

February 26, 2019

Dear Mr. Stegemann,

I am writing to you as the President of the Eagle Lake Property Owners, Inc (ELPOI) and the current owner of a property on the north shore of Eagle Lake. My family has continuously owned the property on Eagle Lake since February 10th. 1898 or just over 121 years. Over the years, five generations of our family have enjoyed summers on Eagle Lake and it has become a major part of our family history. Over the years I have learned Eagle Lake is a unique area, one that is not centered around a town. Half the lake is in Ticonderoga, half is in Crown Point. We are on the outer edge of both towns and are not the focus of "in town" issues. While parts of the area are classified as Wild Forest it has a major east-west truck route/ highway slicing it in half and has close to 100 privately owned parcels. Eagle Lake may only be 410 acres but it is still listed as a "large lake" by the UMP. It also has a, historical, fully functional float off/on DEC boat launch (that has been maintained by the DEC for decades) that is essential to residents in order to access the lake and their properties.

The ELPOI has been in existence since 1907 and has been a steward of the lake, practicing "Best Management Practices" since day one. Our dedicated, unpaid, lake volunteers have been and continue to be on the forefront of education, research and mapping of Eurasian Milfoil since its discovery in the late 70's by an EL resident. They continue to perform annual water testing through the CSLAP program and Darrin Fresh Water Institute and maintain the lake level via an outflow dam to the DEC's agreed upon level, through the State's VSA program. Our members also complete a bi-annual adopt-a-highway clean up of Rt. 74 along the lake. We maintain a vast website that draws in visitors from around the world. We promote to our membership, and the community, through our annual newsletter "Clean, Drain, Dry", safe boating practices and anything else we can do to be good stewards of the lake. We have conducted, in concert with the Town of Ticonderoga's building inspector, voluntary septic dye testing at roughly 99% of the, then, occupied private residences to evaluate and ensure there are no contamination issues (all systems were found to be in compliance for leakage to the lake) for the lake's waters. The ELPOI has, under the DEC ANR program, removed and prevented the construction of many beaver dams at both the spillway and in the channel leading up to the dam, thus keeping the lake and surrounding area from flooding. This is all done by dedicated, hard working, volunteer tax paying citizens who do not need to be told to act, but take on and accept responsibility for lake and watershed stewardship and best management practices on their own. One of the stated goals of the UMP is to "Develop long-term partnerships with communities and other stakeholders for the stewardship of the unit". The above achievements and ongoing activities should qualify the ELPOI as a "Stakeholder", above and beyond its simple status as a community .

There are several parts of the the most recent version of the Hammond Pond Wild Forest (HPWF) Unit Management Plan that our association has an issue with, but first, many members had concerns surrounding the notification process.

First, we found out about the 2018 HPWF UMP only by accident even though I personally had signed up for notifications on the DEC website, through “Bulletins/Calendar of Events”, over 18 months ago. One of our members on the lake heard about the proposed changes in late December during a conversation with the local forest ranger. We spread the word quickly through the lake community via email because many of the property owners are only summer residents and are away for the winter. We were all anxious to find out more and when we did, we learned that we were too late. The press release notice that is on the DEC website mentions nothing about Eagle Lake, so even if an interested party had seen it they would not have known that it would affect them. The sixteen page presentation that was apparently shown at the meeting, again, mentions nothing about Eagle Lake. I will note that the 2016 Adirondack State Land Master Plan (ASLMP) does not mention Eagle Lake specifically either. Both the press release and the presentation notes “sell” the HPWF UMP changes by indication that they “will result in increased camping and trail recreational opportunities on this unit” It is only after digging through the first 76 pages of the UMP that we found the first mention of Eagle Lake. I will also note that the public comment period for this UMP was only 24 days, not the 30 days as required per DEC and APA policy statement referenced below.

