



New York State
Adirondack
Park Agency

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Governor

BARBARA RICE
Executive Director

TO: Ken Lynch, State Land Committee Chair
FROM: Megan Phillips, Deputy Director, Planning
DATE: March 8, 2023

RE: Interpretation of Adirondack Park State Land Master Plan Wild Forest Basic Guideline No. 4.

A. Background

In May 2022, Department and Agency staff presented the issues surrounding and the need for an Agency interpretation of the Adirondack Park State Land Master Plan (SLMP) Wild Forest Basic Guideline (WFBG) No. 4.

Wild Forest Basic Guideline No. 4 states,

Public use of motor vehicles will not be encouraged and there will not be any material increase in the mileage of roads and snowmobile trails open to motorized use by the public in wild forest areas that conformed to the master plan at the time of its original adoption in 1972.

Furthermore, the SLMP provides the following definition for Roads:

Road -- *an improved or partially improved way designed for travel by automobiles and which may also be used by other types of motor vehicles except snowmobiles, unless the way is a designated snowmobile trail; and is,*

(i) either maintained by a state agency or a local government and open to the general public;

(ii) maintained by private persons or corporations primarily for private use but which may also be open to the general public for all or a segment thereof; or,

(iii) maintained by the Department of Environmental Conservation or other state agency and open to the public on a discretionary basis.

A determination of what constitutes a material increase in road mileage has never been made by the Agency. Compounding this issue is whether the mileage associated with DEC's Commissioner Policy 3 (CP-3), which provides motorized access to certain

recreational opportunities for people with disabilities, is counted or not. This leads to the need to interpret WFBG No. 4 and the definition of a road by answering the following three questions:

- 1) What was the existing road mileage on lands classified as Wild Forest in 1972?
What is the existing road mileage on lands classified as Wild Forest today?
- 2) What constitutes a material increase in road mileage?
- 3) Does CP-3 mileage meet the definition of a road in the SLMP and therefore require inclusion in the total Wild Forest road mileage calculation?

To answer the first question, it was necessary to determine the baseline of existing road mileage on lands classified as Wild Forest in 1972 and the existing road mileage on lands classified as Wild Forest today.

Following an extensive review of the data, staff from the Agency and Department determined and presented to the Board that the total road mileage on Wild Forest in 1972 was 211.6 miles. Staff also agreed that present-day mileage, excluding CP-3 mileage, is 206.6 miles. Present day CP-3 mileage open and approved in UMPs totals 21.6 miles, and there are an additional 16.5 miles approved in UMPs that have not yet been opened. The present-day mileage including open and/or approved CP-3 is 244.7 miles.

To assist in answering the second and third questions, staff from both agencies presented, for the Board's consideration, three alternatives of what constitutes "no material increase" (NMI Alternatives 1-3) and three alternatives for the interpretation of the definition of a road, per the SLMP (Road Alternatives 1-3). At the May 2022 meeting, the Board authorized a 60-day public comment period to gather public input to help inform the Board's interpretation. Staff presented a summary of public comments to the Board at the September 2022 meeting. For a comprehensive summary of the public comments and materials presented at the meeting please visit: <https://www.apa.ny.gov/Mailing/2022/09/stateLand.htm>.

At the November 2022 Board meeting, staff again presented to the State Land Committee to respond to inquiries from board members received after the September presentation of public comments received. Further deliberation was held during the December 2022 Board meeting. At that meeting, the Board directed staff to present an additional alternative for the Board to review based on proposals raised in the discussion. Subsequently, staff presented NMI Alternative 4 to the Board at the January 2023 meeting.

The NMI and Road Definition alternatives presented are as follows:

B. No Material Increase (NMI) Alternatives:

1. NMI Alternative 1: 15% increase in road mileage

This alternative is consistent with the 2008 snowmobile trail NMI interpretation. Snowmobile trail and road mileage are both limited by Wild Forest basic guideline No. 4, such that the same threshold for what constitutes a material increase could be established for each.

