



Board of Directors

July 12, 2022

Charles Clusen
Chair

Megan Phillips
Adirondack Park Agency
P.O. Box 99
Ray Brook, NY 12977

Marilyn Murphy DuBois
James McMartin Long
Michael Wilson
Vice-Chairs

RE: NYS Adirondack Park Agency interpretation of the Adirondack Park State Land Master Plan's Wild Forest Basic Guideline No. 4 – no material increase of road mileage on lands classified as Wild Forest

Barbara Rottier
Secretary

Dear Ms. Phillips:

David Quinn
Treasurer

In coordination with the Department of Environmental Conservation (DEC), the Adirondack Park Agency (APA) is holding a public hearing seeking input regarding an official "interpretation" of the Adirondack Park State Land Master Plan (APSLMP) Wild Forest Basic Guideline No. 4. The way that the APA-DEC chooses to "interpret" this part of the APSLMP will have a major impact on the future of 1.3 million acres of the Forest Preserve classified as Wild Forest. Wild Forest Basic Guideline No. 4 states:

Nancy Bernstein
John Caffry
Andy Coney
Dean Cook
James C. Dawson
Lorraine Duvall
Robert Glennon
Roger Gray
Evelyn Greene
Sidney Haring
Dale Jeffers
Mark Lawton
John Nemjo
Peter O'Shea
Philip Terrie
Chris Walsh

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 use by the public in wild forest areas that conformed to the master plan at the time of its original adoption in 1972. (p. 36)

In hearing materials provided to the public, the APA states: "The interpretation of Basic Guideline No. 4 will establish a baseline for road mileage on Wild Forest classified lands. The interpretation of this guideline of the Adirondack Park State Land Master Plan will better inform and support the development of Unit Management Plans (UMPs) that conform with the Adirondack Park State Land Master Plan." In hearing documents the APA has posted four questions to the public with regards to how it should interpret Wild Forest Basic Guideline No. 4. These questions are:

Peter Bauer
Executive Director

1. What was the existing road mileage on lands classified as Wild Forest in 1972?
2. What is the existing road mileage on lands classified as Wild Forest today?

3. What constitutes a material increase in road mileage?
4. Does the Department of Environmental Conservation Commissioner's Policy-3 mileage meet the definition of a road in the SLMP and therefore require inclusion in the total Wild Forest road mileage calculation?

DEC-APA analysis tells us that there are now 206.6 miles of public roads open in Wild Forest areas in 2022, which they say is down slightly by five miles from the 1972 total of 211.6 miles. This number does not include administrative roads in Wild Forest areas managed by the DEC or roads where there are private access rights. Public hearing materials did not provide data on the total mileage of these roads in Wild Forest areas, which is considerable. Nor does this figure include the total mileage of roads open to the public for motorized access under the "Galusha" settlement/NYSDEC CP-3 policy for disabled access. In this way, the total scope of roads in Wild Forest areas, and their total impact, is not being considered.

The APSLMP is predicated on natural resource protection. Human "use" of the Forest Preserve is referenced in many sections as needing to be limited in order to protect natural resources as well as uphold and vouchsafe a series of human values for solitude and wildness. There is no more disruptive use in the Forest Preserve than a motor vehicle and the road that allows its penetration into wild areas and intact forests. The APSLMP was clearly written to limit roads and motorized use even as the Forest Preserve continued to grow and expand.

The ways that the APA-DEC choose to frame and answer the questions above will have far-reaching impacts on the natural resources and public use of the Forest Preserve. Protect the Adirondacks believes that Wild Forest Basic Guideline No. 4 needs to be evaluated and interpreted in concert with other relevant parts of the APSLMP that specifically direct Forest Preserve managers to limit the mileage of roads on the Forest Preserve. Protect the Adirondacks believes that Wild Forest Basic Guideline No. 4 pertains to all roads in Wild Forest areas, whether public, administrative, or roads open to the public under the DEC CP-3 policy for disabled access. We are concerned that the APA-DEC's decision not to include administrative roads and CP-3 roads in its road mileage totals in Wild Forest areas is an effort to circumvent and work-around the restrictions in the "no material increase" clause.

As the APA-DEC assesses the meaning of Wild Forest Basic Guideline No. 4, they also need to look at the hundreds of miles of public motor vehicle roads open on state-owned conservation easements and those in other Forest Preserve classes, which have a direct bearing on this issue. Protect the Adirondacks is also concerned about the APA's decision to formally interpret Wild Forest Basic Guideline No. 4 at this moment in time because it fits with a pattern over the last dozen years where the APA has assiduously worked to expand public and state administrative motor vehicle access to the Forest Preserve.

