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Kathleen D. Regan, Deputy Director, Planning
Adirondack Park Agency
Post Office Box 99
1133 State Route 86
Ray Brook, NY 12977
Phone: (518) 891-4050
Fax: (518) 891-3938
ClassificationComments@apa.ny.gov

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RE: DSEIS Boreas Ponds Tract; 2016- 2017 Amendments to the Adirondack Park State Land Master Plan involving the Classification and Reclassification of 54,418 acres of State Lands in the Adirondack Park

Member Services

814 Goggins Rd.
Lake George, NY
12845-4117
Phone: (518) 668-4447
Fax: (518) 668-3746
e-mail: adkinfo@adk.org
website: www.adk.org

North Country Operations

PO Box 867
Lake Placid, NY
12946-0867
Reservations: (518)523-3441
Office: (518)523-3480
Fax: (518)523-3518

Albany Office

301 Hamilton Street
Albany, NY
12210-1738
Phone: (518) 449-3870
Fax: (518) 449-3875

Dear Ms. Regan,

Thank you for the opportunity to comment on the Draft Supplemental Environmental Impact Statement (DSEIS) for 2016- 2017 Amendments to the Adirondack Park State Land Master Plan (SLMP) involving the Classification and Reclassification of 54,418 acres of State Lands in the Adirondack Park, which include: The Boreas Ponds Tract (20,543 acres), 32 Additional Classification Proposals (30,284 acres), 13 Reclassification Proposals (1,642 acres), 56 Classifications involving map corrections (1,949 acres).

The addition of the Boreas Ponds Tract (ES 20) to the Adirondack State Park is an excellent achievement bringing New York State one step closer to being a national leader in wilderness protection. Now, the APA must make the decision to protect the Boreas Ponds by classifying the parcel as wilderness. **However, the APA must revise the DSEIS so that it follows New York State law and regulations, and provide for public comment on a revised document before classification and reclassification decisions are made on the Boreas Ponds tract and adjacent parcels.**

In a revised document (a new revised DSEIS), the APA must prepare a full range of reasonable alternatives which would include a full wilderness proposal as well as an

alternative that protects the sensitive features of the Boreas Ponds while allowing for reasonable access that does not significantly impact the Value 1 wetlands described in the DSEIS. The Be Wild NY proposal¹ protects sensitive areas while allowing reasonable access by defining a buffer of at least one mile of wilderness protection around and south of the Boreas Ponds with wilderness protection continuing south along the Boreas River to the Blue Ridge Highway. Reasonable access in this proposal is provided in a wild forest area along and south of the Gulf Brook Road. The Be Wild NY proposal also considers a parking area at LaBier Flow, and a trail for people with disabilities who desire a wilderness experience to the Boreas Ponds. ADK would also ask APA to consider analyzing an alternative that would allow for a small parking area for about 20 cars at La Bier Flow that could be managed as a limited permit parking area with a permit holder gaining access through the gate at the current P8 parking area described in the *Interim Access Plan for the Forest Preserve Land at Boreas Ponds*,² which could be a public lot.

DSEIS Violates State Law and Regulations

During the eight state-wide public hearings, ADK staff and members have consistently pointed out that the current draft Supplemental Environmental Impact Statement (DSEIS) produced by the APA violates New York State environmental conservation law, State Environmental Quality Review (SEQR) (ECL 8-0109) and NYS 6CRR-NY 617.9.

NYS 6CRR-NY 617.9 (a) (7) (iii) which describes “Supplemental EISs” states, “If a supplement is required, it will be subject to the full procedures of this Part.” Following this understanding of the requirements of a SEIS, in 617.9 *Preparation and content of environmental impact statements*, the regulations state under *Environmental impact statement content (b)(1)*, that an EIS “...must analyze the significant adverse impacts and evaluate all reasonable alternatives.” The DSEIS proposed by the APA simply presents limited data and describes four alternatives. **It does not analyze and compare the different proposed alternatives and the potential significant adverse impacts of each. The DSEIS also violates 617.9 (b)(5) (ii) (iii) and (v) because** it fails to evaluate the alternatives in any way. It simply describes them (twice) in the context of a general description of the site. The

APA must also provide data and analysis that explain how proposed alternatives comply with SLMP classification guidelines.

As required by 617.9 (b)(5) (iii), the proposed DSEIS fails to discuss, “(a) reasonably related short-term and long-term impacts, cumulative impacts and other associated environmental impacts; (b) those adverse environmental impacts that cannot be avoided or adequately mitigated if the proposed action is implemented; (c) any irreversible and irretrievable commitments of environmental resources that would be associated with the proposed action should it be implemented;” In application, this directs the agency to discuss these impacts of classification proposals, including in the context of encumbrances of the deed.

