



## Adirondack Park Agency

**KAREN FELDMAN**  
Acting Chair

**TERRY MARTINO**  
Executive Director

**DRAFT MINUTES**  
State Land Committee  
December 13, 2018  
Agency Meeting  
KF:KDR:mp

### **State Land Committee December 13, 2018**

The State Land Committee convened at 11:10 am.

#### **State Land Committee Members Present:**

John Ernst – Committee Chair, Chad Dawson, Arthur Lussi, William Thomas and Robert Stegemann (DEC)

#### **Other Members and Designees Present:**

Karen Feldman, Acting Chair, Daniel Wilt, Bradley Austin (ESD), and Lynne Mahoney (DOS)

#### **Local Government Review Board**

Gerald Delaney, Executive Director

#### **Agency Staff Present:**

Terry Martino, Executive Director, Paul Van Cott, Associate Counsel, Kathy Regan, Mary Palmer, Kevin Prickett and Elizabeth Phillips

#### **Approval of November 2018 Draft Minutes**

By motion of Mr. Lussi, seconded by Mr. Thomas, the November minutes were unanimously approved.

#### **Ski Trail Guidance**

Kevin Prickett (APA) and Eric Kasza (DEC) gave a presentation on the draft guidance and asked the Board for authorization to proceed to public comment.

Dr. Dawson asked if the reasoning for trails being for winter use only is to maintain the vegetation. Mr. Kasza said the primary reason is to provide a quality skiing experience.

Mr. Thomas asked how hikers would be discouraged from using these trails. Mr. Kasza said there would have to be signage, and the design and layout tend to discourage hikers. In addition, when the ski trail is designed to be longer than the existing hiking trail, hikers will take the shorter trail to get to their destination.

Mr. Stegemann added that when you design a ski trail you are not doing water management as you do for a foot trail. Mr. Kasza said there will be some water management, but in summer you would not recognize that management because of the vegetation.

Mr. Ernst asked if there was a difference between back country and downhill skiing equipment. Mr. Prickett said back country equipment is lighter and can be taken to a variety of places. Mr. Lussi added that back country bindings now allow the heel to be locked or released so you can walk uphill with your heel unlocked and then lock your heel for the ski down.

Dr. Dawson asked for clarification that the guidance does not include glade skiing. Mr. Kasza explained that when the process started users asked for glade skiing. The Department and the Agency looked at different designs to implement glade skiing in the Forest Preserve and determined there is a constitutional question regarding tree cutting that needs to be evaluated. Mr. Kasza said staff developed three types of ski trails in the guidance and will address glade skiing at a later date.

Ms. Feldman asked if staff discussed the possibility of situations that would require coming back to the Agency for a permit or would the work be done through the UMP process. Mr. Prickett said new trails would be identified through the UMP process. Management of existing trails would not require a UMP. As with any trail work, a wetlands permit may be needed.

Dr. Dawson noted in the last paragraph on page eleven of the guidance the first sentence does not state which type of trails would require a UMP, and the second sentence says existing trails. He suggested for clarification adding "new trails" to the first sentence which would be considered a ministerial change.

Mr. Ernst said the overall extent (density) of the trails was not mentioned in the guidance, and asked if each section would be looked at individually through a UMP. Mr. Kasza answered affirmatively. Mr. Prickett added that the guidance does include recommendations about locations of trails, focusing on north facing slopes.

Ms. Feldman asked what the timeframe is for public comment. Mr. Prickett said the comment period would run from December 14, 2018 through January 11, 2019. Dr. Dawson noted that is in the middle of the holiday season and suggested extending the comment period. Ms. Feldman agreed. Mr. Kasza said the comment period would be extended.

Mr. Stegemann suggested extending it through the end of January and bringing it back for the February meeting. Ms. Feldman said that bringing the guidance back in February may be too difficult if there is a great deal of comment. Ms. Regan requested the guidance be brought back in March if the comment period is extended. January 31 was proposed as an end date for public comment. The Board agreed.

Mr. Ernst asked for a motion to proceed to public comment with the change that Dr. Dawson suggested.

By motion of Dr. Dawson, seconded by Mr. Lussi, motion to proceed to public comment was unanimously approved.

Session ended at 11:55 am and resumed at 2:50 pm.

**APSLMP Amendment for Travel Corridor Definition & Guidelines for Management and Use**

Mr. Van Cott is recused from the Travel Corridor guidelines and left the room prior to the presentation.

