

RESPONSE TO PUBLIC COMMENTS ON ESSEX CHAIN LAKES COMPLEX UNIT MANAGEMENT PLAN

In September 2015, the Department of Environmental Conservation (Department or DEC) presented a Proposed Final Plan for the Essex Chain Lakes Management Complex (ECLMC) including: Proposed Unit Management Plans (UMPs) for the Essex Chain Lakes Primitive Area (ECL PA) and Pine Lake Primitive Area (PLPA); Proposed Final Unit Management Plan Amendments for the Blue Mountain Wild Forest (BMWFW) and Vanderwhacker Mountain Wild Forest (VMWF); Final Environmental Impact Statement; and Final River Management Plans for the Hudson River and Cedar River. The Adirondack Park Agency (APA or Agency) is reviewing the UMPs and UMP amendments for conformance with the Adirondack Park State Land Master Plan (APSLMP). The Agency solicited public comment on the conformance of the UMPs and UMP Amendments, and the comment period closed on October 16, 2015. Set out below is a summary of the comments and responses to the issues raised as they relate to the UMPs' and UMP amendments' conformance with the APSLMP.

Wild Scenic and Recreational Rivers System Act (Rivers Act)

Comments

- The Essex Chain UMP should comply with the Wild, Scenic and Recreational Rivers Act, which prohibits a motor vehicle bridge over the Cedar River, prohibits retention of the Polaris Bridge over the Hudson River for use by motor vehicles, and prohibits motor vehicles, such as floatplanes on Pine Lake or automobiles on the Chain Lake Road South, within the one-half-mile protected Wild River corridors. The APA should not approve a UMP that violates State law.
- DEC's plans for motor vehicle use within designated "Wild" and "Scenic" river corridors violates long established management principles, practices, and precedents in other UMPs, such as the Blue Mountain Wild Forest UMP.
- Motorized bridges over Scenic River corridors are not authorized.
- The UMP violates the law by allowing the public to drive on Chain Lakes Road South within the half-mile wild river corridor of the Hudson River.
- Building the bridge over the Cedar River violates the Rivers Act.
- Building the Cedar River bridge of non-natural materials violates the Department's Rivers Act regulations.

Response

The Wild, Scenic and Recreational Rivers System Act (Rivers Act) divides jurisdiction over certain activities, called rivers projects, in the Park between APA and DEC. APA administers and implements the Rivers Act for rivers projects within rivers areas on private lands. DEC administers and implements the Rivers Act for rivers projects on state lands such as those in the Essex Chain Lakes Complex. In addition, the APSLMP contains a section covering state lands within designated river areas.

The bridge crossings of the Cedar and Hudson Rivers are in Scenic River Areas. Scenic River Areas are managed according to APSLMP Wild Forest guidelines, with certain exceptions. To ensure conformance with the APSLMP, the APA reviews proposals in these areas under its Wild Forest guidelines. The uses and structures proposed in this UMP, including the motorized crossing of a Scenic River, conform with Wild Forest guidelines.

DEC has determined that the Iron (Polaris) Bridge is entitled to remain as an existing use under its regulations, and the construction of a bridge over the Cedar River is allowed by regulations. The Agency honors that interpretation because of the authority given to DEC by the Rivers Act.

The UMP also proposes to allow continued use of motor vehicles on Chain Lakes Road South in the vicinity of the former Outer Gooley clubhouse where the Hudson is designated a Wild River. The Rivers Act grants the authority to DEC to make the determination that uses in existence at the time a river is designated under the Rivers Act can continue without expansion or alteration.

The Agency takes no position on the interpretation of DEC's rivers regulations referencing the use of naturally occurring materials for use in trail bridges. The UMP proposes that a bridge be built in conformance with the APSLMP.

The reopening of the Elm Island Trail for snowmobiling in the ECLMC would introduce a motorized use in a Wild River Area as the river area is currently configured. DEC's river areas on state lands generally extend 1/2 mile from each bank. The Elm Island Snowmobile Trail is located just within the 1/2 mile boundary. The River Area Management Plan proposes, through a public process and with APA's agreement, to reduce the river area boundary in the vicinity of the Elm Island Trail to 1/4 mile on the south side of the river, thereby locating the motorized use outside the Wild River area.

Comment

- Building docks and allowing float planes to land on the portion of Pine Lake within the Cedar River Wild River corridor violates the Rivers Act.

