

STATE OF NEW YORK



S. 492—A

A. 562—A

Cal. No. 60

1975-1976 Regular Sessions

SENATE—ASSEMBLY

(Prefiled)

January 8, 1975

IN SENATE—Introduced by Sen. STAFFORD—read twice and ordered printed, and when printed to be committed to the Committee on Conservation and Recreation—committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

IN ASSEMBLY—Introduced by Mr. HARRIS—Multi-Sponsored by—Messrs. HALEY, RYAN, LANE, TAYLOR, SOLOMON, DOKUCHITZ, D'ANDREA, SEARS—read once and referred to the Committee on Environmental Conservation—reported from committee, advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

AN ACT

to amend the environmental conservation law, in relation to additional duties of the department

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

- 1 Section 1. The environmental conservation law is hereby amend-
- 2 ed by adding thereto a new section, to be section 9-1104, to read as
- 3 follows:

EXPLANATION — Matter in *italics* is new; matter in brackets [] is old law to be omitted.

1 § 9-1104. *Additional duties of the department.*

2 *In addition to the duties otherwise prescribed by this article with*
3 *respect to the control of fire, to protect the health and safety of*
4 *persons in the Adirondack park, the department shall have the*
5 *following duties, notwithstanding any inconsistent provision of any*
6 *law, order, rule, regulation, plan or guideline:*

7 1. *Continue to maintain the existing Pharoah fire tower in the*
8 *Pharoah Lake wilderness area and the St. Regis fire tower in the St.*
9 *Regis canoe area, together with their observer cabins and telephone*
10 *communications systems.*

11 2. *Continue to maintain on a standby basis, utilizing radio*
12 *communications only, the existing fire towers located at Hamilton in*
13 *the Silver Lake wilderness area; Kempshall in the High Peaks*
14 *wilderness area; T. Lake in the West Canada wilderness area; and*
15 *West in the Pigeon Lake wilderness area.*

16 3. *Continue to maintain, with telephone communications, the*
17 *existing interior ranger stations located at Duck Hole, Shattuck*
18 *Clearing, John's Brook and Marcy Dam in the High Peaks wilder-*
19 *ness area; West Canada Lake and Cedar Lake in the West Canada*
20 *Lake wilderness area; and Pharoah Lake in the Pharoah Lake*
21 *wilderness area.*

22 4. *For the purpose of maintaining and supplying the foregoing*
23 *fire protection, search and rescue facilities, existing truck trails, as*
24 *deemed essential by the department, shall be maintained at minimal*
25 *level to achieve such purpose and assure such capability.*

26 § 2. *This act shall take effect immediately.*

27
28
29
30
31
32
33
34
35
36
37
38

Use This Memo



*From the Desk of—
GLENN H. HARRIS*

THE ASSEMBLY
STATE OF NEW YORK

May 22, 1975

Bernie:-

I believe the attached is self-explanatory.

As you can see, these facilities are crucial -- not only to Adirondack residents, but for the safety and well-being of everyone using the Park.

Your assistance in moving the bill toward passage would be greatly appreciated.

Many thanks.

bcc: Ron Stafford

A handwritten signature in cursive script, appearing to read "Glenn".

AMENDED MEMORANDUM

Assembly No. A-562-A

By: Mr. Harris

Senate No. S-492-A

By: Mr. Stafford

AN ACT to amend the environmental conservation law, in relation to additional duties of the department

JUSTIFICATION

On June 19, 1974, the Adirondack Park Agency passed a resolution directing the Department of Environmental Conservation "to explore feasible alternative methods for fire protection, and if none were found to be available, to seek a modification of the State Land Master Plan to retain these state facilities."

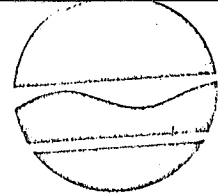
On February 12, 1975, the above bill was starred by the sponsor on the Assembly calendar at the request of the Commissioner of Environmental Conservation, in order to afford him a period of six weeks in which to prevail upon the Adirondack Park Agency to amend the State Land Use Plan and thereby avoid the necessity of legislative action.

The Adirondack Park Agency has held four monthly meetings since that time, yet has failed to act upon or even discuss any amendments to the State Land Use Plan.

In the interim (March 21, 1975) the Department's Division of Lands and Forests has completed an analysis of "facilities essential to assure that the Department can meet its responsibilities." A copy of their findings and recommendations is attached hereto and intended to be incorporated in the legislative memorandum to justify the within bill.

