Area under the provisions of the APSLMP and snowmobile trails are a nonconforming use in Wilderness Areas. The APSLMP states on page 26, “No new roads, snowmobile or administrative roads will be allowed.” Public use of any motor vehicles, motorized equipment and aircraft is expressly prohibited in any Wilderness Area.

This proposed snowmobile trail is predicated solely on the following provision of the APSLMP:

**Boundary structures and improvements and boundary marking**

1. Where a wilderness boundary abuts a public highway, the Department of Environmental Conservation will be permitted, in conformity with a duly adopted unit management plan, to locate within 500 feet from a public highway right-of way, on a site-specific basis, trailheads, parking areas, fishing and waterway access sites, picnic areas, ranger stations or other facilities for peripheral control of public use, and, in limited instances, snowmobile trails. (APSLMP, p 27)

Although the 2016 Adirondack State Land Master Plan (APSLMP) allows for snowmobile use in a 500 foot buffer (see above) as is proposed in this amendment of the Blue Ridge Wilderness UMP, the APSLMP clearly indicates that this allowance is "in limited instances" as opposed to a general rule.

The essence of this proposal is to build a new community connector class II snowmobile trail that is 3 miles long and 9-12 feet wide (and graded like a road) entirely built within the 500 feet from a public highway right-of way. The 500 foot rule was intended to solve snowmobile trail routing issues in “very limited instances” (Peter Paine personal communication 12/7/18). We contend that this 3 mile linear road certainly does not meet the definition of a “limited instance.”

The Draft UMP Amendment contains no State Environmental Quality Review Act (SEQR) review of any kind. Due to the environmental constraints on the proposed trail route and the proposed cutting of potential hundreds or thousands of trees, this proposal will have a

significant adverse environmental impact and a supplemental EIS must be prepared to assess these impacts and measures to avoid them.

Such a supplemental EIS would also allow APA and DEC to consider the various alternatives to the proposed trail. See 6 NYCRR section 617.9(b)(5)(v). One such alternative would be to re-classify a portion of the periphery of the Blue Ridge Wilderness to Wild Forest so as to avoid any corruption or violation of the definitions and guidelines pertaining to Wilderness Areas under the APSLMP that would be unavoidable if this trail is constructed wholly within the Blue Ridge Wilderness.

DEC should explain in detail (with maps of sensitive features) the siting of the snowmobile trail and fully consider all reasonable alternatives that comply with the APSLMP. The public should also be given an opportunity to comment on an alternatives analysis.

Although DEC does not specifically state in the UMP that the multiple-use trail in the wilderness buffer will be open to bicycles (other than on a newly constructed highway bridge over South Inlet), it is reasonable for the public to assume that DEC will allow bicycle use in the proposed multiple-use Wilderness buffer trail given the 2017 Constitutional Amendment (Article XIV, Section 6 of the Constitution and ECL §9-2103), which provides for the construction and maintenance of bicycle trails in highway right-of ways in the Forest Preserve.<sup>1</sup> ECL §9-2103 (k) requires that bicycle trails must be within “three rods [i.e., 50 feet] or the deeded recorded municipal or state right of way or easement in existence as of January first, two thousand fifteen.” DEC must present the other intended uses of the proposed multiple-use and show compliance with the APSLMP, the New York State Constitution, and New York State Environmental Conservation Law regarding the siting of the multiple-use trail. DEC must analyze the environmental impact of all of the intended uses of this trail. To do otherwise would be segmentation and would violate SEQ. 6 CRR-NY 617.2 (ah) states, “*Segmentation* means the division of the environmental review of an action such that various activities or stages are addressed under this Part as though they were independent, unrelated activities, needing individual determinations of significance.”

Considering only a part or segment of an action is contrary to the intent of SEQ. 6 CRR-NY 617.2 (ah) and is therefore unlawful. DEC explains segmentation as follows, “There are two types of situations where segmentation typically occurs. One is where a project sponsor attempts to avoid a

thorough environmental review (often an EIS) of a whole action by splitting a project into two or more smaller projects. The second is where activities that may be occurring at different times or places are excluded from the scope of the environmental review. By excluding subsequent phases or associated project components from the environmental review, the project may appear more acceptable to the reviewing agencies and the public.”<sup>2</sup>

DEC should also be presenting in the same analysis other portions of the trail that are needed to complete the intended connection to Long Lake, otherwise it is difficult for the public to understand the full impact of the trail.

Thank you for considering the above comments.

Sincerely,



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<sup>1</sup> <https://www.dec.ny.gov/lands/113414.html>

<sup>2</sup> <http://www.dec.ny.gov/permits/45577.html>