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August 6, 2025

Robert Daley  
NYS DEC  
Division of Lands and Forests  
1115 Route 86  
Ray Brook NY 12977

**Re: Draft Work Plan for Proposed Gore Mountain Parking Lot**

Dear Mr. Daley,

Protect the Adirondacks has reviewed the revised draft Work Plan dated February 28, 2025, prepared on behalf of the Olympic Regional Development Authority (ORDA) and noticed by the Department of Environmental Conservation (DEC) in the July 23, 2025 Environmental Notice Bulletin. The draft Work Plan is for the construction of a new 350-space parking lot (Lot H) in a wooded area along the Gore Mountain access road. We appreciate the opportunity to review and comment on the draft Work Plan.

The draft Work Plan proposes the clearing of 7.25 acres of forest—requiring the cutting of 2,959 trees—to create a 3.15 acre parking lot and associated stormwater management infrastructure. In the 2005 Unit Management Plan Amendment (at page 2–5), DEC indicated that the existing parking in five lots was “adequate to handle the parking demand, except during periods of peak demand,” which occurs “3-5 times per year”. The draft Work Plan indicates that this proposed lot will be for “peak visitation days,” but has no description of how often the “existing lots become full.” That information should be available to the public to understand the need for this additional parking lot.

The draft Work Plan is fatally defective because it fails to assess how the cutting of nearly 3,000 trees on Forest Preserve lands to create a parking lot complies with Article 14 of the New York State Constitution. Such an assessment is explicitly required by DEC Commissioner Policy 78/Forest Preserve Work Plan Policy (CP-78). *See* CP-78 §§ III(A), V(A)(1)(c). While there is a constitutional provision relating to the ski trails on Gore Mountain and related appurtenances, CP-78 does not have an exception for such Forest

**Protect the Adirondacks**

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Preserve lands subject to a specific Constitutional provision. DEC must ensure that the work undertaken in the Gore Mountain Intensive Use Area complies with Article 14 of the NYS Constitution.

We therefore urge DEC to postpone implementation of the proposed work pending revision of the Work Plan to comply with CP-78's Article 14 review requirements.

### **Failure to Assess Compliance with Article 14 of the Constitution**

The draft Work Plan contains no discussion of Article 14 compliance as required by CP-78. While the revised Work Plan contains the tree tally information showing all of the trees 1" DBH and larger to be cut, these tree tallies do not constitute an analysis of Article 14 compliance as required by CP-78, which sets forth the three questions that must be analyzed and answered for determining compliance. CP-78 § III(A).

CP-78 requires DEC to evaluate constitutional compliance and to "document the detailed, site-specific assessments conducted by Regional Land and Facility Managers when siting a particular project to ensure that an analysis of the relevant constitutional, statutory, and regulatory factors have been considered." CP-78 § V(A). The revised draft Work Plan does not include any analysis by DEC staff to ensure that the Article 14 of the Constitution been considered, and more importantly, has been satisfied. In fact, the three criteria set forth in CP-78 are not even discussed in the Work Plan:

#### **Criterion 1: Is the proposed cutting, removal, or destruction of timber "material or substantial"?**

The revised Work Plan does not include any analysis of whether the cutting of 2,959 trees on 7.25 acres of Forest Preserve land is "material or substantial." See *Protect the Adirondacks v. DEC* (37 NY3d 73 [2021]); *Association for Protection of Adirondacks v. MacDonald* (253 NY 234 [1930]).

#### **Criterion 2: Is the degree of alteration of the existing Forest Preserve terrain permissible?**

The Work Plan does not describe any new terrain alteration, but states that the proposed location "will require the least amount of earthwork, disturbance and clearing". A description of the terrain alteration work and analysis of this criterion should be included in the Work Plan.

#### **Criterion 3: Do the impacts of the proposed project impair the wild forest nature of the Forest Preserve?**

The revised draft Work Plan does not include any analysis of the impact on the wild forest nature of the Forest Preserve, including impacts of the tree cutting on the wild forest character of the Forest Preserve on Gore Mountain. There is also no analysis of the impacts of the tree cutting on the views from Gore Mountain and any other sensitive locations.

DEC should conduct a visual impact analysis of the proposed tree cutting showing the views of the parking from publicly accessible and highly visited areas. Such an analysis is a critical part of the assessment required by CP-78 regarding the proposed action's impact on the wild forest nature of the Forest Preserve.

### **Failure to Comply with the Adirondack Park State Land Master Plan**

The Gore Mountain ski area is classified as an Intensive Use area pursuant to the Adirondack Park State Land Master Plan (APSLMP). APSLMP p. 45. The Intensive Use classification requires that all management actions "blend with the Adirondack environment," "have the minimum adverse impact possible on surrounding state lands," and must "limit vegetative clearing." The draft Work Plan does not explain how the proposed extensive tree cutting, uniform land clearing, and gravel surfacing of the lot complies with these APSLMP requirements. APSLMP p. 42. ORDA must therefore revise the Work Plan to address these APSLMP compliance issues.

### **ORDA Must Prepare a Revised Work Plan**

We urge DEC to require ORDA to revise the Work Plan to include the Article 14 analyses required by CP-78, and an opportunity for public comment on these analyses. The Work Plan must also be revised to address the APSLMP compliance issues discussed above.

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 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