

NOTICE OF COMPLETION

FINAL PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT

GUIDELINES FOR AMENDING THE ADIRONDACK PARK STATE LAND MASTER PLAN

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Title of Action: Guidelines for Amending the Adirondack Park State Land Master Plan

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NOTE: Pursuant to 6NYCRR 617.14(h) revisions to the Draft Programmatic Environmental Impact Statement issued November 20, 1978 are identified as follows:

1. Underlined matter (excepting topic headings) has been added.
2. Bracketed matter has been deleted.
3. Section XII (pp. 43-52). Comments on the DEIS and Responses to Comments is new.

PREFACE

The Adirondack Park Agency has determined that amendments to the Adirondack Park State Land Master Plan could have significant effect on the environment and has therefore prepared the following final programmatic environmental impact statement, setting forth guidelines for amending the State Land Master Plan, pursuant to Article 8 of the Environmental Conservation Law (State Environmental Quality Review), and in accordance with 6 NYCRR 617.

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SUMMARY

FINAL PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT

GUIDELINES FOR AMENDING THE ADIRONDACK PARK STATE LAND MASTER PLAN

I. Description of Existing Conditions

The Adirondack Park was created in 1892 and is presently six million acres in size, 2.4 million acres of which is State owned. A provision of the State Constitution established the Adirondack Forest Preserve in 1894. That provision remains essentially unchanged today. In 1972, the Adirondack Park State Land Master Plan was adopted by Governor Rockefeller. That plan created a classification system for State lands and instituted guidelines for the management and use for each classification. The Master Plan provides for a wide variety of high quality recreational opportunities ranging from wilderness uses to intensive uses such as downhill skiing.

Wilderness recreational opportunities are scarce in New York and rare in the northeastern United States. Adirondack wilderness constitutes only 3% of New York State, and 91% of all designated wilderness in the Northeastern United States.¹ Intensive recreational opportunities are relatively abundant throughout the State and are provided by both the public and private sector which often compete.

The recreation and tourist industry is the backbone of the Adirondack economy and its continued significance is dependent upon the protection of the outstanding quality of the natural, scenic, historic and open space resources of State lands in the Park.²

II. Proposed Action

This section of the impact statement describes the guidelines which the Agency should follow in making a determination regarding the appropriateness of amendments to the State Land Master Plan. Guidelines for the following classes of possible amendments are described within the text in detail.

- A. Classification of recent acquisitions;
- B. Reclassification of existing State land;
- C. Creation of a new State land classification;
- D. Deletion of an existing classification;
- E. Alteration of "Guidelines for Management and Use";
- F. Alteration of definitions of existing classifications;
- G. Alteration of introductory guidelines;
- H. Alteration of facility definitions;
- I. Alteration of area descriptions.

¹ "Roadless Area Review and Evaluation" (Rare II), Northeastern U.S. Technical Report, U.S.D.A. Forest Service; Washington, D.C. July, 1978.

² "The Future of the Adirondack Park, Recreation", Technical Report, No. 4, Report of the Temporary Study Commission on the Future of the Adirondacks, 1971.

III. Impacts

- A. Amendments to the Master Plan that cause changes in existing use or levels of use which exceed the physical, biological or social carrying capacity of State lands could result in significant adverse impacts on the natural resources and open space character of State lands.
- B. Amendments to the Master Plan which would diminish the quality of recreational opportunities requiring vast acreages of open space, such as hunting, backpacking and wilderness canoeing, could cause significant adverse economic impacts.
- C. Amendments which diminish area of lands designated Wilderness, Primitive or Canoe would significantly decrease the availability of primitive recreational opportunities which are at present extremely limited in New York State and rare in the Northeastern United States.
- D. The designation of large tracts of State land as Wilderness, Primitive or Canoe also provides the unusual opportunity for the reintroduction of extirpated species of wildlife which require significant acreages of habitat essentially undisturbed by man.
- E. Any amendment to the State Land Master Plan which would deteriorate the quality or character of Wilderness, Primitive or Canoe area resources could adversely impact the educational and research values of those areas.
- F. Any amendment to the State Land Master Plan which would result in the deterioration in the quality of the natural or scenic resources of State lands could adversely affect the Park economy.

IV. Alternatives Considered

- A. The “no action” alternative of not providing guidelines for amending the Master Plan was considered.
- B. Alternatives to the guidelines for amendment of the Master Plan, described in II above, were considered for each class of possible amendment. Alternatives which could result in significant adverse environmental, social or economic impacts were rejected.

V. Exceptions

This programmatic environmental impact statement is designed to describe and further define guidelines for amending the State Land Master Plan. Proposed changes in the Master Plan which do not follow the above guidelines for amendment or are listed in Section XI, will be considered Type I actions pursuant to the State Environmental Quality Review Act and individual determinations of the significance of each action shall receive further analysis. Such analysis will result in either the determination that an environmental impact statement will be prepared or that the action is of no significance which will result in the issuance of a “negative declaration.”

I. INTRODUCTION

This statement analyzes the environmental impacts which could result from possible amendments to the Adirondack Park State Land Master Plan and sets forth guidelines for amendment to that Plan. A brief history of the Adirondack Park and Forest Preserve lays a foundation for that analysis.

In 1892 the Adirondack Park was created, and the legislature granted regular appropriations for land acquisition within the “Blue Line”. At the Constitutional Convention of 1894, Article VII of the New York State Constitution (now Article XIV) was adopted and soon after was approved by the people of the State. It read:

“The lands of the State, now owned or hereafter acquired, constituting the Forest Preserve, as now fixed by law, shall be forever kept as wild forest lands. They shall not be leased, sold or exchanged, or be taken by any corporation, public or private, nor shall the timber thereon be sold, removed or destroyed.”

Amendments may be made to the Constitution only if passed by the legislature in two successive sessions and approved by a majority vote of the electorate. Since 1895, over 130 amendments have been proposed to the Constitution.³ Only 17 have passed and none have altered the language cited above. The historical concern of New York residents for the protection of the Adirondack Park is reflected in their refusal to compromise Article XIV. Opinions of the State Attorney General and those few court decisions regarding Article XIV have been quite conservative in the type, size and character of development permissible in the Forest Preserve.

The Adirondack Park Agency was created by the legislature in 1971 with essentially two mandates. First, it was to create a State Land Master Plan to classify and provide guidelines for the management and use of 2.3 million acres of State lands within the Park. The following language

³ “The Adirondack Forest Preserve, A Chronology”, N.J. VanValkenburgh, NYS Department of Environmental Conservation, Albany, New York, 1968.

was contained in the original version of the Adirondack Park Agency Act, adopted by the State Legislature in 1971.

§ 807. Master Plan for management of State lands

1. In order to further carry out the purposes of this article as described in section eight hundred one, the Agency shall prepare and submit to the governor for his approval on or before June first, nineteen hundred seventy-two a Master Plan, developed in consultation with the Department of Environmental Conservation, for management of State lands, whether now owned or hereafter acquired, located in the Adirondack Park. Such plan shall (1) classify such lands according to their characteristics and capacity to withstand use and provide general guidelines and criteria for the management and use of lands within such classifications, and (2) reflect the actual and projected uses of private lands within the Park as those uses may be more fully characterized in the development of the land use and development plan provided for in section eight hundred five of this article.
2. Upon approval of such plan by the governor, the Department of Environmental Conservation is hereby authorized and directed to develop, in consultation with the Agency, individual management plans for units of land classified in the Master Plan and such management plans shall conform to the Master Plan. Until amended, the Master Plan for management of State lands and the individual management plans shall guide the development and management of State lands in the Adirondack Park.
3. The Master Plan and the individual management plans shall be reviewed periodically and may be amended from time to time in the same manner as initially adopted, and when so amended, shall as amended, henceforth guide the development and management of State lands in the Adirondack Park.
4. The Agency and the Department are hereby authorized to develop rules and regulations necessary, convenient or desirable to effectuate the purposes of this section.⁴

The same legislation mandated the Agency to create a Private Land Use and Development Plan designed to control and channel development on 3.7 million acres of private lands to minimize the adverse impacts upon the natural resource quality of the Park. The State Land Master Plan was developed and adopted by Governor Rockefeller in 1972. The Private Land Use and Development Plan was approved by the Legislature in 1973.

⁴ New York State Executive Law, Article 27, §807.

II. DESCRIPTION OF EXISTING CONDITIONS

A. Adirondack Park Geographic Profile

The Adirondack Park is 6 million acres in size, or 36 percent of the area of the State of New York, but includes only 121,000 people, or slightly more than ½ of one percent of the State population. Approximately 2.4 million acres comprise the Adirondack Forest Preserve, and 3.6 million acres are privately owned.

