



Department of  
Environmental  
Conservation

Division of Lands and Forests

# **KILDARE TRACT FIVE MILE TRACT CONSERVATION EASEMENTS**

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**Amendment  
to the  
Kildare Recreation Management Plan  
and the  
Five Mile Interim Recreation Management Plan**

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**St. Lawrence County  
Town of Hopkinton**

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NYSDEC, REGION 6, DIVISION OF LANDS AND FORESTS  
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# **THE AMENDMENT**

## **1. Introduction**

This amendment (Plan) proposes to construct a road between the Five Mile Conservation Easement (CE) and the Kildare CE (formerly called the Lassiter CE) which will provide seasonal public motor vehicle access to hundreds of acres of previously inaccessible easement lands on which public rights already exist and enhance non-motorized access to adjacent areas of the Forest Preserve. (See locator map in Appendix A)

### **A. The Need for an Amendment**

Public access to the conservation easement and Forest Preserve lands east of Carry Falls Reservoir and the Raquette River has been very limited since the easement and most of the fee lands were acquired from Lassiter Properties, Inc. in 1988. A goal of the Department since that time has been to acquire public motor vehicle access from an adjacent private landowner or landowners. Money from the acquisition was set aside at the time of the acquisitions in an escrow account for that purpose. Negotiations with International Paper Company (IP) in the early 2000s, the owner of the adjacent Five Mile Tract, led to a conservation easement agreement which includes a right to provide seasonal public motor vehicle access to the adjacent Kildare tract CE lands.

### **B. Purpose of the Plan**

This plan will amend the Kildare Tract CE Recreation Management Plan (RMP) portion of the Raquette Boreal Unit Management Plan, which was completed in December of 2006. The Raquette Boreal Unit Management Plan is a unique plan that covered management activities for a mix of State-owned Forest Preserve lands and privately-owned lands subject to conservation easements. The proximity of these lands to each other, the similarities of their natural resources, and current and potential interconnected recreational opportunities provided a strong rationale for combining these lands into one planning unit, therefore providing for planning over a broader landscape. However, ownership and classification differences necessitated the need for somewhat different management objectives and strategies for each subunit. For example, in some instances, certain recreational uses may be compatible across all of the unit while other recreational uses may be limited to specific portions of the unit, based on State Land Master Plan (SLMP) requirements for Forest Preserve lands or requirements/restrictions of the easement agreement on conservation easement lands.

This plan will also amend the Five Mile CE Interim Recreation Management Plan (IRMP), which was completed in 2007 solely for the CE acquired from IP.

### **C. The Process**

Completion of this connector road between the Five Mile and Kildare tracts is pursuant to language in the Raquette Boreal Unit Management Plan (RBUMP) and the Five Mile Conservation Easement Interim Recreation Management Plan (IRMP). The planning process for this RMP amendment conformed to established NYSDEC standards and has been ongoing since the fall of 2016. Public expectations of land use planning are high.

Conflicts over the management of natural resources are common (Germain, et. al., 2001.) The need to balance decision making such that all user types (sporting communities, non-motorized recreationists, etc.) feel accommodated is both essential and difficult to do. This plan strives to facilitate a collaborative effort wherein the public has a clear voice in the decision-making process.

### **i. Field Work and Data Collection**

To conceive a plan, a variety of research, office, and field work must be conducted. For the Kildare project, maps and aerial photographs were studied to aid ground data collection. GPS waypoints and tracks were collected to create draft maps. Roads and trails were traversed to select those which provide appropriate access and the ability to withstand proposed public use. The status of existing and needed control points (i.e., gates) was established, and suitable locations for signs, parking areas, and information kiosk(s) were considered. Finally, a topographic survey of the proposed road was conducted. The collected data was then synthesized by the planning team to create the text and maps for the plan

### **ii. Partnerships**

To amend the established RMP portion of the Raquette-Boreal UMP and the Five Mile Tract IRMP, a variety of stakeholders needed to be consulted. Initial interactions within NYSDEC divisions included Lands & Forests forestry and Real Property staff and Fish & Wildlife staff, and included the current landowners, (MWF Adirondacks, LLC (MWF) and Woodwise Forestry LLC (WWF)). Myriad voices from outside the internal planning process were also incorporated during the public comment phase of the plan's development.

The proposed new road, due to its length, required APA consultation as stipulated in the "MOU between the APA and the DEC Concerning State-Owned Conservation Easement on Private Lands within the Adirondack Park" [Section II(c)(7)]. A Jurisdictional Inquiry Form (JIF) was filed with APA for this project and a response was received in the Potsdam office on April 14, 2014 (J2014-0182) with a decision that the project would be non-jurisdictional.

### **iii. Public Review**

A public draft of the plan was released for public comment on September 12, 2017. The public comment period ended on November 10, 2017. Comments were received through letters, phone calls, emails, and face to face meetings with contributors. The compiled comments and the official response to them can be found in Appendix A and can be broken down as follows: 565 emails generated from a form provided by the Adirondack Council, 30 emails not connected to the above, 36 letters in the mail of which 11 were from private individuals and 20 from self-described camp lease holders. Phone interactions with interested parties took place and several members of the public met with DEC staff in the Potsdam office. The New York State and St. Lawrence County Snowmobile Associations also provided comments to the original draft.

A summary of all comments and responses can be found in Appendix B.

#### **iv. Recognized Issues with Original Draft Plan**

Criticism of the original 2017 draft plan centered on the need for attention to the recommendations made in the RBUMP regarding the area's natural resource concerns prior to making plans for additional public use. This plan addresses those concerns as follows:

- A new State Environmental Quality Review (SEQR) was conducted to expand the original focus on the proposed new road to include all proposed facilities/public uses on the Kildare tract;
- Consultation with the DEC Bureau of Wildlife on impacts to endangered species and their habitats;
- Extensive scoping of the property, its current uses, and how the recreation opportunity spectrum (ROS) can be used to recommend proposed new uses;
- A review of the RBUMP recommendations;
- Engagement with NYSDEC Region 6 law enforcement staff designed to familiarize them with the property and concerns related to public recreation, hunting camp lease use, and history of trespass.

## **2. Current Status**

### **A. Five Mile Conservation Easement**

The Five Mile Tract has been open for public use since 2007. Per the conservation easement, the property may be open from May 1 to September 30 for certain public uses. The main road into the tract, off the Town of Hopkinton's Sterling Pond Road, allows for 7.5-miles of public motorized access. 4.5-miles of that road leads from a gated bridge on the West Branch of the St. Regis River southward, providing access to the river itself and easement lands between the river and the road.

Access to the Kildare Conservation Easement is addressed on pages six and seven of the 2007 Five Mile Interim Recreation Management Plan (IRMP).

Excerpt from the Five Mile Tract IRMP:

"5. Five-Mile Tract and Public Access to Lassiter (Kildare) Conservation Easement Lands. The Department has the following recreation rights to the area of the Tract.

(c) Motorized Access to Lassiter Conservation Easement Lands:

- (i) The Department may allow public motorized access on the spur road located westerly of the West Branch of the St. Regis River (as shown on the *St. Lawrence 265 Map – available at the County Clerk*) only during the period from May 1 through September 30, which seasonal limitation, however, shall not apply to public snowmobile use. Public motorized use shall not include ATVs.
- (ii) Public motorized access may occur only if, in the opinion of the parties, wet weather conditions do not make such access impractical or would not cause damage to the road surface."

The public currently enjoys non-motorized use along the corridor between the St. Regis River and the Five Mile Main Haul Road. This access is facilitated via motorized use of the Five Mile Haul Road. Public parking facilities serve access trails/carries to the river for anglers and paddlers. There is also a snowmobile trail through the northeast corner of the Five Mile CE, that runs near Weller Pond, which connects St. Lawrence County to Franklin County.

## **B. The Raquette Boreal Unit Management Plan**

The Raquette Boreal Management Unit is a mix of State-owned Forest Preserve lands and privately-owned lands subject to conservation easements. Forest Preserve lands in the unit are classified as either Primitive or Wild Forest. This plan only addresses changes to use of the Kildare tract, therefore the current status of that CE is discussed below.

### **i. The Kildare Conservation Easement**

The Kildare Tract is open year-round for public use per the terms of the CE. Public use has been quite low due to the fact there is no public motor vehicle access to the property and the property is remote from public highways. The primary way the public access the property is via boat across Carry Falls Reservoir. Due to the restricted access to the property public use has been very low. The exclusive hunting rights on the Kildare tract that were retained by the landowner expired on December 31, 2019.

Access to the Kildare CE is addressed by Access Alternative 2 in the 2006 Raquette Boreal UMP (pps.118-119) in the following excerpt:

#### **“2. Access via IP Five Mile Tract**

Route Segments 2 or 5

##### **Advantages:**

Access via this route would be entirely on easement lands and mostly on existing gravel roads. Route 5 was identified as a route for public motor vehicle access in the easement purchase agreement with IP. The use of Route 2 would have to be negotiated with IP.

##### **Disadvantages:**

Disadvantages to this route (2) would be the need to upgrade an existing connector trail to a motor vehicle road between the IP Five Mile Tract to the Lassiter Main Haul Road. Route 5 would require the construction of a connector road between existing roads on Lassiter and IP.”

Public access to the Kildare tract currently requires traversing the Carry Falls reservoir by boat. The Jordan River can be accessed via a canoe carry on the reservoirs east shore, so paddlers, anglers, and natural area explorers make the trip occasionally, but their numbers are few and there is very little public presence on the property at this time.

## **3. Elements of a Good Plan**

## **A. Knowledge of the Area**

Planning for an area requires a multifaceted understanding of the property in question; its current and past uses as well as its topography and natural resource specifics. The Kildare CE was signed in 1989. The negotiations between NYSDEC and the Lassiter Properties, Inc were extensive and involved multiple site visits and field days of staff time. Region 6 DEC forestry staff have gained much essential knowledge about the property since that time. Current conservation easement staff have been monitoring the property since 2008. Previous and institutional knowledge combines with contemporary work to create this plan.

## **B. Knowledge and an Understanding of Important Issues**

The second step in planning for an area involves narrowing big-picture knowledge and concepts into site specific details and requirements. The Kildare CE and the Five Mile CE lie within the Raquette Boreal Unit, but they are singular tracts. Planning proposals for these individual properties must account for their unique features and values.

### **i. Road Related Natural Resource Based**

1. A 0.27-mile section of new road to be constructed on the Five Mile tract will transition from an existing haul road onto hardwood forest over suitable soils (see landcover and soil maps in Appendix A);
2. A 0.24-mile section of new road to be constructed on the Kildare tract will transition from an existing haul road onto hardwood forest over suitable soils (see landcover and soil maps in Appendix A);
3. The existing roads on the Kildare CE proposed to be opened to public motorized use cover approximately 16 miles through mixed forest types over suitable soils (see landcover and soil maps in Appendix A)
4. The JIF (J2014-0182) declaration provided by the APA prescribes a Best Management Practices approach to construction that is integral to all similar NYSDEC projects of this nature.

### **ii. Forest Type(s)**

The characteristics of the deciduous dominated forest landcover of the site of the new section of road further recommend the proposed route (grade, drainage, etc.) Lands and Forests staff will complete a detailed workplan for road construction. Best management practices (BMP's) and standard erosion control methods for road maintenance and construction will be followed. Extra precautions will be taken should the need arise to place culverts and/or bridges in sensitive areas.

### **iii. Soils**

A soil survey for the area was examined to determine the suitability of the site proposed for road construction on the Five Mile and Kildare tracts. Soil surveys contain information that helps guide land use planning. They highlight soil limitations that affect various land uses and provide information about the properties of the soils in the survey areas. Soil surveys reports are designed for many different users, including foresters, planners, engineers, conservationists, and specialists in recreation. Soil surveys help planners

understand, protect, and/or enhance the environment (USDA NRCS 2019). The soil survey for this area identifies the presence of well drained soils (predominantly Potsdam-Crary and Dawson – Adams complexes) on this site in combination with minimal slopes to recommend the proposed route.

**iv. Fisheries**

The Property contains numerous small streams and ponds as part of the Raquette River subwatershed of the St. Lawrence River watershed. The Raquette Boreal Wild Forest UMP contains useful information about fishery resources and angling opportunities in the area and specifically with regard to waterbodies on the Kildare Tract. For this information, please see [https://www.dec.ny.gov/docs/lands\\_forests\\_pdf/rbwfinal.pdf](https://www.dec.ny.gov/docs/lands_forests_pdf/rbwfinal.pdf) starting on page 51.

**C. The Balance Between Public and Private Access**

The central rationale for this plan amendment stems from the need to provide access to the suite of rights acquired by the people of the state of New York at the signing of the conservation easement for the Kildare tract. There is considerable recent discussion of this issue both from the perspective of environmentalists (HCN, 2015) and that of more traditional sporting communities (MeatEater, 2018) and rural America (Daily Yonder, 2018). While nothing contained in the conservation easement document negates the privileges enjoyed by neighboring parties or the mandates of Forest Preserve legislation, the fact remains that taxpayer money was used to acquire rights currently unavailable to the public due to the limitation on public motor vehicle access from public highways. Hence, it follows that all New Yorkers should have equal access to these roads to enjoy these recreational opportunities.

**D. Maps**

A common theme in any public comment period can be summarized as “this plan is too technical and/or difficult to understand.” Considering this concern, this plan has an updated, revised, and expanded map section (Appendix A). This plan utilizes 10 maps designed to better enable readers and recreationists to visualize and understand its text and concepts.

Appendix A contains the following maps:

<b>Map name</b>	<b>Purpose</b>
Locator Map	Show location of Five Mile and Kildare Tracts
Existing Facilities	Depict current facility locations
Proposed Facilities	Depict proposed facility locations
Proposed Connector Road	Zoom to proposed Connector road
Hydrology (2)	Depict water resources
Soils (2)	Depict soil types
Landcover (2)	Depict forest & cover types

**4. The SEQR Process**

The State Environmental Quality Review Act (SEQRA) requires the consideration of environmental factors early in the planning stages of any proposed action(s) that are



undertaken, funded or approved by a local, regional or state agency. A Full Environmental Assessment Form is used to identify and analyze relevant areas of environmental concern based upon the management actions in the draft unit management plan. For this plan, SEQRA review has been completed with the preparation of both the Environmental Assessment Form (EAF) and Negative Declaration. Upon review of the information contained in the EAF, there will not be a significant impact on the environment. Changes made to the draft amendment, based upon public comments, were considered in preparation of a revised EAF/Negative Declaration (Appendix D) and determination of significance prior to finalizing this plan amendment.

#### **A. SEQR as Fulfilment of the RBUMP Requirements**

The 2006 RBUMP suggests that impact assessments be done for additional motorized uses of the areas within the Raquette Boreal Planning unit. This revised draft plan uses a site specific SEQR process, in addition to Lands and Forest staff assessments and input from Bureau of Wildlife staff to address additional motorized use by the public.

### **5. Issues Specific to the Area**

#### **A. Historic Use**

Prior to the settlement of the area in the mid to late 19<sup>th</sup> century, cultural influences in the Raquette Boreal Unit were probably limited to that of Native Americans, trappers and fur traders. This bucolic standard changed with the arrival of settlers and later, large timber companies who ushered in an era of relative economic prosperity for the area.

##### **i. Hunting and Leasing the Property**

Many of the region's landowners seek income by leasing their land to individuals and groups for use as traditional hunting camps. Today, several such leases exist on the Kildare CE Tract. These lessees enjoy motor vehicle access to their camps and on the property under the terms of the conservation easement document.

Thirty-three (33) private lease camp structures are currently located on the Kildare tract. The Landowner retains the right to replace structures and outbuildings which existed on the Property at the time the conservation easement was granted. Structures are exclusively owned by the Landowner and are currently leased to private hunting clubs. The public is not permitted in these structures, and signs may be posted around these structures identifying safety zones where shooting is not allowed.

Lessees may access their camps (ingress and egress only) with motorized vehicles (e.g. passenger vehicles, ATVs, and snowmobiles), including the use of roads that are not open to the public for such uses. Beyond the rights of ingress and egress, the lessees may recreate on the property as members of the public – adhering and restricted to those rights as granted in the conservation easement document and delineated in this plan. NYSDEC has recommended that the Landowner provide identification stickers for all lessee vehicles to facilitate this process, and the Landowner has already done so.

The Department will work to minimize the impacts of public recreation on the Landowner and their lessees wherever possible. Observations of use on the easement property

indicate that motor vehicle traffic on the existing road system occurs at a low level and is limited to logging trucks, forestry equipment, and lessee activity. It is expected that the Landowner and lessees understand and respect the rights of the public to lawfully recreate on the property. The Department will make every effort to minimize conflicts by posting rules on the NYSDEC website, boundary and roadside signage, kiosks, and other information outlets. NYSDEC meets annually and communicates regularly with the Landowner and will address any specific issues as needed.

## **ii. Timber Industry**

The history of logging/timber management in the Adirondack Park is extensive. Since 1988 the lands comprising the Kildare CE have been sold by the Lassiter Properties, with whom the conservation easement with NYS was signed, to Rayonier Forest Resources, then to the current owner, MWF Adirondack LLC. The terms of the original easement document (1988) reserved to the landowner the right for the management and harvesting of timber in accordance with governmental rules, regulations and laws, but did not otherwise provide restrictions or requirements on timber management practices. MWF Adirondack LLC is a third-party green certified entity subject to audits and mandates that promote sustainable forestry on the property, so their timber management practices go above and beyond the requirements of the easement.

## **B. Spruce Grouse**

The Kildare Easement tract is located within the northwestern portion of the core of the current spruce grouse distribution in New York State and is almost completely overlapped by the Spruce Grouse Conservation Area 1 as delineated in the Spruce Grouse Recovery Plan (Ross and Johnson 2012). Spruce grouse habitat consists of isolated patches of coniferous forest, dominated by spruce, tamarack, and balsam fir. The easement tract contains two occupied spruce grouse sites within its boundaries. It also contains two additional historically occupied spruce grouse sites. Historically, occupied patches remain protected as they are vital to the long-term survival of a species with metapopulation structure, such as the spruce grouse. A metapopulation is a collection of smaller subpopulations that pass in and out of existence across time by immigration and emigration of individuals. These subpopulations are necessary for the existence of the entire population. Hence, it is important to the overall population to conserve habitat and ensure that subpopulations remain relatively undisturbed.

The two historically occupied spruce grouse sites have been surveyed in the recent past. Both sites were last confirmed occupied in 1987. However, when these areas were surveyed again in 2016 no birds or sign were observed. The two currently occupied sites have been consistently occupied since the 1970s and are beyond the limits of the gate on the East Main Haul Road. Since spruce grouse releases have taken place between 2013 and 2019, it is possible that these historically occupied sites are now occupied by spruce grouse or new locations within the Kildare Easement contain spruce grouse.

