



April 11, 2019

**To:** Richard Weber III

Deputy Director for Planning

New York State Adirondack Park Agency

**From:** Chris Hyde

President

Eagle Lake Property Owners, Inc.

**Re:** Adirondack Park State Land Master Plan Conformance Plan for the

Hammond Pond Wild Forest Unit Management Plan

On behalf of Eagle Lake Property Owners, Inc. (ELPOI), its Board of Directors, and the residents of Eagle Lake, I am submitting the following comments in this APA proceeding. Thank you for the opportunity to present them.

ELPOI supports the Hammond Pond Wild Forest Unit Management Plan as it was approved with the inclusion of DEC's "Alternative 3" with respect to Eagle Lake. We do so, however, with serious reservations and call for APA and DEC to take the issues we will raise seriously in your future actions regarding Eagle Lake.

**First**, Alternative 3 calls for "an assessment of Eagle Lake access and conditions to inform a future decision." This assessment may take place "over a period of up to four years."

ELPOI and the residents of Eagle Lake were not involved in the development of the Draft UMP until the very last minute. We were not invited to participate; we inserted ourselves only because we found out, by accident, about the proceeding and its potentially devastating consequences for our lake community. This lack of communication leaves us leery of more

years of studies and deliberations about the fate of Eagle Lake without adequate resident engagement and input.

We call for APA and DEC to meaningfully engage ELPOI and the residents of Eagle Lake throughout any processes that you undertake.

**Second**, it is our position that there is no reason to delay precisely defining the boundaries of the campsite and the boat launch and reclassifying them as intensive use areas. APA can move today to define the boundaries of the small parcels that comprise the campsite and the boat launch (probably no more than a few acres each). A century or more of history provides the logic for reclassifying them as intensive use areas; further study and contemplation is unnecessary.

The campsite at Crown Point Bay has the only good sand beach on Eagle Lake. For over a century it has been a place where people swim, picnic, play and camp. Residents of the lake and their guests use it routinely. So do visitors to the lake who boat to the campsite. DEC explicitly recognized this use by locating a lean-to at the campsite.

The campsite on Eagle Lake enjoys very strong community support and a sense of responsibility for its stewardship. For generations, there has been a cooperative relationship between lake residents and DEC personnel to maintain and preserve the facilities and environment at the campsite as they have existed for decades.

Since there is no road or trail access to the campsite, people reach it by boat. They come in all sizes and types of watercraft. With no public boat launch available on the lake except the DEC boat launch, that facility is an essential adjunct to the campsite. DEC would never erect a lean-to solely for the use of the relatively small number of lake residents. The DEC campsite with its lean-to is open to all NY residents. Accordingly, the boat launch is absolutely necessary to provide public access to the campsite.

On Eagle Lake, the boat launch also provides access for numerous people to fish, engage in water sports such as water skiing, and visit friends who live on the lake. It also serves as the means by which residents living on the lake can launch and retrieve their boats. It is an essential part of the Eagle Lake community.

The campsite and the boat launch are linked properties that provide key recreational opportunities on Eagle Lake. They have been for generations. It is time for APA to correct its original land use classification error of not defining these sites as intensive use areas and reclassify them accordingly.

ELPOI has assembled aerial images of the areas around the campsite and boat launch. They clearly show that the parcels that we believe need to be reclassified are very small and readily defined. We would welcome an opportunity to share them with you at a meeting where we can discuss our perspective with you in person.

**Third**, the policy position that only lakes over 1000 acres should have a boat launch is very troubling. It is arbitrary, has no basis in reality, is unsupported by any logic, and is contrary to the facts on the ground at a number of lakes in the Adirondacks – Paradox Lake and Putnam Pond being two examples very near Eagle Lake. The need for a boat launch should be determined by the use of the lake, not its acreage.

**Fourth**, there are errors, misinformation and inconsistencies in the record for the Hammond Pond Wild Forest UMP and other documents pertaining to Eagle Lake. These comments do not appear to be the best place to present them. Before APA and DEC proceed any further, we would welcome an opportunity to discuss them in detail.

**Fifth**, Alternative 3 calls for “an assessment over a period of up to four years.” The outline of this assessment calls for a series of issues to be explored. All of them cause us concern.

- a. “Adequate public or private boat launching facilities open to the public.” The DEC boat launch already provides adequate public access to Eagle Lake. There is no other boat launch, public or private, on the lake that provides the public with access. There are some private boat launches on individual properties, but these do not provide public access. There is also no prospect for creating a new boat launch open to the public; there is no vacant land that can readily be used. The idea of acquiring an existing residence and tearing it down to create a boat launch is absurd.

The DEC boat launch already provides the public access that is necessary. There is no reason for further study.

- b. “The physical, biological, and social carrying capacity of the lake...will not be exceeded.” This is a very troubling area of study. The construct of “carrying capacity” in any of its dimensions (physical, biological or social) is an abstract, ill defined concept with no clear definitions of what it means and no clear standards for making judgments. This is an academic construct that appears to give APA carte blanche to impose whatever restrictions it may choose. With no accepted definitions or standards, who can argue with proposals made in its name?

