



May 13, 2015

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Ms. Terry Martino
NYS Adirondack Park Agency
PO Box 99
Ray Brook, NY 12977

RE: Public Comments on the Proposed Final Amendment to the Vanderwhacker Mountain Wild Forest Unit Management Plan

Dear Ms. Martino,

Protect the Adirondacks has reviewed the proposed Final Amendments to the Vanderwhacker Mountain Wild Forest Unit Management Plan (PFAVMWFUMP). We find that there are numerous questions about compliance by the Department of Environmental Conservation (DEC) with various state laws and policies. We urge the APA to reject the PFAVMWFUMP and call upon the DEC to submit a new plan that complies with state laws.

Retention of Polaris Bridge Violates the Wild, Scenic and Recreational Rivers Act: DEC planning to retain the Polaris Bridge over the Hudson River for motor vehicle use violates the Wild, Scenic and Recreational Rivers Act (Rivers Act), which forbids motor vehicle bridges on Scenic Rivers. This bridge should be removed and the river corridor restored. PROTECT supports canoe access to the Hudson River at the site of the bridge. This bridge is on the edge of the Wilderness area and cannot allow for use by motor vehicles. This appears to be a new public non-conforming use. The APA should require an explanation from the DEC on how it plans to comply, or seek statutory changes, to the Rivers Act.

Retention of the Polaris Bridge Violates DEC Wild, Scenic and Recreational Rivers Act Regulations: 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. Under "Definitions" in the DEC Rivers Act regulations a trail is defined:

(III) "Trail" means 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.

The APA should require an explanation from the DEC on how it plans to comply, or seek regulatory changes, to the DEC Rivers Act regulations for Scenic Rivers.

Retention of the Polaris Bridge Violates State Land Master Plan: The DEC also failed to delineate the river corridor boundaries, as required by the State Land Master Plan, and provide adequate maps. This has been a major flaw throughout the planning of the Essex Chain Lakes Complex. The APA should insist that DEC provide maps with the Rivers Act corridors clearly delineated.

Snowmobile Trail through the Vanderhacker Mountain Wild Forest Area violates APA-DEC Snowmobile Trail Construction Guidance: The APA-DEC Snowmobile Trail “Guidance” calls for new snowmobile trails to be built on the periphery and not through the interior of a unit as well as for multiple Class II trails not to be located within close proximity where they provide parallel opportunities. The proposed trail through the Vanderhacker Mountain Wild Forest violates the Snowmobile Trail Guidance in both ways. First, the proposed new trail is planned for parts of the most remote Forest Preserve area in the Vanderhacker Mountain Wild Forest. Second, the Guidance also calls for no replication of trails. There remains a perfectly viable, and currently used, snowmobile trail system from central Newcomb that borders the Essex Chain tract on conservation easement lands. A snowmobile trail to Minerva should pass through other lands north of Route and connect with the current trail system. The proposed route will cause enormous ecological damage to a wild part of the Forest Preserve.

Further, the APA should require an explanation from the DEC on the true costs to build this trail through this wild part of the Vanderhacker Mountain Wild Forest area.

100% of Newcomb to Minerva Snowmobile Trail Should be Marked on State Land, Approved on State Conservation Easement Lands, and Approved by all Affected Private Land Owners: It is our understanding that there are many gaps in the Newcomb to Minerva Snowmobile Trail. The APA should not approve a theoretical trail or a trail that is only partially feasible. PROTECT notes that there is no existing approval to route a critical section of trail through the Hyslop Conservation Easement tract. PROTECT is also aware of opposition from a number of private landowners whose lands are identified for this trail. The APA should not approve a trail unless DEC can verify that 100% of the trail is feasible. Under no circumstances should any portion of this trail be built until 100% of the trail has been legally detailed.

Roadside Trail on Route 28N is a Hazard: The original Vanderhacker Mountain Wild Forest UMP had eight options to connect Minerva to Newcomb. If there was one good option, the eight options would not have been listed. While the roadside trail along Route 28N would appear to cause the least impact, it must be noted that a new snowmobile trail through that terrain will cause enormous ecological damage to forests as well as face severe topographical obstacles, such as ledges and steep slopes. The southern part of the proposed trail is planned through beautiful old growth forest. This trail will be highly damaging to the natural resources of the Forest Preserve.

