

2024-25 Adirondack Park State Land Master Plan Amendment Package

Response to Comments – Grouped by Theme

Public Comment Summary

The Adirondack Park Agency (APA or Agency) publicly announced proposed amendments to the Adirondack Park State Land Master Plan (Master Plan) on September 5, 2024. The formal public comment period then ran from October 2, 2024 to December 2, 2024 and included three public hearings (one virtual, one inside the Park in Wilmington, NY, and one outside the Park in Albany, NY). Twenty-seven people commented verbally at the public hearings. The Agency received 1,238 written letters during the public comment period. Of these letters, 307 were unique (25%), and 931 were form letters (75%). Most letters included separate distinct comments on multiple topics in the proposed Master Plan amendment package. Altogether, there were nearly 3,000 distinct comments pertaining to the proposed Master Plan amendments received during the public comment period.

Comments and the Agency’s responses are grouped by topic. The Agency consolidated similar comments to avoid repetitive responses and, except where direct quotes appear, the Agency paraphrased comments. All references to the Master Plan are to the proposed final redline version, available online with the rest of the Agency meeting mailing materials.

<u>Amendment Topics from the Sept. 2024 Board Memo</u>	<u>Total Distinct Comments Received</u>
Accessibility (critical)	906
Accessibility (supportive)	51
Appendix I restructuring	0
Beaver control structures	16
Bicycle trails	3
Classification of Four Peaks tract	4
Climate change	583
Conservation easements (Appendix II)	3
Former roads	4
Historic areas	7
Horse mounting platforms	1
Motor vehicle use for removal of non-conforming structures, post phase-out period	232
Opening quote	4
Primitive tent sites	1
Raven Lake Primitive Corridor	0
Removal of dates/deadlines that have passed	228
Typos/errors	0
Visitor use management	603
Wildlife management structures	37
Other*	256
Non-Substantive**	37

*Other topics are related generally to the Master Plan but not specifically to the proposed amendments.

**Non-substantive comments are not directly tied to the proposed amendments or to the Master Plan.

Acronym Table

<u>Acronym</u>	<u>Full Title</u>
ADA	Americans with Disabilities Act
APA	Adirondack Park Agency
ATV	All Terrain Vehicle
CAFRI	Climate and Applied Forest Research Institute
CFR	Code of Federal Regulations
CLCPA	Climate Leadership and Community Protection Act
CP-3	Commissioner Policy 3
DAR	Division of Air Resources
DEC	Department of Environmental Conservation
DOJ	Department of Justice
FPEIS	Final Programmatic Environmental Impact Statement
GHG	Greenhouse Gases
IVUMC	Inter-Agency Visitor Use Management Council
MOU	Memorandum of Understanding
NY	New York
NYS	New York State
OPDMD	Other Power-Driven Mobility Device
SEQRA	State Environmental Quality Review Act
SUNY ESF	State University of New York - Environmental Science and Forestry
UMP	Unit Management Plan
VUM	Visitor Use Management
VUMF	Visitor Use Management Framework

TOPIC: Accessibility

Explainer: The Americans with Disabilities Act (ADA), Other Power-Driven Mobility Devices (OPDMDs), and the Forest Preserve

The Americans with Disabilities Act of 1990 (ADA) prohibits discrimination against individuals with disabilities and is meant to ensure that people with disabilities can fully participate in all aspects of civic life.

Title II of the ADA (42 USC § 12131-12165) requires state and local governments to provide people with disabilities an equal opportunity to benefit from all their programs, services, and activities. Generally,

Title II requires public entities to make reasonable accommodations to enable individuals with disabilities access to public programs. The ADA regulations provide that, “[a] public entity shall operate each service, program or activity so that the service, program or activity, when viewed in its entirety, is readily accessible to and usable by individuals with disabilities.” 28 CFR § 35.150(a). The ADA regulations also make clear that public entities need not make an accommodation that would “fundamentally alter the nature of the service, program or activity,” 28 CFR § 35.130(b)(7)(i), and may “impose legitimate safety requirements necessary for the safe operation of its services, programs, or activities” so long as such safety requirements “are based on actual risks, not on mere speculation, stereotypes, or generalizations about individuals with disabilities.” 28 CFR § 35.130(h). Here, the program generally being offered is public outdoor recreation within the Adirondack Park Forest Preserve.

Federal regulations implementing the ADA address how state and local agencies should accommodate mobility devices. At 28 CFR § 35.137(a), the regulations state that public entities “shall permit individuals with mobility disabilities to use wheelchairs ... in any areas open to pedestrian use.” The term “wheelchair” is defined at 28 CFR § 35.104 to include “a manually-operated or power-driven device designed primarily for use by an individual with a mobility disability for the main purpose of indoor or both indoor and outdoor locomotion.” Significantly, the federal regulations are clear that “this definition does not apply to Federal wilderness areas,” but makes no such exception for state-designated wildernesses or other land classifications.

In 2011, the federal government amended the mobility device regulations to also provide that a covered public entity “shall make reasonable modifications in its policies, practices, or procedures to permit the use of other power-driven mobility devices by individuals with mobility disabilities, unless the public entity can demonstrate that the class of other power-driven mobility devices cannot be operated in accordance with legitimate safety requirements that the public entity has adopted pursuant to § 35.130(h).” 28 CFR § 35.137(b)(1). The term other power-driven mobility device (OPDMD) is defined by federal regulation to mean “any mobility device powered by batteries, fuel, or other engines—whether or not designed primarily for use by individuals with mobility disabilities—that is used by individuals with mobility disabilities for the purpose of locomotion, including...any mobility device designed to operate in areas without defined pedestrian routes, but that is not a wheelchair....” 28 CFR § 35.104.

To determine whether a particular OPDMD can be allowed in a specific facility as a reasonable modification, such that it does not fundamentally alter the nature of the program, federal regulations specify that public entities must consider the following factors:

- (i) The type, size, weight, dimensions, and speed of the device;
- (ii) The facility’s volume of pedestrian traffic (which may vary at different times of the day, week, month, or year);
- (iii) The facility’s design and operational characteristics (e.g., whether its service, program, or activity is conducted indoors, its square footage, the density and placement of stationary devices, and the availability of storage for the device, if requested by the user);

- (iv) Whether legitimate safety requirements can be established to permit the safe operation of the other power-driven mobility device in the specific facility; and
- (v) Whether the use of the other power-driven mobility device creates a substantial risk of serious harm to the immediate environment or natural or cultural resources, or poses a conflict with Federal land management laws and regulations. 28 CFR § 35.137(b)(2)(i-v).

Since 2011, DEC has been fulfilling this federal requirement for providing individual modifications for persons with disabilities pursuant to the ADA and the OPDMD regulations through the case-by-case permit. Individuals requesting access to a particular facility with a particular OPDMD must submit a permit request to the DEC's ADA Coordinators.

The Master Plan's guidelines for management and use of each land classification significantly inform DEC's evaluations. Consistent with both the ADA and the Title II regulations, consideration of the fundamental nature of the program at the location of interest, including the land classification and associated management guidelines in the Master Plan, as well as the requirements of Article XIV, Section 1 of the New York State Constitution, is given during the evaluation of every request to use OPDMDs on the Forest Preserve.

The Agency is responsible for long-range planning and establishment of basic policy for state lands within the Park, which includes establishing guidelines for management and use for each land classification within the Forest Preserve.

The Department has care, custody, and control of the state lands and waters of the Forest Preserve and is the entity offering the programs that individuals with disabilities are looking to access using their mobility devices. As such, the Department is responsible for applying federal law and regulations to determine where the use of OPDMDs, as a reasonable modification, may be appropriate.

Subsection: General comments

1. COMMENT: Commenters supported including the Accessibility section and the full suite of accessibility-related changes proposed.

RESPONSE: The Agency appreciates this feedback.

2. COMMENT: Commenters stated that for people with disabilities, accessibility is not just about the physical space, it is also about being seen and valued as equal participants in outdoor recreation and that these proposed amendments "reflect a deeper commitment on the part of the State to inclusion and representation."

RESPONSE: The Agency appreciates this feedback.

3. COMMENT: Other commenters believed these proposed amendments "are a bare minimum yet critical step in ensuring that people with mobility disabilities have equal opportunities to explore and appreciate the natural beauty of the Adirondack Park."

RESPONSE: The Agency appreciates this feedback.

4. COMMENT: Commenter stated that the number of older New Yorkers is growing rapidly, and while some people age with a disability, many people acquire disabilities later in life. So, more people overall will benefit from good planning going forward. Accessibility extends to allowing people to use the mobility devices they need, including OPDMDs.

RESPONSE: The Agency appreciates this feedback.

5. COMMENT: Commenters support including the definition of a wheelchair and including the sentence: "In keeping with ADA Title II regulations on mobility devices (28 CFR § 35.137), wheelchairs are allowed on state lands anywhere that pedestrian access is permitted." Commenters believe that "adding accepted definitions for the variety of mobility devices people with disabilities use to navigate the outdoors and standards based on federal law provides clarity to the State and the Adirondack Park Agency."

RESPONSE: The Agency appreciates this feedback.

6. COMMENT: The Agency received comments in support for the proposals to add an inventory of accessible structures and improvements as well as identification of future management actions to make Forest Preserve lands more usable by persons with disabilities. Commenters expressed that "additions to the unit management plan requirements demonstrates the State's commitment to enhancing access and inclusivity within the existing land classification framework and its associated management guidelines" and "the draft amendments take an essential step toward greater accessibility... [that] reflects the reality that opportunities for individuals with disabilities exist across most Department of Environmental Conservation (DEC) lands and are profoundly important to well-being and quality of life."

RESPONSE: The Agency appreciates this feedback.

7. COMMENT: Commenter requested accessible trails in Wilderness areas have a low grade and stable tread for wheelchair users.

RESPONSE: The guidelines issued by the U.S. Access Board establish the parameters for accessible trail design. New trail design and construction is proposed through unit management plans for a particular area. The public has the opportunity to provide feedback on trail design through the UMP and work planning processes.

Subsection: Obligations under ADA Title II regulations

1. COMMENT: Commenter stated that to allow OPDMDs would be an outright negation of the State Constitution's Article XIV definition of "forever wild." The DEC should not be given the discretionary power to allow motorized devices in Wilderness.

RESPONSE: DEC is not being granted any new authority per the proposed Master Plan changes. Please see the ADA Explainer at the beginning of this section for additional information about how federal law requires state entities to accommodate public use of mobility devices.

2. COMMENT: Commenter stated the Master Plan is not the appropriate framework for incorporating definitions from the ADA, as the Master Plan does not serve to implement the definitions from the ADA on state lands.

RESPONSE: The Master Plan is “designed to guide the preservation, management and use of these [Forest Preserve] lands...” Master Plan at p. 1. The ADA is relevant to the planning and management of state lands.

3. COMMENT: Commenter contends that the statement DEC is responsible for interpreting federal regulations and guidance to determine where the use of OPDMDs may be appropriate ignores the prescribed relationship between DEC and APA and that APA is the agency to determine the appropriateness of a given use in each state land classification.

Commenter notes that granting DEC this authority without any guidelines or restrictions to govern its exercise would eliminate APA oversight of motor vehicle use on Forest Preserve lands in violation of both the Master Plan and the APA Act.

RESPONSE: The Agency respectfully disagrees with the commenter. The Department has care, custody, and control of the state lands and waters of the Forest Preserve and is the entity offering the programs that individuals with disabilities are looking to access using their mobility devices. As such, the Department is responsible for applying federal law and regulations to determine where the use of OPDMDs, as a reasonable modification, may be appropriate. Please see the ADA Explainer at the beginning of this section for additional information.

4. COMMENT: Commenter stated excluding OPDMDs from the definition of motor vehicle renders OPDMDs conforming in all state land classifications and violates Article XIV of the NYS Constitution.

RESPONSE: Please see the ADA Explainer at the beginning of this section for additional information about how federal law requires state entities to accommodate public use of mobility devices.

5. COMMENT: Commenter stated DEC is legally and Constitutionally constrained from exercising discretion to allow OPDMDs to drive anywhere on the Forest Preserve.

RESPONSE: The Agency respectfully disagrees with the commenter. Please see the ADA Explainer at the beginning of this section for additional information about how federal law requires state entities to accommodate public use of mobility devices.

6. COMMENT: One commenter stated if the federal government can exempt federal Wilderness from the ADA requirements for OPDMDs, then the State of New York can do the same for Adirondack Wilderness. Another commenter supported the exclusion of OPDMDs from Wilderness, Primitive and Canoe Areas in the Adirondack Park.