It's important for the APA-DEC to understand that there is no greater negative impact to an intact forest system than building a road. At the federal level, the "roadless rule" is being resuscitated and implemented in 2022, after having been gutted by the Trump Administration. New York State should not work extend the policies of the Trump Administration to our Forest Preserve. APA-DEC have already exceeded the mileage cap in Wild Forest Basic Guideline No. 4.

In the 2021 Court of Appeals decision in Protect the Adirondacks v. APA and DEC, that found that the APA and DEC violated Article 14, Section 1, of the State Constitution, a majority of justices wrote “The forever wild provision ensures the preservation of state-owned land within the Adirondack Park (and Catskills) in its wild state” and that the “ultimate objective of protecting the forest as wilderness” is the paramount purpose of Article 14. When the Court of Appeals looked at how the APA-DEC attempted to justify their actions in trying to build a network of Class II Community Connector Snowmobile Trails the Court wrote “defendants [APA/DEC] ... contend that the project’s impacts are justified because it enhances access to the Preserve and provides a variety of recreational opportunities. That analysis proceeds from a fundamental misunderstanding. The constitution provides for access and enjoyment of the Forest Preserve as a wild forest: ‘very considerable use may be made by campers and others without in any way interfering with this purpose of preserving them as wild forest lands’.”

The Court specifically found that Class II trails were unconstitutional in large part because “the trails require greater interference with the natural development of the Forest Preserve than is necessary to accommodate hikers” and that “their construction is based on the travel path and speed of a motorized vehicle.” The Court plainly shattered any argument about the necessity for motorized access to the Forest Preserve and the facilities that make such access possible. A fair reading of Wild Forest Basic Guideline No. 4 is that it is designed to expressly limit roads on the Forest Preserve as required by Article 14. If the APA-DEC make an erroneous interpretation of Wild Forest Basic Guideline No. 4, and ignore the many miles of administrative roads and CP-3 roads, and enables approval of many miles of new roads in the future, this would also likely result in a violation of the Constitution.

“No Material Increase” Clause and the Adirondack Park State Land Master Plan

Protect the Adirondacks believes that the “no material increase” clause in Wild Forest Basic Guidelines No. 4 should be read in context with other parts of the APSLMP, including other Wild Forest guidelines and formal definitions. We urge the APA not to make a narrow reading of the APSLMP but to understand its full and integrated scope and intentions.

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 PEIS should be consulted when the APA undertakes a formal interpretation.

The PEIS made the statements above because what’s special and vital about the Adirondack Forest Preserve is that it’s rare and unique in its size and scope in the U.S. east of the Mississippi River. We have over two million miles of paved roads east of the Mississippi River, built on over six million acres of asphalt, but just two million acres of Wilderness. The Adirondack Forest Preserve is the greatest mass of wildlands and Wilderness in the east, where the only other major wildland areas are the Florida Everglades National Park at 1.5 million acres, Great Smoky Mountains National Park at 522,000 acres, and the Okefenokee Swamp National Wildlife Refuge at 400,000 acres.

The PEIS, which is a foundational document for the APSLMP, noted that there is no greater impact to a wildlands setting, the wild character of an area, or to the natural resources of an area than motorized uses and access. This is precisely why the APSLMP prohibits motorized access in Wilderness Areas and tightly regulates and effectively caps motorized access in Wild Forest Areas in the Forest Preserve.

Wild Forest Basic Guideline No. 4 is a Cap on Roads: The PEIS highlights the importance of Adirondack Wilderness and the Adirondack Forest Preserve in the eastern U.S. It makes the case that there are lots of places to pursue motorized activities, but east of the Mississippi River there are precious few places for wild experiences and where wild nature can flourish largely unfettered by humans.

It's important for the APA-DEC not to interpret Wild Forest Basic Guideline No. 4 in a vacuum. Wild Forest Basic Guideline No. 1 is also important as it lays out the "primary" requirement for Forest Preserve managers in Wild Forest areas: "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." There is no other "type of outdoor recreation" that impairs the "wild forest atmosphere" more than the noise, speed, dust, fumes, and mechanical intrusion of motor vehicles in a forest area, and the wide roads cut through forests to facilitate them. How is it that the APA-DEC are complying with the requirements of Wild Forest Basic Guideline No. 1 when it seeks to expand the mileage of roads in Wild Forest areas?

