



Board of Directors

July 27, 2015

Charles Clusen
Chair

Sidney Harring
Dale Jeffers
Michael Wilson
Vice-Chairs

James Long
Secretary

David Quinn
Treasurer

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

Peter Bauer
Executive Director

Ms. Corrie O'Dea, Forester
New York State Department of Environmental Conservation
232 Golf Course Road
Warrensburg, NY 12885

RE: Essex Chain Lakes Complex Draft UMP Public Comment

Dear NYSDEC,

Please find these comments on the Essex Chain Lakes Complex Draft Unit Management Plan (ECCDUMP) released by the Department of Environmental Conservation (DEC). This ECCDUMP proposes many illegal and controversial management actions for new bridges over wild rivers, creating a new road system, and creating many miles of new 9-11 foot wide snowmobile trails that will be environmentally disruptive and degrading to the public Forest Preserve. These actions largely stem from the poor 2013 Forest Preserve classification process where political deals forced the wrong classifications on these lands. The majority of these lands should have been classified and better protected as Wilderness lands. The principal management objective for the Essex Chain Lakes area should be forest restoration and natural resource preservation.

Designation of Administrative Roads and Mountainbiking on Administrative Roads

The draft UMP proposes mountainbike use on a series of former logging roads that will be maintained as administrative roads or state truck trails. The most important issue is that mountainbiking is not allowed in a Primitive Area under the State Land Master Plan (SLMP) and the Adirondack Park Agency (APA) must revise the SLMP in order to allow this activity. The ECCDUMP should be revised to acknowledge and clearly state current regulations for mountainbikes in Primitive areas.

PROTECT is dubious that there is a public interest for mountainbike riding on these dirt roads because there is so little mountainbike riding on the dirt roads of other Wild Forest areas in the Forest Preserve. There is not much riding in places like the Moose River Plains Wild Forest, other than race week of the Black Fly Challenge, or places like the Jessup River

Protect the Adirondacks
PO Box 769, Lake George, NY 12845 518.685.3088
www.protectadks.org info@protectadks.org
Like Us on Facebook

Wild Forest, Black River Wild Forest, or Ferris Lake Wild Forest. DEC should undertake market studies to determine feasibility, public interest, maintenance costs, and natural resource damage. There is no evidence that mountainbiking is desirable on roads anywhere else in the Forest Preserve. The success of the mountainbike system in the Wilmington Wild Forest also points to the popularity and public preference of specially designed, single-track trails and not dirt roads for mountainbike riding.

The principal management objective for the Essex Chain Lakes area should be forest restoration and natural resource preservation. Retention of roads for recreational use will undermine these objectives. These roads should be allowed to be reclaimed by the forest over the decades ahead.

CP3 Access to 4th-5th Lakes/Retention of "The Tube"

The proposed Wild Forest corridor to 4th-5th Lakes should be eliminated. 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. The "tube" (culvert) that allows motor vehicle access across 4th-5th lakes should be removed and that channel ecologically restored. PROTECT supports access for the disabled under the CP3 program to the north shores of 4th-5th lakes with specially designed campsites and access points. Public motor vehicle access should end at the Deer Pond parking area.

Proposed Indian Lake to Minerva Snowmobile Trail Violates Wild, Scenic and Recreational Rivers Act, APA-DEC Snowmobile Trail Guidance, and 2006 NYS Snowmobile Plan

New class II community connector snowmobile trails through the Vanderwhacker Mountain Wild Forest area south of Route 28N that utilize the Polaris Bridge are unnecessary and redundant, violate the Wild, Scenic and Recreational Rivers Act (WSRRA), violate DEC WSRRA regulations, violate the APA-DEC Snowmobile Trail Guidance, and violate the 2006 NYS Snowmobile Plan. These new trails should be abandoned as recent actions by the APA have created a new Indian Lake to Minerva snowmobile trail connection.

Snowmobile Trails through the Vanderwhacker Mountain Wild Forest area south of Route 28N should be Abandoned: In July 2015, the APA approved a new class II community connector trail from Newcomb to Minerva. This new trail will connect to other snowmobile trails in Newcomb that lead to the communities of Long Lake and Indian Lake. The ECCDUMP justifies the need for retaining the Polaris Bridge and building a new snowmobile trail through a wild and trailless section of the Vanderwhacker Mountain Wild Forest area in order to connect the communities of Minerva and Indian Lake, yet these communities are already connected by snowmobile trails.