RESPONSE: Pursuant to ADA regulations, state agencies shall permit the use of an OPDMD unless it can be shown that a class of device cannot be safely used. In addition, ADA regulations list assessment factors to determine whether a particular OPDMD can be allowed, including whether the use of an OPDMD "...poses a conflict with *Federal* land management laws and regulations." 28 CFR § 35.137(b)(2)(v). The regulations do not include a factor that assesses potential conflict with *state* laws or regulations.

Motor vehicle use is prohibited on federal lands that are part of the National Wilderness Preservation System. The 1964 Wilderness Act (16 USC § 1131-1136) states " ...there shall be...no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, no other form of mechanical transport...within any such area" 16 USC § 1133(c). Permitting an OPDMD in federal wilderness therefore "poses a conflict with federal land management laws and regulations. ADA regulations do not require an accommodation for the use of OPDMDs in federal wilderness. However, the same regulatory "exemption" does not apply to state wilderness areas.

Please see the ADA Explainer at the beginning of this section for additional information about how federal law requires state entities to accommodate public use of mobility devices.

7. COMMENT: Commenter stated that under the federal regulations implementing the ADA, a state entity cannot simply exclude OPDMDs or treat them the same as motor vehicles used by the general population in determining where and how they may be used. The OPDMD provisions in the draft amendments are thus acknowledging what federal law requires.

RESPONSE: The Agency appreciates this feedback. Please see the ADA Explainer at the beginning of this section for additional information.

8. COMMENT: Commenter stated federal law and regulations clearly state that every entity must allow people to use their preferred device to access indoor and outdoor spaces and that it is up to each entity to set up guidelines based on evidence that some are a safety risk to people, or that they pose a risk to the environment. Commenter believes there is a way to accommodate OPDMDs without compromising environmental protection.

RESPONSE: The Agency appreciates this feedback and concurs that the objectives of providing OPDMD access to comply with federal law and protecting sensitive environmental resources can be achieved simultaneously. Please see the ADA Explainer at the beginning of this section for additional information.

9. COMMENT: Commenter stated the Master Plan text should clarify that DEC is required by federal law to permit the use of OPDMDs by individuals with mobility disabilities unless it can be demonstrated that a particular class of OPDMDs cannot satisfy safety standards.

RESPONSE: The Agency appreciates this feedback. The proposed Master Plan amendments reference the section of the federal regulations concerning mobility devices. However, the Agency does not concur with the need to provide the full text of the federal requirements in the Master Plan.

10. COMMENT: Commenter stated ADA regulations exempt compliance when there is a direct threat to the health and safety of the user or others. The use of some classes of OPDMDs can impose a direct safety threat to those using them and other users on trails and in areas not specifically designed for all season motorized use.

RESPONSE: DEC utilizes the federal assessment factors in determining appropriate use of OPDMDs. Please see the ADA Explainer at the beginning of this section for additional information.

Commenter referenced “direct threats” to health and safety. The term “direct threat” is defined as “a significant risk to the health or safety of others that cannot be eliminated by a modification of policies, practices or procedures, or by the provision of auxiliary aids or services as provided in § 35.139.” 28 CFR § 35.104.

28 CFR § 35.139(b) includes the following language:

“In determining whether an individual poses a direct threat to the health or safety of others, a public entity must make an individualized assessment, based on reasonable judgment that relies on current medical knowledge or on the best available objective evidence, to ascertain: the nature, duration, and severity of the risk; the probability that the potential injury will actually occur; and whether reasonable modifications of policies, practices, or procedures or the provision of auxiliary aids or services will mitigate the risk.”

11. COMMENT: Commenter is concerned that DEC is incorrectly interpreting the DOJ OPDMD assessment factors as the factors to be applied in determining whether allowing OPDMD use will constitute a “fundamental alteration” of the program. Commenter stated that whether a proposed modification of a state entity’s program would constitute a “fundamental alteration” is a question of state law.

RESPONSE: The ADA’s Title II regulations require that states make reasonable modifications to their policies, practices or procedures to permit the use of OPDMDs by individuals with mobility disabilities. In determining whether the use of an OPDMD is a reasonable modification, the state must use the five assessment factors, as well as consider whether the requested

accommodation would “fundamentally alter the nature of the service, program or activity.” Please see the ADA Explainer at the beginning of this section for additional information.

12. COMMENT: Commenter expressed OPDMD use in Wilderness and other sensitive land classes would fundamentally destroy the pristine nature of these places and the purpose for their classification. Commenter believes this meets the ADA definition of “fundamental alteration” and that OPDMDs should be excluded from land classifications of the Forest Preserve that currently do not permit motorized use.

RESPONSE: The ADA does not define “fundamental alteration.” For additional information regarding the process DEC is required to follow when determining if the use of an OPDMD is a reasonable accommodation, please see the ADA Explainer at the beginning of this section.

13. COMMENT: Commenter stated DEC’s belief that the ADA requires that OPDMD requests be handled on an individual, case by case basis is incorrect. Commenter stated that the ADA regulations require that persons with disabilities be provided with advance notice of where OPDMD use is permissible, citing 28 CFR § 35.106. The APA’s inclusion of an OPDMD definition merely maintains the ineffective and inequitable status quo of reviewing all requests and determining suitability in all land classes on a case-by-case basis.

RESPONSE: The ADA does not require advanced notice of appropriate locations for use of OPDMDs. 28 CFR § 35.130 (7)(i), requires that:

“A public entity shall make reasonable modifications in *policies, practices, or procedures* when the modifications are necessary to avoid discrimination on the basis of disability, unless the public entity can demonstrate that making the modifications would fundamentally alter the nature of the *service, program, or activity.*”

The nuance is that the regulations allow for an entity to make modifications to *policies, practices, or procedures*. “Case-by-case” is the way in which DEC currently complies with the ADA by modifying the practice or procedure by issuing temporary permits for access to a program in response to requests for reasonable modification. It does not foreclose upon future compliance through a policy modification.

14. COMMENT: Commenter expressed the Master Plan text should include the assessment factors DEC must use to determine whether a particular type of OPDMD should be allowed in a given area to address a demonstrated need for broader public understanding of the framework to be used in making management decisions about OPDMDs across all state land classifications and units.

RESPONSE: The Agency appreciates this comment and has provided an ADA Explainer at the beginning of this section to provide more information for the public, including the assessment factors. APA is aware that DEC is developing a draft statewide policy concerning the use of

mobility devices. The Agency will continue to be a partner in the development of the policy as it pertains to the Adirondack Forest Preserve.

15. COMMENT: Commenter believed the State's rationale for the accessibility related amendments contained two false assumptions: the agencies assume that accessible opportunities must be mechanized or motorized to be in the spirit of the ADA; second, they assume that the Master Plan's 52-year-old restrictions on motorized uses in Wilderness, Primitive, and Canoe areas violate the spirit of the ADA.

RESPONSE: The Agency respectfully disagrees with this comment. The State does not assume that accessible opportunities must be mechanized or motorized to be compliant with the ADA. Nor does the State believe the Master Plan's general restriction on motor vehicles use in certain land classifications violates the spirit of the ADA.

The DEC's [Accessible Recreation Destinations interactive mapper](#) features many State facilities within the Park that have accessible options for accessing programs that do not rely on mechanized or motorized equipment.

Subsection: Motor vehicle definition

1. COMMENT: Commenters asked the Agency to not amend the definition of motor vehicle to exclude OPDMDs.

RESPONSE: The Agency appreciates this feedback.

Subsection: OPDMD definition

1. COMMENT: Commenters requested the definition of OPDMD be removed from the Master Plan.

RESPONSE: The intent of the proposed amendments was to reflect the federal statutes and regulations pertaining to accessibility for persons with disabilities, including relevant definitions from the ADA. The Agency acknowledges this comment and has revised the proposed amendments.

2. COMMENT: Commenter asked why the APA's proposed definition of OPDMD written to include two sets of mobility devices: one set being, "any mobility device powered by batteries, fuel, or other engines - whether or not designed primarily for use by individuals with mobility disabilities - that is used by individuals with mobility disabilities for the purpose of locomotion;" and the second set being, "any mobility device designed to operate in areas without defined pedestrian routes, but that is not a wheelchair"?

Commenter stated this is significantly different from the federal, DOJ definition of OPDMD, which only features one set - the first one, above, using most of that exact language. In the federal definition, one set is immediately further defined and specified by use of the word, "including" and followed by a list of examples of mobility devices that fit within that set, such as "golf cars, [some other vehicles]... and any mobility device designed to operate in areas without defined pedestrian routes, but that is not a wheelchair."

There is no use of the word, "or," in other words, to create or point to a second and different set of mobility devices. Why does your proposed definition not use the word, "including" just as the federal definition does, but instead use the word "or"?

RESPONSE: The Agency acknowledges this comment and has revised the proposed amendments.

Subsection: Use of OPDMDs

1. COMMENT: Commenter stated the DEC's determination of where OPDMD use is allowable should include consultation with the APA.

RESPONSE: Since 2011, DEC has been fulfilling the federal requirement for providing individual accommodations for persons with disabilities pursuant to the ADA and the OPDMD regulations through the Case-by-Case permit. Individuals requesting access to a particular facility with a particular OPDMD must submit a permit request to the DEC's ADA Coordinators. The Department has care, custody, and control of the state lands and waters of the Forest Preserve and is the entity offering the programs that individuals with disabilities are looking to access using their mobility devices. APA is aware that DEC is developing a draft statewide policy concerning the use of mobility devices. The Agency will continue to be a partner in the development of the policy as it pertains to the Adirondack Forest Preserve. Please see the ADA Explainer at the beginning of this section for additional information.

2. COMMENT: Commenter stated the definition of OPDMD includes a wide range of devices that are prohibited in Wilderness, however the proposed language "The DEC is responsible for interpreting federal regulations and guidance to determine where the use of Other Power-Driven Mobility Devices (OPDMDs) may be appropriate" grants DEC discretion to interpret the guidelines to allow use of OPDMDs.

RESPONSE: The ADA's Title II regulations require that states make reasonable modifications to their policies, practices or procedures to permit the use of OPDMDs by individuals with mobility disabilities. In determining whether the use of an OPDMD is a reasonable modification, the state must use the five assessment factors. Please see the ADA Explainer at the beginning of this section for additional information.

3. COMMENT: Commenter opposed the use of OPDMDs and all motorized vehicles in the Forest Preserve except for in the case of emergencies.

RESPONSE: The Master Plan guidelines for management and use explain circumstances where the use of motor vehicles, motorized equipment, and aircraft may be used in each land classification.

Please see the ADA Explainer at the beginning of this section for additional information about how federal law requires state entities to accommodate public use of mobility devices.

4. COMMENT: Commenter expressed that Wilderness, Primitive, and Canoe areas are the last bastions of freedom from technology and should be kept motor free. They asked to prevent the use of gas-powered OPDMDs in Wilderness, Primitive, and Canoe areas because public use of motor vehicles in these land classifications is not permitted because it is inconsistent with the management guideline to achieve and perpetuate a natural plant and animal community where man's influence is not apparent.

RESPONSE: The Master Plan guidelines for management and use explain circumstances where the use of motor vehicles, motorized equipment, and aircraft may be used in each land classification.

The ADA's Title II regulations require that states make reasonable modifications to their policies, practices or procedures to permit the use of OPDMDs by individuals with mobility disabilities. In determining whether the use of an OPDMD is a reasonable modification, the state must use the five assessment factors. Please see the ADA Explainer at the beginning of this section for additional information.

5. COMMENT: Commenter stated the only places that ATV and golf cart classes of OPDMD should be authorized to travel should be Forest Preserve roads signed as open to motor vehicles, or roads open exclusively for persons with disabilities under Commissioner Policy 3 (CP-3). On trails, wheelchairs, powered or not, are clearly authorized. All classes of OPDMD are not.

RESPONSE: The Agency acknowledges this comment. Please see the ADA Explainer at the beginning of this section for information about how federal law requires state entities to accommodate public use of mobility devices. APA is aware that DEC is developing a draft statewide policy concerning the use of mobility devices. The Agency will continue to be a partner in the development of the policy as it pertains to the Adirondack Forest Preserve.

6. COMMENT: Commenter supported the incorporation of e-bikes and related OPDMDs across all non-wilderness units. Commenter expressed support for an approach that thoughtfully aligns usage with state land classifications and a progressive approach to considering how technology can be wisely permitted to enable the expansion of who has access to state resources.

