



**Board of Directors**

July 25, 2014

Charles Clusen  
**Chair**

Mr. Josh Clague  
Natural Resource Planner  
NYS Department of Environmental Conservation  
625 Broadway  
Albany, NY 12233

Lorraine Duvall  
Dale Jeffers  
Michael Wilson  
**Vice-Chairs**

Sidney Harring  
**Secretary**

**RE: Public Comments on Proposed Essex Chain Complex Draft Unit Management Plan**

David Quinn  
**Treasurer**

Dear Mr. Clague,

Nancy Bernstein  
John Caffry  
Dean Cook  
Robert Glennon  
Evelyn Greene  
Peter Hornbeck  
Mark Lawton  
James Long  
Charles Morrison  
Peter O'Shea  
Kenneth Strike  
Philip Terrie

Protect the Adirondacks congratulates the Department of Environmental Conservation (DEC) on the development and release of the Essex Chain Complex Draft Unit Management Plan. This plan seeks to manage natural resource protection objectives and public recreational use of the newly purchased and classified Essex Chain Lakes and Pine Lake Primitive Areas of the Forest Preserve in association with the adjacent Wild Forest and conservation easement lands. These new Forest Preserve acquisitions around the Essex Chain Lakes and Pine Lake create dynamic new recreational opportunities.

Peter Bauer  
**Executive Director**

Protect the Adirondacks (PROTECT) supports some elements of the proposed Essex Chain Complex Draft Unit Management Plan (ECCUMP), but is troubled by many others. The ECCUMP includes many novel proposals, such as public motorized uses in designated Scenic and Wild River corridors, reserved backcountry campsites for specific user groups, a new formal backcountry permit reservation system, a public road and parking area near the heart of the Essex Chain Lakes for public motor vehicle use, and mountain bike trails in a Primitive Area, among others.

The ECCUMP also appears to be a barebones draft Unit Management Plan (UMP) that does not include many of the standard analyses and inventories of natural resources, identification of areas in need of rehabilitation, assessments of public uses, among other required information enumerated in the Adirondack Park State Land Master Plan's (SLMP) Unit Management Plan Development section. PROTECT believes that recent approved UMPs saw the DEC develop a standard set of information and appendices that should be included in this UMP as well.

PROTECT also 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

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Rivers Act (Rivers Act). In such cases where the DEC is proposing actions that require changes to either the SLMP or other state laws, DEC should list these as options if laws are changed in the future. PROTECT's review of the ECCUMP finds many proposed actions in violation of these laws and regulations.

While PROTECT recognizes that the scope of the ECCUMP covers the period until the end of the various reserved rights in 2018, we are concerned about the construction of public facilities and the establishment of public recreational uses that violate the Rivers Act, SLMP, and DEC regulations.

Last, PROTECT has been monitoring UMP development in its modern phase closely since the DEC's UMP Initiative in the late-1990s. We are profoundly disappointed that UMP development, and Forest Preserve management in general, are devolving rather than consistently improving and evolving. In many ways, the Essex Chain Complex draft UMP marks a major step backwards in UMP development and Forest Preserve management. The Essex Chain Lakes and surrounding lands are some of the most exciting new lands purchased for public protection in the Forest Preserve. It's a sore point for the State of New York that DEC's management and stewardship so poorly protects such an extraordinary public treasure.

### General Comments

The "unifying theme" of the SLMP is that "the protection and preservation of the state lands within the Park must be paramount. Human use and enjoyment of those lands should be permitted and encouraged, so long as the resources in their physical, and biological context as well as their social and psychological aspects are not degraded." PROTECT finds that the ECCUMP is far more focused on public recreational use than natural resource protection.

Below is a list of various general comments on the ECCUMP, which are followed by specific comments in the plan's proposed actions.

