



December 30, 2016

Kathleen Regan, Deputy Director for Planning
NYS Adirondack Park Agency
P.O. Box 99
Ray Brook, NY 12977

Re. Amendments to the SLMP/ State Land Classification & DSEIS

Dear Kathy,

All citizens have an equal stake in the future of the Boreas Ponds, McIntyre, Casey Brook and more than 30 other tracts acquired for the Adirondack Forest Preserve under the current administration. “We all own an undivided deed to these Adirondack lands of solitude, peace and tranquility” wrote Friends of the Forest Preserve founder Paul Schaefer. This is a rare opportunity which the Adirondack Park Agency has afforded to Adirondack Wild and to thousands of New Yorkers to comment on the appropriate classifications of these tracts.

Adirondack Wild wishes to thank the APA for the tremendous staff effort associated with the eight recently concluded public hearings, and for the patience and respect which APA staff accorded every speaker during the hearings. The outpouring of public interest and comments at the hearings and in writing speaks highly of APA staff preparation and publicity of the public comment period and of the statewide interest in these new additions to the Adirondack Forest Preserve. Many speakers for Wilderness classifications included youthful members of the Park community employed and raising families in the Adirondack region and who affirmed the importance of wilderness regions to attracting them to the Park and to their quality of life. The large number of speakers suggests there are high expectations for the APA to account for the statewide as well as regional interest in the Park and in the Boreas and other tracts, to take its time, and to deliberate carefully about the determinants for classification. As APA Member Chad Dawson stated at the October meeting, “this is a unique time and our choices will affect a long period of time. These opportunities don’t

come very often. Alternatives should be carefully compared and analyzed so that we understand what the alternatives mean in 10, 20 or more years. We should focus on the whole landscape and consider not just what's on the land now but on what the landscape could look like in the future.”

The APA now has the responsibility of classifying these tracts of land and water. **To summarize our comments:**

- Adirondack Wild vigorously supports APA's recommendations to classify most of the McIntyre East and West and the Casey Brook tracts as Wilderness, amounting to 13,000 acres of Wilderness in all. APA's analysis is consistent with the State Land Master Plan's classification determinants for these tracts and justifies where exceptions to Wilderness should be made due to lack of remoteness and sense of solitude, for example adjoining County Rte. 25 (Tahawus). Important as these tracts are, abutting as they do the High Peaks Wilderness, they are not equal to the Boreas tract in terms of scale and various ecological and intangible values (see later discussion);
- We also support the APA's recommendations to classify or reclassify 18 smaller tracts to Wilderness across the Park, actions which will benefit this and future generations.
- We can also support most of the APA's recommendations for Primitive and Wild Forest classifications that regionally augment and help round out Adirondack Forest Preserve;
- We do not support the recommendation for FL-01/HM-10, APA's recommendation to classify 3,900 acres to Wild Forest (Shaker Mountain Wild Forest) without additional field work and analysis to determine if additions to the adjacent Silver Lake Wilderness can be justified or not;
- Adirondack Wild strongly disagrees with the Draft SEIS with respect to the Boreas Ponds tract. Its lack of additional reasonable alternatives and inadequate analysis fails to abide by SEQRA, the State Land Master Plan and APA's own Final Programmatic EIS (FPEIS) in significant ways. We vigorously support adding a fifth, all-Wilderness alternative for the Boreas Ponds tract. If most of the McIntyre Tracts meet all of the SLMP's Wilderness criteria, as APA staff affirms that they do, then given its Wilderness values and even greater sense of remoteness Boreas Ponds easily meets these criteria as well.

The future wilderness restoration and integrity of the Boreas Ponds and its ecological connectivity to the High Peaks and Dix Mountain Wilderness areas ought to be given primary consideration by the APA. Public recreation on this and all the tracts involved in this classification action is important. It bears emphasis, however, that the

“paramount purpose” of the State Land Master Plan is natural resource protection. Public recreation cannot be allowed to degrade natural resources or wilderness values. In terms of the spectrum of recreational opportunities, motorized and mechanized uses abound near the Boreas tract, on the former Finch conservation easements, on Vanderwhacker and Blue Mountain Wild Forest and Essex Chain of Lakes Primitive Area. Boreas Ponds represents one of the rare opportunities for fully passive recreation, supporting solitude, remoteness and wilderness experiences.