New class II community connector snowmobile trails through the Vanderwhacker Mountain Wild Forest area south of Route 28N are unnecessary and redundant.

The new mileage of snowmobile trails in the ECCUMP, and other adjacent units, constitutes a material increase in the total mileage of snowmobile trails and is not accompanied by any significant trail closures.

Vanderwhacker Mountain Wild Forest Snowmobile Trails Violate APA-DEC Snowmobile Trail Guidance: The ECCDUMP's plans to retain and utilize the Polaris bridge and build new class II community connector snowmobile trails through the interior of the Vanderwhacker Mountain Wild Forest area violates the Snowmobile Trail Guidance because it is duplicative and will be cut through a wild, interior area of the Forest Preserve.

One factor downplayed in the ECCDUMP is that there is already a snowmobile bridge over the Cedar River six miles upriver, located 1.5 miles east of Route 30, in the Blue Mountain Wild Forest Area. This is a major bridge over a major river. The existence of this bridge is scarcely mentioned in the ECCDUMP.

The "Snowmobile Trail Guidance" recognizes the major financial investment to build and maintain snowmobile trails in the Forest Preserve as well as the negative ecological impacts of these major trail systems on natural resources. In light of these considerations, the "Guidance" states clearly that trail redundancy is prohibited. What is more redundant than two snowmobile bridges six miles apart over the same river?

The DEC has so far refused to consider upgrading the existing snowmobile trail from Indian Lake to Newcomb. This trail connects to downtown Newcomb where it could easily connect with new trails from Newcomb to North Hudson and Minerva. The new routes through the Vanderwhacker Mountain Wild Forest area are simply not needed.

The two alternatives for new class II community connector snowmobile trails proposed to be cut through the Vanderwhacker Mountain Wild Forest area will violate the NYS Constitution because of the great number of trees to be cut and the vast alteration of the natural terrain which undermines Constitutional protections that these lands be "forever kept as wild forest lands."

PROTECT is puzzled by the need for a second major snowmobile trail to connect Newcomb and Indian Lake and Minerva as well as by the failure of the DEC to consider improvements to existing trails in this age of tight Forest Preserve stewardship resources.

Vanderwhacker Mountain Wild Forest Snowmobile Trails Violate 2006 NYS Snowmobile Plan: The preferred alternatives for new class II community connector snowmobile trails in the ECCDUMP are also contrary to the priorities

detailed in the 2006 Snowmobile Plan for the Adirondack Park. This plan contained a list of priority trail systems to link communities throughout the Adirondack Park. This plan is the definitive policy to date of vital community connection trails in the Adirondacks. Under "Community Connection Goals" in the "Trail Section" part of the Snowmobile Plan (pages 45-46), there is no mention of a Minerva-to-Indian Lake snowmobile trail. This was not a major goal for New York and was not recognized as a high priority. The Environmental Impact Study associated with the Snowmobile Plan did not evaluate the impacts of a Minerva-to-Indian Lake trail. PROTECT believes that in order for the APA-DEC to approve and build a Minerva-to-Indian Lake trail, the State must revise the 2006 Snowmobile Plan for the Adirondack Park.

The blithe rejection of the 2006 Snowmobile Plan by the ECCDUMP is reckless and dangerous.

Essex Chain Complex Draft UMP Fails to Provide Snowfall Data

The ECCDUMP provides little useful information about long-term snowfall data necessary for snowmobiling in Minerva, a lowland community in the eastern Adirondacks that receives far less snowfall than communities in the western Adirondacks. In the "Response to Public Comments" on this matter in other UMP amendments the DEC provides a wholly 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 must examine snowfall data as part of the ECCDUMP. PROTECT expects to see an answer to the question about historic snowfall records and the viability of a new class II community connector snowmobile trail in the DEC's Response document prepared as part of the final draft ECCDUMP.

