

Chapter 11 - Responses to Comments

This section contains the responses to the comments received by OPRHP on the 2009-2014 Draft Statewide Comprehensive Outdoor Recreation Plan (SCORP) and Generic Environmental Impact Statement (GEIS). The draft Plan/GEIS was issued October 22, 2008.

Two public hearings were held, one at 3:00 PM and one at 7:00 PM, November 5, 2008 in the Conference Room of the Resource Center at Peebles Island State Park, Waterford, NY. The two public hearings were conducted by OPRHP staff from the Planning and Environmental Management Bureaus. A total of 18 people attended the hearings. The hearing officer, Pam Otis of OPRHP, provided guidelines on the conduct of the hearing, an overview of the next steps in the environmental review process, and she entered documents into the record. Robert Reinhardt of OPRHP made a presentation giving an overview of the content and purpose of SCORP. The hearings were then opened to the floor to take oral statements. Nine persons provided oral statements and three letters were submitted as written statements for the record.

The public comment period was closed November 21, 2008. During the public comment period the Agency received eight letters and e-mails providing both editorial and substantive comments on the 2009-2014 Draft SCORP/GEIS. A listing of persons and organizations that attended the hearings and/or provided written comment is included.

OPRHP appreciates the time and effort that persons interested in recreation within NYS have invested in their review and comment of the 2009-2014 Draft SCORP/GEIS and their participation in the public hearings.

This section is organized by category. Following each category heading there is a summary of the comments received. Following each summarized comment is the Agency's response.

Vision and Policies

Comment:

The Action Strategy, "Improve access to opportunities for regular physical activity with an emphasis on providing trails, parks and recreational facilities that are in close proximity to where people live, work and/or go to school, particularly facilities that can be reached by walking and bicycling.", is so central to a comprehensive outdoor recreation plan that it should be elevated to an overall policy.

Response:

This Action Strategy was promoted to a policy under the Creating Connections theme and action strategies to support the policy have been developed.

Comment:

Under the Policy, "Apply research techniques and management practices to improve and expand parks and other open spaces." add an additional action strategy, "Conduct studies of the impacts of parks and trails on the state and local economies."

Response:

This action strategy was added.

Comment:

Under the policy, "Develop comprehensive recreationway, greenway, blueway and heritage trail systems." add the following action strategy: "Ensure full

completion of the 534-mile Canalway Trail System."

Response:

This action strategy was added.

Comment:

Page 15 - "Improve access opportunities..." This showcases a great need to develop an Off-highway vehicle trails system. Those of us from the capital district must travel at least an hour away from our homes and often to another state to enjoy the outdoors and our chosen hobby. Development of such a network could greatly benefit the state.

Response:

OHVs are not permitted or treated as a recreation program on state lands. The Recreation Trail Program provides grants to support motorized trail development on private lands that are open for public use.

Comment:

Page 16 - "Creating Connections beyond the parks - Policy" - Bullets 3-6. The listed objectives provide an avenue for opportunities for the state to work with responsible interested parties (like local and national OHV enthusiast organizations).

Response:

The State will continue to coordinate with various trail organizations including motorized trail user organizations.

Environmental Impacts

Trends, Issues and Needs

Comment:

Observations and comments were made about the recreation demand for Off-highway vehicle facilities not being represented or absent from the SCORP. In addition, the recreation demand does not represent the number of NYS residents that travel to other states to recreate because appropriate facilities do not exist.

Response:

The discussion on ATV and OHV recreational needs and demands has been expanded in the text.

Comment:

The General Public Survey does not account for out-of-state residents that come to NY.

Response:

The General Public Survey is designed to gain information from New York State residents. Information about out – of – state residents is obtained through other survey methods on a park by park basis.

Comment:

Despite the fact the ATV and OHV use is growing in New York State, in Table 3.22 there is no Relative Index of Need for OHV, ATV or OHM. There needs to be.

Response:

Relative Index of Need figure could not be generated for ATV or OHV activities due to the limited number of respondents for these activities from the General Public Survey. If a need index is required for these activities one can be

generated on a case by case basis using data from other sources.

Comment:

Comments were made regarding the use of the General Public Survey in determining demand for OHV, ATV or OHM uses across the state. Particularly the poor response rate to the survey and the fact there was no place on the survey form for users to indicate their participation levels in OHV activities. It is suggested that SCORP Planning involve regional plans to address the needs and resources of this group and that the OHV activity should be added to all surveys, to prevent under-representation of participation.

