

19 April 2018

Forester Robert Ripp
NYSDEC
232 Golf Course Road,
Warrensburg, NY 12885
R5.UMP@dec.ny.gov

RE: Scoping for High Peaks Wilderness and Vanderwhacker Wild Forest UMP Amendments

Dear Robert,

The Adirondack Mountain Club (ADK) is dedicated to the conservation, preservation, and responsible recreational use of the New York State Forest Preserve and other parks, wild lands, and waters vital to our members and chapters. ADK is a nonprofit organization with 30,000 members in 27 statewide chapters served by a year-round staff offering programs that help people discover, play in, and protect natural places. Since its founding in 1922, The Adirondack Mountain Club has protected wild lands and waters through the work of its dedicated member volunteers and staff. ADK members hike, camp, snowshoe, cross-country ski, paddle, and cycle the lands and waters of the Adirondack Park.

Boreas Ponds Tract

The Adirondack Mountain Club (ADK) applauds New York State for including the Boreas Ponds in an expansion of the High Peaks Wilderness area. We expect the state to follow through on its commitment to protect Boreas Ponds from invasive species and crowding by restricting access for lands south of the ponds by cars, trucks and snowmobiles. Motorized vehicles should not reach the ponds or be close enough to disturb wildlife or harm water quality. The Department of Environmental Conservation (DEC) must protect Boreas Ponds and the High Peaks Wilderness from motorized use.

Public Parking for Use of Boreas Ponds Tract

General parking should remain at the current parking lot and gate, over three miles from Boreas Ponds. The current “interim” parking lot should be the primary parking lot for most visitors. ADK supports a 4 to 6 car parking lot for use only by CP-3 qualified individuals (motorized access program for people with disabilities)¹ located about 1/10th of a mile south of the Boreas Ponds. This CP-3 parking should be exclusively for use by CP-3 permit holders. ADK strongly opposes any provisions for other members of

the public allegedly for providing universal access. Placing parking spaces for “universal access” not only conflicts with the provisions of the CP-3 program that mandates that CP-3 facilities be unique and not degraded by general public access. The term “universal access” is not provided for in the Americans with Disabilities Act or any state law or regulation. ADK strongly opposes the provision of any parking spaces for “universal access” at or near the Boreas Ponds. CP-3 access at a point 1/10th of a mile south of Boreas Ponds is supported by the provision of the CP-3 departmental policy. Any CP-3 program access provided must be exclusive and not mixed with any other motorized use since this will undermine the special access available through DEC's CP-3 program.² This successful program allows those with disabilities to access areas that they would otherwise be unable to enjoy. DEC describes the CP3 program on their web site explaining the use of a TRP for those participating in the CP-3 program,

The MAPPWD permit is a temporary revocable permit (TRP) that provides motor vehicle access to certain state lands administered by DEC. MAPPWD permit holders are permitted uncommon access to activities such as hunting, fishing, camping and wildlife observation. The permit is only issued to qualified people with disabilities, who must complete and submit the application linked below.

Permit holders can use a permitted vehicle to travel beyond the reach of public roads, to areas where others must hike or bike. The permit provides access for those who seek solitude, connection to nature, undisturbed wildlife habitat, and inclusion with fellow sportspeople.