The proposed opening of the Gulf Brook Road to public motorized and mechanized access for the first time – a component of all four of the classification alternatives presented in the DSEIS - introduces a dramatic new and impactful public use on this landscape which seriously compromises the ecological functioning of this area and damages its landscape-scale connections to the High Peaks and Dix Wilderness areas. We believe the Gulf Brook Road should be allowed to revert to a foot trail within a large new 20,000-acre addition to the High Peaks and Dix Mountain Wilderness Areas.

For reasons that are not explained, the DSEIS considers only four alternatives, each of which opens the Gulf Brook Road to public motorized uses all the way to the Boreas Ponds, or to the Four Corners area just one mile away. Noticeably absent from the DSEIS is this reasonable and feasible additional alternative: a full Wilderness alternative for the Boreas Ponds tract which closes the Gulf Brook Road to public motorized use. The DSEIS offers no rationale for its failure to include an evaluation of this obvious alternative.

Furthermore, the DSEIS insists that under each alternative administrative personnel must be permitted to drive to the Boreas Ponds dam to maintain it. This is simply incorrect. The State Land Master Plan states that maintenance of existing dams in Wilderness is permissible using aircraft and mechanized means once an approved unit management plan has authorized these actions. The future of the Boreas Ponds dam and the effect its presence and maintenance will have on the natural resources and recreational opportunities are subjects for the future unit management plan or unit management plan amendment. However, discussion about the presence of the dam and its future maintenance, including questions of whether the dam should be maintained at all, do not and should not in any way foreclose a Wilderness classification.

All Reasonable Alternatives are not Evaluated: APA’s DSEIS is intended to supplement APA’s Final Programmatic EIS (FPEIS) adopted in 1979, and must comply with SEQRA. This is the law which APA is obliged to follow in amending the State Land Master Plan. So, is the APA following it? With respect to the Boreas Ponds tract, the answer is no.

Inexplicably, the DSEIS states on page 12 that the proposed action with respect to the Boreas tract is simply to amend the SLMP to classify the lands and waters at some future time. APA recommends how to classify or reclassify all the other tracts in this action, but improperly fails to include a recommendation for the Boreas Ponds. Under SEQRA, APA at this stage is supposed to be offering the public a “concise description of the proposed action, its purpose, public needs and benefits, including social and economic considerations (6 NYCRR 617.9(b)(5)). By offering four equally desirable alternative courses of action for the Boreas Ponds tract, with no preferred alternative, the APA is not concisely describing a proposed action and, therefore, is not following a clear regulatory directive.

Nor is the APA following the Environmental Conservation Law when it states unequivocally that an EIS “must evaluate all reasonable alternatives” and offer a “description of the range of reasonable alternatives to the action that are feasible” (6 NYCRR 617.9(b)(1) and (b)(5)).

All four APA alternatives contain some Wilderness, but all four also keep most of the Gulf Brook Road (leading 8 miles into the heart of the Boreas Ponds) open to motorized uses by classifying it Wild Forest or Primitive, and which allows permitted individuals and state personnel to drive right up to the sensitive Ponds for recreational purposes or to maintain the dam above the Boreas River. The Draft SEIS, while it includes a Boreas Ponds alternative at one end of the spectrum fails to include an alternative at another end of the spectrum – a classification of Wilderness for all or a substantial portion of the entire tract including the Gulf Brook Road. APA is in violation of SEQRA by not including this alternative.

As we will explain, the Boreas Ponds tract also contains natural resources and natural resource values which easily meet the criteria for a Wilderness classification.

