

**Adirondack Park Agency  
Policy, Procedures & Guidance  
System**

**STATE  
LAND -1**

**Topic: Agency Review of Unit Management Plans Pursuant  
to the Adirondack Park State Land Master Plan**

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**William Kissel, Chair**

**Approved: October 12, 2001  
Revised: January 10, 2003**

**I. Purpose**

The purpose of this policy is to insure a consistent, timely process for the Agency's review of unit management plans prepared by the Department of Environmental Conservation, and to assure the Agency's review and advice to the Commissioner of Environmental Conservation on each individual unit management plan is informed, accurate, and fair. This policy implements the provisions of the Adirondack Park State Land Master Plan and the DEC/APA Memorandum of Understanding regarding State Lands and is not intended to modify or contradict the provisions of either in any way.

**II. Background**

The management of the Adirondack Forest Preserve is directed in the first instance by Article XIV of the New York State Constitution which states that all such lands "shall forever be kept as wild forest lands."

The Adirondack Park Agency Act directed the Adirondack Park Agency to develop, in consultation with the Department of Environmental Conservation, a master plan for the management of State lands (Forest Preserve and non-forest preserve lands) in the Adirondack Park for approval by the Governor. The Act directs that the master plan classify all such lands and provide guidelines and criteria for their use and management.

The Adirondack Park Agency Act further directs that the Department of Environmental Conservation develop, in consultation with the Adirondack Park Agency, individual management plans for units of State land classified in the Master Plan and that the individual unit management plans conform to the guidelines and criteria set forth in the master plan. Finally, the Adirondack Park Agency Act directs that the master plan and the individual unit management plans shall guide the development and management of State land in the Adirondack Park.

The Adirondack Park State Land Master Plan (Master Plan), developed by the Agency in consultation with the Department of Environmental and approved by the Governor, in addition to classifying all State land and establishing guidelines for their management and use, sets forth requirements for the content of individual unit management plans and procedural requirements for their adoption by the Commissioner of Environmental Conservation. The procedural requirements include

“an initial draft [UMP] will be submitted to the Agency prior to the preparation of a draft plan for public review.” It further provides that an “opportunity will be made for review and comment on the draft unit management plans by the public and other interested parties and a public meeting will be convened for that purpose.” The Master Plan also provides that the Adirondack Park Agency is responsible for interpreting the Master Plan and will determine whether a proposed unit management plan complies with the guidelines and criteria set forth in the Master Plan.

Finally, the Department of Environmental Conservation and the Adirondack Park Agency have entered into a memorandum of understanding (MOU) which establishes procedures for coordination and communication between the Agencies on Master Plan activities, including the preparation of individual unit management plans. With respect to unit planning, this memorandum provides: 1) informal consultation with unit management plan teams; 2) Agency review and comment on an “initial draft” plan submitted to the Agency prior to preparation of a draft plan for public review; and 3) formal Agency review of a “final draft” unit management plan as proposed for the approval of the Commissioner and a determination regarding its compliance with the guidelines and criteria of the Master Plan. The memorandum provides that the Agency will have a minimum of 30 days for review of each draft. The memorandum also provides that the Department will advise the Agency in writing of its acceptance or rejection of the Agency’s recommendations with respect to any initial draft unit management plan, and that any inconsistencies between a proposed unit management plan and the Master Plan will be resolved prior to the Department providing the Agency with a final draft unit management plan for its review and determinations regarding compliance with the Master Plan.

### **III. State Land Policy on Unit Management Plan Review**

#### **A. Staff Consultation**

1. Agency staff will consult with the Department’s unit planning teams as necessary throughout the development of individual unit management plans to provide advice on the guidelines and requirements of the Master Plan or other appropriate issues. To assist the planning team in the development of individual unit management plans, Agency staff will, at a minimum, meet at least once with team leaders and the planning teams. Staff will participate in public information sessions with the planning teams and conduct field inspections as appropriate. As an Ex-officio member of the unit management teams, Agency staff will receive plan materials for review coincident with the Department’s team members and provide informal comments as requested.
2. As provided in the APA/DEC Memorandum of Understanding, the Director of Planning is the designated contact for communications between the Department and the Agency for the Agency’s State Land program. The Executive Director may designate other staff to be the contact on specific issues as he determines appropriate and will so

notify the Department, Agency Chairman, and the Co-Chairman of the State Land Committee. The Director of Planning will be responsible for the Agency's review of unit management plans and communications with the Department concerning unit management plans. The Supervisor of Regional Planning will be the Agency's representative on the individual unit management planning teams unless the Executive Director designates alternative staff and so notifies the Department, the Agency Chairman, and the Co-Chairmen of the State Land Committee.

