

Mrs. Barbara Rice, APA Executive Director  
NYS Adirondack Park Agency  
P.O. Box 99  
1133 NYS Route 86  
Ray Brook, NY 12977

Dear Executive Director Rice:

I am writing to you as President of the Eagle Lake Property Owners, Inc. (ELPOI). We are concerned with the seemingly unilateral decisions being made by one individual relative to the proposed closure to float on/float off boat launching on Eagle Lake, without regard or compliance to the 2019 Hammond Pond Wild Forest Unit Management Plan.

## Executive Summary

The 2019 Hammond Pond Wild Forest (HPWF) Unit Management Plan (UMP) states that the existing launch was a non-conforming use according to APSLMP guidelines even though the launch has been available to the public for at least 50 years with no degradation to the lake.

The revised March “redline” draft as presented to the APA staff and Commissioners on March 15<sup>th</sup>, 2019 lists three alternatives to resolve the non-compliance. In the “redline” Executive Summary version of the HPWF UMP and the Final signed into law UMP, both dated in May of 2019, the statement below was changed to a BOLD type and the timeline for implementing this alternative was adjusted from four years to five. Very clearly and in bold type under Alternative 3 the plan says **“Given the context of this particular site, this alternative is the preferred alternative for Eagle Lake.”** Accordingly, anyone providing input or comments to the plan at that time as part of the public review process would have made those comments in regards to Alternative 3, and not Alternatives One or Two. Text for Alternative 3 was specifically included as a collaborative effort of the APA, DEC, citizen input, State Senator Betty Little and Assembly Member Dan Stec.

We are concerned that the directive of the UMP was not followed and that the DEC or APA did not develop the information deemed required to make an informed decision on the boat launch. Instead, it seems one individual, Ms. Megan Phillips, **was allowed to override the UMP and switch to Alternative Two without public input or reasonable evidence that showed the need to close a launch that has operated for decades without issue.** We were surprised that the APA Board

allowed this decision, a life-changing decision for residents of Eagle Lake and the Town of Ticonderoga, to be made without Board involvement. It is also surprising that NO final written report has been generated to show why she did not carry out the 7 points of study for Alternative 3.

To give you additional perspective on the effects on the residents of the Park from this deviation from the UMP, we have included a copy of our letter to Ms. Phillips after the meeting she held to inform us of her decision, as well as a letter to her from the Town of Ticonderoga Supervisor after the separate meeting she held with the Town Board. A similar meeting occurred with the chairs of the Essex County Board of Supervisors. None of these meetings were to engage the people affected, but only to inform them of the pending closure of the launch to float on/float off launching. We believe that Ms. Phillips' sarcastic response at our Feb. 1st meeting that regardless of the UMP stating there would be a study of how to proceed with the decision regarding the launch, the only thing that would bear on her decision was to make the lake bigger. This statement was particularly concerning and shows a lack of concern for public input and clearly demonstrates why she should not be in a position to make such closures.

Recent court cases as reported on by the news media appear to show a concerning pattern of questionable decisions by the APA that we believe should be addressed by your Board.

We ask that you, as Executive Director of the APA, **reverse this deviation from Alternative 3 of the UMP** and ask DEC to perform the 7-step evaluation detailed in the UMP and provide complete accurate written reports of their findings so any future decisions can be based on fact-based study results and be in accordance with the directive of Alternative 3 of the Unit Management Plan.

## Background Information

### Eagle Lake Property Owners Association (ELPOI), since 1908

In 1908 the property owners around Eagle Lake were so concerned about the quality of life and the issues of the lake that they formed an all volunteer organization that is still in existence today. The ELPOI protects and actively works to preserve the lake and monitors what activities take place on the lake.

ELPOI has been collecting and testing water samples since CSLAP was first put into place with Scott Kishbaugh and Jim Sutherland. We have been doing fecal testing in-house for more than 40 years. We did a complete septic dye test for all residents around Eagle Lake. We have conducted a 40+ year milfoil project. We have assisted the Chilson VFD with several truck roll over accidents that were immediately along the shore of Eagle Lake to mitigate the discharge of fuel and transported product into the water.

As an organization, the ELPOI has been very interested in the safety and health of Eagle Lake. We monitor and count the loons and their nesting/ breeding health. We remove beaver debris from the dam on a regular basis while monitoring and controlling the beaver population. This is being done according to the agreement we have with the state DEC for doing so. The result is that we have

maintained the lake level to plus or minus 4 inches of our zero mark and have seen no shoreline erosion.

### **1972 Adirondack State Land Master Plan (SLMP)**

In 1972 the Adirondack State Land Master Plan was drafted and approved. The plan required that all pre-existing boat launches on lakes under 1,000 acres must be examined for their need. At that time, Eagle Lake must have been **in compliance**. If it had been out of compliance with the SLMP it would have been closed in December of 1975, as the SLMP is very clear in indicating that anything that is non-compliant would be removed by that date. It is pretty obvious from looking at a satellite image from 1972 that was taken by high-resolution imagery that the boat launch at Eagle Lake was prominent as there were two boat docks left and right side of the boat launch proper that would have made it a very visible and popular spot.

Eagle Lake in 1972 was still only 400 Acres, well smaller than the 1,000 Acres that were proposed for keeping or building new boat launches at that point. Was it the attendant features that were available from accessing Eagle Lake's boat launch by float on/float off trailers and boats that allowed it to be conforming at that time as a pre-existing condition and as such was not closed as being non-conforming in 1975?