Wild Forest Basic Guideline No. 4 should be read as an effective cap on the mileage of roads in the Forest Preserve. In the framing of the APSLMP, motor vehicle roads were to have been closed in Wilderness areas and were to be rare in all other places. The language in Wild Forest Basic Guideline No. 4 is deliberate that "public use of motor vehicles will not be encouraged" in the Adirondack Forest Preserve. To strengthen this point, it says "there will not be any material increase in the mileage of roads and snowmobile trails open to motorized use by the public in wild forest areas that conformed to the master plan at the time of its original adoption in 1972." (p. 36) This should be read as a functional cap on road mileage in Wild Forest areas in the Forest Preserve. As we show below, we think the APA-DEC is misreading Wild Forest Basic Guideline No. 4 and that this clause clearly covers all roads in Wild Forest areas.

Definition of a Road: The way that motorized use is regulated on the Forest Preserve in the APSLMP starts with the definition of a "road." The APLSMP defines a road this way:

Road--an improved or partially improved way designed for travel by automobiles and which may also be used by other types of motor vehicles except snowmobiles, unless the way is a designated snowmobile trail; and is,

- (i) either maintained by a state agency or a local government and open to the general public;
- (ii) maintained by private persons or corporations primarily for private use but which may also be open to the general public for all or a segment thereof; or,

- (iii) maintained by the Department of Environmental Conservation or other state agency and open to the public on a discretionary basis.

This definition has a direct bearing on the APA-DEC interpretation of the no material increase clause. The road definition is broad and all-encompassing. Its wide scope is deliberately stated as “an improved or partially improved way,” which is designed to cover all motor vehicle routes, whether they are “maintained by a state agency or a local government and open to the general public.” The all-encompassing definition includes the full length of any roads located in FP maintained by private persons or corporations, if any segment thereof is open to the public. This definition deliberately includes all roads whatsoever on the Forest Preserve, whether maintained by a state agency or other entity, and whether or not they are open to the public. In essence, this practical application of this definition means that if it looks like a road, is used by motor vehicles under any circumstance as a road, and is maintained like road, then it’s a road.

APSLMP goes further than just “roads” and also deliberately and importantly defines “administrative roads” this way:

Administrative Roads--an improved way maintained by the Department of Environmental Conservation for the principal purpose of facilitating administration of state lands or of allowing access for firefighting equipment and not normally open for public use of motorized vehicles. This type of road has been called a State Truck Trail in older editions of this Plan. (p. 17)

The purpose of including this definition in the APSLMP is to highlight the fact that even roads where public use is limited by the DEC are indeed roads on the Forest Preserve. Once again, if it looks like a road, is used by motor vehicles under any circumstance as a road, and is maintained like road, then it’s a road.

Structure and Improvements: The APLSMP provides further requirements for Forest Preserve managers on this matter in the “Structure and Improvements” guidelines in the Wild Forest section. This section lists “roads, and administrative roads” together because they are to be considered one and the same. While “roads, and administrative roads” are allowable structures and improvements, they are regulated tightly: “The maintenance and rehabilitation of the following structures and improvements will be allowed to the extent essential to the administration and/or protection of state lands or to reasonable public use thereof but new construction will not be encouraged.” Hence, roads must be “essential” and “reasonable” and “construction will not be encouraged.” We believe that this clause effectively prohibits the construction of new roads in the Forest Preserve and that road mileage should be minimized.

Roads and Administrative Roads: The APSLMP lays out yet more requirements to Forest Preserve managers in the “Roads and Administrative Roads” section in the Wild Forest section. The APSLMP lays out the following requirements:

1. Continued use of existing roads, snowmobile trails and administrative roads by administrative personnel in wild forest areas will be permitted, to the extent necessary, to reach, maintain and construct permitted structures and improvements.

2. Existing roads or snowmobile trails, now open to and used by the public for motor vehicle use in wild forest areas, may continue to be so used at the discretion of the Department of Environmental Conservation, provided such use is compatible with the wild forest character of an area.
3. Established roads or snowmobile trails in newly-acquired state lands classified as wild forest may be kept open to the public, subject to basic guideline 4 set forth above and in the case of snowmobile trails to the special guidelines for such trails set forth below, at the discretion of the Department of Environmental Conservation, provided such use is compatible with the wild forest character of the area.
4. No new roads will be constructed in wild forest areas nor will new administrative roads be constructed unless such construction is absolutely essential to the protection or administration of an area, no feasible alternative exists and no deterioration of the wild forest character or natural resource quality of the area will result. (p. 38-39)

These passages show that while the APA-DEC have limited discretion on where to allow roads, they are allowed only “to the extent necessary” and must be “compatible with the wild forest character of an area.” Roads on newly purchased lands may be “kept open to public” subject to the “no material increase clause” and at the “discretion” of the DEC if they are “compatible with the wild forest character of an area.” This section was written in recognition that nothing changes wild forest character more than motor vehicles, which are highly disruptive to natural and wild areas. This is the central reason why motor vehicles are expressly prohibited in Wilderness areas and why they must be minimized and rare in Wild Forest areas.

