



New York State  
Adirondack  
Park Agency

Department of  
Environmental Conservation

# **Wild Forest Basic Guideline No. 4 – No Material Increase of Roads on Wild Forest Lands**

## **Comprehensive Overview & NMI Alternative 4**

March 15, 2023

# Presentation Outline

- Overview of WFBG4 timeline to date
- Recap Wild Forest Basic Guideline No. 4 and interpretations before the board
- Clarify No Material Increase Alternative 4
- Share updated scenarios matrix
- Additional considerations
- Board deliberation and discussion
- Potential authorization of public comment period



# Timeline

- May 2022 – initial presentation to the Board, initiation of 60-day public comment period
- June 2022 – public info sessions and presentations
- September 2022 – presentation of public comments and State response
- November 2022 – presentation in response to Board Q's
- December 2022 – Board deliberation and discussion, request for NMI alt 4
- February 2023 – presentation of NMI alt 4, discussion
- March 2023 – clarification of NMI alt 4, presentation of revised scenarios matrix, potential authorization of 30-day public comment period



# Objective

Interpretation of the Adirondack Park State Land Master Plan by the Agency Board to determine what road mileage constitutes “no material increase.”



# Decision Points

1. 1972 Road Mileage Determination
  - What road mileage existed on Wild Forest lands in 1972? What road mileage exists on Wild Forest lands today?
  
2. No Material Increase Interpretation
  - What mileage increase is allowed without constituting a material increase?
  
3. Definition of Road Interpretation
  - Does CP-3 mileage meet the definition of road in the APSLMP and therefore require inclusion in the total Wild Forest road mileage calculation?



# No Material Increase of Road Mileage on Wild Forest

## Adirondack State Land Master Plan - Introduction:

*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.*



# No Material Increase of Road Mileage on Wild Forest

## Wild Forest Basic Guideline No. 4:

*Public use of motor vehicles will not be encouraged and there will not be any material increase in the mileage of roads and snowmobile trails open to motorized use by the public in wild forest areas that conformed to the master plan at the time of its original adoption in 1972.*



# Road & Snowmobile Trail Mileage

- Same no material increase provision
- Snowmobile trail and road provisions generally parallel in APSSLMP
  - Except - Snowmobile trails mileage lost in designation of wilderness, primitive, and canoe may be replaced in wild forest
    - No similar provision for road mileage lost



# Snowmobile Trail Mileage Interpretation

- 2008 Agency interpretation of “material increase” for snowmobile trails; resolution dated March 14, 2008
  - Determined miles of snowmobile trails that existed in 1972 (740mi)
  - Determined that >848.88 miles is a material increase
    - Based on trail inventory conducted in the ‘80’s
    - Represents a 14.7% increase over 1972 mileage
  - Provided interpretation for future allowable snowmobile trail mileage
  - Required UMPs to include table of mileage



# Snowmobile Trail Mileage Interpretation

- **1980** – DEC inventory - 848.88 miles of existing trails
- **1998** – DEC Policy (ONR-2) sets 848.88 as a mileage "cap"
- **2008** – APA resolution on WFBG#4:
  - Included 1972 mileage figure
  - Acknowledges DEC policy, including mileage cap
  - Finds cap to not be a material increase
  - 14.7% difference between 1972 and mileage cap

# SLMP Road Definition



## Road Definition (SLMP pg. 20)

an improved or partially improved way designed for travel by automobiles and which may also be used by other types of motor vehicles except snowmobiles, unless the way is a designated snowmobile trail; and is,

(i) **either maintained by a state agency or a local government and open to the general public;**

(ii) maintained by private persons or corporations primarily for private use but which may also be open to the general public for all or a segment thereof; or,

(iii) maintained by the Department of Environmental Conservation or other state agency and open to the public on a discretionary basis.



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- (iii) maintained by the Department of Environmental Conservation or other state agency and open to the public on a discretionary basis.**



# Road Definition

## Does not include Administrative Roads

- Definition of Administrative Road (SLMP pg. 17) –  
*an improved way maintained by the Department of Environmental Conservation for the principal purpose of facilitating administration of state lands or of allowing access for firefighting equipment and not normally open for public use of motorized vehicles. This type of road has been called a State Truck Trail in older editions of this Plan.*
- Referred to separately throughout the APSLMP



# Commissioner Policy 3 (CP-3)



# Commissioner Policy 3

## Motorized Access Policy for People with Disabilities (MAPPWD)

- DEC-issued temporary revocable permits (TRPs)
  - Provide motor vehicle access to certain state lands under the jurisdiction of the Department
  - For qualified people with disabilities
- 
- In the Adirondack and Catskill Parks, limited to designated and specifically marked roads on lands classified as Wild Forest and Intensive Use



