



June 27, 2018

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Re. High Peaks Wilderness Area and Vanderwhacker Wild Forest UMP amendments

Dear Rob and Kathy,

Adirondack Wild is pleased to submit its comments about these critically important, highly interrelated UMP amendments. Our comments will focus on four overarching subject areas:

- I. Protecting fragile natural resources by controlling overuse through a permit system;
- II. Carrying capacity studies;
- III. Access issues;
- IV. Natural resource descriptions and assessments.

Overview: This is the first substantive amendment of the 1999 High Peaks Wilderness Complex (HPW) Unit Management Plan (UMP). There are many positive aspects and management recommendations contained in the amendments, which also demonstrate a great deal of staff effort and dedication. However, both of these UMP amendments promote disparate, unconnected management actions instead of comprehensive wilderness management of one of the grandest, most magnificent wilderness landscapes in the lower 48 states, and at 275,000 acres the second largest wilderness east of the Rocky Mountains. As APA's Chuck Scrafford wrote in recommending adoption of the High Peaks UMP in 1999, *"in terms of setting, environment, size and purity, Adirondack wilderness areas are comparable to Federal wilderness areas. Consider that the High Peaks Wilderness is substantially larger than all the Federal wilderness areas in Vermont and New Hampshire combined, is larger than 90% of the units in the Federal Wilderness Preservation System outside of Alaska, and larger than a number of units in Alaska."*

With few exceptions, the UMP amendment drafts unfortunately promote a politically driven agenda that – contrary to the requirements of the State Land Master Plan (SLMP) – promote virtually unrestrained public recreational access to ecologically sensitive areas. This is done in the absence of any robust assessment of how authorized public recreational uses affect the inventory of sensitive natural resources.

Furthermore, the draft amendments fail to comply with the requirements of the State Environmental Quality Review Act (SEQRA) because they do not adequately consider important resource impacts and alternative actions that would minimize actual and potential adverse impacts to natural resources and to users' opportunity to experience a "primitive, unconfined type of recreation" which is part of the SLMP Wilderness definition (page 20, SLMP).

In summary, we urge the APA to find that the draft amendments do not comply with the SLMP and fail to comply with SEQRA.

I. **The need for direct user controls:** The evidence is clear that natural resource, social and psychological aspects of the HPW have been degraded and continue to be degraded by overuse. The SLMP imposes a clear obligation on both DEC and APA to address the overuse problem. In addition, the numerous documented ecologically sensitive resources in the Boreas Ponds addition to the HPW need user controls to avoid damage to these rare and easily damaged wilderness resources. The time to implement direct user controls including a permit reservation system for day use and overnight camping during peak use periods is now. It is particularly timely and important to implement such a system at the new Boreas Ponds entrance to the High Peaks, but it is also urgently needed, as it has been for 20+ years, in the heavily used trail corridors of the eastern High Peaks.

Justification for a Permit System: As both of your agencies know, heavy public use of the HPW and resulting degradation of the wilderness resource is not a recent phenomenon. The threats posed by overuse were recognized as early as 1961 by the Joint Legislative Committee on Natural Resources. In proposing a High Peaks Wilderness, that Committee noted the challenge of how to "accommodate large numbers of people without a simultaneous destruction of the wilderness character of the area" (Annual Report of the JLCNR, 1961). In 1970, the final report of the Temporary Study Commission on the Future of the Adirondacks noted that "the decision to limit use by appropriate means will have to be made in the very near future...(and)...the creation of some sort of permit system to limit visitors in certain fragile areas of the Preserve seems unavoidable." Since 1972, the SLMP has maintained that "the heavy public use near Marcy Dam, Lake Colden and in the Johns Brook Valley threaten to destroy the wilderness character of these sections if appropriate management systems are not promptly applied...Future measures to control or limit public use in particular areas and at given times of the year are inevitable" (SLMP, page 58).

One of the most important of those management systems referenced in the SLMP is a permit reservation system. Indeed, a permit system was included in DEC's 1974, 1978 and 1994 drafts of a HPW UMP. The 1978 draft UMP stated: "Through past experience the U.S. Forest Service has found that a permit system is one of the best ways of gathering user information concerning a management area. A free permit system should be initiated in the eastern High Peaks with no effort to limit numbers of people using the area for at least three years. Data will be analyzed...if at some time in the future it is determined that numbers of people using the area will have to be controlled, even just for certain high use weekends, the mechanism will already be in place to do so."