**PROTECT Opposes Construction of Facilities before UMP is Finalized:** The ECCUMP principally involves two Forest Preserve areas classified as Primitive under the SLMP. The "Guidelines for Management and Use" of Primitive Areas in the SLMP include Basic Guideline 6, which states "No new structures or improvements in primitive areas will be constructed except in conformity with finally adopted unit management plans. This guideline will not prevent ordinary maintenance rehabilitation or minor relocation of conforming structures or improvements or the removal of non-conforming uses." Because public campsites and parking areas are a new use on the Essex Chain Lakes lands, PROTECT is troubled by the schedule of the DEC to site and build a number of structures and improvements, such as parking areas, campsites, canoe carries, etc., prior to the completion and formal adoption of the ECCUMP. This schedule violates the SLMP.

PROTECT notes that the DEC undertook siting and construction of campsites and other facilities at the William C. Whitney Wilderness area on an interim basis in 1998. Since that time no UMP for that Wilderness area has been drafted or finalized over the past 16 years. We hold that campsite locations would have benefited from the systematic analysis of biological conditions on the site as well as public review. Many of the campsites on Little Tupper Lake and the channel to Rock Lake are substandard and unbecoming a complex ecological gem of the Whitney lands and a world-class flatwater paddling area.

Recent visits to the area by PROTECT and members report many more campsites under construction than those reported in the UMP. If more campsites are being constructed than DEC has reported in this UMP, the DEC must rescind this draft UMP and begin the public review process all over with correct information.

**Restoration and Rehabilitation of Natural Resources:** The “Unit Management Plan Development” section of the SLMP includes a requirement that UMPs include planning for the “rehabilitation of such portions of the area as may suffer from overuse or resource degradation.” PROTECT finds no such information in the ECCUMP. This assessment and planning is important given the land use history of this area and the number of leased camp locations, logging landings, roads, skid roads, forest clearcuts, forest shelterwood cuts, and other features, that will require proactive planning to ensure rehabilitation of these negatively impacted natural resources.

**Missing Schedule of Implementation:** The “Unit Management Plan Development” section of the SLMP includes a requirement that “schedules of achievement of such objectives” for natural resource protection and public recreational use must be included in a draft UMP. PROTECT finds no “Schedule for Implementation and Estimated Budget” in the ECCUMP. These schedules are routinely included on UMPs recently approved, such as the Hurricane Mountain Primitive Area UMP (2010), Moose River Plains Wild Forest Area (2011), and Jessup River Wild Forest Area (2006), as well as recent UMPs for mountain-top spot-zoning Historic areas, among others.

**Missing Biological Resources Data:** Recent completed UMPs have included a standard set of biological resource data and inventories. These data are important because it informs recreational management decisions. PROTECT is troubled by the skeletal nature of the ECCUMP compared with recently adopted UMPs, such as the Hurricane Mountain Primitive Area (2010), Moose River Plains Wild Forest Area (2011), and Jessup River Wild Forest Area (2006), among others. These data include:

- Mammalian Inventory
- Amphibian and Reptile Inventory
- Bird Inventories

- Common Adirondack Upland Fish Fauna
- Wildlife Management Unit Description
- New York Land Cover Descriptions
- Rare Communities and Species
- Invasive Species Map/Best Management Practices for State Lands

This data, among other datasets, is important information for planning and assessment of public recreational use on the natural resources of a Forest Preserve unit and should be included in the ECCUMP.

**Definitive Statement Needed about Snowmobile Use in Wild Forest Corridor:** It appears in the ECCUMP that the DEC is proposing to build a bridge over the Cedar River for horse trail use, mountain biking and pedestrian use. PROTECT is concerned that the planning for horse trail use will necessitate a large bridge that will later be used for snowmobile/groomer use. PROTECT is concerned about this subterfuge and calls upon the DEC to clearly state that there will be no snowmobile trail use of this bridge in the future and to design the bridge to preclude such use in the future. If the long-term goal of the DEC is to utilize the Wild Forest corridor/Cedar River bridge from Newcomb to Indian Lake for snowmobiling, as was stated in the APA's 2013 classification resolution for these lands, then this should be made in a specific proposal now and reviewed by the public.

**Proposed Cedar River Bridge Location appears to be in a Wilderness Area:** The DEC shifted the location of the proposed Cedar River Bridge further to the east, which has resulted in moving it from within the Wild Forest corridor to the Hudson Gorge Wilderness Area. The ECCUMP should clearly state the Forest Preserve land classification for the location of this proposed bridge. Clearly, such a bridge for proposed mountain bike use is not allowable in a Wilderness Area. All potential uses of the proposed bridge should conform to the Forest Preserve classification where the bridge is located.

