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October 29, 2026

Devan Korn
Adirondack Park Agency
P.O. Box 99
Ray Brook, NY 12977

RE: Application by Development Authority of the North Country to Bury a Public Utility Line on Forest Preserve Lands
NYS Route 30, Town of Lake Pleasant, Hamilton County

Dear Mr. Korn:

Protect the Adirondacks (PROTECT) appreciates the opportunity to submit these comments regarding the above-referenced application by the Development Authority of the North Country (DANC) seeking approval from the Adirondack Park Agency to bury a public utility line within the road corridor of NYS Route 30 on Forest Preserve lands that are part of the Jessup River Wild Forest in the Adirondack Park. It is our understanding that the public utility line will involve the underground installation of approximately 9 miles of broadband fiber, some of which traverses the State Forest Preserve and some public land. This is identified in the DANC project application as Segment 5, Hamilton County.

In addition, there is a segment of the DANC project application (Segment 2) indicating that there will be 3,550 feet of new aerial installation on new poles located within the Adirondack Park in lands classified Resource Management and Low Intensity (e.g., there appear to be proposed new poles on N. South Road, Lyondsdale, where no utility poles currently exist through a forested section of roadway in the Adirondack Park). It is unclear if this proposal for aerial installation on new poles has been withdrawn or removed from the project application. If this is part of the project proposed by DANC, this Segment should be noticed for public comment.

Notably, the Agency's review process pursuant to Adirondack Park Agency Act § 814 does not satisfy the requirement for the project to obtain approval pursuant to Article 14, section 6 of the New York State Constitution (Article 14) and Environmental Conservation Law (ECL) § 9-2103. The Department of Environmental Conservation (DEC) and Department of Transportation (DOT)

must follow ECL § 9-2103 to approve public utility line projects on all Forest Preserve lands whether or not they are located within the Adirondack Park.

Article 14 Compliance

Article 14, section 6 of the New York State Constitution provides, in pertinent part:

> Where state, county, or town highways listed on the local highway inventory maintained by the department of transportation, dedicated and in existence on January first, two thousand fifteen, and annually plowed and regularly maintained, traverse forest preserve land, *public utility lines, limited to* electric, telephone, *broadband*, water or sewer lines as defined in law, may, consistent with standards and requirements set forth in law, and following receipt of all permits or authorizations required by law, be buried or co-located within the widths of such highways as defined in law, and bicycle paths may, consistent with standards and requirements set forth in law, and following receipt of all permits or authorizations required by law, be constructed and maintained within the widths of such highways, as defined in law . . . .

(Emphasis added).

This provision makes clear that in order to qualify for the constitutional exemption, the proposed utility line must meet several requirements. These requirements are also set forth in the implementing statute. *See* ECL § 9-2103(1)(i).

Additional Concerns

The application submitted by DANC contains inaccurate answers and is missing critical information about the proposed project.

- The application states that the proposed project is not located in or substantially contiguous to a site listed on the National or State Register of Historic Places. Application at 5. This is incorrect. The Adirondack Forest Preserve is listed on the National Register of Historic Places, and the proposed project is therefore located within a site listed on the National Register. *See* National Register of Historic Places, Asset ID No. 98acd56f-0836-4683-b2e0-6bc1d518c1ed. Consequently, the conclusion of the Office of Parks, Recreation and Historic Preservation that "no properties . . . listed in or eligible for the New York State and National Registers of Historic Places will be impacted by this project" is also incorrect and should be revised. *See* Letter from Jessica Vavrasek (OPRHP) to DANC dated July 29, 2024.

- The application materials indicate that the Jessup River will be crossed and that there may be wetlands crossings. There is no explanation of how impacts to the Jessup River and to wetlands will be avoided during work on the new underground utility line.

Conclusion

PROTECT urges the Agency to ensure that Segment 5 will not have any undue adverse impacts on the resources of the Adirondack Park, particularly the Jessup River and any wetlands or wetland buffers that may be impacted. Segment 2 should be noticed by the Agency for public comment if there are still portions of that segment inside the Adirondack Park.

DEC must ensure that all portions of this project that cross the Forest Preserve complies with Article 14, section 6 of the New York State Constitution (Article 14) and ECL § 9-2103.

On behalf of the Board of Directors of PROTECT, please accept our gratitude for the opportunity to share our comments on this proposed project.

Sincerely,

Claudia K. Braymer

Claudia Braymer
Executive Director

cc: Josh Clague, NYS DEC, Chief, Bureau of Forest Preserve and Conservation