As required by 617.9 (b)(5) (ii), the proposed DSEIS fails to provide sufficient information “to understand the impacts of the proposed action and alternatives.”

As required by 617.9 (b)(5) (v), the proposed DSEIS fails to explain why the four very similar proposals are the only ones reasonable. It also fails to evaluate the alternatives at all which does not “permit a comparative assessment of the alternatives discussed;” and finally, the DSEIS fails to provide a no action alternative to “evaluate the adverse or beneficial site changes” of the action. Even though the no action alternative may not be a viable alternative, it still needs to be presented and discussed, and the current uses described (as permitted in the interim public access plan).

The proposed DSEIS fails to comply with ECL 8-0109.2 (b,c,e, and f) which states that an EIS “shall include a detailed statement setting forth the following:...(b) the environmental impact of the proposed action including short-term and long-term effects; (c) any adverse environmental effects which cannot be avoided should the proposal be implemented;... (e) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented; (f) mitigation measures proposed to minimize the environmental impact;”

Although page 30 of the DSEIS states that "...the discussion of alternatives is the discussion of mitigation," the DSEIS must compare and contrast each alternative and how they mitigate the impacts of the action.

Although page 31 of the DSEIS states that, "the classification of these lands itself does not provide irreversible or irretrievable commitments to the resources," allowing motorized use of the ponds and roads (and the mining of gravel on site to maintain the roads) which is what a wild forest classification would permit, is certainly a potential irreversible or irretrievable commitment that must be discussed.

Clearly the above requirements must also be provided in a draft SEIS (that complies with law and regulations) before a public hearing (ECL 8-0109.5). The current DSEIS is certainly not following the spirit or letter of NYS 6CRR-NY 617.9 or SEQR.

Although we appreciate the agency conducting "public hearings both within and without the Adirondack Park" as directed by both The Adirondack Park State Land Master Plan (APSLMP) p.5, and the Final Programmatic Environmental Impact Statement (FPEIS) Guidelines for Amending the Adirondack State Land Master Plan (hereafter the FPEIS) p.14, we feel that the current process and deficient DSEIS were designed to manipulate an outcome in the decision for the Boreas Ponds Classification without an opportunity for meaningful public comment on a full, complete, and compliant DSEIS. The APSLMP and the FPEIS are very clear on the importance of public involvement and input in the decision-making process.

The Adirondack Park State Land Master Plan (APSLMP), p.5 and quoted in the FPEIS p.14,

"Finally, a word should be said about the need for greater public involvement in the whole process of acquisition, revision and review. While it may not be feasible to conduct public hearings in connection with every minor revision of the Master Plan, public hearings both within and without the Adirondack Park in connection with important acquisitions, periodic reviews and material changes in the Master Plan are clearly essential. **Appropriate publicity and sufficient notice** about proposed changes in the Master Plan are also necessary **to permit maximum public**

participation. In addition, **the Agency will make every effort** to publish and disseminate copies of the Master Plan and to take other measures **to foster greater public appreciation of the resources of the Park and the nature of the planning process.**³³

The DSEIS and the state-wide public hearing process conducted so far, is closer to following a definition of scoping (although still deficient in defining fully the range of alternatives).

NYS 6CRR-NY 617.2(af) defines *Scoping* as

“the process by which the lead agency identifies the potentially significant adverse impacts related to the proposed action that are to be addressed in the draft EIS including the content and level of detail of the analysis, the range of alternatives, the mitigation measures needed and the identification of nonrelevant issues. Scoping provides a project sponsor with guidance on matters which must be considered and provides **an opportunity for early participation by involved agencies and the public in the review of the proposal.**”³⁴

Re-Wilding and the Boreas Ponds Classification: Wilderness is an End Condition Achieved through Acquisition, Classification, and Management.

During the public hearings, many wild forest and/or motorized use advocates made the argument that the network of roads, culverts, and bridges existing on the Boreas Ponds parcel precluded its classification as Wilderness. This argument is specious and contradicted by the language of the Adirondack Park State Land Master Plan (APSLMP). It is critical to note that the definition of wilderness in the APSLMP is the end condition for a wilderness area. We know this conclusively because the bolded first paragraph on page 19 of the APSLMP, describes a wilderness area (the result of acquisition, classification, and management) as an area “**which is protected and managed so as to preserve, enhance and restore, where necessary, its natural conditions.**”³⁵ The definition of Wilderness clearly recognizes that the character and nature of a potential Wilderness area can be re-wilded, enhancing and restoring its natural condition by the forces of nature.