**Reserved Campsites for Particular User Groups:** PROTECT finds the DEC's proposal for reserved campsites for floatplane operators/customers to be troubling. We cannot find any precedent for this in the management of other Forest Preserve units. This proposal should be rescinded. In the past, floatplane operators have stored supplies and materials at sites on Low's Lake and Tirrell Pond.

**DEC Maps:** DEC's maps should be made to match the colors in the APA LUDP map. The use of colors by the DEC for different land use classifications for the Forest Preserve is confusing and unnecessary.

DEC should also include maps that detail the Wild, Scenic and Recreational Rivers corridors within the ECCUMP area.

Specific Comments on draft Essex Chain Complex Unit Management Plan

Below, please find comments on specific proposals in the ECCUMP.

**Campsite Reservation System:** 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, without the possibility of online advanced registration, marks a departure for how reservations are handled for campsites in Intensive Use areas in the Adirondacks, and marks a new management program for Primitive areas.

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. If there is not space to park a vehicle, then there is no space to camp.

**Disabled Access Facilities under CP-3:** PROTECT supports road access to a CP-3 campsite on 5<sup>th</sup> Lake. The road in question forms part of the northern boundary between the Essex Chain Lakes Primitive Area and the Blue Mountain Wild Forest. PROTECT supports keeping this road open for CP-3 access only. We oppose all public motor vehicle use on this road as it will fundamentally undermine a motorless Essex Chain Lakes area as well as the successful CP-3 program.

**Public Motor Vehicle Access to 5<sup>th</sup> Lake:** 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. This proposal also undermines the integrity of the CP-3 program.

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 permit system for enhanced access by the general public. That creates a troubling and dangerous precedent for Forest Preserve management.

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

**Public Access to Essex Chain Lakes through Deer Pond:** PROTECT supports a parking area and use of Deer Pond as the sole public access point to the Essex Chain Lakes.

**Essex Chain Lakes Campsites:** The ECCUMP lists the campsites as “existing facilities” yet these campsites have neither been constructed, nor approved in a UMP. These are clearly new uses on newly acquired and classified Forest Preserve lands. PROTECT believes that no campsites should be built until the UMP has been approved.

Recent visits to the area by PROTECT and members report many more campsites under construction than those reported in the UMP. If more campsites are being constructed than DEC has reported in this UMP, the DEC must rescind this draft UMP and begin the public review process all over with correct information.

**Reserved Campsites for Floatplanes:** PROTECT opposes the DEC’s proposal for reserved campsites for floatplane operators/customers on First and Pine lakes. We cannot find any precedent for this in the management of other Forest Preserve units.

PROTECT also notes that a large amount of the Pine Lake area is within the Scenic River corridor, where public motor vehicle use is not allowed. The reserved campsite for floatplane use is also proposed to be located within this corridor. Any motoring of a floatplane to access this campsite would be in violation of the Rivers Act.

**Horse Trails:** PROTECT supports horse trails within the Essex Chain Lakes Primitive Area, but is mystified by its pre-eminent status in DEC’s plans. We have not seen a robust horse camping/public use in other parts of the Forest Preserve and question the infrastructure and potential use in this unit.

Futhermore, PROTECT finds elements of the proposed horse trail network troubling. In one section, the DEC proposes to share a road between horses and motor vehicles on a road between Fifth Lake and Deer Pond, which DEC plans to unwisely open to public motor vehicle use. This seems like a recipe for conflict. PROTECT also objects to the Deer Pond loop for the horse trail. This seems like a way to try and keep that road system open as opposed to letting it revert back to forest.

While PROTECT, supports a general north-south horse trail, we are troubled by the apparent conflict between the Adirondack Park Agency’s (APA) classification resolution for these lands and the DEC’s proposals. The APA called for use of the Wild Forest corridor as a mountain bike, hiking and snowmobile trail, yet the DEC has proposed only limited recreational uses of this corridor and provides no recreational opportunities for Indian-Lake-to-Newcomb travel other than hiking. PROTECT believes that the DEC should state its position with regards to the directives in the APA’s 2013 classification resolution.

