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**Via Email**

May 5, 2025

Josh Clague  
Chief, Bureau of Forest Preserve and Conservation  
Division of Lands and Forests  
New York State Department of Environmental Conservation  
625 Broadway, 5th Floor  
Albany, NY 12233-4254

**Re: Comments on Notice of Proposed Rulemaking: Proposed  
Regulatory Changes for Moose River Plains Intensive Use  
Area and Moose River Plains Wild Forest, 6 NYCRR Part 196**

Dear Josh:

Protect the Adirondacks ("PROTECT") appreciates the opportunity to provide comments on the regulatory amendments proposed by the Department of Environmental Conservation ("DEC" or "Department") to 6 NYCRR Part 196 relating to the Moose River Plains Intensive Use Area and the Moose River Plains Wild Forest.

**Summary of Proposed Regulatory Changes**

The proposed regulatory changes would amend 6 NYCRR § 196.3 to:

- (i) Eliminate the requirement for motor vehicle operators register the operator's name, address, number of passengers, vehicle license number, vehicle description, anticipated length of stay and destination at the Limekiln Lake or Cedar River registration stations;
- (ii) Remove the current prohibition on motorcycles and e-bikes on the Limekiln Lake-Cedar River Road ("Cedar River Road") and allow the use of Class 1 and Class 2 e-bikes as defined in New York State Vehicle and Traffic Law § 102-c; and
- (iii) Establish a 25 mph speed limit for all motor vehicles, snowmobiles and e-bikes within the Moose River Plains Intensive Use Area and the Moose River Plains Wild Forest.

**Protect the Adirondacks**

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Additionally, 6 NYCRR § 196.5 would be amended to prohibit mechanically propelled vessels on Cedar River Flow other than those powered by a motor with a rating of 10 horsepower or less.

### **Comments on Proposed Amendments to Part 196.3**

#### **I. Proposal to Allow Motorcycles on the Cedar River Road**

PROTECT **opposes** removal of the motorcycle prohibition on the Cedar River Road due to the potential for significant adverse environmental and recreational impacts, including (i) increased noise pollution; (ii) greater likelihood of use by large motorcycles groups, exacerbating user conflicts and overuse; and (iii) increased risk of illegal access by dirt bikes to closed roads on the Forest Preserve.

Furthermore, the impacts of removing the motorcycle prohibition on Cedar River Road were not adequately analyzed in the Unit Management Plan/Final Generic Environmental Impact Statement for the Moose River Plains Wild Forest and Moose River Plains Intensive Use Area (Jan. 2011) (“UMP/FGEIS”). In accordance with the State Environmental Quality Review Act (“SEQRA”), Environmental Conservation Law (“ECL”) Article 8, DEC must prepare a supplemental environmental impact statement (“SEIS”) to address these potentially significant environmental impacts prior to any final regulatory changes.

DEC’s assertion that motorcycles will have no appreciable impact because the road is already open to passenger vehicles is flawed. *See* Regulatory Impact Statement at 4 (stating that opening the Cedar River Road to motorcycles is “not expected to result in appreciable impact to the resource because despite the previous prohibition on motorcycles the road is open to motor vehicles”). Motorcycles, including dirt bikes, have distinctly different—and greater—impacts, particularly on sensitive receptor areas such as the Forest Preserve, than passenger vehicles: they generate greater noise, often travel in large groups, and are more likely to engage in illegal use of closed roads. None of these impacts were considered in the FGEIS.

#### **A. Noise Impacts**

Motorcycles typically emit more noise than passenger vehicles due to:

1. Engine Design and Size: Motorcycles usually have high-revving engines, meaning they operate at higher RPMs (revolutions per minute) than car engines and thus produce more engine noise. Motorcycles also have minimal sound insulation, in contrast to a passenger vehicle engine which is encased in a compartment that acts as a sound barrier.