The 1994 Draft UMP stated: "Wilderness permits are a key management tool for protecting wilderness resources and ensuring high quality visitor experiences." It cited the extensive use of such permit systems by the National Park Service, U.S. Forest Service and Parks Canada.

The 1999 adopted HPW UMP called for the DEC to "form a working group in year three to develop the structure and implementation process for a camping permit system. The working group will afford

opportunity for public input and comment. Final recommendations to the Commissioner of Environmental Conservation will be made no later than year five. The decision to implement a permit system will require an amendment to this plan and will afford opportunity for public review and comment” (pg. 154, HPW UMP). The DEC has failed to implement this directive of the UMP. DEC has instead opted to implement a series of indirect controls. Overall, these have failed to protect the HPW from overuse, as the data clearly demonstrates:

- Between 2005 and 2015 the numbers of hikers signing the Mt. Van Hoevenberg trail register soared by 62 percent;
- During the same period, the number of hikers on Cascade Mountain doubled from 16000 to 33000;
- Between 2007 and 2017, the number of hikers contacted by the Summit Stewards has grown from 14000 per year to more than 31000 per year;
- In 2017 close to 80 percent of all trailheads leading into the High Peaks and surrounding wilderness areas were routinely above capacity. Thirty-five parking lots designed for fewer than 1000 cars frequently had more than 2000 cars trying to park in them.

This huge influx of hikers and campers has been catastrophic to both natural resources and to the social and psychological carrying capacity of the HPW. Overuse of trails, campsites and summits has caused widespread and serious erosion, damaged and destroyed fragile alpine vegetation despite the heroic efforts of the Summit Stewards, and left areas littered with trash and human waste. Hordes of users eliminate the chance in many places that a hiker can experience “outstanding opportunities for solitude” – one of the key aspects of Wilderness defined in the SLMP.

Adirondack Wild contends that it is a violation of DEC’s responsibilities for care, custody and control of the Forest Preserve that, after failing to comply with the 1999 HPW UMP directive to evaluate a permit system, the first significant amendment in twenty years fails to consider or even discuss implementation of a permit system despite the clear evidence of ongoing damage to the HPW.

Indirect controls are necessary, but have clearly been proven insufficient to address severe overuse of the HPW, and will be proven insufficient to prevent damage to the fragile Boreas Ponds addition. Consideration of a day use and overnight camping permit reservation system at Boreas Ponds and in the eastern High Peaks needs to be incorporated in this UMP amendment. DEC is already very familiar with a permit system, having just established one at Roundout Creek (“Blue Hole”) in the Sundown Wild Forest (Catskill Park) in order to control overuse. There, years of indirect user controls and education proved insufficient in protecting the Forest Preserve from persistent overuse. DEC came to the right decision this year to institute a day use permit system using Reserve America in order to limit access to no more than 40 groups of 6 people per day, or 240 persons per day.

II. Carrying Capacity and Human Uses: The amendment’s commitments to undertake carrying capacity and limits of acceptable change studies, and to monitor public use, and to phase in facilities development based upon data obtained by monitoring changes in biophysical, social, aesthetic and ecosystem indicators is commendable. Unfortunately, those studies are designed and scheduled to happen after or simultaneously with significant facilities development, instead of being done in advance to determine whether or not significant recreational facilities would result in unacceptable changes to the present character and resources of the area.

Boreas Ponds possesses an extraordinarily high degree of wildness according to statements by state and private investigators. The so-called “non-degradation concept” is a widely adopted principle of wilderness management across the country designed to preserve an existing high degree of wildness as the standard to be maintained and sustained, rather than lowered in order to achieve a higher recreational carrying capacity.

Despite extensive documentation of the existence of a high degree of wildness at Boreas Ponds, the amendments propose to allow immediate degradation of those existing wild conditions in order to achieve a high recreational carrying capacity made possible by a new parking lot just 500 feet away from the Ponds themselves, a day use recreational area there, and seven other parking areas spaced within 7 miles of the Ponds designed for over 100 vehicles. It is apparent that DEC intends to deploy LAC indicators and studies to determine change and to phase in still more facilities only after considerable degradation of wild conditions has already taken place.

