CONSERVATION EASEMENT
RECREATION MANAGEMENT PLAN
GUIDANCE

State Conservation Easements (CE) with public recreation rights identify the types of recreation and access allowed on an easement property in the document. However, implementations of those public rights are most often accomplished through the development of a Recreation Management Plan (RMP). The degree and intensity of public use and the specific locations on the property where public recreation activities are destined to occur are not usually determined in the CE but deferred until the property is actually opened to the public through either an approved Interim Recreation Management Plan (IRMP) or a Recreation Management Plan.

Specific Conservation Easements refer to plans as Land Management Plans, Unit Management Plans, or Recreation Management Plans. Some older CEs do not require the Department to prepare a management plan before implementation of recreation rights. However, it is the position of the Department to develop plans for implementing public recreation on all CE lands and for consistent administrative purposes to call these plans Recreation Management Plans (RMPs). Furthermore, the Department recognizes both IRMPs, which are meant to allow temporary and initial public recreation and access to the easement property (see: IRMP Guidance) and RMPs, that provide long term access and will be prepared following the guidance and procedures below.

The RMP is to be a complete self-contained (stand alone) document that presents the public recreation activities and access planned for the property and provides the conditions and restrictions on that public use. CE recreation planning and RMP development must consider the relationship between proposed recreation on the CE property and adjacent parcels such as Forest Preserve and State Forest lands. The RMP is intended to invite broad public input and explore the full range of purchased recreation rights. Public use of the property is shared with the private landowner. Therefore, development of a plan for public recreation is essential to avoid, or at least minimize, conflict between the multiple purposes of forest management, public recreation and any other private recreational use. A completed RMP may be attached as an appendix or incorporated into a State Land Unit Management Plan (UMP) for background, comprehensiveness, or to support State Land recreation planning decisions after it has been through the approval process outlined below.

Properties encumbered by Conservation Easements are private property and, as such, State administered public recreation activities on such land in the Adirondack Park is reviewed by the Adirondack Park Agency (APA) for consistency with the Adirondack Park Private Land Use and Development Plan; the Wild, Scenic and Recreational Rivers System Act; and the Freshwater Wetlands Act. §814 of the Adirondack Park Agency Act requires any State agency which intends to undertake any new land use and development in the Park to give due regard to the provisions of the Plan and the shoreline restrictions and shall file a notice of such intent thereof with the APA.

The Department and the APA have agreed to exercise their respective authority and responsibility through the cooperative arrangements created by the attached August 2010 “Memorandum of Understanding Between the APA and the DEC Concerning State-Owned Conservation Easements on Private Lands within the Adirondack Park” (MOU) with regard to new
land use or development by the Department on conservation easements.

The following RMP guidance shall be followed for all public recreation activities conducted on State owned Conservation Easements. This guidance is consistent with the procedures outlined in the MOU.

**Guidance**

**1. Need to prepare a RMP**

- For all Conservation Easements (CE) with public recreation rights, DEC will prepare a RMP prior to implementing those rights on a CE property, except that an Interim Recreation Management Plan (IRMP) may be prepared as a temporary plan for initial public recreation activities, in accordance with the guidance and procedures for IRMPs.

**2. Need for a complete RMP and comprehensive planning**

- The RMP must be a complete stand alone document and compliant with the State Environmental Quality Review (SEQR) process. When CE recreation activities are explicitly linked to activities on adjacent State land, an integrated planning process for those activities must be conducted. However, the CE recreation planning document, text and maps associated with the CE property need to be included in an individual document that has been through the CE Recreation Management Plan approval process.

- Conservation Easement Recreation Planning shall consider surrounding public land and public uses when developing the RMP. RMPs must include a discussion on the relationship of the CE property and the proposed recreational uses on adjacent public and other CE properties.

- Public meetings (scoping sessions) for providing and gathering information on public recreation on CEs may be combined with public meetings for Unit Management Plans (UMP) for adjacent State lands, when appropriate.

- Compliance with SEQRA may require a combined and integrated assessment process for recreation corridors and other activities that transverse and include State land and CE properties.

- Approved Recreation Management Plans may be attached as appendices or the plans’ contents may be incorporated into a UMP for background, comprehensiveness or to support adjacent State land recreation planning proposals.

**3. Need for draft RMP review**

- Conservation Easements may require the draft RMP be prepared in consultation with the landowner while some CEs require landowner approval of an RMP. All CE landowners need to have the opportunity to review and provide comments on the draft RMP;

- Central Office shall review and approve the draft RMP prior to APA and public review;

- Adirondack Park only – Region will share Draft RMP with the APA. The Agency will review the draft RMP (under provisions of the APA DEC MOU) based upon private land considerations of the APA Act, Section 814 and other Statues and Jurisdictions;

- All draft RMPs will provide for a public comment period and, if deemed necessary, a public meeting.
Procedure

1. **Region initiates an internal DEC discussion between Region and Central Office staff** in developing the recreation plan; the recreation opportunities and issues; recreation impacts and influences on the CE property and on surrounding public land; determine the extent of other program involvement and review. Outline the content, time line and confirm process.

2. **Region conducts a public scoping session** where the public recreation rights would be presented to stakeholders, elected officials, property owner representatives, lessees and other members of the public. Get input on public recreation interests and concerns, conflicts and other issues.

3. **Region prepares SEQR Assessment and Initial Draft RMP** (in consultation with landowner and Central Office program support) and submits to Central Office for review.

4. **Central Office provides comments to Region and Region completes Proposed Public Draft RMP.** **Adirondack Park only - Region Completes Initial Draft RMP**

5. **Adirondack Park only** – in consultation with Central Office, Region provides APA with Initial Draft RMP and requests comments
   
   The Initial draft RMP is provided to APA for their review of consistency with the following statutes and according to the APA DEC MOU:
   
   - Adirondack Park Agency Act (Section 814)
   - New York State Freshwater Wetlands Act
   - New York State Wild, Scenic and Recreational Rivers System Act

6. **Adirondack Park only - Region reviews APA comments and Develops Public Draft RMP**
   
   - Review APA comments and make changes, if necessary

7. **Region Submits Proposed Public Draft RMP to Central Office**
   
   - Include response to APA Comments (Adirondack Park only)

8. **Central Office initiates Executive review and approval to send Proposed Public Draft RMP for Public Comment**

9. **Region sends notice to ENB and Releases Public Draft RMP for public comment**
   
   - Region (in consultation with Central Office) determines need for public meeting and, if needed, schedules one
   - Draft Press Release, issue in Region
   - Release Draft RMP for Public Comment

10. **Region reviews public comments and completes Responsiveness Document, SEQR and**
Proposed Final RMP

- Submit Proposed Final RMP and SEQR to Central Office for Executive approval
- Central Office submits RMP to Landowner for review and approval (if required)
- Central Office provides ENB notice of Proposed final RMP and SEQR.

11. Region provides RMP to Landowner (when required) and Executive for sign-off.

Robert Davies, Director
Division of Lands and Forests

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