RESPONSE: The Agency acknowledges this comment. Please see the ADA Explainer at the beginning of this section for additional information about how federal law requires state entities to accommodate public use of mobility devices.

7. COMMENT: Commenter asked that the Agency specify in guidelines for all land classifications that OPDMDs whose operating characteristics and impacts are similar to those of bicycles may be used wherever bicycles may be used.

RESPONSE: Please see the ADA Explainer at the beginning of this section for information about how federal law requires state entities to accommodate public use of mobility devices and the factors that guide DEC's assessment when considering the use of OPDMDs on the Forest Preserve. The guidelines requested by the commenter are not proposed for the State Land Master Plan.

Subsection: OPDMD policy (including CP-3)

1. COMMENT: Various commenters requested the development of an OPDMD policy, including the following:
 - Development of an OPDMD policy would avoid the unnecessary and detrimental change to the Master Plan's definition of "motor vehicle" proposed by APA.
 - An OPDMD policy (comparable to that which the Office of Parks, Recreation and Historic Preservation has) that prevents confusion and inconsistency for both the DEC and patrons wishing to use OPDMDs.
 - Without an OPDMD policy from the DEC, the case-by-case process for approving OPDMD use is opaque, not accessible, fair, nor consistent across state land classifications.
 - Commenter requests that the DEC develop an OPDMD-specific policy to define land classes where reasonable accommodations for such mobility devices would and would not be appropriate. Areas where OPDMDs would not be appropriate should include Wilderness, Primitive, and Canoe areas since public motorized recreation is not allowed in those areas per the Master Plan.
 - As proposed in the Master Plan, without a prior assessment nor state-wide policy, OPDMDs of any kind are permitted to go anywhere within the Park that is open to the public without restriction (outside of CP-3).
 - An OPDMD policy should re-evaluate the DEC's Commissioner Policy 3 (CP-3) program and provide for OPDMD use through this program and not by amending the Master Plan. Amendments to CP-3 should make clear that OPDMDs may only be used by persons with disabilities and such use will not be allowed in the most restrictive land classifications, and that the decisions will be based on Department of Justice criteria.

RESPONSE: The Agency acknowledges these comments and refers the commenters to DEC as the agency with authority to determine appropriate OPDMD use on state lands under its care and custody. At present, DEC evaluates OPDMD use through a case-by-case reasonable accommodation process, which determines where OPDMDs may be appropriate before they may be used.

APA is aware that DEC is developing a draft statewide policy concerning the use of mobility devices. The Agency will continue to be a partner in the development of the policy as it pertains to the Adirondack Forest Preserve.

Additionally, the Department's [Commissioner Policy 3](#) provides temporary revocable permits for individuals with qualifying disabilities to drive a motor vehicle on designated routes in wild forest and intensive use settings in the Forest Preserve to access recreational programs offered by the DEC, such as hunting, fishing, and camping. CP-3 routes are determined through the unit management planning process.

Please see the ADA Explainer at the beginning of this section for additional information.

2. COMMENT: The Agency received comments stating the Park needs a comprehensive plan for accessibility and accessible features.

RESPONSE: The Agency appreciates this feedback. However, the proposal is beyond the scope of what can be achieved through amendments to the Master Plan.

3. COMMENT: Commenter expressed there are opportunities for use of motor vehicles in appropriate areas by persons with disabilities is provided through CP-3; these accommodations have been achieved by balancing ADA compliance with management restrictions imposed by Article XIV and the Master Plan.

RESPONSE: The Department's CP-3 program was developed prior to the 2011 DOJ regulations pertaining to use of OPDMDs. Persons with disabilities have the legal right to request to use a mobility device of their choosing through a reasonable modification process. Please also see response to comment #1 in this subsection.

4. COMMENT: Commenter stated that allowing increased motorized access within the Adirondack Park is contrary to both the Final Programmatic EIS (FPEIS) and the State Land Master Plan. Commenter believed adequate provisions for people with disabilities have already been made pursuant to the settlement in the 2001 federal consent decree in the matter of *Galusha v DEC*. The commenter further notes that the FPEIS stresses the need to preserve Wilderness while also allowing motorized uses on substantial acreages across the Park, including water bodies and roads.

RESPONSE: The *Galusha* consent decree predates the 2011 DOJ rulemaking concerning OPDMDs and so does not clearly address how the requirements of those regulations would be met. The OPDMD regulations are clear that State governments and agencies must determine whether particular OPDMDs can be accommodated in a particular setting by using the assessment factors provided. Please see the ADA Explainer at the beginning of this section for additional information regarding the State's obligations under Title II of the ADA.

TOPIC: Beaver control structures

1. COMMENT: Commenter supported the use of beaver control structures as a non-lethal method to mitigate beaver-human conflicts. Beaver-created wetlands have benefits, especially in light of climate change.

RESPONSE: The Agency appreciates this feedback.

2. COMMENT: The Agency received comments critiquing the proposed definition of “beaver control structure.” One commenter offered an alternative definition for beaver control structures: “a device that provides a non-lethal solution to resolve human-beaver conflict while preserving the environmental benefits of beaver wetlands.”

RESPONSE: Commenter suggested “a device that provides a non-lethal solution...” The objective of the proposed Master Plan amendment for beaver control structures is to provide a non-lethal solution “while maintaining suitable habitat.”

Commenter suggested “...to resolve human-beaver conflict...” The proposed Master Plan definition specifically aims “to reduce impacts to human infrastructure caused by beavers.” Commenter’s proposed language is similar to existing proposed language.

Commenter suggested “...while preserving the environmental benefits of beaver wetlands.” The proposed Master Plan definition for beaver control structures states “while maintaining suitable habitat for beavers.” Commenters proposed language is similar to existing proposed language. Beaver control structures help to ensure existence of beaver’s habitat needs (for example water, food and protection against predators) when beaver activity impacts human infrastructure.

3. COMMENT: Commenter was concerned that the definition is inconsistent with DEC’s definition of water level control structure, and that the Master Plan definition encompasses other structures that are not identified.

RESPONSE: The Agency appreciates this feedback. The DEC’s 1996 “[Beaver Damage Control Techniques Manual](#)” describes different types of water level control devices and their functions, appropriate locations for use, and materials. However, it does not define water level control devices.

There is no single accepted term for structures used to mitigate or reduce beaver-caused impacts. The Agency drafted the proposed definition, in coordination with the DEC, to describe the structure and its purpose.

4. COMMENT: Commenter is opposed to the new definition because the installation of man-made structures to limit or control beaver-related flooding is not appropriate in any land classification.

RESPONSE: The proposed amendments seek to ensure the existence of beavers and the habitat they develop and thrive in when steps are necessary to minimize human-beaver conflicts. The use of these structures will be limited to instances where certain allowable infrastructure is threatened by beaver activity. Alternatives to reducing beaver-human conflicts may include trapping, dam removal and relocating structures and improvements. Beaver control structures provide a non-lethal alternative that protects water and wetland quality, ensures the area’s character, and limits costly management actions such as relocating significant infrastructure. The proposed amendments seek to enable use of beaver control structures where alternatives such as right-sizing culverts, bridge construction, or trail relocation are not feasible.

5. COMMENT: Commenter stated the phrase “right-sized culverts” is confusing since changing the size of a culvert is unlikely to deter beavers. Commenter proposes alternative language: “Use of appropriate flow devices at culverts, and starter dams, bridges and trail relocations should be a priority solution for management of beavers.”

RESPONSE: A 1999 study by DEC and Cornell University¹ found that at 81% of the sites measured, culvert size was the major determinant of whether the pipe would be plugged by beavers. The figure below displays the probability of a culvert being plugged by beavers in relationship to its size.

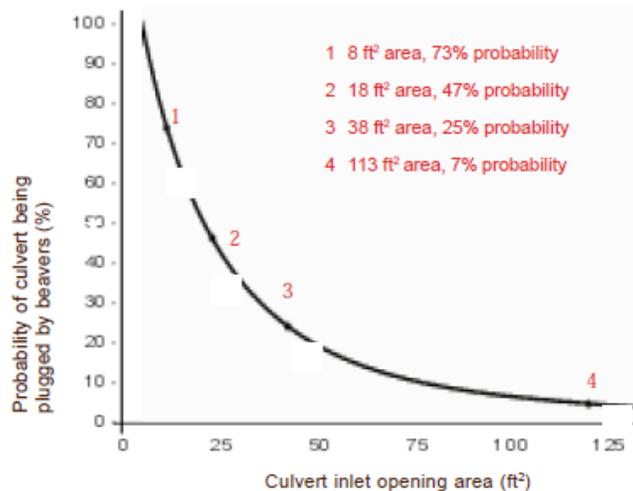


Figure 3. Probability of culvert being plugged by beavers as a function of the area of its inlet opening. Points (1)–(4) on the graph are discussed in detail in Table 2.

6. COMMENT: Commenter is concerned that by allowing beaver control structures in Wilderness and Primitive areas, the APA would be promoting human recreation over natural resource protection. In these Wilderness settings, where nature— including beavers— has the most right

¹ (Jensen & Curtis, 1999)

and ability to function without human interference, wild conditions should be maintained. Where beavers flood trails, a trail re-route or closure should be explored.

RESPONSE: The proposed language states that right-sized culverts, bridges, and trail relocations should be a priority solution. The preference is to avoid interference with natural beaver activity and beaver control structures are only to be utilized in specific circumstances. The objective of beaver control structures is to maintain suitable habitat for beavers. In Wilderness areas, beaver control structures are limited to cases where specific types of infrastructure are threatened by beaver-caused impacts.

In addition to the allowances provided in Wilderness, in Primitive areas beaver control structures are only permitted when damage threatens primitive recreational trails, which are a specific designation that applies only to the Essex Chain Lakes and Pine Lake Primitive Areas. These primitive recreational trails are former all-season roads used by foot, horse, horse and wagon, bicycle, ski, snowshoe and other non-motorized recreational activities.

7. COMMENT: Commenter stated it is unclear on what to do if beavers impact trails. The proposed language says in a Wilderness area beaver control structures can be used where beaver activity threatens to cause damage to “trails within 500 feet of a public highway right-of-way.” However, no explanation is provided as to why one should protect those trails and not others.

RESPONSE: The proposed Master Plan revisions make limited allowances to address human-beaver conflicts using beaver control structures. Alternatives other than beaver control structures must be considered for trails beyond 500 feet of a public highway right-of-way. The purpose of this alternative is to limit impacts to the area’s natural character caused by the development of beaver control structures.

8. COMMENT: Commenter stated that bridges of natural materials and trail relocations are the conforming approach to beaver management in Wilderness, Primitive, and Canoe areas. Beaver control structures could be added to the boundary structures and improvements of the Master Plan’s Wilderness guidelines so that they could be sited within 500 feet of a public highway.

RESPONSE: The proposed Master Plan reads, “beaver control structures will be permitted where beaver activity threatens to cause damage to... adjoining roads, railroad corridors...” Master Plan at p. 26. The proposed language allows the use of beaver control structures use in other instances than what is described in the “Boundary structures and improvements and boundary marking” section on page 30, for example private lands or private rights-of-way. Therefore, the Agency believes beaver control structures should be listed under the “Structures and improvements” section.

9. COMMENT: Commenter stated that managing beaver activity within Wilderness designations is generally inappropriate but that persistent conflict between well-sited Wilderness-compatible

infrastructure and beaver activity may be remedied by the addition of beaver control structures when within the 500-foot buffer of a public highway.

RESPONSE: The Agency appreciates this feedback.

10. COMMENT: Commenter asked why beaver control structures are allowed where beaver activity threatens to cause damage to primitive recreational trails but not other types of trails?

RESPONSE: Primitive recreational trails are a specific designation within the Essex Chain Lakes Primitive Area and Pine Lake Primitive Area. Primitive recreational trails are former all-season roads used by foot, horse, horse and wagon, bicycle, ski, snowshoe and other non-motorized recreational activities. These are significant recreational improvements. Beaver control structures provide an alternative that may require measurably large amounts of disturbance, such as: re-routing the trail, installing larger culverts, constructing bridges, removing beaver or altering beaver dams.

11. COMMENT: Wild Forest guidelines read “Beaver control structures will be permitted where beaver activity threatens to cause damage to stream improvement structures for fisheries purpose, or to prevent the introduction of invasive species.” Commenter stated that the APA is only concerned with the prevention of invasive species in lands classified as Wild Forest or less restrictive.