The main threats to spruce grouse are loss of habitat through incompatible forestry practices, increasing isolation of remaining forest habitat patches, and loss of genetic diversity. In addition, over the last several years, accidental shooting of spruce grouse

during the ruffed grouse hunting season and individual grouse being struck by vehicles on roads have increased annual mortality of radio-monitored grouse by 14.3% at two sites. This increased mortality has required an increase in management efforts to promote a viable population. The proposed measures in this amendment (new gates installed at key locations on the Kildare Easement to limit motorized public access and a 15 MPH speed limit) and the existing restricted motorized access dates through the Five Mile Tract (May 1 to September 30) are sufficient to minimize potential impacts to spruce grouse, particularly from vehicle mortality. The Bureau of Wildlife will continue ongoing efforts to educate ruffed grouse hunters on spruce grouse identification to further minimize this source of potential spruce grouse mortality.

NYSDEC Bureau of Wildlife has undertaken steps to ensure that the public and private landowners are informed of the presence of spruce grouse and ongoing conservation efforts. On the Kildare CE, Wildlife will install information signs on spruce grouse identification in sensitive areas. NYSDEC Lands and Forests staff will work with Wildlife staff to create and populate the informational kiosk(s) with educational materials on spruce grouse identification, critical habitats in which they occur, and conservation efforts being undertaken by NYSDEC. Wildlife staff have launched an outreach effort to educate landowners, the sporting community, and other users on the presence of the species on their lands. Wildlife staff have also erected road signs warning the public and private landowners of the presence of spruce grouse in areas in which they occur and have posted relevant areas with informational brochures and signs to differentiate between spruce and ruffed grouse. Wildlife staff also updated information on spruce grouse identification on the NYSDEC website and in the annual hunting and trapping regulations guide that is provided to every hunting license purchaser. All of these efforts are being undertaken to increase public awareness to reduce the incidence of accidental harvest and road mortality of spruce grouse and ultimately positively affect spruce grouse population recovery.

## **6. The Plan Proposals**

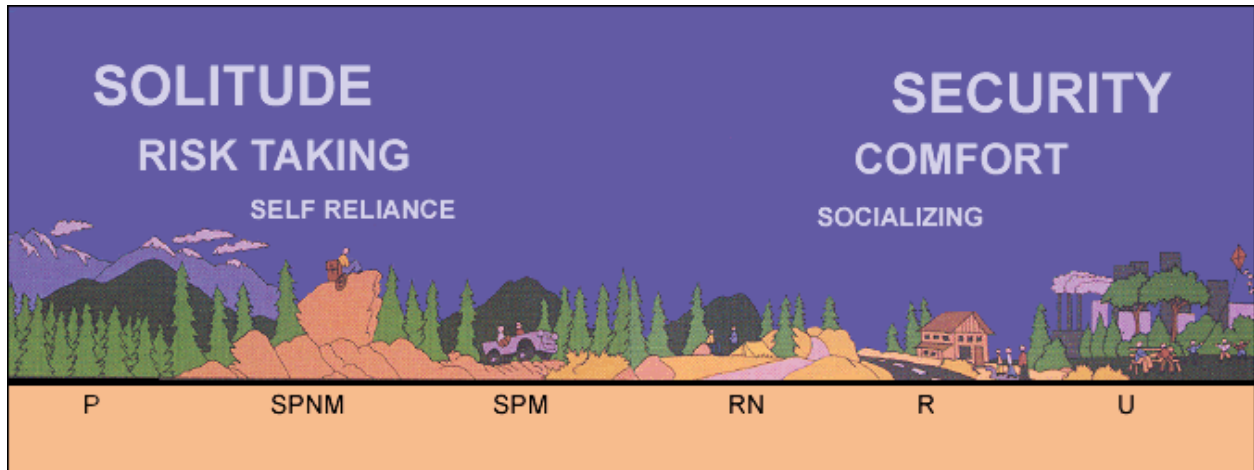
### **A. Public Recreation**

Recreation planning, in the Adirondack Park and most other public lands, relies on a variety of approaches. The planner's main objective should be to minimize the undesirable impacts incurred by user groups on the property under consideration. Established frameworks such as the recreational opportunity spectrum (ROS) allow the planner to propose different levels of use based upon an area's suitability for them – mountainous regions are good places to climb, river valleys can support angling opportunities, etc. (Hammit, et. al., 2015.)

The ROS considers resources, experiences, and management to guide a plan as it considers which what activities would be appropriate for a given recreational area (Manning, et.al., 2017.)

The United States Forest Service depiction below of the ROS in the [ROS Primer and Field Guide](#) (USFS, 2011) can be used as a guide to determine which planning

objectives are appropriate for the Kildare CE based on current and expected property conditions. The Spectrum has been divided into six major classes for Forest Service use: Urban (U), Rural (R), Roaded Natural (RN), Semi-primitive Motorized (SPM), Semi-Primitive Non-Motorized (SPNM), and Primitive (P). The referenced ROS Primer and Field Guide examines access, remoteness, naturalness, facilities and site management, social encounters, and visitor impacts to suggest appropriate management.



Based on the characteristics of the Kildare Tract – 12,250 acres of working forest with 33 hunting camps, associated structures and approximately 30 miles of road - we can place the recreation opportunity somewhere in the middle of this ROS model, closer to the Semi-Primitive Motorized category than to the Roaded Natural category. Therefore, this plan proposes the introduction of modest facilities (i.e., small parking areas, signs, and information kiosks). Viewed through this lens, it can be reasoned that a moderate increase in the number of motorized and non-motorized recreationists will not exceed appropriate limits of impact on the property.

As previously stated, current access to the Kildare tract involves traveling across the Carry Falls reservoir. While such visitations happen, public use is limited at this time. Opening a road and allowing public motorized access to the property will increase use, but observational analysis of public use numbers on other easements suggests the numbers will not exceed those of current ROS predictions. The lack of prominent features on the property or surrounding property (with the exception of the Jordan River) and the inability for hunters to traverse the Five Mile CE during the Fall season at this time, will limit interest. Curiosity seekers, anglers, and those individuals interested in observing the low elevation boreal forest and its inhabitants will make up the bulk of this slight increase in use.

## B. Inventory and Monitoring

A complete Report of Physical Inspection was conducted on the Kildare Easement in 1994. Subsequent inspections of the Kildare tract were recorded in 1996 and 1997 with the intention of bringing the camp structures into compliance with the terms of the easement. In 2008, staffing additions to the NYSDEC Conservation Easement Program improved and increased the department's ability to monitor and track changes on

easement properties. A monitoring protocol was established to ensure regular and consistent visitation. A Monitoring Plan was developed for each CE and all field work culminates in a Monitoring Report which is shared with the landowner and stored and updated in a tracking file/database within DEC. Easement Program staff monitor properties on a scheduled and as needed basis. Issues/violations discovered in the monitoring process are discussed internally and resolved with the landowner. A comprehensive violation protocol exists for the rare occasions when violations cannot be remedied at the lower levels of involvement.

The Potsdam Lands and Forests team have been monitoring the Kildare and Five Mile CE's since the inception of this program. Monitoring will continue to be regular and scheduled when possible. Monitoring efforts will concentrate on the provisions established by the easement itself and the commitments made in the RBUMP. Future monitoring will evolve from current observations made regarding impacts, use levels, and areas of noted concern. NYSDEC Wildlife staff involved with the ongoing Spruce Grouse Program will provide specific expertise on the Kildare easement.

The increased public access proposed by this plan will be monitored in a manner consistent with established protocols and based on the experiences gained by monitoring numerous other Region 6 CE's which allow for public recreation. Because of the unique sensitivities of the Raquette Boreal Forest, its proximity to the Jordan River Primitive area, and remote access to private lands, the Kildare CE will also require some monitoring solutions unique to it. Sign in registers, and vehicle/trail counters will all be considered to better understand visitation numbers. These techniques have not been implemented in the past due to the public access restrictions. In addition, this property is to be considered for inclusion in the pilot Adirondack Ecological Monitoring and Scorecard program being developed by NYSDEC and the SUNY College of Environmental Science and Forestry. Involvement in this program will potentially increase the amount and frequency of monitoring visits, develop ecological parameters and sites of interest unique to the property, increase public education and outreach, and recommend future efforts on public lands with similar conditions. The data collected and compiled into a scorecard can inform future monitoring and be used in assessing the Limits of Acceptable Change (LAC) for the property.

#### **i. Limits of Acceptable Change**

The monitoring of a conservation easement property is based upon the terms of the easement itself. These terms are distilled in the Monitoring Plan for each individual tract. The Kildare tract's Monitoring Plan explains the components of the conservation easement that the NYSDEC tracks for compliance. Natural Resource management in general and Recreation Management in particular, rely on scientific literature-based techniques for the management of public uses of the land. Limits of Acceptable Change is an established method to manage appropriate visitor-use levels and recreation-based impacts on natural resources (Dawson & Hendee, 2009). The LAC process consists of four major components: The specification of acceptable and achievable resource conditions and parameters; an analysis of the relationship of existing conditions and those judged

acceptable; identification of management actions to maintain the desired conditions; and a program of monitoring and evaluating management effectiveness. Baseline conditions for the existing roads and facilities on the Five Mile and Kildare tracts have been established and documented in the 1994 Kildare Report of Physical Inspection, the 2012 Five Mile Baseline Documentation Report and subsequent Monitoring Reports. From these established conditions, future monitoring will track changes and recommend management based upon the acceptability of those changes in accordance with the terms of the easement. Proposed access and facilities will be baselined upon completion and designed within the LAC framework. Carrying capacity, for example, will be managed through parking area size and design.

### **C. Application of the Americans with Disabilities Act (ADA)**

The Americans with Disabilities Act (ADA), along with the Architectural Barriers Act of 1968 (ABA) and the Rehabilitation Act of 1973; Title V, Section 504, have a profound effect on the manner by which people with disabilities are afforded equality in their recreational pursuits. The ADA is a comprehensive law prohibiting discrimination against people with disabilities in employment practices, use of public transportation, use of telecommunication facilities and use of public accommodations.

Consistent with ADA requirements, the Department incorporates accessibility for people with disabilities into siting, planning, construction and alteration of recreational facilities and assets supporting them.

In addition, Title II of the ADA requires in part, that services, programs and activities of the Department, when viewed in their entirety, are readily accessible to and usable by people with disabilities. The Department is not required to take any action which would result in a fundamental alteration to the nature of the service, program or activity or would present an undue financial or administrative burden. When accommodating access to a program, the Department is not necessarily required to make each existing facility and asset accessible, as long as the program is accessible by the other means or at a different facility.

This plan incorporates an inventory of all the recreational facilities and assets on the unit or area, and an assessment of the programs, services and facilities provided to determine the level of accessibility. In conducting this assessment, DEC employs guidelines which ensure that programs are accessible, including buildings, facilities, and vehicles. Accessibility is considered in terms of architecture and design, transportation and communication to individuals with disabilities.

For outdoor recreational facilities not covered under the current ADA standards, the Department will use standards provided under the Architectural Barriers Act to lend credibility to the assessment result and to offer protection to the natural resource.

The Architectural Barriers Act requires all new facilities, or parts of facilities that are

constructed for public use, are to be accessible to people with disabilities. Full compliance is not required where DEC can demonstrate that it is structurally impracticable to meet the requirements. *(See Text of 28 CFR § 35.151 (a)(b) below)*. Compliance is still required for parts of the facility that can be made accessible to the extent that it is not structurally impracticable, and for people with various types of disabilities.

A record of the accessibility determination is kept with the work planning record. Any new facilities, assets, and accessibility improvements to existing facilities or assets proposed in this plan are identified in the section containing proposed management actions.

**28 CFR § 35.151 (a)(b)**

*Design and Construction.*

- (1) Each facility or part of a facility constructed by, on behalf of, or for the use of a public entity shall be designed and constructed in such a manner that the facility or part of facility is readily accessible to and usable by individuals with disabilities, if the construction was commenced after January 26, 1992.*
  
- (2) There are exceptions for structural impracticability:*
  - “(i) Full compliance with the requirements of this section is not required where a public entity can demonstrate that it is structurally impracticable only in those rare circumstances when the unique characteristics of terrain prevent the incorporation of accessible features.*
  
  - (ii) If full compliance with this section would be structurally impracticable, compliance with this section is required to the extent that it is not structurally impracticable. In that case, any portion of the facility that can be made accessible shall be made accessible to the extent that it is not structurally impracticable.*
  
  - (iii) If providing accessibility in conformance with this section to individuals with certain disabilities (e.g., those who use wheelchairs) would be structurally impracticable, accessibility shall nonetheless be ensured to persons with other types of disabilities, (e.g., those who use crutches or who have sight, hearing, or mental impairments) in accordance with this section.”*

*(b) Alterations.*

*(1) Each facility or part of facility altered by, on behalf of, or for the use of a public entity in a manner that affects or could affect the usability of the facility or part of the facility shall. To the maximum extent feasible, be altered in such manner that the altered portion of the facility is readily accessible to and usable by individuals with disabilities, if the alteration was commenced after January 26, 1992.*

For further information contact the ADA Coordinator at [accessibility@dec.ny.gov](mailto:accessibility@dec.ny.gov)

#### **D. Recreation Facilities**

The following facilities are proposed to provide for public access and use on the Kildare Tract.

##### **i. The Connector Road**

DEC proposes construction of a connector road to provide access to public recreation opportunities on the Kildare tract. The project involves the establishment of a connector road approximately 1.25-miles in length through a hardwood stand between the two easement tracts. The project will create roughly 2,500-feet of new road and rehabilitate 4,000-feet of established woods road.

##### **ii. Existing Roads**

Beyond the construction of the new road, this plan proposes to open several existing gravel roads to public motorized and non-motorized use and expand current use of the Five Mile Main Haul Road to provide access. Once the Kildare Connector Road is completed, members of the public will have motorized access to approximately 15.6 miles of existing road on the Kildare property. This will provide access to the 12,250-acres of working forest that will afford many outdoor recreational opportunities including, but not limited to, opportunities to mountain bike, fish, and observe nature. While this access provides a new opportunity for the recreating public, it is not expected to introduce significant impacts due to the remote location of the property.

##### **iii. Total Road Listing**

The Five Mile Main Haul Road on the Five Mile CE (approximately eight miles) will provide public motor vehicle and non-motorized access to the Kildare Connector Road. Per the current terms of the Five Mile CE, the Five Mile Main Haul Road (and the portion of the Five Mile CE between it and the West Branch of the St. Regis) will be open to the public from May 1 to September 30 of each year. The Five Mile Main Haul Road reaches the new Kildare Connector Road at approximately mile 7. Approximately 15.6 miles of existing road on the Kildare CE will be open to public motorized and non-motorized use on the Kildare CE, as listed below. See also the Proposed Facilities Map in Appendix A.

The table below shows existing road mileage and the 0.51 miles of new road that is proposed to be constructed for public motor vehicle use.



<b>FIVE MILE TRACT</b>		
<b>Road Name</b>	<b>Road Length (miles)</b>	<b>Status</b>
Five Mile Main Haul	7.0	Existing
Kildare Connector	0.27	Proposed (New)
<i>Total Existing Road Mileage 7.0</i>		
<i>Total Proposed Road Mileage 0.27</i>		
<b>KILDARE TRACT</b>		
<b>Road Name</b>	<b>Road Length (miles)</b>	<b>Status</b>
Kildare Connector		
Existing on Kildare	0.75	Existing
New on Kildare	0.24	Proposed (New)
Kildare Main Haul	9.6	Existing
Kildare Pond	0.75	Existing
Kildare Pond spur	0.2	Existing
Whitney Pond	1.1	Existing
Kildare East Haul	1.7	Existing
Buck Pond	1.0	Existing
McCuen Outlet	0.5	Existing
<i>Total Existing Road Mileage 15.6</i>		
<i>Total Proposed Road Mileage 0.24</i>		

#### **iv. ADA Campsite**

An accessible campsite will be located off the log landing at the end of the Kildare Connector Road. This plan also proposes to add another ADA campsite at the end of the Buck Pond Road when and if monitored use indicates a need for it and the resources become available to construct it.

#### **v. Information Kiosks and Signage**

This plan proposes locating an information kiosk at the intersection of the Kildare Main Haul Road and the Kildare Pond Road. This kiosk will assist recreationists with approved-use maps, regulatory information, and natural resource information for the property and surrounding area, including detailed information regarding Spruce Grouse history, management, and identification. This plan also proposes that additional kiosks could be erected in the future based upon monitored use patterns and needs. One such location might be the parking area proposed for the southwest corner of the CE adjacent to Forest Preserve Land.

Like kiosks, signs are often used to convey important information in society. They tell us where we are, what we can do, and can caution us to potential dangers. Signs depicting boundary lines, alerting speed limits for certain roads or sections of roads, announcing upcoming facilities, and providing direction can all be found on the Property. Additional signage may be posted where needed. The Department intends to design and place signs that minimally detract from the natural setting.

**vi. Parking Areas**

This plan proposes the construction of four designated parking areas, one each at: the intersection of the Kildare Main Haul Road and Kildare Pond Roads; the end of the Whitney Pond Road; the end of the Buck Pond Road; and the south end of the Kildare Main Haul Road before it crosses into Forest Preserve land. Additionally, recreationists can park along roads and in established landings provided they don't obstruct the roads, facilities, or the forest management activities of the landowner.

**E. Gates/Barriers**

DEC proposes the placement of barriers and control points designed to restrict and guide access to the Kildare CE to protect natural resources, the rights of neighboring landowners, and ecological integrity. When selecting the appropriate type of barrier to install, DEC Staff considered several factors including intended use, available natural materials and the ROS classification. Given that vandalism of remote facilities is possible and that the plan proposes motorized access to the area, DEC proposes using metal gates and informational signs rather wooden materials (USFS, 2006). Where regular access is not needed, large boulders may be used.

**i. Locations and Rationale**

DEC, in concurrence with the Landowner, has the right to install gates and signage to control public motor vehicle access. The installation and maintenance of control points within the Kildare CE Tract will be a key component of this plan. It is essential that motorized access be limited to the routes specified in this plan or as otherwise agreed upon with the landowner. Gates, locks, and signage will facilitate public recreation as permitted by the CE and protect the rights of the Landowner, lessees and neighbors.

Gates proposed to limit access beyond the boundaries of the Kildare tract were selected to mitigate impacts on adjacent Forest Preserve and private lands. Routine monitoring of these control points will allow DEC staff to predict problematic behaviors and tailor future efforts such that our neighbors and sensitive resources can be better protected.

Metal gates will be used where public use of a road is likely to cause harmful impacts to sensitive natural resources or result in trespass on adjacent owners while informational signs will be used in areas where the potential for harmful impact and/or trespass are reduced. This information signage approach, a more indirect form of people management, has been shown to be effective (Kuehn, et. al., 2011) and represents lower maintenance costs and intrusion for all parties concerned.

The Existing and Proposed Facilities maps (Appendix A) depict the locations of the three existing gates on the Five Mile Tract and the three existing gates and the four proposed gates on the Kildare Tract.

The table below shows the existing gates on both properties and the four proposed gates to be installed on the Kildare Tract.

