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62 Moir Road  
Saranac Lake, NY 12983**

RECEIVED  
ADIRONDACK PARK AGENCY

APR 03 2023

Megan Phillips  
Adirondack Park Agency  
P.O. Box 99  
Ray Brook, NY 12977

March 29, 2023

Dear Ms. Phillips:

Your agency is soliciting public comments on Alternative 4 in the NYS APA-DEC interpretation of Wild Forest Basic Guideline No 4. My comments follow:

It's clear to me that CP-3 roads must be counted as "roads" under the SLMP. Excluding CP-3 road mileage when assessing whether there has been a material increase in Wild Forest road mileage since 1972 would materially distort the answer. Doing this accurately would show a substantial increase over the 1972 road mileage.

It is also clear to me that CP-3 roads maintained by the DEC meet the SLMP's definition of a "road" and CP-3 permit holders are most certainly members of "the public" who use a "road".

Therefore, I conclude that your fourth alternative violates the Adirondack Park State Land Master Plan and therefore the APA and DEC must include CP-3 road mileage in Basic Guideline No. 4.

Sincerely,



**From:** [Gerald Delaney](mailto:Gerald.Delaney)  
**To:** [SLMP\\_UMP\\_Comments@apa.ny.gov](mailto:SLMP_UMP_Comments@apa.ny.gov)  
**Subject:** Comments on Road Mileage NMI  
**Date:** Sunday, April 16, 2023 9:13:03 AM

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Thank you for the ability to comment on NMI.

My belief is NMI 4 is the appropriate choice moving forward. The writers of the SLMP did indeed write there will be no material increase of roads on Wild Forest as existed in 1972. They did not assign a mileage number, even though Hiking Trails and snowmobile trails had an accounting of the number of miles in existence and published in Press Releases. This appears intentional. One could argue that the language in the SLMP refers only to State Land that was owned by the State in 1972.

They did not give us a definition of "no material increase". The definitions that exist for material in Law, and dictionaries mean it is a subjective term, clearly it does not mean none. This is a fact, not an opinion. The SLMP writers then went on to say in different parts of the SLMP that changes through purchases and public sentiment may require changes to the SLMP, and the Commissioners should assess the SLMP every 5 years. They also gave the Commissioners the ability to change the SLMP with just 6 yes votes, unlike private land use classifications that require a supermajority of 8 votes to pass.

APA and DEC through the UMP process has a very well proven tool to decide if a road that exists on a UMP under consideration meets the Social and Environmental requirements that are mentioned in the SLMP. Public comment before the UMP is created, interaction between Agencies during the creation of the draft. Public introduction to the UMP by APA and DEC staff to the APA Commissioners. Then out to public comment before adoption, which can change the UMP through these comments, or have public support. All of which takes months to complete. Always in a public process.

The only issue with NMI 4 is the lack of definition. Which raises concerns from all sides of this debate. How NMI 4 is implemented and the guidance for the future will be an important part of choosing this option.

Choosing NMI 4 would seem to make it unnecessary to codify what existed in 1972, as it obviously was not important then, and 50 years later it is only an educated guess developed with private notes that were not official State records. Creating a "cap" that was not deemed necessary during the writing of the SLMP, or important enough for an official Press Release documenting those miles, like was done for snowmobile and hiking trail miles.

I will reiterate my belief that the CP-3 and Galusha miles should not be counted as open to the general public. The Galusha settlement speaks for itself. The SLMP was in direct conflict with the American with Disabilities Act.

Thank you,  
Jerry

--

Gerald W. Delaney  
Executive Director  
Adirondack Park Local Government Review Board  
326 Downs Road

Cadyville NY 12918  
518-569-7800



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April 17, 2023

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Megan Phillips  
Adirondack Park Agency  
P.O. Box 99  
Ray Brook, NY 12977  
*(Via Electronic Submission)*

Josh Clague  
Dept. of Environmental Conservation  
625 Broadway  
Albany, NY 12233

RE: Wild Forest Basic Guideline #4 No Material Increase Alternative #4

Dear Ms. Phillips and Mr. Clague,

The Adirondack Council would like to offer comments on the fourth alternative interpretation to the State Land Master Plan's Wild Forest Basic Guideline #4 (WFBG #4). While we provide feedback on alternative #4, the Council finds that the agencies are prematurely seeking an interpretation of WFBG #4 before answering a more fundamental question: does a Commissioners Policy-3 (CP-3) road meet the definition of a road under the Adirondack Park State Land Master Plan (SLMP)? Answering this question will provide clarity as to whether CP-3 roads will be accounted for in the No Material Increase (NMI) standard under WFBG #4.

In our review of the Adirondack Park State Land Master Plan (SLMP), CP-3, relevant case law and other documents, the Council unequivocally believes that CP-3 roads meet the SLMP definition of a road and thus must count towards the total road mileage in WFBG#4.

### Context

"Wild Forest" is one of nine state land classifications and accounts for approximately 1.3 million acres of publicly-accessible Forest Preserve land in the Park, the most of any classification type. Based on their natural resource characteristics, Wild Forest units can sustain more types and intensity of uses, including motorized recreation on designated routes; however— per the SLMP— it is not encouraged, as outlined below in WFBG #4.

In May 2022, the APA and DEC brought forth a policy interpretation of WFBG#4 to the APA Board to clarify the current language within the SLMP:

*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.*





To date, there has been no formal interpretation of the “no material increase in the mileage of roads” standard.

The APA is seeking to clarify three main elements:

- 1) what was the mileage in 1972 when the APA was formed and what is the mileage today;
- 2) what classifies as a material increase in the mileage of roads on Wild Forest lands, and
- 3) what constitutes a road for Basic Guideline No. 4.

### **What Constitutes a Road?**

The Adirondack Council believes that the most important component of this issue is: *what constitutes a road for WFBG #4?*

The SLMP defines a road as:

*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.*

While that appears clear, a critical element in this policy exploration is determining whether CP-3 roads are considered roads by the SLMP definition, and thus count towards the total Wild Forest road mileage. Towards this goal, it is essential to consider the following background information.

### **What is CP-3?**

According to the DEC, “[t]he purpose of [the CP-3] policy guideline is to clarify the authority of the Department of Environmental Conservation to issue temporary revocable permits (TRPs) to qualifying people with disabilities to allow them motor vehicle access to certain specified State lands under the Department's jurisdiction, thereby facilitating such access.”

In relation to the NMI standard, this means that qualifying people with disabilities can obtain DEC-issued permits to access Wild Forest units using motor vehicles such as all-terrain vehicles (ATVs), electric wheelchairs, and other means.

The CP-3 policy contains its own definition of a road that you will notice looks quite similar to the SLMP definition:

*Road means an improved or partially improved way designed and maintained for travel by automobile and may also be used by other types of motor vehicles, including snowmobiles, on those ways designated for such use; and is,*

1. *Either maintained by a State agency or local government and open to the general public; or,*

2. *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,*
3. *Maintained by the Department or other State agency and is open to the public on a discretionary basis; or,*
4. *Designated by the Department for use by qualified people with disabilities.*
5. *Pursuant to the Adirondack Park State Land Master Plan and Catskill Park State Land Master Plan, the Department may further restrict the use of motor vehicles where in its judgment the character of the natural resources in a particular area or other factors make such restrictions desirable.*

CP-3 permits are intended to allow motorized access to roads on Wild Forest and Intensive Use classified lands for people with disabilities, on a temporary, revocable— and *discretionary*— basis. The DEC may also open roads on a discretionary basis for specific CP-3 use. Furthermore, Environmental Conservation Law Chapter 43-B Article 1 Title 3 § 1-0303 defines a “person” as “any individual [and in some instances] other than the state,” which makes it clear that people with disabilities are indeed members of the public.

Additionally, #5 of the CP-3 road definition clearly outlines that CP-3 roads must be consistent with both Adirondack Park and Catskill Park State Land Master Plans in order to protect the natural resources each plan recognizes is paramount. Therefore, we find that CP-3 roads meet the definition of a road under both *i* and *iii* of the SLMP definition of a road. As such, it is the Council’s interpretation that CP-3 roads are indeed subject to the SLMP, are consistent with the SLMP, and thus, should be counted towards WFBG#4.

### **Galusha Settlement**

In a 1998 court case, three people including Theodore Galusha sued the DEC, contending the department’s noncompliance with the Americans with Disabilities Act (ADA) when one of the plaintiffs was ticketed for using an ATV on a restricted trail in a DEC-managed recreational area.

This lawsuit resulted in a settlement that required DEC to engage the disability community in unit management planning, expand motorized access program on the Forest Preserve, and expand non-motorized access. Ultimately, this settlement validated CP-3 permit-holders to use motorized access on certain roads on the Forest Preserve. According to APA and DEC’s March 2023 presentation, “The settlement requires DEC to keep listed CP-3 mileage open or, if not approved through UMP process, alternative mileage ‘comparable, with respect to mileage and program’. Listed CP-3 mileage total [is] 26.04 miles[, but] substitutions have led to a current total of 21.56 miles.”

The DEC is required to keep 26.04 Forest Preserve Unit roads open for CP-3 access as a result of this settlement. Correspondingly, there are some CP-3 roads that are referred to as Galusha or non-Galusha CP-3 roads. Again, we find both to be subject to WFBG #4 if on, or proposed to be on, Wild Forest lands in the park.

### **A Look at the Numbers**

With those points for context, according to APA and DEC’s in-depth review of historical and current road mileage, we know the following:

- In 1972 (when the SLMP was written), there were approximately 211.6 miles of roads on Wild Forest lands.
- There are currently approximately 206.8<sup>1</sup> miles of Wild Forest roads excluding CP-3 and administrative roads.
- There are currently 21.6 miles of open CP-3 roads; there are another 16.5 miles that could be opened based on approved unit management plans (UMPs).
- Administrative roads are classified separately<sup>2</sup> and do not count towards these numbers.
- No new roads may be built on Wild Forest roads.
- **That brings the total current and useable mileage of non-administrative roads to 244.9 miles.**

### **The Alternatives**

Given these points, the material question is: *What classifies a material increase on Wild Forest lands?* With the understanding that CP-3 roads are subject to WFBG #4, here are four proposed interpretations of no material increase that the APA and the DEC have put forth:

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-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.

### **Prematurely Exploring Alternatives**

Since May 2022, APA and DEC staff have come before the APA Board six times to review the NMI standard, which underscores the complexity of this matter. Board members have lacked clarity on

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<sup>1</sup> Within the May 2022 APA mailing, a small error was identified in the Wild Forest Road Mileage Tally document for Jessup River Wild Forest. The total mileage in 2022 in the detailed breakdown on page 20 of the PDF is listed as 1.3 miles and then is listed as 1.1 miles on the summary chart on page 3 of the PDF. As such, total mileage figures for the present day will be adjusted thereafter.

<sup>2</sup> Defined as “an improved way maintained by the Department of Environmental Conservation for the principal purpose of facilitating administration of state lands or of allowing access for firefighting equipment and not normally open for public use of motorized vehicles.”

whether CP-3 roads meet the definition of a road within the SLMP, and thus whether they're subject to WFBG#4.

**As shown above, this question has still not been answered and it is a critical step before determining an interpretation of NMI. Therefore, we ask that APA and DEC pause exploring and proposing alternatives of a road mileage percentage until the question of CP-3 roads is resolved.**

The Council recognizes that the APA may choose to proceed with answering all three questions at the same time. In consideration of this possibility, the Council also offers comments on the ecological impacts of roads, accessibility, remoteness, the dangers of exempting certain types of roads, ground-truthing, Alternative #4 and directly answer all questions posed by APA staff, including the 15% threshold in the first three alternatives:

### **Ecological Impacts**

APA staffs' presentation at the February 2023 APA board meeting highlighted the negative impacts of roads on ecology, hydrology, and wildlife. The presentation was thorough and gave a critical foundation to this decision, citing that the physical imprints of a road may only be 1% but that the impacts range from 10-15% of the land. From an ecological perspective, all mileage should be either counted or noted, even if it is illegal, due to these far-reaching impacts. A prime example is the Crane Pond Road, which adjoins Hammond Pond Wild Forest and illegally continues into Pharaoh Lake Wilderness. DEC still has not closed this road to motor vehicles, even though it blatantly violates Wilderness standards. The APA has estimated that there are approximately 120 miles of administrative roads within the Adirondack Park and that they are mostly on Wild Forest lands. Even if a road is administrative, owned by a town, county, or other entity, it may be as damaging as roads officially open to the public. While these will not be counted towards the WFBG #4 mileage, the Council urges the APA to consider the cumulative impacts of all road classifications during the final interpretation of WFBG #4.

### **Accessibility**

The Council strongly supports accessibility measures when and where appropriate that are ADA, Article 14 and SLMP compliant. However, we remind the Agency that the NMI standard is a matter of resource protection, not one of access.

Based on our interpretation of SLMP and CP-3 road definitions, CP-3 roads must count towards the total mileage. Therefore, if more CP-3 roads are needed on Wild Forest lands to accommodate more access for permit holders, then the Council favors closing non-CP-3 roads to maintain the road mileage cap.

Additionally, by exempting CP-3 roads from the NMI standard in WFBG#4, a significant loophole will be established, leaving the efficacy of this standard to the dictates of current and future Commissioner Policies. By not accounting for CP-3 roads, we risk the scenario that any road that would exceed the set threshold a potential candidate for CP-3 designation.

### **Remoteness and Resource Protection**

According to the *Draft Map of Remoteness in the Adirondack Park*, the APA discovered that less than 3% of the Park is more than three miles from any road and more than two miles from lakes that allow motorized boats. The Council echoes Adirondack Wild's comment at a previous meeting to consider defining remoteness and recognizing that the APA is continually eroding that notion within New York State. We are debating the semantic definitions of roads, mileage discrepancies between years, and the

idea of materiality when we should be talking about how these fit together to best protect our finite resources, as directed by the opening page of the SLMP.

In our December 6, 2012 letter to the DEC in anticipation of the Finch, Pruyn & Co. land transaction, the Council commented that “Opening corridors for motorized access for anything other than administrative purposes will relinquish the sense of remoteness that creates a sustainable tourist economy. While there has been a call for access for all types of physical abilities, the Council will be the first to agree that there must be access for all... as is deemed appropriate by the characteristics of the land and its ability to withstand use.”

### **“Grandfather” Exemption**

During the draft Essex Chain of Lakes Management Complex (ECLMC) unit management plan (UMP) process, a number of inconsistencies with the SLMP and the Wild, Scenic and Recreational Rivers Systems Act (WSRRS) were identified. There was an assertion in the ECLMC draft UMP language that suggested that motorized access within the interior of the unit was an existing land use and was therefore in compliance with the WSRRS. However, this access was only private access granted to lease holders and not, the “general public” as the ECLMC draft UMP posited. There was an attempt to “grandfather” in the network of logging roads and snowmobile trails, to which the Council was opposed, stating that we did not support “indefinitely preserv[ing] recreational uses (such as road use) or uses no longer retained by private entities.” While land classification is not analogous with the issues at present, in both matters preserving road mileage purely for the sake of preserving roads is an illogical errand and is not the mission of the SLMP. Simply because mileage was not assessed for an increase in materiality prior to today does not allow for an exemption today.

### **Ground-Truthing**

The Council recommends going beyond mapping roads on wild forest and selecting roads for ground-truthing and calibration. The reality is a likelihood that some roads closed in *law* by the DEC and APA but utilized in *fact* as roads are typically not revegetated and restored when closed.

### **Alternative #4**

In reviewing the materials the Agency presented at the March 2022 meeting, with four alternatives and the matrix, we find that the material presented is incongruous. Alternative #4 is the only NMI alternative that references CP-3, while the matrix looks at three levels of CP-3 incorporation (CP-3 included, CP-3 not included, non-Galusha CP-3 included). All of the alternatives should be amended to acknowledge the role of CP-3, otherwise it is unclear to the public how Alternatives 1-3 relate to CP-3.

In addition, while immense staff resources and time has clearly gone into the maps of each Wild Forest unit, road mileage is not listed on said maps and CP-3 roads are not labeled, creating partiality to the APA’s question of whether or not CP-3 roads should be counted.

The Council will also directly answer the APA’s questions in relation to the WFBG #4 interpretation:

1. (a) What was the road mileage on lands classified as Wild Forest in 1972?  
*Council’s Answer: Approximately 211.6 miles, not including administrative roads.*  
What is the existing road mileage on lands classified as Wild Forest today?  
*Approximately 206.8 miles (adjusted for Jessup), not including administrative roads.*  
*Approximately 244.9 (adjusted for Jessup) including all CP-3 routes, even those on administrative roads.*

(b) What road mileage exists on Wild Forest lands today?

Council's Answer: *Unclear at this time until CP-3 road interpretation is addressed.*

2. 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?

Council's Answer: *Yes, CP-3 roads meet the definition of a road in the SLMP as they are "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... maintained by the Department of Environmental Conservation or other state agency and open to the public on a discretionary basis."*

3. What constitutes a material increase in road mileage?

Council's Answer: *Mileage above the road mileage in existence in 1972.*

**As such, we propose the following edit to the alternative #4 text:**

The current estimated mileage of roads in lands classified as Wild Forest, including CP-3 routes, is 244.9 miles. This constitutes a material increase of 15.7% in road mileage since 1972. All future roads not yet approved that are to be open to the public, including CP-3 permit holders, on Wild Forest lands are subject to approval or closure with a revegetation recommendation by the APA board.

**15% Threshold**

In looking at the road mileage numbers above, we see that the 244.9 mile total is about 15.7% over the 1972 mileage of 211.6. This is above the APA's 15% cap, which is why there is cause for the APA to not want to count CP-3 roads.

To understand if 15% is too much, regardless of counting CP-3 roads into the math, we also must look back at the underlying mandate of the SLMP:

*If there is a unifying theme to the master plan, it 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 in their physical and biological context as well as their social or psychological aspects are not degraded.*

Since this was the intention of the SLMP, the Council believes a standard less than 15% should be set. Given the ecological impact roads have on a landscape – habitat fragmentation, disruption to species movement, human recreational enjoyment – the Council believes that all roads that sustain motor vehicle use, including CP-3 roads, must count as a road and towards the “no material increase” standard outlined by the APA and DEC.

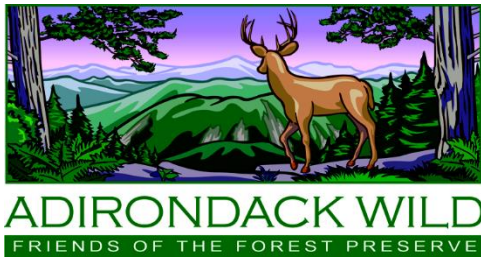
In conclusion, the decision surrounding the interpretation of WFBG #4 has been complicated and confusing. What is clear is that a road is a road, and while the SLMP exempts administrative roads, it does not exempt CP-3 roads. The Council urges the APA and DEC to solidify this interpretation before amending or proposing new policy interpretations of WFBG#4. Thanks to Joe Pinheiro and Mary O'Dell's road ecology presentation, we are keenly aware of the sweeping impacts of habitat fragmentation, sedimentation, alteration of hydrology, soil compaction, spreading of invasive species and more that

exist with the presence of a road. We must act on that knowledge and count CP-3 roads towards the overall mileage when interpreting WFBG #4. Thank you for reviewing and responding to our comments.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jackie Bowen". The signature is fluid and cursive, with the first name "Jackie" being more prominent than the last name "Bowen".

Jackie Bowen  
Director of Conservation



April 7, 2023

Megan Phillips, Deputy Director for Planning  
NYS Adirondack Park Agency  
Box 99  
Ray Brook, NY 12977

**Re. APSLMP Wild Forest Guideline 4, No Material Increase, Alternative #4**

Dear Ms. Phillips,

Adirondack Wild and other members of the public have again been invited to comment about yet one more Agency interpretation of its Wild Forest Guideline No. 4, which establishes that public motorized use in Wild Forest shall not be encouraged, and that there shall not be a material increase in the mileage of roads and snowmobile trails open to public motorized use than existed at the time of the Adirondack Park State Land Master Plan's (APSLMP) adoption in 1972.

**APA's latest interpretation:** It states that: *"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."*

In offering this, the Agency persists in the faulty assumption that roads open under DEC Commissioners Policy 3, or CP-3, exclusively for permittees, are not roads, as defined, and should not be roads counted towards materiality. The APA must lack confidence in its assumption because the Agency keeps asking the public a question that its own records demonstrate has already been answered: "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?" APA should not expect the public to have to answer a question that the Agency has already answered - affirmatively .

**Agency Records:** Assumptions that CP-3 roads are not roads and should not count towards Master Plan materiality guidelines are unsupported, in fact they are contradicted by the Agency's own records. Unfortunately, after all these months Agency members today still seem unaware of these prior records and decisions. APA members are not being given background information necessary for informed decision making, such as the agency's



large file of information about its participation in the 1998-2001 “Galusha Case” in federal court in Albany, and what preceded it. The Galusha case was settled by consent order, signed by APA Chairman Richard Lefebvre, on July 5, 2001. That event was described in the APA’s 2001 Annual Report as follows:

*“In July a landmark settlement of the Galusha lawsuit was achieved—with Agency participation—that has cleared the way for implementation of the Americans with Disabilities Act within the Forest Preserve. This positive turn of events in Park history creates significant new opportunities for the disabled while preserving the management of our public land in a manner consistent with the New York State Constitution and the Adirondack Park State Land Master Plan” - emphasis ours, Adirondack Park Agency Annual Report, 2001, page 26.*

From this brief APA report, one learns that a. the Agency fully participated in the Galusha settlement; and b. that the settlement and roads opened under CP-3, including the 21.6 miles authorized and opened as well as the routes authorized since 2001, preserved the management of the Forest Preserve consistent with the entire APSLMP, including Wild Forest Guideline 4. In brief, APA’s 2001 report affirms that CP-3 routes were roads considered and counted towards “no material increase.”

My employer at the time was an intervenor-defendant in the Galusha case and I signed the 2001 consent order on behalf of my organization. My board and I had the confidence to sign expressly because APA staff had convinced all the parties, including federal Judge Kahn, that the APSLMP applied and that the consent order’s roads for CP-3 permittees must be incorporated and considered in the context of APSLMP’s Wild Forest Guideline 4.

Signing of the Consent Order was the culmination of years of fully vetted Agency staff memoranda concluding that the Master Plan’s guidelines applied to CP-3 roads and permittees. All APA memos and other materials related to interpretation of Wild Forest Guideline 4 during the years the Galusha case was in court (1998-2001) should be immediately provided to Agency members and to the public. Some of those memoranda were released to us under FOIL; however, others were inappropriately withheld for spurious reasons of confidentiality.

An APA staff memo released to us, dated Dec. 17 1996, stated that Agency staff met with DEC staff on Dec. 5, 1996 “to discuss identifying DEC roads currently opened for public use of motor vehicles and to quantify the approximate miles of roads open in 1972...all part of an effort to develop a comprehensive park wide list of roads legally open to motor vehicles as part of the Department’s new policy allowing people with disabilities to use motor vehicles on state land in the Park.”

The memo infers those roads legally open to motor vehicles on Wild Forest included and incorporated the policy, which later became CP-3, authorizing persons with disabilities to use motor vehicles. The memo’s clear inference is that CP-3 permittees are considered

members of the public and the roads driven by the permittees are counted toward Wild Forest road mileage under the Master Plan.

**Galusha Consent Order:** With respect to the Galusha settlement itself, signed by the Agency, it is clear that the expansion of routes open for CP-3 permittees were agreed by the parties to be consistent with the Master Plan, in that *“DEC will propose, and DEC and APA will support through the UMP amendment process, motor vehicle access for persons with disabilities holding permits under Policy CP-3, subject to closure for seasonal conditions in the discretion of DEC as land manager for the Forest Preserve, including reasonable closure for environmental and/or public safety reasons...”* (Galusha Consent Order, 2001).

This quote from the settlement is consistent with the discretionary powers of the DEC under the APSLMP, whereby some roads are to be “maintained by the Department of Environmental Conservation or other state agency and open to the public on a discretionary basis” (APSLMP). In short, CP-3 roads are roads as defined under APSLMP.

Some routes originally listed in the 2001 settlement were evaluated and eventually deemed out of APSLMP compliance because their use would harm natural resources and degrade Wild Forest character. Comparable alternative routes deemed APSLMP compliant, inclusive of Wild Forest Guideline 4, were anticipated and found under the Settlement.

Around 2005, DEC and APA staff invited me and other members of the DEC Forest Preserve Advisory Committee to walk some of the Consent Order’s CP-3 roads in the Moose River Plains Wild Forest. I clearly recall discussion about these routes as “roads,” defined by the APSLMP, and about their overall APSLMP compliance, inclusive of Wild Forest Guideline 4.

**Today’s Reality:** APA’s past records document that CP-3 permittees are members of the public granted exclusive opportunity to ride on roads defined by the APSLMP and opened by DEC on a discretionary basis. The Agency’s complicated matrix and convoluted language about the alternative interpretations seem intended to mask these facts. Road mileage subject to Wild Forest Guideline 4 has reached about 245 miles, inclusive of CP-3 roads, a greater than 15 percent increase since 1972 (206 miles).

**Park Context:** That increase does not count the thirteen or more miles of the Limekiln-Cedar River Road, once Wild Forest, reclassified to Intensive Use in 2016. Further, to date APA has failed to consider the APSLMP’s requirement that private land opportunities factor into planning, as stated in the Master Plan’s page 3:

*“The state has also acquired...a variety of conservation easements and less-than-fee interests in private lands that serve an important public purpose in either providing public access to state lands or in preserving the natural, open space character of the private land burdened by the easement **for the benefit of other state lands in the Park.** These less-than-fee interests are an important element in the relationship between state and private lands...**This master plan...has therefore attempted to take into account...this intermingling of private and public lands within the***

***Park” ... “The Act clearly recognizes the unique land ownership pattern within the Adirondack Park...and mandates the Agency to reflect in this master plan the actual and projected uses of private lands within the Park.”***

There was no conservation easement law until 1983. Now, miles of private, former industrial roads as well as trails on conservation easements are open to some form of negotiated public motorized recreation. The latest example is the 16-miles of dirt road newly opened to public motorized uses from May-September through the Kildare Conservation Easement Recreation Area Management Plan. In fact, DEC’s easement program and its 2006 snowmobile plan were expressly intended to shift motorized access off the Forest Preserve and onto routes on private land. APA’s interpretation of Wild Forest Guideline 4 must consider and account for this.

**Misuse of Visitor Use Management:** Some APA members want the staff to use V.U.M. methods to determine on a case by case, UMP by UMP basis whether Wild Forest roads comply with APSLMP guidelines. This would be a serious misapplication of VUM. VUM is a set of tools for establishing and meeting desired resource conditions as a means for estimating the carrying capacity of an area. VUM is not a substitute for the framework of established public land law, policy and regulation. Rather, VUM is meant to augment the established legal and policy framework, in this case surrounding motorized use in Wild Forest already established by the State Constitution, the APSLMP and Part 196 of DEC regulations. APA staff have already presented the Agency with documentation about the serious ecological impacts of road presence and motorized uses. That should inform APA’s resolve to avoid those impacts in Wild Forest by adherence to the APSLMP, DEC regulation, and Article XIV of the State Constitution.

**Current Wild Forest road mileage** is at least 33.06 miles over 1972 mileage. As APA correctly states, “the overall goal of the APSLMP is to limit motorized road uses in Wild Forest.” That being the case, APA and DEC should embrace, not fear, the opportunity to evaluate natural resource damage from motorized road traffic in parts of Wild Forest throughout the Park, and take steps through the UMP processes to close portions of those roads as a matter of discretionary authority under the APSLMP. That authority is Master Plan Wild Forest Guideline No. 3 under *Motor Vehicles and Motorized Equipment*: “*The Department of Environmental 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.*”

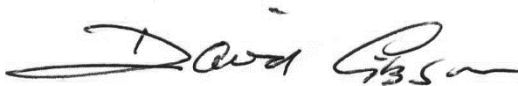
**Past Precedent:** As APA records show, some twenty years ago DEC made management decisions to close nearly sixty miles of non-CP-3 Wild Forest roads where natural resource damage was taking place because of intensive, illegal ATV and other motorized traffic in wetlands and other locations on the Forest Preserve not designed for it. At the time, APA contributed to these road closure decisions in the Independence River Wild Forest, where

more than twenty miles of roads were closed, in the Aldrich Pond Wild Forest, in the Taylor Pond Wild Forest, Wilcox Lake Wild Forest, and in many other locations.

