



Board of Directors

January 31, 2018

Charles Clusen
Chair

Sherman Craig, Chairman
NYS Adirondack Park Agency
PO Box 99
Ray Brook, NY 12977

Marilyn DuBois
Sidney Harring
Michael Wilson
Vice-Chairs

RE: Public Comment on APA February 1-2, 2018 Meeting Questioning the Legality of the Proposed Wild Forest Corridor Proposed as Part of the Boreas Ponds Classification Alternative 2B

James McMartin Long
Secretary

Dear Chairman Craig,

David Quinn
Treasurer

Protect the Adirondacks generally supports Alternative 2B for the classification of the new Forest Preserve lands around Boreas Ponds, part of a much larger classification package to be taken up by the Adirondack Park Agency (APA) at its February 1-2, 2018 meeting. One troubling feature of this classification is the creation of a 75-foot-wide, 0.8-mile-long Wild Forest corridor that juts deep into the proposed new Wilderness lands, justified for motorized public access and to maintain the Boreas Ponds dam. Protect the Adirondacks does not see how a Wild Forest corridor in this location complies with the Adirondack Park State Land Master Plan. Unfortunately, we see this corridor as a new management practice by the APA and Department of Environmental Conservation (DEC) designed solely to provide public motorized access within a Wilderness area.

Nancy Bernstein
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James Dawson
Lorraine Duvall
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Roger Gray
Evelyn Greene
Peter Hornbeck
Dale Jeffers
Mark Lawton
Peter O'Shea
Barbara Rottier
Philip Terrie

We call upon the APA to reject the Wild Forest corridor as part of Alternative 2B. The only way that such a corridor adheres to the State Land Master Plan would be for it to extend only 500 feet into the Wilderness lands from the Wild Forest-Wilderness boundary to facilitate a legitimate use, such as public parking. A 0.8-mile Wild Forest corridor simply to provide public motorized access deeper into a Wilderness area violates the State Land Master Plan.

Peter Bauer
Executive Director

The APA should reject the proposed Wild Forest corridor in Alternative 2B. The only legal way to maintain the road north of the Wilderness-Wild Forest boundary at the 4 Corners is to create a Primitive corridor along the road. This Primitive corridor should not be wider than 75 feet and extend the roughly 0.8 miles to connect with the area proposed as Primitive around the dam. A Primitive corridor, for the purpose of maintaining the Boreas Ponds dam, should be gated at its start, but could be used to provide CP-3 access for the disabled and the general public could walk on it. If

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necessary, a public parking area could be constructed along the Primitive corridor within 500 feet of the Wilderness boundary, if one cannot be located in Wild Forest areas around the 4 Corners or elsewhere on nearby Wild Forest lands.

As currently proposed, the Wild Forest corridor in Alternative 2B fails to comply with the State Land Master Plan and should be rejected by the APA.

Wild Forest Corridors and the Adirondack Park State Land Master Plan

To facilitate the classification of Wild Forest lands on the Boreas Ponds tract, the APA prepared a draft resolution that states: “Alternative 2B also provides resource protection through the classification of 9,118 acres of the Boreas Ponds Tract as Wild Forest that will be subject to APSLMP guidelines and approved UMPs.” We do not find this to be an accurate statement regarding to the proposed Wild Forest corridor.

The State Land Master Plan guides APA action on Wild Forest corridors in one key way – distance. Creation of new Wild Forest corridors should comply with the State Land Master Plan. In our view, a fair reading the State Land Master Plan does not allow an 0.8-mile-long Wild Forest corridor to be created solely to provide public motor vehicle access within 0.1 of a mile from the Boreas Ponds. (See map of the proposed corridor on nex page.)

The 0.8-mile-long Wild Forest corridor at Boreas Ponds is proposed solely for public motor vehicle access through Wilderness lands so that motorists can simply drive closer to the ponds. In essence, this proposal seeks to create a road in a Wilderness area. This is a misuse of the Wild Forest corridor concept.

