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NYS Adirondack Park Agency
P.O. Box 99
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December 3, 2015

RE: Comments on draft Remsen-Lake Placid Travel Corridor UMP amendment

Dear Agency Members, Designees, and Staff,

One of the most critical public land actions since the creation of the State Land Master Plan is before the Agency for consideration. The proposed changes to the Remsen-Lake Placid Travel Corridor Unit Management Plan touch on almost all areas of the Park's geography, environment, economy, history, and future. There is no State land unit in the Park with such scope, variety of uses, historic designation, and direct economic impact to so many communities, as the Remsen-Lake Placid Travel Corridor; for its uniqueness alone, we need to tread carefully into the arena of decision-making.

Summary and Outline of this Letter

1. The Proposed Amendment in the Context of Park-wide Land Use Planning
2. SLMP Non-Compliance - The proposed Remsen-Lake Placid (RLP) Travel Corridor Unit Management Plan (UMP) amendment does not comply with the guidelines set forth for Travel Corridors in the State Land Master Plan (SLMP). The definition of a Travel Corridor is clearly linked to major forms of transport infrastructure, not to recreational use (SLMP pgs. 14, 49, 116; 1996 RLP UMP p. 54). Removing the infrastructure should cause the corridor "overlay" to revert back to the underlying land classification (SLMP pgs. 14 and 47; 1996 RLP UMP p. 54). The two land classifications in "Segment 2" affected by the proposed amendment's "Alternative #7" are Wild Forest and Canoe Area. By turning the corridor into 100% recreational use while continuing to call the corridor a Travel Corridor, the State can allow incompatible motorized use and bicycling in the "essentially wilderness" Canoe Area, and it can allow unlimited snowmobile use in Wild Forest without having to count it toward the snowmobile mileage cap or fit the "character of a foot trail." It is important to note that an apparent bias in the Agency's review is evident in the so-called "minor and ministerial" revisions proposed for the DSEIS SLMP amendments coming before the Agency in December 2015. Under the proposed "minor and ministerial" category, the designation of the "Railroad" to the Travel Corridor classification is suggested to be changed to "right-of-way." This is not "minor" or "ministerial." It should be reviewed as a "Major Change" to the SLMP and should be reviewed in concert with the proposed UMP amendment.
3. SEQR considerations - The draft UMP/FSEIS is incomplete in its:
 - a. comparison of the new preferred alternative compared with the preferred alternative from the 1996 UMP,
 - b. exploration of alternatives,
 - c. regulatory review with regard to State and National Historic Preservation Acts,
 - d. regulatory review with regard to the Americans with Disabilities Act,
 - e. discussion of and research on environmental impacts,
 - f. discussion of and research on social and economic impacts to our Adirondack communities;

- g. and the draft UMP/FSEIS must be reviewed in concert with the proposed DSEIS amendments to the SLMP.
4. Proposed Solution: Sustainable Communities in the Adirondacks Rely on Rails AND Trails - I offer a win-win solution that does not require removal of the RLP rail infrastructure and connects Northern Adirondack communities using existing low-gradient, multi-use trails.

1. The Proposed Amendment in the Context of Park-wide Land Use Planning

The matter of the RLP Travel Corridor is a planning exercise almost as tough as the creation of the Adirondack Park Land Use and Development Plan itself. To effectively manage this ~120-mile corridor requires:

- an understanding of the history of the railroad;
- knowledge of how different private and public land classifications fit together along the Corridor;
- perspective on the spirit and intent of the people who crafted the SLMP and led the Agency at its inception;
- a full reading of conclusions in the adopted 1996 RLP UMP;
- an understanding of present-day conditions in the Corridor, including its connected communities and various citizen groups;
- and, most importantly, a due regard for the responsibility resting on the Agency's shoulders.

The action the Agency takes on this issue will either build a strong environmental and economic base for the Park, or it will add fresh fuel to the always-smouldering Motorized Use vs. Wilderness debate for many decades to come. The Agency's decision can help to bring different factions in the Park together with a shared vision for a sustainable future, or it can help to grow the civil divide. Ultimately, the Agency is in the same position Abraham Lincoln faced when he tried to preserve the Union founded on the principles of liberty and justice for all. In our case, we have a globally unique Union of public+private and environment+economy, and our Union is founded on the principles of wildland preservation and carefully planned development.

And so, with the preservation of the "Adirondack Union" foremost in our minds with respect to the public land under discussion, we turn to State Land Master Plan, which offers authoritative vision and guidance for how the public lands of the Park work separately and together to create a complex ecological and recreational patchwork. The Park we manage today is one we inherited from New York State leaders over 40 years ago and it is one we should be ready to pass on to future generations, fully intact and operational. The SLMP is the tool that allows for this fluid transition through the years. Twisting or disregarding sections of the SLMP, or "amending-it-to-fit," has a direct negative impact on the lands of the Forest Preserve, and our experience of the last 40+ years shows us that the places where we mismanaged the landscape in the past haunt us in our management decisions today. Thomas Jefferson said, "It is incumbent on every generation to pay its own debts as it goes. A principle which if acted on would save one-half the wars of the world." If we follow the guiding principles set forth in the SLMP, we clear our "debts" of past and proposed landscape mismanagement, and the SLMP becomes the "common language" from which all sides can peacefully operate and respectfully debate.

