Ordaining Use and Abuse: The function of unit management plans in the Adirondack Forest Preserve

By MICHAEL N. KELSEY

Abstract
Visited by every conceivable brand of recreation-seeker, and home to vast species of plant life, wildlife, and abundant bodies of water, the Adirondack Forest Preserve is managed both to permit outdoor leisure to human visitors, and to protect and preserve its natural resources. Governed by the Department of Environmental Conservation, Forest Preserve lands are managed according to individual, custom-made and area-specific, unit management plans. But the plans have not always materialized, and their success, rate of production, and management decisions have at times been the recurring topic of public concern or outright criticism. We consider here the role and function of unit management plans in land stewardship, and how the DEC uses them to ordain recreational use while also outlawing environmental abuse.

D esigned to safeguard ecological interests, further responsible land stewardship and manage competing recreational interests, unit management plans are intended to assure that careful planning guides Department of Environmental Conservation land control, “rather than reacting to situations on an ad hoc basis.”1 So, while finalizing the Split Rock Wild Forest Unit Management Plan in early 2005, the DEC was poised to listen to public input like that of The Adirondack Council, a group with a long history of environmental advocacy, when the group expressed concern that mountain biking could endanger timber rattlesnakes.2 A threatened New York snake species, the timber rattlesnake’s habitat includes the open rock and dense forests of the Split Rock Wild Forest. The DEC had also been listening since 1992 to mountain biking groups complain of a lack of trails suitable for mountain biking trails. That was the year that the DEC and the Adirondack Park Agency signed a joint memorandum of agreement that permitted mountain biking on Wild Forest lands. Twelve lingering years passed as groups including the Adirondack Park Mountain Biking Initiative waited “for the Unit Management Planning Process to provide the forum for discussing and studying which trails [were] most popular and appropriate for mountain biking.”3 At long last, the Split Rock Wild Forest Draft Unit Management Plan was issuing designating mountain biking trails, albeit only five miles. So that when The Adirondack Council’s concerns arose threatening to jeopardize the state’s 1992-mountain bike trail assurances, all eyes were on the DEC.

“Management plans,” defined former DEC Commissioner John P. Cahill in an unrelated 1999 statement, “involve a thorough analysis of an area’s resources and public use, and the development of management actions needed to protect the wild character of the forest preserves while still providing outdoor recreational opportunities that benefit both the public and local tourism-based economies.”4 Balancing the wild character (in this case the snakes) with outdoor recreational opportunities (herein mountain bikers) is precisely the role of the DEC plays countless times over in developing custom-made and unit-specific management plans for all Forest Preserve lands, in reconciling the protection of innumerable natural resources and almost as many intended human uses. While in the present case, the final Split Rock Unit Management Plan resolved to locate mountain bike trails away from rattlesnake habitats and to monitor the impact of mountain bikes on wildlife, the episode underscores the importance that unit management plans have in setting wilderness policy. It also highlights why the unit management plan process is so important to so many diverse interest groups as well as the public-at-large.

The Management Model
After the 1894 passage of the “forever wild” amendment to the State Constitution that named “forest and wildlife conservation” in the Adirondack Park as “policies of the state,” the issues of the day were guarding against the economic threats posed by logging, tanning and paper factories.5 Today, challenges to the Forest Preserve are not restricted so much to development and pollution, as to problems posed by a different kind of human use, namely recreational activities. Whether mountain bikers, snowmobilers, or the trampling underfoot of hikers, the popularity of outdoor adventure sports today presents a latent threat to ecology, particularly because the environmental impacts tend to be more subtle and accrue incrementally. With the steady increase of recreational use during the second half of the last century, the State was forced to update its management of the Forest Preserve to address today’s needs as noted in the Adirondack Park State Land Master Plan:

Michael Kelsey, an attorney, is a legislative aide to a NYS Assemblyman and may be reached at KelseyADK@yahoo.com.
More recently the public has recognized that if the character of the Adirondack forest preserve is to be retained in the face of a growing population, better transportation facilities and a soaring demand for outdoor recreation, not only will past management practices on the forest preserve require reassessment, but also the integrity of the Adirondack Park as a whole must be assured.6

This was recognition that a change in management policies was needed. Reassessment of management principles and a restructuring of the State’s role were among the recommendations of the 1968 Temporary Study Commission on the Future of the Adirondacks to study the Adirondack Park.7 These recommendations produced the current model of state stewardship which were formalized by Statute in the Adirondack Park Agency Act and later by the Adirondack Park State Land Master Plan. Together they reorganized the Forest Preserve management model as follows:

- Creating the Adirondack Park Agency as a regional authority (spanning 12 counties, 105 towns and villages,) to develop parkwide planning, determine guidelines for the DEC, and oversee local governments in conforming to comprehensive APA planning and zoning regulations;

- Producing the Adirondack Park Land Use and Development Plan as a strategic device laying out the agency’s plan for park composition encompassing a total developmental scheme.