Response

The Rivers Act grants the authority to DEC to determine which uses and structures are permitted under the Rivers Act and DEC's implementing regulations.

Comment

- The float plane easements only apply to the land deeded to the State from the Nature Conservancy; the proposed campsites with float plane docks are on the western halves of First Lake and Pine Lake, which were already Forest Preserve lands and must be managed as close to wilderness as possible under the APSLMP guidelines for Primitive Areas.

Response

The UMP proposal for continued float plane landings on Pine Lake, much of which is in the Wild section of the Cedar River, complies with the APSLMP for two reasons. The eastern area of Pine Lake carries with it an easement allowing continued commercial float plane access; DEC has determined that this preexisting right may continue. Second, the historical existence of float plane use in the portion of Pine Lake formerly within the Blue Mountain Wild Forest, now classified as Primitive, was recognized by the classification action in February 2014. The entire waterbody is included in the Primitive Area. The docks remain to protect the shoreline resources.

Comments

- The APA should reject the DEC's novel legal fiction that exclusive motorized uses of private leaseholders can somehow be preserved and "grandfathered" for new public motorized uses that will exempt from NYS Rivers Act restrictions a new bridge and new snowmobile trail over the Cedar River and allow the retention of the Polaris Bridge over the Hudson River. The APA should reject this deliberate attempt to undermine and subvert the NYS Wild, Scenic and Recreational Rivers Act.
- Grandfathering in relation to land use planning and zoning laws only applies to private property interests; it cannot be used to authorize public motorized use in violation of the law.
- The UMP states on page 1 that "the general public has not had unfettered use of portions of the Complex Area in over one hundred years", but later contradicts itself, stating that public motorized uses pre-dated and continued after the Rivers Act and that "therefore continued motor vehicle use in both Wild and Scenic River corridors and on bridges crossing them is authorized by statute and regulation".

- I was told years ago that I could not walk into Stillwater because the lands were not open to the general public; I had to seek permission from Finch Pruyn to walk on the road (to the Polaris Bridge).
- DEC is wrong to allow motorized access to leaseholders and to find that the “right” can be transferred to the public.
- There was not public motorized access to these lands when it was privately owned. The Department should take action to affirm that none of the roads in the Essex Chain Complex are Town roads. Grandfathering of motorized uses as used in this plan can have serious repercussions for the Forest Preserve if allowed to set a precedent.

Response

As stated above, the proposed bridge across the Cedar River and the existing bridge over the Hudson River are in the Scenic River areas and are managed under Wild Forest guidelines. The motorized crossing of a Scenic River conforms to Wild Forest guidelines. The Agency defers to DEC’s determination that existing regulatory authority allows the construction of the bridge over the Cedar River.

Comments

- Classify the Hudson as Wild from the Polaris Bridge to the confluence with the Cedar River.
- Do not preclude the future designation of a Wild Rivers Wilderness containing designated portions of the Cedar, Boreas, Hudson, Indian and Rock Rivers.

Response

The designation of additional rivers to the Wild Scenic and Recreational Rivers System can only be accomplished by the legislature and governor. A recommendation to designate or re-designate any of the rivers in the system is outside the scope of the Agency’s review of the UMP for consistency with the APSLMP.

Unit Management Plan Conformance with Primitive Definition and Guidelines

Comments

- ECLPA could be upgraded to wilderness in the future, when floatplane easements and gravel pits are no longer in use. The UMP designates trails to be maintained by motorized vehicles and allows the public to drive and park on portions of the trails, which are nonconforming improvements and uses in a Primitive area.

- UMP fails to schedule removal of nonconforming improvements (eleven miles of former all-season roads)
- UMP proposes new non-conforming uses (parking for able-bodied persons near Tube, bridge replacing Tube)
- Former all-season roads should be allowed to revert to hiking trails, to achieve and maintain a condition as close to wilderness as possible, as prescribed by Primitive Guideline 1.

Response

The ECLPA was classified Primitive in recognition of remote recreational opportunities presented by the interconnected water bodies, the significant wetlands, and other sensitive natural resources in addition to reserved rights for float plane landings and gravel extraction.

The reserved rights held by the Towns for floatplane use and gravel extraction within the primitive area do not include expiration dates. Therefore, no schedule for the removal of these non-conforming uses can be developed at this time, nor can the Agency commit to a reclassification of these lands based on the removal of these non-conforming uses.