Alternatives Inconsistent with FPEIS: The 1979 Final Programmatic EIS adopted by the APA contain many key statements about Wilderness, Primitive and Canoe classifications which the DSEIS alternatives for the Boreas tract conflict with. For example:

“the classification of land...as Wilderness, Primitive or Canoe prohibits motorized access and, except in cases of actual and ongoing emergencies...provides large acreages of habitat undisturbed by man essential to the reintroduction of certain extirpated species...Wilderness is vital to the survival of many species of wildlife with highly specialized habitat needs, and it provides both a natural laboratory and basic standards for the assessment of

man's effects on non-wilderness ecosystems" (FPEIS pg. 34).

"The Wilderness, Primitive and Canoe classifications generally prohibit the use of motor vehicles, motorized equipment and aircraft. Any amendment to the SLMP which would sanction such uses in these areas would severely diminish the primitive character of those lands and should not be proposed. Noise intrusion is only one component of an area's character. The mere knowledge that motorized access is permissible diminishes an area's sense of remoteness" (FPEIS, pg. 35).

"Amendments to the SLMP which diminish the size or deteriorate the character of areas designated as Wilderness, Primitive or Canoe are extremely significant and should not be proposed" (FPEIS, pg. 36).

"Any amendment to the SLMP which would diminish the area or resource quality of lands classified as Wilderness, Primitive or Canoe would significantly diminish the educational and research opportunities which those areas now offer. These effects would be particularly acute due to the scarcity of designated wilderness in the northeastern United States" (FPEIS, pg. 38).

All four alternatives are inconsistent with these statements in the FPEIS because they:

- allow sustained motorized activity 7-8 miles inside the tract to the detriment of habitats undisturbed by man;
- contribute to the detriment of the survival of species requiring specialized habitats, including the Class 1 wetlands surrounding and within Boreas Ponds, a brook trout and lake trout fishery, and a number of low-elevation boreal bird species, mammals, reptiles and amphibians which are vulnerable to habitat fragmentation by roads and motorized uses;
- contribute to the diminishment of the primitive character of this tract;
- contribute to the diminishment of the existing High Peaks and Dix Mountain Wilderness areas. Classification Alternative 1 would, for example, pose significant impacts on the ecology and wilderness values of the High Peaks by introducing mechanized uses deep within the Boreas Tract, threatening the solitude, introducing noise and diminishing the sense of remoteness and the contrast value of the High Peaks and Dix Wilderness with mechanized landscapes.

State Land Master Plan Requirements: As stated in a memo by the APA's (former) State Land Chairman Richard Booth (June 29, 2016), the State Land Master Plan creates a very strong presumption in favor of a Wilderness, Primitive or Canoe classification "for any new, large acreage Forest Preserve acquisition that contains

special resource values.” The Master Plan purposefully narrows the choices available to the agency in these cases. The Boreas Ponds tract is a classic case in point.

Part of this presumption springs from the “paramount” purposes of the SLMP: the protection of natural resources. But the presumption also results from the SLMP classification determinants and the underlying capacity of the state land and water involved to withstand human uses. To quote the SLMP, the essential fragility of “the boreal (spruce-fir), subalpine and alpine zones, as well as low lying areas such as swamps, marshes and other wetlands, rivers, streams, lakes and ponds” points in the direction of a wilderness classification.

The Boreas Ponds exhibits all of these characteristics in abundance, as it does wildlife values, and “certain intangible considerations” such as “social or psychological” considerations, “such as a sense of remoteness and degree of wildness...which may result from the size of an area, the type and density of its forest cover, the ruggedness of the terrain or merely the views over other areas of the Park obtainable from some vantage point”(SLMP). Speaker after speaker at the public hearings spoke to these intrinsic values of Wilderness which they experienced during the short time Boreas Ponds has been opened to the public.

Special Resource Values: Earlier this year, the Wildlife Conservation Society’s Adirondack Program published Technical Paper 7 titled *Ecological Composition and Condition of the Boreas Tract*. WCS examined the extent and condition of the natural resources on the tract, and assessed that condition in context with the adjacent High Peaks Wilderness Area and its relative ecological values in comparison with existing state land units in the Park.