After extensive research it is interesting to note what looks like only one local paper chose to print the 2017 press release. The Adirondack Daily Enterprise, while publication here may meet the DEC obligation for “notification”, it was only after doing a web search, as well as making a call to the publisher, to check distribution region and circulation size of this paper, that I found that the newspaper is a “a daily newspaper” in Saranac Lake and the immediate surrounding area and has a combined distribution, with several other of its publications, that may reach 4,000 copies. I also found that no papers from this publisher are distributed to the lower ESSEX county community, unless by paid subscription. It appears no other local (Ticonderoga) newspaper picked up on any of this or the 2018 DEC press releases either. If this is the case, how can the Agencies claim to have provided “proper public notice” when the affected area is outside the region of distribution? In searching the website, New York Public Notice, a site that claims to host every NY newspaper public notice in a searchable database, there is no notice for Hammond Pond, for early 2016 to the present, listed either.

In order to better evaluate the proposed changes to the HPWF I have submitted a FOIL request for more information about the meeting comments, but the DEC website states that it will take six weeks to be processed. So even if the 30 day comment period was known about we could not get the FOIL information we may need in a timely fashion to properly respond. I do find it interesting that since we released this information to the Eagle Lake “public” that you have been flooded with letters opposing these changes. To me, it is clear there is an issue with the notification process because the information is not getting out to the people it affects most. They (the residents) would have written/replied sooner had they known. Had we not heard about the boat launch closure by accident, the residents would have shown up in early May with their boats only to find a barrier across the launch. What type of system is this ?

Through the efforts of Rolf Tiedemann, ELPOI members and other concerned residents, I have heard the public comment period has been given a 30 day courtesy extension, but public notice of this “extension” has not been released, via the DEC calendar as has been done on other DEC projects around the state.

I am including the following from the APA’s website regarding UMP development:

*Public Comment Policy for Unit Management Plans: NYS DEC as lead agency conducts an extensive public input process as an integral component for development of final draft Unit Management Plans (UMP). APA is officially an involved State agency within the SEQR process. This process, which includes extensive input from APA staff on a broad range of issues primarily focused on compliance with the State Land Master Plan (SLMP), is conducted in accordance with the SEQR process and includes public meetings and formal comment periods. A minimum comment period of at least 30 days is established prior to development of a final draft UMP. ... Due to potential problems with current reliability of electronic communications, only written public comments received through the mail or via fax will be considered as part of the Agency’s formal comment process. ... The Agency staff memo will summarize public comments related to SLMP compliance. The summary of public comments will be a part of the public record in addition to all correspondence received on the management plan before the Agency.*

In the second line of the of the above paragraph, I am not sure what “extensive public input process as an integral component for development” means. In my mind it would mean asking property owners on Eagle Lake (or their representative organization) what they think about essentially closing the only public boat launch on Eagle Lake. Extensive would also include looking into how numerous property owners, who’s only access to their property is via the boat launch, will get there this summer and in years to come. There are no private marinas or other private for pay locations to launch on Eagle Lake. Extensive, would also address how local fire departments would access the lake to put out a forest fire or how emergency services (police, ambulance, forest rangers, DEC Officers, etc.) would access the lake in the event of a boating accident or life threatening emergency at one of the islands or landlocked properties on the lake. Extensive, I believe, would also include the general service providers and contractors who install and/or repair boathouses, docks, shoreline cribbing/walls, repair telephone lines and who do so much more (pest control, septic services, environmental management companies, this list is infinite) who rely on their service crews and business representatives having accessibility at the boat launch. There also appears to be no consideration or concern for private rental property owners, either. Do their renters no longer have the right to a “complete lake experience” in this lake community, by either deploying their own boats or by utilizing the private rental owner’s watercraft that could have been launched through the State’s launch? Does the private rental owner have to suffer loss of income because they can no longer provide such a service or opportunity? Does this renter now have to go elsewhere after repeatedly having had this opportunity/expectation at our lake? Who, of all of the above, were directly contacted to assess what impact this change would have to their services?

Stating, or even implying, that simply changing access from a float off/on launch to a Fishing & Waterway Access (will or does) prevent the introduction of aquatic invasive species, while (still) providing recreational access to HPWF waters, is fundamentally flawed. Invasive species can and will be spread by both kayak and canoe users unknowingly, via life jackets, water toys, or on/in any items where a tiny invasive can grab a hold, even on wet swimsuits, making it possible for the “floating” stages of zebra mussel or asian clams to survive transport.