Regardless of the justification for the primitive designation of a particular area, primitive areas are to be managed as wilderness to protect the quality or fragility of the resource. The first Basic Guideline for the management of primitive areas confirms this approach. It states, "The primary primitive management guideline will be to achieve and maintain in each designated primitive area a condition as close to wilderness as possible, so as to perpetuate a natural plant and animal community where man's influence is relatively unapparent." Other basic guidelines for primitive areas elaborate by directing the elimination of non-conforming uses and placing restrictions of the expansion of existing non-conforming uses or construction of new non-conforming uses. For example, Guideline 5 repeats the expectation that wilderness management principles will apply; it states, "Construction of additional conforming structures and maintenance of existing facilities and improvements will follow the guidelines for wilderness areas."

The Proposed Final UMP has been revised to reiterate that all proposed management actions will be carried out in conformance with the APSLMP. Former all-season roads are no longer being proposed as Non-motorized Recreational Trails. This idea is being proposed as an amendment to the APSLMP, and should that be amendment be adopted by the Governor, a UMP amendment will still be necessary, providing another opportunity for public comment.

Motorized Access – Motor Vehicles

Comments

- Proposed motor vehicle access to the south shore of Fourth and Fifth Lakes should be eliminated. This is an illegal motor vehicle route into the heart of the Essex Chain Lakes Primitive area. The culvert that allows motor vehicle access across 4th-5th lakes should be removed and that channel ecologically restored. I support access for the disabled to the north shores of 4th-5th lakes with specially designed sites.
- Public motorized access should end at the Deer Pond parking area.
- Allowing able-bodied persons to drive to Fourth-Fifth Lake is inconsistent with the APSLMP Primitive Guidelines and with the APA classification resolution which only allowed access for persons with disabilities. This also undermines CP-3 program, because persons with disabilities should be able to experience the same solitude and connection with nature that the general public enjoys.

Response

In response to public comment, the Department has modified the UMP and proposes a six car parking lot 250 feet west of the tube in conformance with the APSLMP. An amendment to the Blue Mountain Lake Wild Forest Area description is necessary. The Agency has committed to pursue an appropriate amendment to accomplish this goal.

The UMP provides no parking or driving access to the south side of the tube.

The UMP proposes replacing the culvert with a bridge in conformance with APSLMP guidelines, which would allow a more natural flow of water, returning towards natural conditions.

Comments

- Establish a three season parking area within 1/8 mile of the new Cedar River Bridge on the Chain Lakes South Road. Close the road during the spring “mud season” at the peak of the float plane business.
- The Chain Lakes Road (South) only needs to be closed to protect float plane operators’ business of flying in clients to Pine Lake during mud season.
- Keep Chain Lakes Road South open year round with parking within 1/8 mile of Cedar River.
- Allow parking closer to Pine Lake for access with kayaks and canoes.
- Opening the interior of the Essex Chain Lakes tract to seasonal motor vehicle use is contrary to stakeholder negotiations and the alternative adopted by the

Agency for classifying a north-south wild forest corridor for potential winter use by snowmobiles only.

Response

The UMP proposes to extend seasonal motorized access during hunting and trapping season. The Camp 6 road from the north will be open an additional mile, and the Chain Lakes Road (South) from Indian Lake will be open an additional mile and a half, from October 1 until the first Sunday in December, road and weather conditions permitting. The Camp 6 road from the north is Wild Forest and motorized use is not prohibited. These management actions are compliant with the APSLMP.

Comment

- Designate trails for four wheelers (ATVs).
- Do not allow four wheelers, or if allowed, require them to install a black box tracking location and speed.
- Make the area more accessible to the general public with regards to trails for snowmobiles, horses, and ATV use.

Response

The APSLMP allows all-terrain vehicles on “existing public roads or Department of Environmental Conservation roads open to such vehicles” in areas classified as Wild Forest if approved in a UMP (APSLMP at p. 34) and in accordance with Vehicle and Traffic Law §2405. The Department is not proposing public ATV use within the area through this UMP; however lessees have the right to use ATVs in accordance with their lease agreements with DEC until September 30, 2018. After that date, lessee ATV use will not be allowed in the Essex Chain Lakes Management Complex.

Comment

- Keep roads open for emergency access.

Response

The APSLMP allows use of motor vehicles, motorized equipment and aircraft in cases of sudden, actual and ongoing emergencies, including search and rescue operations and forest fires in all state land classifications.