RESPONSE: Agency staff, with DEC staff, considered this comment and reviewed the role beaver control structures have in managing invasive species. The proposed language “prevent the introduction of invasive species” was removed because a beaver control structure’s ability to manage invasive species is very limited and is not the structure’s primary purpose.

12. COMMENT: Commenter suggested replacement of “permitted” with “allowed” where beaver control structures are mentioned in the guidelines for management and use associated with various state land classifications and suggests “damage” be described as “human-beaver conflict.”

RESPONSE: Construction of beaver control structures requires a permit from the Agency. The term “damage” is used in the context of protecting infrastructure.

13. COMMENT: Commenter wanted to know whether permits are required for installation of beaver control structures.

RESPONSE: The Agency requires a permit for installation, replacement, or repair of beaver control structures. The details are outlined in the general permit eligibilities for “Certain Minor Regulated Activities in APA Jurisdictional Freshwater Wetlands” ([GP2024G-1](#)) and the general permit for “State Land Minor Regulated Activities by NYSDEC in APA Jurisdictional Freshwater Wetlands” ([GP2005G-1R](#)).

14. COMMENT: The Agency received comments recognizing the maintenance needs of beaver control structures. One commenter stated that beaver control structures require frequent maintenance to maintain functionality and asked how these structures will be maintained on the Forest Preserve. Another commenter believes the maintenance requirements for beaver control structures makes them inappropriate for Wilderness, Primitive and Canoe areas.

RESPONSE: The Agency is aware of the maintenance requirements associated with this type of improvement. The methods used to access and maintain beaver control structures must be consistent with the land classification's guidelines for management and use.

15. COMMENT: Commenter asked to what extent DEC will be allowed to use beaver control structures in instances of addressing damage to private property.

RESPONSE: The DEC will be permitted to use beaver control structures to the extent necessary to address damage caused by beaver activity to adjoining private lands.

16. COMMENT: Commenter stated that the draft amendment should not approve of beaver control structures.

RESPONSE: The Agency appreciates this feedback.

TOPIC: Bicycle trails

1. COMMENT: The Agency received supportive comments for the inclusion of bicycle trails as a conforming use in Wild Forest. One commenter stated that this inclusion recognizes the sustainable, low-impact nature of appropriately designed and constructed bicycle trails and is consistent with the objective of providing "a wide variety of outdoor recreation." Non-motorized trails of all types have been shown in many studies to increase the physical and mental health of those living in proximity. Bicycle trails are also an important attraction for tourists.

RESPONSE: The Agency appreciates this feedback.

TOPIC: Classification of Four Peaks tract

1. COMMENT: Commenter supported the proposed classification of the Four Peaks tract as Wild Forest and is pleased about the potential to expand existing recreational opportunities from the neighboring Beaver Brook trail network.

RESPONSE: The Agency appreciates this feedback.

2. COMMENT: Commenter supported the addition of the Four Peaks tracts into the Wilmington Wild Forest. Four Peaks is bordered by the Wilmington Wild Forest and lies between the towns of Jay and Wilmington and meets the criteria for designation as a Wild Forest.

RESPONSE: The Agency appreciates this feedback.

3. COMMENT: Commenter stated the bundling of these significant changes to the Master Plan with the Four Peaks Land Classification Package is not appropriate and that these two processes should be separated. Commenter stated that the changes proposed to the Master Plan deserve more conversation, explanation, and careful consideration and there is no need to rush the process.

RESPONSE: The 1979 Final Programmatic Environmental Impact Statement – Guidelines for Amending the State Land Master Plan (FPEIS) provides a summary of potential types of actions that could be taken to amend the Master Plan and analyzes the potential environmental impacts that could result from those actions. The 2024 proposed package included:

- 1) Classification of recent acquisitions;
- 2) Alteration of guidelines for management and use;
- 3) Alteration of existing classification definitions;
- 4) Alteration of introductory guidelines;
- 5) Alteration and addition of definitions; and
- 6) Alteration of area descriptions.

There is nothing in the FPEIS or the Master Plan that prevents the Agency from classifying lands while proposing other amendments to the Master Plan – they are all actions that follow the same process under the FPEIS.

4. COMMENT: Commenter questioned whether this is the only recently acquired acreage of state land needing classification. Commenter stated that it could appear that staff are interested in seeing the parcels in the Four Peaks tract classified sooner than later in order to expand upon their own mountain biking interests. If the acreage needing classification is limited and will be handled in future packages, that should be stated.

RESPONSE: The Agency finalized a state land classification package in 2024, which classified and reclassified approximately 6,000 acres. At the time that the Master Plan amendments package was introduced publicly, Four Peaks (585 acres) was the only unclassified large tract of state land.

As of spring 2025, the total acreage of state lands that are unclassified or require reclassification is roughly 1,300 acres, 900+ of which were acquired from the Conservation Fund in January 2025 (several months after this amendments package was released for public comment). This acreage will be classified and/or reclassified in a future package.

TOPIC: Climate change

1. COMMENT: Commenter supported the proposed revisions on climate change.

RESPONSE: The Agency appreciates this feedback.

2. COMMENT: Commenter stated the proposed text omits verbiage about the avoidance of making material modifications in the Forest Preserve in the first place, for example by *not* designing and constructing certain roads and trails for snowmobiling; by *not* allowing public use of motor vehicles on slopes with highly erodible soils; by *not* maintaining a dam and by allowing some dams to be breached. Commenter notes that avoidance of these actions have climate positive impacts.

RESPONSE: The proposed climate change language states: “Unit management plans should describe how the proposed management actions and alternatives analyses assess and plan for climate change vulnerabilities.” Master Plan at p. 14. Within this requirement, UMPs may include no-action alternatives to the proposed management actions.

3. COMMENT: Commenter stated it is not technically accurate to state that the Forest Preserve captures GHG emissions. Forests capture and store carbon, but do not capture other GHGs such as methane. In addition, forests both sequester and store carbon. “Carbon sequestration” refers to the active process of capturing carbon dioxide from the atmosphere and converting it to glucose during photosynthesis, while “carbon storage” refers to carbon being held in a tree as woody biomass by converting glucose to cellulose and lignin. Commenter proposes alternative language for consideration.

RESPONSE: The Agency appreciates this feedback and will take the comment under advisement.

4. COMMENT: Commenter stated there is a missed opportunity to include a carbon inventory within all updated UMPs.

RESPONSE: There are two main reasons that the Agency does not think requiring a carbon inventory in UMPs is appropriate at this time: 1) carbon inventory data is most useful when determining potential emissions associated with land use conversion, which is uncommon on state land and 2) carbon values are constantly changing, so the values assessed may become obsolete within a few years’ time.

5. COMMENT: Commenter suggested that climate language in the UMP section be modified to address carbon emissions from motor vehicles and climate implications of any actions involving the removal of trees.

RESPONSE: The proposed climate change language in the Master Plan highlights that the Climate Leadership and Community Protection Act (CLCPA or Climate Act) requires all state agencies to consider whether the issuance of permits or other approvals are inconsistent with or will interfere with statewide greenhouse gas emission limits, and describes strategies laid out by the Climate Action Council’s Scoping Plan. It further states, “it is imperative to view all policy and planning decisions through the lens of climate change mitigation, adaptation, and resilience.” Master Plan at p. 13.

The proposed Master Plan language states that UMPs will include “a description of how the proposed management actions and alternatives, when considered together, assess, and plan for climate change vulnerabilities specific to the unit.” Master Plan at p. 13. When appropriate, this analysis may include the impacts of proposed motor vehicle access or removal of trees.

6. COMMENT: Commenter stated that, in order to implement the Master Plan changes, the APA will need to work with DEC to create guidance documents expanding on the proposed package, including the climate recommendations. Commenter points to the DEC’s Division of Air Resources policy (DAR-21) to describe how to achieve maximizing nature-based greenhouse gas (GHG) sequestration, storage, and climate resiliency, and the National Park Service’s Resist-Adapt-Direct framework as examples of guidance documents to mirror/draw from.

RESPONSE: The Department updated its [Commissioner Policy 49](#) (Climate Change and DEC Action) in 2022 to provide guidance to its divisions, offices, and regions regarding the incorporation of climate change considerations into agency activities. The policy includes guidance for implementing provisions of Sections 7 and 9 of the Climate Act.

7. COMMENT: Commenter stated it is important to make clear that right-sizing bridges and culverts and sustainable trail construction will be carried out within the strictures imposed by Article XIV of the New York State Constitution and the case law interpreting it.

RESPONSE: The Master Plan and its provisions are Constitutionally neutral, as stated in the Introduction. The Master Plan reads, “while obviously no structure, improvement or use held to be unconstitutional is permitted by this Master Plan, no inference as to the constitutional appropriateness or inappropriateness of any given structure, improvement or use should be drawn from whether it is allowed or prohibited in a particular land classification.” Master Plan at p. 1.

The [DEC’s Commissioner Policy 78](#) (Forest Preserve Work Plan Policy) establishes administrative processes for assessing the impacts of construction and maintenance activities and for drafting site-specific Work Plans on the Forest Preserve permissible within the parameters established by Article XIV of the New York State Constitution.

8. COMMENT: Commenter stated protecting wildlife is more urgent due to climate change; we need to enable migration through corridors, and this should be accounted for in the planning process.

RESPONSE: The proposed language regarding climate change in the Unit Management Plan Development section of the Master Plan includes strategies laid out by the Climate Action Council’s Scoping Plan, including “ensuring resilient and connected landscapes for species whose ranges are shifting.” Master Plan at p. 13.

9. COMMENT: Commenter stated that considering climate change impacts on private lands adjacent to and downstream from state lands during the UMP process will help to reduce

unintended risks, mitigate undue damage and costs from significant weather events, and ensure local support for Forest Preserve management.

RESPONSE: The Agency appreciates this feedback and encourages public feedback during the UMP development phase to ensure that any concerns of neighboring private landowners are discussed on a site-specific basis. There are guidelines throughout the Master Plan indicating that management activities on Forest Preserve lands should have the minimum adverse impact on nearby private lands.

10. COMMENT: The Agency received comments stating that the APA should incorporate climate change, energy efficiency and compliance with the Climate Leadership and Community Protection Act (CLCPA) into its review of private land projects.

RESPONSE: The Agency appreciates the comment; however, project review on private lands is not within the scope of the proposed Master Plan revisions.

11. COMMENT: Commenter stated that there needs to be more attention to encouragement of small-scale energy sources throughout the Park.

RESPONSE: The Agency appreciates this feedback; however, the comment is not within the scope of the proposed amendments package.

TOPIC: Conservation easements (Appendix II)

1. COMMENT: Commenter appreciated the clarification and clean-up provided regarding State-held conservation easements in Appendix II.

RESPONSE: The Agency appreciates this feedback.

2. COMMENT: Commenter supported restructuring Appendix II and asks that language on page 3 be reviewed to reflect new terminology and acreage figures in the appendix.

RESPONSE: The Agency appreciates this feedback and will take this comment under advisement.

3. COMMENT: Commenter stated the APA should take a more prominent role in planning and monitoring easements, as they are important for wildlife management including both game species and species that are threatened or endangered.

RESPONSE: As private lands in the Adirondack Park, conservation easements are subject to regulation under the Adirondack Park Land Use and Development Plan, not the State Land Master Plan. Recognizing the State's growing real property interest in conservation easements, the APA and DEC entered into a Memorandum of Understanding [Concerning State-Owned Conservation Easements on Private Lands within the Adirondack Park in 2010](#). The Department has the authority under the Environmental Conservation Law to establish conservation

easements with private landowners. The Department also has the authority and responsibility to develop and implement recreation management plans (RMPs) where conservation easements include allowance for public recreational uses. The Agency reviews the RMPs to help inform which types of proposed recreational use and development activities on private land are likely to be subject to Agency review.

The Master Plan recognizes the importance of conservation easements and the public purposes they serve. However, the Master Plan does not establish guidelines for such easements, and the guidelines and criteria for the land use classifications outlined in the Master Plan do not apply to State-owned easements with the exception of Mt. Van Hoevenberg.

TOPIC: Former roads

1. COMMENT: Commenter sought a rationale for why language in the Wilderness guideline #3 for Roads, Snowmobile Trails, and Administrative Roads has been removed in the proposed amendments.

