

February 28, 2008

Curt Stiles, Chairman
Adirondack Park Agency
P.O. Box 99
Ray Brook, New York 12977

RE: “No Material Increase” Provisions, Master Plan Wild Forest Guideline 4

Dear Chairman Stiles and Agency Members:

The Association for the Protection of the Adirondacks submits these comments on the Agency’s proposed action of establishing a mileage cap on snowmobile trails within the Adirondack Forest Preserve at 848.88 miles and calling for trail mileage above that number to be considered as a “material increase” inconsistent with the provisions of the Adirondack Park State Land Master Plan (APSLMP).

The Association for the Protection of the Adirondacks strongly supports the Agency and the Department of Environmental Conservation (DEC) for their joint commitment to set strict and clear limits on snowmobiling trail mileage in the Forest Preserve. We applaud the historical research done by your staff that clearly demonstrates that the Master Plan’s “No Material Increase” guideline applies Park-wide, and that designated snowmobile trails on any and all future Wild Forest lands are subject to the total Park-wide mileage calculation.

At the same time, the Association finds the emphasis on trail mileage alone as insufficient analysis of both constitutional and Master Plan history. Further, with respect to trail mileage limitations, we find insufficient data or reasoning offered in the Agency’s public information on this matter to warrant increasing trail mileage by some 15 percent to the proposed figure of 848.88 miles. Consistent with the purpose of the SLMP to keep snowmobile uses and available trail mileage near or below the 1972 mileage, we call upon the Agency to appropriately cap and maintain snowmobile mileage close to the projected mileage of 766 miles.

Trail mileage questions notwithstanding, the Association encourages both APA and DEC to go several steps further in your current appreciation for the intent of the State Land Master Plan and the history of the snowmobiling issues on the Forest Preserve.

Critical Historical Perspective on Snowmobiling and the Forest Preserve

At last month's Agency meeting, Agency members who expressed confusion over the "complexities" of the snowmobiling issue were invited to attend our seminar at our Center for the Forest Preserve to hear Norman J. Van Valkenburgh, retired Director of Lands and Forests with the NYS Department of Environmental Conservation, lend his historical perspective about snowmobile policies for the Forest Preserve. Mr. VanValkenburg was unequivocal from the start, as he opened his formal presentation by clarifying:

"So there is no misunderstanding as we go along, let me state my position on snowmobiles and snowmobile trails on the Forest Preserve: they are unconstitutional."

Mr. VanValkenburg further quoted the late State Senator R. Watson Pomeroy, Chairman of the Joint Legislative Committee on Natural Resources, when he spoke about the growing popularity of snowmobiling on the Forest Preserve in the 1960s:

"The real danger here is the unconstitutional assumption of authority to permit this certain class of vehicle to travel anywhere on the Preserve – roads or no roads. This is potentially the worst threat the Forest Preserve has ever faced."

The origins of how snowmobiling came to be on the Forest Preserve were summarized, and the related attitudes and actions of groups like the Association for the Protection of the Adirondacks and the Adirondack Mountain Club from the early to late 1960s. In brief, these organizations were ready to take New York State to court to block unrestrained snowmobiling on the Forest Preserve, having the same attitude as Senator Pomeroy. When the State backed off its threat to open up the entire Forest Preserve to snowmobiling and agreed to limit snowmobiling to designated, marked trails, the organizations backed off their lawsuit. These actions predated the Adirondack Park State Land Master Plan, and its fundamental classifications of the Forest Preserve into Wilderness and Wild Forest. However, as Norm emphasized, these classifications are all subject to Article XIV, Section 1 of the NYS Constitution, the so-called Forever Wild clause. The State Land Master Plan has not and never can amend the Constitution. "The Constitution is a legal document approved by the people...to protect certain State lands – the Forest Preserve – by restricting uses thereon even if not specifically stated."

Use and Character of the "Forever Wild" Forest Preserve is Essential

Norm VanValkenburg also highlighted the principle that the compromise accepting some use of the Forest Preserve by snowmobiles (and motor vehicles) contained implicit and explicit restrictions for the future, not only on trail mileage but also on the actual intensity of snowmobile and other motor vehicle use as of 1972. The real emphasis, he told us, should be on the intensity of motorized or snowmobile use, as opposed to the limits of trail mileage alone. As Master Plan states:

All types of recreational uses considered appropriate for wilderness areas are compatible with wild forest and, in addition, snowmobiling, motorboating and travel by jeep on other motor vehicles on a limited and regulated basis that will not materially increase motorized uses that conformed to the Master Plan at the time of its adoption in 1972 and will not adversely affect the essentially wild character of the land are permitted.

