



Board of Directors

January 29, 2016

Charles Clusen
Chair

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

Sid Haring
Dale Jeffers
Michael Wilson
Vice-Chairs

RE: PROTECT Comments on Proposed Amendments to the Adirondack Park State Land Master Plan

James Long
Secretary

Dear Ms. Regan,

David Quinn
Treasurer

Protect the Adirondacks has reviewed the proposed amendments to the Adirondack Park State Land Master Plan (APSLMP) released for public comment by the Adirondack Park Agency (APA). These are the first policy revisions to the APSLMP since 1987, the first in a generation. The APA is considering three sets of amendments: 1) Changes to Primitive areas to allow bicycle use and maintenance and administration with motor vehicle; 2) Changes to the requirement for use of natural materials for construction of bridges on the Forest Preserve; and 3) Updating the APSLMP for dates, names, statistics, and other matters. The APA has promulgated these amendments under the authority of the 1979 Programmatic Environmental Impact Statement, and this document is unchanged. In support of these amendments, the APA has also produced a Supplemental Environmental Impact Statement that provides limited analysis of potential impacts of these changes.

Nancy Bernstein
John Caffry
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Charles Morrison
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Philip Terrie

Peter Bauer
Executive Director

Protect the Adirondacks has reviewed the proposed amendments. Unfortunately, we conclude that this is the first effort in the modern management of the Forest Preserve over the past 40 years to weaken, not strengthen the APSLMP. Significant changes were made to the APSLMP in 1979 and 1987 to strengthen protections and improve management of the Adirondack Forest Preserve. On balance, the amendments proposed by the APA will create long-term damage to the management of the public Adirondack Forest Preserve.

The proposed changes to Primitive areas will fundamentally shift some or all 39,000 acres of these lands out of the Wilderness management regime (Wilderness, Primitive, Canoe) and into Wild Forest management (Wild Forest, Intensive Use, Historic), where motor vehicle and bicycle uses dominate the recreational infrastructure and shape management. The proposed changes will significantly change the landscape

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of Primitive Areas and move us down an inexorable path for further weakening of Wilderness-Primitive-Canoe area lands in the Forest Preserve as the APA and Department of Environmental Conservation (DEC) seek to expand motorized and bicycle uses in these areas.

Protect the Adirondacks finds that the APA has not undertaken enough study or developed a rational and coherent proposal for changes in the required materials for bridge construction on the Forest Preserve at this time. On the various “ministerial” changes, PROTECT’s review finds that a number of these supposed minor changes are in fact substantial and require further analysis in the Supplemental Environmental Impact Statement and consideration of alternatives during public review.

General Comments

1. Proposed Amendments to Primitive Areas Violates Programmatic Environmental Impact Statement for APSLMP: The 1979 Programmatic Environmental Impact Statement (PEIS) governs the amendment process for the APSLMP. The PEIS states that “Wilderness is the cornerstone of the Master Plan” (p. 31). The PEIS states “Wilderness recreational opportunities are scarce in New York and rare in the northeastern United States. Adirondack wilderness constitutes only 3% of New York State, and 91% of all designated wilderness in the Northeastern United States. Intensive recreational opportunities are relatively abundant throughout the State and are provided by both the public and private sector which often compete” (p. 5).

The protection of Adirondack Wilderness is the central organizing and management principle in this PEIS because of what a small amount of Wilderness we have in New York and east of the Mississippi River and the vast network of intensive recreational use infrastructure in other areas. The PEIS emphasizes that state agencies should seek every opportunity to expand Wilderness. Primitive areas are supposed to be managed like Wilderness areas, yet contrary to the stated priorities of the PEIS, the APA is proposing to fundamentally change management of Primitive areas from Wilderness-like to Wild Forest-like.

Though the PEIS places a premium on the importance of expanding Wilderness areas, the proposed amendments would result in a net reduction in lands with Wilderness values. Far from maximizing Wilderness management of Forest Preserve lands, the APA would instead expand the base of motorized and mechanized Forest Preserve lands. This shift in the use and management of Primitive Areas would have long-term negative impacts as wild and motorless areas – the greatest values of the Forest Preserve under the PEIS – are reduced.