**Moving Forward:** We have no doubt that there are additional locations today where natural resource damage is taking place because we have visited several of them. These routes should be evaluated and, potentially, closed as a management decision under the relevant UMP. As there are over sixteen miles of CP-3 routes approved in UMPs but not yet opened to motorized use, these routes should also be re-evaluated as to whether their future opening, at the discretion of the DEC, would unduly threaten or damage natural resources. Since the APA's paramount responsibility is the protection of the natural resources of the State Lands, it is incumbent on the Agency to tackle this challenge in a constructive manner with DEC partners through the UMP amendment process.

Thank you for this additional chance to comment, supplementing our comments of June 2022 and March 2023.

Sincerely,

A handwritten signature in black ink, appearing to read "David Gibson". The signature is fluid and cursive, with a long horizontal stroke at the beginning.

David Gibson, Managing Partner  
Adirondack Wild: Friends of the Forest Preserve

P.O. Box 9247  
Niskayuna, NY 12309  
518-469-4081  
Adirondackwild.org

Cc: Barbara Rice, APA  
Chris Cooper, APA  
Agency Members and Designees  
Peter Frank, DEC  
Josh Clague, DEC  
Fiona Watt, DEC  
Ashley Dougherty, Executive Chamber



April 17, 2023

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**Conservation Director  
and Counsel**

Ms. Megan Phillips  
Deputy Director for Planning  
Adirondack Park Agency  
PO Box 99  
Ray Brook, NY 12977

**RE: Comments on “No Material Increase” Alternative No. 4:  
Adirondack Park State Land Master Plan Wild Forest Basic  
Guideline 4**

Dear Ms. Phillips:

Protect the Adirondacks (“PROTECT”) appreciates the opportunity to submit these comments concerning the Agency’s “No Material Increase” Alternative No. 4. This issue has arisen in the context of the Agency’s consideration of Wild Forest Basic Guideline Number 4, which provides that “[p]ublic use of motor vehicles will not be encouraged and there will not be any material increase in the mileage of roads . . . 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.” APSLMP at 35.

We urge the Agency to reject Alternative No. 4 because it violates the Adirondack Park State Land Master Plan (“APSLMP”). Alternative No. 4 is factually and legally flawed because (i) it fails to include road mileage on Wild Forest lands open for motor vehicle use by members of the public possessing permits issued by the Department of Environmental Conservation (“DEC”) pursuant to DEC Commissioner Policy 3, Motorized Access Program for People With Disabilities (“CP-3” or the “Policy”);<sup>1</sup> and (ii) due to its failure to include CP-3 road mileage, it incorrectly states that current road mileage on Wild Forest lands is 206.6 miles and erroneously concludes this incorrect mileage total does not constitute a material increase in road mileage over the 211.6 miles of roads existing in 1972.

As discussed in detail below, CP-3 roads fall squarely within the APSLMP’s definition of a “road” and CP-3 road mileage must therefore be

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<sup>1</sup> Available at [www.dec.ny.gov/outdoor/76213.html](http://www.dec.ny.gov/outdoor/76213.html)

considered in the Agency’s assessment of whether there has been a material increase in Wild Forest road mileage since 1972. Furthermore, the Consent Decree in *Galusha et al. v. NYS Dept. of Env’tl. Conservation et al.* makes clear that roads opened pursuant to that settlement are CP-3 roads and are not excluded or exempt from any provisions or requirements of the APSLMP, including Wild Forest Basic Guideline Number 4. Furthermore, the *Galusha* settlement did not, as some have claimed, deprive DEC of its discretion to open or close roads identified in the settlement for CP-3 use; to the contrary, the settlement expressly preserved DEC’s discretion with respect to those roads and required that they go through the Unit Management Plan (“UMP”) review process before they could be opened.

The omission of CP-3 road mileage from Alternative No. 4 significantly skews the analysis of Wild Forest road mileage and distorts the assessment of whether current mileage constitutes a material increase over the 1972 mileage. As the Agency has acknowledged, inclusion of CP-3 road mileage—which as discussed below is clearly required by the APSLMP—results in a total of 244.7 miles of Wild Forest roads. This represents slightly more than a 15 percent increase over the 1972 mileage and constitutes a material increase that is inconsistent with Wild Forest Basic Guideline Number 4.

Lastly, PROTECT objects to the truncated and rushed evaluation of Alternative No. 4, which has clearly left APA Board members confused and is likely just as confusing to members of the public. The significant (but unspoken) underlying assumption in Alternative No. 4 is that CP-3 road mileage on Wild Forest lands does not need to be considered in assessing whether there has been a material increase in road mileage since 1972. Yet the Agency has failed to provide any information or rationale supporting that momentous conclusion. Indeed, as pointed out in our March 7, 2023 letter to the Agency, the question of whether CP-3 road mileage must be included in the “no material increase” assessment requires a legal interpretation of the APSLMP. However, neither the public nor, to our knowledge, the APA Board has been provided with any legal analysis supporting the Agency’s proposed exclusion of CP-3 roads or demonstrating how Alternative No. 4 complies with Basic Guideline No. 4 of the APSLMP. Until such an analysis is provided to the public and the APA Board, we believe that Board consideration of Alternative No. 4 is premature.

## **Background**

### **A. The Department’s CP-3 Program**

The CP-3 program was established by DEC in 1997 in order to “clarify the authority of the Department . . . to issue . . . permits . . . to qualifying people with disabilities to allow them motor vehicle access to certain specified State lands under the Department’s jurisdiction, thereby facilitating such access.” CP-3 at p. 1. The Policy specifically recognizes that, on Forest Preserve lands, “the Department must comply with the directive in Article XIV of the New York State Constitution which requires that Forest Preserve lands be ‘forever kept as wild forest lands’” and thus “the Department may not issue permits which have the result of diminishing the forever wild character’ of those lands. *Id.* The Policy also specifically recognizes that issuance of CP-3 permits is constrained by the APSLMP, which places “restrictions on motor vehicle access into the Forest Preserve.” *Id.* Thus, the Policy explicitly acknowledges that CP-3

motorized use of Forest Preserve lands is subject to the legal constraints imposed by Article XIV and the APSLMP.

The Department's program for providing access to DEC-administered lands to persons with disabilities is set forth in the Policy as follows:

A qualified person with a certified disability who wants to access State land by a suitable motor vehicle . . . may do so only through the authority of a [CP-3] Permit . . . . On lands administered by the Department, a suitable type of motor vehicle shall be allowed to provide motor vehicle access for qualified people with disabilities to operate on designated roads, trails and geographical areas where, in the opinion of the Department with comments from the public where appropriate, the use of such motor vehicles will not have a deleterious effect on the trail, road or geographical area, the land's natural resource values or the experience of other users. ***Such designation and use must be consistent with current law, including the Environmental Conservation Law, the State Land Master Plan for the Adirondack Park or Catskill Park, as the case may be, Department rules and regulations, a Unit Management Plan for the area,*** and an administrative directive consistent with current law, and must not endanger the safety and welfare of the general public. Within the Adirondack Park and Catskill Park, the motor vehicle may not be used on trails and in geographical areas, and may only be used on designated and specifically marked roads.

*Id.* at p. 4; (emphasis added).

Thus, the plain language of CP-3 makes clear that motor vehicle use on Forest Preserve land pursuant to the Policy is subject to and must be consistent with “current law,” including the APSLMP where such use will occur in the Adirondack Park. Because motor vehicle use under the CP-3 program is subject to the APSLMP, it must therefore comply with the restrictions imposed by Wild Forest Basic Guideline Number 4.

#### B. The Galusha Settlement Roads Are No Different from Other CP-3 Roads

*Galusha* was a federal court case brought pursuant to the Americans With Disabilities Act (“ADA”) in which plaintiffs alleged that they had been discriminated against in violation of the ADA and sought motor vehicle access to various locations in the Adirondack Forest Preserve. The case was settled in July 2001 with the filing and approval by the presiding judge of a Consent Decree.<sup>2</sup> The two organizations that merged to form PROTECT were parties to that settlement.

Contrary to statements made at the December 2022 and February 2023 Agency meetings, the Consent Decree did not “order” DEC to open certain roads in the Adirondack Park to motor vehicle use. Rather, the Consent Decree required DEC to (i) propose amendments

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<sup>2</sup> Pertinent portions of the Consent Decree referenced herein are attached as Exhibit A to PROTECT's March 7, 2023 letter.

to certain existing UMPs allowing access to specific areas under the Department’s CP-3 program, and (ii) ensure that certain roads already open to CP-3 use remained open for such use “subject to final approval in the UMP process.” *See* Consent Decree at pp. 6-8. Thus, the Consent Decree, by requiring that all roads proposed for CP-3 motorized use go through the UMP review process, preserved DEC’s (and APA’s) discretion concerning which roads would be opened to CP-3 use. Indeed, far from “ordering” opening of roads to CP-3 use, the Consent Decree made clear that approval of Decree-proposed roads for CP-3 use was not a foregone conclusion because it included procedures to be followed “in the event that any road [proposed for CP-3 use] is not approved through the UMP process.” Consent Decree at p. 8. DEC’s discretion is also preserved by the Decree’s provision that roads opened to CP-3 use are nevertheless “subject to closure for seasonal conditions *in the discretion of DEC as land manager of the Forest Preserve*, including reasonable closure for environmental and/or public safety reasons . . . .” *Id.* at p. 6; (emphasis added).

In addition, the Consent Decree does not, nor could it legally, exclude or exempt any of the proposed CP-3 roads from applicable legal constraints, including those imposed by the APSLMP. In fact, the Consent Decree recognizes that DEC and APA “are charged by Article XIV of the New York State Constitution, statute, regulation and the Adirondack Park and Catskill Park State Land Master Plans (“SLMPs”) to act as stewards and, in the case of DEC, land manager for the Forest Preserve *within the constraints of the New York State Constitution Article XIV’s “forever wild” provision and the SLMP classification system* and to act in accordance with all applicable state and federal law.” *Id.* at p. 2; (emphasis added).

Thus, having gone through the UMP review process, roads opened for CP-3 motorized use as a result of the *Galusha* settlement are no different from any other Forest Preserve roads opened for such use, and have no special legal status or exclusion from the legal constraints of the APSLMP, including Wild Forest Basic Guideline Number 4.

### **Alternative No. 4’s Exclusion of CP-3 Road Mileage Violates the APSLMP**

#### **A. CP-3 Roads are Included in the APSLMP’s Definition of “Road”**

The APSLMP<sup>3</sup> defines a “road” as:

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;

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<sup>3</sup> Available at [https://apa.ny.gov/Documents/Laws\\_Regs/APSLMP.pdf](https://apa.ny.gov/Documents/Laws_Regs/APSLMP.pdf)



- (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.*

APSLMP at p. 20; (emphasis added).

CP-3 roads meet the above italicized portion of the APSLMP's definition of "road" because (i) they are maintained by DEC; (ii) they are open to members of the public who have a CP-3 permit (*i.e.*, meet the definition of "qualified person with a disability" in CP-3); and (iii) the opening is on a discretionary basis, because such roads are open for motor vehicle use only to members of the public possessing a CP-3 permit, persons wishing to participate in the program must apply to DEC for the permit and meet specified criteria in order to obtain the permit, and DEC has the discretion to deny the application. *See* CP-3 at pp. 3, 5-6. DEC also has discretion to close the roads to motorized use by CP-3 permit holders as needed for environmental and/or public safety reasons. *Id.*

Because CP-3 roads fall squarely within the APSLMP's definition of "road" they are subject to Wild Forest Basic Guideline Number 4. Indeed, excluding CP-3 roads from the ambit of Basic Guideline Number 4 would mean there is no limit whatsoever on the mileage of Wild Forest roads that can be opened to CP-3 motorized use. Even the Policy acknowledges that the CP-3 roads are subject to the constraints of Wild Forest Basic Guideline Number 4. CP-3 at p. 1.

### **Conclusion**

Because CP-3 roads, including all roads opened to CP-3 permit holders pursuant to the *Galusha* Consent Decree, meet the APSLMP's definition of "road," all existing CP-3 road mileage on Wild Forest lands in the Adirondack Park must be included in the Agency's assessment of whether there has been a material increase in road mileage on Wild Forest lands since 1972.

Alternative No. 4 is legally flawed because it excludes the mileage of CP-3 roads from its tally of existing road mileage. Because of that impermissible omission, Alternative No. 4 mistakenly concludes that there has been no material increase in road mileage on Wild Forest lands since 1972. Thus, Alternative 4, and any other alternative that does not include CP-3 road mileage in the tally of existing road mileage on Wild Forest lands, must be rejected by the Board as being inconsistent with the APSLMP.

Finally, we would like to take this opportunity to express again our opposition to the Agency adopting a 15% increase in road mileage as not being a material increase. A reasonable interpretation of the "no material increase" clause would be an increase in the low single digits of 2-3%.

On behalf of the Board of Directors of Protect the Adirondacks, please let me express our gratitude for the opportunity to submit these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Amato". The signature is fluid and cursive, with a large initial "C" and a long, sweeping tail.

Christopher Amato  
Conservation Director and Counsel

Cc: Christopher Cooper, Esq., APA Counsel



**Accessibility and Advisory Committee of NYS  
Department of Environmental Conservation (DEC) and  
the Adirondack Park Agency (APA)**

April 17, 2023

**To: Megan Phillips, Deputy Director, Planning, Adirondack Park Agency**

**From: Accessibility Advisory Committee of the APA and DEC**

**RE: Public comment re. No Material Increase (NMI) Alternative #4 - Interpretation of the Adirondack Park State Land Master Plan's Wild Forest Basic Guideline No. 4**

The comments included are from the Accessibility Advisory Committee (Committee) of the APA and DEC. The Committee includes individuals, organizations and representatives of people with disabilities. It is committed to advancing goals that increase awareness and access for people with disabilities. The Committee was formed to provide assistance, advice and guidance to the Department of Environmental Conservation (DEC) and the Adirondack Park Agency (APA) on issues relevant to persons with disabilities. Thank you for the opportunity to offer comments.

The Committee recognizes and values the importance of protection and preservation of the natural resources of state lands within the Adirondack Park. We also recognize the importance of having lands available and accessible for the enjoyment of citizens of NYS and visitors to NYS. People who use public lands for recreation, hunting, fishing, etc. can often be the best stewards of state lands.

The Americans with Disabilities Act became law in 1990 with the intent to ensure **access** for individuals with disabilities. The Architectural Barriers Act of 1968 requires access to buildings designed, built and altered utilizing Federal Funds. The Adirondack State Land Master Plan predates both of these laws. Access to state lands for individuals with disabilities was not a consideration at that point in time. Now, it needs to be included.

To that end, we offer the following comments:

1. CP-3, even with its imperfections, has opened opportunities for access to Wild Forest lands. CP-3 is about access, but the CP-3 access points are not open to the general public. A majority of, but not all Access Committee members, believe that CP-3 access point miles *should not be considered part of any Public Road Mileage Determination*. There are approximately 1,000 CP-3 revocable permits. This is not an excessive number and highly unlikely that there are many users at any given time. The number of CP-3 permits issued does not represent any data on actual use of CP-3 permit access points. Is there measurable data on actual use?
2. Consider that there could be some implicit bias in the public comments received and request caution in limiting CP-3 miles now and in future planning.
3. Any reduction (or lack of increase) in accessible places has a negative impact and perpetuates the devaluing of individuals with disabilities. This is a dis-service.

4. Increasing access for all in public spaces is a best practice. We request DEC and APA to continue, and increase Accessible Design, including adequate accessible parking at venues. This can, in some instances, be an alternative to more rules about mileage caps. Accessible places carry the message that all people belong. Developing spaces and trails utilizing the principles and designs of accessibility create opportunities for all. They don't need to have a measure of miles attached to them.

5. More individuals are recognizing and utilizing the benefits of outdoor recreation and seeking outdoor recreation opportunities. This is not a bad thing. Technology, improved designs, products and surface materials, and, changing attitudes have opened doors to create opportunities for individuals with disabilities to access outdoor recreation. The technology, improved designs and materials can also reduce impact. When amendments and changes are proposed within the Park, it is crucial that the APA and DEC stay true to the intentions and spirit of the ADA and accessible spaces. This includes physical places, with unbiased planning. Include research and planning based on usage data.

6. From the information presented regarding Alternatives re. No Material Increase in miles, CP-3 miles, or a combination of both, it appears this is more of a dilemma without practicable solutions. Before making further policy decisions, please consider gathering and providing more user data, resource inventory data and including planning for future accessible use.

In the last 50 years, NYS has acquired a significant amount of land, including large amounts of land classified as Wild Forest. A ratable % increase could be considered being added to current road mileage calculations. Ditto for a ratable increase for CP-3 mileage. In as much as there are many opinions within the Committee on this, this is being included with these comments.

**From:** [Bill Kissel](mailto:bill@billkissel.com)  
**To:** [SLMP\\_UMP\\_Comments@apa.ny.gov](mailto:SLMP_UMP_Comments@apa.ny.gov)  
**Subject:** APA SLMP - No Material Increase Alternative #4  
**Date:** Monday, April 17, 2023 11:10:04 AM

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April 17, 2023

Megan Phillips, Deputy Director for Planning  
Adirondack Park Agency  
P.O. Box 99  
Ray Brook, New York 12977

RE: Adirondack Park State Land Master Plan – No Material Increase Alternative #4

Dear Ms. Phillips:

We have reviewed NMI Alternative #4 and respectfully submit that the Adirondack Park Agency should reject it for the reasons set forth in this letter.

NMI Alternative #4 takes into account only Non-CP3 road mileage in calculating a material increase in road mileage that existed at the time of adoption of the State Land Master Plan in 1972 in lands classified as “Wild Forest”. The non-inclusion of CP3 road mileage is in error in that CP3 roads clearly meet the definition of the term road as set forth in the State Land Master Plan.

Accordingly all CP3 road mileage must be included in the calculation of a material increase of the mileage of roads in Wild Forest areas that existed at the time of the adoption of the State Land Master Plan in 1972. Since NMI Alternative #4 does not include such mileage it is unacceptable and should be rejected by the Adirondack Park Agency.

Sincerely,

*Peter S. Paine, Jr.*  
*peterspainejr@gmail.com*

*William H. Kissel*  
*bill@billkissel.com*



## **New York State Snowmobile Association**

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**Executive Director**

**Jennifer Senf**

Megan Phillips  
Deputy Director for Planning  
Adirondack Park Agency  
PO Box 99  
Ray Brook, NY 12977  
(518) 891-4050

April 17, 2023

The New York State Snowmobile Association (NYSSA) would like to take this opportunity to submit comments regarding Adirondack Park State Land Master Plan's Wild Forest Basic Guideline No. 4 – no material increase of road mileage on lands classified as Wild Forest. We appreciate the APA for allowing for this public comment period. NYSSA currently has over 55,000 memberships representing over 100,000 snowmobilers that belong to over 220+ snowmobile clubs in New York State. Many snowmobilers travel to the Adirondacks for the experience. Our organization strives to preserve that opportunity for snowmobilers in NY. We also advocate for safe and enjoyable riding for all snowmobilers. Snowmobilers provide economic benefits to many businesses in the Adirondacks and are crucial to the survival of these communities. NYSSA would like the agency to consider future changes and how they will impact the snowmobile plan.

For an increase to be material, the change would have to be significant and impact the character of the Wild Forest Land. Snowmobile trails account for less than 1,000 acres of the Forest Preserve, allowing some non-material increases in snowmobile trail mileage should be considered in the future as it would not change the “wild forest character” of the Park. In reviewing each of the four alternatives, each has the potential to impact the snowmobile trail system.

When the state acquires new properties, we support that the road and trail mileage located on private lands when NYS acquires the land be added to the mileage cap limit. For example, if NYS acquires a parcel with 30 miles of an existing road or snowmobile trails, the cap limit should be raised to accommodate that mileage. The trail mileage limit should correspond with the number of acres in the state in 1972 and now and into the future. New land acquisitions should allow proportional material increase allowances to enable access to the new land by recreational enthusiasts and parties requiring additional road alternatives so that all can enjoy the Adirondack Park. Not allowing any mileage increase would limit the areas for those with any abilities to enjoy. We support a mileage increase in proportion to expanding state land ownership to provide access to disabled individuals.

NYSSA supports alternatives that would allow for an increase of more than 15%. This increase should be considered in new state land acquisitions since 1972. We understand that from 1973 to 2018, there has been a 137,278-acre increase in wild forest lands, which represents an 11.6% increase, but what considerations are there for future land acquisitions and land that could be

reclassified in the future? NYSSA is concerned about how this will affect future generations of snowmobilers and the possibility that essential trails will be closed to avoid reaching the mileage cap limit.

In addition to new land acquisitions, environmental issues may increase trail mileage. For instance, the Adirondack Snowmobile Plan recommends we avoid wetlands, steep slopes and other sensitive areas. This may result in a rerouting of the trail, which could potentially add mileage. The Adirondack Snowmobile Plan also recommends rerouting trails to the periphery of particular units that more than likely will add mileage. Another issue is safety; again, the Adirondack Snowmobile Plan recommends that trails do not end at a lake and that they be rerouted to go around the lake, which will result in more mileage being added. If, in the future, there was a need for one way trails, there would also have to be additional mileage added to the cap. NYSSA recommends that any additional mileage be considered as non material because of environmental or safety concerns that should result in the mileage cap ceiling being increased.

Any snowmobile trails on motor vehicle roads open to the public should not be counted toward the cap. These roads are also available to motor vehicles in the non-winter months. Therefore, NYSSA recommends that snowmobile trails on motor vehicle roads not count toward the mileage cap ceiling.

Thank you for the opportunity to submit our comments.

Sincerely

Jennifer Senf

**From:** [Speculator Mayor](#)  
**To:** [SLMP\\_UMP\\_Comments@apa.ny.gov](mailto:SLMP_UMP_Comments@apa.ny.gov)  
**Cc:** [Speculator Clerk-Treasurer](#)  
**Subject:** Comments to: APSLMP Wild Forest Basic Guideline No. 4  
**Date:** Monday, April 10, 2023 3:21:43 PM

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Megan Phillips, APA Project Contact

Dear Ms Phillips and members of the Committee,

Thank you for the opportunity for allowing Local Government and individuals to provide comments to help inform the Board's interpretation of the Adirondack Park State Land Master Plan's Wild Forest Basic Guideline No. 4 – no material increase of road mileage on lands classified as Wild Forest, including a new No Material Increase Alternative #4.

The proposed alternatives will not address all the inequity that has been placed on the residents living within the Adirondacks. Given the limitations of what has been presented, I would support the following:

1. NMI Alternative 2: Increase more than the proposed 15%. The increase should be tied to the percentage of land that NYS has acquired since 1972. We are in support of what was done for the snowmobile trails back in 2009.
2. Road Alternative: CP-3 should not be included in the count as "Open to the Public". The "Galusha/CP-3" road mileage should be excluded from all mileage caps. To not exclude it would be a continuation of discriminatory actions. Using one user group to discriminate against another with an arbitrary mileage cap is definitely not what the Court envisioned in its judgement.

New York State has curtailed economic, social development as well as diversity within the Adirondack Park for decades with its outdated and discriminatory State Land Master Plan. The Regulatory Agencies that are tasked with enforcement and interpretations of this draconian document are stuck in past practices and policies, when we believe they should be focused on the present and future of the Adirondack Park and its residents. I ask, on behalf of our residents in the Village of Speculator, to codify a process to allow for future growth of the Forest Preserve, which creates road miles as needed and replace the current Winner and Loser system that is currently in use.

Thank you for your consideration.

I tried several times to provide comments through your website:

<https://apa.ny.gov/Hearings/ApaCommentPopup.cfm?ProjectNumber=WF-4> several times. After each submission I received a "403 Forbidden" message. I left a VM regarding this matter as well.

Sincerely,



Jeannette A. Barrett, Mayor

*Jeannette A. Barrett, PhD*

Mayor

[mayor@villageofspeculator.com](mailto:mayor@villageofspeculator.com)

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Jake Mahoney  
D. Sean Curry  
Kristina Eldridge

Megan Phillips, Deputy Director for Planning  
Adirondack Park Agency  
P.O. Box 99  
Ray Brook, NY 12977

April 12, 2023

As I stated in my June 17, 2022 letter, I don't feel that any of the Proposed Alternatives will address the inequities that have come about because of the NY State land acquisitions. The historic loss of existing infrastructure and cultural history through flawed and biased land classifications can never be fixed or replicated.

NMI Alternative 2: Increase more than 15 % is least offensive of the proposed alternatives.  
Road Alternative 2-CP-3 not included.

It is shameful for any organization or non-profit to attempt to use an outdated, self-serving political and social feudalism document to discriminate against people who only want access to land that their taxes helped purchase and maintain.

A handwritten signature in cursive script that reads "Brian E Wells".

Brian E Wells – Supervisor  
Town of Indian Lake  
Hamilton County Chairman  
Member 5 Towns

RECEIVED  
ADIRONDACK PARK AGENCY

APR 17 2023

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April 17, 2023

Adirondack Park Agency  
Attn: Megan Phillips  
1133 Route 86  
Ray Brook, NY 12977

Re: State Land Master Plan – Wild Forest Roads

Dear Ms. Phillips:

As you know, we are Legal Counsel for the Adirondack Park Local Government Review Board and Adirondack Association of Towns and Villages. This letter is in reference to the important policy decision facing the Agency in relation to road mileage in the Wild Forest classification areas of the Park pursuant to the State Land Master Plan. This letter augments our correspondence of July 11, 2022 which was also submitted on behalf of LGRB and AATV. LGRB and AATV stand by those earlier comments and request that they please be considered as reiterated here and our previous letter is attached for convenience. The primary focus of our new comments is whether, as some contend, “CP3 roads” must or should be included in the overall road mileage calculation.

We have carefully considered our previous comments and those positions being espoused by environmental groups and others on this important issue. Upon reflection, we respectfully suggest that some of the interested parties seem to be advancing highly technical and esoteric legal arguments in an effort to convince the Agency that CP3 roads must be included in the total mileage calculation. We recognize that these arguments are being put forth in an effort to essentially convince the Agency that road inventory/capacity is all “used up” and no additional roads of any kind should be permitted to be created. We understand the reasons for these positions by these entities in light of their overall perspective on accessibility to and development in the Park. However, we respectfully suggest that the Agency should not allow itself to be

swayed in this direction, especially for sake of maximizing protection for those with disabilities.

One of the first and most important principles of statutory construction is what is called the “plain meaning doctrine”, which essentially stands for the principle that, whenever possible, words should be ascribed their plain meaning without regard to hypertechnical legal analysis by which their plain meaning may be left behind. As we believe should be acknowledged by all, CP3 roads are NOT roads within the “plain meaning” of the word in that they are not accessible by the general public. To the contrary, CP3 roads are specially selected pathways specifically designated to provide access to those for whom ordinary access on trails open to the general public and is not achievable. In this regard, the analysis could logically and rationally stop right there, reaching the conclusion that despite use of the word “roads”, CP3 roads are not actually roads within the plain meaning of the word and therefore should not be included in the mileage calculation.

In the context of this debate, it is critical to remember and acknowledge that the CP3 road program has been shaped by the Federal litigation action commenced now decades ago by Warrensburg resident Theodore Galusha. Many seem to misunderstand the results of that litigation and seem only aware of its ultimate settlement without remembering that settlement was preceded by a Federal Court Decision granting a preliminary injunction in light of the likelihood of success presented by Mr. Galusha and the other plaintiffs. It is undeniable that inclusion of the CP3 roads in the calculation could only work to severely limit continued improvement and increases to access for those with disabilities.

Unlike some of the other parties, we are not brazenly suggesting that the position we are putting forth is “open and shut” or “slam dunk”. In fact, quite to the contrary, we believe that the current debate is the result of imprecision in the SLMP and we acknowledge the possibility of different interpretations. That possibility is why the Agency is facing this dilemma, that is why it is somewhat complicated and that is why its outcome is by no means certain. However, what does seem certain is that Agency decisions are more likely than ever to be challenged through litigation and, in this particular instance, we cannot imagine that the State of New York would again wish to be placed in the unenviable position of having to defend a decision against challenge from those with disabilities in reference to their laudable efforts to gain access to Park resources akin to those less challenged.