In total, while the APSLMP clearly intended to allow limited motorized uses in Wild Forest Areas in the Forest Preserve it also sought at the same time to cap and tightly regulate their use. A reading of all of the attendant parts of the APSLMP that regulate roads in Wild Forest areas shows that roads should not be expanded beyond the 1972 level no matter how much new Forest Preserve is acquired and classified as Wild Forest. The APSLMP was written with the intent to allow roads and motor vehicles only where absolutely necessary, but to sharply limit such use on the Forest Preserve.

A fair reading of the APSLMP requires that the total universe of roads in the Wild Forest areas, including administrative roads, be included in an assessment of Wild Forest Basic Guideline No. 4. By any rational standard administrative roads are roads in the Forest Preserve.

Galusha Settlement/CP-3 Roads

The DEC-APA have also decided not to include the universe of roads open to the public under special CP-3 permits. One part of the definition of a “road” in the APSLMP is roads “maintained by the Department of Environmental Conservation or other state agency and open to the public on a discretionary basis.” CP-3 roads are clearly “open to the public on a discretionary basis.” Furthermore, the CP-3 policy differentiates between “roads” and “trails.” DEC only allows motor vehicles, such as pickup trucks or sedans, on roads, while some “trails” are open to All Terrain Vehicles. That CP-3 roads are maintained as such for discretionary public use means that they must be included in the road mileage totals under Basic Wild Forest Guideline No. 4.

A fair reading of the APSLMP requires that the total universe of roads in Wild Forest areas, including CP-3 roads, be included in an assessment of Wild Forest Basic Guideline No. 4. Once again, it is our position that if it looks like a road, is used by motor vehicles under any circumstance as a road, and is maintained like road, then it's a road. By any rational standard CP-3 roads are roads in the Forest Preserve.

Public Roads and Conservation Easements

In assessing Basic Wild Forest Guideline No. 4, the APA-DEC should also consider the mileage of public roads opened on conservation easement lands in order to reduce the mileage on State lands wherever possible. The APSLMP makes reference to the importance of state-owned conservation easements and enumerates them in Appendix 2 where 699,442 acres of state easements are detailed. Regarding conservation easements, the APSLMP states:

The State has acquired over the years a variety of conservation easements and less than fee interests which serve an important public purpose in preserving the natural character of the land for the benefit of the Park. Although the State owns various rights on these lands, the land remains in private ownership and is therefore not subject to the State land classification system and guidelines of the Master Plan.

These less-than-fee interests are an important element in the relationship between state and private lands. In addition to state-held easements, private conservation organizations hold conservation easements over a significant acreage of private land, which also help preserve the natural, open-space character of the Park. This master plan for state lands has therefore attempted to take into account, both in the basic classification system and in the guidelines for future land acquisitions, this intermingling of private and public lands within the Park. (p 3-4)

The APSLMP clearly recognizes the importance of state-owned conservation easements in the Adirondack Park. Protect the Adirondacks estimates that there are over 900 miles of roads on state-owned conservation easements lands. Of these, we calculate that at least 500 miles of roads are open for some form of public motor vehicle use, though we note that the mileage of snowmobile trails is even greater. There are many cases where roads are connected between conservation easements and the Forest Preserve or where roads on easements provide public access to the Forest Preserve. From an administrative access standpoint, state agencies and personnel have carte blanche access to the full scope of roads on easement lands. The APA-DEC should not put on administrative blinders and pretend that throughout the Adirondacks, and mixed together like a patchwork quilt with Forest Preserve lands and roads, and somehow ignore or disregard the fact that the DEC has not prioritized the policy of the acquisition of public motorized use and access rights on conservation easement lands.