Ms. Regan thanked staff and agencies that have been involved with the travel corridor guidelines. She gave an overview of the proposed Final Supplemental Environmental Impact Statement (FSEIS) and asked that the FSEIS be accepted and the proposed amendments be forwarded to the Governor for his approval.

Mr. Thomas asked if staff have considered the use of snowmobiles on existing tracks. Ms. Regan said snowmobiles are currently allowed to go on existing track of the Remsen-Lake Placid Corridor.

Mr. Thomas asked if the trails could be used for tourists during the summer. Ms. Regan said that the UMP process would identify recreational uses allowed. The Travel Corridor would not automatically be open to all uses.

Mr. Thomas noted that if the rails were removed, the clean-up associated with developing a rail trail could be an environmental concern. Ms. Regan said that would be considered trail construction. Ms. Regan added that the 2016 UMP is no longer in effect because the Judge determined it was not valid. If the Department wants to do any new projects that are different from the 1996 UMP they would have to come back to the Board with a UMP Amendment.

Mr. Thomas asked if the EIS would pertain to any future land purchases with rails made by the State. Ms. Regan answered affirmatively.

Dr. Dawson noted that several of the public comments construed the Judge's decision in a variety of ways and asked for clarification. Ms. Phillips said one thing the Judge said was you cannot amend the SLMP with a UMP. The Judge quoted the 1996 UMP which said "the travel corridor description should be amended to more clearly reflect the recreational theme of the management that would be pursued on the Corridor if rail options fail to materialize. As an alternative, another classification should be added to the SLMP." The Judge said the 2016 UMP was an impermissible amendment to the

SLMP, and also ignored the express classification concerns raised in the 1996 UMP. It was clear to the Judge that what the State wanted to do in the 2016 UMP did not fit the SLMP definition.

Dr. Dawson asked if the Judge was supporting the change in definition or keeping the railroad. Ms. Phillips said the Judge did not say the State could not do it, he said you are not doing it correctly.

Mr. Delaney asked if it would be correct to say the SLMP is a document where the APA and DEC can make changes, but they are not effective until the Governor signs it. Ms. Phillips answered affirmatively.

Dr. Dawson noted his concern that the definition of electric bikes begins to open up e-bike use on other areas of State lands. Ms. Regan said this definition will only allow certain types of electric assisted bikes on railroad travel corridors.

Dr. Dawson said it could open the door to more sub-categorizations of what is or is not a motor. Ms. Regan said that will be a decision for the Board to make in the future.

Mr. Ernst asked if the use of herbicides is controlled under the UMP process. Ms. Regan said yes, there are specific things they can and cannot use.

Mr. Wilt asked if the definition on page twelve of Appendix A of a snowmobile being steered by skis or runners would be an issue. There are some snowmobiles where you steer the tracks and sit on the skis. Ms. Phillips said that is the current definition effective January 1, 2018 which is in both the Vehicle and Traffic law and Parks and Recreation law.

Mr. Delaney said by the way this SLMP amendment is written the preferred alternative appears to be geared towards the rails. Ms. Regan said staff were not trying to do that. The language that we were using is to allow for rail and rail trail use on the Remsen-Lake Placid Corridor. Removal of the rails is not mandatory, just a possibility that would be addressed in a future UMP.

Mr. Thomas asked if the Utica to Tupper Lake rail is also part of the UMP. Ms. Regan said the definition would apply to the entire one-hundred and twenty miles of the Remsen-Lake Placid Corridor.

Mr. Lussi commended staff on Alternative 6. It says if you want to keep the rails in a section, you keep them. If you want to take them out in a section, you take them out. It is very well worded and written.

Dr. Dawson noted the sixth bullet and the first two whereas paragraphs on page two of the resolution reads "rail and rail trail use." In order to be able to choose to keep or remove the trails those sections are missing the and/or. He suggested adding them to the resolution. Ms. Regan said that change can be made.

Mr. Ernst asked for a motion, with the changes suggested by Dr. Dawson, to adopt the Resolution accepting the FSEIS and recommending the APSLMP revisions be forwarded to the Governor.

By motion of Mr. Lussi, seconded by Dr. Dawson, the Board unanimously approved the Resolution.

**Old Business**

None

**New Business**

None

Mr. Ernst, Committee Chair, adjourned the meeting at 3:55 pm.