The PEIS provides a number of important statements that form guideposts for how the APA should manage the Forest Preserve and amend the APSLMP:

Amendments which diminish area of lands designated Wilderness, Primitive or Canoe would significantly decrease the availability of primitive recreational opportunities which are at present extremely limited in New York State and rare in the Northeastern United States. (p. 6)

Two types of Primitive areas were created by the State Land Master Plan, both with

management guidelines essentially the same as those that apply to Wilderness. (p. 19)

Guidelines should be designed to protect the character of Wilderness, Primitive, Canoe and Wild Forest areas. The very foundation of Wilderness is the guideline which prohibits motorized access by the public and severely restricts such access by the Department of Environmental Conservation. Alteration of this guideline to permit generalized use of motor vehicles or aircraft would destroy the character of wilderness, a cornerstone of the Master Plan. (p. 31)

The classification of land by the State Land Master Plan as Wilderness, Primitive or Canoe prohibits motorized access and, except in cases of actual and ongoing emergencies such as fire, flood, search and rescue or large scale contamination of streams, provides large acreages of habitat undisturbed by man essential to the reintroduction of certain extirpated species. This opportunity is unavailable elsewhere in New York State and would be protected by the proposed guidelines. (p. 34)

The Wilderness, Primitive and Canoe classifications generally prohibit the use of motor vehicles, motorized equipment and aircraft. Any amendment to the Plan which would sanction such uses in these areas would severely diminish the Primitive character of those lands and should not be proposed. Noise intrusion is only one component of an area's character. The mere knowledge that motorized access is permissible diminishes an area's sense of remoteness. (p. 35)

Amendments to the Master Plan which diminish the size or deteriorate the character of areas designated as Wilderness, Primitive or Canoe are extremely significant and should not be proposed. Amendments which would diminish the State supply of intensive recreational facilities, while important, are less significant due to the existence of similar opportunities elsewhere in New York State. (p. 36-37)

Any amendment to the State Land Master Plan which would diminish the area or resource quality of lands classified as Wilderness, Primitive or Canoe would significantly diminish the educational and research opportunities which those areas now offer. These effects would be particularly acute due to the scarcity of designated wilderness in the northeastern United States. (p. 38)

These statements provide clear insight into the original conception of Primitive areas and the limited way in which these lands should be changed. Our review finds that the APA's proposed changes for Primitive areas violate the PEIS.

2. Requirements for Changing State Land Classifications in PEIS: The proposed changes to Primitive areas by the APA are far-reaching and significant. PROTECT finds that the proposed changes to Primitive go beyond simply creating a third type of Primitive area, but, in essence, create a new Forest Preserve management classification. The changes sought by the APA will create a permanent Primitive area that allows bicycle and motor vehicle uses that are prohibited in Wilderness and that will prevent such lands from ever being elevated to Wilderness.

The PEIS provides guidance to the APA for how to go about creating a new Forest Preserve classification. The APA must either comply with these standards or amend the PEIS. The original concept

of the APSLMP as detailed in the PEIS sharply limits new state land classifications. The PEIS states:

Guidelines For The Creation of a New State Land Classification

Generally, the classification system should be kept as simple as possible. This simplicity will aid both the general public and the administrators of the Plan in understanding the uses allowable within each State land classification. More detailed analysis of the classification system, guidelines and recreational use patterns, however, may warrant the creation of a new classification for areas which have unusual but similar management problems requiring specific guidelines such as historic sites and campgrounds. (P 28)

If a new Forest Preserve classification is to be undertaken, the PEIS calls for simplicity. There is a rational simplicity to Wild Forest; this is a place where a variety of motorized uses are allowed. The same is true for Wilderness; these are lands where one can enjoy wildlands free of bicycles and motors. There's a similar inherent simplicity in Intensive Use areas and in Historic areas. There is no rational simplicity to the creation of a third type of Primitive Area, or a new "Wilderness-lite" area. Under the APA's proposals for changes to Primitive areas, Forest Preserve management is being twisted to meet political objectives and the result is an awkward classification gerrymander, rather than a coherent system.

3. Deeply Flawed Supplemental Environmental Impact Statement: The Supplemental Environmental Impact Statement (SEIS) promulgated by the APA to support the APSLMP changes is deeply flawed. This SEIS is particularly weak in assessing the impacts of the proposed changes to Primitive Areas for bicycle use and DEC motorized uses. Simply put, the SEIS has not taken a serious look at the current state of recreational bicycle use on the Forest Preserve, despite the fact that the APA is seeking to expand public bicycle use on the Forest Preserve and allow it into new areas.

Particularly weak in the SEIS is the "Adirondack Recreation Industry Profile" section that provides data about public recreation preferences for the whole Adirondack Park and economic data about tourism impacts in Essex and Hamilton counties. Many comments have been provided previously to the APA calling for a serious study of bicycle use trends on the Forest Preserve as well as environmental and economic impacts. First, PROTECT has consistently urged the APA to look at the levels of bicycle riding on roads open for riding in Wild Forest areas, such as those in the Ferris Lake Wild Forest, Shaker Mountain Wild Forest, Black River Wild Forest, Watson's East Triangle Wild Forest, among other units. The APA should compare use on these roads with use in the Wilmington Wild Forest, where a specially designed single track mountainbike trail network has been constructed for more than a decade. It is our understanding that the specially designed bike trail system in the Wilmington Wild Forest is vastly more popular than bicycle riding on dirt and gravel roads that are abundant in Wild Forest areas in the Forest Preserve. Many who have ridden the former logging roads of the Essex Chain Lakes area report sandy roads with lots of loose rocks that do not provide a pleasurable bicycling experience.