We know, definitively that the intention of the crafters of the APSLMP and Article XIV of the NYS Constitution considered that non-conforming uses, such as old roads (or the Boreas Ponds Lodge that was removed by DEC), would certainly be

present in many newly acquired lands in the Adirondack Park and that these non-conforming uses could and would be mitigated (by management or by nature). The language of the APSLMP on page 19 points out that at the time of the original enactment of the APSLMP, a majority of prospective wilderness areas had structures and improvements that were “incompatible or non-conforming with wilderness.” The APSLMP under the definition of Wilderness explains,

“a majority of these areas contained some structures and improvements or were subjected to uses by the public or by official personnel that were incompatible with wilderness. However, the extent of these non-conforming uses was very modest from the standpoint of the total acreage involved. Since 1972 all but a few of those non-conforming uses have been removed by the Department of Environmental Conservation.”⁶

The APSLMP under the wilderness definition also explains the schedule by which non-conforming uses should be removed in wilderness areas as they are being managed as wilderness. The fact that there are old roads on the Boreas Ponds parcel should have no bearing whatsoever on the classification decision. On pages 16 to 18, the FPEIS also describes in detail the process whereby lands classified as wilderness were brought into compliance with the definition of wilderness.

On page 23 of the APSLMP regarding roads in Wilderness Areas, the plan states in paragraph 2,

“Any non-conforming roads, snowmobile trails or state truck trails resulting from newly classified wilderness areas will be phased out as rapidly as possible and in any case will be closed by the end of the third calendar year following classification.” “In each case the Department of Environmental Conservation will close such roads and snowmobile trails to motor vehicles as may be open to the public; prohibit all administrative use of such roads and trails by motor vehicle; and block such roads and trails by logs, boulders or similar means other than gates.”⁷

The APSLMP goes on to state that in paragraph 3, “During the phase-out period the maintenance of such roads and trails will be curtailed and efforts made to encourage revegetation with low forms of vegetation to permit their conversion to foot trails and, where appropriate, horse trails.”

Given the nature and extent of the foregoing language, the APSLMP clearly contemplates that existing roads, culverts, bridges and associated gravel pits do not preclude the Agency from classifying a tract as Wilderness. If the argument by the Wild Forest adherents was true, all of the foregoing APSLMP language pertaining to existing roads and road appurtenances would be completely superfluous and meaningless. Many current Adirondack Wilderness areas like the William C. Whitney-Lake Lila Wilderness, the Blue Ridge Wilderness and the Five Ponds Wilderness to name just a few, had extensive road and railroad networks. The agency must completely reject the notion that the presence of roads on the Boreas Ponds tract precludes a Wilderness classification, particularly where many of these roads are already revegetating.

Further, the FPEIS under *Guidelines for Recent Acquisition Classification*, page 24 states, “In addition, lands must meet the definitional requirements of the recommended classification, also described in Chapter II of the Master Plan.” Clearly, the definition of wilderness in the APSLMP encompasses the restoration of areas by the removal of non-conforming uses when large parcels such as the Boreas Ponds Tract with sensitive and significant biological features are adjacent to two significant wilderness areas.

The FPEIS further explains that,

In most instances, recent acquisition classification is a simple matter as the parcel lies surrounded by or immediately adjacent to previously classified State land. The acquisition would then be classified the same as the adjacent State land.

Approximately 5 percent of recent acquisitions present more difficult classification problems. If the acquisition lies adjacent to State land with two or more classifications, the physical and biological resources, use patterns, scenic characteristics, remoteness, accessibility, existing facilities, adjacent land use and classification, and suitability for various recreational uses are analyzed. **In such cases, the overriding consideration is a determination that any use allowed by classification should not exceed the physical⁸, biological,⁹ or social¹⁰ carrying capacity of the land’s resources.”¹¹ [emphasis added]**