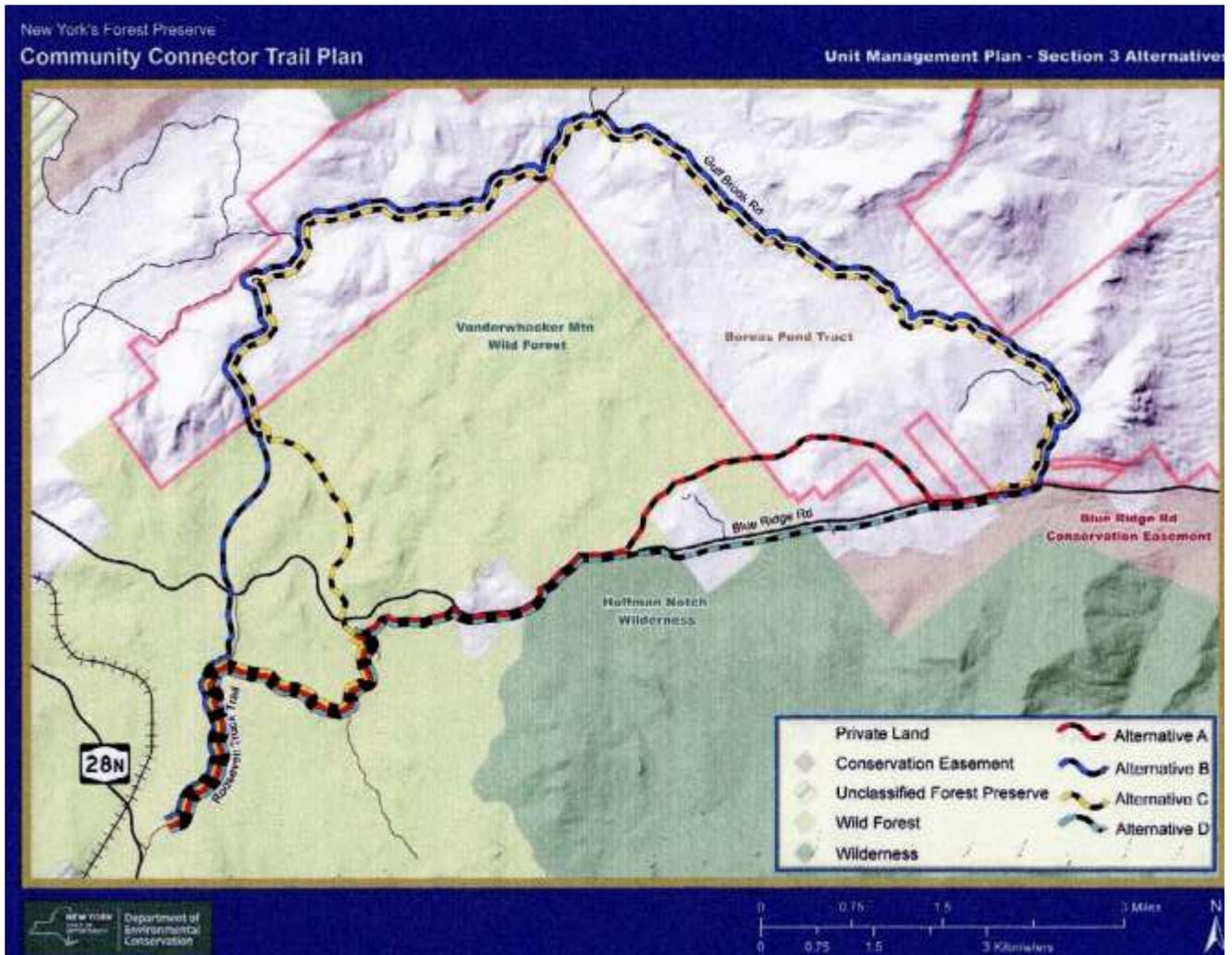
MAPPWD Routes have been carefully selected in order to protect natural areas and recreational activities.³

DEC's reference in other regional UMPs⁴ to “Universal Access” for the general public is opaque and attempts to confuse readers regarding the concept of Universal Access. It also undermines the excellent CP3 program by destroying the goal of the program which is uncommon access for people with disabilities who may be seeking “...solitude, connection to nature, undisturbed wildlife habitat, and inclusion with fellow sportspeople.”⁵ There may be other ways to enhance the High Peaks Wilderness and Vanderwhacker Wild Forest UMPs with accessible recreation opportunities, but certainly compromising the experience that persons with disabilities may seek by siting a general public parking area at a CP-3 access site is definitely not one of those ways. Further, parking areas in the middle of the sensitive Boreas Ponds ecosystem are certainly not in the best interest of the resource.

ADK supports the provision for an eight to ten space parking area for cars carrying canoes or kayaks in the Four Corners area about a mile south of the Boreas Ponds. Access to this parking area should be limited to the parking lot capacity and accessible by day use permit only.

Snowmobile Community Connector Trail between Newcomb and North Hudson

ADK believes that several routes along the Blue Ridge Highway, alternatives A and D **discussed in DEC's** 2015 Community Connector Plan (CCP) (see map below from CCP Appendix 5)⁶ would require fewer trees to be cut than alternatives B and C. Alternatives B and C would require building new trail from the west end of the Gulf Brook – Boreas Road south route across the trailless triangle of the Vanderwhacker Wild Forest and potentially compromise remote wildlife habitats and wetland areas around Vanderwhacker Pond. Alternative A would require the least amount of new tree cutting.