- Production of the Adirondack Park State Land Master Plan classifying state lands “according to their characteristics and capacity to withstand use.”8 As such every parcel of land was later classified by the Adirondack Park State Land Master Plan into one of nine categories with varying levels of protection including the most guarded Wilderness Areas, as well as the more flexible Wild Forests.9 These classifications guide the DEC in determining what activities and restrictions are appropriate for each unit, for instance designated Wild Forests may permit limited use of motorized vehicles like snowmobiles while Wilderness Areas will not.

The State Legislature established in Section 807 of the Adirondack Park Agency Act a two-tier hierarchy of responsibilities between the APA and the DEC, delegating duties and charging both with a share in the care of state lands. The Adirondack Park State Land Master Plan, promptly issued in 1972 by the Adirondack Park Agency, reiterated this division of duties:

The [Adirondack Park] Agency is responsible for long range planning and the establishment of basic policy for state lands in the Park in consultation with the Department of Environmental Conservation. Via the master plan, the Agency has authority to establish general guidelines and criteria for the management of state lands … the Department of Conservation … [has] responsibility for the administration and management of these lands in compliance with the guidelines and criteria laid down by the master plan.10

In specifically charging the DEC with the responsibilities of land stewardship, the Adirondack Park Agency Act (Section 816) “authorized and directed [the Department of Environmental Conservation] to develop … individual management plans for units of land classified in the master plan for management of state lands” [emphasis added]11 Each unit management plan, the Adirondack Park State Land Master Plan said, was to serve as “a mechanism to refine and apply the general guidelines and criteria in the master plan to specific conditions on the ground, at a level of detail appropriate to administration and management.”12

In theory, the new management model of (1) standardizing the protection and uses of all state lands based upon classification, (2) appointing the APA to regional oversight and the development of long-range planning, and (3) assigning the DEC to govern each distinct area via an individually developed plan specific to each unit’s needs, was workable. But in practice, that model broke down. While critics can (and do) point to either or both of the first two elements as points of criticism,13 the overwhelming general agreement is the Adirondack management practices of the last three decades have floundered chiefly due to a malfunctioning of the unit management planning process.

The Long Delay

Despite explicitly charging the Department of Environmental Conservation in the Adirondack Park Agency Act and the 1972 Adirondack Park State Land Master Plan “with the duty to prepare, in consultation with the [Adirondack Park] Agency, individual unit management plans for units of land classified in the master plan,” the DEC was sluggish in its response; so sluggish in fact that by 1999 – 27 years later – less than half of the 38 unit management areas had completed plans in place.14

In 1999, only 15 plans (covering 1,154,862 acres) had ever been created for state-owned land in the Adirondacks, most of them long since outdated.15 Of the 15 completed Adirondack unit management plans in 1999, the oldest (Cranberry Lake Wild Forest) had been completed some 15 years ago in 1984. The mean date of completion for these 15 unit management plans was 1991 – a
period of eight years without updating. Despite a 27-year effort at producing unit management plans for state lands in the Forest Preserve, 1,332,254 acres of state land in the Adirondack Park (slightly more than half) was operating in 1999 without benefit of a diligent and carefully crafted unit management plan.16

The nonexistence of unit management plans for so many years of opportunity was addressed in a 1987 amendment to the Adirondack Park State Land Master Plan, whose text still appears in the “updated” 2001 version. Despite the amendment’s urging to complete unit management plans before 1989/90, the opportunity was again missed (in much the same way that the required five-year review of the Adirondack Park State Land Master Plan has repeatedly been overlooked). The 1987 Adirondack Park State Land Master Plan’s optimistic admonition reads:

The Department of Environmental Conservation in the past three years has made significant progress in getting the unit management planning process underway. 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. The Department of Environmental Conservation should commit the necessary resources for that purpose.”17

Notwithstanding specific urging by the Master Plan, the slow pace of unit management planning continued, prompting the intervention of Governor Pataki in October 1999.