To put it as succinctly as possible, we respectfully suggest that an Agency decision to include CP3 roads in the mileage calculation would be legally fraught with peril; more so than deciding not to include them. While the latter certainly might be

Adirondack Park Agency  
Re: State Land Master Plan – Wild Forest Roads  
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challenged, we believe that such a challenge would be far less likely to succeed than a challenge brought to Agency decision to include them and, if we can agree that the issue is not crystal clear, which way should the Agency “roll the dice”? We respectfully suggest that it should do so in the manner that is most protective of access for those with disabilities and least likely to suffer successful legal challenge, in which case CP3 roads should not be included in the calculation.

Thank you for consideration of our input from LGRB and AATV on this important issue.

Very truly yours,

MILLER, MANNIX, SCHACHNER & HAFNER, LLC



Mark Schachner

MS/kw

Enclosure

cc: Adirondack Park Local Government Review Board  
Adirondack Association of Towns and Villages  
Chris Cooper, Esq., Agency Counsel



**Adirondack Wilderness Advocates, Inc.**  
**PO Box 191**  
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**AdirondackWilderness.org**

April 17, 2023

Megan Phillips  
Adirondack Park Agency  
PO Box 88  
Ray Brook NY 12977

**Re: Interpretation of the Adirondack Park SLMP's Wild Forest Basic Guideline No. 4**

Dear Ms. Phillips,

On behalf of the undersigned, thank you for the opportunity to submit public comments on the Adirondack Park Agency's (APA's) interpretation of the Adirondack Park State Land Master Plan (SLMP) Wild Forest basic guideline No. 4.

That being said, we are disappointed in the Agency's indecisiveness on this issue and its apparent inability to move forward after a year of review. The questions being put forward for public comment seem falsely posed, in that there is nothing currently being pondered by the APA that isn't already obvious in plain-English readings of the SLMP. The public should be neither required nor expected to translate—for the Agency's own enlightenment, no less—policy guidelines approved in 1972 and esteemed ever since as a landmark achievement.

Nevertheless a response from the public is expected, therefore this letter specifically addresses these questions posed during the 2022 public comment period:

- 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?

Additionally, it addresses the reiterated question being posed again in April 2023, regarding whether CP-3 roads should be included in "no material increase" mileage calculations. We will remind the Agency that it was established by Governor Nelson Rockefeller to be a regulatory check on the actions of the Department of Environmental Conservation, not to be its apologist.

## Our Findings

The facts presented by the APA, as evidenced by the road tallies provided in the Agency's own documents, demonstrate that the net road mileage has grown substantially since 1972, in both a quantitative sense and in geographic extent. The SLMP makes it clear this outcome never should've happened. Regrettably, all of the Agency's proposed solutions are limited to mere semantics (redefining the intent behind the phrase "no material increase") or accounting methods (redefining how and which roads are counted).

To be clear, these are solutions of *convenience*, not of *substance*.

Therefore allow us to walk the Agency through the relevant guidance in the SLMP, which:

- ...defines a road, regardless of how it is actually used, as a "way designed for travel by automobiles." (Definitions, page 20.)
- ...states DEC may allow the public use of Wild Forest roads, but only on those already in existence. (Wild Forest guidelines, page 37.)
- ...states no new roads may be constructed. (Wild Forest guidelines, page 38.)
- ...states "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." (Wild Forest guidelines, page 35.)

These guidelines add up to a clear and unambiguous directive for the management of our Wild Forests, which the APA appears both reluctant to concede and eager to circumvent:

If it's not designed for automobile use, then it's not a road—and if it's not a road, then no one should be driving on it, in any type of vehicle or for any purpose. The state can't make new roads in the Forest Preserve, and the ones added through land acquisition can't significantly expand the total mileage beyond what it was in 1972. And if the state has already reached the SLMP-imposed mileage cap, then every new mile of road opened in one location must be offset by the closure of another mile of road somewhere else.

When it comes to routes selected for inclusion in DEC's CP-3 permit program for disabled access by motor vehicles, neither the SLMP nor the Galusha settlement granted New York State the authority to exceed established guidelines. CP-3 roads were selected specifically because they were deemed existing roads in accordance with the SLMP's Wild Forest guidelines, and were *never* regarded as a "super-category" existing at an ethereal level beyond the jurisdiction of any of the guidelines cited above. They were not *manufactured* by DEC, nor were they *discovered* in some post-1972 process—road specimens that the SLMP never considered or anticipated. Rather, the CP-3 routes were *selected* from an inventory of known roads, and had therefore *already been counted* toward the "no material increase" mileage cap.

It is therefore impossible for us to reach any other conclusions but the following:

1. A 15% increase in anything—whether it be the national inflation rate, grocery bills, or an employee's salary—would indeed be "material," in accordance with the everyday usage of

the word. But this is more than just a semantic argument, because in statistical terms, 15% is also considered very much “material” and “significant.” There is therefore no basis to use this figure as a yardstick for “no material increase,” regardless of whether the Agency is considering alternatives greater than, less than, or equal to that number. All current alternatives that would permit any increase in road mileage over 1972 levels are unacceptable.

2. Neither the SLMP nor the Galusha settlement creates multiple “species” of roads subjected to separate sets of guidance. All roads in the Wild Forests are roads if (a) they were designed for automobiles and (b) they are legally opened to motor vehicle use—and therefore all Wild Forest roads are subjected to the same body of guidelines, without exception. This is true regardless of how a particular road is used, and who the primary users are. No legal basis exists to treat CP-3 roads differently from any other road in the Forest Preserve.
3. When the APA finds the net mileage of Wild Forest roads has increased materially beyond 1972 levels, it is *obligated* to insist on the full closure of an equal number of road miles elsewhere.
4. Only an amendment to the SLMP would allow the APA to adjust the Wild Forest mileage cap or to specify how certain types of road should be counted differently based on usage. Otherwise, the Agency should assume the words of the SLMP were used deliberately and mean exactly what everyone already knows them to mean.

### **Focus on Resolutions, Not Endless Delays**

The correct issue for the Agency to address at this time should not be how to avoid doing its job, but rather how to bring the on-the-ground reality of the Forest Preserve into compliance with SLMP guidelines. Specifically, the APA should abandon its current dilatory methods and instead commence issuing a policy that guides DEC in the closure of an appropriate amount of Wild Forest roads. Such guidance might prioritize roads for closure that meet one or more of these conditions:

- Roads with limited public value and/or low public usage
- Roads with no deeded private access rights
- Roads with limited administrative value and/or usage
- Roads with significant maintenance costs
- Roads that have degraded due to non-use and are no longer suitable for automobile use
- Roads that extend 3 or more miles from the nearest public highway
- Roads for which there has been significant public opposition

By employing such a weighted system, the selection of roads for closure becomes a less politically painful process. This more objective method favors roads that no one is using and therefore aren't worth the costs to maintain. CP-3 roads would be spared due to their high public value, but roads such as the interior portion of the South Lake Road in the Black River Wild Forest—which has not been maintained or used as an automobile road in about sixty years, which would be cost-prohibitive to maintain in the future, which sees low usage of any kind beyond the South Lake

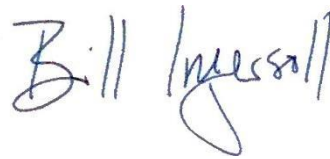


Dam and provides no deeded private access, and which extends more than three miles from the nearest public highway—would become an easy candidate for closure.

In conclusion, while we welcome the APA's effort to include public input in this process, we strongly suggest the Agency take this opportunity to return to its foundational mission, which is to be a regional planning board. Please put an end to these delay tactics and focus instead on developing a robust policy on roads that is consistent with the letter and spirit of the SLMP.

Thank you for your attention to our thoughts, concerns, and ideas.

Sincerely,



Bill Ingersoll  
Vice-Chair, Board of Directors  
Adirondack Wilderness Advocates  
[Bill.Ingersoll@AdirondackWilderness.org](mailto:Bill.Ingersoll@AdirondackWilderness.org)

**Co-Signed By:**

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**AdirondackWilderness.org**

April 12, 2023

Megan Phillips  
Deputy Director, Planning  
Adirondack Park Agency  
PO Box 88  
Ray Brook NY 12977

**Re: Proposal to the Adirondack Park Agency to develop a formal policy on remoteness**

Dear Ms. Phillips,

On behalf of the Board of Directors of Adirondack Wilderness Advocates, I am pleased to submit for your consideration a proposal for the Adirondack Park Agency (APA) to develop a formal policy on remoteness. The Adirondack Park State Land Master Plan (SLMP) refers to remoteness multiple times and identifies remoteness as one of the criteria that must be used in land classification; however, the SLMP does not define remoteness, nor does it provide guidance on how to measure it. Given that remoteness is a criterion for Forest Preserve classification, given the importance of remoteness in Wilderness and Wild Forest character, and given that remoteness is inarguably a rare resource in the Adirondack Park, it is high time that the APA adopt a policy that defines remoteness and can measure it, so that it can be more effectively protected. Enactment of such a policy is well within the APA's purview.

AWA's proposal for a policy on remoteness stands alone as a matter for your evaluation. However, you may also consider this submission as a supplement to our official comments on the APA's interpretation of the Adirondack Park State Land Master Plan (SLMP) Wild Forest basic guideline No. 4. Remoteness is a common concept in wilderness management throughout the world, and it is almost always defined in terms of distance from a road that can carry motorized traffic. The requirement to limit road mileage in the SLMP was obviously an intention to preserve remoteness, and it was a realistic and a reasonably attainable measure in 1972. However, the current debate over road mileage mostly ignores the fact that while road mileage remains a fundamental consideration, it is a poor measure of remoteness, since distance from a road depends upon its location, not its length. The technology to easily determine spatial distance from a road was not readily available in 1972, but it is ubiquitous now.

We urge the APA to consider the many benefits of a formal policy on remoteness. A well-crafted policy will better support the SLMP's dictates on land classification and will provide critical guidance to the Department of Environmental Conservation (DEC) in their Unit Management Planning. Most of all, a robust policy on remoteness will better protect it as a precious resource that must be preserved.

Thank you for your attention to our proposal.

Sincerely,

A handwritten signature in black ink, appearing to read "Pete Nelson".

Pete Nelson  
Chair, Board of Directors  
Adirondack Wilderness Advocates



# **Adirondack Wilderness Advocates**

Proposal to the Adirondack Park Agency:  
Development of a Formal Policy on Remoteness

Adirondack Wilderness Advocates

April 12, 2023

## Proposal

Adirondack Wilderness Advocates (AWA) calls upon the Adirondack Park Agency (APA) to develop and approve a formal policy on remoteness, to be used as an essential factor in land use decisions and management guidance to the Department of Environmental Conservation (DEC).

A robust policy on remoteness can:

- more effectively protect and preserve the rare resource of remoteness in the Forest Preserve
- better protect the idea and value of remoteness as expressed in the State Land Master Plan (SLMP)
- be more consistent with the modern understanding of wilderness ecology
- leverage the vast improvements in technology, such as GIS, to measure spatial distances, boundaries and impacts
- provide a path to recentering the long and contentious debates over roads and trails in the Forest Preserve
- offer better synergy with new adaptive management practices that employ Visitor Use Management (VUM)

## Rationale

### Remoteness is Objectively a Rare Resource

By any reasonable measure, remoteness is a rare resource, not only in the continental United States, but in the Adirondacks as well. One common criterion used to define remoteness is a distance of over 3 miles from a road, trail or body of water that has motorized traffic (the National Forest Service uses the 3-mile distance in their definition of remoteness in some documents; in others it uses the distance an average hiker can cover in one-and-a-half hours of hiking, which at a moderate 2 mph pace equates to 3 miles). By the 3-mile criterion, and counting public roads and snowmobile trails, only about 5% of the Adirondack Park is remote. If one factors in administrative roads and also takes into account greater distances required due to disturbance zones (see below), this percentage is cut at least in half. A standard threshold for “rare” in statistics, economics and ecology is less than 5%. Clearly, remoteness is a rare

resource. Therefore, even without considering the important political, moral, ethical or environmental justice issues related to remoteness, on the issue of rarity alone it must be protected.

There has been a lot of talk about the need for “balance” in Adirondack policies over the last few decades. The above statistics show that remoteness is by no rational consideration “in balance” with access. However, objective decisions about remoteness and its protection can only be made if remoteness can be measured and decisions made subject to a formal policy.

#### The SLMP Implies the Need to Measure Remoteness but Provides no Methodology

The SLMP gives remoteness an important role in the determination of the appropriateness of the Wilderness classification for a given tract of land. *In Section II, Basis and Purpose of Classification*, the SLMP states:

In addition, another significant determinant of land classification involves certain intangible considerations that have an inevitable impact on the character of land. Some of these are social or psychological--such as the sense of remoteness and degree of wildness available to users of a particular area, which may result from the size of an area, the type and density of its forest cover, the ruggedness of the terrain or merely the views over other areas of the Park obtainable from some vantage point. Without these elements an area should not be classified as wilderness, even though the physical and biological factors would dictate that the limitations of wilderness management are essential.

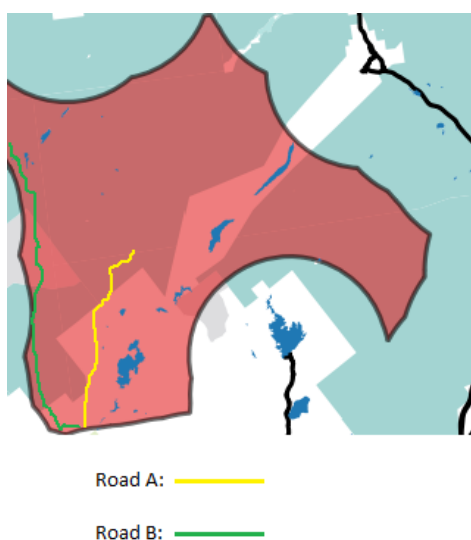
The SLMP directly ties remoteness to parcel size and to the presence of roads. For example, in the description of the Jay Mountain Wilderness, the SLMP says this:

Although this area is below 10,000 acres in size and was originally classified as a Primitive Area, it is large enough to provide a sense of remoteness and to be maintained in an unimpaired condition and therefore was reclassified as Wilderness in 1985. Should the Jay Mountain Road be closed, this area could be extended to encompass all, or a major portion, of the Hurricane Mountain Wilderness.

Thus, while the SLMP acknowledges remoteness as a critical aesthetic (“social and psychological”) factor in land classification, it also acknowledges that remoteness can and

should be measured in some way, and that such measurement has to do with distance from roads and, implicitly, road density (the Jay mountain parcel is “large enough”).

Despite this acknowledgement, the SLMP offers no methodology for measuring remoteness. AWA sees two important factors leading to this omission. First, the creators of the SLMP clearly wanted to address the connection between roads and remoteness by calling for “no material increase” (NMI) in road mileage from 1972 levels (NMI is the subject of a current APA policy debate). However, road mileage does not offer an effective measure for remoteness. This is because the length of a road has much less effect upon remoteness than *where it goes*. Consider this map of a portion of the Boreas Tract that is more than 3 miles from a road:



Road B is twice as long as Road A but borders the remote tract. Road A, proceeding down the middle of the tract, has more than twice the impact on remoteness. Any methodology for measuring the impact of a road on remoteness must consider spatial position, not just length.

Second, throughout the document, the SLMP conflates “remoteness” with “solitude.” “Solitude” is unquestionably an important criterion in and of itself, but it is strictly subjective, and very much in the eye of the beholder. Conflating solitude and remoteness obscures the fact that the latter can be measured.



### “Green light:” No XIV or SLMP Issues

It is well within the purview of the APA to develop and implement a policy on remoteness. It is constitutionally neutral with respect to Article XIV and amendments: neither “remoteness” nor any synonyms appear anywhere in the legislative text. Obviously, remoteness is compatible with the letter and spirit of “Forever Wild.” As to the SLMP, as described above, the SLMP applies remoteness as a criterion for land classification, thus *prima facie* allows the development of a management policy around it.

### Developments in Ecology and Technology Allow Effective Measurement

In 1972 the creators of the SLMP had no reasonable way to measure the impact of roads by position. Road mileage was an attainable if imperfect measure, so it was used. Furthermore, the ecology of roads and their impact on their environment was a nascent science. Fifty years later, GIS, GPS and other geospatial technologies make measurements of distance from roads and road densities trivial, and the ecology of roads and trails, include the disturbance zones that are associated with different kinds of use, has rapidly advanced. At a practical level, an APA policy on remoteness can take into account all factors in road impact, something that was practically impossible in 1972.

### A Policy on Remoteness Dovetails Perfectly with Adaptive Management and VUM

The APA and DEC are moving towards a new management paradigm for the Forest Preserve: adaptive management using the Visitor Use Management Framework (VUMF) as the management tool. A large-scale pilot project is underway, both in the High Peaks and the Catskills. SUNY ESF’s excellent Ecological Scorecard is being incorporated as a fundamental measurement protocol. A policy on remoteness that uses objective measurement is an excellent

fit to this management paradigm and applies perfectly to the establishment and monitoring of desired conditions.

### A Policy on Remoteness is Inclusive, not Divisive

Supporters of more road and snowmobile access in the Adirondacks frequently point out that opponents rarely train a similarly critical eye on foot trails. They're right. A robust policy on remoteness can and should include all forms of human access in the Forest Preserve, including foot trails. There are researchers working in the Adirondacks right now who are studying the disturbance zones related to hiking trails, some of which appear to have a greater ecological impact than other kinds of uses. As this science develops, the APA must take all types of roads and trails, as well as motorized bodies of water, into account as part of a comprehensive policy on remoteness. Furthermore, objective measures and criteria will help to mitigate what has for decades been a highly politicized debate.

### There is Precedent – No Need to Reinvent the Wheel

Assessing and measuring remoteness objectively is not a new idea. For example, the US Forest Service uses GIS mapping to describe remote areas as part of their longstanding Recreation Opportunity Spectrum (ROS) management tool. Their 2017 mapping protocol publication is instructive and useful:

[https://www.fs.usda.gov/Internet/FSE\\_DOCUMENTS/fseprd628501.pdf](https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fseprd628501.pdf)

## Policy Elements

The particulars of a formal policy on remoteness are in the purview the APA, but any draft policy should be subject to a formal process with opportunities for public input before Board action is taken. That said, AWA suggests the following elements should be part of any policy on remoteness:

- Preservation of Wilderness and Wild Forest character respectively, must be clearly stated as paramount. It should be consistent with the DEC/APA draft vision statement on trails that has been developed by the Trail Stewardship Group
- A clear, measurable definition of remoteness must be given, and the percent of remoteness currently in the Park determined as a baseline
- The policy should state that the percent of remote land in the Adirondack Park will not be decreased
- Road and trail density should be measured, in addition to straight-line distance from any road, trail or motorized body of water, including buffer zones. A baseline can be established with GIS data the APA already possesses
- Desired conditions and measures should include a set of disturbance zones for various species
- Visual and noise factors should be part of the policy. Noise pollution should be measured
- The remoteness policy should leverage travel corridors as conduits for snowmobiles, preserving remoteness while enabling community connectors. AWA endorses the APA revisiting and enhancing the definition and management of travel corridors to preserve remoteness by accommodating snowmobile routes and more robust utilities, as well as allowing for more tree cutting on the periphery when and where that would enable a significant reduction in the impact of road salt

## Conclusion

In summary, a formal policy on remoteness, implied in the SLMP, and designed to protect remoteness as a rare resource, would be achievable, effective, inclusive and consistent with the new management direction in the Adirondack Park.

AWA is pleased to submit this proposal for the APA's consideration. We welcome any feedback and discussion that APA staff or the Board may wish to have.



Adirondack Mountain Club  
959 US State Rte. 9 (Space z) (PO Box 4390)  
Queensbury, NY 12804  
518-668-4447

17 April 2023

Megan Phillips  
Adirondack Park Agency  
P.O. Box 99, Ray Brook, NY 12977  
SLMP\_UMP\_Comments@apa.ny.gov  
[megan.phillips@apa.ny.gov](mailto:megan.phillips@apa.ny.gov)

Josh Clague  
Adirondack Park Coordinator  
Department of Environmental Conservation  
625 Broadway, Albany, NY 12233  
[josh.clague@dec.ny.gov](mailto:josh.clague@dec.ny.gov)

RE: No Material Increase (NMI) Alternative #4 for Interpretation of the Adirondack Park State Land Master Plan's Wild Forest Basic Guideline No. 4, Adirondack Park SLMP: WF-BG No.4

Dear Megan and Josh,

Thank you for an additional opportunity to comment on the issue of understanding the meaning of the Adirondack Park State Land Master Plan's (APSLMP) Wild Forest Basic Guideline No. 4 (WF-BG No.4) and how this guideline interfaces with Commissioner's Policy No. 3 (CP-3), also known as Motorized Access Program for People with Disabilities (MAPPWD). We are especially concerned that this issue be resolved to allow planning in Wild Forest Units to move forward, while protecting the Forest Preserve. We recognize that regional economies are impacted from the inability to move forward in developing recreational infrastructure on these units.

**Visitor Use Management (VUM) should be used for CP-3 Access and WF Roads**

Although WF-BG No. 4 is simply setting a policy target on overall road mileage in Wild Forest areas, it is a random process for determining the appropriateness of CP-3 access or public motorized use. Further, members of the Accessibility Advisory Committee have explained in their comment letters from last year that the CP-3 policy does not address accessibility and ADA access in its current form or reflect the desired use of many people with disabilities or mobility limitations. This may be viewed as outside the scope of this decision, but it certainly is a foundational piece of this conversation and issue.

To manage all visitors successfully and protect natural resources the state must have a comprehensive Visitor Use Management Plan for the Adirondack Park. A park-wide VUM would also allow for a review of accessibility and engage all stakeholders including people with disabilities and mobility limitations.

Park-wide planning has been recognized as a critical planning process, as has been recently stated clearly in *Vision 2050, Fulfilling the Promise of the Adirondack Park*. Conducting VUM only at the site-specific, or unit level misses a major piece of successful VUM planning which is the vision for the Park as a whole. An analysis at the park-wide level would provide the ecological and social data and analysis needed to develop a scientifically-based level of public motorized use in the Adirondack Park.

Examples of this process as a park-wide case study is the Visitor Use Management Plan created for the Delaware Water Gap National Recreation Area in PA, a large complex public land unit with multiple entry points. The VUM park-wide plan includes the desired condition or aspirational statement for the whole National Recreation Area.<sup>1</sup> It also identifies specific zones with goals and desired conditions, and a percentage of the park for each zone. A similar planning effort and park-wide VUM should be undertaken for the Adirondack Park to resolve the NMI question in WF-BG No. 4.

We have watched the APA board struggle with this issue for a very good reason. They are being asked to make a policy decision with no resource data to back it up. Rather than setting random limits on CP-3 access mileage, and on public road miles a better strategy would be to use a VUM process and adaptive management to set thresholds (e.g., ecological, social, infrastructure impact, and other metrics) and monitor use on all roads in Wild Forest areas, and on CP-3 access. If ecological (or other) impairment from use exceeds established

thresholds, then management action can be taken to limit use, or to close roads and access in areas that prove, through monitoring, to be ecologically sensitive and reopen access in other areas that can withstand use.

The Interagency Visitor Use Management Framework (IVUMF) that is currently being used in the Adirondack High Peaks and in the Catskill Park at Kaaterskill Clove was developed and adopted by all five federal land management agencies, BLM, NPS, USFS, USFWS, USACE, and was specifically created to provide a common vocabulary and approach for any land manager creating a Visitor Use Management plan. It uses a scalable process that fits a project of any size, complexity, or budget.

**The IVUMF defines a process to achieve and maintain *desired resource and experiential conditions* while maximizing visitor benefits.** It also provides a transparent, legally defensible, decision-making process on which to make management decisions.

### **Does CP-3 Access Meet the Definition of a Road Open to Public Motorized Use?**

The questions the APA and DEC are trying to answer about WF-BG No.4 are 1) what constitutes a material increase (NMI) in road mileage; and 2) does CP-3 mileage meet the definition of a road in the APSLMP and therefore require inclusion in the total Wild Forest road mileage NMI calculation. Question 2 is arguably a bit offtrack if the concern is only about WF-BG No.4. The real issue is not ‘what is a road’ and does CP-3 access meet the definition of a road, but does CP-3 access meet the definition of a road open to public motorized use, because only roads open to public motorized use count towards NMI in WF-BG No. 4.

Wild Forest Basic Guideline No. 4 (WF-BG No.4) is stated below.

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. (page 35 APSLMP 2019)

Clearly, WF-BG No.4 shows that it **applies only to roads that are open to public motorized use.**

It is also clear that **roads that are not open to public motorized use are not counted towards the calculation of NMI.**

**CP-3 access is not open to public motorized use.** CP-3 roads are only open for motorized use by specific individuals who have applied for and been awarded a permit to use roads that are closed to the public. The Department of Environmental Conservation explains,

“Permit holders can use a permitted vehicle to travel *beyond the reach of public roads, to areas where others must hike or bike.* The permit provides access for those who seek solitude, connection to nature, undisturbed wildlife habitat, and inclusion with fellow sportspeople.” <sup>2</sup> (*emphasis added*, DEC website: MAPPWD CP-3)

Those individuals awarded CP-3 permits have provided medical proof that they require special access not available to the general public. **An access restriction that permits only certain individuals with specific qualifications to use a CP-3 access is not an attribute of a road that is open to public motorized use.** In 2022 only 1009 individuals used the CP-3 program state-wide. Since WF-BG No.4 is only concerned with roads that are “open to motorized use by the public,” CP-3 roads are not covered under WF-BG No.4 as it is currently written.

### **APSLMP Road Definition Requires that Roads be Open to Public Use**

In last year’s comments we pointed out that in the APSLMP the definition of a road clearly requires that it be open to the general public. The definition says that a road can be open to the public either all of the time or open to the public at the discretion of DEC (e.g., closed during times that would impact habitat such as mud season or during nesting or breeding times), but public access is an important attribute of a road as defined in the APSLMP. Below is the definition of a road in the APSLMP:

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. (page 20 APSLMP 2019)

That public access is an important attribute of a road as defined in the APSLMP is very clear in sub-bullets (i) and (iii) with both statements using “and” to connect public use to who maintains the road and when it is open (i.e., on a discretionary basis in sub-bullet iii). Sub-bullet (ii) does not use “and is open to the public” because it is discussing private roads, but does explain that if a section is open to the public, even if it is a private road maintained by private means, then that section open to the public is considered a road. Sub-bullet (ii), read in the context of the rest of the definition, clearly means that it is the section open to the public that is the road as defined in the APSLMP. **CP-3 access is not public access so it does not meet the definition of a road open to public motorized use**, as WF-BG No.4 and the APSLMP definition of a road are currently written.

#### **NMI Alternative #4 is a True Statement, But.....**

During last year’s comment opportunity, APA and DEC staff created a handy matrix that provided the consequence of making decisions about what constitutes NMI of roads, and what should be included as a road (i.e., CP-3, and Galusha settlement roads). This year, as a result of public comment and APA board discussion, an additional row was added to the matrix of alternatives under consideration, NMI #4. The added row, NMI #4, states that “any mileage at or below the 1972 level of 211.6 is not material.”

We agree that NMI #4 is a true statement, but not that it is entirely the correct alternative. NMI #4 should not be considered to mean that any amount of mileage over the 1972 level is material. If the authors of the APSLMP intended that there should be no more road mileage added (that is open to motorized use by the public) after 1972 then WF-BG No.4 would have simply stated that there would be no increase in the mileage of roads open to motorized use by the public; not that there would be no *material* increase.

Although WF-BG No.4 clearly discourages “public use of motor vehicles” on wild forest lands (e.g., as a promoted program for the public), it does not ban it nor create a hard stop. Using the term “material increase” provides room for some flexibility in road mileage over the 1972 level.

#### **Suggested Actions for the APA and DEC to Move Forward**

- 1) agree to conduct a park-wide VUM to establish desired conditions for the Adirondack Park, including for roads and CP-3 access;
- 2) allow current UMPs held up by this issue to move forward, if needed without additional roads or CP-3 access;
- 3) agree that CP-3 roads are not addressed in WF-BG No.4 as written;
- 4) set a protective mileage cap at a level that gives land managers flexibility, suggested 5% over 1972 mileage, until VUM projects for the Adirondack Park and for WF units are completed.
- 5) since CP-3 access does provide limited motorized access that could impact natural resources, CP-3 mileage could be included in the NMI calculation as a protective measure until a VUM project is completed for the areas in question.
  - i. Galusha settlement roads should not be included in the NMI calculation until a VUM is completed and the impact of the settlement roads can be established.

