

Adirondack Park State Land Master Plan 2024 Amendment Package

September 12, 2024

Consciousness

I do not see a delegation
For the four footed.
I see no seat for the eagles.
We forget and we consider
Ourselves superior,
But we are after all
A mere part of the creation.
And we must consider
To understand where we are.
And we stand somewhere between
The mountain and the ant,
Somewhere and only there
As part and parcel
Of the creation.

-Oren Lyons

Part of a message by a leader of the Haudenosaunee to the non-governmental organizations of the United Nations in Geneva, Switzerland, September 1977

Presentation Outline

- Authority + Purpose
- Work to Date
- Next Steps
- Substance of the Amendments
- State Environmental Quality Review Act
- Questions + Discussion

Authority and Purpose

Section 816(2) of the Adirondack Park Agency Act:

“The master plan and the individual management plans shall be reviewed periodically and may be amended from time to time, and when so amended shall as amended henceforth guide the development and management of state lands in the Adirondack park. Amendments to the master plan shall be prepared by the agency, in consultation with the department of environmental conservation, and submitted after public hearing to the governor for [her] approval.”

Authority and Purpose

APSLMP (at p. 9):

“Major reviews of the Master Plan will take place every five years by the Agency in consultation with the Department of Environmental Conservation, as required by statute, and with other interested state agencies.”

Work to Date

- Fall 2022 – Summer 2023 – internal scoping and work sessions
- Summer 2023 – End of 2023 – pause, classification package
- 2024 – resume work on amendments
- May 16, 2024 – kick off memo to DEC (per MOU)
- June 17, 2024 – receive written feedback from DEC
- June/July 2024 – joint meetings with DEC
- August 2024 – preparing for Agency meeting
- **September 2024 – public process begins**

Next Steps

- APA Board meeting presentation to introduce package and seek authorization to proceed with SEQRA
- Coordinate SEQRA review, establish lead agency status
- Complete FEAF parts 2 and 3
- Issue SEQRA determination of significance (ENB, other required notices)
- Announce public hearing schedule and comment period (ENB and other required notices, press release)
- Commence 60-day public comment period
- Host 3 public hearings – 1 virtual, 1 in Albany, 1 in Wilmington area



Next Steps

- Summarize and respond to public comments, prepare proposed final amendments package
- Consult DEC on proposed final package
- APA Board meeting presentation to present summary of public comments, offer staff recommendation, board considers adoption of resolution to relay amendments to Governor
- Relay package to Governor for signature

Substantive Amendment Topics

- Climate Change
- Visitor Use Management
- Accessibility
- Historic Areas
- Beaver Control Structures
- Motor Vehicle Use for Removal of Non-Conforming Structures (beyond phase-out period)
- Wildlife Management Structures
- Conservation Easements
- Classification of Four Peaks Tract

Climate Change

Why – Climate Leadership and Community Protection Act

Action –

Add new section to “Introduction” (pg. 13-14)

- Highlight goals of CLCPA and scoping plan
- Note Park’s role in mitigation, adaptation, resilience
- Examples of how UMPs should plan for and assess climate change vulnerabilities, i.e. right-sized stream crossing infrastructure, green infrastructure, storm water management, etc.

Articulate what is required in each UMP (pg. 12)

-- a description of how the proposed management actions and alternatives, when considered together, assess and plan for climate change vulnerabilities specific to the unit.

Visitor Use Management

Why – State is using the Visitor Use Management Framework to comply with the SLMP’s carrying capacity directive

Action – Add new language to “UMP Development” (pg. 11):

Carrying capacity assessments are prescribed throughout this document. Fulfilling this requirement must include establishing desired conditions; indicators; thresholds for resource, social and managerial conditions; monitoring; and adaptive management. Levels of time and resources to fulfill this commitment should be proportional to the significance of impacts.

Carrying capacity has been a concept for determining how many people could use a given recreational setting before impacts are unacceptable. However, establishing a number of visitors is only one strategy to protect resources and experiences, while allowing for recreational use. Additional visitor use management strategies exist, including, but not limited to, changing visitor behavior, modifying where and when use occurs, or building facilities that can accommodate heavy use.