### **1988 Hammond Pond Wild Forest (HPWF) Unit Management Plan (UMP)**

If we fast forward to 1988 and look at page 60 of the Hammond Pond UMP that was written and approved at that point, the people that surveyed the features on the ground must have had a reason for stating that "Additional boat launching sites are located at Ticonderoga, Port Henry Village, and Eagle Lake. These facilities will be covered in separate plans but deserve mention in this plan as their use frequently provides a related use on the resources of this unit." Since a separate UMP was called out for Eagle Lake, it must have meant that there were significant resources such as a Camping / Day Use Area and boat launching for all manners of boats to justify its own unique UMP. However, the Eagle Lake UMP appears to have never been written. If it had, one would suspect that the issues of the boat launch would have been defined at that time.

The 1988 HPWF UMP includes a discussion of hypothetically increasing the number of campsites within the unit. The first lake considered was Eagle Lake, then Paradox and also Lincoln Pond. This increase in the number of campsites on Eagle Lake would have made it necessary to retain the pre-existing boat launch including the ability for float on/float off boat launching.

### **2019 HPWF UMP, Alternative 3**

In 2019 the HPWF UMP Alternative 3 states "allows for an assessment of Eagle Lake access and conditions to inform a future decision to either alter the site in accordance with the APSLMP Wild Forest guidelines (actions in Alternative 2) or propose a reclassification of the area to Intensive Use." This alternative was consistent with the stated management objective to "Facilitate safe public boating opportunities while implementing measures to protect sensitive, natural aquatic ecosystems." During the assessment period, DEC was tasked to develop the information necessary

for the evaluation of the boat access site against the guidelines for an Intensive Use Boat Launching Site including:

- 1) Adequate public or private boat launching facilities open to the public are not available to meet a demonstrated need;
- 2) The physical, biological, and social carrying capacity of the lake, or a portion of the lake, or other water bodies accessible from the site will not be exceeded;
- 3) The boat launching site or attendant water uses will be compatible with the state or private land use classifications and attendant management guidelines as land use controls surrounding the water body;
- 4) The boat launching site is located in a manner to avoid adverse impact on adjacent or nearby state and private lands;
- 5) Motor size limitations appropriate to the carrying capacity of the lake are provided; particularly for lakes with embayment or shoreline configurations providing the character of small lakes;
- 6) There will be no material adverse impacts on physical, biological, or scenic resources of the water body and surrounding land;
- 7) The assessment will consider any impact ... (based on the May 2019 Executive redline, or as was written in the March 2019 redline) The assessment will take into account any impact...plans for reconstructing the Route 74 bridge...

If Ms. Phillips had been at all earnest or concerned about completing Alternative 3;

- She would have realized that the answer to #1 “Adequate public or private boat launching facilities open to the public ...” would have been **no**, which would have dictated a continuation of the rest of the evaluation points.
- She errantly only had DEC start a boat count to cover the physical carrying capacity part of #2 with this count never being completed to a written final evaluation summary. There appears to never have been any concern or directive to the DEC for the evaluation of the Biological or Social Carrying Capacity of the lake or community even though it was called out for in item #2.
- She disregarded steps 3 thru 7 completely, glossing over these with the statements of “the lake will be quieter, there will be less shoreline erosion, there will be less invasives”.
- If she had addressed #7 she would have realized and reported that the new Causeway **still limits** access to Eagle Lake’s larger water body by larger boats.

### **Only ONE Public Boat Launch**

The APA and DEC seem to think based on what records they may have that there is more than one public boat launch on Eagle Lake. This is simply not the case. There is NO marina or public boat launch site other than the boat launch in question along Route 74.

There are a few small privately owned grassy, side or back yard boat launches where people can launch their own small boats. However, these are not open to the public. Lake residents should not be expected to bear the burden of launching their neighbor's boats or anyone else's boat from their private property, nor should they be expected to be asked to do so either as friends or in an emergency situation where a currently existing boat launch can serve that purpose.

## **APA Land Classification**

After exploring various land classification maps from 1972, 1973, 2019, and 2021 (sourced from ArcGIS and APSLMP), we have not found a supporting map that shows evidence of the EL boat launch .24 acre area ever having been classified, from the time of the Agency's inception to the current day.

The 2019 Adirondack Park Land Classification map shows the 590 acres immediately surrounding the Eagle Lake Boat Launch site as "Wild Forest". However, there is a 0.24-acre site containing the boat launch that was carved out on the map, running from the lake's edge to Rt74 and then back to the lakes edge, that appears to remain as "Pending Classification" or looks to be a no-man's-land. Perhaps it just needs to have the proper classification of Intensive Use applied to it for the Eagle Lake boat launch to remain as a full-fledged boat launch as was originally called out on page 60 of the 1988 UMP where it states that Eagle Lake will have a UMP created for it.

Was a process supposed to classify that little piece of property that was left open as Intensive Use? Was this piece of property related to the statement in the 1988 UMP that Eagle Lake would have its own separate UMP for the boat launch? Just because it was recently stated by the DEC that the 2019 UMP supersedes the 1988 UMP does not remove from the law the fact that Eagle Lake was supposed to have had a separate UMP written for its boat launch in 1988. Maybe it is time for the State to complete this task as they were charged with back in 1988?

It is also interesting that in 2016-2017 the APA State Land Map for land use shows the reclassification of land for a campground at Sacandaga Lake as well as a day-use area at Fourth Lake. The acres of Wild Forest to intensive use reclassified include 12+ acres for Fourth Lake and 60+ acres for Sacandaga Lake. The land reclassification that needs to take place at Eagle Lake is less than 0.24 acres. How is it that the state without problem reclassifies some 72+ acres of Wild Forest for their own use as campgrounds and day-use areas but ignores the needs of the community of Ticonderoga and the residents of Eagle Lake, and cannot or will not even open the dialogue in a proper way for reclassification of such a small 0.24 acres of land in a 590-acre parcel? This small boat access connection point is required to reach the other attendant State Lands as well as the State-owned boat-access-only campsites located in Crown Point Bay.