The above would permit UMP planning to move forward, initiate VUM planning at the park-wide and unit level, and provide 15.58 miles of road for *planned* CP-3<sup>3</sup> or public motorized road use. After VUM planning the potential for additional CP-3 mileage, and additional road mileage (up to a NMI cap of 228.18, or as limited by VUM planning) could become available.

	<b>Before VUM Planning</b>	<b>After VUM Planning</b>
<b>CP-3 Roads</b>	Add non-Galusha CP-3 Roads to NMI	CP-3 roads not considered as part of NMI
<b>NMI</b>	NMI set at 5% or cap of 228.18	NMI set at 5%, or cap of 228.18, (Or no cap and limited by VUM Planning)
<b>CP-3 Miles available</b>	15.58 for planned CP-3	No cap, limited by VUM Planning
<b>Road Miles Available</b>	None	Up to 15.58

We continue to be grateful that APA and DEC are addressing the unanswered questions about WF-BG No.4 and appreciate the opportunity to submit comments.

Sincerely,

Cathy Pedler  
 Director of Advocacy, ADK (Adirondack Mountain Club)  
 cathy@adk.org  
 518-935-0492

**ADK** (Adirondack Mountain Club) works to protect New York State wild lands and waters by promoting responsible outdoor recreation and building a statewide constituency of land stewardship advocates. Based out of the Adirondack Park in New York State, ADK is a leader in providing outdoor education, promoting responsible recreation, and organizing stewardship experiences. Since 1922, the organization has worked to increase access to the backcountry by building trails, conserving natural areas, and developing a stewardship community that supports the ethical and safe use of New York’s outdoor spaces. A member, donor, and volunteer-supported organization, ADK reaches across New York through its 27 chapters and 30,000 members to inspire people to enjoy the outdoors ethically.

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<sup>1</sup> [Delaware Water Gap National Recreation Area, Visitor Use Management Plan, November 2020 \(nps.gov\)](https://www.nps.gov/plan/management/2020/11/delaware-water-gap-national-recreation-area-visitor-use-management-plan-november-2020)

<sup>2</sup> <https://www.dec.ny.gov/outdoor/2574.html>

<sup>3</sup> There is currently 16.5 miles of CP-3 mileage approved in unit management plans that has not yet been opened.

Adirondack Park Board Members,

I'd to thank the Park Agency for this opportunity for public comment. You, once again are in the unenviable position of making a decision that will affect the future of the park and the people who live in it. My name is Ron Moore and not too many years ago we were in a similar circumstance. From 2012 through 2018 I was the Supervisor of the Town of North Hudson. I say we because I worked with many of you on the difficult, contentious and most controversial classification of the Boreas Ponds Tract. Access was the issue then and it seems that, well, here we are again. But back then we worked hard to find the balance, the common ground; the balance between protecting our beloved environment and which provides reasonable access for people of all abilities. As with any compromise, it didn't please everyone, but as I said then, it was pretty darned good. We provided road access to within about a mile of the ponds, a tenth of a mile for the handicapped, and seasonal access for big game season from fall to the end of the season in early December. All told, it's about 5.9 miles from the Blue Ridge Road to the 4 corners, about .8 miles from the gate at the 4 corners to the permitted parking lot, about a tenth of a mile to the Boreas Ponds Dam for the handicapped, and the seasonal gated access road for hunting season is about 3.4 miles to the west of the 4 corners. All totaled about 9 miles or so, some seasonal and some by permit only. We added 9,118 acres of Wild Forest. 9 miles of road doesn't seem to be that much of an increase when adding 9,000 acres of Wild Forest, providing reasonable access for people of all abilities, the young and old, the physically fit and the disabled, to one of the most spectacular views in the Adirondacks. We, the tax payers paid 14.5 million for it. We should have that right, shouldn't we? If we aren't going to provide access, then why buy it at tax payers expense in the first place?

So, what is a road? The State Land Master Plan says that it's an improved or partially improved way designed for travel by automobiles and which may be used by other types of motor vehicles except snowmobiles, unless the way is a designated snowmobile trail; and is either maintained by a state agency or a local government and open to the general public; **open to the general public.**



What is CP-3? A temporary revocable permit to qualify people with disabilities to allow motor vehicle access to certain specified State lands under the Department's jurisdiction, thereby facilitating such access. There are probably very few CP-3 permits in the whole state, maybe a thousand? That hardly qualifies as the general public, and so, how can CP-3 be included as a road that is not open for motor vehicles to the general public?

As to the material increase question, it seems that the 1972 limit was pretty vague and was never formally interpreted by the Agency or what additional mileage would constitute a material increase. What's the baseline and how was it derived? I guess 211.6 was arrived at.

So, for what it's worth, I feel that CP-3 mileage should not be considered roads under the SLMP definition; that if 211.6 miles is our best guess at the wild forest roads in 1972, then that should be the baseline, and that with any future acquisitions of Wild Forest, that on a case-by-case basis, an increase in road mileage be permitted in accordance with the percentage increase of the Wild Forest lands. As I do not see that alternative listed, I would favor alternative #2, >15% increase, as set by the board, for the NMI Alternative, and alternative #2 for the Road Definition Alternative, CP-3 mileage not considered roads under SLMP definition. As for me, I, and many of my former colleagues, are opposed to any future State Land acquisitions, other than conservation easements. That would resolve the question of no material increase in Wild Forest roads, wouldn't it? Thank you again for the opportunity to voice my opinion.

*Ronald Moore*

**From:** [noreply-pc@apa.ny.gov](mailto:noreply-pc@apa.ny.gov)  
**To:** [SLMP\\_UMP\\_Comments@apa.ny.gov](mailto:SLMP_UMP_Comments@apa.ny.gov)  
**Cc:** [Supervisor@townofsaranac.com](mailto:Supervisor@townofsaranac.com)  
**Subject:** APA Project WF-4 Public Comments  
**Date:** Tuesday, April 11, 2023 11:54:41 AM

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Please copy "WF-4, Timothy Napper, [supervisor@townofsaranac.com](mailto:supervisor@townofsaranac.com)" into your message for our reference.

\*\*\*\*\*

Attn: Megan Phillips  
Comments from: Timothy Napper  
Email from: [supervisor@townofsaranac.com](mailto:supervisor@townofsaranac.com)  
Address: P.O. box 147 -3662State Route 3 Saranac Clinton 12981  
Re: Agency Project WF-4, APSLMP Wild Forest Basic Guideline No. 4

My Comments:

Our Town Board is concerned that roads which once were open to the public for motorized access have been closed in our town as well as in many other towns. Our Town Board wishes to state that CP-3 miles should not count as being open to the general public. We further wish to support NMI2 which would allow for a 15% in roads over the 1972 amount.

**From:** [Jennifer-NYSSA Executive Director](#)  
**To:** [SLMP\\_UMP\\_Comments@apa.ny.gov](mailto:SLMP_UMP_Comments@apa.ny.gov)  
**Subject:** New York State Snowmobile Association Comments  
**Date:** Monday, April 17, 2023 11:25:11 PM

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Hello

Please accept the attached comments from the New York State Snowmobile Association.

Thank you for this opportunity to comment on Wild Forest Basic Guideline No. 4.

Thank you

--

Jennifer Senf

Executive Director

New York State Snowmobile Association

PO Box 740 Central Square, NY 13036

[www.nysnowmobiler.com](http://www.nysnowmobiler.com)

888-624-3849 Ext. 104



**From:** [Naj Wikoff](#)  
**To:** [SLMP\\_UMP\\_Comments@apa.ny.gov](mailto:SLMP_UMP_Comments@apa.ny.gov)  
**Subject:** Accessible roads etc  
**Date:** Thursday, March 30, 2023 3:45:23 PM

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Megan Phillips, Deputy Director for Planning  
Adirondack Park Agency  
P.O. Box 99  
Ray Brook, NY 12977

Megan

A road is a road whether it is accessible or not, so no to a separate designation, and as, an overview, 15 percent or more, that's not a "No Material Increase." To me, no material increase is 5 percent or less. As for their being a loss of snowmobile roads, that's actually a good thing in terms of protecting wildlife. All roads, snowmobile or not, are a huge threat to wildlife as they create barriers to newts, salamanders and other little critters ability to migrate from vernal pools to the uplands and back, critters that are critical to the entire food chain above them. Also, they are a threat to Snapping Turtles seeking to lay their eggs and so on.

Noise and lights wreak havoc on wildlife, (moths, birds, etc.) thus there should be no lighted vehicle traveling through the woods on state roads/snowmobile trails after dark unless it's to address an extreme emergency where a person's life is at stake.

We have a human caused problem – climate change and radical loss of species that are dying off at the fastest rate in history. Every action we can take to address those challenges is critical. So not only should roads be limited, they and snowmobile should be as narrow as possible to stimulate reduced speeds, and by the same token, snowmobile trails should not be leveled like a roadway as for one that kills the character of being in the woods. If someone wants to drive a snowmobile fast, use a racetrack, something designed for speed.

Positive would be increasing the number of motor-less lakes starting with Weller Pond and doing everything we can to reduce light pollution throughout the Park.

Any questions, feel free to contact me.

Thanks

Naj

Naj Wikoff  
PO 568  
Keene Valley, NY 12943  
518 312 5800

4/17/2023

Megan Phillips  
Deputy Director of Planning  
Adirondack Park Agency  
P.O. Box 99  
Ray Brook, New York 1297

Good day Ms. Philips,

I am writing you this letter of response to “No material Increase Alternative #4” for the Wild Forest guideline. As a former President of the New York State Snowmobile Association, I am very concerned about any policy changes and what it could mean to the sport of snowmobiling and other forms of recreation in the Adirondack Park.

In the wake of the court decision, McCulley vs New York State we all are aware that roadways in the park where illegally confiscated and closed by NYSDEC. How many roadways where illegally confiscated from the towns, villages, and counties within the blue line? An audit must be conducted by the NYS Attorney General’s office of these so-called abandoned roadways to determine the legal status of all of them. And then this must be taken into consideration with this policy.

In 1972 when this policy was developed and enacted very few of today’s stakeholders where present. Only the Environmental lobby and the NYSDEC were involved with the making of this policy. And what of future land purchases by New York State, are all public lands going forward are to have the “forever wild” (off limits) classification placed on them for the benefit of a certain few?

Perhaps a completely new policy needs to be created going forward that can benefit all the people of New York and not a small elite few.

Regards,

Jeff Johnson  
539 Bonita Drive  
Lady Lake, Florida 32159

**From:** [noreply-pc@apa.ny.gov](mailto:noreply-pc@apa.ny.gov)  
**To:** [SLMP\\_UMP\\_Comments@apa.ny.gov](mailto:SLMP_UMP_Comments@apa.ny.gov)  
**Cc:** [firecady@gmail.com](mailto:firecady@gmail.com)  
**Subject:** APA Project WF-4 Public Comments  
**Date:** Monday, April 10, 2023 11:11:22 AM

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Please copy "WF-4, John T Downey, [firecady@gmail.com](mailto:firecady@gmail.com)" into your message for our reference.

\*\*\*\*\*

Attn: Megan Phillips  
Comments from: John T Downey  
Email from: [firecady@gmail.com](mailto:firecady@gmail.com)  
Address: 59 Church Rd Cadyville NY 12918-2418  
Re: Agency Project WF-4, APSLMP Wild Forest Basic Guideline No. 4

My Comments:

As a long time tax payer and responsible ATV/UTV rider,I feel that more access should be afforded to riders,CP3 and Galusha Miles should not count as roads open to the General public. I would like to see NMI (no material increase) 2 which increases roads by 15%.

**From:** [noreply-pc@apa.ny.gov](mailto:noreply-pc@apa.ny.gov)  
**To:** [SLMP\\_UMP\\_Comments@apa.ny.gov](mailto:SLMP_UMP_Comments@apa.ny.gov)  
**Cc:** [larry\\_myatt@yahoo.com](mailto:larry_myatt@yahoo.com)  
**Subject:** APA Project WF-4 Public Comments  
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Please copy "WF-4, Lawrence J Makes att, [larry\\_myatt@yahoo.com](mailto:larry_myatt@yahoo.com)" into your message for our reference.

\*\*\*\*\*

Attn: Megan Phillips  
Comments from: Lawrence J Makes att  
Email from: [larry\\_myatt@yahoo.com](mailto:larry_myatt@yahoo.com)  
Address:  
Re: Agency Project WF-4, APSLMP Wild Forest Basic Guideline No. 4

My Comments:

Hello my name is Lawrence Myatt and I'm commenting on No Material increase. Saying that CP3 and Galusha Miles should not count as roads open to the General public. I also like to comment that i want NMI (no material increase) 2 which increases roads by 15%. I also think that roads that are intended for the disabled should not be counted in this.

**From:** [noreply-pc@apa.ny.gov](mailto:noreply-pc@apa.ny.gov)  
**To:** [SLMP\\_UMP\\_Comments@apa.ny.gov](mailto:SLMP_UMP_Comments@apa.ny.gov)  
**Cc:** [dchristy?twcny.rr.com](mailto:dchristy?twcny.rr.com)  
**Subject:** APA Project WF-4 Public Comments  
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Please copy "WF-4, Deb Christy, [dchristy@twcny.rr.com](mailto:dchristy@twcny.rr.com)" into your message for our reference.

\*\*\*\*\*

Attn: Megan Phillips  
Comments from: Deb Christy  
Email from: [dchristy@twcny.rr.com](mailto:dchristy@twcny.rr.com)  
Address: 367 Judson St Rd NY 13617-3948  
Re: Agency Project WF-4, APSLMP Wild Forest Basic Guideline No. 4

My Comments:

Comments on no material increase.  
CP3 and Galusha Miles should not be counted as roads open to the General public. I prefer NMI2 which increases roads by 15%.



**From:** [noreply-pc@apa.ny.gov](mailto:noreply-pc@apa.ny.gov)  
**To:** [SLMP\\_UMP\\_Comments@apa.ny.gov](mailto:SLMP_UMP_Comments@apa.ny.gov)  
**Cc:** [photos@carlheilman.com](mailto:photos@carlheilman.com)  
**Subject:** APA Project WF-4 Public Comments  
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Please copy "WF-4, Carl Heilman II, [photos@carlheilman.com](mailto:photos@carlheilman.com)" into your message for our reference.

\*\*\*\*\*

Attn: Megan Phillips  
Comments from: Carl Heilman II  
Email from: [photos@carlheilman.com](mailto:photos@carlheilman.com)  
Address: 6990 State Route 8 Brant Lake NY 12815  
Re: Agency Project WF-4, APSLMP Wild Forest Basic Guideline No. 4

My Comments:

I am in support of keeping the forest preserve as wild as possible. But I also understand the need for access and keeping all parties content. In regards to Guideline Number 4, which prohibits "any material increase in the mileage of roads . . . 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.

Hasn't there been a significant increase in Wild Forest tracts and acreage since 1972? Wouldn't that allow for a corresponding increase in Wild Forest road mileage since these post 1972 tracts were not included in the 1972 Master Plan?

I am not in support of building new roads, but it does seem there should be an allowance to maintain existing Wild Forest roads on pre 1972 tracts, plus maintain additional mileage in post 1972 acquired Wild Forest land on carefully selected existing roadways within those post 1972 survey Wild Forest tracts.

**From:** [noreply-pc@apa.ny.gov](mailto:noreply-pc@apa.ny.gov)  
**To:** [SLMP\\_UMP\\_Comments@apa.ny.gov](mailto:SLMP_UMP_Comments@apa.ny.gov)  
**Cc:** [cartermortgage@gmail.com](mailto:cartermortgage@gmail.com)  
**Subject:** APA Project WF-4 Public Comments  
**Date:** Friday, March 24, 2023 5:13:07 PM

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Please copy "WF-4, Travis Carter, [cartermortgage@gmail.com](mailto:cartermortgage@gmail.com)" into your message for our reference.

\*\*\*\*\*

Attn: Megan Phillips  
Comments from: Travis Carter  
Email from: [cartermortgage@gmail.com](mailto:cartermortgage@gmail.com)  
Address: 37 Melody Lane Plattsburgh New York 12901  
Re: Agency Project WF-4, APSLMP Wild Forest Basic Guideline No. 4

My Comments:

As much as I would love to protect the Adirondacks. Service roads in many instances are needed. The former master plan was based on the current acreage of the state park that year. Take a percentage of miles of road in the amount of land at that time and find an equal percentage of road allowed today. We must be able to build of necessary and in some cases it could further protect the park. People might drive instead of unprepared hikers heading into the mountains. Some development is necessary. Too much is detrimental

**From:** [noreply-pc@apa.ny.gov](mailto:noreply-pc@apa.ny.gov)  
**To:** [SLMP\\_UMP\\_Comments@apa.ny.gov](mailto:SLMP_UMP_Comments@apa.ny.gov)  
**Cc:** [richardhayesphillips@gmail.com](mailto:richardhayesphillips@gmail.com)  
**Subject:** APA Project WF-4 Public Comments  
**Date:** Thursday, March 23, 2023 12:44:10 PM

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Please copy "WF-4, Richard Hayes Phillips, [richardhayesphillips@gmail.com](mailto:richardhayesphillips@gmail.com)" into your message for our reference.

\*\*\*\*\*

Attn: Megan Phillips  
Comments from: Richard Hayes Phillips  
Email from: [richardhayesphillips@gmail.com](mailto:richardhayesphillips@gmail.com)  
Address: 4 Fisher Street Canton New York 13617  
Re: Agency Project WF-4, APSLMP Wild Forest Basic Guideline No. 4

My Comments:

The APA asks us how many miles of public roads there should be in all the Wild Forests put together. It would be better to decide based upon the principles established in 1972, as explained below.

Here is the relevant passage from the Adirondack Park State Land Master Plan, in its entirety:

“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.”

Obviously this passage refers only to the lands within the Adirondack Park that were already owned by the State of New York in 1972 and classified as Wild Forest. It does not refer to lands subsequently acquired by the State. It would be helpful to know how many acres were classified as Wild Forest then and now. A good rule of thumb might be to allow the same ratio of road mileage per acre of land now as then. These would have to be existing roads, opened for public use on a discretionary basis. Any new roads in the Forest Preserve require a constitutional amendment no matter what the classification, Wild Forest or otherwise.

There were 211.6 miles of roads in the Wild Forests in 1972, and there are 244.7 miles now. When tallying the total mileage, there is absolutely no basis for excluding roads opened for disabled access. This would be the proverbial loophole through which a truck could be driven. Any roads could be opened to the public if intended for disabled persons. I have twice in my life been unable to walk, so I am not without empathy on this point, but I do not want to see the Forest Preserve ravaged because some people have fewer abilities than others.

Richard Hayes Phillips, Ph.D., 4 Fisher Street, Canton, New York 13617, (315) 262-4722

**From:** [noreply-pc@apa.ny.gov](mailto:noreply-pc@apa.ny.gov)  
**To:** [SLMP\\_UMP\\_Comments@apa.ny.gov](mailto:SLMP_UMP_Comments@apa.ny.gov)  
**Cc:** [dave12942@gmail.com](mailto:dave12942@gmail.com)  
**Subject:** APA Project WF-4 Public Comments  
**Date:** Wednesday, March 22, 2023 12:38:01 PM

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Please copy "WF-4, David Mason, [dave12942@gmail.com](mailto:dave12942@gmail.com)" into your message for our reference.

\*\*\*\*\*

Attn: Megan Phillips  
Comments from: David Mason  
Email from: [dave12942@gmail.com](mailto:dave12942@gmail.com)  
Address: 10 Keene Knolls Way Keene NY 12942  
Re: Agency Project WF-4, APSLMP Wild Forest Basic Guideline No. 4

My Comments:

I support the Alternative 4 language that is proposed. To the extent that future tradeoffs are needed, closing old snowmobile trails would seem a preferred option as the snow season shrinks. Closing road that experience user abuse would also be wise.

I would note this language in the law: "...in wild forest areas that conformed to the master plan at the time of its original adoption in 1972."

This could be seen to apply to the wild forest circa 1972. But, since then the wild forest area is, I expect, significantly larger than it was in 1972.

Therefore, the 1972 Wild Forest roads should indeed remain stable. Roads in Wild Forest land acquired since 1972 are a different matter. One option would be to allow road mileage in similar proportions to the Wild Forest lands of 1972.

While I don't think snowmobile trails should be counted as roads, the language on this includes them as roads. ADA access roads are, I think, roads to be counted.

**From:** [noreply-pc@apa.ny.gov](mailto:noreply-pc@apa.ny.gov)  
**To:** [SLMP\\_UMP\\_Comments@apa.ny.gov](mailto:SLMP_UMP_Comments@apa.ny.gov)  
**Cc:** [roger\\_dziengleski@yahoo.com](mailto:roger_dziengleski@yahoo.com)  
**Subject:** APA Project WF-4 Public Comments  
**Date:** Wednesday, March 22, 2023 9:29:02 AM

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Please copy "WF-4, roger dziengleski, roger\_dziengleski@yahoo.com" into your message for our reference.

\*\*\*\*\*

Attn: Megan Phillips  
Comments from: roger dziengleski  
Email from: [roger\\_dziengleski@yahoo.com](mailto:roger_dziengleski@yahoo.com)  
Address: 93 Maple Street #302 glens falls 12801  
Re: Agency Project WF-4, APSLMP Wild Forest Basic Guideline No. 4

My Comments:

material increase should be defined as proportional to the 1972 limit as a ratio of total forest preserve acres in 1972. As state ownership increases, so should the miles of drivable roads.

**From:** [noreply-pc@apa.ny.gov](mailto:noreply-pc@apa.ny.gov)  
**To:** [SLMP\\_UMP\\_Comments@apa.ny.gov](mailto:SLMP_UMP_Comments@apa.ny.gov)  
**Cc:** [sahourihan@yahoo.com](mailto:sahourihan@yahoo.com)  
**Subject:** APA Project WF-4 Public Comments  
**Date:** Wednesday, March 22, 2023 9:25:16 AM

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Please copy "WF-4, Larry W Sheets, [sahourihan@yahoo.com](mailto:sahourihan@yahoo.com)" into your message for our reference.

\*\*\*\*\*

Attn: Megan Phillips  
Comments from: Larry W Sheets  
Email from: [sahourihan@yahoo.com](mailto:sahourihan@yahoo.com)  
Address: 159 Burke/Delosh Rd 159 Burke/Delosh Rd NY 12967  
Re: Agency Project WF-4, APSLMP Wild Forest Basic Guideline No. 4

My Comments:

I think that you need to look at what roads you can maintain, alot of your roads in the Park are in bad shape from lodging. Company. Lot of the roads used by hunting clubs are in bad shape from loggers use they don't repair the roads after the finish cutting and the shape of the areas they cut is terrible you can hardly walk across w they have cut. You need to find out what you group can maintain. We have a hunting camp at the township of Colton. Thank for my input.

**From:** [noreply-pc@apa.ny.gov](mailto:noreply-pc@apa.ny.gov)  
**To:** [SLMP\\_UMP\\_Comments@apa.ny.gov](mailto:SLMP_UMP_Comments@apa.ny.gov)  
**Cc:** [tupperlakecodes@gmail.com](mailto:tupperlakecodes@gmail.com)  
**Subject:** APA Project WF-4 Public Comments  
**Date:** Wednesday, March 22, 2023 8:21:23 AM

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Please copy "WF-4, Peter Edwards, [tupperlakecodes@gmail.com](mailto:tupperlakecodes@gmail.com)" into your message for our reference.

\*\*\*\*\*

Attn: Megan Phillips  
Comments from: Peter Edwards  
Email from: [tupperlakecodes@gmail.com](mailto:tupperlakecodes@gmail.com)  
Address: 53 Park St Tupper Lake NY 12986  
Re: Agency Project WF-4, APSLMP Wild Forest Basic Guideline No. 4

My Comments:

I am all for an increase of public road mileage ! And specifically alternative #1.

**From:** [noreply-pc@apa.ny.gov](mailto:noreply-pc@apa.ny.gov)  
**To:** [SLMP\\_UMP\\_Comments@apa.ny.gov](mailto:SLMP_UMP_Comments@apa.ny.gov)  
**Cc:** [mbrand01@frontiernet.net](mailto:mbrand01@frontiernet.net)  
**Subject:** APA Project WF-4 Public Comments  
**Date:** Tuesday, March 21, 2023 5:40:31 PM

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Please copy "WF-4, Mark Brand, [mbrand01@frontiernet.net](mailto:mbrand01@frontiernet.net)" into your message for our reference.

\*\*\*\*\*

Attn: Megan Phillips  
Comments from: Mark Brand  
Email from: [mbrand01@frontiernet.net](mailto:mbrand01@frontiernet.net)  
Address: 111 McCane Way Indian Lake NY 12842  
Re: Agency Project WF-4, APSLMP Wild Forest Basic Guideline No. 4

My Comments:

I understand the rationale regarding road limits established in 1972. However, the state has added thousands of acres of land to the park since then. I believe as new land is incorporated into the park, so should there be an increase to allowable road miles equal to the ratio of new land purchases since 1972. For example if the state has added 30% more land the 211 road miles should also be allowed to increase by 30%.



**From:** [noreply-pc@apa.ny.gov](mailto:noreply-pc@apa.ny.gov)  
**To:** [SLMP\\_UMP\\_Comments@apa.ny.gov](mailto:SLMP_UMP_Comments@apa.ny.gov)  
**Cc:** [highpeaksorganics@gmail.com](mailto:highpeaksorganics@gmail.com)  
**Subject:** APA Project WF-4 Public Comments  
**Date:** Tuesday, March 21, 2023 5:16:16 PM

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Please copy "WF-4, Jennifer Norman, [highpeaksorganics@gmail.com](mailto:highpeaksorganics@gmail.com)" into your message for our reference.

\*\*\*\*\*

Attn: Megan Phillips  
Comments from: Jennifer Norman  
Email from: [highpeaksorganics@gmail.com](mailto:highpeaksorganics@gmail.com)  
Address: PO Box 151, 35 Swinyer rd Vermontville NY 12989  
Re: Agency Project WF-4, APSLMP Wild Forest Basic Guideline No. 4

My Comments:

I believe wild forest should be preserved and left wild.  
I live across from the Bloomingdale bog trail. I purchased this property twenty years ago because I thought it would be quiet and the surrounding areas would remain protected. It is also a famous area for birdwatching. Covid intensified the use of these areas a thousand fold. Any road access in this area has only brought disappointment. The Bigelow road is covered in trash and the Merrill road has an illegal shooting range. I hear endless target shooting and the shells and litter are left behind with no respect for the wilderness. Unless the APA and DEC are willing to educate the public and monitor these areas then I believe if you build the road, they WILL come and they will take away the magic of these once pristine places. Please, no more roads!!! Thanks for your consideration, Jennifer Norman

**From:** [noreply-pc@apa.ny.gov](mailto:noreply-pc@apa.ny.gov)  
**To:** [SLMP\\_UMP\\_Comments@apa.ny.gov](mailto:SLMP_UMP_Comments@apa.ny.gov)  
**Cc:** [bradsmith62285@gmail.com](mailto:bradsmith62285@gmail.com)  
**Subject:** APA Project WF-4 Public Comments  
**Date:** Tuesday, March 21, 2023 9:35:30 AM

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Please copy "WF-4, Brad Smith, [bradsmith62285@gmail.com](mailto:bradsmith62285@gmail.com)" into your message for our reference.

\*\*\*\*\*

Attn: Megan Phillips  
Comments from: Brad Smith  
Email from: [bradsmith62285@gmail.com](mailto:bradsmith62285@gmail.com)  
Address: 9 Mud Pond Tote Rd St Regis Falls NY 12980  
Re: Agency Project WF-4, APSLMP Wild Forest Basic Guideline No. 4

My Comments:

An increase of not more than 15% seems reasonable at this point in time. However, I am more concerned about the width of some of the existing roads. Over the past 50 years existing roads have been widened to excess and destroyed habitat and encroached on forest preserve lands and land owners. Additionally, these increases in road widths have been done for the purpose of foresting and parcels receiving significant tax abatements through the 480A program without appropriate re-forestation of these lands.