I believe that the most SLMP-compliant, most environmentally and economically intelligent, most "Union-preserving," most "debt-clearing," and *simplest* decision with regard to the RLP Travel Corridor is to finally implement Alternative #6 from the duly adopted 1996 RLP UMP. The 1996 UMP is very well-researched and well-thought out. As a planning document, it is a model to emulate, and it is both SLMP-compliant and popularly supported, however, it was never fully implemented by the State. In 2000, Governor Pataki began the implementation of the UMP by investing \$7 million to upgrade the rails between Saranac Lake and Lake Placid. This section of track upgrade was meant to serve as an anchor from which corridor-wide rail restoration would be based in the future. About 10 years ago, a Department

of State (DOS) grant was given to create a multi-use trail between Saranac Lake and Lake Placid and further the trail-development portion of the 1996 UMP. Agency wetland permits were in place to move this project forward, and while further DOS funding would most likely have been necessary to complete the trail, the real reason this trail was never realized is due to the efforts of special interest groups that derailed cooperative achievements and caused the rail-to-trail debate to flare and forward progress on the 1996 UMP to falter. The 1996 UMP was the “common language” from which we were all supposed to operate; we started to do it, but never completed it; this left a “debt,” and now we are divided. If we have any respect for the SLMP, for the millions of tax dollars invested by Governor Pataki, and for the hard work of the staff and Agency Members who created and approved the 1996 plan, we should give the 1996 UMP a chance.

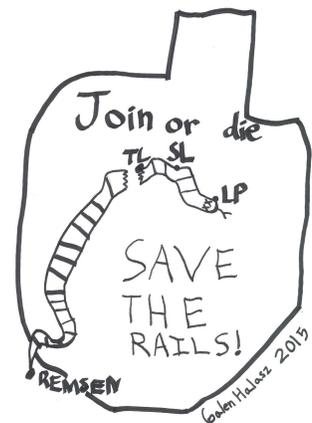
Sen. Betty Little was a NYS Assemblywoman at the time of the \$7 million upgrade by Gov. Pataki. She had a perfect quote that summed up the work of the Agency, Department of Environmental Conservation (DEC) and Department of Transportation (DOT) at the time:

These restored railroad lines are not only important tourist attractions, but are equally important for the preservation of railroads in the Adirondacks. Future years may see renewed usage of rail lines and we will have the necessary infrastructure due to the foresight of Governor Pataki and those who worked so hard on this project. I am grateful to them all.

-Assemblywoman Little in DOT press release, March 20, 2000¹

Sen. Little’s quote demonstrates the positive attitude toward the State’s rail-with-trail decision from the 1996 UMP. Remembering this and other quotes from the same press release by Adirondack leaders from all different sectors including economic development and environmental groups, and remembering the funding from Gov. Pataki, the DOS grant, and the 1996 UMP itself, we should see how far we’ve been distracted from the win-win solution in such a short amount of time. We don’t need to reinvent the Travel Corridor and chop it up and twist the SLMP to make it fit, we just need to go back to preferred Alternative #6.

Some think that “Alternative #7” of the proposed Remsen-Lake Placid Travel Corridor amendment is a “compromise” between pro-trail and pro-rail groups. Mr. Davies of DEC has pointed out that it is not a compromise, but instead it is what DEC staff feel is the optimal use of two DEC-created segments of the Corridor. I agree with Mr. Davies that it is NOT a compromise, but I cannot agree that this represents optimal use of the Corridor because the proposal is not SLMP-compliant, nor has it been fully examined from a SEQR standpoint, and it disregards existing conditions in the landscape. Moreover, “Alternative #7” is a blow to the Tri-Lakes communities which are already the most isolated communities in the Park from the Interstate highways going up each side of the Blue Line. Anything that removes transportation infrastructure from our already isolated, rural communities cannot be viewed as an optimal use. The railroad comes to the heart of each of the Tri-Lakes communities, and in Saranac Lake, in particular, our Downtown depends on the railroad for its survival. My 10 year-old made a political cartoon, inspired by Ben Franklin’s “Join or Die” cartoon from 1754, that really captures how segmenting the RLP corridor heightens isolation of the Tri-Lakes from our sister community of Old Forge. Rather than negatively accentuating the geographic spread of communities in the Park, the Corridor should serve as the “rising tide” to link what I like to call our 6 Million-Acre Neighborhood.



¹ <https://www.dot.ny.gov/news/press-releases/2000/200012>

Alternative #7 also cannot be viewed as a compromise, because no one wants it! A recent poll in November 2015 of 2,755 readers of the *Adirondack Daily Enterprise* reports that only 7% of respondents agree with DEC's proposal to segment the corridor. 45% feel that rails in the entire corridor should be upgraded, 40% prefer the entire Remsen-Lake Placid be turned into a multi-use recreational trail, 6% think the tracks should be left in place but kept unimproved, and 3% have a different idea (perhaps a rails-with-trails scenario) or are undecided. Unfortunately, the poll never provided a choice of the Rails-With-Trails option from the adopted 1996 UMP.