Pataki sought to rehabilitate the failings of the unit management plan process by making it a stated goal of his administration to complete and update unit management plans for all Forest Preserve lands within five years. Funding it with previously unavailable monies from the Environmental Protection Fund and the Clean Water/Clean Air Bond Act to support new staff, and adding seven new jobs to the DEC from either a Special Revenue account (State Forest timber sales) or from the General Fund, Pataki challenged the DEC to prioritize the unit management plan process.

Fast-forward to 2004 when Pataki’s five-year period for updating all unit management plans expired, the goal went largely unmet. Between Pataki’s October 1999 announcement and the end of 2004 only four additional units had received unit management plans (Bog River Complex, Dix Mountain Wilderness Area, Giant Mountain Wilderness Area, and Santanoni Historic Area). Three more were adopted in 2005 (Vanderwhacker Mountain Wild Forest, Siamese Ponds Wilderness Area, and Split Rock Wild Forest), with the remaining unit management plans somewhere in the works (either draft form or at the early stage of soliciting public opinion). According to a chart displayed on the DEC website, every management unit of state land in New York now has a unit management plan either complete or in the process of being completed.18

There are further signs of hope. The Split Rock Wild Forest Unit Management Plan, approved in 2005, was approved in an impressive three-and-a-half months from the time of its first public hearing to final approval. “We’ve really come a long way,” Forest Preserve Coordinator Karyn Richards said in a January 2005 presentation to the APA’s State Land Committee.19 Even so, for some groups, progress is not fast enough.

The Adirondack Ski Touring Council has been waiting since 1988 to extend the 24-mile Jackrabbit cross-country ski trail 20 miles to Tupper Lake as reported in the January/February 2005 edition of the Adirondack Explorer. Similarly the rerouting of the Northville-Placid Trail away from private land and thereby eliminating a dreaded ten-mile road walk, a pet project of the Adirondack Mountain Club, has also been delayed.

Hudson River brown trout anglers are also anxiously awaiting the unit management plan for the Hudson Gorge Primitive Area, now in production. The management plan is expected to resolve a decades-old controversy governing use of the Hudson River. A petition signed by 155 fishermen in 2001 alleges controlled releases from the Lake Abanakee Dam – meant to benefit the whitewater rafting industry – are instead hurting the fishing industry and threatening the survival of brown trout in the Hudson and Indian Rivers. They claim the releases drive away insects that brown trout feed on, and warm up cold-water spots where brown trout seek refuge.20

In studying the issue, the DEC held a public meeting in July 2002 to help guide the drafting of the Hudson Gorge Primitive Area Unit Management Plan. In attendance were representatives of area commercial whitewater rafting companies who pay the Town of Indian Lake $70,000 a year to release the water for one- to two-hours a day, four days a week.21 Although winter snowmelt provides adequate water volume and velocity needed to raft the 16-mile stretch of river in the spring, outfitters maintain the dam releases are needed during the summer months to catapult rafts through the Hudson Gorge’s nearly continuous, blood rushing class III-IV rapids. Noting that whitewater rafting on the Hudson attracts 20,000 customers a year, adds $10 million of tourism money to the local Indian Lake-North Creek economies, and provides local jobs, the rafting companies claim they’ll be put out of business without the dam releases.22

In 1985 the DEC limited rafters to 1,000 per day in an attempt to stem the problem, and the 1995 Blue Mountain Wild Forest Unit Management Plan (which includes Lake Abanakee within its boundaries) expressed fear that “the daily releases … may also impact the ecology of the river corridor, affecting shoreline plants, fish populations and the safety of fishermen.”23 While the same unit management plan discredited anglers’ assertions that the dam releases were “ruining” northern pike populations, it nevertheless urged not to extend
rafting to the summer season out of fear that "bass and sunfish spawning may be impacted." Ignoring the warnings contained in the Blue Mt. Unit Management Plan, and despite an environmental impact study begun by DEC in 2002, the Abanakee dam releases were extended — with DEC authorization — to the summer season in 1998. The controversy continues to fester — and remains largely unresolved — due to a lack of inplace management plans outlining clear environmental policy.

With groups and individuals as diverse as Nordic skiers, hikers, anglers and whitewater rafters, as well as rock climbers, equestrians, snowmobilers, and mountain bikers all voicing different agendas, it is somewhat understandable that the unit management plan process can be so time-consuming. Satisfying the recreational needs of all groups is often an impossible task alongside achieving a balance with the needs of nature and the strict requirements of Article XIV, the Adirondack Park Agency Act and the Adirondack Park State Land Master Plan.

