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Conservation

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Regarding: Classifications of Former Finch Lands.

Dear Chairman Ulrich, Commissioners and APA Staff,

I am writing to you to express the viewpoint of the Adirondack Mountain Club (ADK) regarding the preferred alternative classification proposal set forth by the Adirondack Park Agency (APA) for the Hudson River, the Essex Chain Lakes, the Indian River and the OK Slip parcels of the former Finch lands in the Central Adirondacks. After careful review of the FEIS and supplemental materials, ADK supports the APA decision for preferred alternative Primitive Option 2A. ADK is a conservation and outdoor recreational organization with 30,000 members. There were ADK members at each of the public hearings and many of our members have submitted written comments by mail, fax or email.

Primitive Option 2A creates two motor-free areas, one enveloping the entire Essex Chain of Lakes and the other protecting the Hudson River and Gorge.

The preferred alternative protects in perpetuity 33,000 acres of New York's most ecologically sensitive lands and waters. This will protect the wild forest character and ecological integrity of the Adirondacks. These unique lands and waters deserve protection from the pollution and invasive species that motorized recreation would bring. It also ensures that the five surrounding towns can forever enjoy the economic benefits of these waters and lands, as well as other adjoining state Forest Preserve and private conservation easements lands.

The Adirondack Mountain Club applauds both the establishment of a 10,000-acre-plus motor-free Essex Chain of Lakes and the establishment of the largest new wilderness area in 30 years, centered on the Hudson Gorge. Some of these waters and lands are being opened for public recreation for the first time in over 120 years.

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The Preferred Alternative, Option 2A is comprised of contiguous, State-owned lands on both sides of the Hudson River. As in most of the alternatives presented, the corridor of the Hudson River will offer a wilderness rafting, paddling and camping opportunity, free of significant man-made structures and motorized uses. Consistent with its Primitive designation the Essex Chain Lakes will also offer a unique wilderness paddling and camping opportunity. The lake experience will not be as rigorous or challenging as the Hudson River trip, but will still provide remote and wild paddling and camping experiences.

Most of the network of private, lease club or logging haul roads in the newly acquired lands will be closed to motor vehicle use in preferred alternative 2A. Under 2A, these lands will provide wonderful opportunities for alternative forms of outdoor recreation that conform to wilderness or primitive standards, including: hiking, skiing, snowshoeing, horseback, horse and wagon riding, and potentially mountain biking on designated trails.

Potential Impacts Of Classification Options

The Department of Environmental Conservation (DEC) is bound to guidelines of each classification when developing UMPs as defined in the APSLMP. These guidelines vary from one classification category to another and may prescribe the types of recreational opportunities available in conformance with the APSLMP's unifying theme that:

“ the protection and preservation of the natural resources of the state lands within the Park must be paramount. Human use and enjoyment of those lands should be permitted and encouraged, so long as the resources in their physical and biological context as well as their social or psychological aspects are not degraded.”¹

ADK believes that the preferred alternative by the Adirondack Park Agency, Primitive Option 2A, is guided by the foregoing principle.

Primitive Option 2A

The APA's preferred alternative Primitive Option 2A is a new option in the FEIS which calls for 10,592 acres of Primitive Classification to protect the Essex Chain of Lakes, 23,573 acres of Wilderness to protect the Hudson River Gorge, and 8,101 acres of Wild Forest. The APA's preferred alternative provides for a motor-free paddling and canoe camping experience on the Essex Chain of Lakes, a beautiful alternative to the St. Regis Canoe Area.

Primitive Option 2A allows for one of two potential snowmobile trails through the Essex Chain Tract by the use of corridors portions of which remain unclassified and portions of which retain their existing Wild Forest classification. The APA explains,

“Pending resolution of legal and regulatory issues concerning potential resource impacts to recreational uses of the corridor, lands of these two alternatives in the southern end of the Wild Forest corridor will remain unclassified. Following APA’s analysis and decision in this matter, only one corridor “leg” of unclassified land will be classified Wild Forest, while the other will be classified Primitive. If one Primitive area is the result, it will comprise approximately 9,894 acres and be named Essex Chain Lakes Primitive Area. If two Primitive areas are the result, the northern one will comprise approximately 6,914 acres and will be named Essex Chain Lakes Primitive Area and the southern one will comprise approximately 2,906 acres and will be named Pine Lake Primitive Area.”²

Although ADK supports APA’s preferred Alternative 2A, we do not support the use of the potential snowmobile route which crosses the Blue Mountain Wild Forest from the west and stays north of the Cedar River as an option—the 2 primitive areas option (see Snowmobile section below). This potential snowmobile route would impact multiple wetlands and would require almost 4 miles of new trail building and tree cutting. If DEC is unable to resolve the legal issues with the potential eastern corridor snowmobile route which crosses the Cedar River, then the fall back option for a connection from Indian Lake to Newcomb should simply be the western snowmobile route that currently exists through the conservation easement lands to the west and north of the Essex Chain Tract.