**FIVE MILE TRACT**

Road Name	Status
Five Mile Haul Road (2 gates)	Existing
Bridge	Existing
KILDARE TRACT	
Road Name	Status
Kildare Connector Road	Existing
Kildare Pond Road	Existing
Private access off E. Haul Road	Existing
Joe Indian Club/Main Haul Road	Proposed
E. Haul Road	Proposed
Cold Brook Road	Proposed
Main Haul Road (at Forest Preserve Boundary)	Proposed

## F. Law enforcement

DEC's Office of Public Protection will work with the Landowner and DEC Lands and Forests staff to provide recreation enforcement on the Protected Property.

### i. Off- Highway Vehicle Use/ATV use and trespass

Cordell et al. (2004) report that off-highway vehicle (OHV) (i.e., 4-wheelers, off-highway motorcycles/dirt bikes, 4x4s) use has increased on public lands over the past decade. In 2003, 37.6 million people 16 years and older participated in off-highway vehicle riding in the United States (Cordell, et. al., 2004). This trend holds particular significance for public forests in the northeast United States, where the number of people with access to public lands (which is higher than in the west) tends to magnify issues of recreational use. The increasing presence and use of OHVs in the northeastern United States highlight the need to enhance recreation management strategies on public land. OHV operator behaviors such as unauthorized trail creation and use can result in negative social and environmental impacts (D'Luhosch, et. al., 2004).

On the Kildare tract, the landowner has the right to use OHV's. The terms of the Kildare CE include the right for public OHV use; however, this plan does not propose opening any roads to public OHV use due to the tract's remote location, sensitive nature of its natural resources and the restriction on public ATV use on the Five Mile Tract. Also, the existing gravel road network on the Kildare tract is passable by motor vehicles and will be maintained at current standard.

Lands and Forests and DEC law enforcement staff will continue to monitor the property for illegal OHV use – especially as it relates to incursions onto private property and adjacent forest preserve lands.

## G. Maintenance

The use of roads and infrastructure by both the landowner(s) and public necessitates a system of shared accountability for the monitoring, maintenance, and supervision of travel corridors within the protected property. The reasonable division of responsibilities is determined by easement language specific to the tract:

**i. Five Mile CE**

- a. “The Grantor and the Grantee acknowledge that existing and future improvements on the protected property such as roads, trails...and culverts are vital for both the Grantees ability to provide public recreation and for the Grantor to fully enjoy it’s reserved rights; and that many roads and trails on the property will be used by both the Grantor and the public and that such use will contribute to the need for routine maintenance of such shared improvements – subject to the following:
  - i. Neither party shall be required to expend funds in order to achieve the other party’s standards or guidelines for the construction or maintenance of any shared improvements
  - ii. The Grantee is solely responsible for the costs of ensuring that shared improvements are adequate for public recreational use”.

**ii. Kildare CE**

- b. “Grantor and Grantee acknowledge the value of the present road system located on the protected property. Accordingly, both parties will undertake good faith efforts to preserve and maintain the integrity of the road system. Each party, at its sole expense, have the right to maintain, repair, correct or otherwise improve the present roads. The Grantor shall have the duty and responsibility to repair and correct damages caused by the Grantor, its invitees, licenses, guests, lessees, officers, employees, agents or contractors. The Grantee shall have the duty and responsibility to repair and correct damages caused by the Grantor, its invitees, licenses, guests, lessees, officers, employees, agents or contractors...”

**H. Project Implementation**

Work plans for each of the projects listed below will be developed by the Potsdam DEC Lands and Forests staff. The work plans will address best management practices, road improvements, and facilities development such as the placement of parking areas, road and trail signs, information kiosks, and any gates necessary to permit access while providing mandated protections to the landowner and neighboring private property owners.

<b>Project Implementation Table</b>	
	<b>Annual Maintenance</b>
1	Routine maintenance of roads, boundaries, and public recreation facilities
	<b>Proposed Projects</b>

1	Construct the Five Mile and Kildare Segments of the Connector Road
2	Install 4 new gates
3	Designate and sign all new public access roads
4	Sign all other roads & trails as necessary
5	Construct ADA campsite on Kildare Connector Road Spur
6	Construct 4 parking areas
7	Install information kiosk
8	Construct ADA campsite near Buck Pond
9	Install other information kiosks as needed

## **7. Appendices**

- A. Maps
- B. Public Comments on the 2017 Draft Amendment
- C. Public Comments on the 2020 Revised Draft Amendment
- D. SEQRA Negative Declaration
- E. Literature Cited

## **A. Maps**

1. Locator Map
2. Existing Facilities
3. Proposed Facilities
4. Proposed Connector Road
5. Proposed Connector Road - Hydrography
6. Proposed Connector Road - Landcover
7. Proposed Connector Road - Soils
8. Hydrography
9. Landcover
10. Soils

## 1. Locator Map

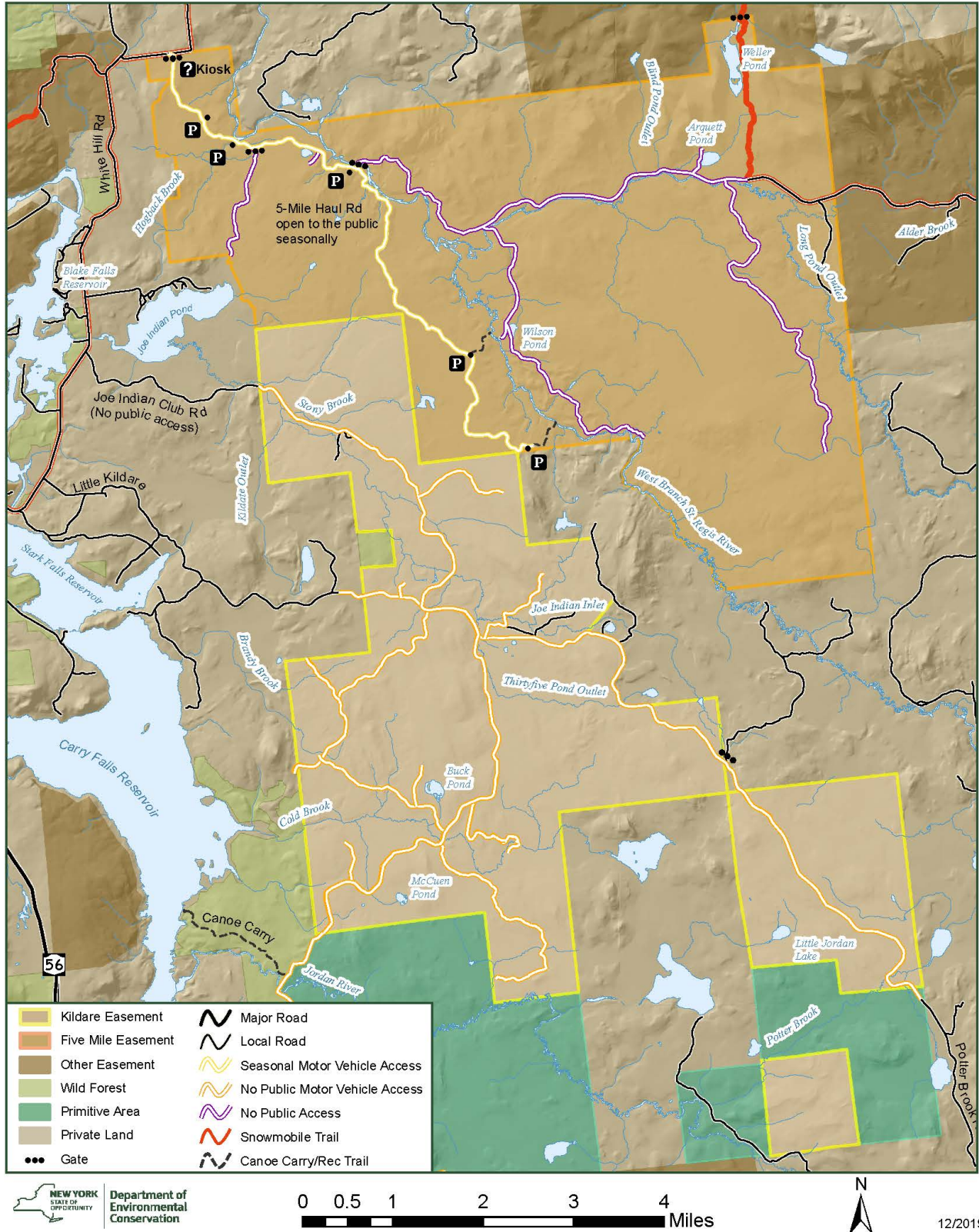




## 2. Existing Facilities Map

### Kildare & Five Mile Conservation Easements

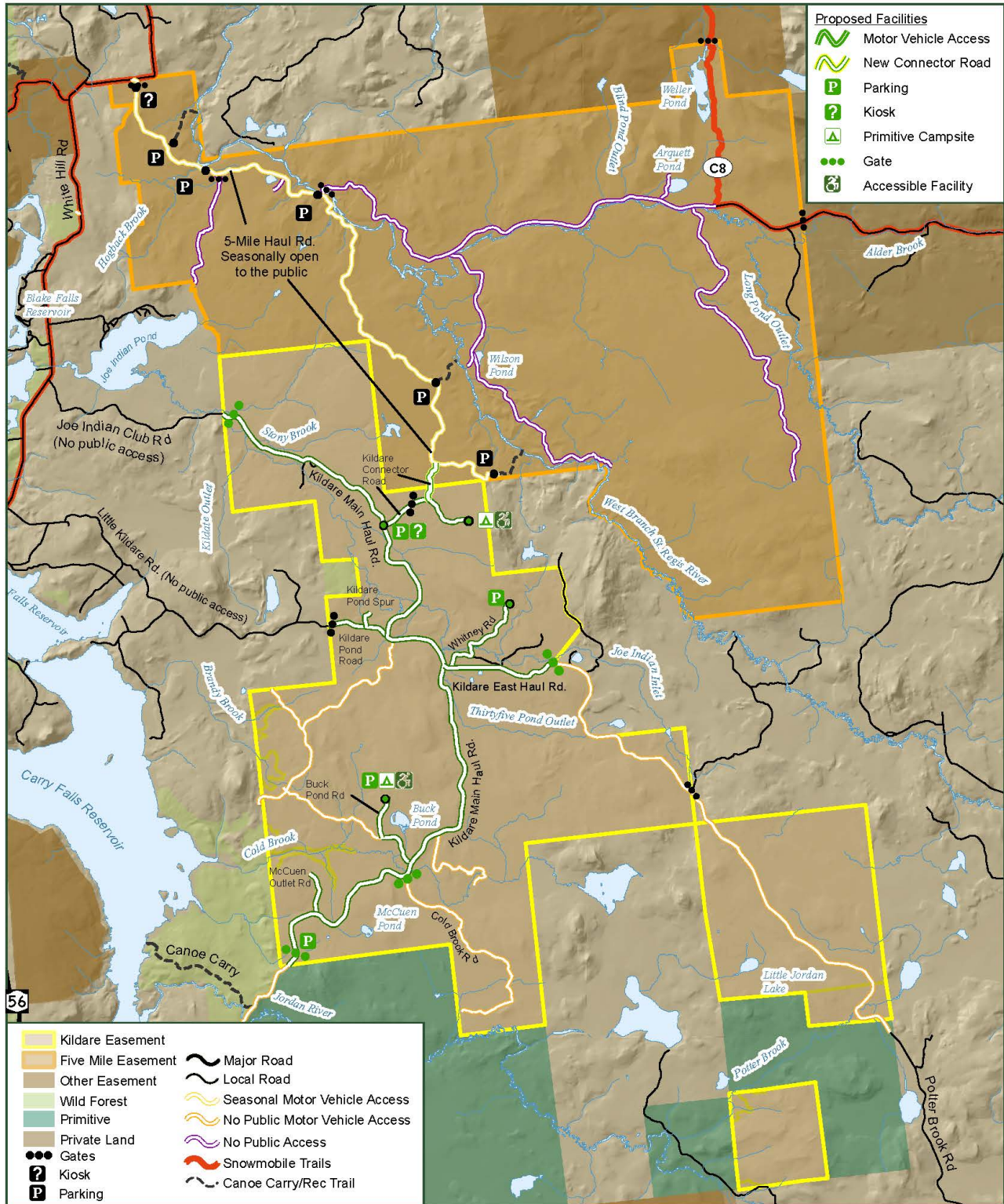
Existing Facilities



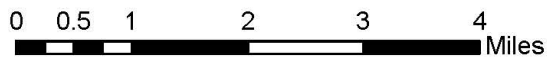
### 3. Proposed Facilities Map

## Kildare & Five Mile Conservation Easements

Proposed Facilities



NEW YORK STATE Department of Environmental Conservation

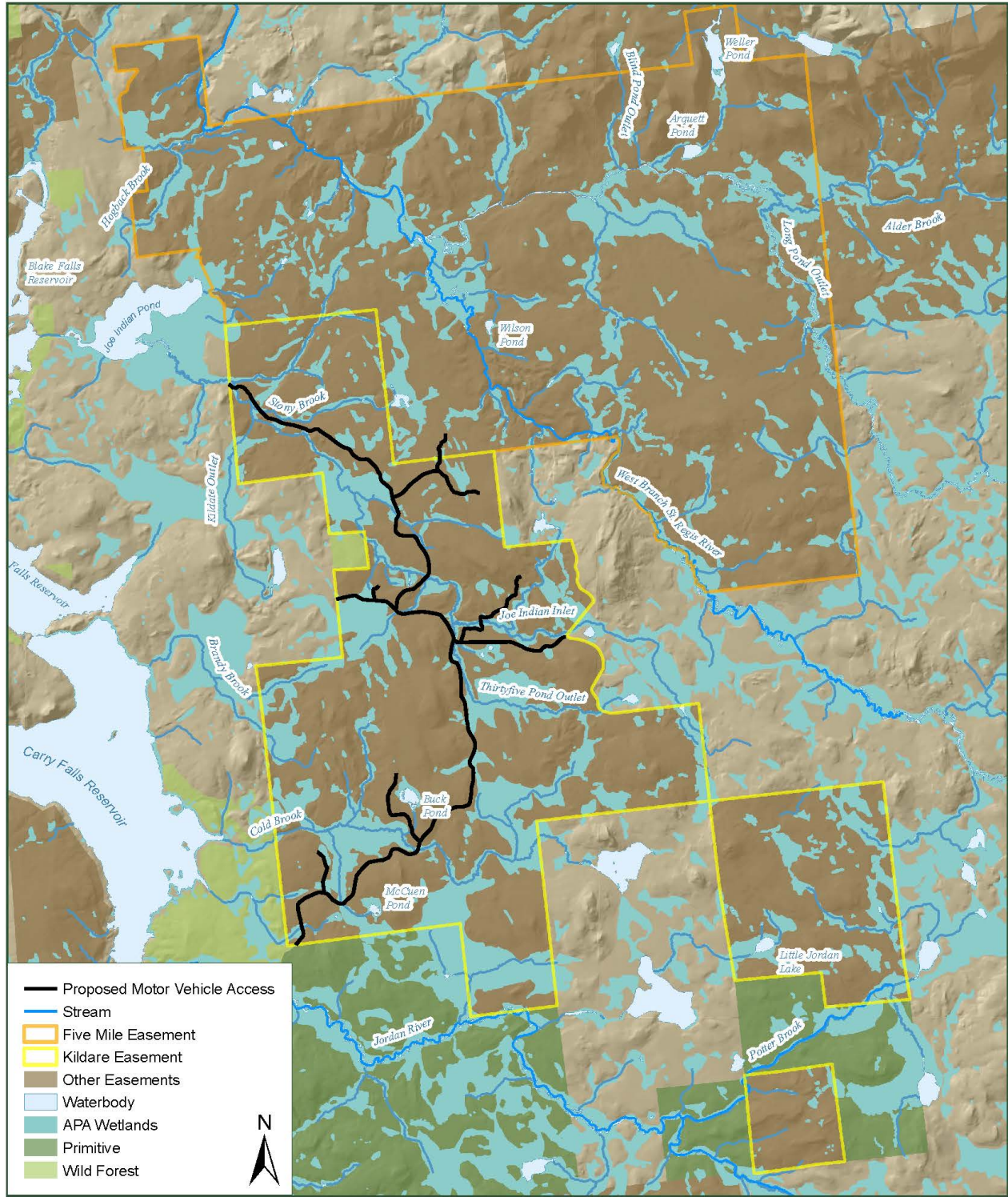


3/2021

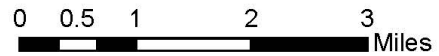
# 4. Hydrography Map

## Kildare & Five Mile Conservation Easements

Hydrography



Kildare and Five Mile Conservation Easements are wholly contained within the St. Lawrence River Basin