Accessibility

Why – Existing language pigeonholes accessible opportunities into certain land classifications, is not reflective of the spirit of the ADA

Action – Replace existing bullet in UMP development with two new ones, add definition of wheelchair and OPDMD / update definition of motor vehicle, add new section to “Introduction” articulating requirements under applicable laws and regs

Page #s – 10-12 (UMP Development), 13 (Intro – NEW SECTION), 20, 21, 23 (new/amended definitions)

Accessibility

New introductory language on page 13:

The Americans with Disabilities Act of 1990 (ADA), the Architectural Barriers Act of 1968 (ABA) and Section 504 of the Rehabilitation Act of 1973 have implications for the management of the Adirondack Forest Preserve. The ADA requires that each service, program and activity offered by state agencies be made accessible to and usable by persons with disabilities, unless doing so would result in a fundamental alteration of the nature of the service, program or activity or an undue financial and administrative burden.

DEC uses the accessibility standards issued under the ADA and ABA in designing, constructing, and altering buildings, sites, and outdoor recreation facilities.

In keeping with ADA Title II regulations on mobility devices (CFR § 35.137), wheelchairs are allowed on state lands anywhere that pedestrian access is permitted. 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.

Accessibility

~~Remove from UMP section (pg. 10-12): “the identification, in intensive use, historic and appropriate portions of wild forest areas accessible by motor vehicles, of measures that can be taken to improve access to and enjoyment of these lands, and associated structures and improvements, by persons with disabilities.”~~

Replace with:

-- an inventory of existing structures and improvements that are consistent with the applicable federal accessibility standards for buildings, sites, and outdoor recreation facilities*

-- the identification of management actions to improve access to and enjoyment of the unit’s lands and waters by persons with disabilities

*U.S. Access Board Accessibility Standards



Accessible beach access and picnic area at Lewey Lake Campground. Photo by Arietta Hallock.

New/Modified Definitions (pg. 20-23)

Other Power Driven Mobility Device – consistent with applicable law and regulation, an OPDMD is currently defined as 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, or any mobility device designed to operate in areas without defined pedestrian routes, but that is not a wheelchair.

Wheelchair – consistent with applicable law and regulation, a wheelchair is currently defined as 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 of both indoor and outdoor locomotion.

Motor Vehicle – a device for transporting people, supplies or material, incorporating a motor or an engine of any type for propulsion and with wheels, tracks, skids, skis, air cushion or other contrivance for traveling on or adjacent to land and water or through water. The term includes such vehicles as automobiles, trucks, jeeps, motorbikes, dirt or trail bikes, any type of all-terrain vehicles, duffle carriers, snowmobiles, snowcats, bulldozers and other earth-moving equipment and motorboats, but does not include wheelchairs or other power driven mobility devices.

Historic Areas

Why – The SLMP historic land classification definition contains outdated information; guidelines do not cover preservation activities

Action – Amend definition and update guidelines (minor tweaks)



Crown Point State Historic Area in Essex County

Historic Areas

HISTORIC

Definition

Historic areas are locations of buildings, structures or sites owned by the state (other than the Adirondack Forest Preserve itself) that are significant in the history, architecture, archeology or culture of the Adirondack Park, the state or the nation; that fall into one of the following categories;

- state historic sites;
- properties listed on the State or National Register of Historic Places, and National Historic Landmarks, and;
- properties ~~recommended for nomination~~ determined eligible for State/National Register listing by the Committee on Registers of the New York State Board for Historic Preservation Office; and that are of a scale, character and location appropriate for designation as an historic area under this master plan and the state has committed resources to manage such areas primarily for historic objectives.

Edits to basic guideline #3:

3. Construction, development, and preservation activities in historic areas will:
- avoid material alteration of wetlands;
 - minimize extensive topographical alterations;
 - limit vegetative clearing; and,
 - preserve the scenic, natural and open space resources of the historic area.

Beaver Control Structure

Why – There is a need to manage for beaver related flooding impacts to infrastructure that cannot be moved or re-routed

Action – Add new definition of beaver control structure, specify where these structures are conforming

4. Beaver Control Structure – a device used to reduce impacts to human infrastructure caused by beavers while maintaining suitable habitat for beavers. Beaver control structures maintain water flow or regulate water levels.