RESPONSE: The Agency proposed to remove the following language under Wilderness guideline #3 for Roads, snowmobile trails and administrative roads: “maintenance of such roads and trails will be curtailed and efforts made to encourage revegetation with lower forms of vegetation to permit their conversion to foot trails and where appropriate, horse trails.” The rationale behind this proposed change is that converting former roads or snowmobile trails to foot or horse trails may at times be undesirable because old roads and snowmobile trail alignments do not necessarily follow best practices for sustainable foot or horse trails and may not facilitate high quality recreational experiences.

The APA has not proposed a change in the directive to phase out non-conforming roads or snowmobile trails; nor has it proposed a change in the closure requirements of such roads or trails. Furthermore, the Agency struck language stating that “maintenance of such roads and trails will be curtailed” because the presence of such a statement in the Master Plan suggests that some degree of maintenance of these closed roads and trails is acceptable.

2. COMMENT: Commenter stated the removal of the revegetation requirement is concerning as this may allow for roads to be closed in “name only” and not support restoration of the wild character of the Forest Preserve.

RESPONSE: The proposed amendment does not remove or change the directive to phase out non-conforming roads or snowmobile trails. Guideline #2 in “Roads, snowmobile trails, and administrative roads” states that closed roads and snowmobile trails will be blocked off and that public and administrative motor vehicles use is prohibited. Naturally occurring reclamation through revegetation will restore the wild character of the closed road or snowmobile trail.

3. COMMENT: Commenter expressed opposition regarding removal of language from Wilderness “Roads, Snowmobile Trails, and Administrative Roads” guideline #3 that speaks to curtailing maintenance of non-conforming uses and encouraging regrowth of lower forms of vegetation

to permit their conversion to foot trails and horse trails, where appropriate. Removing this language implies that DEC will be allowed to continue to maintain and clear such roads and trails regardless of whether such maintenance and clearing is authorized by a UMP.

RESPONSE: Please see responses to comments #1 and 2 above.

4. COMMENT: Commenter stated when roads are closed in Wilderness areas, revegetation should be performed when the road is not to be converted to a trail.

RESPONSE: Where more active rewilding strategies such as revegetation are preferred, the Department may articulate these strategies in a UMP for a given area. This would be consistent with the UMP requirements on pages 11-12 of the Master Plan.

TOPIC: General or Other

Subsection: General comments of support

1. COMMENT: Commenter expressed support for the proposed amendment package in its entirety.

RESPONSE: The Agency appreciates this feedback.

2. COMMENT: Commenter expressed support for inclusion of gender-neutral language.

RESPONSE: The Agency appreciates this feedback.

Subsection: Amendment process

1. COMMENT: Commenter supported the Agency undertaking this review of the State Land Master Plan and soliciting input on the draft changes and advocated for the preservation of all specified benchmarks included in the Master Plan associated with timelines of review and revision.

RESPONSE: The Master Plan states that “major reviews of the master plan will take place every five years by the Agency in consultation with the Department of Environmental Conservation.” Master Plan at p. 9. Periodic reviews are recommended even in the absence of major acquisitions. The Agency is not proposing to alter any benchmarks with respect to the review and revision of the Master Plan.

2. COMMENT: The Agency received comments that critiqued the process by which the amendments were brought forward. One commenter felt the Agency should have engaged in stakeholder meetings before the public engagement period was authorized. Commenter also noted that the package was not first brought to the APA State Land Committee before introduction to the full board. Another commenter recognized that although not required

under SEQRA, they would have preferred the Agency to have hosted listening sessions before introducing the amendments package.

RESPONSE: The public's engagement with the Master Plan amendments was the highest the Agency has seen in a state lands topic since the Boreas Ponds classification. Following an initial presentation to the board, Agency staff held three public hearings, provided informational presentations, and received over 1,200 public comments.

The APA followed the process for amending the Master Plan as set forth in the [APA Act](#) (section 816(2)), the State Land Master Plan's Plan Revision and Review section (Master Plan at p. 8), the [1979 Final Programmatic Environmental Impact Statement – Guidelines for Amending the Adirondack Park State Land Master Plan](#), and the [2010 Memorandum of Understanding \(MOU\) between the APA and the DEC Concerning Implementation of the SLMP for the Adirondack Park](#).

As lead agency under the State Environmental Quality Review Act (SEQRA), the APA determined that the action would not have significant adverse environmental impacts and, therefore, that a supplemental environmental impact statement was not required and would not be prepared. The issuance of this negative declaration on October 2, 2024 signified the end of the SEQRA process for this action. For SEQRA-related documentation, please visit <https://www.apa.ny.gov/planning/topic/apslmp-amendments-2024.html>.

3. COMMENT: Commenter felt that 60 days is insufficient to engage with the proposed amendments package.

RESPONSE: The Agency released the proposed amendments package publicly on September 5, 2024. A formal 60-day public comment period then ran from October 2, 2024 through December 2, 2024. Thus, the proposed amendment package was available for public review and comment for a total of 88 days.

4. COMMENT: Commenter respectfully urged the Board to consider taking a step back in the process, to provide greater transparency, more analysis and to extend the public comment period.

RESPONSE: The Agency believes that the public engagement period was adequate to encourage substantive input from a wide variety of stakeholder groups and interested citizens. The Agency received more than 1,200 comment letters on this action.

Subsection: Reclassification of the Lake George Battlefield Park and Campground

1. COMMENT: Commenter requested to reclassify the Lake George Battlefield Park and Campground to Historic Areas under the state land classification system of the Master Plan. A Historic classification will help protect these properties by minimizing topographical alterations and preserving their scenic, natural, and open space attributes.

The change in classification would also facilitate the State's enhanced stewardship of the property to reflect a prioritization based on historic preservation rather than recreation. Commenters on this topic are not advocating for any change to the uses currently occurring at the sites in question.

RESPONSE: The Master Plan's nine state land classifications are designed to guide preservation, management, and use. Intensive Use areas are where the state provides facilities for intensive forms of outdoor recreation. The Intensive Use Area at the southern end of Lake George is a complex that includes the Lake George Battleground (campground), the Lake George Beach (day use area), and the Lake George Battlefield Park (day use area).

The Master Plan sets forth special management guidelines for unique resources sometimes found within the nine state land classifications. Special management may be needed to reflect unique or unusual resources. The Lake George Battlefield Park is included in the Master Plan's list of Special Management Areas because its unique history and richness of historic resources are deserving of special management.

The 1981 Lake George Beach and Battlefield Park Unit Management Plan (UMP) and its subsequent 2018 and 2024 UMP Amendments outline management for historic resources. These documents memorialize the area's history.

The current Intensive Use classification has not been prohibitive to managing the area's historic resources. The Agency and Department have no plans to revisit the classification of the site at this time.

2. COMMENT: Commenter is concerned that the Lake George Battlefield Park is in unsatisfactory condition (crumbling walkways, graffiti, overgrown vegetation) and should be reclassified as a Historic area under the Master Plan to protect it from potential disturbances and uses that threaten the historic structures and artifacts.

RESPONSE: Please see response to previous comment. The approved 2024 UMP amendment outlines management actions including walkways and landscape improvements.

Subsection: Motor vehicle definition

1. COMMENT: Commenter stated the definition of motor vehicle should be updated to recognize off-road vehicles (ORV) which includes off highway vehicles such as side-by-sides and utility vehicles.

RESPONSE: Off-road vehicles already meet the Master Plan's definition of a motor vehicle. The definition does not need to list every type of machinery that would meet the definition.

2. COMMENT: Commenter suggested specifying that electric assisted bicycles are not motor vehicles within the definition.

RESPONSE: The Master Plan defines both motor vehicles and electric-assist bicycles. Additional amendments are not necessary.

3. COMMENT: Commenter encouraged an exploration of new technologies such as improved battery technology and how these might change the definition of what we consider “motorized.”

RESPONSE: The Agency appreciates this feedback. State land planning is an on-going process and as conditions, knowledge, technology and other aspects that influence land use, planning, and policy change, so should the Master Plan. The APA is tasked with reviewing and revising the Master Plan periodically to reflect and address these changes.

Subsection: Other

1. COMMENT: Commenter expressed that the State should consult with indigenous peoples to find solutions to ongoing issues that will protect coming generations.

RESPONSE: The APA appreciates this feedback.

2. COMMENT: Commenter stated area descriptions should be updated to reflect changes and the addition of new acquisitions. Wild Forest areas should be included.

RESPONSE: When new acquisitions are made, Agency staff revise the area descriptions in the Master Plan. The current amendments package includes proposed language in the Wilmington Wild Forest area description that describes ecological characteristics of the new Four Peaks acquisition.

3. COMMENT: Commenter suggested language for revision to the definition of aircraft to also capture drones (*proposed language is shown in italics*): “a device for transporting people or material *or for capturing photos or videos* that travels through the air and is propelled by a non-living power source contained on or within the device.”

RESPONSE: The Agency considers drones to be “motorized equipment” as defined in the Master Plan. [DEC Commissioner Policy 71](#) states that drones meet the definition of “motorized equipment” and prohibits their use in wilderness, primitive, canoe and primitive bicycle corridors, except as permitted for administrative and/or emergency use by the Department. More information about drone usage on state lands is available at: <https://dec.ny.gov/regulatory/guidance-and-policy-documents/drone-use-on-dec-managed-lands>.

4. COMMENT: Commenter stated the State Administrative definition, while extensive, is not exhaustive. A large oversight is the absence of the Hudson River Black River Regulating District which controls up to 3% of the Forest Preserve for reservoirs.

RESPONSE: The Master Plan defines state administrative areas as “areas where the state provides facilities for a variety of specific state purposes that are not primarily designed to accommodate visitors to the Park.” Master Plan at p. 49. The definition does not contain specific areas classified as State Administrative. The Hudson River Black River Regulating District’s land-based facilities are classified as State Administrative or “pending classification.” The reservoirs themselves are not classified under the Master Plan.

5. COMMENT: Commenter asked the Agency to amend the restriction to the use of non-conforming materials for footbridges within Wilderness areas to allow for engineered or pressure treated wood.

RESPONSE: The Master Plan directs that foot trail and cross-country ski trail bridges be constructed of natural materials. It does not make a distinction between locally harvested native material and pressure treated wood, both of which are considered natural materials.

6. COMMENT: Commenter asked if there have there been talks of allowing class 1 electric mountain bikes on state land in the Adirondacks?

RESPONSE: Provisions for expansion of e-bike usage is outside the scope of the proposed Master Plan amendments.

7. COMMENT: Commenter stated the DEC and APA should consider the current and projected potential for search and rescue incidents on public lands within the Park and designing and maintaining access routes that allow responders to safely and effectively execute rescues in high traffic areas. Emergency response is not considered anywhere within the Master Plan or UMP process.

RESPONSE: The Master Plan does account for emergency response needs. The Master Plan permits the use of motor vehicles, motorized equipment and aircraft, by or under the supervision of appropriate officials “in cases of sudden, actual and ongoing emergencies involving the protection or preservation of human life or intrinsic resource value – for example, search and rescue operations, forest fires, or oil spills...” Master Plan at p. 28.

8. COMMENT: Commenter recognized that scenic vistas are another way for people to enjoy the Adirondack Park and asks that the state maintain, and in some instances, improve them for continued enjoyment.

RESPONSE: The Master Plan recognizes the importance of scenic vistas, stating, “scenic vistas from ... travel corridors are relatively rare and their protection and enhancement are important.” Master Plan at p. 51. DEC and the Department of Transportation are responsible for the management of scenic vistas in the Adirondack Park.

9. COMMENT: Commenter requested the State maintain its obligation to return to its previous maintenance of roads and to allow for vehicle access to places such as Muskrat Pond and others in the Moose River Plains Wild Forest.

RESPONSE: The Agency appreciates this feedback; however, this comment is beyond the scope of the proposed Master Plan amendments.

10. COMMENT: Commenter stated the Master Plan needs to be amended to allow for the reopening of the Eagle Lake Boat Launch.

RESPONSE: The Agency appreciates this feedback; however, this comment is beyond the scope of the proposed Master Plan amendments.

11. COMMENT: Commenters requested that the Fork Mountain Primitive Corridor be opened for bicycle access.

RESPONSE: The Agency appreciates this feedback; however, this comment is beyond the scope of the proposed Master Plan amendments.

12. COMMENT: Commenter would like more roads, such as Indian Lake Road, in the Moose River Plains Wild Forest, to be reopened for motor vehicle access.

RESPONSE: The Agency appreciates this feedback; however, this comment is beyond the scope of the proposed Master Plan amendments.

12. COMMENT: Commenter stated through modern trail design and construction techniques, trails can hold up to extreme weather events associated with climate change and reduce erosion potential.