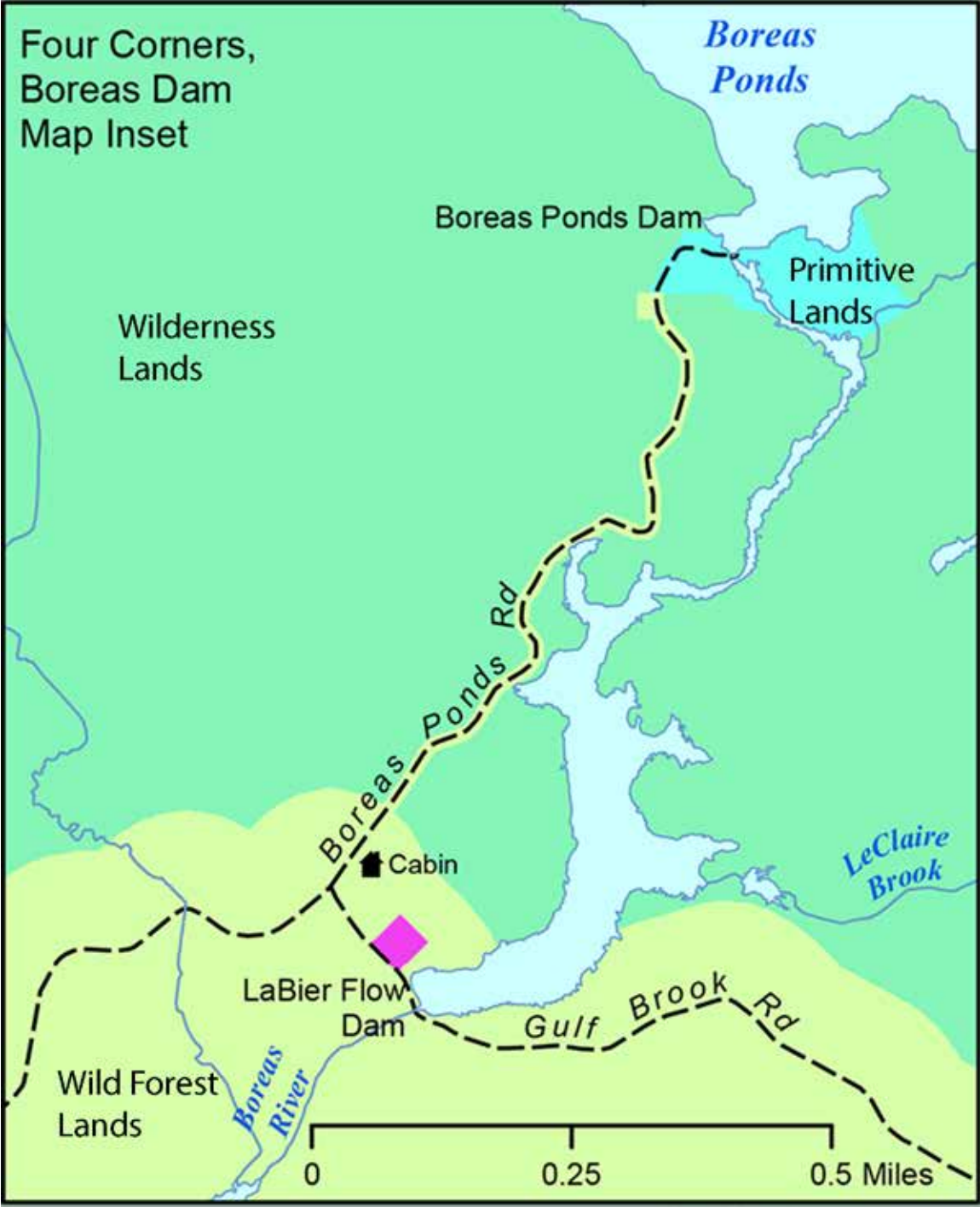
The State Land Master Plan is clear about the distance that a motor vehicle can be used in a Wilderness area:

Where a wilderness boundary abuts a public highway, the Department of Environmental Conservation will be permitted, in conformity with a duly adopted unit management plan, to locate within 500 feet from a public highway right-of-way, on a site-specific basis, trailheads, parking areas, fishing and waterway access sites, picnic areas, ranger stations or other facilities for peripheral control of public use, and, in limited instances, snowmobile trails. (p 27)

Under the State Land Master Plan, even in a Wilderness area, a corridor could extend 500 feet inside the boundary for one of the purposes above. At Boreas Ponds, this means that there could be a 500-foot-long road from the Wilderness-Wild Forest line, north of the 4 Corners, for a public parking area. Any other distance beyond 500 is not allowable under the State Land Master Plan, unless it is a Primitive corridor with a stated and legal purpose such as the maintenance of a dam in a Wilderness or Primitive area.

Environmental Impact Statement Shows Negative Impact of Wild Forest Corridor

What will be the effect of a Wild Forest corridor on the surrounding Wilderness lands? How will a Wild



A map of the proposed 0.8-mile Wild Forest corridor at Boreas Ponds, located along the Boreas Ponds Road.

Forest corridor impact surrounding areas? The Final Environmental Impact Statement (FEIS) for this classification package states that there will be a negative impact:

“The Wild Forest corridor coming within one tenth of a mile of the ponds, is not compatible with the High Peaks Wilderness to the north and northwest and the Dix Mountain Wilderness to the Northeast....” (p 72)

The Wild Forest corridor is an abuse of the State Land Master Plan and directly contradicts the findings in the FEIS. It undermines the credibility of state policy and should be rejected.