Some citizen groups have suggested that Alternative #7 is a "done deal" which is disrespectful to the Agency's process. I think it behooves the Agency to perform due diligence on this issue, both to demonstrate the Agency's leadership role in the Park, as well as to support Governor Cuomo. The recent encounter between Saranac Lake merchants and the Governor,² suggests that the Governor, though a frequent visitor to Saranac Lake, is not fully aware of our railroad debate in which he himself stands to be embarrassed by causing the closure of successful local businesses, undermining historic preservation legislation, and reducing transportation options to a rural, underserved region of NYS. Discussing the RLP railroad in September 2012, Governor Cuomo showed his full support of the North Country Regional Economic Development Council (REDC) stating, "We work with something called the Regional Economic Development Council that we put together, which is really the leadership of the entire North Country, and I look to them to determine priorities."³ The North Country REDC published its Sustainability Plan for economic growth in 2013 which includes the recommendation of "Preservation and Rehabilitation of the Adirondack Scenic Railroad Line from Remsen to Lake Placid."⁴

Like the North Country REDC's sustainability plan, I believe that the Agency should approach review of the proposed amendment as though it is administering a "Marshall Plan" for the Adirondacks. Our Adirondack "Marshall Plan" should identify and develop resources that will boost our 6 million-acre Park to be a visionary model of sustainability that reflects the modern community-building attitude of embracing new innovations (i.e. new trail development) while reusing, recycling, and reinventing existing assets (i.e. the Remsen-Lake Placid Railroad).

2. SLMP NON-COMPLIANCE

Examining the Definition and Uses of a Travel Corridor

Alternative #7 of the RLP draft amendment recommends 100% recreational use for 34 miles of the Travel Corridor from Tupper Lake and Lake Placid. 100% recreational use is not in conformity with the SLMP's Travel Corridor definition as explained in the adopted 1996 RLP UMP, which states on p.54,

The description of the travel corridor classification in the APSLMP refers to the railroad right-of-way in terms of a mass transit situation similar to roads and highways rather than a recreational facility. 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 APSLMP to reflect recreational use of the Remsen-Lake Placid Corridor instead of major transportation use.

This paragraph is explaining that the SLMP defines a Travel Corridor for major forms of transportation and their infrastructure (cars/highways, and trains/rails), and if this were to change - such as by removing

² "Shop owners grill Cuomo about rail-trail," *Adirondack Daily Enterprise*, November 17, 2015.

³ "Governor Cuomo says that rail-trail decision should be regional," *Lake Placid News*, September 11, 2012.

⁴ North Coutry REDC Regional Sustainability Plan:

<http://www.adirondack.org/sites/default/files/pdf/Final-Report-6-14-13.pdf>

the rails for for the purpose of 100% recreational use - then the SLMP will have to be amended. This analysis from the 1996 UMP is disregarded by the current proposed amendment, and this disregard poses both a SLMP and SEQR conundrum.

The SLMP section, *Basis and Purpose of Classification*, describes how lands get classified based on “their characteristics and capacity to withstand use,” and it explains how structures and development found in the landscape lead to land use designations. The wording of this section on SLMP p. 14 makes it undeniable that a Travel Corridor is inextricably linked to major forms transportation and their infrastructure.

Finally, the classification system takes into account the **established facilities** on the land, the **uses now being made** by the public and the **policies** followed by the various administering agencies. **Many of these factors are self-evident: the presence of a highway determines the classification of a travel corridor**; the presence of an existing campground or ski area requires the classification of intensive use. (emphasis added)

The **railroad itself, not its right-of-way, is what is designated to the Travel Corridor classification on SLMP pgs. 49 and 116. P. 49 is the very end of the Travel Corridor section and summarizes the mileages and places that carry the classification, and p. 116 is the detailed list of these places and their mileages.**

p.49:

Designation of Travel Corridors

The application of the travel corridor definition results in the designation of approximately 1,220 miles of travel corridors, of which approximately 1,100 are highway, 120 miles make up the Remsen to Lake Placid railroad.

p. 116:

**TRAVEL CORRIDORS
RAILROAD LINES**

Remsen to Lake Placid, 122 miles

In the proposed “minor and ministerial” DSEIS SLMP amendments the Agency may vote to send to public hearing at its December 2015 Agency Meeting, the word “railroad” on p.49 is suggested to be revised to “right-of-way.” Changing this wording is not at all “minor/ministerial” because this one word affects ~120 linear miles of the Park! The fact that p. 116 *also* designates the railroad itself is key, and shows that p.49 is not just a typo made by the crafters of the SLMP. Changing the wording to “right-of-way” is also legally confusing because when the State acquired the corridor from New York Central by eminent domain, it extinguished the right-of-way by its ownership in fee (noted on p. 94 of the proposed UMP amendment). Since the right-of-way does not exist, then it makes the proposed SLMP amendment appear even more biased than it already does by calling the changes “minor and ministerial” in light of the coincident, controversial UMP amendment.

