



FINGER LAKES TRAIL CONFERENCE, INC.

6111 Visitor Center Road, Mt. Morris, NY 14510-9527

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December 18, 2009

Attn: dSCEIS Comments
Bureau of Oil & Gas Regulation
NYSDEC Division of Mineral Resources
625 Broadway
Third Floor
Albany, NY 12233-6500

Dear Persons,

The enclosed document is the comment of the Finger Lakes Trail Conference on the draft Supplemental Generic Environmental Impact Statement. If you wish, you may download a copy of the PDF from <http://cayugatrailclub.org/FLTC/FingerLakesTrailComment.pdf>.

The 900-mile Finger Lakes Trail has been built by volunteers over the past 47 years to provide a premier wilderness hiking experience to New Yorkers and visitors. It is a unique, fragile, and irreplaceable resource of statewide significance. The trail traverses the entire extent of the Marcellus Shale formation in New York and we believe that it is at risk unless special protections for the trail are included in the final SGEIS. In our comment, we have outlined our reasons for this belief and have suggested changes to the draft SGEIS.

The views expressed in the document are those of the FLTC and do not necessarily reflect the views of any other organization.

We appreciate the difficulties of your task and of the choices facing the people of New York. Please contact us if we can provide any additional information that may be helpful to you.

Sincerely yours,

Pat Monahan, President

Encl: Comment (12 pages)



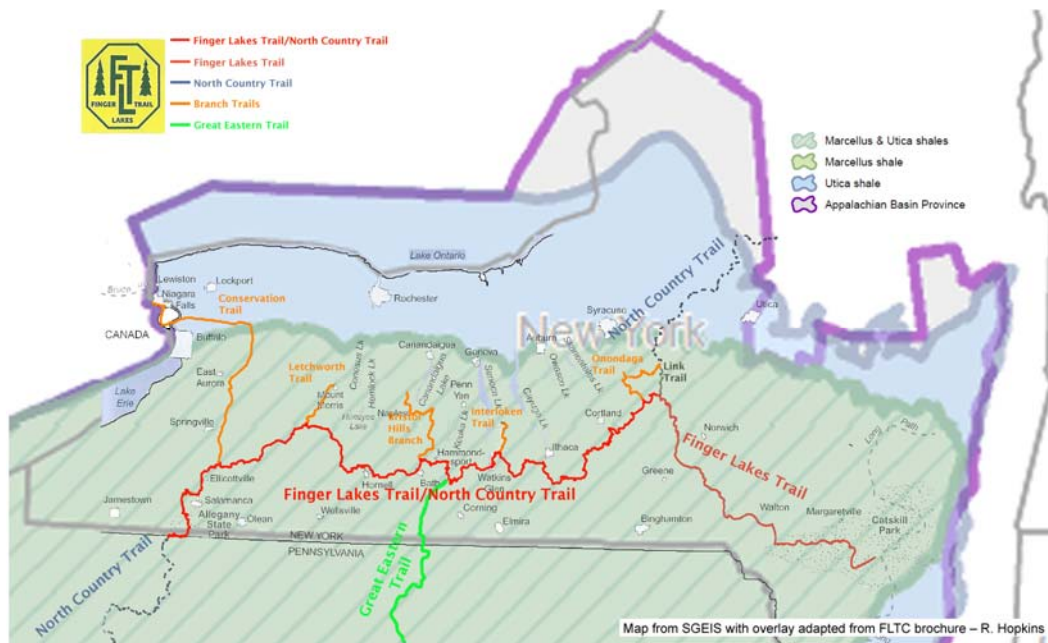
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Comment on the [Draft] Supplemental Generic Environmental Impact Statement

December 17, 2009



Map of the Finger Lakes Trail System and the Marcellus & Utica shales¹

(1) Overview

- The Finger Lakes Trail System (FLT) is the single cultural feature that traverses the entire extent of the Marcellus Shale formation in New York State (see map). Industrial gas drilling development anywhere in the region will have profound impact on the FLT and the Finger Lakes Trail Conference (FLTC). See **(2) Dangers to the trail from gas drilling development**.
- Because of the trail's unique and fragile nature, special protections are needed if gas drilling development proceeds. We believe that the draft SGEIS does not provide such protection and must be amended. See **(3) Concerns about the draft SGEIS**.
- Specifically, the effects of gas drilling development on the FLT must be reviewed and addressed as part of the permitting process, during both original application and renewals. See **(4) Required changes to the SGEIS**.

