



**Board of Directors**

October 12, 2016

Charles Clusen  
*Chair*

Hon. Sherman Craig  
NYS Adirondack Park Agency  
Ray Brook, NY 12977

Marilyn DuBois  
Sidney Haring  
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*Vice-Chairs*

**Re: APA should delay sending current classification package to public hearing until additional options are available**

James McMartin Long  
*Secretary*

Dear Chairman Craig,

David Quinn  
*Treasurer*

Protect the Adirondacks has reviewed the current classification options prepared by the Adirondack Park Agency (APA) and urges that action be delayed until additional options are available for public consideration. The current package is inadequate. The last classification undertaken by the APA for the Essex Chain Lakes area contained nearly three times as many options for that area than the three offered for the Boreas Ponds. PROTECT's review of the Draft Supplemental Environmental Impact Statement (DSEIS) finds that this document is based on a narrow reading of the Adirondack Park State Land Master Plan and contravenes the existing Programmatic Environmental Impact Statement for classifications of state lands.

Nancy Bernstein  
John Caffry  
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Robert Glennon  
Roger Gray  
Evelyn Greene  
Peter Hornbeck  
Dale Jeffers  
Mark Lawton  
Peter O'Shea  
Philip Terrie

Protect the Adirondacks encourages the APA to delay action on this classification package until at least two new options are created for public hearing: 1) An option for the Boreas Ponds that does not classify any of the shoreline as Wild Forest and utilizes the Gulf Brook Road as the Wild Forest-Wilderness boundary; 2) An option for a new West Stony Creek Wilderness area that classifies roughly 3,000 acres of new lands and 9,000 acres of existing roadless/snowmobile-trailless Wild Forest lands as Wilderness.

Peter Bauer  
*Executive Director*

**Compliance with the Final Programmatic Environmental Impact Statement Governing State Land Classification for a Presumption for Wilderness**

The 1979 Final Programmatic Environmental Impact Statement (PEIS) governs the amendment process for the APSLMP. The PEIS states that "Wilderness is the cornerstone of the Master Plan" (p. 31). The PEIS states "Wilderness recreational opportunities are scarce in New York and rare in the northeastern United States. Adirondack wilderness constitutes only 3% of New York State, and 91% of all designated wilderness in the Northeastern United States. Intensive recreational opportunities are relatively abundant throughout the State and are provided by both the public and private sector which often compete" (p. 5).

**Protect the Adirondacks**

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The protection of Adirondack Wilderness is the central organizing and management principle in this PEIS because of the small amount of Wilderness we have in New York and east of the Mississippi River and the vast network of intensive recreational use infrastructure in other areas. The PEIS emphasizes that state agencies should seek every opportunity to expand Wilderness. Newly purchased and classified lands are supposed to receive a qualitative review for the possibility of a Wilderness classification. The PEIS provides a number of important statements that form guideposts for how the APA should manage the Forest Preserve and amend the APSLMP for classification of new Forest Preserve lands:

Amendments which diminish area of lands designated Wilderness, Primitive or Canoe would significantly decrease the availability of primitive recreational opportunities which are at present extremely limited in New York State and rare in the Northeastern United States. (p. 6)

Guidelines should be designed to protect the character of Wilderness, Primitive, Canoe and Wild Forest areas. The very foundation of Wilderness is the guideline which prohibits motorized access by the public and severely restricts such access by the Department of Environmental Conservation. Alteration of this guideline to permit generalized use of motor vehicles or aircraft would destroy the character of wilderness, a cornerstone of the Master Plan. (p. 31)

The classification of land by the State Land Master Plan as Wilderness, Primitive or Canoe prohibits motorized access and, except in cases of actual and ongoing emergencies such as fire, flood, search and rescue or large scale contamination of streams, provides large acreages of habitat undisturbed by man essential to the re-introduction of certain extirpated species. This opportunity is unavailable elsewhere in New York State and would be protected by the proposed guidelines. (p. 34)