Classification of the Waters of the Boreas Ponds

Since Boreas Ponds is surrounded by lands classified for the most part as Wilderness and near the dam by lands classified as Primitive, the Boreas Ponds is closed by the terms of the APSLMP to use by snowmobiles, motorboats and floatplanes. The waters of the Boreas Ponds are Forest Preserve under the judicial decision in the Lows Lake case and must be managed as a Wilderness.

Hut to Hut facilities

ADK is pleased that the classification decisions of the Adirondack Park Agency (APA) and approved by Governor Andrew Cuomo do not permit the construction, installation, and operation of “hut to hut”

type lodging facilities. ADK believes that under Article XIV, Section 1, Department of Environmental Conservation (DEC) statutes and regulations and the provisions of the Adirondack Park State Land Master Plan (ASLMP) preclude such lodging facilities on the Forest Preserve. The only camping structure permitted on the Forest Preserve is the lean-to.

Trails

ADK also supports consideration of a hiking trail from the main parking lot to the Boreas Ponds dam to provide a woods alternative to the lengthy and unattractive road walk along the Gulf Brook Road. ADK also supports consideration of a properly designed and switch-backed trail up to the Boreas Mountain ridge. This trail could begin on the Elk Lake-Marcy Trail from Elk Lake, crossing Casey Brook and traveling south along the summit ridge to the high point of Boreas Mountain.

ADK also supports the provision of a properly constructed mountain bike trail network similar to the trail networks built by ADK trail crews at Wilmington and Windham. A small parking area to service this trail network would be needed either off the Blue Ridge highway or off the Gulf Brook Road. Cycling should be permitted on roads in areas or corridors classified as Wild Forest and otherwise where it is lawful to ride bikes. The Adirondack Park State Land Master Plan (APSLMP) Primitive Area Definition (Page 28) under Bicycles states, "The same guidelines will apply as in wilderness areas except that bicycles may be used: (a) on existing roads legally open to the public and on administrative roads specifically designated for such use by the Department of Environmental Conservation as specified in individual unit management plans; and, (b) on former all-season roads in the Essex Chain Lakes Primitive Area, as described above under 'Primitive Recreational Trails.' "

ADK interprets this to mean that in order for bicycles to be ridden on the section of the Boreas Ponds road classified as Primitive (the section surrounding the Boreas Ponds Dam), DEC would need to 1) designate the road as an administrative road and 2) designate the road as open to bicycle use.

DEC should consider the designation of horseback riding trails on some old roads in both Wild Forest and Wilderness Areas.

“Historic” cabin at Four Corners, Education, and Invasive Species Spread Prevention

