



**Board of Directors**

September 4, 2014

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NYS Adirondack Park Agency  
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Ray Brook, NY 12977

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**RE: Reconstruction of the Bear Creek Road in Black River Wild Forest work is creating a highway through the Forest Preserve**

Dear Chairwoman Ulrich and Commissioner Martens,

Protect the Adirondacks recently visited the Bear Creek Road in the Black River Wild Forest Area. This road has a long history of damage from illegal public All Terrain Vehicle (ATVs) use, ingress and egress by a series of private land inholders within this Forest Preserve unit using ATVs, and legal public large truck use. This high level of motorized use has caused considerable damage to the road corridor and adjacent wetlands.

Peter Bauer  
**Executive Director**

This summer the Department of Environmental Conservation (DEC) has embarked upon a major reconstruction of the Bear Creek Road. The result has been construction of a major gravel road corridor unlike any other road in a Wild Forest area of the Forest Preserve. While this work may have a positive effect in limiting further damage to the road surface from ATVs and other motor vehicle use, PROTECT questions many of the actions undertaken by the DEC to widen the road, build up and harden the road bed, create numerous pull-offs of large gravel spaces and remove trees. These actions seem excessive and beyond the scope of allowable Wild Forest area management in the Forest Preserve.

The Adirondack Park State Land Master Plan (SLMP) provides guidance for management of Wild Forest areas that balances intensive outdoor recreational use, especially with use of snowmobiles and other motor vehicles, with natural resource protection. In essence, more intensive recreational uses are facilitated in Wild Forest

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areas as long as the “wild forest character” or “wild forest atmosphere” is maintained and protected. The SLMP provides three key guides for the management of Wild Forest areas.

First, the SLMP defines Wild Forest areas this way: “A wild forest area is an area where the resources permit a somewhat higher degree of human use than in wilderness, primitive or canoe areas, while retaining an essentially wild character. A wild forest area is further defined as an area that frequently lacks the sense of remoteness of wilderness, primitive or canoe areas and that permits a wide variety of outdoor recreation.”

Second, Basic Guideline 1 for Wild Forest areas in the SLMP states: “The primary wild forest management guideline will be to protect the natural wild forest setting and to provide those types of outdoor recreation that will afford public enjoyment without impairing the wild forest atmosphere.”

Third, Basic Guideline 6 states “When public access to and enjoyment of the wild forest areas are inadequate, appropriate measures may be undertaken to provide improved access to encourage public use consistent with the wild forest character.”

Because the Bear Creek Road leads to private land inholdings and has long been used by a variety of motor vehicles, this area certainly “lacks remoteness.” This area has also historically permitted a “higher degree” and more intensive type of recreational uses along the road corridor with motor vehicles and snowmobiles. Yet, the DEC’s recent reconstruction of Bear Creek Road fails a number of other Wild Forest management balancing tests because the total impact of various actions to widen, harden, deploy many tons of gravel, remove trees, and create many large pull-offs:

- violates the area’s “wild forest atmosphere;”
- fails to “protect the wild forest setting;”
- is not “consistent with the wild forest character;” and
- fails to retain “an essentially wild character” of the road corridor.

To date, it appears that the DEC has completed clearing, grading, and placing large quantities of gravel on just under half of the Bear Creek Road. Below, please find information on the problems with the reconstruction of the Bear Creek Road that seem to violate the SLMP for management of a Wild Forest area. The pictures attached clearly illustrate the many ways that reconstruction of the Bear Creek Road appear to violate the SLMP.

**Bear Creek Road Surface Width:** The reconstruction of the Bear Creek Road has resulted in significant widening of this road. In many places the existing road corridor was 8-10 feet in width. The new road is regularly 12-14 feet wide and in many places in upwards of 20 feet. Pictures on page 4 show the current state of the Bear Creek Road and pages 5-6 show new clearing work by the DEC, which in many places has widened the road by 50%.

**Excessive Gravel Surfacing:** In addition to expanding the width of the Bear Creek Road, the DEC has placed many tons of gravel on the road surface. The changes to the Wild Forest “character,” “setting” and “atmosphere” through this hardening of the road surface and deployment of many tons of gravel is stunning. See pictures on page 7.

**Excessive Clearing for Road “Pull-offs”:** Another feature that sets the Bear Creek Road apart from other Wild Forest area roads is the prominent use of “pull-offs.” These areas are cleared to the size of a basketball court and are hardened and covered with gravel. Pull-offs on roads are not common features in other Wild Forest areas, but have been built, or cleared, in a dozen areas on the portion of the Bear Creek Road where work has been completed. The use of these pull-offs seems excessive and out of character with a Wild Forest area. See pictures on pages 8-9.

**Many Mature Trees Taken Down:** Another feature of the Bear Creek Road reconstruction project is that number of mature trees that have been removed. The widening and excavation of the road has required that many trees were cut down. The clearing of the many large pull-offs also required many trees to be taken down. See pictures on page 10.

**Additional Issues:** The Bear Creek Road is noteworthy for the failure to control illegal ATV trespass. From Bear Creek Road illegal ATV riding has caused extensive damage around Gull Lake, Chubb Pond, the west shore area of Woodhull Lake and Sand Lake. This road is a major point of entry to and extensive area throughout the Black River Wild Forest. See pictures on page 11.

PROTECT believes that the reconstruction of the Bear Creek Road is similar to the DEC’s failures made during the reconstruction of the Bear Pond Road in the Watson’s East Triangle Wild Forest area in the late 1990s. The APA should investigate these potential abuses and bring an enforcement action if necessary.

On behalf of the Board of Directors of Protect the Adirondacks, please let me extend our appreciation for the opportunity to submit these comments on this important issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Bauer", with a stylized, flowing script.

Peter Bauer  
Executive Director

CC     Governor Andrew Cuomo  
       J. Malatros  
       B. Seggos  
       A. Tarpinian  
       P. Walke  
       S. Eisenstein  
       APA Board of Commissioners  
       T. Martino  
       J. Townsend  
       W. Linke  
       M. Gerstman  
       K. Moser  
       R. Davis  
       K. Richards  
       P. Franke





*Two pictures of the current condition of the Bear Creek Road in the Black River Wild Forest area. Though heavily rutted by legal and illegal motor vehicle use, especially by ATVs, the road corridor is narrow in most places and is 9-11 feet in width.*





*The pictures above show areas of the Bear Creek Road where DEC has undertaken work to clear the roadside and expand the width of the road. In many places the width of the Bear Creek Road corridor has been expanded 50% or more to consistent widths of 12-15 feet with many areas 20 feet wide.*





*Two more pictures that show areas of the Bear Creek Road where DEC has undertaken work to clear the roadside and expand the width of the road. In many places the width of the Bear Creek Road corridor has been expanded 50% or more.*





*Two areas of the Bear Creek Road that have been reconstructed. The road has been widened with a deep gravel surface. Two small pull-offs are pictured on these stretches. Small and large pull-offs are a regular feature on this road.*





*Pictures above show pull-offs along the Bear Creek Road. The top picture shows a pull-off that has been cleared, excavated and a gravel surface applied. The lower picture shows a pull-off that has been recently cleared. These are large clearings.*





*Two more pictures of cleared areas along side the Bear Creek Road.*





*Pictures above show some of the extensive tree cutting along the Bear Creek Road as part of a major reconstruction of this road.*





*These pictures show ATV damage to trails in the Black River Wild Forest area accessed from the Bear Creek Road. The top picture is an unnamed trail where ATVs have bushwhacked. The bottom picture is some of the extensive damage on the Chubb Pond trail.*