APA and DEC staff from 1986 to 1988 did significant surveys of the features that were to be found at the Eagle Lake Crown Point Bay Area as far as a primitive Campground, including campsites, fireplaces, pit privies, and picnic tables to mention a few. In 2019 State agency staff may have come back, but many of those features that were identified earlier, used and cherished by those campers in the 1980s have been left to languish and fall into great disrepair so they now find only three of the original six campsites called out in the 1988 UMP with no mention of the picnic tables, etc. Were these amenities neglected and left to languish and fall into disrepair because the Department of Health would have required a permit to run an official Campground with anything that has more than

five campsites or places to pitch a tent? It's surprising that in the 1988 UMP, they indicated that they would take care of the lean-to and as you look at it today you would say that it's in very rough condition; the roof is in bad shape, there is burned-in and carved graffiti on the inside and outside walls, and is situated in a rather wet spot ... not a place that would be inviting to the community and the state residents that paid to have it put there.

### **Comparison to Paradox Lake**

According to the Paradox Lake final UMP, there was a similar situation with Paradox Lake having a pre-existing boat launch located on a lake under 1,000 acres. An extensive evaluation process as was called for in the SLMP (similar to Alternative 3) indeed took place on Paradox Lake in the late 1980s and 1990s and it was determined that Paradox, a lake of similar size to Eagle Lake, would indeed be able to retain its boat launch as it meet the criteria for physical, social and biological carrying capacities studied at that time for not only use with their campsite but many other critical reasons. With Eagle Lake in the same situation, why would it be handled differently?

It is interesting that in the 2019 UMP, they call for and allow grading of the Eagle Lake boat launch area, and when the DEC did that in 2022 they never put up any turbidity curtains to prevent any downslope wash from heading directly into the lake. A heavy rain several days after completion of the grading returned many of the prior distinct potholes to the launch area and deposited the fill in the lake. How sad is that? Even with the regrading, there are many people that we have spoken with that look at the condition of the boat launch and state they would never consider bringing their trailer and their boat over that piece of rough ground, on page 91 of the HPWF UMP it even describes this "the relatively small parking area is uneven and in relatively poor condition..." Yet it has served our community for over 100 years. Does the condition of the boat launch in its rough state of grade not prevent many people from being interested in using it? Is this not a self-limiting feature?

### **Comparison to Putts Pond**

Putts Pond, a pond of only 185 Acres, has a boat launch that according to the DEC website supports 10 cars and trailers and a hard surface ramp. How is it that Putts Pond has been operating within the Adirondack Park since 1972 and still has no site-specific UMP per recent conversations with the DEC covering its use? Since it is less than 1,000 acres, is it out of compliance with the SLMP? If there is no UMP covering the operation of this boat launch / Campground, should it not be closed as a float-on / float-off facility because it is as far as we can tell out of compliance because it is a launch located on a lake that is under a thousand acres? Does having campsites associated with it make its boat launch presence OK? Eagle Lake in 1988 was identified as having campsites also.

If one measures the length of the shoreline on Putts Pond that is in Wilderness classification, it is 1.82 miles and can be boated along and directly to. How does this not materially impact the physical, biological, or scenic resources of the water body and the surrounding land?

If one measures the amount of Wilderness classified shoreline that is impacted by the boat launch on Eagle Lake, it is approximately 0.47 miles and it is to the west of the boat launch where boating is not possible due to the shallow waters west of the launch proper so as to not be impacted by boat traffic. The remainder of the property around Eagle Lake is private and classified as either low-intensity residential use or resource management with 3 pieces of State Wild Forest abutting the

shoreline. The Wild Forest land abutting the water's edge is 0.37 miles in Crown Point Bay, 0.17 miles for the North Shore property, and 0.49 miles from the boat launch to the open water of the lake proper. From these measurements the State owns just over 1 mile of the total 7.8 miles of shoreline of Eagle Lake and yet the State thinks they know best how to protect the rest of the shoreline and the lake itself from the private residents that own the rest of the property on, around and under the water, and are headstrong and united with the efforts of the ELPOI to protect these waters.

### **Carrying Capacity Studies**

The Paradox Lake 1990 and 1994 UMPs that were written for this 800-acre lake include carrying capacity studies (Physical, Biological, and Social) that were performed to keep this pre-existing, non-conforming boat launch in operation. As part of the physical carrying capacity study completed for this UMP, the Office of Parks and Recreation and Historic Preservation (OPRHP) indicated that it is okay to have as few as 6 to 8 acres assigned per boat using the lake. That equates to between 100 and 133 boats actively using Paradox Lake at the same time.

Applying the same logic to Eagle Lake's 420 acres, that equates to between 52 and 70 boats actively using the lake at the same time. We challenge you to come to Eagle Lake and find more than 10 boats actively using the lake at any one time, even on a Holiday Weekend!

The ELPOI Officers are very aware that there are often many boats on docks or parked in driveways that could be included in a boat count. The Paradox Lake 1990 UMP addresses this overall count vs use topic in notes about a July 4th aerial flyover where 200 boats were counted on docks and in yards but only 20 were in use on the water.

We are also very aware that there are seldom more than a few boats actually in use on the lake. Early mornings and evenings are often the busiest times of the day when there are often a few boats out with people fishing or sightseeing and or enjoying an evening ride around the lake. In the afternoons it is not unusual for one or two boats to be out with skiers or tubers. Those enjoying the lake in this manner are respectful to the handful of folks that may be also paddling the lake's shoreline. This was borne out in the raw data from the DEC carrying capacity study that Ms. Phillips conveniently never summarized and never presented in her Feb 1st meeting with the ELPOI. These use patterns can be verified by viewing the ELPOI time-lapse cameras. Clearly, physical carrying capacity, at least as it applies to boating, is not a concern on Eagle Lake. Does physical carrying capacity apply only to boats or does it extend beyond this?