2. Exhaust System: Motorcycle exhausts are often shorter and less restrictive than car exhausts, so sound has less distance and fewer barriers to travel through before exiting. In addition, some motorcycles are fitted with aftermarket or modified exhausts that are intentionally louder. One noise group estimates that 60-70 percent of bikers remove the mandated factory-installed exhaust equipment and replace it with something well above the legal limit.<sup>1</sup> Some motorcycles, like

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<sup>1</sup> Available at <https://www.noiseoff.org/motorcycles.php>.

Harley-Davidsons, are known for their louder exhaust sounds, even when original exhaust equipment is kept intact.

3. Rider Perception and Culture: Many motorcycle riders prefer a louder bike because it gives a sense of power, performance, and presence. There's even a phrase in motorcycle communities: "Loud pipes save lives" — the idea is that louder bikes are more noticeable to drivers, reducing accident risk (though this is debated).

The U.S. Environmental Protection Agency (EPA) has identified motorcycles as a major source of noise pollution.<sup>2</sup> A study by University of Florida audiologists found that nearly half of the 33 motorcycles tested produced sounds above 100 decibels when throttled up, with the loudest reaching 119 decibels. This intensity is comparable to a loud rock concert or a chainsaw.<sup>3</sup>

Moreover, research indicates that motorcycle noise is perceived as more annoying than car noise, even when the sound levels are similar. One study found that motorcycle noise exhibits distinctive characteristics—such as higher energy content in the 2–4 kHz frequency range, tonal sharpness, and pronounced roughness—that make it more intrusive, especially in quiet rural areas.<sup>4</sup> Another study found that the specific frequency content and modulation patterns of motorcycle engines contribute to a higher perceived loudness and annoyance, even if the actual sound pressure levels are comparable to those of passenger vehicles.<sup>5</sup>

The noise impacts of opening Forest Preserve lands to motorcycle use must be considered because of the sensitive nature of the soundscape. Several studies have examined the impact of motorcycle noise on parks, highlighting concerns related to visitor experience, wildlife behavior, and the preservation of natural soundscapes. For example, research by the U.S. National Park Service indicates that human-caused noise, including that from motorcycles, significantly affects visitors' perceptions of solitude and tranquility in parks. A study at Muir Woods National Monument found that visitors considered increasing levels of human-made sounds, such as loud talking and vehicle noise, to be unacceptable and annoying, detracting from the quality of their experience.<sup>6</sup> Another study found that noise from various sources, including motorcycles, interferes with activities like bird watching and diminishes the overall enjoyment of natural landscapes.<sup>7</sup>

Noise also affects park wildlife. A study by the U.S. Forest Service found that wildlife exhibited increased fleeing and vigilance behaviors when exposed to recreation noise, such as that from motorcycles. These animals were 3.1 to 4.7 times more likely to flee and showed heightened vigilance for 2.2 to 3.0 times longer compared to periods with natural sounds or no noise. Additionally, the local relative abundance of wildlife was observed to be 1.5 times lower in the

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<sup>2</sup> U.S. Environmental Protection Agency. (1975, May 28). *Identification of motorcycles and motorcycle exhaust systems as major sources of noise*. Federal Register, 40(103).

<sup>3</sup> Pease, J. (2004, September 1). UF audiologists sound alarm for awareness of motorcycle noise risk. University of Florida News.

<sup>4</sup> \*Pilcher, E. J., Newman, P., & Manning, R. E. (2009). Understanding and managing experiential aspects of soundscapes at Muir Woods National Monument. *Environmental Management*, 43(3), 425–435.

<sup>5</sup> Herbst, L., M. Lienhart, P. Lercher, M. Cik, M. Fellendorf (2020), Psychoacoustic analysis of motorcycle noise, Institute of Highway Engineering and Transport Planning.

<sup>6</sup> \*Pilcher, E. J., Newman, P., & Manning, R. E. (2009). Understanding and managing experiential aspects of soundscapes at Muir Woods National Monument. *Environmental Management*, 43(3), 425–435.

