

**Summary and Response to Public Comments Received on Wild Forest Basic Guideline #4,
Presented at the May 2022 APA Board Meeting**

I. No Material Increase Interpretation (NMI) Alternatives & Definition of a Road Alternatives:

A. Support for NMI Alternative #1: 15% Increase in Road Mileage

1. Comment: NMI Alternative #1, coupled with either definition of a road alternative #2 or #3, would be the simplest choice. It keeps with the 15% threshold for materiality that was established in the 2008 snowmobile trail no material increase interpretation of the Adirondack Park State Land Master Plan (Master Plan).

Response: The Department of Environmental Conservation (DEC) and the Adirondack Park Agency (APA) appreciate the feedback in general support of no material increase alternative #1.

B. Support for NMI Alternative #2: >15% Increase in Road Mileage

1. Comment: Commenter opposes any limits on roads in Wild Forest. Environmental impacts are not a concern because there are only a few hundred miles of roads.

Response: The Department of Environmental Conservation (DEC) and the Adirondack Park Agency (APA) appreciate the feedback in general support of no material increase alternative #2.

The fact that the Master Plan provides DEC the authority to restrict motorized uses to protect the natural resources and character of the area, and that Wild Forest Basic Guideline #4 dictates that the public use of motor vehicles will not be encouraged and mileage of roads not increased in a material way signals that there are recognized impacts associated with motorized uses, both to the land itself and the visitor experience.

2. Comment: Commenter advocates for an increase of more than 15%, and believes that such increase should be linked to new state land acquisitions since 1972.

Response: The DEC and APA appreciate the feedback in general support of no material increase alternative #2. From 1973 to 2018, there has been a 137,278-acre increase in wild forest lands, which represents a 11.6% increase.

C. Support for NMI Alternative #3: <15% Increase in Road Mileage

1. Comment: The determination in the 2008 snowmobile guidance that mileage increases up to 14.7% do not constitute a material increase is mathematically indefensible. There is no statistically valid interpretation by which 15% would not be considered a material numeric increase. This percent must not be used as a basis for considering increases in Wild Forest roads. NMI alternative #3 is the only option that is consistent with the terms of the Master Plan.

Response: The APA board found that a 14.7% increase in park-wide snowmobile trail mileage since 1972 did not constitute a material increase, as documented in the 2008 resolution. The NMI alternative #1

(15% increase in road mileage) was offered as one alternative, given the precedent of the 2008 interpretation by the Agency board of the same SLMP provision.

2. Comment: While a snowmobile trail may be designated on a road, its design characteristics are different than a road. Roads are larger, can be used by bigger, heavier motorized machinery, require more maintenance, and have larger ecological impacts. While the 2008 Snowmobile Guidance's 15% no material increase standard was cited by APA staff at the May Agency meeting as a guiding standard, it is an apples to oranges comparison given the variation in design standards. This commenter advocated for a no material increase standard of 1%.

Response: See response to comment #1 in this section. NMI alternative #1 is just one option, offered to the APA board based on its precedent in the 2008 snowmobile mileage interpretation of the same SLMP provision.

3. Comment: Several commenters suggested that a 2-3% increase is appropriate as the threshold for materiality. Another commenter suggested that a 5% increase should be the threshold for materiality.

Response: DEC and APA appreciate the feedback in general support of no material increase alternative #3, and the suggested percent increases that should be allowed.

4. Comment: Wild Forest Basic Guideline #4 should be interpreted to serve as a cap on roads.

Response: DEC and APA are seeking an interpretation from the APA board to determine what mileage constitutes a material increase within the meaning of the Master Plan, and subsequently a total allowable mileage of roads that can exist on lands classified as Wild Forest without exceeding that yet to be determined threshold. That determination will enable APA to implement accounting of road mileage under Wild Forest Basic Guideline #4 during the unit management planning process.

D. Support for Road Definition Alternative #1: CP-3 Mileage Included

1. Comment: Several commenters offered the opinion that a fair reading of the Master Plan requires that the total universe of roads in Wild Forest areas, including CP-3 roads, be included in an assessment of Wild Forest Basic Guideline #4. Commenters expressed the sentiment, "If it looks like a road, is used by motor vehicles under any circumstance as a road, and is maintained like road, then it's a road." These routes are open to the public, though a permit is required, "on a discretionary basis," -- therefore they meet the Master Plan definition of a road.

Response: The DEC and APA appreciate this feedback in support of road definition alternative #1.

2. Comment: Any "ways" used by the public for the purpose of motorized access are by Master Plan definition roads, regardless of type of vehicle or use and should be counted in any metrics, because the Master Plan does not permit motorized access on any other facility. This is consistent with the Master Plan, which explicitly describes the public use of roads. Because motor vehicle access is impermissible on trails, all CP-3 routes must by definition be existing roads and therefore be included in "no material increase" calculations. All other options are expressly prohibited by the Master Plan.

Response: The DEC and APA appreciate this feedback in support of road definition alternative #1.

