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December 4, 2014

Ms. Ariel Lynch, Environmental Program Specialist
Adirondack Park Agency
P. O. Box 99
Ray Brook, NY 12977

**Re: Opposition to approval of Woodworth Lake Development as currently proposed:
APA Project No. 2014-0048 Towns of Bleecker and Johnstown, Fulton County, NY**

Dear Ms. Lynch,

The Adirondack Council opposes Adirondack Park Agency (APA) approval of the 1,118+/- acre Woodworth Lake Subdivision as currently proposed.

The proposed subdivision of the property into 24 buildable mixed-size lots is not a model of science based conservation clustering. The project as planned fails to adequately protect open space, clean water, wildlife and the ecological resources the APA has the authority to protect. Nor does the development, as drafted, offer the most possible benefits to the community.

The Adirondack Council asks the Park Agency and New York Land and Lakes Development, LLC to extend the 60-day deadline by forty-five days to allow for greater discussion, a more deliberate, careful public review, and opportunities to comment on the draft APA permit. We understand that some extension will be announced. Thank you. Absent an extension and modifications, the APA is encouraged to send the project to an adjudicatory hearing.

Since 1990 the Adirondack Council has recommended that development on Woodworth Lake be limited by easement and that the state acquire the Boy Scout property for addition to the Shaker Mountain Wild Forest. The Council believes that a conservation easement should still be a viable option, providing a financial incentive to the landowner to protect critical natural resources for a significant portion of the property.

If an easement or acquisition isn't possible, **the Adirondack Council encourages analysis of how a modified, smaller and more effectively clustered plan would produce a development alternative that can avoid negative impacts to sensitive natural resources.** These critical ecological resources are the reason why these lands are classified as Resource Management in the APA's Land Use and Development Plan and why this project has far greater significance than would otherwise be expected.

DEFENDING THE EAST'S GREATEST WILDERNESS

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SUSTAINABLE FORESTRY INITIATIVE

We appreciate that Agency staff met with the developer as part of the pre-application process, and has made multiple site visits to this property. We believe that Agency staff was correct to encourage the drafting of a clustered development approach of this property that would minimize impacts to wetlands, steep slopes, and the two water bodies. It was helpful that the Agency held a public information meeting November 24th to further educate interested stakeholders on the complexities of this project and that representatives of the development company were on hand to further explain their objectives and priorities. The Adirondack Council also thanks the Supervisors of the Towns of Bleecker and Johnstown for making themselves available for discussions regarding their towns' priorities and perspectives on the proposed project.

With regard to the specific application and proposal, the Adirondack Council offers the following comments:

The APA can and should limit and cluster development on Resource Management land:

According to the APA Act:

The basic purposes and objectives of resource management areas are to protect the delicate physical and biological resources, encourage proper and economic management of forest, agricultural and recreational resources and preserve the open spaces that are essential and basic to the unique character of the park... Resource management areas will allow for residential development on substantial acreages or in small clusters on carefully selected and well-designed sites.

The overriding principle of Resource Management under the APA Act is forestry or farming, and residential development is considered a "secondary" and not a "primary" use. The Council notes that according to the record, APA personnel conducted an initial site visit and suggested that the area to be developed be limited, where feasible, to a 'development corridor' which roughly followed and is in close proximity to Woodworth Lake Trail, which is the pre-existing road providing access to the proposed parcels.

The proposed subdivision includes building envelopes on and near "Woodworth Lake Trail." But the proposal also includes lots and principle buildings beyond the improved end of "Woodworth Lake Trail" and in places extending well away from the same trail, requiring improvements as detailed in the project application. The resulting nearly two-mile long linear development envelope will actually focus disturbance and improvements around and near most of both Woodworth Lake and Hines Pond, as well as near a complex of wetlands. Additional sensitive resources such as steep slopes and vernal pools are also present. Water quality and aquatic ecosystem protection should be a primary concern in the development design and seem to be inadequately addressed. The record identifies a threatened plant species in Hines Pond but the application appears to fail to evaluate or address this substantial and significant issue, raising valid questions about the completeness of the application.

A broader issue exists with this large-lot subdivision of 1,000+ acres that is mostly Resource Management land. What analysis has been done of the cumulative impact of this form of project proposed as compared to the cumulative impact of an improved conservation design cluster approach? We did not see any attempt to address the Park-wide issue of the cumulative impacts

of residential subdivision development of Resource Management lands. All proposals for large-lot subdivision proposals in the Adirondack Park should receive a thorough analysis of cumulative impacts.

Woodworth Lake has long been recommended for conservation protection:

In 1990, the Adirondack Council released 2020 Vision Volume 3, “Fulfilling the Promise of the Adirondack Park.” This volume made recommendations for realizing the recreational potential of Adirondack Wild Forest. With regard to the Shaker Mountain Wild Forest adjacent to the Woodworth Lake property, it was recommended that the State acquire or protect 7,100 acres in 16 different parcels plus support the continued maintenance of Fulton County’s snowmobile trail network. The Council’s proposal included the recommendation to limit development on Woodworth Lake by easement and to acquire the Boy Scout property should it be offered for sale.

The Adirondack Council continues to support protection of the property as previously recommended and believes that possible scenarios to protect the property under a conservation easement or through acquisition still exist. Utilizing a conservation easement could help foster conservation design, expand resource protection, and provide mutual benefits for the local municipalities, the developer, and the general public.

The proposal as drafted will fragment and impact rural open space:

If acquisition or a conservation easement isn’t possible, design modifications and relocation or elimination of five of the most eastern principle building sites would allow for a large-lot conservation cluster, and most of the negative impacts on water resources, wildlife and adjoining state lands could be significantly diminished.