Boreas Ponds Attributes Compel the APA to Classify the Tract as Wilderness

Due to its location and special qualities, the Boreas Ponds Tract is best suited to be a Wilderness area within the Forest Preserve. The APA lists important biological and ecological attributes in the DSEIS, including, the critical pieces of intact temperate

deciduous forest which are important for habitat and species resilience, the fragile areas of Mountain Spruce-Fir forest at high elevations adjacent to the High Peaks Wilderness, The *Value 1* wetlands including the emergent marsh areas, the deepwater marsh wetlands, wetlands associated with the open water, and the incredible high elevation, five-mile long Marcy Swamp complex. The Marcy Swamp Complex, which is associated with both the Ausable/Boquet and Upper Hudson, has extensive peatlands with structurally and biologically diverse habitat, a black spruce tamarack bog and medium fen, the threatened Northern bog aster, the endangered Round whitefish, and a great blue heron rookery. Other *Value 1* wetland areas include Medium Fen/Conifer Swamp, Dead Cedar Backwater, Inland Poor Fen, the LaBier Flow/LeClaire Brook wetland, Andrew Brook Tributary and Andrew Brook wetlands, Brant Brook wetlands. The special and sensitive features listed above must be protected as wilderness.

The DSEIS explains that on the Boreas Ponds Tract the NY Natural Heritage Program (NYNHP) has identified at least four rare, threatened, or endangered species, including Bicknell's Thrush, Common Loon, Farwell's Milfoil, and Northern Bog Aster. The NYNHP has also identified at least three significant natural communities on the Boreas Ponds Tract, including Black Spruce-Tamarack Bog, Medium Fen, and Mountain Spruce-Fir Forest. The rare, threatened, and endangered species as well as the significant natural communities are attributes that when combined with the wetlands described above give the wetlands an even higher value for protection (9 NY CRR Part 578.5-6).¹² The species and habitats listed above must be protected by a wilderness classification.

The 1980 and 2000 Breeding Bird Atlas surveys documented 64 and 52 protected avian species on the Boreas Ponds Tract.¹³ The habitat these species rely on must be protected as wilderness.

A recent report by the Wildlife Conservation Society concludes that adding the Boreas Ponds tract to the High Peaks Wilderness Area would make the wilderness more biologically rich, diverse, resilient and sustainable. It would enhance connections to other wild land areas so wildlife and plants can expand their ranges, migrate, and adjust to a changing climate.¹⁴ "The Boreas tract contains a number of significant habitats," the report states. "The tract very likely provides habitat for a number of representative and rare species. The Boreas tract is distinctive from

existing state land areas — supporting a richer flora and fauna than the natural communities typical of the acid, nutrient-poor shallow soil environments....Boreas has larger patches of Northern Hardwood and Conifer, Northern Peatland, and Northern Swamp, patches of which are larger, on average, on the Boreas tract than those on existing state land units,...If added to the High Peaks (Wilderness) management unit, the Boreas tract would enhance overall resilience, integrity, and local and regional connectedness of that unit....all of which are above average on the Boreas tract.”¹⁵ Internationally, conservation organizations recognize that lands with high resiliency and high ecological significance should be targeted as high priorities for protection because lands with higher resiliency will respond and adapt to climate change better than others.¹⁶

The APSLMP states on p.7 and the FPEIS reiterates on page p.15,

“If there is a unifying theme to the classification system, it is that the protection and preservation of the natural resources of the State lands within the Park should 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 and their psychological aspects are not degraded.**”¹⁷ [emphasis added]

The FPEIS states on page 35, under *Impact of Proposed Guidelines on Area Character and Landscape Quality*,

“The Wilderness, Primitive and Canoe classifications generally prohibit the use of motor vehicles, motorized equipment and aircraft. Any amendment to the Plan which would sanction such uses in these areas would severely diminish the Primitive character of those lands and should not be proposed. Noise intrusion is only one component of an area’s character. **The mere knowledge that motorized access is permissible diminishes an area’s sense of remoteness.**”¹⁸ [emphasis added]

The emphasized statement above is a clear directive in the FPEIS against the use of a wild forest classification around Boreas Ponds, even if the stated intention is simply to allow mountain bikes and not motorized use. The FPEIS statement tells us that if motorized use is even permissible, such as in the current proposed Alternative 1 in the DSEIS, it “...diminishes an area’s sense of remoteness.”

The FPEIS states on page 34, under *Impacts of Proposed Guidelines on the Physical and Biological Resources*, “**A primary purpose of both Article XIV and the State**

Land Master Plan is the protection of the headwaters of five major watersheds in New York State.”

Two of the five major watersheds in New York State, the Hudson River Watershed and the Lake Champlain/St. Lawrence River Watershed, have the origination and headwaters on the Boreas Ponds Tract.