E. Support for Road Definition Alternative #2: CP-3 Mileage Not Included

1. Comment: CP-3 routes are available for use by individuals with disabilities by securing a Temporary Revocable Permit (TRP) from the DEC. There are roughly 1,000 individuals who hold these permits across the State, constituting a minute fraction of New York's population. Therefore, one commenter suggests that there is no rational or legal support to include the CP-3 mileage in the overall no material increase calculation.

Response: The DEC and APA appreciate this feedback in support of road definition alternative #2.

2. Comment: DEC does not have discretion over whether to close CP-3 routes, so these routes do not meet the definition of a road laid out in the Master Plan. Although the roads may be owned, operated, and/or maintained by DEC, allowing access for people with disabilities is legally required per the Americans with Disabilities Act and also the Galusha settlement.

Response: The DEC and APA appreciate this feedback in support of road definition alternative #2.

3. Galusha and additional CP-3 mileage should be excluded from the mileage cap. Including this mileage would be a discriminatory action, and is not what the court envisioned during the Galusha case.

Response: The DEC and APA appreciate this feedback in support of road definition alternative #2.

4. Comment: One commenter wrote that since the 2001 Galusha settlement, the State has purchased additional land containing road networks. They believe that mileage should increase in proportion to this expansion of state land ownership to equitably provide access to individuals in the disabled community. Definition of a road alternative #2 allows for the necessary and appropriate access for people with disabilities.

Response: The DEC and APA appreciate this feedback in support of road definition alternative #2.

5. Comment: Several commenters responded that the State should increase recreational opportunities for people with disabilities.

Response: DEC and the APA appreciate the feedback and general support of road definition alternative #2. The CP-3 program is only one way that DEC provides access to public lands and recreational opportunities for people with disabilities. For a complete list of accessible recreation opportunities (in the Park and across the state as a whole), please visit: <https://www.dec.ny.gov/outdoor/34038.html>.

It is important to note that the interpretations of the Master Plan that are presently before the APA board do not include whether or not to offer increased recreational opportunities for people with disabilities.

F. Support for Road Definition Alternative #3: Non Galusha CP-3 Mileage Included

1. Comment: One commenter expressed a preference for utilizing the federal Visitor Use Management Framework rather than setting hard and fast limits on mileage for CP-3 routes. However, since a VUM process for this type of management would take some time to develop, the commenter acknowledges that in the absence of such a process, road definition alternative #3 is a path forward that is more protective than allowing potentially unlimited CP-3 mileage under road definition alternative #2.

Response: The DEC and APA appreciate this feedback in support of road definition alternative #3.

II. Wild Forest Basic Guideline #4 in the Context of the State Land Master Plan:

The following comments and responses are reflective of the broader feedback that Wild Forest Basic Guideline #4 must be examined in relationship to the other relevant provisions of the Master Plan that pertain to roads and motorized uses.

1. Comment: Wild Forest Basic Guideline #3 on “roads” and “administrative roads” on page 38 reads – “established roads or snowmobile trails in newly-acquired state lands classified as Wild Forest may be kept open to the public, subject to Basic Guideline #4 set forth above and in the case of snowmobile trails to the special guidelines for such trails set forth below, at the discretion of the Department of Environmental Conservation, provided such use is compatible with the wild forest character of the area.” This guideline is not meant to force road closures whenever Wild Forest lands with road networks are added to the Forest Preserve. Wild Forest Basic Guideline #4 is silent on future acquisitions.

Response: While it is true that the language of Wild Forest Basic Guideline #4 (WFBG4) does not explicitly mention future acquisitions, Wild Forest Roads and Administrative Roads Guideline #3 makes a salient connection between WFBG4 accounting and new state land purchases, allowing roads on newly acquired state lands to remain open to the public at the discretion of DEC if their mileage does not exceed the WFBG4 threshold for materiality and if compatible with the wild forest character of the area. To date, the State has not encountered a situation where acquisition of new lands with road networks forced closures of road mileage elsewhere in the Park – because the APA board has not yet made a determination as to what constitutes “materiality.”

2. Comment: Wild Forest Basic Guideline #1 on page 35 reads - “The primary Wild Forest management guideline will be to protect the natural wild forest setting and to provide those types of outdoor recreation that will afford public enjoyment without impairing the wild forest atmosphere.”

Response: The APA and DEC strive to uphold this critical Wild Forest Basic Guideline in our planning and management efforts. It is a reiteration and reflection of the unifying theme of the Master Plan – “that the protection and preservation of the natural resources of the state lands within the Park must be paramount. Human use and enjoyment of those lands should be permitted and encouraged, so long as the resources in their physical and biological context as well as their social or psychological aspects are not degraded” (page 1).

3. Comment: Wild Forest guidelines on structures and improvements on pages 36-37 read as follows -- “The maintenance and rehabilitation of the following structures and improvements will be allowed to the extent essential to the administration and/or protection of state lands or to reasonable public use thereof but new construction will not be encouraged...roads, and administrative roads as set forth below; snowmobile trails as set forth below...”

Response: DEC generally does not undertake the construction of new roads or administrative roads in a Wild Forest setting except in extraordinary circumstances. Maintenance and rehabilitation of existing road networks, whether open to public use or reserved for administrative purposes, is allowable per the above guideline in the Master Plan.

