

## Wild Forest Basic Guideline No. 4

### Oral Comments

Public Info Sessions #1 (virtual) and #2 (in-person, Ray Brook)

June 2 and June 7, 2022

Katie Carroll – DEC/APA Accessibility Advisory Committee

Thanks to everyone working a late today from DEC and APA, I really appreciate the opportunity to contribute to the record. I am a disabled person, a lawyer, a staff member of the Association on Aging in NY, and a member of the NYS Independent Living Council. I'm also a member of the APA/DEC Accessibility Advisory Committee, which was established as part of the Galusha consent decree. As with nearly all administrative decisions of the APA board regarding the mgmt. use and preservation of our wild forest, this will impact disabled people. In this case, the impact comes in the form of where and how disabled people might have access to roads that allow us to reach desirable destinations within the Blue Line that we might not otherwise have access to. The APA has already done tremendous work, which I thank them for, to address what they need to address as part of the Adirondack Park State Land Master Plan (APSLMP) which drives our activities to ensure sustainable access. But this work was done without input from the Accessibility Advisory Committee and this being the case, I believe due diligence demands that the board must take a step back and craft a proposal to address no material increase goals with the input of disabled people. My comments focus on the definition of a road within the broader context of our aspirations and obligations to provide access by disabled people. The options for what is included as the definition of a road put forward by the board on whether or not to include Galusha CP-3 in the total road mileage count make assumptions about access that we cannot afford to perpetuate for the sake of disabled New Yorkers, a population that is increasing in number all the time. The proposals assume that CP-3 is what we should be relying on for access to hard-to-reach points, but CP-3 is flawed. CP-3 puts requirements on individuals to obtain permits, but then remains inaccessible to people with certain disabilities, because of the logistical barriers to getting beyond the gates. The CP-3 narrowly focuses on access via motor vehicles and ATVs, which might have a greater impact than other modes of transportation such as pedestrians on accessible trails or use of power-driven mobility devices. CP-3 is a stand in for reasonable accommodation for individual disabled people. This is not the spirit or the letter of the ADA and we should be thinking about a framework that enhances accessibility to all points, and not just a menu of places to which DEC has already determined access is possible relying on motor vehicles and ATVs. Two of the options put forward are asking for a choice between more miles for all, and a few more miles for disabled people to reach places we otherwise couldn't. A cap on what can be made more accessible via a road is also counter to the ADA. A ceiling on access is not acceptable. A third option to not include CP-3 mileage at all, on its face provides the greatest flexibility for access, but implicitly relies on CP-3 as a means, and as I just outlined, CP-3 is flawed. Therefore, if the board is seriously considering any of the options put forward, including excluding CP-3 miles altogether, I ask that the board also propose a plan with a timeline to address how equal access will be achieved, if not by roads, then by what means. To summarize, I'm asking

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that the board take its time before any decision to solicit more input directly from the committee and from those directly impacted, and to ultimately put forward a plan that proactively addresses expanding access so disabled people are not left behind. Thank you so much.

Jason Thurston, DEC/APA Accessibility Advisory Committee

I just want to reiterate what Katie was mentioning, especially the system by which people have to obtain permits and the fact that some of the gates are not accessible to some people. There's a whole other slew of power-driven mobility devices that are out there other than just vehicles and ATVs. And I think it is important to take that into consideration too, such as track chairs and e-bikes. I just wanted to reiterate that, and I agree that the Advisory Committee should be addressed in part to make this final decision. Thank you.

