



LEILANI CRAFTS ULRICH
Chairwoman

TERRY MARTINO
Executive Director

Draft Minutes
State Lands Committee
September 2015 Agency Meeting
9/30/15 11:00 a.m.

**MINUTES OF THE STATE LANDS COMMITTEE MEETING
September 10, 2015**

The State Lands Committee convened at approximately 10:30 a.m.

State Land Committee Members Present

Richard Booth, Sherman Craig, William Thomas, Robert Stegemann.

Other Members and Designees Present

Karen Feldman, Daniel Wilt, Dierdre Scozzafava, Bradley Austin, Lani Ulrich.

Local Government Review Board

Fred Monroe.

Agency Staff Present

Terry Martino, James Townsend, Walter Linck, Kathy Regan.

Approval of the Draft August Committee Minutes

A motion to approve the draft committee minutes was made by Mr. Craig and was seconded by Mr. Thomas. All were in favor.

Planning Division Report (Kathy Regan)

Ms. Regan reviewed the division report. Ms. Regan discussed a wetlands training workshop that was held by the Agency for Department staff and noted another field training segment will be held October 1.

Ms. Regan reminded the Board of the Agency Resolution that was approved in December 2013 in which the Agency had committed to consider pursuing an amendment to the State Land Master Plan to allow for the use of all-terrain bicycles on appropriate all season roads able to withstand such use on the Essex Chain tract, and to consider allowing the use of non-natural materials for the construction of a bridge across the Cedar River. She noted the draft Supplemental Environmental Impact Statement will be brought before the Board in November.

Mr. Booth noted for clarity that the Agency voted to consider the stated proposed amendments. Ms. Regan concurred.

Essex Chain Lakes Complex Proposed Final UMP (Rob Davies, DEC)

This item was for action seeking Board authorization to proceed to public comment.

Mr. Davies reviewed the proposed final unit management plan including the proposed management actions and goals of the plan. He went over the planning history which he stated began in 2006. He discussed and recognized the coordination with the various stakeholders involved, in particular, the towns that will be impacted by the plan. He noted that the public draft plan was released in Summer 2014 and the interim Stewardship Plan was released in December 2014. In June 2015 a revised public draft UMP was released. An amended Stewardship Plan, which included the use of all-terrain bicycles, was released in July 2015.

Mr. Davies spoke of the history of motorized access and parking within the unit. He stated the local towns created and maintained a road network for public travel and recreation which was later maintained by Finch Pruyn to facilitate access through the property. He added that motor vehicle use as proposed in the UMP will be limited to the historical use of the existing road network. There are approximately 53 miles of former woods roads within the unit. The UMP calls for approximately 10 miles of designated public motor vehicle roads, 65 miles (approximate) of administrative roads, and 11 miles of former all-season roads to be used as non-motorized recreation trails. Public, administrative, and former all-season roads will be maintained periodically pursuant to the Master Plan.

Mr. Davies reviewed the proposed construction of a bridge over the Cedar River, in the vicinity of the river crossing, established in the 1900s. He noted the bridge will provide 4 season, multiple use recreation access between the Chain Lakes Road South and the Chain Lakes Road North. The proposed bridge will be built in conformance with the Wild, Scenic, Recreational Rivers Act and the State Land Master Plan. He emphasized that no public motor vehicles except for snowmobiles will be allowed to utilize the Cedar River Bridge.

Mr. Davies then reviewed the proposed plan to continue maintenance of the existing Polaris (Iron) Bridge for recreational access to the east side of the Hudson River. Similar to the proposal for the Cedar River Bridge, no public motor vehicles, except for snowmobiles, will be allowed to cross the Polaris Bridge. In a future amendment to the Vanderwhacker Wild Forest UMP, ADA accessible facilities will be proposed for the east side of the Hudson River. The "Tube" is proposed to be removed and replaced with a bridge which will accommodate recreational uses to include horse and wagon.

Mr. Davies noted there are 31 designated camping areas within the unit. Additional primitive tent sites will be established dependent upon user experience and feedback.