# Galusha Settlement

- Galusha v. NYS Dep't of Env'tl. Conservation et al  
US Dist Ct, NDNY, signed July 5, 2001 by Judge Kahn
- Plaintiffs sued under the Americans with Disabilities Act (ADA), seeking motor vehicle access to Forest Preserve
- State affirmed commitment to provide **reasonable access to recreational programs**
- Settlement
  - Capital projects to enhance accessibility, incl. restrooms, campgrounds, trails, boat launches, etc.
  - Open/maintain **listed CP-3 “mileage” or “comparable”**
  - Non-motorized access to Camp Santanoni
  - Training, education, representation
  - Provision of ADA coordinators



# Galusha Settlement - Effect

- The 2001 settlement provided increased access to various recreational opportunities on Forest Preserve
- The settlement requires DEC to keep listed CP-3 mileage open or, if not approved through UMP process, alternative mileage “comparable, with respect to mileage and program”
  - Listed CP-3 mileage total 26.04 miles
  - Substitutions have led to a current total of 21.56 miles



# Agency Interpretation



# Determination and Interpretation needed by the Agency Board

## 1. 1972 Road Mileage Determination

- What road mileage existed on Wild Forest lands in 1972? What is the existing mileage today?

## 2. No Material Increase Interpretation

- What mileage increase is allowed without constituting a material increase?

## 3. Definition of Road Interpretation

- Does CP-3 mileage meet the definition of road in the APSLMP and therefore require inclusion in the total Wild Forest road mileage?



# No Material Increase - Tally

Preliminary mileage tally compiled by DEC and APA staff:

• 1972 road mileage:	<b>211.6 miles</b>
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• 2023 road mileage <u>w/out CP-3</u> :	<b>206.6 miles</b>
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• 2023 CP-3 mileage:	21.6 miles
• CP-3 mileage approved in UMP's but not yet opened:	16.5 miles
• 2023 mileage <u>including total CP-3</u> :	<b>244.7 miles</b>



# NMI Alternatives

## NMI Alternative 1: 15% increase in road mileage

- Consistent with snowmobile trail NMI interpretation
- Snowmobile trails and roads treated similarly in SLMP

## NMI Alternative 2: Increase more than 15%

- Account for no replacement of mileage closed due to reclassification of wild forest to wilderness, primitive, or canoe
- Board would have to set percentage or mileage

## NMI Alternative 3: Increase less than 15%

- Recognize difference in treatment of roads and snowmobile trails in SLMP
- Board would have to set percentage or mileage

## NMI Alternative 4: Mileage not currently material

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



# Past Board Action on Road Mileage

Existing roads and the mileage associated with CP-3 opportunities that have been approved in UMPs have previously been found by the board to be in conformance with the State Land Master Plan, but the board did not specifically and explicitly address Park-wide mileage and materiality required by Wild Forest Basic Guideline No. 4.



# Definition of “Road” - Interpretation

- Road Definition Alternative 1 - CP-3 included
- Road Definition Alternative 2 - CP-3 not included
- Road Definition Alternative 3 - Non-Galusha CP-3 included



# Road Alternative 1 - CP-3 Included

- CP-3 mileage meets the APSLMP definition of a road
  - CP-3 holders members of general public
    - Not administrative personnel
  - DEC retains discretion over which roads to open under CP-3
- Consistent with the overall goal of the APSLMP to limit roads on Wild Forest
- Today there is more CP-3 mileage than agreed to in Galusha (both actual and approved and not yet open)



## Road Alternative 2 - CP-3 Not Included

- Not roads under APSLMP definition
  - CP-3 holders not general public
  - DEC discretion limited by Galusha consent decree
- Provides for accessible recreation opportunities
  - Acquisition of new lands will not create pressure to close CP-3 routes
- Theoretically no limit on CP-3 motor vehicle miles in Wild Forest



# Road Alternative 3 – Non-Galusha CP-3 Included

- Roads under the APSLMP definition
  - CP-3 holders members of public
    - Not administrative personnel
  - BUT, DEC may lack discretion to close Galusha routes
- Balances goals of Wild Forest Basic Guideline #4 with aims of ADA
- Maintains at least the CP-3 routes or equivalent recreational opportunity agreed to in Galusha



