

Subject: Letter from Barwig 2

From: Chris Hyde (cdhyde1@gmail.com)

To: camptouchstone@yahoo.com; topnotch@nycap.rr.com; davidpcerny@hotmail.com; jdmulcahy5@verizon.net; zachary.dorfman@gmail.com; smeier1@roadrunner.com;

Date: Sunday, January 27, 2019 11:38 AM

Thank you,
Chris Hyde

----- Forwarded message -----

From: "Floyd & Sue Barwig" <couchrock@nycap.rr.com>

Date: Jan 16, 2019 2:15 PM

Subject: Draft UMP

To: "Chris Hyde" <cdhyde1@gmail.com>

Cc:

This document highlights in yellow the sections of this document that the DEC chose to include in their 2019 RED LINE version of the Hammond Pond UMP presentation.

Numbering after the highlight notes order of inclusion in the 2019 comments section as comments from this letter were not included in order written

Chris,

I have submitted the following comments to DEC at the address listed on their web site for questions on the process.

Floyd

Comments on Hammond Pond Wild Forest - Draft Unit Management Plan

Submitted by Floyd E. Barwig

60 Ben Hunter Road, #2

Crown Point, NY 12928 (no mail service available)

and

106 Abbey Road

Poestenkill, NY 12140 (address of record)

e-mail: couchrock@nycap.rr.com

January 16, 2019

Introduction

The Hammond Pond Wild Forest - Draft Unit Management Plan (Draft UMP) proposes changes to the boat launch at Eagle Lake that will seriously degrade or eliminate boat access for some properties on the lake, including the property that my wife, Susan G. Barwig, and I own on the north shore of the lake.

These actions are proposed without adequate public notice and opportunity for public engagement. They reflect policy positions and definitions of lake use that do not reflect historic or current circumstances. They ignore any discussion of seriously impacted populations (lake residents who use the boat launch). They rely on purported facts that are erroneous or misrepresented. They leap to conclusions without any reasonable identification, analysis, consideration of alternatives, or resolution of obvious issues that should have arisen in the planning process. They fail to identify, analyze or resolve significant problems and hazards created by the proposed actions. They show no

cognition of the seriousness of the changes proposed and are unaware of or dismissive of legitimate local traditions and concerns.

Public Notice

My wife and I became aware of the Draft UMP when we read an article on-line on suncommunitynews.com (The Times of Ti on-line). The article was posted on January 10, 2019. We found it, quite by accident, on January 11, 2019. By that time the public hearing had been held and the comment period on the Draft UMP was closed. We had seen no prior notice of the Draft UMP, the comment period, the public hearing, or any other opportunity to learn about and respond to this plan.

The Department of Environmental Conservation (DEC) should be ashamed. Your public outreach has been grotesquely inadequate, even if it technically meets all of your legal mandates.

Broad notice for a large overall plan like the Draft UMP may be adequate, but when an issue like the radical change proposed to the Eagle Lake boat launch is raised, DEC has an affirmative obligation to reach out to directly impacted populations. While the Draft UMP focuses on transient fishermen and kayakers coming and going at the boat launch, there is a readily identifiable cohort of property owners on Eagle Lake who rely on the boat launch. They are not a group too large to contact (100+/-). Moreover, their contact information can be readily obtained from Eagle Lake Property Owners, Inc. (ELPOI) or from Essex County, Town of Crown Point and Town of Ticonderoga tax records. No effort appears to have been made to make these contacts.

I am a retired Director of the Office of Energy Efficiency and the Environment for the NYS Department of Public Service. In my work, my responsibilities included numerous utility right-of-way and facility siting proceedings. I am confident that if we had failed to directly contact impacted persons, such as adjacent landowners involved in any of our proceedings, the courts would have overturned the proceeding and castigated the staff for this failing. Legislators representing the impacted citizens rightly would have called for our heads. DEC's failure to reach out to directly impacted Eagle Lake property owners is appalling. It should be grounds to immediately halt the consideration of changes to the boat launch pending much further outreach and reconsideration of the proposal.

Characterization of Eagle Lake

The Draft UMP implies that Eagle Lake should not have a boat launch, but only a fishing and waterway access point, because DEC has not designated Eagle Lake as an Intensive Use Site and, instead, assigns it to a Wild Forest Area. Beyond this, on page 80 the Draft UMP states that "Boat launches are usually provided on large lakes of generally at least 1000 acres in size." These are arbitrary determinations that may accurately reflect DEC maps in the office, but incredibly defy real world conditions and history. Intensity of use is determined by intensity of use, not lake acreage.

inclusion as #1

Eagle Lake is not Fleming Pond or Johnson Pond. Route 74 is not Stoney Lonesome Road or Johnson Pond Road. The Draft UMP's failure to recognize these differences and conclude that only 1000 acre lakes can support intensive use and have a boat launch is astonishing in its blindness.