Pete Nelson – Adirondack Wilderness Advocates & Adirondack Diversity Initiative

It's good to be here in person. I would like to first go on the record publicly, that with this new iteration of the APA staff – I have engaged with the APA more in the last few months than at any other time. I have found this new iteration to be open and ready to engage in substantive discussion. I have four points to make and I will try to be brief. I am a board member of the Adirondack Wilderness Advocates (AWA) and co-founder of the Adirondack Diversity Initiative and I have both hats on as I talk with you today. The first point is about remoteness and solitude. The AWA board has not formulated a position on this yet, we will be formulating that and submit written comments at a future time. I am speaking here for myself. When we do that we will include a map that we generated during the Boreas campaign which shows areas of the Park that are more than three miles from the road as defined in the SLMP -- and it ain't much. If you take that concept and look at most places in the U.S. and the globe that are more than three miles from a road, it is a striking picture. We need to take this issue of remoteness and solitude the same way that we treat climate change and ecological integrity. It is something that we owe future generations a serious commitment to. It's a precious asset to have this remoteness. That's an important thing that I think we should focus on and it will be reinforced in point four. But point two, and here's where I am going to get in trouble. I reject, and repudiate, the usual debates and acrimony and the

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mischaracterizations of people that use this Park and their interests, I reject all of it under the idea that we have to pick one or the other or that we are going to demonize people that use the Park in different ways. As someone who lives here I am offended by that. I think that we can do what we need to do by being smart about policy and smart about the things that we focus on. For example, I support a solution for community connectors, and I think that we can do it while enhancing and increasing remoteness and solitude. I think that not only can we do both, we should do both. This isn't lip service, I'm talking with various people in local government about specific ideas. We will agree and disagree on some of them, but I think there's a way forward if we focus on intelligent use, and I'll come back to that. I'd like to avoid that kind of debate, and speaking for AWA, we are never going to do that, we aren't going to engage in that kind of nonsense. We don't have time for it in the Park, we need a more constructive approach, and we can do that and still preserve this Park and respect its use. Third point on CP-3, speaking now on behalf of ADI, we fully support CP-3 access and the terms of the Galusha settlement. From my perspective, a road is a road and we should count them as roads. If they are used by the public rather than saying that this type of person is a member of the public and this type of use is public or not is a mistake. Hopefully my fourth point will make that unnecessary. It's the most important one, and it's a little bit difficult. From my perspective, and the perspective of some of my colleagues in the environmental world, I am concerned about the focus. Yes, mileage is mentioned in Wild Forest Basic Guideline (WFBG) No. 4 but my reading of the SLMP and the comments and writings of people who created it is that the focus was really on use – that's where we need our focus now. When we debate mileage, we get into arguments – is it 211, is it 246. Frankly I don't really care all that much. 15% - 14.7% to be more specific, I'm a mathematician, statistically I can tell you that a 15% increase is a material increase. There's no way you could construct that otherwise. To put it more bluntly, if I came home and told my wife that I got a 15% raise, which is unlikely to happen, we would treat that as a material increase. I think we are arguing to the wrong place when we argue that kind of anachronistic stuff, we should be focused on use. What is this road, how is it used, how does it affect access? How can we honor appropriate access? Most importantly, how can we protect the Forest Preserve and how can we enhance remoteness and solitude? The community connector project is just one example of that, so is the whole question of how roads are used in the Park. I think that the right path for that, instead of arguing over mileage, which I think is more of a staff issue rather than a public policy issue, is to really look at use, preserve remoteness and solitude, accommodate reasonable access in this explosion of motorized use that we have had in the recent decades, and have an honest dialogue without demonizing [any user group] and with a thorough assessment of the documents that guide the preservation of this Park. They are there, we need to understand them, and there are ways forward if we are smart about doing this. Thank you.

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Scott Remington – DEC/APA Accessibility Advisory Committee

