

FSEIS

Amendments to the Adirondack Park State Land Master Plan (APSLMP) involving clarification of the Travel Corridors classification category definition, the guidelines for management and use, and amendment of related provisions.

Appendix C

Response to Public Comment on the Draft Supplemental Environmental Impact Statement of March 8, 2018

Introduction

The Adirondack Park Agency (APA or Agency) issued the Draft Supplemental Environmental Impact Statement (DSEIS) for the proposed amendment to the Adirondack Park State Land Master Plan (APSLMP) in March of 2018. The public had an opportunity to provide oral comments on all of the alternatives at three public hearings, and to submit written comments throughout the comment period. Approximately 109 people attended these hearings and 32 spoke at the hearings. The Agency received over 583 letters and emails during the public comment period, which ended on May 7, 2018.

The public comments were in response to the following six alternatives presented in the DSEIS:

Alternative 1 is the “no-action” alternative, which would prevent the conversion of the railroad line to a trail but would allow for a trail parallel to the railroad tracks.

Alternative 2 involves reclassification of a portion of the Remsen-Lake Placid Travel Corridor, which could allow the removal of the rails and development of a rail trail along a portion of the corridor.

Alternative 3 would create a new classification category and reclassification to that category, allowing the removal of the rails from any section of the Travel Corridor that is reclassified to a newly defined classification category.

Alternative 4 would revise the Travel Corridors definition and guidelines for management and use to allow a rail trail on any former railroad corridor owned by the State or in any future railroad corridors yet to be acquired by the State. This alternative would enable, but not require, removal of the rails from the Remsen-Lake Placid Travel Corridor and would allow any historical railroad line to be classified as a Travel Corridor for the purpose of a rail-trail, regardless of the existence of rail infrastructure.

Alternative 5 would revise the Travel Corridors definition and guidelines for management and use to allow a rail trail only on the 34-mile section of the Remsen-Lake Placid Travel Corridor from Lake Placid to Tupper Lake upon adoption of a UMP. This alternative would also allow for classification of future railroad corridors owned by the State as Travel Corridors.

Alternative 6 is the Preferred Alternative and would revise the Travel Corridors definition and guidelines for management and use to allow rail and rail trail use in the Remsen-Lake Placid Travel Corridor and future State-owned railroad corridors with existing rails. The Preferred Alternative would allow, but not require, the rails to be removed from any section of the Remsen-Lake Placid Travel Corridor upon adoption of a UMP.

The majority of comments received favored one alternative over another based on the belief some alternatives mandated the rails in the Remsen-Lake Placid Travel Corridor to remain and that others mandated their removal.

None of the alternatives mandate removal of the rails. Only Alternative 1, the no-action alternative, prohibits removal of the rails to create a rail trail and requires that the rails remain. Alternatives 2 through 6 allow for segments of rail infrastructure to be removed. All of the alternatives would allow a trail parallel to the railroad tracks, if the land was suitable and all other legal requirements could be satisfied, including the Freshwater Wetlands Act. All of the alternatives allow for rail operation.

These comments were considered carefully by the Agency and staff. Public comments are set out below, followed by the Agency responses in italics.

Acronyms and abbreviations:

APA or Agency: Adirondack Park Agency

APSLMP: Adirondack Park State Land Master Plan

ARTA: Adirondack Rail Trail Association

DEC: Department of Environmental Conservation

DOT: Department of Transportation

DSEIS: Draft Supplemental Environmental Impact Statement

FSEIS: Final Supplemental Environmental Impact Statement

OPRHP: Office of Parks, Recreation and Historic Preservation

ORDA: Olympic Regional Development Authority

ROOST: Regional Office of Sustainable Tourism

SEQRA: State Environmental Quality Review Act

SHPA: State Historic Preservation Act

UMP: Unit Management Plan

Adirondack Park State Land Master Plan Issues

Comment: Revisions to the Adirondack Park State Land Master Plan (APSLMP) are large undertakings that require a regional planning perspective, and a strong working knowledge of how changes to one land classification affect the other State lands of the Park, as a whole. The APSLMP just underwent a major revision process, approved in December 2016. Though ongoing review of the APSLMP is a stated guideline, frequent revision is not. APSLMP revisions have taken place three times: in 1979, 1987, and 2016. To do it again just two years later in 2018 is unprecedented and has the appearance of "spot zoning" and lacks a long-term, regional planning perspective.

Response: Executive Law § 816 states that the APSLMP may be amended from time to time, with no required time period between amendments. In fact, the APSLMP is amended each time state lands are classified or reclassified, which has occurred more than three times since its original adoption.

Comment: I write in the matter of redefining rail corridors in the Adirondack Park and renaming them travel corridor(s). I support the option of NO CHANGE listed as option #1.

Response: The Remsen-Lake Placid Travel Corridor is already identified as a Travel Corridor in the APSLMP, having been classified as such by means of the 1979 revision of the document. Any other rail corridors would not be eligible for listing as a Travel Corridor unless they had existing rails and were owned by the State of New York.

Comment: The intent of the Travel Corridor definition, and the reason why “Remsen to Lake Placid railroad” was added as the defining feature of the Remsen to Lake Placid Travel Corridor, was to maintain the availability of these corridors for highway and railway transportation purposes.

Response: According to the 1996 UMP, DOT acquired the Remsen-Lake Placid rail line to preserve the right-of-way until the best use could be determined.

Comment: The preferred alternative (Alternative 6) undermines the critically important designation of state lands within the Adirondack Park for use as public transportation routes. Recreational uses, including bicycling, snowmobiling and cross-country skiing are already considered compatible uses under the existing definition of Travel Corridor.

Response: Bicycling, cross-country skiing and snowmobiling are also methods of travel or transportation. Alternative 6 does not, in itself, eliminate public transportation. It allows for the rails to remain and train traffic to continue but also allows for DEC to remove the rails, convert the corridor to a trail, and allow modes of travel other than motor vehicle or train, subject to management proposed within an approved UMP.