The Process

The process for creating unit management plans originates in the Bureau of Forest Preserve Management, a subunit of the Department of Environmental Conservation’s Division of Lands and Forests, where Foresters or other staff head up committees commissioned with the task of drafting initial unit management plans. Each plan contains extensive analyses of the unit including but not limited to the area’s history, geology, soil, terrain, climate, biological natural resources, manmade facilities, cultural resources, economic assessment and surveys of past, present and proposed management policies. Additionally each details the impact humanity has had and continues to have upon the unit’s environment from the effects of lumbering, overuse, acid rain and other influences.

Each unit management plan includes detailed inventories of fish and wildlife, natural resources, ecosystems, cultural and scenic wonders, existing facilities, means of public enjoyment, and the effects of past and current uses. In recent years unit management plans also double as administrative vehicles for complying with the 1990 American Disabilities Act (ADA) to open Forest Preserve lands to access by the disabled. When complete, each unit management plan reads like a window into the soul of that region, spotlighting flora and fauna and painting in narrow brushstrokes the recreational activities permitted to limit human impact.

Key eco-friendly provisions include: (1) routing the trail on a high ground so that it bypasses a nearby beaver pond ensuring that hikers do not disturb the pond’s ecosystem; and (2) posting signs alerting hikers of “fragile surfaces” and blazing the trail along the ridgeline of the mountain, intentionally avoiding areas of thin soil cover that could be eroded by “excessive trampling.” Conscious of land rights, the proposed route of the Moxham Range intentionally avoids private property, and states it will seek permission of landowners before posting signs that will attract hikers to the trailhead.

After several rounds of departmental scrutiny, unit management plans are released to the public in draft form for review and comment. In public meetings, held in keeping with the Adirondack Park State Land Master Plan, countless associations of landowners, recreation-seekers and businesses stand ready to offer opinions and criticisms in town hall meetings or through organized letter-writing campaigns to support their positions. This however can be challenging because advocacy groups are quick to second-guess DEC efforts whenever they are less than 100% satisfied.

Take for example the Bog River Flow Complex Unit Management Plan, which the DEC approved in 2002, and which was decreed by Wildlands CPR, a Montana-based clearinghouse of 16 national organizations dedicated to preventing “wildland” roads on public lands. “Despite hundreds of comment letters, the Draft Bog River Management Plan still contains a few bad provisions, some of a precedent nature,” wrote the group seeking to limit All-Terrain Vehicle use, “which could cause real problems down the road in dealing with illegal ATV use.”

While Wildlands CPR concluded the DEC was too tolerant of motorized vehicle use, Franklin [County] All-Terrain Riders, Inc. could not disagree more. Like Wildlands CPR, the Franklin All-Terrain Riders published their displeasure with the DEC response to their concerns. “At any number of DEC Unit Management Plan meetings, at which
ATV owners have been well represented," wrote the All-Terrain Vehicle owner association in an online press release, "officials have promised ATV access to state-owned or managed lands. The net result is the recent loss of nearly 50 roads formerly open."31

Snowmobilers have fared slightly better. In keeping with the Adirondack Park State Land Master Plan that states that, "mileage of snowmobile trails lost in the designation of wilderness, primitive and canoe areas may be replaced in wild forests with existing roads or abandoned wood roads as a basis of such new snowmobile trail construction" some unit management plans actually propose increases in snowmobile trails and mileage.32 Noting that snowmobilers lost 14 miles of established trails when the Hoffman Notch Area was designated a Wilderness Area, the Vanderwhacker Mountain Wild Forest Unit Management Plan proposed increasing snowmobile trail mileage from 33 miles to 38.5 in keeping with its "vision" to "develop and maintain an integrated snowmobile trail system."33 Doing so, however, caught the ire of the Residents' Committee to Protect the Adirondacks who in two scathing press releases lambasted the DEC and APA for permitting "an illegally bulldozed snowmobile trail" within the Vanderwhacker Mountain Wild Forest and criticized both agencies alleging that they "do not know how many miles of snowmobile trails currently exist in the Adirondacks."34

Sifting through the public's input, and attempting to appease the many voiced concerns, to achieve a balance among the many competing concerns, is often difficult. The guiding principle the DEC follows is laid out for them in the Adirondack Park State Land Master Plan, and is a theme that "is drawn not only from the Adirondack Park Agency Act and its legislative history, but also from a century of the public's demonstrated attitude towards the forest preserve."35 That principle stipulates:

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.36

The DEC, after satisfying itself that it has addressed the public's comments, issues a revised unit management plan, now in its final form, and sends it to the Adirondack Park Agency whose staff and commissioners inspect it for compliance with the Adirondack Park State Land Master Plan. Provided the Adirondack Park Agency issues a finding of compliance with the Adirondack Park State Land Master Plan, the unit management plan is then forwarded to the Commissioner of the Department of Environmental Conservation for official adoption.