Tracts of private land are intermingled with tracts of public land in a patchwork quilt pattern of private-State ownership. This pattern causes a high potential for private land management decisions to impact public lands. The reverse is also true, a fact which creates a mutual dependency between the State Land Master Plan and the Private Land Use and Development Plan.

In such a vast area there exists tremendous diversity in landform, vegetation, water and land use. More than 40 mountains have elevations in excess of 4,000 feet above sea level. A great variety of vegetation exists. Conifers are found on the mountain summits and in the wetlands. Deciduous species including sugar maple, yellow birch, and beech comprise 53 percent of the Adirondack forest cover, whereas spruce-fir forests comprise 9.3 percent; aspen, 10.6 percent; elm, ash and soft maple 13.4 percent; oak 3.4 percent; pine 7.6 percent; and plantation, 2 percent.

The headwaters of five major water basins are located in the Park: the Hudson River basin, the Lake Champlain Basin, the St. Lawrence Basin, the Mohawk River Basin, and the Black River Basin. Protection of these watersheds was a primary reason for the creation of the Adirondack Forest Preserve. Over 1,200 miles of Adirondack rivers are classified under the State's Wild, Scenic and Recreational Rivers System.

While almost 80 percent of the Park's private lands are devoted to open space uses, Forest Preserve lands are the true heart of the Park. On these lands lie the most remote tracts, the highest mountains, the most pristine water bodies, large acreages of undisturbed wetland, and habitat for species of wildlife that require vast untouched territories. Of the 2.4 million acres of State land within the Park, approximately 43 percent is designated as Wilderness. This constitutes 17 percent of the Adirondack Park and only 3 percent of New York State. Adirondack Wilderness comprises 91 percent of all designated Wilderness in the Northeastern United States.⁵

Since 1966 when Interstate 87 was completed, most of these people have lived within a day's drive of the Park. Approximately 5 percent of State land in the Park is classified as Primitive, less than 1 percent is classified as canoe, 51 percent is classified as Wild Forest, and less than 1 percent is classified as Intensive Use.

B. Adirondack Park Recreation Industry Profile

The Adirondack economy is a rural resource-based economy. The Temporary Study Commission on the Future of the Adirondacks concluded that recreation offers the best opportunity for economic expansion in the Park. The tourist and recreation industry is the predominate industry in the Adirondack economy,⁶ and is highly dependent upon the maintenance of high quality natural and scenic resources. Possible amendments to the State Land Master Plan could cause adverse effects on the tourist-recreation industry (described in more detail below) to a far more significant degree than the forest products, manufacturing and mining industries.

⁵ The Northeastern U.S. is defined by the U.S. Forest Service in their RARE II Analysis as including Maine, New Hampshire, Vermont, Massachusetts, New York, Connecticut, Rhode Island, New Jersey, Pennsylvania, Delaware, Maryland and West Virginia. The population of this area is 56 million people.

⁶ "Adirondack Park Economic Profile, Phase One", R. Craig and T. Gardner, Adirondack Park Agency Report, February, 1976.

Unemployment rates for counties within the Park are traditionally significantly higher than the State's average. The average unemployment rate for the Park in 1970 was 8.2 percent, whereas the State's average for the same period was 4.0 percent. Seasonal unemployment rates are locally as high as 22 percent.⁶

The recreation industry is essentially an export industry that generally provides services to non-Park residents. Those employed by the industry tend to be unskilled and receive low wages. Employment is often seasonal and job opportunities are usually better for women than for men.

A significant problem with the recreation industry is its strong dependency upon disposable income. In times of recession or energy shortage, vacations are often considered a luxury and avoided. Furthermore, this industry is strongly dependent upon the weather, a fact which has often brought disastrous results to small entrepreneurs.

Expenditures received for food, lodging, and transportation are often re-spent by facility owners causing a "multiplier" impact. A less significant source of Park resident income is derived from expenditures at retail stores designed for the tourist.

Both the public sector and the private sector play important roles in the supply of recreational facilities within the Park. The private sector provides campgrounds, marinas, boat launch facilities, ski areas, group camps, dude ranches, lodging facilities, stores, restaurants and gas stations. Approximately 193 campsites exist on private lands within the Park, as do 30 ski areas, 147 miles of cross country ski trails, 164 private boat launch facilities and 66 marinas, all of which are open to public use. With the exception of cross country ski trails, it is apparent that the primary role of the private sector is to provide the public with recreational experiences requiring intensive facilities.

The State is the only sector which provides the public with recreational opportunities requiring vast acreages of undeveloped lands such as fishing, hunting, backpacking along

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over 800 miles of hiking trails, horseback camping on over 167 miles of horse trails, and canoe camping. The State, however, also provides the following intensive use facilities: 42 campgrounds, 22 boat launching sites, two ski centers, one bobsled run, two parkways and one beach.

It has been the policy of the State to provide such a diversity of high quality recreational opportunities in the Park. By providing intensive facilities such as ski areas, campgrounds, and boat launching sites, the State directly competes with the private sector to a degree somewhat dependent upon the proximity of similar private facilities and rate structures. In a recent analysis of Park recreation, Charles Zinser concluded that the primary role of the State should be to provide only primitive recreational experiences unless there exists a public demand for more intensive recreational facilities which the private sector cannot or will not meet.⁷ It should also be recognized, however, that State intensive use facilities can have a substantial positive impact upon local economies.

The future of the tourist-recreation industry in the Park is dependent upon the maintenance of a high quality natural and scenic resource base. Trend analysis indicates that almost every type of recreational use has grown significantly in the last ten years.⁸⁹ There is no reason to anticipate that such growth will not continue particularly in light of the protection given to the Park's resources by the State Land Master Plan and the Private Land Use and Development Plan.

⁷ "The Tourist and Recreation Industry in the Adirondack Park", Dr. C. Zinser, SUNY, Plattsburgh, New York, 1977.

⁸ "Recreation Operations", NYS DEC, 1977 Annual Report

⁹ "The Future of the Adirondack Park, Recreation", Technical Report No. 4, Report of the Temporary Study Commission on the Future of the Adirondacks.

C. State Land Master Plan

1. Introduction

The introduction to the State Land Master Plan sets forth a brief legislative history, a description of private and State ownerships within the Park, a very brief history of public concern for the Park, acquisition policy recommendations, a policy for land exchange for the consolidation of scattered State tracts in close proximity to one another with particular attention focused on the Perkins Clearing problem and finally, general guidelines for State Land Master Plan revision and review.

This programmatic impact statement is concerned with the process of revision of the State Land Master Plan. Language that pertains to Plan revision and review is set forth below:

THE ACT STATES that if amendments are made to the Master Plan, they shall be effectuated in the same manner as the Plan was initially adopted. Changes in existing land use will require periodic amendments to the Plan. Such changes essentially involve a shift in classification of lands from one major classification to another and would include, but are not limited to:

- the proposed construction of a new campsite on land previously classified as Wild Forest; or
- the upgrading of a Primitive area to a Wilderness area as a result of the removal of non-conforming uses; or
- the designation of a new travel corridor on, say, Wild Forest lands.

In addition, material changes in the guidelines applicable to each classification will also constitute a plan revision.

Revisions will be undertaken as needs dictate and may be requested by the Agency, the Department of Environmental Conservation, the Department of Transportation or any other interested State agency. Requests from local governments or responsible private persons or organizations for plan revision will be given due and fair

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consideration. Such revisions will be made by the Agency, in consultation with the Department of Environmental Conservation, and any resulting changes in the Master Plan submitted to the Governor for his approval, as provided by the Act.

Even in the absence of acquisitions or changes in land classification or guidelines requiring modification of the Master Plan, the Act mandates periodic reviews of the Master Plan. Planning is an ongoing process and as public use of the State lands expands and changes in years ahead, land use thinking and land use controls must be adjusted accordingly. [The Agency recommends that such periodic reviews of the Master Plan take place every five years, with any one of the interested State agencies involved at liberty to call for such a review at more frequent intervals.]

Finally, a word should be said about the need for greater public involvement in the whole process of acquisition, revision and review. While it may not be feasible to conduct public hearings in connection with every minor revision of the Master Plan, public hearings both within and without the Adirondack Park in connection with important acquisitions, periodic reviews and material changes in the Master Plan are clearly essential. Appropriate publicity and sufficient notice about proposed changes in the Master Plan are also necessary to permit maximum public participation. In addition, the Agency will make every effort to publish and disseminate copies of the Master Plan and to take other measures to foster greater public appreciation of the resources of the Park and the nature of the planning process.¹⁰

2. Description of Classification System and Guidelines

The Adirondack Park Agency Act requires the Agency to classify the State lands in the Park according to “their characteristics and capacity to withstand use.”¹¹ The State Land Master Plan classifies all State lands within the Park according to their physical characteristics (soil, slope, elevation and water), biological characteristics (boreal, subalpine and alpine zones, wetland ecosystems, wildlife habitats), certain intangible considerations

¹⁰ State Land Master Plan, p. 5.

