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December 5, 2014

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**Executive Director**

Kathy Regan  
NYS Adirondack Park Agency  
PO Box 99  
Ray Brook, NY 12977

**RE: Public Comments on Revision of the Adirondack Park State Land Master Plan**

Dear Kathy Regan,

The Adirondack Park Agency (APA) has proposed to undertake a revision of the Adirondack Park State Land Master Plan (SLMP) to address two issues identified in its December 2013 classification recommendations for the Essex Chain Lakes Primitive area, Hudson Gorge Wilderness Area, and other associated Forest Preserve lands. As part of its scoping around these two issues the APA sought public comments about other possible revisions beyond these two issues to improve and strengthen the SLMP. Protect the Adirondacks attended the public listening sessions administered by the APA and provided verbal comments. Below, please find formal comments.

Natural Materials for Bridges

In December 2013, the APA resolution for recommendation for classification of the Essex Chain Lakes Primitive area, Hudson Gorge Wilderness Area and associated Forest Preserve lands included a pledge to examine the SLMP requirement to use natural materials in bridges in Wild Forest areas. This is an effort to facilitate a new bridge crossing over the Cedar River within the recently created Wild Forest corridor. The resolution stated:

WHEREAS, to allow for a structurally safe crossing of the Cedar River at the location of the previous bridge while maintaining a park-like setting, the Agency has committed to considering a revision of the Master Plan Wild Forest guideline that currently would require that this bridge must be constructed of natural materials to allow a bridge containing non-natural materials at the crossing of the Cedar River; and....

The SLMP defines a bridge as a "structure" in its definitions. "Natural materials" is

also defined in SLMP definitions. Under the “Structures and Improvements” section under Wilderness Area guidelines, the SLMP details the requirement that bridges for “foot trails” and “horse trails” be “constructed of natural materials.” Other Forest Preserve classifications follow Wilderness areas. The SLMP also requires that lean-tos are required to be constructed with natural materials.

In the resolution above, the APA pledged to consider revision of the requirement for use of natural materials for a possible bridge over the Cedar River. Protect the Adirondacks urges the APA not to enter into review of a possible SLMP revision without gathering the necessary information. This change could have far reaching implications for natural resource and public recreation management on the Forest Preserve. The APA should work with the Department of Environmental Conservation (DEC) and undertake a study of the current status of bridges on the Forest Preserve. This study should detail the effectiveness and SLMP compliance of a variety of existing bridge designs on the Forest Preserve as well as the utility of a variety of potential new bridge designs that could be used made of natural materials and non-natural materials.

Protect the Adirondacks does not believe that the APA has enough information to make a sound decision at this point in time. The short- and long-term implications have not been properly scrutinized.

#### All Terrain Bicycles in Primitive Areas

In December 2013, the APA resolution for recommendation for classification of the Essex Chain Lakes Primitive area, Hudson Gorge Wilderness Area and associated areas included a pledge to examine the SLMP requirement to allow all terrain bicycles (mountain bikes) on various “all season” roads in Primitive Areas. The resolution stated:

WHEREAS, the condition of the existing four-season roads on the Essex Chain Lakes Tract indicates that the underlying land has the capacity to withstand human use including All-Terrain Bicycles, also referred to as mountain bikes; and

WHEREAS, the public comment indicated a desire for the use of All-Terrain Bicycles on the existing roads on the Essex Chain Lakes Tract and the Indian River Tract; and

WHEREAS, the Agency has committed to consider a revision of Master Plan guidelines for Primitive Areas to allow for the use of All-Terrain Bicycles on appropriate all-season roads able to withstand such use on the Essex Chain Lakes Tract west of the Hudson River that could otherwise be designated as truck trails were they to be used by the Department to reach and maintain structures and improvements within the unit; and

The SLMP sets out two tests for management of the Forest Preserve – natural resource protection and human use and enjoyment. Forest Preserve planning from Wilderness through Intensive Use area classifications is designed to protect natural resources while providing a broad array of public outdoor recreational options and experiences. The chief management policy that separates Wilderness from less stringent classifications, such as Wild Forest, is

the use of motor vehicles. Wilderness areas are supposed to be motor-free.

Protect sees Primitive Areas as wilderness-areas-in-waiting. After 25 years as a Primitive Area, land protection allowed for much of the Lake Lila Primitive area and the entire Hudson Gorge Primitive area to be reclassified as Wilderness Areas. In other parts of the Adirondacks, PROTECT envisions future Wilderness areas will be created from the Madawaska, Raquette Boreal and the Eastern Five Ponds Access Primitive areas. PROTECT is concerned that the codification of public recreation uses in Primitive areas, such as all terrain bicycle use, which are not allowed in Wilderness area would prevent the creation of new Wilderness areas in the future. That would be tragic.