My name is Scott Remington. On May 25, 1999 I was injured in a logging accident on the Gulf Brook Road in North Hudson. That day changed my life forever, I became paralyzed from the waist down. It has changed how I do everything. Being an avid outdoorsman, it made things more difficult like hunting, fishing, camping, snowmobiling, or just going for a stroll through the woods. I became an advocate because of this. I have a benefit every year for the Christopher and Dana Reeve Foundation, I have raised over \$725,000 for research and quality of life grants. I also serve on the DEC/APA Accessibility Advisory Committee. I have been on this committee almost since its inception, invited by Tim Barnett, when Ted Galusha, Tina Willard, and Bill Searles were all part of it. The committee was formed because of the Galusha settlement along with the CP-3 program to make things accessible for people with disabilities. I think we should keep the CP-3 mileage approved and expand on it, adding more opportunities for people with disabilities. The state has added a substantial amount of land since the Galusha settlement in 2001, most of it with miles of gravel roads that tractor trailers hauled logs over. It is only fair that we add more CP-3 as we add more land. As long as it has the roads to support it and the infrastructure. Gates should be made easy to use, getting the combination from DEC should also be made easy, as not to discourage from someone from using this program. I still enjoy hunting every fall and I use my truck and side by side to get back into the woods. I also still snowmobile every winter, it is a good way to get out and enjoy the woods. I also would like to see more snowmobile trails as the state acquires more lands to connect the towns. I am sorry to hear that some of the snowmobile trails had to be canceled because of the lawsuit. I see this as a lost opportunity. All people of all abilities enjoy the Adirondack Park. Let's make it more accessible. In closing, I'd like to thank former board member Fred Monroe for his inspiration and dedication to the Adirondack Park and its people. Thank you.

Jerry Delaney – Local Government Review Board

I'm Jerry Delaney, I'm the Executive Director of the Adirondack Park Local Government Review Board, most of you know that. Thank you for acknowledging my mentor and colleague Fred Monroe. We miss him dearly at this times like this. This is a big issue to the people of the Adirondack Park and it always has been a big issue since the inception in 1972, when roads and lands started to be restricted. It became a cultural clash is what it really was as the culture of the 70's had to change as the Adirondack Park and the master plan was implemented. There is a lot of concern around this, there

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is always concern every time there is a purchase. Scott is a perfect example of that, where access is really important to people in the area, however there is interest from inside and outside the Park to restrict that. It never seems like there is a real balance in this issue. And so local government's perspective is that we have to find a way that the Park Agency can move forward in the future along with DEC to balance the opportunities for everybody in the state of NY, these are the lands for everybody in the state of NY. There has to be a process so there is not a battle every time there is a new UMP or a new purchase. There has to be a solution to this, and I'm not sure that any of the solutions offered are the correct way to go. But I do want to thank the Agency and DEC for having probably the most open process for something of this importance that I have seen in my lifetime. And for that I am heartened, and I'm hopeful that this Agency can listen to all voices and find a path forward for everyone.

Peter Bauer – Protect the Adirondacks

Thank you to the Agency and the DEC for putting this hearing on. I agree that it is good to be back in person. A couple of things – we believe that the CP-3 routes have to be included in the definition of a road, it is clearly within the context of the SLMP definition of roads. We already think that the no material increase has been met by the current number of roads that exist on the Forest Preserve. We see this discussion, this hearing, as consistent with a pattern that we have seen for 20 years at the APA to significantly expand motorized use on the public Forest Preserve. This has been the program of the staff and the board of this agency for 20 years. We have seen in it any number of forms at any number of times in the last 20 years and we find that very troubling. Something not mentioned today, which is the programmatic EIS, which governs revision to the SLMP and should by extension govern an interpretation of the SLMP states that wilderness is the corner stone of the Forest Preserve. It's the defining principle of Forest Preserve management, the expansion of wilderness – why – it's because there is so little wilderness in the Northeast, there's so little wilderness east of the Mississippi. We have over two million miles of roads east of the Mississippi, we have very little wilderness. But yet, with a proposal that is being put on the table for the Agency to make a formal interpretation, the defining principle of the programmatic EIS is being subverted so that the defining principle is about the expansion of roads and the expansion of motorized uses in the Forest Preserve. Unfortunately this is true to form, we have seen the Agency violate any number of its policies. When you wrote the snowmobile trail guidance policy back in 2009, you said there would be limited grading, and then what did we see? We saw trails graded flat with heavy machinery from one end to the other of the trail. When bench cutting was supposed to be limited, we saw bench cuts running for hundreds of yards, for a half mile, for a quarter mile. The Agency