Last, PROTECT notes that the DEC’s proposal for multi-use trails conflicts with the

SLMP's Basic Guideline Number 5 for Wild Forest areas: "Care should be taken to designate separate areas for incompatible uses such as snowmobiling and ski touring, or horseback riding and hiking."

Multi-use trails are largely a myth. Few cross-country skiers use snowmobile trails. Few hikers are going to use horse and mountainbiking trails. The combination of such conflicting uses is dangerous management by the DEC.

**Mountain Bike Use:** PROTECT supports mountain biking as a lawful public recreational use in Forest Preserve areas where it is allowed, such as Wild Forest, Canoe (on administrative roads) and Intensive Use areas, as well as on designated roads in Historic areas. Two elements of the ECCUMP are troubling for proposed mountain bike use.

First, the DEC proposes to allow mountain bike use through the heart of the Essex Chain tract to the south shore of Third Lake. Use of mountain bikes in Primitive Areas is not authorized in the SLMP, yet ECCUMP proposes to allow this use on a temporary basis on roads used by leaseholders until 2018. PROTECT is concerned about the precedent and impact of allowing a non-conforming use on a temporary basis, which will likely be rescinded in the future.

Second, PROTECT is dismayed by the incomplete planning for the Wild Forest corridor, which splits the Essex Chain Lakes and Pine Lake Primitive areas from the Hudson Gorge Wilderness area. Since many recreational use options hinge on how this corridor is managed, which dictates the types of facilities needed, such as a bridge over the Cedar River, PROTECT believes that long-term management objectives for this corridor should be developed as part of the ECCUMP. PROTECT sees that mountain bike use is a lawful activity under the SLMP on a Wild Forest corridor and urges the DEC to shift its focus to mountain biking on that corridor and away from temporary use on roads available to leaseholders within the interior of the Essex Chain Lakes Primitive area.

PROTECT recognizes that mountain biking can legally occur on designated roads in Wild Forest areas that marks the boundary with the Essex Chain Lakes Primitive Area and the Hudson Gorge Wilderness area as well as on the Chain Lakes Road South.

**Chain Lakes Road South Seasonal Public Parking Area:** The seasonal public parking area at the northern end of the Chain Lakes Road should be rescinded. This road violates the Wild, Scenic and Recreational Rivers Act, for which more information is detailed below.

#### Compliance with the Wild, Scenic and Recreational Rivers Act

**Chain Lakes Road South/Parking Area/Management:** The DEC proposes to retain a long section of the Chain Lakes Road South as a designated Forest Preserve

road. Other sections will be designated as a horse trail. There are several issues involved in this proposal.

First, the DEC proposes to terminate the road at a point north of the former Outer Gooley camp buildings and to construct a parking lot there. PROTECT disputes the DEC's finding that it can manage and maintain a public motor vehicle road within a Wild River corridor under the Rivers Act. In the ECCUMP, the DEC advances a novel policy position that private activities that were undertaken on private lands at a point in time that pre-dated the enactment of the Rivers Act or SLMP can somehow be retained for widespread public use when these lands are purchased by the State of New York and added to the Forest Preserve at the discretion of the DEC Commissioner. This is a revolutionary and far-reaching position for the DEC. This means that any uses that were undertaken when lands were privately held at a point in time prior to the SLMP or Rivers Act can be retained when these lands become Forest Preserve and that these uses are somehow exempted from all applicable laws and regulations. PROTECT is unaware of this position used previously by the DEC or ever discussed or scrutinized by the APA. This position breaks with 40 years of established use and management of the Forest Preserve by the State of New York.

The ECCUMP states: "This Complex UMP includes a determination made by the Commissioner that the public can travel along the Chain Lakes Road (South) to access parking in the vicinity of the Outer Gooley and, seasonally, along this road through the Wild Forest Corridor north of this point. This determination is based on the fact that the Chain Lakes Road (South) was open and available for public motor vehicle use that predates and postdates the State's adoption of the Wild, Scenic and Recreational Rivers System Act (WSRRS Act) and the Adirondack Park State Land Master Plan (APSLMP). For this reason, the continued use of the Chain Lakes Road (South) is not subject to these requirements."