The SLMP defines Primitive areas as “Essentially wilderness in character but, (a) contains structures, improvements, or uses that are inconsistent with wilderness, as defined, and whose removal, though a long term objective, cannot be provided for by a fixed deadline, and/or, (b) contains, or is contiguous to, private lands that are of a size and influence to prevent wilderness designation;”

The SLMP also states about Primitive areas: “The definition recognizes two basic types of primitive areas: (i) where the ultimate goal is clearly to upgrade the area to wilderness at some future time, however distant, when the non-conforming uses can be removed and/or acquisition of private tracts is accomplished, and, (ii) where eventual wilderness classification is impossible or extremely unlikely.”

PROTECT sees the SLMP change to allow all terrain bicycles in Primitive areas as a dire threat to the creation of expansion of future Wilderness areas.

If the APA does undertake such a revision this will change the classification system in the SLMP. This means that the APA will be creating a third Primitive area classification – permanent Primitive areas based on recreational management objectives. The APA should perform an analysis of how this revision will affect Primitive areas across the Adirondack Park.

As currently stated now, Protect the Adirondack does not see the wisdom in changing the Primitive classification to allow recreational uses that are not consistent with Wilderness areas.

### Ideas for Ways to Strengthen the SLMP

The Adirondack Park State Land Master Plan (SLMP) states that if there is a “unifying theme” to management of the Forest Preserve “it is that the protection and preservation of the natural resources of the state lands within the Park must be paramount. Human use and enjoyment of those lands should be permitted and encouraged, so long as the resources in their physical and biological context as well as their social or psychological aspects are not degraded.”

The great value of the Forest Preserve has always been natural resource protection on a large scale across an extensive, intact landscape. This provides wild animals and wild nature an opportunity to exist in a mostly natural state without serious interference by people. Indeed, natural resource protection is what the Forest Preserve is all about. That the State of New York has set aside around 10% of the state in the “forever wild” Forest Preserve in the Adirondacks and Catskills is a great achievement.

The Forest Preserve also provides a stunning array of outdoor recreational opportunities. These opportunities are timeless, allowing people to visit places again and again with only the most subtle of changes in a world otherwise driven by ceaseless and dramatic change.

Whereas various public comments have called for a new statement of purpose for the Forest Preserve, similar to the APA Act that calls for the conservation and development of the Adirondack Park, PROTECT believes that natural resource protection is the most important management objective for the Forest Preserve. The history of the Forest Preserve is about the preservation of vast tracts of lands that are protected under the State Constitution as lands “to be forever kept as wild forest lands.” The Constitution makes no mention of balancing conservation and development. Rather, the Constitution is explicit that the principle purpose of the Forest Preserve is to protect lands in a wild state.

If the APA decides to consider other revisions to the SLMP, PROTECT recommends it examine the list below for ways to strengthen the SLMP, not weaken it.

**Prohibition of ATVs and Similar Off-Road Vehicles in the Forest Preserve:** The use of All Terrain Vehicles (ATVs) and other off-road vehicles on the roads and trails through illegal public recreational use, by inholders who have been allowed to use them for ingress and egress, and by the DEC for search and rescue efforts has caused extensive damage to the Forest Preserve. The SLMP currently lists “all terrain vehicles” as a type of motor vehicle in its definition of “motor vehicles.”

Currently, no official rules, regulations or state policy prohibits ATVs from use on the Forest Preserve. The damage that these machines cause has been well documented.

The SLMP should be revised to explicitly prohibit the use of ATVs and other off-road vehicles in the Forest Preserve by the general public. They should only be allowed during emergency situations by public officials.

**Rules and Regulations:** The APA has steadfastly refused to draft official Rules and Regulations for the SLMP. The APA Rules & Regulations currently has a blank section 585 reserved for rules for the SLMP. This has led to numerous management failures with differences in interpretation between state agencies or differences in interpretation over time by various administrations of the APA. The APA and DEC have sought to fill the void created by the blank page in the APA official rules and regulations by drafting numerous policies, management guidance and a memorandum of understanding. Management of the Forest Preserve, and administration of the SLMP, would be vastly improved by promulgation and codification of official rules and regulations. The APA should set out to draft these rules.

**Enforcement of Forest Preserve Violations:** There is currently no satisfactory mechanism to resolve violations of the SLMP. Such failures include the existence of the Crane Pond Road in the Pharaoh Lake Wilderness, the South Meadow Road in the High Peaks Wilderness, and the West River Road in the Silver Lake Wilderness Area, to name but a few. The SLMP should be amended to include a section that enumerates a public process for reports about violations of the SLMP and various Unit Management Plans (UMPs). This process

should detail the way in which these reports should be adjudicated.

A new Forest Preserve Violations chapter should be added in the Introduction section.

**State Conservation Easements Land Management:** The SLMP clearly contemplated a time when state purchase of conservation easement would become a major environmental protection tool, would be widely used and amass a significant land base in the Adirondack Park. The possibility of purchase of state conservation easements is mentioned throughout the Acquisition Policy Recommendations section.

The Forest Preserve has benefitted from the 2-tiered management by the APA and DEC, which is specified in the APA Act and SLMP. This checks-and-balances system provides ample opportunities for public oversight, as each agency is required to hold public hearings around its formal actions. Furthermore, APA deliberations and decisions on major Forest Preserve issues are generally undertaken in a public forum, while DEC decision-making is done behind closed doors.