Comments

- Support wild and motorless lakes and Wild Hudson River. Stop expanding damaging recreational motor vehicle use.

- The retention of the wilderness makes the Park a unique and irreplaceable treasure, which greatly outweighs the benefit to the few from allowing motorized vehicles in the Cedar River area.

Response

APSLMP Primitive Area guidelines do not allow motor boats on the Essex Chain Lakes or the wild river section of the Hudson River, nor does the UMP propose these uses. The easements granted by the Nature Conservancy to the Towns of Minerva and Newcomb provide for floatplane use of First and Pine Lakes. The APSLMP allows use of motor vehicles on Wild Forest lands including the Wild Forest corridor in the Cedar River area, pursuant to a UMP.

Comments

- Do not create motorized access through the wild, trailless portion of VM WF.
- Do not increase motorized access to the “Forever Wild” Adirondack Park, which will ruin it for future generations.
- Motors are destroying the silence that is so important to a wilderness experience.
- Allow electric motors on DEC-supplied row boats on Third Lake.

Response

The classification of lands in the Essex Chain Lakes Complex as Primitive limits motor vehicle use. Lands classified as Wild Forest can potentially have additional motor vehicle use, including the use of snowmobiles, in an approved UMP.

The APSLMP provides that public use of motor vehicles on Wild Forest lands will not be encouraged. Use of motor vehicles by the general public will be allowed on existing public roads and on Department roads designated as open for public use. Such use may be restricted by the Department when the character of the natural resources or other factors makes such restrictions desirable. Motorized use is inconsistent with the management guidelines for a Primitive Area, which includes Third Lake in the ECL PA.

The management recommendations for motor vehicle use in the Essex Chain Lakes Complex are compliant with the APSLMP.

Motorized Access – Float planes

Comments

- Open Third Lake to spring and fall use by float plane operators.
- Eliminate use of float planes in the ECL PA.

Response

Motorized uses are inconsistent with the management guidelines for a Primitive Area, absent pre-existing rights such as those on Pine Lake and First Lake. No such rights exist for float plane use of Third Lake.

Comments

- Do not provide special camping areas for float plane users.
- “Float plane only campsite” is unconscionable.
- DEC does not have authority to give floatplane operators exclusive use of campsites on western sides of First and Pine Lakes in perpetuity as proposed in the UMP.

Response

The APSLMP is silent on this issue. The location of the primitive tent sites are in conformance with the APSLMP.

Comments

- The noise and pollution of airplanes is dangerous to wildlife and an annoyance to passive recreational users.
- Allow float planes for older persons seeking to recreate. I used to fly in to Lows Lake and West Canada and that is no longer available.

Response

The APSLMP allows motorized use in Wild Forest pursuant to a UMP, and this includes use by floatplanes as set out in Department regulations. The Towns of Minerva and Newcomb have an easement to permit float planes to land on First and Pine Lakes, so the Primitive classification recognized those rights and does not preclude the use, subject to Department regulation.

Motorized Access – Snowmobile Trails

Comment

- DEC's plans to retain and utilize the Polaris Bridge and build a new multi-use snowmobile trail through the interior of the Vanderwhacker Mountain Wild Forest violates the APA-DEC snowmobile trail "Guidance" because it is duplicative. No new snowmobile trails should be cut through the Vanderwhacker Mountain Wild Forest area east of the Hudson River. This new trail is redundant and unnecessary. Indian Lake is already connected to Minerva via approved snowmobile trails through Newcomb. This trail also violates the "Guidance" prohibition on routing new trails through the "interior" of a Wild Forest area of the Forest Preserve.

Response

Snowmobile trails are a conforming use in Wild Forest Areas. In addition to conformance with the guidelines set forth in the APSLMP, such trails must comply with the 2006 FSEIS Snowmobile Plan for the Adirondack Park and the 2009 Management Guidance: Snowmobile Trail Siting, Construction and Maintenance in Forest Preserve Lands in the Adirondack Park (2009 Guidance). The principle considerations in the 2009 Guidance relevant to the consideration of Alternatives 1A and 1B are:

That Class II trails (the type proposed) be located in the periphery, with rare exceptions, by shifting them away from the remote interior and not duplicate or parallel other snowmobile trails and in fact, recommends closing trails which are redundant or part of a dense network. New community connector trails should be located near motorized travel "corridors unless terrain or environmental constraints dictate otherwise."

The trail siting standards also require that trails be located to "avoid areas considered environmentally sensitive".