Photo courtesy of Vermilion River Watershed Alliance

Beaver Control Structure (BCS)

Action – Specify where these structures are conforming

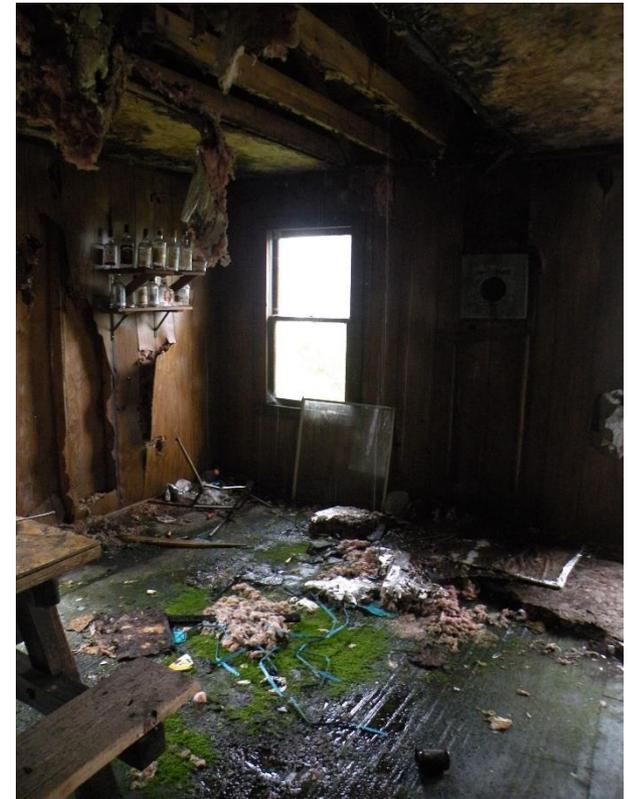
- Edits to **Wilderness** “structures and improvements” to allow for BCS where there is a threat to trailheads, parking areas, adjoining roads/railroad corridors, adjoining private lands, trails w/in 500 feet of a public highway
- Edits to **Primitive** “structures and improvements” – allow for BCS in relationship to primitive recreational trails
- Edits to **Wild Forest** “structures and improvements” – allow for BCS in relationship to stream improvement structures or prevention of invasive species movement
- ***Right-sized culverts, bridges, trail relocations are preferred solutions for management of beavers***

Motor Vehicle Use for Removal of Non-Conforming Structures

Why – If non-conforming structures or improvements persist on the landscape after the 3-year phase out period post classification, DEC cannot use motor vehicles to remove them.

Action – Add new Wilderness “motor vehicles, motorized equipment and aircraft” guideline #7 which reads:

Irrespective of the above or any other guidelines in this master plan, use of motor vehicles by administrative personnel to remove non-conforming structures or improvements after the phase-out period will be evaluated on a case-by-case basis by the Agency. This work must occur during the off-peak seasons.



Non-conforming cabin on Little Moose Lake that burned down in 2023.

Wildlife Management Structures

Why – The present definition of wildlife management structures limits their use to the protection or restoration of threatened or endangered species. This does not include loons (species of special concern and a quintessential ADK species).

Action – Amend the definition on page 23 to read (new text in red):

Wildlife Management Structure: a structure or device designed for inventory or research purposes or for the protection or restoration of threatened or endangered species **or species of special concern**, including but not limited to animal enclosures or exclosures, traps, bat mine or cage gates, raptor hacking towers, nesting towers or boxes, that does not materially alter the natural character or resource quality of the land and that is made of natural materials whenever possible.



Photo by ADK Center for Loon Conservation



Above and right: Example loon nest raft on the Elk Lake Preserve

Conservation Easements

Why – Existing conservation easement list is not up to date; DEC staff flagged that some easements listed as “conservation easements” are actually another type of easement and are represented incorrectly.