The APA has the authority to require residential development “in small clusters on carefully selected and well-designed sites.” The proposed development does not meet that standard. The application also introduces two alternatives but they are not viable options given the need for APA variances, significant infrastructure improvements, and site limitations. While the applicant claims that their preferred alternative minimizes environmental impacts by using existing road infrastructure for part of the project, the removal of Lots 13-16 would better cluster the building lots and more effectively minimize disturbances.

Protection of sensitive Resource Management lands, not subdivision and development, should be the priority. If the property is developed the subdivision plan should be revised to cluster building units along the road corridor to the west of Woodworth Lake and the open space adjoining state lands to the east should be protected.

Protection from invasive species is needed:

Invasive species threaten the ecological integrity of the Adirondacks and the economic viability of Adirondack communities. Attention should be given to preserving the open space near the Adirondacks’ southern border, such as this property, to protect from invasive species not only resources on this property, but in the rest of the Adirondacks. The fragmentation by subdivision and development of these Resource Management lands will decrease protections against introductions of invasive species, aquatic and terrestrial.

Endangered, threatened and rare species issues need to be addressed:

The record contains the following information regarding the development site's species inventory, but appears to fail to include an adequate analysis of a state threatened plant reported to be on the site by the State:

1. Hines Pond is a 25 acre pond. In late August, four native aquatic plant species were observed. This included two floating leaf plants (yellow waterlily and white waterlily) and two submergent plants (slender naiad and Farwell's water-milfoil).
2. **Farwells water-misfoil (*Myriophyllum farwellii*) is state listed as threatened due to rarity.** The New York Natural Heritage Program has only eight locations state-wide where the plant has been confirmed, with the closest being within West Canada Lakes Wilderness and Black River Wild Forest. A more thorough plant specific survey is needed to determine if there are additional plant species, but it is unlikely that there are any exotic invasive species in the pond, due to the limited access and use of the pond.

Additional surveys and Analysis are needed; More design changes are required:

Given the large percentage of Resource Management land that would be impacted by this proposal, far more ecological analysis needs to be done and further documentation needs to be provided to allow the APA to adequately address concerns within the permit. In addition to the threatened plant issue identified above, the following issues are noted:

1. Woodworth Lake is a 38 acre lake. Woodworth Lake was included in the Lake Classification and Inventory (LCI) screening (single sampling event) of the Mohawk River basin. The only stressor found during sampling was low pH. No native or exotic plant species were recorded. A more thorough plant specific survey would be needed to assess the plant community.
2. During the 1987 ALSC survey, five different warm-water fish species were captured. An updated fisheries survey would be needed to determine if there is currently a similar fish community to that found in 1987.
3. The application also contains information from "an ecological review of the property" by North County Ecological Services, Inc. This appears to address concerns from the US Fish and Wildlife Service regarding two species, but does not appear to address the issue above.

Property tax implications should be understood:

The Woodworth Lake property has been owned by the Boy Scouts and tax exempt for more than 60 years. According to the application, "*this project will start by putting the property back to taxable status...*" It is important for the record to note that state ownership would also produce an increase in tax payments to the Towns of Bleecker and Johnstown. In fact, state ownership can provide towns higher tax payments than if the forest land were managed as fifty acre or larger units of forest enrolled by private owners under the state's 480-a forest tax law. This is due to the appropriate and generous reductions in tax liability available to private owners under this program. The Adirondack Council continues to advocate for reimbursement to local governments for this difference in tax revenue under 480a.

State acquisition or a conservation easement would strengthen natural resource protection of the Woodworth Lake property, add to the current tax base, and potentially provide recreational

opportunities to the residents and visitors in nearby communities. This, combined with other recommendations, would maintain a mix of public and private lands, supporting hunting and other sporting pursuits, a Fulton County snowmobile trail system, and the local economy.

The application notes that “...NYL&L has prepared a forest resource management plan to guide future property owners in the proper management of their property.” This master forest management plan includes in the proposed prescription commercial thinning. It is good that a master forest management plan has been prepared. It should be noted that this could provide part of a basis for management of these lands as working forests, and reduced tax payments.

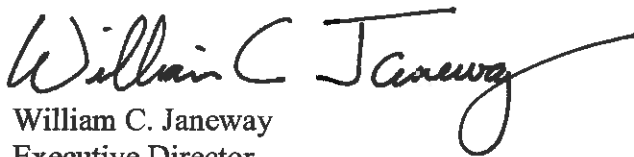
Independent enforcement and compliance of any conditions is needed:

The application proposes a homeowners association to ensure compliance with restrictions and rules. Other alternatives are available that provide better guarantees for the resources, and for adjoining owners. This should include but not be limited to APA enforceable permit conditions. Furthermore, with regard to “Future Development” the application materials state that *all* lots within the subdivision will be deed restricted against any further subdivision so there will be no future development with the exception of individual improvements. Deed restrictions have been shown to provide weak long term protection and have a number of legal limitations that limit their effectiveness to safeguard natural resources. Given no other option, the deed restrictions proposed should be extended to the undeveloped parts of the property.

Thank you

During an extension of time, the Adirondack Council would welcome the opportunity to discuss additional information needs, potential alternatives for the protection of Woodworth Lake, an improved conservation design alternative, and potential community benefits of property protection and/or project changes. Thank you for the opportunity to submit these comments, questions and suggestions.

Sincerely,

Handwritten signature of William C. Janeway in black ink.

William C. Janeway
Executive Director