Discussion of Alternative 2A Recreational Opportunities

As in most of the alternatives presented, the corridor of the Hudson River will offer a wilderness rafting, paddling and camping opportunity, free of significant manmade structures and motorized uses for many miles. Lands classified as Wild Forest are situated near and surrounding a portion of the Hudson River and also provide access to an area near the Essex Chain to allow for public motor vehicle access to the general vicinity of important take-outs and put-ins for visitors accessing the river, and to provide recreational opportunities for All-Terrain-Bicycles (ATBs).

The Essex Chain Lakes will offer a unique motor-free paddling and camping opportunity. The lake experience will not be as rigorous or challenging as the Hudson River trip, but still offer a remote, wild and quiet paddling and camping experience without the intrusion of motors.

The network of private, lease club roads around the Essex Chain of Lakes in the newly acquired lands will be closed to motor vehicle use in this alternative. However, these lands will provide an

opportunity for alternative forms of outdoor recreation including: hiking, skiing, snowshoeing, horseback riding, horse and wagon riding, and potentially biking.

The Towns of Newcomb and Minerva have a non-exclusive easement for float plane access to First Lake and Pine Lake, subject to permit from DEC. The Towns can allow others nonexclusive float plane access as well, which is also subject to any limitations in a permit duly issued by DEC. The original purpose of this easement was to load and unload passengers to facilitate access for non-motorized public recreational use. Historically, the public has had float plane access to First and Pine Lakes, as both lakes were partially on public land (Blue Mountain Wild Forest).

In this alternative, commercial float plane operators could continue, under permit from DEC, to provide float plane access for the public to First Lake, the westernmost of the Essex Chain Lakes, and Pine Lake. For recreationists who arrive at First Lake by float planes and desire to explore the rest of the lakes in the Chain, a 1/6-mile carry will provide direct and relatively easy access to the largest lake in the Chain, Third Lake.

In managing most of the sensitive fisheries of the Essex Chain Lakes in this alternative (excluding First Lake if appropriate), DEC will follow the Wilderness Fisheries Guidelines which state: *Fish species, other than indigenous species and species historically associated with the Adirondack Park, will not be stocked in waters of Wilderness, Primitive or Canoe Areas.*

Why does ADK support Alternative 2A?

The Essex Chain will be managed as wilderness under a Primitive classification. The entirety of the Essex Chain of Lakes will be motor-free. With alternative 2A, the APA is “limiting motorized use to those areas with physical and wildlife characteristics most suitable for motorized recreation.”³ In developing the preferred alternative the APA showed their concern that an increase of use on these lands would “negatively impact wildlife species and their terrestrial and aquatic ecosystems.” This was a key consideration in their analysis and classification process. Protecting the sensitive resources of these lands was “an important factor supporting classification of the Essex Chain Lakes area as Primitive and a significant stretch of the Hudson River as Wilderness.”⁴

Preferred Alternative 2A prohibits the use of motorized watercraft and the expanded use of float planes on the Essex Chain which will “help protect the natural, aquatic and shoreline resources in ways that include eliminating engine emissions and exhaust, noise, propeller contact,

turbulence from propulsion systems, waves produced by movement and possible transfer of non-native invasive plants and animals.”⁵

Protecting the Essex Chain from motors is essential given the substantial impact they would have on this sensitive aquatic habitat.

“In the Essex Chain Lakes, there are sensitive wetland communities consisting of deep water marsh and emergent marsh wetland that are contiguous to the shorelines. Due to their size, wetland covertypes present, diversity and abundance of aquatic macrophytes, and hydraulic connection to the main waterbodies, they have the highest value rating of 1 as defined in 9 NYCRR Part 578.”⁶

The APA outlines the impacts that motors can have on aquatic environments in Appendix B, including resuspension of sediment by propeller activity and wave action, disturbance of fish and wildlife habitat, destruction of aquatic plants and water pollution, increased turbidity, phosphorous, and Chlorophyll, and an increase in aquatic macrophyte growth and algae from an increase in nutrients. There is also a significant impact from the breakdown of oil and gas which releases chemical contaminants into aquatic habitats such as benzene, toluene, ethyl benzene, xylene (collectively known as BTEX), methyl tertiary butyl ether (MTBE) and polycyclic aromatic hydrocarbons (PAHs) which can be toxic to aquatic life and can be “accumulated by aquatic biota and transferred up the food web.”⁷

Shallow lakes and channels such as those of the Essex Chain are especially susceptible to these impacts.⁸

Closing the Essex Chain will also protect the Lakes from Invasive species which “are generally more abundant in lakes with motorized access (including float planes) and along roads open to motor vehicles.”⁹