In comparison, conservation easement lands enjoy no such checks-and-balances between state agencies, see far less opportunity for public oversight and involvement, and see management decisions made behind closed doors. Management over state-held conservation easements is unilaterally controlled by the DEC and there is no public deliberation and decision making for major issues.

The APA Act does not distinguish between Forest Preserve and conservation easement lands. The APA Act directs the APA to manage all state lands. Section 816 of the APA Act states:

The department of environmental conservation is hereby authorized and directed to develop, in consultation with the agency, individual management plans for units of land classified in the master plan for management of state lands heretofore prepared by the agency in consultation with the department of environmental conservation and approved by the governor. Such management plans shall conform to the general guidelines and criteria set forth in the master plan. Until amended, the master plan for management of state lands and the individual management plans shall guide the development and management of state lands in the Adirondack Park.

2. The master plan and the individual management plans shall be reviewed periodically and may be amended from time to time, and when so amended shall as amended henceforth guide the development and management of state lands in the Adirondack park. Amendments to the master plan shall be prepared by the agency, in consultation with the department of environmental conservation, and submitted after public hearing to the governor for his approval.

3. The agency and department are hereby authorized to develop rules and regulation necessary, convenient or desirable to effectuate the purposes of this section.

Protect the Adirondacks calls on the APA to add management of state conservation easements in the SLMP. A new SLMP chapter for state held conservation easement lands would be needed in the “Introductions” section as well as in “Classifications and Guidelines” and in “Area Descriptions and Delineations.” This action would vastly improve the management of over 750,000 acres of land in the Adirondack Park. Once state held conservation easements are codified in the SLMP, easements should be added to the APA Land Use and Development Plan map.

**UMP Revisions:** The SLMP calls for individual Unit Management Plans (UMPs) to be updated every five years. Though the SLMP was approved in 1973, some major Forest Preserve units do not have final Unit Management Plans, such as the Saranac Lakes, Debar Mountain, Lake George, Ferris Lake, Wilcox Lake, Sargent Ponds Wild Forest areas, among other Wild Forest areas, as well as various Wilderness areas. These units include hundreds of thousands of acres of Forest Preserve lands. In light of the state’s failure to complete UMPs, PROTECT sees little value in retaining the guideline that UMPs be revised every five years. PROTECT suggests that the APA consider a change to 10 years.

**Acquisition Policy Recommendations:** The Acquisition Policy Recommendations section is out of date given state laws for the Environmental Protection Fund and the NYS Open Space Conservation Plan. The focus of the SLMP should be on preservation, protection and management of the Forest Preserve and not land acquisition.

**Land Exchange:** The SLMP recommends the creation of a land bank, presumably modeled after the Constitutional Amendment to create a land bank for the Department of Transportation for highway maintenance in the Adirondack Park. This type of recommended action for the Forest Preserve is beyond the scope of the SLMP and this chapter should be deleted.

**Multi-Use Trails:** Wild Forest “Guidelines for Management and Use” 5 states: “Care should be taken to designate separate areas for incompatible uses such as snowmobiling and ski touring or horseback riding and hiking.” PROTECT believes that SLMP revision should address the fallacy of the multi-use trail. As we see it, the only place where shared trails provide a viable dual-recreational experience is where motor vehicle roads used by motor vehicles during summer months also are used as snowmobile trails in winter months. The Limekiln Lake-Cedar River Road through the Moose River Plains Wild Forest/Intensive Use area is one such example. While there are a few other successful instances of managing multiple recreational uses, the Santanoni Road functions as a successful walking, biking, and horse trail as well as a winter cross-country ski trail, this is an exception.

The practical reality is that there are few other successful multi-use trails in the Forest Preserve, yet planning efforts are advancing to create major new trails systems based on the concept of a multi-use trail. For example, the DEC is seeking approval to cut and construct a major new multi-use trail from the Polaris Bridge through a trailless part of the Vanderwhacker Mountain Wild Forest area. The Seventh Lake Mountain snowmobile trail in the Moose River Plains Wild Forest area has been a major undertaking by the APA and DEC and is promoted as a multi use trail, yet has flatly failed to attract non-snowmobiling users, in major part due to the major modifications of that trail to facilitate high speed snowmobiling

and grooming with large tracked groomers.

Furthermore, recent UMP planning efforts, such as for the Moose River Plains and Jessup River Wild Forest Areas, saw management efforts to differentiate between snowmobile trails and hiking trails. The idea that snowmobile trails in Wild Forest areas double as hiking trails in the summer under a shared use management program has collapsed under the weight of changes for snowmobile trails that require wider, graded and significantly altered trails to accommodate bigger snowmobiles and intensive grooming.

Currently, the SLMP has no definition for “multi-use” trails and this concept should be abandoned.

On behalf of the Board of Directors of Protect the Adirondacks, please accept our gratitude for the opportunity to present our views on this important matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Bauer". The signature is fluid and cursive, with a large initial "P" and "B".

Peter Bauer  
Executive Director