DOT as Travel Corridor Manager does not impart SLMP compliance

The draft amendment on p. 13 plans for the Department of Transportation (DOT) to manage the railroad part of the corridor (“Segment 1”), and DEC to manage the multi-use trail portion (“Segment 2”). P. 65 of draft amendment says that DEC will call on “Olympic Regional Development Authority (ORDA), local governments, and non-profit recreational groups to help in the maintenance of the trail and enforce applicable regulations.” DEC is not planning for DOT to be involved in the management of the recreation-only portion of the corridor. However, during the November 2015 Agency Meeting/State Land Committee, it was suggested that so long as DOT remains the nominal manager of the entire RLP Travel Corridor, then the proposed “Segment 2” from Tupper Lake to Lake Placid can be converted to 100% recreational use and still conform with the SLMP. P. 2 of the SLMP does indeed recognize that DOT has jurisdiction over Travel Corridors within the Park, but in the section on “Guidelines for Management and

Use” of a Travel Corridor (p.47), there is no requirement that any particular agency must act as the manager of a corridor for it to be classified as a Travel Corridor. If DOT’s nominal management becomes the main argument to support 100% recreational use in a Travel Corridor without amending the SLMP, then the overarching purpose of the SLMP will have to be amended so that lands now get classified based on *“their characteristics and capacity to withstand use... as well as who their nominal Managing Agency or Authority happens to be.”*

The policies of the managing agencies, do, however, play into how a unit is classified. Again, p. 14 *Basis and Purpose of Classification*, says “Finally, the classification system takes into account the... **policies followed by the various administering agencies.**” However, DOT has no policies about recreation management of the lands it oversees in the State. From DOT’s website:

To attain its mission the responsibilities, functions and duties of the Department of Transportation include:

- Coordinating and developing comprehensive transportation policy for the State; coordinating and assisting in the development and operation of transportation facilities and services for highways, railroads, mass transit systems, ports, waterways and aviation facilities; and, formulating and keeping current a long-range, comprehensive statewide master plan for the balanced development of public and private commuter and general transportation facilities.
- Administering a public safety program for railroads and motor carriers engaged in intrastate commerce; directing state regulation of such carriers in matters of rates and service; and, providing oversight in matters relative to the safe operation of bus lines, commuter railroads and subway systems that are publicly subsidized through the Public Transportation Safety Board.

Managing for recreational use, is simply not a part of DOT’s purpose. Not only that, the proposed Alternative #7 is not even a part of DOT’s own railroad policy guidelines. DOT uses its *2009 NYS Rail Plan* as a “blueprint to guide New York State’s rail transportation investment strategies.” The plan urges retaining rails throughout the State and commends the Adirondack Scenic Railroad:

- p. v - "Our existing rail infrastructure must be maintained in a state of good repair to provide safe, faster, efficient rail service now and for future generations."
- p. 8 - "System Preservation. Goal: Preserve the existing rail system as a long-term transportation asset."
- p. 21 - "Small tourist railroads preserve the history of the industry in some of the most scenic areas of the state."
- p. 140 - "The Adirondack Scenic Railroad attracts more than 50,000 tourists annually, greatly adding to the region's economic vitality."

Keeping DOT as the figurehead manager of a 100% recreational use Travel Corridor doesn’t fit with any area of DOT’s policies and in fact goes against them. Between the clear Travel Corridor designation of the RLP Railroad Infrastructure in the SLMP and the unusual role set forth for DOT in an attempt to make 100% recreational use of the Corridor SLMP-compliant, the proposed RLP amendment is disingenuous to the stated purpose of the SLMP.

SLMP Discussion of Land Classification Overlay

The SLMP describes a Travel Corridor as an overlay over its underlying land classification. P. 14 of the SLMP says,

The Wild Scenic and Recreational Rivers and Travel Corridors classifications are essentially corridor overlays to the basic land classification(s) through which the corridor passes.

This “overlay” concept is mentioned again when the SLMP lays out guidelines for management and use of Travel Corridors on p. 47 under guideline #2 “...except in conformity with a finally adopted unit management plan whether for the travel corridor or the **underlying** land classification.” The adopted

1996 RLP UMP expands on this idea when it states on p. 54 that the Corridor would revert to the classification of “adjacent Forest Preserve units” in the “absence of rail uses.”

The existing classification of the Remsen-Lake Placid Corridor as a “travel corridor” will accommodate the types of development included in the preferred alternative [Alt. 6], including a variety of recreational trail uses. DOT, DEC, and APA currently support the retention of the travel corridor classification. In the event that an acceptable rail proposal is not received for some segments of the Corridor during the rail marketing period, the issue of Corridor classification would become important. The absence of rail uses from the Corridor would increase its value as a long-distance snowmobile, bicycle, and foot trail. Because a multi-use recreation trail is important to North Country tourism and economics, it would not be desirable to allow the Corridor to revert to the classification of adjacent Forest Preserve units. It is likely that reclassification would result in wilderness designation for a number of Corridor segments. Since the use of snowmobiles and bicycles is prohibited in wilderness areas, the Corridor’s unique value as a major snowmobile and bicycle trail would thereby be destroyed.

