

STATE OF NEW YORK
SUPREME COURT COUNTY OF ALBANY

In the Matter of the Application of

PROTECT THE ADIRONDACKS! INC.,

Plaintiff-Petitioner

For a Judgment Pursuant to Section 5 of
Article 14 of the New York State Constitution
and CPLR Article 78

-against-

NEW YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION
and ADIRONDACK PARK AGENCY,

Defendants-Respondents.

AFFIDAVIT OF
KATHLEEN D. REGAN

Index No. 2137-13
RJI No. 01-13-ST-4541

Hon. Gerald W. Connolly

State of New York :
 :ss.:
County of Essex :

Kathleen D. Regan, being duly sworn, deposes and says:

1. I have been employed at respondent Adirondack Park Agency (APA or Agency) as an employee or contractor since 2007. I am currently employed as Deputy Director for Planning in the Planning Division and have been in this position since September 2014.

2. I have a Bachelor of Science in Botany from the University of Vermont and a Master's of Science in Botany from Miami University in Oxford, Ohio. My prior employment experience includes working with The Nature Conservancy (TNC) from 1986 to 2003. While at TNC, I developed conservation plans identifying the biological significance and threats to large ecological regions within the Adirondack Park. I also reviewed Unit Management Plans (UMPs) for the Adirondack Forest Preserve and provided ecological information to the Department of Environmental Conservation (Department or DEC).

3. My current responsibilities as Deputy Director include directing and administering state land policy issues and local government services at the Agency. Under my direction, Planning Division staff coordinates with the Department on implementation of the State Land Master Plan for the Adirondack Park (Master Plan), and development and review of UMPs within the Adirondack Park. I currently supervise seven employees, including natural resource planners Walter Linck and Kevin Prickett, and environmental program specialist Matthew McNamara.

4. I am familiar with the following documents, among others, relating to this matter:

- a) The recommended Amended Master Plan, approved by the APA March 2016 (2016 Recommended Master Plan);
- b) The Master Plan, updated February 2014 (Master Plan);
- c) The Master Plan, updated October 2011 (2011 Master Plan, Record Exhibit (R. Ex.) 1)¹
- d) Memorandum of Understanding between the Agency and DEC concerning Implementation of the Master Plan, last revised March 2010 (MOU) (R. Ex. 2);
- e) The 2006 Snowmobile Plan for the Adirondacks (2006 Snowmobile Plan) (R. Ex. 3);
- f) 2009 Snowmobile Trail Guidance (R. Ex. 8);
- g) Agency November 13, 2009 Resolution “With Respect To An Interpretation Of The State Land Master Plan Involving Compliance Of Proposed Guidance For Snowmobile Trail Siting, Construction And Maintenance On Forest Preserve Lands In The Adirondack Park” (November 2009 Agency Resolution) (R. Ex. 11);
- h) An Agency guidance document entitled “Adirondack Park Agency State Land Master Plan Interpretation – Standard Snowmobile Trail Bridge Design and Use of Natural Materials for Design and Construction” adopted in June 2006 (2006 Snowmobile Bridge Guidance) (R. Ex. 12); and
- i) DEC’s Tree cutting policy, LF 91-2 (R. Ex. 18).

¹ Citations to the Master Plan below are to the 2011 Master Plan, which was in effect when this proceeding was filed, except as otherwise noted.

5. I have read the allegations in the complaint/petition (Complaint) that the construction of Class II trails violates the State Constitution, Article XIV, § 1, that a substantial amount of timber will be cut, that the trails are not consistent with the wild forest nature of the preserve, and that the trails create a man-made setting. Complaint, ¶¶ 82-118. I submit this affidavit in opposition to those allegations and in support of the State respondents' motion for summary judgment. Previously, I submitted an affidavit sworn to on April 7, 2015.

6. The relationship between the Agency and the Department with respect to state lands in the Adirondack Park is guided by § 816 of the Adirondack Park Agency Act (Article 27 of the Executive Law), the Master Plan, and a Memorandum of Understanding concerning implementation of the Master Plan, entered into in 1982 and last revised March 2010 (MOU). See Master Plan (R. Ex. 1) and MOU (R. Ex. 2). The Agency also has jurisdiction over freshwater wetlands within the Adirondack Park, including those on State land, pursuant to the Freshwater Wetlands Act, Environmental Conservation Law § 24-0805.

8. Pursuant to Executive Law § 803, the Agency consists of eleven members: the Commissioner of DEC, the Secretary of State, the Commissioner of Commerce (now Economic Development) and eight members to be appointed by the governor with the advice and consent of the State Senate. The Commissioners and the Secretary of State may designate a deputy or other officer to serve and vote on behalf of their respective agencies.

9. The Agency has several committees, including a State Lands Committee, which considers matters involving state-owned lands, including Master Plan revisions, classification of State lands, and conformance of unit management plans (UMPs) with the Master Plan. The State Lands Committee refers these matters to the Agency for final approval. As a matter of practice, committee meetings are open for discussion by all members, but only the committee members vote on whether to recommend action by the Agency. Agency meetings are generally held monthly, are open to the public, and are available on the internet through both live and archived webcast.

(http://nysapa.granicus.com/ViewPublisher.php?view_id=2, last accessed on August 16, 2016.)

Adirondack Park State Land Master Plan

10. In former § 807² of the Executive Law of the Adirondack Park Agency Act, enacted in 1971 (L. 1971, ch. 706), the Legislature directed the APA to prepare a master plan governing the management of Forest Preserve and other State-owned lands within the Adirondack Park by June 1972. Pursuant to that directive, the APA prepared the Master Plan in June 1972 and former Governor Nelson A. Rockefeller approved the Plan on July 20, 1972.

11. When the Agency prepared the 1972 Master Plan, snowmobile use was already existent in the Adirondack Park, and the Agency included provisions for continued snowmobile use in wild forest areas, but eliminated their use in other areas. R. Ex. 1 at 22, 34 (Master Plan); R. Ex. 3 at 89-90 (2006 Snowmobile Plan for the Adirondack Park, Appendix D).