One fundamental purpose of state-owned conservation easement lands is that they have long been recognized as a recreational safety valve for the Forest Preserve where more intensive forms of motorized recreational uses are appropriate. This is why the state has sought to chiefly purchase extensive motor sports rights on easement lands to a far greater degree than any other type of recreational use. While motor vehicle roads are limited on the Forest Preserve, and correctly so, they are abundant, and continue to grow decade by decade, on state-owned conservation

easement lands. While the no material increase clause has capped road mileage in Wild Forest areas in the Adirondack Park, we've seen an ever growing mileage of public motor vehicle roads on conservation easement lands.

Roads in Primitive, Historic, Canoe, and Intensive Use Areas in the Forest Preserve

Protect the Adirondacks notes that the universe of various roads authorized on the Forest Preserve goes beyond Wild Forest areas and includes extensive mileage in Canoe, Historic, and Primitive areas. Beyond these areas, there's also an even bigger mileage of roads in Intensive Use areas, some of which, like Gore Mountain and Whiteface Mountain, are authorized through Constitutional Amendments, while other roads have been built over time, such as the many miles of roads in state campgrounds. Moreover, two other factors are important for the APA-DEC. First, APA-DEC created the new Intensive Use area along many miles of Cedar River Road, and makes no reference to how the mileage of that road, which still exists and still runs through the heart of the Moose River Plains Wild Forest, is no longer part of the APA's assessment of Wild Forest Basic Guideline No. 4. Second, it's important to note that in its zeal to continue to expand motorized use of the Forest Preserve, in 2016 the APA amended the APSLMP to allow an extensive road network in the Essex Chain Lakes Primitive Area.

The APA's framing of this public hearing solely within the context of Wild Forest Basic Guideline No. 4 does not address the total impact of roads within the Adirondack Forest Preserve or the overall intent of the APSLMP.

Four Questions Posed in the APA-DEC Public Hearing

The APA-DEC posed four questions for the public in this public hearing. Our responses to these questions are below.

What was the existing road mileage on lands classified as Wild Forest in 1972? What is the existing road mileage on lands classified as Wild Forest today?

The APA-DEC has already answered these questions and tells us that in Wild Forest areas in 2022 there are 206.6 miles of public motor vehicle roads. The APA-DEC tells us that this number is down from a 1972 total of 211.6 miles. Protect the Adirondacks has not undertaken an independent field verification of the state's data. The state should provide its GIS files to the public for these road inventories.

Protect the Adirondacks finds that these totals do not tell the whole story and are inadequate to interpret Wild Forest Basic Guideline No. 4. The mileage of "state administrative" roads in Wild Forest areas must be included in these figures. We note that in the Moose River Plains Wild Forest Area UMP there are 3.22 miles of state administrative roads listed. In the Saranac Lake Wild Forest Area UMP there are 17 miles of state administrative roads listed. The Grass River Area Wild Forest UMP lists over 5.5 miles of administrative roads. Unfortunately, given the incomplete nature of how UMPs have been organized over time and limitations with what's posted online by the DEC, there's no easy way to complete this analysis to tabulate the total mileage of administrative roads, but it appears that the total miles of administrative roads in Wild Forest areas is considerable. We

call upon the APA-DEC to publish a list and mileage of all state “administrative roads” by Wild Forest unit in 1972 and 2022 as part of this public hearing.

Nor does the APA-DEC figure of 206.6 miles of 2022 Wild Forest roads include the total number of roads open to the public for motorized access under the “Galusha” settlement and CP-3 program. DEC data states that there is somewhere around 21 miles of roads open to the public through these special permits.

Protect the Adirondacks finds that the failure to include administrative roads and CP-3 roads in the total road mileage in Wild Forest areas is a misreading of the intent of the APSLMP and Wild Forest Basic Guideline No. 4. We believe that when the mileage of roads are combined that are open to the public in Wild Forest areas, available under CP-3, and are used as state administrative in Wild Forest they will total over 250 miles, which is far above any rational interpretation of a “material” increase in Wild Forest Basic Guideline No. 4.

It is also worth noting that there is nothing in the APA-DEC public hearing materials on this question about the transfer of considerable mileage of Wild Forest roads to an Intensive Use area when the Moose River Plains Wild Forest was reclassified to create the new Intensive Use area along the road. There is considerable mention about the “loss” of roads in the Forest Preserve to Wilderness classification, but no talk about the “gain” of roads in Intensive Use areas.

What constitutes a material increase in road mileage?

Anything above 2-3%.