¹¹ New York State Executive Law Article 27 (Adirondack Park Agency Act)

(such as sense of remoteness, degree of wildness, scenic quality, ruggedness), the suitability of certain areas for specific uses and finally established facilities on the land.

If there is a unifying theme to the classification system, it is that the protection and preservation of the natural resources of the State lands within the Park should 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 and their psychological aspects are not degraded.¹²

Additional criteria for land classification are contained in the definition of each category listed in the Master Plan.

The Temporary Study Commission on the Future of the Adirondacks concluded in its technical report on Public Lands:

The Commission's public land goal is that State land in the Adirondack Park must be managed in a manner which recognizes priorities based upon the scarcity of the resource, existing and potential future demands for the resource, and variations in the character of the resource itself. It is clear with even the most cursory examination that the land resource varies. It is also apparent that such variation requires flexible management. The State lands in the Adirondacks are uniquely qualified to satisfy the citizens' demands for recreation which require a spacious wild forest atmosphere.

A resource as valuable as the Adirondacks should surely have a comprehensive management plan guiding its administration. Article XIV of the State Constitution is necessarily broad and cannot pose as an effective management plan. Such a plan must ensure that day-to-day decisions do not allow for intrusions upon the wild forest character of the Adirondacks. In no case should any classification scheme for the Adirondack Forest Preserve allow for categories where the management of Forest Preserve land is less stringent than that allowed for in the Constitution. Flexibility must be maintained so that areas can be upgraded. Thus, a Primitive area might well become a Wilderness, or a Wild Forest might become a Primitive, or even a Wilderness area. Therefore, these

¹² State Land Master Plan, p.7.

delineations are not static, but are meant as a foundation upon which to build.¹³

The Master Plan creates seven separate classifications: Wilderness; Primitive; Canoe; Wild Forest; Intensive Use; Wild, Scenic and Recreational Rivers Corridors; and Travel Corridors. Guidelines for the management and use of each classification are established within the Master Plan. An examination of those guidelines follows.

Wilderness:

The same definition of Wilderness is contained in the State Land Master Plan as was used in the Federal Wilderness Act of 1964, with the one exception that individual wildernesses in the Adirondack Park must be composed of at least 10,000 contiguous acres of land whereas Federal wildernesses need only be 5,000 acres in size.

When the Master Plan was adopted in 1972, only one of the 15 Wilderness areas met wilderness standards due to the existence of non-conforming uses. The Plan should therefore be recognized as an attempt to restore and rehabilitate these lands so that they meet such standards. As of November 1978, eleven of the fifteen wilderness areas completely comply with the required standards.

Fifteen separate Wilderness areas have been designated within the Adirondack Park, totaling nearly 1,000,000 acres of land or 43 percent of the Forest Preserve, 17 percent of the Park, and only 3 percent of the State.¹⁴ The primary management goal of Wilderness is to perpetuate naturally stable ecosystems where man's management and influence is not apparent.

Lean-tos, pit privies, foot trails, foot trail bridges, and ladders constructed of natural materials, horse trails, horse trail bridges, fish barrier dams, existing dams, rustic directional, informational and interpretive signs are all conforming uses within Wilderness.

¹³ "The Future of the Adirondack Park, Public Lands", Technical Report No. 2, Report of the Temporary Study Commission on the Future of the Adirondacks, 1971.

¹⁴ State Land Master Plan. P. 11

Non-conforming uses required by the Plan to be phased out by December 31, 1975 included: clusters of more than two lean-tos, tent platforms, horse barns, boat docks, storage sheds and other buildings, fire towers and observer cabins, telephone and electrical lines, snowmobile trails, roads, jeep trails and State truck trails, helicopter platforms and buoys.

Public use of motor vehicles, motorized equipment and aircraft is prohibited. Use of the above is allowable for specific major maintenance projects, the removal of non-conforming structures with the specific approval of the Commissioner of Environmental Conservation and in cases of actual and ongoing emergencies such as search and rescue operations, forest fires or large scale contamination of streams.

The 748 Wilderness lakes and ponds of the Adirondack Forest Preserve amount to 19,000 acres of water surface. Adirondack lakes and ponds on which public motorized use is permitted total 110,000 acres of surface water, not including Lake Champlain. Thus, 83% of publicly-useable Adirondack lake/pond surface is open to motors, while only 17% is reserved for wilderness uses.

The introduction of flora or fauna not historically associated with the Adirondack environment is prohibited except i) species which have already been established and ii) as is necessary to protect native flora and fauna.

New interior ranger stations in Wilderness are prohibited by the Plan and existing interior stations, with the exception of the station at Lake Colden, are required to be phased out.

Recreational uses deemed by the State Land Master Plan to be compatible with Wilderness include: hiking, mountaineering, tenting, hunting, fishing, snowshoeing, ski-touring, and nature study.

The level of use of certain Wilderness areas such as the High Peaks is extremely high. In many instances, trails are badly eroded due both to trail location and extreme levels of use.

The Master plan authorizes the institution of a permit system in areas where the level of use is exceeding the physical, biological or social carrying capacity of the resources. Such a system would limit the total number of people allowed access to Wilderness during specified periods of time. The Plan also authorizes the temporary closure of all or portions of Wilderness areas to permit rehabilitation of natural systems degraded by overuse.

The criteria for classification of Wilderness areas are more completely described in the Public Lands Technical Report of the Temporary Study Commission on the Future of the Adirondacks, issued in 1971.

The criteria used to select lands for this classification were complex and necessarily somewhat subjective. Those blocks of Forest Preserve land with over 10,000 acres and no public roads were inspected first. The following characteristics have been investigated:

Vegetative Cover – The cover types in each area have been checked. The purpose of this was to be certain that each cover type typifying the Adirondacks is represented in at least one Wilderness. Accomplishing this also ensured that each life zone is included.

Present Use – All non-conforming uses in each area have been identified. Such uses include but are not limited to: jeep roads, buildings, telephone lines, snowmobile trails, tent platforms, and private inholdings. After identification, the impact of each use was considered as well as the impact of abolishing each use.

Nature of the Ecosystem – The area's flora, fauna, and soil were evaluated in terms of frailty and ability to withstand intensive recreation. The more fragile the area, the more important that it be given Wilderness status.

Scenic Attributes – Surface areas of lakes and ponds, miles of streams, mountainous terrain, and the like, were considered along with spectacular specific scenes, such as virgin pine or roaring waterfalls.¹⁵

Primitive Areas:

¹⁵ "Future of the Adirondack Park, Public Lands", 1971.

Two types of Primitive areas were created by the State Land Master Plan, both with management guidelines essentially the same as those that apply to Wilderness. First, lands a) which otherwise would have been classified as Wilderness but which contain structures, improvements or uses inconsistent with Wilderness, that could not be removed by the original December 31, 1975 deadline or b) which contain or lie adjacent to private lands that are of a size and influence to prevent Wilderness designation were classified as Primitive. Second, if the fragility of the areas' resources requires Wilderness management but the area is less than 10,000 acres in size, the area was classified as Primitive. Approximately 75,670 acres are classified as Primitive in sixteen separate areas.

Canoe:

The canoe classification is given to an area where the watercourses or the number and proximity of lakes and ponds make possible a remote and unconfined type of water recreation in essentially a Wilderness setting. This terrain is also ideally suited to cross country skiing and snow shoeing.

Guidelines for the management and use of canoe areas are essentially the same as those for Wilderness. Approximately 18,100 acres comprise the only designated canoe area.

Wild Forest Areas:

Resources which allow a somewhat higher level of human use which does not degrade resource quality while retaining a wild character are classified as Wild Forest. Snowmobiling, motor boating, motor vehicle use on existing public roads and use of aircraft are permitted where such use will not adversely impact the natural resources quality and wild forest character of the area. Ranger cabins and fire towers are also permitted within this classification.

The Temporary Study Commission on the Future of the Adirondacks provides the following clarification of the classification of State lands as Wild Forest:

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“Lands in this classification are generally less fragile, in ecological terms, than those classified as Wilderness or Primitive.”

Wild Forest lands often exhibit a character similar to Wilderness. Motorized access on designated trails and roads affords the elderly or handicapped the opportunity to enjoy remote recreational experiences on over 1,198,000 acres of land classified as Wild Forest.