The success of the Wilmington Wild Forest bicycle trail network has been so successful the

DEC is now looking to expand trail mileage in the current final draft UMP under review for that unit. Further, the DEC is also exploring the possibilities of two other bike trail networks in the Moose River Plains Wild Forest area. These trail networks are based on single track riding where a high number of trail options are provided in a compact and discreet area. These efforts demonstrate the popularity of single-track bicycle riding. There simply is not a viable constituency for bicycle riding on the dirt roads of the Forest Preserve.

Unfortunately, the SEIS has failed to accurately assess bicycle riding trends on the Forest Preserve. The proposed amendments under consideration by the APA are very important and should not be undertaken in a data free zone.

Another serious deficiency is that the SEIS does not look seriously at forest regeneration of former logging roads on the Forest Preserve. The APA is proposing to either retain a series of new administrative roads in the Essex Chain Lakes-Pine Lake Primitive areas or retain various administrative roads in Primitive areas. Yet, the APA fails to provide data or analysis on: 1) the costs of maintaining roads on the Forest Preserve, both for maintenance by the DEC, and for increased property tax assessments; 2) the maintenance necessary for retaining administrative roads that are open for bicycle use, but not public motor vehicle use; 3) forest reclamation on former logging roads now designated as Wilderness areas, such as the Burn Road in the William C. Whitney area. The SEIS should provide a more robust analysis of the costs and maintenance issues involved in the designation and administrative and public use of administrative roads in Primitive areas.

4. There are 1.3 Million Acres of Wild Forest Areas are Much More Suitable for Mountainbiking and Motorized Management: Today, across the Forest Preserve there are 1.3 million acres classified as Wild Forest, which provide ample opportunities for mountainbiking and management by the DEC with motor vehicles. The Wilmington Wild Forest has specially built mountainbiking trails systems. The DEC has also started the process to create such networks in the Moose River Plains Wild Forest area. We should not extend these uses into the 39,000 acres of Primitive Areas that should be managed as Wilderness.

Protect the Adirondacks supports the “No Action” alternatives for changes to the Essex Chain Lakes-Pine Lake Primitive areas and all Primitive areas

1. PROTECT Opposes Changes to the Essex Chain Lakes-Pine Lake Primitive Areas:

The APA's proposals for changes to Primitive areas will to either make changes to allow bicycle use and management and maintenance by the DEC using motor vehicles in just the Essex Chain Lake-Pine Lake Primitive areas or to make these changes for all 39,000 acres of Primitive areas. These are major changes. The net result of these changes is to move a substantial portion of the Forest Preserve from the motorless Wilderness side of things to the motorized Wild Forest side.

PROTECT opposes special rules for different Primitive Areas. The current Primitive Area Type 1 (Wilderness some day) and Type 2 (likely never to be Wilderness but should be managed as such) structure has worked well for 40 years and should continue without change.

Basic Guideline 1 for Primitive Areas, which sets the management standard, states: “The primary primitive management guideline will be to achieve and maintain in each designated primitive area a condition as close to wilderness as possible, so as to perpetuate a natural plant and animal community where man’s influence is relatively unapparent.” By choosing to allow bicycles and motor vehicles into the Essex Chain Lake-Pine Lake Primitive areas, the APA is willfully choosing to eviscerate the Wilderness values on these Primitive areas.

Basic Guideline 2 for Primitive Areas states “No additions or expansions of non-conforming uses will be permitted.” In direct contradiction of this guideline, the APA is seeking to allow bikes and motor vehicles in Primitive Areas, though these uses clearly do not conform to the management objectives of Primitive Areas.

The Essex Chain Lakes are being managed as a motorless paddling areas. Imagine if one has parked at the Deer Pond parking area and undertaken the two carries to the Essex Chain Lakes network with their canoe and gear, which is a lot of work. Imagine as they paddle up Fourth Lake that they see bicycle riders or a DEC vehicle crossing the “tube.” This event will clearly disappoint and diminish one’s Wilderness experience in a “Primitive” Essex Chain Lakes area.

Given the wide range of problems with the APA’s proposals to allow bicycle and motor vehicle use in the Essex Chain Lakes-Pine Lake Primitive areas, Protect the Adirondacks supports the “No Action” alternatives.

Protect the Adirondacks supports the No Action alternative for changes to requirement for use of natural materials for construction of bridges

There are many problems with the proposal to change APSLMP requirements that bridges on the Forest Preserve be constructed with natural materials.

