



**DRAFT  
RESOLUTION AND SEQRA FINDINGS  
ADOPTED BY THE ADIRONDACK PARK AGENCY  
WITH RESPECT TO  
BOG RIVER COMPLEX  
AMENDMENT/FSEIS**

**April 17, 2009**

**WHEREAS**, Section 816 of the Adirondack Park Agency Act directs the Department of Environmental Conservation to develop, in consultation with the Adirondack Park Agency, individual management plans for units of land classified in the Master Plan for Management of State Lands and requires such management plans to conform to the guidelines and criteria of the State Land Master Plan; and

**WHEREAS**, in addition to such guidelines and criteria, the Adirondack Park State Land Master Plan prescribes the contents of unit management plans and provides that the Adirondack Park Agency will determine whether a proposed individual unit management plan complies with such guidelines and criteria; and

**WHEREAS**, the Department prepared a unit management plan for the Bog River Complex dated November 14, 2002, which was approved by the Adirondack Park Agency on January 10, 2003 and adopted by the Commissioner of the Department of Environmental Conservation on January 31, 2003 which called for the elimination of commercial floatplane use on Lows Lake within five years along with other management actions; and

**WHEREAS**, Sections 807 and 816 of the Adirondack Park Agency Act provide that "individual management plans shall be reviewed periodically and may be amended from time to time;" and

**WHEREAS**, the State Land Master Plan states that the primary management goal for both the Hitchens Pond Primitive Area and the Lows Lake Primitive Area is the preservation of the wild character of the Lows Lake-Bog River-Oswegatchie wilderness canoe route without motorboat or airplane usage; and

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**WHEREAS**, the Department provided Environmental Notice Bulletin Notice for a Draft Bog River Complex UMP Amendment and Draft Supplemental EIS dated January 21, 2009; and

**WHEREAS**, the Department has submitted a Final Bog River Complex UMP Amendment/FSEIS dated April 8, 2009 which has simplified the permit process for commercial floatplane operations, and which reduces the number of years for continued motorized use of Lows Lake; and

**WHEREAS**, this Bog River Complex UMP amendment will prohibit commercial floatplane operators from using Forest Preserve lands for the storage of canoes or other equipment; and

**WHEREAS**, in accordance with the adopted Bog River Complex UMP, the Department has eliminated public use of motorboats from the Bog River, Hitchens Pond and Lows Lake by regulation; and

**WHEREAS**, the Department and the Agency consider commercial floatplane operations to be an important part of the outdoor recreational experience in the Adirondacks and further agree that cessation of floatplane operations on Lows Lake by a date certain is important to insure attainment of the management goals of the Master Plan; and

**WHEREAS**, the Bog River Complex UMP Amendment/FSEIS, dated April 8, 2009, would allow continued limited commercial floatplane access to Lows Lake until December 31, 2011; and

**WHEREAS**, the number of flights per month will be restricted by DEC regulation with the maximum number of flights for any single month thirty-five, and the maximum number of seasonal flights will be limited to one hundred sixty-five; and

**WHEREAS**, such commercial floatplane operations would be terminated as of December 31, 2011 in accordance with the proposed DEC regulations; and

**WHEREAS**, the Department has committed to no further extensions to the termination date; and

**WHEREAS**, the Agency's approval of the original Bog River Complex UMP determined an extension of use of floatplanes on Lows Lake was a "reasonable transition to implementation of the Master Plan;" and

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**WHEREAS**, any unclassified lands on the southern shore of Lows Lake and the Lows Lake Primitive Area, along with the waters of Lows Lake will be considered for wilderness classification as additions to the Five Ponds Wilderness; and

**WHEREAS**, mandatory direction regarding elimination of all public motorized uses on Lows Lake by December 31, 2011 will be proposed as part of an amendment to the Adirondack Park State Land Master Plan for the area description of the Five Ponds Wilderness Area; and

**WHEREAS**, the aforesaid classification and Master Plan revisions are on the preliminary agenda for Agency determination to proceed to public hearing at its regular May meeting; and