4. Comment: The 1979 Programmatic EIS governs the amendment process for the Master Plan. This document should be consulted when the APA makes a formal interpretation of the Master Plan.

Response: The programmatic environmental impact statement is designed to describe and further define guidelines for amending the State Land Master Plan. The programmatic EIS is not intended for and the

Agency is not required to utilize the programmatic EIS in making interpretations of the Master Plan as it is currently written.

5. Comment: The Wild Forest definition on page 34 describes this land classification as follows: “an area that frequently lacks the sense of remoteness of wilderness, primitive or canoe areas and that permits a wide variety of outdoor recreation.” By this definition, the social and psychological aspects of these lands would not be degraded by motor vehicle use on already established roads. Wild Forest lands are categorically less fragile than more restrictive land classifications and therefore able to withstand a higher degree of use.

Response: Although a wider variety of outdoor recreation is allowed in Wild Forest, such recreation must still be provided consistently with the Master Plan as a whole and the guidelines specific to Wild Forest. The unifying theme of the Master Plan, articulated on page 1, is that the protection and preservation of the natural resources of the state lands within the Park must be paramount. Human use and enjoyment of those lands should be permitted and encouraged, so long as the resources are not degraded. While “[a] wild forest area is an area where the resources permit a somewhat higher degree of human use than in wilderness, primitive or canoe areas, while retaining an essentially wild character,” the first Basic Guideline for Wild Forest notes that the “primary Wild Forest management guideline will be to protect the natural wild forest setting and to provide those types of outdoor recreation that will afford public enjoyment without impairing the wild forest atmosphere.” The fact that the Master Plan provides DEC the authority to restrict motorized uses to protect the natural resources and character of the area, and that Wild Forest Basic Guideline #4 dictates that the public use of motor vehicles will not be encouraged and mileage of roads not increased in a material way signals that there are impacts associated with motorized uses, both to the land itself and the visitor experience.

III. Additional Alternatives and Interpretations of Wild Forest Basic Guideline #4:

1. Comment: APA should revisit the Master Plan to address large scale shifts in land ownership and policy over the past 50 years.

Response: The DEC and APA appreciate this feedback on the Master Plan as a whole. While the suggestion is beyond the scope of the alternatives currently before the APA board, revisions to the Master Plan may be requested by state agencies, local government, and other parties. Any revisions to the Master Plan are at the discretion of the APA board and require approval by the Governor.

2. Comment: Commenter expressed the opinion that none of the interpretation alternatives presented to the board can be ethically adopted; we must change the Master Plan through a transparent process to bring clarity to the issue.

Response: The alternatives for interpretation of the definition of a road and interpretation of what constitutes a material increase that were presented to the Agency board in May were alternatives that would not require a Master Plan amendment. If the board deems none of these alternatives to be suitable, they may entertain additional alternatives and direct staff to open a subsequent public comment period.

3. Comment: Amend the Master Plan to add a new definition for CP-3 roads.

Response: Typically, DEC policies (including Commissioner’s Policy 3) are not defined or referenced directly in the Master Plan, however amendments to the Master Plan are within the discretion of the APA Board. See response to the comment immediately above.

4. Comment: Road mileage should increase as the State adds new acreage to the Forest Preserve through state land acquisitions.

Response: The Master Plan currently provides that “established roads or snowmobile trails in newly acquired state lands classified as Wild Forest may be kept open to the public subject to Basic Guideline 4 set forth above and in the case of snowmobile trails to the special guidelines for such trails set forth below, at the discretion of the Department of Environmental Conservation, provided such use is compatible with the wild forest character of the area.” See page 38. Staff understand this to mean that the Master Plan does contemplate new acquisitions, but requires that the road mileage associated with those acquisitions be subject to accounting under Wild Forest Basic Guideline #4 -- “no material increase”-- which does not offer a provision for enabling road mileage on Wild Forest lands to increase in tandem with the addition of new acreage to the Forest Preserve. Any changes to the definition of “road” or Wild Forest Basic Guideline #4 would require an amendment to the Master Plan.

As noted above, from 1973 to 2018, there has been a 137,278-acre increase in wild forest lands, which represents an approximately 11.6% increase.

5. Comment: Several commenters raised Constitutional questions and/or comments or offered insights related to existing case law (i.e., whether the State has jurisdiction to close roads on state lands). Constitutional issues included concerns that providing access to roads for the purpose of motorized transit is not keeping with the intent of the “forever wild” provision of the New York State Constitution, and how the Protect the Adirondacks! vs. DEC and APA court decision impacts future trail construction.

Response: DEC and APA appreciate the feedback provided, however these comments are beyond the scope of the interpretations of the Master Plan that are presently before the APA board.

6. Comment: The State does not lack jurisdiction to close roads on state lands under Section 212 of Highway Law and the Kelly vs. Jorling decision.

Response: DEC and APA appreciate the feedback provided, however these comments are beyond the scope of the interpretations of the Master Plan that are presently before the APA board.

