



ANDREW M. CUOMO
Governor

TERRY MARTINO
Executive Director

MEMORANDUM

TO: Terry Martino, Executive Director

FROM: Richard Weber, Deputy Director, Planning

DATE: May 6, 2020

RE: Conformance of the 2020 Remsen - Lake Placid Travel Corridor Final Unit Management Plan Amendment with the Adirondack Park State Land Master Plan

State Land staff have reviewed the 2020 Final Draft Amendment (Plan) to the 1996 Remsen - Lake Placid Travel Corridor (RLPTC) Unit Management Plan (UMP) and recommend that it be found in conformance with the Adirondack Park State Land Master Plan (APSLMP). The Plan is a revision of the 2016 amendment to the 1996 UMP. The current UMP revision effort followed litigation concerning critical elements of the 2016 amendment. That litigation culminated in a judgment against DEC, APA, and DOT which vacated the 2016 amendment's approval. The legal deficiencies cited in the judgment have been addressed in the 2019 amendments to the APSLMP and in this Plan.

In 2017, the court found the APSLMP Travel Corridors definition insufficient to allow approval of the 2016 draft amendment's proposal to remove the railroad tracks and convert the Tupper Lake-to-Lake Placid segment of the RLPTC to a recreational "rail trail." Consequently, the Agency revised the APSLMP definition of and management guidelines for Travel Corridors, in general, and to the RLPTC, in particular. These revisions clarified that removal of tracks on a rail corridor may be undertaken under certain circumstances, how it may be undertaken, and, if it is, how the corridor should be managed.

Throughout the effort to revise the APSLMP and the UMP, Agency state Land and legal staff considered the detailed proposals of the 2016 UMP amendment. These proposals remain fundamentally the same within the 2020 Plan that was presented to the Agency by DEC on March 20, 2020. The Board authorized a public comment period on the Plan's conformance with the APSLMP, which ran from March 20 to April 20, 2020.

Staff received 79 written comments. Of these, only a few address specific issues of APSLMP conformance and so have received attention during our review. These comments covered historic preservation, impact on adjacent forest preserve lands, climate change considerations, and nonconforming use of motor vehicles on the corridor.

Staff have reviewed the Historic Preservation Plan (HPP) completed by DEC and appended to the UMP, along with the associate finalized Letter of Resolution (LOR) that has been signed by all agency parties, including the NYS Historic Preservation Office. We believe the HPP will result in adequate protection of the historic resources of the 119-mile-long RLPTC, and so adheres to the guidance concerning protection of such historic resources in the APSLMP's new guideline #2 under "Railroad Corridors without rails" in the Travel Corridor section.

Also, staff believe the Plan follows APSLMP basic guideline #4 for Travel Corridors, in that no proposed actions should prevent DEC's ability to manage State lands adjacent to and visible from the RLPTC in conformance with the APSLMP guidelines for those lands. We note that a central purpose of lands classified as Travel Corridors is to provide public access to the surrounding State lands of the Adirondack Park. This Plan will provide no greater public access than was broadly contemplated by the approved 1996 UMP. The Plan does not make any proposals for new development of structures or improvements on State lands adjoining the RLPTC, which would require separate unit management planning and APSLMP conformance determination for the respective adjoining lands.

The Plan presents a more thorough and organized greenhouse-gas-emissions impacts analysis consistent with New York's Climate Leadership and Community Protection Act (CLCPA) of 2019. The legislation recognizes that New York State agencies, as part of broader society, must take sufficiently aggressive actions to help reverse climate change. Staff acknowledge that the CLCPA provides a clear imperative to evaluate during review of UMPs the potential for State land management to contribute to the reduction of greenhouse-gas emissions. The Agency's ability to contribute to this critical effort is clear given the hundreds of miles of railroad and highway travel corridors, Forest Preserve roads and trails open to motor vehicle use, ski centers, and other intensive use areas across the Park.

Pursuant to the CLCPA, all State agencies in collaboration with the DEC are directed to develop a scoping plan that outlines measures to achieve ambitious 2030 and 2050 emission targets. State agencies will also be required to promulgate regulations by the end of 2023 that contribute to meeting the emission targets. Although the CLCPA does not directly specify that the DEC or the Adirondack Park Agency must address climate change in Unit Management Plans or the APSLMP, the agencies are obligated to ensure that state actions support and not frustrate the targets established by the CLCPA. Staff believe that well-supported estimations of emissions resulting from implementation of the Plan, in comparison to considered alternatives, are not feasible at this time and would be speculative. During development of the scoping plan, the Agency in consultation with the DEC should consider the role of public land management and its contribution to meeting emissions targets in a comprehensive manner before developing more specific guidance on a unit-by-unit basis.

Staff must emphasize the importance of the DEC's intended efforts to prohibit nonconforming and illegal uses of motor vehicles within, and expanding out from, the RLPTC. The staff recommendation relies on the presumption that these enforcement efforts will be undertaken to ensure the protection of state land natural resources and to prevent negative environmental and economic impacts to adjoining private lands along the corridor.

In conclusion, staff recommend that the 2020 Final Draft Amendment to the 1996 Remsen - Lake Placid Travel Corridor Unit Management Plan conforms to the general guidelines and criteria of the Adirondack Park State Land Master Plan.