**From:** [Becca Halter](#)  
**To:** [SLMP\\_UMP\\_Comments@apa.ny.gov](mailto:SLMP_UMP_Comments@apa.ny.gov)  
**Subject:** APSLMP Wild Forest Basic Guideline No. 4  
**Date:** Sunday, April 16, 2023 4:12:34 PM

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In response to the Wild Forest Basic Guideline No. 4. I have the following comment.

The definition of a road should include the CP3 roads as any pathway that has the infrastructure, and thus impact of a road should qualify. The CP3 roads still require culverts, bridges, grading, surfacing, and cutting trees like other Wild Forest roads.

Regarding, "no material increase", all UMPs should still continue to discourage motor vehicle use. To me however, it is unclear how this Guideline addresses additions to the Wild Forests and how much of the road mileage has increased with the additional land acquired since 1972. As acreage of Wild Forest has been added, a similar density of roads should also be allowed. I do not know this increase in acreage and how that may translate to an allowed increase in road mileage.

My last point, while not necessarily regarding the Guideline's interpretation, is that if and when any roads do need closing, including roads on newly acquired land that will be closed, these roads should go through an active decommissioning process. Many areas with old roads still have significant impacts in Wild Forest areas as their grading was never undone and their culverts are no longer functional. The United States National Forest Service includes several levels of road decommissioning when roads are closed. These levels are 1. Blocking the entrance 2. Revegetating and adding waterbarring 3. Removing fills and culverts 4. Establishing drainageways and removing unstable road shoulders 5. Fully obliterating, recontouring and restoring natural slopes. APA and DEC staff should adopt similar guidelines when closing roads.

Thank you,  
Becca Halter  
Saranac Lake, NY  
12983

**From:** [Walter Linck](#)  
**To:** [SLMP\\_UMP\\_Comments@apa.ny.gov](mailto:SLMP_UMP_Comments@apa.ny.gov)  
**Subject:** APSLMP Wild Forest Basic Guideline No. 4  
**Date:** Monday, April 17, 2023 2:05:34 PM

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Dear APA staff and Board Members,

Since I am a member of the public and you have requested public comment...

Allow me to call your attention to language in the APSLMP I haven't seen included in your discussions - a guideline that doesn't explicitly place limits on motor-vehicle roads and uses on State lands in the Park (as the no-material-increase guideline does), but which implicitly does. It is on p.11, in the section covering what DEC's unit management plans should contain, and it reads::

***- the identification, in intensive use, historic and appropriate portions of wild forest areas accessible by motor vehicles, of measures that can be taken to improve access to and enjoyment of these lands, and associated structures and improvements, by persons with disabilities.***

The decision to add this language to the APSLMP during its 1986-1987 revision (giving additional planning direction to DEC) certainly implies APA staff considered that: 1) this was important; and, 2) there was no inherent conflict between this new guideline and those particular, existing guidelines and criteria of the APSLMP that concern public motor-vehicle use, and which you are deliberating about right now. Please note the fact, also, that this direction was given three years prior to passage of the Americans with Disabilities Act of 1990; it represents some moderately forward thinking, at the least, I expect we could agree. Unfortunately, what can also be noted is that very few UMP's were drafted by DEC in the decade that followed, and from what I can tell, no such "measures" for persons with disabilities were planned and developed anywhere on State lands here - not even any so minor as accessible picnic tables and privies at campsites.

That new language suddenly did start getting some meaningful attention in mid-1995, however, as I've learned from some research I've recently done into what's often just referred to as "the Galusha case." I found numerous articles reviewing what transpired then, but probably the best reading is found in one article written by Mr. Ted Galusha, himself. He had it published in the journal, *Adirondack Journal of Environmental Studies* and it is titled, "Adirondackers for Access and Justice for All." And since it provides some fascinating historical background to the issues you are looking to resolve, I urge you to read it:

<https://digitalworks.union.edu/cgi/viewcontent.cgi?article=1201&context=ajes>

To summarize some of that history for you, though, as described in the article by Ted, he apparently decided in mid-1995 to simply start riding some motor vehicle illegally on some DEC roads or trails, was caught and ticketed by DEC, but then in arguing adamantly for his

rights as a person with a disability, was told soon afterward by some unnamed, higher-up "DEC official" that. **if he "didn't make any waves, charges would be dropped and [he] would be allowed to drive anywhere [he] wanted."** Needless to say, this solution to "the problem of Ted" would have been problematic. It didn't represent the character of the "planning" the above-cited language in the APSLMP had obviously been intended to prompt at DEC, and such motor-vehicle riding would not have been APSLMP compliant. No matter; Ted chose, instead, to make waves, as he describes. In reaction to the ensuing dust-up, DEC responded by trying to accommodate him by quickly drafting new policy in late 1995 and 1996, but it did not go well or very far for a number of reasons. The result was that Ted (with allies) filed a formal ADA Act complaint with the United States government and a human rights complaint with New York State, which raised the conflict to the highest possible level. An initiation of intensive work between DEC and APA was forced, which also needed to involve the New York State Attorney General's office, Judge Kahn of the federal court, and even the National Park Service. The work went on and on, as Ted describes, but in the end those administrative actions were not resolved satisfactorily in Ted's and his allies' perspectives, and so the major legal action at that level - the ADA Act litigation in federal court - was finally initiated in July, 1998. As you can see, Ted wrote this article only shortly after that.

What were Ted's and others' expectations of this litigation? Ted wrote about this in his article, but the following is a most important, summary statement from him:

***"I think it's very important to point out that we... stayed within the constraints placed on us by the A.P.A, The Master Plan, the N.Y.S. Constitution and all related laws. This compromise did not include motorized access to 'wilderness.'"***

And so here is Ted Galusha - speaking publicly as lead plaintiff in the litigation three years after his conflict with New York State in the Adirondack Park began and immediately after his formal federal and state complaints had failed - and it is clear he is not expecting, nor asking for, the outcome of his federal civil-rights litigation to result in any settlement that would conflict with the existing guidelines and criteria of the Adirondack Park Agency's APSLMP, nor Article XIV of our New York State Constitution, nor any "related laws." It also seems evident he had been reading those guidelines and criteria of the APSLMP and was familiar with (and I presume quite *appreciative of*) the particular guideline I've cited above. (Please note how his statement, above, reflects that guideline's exclusion of the APA's wilderness and "wilderness-type" land classification categories.)

Ted is still active and has a website on the internet. Last I checked it - just a few days ago - he makes an interesting claim that I call your attention to. He claims:

***"The state has closed... even some of the roads required by the consent decree to remain open. An example is in an area known as the Moose River Plains where DEC closed roads required to be left open by the Consent Decree, citing budgetary problems. In the spring of 2010, DEC closed the Buttermilk Road, Stacy Clearing Road, Gabe Pond Road, and Lily Pond Road. Some of these roads were re-opened only after local governments stepped up and agreed to maintain the roads. Others remain closed."***

Now to close this comment letter, I wish to convey the point ex-staffer Chuck Scrafford made quite strongly the other day when I sat with him once more to discuss these issues:

All roads on State lands in the Adirondack Park were/are one of three types as per ASPLMP definition: "*Well which type are they?!*" he asked in his unique humor and rhetorical exasperation, in referring to "CP3" roads. Of course they were deemed to be roads open to public use and were to be "counted" as such as per the "no-material-increase" guideline #4. No convoluted logic or redacting history will make it otherwise.

Walter Linck

[walter.linck@gmail.com](mailto:walter.linck@gmail.com)

Saranac Lake, NY 12983



Governor Kathy Hochul  
NYS Capitol  
Albany, NY 12224

Dear Governor Hochul

**REJECT The Adirondack Park Agency Alternative 4!**

The APA's Alternative 4 rejects and bans all public use of motor vehicles in the Adirondack forest preserve. All roads that have been approved under the Unit Management Plans will be shut down. Alternative 4 will revert to the phony number used under the 1972 document. That number was challenged and opposed originally as it refused to consider and include over 2,000 miles supported by the local counties' governments, sportsmen, snowmobilers, and other groups and organizations. Additionally, this refuses to allow any increase in mileage even though thousands of acres have been added to the forest preserve since its conception. There are no environmental reasons for this ban. It is designed just to deny the public access to the lakes, etc. of the Adirondacks. It also is designed to ban the elderly, handicapped, disabled from these lands and waters and to directly ignore the Americans with Disabilities Act.

The APA has already shut down, closed over 300 existing roads in the forest preserve. Mainly just to deny the public access to the lakes, ponds, and camping. The APA continues to destroy the local economy, tourism, snowmobiling, and most other outdoor recreation sports and activities. It forces everyone to the High Peaks where the environment continues to be destroyed by overuse. It refuses to open and disperse tourists to other areas. The APA is anti-local people, anti-community, and treats the local population with disdain. They oppose all fishing, hunting, camping, snowmobiling, Horseback riding, mountain biking, and access. They are responsible for the extinction of our native brook trout, with their "no maintenance, no access" policies. Their objections included in the UMP's shut down roads and access in Moose River Plains, Boreas, Lassiter, Lyme, Chain of Lakes, Finch, Pruyn and hundreds of others. Boat launches have been destroyed; boats cannot be left on state lands, any many other excuses to deny anglers. A partial list of closed roads is attached for your information.

I strongly recommend rejection of alternative 4, no roads in the Adirondack Forest Preserve. I strongly urge support for Alternative 2, Increase by more than 15 Percent the roads in the Forest Preserve. There has been no increase in snowmobile trail mileage for over 20 years! Town roads have been closed without consent of the town! Families have been denied access to visit ancestors' sites! Towns have been denied the right to perform their duty, support their citizens by the APA!

Please instruct the APA to reject Alternative 4 and to support Alternative 2 that allows the forest preserve to be updated to comply with its ongoing changes and growth.

Sincerely:



Donald Sage, President Essex County League  
P.O. Box 123  
Paradox, NY 12858  
5185857250



**OPEN THESE ROADS/AREAS IMMEDIATELY!**

4 <sup>th</sup> Lake	Canachagala Lake	Five Ponds
Adirondack	Carriage Road	Flemings Pond
Alder Pond	Carry Flow	Floodwood Road
Aldrich Pond	Cedar Lake	Forked Lake
Alice Brook	Cedar River	Forks Mtn
Alice Brook Tract	Challis Pond	Francis Lake
Armstrong Road	Champion Lands	Fulton Chain
Balfour Lake	Chatiemac Pond	Garnet Lake
Barnes Pond	Chatiemac Tract	Gay Pond
Bartlett Carry	Chaumont Bay	Giant Mtn
Bass Lake	Cheney Pond	Glidden Marsh
Bear Creek	Chub Pond	Gooseneck Pond
Bear Pond	Church Pond	Grampus Lake
Beardslee Reservoir	Clear Pond	Grass Lake
Beaver Pond Road	Cod Lake	Grass Pond
Beaver River	Conifer Easement Tract	Grasse River
Berrymill Pond	Cook Brook	Grassville Road
Big Brook	Coon Mtn	Grizzle Ocean
Big H	Crab Pond	Ha-de-ron-dah
Big Hollow	Cranberry Lake	Hamilton College
Big Hollow Road	Cranberry Marsh	Hammond Pond
Big Moose Lake	Crane Pond	Handsome Pond
Big Otter Lake	Culver Field Road	Harold Jerry Tract
Big Otter Lake Road	Dead Creek	Harrington Pond
Big Pond	Debar Mtn	Harrisburg
Black Brook	Deer Pond	Harrisburg Tract
Black Lake	Devils Washdish	Heurich Tract
Black River	Dix Mtn	Hickory Lake
Blue Mtn Lake	Dole Road	High Peaks
Bog Lake	Domtar Lands	Hitchins Pond
Bog River	Dug Mtn	Hoffman Notch
Boquet River	Dun Brook	Holmes Lake
Boreas Pond	Eagle Lake	Horizon Corporation Tract
Boreas River	East Chazy Lake	Horseshoe Lake
Branaugh Road	Eddy Tract	Horseshoe Pond
Brant Lake	Ellenburg Mtn	Hour Pond
Bubb Lake	Elm Creek	Huntley Pond
Bullet Pond	Endion Road	Hurricane Mtn
Bullhead Pond	Ferds Bog	Independence River
Bumps Pond	Ferris Lake	Indian Lake
Bumps Road	Figure Eight Pond	Inman Pond
Buttermilk Falls Road	Fish Brook Pond	Jabe Pond
Buttermilk Pond	Fish Hole Pond	Jack Works Trail
Buttermilk Road	Fish Pond	Jackrabbit Trail
Camp Road	Fish Pond Trail	Jackworks Road



Jay Mtn  
Jay Tract  
Jessup River  
Joe Indian Pond  
John Dillon Park  
John Pond  
Johns Pond  
Johnsburg Forest  
Johnsburg Tract  
Johnson Pond  
Kane Mtn  
Kempshall Mtn  
Keniston Meadows  
Kibby Pond  
Kibby Pond Road  
Kibby Pond Trail  
Kings Flow  
Kunjamuk Trail  
Lake Eaton  
Lake George  
Lake George Tract  
Lake Harris  
Lake Lila  
Lake Luzerne  
Lassiter Tract  
Lester Flow  
Lewey Lake  
Lily Pond  
Lily Pond Road  
Little Tupper Lake  
Long Lake  
Long Lake Trail  
Long Pond  
Long Pond Tract  
Loon Lake  
Lost Pond  
Lows Lake  
Lyon Mtn  
Maple Hill Road  
Marcy Dam  
McCarthy Road  
McKenzie Mtn  
McKenzie Tract  
Meacham Lake  
Mill Creek  
Minerva Stream

Minerva to Newcomb Trail  
Moody Flow  
Moose River Plains  
Moshier Falls  
Mountain Road  
Moxham Mtn  
Mt Tom Road  
Mud Lake  
Mud Pond  
Mud Pond Road  
Muller Pond  
Newcomb Lake  
Niagara Mohawk Lands  
North Pond  
Northville Trail  
Norton Range  
Old Farm Clearing  
Old Forge  
Oliver Pond  
Oriskany Flats  
Oswegatchie  
Overshot Pond  
Owls Head  
Owls Head Mtn  
Oxbow Tract  
Oxshoe Pond  
Padnarun Road  
Palmer Pond  
Paradox Lake  
Peck Creek  
Penfield Pond  
Pepperbox  
Perkins Clearing  
Peters Pond  
Pharaoh Lake  
Pigeon Lake  
Pillsbury Lake  
Pine Lake  
Plumadore Range  
Portaferry Lake  
Prospect Mtn  
Puffer Pond  
Pumpkin Hollow  
Pumpkin Hollow Road  
Putnam Pond  
Putts Pond

Raquette Lake  
Raquette River  
Raymond Brook  
Rock Pond  
Rock River  
Roosevelt Truck Trail  
Round Lake  
Round Pond  
Sabbatis Station  
Sacandaga  
Sand Pond  
Santanoni  
Saranac Lake  
Schroon Lake to  
Pottersville Trail  
Sentinel Range  
Shaker Mtn  
Shaker Place  
Shallow Lake  
Shattock Clearing  
Shelving Rock  
Siamese Ponds  
Silver Lake  
Sis Lake  
Smith Road  
South Cree Lake  
South Meadow  
Speculator  
Speculator Tree Farm  
Sperry Pond  
Split Rock  
St. Regis  
St. Regis Lake  
St. Regis Tract  
Star Lake  
Stillwater  
Stillwater Dam  
Stillwater Tract  
Stone Dam  
Streeter Lake  
Streeter Lake Road  
Sugarloaf Mtn  
Sunrise Pond  
The Gulf  
Thirteenth Lake  
Trout Brook

Trout Falls Road  
Trout Lake  
Trout Pond  
Tug Hill  
Tupper Lake  
Unkown Pond  
Upper & Lower Fish Pond  
Vanderwacker  
Vanderwacker Mtn  
Vanderwacker Pond  
Vanderwhacker Mtn  
Wanakena Tract  
Watson East  
Watson East Triangle  
West Canada  
West Canada Creek  
West Canada Lake  
White Pond  
Whitney Lands  
Whitney Tract  
Wilcox Lake  
Wolf Creek  
Wolf Pond

**From:** [Keith McHugh](#)  
**To:** [SLMP\\_UMP\\_Comments@apa.ny.gov](mailto:SLMP_UMP_Comments@apa.ny.gov)  
**Cc:** [contact@adironackwilderness.org](mailto:contact@adironackwilderness.org)  
**Subject:** Fwd: "NO MATERIAL INCREASE OF ROAD MILEAGE ON WILD FOREST"  
**Date:** Thursday, March 30, 2023 7:42:08 AM  
**Attachments:** [1905 Adirondack Forest and Undated Day & Stony Creek Maps.pdf](#)  
[Hutchens Deed.pdf](#)  
[Letter from Day Supervisor \(1\)\(1\)\(1\).pdf](#)

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**ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.**

Megan,

Please explain how the illegal 1 mile extension of Lens Lake Road in the Wilcox Lake Wild Forest is accounted for in your inventory.

Your road listing has .4 miles of roads in this Wild Forest, no mention of this illegal private driveway to the "Fisher Act" tax exempt, 810 acre, Livingston Lake Club at its end.

The Fisher Act Tax Exemption was fraudulently acquired by claiming Lens Lake Road as its "legal" access...which it is not.

Proof of this fraudulent scheme is a matter of public record yet the APA and DEC look the other way. Why?

Keith McHugh

----- Forwarded message -----

**From:** **Keith McHugh** <[hidinginplainsight826@gmail.com](mailto:hidinginplainsight826@gmail.com)>  
**Date:** Thu, Jul 7, 2022 at 10:44 AM  
**Subject:** "NO MATERIAL INCREASE OF ROAD MILEAGE ON WILD FOREST"  
**To:** <[slmp\\_ump\\_comments@apa.ny.gov](mailto:slmp_ump_comments@apa.ny.gov)>

Dear Megan Phillips,

For your report to have any sense of legitimacy, it must first address illegal roads that currently exist.

I present irrefutable evidence of an illegal mile long extension of Lens Lake Road within the Wilcox Lake Wild Forest.

Your report's map and APA published maps show Lens Lake Road passing across private property Lot 270.-1-2 (was #14) along the southern edge of Lens Lake, continuing through the Forest Preserve and ending at the Stony Creek town line.

The road actually, illegally continues .37 miles to the Livingston lake in-holding.

This road was illegally constructed in its present location after the 1901 purchase of this inaccessible in-holding by ancestors of the current owners. The current owners have close ties to APA and DEC officials who to this day work to conceal this illegality.

Attached are 1895 and 1905 maps showing the original route of Lens Lake Road passing to the southeast of private property Lot #14 (270.-1-2) and Livingston Lake Property in Day, NY.



Subsequent maps show the illegally "re-routed" Lens Lake Road. The illegal impoundment of the Paul Creek that created the Middle Flow and the doubling in size of Livingston Lake as a result of the new owner's damming it's outlet to the Paul Creek.

The Deed for Lot #14 now Lot 270.-1-2 with no reference to a road dividing it even though it changed title as recently as 1981.

DEC's Draft UMP does not list Lens Lake Road as a legal road  
Adirondack Council's 2020 Vision Report issued in 1990 identified Livingston Lake and the private Lot 270.-1-2 as property conducive for state purchase as they were well aware of this illegality.

Good Luck with this impossible task that you are undertaking.

Keith McHugh

 [1907 USGS.pdf](#)

 [Wilcox LWF road map.pdf](#)

 [ApludpSImp20210625.pdf](#)

Public Comment

3/25/23

no material increase in Roads

Dear Megan Phillips,

Please - CP3 roads need to be counted in your interpretation. They are roads in the Wild Forest. I have spent 45 years hiking, skiing, canoeing and climbing in the park. It is obvious and apparent and historically tested without doubt that roads degrade the "Wild Forest Character". Please do not increase road mileage. "Wild Forest Character" is what makes the Adirondack Park unique in

the eastern U.S. If you have been to the forests of Vermont, New Hampshire, Maine I'm sure you would appreciate the Wild Mountain Character of the Adirondacks immediately! We have a jewel unmatched! Please do not go down that road once you start it's difficult to stop.

Thank you and all the board members for all your efforts to keep the Adirondack Park a very beautiful place.

Sincerely,

Gregory Wait

Corinth N.Y. "Gateway to the Adirondacks"

RECEIVED  
ADIRONDACK PARK AGENCY

MAR 29 2023

APR 10 2023

Megan Phillips  
Adirondack Park Agency  
P.O. Box 99  
Ray Brook, NY 12977

Tuesday, April 4, 2023

Re: My Comment on APSLMP Wild Forest Basic Guideline No 4 Alternative 4

Dear Ms. Phillips:

Wild things need wild places, whether wildlife or wilderness, and few human activities compromise this more than more roads, miles of roads.

1. The answer to the question of whether CP-3 roads are "roads" under the State Land Master Plan is unequivocally yes! Answering no to the question posed by APA is legally flawed because it excludes the mileage of CP-3 roads from its tally of existing road mileage on Wild Forest lands.
2. Alternative 4 is wrong and attempts to mislead the public because it excludes CP-3 road mileage without expressly saying so and without providing any analysis or explanation as to why CP-3 road mileage is excluded.
3. Alternative 4 violates the Adirondack Park State Land Master Plan because it does not include CP-3 road mileage in assessing whether there has been a material increase in Wild Forest road mileage since 1972. As a result, Alternative 4 incorrectly states that current Wild Forest road mileage is 206.6 miles when the current Wild Forest road mileage is actually 244.7 miles.
4. Because Alternative 4 fails to include CP-3 road mileage, it incorrectly states that there has been no material increase in Wild Forest road mileage since 1972. In fact, the current Wild Forest road mileage of 244.7 miles is an 18% increase over the 1972 road mileage.
5. CP-3 roads meet the Adirondack Park State Land Master Plan's definition of a "road" because they are "maintained by the Department of Environmental Conservation . . . and open to the public on a discretionary basis."
6. The opening of roads to CP-3 use is discretionary with DEC because CP-3 users must apply to DEC for a permit and must meet certain criteria, and DEC has discretion to deny the permit application and to close CP-3 roads under certain conditions. In addition, CP-3 permit holders are most certainly members of "the public."
7. Roads opened to CP-3 permit holders pursuant to the Galusha settlement meet the Adirondack Park State Land Master Plan's definition of "road" for the same reasons. DEC's discretion whether to open the roads listed in the settlement was not eliminated by the Galusha Consent Decree because the Decree required each road proposed for CP-3 use must go

through the Unit Management Plan review process and included provisions in case the road was not approved for opening at the conclusion of the UMP review process.

8. The Galusha settlement requires that all roads opened under CP-3 for special access by disabled individuals must comply with Forest Preserve protections under the "Forever Wild" clause in the State constitution and comply with the Adirondack Park State Land Master Plan.

9. Alternative 4 violates the Adirondack Park State Land Master Plan and must be rejected. Alternative 4 violates the APSLMP because it does not include CP-3 road mileage in its tally of current Wild Forest road mileage. The APA-DEC must include CP-3/Galusha road mileage in any interpretation of Wild Forest Basic Guideline No. 4.

I hope you will act to protect the Adirondack Park and it's wild places, wildlife and wilderness. I have to admit not knowing many of these specific details personally.

Sincerely,

A handwritten signature in black ink, appearing to read "Harold R. Bauer, Ph.D.", with a stylized flourish at the end.

Harold R. Bauer, Ph.D.

Member of several environmental defense NGOs

8910 Story Rd  
Wayland, NY 14572

585-335-2623

April, 17 2023

Megan Phillips  
Adirondack Park Agency  
P.O. Box 99  
Ray Brook, NY 12977  
(Via Electronic Submission)

Josh Clague  
Dept. of Environmental Conservation  
625 Broadway  
Albany, NY 12233

RE: Wild Forest Basic Guideline #4 No Material Increase Alternative #4

I offer the following comments on the fourth alternative interpretation to the State Land Master Plan's Wild Forest Basic Guideline #4 (WFBG #4). I submit the following comments as someone who was born in the Adirondacks, someone who has fought to protect the natural resources of the Adirondack Park over my entire life, and as a longtime member of the NYS Department of Environmental Conservation (NYSDEC) Accessibility Advisory Committee. I hold the values of accessibility near to my heart as someone with mobility impairment, and I am a staunch defender of the successful Commissioner's Policy Three (CP-3). This is a valuable program that provides New Yorkers with opportunities for access and solitude that would otherwise not be available. This program recognizes an important and distinctive notion that was recognized in the Galusha Settlement: *While equitable opportunities should and must be provided for people with disabilities, the preservation of natural resources is paramount, and because of this, access will be afforded when and where the SLMP deems it appropriate.*

### **The "No Material Increase" (NMI) Standard must be based on Ecology, not Accessibility**

APA staffs' presentation at the February 2023 APA board meeting highlighted the negative impacts of roads on ecology, hydrology, and wildlife. The presentation was thorough and gave a critical foundation to this decision, citing that the physical imprints of a road may only be 1% but that the impacts range from 10-15% of the land. From an ecological perspective, all mileage should be either counted or noted, even if it is illegal, due to these far-reaching impacts. According to the *Draft Map of Remoteness in the Adirondack Park*, the APA discovered that less than 3% of the Park is more than three miles from any road and more than two miles from lakes that allow motorized boats. The APA board is currently debating the semantic definitions of roads, mileage discrepancies between years, and the idea of materiality when we should be talking about how these fit together to best protect our finite resources, as directed by the opening page of the SLMP.

### **Do CP-3 roads meet the definition of a road under the SLMP?**

Yes.

The SLMP defines a road as:

*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.*

While that appears clear, a critical element in this policy exploration is determining whether Commissioners Policy-3 (CP-3) roads are considered roads by the SLMP definition, and thus count towards the total Wild Forest road mileage. According to the NYSDEC, “[t]he purpose of [the CP-3] policy guideline is to clarify the authority of the Department of Environmental Conservation to issue temporary revocable permits (TRPs) to qualifying people with disabilities to allow them motor vehicle access to certain specified State lands under the Department's jurisdiction, thereby facilitating such access.”

In relation to the NMI standard, this means that qualifying people with disabilities can obtain DEC-issued permits to access Wild Forest units using motor vehicles such as automobiles, all-terrain vehicles (ATVs), electric wheelchairs, and other means.

The CP-3 policy contains its own definition of a road that you will notice looks quite similar to the SLMP definition:

*Road means an improved or partially improved way designed and maintained for travel by automobile and may also be used by other types of motor vehicles, including snowmobiles, on those ways designated for such use; and is,*

1. *Either maintained by a State agency or local government and open to the general public; or,*
2. *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,*
3. *Maintained by the Department or other State agency and is open to the public on a discretionary basis; or,*
4. *Designated by the Department for use by qualified people with disabilities.*
5. *Pursuant to the Adirondack Park State Land Master Plan and Catskill Park State Land Master Plan, the Department may further restrict the use of motor vehicles where in its judgment the character of the natural resources in a particular area or other factors make such restrictions desirable.*

CP-3 permits are intended to allow motorized access to roads on Wild Forest and Intensive Use classified lands for people with disabilities, on a temporary, revocable— ergo *discretionary*— basis. The DEC may also open roads on a discretionary basis for specific CP-3 use. Furthermore, Environmental Conservation Law Chapter 43-B Article 1 Title 3 § 1-0303 defines a “person” as “any individual [and in some instances] other than the state,” which makes it clear that people with disabilities are indeed members of the public.

Additionally, #5 of the CP-3 road definition clearly outlines that CP-3 roads must be consistent with both Adirondack Park and Catskill Park State Land Master Plans in order to protect the natural resources each plan recognizes is paramount. *Therefore, CP-3 roads meet the definition of a road under both i and iii of the SLMP definition of a road. Only one of these criteria need to be met for a road to be considered under*

***the SLMP. This means that CP-3 roads are indeed subject to the SLMP, are consistent with the SLMP, and thus, should be counted towards WFBG#4.***

## **Conclusion**

As a longtime member of the NYSDEC Accessibility Advisory Committee, I strongly support accessibility measures when and where appropriate that are ADA, Article 14 and SLMP compliant. However, I reiterate that that the NMI standard is a matter of resource protection. This is not a decision about access.