7. Comment: Various commenters weighed in on the concept of mileage as a proxy for motorized usage. Feedback included comments that capping mileage does not necessarily discourage use, and motorized use has increased on Wild Forest lands in the past 50 years. Commenters felt that this use should be quantified, and that road mileage is a poor proxy for gauging motorized use levels. Using miles as the determining factor assumes that the impact from each road is the same, what matters more is how the roads are sited and built. Rather than setting a mileage threshold, land should be planned for based on performance (which requires us to consider a different metric).

*Response: While there are other means to quantify or approximate usage, the Master Plan instructs us to utilize mileage – on page 35 the plan reads “...there will not be any material increase in the **mileage** of roads and snowmobile trails...”*

Further, there is no realistic way for the Department to gauge the level of use that was occurring on Wild Forest roads in 1972, so no comparison can be made to present day use.

8. Comment: The ceiling of no material increase is not just about mileage, but also about motorized use and its effect on wild forest character. APA should interpret the meaning of wild forest character and develop metrics to measure it.

Response: See previous responses related to mileage as a proxy for motorized use (comment #7 in this section). Developing desired conditions, standards, and thresholds associated with wild forest character is part of the ongoing discussion that is being led by the DEC and APA related to trail guidance.

9. Comment: The State should take a unit-by-unit approach to quantifying mileage and subsequently, material increase.

Response: Wild Forest Basic Guideline #4 requires a Park-wide analysis of public road mileage, and no provision currently exists for unit-by-unit determinations of "material increase." Any changes to the language of Wild Forest Basic Guideline #4 would require an amendment to the Master Plan.

Comment: "No material increase" has already been exceeded and the State must close some roads.

Response: The APA board is being asked to make a determination as to what constitutes "no material increase" as it pertains to Wild Forest Basic Guideline #4. To date, the Board has not made this determination for public road mileage. Whether or not roads must be closed cannot be addressed until the board makes the pertinent interpretations of the Master Plan.

10. Comment: Commenter offered that material increase could be defined in a way that more adequately reflects the non-linear relationship between road mileage and acreage. For example, material increase could be defined relative to the square root of the area of each mgmt. unit – so if we are thinking about a 15% increase, and a unit is 100 square miles, the total allowable new mileage would be 1.5 miles. According to the measurements presented in May, the increase above 1972 road mileage already far exceeds 15% for 12 out of the 27 Wild Forest units in the Park; and when accounting for existing and proposed CP-3 routes, this number rises to 13 out of 27. When considering increase in road mileage as a proportion of the square root of each Wild Forest unit area (in square miles), 10 out of 27 Wild Forest units now exceed a 15% increase (11 out of 27 when considering existing and proposed CP-3 routes). This reinforces the point that a single benchmark for material increase in road mileage for all Wild Forest lands in the Park combined is inadequate -- especially when set at 15% above total road mileage in 1972 -- and that many Wild Forest areas are already individually at or near material increase in road mileage by any reasonable metric.

Response: Wild Forest Basic Guideline #4 does not identify a relationship between the acreage of Wild Forest and the mileage of public motor vehicle roads. Additionally, the guideline requires a Park-wide analysis of public road mileage, and no provision currently exists for unit-by-unit determinations of "material increase." Any changes to the language of Wild Forest Basic Guideline #4 would require an amendment to the Master Plan.

11. Comment: The Master Plan speaks directly to the issue of appropriate locations for motorized use, with preference to travel corridors and borders of Wilderness and Wild Forest areas, which preserves remoteness by keeping motorized uses out of the heart of these larger areas. This suggests that remoteness is a useful metric, and that remoteness, rather than a simple measure of trail and road mileage, is a fundamental component of wild forest character.

Response: Commenter is correct that Page 39 of the Master Plan contains the following excerpt - "Snowmobile trails should be designed and located in a manner that will not adversely affect adjoining private landowners or the Wild Forest environment and in particular....appropriate opportunities to improve the snowmobile trail system may be pursued subject to Basic Guideline 4 set forth above, where the impact on the Wild Forest environment will be minimized, such as (l) provision for snowmobile trails adjacent to but screened from certain public highways within the Park..."

Additionally, page 27 contains the following excerpt - "Where a wilderness boundary abuts a public highway, the Department of Environmental Conservation will be permitted, in conformity with a duly adopted unit management plan, to locate within 500 feet from a public highway right-of-way, on a site-specific basis, trailheads, parking areas, fishing and waterway access sites, picnic areas, ranger stations or other facilities for peripheral control of public use, and, in limited instances, snowmobile trails."

The Master Plan explicitly prohibits the construction of new roads within in Wild Forest areas nor will new administrative roads be constructed unless such construction is absolutely essential to the protection or administration of an area, no feasible alternative exists, and no deterioration of the wild forest character or natural resource quality of the area will result" See page 38.

*The guideline being interpreted instructs us to utilize mileage in establishing a threshold for what constitutes no material increase. On page 35 the Master Plan reads "...there will not be any material increase in the **mileage** of roads and snowmobile trails..."*

The DEC and APA acknowledge that remoteness is an important component of wild forest character. Remoteness, in addition to recreational opportunity, is considered when deciding which roads to keep open for public use during the unit management planning process.

12. Comment: Although the Master Plan does not promote motor vehicle use as a primary recreational activity, it need not actively discourage it where such use is compatible with the objectives of the Master Plan and purpose of the APA Act.