The 2009 Guidance does not prioritize between these considerations.

The existing north/south Class II trail runs between two east/west Class II trails, one which connects Blue Mountain Lake and Indian Lake and the other connects Long Lake and Newcomb; thus, this network connects four communities: Indian Lake, Blue Mountain Lake, Long Lake and Newcomb. Where these trails exist on state land, they all lie in the Blue Mountain Wild Forest, west of the Essex Chain Lakes Complex Area. The proposed Class II trail provides a different route from Indian Lake to Minerva, with certain segments being east of the Blue Mountain Wild Forest after crossing the Iron Bridge. Therefore alternative 1A is not redundant, duplicative or parallel to the existing trail.

Alternative 1B has significant environmental constraints because of the number of wetland crossings and the probable impacts to wetlands. In addition, the Department

states that because this alternative can be very wet in many sections, the costs of maintaining the trail are inordinately high. The UMP reviews these considerations and recommends a preference for Alternative 1A. Given these choices and all the considerations in the 2009 Guidance, the Agency could find that Alternative 1A conforms to the snowmobile guidelines found in the APSLMP and the 2009 Guidance.

The 2009 Guidance does not give priority to any of these considerations.

Comment

- Opening more trails to snowmobiles will increase ATV use. DEC should fine illegal ATV use.

Response

The APSLMP allows ATVs on roads in areas classified as Wild Forest. The APSLMP does not allow ATV's on snowmobile trails. The enforcement of Departmental regulations is not an APSLMP compliance issue.

Comments

- Remove the Polaris Bridge.
- Retain the Polaris Bridge.
- 87% of commenters on UMP are opposed to retention of the Polaris (Iron) Bridge.

Response

The APA Permit issued to Finch Pruyn in 1992 did not require the removal of the bridge once it was no longer needed for the removal of timber. The proposal to keep the Polaris Bridge does not conflict with APSLMP Wild Forest Guidelines, which allow for the use of motor vehicles on roads such as the road crossing the Hudson River at the Polaris Bridge.

Comments

- Support the efforts of the Five Towns to be a recreational hub for snowmobiling.
- Support alternative 1A between Indian Lake and Minerva allowing snowmobile access and use.
- If the Polaris Bridge remains, support Alternative 1A over 1B because it uses existing trails and/or roads, will be easier to construct, and brings riders to Newcomb for rest and/or safety.
- Support Alternative 4 to build a bridge for snowmobiles over the Cedar River.

- Support alternative 1B for Community connector trail between Indian Lake and Minerva. This new trail from Indian lake to Minerva will allow Northern Washington County snowmobile club members to ride from home to Ticonderoga, Schroon Lake, and Minerva and into the five town recreational hub.
- “The Community Connector Trail between the Town of Indian Lake and Town of Minerva should be Alternative 1B "east to west trail". History shows a trail already established in that general direction, and provides a more direct link, thus a providing a bigger benefit to the Town of Minerva. The use of Alternative Trail 1A encourages the misguided to foolishly consider it to be a duplicate trail, and to consider the Snowmobile Guidance Document as a fact of law.”
- I have used snowmobile trails in the Adirondacks for over 30 years, and there is no reason to build a new trail in the VM WF or use or build bridges over the Hudson and Cedar rivers for snowmobiles.
- The 2009 Guidance favors siting trails on private lands and easements over state lands, and using existing trails. The UMP violates the 2009 Guidance and SEQR by rejecting use of an existing trail on conservation easement lands connecting Indian Lake to Newcomb as an alternative to create a trail to connect Indian Lake to Minerva.
- There is no justification to choose the shortest, most direct route from Indian Lake to Minerva for a snowmobile trail, particularly if snowmobilers want to ride long distances. Hiking trails are designed and located to protect natural resources, not to provide the most direct route. Snowmobile trails should be similarly designed.

Response

Both Alternative 1A and 1B for a snowmobile trail connecting Indian Lake to Minerva could be found to conform to the APSLMP and to comply with the 2006 FSEIS Snowmobile Plan for the Adirondack Park and the 2009 Guidance.

Comments

- Allow expansion of snowmobiling in the Adirondack Park.
- Newer snowmobiles are quieter and are becoming the norm.
- Plan puts a “surgical tear” for snowmobiles through wilderness.
- Community connector trails ten-to-twelve-feet wide do not have the character of a foot trail required under the APSLMP.