Following the APSLMP and the FPEIS, 1) the fact that there are thousands of acres of Value 1 wetlands on this parcel, 2) the fact that these Value 1 wetlands are the headwaters of two of the five major watersheds of New York State, 3) the fact that there are rare, threatened, or endangered species and significant natural communities, 4) the fact that the unifying theme to the classification system is that the physical and biological context and their psychological aspects are not degraded, 5) the fact that the Boreas Ponds tract has high ecological resilience, 6) the fact that the definition of wilderness encompasses preserving, enhancing, and restoring natural conditions, 7) the fact that simply classifying the area around Boreas Ponds as wild forest (regardless of management actions that might mitigate impacts) diminishes the sense of remoteness, 8) the fact that the Boreas Ponds tract has highly erodible and fragile soil, 9) the fact that there are significant areas of the tract over 2,500 feet in elevation, 10) the fact that over 50 protected avian species have been documented on the Boreas Ponds Tract, **should compel the APA to classify Boreas Ponds as wilderness.**

The Case Against Alternative 1 for the Boreas Ponds Classification

The APA’s Alternative 1 would classify the waters, shores, and wetlands around the Boreas Ponds as Wild Forest. The group, Access the Adirondacks, the New York State Snowmobile Association and the group of (5) town supervisors have called for a snowmobile trail from four corners around the perimeter of Boreas Ponds to White Lily Pond and back to four corners. A careful analysis of this proposed snowmobile trail shows that it would have to cross the Value 1 wetlands as discussed and depicted in the DSEIS for this classification. Clearly these Value 1 wetlands would be seriously compromised and damaged by the construction and maintenance of a snowmobile trail laid out across them.

This proposed snowmobile trail would have to be groomed by tractor Sno-Cat groomers which could further damage the wetland environment. The operation of

groomers and snowmobiles would disturb the wildlife of this special environment, including deer and moose.

The operation of motor vehicle groomers and groups of snowmobilers would bring the sound of these machines to within a mile of the boundary of the High Peaks Wilderness, 2 miles of the summit of Allen Mountain, 4.25 miles of the summit of Skylight, 4.5 miles to Panther Gorge, and just 5 miles from the summit of Mount Marcy.

The proposed snowmobile trail which has been identified with Alternative 1 by snowmobile and town advocates would also clearly violate the Adirondack Park Snowmobile Plan¹⁹ and the Management Guidance for snowmobile trail siting, construction, and maintenance for Forest Preserve land in the Adirondack Park.²⁰ ADK presumes this snowmobile trail which would circumnavigate the Boreas Pond would not be a community connector trail, but a Class I secondary snowmobile trail. The said guidance on pages 3 and 4 states that Class I trails are to be located on the periphery of Wild Forest areas. The guidance goes on to state that this trail, if connected to the Newcomb to North Hudson community connector Class II trail, the new Class I snowmobile trail must always be located as close as possible to motorized travel corridors, and no farther than one mile from the motorized travel corridor. Even if one considers the Gulf Brook and Boreas West Ponds as motorized travel corridors, the northern point of the proposed snowmobile trail would be at least two and a half miles north of the four corners intersection of Gulf Brook Road and the Boreas Road. The same northern point would be some six miles north of the Blue Ridge Highway if that is legally determined to be the motorized travel corridor.

Since it would make no sense for this Class I snowmobile circumnavigating the Boreas Ponds not to be connected to the Newcomb-North Hudson community connector trail, it is crystal clear that the proposed location of this Class I completely violates the Adirondack Park Snowmobile Plan and Guidance. It cannot be credibly argued that the potential impacts of this proposed Class I snowmobile trail would be minimal to the very sensitive interior areas and wetlands of the Boreas Ponds Tract. See page 7 of the Snowmobile Management Guidance.²¹

ADK has the same concerns over proposals for mountain bike use on the alleged road network around the Boreas Pond. We are especially concerned about this proposal since the APSLMP was recently amended to allow DEC to use motor vehicles to convert roads into mountain bike trails. ADK feels any use of motor vehicles in the Value 1 wetland areas around the ponds would be very destructive and is a very good reason not to potentially authorize mountain bike trails in the part of the Boreas Ponds Tract around the ponds by classifying the tract as specified in Alternative 1. Mountain bike use on the old roads around the perimeter of the Boreas Ponds will inevitably increase the number of people accessing the Allen Mountain and Panther Forge areas of the High Peaks Wilderness. Allowing bicycles on this perimeter trail to White Lily Pond would adversely change patterns of human use of the High Peaks at a time when we should be reducing public usage of the High Peaks Wilderness. We believe that mountain bike use can be much better accommodated by a single-track trail network specifically designed for mountain bike use at Ragged Mountain portion of the Boreas Tract. ADK trail crews have created very popular mountain bike networks in the Town of Wilmington, and in the Town of Windham in the Catskills. The Ragged Mountain bike trails would be located far from the boundary of the High Peaks Wilderness and would not contribute to overuse of the High Peaks Wilderness. Based on user reports to date, ADK questions whether the old gravel haul roads around the perimeter of the Boreas Ponds would be suitable for family bicycling.