Response: The following excerpts from the Master Plan support the comment above. On Page 35 Wild Forest Basic Guideline #4 reads that "public use of motor vehicles will not be encouraged." Pages 36 and 37 note that new construction of roads, administrative roads, and snowmobile trails will not be encouraged. The guideline pertaining to roads and administrative roads in Wild Forest (#2) on page 38 reads "existing roads or snowmobile trails, now open to and used by the public for motor vehicle use in Wild Forest areas, may continue to be so used at the discretion of the Department of Environmental Conservation, provided such use is compatible with the wild forest character of an area."

13. Comment: The State should use the visitor use management framework to establish social, biological, and physical thresholds for CP-3 routes and monitor their usage; employ an adaptive management approach to address any issues that arise.

Response: The DEC and APA appreciate this comment in support of the visitor use management framework as an effective tool to aid in management of the Forest Preserve and its various recreational assets.

Wild Forest Basic Guideline #4 does not provide for the use of the federal Visitor Use Management Framework (VUMF) as a mechanism for making a determination of "no material increase." However, the guideline does not preclude the use of the VUMF to evaluate the carrying capacity of a given area and to adjust the management of roads in response to that evaluation.

14. Comment: The State should consider opportunities for motorized recreation on conservation easement lands and other private lands.

Response: The State Land Master Plan acknowledges that public and private lands within the Park "intermingle" or influence one another (page 3). Conservation easement lands are private lands and are therefore not subject to the state land classification system and guidelines per the State Land Master Plan. The State does own various rights on these lands, and the DEC and APA cooperatively plan for

appropriate recreational use and administer permits as needed. The provisions of the Master Plan that are before the APA board presently for interpretation do not address road mileage on conservation easement lands or any land classification described in the Adirondack Park State Land Master Plan other than Wild Forest.

IV. Accessibility to State Lands for People with Disabilities:

1. Comment: Technology has evolved, more other power-driven mobility devices are now on the market including track chairs, four-wheel drive wheelchairs, etc. These advancements are not adequately reflected in the State's current programs to provide access to State lands for people with disabilities.

Response: DEC and APA appreciate the feedback provided by the commenters. However, changes to DEC accessibility policies are outside the scope of interpretations currently before the APA board. It is important to note that the CP-3 program is only one component of how the State provides access to public lands for people with disabilities. For additional information on accessible recreation on DEC managed lands, please visit <https://www.dec.ny.gov/outdoor/34035.html>.

2. Comment: Several commenters wrote that the State should be re-thinking the CP-3 program. This is the program that people with disabilities rely on to access hard-to-reach points, but it puts requirements on individuals to obtain permits and then poses logistical challenges for certain individuals who cannot operate the gates independently. Not including CP-3 mileage in the definition of a road on its face permits the greatest flexibility for access, but relies on the CP-3 program as the means, which has flaws.

Response: DEC and APA appreciate the feedback. However, changes to DEC's CP-3 policy are outside the scope of interpretations currently before the APA board.

3. Comment: Some of the options for interpretations of the Master Plan are calling for a choice between more miles for all and a few more miles for disabled people to reach places they otherwise could not. A cap on what can be made more accessible via a road is counter to the purpose of the ADA; a ceiling on access is not acceptable.

Response: The DEC and APA appreciate this feedback in support of road definition alternative #2.

4. Comment: Several commenters expressed that people with disabilities are seeking a spectrum of access opportunities (motorized and non-motorized). The spirit of the Americans with Disabilities Act is to provide equal access to public lands. Commenters encouraged DEC and APA to discuss alternatives for how to best meet the diverse needs of people with mobility limitations, including whether it would serve the community to substitute portions of CP-3 routes with accessible trails and routes for other power-driven mobility devices.

Response: DEC and APA appreciate the feedback and are continuously working to identify areas where improvements can be made to provide access to State lands and facilities consistent with the Americans with Disabilities Act. However, as noted above, changes to DEC accessibility policies are outside the scope of interpretations currently before the APA board.

5. Comment: There are ongoing service interruptions in providing wagon access to Great Camp Santanoni, which was a requirement of the Galusha settlement.

Response: DEC and APA appreciate the feedback. DEC is aware of these challenges and has been engaging partners to identify a long-term solution. However, this comment is outside the scope of the interpretations that are currently before the APA board.

6. Comment: Several commenters expressed that the APA and DEC should solicit input directly from the APA/DEC Accessibility Advisory Committee on the Wild Forest Basic Guideline #4 interpretations that are pending before the APA board.

Response: DEC and APA appreciate the public comments, both written and oral, provided by the Accessibility Advisory Committee during this public comment period. Additionally, APA and DEC have worked cooperatively with DEC's Accessibility Coordinator to ensure the Advisory Committee has the full opportunity to provide feedback during this process and will continue to do so as the process continues.

V. Technical and/or Site-Specific Corrections and Feedback on Methodology for Mileage Tallies:

1. Comment: The primary road through the Moose River Plains intensive use area was counted in the 1972 tally but not current day tally, and the accounting of road mileage in this area should be consistent.