Comment: The State Land Master Plan currently provides the Park Agency with a mechanism for the reclassification of state lands whenever such changes are deemed appropriate. Should the State proceed with rail removal in the Remsen to Lake Placid Travel Corridor, the APSLMP would require a full assessment of appropriate reclassification options (Wilderness, Wild Forest, Intensive Use, etc.) for the area from which the rails were removed. Pursuing a full assessment of which option would best allow the State’s objectives to be met would be a far more appropriate process than the current effort to undermine the clear intent of designated Travel Corridors as routes to be used for public transportation.

Response: Reclassification of the Remsen-Lake Placid Travel Corridor was considered as an alternative to the proposed revision of Travel Corridor Definitions and Guidelines, specifically in Alternatives 2 and 3. The environmental, social, historic and economic impacts of both alternatives were determined to be similar to the impacts of the Preferred Alternative. However, unlike alternative classifications, the Travel Corridor classification allows for the area to remain in use as a route for both public transportation and recreational travel. Reclassification to Historic was also considered but was not viable. The APSLMP definition for Historic Area classification includes a requirement that "the state has committed resources to manage such areas primarily for historic objectives" (page 46). The Remsen-Lake Placid Travel Corridor did not meet this requirement.

Comment: The State of New York has a clear responsibility to protect Travel Corridors, as originally intended, as a significant and critically important state land use within the Adirondack Park dedicated for transportation purposes. The original intent was for public transportation and the Agency's proposed amendment largely ignores this intent.

Response: The history in the 1996 UMP indicates that the full line was briefly used during the 1980 Olympics and operations on the full length of the line ceased within a year. The proposed amendment would allow rail operations to continue on all or any section of the line, but also allows for uses and modes of transportation consistent with the increased dependence on tourism and recreation in the Adirondacks.

Comment: The APSLMP should be amended to allow for snowmobile trail groomers. Unless excepted, it could be interpreted that a groomer is a motor vehicle and prohibited on the Travel Corridor.

Response: Snowmobile trail groomers are not explicitly addressed in the APSLMP for other classifications, including Wild Forest. The APSLMP limits public use of motor vehicles on Wild Forest. Recent litigation included a claim that the Temporary Revocable Permits and Adopt-a-Natural Resource Stewardship Program allowing snowmobile clubs to groom trails with tracked groomers in Wild Forest areas violated the APSLMP. The Supreme Court's December 15, 2014 decision upheld APA and DEC's interpretation of the Master Plan to allow grooming of snowmobile trails by snowmobile clubs as maintenance of improvements by administrative personnel and dismissed that cause of action affirming established snowmobile guidance and practice. Therefore, it is not necessary to address groomers.

Comment: Changing the Travel Corridor definition so that it simply would now include "rail trail" does not conform to the description and intent of the Travel Corridor classification in the APSLMP which clearly deals with major forms of transport (cars, trucks, trains) and their associated intense, large-scale infrastructure. The addition of

the word “rail trail” and its newly added description within the Travel Corridors section of the APSLMP is out of place with the rest of what is a clear land classification characteristic. It is awkward and forced.

Response: The Agency is authorized by Executive Law § 816 and the Adirondack Park State Land Master plan to amend the APSLMP, which can include changes to the definitions and guidelines applicable to each classification. Originally, the APSLMP did not include the Remsen-Lake Placid Travel Corridor, but it was added to the classification category in 1979. The definition of Travel Corridor evolved at that time, to allow for the first Travel Corridor originally constructed for a railroad, and it will continue to evolve with this proposed amendment.

Comment: The amendment feels like it’s trying to fit a square peg in a round hole. Changing the Travel Corridor definition so that it simply would now include "rail trail" does not conform to the description and intent of the wider Travel Corridor classification in the APSLMP which clearly deals with major forms of transport (cars, trucks, trains) and their associated intense, large-scale infrastructure. The addition of the word “rail trail” and its newly added description within the Travel Corridors section of the APSLMP is out of place with the rest of what are clear characteristics of the land classification. It is awkward and forced.

Travel Corridor term was put into use to mean a “major” form of travel such as highways, railroads and canals.

Response: Most of the Remsen-Lake Placid Corridor is no longer being used for public rail transportation. The sections that are being used are being used for recreational tours, as opposed to large-scale or major transport of people and freight. Use of the corridor has evolved, and the definition is now evolving with it to clarify that the current types of recreational use, as well as other types of recreational travel and transportation uses, can be legitimate and appropriate. Canals have never been included in the Travel Corridor category.

Comment: This is not a clarification of a definition, it is a change, a new classification category, discouraged by the FPEIS.

Response: A new classification category was considered as Alternative 3. The Preferred Alternative was found to be consistent with the 1979 Final Programmatic Environmental Impact Statement: Guidelines for Amending the Adirondack Park State Land Master Plan.

Alternative 1: No Action

Comments: Support Alternative 1 to take no action.

Support Alternative 1 to leave the 1996 UMP in effect. The “No Action” Alternative allows for upgrading the rails as well as creating rails-with-trails within and connecting to the corridor.

The 1996 UMP option which is currently operable has never been supported by the State of New York in its drive to thwart the clear desire of the citizens of the Park. NYS has done nothing to support an agreement to which it was a party in 1996.

Response: The Adirondack Park Agency found the 1996 UMP in conformance with the APSLMP and issued a wetlands permit for the construction of a trail parallel to the railroad tracks between Lake Placid and Ray Brook. The State of New York worked with local governments and the federal government over a number of years in an attempt to implement the 1996 UMP. Those efforts were not successful.

Comment: The SLMP is a regional planning document; this amendment undermines regional planning. Alternative 1, the “No Action” alternative, is clear in that it pertains exactly to the Remsen-Lake Placid railroad line and corridor, whereas the Agency’s chosen preferred alternative (Alternative 6) is vague as to what areas of the Park may one day fall under the proposed new Travel Corridor designation. This is too open-ended.

Response: Only rail lines with tracks may be classified as Travel Corridors. The classification categories in the APSLMP apply to lands currently owned by the State and to future acquisitions. This is not unique to Travel Corridors. All lands newly acquired by the State in the Park must be classified, and when each classification action is specifically proposed it is presented to the public in public hearings for public review, analysis and comment.