### **Lake Access for the Handicapped**

There are several residents on Eagle Lake who have handicapped members of their family that require a larger boat (i.e., one that needs to be floated on and off of a trailer) in order for them to enjoy a day on the lake. Their disabilities do not allow them to be put into a kayak or canoe in order to enjoy the beauties of Eagle Lake. After more than 50 years of free access, this change to the Boat Launch will discriminate against those with disabilities, preventing them from enjoying time on Eagle Lake. Many more folks have been using the lake since their first childhood adventures and are now seniors that have natural aging limitations that still enjoy fishing, boating, tubing with their grandkids or watching others in their family water ski, or enjoying other more active water sports.



The OPRHP when it addresses “Universal Accessibility” states that 11% of the NYS population above age 5 is considered to have a disability”. It continues in the next line to state “It is the mission of the OPRHP to provide safe and enjoyable recreational and interpretive opportunities for all visitors, recognizing individual needs and disabilities.” It is suspected that closing the Eagle Lake boat launch to float on/float off boats will limit rather than expand accessibility for those with disabilities. But then it appears no study or consideration of this was done by the APA or DEC even though the ELPOI officers brought this up in their February 1st meeting. Maybe the APA should have consulted with the OPRHP to see if this closure would align with the OPRHP mission before making the decision.

### **Private properties that can only be accessed by water**

There are half a dozen or so residents on the lake whose only access to their properties is by boat; these boats are put into or taken out at the Eagle Lake boat launch. These folks have built or maintained and lived in their 50-, 75- or 100-year-old homesteads for decades by accessing them by boat. In order to continue doing this, they need access to a boat launch where a larger boat able to carry supplies for maintenance and daily living across the water can take place. The Eagle Lake boat launch is the only place on the lake where this can happen. Some of these lake-access-only residents also utilize the boat launch area in the winter months to take snowmobiles or drive other vehicles to their properties. Closure of the boat launch using a barrier will prevent this from being possible.

Maintenance not only includes bringing their own supplies over but also requires the propane company, the electric company, the phone company, the cable/internet companies as well as Emergency Services to be able to reach their properties.

One of these lake-access-only residents just indicated to us that they accelerated the replacement of their roof. They knew that the contractor they hired would be able to use his boats that needed float-on / float-off access for bringing the significant amount of roofing material, tools, equipment, and manpower to be able to complete the job in a timely fashion. This included removing the debris that may have otherwise been thrown into the woods. or worse into the lake, if it had not been for the ability of the contractor to get the old shingles back to a proper landfill by boat.

Was access to these private properties spoken to in the 1988 UMP as “these facilities (boat launch) will be covered in a separate management plan but deserve mention in this plan as their use frequently provides a related use on the resources of this unit.”?

### **Access for Emergency Services**

Several years ago, one of the lake-access-only residents fell down the stairs in the middle of the night banging themselves up considerably, and needed Emergency Services. If it weren't for the existing float on / float off boat launch and a whole group of people getting together when the ambulance got there to get this person the services they needed, they may not have made it another 30+ years in their life. They are grateful that their neighbors and the Emergency Services were able to pitch in, accessing their property by water, to get them the help they needed that night.



Much of the Eagle Lake area is rugged terrain with no roads other than New York State Route 74 running along the southern edge of it. Several years ago, a couple of forest fires were reported that needed boat access so that they could be brought under control. If it were not for the Eagle Lake boat launch being easily accessible by a fire boat that was brought in from Paradox, that fire might have gotten out of control and done significantly more damage than just burning a couple of acres of private forest land.

### **Fishing Access**

In addition to the brown bullhead, black crappie, pumpkinseed, rock bass, yellow perch, largemouth bass, smallmouth bass, and northern pike that exist in Eagle Lake, New York State stocks the lake with between 3,000 and 4,000 one- to two-year-old trout every year. Eagle Lake is one of the more popular black bass fisheries in Essex County.

Closure of the Eagle Lake boat launch to float on / float off boats will severely limit access for New York State residents to be able to enjoy this wonderful fishery. Family fishing outings using runabouts that seat two to four people and require float-on / float-off boat access will no longer be possible. Fishing will be restricted to only those New York State residents able to fish from kayaks or canoes. This type of access does not provide for the side-by-side teaching and that happens between parents and children when they can share a boat for their first or future fishing experiences.

### **Milfoil and Water Quality Monitoring**

When was the last time the APA came down and collected a water sample from Eagle Lake? To the best of our knowledge, never. Will anyone going forward be able to launch the necessary bigger boats to achieve such sampling? When was the last time anyone came down and did a native plant survey or an invasive plant study? The one time APA scientists Ed Snezik & Lee Walworth were down in early Spring to do such, Lee was excited because he found his first sprig of milfoil on the lake. A year or so later at a meeting, that was set-up to discuss ELPOI's interest in using an herbicide as part of the NYS Invasives Species Eradication Grant, that included Bob Stegemann, Rick Webber, several DEC and APA members, along with ELPOI Officers and Senator Little's Legislative Aid, Lee announced that "maybe a little bit of milfoil in the ecosystem is a good thing". When the ELPOI was tooth and nail working to achieve milfoil control by all methods, the APA fought as hard as they could and stonewalled any effort to utilize the full toolbox, including a herbicide, and made all kinds of additional requirement requests. Was that helpful? No, because milfoil is still growing, and now without any further interest by anybody on the lake or at the State level there's no one left to take an active role to continue to control/manage it any further. As was suggested in our last meeting with Rick Webber during his visit to the lake we have **learned to live with it**. If the APA is genuinely concerned about controlling milfoil, maybe they will partner with an organization that's been around for over 100 years that has the support of its residents to see what can be done to truly control invasive species before they spread and move to Paradox Lake, Putts Pond and everywhere else. There are no "wash stations" between these lakes, and Eagle Lake is within just a short 10 minute drive of them on Rt 74. Eagle Lake has been the Milfiol breeding ground for many, many years, well before anybody took notice of what milfoil was. Without ELPOI's early effort with APA's Ray Curran and legislative Aid Peter Repas, APIPP would not have been formed to see what the critical mass of milfoil distribution would have been. This has been our experience in working with the APA on milfoil for some 40 plus years. Are we not experiencing similar resistance to taking the

right steps, for the right reasons, to make the right decision to fully evaluate the “preferred” Alternative 3 option and let the results stand on their own merit?