12. The Master Plan underwent major revisions in 1979 and 1987 and has been periodically updated to reflect the Governor's approvals of the classifications of new State land acquisitions or reclassifications of existing State lands. The 2011 edition of the Master Plan was in effect when this action was filed. R. Ex. 1. The 2014 edition of the Master Plan includes the classification and reclassification of state lands now in the Essex Chain Primitive Area, Pine Lake Primitive Area, Hudson Gorge Wilderness Area, Blue Mountain Wild Forest and Vanderwhacker Mountain Wild Forest, and other revisions as of February 2014.

13. The Master Plan describes the units of State lands in the Adirondack Park and establishes a system for classifying the lands in each unit according to their "characteristics and capacity to withstand use." Almost all of the State lands within the Adirondack Park are part of the "Forest Preserve" administered in accord with the fundamental policies established by Article XIV of the New York State Constitution, which requires the Forest Preserve to be kept "forever wild." R. Ex. 1 at 2 (Master Plan).

14. The land classifications and their management and use guidelines represent

² Now codified as Executive Law § 816.

different levels of environmental protection of the physical resources while allowing different recreational opportunities and types of public use. R. Ex. 1 at 13-15 (Master Plan). The Master Plan then classifies the units of State land under this system. The classifications assigned to the State lands (and also the separate classifications of the privately-owned lands) are depicted on a version of the Official Adirondack Park Land Use and Development Plan Map, which the APA maintains electronically and which it provides to the public on its website, www.apa.ny.gov.

15. The classifications for State lands are: wilderness, primitive, canoe, wild forest, intensive use, state administrative, historic, travel corridor and wild, scenic and recreational rivers, each with its own management and use guidelines. The travel corridor and wild, scenic and recreational river categories are essentially overlays to the underlying land classification. R. Ex. 1 at 14 (Master Plan).

16. Areas classified as wilderness, primitive, or canoe are those in which it is intended that there be no "significant improvement or permanent human habitation, with the imprint of man's work substantially unnoticeable, and having opportunities for solitude and unconfined types of recreation." R. Ex. 1 at 19-25 (Master Plan [defining and describing wilderness areas]); *id.* at 25-28 (primitive); *id.* at 28-31 (canoe). Public use of motorized vehicles and aircraft is not allowed in any area classified as wilderness, primitive or canoe. *Id.* at 22, 27, 30.

17. Public motorized use is permitted in land classified as wild forest, intensive use, and travel corridor. R. Ex. 1 at 33-35, 37-41 (Master Plan). In wild forest areas, public motorized use is allowed on existing public roads, on DEC roads designated open for public use, on rivers, lakes and ponds designated as suitable for motorized use, and on snowmobile trails designated in an approved UMP. *Id.* at 34. Wild Forest Basic Guideline 4 provides:

Public use of motor vehicles will not be encouraged and there will not be any material increase in the mileage of roads and snowmobile trails open to motorized use by the public in wild forest areas that conformed to the master plan at the time of its original adoption in 1972.

Id. at 32.

18. The Master Plan defines a snowmobile trail as "a marked trail of essentially the same character as a foot trail designated by the Department of Environmental Conservation on which, when covered by snow and ice, snowmobiles are allowed to travel and which may double as a foot trail at other times of year." R. Ex. 1 at 18.

19. In December 2013, the Agency classified the Hudson Gorge Wilderness Area (23,494 acres of land) (2014 Master Plan at 61-62); Essex Chain Lakes Primitive Area (6,955 acres of land) (2014 Master Plan at 82-83) and Pine Lake Primitive area (2,798 acres of land) (2014 Master Plan at 86-87) as Wilderness or Primitive Areas. Exhibit (Ex.) A (2014 Master Plan Excerpts). Therefore, these areas are not open to public use of snowmobiles. R. Ex. 1 at 22, 27, 30 (Master Plan).

20. As of May 2014, there were 2,551,699 acres of state Forest Preserve land in the Adirondack Park. 1,161,257 acres are classified as wilderness, 17,637 acres are classified as canoe, and 38,984 acres are classified as Primitive. Ex. B (Adirondack Park Land Use Classification Statistics - May 21, 2014, accessed on July 7, 2016 at <http://apa.ny.gov/gis/stats/colc201405.htm>). Snowmobile trails and snowmobiling are not allowed on any of these state lands classified as wilderness, primitive or canoe, which comprise approximately 47.7% of state lands within the Adirondack Park. Within the 1,298,209 acres of lands classified as Wild Forest, the total mileage of snowmobile trails, both Class I and Class II, is capped at 848.88 miles.³

21. In 2014, the Agency commenced a process culminating in recommended amendments to the Master Plan which affect bicycling and materials for bridge design. However, to the best of my knowledge, the Governor has not approved the amendments.

³ The Master Plan Wild Forest Basic Guideline No. 4 provides that "there will not be any material increase in the mileage of roads and snowmobile trails open to motorized use by the public in wild forest areas that conformed to the master plan at the time of its original adoption in 1972." R. Ex. 1 at 32 (Master Plan). In March 2008, the Agency adopted a resolution finding that the DEC policy capping the total snowmobile trail mileage on all wild forest units at 848.88 miles was consistent with the Master Plan. R. Ex. 5 at 131 (Moose River Plains Wild Forest UMP).

MOU between APA and DEC Concerning Implementation of the Master Plan

22. In addition to the Master Plan, the Agency and DEC are guided by an inter-agency memorandum of understanding ("MOU") that sets forth the understanding regarding the roles and responsibilities of each relating to the interpretation of the Master Plan, the development of unit management plans and other issues concerning the management of State lands within the Forest Preserve of the Adirondack Park. This memorandum was first implemented in 1982 and has been updated periodically since. The current version is dated March 2010. R. Ex. 2. Since filing the Record and Return in this proceeding in 2013, DEC and APA have agreed on "Inter-Agency Guidelines for Implementing Best Management Practices to Control Terrestrial and Aquatic Invasive Species on DEC Administered Lands of the Adirondack Park," updated June 2015, which is now Appendix F to the MOU. These guidelines apply to all construction activities on Forest Preserve lands, including snowmobile trail construction, and can be downloaded at: http://apa.ny.gov/State_Land/index.html, last accessed on August 16, 2016.