Response: In 2011 the 2,398-acre Moose River Plains Intensive Use Camping Area was created by reclassifying land that was originally part of the Moose River Plains Wild Forest. As part of the same classification package, 12,269 acres were also reclassified from the Moose River Plains Wild Forest to become the Little Moose Wilderness. The creation of this new wilderness area was seen as a balance to the creation of a new intensive use area and its associated implications, including the removal of road mileage subject to Wild Forest Basic Guideline #4.

Also, the majority of the Otter Brook Road is open to public motor vehicle use and lies within lands classified as Wild Forest. Therefore, this mileage is subject to Wild Forest Basic Guideline #4. A short section of the Otter Brook Road, as well as other short spur roads, fall within the Moose River Plains Intensive Use Camping Area and are therefore no longer subject to Wild Forest Basic Guideline #4 because the land is no longer classified as Wild Forest.

2. Comment: The Essex Chain Lakes primitive recreational trail was not counted toward the road mileage total and should be.

Response: The recreational trails within the Essex Chain Lakes Primitive Area are not open to public motor vehicle use. Additionally, these trails are on lands classified as Primitive and not Wild Forest. Any motor vehicle use allowed on these trails is administrative only, and is characterized by the Master Plan "...periodic, but not usual or routine..." and "...for specific major maintenance, rehabilitation, or construction purposes..." For these three reasons, the trails in the Essex Chain Lakes Primitive Area are not subject Wild Forest Basic Guideline #4. On the adjacent Blue Mountain Wild Forest, several public motor vehicle routes exist and have been included in the Wild Forest Basic Guideline #4 inventory.

3. Comment: One commenter expressed concern over perceived discrepancies in road mileage tallies and criteria for inclusion in those tallies. Examples include:

- a. Debar Mountain Wild Forest – a section of the Four Mile Road and all of Pinnacle and Vanderwalker Roads, which form a boundary between private lands and Wild Forest lands.

Response: Thank you for pointing out this discrepancy. A clarification to the Road Mileage Tally Criteria has been made stating the inventory does not include roads that form the boundary between Wild Forest and private land, except where DEC has sole jurisdiction of the roads.

- b. Independence River Wild Forest – Francis Road is shown on private land, listed as open in 1972 and not in 2022.

Response: Thank you for pointing out this error. There is a narrow strip of land under the former road that is owned by the state, so DEC did have jurisdiction of the road. The land in question, however, was acquired by the State after 1972 so it should not have been shown as “open” in 1972. The maps and spreadsheets have been changed to reflect this correction.

- c. Saranac Lakes Wild Forest – Floodwood Mountain Road is a boundary between state and private lands.

Response: Thank you for pointing out this discrepancy. A clarification to the Road Mileage Tally Criteria has been made stating the inventory does not include roads that form the boundary between Wild Forest and private land, except where DEC has sole jurisdiction of the roads. (Underlined section added).

- 4. Comment: Certain roads were omitted from the road mileage tallies provided. Roads in other land classifications, including canoe, intensive use, etc. were not included in the tallies and should have been. Administrative roads and private reserved rights were also not reflected in the mileage tallies. A list of administrative road mileage tallies by unit was requested, as well as the GIS .shp files used to create the maps provided to the board and public in advance of the May 2022 Agency meeting. CP-3 mileage and Galusha settlement mileage should also have been included in the tallies. Lastly, roads maintained by public entities such as counties, towns, and villages and state highways were not inventoried and tallied.

Response: Because Wild Forest Basic Guideline #4 does not pertain to land classifications other than Wild Forest, roads of any type on other land classifications are not included in the inventory.

Because Wild Forest Basic Guideline #4 pertains to “public use of motor vehicles,” DEC administrative roads and private reserved rights were not included in the tallies since they are not open to the general public for motorized uses.

The CP-3 mileage has not been added to the public road mileage tallies because the APA has not made the determination that that CP-3 mileage constitutes “public” use. CP-3 mileage has been tallied separately to facilitate an understanding of how it relates to the public road mileage tallies.

State highways are classified as travel corridor per the Master Plan. Travel corridor classifications are essentially corridor overlays to the basic land classification(s) through which the corridor passes. On pages 50-51, the Master Plan defines a travel corridor as “those lands within the Adirondack Park constituting either a highway corridor or a railroad corridor and those state lands immediately adjacent to and visible from these corridors. A highway corridor is the roadway, roadbed, surface, and lands owned in fee, easement or by right-of-way for the maintenance and use of state and interstate highways.” Because these roads have their own classification in the Master Plan, this mileage was not included in the tallies presented to the APA board.

- 5. Comment: The APA should not accept its 2008 Master Plan interpretation of the materiality in the growth of snowmobile trails because the NYS Court of Appeals ruled that 27 miles of Class II trails were unconstitutional.

Response: Wild Forest Basic Guideline #4 and the 2008 APA resolution interpreting the guideline as it pertains to snowmobile trails do not distinguish between Class II trails and other snowmobile trails. Any closure of snowmobile trails, including Class II trails, would result in a decrease of mileage in the inventory. Any modification of a Class II trail to a different maintenance standard would not result in a change to the inventory as long as that trail remained open to snowmobiling.