## February 2023 Meetings

It is alarming and seemingly disrespectful that Ms. Phillips, when asked to take complete notes for our February 1st meeting, presented us with a set of meeting minutes that did not capture any of the ELPOI Officers' concerns, interests and feelings as to where or how this decision for changing the boat launch was made. The February 1st meeting was an hour plus in length, and from that less than five bullet points were captured. The ELPOI notes are extensive and show exactly what was talked about whereas the APA notes are extremely brief and capture nothing of what was said by the seven members of the ELPOI that were present. It was as if she was at a different meeting and only interested in her goals of presenting the final outcome and clearly not capturing the rest of the dialog to convey to you and the rest of the APA Board and staff as to what took place at this meeting. Without a complete recording of the notes, how will any of you understand what was and wasn't done and the reasons why or why not, that have significant bearing on the decision rendered! And it was and is **the wrong decision based on what wasn't done and wasn't considered!**

Prior to the February 1st meeting the ELPOI requested that data for the boat count be shared. We were denied this request and no data was even presented at the meeting. We were told that the boat count data was unimportant to the discussion and or decision. It was disturbing to those that were at the February 1st meeting that no carrying capacity studies data or reports were even presented for discussion, even though they were requested prior to the February 1st meeting. We were told they were not available. It wasn't until 3 days later when Ms. Phillips shared the APA's rendition of the meeting minutes, that the DEC's raw data for the carrying capacity studies were disclosed.

In reviewing the data we found that the data collected did not support the apparent intended outcome desired. Eagle Lake's actual boat activity and boat count could not be deemed as disruptive or harmful to the recreational quality or environment of Eagle Lake and therefore could not be used to make or support a decision to discredit choosing Alternative 3.

In the February 9th meeting with the APA Board, when Ms. Phillips presented the closure decision; she did not fully inform the Board about the negative impact of this change on the Eagle Lake community or the Town of Ticonderoga. An impact so significant that the Town of Ticonderoga and County of Essex both passed resolutions, in opposition within days of their being presented with this information, (see included resolutions). Senator Dan Stec's and Assemblyman Matt Simpson's offices have been in contact with APA staff. When asked whether a carrying capacity study had been done, Ms. Phillips was evasive and mentioned that data was collected on boats on the lake and cars in the parking lot, but she did not tell the Board that **the evaluation required by the UMP had not been done or that her decision to close the launch was not based on any evaluation or empirical data as required by the UMP.**

Ms. Phillips' presentation during the February 9th APA Staff Meeting was dismissive of the new commissioners, in her statement that those of you that were around would remember but those of you that are new, “this will be new” here it goes (details of meeting). Ms. Phillips provided no background details for any of the Commissioners or APA Staff as to how Eagle Lake came to have an Alternative 3 in the 2019 UMP. She simply goes on to state that Eagle Lake is under 1,000 acres

and is out of compliance. She provides no details of what Alternative 3 was supposed to be, or that there were seven study points in that alternative that were supposed to have been acted on.

In summary, Ms. Phillips' update failed to inform the APA staff and the commissioners about what was really happening, and if it weren't for one commissioner remembering that a carrying capacity study was supposed to have been done, we suspect she would have failed to inform them about this also. Her actions are akin to lying by failing to present all of the facts that should have been considered when making this decision.

### **Capture and Use of Public Comments**

Is Ms. Phillips' official meeting minutes of February 1st to the ELPOI a dress rehearsal for how the APA is going to capture public comment in the future? i.e. nothing? Is the APA's recent decision to limit public comment part of their new method of operation? In the document FPEIS (Final Programmatic Environmental Impact Statement) GuideLines for Amending the Adirondack Park State Land Master Plan (re-typed December 2010), page 14 talks at length about the need for public involvement. It states "Finally a word should be said about the need for greater involvement in the whole process of acquisitions, revisions and review."

How was the public involved with respect to deciding to close the EL boat launch without completing the required studies described in Alternative 3? Are the FOIL'd documents of the DEC's February 2018 community presentation of the draft HPWF UMP methods of capturing public comment in 3-5 out of context words the way they're going to capture public comment in the future? It is pretty sad that any comments that are made verbally to two public agencies, DEC and APA, are not captured in written form for use by anybody. It is also sad as to how the APA and DEC captured public comment in the extended public comment for the May 2019 draft UMP. Numerous comments were submitted to the APA and DEC and directly to both Bob Stegemann and Terry Martinez that were not included in the final draft of the 2019 UMP. Copies of these resident's letters were carbon copied to the ELPOI, hence the reason for knowing they were not captured. One of the resident's comments, again with a cc to ELPOI, that was submitted in writing as a six-page document was paired down to five comments that were taken completely out of context. Going forward it is the ELPOI's suggestion that no dialogue take place that is in verbal form without full content written minutes taken and that everything be in writing so that there can be no discrepancy going forward. We are thankful that in 1988 the UMP that stated that Eagle Lake should be afforded a separate UMP was documented, and that in 1972 it was at least stated that pre-existing conditions should be considered on an ongoing review basis. It appears that none of this has been done or will be done going forward. It was also sad to read in one of the DEC FOIL'd documents that the DEC "team-leader" for the community presentation tells the presenters "we must be careful not to indicate to the public that decisions have already been made..." Is this the way the DEC and APA are making decisions related to the Eagle Lake Boat launch? Behind closed doors without telling anyone in the public?