Intensive Use Areas:

Intensive Use areas are areas where the physical biological and scenic resource carrying capacity is exceptionally high and where the State provides facilities for intensive forms of outdoor recreation, including: campgrounds, developed beaches, launching sites for trailered boats, downhill ski centers, visitor information centers, bobsled runs, parkways, memorial highways and historic sites. Intensive use areas constitute approximately 10,000 acres of the State land in the Park, however, only approximately 1,000 acres of this land is currently developed.

Wild, Scenic and Recreational Rivers

Within the Adirondack Park over 1,200 miles of rivers have been designated Wild, Scenic or Recreational pursuant to the Wild, Scenic and Recreational Rivers Act of 1975. The river corridors are generally 1 mile wide unless otherwise designated by agreement between the Agency and the Commissioner of Environmental Conservation.

A wild river is a river or section of river that is free of diversions and impoundments, inaccessible to the general public except by water, foot or horse trail, and with a river area primitive in nature and free of man-made development except foot bridges. Motor boat use is prohibited.

A scenic river is a river or section of river that is free of diversions or impoundments except for log dams, with limited road access and with a river area largely primitive and undeveloped or which is partially or predominantly used for agriculture, forest management

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and other dispersed human activities which do not substantially interfere with public use and enjoyment of the river and its shore. Motor boat use in scenic rivers is normally prohibited.

A recreational river is a river or section of river that is readily accessible by road or railroad, that may have development in the river corridor and that may have undergone some diversion or impoundment in the past. The appropriate Wilderness, Primitive, Canoe, Wild Forest, Intensive Use, Travel Corridor or special management guidelines apply to river corridors in addition to the guidelines noted immediately above.

In any case where two classifications overlap, such as a scenic river corridor in a Wilderness area, the more restrictive guidelines apply.

Travel Corridors

Travel Corridors are defined as those strips of land constituting the road bed and right-of-way for State and inter-state highways in the Adirondack Park and those State lands immediately adjacent to and visible from these highways.

The primary travel corridor management guideline is to achieve or maintain a Park-like character. The Plan states that a master signing plan for the Park should be prepared using design standards which contribute to a Park-like atmosphere. Scenic pull-offs are also proposed in areas of exceptional landscape quality. Sand and gravel pits and highway maintenance facilities should be screened from view from the road. Utility companies are encouraged to bury their electric and telephone lines.

The appropriate Wilderness, Primitive, Canoe, Wild Forest, Intensive Use, Wild, Scenic or Recreational River corridor or special management guidelines apply to lands in the travel corridor in addition to the guidelines noted immediately above.

Special Management Areas

In addition to the above classifications, the plan permits the designation of certain areas as Special Management zones to add further protection for areas of unusual or fragile natural or scenic resource quality or areas where use is exceeding the physical, biological or social resource carrying capacity. The appropriate Wilderness, Primitive, Canoe, Wild Forest, Wild Scenic or Recreational River Corridor or Travel Corridor Intensive Use guidelines apply in addition to any guidelines of a special management zone. The more restrictive guidelines always apply.

Non-Forest Preserve State Land in the Adirondack Park

The Department of Environmental Conservation has construed the so called “Hamilton County case”¹⁶ to authorize acquisition of non-forest preserve land in the Adirondack Park. The Department administers approximately 42,492 acres of these classified non-forest preserve lands within the Park. Approximately 19,472 acres are termed “Bond Program Public Campsites”. Gifts to the State under Environmental Conservation Law, Section 11-2103(2) (previously Conservation Law §361[2]) constitute 12,387 acres. Land acquired for “Navigation Purposes” amounts to 4,857 acres. Lands acquired for “Bond Program Special Uses” include 4,213 acres. Fish hatcheries include 1,156 acres. The Department’s administrative headquarters amount to 120 acres. Boat launching sites comprise 92 acres and a miscellaneous category includes 142 acres.

Amendments to the State Constitution have created 3,321 acres of non-forest preserve at Gore Mountain Ski Center, Whiteface Mountain Memorial Highway, Whiteface Mountain Ski Center.

¹⁶ Matter of Town of Indian Lake et al v. State Board of Equalization, 45 Misc 2d 463 (Sup. Ct., Albany Co., 1965), modified and aff’d, 26AD 2d 707 (Third Dept., 1966).

Since the Conservation Law definition of Forest Preserve excludes State lands within incorporated villages, 12,867 acres of land in the Villages of Mayfield and Speculator is of questionable status.

Many of these lands under the jurisdiction of State Agencies other than the Department of Environmental Conservation were originally classified as private land by the Agency.

III. PROPOSED ACTION: GUIDELINES FOR AMENDING THE STATE LANDS MASTER PLAN

This section of the impact statement describes the guidelines which the Agency should follow in making a determination regarding the appropriateness of amendments to the State Land Master Plan. Guidelines for the following classes of possible amendments are described in subsections below:

- A. Classification of recent acquisitions;
- B. Reclassification of existing State land;
- C. Creation of a new State land classification;
- D. Deletion of an existing classification;
- E. Alteration of “Guidelines for Management and Use”;
- F. Alteration of existing classification definitions;
- G. Alteration of introductory guidelines;
- H. Alteration of facilities definitions;
- I. Alteration of area descriptions.

A. Guidelines for Recent Acquisition Classification

Since June 1, 1972, 94 parcels of land have been acquired in fee by the State within the Adirondack Park. The parcels range in size from .174 acres purchased adjacent to an existing boat launch facility, to a 9,179 acre parcel purchased from the AuSable Club and proposed as an addition to both the High Peaks and Dix Wilderness Areas. The

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methodology for classification is described in detail in Chapter II of the State Land Master Plan and further described in the Temporary Study Commission's report on Public Lands. In addition, lands must meet the definitional requirements of the recommended classification, also described in Chapter II of the Master Plan. Due to the checkerboard pattern of public and private lands within the Park, and the Department of Environmental Conservation's land acquisition policy, most acquisitions lie adjacent to existing State land units.

In most instances, recent acquisition classification is a simple matter as the parcel lies surrounded by or immediately adjacent to previously classified State land. The acquisition would then be classified the same as the adjacent State land.

Approximately 5 percent of recent acquisitions present more difficult classification problems. If the acquisition lies adjacent to State land with two or more classifications, the physical and biological resources, use patterns, scenic characteristics, remoteness, accessibility, existing facilities, adjacent land use and classification, and suitability for various recreational uses are analyzed. In such cases, the overriding consideration is a determination that any use allowed by classification should not exceed the physical,¹⁷ biological,¹⁸ or social¹⁹ carrying capacity of the land's resources.

Exceptionally large acquisitions may be considered for classification as a new Wilderness area if they do not lie adjacent to any other Wilderness and if they meet the criteria of size, resource fragility, remoteness or unusual opportunity for Wilderness recreation.

¹⁷ Physical carrying capacity is defined as the threshold of use beyond which non-living components of an environment, suffer significant degradation, e.g., the ability of soils on a particular slope to sustain use with little or no trail erosion.

¹⁸ Biological carrying capacity is defined as the threshold of use beyond which ecosystems suffer significant loss or disruption of existing biological systems.

¹⁹ Social carrying capacity is defined as that level of recreational use beyond which measurable decreases in user satisfaction occur as a direct result of the number of users.

Particularly remote or fragile tracts of land that require Wilderness management but do not meet the 10,000 acre size criterion for Wilderness designation and do not lie adjacent to existing Wilderness should be classified as Primitive. Also, lands which otherwise would receive a Wilderness classification but contain significant non-conforming uses, the removal of which cannot be scheduled, or lands which contain or lie contiguous to private lands that are of a size and influence to prevent Wilderness designation, will be classified as Primitive.²⁰

Small tracts of Forest Preserve land which are surrounded by private lands should generally be classified as Wild Forest. Additions to the Intensive Use category should come from new acquisitions or from existing Wild Forest lands.²¹ The Intensive Use classification permits a wide range of concentrated recreational activities which may require elaborate structural facilities. The resource characteristics must be unusually capable of withstanding such intensive use with little or no degradation in natural or scenic resource quality. New intensive use areas should not be located in areas where private recreational facilities open to the public are adequate to meet recreation demands in that local area.

B. Reclassification Guidelines

1. Primitive Areas: The Master Plan itself proposes the reclassification of certain Primitive areas to Wilderness. Under Basic Guidelines for the Management and Use of Primitive Areas, the Master Plan states:

Upon the removal of all non-conforming uses, a designated Primitive Area that otherwise meets Wilderness standards, will be reclassified as Wilderness.²²

²⁰ State Land Master Plan, p.11.

²¹ State Land Master Plan, p. 16.

²² State Land Master Plan, p. 12.

The Master Plan in Chapter III, proposes that 14 of the existing 16 Primitive Areas be reclassified to Wilderness.