So in the case of proposed Alternative #7, the “overlay” concept should mean that if the railroad infrastructure (i.e. the basis of Travel Corridor designation) is removed, then, alongside the St. Regis Canoe Area, for instance, the land should revert to Canoe Area status. Similarly, if the removed railroad is overlaid over a Wild Forest area, then the land should become Wild Forest. But if this happens, then snowmobiles and bicycles would be banned from the Canoe Area (“an essentially wilderness setting,” SLMP p. 28) and snowmobiles would fall under the SLMP’s snowmobile mileage cap guidelines and “character of a foot trail” requirement in Wild Forest, two things that don’t apply in a Travel Corridor.

It seems that the DEC and the Adirondack Park Agency are trying to circumvent the SLMP guidelines by:

- redefining the SLMP definition of a Travel Corridor to not have anything to do with major types of transportation and its associated infrastructure;
- altering the SLMP’s designation of the RLP Travel Corridor by ignoring the fact that the railroad itself is the characteristic that makes the corridor a Travel Corridor;
- making DOT a figurehead manager of recreational use in a defunct Travel Corridor;
- ignoring the “overlay” quality of a Travel Corridor by still calling the Unit a “Travel Corridor” even though the infrastructure has been removed.

All of these actions go against the guidelines set forth in the SLMP and therefore the proposed RLP UMP amendment is not SLMP-compliant unless the SLMP is amended to allow for these non-conforming uses. Such amendments are against the “spirit” or intention of the SLMP as a guiding document. If there is any amendment that should be made to the SLMP with regard to Travel Corridor, it is p. 2 of the SLMP where it says the railroad is “not presently an operational railroad.” This phrase should be removed since two successful businesses⁵ are operating on it at this time.

⁵ The Adirondack Scenic Railroad employs 26 people and has over 250 volunteers. Rail Explorers USA employs 15 full-time employees during its operating season and plans to hire 2 year-round employees. Operating between Saranac Lake and Lake Clear, this is the only rail bike operation in the entire US, and one of two Rail Explorers sites in the world. Together, these two businesses bring 40,000 tourists to the area, and locally-owned businesses in Lake Clear, Saranac Lake and Lake Placid have come to rely on these dependable summer visitors as the key to their financial survival. Local businesses have hung “Save the Rails” signs in their windows. Both businesses see unlimited opportunities to expand operations, pair with other local businesses such as canoe outfitters, bike rental companies, galleries, colleges and universities, hotels, and more to create “full package” experiences for visitors, students, residents and professionals. The operations of both Rail Explorers and the Adirondack Scenic Railroad can safely co-exist and expand to other parts of the railroad by scheduling shared use and coordinating with a dispatcher.

3. SEQR CONSIDERATIONS

- a. The draft FSEIS does not compare the adopted Alternative #6 with the proposed “Alternative #7.” Significant changes in use of the Corridor are recommended by DEC. A comparison of the existing and proposed management guidelines needs to be made. For example, what is the difference in the amount of time required to implement Alternative #6 vs. #7? It may be that #6 is actually more “shovel-ready” causing less downtime, environmental impact, and economic loss to communities to implement. Also, what are the differences in amount of environmental impact of the two alternatives? It may be that #7 is actually far more impactful due to the increase of motorized use in the corridor and in transporting recreationists to the corridor. What types of activities get limited when comparing #6 to #7? It may be that the destruction of infrastructure actually causes a limitation of choices of transportation, historic preservation, and recreational use in the Corridor.
- b. A lack of exploration of alternatives. The proposed amendment considers no alternatives other than the preferred alternative, the most glaring missing alternative being to remain operating under Alternative #6. DEC does include the Trails With Rails Action Committee (TRAC) maps, but gives a repeated short answer that these trails either have too much gradient or they require too much wetland fill.⁶ I don’t accept either of these arguments as legally or logistically compelling. The presence of wetlands does not preclude any development from taking place, though it does require that the Agency and the Army Corps of Engineers are consulted during the planning process and steps to avoid, reduce, or mitigate impacts must be identified and implemented. It appears that DEC has a goal of simply *not* triggering APA wetland review at all, rather than understanding that sometimes the best planning solutions require some wetland impacts. Similarly, low-gradient trails shouldn’t be the only kinds of trail connectors between communities that can be considered, especially since an even greater mileage of flat trails exists throughout Franklin County that could be developed to serve the purpose (see my Proposed Solution in section 4 of this letter).

Another alternative not yet considered by the draft FSEIS might be that the rails should be rehabilitated from Remsen to Tupper Lake, be torn up between Tupper Lake and Saranac Lake, and be kept in place between Saranac Lake and Lake Placid to allow for environmentally-friendly commuting by light rail between these neighboring communities in the Park. This alternative recognizes that only 15 years ago, Gov. Pataki invested \$7 million to rehabilitate the rails from Saranac Lake to Lake Placid and it seems foolish to just throw this out. This alternative also recognizes that the most publicly visible portion of the railroad exists between Saranac Lake and Lake Placid where there are many railroad crossings, and this is significant from the perspective of Historic Preservation.