APA-DEC have calculated that the existing total roads mileage in Wild Forest areas of the Forest Preserve to be 206.6 miles. For the purpose of this public hearing, APA-DEC have proffered that a 15% increase in the total allowable mileage of roads in Wild Forest areas complies with the directive for “no material increase” in Wild Forest Basic Guideline No. 4. Protect the Adirondacks believes that 15% is much too high. We believe that 15% constitutes a “material” increase.

Consider that for many people in business who experience a 15% increase in their costs, that would be seen as substantial and “material.” Anyone in business who sees a 15% increase in their profits will likely also see that as substantial and “material.” Anyone who pays rent and experiences a 15% increase, where an \$800 monthly rent payment is raised \$120 to \$920 will surely see that as substantial and “material.” Staff at the APA or DEC who suddenly received a 15% pay cut would unarguably see that as substantial and “material.” The US inflation rate in May 2022 was 8.6% and that’s causing a political firestorm. This month the Federal Reserve raised its benchmark interest rates three-quarters of a percentage point and that was billed as the most substantial and aggressive hike since the 1990s. By any reasonable standard a 15% increase is material and substantial and violates Wild Forest Basic Guideline No. 4. A reasonable interpretation of the “no material increase” clause would be an increase in the low single digits of 2-3%.

What this means, on a practical level, is that the APA-DEC are already far over the legal limits for road mileage in Wild Forest areas, at a level around 20% to 25% or more, and are currently in violation of Wild Forest Basic Guideline No. 4. Hence forth, APA-DEC need to close roads to regain

compliance, and any new roads that are to be authorized in new acquisitions will require offsetting road closures in other units and locations. That's the reality.

Does the Department of Environmental Conservation Commissioner's Policy-3 mileage meet the definition of a road in the SLMP and therefore require inclusion in the total Wild Forest road mileage calculation?

Yes.

The APSLMP includes in its "road" definition roads that are "open to the public on a discretionary basis." It is absolutely clear that CP-3 roads are open to the public, though a permit is required, "on a discretionary basis." Members of the public who apply for a receive a CP-3 permit from the DEC are allowed to drive motor vehicles on roads deemed safe by the department for such use. As stated above if it looks like a road, is used by motor vehicles under any circumstance as a road, and is maintained like road, then it's a road.

Freedom of Information Request

Protect the Adirondacks submitted a Freedom of Information request for all materials that have been used by staff and the APA Board to undertake this analysis of formal interpretation of Wild Forest Basic Guideline No. 4. We were provided with the 2022 hearing materials posted on the APA website and a few irrelevant documents from the 1990s. The APA denied providing us with other materials.

Former APA staff and former APA Board members informed us that there are important APA-DEC documents that were shared with APA Board members in the 1990s and early 2000s that shed light on this issue. Materials that are shared with Board members are by definition public documents and should be disclosed. Moreover, Protect the Adirondacks requests that all materials upon which APA-DEC staff are using to educate themselves, formulate policy, and make recommendations to the APA Board for its decision must be made public. That's basic good government openness and transparency.

Conclusion

Protect the Adirondacks does not agree with how the APA-DEC has proposed to interpret Wild Forest Basic Guideline No. 4. We urge the APA-DEC to adopt the following measures:

- Review Wild Forest Basic Guideline No. 4. in a wider context and explain how it is designed to work in concert with other parts of the APSLMP to cap road mileage in Wild Forest areas in the Forest Preserve.
- Adopt a much smaller, and more reasonable, interpretation of "no material increase" than the 15% level proposed.
- Include administrative roads and CP-3 roads in the total Wild Forest road mileage totals.
- Review the Wild Forest road mileage in the context of the 400+ miles of new public motor vehicle roads in conservation easements in the Adirondack Park and the scores of miles of

motor vehicle roads in Primitive, Canoe, Historic, and Intensive Use areas in the Adirondack Forest Preserve.

- Acknowledge that APA-DEC have exceeded road mileage limitations set forth in Wild Forest Basic Guideline No. 4 and will be adopting measures to close roads in order to comply with the no material increase clause.
- Acknowledge the clear direction provided to the APA-DEC in the 2021 Court of Appeals decision where the Court wrote “The forever wild provision ensures the preservation of state-owned land within the Adirondack Park (and Catskills) in its wild state.” They also wrote that the “ultimate objective of protecting the forest as wilderness” is the paramount purpose of Article 14. The Court also talked about APA-DEC’s “fundamental misunderstanding” of the State Constitution when it tried to build a network of road-like Class II Community Connector Snowmobile Trails. Protect the Adirondacks is clearly concerned that the APA-DEC is making the same mistakes today. We urge moderation and restraint.

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