Wild Forest Classification with Special Management will not Protect Boreas Ponds

ADK believes that only a Wilderness classification will protect the Boreas Pond, its waters, shores and wetlands. It has been our experience that since the first edition of the APSLMP that for Forest Preserve areas classified as Wild Forest, motorized recreational uses and travel increases with time. Although some advocates for a Wild Forest classification for the Boreas Ponds argue that they only desire snowmobiling, bicycling, and electric motor use on Boreas Ponds, it is axiomatic that future state decision makers could authorize outboard motor use on Boreas Ponds. There is no legal distinction between electric and gas powered outboard motors.

The advocacy group Access the Adirondacks has called for seasonal motorized access for hunting and trapping. Given the length and overlap of these seasons and the all-encompassing meaning of the term “motorized access”, this could be interpreted as permitting trucks, cars, snowmobiles, and all-terrain vehicles anywhere on the Boreas Ponds parcel. If this concept is approved within a Wild Forest classification and subsequent unit management plan, the damage to the Value I wetlands and other sensitive lands of the Boreas Ponds tract would be unavoidable and irreparable.

Access the Adirondacks and the towns also call for motor vehicle parking and boat launching on the shore of Boreas Ponds. If this direct access to Boreas Ponds were to be permitted, the risk of the introduction of aquatic invasive species would be greatly increased. These advocates have also called for groomed cross country ski trails. The APSLMP clearly limits the grooming of cross country ski trails to intensive use areas. The same Access advocates have also called for the siting and operation of hut to hut facilities and/or yurts on Forest Preserve lands. These privately-operated facilities are clearly prohibited by Article 14, Section 1 of the State Constitution. The rejection of the so-called “closed cabin” amendment in 1967 reinforces our argument against any consideration of this hut/yurt proposal on Forest Preserve by DEC or the Agency.

ADK firmly opposes the Access the Adirondacks proposal for the development of new hiking trails to Allen Mountain and the Elk Lake to Marcy trail. There are already established hiking trails to these locations and ADK believes that any additional trails would increase the potential for overuse of the High Peaks Wilderness Area.

For the Record: Summit Alpine Habitat in High Peaks Wilderness

In response to the concern, voiced by some individuals providing testimony during the state-wide public hearings on the DSEIS, that hikers in the High Peaks Wilderness are trampling rare alpine vegetation to the point where only 40 acres remain:

The Adirondack High Peaks Summit Stewardship Program protects New York’s alpine habitat through education, trail work, and research. Every year, Summit

Stewards educate thousands of visitors about the 170 acres²² of fragile alpine ecosystem found atop the highest mountains in the Adirondacks.

Stewards have interacted with 446,000 hikers in the High Peaks since the program began twenty-seven years ago. The number of interactions has grown steadily in recent years. Stewards spoke with a record 36,400 hikers in 2016. Research conducted by the Summit Steward Program through its repeat photography study continues to demonstrate both the recovery of fragile alpine vegetation and the efficacy of the Summit Steward program in the protection of rare alpine species. In 2016, the NYS Department of Environmental Conservation awarded the Summit Steward program an Environmental Excellence Award, in recognition of the program's role in facilitating the ongoing recovery of New York's alpine habitat, in spite of increasing use.

Alpine biologist Matt Scott developed ADK's photopoint monitoring system in 1999 based on historical photographs ranging in age from five to thirty-five years old. Most of the historical photographs were taken by Dr. Edwin H. Ketchledge, professor of forestry at the State University of New York in Syracuse, whose revegetation, restoration, and cataloging of alpine species is the foundation of the Summit Steward program. The photographs focus on highly degraded areas. Since 1999, photopoints have been duplicated in 2004, 2007, 2008, 2009, 2011, 2013, and again in 2015.

Analysis of the images was conducted to evaluate alpine revegetation and program efficacy.

A significant difference was found in vegetation change on stewarded versus non-stewarded summits and in change in bare rock. Thus, Summit Stewards make a significant difference in recovery from human trampling in alpine areas.