### **In Conclusion**

For over 100 years the property owners around Eagle Lake have worked diligently to care for the lake. In 1972, the Adirondack State Land Master Plan (SLMP) was approved, calling for a review of the pre-existing Eagle Lake boat launch. The result was that it was allowed to remain. In 1988, the Hammond Pond Wild Forest (HPWF) Unit Management Plan (UMP) was approved, once again

calling for a review of the Eagle Lake boat launch. The result was that it was once again allowed to remain. In 2019, the HPWF UMP was updated, once again calling for a review of the Eagle Lake boat launch. At this point, the Eagle Lake boat launch had been in existence for well over 50 years with no direct evidence or action that would require its closure. However, in 2023, without performing the required due diligence identified in the 2019 HPWF UMP preferred Alternative 3, Ms. Phillips unilaterally decided that the boat launch would be closed at the end of the 2024 boating season. This decision goes in stark contrast to what our forefathers have done, and against the wishes of those that have used, protected, and cherished this lake for over 100 years. It also goes against all of the DEC and APA UMP required actions that have failed to be completed from 1972 to present day that would have not required an Alternative 3 to need to be written.

The Officers of the ELPOI were significantly involved with the DEC, APA, and local Government Officials in 2018 and 2019 with regard to the review of the draft and final version of the HPWF UMP and were the driving force behind getting Alternative 3 included. We have collected numerous documents and references that show and support facts that the Eagle Lake boat launch should remain as a pre-existing condition. Over 1,710 community residents and friends that utilize Eagle lake have read and signed a petition indicating that Eagle Lake should be reviewed as was stated in 1988 and have its own separate UMP that allows it to exist as a float on/ float off boat launch with periodic review for the impacts that it may have on Eagle Lake. This is similar to what was done with Paradox Lake and will hopefully be done with other lakes that have boat launches that are existing in places on lakes under 1,000 Acres, possibly such as Putts Pond and Lincoln Pond. A full report on **the seven items required by the 2019 UMP Alternative 3 must be generated and used** in the final decision for the Eagle Lake boat launch.

Will the 2024 HPWF UMP, when it's finally written (as they are supposed to be updated every 5 years), correctly include and state why Alternative 3 was NOT completed and then implemented as the "preferred" option?

We hope that the above information provides sufficient evidence that your immediate action is required. We hope to hear from you soon to learn how we can work together to review the documents we have collected that support Alternative 3 and allow us to collectively develop a plan to continue to protect the lake, while allowing for safe public boating opportunities that have existed for decades in accordance with the vision clearly stated in the Unit Management Plan. We hope you agree with us that the Park should be open to use for public enjoyment to the extent it is consistent with protection of the wilderness resources and not be subject to restrictions by an individual citing requirements to reduce long-standing public access when there is no benefit to the Park nor a demonstrated need to do so.

Regards,

Keith Park, President  
For the ELPOI Board

*Keith Park 6-20-2023*

31 Barkwood Lane  
Clifton Park, NY 12065  
topnotch@nycap.rr.com  
518-373-0417

CC:

ELPOI Officer and Board Members

Mark Wright, Ticonderoga Town Supervisor

Charlie Harrington, Crown Point Town Supervisor

Jim Monty, Essex County Vice- Chairman

Shaun Gilliland, Essex County Chairman

Senator Dan Stec, Via Legislative Aide Keith Sherer

Assemblyperson Matt Simpson, Via Legislative Aide Matt McDonald

Senator Jeremy Coony, Via Katie Kreutter Legislative Analyst and Community Affairs Liaison

Congresswoman Elise Stefanik, Via Legislative Aide Joathan Carman

Ron Moore, Senior Advisor To Adirondack Association of Towns and Villages

Gerald Delaney, Executive Director Local Government Review Board

Steve McNally, President Adirondack Association of Towns and Villages

Joe Pete Wilson, Supervisor Town of Keene

Governor Hochul

APA board members;

Chair Mr. John Ernst

Mr. Arthur Lussi

Mr. Daniel Wilt

Ms. Zoe Smith

Mr. Mark Hall

Mr. Kenneth Lynch

Ms. Benita Law-Diao

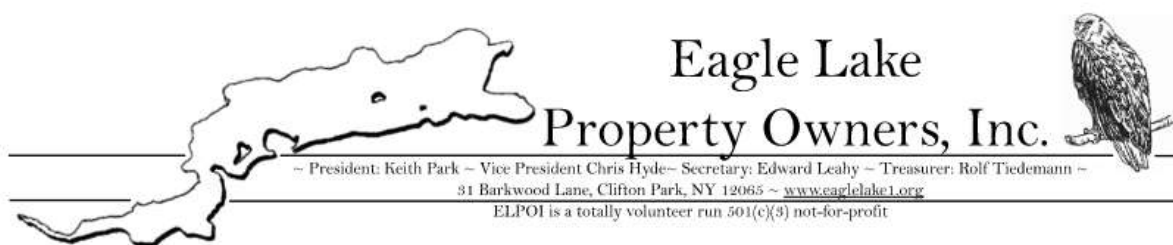
Kisha Santiago-Martinez, Department of State Designee

Bradley Austin, Department of Economic Development Designee

Joseph Zalewski, DEC Region 5 Director, Department of Environmental Conservation Designee

Basil Seggos, DEC Commissioner

Ben Thomas, DEC Region 5 Forester



June 2, 2023

Ms. Megan Phillips  
NYS Adirondack Park Agency  
P.O. Box 99  
1133 NYS Route 86  
Ray Brook, NY 12977

Dear Ms. Phillips,

On behalf of the Eagle Lake Property Owners, Inc. (ELPOI) Board Members I want to thank you for meeting with us on February 1, 2023. While we appreciate you informing us that you have decided to close the Eagle Lake boat launch to float on/off trailer boat launching, we are, of course, disappointed that you have decided to deviate from the adopted Hammond Pond Unit Management Plan (UMP) without due process.