2009 Management Guidance

23. In 2009, DEC and APA staffs jointly prepared the "2009 Management Guidance: Snowmobile Trail Siting, Construction and Maintenance on Forest Preserve Lands in the Adirondack Park" (2009 Guidance) to guide the construction and maintenance of new snowmobile trails or segments of existing trails. R. Ex. 8 (2009 Guidance). The 2009 Guidance established a two-tiered snowmobile trail classification system with new standards and guidelines for siting, constructing and maintaining trails on Forest Preserve lands, excluding snowmobile trails on Forest Preserve roads. *Id.* at 2-3. It identifies two new kinds of trails: Community Connector Trails (Class II trails) and Secondary Snowmobile Trails (Class I trails). *Id.* at 3-4.

24. The Agency members considered the proposed Guidance at three consecutive meetings in 2009. On September 10, 2009, Karyn Richards, DEC Forest Preserve Coordinator, made a presentation on the draft Guidance to the Agency's State Lands Committee, which explained its purpose and objectives. Ms. Richards explained that the draft Guidance was intended to implement the Master Plan's concepts that natural resources protection is paramount and that snowmobile trails retain the essential character of a foot trail. R. Ex. 28 (DEC

September 2009 power point presentation); R. Ex. 29 (relevant portion of the minutes of the Agency's September 10-11, 2009 meeting).

25. The Agency held a public comment period on the draft Guidance through October 16, 2009. At the October 8-9, 2009 monthly Agency meeting, Agency members discussed the comments received to date. R. Ex. 30 (relevant portion of the minutes of the Agency's October 8-9, 2009 meeting); R. Ex. 33 (compilation of public comments on the draft Guidance, submitted on disc).

26. APA and DEC staff worked on revisions to the draft Guidance and submitted a revised draft for the Agency's consideration at the November 2009 Agency meeting. The revisions included removing Class III trails (snowmobile trails on Forest Preserve roads open to automobile use in the summer), eliminating references to blasting, and adding a section on interagency review and reporting requirements.

27. On November 12, 2009, Agency staff made a presentation on the revised draft Guidance to the Agency's State Land Committee. R. Ex. 32 (Agency staff PowerPoint presentation). Staff emphasized the importance of the role of Agency and DEC personnel overseeing the trail maintenance activities and the renewed commitment by DEC to supervise snowmobile clubs and local governments that had been authorized to maintain snowmobile trails. The revisions were made to provide greater protection to the natural resources of the Forest Preserve and to ensure that snowmobile trails would retain the essential character of a foot trail by minimizing the numbers of trees removed and reducing bench cuts in order to have the least effect on the surrounding environment.

28. On November 13, 2009, the Agency determined that the revised draft Guidance conformed to the Master Plan. R. Ex. 11 ("Resolution Adopted By The Adirondack Park Agency With Respect To An Interpretation Of The State Land Master Plan Involving Compliance Of Proposed Guidance For Snowmobile Trail Siting, Construction And Maintenance On Forest Preserve Lands In The Adirondack Park" [November 2009 Resolution]); R. Ex. 34 (relevant portion of the minutes of the Agency's November 12-13, 2009 meeting); R. Ex. 35 (web cast of the November 12, 2009 meeting, on DVD).

29. In the November 2009 Resolution, the Agency members found that the draft guidance was consistent with the Master Plan because the Master Plan guidelines allow the

administrative use of motorized vehicles and equipment to reach, construct, and maintain improvements, such as trails; that grooming was a basic maintenance activity for public recreation and safety; and that the draft guidance established specific criteria for proposed community connector Class II trails on the periphery of Wild Forest areas with a nine foot maximum width and twelve feet on curves and steep slopes. R. Ex. 11 (November 2009 Resolution, 9th, 10th, 15th “whereas” clauses).

30. Additionally, the Agency members found that “Wild Forest guidelines encourage the identification of opportunities to improve the snowmobile trail system, such as locating trails adjacent to, but screened from, public highways to facilitate snowmobile access between communities, and where the impact on the wild forest environment will be minimized.” R. Ex. 11 (November 2009 Resolution, 12th “whereas” clause).

31. On November 21, 2009, former DEC Commissioner Alexander “Pete” Grannis approved the Guidance as an amendment to the MOU. R. Ex. 8 (November 21, 2009 DEC Commissioner’s memorandum approving the Guidance). Subsequently, DEC and the Agency formally adopted the 2009 Guidance as Appendix E of the MOU. R. Ex. 2. The Guidance, having been found to conform to the Master Plan, is now incorporated into all Wild Forest UMPs in the Adirondack Park.

Unit Management Planning (UMP) Process

32. Executive Law § 816 (1) directs DEC to develop, in consultation with the APA, individual UMPs for each unit of land under its jurisdiction classified by the Master Plan. UMPs must conform to the guidelines and criteria set forth in the Master Plan.

33. The MOU sets forth the steps that DEC must take to develop UMPs and UMP amendments. Such steps include, but are not limited to, the development of various drafts, inter-agency staff consultation, public comment periods and presentation of the Public and Final Drafts to the APA. The early consultation process is described in more detail in my affidavit of April 7, 2015, ¶¶ 8-10.

34. The focus of the Agency’s review of a UMP is whether the UMP complies with the Master Plan. Agency staff also refer to the 2009 Guidance to ensure that snowmobile trails planned in a UMP are designed in accordance with that Guidance.

35. After the development of internal draft versions of a UMP or UMP Amendment and inter-agency staff consultation, DEC usually presents a draft, referred to in the MOU as the Public Draft, to APA at a public Agency meeting for information only. No formal agency action is taken at that time. Agency Members and Designees may offer comments, suggestions or other observations on the Public Draft's conformance with the Master Plan. Generally, DEC then commences its public comment period on the management proposals identified in the Public Draft.

36. At the conclusion of its public comment period, DEC prepares a Proposed Final Draft for the UMP or UMP Amendment. This version contains any changes made to the plan from the Public Draft, a summary of the public comments, and DEC's response to the comments.