Response:

Alternative and better survey methods are being explored for future planning efforts. OPRHP will consider separating out the various types of motorized uses in future survey efforts.

Comment:

Table 3.16 shows revenue from ATVs is decreasing yet Table 3.17 shows that registrations are increasing. ATV revenues should be increasing and according to NYSORVA it is.

Response:

The revenue figures reported in SCORP were generated from ATV registration fees. During this time period an increase in the registration fee was instituted for the development of a trails system. Due to changes in legislation this fee increase was removed in subsequent years. As a result of over payment in registration fees, DMV provided refunds. Inconsistencies between Tables 3.16 and 3.17 are being researched further.

Comment:

In the previous SCORP ATV use was projected to increase. In this SCORP ATV use is projected to decrease. However, ATV use has been growing continually since 1986 with only 2 years of decline. On what criteria is OPRHP basing this predicted 4% decline?

Response:

As noted earlier, the discussion on ATV and ORV recreational needs and demands has been expanded in the text (Chapter 3 – Trends, Issues and Needs).

Comment:

Without a plan for access for off-road vehicles there are less and less places to ride and there are very few private properties available for riding forcing us to take other avenues. Some run illegally on to state lands. With something planned or state run you can stop the illegal use. Why can't NYS provide land for OHV users? We need places to enjoy our recreation just like the people you provide land for now. We should be allowed equal opportunities, but instead we are denied.

Response:

As stated earlier, OHVs are not permitted or treated as a recreational activity or program on state lands. The Recreation Trail Program provides grants to support motorized trail development on private lands that are open for public use.

Comment:

A comment was made that on RTP grant rating forms there is a project eligibility criteria that the proposed project must be identified in the SCORP. OHV use is not represented in the SCORP and there is no Relative Index of Need provided in Table 3.22.

Response:

Relative Index of Need figure could not be generated for ATV or OHV activities due to the limited number of respondents for these activities from the General Public Survey. If a need index is required for these activities one can be generated on a case by case basis using data from other sources.

Creating Connections

Comment:

OPRHP is encouraged to pursue making connections by improving road systems within the parks for transportation and bicycling.

Response:

OPRHP will continue to evaluate alternatives to improving multi-modal transportation within the state park system.

Comment:

Coordinate with DOT is using the road shoulders inventory to make the connections and complete the statewide trails system.

Response:

OPRHP will continue to coordinate with DOT to complete a statewide trail system.

Comment:

The recognition of universal accessibility and encouragement of trail use for persons with mobility impairments is supported. Add language that reflects that universally accessible trails not only provide opportunities for persons with disabilities— but for small children and seniors as well.

Response:

The language was added within the Trails section of the Chapter.

Comment:

Add an action: "Create and distribute educational materials for land-owners concerned about liability and trespassing."

Response:

This action has been added to the implementation section under Trails.

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Add an action: "Create and distribute educational materials for land-owners concerned about liability and trespassing."

Response:

This action has been added to the implementation section under Trails.

Comment:

Modify the action Update the Statewide Trails Plan – Strengthen this action by giving some time frame such as Update the Statewide Trails Plan every five years.

Response:

This action has been changed to reflect a plan update every five years.

Comment:

Add the action: "Create regional advisory groups representing the interests of local conservationists, outdoor and sports enthusiast groups, federal agencies involved with greenways and heritage corridors in New York State, metropolitan planning organizations and trail user groups that will convene to review trails planning and develop-

ment activities and advise on revisions to the statewide trails plan."

Response:

A broader statement has been added regarding the development of regional trail committees to coordinate and promote the development of regional trail systems.

Comment:

Add the action: "Annually convene an interagency working group to provide input on trail planning for New York and coordinate trail development, operation, maintenance, and promotion across all applicable state and federal government entities."

Response:

This action has been added to the implementation section under Trails.

Comment:

Page 92 Table 5.1a Four-wheel Drive Class Requirements: Class 4 states 70" width, 105" max wheelbase. This needs to be updated based on current statistics. "70 inch width" should be updated to "80 inches or less." The width of many OHV's has changed considerably.

Response:

The Four-wheel Drive Class Requirements Table 5.1a has been changed as suggested.

Comment:

Add the following action: "Establish a grant program funded through the EPF and administered by Parks & Trails New York, to improve the capacity of park and trail not-for-profits, which often work in partnership with local governments, to create and steward the state's trails and parks."

Environmental Impacts

Response:

This is a recommendation that requires a legislative change that would expand the EPF to not-for-profits in a year when EPF funding is not being expanded. The primary focus for any changes relative to EPF during this period will be for administrative considerations.