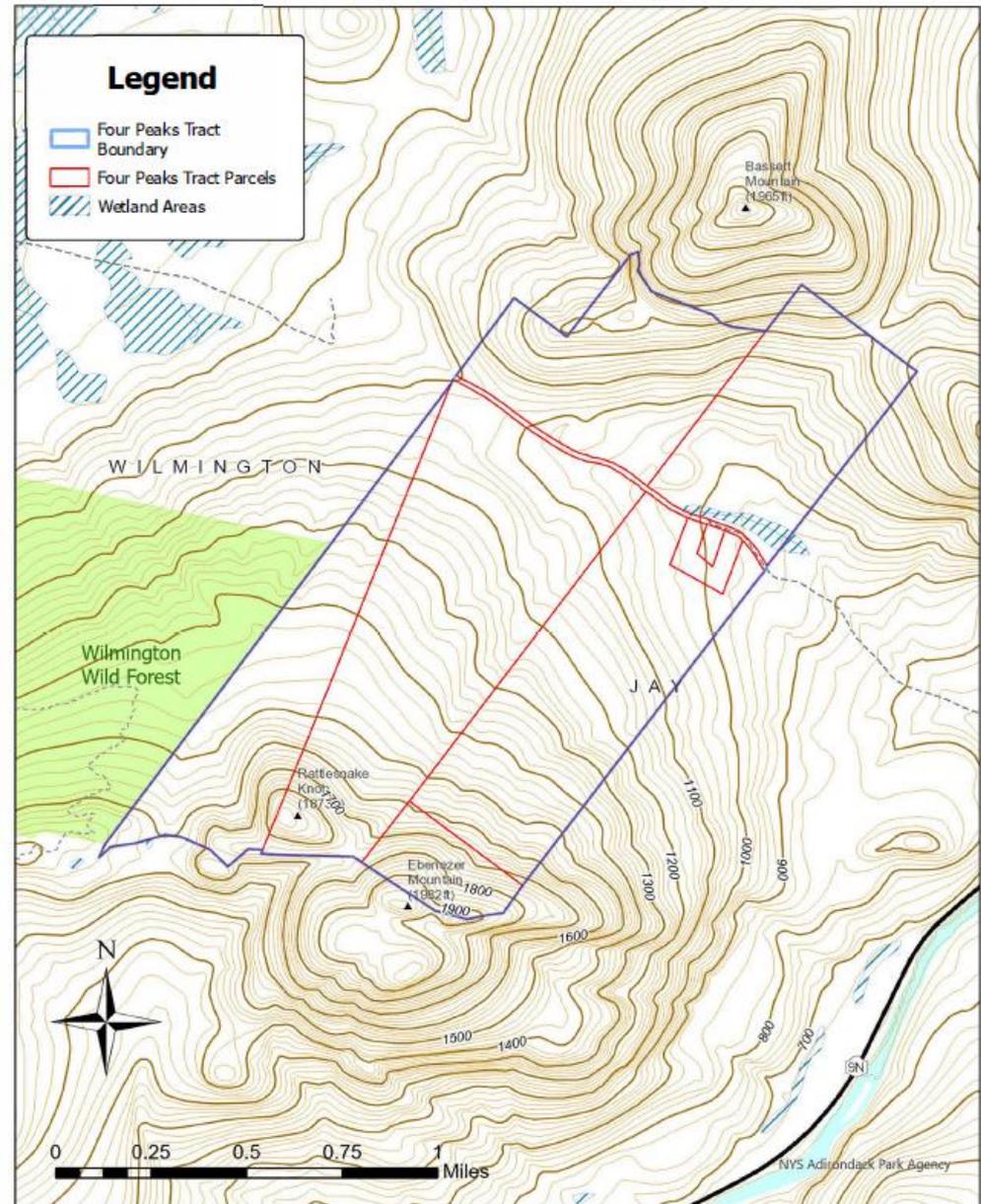
Action – Update Appendix II to list only easements meeting the ECL 49-0303 definition in the “conservation easements” section; move other easements to the list entitled “other less than fee interests.” Obtain new easement information and updated acreages from DEC staff.