Comments: Alternative 6 doesn’t fit with the State’s ongoing argument that we must convert the railroad to a rail trail because so few opportunities for rail trail-type recreation exist in the Park. If there are other such opportunities, then why do we need to remove the rails from the active Remsen-Lake Placid railroad?

From a regional planning perspective - which is what the APSLMP is supposed to provide - we should get a firm grip on exactly what rail trails and rail trail-type trails already exist, and what trails could be developed before we consider amending the APSLMP to remove the rails from the Remsen-Lake Placid railroad line, or any other railroad line yet to be identified.

Some trails that already exist are:

- 1) Bloomingdale Bog Trail

- 2) stone dust snowmobile/bike trail (called C8A?) in the Town of Saranac that connects up to the old D&H line (called C7?),
- 3) many miles of family-friendly bike trails (as well as snowmobile and ATV) in the Kushaqua easement.

Some trails that are already planned for development or could be developed are:

- 1) Governor Cuomo’s Empire State Trail plan
- 2) Trails in state highway corridors that are an exciting new possibility for our communities through the Forest Preserve Land Bank Amendment to the NYS Constitution passed by voters in 2017.

Response: The DSEIS does not make an "argument that we must convert the railroad to a rail trail because so few opportunities for rail trail-type recreation exist in the Park." The Preferred Alternative will allow the rails to remain, and it will also allow the rails to be removed increasing the diversity of uses which may occur in Travel Corridors, pursuant to Unit Management Plans developed by the Department of Environmental Conservation and the Department of Transportation in consultation with the Adirondack Park Agency. Other trails within the region do not take away from the value of the diversity of uses possible in the Travel Corridors. Similarly, proposed changes to the Travel Corridor classification will have no direct effect on the classification of other trails.

Comments: Alternative 1 allows for upgrading the rails, as well as creating rails-with-trails opportunities within and connecting to the corridor. Conversely, the focus of Alternative 6 is the removal of the rails. Therefore, Alternative 1 allows for a greater diversity of uses of the Travel Corridor than Alternative 6. Alternative 1 also allows for a greater diversity of ages and abilities of recreationists using the corridor than Alternative 6.

Destruction of an operable railroad would

- Destroy a unique asset
- Remove access to the veritable smorgasbord of outdoor recreation opportunities adjacent to (some accessible only by) the railroad
- Limit the number and type of users of the park’s assets
- Remove all-weather access to the Park
- Destroy infrastructure listed on the State and National Registers of Historic Places
- Further limit access to the ever increasing number of acres of NYS property within the Park
- Prevent the return of a unique recreational/tourism experience (railbikes)
- Destroy New York State’s opportunity to have a truly unique recreational experience - the ability to put yourself, your family (and your bicycle/canoe/kayak/ SUP, etc.), and your things on the train and be to the Adirondack Park’s recreational offerings

- Limit access (severely) to those not of the economic means to own a canoe or kayak, a mountain bike, a stand-up paddleboard, an automobile...
- Take away NYS DEC's opportunity to meter access to sites along the corridor.

State government should maintain a variety of transportation resources within the Adirondack Park.

By no stretch of the imagination can a recreational trail be considered part of a Transportation Travel Corridor.

Response: Alternative 6 allows for both upgrading the rails and creating rails-with-trails opportunities within and connecting to the corridor. As such, the proposed action will provide for a greater diversity of travel and transportation uses to occur in Travel Corridors, pursuant to UMPs developed by the Department of Environmental Conservation and the Department of Transportation in consultation with the Adirondack Park Agency. The potential impacts of any specific proposal to remove the rails in all or any portion of a Travel Corridor must be examined at the time of UMP development and review.

Keep the Rails (no specific Alternative listed)

Comments: Removing the tracks removes the ability for the elderly and handicapped to see these views of the Park.

The railroad enables people with disabilities to have access deep into the Forest Preserve.

Keeping the rails will enable the elderly alternatives to automobile travel.

Response: Removing the rails could allow for public use of a diversity of other modes of travel and transportation, which are also available to persons of all ages and abilities.

Comments: Do not remove a resource for the benefit of a few when there are already hundreds of miles of trails in the Park.

Removing the rails encourages snowmobiling and then doesn't provide an opportunity to go somewhere without the noise.

Once the rails are removed it will be too expensive to replace them.

Keep the rails to allow passage from Utica to Lake Placid.

There are many ways to put in trails and keep the railroad at the same time.

Keep the rails so that I can access other areas in the Forest Preserve at stops along the route.

Removing the rails will encourage illegal use by motorcycles, four wheelers and dune buggies.

We have only one railroad up here and we need to keep it. If it goes away it will be gone forever.

Railroad should remain as an alternative route for closed highways in the event of an emergency.

Keep the railroad in case Lake Placid hosts the winter Olympics again and we need it to handle the volume of people.

Keep the APSLMP the same and continue rail service through this area.

Changing the definition is a means to destroy the railroad.

Repair existing infrastructure, do not destroy it.

The Amendment threatens an active rail line. The proposed alternative harms the status of this railroad as an active rail line, which receives oversight from the Federal Railway Administration. Even the Rails-to-Trails Conservancy - a rail trail advocacy group cited in the DSEIS - does not advocate converting active rail lines to rail trails.

Response: The Preferred Alternative does not require that the rails be removed. It simply allows for this option during development of a UMP for the corridor.

Alternative 6

Comments: Alternative 6 allows for increased accessibility.

Removing the rails will allow me, a senior citizen, easier access by way of snowmobile.

Response: The Preferred Alternative does not require that the rails be removed. Ease of access can vary depending on the mode of travel. For some elderly people and persons with disabilities, trains may provide greater accessibility, but for others, other modes of travel along a rail trail can provide both accessibility and a healthy outdoor recreational experience.

Comments: Support Alternative 6 to remove rails to allow for the creation of a multiuse rail trail.

Alternative 6 enables the greatest flexibility to make changes when necessary, it looks forward to changing conditions.