Comment:

Clarify the action: Revise the Parks and Recreation Law to further define OPRHP's responsibilities for trails. Further explanation is needed regarding what changes OPRHP wishes to propose.

Response:

This action has been deleted from the document. It was determined that further defining OPRHP's responsibilities for trails can be done through administrative actions.

Statewide Programs

Comment:

The plan needs to demonstrate better linking and coordination with the Department of Health's programs that promote physical activity to combat the population's top health issues.

Response:

Information regarding the Department of Health's programs has been added to this chapter.

Comment:

Reference the Department of Health's plan, Cardiovascular Health (CVH) in New York State: A Plan for 2004 – 2010. Two community sector objectives from the CVH plan are relevant to and should be noted in this SCORP: 1) Increase the proportion of

New Yorkers who report that it is safe, accessible and comfortable for them to walk or bike near their homes or work-sites (#14); 2) Increase the percentage of New Yorkers who walk or bike regularly for leisure and for transportation (#15). One of the potential action steps for this second objective speaks directly to SCORP: "Promote the use of New York State parks as a means of increasing physical activity for individuals and families."

Response:

The text of this chapter has been updated to reflect this information and the reference has been added.

Comment:

The document should mention the statewide rail Plan DOT is drafting right now. The goals of SCORP should be reflected in and compatible with those of the rail plan. The Rail Plan and SCORP should recognize and promote the potential of existing rail corridors, active and inactive, to serve both rail and multi-use trail purposes and establish guidelines for better integration of rail corridors with the state's expanding network of multi-use trails, thus contributing to a more comprehensive alternative transportation system.

Response:

OPRHP will coordinate with DOT.

The State Outdoor Recreation System

Comment:

The section on DEC's Public Forest Access Roads says: "The smaller seasonal-use-only roads are often developed as a result of a timber sale. While the sale is in progress, these "haul" roads provide the timber harvester with the means to enter and extract forest products from the sale area. Once the

sale is completed, the roads are usually removed from motorized use and become available for hiking, mountain biking, skiing and snowmobiling." A clause for four wheel drive truck and ATV use needs to be added. This theme is recurrent throughout the entire 2009-2014 SCORP.

Response:

Four wheel drive vehicles are allowed on Public Forest Access Roads on State Forest lands. DEC does not have an off-road vehicle recreation program on State Forest lands.

Comment:

DEC needs to have a means of classifying the multi-use long distance trails within their jurisdiction. Presently, these trails are often overlooked as DEC resources as they do not fit in any existing categories such as wildlife management areas, unique areas, state forests, or the forest preserve. Examples of such trails include the Genesee Valley Greenway, Lehigh Valley Trail by Naples, and the Groveland Secondary Trail.

Response:

DEC is in the initial stages of developing a Statewide State Forest Management Plan and will consider this as the document evolves.

Comment:

Where does the Statewide Trails Plan fit in the planning hierarchy figures in Chapter 8?

Response:

The Statewide Trails Plan is now shown in Figure 8.5 Planning Hierarchy for OPRHP. It is included in the grouping of plans considered to provide state-wide guidance.

Implementation

Comment:

Add: Parks & Trails New York Capacity Building Grants Program Administered by Parks & Trails New York, this program provides grants to help 501 (c)(3) park and trail not-for-profits better fulfill their missions; improve their reach, effectiveness, and impact; leverage more resources; and increase community support for and involvement in park and trail planning, development, and stewardship.

Response:

Information regarding this grant program has been added to this chapter.

General Comments on Recreation Activities

Comment:

Off-highway vehicles have co-existed with other trail user groups.

Response:

SCORP recognizes both shared use and single use trails.

Comment:

OHV users have the as much right as other users to enjoy the woods and trails.

We "tread lightly" and respect what we have and we work with others to maintain trails.

Response:

OPRHP and DEC recognize the desire of OHV users. However, there are other factors to be considered that determine the allowable uses on state lands.

Comment:

OHV users and their trails can provide access to remote areas in emergency or rescue situations.

Local OHV clubs have been contracted by local law enforcement to assist with emergency and rescue situations because the OHV users have better equipped vehicles and knowledge of the land.

Response:

The contribution OHV users provide in emergency situations is appreciated. This type of function is different than providing a recreation program.

Comment:

The local OHV clubs maintain passable trails by cutting back vegetation and repairing eroded areas on a volunteer basis so they can keep the trails.

