

**DRAFT
RESOLUTION**

**ADOPTED BY THE ADIRONDACK PARK AGENCY
WITH RESPECT TO
2013 CLASSIFICATION PACKAGE**

WHEREAS, the Adirondack Park State Land Master Plan (Master Plan) adopted pursuant to Section 816 of the Adirondack Park Agency Act (Executive Law, Article 27) provides guidelines for classifying lands acquired within the Adirondack Park by the State of New York, and directs that once new lands have been acquired, the Master Plan and map are to be amended to classify the newly acquired lands; and

WHEREAS, the Adirondack Park Agency (the Agency) and the Department of Environmental Conservation (the Department) have entered into a Memorandum of Understanding providing procedures for annual consultation and recommendations regarding classification of newly acquired lands, and any other Adirondack Park State Land Master Plan (Master Plan) amendments relating to classification and map boundary delineation; and

WHEREAS, the Department has acquired four (4) parcels totaling an estimated 22,142 acres of land, including the Essex Chain Lakes Tract, the Indian River Tract, the OK Slip Falls Tract, and the OSI Tract; and

WHEREAS, the Agency has consulted with the Department as required by the Memorandum of Understanding Concerning the Implementation of the State Land Master Plan last dated March 2010; and

WHEREAS, a Draft Supplemental Environmental Impact Statement (DSEIS) was accepted by the Agency on May 10, 2013 pursuant to the State Environmental Quality Review Act and 6 NYCRR 617 and 618 with respect to the proposed classifications and amendments to the State Land Master Plan; and

WHEREAS, the Agency held public hearings in Ray Brook, Newcomb, Indian Lake, Minerva, Lake George, Albany, Rochester and New York City between June 12, 2013 and July 2, 2013; and

WHEREAS, the Agency accepted public comment on the DSEIS and seven alternatives for classification and reclassification

of the newly acquired lands and existing state lands from May 10, 2013 through July 19, 2013; and

WHEREAS, a Final Supplemental Environmental Impact Statement (FSEIS) proposing a Preferred Alternative was presented to the Agency on December 11, 2013 pursuant to the State Environmental Quality Review Act and 6 NYCRR 617 and 9 NYCRR 586 with respect to the proposed classifications and amendments to the State Land Master Plan; and

WHEREAS, the OK Slip Falls Tract lies within the Hudson Gorge Primitive Area and is the inholding referred to in the existing Area Description for the Hudson Gorge Primitive Area; and

WHEREAS, the Master Plan provides that upon the acquisition of the OK Slip Falls Tract, the Hudson Gorge Primitive Area will be reclassified as Wilderness; and

WHEREAS, the state acquired the Essex Chain Lakes Tract and Indian River Tract subject to conditional easements for floatplane use on First Lake and Pine Lake, several rights of way, and a conditional easement for gravel pits held by the Towns of Minerva, Newcomb and Indian Lake to maintain infrastructure on the tracts, subject to DEC permits and oversight; and

WHEREAS, there are existing leasehold interests reserved on the Essex Chain Lakes Tract until October 1, 2018, including the right to motorized access, to be exercised in accordance with the terms of each lease and Reservation and Leasehold Estate and Management Agreement; and

WHEREAS, The Nature Conservancy has a reserved right to access the Essex Chain Lakes Tract and the Indian River Tract by motorized means until October 1, 2019; and

WHEREAS, the Chain Lakes Road (South) and the Chain Lakes Road (North) were once connected by a bridge over the Cedar River, which the Agency is informed washed out in the 1960's; and

WHEREAS, during the public comment period, many local residents and snowmobilers expressed support for connecting the communities of Indian Lake, Newcomb and Minerva by rebuilding the bridge over the Cedar River which connected the Chain Lakes Road (South) and the Chain Lakes Road (North); and

WHEREAS, the Chain Lakes Road (South) is an improved gravel road from the Indian River Tract to the Cedar River; and

WHEREAS, the condition of the existing Chain Lakes Road and Camp 6 Road indicates that the underlying land has the capacity to withstand human use including snowmobiles; and

WHEREAS, the portion of the Cedar River within the Essex Chain Lakes Tract has been designated by the legislature as a Scenic River under the Wild, Scenic and Recreational Rivers Act, ECL Article 15, Title 27 (Rivers Act); and

WHEREAS, the Department administers the Rivers Act on state lands within the Adirondack Park and has promulgated regulations applicable to state lands within the Adirondack Park and to all lands outside the Adirondack Park, found at 6 NYCRR Part 666; and

WHEREAS, the Department has committed to consider whether existing Part 666 authorizes the construction of a snowmobile bridge over the Cedar River Scenic River and, if it does not, to consider making appropriate revisions to 6 NYCRR Part 666 to allow such a bridge; and

WHEREAS, to allow for a structurally safe crossing of the Cedar River at the location of the previous bridge while maintaining a park-like setting, the Agency has committed to considering a revision of the Master Plan Wild Forest guideline that currently would require that this bridge must be constructed of natural materials; and

WHEREAS, the condition of the existing four-season roads on the Essex Chain Tract indicates that the underlying land has the capacity to withstand human use including All-Terrain Bicycles, also referred to as mountain bikes; and

WHEREAS, the public comment indicated a desire for the use of All-Terrain Bicycles on the existing roads on the Essex Chain Tract and the Indian River Tract; and

WHEREAS, the Agency has committed to consider a revision of Master Plan guidelines for Primitive Areas to allow for the use of All-Terrain Bicycles on four-season roads that could otherwise be designated as truck trails were they to be used by the Department to reach and maintain structures and improvements within the unit; and

WHEREAS, the Preferred Alternative will create a Wild Forest corridor on the Chain Lakes Road (North) and Camp 6 Road to the Cedar River; and