- The APSLMP should be revised to remove description of a snowmobile trail having the character of a foot trail.

Response

Revision of the definition of a snowmobile trail is not part of this proposal. The Agency found, when finding that the 2009 Guidance conformed with the APSLMP, that community connector trails could meet the definition of a snowmobile trail. The Guidance includes numerous other aspects of trail construction and character besides the dimensions which determine whether a trail has the character of a foot trail. The classification of the lands in the vicinity of the Essex Chain Lakes Management Complex, as recommended by the Agency in 2013, includes a wild forest corridor where snowmobiling is an allowed use.

Comment

- Snowmobile trailer parking should be in communities instead of state lands.

Response

Parking or any other activity on non-state lands is not an APSLMP compliance issue.

Comment

- Adirondacks needs more trails to connect communities like Vermont has.

Response

The 2009 Guidance and 2006 FSEIS Snowmobile Plan for the Adirondack Park provide for the designation and construction of community connector trails, one of which is included in these UMPs and UMP amendments.

Comment

- Riverine impacts related to bridge construction, siltation, and bank destabilization are just a few of the damages to be expected from a new snowmobile bridge. Regardless of the care taken in construction, long term change will occur and there will be inevitable ongoing impacts from daily usage.

Response

The UMP states that the Cedar River bridge construction will be in compliance with the APSLMP. Agency staff will review the work plan for the bridge to ensure that impacts to natural resources are minimized and that all aspects of construction are compliant with the APSLMP and necessary wetland permits.

Comments

- After paddling the Chain Lakes, I want to return and cross-country ski. Snowmobile traffic will ruin the area for cross-country skiing.

- Support snowmobiles on any and all existing road beds in ECL PA.

Response

The ECLMC Proposed Final Plan's preferred alternative provides for a snowmobile trail outside of the Primitive areas. The UMP provides for a designated and marked Cross-country ski trail, the Upper Hudson ski loop, which does not intersect with the proposed snowmobile trail route. The old woods roads around the Essex Chain lakes will "serve as a network of unofficial hiking, cross-country skiing and snowshoe trails," and are located further from the proposed snowmobile trail. Prohibiting snowmobiles on these former woods roads in ECL PA is compliant with the APSLMP guidelines for Primitive areas and effectively separates incompatible uses.

Existing Buildings and Historical Status

Comment

- Buildings at the "Outer Gooley Club" should be removed.

Response

The Outer Gooley farmhouse area formerly contained additional structures including a woodshed, a cabin, an open garage and an outhouse. The Town of Indian Lake and several stakeholder groups have expressed an interest in having the structure be maintained and used for a compatible purpose. The UMP proposes that the farmhouse remain until final disposition of the building is determined. The UMP does not prevent the removal of the farmhouse. The APSLMP limits possible uses of this building.

Comments

- AARCH is working with the Town of Indian Lake and DEC to establish Outer Gooley Farmhouse as a museum and is delighted that Outer Gooley Farmhouse will be retained.
- Inner Gooley Club is eligible for National Register of Historic Places and SHPA § 14.09 requires state agencies to consider alternatives and give due consideration to plans that would avoid or mitigate adverse impacts on the property. The UMP fails to address alternatives to destruction of the buildings upon termination of the lease.
- Focus on the historical and cultural resources at the Inner Gooley Club; it could be used as an educational center.

- Inner Gooley Club buildings should be used as part of a hut-to-hut touring system. Inner Gooley Club members are ready and willing to work with the state to prepare buildings for use in such a system.
- Keep Gooley Club buildings for public use.
- Use historical farmhouse (Outer Gooley) as a command center for emergency operations.
- Remove and relocate Outer Gooley Farmhouse to the hamlet of Indian Lake as an interpretative exhibit.

Response

The Town of Indian Lake and several stakeholder groups have expressed an interest in having the farmhouse be maintained and used for a compatible purpose. The UMP proposes that the farmhouse remain until final disposition of the building is determined. The UMP does not prevent the removal of the farmhouse. The APSLMP does limit possible uses of this building. Using the building as part of a hut-to-hut touring system is not compliant with the APSLMP.

Comment

- Maintain vista of confluence of the Hudson River and Indian River at Outer Gooley Club location.

Response

The UMP does not propose maintenance of this vista.

Mountain Bikes in Essex Chain Lakes Primitive Area

Comment

- The APA seeks to approve mountain bike use in the Essex Chain Lakes Primitive area, yet the State Land Master Plan prohibits this activity. The APA should not approve management actions in UMPs that require amendments to the State Land Master Plan.

Response

Cycling in the Essex Chain Lakes Primitive Area on the former all-season roads is currently compliant with the APSLMP. The APSLMP states:

... that all terrain bicycles may be used on existing roads legally open to the public and on state truck trails specifically designated for such use by the Department of

*Environmental Conservation as specified in individual unit management plans.
(Page 28).*

The former all-season roads are open to the lease holders and The Nature Conservancy for motorized access until September 30, 2019. Those former all-season roads can be considered legally open to the public and therefore they may be used for bicycle use until that date. The Department is not allowing motorized use by people other than the lease holders or TNC, limiting general access on the former all-season roads to non-motorized forms of recreation. The Proposed Final UMP has been revised to reiterate that all proposed management actions will be carried out in conformance with the APSLMP. Bicycling will not be able to continue past September 30, 2019 without an amendment to the APSLMP that specifically addresses this use.

Comments

- Use motor vehicles to maintain old “haul roads” for bicycling.
- Prohibit mountain bike use in ECL PA.
- Do not allow mountain bikes in primitive or wilderness areas.
- Support use of old roads for bicycles and horses.
- APSLMP does not allow the use of motorized vehicles to maintain bicycle trails, or any trails, in Primitive areas but UMP provides that motorized equipment and vehicles will be used to maintain trails.
- Bicycles should never be used on the same route as horses because of the danger of spooking the animals. DEC and APA should not approve incompatible, dangerous mixes of uses even if they further ignore the APSLMP law.
- People are not interested in mountain biking on dirt roads; they prefer single-track trails. The roads should not be retained; they should be reclaimed by the forest.

Response

The prohibition of mountain bike use in the Essex Chain Lakes Management Complex Area is a management decision and would be made by the Department in conformance with the APSLMP. Maintenance of roads with motor vehicles and motorized equipment on roads used by the lessees and also used for bicycling is currently allowed until the leases and the Nature Conservancy’s right to access the roads end in September 30, 2019. After that date, such motorized use would not be allowed on trails unless the APSLMP is amended to allow it.

Horses and Horseback Riding

Comment

- Horses may be a “primitive” use but their big trucks with trailers will cause problems. Manure of horses coming from far away will carry some non-native if not invasive plant seeds unwanted in a Primitive area.

Response

The APSLMP allows horse trails, horse trail bridges, and hitching posts and rails in Wilderness, Primitive and Wild Forest Areas. Horse mounting platforms staging areas and related improvements are located to minimize impact on waterbodies. The UMP also makes recommendations that the Department adopt regulations which address environmental concerns associated with equestrian use.

APSLMP should be amended prior to action on UMP

Comments

- No actions should be approved in a UMP that require an amendment to the State Land Master Plan.
- The APSLMP should be amended to revise the purpose to balance economic development with preservation of natural resources.
- The APSLMP should be amended prior to a conformance determination, and the UMP should be amended to: require DEC to establish invasive species inspection and washing stations at entry points to the Chain Lakes; allow cutting of trees and vegetation to maintain scenic vistas, particularly at Outer Gooley location; allow bicyclists to use existing roads, truck trails, horse trails, and snowmobile trails where the infrastructure supports it; update the definition of a snowmobile trail to remove “character of a foot trail;” and increase motorized access for hunting, fishing and trapping.
- The Unit Management Plan anticipates future APSLMP amendment decisions. This UMP creates a new type of Primitive area undefined in the APSLMP, allows new and expanded non-conforming uses, motorized bridges and motorized uses within Scenic and Wild River corridors, and bicycling on trails in Primitive areas, all of which require a APSLMP amendment. This UMP cannot be considered APSLMP compliant.

Response

No action will be undertaken under the UMP that is not compliant with the APSLMP in effect at the time it is undertaken. The Proposed Final UMP has been revised to reiterate that all proposed management actions will be carried out in conformance

with the APSLMP.

Non-natural materials

Comment

- Building a bridge of non-natural materials over the Cedar River violates the APSLMP.

Response

The UMP states that the bridge will be constructed in conformance with the APSLMP; it does not specify the use of non-natural materials.

Article XIV of New York State Constitution

Comment

- The proposal for a new class II community connector snowmobile trail to be cut through the Vanderwhacker Mountain Wild Forest area will violate the NYS Constitution because of the great number of trees that will be cut and the vast alteration of the natural terrain which undermines Constitutional protections that these lands be “forever kept as wild forest lands.”

Response

The APSLMP is, by its own terms, constitutionally neutral. Therefore the constitutionality of construction of a particular trail or trails is outside the scope of the Agency’s review to determine whether a UMP is in conformance with the APSLMP. Any tree cutting that will materially change the use or appearance of the land or the vegetation thereon or involve the cutting of trees over 3" dbh must be done in compliance with "Division of Lands and Forests Direction LF-91-2, Cutting, Removal or Destruction of Trees and Endangered, Threatened or Rare Plants on Forest Preserve Lands: FINAL POLICY". In addition, the Department must submit a work plan for review and approval by Agency staff prior to any new construction of a community connector snowmobile trail, which includes tree cutting estimates and proposed terrain alteration.

Comment

- Use of Outer Gooley farmhouse as part of hut-to-hut system violates Article XIV.

Response

As noted above, the APSLMP is constitutionally neutral. The final use of the building will require a UMP amendment and determination of conformance with the APSLMP.

Natural Resource preservation is paramount

Comment

- The principal management objective for the Essex Chain Lakes Area should be forest restoration and natural resource preservation. Retention of roads for recreational use will undermine these objectives.

Response

As the APSLMP notes:

If there is a unifying theme to the master plan, it is that the protection and preservation of the natural resources of the state lands within the Park must be paramount. Human use and enjoyment of those lands should be permitted and encouraged, so long as the resources in their physical and biological context as well as their social or psychological aspects are not degraded. (Page 1)

Roads have been retained in some Wild Forest areas of this Complex, primarily for access. Roads are not being retained in the Primitive Areas, except as necessary to access the gravel pits classified as State Administrative areas.

Forested areas in both the Wild Forest and Primitive Areas of this complex have been logged. Now that they have been added to the Forest Preserve, regardless of classification category, they will no longer be managed for timber and will return to a natural state.

Comment

- UMP should include measures to protect and sustain a reproducing Brook and Lake Trout fishery in the Essex Chain.

Response

The UMP includes enforcement of current regulations prohibiting the use of bait in all Essex Chain Lakes Complex lakes and ponds, to avoid introduction on non-native fish species. Motorized watercraft are prohibited, with the exception of the lessees until September 30, 2018.

Economic Issues

Comments

- The plan will increase economic growth in the surrounding towns.
- Connectivity is the key to economic growth. Compare visibly vibrant economies of Old Forge and Inlet, and Gore Mountain and North Creek, to Indian Lake, Long Lake, North Hudson, Minerva and Newcomb.

- New trails are needed to keep the local economy going.
- There are many “non-wilderness damaging ways” to help residents in these areas earn a living wage.
- DEC should be fighting for conservation and protection of the Forest Preserve; it is not their job to fight for the economic well-being of the state.
- Snowmobilers in NYS spend over \$1 billion on snowmobiling each year, including expenditures on equipment, clothing, accessories, snowmobiling vacations, gas, food, etc. On a more local level, many Adirondack businesses have reported a significant increase in business during last year’s snowmobile season. Restaurants, taverns and hotel/motels have indicated to us that their business increased two-fold over the 2013-2014 winter season. Stewarts Shops in close proximity to snowmobile trails or destinations report an overall 22 percent year-over-year increase in sales. (Adirondack Chamber of Commerce)

Response

The APSLMP recognizes the relationship between the state lands and private lands within the park, and seeks to avoid competition with services that can be provided by the private sector. The APSLMP also provides that a UMP will contain identification of needed additions or improvements to, and plans for providing for further appropriate public use of the area.

Other

Comments

- Land should be classified as Wild Forest.
- Lands should be classified as Wilderness.

Response

The Agency made its decision on classification in 2013. The Agency’s role now is to review the UMP for conformance with the APSLMP.

Comment

- Create a Citizen’s Advisory Committee or taskforce which brings agencies together with the towns, recreational interests and Forest Preserve advocates to discuss legal obstacles and alternative management recommendations.

Response

This comment does not address the UMP’s consistency with the APSLMP.

Comment

- DEC and APA have not followed steps in MOU, with DEC passing over the initial draft and consultation steps and going straight to the public draft phase at the June 2015 Agency meeting.

Response

The Department and Agency engaged in extensive consultation during the development of the UMP at both the Draft and Proposed Final stages.