PROTECT notes that the UMP fails to include any type of formal determination or legal memorandum from the DEC that supports the Commissioner's "determination." If this legal analysis/statement exists, it should be disclosed.

Further, PROTECT disputes any interpretation that recreational use that required any form of fee constitutes a historic public use. All recreational uses of the former Finch Paper lands were based on leases. The ability of the general public to secure these leases was based on one's ability to pay for them. As such, these were private recreational rights that in no way, shape or form can be upheld by the DEC as somehow establishing a new public use right.

What the DEC is contending is that a private secondary use of the Chain Lakes Road South, by private lease holders, can be somehow grandfathered as a new public right exempt from existing state law in the Rivers Act or SLMP. PROTECT believes that the principal use of the Chain Lakes Road South was for forest management and that the private recreational use was not the main use of this road. Use of this road



for forest management is an allowable use under the Rivers Act while this land was privately owned. The SLMP also had no bearing on the Chain Lakes Road South while it was privately owned.

Motor vehicle uses for forest management on private lands within the Wild River corridor conforms with the Rivers Act. Public use of motor vehicles for recreational purposes with the Wild River corridor does not conform with the Rivers Act.

In ECL 15-2707 “Classes of river areas includable in system, criteria; management objectives” includes a definition of a Wild River:

Wild river. Those rivers or sections of rivers that are free of diversions and impoundments, inaccessible to the general public except by water, foot or horse trail, and with river areas primitive and undeveloped in nature and with development, if any, limited to forest management and foot bridges.

(1) The minimum length of any one section shall be five miles.

(2) In general, the minimum distance from the river shore to a public highway or a private road open to the public for motor vehicle use, shall be one-half mile except where a physical barrier exists which effectively screens the sight and sound of motor vehicles.

(3) Management of wild river areas shall be directed at perpetuating them in a wild condition as defined herein.

In ECL 15-2709 “Administration of the System” the Rivers Act states:

a. In wild river areas, no new structures or improvements, no development of any kind and no access by motor vehicles shall be permitted other than forest management pursuant to forest management standards duly promulgated by regulations.

In essence, a Wild River corridor is to be managed as Wilderness lands. This corridor is .5 miles wide on both sides of the Hudson River.

PROTECT’s review of the Rivers Act finds no authority for the DEC Commissioner to make a “determination” that can somehow exempt a motor vehicle road from the full force of the Rivers Act.

Because of the prohibition by the Rivers Act of a public motor vehicle road within the corridor of a Wild River, which is the classification of the Hudson River at this point, PROTECT recommends that Chain Lakes Road South be terminated at a point south of the Outer Gooley Club buildings where the road is outside the Wild River corridor and that the parking lot be constructed at this point. This will still provide access to the Hudson River and to the Wild Forest corridor in much the same

fashion, while conforming with the law, though the motor vehicle road will be shorter.

Second, the DEC also proposes to build a canoe carry to allow public access to the Hudson River at a point south of the proposed parking lot area. PROTECT supports the canoe carry at this location and sees no disadvantage to the public of having to carry their boats a few hundred yards south to an area where a parking lot could be constructed outside the Wild River corridor. PROTECT recognizes the need to provide a canoe take-out area at this point on the Hudson River before the character of the river changes to a predominant whitewater river.