2. New Wilderness areas may eventually be created by the consolidation of scattered tracts of Wild Forest and existing private lands, provided the size exceeds 10,000 acres, and all other criteria for Wilderness classification are met.
3. The Master Plan states that additions to the intensive use category should generally come from new acquisitions or from the reclassification of existing Wild Forest areas, and, "...only in exceptional circumstances from Wilderness, Primitive, or Canoe areas."²³ As was noted above, such lands must have a high capability to withstand intensive, concentrated use with little or no degradation in the natural or scenic resource quality or character of the land unit under review or of adjacent or nearby lands.
4. Only in exceptional circumstances should lands presently classified as Wilderness, Primitive or Canoe be reclassified to Wild Forest. This should occur only after it has been demonstrated that a highly unusual condition exists, such as the identification of a mapping error, or the existence of a previously unrecognized non-conforming use of a permanent nature.
5. Wilderness should be reclassified to Primitive only under the most exceptional circumstances such as the identification of a mapping error or the existence of a previously unrecognized non-conforming use of a permanent nature.
6. The reclassification of Wilderness, Primitive, Wild Forest, or Intensive Use to Canoe should occur only if such a reclassification will aid in the consolidation of scattered tracts where the number and proximity of lakes and ponds makes possible a remote and unconfined type of water oriented recreation in an essentially wilderness setting.

²³ State Land Master Plan, p. 16.

Only one Canoe area presently exists within the Park. The creation of additional Canoe areas is dependent upon the acquisition of large tracts of private land which surround substantial acreages of water suitable for canoeing in a setting of wilderness character.

7. The reclassification from Intensive Use to any other classification would result in added protection for the area. Approximately 19,000 acres of “Bond Program Campsite” lands were acquired by the State in the Adirondack Park in the late 1960’s and early 1970’s. These lands are administratively classified as non-forest preserve and a significant portion of these lands was classified as Intensive Use. In many instances the acreage classified Intensive Use far exceeds that which the Department of Environmental Conservation envisions it would ever develop, either for new campgrounds or for the expansion of existing campgrounds. Those portions of these lands which include fragile or sensitive natural resources such as wetlands, steep slopes or important plant or wildlife habitats should be reclassified to Wild Forest or any other adjacent State land classification, if the proposed reclassification is in excess of 100 acres and there exists an easily recognizable boundary.
8. The reclassification from Wild Forest to Wilderness, Primitive or Canoe would result in added protection of natural resources. This reclassification could also result in the elimination of existing motorized access or aircraft landings on lakes. Wild Forest areas which lie adjacent to existing Wilderness, Primitive or Canoe should be reclassified to the above land classifications: a) if substantial management problems are created by the Wild Forest classification; b) if only limited facilities such as open roads or snowmobile trails exist within the Wild Forest area; c) if the level of use of existing facilities is unusually slight; d) if the Wild Forest area has unusual natural resource or open space characteristics which require the protection offered by the
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Wilderness, Primitive or Canoe classification; or e) the reclassification from Wild Forest is required to protect the resources or character of existing, adjacent or nearby designated Wilderness, Primitive or Canoe areas.

C. Guidelines For The Creation of a New State Land Classification

Generally, the classification system should be kept as simple as possible. This simplicity will aid both the general public and the administrators of the Plan in understanding the uses allowable within each State land classification. More detailed analysis of the classification system, guidelines and recreational use patterns, however, may warrant the creation of a new classification for areas which have unusual but similar management problems requiring specific guidelines such as historic sites and campgrounds.

D. Guidelines for the Deletion of an Existing Classification

The deletion of the Wilderness classification would destroy the opportunity for wilderness backpacking, hiking, showshoeing, canoeing, cross-country skiing and other recreation experiences which require a strong sense of remoteness created by the prohibition of the use of motorized vehicles, motorized equipment and aircraft. The Wilderness category should not be deleted from the Master Plan nor should the area of existing Wilderness within the Park be diminished.

Lands which require Wilderness management but which cannot be classified as Wilderness for the reasons described in II. C above, have been classified as Primitive until such lands meet Wilderness guidelines and can be reclassified. The deletion of this category would remove from the Plan an important mechanism to protect or rehabilitate the quality of fragile natural resources or lands with a Primitive character, until they can be classified as Wilderness, and it should, therefore, not be deleted.

Canoe areas provide a remote and unconfined type of water oriented recreation in a Wilderness setting. Deletion of the canoe category or reclassification to any category

with management guidelines less restrictive than Wilderness would destroy the wild character of Canoe areas. The Canoe classification should be retained or the lands reclassified to Wilderness, which has essentially the same management guidelines as apply to canoe areas.

The deletion of the Wild Forest category would require the reclassification of the existing 1.2 million acres of Wild Forest lands to either a more restrictive or less restrictive category. If Wild Forest lands were reclassified Wilderness, Primitive or Canoe, the land's resource quality and wild forest character would be adequately protected if not enhanced. If the lands were reclassified to Intensive Use, a strong potential would exist for significant deterioration in resource quality and existing wild forest character. If this category were deleted, lands should not be reclassified to a category with less restrictive management guidelines.

The deletion of the Intensive Use category would cause existing State campgrounds, ski areas, memorial highways, beaches and boat launching ramps to become non-conforming uses in some other existing land category. The State's Intensive Use facilities compete with the private sector of the Adirondack recreation and tourism industry. The removal of such competition might improve the economic stability of the private recreation industry. The State, however, provides a significant number of high quality intensive recreational facilities.

A more reasonable alternative to the deletion of the Intensive Use classification and the closure of related facilities is the establishment of guidelines which limit the location of Intensive Use facilities to those areas where the private sector is unable to meet the demand for such facilities and where the resources can withstand intensive use without significant degradation in quality.

E. Guidelines for the Alteration of “Guidelines for Management and Use”

The Master Plan specifies guidelines for the management and use of lands in each classification.

1. Guidelines should attempt to provide the highest possible quality recreational experiences for each land classification.
2. Guidelines should allow only those minimum recreational and administrative facilities necessary to provide such high quality recreational experiences.
3. Guidelines should provide for restoration and rehabilitation of lands designated Wilderness, Primitive and Canoe areas which do not now meet Wilderness, Primitive or Canoe area standards due to excessive levels of use or the existence of non-conforming uses.
4. Guidelines for Wilderness, Primitive, Canoe and Wild Forest should encourage the resource user to be responsible for his own health, safety and welfare.
5. Guidelines for all categories should require that conforming uses be designed and constructed of materials in a manner that causes no significant effects on the physical or biological resources and which do not intrude upon the wild character of such lands.
6. Future guidelines should prescribe desirable levels of use based upon the land's physical, biological and social carrying capacities. In its present form, the Plan prescribes only types of allowable uses.
7. Where an overuse problem exists, the creation of a special use zone allowing additional facilities in heavily used portions of Wilderness, Primitive, Canoe or Wild Forest areas should not be proposed. Dispersal or regulation of use would be a more appropriate response to such a problem.

8. Guidelines should be designed to protect the character of Wilderness, Primitive, Canoe and Wild Forest areas. The very foundation of Wilderness is the guideline which prohibits motorized access by the public and severely restricts such access by the Department of Environmental Conservation. Alteration of this guideline to permit generalized use of motor vehicles or aircraft would destroy the character of wilderness, a cornerstone of the Master Plan.
9. Present management guidelines for Intensive Use areas are quite general and difficult to apply to extensive development. Guidelines applicable to new development in Intensive Use areas should be no less restrictive than those applied to the private sector by the Agency and should be described with greater specificity. In any event, undeveloped State land should act as a buffer zone between Intensive Use facilities and adjacent private lands to protect the character of those private lands. Guidelines for new Intensive Use facilities should prohibit extensive vegetative cutting; extensive topographic alterations; the alteration of wetlands; and for alteration of the existing undeveloped character of State lands if that land is highly visible and forms an important component of one or more quality natural views.

F. Guidelines for the Alteration of Existing Classification Definitions

Each classification is defined in the Master Plan. Those definitions contain criteria critical to the classification of State lands and should not be altered except for purposes of clarification. [An amendment which would change the definition of Wilderness to require 25,000 acres instead of 10,000 acres before a tract could qualify as Wilderness would exclude at least three existing Wilderness areas from the classification. This type of alteration should not occur.]

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G. Guidelines for the Alteration of Introductory Guidelines

At present, these introductory guidelines set forth policy for land acquisition, land exchange and plan revision and review.