In the paper, WCS describes a number of significant habitats including habitats suitable for more than 50% of the Park’s terrestrial vertebrate species, including rare species. Boreal habitats were noted as being particularly important to a suite of rare or rapidly declining boreal bird species. The overall condition of the tract showed high resilience, or ability to withstand changes such as climate change; high ecological integrity, or ability to maintain natural functions expected on this landscape; and high ecological connectivity to adjacent landscapes like the High Peaks. The WCS paper noted that three habitats on the Boreas tract- Northern Hardwood/Conifer, Northern Peatland and Northern Swamp - existed in larger patch sizes than on other existing state land units. The paper concluded that “in terms of terrestrial habitats, its resilience, connectedness and ecological integrity, the profile of the Boreas tract is most similar to existing wilderness tracts.” In fact, the paper noted that the tract is exceptional when it

comes to resilience and local connectivity – among the top 15% and 10 % respectively when compared with other state land units throughout the Adirondack Park.

Strong SLMP presumption in favor of a Wilderness classification: While the APA’s DSEIS does a decent job at describing the extent and variety of wetlands on the Boreas tract, it fails to mention these very special ecological characteristics cited in the WCS Technical Paper. Judging by this and other papers published about the tract this year, the Boreas tract appears to be an exemplary demonstration of one with special resource values on a new, large Forest Preserve acquisition. As such, the State Land Master Plan creates a strong presumption that such a tract should be classified Wilderness, Primitive or Canoe.

Those who have had the privilege to visit the Boreas Ponds over the last few years, including Governor Andrew Cuomo, have experienced the incredible vistas, sense of remoteness and solitude and other intangible values very directly and personally. Thanks to the state’s actions and use of the Environmental Protection Fund, now the public at large is doing so. Most who visit or even see images of the Boreas Ponds agree that the State Land Master Plan’s language and classification determinants clearly argue for a Wilderness classification for much of this awesome lake-mountain landscape nestled against the High Peaks Wilderness.

DSEIS Alternatives Violate SLMP: APA’s Alternative 1 violates this Wilderness presumption and explicit guidance of the Master Plan. It fails to recognize the special resource values mentioned in the Master Plan and present at Boreas Ponds in abundance which all point towards Wilderness classification and management, including “fragile soils over considerable areas;” “significant areas over 2500 feet elevation;” “an extensive network of streams including a significant river segment;” “extensive areas covered by ponds;” “extensive wetland habitat;” and “an abundance of plant and animal species including a number of boreal species, and a number of rare, threatened or endangered species.”

Further, the partial Wilderness classification proposed in Alternative 1 would be significantly fragmented, diminished and compromised by the mechanized zones inside and alongside them. Future management by Rangers of exterior Wilderness so tightly constrained and bounded by mechanized zones at their very center would be impractical at best, and virtually impossible to enforce. The ecological and integrity of the High Peaks Wilderness would be compromised by these mechanized zones at Boreas Ponds, not enhanced.

Alternatives 2-4, while an improvement over Alt. 1, all fragment the tract in significant ways by allowing the Gulf Brook Road to be open to public motorized use to the 4-Corners area, and at least mechanized if not motorized use all the way to the Ponds.

Fragmenting Impact of the Gulf Brook and other roads opened to public mechanized uses: The impacts of the Gulf Brook Road on the overall integrity of the Boreas Ponds Tract include direct and indirect use impacts on wildlife; habitat loss and fragmentation of habitats; introduction of invasive species; pollution, both direct and indirect; over-exploitation (including overuse of natural resources), as well as the exacerbation of impacts due to global climate change.

The ecological connectivity which the Boreas Ponds, McIntyre and Casey Brook tracts provide to the High Peaks and Dix Mountain Wilderness areas is especially important in this era of climate change. Low-elevation boreal, hardwood, peatland and swamp habitats grade uninterrupted from 2000 ft. elevation at the Ponds to the high elevation boreal environments atop the High Peaks. This ecological gradient incorporates great biodiversity and enables uninterrupted wildlife movement.