¹ An enlarged version of this map is included in the Appendix.

- The FLT would not exist without the many man-years of volunteer effort expended over the past 47 years and the generosity of hundreds of private landowners. It is valuable and irreplaceable resource for citizens and visitors of New York State and is worth protecting. See **(5) About the FLT trail system** and **(6) The value of the trail to New York State**.
- The FLTC does not have the financial, legal, or political resources to protect itself against potential dangers of gas drilling development and must rely on the “Environmental Justice” protections of Federal and State law. See **(7) About the FLTC**.
- All parties must work together to protect the unique features that make southern New York a wonderful place to work, to live, and to visit, while we realize the economic and energy potential of this resource. See **(8) FLTC commitment to DEC**.

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An electronic version of this document is available at <http://cayugatrailsclub.org/FLTC/FingerLakesTrailComment.pdf> .

(2) Dangers to the trail from gas drilling development

Notwithstanding the advantages to the economy of the Finger Lakes and the energy situation in New York, we believe that gas drilling development has the potential to cause irreparable damage to the Finger Lakes Trail and to the FLTC and affiliated hiking clubs. The following is a listing of specific concerns:

- **Dilution of resources** – Volunteer resources will be required to monitor gas drilling development activity and to repair damage to the trail caused by this activity. This increased demand on our volunteers and limited financial resources will reduce our ability to build, maintain, and promote the trail.
- **Loss of wilderness** – In laying out the trail route over four decades, enormous effort has been made to run the trail through areas remote from industrial activities. The trail never would have been routed through an area of intensive gas drilling. Industrialization of trail

surroundings will dramatically change the wilderness experience, even in areas where development does not directly impact the trail.

- **Loss of trail quality** – Habitat fragmentation will have a cumulative effect on the trail. Even slight changes affecting water flow and plant and animal communities may dramatically change the natural environment that is such an important part of wilderness hiking. Such changes can occur as a result of distant changes in the environment, and may occur or persist long after active development has ceased. Changes which may impact a small section of the trail will have a cumulative impact that will threaten overall trail quality and continuity.
- **Loss of trail continuity** – Historically, the preservation of trail continuity has been accomplished by rerouting the trail where conditions changed, a difficult and costly process even though necessary. However, we are running out of options at many “pinch points” along the length of the trail. The loss of continuity would devastate the trail and its organization.
- **Loss of membership** – Disruption of normal trail activities and deterioration of the quality of the wilderness experience will reduce active member participation. Any reduction in membership and the pool of active volunteers will affect the overall viability of the organization.
- **Hiker safety** – Trail users will be subject to safety hazards due to increased truck traffic at trail head parking lots, trail road crossings, and on road-walk sections of the trail. They may also be exposed to harmful chemicals and emissions.
- **Landowner relations** – Our revocable agreements with private landowners will be subordinate to gas company desires and the appeal of lease payments and royalties. Likelihood of withdrawal of landowner permission will increase.
- **Increased motorized use** – Pipeline routes and access roads to development sites will provide increased ease of unauthorized motorized access to fragile remote areas long after development has ceased. The increased usage over the long term will have a secondary detrimental effect on the trail and its environment.
- **Reduced likelihood of permanent protection** – The FLTC is actively seeking permanent protection for the trail through agreements with agencies responsible for public land, and with private landowners through improved landowner relations, written trail use agreements, donation of trail easements, and outright donation of land from willing landowners. This goal is echoed in the plan² for trail corridor enhancement and protection in the Emerald Necklace, a 78-mile section of the FLT between Watkins Glen and Cortland, a corridor that would connect 8 state forests, 3 state parks, and the National Forest. Uncertainty about the location or continuity of the trail may interfere with this important goal.

² *The Finger Lakes Trail in the Emerald Necklace: A Plan for Corridor Protection and Enhancement*, Finger Lakes Land Trust, October, 2009. This study was funded by the New York Department of State Quality Communities Grant Program and the New York State Partnership Program, administered by the Land Trust Alliance with support from the State of New York. It is hoped that this plan can become a model for corridor enhancement and protection for the remainder of the trail. This plan is available at <http://www.fllt.org/linkfiles/EmeraldNecklaceReport.pdf>.

(3) Concerns about the draft SGEIS

The FLTC is aware of other organizations and individuals that will comment on the specific dangers to our watersheds and the environment and the draft SGEIS's lack of strong regulations to prevent this damage. Although we may share many of the concerns expressed in those comments, we will not duplicate those comments here.