Supportive because it allows rail with trail.

Support Alternative 6 to ensure access on the Saratoga to Tahawus line should the State acquire it.

Support Alternative 6 to enable a longer snowmobile riding season without the rails. This will also improve the economy.

Support Alternative 6 to provide safer bicycle commuting between Saranac Lake and Lake Placid.

Support the amendment to the State Land Master Plan that will enable the State to create a thirty-four-mile rail trail between Lake Placid and Tupper Lake.

Fully support the amendment. This amendment appears to have been worked out very carefully and takes into account all possible situations going forward. The amended wording will allow the Remsen-Lake Placid railroad right-of-way to be used for both motorized and non-motorized recreation as well as by rail operations.

Please do whatever is necessary to move forward with this rail trail. I have visited many rail trails all over the country and I can tell you that they are a wonderful addition to any area.

Support Alternative 6 because the railroad is not viable above Big Moose.

Response: The Preferred Alternative provides for both trail and rail uses in Travel Corridors in the Park pursuant to UMPs developed by the Department of Environmental Conservation and the Department of Transportation in consultation with the Adirondack Park Agency.

General Support (No Specific Alternative listed)

Comments: Support the proposal to allow rail trails.

Rail trail will help me travel safely by bicycle between communities.

We need bicycle paths; our roads are not safe.

Having a rail trail will enable more people to use the corridor.

Aging cyclists prefer the rail trail because it is generally more level than the roads.

We already have one underused RR line that Amtrak serves.

Response: The Preferred Alternative does not mandate removal of the rails, but would allow for their removal pursuant to a UMP Amendment for the Travel Corridor.

UMP issues

1996 UMP

Comments: The 1996 UMP was written to accommodate all parties, railroad, snowmobile, hikers and bikers.

Keep the 1996 UMP Alternative 6 and build trails alongside the tracks where possible and use the recently adopted “land bank” when parallel trails are impossible.

Response: None of the new APSLMP language proposed as part of the Preferred Alternative serves to revise the 1996 UMP or invalidate its preferred alternative. The 1996 UMP remains in effect and will continue to be operative after adoption of the APSLMP Amendment. The 1996 UMP does not conflict with the Preferred Alternative.

2016 UMP Amendment

Comment: Support the 2016 UMP amendment.

Response: The 2016 UMP Amendment is no longer in force.

General UMP Comments

Comments: Remove the rails from Lake Placid to Tupper as soon as possible.

Request removal of the train tracks from Saranac Lake to at least Old Forge or better yet to Forestport or Remsen.

Remove the tracks from Lake Placid to at least Old Forge, preferably to Forestport or Remsen.

Strongly urge you to prohibit snowmobile traffic on the trail from where the trail intersects with route 86 near in Saranac Lake near Scarface Mountain to Lake Placid.

Prohibit snowmobile traffic between Ray Brook and Lake Placid.

Do not allow snowmobiles on the travel corridor.

The snowmobilers can still ride over the rails, just not maybe for as long a season.

Allow only non-motorized sports on a paved track.

Encouraging snowmobile use will increase noise and pollution.

Promoting snowmobile use by ripping up the rails will facilitate increased illegal trespass by snowmobiles into the lakes of the St. Regis Canoe Area, adjacent to the Tupper Lake - Lake Placid railbed, which, managed as a wilderness area, prohibits snowmobile use.

Allowing snowmobiles on the travel corridor will lead to increased illegal use of snowmobiles on adjacent lands classified as Wilderness.

A trail will become a dumping ground.

The Adverse Environmental Effects section raises the issue of "user conflicts" but fails to mention the fact that the Travel Corridor crosses at least 3 State highways in the area and fails to discuss the danger of snowmobiles crossing at these intersections. This section also states that DEC has experience with management of multi-use trails and development of "...speed limits and hours of operation rules..." When the NYS Forest Ranger and Environmental Conservation Officer ranks are woefully understaffed, it is irresponsible of the APA to imply that speed limits and hours of operation rules will solve user conflict problems, when there is insufficient enforcement capability.

DEC presented to the APA that the costs of restoring rail service and ripping up the rails to build a trail would be roughly the same. That is, until you read the fine print. What is not included in the cost is disposal of the old ties and rails, surface topping, and reinforcing the causeways through wetlands once the rails have been taken up. Presently, the ties and rails serve to hold the causeways together. It will require major reconstruction of the causeways in very sensitive areas at astronomical costs to taxpayers. Using national averages, I have computed that removing the rails and building a recreational trail will cost more than twice per mile than renovating the rails.

DEC presented to the APA pictures of a paved trail, suitable for wheelchairs, bikes, etc. with a safety fence to separate between skiers and snowmobiles. Their present plan, instead, calls for a ten-foot wide stone dust path, unusable by most bikes, and certainly off limits to wheel chairs and children's bikes. Surface topping is to be stone dust, a known carcinogenic. Other states, like Vermont, rightly insist that all converted rail trails be paved to seal in the stone dust.

Response: The proposed amendments to the APSLMP allows for the Travel Corridor to either have rails or not have rails, pending development and adoption of a UMP that specifies the choice. The managerial decisions regarding what uses would be allowed in specific locations will need to be determined and set forth within a UMP.

Many of these comments refer to DEC's actions as may be proposed within a potential future UMP. Since the Department is required to follow SEQRA when developing a UMP, there will be an opportunity for the public to comment on proposed management actions at that time.

Comments: Strongly urge a plan to have BOTH historical rail AND trail so that everyone can enjoy this route.

Why can't we have both rails and trails?

Fully support a rail corridor accompanied by a trail for other users.

Response: The Preferred Alternative allows both trail and rail uses in Travel Corridors in the Park pursuant to UMPs developed by the Department of Environmental Conservation and the Department of Transportation in consultation with the Adirondack Park Agency.

Comment: How does the APA and DEC justify the use of studies done by ARTA as the sole source of information as to the feasibility of the trail only option vs. the rail with trail?

