



**Adirondack
Park Agency**

**Department of
Environmental Conservation**

Wild Forest Basic Guideline No. 4

Public Comments on No Material Increase Alternative #4

May 10, 2023

Objectives for Today

- Summarize public comments received on NMI Alternative 4 and APA/DEC response
- Respond to board member Q's
- Board deliberation and potential action



No Material Increase Alternative 4

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



Summary of Public Comments & the APA and DEC Response



Summary

- 30-day public comment period, March 16 - April 17, 2023
- Received ~120 comment letters
- 74 of these were form letters



Theme: NMI Alternative 4

- Reject Alt 4; it doesn't include CP-3 mileage
- APA has not provided rationale to support the concept that CP-3 mileage is not subject to WFBG4
- Support for Alt 4
- Choosing Alt 4 negates the need to make a formal interpretation of what mileage existed in 1972
- This is the only alternative that references CP-3, all others should be updated to acknowledge the role of CP-3
- Suggested re-write of Alt 4
- Alt 4 doesn't mean that any mileage over the 1972 total is material – SLMP authors would have written "no increase"
- Alt 4 bans all public use of motor vehicles on the FP and all roads approved in UMPs will be closed



Theme: Commissioner Policy 3 Mileage

- Comments related to *including CP-3 routes* (Road Def. #1):
 - All CP-3 mileage, including Galusha, must be counted
 - The CP-3 policy requires that CP-3 routes be consistent with the SLMP
 - Opening CP-3 routes is discretionary because users have to apply for a permit; DEC has discretion to grant or deny permits and to close routes
 - CP-3 routes have comparable ecological impacts as public roads
 - Galusha settlement is clear that CP-3 routes must be consistent with the SLMP and Article XIV



Theme: CP-3 Mileage Continued

- Comments related to *including CP-3 routes* (Road Def. #1) continued:
 - Galusha preserves DEC's discretion to open/close routes and requires that they undergo UMP process
 - Excluding CP-3 routes from WFBG4 would mean that there is no limit on CP-3 mileage
 - CP-3 routes are not a super category; they were chosen from a list of roads and have already been counted toward the NMI cap
 - They require the same culverts, bridges, surfacing and tree cutting as other wild forest roads
 - APA made a 1996 final determination that CP-3 roads would count toward the NMI cap



Theme: CP-3 Mileage Continued

- Comments related to *NOT including CP-3 routes* (Road Definition #2):
 - There are only 1,000 CP-3 permit holders statewide, which does not equal the general public – these routes should not be counted
 - Including CP-3 routes in the mileage cap limits cont'd improvement/increases in access for those with disabilities
 - WFBG4 only applies to roads open to *all* members of the public



Support for Other Alternatives

- Commenters expressed support for other NMI and road definition alternatives and combinations thereof
- Future mileage increases should be allowed in accordance with increases in wild forest acreage



Theme: Visitor Use Management

- It is inappropriate to use VUM to determine whether wild forest roads comply with the SLMP on a unit by unit basis
- There is precedent for closing roads where natural resource damage is occurring
- DEC and APA should undertake a Park-wide VUM to establish desired conditions; until then, the state should adopt a protective mileage cap of 5%
- Because CP-3 routes may impact natural resources, they should be included in the NMI calculation (except Galusha routes) until the Park-wide VUM work is complete and impacts can be evaluated



Theme: Closure of Roads

- When road mileage has increased materially beyond the 1972 mileage, APA is obligated to insist on closure of an equal # of road miles elsewhere
- NMI is a standard of resource protection, not one of access; if more CP-3 routes are needed, close non-CP-3 routes to stay under the cap
- APA should issue a policy that guides DEC in the closure of roads; the policy may prioritize roads for closure that meet certain conditions



Theme: Accessibility

- Any reduction in accessible places devalues people with disabilities
- Developing open space using accessible principles and design creates opportunities for all, they don't need to have a measure of mileage attached to them
- New technology, products, and materials are opening doors to outdoor recreation for people with disabilities; State must stay true to the spirit of the ADA when planning for the Park
- State should use data to plan for accessible use and in making WFBG4 determinations



Theme: Accessibility Continued

- There should be an increase in CP-3 mileage as the State purchases land
- While access for those with disabilities is important, the preservation of natural resources is paramount; access will be afforded where the SLMP deems it appropriate
- We can promote equitable access *and* fulfill the mandates of the SLMP



Theme: Concept of Remoteness

- Less than 3% of the Park is more than 3 miles from a road and more than 2 miles from a lake that allows motorboat usage; APA should define remoteness, determine how to measure it and protect that concept as a rare resource
- Road mileage is a poor measure of remoteness, since distance from a road depends upon the road's location, not its length



Theme: Other Topics

- SLMP requires that opportunities on private lands factor into planning
- UMP process is a tool to assess if a road meets SLMP requirements
- NMI only refers to lands owned by the State in 1972
- Pause making a NMI determination until the road definition interpretation has been made
- Consider cumulative impacts of roads in all land classifications
- Ground truth some road mileage
- CP-3 not shown on the maps provided in May 2022



Theme: Other Topics Continued

- Amendment of the SLMP is required to adjust mileage cap or specify how certain types of road should be counted differently based on usage
- Allow UMPs that are currently paused by the WFBG4 interpretation to move forward w/o roads or CP-3 access
- Concern for policy decisions that may impact snowmobiling
- State needs to look at what road mileage it can maintain
- Concern about environmental impacts associated with roads and protection of wild forest character



Theme: Other Topics Continued

- WFBG4 says that motor vehicle usage will not be encouraged
- There should be a provision in the SLMP to replace any mileage lost due to reclassification
- Mileage is a poor metric for determining wild forest character; managers should consider road density and frequency of use
- Closed roads need to undergo active decommissioning



Questions?