Mr. VanValkenburg's perspective is important if the Adirondack Park Agency and the DEC are to make policy that honors Article XIV of the State Constitution and complies with the overarching goals of the State Land Master Plan to protect the rare and globally unique "Forever Wild" character of the Forest Preserve. As Mr. VanValkenburg pointed out clearly in his presentation:

"The historical provisions do not speak to trail mileage; it speaks to actual snowmobile use, which means the level of use today should be no greater than such use was in 1972... Everyone has focused on the mileage of snowmobile trails and ignored the crux of the plan. The purpose of the Master Plan was to restrict and control use, not set a limit of the number of miles of trails. That's why no such number was put in the Master Plan."

This is exactly why the Association believes that trail access, trail width and character befitting a foot trail, height, tread, parking and all other uses facilitating motorized vehicles such as snowmobiles similarly should not be materially increased beyond what existed in 1972. We ask that the mileage cap be reduced, and that appropriate limits be placed on the intensity of use, as well as mileage. For instance, trails and bridges across streams and wetlands must be kept narrow, in the character of a wild forest foot trail, with no mechanized tracked grooming machines or heavy machinery allowed for maintenance.

Together, APA and DEC have now jointly recognized that in 1972 there were 740 miles of snowmobile trails in the Forest Preserve and are now suggesting that the limit on snowmobile trail mileage in the Forest Preserve within the Adirondack Park should be permitted up to 848 miles, considering increases above that number as a "material increase." The Association recommends that the real emphasis of your new policies or actions must be consistent with the 1972 goals of the Master Plan and should be directed to limiting or reducing snowmobile and all motorized uses, in addition to maintaining the hard cap limit on mileage of any new snowmobile trails within the Forest Preserve.

Our recommendations:

- The Master Plan's premise of "No Material Increase" in 1972 was to keep actual use levels of snowmobiles at or below 1972 levels and that APA should be focusing their decisions on reducing overall snowmobile use and intensity to 1972 levels as a top priority.

- Furthermore, we believe that the proposed 848.88 miles as a suggested limit in fact represents a 15 percent and “material increase” above the 1972 mileage figure of 740 miles and its adoption would be inconsistent with a commitment to reduce overall snowmobile use
- APA should establish a permanent cap on snowmobile mileage at, or close to the future projected 766 miles on Forest Preserve within the Adirondack Park, while implementing new policies to reduce overall use intensity and impacts of snowmobiles.
- APA should together with the DEC to reduce or eliminate snowmobile mileage and all motorized use and impacts on the Forest Preserve whenever possible and, instead, redirect snowmobile and motorized use activity on private lands with appropriate recreational access easements or other agreements.

Broad Planning Goals

The Association for the Protection of the Adirondacks recognizes the interest and perceived importance of snowmobiling to many local towns and villages economically thought the winter seasons. We reiterate what we wrote in response to the draft Snowmobile Plan for the Adirondack Park. Given the existing and steadily increasing pressures from all motorized uses on all Adirondack Park land classifications and ownerships, we believe the following planning framework is the proper one:

1. APA should be the lead agency for all long-range planning in the Park, in close consultation with DEC, Parks, Department of State and county planning agencies. The APA not only has the capacity but has the legislative authority for comprehensive Park planning.
2. The proposed planning should include all motorized uses in the Park, including snowmobiling.
3. The APA should be funded to undertake this work. As a result of this planning approach, the citizens of the State of New York and of Adirondack Park towns and villages would be the clear beneficiaries. Everyone would receive essential information about the existing motorized routes, about environmental quality and community impacts of these routes and about where routes might be improved or better planned across all land-ownerships. Further, this approach has the advantage of addressing possible private, municipal and conservation land solutions for the corridor connectors between towns, for increased use of easements and for State incentives and other forms of support for participating landowners, towns and villages.

We ask that the APA and its partners:

- Map and describe existing, publicly accessible motorized routes on all land-ownerships, and describe connections that exit and enter the Park from different directions.

- Search the existing Adirondack scientific literature, describe appropriate Adirondack study protocols and recommend actual Adirondack environmental quality studies of a high standard appropriate to the Park.
- Conduct a proper assessment of motorized recreation on all land-ownerships in the Park. Then, create tangible incentives for moving more motorized routes onto private, municipal or conservation lands.
- With respect to Forest Preserve, study the benefits from non-motorized recreational activities such as cross-country and backcountry skiing, snowshoeing, winter camping.

Thank you for considering our comments.

Sincerely,

David Gibson
Executive Director

Dan Plumley
Director of Park Protection

cc:

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