The UMP includes three options for the launch: 1) No action, 2) Close the launch to trailered launching and 3) Perform a study for up to five years to determine the best course of action based on specific study requirements which are outlined in the UMP. At the end of Option 3 the UMP states, in bold print, **“Given the context of this particular site, this alternative is the preferred alternative for Eagle Lake.”** Clearly option 3 was the chosen alternative in the plan and the one that anyone providing public reaction to the plan would focus upon. Text for this 3rd option was specifically included as a collaborative effort of the APA, DEC, citizen input and the State Senator and Assembly.

Alarming, without conducting any study whatsoever and without public input, APA has abandoned the clear intent of the UMP and elected Option 2, closure of the launch to float on/off trailer boat launching of boats.

During the meeting, when we asked you about the basis for the decision to close the launch you were clear that it was a totally pedantic decision based on the size of the lake. When ELPOI members raised questions about the impact on people with boat only access to their property, public safety and impact on public use of the lake, you were very clear that there was no threshold of any

of these factors that would impact your decision, hence you made a unilateral decision not to conduct the study called for in Option 3 as the preferred option in the UMP.

You did inform us, and later provide a copy, of a boat count taken by the Department of Environmental Conservation, but were clear that it was not a factor in your decision. At one point you chuckled and said the only thing that would impact the decision would be if we made the lake two and half times as big as it is. It is disappointing that an appointed official would find humor in denying people the access to the lake that they have enjoyed or property they have owned for generations.

We are further troubled by the summary of the meeting that you shared with us. The summary seems to be from an entirely different meeting because you imply that you used the boat count to inform the decision to close the launch. However, your count included the number of boats seen at docks, in driveways or on the water, with absolutely no analysis of whether the boat use exceeds the lake's carrying capacity, or even a determination of what the capacity is for Eagle Lake. This is troublesome because those of us that spend time at the lake are well aware that while there are many boats at docks on the lake, it is unusual to see more than a handful being used (on the busiest of weekends) at any given time.

ELPOI members are in favor of protecting the Lake and the entire Adirondack Park and would support not building a new launch on a small lake. But closing a launch that has operated with no ill effect for decades makes no sense. As you know, Essex County, the Town of Ticonderoga and the Eagle Lake Property Owners are all against this unwarranted closure of the Eagle Lake Boat launch.

ELPOI members ask the APA to follow through with the preferred Option 3, in accordance with the UMP, and conduct a five-year study of the impact of the boat launch on Eagle Lake or at least open up the change to the UMP to public input..

ELPOI looks forward to APA's response on next steps that will be taken to ensure that any decision regarding the boat launch is based on a longitudinal study as envisioned by Option 3 of the UMP.

Sincerely,

*Keith Park*

Keith Park, President  
For the ELPOI Board

CC:  
Governor Kathy Hochul





# Essex County Board of Supervisors

**Resolution No. 43**

**February 6, 2023**  
**Regular Board Meeting**

**RESOLUTION OPPOSING THE DECISION BY THE ADIRONDACK  
PARK AGENCY (APA) AND THE DEPARTMENT OF  
ENVIRONMENTAL CONSERVATION (DEC) REGARDING THE  
CLOSURE OF THE NEW YORK STATE BOAT LAUNCH AT  
EAGLE LAKE IN THE TOWN OF TICONDEROGA, NEW YORK  
FOR TRAILERED BOATS**

The following resolution was offered by Supervisor Monty, who moved its adoption.

Upon a motion to consider from the floor, and the same appearing proper and necessary.

**WHEREAS**, the Adirondack Park Agency State Land Master Plan states launching sites for trailered boats will only be provided by the state on Adirondack lakes in conformity with specific management guidelines; and

**WHEREAS**, one of those management guidelines states boat launching sites will only be provided on large lakes regularly used by motorboats and a large lake is defined as a lake approximately 1,000 acres or more in area; and

**WHEREAS**, Eagle Lake Boat Launch site located in the Town of Ticonderoga, County of Essex is identified as non-conforming with the APA Master Plan for trailered boat access, with Eagle Lake being smaller than 1,000 acres at 400 acres; and

**WHEREAS**, the three (3) alternatives identified to County and Town officials included do nothing, convert the waterway access site, or perform an assessment and reclassify; and

**WHEREAS**, the Adirondack Park Agency's decision, without Town or County input or discussion, was to convert the waterway access site resulting in an implementation process to begin after two (2) seasons which will consist of prohibiting the access for trailered boats; and

**WHEREAS**, the decision by the APA to prohibit trailered boat access at the Eagle Lake Boat Launch will negatively impact local residents and visitors to this site.

**BE IT RESOLVED**, that the Essex County Board of Supervisors hereby opposes the decision by the Adirondack Park Agency regarding the closure of the New York

State Boat Launch site at Eagle Lake in the Town of Ticonderoga for trailered boats, as Eagle Lake being identified as non-conforming with the APA Master Plan for trailered boat access, with Eagle Lake being smaller than the 1,000 acres at 400 acres; and

***BE IT FURTHER RESOLVED***, that this resolution be forwarded to: Adirondack Park Agency, Executive Director, New York State Department of Environmental Conservation Commissioner, New York State Association of Towns and Villages (AATV), Senator Daniel Stec and Assemblyman Matthew Simpson.

This resolution was unanimously seconded and duly adopted.