1. Priority should be given to acquisition of key parcels of private land which threaten the character or resource quality of vital tracts of State land, particularly Wilderness, Primitive and Canoe Areas.²⁴ High priority should also be given to the acquisition of tracts of significant ecological importance, tracts which protect wetlands and watersheds, and tracts which promote natural diversity. Acquisition of tracts which will have a significant adverse economic impact upon the forest industry should be carefully weighed against the protection such acquisition will give the natural and open space resources of the tract.
2. The policy of the existing Master Plan is to encourage the exchange of State lands for private lands where acquisition of those private lands is not feasible, and where such action would consolidate a significant number of scattered parcels of State land thereby eliminating severe management problems.²⁵ Once the Perkins Clearing issue is settled, its reference in this section should be deleted and future exchanges should be considered on a case-by-case basis.
3. Two important principles are contained in the section entitled Plan Revision and Review. The first is that amendments should be effectuated in the same manner as the Plan was originally adopted. As this is legislatively mandated, unless the Act is changed, it should remain. The second principle is that there

²⁴ State Land Master Plan, p. 20

²⁵ State Land Master Plan, p.4

should be considerable public involvement in the amendment process. This provision should not be compromised.

4. Guidelines should be developed and included in the Master Plan which specify the format, procedure and schedule for development of unit management plans.

H. Guidelines for Alteration of Facility Definitions

Alteration of existing facility definitions should be limited to those necessary for clarification of the Master Plan.

I. Guidelines for Alteration of Area Descriptions

Changes in Chapter III of the Master Plan are not significant since this section is merely a description of the State lands classified by the Master Plan.

IV. IMPACTS OF PROPOSED GUIDELINES FOR AMENDING THE STATE LAND MASTER PLAN

The Master Plan classifies and provides guidelines for the management and use of existing State lands. This impact statement does not assess the environmental effects of private land acquisition by the State.²⁶ Article XIV of the State Constitution places severe limitations on uses allowable in Forest Preserve. For example, timber harvesting and mineral extraction are prohibited and would be even in the absence of the State Land Master Plan. The effects of the proposed guidelines for amending the Master Plan are described in this section.

A. Impacts of Proposed Guidelines on the Physical and Biological Resources

Careful application of guidelines for amending the Master Plan as expressed in the Plan itself and this statement should reduce State land resource degradation caused by

²⁶ The impacts of such acquisition are the subject of the following document: "Final Programmatic Environmental Impact Statement: Acquisition of Forest Preserve Lands Under the 1972 Environmental Quality Bond Act", NYS Department of Environmental Conservation, Albany, New York, September, 1978.

types or levels of use. The existing Master Plan prescribes types of permissible uses in each category but it does not specifically control the levels of use beyond providing very general management guidelines. Carrying capacity issues should be thoroughly assessed in each unit plan. However, at this time, no plans have been completed or adopted. Therefore, the Plan in its present form could allow levels of use which exceed the physical, biological or social carrying capacity of particular units of State land.

The classification of land by the State Land Master Plan as Wilderness, Primitive or Canoe prohibits motorized access and, except in cases of actual and ongoing emergencies such as fire, flood, search and rescue or large scale contamination of streams, provides large acreages of habitat undisturbed by man essential to the reintroduction of certain extirpated species. This opportunity is unavailable elsewhere in New York State and would be protected by the proposed guidelines.

Wilderness is vital to the survival of many species of wildlife with highly specialized habitat needs, and it provides both a natural laboratory and basic standards for the assessment of main effects on non-wilderness ecosystems.²⁷ The proposed guidelines should protect existing Wilderness and enable the creation of additional Wilderness areas.

A primary purpose of both Article XIV and the State Land Master Plan is the protection of the headwaters of five major watersheds in New York State. This protection of water quality is invaluable and would be further aided by the proposed guidelines.

The possibility of degradation of the quality of physical and biological resources increases significantly if land is classified as Intensive Use. As presently written, the Master Plan provides only general guidelines for development in Intensive Use areas.

²⁷ Wildlife Management in Wilderness, C. Schoenfeld and J. Hendee, The Wildlife Management Institute, Washington, D.C., 1978, p. 152.

The vague character of these guidelines creates a high potential for degradation of physical, biological, scenic and open space resources on these lands. Institution of the proposed guidelines for amending the Plan would reduce the potential of the occurrence of such adverse effects.

B. Impact of Proposed Guidelines on Area Character and Landscape Quality²⁸

The proposed guidelines for amending the Master Plan should further protect landscape quality and character of State lands.

Classification of land under the Master Plan will have little impact upon landscape quality except in areas classified as Intensive Use. New ski area development on undeveloped State land would change the character of the landscape. The significance of such an impact is dependent upon the area's degree of visibility and the importance of the area as a component of existing natural high quality views. A second example might be the creation of a campground adjacent to a previously undeveloped lake thereby significantly changing the character of the lake's shoreline.

The Wilderness, Primitive and Canoe classifications generally prohibit the use of motor vehicles, motorized equipment and aircraft. Any amendment to the Plan which would sanction such uses in these areas would severely diminish the Primitive character of those lands and should not be proposed. Noise intrusion is only one component of an area's character. The mere knowledge that motorized access is permissible diminishes an area's sense of remoteness.

C. Impact of Proposed Guidelines on Adjacent Private Lands

The creation of new Intensive Use areas would concentrate use and increase the probability of a change in the character and resource quality on nearby private lands.

²⁸ Landscape quality is defined as the visual quality and character of the landscape as determined by landform, vegetation, water and land use. "Landscape Quality in the Lake Champlain Basin", New England River Basin Commission, Lake Champlain Basin Study, J. Wargo and S. Weisman, Burlington, Vermont, June, 1978.

Several examples follow. The construction of a new campground immediately adjacent to private land could change the character of that private land due to increased use and noise levels. Extensive excavation on State land could cause erosion and sedimentation of significant trout habitat on adjacent private lands. The proposed guidelines for amending the Plan call for the creation of strict guidelines for Intensive Use facility development which would reduce the potential for such adverse impacts on adjacent State lands.

New private land development within 1/8 mile of areas designated as Wilderness, Primitive or Canoe on lands designated as Resource Management or Rural Use is generally subject to Agency project review jurisdiction pursuant to §809 of the Agency Act. The effect of such review is further described in IX Growth Inducing Aspects below.

D. Impact of Proposed Guidelines on Recreational Opportunities

The proposed guidelines for amending the Master Plan are designed to provide a diversity of high quality recreational experiences ranging from wilderness backpacking to downhill skiing and bobsledding.

Many areas of New York State exist where both the public and private sector offer intensive recreational facilities such as campgrounds or boat launch facilities. There are, however, no other locations in New York and very few locations in the entire northeast which offer vast undeveloped acreages of public land suitable for hiking, hunting and primitive camping.

Amendments to the Master Plan which diminish the size or deteriorate the character of areas designated as Wilderness, Primitive or Canoe are extremely significant and should not be proposed. Amendments which would diminish the State supply of intensive

recreational facilities, while important, are less significant due to the existence of similar opportunities elsewhere in New York State.

E. Impact of Proposed Guidelines on the Local and Regional Economy

The Master Plan is designed to protect the natural resources on State lands and to provide a diversity of high quality recreational experiences. The guidelines for amending the Master Plan described in this assessment and in the Master Plan itself should result in the protection of State land resources.

Charles Zinser concluded, “The greatest single strength in favor of the tourist and recreation industry is the natural environment of the Adirondacks.”²⁹

Any amendment to the State Land Master Plan which would result in the deterioration in the quality of the natural or scenic resources of the Park could adversely affect the economy.

The recreation and tourism industry is the backbone of the Adirondack economy. Lodging, food and automobile service provides the primary source of income from this industry. Recreational equipment supply stores also benefit significantly from the recreational opportunities available on State lands. These expenditures result in jobs and have a multiplier effect when the original expenditure is used to buy additional goods and services within the Park.

Recreationists and tourists tend to be transient visitors in the Park and therefore have an insignificant demand for public services from local governments.

The leisure home industry in the Park is highly dependent upon the maintenance of a high quality natural resource base. It is the quality of Park resources and exceptional recreational opportunities which in most instances induces seasonal home construction.

The impacts of second homes upon the cost to communities of providing public service

²⁹ Zinser, *op. cit.* p. 27

can become a burden due to the increased demand for police and fire protection, and sewer, water and educational facilities.

F. Impact of Proposed Guidelines on Educational and Research Opportunities

The proposed guidelines should result in the protection of a wide range of educational and research opportunities on State lands.

Any amendment to the State Land Master Plan which would diminish the area or resource quality of lands classified as Wilderness, Primitive or Canoe would significantly diminish the educational and research opportunities which those areas now offer. These effects would be particularly acute due to the scarcity of designated wilderness in the northeastern United States.

V. UNAVOIDABLE ADVERSE ENVIRONMENTAL EFFECTS

Adverse impacts upon the resource quality and character of State lands within the Park are avoidable. Strong guidelines for the management of State lands are necessary to protect resource quality and character from overuse and degradation while still providing public recreational use opportunities.

