



**Board of Directors**

April 25, 2015

Charles Clusen  
**Chair**

Mr. Josh Clague  
NYSDEC  
625 Broadway  
Albany, NY 12233

Sidney Harring  
Dale Jeffers  
Michael Wilson  
**Vice-Chairs**

**RE: Public Comments on the Essex Chain Lakes Complex "Draft Scope"**

James Long  
**Secretary**

Dear Mr. Clague,

David Quinn  
**Treasurer**

Protect the Adirondacks has reviewed the public scoping documents to the Essex Chain Lakes Management Complex Revised Draft UMP and Draft Environmental Impact Statement. While we cheer the decision by the Department of Environmental Conservation (DEC) to restart the Unit Management Plan development process, we find that the draft scope contains many problems. It's important that the DEC advance planning for Essex Chain Lakes Complex obeys current laws and regulations in the Wild, Scenic and Recreational Rivers Act (Rivers Act), DEC Rivers Act regulations, and the Adirondack Park State Land Master Plan (SLMP).

Joshua Axelrod  
Nancy Bernstein  
John Caffry  
Dean Cook  
Lorraine Duvall  
Robert Glennon  
Evelyn Greene  
Peter Hornbeck  
Mark Lawton  
Charles Morrison  
Peter O'Shea  
Philip Terrie

Below, please find comments on an array of issues on the draft scope.

**1. Essex Chain Complex plan should comply with the Wild, Scenic and Recreational Rivers Act and regulations, which prohibit a motor vehicle bridge over the Cedar River, prohibits retention of the Polaris Bridge for use by motor vehicles, and prohibits motor vehicles, such as float planes on Pine Lake or automobiles on the Chain Lake Road, within the .5-mile corridor of classified Scenic and Wild rivers.**

Peter Bauer  
**Executive Director**

DEC is considering an array of options for recreational management on the Essex Chain Lakes Complex area that violate the Rivers Act, DEC Rivers Act regulations and the SLMP.

**Chain Lakes Road South:** These options include DEC's aim to maintain the Chain Lakes Road South as a public motor vehicle route to a point north of the former Outer Gooley Club buildings. For nearly one-half mile this road is within the Wild River corridor, which prohibits motor vehicle use and is supposed to be managed as Wilderness lands. This road should be closed and parking area to provide canoe access to the Hudson River built at a point outside outside the Wild Rivers corridor. The DEC claims that the DEC Commissioner can somehow make a determination that it can authorize public motor vehicle use in a Wild River corridor, but PROTECT finds no such authority granted in the law.

**New Bridge over the Cedar River:** Another Rivers Act issue is the proposed construction of a new bridge over the Cedar River. The DEC and Adirondack Park Agency (APA) aim to build a new, long bridge over the Cedar River, but are not telling the public what this bridge will be used for. APA staff state to think of this bridge as simply “sturdy” and not for any particular use, whether used for horses, pedestrians, mountain-bikes, or snowmobiles/groomers. Initial plans released depict a size and scale to hold snowmobiles and groomers, well beyond what is needed for hikers or mountainbikers. Motor vehicle use on such a bridge would violate the Rivers Act because motor vehicles are not allowed Scenic River corridors. Moreover, DEC regulations for the Rivers Act define a trail as 4 feet in width. It’s important that this bridge comply with the Rivers Act, which means no motor vehicle use.

PROTECT also notes that when the DEC moved the proposed location of this bridge, it appears it was moved out of the Wild Forest corridor and into the Wilderness area. This should be acknowledged in the draft UMP and resolved.

**Retention of Polaris Bridge:** State planning to retain the Polaris Bridge over the Hudson River for motor vehicle use violates the Rivers Act. PROTECT believes this violates the Rivers Act, DEC regulations, and the State Land Master Plan. This bridge should be removed and the river corridor restored. PROTECT supports canoe access/parking area to the Hudson River at the site of the bridge. The legality of retaining the Polaris Bridge as a motor vehicle bridge under the Rivers Act, DEC Rivers Act regulation, and the SLMP must be evaluated in the Draft UMP and the EIS.

