

PROTECT THE ADIRONDACKS!

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March 13, 2013

Hon. Andrew Cuomo
Executive Chamber
State Capitol
Albany, NY 12224

Hon. Lani Ulrich
NYS Adirondack Park Agency
PO Box 99
Ray Brook, NY 12977

Hon. Joe Martens
NYS Department of Environmental Conservation
325 Broadway
Albany, NY 12233

RE: DEC and APA Must not Ignore State Land Master Plan Requirement for No Material Increase in the Mileage of Roads in Wild Forest Areas in Classification of new Forest Preserve Lands

Dear Governor Cuomo, Chairwoman Ulrich, and Commissioner Martens,

Protect the Adirondacks is very concerned about the stated determination the Department of Environmental Conservation (DEC) and Adirondack Park Agency (APA) to ignore the requirement in the Adirondack Park State Land Master Plan (SLMP) that forbids a material increase the mileage of roads managed in the Forest Preserve during upcoming Forest Preserve classifications of the Nature Conservancy-Finch lands. The SLMP, which the courts have held has the force of law, requires that there shall be no material increase from the mileage of roads in the Forest Preserve in 1972.

At a meeting with Adirondack groups on January 23, 2013 and again at the Forest Preserve Advisory Committee meeting on March 1, 2013, DEC leaders stated that it would not comply with this requirement due to lack of the 1972 mileage. PROTECT contends DEC is not free to ignore it.

It is our experience from working with the DEC during the protracted *Galusha* case settlement and Pataki-era Snowmobile Focus Group that much of the necessary information has been organized. Moreover, the great majority of Wild Forest Unit Management Plans (UMPs) have been completed (17 completed, 2 in draft, 4 unknown status). These UMPs all include road mileage data. Last, the State of New York maintains an excellent dataset of all roads, improved and not improved. Many roads in the Forest Preserve are included. From all this disparate data, Adirondack GIS experts that PROTECT has consulted do not see the job of closely estimating the total mileage of roads in the Forest Preserve in 1972 and today as a difficult task.

It's clear from the classification recommendations from the DEC to the APA that the TNC-Finch lands could be the single greatest addition of roads to the Forest Preserve ever, possibly bigger than the Moose River Plains or Watson's East Triangle acquisitions.

State Land Master Plan: No Material Increase in the Mileage of Roads

The SLMP states in Wild Forest Basic Guideline Number 1 "The primary wild forest management guideline will be to protect the natural wild forest setting and to provide those types of outdoor recreation that will afford public enjoyment without impairing the wild forest atmosphere." This is the clear policy directive against which all recreational activities in Wild Forest areas must be evaluated.

On the question of roads (and snowmobile trails) Basic Guideline Number 1 is refined in Basic Guideline Number 4: "Public use of motor vehicles will not be encouraged and there will not be any material increase in the mileage of roads and snowmobile trails open to motorized uses by the public in wild forest areas that conformed to the master plan at the time of its original adoption in 1972."

Clearly, the SLMP requires that all new lands classified as Wild Forest that contain new roads must be evaluated for compliance with Basic Guideline Number 4.

New Acquisitions Since 1972 Classified as Wild Forest

A comparison of the first APA Land Use and Development Plan Map from the Rockefeller era with the most current map (2009) finds notable Wild Forest acquisitions in the Watson's East Triangle Wild Forest, Debar Mountain Wild Forest, and Saranac Lakes Wild Forest. Of these three areas only the Watson's East Triangle Wild Forest has an approved Unit Management Plan (UMP). This UMP approved over 13 miles of roads to be managed in the unit, all new since 1972.

Existing Data Sources for the Mileage of Roads in Wild Forest Areas of the Adirondack Forest Preserve

The DEC has stated that it cannot manage the task of canvassing the Forest Preserve to determine the mileage of existing roads. PROTECT believes that it is critical that

the APA and DEC complete this analysis prior to acting on classification of the TNC-Finch lands. Without this analysis, the APA will not be able to make the legally required finding that the proposed classification complies with the SLMP.