37. The Agency then conducts its own public comment process on the Proposed Final Draft of the UMP or UMP Amendment; these comments address the proposed plan's conformance with the guidelines to the Master Plan. At the conclusion of its public comment period, the Agency summarizes the public comments and considers a resolution finding the UMP or UMP Amendment in (or not in) conformance with the Master Plan.

38. The 2009 Guidance recognizes that the siting, design, and construction of a particular trail requires site-specific professional judgments that must weigh the short and long term impacts of competing actual and/or potential environmental considerations. These judgments are made in a work plan that DEC develops and Agency staff reviews before construction of a trail begins. In addition to identifying the trail's route, the work plan identifies bench cuts to be made, trees and other vegetation to be cut, bridges to be built, and areas where the terrain requires manipulation, if any of these measures are deemed necessary. The work plan process is flexible and allows adjustments be made to a work plan through modification reports to address problems that were missed in the initial site studies or were unforeseen and encountered while the trail is being constructed. A detailed explanation of the provisions of the 2009 Guidance protecting the wild forest character of the Forest Preserve is found in ¶¶ 38-47 of the Answering Affidavit of Karyn Richards dated September 25, 2013.

39. The 2009 Guidance provides that trails should be routed to avoid environmentally sensitive areas, including wetlands. R. Ex. 8 at 8, 9, 13 (2009 Guidance). When the trail cannot be routed to avoid wetlands, the APA has jurisdiction to review any activity involving wetlands

under the Freshwater Wetlands Act, [Environmental Conservation Law § 24-0805], as referenced in the Guidance. R. Ex. 8 at 17 (2009 Guidance). Any trail involving wetlands impacts requires a wetlands permit.

Conclusion

40. The unifying principle behind the Master Plan, the MOU and the 2009 Guidance is to preserve the wild forest character of the Forest Preserve through the protection and preservation of the natural resources of the state lands within the Adirondack Park. R. Ex. 1 at 1 (Master Plan); R. Ex. 2 at 2 (MOU); R. Ex 8 at 2 (2009 Guidance).

41. Accordingly, the allegation that the construction of the Class II Community Connector Snowmobile Trails violated the State Constitution, Article XIV, § 1, should be rejected.



Kathleen D. Regan

Sworn to before me this 17th
day of August, 2016.



NOTARY PUBLIC

MARY B. PALMER
Notary Public - State of New York
Qualified in Franklin County
No. 01PA6128439
Commission Expires, June 13, 2017

EXHIBIT A

A photograph of three people standing on a rocky outcrop, looking out over a vast mountain landscape. The person on the left is wearing a red hooded jacket and dark pants. The person in the middle is wearing a pink jacket and a white hat. The person on the right is wearing a dark jacket, a dark beanie, and khaki shorts. The background shows rolling mountains under a cloudy sky.

Adirondack Park State Land Master Plan

Exhibit A to Affidavit of
Kathleen D. Regan
August 17, 2016

State of New York

February 2014

STATE OF NEW YORK
**ADIRONDACK PARK
STATE LAND
MASTER PLAN**

APPROVED NOVEMBER 1987

**Updates to Area Descriptions and Delineations as authorized by the Agency
Board, December 2013**

STATE OF NEW YORK
Andrew M. Cuomo, Governor

ADIRONDACK PARK AGENCY
Leilani C. Ulrich, Chairwoman
Terry Martino, Executive Director

DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Joe Martens, Commissioner

ADIRONDACK PARK AGENCY
P.O. BOX 99, RAY BROOK, NEW YORK 12977
518-891-4050
www.apa.ny.gov

The area is mountainous and rugged, dominated by three north-south ridges in excess of 3,000 feet: Blue Ridge, Texas Ridge and Washburn Ridge.

Sixteen bodies of water are located within the area. Cheney Pond, a former flow created for the purpose of driving logs down the Boreas River, lies adjacent to the area.

The forest cover ranges from second growth hardwoods saplings to nearly solid conifer stands of near mature size at the higher elevations. On some of the better soil, exceptionally large diameter hardwoods occur.

Hoffman Mountain, which is the highest point in the area and a part of the Blue Ridge Range, was selected by Town of Schroon officials as a potential ski area, but their proposal was defeated in the 1967 referendum. Subsequent studies by independent experts have revealed that the mountain is not suited for a major ski center.

Three fairly extensive Department of Environmental Conservation snowmobile trails, totaling 17.5 miles, were removed: one running north to south through Hoffman Notch; one running from Big Pond northward, then eastward; and another extending from Loch Muller northward by Baily Pond to Washburn Ridge. A 2.5-mile jeep trail was also removed, bringing this area fully into compliance with Wilderness standards.

Public access to the area is easily gained, and its present use comes chiefly from hunters and anglers.

A Unit Management Plan was adopted for this area in 2012.

Hoffman Notch area statistics:

| | |
|----------------------|--------------|
| State Lands | 38,360 Acres |
| Bodies of Water (16) | 177 Acres |
| Elevation | |
| (minimum) | 900 Feet |
| (maximum) | 3,700 Feet |
| Foot trails | 15 Miles |

Non-conforming Uses: None

HUDSON GORGE

This Wilderness Area is in the Towns of Newcomb and Minerva, Essex County, and the Town of Indian Lake, Hamilton County. It encompasses the wildest and most remote section of the Hudson River, as well as a spectacular white water gorge.

There are two foot trails within this area that have long been designated for public use by the Department. From the south, a trail leads from Route 28 to Whortleberry Pond, with short spur trails to Ross and Big Bad Luck Ponds. From the north, a trail begins on Northwoods Club Road and ends at Blue Ledge on the Hudson River. There are no public roads or other access routes to this section of the Hudson River. In the past relatively few people were successful in navigating the waters by canoe, boat or raft. These factors had served to retain this portion of the river and its immediate surroundings in a near wilderness condition. River access has significantly increased with the development of commercial rafting since the early 1980's.

Although no established foot trails parallel this section of the Hudson River, the two above-mentioned trails, particularly the Blue Ledge Trail, receive considerable use.