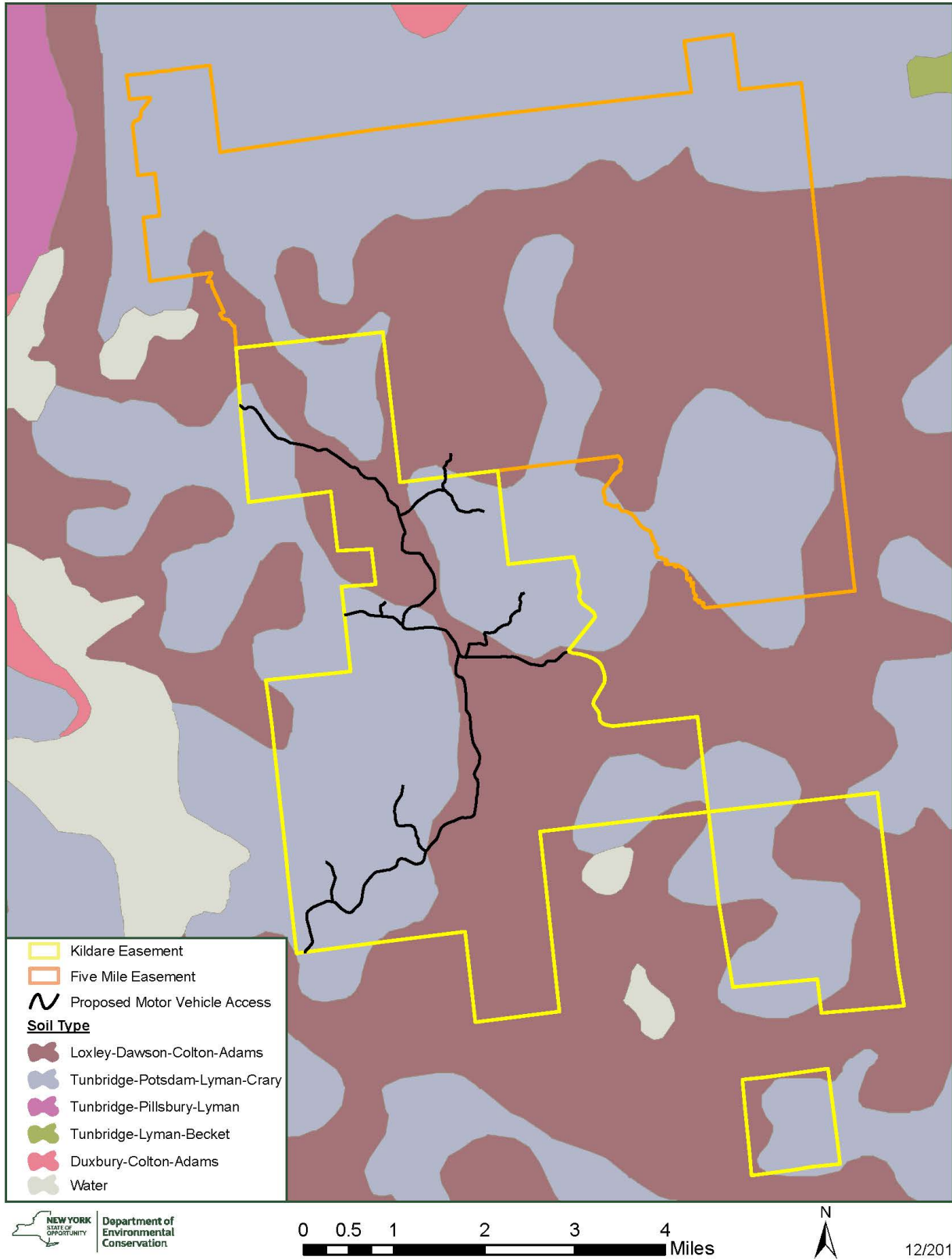


12/2019

## 5. Soil Types Map

### Kildare & Five Mile Conservation Easements

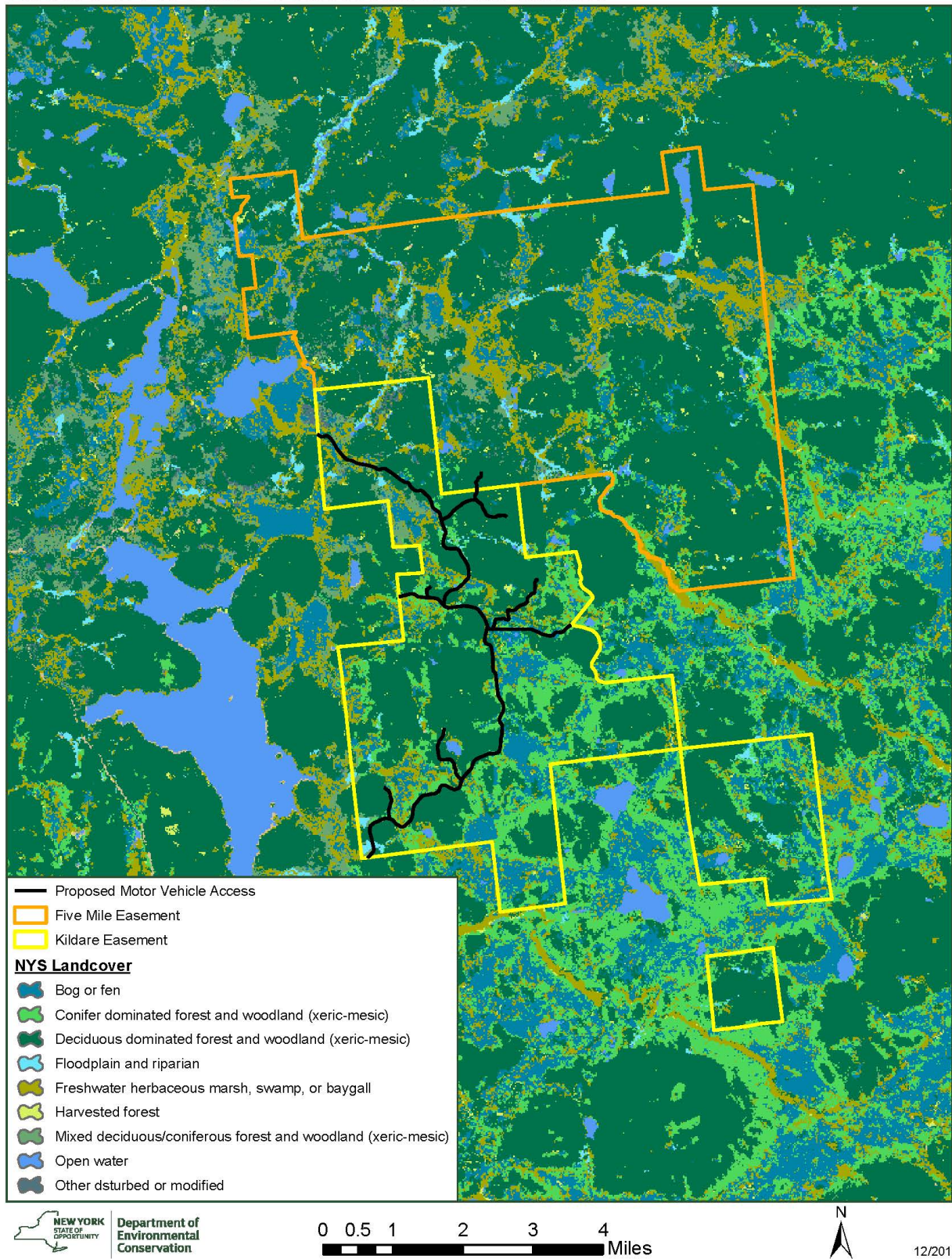
Soil Types



## 6. Land Cover Map

### Kildare & Five Mile Conservation Easements

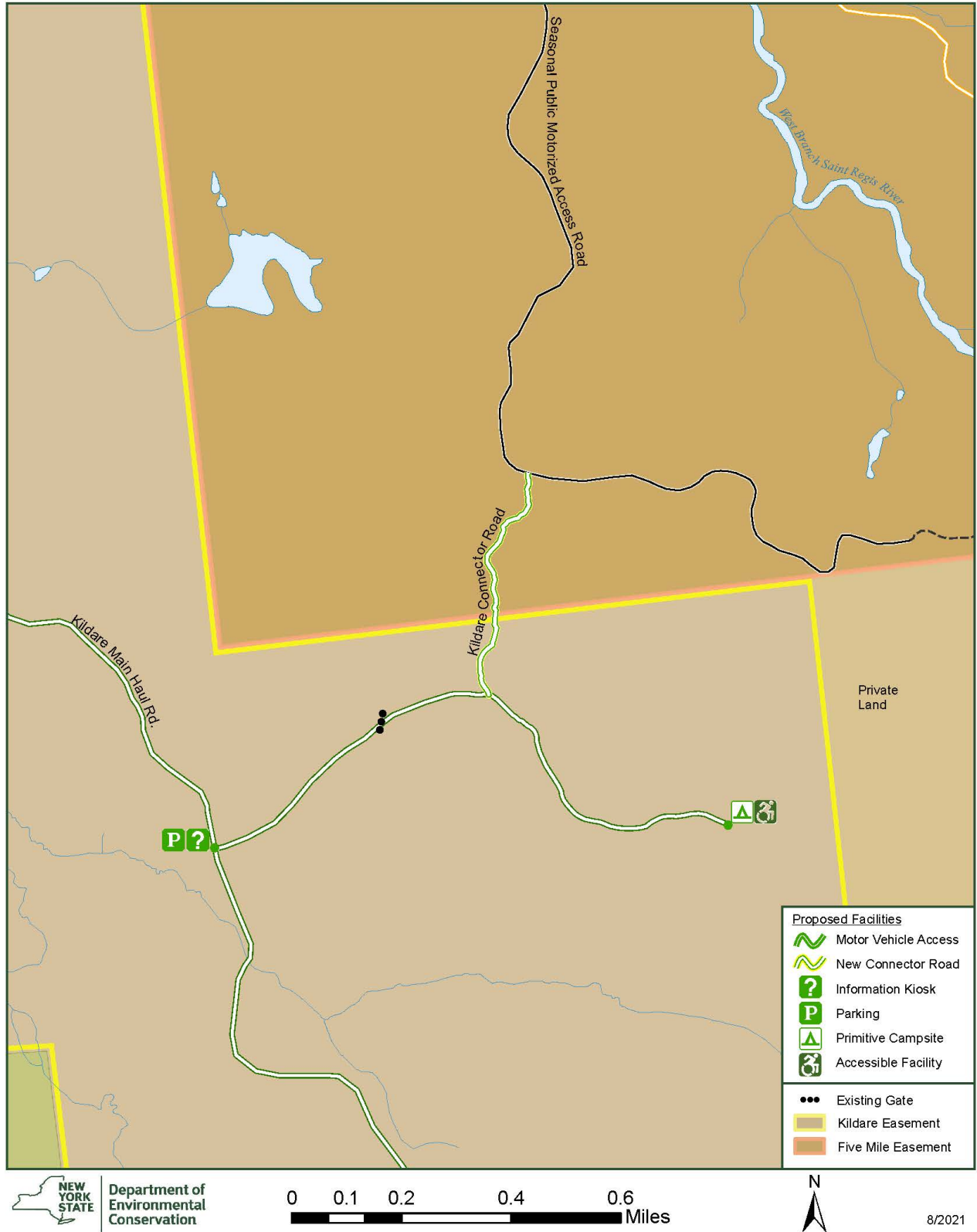
Land Cover



## 7. Proposed Connector Road Map

### Kildare & Five Mile Conservation Easements

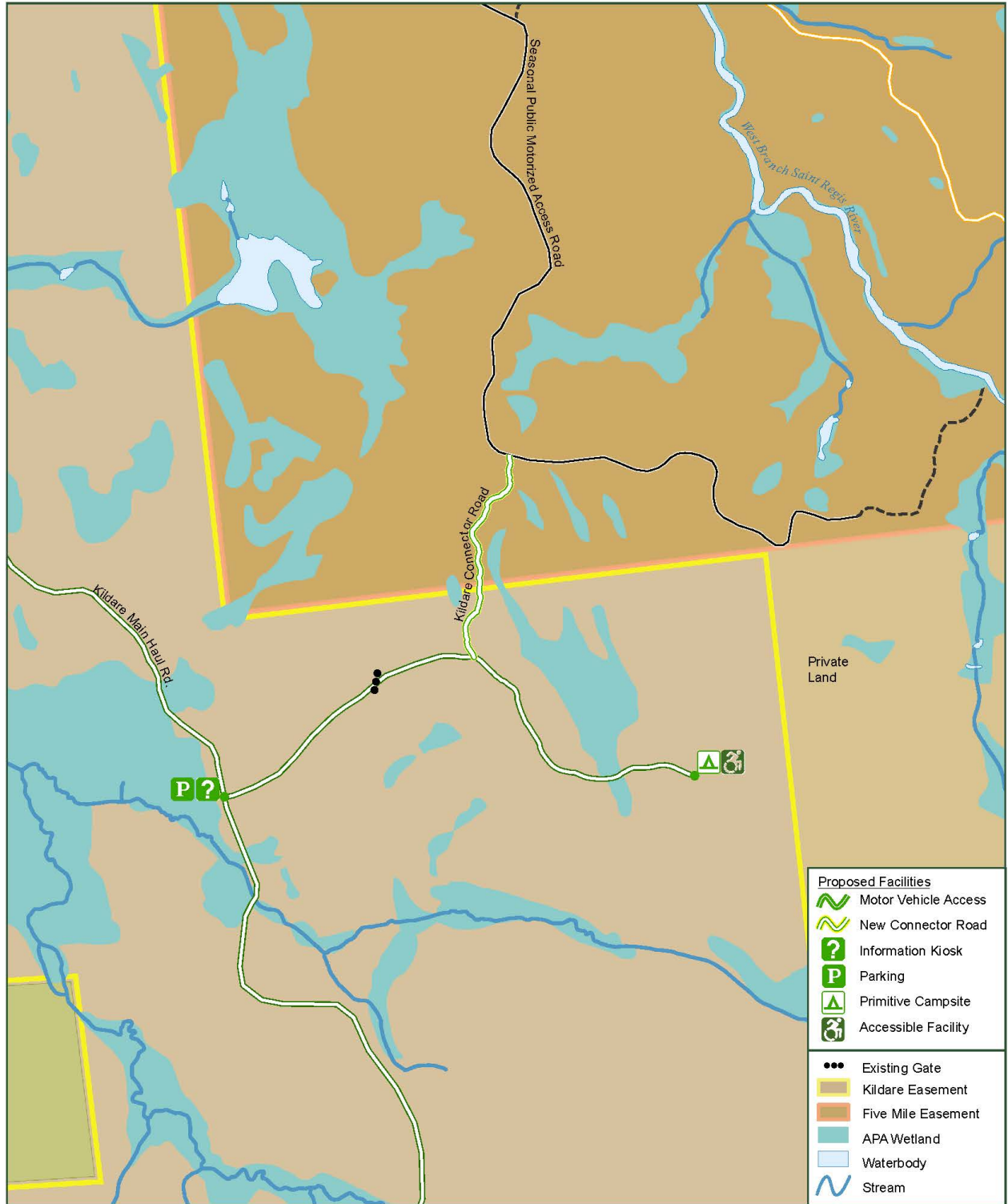
*Proposed Connector Road*



## 8. Proposed Connector Road – Hydrography Map

### Kildare & Five Mile Conservation Easements

Proposed Connector Road - Hydrography



Department of Environmental Conservation

Kildare and Five Mile Conservation Easements are wholly contained within the St. Lawrence River Basin

0 0.125 0.25 0.5 Miles

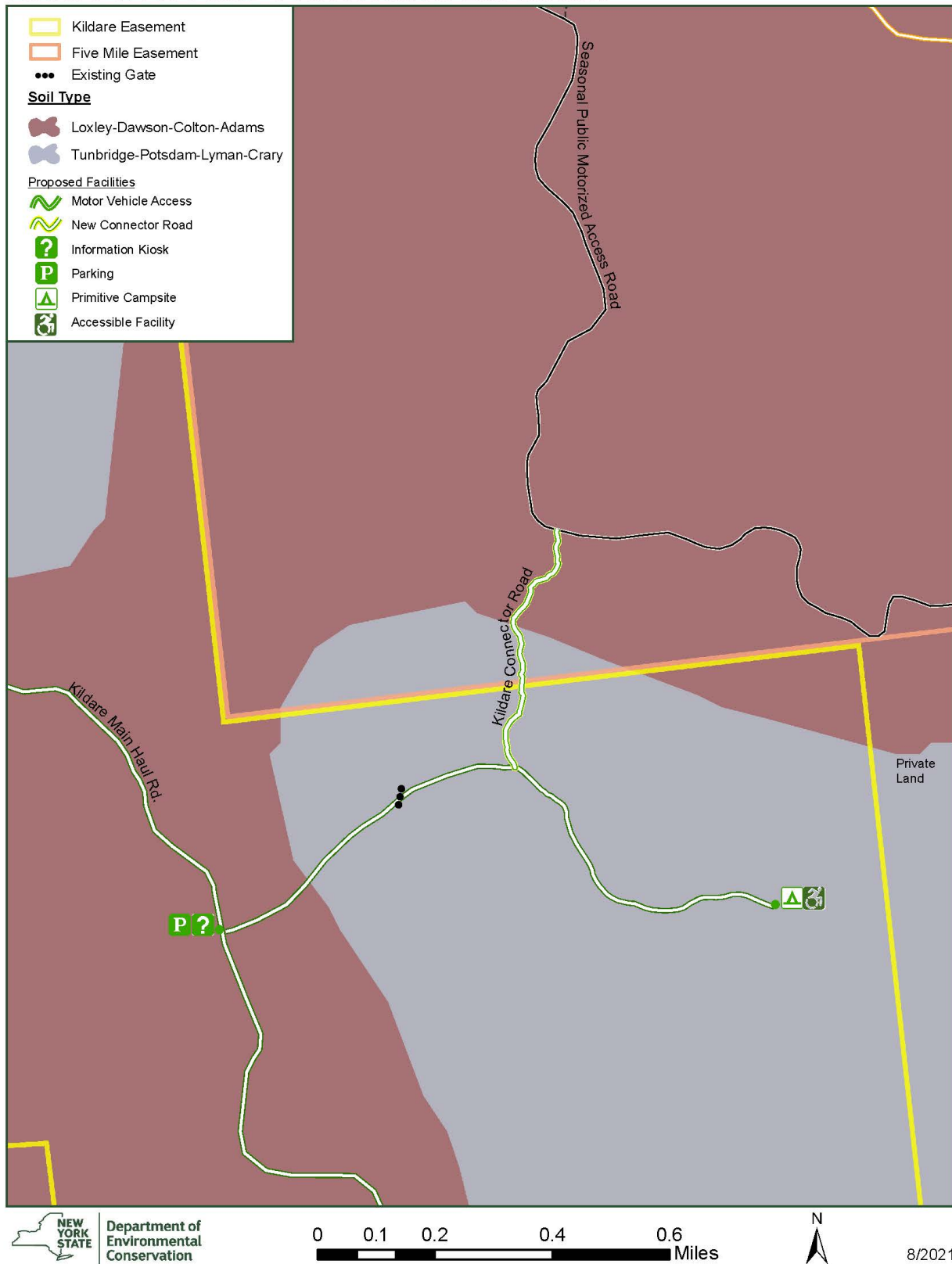


8/2021

## 9. Proposed Connector Road – Soils

### Kildare & Five Mile Conservation Easements

*Proposed Connector Road - Soils*

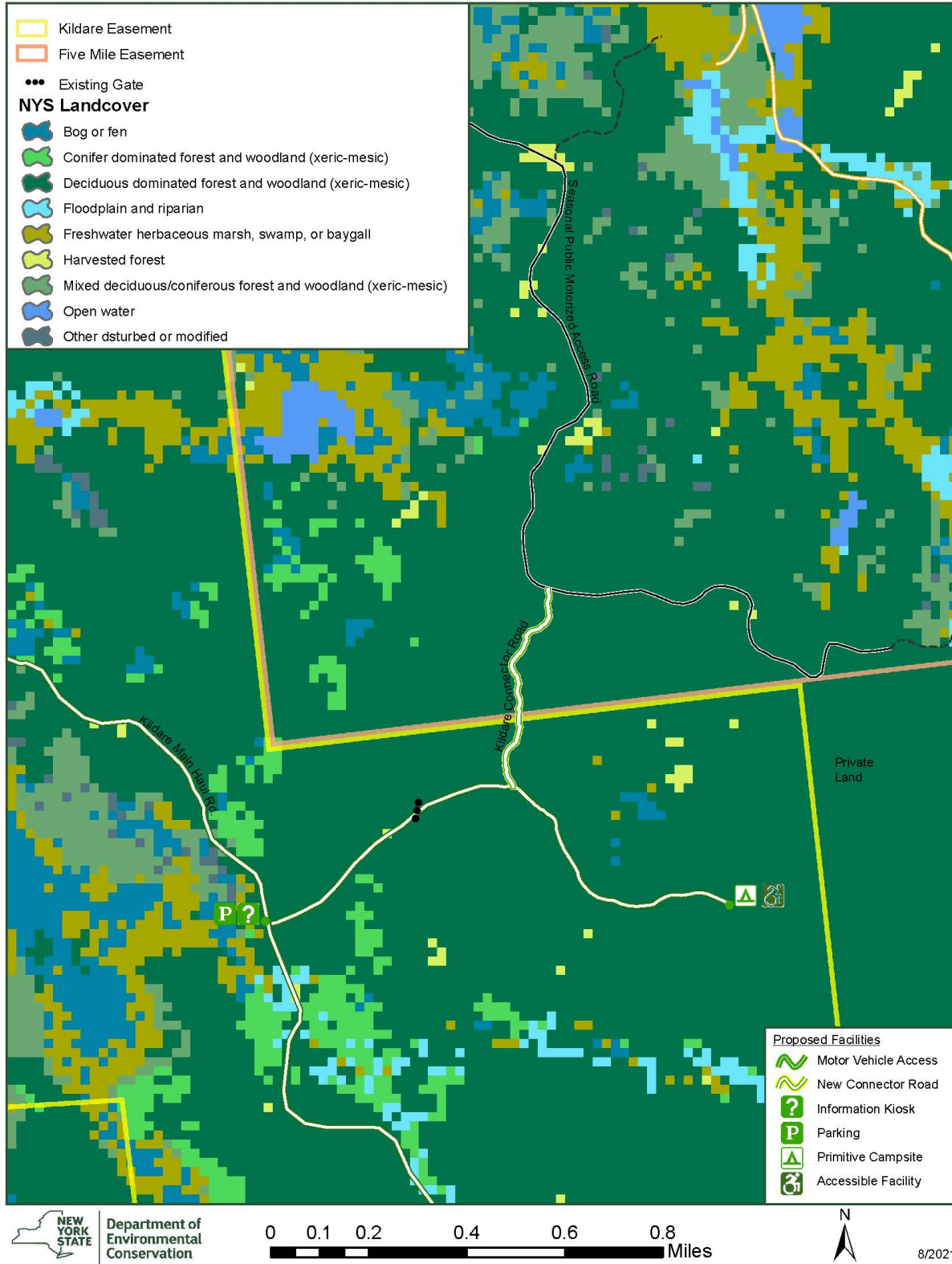




# 10. Proposed Connector Road – Land Cover

## Kildare & Five Mile Conservation Easements

Proposed Connector Road - Land Cover



## B. Public Comments on the 2017 Draft Amendment

### Public Comment Summary and Responses

The following is a summary of the public comments that were received during the public comment period of the draft amendment to the Kildare Recreation Management Plan of the 2006 Raquette Boreal Unit Management Plan and the Five Mile Interim Recreation Management Plan. The public comment period was held between September 12 and November 10, 2017. Comments were received through letters, phone calls, emails and face to face meetings with contributors. **Comments** are in bold text, with DEC *responses* in italics. Comments, in some cases, have been edited for length and clarity. Comments with the same viewpoint or concern have been consolidated to save space.