The Renewal Problem
Since the Adirondack Park State Land Master Plan specifies that the Master Plan should receive a "major review" every five years (the last revision was in 1987, with an "update" in 2001 merely adding names and descriptions of land acquisitions), and since each area's unit management plan spreads its projects across five-year intervals, the perceived consensus has been that unit management plans are required to undergo a revision every five years.37 That being the case, no sooner is a unit management plan approved for a specific unit then planning for the next edition should commence. With 38 units intended to receive regular five-year updating intervals, the DEC will carry the expected onus of generating a revised unit management plan at a rate of slightly more than seven per year.

Past performance suggests this is impractical. For instance the revision of the Siamese Ponds Wilderness Area, last published in 1987 and approved in an updated format in 2005, took a total of 18 years to update including six lingering years while the draft unit management plan awaited final approval. Similarly, nine years passed after the Blue Mountain Wild Forest unit management plan was first presented in draft form at a public hearing in 1986 until its 1995 approval. Another eleven years have since passed without a revision to the Blue Mountain Wild Forest Unit Management Plan. Of the total completed unit management plans now in existence, only five will still be current in 2007. This seems to assure that the cycle of outdated unit management plans governing Forest Preserve lands will

Moose Pond
COMMENTARY

continue for at least the near future. It also suggests, whether because of insufficient existing resources, inadequacies in the present system or a variety of other possibilities — such as Governor Pataki’s unrealistic five-year unit management plan completion deadline — that the present path of planning unit management plans in five-year increments is too short a time.

While no unit management plans approved for state land in the Adirondack Park could be found to plan for management for longer than a five-year period, the DEC has been known to plan for longer periods of time for state land in other areas of the state. Take for instance the Helderbergs Area Unit Management Plan, published in January 2001, consisting of three State Forests and three Wildlife Management Areas in western and southeastern Albany County. Therein the DEC doubled its timetable. “The plan has been developed to address management activities,” reads the plan’s preface, “for the next ten years, with a review due in five years.” The plan notes that some management plans “may even extend beyond the ten-year period” based upon “factors such as budget and manpower constraints, recreational demands, wood product markets and forest health problems.” By planning further into the future, the Helderbergs Area Unit Management Plan adopts a much more flexible approach to unit management than that practiced in the Adirondacks and suggests that perhaps a ten-year model should replace the current five-year revision requirement.

The Regional Approach

Elsewhere, however, the Department of Environmental Conservation has proven itself capable of sticking to an even more stringent schedule. In contrast to the unmet five-year renewals for unit management plans — as well as the APA issue of unmet required five-year renewal of the Adirondack Park State Land Master Plan — the DEC has consistently been timely in production of its Open Space Conservation Plan. Originally adopted in 1992, the Open Space Plan is required to be updated every three years and without fail the DEC has met its goal in 1995, 1998, 2002 and in 2005. The DEC’s ability to stay on top of the Open Space Plan’s three-year schedule while regularly missing the creation and five-year renewals of Forest Preserve unit management plans could be for a number of reasons. On the one hand it could be in the face of the threat of development — or the Governor’s stated intent to preserve one million acres as part of his legacy — that more pressure is being placed on the DEC to conserve land than to manage the land it already possesses. But such an approach seems to invite a legal challenge, in that land conservation is a political policy whereas the management of Forest Preserve lands is a statutory requirement (and some might even argue, based on Article XIV’s active management requirement, a constitutional mandate).