RESPONSE: The Agency appreciates this feedback.

13. COMMENT: Commenter disagreed with the DEC where it includes natural surface trails when calculating acreage of land disturbance for post-construction stormwater mitigation. Modern trail construction techniques are intended to disperse storm water across forest floor, not collect water for storage.

14. RESPONSE: The Agency appreciates this feedback; however, this is not within the scope of the proposed Master Plan revisions.

Subsection: State Environmental Quality Review Act

1. COMMENT: Commenter disagreed with the Agency's conclusion that the proposed amendments will not result in any significant adverse impact.

RESPONSE: The Master Plan and the 1979 Final Programmatic Environmental Impact Statement Guidelines for Amending the Adirondack Park State Land Master Plan provide standards and guidelines for amending the Master Plan and describe potential environmental impacts related to such actions. The FPEIS guidelines for amending the Master Plan are mitigatory measures designed to encourage amendments which will offer further protection to state land resources.

The proposed amendments are consistent with the Agency's responsibilities for the long-range planning for State lands within the Park, and will help strengthen the understanding, analysis, and implementation of management strategies and decisions that are protective of the wide array of environmental resources within the Park. The full Environmental Assessment Form (Parts 1, 2, and 3) can be found under "Relevant Links" [here](#).

2. COMMENT: Commenter stated it is unclear how the Agency issued a negative declaration for the action, stating that some proposals, such as limited allowances for beaver control structures and removing the (since past) deadlines for removal of non-conforming structures have significant environmental impacts.

RESPONSE: Please see response to comment #1 in this section.

Subsection: Snowmobiling

1. COMMENT: Commenter offered conditional support of the amendments as they show no impact to the current snowmobile trail system.

RESPONSE: The Agency appreciates this feedback.

2. COMMENT: Commenter did not support the closure of snowmobile trails within the Wilderness, Wild Forest, Canoe, or Primitive areas where snowmobile trails once existed or still exist. Existing snowmobile trails that have yet to be abandoned by missed target dates should remain open until a suitable alternative connection can be developed. In areas where snowmobile trails are to be abandoned, commenter references page 41 of the Master Plan, which speaks to replacing lost trail mileage in Wild Forest areas with existing roads or abandoned wood roads.

RESPONSE: The Agency has not proposed any changes to this section of the Master Plan; this feedback is beyond the scope of the proposed amendments.

3. COMMENT: Commenter expressed concern that snow machine access is continually being eroded and believes there is surely a path forward that allows for appropriate snow machine access and while maintaining the beauty and accessibility of the Adirondacks.

RESPONSE: The Agency has not proposed any changes to this section of the Master Plan; this feedback is beyond the scope of the proposed amendments.

Subsection: Ski trails

1. COMMENT: The Agency received comments regarding the definition of cross country ski trails in the Master Plan and the activity of ski touring on the Forest Preserve. Commenters advocated for the modification of the Master Plan definition of cross country ski trails because the definition unnecessarily limits the ability to create and manage low impact cross country ski trails. Other commenters believe the Master Plan lacks appropriate and modern definitions of ski touring, which is a hurdle in developing ski touring trails.

Two different definitions were proposed by commenters, which read:

Cross Country Ski Trail (Ski Touring Trail) – a marked trail, designated for travel by skis, located and designed to provide access in a manner causing least effect on the local environment.

Cross Country Ski Trail – a marked and maintained path or way for cross country ski or snowshoe travel, which is located and designed to provide reasonable access in a manner causing the least effect on the surrounding environment and not constructed, maintained or groomed with the use of motor vehicles.

Commenters also provided support for including terms such as “ski touring”, “backcountry ski trails”, “skin track” and “glade areas” in the Master Plan. Commenters stated that only small whips will need to be cut, that trails should be wider to accommodate skiers, and if the State continues to ignore the need for backcountry ski touring trails it will only encourage people to act on their own by creating unsanctioned trails without the proper oversight of land managers.

RESPONSE: The Master Plan includes a definition of cross country ski trails. Cross country ski trails have been approved in a variety of UMPs in a variety of different terrains, for example the High Peaks Wilderness and the Saranac Lakes Wild Forest. Ski touring is listed as a compatible use under the Recreational use and overuse guideline #1 under Wilderness. Ski touring, as an opportunity for primitive and unconfined type of recreation that does not endanger the wilderness resource, is compatible with existing authorized trails that meet the definition of cross country ski trails in the Master Plan.

A variety of skiing opportunities from cross country ski tours to descents on steep slides exists. The public may suggest additional skiing opportunities as part of UMP development.

The unauthorized cutting of live trees or new trail building is prohibited on the Forest Preserve and is illegal.

Subsection: Unit management plan development

1. COMMENT: Commenter offered suggested language for inclusion in the UMP Development section of the Master Plan (*proposed language is shown in italics*):

PROPOSAL #1: ... an inventory, at a level of detail appropriate to the area, of the natural, scenic, cultural, fish and other wildlife (including game and non-game species), *carbon (including soil carbon)* and other appropriate resources of the area and an analysis of the area's ecosystems.

RESPONSE: There are two main reasons that the Agency does not think requiring a carbon inventory in UMPs is appropriate at this time: 1) carbon inventory data is most useful when determining potential emissions associated with land use conversion, which is uncommon on state land and 2) carbon values are constantly changing, so the values assessed may become obsolete within a few years' time.

PROPOSAL #2: ... an inventory of existing, *conforming* structures and improvements that are consistent with the applicable federal accessibility standards for buildings, sites, and outdoor recreation facilities;

RESPONSE: Commenter's language above adds the word "conforming" to the Agency's proposed language on inventorying structures and improvements consistent with applicable federal accessibility standards. See Master Plan at p. 10. This does not need to be added because the Master Plan already contains a provision in the UMP Development section that addresses the "removal of such non-conforming uses as may remain." Master Plan at p. 12.

PROPOSAL #3: ... the identification of management actions *consistent with the land classification and qualities* to improve access to and enjoyment of the unit's lands and waters by persons with disabilities; and

RESPONSE: For the APA to find a proposed UMP to be conforming with the provisions of the Master Plan, it may only contain management actions that are consistent with the guidelines for management and use associated with the relevant land classification.

PROPOSAL #4: ... a description of how the proposed management actions and alternatives, when considered together, assess and plan for climate change vulnerabilities *and mitigative action, such as maximizing carbon stocks or preventing erosion with retaining vegetative cover*, specific to the unit.

RESPONSE: Assessing and planning for climate change vulnerabilities includes a broad spectrum of strategies which may include adaptation, resilience, and mitigation. The Agency does not see the need to insert a non-exhaustive list of mitigative actions into the proposed language.

2. COMMENT: Commenter expressed that the State should consider creating "super units" to achieve greater efficiency in the UMP process. Super units would function as a new level of documentation and inventory of characteristics common to the entire region or to large portions of the region. This "super unit" level would draw on existing data and information created for many of the already-approved UMPs, as well as additional input, expertise, and

capacity of multiple staff at multiple levels of State administration, making it efficient to create by not generating a large body of new work and by utilizing shared effort. In addition, it could be reviewed and revised on a longer timeline than the individual UMPs, alleviating the risk of creating a new deadline-related pressure point overlaid on the existing UMP development, review, and revision timelines.

RESPONSE: The Agency appreciates this feedback; however, it is beyond the scope of the proposed amendments.

Subsection: Wetlands and water resources

1. COMMENT: Commenter stated that in recognition of the 2022 update to the Freshwater Wetlands Act, the Agency is advised to recognize the subsequent regulations that will go into effect in January of 2025. Commenter suggests a thorough review of the wetland definition for consistency once final regulations are in place.

RESPONSE: The Agency appreciates this feedback; however, it is beyond the scope of the proposed amendments.

2. COMMENT: Commenter stated that existing Master Plan language calls for a comprehensive study of lakes and ponds to determine each water body's carrying capacity to withstand various uses. APA should explicitly direct DEC to undertake this work in the UMP development section. Commenter references preferred methodology for this work: "Forest Preserve Carrying Capacity of Waterbodies Study, Phase 1, Selecting Indicators for Monitoring Recreational Impacts."

RESPONSE: The Master Plan states that "a comprehensive study of Adirondack lakes and ponds should be conducted by the Department of Environmental Conservation to determine each water body's capacity to withstand various uses..." Master Plan at p. 4. The Department and the Agency have identified the Visitor Use Management (VUM) framework as the proper methodology to achieve this. Recent UMPs, including the [Rollins Pond Campground and Day Use Area UMP \(2024\)](#) have included VUM elements including desired conditions, indicators, and thresholds.

TOPIC: Historic areas

1. COMMENT: Commenter expressed support for the proposed changes to the description of Historic areas.

RESPONSE: The Agency appreciates this feedback.

2. COMMENT: Commenter expressed concern that with the addition of the word "preservation" to the guidelines for management and use in Historic areas, there is weakened Agency oversight for any preservation activity. Commenter suggested requiring that activities are listed in the UMPs.

RESPONSE: The addition of the term “preservation” strengthens the Agency’s oversight for activities in Historic Areas by ensuring that preservation activities, such as stabilization and restoration, adhere to the same guidelines that construction and development activities are held to. In some cases, activities such as vegetative clearing may be necessary to protect historic resources, consistent with the primary management guideline for Historic Areas. New structures and improvements must be planned for through the UMP process, per Historic Areas guideline #4 (Master Plan at p. 49).

3. COMMENT: Commenter expressed concern that adding the word “preservation” to the guidelines for management and use could affect or inhibit preservation best practices. Holding preservation activities to the identical standards and guidelines as construction and development activities may impede or allow interpretations of the basic guidelines to impede routine and necessary historic preservation activities.

RESPONSE: Basic guideline #1 for Historic Areas states, “the primary management guidelines for historic areas will be to preserve the quality and character of the historic resource, that is, to the greatest extent feasible, in a setting and on a scale in harmony with the relatively wild and undeveloped character of the Adirondack Park.” Master Plan at p. 46.

The Agency acknowledges that certain activities (e.g. management to prevent deep rooted vegetation from impacting underground archeological resources and ruins of structures), may be consistent with the primary management directive for Historic Areas.

4. COMMENT: Commenter suggested the addition of language in the Historic Areas section of the Master Plan that speaks to visitor management and use, such as “Those types of public access and visitor accommodations that afford safe enjoyment and interpretation of Historic Areas without damaging the quality and character of the historic resources should be encouraged.”

RESPONSE: The proposed Master Plan amendments incorporate visitor use management in the Unit Management Plan Development section. See Master Plan at p. 11. With this proposed change, UMPs of Historic Areas will include establishment of desired conditions, indicators and thresholds, monitoring and management strategies and actions that can be taken to meet desired conditions.

Desired conditions can detail the types of public access and visitor accommodations appropriate for a site that afford safe enjoyment and interpretation of Historic Areas without damaging the quality and character of the resources.

5. COMMENT: Commenter suggested language for the definition of Historic area: “The designation does not preclude the Department of Environmental Conservation from determining whether buildings are structurally unsound and should be removed, nor does it preclude the DEC from relocating buildings to another location consistent with their historic setting.”

RESPONSE: Management actions in Historic Areas may be proposed through the unit management planning process or the state land project consultation process. The commenter's proposed language is already included in the Master Plan within the area descriptions of the Hurricane Mountain and St. Regis Mountain Fire Towers.

TOPIC: Horse mounting platforms

1. COMMENT: Commenter supported the addition of horse mounting platforms to list of conforming structures in Wilderness.

RESPONSE: The Agency appreciates this feedback.

TOPIC: Motor vehicle use for removal of non-conforming structures, post phase-out period

1. COMMENT: Commenter supported the proposed new Wilderness motor vehicle, motorized equipment and aircraft guideline #7; commenter reflected that standing non-conforming structures such as former hunting camps may pose a fire risk to the Forest Preserve and threaten the environment where structures contain contaminants such as asbestos and lead.

RESPONSE: The Agency appreciates this feedback.

2. COMMENT: Commenter offered conditional support for the proposed Wilderness motor vehicle, motorized equipment and aircraft guideline #7 provided that the guideline is amended to include "This work must occur during the off-peak seasons and will not involve the cutting of trees, removal of boulders, alteration of existing terrain, the maintenance, reconstruction or rehabilitation of existing roads, or the construction of new roads."