No APA Standards/Guidelines for Universal Access

Protect the Adirondacks is very concerned about the state’s attempt under the guise of “universal access” to piggyback motor vehicle access for the general public onto legitimate programs designed to provide special access for disabled. It should be noted that universal access as it is used as part of the Boreas Ponds classification undermines access for the disabled.

The proposal to create a new 75-foot-wide, 0.8-mile-long Wild Forest corridor is predicated on the state’s desire to provide “universal access” near the Boreas Ponds. The phrase “universal access” is not defined in the State Land Master Plan. In a search of the State Land Master Plan, this phrase occurs twice:

While drive-in camping and site separation distances of less than one-quarter mile are generally provided, the Camping Area is largely primitive in character and does not include facilities such as bathhouses, water supply, paved roads and similar amenities. Some facilities are designed to provide **universal access** for persons with disabilities. (p 45)

At the same time, a major block of the newly acquired lands north of the lakes, extending from the Cornell Road in the west, eastward to the Hudson River and northward toward Newcomb, was classified as Wild Forest and added to the area. Wild Forest access along the Boots-to-Cornell Road, and then to the south shore of Fifth Lake was established for the sole purpose of providing **Universal Access**. (p 104)

The first mention is clearly in reference to providing access for the disabled utilizing drive-in campsites along the Limekiln Lake Cedar River Road in the Moose River Plains Wild Forest area. This is in accordance with Commissioner’s Policy-3 “Motorized Access Program for People with Disabilities” (CP-3). The second mention is the 0.3-mile Wild Forest corridor used at the north end of the Essex Chain Lakes Primitive Area to provide motorized access within the Primitive Area to the general public. At the time the 0.3-mile Wild Forest corridor was created, Protect the Adirondacks objected, arguing that it did not comply with the State Land Master Plan because at 1,520 feet in length it far exceeded the 500-foot limit. The much bigger Wild Forest corridor proposed for 0.8 miles in length as part of the Boreas Ponds classification similarly fails to comply with the State Land Master Plan and marks a continued abuse of the classification process.

Universal access should only be used to provide access for the disabled, something that has worked well across the Forest Preserve under the existing DEC CP-3 policy. If the APA and DEC are going to go beyond CP-3 access for the disabled and provide special access for the general public, then both the APA and DEC need to develop a policy about what universal access means supported by rules and regulations about how it is applied.

Right now, as we're seeing with the Boreas classification, the concept of universal access is being applied to provide motorized access for the general public without limitation or qualification. This makes no sense. The APA and DEC should not recklessly blur together universal access and special CP-3 access for the disabled.

CP-3 Policy: Motorized Access Program for People with Disabilities

The DEC has managed Commissioner's Policy-3 Motorized Access Program for People with Disabilities (CP-3) for more than 15 years. It has worked well to provide enhanced and special access for people with disabilities. CP-3 is predicated on special access that provides use of motor vehicles by disabled people in places where motor vehicles are otherwise prohibited for the general public. Under CP-3, disabled people can obtain a permit to use motor vehicles in places where the general public is not allowed to do so in order to access and enjoy natural resources. With CP-3 motor vehicles provide access and are not used for sport riding or simply to get closer to a certain area. On balance, the CP-3 policy/program has worked very well across the Adirondack Forest Preserve.

Protect the Adirondacks supports a CP-3 camping and access area in the vicinity of lands north of the 4 Corners. This should be managed under the existing CP-3 program and provide enhanced and special access for qualified disabled people.

The general public needs no such special access as is provided by CP-3. In fact, CP-3 is undermined if the general public is driving motor vehicles right beside disabled individuals.

CP-3 is not Universal Access

There are many differences between CP-3 and universal access. Whereas CP-3 has a formal Commissioner's Policy, there is no such policy for universal access. Whereas CP-3 pertains to qualified disabled individuals, universal access applies to everyone. While neither the DEC or APA have any formal universal access policies or rules and regulations, the DEC website states "Universal Access means providing recreation opportunities for everyone - from the oldest adult to the youngest child and everyone in between including people with disabilities."

The CP-3 program has been successful and is fully developed with a policy and program staff at the DEC with the purpose of providing special access, including motorized, for the disabled. By contrast, universal access is a program that is not fully developed and appears to include as its centerpiece motorized access for the general public. There are no criteria for who is eligible for universal access programs. Universal access should not be utilized by the APA and DEC until there is a policy, rules and regulations.

The Universal Access Experience at the Essex Chain Lakes

The classification and subsequent Unit Management Plan (UMP) for the Essex Chain Lakes Complex saw the inclusion of a 1,520-foot-long Wild Forest corridor on the north side of the Primitive lands to access Fourth and Fifth Lakes. PROTECT challenged the creation of this corridor at the time. This corridor was ostensibly created to provide both CP-3 and universal access, a faulty mixing of the two programs that undermines the core meaning of CP-3.