3. The Director of Planning or other staff designated by the Executive Director, will coordinate the review of unit management plans with the Agency staff State Land Team (State Land Team), the Executive Director, the Chairman of the Agency, Co-Chairmen of the State Land Committee, and the Agency Members as directed in this policy and as otherwise deemed appropriate by the Agency or the Agency's Executive Director. The State Land Team will participate in the review of unit management plans as requested by the Director of Planning.
4. In the preparation of individual unit management plans the Department of Environmental Conservation will be lead agency for State Environmental Quality Review (SEQR) and the Adirondack Park Agency will participate in the SEQR process as an involved agency.

B. Unit Plan Review

1. The "initial draft" unit management plan provided to the Agency for review pursuant to the Master Plan and the MOU prior to the preparation of a draft for public review will be a complete draft plan. It will contain all the elements specified in the Master Plan, including alternative management objectives where appropriate. It will include all appendices, maps and SEQR documents including a draft Environmental Impact Statement (EIS) for those plans for which a positive declaration has been made. Individual elements of a unit management plan will also be consistent with Section D of this policy.
2. The Department's designee to the Agency will provide 10 copies of an initial draft unit management plan to the Director of Planning for Agency review.
3. Within 45 days of the receipt of a complete initial draft unit management plan, the Director of Planning will provide the Department's Designee to the Agency written comments on the initial draft after review with the State Land Team, the Chairman of the Agency, the Co-Chairmen of the State Land Committee, and the Executive Director. Staff comments will evaluate the plan's compliance with the requirements of the Master Plan including the

required elements of a unit management plan and the guidelines for management and use.

4. The Department will advise the Agency in writing of its acceptance or rejection of the comments made on a draft unit management plan and any resulting revisions to the text, prior to releasing a draft for public review.
5. The Department will provide copies of the public review draft unit management plan to the Agency Members, the Executive Director, and the State Land Team. At this time copies of the staff comments on the draft unit management plan provided to the Department and the Department's response will be provided to the Agency Members.
6. NYS DEC as lead agency conducts an extensive public input process as an integral component for development of final draft Unit Management Plans. APA is officially an involved State agency within the SEQR process. This process, which includes extensive input from APA staff on a broad range of issues primarily focused on compliance with the State Land Master Plan, is conducted in accordance with the SEQR process and includes public meetings and formal comment periods. A minimum comment period of at least 30 days is established prior to development of a final draft UMP. The SEQR record also includes a response from DEC on public comments that are received.

After public review and comment on a draft unit management plan the Department's designee to the Agency will provide the Director of Planning 50 copies of the final draft unit management plan at least 60 days prior to the meeting at which the Agency will first consider its determination as to the unit management plan's compliance with the Master Plan. The Plan will include a summary of all public comments received and DEC responses to comments. The Agency will not be responsible for public distribution of the final draft unit management plan.

It is the policy of the Agency to provide for a reasonable time to allow for public comment on the final draft plan. The Agency will issue a press release and distribute a notice announcing that written public comments are being accepted on the Final Draft. The notice and press release will announce the date for the end of the comment period, the date of the Agency meeting at which the determination on SLMP compliance is scheduled to be considered, and identify a specific point of contact at APA headquarters for the public to send comments for the UMP under review. Printed copies of the Unit Management Plan will be provided for public review as part of the Agency mailing. Once the document is available on the DEC web site, direct links will be put on the APA web page. Due to potential problems with current reliability of electronic communications, only written public comments

received through the mail or via fax will be considered as part of the formal comment process. Although the public is welcome to contact the Agency via telephone to request information or express opinions about a particular Unit Management Plan, only written comments will become part of the official record. A minimum three week comment period will be established with the end of the comment period occurring on the Tuesday one week prior to the Agency meeting. This policy also allows for the possibility of extending the comment period to provide for additional time for public comments to be received. A copy of all written comments received will be provided to Agency members. A summary of public comments will also be created and provided to Agency members in advance of the meeting on which they will make their determination on SLMP compliance. The summary of public comments will be a part of the public record in addition to all correspondence received on the management plan before the Agency.