More likely the DEC is able to meet the three-year Open Space Plan deadline because land trusts, local governments interested in land conservation, and other nonprofits are voluntarily performing much of the legwork in researching lands slated for conservation, actively acquiring lands, and/or supplying their research to the DEC. This suggests that because of current overwhelming support for preserving open space, the land trusts, local governments and other nonprofits share some responsibility for the delay in unit management plans for Adirondack lands. While the Association for the Protection of the Adirondacks has assigned a staffer to follow the unit management plan development process, the self-described job description “to monitor, review and disseminate information and calls to action” appears on its face less directed at performing needed legwork, than in offering commentary or mobilizing resistance. Rather than waiting until the public comment and review period, if nonprofits got involved earlier in the process of researching and writing unit management plans, and added as much importance to meeting the management plan goals as they do to land conservation, the unit management plan deadline may not have been missed so often.

A further consideration of why the DEC can manage to publish the Open Space Plan on time while habitually missing unit management plan deadlines is not one of renewal, but perhaps one of geographical scope. The Open Space Plan covers the entire State of New York, while the Adirondack unit management plan process in its present form requires 38 different unit management plans. Perhaps by broadening to a regional approach rather than the current area by area one — as was done with the statewide Open Space Plan — the DEC could achieve quicker results.

The Open Space Plan approval also does not need to pass through the Adirondack Park Agency as do unit management plans, in keeping with the Adirondack Park State Land Master Plan. There are those who blame the “checks and balances” of the APA/DEC relationship for the delay of unit management approval, but this argument would be more convincing had unit management plans actually been created for all units and were merely held up by APA scrutiny. As a matter-of-fact most units have not had an in-place unit management plan despite several decades of opportunities, and the duty of creating management plans lies chiefly with the DEC. The mere absence of an APA role in the creation of the Open Space Plan therefore, does not explain why the DEC has been consistently timely in its production and renewal of the Open Space Plan while neglecting its responsibilities regarding unit management plans. More likely it is the advantage of the regional approach.

Advocates of a regional planning system also suggest that unit management planning would be more cohesive if the needs of adjacent management units were considered together rather than as isolated units. As successes they point to the neighboring Dix Mountain and Giant Mountain Wilderness Areas unit management plans that DEC considered alongside each other in January 2004. A
Prior to the State's acquisition of the 14,700-acre William C. Whitney property in 1997 and its subsequent classification as a Wilderness Area, the DEC prepared an interim management plan according to past DEC Commissioner John P. Cahill, "to protect the natural resources ... and accommodate appropriate levels of public use while a long-term management plan [could be] developed." Intermediate management plan provisions prudently enacted catch-and-release fishing policies to "help protect the genetically unique heritage strain of Little Tupper Lake Brook Trout." But while this preserved the status quo until which time the DEC could "fully assess the Little Tupper Lake fishery and to obtain data on this unique fishery so that final management decisions can be made based on sound science," the interim management plan espoused drastic change in other areas. A plan for the construction of three different parking lots was included in the interim plan, one large enough to accommodate 40 cars. Additionally an information facility, waterway access site, trail system, and a series of primitive campsites capable of accommodating overnight camping were all slated for construction in the William C. Whitney Stewardship Management Plan. Yet, this is a plan that was not subject to the extensive preparation of research, analysis, and public participation that formal unit management plans must pass through.

From the sound of it the Whitney Wilderness Area will receive major — albeit basic — development without the abundance of research or consideration required by the unit management process. Without second-guessing the need or level of planning that went into the William C. Whitney Stewardship Management Plan — as the premise is assumed that these decisions were sound and prudent — the underlying question is: If the DEC is competent to ably manage the Whitney Property without the need for the time-consuming unit management planning process, then is the whole unit management plan system even necessary? Are we better served by abolishing it altogether and relying exclusively on the best professional judgment of the DEC?

The "Go Slow" Argument

Some view the need for public scrutiny as essential and argue that the DEC needs to slow down in its production of unit management plans. "It is feared," The Adirondack Council warned early on, "that the DEC will overlook the requirements of the Master Plan and conduct less than adequate inventories and assessments of the units while proposing inappropriate recreational development." These same groups — some more vocal than others — suggest that, for all of the above reasons, the acceleration of unit management plans has resulted in shoddy work-product.

Among the many individualized critiques of unit-specific management plans it has issued, the Association for the Protection of the Adirondacks said the DEC "fails the planning effort" because its unit management plans for the Vanderwhacker Mountain Wild Forest, Wilmington...
Wild Forest and the Bog River Complex lack information on past, current and anticipated use. Further, the Association objects to the DEC’s plan for monitoring/eradicating invasive species in the Split Rock Wild Forest Unit Management Plan, and faults it for not discussing the impact of past, actual and anticipated use and carrying capacities. Such actions were symptomatic — the representative for the AFPA said — of a trend in the DEC of “recurring shortfalls of wild forest unit management planning.”