Yet another alternative could be that the rails will rehabilitated from Remsen to Saranac Lake and removed between Saranac Lake and Lake Placid. This alternative does throw away \$7 million in taxpayer funds from only 15 years ago, but at least it gets the railroad to “The Capital of the Adirondacks” as Saranac Lake is known.

My preferred alternative would be to build on the 1996 adopted Alternative #6 by rehabilitating the entire railroad from Remsen to Lake Placid, and “encourag(ing) compatible recreational trail uses,”

⁶ I have to wonder to wonder whether wetland fill will be needed to fulfill the current proposed “Alternative #7” that plans for two separate lanes of recreational traffic: one lane for snowmobiles, and a second lane for cross-country skiers. The current railbed is not wide enough to safely accommodate two such lanes. If fill is needed, then Alternative #7 will cost more than estimated, and will require wetland permitting anyway.

including side-by-side trails where feasible, such as those that already exist through the entire Village of Saranac Lake. My preferred alternative would develop off-corridor community connector trails, including over 60 miles of low-gradient trails on former railroads connecting Saranac Lake to Malone (see proposed solution in Section 4 of this letter). This alternative would connect the sister communities of Old Forge and the Tri-Lakes, and would even impart an economic stimulus to the touristically underserved communities in Franklin County both in and out of the Park that have stopped thriving since their railroads were removed.

- c. Regulatory review with regard to State and National Historic Preservation Acts is lacking.
Because the corridor is listed on both State and National Historic Registers, involved agencies need to consult with the State Historic Preservation Officer (SHPO) and Federal entities to determine and avoid, lessen or mitigate impacts to the Historic Preservation (HP) listing and seek alternatives to the destruction of the resource. It appears that DEC has communicated with SHPO, but the draft amendment gives the impression that only once the proposal is approved will DEC work on mitigation measures with SHPO. It appears that no consultation has taken place with Federal HP oversight agencies. The full range of alternatives (avoid, lessen or mitigate destruction of the historic property) have therefore not been considered during the planning process.
- d. Regulatory review with regard to the Americans with Disabilities (ADA) Act is lacking.
In § 36.402 of the ADA Act dealing with "Alteration" to a "place of public accommodation" it states that it must be "readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs." At the moment, the train operated by the Adirondack Scenic Railroad, and the rail bikes operated by Rail Explorers USA are accessible and usable by people with disabilities. Both companies have many moving testimonials by people with disabilities who appreciate their experiences on the railroad as a way for them to see something they could otherwise never see. Rail Explorers USA is in the process of modifying two of their rail bikes to have wheelchair ramps so that an entire wheelchair could be rolled right onto the rail bike. I think it is very important for DEC to look deeper into the legality of removing fully accessible, ADA-compliant uses to create a proposed multi-use trail that would be LESS accessible for people with disabilities. I can't imagine that an average-strength family member would want to push a wheelchair 34 miles between Tupper Lake and Lake Placid, whereas I can imagine that a family member with disabilities would love to share in the adventure of an easily achievable ride on the railroad with his family.
- e. Discussion of and research on environmental impacts is lacking.
The potential environmental impact of snowmobiling along the corridor with rails removed requires a more detailed analysis. Speeds will be faster and visitor volume projections suggest that the number of snowmobilers will double from about 30,000 to about 60,000 (draft amendment p.66). What is the direct impact to the natural resources along the corridor (fisheries, wetlands, erosion, birds, herpetofauna like salamanders and frogs, habitat connectivity across the widened, busier corridor, wildlife collisions, etc.) and indirectly outside the corridor (noise assessments, nonpoint source airborne and waterborne pollutants, sedimentation, etc.). Many of these items are identified in the plan, but the assessment is inadequate and clearly just boilerplate language.

The Village of Lake Placid has an ordinance against the operation of snowmobiles within village limits, which makes Saranac Lake the more logical terminus for snowmobiling along the ROW should the proposed Alternative #7 be implemented. At least 50 houses are directly adjacent to the ROW in our the Village of Saranac Lake, and many hundreds more are within "hearing distance." DEC has not approached these residents to provide them with an opportunity to comment on these private landowner/noise assessment kinds of issues.

A train bringing visitors to the Northern Adirondacks will use far less fossil fuels than cars used to transport all those potential riders. In this era of awareness about climate change, we should make the Park a leader in sustainability by actively promoting green forms of transportation.

Trains also offer a way to manage and control access into the backcountry. The adopted 1996 RLP UMP states,

Controlled Access to the Forest Preserve It is readily apparent that recreational opportunity abounds along the Remsen-Lake Placid Corridor. It is unusual that concern for State land overuse can be so easily alleviated and that perceived impacts can be so easily mitigated as in the scenario of public recreational access by train. The ease of controlled access offered by recreationists traveling to the backcountry by rail is an enviable land management advantage. Maximum visitor limits to any given area accessible from the Corridor can be easily set and controlled by ticket sales and destination regulation. This will prevent environmental degradation as well as provide for a quality Forest Preserve experience, especially in wilderness situations.

Many of the well thought out, well-planned conclusions about environmental impact in the adopted 1996 UMP are being thrown out by the proposed Alternative #7.