Limits of Acceptable Change: By its characterization of social, psychological and aesthetic wild land indicators as “subjective” and “arbitrary”, the draft amendments imply that these indicators are less important and less valuable as indicators of change than bio-physical indicators more suited to numerical measurement. Yet, the SLMP lends great importance to those “certain intangible considerations that have an inevitable impact on the character of land. Some of these are social or psychological -- such as the sense of remoteness and degree of wildness available to users of a particular area” (SLMP, page 13). In fact, the spiritual, connectedness and experiential values of wildlands are extremely important for DEC managers to bear in mind and, in fact, are key indicators to be used in limits of acceptable change analysis across the country. The amendment should be changed to credit such positive attributes as spectacular views and unique places, feelings of remoteness, enjoyment of simple living, exploring a natural environment, sense of shared solitude, and a feeling of being connected in a spiritual sense. These should be employed as additional indicators in the promised LAC studies.

III. Access Issues: The proposed construction of new public parking areas off of Rte. 73 in the eastern High Peaks and off of Rt. 3 in the western High Peaks are apparently being undertaken without any study of the capacity of the interior Wilderness resource to withstand the increased public use made possible by the new parking areas (pages 67-69, HPW UMP amendment). That analysis is required under the 1999 High Peaks UMP. Proposed actions for two 20-car lots south of the current Ridge Trail parking off Rt. 73, 25-car capacity for the Round Pond trailhead off Rt. 73, and a 15-car lot off Rt. 3 to access Ampersand Mountain should not be undertaken in the absence of the analysis required by the current UMP.

We appreciate why relocation of pull-off parking at these and other locations, particularly the recommended closure of the Rt. 73 pull-off parking at Cascade Mountain and relocation of parking and trailhead to Mt. Van Hoevenberg may be necessary to improve public safety along these public highways. However, DEC is still obligated by the existing UMP to assess, analyze and match new peripheral parking proposals to the ability of interior Wilderness resources to sustain the levels of public use associated with new parking areas.

Motorized Access to Boreas Ponds and High Peaks Wilderness from Vanderwhacker Wild Forest: The SLMP specifically mandates that “public use of motor vehicles will not be encouraged and there will not be any material increase in the mileage of roads...open to motorized use by the public in wild forest areas” than were present when the Master Plan was adopted in 1972.

Public and administrative use of motor vehicles is definitely and impermissibly being encouraged by these amendments at Boreas Ponds and at the McIntyre tracts. By our count, sixteen (16) new parking areas are proposed in these areas in the absence of any assessment of the potential impact of the proposed public motorized uses on wilderness resources. Nor has DEC evaluated the impacts of a many additional parking areas on already impacted parts of the HPW in contravention of the SLMP's requirement that DEC give "special attention on those portions of the area threatened by overuse" (SLMP, pages 7-9). Of particular concerns is that six of the new parking lots in the Vanderwhacker Wild Forest are proposed just for the Boreas Ponds alone. Added to the two current parking areas, that makes eight parking areas with more than a 100- car capacity. The parking area and motorized access to within 500 feet away from the Ponds is proposed without any assessment of how this and the day use facility will impact the Ponds, including the disposal of human trash and human waste, the potential for introduction of invasive aquatic and terrestrial plant species, and the degradation of Wilderness values including the opportunity to experience solitude and an unconfined, primitive wilderness experience.

Where warranted by natural resource considerations the DEC is specifically authorized by the Master Plan to manage the Boreas Ponds gateway to the High Peaks Wilderness in ways more protective than the Wild Forest classification of the roads. The Wild Forest classification of the roads makes motorized access along the entire length of Gulf Brook Road a legal option; it does not require it if remarkable and fragile resources demand more protection. And they do exist. As APA staff said during the classification discussion at the February 2018 APA meeting, "the ecological values of the Boreas Ponds cannot be overstated."

Accordingly, DEC should not open the Gulf Brook Road to motorized access beyond the current Fly Pond Parking area unless and until the requisite environmental impact, ecological site evaluations and wild lands enforcement and monitoring procedures are fully in place utilizing carrying capacity and LAC studies with full stakeholder involvement. The closer mechanized uses get to the wetlands and the Ponds, the greater the ecological risks of bringing invasive species, trash, noise, pets and other intrusions into this classified Wilderness. The one mile of Boreas Ponds Road leading to the Ponds should be gated to public motorized traffic, including snowmobiles, and improved as necessary to allow wheelchair access for those persons with disabilities requiring such access. The Boreas Road should be viewed, treated and managed as an accessible trail which invites tranquil, quiet walking/hiking, wheeling of boats or wheelchair use to reach the magnificence and scenic beauty of the Ponds and HPW that surrounds the visitor.