#### Support for the proposed access:

**Please be advised that I support the construction of the public motor vehicle access route as described in the amendment, including public motor vehicle access beyond September 30 thru at least the end of hunting season.**

*The negotiated terms of the Five Mile conservation easement establish the time period (May 1 – September 30) available for public use of the road which connects to the proposed access in this amendment. Additional rights would have to be purchased from the current landowner of the Five Mile tract to alter this time frame.*

**I wholeheartedly support the Department's proposal to construct this access road. It is my opinion that construction of this road is in the best interest of the people of New York State. Further, I would recommend that discussions be made with the owners of the Five Mile CE property to extend the use of the road from the current use from May 1st to September 30th each year to access the Kildare CE lands when public hunting is allowed in 2020.**

*Thank you for the comment. See above response regarding the use of the Five Mile CE access road.*

**Anything that provides for more access to recreational opportunities in our area is welcome!**

*Thank you for the comment*

**I support the construction of the 1.25-mile connector road that will finally provide public access to the Kildare CE lands and improve access to adjacent Forest Preserve lands east of the Carry Falls Reservoir. Since public funds were used to acquire recreation rights to the easement lands, adequate access should be made available, so the public can enjoy those rights. There will be no significant environmental impacts resulting from the new road segment, but it will greatly enhance opportunities for public recreation including mountain biking, fishing, cross country skiing, and wildlife viewing. DEC should continue to pursue**

**additional access rights from the owner of the Five Mile Tract, so the Kildare easement can be opened for public hunting.**

*Any new construction involves resource impact and alteration. The previous and revised draft amendments identify the specific route of the new road, involved completion of the SEQR process, and consultation with the APA in order to minimize the effects of these impacts. Best Management Practices will be utilized to ameliorate impact during the actual construction of the new road. The purpose of the draft amendment is to provide access to rights already purchased by the public. Please see above response for details regarding the current and future use of the Five Mile access road.*

**“While generally looking askance at new road construction, I strongly support access to the Kildare easement. This is way past due as NYS has paid for the recreational rights, continues to pay taxes on these rights, and the public has yet to receive any recreational benefits from this parcel...”**

*No new construction through undisturbed areas is taken lightly. After study and analysis, it has been concluded that the rights acquired with the Kildare easement can be realized with minimal impact to the property and its natural resources.*

**“The New York State Snowmobile Association strongly supports the Departments proposal to construct a connecting road...allowing the public access to the two easement areas.”**

*It is a top NYSDEC priority to work with our partners in the planning process. Thank you for the comment.*

**The St. Lawrence County Environmental Management Council (EMC) supports the proposed construction of a connector road to provide public motorized access to publicly owned lands and/or lands that NYS has paid to secure conservation easements on. This will provide additional access for persons with limited mobility.**

*It is the expressed purpose of the amendment to allow greater public access to the Five Mile and Kildare Conservation Easements.*

**The New York State Fish and Wildlife Management Board would like to express our support for the proposed connector road between the Five Mile and Kildare conservation easements. Both properties provide important access for members of the sporting community and numerous other groups...the economy supported by those who hunt, trap, and fish is especially critical to the rural communities of the Adirondack Park.**

*Access to lands where the public owns rights and support for local communities is a NYSDEC priority.*

## **Comments regarding Spruce Grouse and wildlife:**

**(we) have seen moose in this area. What consideration has been given to the consequences of increased recreational activity...how will it impact the moose population and their movement range?**

*Wildlife staff have reviewed and provided input to this plan to minimize impacts to wildlife species. The anticipated modest increase in public use is unlikely to have any impacts on moose populations or their movement range.*

## **Roads and increased human presence present significant impacts to wildlife**

*Wildlife staff have reviewed and provided input to this plan to minimize impacts to wildlife species. The impacts to Threatened and Endangered species have been addressed and have been minimized.*

**It would be helpful for the DEC to present a rationale for allocating and expending valuable year-round resources on the Spruce Grouse relocation/tracking program in the very same area where the DEC proposes activity that will threaten the welfare and fragment the habitat of these same birds.**

*Wildlife staff have reviewed and provided input to this plan and there is likely to be minimal additional impacts to the spruce grouse if access is restricted to the dates above and gates are maintained.*

**Approximately \$270,000 in Conservation Fund dollars have been invested in the Spruce Grouse Recovery Plan of 2012. This is an important issue as Spruce Grouse are a protected and non-game species, yet the sporting community has supported the recovery effort with Conservation fund dollars.**

*The majority of funding for Spruce Grouse recovery efforts comes from a Federal Aid in Wildlife Restoration grant (W-173-G). A small, annual allocation of Conservation Fund is utilized to cover overtime expenses for Wildlife staff traveling to Maine and Ontario to capture Spruce Grouse for translocation to New York.*

**There is a concern regarding the accidental harvest of Spruce Grouse by Ruffed Grouse hunters. An effort should be made to educate the local sporting community on the restoration effort and the importance of avoiding accidental harvest. Road signs, the NYSDEC website, and other outreach efforts should be utilized to mitigate undesired harvest.**

*NYSDEC Lands and Forests staff will work with NYSDEC Wildlife staff to create and locate informational signs regarding Spruce Grouse and populate the informational*

*kiosk(s) with appropriate educational materials. Emphasis will be placed upon Spruce Grouse identification and habitat locations. Moreover, the NYSDEC Wildlife staff have launched an outreach campaign to landowners with spruce grouse presence to alert the sporting community and other users of the presence of the species on their lands. Wildlife staff have also erected signs warning of spruce grouse presence on roads and have posted relevant areas with informational brochures and signs to differentiate between spruce and ruffed grouse. These efforts are to reduce incidence of accidental harvest and road mortality. Finally, Wildlife staff also updated information on Spruce Grouse identification on the NYSDEC website and printed this same material in the annual hunting and trapping regulations guide that is provided to every hunting license purchaser.*

**Protect the Spruce Grouse – Withdraw this Plan: As a lover of the Adirondack Park, I oppose your plan to build a new road on the Kildare conservation easement and allow public motorized recreation on these lands. Opening up this land to public motor vehicles will destroy sensitive Boreal habitat that is home to the endangered Spruce Grouse. I urge you to withdraw this plan.**

*The 2,500 feet of new connector road is proposed for the northern section of the area in question – see maps Appendix A – it traverses a hardwood section of forest. It is not boreal habitat and no occurrence of Spruce Grouse has been observed there. The rest of the roads proposed to be opened are existing roads that are used by log trucks and other vehicles for timber harvesting, and by lessees on the Kildare easement lands. We do not anticipate any destruction of boreal habitat to provide this public access opportunity.*

**Individuals who argue against the proposed connector road are in favor of expanding the Boreal Wilderness area. If this were to happen, all logging and habitat management would cease, and current populations of Spruce Grouse would disappear from the landscape as their habitats favor a managed forest.**

*The Kildare Conservation Easement, signed in 1988, establishes the property as a working forest in perpetuity. There are no plans to acquire any of these land in fee and thus convert them to forest preserve for classification as a wilderness area.*

**Comments regarding motorized use:**

**I am writing to implore you not to go forward with the connector road proposed for the east side of Carry Falls Reservoir. I have been a camper in this area ever since childhood before WWII. The peace and beauty of this area is sublime. The limited use of motorized transport in the area has already degraded this wilderness. The dangerous aspect of the proposed road is that opening everything south of the new road connector to public motorized uses would create entirely new motorized pressure all the way to Cold Brook and Jordan River where the true "wilderness" feeling and boreal ecosystem is concentrated and where the habitat of the endangered spruce grouse is located.**

*The previous and revised draft amendments regulate only those rights which have been acquired on the Kildare CE. No public motorized access beyond its boundaries is being proposed, which means no public motorized access to the Jordan River and the adjacent Raquette-Jordan Boreal Primitive Area. While there is no designated Wilderness affected by this plan, concerns regarding the proposed uses on the area's Spruce Grouse population were addressed in consultation with Region 6 Wildlife staff (see section 5.b of this plan)*

**The proposed road should be located such that it and associated construction are in areas where there will be a minimum of environmental impact...including shortest, most direct route that avoids wetlands.**

*Considerable time was spent locating the least intrusive route for the proposed connector road. Topography, forest type, wildlife habitat, Rare, Threatened and Endangered Species, and proximity to wetlands were all considered. The proposed connector occupies the best compromise of these factors in the field.*

**Illegal all-terrain vehicle use has become a chronic issue on conservation easement lands across the Adirondack Park. ATV trespass destroys habitats, and its marks are long-lasting. While this plan does not currently propose ATV use, the new road will enable ATV trespass in an area previously protected from it, and limited DEC enforcement staff will make it difficult to do anything to stop the damage.**

*The Kildare Easement has been open to lessee ATV use since it's signing in 1988. This right expired on December 31, 2019, but the fact remains that the roads proposed open for public use by this amendment are, with the exception of the Connector Road, established routes. Every effort has been made to mitigate the effects of trespass. Gates will be erected (p.16), signs and education placed as appropriate, and Lands and Forests staff, Forest Rangers and Conservation Officers will continue to monitor the property for illegal ATV/Off Highway Vehicle use – especially as it relates to incursions onto private property and adjacent forest preserve lands.*

**Abandon Plan to Open Lands to Motorized Uses: The DEC is charged with the care and custody of the Forest Preserve, but this draft plan increases public motorized recreation in an area adjacent to a Primitive area. This compromises its Wilderness character and opens it up to all-terrain vehicles (ATV) and other motor vehicle trespass. With the lack of DEC enforcement staff, it will be difficult to deter or prosecute these violations.**

*The landowner and their lessees had operated ATVs on this property until the negotiated exclusive rights to the property expired on December 31, 2019. Starting in 2020 the only legal ATV use on the property will be those of the landowner, landowner invitees and NYSDEC personnel. Enforcement of NYSDEC rules and regulations governing public recreation is a routine activity of DEC Forest Rangers and Environmental Conservation*

*officers, in consultation with Lands and Forests staff. The public is encouraged to report illegal activities to DEC: The NYSDEC Forest Ranger Dispatch number is 518-408-5850 and the Rangers TIPP line is 1-800-TIPP-DEC.*

**There are unknown impacts associated with an increase of motorized use and associated recreational activities on sensitive ecosystem(s).**

*The section of new construction proposed by this amendment traverses 2,500 feet of hardwood forest. The sections of existing road proposed to be open to the public are currently being used by the landowner and their lessees. There are no sensitive ecosystems affected by this plan. Time based observations of other conservation easements that open public access after a period of exclusive use show that large increases in the amount of use do not occur. The lack of “attractive features” on a property such as Kildare, and the relative difficulties of access to remote areas – long drives over gravel roads – combine to keep numbers down.*

**Comments regarding lease camp(s) rights:**

**“I do not see anywhere in the proposal addressing the cost of extra law enforcement needed to protect the existing camps in the Lassiter easement area. Public access to this area will only result in vandalism and theft to these camps that we pay a good dollar to enjoy. The only people that will be in there are the very same people that we really don’t want in there. There won’t be an ounce of copper left, and for the first time in over 100 years that our club has been in existence we will have to lock up everything, which as you know will not stop anyone who wish to get in.”**

*The Kildare Conservation Easement was negotiated and signed in 1988. The terms of that agreement included the rights for public access. Region 6 NYSDEC Lands and Forests staff manage approximately 400,000 acres of conservation easement lands – very few incidences of public vandalism and/or break-ins to private lease camps have been reported on those lands. The public is encouraged to report illegal activities to DEC: The NYSDEC Forest Ranger Dispatch number is 518-408-5850 and the Rangers TIPP line is 1-800-TIPP-DEC.*

**“This plan does not mention all the night and road hunting that this will allow, being so far off the beaten path. Trust me, you are not going to have any bird watchers back in there, only people wanting to break the law and steal anything they can get away with.”**

*Public access via the Kildare Connector Road will be not be allowed during most of the hunting seasons. The current terms of the Five Mile Conservation Easement restrict public access, via the proposed connector road, to May 1<sup>st</sup> through September 30<sup>th</sup>. For the period the property is open to public access via the Kildare Connector Rd. the availability of only one access route to the property will also limit access. In addition, with*

*the property accessible to the public there will be more regular patrols by the Forest Rangers as well as by Lands & Forests staff. The public is encouraged to report illegal activities to DEC: The NYSDEC Forest Ranger Dispatch number is 518-408-5850 and the Rangers TIPP line is 1-800-TIPP-DEC.*

**“This is an outrageous waste of NYS taxpayer’s money. It would appear that the state is more concerned with pacifying a few local constituents than they are with actual land and resource conservation. Clubs pay top dollar for the use of the Molpus property (aka Lassiter easement) to enjoy the privilege of not having the general public driving around road and night hunting throughout. What are the DEC’s plans for monitoring and managing this property? There is no mention of the incremental expenses required and a management plan. This irresponsible proposal needs to be brought out into the public view, petitioned and stopped!”**

*The taxpayers of New York State paid for public access rights when the Kildare Conservation Easement was purchased in 1988. The 2020 sunset of exclusive hunting rights for the landowner and lessees was established by the easement agreement 30 years ago. NYSDEC’s plans for monitoring the protected property can be found in section 6.B and the implementation table can be found in section 6.H.*

**“...adding another road to open this area up further to the public would take away everything my family has loved, and many other families have held as tradition for generations...”**

*The Kildare Conservation Easement was negotiated and signed in 1988. The terms of that agreement included the rights for public access. NYSDEC has an obligation to all members of the community it serves.*

**“Our argument against this proposal is that, from a taxpayer perspective, it makes no sense to expend the necessary money, equipment hours, material (geo-matting, rock, gravel, sand, culverts) and man-hours to build this road when an already existing road can be used. The existing road is identified as Route 3 on the schematic you provided, but there are other routes on your map as well. Regarding Route 3, you state there was "local opposition" to using this route. THIS IS WHY the DEC is trying to cross Weller Mountain property instead of Joe Indian. Well, we strongly oppose your work-around to this opposition. Given these facts, our petition tells the DEC that we intend to voice our OWN opposition to their proposal to use Weller Mountain property to access Lassiter/Kildare. We argue "secondary effects" upon taxpayers who have formed leases with timber companies. We say that the public has littered our property and degraded our roads, which we alone maintain because the State has not, and apparently never will.”**

*“Local opposition” to the use of the Joe Indian Road centered on issues of private versus public property. The Joe Indian Association is unwilling to sell public rights to the road*



*through their land. The public rights to use a road on the Five Mile CE to access the Kildare CE were negotiated in the easement for the Five Mile tract. Those rights do not constitute a “work-around”, they already exist. This revised amendment includes ten maps specifically created to address legitimate criticism of the initial draft’s maps. Impact (including litter and road degradation) are an ongoing issue on all public lands and lands where the public owns rights. Maintenance was conducted on the Five Mile Haul road as recently as the summer of 2018 and will continue to occur as frequently as staffing resources and operations budgets allow.*

**Comments regarding the protection of adjacent lands:**

**NYS residents are paying the property taxes for such parcels yet have no legal way to access them. The only people who benefit from such an arrangement are the adjacent landowners. There are good gravel roads that pass through these lands. DEC should purchase a right-of-way easement to allow the public to walk or ride a bicycle to get to these Forest Preserve lands. This would provide additional access to the Jordan River and Potter Brook for fishing and camping.**

*Attempts to acquire public rights on existing roads located on adjacent properties were not successful until we acquired a CE on the Five Mile Tract property to the north of Kildare CE. Current public access is limited to access by boat across Carry Falls Reservoir, then using non-motorized means such as by foot or bicycle. The use of bicycles is allowed on all roads and trails located on Wild Forests within this unit and on conservation easements as depicted on the attached maps. Construction of the access road proposed in this draft amendment would allow for motorized and non-motorized use of these rights. This revised draft amendment establishes gates and control points to protect the rights of all adjacent landowners.*

**DEC should also open the roads that the owner of the Kildare Tract has rights to use that pass through the adjacent Forest Preserve lands. I don’t understand why consideration of opening at least a portion of these roads is being delayed. If the roads are being used by motor vehicles by a private entity on Forest Preserve, then it seems only fair to allow the public to drive as well, assuming the road condition can sustain increased traffic. The long distance of travelling on gravel roads would limit the numbers of people who are willing to drive to these Forest Preserve lands.**

*The previous and this revised draft amendment addresses only the Kildare and Five Mile CE properties and the rights the State acquired in those CEs. We have no plans to open public motorized access on adjacent Forest Preserve lands at this time and doing so would require an amendment of the 2006 Raquette Boreal Unit Management Plan.*