Unlike the majority of the Adirondack Park, much of the underlying bedrock in this area is calcareous, which is reflected by the species and natural communities that occupy these lands and waters. The river corridors along the Hudson and Cedar Rivers, along with limey cliffs and wetlands, feature a diversity of bryophytes and vascular plants that may be unmatched in the Park. In addition to its biological diversity, Blue Ledge provides dramatic cliffs enjoyed by those who run the river or hike to the river or ledges. Opportunities for good fishing are available along the river and at several interior ponds.

The distance between Newcomb and North River is the most dramatic white water trip in the Adirondacks, if not the State as a whole, and one of the most demanding and hazardous. Since the early 1980's, commercial white water rafting, utilizing a release from the Lake Abanakee dam which permits rafts to gain access via the Indian River, has increased dramatically on the lower portion of this route. This type of use has reached about the maximum level consistent with the carrying capacity of the resources of the river banks and wild character of the river and care should be taken not to exceed present use levels.

This area was originally classified as Primitive because of substantial private inholdings in the vicinities of the confluence of the Hudson and Indian Rivers, and Blue Ledge and the critical relationship of those lands to the river gorge. The area was upgraded to Wilderness in 2013 after most of the private lands – including their entire river frontage – were acquired.

The Department developed an Interim Access Plan for this area in June 2013.

This area does not yet have an adopted Unit Management Plan.

Hudson Gorge area statistics:

| | |
|----------------------|--------------|
| State Lands | 23,494 Acres |
| Bodies of Water (25) | 314 Acres |
| Foot Trails | 7 Miles |
| Non-conforming Uses: | None |

HURRICANE MOUNTAIN

This area is located in the Towns of Elizabethtown, Jay, Keene and Lewis, Essex County. It is predominantly steep, rocky ground with thin soils. Hurricane Mountain, 3,694 feet in elevation, dominates the area. On the north the area is separated from the Jay Wilderness Area by the Jay Mountain Road, a rough road not plowed in the winter. Should the road ever be closed or abandoned, all or a major portion of this area could be consolidated with the Jay Wilderness.

Spectacular views of Giant Mountain and High Peaks regions to the south, as well as the Champlain Valley and the Green Mountains of Vermont to the east, are afforded the hiker who scales Hurricane. There are three trails to Hurricane Mountain, permitting access by all types of hikers. Hikers can also traverse the fairly open circuit trail from Big Crow Mountain across Weston Mountain, down to Lost Pond and back to the starting point while enjoying the panorama of the High Peaks to the southwest.

In 2010, 13,948 acres of the area were reclassified as Wilderness from Primitive when 0.5 acres of land associated with the Hurricane Mountain Fire Tower was reclassified to Historic.

A Unit Management Plan was adopted for this area in 2010.

Eastern Five Ponds Access area statistics:

| | |
|----------------------|-------------|
| State Lands | 1,647 Acres |
| Bodies of Water (1) | 197 Acres |
| Non-conforming Uses: | |
| Private Roads* | 9.7 Miles |
| Dams* | 2 |

ESSEX CHAIN LAKES

This area was classified in 2013 and is located in the Towns of Newcomb and Minerva in Essex County and the Town of Indian Lake in Hamilton County. The dominant feature of the landscape is the Essex Chain Lakes, a series of eight interconnected lakes. Together with nearby ponds, this tract has eleven lakes and ponds that are interconnected or within portaging distance of each other to provide a six- to seven-mile canoe route.

The northern boundary of the area generally follows the Boots-to-Cornell Road east from its beginning to a point ¼ mile from the west end of Fifth Lake, continuing east from there generally ¼ mile north of Fifth and Sixth Lakes to the Chain Lakes Road (North), then along it to Camp 6 Road. The eastern and southern boundary is the 1/10th- mile wide corridor of Wild Forest and lands pending classification, which follows the former Camp 6 Road south to the Chain Lakes Road (North) and along it before leaving the road and continuing west to the outlet of First Lake. The western boundary of the area follows the outlet of First Lake and an unnamed stream and drainages north to Little Grassy Pond and the boundary of private lands; from there it continues northeast to the beginning of the Boots-to-Cornell Road.

Significant wetlands surround many of the water bodies and are also found throughout the upland area. Both emergent marshes and deepwater marsh wetlands

border the Essex Chain Lakes. These wetlands provide nesting habitat, food and cover for wildlife, stabilize lake sediment and cycle large quantities of nutrients. Deepwater marsh wetlands provide valuable fish spawning and nursery habitat and are a food source for waterfowl and other wildlife. Several emergent and deepwater wetland plants are found in the channels which connect the lakes, including two state protected species.

Rivers in the unit include portions of the Cedar and Rock Rivers. The Rock River is designated Scenic and the Cedar River is designated Wild from the southwest edge of the Primitive Area to the Essex County line, at which place its designation changes to Scenic.

There are permanent restrictions on the land that preclude Wilderness classification. Prior to transferring these lands to the State, The Nature Conservancy granted easements to the Towns of Minerva and Newcomb over portions of the Essex Chain Lakes Tract that will allow for, as permitted by DEC, float plane access to First and Pine Lakes. The easement also grants the Towns access to, and use of materials from, two gravel pits located on the periphery of the property in order to provide gravel to maintain roads, trails and other infrastructure in this Area that may be open for motorized use. These activities would be nonconforming in lands classified as Wilderness. Even across adjacent lands and waters, such as the Essex Chain Lakes other than First Lake, the activities of float plane use in such close proximity to the lakes would significantly detract from the sense of remoteness expected in Wilderness.

Upon resolution of legal and regulatory issues concerning potential recreational uses and resource impacts involving the crossing of the Cedar River with a snowmobile trail, the corridor of Wild

Forest and lands pending classification between the Essex Chain Lakes Primitive Area and the Pine Lake Primitive Area will be classified Primitive and the two primitive areas will be merged into the Essex Chain Lakes Primitive Area. If these issues are not resolved so as to allow for such a trail crossing the Cedar River, the lands of the corridor pending classification will be classified as Wild Forest and these two primitive areas will remain as separate areas.