VI. MEASURES TO MITIGATE POTENTIAL ADVERSE ENVIRONMENTAL EFFECTS

The entire Master Plan is designed to allow only those uses of State land which will not degrade resource quality or character. Adverse impacts, however, have still resulted on State lands. The above guidelines for amending the Plan are designed to encourage amendments which will offer further protection to State land resources. In this sense, all of the above guidelines are mitigatory measures.

VII. EFFECTS ON THE USE AND CONSERVATION OF ENERGY RESOURCES

The proposed guidelines for amending the Master Plan will have insignificant effects on the use and conservation of energy resources. They would result in amendments to the Master Plan which minimize the use of gas and oil for new facility construction, maintenance and

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heating. Limitation of motorized access also reduces energy consumption to a somewhat limited extent. As was stated above, Article XIV of the Constitution and the State Land Master Plan in its present form prohibits timber harvesting and mineral extraction on Forest Preserve lands.

VIII. IRREVERSIBLE AND IRRETRIEVABLE COMMITMENTS OF RESOURCES CAUSED BY PROPOSED GUIDELINES

The Master Plan and proposed guidelines for amendment permit Intensive Use facility development and therefore, to a limited degree, the irreversible commitment of resources.

The construction of Intensive Use facilities such as a bobsled or administrative facilities commits State land to a use other than wilderness recreation. After construction, it is virtually impossible to retrieve the undeveloped character of those lands. Construction of a new ski area might induce development on nearby lands committing the resources to permanent residential or commercial use. Acquisition of State land in the Park and its classification as Forest Preserve severely limits use of those lands and commits resources to open space uses such as wilderness recreation and watershed protection.

IX. GROWTH INDUCING ASPECTS OF PROPOSED GUIDELINES

The proposed guidelines for amending the Master Plan permit, under controlled circumstances, new or expansion of existing Intensive Use areas.

Intensive Use facilities such as boat launch ramps or small campgrounds will usually cause significant induced growth. A new State downhill ski center (which would in all likelihood require a constitutional amendment as well as an amendment to the State Land Master Plan) could cause significant induced growth on nearby private lands. That induced growth could cause adverse environmental impacts and adverse economic impacts upon a community's ability to provide public services which may be demanded by new seasonal and permanent residents. Also, any new State facility could decrease business at nearby private facilities.

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Due to the scarcity of designated Wilderness in the Eastern United States and due to the existence of private land adjacent to such Wilderness, it may become desirable to purchase property for residential purposes adjacent to Wilderness. This induced growth in all likelihood will be controlled in Resource Management and Rural Use areas due to the designation in the Adirondack Park Agency Act of such areas within 1/8 mile of Wilderness, Primitive and Canoe areas as “critical environmental areas”.

The project review jurisdiction applicable to these areas may mitigate the adverse impacts of this induced growth. The Agency does not have such jurisdiction on lands classified as Hamlet, Moderate or Low Intensity. Induced growth in these areas has a higher potential for adverse environmental impacts. Also, amendments to the Private Land Use and Development Plan could change Resource Management and Rural Use zones to less restrictive categories.

X. ALTERNATIVES TO THE PROPOSED GUIDELINES

A. The “No Action” Alternative

The review and revision of the State Land Master Plan is presently called for in the Plan itself. The “no action” alternative consists of not providing guidelines for the amendment of the Master Plan. One alternative would be to prepare an environmental impact statement for each proposed amendment to the Master Plan. As amendments to the Plan may include a large number of similar actions which could have similar impacts, the Agency has prepared the above generic guidelines for amendments to the Master Plan pursuant to 6 NYCRR 617.15. The alternative of not classifying new acquisitions,³⁰ not reclassifying Primitive areas to Wilderness or not clarifying guidelines is contrary to the

³⁰ The Master Plan presently prescribes the following guidelines for managing unclassified State acquisitions: “...lands acquired by the Department of Environmental Conservation will be administered on an interim basis in a manner consistent with the character fo the land and its capacity to withstand use and which will not foreclose options for eventual classification.”(State Land Master Plan. P.4.)

entire intent of the Plan and would result in inadequate protection of critical resources as well as significant environmental damage.

B. Alternative to Proposed Guidelines for Acquisition Classification

Often a number of alternatives for recent acquisition classification are considered.

Usually classification is obvious, as most acquisitions are small in size and lie adjacent to existing State land. In such cases, the acquisitions will generally be classified the same as adjacent State land. When an acquisition lies adjacent to State land of two or more distinct classifications, alternative boundary locations are often considered. In such questionable instances, the physical, biological and social carrying capacity, the potential for change in character, the existing level of accessibility and sense of remoteness of the acquisition are assessed to determine the most appropriate classification. The existence of a boundary that is readily identifiable in the field is most often chosen such as a stream, a trail, a road, or a lakeshore. Great lot, town or country boundaries and contour intervals are generally less suitable boundaries as they are extremely difficult to locate in the field.

There exists the alternative of proposing guidelines for classification which would encourage uses or levels of use (i.e., a special Intensive Use area within Wilderness, Primitive, Canoe or Wild Forest areas), which could lead to significant degradation in resource quality. This alternative has been dismissed as both undesirable and avoidable.

C. Reclassification Guideline Alternatives

For each unit or tract of State land there exist many options for reclassification. Original classification was based upon the criteria described in Section III. There should be a presumption that the existing land classification is most appropriate since a detailed assessment of resources, remoteness, character, facilities and accessibility were conducted prior to the original adoption of the Plan. In unusual circumstances reanalysis

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of State lands or use patterns justify reclassification. Also, it is the stated objective of the Plan to upgrade Primitive areas to Wilderness status.

If it is found that a unit of State land is suffering resource degradation such as severe trail erosion or water quality deterioration due to the type or levels of use allowed by the present classification, reclassification should be considered, if another category would offer additional resource protection.

Only if the problem is common to all lands within an existing classification should the guidelines for management and use of that classification be altered.

D. Alternatives to the Proposed Guidelines for Creation or Deletion of a State Land Classification

The primary purpose for the creation of any new classification would be to group under one category those lands which have unusual but similar management problems requiring more specific management guidelines than are provided by existing classifications.

A second alternative would be to create a separate land classification for each specific management problem; e.g., downhill ski centers, bob sled runs, beaches, boat launching sites, etc. This alternative would create a highly complex classification system for intensive uses which require similar management guidelines to protect environmental quality. Such uses are most appropriately classified as Intensive Use.

A final alternative would be the deletion of an existing classification. These alternatives are thoroughly explored in III, E above.

E. Alternatives to Proposed Guidelines for the Alteration of Existing "Guidelines for the Management and Use"

One alternative would be to alter guidelines for the management and use in a manner which would allow additional uses or additional levels of use so as to adversely impact the resources or character of State land. This alternative has been dismissed.

F. Alternatives to Proposed Guidelines for the Alteration of Introductory Guideline

Introductory guidelines pertain to land acquisition, land exchange and plan revision.

1. Land Acquisition: A distinct alternative to the present land acquisition policy would be to assign highest priority to the acquisition of small tracts of private land for intensive use purposes, as opposed to the existing priority of acquiring key tracts adjacent to existing State land particularly Wilderness, Primitive and Canoe areas thereby offering those areas additional protection. The State has invested considerable money to acquire existing tracts of land. Failure to protect such an investment and the quality of these resources would be capricious.
2. Land Exchange: An alternative to the existing land exchange policy would be to discourage the exchange of private and public lands in cases where such action would consolidate scattered State holdings and where the acquisition of such private holding is not possible. This alternative has been dismissed because in certain specific instances, the existing checkerboard ownership pattern often requires the maintenance of access to private parcels on roads crossing State lands detracting from the State lands' wild character.
3. Plan Revision and Review: The existing plan encourages periodic review and revision and also encourages public comment on draft revisions. Alternatives to the proposed guidelines include discouraging periodic review which would delay classification of recent acquisitions and reclassification. This possibility is described in the "no action" alternative in Section X, A above. Discouraging public comment on proposed

revision may preclude the collection of valuable data regarding the resource characteristics or use patterns of State lands.

G. Alternatives to Proposed Guidelines for Alteration of Facilities Definitions³¹

The existing Master Plan defines recreational and administrative facilities such as foot trails, lean-tos, ranger cabin, snowmobile trails and tent platforms as well as improvements and non-conforming uses. Changes in definitions would generally be clarificatory in nature, thereby facilitating public understanding of the Plan. Altering a definition is usually an insignificant action.

XI. EXCEPTIONS

This programmatic environmental impact statement is designed to apply generally to possible amendments to the State Land Master Plan. Guidelines for amending the State Land Master Plan are described and further defined in this document. Amendments proposed which (i) do not follow the above guidelines for amendment or (ii) are listed below, will be considered Type I actions pursuant to the State Environmental Quality Review Act and individual determinations of the significance of each action shall receive further analysis. Such analysis will result in either the determination that an environmental impact statement will be prepared or that the action is of slight or no significance which will result in the issuance of a “negative declaration”.