These landscape-scale connections can be easily broken. Habitat fragmentation occurs when natural or human processes break large contiguous areas into smaller, isolated patches. It often creates more simplified landscapes that interfere with ecosystems processes, disrupt species movement, and remove critical habitats.

Road construction and public motorized use of roads is often the first stage of the human-caused fragmentation process. The Gulf Brook Road, if opened to public motorized use, will result in impacts far beyond the road footprint. Conservation science tells us that newly opened two-lane highways have a road effect zone of 600 meters, or nearly 2,000 feet on either side (Forman & Deblinger in Johnson, E.A. and Klemens, M.W. (2005) *Nature in Fragments – The Legacy of Sprawl* by the American Museum of Natural History's Center for Biodiversity and Conservation: Columbia University Press). It stands to reason that smaller roads like the Gulf Brook Road would exhibit a road effect zone of at least 1000 feet on either side.

The dozens of culverts underneath Gulf Brook Road block many invertebrate, fish, amphibian and mammalian movements which have a cumulative negative impact on the tract's biodiversity.

Impacts of the roads and road usage in the Boreas Ponds tract were specifically described the aforementioned WCS technical paper, *Ecological Composition and Condition of the Boreas Tract*:

“It is almost impossible to overstate the degree to which roads influence wildlife populations (Trombulak and Frissell 2000), even small forest roads like the ones on the Boreas (Robinson et al. 2010). Impacts of forest roads on species and ecosystems begin during the construction phase, but persist and accumulate well after a road is no longer in use (Robinson et al. 2010), with effects including mortality from construction, mortality from vehicle collision, modification of animal behavior, alteration of the physical environment, alteration of the chemical environment, spread of exotics, and increased use of areas by humans (Trombulak and Frissell 2000). Species most at risk from roads tend to be specialists requiring interior forest conditions... including species such as forest songbirds, salamanders, flying squirrels, pileated woodpecker, northern goshawk, and American marten (Robinson et al. 2010). Turtles are extremely vulnerable to mortality on roads because they are slow moving, long-lived and do not reach reproductive age for many years (Gibbs and Shriver 2002). Though future road construction on the Boreas tract is probably unlikely, any improvement or expansion of existing roads, as well as increased vehicular traffic on current roads (Charry and Jones 2010), is likely to have negative impacts on a number of species. Examples of species likely found on the Boreas tract which may be at risk from the effects associated with the road network include: hermit thrush, ovenbird, scarlet tanager, red-backed salamander, painted turtle, snapping turtle, American marten” (*Ecological Composition and Condition of the Boreas Tract*, WCS Adirondack Program Technical Paper 7, Michale J. Glennon, April 2016).

Conclusion on Classifying the Boreas Ponds Tract: Adirondack Wild concludes that there are significant fragmenting impacts if the Gulf Brook Road and other roads are open to public mechanized uses. Such uses could bifurcate the tract and block ecological connectivity all the way to the existing Wilderness boundaries. Given outstanding resource values, size, scale, biological, physical and recreational potential of the tract, and given the ecological and economic benefits and global significance of creating a quarter-million acre Wilderness region in the heart of the Adirondack Park, APA is legally obliged to evaluate a fifth, all-Wilderness alternative classification. In that evaluation APA should discuss the presumption under the State Land Master Plan that all or most of the Boreas Ponds tract be classified Wilderness. We believe it ultimately becomes the agency’s responsibility under the Master Plan and the FPEIS to close all or much of the Gulf Brook Road and other roads to public motorized and mechanized uses.