Our specific concerns are:

- **No specific recognition of the FLT** – The word “trail” appears only once in the 804 page draft SGEIS, and then only in the context of State or Federally designated trails. Although a portion of the FLT would fit within that definition, the FLT traverses hundreds of private properties and is maintained almost entirely by the support and effort of hundreds of unpaid volunteers rather than State or Federal officials, making it unclear whether that portion of the SGEIS would apply to all sections of FLT.
- **No recognition of the active nature of the trail** – The draft SGEIS characterizes “trails” as “visual features”. However, the FLT is much more than a passive visual feature; it is a long distance, wilderness character footpath, and provides numerous benefits to people across the state and for out of state visitors. The simple application of “line of sight” and “view shed” criteria does not provide adequate protection of these benefits. Although the occasional vistas do provide long views of the surrounding countryside, much of the appeal of the trail is in the active, physical involvement with close-by sights, sounds, smells, and the overall experience of being in a natural setting.
- **No designation of the trail as a resource of statewide concern** – The draft SGEIS references the DEC Policy statement *Assessing and Mitigating Visual Impacts (DEP-00-2)*. That document states that “Impacts to aesthetic resources of statewide concern may require more substantial mitigation strategies to achieve project approval.” It is unclear whether the FLT would be recognized as a “resource of statewide concern.” Also, the difference between “visual” and “aesthetic” resources, if any, is unclear.
- **No objective performance standards for trail protection** – The draft SGEIS contains only suggestions for mitigating damage to visual and aesthetic resources. The lack of requirements of specific measures according to objective performance standards may result in inadequate protection for the trail.

(4) Required changes to the SGEIS

The final SGEIS and any subsequent policy and regulations must:

1. **Specifically identify the FLT** – Mention the Finger Lakes Trail specifically and prominently, so that there is no misunderstanding on the part of developers about the importance and fragile nature of the trail. This is required because of the unique, valuable, and fragile nature of the trail and its involvement with the entire extent of the Marcellus shale formation in New York.
2. **Recognize “statewide significance”** – Specifically recognize the Finger Lakes Trail as a “resource of statewide significance.”

3. **Include the trail in the permit process** – Require permit applications to indicate if a proposed drilling site or supporting infrastructure is within one mile of any portion of the Finger Lakes Trail and its branches and to indicate if vehicle traffic associated with the permit application will cross the trail.
 - Require permit applications to indicate specific measures to be taken to protect the trail.
 - Require permit applicant to describe specific measures that will be taken to prevent unauthorized vehicular access to remote areas over the long term.
4. **Provide for notification of FLTC** – Require, for each permit application or renewal, that the DEC and/or the permit applicant notify the FLTC of the location of the proposed development in sufficient time that the FLTC can comment on specific needs of the trail in that location, and may assist the DEC and the developer in the detailed protection and mitigation plans with regards to the trail.
5. **Require assistance with landowner relations** – Require, in situations where the developer has agreements with a private landowner, and the relationship between the FLT and the private landowner may change due to development, that the developer will assist in reaching an arrangement whereby both the trail and the landowner may benefit.
6. **Require assistance with trail repair and reroutes** – Require, in situations where damage to and/or closure of the trail cannot be avoided, that DEC and/or the developer must assist the FLTC in repairing and/or relocating the trail, recognizing that trail quality and continuity are of utmost importance. Such assistance must include, but not be limited to, reimbursement for tools and materials, contractor costs, purchase of trail easements from willing landowners, legal costs, and the costs of updating trail signage, guidebooks, and maps.

(5) About the FLT trail system

Since 1962, the FLTC has constructed the Finger Lakes Trail (“FLT”) with the intended purpose as a wilderness footpath from Allegany State Park to the Catskill Mountains as the main trail and several branch trails for over 900 miles in the entire trail system. This trail system provides the user with a wilderness type experience as much as possible.

- **Watersheds** – The FLT crosses the upper reaches of the three major watersheds that define the hydrology of New York and the northeastern United States:
 - The Genesee Valley and Finger Lakes, Lake Ontario, and the St. Lawrence River to the Gulf of St. Lawrence
 - The Susquehanna and Delaware Rivers to the mid-Atlantic seaboard
 - The Allegheny River basin to the Ohio and Mississippi Rivers to the Gulf of Mexico.
- **Jurisdictions** – The trail passes through 18 counties, more than 100 towns, 50 State Forests in 5 DEC regions, 10 State Parks in 4 OPRHP regions, 6 state Wildlife Management Areas, 1 Unique Natural Area, 1 National Forest, 3 designated Wild Forest Areas and 2 Wilderness Areas in the Catskill Forest Preserve, and numerous town and local parks, nature preserves, and land trust preserves.

