

Warren County Board of Supervisors

RESOLUTION NO. 428 OF 2011

Resolution introduced by Supervisors Thomas, Taylor, Goodspeed, Belden, Monroe, VanNess, Kenny, Merlino and Conover

**OPPOSING NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
PROPOSED AMENDMENT TO 6 NYCRR SECTION 196.5 PROHIBITING THE OPERATION
OF VESSELS WITH OUTBOARD MOTORS, OTHER THAN ELECTRIC MOTORS, ON
THIRTEENTH LAKE IN WARREN COUNTY**

WHEREAS, the New York State Department of Environmental Conservation (DEC) proposes to amend 6 NYCRR Section 196.5 to prohibit the operation of mechanically propelled vessels, other than those powered by an electric motor, on Thirteenth Lake in the Town of Johnsburg, Warren County, New York, and

WHEREAS, Thirteenth Lake is important to the sporting community for fishing and as a waterway used to access state lands for hunting in the Fall, and for viewing nature, and

WHEREAS, DEC has provided no scientific evidence to substantiate its needs and benefits statement indicating that the lake needs additional protection, or that air and water quality is being negatively impacted, and

WHEREAS, DEC's statement that "gas powered boats can create noise that can be heard in areas within the Siamese Ponds Wilderness Area which can negatively affect the wilderness experience of users" reflects inequity towards the needs of all user groups and a bias favoring hikers and paddlers, and

WHEREAS, the Adirondack Park State Land Master Plan (SLMP) describes the Siamese Ponds Wilderness Area as "extending 18 miles from north to south and about 13 miles from east to west at its widest part"; and as such, it offers ample opportunity for a "wilderness experience" without negatively impacting the sporting community's use of Thirteenth Lake outside its boundaries, and

RESOLUTION 428 OF 2011

PAGE 2 OF 3

WHEREAS, Executive Law Section 807 directed the APA to prepare the SLMP for the management of state lands; to classify Adirondack state lands according to their characteristics and capacity to withstand use, and to submit the SLMP to the governor for approval, and

WHEREAS, the APA prepared the SLMP and Governor Rockefeller approved it in 1972, and

WHEREAS, the APA has the sole authority to classify state lands within the Adirondack Park as “wilderness”, and

WHEREAS, the APA has not classified Thirteenth Lake as “wilderness”, and

WHEREAS, Thirteenth Lake has privately owned shoreline and should not be classified, or managed, as “wilderness”, and

WHEREAS, DEC’s statement that “outboard motor’s wakes are negatively impacting on nesting loons” is not substantiated by science, fact, or scientific studies specific to Thirteenth Lake, and

WHEREAS, restricting motors will limit fishermen and prohibit hunters from accessing the Siamese Ponds Wilderness Area adjoining Thirteenth lake, and

WHEREAS, the Forest Preserve Advisory Board is cited as a body that has endorsed this regulation, yet the Forest Preserve Advisory Board is not authorized in legislation or regulation, and

WHEREAS, the current Thirteenth Lake public access site requires boats to be carried approximately 200 yards, and as such practically limits lake access to car top boats and small motors, which are appropriate for a lake of its size, and

WHEREAS, state lands purchased with taxpayer money should be managed to accommodate all users, and

WHEREAS, the proposed regulation will negatively impact small businesses in an area that depends on sport fishing and hunting for business traffic, now, therefore, be it

RESOLUTION 428 OF 2011

PAGE 3 OF 3

RESOLVED, that the Warren County Board of Supervisors opposes the proposed amendment to Regulation 6 NYCRR Section 196.5 and requests that the proposed amendment be immediately withdrawn, and it is further

RESOLVED, that a copy of this Resolution be forwarded to Governor Andrew Cuomo, Senator Kirsten Gillibrand, Congressman Chris Gibson, Senator Malcolm Smith, Senator Elizabeth O’C Little, Senator Hugh Farley, Senator James L. Seward, Senator Joseph A. Griffo, Assemblywoman Teresa Sayward, Assemblywoman Janet L. Duprey, Dep. Sec. Of State Dede Scozzafava, Senate Minority Leader Dean Skelos, Senator Roy J. McDonald, Assemblyman Marc Butler, DEC Commissioner Joe Martens, Assembly Speaker Sheldon Silver, DEC Region 5 Director Betsy Lowe, DEC Region 6 Director Judy Drabicki, the Intercounty Legislative Committee of the Adirondacks, the Adirondack Park Agency and The Association of Towns and Villages.