Response: The Agency did not determine the feasibility of a trail only option vs. rail with trail and did not rely on any study by ARTA. The Preferred Alternative to amend the definition of Travel Corridors provides for both trail and rail uses, including rail with trail, in Travel Corridors pursuant to UMPs developed by the Department of Environmental Conservation and the Department of Transportation in consultation with the Adirondack Park Agency. This action does not assume, nor does it propose, any specific development in any Travel Corridors in the Adirondack Park.

Economics

Comments: While not publicly acknowledged by ORDA, Empire State Development, ROOST, or the Governor's Office, rail access will also allow our region to better compete with other Olympic hopefuls as the impact of climate change steadily reduces the number of communities able to host Winter Olympic and international winter sport competitions. Rail access is expected by international visitors. Eliminating options for

rail access will make our region less competitive in the sports related travel market in which New York is very heavily invested.

The State has caused economic decline by perpetuating this debate. The DSEIS has a section titled "Growth Inducing Aspects of the Proposed Action" and mentions how Alternative 6 "will contribute to positive growth in recreation and tourism in the Adirondack Park." It is important to note that the debate that this DSEIS continues to perpetuate, has caused a loss of tourism industry jobs as well as tens of thousands of visitors by stopping train and railbike operations in the corridor.

Response: The Preferred Alternative provides for both trail and rail uses in Travel Corridors in the Park pursuant to UMPs developed by the Department of Environmental Conservation and the Department of Transportation in consultation with the Adirondack Park Agency.

Comment: The economic viability of Park communities is dependent on tourism and snowmobilers are an integral part of that equation.

Response: The Preferred Alternative provides for both trail and rail uses, including snowmobiling, in Travel Corridors pursuant to UMPs developed by the Department of Environmental Conservation and the Department of Transportation in consultation with the Adirondack Park Agency.

Comments: The railroad provides an economic stimulus to local businesses. Tourist railroad operations are an essential tourist opportunity that bring revenue to the area.

Trails do not always bring new business opportunities, that is an assumption.

Rail trails help the local economy by improving the business of existing hotels, restaurants and shops.

Every economic and feasibility study done in the last 40 years (except ARTA's) has supported the use of the railroad in the Adirondack Travel Corridor.

An economic study commissioned by ADKAction (no friend of the railroad) stated that having both rail and trail options are better than one or the other.

Response: Research indicates that both trails and trains can positively impact local communities.

Comments: This plan should not proceed without a permanent funding source. Concerned with the lack of funding for permanent maintenance on the proposed multi use trail between Tupper Lake and Saranac Lake.

The Remsen Lake - Placid route is not pretty and would not be used by many cyclists. Converting to a rail trail is a waste of time and money.

Removing the rails will make economic sense, we shouldn't be spending money on rails that few use.

Do not subsidize the hobby railroad.

Support the retention of and investment in railroad infrastructure for the entire length or the Remsen-Lake Placid Travel Corridor.

Railroads are not a relic of the past for transportation, they are being used world-wide, but need money to improve.

The governor issued a press release in concert with DEC in May 2016, promising to rebuild the trackage from Big Moose to Tupper Lake; nothing has been done on that empty promise either.

Response: Any new development or management different from what was proposed in the 1996 UMP Amendment will need to be proposed through a UMP process. Funding of such development or management is subject to the state budget process which is separate from the amendment of the APSLMP.

Comments: This section makes no mention of the tremendous beneficial economic impact of the Rail Explorers' sustainable railbike operation on the Saranac Lake economy during the 2015- 2016 season, estimated to be \$1.3 million per year. The Rail Explorers were so popular it was difficult to make a reservation in 2016. The DSEIS, further, makes no mention that 33 local business supported the Rail Explorers operation. The Rail Explorer's operation of course requires that the rails remain intact. In addition, this section makes the statement: "This action [redefinition of a Travel Corridor] will allow the opportunity of a rail trail in the Adirondack Park to be realized." This statement ignores existing snowmobile opportunities in the area; there are existing rail trails already "realized" in the Park, for example, the Bloomington Bog Rail Trail, very near the Saranac Lake section of the Remsen - Lake Placid railbed which is well-represented on regional websites and snowmobile trail maps. Destruction of an operable railroad will remove an employer (employers) from the corridor.

Response: This proposed APSLMP amendment does not require rail and railbike operation to cease. The Preferred Alternative to amend the APSLMP's language regarding Travel Corridors provides for both trail and rail uses in Travel Corridors pursuant to UMPs developed by the Department of Environmental Conservation and the Department of Transportation in consultation with the Adirondack Park Agency.

Environment

Comments: Using the train helps to reduce carbon emissions and slow down climate change.

Using the rails for freight instead of trucks on highways is more energy efficient.

Rail travel is more environmentally friendly.

The Governor has a laudable and clearly stated policy goal of reducing reliance on automobiles in order to reduce greenhouse gas emissions. To be consistent with this goal, New York, a State with a rapidly changing demographic, should be encouraging visitor access to the Adirondack Park, to the greatest extent possible, using public transportation. To do otherwise, as we further promote tourism, will cause an increase in automobile traffic and the need for better highways and other facilities to accommodate personal vehicles. By making the wise choice of encouraging access to the Park by rail, we will be able to minimize the environmental impact of a planned and needed increase in tourism.

Electrify the train.

Response: Determining whether road or rail is the eco-friendlier mode of travel is difficult. Variables include the type of vehicle and train (electric, diesel, gasoline powered) and the number of passengers per vehicle and train. EPA emission standards for locomotive diesel engines are stricter for newer and remanufactured engines than for engines manufactured in the 1950s and earlier. The development and investment in electric vehicle technology and charging stations exemplified by Governor Cuomo's Charge NY initiative demonstrates that there are many ways to battle climate change.

Comment: For the APA to meet its stated mandate to exercise responsible "protection and preservation of the natural resources" of the Park, snowmobile use, with the resultant increase in CO2 and hydrocarbon emissions, should not be promoted by the APA by amending the APSLMP to allow for snowmobile use in the Travel Corridor.

Response: Snowmobiles are currently allowed on the Remsen-Lake Placid Travel Corridor. The proposed amendment would not alter that.