Mr. Davies stated that the proposed UMP intends to maintain existing canoe carries including signage and trail markers. Two pre-existing carries will be formally marked between Lake Harris and the Polaris Bridge. New carries are proposed to be sited and constructed to connect Seventh Lake to Eighth Lake and from Third Lake to Jackson Pond.

Mr. Davies stated that the proposed Plan provides for a 6-car universal access parking area 250 feet west of the "Tube" which will allow 4 permitted parking spots for the general public and 2 parking spots for CP-3 permit holders. He noted that the UMP states that the Agency will recommend amendments to the Master Plan to specifically authorize this use. In addition, the existing primitive tentsite at Fifth Lake is currently being enhanced for universal accessibility and will be accessible from the proposed 6-car parking area. At Fifth Lake a fishing and waterway access site is proposed to be constructed, and additional accessible camping is proposed to be provided at roadside primitive tentsites throughout the unit.

Mr. Davies noted that segments of two roads, one from Newcomb and one from Indian Lake are proposed to be open for additional fall seasonal motorized access that will coincide with regular big game hunting season which generally runs from October 1 through the first Sunday in December.

Mr. Davies then reviewed bicycle trails noting that approximately 19 miles of former all-season roads will be designated for bicycle use, with approximately 9 of those miles to be located on former all-season roads within the Primitive Area.

Mr. Davies added that consistent with the 2013 classification and resolution adopted by the Agency, there are two alternatives proposed for designation of bicycle trails on lands located within the Primitive Area of the unit. Alternative 1 continues the use on Administrative Roads within the Primitive Area as outlined in the Stewardship Plan. Alternative 2, which is the preferred alternative, would designate a subset of former all-season roads as non-motorized recreation trails which involves an amendment to the Master Plan.

Mr. Davies then reviewed equestrian trails and noted that approximately 21 miles of former all-season roads within the unit are proposed for equestrian use. A portion of this configuration will be for horse and wagon use. Maintenance of both the equestrian and bicycle trails is proposed to be done via motorized equipment on a periodic but not routine basis.

Next Mr. Davies reviewed the proposed community connector trail from Indian Lake to Minerva. Department staff distributed a map that is not currently in the draft plan. Mr. Davies outlined the various alternatives that were considered to establish the connector trail to Minerva. He then discussed the two most viable alternatives, 1a and 1 b. The preferred alternative by staff is 1a which will involve 10 bridges and 15 bog bridges as

opposed to 20 bridges, 15 bog bridges, 1 turnpike, reroutes and ditching and drainage to accomplish alternative 1b. Although alternative 1b is a more direct route, Department staff feel that alternative 1a is less intrusive to the natural resources within the area.

Ms. Ulrich asked for clarification of a turnpike. Mr. Davies responded a turnpike is a trail that is very wet and requires filling in the wet areas to build up the surface area with material such as crushed stone. He added this process is very intrusive.

Mr. Booth asked about the difference between a bridge and a bog bridge structure. Mr. Davies responded that a bridge is suspended over a water course whereas a bog bridge goes along the vegetation and wetland areas. Mr. Booth asked what the difference is in terms of structure. Mr. Davies responded that both are made of wooden materials. Ms. Regan added that a bog bridge has greater wetlands impact as it lays directly on the vegetation as opposed to a bridge which suspends above the vegetation.

Mr. Davies then discussed the 2009 Snowmobile Guidance and how it relates to the chosen alternatives. The principle considerations of the Snowmobile Guidance which are relevant are: *“Class II trails be located on the periphery by shifting them away from remote interiors, not duplicate or parallel other snowmobile trails and should be located near motorized travel unless terrain or environmental conditions dictate otherwise; Trail siting standards also require that trails be located “to avoid areas considered environmentally sensitive”.* Mr. Davies noted that the guidance does not give priority to any of these considerations. They are all considered equally.