***A straightforward reading of the SLMP dictates that CP-3 roads must count towards the total mileage of the NMI standard.*** Therefore, if more CP-3 roads are needed on Wild Forest lands to accommodate access for more access for permit holders, non-CP-3 roads may need to be closed to maintain the road mileage cap. By exempting CP-3 roads from the NMI standard in WFBG#4, a fatal loophole will be established, leaving the efficacy of this standard to the whims of current and future Commissioner Policies.

Let there be no illusions - the APA board does not face a false choice between promoting accessibility for people with disabilities and protecting the precious natural resources of the Adirondack Park. We can promote equitable access and fulfill the mandates of the SLMP at the same time. The hard truth is that roads have a dramatic environmental impact, and that is why the SLMP takes such a stern approach in requiring a NMI standard for Wild Forest Lands. I know there are many lands of the Adirondacks that I am unable to access because of my mobility impairment, but I value that those precious lands and waters are well-preserved for the benefit of all.

Thank you for providing this opportunity to comment. I welcome your outreach if you have any questions or seek clarification.

Sincerely,

Lisa M. Genier

**From:** [Mary Tennant](#)  
**To:** [SLMP\\_UMP\\_Comments@apa.ny.gov](mailto:SLMP_UMP_Comments@apa.ny.gov)  
**Date:** Monday, March 27, 2023 2:04:08 PM

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Moose River Plains area roads.

Will the roads in Cedar River and Inlet access be affected by these proposals? As a long time frequent visitor to the areas, we respectfully ask that the roads be maintained as usual for recreational access. If I understand the proposals, it seems to limit NEW expansion, am I correct? Can we assume the roads in the Moose River Plains area will be maintained as usual?

**April 17, 2023**

Megan Phillips  
Adirondack Park Agency  
P.O. Box 99  
Ray Brook, NY 12977

By email: [SLMP\\_UMP\\_Comments@apa.ny.gov](mailto:SLMP_UMP_Comments@apa.ny.gov)

## **Comments to the Adirondack Park Agency regarding the issue of SLMP Wild Forest General Guideline #4**

**Submitted by Barbara A. Rottier**

### **Summary**

**Issue:** Do CP3 roads count towards the "no material increase" provision of the State Land Master Plan (SLMP)?

**Conclusion:** The answer is unconditionally YES, by the specific terms of the State Land Master Plan (SLMP), as well as the Agency decisions made and communicated to DEC in 1996, and by the terms of the Consent decree in the Galusha settlement in 2001. Moreover, any other legal interpretation belittles the clear language of all the relevant operating laws and legal documents and the intent of the APA Act and the SLMP. The Agency is responsible for upholding the language and intent of the laws, and should steadfastly do so.

### **Legal Arguments**

**1. The SLMP clearly defines what is a "road" and CP3 roads clearly meet the definition. There is no other possible legal interpretation.**

SLMP Section II Classification and Guidelines; Definitions. Pg 20, states:

36. 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.

There are three "road" options. For the purposes of the SLMP, a "road" specifically includes DEC administrative roads "open to the public on a discretionary basis". *Clearly, persons with disabilities are members of the "public."* (I dare anyone to argue otherwise!).

Persons with disabilities are allowed on administrative roads in Wild Forest at the discretion of DEC by a permitting system under DEC Commissioner's Policy #3. (We call these roads CP3 roads.) **Hence, all CP3 roads, clearly and unequivocally fit within definition (iii); there can be no legitimate legal argument otherwise.**

## **2. The SLMP limits the increase in road mileage on Forest Preserve based on the 1972 mileage, with specific direction discouraging roads on the FP.**

SLMP 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.*** (emphasis added)

Not only does this section limit increase, but it also imposes another requirement: *the use of motor vehicles will not be encouraged on FP lands.* This requirement cannot be ignored, and must be part of any interpretation of this section.<sup>1</sup>

## **3. CP3 roads must be counted towards the determination of "no material increase."**

As CP3 roads are clearly "roads" within the definitions applicable to the SLMP, they must be counted for any determination of "no material increase."<sup>2</sup>

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<sup>1</sup> Also, SLMP, Part I, pg 11, added in 1987, states that DEC's UMP's should contain:

*- the identification, in intensive use, historic and appropriate portions of wild forest areas accessible by motor vehicles, of measures that can be taken to improve access to and enjoyment of these lands, and associated structures and improvements, by persons with disabilities.*

This section, added in 1986, requires DEC to address the issue of access for persons with disabilities, but also reaffirms that not all [administrative] roads will be open to such persons. (Roads other than administrative roads are always open to persons with disabilities.)

<sup>2</sup> I note also, that years ago, DEC and APA agreed on the miles of "road" existing in 1972, which excluded DEC administrative roads, per the definition of "road".

**4. There are important reasons for *discouraging* roads on the FP, specifically stated in the SLMP, with reference to the APA Act.**

The Introduction to the SLMP states:

*"If there is a unifying theme to the master plan, it 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 in their physical and biological context as well as their social or psychological aspects are not degraded. This theme is drawn not only from the Adirondack Park Agency Act (Article 27 of the Executive Law – 'The Act') and its legislative history, but also from a century of the public's demonstrated attitude toward the forest preserve and the Adirondack Park." (emphasis added)*

This language mandates that the wild forest nature of FP lands must be preserved for multiple reasons, including the physical, biological and psychological benefits of wild lands. A road through a wild area, without question, creates adverse impacts to these benefits:

- Roads disrupt the wild character of the land and the public experience
- Motor vehicles make noise and pollution
- Motor vehicles travel at higher speeds than wildlife and create danger to them.
- Roads change and fragment forest habitats and interrupt wildlife travel pathways
- They are conduits for invasive species.
- Runoff from roads adversely impacts any nearby streams, rivers, and wetlands.
- Roads through FP wild areas are expensive for the State to maintain and repair

The recent case, *Protect the Adirondacks! Inc., Respondent-Appellant, v. New York State Department of Environmental Conservation et al.*, (May 4, 2021) also speaks at length about the importance of the Forest Preserve as "wild forest lands." One quote is particularly relevant:

"Second, defendants and the dissent contend that the project's impacts are justified because it enhances access to the Preserve and provides a variety of recreational opportunities. That analysis proceeds from a fundamental misunderstanding. The constitution provides for access and enjoyment of the Forest Preserve as a wild forest: 'very considerable use may be made by campers and others without in any way interfering with this purpose of preserving them as wild forest lands' (*MacDonald*, 253 NY at 241, citing Robert Marshall, *The Problem of the Wilderness*, 30 *The Scientific Monthly* 141, 141 [1930]). The project proposed here, like that proposed in *MacDonald*, is impermissible 'simply and solely for the reason that . . . the Constitution says that it cannot be done' (*id.*)."

Increasing miles of roads may improve public access to wild lands, but it will also make such wild areas less wild. The cumulative impact of expanded motorized access will destroy the wild places the public desires to see or to just know exist. Therefore, The Agency should interpret the SLMP mandate of "no material expansion" as obviously intended, *and in fact, specifically*

*stated: public use of roads is not to be encouraged, not expanded.* These are serious concerns, and the Agency has special authority and responsibility to protect the Wild Forest as *WILD* for us and future generations. Please do not forget that responsibility.

In summary, roads through wild lands diminishes the wild land experience. Any interpretation of Basic Guideline #4 must take that into account, and the miles of roads minimized, not maximized.

## **5. It is the responsibility of the APA to uphold the fundamental principles of its operating documents.**

It goes without saying that the Agency holds both the power and duty to uphold the mandates of the NYS Constitution, Article 14; the APA Act, and the SLMP. This power is a privilege, and the duty sacred to the preservation of this Park, held in trust for this and future generations.

## **6. In considering this matter, the Agency must consider its precedent.**

There is a long history with regard to the interpretation and application of Basic Guideline #4. Here is a short summary:

Basic Guideline #4 has been in the SLMP for a long time. In 1987, the APA was foresightful enough to add language to the SLMP to require the DEC, in its UMP planning, to provide appropriate access to certain areas of the FP for people with disabilities. No such provisions were included in UMPs in subsequent years.

In 1995, A Mr. Ted Galusha, a person with disabilities, was cited by DEC for traveling in a motorized vehicle on a DEC administrative road, not open to the public. This initiated a long, drawn-out saga, where Mr. Galusha and later, Adirondackers for Access, challenged DEC to adopt policies and create better facilities for access to the FP for people with disabilities. Initially, DEC began issuing Temporary Revocable Permits (TRPs) for some access on administrative roads in Wild Forest. However, later, DEC stopped issuing TRPs.

The activity and publicity regarding access for persons with disabilities brought the issue of SLMP Wild Forest General Guideline #4 to the fore, since no DEC administrative roads had not previously been counted when calculating the required "no material increase." At this point, Mr. Galusha was well aware and acknowledged that the Constitution, APA Act and SLMP would apply to any policy adopted by DEC.<sup>3</sup>

By memo dated December 5, 1996, the Agency sent to DEC Director of Lands and Forests its determination as to whether CP3 roads would be included when calculating "no material

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<sup>3</sup> An 1998 article by Ted Galusha summarizes his story, included as Attachment #1.

increase." That memo was a final determination which DEC could have appealed under the MOU between APA and DEC. DEC did not appeal. ***(I know of the determination included in this memo, but have not repeated it in these comments as the Agency has, to date, failed to release the document, incorrectly claiming it is "confidential." Staff has the responsibility to disclose it under the Freedom of Information Law (FOIL), for reasons explained below.)***

From 1995 to 1998, Mr. Galusha attempted, through meetings with DEC, to get DEC to issue a Policy regarding access and to issue TRPs to persons with disabilities as appropriate. Having waited years without the success he desired, in 1998, Galusha and Adirondackers for Access sued DEC and APA in Federal Court to obtain access for persons with disabilities. That litigation was resolved by Consent Decree signed July 5, 2001, long after the 1987 APA determination regarding what was to be included in the calculation of "no material increase."

#### **7. The December 5, 1996 APA memo to DEC is a releaseable document under the Freedom of Information Law (FOIL); it is not "confidential."**

First it is essential to understand the process at the time (1996) that memo was created and issued by the APA. I have spoken with prior Agency Counsel and Director of Planning, John Banta; Regional Supervisor of Adirondack Planning, Chuck Scrafford; and Natural Resources Planner, Walt Linck. All concur with my statements below regarding the process followed on or about 1996 resulting in the Scrafford letter referenced below. I was Associate Counsel to the Agency from 1985-2010, but was never involved in this issue.

The 1996 Agency determination regarding whether such newly opened CP3 roads would "count" was made by the accepted process at that time: ***All substantive interpretations of the SLMP were sent to DEC Director of Lands and Forest, signed by the designated APA State Lands official, but only after being vetted by the Agency Chair, State Lands Committee Chair, the Executive Director, Director of Planning, and Counsel. At the time, on December 5, 1996, that senior staff person was Chuck Scrafford, Regional Supervisor of Adirondack Planning.***

The Scrafford memo was, in fact, a final determination, sent to DEC and adhered to by staff. Under the MOU between the Agency and DEC, the DEC could have challenged the determination by appealing to the Full Agency Board. Such appeal never occurred with regard to this determination and it still stands until lawfully modified.

Government documents are deemed to be public documents and releasable to the public. Under the NYS Freedom of Information Law (Public Officers Law [POL], Article 6, Sections 84-90).<sup>4</sup> All records of a public agency are presumptively open to public inspection and copying

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POL, Article 6, Section 87 (2)(g) states:



unless otherwise specifically exempted. FOIL expressly provides that an agency that has denied disclosure on the basis of an exemption "shall in all proceedings have the burden of proving entitlement" to the exemption. (Public Officers Law 89 (4)(b) While "inter- and intra-agency documents" do not have to be released (but can be at the discretion of the agency), there are important exceptions to that rule which apply in this case. **"Instructions to staff that affect the public" and "final agency policy determinations" must be released.**

The Scrafford memo sent to the Director of DEC Division of Lands and Forests apprised DEC as to whether the Agency will include any CP3 roads in the calculation of "no material increase" pursuant to the SLMP. *While this was both an inter-agency and intra-agency memo, it was also a final Agency policy determination. Moreover, it constituted "instructions to staff [both APA and DEC] that affect the public."* Therefore, it is a document releasable to the public under FOIL, and certainly available to the Board.

Under the specific policy statements included as part of FOIL, it is imperative that the public have access to information relating to government action and decision-making. Given the statute's broad objectives, the Court of Appeals has consistently held that the New York Freedom of Information Law is to be liberally construed and its exemptions narrowly interpreted so that the public is granted maximum access to the records of government. It has also held that by their very nature such objectives cannot hope to be attained unless [access to government records] becomes the rule rather than the exception."<sup>5</sup>

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"2. Each agency shall, in accordance with its published rules, make available for public inspection and copying all records, except those records or portions thereof that may be withheld pursuant to the exceptions of rights of access appearing in this subdivision.

A . Denial of access shall not be based solely on the category or type of such record and shall be valid only when there is a particularized and specific justification for such denial. Each agency shall, in accordance with its published rules, make available for public inspection and copying all records, except that such agency may deny access to records or portions thereof that:

(g) are inter-agency or intra-agency materials which are not: i. statistical or factual tabulations or data; ii. *instructions to staff that affect the public*; iii. *final agency policy or determinations*; or iv. external audits, including but not limited to audits performed by the comptroller and the federal government. (emphasis added) "

<sup>5</sup> POL, Article 6, Section 84, Legislative Declaration states:

"The legislature hereby finds that a free society is maintained when government is responsive and responsible to the public, and when the public is aware of governmental actions. The more open a government is with its citizenry, the greater the understanding and participation of the public in government ..... The people's right to know the process of governmental decision-making and to review the documents and statistics leading to determinations is basic to our society. Access to such information should not be thwarted by shrouding it with the cloak of secrecy or confidentiality. The legislature therefore declares that

In this case, the Agency decisions of years ago on this relevant topic, are not protected by FOIL, but required to be released by FOIL, as they are decisions which affect the public and constitute final agency policy determinations. Yes, this Agency has every right to change its policy interpretation. However, that does not alter the fact that a determination was previously made and DEC was so notified. It also does not change the fact that The Board should know about this history and the reasons for the determination made at that time.

*Moreover, the Board should be apprised of any prior Agency determinations and the basis therefore, with regard to any important matter under consideration*

**8. The Scrafford memo is not protected by any "privilege," nor is it "confidential."**

Any privilege or confidentiality must be established by law. In this case, there is no attorney-client privilege; Mr. Scrafford was not a lawyer giving legal advice to DEC. There is no legally established "privileged" relationship between DEC and APA. In fact, the rules established by FOIL apply: Generally, all documents are public unless they meet an exception stated in the law. As explained above, the December 5, 1996 document was an inter-agency document that conveyed a final Agency policy determination.

Moreover, this memo was issued before the Galusha Federal litigation was initiated, and was not under debate or part of negotiations for the settlement agreement in 2001.

**9. The 2001 Consent Decree did not and does not change the legal analysis above.**

The Consent Decree did not "order" DEC to open certain roads in the Adirondack Park to motor vehicle use, thereby removing the discretion of DEC and APA whether or not to open those roads. Rather, the Consent Decree required DEC to (1) propose amendments to certain existing UMPs allowing access to specific areas under the Department's CP-3 program, and (2) ensure that certain roads already open to CP-3 use remained open for such use "subject to final approval in the UMP process."<sup>6</sup>

In other words, the Consent Decree required that all roads proposed for CP-3 motorized use as part of the settlement had to go through the UMP review process. Moreover, the Consent Decree made clear that approval, for such roads under the UMP review provisions of the

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government is the public's business and that the public, individually and collectively and represented by a free press, should have access to the records of government in accordance with the provisions of this article."

<sup>6</sup> The 2001 Consent Decree is Attachment 2.

Master Plan was not a foregone conclusion because it included procedures to be followed “in the event that any road [proposed for CP-3 use] is not approved through the UMP process.”

In addition, no part of the Consent Decree excludes or exempts any of the proposed CP-3 roads from applicable legal constraints, including those imposed by the APSLMP. In fact, the Decree recognizes that DEC and APA “are charged by Article XIV of the New York State Constitution, statute, regulation and the Adirondack Park and Catskill Park State Land Master Plans to act as stewards and, in the case of DEC, land manager for the Forest Preserve **within the constraints of the New York State Constitution Article XIV’s “forever wild” provision and the SLMP classification system** and to act in accordance with all applicable state and federal law.”

Roads opened for CP-3 motorized use as a result of the *Galusha* settlement are no different from any other Forest Preserve roads opened for such use, and have no special legal status or exclusion from the legal constraints of the Master Plan, including Wild Forest Basic Guideline Number 4.

### **Conclusion**

**The miles of roads are to be minimized, not expanded. Expansion of less than 15% is warranted by the relevant legal provisions.**

Please recognize the importance of this decision. There are many miles of administrative roads which have not been opened to the public, including persons with disabilities. There are some who would argue that there should be *no* roads in the Forest Preserve at all, except as authorized by Constitutional amendment. There are others who would argue that *all* DEC administrative roads, and *all* old logging or access roads on newly acquired Forest Preserve lands should be open to the general public. Both of these positions are untenable. What must direct your decision are the intentions of the Constitution, APA Act, and SLMP, *and the specific language of the SLMP*. The Agency should interpret the SLMP mandate of "no material expansion" as obviously intended. *The miles of roads are to be minimized, not expanded*. These are serious concerns, and the Agency has special authority and responsibility to protect the Wild Forest as *WILD* for us and future generations. Please do not forget that responsibility.

Thank you for your consideration.

Respectfully, Barbara A. Rottier

53 Norman Ridge Road, Vermontville, NY 12983; 518-891-7878

**From:** [Carolyn Bishop](#)  
**To:** [SLMP\\_UMP\\_Comments@apa.ny.gov](mailto:SLMP_UMP_Comments@apa.ny.gov)  
**Subject:** Protect the Adirondacks/Enforce Legislation  
**Date:** Wednesday, March 29, 2023 4:17:48 PM

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*ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.*

To Whom it May Concern

As someone who grew up in the Adirondacks and still enjoys summers in the Adirondack Park I have been appalled that New York State has found so many ways to get around the intelligent efforts to save the precious Adirondack Park lands from exploitation. Basically by ignoring legislation with a goal of preserving this wonderful ecosystem and instead excusing the destruction that continues in misguided ways to keep certain interest groups happy in spite of the fact that their activities are damaging acres and acres of our unspoiled forest land. Finding every summer more damage to and around the trails of our favorite walks, now torn up with ORVs leaving gouges in the trail, muddy ruts where we used to have paths, cutting down branches for camp fires, trash and junk left along trails and at campsites. It is obvious that some of the users of these lands are destroying them. Why make their destructive actions more acceptable in lands unspoiled so far?

Our tax dollars at work are not meant to support the outrageous activities that destroy formerly pristine lands. It is unwise and unfair for the State to allow this kind of destruction. I am attaching the important statements to consider on these issues. Please protect our Adirondacks and the flora and fauna that are struggling to survive.  
Sincerely, Carolyn Bishop, Walter Bishop, Rebecca Bishop Harris.

## **Talking Points for Public Comments to the APA on Alternative 4 for Basic Wild Forest Guideline No 4**

1. The answer to the question of whether CP-3 roads are “roads” under the State Land Master Plan is unequivocally yes! Answering no to the question posed by APA is legally flawed because it excludes the mileage of CP-3 roads from its tally of existing road mileage on Wild Forest lands.
2. Alternative 4 is wrong and attempts to mislead the public because it excludes CP-3 road mileage without expressly saying so and without providing any analysis or explanation as to why CP-3 road mileage is excluded.
3. Alternative 4 violates the Adirondack Park State Land Master Plan because it

does not include CP-3 road mileage in assessing whether there has been a material increase in Wild Forest road mileage since 1972. As a result, Alternative 4 incorrectly states that current Wild Forest road mileage is 206.6 miles when the current Wild Forest road mileage is actually 244.7 miles.

4. Because Alternative 4 fails to include CP-3 road mileage, it incorrectly states that there has been no material increase in Wild Forest road mileage since 1972. In fact, the current Wild Forest road mileage of 244.7 miles is an 18% increase over the 1972 road mileage.
5. CP-3 roads meet the Adirondack Park State Land Master Plan's definition of a "road" because they are "maintained by the Department of Environmental Conservation . . . and open to the public on a discretionary basis."
6. The opening of roads to CP-3 use is discretionary with DEC because CP-3 users must apply to DEC for a permit and must meet certain criteria, and DEC has discretion to deny the permit application and to close CP-3 roads under certain conditions. In addition, CP-3 permit holders are most certainly members of "the public."
7. Roads opened to CP-3 permit holders pursuant to the *Galusha* settlement meet the Adirondack Park State Land Master Plan's definition of "road" for the same reasons. DEC's discretion whether to open the roads listed in the settlement was not eliminated by the *Galusha* Consent Decree because the Decree required each road proposed for CP-3 use must go through the Unit Management Plan review process and included provisions in case the road was not approved for opening at the conclusion of the UMP review process.
8. The *Galusha* settlement requires that all roads opened under CP-3 for special access by disabled individuals must comply with Forest Preserve protections under the "Forever Wild" clause in the State constitution and comply with the Adirondack Park State Land Master Plan.
9. Alternative 4 violates the Adirondack Park State Land Master Plan and must be rejected. Alternative 4 violates the APSLMP because it does not include CP-3 road mileage in its tally of current Wild Forest road mileage. The APA-DEC must include CP-3/*Galusha* road mileage in any interpretation of Wild Forest Basic Guideline No. 4.

**From:** [Elizabeth wait](mailto:Elizabeth.wait@nys.gov)  
**To:** [SLMP\\_UMP\\_Comments@apa.ny.gov](mailto:SLMP_UMP_Comments@apa.ny.gov)  
**Subject:** Public Comment on APSLMP Wild Forest Basic Guideline No 4 Alternative 4  
**Date:** Sunday, April 16, 2023 7:31:56 PM

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ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

TO: The NYS Department of Environmental Conservation

Megan Phillips  
Adirondack Park Agency  
P.O. Box 99  
Ray Brook, NY 12977

Dear Ms. Phillips:

Please accept these public comments on Alternative 4 in the NYS APA-DEC interpretation of Wild Forest Basic Guideline No 4.

1. The answer to the question of whether CP-3 roads are "roads" under the State Land Master Plan is unequivocally yes! Answering no to the question posed by APA is legally flawed because it excludes the mileage of CP-3 roads from its tally of existing road mileage on Wild Forest lands.
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7. Roads opened to CP-3 permit holders pursuant to the Galusha settlement meet the Adirondack Park State Land Master Plan's definition of "road" for the same reasons. DEC's discretion whether to open the roads listed in the settlement was not eliminated by the Galusha Consent Decree because the Decree required each road proposed for CP-3 use must go through the Unit Management Plan review process and included provisions in case the road was not approved for opening at the conclusion of the UMP review process.
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the APSLMP because it does not include CP-3 road mileage in its tally of current Wild Forest road mileage. The APA-DEC must include CP-3/Galusha road mileage in any interpretation of Wild Forest Basic Guideline No. 4.

Thank you very much.

Sincerely,

Elizabeth wait <liozywait@outlook.com>

14 Elizabeth lane

Saratoga springs, New york 12822

**From:** [Lorraine M Nardini](mailto:Lorraine.M.Nardini)  
**To:** [SLMP\\_UMP\\_Comments@apa.ny.gov](mailto:SLMP_UMP_Comments@apa.ny.gov)  
**Subject:** Public Comment on APSLMP Wild Forest Basic Guideline No 4 Alternative 4  
**Date:** Wednesday, April 5, 2023 12:53:26 PM

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TO: The NYS Department of Environmental Conservation

Megan Phillips  
Adirondack Park Agency  
P.O. Box 99  
Ray Brook, NY 12977

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Thank you very much.

Sincerely,

Lorraine M Nardini <lmn12170@hotmail.com>  
9577 Thornecrest Dr  
Mechanicsville, VA 23116

**From:** [Mary Weber](mailto:Mary.Weber@apa.ny.gov)  
**To:** [SLMP\\_UMP\\_Comments@apa.ny.gov](mailto:SLMP_UMP_Comments@apa.ny.gov)  
**Subject:** Public Comment on APSLMP Wild Forest Basic Guideline No 4 Alternative 4  
**Date:** Wednesday, April 5, 2023 1:37:15 AM

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TO: The NYS Department of Environmental Conservation

Megan Phillips  
Adirondack Park Agency  
P.O. Box 99  
Ray Brook, NY 12977

Dear Ms. Phillips:

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the APSLMP because it does not include CP-3 road mileage in its tally of current Wild Forest road mileage. The APA-DEC must include CP-3/Galusha road mileage in any interpretation of Wild Forest Basic Guideline No. 4.

We should NOT be putting any additional roads into the forest Preserve, to keep the area as "wild" as possible. No motorized vehicles, even electric should be allowed. Get out and walk, cross country ski, run, climb, move, breathe fresh air, enjoy fairly clean waters. Please DO NOT let the pressures from people with money/NYC and elsewhere influence your decisions, they have enough and they have ruined more than their fair share.

Thank you very much.

Sincerely,

Mary Weber <maryann\_weber@urmc.rochester.edu>  
PO Box 906  
Scottsville, NY 14546

**From:** [Hal Bauer](mailto:Hal.Bauer@apa.ny.gov)  
**To:** [SLMP\\_UMP\\_Comments@apa.ny.gov](mailto:SLMP_UMP_Comments@apa.ny.gov)  
**Subject:** Public Comment on APSLMP Wild Forest Basic Guideline No 4 Alternative 4  
**Date:** Tuesday, April 4, 2023 2:28:39 PM

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TO: The NYS Department of Environmental Conservation

Megan Phillips  
Adirondack Park Agency  
P.O. Box 99  
Ray Brook, NY 12977

Dear Ms. Phillips:

Please accept these public comments on Alternative 4 in the NYS APA-DEC interpretation of Wild Forest Basic Guideline No 4.

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the APSLMP because it does not include CP-3 road mileage in its tally of current Wild Forest road mileage. The APA-DEC must include CP-3/Galusha road mileage in any interpretation of Wild Forest Basic Guideline No. 4.

Thank you very much.

Sincerely,

Hal Bauer <hbauer@frontiernet.net>  
PO Box 365  
Dansville, New York 14437

**From:** [Carol Jean Scholl](mailto:Carol.Jean.Scholl@nys.gov)  
**To:** [SLMP\\_UMP\\_Comments@apa.ny.gov](mailto:SLMP_UMP_Comments@apa.ny.gov)  
**Subject:** Public Comment on APSLMP Wild Forest Basic Guideline No 4 Alternative 4  
**Date:** Sunday, April 2, 2023 1:49:36 AM

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TO: The NYS Department of Environmental Conservation

Megan Phillips  
Adirondack Park Agency  
P.O. Box 99  
Ray Brook, NY 12977A1

What? Somebody wants to talk about new roads , new access and you can't even maintain the money makers that are already in existence such as Alger Island. A high money making campground.

Closing camp sites for no reason.

Recently canceling my camping vacation claiming that my site was in decline and needed repair when that is not true. A good strong campsite with a brand new replaced fire pit. Last September I was the last person to rent that site. And it was strong and well yet 3 weeks ago you send me a notice and leave me a phone call saying that my money will be refunded.

A High demand campsite neglected.

Alger Island site 9. Spring early summer You can't fix what's not even broken?

I've been camping on Alger Island for years. I probably know that Island better than any DEC worker. Well let's talk about cutting down more trees opening up new roads spending more money when you can't even come up with the money to properly maintain what is already there and beautiful and wanted by the public.

Well as far as I'm concerned No Thanks

We don't need any more areas opened up and we certainly don't need to be spending money on roads or anything else that will eventually just fall to the waist side like so many other things have.

Mrs Scholl.

Dear Ms. Phillips:

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Thank you very much.

Sincerely,

Carol Jean Scholl <carolscholl51@gmail.com>  
9004 Glen Wood Place  
Forestport, New York 13338

**From:** [Patti Packer](mailto:Patti.Packer@apa.ny.gov)  
**To:** [SLMP\\_UMP\\_Comments@apa.ny.gov](mailto:SLMP_UMP_Comments@apa.ny.gov)  
**Subject:** Public Comment on APSLMP Wild Forest Basic Guideline No 4 Alternative 4  
**Date:** Sunday, April 2, 2023 12:09:29 AM

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ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

TO: The NYS Department of Environmental Conservation

Megan Phillips  
Adirondack Park Agency  
P.O. Box 99  
Ray Brook, NY 12977

Dear Ms. Phillips:

Please accept these public comments on Alternative 4 in the NYS APA-DEC interpretation of Wild Forest Basic Guideline No 4.