While the 2018 Draft Hammond Pond UMP indicates that there are many vectors that can support invasives transport/spread, to single out motorized watercraft that need to be floated off/on a trailer, which are the ones impacted by the proposed launch changes, is a gross and unfairly assigned misjudgement, and to punish them outright by denying their access is egregious! Instead, a better solution would be your providing large clear signage that you are entering infested waters and to practice “Clean, Drain, Dry” on any and all watercraft and accessories, including fishing gear, to prevent invasives spread before entering and upon leaving Eagle Lake. There are manned wash stations located just a short drive either east or west of this location to accomplish this. Or maybe you/we can come up with another means, perhaps some kind of electronic tagging not even thought of yet, to prevent the launching of watercraft, or use of fishing gear, etc. that are not properly vetted by “Clean, Drain, Dry”.

Please assure us that if you make an exception to allow your State Agencies’ bigger motorized boats to have continued permissible “keyed access” to our lake, that they will have been properly cleaned. Demonstrating to the community that the State’s boats, between their runs from one waterbody to another are being properly cleaned, drained and dried before and after being deployed, will make you look serious and reliable, and you will be leading by example. Do not tell us that you lack State funds or the will to do this job right and that you must now compromise/constrict public access, so that the private sector must become mandatory volunteers at these same launch locations, in order to still have their launches, and full boat launching capabilities.

My family operates a boat dealership so I know what boats are out there and I know what the “boating” community is buying. There is only one boat that would be able to be used with the proposed barrier system: a 10’ Aluminum row boat with no motor. The weight of current boats and motors is far greater than in the past. The average person cannot physically (and even safely) unload or load a boat with the proposed barrier system, not to mention their running the very real risk of damaging their boat and motor if they try. Many residents on our lake are retirees and are of an older age that limits or prevents their ability to “muscle” around boats, motors, trailers, seasonal dock placement and removal, etc., as “you” might expect the average person to be able to do. This to me does not “Improve Recreational Opportunities” as is what the stated goal of the HPWF UMP is meant to accomplish. A majority of lake residents use the DEC launch to put their boats in/out. Closing the lake to them does not improve the recreational opportunities that have been afforded to them for the last 100 or more years.

Will continued “on and in the water” aquatic invasive species management and monitoring even be possible without power or larger boat accessibility at our launch? You are limiting the one

very real tool NECESSARY to evaluate and address this issue, an issue that REQUIRES boat availability, thereby effectively preventing/ even denying any further best management practices for aquatic invasives from going forward. Please don't tell us or the scientific community that the same activity can be effectively conducted from a kayak or canoe. It is on the larger boats that electronics for monitoring are mounted. These same boats have the stability and space required to conduct rake toss vegetation surveys, they have the power to pull screen sieves for aquatic organisms collection and the space for subsequent sample analysis and sample collection storage. Please don't tell us, or our organization, that the private citizen MUST now volunteer use of their own private watercraft and/or their own private launch point to achieve these same necessary and expected activities, all while assuming personal liability! With the wash stations now in place at the Ticonderoga launch on Champlain and the Schroon River location on Rt 74, all boats have the opportunity to be cleaned prior to launching. This is a great step forward and another great reason to maintain a trailered launch site on Eagle Lake. There is now another "tool" in the toolbox available in the fight against invasives that will protect Eagle Lake, while allowing these activities to continue.

Our private lake population did not ask to receive invasives, but when first found, they worked with State agencies to find a solution. If 30 plus years ago there had been better control at the helm of the initial invasive species ship within the Park, maybe it would have prevented us from being in the position we are in today, a lake with well established milfoil beds. When all agencies are ready to effectively lead by bringing restorative solutions, we will be there, right behind you, just as we have been in the past! But after our last experience, it is now time for you to visibly lead, not assume we, as volunteers, will do the job and then be blocked by every imaginable excuse.