The Department developed an Interim Access Plan for this area in June 2013.

This area does not yet have an adopted Unit Management Plan.

Essex Chain Lakes area statistics:

| | |
|---------------------------------------|-------------|
| State Lands | 6,955 acres |
| Bodies of Water (14) | 620 acres |
| Non-conforming Uses: | |
| Camps | |
| Roads (private) indeterminate mileage | |
| Float Plane Access* | |
| 1 Lake (First Lake) | |

FIRST BROTHER

This area is located in the Town of Horicon, Warren County. It is bounded on the west by Palisades Road and by the north, east, and south by private lands. The northwestern corner of the area abuts the southern boundary of the Pharoah Lake Wilderness.

A Unit Management Plan was adopted for this area in 1992.

First Brother area statistics:

| | |
|----------------------|----------|
| State Lands | 99 Acres |
| Non-conforming Uses: | None |

FORKS MOUNTAIN

This area is in the Town of Wells, Hamilton County. It includes the fifty-foot wide corridor of the snowmobile trail which cuts across the southern tip of the Siamese Ponds Wilderness between the Teachout Road on the East Branch of the Sacandaga and the State land boundary on the Sacandaga River. Efforts should be made to relocate this important trail in the county snowmobile trail system so that this area can become part of the Wilderness Area.

A Unit Management Plan was adopted for this area in 2005.

Forks Mountain area statistics:

| | |
|----------------------------|-----------|
| State Lands | 15 Acres |
| Non-conforming Uses: | |
| Snowmobile Trail (public)* | 2.5 Miles |

GOOSENECK POND

This area includes a 100 foot wide corridor between the State land boundary and the outlet of Gooseneck Pond in the Town of Ticonderoga, Essex County. Gooseneck Pond is the Town's water supply. It includes the access road, the control valve and the retaining dike at the north end of the lake and is intended solely for the purpose of the Town maintaining the dike and control valve. If the Town ceases to use Gooseneck Pond as a water supply, the road should be closed and the area added to the Pharoah Lake Wilderness.

A Unit Management Plan was adopted for this area in 1992.

in this area. A 100-foot-wide, 3.2 mile long privately owned railroad bed running north to south bisects the unit. It is used by a private hunting club.

This area does not yet have an adopted Unit Management Plan.

Madawaska Flow – Quebec Brook area statistics:

| | | |
|-----------------------------|-------|-----------|
| State Lands | 5,774 | Acres |
| Private Inholdings (1) | 97 | Acres |
| Bodies of Water (6) | 220 | Acres |
| Non-conforming Uses: | | |
| Roads (private)* | 3.0 | Miles |
| Madawaska Road | 1 | Mile |
| Conversation Corners Road | | 2.9 Miles |
| Snowmobile Trail (private)* | 2.3 | Miles |

NEHASANE

This area lies in the Town of Long Lake, Hamilton County and consists of the private right-of-way providing access from the end of the Charley Pond Road to the private land holdings at Nehasane Lake. This road is approximately 4.5 miles in length with the first 0.2 miles open to public use of motor vehicles to provide access to the Lake Lila trailhead. The road is gated at this trailhead and access beyond is limited to private access to the inholdings. Should, at some point in the future, the private lands to the west and southwest be acquired by the State extinguishing deeded access rights, the Primitive Area will be terminated at the Lake Lila trailhead parking lot.

This Primitive Area also contains the Nehasane Railroad Station, listed on the National Register of Historic Places, including one acre of land surrounding the

building and the short (0.1 mile) access road servicing the station. In the event that the station itself is relocated or removed, the one acre surrounding it and the access road will become Wilderness.

This area does not yet have an adopted Unit Management Plan.

Nehasane area statistics:

| | | |
|----------------------|-----|-------|
| State Lands | 55 | Acres |
| Non-conforming Uses: | | |
| Roads (private)* | 4.4 | Miles |
| (public)* | 0.2 | Miles |
| Railroad Station* | 1 | Acre |

OK SLIP POND

Located in the Town of Minerva, Essex County, this area includes a 2.6-mile long segment of road that crosses the Hudson Gorge Wilderness and leads to a private inholding surrounding OK Slip Pond. The area includes the road, the distribution power line that serves the inholding and an 11-acre parcel abutting State Route 28 that is occupied by a transmission power line. This road is not open to the public. Should the private inholding ever be acquired by the State, the road should be closed to all motorized use and the lands of this Primitive corridor and the inholding should be classified as Wilderness.

The Department developed an Interim Access Plan for this area in June 2013.

This area does not yet have an adopted Unit Management Plan.

OK Slip Pond area statistics:

| | |
|---------------------|-----------|
| State Lands | 30 acres |
| Non-conforming Uses | |
| Road (private)* | 2.6 miles |
| Powerlines* | 2 |

PARTLOW LAKE

This area is located in the Town of Long Lake, Hamilton County. It is a 3.1 mile road which connects the Nehasane Primitive Area with the private lands encompassing Gull Lake, Deer Pond and Partlow Lake to the west. The private land owners have a legal right of way to use this road to access their land. This inholding is scheduled to pass to State ownership in the year 2029 at which time this Primitive Area will become part of the Five Ponds Wilderness Area.

This area does not yet have an adopted Unit Management Plan.

Partlow Lake area statistics:

| | |
|----------------------|----------|
| State Lands | 77 Acres |
| Non-conforming Uses: | None |

PINE LAKE

This area is located in the Towns of Newcomb and Minerva in Essex County. It was classified in 2013 and includes lands from the TNC/Finch acquisition and a portion of the Blue Mountain Wild Forest that was reclassified and added to this area. The northern boundary follows the 1/10th-mile wide corridor of Wild Forest and lands pending classification eastward towards and along the Cedar River to where a bridge once crossed the river. The eastern boundary then follows a 1/10th-mile wide corridor of lands pending classification and Wild Forest

to the northern boundary of the former Indian River Tract. The southern boundary is the northern boundary of the former Indian River Tract and unnamed streams leading west and north to the Cedar River. The western boundary follows the Cedar River to its confluence with the Rock River and then the Rock River to the 1/10th-mile wide Wild Forest corridor.