- **Private lands** – Approximately 500 miles of the FLT system are on public lands or on privately protected nature preserves. The remainder of the trail is on private property with the permission of individual landowners, in some cases with formal trail easements, but mostly with non-binding “trail use agreement letters” or revocable “handshake” agreements.
- **National trails** – The portion of the trail from the Pennsylvania state line in Allegheny State Park to the end of the Onondaga branch trail in Onondaga County (420 miles) carries the North Country National Scenic Trail (NCNST) on its 4,600 mile route from North Dakota to the New York-Vermont state line. This is possible under a partnership with the North Country Trail Association (NCTA) operating as an agent of the National Park Service (NPS).

A branch trail of the FLT which is currently under construction will carry the New York portion of the Great Eastern Trail which will run 2,000 miles from Florida to its northern terminus at the main Finger Lakes Trail and the NCNST in Steuben County.

The FLT also connects with other highly regarded long-distance trails, including the 350-mile Long Path from New York City to Albany, and the 500-mile Bruce Trail from Niagara Falls to Tobermory, Ontario.

(6) The value of the trail to New York State

The Finger Lakes Trail provides significant benefits to the citizens of New York as well as to visitors from around the world, at no charge to either. The trail system is recognized in the *Statewide Comprehensive Outdoor Recreation Plan (SCORP)* and in the *2009 New York State Open Space Conservation Plan*, where it is characterized as “a primitive footpath” providing a “valuable and unique hiking experience.”

- **Public health** – Regular trail users realize widely recognized physical and mental health benefits. The trail provides a place for exercise, quiet recreation, opportunities for solitude, and a temporary escape from industrialization and urbanization. With the incessant and increasing demands of growth and development, such places are becoming rare. The NYS SCORP document lists health benefits as the most important justification for state support of hiking and walking activities.
- **Education** – The trail provides educational and research opportunities for individuals, school classes, colleges and universities, scouting, and other outdoor organizations.
- **Wilderness experience** – The trail is a place of real-world adventure, demanding that its users develop self-reliance, navigation and backwoods survival skills, and awareness of natural and cultural history.
- **Volunteers** – The trail and its organization are the focus of a large volunteer effort providing cost-free benefits to all trail users. In 2008, FLTC volunteers reported 14,113 hours of active work in trail building and maintenance. Additionally, they reported 4,012 hours of travel and 2,835 hours of administrative work.

Volunteers also provide cost-free benefits to agencies responsible for public lands, for example: reporting violations, reporting potential safety or public health problems, detecting non-native, invasive species and noxious plants, mitigating trail erosion, clearing blow-down and deadfall, litter clean-up, and construction of trail infrastructure

such as lean-tos, bridges, steps and switchbacks. For many projects, tools and materials are purchased using funds generated from membership dues and donations.

- **Community** – Trail users become the constituents who care about the preservation of the trail and the lands it traverses. The continuous nature of the trail binds people from across the state to common purposes.
- **Broad use** – The trail provides similar benefits beyond the hiking community, for example: bird watchers, trail-runners, hunters, snow-shoe and X-C ski enthusiasts, naturalists, other users. Sampling from trail registers and organized event reports support an estimated number of users in excess of 100,000 per year. Many landowners report that having the trail on or near their property increases the value of their land.

(7) About the FLTC

The Finger Lakes Trail Conference, Inc. (FLTC) is a 501(c)3 non-profit organization comprised of dues paying members and governed by a Board of Managers duly elected by its membership in accordance with its written Bylaws.

- **Mission** –The mission of the FLTC is to “... build, protect and enhance a continuous footpath across New York State. Forever!”
The FLTC was founded in 1962 in New York State. It works in cooperation with its members and various organizations to develop and maintain a premier hiking trail system in New York.
- **Membership** – More than 1,300 individual and family memberships currently support the FLTC through annual dues ranging from \$15 to \$30 and through donations. Approximately one fourth of these members actively volunteer to operate the organization and its programs, and to build and maintain the trail system. These volunteers assist a paid, part-time office staff (less than one full time equivalent). Individuals and affiliate organizations maintain trail sections ranging from 1 mile to 100 miles in length. Some individuals volunteer for special maintenance and construction projects across the entire trail system.
- **Affiliates** – 16 hiking clubs and scout troops are affiliates of the FLTC (Appendix B). Many FLTC members are also members of these organizations. These organizations operate their own local hiking program and maintain their section of the trail system.
- **Partners** – The FLTC is a partner of the North Country Trail Association (NCTA) and cooperates with that organization in maintaining and promoting that portion of the FLT that carries a portion of the North Country National Scenic Trail.
The FLTC is a member of the Great Eastern Trail Association (GETA) and is constructing a branch trail of the FLT system that will carry the New York portion of the Great Eastern Trail.