- f. Discussion of and research on social and economic impacts to our Adirondack communities is lacking. If Alternative #7 is implemented, the State will be directly responsible for the failure of two successful businesses at the northern end of the line. Both the Adirondack Scenic Railroad and Rail Explorers do not feel they can be profitable without operating out of Saranac Lake. The loss of these businesses will cause direct economic loss in the communities who relied on the rail visitors' spending, especially Saranac Lake. Saranac Lake's downtown merchants have written many letters to the *Adirondack Daily Enterprise* about how 10 minutes after they hear the train whistle, they get a huge influx of paying customers that are the key to making or breaking their business. Local businesses worry that visitors who come to use the proposed multi-use trail will be less likely to shop and stroll around downtown Saranac Lake, and more likely to grab a quick bite, hop on their bikes and leave.

The Tri-Lakes area is well-known for its historic heritage and our tourism economy builds on our history. The danger of destroying a State and Federally designated historic resource also endangers our heritage tourism economy.

Tri-Lakes communities are in the middle of the Adirondack Park set away from the two Interstate highways that run alongside the eastern and western edges of the Park. The railroad is a transportation infrastructure that comes directly into the heart of our communities. The railroad offers an implementable way to bring visitors to our communities using "green" technology. The railroad is also a way for residents to commute between our communities using a light rail transit system. An article from 2012 about Lynchburg, VA highlights the importance and popularity of rail travel for people in rural areas to connect with urban areas.⁷

Jim Ellis discussed during the public comment period at the end of the November 2015 Agency Meeting that he and former Agency Chairman Dick Lawrence, back in the early 1970s, talked about how the APA should have an economic development role in the Park. Dick Lawrence specifically requested that the railroad be maintained to support transportation needs for the 1980

⁷ "Passenger trains aren't just for cities," *The Daily Yonder*, September 25, 2012

Olympics. Here is the newspaper clipping from the January 23, 1975 *Adirondack Daily Enterprise* where Chairman Lawrence made this statement.

Jim Ellis also made the point during his public comment that the APA's decision to approve the proposed "Alternative #7" has the ability to negatively affect not just communities in the Park, but also communities outside the Park, like Utica and the Tug Hill region. The RLP railroad connects to Amtrak in Utica, and the city of Utica has clearly spoken out about their desire to stay linked by rail with the Northern Adirondacks. The Agency has always had to contend with the perception on the part of some stakeholders that economic development is thwarted by the Agency's existence. It would be a big step backwards if it appeared that the Agency was thwarting economic development outside the Park as well!

Safety is a major concern with proposed "Alternative #7." The trail is being touted as family-friendly and accessible for all ability levels, but fundamental characteristics of the Corridor make this proposal UNfriendly to families and people with impairments. For instance, if the rails are to be removed, then crossing bars will also be removed, but this will pose a major safety problem for users of the multi-use trail in many places where the proposed trail crosses state highways. The lack of cell service for most of the corridor is another major safety concern because much of the corridor is far away from any help. Removing the rails doesn't really serve families or people with disabilities, as DEC claims. It only serves users who can "go the distance" of this 34-mile proposed trail, which would be fit cyclists and snowmobilers (however, please refer to public comment letter of my athlete-husband, Steve Halasz, in which he demonstrates how un-interested athletes will be to train on this flat, straight proposed trail).

- g. The draft UMP/FSEIS must be reviewed in concert with the proposed DSEIS amendments to the SLMP. These separate actions are actually not separate at all and must be reviewed jointly with respect to SEQR.

4. Proposed Solution: Sustainable Communities in the Adirondacks Rely on Rails AND Trails

Rails: Tupper Lake, Saranac Lake, and Lake Placid are in the middle of the Adirondack Park set away from Interstate highways. The Remsen-Lake Placid railroad comes directly into the heart of our communities, capable of bringing visitors using green transportation and allowing residents to commute between villages.

Trails: In Saranac Lake, we have an existing multi-use trail that traverses the entire Village alongside the working railroad. The Trails With Rails Action Committee identified existing trails between Tupper Lake and Saranac Lake connected to the railroad corridor; the company, Adirondack Community-Based Trails and Lodging System, is identifying connector trails in the region; and the NYS DOS grant from 10 years ago identified a multi-use trail route to connect Saranac Lake and Lake Placid but was not implemented. Possibilities to connect our communities within and outside of the rail corridor exist, so long as we seek them out and develop them.