<sup>7</sup> Monroe, M., Newman, P., Pilcher, E., Manning, R., & Stack, D. (2007). Now hear this. *Legacy*, 18(1), 18–25.

week following the deployment of recreation noise, indicating a potential displacement effect due to disturbances from motorized activities.<sup>8</sup>

The National Park Service has addressed the sensitivity of human noise sources in national parks through issuance of a Director's Order, "Soundscape Preservation and Noise Management," that has the stated goal to establish "operational policies that will require, to the fullest extent practicable, the protection, maintenance, or restoration of the natural soundscape resource in a condition unimpaired by inappropriate or excessive noise sources."<sup>9</sup> Because DEC lacks any similar policy or guidance regarding preserving soundscapes in the Adirondack Park, it is imperative that the noise impacts of motorcycle use of the Cedar River Road be evaluated in an SEIS.

## **B. Increased Group Use and Visitor Conflicts**

In contrast to recreationists using passenger vehicles, motorcyclists often travel in large groups. Motorcycle clubs, touring groups, and weekend riders often ride in groups for camaraderie, safety, and enjoyment. Group sizes can range from a few riders to dozens, especially during organized rides or events. There is no evidence presented in DEC's regulatory analysis showing that large groups of motorcyclists is not a problem.

Large groups of motorcyclists are very common at rallies, where riders converge in mass numbers and often travel together. For example, the Americade motorcycle rally held in Lake George attracts 60,000 registered motorcyclists annually, with up to an additional 40,000 unregistered participants.<sup>10</sup> Moreover, Americade participants are offered a variety of guided and unguided group rides through various parts of the Adirondack Park.<sup>11</sup> DEC has not analyzed the consequences of this type of group use of the Cedar River Road, particularly with respect to impacts on visitor experience and potential for user conflicts.

Nor has DEC evaluated the noise impacts of large motorcycle groups entering the Moose River Plains. A recent study found that groups of motorcycles can generate loud sound levels and the amount of time the sound levels exceed ambient sound levels can be substantial (22 to 64+ seconds for one group). Of the groups of motorcycles examined, some exceeded 60 dBA, the level at which speech interference can occur, for up to 25 seconds.<sup>12</sup> Obviously, this level of noise intrusion may have significant impacts on other visitors and on wildlife but these potential impacts have not been examined by DEC even though the UMP/FGEIS expressed "[c]oncerns over increasing numbers of users and the potential impact they may have on the resources and the conflicts which may arise between different user groups." UMP/FGEIS at 77.

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<sup>8</sup> K. Zeller, M. Ditmer, et al. (2024), Experimental recreational noise alters behavior and space use of wildlife, *Current Biology* 34(13): 2997.

<sup>9</sup> U.S. Dept. of the Interior, National Park Service, Director's Order #47: Soundscape Preservation and Noise Management, available at [https://www.nps.gov/subjects/policy/upload/DO\\_47\\_12-1-2000.pdf](https://www.nps.gov/subjects/policy/upload/DO_47_12-1-2000.pdf).

<sup>10</sup> <https://www.adktaste.com/blog/amicade-lake-george-2025#:~:text=It's%20often%20described%20as%20a,the%20Northeast's%20premier%20motorcycle%20event.>

<sup>11</sup> <https://americade.com/rides/>

<sup>12</sup> U.S. Dept of Interior, NPS, *Motorcycle Noise in a Park Environment* (2013).

### **C. Potential for Encouraging Dirt Bike Use**

The proposed regulatory change does not define “motorcycles” to exclude dirt bikes. Allowing dirt bikes—which are generally louder than motorcycles—on the Cedar River Road would exacerbate the noise impacts of opening the road to motorcycles.<sup>13</sup>

In addition, dirt bikes are specifically designed for off-road use, thus increasing the likelihood for illegal use on closed roads. Because approximately 15 miles of roads were closed following adoption of the UMP, there are substantial opportunities for illegal dirt bike use and encroachment on sensitive portions of the Moose River Wild Forest and the adjoining Little Moose, West Canada Lakes, Blue Ridge, and Pigeon Lake Wilderness Areas. These concerns were not addressed in the original FGEIS and require further environmental review. UMP/FGEIS at 97-98.