(8) FLTC commitment to DEC

We believe that all parties must work together to protect the unique features that make southern New York a wonderful place to work, to live, and to visit, while we realize the economic and energy potential of the Marcellus shale resource. The FLTC will provide the following assistance to DEC and gas developers:

- **Local coordination and assistance** –The FLTC will coordinate volunteers who can assist the DEC and gas developers with local information during the permit application process. Volunteers will meet with DEC and gas developer personnel in the field to discuss special features of the trail, temporary closure and/or reroutes, and short and long-term mitigation plans.
- **Notification to hikers** – The FLTC will distribute to the hiking community, through the FLTC newsletter, website, and various E-mail and discussion groups, information about planned drilling and related activities. It will also publicize information provided by gas developers that may be interesting or helpful to hikers.
- **Trail location** – The FLTC will provide detailed trail maps and GPS track in GPX format of the entire trail at modest cost. These items can be ordered on the Internet (<http://www.fingerlakestrail.org/>), by E-Mail (FLTinfo@fingerlakestrail.org) or by telephone (585-658-9320).

The FLTC will provide GPS waypoints of trailheads and road crossings at no charge. This information is available on the FLTC website (<http://www.fingerlakestrail.org/>).

- **Public relations** – The FLTC will acknowledge and publicize instances of specific assistance provided by gas developers to maintain and improve the overall quality of the trail.

Appendix B – FLTC Contact information

Finger Lakes Trail Conference
 6111 Visitor Center Road
 Mt. Morris, NY 14510
 Telephone – 585-658-9320
 E-Mail – FLTinfo@fingerlakestrail.org
 Website – <http://fingerlakestrail.org>

Officers	
Pat Monahan, President	Corning
Ronald Navik, Vice President for Trail Preservation	Penfield
Lynda Rummel, Director of Trail Quality	Keuka Park
Steve Catherman, Director of Trail Maintenance	Bath
Board of Managers	
Phil Dankert	Ithaca
Cheryl Peluso	Hamburg
Georgeanne Vyverberg	Naples
George Zacharek	Baldwinsville
Jon Bowen	Baldwinsville
Bill Coffin	Chittenango
Sigi Schwinge	East Syracuse
Terry Meacham	Hornell
Ray Recchia	Whitney Point
Patricia Haynes	Ellicottville
Roger Hopkins	Lansing
Phil Metzger	Norwich
John A-X. Morris	Dryden
Ken Reek	Churchville

Appendix C – Affiliates

- Adirondack Mountain Club - Finger Lakes Chapter,
<http://www.gvc-adk.org/>
- Adirondack Mountain Club - Genesee Valley Chapter, Rochester, NY,
<http://www.gvc-adk.org/>
- Adirondack Mountain Club - Mid Hudson Chapter, Dutchess and Ulster counties,
NY, <http://www.midhudsonadk.org/>
- Adirondack Mountain Club - Niagara Frontier Chapter, Buffalo, NY,
<http://www.adk-nfc.org/home.php>
- Adirondack Mountain Club - Onondaga Chapter, Syracuse, NY,
<http://www.adk-on.org/>
- Boy Scout Troop 18, Hammondsport, NY
- Boy Scout Troop 33, Warsaw, NY
- Boy Scout Troop 34, Prattsburg, NY
- Boy Scout Troop 52, Bainbridge, NY
- Boy Scout Troop 67, Dryden, NY
- Boy Scout Troop 77, Rochester, NY
- Bullthistle Hiking Club, Norwich, NY,
<http://www.bullthistlehiking.org/>
- Cayuga Trails Club, Ithaca, NY,
<http://cayugatrailsclub.org/>
- Foothills Trail Club, Buffalo, NY,
<http://www.foothillstrailclub.org/>
- Genesee Valley Hiking Club, Rochester, NY,
<http://www.fingerlakestrail.org/gvhc.htm>
- Finger Lakes National Forest, Hector, NY,
http://www.fs.fed.us/r9/forests/greenmountain/htm/fingerlakes/f_home.htm
- Triple Cities Hiking Club, Binghamton, NY,
<http://www.triplecitieshikingclub.org/>

The views expressed in this comment are those of the FLTC and do not necessarily reflect the views of any other organization.