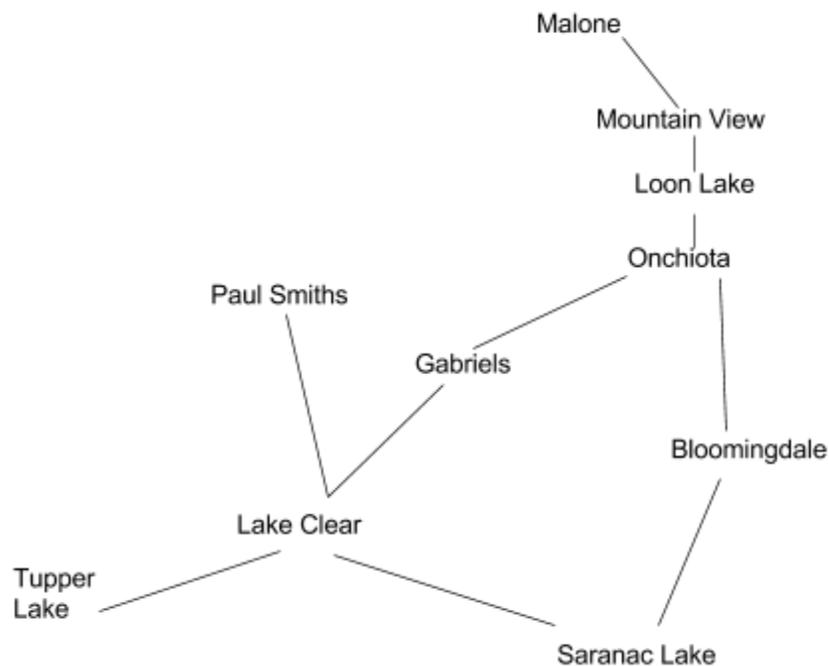
THE RAILROAD

Chairman Lawrence stressed that the Remsen-Lake Placid Railroad, formally a branch of the Penn Central and now controlled by New York State, "must not be lost (as a transportation route) particularly in view of the Olympic situation."

Lawrence said that the 118-mile line "definitely gives access to very important state holdings in a very different way — not by bus but by train." He added that the railroad was a "good route from the cities" and should be utilized to facilitate travel into the "important" western and southwestern sections of the Adirondacks and to the Olympics at Lake Placid in 1980.

Commenting specifically on the Olympics, Reid said, "The Governor (Hugh Carey) and I are wholly for the Olympics — but we are interested in taking a look to see if it is possible to accelerate some aspects of Olympic development to see if it will help seasonal employment."

Even more Trails! DEC says the straight, flat Remsen-Lake Placid Travel Corridor is what makes it desirable as a recreational trail and that nothing like it exists in the Adirondacks. However, throughout Franklin County, connecting once-thriving communities, there are many miles of old rail beds that already have their rails removed and could be resurfaced to make multi-use recreational trails at much less cost to the State than tearing out the tracks of a busy travel corridor and eliminating the economic impact of two businesses. These old rail beds are already designated as snowmobile routes and the Jack Rabbit Trail for cross-country skiing, and they occur on State or Niagara Mohawk land. Refurbishing multi-use trail connections will benefit these small, touristically underserved communities and would be a great attraction for our Canadian visitors. In addition to the communities themselves, there are local and state land amenities such as Lake Colby Beach and Lake Clear Beach and Buck Pond Campground, and recreational easement lands (Lyme Easement and Chateaugay Woodlands Easement) along these old rail corridors that would be fantastic destinations for railtrail users.



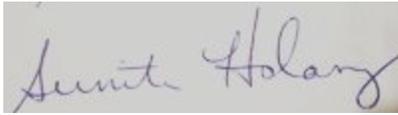
Though this proposed solution is off-Corridor, it nonetheless should influence the review of the proposed amendment because it shows that the claim that no other flat trails exist in the Park is false. It also shows the need for Park-wide planning with regards to the RLP Travel Corridor because the Corridor touches so many other State and private lands both inside and outside the Park. Also, the purpose of suggesting this solution is simply to help inform the larger discussion to be more thoughtful and focused on what is best for the *Park*, instead of just what is best for each different special interest group.

Thank you for the opportunity to comment on the conformance of the proposed amendment with the SLMP. My assessment clearly shows that the proposed amendment does not comply with the SLMP, nor does it comply with SEQ. Therefore, I urge the Agency to follow its own guidelines and criteria and allow the management of the Corridor to remain under Alternative #6 from the 1996 RLP UMP, which was found to be SLMP-compliant and offers the greatest economic and environmental benefit and diversity to the Park. At the very least, the proposed amendment should be sent back to DEC for a more complete analysis of SLMP-compliant alternatives.

It is my great hope that this letter gives the reader a larger Park-wide, cumulative-impact context in which to conduct review of the proposed RLP Travel Corridor UMP amendment. A major issue like this Travel

Corridor is exactly why the Agency was created in the first place: to deal with region-wide issues and how they geographically, temporally, and cumulatively mix up together inside the crucible of the Blue Line. The “quick-fix” offered in the proposed amendment doesn’t fit with the spirit of regional planning. But through comprehensive planning and management, we have the ability to create and implement a robust plan that will unify the resources and people of the Park.

Sincerely,

A rectangular box containing a handwritten signature in blue ink that reads "Sunita Halasz".

Sunita Halasz

cc: Basil Seggos, Commissioner, NYS DEC
Matt Driscoll, Commissioner, NYS DOT
Ron Thaniel, Deputy Secretary for the Environment, Office of the Governor
Ruth Pierpont, Deputy Commissioner, Historic Preservation, NYSHPO
Robert Davies, Director, Division of Lands and Forests, NYS DEC
Ray Hessinger, Director, Freight and Passenger Bureau, NYS DOT