

# The APA loses its way

**W**hat is the purpose of the Forest Preserve? What does the Adirondack Park State Land Master Plan (SLMP) actually say about what is permissible in Primitive Areas? If you don't like what's in the SLMP, what is the appropriate way to change it? Most important, who gets to decide all these things?

These are the thorny issues at stake in a dispute between a distinguished member of the Adirondack Park Agency and the office of the governor of the State of New York.

On March 11, the Adirondack Park Agency (APA) discussed and voted on amending the SLMP to permit the use of bicycles and state vehicles on old logging roads in the Essex Chain Lakes Primitive Area. Every member of the Park Agency except one voted to amend the SLMP and thus to allow bicycles and maintenance trucks on these roads.

The dissenter was Richard Booth, who has sat on the APA since 2007. He was reappointed in 2014 by Governor Andrew Cuomo; his current term expires in June. Until a replacement is nominated and confirmed, Booth will continue as a voting member of the APA. A lawyer and a professor in the Department of City and Regional Planning at Cornell University, Booth knows how to interpret the law and understands the authority of the APA to write and implement its own regulations.

After the vote, Booth delivered a remarkable statement to the other APA board members and those citizens in attendance that day. He raised two key issues: did the changes to the SLMP and the activities permitted in the Essex Chain Lakes Complex dramatically and in an unprecedented way rewrite the SLMP and reverse decades of wilderness protection in the Adirondacks? Was there, moreover, undue pressure from the governor's staff to accomplish this? In other words, has the Park Agency ceased to be a forum for forthright discussion of Forest Preserve management and become instead merely a conduit for decisions made in Albany?

The SLMP has been in effect since 1972. One of its designations for state land is Primitive. Throughout the nearly forty-five years of this plan, Primitive has been understood, with precisely stated exceptions, to indicate those lands that could and would be classified as Wilderness, once the existence of a nonconforming structure or use was addressed. The plan explicitly declares that this is mainly what Primitive Areas are for. In Wilderness Areas, any mechanized recreation, such as the use of bicycles, and any motorized transport (except in the case of emergencies) are prohibited. With this recent vote, the transition from Primitive to Wilderness can no longer be assumed.

The appropriateness of bicycles on a few miles of hard-packed dirt roads in one relatively remote part of the Forest Preserve is not the issue here. Last August, after the state issued a preliminary announcement permitting bicycles on these roads, I rode my bike through the Essex Chain Lakes Complex, from Deer Pond to the Polaris Bridge and back. It was hot and dusty and not especially scenic. The forest was ruthlessly cut over by its previous owner—Finch, Pruyn and Company of Glens Falls—and for most of the ride, there were no good vistas and no lakes or ponds in sight, just scruffy woods and a rocky road winding up and down before me. Good exercise, but it won't attract throngs of riders (as local officials hope).

But that's not the point. What is at issue is who manages the entire Forest Preserve and to what end. As Booth rightly insisted, care of the Forest Preserve starts with Article 14 of the New York State Constitution, which states, as I hope everyone knows, that the Forest Preserve "shall be forever kept as wild forest lands." The purpose of the SLMP, Booth observed, was to provide "much more protection than was afforded in a general sense under Article 14."

If the SLMP needs amendment, as all such documents eventually do, the process should involve "a full, honest deliberation by the multi-constituency APA, which then makes

recommendations to the governor." In the case of the Essex Chain Lakes Complex, Booth tells us, the governor's staff rigidly controlled the discussion and "forced the agency toward the result reached today." Rather than undertaking a thorough examination of what changes might be in order and pondering their implications, the APA and its staff adopted the governor's position that the Forest Preserve and the SLMP exist for some reason other than protection of a treasured wilderness.

As Booth carefully explained, a reasonable alternative to this unilateral redefinition of the Primitive classification was consideration of a new land-use classification that would permit bicycles where appropriate and would not violate the clearly stated purpose of Primitive Areas. What we got instead was a diminution of the protections historically provided under the Primitive classification, an APA that has abandoned its role as the independent forum for public deliberation on how to manage the Forest Preserve, and a precedent for future classification debates where decisions are made in Albany—without due respect to the letter and spirit of the SLMP—and rubber-stamped by the APA. ■

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