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knows how to violate its own rules and regulations. When we look at the SLMP, snowmobile trails are supposed to have the character of a foot trail and yet we ended up with these 12 foot wide graded corridors with rocks and stumps removed. Bench cuts cut to make them 20 foot wide developed corridors through the Forest Preserve. In no way, shape or form were these of the character of a foot trail and all the courts recently affirmed that. So when the Agency comes to us with a straight face, without shame and without irony, and says we want to look at another issue where we can expand motorized uses, naturally we are very suspicious. We have seen you violate your own rules, your own policy, we have even seen you violate the State Constitution in your zeal and your quest to expand motorized uses on the Forest Preserve. In your proposal, the Agency is denying reality. One of the things that has been very successful in the past 20 years is the expansion of conservation easements. We have over 800,000 acres of conservation easements. The biggest public recreational right that is purchased on conservation easement lands is motorized access by the public. Yet this proposal somehow is taking the position that easement lands just don't exist. We have a lot of UMPs that are hybrid of easements and Forest Preserve lands. There are a number that include both, we have recreation mgmt. plans. To deny that these hundreds of miles of public motorized routes in the forest don't exist, that exist today and did not exist in 1972, is to deny reality. Between easements, private lands, and Forest Preserve there are more miles of snowmobile trails in the Park than anything else. The last thing I would add in closing is that I believe that I am the only person in this room who was a signatory to the Galusha settlement. I think the Galusha settlement has been very successful, and CP-3 has been very successful. And I am very concerned that the Agency in its agenda to expand motorized access in the Forest Preserve, is cynically trying to put CP-3 and the Galusha settlement on the table. And I think – don't do that. While it is clear that those roads are being used at the discretion of the DEC and are being used by the public and meet the definition in any rational reading of the SLMP, I would hope that this Agency can stand up and affirm how successful that program has been and not use it in its zeal to expand motorized access in many other parts of the Forest Preserve. We will provide our comments by the 12<sup>th</sup>, there will be a lot more. Thank you.

Jackie Bowen – Adirondack Council

Good morning everyone. My name is Jackie Bowen and I'm the Director of Conservation at the Council. I want to thank the APA and DEC for clarifying this longstanding grey area of no material increase of road mileage in wild forest areas. It's been an outstanding issue and it's good to see that this is moving forward. The Council is still formulating its overall comments, but we have some initial thoughts to share

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today. While WFBG No. 4 from the SLMP is the focus of this clarification, we must remember that this is a complex issue and should be seen within its full context – both within the SLMP and larger policy context as well as the ecological landscape context and beyond. In reviewing the materials shared online, and looking at guideline number four we feel like it was segmented from the rest of the SLMP. It was the intent of the master plan to protect the resources of public land here in the Park, and promote human use where appropriate and in a manner that does not degrade our natural resources. It is within this larger SLMP context that we see that different forms of recreation and use are meant to be managed in a way that protects natural resources and wild forest character – not mileage. The proposed changes look at this from a more ministerial perspective but do not include analysis or context on the impacts roads have on our landscapes, connectivity or ecology. Roads fragment plant and animal habitat, increase erosion and impact water quality, increase the spread of invasives and more. Therefore we encourage APA and DEC to consider this issue from an ecological perspective beyond a quantitative one. I would also add that every action we take now must take into account how it will impact the climate resiliency and health of our region both at the micro and macro scale. So I pose how will this road mileage question in action impact habitat connectivity, water quality, and other elements moving forward? In addition, the no material increase of road mileage should be considered at the landscape scale. With 750,000+ acres of conservation easement lands in the Park, we need to consider what the current opportunities for using such lands for motorized recreation are and can be. As for CP-3 access, we are looking forward to diving into this more and doing some outreach and information gathering to inform our final comments. Lastly, we do not think that the outcome of this public process should limit the acquisition of state lands could be classified as wild forest areas, because that would be a net loss for all. I also want to echo others' comments for making this an open and accessible process so far. We look forward to submitting technical comments.