2. NMI Alternative 2: Increase more than 15%

This alternative accounts for the fact that there is no replacement of road mileage closed due to reclassification of Wild Forest to Wilderness, Primitive, or Canoe areas (unlike snowmobile trails, see SLMP page 38). The Board would have to set the percentage or mileage increase if this alternative is pursued.

3. NMI Alternative 3: Increase less than 15%

This alternative recognizes that the SLMP treats roads and snowmobile trails differently in the SLMP, in the sense that snowmobile mileage that is lost due to reclassification may be replaced, but there is no such provision for roads. The Board would have to set the percentage or mileage increase if this alternative is pursued.

4. NMI Alternative 4: Mileage not currently material

The current estimated non-CP-3¹ mileage of roads in lands classified as Wild Forest, 206.6 miles, does not constitute a material increase in road mileage since 1972, nor would increases of mileage up to and including the 1972 estimated mileage of 211.6.

C. Definition of "Road" Alternatives:

Road Alternative 1 - CP-3 included:

This alternative considers CP-3 mileage to meet the definition of a road under the SLMP. CP-3 permit holders are members of the general public, not administrative personnel, and/or DEC retains discretion over which routes to open for CP-3 use. Refer to definitions 1 and 36 on pages 17 and 20 of the SLMP. This scenario is consistent with the overall goal of the SLMP to limit roads on Wild Forest. It also currently allows for more CP-3 mileage than agreed to in the Galusha settlement, assuming a 15% no material increase limit. Under this scenario, the future acquisition of state lands classified as Wild Forest will create pressure to close either CP-3 routes or other existing roads.

Road Alternative 2 - CP-3 not included:

This alternative does not consider CP-3 mileage to meet the definition of a road under the SLMP. CP-3 permit holders are not synonymous with the general public for

¹ Note that NMI Alternative 4 has been altered from its original presentation to clarify that the 206.6 mileage does not include the mileage associated with CP-3 opportunities.

purposes of the road definition. DEC's discretion to open roads is limited by the Galusha settlement. This scenario encourages accessible recreation. The future acquisition of state land will not create pressure to close CP-3 routes because they are not factored into the NMI calculation, however there will theoretically be no limit on CP-3 mileage in Wild Forest.

Road Alternative 3 - Non-Galusha CP-3 included:

This alternative considers CP-3 mileage to meet the definition of a road under the SLMP. CP-3 holders are members of the general public, not administrative personnel. However, DEC may lack discretion to close roads agreed to in the Galusha settlement. This alternative balances the spirit of Wild Forest basic guideline #4 with encouraging accessible recreation. Under this scenario, the State maintains at least the current CP-3 routes or equivalent recreational activity agreed to under Galusha.

During the January 2023 discussion, it became clear that NMI Alternative 4 required additional clarity to fully inform the Board and the public on the potential impacts of this alternative. As a result, the Board directed staff to expand upon this alternative.

D. Clarification of Alternative 4

In response to the confusion identified during the January 2023 meeting, staff are presenting additional context for the fourth NMI alternative to assist the Board in interpreting Wild Forest Basic Guideline No. 4 while also considering the potential impacts to existing roads and/or CP-3 mileage. To this end, staff have added NMI Alternative 4 to the matrix of alternatives, specifying the implications of adopting NMI Alternative 4 in combination with each of the presented Road Definition Alternatives.

NMI Alternative 4:

The current estimated non-CP-3 mileage of roads in lands classified as Wild Forest, 206.6 miles, does not constitute a material increase in road mileage since 1972, nor would increases of mileage up to and including the 1972 estimated mileage of 211.6.

Existing roads and the mileage associated with CP-3 opportunities that have been approved in UMPs have previously been found by the board to be in conformance with the State Land Master Plan, but did not specifically and explicitly address Park-wide mileage and materiality required by Wild Forest Basic Guideline No. 4.

E. Additional Considerations

Based on Board discussion and input, the Board has requested that Department and Agency staff provide information to the Board for future deliberations related to roads in Wild Forest areas. Specifically, Board members have been engaged in various conversations about the potential role of a visitor use management framework (VUMF)

in assessing road impacts and conditions and in informing management decisions. The Board asked staff to begin drafting desired conditions for Wild Forest roads.