Mr. Davies stated that applying these conditions to the unit requires an evaluation of distance from other Class II trails (generally 5 miles), avoiding the environmentally sensitive area in the central part of Vanderwhacker (WF), constraints that prevent location near the public highway, and higher maintenance costs. So the existing Class II trail that goes from Indian Lake to Blue Mt. through the easement lands to Long Lake to Newcomb runs between two parallel west, east Class II trails – one connects Indian Lake to Blue Mt. and one connects Long Lake to Newcomb (the two parallel trails). Thus these trails were intended to connect Indian Lake to Blue Mt. Lake, Indian Lake and Blue Mt. Lake to Long Lake and Long Lake to Newcomb but not Indian Lake to Minerva. All of these connections lie in the Blue Mt. Wild Forest area and conservation easement lands west of the complex area. Mr. Davies noted that based on the evaluation of the foregoing, and the criteria provided for by the guidance, the complex plan proposes a Class II Community Connector trail that is generally 5 miles east of the western trail, avoids environmentally sensitive areas, and is intended to connect the communities of Indian Lake and Minerva.

Mr. Booth asked if the Snowmobile Guidance specifically states there needs to be a connector trail between two particular communities. Mr. Davies responded no but the guidance does not specify all the desired community connector trails. Mr. Booth then asked if the words “there should be” or “must be a community connector trail between

Indian Lake and Minerva” are specifically stated within the guidance. Ms. Richards responded that the Snowmobile Guidance is based on the premise of establishing a snowmobile connector trail network within the Park with the objective of connecting Park communities. Mr. Davies and Ms. Richards both stated that the guidance specifically states that not all proposed community connector trails are identified within its body. Mr. Booth then stated he presumed that a community connector trail would not be established between Indian Lake and Lake Placid. Ms. Richards responded that the guidance does not say there cannot be a community connection between communities, but it does discuss the objective of connecting communities. Mr. Davies added that it depends on what lies on the ground; each proposal is evaluated individually based on its own merits.

Ms. Ulrich stated that the majority of the Board wanted a snowmobile connector trail to Minerva when the classification of the unit was undertaken. Mr. Davies noted that the Department also heard from the affected communities during the land acquisition phase which were also desirous of a community connector trail.

Ms. Ulrich asked Mr. Davies to review the background of the 5 miles separation distance between the trails. Mr. Davies responded that the intent of the 5 miles separation distance was to eliminate duplicative trails within units. Ms. Regan added that the guidance does not define how far apart trails should be to be considered parallel, however, the 5 miles was used by staff to convey the concept of how far apart the trails are. Mr. Davies stated that the 5 miles are specific to this unit.

Mr. Davies stated that the existing trail that traverses the easement lands is approximately 14 miles longer than the proposed alternative. Mr. Booth asked why that matters. Mr. Davies responded that in terms of defining a connection between communities, that number of miles is significant. Mr. Booth then asked if the guidance suggests any value in selecting a shorter route between communities. Mr. Davies responded that when the goal is to connect points, a shorter distance is generally preferred. Mr. Davies added that he did not believe the guidance document makes such a suggestion but perhaps it should. Fred Monroe stated that on behalf of Local Government, a more direct route between Indian Lake and Minerva is important to all five towns. Mr. Monroe said State policy in this region has had a major impact on these communities and the economy. Therefore a more direct snowmobiling route is important to the Towns and their respective economies.

Mr. Davies reviewed the use of float planes on First and Pine Lakes via the issuance of Temporary Revocable Permits. The management objective is to close one primitive tent site on Pine Lake which does not meet Master Plan separation distance requirements. Continued use of the other primitive tent sites on Pine Lake and First Lake by float plane operators is also proposed. He added that the Department via this proposed plan has tried to honor its commitment to float plane operators to find recreational opportunities for float plane users since the closing of Lows Lake to such use.

Mr. Davies then reviewed the historic resources within the unit. Located on Third Lake is the Inner Gooley Complex which is considered to be on the historic registry as it is eligible for such consideration. He noted that the Inner Gooley camp buildings are located in a remote location with no nearby public motorized access within an area classified as Primitive. As such, the Department considered alternatives but due to the remote location in a Primitive Area, the proposal is to remove the Inner Gooley buildings. Mr. Craig asked if the property would still be considered historic without the structures. Mr. Davies replied that removing the structures from the complex disturbs the historic status. Ms. Ulrich asked if any other alternatives will be explored. Mr. Davies responded that there are several steps the Department must go through prior to removal of the structures, but the proposal is to remove the Inner Gooley buildings from the unit.