There also appears to be a lack of consideration or concern for the continued recreational use of our lake by fishermen. Many fishermen bring their boats, in all sizes, to our lake. They have been drawn to our pristine waters and State "trout stocked" lake for generations. Is your goal to ultimately interfere with and effectively block this activity on our lake? Will our lake's NYS fish stocking program, and its associated costs, "no longer be able to be justified" due to lack of or a declining recreational fishing opportunity here? Will this become one more extinguished "I love NY" recreational experience? And if the fish stocking program is then discontinued, what about the wildlife that has come to depend on it as a food source? Do you honestly believe that our growing populations of nesting bald eagles, ospreys and loons (a bird that has only recently appeared within the past two decades as a new waterfowl species on Eagle Lake), do not eat some of the fish that are stocked? Would they continue to competitively thrive and coexist without the added fish supply, these same bird populations that are thriving and expanding are doing so right alongside our existing, boat using population, contrary to what some might say is possible? And we cannot help but wonder what will happen when the first of many unsuspecting/ unknowing winter fishermen go to pull their fishing shanties onto to the lake at the launch and encounter this "barrier" hidden underneath the snow! Or is their continued access supposed to be prevented/denied as well?

Improve is also not the term I would use to describe the changes proposed at the Crown Point "Beach" at Eagle Lake. In fact, reading the UMP, it seems to be quite contradictory to the stated goal. Because the area is only accessible by launching a boat at the DEC launch on the opposite end of the lake, I don't see how closing the launch will make the camping area "easier" to get to. The whole reason that there is a desire to camp in the area is that the "sites" are near the water. If the DEC moves the sites so that they are not visible from the lake, demand for camping in the area will go down, not up. The proposed areas for site relocation are swampy much of the year and are loaded with mosquitoes, not any place the average person would want to be. For a long period of time (up to the early 80's) DEC maintained the picnic area, picnic tables, six camping sites, fire pits, grills, privies and docks. Most of these amenities have been abandoned and are no longer useable. The once usable fireplaces have been degraded by weather and years of use to piles of rubble, the docks having been built of "natural" materials rotted away years ago with only a few remaining boards to remind one of what once was. The docks did provide limited handicapped access to this magnificent location. Two years ago a member of the ELPOI took the time from his busy schedule to notify DEC Staffer, Corrie MaGee, that there were several trees at the beach area that were dead, and posed a potential safety hazard to users of this area. One tree being a potential widowmaker from a large broken dead branch that hung 30 feet above the area where residents and transients beach their boat to enjoy a swim or a play in the sand. Thank you to Corrie for taking care of this situation. There is a certain expectation that one has when going to a listed DEC beach, campsite or picnic area. It does not sound like these expectations will be met with the proposed plan. What will the DEC be doing for maintenance of the beach and camping area? Will the beach and picnic area be usable going forward? One would infer from the statements in the UMP that the DEC will be taking the lead in properly maintaining the area so there is not a need seen by others to act. Without the general grounds and small swim area being raked or fallen branches picked up, the beach and associated area will turn into a tick, water snake and rodent filled jungle. The area where the lean-to currently sits has over the years become overgrown with mature trees, not allowing much sunlight in to allow adequate ground cover to grow, as such when it rains the trail for accessing the lean-to becomes muddy and easily disrupted. The walkway over the stream needs to be replaced so further damage to area does not continue. Other than when requested by the residents or ELPOI, DEC rangers are rarely on-site patrolling or doing maintenance. I am sure funding is potentially an issue but if real progress is meant to take place, closing the launch will only hinder the DEC officers' abilities to do their jobs. Additionally, if closing or moving campsites to prevent overuse or abuse of said locations is your goal, when and where did previous and current public education, via informational signage, printed guidelines, required booking and sign-in procedures with use limits, and the like, go so far a stray?