The correction of mapping errors, the more precise definition of boundaries and minor technical changes will not be considered Type I actions.

Type I Actions:

1. The addition or deletion of a State land classification;
2. Significant changes in the guidelines for management and use of existing classifications;

³¹ State Land Master Plan, p. 7.

3. Alteration of the definition of existing State land classifications;
4. Significant alteration of Plan Review and Revision Policy;
5. Significant alteration of Land Acquisition Policy;
6. The classification of any new acquisition to Intensive Use;
7. The classification of any new acquisition to Wilderness, Primitive or Canoe if the parcel:
 - a. is over 5,000 acres in size;
 - b. contains extensive facilities, such as a network of public roads or snowmobile trails, or intensive recreational facilities which would have to be removed or closed to conform with Wilderness, Primitive or Canoe guidelines.
8. The reclassification of any parcel of State land:
 - a. From any land classification to Intensive Use;
 - b. From Wilderness, Primitive or Canoe to Wild Forest;
 - c. From Wilderness to Primitive or Canoe.

XII. COMMENTS AND RESPONSES

A. The following comments were received from Tom Shearer, Region Supervisor, Land Resources and Forest Management Supervisor, Region 5, New York State Department of Environmental Conservation.

1. Comment: Page 11

Referenced seven (7) classifications will require addition of two (2) if the current proposed amendments to the SLMP are adopted by the Governor.

Response:

The State Land Maste Plan has not yet been amended. Recommendations for amendment have not yet been made by the Agency to the Governor. This

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programmatic Environmental Impact Statement sets forth guidelines for amending the Master Plan but does not include any actual proposal for Master Plan amendment.

2. Comment: Page 30

Discussion of land acquisition policy might include reference to the importance of avoiding highly productive forest lands and bulk acquisition that may tend to impact on the economy of forest industry. “Bulk” acquisition needs further definition (see page 4, item #11 of the SLMP).

Response:

The Draft Environmental Impact Statement was changed to reflect this concern.

3. Comment: Page 38, Paragraph V

Add to last sentence “while still providing public recreation use opportunity and diversity”.

Response:

The Draft Environmental Impact Statement was changed to reflect this concern.

4. Comment: Page 40. Third Paragraph

An illustration may be made to the principle of the constitution overriding the State Land Master Plan. Down hill ski areas are generally established by constitutional amendment. Referendum directs the development of a ski area eliminating a State Land Master Plan decision to the fundamental development.

Response:

The Draft Environmental Impact Statement was changed to clarify this point.

5. Comment: Page 47. #7

The designation of 5,000 acres acquisition appears arbitrary and capricious.

Any new acquisition or reclassification to Wilderness, Primitive or Canoe,

irregardless of acreage size, that contain extensive existing recreation facilities such as snowmobile trails and public roads should qualify as Type I action. Paragraph III of the Summary, Item B, infers this consideration.

Response:

- a. The 5,000 acre threshold represents a reasonable threshold of significance if the parcel does not contain extensive facilities.
- b. As the Draft Environmental Impact Statement was written, “The classification of any new acquisition to Wilderness, Primitive or Canoe”, (would be considered a Type I Action) “if the parcel contains extensive facilities, such as a network of public roads or snowmobile trails, or intensive recreational facilities which would have to be removed or closed to conform with Wilderness guidelines.”

B. The following comments were received from Richard Wild, D.E.C. Region 5, Regional Supervisor of Environmental Analysis.

1. Comment:

Section V in the summary is unclear. This section indicates that any proposed change in the Master Plan which does not follow the guidelines for amendments will be considered a Type I action pursuant to SEQR. It should be clarified whether actions which are not obviously Type I actions will be handled as an “unlisted action” or whether all other actions not on the Type I list will be included in the Type II list.

Response:

As written, Section V stated that future State Land Master Plan amendments which do not adhere to the guidelines set out in this generic SEQR statement

“will be considered Type II actions pursuant to the State Environmental Quality

Review Act and individual determinations of the significance of each action shall receive further analysis...result[ing] in [a determination to prepare an EIS or a determination of no significance].”

D.E.C.’s SEQR regulations state that agencies may adapt their own lists of Type II actions or adjust D.E.C.’s Type II thresholds (6NYCRR 617.4[e]). D.E.C.’s regulations also state that generic EIS’s ‘should set forth specific conditions or criteria under which future actions will be undertaken or approved, and shall include procedures and criteria for amendments or supplements to reflect impacts, such as site specific impacts, which cannot be adequately addressed or analyzed in the initial statement. Such procedures shall include provision for public notice of amendments or supplements which allow for comment thereon in the same manner as was provided in respect to the original statement.”

(6 NYCRR 617.15[b]).

The procedure adopted in this generic EIS (The SEQR process itself) and the criteria (significance under SEQR), it is believed, comply with Section 617.15[b].

2. Comment:

Section F Guidelines for the Alteration of Existing Classification Definitions on page 30 should be clarified. The merits of changing a definition should be evaluated and discussed in context with the benefits to be realized by a new definition. The governing criteria should not be an absolute number of the number of areas that will result, particularly if the new definition better reflects the classification being considered. The example used in this section of changing the definition of Wilderness to require 25 thousand acres instead of 10

thousand acres is undesirable because three existing Wilderness areas would be eliminated gives the impression that the “numbers game” is given top priority.

Response:

Every proposed amendment should be evaluated based upon its potential beneficial and adverse impacts. It is agreed that the example cited does not clarify the guideline, and also that the guideline does not need further clarification. The example has therefore been deleted.

C. The following comments were received from Mr. Herbert Doig, Director of the Division of Fish and Wildlife:

1. Comment:

Although we agree in general with the various land classifications and guidelines set forth in the State Land Master Plan, the Environmental Impact Statement is not clear or objective. It conveys the impression that if the guidelines are not followed, there will be significant adverse impacts on the economic, natural resource, undisturbed habitat, educational and research values. However, it does not analyze the guidelines in true form or properly address all the various impacts.

Response:

DEC’s SEQR regulations require not only that consideration be given to a final EIS, but that a written finding be made that:”...the requirements of this Part have been met and

- (i) consistent with social, economic and other essential considerations from among the reasonable alternatives thereto, the action to be carried out or approved is one which minimizes or avoids adverse

environmental effects to the maximum extent practicable; including the effects disclosed in the relevant environmental impact statement, and

- (ii) consistent with social, economic and other essential considerations, to the maximum extent practicable, adverse environmental effects revealed in the environmental impact statement process will be minimized or avoided by incorporating as conditions to the decision those mitigative measures which were identified as practicable.”

It follows that the purpose of SEQR is served if the EIS sets forth, as we believe it does, guidelines which do indeed, if followed, provide a mechanism for the avoidance of the significant adverse impacts mentioned by DEC.

Secondly, the statement that the EIS does not analyze the guidelines in true form or properly address all the various impacts is too vague and general as to allow response other than to say “we disagree”.

2. Comment:

The beneficial impacts are well presented, but little or nothing is related to:

Adverse Impacts
 Mitigation of Adverse Impacts
 Unavoidable Impacts
 Alternatives and Subalternatives
 Irreversible or Irretrievable Commitments of Resources
 Growth Inducing Aspects
 Energy Resource Impacts

It is our opinion this document needs a great deal more input than is presented to affirm the impressions conveyed.

Response:

Again, we disagree. It is difficult to respond to this general a statement,

however the following citation clarifies the general nature of the EIS. Part
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617.15 of the Department of Environmental Conservation SEQR Regulations states the following with respect to programmatic SEQR statements:

- (a) Local agencies may find it advantageous to prepare programmatic or generic EIS's on new, existing or significant changes to existing land use plans, development plans and zoning regulations so that individual actions carried out in conformance with these plans or regulations will require only site specific EIS's as described in subdivision (c) of this section. It is recognized that EIS's on these and similar kinds of actions will be of a different character than EIS's on individual projects and their site specific impacts. Accordingly, they may be short, broad and a more general discussion of the logic and rationale for the choices advanced. They will be based on conceptual information in some cases.

3. Comment:

In terms of substance, we are concerned with the emphasis placed on the supposed competitive nature of State facilities which is apparently to be resolved in favor of private enterprise. We believe the public has the right to free access to publicly owned natural resources. The private sector role is in providing such ancillary services as food, boat rentals, etc. This distinction should be kept in mind in addressing this question.

Response:

The Draft EIS has been altered to reflect the potential for positive impacts on the local economy which State facilities may generate.