Since the UMP was approved in 2015, the DEC has administered universal access along this corridor through a permit system, administered at first at the Newcomb VIC and now administered at the DEC Warrensburg office. This allows permit holders access beyond the gates at the Deer Pond parking lot, so that those with permits can drive more than 1 mile to access a point within a few hundred yards of Fourth and Fifth Lakes. Permits are awarded on a first-come, first-served basis, limited only by the number of parking places at the universal access area parking lot. Any member of the public can obtain a permit.

There have not been many permits issued for the universal access parking lot, which is consistent with the overall exceedingly light use at the Essex Chain Lakes area in general. In June-August 2017, just 284 people signed in at the Deer Pond trailhead register, the main entrance point to the Essex Chain Lakes area. This is less than the number of people that generally hike Cascade Mountain on a summer day. The ill-conceived classification by the APA-DEC was based on a jigsaw puzzle of classifications that sought to cram together many different recreational uses in the area. This maze of uses had the effect of alienating the public from the area because they do not know what they will encounter if they put in the effort to visit the area, which involves a long drive, canoe portages and a long walk. The state's efforts to make the area available to many different recreational activities through a classification hodge-podge has had the practical effect of keeping people away. A simpler and more coherent Wilderness or Canoe Area classification would have been much more successful.

The state's universal access program at the Essex Chain Lakes area has proved unworkable. The state should not seek to expand upon this failed program at the Boreas Ponds. The Wild Forest corridor used on the north side of the Essex Chain Lakes Primitive Area has been a failure. This concept, which violates the State Land Master Plan, should not be used again as part of Alternative 2B at the Boreas Ponds.

Important Questions about the Creation and Potential Management of the Wild Forest Corridor at Boreas Ponds

Protect the Adirondacks encourages APA Board Members to ask these questions, and demand coherent and informative answers, during public deliberations on the classification of the Boreas Ponds.

1. Does the State of New York have a universal access policy?
2. Is universal access defined in the State Land Master Plan?
3. How can a concept, such as universal access, that is not defined in the State Land Master Plan, be used as the basis for classification decisions?

4. Is “universal access” the same as CP-3 access? What are the differences?
5. Does CP-3 provide for exclusive access for the disabled individuals to use motor vehicles?
6. Is it appropriate for CP-3, which provides motorized access for the disabled, and universal access, which provides motorized access for the general public, to be used together in the same location?
7. Will “universal access” on the Wild Forest corridor at the Boreas Ponds be managed under a permit program similar to the universal access program at the Essex Chain Lakes?
8. The universal access program at the Essex Chain Lakes provides access through a permit obtained through a first-come, first served process administered by the DEC where any member of the public can obtain a permit. The universal access area is located beyond a locked gate at the Deer Pond parking area, which is accessed through a permit. Will the universal access at the Boreas Ponds also be located behind a locked gate?
9. Is a Wild Forest corridor defined in the State Land Master Plan?
10. Is there a distance limit enumerated for Wild Forest corridors in the State Land Master Plan?
11. Has the state determined the capacity of the proposed “universal access” corridor? If so, how? If so, what is it?
12. Would it be possible to use a Primitive Corridor along the Boreas Ponds Road instead of a Wild Forest corridor? What would the difference be?
13. The FEIS states that the Wild Forest corridor will have a negative impact on the surrounding Wilderness lands. What will the APA do to mitigate this negative impact?

Replace Illegal Wild Forest Corridor with a Legal Primitive Corridor

The APA should reject the proposed Wild Forest corridor in Alternative 2B. The only legal way to maintain the road north of the Wilderness-Wild Forest boundary at the 4 Corners is to create a Primitive corridor along the road. This Primitive corridor should not be wider than 75 feet and extend the roughly 0.8 miles to connect with the area proposed as Primitive around the dam. A Primitive corridor, for the purpose of maintaining the Boreas Ponds dam, should be gated at its start, but could be used to provide CP-3 access for the disabled and the general public could walk on it. If necessary, a public parking area could be constructed along the Primitive corridor within 500 feet of the Wilderness boundary, if one cannot be located in Wild Forest areas around the 4 Corners or elsewhere on nearby Wild Forest lands.

As currently proposed, the Wild Forest corridor in Alternative 2B fails to comply with the State Land Master Plan and should be rejected by the APA.

On behalf of the Board of Directors of Protect the Adirondacks, please accept our gratitude for the opportunity to submit these public comments for the February 1-2, 2018 APA Meeting.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Bauer". The signature is fluid and cursive, with the first name "Peter" being more prominent than the last name "Bauer".

Peter Bauer
Executive Director

CC: Executive, NYSDEC