When APA chooses the appropriate Wilderness classification for the Boreas tract, it will:

- truly protect the unique, sensitive boreal ecosystems, biodiversity, and the sublime silence and solitude of the tract;
- Recognize the generational opportunity to create the largest wilderness area in the eastern United States – some 280,000-acres in all that will be ecologically significant on a global scale and, if connected to local and regional outdoor businesses, helpful to local economies.
- Create new foot trail access and appropriate, wheeled access for canoe or kayak carts and horse access opportunities for the disabled, elderly, and families or the physically challenged, while enabling all to have a true Wilderness experience. A Wilderness classification for the Boreas Ponds would not, in fact, limit access to anyone. For the physically challenged all terrain wheelchairs, local guide-teamsters with horse and wagon tours, non-for-profit support entities such as Adirondack Adaptive Adventures and volunteers can help get people who need assistance back to the ponds. Physically challenged individuals are just as desirous of challenging themselves in wilderness conditions as the able-bodied are. A non-motorized pathway to the Boreas Ponds could become a national model for universal access;
- Provide opportunities to create visitor centers and businesses which cater to and capitalize on public interest in this magnificent Wilderness expansion, benefiting North Hudson and Newcomb and Essex County most directly.

Other Classification and Reclassification Recommendations: Adirondack Wild supports the following classification and reclassification alternatives:

- Tract ES-23, Schroon Lot - 4 acres to Wilderness classification within the Hoffman Notch Wilderness
- Tract ES-27, Should the proposed Community Connector Snowmobile Trail be infeasible to complete due to land owner objections, all 78.8 acres should be assessed for potential Wilderness classification. If the Community Connector becomes achievable, then Adirondack Wild would support an appropriate mix of Wilderness and Wild Forest classification;
- Tract FL-01/HM-10, 3,895.5 acres to Wild Forest to become part of the Shaker Mountain Wild Forest;
- HM-02, 548 acres to be classified as Wilderness and become part of the Blue Ridge Wilderness;
- HM-03, 465 acres to be classified as Wilderness and to become part of the Blue Ridge Wilderness;
- HM-04, 9.7 acres to be classified as Wilderness and become part of the Blue Ridge Wilderness;

- Reclass 06, part of the 173 acres of the Cathead Mountain Primitive Area should be reclassified part of the Silver Lake Wilderness Area minus that smaller portion of the area required to inspect and maintain communications installations on the summit of Cathead Mountain. That smaller area should remain Primitive;
- Class 12, 1,337 acres to Wilderness Classification whether associated with the Boreas Ponds Alternative 3 or not. Our preference is to see this reclassification in concert with a 5th alternative full tract wilderness for the Boreas Ponds Tract;
- Reclass 13, 15.2 acres of the Buell Brook Primitive Area to Wilderness classification;
- HM-05, 114 acres to be classified as Wilderness and become part of the Hudson Gorge Wilderness Area;
- HM-06, 31.7 acres to be classified as Wilderness and become part of the Hudson Gorge Wilderness Area;
- HM-07, 37.4 acres to be classified as Primitive, however the lands Northeast of the power line should be considered for Wilderness;
- HM-08, 20.4 acres to be classified as Wilderness and become part of the Silver Lake Wilderness Area;
- HM-08, 20.4 acres to be classified as Wilderness and become part of the Silver Lake Wilderness Area;
- HR-08, The Ann LaBastille Tract, 28.6 acres to be classified as Wilderness and become part of the Pigeon Lake Wilderness Area and .72 to be classified as Primitive corridor;
- FL-01/HM-10, APA's recommendation to classify 3,900 acres to Wild Forest, as opposed to Wilderness, due to evaluation of biological, social and psychological considerations, is noted. However, APA could do more in the way of field evaluation and discussion of findings which could result in additions to the Silver Lake Wilderness in this area. We recommend delaying this classification decision for additional study and evaluation.

Again, we thank the APA for its efforts before, during and following the public hearings. We greatly appreciate the civility demonstrated at the eight hearings, the respect accorded all speakers and points of view, and this opportunity to submit final comments.