WHEREAS, the proposal will leave two corridors unclassified until the Department has authorized the construction of a snowmobile bridge over the Cedar River and the Agency has considered revisions to the Master Plan to allow for the construction of a bridge over the Cedar River with other than solely natural materials; and

WHEREAS, once the Department has authorized construction of a snowmobile bridge over the Cedar River and the Agency has revised the Master Plan to allow for the construction of a bridge over the Cedar River with other than solely natural materials, the section of the Chain Lakes Road (South) in the Essex Chain Tract will be reclassified to Wild Forest and the unclassified corridor north of the Cedar River will be classified Primitive, and the Primitive Area will comprise approximately 9,940 acres and be named Essex Chain Lakes Primitive Area; and

WHEREAS, if the Department has not authorized construction of a snowmobile bridge over the Cedar River, the unclassified corridor north of the Cedar River will be classified Wild Forest and the section of the Chain Lakes Road (South) in the Essex Chain Tract will be reclassified to Primitive, and two large Primitive Areas will be created, the northern one will comprise approximately 6,955 acres and will be named Essex Chain Lakes Primitive Area and the southern one will comprise approximately 2,912 acres and will be named Pine Lake Primitive Area; and

WHEREAS, the proposal will create the new Hudson Gorge Wilderness Area combining the current Hudson Gorge Primitive Area with a small portion of the Blue Mountain Wild Forest and newly acquired lands composed of portions of the Indian River Tract and the Essex Chain Tract; and

WHEREAS, the proposal will create a new Primitive Area to be named the Polaris Mountain Primitive Area composed of portions of the newly acquired Essex Chain Lakes Tract surrounding the camps leased by the Polaris Club until October 2018 with an extended leasehold interest held by The Nature Conservancy until October 1, 2019; and

WHEREAS, the Polaris Mountain Primitive Area will automatically and without further Agency action be reclassified to Wilderness and become part of the Hudson Gorge Wilderness Area upon expiration of the reserved leasehold rights on October 1, 2019, or such earlier date if relinquished or otherwise acquired by the State; and

WHEREAS, the proposal will classify portions of the Essex Chain Lakes Tract as Wild Forest to be added to the

Vanderwhacker Mountain Wild Forest and to the Blue Mountain Wild Forest; and

WHEREAS, Agency staff have also proposed the reclassification of approximately 2,868 acres of State Land within the Blue Mountain Wild Forest Area to Primitive; and

WHEREAS, during the public comment period there was strong support for resource protection, community connectivity and recreational access and the Preferred Alternative in the FSEIS addresses these public interests; and

WHEREAS, the proposed action balances the environmental impacts, facts and conclusions discussed in the FSEIS with the related social and economic considerations.

NOW, THEREFORE BE IT RESOLVED, that the Adirondack Park Agency recommends that the classifications and reclassifications described in the FSEIS Preferred Alternative dated December 5, 2013, and Attachment A (Description of proposed State land classification and reclassification action related to the Essex Chain Lakes Tract, Indian River Tract, Blue Mountain Wild Forest, Hudson Gorge Primitive Areas), Attachment B (Summary Table), Attachment C (Map) and Attachment D (Area Descriptions), be approved by the Governor; and

BE IT FURTHER RESOLVED, that Agency staff are hereby directed to commence the process which will enable the Agency to determine whether to amend the Master Plan to allow the bridge over Cedar River to be constructed with other than solely natural materials; and

BE IT FURTHER RESOLVED, that the Agency respectfully requests the Department consider whether existing Part 666 authorizes the construction of a snowmobile bridge over the Cedar River Scenic River and, if it does not, consider making appropriate revisions to 6 NYCRR Part 666 to allow such a bridge; and

BE IT FURTHER RESOLVED, that the proposed action will protect the natural resources of the Essex Chain Lakes Tract, the Indian River Tract, the OK Slip Falls Tract, and the OSI Tract and is consistent with the social, economic and other essential considerations from among the reasonable alternatives available, and which avoid or minimize adverse environmental impacts to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures that were identified as practicable; and

BE IT FURTHER RESOLVED, that the requirements under the State Environmental Quality Review Act and implementing regulations, 9 NYCRR Part 586 and 6 NYCRR 617, have been met; and

BE IT FURTHER RESOLVED, that all classifications and reclassifications and amendments are consistent with the guidelines of the State Land Master Plan and the Final Programmatic Environmental Impact Statement - Guidelines for Amending the Adirondack Park State Land Master Plan filed in 1979; and

BE IT FURTHER RESOLVED, that the Final Supplemental Environmental Impact Statement dated December 5, 2013 with minor and technical corrections approved by the Agency on December 13, 2013 be accepted by the Agency; and

BE IT FURTHER RESOLVED, that the Agency authorizes and directs the Executive Director, in consultation with Counsel, to publish notice of the acceptance of the Final Supplemental Environmental Impact Statement in the Environmental Notice Bulletin, and to issue a Findings Statement and Decision in conformance with this Resolution; and

BE IT FURTHER RESOLVED, agencies and the public shall be afforded with an opportunity to consider the final environmental impact statement consistent with the requirements of 6 NYCRR 617.11(a) and this decision will not be effective until ten (10) calendar days from the date that Agency staff published the notice of completion of the final environmental impact statement in the Environmental Notice Bulletin (see 6 NYCRR 617.12[c]) and satisfies the applicable filing and distribution requirements in 6 NYCRR 617.12(b); and

BE IT FINALLY RESOLVED, that the Agency Chairwoman is authorized to forward the recommendations for classification and reclassification to the Governor for his approval.

Ayes:

Nays:

JTT:EAP