Wilderness is vital to the survival of many species of wildlife with highly specialized habitat needs, and it provides both a natural laboratory and basic standards for the assessment of main effects on non-wilderness ecosystems. The proposed guidelines should protect existing Wilderness and enable the creation of additional Wilderness areas. (p. 34)

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. (p. 35)

Amendments to the Master Plan which diminish the size or deteriorate the character of areas designated as Wilderness, Primitive or Canoe are extremely significant and should not be proposed. Amendments which would diminish the State supply of intensive recreational facilities, while important, are less significant due to the existence of similar opportunities elsewhere in New York State. (p. 36-37)

Any amendment to the State Land Master Plan which would diminish the area or

resource quality of lands classified as Wilderness, Primitive or Canoe would significantly diminish the educational and research opportunities which those areas now offer. These effects would be particularly acute due to the scarcity of designated wilderness in the northeastern United States. (p. 38)

These statements provide clear insight into original thinking on Forest Preserve classification. The limited scope of options for the Boreas Ponds, failure to include any options for the Boreas Ponds where the shores are 100% Wilderness, and the failure to include any option whatsoever for the West Stony Creek Wilderness area demonstrates a dramatic inconsistency with the PEIS.

The Final Supplemental Environmental Impact Statement (FSEIS) gives short shrift to the PEIS. The criteria above advanced in the PEIS have not been adequately considered.

### **Compliance with the Adirondack Park State Land Master Plan**

The Adirondack Park State Land Master Plan (SLMP) lays out a 3-part analytic framework for classification of new lands. Wilderness is clearly the top option, followed by Primitive or Canoe, followed by Wild Forest. Hence, the SLMP places a requirement on the APA Board to seek opportunities for Wilderness classification to provide the state's top environmental protection program on Forest Preserve lands. Unfortunately, this analysis has not been undertaken for the classification package in question. The presumption for Wilderness classification is especially noted for large-scale land purchases or tracts that include large lakes or ponds or other important waterways.

The SLMP further refines classification criteria to focus on three albeit subjective criteria – physical characteristics (soil, slope, elevation, water), biological considerations (wetlands, rare habitats, threatened habitats, among other things), and intangible considerations (sense of remoteness, few established facilities, etc.). PROTECT emphasizes that it's important for the APA Board to understand that Wilderness classification is about the future and not about the past. A Wilderness classification is about what the forces of nature will be allowed to do, with little interference from humans, in the decades and centuries ahead. Wilderness allows the forest to reclaim roads, log landings, and building locations, among other artifacts of human inhabitation. Wilderness classifications enable fundamental ecological processes to occur unfettered by human influence. Simply put, Wilderness classification allows selected lands to grow wilder year after year in the future and that is a great gift to future generations in our ever changing world and increasingly developed state. We reject the notion that Wilderness classifications should be reserved for only virgin, old growth forest areas, and that it is wrong or somehow dishonest to “manufacture” wilderness. The Adirondack Park Wilderness lands, and most of the National Wilderness lands system, are not virgin lands, but lands that have been judiciously selected and classified for the highest environmental protections. The Boreas Ponds deserve this high level of protections.

**Boreas Ponds Tract:** Protect the Adirondacks advocates that the Gulf Brook Road, and other roads west of the “4 Corners” be used as the Wild Forest (south) and Wilderness (north) boundary. We do not see the reasoning in providing just three options and for providing no option for complete Wilderness for the Boreas Ponds. We urge the APA to provide a complete Wilderness option for the Boreas Ponds.

The SLMP criteria for physical, biological and intangible considerations score the Boreas Ponds high for Wilderness classification. There is no need to place any of the shoreline in Wild Forest. While we understand, though we oppose, the desire of state agencies to retain the dam on lower Boreas Pond, we believe an Administrative Road could be created from the Gulf Brook Road to the dam site for this purpose. We do not believe that there should be public motor vehicle or bicycle access on this route. It should be used purely for administrative purposes. The Administrative Road to the dam removes any need for Wild Forest anywhere near the Boreas Ponds shore. We also point out that in the High Peaks Wilderness Area three dams have been allowed to breach over the years at the Flowed Lands, Duck Hole and Marcy Dam. The APA should include a classification option that will allow the Boreas Ponds dam to breach.