Draft River Area Management Plan for the Hudson and Cedar Rivers is Flawed

The ECCDUMP also constitutes a River Area Management Plan (RAMP) for the Cedar and Hudson Rivers, classified both as Scenic and Wild rivers. DEC's 1986 FEIS on adopting 6 NYCRR Part 666 regulations states in that the principal purpose for developing a RAMP is for management of a classified river area/corridor in a way that is more restrictive, and provides even greater protections, than that accorded under solely under 6 NYCRR Part 666. The fundamental purpose of a RAMP is to strengthen protections – not weaken them. DEC's proposed RAMP for the Cedar and Hudson Rivers seeks to weaken protections under both the WSRRA and 6 NYCRR Part 666.

The 1986 EIS prepared by the DEC states: "After designation and establishment of boundaries for a river area, management plans may be drawn up and River specific regulations promulgated as necessary. Both the management plan and the river specific regulations must be at least as restrictive as the statewide regulations and must conform to the umbrella of authority afforded by the act" (Page 40). Further, the EIS states "management plans control river specific actions and in no way provide relief or relaxation of the provisions contained in statewide regulations. Management plans can only recommend more stringent controls than those contained in the Statewide regulations" (Page 39). 6 NYCRR Part 666 details six criteria for RAMPs.

In this case, the DEC is trying to use its development of a RAMP for the Cedar and Hudson Rivers to weaken, rather than strengthen, protections. The construction of a new class II community connector trails and bridges of 9-11 feet in width are far more damaging to the natural resources and scenic qualities of the classified Cedar and Hudson River corridor than a 4-foot wide trail required under the DEC regulations. In no way does the mere existence of a RAMP for the Cedar and Hudson Rivers somehow allow the DEC to propose and approve uses – motor vehicle bridges, motor vehicle trails, and trails greater than four feet in width – that are otherwise prohibited by DEC regulations and the WSRRA.

Violations of NYS Wild, Scenic and Recreational Rivers Act

The ECCDUMP proposes inventive and dangerous legal machinations to somehow try and make legal motor vehicle bridges over the Cedar River and the Hudson River. Both of these proposals should be eliminated because they violate the WSRRA and DEC WSRRA regulations. Further, these bridges will also lead to large-scale natural resource damage from the creation of redundant and unnecessary new class II community connector snowmobile trails through trailless and wild parts of the Forest Preserve.

ECCDUMP's Attempts to "Grandfather" Private Motor Vehicle Rights for Public Use to Avoid Restrictions under the Wild, Scenic and Recreational Rivers Act is a Novel, Unlawful and Dangerous Interpretation: The ECCDUMP proposes to maintain the Polaris (Iron) bridge over the Hudson River, in a location classified as Scenic, and to build a new bridge over the Cedar River, also in a location classified as scenic. The Wild, Scenic and Recreational Rivers Act (WSRRA) statute (ECL § 15-2709) plainly and simply does not allow actions proposed in the ECCDUMP such as (a) continued operation of motor vehicles, including snowmobiles, in the "Complex Area" that includes Scenic river corridors (b) motor vehicle access to the "Iron (Polaris) Bridge," and (c) construction of a new bridge over the Cedar River. The statute clearly states:

§ 15-2709 (2). Administration of the system.

2. After inclusion of any river in the wild, scenic and recreational rivers system, no dam or other structure or improvement impeding the natural flow thereof shall be constructed on such river except as expressly authorized in paragraphs b and c of this subdivision. Notwithstanding anything herein contained to the contrary, existing land uses within the respective classified river areas may continue, but may not be altered or expanded except as permitted by the respective classifications, unless the commissioner or agency orders the discontinuance of such existing land use. In the event any land use is so directed to be discontinued, adequate compensation therefor shall be paid by the state of New York either by agreement with the real property owner, or in accordance with condemnation proceedings thereon. The following land uses shall be allowed or prohibited within the exterior boundaries of designated river areas depending on the classification of such areas:

b. 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 for 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.

The statute clearly places strict limitations on public motorized uses in Scenic River areas. In the ECCDUMP, the DEC attempts to contrive an argument that there had been longstanding public motorized uses through these scenic river corridors by asserting that special rights for leaseholder who rented lands from Finch, Pruyn and Company, or that 19th century town roads used by horses and wagons somehow constitute modern public motorized use rights. This is a highly convoluted legal interpretation and the DEC has trouble in the ECCDUMP keeping its story straight as on page 1 it contradicts its own assertions: "Although the public has travelled through these lands throughout history and individuals have had recreational access to these lands with permission of the landowner (through leases and other types of agreements), the general public has not had unfettered use of portions of the Complex Area in over one hundred years."