Response:

The assistance of volunteers in maintaining trails is important for all trail user groups and should be commended for their efforts.

Comment:

OHV clubs give back to the community through special events and charitable activities.

Response:

This is a positive step in expanding trail opportunities within a community.

Comment:

NYS is not taking advantage of tourism dollars generated by OHV users because there is no statewide trail system.

Response:

Given the existing policies limiting OHV trails on State lands, local communities and private landowners should consider the economic benefits in providing trail opportunities.

Comment:

OHV users make a large contribution to the state's economy through purchases of OHVs and modifications to their vehicles

Response:

Noted.

Comment:

Very little money is needed to develop and plan and rehab some OHV trails.

Response:

Noted.

Comment:

Other states have managed to combine walking, OHV and ATV use all in one park just through the expansion of uses.

Response:

Under certain conditions, shared use trails can be successful while in other situations single use trails are more appropriate.

Comment:

Even though OHV clubs and users volunteer their time, equipment and materials to improve and maintain trails, opportunities get taken away in favor of other uses. Even in areas where OHVs and other uses have co-existed.

Environmental Impacts

Response:

Noted, there may be other factors that facilitated the closure of trails for OHV use.

Comment:

There are very few clubs that are showing a decline in membership, in fact, membership is growing.

Response:

Trail organizations are important in advocating the interests of the trail users.

Comment:

I am continually looking for areas to use my vehicle in an off-road situation that is legal, accessible and challenging. It is getting increasingly more difficult to recreate in the manner I choose within New York State. Please consider full sized 4 wheel drive enthusiasts as you develop the new plan for New York.

Response:

Noted. The OHV discussion within the SCORP has been modified as a result of the public comments.

Comment:

Other states have facilities and opportunities for OHV users, why can't NYS provide something so we are not look at as rogue outcasts but as supporters of our local communities?

Response:

There are many factors that State agencies must consider in providing OHV trails on State lands. Currently recreation OHV trails are not allowed. There is funding support through the Recreational Trails Program that can assist with the development and maintenance of such trails on municipal and private lands.

Comment:

Developing ORV facilities and trails doesn't cost a lot of money. We prefer shorter trails that may take a day to drive one mile.

Response:

Noted.

Comment:

Please consider the growing number of Off-road Highway Vehicles that are increasingly looking to use our vehicles in "off-road" settings such as trails and OHV parks. The Creating Connections Chapter Table 5.1 shows trail types for 4-wheel drive vehicles I would welcome this type of recreation on NY state land.

Response:

Although OHV trails do not exist on state lands, OHV groups should continue to coordinate with State agencies.

Comment:

The term "Motorized Access" should not include snowmobiles. It is a misleading term that portrays an image that allowable uses include more than just snowmobiles.

Response:

Noted.

Other Comments

Comment:

The agency received a number of comments in support of the entire plan or for specific sections, policies or actions within the plan.

Response:

The agency thanks these persons and organizations for taking the time to review and comment on the plan.

Comment:

Many editorial comments were also received. These comments are comprised of providing updated or corrected information on specific text.

Response:

These edits have been made and are included in the final document.

Hearing Attendees and Commentors

| Attendee/ Commentor | Organization |
|----------------------------|---|
| Mark Welner | |
| Ivan Vamos | NYS Bicycling Coalition |
| Brian Malloy | NYS Museum |
| Steve Alheim | East Coast 4-Wheel Drive Association |
| Fran Dougherty | |
| Fran Gotcsik | Parks and Trails New York |
| Stephen Sforza | Adirondack Jeeps |
| Gerard Cartaino | Adirondack Jeeps |
| Josh Kirschman | |
| Ken Jones | |
| John Schnieder | Adirondack Jeeps |
| Floyd Miller | Adirondack Jeeps |
| Derek Sanderson | Adirondack Jeeps |
| Bill Tarvin | Mohawk 4WD Club |
| William Hensel III | Mohawk 4WD Club / Schoharie County Jeep Club |
| William A. Hensel Jr. | Off Highway Vehicle Use |
| Scot Pignatelli | Adirondack Jeeps |
| Michelle Sforza | Adirondack Jeeps |
| Robin Dropkin | Parks and Trails New York |
| Bill Rudge | NYS Department of Environmental Conservation Region 3 |
| Andy Miller | Hudson Valley 4 Wheelers |
| Laura Haight | NYPIRG |
| Scott Keller | Hudson River Valley Greenway |
| Sharon Leighton | NYS Canal Corporation |
| Andrew Labruzzo | NYS Department of State |