6. Comment: A commenter offered the feedback related to the total allowable snowmobile trail mileage on the Forest Preserve. Their first point was that the methodology used to arrive at 1972 snowmobile trail mileage was flawed. The total allowable snowmobile mileage should be increased to account for new state land acquisitions. There was also some concern that snowmobile trails situated on easement lands may one day count toward the “cap” of total mileage if they come into state ownership. The Adirondack Snowmobile Plan requires that trails are sited to avoid wetlands, steep slopes, and ecologically sensitive areas; the commenter expressed concern that routing trails to avoid these landscape features would add mileage. Where snowmobile routes occur on roads, that mileage should be not be counted toward the overall mileage total.

Response: The 2008 APA resolution regarding Master Plan Wild Forest Basic Guideline #4, as it pertains to snowmobile trail mileage, does not provide for increased allowable mileage based on land acquisitions or other increases in the total Park-wide acreage of lands classified as Wild Forest.

Wild Forest Basic Guideline #4, as with the entire Master Plan, does not pertain to conservation easement lands because they are privately owned. Instead, these lands are subject to the guidelines found in APA’s Private Land Use and Development Plan which does not contain any Park-wide limitations on snowmobile trail mileage.

Currently the estimated mileage of snowmobile trails on Wild Forest lands is 783.31 miles, which is 65.57 miles under the total allowable mileage of 848.88 miles. It is not anticipated that utilizing the above-mentioned best management practices for siting snowmobile trails will lead to DEC surpassing the total allowable mileage.

The 2008 APA resolution regarding Wild Forest Basic Guideline #4, as it pertains to snowmobile trail mileage, established the current tabulation methodology whereby road segments under DEC jurisdiction, both public and administrative, that are open to public snowmobiling are included in the snowmobile trail inventory.

VI. Related Topics and Issues (Not Pertinent to the Interpretations at Hand):

1. Comment: The State must consider the long-term viability of snowmobiling in the face of climate change impacts.

Response: DEC and APA appreciate the feedback provided. However, this comment is beyond the scope of the interpretations of the Master Plan presently before the APA board.

2. Comment: The State should not be expanding motorized access in light of the CLCPA mandates to reduce emissions.

Response: Once the draft scoping plan put forth by the Climate Action Council is finalized and adopted, all State agencies and authorities will examine strategies and recommendations outlined in the plan and ensure that their policies and programs come into compliance, to enable the State to meet its ambitious climate goals. Any changes to the language of the Master Plan to address the CLCPA would require an amendment to the Master Plan.

3. Comment: We need intact lands available as a carbon sink to mitigate impacts of climate change.

Response: New York State’s Forest Preserve is Constitutionally protected as “forever wild.” The draft scoping plan released by the Climate Action Council in December 2021 highlights the importance of land

use decisions (such as keeping forests as forests) on page 272: “Land use and management decisions that seek to maximize carbon sequestration in our natural and working lands is a key component to realizing the Climate Act goal of net zero emissions across all sectors of the economy. Not only are natural and working lands critical for carbon sequestration, avoiding conversion of such lands eliminates the prospect of additional GHG release.” The interpretation(s) currently before the APA board are being considered within the context of Forest Preserve management, and no conversion of land use is currently under consideration as part of that interpretation.

4. Comment: Various commenters expressed concern about no longer having access to roads that were previously open for motor vehicle use. There was also concern about losing access to existing roads that are used to reach trail heads for hiking.

Response: Through the UMP process, and occasionally at other times, DEC measures the benefits of keeping roads open against the maintenance obligations of these roads. If maintenance requirements become too frequent or expensive, or if opportunities afforded by a road are found to be redundant with similar nearby opportunities, DEC may make the decision to close such roads to public use.

To date, DEC has not closed road mileage in any one unit to accommodate new mileage being opened elsewhere in the Park. Because the APA board has not made an interpretation of what constitutes a material increase per Wild Forest Basic Guideline #4, there has not been an upper threshold for materiality for the APA and DEC to refer to in the unit management planning process.

5. Comment: One commenter wrote that new roads should be constructed only when absolutely essential and a corresponding length of existing road should be decommissioned from Wild Forest elsewhere in the Park. Roads in “very wild” areas should be abandoned. Some commenters noted that the State should not construct any new roads or snowmobile trails on the Forest Preserve and expressed a preference that no new areas should be opened to motorized uses.

Response: The Master Plan explicitly prohibits the construction of new roads within in Wild Forest areas nor will new administrative roads be constructed unless such construction is absolutely essential to the protection or administration of an area, no feasible alternative exists, and no deterioration of the wild forest character or natural resource quality of the area will result. See page 38.

In considering new state land acquisitions, the Master Plan has a provision that reads “established roads or snowmobile trails in newly acquired state lands classified as Wild Forest may be kept open to the public subject to Basic Guideline 4 set forth above and in the case of snowmobile trails to the special guidelines for such trails set forth below, at the discretion of the Department of Environmental Conservation, provided such use is compatible with the Wild forest character of the area” (page 38). Depending upon how the board chooses to interpret Wild Forest Basic Guideline #4, road closures may be required in order for the total Park-wide mileage to remain under the materiality threshold (essentially a cap) if roads in new acquisitions are kept open.