**WHEREAS**, the approval of the Bog River Complex UMP Amendment is a Type I action pursuant to 6 NYCRR Part 617 for which the Department of Environmental Conservation is the Lead Agency and the Adirondack Park Agency is an Involved Agency; and

**WHEREAS**, the Adirondack Park Agency, as an Involved Agency in the review of the Bog River Complex UMP Amendment/FSEIS, is obligated to make independent findings regarding the significance of environmental impacts pursuant to 6 NYCRR Part 617.11; and

**WHEREAS**, a Notice of Completion of a Final Supplemental Environmental Impact Statement (FSEIS) was filed in the Environmental Notice Bulletin on April 8, 2009; and

**WHEREAS**, the Agency is requested to determine whether the April 8, 2009 Bog River Complex Amendment/FSEIS is consistent with the guidelines and criteria of the Adirondack Park State Land Master Plan and the Adirondack Park Agency has reviewed the Final Bog River Complex Unit Management Plan Amendment/FSEIS dated April 8, 2009; and

**WHEREAS**, the more restrictive approach of controlling public aircraft operation under a new permit system, and the elimination of all such use by December 31, 2011, represents continued progress towards the goal of phasing out motorized use and access on Lows Lake and creating a wilderness canoe route as called for in the Master Plan and consistent with the original Centennial purchase; and

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**WHEREAS**, the Department has agreed to immediately begin the process of promulgating new regulations to include the above provisions, in consultation with Adirondack Park Agency staff; and

**WHEREAS**, the current floatplane operators have agreed to voluntary compliance with the regulatory terms proposed in the Final Plan Amendment; and

**WHEREAS**, proposed Express Terms for draft regulations regarding commercial floatplane operations on Lows Lake will be submitted to GORR within 30 days of the approval of the Bog River Complex UMP Amendment, and a full regulatory package will be submitted to GORR within 60 days of same.

**NOW, THEREFORE, BE IT RESOLVED**, that in accordance with SEQR regulations, the Agency has weighed relevant environmental impacts with social, economic and other considerations, and finds the proposed permit system and elimination of public floatplane operations on Lows Lake by December 31, 2011 will minimize or avoid potential environmental impacts to the maximum extent practicable, enhance visitor experience and create opportunities for solitude in a wilderness canoe setting; and

**BE IT FURTHER RESOLVED**, that the Adirondack Park Agency finds pursuant to 6 NYCRR Part 617.11 that the management actions contained therein are intended to:

- avoid impacts to existing wildlife populations by regulating commercial floatplane use under a permit system during the recreational use and paddling season;
- mitigate noise and visual impacts from floatplane operations through a permit system which restricts the number of flights and provides for the elimination of public floatplane operations by December 31, 2011; and
- avoid or mitigate user conflicts by establishing a permit system to regulate the frequency of floatplane operations and providing for their elimination by December 31, 2011; and

**BE IT FURTHER RESOLVED**, that pursuant to Section 816 of the Adirondack Park Agency Act, the Adirondack Park Agency finds the proposed extension of floatplane use on Lows Lake contained in the Bog River Complex UMP Amendment/FSEIS, dated April 8, 2009, conforms to the guidelines and criteria of the Adirondack State Land Master Plan for the reasons stated in this resolution; and

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**BE IT FURTHER RESOLVED**, that the Adirondack Park Agency has determined continuation of public aircraft operations until December 31, 2011 under a new mandatory permit system is reasonably conditioned on the aforementioned findings and actions; and

**BE IT FURTHER RESOLVED**, that this determination of Master Plan compliance is conditioned on submission of draft text for proposed regulations to the Governor's Office of Regulatory Reform within 30 days, and submission of a complete regulatory package within 60 days for regulations governing public aircraft operation on Lows Lake which are no less restrictive than the proposal described in the Bog River Complex UMP Amendment/FSEIS dated April 8, 2009, and which require termination of commercial floatplane access to Lows Lake no later than December 31, 2011; and

**BE IT FINALLY RESOLVED**, that the Adirondack Park Agency authorizes its Chair to advise the Commissioner of Environmental Conservation of the Agency's determination in this matter.

Ayes:

Nays:

Abstentions:

Absent: