



## Adirondack Park Agency

**SHERMAN CRAIG**  
Chairman

**TERRY MARTINO**  
Executive Director

**DRAFT MINUTES**  
State Land Committee  
October 13, 2016  
Agency Meeting  
KF:KDR:mp

### **State Land Committee October 13, 2016**

The State Land Committee convened at 1:03 pm.

#### **State Land Committee Members Present:**

Karen Feldman, Chair, Chad Dawson, Arthur Lussi, William Thomas and Robert Stegemann (DEC)

#### **Other Members and Designees Present:**

Sherman Craig, Chairman, John Ernst, Daniel Wilt, Sandi Allen (DOS) and Bradley Austin (DED)

#### **Local Government Review Board:**

Frederick Monroe, Executive Director

#### **Agency Staff Present:**

Terry Martino, James Townsend, Kathy Regan, Kevin Prickett, Walt Linck, Mary Palmer

#### **Approval of September 2016 Draft Minutes**

By motion of Mr. Lussi, seconded by Mr. Thomas, the September minutes were unanimously approved.

#### **Planning Division Report**

Ms. Regan noted the planning division report for September. There were no comments.

#### **2016-2017 Classification Package**

Ms. Regan said she would provide a brief overview of the classification process, the guidelines that need to be followed, the classification categories, and discuss where staff are in this process. She said they would also review Appendix A, the map book, which list the parcels that are proposed to be classified or reclassified and review the Boreas Pond Tract classification alternatives.

Mr. Craig asked Ms. Feldman to give an overview of what is expected of the Committee for today.

Ms. Feldman said that Ms. Regan will present to the Board the first portion of the classification package, Appendix A (map book), and once they have finished their discussion and find it acceptable there will be a motion to approve the DSEIS for those classifications actions. Following the presentation of Appendix A, the Board will be presented with the Boreas Tract Alternatives and have a motion to approve those alternatives. She added that the Committees' responsibility is to determine whether the Draft Supplemental Environmental Impact Statement (DSEIS) is in compliance with SEQRA.

Ms. Feldman said this action will come back to the Board following public comment. The Board will have the opportunity to provide additional comments and suggestions.

Ms. Feldman noted that Mr. Ernst will be present for the first part of the DSEIS and will recuse himself for the Boreas portion of the presentation. Mr. Townsend noted that the hearing schedule is in the DSEIS and will be included in the first motion in order to enable Mr. Ernst to vote on those dates.

Dr. Dawson asked for clarification on today's presentation being in two parts and having two votes. Ms. Feldman said the hearings will be about all the classifications, but today's presentations will be in two parts so that Mr. Ernst can recuse himself from the Boreas Tract Alternatives.

Ms. Regan gave an overview of the State Land Master Plan's unifying theme that the protection and preservation of the natural resources of state lands within the Park must be paramount, and human use and enjoyment should be permitted and encouraged so long as the resources are not degraded.

Ms. Regan went through the guidelines and criteria for classification noting that lands are classified according to "their characteristics and capacity to withstand use."

Ms. Regan reviewed the different categories of classifications: wilderness, primitive, canoe, wild forest, intensive use, state administrative, historic, travel corridor and wild, scenic and recreational rivers. Ms. Regan also discussed the use of Special Management Areas (SMAs), reminding the Board that SMAs are not a classification category.

Ms. Regan said this classification package includes a total of one hundred two parcels totaling 54,418 acres. She said the Boreas Tract is only one of the thirty three actions for classification, thirteen are reclassification actions and fifty six are map corrections.

Ms. Regan said the DSEIS contains information on the process and details associated with the action, the proposed classifications as well as the alternatives for the Boreas Ponds Tract.

Ms. Regan reviewed Appendix A (map book) noting that it starts with a general map and a summary chart of all parcels, excluding Boreas. She reviewed the summary chart.

She said the map book has eighty maps and on the reverse side of each map is parcel information and an explanation for the classification category proposed.

Ms. Regan said staff are requesting the Board accept the DSEIS and authorize proceeding to Public Hearing.

Ms. Regan said staff have scheduled eight Public Hearings throughout the state. The Ray Brook Agency hearing will also be webcast. She will request that oral comments be limited to three minutes, and will ask those providing oral statements to also provide a printed copy of their remarks. Ms. Regan stated that public comments will be accepted by mail, fax or email until December 30, 2016, adding that a new email address has been created for the classification action.

Ms. Regan said following the public comment period staff will develop the record of Public Comment and a Final SEIS with preferred alternatives. She said the Board will vote on the classification action with the preferred alternatives. If the Board approves the classification action, the APA Chairman will forward the preferred alternatives to the Governor.

Mr. Lussi asked why staff are dealing with numerous classifications at this time and if staff are asking the public to comment on all the parcels. Ms. Regan said staff have not completed a classification action, outside of Essex, for over five years. She added that the public can comment on any or all of the classification parcels.

Mr. Monroe asked if a major power line ran through MacIntyre East. Ms. Regan said staff did not find a line through this tract. Mr. Townsend said that one was conceded back to the State and one is outside the classification parcel.

Mr. Lussi asked if the Towns and Villages near these parcels can also comment on the classification action. Ms. Regan said yes, and added that if they have different ideas or suggestions staff would like to hear them.

Mr. Craig said staff are relying on public comment whether it is from a Town or an individual: something is learned every time we hold public hearings.

Ms. Feldman asked for a motion to approve this portion of the DSEIS along with the hearing schedule. By motion of Mr. Thomas, seconded by Mr. Stegemann, the Board unanimously approved the DSEIS, including the Public Hearing schedule and without the Boreas Tract Alternatives.

Mr. Ernst recused himself from the remainder of the Committee meeting.

Ms. Regan gave an overview of the Boreas Ponds Alternatives. She reviewed the location of the tract, pointing out reference points including the existing Vanderwhacker Mountain Wild Forest, the Gulf Brook, Boreas Ponds and Blue Ridge Roads, LaBier Flow, Boreas Ponds Dam, as well as some adjacent easement lands.

Ms. Regan said the DSEIS includes soils, wetland and topographic maps for the Boreas Ponds Tract. She said the Boreas Ponds Tract has a significant number of wetlands totaling 1,801 acres including several cover types.

Ms. Regan said the largest wetland is the Marcy Swamp that extends over five miles from the Boreas Pond Dam to the Upper Ausable Lake (private property). She said it has been identified as the largest, (over 1,200 acres) and highest elevation (over 2,000 feet), wetland complex in New York State. It drains into two major watersheds.

Ms. Regan said there are four alternatives for the Boreas Ponds Tract. Each of the four alternatives have two gravel pits proposed to be classified as State Administrative. She said there is not a preferred alternative. Ms. Regan also reminded the Board that the boundaries identified on the maps may be adjusted as the result of public comment.

Ms. Regan first described Alternative 1. This alternative proposes lands five hundred feet north of the Gulf Brook and Boreas Pond Roads, the roads themselves and the land south of the roads to be classified as Wild Forest and added to the Vanderwhacker Mountain Wild Forest unit. She said that this five hundred foot setback north of the Gulf Brook and Boreas Pond Roads facilitates management practices being identical on both sides of the roads, limiting possible confusion by users.

Mr. Wilt asked where the deepwater marsh area is located. Ms. Regan said the deepwater marsh is in the Boreas Ponds as well as along the edge of the ponds. Parts of the deepwater marsh are submerged.

Mr. Thomas asked if the Wild Forest would become part of Vanderwhacker. Ms. Regan said it would.

Dr. Dawson asked where the Value 1 wetland was located. Ms. Regan said there are several Value 1 wetlands on this property. She said the Marcy Swamp starts at the dam and continues up to private land.

Mr. Monroe said the maps do not show all roads on the parcel and they are an important piece of the proposal. Ms. Regan said staff used one road for a boundary but are trying to base the classification on characteristics of the land rather than existing infrastructure.

Mr. Wilt asked if any roads cross the wetlands. Ms. Regan stated that currently some roads do cross between the ponds but they are deteriorating and reverting back to natural conditions.

Mr. Thomas asked if the State Administrative areas were adjacent to roads and if they were used for maintenance. Ms. Regan said they are adjacent and can only be used for trail or road maintenance on the Boreas Ponds Tract.

Ms. Regan then described Alternative 2. The Wild Forest area proposed in Alternative 2 would enable access to the Boreas Pond Dam and an area surrounding the dam necessary for maintaining the dam, but not continue around the ponds. She said the Wild Forest area would run north of the Four Corners to the Boreas Dam. The western boundary would be 500 feet west of the Boreas Pond Road and the eastern boundary includes an area east of the dam and north of the flow established for dam maintenance purposes.

Ms. Feldman asked what happens if work needs to be done on the dams in the ponds if they are classified as Wilderness. Ms. Regan said that motor vehicles cannot enter the ponds.

Ms. Regan then described Alternative 3. In Alternative 3 the boundary between Wild Forest and Wilderness would be further south than it is in Alternatives 1 and 2. The boundary would be from a point on Gulf Brook Road and extend easterly towards Wolf Pond Mountain and would also extend westerly following water courses and land forms, crossing the Boreas River and continuing westerly towards the tract boundary south of Trout Pond. She said it also involves reclassification of 1,337 acres of Vanderwhacker Wild Forest to Wilderness.

Ms. Regan said the majority of lands north of this boundary would be classified, or reclassified, as Wilderness. She said the Gulf Brook Road, and an associated 50 foot wide corridor, 3.16 miles in length from the Wild Forest/Wilderness boundary to the Four Corners Area would be classified as Wild Forest. She added that the Wild Forest Area proposed in Alternative 3 would also enable access to the two State Administrative Area gravel pits and the Boreas Pond Dam.

Mr. Thomas asked if this alternative would allow Gulf Brook Road to be used for transportation. Ms. Regan said there is the possibility for motor vehicle use all the way to the dam with the alternative, subject to an approved UMP.

Ms. Regan then described Alternative 4. Ms. Regan said this alternative had been added to address issues that were brought to staff's attention. She said this alternative adds protection to the Boreas Ponds. In this alternative the Boreas Ponds are classified as Wilderness and the lands surrounding the Ponds are classified as either Wilderness or Primitive. Primitive Areas are managed primarily as Wilderness. This alternative does include lands classified as Wild Forest, but these areas are south of the Ponds.

Mr. Thomas asked what the Primitive classification would mean for the area around the Boreas Dam. Ms. Regan said it would mean less motor vehicle use would be possible to the Boreas Dam. Dr. Dawson asked by whom. Ms. Regan said by the public. She said the State can use motor vehicles in a Primitive Area if they designate the road as a State Administrative Road (aka State Truck Trail). She said this designation could also enable public use of the road with bicycles, in an approved UMP. She also stated the Primitive designation would prevent the public from driving to the Boreas Pond Dam.

Mr. Craig asked if there could be public parking about one mile from the dam in this alternative. Mr. Stegemann said the parking in the Primitive area, at the dam, would be limited to DEC Administrative Personnel. Mr. Townsend added that the administrative personnel is the DEC and anyone to whom they issue a Temporary Revocable Permit. Parking below the Dam in the area proposed to be classified as Wild Forest could be possible in an approved UMP.

Mr. Thomas asked if the maintenance of the road from LaBier Flow to the Boreas Ponds would be at the same level as it currently is on the Gulf Brook Road. Ms. Regan said it is a Department decision on how they want to maintain their roads. Mr. Stegemann said maintenance is not precluded one way or another.

Mr. Stegemann said that the Primitive Area would still be for horse or horse and wagon use. Ms. Regan said horse and horse and wagon use are possible in all classification categories.

Dr. Dawson said he feels that some of the alternatives fly in the face of the State Land Master Plan. The use of the lands should be permitted and encouraged as long as the use does not degrade the natural resources. He said the Agency has to be careful because classification is not just what the land is now but what it could be in future generations.

Dr. Dawson said the Board has a very important decision before them and they should look at every area and ask if wilderness is appropriate. He said the Board needs to have a conversation starting now and going to whenever the Board makes the final vote. The Board has a duty for the next generations. He added a better understanding is needed before a final vote.

Dr. Dawson said the DSEIS must look at the alternatives and compare what advantages or disadvantages they present over a long period of time. He said that an Environmental Impact Statement needs to focus on the whole landscape not just parts of the land.

Dr. Dawson said this is a difficult decision and it is going to take a lot of input and the public process is going to be important for the Board to be able to make a good decision.

Mr. Lussi said if we are looking at the resources we need to look at it now and then see how it evolves over ten years. He said we need to take a hard look at this region and see there are pristine areas that are wilderness but there also parts of this tract that are far from wilderness.

Mr. Craig said that this is the kind of discussion he encourages be made over a series of months. He said that as we move through the hearing process staff will look at the alternatives and additional resource considerations. He said that three of the four alternatives classify the ponds as Wilderness.

Mr. Craig said once we start looking into alternatives there may be disagreement amongst Board members. He said right now we are talking about classification but we have also talked about driving, parking and horses, which are more associated with the UMP process. He added that at this point we are going out for public comment, we will listen and staff will develop more information.

Mr. Townsend reaffirmed that the draft EIS is the beginning of the discussion. He said State land and legal staff understand their obligation to get public input on the issues and to do a thorough analysis.

Mr. Townsend said the Boards responsibility is to determine if DSEIS as drafted provides a reasonable range of alternatives to start this analytical process. He said that there could be minor modifications in boundaries and locations.

Dr. Dawson said he compliments the staff on the work they did in a short period of time, but he would also like to have seen more pictures and maps. He said with the Boreas parcel the Agency needs to take as much time as necessary to get it right.

Mr. Monroe said the Board should keep in mind that some people are biased towards Wilderness and it is easier to move from a less restrictive category like Wild Forest to Wilderness than it is to move from Wilderness to another category. He said if the Agency gets it wrong by classifying too much as Wilderness it will be a difficult thing to fix.

Dr. Dawson said the definition in the State Land Master Plan tells us to be biased as a policy towards Wilderness first and foremost.

Mr. Stegemann said that there is some accommodation for that in the choices we have. He said the Special Management Areas in Wild Forest can limit the uses that are allowed. He pointed out those restrictions would be part of the UMP process, not the classification process.

Mr. Stegemann said the presentations we have seen are the boundaries of the Boreas Tract and there is a lot of land surrounding the tract which we need to look at and see how everything fits together. He said that context is something that we should talk about and that would help to answer some of the questions about why the lines are where they are.

Dr. Dawson said his main concern is getting all the information and making the right decision. He mentioned the possibility of tabling this DSEIS today and reviewing it again at a later time. Mr. Thomas asked if there are time restraints. Mr. Craig said that public hearings would have to be rescheduled.

Ms. Rice asked if the information that the Board feels it is lacking will be addressed as the process moves along. She said it would be good to see if each of the alternatives have a different consequence.

Ms. Regan said that staff can do whatever the Board needs them to do with the FSEIS. The analysis of each alternative would be expanded in the FSEIS. Ms. Regan also stated that a full analysis is on the range of permitted opportunities possible with each alternative, but that specifics defined in a unit management plan cannot be predicted.

Mr. Thomas asked what happens after staff go out for public hearing and come back with a preferred alternative. Ms. Regan said we go out to public comment, then re-assess and add information to the FSEIS as requested. Staff present a preferred alternative in the FSEIS, including an analysis of the proposed classification. The Board determines if the recommendation should be forwarded to the Governor.

Mr. Thomas said the Board would like more information before they have to make that final decision. Ms. Regan said the staff will get all that information to the Board in the FSEIS.

Mr. Stegemann stated the alternatives that are considered following public comment may be modified modifying or perhaps a new alternative will be developed prior to acceptance of the preferred alternative. Ms. Martino said that emails and verbal commentaries from the public hearings will be part of the record and will be given to the Board.

Ms. Feldman said that tabling this action now will not accomplish what the Agency wants. She said the Board needs to give staff the opportunity to receive public comments.

Mr. Austin asked if the next time the Board sees an EIS there will be a preferred alternative yet. Ms. Regan stated affirmatively and that the FSEIS would also include the analysis for the preferred alternative.

Ms. Feldman asked for a motion to approve the Boreas portion of the DSEIS. By motion of Mr. Lussi, seconded by Mr. Thomas, the Board unanimously approved the Boreas Tract Alternatives of the DSEIS.

### **Old Business**

Mr. Stegemann gave an update on the Mt. Van Hoevenberg UMP Amendment. He said the need for the UMP amendment was because a private landowner would no longer allow the trail on his property. He said since the last Agency meeting an agreement was made with the property owner for continued use and there is no need to amend the UMP at this time.

### **New Business**

None

Karen Feldman, Committee Chair, adjourned the meeting at 2:50 pm.