The APA should require an explanation from the DEC on the true costs to build this trail

along Rte 28N.

New Snowmobile Bridge over the Boreas River Violates the Wild, Scenic and Recreational Rivers Act: DEC planning to build a new snowmobile bridge over the Boreas River, a classified Scenic River, for motor vehicle use violates the Rivers Act, which forbids motor vehicle bridges over Scenic Rivers. This bridge appears to be a new public non-conforming use. The APA should require an explanation from the DEC on how it plans to comply, or seek statutory changes, to the Rivers Act.

Crossing of the Boreas River Remains an Acute Obstacle: It is PROTECT's understanding that the NYS Department of Transportation does not allow snowmobile traffic on bridges on state roads. This creates a major challenge for the DEC's plans that the APA should fully investigate. Siting and construction of this new bridge over a Scenic River in close proximity of Route 28N for motorized uses will be a major engineering obstacle.

In the "Response to Public Comments" on this matter the DEC provides an inadequate response. Here is what the DEC stated:

Boreas River Bridge

A snowmobile bridge would be very expensive and DEC has not provided any documentation showing DOT support for attaching a bridge to the existing motor vehicle bridge.

Construction will only occur after funding is identified and any required permits and agreements are issued.

The APA should require an explanation from the DEC on the true costs to build this bridge.

DEC Proposal Violates NYS Snowmobile Plan: The DEC's 2006 NYS Snowmobile Plan listed priority community connectors for the Adirondack Park. The Minerva-to-Indian Lake connection is not one of them. It's safe to say that few envisioned connecting these communities given vast differences in snowfall and tourism infrastructure for the snowmobiling recreationists. The DEC must update the Snowmobile Plan and amend its EIS before the APA can approve this UMP amendment.

The APA should require an explanation from the DEC about conformance with the Snowmobile Plan.

Problems with Class II Community Connector Trails: Construction of Class II Community Connector trail require extensive construction and terrain modifications to facilitate large bull-dozer size groomers and high speed snowmobiling. These trails require extensive use of heavy machinery to excavate, widen, grade and cut bench cuts into trails. These machines remove all understory, require extensive tree cutting of trees over 3 " DBH, and require the removal of thousands of trees less than 3" DBH. These road-like "trails" require oversized bridges as well as extensive use of deep waterbars top

control stormwater impacts from open roadway and change in forest cover. These 9-12 wide, and often wider, clearcuts snake through the Forest Preserve for miles.

The DEC has never provided complete and accurate information on the costs the build these trails and the APA should require this information. Nor has the DEC ever examined the ecological impacts of these trails.

DEC Fails to Provide Snowfall Data: The DEC provides little useful information about long-term snowfall data for snowmobiling in North Hudson or Minerva. In the “Response to Public Comments” on this matter the DEC provides an inadequate response.

DEC should include long-term snowfall data in UMPs to support construction of new trails.

These proposals are for multiple use trails so snowfall is not required for all uses.

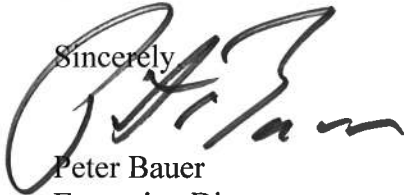
DEC is justifying not examining snowfall data because it plans to use these trails for multiple uses, though the principal use that shapes how these trails will be designed and constructed is not supported by good data. This is not how public policy decisions should be made.

Multiple-Use Trails Remain a Public Policy Fallacy: DEC states that these trails will be multiple use trails. There are few successful multiple use trails. The Seventh Lake Mountain Community Connector Trail sees little non-snowmobiling use and is largely impossible to mountain bike. In the “Response to Public Comments” on this matter the DEC provides an inadequate response.

North Hudson to Newcomb Trail: PROTECT does not see major issues with the North Hudson to Newcomb snowmobile trail that is largely located on the Golf Brook Road and Conservation Easement lands south of the Blue Ridge Highway. We support the route to bring this trail into central Newcomb north of Route 28N.

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
Executive Director