There are a number of data sets that will readily yield both the current mileage of roads in the Forest Preserve and the mileage in 1972.

Existing Wild Forest Area UMPs (17 completed, 2 in draft, 4 unknown status)

In recent years, the DEC and APA have completed a number of UMPs. Each UMP includes an inventory of existing roads that are open to the public. Completed UMPs include Aldrich Pond Wild Forest, Black River Wild Forest, Blue Mountain Wild Forest, Bog River Complex Wild Forest, Cranberry Lake Wild Forest, Fulton Chain Wild Forest, Hammond Pond Wild Forest, Independence River Wild Forest, Jessup River Wild Forest, Moose River Plains Wild Forest, Shaker Mountain Wild Forest, Split Rock Wild Forest, Taylor Pond Wild Forest, Vanderwhacker Wild Forest, Watson's East Triangle Wild Forest, White Hill Wild Forest, and Wilmington Wild Forest. These 17 UMPs all include road inventories with mileage.

Much work has been on six other Wild Forest area UMPs: Chazy Highlands Wild Forest, Debar Mountain Wild Forest, Ferris Lake Wild Forest, Grasse River Wild Forest, Lake George Wild Forest, Saranac Lakes Wild Forest. Formal drafts have been released for Ferris Lake and Lake George units. It may be that road mileage information is available at this time for the other four.

2006 Adirondack Park Snowmobile Plan Estimates

In 2006, the DEC finalized the *Snowmobile Plan for the Adirondack Park* containing an estimate of the mileage of snowmobile trails on the Forest Preserve. It stated 170.12 miles of "roads" in the Forest Preserve were included in the snowmobile trail mileage estimate (page 42; see attached). So, as recently as 2006, DEC mapped at least 170.12 miles of roads. This is an excellent starting point for an analysis.

Legal Actions

As part of earlier legal actions mentioned above (*Galusha* and *Bear Pond Road*) PROTECT has identified other sources of data. Attachment D "Sources of Roads Mileage Estimates in the Adirondack Park" of the *Galusha* settlement states that 216.4 miles was the "mutually agreed to" by the APA and DEC as mileage for Forest Preserve roads in 1972 (see attached). There were also over 50 miles of roads in dispute. At that time, DEC Region 6 provided an estimate of 139.95 miles of roads in its region; Region 5 did not provide a mileage estimate.

State of New York Roads Inventory

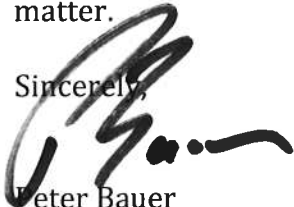
The State of New York manages an excellent statewide roads database. Many Forest Preserve roads are included in this system. While some checking will be necessary unit by unit to verify these roads, this is not a major obstacle.

Conclusion

The SLMP requires that there be no material increase in the mileage of roads in the Forest Preserve over the 1972 level. The APA must ensure with each classification and approved UMP that this does not happen. It would be illegal for the APA to approve new Wild Forest lands during classification review, where roads will be proposed for ongoing maintenance and management in subsequent UMP approval, without making a finding about compliance with the SLMP's no material increase clause in Wild Forest Basic Guideline Number 4.

On behalf of the Board of Directors of Protect the Adirondacks, please let me express our gratitude for the opportunity to submit these comments on this important matter.