Given that the "public has not had unfettered use of portions of the Complex Area in over one hundred years" PROTECT strongly disagrees with DEC's blatant attempt to allow and expand motor vehicle use in protected areas where the laws prohibits it.

The WSRRA provides that after inclusion in the river system, "existing land uses" may continue in the river area, but may not be altered or expanded except as

permitted. In no way may private rights somehow be continued once lands are purchased for public use. Absent reserved rights at the time of conveyance to the State, there is no legal theory by which "existing land uses" may continue.

DEC's 6 NYCRR Part 666 Regulations Prohibit Motor Vehicle Use in Scenic River Corridors: DEC's own regulations implementing the Wild, Scenic and Recreational Rivers Act at 6 NYCRR Part 666 make it very clear that public motor vehicle use is prohibited in Scenic river corridors. First, Part 666 regulations define a trail as 4-feet in width. There is no way a 9-11 foot wide class II community connector snowmobile trail meets that standard.

Second, Part 666.13 states a permit is required for "new trails" in scenic river areas, but "Any new trail for non-motorized open space recreation uses shall be located, designed and constructed to minimize its visibility from the river, to minimize alteration of the natural environment, and to avoid undue environmental impacts; have its uses effectively restricted to those specified by the person undertaking such activity; and have any associated bridges designed so as to not interfere with the recreational use of the river."

DEC's 6 NYCRR Part 666 Regulations Environmental Impact Statement Clearly States Prohibitions on Public Motor Vehicle Use in Scenic River Corridors: The restrictions for public motorized uses within Scenic river corridors are evident in various statements made by the DEC in its Environmental Impact Statement (EIS) promulgated at the time of adoption of 6 NYCRR Part 666 in 1986. These statements shine additional light on DEC's prohibitions and limitations for management of Scenic river corridors. In its "Public Response" section, the EIS states:

The Regulations have been amended to prohibit motorized open space recreational uses in scenic river areas. Therefore, bridges for this use have been prohibited. (Page 57)

The Department agrees that motorized recreational vehicles should not be allowed to operate in scenic river areas due to their relatively undeveloped nature and the concurrent extensive low intensity recreational and other passive outdoor uses which predominately take place within such river areas and conflict with motorized recreational vehicles. (Page 58)

A maximum width of four feet has been established for foot trails. This will assist in precluding inappropriate motorized uses on such trails and prevent designation of roads as foot trails. (Page 31)

Note that the EIS states such types of motorized bridges can be created in Recreational river areas, but not in Scenic river areas.

It is manifestly clear that the only way that a major class II community connector snowmobile trail can lawfully be built in the Cedar or Hudson River Scenic

corridors, or bridges for motor vehicle use can be built or maintained across these rivers, is for the Legislature to change the WSRRA classification from Scenic to Recreational, otherwise amend the WSRRA, or for the DEC to change 6 NYCRR Part 666.

Wild, Scenic and Recreational Rivers Act Requires “More Restrictive” Protections in Instances Where APA-DEC Have Conflicting Regulations: The proposed Class II Community Connector snowmobile trails proposed in the ECCDUMP in the Blue Mountain Wild Forest, Vanderwhacker Wild Forest and Wild Forest corridor violate the Wild, Scenic and Recreational Rivers Act (WSRRA). The DEC, and the Adirondack Park Agency (APA) in the recent amendment of the Vanderwhacker Mountain Wild Forest UMP, have taken the position that the SLMP requires only that scenic river corridors “be managed in accordance with the guidelines and criteria for lands classified as Wild Forest. In Wild Forest areas, snowmobile trails with bridges are allowed” (APA staff memo on Vanderwhacker Mountain Wild Forest UMP Amendment).