Comment: Removal of the tracks will cause environmental harm.

Response: Removal of the tracks would be conducted in accordance with necessary permits and best management practices to prevent environmental harm.

Comment: Rail transportation to Lake Placid will also delay, or perhaps prevent, major environmental and State Forest Preserve controversies over the necessary stabilization and expansion of Route 73 through the Cascades. Without the rails for alternative access, the capacity of Route 73 will need to be substantially upgraded to safely accommodate the growing number of automobiles needed to bring visitors to the Tri-Lakes.

Response: The Preferred Alternative does not prevent access to the Adirondack Park by rail. However, the Travel Corridor approaches Lake Placid from the west, which does not help minimize transportation access issues to the High Peaks and Tri-Lakes area associated with Route 73 east of the Village.

Comment: Do not allow a broadcast herbicide application in the corridor to kill the vegetation.

Response: Broadcast herbicide applications are not allowed in the corridor. In 2008, a UMP amendment was approved that included a Vegetative Management Plan that replaced the approach to herbicide use set forth in the 1996 UMP. Any change to the Vegetative Management Plan would require a UMP amendment and therefore will be presented to the public in public hearings for public review, analysis and comment.

Legal

Comment: Based on Judge Main's ruling, legal analysis at the time recognized that the first step in proceeding with the DEC plan would be to change the definition of 'Travel Corridor' in the APSLMP. It is thus clear that the purpose of the APA's proposed revision of this definition change is to remove one of the legal roadblocks to DEC implementing their plan to rip up the tracks that Judge Main's ruling imposed on DEC. Therefore, it is also clear that this DSEIS process is biased from the outset, in favor of ripping up the tracks. The public hearing process to solicit unbiased, public input is an empty exercise, with the outcome predetermined.

Response: Although the DSEIS proposes a Preferred Alternative that will, if approved, allow but not require DEC and DOT to pursue the goals they set out to achieve in the 2016 UMP Amendment, the Preferred Alternative cannot and will not establish a "predetermined outcome" for any subsequent UMP development process.

Comments: The DEC has continually misrepresented ownership of the underlying lands of the corridor. The DEC has claimed to have taken these lands via eminent domain. They can produce no record of such action. I have examined 5 deeds in the Lake Clear

area and all are specific in their wording that "an easement is granted for railroad and associated uses". The US Supreme Court has, on several occasions, most recently in 2014, by an 8 to 1 majority, upheld re-visionary (sic) rights of landowners when a railroad is formally abandoned. The high cost of settling with landowners for trail easements is currently running between one and five million dollars per mile. This will be borne by taxpayers if allowed to proceed. The corridor passes through roughly 50 private parcels between Lake Placid and Tupper Lake. Some of the landowners have retained the services of a law firm that specializes in this type of law and are prepared to sue if the State proceeds with the destruction of the railroad.

The State should prove that it actually owns the corridor fully in fee title before claiming that it does in the DSEIS.

Response: The APSLMP applies to state lands, and if the State has not acquired lands within the corridor, then the amendment would not apply to those lands.

Comment: The proposal to spend funds from ORDA within the corridor is illegal: a former APA Counsel authored a law that defines the ORDA region as the county of Essex, the town of North Elba and the town of North Creek in Warren County as THE ORDA region, outside of which no state funds may be expended.

Response: The proposed APSLMP amendment does not include any proposals to spend funds from any source.

Comment: The legislative intent behind the purchase of the Remsen-Lake Placid corridor in the 1970's was to protect the Park residents against consumer commodity price spikes (including fuels) due to the fuel crisis of the time and allow outsiders access to the Park in times of high gasoline prices.

Response: The intent of the State in acquiring the Remsen - Lake Placid railroad corridor in the 1970's was to ensure that this valuable corridor be managed for its highest and best use. Chapter 998 of the Laws of 1973, authorizing the acquisition of abandoned rail corridors, found that, "abandoned railroad transportation property often possesses unique and irreplaceable value particularly suitable for public transportation purposes and non-transportation purposes, as well as for joint public uses." In the 44 years since the corridor was acquired, several efforts have been made to determine what the highest and best use of this property is. The 1996 UMP called for the full development of the rail, along with a parallel trail within the corridor. Freight use and passenger rail service never materialized, despite extensive attempts by the State to market this corridor for freight and passenger use.

Comments: Abandoning the railroad must be done via the Surface Transportation Board and not a State Agency.

The myth of rail banking, that the rails can one day be replaced "should demand arise" is false. Abandonment is a legal process, from which there is no turning back. I urge the APA not to proceed down this shortsighted path.

The proposed alternative harms the status of this railroad as an active rail line, which receives oversight from the Federal Railway Administration. Even the Rails-to-Trails Conservancy - a rail trail advocacy group cited in the DSEIS - does not advocate converting active rail lines to rail trails.

Response: The entire Remsen - Lake Placid railroad line was formally abandoned by the Penn Central Transportation Company in 1972, authorized by the Interstate Commerce Commission (ICC), predecessor to the Surface Transportation Board (STB). NYSDOT acquired most of the corridor from the Penn Central Transportation Co. in 1975 pursuant to Section 18 of NYS Transportation Law, which provides NYSDOT a preferential right to acquire abandoned railroad property. In preparation for the 1980 Lake Placid Olympics, the Adirondack Railway Corp. (ARC) reinstated rail service on the corridor.

The ARC's operating authority was extinguished by order of the U.S. Bankruptcy court in 1988. The court also firmly established that the common carrier obligation did not transfer to the State upon acquisition of ARC's lease interest in the corridor. Therefore, since 1988, the Remsen - Lake Placid corridor has ceased to be a "line of railroad" subject to the ICC / STB's jurisdiction. To the extent that the rail infrastructure remains in place and is operated for tourist railroad purposes, those operations are subject to the Federal Rail Administration's safety regulations.

Comment: The obvious nature of determining who, and under what circumstances, later determination of rail and trail designation may take place, is unreasonable, arbitrary and capricious. I recognize that Executive Law is not Statute Law so I may assume that it (Executive Law which is APA Act) is whatever the Executive of the State of New York decides it is.