Sincerely,



Peter Bauer
Executive Director

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| Hon. R. Duffy, Executive Chamber | L. Schwartz, Executive Chamber |
| H. Glaser, Executive Chamber | A. Zambelli, Executive Chamber |
| J. Malatros, Executive Chamber | R. Rosenthal, Executive Chamber |
| R. Hallman, Executive Chamber | B. Seggos, Executive Chamber |
| M. Gerstman, NYSDEC | K. Moser, NYSDEC |
| R. Davies, NYSDEC | K. Richards, NYSDEC |
| C. Ballantyne, NYSDEC | R. Steggeman, NYSDEC |
| C. Alberga, NYSDEC | J. Drabecki, NYSDEC |
| D. Smith, NYSDEC | Lani Ulrich, NYSAPA |
| T. Martino, NYSAPA | APA Commissioners |
| J. Townsend | J. Connolly, NYSAPA |
| W. Linck, NYSAPA | |

Attachment D - Sources of Roads Mileage Estimates in the Adirondack Park

Evaluation of Road Mileages – 1996 to 1997 period

Roads open in 1997, estimated by DEC = 274 miles

Roads open in 1972, estimated by DEC = 268 miles

APA staff review identified: (CWS memo, April 22, 1997)

5 road sections clearly should not be included = 12.97 miles

27 road sections requiring more documentation = 38.61 miles

Total miles = 51.58 miles

DEC's estimate for roads open in 1972 included 51.58 miles in question.

Therefore, the mileage that appears to be mutually agreed to by both Agencies equals approximately **216.4 miles**

Galusha Consent Decree signed in July 2001

Early Estimates 1985 and 1986:

The work was performed in connection with the adoption of a new regulation regarding the Operation of Motorized Vehicles on the Forest Preserve – 6NYSCRR Section 196.1

The list was prepared to determine the number of signs required to post roads either as open or closed according to the new regulation.

The lists were prepared by regions:

Region 5 provided a list of roads without estimating mileage

Region 6 provided a list of roads with a mileage estimate

42 roads = 67.65 miles, Herkimer & Oneida Co.

15 roads = 26.9 miles, St. Lawrence Co.

42 roads = 45.4 miles, Lewis Co.

139.95 miles

natural wild forest setting and to provide those types of outdoor recreation that will afford public enjoyment without impairing the wild forest atmosphere.” The existing DEC Program Policy ONR-2, “Snowmobile Trails-Forest Preserve,” currently identifies that the mileage of snowmobile trails in or on the Forest Preserve shall not exceed 848.88 miles. This mileage restriction is based on a 1980 inventory of roads and trails used by snowmobiles at that time. Because there were no maps created to accompany the inventory data and the data was not measured or collected by a standard method, it is difficult at best to compare the 1980 mileage with the current trail system. As a result, the 848.88 mile limitation has been of limited utility when considering snowmobile management issues in the development of UMPs.

UMPs have focused on ensuring that there is no material increase in the mileage of snowmobile trails in the unit to which a particular UMP pertains, thereby collectively keeping the preserve-wide mileage of snowmobile trails relatively unchanged. The determination as to whether there is a “material increase” in road or snowmobile trail mileage is fundamentally fact driven, and requires a variety of factors to be addressed. This determination should be made based on the best information, maps and other data available. Further, it should be viewed on a Park-wide basis, based on unit-by-unit observations. It should also include the consideration of lands added to the Wild Forest units after 1972, which lands contained snowmobile trails at the time of acquisition. The Agency provides a formal determination in this regard for each UMP as these plans are developed and presented to the Agency.

The best available information regarding the mileage of snowmobile routes in Adirondack Wild Forest and Primitive Areas was compiled in 2006 by the Department, based on GPS data collected early in this planning process. This data is summarized in the table below:

Approximate Mileage of Snowmobile Routes in Adirondack Wild Forests and Primitive Areas	
Trails in Wild Forests	616.85
Roads in Wild Forests	170.12
Trails in Primitive Areas	7.84
Roads in Primitive Areas	8.36
Roads on State Forests Classified as Wild Forest	37.8
TOTAL	840.97

2. Other Public and Private Lands

The majority of snowmobiling opportunities within the Adirondack Park are on trails located on other public and private lands. There is estimated to be 1,172 miles of funded snowmobile trails in the Park. This mileage figure may change from year to year due to new trail opportunities and land owner permissions. In addition, there is substantial mileage of trails that provide secondary trails, systems