



**MINUTES OF THE STATE LAND COMMITTEE MEETING  
September 12, 2013**

Committee members in attendance included Agency Chairwoman Leilani Ulrich, William Thomas, William Valentino, Sherman Craig, Designee Robert Stegemann, Department of Environmental Conservation, and Committee Chair Richard Booth. Members Karen Feldman, Dan Wilt, Arthur Lussi, and Designees Dierdre Scozzafava, Department of State and Bradley Austin, Department of Economic Development joined the Committee. Also participating in the meeting was Executive Director Fred Monroe of the Local Government Review Board. Staff included Executive Director Terry Martino, Counsel James Townsend, Planning Director James Connolly, Senior Natural Resource Planner Kathy Regan, Associate Natural Resource Planners Walter Linck and Matthew Kendall, Senior Attorney Elizabeth Phillips, and Special Assistant Economic Affairs Dan Kelleher.

The Committee meeting convened at approximately 3:00 p.m.

**Approval of Draft Committee Minutes for August 2013**

A motion to approve the draft committee minutes was made by Member Thomas and was seconded by Designee Stegemann. All were in favor.

**Deputy Director Planning Report (J. Connolly)**

Mr. Connolly briefly reviewed the monthly activity report for the Planning Division.

**Review of Staff Responses to Board Questions Regarding Classification**

Staff began the presentation with a video taken by The Nature Conservancy which depicts the recently acquired Finch lands. Matt Kendall then used a Google Earth mapping application to zoom into the newly acquired State lands. This application is available to the public via the Agency's State Land Web page.

Mr. Connolly then reviewed the staff memorandum that was part of the Board's mailing package for September. The memorandum outlined and addressed some of the issues and concerns that were raised by the Agency Members during the August Board meeting.

After his opening remarks, Mr. Connolly said the planning team staff were available to address additional questions from the Board.

Member Craig questioned the process that will be followed in approving the Final Programmatic Environmental Impact Statement (FPEIS). Agency Counsel Townsend noted that there are two steps in the approval process - the first step involves accepting and approving the proposed FPEIS and the second is to approve an Agency resolution for classification of the lands; both steps occur in the same document.

Local Government Review Board Executive Director Fred Monroe noted that the communities believe that snowmobiling is critical to their local winter economies. He said that the memo indicates the snowmobile guidance is not statute or regulation and his understanding of the guidance is that it is not a binding document. Counsel Townsend responded that it is an agreement between the Agency and the Department in terms of carrying out the intent of the State Land Master Plan (SLMP) in regards to trails and therefore is a binding document that carries out the provisions of the SLMP and is attached to the Memorandum of Understanding (MOU) between the Agency and the Department. Mr. Connolly noted that although the guidance does not have the force of law, it is an agreement between the Department and the Agency and the snowmobile guidance is a formal interpretation of the SLMP. He added that there is a process to amend the guidance.

Committee Chair Booth noted that the snowmobile issues in relation to the Essex Chain largely relate to whether there is a Wild Forest classification. Primitive, Wilderness, and Canoe areas generally do not allow snowmobiles unless there is a public road on the periphery. If this were classified Wild Forest, the guidance document limits snowmobile trails going into the deep interior of Wild Forest areas. As a result, compliance with the guidance document regarding snowmobile use would be an issue that would have to be considered. He added that the Board is not determining what the deep interior of Wild Forest areas might be at this time. Mr. Connolly concurred and added that the remote interior is defined by motorized access which is determined through the unit management planning process.

Agency Chair Ulrich then asked about the Vanderwhacker Mountain Wild Forest UMP Amendment that is currently being worked on by Department staff for one of the trails. Mr. Connolly noted that

Department staff are working on an amendment but it has not been released yet for public review. Mr. Connolly also said that several routes have been identified to link Newcomb with Minerva but a preferred final alternate has not been chosen, and Department staff are evaluating the options. Member Thomas asked if the amendment would be finalized prior to or after the Board's final decision is made relating to classification for the Finch lands. Mr. Connolly responded it would likely be after the Board's final decision is made but was hesitant to speculate.

Member Thomas asked if opportunities exist within the Essex Chain if it is classified as Wild Forest for a trail between Minerva and Newcomb. Mr. Connolly responded that is something that cannot be determined now but will become a part of the unit management planning that will occur following classification. Designee Stegemann noted that the proposed Vanderwhacker UMP Amendment should be coming to the Agency soon for public comment. Committee Chair Booth noted that the Hudson River would have to be crossed. Member Thomas responded there is a bridge there. Committee Chair Booth stated that the bridge would be required to consist of natural materials. Mr. Connolly said that the natural materials requirement of the Master Plan is referenced on page 5 of the staff mailing memo.