7. The final draft unit management plan will be in the form proposed for adoption by the Commissioner of Environmental Conservation and contain the Final EIS and SEQR Findings Statement or Negative Declaration. As lead Agency, the Department will publish all required SEQR notices at least 30 days prior to the meeting at which the Agency is scheduled to act on a unit management plan.
8. The State Land Team will review the final draft unit management plan and prepare a report summarizing the unit management plan and evaluating its compliance with the guidelines and criteria of the Master Plan, including the guidelines for management and use. The State Land Team report will set forth recommended findings concerning the unit management plan's compliance with the Master Plan and a draft resolution for adoption by the Agency.
9. A draft of the State Land Team's report will be provided to the Agency Chairman, the Co-Chairman of the State Land Committee and the Executive Director for review at least 30 days prior to the meeting at which the Agency will first consider the unit plan's compliance with the Master Plan. As part of the review of the Team's draft report the Chairman of the Agency and the Co-Chairmen of the State Land Committee may solicit comments from the Agency Members .
10. After review by the Chairman of the Agency, the Co-Chairmen of the State Land Committee, and the Executive Director, the Team will prepare a final report and staff recommendation which will be transmitted to Agency Members and the Department of Environmental Conservation at least 15 days prior to the meeting at which the Agency will first consider the unit management plan's compliance with the Master Plan. A two meeting cycle for final review of a Unit Management Plan is preferred.

11. The Executive Director will transmit the Agency's findings concerning a unit management plan's compliance with the Master Plan to the Commissioner of Environmental Conservation within 7 days.

C. Amendments to Adopted Unit Management Plans

1. Any material modification to an adopted Unit Management Plan prior to the periodic five-year update will be an amendment and will follow the provisions of the Master Plan and the Memorandum of Understanding and at a minimum will be reviewed in accordance with procedures set forth below.
2. The Department will provide the Agency Members, the Executive Director, and the State Land Team copies of the text of the proposed amendment, maps at a scale appropriate to the amendment, all necessary SEQR documents, copies of the notice requesting public input and copies all public comments or summary of comments received at any public meeting at least 30 days prior to the Agency meeting at which the Agency will make a determination as to the amendment's compliance with the Master Plan.
3. After consultation with the Executive Director and Chairman of the State Land Committee, the State Land Team will provide the Agency Members with its recommendation as to the amendment's compliance with the Master Plan and a draft resolution for adoption by the Agency 15 days prior to the Agency meeting at which the matter will be considered.
4. The Executive Director will transmit the Agency's findings concerning the amendment's compliance with the Master Plan to the Commissioner of the Department of Environmental Conservation within 7 days.

D. Content of Unit Management Plans

1. Unit Management Plans will contain all the elements specified on page 8 of the Master Plan.

**IV. Legal Effect**

This policy is not intended to set forth a fixed, general principle to be rigidly applied to a particular Unit Management Plan under review at the Agency. Rather, its tenets are to be utilized as guidance and should be applied after taking into account the specific facts and circumstances of each particular Plan.

The Agency adopted this Policy on Review of Unit Management Plans referred for Agency approval by the Department of Environmental Conservation pursuant to the Adirondack Park State Land Master Plan effective October 12, 2001 and revised to include a description of the

public comment procedure for Unit Management Plan review, as approved by the Agency on January 10, 2003.

**ADIRONDACK PARK AGENCY**  
**State Land Committee**

By: \_\_\_\_\_  
William H. Kissel, Chair



**APA UMP REVIEW PROCESS**  
As per UMP Review Policy

**DRAFTING STAGE**

<b>DEC prepares Team Draft of UMP</b>	<b>APA reviews &amp; comments on Team Draft</b>	<b>DEC revises Team Draft and submits Initial Draft to APA</b>	<b>APA reviews Initial Draft and submits comments to DEC</b>	<b>DEC advises APA of acceptance or rejection of comments on Initial Draft</b>	<b>DEC provides copies of Public Review Draft to APA</b>	<b>Copies of APA comments on Initial Draft and DEC's responses sent to APA members</b>
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45 days

**PUBLIC COMMENT STAGE**

<b>DEC ENB Notice initiating public comment period on Draft UMP (starts 30 day SEQR clock)</b>	<b>DEC responds to public comments &amp; prepares Final Draft</b>  <b>DEC sends 50 copies of Final Draft to APA</b>	<b>Beginning of APA Review on SLMP Compliance</b>	<b>APA issues press release that APA is reviewing &amp; accepting comments on Final Draft of UMP</b>
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30 days

<b>Presentation of UMP to APA members</b>	<b>APA State Land Team reviews UMP and gives report to APA Chair, State Land Chair and Ex. Dir.</b>	<b>After internal review, State Land Team provides final report and draft recommendations to APA &amp; DEC</b>	<b>APA public comment period ends Tuesday, the week before APA meeting</b>  <b>Summary of public comments sent to APA members</b>	<b>Final presentation of UMP &amp; first consideration of compliance with SLMP</b>  <b>Possible adoption of resolution or extension of public comment period</b>	<b>Upon adoption of resolution on UMP compliance with SLMP, APA Ex. Dir. sends copy of resolution to DEC Commissioner</b>	<b>DEC Commissioner makes final SEQR determination</b>
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↔ 15 days ↔

↔ 7 days between APA meetings ↔

Minimum three week comment period  
Date: 1/9/03, Prepared by J. Connolly