



New York State  
Adirondack  
Park Agency

KATHY HOCHUL  
Governor

BARBARA RICE  
Executive Director

**RESOLUTION BY THE ADIRONDACK PARK AGENCY  
WITH RESPECT TO THE 2023 INTERPRETATION OF THE ADIRONDACK PARK  
STATE LAND MASTER PLAN'S WILD FOREST BASIC GUIDELINE NO. 4**

**May 11, 2023**

**WHEREAS**, the Adirondack Park State Land Master Plan (Master Plan) recognizes the responsibility of the Adirondack Park Agency (Agency) for long-range planning and the establishment of basic policy for State lands in the Adirondack Park in consultation with the Department of Environmental Conservation (Department or DEC), including the need to interpret the Master Plan; and

**WHEREAS**, the Agency has the authority to establish general guidelines and criteria for the management of State lands, and under the State Administrative Procedure Act, Section 102(2)(b)(iv), to provide direction and guidance to Agency and Department staff on how to implement the guidelines of the Master Plan; and

**WHEREAS**, the Department has responsibility for the care and custody of State lands governed by the Master Plan and State lands within the Adirondack Park must be managed in compliance with the guidelines and criteria of the Master Plan; and

**WHEREAS**, the Agency is responsible for general interpretation and revisions of the Master Plan either on its own initiative or at the request of the Department, and the Agency and the Department entered into a "Memorandum of Understanding on the Implementation of the State Land Master Plan," (APA/DEC MOU) most recently revised in March 2010, which defines a process for interpreting the Master Plan; and

**WHEREAS**, at the May 2022 Agency meeting staff first engaged the board to request that they make three interpretations of the State Land Master Plan related to Wild Forest Basic Guideline No. 4, which states that "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"; and

**WHEREAS**, Agency and Department staff jointly posed the following questions for board interpretation:

- What road mileage existed on lands classified as Wild Forest in 1972 and what mileage exists today?

- What mileage increase should be allowable without constituting a material increase?
- Does DEC Commissioner Policy 3 (CP-3) mileage meet the Master Plan definition of a road and therefore require inclusion in the total Wild Forest road mileage calculation?; and

**WHEREAS**, Agency and Department staff jointly prepared three alternatives each for the road definition interpretation and the no material increase interpretation which were first introduced at the May 2022 Agency meeting; and

**WHEREAS**, during a 60-day public comment period which included two public information sessions, the Department and the Agency received approximately 215 written comments and seven verbal comments, which were summarized and presented by staff and considered by board members at the September 2022 Agency meeting; and

**WHEREAS**, at the December 2022 Agency meeting, the board requested that staff prepare a No Material Increase Alternative 4, which was presented at the February 2023 Agency meeting; and

**WHEREAS**, during a 30-day public comment on No Material Increase Alternative 4, the Department and the Agency received approximately 120 written comments, which were summarized and presented by staff and considered by the board at the May 2023 Agency meeting; and

**WHEREAS**, the state land committee met and entertained presentations and/or discussions on Wild Forest Basic Guideline No. 4 in May, September, November, and December 2022, as well as in February, March, and May 2023; and

**WHEREAS**, the State Land Master Plan defines roads in Definition 36 (page 20 of the August 2019 State Land Master Plan) 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;

(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;” and

**WHEREAS**, under the Galusha Consent Decree (Galusha), the State is required to maintain certain CP-3 routes or substitutions with substantially equivalent mileage, therefore making the maintenance of these routes non-discretionary; and

**WHEREAS**, although Wild Forest Basic Guideline No. 4 address both roads and snowmobile trails, they are treated differently in the State Land Master Plan in that mileage of snowmobile trails that are lost due to reclassification to more restrictive land classifications may be replaced (Snowmobile Trails, page 38 of the August 2019 State Land Master Plan) but there is no such provision for road mileage; and

**WHEREAS**, there has been an 11.6% increase in acreage of Wild Forest lands, and a 2.4% decrease in non-CP-3 Wild Forest road mileage since 1972; and

**WHEREAS**, the above changes in Wild Forest acreage and road mileage occurred without the benefit of the interpretation of Wild Forest Basic Guideline No. 4; and

**WHEREAS**, the State Land Master Plan contemplates the acquisition of new Wild Forest acreage and requires that roads left open to the public on newly classified Wild Forest lands are still subject to Wild Forest Basic Guideline No. 4 (Roads and Administrative Roads Guideline #3, page 38 of the August 2019 State Land Master Plan); and

**WHEREAS**, this board action is an interpretation of the Master Plan and, for purposes of the State Environmental Quality Review Act, is a Type II action pursuant to 6 NYCRR § 617.5(c)(37); and

**NOW, THEREFORE BE IT RESOLVED**, the Adirondack Park Agency makes the following interpretations of the State Land Master Plan:

- The estimated road mileage on lands classified as Wild Forest in 1972 was 211.6 miles;
- The road mileage on lands classified as Wild Forest in the present day, not including CP-3 routes, is 206.6 miles;
- Non-Galusha CP-3 mileage meets the definition of a road per the Master Plan, and CP-3 mileage included in the Galusha Consent Decree does not meet the definition of a road per the Master Plan (Road Definition Alternative 3 – Non-Galusha CP-3 Routes Included);
- There are 21.6 miles of CP-3 routes that are open in the present day that were identified in the Galusha settlement or allowed as substitutions;
- There are an additional 16.5 miles of CP-3 routes that have been approved in unit management plans but are not yet open;
- The total mileage of roads on Wild Forest lands that meet the Master Plan definition of a road is 223.1 miles;

- A mileage increase of up to 11.6% does not constitute a material increase (No Material Increase Alternative 3 – Increase <15%) and the total allowable mileage of roads on Wild Forest lands will be 236.1 miles;
- Additions to Wild Forest acreage through acquisition and/or reclassifications will not change the total allowable mileage of roads on Wild Forest lands, absent a contrary interpretation by the Agency;
- This interpretation allows for 13.0 miles of future public roads and/or CP-3 routes that may be proposed in future unit management plans on current Wild Forest lands and/or future acquisitions classified as Wild Forest;
- The Agency board also directs the Department to develop and utilize desired conditions, indicators, and thresholds for Wild Forest roads and include this analysis with each subsequent Wild Forest unit management plan and/or amendment, as applicable;
- Future Wild Forest unit management plans will include a listing and tally of all roads, CP-3 routes, and administrative roads in the unit as well as a Park-wide accounting noting any changes.

**BE IT FINALLY RESOLVED**, that the Agency authorizes its Chairperson to advise the Commissioner of the Department of Environmental Conservation of the Agency's determination in this matter.

Resolution adopted on this date, May 11, 2023.

AYES: Brad Austin, John Ernst, Benita Law-Diao, Art Lussi, Ken Lynch, Zoë Smith, Matt Tebo, Joe Zalewski

NAYS: Mark Hall, Dan Wilt

ABSTENTIONS: None

ABSENT: None