The south shore and half of the eastern end of the main body of Eagle Lake are intensively developed, with permanent and seasonal residences located cheek by jowl all along the water. Route 74, a very heavily travelled road, follows the south shore. More residences are located on the south side of Route 74 as it passes the lake. The road itself brings many people into contact with the lake, exposing them to a place to which they may well wish to return to fish or recreate.

Eagle Lake is not a remote pond with a few cabins and a few visiting fishermen. It is a dense, vibrant community supporting very active water sports of all forms. It is intensively used.

The people who live on the lake or are drawn to it have brought all forms of watercraft to the lake for many decades. The lake has been intensively used for water recreation for generations. An arbitrary DEC designation of Eagle Lake as Wild Forest Area does not change that; rather, it points to a need for DEC to change its designation of the lake to be realistic.

The boat launch is an essential part of the community life of Eagle Lake. For many residents, ourselves included, it is the way to access the lake so that we can use it as our parents and generations before them have done. The Draft UMP's proposed changes to the boat launch are an attempt to make reality match a DEC plan, not a plan to reflect and enhance the Adirondacks realistically.

Impact on Residents

The property that my wife and I own on Eagle Lake sits on the north shore of the lake, near the west end of the main body of water. The property is steep and rocky with our camp (dating to 1905 and whose traditional name is Couchrock) sitting on a cliff 50 feet above the water. Our vehicular access ends north of the camp at an elevation roughly equal to that of the camp itself. Extending that road to the shoreline so that we could launch a boat on our own property would entail extensive and expensive tree clearing and construction that we would never want and the Adirondack Park Agency would never approve.

Some properties on Eagle Lake do have boat launch access of their own. Those that don't can't impose on those that do. Without the boat launch, many will be cut off from launching and retrieving boats on the lake. We rely on the Eagle Lake boat launch.

In 1986 we purchased a Boston Whaler Super Sport with a 70 HP Mercury outboard engine. We did so because we wanted to join the many other families on the lake participating in water sports such as water skiing and knee-boarding. Our selection was made after examining 13' and 17' Boston Whalers owned by other lake residents - people who were our parents' age and had extensive boating experience on the lake. We settled on the then-new intermediate 15' model.

The specified bare hull weight for a 1986 15' Boston Whaler is 550 pounds; the manufacturer's estimated weight for seats, consoles, gas tanks, various fittings and a battery for our model is 200 pounds; the manufacturer's specified weight for a 70 HP Mercury outboard is 250 pounds. The total weight, therefore is 1000 pounds. For years this boat has been launched, clean and dry, in the spring, spent the summer on the lake, and been recovered and cleaned in the fall for winter storage. Many springs it has stopped at a local marina for service. It has not been used on other lakes.

I have also owned several sailboats over the years. One, a 16' sloop-rigged M-Scow weighing 440 pounds followed the same seasonal pattern as the Boston Whaler. A later boat, a 16' cat-rigged MC-Scow (also weighing 440 pounds) was stored on a lift in a boat house we eventually built. To get it on the lake, however, it was launched at the boat launch and towed under the causeway; when I eventually sold it, it was retrieved at the boat launch.

At no time in our lives could my wife and I have lifted a 440 pound boat, let alone a 1000 pound boat over the proposed barrier. The Draft UMP cuts us off from decades of boating on the lake without so much as a by-your-leave.

Note that moving these boats from the boat launch to the main body of the lake through the Route 74 causeway has never been an issue except in the most extreme (and short term) instances of high water on the lake.

Even if we were able to install a lift in our boathouse to store the Boston Whaler, our problems would not be resolved. A retired couple is not going to detach and haul a 250 pound outboard to a local marina for repairs. During the summer season, marinas in the area are very busy; they do not make house calls. When and if the time comes to sell or trade the boat, there will be no way to get it off the lake. The damage to our use of the lake will be serious and permanent.

I will return to the preposterous and expensive solutions that the Draft UMP seems to drive us toward in order to lift a boat over the proposed barrier under Created Problems and Hazards.