Member Thomas asked for further clarification of the use of natural materials for bridges when they traverse either a trail or a public road on the Forest Preserve. Senior Attorney Phillips explained that any type of trail including a snowmobile trail requires the use of natural materials in its construction and design under the SLMP. If an area is classified as Wild Forest and DEC determines to keep a road open, then the road can include bridges that are made of material other than natural materials. Mr. Connolly directed the Board to the DEIS under the section on Primitive areas and non-conforming structures and the fact that there are camps and the bridge at least until 2018. Committee Chair Booth asked to have all of the legal materials pulled together into one memo for review by the Board.

Member Thomas stated the bridge will remain until 2018 but depending on the classification now, because it is not a public highway, it cannot be used as a snowmobile trail. Mr. Connolly responded that it depends on the classification decision and management decisions that will ultimately follow. Agency Chair Ulrich also noted that the snowmobile guidance directs such use away from the interior areas of the Forest Preserve.

Local Government Review Board Executive Director Fred Monroe asked if the area near the Polaris Bridge were classified as an Intensive Use corridor similar to that used in the Moose River Plains Unit, could the bridge remain where it is. Mr. Connolly responded the designation of Intensive Use in the Moose River Plains Unit was unique in that unit and was part of a reclassification action and joint management planning to accommodate an existing use that was inherited by the State from the 1960s, prior to the creation of the SLMP.

Committee Chair Booth asked about the status of the Chain Lakes Road South as a Town road. Counsel Townsend responded that this is a legal issue outside of the classification process and the Agency does not have a role in determining the outcome of it. Local Government Review Board Executive Director Fred Monroe concurred that the Agency could not make the determination of the status of the road.

Agency Chair Ulrich asked about access by foot to the Polaris Bridge on the Hudson River and the Essex Chain. Member Craig then noted that area 3 as depicted on the reference map provided by staff seemed to be the most logical choice for access and asked what classification would allow a parking area to be there. Mr. Kendall responded that because it is a scenic river, there is no prohibition on a parking area being there but is dependent on classification. Mr. Connolly added that these types of issues are addressed during the unit management planning phase.

Counsel Townsend stated that the maps are primarily illustrative; the lines are not fixed anywhere. He added that the Department respects the classification process and does not take any action that will compromise the process. Walter Linck noted that the guideline in the SLMP which allows the 500 ft. incursion is a guideline that states when the boundary of a Wilderness area is a public highway, then any proposal such as a parking area can go in as far as 500 ft.

Agency Chair Ulrich asked if an option is to make the area around the Polaris bridge Primitive. Counsel Townsend responded that due to the existing 5-year right for the Polaris Club on the east side of the Hudson to have access over the iron bridge, this area has to be deemed Primitive as this designation is the only one that legally applies to the existing use. Member Craig then asked if this designation could be a permanent classification or a temporary one. Counsel Townsend responded there is no legal justification to make it permanent based on a

use that is only expected to last 5 years. An example of a permanent Primitive classification would be that of the Lows Lake dams - they are expected to remain in the Lows Lake area forever. This is a transitional use that will be addressed in the future. Member Thomas noted that in 2019 it does not mean the bridge will be removed but discussion will begin again. Counsel Townsend responded affirmatively. Member Craig asked if in 2019 the Primitive area around the bridge will be classified as Wilderness. Counsel Townsend responded it depends but noted that the area around the Hudson Gorge that is now designated Primitive will be required to be classified as Wilderness due to the mandatory language provided in the SLMP.

Designee Stegemann asked if mountain biking would be allowed across the Polaris Bridge if it ultimately is designated as a Wilderness area or would a designation of Wild Forest be necessary to accommodate such use. Walter Linck responded if the river corridor is Wilderness, then mountain biking would be prohibited. As a Primitive designation, mountain biking would be allowable on administrative roads but not in a Wilderness area. If however, a Wilderness corridor exists up to the bridge area, with a Wild Forest corridor on the other side of the bridge, mountain biking would be allowable. Member Feldman asked if the leases for the Polaris Club and Gooley are terminated sooner than 2018, would the bridge be removed or could any other proposal occur sooner than initially projected. Senior Attorney Phillips stated that The Nature Conservancy (TNC) has a reserved lease hold interest until October 2019; TNC would have to relinquish that interest before the State could have full fee and classify accordingly.

Agency Chair Ulrich asked if a portion of the river area above the bridge was classified as Canoe, could mountain biking occur across the bridge. Ms. Phillips responded that more opportunities exist for mountain biking in Canoe and Primitive areas and can be provided for in the unit management plan if the road is deemed State Administrative. Mr. Connolly responded there is a provision under Primitive that allows mountain biking on roads that might otherwise be open to the public but in this situation there are leased rights that are exclusive and do not fit under that provision of SLMP. Chair Ulrich responded that mountain biking is not allowed now in that area. Mr. Connolly responded affirmatively, not by the public anyway. Walt Linck added that in terms of a Canoe area, if the particular road in question is deemed by the Department as needed for fisheries management purposes, Department and Agency staff would address this through the unit management planning process. However, if

the road is not needed for such management purposes, it is unlikely it would become an Administrative road and mountain biking would be prohibited. Designee Stegemann noted that it is unlikely the Department will need to designate the road as Administrative for fisheries management purposes on the Hudson.