Mr. Davies then talked about the Outer Gooley Farmhouse which is the only remaining structure on the site northwest of the confluence of the Indian and Hudson Rivers. OPRHP has determined the farmhouse meets eligibility criteria for inclusion on the National Registers of Historic Places. The proposed UMP calls for maintenance of the Outer Gooley Farmhouse as a historic structure and use as an outpost for administrative and emergency personnel until a final disposition of the building is determined. Ms. Feldman noted that both historic resources were treated the same in terms of alternatives however the final decision to remove the inner resource is possible from a legal standpoint because a different determination was reached for the Inner Gooley structure. Mr. Davies responded that the Outer Gooley is accessible by motor vehicle whereas the Inner Gooley structure is not which is the basis for the decision to remove the structure. Ms. Feldman stated that even though the OPRHP recommends alternatives, the option to remove the structure remains. Mr. Davies responded affirmatively as long as the procedure is followed to document the historic use.

Mr. Davies reviewed use reservations for the sportsmen's clubs (leases to expire on 9/30/18), and the Towns of Newcomb and Minerva for the use of float planes on First and Pine Lakes within the complex area. In addition, the Towns of Newcomb and Minerva were granted a Deeded Easement for non-exclusive rights to access and mine gravel from the Chain Lakes, Deer Pond and Outer Gooley Pits for road maintenance purposes.

Mr. Craig stated he felt the proposed UMP reflects both protection and recreational opportunity and looks forward to accepting public comment.

Ms. Ulrich asked if the Department had any sense of bike use over the summer months. Mr. Davies responded that every time he had visited the area he has witnessed users. Department Planner Corrie O'Dea concurred and added that the biking community seems very happy. Department staff are encouraging users to sign into the registry.

Mr. Townsend asked if staff can determine from the registry what type of use people are registering for. Ms. O'Dea responded that generally staff can determine the type of use from the way people register.

Ms. Feldman noted that after the last draft presentation, discussion centered around the parking lots by the Tube. She noted that during that discussion a universal parking area was proposed and one for CP3 users. She asked Mr. Davies to explain the change in proposal. Mr. Davies responded that upon further site inspection by staff, it was determined that a better location existed that would accommodate all users. Ms. Regan noted that staff's use of the terms universal and ADA were improperly used interchangeably within the 2013 draft UMP and hence this draft attempts to clarify the terminology.

Ms. Feldman then asked if the proposed campsites were only for use by people with disabilities. Mr. Davies responded that the sites can be used by everyone but staff will encourage the general public to use another location as these sites are ADA accessible.

Ms. Feldman asked if ADA users will be able to drive across the Polaris bridge. Mr. Davies responded that ADA users will have wheel chair access to the bridge, however, no disabled access to the waterway has been established but this will be addressed in the Vanderwhacker plan.

Ms. Ulrich asked if wheel chairs and motorized wheel chairs are considered the same. Mr. Davies responded affirmatively.

Ms. Feldman then asked what the process was in evaluating bridge construction over the Cedar River. Ms. Richards responded that a lot of work has already been done by Department staff in preparing for constructing a bridge over the Cedar River if construction of the bridge is determined to be compliant with the Master Plan.

Mr. Wilt then asked if the motorized use proposed for both the Polaris Bridge and the Cedar River Bridge is to include both snowmobiles and snowmobile groomers. Mr. Davies responded affirmatively.

Mr. Booth noted there were 2000 pages of comments which have been summarized by Department staff. He asked if it could reasonably be assumed that Department responses are within the proposed draft document. Mr. Davies responded affirmatively. Mr. Booth then stated that in one of the Department's responses it is noted that the draft UMP is not in compliance with the Master Plan and it was his assumption that is where the Department is at now. Mr. Davies responded affirmatively.

Mr. Booth then referred to page 44 of the proposed plan and the preferred alternative noted therein designating a subset of former all-season roads for non-motorized recreation trails proposed to be open to the public for non-motorized recreation. It is also noted, he stated, that these proposed trails will be maintained in limited condition

as described using motor vehicles and motorized equipment. In addition, he stated, it is also noted within the document that the Agency will recommend to the Governor that the Master Plan be amended specifically to authorize the continued use of these former roads.

