



Board of Directors

August 13, 2014

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Hon. Lani Ulrich
Chair

Dale Jeffers
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NYS Adirondack Park Agency
PO Box 99
Ray Brook, NY 12977

Sidney Harring
Secretary

RE: Public Comment on Adirondack Park State Land Master Plan Revision Process

David Quinn
Treasurer

Dear Chairwoman Ulrich,

Nancy Bernstein
John Caffry
Dean Cook
Lorraine Duvall
Robert Glennon
Evelyn Greene
Peter Hornbeck
Mark Lawton
James Long
Charles Morrison
Peter O'Shea
Philip Terrie

Protect the Adirondacks has many concerns about the planning and status of formal revision of the Adirondack Park State Land Master Plan (SLMP) by the Adirondack Park Agency (APA). The APA committed to examine several items for possible SLMP revision in its resolution for classification of the Essex Chain Lakes/Pine Lake Primitive areas and Hudson Gorge Wilderness area in December 2013. Since then there has been no action by the State Lands Committee or production of a public memo detailing the schedule the APA will undertake to fulfill the December 2013 resolution. In this void, various APA Board members have made comments at APA meetings, as well as the representative from the Local Government Review Board, to express the desire that the APA undertake serious and extensive revision of the SLMP beyond the scope of the December 2013 resolution.

Peter Bauer
Executive Director

PROTECT recently completed a review of the public hearing records, APA meeting minutes, draft SLMP revisions, and State Environmental Quality Review Act (SEQR) documents for the adoption of the original SLMP in 1973-74, revision in 1978-79, and revision in 1986-87. From our review of the record, land classification concerns by the public and conservation groups dominated these proceedings, rather than SLMP policy issues. While the APA has moved expeditiously on classification of new Forest Preserve lands, there has been no SLMP policy revision since 1987, and the intervening 25 years of inaction have created a pent-up demand for revision of numerous SLMP policy issues. When the APA does undertake a comprehensive reform of the SLMP, PROTECT foresees that policy changes will dominate this effort.

In addition to the APA's commitment to examine a small set of SLMP policy issues, stated in the December 2013 resolution, there have been recent highly public fo-

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rums on the subject of SLMP revision as well as other private collaborative efforts to gather information and organize ideas. The APA Act states that the APA is the lead agency for Park planning. There is no issue more important to the Adirondack Park, on a variety of levels, than the management of the Forest Preserve. It is vital that the APA assert its authority and manages the SLMP revision process.

APA Must Manage an Open and Transparent Process for SLMP Revision: The APA has in the past effectively managed controversial and complicated policy matters with long-term impacts for the Adirondack Park. The APA Rules and Regulations reform effort that stretched from the mid-1990s until 2008 or so, serves as a model for how the APA should undertake SLMP revision. This process used for APA rules reform followed several crucial steps that are worth replicating in a SLMP revision effort:

1. APA Board members, senior staff and appropriate program staff managed the rules and regulation revision effort. An extensive public input forum was managed in compliance with the State Environmental Quality Review Act (SEQR) and the State Administrative Procedures Act (SAPA).
2. Public input was widely solicited to scope out concerns and ideas for where APA rules and regulations were outdated or ineffective. APA staff and Board members made a record of these concerns and used them to help identify reform issues. A record was made of this public input.
3. The APA formed the Technical Advisory List (TAL) to help solicit public input from a wide variety of stakeholders, including local government, the business community, the environmental community, other watchdog groups, and other state agencies, among others. The important thing about the TAL is that it was open to any entity that wished to participate.
4. The APA legal team and appropriate policy staff worked to frame issues of public concern and identify problems in the APA's rules and regulations. The APA distributed statements to the TAL and general public concerning problem areas that were identified as well as the applicable current rules and regulations. Public comment was solicited from the TAL as well as the public at large.
5. TAL participants submitted comments to the APA about the identified issues. These were compiled and organized. The APA used these comments to draft revised rules and regulations for an identified issue. These often involved more than one option. These materials were then provided to the TAL and the public at large.
6. The APA then convened a meeting of the TAL to discuss the set of revised regulations. These meetings focused on a specific area of concern. These meetings were lengthy and the APA provided ample opportunity for questions and comments from all participants. These meetings were instrumental in shaping the final revisions.
7. The APA next brought these draft final revisions to the full Board, where necessary SEQR

and SAPA processes to adopt new rules and regulations were made, and making modifications as it saw fit.

The basis for the start of the TAL was the APA's response to a task force that studied APA rules and regulations and drafted a report. We are not suggesting that the APA go to this length for revision of the SLMP, but we encourage the APA Board to undertake SLMP revision in a similar methodical, open and transparent process. We encourage the APA to move through the SLMP section-by-section, bit-by-bit, and not to try a massive free-for-all revision. A methodical, open and transparent SLMP revision process will likely take several years, but it will be worth it.

What the TAL process shows is that the APA has successfully managed a complicated and controversial regulatory reform effort. PROTECT believes this is a useful model for how the APA should embark upon and manage SLMP revision.

Troubling Potential Conflict of Interest Among APA Board Members: The recent meeting of the Common Ground Alliance (CGA) focused on creating various work groups for various issues in the Adirondack Park. One of the work groups was for SLMP Reform. Two APA Board members sit on the CGA steering committee. PROTECT sees a real conflict of interest in the participation of these Board members in leadership of the CGA, which has taken on an advocacy role around various Adirondack Park issues, including SLMP reform. Senior APA staff also participated in the breakout session on SLMP reform at the CGA meeting. APA Board members and staff should separate their advocacy efforts from their roles as regulators. They should do one or the other, but not both.

Historic Materials: The materials recently gathered by Brian Ford in response to Freedom of Information Act requests from PROTECT on the original adoption of the SLMP and the 1978 and 1986 SLMP revisions are fascinating to read. These materials should be organized and provided to APA Board members, APA staff and the public. It's a window into the thinking and concerns around many SLMP policy issues. In addition to these materials, another treasure trove of historic information for anyone interested is a set of audiocassette tapes in fairly decent condition of the original APA SLMP adoption public hearings from across the state in the collected papers of Richard Lawrence, a former APA Chair, held at the Adirondack Museum.

On behalf of the Board of Directors of Protect the Adirondacks, please let me extend our appreciation for the opportunity to submit these public comments on this important issue.

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

CC: APA Board
Governor Cuomo
J. Malatros
B. Seggos
A. Tarpinian
J. Martens
M. Gerstman
T. Martino
J. Townsend
W. Linck
K. Regan