**Floatplane Use on Pine Lake:** DEC planning includes a special floatplane access only campsite on north-west shoreline of Pine Lake violates the Rivers Act. This campsite is clearly within the .5 mile “Scenic River” corridor of the Cedar River. It’s important that state planning comply with the Rivers Act.

**DEC Planning Actions Violate the State Land Master Plan:** The Adirondack Park State Land Master Plan is also instructive for how classified rivers should be managed. Of particular importance for the Essex Chain Lake Complex area is the statement on page 43 in the “Wild, Scenic and Recreational Rivers” section:

“Scenic rivers and their river areas will be managed in accordance with the guidelines for the management of wild forest areas (except where such rivers flow through wilderness, primitive or canoe areas, where the more restrictive guidelines of the particular area will apply) and with the following additional guidelines.”

The Cedar River flows through the Pine Lake Primitive area and all of the northwest shoreline of Pine Lake falls within the Scenic River corridor area. Yet, DEC has proposed floatplane campsites within this corridor. Such a proposal violates the State Land Master Plan as well as the Rivers Act because both prohibit motorized uses with the Scenic River corridor.

PROTECT believes that all actions in a draft UMP should comply with the SLMP and other state laws and regulations, such as the Wild, Scenic and Recreational Rivers Act (Rivers Act). In such cases where the DEC is proposing actions that do not comply with either the SLMP or other state laws, DEC should list revision of these as options if laws are needed to be changed in the future. DEC would have to undergo a public variance review, revise its Rivers Act regulation and or seek legislative changes to the Wild, Scenic and Recreational Rivers Act to undertake many of the actions identified above. As the DEC moves ahead with planning for the Essex Chain Lakes Complex it is vital that the DEC comply with the SLMP and Rivers Act.

**No “Grandfathering” of Non-Conforming Uses within a classified Rivers Act corridor:** The 1995 Blue Mountain Wild Forest UMP also includes a passage that describes the closing of an existing snowmobile trail due to land acquisition and the management of a classified Scenic River corridor. No pretense was made in this officially approved UMP about somehow “grandfathering” non-conforming use/rights, such as

motorized uses, on new Forest Preserve lands within the Rivers Act corridor such as the DEC is proposing now throughout the Essex Chain Lakes Complex. Below are two relevant passages:

Remove the snowmobile trail designation from the end of the Elm Island Trail

The existing Elm Island snowmobile trail starts in the vicinity of the Indian Lake landfill and terminates at Elm Island on the Cedar River. This dead end secondary trail was only moderately used and a portion of the trail will be closed to snowmobiles in Year I of the plan. The section of trail east of the four way intersection enters the Cedar River wild river corridor where motorized uses are not legal. This action also complies with DEC policy which discourages short dead end trails: “existing snowmobile trails less than five miles in length, or otherwise inappropriate for snowmobile use, should be converted to ski touring trails.”

The 2.5 mile section of trail between the four way intersection to Elm Island will be changed from a snowmobile to a cross country ski trail. Snowmobilers will still be able to ride from the Indian Lake landfill to the four way intersection and continue to the Adirondack Lake Road. (Page 96)

a. Cedar River (See Appendix 22)

The Cedar River is classified as both a “wild” (approximately seven miles) and “recreational” (1.2 miles) river as it winds through the Blue Mt. Unit. A portion of the “recreational” river section, at the north end of the Benton Road, is a popular day use picnic area. Additionally, a deep water pool with adjacent sand banks attracts local residents to this natural swimming hole.

Portions of two marked snowmobile trails are located within the “wild” river corridor boundary between Elm Island and Town lands to the west. These trails were in existence prior to classification. A combination of improper trail location and maintenance restrictions due to river classification will result in the closing of these trails to snowmobiles. The end of the Elm Island Trail will be designated as a Nordic Ski Trail.