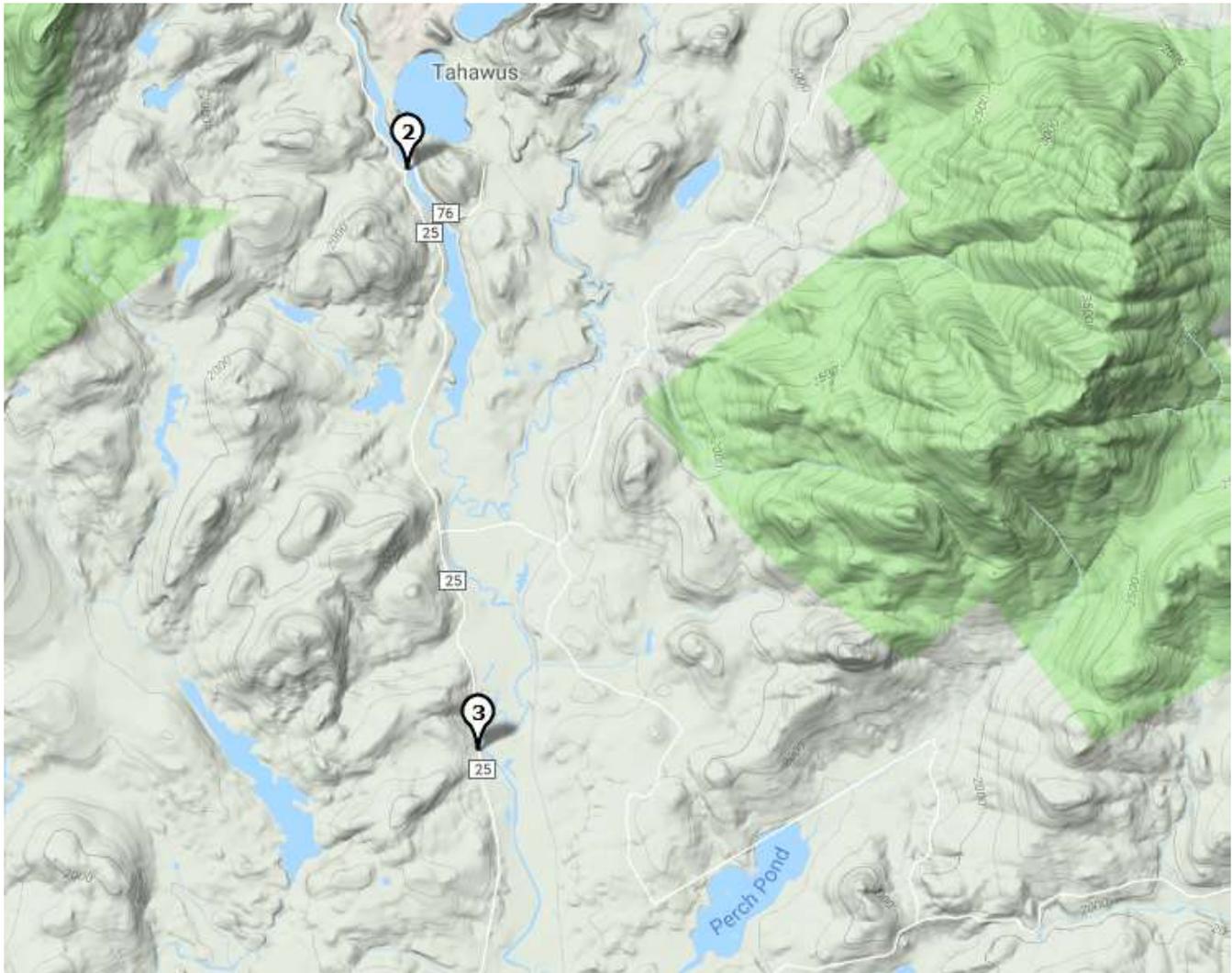
ADK supports the retention of the cabin at Four Corners for use by forest rangers and assistant forest rangers (AFR's) to police the special CP-3 and canoe/kayak parking lots to ensure that no members of the public drive past the main parking lot without the required permits. A gate just north of the main parking lot supervised by an AFR or ESF student would be an ideal way to limit vehicular access to the Boreas Ponds lake area. The AFR could also check cars with kayaks and canoes for aquatic invasive species on the boats. ADK supports the installation of a boat inspection and washing station at Exit 29 of the Northway. DEC should consider providing canoes at the Boreas Ponds that can be reserved and used by the public. DEC should consider providing for seasonal trail stewards (professional and volunteer) for educational outreach to visitors. DEC should consider Leave No Trace Outdoor Skills and Ethics educational programming and messaging throughout the Forest Preserve, especially in popular areas like the High Peaks Wilderness which are experiencing recreational impacts of overuse. ADK strongly suggests that DEC *Develop a Leave No Trace Skills and Ethics Integration and Outreach Plan*. This plan should cover messaging on the DEC web pages, at trailheads, on literature, and in programming. The development of the plan should be coordinated with other state agencies and offices to ensure that promotional efforts for Adirondack Tourism that use state funding incorporate Leave No Trace messaging.

ADK also urges DEC to commit to integrated training of Leave No Trace skills and ethics on the Trainer or Master Educator Level for DEC staff and Forest Rangers. The Master Educator level of training would be especially important for Forest Ranger staff who have significant one-on-one interaction with Forest Preserve visitors. DEC is a formal partner with the Leave No Trace Center for Outdoor Ethics and already has Master Educators on staff. Both the Center and the DEC Master Educators could help develop a plan for the agency and provide educational support, tools, and materials. ADK, which is one of ten site providers of Master Educator Courses for the Leave No Trace Center, could also assist in developing a plan.

DEC should also work with the New York Department of State (DOS) and their new ArcGIS Information Gateway⁷ to disseminate rules, regulations, and educational information specific to locations, and land units.