**Management of the Wild Forest Corridor/Horse Trail on Essex Chain Road South/Construction of a New Bridge over the Cedar River:**

The combined proposal of the DEC for management of the Chain Lakes Road South, Wild Forest corridor, and bridge over the Cedar River raises a number of issues. These include:

1. Use of the Chain Lakes Road South for mountain biking.
2. Conflicts with the SLMP for a Cedar River bridge made of non-natural materials.
3. APA's 2013 classification resolution for this area acknowledged conflicts with the Rivers Act and the DEC Rivers Act regulations for public motorized uses within the Scenic River corridor.
4. APA's 2013 classification resolution for this area provided direction to the DEC to consider a unified Wild Forest corridor between the Essex Chain Lakes Primitive Area and Hudson Gorge Wilderness Area for use as a snowmobile trail corridor and unified mountain biking route.
5. APA's 2013 classification resolution for this area calls for possible construction of a new bridge over the Cedar River at the location of the washed out bridge whereas the DEC proposes a new location.
6. DEC regulations for the Wild, Scenic and Recreational Rivers Act Part 666.3 Definitions (III) "Trail" is defined as "a marked and maintained path or way four feet or less in width, and located and designed to provide for reasonable access in a manner causing the least effect on the local environment." Under DEC regulations, the Cedar River bridge must be no more than 4 feet in width.

See the section excerpted below from the APA's 2013 classification resolution for this area:

**WHEREAS**, the Chain Lakes Road (South) and the Chain Lakes Road (North) were once connected by a bridge over the Cedar River, which the Agency is informed washed out in the 1960's; and

**WHEREAS**, during the public comment period, many local residents and snowmobilers expressed support for connecting the communities of Indian Lake, Newcomb and Minerva by rebuilding the bridge over the Cedar River

which connected the Chain Lakes Road (South) and the Chain Lakes Road (North); and

**WHEREAS**, the Chain Lakes Road (South) is an improved gravel road from the Indian River Tract to the Cedar River; and

**WHEREAS**, the condition of the existing Chain Lakes Road and Camp 6 Road indicates that the underlying land has the capacity to withstand human use including without limitation, hunting, horse and wagon riding, All-Terrain Bicycling, snowmobiling and other uses allowed in Wild Forest; and

**WHEREAS**, the portion of the Cedar River within the Essex Chain Lakes Tract has been designated by the legislature as a Scenic River under the Wild, Scenic and Recreational Rivers Act, ECL Article 15, Title 27 (Rivers Act); and

**WHEREAS**, the Department administers the Rivers Act on state lands within the Adirondack Park and has promulgated regulations applicable to state lands within the Adirondack Park and to all lands outside the Adirondack Park, found at 6 NYCRR Part 666; and

**WHEREAS**, the Department has committed to consider whether existing Part 666 authorizes the construction of a snowmobile bridge over the Cedar River Scenic River and, if it does not, to consider making appropriate revisions to 6 NYCRR Part 666 to allow such a bridge; and

**WHEREAS**, to allow for a structurally safe crossing of the Cedar River at the location of the previous bridge while maintaining a park-like setting, the Agency has committed to considering a revision of the Master Plan Wild Forest guideline that currently would require that this bridge must be constructed of natural materials to allow a bridge containing non-natural materials at the crossing of the Cedar River; and

**WHEREAS**, the condition of the existing four-season roads on the Essex Chain Lakes Tract indicates that the underlying land has the capacity to withstand human use including All-Terrain Bicycles, also referred to as mountain bikes;

The APA 2013 classification resolution stands sharply at variance with what the DEC has proposed. The ECCUMP provides no information or any kind of public examination or analysis by the DEC for use of the Chain Lakes Road South for mountain biking or a snowmobile trail, which the APA sought. The ECCUMP provides no information about public motor vehicle use within a Scenic River corridor or construction of a bridge for public motor vehicle use in a Scenic River corridor.

PROTECT opposes construction of a new bridge over the Cedar River.

**PROTECT Calls on DEC to Answer Whether the Proposed Cedar River Bridge will be Use as a Snowmobile Trail:** PROTECT is concerned that the two bridge models proposed for use over the Cedar River in the ECCUMP are being built ultimately not for horses, mountain bikes, and hikers, but for snowmobiles and groomers. We call on the DEC to declare whether or not the Wild Forest corridor and associated roads will be used a snowmobile trails.

