

**Adirondack Council
Adirondack Mountain Club
Adirondack Wild: Friends of the Forest Preserve
Protect the Adirondacks**

August 19, 2014

Joe Martens
Commissioner
NYS Department of Environmental Conservation
625 Broadway, 14th Floor
Albany, NY 12233

RE: Future Planning for the Essex Chain Complex Unit Management Plan and Other Associated UMPs

Dear Commissioner Martens,

The organizations listed on this letter applaud the decision by the Department of Environmental Conservation (DEC) to withdraw the recent draft Essex Chain Complex Unit Management Plan (ECCUMP) in order to address a number of long-term management issues identified by public comments and stakeholders.

We urge the DEC to take its time and develop a new draft plan over the next six months that meets all Primitive Area guidelines and other relevant criteria of the Adirondack Park State Land Master Plan (SLMP) as well as complies with all other laws and regulations in order to protect the natural resources of the Essex Chain Lakes. That is your paramount responsibility under the SLMP, in addition to facilitating a variety of compatible outdoor recreational activities. We expect DEC to adhere to past planning efforts and put in place a transparent process so that the public can understand the legal and factual basis for key management recommendations in the next UMP Draft.

We also encourage you to delay associated planning efforts for the Lake Harris Intensive Use Area, Vanderwhacker Mountain Wild Forest Area, and Santanoni Historic Area UMP revisions. The snowmobile trail decisions made in an eventual ECCUMP will influence management decisions in these units. These are inter-related planning activities to create a snowmobile community corridor linking Indian Lake, Newcomb and Minerva, which the DEC should be careful not to categorize as independent actions.

We believe that given the circumstances, this attempt at “complex planning” across easement lands and various Forest Preserve units will result in a less than rigorous planning document. We expect that the DEC will learn a great deal from its first

foray into complex planning across a large landscape through its Great South Woods project and we await announcements and public review opportunities.

The organizations listed on this letter identified many issues in the ECCUMP in their respective public comments. We request a meeting with you at your earliest possible convenience to discuss these issues and the DEC's process to develop a new draft ECCUMP.

Our chief concerns in the next version of a draft ECCUMP are:

1. Compliance with the Wild, Scenic and Recreational Rivers Act (Rivers Act). Judging from your press release, the next draft of the ECCUMP is likely to contain a number of proposed actions that we believe are currently prohibited under the Rivers Act and Regulations. These actions include, but are not limited to: 1) your determination that the Chain Lakes Road South is a "grandfathered" public motor vehicle road despite its location within the half-mile Wild River corridor; 2) construction of a new motorized bridge within a Wilderness area over the "Scenic" Cedar River; 3) retention and use of the Polaris Bridge as a motorized route over the "Scenic" Hudson River; and 4) floatplane use on Pine Lake within a Scenic River corridor. The way that the DEC seeks to address legal compliance with the Rivers Act will shape the natural resource protection and recreational management of these lands.
2. Since UMPs must comply with existing law, DEC should identify in the next draft UMP any and all desired changes in law and regulation that it deems necessary to undertake its preferred management recommendations. We further ask that the DEC share with us the legal justifications and factual documentation that illustrate how the DEC intends to support its management recommendations regarding compliance with the Rivers Act. It was our understanding that the DEC would fully substantiate all recreational uses that required regulatory or statutory change as part of the ECCUMP development process.
3. The draft ECCUMP undermined a "motorless" Essex Chain Lakes Primitive Area by proposing a motor vehicle road to the heart of the Essex Chain on Fifth Lake that would allow first-come, first-served permitted parking for the general public. This enhanced access road and parking lot clearly is not in keeping with the intent of the Primitive Area guidelines and the spirit of a motorless Essex Chain Lakes area and should be removed from future drafts.
4. This general permit parking area at Fifth Lake also undermines the very purpose of the CP-3 program, which was explicitly designed to provide exclusive motorized access to persons with disabilities or mobility limitations so that they have an opportunity to experience the same solitude and connection to nature that the general public enjoys.

The draft ECCUMP violates the December 2013 Forest Preserve Classification

Resolution adopted by the Adirondack Park Agency (APA) by proposing to allow non CP-3 motor vehicle use of the road and a parking area for those not qualifying for CP-3 permits. The APA clearly intended to limit motor vehicle use of this road and Wild Forest Corridor to those qualifying for CP-3 access: "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 access to persons with disabilities."ⁱ

5. The draft ECCUMP failed to include natural resource and recreational assessments and analyses, which are mandated components of all UMPs. The SLMP clearly enumerates what is expected. All recent UMPs such as those for the Moose River Plains Wild Forest, Hurricane Mountain Primitive Area, Jessup River Wild Forest, and Hurricane and St. Regis Mountain Historic areas all included the standard set of such assessments and analyses. The ECCUMP should include these because they are vital for modern wild lands management planning.
6. Given that the Essex Chain of Lakes fisheries are unique, both in their past management by private clubs and possible heritage strain fish species, the next draft UMP should undertake or recommend a full fisheries study be completed on the Essex Chain and include specific fisheries management recommendations that will address species of concern (such as brook and lake trout) and ensure a healthy, sustainable, and viable fishery.
7. Any all-terrain bicycling (ATB) proposals in the next draft UMP must comply with the SLMP guidelines for Primitive areas.
8. The next draft ECCUMP must include required cost estimates and schedules that are standard components of all UMPs.
9. The draft ECCUMP recommended creating campsites reserved only for floatplane users or campers flown in by floatplane. This is a new policy proposal for the Forest Preserve, which raises a number of management concerns and challenges that should be addressed in the next draft.
10. These and other aspects of any future draft ECCUMP may be sharply at odds with the direction the Adirondack Park Agency (APA) provided to the DEC during the December 2013 Forest Preserve classification recommendation for the Essex Chain Lakes area signed by Governor Cuomo. The next draft ECCUMP should ensure consistency with the direction and language of the APA Final Classification Resolution.

These are all very significant issues that will shape the future management of Essex Chain Primitive Area. Again, we urge the DEC to resolve these issues in an open and transparent manner that complies with state laws and regulations. Where this cannot be accomplished to meet a DEC management objective, we urge the DEC to

openly seek changes to statutes and regulations according to standard rules and practices.

The organizations listed on this letter are heartened that the DEC has made this course correction. The Essex Chain Lakes and surrounding Forest Preserve areas contain some of the Adirondack Park's most beautiful and ecologically complex locations. The state is challenged to balance competing visions for recreational use of these lands, but must comply with the SLMP and existing law in its quest for sound long-term stewardship and management of these lands.

We look forward to meeting with you soon.

Sincerely,

Diane W. Fish

Diane W. Fish, Deputy Director
Adirondack Council

Neil Woodworth

Neil Woodworth, Executive Director
Adirondack Mountain Club

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ⁱ Resolution Adopted by the Adirondack Park Agency with Respect to 2013 Classification Package, Attachment D, APSLMP Area Descriptions (Comparison Showing Changes From October 2011) (p. 7)