MacIntyre East

The state's acquisition of this 6,200 acre tract creates an opportunity for a wilderness paddle on the Hudson River, the Opalescent River, and creates camping opportunities on the trail to Allen Mountain. ADK recommends the more formal trail designation of the former herd path up to the summit of Allen Mountain. This will ensure that this popular route gets the trail maintenance that it needs to be sustainable and protect the steep sections of the trail from soil and water erosion. ADK recommends the designation and signing of a canoe and kayak parking lot for access to the Hudson and Opalescent Rivers at the junction of Tahawus Road and the Upper Works Road (see map below).⁸ This would open about five miles of the Hudson River including Sandford Lake and five to seven miles of the Opalescent River depending on water level and current. DEC would need to create a take-out trail at a point where the Hudson touches the Tahawus Road about 3 miles south of the put-in at the junction of the Tahawus and Upper Works Roads (see map below).⁹ There is generous off the pavement parking at this take-out location. The carry trail would only have to be about 200 feet long. A map of this put-in and take-out is posted below.



MacIntyre West

The state's acquisition of this 5,770 acre tract includes 3,000 foot Mount Andrew and 16 acre Lake Andrew as well as Santanoni Brook which flows into Henderson Lake and Sucker Brook which flows into Newcomb Lake. We recommend that DEC designate several campsites along Santanoni Brook for hikers climbing the Santanoni Range. The rest of the tract should be kept trailless without any works of man.

Capacity to Withstand Use

Recently, the Interagency Visitor Use Management Council, a planning entity composed of federal public land agencies (including the U.S. Forest Service and the National Park Service), posted its *Visitor Use Management Framework*.¹⁰ This framework could provide additional insight to DEC's long-term planning process which currently involves (1) the goal-achievement process; (2) the Limits of Acceptable Change (LAC) model employed by the U.S. Forest Service; and (3) the Visitor Experience and Resource Protection (VERP) model employed by the National Park Service.

Extend the Scoping Comment Period

ADK also respectfully requests that the DEC extend the comment deadline for at least 30 additional days during this important first step in the management decision-making process for the Boreas Ponds Tract and the amendments to the High Peaks Wilderness and Vanderwhacker Wild Forest Unit Management Plans (UMP). 6 NY-CRR 617.2 and 617.8 of the New York State Environmental Conservation Regulations explains the scoping stage in the SEQR process. 6 NY-CRR 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.”

6 NY-CRR 617.8 (e) explains that scoping must include an opportunity for public participation and that a draft scope must include, a description of the proposed action, potentially significant adverse impacts identified, the extent and quality of information needed for the preparer to adequately address each impact, an initial identification of mitigation measures, and the reasonable alternatives to be considered.¹¹ In order for individuals commenting during this first important step to make informed and substantive comments, DEC must provide more time for comments, and provide more information on-line describing the requirements outlined in 6 NY-CRR 617.8 (e) and the context for the management decisions that will be proposed in the draft amendment to the UMPs.

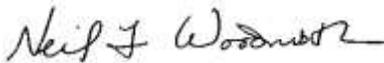
More Meetings Are Needed in Areas Outside of the Adirondack Park

DEC should also consider having several more meetings, including meetings outside of the Adirondack Park, so that all New Yorkers have an opportunity to have their input included in the decision-making process.

Thank you for the great work you do protecting and stewarding New York's Public Lands and the Adirondack Forest Preserve.

Thank you for your consideration of these comments.

Sincerely,



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¹ <http://www.dec.ny.gov/outdoor/2574.html>

² <http://www.dec.ny.gov/outdoor/2574.html>

³ <http://www.dec.ny.gov/outdoor/2574.html>

⁴ <https://www.dec.ny.gov/lands/97474.html>

⁵ <http://www.dec.ny.gov/outdoor/2574.html>

⁶ <https://www.dec.ny.gov/lands/22587.html>

https://www.dec.ny.gov/docs/lands_forests_pdf/cctcp.pdf

⁷ <http://opdgig.dos.ny.gov/#/home>

Contact Jeff Herter at DOS for more information: jeff.herter@dos.ny.gov

⁸ http://www.communitywalk.com/location_info/1635513/13795004

⁹ http://www.communitywalk.com/location_info/1635513/13009334

¹⁰ <https://visitorusemanagement.nps.gov/>

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[https://govt.westlaw.com/nycrr/Document/I4ec3ce65cd1711dda432a117e6e0f345?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/nycrr/Document/I4ec3ce65cd1711dda432a117e6e0f345?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default))