Appendix D – Public lands hosting the FLT

FLT Map	Name of Public Land
M-1	Allegheny State Park
M-2	Bucktooth State Forest
M-3	Rock City State Forest
M-3	McCarty Hill State Forest
M-4	Boyce Hill State Forest
M-4	Bear Creek State Forest
M-5	Bush Hill State Forest
M-5	Farmersville State Forest
M-5/M-6	Swift Hill State Forest
M-6	Genesee Valley Greenway
M-9	Slader Creek State Forest
M-9	Gas Springs State Forest
M-9	Klipnocky State Forest
M-9	Bully Hill State Forest
M-9	Kanakadea County Park
M-10	Burt Hill State Forest
M-12	South Bradford State Forest
M-12/M-13	Birdseye Hollow State Forest
M-13	Goundry Hill State Forest
M-13/M-14	Sugar Hill State Forest
M-14	Watkins Glen State Park
M-15	Clute Park, Village Watkins Glen
M-15/I-1	Finger Lakes National Forest
M-15	Texas Hollow State Forest
M-16	Connecticut Hill Wildlife M. A.
M-16	Robert Treman State Park
M-16	Buttermilk Falls State Park
M-17	Danby State Forest
M-18	Shindagin Hollow State Forest
M-18	Potato Hill State Forest
M-18	Robinson Hollow State Forest
M-18	Hammond Hill State Forest
M-19	Jim Schug Trail, Dryden
M-19	Kennedy State Forest
M-20	Tuller Hill State Forest
M-20	Hoxie Gorge Campus Cortland
M-20	Hoxie Gorge State Forest
M-20	Baker School House State Forest
M-20/M-21	Taylor Valley State Forest
M-21	Cuyler Hill State Forest
M-22	Mariposa State Forest
M-22	Bucks Brook State Forest
M-22	Otselic State Forest
M-22	Muller Hill State Forest
M-23	Perkins Pond State Forest
M-23	Pharsalia Wildlife M.A.
M-23	New Michigan State Forest
M-24	McDonough State Forest
M-24	Bowman Lake State Park

FLT Map	Name of Public Land
M-24	Ludlow Creek State Forest
M-25	Basswood State Forest
M-25	Wiley Brook State Forest
M-27	Beals Pond State Forest
M-27	Artic China State Forest
M-27	Oquaga Creek State Park
M-27	Steam Mill State Forest
M-27	Barbour Brook State Forest
M-29	Bear Spring Wildlife M.A.
M-29/M-31	Catskill Park, Delaware Co
M-31/M-33	Catskill Park, Ulster Co
B-1	Ontario County Park
B-1	High Tor Wildlife M.A.
B-2	Italy Hill State Forest
B-3	Urbana State Forest
B-3	Pigtail Hollow State Forest
CT-5	Erie County Forest
CT-7	Hunters Creek Park, Erie Co
CT-8	Darien Lake State Park
CT-9	Akron Falls, Akron
CT-9/CT-11	Trail on old RR Right-of Way
CT-11	Ellicott Creek Park, Erie Co
CT-11	River Walk
CT-12	S. Parkway & W. River Pkwy
CT-12	Niagara River Trail
CT-12	Niagara Reservation
GET-1	South Bradford State Forest
GET-1	Meads Creek State Forest
GET-1	West Hill State Forest
GET-1	Erwin Hollow State Forest
GET-1	Erwin Wildlife M.A.
GET-1	Erwin Mountain State Forest
GET-1	Pinnacle State Park
GET-1	McCarthy Hill State Forest
L-1	Al Lorenz Park Livingston Co
L-1	Mt. Morris Dam USCE
L-1/L-2	Letchworth State Park
O-1	Cuyler Hill State Forest
O-1	Maxon Creek State Forest
O-1	Morgan Hill State Forest
O-1	Labrador Hollow Unique Area
O-2	Highland Forest County Park
O-2	DeRuyter State Forest
O-2	Tioughnioga WMA
QCMT	Queen Catharine Marsh WMA
MFHLT	Montour Falls Historic Loop Trail