Existing or previously active roads on new parcels that come into state ownership are evaluated according to several factors to determine if their continued maintenance is in the public interest. Such factors often include but are not limited to: the road’s potential for providing access to recreational opportunities; the prevalence (or scarcity) of that recreational opportunity within the region; the road’s long-term maintenance requirements; the road’s proximity to other existing public roads; and the road’s potential for negatively impacting the adjacent Forest Preserve or the experience of those using it. At this

time, there has been no determination that the designation of any new public road requires an equivalent closure of another road.

Additionally, remote areas of the Forest Preserve are generally avoided by DEC when considering the location of motorized access unless there are unusual constraints or rare opportunities that make continued maintenance of such a road preferable.

Existing roads and snowmobile trails, managed in compliance with Article XIV and the Master Plan, continue to be public recreational facilities maintained by DEC.

6. Comment: The ecological impacts of roads, including the following, should be considered in making these interpretations: the importance and rarity of roadless tracts, unintended edge effects, negative impacts to animal and plant life, wildlife and vehicle collisions, concern over illegal poaching, concern for disruption of contiguous ecological systems, stream sedimentation, negative impacts to biodiversity of an area, invasive species concerns, etc. The State should assess impacts of current roads and close roads where environmental damage is occurring.

Response: Page 38 of the Master Plan reads “the Department of Conservation may restrict, under existing law and pursuant to authority provided in this Master Plan, the use of motor vehicles, motorized equipment and aircraft by the public or administrative personnel where in its judgment the character of the natural resources in a particular area or other factors make such restrictions desirable.” If Department staff or other agents of the Department observe unacceptable negative ecological impacts associated with roads, necessary management actions may be taken to improve or restore the condition of the amenity or the road may be closed entirely, per the previous Master Plan provision.

Also, it is understood that the importance of both aquatic and terrestrial connectivity will only become more prominent as species’ ranges are impacted by a changing climate. The evaluation of DEC’s roads occurs on an ongoing basis, as well as through the UMP process. When road conditions are found to be unsafe or damaging to the adjacent environment due to extreme weather events, inappropriate or excessive use, or other circumstances, DEC may close individual roads to the public until the appropriate maintenance can be undertaken to restore the road to the desired condition.

7. Comment: Some roads enable access to historic resources, like the road to Great Camp Sagamore through the Moose River Plains Wild Forest. That should be taken into consideration.

Response: The majority of the road to Great Camp Sagamore is under town jurisdiction and cannot be closed by DEC. When historic resources come into state ownership, the nature of public access to these facilities is evaluated based on several factors, including the land classification, the presence of existing road and trail infrastructure, the sensitivity of the historic resource, and the ability of the surrounding lands to withstand different types of uses, including motor vehicle use.

8. Comment: Several commenters discussed the economic impacts associated with the attributes of the Forest Preserve, including the following: There is an important positive economic impact associated with sporting activities such as hunting, trapping, and fishing – roads are used to access sites for these activities. The outdoor recreation economy (as well as businesses and communities) rely on an intact landscape for their livelihoods to be able to provide authentic wilderness experiences. NOLS has utilized Wild Forest areas for trips, totaling more than 3,350 student user days in 2021. Growing a robust Adirondack economy will depend on creating a more inclusive and more accessible Forest Preserve that provides more points of entry and allows for a wider variety of uses than just the daunting High Peaks

hikes the region is best known for. Wild Forest lands with pre-existing woods roads can help provide those alternative opportunities.

Response: The DEC and APA appreciate these comments and perspectives, and recognize the unique opportunities for wildlands recreation and education, as well as hunting, trapping and fishing that are afforded by the Forest Preserve, and will continue to provide for these opportunities on state lands.

There are nearly 2.6 million acres of public land in the Adirondack Park, and these lands offer a wide array of recreational opportunities, including but not limited to: camping at developed campgrounds or in the backcountry, hiking on nearly 2,000 miles of trails, paddling, fishing, hunting, climbing, skiing, and snowmobiling. The state seeks to provide equal access to recreational amenities wherever practicable and will continue to upgrade and improve opportunities for people of all abilities and backgrounds to experience public lands.

9. Comment: One commenter expressed interest in eliminating all motorized uses from Forest Preserve lands.

Response: This comment is not relevant to the interpretations that are currently before the APA board. Any changes to the language of the Master Plan to eliminate all motorized uses would require an amendment to the Master Plan.

10. Comment: Some commenters expressed an interest in riding ATVs/UTVs on Forest Preserve land, as well as having access to “Jeep style” trails.

Response: This comment is beyond the scope of the interpretations currently before the APA board.

11. Comment: Several commenters expressed concerns related to the visitor experience and user safety, such as advocating for additional forest rangers, dedicated funding for maintenance of Wild Forest roads, partnerships with local communities for road maintenance, etc.

Response: The comments are beyond the scope of the interpretations currently before the APA board.

12. Comment: Some commenters noted potentially illegal access roads or private rights-of-way across Forest Preserve Lands.

Response: The comments are beyond the scope of the interpretations currently before the APA board.