1. The answer to the question of whether CP-3 roads are "roads" under the State Land Master Plan is unequivocally yes! Answering no to the question posed by APA is legally flawed because it excludes the mileage of CP-3 roads from its tally of existing road mileage on Wild Forest lands.
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3. Alternative 4 violates the Adirondack Park State Land Master Plan because it does not include CP-3 road mileage in assessing whether there has been a material increase in Wild Forest road mileage since 1972. As a result, Alternative 4 incorrectly states that current Wild Forest road mileage is 206.6 miles when the current Wild Forest road mileage is actually 244.7 miles.
4. Because Alternative 4 fails to include CP-3 road mileage, it incorrectly states that there has been no material increase in Wild Forest road mileage since 1972. In fact, the current Wild Forest road mileage of 244.7 miles is an 18% increase over the 1972 road mileage.
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8. The Galusha settlement requires that all roads opened under CP-3 for special access by disabled individuals must comply with Forest Preserve protections under the "Forever Wild" clause in the State constitution and comply with the Adirondack Park State Land Master Plan.
9. Alternative 4 violates the Adirondack Park State Land Master Plan and must be rejected. Alternative 4 violates



the APSLMP because it does not include CP-3 road mileage in its tally of current Wild Forest road mileage. The APA-DEC must include CP-3/Galusha road mileage in any interpretation of Wild Forest Basic Guideline No. 4.

Thank you very much.

Sincerely,

Patti Packer <pattiac@nycap.rr.com>  
5 Jennifer Rd  
Scotia, NY 12302

**From:** [Lisa Bellamy](mailto:Lisa Bellamy)  
**To:** [SLMP\\_UMP\\_Comments@apa.ny.gov](mailto:SLMP_UMP_Comments@apa.ny.gov)  
**Subject:** Public Comment on APSLMP Wild Forest Basic Guideline No 4 Alternative 4  
**Date:** Saturday, April 1, 2023 7:50:14 PM

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TO: The NYS Department of Environmental Conservation

Megan Phillips  
Adirondack Park Agency  
P.O. Box 99  
Ray Brook, NY 12977

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the APSLMP because it does not include CP-3 road mileage in its tally of current Wild Forest road mileage. The APA-DEC must include CP-3/Galusha road mileage in any interpretation of Wild Forest Basic Guideline No. 4.

Thank you very much.

Sincerely,

Lisa Bellamy <chodron02@gmail.com>  
505 9th Street, Apt. 4L  
Brooklyn, NY 11215

**From:** [Brian Fish](#)  
**To:** [SLMP\\_UMP\\_Comments@apa.ny.gov](mailto:SLMP_UMP_Comments@apa.ny.gov)  
**Subject:** Public Comment on APSLMP Wild Forest Basic Guideline No 4 Alternative 4  
**Date:** Saturday, April 1, 2023 4:41:23 PM

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TO: The NYS Department of Environmental Conservation

Megan Phillips  
Adirondack Park Agency  
P.O. Box 99  
Ray Brook, NY 12977

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the APSLMP because it does not include CP-3 road mileage in its tally of current Wild Forest road mileage. The APA-DEC must include CP-3/Galusha road mileage in any interpretation of Wild Forest Basic Guideline No. 4.

Thank you very much.

Sincerely,

Brian Fish <brianfish@msn.com>  
121 Newell Road  
Forestport, NY 13338

**From:** [Martin Manjak](mailto:Martin.Manjak)  
**To:** [SLMP\\_UMP\\_Comments@apa.ny.gov](mailto:SLMP_UMP_Comments@apa.ny.gov)  
**Subject:** Public Comment on APSLMP Wild Forest Basic Guideline No 4 Alternative 4  
**Date:** Saturday, April 1, 2023 1:13:02 PM

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ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

TO: The NYS Department of Environmental Conservation

Megan Phillips  
Adirondack Park Agency  
P.O. Box 99  
Ray Brook, NY 12977

Dear Ms. Phillips:

Please accept these public comments on Alternative 4 in the NYS APA-DEC interpretation of Wild Forest Basic Guideline No 4.

A road is a road, and a road by any designation that is subject to the State Land Master Plan, which CP-3 roadways are subject to, must be included in the inventory of roadways in the park. There is no legal provision or justification for excluding CP-3 roads in the total count of mileage in the Adirondack Park. Alternative 4 is an attempt to artificially reduce that count, and therefore should be rejected.

1. The answer to the question of whether CP-3 roads are "roads" under the State Land Master Plan is unequivocally yes! Answering no to the question posed by APA is legally flawed because it excludes the mileage of CP-3 roads from its tally of existing road mileage on Wild Forest lands.
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8. The Galusha settlement requires that all roads opened under CP-3 for special access by disabled individuals must comply with Forest Preserve protections under the “Forever Wild” clause in the State constitution and comply with the Adirondack Park State Land Master Plan.

9. Alternative 4 violates the Adirondack Park State Land Master Plan and must be rejected. Alternative 4 violates the APSLMP because it does not include CP-3 road mileage in its tally of current Wild Forest road mileage. The APA-DEC must include CP-3/Galusha road mileage in any interpretation of Wild Forest Basic Guideline No. 4.

Thank you very much.

Sincerely,

Martin Manjak <donnelabu@fastmail.com>  
560 Providence St.  
Albany, NY 12208

**From:** [James Bayley](mailto:James.Bayley@apa.ny.gov)  
**To:** [SLMP\\_UMP\\_Comments@apa.ny.gov](mailto:SLMP_UMP_Comments@apa.ny.gov)  
**Subject:** Public Comment on APSLMP Wild Forest Basic Guideline No 4 Alternative 4  
**Date:** Friday, March 31, 2023 9:11:36 PM

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TO: The NYS Department of Environmental Conservation

Megan Phillips  
Adirondack Park Agency  
P.O. Box 99  
Ray Brook, NY 12977

Dear Ms. Phillips:

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Thank you very much.

Sincerely,

James Bayley <valeweenie@aol.com>  
25 Paradise Point Rd.  
Piercefield, NY 12973

**From:** [Valerie M Bayley](mailto:Valerie.M.Bayley)  
**To:** [SLMP\\_UMP\\_Comments@apa.ny.gov](mailto:SLMP_UMP_Comments@apa.ny.gov)  
**Subject:** Public Comment on APSLMP Wild Forest Basic Guideline No 4 Alternative 4  
**Date:** Friday, March 31, 2023 9:10:28 PM

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TO: The NYS Department of Environmental Conservation

Megan Phillips  
Adirondack Park Agency  
P.O. Box 99  
Ray Brook, NY 12977

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Thank you very much.

Sincerely,

Valerie M Bayley <valeweenie@aol.com>  
25 Paradise Point Road  
Piercefield, NY 12973

**From:** [Susan Oehser](mailto:Susan.Oehser)  
**To:** [SLMP\\_UMP\\_Comments@apa.ny.gov](mailto:SLMP_UMP_Comments@apa.ny.gov)  
**Subject:** Public Comment on APSLMP Wild Forest Basic Guideline No 4 Alternative 4  
**Date:** Friday, March 31, 2023 2:50:40 PM

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TO: The NYS Department of Environmental Conservation

Megan Phillips  
Adirondack Park Agency  
P.O. Box 99  
Ray Brook, NY 12977

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Thank you very much.

Sincerely,

Susan Oehser <soehser@earthlink.net>  
1845 Manzanita Drive  
Oakland, CA 94611

**From:** [Wayne Newcomb](mailto:Wayne.Newcomb)  
**To:** [SLMP\\_UMP\\_Comments@apa.ny.gov](mailto:SLMP_UMP_Comments@apa.ny.gov)  
**Subject:** Public Comment on APSLMP Wild Forest Basic Guideline No 4 Alternative 4  
**Date:** Friday, March 31, 2023 1:32:22 PM

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Ray Brook, NY 12977

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Thank you very much.

Sincerely,

Wayne Newcomb <jwnewcomb@outlook.com>  
42 Mountain View Ln  
Wilmington, NY 12997

**From:** [Janice Newcomb](mailto:Janice.Newcomb@apa.ny.gov)  
**To:** [SLMP\\_UMP\\_Comments@apa.ny.gov](mailto:SLMP_UMP_Comments@apa.ny.gov)  
**Subject:** Public Comment on APSLMP Wild Forest Basic Guideline No 4 Alternative 4  
**Date:** Friday, March 31, 2023 1:31:30 PM

---

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TO: The NYS Department of Environmental Conservation

Megan Phillips  
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Ray Brook, NY 12977

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Thank you very much.

Sincerely,

Janice Newcomb <jannewcomb@outlook.com>  
42 Mountain View Ln  
Wilmington, NY 12997

**From:** [John L Fish Jr](mailto:John.L.Fish.Jr@apa.ny.gov)  
**To:** [SLMP\\_UMP\\_Comments@apa.ny.gov](mailto:SLMP_UMP_Comments@apa.ny.gov)  
**Subject:** Public Comment on APSLMP Wild Forest Basic Guideline No 4 Alternative 4  
**Date:** Friday, March 31, 2023 2:15:01 AM

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TO: The NYS Department of Environmental Conservation

Megan Phillips  
Adirondack Park Agency  
P.O. Box 99  
Ray Brook, NY 12977

Dear Ms. Phillips:

Please accept these public comments on Alternative 4 in the NYS APA-DEC interpretation of Wild Forest Basic Guideline No 4.

1. The answer to the question of whether CP-3 roads are "roads" under the State Land Master Plan is unequivocally yes! Answering no to the question posed by APA is legally flawed because it excludes the mileage of CP-3 roads from its tally of existing road mileage on Wild Forest lands.
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3. Alternative 4 violates the Adirondack Park State Land Master Plan because it does not include CP-3 road mileage in assessing whether there has been a material increase in Wild Forest road mileage since 1972. As a result, Alternative 4 incorrectly states that current Wild Forest road mileage is 206.6 miles when the current Wild Forest road mileage is actually 244.7 miles.
4. Because Alternative 4 fails to include CP-3 road mileage, it incorrectly states that there has been no material increase in Wild Forest road mileage since 1972. In fact, the current Wild Forest road mileage of 244.7 miles is an 18% increase over the 1972 road mileage.
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8. The Galusha settlement requires that all roads opened under CP-3 for special access by disabled individuals must comply with Forest Preserve protections under the "Forever Wild" clause in the State constitution and comply with the Adirondack Park State Land Master Plan.
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the APSLMP because it does not include CP-3 road mileage in its tally of current Wild Forest road mileage. The APA-DEC must include CP-3/Galusha road mileage in any interpretation of Wild Forest Basic Guideline No. 4.

Thank you very much.

Sincerely,

John L Fish Jr <JACK.FISH@SBCGLOBAL.NET>  
8008 Ambiance Way  
Plano, Texas 75024

**From:** [Lawrence D"Arco](mailto:Lawrence.D.Arco)  
**To:** [SLMP\\_UMP\\_Comments@apa.ny.gov](mailto:SLMP_UMP_Comments@apa.ny.gov)  
**Subject:** Public Comment on APSLMP Wild Forest Basic Guideline No 4 Alternative 4  
**Date:** Thursday, March 30, 2023 6:44:37 PM

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TO: The NYS Department of Environmental Conservation

Megan Phillips  
Adirondack Park Agency  
P.O. Box 99  
Ray Brook, NY 12977

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Thank you very much.

Sincerely,

Lawrence D'Arco <abelincoln1863@yahoo.com>  
1202 Greenwich Drive  
Albany, NY 12203

**From:** [Leon Hammer](mailto:Leon.Hammer@apa.ny.gov)  
**To:** [SLMP\\_UMP\\_Comments@apa.ny.gov](mailto:SLMP_UMP_Comments@apa.ny.gov)  
**Subject:** Public Comment on APSLMP Wild Forest Basic Guideline No 4 Alternative 4  
**Date:** Thursday, March 30, 2023 5:39:35 PM

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Megan Phillips  
Adirondack Park Agency  
P.O. Box 99  
Ray Brook, NY 12977

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Thank you very much.

Sincerely,

Leon Hammer <hammerleon24@gmail.com>  
4441 Stack Blvd, Apt C242  
Melbourne, FL 32901

**From:** [Ewa Hammer](mailto:Ewa.Hammer)  
**To:** [SLMP\\_UMP\\_Comments@apa.ny.gov](mailto:SLMP_UMP_Comments@apa.ny.gov)  
**Subject:** Public Comment on APSLMP Wild Forest Basic Guideline No 4 Alternative 4  
**Date:** Thursday, March 30, 2023 5:37:01 PM

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TO: The NYS Department of Environmental Conservation

Megan Phillips  
Adirondack Park Agency  
P.O. Box 99  
Ray Brook, NY 12977

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Thank you very much.

Sincerely,

Ewa Hammer <ewahammer@mac.com>  
4441 Stack Blvd, Apt C242  
Melbourne, FL 32901

**From:** [Bonnie Vicki](#)  
**To:** [SLMP\\_UMP\\_Comments@apa.ny.gov](mailto:SLMP_UMP_Comments@apa.ny.gov)  
**Subject:** Public Comment on APSLMP Wild Forest Basic Guideline No 4 Alternative 4  
**Date:** Thursday, March 30, 2023 5:25:25 PM

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TO: The NYS Department of Environmental Conservation

Megan Phillips  
Adirondack Park Agency  
P.O. Box 99  
Ray Brook, NY 12977

Dear Ms. Phillips:

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Thank you very much.

Sincerely,

Bonnie Vicki <bonnie.denman@gmail.com>  
536 Igerna Rd  
North Creek, NY 12853

**From:** [Robert Finnegan](mailto:Robert.Finnegan@apa.ny.gov)  
**To:** [SLMP\\_UMP\\_Comments@apa.ny.gov](mailto:SLMP_UMP_Comments@apa.ny.gov)  
**Subject:** Public Comment on APSLMP Wild Forest Basic Guideline No 4 Alternative 4  
**Date:** Thursday, March 30, 2023 4:03:06 PM

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TO: The NYS Department of Environmental Conservation

Megan Phillips  
Adirondack Park Agency  
P.O. Box 99  
Ray Brook, NY 12977

Dear Ms. Phillips:

Please accept these public comments on Alternative 4 in the NYS APA-DEC interpretation of Wild Forest Basic Guideline No 4. Although I live in Connecticut, I own land in Keene Valley, NY in the Adirondacks. I am very concerned with the direction some state agencies are taking.

1. The answer to the question of whether CP-3 roads are "roads" under the State Land Master Plan is unequivocally yes! Answering no to the question posed by APA is legally flawed because it excludes the mileage of CP-3 roads from its tally of existing road mileage on Wild Forest lands.
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Thank you very much.

Sincerely,

Robert Finnegan <bobbwf@aol.com>  
31 Rundelane  
Bloomfield, Connecticut 06002

**From:** [Regina Balzano](mailto:Regina.Balzano@apa.ny.gov)  
**To:** [SLMP\\_UMP\\_Comments@apa.ny.gov](mailto:SLMP_UMP_Comments@apa.ny.gov)  
**Subject:** Public Comment on APSLMP Wild Forest Basic Guideline No 4 Alternative 4  
**Date:** Thursday, March 30, 2023 3:10:40 PM

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Megan Phillips  
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P.O. Box 99  
Ray Brook, NY 12977

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Thank you very much.

Sincerely,

Regina Balzano <reginabalzano@verizon.net>  
111 Arlington Rd.  
Utica, New York 13501

**From:** [John S Balzano](mailto:John.S.Balzano)  
**To:** [SLMP\\_UMP\\_Comments@apa.ny.gov](mailto:SLMP_UMP_Comments@apa.ny.gov)  
**Subject:** Public Comment on APSLMP Wild Forest Basic Guideline No 4 Alternative 4  
**Date:** Thursday, March 30, 2023 3:09:04 PM

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Thank you very much.

Sincerely,

John S Balzano <johnbalzano@verizon.net>  
111 Arlington Rd.  
Utica,, New york 13501

**From:** [Courtney Wellar](mailto:Courtney.Wellar@apa.ny.gov)  
**To:** [SLMP\\_UMP\\_Comments@apa.ny.gov](mailto:SLMP_UMP_Comments@apa.ny.gov)  
**Subject:** Public Comment on APSLMP Wild Forest Basic Guideline No 4 Alternative 4  
**Date:** Thursday, March 30, 2023 11:23:49 AM

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TO: The NYS Department of Environmental Conservation

Megan Phillips  
Adirondack Park Agency  
P.O. Box 99  
Ray Brook, NY 12977

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Thank you very much.

Sincerely,

Courtney Wellar <mymailsyr@aol.com>  
12593 State Route 28  
Woodgate, NY 13494

**From:** [Marilyn Sargent](mailto:info@protectadks.org)  
**To:** [SLMP\\_UMP\\_Comments@apa.ny.gov](mailto:SLMP_UMP_Comments@apa.ny.gov)  
**Subject:** Public Comment on APSLMP Wild Forest Basic Guideline No 4 Alternative 4  
**Date:** Thursday, March 30, 2023 10:44:04 AM

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TO: The NYS Department of Environmental Conservation

Megan Phillips  
Adirondack Park Agency  
P.O. Box 99  
Ray Brook, NY 12977

Dear Ms. Phillips:

Please accept these public comments on Alternative 4 in the NYS APA-DEC interpretation of Wild Forest Basic Guideline No 4.

1. The answer to the question of whether CP-3 roads are "roads" under the State Land Master Plan is unequivocally yes! Answering no to the question posed by APA is legally flawed because it excludes the mileage of CP-3 roads from its tally of existing road mileage on Wild Forest lands.
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4. Because Alternative 4 fails to include CP-3 road mileage, it incorrectly states that there has been no material increase in Wild Forest road mileage since 1972. In fact, the current Wild Forest road mileage of 244.7 miles is an 18% increase over the 1972 road mileage.
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the Adirondack Park State Land Master Plan.

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Thank you very much.

Sincerely,

Marilyn Sargent <marilysargent414@gmail.com>  
936 South Shore Road  
Edinburg, NY 12134-5933

**From:** [Ann Woodward](mailto:Ann.Woodward@protectadks.org)  
**To:** [SLMP\\_UMP\\_Comments@apa.ny.gov](mailto:SLMP_UMP_Comments@apa.ny.gov)  
**Subject:** Public Comment on APSLMP Wild Forest Basic Guideline No 4 Alternative 4  
**Date:** Thursday, March 30, 2023 10:30:19 AM

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Thank you very much.

Sincerely,

Ann Woodward <ann.woodward@aol.com>  
55 West 14th Street, Apt 15A  
New York, NY 10011

**From:** [patricia m lasek](mailto:patricia.m.lasek@protectadks.org)  
**To:** [SLMP\\_UMP\\_Comments@apa.ny.gov](mailto:SLMP_UMP_Comments@apa.ny.gov)  
**Subject:** Public Comment on APSLMP Wild Forest Basic Guideline No 4 Alternative 4  
**Date:** Thursday, March 30, 2023 9:43:42 AM

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Sincerely,

patricia m lasek <daisy1376@gmail.com>  
8432 Trenton Falls Rd, po box 56  
BARNEVELD, NY 13304

**From:** [Joe Kozlina](mailto:Joe.Kozlina)  
**To:** [SLMP\\_UMP\\_Comments@apa.ny.gov](mailto:SLMP_UMP_Comments@apa.ny.gov)  
**Subject:** Public Comment on APSLMP Wild Forest Basic Guideline No 4 Alternative 4  
**Date:** Thursday, March 30, 2023 8:51:59 AM

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Sincerely,

Joe Kozlina <jkozlina@hotmail.com>  
2682 Wampum Mt Air Road  
New Galilee Pennsylvania, PA 16141

**From:** [Martha Butler](mailto:Martha.Butler@protectadks.org)  
**To:** [SLMP\\_UMP\\_Comments@apa.ny.gov](mailto:SLMP_UMP_Comments@apa.ny.gov)  
**Subject:** Public Comment on APSLMP Wild Forest Basic Guideline No 4 Alternative 4  
**Date:** Thursday, March 30, 2023 8:01:44 AM

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Sincerely,

Martha Butler <saying\_corers.0e@icloud.com>  
51 N. Brook Rd.  
Paul Smiths, NY 12970

**From:** [David Fontanella](mailto:David.Fontanella@apa.ny.gov)  
**To:** [SLMP\\_UMP\\_Comments@apa.ny.gov](mailto:SLMP_UMP_Comments@apa.ny.gov)  
**Subject:** Public Comment on APSLMP Wild Forest Basic Guideline No 4 Alternative 4  
**Date:** Thursday, March 30, 2023 4:47:40 AM

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Thank you very much.

Sincerely,

David Fontanella <def6@cornell.edu>  
PO Box 672  
Trumansburg, NY 14886

**From:** [Jeremy Carpente](mailto:Jeremy.Carpente@apa.ny.gov)  
**To:** [SLMP\\_UMP\\_Comments@apa.ny.gov](mailto:SLMP_UMP_Comments@apa.ny.gov)  
**Subject:** Public Comment on APSLMP Wild Forest Basic Guideline No 4 Alternative 4  
**Date:** Thursday, March 30, 2023 1:56:40 AM

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Sincerely,

Jeremy Carpenté <Buta275@yahoo.com>  
5 Kelshawn Ct.  
Latham, NY 12110

**From:** [Heather Hollister Kaese](mailto:Heather.Hollister.Kaese@protectadks.org)  
**To:** [SLMP\\_UMP\\_Comments@apa.ny.gov](mailto:SLMP_UMP_Comments@apa.ny.gov)  
**Subject:** Public Comment on APSLMP Wild Forest Basic Guideline No 4 Alternative 4  
**Date:** Thursday, March 30, 2023 12:50:52 AM

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Sincerely,

Heather Hollister Kaese <heatherhollister@gmail.com>  
19 Redcrown  
Mission Viejo, CA 92692

**From:** [Pete Klosterman](#)  
**To:** [SLMP\\_UMP\\_Comments@apa.ny.gov](mailto:SLMP_UMP_Comments@apa.ny.gov)  
**Subject:** Public Comment on APSLMP Wild Forest Basic Guideline No 4 Alternative 4  
**Date:** Wednesday, March 29, 2023 9:47:35 PM

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Thank you very much.

Sincerely,

Pete Klosterman <petek@accesscom.com>  
372 Central Park W Apt 12A  
New York, New York 10025-8209

**From:** [Daniel Willner](mailto:Daniel.Willner@apa.ny.gov)  
**To:** [SLMP\\_UMP\\_Comments@apa.ny.gov](mailto:SLMP_UMP_Comments@apa.ny.gov)  
**Subject:** Public Comment on APSLMP Wild Forest Basic Guideline No 4 Alternative 4  
**Date:** Wednesday, March 29, 2023 9:03:22 PM

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Megan Phillips  
Adirondack Park Agency  
P.O. Box 99  
Ray Brook, NY 12977

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Thank you very much.

Sincerely,

Daniel Willner <danielwillner@yahoo.com>  
190 Cherry Street  
Katonah, NY 10536

**From:** [Donna Romeo](mailto:Donna.Romeo@protectadks.org)  
**To:** [SLMP\\_UMP\\_Comments@apa.ny.gov](mailto:SLMP_UMP_Comments@apa.ny.gov)  
**Subject:** Public Comment on APSLMP Wild Forest Basic Guideline No 4 Alternative 4  
**Date:** Wednesday, March 29, 2023 9:02:27 PM

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Thank you very much.

Sincerely,

Donna Romeo <dromeo33@gmail.com>  
3017 Maple Road  
Woodgate, NY 13494

**From:** [Nicole Polcaro](mailto:Nicole.Polcaro@protectadks.org)  
**To:** [SLMP\\_UMP\\_Comments@apa.ny.gov](mailto:SLMP_UMP_Comments@apa.ny.gov)  
**Subject:** Public Comment on APSLMP Wild Forest Basic Guideline No 4 Alternative 4  
**Date:** Wednesday, March 29, 2023 9:01:43 PM

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Sincerely,

Nicole Polcaro <npolcaro@twcny.rr.com>  
4017 Willow Road  
Woodgate, NY 13494

**From:** [Dale W. Lewis](mailto:Dale.W.Lewis@protectadks.org)  
**To:** [SLMP\\_UMP\\_Comments@apa.ny.gov](mailto:SLMP_UMP_Comments@apa.ny.gov)  
**Subject:** Public Comment on APSLMP Wild Forest Basic Guideline No 4 Alternative 4  
**Date:** Wednesday, March 29, 2023 8:30:52 PM

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Sincerely,

Dale W. Lewis <dwlewis14424@aol.com>  
4171 Angela Way  
Canandaigua, NY 14424

**From:** [Mark Phillips](mailto:Mark.Phillips@dec.ny.gov)  
**To:** [SLMP\\_UMP\\_Comments@apa.ny.gov](mailto:SLMP_UMP_Comments@apa.ny.gov)  
**Subject:** Public Comment on APSLMP Wild Forest Basic Guideline No 4 Alternative 4  
**Date:** Wednesday, March 29, 2023 8:21:37 PM

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Thank you very much.

Sincerely,

Mark Phillips <mjphilli2@gmail.com>  
5950 Brown Rd.  
Cuba, NY 14727

**From:** [Robert Manning](mailto:Robert.Manning@apa.ny.gov)  
**To:** [SLMP\\_UMP\\_Comments@apa.ny.gov](mailto:SLMP_UMP_Comments@apa.ny.gov)  
**Subject:** Public Comment on APSLMP Wild Forest Basic Guideline No 4 Alternative 4  
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Sincerely,

Robert Manning <remremrem99@gmail.com>  
12 Cross Rd.  
Johnsburg, NY 12843

**From:** [Tracey Marra](mailto:Tracey.Marra@apa.ny.gov)  
**To:** [SLMP\\_UMP\\_Comments@apa.ny.gov](mailto:SLMP_UMP_Comments@apa.ny.gov)  
**Subject:** Public Comment on APSLMP Wild Forest Basic Guideline No 4 Alternative 4  
**Date:** Wednesday, March 29, 2023 7:47:29 PM

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Sincerely,

Tracey Marra <traceypurcell206@yahoo.com>  
27 Berkshire Dr  
Albany, NY 12205

**From:** [Paul schielke](mailto:Paul.schielke)  
**To:** [SLMP\\_UMP\\_Comments@apa.ny.gov](mailto:SLMP_UMP_Comments@apa.ny.gov)  
**Subject:** Public Comment on APSLMP Wild Forest Basic Guideline No 4 Alternative 4  
**Date:** Wednesday, March 29, 2023 7:05:09 PM

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Thank you very much.

Sincerely,

Paul schielke <flycast2728@gmail.com>  
4 trethorne drive  
Ballston lake, New york 12019

**From:** [Eileen Egan Mack](mailto:Eileen.Egan.Mack@apa.ny.gov)  
**To:** [SLMP\\_UMP\\_Comments@apa.ny.gov](mailto:SLMP_UMP_Comments@apa.ny.gov)  
**Subject:** Public Comment on APSLMP Wild Forest Basic Guideline No 4 Alternative 4  
**Date:** Wednesday, March 29, 2023 7:01:25 PM

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

Dear Ms. Phillips:

Every exciting car commercial features some adventuresome soul driving off road and living the grandest, most exciting life. What impact that noise, the tire tracks, and the exhaust leave behind is irrelevant. There are ample places for motorized vehicles to explore the Adirondacks. The APA and the DEC's driving goal must be to protect the rare and precious wildlife, plants, water and air wishing the Adirondack Park. I am sure there are tremendous pressures to open up the park to motorized vehicles, but in one hundred years, people will look back in gratitude and amazement that you were able to hold the line and preserve the park. Be bold. Be brave. Be right. Please.

Please accept these public comments on Alternative 4 in the NYS APA-DEC interpretation of Wild Forest Basic Guideline No 4.

1. The answer to the question of whether CP-3 roads are "roads" under the State Land Master Plan is unequivocally yes! Answering no to the question posed by APA is legally flawed because it excludes the mileage of CP-3 roads from its tally of existing road mileage on Wild Forest lands.
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7. Roads opened to CP-3 permit holders pursuant to the Galusha settlement meet the Adirondack Park State Land

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8. The Galusha settlement requires that all roads opened under CP-3 for special access by disabled individuals must comply with Forest Preserve protections under the "Forever Wild" clause in the State constitution and comply with the Adirondack Park State Land Master Plan.