Other Classification Proposals

Regarding the additional classifications proposed in the DSEIS, ADK supports all of the proposed wilderness classifications, especially the wilderness classifications for the Casey Brook Tract (ES 19) and the MacIntyre West Tract (ES 16), and the proposed wild forest and wilderness configuration for MacIntyre East (ES 17).

These classification proposals will protect the High Peaks Wilderness and Dix Wilderness areas.

Cathead Mountain Reclassification 06

Cathead Mountain Primitive Area was classified as a Primitive Area due to the non-conforming use of a telephone line and jeep trail which formerly served a fire tower on adjacent private lands. The fire tower has been converted into a communications tower for use by the New York State Police. Accordingly, DEC removed the telephone line and the jeep trail to enable this Primitive Area to be reclassified as Wilderness and added to the Silver Lake Wilderness in accordance with the provisions of the APSLMP which require the reclassification of a Primitive Area to Wilderness once the non-conforming uses, roads, or structures are removed. See Guidelines for Management and Use of Primitive Areas, paragraph 4 on page 26 of the current December 2013 APSLMP which states:

“Upon the removal of all non-conforming uses, a designated primitive area that otherwise meets wilderness standards will be reclassified as **wilderness.**” [emphasis added]

ADK understands that certain officials of Hamilton County may be lobbying against the reclassification of the Cathead Primitive Area so that they would use what remains of the jeep trail and lay a powerline to the privately-owned summit of Cathead. Neither DEC or the APA have the authority to prevent the reclassification of the Cathead Primitive Area to satisfy the Hamilton County request. Any new powerline installation or reconstruction or re-use of the closed jeep trail would constitute a new non-conforming use which is expressly forbidden by paragraph 3 on page 26 of the December 2013 version of the APSLMP which states:

“Effective immediately, no new non-conforming uses will be permitted in any primitive area.”

Moreover, Hamilton County could not constrict and use a road and place a communications and/or electrical line across the Forest Preserve without obtaining a Constitutional Amendment. The Agency does not have the right to delay or reject a reclassification of the Cathead Primitive Area to Wilderness, especially in the absence of a Constitutional Amendment of Article XIV, Section 1. With the removal of the non-conforming jeep trail and telephone line, the Agency is required

to re-classify the Cathead Mountain Primitive Area to wilderness and add it to the Silver Lakes Wilderness Area.

Benson Road/Tomantown Tract

The 3,000 acre Benson Road/Tomantown Tract (FL-01/HM10) should be classified as wilderness along with a reclassification to wilderness of the adjoining 9,000-acre roadless and snowmobile trailless area of the Shaker Mountain Wild Forest that adjoins it to the north. The area's roadless nature, the steep slopes of the West Stony Creek along with its 'Scenic River' designation (NYS Wild, Scenic, and Recreational River Designation), and the significant elevation of its mountain peaks, considered as a whole should be considered for a wilderness area classification. This follows Protect the Adirondacks proposal for the creation of a West Stony Creek Wilderness Area.²³ Protect the Adirondacks explains that this important “will allow the consolidation of a “new, cohesive 12,000-acre Wilderness area that will protect a large intact landscape.”²⁴ This new wilderness area would enhance the Northville-Placid Trail by providing “a stunning new beginning for this landmark trail that takes hikers off a road trail and puts them in a wild setting for nine miles before they enter the Silver Lake Wilderness area. Just as the northern end of this iconic Adirondack trail is in the High Peaks Wilderness, now the southern end will also terminate in a wilderness area, enhancing the wilderness experience of both through and day hikers.”²⁵ ADK agrees and supports the creation of a West Stony Creek Wilderness Area.

Conclusion

A Wilderness Classification is the only designation that will ensure the Boreas Ponds will remain protected from motorized use which destroys the aesthetic quality of backcountry experiences, impacts wildlife and habitat, and spreads invasive species. The APA must make the decision to protect the Boreas Ponds with a wilderness classification. ADK would also ask APA to consider analyzing an alternative that would allow reasonable access, like that proposed in the Be Wild NY proposal. This proposal protects sensitive areas such as the ponds, the Boreas River, and Value 1 wetlands, but provides for access in a wild forest area along and south of the Gulf Brook Road to La Bier Flow, and provides a trail for people with disabilities who desire a wilderness experience to the Boreas Ponds. ADK would also ask APA to consider analyzing an alternative that would allow for a small

parking area at La Bier Flow that could be managed as a limited permit parking area with a permit holder gaining access through the gate at the current parking area (P8 parking area described in the *Interim Access Plan for the Forest Preserve Land at Boreas Ponds*²⁶), which could be a public lot. Reasonable access for parking by using a permit system could be accommodated with a wilderness buffer of at least one mile around Boreas Ponds to LaBier Flow, protecting the most sensitive areas of the tract as wilderness, but allowing access for canoes and kayaks for a put-in at LaBier Flow. This parking location has been endorsed by the Nature Conservancy, the most knowledgeable entity on the Boreas Ponds Tract.