Snowmobile use on the Unknown Pond Trail will be phased out pending completion of the new snowmobile trail between the Benton Road and the Rock River Trail. (Page 128)

Current planning by the DEC marks a sharp deviation from established precedent for both the APA and DEC.

## **2. DEC’s plans for motor vehicle use within designated Wild and Scenic River corridors violate precedents in long-standing Unit Management Plans.**

The following passages are excerpts from Blue Mountain Wild Forest Unit Management Plan (UMP) approved by the DEC and APA in 1995. The Blue Mountain Wild Forest UMP is instructive for stating the DEC’s position in 1995 on management of motor vehicles in River Act corridors. It appears that the current DEC administration is attempting to gut the motorless management imperative for Wild and Scenic river corridors. Also, please note that both Wild and Scenic corridors are .5 miles in width and require, in essence, Wilderness management.

The SLMP permits all terrain bicycles in wild forest areas on trails deemed suitable for such use as specified in individual UMP’s. Even in this land classification, certain constraints limit the opening of all trails within the unit to ATB’s. Factors such as private land crossings, topography, drainage, and impacts to other recreational activities were considered in identifying possible ATB trails within the Blue Mountain Wild Forest Area. High public use, terrain constraints, and private land restrictions limit the suitability of the Northville-Lake Placid Trail, Tirrell Pond Trail, and Blue Mountain Trail for bicycle use.

Portions of the existing Elm Island and Unknown Pond Snowmobile trails, and Pasley Falls Nordic Ski trail are located in a “wild river” corridor. This river classification requires that the corridor be managed in accordance with the guidelines for wilderness areas which would prohibit ATB use. (Page 106)

DEC maintenance and trail construction within the “wild river” corridor will be in accordance with the SLMP guidelines for wilderness areas. (Page 106)

The statement shows that at one time the DEC recognized that snowmobile trail – and thus all other motor vehicle uses – with the “wild river” corridor were not allowed. The same constraint exists for Scenic River corridors.

**3. The Wild Forest corridor to 4th-5th Lakes on the Essex Chain violates the State Land Master Plan because it does not facilitate legal motor vehicle use. This road is an illegal peninsula into the Essex Chain Lakes Primitive area and DEC should abandon plans for motor vehicle access on this corridor.**

PROTECT is troubled by DEC’s proposal to allow public use of this road and to build a new 4-car parking area for non-disabled people, which will be administered under a permit system to a point ¼ mile from the Fourth Lake-Fifth Lake culvert. This enhanced motor vehicle access to the Essex Chain is unnecessary and violates the spirit of a motorless Essex Chain Lakes area affirmed in the 2013 Forest Preserve lands classification hearing.

Motor vehicle use is sharply controlled under the SLMP and only allowed in Primitive Areas for administrative use or within 500 feet of the boundary. The creation of this purposeless Wild Forest corridor violated the SLMP.

All public access should be limited to the Deer Pond parking area, which should be the sole point of public access to the Essex Chain Lakes. We see no wisdom in a secondary, permit system for enhanced access by the general public. That creates a troubling and dangerous precedent for Forest Preserve management.

PROTECT also calls for the culvert, known as “the tube,” between Fourth and Fifth Lakes to be removed, as well as all fill from the road approaches on both sides and the channel restored. This will allow for the natural re-vegetation of that corridor as well as establishment of a navigable channel.

**4. DEC’s plans to retain and utilize the Polaris bridge and build new multi-use snowmobile trails through the interior of the Vanderhacker Mountain Wild Forest area violates the Snowmobile Trail Guidance and will likely necessitate an unconstitutional level of tree cutting.**

Retention of the Polaris bridge not only violates the Rivers Act, DEC regulations, and the SLMP, but will lead to significant natural resource damage in the Vanderhacker Mountain Wild Forest area. A big issue is the DEC planning for the Essex Chain Lakes Complex is a proposal to route new snowmobile trails through the heart of the Vanderhacker Wild Forest area. This area includes extensive wetlands and is a trailless, wild part of this unit. The snowmobile trail that connects to Hudson River and the Polaris Bridge violates the Rivers Act.