This narrow reading of the SLMP regulations stands in direct conflict with DEC’s regulations with regard to allowable uses in Scenic River corridors. Just as the APA Act directs the APA to promulgate regulations for State lands through the SLMP, the Environmental Conservation Law directs the DEC to develop regulations for the WSRRA. DEC WSRRA Regulations at 6 NYCRR Part 666.4 states “Management of scenic river areas will be directed to preserving and restoring their natural scenic qualities.” PROTECT questions how retention of the Polaris Bridge across the Hudson River or construction of a Cedar River Bridge meets the requirement to preserve and restore “their natural scenic qualities” of these rivers.

More importantly, the ECCDUMP fails to recognize a guiding principle in the WSRRA for how to adjudicate conflicting state agency rules and regulations. Article 27, Section 15-2721 of the Environmental Conservation Law, which governs the WSRRA, states:

§ 15-2721. Conflict with other laws.

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 ECCDUMP takes the position that a Scenic River corridor should be managed no differently than Wild Forest lands. This interpretation violates the WSRRA, as quoted above, because DEC Regulations at 6 NYCRR Part 666.3 Definitions states: “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 staff memo prepared for the July 9, 2015 meeting states:

In 2009, the Adirondack Park Agency formally reviewed and approved – as conforming to the relevant guidelines and criteria of the APSLMP – the “Management Guidance: Snowmobile Trail Siting, Construction and Maintenance on Forest Preserve Lands in the Adirondack Park” (Guidance). The Guidance prescribes DEC’s current snowmobile trail development and maintenance practices, considers snowmobiles’ potential impacts and is being implemented in this Plan. Specifics for each of the trails proposed in the Plan will be identified and follow the Guidance, in Work Plans submitted by the Department for Agency review, thus enabling staff another opportunity to ensure impacts are minimized.

The authoritative document for the dimensions of a class II community connector snowmobile trail is the APA-DEC “Guidance” where 9-11 foot wide class II community connector snowmobile trails in Wild Forest areas were deemed in conformance with the SLMP. Yet, it is clear that the 9-11 foot wide standard stands in stark conflict with the 4-foot requirement under DEC’s 6 NYCRR Part 666 implementing regulations. In situations of such conflict, the WSRRA, as quoted above, requires that the more restrictive requirement should prevail, which in this case would be 4 feet versus 9-11 feet. PROTECT is at a loss to understand how the DEC can propose a trail more than twice the width of what is allowable under DEC’s own regulations in 6 NYCRR Part 666 and comply with the “more restrictive” requirement of the WSRRA.

ECCDUMP Stunningly Rejects 20 Years of Established Precedent for Management of Public Motorized Recreational Use in Designated River Corridors: The question of “grandfathering” private rights of leaseholders for recreation on former Finch Paper lands as a justification for exempting motor vehicle bridges from the Wild, Scenic and Recreational Rivers Act and DEC’s Rivers Act regulations in Scenic River corridors has been proposed by the DEC in the ECCDUMP and was discussed earlier in this draft. The 1995 Blue Mountain Wild Forest UMP includes a passage that describes the closing of an existing snowmobile trail due to land acquisition and the management of a classified Wild River corridor. This information is important because it has a bearing on the DEC’s proposal for crossing the Cedar and Hudson Rivers. No pretense was made in 1995 in this officially approved UMP about somehow “grandfathering” non-conforming uses/rights; such as historic private, leased motorized uses on new Forest Preserve lands within the Rivers Act corridor, which the DEC is proposing now.

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 snow- mobile 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 snow- mobile trail between the Benton Road and the Rock River Trail. (Page 128)

The following passages from Blue Mountain Wild Forest UMP are also 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.

The statement shows that at one time the DEC recognized that a snowmobile trail – and thus all other motor vehicle uses – within the Wild river corridor was not allowed. The same constraint exists for Scenic river corridors. Current planning by DEC marks a sharp deviation from established precedent.

The Blue Mountain Wild Forest UMP established a precedent for motorized uses in Wild River corridors that the DEC should uphold. Unfortunately, DEC's plans for public motorized uses within the Wild River corridor on the Hudson River on the Chain Lakes Road and the contrived "grandfathering" argument stand in stark contrast to long established and successful DEC policy as stated in the BMWF UMP.

Unfortunately, the response from the DEC in the ECCDUMP is not to comply with historic and long-successful standards, but to change them. The Blue Mountain Wild Forest UMP should not be amended to subvert the WSRRA or DEC's 6 NYCRR Part 666 regulations.