An issue completely unaddressed in the Draft UMP is the impact of the proposed action on property values. There are enough properties with private launching access that Eagle Lake will not suddenly become a so-called "quiet lake" with the closure of the boat launch. Some property owners will be able to continue use of the lake in an intensive fashion; some will not. What will be the impact on the value of properties that will no longer be able to support the active lake life currently taking place? For numerous property owners, the proposed action will be a

taking of value without compensation. In that some property owners will be seriously impacted and others not, it is discriminatory.

included as #3

Errors and Misrepresentations

The characterization of the lake is the first obvious error in the Draft UMP. It simply does not reflect facts on the ground.

Nor does the characterization of the existing boat launch. On page 81, the Draft UMP states "The facility consists of an approximately 6 vehicle and trailer parking area near the outlet of Eagle Lake." This is either a serious error or a more serious misrepresentation. On any busy summer day there may be 6 or more vehicles parked on each side of the pathway to the actual boat launch. Beyond that, there is overflow parking in the snow plow turn-around slightly to the west and across Route 74 from the boat launch. Again, the Draft UMP does not reflect reality.

While it is not explicitly stated, the Draft UMP implies that after some leveling and grading, parking at the new fishing and waterway access point will provide the same 6 parking spaces as DEC claims the boat launch now has. That will actually result in a significant reduction of the available parking, forcing more people to use the snow plow turn-around, or worse, park on Route 74.

Leaping to Conclusions

included as #4

The logic of the proposal to close the boat launch appears to be that : a) Eagle Lake is in a Wild Forest Area; b) Eagle Lake is not an Intensive Use Area; c) Eagle Lake is under 1000 acres and lakes smaller than this can't have boat launches; therefore, Eagle Lake should have a fishing and waterway access point, not a boat launch. This is not logic. It is a string of arbitrary, unsupported decisions driving toward what appears to be (since it derives from no solid analysis) a predetermined conclusion.

The area around Eagle Lake is Wild Forest Area. That does not make Eagle Lake itself automatically Wild Forest Area. No rational person walking along Route 74 past the main body of Eagle Lake would call it a stroll in a wild forest. The heavy traffic, including a very large amount of logging/commercial traffic, on Route 74 and the extensive development on Eagle Lake are an anomaly in the midst of a Wild Forest Area. The current designation does not reflect reality. The solution is not to attempt to force the lake to fit DEC's map definitions, but for DEC to recognize reality and change its maps.

The intensity of use on Eagle Lake should be determined by the actual use of the lake, not a DEC staff decision. Claiming that Eagle Lake is not intensively used is another arbitrary determination that blatantly does not match the real world.

The need for a boat launch should be determined by use, not the size of the lake. Exceeding a nice round number of 1000 acres is no basis for making such a determination. Again, DEC is making arbitrary decisions based on unknown assumptions, obvious planning biases, and no supporting analysis and justification.

included as #2

Impacts on residents who use the boat launch are not analyzed in the Draft UMP. Nor, it appears, are any other impacts (health and life safety, traffic hazards, invasive species transfer, etc.). The report moves to proposed actions with no justification.

Planning should proceed from the establishment of facts in the field, through careful analysis, consideration of alternatives, evaluation of likely impacts and mitigation of any new issues that can be foreseen. With respect to Eagle Lake, the Draft UMP does none of this.

Consideration of Alternatives

Part of the rationale for altering the boat launch, beyond a bureaucratic determination that Eagle Lake does not deserve one, appears to be concern over the spread of invasive aquatic species. The Draft UMP, however, makes no recognition of the efforts of ELPOI and other citizens on the lake to control invasive species for decades. These efforts have been extensive and are well known to the vast majority of people using the boat launch. Limiting the size of boats entering and leaving the lake is no indicator that the spread of invasive species will be reduced. Small boats can carry invasive species in and out of the lake as well as larger ones. There is no explanation of how the

change will improve on what is being done or reduce the risk of invasive species transfer. This is a critical failure. If the new plan improves nothing, it is unjustifiable.

There is also no consideration of other measures that could be taken. Can an inspection and wash station be established on the boat launch site? In the snow plow turn-around? Can some linkage be made to the inspection and wash station on Route 74 near Schroon River? Absolutely nothing is discussed.

The Draft UMP makes no mention of any mitigation strategy for emergency access, resident access, or other legitimate purposes. The Draft UMP creates problems, but never explores how to solve them or even justifies why DEC is not obligated to solve them.

The lack of consideration of alternatives to the proposed action and the lack of concern for issues the Draft UMP itself creates bespeaks ignorance or arrogance.

Created Problems and Hazards

A number of new problems will be created by the actions proposed in the Draft UMP. They are not identified or discussed, let alone resolved.