These trails will necessitate a great deal of tree cutting and be environmentally destructive. PROTECT opposes to creation of these trails. The retention of the Polaris bridge, in violation of the Rivers Act, will lead to even greater damage to the Forest Preserve from cutting of new trails through intact forest areas and the destruction of thousands of trees.

**5. The principal management objective for the Essex Chain Lakes area should be forest restoration and natural resource preservation. Retention of roads for mountainbiking recreational use will undermine these objectives.**

Plans for mountainbike use on roads in the Essex Chain Lakes Primitive area should be based on natural resource and market studies to determine feasibility, public interest, maintenance costs, and natural resource damage. Primitive areas are those that possess Wilderness character, but contain some type of non-conforming use, such as a private road or power line, or it is too small to be a new Wilderness area, among other factors. The SLMP currently recommends that a great many Primitive areas should be upgraded to a Wilderness classification pending resolution of the non-conforming uses or further land acquisition. A few current Primitive areas will remain Primitive for the foreseeable future for a variety of reasons.

The state is looking to deviate from long-established practice based on unsubstantiated public comments that there is a great recreational interest in mountainbiking on these former logging roads. The organized mountainbike groups have stated that they have little desire for mountainbiking trail systems on former logging roads. Desirable mountainbiking networks are based on single-track trails specially designed for biking. If there was a big public market for mountainbiking on former logging roads or dirt roads in general in the Adirondacks, why has mountainbiking not been a major activity in the Independence River Wild Forest, Black River Wild Forest, Moose River Plains Wild Forest (in the times outside the Black Fly Challenge race week), Ferris Lake Wild Forest, Watson's East Triangle or Lake George Wild Forest areas? The market that exists for mountainbiking on dirt roads in the Essex Chain Lakes area is unproven and purely anecdotal, yet the APA is looking to make far-reaching changes to the Primitive area classification. Clearly research is needed.

**6. Required Studies, Analyses and Inventories must be Completed.**

The draft Essex Chain Lake Complex UMP did not include many of the standard analyses and inventories of natural resources, lists of areas in need of rehabilitation, assessments of public uses, among other required information enumerated in the SLMP's Unit Management Plan Development section. Recently approved UMPs, such as those of the Hurricane Mountain and St. Regis Mountain historic areas, saw the DEC develop a standard set of information and appendices that should be included in this UMP as well.

The "UMP Development" section in the SLMP contains a variety of information that is required for inclusion in a draft UMP. Below are three excerpts from the SLMP UMP Development section that are important for DEC planning efforts.

-- an assessment of the impact of actual and projected public use on the resources, ecosystems and public enjoyment of the area with particular attention to portions of the area threatened by overuse; and,

-- an assessment of the physical, biological and social carrying capacity of the area with particular attention to portions of the area threatened by overuse in light of its resource limitations and its classification under the master plan.

Each unit management plan will also set forth a statement of the management objectives for the protection and rehabilitation of the area's resources and ecosystems and for public use of the area consistent with its carrying capacity.

This information is vital for natural resource protection and recreational management planning.

## 7. Reserved Campsites for Particular User Groups.

PROTECT finds the DEC's proposal for a campsite reservation system interesting. By having it administered at the Adirondack Interpretive Center (AIC) in Newcomb on a first-come-first-served basis, with out the possibility of online advanced registration, marks a departure for how reservations are handled for campsites in Intensive Use areas in the Adirondacks.

PROTECT notes that many of our members regularly utilize the Low's Lake, Little Tupper Lake, Round Lake, and Lake Lila areas and report no problems with overcrowding. The DEC has long employed parking lot size to limit use on these water bodies. We see no reason that this method would not successfully limit use on the Essex Chain Lakes.

On behalf of the Board of Directors of Protect the Adirondacks, please let me express our gratitude for the opportunity to submit these comments.

Sincerely,



Peter Bauer

CC: Gov. Cuomo  
B Seggos  
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