**West Stony Creek Wilderness Option should be Added for Public Hearing:** On the question of a public hearing for an option of a new West Stony Creek Wilderness area, the staff ruled out this consideration in the classification materials:

Staff considered an alternative which involved classifying a southern portion of the land Wild Forest and a northern portion as Wilderness. The dividing line between the Wild Forest and the Wilderness Areas would include Benson Road and a woods road that connects Tomantown Road to Warner Hill Road Extension. The Tomantown Road is currently used as a snowmobile trail. This alternative proposed that lands currently classified as Wild Forest, north of the Benson Road Tract, would be reclassified as Wilderness and a new Wilderness Area would be created.

Evaluation of the four criteria identified for determining classification, particularly the physical and biological characteristics, lead to a determination that Wild Forest is the appropriate classification. This tract does not have shallow, sensitive soils, steep slopes, high elevations, or extensive wetlands or other unique natural communities.

While little is provided in the way of data used by the staff in its analysis for rejecting the new Wilderness area, the reliance upon highly subjective “physical characteristics” fails to look at the whole picture. Soil, slope, elevation and water are the defining characteristics. The newly purchased 3,000-acre area, recently logged, could be combined to with the adjoining 9,000-acre roadless and snowmobile-trailless area of the Shaker Mountain Wild Forest to create a new Wilderness area. The steep slopes of the West Stony Creek river valley surely merit Wilderness protection. The designation of the West Stony Creek as a “Scenic River” under the NYS Wild, Scenic and Recreational Rivers Act, places an important waterbody at the center of this area. Last, though the mountain ranges of this area are less than 2,500 feet, it’s important to note that many other Wilderness areas in the Adirondacks, such as the Five Ponds, William C. Whitney, and Ha De Ron Dah Wilderness are also landscapes without mountains over 2,500 feet.

The staff also failed to consider the old growth and mature forest areas of the 9,000 acres around the West Stony Creek River valley in its analysis of physical considerations. While currently in Wild Forest, these important areas on the fringe of the Adirondack Park and highly accessible to the general public, will be better protected in a new Wilderness area than in a Wild Forest area.

The creation of a new West Stony Creek Wilderness area would provide the “intangible” benefit of a sense of wildness and remoteness. This rugged 12,000-acre area would provide the general public with an excellent new wilderness opportunity. The subjective criteria used to dismiss this option could have just as easily been used to support this option. The APA Board should insist that the Wilderness option for the West Stony Creek area and newly purchased adjoining lands should be added to the public hearing list.

**MacIntyre East and MacIntyre West Tracts:** Given the steep slopes, high elevations, river corridor, and proximity to the Park’s major Wilderness area – the High Peaks Wilderness – PROTECT can support the classification options for Wilderness for MacIntyre West and a mix of Wilderness and Wild Forest for MacIntyre East.

**Easement to Towns for Road Maintenance Areas:** A review of the easement granted to the Town of North Hudson by the Nature Conservancy prior to the sale of the Boreas Ponds tract to the State of New York, which is available at the Essex County Court House, shows that the rights granted the town are put into effect if the Gulf Brook Road is to be kept open and is not a requirement. This easement to the Town of North Hudson is subject to all applicable state laws, including classification and a Unit Management Plan, as required under the SLMP. If the APA determines that the road should be closed, then the easement is moot. If the APA determines that the road should be only partly kept open then the easement is effective only for the portion of the road kept open. In no way does this easement dictate any terms or requirements to the APA that have a bearing on the classification decision.

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

Sincerely,



Peter Bauer  
Executive Director

CC V. Lannon, Executive Chamber  
K. Dineen, Executive Chamber  
R. Shah, Executive Chamber  
B. Seggos, NYSDEC  
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