		Road Definition Alternative		
		#1 - CP-3 included	#2 - CP-3 not included	#3- Non-Galusha CP-3 included
		<i>CP-3 mileage considered roads under SLMP definition</i>	<i>CP-3 mileage not considered roads under SLMP definition</i>	<i>CP-3 mileage generally considered to be roads under SLMP definition, except Galusha routes</i>
<b>NMI Alternative</b>	#1 - 15% increase (Total allowable mileage 243.3 miles)	1.4 miles over allowable mileage; will require closure of some existing roads*; consistent with overall goal of the SLMP to limit roads on wild forest	36.7 miles under allowable mileage; no closure of existing roads needed; encourages more exclusive disability access; acquisition of new lands will not create pressure to close CP-3 routes	20.2 miles under allowable mileage; no closure of existing roads needed; balances goals of wild forest guideline #4 with disability access; maintains at least the CP-3 mileage or equivalent agreed to in Galusha
	#2 - >15% increase (Board must set % or mileage)	May capture existing and future CP-3 mileage; need for closure of existing roads unlikely*; inconsistent with snowmobile mileage interpretation	No closure of existing roads needed; allows additional roads on wild forest in future UMPs; may not retain character of wild forest; inconsistent with snowmobile mileage interpretation	No closure of existing roads needed; allows additional roads on wild forest in future UMPs; may not retain character of wild forest; inconsistent with snowmobile mileage interpretation
	#3 - <15% increase (Board must set % or mileage)	Will require closure of some existing roads*; consistent with overall goal of the SLMP to limit roads on wild forest and different treatment of roads and snowmobile trails in SLMP	No closure of existing roads needed; may be consistent with overall goal of the SLMP to limit roads on wild forest and different treatment of roads and snowmobile trails in SLMP	Existing road closure unlikely (Board would have to set % increase at 5 or less)†; consistent with the overall goal of the SLMP to limit roads on wild forest and different treatment of roads and snowmobile trails in SLMP
	#4 - Any mileage at or below the 1972 mileage of 211.6 is not material	33.06 miles over 1972 mileage; will require staff and board to revisit the question of materiality in the next wild forest UMP involving roads; will likely require closure of some existing roads†; consistent with overall goal of SLMP to limit roads on wild forest	5 miles under 1972 mileage; will require staff and board to revisit the question of materiality if a future wild forest UMP proposes to exceed a park-wide road mileage of 211.6	11.5 miles over 1972 mileage; will require staff and board to revisit the question of materiality in the next wild forest UMP involving roads; will likely require closure of some existing roads†

\*Any new state land acquisitions classified as WF will require road closures or not permit WF acquisitions with existing roads.

†Any new state land acquisitions classified as WF may require road closures or not permit WF acquisitions with existing roads.

NOTE: All future CP-3 routes must meet established desired conditions for wild forest roads.

# Visitor Use Management Framework

## Visitor Use Management Framework:

Board members have been discussing the potential role of a visitor use management framework (VUMF) in assessing road impacts and conditions and in informing management decisions. Staff are working on drafting desired conditions for roads.

All future proposed roads and CP-3 routes must meet desired conditions set forth for roads regardless of whether the board determines that these routes meet the definition of road per the SLMP.



# Additional Considerations

## Other Provisions of the SLMP:

Any proposals for the opening and/or maintenance of roads or CP-3 routes on Wild Forest lands shall be considered through the UMP process, and such proposals shall demonstrate adherence to desired conditions for Wild Forest roads, particularly in maintaining "wild forest character" as identified in Wild Forest Roads and Administrative Roads Guideline #3 (SLMP Page 38) and "wild forest atmosphere" identified in Wild Forest Basic Guideline #1 (SLMP Page 35).

## Road Mileage In Other Land Classifications:

The mileage of roads open for public use of motorized vehicles on lands under the jurisdiction of DEC in existing areas classified as Primitive, Historic, or Intensive Use will not be subject to Wild Forest Basic Guideline #4 but will be documented in the UMP process.



# Next Steps

- Public comment period
  - Recommend 30-day comment period to solicit input on NMI Alt 4
- Agency consideration of public comment and deliberation
- Agency interpretation of the APSLMP
  - Determine 1972 mileage and present day mileage
  - Interpret “no material increase”
    - In present time and with current conditions, what constitutes materiality?
  - Interpret what is included as a road for the NMI calculation



# Questions & Discussion



# Public Comment Period

This presentation is posted on the APA website at: <https://www.apa.ny.gov/Mailing/2023/03/StateLand.htm>

The Agency will be accepting public comments until April 17, 2023 regarding No Material Increase Alternative #4.

Comments may be relayed to:

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Email: [SLMP\\_UMP\\_Comments@apa.ny.gov](mailto:SLMP_UMP_Comments@apa.ny.gov)  
*(underscores between the words)*