RESPONSE: In evaluating each proposal on a case-by-case basis through the existing APA/DEC consultation process, APA would consider whether the benefit of removing the non-conforming structure or improvement outweighs the impacts to the environment and/or natural character of the area associated with using motor vehicles to access and remove the structure or improvement.

3. COMMENT: The Agency received comments opposed to the proposed Wilderness motor vehicle, motorized equipment and aircraft guideline #7, stating that allowing motor vehicle access for routine maintenance would diminish the APA's ability to protect and enforce the Master Plan's Wilderness standards.

RESPONSE: The use of motor vehicles by administrative personnel to remove non-conforming structures or improvements in Wilderness areas is not considered routine maintenance. The proposed amendment text states that such uses will be evaluated on a case-by-case basis by the APA.

Please see response to comment #2 in this section.

4. COMMENT: Commenter stated that the proposed Wilderness motor vehicle, motorized equipment and aircraft guideline #7, giving APA the authority to allow administrative motor vehicles on a discretionary basis, baldly contradicts the express purpose of guideline #3 to limit DEC to the use of motorized equipment and aircraft, but not motor vehicles. Commenter stated the proposed guideline #7 is so open-ended that it winds up conflicting with guideline #2 wherein “administrative personnel will not use motor vehicles, motorized equipment or aircraft for day-to-day administration, maintenance or research.”

RESPONSE: Removal of non-conforming structures or improvements with motor vehicles is not considered day-to-day administration or maintenance. Wilderness guideline #3 under “Motor vehicles, motorized equipment and aircraft” permits the use of motorized equipment or aircraft for specific major projects upon written approval of the Commissioner of DEC.

Please see response to comment #2 in this section.

5. COMMENT: Commenter stated that the Master Plan is clear that Wilderness is intended to be motor-free except for extenuating circumstances, like life-saving search and rescue operations. Commenter states the APA should not allow this change (use of motorized vehicles for the removal of non-conforming structures), because small changes such as this – where other non-motorized methods are a viable option in most instances for Wilderness management – will begin to erode Wilderness protections and character.

RESPONSE: The Master Plan prohibits public use of motorized vehicles, motorized equipment and aircraft. However, there are provisions within the guidelines for administrative use of motor vehicles, motorized equipment and aircraft for specific major projects or actual and ongoing emergencies. The proposed amendments would allow case-by-case use of motor vehicles by administrative personnel for the removal of non-conforming structures or uses.

There are instances where DEC may not become aware of non-conforming structures on the landscape until after the phase-out period, or where DEC lacks the resources to remove these structures during the three-year opportunity to do so with motor vehicles. The overarching goal of the proposed amendment is to remove non-conforming structures or uses to better achieve and perpetuate a natural plant and animal community where man’s influence is not apparent, and for better protection of the surrounding natural resources and recreational experience.

6. COMMENT: Commenter opposed open-ended and discretionary use of motor vehicles in the Wilderness and calls for the Master Plan to require a comprehensive plan with a complete inventory and assessment of non-conforming structures and a proposed method of removal, including whether motorized equipment would be necessary.

RESPONSE: The Master Plan describes the contents of unit management plans, including site specific management objectives to address matters such as “the removal of such non-conforming uses as may remain... Schedules for achievement of such objectives will be included

in each unit management plan.” Master Plan at p. 11. There is no current or proposed allowance for open-ended and discretionary use of motor vehicles in Wilderness areas.

7. COMMENT: Commenter offered support for enabling DEC to use motor vehicles to remove non-conforming uses on a case-by-case basis. Commenter wrote that limiting this to non-conforming structures may be shortsighted and removal of some conforming structures should be considered under strict guidelines. Commenter expressed that using motor vehicles to remove Marcy Dam would have caused less damage to the downstream wetlands. In light of major climate events, we should consider this change. Minimum requirement decision making should be used.

RESPONSE: The Agency appreciates this feedback; however, this comment is beyond the scope of the proposed Master Plan amendments.

TOPIC: Opening quote

1. COMMENT: Commenter offered support for inclusion of quote from Oren Lyons on inside cover.

RESPONSE: The Agency appreciates this feedback.

2. COMMENT: The Agency received comments supporting the inclusion of quotes from both Oren Lyons and William Chapman White on inside cover.

RESPONSE: The Agency appreciates this feedback.

3. COMMENT: Commenter proposed using a quote from S. H. Hammond (1857) speaking about the Adirondacks before the Park was created, rather than quote from Oren Lyons, for inside cover.

RESPONSE: The Agency appreciates this feedback.

TOPIC: Primitive tent sites

1. COMMENT: Commenter asked if the APA and DEC have considered marking the 1,200-square-foot zone for primitive tent sites, maybe just 3, to triangulate the actual area? Commenter stated it might help mitigate site creep and reinforce site number limits.

RESPONSE: In September 2019, the Agency and Department issued management guidance entitled “[Siting, Construction, and Maintenance of Primitive Tent Sites in Wilderness, Primitive, Canoe and Wild Forest Areas on Forest Preserve Lands in the Adirondack Park.](#)” This document guides the Department’s management of these recreational improvements.

TOPIC: Removal of dates/deadlines that have passed

1. COMMENT: Commenter recognized that inclusion of specific dates that have already passed is not useful in the Master Plan but believed that providing specific requirements for completion of unit management plans is necessary and that the statement “should commit the necessary resources” is insufficient oversight of DEC. Because UMPs are critical guiding documents for land management, areas where there is no UMP or where UMPs have not been amended for many years results in an inability to manage public use of the Forest Preserve.

RESPONSE: Per the MOU between the APA and the DEC [Concerning the Implementation of the State Land Master Plan for the Adirondack Park](#), the Department is able to utilize a suite of management tools prior to the adoption of a UMP, such as ongoing trail, campsite, and facilities maintenance; closure, rehabilitation or minor relocation of structures and improvements; and managing public access.

2. COMMENT: Commenter opposed removal of completion deadlines for UMPs and suggested adding the requirement that all UMPs be completed before the next five-year review of the Master Plan.

RESPONSE: The Department of Environmental Conservation has made significant progress in unit management planning. This progress should be continued, and the Department and the Agency should commit the necessary resources so that all unit management plans are completed. The process of developing and updating UMPs on a regular basis remains a key priority to ensure public engagement in determining the management objectives for an area.

3. COMMENT: Commenter stated that removing the commitment to regular review and revision of UMPs removes the systemic mechanism for the State to apply new understandings, respond to new pressures, and embrace new technologies that will increase management efficiency and success while simultaneously increasing the quality of the resource and the user experience.

RESPONSE: The proposed amendment does not remove the DEC or APA’s commitment to regularly review and revise UMPs. The Master Plan does not require UMPs to be revised every five years. The five-year timeline refers to Master Plan review, not UMP review. The language that is proposed for removal reads: “This progress should be continued so that all unit management plans will be completed before the next five-year review of the master plan in 1989/90.” Master Plan at p. 12.

4. COMMENT: Commenter stated the State must commit fully to the completion of UMPs for every unit, and it is imperative that these plans be reviewed and revised on a specifically articulated and regular basis that is not less than the current schedule of every five years.

RESPONSE: Please see response to comments #2-3 in this section.

5. COMMENT: Commenter expressed support for efforts to expeditiously complete all outstanding UMPs and ensure each is reviewed on a five-year cycle. Commenter noted that being a listed action in a completed UMP is a requirement for many state land projects.

RESPONSE: For lands classified as Wilderness, Primitive, Canoe, Wild Forest, Intensive Use, and Historic no new structures or improvements will be constructed except in conformity with a final adopted unit management plan. This does not prevent the ordinary maintenance, rehabilitation or minor relocation of conforming structure or improvements.

Activities defined as ordinary maintenance, rehabilitation or minor relocation are listed within the MOU between the APA and the DEC Concerning the Implementation of the State Land Master Plan for the Adirondack Park. The Department is able to utilize a suite of management tools prior to the adoption of a UMP, such as ongoing trail, campsite, and facilities maintenance; closure, rehabilitation or minor relocation of structures and improvements; and managing public access.

Please see responses to comments #2-4 in this section regarding the five-year timeframe for UMP revision.

6. COMMENT: Commenter is opposed to removal of deadlines for removal of non-conforming structures. Commenter believed that without new dates, the APA relinquishes oversight of all non-conforming structures on state lands after the three-year removal window following classification. APA should issue a compliance agreement pursuant to the MOU between the APA and the DEC Concerning the Implementation of the Master Plan.

RESPONSE: The proposed Wilderness motor vehicles, motorized equipment and aircraft guideline #7, if approved, would enable DEC to request to use motor vehicles for removal of remaining non-conforming structures or improvements on a case-by-case basis subject to consultation with the Agency. This measure enables the removal of remaining non-conforming structures or improvements that may have a deleterious impact on Wilderness character, which might otherwise not be achievable. In evaluating each proposal on a case-by-case basis through the existing APA/DEC consultation process, APA would consider whether the benefit of removing the non-conforming structure or improvement outweighs the impacts to the environment and/or natural character of the area associated with using motor vehicles to access and remove the structure or improvement.

7. COMMENT: Commenter believed deadlines should not be removed even though they are long past. Commenter stated removing an important mandate that was intended to establish accountability for the APA and DEC and provide integrity to the land classification system must be preserved in the Master Plan. Outlining new deadlines or a process for conformance that meets the original intent of the deadlines should be included.

RESPONSE: The Master Plan is intended to be a document that reflects present day opportunities, pressures, and challenges. Retaining long-past deadlines does not provide

effective guidance in the management of state lands within the Adirondack Park today or for the future.

8. COMMENT: Commenter wanted deadlines to be retained to demonstrate the urgency with which the drafters of the Master Plan viewed these actions and to put DEC's progress toward achieving them in historical context.

RESPONSE: Please see response to comment #7 above.

9. COMMENT: Commenter proposed a new deadline of December 31, 2030 for removal of non-conforming structures.

RESPONSE: The Agency appreciates this feedback.

TOPIC: Visitor Use Management (VUM)

1. COMMENT: Commenter stated VUM provides an opportunity to improve stewardship of Forest Preserve lands. Incorporating the framework in UMPs will produce meaningful recommendations that benefit regional stakeholders.

RESPONSE: The APA appreciates this feedback.

2. COMMENT: The Agency received comments of general support for the inclusion of VUM in the Master Plan.

RESPONSE: The APA appreciates this feedback.

3. COMMENT: Commenter wanted to see the Interagency Visitor Use Management Council (IVUMC) Visitor Use Management Framework (VUMF) better captured in the amendment by referring to the VUMF directly and incorporating additional elements like the review of laws and policies, stakeholder engagement, data informed management, etc.

RESPONSE: The proposed amendment incorporates elements of the VUMF. While not explicitly included by name, the Agency and DEC are consulting the [IVUMC VUMF](#) as a model for planning in the Adirondack Park because it is designed as a comprehensive iterative process that incorporates modern best practices for natural resource protection and recreation management.

4. COMMENT: The Agency received comments that supported the use of the Visitor Use Management Framework as the preferred tool for determining the amount and types of use suitable for a unit, but only if that tool explicitly includes ecological, physical, and social components, measurements, and metrics. Any study that does not include all aspects is fundamentally incomplete.

Commenters stated that a visitor use management process can only be a complete process when it includes ecological monitoring (potentially using SUNY ESF's Ecological Scorecard) and indicators that assess the desired, current, and future conditions of the natural resources.

RESPONSE: Element One of the Visitor Use Management Framework includes:

- Clarifying the project purpose and need;
- Reviewing the area's purpose(s) and applicable legislation, Agency policies, and other management direction;
- Assessing and summarizing existing information and current conditions;
- And developing a project action plan.

The scope of each project is directly related to its purpose and need through the identification of issues. Opportunities, challenges, or points of controversy are often associated with adverse effects to physical, biological, social, and managerial attributes. One, some, or all attributes can be within the scope of the process or specific project. Regardless of the project's scope or complexity, the process laid out in the VUMF remains the same.

5. COMMENT: Commenter stated there is an opportunity for the Agency to clarify how VUMF and carrying capacity must work together to protect state lands to ensure the Master Plan is correctly interpreted and applied. The VUMF has resources designed to work specifically with carrying capacities.

RESPONSE: The proposed amendment language clarifies how carrying capacity assessments are to be carried out. The VUMF addresses carrying capacities as a management tool in step 10 of the process. Carrying capacity is referred to as visitor capacity by the IVUMC within the VUMF and related resources.