PROTECT has reason to be curious over DEC's long-term objectives for use of a Cedar River Bridge given past history:

1. We watched the DEC depart from an agreement to phase-out floatplane use on Low's Lake and PROTECT and others were forced to go to court to force the DEC to adhere to the SLMP and manage Low's Lake as a Wilderness Area.
2. We watched the DEC enact a Snowmobile Trail Guidance document that called for no snowmobile trails through the interior of Forest Preserve areas and then turn around and build a snowmobile trail through the interior of the Moose River Plains Wild Forest area and propose new trails through the interior of the Blue Mountain Wild Forest area and Vanderwhacker Wild Forest Area.
3. We watched the DEC purchase full recreational rights for the public on the former Champion Lands and then turn around and allow all hunting clubs to stay on these lands.
4. The DEC pledged to undertake a major study on the impacts of snowmobile use in the Forest Preserve as part of the Jessup River Wild Forest UMP, but has never completed this study.

Given the documented duplicitous nature of the DEC's Forest Preserve management in the recent past, the public has every right to be suspicious of DEC's long-term objectives for ECCUMP area.

**Retention of the Polaris (Iron) Bridge:** The ECCUMP proposes to keep the Polaris (Iron) bridge over the Hudson River. PROTECT opposes the retention of this bridge because we see no reason to keep it that enhances the natural resource protection of the area and because it violates state law to retain it. The Polaris bridge was built for forest management purposes at a point in time after the Rivers Act and SLMP. It was built principally for forest management purposes.

Now that the lands on both sides of the Hudson River are Forest Preserve, former motor vehicle uses are no longer allowed. The Hudson River is classified at this point as a Scenic River. The Rivers Act states that rivers "...shall be preserved in free-flowing condition..." [ECL 15-2701(3)], and defines "free-flowing" to mean "existing or flowing in natural condition without impoundment, diversion, straightening, riprapping, or other modification of the waterway..." [ECL 15-2703(5)]. All State agencies are to pursue policies "which are designated [sic] to enhance the conditions of designated rivers in accordance with the criteria set forth for such rivers in this section." [ECL 15-2707(1)]. Management of scenic rivers "shall be

directed at preserving the natural scenic qualities of such rivers." [ECL 15-2707(2)(b)(2)].

ECL 15-2709 states:

In scenic river areas, the continuation of present agricultural practices, the propagation of crops, forest management pursuant to forest management standards duly promulgated by regulations, limited dispersed or cluster residential developments and stream improvement structures or fishery management purposes shall be permitted. There shall be no mining, excavation, or construction of roads, except private roads necessary for residential, agricultural or forest management purposes, and with the further exception that public access through new road construction may be allowed, provided that there is no other such access within two land miles in either direction.

PROTECT also notes the legislative intent to provide maximum protections for a designated river corridor. ECL 15-2721 "Conflict with other laws" states:

Any section of the state wild, scenic and recreational rivers system that is or shall become a part of the Forest Preserve, the Adirondack or Catskill Parks or any other state park, wildlife refuge, or similar area shall be subject to the provisions of this title, and the laws and constitutional provisions under which the other areas may be administered, and in the case of conflict between the provisions of those laws and constitutional provisions and the provisions of this title, the more restrictive provisions shall apply.

The draft UMP amendment for the Vanderwhacker Mountain Wild Forest area details possible use of the Polaris Bridge for a snowmobile trail. These new trails do not presently exist and contrary to the APA-DEC Snowmobile Trail Guidance would have to be routed through the interior of this unit.

PROTECT sees not value to retention of the Polaris bridge. Retention violates the Rivers Act. Use of this bridge for snowmobile trails violates the Snowmobile Trails Guidance document. We call for its removal as part of the planning for this unit.

PROTECT also notes that DEC regulations for the Wild, Scenic and Recreational Rivers Act Part 666.3 Definitions (lll) "Trail" is defined as "a marked and maintained path or way four feet or less in width, and located and designed to provide for reasonable access in a manner causing the least effect on the local environment." Under DEC regulations, the Hudson River bridge must be no more than 4 feet in width.

**Hudson River Parking Area:** In the general vicinity of the Polaris Bridge PROTECT supports a parking area to all for canoe access to the Hudson River. The road in the Wild Forest area should be terminated at that point.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Bauer". The signature is fluid and cursive, with a large initial "P" and "B".

Peter Bauer  
Executive Director