Prominent features of this area include Pine Lake and Mud, Clear and Corner Ponds. The easements held by the Towns of Minerva and Newcomb for float plane landings on Pine Lake prevent this area from being designated as Wilderness or Canoe, but it offers a rare and remote recreational opportunity and its natural resources are sensitive, which requires wilderness management.

Upon resolution of legal and regulatory issues concerning potential recreational uses and resource impacts involving the crossing of the Cedar River with a snowmobile trail, the potential Wild Forest corridor and the unclassified lands between the Pine Lake Primitive Area and the Essex Chain Lakes Primitive Area will be classified Primitive. If this Wild Forest Corridor is not established, the two Primitive Areas will be merged as the Essex Chain Lakes Primitive Area.

The Department developed an Interim Access Plan for this area in June 2013.

This area does not yet have an adopted Unit Management Plan.

Pine Lake area statistics:

| | |
|----------------------|-----------------------|
| State Lands | 2,798 acres |
| Bodies of Water (4) | 147 acres |
| Non-conforming Uses: | |
| Floatplane access* | 1 Lake (Pine Lake) |

EXHIBIT B

Adirondack Park Agency

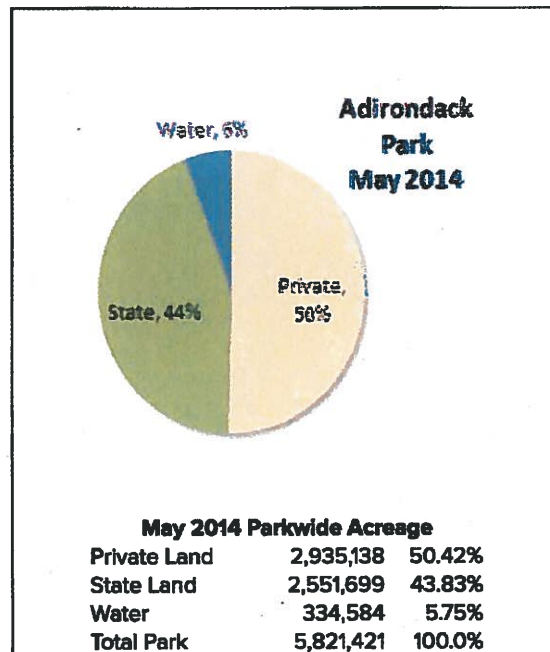
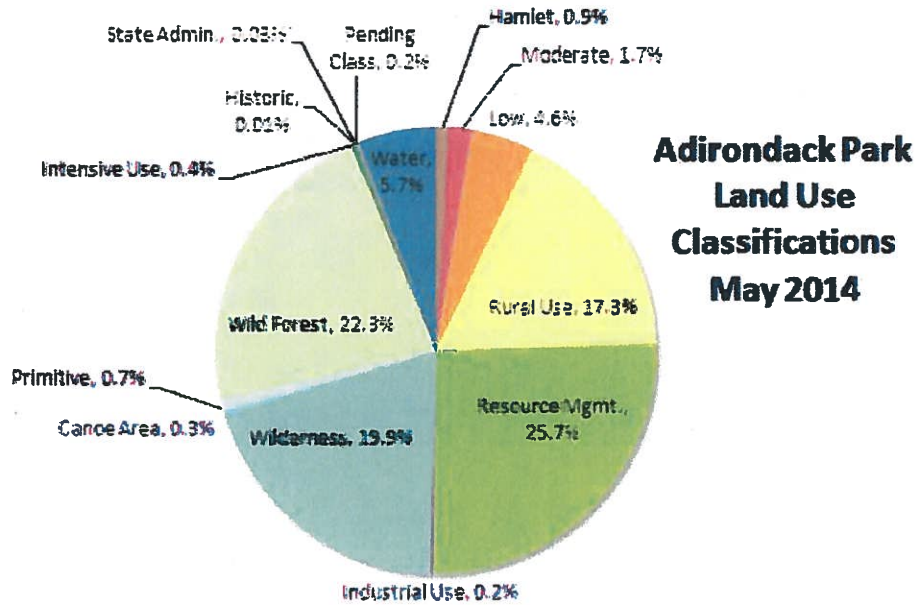
[About](#) [Property Owners](#) [Local Government](#) [State Land](#) [Business](#)

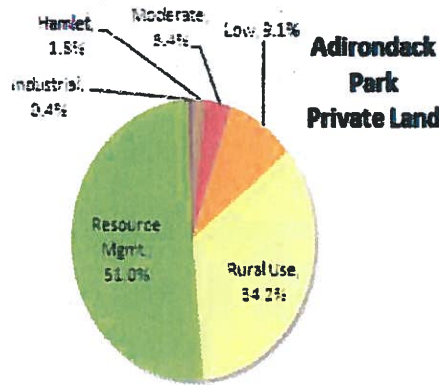
Exhibit B to Affidavit of
Kethleen D. Regan
August 17, 2016