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Thank you very much.

Sincerely,

Eileen Egan Mack <leenie151@gmail.com>  
16 Vandenburg Lane.  
Latham, NY 12110

**From:** [JEFFREY A LEVITT](mailto:JEFFREY.A.LEVITT)  
**To:** [SLMP\\_UMP\\_Comments@apa.ny.gov](mailto:SLMP_UMP_Comments@apa.ny.gov)  
**Subject:** Public Comment on APSLMP Wild Forest Basic Guideline No 4 Alternative 4  
**Date:** Wednesday, March 29, 2023 7:01:03 PM

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Megan Phillips  
Adirondack Park Agency  
P.O. Box 99  
Ray Brook, NY 12977

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Thank you very much.

Sincerely,

JEFFREY A LEVITT <laborerman@yahoo.com>  
175 WHITEHALL ROAD  
Albany, NY 12209

**From:** [Daniel Nicponski](mailto:Daniel.Nicponski@apa.ny.gov)  
**To:** [SLMP\\_UMP\\_Comments@apa.ny.gov](mailto:SLMP_UMP_Comments@apa.ny.gov)  
**Subject:** Public Comment on APSLMP Wild Forest Basic Guideline No 4 Alternative 4  
**Date:** Wednesday, March 29, 2023 6:35:58 PM

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Thank you very much.

Sincerely,

Daniel Nicponski <daniel.nicponski@gmail.com>  
11 Rolling Ridge Dr.  
East Greenbush, NY 12061

**From:** [Pamela T Flynn](mailto:Pamela.T.Flynn@apa.ny.gov)  
**To:** [SLMP\\_UMP\\_Comments@apa.ny.gov](mailto:SLMP_UMP_Comments@apa.ny.gov)  
**Subject:** Public Comment on APSLMP Wild Forest Basic Guideline No 4 Alternative 4  
**Date:** Wednesday, March 29, 2023 5:43:37 PM

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Thank you very much.

Sincerely,

Pamela T Flynn <ptrolleyf55@gmail.com>  
2604 Elmwood Avenue  
ROCHESTER, NY 14618

**From:** [Lynn Johnson](mailto:Lynn.Johnson@protectadks.org)  
**To:** [SLMP\\_UMP\\_Comments@apa.ny.gov](mailto:SLMP_UMP_Comments@apa.ny.gov)  
**Subject:** Public Comment on APSLMP Wild Forest Basic Guideline No 4 Alternative 4  
**Date:** Wednesday, March 29, 2023 5:39:40 PM

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Megan Phillips  
Adirondack Park Agency  
P.O. Box 99  
Ray Brook, NY 12977

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Thank you very much.

Sincerely,

Lynn Johnson <lynnmariejohnson@gmail.com>  
3213 State Route 9L  
Lake George, NY 12845

**From:** [Valerie Grieder](mailto:Valerie.Grieder@protectadks.org)  
**To:** [SLMP\\_UMP\\_Comments@apa.ny.gov](mailto:SLMP_UMP_Comments@apa.ny.gov)  
**Subject:** Public Comment on APSLMP Wild Forest Basic Guideline No 4 Alternative 4  
**Date:** Wednesday, March 29, 2023 5:36:59 PM

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TO: The NYS Department of Environmental Conservation

Megan Phillips  
Adirondack Park Agency  
P.O. Box 99  
Ray Brook, NY 12977

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Thank you very much.

Sincerely,

Valerie Grieder <valeriegrieder@verizon.net>  
1703 Beards Creek Court  
Davidsonville, MD 21035

**From:** [Charles Hagelgans](mailto:Charles.Hagelgans@protectadks.org)  
**To:** [SLMP\\_UMP\\_Comments@apa.ny.gov](mailto:SLMP_UMP_Comments@apa.ny.gov)  
**Subject:** Public Comment on APSLMP Wild Forest Basic Guideline No 4 Alternative 4  
**Date:** Wednesday, March 29, 2023 4:56:57 PM

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TO: The NYS Department of Environmental Conservation

Megan Phillips  
Adirondack Park Agency  
P.O. Box 99  
Ray Brook, NY 12977

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Thank you very much.

Sincerely,

Charles Hagelgans <chuckcmk@gmail.com>  
72 Helwig St.  
Gloversville, NY 12078

**From:** [Jen Ortiz](#)  
**To:** [SLMP\\_UMP\\_Comments@apa.ny.gov](mailto:SLMP_UMP_Comments@apa.ny.gov)  
**Subject:** Public Comment on APSLMP Wild Forest Basic Guideline No 4 Alternative 4  
**Date:** Wednesday, March 29, 2023 4:35:35 PM

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Megan Phillips  
Adirondack Park Agency  
P.O. Box 99  
Ray Brook, NY 12977

Dear Megan,

Here are my comments on for Alternative 4 in the NYS APA-DEC interpretation of Wild Forest Basic Guideline No 4.

1. Yes, CP-3 roads are "roads" under the State Land Master Plan. My mother has a handicap sticker - has had one for almost a decade. What I have become aware of over that time is the number of people abusing handicap stickers. We often get to large businesses or state parking lots only to find out that all of the handicap spaces are filled. I am not complaining about the status of available spaces, but pointing out that a lot of perfectly mobile people abuse this system and if Alternative 4 was somehow supposed "to be different" because its users "were handicapped" I assure you that is not the case. The folks who take advantage of handicapped stickers will also be taking advantage of Alternative 4. Answering no to the question posed by APA is legally flawed because it excludes the mileage of CP-3 roads from its tally of existing road mileage on Wild Forest lands.

2. Alternative 4 violates the Adirondack Park State Land Master Plan because it does not include CP-3 road mileage in assessing whether there has been a material increase in Wild Forest road mileage since 1972. As a result, Alternative 4 incorrectly states that current Wild Forest road mileage is 206.6 miles when the current Wild Forest road mileage is actually 244.7 miles.

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Thank you very much.

Sincerely,

Jen Ortiz <[jenniferortiz@optonline.net](mailto:jenniferortiz@optonline.net)>  
71B Bartholomew Hill Road  
Goshen, CT 06756

**From:** [Frances Rucker](#)  
**To:** [SLMP\\_UMP\\_Comments@apa.ny.gov](mailto:SLMP_UMP_Comments@apa.ny.gov)  
**Subject:** Public Comment on APSLMP Wild Forest Basic Guideline No 4 Alternative 4  
**Date:** Wednesday, March 29, 2023 4:07:43 PM

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Thank you very much.

Sincerely,

Frances Rucker <sadler34@msn.com>  
9 Ruby Mountain View Drive, P.O.Box 313  
North River, NY 12856

**From:** [Penny H. Jolly](mailto:Penny.H.Jolly)  
**To:** [SLMP\\_UMP\\_Comments@apa.ny.gov](mailto:SLMP_UMP_Comments@apa.ny.gov)  
**Subject:** Public Comment on APSLMP Wild Forest Basic Guideline No 4 Alternative 4  
**Date:** Wednesday, March 29, 2023 4:00:01 PM

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TO: The NYS Department of Environmental Conservation

Megan Phillips  
Adirondack Park Agency  
P.O. Box 99  
Ray Brook, NY 12977

Dear Ms. Phillips:

Please accept these public comments on Alternative 4 in the NYS APA-DEC interpretation of Wild Forest Basic Guideline No 4.

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Sincerely,

Penny H. Jolly <pjolly@skidmore.edu>  
35 Pinewood Avenue  
Saratoga Spgs, NY 12866-2622



**From:** [David Safrany](mailto:David.Safrany@protectadks.org)  
**To:** [SLMP\\_UMP\\_Comments@apa.ny.gov](mailto:SLMP_UMP_Comments@apa.ny.gov)  
**Subject:** Public Comment on APSLMP Wild Forest Basic Guideline No 4 Alternative 4  
**Date:** Wednesday, March 29, 2023 3:58:43 PM

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Thank you very much.

Sincerely,

David Safrany <Kiosk@coastside.net>  
11252 Ranetto Place  
Lake View Terrace, California 91342

**From:** [Jessica Nicoll](mailto:Jessica.Nicoll@protectadks.org)  
**To:** [SLMP\\_UMP\\_Comments@apa.ny.gov](mailto:SLMP_UMP_Comments@apa.ny.gov)  
**Subject:** Public Comment on APSLMP Wild Forest Basic Guideline No 4 Alternative 4  
**Date:** Wednesday, March 29, 2023 3:48:02 PM

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Sincerely,

Jessica Nicoll <jaznick@aol.com>  
291 Prospect Place  
Brooklyn, NY 11238

**From:** [Patricia Vineski](mailto:Patricia.Vineski@apa.ny.gov)  
**To:** [SLMP\\_UMP\\_Comments@apa.ny.gov](mailto:SLMP_UMP_Comments@apa.ny.gov)  
**Subject:** Public Comment on APSLMP Wild Forest Basic Guideline No 4 Alternative 4  
**Date:** Wednesday, March 29, 2023 3:43:51 PM

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Sincerely,

Patricia Vineski <[vineskipatricia@gmail.com](mailto:vineskipatricia@gmail.com)>  
76 E Hill Rd  
South Colton, NY 13687

**From:** [Craig A. Emblidge](mailto:Craig.A.Emblidge@apa.ny.gov)  
**To:** [SLMP\\_UMP\\_Comments@apa.ny.gov](mailto:SLMP_UMP_Comments@apa.ny.gov)  
**Subject:** Public Comment on APSLMP Wild Forest Basic Guideline No 4 Alternative 4  
**Date:** Wednesday, March 29, 2023 3:43:47 PM

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Sincerely,

Craig A. Emblidge <cemblidge@roadrunner.com>  
29 Owen Avenue  
Queensbury, New York 12804



**From:** [Meredith Keperling](mailto:info@protectadks.org)  
**To:** [SLMP\\_UMP\\_Comments@apa.ny.gov](mailto:SLMP_UMP_Comments@apa.ny.gov)  
**Subject:** Public Comment on APSLMP Wild Forest Basic Guideline No 4 Alternative 4  
**Date:** Wednesday, March 29, 2023 3:42:06 PM

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Sincerely,

Meredith Keperling <07stinger@gmail.com>  
779 Gulph Road  
Wayne, PA 19087

**From:** [Kathleen Braico](mailto:Kathleen.Braico@protectadks.org)  
**To:** [SLMP\\_UMP\\_Comments@apa.ny.gov](mailto:SLMP_UMP_Comments@apa.ny.gov)  
**Subject:** Public Comment on APSLMP Wild Forest Basic Guideline No 4 Alternative 4  
**Date:** Wednesday, March 29, 2023 3:25:19 PM

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Sincerely,

Kathleen Braico <ktbraico@gmail.com>  
10 Ashley Pl  
Queensbury, New York 12804-2552

**From:** [Alan Hasselwander](mailto:Alan.Hasselwander@protectadks.org)  
**To:** [SLMP\\_UMP\\_Comments@apa.ny.gov](mailto:SLMP_UMP_Comments@apa.ny.gov)  
**Subject:** Public Comment on APSLMP Wild Forest Basic Guideline No 4 Alternative 4  
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Sincerely,

Alan Hasselwander <alan@hasselw.com>  
4 Harvey Road  
North River, NY 12856

**From:** [Stephen Woodard](mailto:Stephen.Woodard@protectadks.org)  
**To:** [SLMP\\_UMP\\_Comments@apa.ny.gov](mailto:SLMP_UMP_Comments@apa.ny.gov)  
**Subject:** Public Comment on APSLMP Wild Forest Basic Guideline No 4 Alternative 4  
**Date:** Wednesday, March 29, 2023 3:24:54 PM

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Thank you very much.

Sincerely,

Stephen Woodard <eighteenwestnotredame@yahoo.com>  
24 Woodlake Rd Apt 2, Apt 2  
Albany, New York 12203



**From:** [Bruce Krug](#)  
**To:** [SLMP\\_UMP\\_Comments@apa.ny.gov](mailto:SLMP_UMP_Comments@apa.ny.gov)  
**Subject:** Public Comment on APSLMP Wild Forest Basic Guideline No 4 Alternative 4  
**Date:** Wednesday, March 29, 2023 3:24:08 PM

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Megan Phillips  
Adirondack Park Agency  
P.O. Box 99  
Ray Brook, NY 12977

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Thank you very much.

Sincerely,

Bruce Krug <krugvale@frontiernet.net>  
2771 West Road  
Constableville, NY 13325

**From:** [Dr. Jack Carney](mailto:Dr. Jack Carney)  
**To:** [SLMP\\_UMP\\_Comments@apa.ny.gov](mailto:SLMP_UMP_Comments@apa.ny.gov)  
**Subject:** Public Comment on APSLMP Wild Forest Basic Guideline No 4 Alternative 4  
**Date:** Wednesday, March 29, 2023 3:24:01 PM

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Sincerely,

Dr. Jack Carney <Jacarney4214@gmail.com>  
32 Keller Bay Way  
Long Lake, New York 12847

**From:** [Ellen C. Collins](mailto:Ellen.C.Collins@apa.ny.gov)  
**To:** [SLMP\\_UMP\\_Comments@apa.ny.gov](mailto:SLMP_UMP_Comments@apa.ny.gov)  
**Subject:** Public Comment on APSLMP Wild Forest Basic Guideline No 4 Alternative 4  
**Date:** Wednesday, March 29, 2023 2:55:19 PM

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Sincerely,

Ellen C. Collins <17ellencollins@gmail.com>  
PO Box 156, 3339 State Route 28  
Blue Mountain Lake, NY 12812

**From:** [Nancy Scarzello](mailto:Nancy_Scarzello@apa.ny.gov)  
**To:** [SLMP\\_UMP\\_Comments@apa.ny.gov](mailto:SLMP_UMP_Comments@apa.ny.gov)  
**Subject:** Public Comment on APSLMP Wild Forest Basic Guideline No 4 Alternative 4  
**Date:** Wednesday, March 29, 2023 2:52:00 PM

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Sincerely,

Nancy Scarzello <forestbay@wcvr.com>  
101 Hall Rd.  
Ticonderoga, New York 12883



**From:** [Stephanie Cuccaro-Alamin](mailto:Stephanie.Cuccaro-Alamin)  
**To:** [SLMP\\_UMP\\_Comments@apa.ny.gov](mailto:SLMP_UMP_Comments@apa.ny.gov)  
**Subject:** Public Comment on APSLMP Wild Forest Basic Guideline No 4 Alternative 4  
**Date:** Wednesday, March 29, 2023 2:47:43 PM

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Sincerely,

Stephanie Cuccaro-Alamin <[scalamin@aol.com](mailto:scalamin@aol.com)>  
15 Stetson Avenue  
Mill Valley, California 94941

**From:** [Jean King](mailto:Jean.King@protectadks.org)  
**To:** [SLMP\\_UMP\\_Comments@apa.ny.gov](mailto:SLMP_UMP_Comments@apa.ny.gov)  
**Subject:** Public Comment on APSLMP Wild Forest Basic Guideline No 4 Alternative 4  
**Date:** Wednesday, March 29, 2023 2:47:42 PM

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Ray Brook, NY 12977

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Sincerely,

Jean King <jkingny@yahoo.com>  
46 TEED ST  
HUNTINGTON STATION, NY 11746-4332

**From:** [George E Scott](#)  
**To:** [SLMP\\_UMP\\_Comments@apa.ny.gov](mailto:SLMP_UMP_Comments@apa.ny.gov)  
**Subject:** Public Comment on APSLMP Wild Forest Basic Guideline No 4 Alternative 4  
**Date:** Wednesday, March 29, 2023 2:42:54 PM

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Sincerely,

George E Scott <shodanakk@aim.com>  
215 Rosa Rd  
Schenectady, NY 12308

**From:** [Robert Fuss](mailto:Robert.Fuss@protectadks.org)  
**To:** [SLMP\\_UMP\\_Comments@apa.ny.gov](mailto:SLMP_UMP_Comments@apa.ny.gov)  
**Subject:** Public Comment on APSLMP Wild Forest Basic Guideline No 4 Alternative 4  
**Date:** Wednesday, March 29, 2023 2:40:29 PM

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Robert Fuss <robertlfuss@aol.com>  
4 Parkwood Ln,  
Spencerport, NY 14559-9748



**From:** [Deborah Meyers](mailto:Deborah.Meyers@protectadks.org)  
**To:** [SLMP\\_UMP\\_Comments@apa.ny.gov](mailto:SLMP_UMP_Comments@apa.ny.gov)  
**Subject:** Public Comment on APSLMP Wild Forest Basic Guideline No 4 Alternative 4  
**Date:** Wednesday, March 29, 2023 2:40:19 PM

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TO: The NYS Department of Environmental Conservation

Megan Phillips  
Adirondack Park Agency  
P.O. Box 99  
Ray Brook, NY 12977

Dear Ms. Phillips:

Please accept these public comments on Alternative 4 in the NYS APA-DEC interpretation of Wild Forest Basic Guideline No 4.

1. The answer to the question of whether CP-3 roads are "roads" under the State Land Master Plan is unequivocally yes! Answering no to the question posed by APA is legally flawed because it excludes the mileage of CP-3 roads from its tally of existing road mileage on Wild Forest lands.
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Thank you very much.

Sincerely,

Deborah Meyers <dmeyers@skidmore.edu>  
113 Catherine Stret  
Saratoga Springs, NY 12866

**From:** [Georgia E. Jones](mailto:Georgia.E.Jones@protectadks.org)  
**To:** [SLMP\\_UMP\\_Comments@apa.ny.gov](mailto:SLMP_UMP_Comments@apa.ny.gov)  
**Subject:** Public Comment on APSLMP Wild Forest Basic Guideline No 4 Alternative 4  
**Date:** Wednesday, March 29, 2023 2:34:07 PM

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Thank you very much.

Sincerely,

Georgia E. Jones <georgia11@roadrunner.com>  
8 Grandview Avenue  
Lake Placid, NY 12946

**From:** [John C. Lieff](mailto:John.C.Lieff)  
**To:** [SLMP\\_UMP\\_Comments@apa.ny.gov](mailto:SLMP_UMP_Comments@apa.ny.gov)  
**Subject:** Public Comment on APSLMP Wild Forest Basic Guideline No 4 Alternative 4  
**Date:** Wednesday, March 29, 2023 2:32:52 PM

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Thank you very much.

Sincerely,

John C. Lief <kilkane@aol.com>  
4112 41st. Street  
Sunnyside, New York 11104

**From:** [Maury Tigner](mailto:Maury.Tigner)  
**To:** [SLMP\\_UMP\\_Comments@apa.ny.gov](mailto:SLMP_UMP_Comments@apa.ny.gov)  
**Subject:** Public Comment on APSLMP Wild Forest Basic Guideline No 4 Alternative 4  
**Date:** Wednesday, March 29, 2023 2:27:10 PM

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Thank you very much.

Sincerely,

Maury Tigner <tignermaury@gmail.com>  
380 The Parkway  
Ithaca, NY 18850



**From:** [Barry Oreck](mailto:Barry Oreck)  
**To:** [SLMP\\_UMP\\_Comments@apa.ny.gov](mailto:SLMP_UMP_Comments@apa.ny.gov)  
**Subject:** Public Comment on APSLMP Wild Forest Basic Guideline No 4 Alternative 4  
**Date:** Wednesday, March 29, 2023 2:21:54 PM

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Thank you very much.

Sincerely,

Barry Oreck <barryoreck@gmail.com>  
291 Prospect Place  
BROOKLYN, NY 11238

**From:** [David Brauer](mailto:David.Brauer@protectadks.org)  
**To:** [SLMP\\_UMP\\_Comments@apa.ny.gov](mailto:SLMP_UMP_Comments@apa.ny.gov)  
**Subject:** Public Comment on APSLMP Wild Forest Basic Guideline No 4 Alternative 4  
**Date:** Wednesday, March 29, 2023 2:21:36 PM

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Thank you very much.

Sincerely,

David Brauer <[dbrauer31@msn.com](mailto:dbrauer31@msn.com)>  
74 Forest Brook Dr  
Lake Placid, NY 12946

**From:** [John Fenaroli](mailto:John.Fenaroli@apa.ny.gov)  
**To:** [SLMP\\_UMP\\_Comments@apa.ny.gov](mailto:SLMP_UMP_Comments@apa.ny.gov)  
**Subject:** Public Comment on APSLMP Wild Forest Basic Guideline No 4 Alternative 4  
**Date:** Wednesday, March 29, 2023 2:17:54 PM

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Thank you very much.

Sincerely,

John Fenaroli <johnfenaroli@gmail.com>  
9 Oaktree Lane  
Niskayuna, New York 12309

**From:** [Christine Harris](mailto:Christine.Harris@apa.ny.gov)  
**To:** [SLMP\\_UMP\\_Comments@apa.ny.gov](mailto:SLMP_UMP_Comments@apa.ny.gov)  
**Subject:** Public Comment on APSLMP Wild Forest Basic Guideline No 4 Alternative 4  
**Date:** Monday, April 17, 2023 4:26:30 PM

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Thank you very much.

Sincerely,

Christine Harris <christinewharris60@gmail.com>  
7 straight brook lane  
North Creek, NY 12853



**From:** [William Hill](#)  
**To:** [SLMP\\_UMP\\_Comments@apa.ny.gov](mailto:SLMP_UMP_Comments@apa.ny.gov)  
**Subject:** Public Comment Period for Adirondack Park State Land Master  
**Date:** Wednesday, March 22, 2023 10:31:34 AM

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Although I feel alternative #4 is still too restrictive, it's probably the best option on the table. Please make sound and reasonable decisions on this and not cave to Bauer's demands.

---

**From:** McKeever, Keith P (APA) <Keith.McKeever@apa.ny.gov>  
**Sent:** Wednesday, March 22, 2023 9:30 AM  
**To:** Phillips, Megan (APA) <Megan.Phillips@apa.ny.gov>; Cooper, Christopher (APA) <Christopher.Cooper@apa.ny.gov>  
**Cc:** Rice, Barbara (APA) <Barbara.Rice@apa.ny.gov>  
**Subject:** FW: Adirondack motor vehicle access.

---

**From:** Joe Kozlina <[jkozlina@hotmail.com](mailto:jkozlina@hotmail.com)>  
**Sent:** Tuesday, March 21, 2023 4:45 PM  
**To:** McKeever, Keith P (APA) <[Keith.McKeever@apa.ny.gov](mailto:Keith.McKeever@apa.ny.gov)>  
**Subject:** Adirondack motor vehicle access.

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Lets make this short and sweet. I know for a fact when the master plan was written in 1972 the persons in that room did not want any more roads to crisscross the Adirondack Park. Other wise they would have stated that X miles of roads can be built in the park every X years. Is that written any where in the master plan? NO. So the roads for the handicapped will count as a material road.

Stop playing with words and protect the park. Joe

Sent from [Mail](#) for Windows

**From:** [Duane Frymire](#)  
**To:** [SLMP\\_UMP\\_Comments@apa.ny.gov](mailto:SLMP_UMP_Comments@apa.ny.gov)  
**Subject:** Road comments  
**Date:** Thursday, March 30, 2023 12:55:59 PM

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Megan Phillips,

I have reviewed the Master Plan and conclude that a cp-3 road is not necessarily a public road that should count toward material increase.

Under the UMP development section for Wild Forest is the following:

**“the identification, in intensive use, historic and appropriate portions of wild forest areas accessible by motor vehicles, of measures that can be taken to improve access to and enjoyment of these lands, and associated structures and improvements, by persons with disabilities.”**

This allows improvements to areas already used by the general public in accessing by motor vehicle, so that they are sufficient to also be used by persons with disabilities. The point being there is nothing in the above, nor in the consent decree from a later court proceeding, that provides for an entirely separate road system within the park. Therefore, if a new road is built but limited to use only by persons with disabilities, then it is not a “public road” within the meaning of Wild Forest Basic Guideline #4. And likewise, if an existing “public road” is improved and then restricted to only persons with disabilities, then it is essentially removed from the mileage of “public roads” existing in 1972 (assuming said road did exist at that time), or existing at the time the Wild Forest was designated if after 1972.

Guideline #4:

**“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.”**

Clearly the above language is only including roads open to all of the general public. A new road opened for persons with disabilities only cannot be a material increase in mileage of motorized use by the public. Any mileage closed to motorized use by the public is a material decrease from what existed before, even if the use remains open to some small category of the public.

A cp-3 road if open only to administrative and persons with disabilities should not be considered "... use by the public...". The term "use by the public" is not ambiguous, especially in the context of the Master Plan which does differentiate between "use by the public" and other uses in differing sections. Much deference is given to the agency that writes the regulation, but in this case I'm not sure how one could argue successfully in a Forest Preserve held for benefit of all that "use by the public" can be use only for some protected category of public or administrative group/purpose.

Respectfully,  
Duane

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**From:** [Joe Kozlina](#)  
**To:** [SLMP\\_UMP\\_Comments@apa.ny.gov](mailto:SLMP_UMP_Comments@apa.ny.gov)  
**Subject:** Roads in the adirondacks  
**Date:** Thursday, March 9, 2023 8:34:17 AM

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Making a mountain out of a mole hill. Look around at the roads crisscrossing the entire united states. Do we need more? I think not. As for the roads for the handicapped, I would think any access into the forest with motorized equipment is considered a road.

This master plan is in place to keep the Adirondacks wild. For me wild does not include roads. Roads are being built by hundreds of miles a year in the USA. What is the reason you would want to build more? And yet more roads are being built in the Adirondacks each year. Look at the logging roads the driveways, the skid roads and access roads to housing plans, solar developments, and just people creating access to parts of their properties.

The wildlife considers these roads as a disruption to their livelihood and existence including their offspring. Every inch of clearing for a road causes the death of some form of wildlife.

The ADK is a special place for the wildlife. We as people are just observers of the wild world in these forests. Please no more roads. Joe

**Megan Phillips**  
**Adirondack Park Agency**

**RE: Wild Forest Basic Guideline No. 4**

I am not satisfied with any of the alternatives. I would prefer to see the APSLMP amended to revise WF Guideline No.4 to allow for the road mileage to increase as the wild forest acreage increases. There has been an acreage increase of 11.6% since 1972, therefore it would be reasonable to allow the total road mileage to increase by the same percentage without having a material change. There should also be a provision added to replace any road miles that are lost due to a reclassification. To date, there are 19.1 miles that have been closed as a result of reclassification. Any good planning document should be able to be revised to respond to current conditions and issues; the APSLMP is no exception.

No new roads are being built by DEC, except in rare circumstances. Most of the large acquisitions have existing roads. The DEC and APA should have the discretion to continue to maintain such roads for public use. Road closures should be determined on a case-by-case basis through the UMP process after consideration of environmental and potential recreational factors specific to the site. Roads currently open to motor vehicle use should not be closed because of some arbitrary cap based on a pre-existing 1972 threshold.

CP-3 mileage should not be included in the definition of "road". CP-3 permit holders are quite limited and are therefore not synonymous with the general public. DEC does not have discretion to close CP-3 routes that are part of the Galusha settlement. If CP-3 mileage is included, it will likely mean that several existing roads in wild forest will have to be closed. It certainly creates conflict for the 6 wild forest units without an approved UMP.

In general, a mileage count is a poor metric for determining wild forest character. Land managers should also consider road density data and frequency of motorized use when making decisions about public access and impacts due to recreational use.

If I had to pick a No Material Increase Alternative, I would support #1 - 15% increase which is consistent with snowmobile trail interpretation.

Thank you for the opportunity to submit comments.

Paul Capone  
Vermontville, NY



**From:** [Peter Collinge](#)  
**To:** [SLMP\\_UMP\\_Comments@apa.ny.gov](mailto:SLMP_UMP_Comments@apa.ny.gov)  
**Subject:** Wild Forest Basic Guideline #4  
**Date:** Wednesday, March 22, 2023 5:54:08 PM

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I am writing to support NMI Alternative #1, as long as all CP-3 road mileage is included in the total. The CP-3 mileage must be included, because the definition of a "road" in the Master Plan includes improved ways designed for travel by automobile, "maintained by the Department of Environmental Conservation or other state agency and open to the public on a discretionary basis." Clearly, the CP-3 roads are open to the public on a discretionary basis and this must be included in the total based on this definition.

Peter Collinge  
Henrietta, NY