Response: The Executive Law, including the Adirondack Park Agency Act, is composed of statutes passed by the New York State legislature.

Comment: When I voted against the state constitutional convention one of the reasons of doing so was so that changes to the Adirondack Park would not be made. Now I see changes are being made anyway all to the calling of a time limited rail trail fad. Seems there is no staying steadfast in the changing whims of our time.

Response: Changes may be made within the Adirondack Park and Preserve by means other than a Constitutional Amendment, including amendment of the APSLMP and UMPs. Each of these avenues for change requires a public process.

Comment: This issue should be brought before the people of the State at a general election to amend the Constitution, you are creating a new recreational highway.

Response: Agency staff have determined that the modification of the Travel Corridor classification category definition is appropriately reviewed as an amendment to the APSLMP, just as when the Remsen – Lake Placid Travel Corridor was established in the APSLMP by revision of this document in 1979.

Comments: Changing a rule to override a lawsuit that failed is wrong.

Accept the verdict you have been handed.

Follow the court ruling and keep the tracks.

Changing the travel corridor definition is a hasty work-around Judge Main's decision.

Judge Main's unchallenged decision is the final interpretation of the law. The recent NYS Supreme Court decision rendered by Judge Main is also being disregarded, to wit: the Agency has not addressed Land Ownership along the Utica-Lake Placid corridor, nor has the Agency in its proposed amendment addressed the issue of Federal and State Historic Register compliance nor has it done a thing to insure that the corridor remains intact.

Response: The proposed amendment is in accord with the Court's ruling.

Before any rail infrastructure is removed, a new UMP amendment would have to be approved, after being found in conformance with the APSLMP and with the State Historic Preservation Act. The Agency has invited OPRHP to consult with it regarding preservation of historical resources in the adoption of the proposed changes to the APSLMP. The DEC previously entered into a letter of resolution with OPRHP regarding preservation of historic resources in implementing the previous UMP Amendment. A separate letter of resolution would be entered prior to the adoption of a new UMP Amendment.

As stated above, the APSLMP only applies to state lands. If the State has not acquired any of the parcels comprising the Remsen-Lake Placid Travel Corridor, then the amendment would not apply to such parcels until the State acquires them.

Comment: Changing the definition is spot zoning, changing the zoning for a narrow purpose. In this case, to remove the rails and bypass the court ruling.

Response: The applicability of the revisions to future acquisitions demonstrates that this is not spot zoning, but is intended to apply to similar state lands throughout the Park.

Comment: As a property owner along the corridor, our deed reads “Excepting and reserving the right of way for the New York State Railroad which crosses...premises...” How can changes be made in the APSLMP which would allow different uses to this Railroad or allow removal of the tracks.

Response: As stated above, the APSLMP only applies to state lands. If the State has not acquired the fee, easement or right-of-way of any parcel comprising the Remsen-Lake Placid Travel Corridor, then the amendment would not apply to such parcel unless and until the State acquires it.

Changes to the APSLMP can have and have had impacts on adjacent landowners, which are addressed in the DSEIS.

SEQRA

Comments: The “Public Need and Benefit” section (pg. 9) of the DSEIS is outdated. The DSEIS should note that recreational trails within state highway travel corridors are allowed now that the Forest Preserve Land Bank Constitutional Amendment was accepted by voters in 2017. This makes the purported "need" for Alternative 6 to lack urgency and certainly proves that it is not necessary in terms of the broader spectrum of recreational use possibilities within the Park (which are full of thousands of miles of hiking, biking, and snowmobiling opportunities already).

The “Public Need and Benefit” section (pg 9) of the DSEIS is inadequate. I have listed a small number of existing and possible rail trail and rail trail-like trails above in my first point. There are undoubtedly more, and this makes the purported "need" for Alternative 6 lack urgency and certainly proves that Alternative 6 is not necessary in terms of the broader spectrum of recreational possibilities within the Park. Similarly, if the 1996 UMP for the Remsen-Lake Placid Travel Corridor would finally be implemented, all diverse recreational opportunities would be available to the public, thus fulfilling public need. The DSEIS should state this lack of urgency for Alternative 6, and it should state that Alternative 1 (due to the robustly planned 1996 UMP) answers the need more completely than Alternative 6.

Response: The referenced constitutional amendment provided that public utility lines and bicycle trails may be constructed and maintained within the widths of highways traversing Forest Preserve. This does not provide for multi-purpose recreational trails within highway corridors. Snowmobiles are generally prohibited from operating on

highways, [Parks, Recreation and Historic Preservation Law § 25.05] and the 2017 amendment did not open up any highway corridors to snowmobiling. The “Public Need and Benefit” section does not state or even assume that bicycling is not allowed on highways in the Park.

Both the Preferred Alternative and the 1996 UMP allow for rails with operating trains, rails with trails, and/or removal of rails for a trail.

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Comment: No public hearing in central, western or downstate New York: Another example of bias toward ripping up the rails is that there is no public hearing scheduled for Utica, where a large contingent of supporters of continued operation of the Adirondack Scenic Railroad are located. To allow a fair, public statewide response, this DSEIS should be rescinded and reissued with a hearing date scheduled for Utica and other areas of the State.

Response: The Agency held one hearing in Albany and one hearing in Old Forge, through which the Remsen-Lake Placid Travel Corridor passes. The presentation and public hearing held on April 11, 2018 in Albany is available to view and listen to on APA’s website: http://nysapa.granicus.com/MediaPlayer.php?view_id=2&clip_id=485. In addition, the public was able to submit comments without attending a hearing.

Historic Preservation

Comments: Alternative 6 does not adequately address Historic Preservation of the corridor and its appurtenances, which are listed on the State and National Historic Preservation Registers. The DSEIS gives the reader the sense of lip-service being paid to historic preservation. While the language mentions preservation and restoration, it doesn’t address the issue of the destruction of historic resources, which is what the DSEIS is more immediately proposing to do with the changed Travel Corridor definition.

