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Via Email: pine.roehrs@dec.ny.gov

May 21, 2025

Pine Roehrs
NY DEC - Region 3 Office
Division of Lands and Forests
21 South Putt Corners Road
New Paltz, NY 12561

**Re: Comments on Work Plan for Long Path Re-route in Sundown
Wild Forest, Project No. CO-WP-320**

Dear Mr. Roehrs:

Protect the Adirondacks (PROTECT) is pleased to submit these comments on the revised Forest Preserve Detailed Work Plan (Work Plan) prepared by the New York State Department of Environmental Conservation (DEC) for the proposed Long Path re-route in the Sundown Wild Forest, located within the Catskill Park. While PROTECT's primary focus is on Forest Preserve management in the Adirondack Park, we are closely monitoring DEC's statewide compliance with Commissioner's Policy 78 (CP-78), the Forest Preserve Work Plan Policy. This policy was adopted as a direct result of litigation brought by PROTECT concerning DEC's failure to comply with Article 14 of the New York State Constitution, the "Forever Wild" clause. See *Protect the Adirondacks v. New York State Department of Environmental Conservation*, 37 N.Y.3d 73 (2021).

This letter supplements our previous comment submissions dated April 20, 2023, and December 21, 2023.

Failure to Comply with CP-78

We acknowledge and appreciate the level of detail provided in the revised Work Plan, including descriptions of the desired project conditions, specifications, measures to avoid, minimize, or mitigate impacts to natural resources, tree cutting and terrain alteration, and the analysis of location and design alternatives. It is evident that DEC staff dedicated significant time and effort to the development and refinement of this plan.

Protect the Adirondacks

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However, we must respectfully point out that the Work Plan fails to comply with critical requirements of CP-78 and therefore should not be approved in its current form.

CP-78 explicitly requires that all Work Plans “fully consider” the following three questions to determine whether a proposed project is consistent with Article 14:

1. Is the proposed cutting, removal, or destruction of timber “material or substantial”?
2. Is the degree of alteration of the existing Forest Preserve terrain permissible?
3. Are the impacts of the proposed project on the existing wild state of the Forest Preserve permissible?

Regrettably, the revised Work Plan does not address these three core questions. It also lacks the necessary analysis and explanation of whether—and how—the proposed project complies with Article 14. Without this analysis, the Work Plan is incomplete and fails to meet the standards set forth in CP-78.

For these reasons, we urge that the Work Plan not be approved unless and until it is revised to fully comply with CP-78, including a clear, substantive evaluation of the project’s consistency with the constitutional protections afforded by Article 14.

On behalf of the Board of Directors of Protect the Adirondacks, please accept our gratitude for the opportunity to share our comments on this draft Work Plan.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Amato", with a stylized flourish at the end.

Christopher Amato
Conservation Director and Counsel