The APA points out that although floatplanes will continue to be permitted to land on First Lake, “First Lake is downstream of the other Chain Lakes and is connected to Second Lake by a shallow unnavigable channel, the probability of transporting AIS (via watercraft to the other Essex Chain Lakes), which may be introduced to First Lake by float planes is greatly reduced.”¹⁰

Although the area of Wild Forest north of the Iron (Polaris) Bridge is not classified as Wilderness in preferred Alternative 2A, the APA explains that “the river will remain protected from motorized uses by its existing designation as a Scenic river pursuant to the Wild, Scenic and Recreational Rivers Act and by the area description within the APSLMP proposed as part of this classification action.”¹¹

The Preferred Alternative limits motorized use of the Essex Chain lakes area as well as the Hudson Gorge area.¹²

The APA recognizes that motorized use generally can have “significant negative impacts on wildlife. Potential impacts from motorized use include habitat deterioration and fragmentation, collision fatalities, and non-native invasive species introduction. As noted above, Primitive Option 2A limits motorized use to “those areas with physical and wildlife characteristics most suitable for motorized recreation.”¹³ In fact, Alternative 2A closes most of the roads to motorized use in the existing network of roads around the Essex Chain. This will “reduce harmful habitat fragmentation and wildlife fatalities resulting from collisions, which can have particularly negative consequences for smaller species such as amphibians. Roads are also vectors for invasive species.”¹⁴

Justification for Primitive Classification

ADK supports a Primitive Classification for the Essex Chain of Lakes. A Wilderness Classification for the Essex Chain of Lakes, as the APA points out in the FEIS, is currently unavailable because of the non-conforming uses of the Gooley and Polaris Clubs who retain easement rights until 2018. Additionally, the impact of the take-off and landings of floatplanes from 1st and Pine Lakes, is likely to continue in perpetuity which, as the APA notes, makes a Wilderness Classification inappropriate.

“In this situation, though, since reserved rights for float-plane landings and take-offs at First and Pine Lakes will detract from the available quietude and sense of remoteness, a Wilderness recommendation for classification of the lands surrounding these water bodies is inappropriate. Instead, Primitive is the classification category intended for such a situation by the APSLMP.”¹⁵

However, a Primitive Classification provides all the management protections of Wilderness while recognizing that there are features such as the perpetual use of floatplanes from 1st and Pine Lakes which was deeded to the local towns by the Nature Conservancy prior to state acquisition.

The APA's new Preferred Alternative actually provides greater protection for the Essex Chain of Lakes than either Alternative 1A or 1B which were originally supported by Adirondack Conservation Groups. Alternative 2A, the Preferred Alternative, envelopes the *entire* Essex Chain of Lakes in a Primitive Area. The Primitive Classification will provide motor-free management for the Essex Chain, the most ecologically sensitive part of the Finch Pruyn Lands. The Primitive Area around the entire lake chain will better protect the aquatic habitat by prohibiting motor-boats on all of the lakes. As described above motor boats frequently transport and introduce invasive species to aquatic habitats, and in these shallow sensitive lakes, would impact the deepwater wetlands in the channels between the lakes. In Alternative 1A which environmental groups, including ADK, originally supported, the western halves of these lakes were surrounded by Wild Forest which left the potential for motor-boats on the lakes and a vector for invasive species into the entire chain.¹⁶ As the APA clarifies, “under a Wild Forest classification, public motorized use may be allowed on roads, rivers, lakes and ponds, and by snowmobiles on designated trails during the winter season.”¹⁷

As the APA points out, a Wilderness Classification for the Essex Chain is simply not an option based on the issues outlined above, but an added bonus of the Primitive Classification for the Essex Chain is the potential for expanded recreational opportunities for bike riding. The APA explains in the FEIS that “all terrain bicycles [ATBs] are allowed on roads legally open to the public and on State truck trails designated by DEC in an adopted UMP.”¹⁸ However, currently no such roads or truck trails exist in the area being classified, and “mountain bikes would not be allowed in this area without an amendment to the Master Plan's guidelines.”¹⁹

Snowmobile Trail Issues

With regard to the Eastern snowmobile community connector trail using the Chain Lakes road and the Camp 6 road, it will be necessary to replace the Chain Lakes road bridge over the Cedar River that was destroyed in 1968. 6 NYCRR 666.13 does not authorize a bridge for a motorized recreation to cross those segments of the Cedar River that have been designated a Scenic river area. 6 NYCRR 666.13 would have to be amended to authorize construction of a motorized recreation bridge over the Cedar River in that location. ADK believes if the east-west Crossover snowmobile trail is being considered as a fallback for the Eastern Community Connector because the Cedar River bridge is not authorized by amendment of 6 NYCRR 666.13, we believe that 6 NYCCR 666.13 would still need to be amended to run the community connector trail on the Chain Lakes Road along the shoreline and inside the scenic designated section of the Cedar River. We are also concerned about wetlands and tree cutting issues along that route between the Cornell road community connector trail and the North Chain Lakes road. We believe the

existing Western Cornell Road community connector snowmobile route is the superior fall back route from Indian Lake to Newcomb.