6. COMMENT: Commenters expressed that the proposed amendments appear to equate visitor use management (VUM) with carrying capacity. One commenter wrote that carrying capacity is the assessment, measurement and prescription of the type of resource and social conditions in a particular area that can be sustained without adverse impacts to natural resources and the visitor experience, while VUM is one tool that can be used to compare on-the-ground conditions with carrying capacity and identify management actions needed to maintain or restore the desired conditions. Another commenter stated the work of evaluating the carrying capacity of Forest Preserve lands and waters remains basic and essential to unit management planning as described within the Master Plan.

RESPONSE: The Agency recognizes the distinction between VUM and carrying capacity, and the proposed amendments do not attempt to equate them. Instead, the proposed language clarifies how carrying capacity assessments are to be carried out as part of the larger visitor use management process.

VUM is defined by the IVUMC as, “the proactive and adaptive process for managing characteristics of visitor use and the natural and managerial setting using a variety of strategies and tools to achieve and maintain desired conditions and visitor experiences.” Within VUM there is a range of management strategies and specific management actions, including identifying carrying capacities. The VUMF incorporates modern best practices in a comprehensive iterative process for natural resource protection and visitor use management.

7. COMMENT: Commenter stated the number of visitors is one method for assessing impacts, and the APA cannot separate out the biological, physical or social portions of a carrying capacity study as they are intimately related and inform one another. Therefore, the language should make it clear that the carrying capacities of the resource are intended to be reviewed together to inform appropriate management actions.

RESPONSE: The proposed language does not remove the requirement to assess the physical, biological, or social carrying capacities of an area. In every instance within the Master Plan, carrying capacity is associated with human actions, meaning the object of management within these directives is human-linked impacts to the physical, biological, or social resources.

The proposed language provides guidance on current best practices for planning, assessing, and managing the Adirondack Forest Preserve with a consistent process that takes into account physical, biological, social, and managerial attributes. One, some, or all attributes can be within the scope of the process or specific project depending on the scale, scope, purpose, and need. Regardless of the project’s scope or complexity, the process laid out in the VUMF remains the same.

8. COMMENT: Commenter believed the Master Plan’s text should clearly state that carrying capacity assessments are prescribed throughout the Master Plan for both lands *and* waters.

RESPONSE: Within the Master Plan’s Unit Management Development section, it currently refers to “the area” when describing the extent of carrying capacity assessments. The planning area in a UMP includes both State-owned lands and waters. On a federal level the IVUMC VUMF has been implemented on both lands and waters.

9. COMMENT: Commenter suggested there should be an expanded discussion of what carrying capacity is within the new proposed VUM section.

RESPONSE: Since its inception, the concept, understanding, and application of carrying capacity as part of wilderness and recreation management has been highly debated and repeatedly revised and modified. There does not need to be further discussion of carrying capacity in the Master Plan at this time.

10. COMMENT: Commenter stated that it is not true that “carrying capacity has been a concept for determining how many people could use a given recreational setting before impacts are

unacceptable.” This proposed language is outdated and discredited. Commenter urges the state to use the description of carrying capacity taken from the 1999 High Peaks UMP.

RESPONSE: Since its inception, the concept of carrying capacity as a recreational management tool has been highly debated and repeatedly revised and modified. The 1999 High Peaks UMP’s first reference to carrying capacity in relation to human use says, “Recreational carrying capacity can mean many things, but basically it is a term used to describe how much use an area can sustain within limits of acceptable change before managerial controls are necessary to offset and mitigate adverse impacts.” High Peaks UMP at p. 46. The proposed amendment language effectively restates this description within the 1999 High Peaks UMP.

The 1999 High Peaks UMP further discusses carrying capacity concepts in detail, including its history and shortcomings. The UMP notes that “carrying capacity can be used to prescribe what kind of resource and social conditions are acceptable, compare them to on-the-ground conditions, and identify the management policies and actions needed to maintain or restore the desired wilderness condition.” High Peaks UMP at p. 104.

The IVUMC VUMF addresses the elements described by the 1999 High Peaks UMP by providing clearly defined steps as part of an iterative process to:

- develop desired conditions of an area,
- select indicators to measure specific attributes,
- establish thresholds (the minimally acceptable conditions for the indicators), and
- identify and implement management strategies and actions to achieve desired conditions.

11. COMMENT: Commenter proposed to include an excerpt from the May 2021 draft guidance for visitor use management and wildlands monitoring in the Master Plan.

RESPONSE: The May 2021 draft guidance for visitor use management and wildlands monitoring was never put forth for a formal public comment period and was not adopted by the Agency or DEC.

12. COMMENT: Commenter proposed to add text to highlight the focus of VUM as being the protection of natural resources and ensuring those resources are not degraded (per the unifying theme of the Master Plan).

RESPONSE: The Master Plan emphasizes natural resource protection throughout. In the Unit Management Plan Development section after the proposed VUM language is a bulleted list of specific management objectives as examples, many of which focus on the protection and/or rehabilitation of natural resources. The Visitor Use Management Framework’s process can be used to address physical, biological, social, and managerial goals and issues.

13. COMMENT: Commenter believed the proposed language regarding visitor use management de-emphasizes protection of the natural environment and shifts the emphasis to evaluation of impacts on the visitor experience. Commenter proposes the following alternative language:

“The scientific underpinning of carrying capacity is that land and water natural resources have limits to the amount and type of recreational use that they can withstand before adverse impacts occur. These adverse impacts include (i) unsustainable changes in natural biological and ecological conditions, characteristics and processes; (ii) unacceptable and undesirable changes in the quality of the recreational experience; and (iii) undesirable, unsafe or unsustainable conditions in the management of recreational lands and facilities.”

RESPONSE: The proposed Master Plan amendments do not de-emphasize protection of the natural environment. Prioritization of natural resource protection is found throughout the Master Plan and is not proposed to change. As the Master Plan states on page 1: “If there is a unifying theme to the master plan, it is that the protection and preservation of the natural resources of the state lands within the Park must be paramount. Human use and enjoyment of those lands should be permitted and encouraged, so long as the resources in their physical and biological context as well as their social or psychological aspects are not degraded.”

The proposed language regarding visitor use management incorporates modern best practices for a comprehensive step-by-step process for “managing characteristics of visitor use and the natural and managerial setting using a variety of strategies and tools to achieve and maintain desired resource conditions and visitor experiences.” [IVUMC VUMF](#) at p. 2. This process is informed by an area’s purpose, applicable policies and management direction, desired conditions, and the values and connections people have associated with an area.

14. COMMENT: Commenter believed adding prescriptive language of VUM in the Master Plan amendments was not wise because the VUM framework, like the related frameworks of limits of acceptable change and the visitor experience and resource protection before it, is not set in stone and may need adjustment in the future. Commenter stated that what should not change are the existing Master Plan requirements for what UMPs must contain to ensure management consistent with the Master Plan’s unifying theme.

RESPONSE: The proposed amendments to the Master Plan do not change the requirements for what UMPs must contain to ensure management is consistent with natural resource protection. The proposed amendments incorporate current best practices to achieve the Master Plan’s mandate.

The APA has the statutory authority and obligation to review the Master Plan periodically for revisions. State land planning is an ongoing process and as new information and tools are developed, the Master Plan can be amended to reflect the challenges, pressures, and opportunities that impact State Lands in the Park today.

15. COMMENT: Commenter stated it is important for the Unit Management Development section to mention direct techniques such as timed entry and reservation systems and user separation techniques in overcrowded areas. Commenter highlighted that innovative approaches should be mentioned rather than ignored to provide readers with a broader understanding of visitor use management.

RESPONSE: The DEC and other state agencies are responsible for the administration and management of state lands in compliance with the guidelines and criteria laid out in the Master Plan. Specific management actions for a given unit, such as those suggested by the commenter, are developed through the unit management planning process and are not articulated in the Master Plan itself.

16. COMMENT: Commenter supported the draft language on visitor use management, but commenter wanted to see a clear statement that VUM will be used in Wilderness areas only in a manner 100% consistent with Wilderness policy and with protection of the Wilderness as the highest guideline, as was stated in the High Peaks Advisory Group report.

RESPONSE: The first element of the VUMF, “Build the Foundation” includes clarifying the project’s purpose and need and reviewing the area’s purpose(s) and applicable legislation, agency policies, and other management directions.

Management strategies and specific actions proposed within UMPs must be found to conform with the Master Plan and its associated land classification before it can be approved and implemented, including meeting the guidelines for management and use within the Wilderness land classification section when working on unit management plans for wilderness areas.

17. COMMENT: Commenter referenced the list of visitor use management strategies, including the proposed language “building facilities that can accommodate heavy use.” The commenter thought a strategy as unconditional as this is highly inappropriate for inclusion in the Master Plan. The commenter reiterated the Master Plan’s unifying theme of protection of natural resources, and not accommodating “heavy use.” They referenced the Final Programmatic EIS for Amending the Master Plan (FPEIS) and stated that it clearly prioritizes protection over accommodation of use. The commenter quoted the FPEIS, “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.”

RESPONSE: The proposed sentence speaks to visitor use management strategies and provides a short, non-exhaustive list of examples of management actions to highlight the range of options that may be available throughout the Forest Preserve. The sentence does not direct the Department to undertake specific strategies, nor does it qualify which strategies are appropriate for different land classifications. Management strategies and specific actions will be developed through the Visitor Use Management Framework which takes into account the guidelines for management and use within each land classification.

With respect to commenter's selected quote from the FPEIS (p. 30), the proposed amendments do not suggest building *additional* facilities in heavily used areas, as the FPEIS mentions. Building facilities that can accommodate heavy use, such as building trails with durable surfaces or installing tent pads at tent sites to reduce compaction and erosion of soils, is one management strategy that protects natural resources.

18. COMMENT: Commenter asked the Agency to please clarify whether any conclusions from the High Peaks-specific VUM project, for which Otak services were enlisted, are incorporated in the proposed amendments of the State Land Master Plan, specifically where it references "social carrying capacity"? The commenter is hopeful that the language suggests an attempt to evaluate and consider experiential aspects of the user visits and not only the environmental impacts of increasing hiker numbers.

RESPONSE: The High Peaks-specific VUM project is outside of the scope of the proposed Master Plan amendments.

TOPIC: Wildlife Management Structures

1. COMMENT: The Agency received comments of general support for the update to the definition of wildlife management structures.

RESPONSE: The APA appreciates this feedback.

2. COMMENT: Commenter supported the update to the wildlife management structure definition to include species of special concern. Commenter noted that common loon (*Gavia immer*) nests are highly susceptible to threats that are exacerbated by climate change. Monitoring data indicates that over the last 26 years, water level rise, torrential rain events, and predation have increased the number of loon nests failures. Mitigating these impacts is necessary to prevent range retraction. Nest rafts are a documented effective management strategy to reduce loon nest failure.

RESPONSE: The APA appreciates this feedback.

3. COMMENT: Commenter requested the definition of "wildlife management structures" be further amended to capture rare species, species of greatest conservation need, and species of potential conservation need.

RESPONSE: The proposed amendment is a targeted expansion of the wildlife management structure definition to include structures or devices designed for inventory or research purposes or for the protection or restoration of species of special concern. Species of special concern have a demonstrated management need within the Adirondack Park.

For certain species of special concern, such as the common loon (*Gavia immer*), wildlife management structures are effective tools to mitigate the risks of such species of becoming

threatened and will be conforming on the Forest Preserve. Additionally, species of special concern are defined in New York State Environmental Conservation Law § 11-0535 along with endangered and threatened species. Endangered and threatened species are legally protected and are by definition rare. Species of greatest conservation need and potential conservation need are not legally defined nor have a demonstrated management need within the Forest Preserve.

4. COMMENT: Commenter suggested that site-specific scientific data be used to inform where wildlife management structures, such as loon nest rafts, may be appropriate or warranted.

RESPONSE: Installation of any new proposed structures must be identified in a unit management plan. The Department will utilize survey and historic nesting data about the occurrence of resident pairs and their nesting success to inform where nest raft placement would be most beneficial. The UMP process includes a public engagement component to ensure transparency regarding new potential structures on Forest Preserve lands and waters.

5. COMMENT: Commenter stated that due to existing restrictions, loon nest rafts have only been able to be deployed offshore from private lands, which limits the overall effectiveness of the habitat restoration program.

RESPONSE: The proposed definition of wildlife management structure includes structures or devices designed for the protection or restoration of species of special concern, which would include loon nest rafts. If the proposed amendment is approved, loon raft nests will be conforming structures in the Forest Preserve and may be planned for via the unit management planning process.