**TOWN BOARD OF THE TOWN OF TICONDEROGA  
COUNTY OF ESSEX, STATE OF NEW YORK**

Resolution No. \_\_\_\_ of 2023  
Adopted \_\_\_\_\_, 2023

Introduced by \_\_\_\_\_  
who moved its adoption

Seconded by \_\_\_\_\_

**RESOLUTION OPPOSING THE DECISION BY THE ADIRONDACK PARK AGENCY  
(APA) AND DEPARTMENT OF ENVIRONMENTAL CONSERVATION (DEC)  
REGARDING TRAIERED BOATS AT THE EAGLE LAKE BOAT LAUNCH SITE**

**WHEREAS**, the Adirondack Park Agency State Land Master Plan states launching sites for trailered boats will only be provided by the state on Adirondack lakes in conformity with specific management guidelines; and

**WHEREAS**, one of those management guidelines states boat launching sites will only be provided on large lakes regularly used by motorboats and a large lake is defined as a lake approximately 1,000 acres or more in area; and

**WHEREAS**, Eagle Lake Boat Launch site located in the Town of Ticonderoga, County of Essex is identified as non-conforming with the Master Plan for trailered boat access, with Eagle Lake being smaller than 1,000 acres at 400 acres; and

**WHEREAS**, the three (3) alternatives identified to County and Town officials included do nothing, convert the waterway access site, or perform an assessment and reclassify; and

**WHEREAS**, the Adirondack Park Agency decision, without Town or County input and discussion, was to convert the waterway access site resulting in an implementation process to begin after two (2) seasons which will consist of prohibiting the access for trailered boats; and

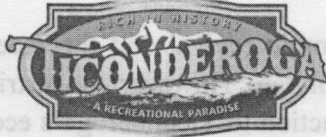
**WHEREAS**, the decision by the Adirondack Park Agency to prohibit trailered boat access at the Eagle Lake Boat Launch will negatively impact local residents and visitors to this site.

**NOW, THEREFORE BE IT**

**RESOLVED**, that the Ticonderoga Town Board is hereby in opposition to this action.

# Town of Ticonderoga

Mark A. Wright  
Supervisor  
(518) 585-6265  
Fax (518) 585-3279



Tonya M. Thompson  
Town Clerk  
(518) 585-6677  
Fax (518) 585-7211

132 Montcalm Street, P.O. Box 471, Ticonderoga, NY 12883 - TDD 711

---

## Town Council

Dave Woods  
Joyce Cooper

## Town Council

Tom Thatcher  
Tom Cunningham

March 29, 2023

NYS Adirondack Park Agency  
ATTN: Megan Phillips  
Deputy Director - Planning  
PO Box 99  
1133 NYS Route 86  
Ray Brook, NY 12977

Ms. Phillips,

This correspondence should serve as the Town of Ticonderoga's official position opposing the upcoming management action by the Adirondack Park Agency (APA) and New York State Department of Environmental Conservation (DEC) to prohibit float off/on trailer boat access at the Eagle Lake Boat Launch site in the Town of Ticonderoga. Although I appreciate the notification on February 3, 2023, of the ensuing action, it was just that, a notification, and not a discussion of alternative solutions. The Ticonderoga Town Board, through Resolution #85 on February 9, 2023, and the Essex County Board of Supervisors, through Resolution #43 on February 6, 2023, have both opposed this action. The Boat Launch has co-existed with the Adirondack Park State Land Master Plan for 50 years with no significant impact or issue, and the APA decision now to act on this matter appears arbitrary and capricious. I would offer that the APA consider a grandfathered approach for this issue or other less radical actions to lessen the disruption to the lives of Ticonderoga's residents and visitors.

Ticonderoga recognizes and agrees that protecting the Adirondacks is an important endeavor but such actions to support that mission should be accomplished through logical discourse and consensus and not by decree. Any land use plan should provide protection through a common-sense, balanced, and flexible approach which protects the Park while preserving the rights of our residents. Actions should not be driven by any plan that constrains us in a direction for which there is no ability to reexamine issues and the severe impacts associated with them on a case-by-case basis.

This is an Equal Opportunity Program. Discrimination is prohibited by Federal Law. Complaints of discrimination may be filed with USDA, Director, Office of Civil Rights, Room 326-W, Whitten Bldg., 1400 Independence Ave, SW, Washington, DC 20250-9410

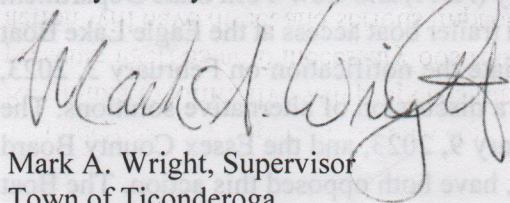


Ticonderoga has experienced an economic revival and the recent award of the \$10M Downtown Revitalization Initiative will propel us forward. However, the restriction at the Eagle Lake Boat Launch presents itself as an unnecessary obstruction to Ticonderoga's economic recovery. This management action will have direct and serious impacts to the residents of Ticonderoga and the Town's economy to include the following areas:

- Emergency response along the lake.
- Accessibility to those with physical disabilities.
- Potential reduction in taxable property values.
- Impact to local business community via reduced patronage of this location by visitors.
- Restricting some from accessing their land locked property.
- Inaccessibility to property owners whose property grades are not suitable for launching boats or removing them for maintenance.
- Diminishing the freedom and enjoyment of the lake.

Although the APA may choose to not act on Ticonderoga's opposition to this management action, my hope is that we may all attempt to mitigate the impacts to residents and the Town through partnership and dialogue to continue ensuring the Adirondacks remain a beautiful place to live, work, play, and enjoy for generations to come.

Thank you for your time and consideration.



Mark A. Wright, Supervisor  
Town of Ticonderoga

Cc: Congresswoman Elise Stefanik  
Senator Daniel G. Stec  
Assemblyman Matthew Simpson  
Chairman Shaun Gilliland, Essex Co. Board of Supervisors  
Ticonderoga Town Board  
Eagle Lake Property Owner's Inc. (ELPOI)