We are legally mandated to preserve Historic Resources. Alternative 1 preserves historic resources, Alternative 6 does not because it does not adequately address Historic Preservation of the corridor and its appurtenances, which are listed on the National Historic Preservation Register.

Do not lose this historic resource.

The “trails only” alternative that is being promoted by the State is ill-conceived for several reasons. It would diminish an important National Register listed historic resource, would forever eliminate rail service to the two most important central Adirondack communities, has already shut down a successful excursion railroad between Saranac Lake and Lake Placid, and – perhaps most importantly – pulling up

the tracks is not necessary to having a robust recreational trail system along the Tupper Lake to Lake Placid (or any) section of the corridor. That a recent Supreme Court decision struck down the state plan is abundant evidence for how of how poorly conceived and executed this plan is.

Response: Neither the FSEIS nor the APSLMP can destroy historic resources. Before any rail infrastructure is removed, a new UMP amendment would have to be approved, after being found in conformance with the APSLMP and with the New York State Historic Preservation Act. The OPRHP has issued a letter indicating that the APSLMP Amendments will result in no adverse impacts on historic resources. The Agency is consulting with OPRHP regarding preservation of historical resources in the adoption of the proposed changes to the APSLMP and that consultation process has led to the revision of the FSEIS to better reflect the changing nature of the railroad corridor and the surrounding Adirondack Park and Preserve since the designation of the railroad line as a National Historic Place in 1993.

The FSEIS discusses the history of the Remsen-Lake Placid Rail Corridor and acknowledges that the APSLMP amendment could be followed by a new UMP Amendment proposing to remove some or all of the rails. A possible new UMP Amendment would require further consultation between DEC, DOT and OPRHP under section 14.09 of the New York State Historic Preservation Act.

The DEC and DOT entered a letter of resolution on January 27, 2017 with OPRHP regarding preservation of historic resources in implementing the previous UMP Amendment. Another letter of resolution would be entered prior to the adoption of a new UMP Amendment. Any UMP Amendment would have to evaluate and address the impact on historic resources.

Other

Comment: Thanks to the Agency for this effort.

Response: Thank you for participating.

Comment: The majority of New Yorkers aren't able to afford the cost of tickets on the trains and are thereby denied access to the spectacular beauty of their own park!

Response: There are many ways to access and enjoy the Adirondack Park, free of charge.

Comment: There was a request to add the names of the 12,000 people who signed an earlier petition in favor of a rail trail construction.

Response: The petition did not address the APSLMP amendment; instead, its signatures were collected in favor of a "rail trail" since 2010. Therefore, the people who signed the petition were not specifically addressing the DSEIS or proposed APSLMP amendment, released for public comment in 2018. This submission is being considered as one comment referencing the past petition.

Comment: The DEC presented to the APA that public opinion was roughly equally divided on the subject. This was a deliberate obfuscation by the DEC. Public comment was really about 70,000 to 15,000 in favor of bringing Alt. 6 to fruition. The Adirondack Scenic Railroad hand delivered two batches of signed and dated post cards supporting restored rail service over the entire corridor. These totaled 50,000, and were discarded, out of hand, by the DEC. The DEC has ignored FOIL requests to provide information regarding what happened to these comments.

Response: The Agency is considering the public comments on the proposed APSLMP amendment. The volume of previous public comments to DEC on a prior UMP or UMP amendment does not address the proposed APSLMP amendment.

Comment: Do not store abandoned rail cars in the Adirondacks.

Response: The storage of rail cars would not conform to the revised Travel Corridor management guidelines under the proposed APSLMP amendment.

Comments: The justification stated in the DSEIS for the definition change is specious. The current definition of 'Travel Corridor' in the APSLMP states: "A Travel Corridor is that strip of land constituting the roadbed and right-of-way of state and interstate highways in the Adirondack Park, the Remsen to Lake Placid railroad right-of-way, and those state lands immediately adjacent to and visible from these facilities." The APA's stated justification for the proposed revised definition reads: "The purpose of this APSLMP amendment is to define a railroad corridor as the fee or easement lands that include a railbed of the Remsen-Lake Placid railroad and any future acquisition that may be considered for classification as a Travel Corridor, existing either (1) for operation rail cars or (2) to serve as a rail trail..."

This is a specious argument. Since the only railbed identified in the APSLMP is the Remsen to Lake Placid railroad right-of-way, under the current definition of "Travel Corridor" if the State acquires new lands that contain a railbed, since such railbeds are not currently identified in the APSLMP, there is no prohibition in the APSLMP against removing tracks from any future acquired railbed.

Response: If the State acquired another railroad line or right-of-way, it would be subject to classification under the APSLMP, as are all new state acquisitions. The Travel Corridor would be the logical classification for such an acquisition, but if the definition

and guidelines are not revised, the State would be limited in how it could manage any such future acquisition.

Comments: The impact of the APA's proposed change in the definition of 'Travel Corridor' is tremendously short- sighted. As stated in the "Background and History" section of the DSEIS (p.10), the Remsen-Lake Placid Travel Corridor was added to the APSLMP in 1979 in anticipation of the 1980 Olympics in Lake Placid as a mass transit option for visitors to the Olympics. To revise the APSLMP definition of Travel Corridor now solely to facilitate DEC's removal of the rails forecloses future mass transit use of this Travel Corridor. This ignores population trends that millennials are driving less. It also ignores the potential for Lake Placid as a large regional Olympics or other international sports venue. (Rail removal proponents assert that the rails could always be reinstalled in the future, but this would be wasteful of the existing infrastructure, and a wasteful future expense.) Preserving the existing Remsen-Lake Placid rail line can be a future mass transit boon to the area.

Response: According to the 1996 UMP, the rail infrastructure could not sustain safe train travel on the entire line after the 1980 Olympics. The proposed APSLMP amendment does not require the State to remove the rails. Lake Placid and the Olympic Regional Development Authority are already hosting international competitions, but have not expressed the need for rail service along the Remsen-Lake Placid Travel Corridor.

Comments: The snowmobile and the rail community must work together for the good of both organizations.

There are so many ways to find common ground, but common ground is the only way to find success.

Response: Noted.