Mr. Booth then asked if bicycles are generally permitted within Primitive Areas. Mr. Davies responded generally no. He then asked Mr. Davies why the proposed document does not state that generally in Primitive Areas bicycles are not permitted. Mr. Davies responded that because of the unique nature of this particular plan, the classification process, and the resolutions that were approved by the Agency Board, the Department feels the current proposal is a defensible plan. Mr. Booth again asked why the proposed plan does not state that generally bicycles are not an allowed use within Primitive Areas. Ms. Ulrich responded that there may be points the Board may raise that the Department will come back to the Agency with in November that have been revised or revisited. She noted that in this unique circumstance and the reason the land was purchased, we are moving forward. She stated that not all of the Board's questions may be answered right now.

Mr. Davies stated that the Department rarely interprets the Master Plan – that is the jurisdiction of the Agency. Mr. Booth referred to a passage on page 165 which is the Department's response to public comment, indicating that the proposed plan is consistent with the Master Plan so he believes the Department does make such statements. Mr. Davies responded the Department is obligated to draft a plan that they believe is compliant with the Master Plan. In general terms, Department staff believes they draft plans that are compliant with the Master Plan, however, in this plan there are differing interpretations of topics that the Agency is calling for amendments to the Master Plan to clarify.

Mr. Townsend stated that the proposed plan doesn't specifically refer to the 2013 Agency Resolution but that is the starting point in addressing this question. As a general matter, the Master Plan does not contemplate use of all terrain bicycles in Primitive Areas, however, this is an area where a commitment was made to address bicycling in these areas and that commitment remains. Whether the Plan is deficient or should reflect more precisely the language of the 2013 Agency Resolution is for the Board to decide, but the history is clear and is recognized by staff that the general guidelines do not permit bicycling in Primitive Areas. Although it is not clearly stated within the proposed plan, it is clear that is the premise from which staff started.

Mr. Booth stated that the proposed plan does not clearly inform the public that bicycles in Primitive Areas are not generally allowed. By not stating this clearly within the plan, he feels it confuses and misinforms the public. He added that the map provided within the plan does not provide any information for the public to indicate that bicycles are not generally allowed in Primitive Areas.

Ms. Ulrich noted that Mr. Townsend recommends the 2013 Agency Resolution be part of the plan due to the unique nature of this land. She asked staff to ensure that the approved Agency resolution be included in the final plan. Mr. Davies responded it is a valid point made by Mr. Booth and noted the point was well taken.

Mr. Booth noted similarly, the proposed plan refers to these all-season roads as trails. He stated that the Master Plan does allow bikes in Primitive Areas in limited circumstances on roads, and the proposed plan points that out and quotes the Master Plan, but in fact, where does the Master Plan state that bicycles on trails in Primitive Areas are permitted? Mr. Davies responded the proposal is for bicycle trails. Mr. Booth then stated currently the Master Plan not only limits bicycling generally in Primitive Areas, but the Master Plan, as it currently exists, totally prohibits bicycling on trails in Primitive Areas. However, he added, the language in the Master Plan for Wild Forest Areas clearly states that bicycles are permitted both on roads and on trails. Mr. Booth asked why the Department was not clear on this. Mr. Davies responded that the staff discussion between agencies has been based on the premise there will be an amendment to the Master Plan to clarify this issue raised by Mr. Booth. Ms. Ulrich stated that as these recommendations proceed, the Board will need to hear from Department and Agency staff how best to protect the Master Plan as it pertains to this particular area.

Mr. Booth asked if he was correct in assuming that the Department would agree that the current Master Plan does not permit trucks to be used in Primitive Areas to repair trails. Mr. Davies concurred. Mr. Booth asked why this fact was not stated within the proposed UMP. Mr. Davies responded that the point was taken.

Ms. Ulrich again reminded the Board that not all questions will be answered today but discussions can continue between the Department and Agency staff.