ADK does not support any of the four alternatives that the DEC and the APA have proposed for the Boreas Ponds tract. ADK urges APA to make a final recommendation to Governor Andrew Cuomo that provides Wilderness protection for the waters and shorelines of the Boreas Ponds under the APSLMP. The Boreas Ponds, its waters and shores must be protected as Wilderness. Anything less will allow the ponds to be subject to the noise and pollution of motor boats and floatplanes, the spread of invasive species and the loss of the opportunity for quiet canoeing and kayaking.

Finally, the APA must revise the DSEIS so that it follows New York State law and regulations and provide for public comment on a revised document before classification and reclassification decisions are made on the Boreas Ponds tract and adjacent parcels.

Thank you for your environmental leadership with these acquisitions and classifications in the Adirondack Park. We must protect this national treasure and preserve our Adirondack legacy for future generations.

Sincerely,

Neil F. Woodworth
Executive Director and Counsel
Adirondack Mountain Club
neilwoody@gmail.com
[518-449-3870](tel:518-449-3870) Albany office
[518-669-0128](tel:518-669-0128) Cell
[518-668-4447](tel:518-668-4447) x-13 or 25 Lake George office

¹ <http://bewildnewyork.org/why-wilderness/>

² http://www.dec.ny.gov/docs/lands_forests_pdf/boreasiap.pdf

³ Adirondack Park State Land Master Plan (APSLMP), p.5 and quoted in the Final Programmatic Environmental Impact Statement (FPEIS) Guidelines for Amending the Adirondack State Land Master Plan p.14

⁴ <http://bit.ly/2hacCEI>

⁵ Adirondack Park State Land Master Plan, p.19

⁶ Adirondack Park State Land Master Plan, p.19

⁷ Adirondack Park State Land Master Plan, p.23

⁸ “Physical carrying capacity is defined as the threshold of use beyond which non-living components of an environment, suffer significant degradation, e.g., the ability of soils on a particular slope to sustain use with little or no trail erosion.”

⁹ “Biological carrying capacity is defined as the threshold of use beyond which ecosystems suffer significant loss or disruption of existing biological systems.”

¹⁰ “Social carrying capacity is defined as that level of recreational use beyond which measurable decreases in user satisfaction occur as a direct result of the number of users.”

¹¹ The Final Programmatic Environmental Impact Statement (FPEIS) Guidelines for Amending the Adirondack State Land Master Plan, p. 23-24

¹² <http://bit.ly/2hEYyUm>

¹³ <http://www.dec.ny.gov/animals/7312.html>

¹⁴ *Ecological Composition and Condition of the Boreas Tract*, The Wildlife Conservation Society, 2016, <http://bit.ly/2hkFpIo>

¹⁵ *Ecological Composition and Condition of the Boreas Tract*, The Wildlife Conservation Society, 2016, <http://bit.ly/2hkFpIo>

¹⁶ <http://bit.ly/2hgUfFn>

¹⁷ Adirondack Park State Land Master Plan (APSLMP), p.7 and quoted in the Final Programmatic Environmental Impact Statement (FPEIS) Guidelines for Amending the Adirondack State Land Master Plan p.15

¹⁸ The Final Programmatic Environmental Impact Statement (FPEIS) Guidelines for Amending the Adirondack State Land Master Plan, p. 35

¹⁹ <http://www.dec.ny.gov/outdoor/27707.html>

²⁰ http://www.dec.ny.gov/docs/lands_forests_pdf/snowmangguid.pdf

²¹ http://www.dec.ny.gov/docs/lands_forests_pdf/snowmangguid.pdf

²² Howard, NY Natural Heritage Program, personal communication

²³ <http://www.protectadks.org/2014/05/protect-proposes-new-12850-acre-west-stony-creek-wilderness-area/>

²⁴ <http://www.adirondackparkpetition.com/>

²⁵ <http://www.adirondackparkpetition.com/>

²⁶ http://www.dec.ny.gov/docs/lands_forests_pdf/boreasiap.pdf