Zeroing in on alleged “illegal uses [that] have caused natural resource degradation” in the three unit management plans approved by DEC and APA in 2005 (Split Rock Mountain Wild Forest, Siamese Ponds Wilderness Area, and Vanderwhacker Mountain Wild Forest), the Residents’ Committee to Protect the Adirondacks asserts that the “APA and DEC are] now rubberstamping flawed plans that perpetuate serious problems across the Forest Preserve.” The Residents’ Committee to Protect the Adirondacks defines these “serious problems” to include snowmobile trails; the toleration of large group campsites; recognition of contracted agricultural rights that were part of a prior land acquisition negotiation; and a state-run campground that operates in the Siamese Ponds Wilderness Area. (See below.)

A second press release issued eight months later by the Residents’ again criticized DEC policy on expanded snowmobile trail mileage (discussed above), illegal ATV use, and biological inventories and analyses that they claim were neglected. Clearly frustrated, the RCPA suggested that, “the APA is turning a blind eye to the requirements of the State Land Master Plan.” Peter Bauer, RCPA’s Executive Director, hopes for “a serious change in course, or else problems of overuse and illegal activities are going to be codified unit by unit, month by month.”

To be fair, the unit management plan process is often the “whipping boy” groups use to vent frustrations they have with other elements of DEC or APA governance. Take for example the Siamese Ponds Wilderness Area Unit Management Plan, which distressed six groups to such an extent that they sent a joint letter in protest to APA Chairman Ross Whaley. At issue was a management policy affecting the classification of shoreline on Indian Lake that serves as the western border of the Siamese Ponds Wilderness Area. As such it should properly be governed under Wilderness standards; instead the DEC seeks to manage it as an “administrative subdivision” — a quasi-Intensive Area classification — charging camping fees, taking reservations and patrolling it by motorboat.

Although there is a valid procedural issue in the letter of the DEC’s failure to consider alternatives presented at public hearings in the final unit management plan, the real discord appears to be historical in that the shoreline campground was initially classified as Intensive Use but was reclassified in 1979 as Wilderness. With a 2004 average use of 48 campers per day attesting to the area’s popularity, the classification change appears to have been in name only. Rather than force the change in classification a quarter of a century later, the DEC seems more inclined to preserve the status quo, albeit with minor management improvements like lean-to construction and improved site spacing so as to curb erosion. The bulk of the joint letter focuses less on procedural issues than on the substantive classification issue in pushing for an adherence to the Wilderness classification, thereby admonishing the DEC that “history cannot be ignored [but] must be taken into account as part of this area’s future planning.”

Notwithstanding the validity of substance-based critiques, a strong argument can be made that a process that intentionally emphasizes a slow pace for the preparation of unit management plans can be a blessing in disguise. A slow pace can improve substance by maximizing the involvement of nongovernmental organizations, particularly those groups whose limited budgets could prove prohibitive if the unit management plan process was working on schedule and mass-producing unit management plans faster than these groups could process and comment.

CONCLUSION

The work of extensive research that seeks to protect and rehabilitate resources and ecosystems while at the same time maximizing human recreation within an area’s natural capacity to accommodate, the unit management plan system serves a crucial function. Governed by due diligence and careful scrutiny, the process is designed to apply management principles and successfully balance the needs of the present with an eye towards preserving the Adirondack forests for the future. Developed in principle some 34 years ago but never actually applied until recently, the unit management plan system has incredible potential. From the looks of the completed plans, it also seems to have the promise of successful stewardship.

Whether the improvements ushered in by Governor Pataki’s increased emphasis to maintain up-to-date unit management plans for all Forest Preserve lands will be effective in advancing better ecological preservation while also effectively managing recreational users, and whether wrinkles in the system will eventually be ironed out to perfect the process, only time will tell.
References


2 “While we are concerned for the safety of cyclists, we are even more concerned for the safety of the snakes,” wrote The Adirondack Council Executive Director, Brian Houseal, in a press release, “You can kill one or injure it badly by running over it with a bike.”


5 New York State Constitution, Article XIV, Section 3, paragraph 1: “Unless the [Adirondack] region be preserved essentially in its present wilderness condition,” wrote Verplanck Colvin, a state employed surveyor who later emerged as a catalyst for conservation, in his 1874 Annual Report to the Legislature about the destruction of wilderness caused by loggers, tanners and paper factories, “the ruthless burning and destruction of the forest will slowly...after year, creep onward...and vast areas of naked rock, arid sand and gravel will alone remain to receive the bounty of the clouds, unable to retain it.”