**Because the roads to be opened allow vehicles to approach Forest Preserve boundaries, the potential damage is not limited to easement lands, but may also affect Forest Preserve lands. Page 107 of the UMP requires that “impacts to**

**adjacent lands classified as primitive must be considered” and we believe a discussion of these impacts should be included in the proposed amendments.**

*Lands and Forests staff will continue to monitor the property for impacts from public use – especially as it relates to incursions onto private property and adjacent forest preserve lands. These potential impacts have been addressed in the current draft of the amendment.*

**“I have some concerns about negative impacts that this road construction would have on adjacent lowland boreal forest biome. To alleviate this concern, extreme sensitivity should be exercised in the construction of this road. I also believe that it should be terminated at least one mile before the Jordan River on the easement land!”**

*The proposed road construction is in a northern hardwood cover type (see maps in Appendix A). A gate is proposed approximately 0.9-mile, measured along the existing road, north of the Jordan River, on easement land. The exact location depends on where it will be easiest to limit vehicles from going around the gate and where parking can best be provided.*

**“Unless vehicular access is prohibited or curtailed by responsible use of locked gates...and there is consistent law enforcement on these remote roads...there will be destructive human activity in and beyond the intended recreational areas.”**

*This revised draft plan contains maps depicting the locations of all gates proposed as controls for the property and access beyond it. Signs and informational kiosks will be installed to educate the public as to property boundaries and regulations. NYSDEC Forest Rangers and Environmental Conservation Officers have access to the area and patrol the property regularly.*

#### **Comments regarding snowmobile access:**

**“This proposal highlights the Departments failure to provide a north south snowmobile route on the east side of the Raquette River...NYSSA would welcome the opportunity to work with the Department and local clubs to make this trail a reality.”**

*This is outside the scope of this amendment. A proposal containing a snowmobile route running thru the Raquette Boreal Unit, in a north/south direction, on the east side of the Raquette River, would incur many challenges such as acquisition of property rights, possible reclassification of Forest Preserve land, and scenic river concerns.*

**The St. Lawrence County Snowmobile Association “seeks a Northeast – Southwest community connector through the Raquette Boreal Unit...we do not support the purchase of easements that do not include snowmobile access.”**

*See previous response.*

**“DEC should always seek local snowmobile club input in the planning stages of management plans. It clearly has not in this instance.”**

*As it is a priority for NYSDEC to work with and consider its partners in the planning process, the multiple comments received for the original draft of this plan from the St. Lawrence County Snowmobile Association were considered in the drafting of this revision. These comments, in addition to numerous phone and in person interactions with the Association’s President constitute significant communication between the Department and the County. Communication that will continue as this process evolves.*

**Natural Resource concerns:**

**“Until the requisite and promised studies are completed and a science-based assessment undertaken about the ecological impacts of nearly 20 miles of new motorized uses extending into the heart of the low-elevation boreal ecosystem, the proposed new road construction should be disallowed. I urge the DEC to strongly lean toward balancing resource protection over allowing motorized access to this area without substantial assessment related to environmental impacts.”**

*NYSDEC is charged with balancing lawful public access with resource protection. Several years’ worth of field work, an initial draft of this amendment, a public comment period, and revisions to the SEQR document all combine to provide the assessments needed for the proposals in this amendment. The net result is that we believe new use will be quite low, only slightly increasing human use of the area from how it is used now for timber management and lessee recreational activities.*

**The NYSDEC has a responsibility to plan for and manage use...and protect the resources**

*One of the core priorities for NYSDEC is planning for public access in a way that protects natural resources.*

**Who will have a key to the gates on the Lassiter CE?**

*NYSDEC Lands and Forests staff, Wildlife staff, Forest Rangers, Environmental Conservation Officers, and Operations staff will all have access to the lock or locks on gates on the property, as will the Landowners, lessees and any in-holders with legal rights of way across the Kildare CE.*

**These lands are set aside to preserve waters and landscapes, plants and animals -  
- the vital natural heritage of our region.**

*The Kildare CE was negotiated to accomplish natural resource and landscape value protection goals, in addition to the establishment of public rights negotiated in the easement process. This plan proposes to provide public recreation opportunities while still prioritizing natural resource protection. The Kildare CE lands are still private lands that are managed by the landowner for forest products.*

**The proposed use would benefit a relatively small user group at the expense of impacts to significant plant and animal communities.**

*The proposals outlined in the previous and this revised draft amendments will benefit a variety of user groups, including hunters, anglers, bicyclists, nature observers, campers, etc. - with minimal impacts to natural communities.*

**The draft plan does not propose any buffers, gates, or seasonal restrictions to protect the sensitive, low-elevation boreal ecosystem of the Jordan River**

*The previous plan and this revised draft amendment limit public motor vehicle use to about one mile away from the Jordan River. In addition, public motor vehicle and non-motorized access via the Kildare Connector Road are limited to May 1 through September 15.*

**In May of 2015, there was a 30-acre fire on land owned by Molpus in this area. Municipal response to the fire came from the south through the Kildare gate. If there is a gate on the easement boundary, how will response vehicles enter the area in an emergency?**

*NYSDEC Lands and Forests staff, Forest Rangers, Environmental Conservation Officers, and Operations staff will all have access to keys or combination locks. Emergency access will be coordinated through them.*

**Conservation easements hold some of the most important boreal habitats in the region...lowland boreal forest ecosystems contain some of the rarest species in New York State.**

*Thank you for your comment. Conservation easements provide outstanding opportunities for the public to enjoy the features you cite.*

**Raquette Boreal UMP themed comments:**

**To comply with the foundational premise of the APSLMP, DEC must not move forward with this plan until it has prepared an EIS for the project and undertaken the monitoring and evaluation of environmental impacts proposed in the 2006 Raquette Boreal UMP**

*A revised SEQR process was initiated and completed for this revised draft amendment. The adjusted review includes analysis of both the new construction and the predicted impacts of public recreation on the roads proposed open in the plan. Multiple field visits by Lands & Forests staff and ongoing consultation with NYSDEC Wildlife staff combine with the ongoing monitoring component of the easement program to inform the proposals in this plan. It should also be noted that the 2006 Raquette-Boreal Unit Management Plan (UMP) included both easement and forest preserve lands. The Adirondack Park State Lands Master Plan applies only to the forest preserve components of the UMP, not the CE components.*

**The proposed amendment would increase public motorized access to the Boreal Primitive Area and adjacent conservation easement lands even though the Department has not conducted the baseline motorized use studies that the UMP requires be completed prior to any proposal to increase motorized access. The proposed amendment is therefore inconsistent with the commitments made by the Department in the UMP**

*The previous and this revised draft amendments do not propose public motor vehicle use on the Boreal-Jordan Primitive Area, which is one of the Forest Preserve components of the 2006 Raquette-Boreal UMP. Monitoring of use on the CE when the Kildare Tract is open to public use via the Kildare Connector Rd. will provide information that can be used to assess potential impacts on adjacent forest preserve lands in the future.*

**Third, the Department has failed to consider or analyze the impacts of the proposed amendment and its resulting increase in motorized access on the long-term prospect of creating a Boreal Wilderness Area, a recommendation of the Commission on the Adirondacks in the Twenty-First Century and of others.**

*The purchase of the Kildare Conservation Easement is a long-term commitment to preserving working forests and the associated natural resources of the area on private lands. Although the objective of purchasing a CE is to protect open space on this parcel of land has similarities found on Forest Preserve lands classified as Wilderness – including its remote location, the character of the landscape and the very minimal development other than roads for timber management activities – the goal to protect working forests on private lands is not compatible with a fee purchase as Forest Preserve.*

**Miscellaneous comments:**

**The maps that have been provided to the public are difficult to interpret and fail to give an accurate picture of the DEC proposal...this should be remedied, and new maps provided for public reference.**

*The revised draft contains ten maps which provide more clear and detailed information on facilities and natural resources than the maps in the previous draft of the amendment.*

**“... I believe "the public" makes a lot of noise asking for these lands to be open and accessible, but when access is allowed, and hunting lands are taken away from club members, 4 wheelers are banned, everyone loses. "The public" doesn't come out and use the newly accessible lands enough to make it worthwhile, and the 99% of the people who have used and loved this land for generations are left without their hunting camps, their 4 wheelers, and the life in the woods they've loved for generations.”**

*The terms of the conservation easement established an exclusive rights period for the hunting season for the landowner and lease holders on the property. They will continue to have the right to hunt, it will just now be shared with the public. Lease camps on the Kildare CE will remain, and lessees can continue to enjoy their camps and the hunting lands they have enjoyed for generations. Access to the property on the extensive road network will still be allowed it will just require use of cars and trucks. The landowner may elect to allow the lessees access to roads that are not open to the public to provide more access for lessees. This amendment does not propose taking away any rights, all proposed actions comply with the terms of the CE as negotiated when the agreement was signed in 1988.*

**“Roads through a wild area do nothing to promote forever wild, and they do nothing to improve habitat for forever wild creatures. They need undisturbed forest, and this area is one of those places.”**

*The Kildare Conservation Easement is not Forest Preserve and, therefore, not subject to the “forever wild” characterization of the Forest Preserve in Article 14 of the NYS Constitution. As a working forest, the property cannot accurately be described as “undisturbed.” Many wildlife species, including Spruce Grouse, have been shown to thrive on and/or prefer managed lands.*

**“We must do everything possible to keep this wild paradise as pristine and undisturbed as it’s architect intended...”**

*The Kildare Conservation Easement is a working forest on which the landowner has established hunting lessees. This proposed amendment does little to alter that paradigm, beyond allowing the public to exercise established rights of access and use.*

**It is unclear who will benefit from the new road(s)**

*The public rights acquired in the Kildare Conservation Easement are afforded to anyone interested in exercising them, whether they are hikers, mountain bikers, anglers, trappers, bird and wildlife observers and others.*

**“While I support the effort to provide, and have personally enjoyed the benefit of public recreation on conservation easement lands...I am opposed to increased public motorized access to this remote and unspoiled area”**

*Thank you for your comment. We believe the public motor vehicle access proposed in this amendment will have little impact on the remote character of this area.*

**I am in support of the Wind Turbine project. I am also in support of opening up areas that need to have roads built to support the project.**

*There is no wind turbine proposal in this draft amendment.*

**That is not “management.” That is clearly mismanagement. As a taxpayer who values our forests and wildlife, I cannot agree with the idea to put a road into this preserve to please a few people and endanger so much of the wildlife. So, my answer to your plan is NO!**

*The Kildare conservation easement is not a “preserve.” It is a working forest whereupon negotiated public rights allow certain uses. There is an established road system on the property so the cost to establish a connector road to this area is relatively low. We believe the public motor vehicle access proposed in this amendment will have little impact on the remote and unspoiled character of this area and will not endanger the wildlife. In addition, the public rights negotiated for this property were purchased by the taxpayers of the State of New York who deserve to have reasonable access to this property as envisioned when it was acquired.*

## C. Public Comments on the 2020 Revised Draft Amendment

### Public Comment Summary and Responses

The following is a summary of the public comments that were received during the creation of the 2020 draft amendment to the Kildare Recreation Management Plan of the 2006 Raquette Boreal Unit Management Plan and the Five Mile Interim Recreation Management Plan. A public comment period was open between October 21<sup>st</sup> and December 4<sup>th</sup>, 2020. Comments were received through letters, phone calls, emails and face to face meetings with contributors. **Comments** are in bold text, with DEC *responses* in italics. Comments, in some cases, have been edited for length and clarity. Comments with the same viewpoint or concern have been consolidated to save space.

#### Support for the proposed access:

**“I believe the proposed connector road between these two units to open public access to the Kildare Conservation Easement is in the best interest of the people of the State of New York. ... this access road opens a considerable amount of land for public use. Currently, access to these lands by the general public is extremely restricted. I support the Department's efforts on these lands”.**

*It has been a NYSDEC priority to improve access to this easement for some time. Public support for responsible access to lands where the public has rights has been consistent and informative. Thank you for your comment.*

**“I, and many others, including the Region 6 Fish and Wildlife Management Board, are very much in favor of the proposed additional access connecting the two conservation easements with the 1.5-mile road extension. This has been a long time in coming and is much appreciated.”**

*No new construction through undisturbed areas is taken lightly. After study and analysis, it has been concluded that the rights acquired with the Kildare easement can be realized with minimal impact to the property and its natural resources Thank you for your comment.*

**“I'm writing in strong support of this plan. This would be a great connection between these 2 tracts. This is a great recreational opportunity. ... I'm a member of a recreation club near this route, sometimes people don't welcome change or intrusion into an area, I welcome this plan and hope for its approval.”**

*Thank you for your comment. It is the expressed purpose of the amendment to allow greater public access to the Five Mile and Kildare Conservation Easements. Access to lands where the public owns rights and support for local communities is a NYSDEC priority.*



**“The St Lawrence County Snowmobile Association strongly supports the Department’s proposal to construct a connecting road from the Kildare Conservation Easement to the Five Mile Conservation Easement allowing the public convenient access to the two easement areas. The connecting road is to be built primarily on existing logging roads within areas which are in active timber management. The Department should move forward with this proposal utilizing the route which is outlined in the draft plan.”**

*Thank you for your comment. It is a top NYSDEC priority to work with our partners in the planning process.*

**“I would like to go on record in support of a community connector trail from Franklin Co. (Tupper Lake) to St Lawrence Co through the Kildare gate using existing roads or through Mt Matumbula road system to the east side of Carry Falls Reservoir.”**

*Comment noted. The purpose of this plan is to allow for the enactment of deeded rights to the Kildare Tract. It does not and cannot alter the conditions or rights of adjacent private properties or Forest Preserve lands.*

**“I strongly support your installation of a connecting road of the properties as described with the exception of restricting winter snowmobile use.”**

*This plan does not propose snowmobile use on either the Five Mile or Kildare conservation easements. As there is currently no snowmobile access beyond the Kildare tract, a connector route cannot be established. If, in the future, a connector route can be established which utilizes the roads and trails described in this plan, the issue can be revisited.*

**“We applaud the proposed sign-in registers, vehicle counters and involvement of the Adirondack Ecological Monitoring and Scorecard program with SUNY College of Environmental Science and Forestry. This ought to be plan intention and action, not merely a plan consideration, so that DEC establishes stronger baseline information, stronger monitoring of existing and desired conditions, and better informs future revisions to the plan.”**

*Page 20 of the amendment includes an implementation table for facilities construction on the Kildare tract. Information kiosk development is part of that process. The NYSDEC easement monitoring program is well established and described on page 12 of the plan. The commitment to science-based management is rooted in current protocols and will continue to grow as time and agency resources allow.*

**“We support the revised draft amendment. The inclusion of the ROS framework to address uses across a broad spectrum of recreational opportunities is innovative and an excellent example of the kind of recreational resource management that should become standard on future RMPs. Similarly, we commend the DEC for**

**developing the Adirondack Ecological Monitoring and Scorecard and look forward to seeing that implemented across the Forest Preserve. Overall, we find the new draft to be a significant improvement on the initial draft.”**

*Public response to the original and revised draft plan(s) has been consistently focused on increasing the use of established resource management protocols and incorporating new techniques as they become available. NYSDEC is committed to its dual mission of resource protection and public access. All available methods to achieve that balance will be considered in the planning process.*

**“The RMPs include a new American with Disabilities (ADA) campsite, an information kiosk, and four new parking areas on the Kildare Tract, which provides more public recreational rights in the easement. We support the development of these facilities.”**

*NYSDEC is committed to providing equal access to all members of the community. ADA guidelines are a helpful tool in achieving that goal. Thank you for your comment.*

**“We agree with DEC’s decision not to open these areas up for public ATV use given the sensitive nature of the property that is home not only to spruce grouse, but to other uncommon, boreal specialist bird species including the palm warbler, gray jay, blackbacked woodpecker, boreal chickadee, yellow-bellied flycatcher, and olive-sided flycatcher.”**

*Spruce Grouse and other rare & endangered species are given the highest levels of concern during the planning process, but NYSDEC is committed to natural resource protection across the spectrum. Planning considers any and all wildlife species, forest & botanical assets, and the benefits/effects human beings have upon the landscape.*

**Comments regarding Spruce Grouse and wildlife:**

**“I am writing to tell you that I strongly oppose the creation of the proposed access road. This area is prime habitat for the endangered Spruce Grouse and it must be protected at all cost.”**

*The 2,500 feet of new connector road is proposed for the northern section of the area in question – see maps Appendix A – it traverses a hardwood section of forest. It is not boreal habitat and there have been no observations of Spruce Grouse in this location. The rest of the roads proposed to be opened are existing roads that are used by log trucks and other vehicles for timber harvesting, and by lessees on the Kildare easement lands. We do not propose any destruction of boreal habitat to provide this public access opportunity.*

**I am very much in favor of the Spruce Grouse Restoration Program. I remain concerned about the amount of impact there might be from vehicle access**

**including ATV/OHVs. There was no discussion in the plan about what outreach and educational programs are being done to address this.**

*Detailed information regarding Spruce Grouse history, management, and identification will be placed at informational kiosks; NYSDEC Wildlife staff will continue outreach campaigns to landowners with presence of spruce grouse on their lands; and NYSDEC Wildlife staff will place signs along roads where appropriate.*

**“In my opinion, the decline in Spruce Grouse in the area is due to habitat and predators. If predators are responsible for the decline, then it looks like nature is naturally managing the Spruce Grouse population.”**

*This plan is focused on the Kildare CE and not on spruce grouse. However, spruce grouse are in decline because of incompatible forestry practices and resultant low population sizes that make it difficult to rebound entirely on their own.*

**“Have the recovery objectives of the NYSDEC December 2012 Recovery Plan for the New York State Populations of the Spruce Grouse been met?”**

*This plan is on the Kildare CE and not on spruce grouse. However, the spruce grouse Recovery Plan objectives have not yet been met.*

**“I have never seen a Spruce Grouse in my travels on the club. To take travel rights from many, many people for a bird that may be rare in this country, but plentiful in Canada, is not right.”**

*This plan is intended to increase public access to areas where public access rights were purchased in 1988. The presence of spruce grouse is not being proposed as a reason to deny those rights.*

**This RMP gives “insufficient attention to a suite of declining bird species dependent upon undisturbed low-elevation boreal wetlands west of Carry Falls Reservoir. The Raquette-Boreal Unit Management Plan (2006) notes that the spruce bog complexes in the Unit “also support populations of several other rare boreal specialist bird species that, in New York State, are restricted to the Adirondacks (UMP pages 37-38)...This suite of sensitive species ... are declining in numbers and at the southern limits of their range. DEC Division of Fish and Wildlife is aware of these declining populations of species... The Wildlife Conservation Society commented in 2017 that lowland boreal forests in this very area are home to some of the rarest bird species in New York State. The 2017 letter to DEC also stated that roads, increased vehicular traffic and increased human presence can have significant adverse impacts on sensitive bird species. The revised Kildare RMP should address these comments.”**

*Fragmentation of wildlife habitat is always a concern when managing rare populations. However, there is no plan to increase road mileage outside of the 2500ft new connector.*