ECCDUMP Violates Wild River Corridors on the Cedar and Hudson Rivers: The proposed ECCDUMP violates the WSRRA protections for Wild Rivers by allowing motor vehicle use on the Chain Lakes Road within the designated Hudson River "Wild" river corridor and to allow a special floatplane access only campsite on the north shore of Pine Lake within the Cedar River "Wild" river corridor. The WSRRA is very clear that Wild river corridors are to be non-motorized Wilderness areas:

§ 15-2709 (2). Administration of the system.

2. After inclusion of any river in the wild, scenic and recreational rivers system, no dam or other structure or improvement impeding the natural flow thereof shall be constructed on such river except as expressly authorized in paragraphs b and c of this subdivision. Notwithstanding anything herein contained to the contrary, existing land uses within the respective classified river areas may continue, but may not be altered or expanded except as permitted by the respective classifications, unless the commissioner or agency orders the discontinuance of such existing land use. In the event any land use is so directed to be discontinued, adequate compensation therefor shall be paid by the state of New York either by agreement with the real property

owner, or in accordance with condemnation proceedings thereon. The following land uses shall be allowed or prohibited within the exterior boundaries of designated river areas depending on the classification of such areas:

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.

The proposed parking area for a canoe take-out for a trip on the Upper Hudson River, from Newcomb to Chain Lakes Road, should be built at a point south of the former Outer Gooley Club buildings that is outside the Wild River corridor. Canoeists should carry their boats from the river to that location. The float plane campsite on Pine Lake should be moved outside the Wild River corridor.

The Polaris Bridge should be Removed, the Hudson River Restored, and the Blackwell Stillwater made the Heart of a New Paddling and Camping Destination

The Polaris Bridge over the Hudson River should be removed and the location of the bridge restored. The bridge crosses a beautiful flatwater stretch of the Hudson, one of the most picturesque spots in the Adirondack Park. The Polaris Bridge is a bridge to nowhere and keeping it will only lead to widespread natural resource degradation as well as violation of state laws, regulations, and policies. A much better alternative, which unfortunately, the ECCDUMP refuses to even consider, is to remove the bridge and make the Blackwell Stillwater, where the bridge is located, into a canoe and camping destination.

The Blackwell Stillwater includes several miles of flatwater on the Hudson River and even more on the Goodnow River. A number of beautiful campsites, could be created on both the Goodnow and the Hudson River, in many ways much more attractive and remote than those on the Essex Chain Lakes. The area could be accessed with a Lake Lila style carry from a parking area outside the Scenic River corridor. The Adirondack Park does not have nearly enough motorless and quiet water areas and needs more.

Remove Outer Gooley Club Buildings and Hudson River Access area on Chain Lakes Road

The buildings at the Outer Gooley Club should be removed and the area reforested. The buildings do not possess any significant historic interest or need for preservation. To make such claims undermines historic preservation efforts across the Adirondacks.

The take-out from the Hudson River at this point is exceedingly poorly marked and in a poor location with a challenging array of swift water and large rocks. A better

site would be downstream, just above the confluence with the Indian River, though this would necessitate a longer carry to one's vehicle and the Chain Lakes Road.

Class II Community Connector Snowmobile Trail Construction Violates the Adirondack Park State Land Master Plan

The State Land Master Plan (SLMP) defines a snowmobile trail as "a marked trail of essentially the same character as a foot trail" and mandates that it be "compatible with the wild forest character of an area." A snowmobile trail "should be designed and located in a manner than will not adversely affect adjoining private landowners or the wild forest atmosphere...." These road-like class II community connector snowmobile trails simply do not have the character of a foot trail and violates both the wild forest character and the wild forest atmosphere of the area. PROTECT has consistently stated that class II community connector snowmobile trails do not conform to these three standards.

There is no way the new class II community connector snowmobile trails in the Vanderwhacker Mountain Wild Forest area bears any rational resemblance to something having the "character of a foot trail." A class II community connector snowmobile trails surface has been graded, leveled, and flattened by a multi-ton excavator. Extensive bench cuts are dug into side slopes that parallel the trail for long distances, protruding rocks are removed, extensive tree cutting is done, all understory vegetation is removed, and oversized bridges are built to support multi-ton groomers. In places bedrock may be fractured and chipped or gravel may be used to stabilize the trail surface. Bridges have been outfitted with plastic reflectors for nighttime driving.