6 Colvin’s efforts led to the 1894 passage of the “forever wild” amendment to the state constitution. Then only 681,000 acres, the Adirondack Park Forest Preserve has since grown to more than 2.6 million acres “that provide a public resource for recreation in a wild setting that is unique in the eastern half of the United States” (State of New York Adirondack Park State Land Master Plan, approved November 1987, updated 2001, p.5).


8 Master Plan, p.5-6.

9 Ibid., p.6.

10 The complete list in descending order is Wilderness, Primitive, Canoe, Wild Forest, Intensive Use, Historic, State Administrative, Wild, Scenic and Recreational Rivers, and Travel Corridors. The 1972 Master Plan established 15 wilderness areas that at the time made up 45% of the state’s lands meaning just under half of state land was intended to enjoy the strictest regulations.


12 Adirondack Park Agency Act, Article 27, Executive Law Section 816.

13 Master Plan, p.12.

14 For instance, the late Barbara McMartin faulted mismanagement of the classification system of Adirondack lands as source of the current state land management woes in “The Great Divide: Why We Prize Wilderness But Neglect Wild Forests,” Adirondack Life, November/December 2005, p.20.

15 Master Plan, p. 12.


17 Prior to adoption of official unit management plans, units have been cared for under “interim plans” – abbreviated guidelines developed “to protect natural resources and accommodate appropriate levels of public use while a long-term management plan is developed” (Department of Environmental Conservation Press Release, DEC Seeks Comment on Interim Management of Whitney Property, http://www.dec.state.ny.us/website/press/pressrel/1998/98a50.html, November 29, 2005.) Rudimentary by design and written for a temporary duration, interim plans too frequently became the management norm for Adirondack Park lands.

18 Adirondack Master Plan, p. 11.

19 Online: http://www.dec.state.ny.us/website/dlf/publands/ump/, January 10, 2006.


22 Ibid.


25 Ibid.


29 Ibid.

30 Adirondack Park State Land Master Plan, p. 11.


34 NYS Department of Environmental Conservation, Vanderwhacker Mountain Wild Forest Unit Management Plan, Draft

35 APA Set to Approve Unit Management Plan that Violates APA Law,” News Release of the Residents’ Committee to Protect the Adirondacks, December 7, 2005; “Governor’s ‘UMP Initiative’ has Detailed; APA and DEC Collude to Rubberstamp Series of Flawed Unit Management Plans,” News Release of the Residents’ Committee to Protect the Adirondacks, April 6, 2005.

36 Master Plan, p. 1.

37 Ibid.


39 NYS Department of Environmental Conservation, Helderbergs Area Unit Management Plan, p. 3.

40 Ibid.


42 This hypothesis is supported when considering that the Residents Committee to Protect the Adirondack’s exposed on illegal ATV use later resulted in the DEC’s own ATV policy plan.

43 Adirondack Park State Land Master Plan, p.7.


45 Ibid.

46 Ibid.

47 Ibid.


51 “Governor’s ‘UMP Initiative’ has Detailed; APA and DEC Collude to Rubberstamp Series of Flawed Unit Management Plans,” News Release of the Residents’ Committee to Protect the Adirondacks, April 6, 2005.

52 “APA Set to Approve Unit Management Plan that Violates APA Law,” News Release of the Residents’ Committee to Protect the Adirondacks, December 7, 2005.


54 “Governor’s ‘UMP Initiative’ has Detailed; APA and DEC Collude to Rubberstamp Series of Flawed Unit Management Plans,” News Release of the Residents’ Committee to Protect the Adirondacks, April 6, 2005.

55 The groups include the Residents’ Committee to Protect the Adirondacks, Adirondack Mountain Club, the Sierra Club, New York Environmental Advocates of NY, the Adirondack Council, and the Association for the Protection of the Adirondacks


57 Ibid. Procedurally the joint-letter does expend considerable text bemoaning the APA’s non-adherence to a published policy transcribing unit management plan timetables, but since the same APA policy statement stipulates the document has no legal effect, “is to be utilized as guidance,” and “is not intended to set forth a fixed, general principle to be rigidly applied,” the procedure argument collapses.

Birch and Maple at Chapel Pond