We also urge DEC to establish a permit reservation system for all access to the magnificent Boreas Ponds gateway to the HPW. A permit system through Reserve America should be established now for all hikers, paddlers and day use visitors to the Ponds – before overuse begins to cause serious and perhaps irreversible damage to the sensitive and unique resources of the Boreas Ponds ecosystem.

The only exception to the continued interim management on access should be some level of appropriate CP-3 access. Parking and motorized access for the able-bodied should end at the existing Fly Pond parking area. We note that the draft amendments allow both the able-bodied and persons with disabilities to drive to within 500 feet of the Ponds and to compete for parking there. This violates CP-3, which provides that roads in Wild Forest can be opened to motorized use by permit exclusively for persons with disabilities.

The public motorized traffic from Four Corners to the Ponds authorized by this draft amendment also violates State Land Master Plan guidelines for Wilderness areas. The SLMP permits, where necessary, certain recreational uses within 500 feet of where a Wilderness boundary intercepts a highway, such as

where Gulf Brook Road meets the Boreas Road at Four Corners. Public motorized uses penetrating one mile into a Wilderness area are not among those listed uses, and is therefore prohibited by the Master Plan.

Vanderwhacker Wild Forest should serve as a connecting buffer to protect the interior Boreas Ponds and HPW. The amendments, instead, largely treat these as disconnected units, bounded sharply by allowed recreational uses, without respect to “a place where the land’s primeval character and influence are retained and natural processes are allowed to operate freely...where humans are visitors and the imprint of their work is substantially unnoticeable...and a place with outstanding opportunities for solitude or a primitive and unconfined type of recreation” (HPW UMP, page 3).

We support the amendment’s proposed trail-less area in the North River Mountains, and encourage DEC to find additional designated trail-less areas within the complex. We do not support construction of a trail up Cheney Cobble for this very reason and because of the high likelihood for soil erosion there.

Snowmobiles: The preferred snowmobile community connector trail between Newcomb and North Hudson is now proposed to go from the Roosevelt truck trail north to the Boreas Road, and then over to the Gulf Brook Road, and then to connect to the Blue Ridge highway. However, as far as we know DEC lacks agreements with private landowners on the Blue Ridge highway needed to make the actual connection to North Hudson. DEC and APA should not approve a preferred community connector snowmobile trail without having private landowner agreements and rights-of-way in hand, or this proposed connector begins and ends at the same public highway in contradiction to the goals and objectives of the Comprehensive Adirondack Park Snowmobile Plan.

This is just one significant inadequacy in the amendment’s proposal for snowmobiling, but there is another, more fundamental problem with the community connector recommendation. Despite the Wilderness classification of over 11,000 acres of the Boreas Ponds tract, DEC is proposing new snowmobile access within close proximity to the HPW without any analysis of the potential noise and air pollution impacts to the Boreas Ponds addition to the HPW and the pre-existing HPW.

In fact, the draft amendment’s proposed snowmobile uses map shows snowmobiles driving right to the Boreas Ponds dam and the Wilderness boundary, causing obvious noise pollution impacts directly upon the quiet winter solitude at this sensitive wilderness boundary. The Final Programmatic Environmental Impact Statement supporting the Master Plan states that such impacts are unacceptable and unlawful at a Wilderness boundary:

“The Wilderness, Primitive and Canoe classifications generally prohibit the use of motor vehicles, motorized equipment and aircraft. Any amendment to the Plan 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, Impact of Proposed Guidelines on Area Character and Landscape Quality, page 35, emphasis added.)

Thus, it is clear that DEC cannot lawfully allow snowmobiling or other motorized uses up to or near the Boreas Ponds Wilderness boundary. Furthermore, DEC’s proposal to allow snowmobiling up to the Wilderness boundary without analysis of the potential impacts from noise and air pollution violates SEQRA.

Motorized Road Impacts: Because, as cited below, the potential adverse ecological implications of opening up forest roads such as the Gulf Brook Road to daily public motorized uses were identified by APA staff and independent scientists studying the Boreas Ponds Tract, SEQRA demands that the UMP amendments address them, also.