A "foot trail" is where people walk single file. They step over roots and rocks. The trail surface is uneven and follows the terrain. There are scarcely any stumps of cut trees. Vegetation on the side often encroaches, and the trail is canopy covered. Steppingstones and split logs are commonly used to pass over streams and wet areas. There are no reflectors.

PROTECT has identified that there are many other areas of the SLMP for Wild Forest areas that are expressly violated by the design and construction of class II community connector snowmobile trails and by grooming with large tracked (motor vehicle) groomers. These include:

- Basic Guideline 2 (Motor Vehicles, Motorized Equipment and Aircraft 6) states that public access accommodations should be "consistent with the wild forest character."

PROTECT does not believe that the new road-like class II community connector class II snowmobile trails are consistent with the wild forest character. The route's width, bridges, reflectors, bench cuts, ledge cuts, use of gravel and straw, extensive surface alteration, tree removal, understory

removal are all inconsistent with the “wild forest character” of Wild Forest areas.

- Basic Guideline 2 (Motor Vehicles, Motorized Equipment and Aircraft #8) states “All conforming structures and improvements will be designed and located so as to blend with the surrounding environment and require only minimal maintenance.” PROTECT does not believe that the new class II community connector snowmobile trails meet the minimal maintenance test expressed here. DEC and the APA claim that the grooming of this trail is maintenance. PROTECT does not believe that numerous trips per week by a multi-ton tracked groomer on a major snowmobile route meets the “minimal maintenance” test.
- Basic Guideline 2 (Motor Vehicles, Motorized Equipment and Aircraft 9) states “All management and administrative actions and interior facilities in wild forest areas will be designed to emphasize the self-sufficiency of the user to assume a high degree of responsibility for environmentally sound use of such areas for his or her own health, safety and welfare.”

Leaving aside concerns of snowmobile “environmentally sound use” with their mileage rates less than most SUVs, PROTECT questions the “self-sufficiency” of the users of class II community connector snowmobile trails where the principal recreational use of snowmobiling can only be accomplished if the trail has been regularly groomed by a multi-ton tracked groomer.

Class II community connector snowmobile trails widely violate the State Land Master Plan.

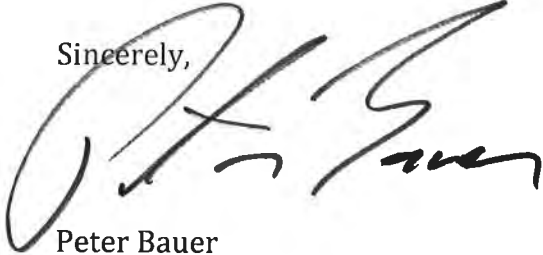
Class II Community Connector Snowmobile Trails Violate the State Constitution

It would be much more accurate for the DEC to state that new class II community connector snowmobile trails through the Vanderwhacker Mountain Wild Forest area are solely for snowmobiles and drop the pretense that these are multi-use trails. In fact, these trails are designed and built not to facilitate hiking, mountainbiking, horseback riding, or cross-country skiing. No other recreational use in the Forest Preserve requires 9-11 foot wide trails, specifically designed and constructed to allow regular grooming with large multi-ton motor vehicles and high speed snowmobile travel. Unlike other trails built by hand, these trails are excavated with heavy machinery, utilize extensive bench cutting, remove thousands of trees over 3 inches diameter at breast height (DBH), remove tens of thousands of trees under 3 inches DBH, remove the entire native understory, often replace the native understory with a grass mix, open the forest canopy, often fracture and chip away bedrock, utilize oversized bridges often equipped with reflectors, and are built to handle operation of motor vehicles. No other recreational activity in the Forest Preserve, outside of Intensive Use Areas, requires such profound terrain alteration

and destruction of natural resources. PROTECT believes that this network of class II community connector snowmobile trails violates the SLMP and Article XIV, Section 1 of the NYS Constitution.

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,

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