Agency Chair Ulrich asked what the slope percentage is for ADA compliance as was noted by Carole Frasier during her presentation earlier this year before the Agency. Designee Stegemann responded that he believed it is 6%.

Committee Chair Booth noted that if the roads that are being used by the Polaris and Gooley Clubs were classified Primitive, Canoe or Wilderness, the only people that would be able to access those roads would be the Club lessees. Senior Attorney Phillips responded affirmatively and stated the corridors would have to be designated Primitive for the duration of the leases.

Committee Chair Booth noted that the State of New York now owns the Outer Gooley Club Structure and asked if this would impact classification. Counsel Townsend responded no. Member Lussi asked if it could be designated historic. Counsel Townsend replied that it does not meet the criteria for an historic designation in that it currently is not placed on the Historic Register.

Member Thomas asked what could be done on a Scenic River located in a Wilderness area that could not be done on a Wild River. Counsel Townsend responded that it depends on where the boundary is located.

Member Craig asked if a bridge could remain over the Cedar River depending upon classification of the lands on either side of the river. Kathy Regan stated that the bridge would need to be made of natural materials and could not be used for motorized use or for mountain biking if the area classified on either side of the river was Wilderness. She added that if it was Wild Forest on either side of the Cedar river, the bridge would need to be made of natural materials if used as a trail or if used as a road, the bridge could be constructed of other materials and be used for motorized use.

Local Government Review Board Executive Director Fred Monroe stated that if a Wilderness area is between the Indian River tract and the Essex Chain, it could not be used as a road due to the intervening Wilderness. Ms. Regan responded affirmatively

but reminded Mr. Monroe that the boundaries are not firm at this time.

Member Craig asked about the viability of the use of a Wild Forest special management area. Mr. Connolly responded that it is an alternative identified in the SEQR process even though it is not a classification category; it will need to be evaluated by the Board as a part of the FSEIS process.

Committee Chair Booth noted that the use of horses and horses with wagons for recreational purposes can be used in all of the classification categories but the specific location may be restricted. Counsel Townsend responded affirmatively.

Ms. Regan noted that no matter what the classification is, as the forest matures, species diversity will occur and will likely improve deer wintering yards.

Member Craig asked about float planes as a vector for invasive species. Kathy Regan responded that there is a protocol established for float planes in the control of invasive species. Mr. Connolly added that the US Fish and Wildlife Service have established management guidelines for float planes in terms of controlling invasive species. Much of the research and work has been conducted in the State of Alaska.

Discussion ensued about invasive species on motorized craft versus non-motorized craft. Ed Snizek reviewed very preliminary data provided by Paul Smiths College. Staff noted that Adirondack Park Plant Invasive Program (APPIP) data is available in addition to what has already been presented by Paul Smiths College. The material will be a part of the decision making process and referenced in the FSEIS.

Local Government Review Board Executive Director Fred Monroe said that most communities in the Adirondacks believe that local economies are very dependent on snowmobiling in the winter and to analyze economic impact of uses year-round doesn't answer the question of impacts to winter time economies. The economic analysis communities would like to see is that of the winter economy and whether it is dependent on snowmobiling or other factors. Dan Kelleher responded that a good business person would want a variety of products offered to a variety of users to maximize sales. He added there are four primary winter sports in the Adirondacks which include downhill skiing, snowshoeing, cross country skiing, and snowmobiling. The question before this Board is where are those sports appropriate

and where do they belong and how to classify the land to accommodate that. Mr. Connolly noted that the FSEIS will include a section on economic impact data. He said that the SEQRA process does not require the Agency to do independent research for data.

Committee Chair Booth stated that the Master Plan refers to intangible characteristics such as remoteness. He then asked staff how critical is the protection and enhancement of remoteness for recreational opportunities. Mr. Linck responded that remoteness needs to be thought of as to what exists now on the land and what is required under Master Plan guidelines for whatever classification designation is chosen.

Agency Chair Ulrich thanked staff and noted the importance of remoteness as outlined in the SLMP as well as the incredible opportunities that exist for various forms of recreation throughout the former Finch lands.

Committee Chair Booth said the mandates of the SLMP call for protection of the natural resources that exist on the land. These mandates reduce the options the Agency has regarding classification of the Essex Chain Lakes. Mr. Booth stated his belief is that the Master Plan requires that these lakes be classified in one of the Plan's more restrictive classifications, i.e., Wilderness, Primitive or Canoe. He noted the need for a memorandum from staff which outlines and analyzes the overall guidelines of the SLMP for each of the potential classification categories. He asked that a legal analysis memorandum be prepared by staff for use by the Board to better understand the Master Plan guidelines for this area.

Member Feldman expressed concern for costs associated with management of the area. Mr. Connolly said that this falls under the unit management planning process and is not a part of the classification process. Designee Stegemann concurred.

**Old Business**

None

**New Business**

None

The meeting was adjourned at approximately 5:05 p.m.