



May 2, 2018

Kathleen D. Regan  
Deputy Director, Planning  
Adirondack Park Agency  
P.O. Box 99  
1133 State Route 86  
Ray Brook, NY 12977

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

Dear Ms. Regan –

Below find comments from the Sierra Club Atlantic Chapter on the APA's Proposed Action to amend the Adirondack Park State Land Master Plan to change the definition of "Travel Corridor". This is an unnecessary action, and we urge you to rescind the DSEIS amendment, or select Alternative 1: No Action.

The Sierra Club participated on the advisory committee, which developed the 1996 Unit Management Plan for the Travel Corridor; this UMP was approved by DEC. The "rails with trails" concept established by the UMP was applauded at the time as a great compromise. It should continue to be on the basis for management of this unique area.

Sincerely,

A handwritten signature in black ink that reads "Caitlin P. Ferrante". The signature is written in a cursive, flowing style.

Caitlin P. Ferrante  
Chapter Coordinator  
Sierra Club Atlantic Chapter

**The Sierra Club believes that the Adirondack Park Agency's Draft Supplemental Environmental Impact Statement, which proposes to amend the APSLMP to change the definition of "Travel Corridor", is unnecessary; and we call on the Adirondack Park Agency to rescind this DSEIS, or to select Alternative 1: No Action.**

It is clear that the Adirondack Park Agency would NOT have issued this DSEIS if, in September 26, 2017, State Supreme Court Justice Robert Mains had not ruled against the NYS Department of Environmental Conservation's plan to rip up the Remsen - Lake Placid 'Travel Corridor' tracks between Tupper Lake and Lake Placid, in a suit brought by the Adirondack Scenic Railroad to prevent DEC from ripping up the tracks. One of the bases of the judge's ruling was that the DEC plan violated the APA definition of 'Travel Corridor' in the Adirondack Park State Land Master Plan (APSLMP). 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. 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.

Were it not for DEC's track removal plan, and Judge Main's ruling against it, there would be no need for the APA to propose a revision to its definition of Travel Corridor to accommodate ripping up tracks and creating a rail trail, to accommodate the DEC's flawed plan.. In any case, if the State acquires future tracts containing rails, the seller will likely remove the tracks for their scrap value prior to transfer of title to the State.

Finally, in 1996, the Department of Environmental Conservation approved a Unit Management Plan (UMP) for management of this Travel Corridor which included continuation of the rail service on the Remsen to Lake Placid travel corridor AND included a foot trail which followed the tracks where possible, and diverged from the tracks where wetlands or other terrain did not allow enough space beside the tracks, and then rejoining the tracks later. This plan was devised by an advisory committee of over 50 members representing all elements of the user spectrum. Judge Main's ruling asserted that this UMP remains in effect. This emphasizes that redefinition of the Travel Corridor definition in the State Land Master Plan is unnecessary, and that the existing DEC-approved UMP for the Travel Corridor should be honored, keeping the tracks in place.

The above concerns should be enough of a reason to reject the APA's preferred alternative (Alternative 6: Revise Travel Corridor definition and guidelines for management and use to allow rail and rail trail use on the Remsen-Lake Placid Travel Corridor and future state-owned railroad corridors with existing rails.) However there are several additional problems with the proposed DSEIS, as follows:

(1) ***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.

(2) ***Global Climate Change:*** In this era of increasingly intense impacts of climate change, the APA should not promote activities which will knowingly increase climate change agents. The DSEIS states the unifying theme of the APSLMP is: *"... the protection and preservation of the natural resources of the state lands within the Park must be paramount...Human use and enjoyment of these lands should be permitted so long as the resources and their physical and biological context ...are not degraded."*

In contrast, the DSEIS states (p. 1): *"The APSLMP's definition of Travel Corridor is being amended to define a railroad corridor as...either (1) for the operation of rail cars, or (2) to serve as a rail trail. A rail trail is ....where the rails have been removed to accommodate modes of travel other than rail cars, including snowmobiles and bicycles...."*

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.

(3) **Illegal Trespass**: 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.

(4) **Physical and Biological Resource Impacts and Mitigation** (p.17): The DSEIS states, *"The remaining public uses described above may have a lower impact on the physical and biological characteristics of the corridor than rail operation."* The "remaining uses" stated in the DSEIS are identified as walking cycling, cross-county skiing and snowmobiling; yet the DSEIS provides no supporting information for this conditional statement; however, page 21 makes a clearly contradictory statement *"... travel corridor augmentation may introduce new usage ...by snowmobile enthusiasts."* Hardly an indicator of "lower impact."

(5) **Impacts on the Local and Regional Economy** (p.20): This section is incomplete, and makes erroneous statements. 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.

(6) **Impacts on Adjacent Private Lands** (p.18): Converting the rail corridor to a rail trail, and the related increase in snowmobile use will facilitate increased trespass on adjacent private land. The DSEIS states (p.19): "*Trespass from a travel corridor to adjoining land, including illegal motorized access on private property, could have adverse impacts.*" At a time when the NYS Forest Ranger and Environmental Conservation Officer ranks are woefully understaffed it is irresponsible of the APA to create a situation where illegal motorized access on private property will likely increase.

(7) **Historic Resources** (p 22): This section fails to thoroughly address the historic value of the railroad. It fails to acknowledge that the Preservation League of New York designated the Remsen - Lake Placid Travel Corridor as one of the "Seven To Save" for 2016 - 2017, a move supported by Adirondack Architectural Heritage. This is the only scenic railroad in the Adirondacks. Scenic railways are becoming more and more popular as tourist attractions. Examples include Catskill Mountain Railroad, the Cooperstown & Charlotte Valley Railroad, the Winnepesaukee Scenic Railroad, the Conway Scenic Railroad, and the Yosemite Mountain Railroad. This is exactly the wrong time for the APA to eliminate the opportunity for a scenic railroad in the Tupper Lake - Lake Placid area by redefining the APSLMP Travel Corridor definition in a way that will facilitate DEC's removal of the tracks.

(8) **Adverse Environmental Effects** (p. 22): This section is also deficient. It makes no mention of increase in CO2 and other hydrocarbon emissions resulting from increased access for snowmobiles, if the tracks are ripped up. It also makes no mention of likely illegal ATV access to the protected St. Regis Canoe Area, and the associated surface degradation. This section also raises the issue of "user conflicts". However, it then 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 (p. 23) also states that DEC has experience with management of multi-use trails and development of "*...speed limits and hours of operation rules...*" Again, as stated above, at a time 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.

(9) **Eliminates Mass Transit Options** (p.10); 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 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 millennial are driving less ([Millennial spurn driver's licenses, study finds - USA Today](#)). 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.