Mr. Craig then stated that the intent of the Board in approving the Classification Resolution in 2013 recognized the need for the Master Plan to be amended. He stated that Mr. Booth is correct in that currently the Master Plan does not allow the use of bicycles in Primitive Areas.

Mr. Booth stated he has said in the past that he feels the Master Plan needs to be amended to permit the use of bicycles in Primitive Areas. However, the notion of trucks being used to repair trails within an area that is to be managed as close to Wilderness as possible does not seem permissible to him but noted this topic is part of a future discussion.

Mr. Davies noted that a concern from the land manager's perspective is that the Department does not want to go through the arduous process of allowing the public to believe certain activities are permissible, but due to the inability to maintain the infrastructure, said activities are not able to continue. He noted that there are areas

where horse trails are located but are no longer being used due to the inability to maintain the trails.

Ms. Ulrich stated that staff's recommendations to the Board as to how to update the Master Plan in ways that focus on this unit will be important.

Mr. Booth noted the next questions he had were relevant to snowmobile routes and the Snowmobile Guidance and the need to understand the guidance as an agreement between the Department and Agency staff in terms of compliance with the Master Plan.

Mr. Booth stated that the proposal to grandfather snowmobile use across the Polaris Bridge and the Cedar River structure does not seem legally defensible and assumed there would be litigation in the future. He then asked what communities the major snowmobile route labeled as 1a connects. Mr. Davies responded the primary purpose of that route is to connect Indian Lake to Minerva. Mr. Booth then asked when the trail hits Route 28N, how close is that to Minerva. Mr. Davies responded approximately 18 miles. Mr. Booth then asked how close is it to Newcomb. Mr. Davies responded 3 miles. Mr. Booth then asked if this route is a connector between Indian Lake and Newcomb. Mr. Davies responded no.

Mr. Booth referred to the maps provided by staff noting the maps do not show the communities the trail proposes to connect. Mr. Davies responded that Mr. Booth is making a good point and noted that the map he handed out earlier is a better map. Mr. Booth then referred to a DEC document that he had in his possession that depicts a trail from Indian Lake to Newcomb. He noted that the proposed preferred trail duplicates an existing trail that runs from Indian Lake to Newcomb. Mr. Davies responded no. Ms. Ulrich asked Mr. Booth to strive to make his points more directly.

Mr. Booth then asked about the proposed parking area for the general public and a parking area for CP3 holders. Mr. Booth asked what the Agency decision was in 2013 for these parking areas. Mr. Davies responded the intent was for universal access for general public and CP3 holders. Mr. Townsend responded that the area description made clear as did the Board discussion in 2013 that the parking area was to be for the sole purpose of disabled access only. The change was made in the area description but it was not made in another document that accompanied the resolution which lead to the confusion. Agency staff recognize that the Department and other parties desire universal access to that site and recognize that the Master Plan area description needs to be amended to accomplish this. This proposed plan therefore conforms to the Master Plan.

Mr. Booth stated he disagreed and felt that the classification decision was clear and one of the documents that discussed the universal access used the word only which he felt was specifically used to mean limited access as opposed to public access. He stated he believed the Department has persisted in pursuing this and he felt that was not what the Agency decided in 2013. Ms. Ulrich asked Mr. Booth to stop the line of questioning

and asked Ms. Regan to discuss the compromise and solution Department and Agency staff have developed.

Ms. Regan stated that the current proposed plan does address many of these issues. She noted that a portion of the unit was opened this past summer for bicycle use. Agency staff believe that bicycle use on the former all season roads is Master Plan compliant but the document must be amended to allow the use to continue. The Agency is committed to keeping the routes open for bicycles and keeping the routes structurally sound for other conforming uses such as equestrian use. The universal access site is another commitment the Agency made and staff are recommending moving forward with a Master Plan amendment to achieve compliance.

Mr. Booth said he felt the Department made assurances there would be public access and has ignored what the Agency decided in 2013. He then called for a motion to proceed to public comment. Motion was made by Mr. Thomas and was seconded by Mr. Craig. Mr. Craig, Mr. Thomas and Mr. Stegemann were in favor of the motion. Mr. Booth was opposed.

Old Business

None

New Business

None

The meeting was adjourned at approximately 12:00 p.m.