Home > Maps & GIS > 2014 Land Classification Statistics

Adirondack Park Land Use Classification Statistics - May 21, 2014

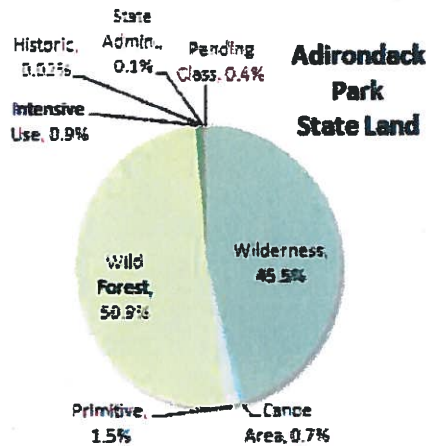
| Land Use Classification | Land Use Classification Acreage by County within the Adirondack Park - May 2014 | | | | | | | | | | | | Park acres | % of Park |
|-------------------------|---|-----------|----------|---------|-----------|----------|---------|--------|----------|----------|------------|------------|------------|-----------|
| | Clinton | Essex | Franklin | Fulton | Hamilton | Herkimer | Lewis | Oneida | Saratoga | Lawrence | St. Warren | Washington | | |
| Hamlet | 3,050 | 19,081 | 7,079 | 3,623 | 4,827 | 1,528 | 0 | 239 | 1,250 | 2,171 | 10,881 | 0 | 53,728 | 0.92% |
| Moderate Intensity | 7,172 | 20,222 | 9,325 | 4,768 | 12,410 | 4,421 | 1,635 | 1,303 | 5,584 | 2,530 | 25,133 | 4,972 | 99,475 | 1.71% |
| Low Intensity | 31,229 | 76,923 | 21,069 | 17,930 | 27,976 | 22,388 | 11,621 | 42 | 10,199 | 2,457 | 38,537 | 8,038 | 268,409 | 4.61% |
| Rural Use | 121,583 | 180,624 | 132,375 | 47,470 | 42,024 | 50,460 | 40,511 | 7,214 | 73,464 | 96,093 | 170,750 | 42,097 | 1,004,664 | 17.26% |
| Resource Management | 72,329 | 283,585 | 270,014 | 28,890 | 233,065 | 106,295 | 49,717 | 470 | 32,764 | 322,301 | 76,162 | 20,873 | 1,496,465 | 25.71% |
| Industrial Use | 58 | 6,290 | 628 | 0 | 136 | 0 | 0 | 0 | 0 | 3,927 | 1,359 | 0 | 12,398 | 0.21% |
| Wilderness | 0 | 366,640 | 57,228 | 0 | 473,279 | 134,796 | 4,722 | 0 | 0 | 61,634 | 62,957 | 0 | 1,161,257 | 19.95% |
| Canoe Area | 0 | 0 | 17,637 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 17,637 | 0.30% |
| Primitive | 952 | 8,572 | 7,995 | 0 | 6,130 | 122 | 0 | 0 | 0 | 15,111 | 101 | 0 | 38,984 | 0.67% |
| Wild Forest | 69,609 | 174,655 | 167,806 | 75,167 | 291,569 | 208,597 | 51,977 | 6,588 | 14,471 | 88,091 | 127,325 | 22,354 | 1,298,209 | 22.30% |
| Intensive Use | 337 | 6,680 | 1,764 | 303 | 5,035 | 1,626 | 0 | 0 | 5 | 275 | 6,399 | 280 | 22,704 | 0.39% |
| Historic | 0 | 530 | 0.5 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 531 | 0.01% |
| State Administrative | 1,045 | 359 | 357 | 8 | 152 | 0 | 0 | 0 | 0 | 36 | 46 | 0 | 2,003 | 0.03% |
| Pending Classification | 33 | 3,749 | 2,189 | 1,967 | 913 | 273 | 104 | 34 | 1,081 | 2 | 30 | 0 | 10,375 | 0.18% |
| Water | 19,454 | 76,770 | 41,225 | 23,117 | 58,615 | 28,375 | 4,577 | 727 | 9,988 | 28,462 | 39,937 | 3,337 | 334,584 | 5.75% |
| County Total Acreage | 326,850 | 1,224,679 | 736,692 | 203,244 | 1,156,130 | 558,881 | 164,865 | 16,617 | 148,805 | 623,090 | 559,616 | 101,951 | 5,821,421 | |
| County as % of Park | 5.61% | 21.04% | 12.65% | 3.49% | 19.86% | 9.60% | 2.83% | 0.29% | 2.56% | 10.70% | 9.61% | 1.75% | | |
| % County as Private | 72.03% | 47.91% | 59.79% | 50.52% | 27.72% | 33.12% | 62.77% | 55.77% | 82.83% | 68.93% | 57.69% | 74.53% | | |
| % County as State Land | 22.02% | 45.82% | 34.61% | 38.1% | 67.21% | 61.8% | 34.45% | 39.85% | 10.45% | 26.50% | 35.18% | 22.2% | | |





May 2014 Park Private Land Acreage and Percent of all Private Land

| | | |
|-------------------------|------------------|---------------|
| Hamlet | 53,728 | 1.8% |
| Moderate Intensity | 99,475 | 3.4% |
| Low Intensity | 268,409 | 9.1% |
| Rural Use | 1,004,664 | 34.2% |
| Resource Management | 1,496,465 | 51.0% |
| Industrial Use | 12,398 | 0.4% |
| All Private Land | 2,935,138 | 100.0% |



May 2014 Park State Land Acreage and Percent of all State Land

| | | |
|------------------------|------------------|---------------|
| Wilderness | 1,161,257 | 45.5% |
| Canoe Area | 17,637 | 0.7% |
| Primitive | 38,984 | 1.5% |
| Wild Forest | 1,298,209 | 50.9% |
| Intensive Use | 22,704 | 0.9% |
| Historic | 531 | 0.02% |
| State Administrative | 2,003 | 0.08% |
| Pending Classification | 10,375 | 0.4% |
| All State Land | 2,551,699 | 100.0% |

- These statistics were generated from the Adirondack Park Agency Geographic Information System *Adirondack Park Land Use and Development Plan and State Land Map* database on May 21, 2014.
- Although acreage figures are shown to one acre accuracy, the geographic information used for area calculations is approximate. Base map features such as roads, surface water, and municipal boundaries are mapped at one inch

equals two thousand feet. Parcel boundaries are derived from several sources including County Real Property Tax Map data, Department of Environmental Conservation Real Property data and Department of Transportation base maps. Due to map scale of source information, these data are intended for regional planning purposes.

- County acreage totals represent the portion of the county within the Adirondack Park. Only Essex and Hamilton counties are wholly within the Adirondack Park.
- As of 2009, state lands Pending Classification that surround Great Sacandaga Lake are under the jurisdiction of the Hudson River - Black River Regulating District.
- More information about land use area classifications can be found in the [Adirondack Park Agency Act \(pdf 294kb\)](#) and the [State Land Master Plan \(pdf 440kb\)](#). In addition, see descriptions of [private](#) and [state](#) land use classifications at www.apa.ny.gov.