New Cedar River Bridge for Motorized Uses is Illegal: PROTECT believes that the construction of the Cedar River Bridge, as outlined in the Essex Chain Lakes Complex UMP, is illegal and violates the Wild, Scenic and Recreational Rivers Act and APSLMP. The APA should not undertake any action on this matter until current litigation is resolved.

Study Needed of Bridge Designs Currently in Use on the Forest Preserve: PROTECT has urged the APA to take a hard look at this issue and to complete a study on all the various bridge designs currently in use on the Forest Preserve as well as bridges used in wild areas in other part of the U.S. This is a complicated matter, and the APA should undertake a real analysis through a much better SEIS on this issue. The current proposal is an attempt to make data-free policy. Currently there are several dozen different kinds of bridges used on the Forest Preserve.

Develop “Minimum Requirement Approach” Program for the Adirondack Forest Preserve: PROTECT urges that the APA-DEC develop its own version of the federal “Minimum Requirement Approach” policy for bridge designs. While there are some good ideas and

practices in the “Minimum Requirement Approach,” PROTECT believes that the development of this type of management policy should be based on the practical realities of the Adirondack Forest Preserve and written specifically for the Adirondack landscape.

Given the wide range of problems with the APA’s proposals for changes to the requirement for use of natural materials, Protect the Adirondacks supports the No Action alternatives.

Protect the Adirondacks finds that a number of proposed “ministerial” revisions to the APSLMP are substantive and controversial changes that require analysis in a SEIS

The APA is proposing a several dozen “Ministerial Changes” of the APSLMP, also referred to as “minor” changes. PROTECT’s review of these changes finds many that we can support and see as factual or editorial updates. On balance, PROTECT supports updating the APSLMP for names, dates, and statistics, though we have identified six proposed changes that we believe are major changes that will have long-term policy impacts and require specific analysis in the SEIS.

Correction to Wilderness Area Statistics: In one area, though, we have concerns. The APA needs to update the “Wilderness Statistical Parkwide Totals” section. Whereas the acreage of Wilderness Areas has been updated with new classification hearings, there has been no thorough list of nonconforming uses. This should be done. For instance, PROTECT finds almost 6.5 miles of nonconforming and illegal roads in Wilderness Areas, yet the revised APSLMP lists just 2.73 miles.

Six Proposed “Minor” Changes are Substantial and Require Greater Assessment and Evaluation on Impacts: The chief issue we see with this group of changes is that we have identified six quite substantial changes that will have far-reaching impacts. These six changes require evaluation and assessment of impacts in the Supplement Environmental Impact Statement. These six changes should also each have viable alternatives for public review and consideration. These six changes are:

1. Changes to the “Conservation Easements” section are major changes, not minor changes. APA is making a legal determination without proper review. APA states that conservation easements “remain in private ownership” due to less-than-fee ownerships. This is a major decision that merits a fuller analysis in the SEIS. On vast swathes of the more than 750,000 acres of conservation easement lands, the State of New York pays 65% or more in local taxes. Conservation easements are not simply private fee title lands, they include an enormous public ownership.

2. Change to “Administrative Personnel” is major change, not a minor change. This change constitutes a major expansion in the number of people included to hundreds, if not thousands of people. This is a major change and should not be made without proper analysis and alternatives in a SEIS.

3. Creation of a new “Bike Trail.” This is a major change as it’s a new type of trail on the Forest Preserve. The APSLMP lists “roads,” “foot trail,” “horse trail,” “snowmobile trail,” and

two kinds of “cross country ski trails.” Adding a “bike trail” is important. Moreover, this definition needs to include language, similar to other trails, that a bike trail should have the character of a foot trail. This is a big change and should not be made without proper analysis and alternatives in a SEIS.

4. The APA proposes to delete all deadlines for the removal of all nonconforming uses on the Forest Preserve by certain dates. Though the APA and DEC have failed to meet the various deadlines in the APSLMP, these deadlines should not be deleted. These deadlines should be updated and the APA should recommit itself to ensuring that these nonconforming uses are removed and the natural resources of the Forest Preserve protected. This is a big change and should not be made without proper analysis and alternatives in a SEIS.

5. The APA proposes to change Wild Forest Basic Guideline 5 to remove the preference that “care” should be taken to “separate” various recreation uses and to remove a list of these potentially conflicting uses. This is a big change and should not be made without proper analysis and alternatives in a SEIS.

6. The APA proposes to change the “Designation of Travel Corridors” section to change “Remsen to Lake Placid railroad” to “Remsen to Lake Placid right of way.” This is a big change and should not be made without proper analysis and alternatives in a SEIS.

With the exception of the correction to the Wilderness Area statistics for non-conforming roads, PROTECT supports all proposed changes except for the six identified above. Far from minor changes, these six are far reaching and require further analysis of potential impacts in an SEIS and creation of alternatives for public review.

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

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