A first concern is that the elimination of the boat launch cuts off access to the lake for law enforcement and emergency personnel. This is an egregious risk to impose on the residents of Eagle Lake for the ill-defined objectives of the Draft UMP. Forcing a person in need to wait for an Emergency Medical Technician to paddle or troll along in a small boat from the fishing and water access point to Crown Point Beach is borderline criminal.

Reducing the size of the parking area at the boat launch/fishing and water access point will force future users to resort to parking in the snow plow turn-around across Route 74 or on the road itself. At the point of the boat launch entry, Route 74 is a 55 MPH road. Traffic from the east is accelerating from a 45 MPH zone, rounding horizontal curves and traversing a vertical curve, all of which reduces visibility. From the west, it is a 55 MPH road. Making the short trip across Route 74 to the snow plow turn-around is a potentially dangerous maneuver, as is returning to the boat launch. This whole issue is not addressed in the Draft UMP.

With more parking in the snow plow turn-around, there will be more people crossing Route 74 on foot at a point where the safety of crossing is questionable. Also, these people will be walking along the shoulder of Route 74 where there is currently no provision for safe pedestrian traffic. Once more, the Draft UMP is unaware of the issues it may be creating or unwilling to address them forthrightly.

One way or the other, people will find ways to launch larger boats on the lake. The boat launch on Eagle Lake is not a place, like some entry points to Schroon River, where it is obvious that the water body is meant for kayaks and small boats. The boat launch on Eagle Lake is an entry point to a body of water that is sufficiently deep and broad to support larger boats. The reason for restricting this access is not logical or obvious. People will find ways to work around an obviously illogical barrier.

Boats larger than kayaks or tiny one person fishing boats will continue to be launched at the proposed fishing and water access point. There are multiple options for doing so, some safe, some not. Some will impose outrageous expense on people denied reasonable boat launch access.

Perhaps the most likely, but also the most dangerous, is that some group of people will attempt to lift a heavy boat over the DEC planted obstacle. One slip and someone will get hurt. DEC seems oblivious and uncaring.

Those with more financial resources and less faith in their muscles may resort to hiring a crane. A Boston Whaler, like many other boats, has built-in lifting points specifically to be handled this way. Thus DEC favors certain people with money over others without.

Yet another approach could be the construction of portable trailer roller/ramp extensions to reach over the barrier. Some may be safe, some may not. The Draft UMP creates a situation that very likely makes boat launching far more hazardous than the current boat launch, but the Draft UMP hasn't even identified the issue, let alone justified the creation of this hazard.

Any claim that DEC can prevent the launching of larger boats at a new fishing and water access point is wishful thinking. It will be done.

Local Traditions and Concerns

The insensitivity of the Draft UMP to local history, traditions and practices is stunning. It is condescending; DEC and its arbitrary designations and rules know what is best for the residents of Eagle Lake and those who visit it. Everyone should applaud and roll over to accept DEC's wisdom.

This is not going to happen. The Draft UMP is proposing to grossly restrict access to Eagle Lake in a way that overturns generations of common practice. It does so in a way that will harm some persons (those without private launching facilities) and favor others (those with). It creates hazards that threaten the health, safety and welfare of residents on the lake and those seeking to use the lake on a temporary basis. It provides no realistic assessment of the need for this change or the purported benefits this change will produce.

The Draft UMP creates a situation ripe for conflict and a focal point for a confrontation. Echoes of the Crane Pond Road closing and the chaos that ensued can be heard. Yet the Draft UMP does not even recognize the seriousness of what it is doing, the offense to local citizens it is likely to create, and the potential for a serious reaction. This is wrong.

included as #5

Conclusion

The Draft UMP has not made its case for making changes at the Eagle Lake boat launch. It is filled with unrealistic and inaccurate assessments of the current situation. The problem that the Draft UMP appears to resolve is DEC's bureaucratic determination that Eagle Lake does not "deserve" a boat launch like a "nice big 1000 acre lake". There is no robust analysis or rational support for the proposed change. The Draft UMP proposal will create serious new issues including threats to health and life-safety. Getting to this point without seriously engaging the people impacted by the proposal is simply negligent.

This entire section of the Draft UMP should be remanded to staff for complete revision.

The next version of the Draft UMP should deal with Eagle Lake as it is, has been, and for many years is likely to remain, not as some planners wish it were. It should be prepared with lake resident input.

It would be far more productive and realistic to call for modest improvements to the existing boat launch than to try to upend history and tradition for naught.