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September 4, 2025

Jeffrey Mapes  
Division of Lands and Forests  
New York State Department of Environmental Conservation  
625 Broadway  
Albany NY 12233

**RE: Draft Scope for the update to the Open Space Conservation Plan**

Dear Mr. Mapes:

Protect the Adirondacks (PROTECT) offers these comments on the Draft Scope for the update to the Open Space Conservation Plan ("Open Space Plan"). We look forward to providing input on the draft Open Space Plan when that is released for public comment.

We applaud the Department of Environmental Conservation (DEC) and the Office of Parks, Recreation and Historic Preservation (OPRHP) for conducting a full environmental review of the Open Space Plan pursuant to the State Environmental Quality Review Act. We appreciate that DEC recognizes the important changes that have occurred since the last Open Space Plan was adopted in 2016, including enactment of the 30 by 30 Act and passage of the Clean Water Clean Air and Green Jobs Environmental Bond Act. These statutory initiatives build upon the strong foundation of land protection that was established by the creation of the Niagara State Reservation in 1883 and the State Forest Preserve for lands in the Catskills and Adirondacks in 1885.

Continuing and expanding New York's legacy of land protection, through the acquisition of open space lands and land conservation programs, is critical to environmental protection and enhances the economy and beauty of New York State. As stated in the Environmental Conservation Law (ECL), "[t]he preservation, enhancement and promotion of [the State's natural] beauty will contribute significantly to the enjoyment of the people who live and work in the state, as well as the millions of visitors who come to the state each year". ECL § 49-0101. In addition, "[t]he purpose of the land acquisition program of the department and the office is to provide for the conservation, protection, and preservation of open space, natural,

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historic and cultural resources and the enhancement of recreational opportunities.” ECL § 49-0203.

We support the “Potential Beneficial Impacts” that are identified in the Draft Scope for analysis in the Draft Generic Environmental Impact Statement (DGEIS), including positive impacts on human health, ecosystems and climate change resilience, protection of cultural resources, the expansion of recreational resources, and economic growth<sup>1</sup>.

However, we do not agree with the potentially significant adverse impacts listed in the Draft Scope. DEC has overestimated and misstated the duration and likelihood of adverse impacts resulting from the protection of open space. Contrary to the Draft Scope’s conclusion, the protection of open space is not likely to have significant adverse impacts requiring the preparation of an environmental impact statement. *See* ECL § 8-0109.

1. The construction impacts identified in the Draft Scope are explicitly short term and not likely to have a significant adverse impact due to their limited duration.
2. The Draft Scope misstates the possible long-term impacts of providing public access to a particular area. Nothing in the Open Space Plan that allows protected lands to be overused by the public so that their natural resources and character are put at risk. In fact, there are constitutional, statutory and policy restrictions that specifically preclude such a result. There are no grounds for assuming that DEC, OPRHP and other land stewards (both public and private) will fail in their stewardship responsibilities to such an extent that it “could adversely impact the attributes that prompted” protection of those lands in the first place. Thus, there is no basis for the DGEIS to analyze this hypothetical adverse impact.
3. It is unclear how protecting agricultural lands for other open space values, in addition to the values that agricultural lands have for farm businesses, has any potentially significant adverse impacts. The State has previously recognized that there is a “strong connection between the protection of productive agricultural land resources and the economic viability of farm businesses”. 2016 Open Space Plan. If agricultural lands are not productive, then protecting those lands for their other open space values will not be detracting from the farm business. Thus, this is not a potential adverse impact requiring analysis in the DGEIS.
4. Increased property values as a result of land protection is not a potentially significant *adverse* impact that needs to be analyzed in the DGEIS. Increasing property values of adjacent lands may lead to higher taxes, but they also lead to higher valued property held by the adjacent landowners, which is a positive impact for those owners. As noted in the Draft Scope, the State pays taxes on Forest Preserve and State Forest Lands, so there is no shift in the tax burden for taxpayers in those communities. We do agree, however, that the shift in the tax burden for taxpayers in communities where the State does not pay

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<sup>1</sup> *See* Office of the State Comptroller, Thomas P. DiNapoli, State Comptroller, Economic Benefits of Open Space Preservation (March 2010) available at [osc.ny.gov/files/reports/special-topics/pdf/environmental-open-space-2010.pdf](http://osc.ny.gov/files/reports/special-topics/pdf/environmental-open-space-2010.pdf).

taxes on land it owns, or where private landowners receive farm and forest tax reductions/incentives, may result in a significant adverse impact for those communities and should be examined in the DGEIS.

5. It is unclear how the protection of a resource to achieve one resource protection goal may adversely impact a second resource as stated in the Draft Scope. Absent a specific example of how that may occur, such an outcome is unlikely to occur and need not be analyzed in the DGEIS.

Finally, we agree that there are likely to be significant adverse impacts if priority lands are not protected due to limited state resources, and that this impact that should be analyzed in the DGEIS.

We respectfully urge DEC to continue moving forward as expeditiously as possible with the development of the updated Open Space Plan. The updated Open Space Plan needs to provide the blueprint for how the State will establish the aggressive program of land acquisition and protection that is necessary to achieve the 30 by 30 Act's land protection goal of protecting 2.83 million more acres of land and water across New York State.

Sincerely,

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

Claudia Braymer  
Executive Director

cc: Katie Petronis, Deputy Commissioner for Natural Resources  
Fiona Watt, Director, Division of Lands and Forests