Sincerely,

David Gibson and Dan Plumley

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Staff Partners

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cc: Terry Martino, APA Executive Director
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Venetia Lannon, Deputy Secretary for the Environment

PHOTO EXHIBITS FOLLOW



Exhibit 1 – Wetland bordering White Lily Pond, Boreas Tract, by Dan Plumley



Exhibit 2 – From 1st Boreas Pond, towards Mts Marcy, Skylight, Haystack, by Dan Plumley



Exhibit 3 – North end of 3rd Boreas Pond towards the SW by Dan Plumley

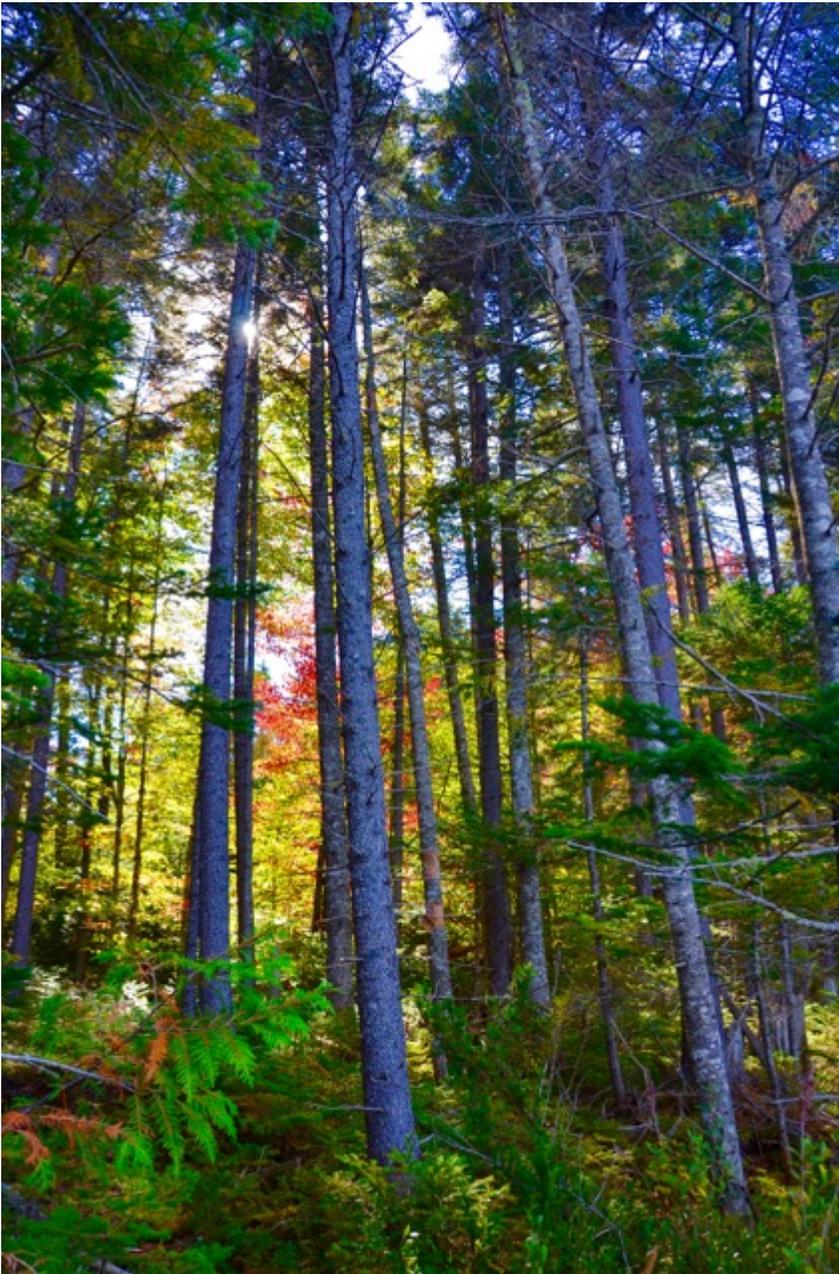


Exhibit 4 – Red Spruce thicket, Boreas Tract, Dan Plumley



Brook entering 1st Boreas Pond from the west, by Dan Plumley