Any proposals for the opening and/or continued maintenance of roads or CP-3 routes on Wild Forest shall be considered through the unit management planning process, and such proposals shall demonstrate adherence to the desired conditions for Wild Forest roads, particularly in maintaining “wild forest character” as identified in Wild Forest Roads and Administrative Roads Guideline #3 (SLMP Page 38) and “wild forest atmosphere” identified in Wild Forest Basic Guideline #1 (SLMP Page 35). This determination would inherently foreclose on the potential unrestricted opening of CP-3 routes as expressed by Road Definition Alternative 2.

All future proposed mileage where CP-3 opportunities occur must meet desired conditions set forth for roads ***regardless of whether the board determines that these routes meet the definition of road per the State Land Master Plan.***

The mileage of roads open for public use of motorized vehicles on lands under jurisdiction of DEC in existing areas classified Primitive, Historic, or Intensive Use will ***not*** be subject to Wild Forest Basic Guideline #4 but will be documented in the unit management planning process.

F. Alternatives Matrix

See next page.

	Road Definition Alternative			
	#1 - CP-3 included	#2 - CP-3 not included	#3- Non-Galusha CP-3 included	
	<i>CP-3 mileage considered roads under SLMP definition</i>	<i>CP-3 mileage not considered roads under SLMP definition</i>	<i>CP-3 mileage generally considered to be roads under SLMP definition, except Galusha routes</i>	
NMI Alternative	#1 - 15% increase (Total allowable mileage 243.3 miles)	1.4 miles over allowable mileage; will require closure of some existing roads*; consistent with overall goal of the SLMP to limit roads on wild forest	36.7 miles under allowable mileage; no closure of existing roads needed; encourages more exclusive disability access; acquisition of new lands will not create pressure to close CP-3 routes	20.2 miles under allowable mileage; no closure of existing roads needed; balances goals of wild forest guideline #4 with disability access; maintains at least the CP-3 mileage or equivalent agreed to in Galusha
	#2 - >15% increase (Board must set % or mileage)	May capture existing and future CP-3 mileage; need for closure of existing roads unlikely*; inconsistent with snowmobile mileage interpretation	No closure of existing roads needed; allows additional roads on wild forest in future UMPs; may not retain character of wild forest; inconsistent with snowmobile mileage interpretation	No closure of existing roads needed; allows additional roads on wild forest in future UMPs; may not retain character of wild forest; inconsistent with snowmobile mileage interpretation
	#3 - <15% increase (Board must set % or mileage)	Will require closure of some existing roads*; consistent with overall goal of the SLMP to limit roads on wild forest and different treatment of roads and snowmobile trails in SLMP	No closure of existing roads needed; may be consistent with overall goal of the SLMP to limit roads on wild forest and different treatment of roads and snowmobile trails in SLMP	Existing road closure unlikely (Board would have to set % increase at 5 or less)†; consistent with the overall goal of the SLMP to limit roads on wild forest and different treatment of roads and snowmobile trails in SLMP
	#4 - Any mileage at or below the 1972 mileage of 211.6 is not material	33.06 miles over 1972 mileage; will require staff and board to revisit the question of materiality in the next wild forest UMP involving roads; will likely require closure of some existing roads†; consistent with overall goal of SLMP to limit roads on wild forest	5 miles under 1972 mileage; will require staff and board to revisit the question of materiality if a future wild forest UMP proposes to exceed a park-wide road mileage of 211.6	11.5 miles over 1972 mileage; will require staff and board to revisit the question of materiality in the next wild forest UMP involving roads; will likely require closure of some existing roads†

*Any new state land acquisitions classified as WF will require road closures or not permit WF acquisitions with existing roads.

†Any new state land acquisitions classified as WF may require road closures or not permit WF acquisitions with existing roads.

NOTE: All future CP-3 routes must meet established desired conditions for wild forest roads.