It is our understanding that DEC will endeavor to legally establish a history of grandfathered motorized uses so as to comply with ECL 15-2709 where the motorized recreational route passes through the ½ mile Wilderness set back in the vicinity of The Outer Gooley Club and the confluence of the Wild designated section of the Hudson River and the Indian River. In the event that the Eastern Chain Lakes road – Camp 6 snowmobile connector trail is not practical due to the foregoing legal issues, ADK believes the appropriate back up plan is the existing Cornell road conservation easement community connector trail between Indian Lake and Newcomb. We do not support the construction of the east-west “crossover” trail. Travel from Indian Lake to Newcomb via the Cornell road snowmobile route is 25 miles compared to the 30 miles if travelling by the Crossover trail and the Crossover route is barely 1 mile closer to the Polaris bridge than the Cornell Road Western snowmobile connector trail.

The APA describes the Cornell Road Western snowmobile connector trail,

“In 2010, a critical community connector trail between Newcomb and Indian Lake was established over the former Finch Paper, and now easement lands immediately adjacent to the Essex Chain Lakes tract under an easement purchased by New York State. Snowmobilers can now ride between these Indian Lake and Newcomb. Once the snowmobile trail that connects Newcomb to Minerva is built, snowmobilers will be able to ride from Indian Lake to Minerva, through Newcomb.”²⁰

Summary

It is no secret that ADK had strongly advocated for a 38,000-acre Wilderness designation, believing it would have been better for these sensitive waters and forests, as well as for the rural communities that surround them. However, we also understand and respect that the APA is committed to balancing the needs of multiple stakeholders.

The creation of two large, new quiet paddling motor-free areas for the most sensitive waters and wildlife habitat -- plus a classification that permits a snowmobile trail that can only be used in the winter and will not be open for ATVs -- provides what local town officials say they needed to sustain their economies while also providing environmental advocates with what we said was most important. While this recommendation does not have everything we had hoped for, it is most of what we asked for. Looking forward, ADK will help ensure through monitoring the process moving forward, that any regulatory changes are consistent with environmental law.

Public comment ran four-to-one in favor of Wilderness classification for these lands. Clearly, people love Adirondack Wilderness and want to make more of it.

ADK thanks the APA staff and Commissioners and DEC staff, for their efforts, dedication and commitment throughout this process.

Sincerely,



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¹ APSLMP at page 1

² FEIS 2013 Amendments to the Adirondack Park State Land Master Plan at page 70

³ FEIS Appendix A 2013 Amendments to the Adirondack Park State Land Master Plan at page 9

⁴ FEIS Appendix A 2013 Amendments to the Adirondack Park State Land Master Plan at page 8-9

⁵ FEIS Appendix A 2013 Amendments to the Adirondack Park State Land Master Plan at page 8-9

⁶ FEIS Appendix A 2013 Amendments to the Adirondack Park State Land Master Plan at page 7

⁷ FEIS Appendix B 2013 Amendments to the Adirondack Park State Land Master Plan at page 8

⁸ FEIS Appendix A 2013 Amendments to the Adirondack Park State Land Master Plan at page 8-9

⁹ FEIS Appendix A 2013 Amendments to the Adirondack Park State Land Master Plan at page 9

¹⁰ FEIS Appendix B 2013 Amendments to the Adirondack Park State Land Master Plan at page 10

¹¹ FEIS Appendix A 2013 Amendments to the Adirondack Park State Land Master Plan at page 10

¹² FEIS Appendix A 2013 Amendments to the Adirondack Park State Land Master Plan at page 10

¹³ FEIS Appendix A 2013 Amendments to the Adirondack Park State Land Master Plan at page 9

¹⁴ FEIS Appendix A 2013 Amendments to the Adirondack Park State Land Master Plan at page 8-9

¹⁵ FEIS Appendix A 2013 Amendments to the Adirondack Park State Land Master Plan at page 11

¹⁶ FEIS Appendix A 2013 Amendments to the Adirondack Park State Land Master Plan at page 6

¹⁷ FEIS 2013 Amendments to the Adirondack Park State Land Master Plan at page 42

¹⁸ FEIS 2013 Amendments to the Adirondack Park State Land Master Plan at page 45

¹⁹ FEIS 2013 Amendments to the Adirondack Park State Land Master Plan at page 45

²⁰ FEIS 2013 Amendments to the Adirondack Park State Land Master Plan at page 41