We, the ELPOI, are also disturbed by the inclusion in the 2018 HPWF UMP, of the inference about enforcement of rules at the beach area being an "issue" at our lake, solely and specifically! As residents of Eagle Lake we cannot be held responsible for activities that go on on at the State land that the beach and camping are located on. NEVER has the forest ranger or any other DEC staff member reached out to the ELPOI to alert us to any of these infractions, or to express an agency's concerns going forward. We, the ELPOI, would have been more than happy to help resolve the issues raised in the UMP. The issue of enforcement lies squarely

between the Forest Ranger, the DEC Staff and their Superiors. If its a manpower, access, or budget issue, so be it. Calling us out for this is shamefully inappropriate and warrants a full retraction of these statements from any currently published or future "draft" or "final" document. I have also submitted a FOIL request to determine how many incidents have been reported and responded to at the beach and camping area. The ELPOI and its members have, instead, a long standing history of cooperation and supportive actions with our State agencies. From the reporting of dangerous trees at the beach, to the creation and installation of State approved informational signage boards at both the beach and boat launch, to holding an ANR, or now VSA, to maintain the lake level to DEC standards, and for attempting to control invasive species. The long list of our volunteer contributions should, going forward, be thankfully recognized and respected. To only site out incidences at "our lake", that we were not made aware, seems to have been almost maliciously intended, because it certainly was not meant to be educationally informative, and now seemingly, and falsely, serves as a cited basis for "needed changes" on our lake, and even more broadly, within the Park. It likens the term "Creating a Crisis"

It appears that we are now some 3 plus weeks into the courtesy extension, and are being told that there are no promises from your agency for changes to the proposals in the HPWF UMP, this being as a result of your agency being charged with enforcing the laws. Those laws being, that the boat launch, as it is a float off/ launch, is located on a piece of Wild Forest land, and that Eagle Lake is under 1000 acres, is out of compliance with laws passed in 2016 or prior, and, that the beach was never configured properly from day one, and it too, is out of compliance with the current 2016 APSLMP laws. Maybe these laws never looked at how the uniqueness of Eagle Lake was situated and that the inappropriate use of a broad brush stroke to control all aspects of Park Law has brought us to this out of compliance point. I am told by my colleague, Mr. Tiedemann, that we need to continue being patient and wait a few more days to hear from you as to what might be possible for allowing EL residents, and the community at large (for this coming summer and all following summers), to continue their historical use of the boat launch, to access their "water access only" places and to continue to power boat and recreate on Eagle Lake . We are also hopeful that public health, safety and welfare services will not be locked out of your considerations and final determinations.

The issues related to the UMP, as proposed, are many. We have touched on but a few. There are many more that are well beyond the scope of putting into writing at this point. It was not my intention to create a contentious letter or to take a contentious position when an opportunity for continued input and review has been afforded us, but simply look realistically at the position our lake community has been put in. How can such a vital and historical use of, and access to, lake waters be simply withdrawn? If an agency can create the laws that made this possible, then they can also reverse them! Should we not be as passionate about these looming changes, as you are, in adhering to your responsibilities to carry them out?

We are expecting that all submitted mailed and "emailed" public comments will ultimately appear in the final DEC and APA documents and final written proceedings as these comments will be received outside the original comment period but submitted during the extension period.

I/we, on behalf of ELPOI, are requesting that the HPWF UMP, and the meeting of its compliance requirements, be put on indefinite hold until the sections relating to Eagle Lake are revised to actually reflect the “extensive public input” that a decision of this magnitude deserves. This request for long term postponement is also based on us, the ELPOI, needing to providing a courtesy of 30 day notification for our residents to react/ be proactive in their input into the UMP’s proposed changes. As such, it is determined by the ELPOI, that a face to face meeting needs to be held where all issues can be proactively, and not retroactively, addressed. We have reached out to Senator Little and Assemblymember Dan Stec to help us facilitate this meeting.

Thank you for your time, I look forward to working with the DEC and APA, Senator Betty Little, Assemblyman Dan Stec, and our Town Supervisors to resolve our concerns.

On behalf of the ELPOI Board,

Chris Hyde  
Property Owner and President of ELPOI

Rolf Tiedemann  
Property Owner, Past President & Current Treasurer of ELPOI

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