Eagle Lake is a thriving community on a lake that, while challenged by invasive species, is otherwise healthy as is. The lake is exceptionally clear. Its water quality, as measured by years of testing under the Citizens Statewide Lake Assessment Program, is

good. The lake has a thriving population of loons who fish here (and in 2017 a successful nesting pair of loons), ospreys, eagles and other birds, animals and fish. The historical and current use of the lake has not harmed its capacity to “carry” life as it is now lived on the lake.

- c. “The boat launching site or attendant water uses will be compatible with state and private land use classifications and attendant management guideline...” As mentioned above, the actual use of the boat launch is entirely compatible with the historic use of the lake. All that remains is for APA to define the bounds of the boat launch and reclassify it (along with defining the bounds and reclassifying the campsite).
- d. “The boat launching site is located in a manner to avoid adverse impact on adjacent or nearby state and private lands.” The boat launch has no adverse impact on any adjacent lands. It has been in use since at least 1920 and is a valued and integral part of the lake community. It has a positive impact on the use of the lake by residents and visitors by providing reasonable boating access. In particular, it is the essential link in use of the DEC campsite at the east end of the lake.
- e. “Motor size limitations appropriate to the carrying capacity of the lake are provided...” Eagle Lake has never had any restrictions on boat size or motor size. Common sense and the height of the causeway under Route 74 have served the lake and its residents very well.

Any attempt to regulate motor size is a fool’s errand. Motor size is not the only or even the most important variable in controlling boat speed, wake, or operator behavior.

The fastest two boats on Eagle Lake of which we are aware were tiny hydroplanes. One had an 18 horsepower outboard, the other a 15 horsepower outboard. Yet either could pass any other boat ever on the lake. Hull design, not horsepower governed their speed.

Wake is an issue far more complex than just horsepower. Hull shape plays a key role. Regulating the horsepower driving the boat without any consideration of the boat itself is nonsensical. Beyond that, the position of the boat in the water plays a key role in wake generation. A boat that has its stern deep in the water and has not yet reached a plane will generate a far larger wake than that same boat when on a plane. By restricting motor size and forcing property owners to purchase smaller outboard motors that will lead to underpowered boats, APA may actually be forcing these boats to move too slowly and generate more wake than they now do with properly sized motors. Boats

powered by inboard motors cannot be modified in such a manner and thus cannot meet this type of restriction.

Operator behavior is another variable that horsepower restrictions will not control. A relatively small fishing boat with, say, a 20 horsepower motor traveling at top speed near shore will generate much more wake activity washing the shore than a much more powerful boat towing water skiers in the middle of the lake. A bass boat with a very large outboard that comes to Eagle Lake moves from place to place no faster than any other boat and spends the majority of its time using its electric trolling motor along the shore and causes no damage. Responsible boaters, the clear majority of those using Eagle Lake, cause no problems. Further, DEC has never provided officers to control boating on Eagle Lake. Under current state fiscal conditions, we doubt they will. Proposing unenforceable regulations serves no good end.

In short, horsepower has never been a serious issue on Eagle Lake. Speed is not an issue on the lake. The fact that loons were able to successfully nest in the bay on the very south shore of the lake in 2017 shows that there is no excessive wake issue. (The loons did not succeed in nesting during 2018 due to exceptionally high water, not boating issues.) There is no reason and no justification to interfere now.

Finally, any imposition of horsepower restrictions could impose significant costs on many lake residents with, in our estimation, little value in return. If for example, the restriction were set at 40 horsepower, the owner of a boat with a 70 horsepower outboard would be required to buy a new outboard. A new 40 horsepower outboard costs in the vicinity of \$5000. The resale value of an older outboard will be relatively low, providing little offset for this expense. An outboard motor restriction could financially prevent some families from further boating on Eagle Lake. As for inboard powered boats, with them not being able to be repowered or retrofitted, the entire boat will need to be replaced. Such a taking without compensation would be akin to conversion and would be intolerable.

- f. “There will be no material adverse impacts on physical, biological or scenic resources...”  
As stated above, barring invasive species, Eagle Lake is a healthy environment incorporating a beautiful lake, some state lands, its relatively undeveloped north shore, and a heavily developed south shore into a thriving community.

For decades ELPOI has engaged in extensive educational activities and invasive species management and removal activities on Eagle Lake. Our efforts are well known by those

who use the lake. We would welcome APA and DEC support to bolster our efforts. We stand ready to work with you on effective, common sense activities.

- g. “The assessment will consider any impact, temporary or permanent, of DOT plans for reconstructing the Route 74 bridge...” In recent discussions, DOT informed ELPOI that it plans to replace the current deteriorating abutments at the bridge and install a new deck, but not raise the bridge deck any higher than the existing structure. This low height has provided Eagle Lake with some regulation of the size of boats on the lake and this DOT plan appears to continue this situation.

**In summary**, ELPOI supports the Hammond Pond Wild Forest UMP as adopted with DEC’s Alternative 3 regarding Eagle Lake. We do so with all of the reservations and concerns outlined above and call on APA and DEC to take these issues to heart. We also call on APA and their partners at DEC to meaningfully and constructively engage with ELPOI and the residents of Eagle Lake as you move forward on any issue impacting Eagle Lake.

Respectfully, on behalf of the Eagle Lake Property Owners, Inc. (ELPOI) Officers and Membership,

Chris Hyde

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cc. Via Email

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