“Impacts of roads here are high. In terms of environmental impact zone, it exists up to 1 kilometer on either side of the road. The road impacts are related to type, timing, and intensity of road use” (from notes of APA Resource Analysis and Scientific Services staff speaking about the Boreas Ponds Tract, Feb. 1, 2018 APA Meeting in Ray Brook).

“It is almost impossible to overstate the degree to which roads influence wildlife populations, even small forest roads like the ones on the Boreas. 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, 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” (from Ecological Composition and Condition of the Boreas Ponds Tract by Michale Glennon, Ph.D., Wildlife Conservation Society, April 2016).

In addition, the public safety risks are also likely to be high given daily competition for this narrow road and road shoulder from two-way passage of cars and trucks competing for space with hikers and paddlers wheeling boats. By gating the Gulf Brook Road at the Fly Pond parking area, and by limiting further motorized access only to certified persons with disabilities who otherwise cannot get to the Ponds, many potential environmental and public safety impacts are significantly reduced. For two years, persons of all abilities have proven that they are willing to walk from the Fly Pond parking area, assisted or not, and wheel their boats to LaBier Flow and the Boreas Ponds. This two-year pattern of muscle-powered public access should be continued in the amendment to the Vanderwhacker Wild Forest UMP with the appropriate exceptions made for persons with disabilities.

IV. Natural Resource Descriptions and Assessments: The natural resource descriptions for the Boreas Ponds tract, while extensive, omit important biological, physical and ecological characteristics identified by APA staff and by independent scientists Drs. Schwarzberg and Glennon. The latter two scientific assessments are not mentioned, and no reference is made in the amendment of their assessment of the Boreas tract’s remarkable resilience, connectivity, permeability, and ecological integrity. APA staff conclusions that “its (Boreas Ponds) ecological value cannot be overstated” is also notably absent in the amendment.

Furthermore, the proposed management actions in the UMP amendment are divorced from natural resource considerations. For example, the proposed motorized and foot-trail development and access, parking lot development, day use area and campsite development near Boreas Ponds are not evaluated for their potential as vectors for the introduction of invasive species. In a revised amendment, DEC should integrate wetland classification and ecological vulnerability data obtained from APA and private studies and fully assess potential negative impacts on these critical resources from proposed trails and facilities.

Finally, we point out that the only “critical habitat” cited and described in the High Peaks Wilderness and Vanderwhacker Wild Forest amendments are “Deer Wintering Grounds.” Deer wintering yards are legitimately critical habitat in this terrain, but hardly constitute the only critical habitat on the tract. For example, Northern Peatland and Northern Swamp habitats are cited for their unusually large patch sizes

on the Boreas Ponds Tract (see *Ecological Composition and Condition of the Boreas Ponds Tract* by Michale Glennon, Ph.D., Wildlife Conservation Society, April 2016).

Conclusion: While at least addressing some places experiencing serious issues of crowding, and while promising phased implementation of future facilities based upon monitoring of defined indicators of change, these interrelated UMP amendments seek to manage the Wild Forest-Wilderness resource and boundaries as separate parts, not as a composite resource – as required by the 1999 HPW UMP. References in the HPW UMP amendment to the 1999 HPW UMP are infrequent. It is almost as if the HPW UMP amendment is unrelated to its parent document, the UMP. It also true that these amendments are, largely, written as recreational management plans suitable, perhaps, for conservation easement lands, but completely unsuited and improper for all Forest Preserve, and most especially unsuited for Wilderness. Throughout we observe how DEC is giving priority emphasis to recreational facilities and uses at a new important gateway to the High Peaks Wilderness over natural resource protection and wild character. This is impermissible under the State Land Master Plan. We ask the Adirondack Park Agency staff to find these draft amendments - as written - non-compliant with the SLMP and, after consideration of these and other public comments, to take an additional 45 days to work with DEC staff to revise the amendments in ways that meet SLMP guidelines for appropriate inventories, assessments and management objectives that protect resources and ecosystems and plan for public use consistent with the assessed carrying capacity of the areas.

Thank you for considering our comments on both the management recommendations themselves, and the question of compliance with the SLMP and SEQRA.

Sincerely,



David Gibson



Dan Plumley

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