### **D. DEC’s Regulations Make Clear That a SEIS Must be Prepared**

The proposal to open the Cedar River Road to motorcycle use was initially set forth in the UMP/FGEIS for the unit. See UMP/FGEIS at 193. However, the UMP/FGEIS did not consider or evaluate the specific environmental impacts of opening the Cedar River Road to motorcycles (including dirt bikes), even though the UMP/FGEIS specifically acknowledges that not all motor vehicle use is the same and emphasizes that “[m]anagers need to pay special attention to the specific type of motorized use being proposed or allowed in an area.” UMP/FGEIS at 101.

DEC’s SEQRA regulations state that “[w]hen a final generic EIS has been filed under this Part . . . a supplement to the final generic EIS must be prepared if the subsequent proposed action was not addressed or was not adequately addressed in the generic EIS and the subsequent action may have one or more significant adverse environmental impacts.” 6 NYCRR § 617.10(d)(4). Here, the UMP/FGEIS did not evaluate several potentially significant environmental impacts of opening the Cedar River Road to motorcycles, including noise impacts, overuse, and illegal use of closed roads by dirt bikes. Under these circumstances, a SEIS is clearly required to evaluate these impacts prior to DEC making a final decision on this proposed action. *Matter of Green Earth Farms Rockland, LLC v. Town of Haverstraw Planning Bd.*, 153 AD3d 823, 828 (2d Dept. 2017) (holding that SEIS was required where potential environmental impacts of gas station were not evaluated in original EIS); *Matter of Develop Don’t Destroy (Brooklyn) Inc. v. Empire State Dev. Corp.*, 94 AD3d 508, 511 (1st Dept. 2012) (Holding that SEIS was required where original EIS’s conclusion of no significant environmental impacts was “not based on any technical studies”).

## **II. Elimination of Registration Requirement**

PROTECT **opposes** eliminating the registration requirement for operators of motor vehicles on the Cedar River Road because it will deprive DEC of critical information regarding the intensity of visitor use of the road and surrounding areas and the Department has not proposed an alternative means of collecting visitor use data. This is of particular concern because the UMP acknowledges

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<sup>13</sup> XJD, a leading dirt bike manufacturer, states that noise from dirt bikes ranges from 80 to 115 decibels. [https://www.xjd.com/t-dirt-bike-decibel-levels/?srsltid=AfmBOoqvuvTRS1sLDhdwRRgYv3hULT3OOIKzixqtCuAx7bgpbDf12l\\_u](https://www.xjd.com/t-dirt-bike-decibel-levels/?srsltid=AfmBOoqvuvTRS1sLDhdwRRgYv3hULT3OOIKzixqtCuAx7bgpbDf12l_u)

that there is no coordinated attempt to collect reliable data on recreational use in the unit. UMP/FGEIS at 77.

Eliminating this data collection undermines DEC's ability to implement Visitor Use Management principles to the Moose River Plains unit. As described on DEC's website, "Visitor Use Management ("VUM") is the proactive and adaptive process for managing visitor use on public lands with a variety of strategies and tools to achieve and maintain desired resource conditions and visitor experiences ... [T]he VUM process is ... currently being utilized by DEC *to better understand how many people visit the Forest Preserve, where they go, what activities they participate in, and what unintended impacts those activities may be causing to natural resources and visitor experiences.*"<sup>14</sup> An integral component of the VUM process—and one of the primary first steps in the process—is collection of public use and recreation trend data. *See* Interagency Visitor Use Management Council, Visitor Use Management Framework (July 2016) at 25-26.