Four Peaks Tract

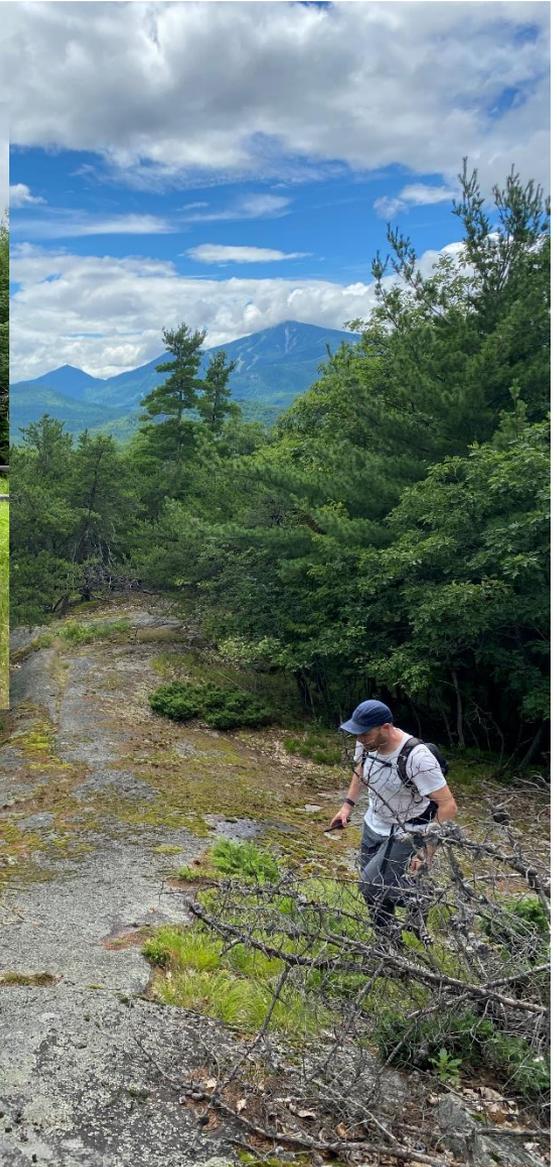
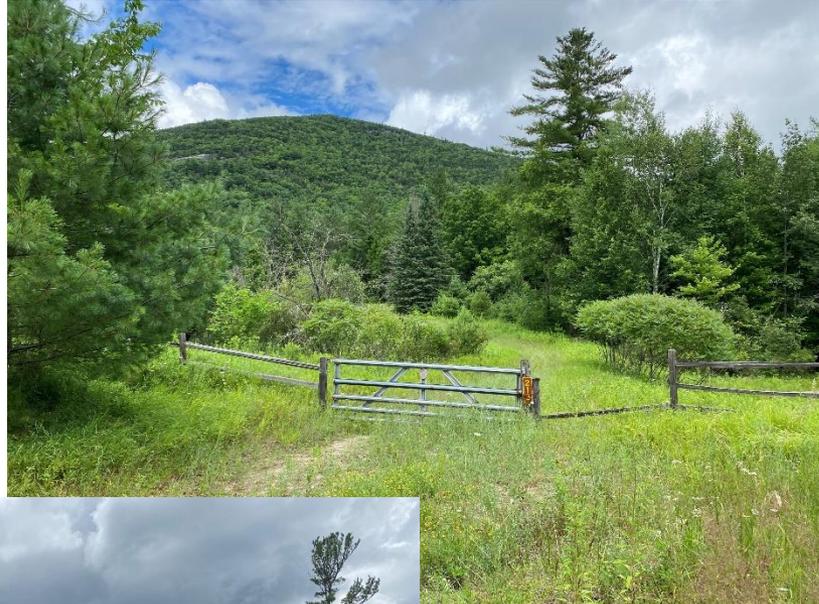
Why – DEC closed on this 585-acre parcel in July; anticipates high public interest and immediate desire for use

Action – Classify acreage as part of amendments package

- Property identified in Open Space Plan
- Based on characteristics and capacity to withstand use, we are recommending a wild forest classification



Four Peaks Tract



SEQRA – APA Regulations

- Type I action per 9 NYCRR 586.5(a)(6)(iv):

(6) The preparation and submission to the Governor of proposed major amendments of the master plan for the management of State lands pursuant to section 816(2) of the Adirondack Park Agency Act, including:

(i) any proposed reclassification of land from a more restrictive to a less restrictive category;

(ii) the designation of a new travel corridor;

(iii) material changes in the guidelines applicable to each classification;

(iv) any periodic review of the entire plan, as called for therein. A generic statement has been prepared on the process by which the agency proposes amendments to the plan.

SEQRA – Programmatic EIS for Amending the SLMP

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Proposed Action:

- Classification of recent acquisitions
- Reclassification of existing state land
- Creation of a new state land classification
- Deletion of an existing classification
- Alteration of guidelines for management and use
- Alteration of definitions of existing classifications
- Alteration of introductory guidelines
- Alteration of facility definitions
- Alteration of area descriptions

Questions & Discussion