*The speed limit on all of these roads will be set to 15 mph and posted to reduce road mortality of wildlife and other disturbances from vehicles. In addition, signs indicating the presence of spruce grouse will be put up on roads to alert drivers of the species presence near boreal areas. Since 1988, lessees and landowners have had motorized use of these roads. It is expected that recreational use of the roads in this area will be minimal. However, enforcing reduced speeds on this road will reduce negative impacts on the wildlife.*

**“We appreciate the involvement and considered judgements of DEC Fish and Wildlife personnel that the proposed opening of the Kildare-Five Mile road system to public use will not adversely impact current, occupied spruce grouse populations and habitats. However, the document should be improved by including more robust documentation of ongoing spruce grouse monitoring work and even some maps of historically and currently occupied spruce grouse habitats overlain with the proposed recreational road openings.”**

*Endangered and threatened species’ locations are considered sensitive data and are not provided to the public.*

**“Previous studies of the Boreas Ponds in North Hudson (“Ecological Composition and Condition of the Boreas Tract,” Wildlife Conservation Society Adirondack Program, 2016) suggest that species most at risk from roads tend to be those requiring interior forest conditions, such as forest songbirds, salamanders, flying squirrels, pileated woodpecker, northern goshawk, and American marten. Turtles are extremely vulnerable to mortality on roads. At the very least, these impacts are sufficient to definitively include the Kildare Tract within the Adirondack Ecological Monitoring program.”**

*All the roads on the Kildare CE, with the exception of the new 2500 ft. connector, already exist and are used by motor vehicles so changes in risk to the species noted are anticipated to be minimal.*

**“The Spruce Grouse Recovery Plan of 2012 specifically identifies that the habitat of this species is limited due to the distance between patches of suitable habitat and the absence of potential movement corridors between these patches, reduction in occupied habitat quality due to natural succession of lowland boreal plant communities, and its small population size... Public access to areas occupied by these species in the RBU stands to perpetuate these limitations further, inhibiting the protections the Department has worked so hard to put in place.”**

*The NYSDEC is charged with balancing natural resource management with management of recreational opportunities for the public. The public bought the rights for motorized access in 1988 and until now, have not been able to exercise these rights. Region 6 Bureau of Wildlife staff have considered impacts of the Kildare CE plan to the endangered spruce grouse and have determined that after gating of sensitive areas,*

*reducing speed limits on the roads, and adding information signage to roads and signage and kiosks in sensitive areas will ensure that no significant negative impacts will take place.*

**The Amendment plan states that vehicle speeds are to be kept low and the public well-informed about spruce grouse identification. “This appears to be the extent of the Department's analysis of the impact on the species. The Department fails to identify what is considered ‘low’ (regarding vehicle speeds) and whether or not there will be speed limit signs posted.”**

*The NYSDEC will be posting these roads with 15 mph speed limit signs.*

**“Failure of the Revised Draft Amendment to consider the impacts and provide a long-term monitoring plan concerning the impacts on such sensitive species and habitats is improper and is reason enough to not adopt this Amendment and is of grave concern to us.”**

*The spruce grouse is undergoing long term management and the impacts of this management will be monitored during regular spruce grouse monitoring.*

#### **Comments regarding motorized use:**

**“Would it be possible to NOT proceed with allowing motorized vehicle access across Weller Mtn. Club property to Kildare property? Isn't access by canoe good enough? ... My girlfriend and I have become very avid birders in the past three years and are constantly seeking quieter public places to go to ... There are fewer and fewer places that can be enjoyed for their minimal disturbance and quiet. It truly saddens me to see the continuous push to open more areas up (to easy motorized access). ... If a road must be built between the two, why not have a locked gate and only give handicapped folks the key?”**

*The Kildare Conservation Easement was negotiated and signed in 1988. The terms of that agreement includes the rights for public access, including motorized access to the interior of the Property. In addition, terms within the Five-Mile Conservation Easement include public motor-vehicle rights, excluding ATVs, for the specific purpose of accessing the Kildare Conservation Easement, from May 1 through September 30. NYSDEC has an obligation to all members of the community it serves. Discussion relating to motorized access can be found in section 6.A of this plan.*

**“We are concerned that the proposed gates will not stop unauthorized vehicles from going where they should not go. How effective can unstaffed gates be in protecting private lands from unauthorized access. There is a long history of damage, vandalism, and abuse on these roads. Furthermore, it has been the frequent practice of logging contractors to leave gates open and to actually take the lock with them while working.”**

*This revised plan contains maps depicting the locations of all gates proposed as controls for the property and access beyond it. Signs and informational kiosks will be installed to provide information such as property boundaries and regulations. NYSDEC Forest Rangers and Environmental Conservation Officers have access to the area and routinely patrol the property.*

**“The large influx of additional vehicle traffic will take a heavy toll on the condition of the Kildare Main Haul Road and the Kildare East Haul Road. Recently, major washouts have occurred on both the Kildare Main Haul Road and the Kildare East Haul Road. These would have prevented general vehicle traffic and emergency vehicles from using the various Haul Roads reached from the proposed Kildare Connector Road. A lot of money and effort is put into keeping those roads passable. How is the DEC going to address the greater damage to these roads caused by general public access resulting from the proposed Kildare Connector Road?”**

*The Kildare Conservation Easement, dated 1988, states that both the Grantor and Grantee (the landowner and NYSDEC) will work to preserve and maintain the integrity of the road system on the property. The NYSDEC has staff dedicated to conservation easements and the effective monitoring of the easements and their conditions with regards to safety, accessibility, and public use. Experience with other conservation easements in the area suggests that the increase in use of the road system will not be high.*

**“There appears to be changes that will inhibit motorized access on the East Pond Rd which will restrict access to other State and CE lands. This is a major step in the wrong direction.”**

*The public comment process elicits the concerns of a diverse cross section of user groups and opinions. The dual mission of resource protection and enhanced public access involves balancing those two priorities. Management decisions are rarely popular across the board but are always based upon a careful consideration of the facts and realities specific to a given property or project. A gate was relocated on the Kildare East Haul Road upon consideration of the rights of neighboring properties and known Spruce Grouse populations in an area where the road itself serves as the boundary line between easement and private land. The new gate location reduces public motorized access by approximately two miles but does not alter access to the property as proposed in the original draft.*

**“This proposed plan affects too much land, the public will have motorized access to more than 15-miles of road on the Kildare property, providing access to the 12,250-acres of working forest, and is too important to push through without a formal public meeting! Why is so critical to push this plan through so quickly? The Unit Management Plan was put in place in 2006 – why is there a need to force this new roadway plan through during a pandemic without real public review and**

**comment? Will these new roadways be open to commercial uses such as logging trucks?”**

*The Kildare Conservation Easement included public rights to be enacted upon the end of its exclusive rights period in 2019. The expiration of the exclusive rights period provided an opportunity for the public to enjoy rights negotiated 32-years ago during the acquisition of the Kildare Conservation Easement. The initial draft proposal for this amendment was released to the public in 2017, which included a 60-day public comment period. An additional 45-day comment period occurred after the release of the second draft in the Fall of 2020. Comments for this plan were solicited under NYSDEC COVID-19 protocols for public safety, which included a PowerPoint and video presentation of property history and proposals. Comments were similar in both content and number to previous projects of this nature.*

*The Five Mile and Kildare tracts are both private properties with conservation easements on them. The landowners conduct forest management on these properties in accordance to the terms of the easements and retain rights to the use of roads therein.*

**“We encourage the DEC to provide in this plan the direct and indirect management methods that will be used to prevent and monitor illegal ATV use.”**

*The NYSDEC is committed to providing lawful public access to the Kildare tract. As such, law enforcement of rules and regulations will provide direct management of the Property. And various indirect management techniques will be employed to prevent unlawful activities, such as illegal ATV use. Signs depicting allowable uses on roads will be placed in strategic locations, gates will be installed at appropriate locations as control points (see the Proposed Facilities map in Appendix A), and vehicle counters may be utilized when necessary to detect unauthorized motor vehicle access on roads closed to public motor vehicle use. There are Lands and Forests staff committed to the monitoring of easement lands who will periodically inspect the tract for unauthorized ATV access and document other important aspects of the monitoring program.*

**While I understand the desire for motorized public access, I am shocked that the DEC wants to build a road across natural forest lands, which will bring clear cutting of trees to a sensitive area of the forest.**

*Considerable time was spent locating the least intrusive route for the proposed connector road. Topography, forest type, wildlife habitat, Rare, Threatened and Endangered Species, and proximity to wetlands were all considered. Due to the sensitive nature of this plan, this process included consultation with the Adirondack Park Agency and the filing of a Jurisdictional Inquiry Form (JIF), which resulted in the determination that the project was non-jurisdictional. The declaration from the JIF also prescribed Best Management Practices for road construction to prevent significant damages to this area. The proposed connector occupies the best compromise of these factors in the field and will facilitate access to the Property utilizing public rights provided by the easement.*

**Comments regarding lease camp(s) rights:**

**“I am very concerned about ATV’s not being an allowed use on conservation easement lands, particularly the Kildare CE where such use is allowed in the easement agreement. These aren’t NYSDEC truck trails, they are private roads with a CE. How is it that such use can be regulated by the State when they don’t own the underlying fee?”**

*There has been some confusion regarding the rights of lease holders on the Kildare tract and their ability to operate ATVs on the property. Some of that confusion stems from the original draft amendment language, while some of it is misinformation being discussed publicly and on social media. To address this situation, revisions have been made to the final version of the plan which clearly state the legal status of the Grantor, including lessee ATV use. Please see paragraph 3 in section 5.A.i. of the amendment - Hunting & Leasing the Property. This plan does not and legally cannot alter what was negotiated in the Conservation Easement of 1988. In that document, the Grantor reserved an Exclusive Rights Period from 12/31/1989 through 12/31/ 2019. Upon the end of those exclusive rights, the right to hunt and the furtherance thereof, became a public right. For reasons of resource protection, this plan does not designate public recreational use of ATVs on the property, therefore the Grantor may not use ATVs for recreation. Lessees will only be able to operate ATVs in accordance to the provisions made above in section 5.A.i – Hunting & Leasing the Property.*

**I do not agree with giving OHV rights to the landowner but not the lessees. The lessees should keep their OHV rights for the already existing roads as they have in the past. “I have seen very little impact on the environment from OHV use. I also would never want wide open public OHV use of the area.”**

*This plan does not “give” or “take away” anyone’s rights. The rights, or absence of them, were all negotiated and established as terms of the Conservation Easement conveyed to the state in 1988.. Please see the response to the previous comment for specifics.*

**“The Conservation Easement Filed in The St. Lawrence County Clerk’s Office between Lassiter Properties & the Nature Conservancy Dated December 23, 1988, Liber 1025, pg.2, paragraph 1-Item (b) states that all-terrain vehicles are an allowed use. Under comments of the revised plan, pg.36 of 52 states that these rights expired on December 2019. Where does it state that in the Conservation Easement? This right was given to Lassiter Properties, the Clubs on the previous Lassiter Properties have had the use of OHV vehicles since December 23, 1988.”**

*Page 2 item 1B of said Conservation Easement confers the Affirmative Right for ATV use to New York State. This is not a right Reserved by the Grantor (landowner) for lessees. The Exclusive Use Period appears in the Reserved Rights section of the deed and clearly states the expiration date. The Grantor did reserve the right “to use recreational rights under the same guidelines and restrictions of the public...” However, this plan does not provide for public use of ATVs at this time on the property, so use by*



*the Grantor's lessees is not provided for either. Please see the above response for more information.*

**“In the video it seems the leased camps have lost their ATV access. If that is in fact true, then the camps on the Kildare CE losing their exclusive rights have also lost their right to use ATV/OHVs. This smacks in the face of the traditional values of the property usage and continues a blatant approach by the Department to further restrict the traditional access of these properties by the sporting community for hunting, fishing, and trapping.”**

*Please see the above comments for clarification. NYSDEC is not acting outside the legal requirements of the negotiated Conservation Easement of 1988.*

**Comments regarding the protection of adjacent lands:**

**“There are new gates proposed on the Kildare Main Haul Road and the Kildare East Haul Road. Kettle Pond Timber, LLC has legal access rights as successors and assigns to Molpus Woodlands Management, LLC that run all the way back to the Oval Wood Dish Company. We respectfully request continuous unrestricted access through those gates.”**

*All legal access will continue for successors and assigns to the Kildare Tract. Those with legal access will continue to have access through any proposed gates recommended in this plan amendment.*

**“Does this mean that metal gates will be installed blocking existing roadway access to the neighboring properties that share the existing roadway? How many will be installed and where will these gates be installed? Who will maintain the gates? Will they be locked? Who will be provided the key or combination? What about emergency access?”**

*Gates and other barriers will be installed as control points along roadways with public motorized access. Those with rights to access neighboring properties will continue to do so. The number and location of the proposed and existing gates can be found on the maps in Appendix A. Four (4) new gates will be installed at appropriate locations and will be maintained jointly by NYSDEC and the landowner. NYSDEC Lands and Forests staff, Wildlife staff, Forest Rangers, Environmental Conservation Officers, and Operations staff will all have access to the lock or locks on gates on the property, as will the Landowners, lessees and any in-holders with legal rights of way across the Kildare Conservation Easement (CE). Emergency personnel already have rights or permission through existing gates in order to reach inholdings/neighboring properties and will continue to have access through proposed gates.*

**“I am a part owner of a piece of property in the Adirondacks in the vicinity of your proposal to build a connecting road from the Five Mile Tract to the Kildare Tract**

**through a Forever Wild section of the Adirondack Park, a proposal to which I am strongly opposed.”**

*The Kildare Conservation Easement and the Five Mile Tract CE are not Forest Preserve and, therefore, not subject to the “forever wild” characterization of the Forest Preserve in Article 14 of the NYS Constitution. The half-mile connector road will fulfill the right of public motorized access to the Property guaranteed in the easement document and allow the public to enjoy rights paid for in 1988 when the easement was first signed. In addition, as a working forest property, lessee vehicles and logging trucks already use the existing roads on the Property.*

**“As an adjoining landowner to the Kildare CE, I have grave concerns about protecting our property against trespass, vandalism and/or theft. I see nothing in this amendment which addresses this. With an influx of full public access, how does DEC propose to protect the integrity of private property and their boundaries?”**

*The NYSDEC has an obligation to provide safe and legal public access to lands where rights to public recreation have been acquired. Aside from gates limiting where motorized public vehicles can go, monitoring visits by NYSDEC Lands and Forests staff, appropriate boundary line posting, outreach and public information about the Kildare Tract, and enforcement from Forest Rangers and ECOs will help prevent damage or trespass on lands neighboring the Property.*

**“In the revised RMP, three new gates are proposed in addition to the existing gates in order to control motorized uses from incurring upon adjacent Forest Preserve and private lands and, presumably, to limit impacts on resources and habitats. We appreciate these proposed actions. The document would be improved by discussing the past and present use levels of the roads.”**

*Thank you for your comment. Observation of other easements that have opened for public access after a period of exclusive use show no trend toward large increases in the amount of use. The lack of “outstanding natural features” on a property such as Kildare combine with the relatively difficult to access remote areas – long drives over gravel roads – to keep numbers down. Sections 5.A.i and 6.D.ii now contain estimates and predictions of current and projected use levels.*

**“We urge DEC to place an additional gate at the intersection of Cold Brook Road and Kildare Main Haul Road to prevent illegal public mechanized entry to Forest Preserve further south and damage to locations extremely close to the upper Jordan River. We understand that private leaseholders have a camp and right of way on Cold Brook Road, but those lessees can gain keys and exclusive access through such a gate.”**

*One benefit of the public comment process is the opportunity it provides planners to revisit/rethink suggested proposals. Resource allocation requires that certain decisions*

*be made when planning for facilities. Signs can often be as effective and considerably less expensive than gates at managing public use. Multiple comments regarding the Cold Brook Road suggest that the belief exists that this particular location is better suited for increased security. The plan has been amended to include a proposed gate at this location.*

**“We encourage the DEC to install an additional control point at the intersection of Cold Brook Road and Kildare Main Haul Road to prevent illegal ATV use on Forest Preserve lands at the southern terminus of Cold Brook Road.”**

*Please see the above comment*

**The Kildare tract and its adjoining parcels contain massive wetland complexes. “Although there is mention of wetlands in the SEQR documentation with relation to the road construction, the Revised Draft Amendment gives little to no consideration to the effect increased motorized public access will cause to these and other wetlands in areas surrounding the Kildare Tract.”**

*This plan does not propose any new construction in wetlands. Experiences and observations of public recreation on easement tracts in the region as well as our assessment of the likely appeal to the public of the kinds of natural resource features on this Property suggest that the projected increase of use levels on existing roads will be minimal. SEQR requires consideration of impacts on wetlands in the planning process and it was determined that there will be little to no affect to wetlands located on or adjacent to the tract from the actions proposed.*

#### **Comments regarding snowmobile access:**

**“From a snowmobile standpoint, this would finally link Franklin and St. Lawrence counties with an outstanding trail system.”**

*There are no snowmobile connector trails being proposed in this plan.*

**“I find it amusing to know the Five-mile Tract Conservation Easement will provide snowmobile access into the Kildare Tract.”**

*This plan amendment does not propose any snowmobile access on the Kildare Tract.*

**“This proposal highlights the Department’s failure to provide a north south snowmobile route on the east side of the Raquette River which is noted in the 2006 Raquette Boreal Unit Management Plan. With these two easements in place it is time to work in earnest on the snowmobile connector trail on the east side of Carry Falls Reservoir.”**

*Thank you for your comment, but such a proposal is outside the scope of this amendment. A snowmobile route running north to south, east of the Raquette River, could be possible through the Kildare and Five Mile tracts, but could require going through Forest Preserve Lands classified as Primitive and Wild Forest, which would require, at the least, amendments to the UMP for those lands. It could also require acquiring rights for snowmobile trails on private lands. There might also be conflicts with restrictions on use of lands adjacent to the Raquette River due to its classification as a Scenic River. These actions would have to be handled by a different process than through this RMP amendment.*

**“This proposal does not address the need noted in the 2006 Raquette Boreal Unit Management Plan for a snowmobile community connector trail on the east side of Carry Falls Reservoir connecting Franklin and St. Lawrence Counties and the communities of Tupper Lake, Colton, Parishville and points north.”**

*See previous response.*

**Natural Resource concerns:**

**“The connector road would be a big mistake. One of the major concerns would be the introduction of invasive species that is common when new roads are introduced to undisturbed areas. Do we really want to have this area look like down state where invasive species are so abundant?”**

*NYSDEC is committed to following Best Management Practices when constructing, maintaining, or repairing forest roads. With an increase in awareness for invasive species and the damage they cause, Lands and Forests staff will continue to monitor and report any new invasive species identifications to the appropriate organizations, notably the Adirondack Park Invasive Plant Program (APIPP) and/or eradicate established populations when feasible. In an effort of preventative management, information will be posted at the kiosks about the threats of spreading invasive species, identifying harmful plants and animals, and who to contact should a member of the public visiting the Property observe an invasive species. Brochures located at this kiosk will provide the public with useful information, including information on invasive species.*