DEC's rationale for eliminating the registration requirement does not explain why the Department is abandoning collection of visitor use data for this intensively utilized part of the Forest Preserve, and does not explain how it will track visitor use and recreational trends without the registration data. DEC's rationale for the change states:

[The proposed regulatory changes] are supported by, a) improvements to maintenance of the road itself, allowing for smoother, safer travel, b) more frequent use of the road system, increasing the likelihood that disabled vehicles would be encountered by other users and/or Department management staff, c) the discontinuation and closure of numerous side roads that were in worse condition and where encounters with other motorists were far less likely, and d) technological improvements, such as: improvement to quality and reliability of motor vehicles, the development of cellular telephone communication and the development of bicycles with electric assist. In consideration of the above and consistent with the UMP, the proposed regulation removes the requirement for visitors to register at the Cedar River and Limekiln Lake entrances upon entrance and exit.

Regulatory Impact Statement at 4.

DEC's statement is confusing because it does not explain why improved road conditions, closure of side roads or technological improvements render collection of visitor use data unnecessary. Nor, as noted above, does it address the implications for VUM of eliminating this source of visitor use and recreational trends data. Additionally, without registration information DEC will not have information that could help with search and rescue of users on Cedar River Road. There is no reliable cellular telecommunication service on Cedar River Road.

Consequently, PROTECT urges DEC to withdraw this proposed regulatory change unless and until an alternative means of collecting this data is developed and implemented.

### **III. E-Bikes and Speed Limit**

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<sup>14</sup> <https://dec.ny.gov/nature/forests-trees/forest-preserve/visitor-use-management>



PROTECT **supports** opening the Cedar River Road to class one e-bikes and establishing a 25 mph speed limit on the road. Class one e-bikes offer low-impact recreational opportunities and do not pose the noise, group size and illegal use threats posed by motorcycles. DEC should restrict e-bike usage to class one e-bikes because class two e-bikes are similar to motorcycles and dirt bikes in that they are powered by a motor and do not have to be pedaled by the user to propel them forward. Also, since no pedaling is required for Class two e-bikes, people riding those bikes may have an unreasonable expectation of being able to ride the road farther than what is realistic given the hills and more difficult terrain. Additionally, the regulations should make it clear that e-bikes are not permitted to leave the road.

A 25 mph speed limit is appropriate for the Cedar River Road given the unpaved condition of the road and the presence of numerous persons engaging in a variety of recreational activities including biking, hiking, bird watching, camping, hunting and fishing.

### **Comments on Proposed Amendment to Part 196.5**

PROTECT commends DEC for proposing to prohibit the operation of mechanically propelled vessels other than those powered by a motor with a rating of 10 horsepower or less on Cedar River Flow. However, we urge the Department to prohibit all mechanically propelled vessels on this small, shallow and ecologically sensitive lake.

Prohibiting motorized vessels on Cedar River Flow is appropriate on environmental, recreational, and ecological grounds. Cedar River Flow is part of a fragile watershed and is part of the Cedar River, a designated Scenic river under the Wild, Scenic and Recreational Rivers System Act. Environmental Conservation Law (“ECL”) § 15-2713(2)(e). A Scenic river is defined as being “largely primitive and largely undeveloped or . . . partially or predominantly used for agriculture, forest management and other dispersed human activities which do not substantially interfere with public use and enjoyment of the rivers and their shores.” ECL § 15-2707(2)(b). In keeping with their wild character, the WSRRA provides that “[m]anagement of scenic river areas shall be directed at preserving and restoring the natural scenic qualities of such rivers.” ECL § 15-2707(2)(b)(2). Keeping the Cedar River Flow free of motorized use will help protect the purity of this backcountry water body and is consistent with its status as a Scenic river.

### **Conclusion**

On behalf of the Board of Directors of Protect the Adirondacks, please accept our gratitude for the opportunity to share our comments on these proposed regulatory amendments.

Sincerely,

A handwritten signature in black ink that reads "Claudia K. Braymer". The script is cursive and fluid, with the first letters of each word being capitalized and prominent.

Claudia K. Braymer  
Executive Director