The original bill has been amended to conform to the precise recommendations of the Division of Lands and Forests and their field personnel responsible for protecting the Forest Preserve and the public's health and safety in using these areas.

Unless legislation as proposed is passed at the 1975 Session to assure that these facilities are saved, the State Land Use Plan mandates their destruction by December 31, 1975.



ADIRONDACK PARK STATE LAND MASTER PLAN
NON-CONFORMING USES, STRUCTURES AND IMPROVEMENTS

The technical staff and field personnel of the Department of Environmental Conservation's Division of Lands and Forests, responsible under statute for the care, custody and control of the Forest Preserve and for the health and safety of the general public using the Forest Preserve lands have conducted a thorough investigation of the facilities essential to assure that the Department can meet its responsibilities. As a result of that analysis the following findings and recommendations are made:

FINDINGS:

The Adirondack Park State Land Master Plan mandates that certain existing structures, improvements and non-conforming uses administered by the Department of Environmental Conservation in "Wilderness", "Primitive" and "Canoe" areas be phased out or removed by December 31, 1975.

Such non-conforming uses, structures and improvements include seven interior ranger stations, ten fire towers and observer cabins, interior roads and truck trails, and a prohibition on the use of any aircraft.

On June 19, 1974, the Adirondack Park Agency passed a resolution directing the Department of Environmental Conservation to explore feasible alternative methods for fire protection, and if none were found to be available, to seek a modification of the State Land Master Plan to retain these State facilities.

The search and rescue, fire detection and firefighting emergency efforts cannot be administered unless certain minimum facilities are retained.

The fire towers at Pharoah Mountain and St. Regis Mountain have been manned by the Department, successful in spotting numerous fires, (thereby preventing such fires from burning out of control), and the fire towers at Hamilton, Kempshall, T. Lake, and West are essential on a standby basis for fire protection. A fire tower observatory report is attached.

Firefighting equipment would not have access in an emergency situation if minimum maintenance of the fire truck trails were not continued.

The ranger cabins in certain remote areas afford necessary shelter in emergency operations, and comfort and security to thousands of wilderness hikers. Statistics outlining the number of visitors (e.g., 21,280 at Marcy Dam in 1974), the number of accidents resulting in major injuries and search and rescue operations for each of the interior ranger stations is attached.

It should also be noted there are privately-owned buildings in close proximity to one of the State's interior ranger stations.

The records of accidents, search and rescue operations, fire detection and other public assistance firmly establish the necessity for retaining these facilities to protect the health and safety of persons using these areas, and there are no proven alternative methods for fire protection and communications in certain areas.

RECOMMENDATIONS:

The Division of Lands and Forests and the Regional Office technical staff make no recommendations to modify the provisions of the State Land Master Plan with respect to the following non-conforming structures and improvements:

- clusters of more than two lean-tos
- tent platforms
- horse barns
- boat docks
- storage sheds and other buildings
- snowmobile trails
- helicopter platforms
- buoys

The following fire towers and accessory telephone lines should be removed as soon as practicable, but not later than December 31, 1975:

<u>Location</u>	<u>Wilderness Area</u>
Ampersand	High Peaks
Cat	Five Ponds
Beaver Lake	Pepper Box
Moose River	HA-DA-RON-DAH

The following fire towers with observer cabins and telephone communications should be retained:

<u>Location</u>	<u>Area</u>
Pharoah	Pharoah Lake Wilderness Area
St. Regis	St. Regis Canoe Area

The following fire towers should be retained on a standby basis to be served by radio communication only and with existing telephone lines to be removed:

<u>Location</u>	<u>Wilderness Area</u>
Hamilton	Silver Lake
Kempshall	High Peaks
T. Lake	West Canada
West	Pigeon Lake

The following interior ranger stations should be retained with telephone communications:

<u>Location</u>	<u>Wilderness Area</u>
Duck Hole	High Peaks
Shattuck Clearing	High Peaks
John's Brook	High Peaks
Marcy Dam	High Peaks
West Canada Lake	West Canada Lake
Cedar Lake	West Canada Lake
Pharoah Lake	Pharoah Lake

The Commissioner of Environmental Conservation should be delegated discretionary authority to permit the use of aircraft and motor vehicles deemed essential in the Department's ongoing administrative efforts throughout the Forest Preserve, including research projects, maintenance, and supplying interior stations; and that essential existing truck trails should be maintained at minimal level to achieve such purposes and assure fire protection capability.

March 21, 1975

Attachments