**“There was no discussion throughout the proposed plan regarding the future of the fisheries and waters on the property. No discussion was made to address potential AIS, native species etc. Fishing is a major recreational activity and yet it is often neglected in discussions for these proposed plans.”**

*Fisheries will be managed consistent with applicable plans developed by the Division of Fish and Wildlife. Information about the fisheries on the Property has been added to the plan. Please see page 8 of this plan.*

**“The plan to construct additional connector roads, parking areas and campsites in this area, that is already accessible to the public, is contrary to NYSDEC’s mission “To conserve, improve and protect New York’s natural resources and environment and to prevent, abate and control water, land and air pollution, in order to enhance the health, safety and welfare of the people of the state and their overall economic and social well-being.” I don’t understand how this plan protects New York’s natural resources or prevents, abates, or controls water, land or air pollution. Nor does it enhance the health, safety and welfare of the people of the state.”**

*With Recreation Management Plans (RMP), one of the core priorities for NYSDEC is planning for public access in a way that protects natural resources. NYSDEC is charged with balancing lawful public access with resource protection. The RMP is guided by the Conservation Easement Document (deed). Provisions of that document specify that the property be managed as a “working forest.” As such, sustainable forestry criteria are in place to preserve and enhance the resource values of the protected property. Recreation rights acquired with the easement are planned and managed according to established conservation methods and practices to preserve and enhance the natural resource values.*

*Several years’ worth of field work, an initial draft of this amendment, a public comment period, a second draft and comment period, and revisions to the SEQR document all combine to provide the assessments needed for the proposals in this amendment. Experiences and observations of public recreation on easement tracts in the region suggest that the projected increase of use levels on existing roads will be minimal.*

**We are concerned that allowing public access to these lands will damage the environment that exists there now - as such, we are totally in disagreement of the plan to allow the general public easy access into this area. “There is nothing good about the destruction of nature that will be the result of this plan. ... I hope that the decision makers involved in planning will read and understand my concerns and address them properly by not going through with this project.”**

*The Kildare Conservation Easement (CE) was negotiated to accomplish natural resource and landscape value protection goals, in addition to the establishment of public rights acquired in the easement process. This plan proposes to provide public recreation opportunities while still prioritizing natural resource protection. The DEC does not anticipate large increases of public use and associated impacts to the Property as a result of proposals within this plan. The Kildare CE lands are still private lands managed by the landowner for forest products.*

**We acknowledge that the new State Environmental Quality Review (“SEQR”) considers all current and proposed public uses on the Tract, and that wildlife staff discussed endangered species habitat management. However, there is a lack of scientific studies and analyses evaluating the potential impacts which the proposed road could have on present species and habitats, specifically in the**

**adjoining Raquette River Wild Forest and Raquette-Jordan Boreal Primitive Area (the "Primitive Area").**

*The section of new construction proposed by this amendment traverses 2,500 feet of hardwood forest. The sections of existing road proposed to be open to the public are currently being used by the landowner and their lessees. There are no sensitive ecosystems affected by this plan. In addition, this area is to be considered for inclusion in the pilot Adirondack Ecological Monitoring and Scorecard program (see section B – Inventory and Monitoring), so changes to the area can be tracked.*

**“An amendment allowing increased motorized access to the Kildare Tract must take into account any impacts on the Jordan River. While the proposed information kiosk will provide information about the Spruce Grouse, there is nothing in the Revised Draft Amendment about the increased risk for aquatic invasive species in the Jordan River now that anglers and boaters will be able to more easily access the waters.”**

*The closest point that the public will be able to drive to will be about one mile from the Jordan River, at the edge of the Kildare Tract CE and the Raquette-Jordan Primitive Area, which is only slightly closer than the current carry from Carry Falls Reservoir to the Jordan River. In addition, the proposed kiosk at the gate near the R-J PA boundary will include signage informing public users of the Property of the threat and identification of invasive species. Messaging such as “Clean, Drain & Dry”, as well as current live bait restrictions, will be considered for the kiosk. Brochures placed at the proposed kiosk will also provide the public with information regarding invasive species.*

**Raquette Boreal UMP themed comments:**

**“The New York Natural Heritage Program and the Master Habitat Data Bank identify “eleven notable ecological communities and four rare or endangered animal species and two rare plant species within the Raquette Boreal Unit” (UMP page 21). The Kildare RMP should include maps of these notable ecological communities and discuss reasons why the proposed opening of the specific routes to public motorized uses will avoid or minimize impacts to these communities.”**

*While the Kildare CE does fall into the area designated as the Raquette Boreal Unit, most of the Natural Heritage occurrences mentioned in the Raquette Boreal UMP are found on Forest Preserve lands within the Unit. Natural Heritage occurrences, both on and off the Kildare CE, were considered when proposing locations of barriers and what roads to open to public motorized use. Information regarding the locations of rare species is considered sensitive and distribution is restricted. Information which identifies the locations of rare species or their habitats may lead to the collection or disturbance of the animals and plants at those locations. Therefore, it is inappropriate to include a map identifying the locations of the occurrences.*

**“The UMP did not envision the process for considering increased public access something to be taken lightly. A more detailed analysis of projected use and carrying capacity must be considered to ensure that the areas within and surrounding the Kildare Tract can handle this type of use.”**

*Lands and Forests staff will continue to monitor the property for impacts from public use. These potential impacts have been addressed in the amendment. Years of experience with public use on other conservation easements in the area suggest that use of/visitation to this tract will be low.*

**This region is made up of thousands of acres of spruce-northern hardwood and beech-maple old-growth forest, as well as massive wetlands and mountain slopes. “Approximately 4,000 acres of this parcel are mature forest of various types and constitute one of the largest — if not the largest — intact stands of privately owned old-growth forest in the State.” Allowing motorized public access to these areas should be considered carefully to ensure that the sensitive habitats remain protected. “The UMP recognizes the significant impact that public motorized access and its accompanying maintenance activities would have on the RBU...” These impacts include water pollution, negative impacts on vegetation, fish and wildlife, an increased need for law enforcement and other emergency services, negative visual impacts, increased safety hazards, and increased noise levels. These impacts must be reviewed, and the proposed connector road found to be consistent with the requirements of the RBUMP.**

*The lands covered by this amendment are Conservation Easement lands, which are working forests that contain little to no old growth forest. A revised SEQR process was initiated and completed for this revised amendment. The adjusted review includes analysis of both the new construction and the predicted impacts of public recreation on the roads proposed open in the plan. Multiple field visits by Lands & Forests staff and ongoing consultation with NYSDEC Wildlife staff combine with the ongoing monitoring component of the easement program to inform the proposals in this plan.*

**Miscellaneous comments:**

**“Since DEC is amending the recreation plan for the 5 Mile Conservation Easement and adjoining lands, I would urge you to remove the language forbidding canoeists and kayakers to paddle past the hunting club on the West Branch of the St. Regis. There is no good reason to force the public to carry or drag their boats a quarter mile or so to avoid being seen for a few minutes by whatever club members happen to be in camp. The club does not own the land. The state, on the other hand, paid for the conservation and recreation rights and, I assume, pays the lion’s share of the taxes. This is the only stretch of the West Branch in the Adirondacks that’s easily accessible. It should be open to the public.”**

*The terms of the Lyme Five Mile Easement were negotiated in 2007 to include very specific language prohibiting watercraft use near the main camp on the tract. Amending*

*a conservation easement agreement is outside the scope of this Recreation Management Plan (RMP) amendment, and the RMP amendment addresses only those terms specific to public ingress and egress to the Kildare Tract.*

**In the description of the road development in Kildare, nowhere was it mentioned where this tract is.**

*Please reference the Locator Map located in Appendix A of the plan (page 23). The Kildare tract is located in the Northwestern Adirondacks, east of the Carry Falls Reservoir, and is currently accessed primarily by boat. This plan proposes allowing access to the Kildare Tract via the Five Mile Conservation Easement Tract to the north and will be facilitated by the proposed connector road between the two properties.*

**“Does this project satisfy NYSDEC Commissioner’s Policy 29 for Environmental Justice and Permitting?”**

*The negative declaration determined by the revised SEQR process for this plan fulfills the requirements of CP-29.*

**“I noticed on pg. 120 of the plan the map shows one of Little Kildare, Inc's parcels as part of the Lassiter easement, I believe this to be an error.”**

*The map on page 120 of the Raquette Boreal Unit Management Plan does erroneously depict one of Kildare, Inc.'s parcels as Easement. The adjacent parcels owned by Little Kildare, Inc., are not a part of the Kildare Conservation Easement, and the revisions in this plan amendment do not apply on adjacent private property. Maps within this plan amendment do not depict the above-mentioned parcel as Easement.*

**“There is a hiring freeze in NYS government right now as a result of the pandemic. State agencies such as NYSDEC are already understaffed. Is this how the State should be spending money right now? By spending millions to serve so few?”**

*The Kildare Easement Document (1988) contained a provision for the establishment of an escrow account specifically earmarked for the creation of a connector to the property. The money to construct a connector road already exists and must be allocated to this project. There are current Lands and Forests staff dedicated to the easement program.*

**“I am quite concerned about opening public access in this manner and at this point in time. Our State is in the middle of one of the worst fiscal crises in our history. As a State taxpayer I am very much opposed to expending State resources on such a project. I feel it would be fiscally irresponsible. We should be focused on more critical statewide needs.”**

*The taxpayers of New York State paid for public access rights when the Kildare*



*Conservation Easement was purchased in 1988. NYSDEC's plans for monitoring the protected property can be found in section 6.B and the implementation table can be found in section 6.H. See the previous response for additional information.*

**"I believe you should reconsider the proposed signage in this amendment. I believe such installations to be intrusive to the wilderness experience of the area. If a person is going to visit the property, they have a responsibility to educate themselves on where they are going. Putting road signs everywhere is detrimental and of little value..."**

*Boundary signage is posted along major road corridors and accessible boundaries of the Property. Every effort will be made to locate signs in a manner consistent with the aesthetic character of the Property.*

**"The Revised Draft Amendment states that "increased public access proposed by this plan will be monitored in a manner consistent with established protocols..." However, there is no description or definition of these "established protocols". Such protocols should be laid out and defined... The Department should have a system already decided upon prior to opening and it should be described in detail. In addition, this should state "will be implemented" and not just considered."**

*Section 6.B p.12 of the proposed draft amendment describes the process by which NYSDEC plans for the monitoring of CE properties. The Kildare property will be routinely visited by Lands & Forests staff to ensure compliance with the terms of the easement. Monitoring can take the form of visits to the property specifically for that purpose or as observations made on the tract during the furtherance of other business.*

**"Leave No Trace messaging should be included in signage and kiosks on the Kildare and Five-Mile conservation easement lands."**

*Thank you for your comment. NYSDEC plans to include a complete suite of material in these kiosks to include: Leave No Trace, Invasive Species, Public Recreation, Health and Safety, Spruce Grouse, and historical information. There will also be a map and descriptions of public rights.*

**"We urge DEC to include indicators and thresholds as described by the Visitor Use Management Framework in its planning to define monitoring objectives, a monitoring schedule, and management actions to be taken should resource conditions deteriorate." The VUMF defines indicators as "specific resource or experiential attributes that can be measured to track changes in conditions so that progress towards maintaining desired conditions can be assessed. Thresholds are defined as minimally acceptable conditions associated with each indicator."**

*Thank you for the comment. The scientific literature and current practices of both state and federal land management agencies recommend several high-quality methods for the monitoring of public use on wildlands. The NYSDEC Conservation Easement Program*

*has been evolving for more than a decade and is staffed by personnel with a wide range of academic and professional backgrounds all related to natural resource protection and social science. No one tool is appropriate for every problem. The constraints of time, resources, and budget influence everything NYSDEC proposes to do. With over 900,000 acres of CE lands in the Adirondack Park, it is important to not overcommit or over promise on what can be achieved. Region 6 CE's are monitored routinely, and the skills and methods of staff assigned this task improve constantly.*

**“The parking areas and public access points all along the West Branch of the St. Regis River, where under terms of the easement the public enjoys extensive recreational use all along the west shore of the West Branch, should be well marked to clearly inform the public about their rights. The main kiosk to the tract at the north end should also clearly inform the public about their rights.”**

*There is currently an information kiosk in a parking area near the entrance to the Five Mile CE (see the Existing Facilities map on page 23). This kiosk contains a map of the property which depicts the areas open to the public and location of facilities such as canoe carries and parking lots. There is also a box on the kiosk for brochures. These brochures go into detail regarding public rights, Invasive Species, Leave No Trace principals, and related topics. The materials are reviewed and revised on a regular basis. There are NYSDEC easement signs located throughout the property.*

## D. SEQR Negative Declaration

<b>Agency Use Only [If Applicable]</b>	
Project :	Kildare RMP & Five Mile IRMP Amendment
Date :	5/21/20

**Full Environmental Assessment Form**  
**Part 3 - Evaluation of the Magnitude and Importance of Project Impacts**  
**and**  
**Determination of Significance**

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

**Reasons Supporting This Determination:**

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

See attachment.

**Determination of Significance - Type 1 and Unlisted Actions**

SEQR Status:       Type 1                       Unlisted

Identify portions of EAF completed for this Project:    Part 1       Part 2       Part 3

FEAF 2019

## SEQR Negative Declaration (continued)

<p>Upon review of the information recorded on this EAF, as noted, plus this additional support information  <u>Kildare Recreation Management Plan of the 2006 Raquette Boreal Unit Management Plan and the Five Mile Conservation Easement Interim Recreation Management Plan.</u></p>	
<p>and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the          NYS DEC _____ as lead agency that:</p>	
<p><input checked="" type="checkbox"/> A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.</p>	
<p><input type="checkbox"/> B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:</p> <p>_____</p> <p>_____</p> <p>_____</p>	
<p>There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.7(d)).</p>	
<p><input type="checkbox"/> C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.</p>	
<p>Name of Action: _____</p>	
<p>Name of Lead Agency: NYS DEC</p>	
<p>Name of Responsible Officer in Lead Agency: Kramer Kwaczala</p>	
<p>Title of Responsible Officer: Forester 1</p>	
<p>Signature of Responsible Officer in Lead Agency: <i>Kramer Kwaczala</i></p>	<p>Date: 5/21/20</p>
<p>Signature of Preparer (if different from Responsible Officer) <i>Peter Dluhosch</i></p>	<p>Date: 5/21/20</p>
<p><b>For Further Information:</b></p> <p>Contact Person: Peter D'Luhosch</p> <p>Address: 190 Outer Main Street, Suite 103, Potsdam NY 13676</p> <p>Telephone Number: 315-265-3090</p> <p>E-mail: peter.dluhosch@gmail.com</p> <p><b>For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:</b></p> <p>Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)</p> <p>Other involved agencies (if any)</p> <p>Applicant (if any)</p> <p>Environmental Notice Bulletin: <a href="http://www.dec.ny.gov/enb/enb.html">http://www.dec.ny.gov/enb/enb.html</a></p>	

**PRINT FULL FORM**

## SEQR Negative Declaration (continued)

Part 3 Attachment

Question # 1

Impact on Land

h. Other impacts:

This Amendment involves the construction of a small section of road that will connect to an existing forest road that will be rehabilitated. Also included in the amendment are the construction of parking areas and accessible campsites. To ensure there are no significant adverse environmental impacts associated with these management actions, the following Best Management Practices will be followed:

Road construction:

New section of road will be located to minimize the amount of cut and fill; the road will be located away from wetlands to the greatest extent practicable; and will not be located on areas with unstable slopes, grades exceeding 5% or characterized by erodible soils;

Measures will be taken so any surface water from the road will not drain directly into adjacent wetlands, but will instead drain into undisturbed forest soil or other vegetated areas;

Erosion will be prevented by mulching before vegetation establishes itself; Weed-free straw will be dispersed and seed applied as soon as possible following construction to minimize erosion, as applicable;

Water control devices such as culverts and water bars will be utilized as needed to minimize erosion and sedimentation into adjacent wetlands. These control measures will be inspected and repaired on a regular basis to ensure they remain functional;

Operations will be suspended during wet periods to avoid soil compaction and erosion;

Proper layout techniques will be followed minimizing erosion.

Construction of the new section of road may require the removal of obstacles in the proposed roadway such as large rocks. Gravel will be used to avoid runoff and increase the likelihood of erosion. Some grading and raking may be required.

Construction of parking areas and campsites:

Where possible, flat, stable, well-drained sites which have already been cleared

## SEQR Negative Declaration (continued)

such as old log landings will be used;

Gravel will be used to avoid runoff and increase the likelihood of erosion. Some grading and raking may be required.

### Question # 3

#### Impacts on Surface Water

##### I. Other impacts:

To protect wetlands during road construction and following construction, culverts and water bars will be used as needed to minimize erosion and prevent sedimentation. This will allow for water drainage, preventing hazardous road conditions due to pooling of water and maintain natural seasonal transport of surface water;

Buffers may be used to further protect wetlands from erosion and sedimentation.

### Question # 7

#### Impact on Plants and Animals

##### j. Other impacts:

The construction of the new section of road will involve removal of trees and possibly tree stumps. As few trees as possible will be cut for road construction. The section of road that will be rehabilitated will involve cutting small understory trees.

A management action that is being considered to protect Spruce grouse populations is to restrict motorized access through the Five Mile Tract after the first ten days of the Ruffed grouse hunting season. If this is implemented, it is unlikely there would be an additional significant impact to Spruce grouse populations on Kildare Conservation Easement Lands. This measure along with gates restricting access to potential Spruce grouse population sites, and education of Ruffed grouse hunters in Spruce grouse identification will ensure adverse impacts to the current population will be minimal.

As discussed in the Amendment, gates and other barriers will be put in place to protect sensitive areas from being accessed, such as Spruce grouse habitat, adjacent forest preserve lands and the Jordon River. Monitoring these control points will ensure continued protection of these areas.

Each of the projects discussed in this Amendment will be addressed in a project work plan detailing the number of trees to be removed and other specific project information prior to any work on the ground.

By following the Best Management practices set forth in this Negative Declaration, measures put in place to protect sensitive areas and the limited facility development proposed in this Amendment, there is not expected to be any significant adverse environmental impacts associated with proposed projects in the Kildare Amendment.

## E. DEC and Landowner Review Declaration

The NYS Department of Environmental Conservation is responsible for managing public access and recreation on the Kildare Tract and Five Mile Tract Conservation Easements, in accordance with the content of the conservation easement. The Parties agree that this Recreation Management Plan Amendment is consistent with the terms, conditions, and purposes of the conservation easement. It has been reviewed and approved for implementing the public recreation program on the Kildare Tract and Five Mile Tract Conservation Easements as outlined in this RMP Amendment.

This amendment has been reviewed and approved by the following:

The Molpus Woodlands Management Group, LLC

By: 

Title: Ken Sewell, Chief Operating Officer

Date: October 11, 2021

The New York State Department of Environmental Conservation

By:   
Robert K. Davies

Title: Director  
Director, Division of Lands and Forests

Date: 11/23/21

## F. Literature cited

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