



New York State  
Adirondack  
Park Agency

KATHY HOCHUL  
Governor

BARBARA RICE  
Executive Director

### ***Inter-Agency Staff Consultation Compliance Agreement***

DATE: November 14, 2023

RE: **SLC2023-0001: Motor Vehicle Encroachment in Wilderness**

**Introduction:** Adirondack Wilderness Advocates and Adirondack Wild: Friends of the Forest Preserve (“complainants”) submitted a letter to the Department of Environmental Conservation (DEC or Department) and the Adirondack Park Agency (APA or Agency), dated June 28, 2023, alleging that motor vehicle encroachment into West Canada Lake Wilderness occurred from the Otter Brook/Wilson Ridge Wild Forest Corridor during the spring of 2023.

This compliance agreement is proposed pursuant to Part VI section (f) of the Memorandum of Understanding Between the Adirondack Park Agency and the Department of Environmental Conservation Concerning Implementation of the State Land Master Plan for the Adirondack Park (“MOU”).

**Adirondack Park State Land Master Plan (APSLMP) Context:** The Moose River Plains Wild Forest (MRPWF) unit management plan (UMP) was completed in January 2011 along with a concurrent APSLMP amendment to create a 20-foot-wide corridor of land classified as Wild Forest between the newly created Little Moose Wilderness Area and the West Canada Lake Wilderness Area. The APSLMP area description for MRPWF reads: “This reclassification excluded a twenty-foot-wide corridor along the routes of the former DEC administrative road (Otter Brook Truck Trail) and former Wilson Ridge Road, retained as Wild Forest expressly to allow for non-motorized, recreational uses such as mountain biking, hiking and cross-country skiing. The exclusion of motor vehicle use and emphasis on development of this long route for mountain biking creates potential for a premier mountain biking opportunity in the Adirondack Park. No motor vehicle use should be reestablished along this remote route due to impacts to the significant, surrounding Wilderness” (APSLMP p. 112).

The resolution adopted by the Agency board in January 2011 asserted that the Wild Forest corridor would be subject to special management treatment as follows:

“WHEREAS, a Wild Forest corridor, on which motorized use will be specifically prohibited as part of this revision to the State Land Master Plan, will be retained along the Otter Brook Trail and former Wilson Ridge Road to improve mountain biking opportunities in the area...”

The APSLMP allows for motor vehicle use in the Wild Forest corridor “by administrative personnel where necessary to reach, maintain or construct permitted structures and improvements, for appropriate law enforcement and general supervision of public use, or for appropriate purposes, including research, to preserve and enhance the fish and wildlife or other natural resources of the area...” (APSLMP p. 37).

In Wilderness areas, “[a]dministrative personnel will not use motor vehicles, motorized equipment or aircraft for day-to-day administration, maintenance or research” (APSLMP p. 25).

**Summary of Relevant Events and Actions Taken:** On February 7, 2022, Department staff submitted to the Agency a state land project consultation (SL2022-0022) for the construction of two bridges along the wild forest corridor where culverts had failed at the outlet of Little Moose Lake and at Silver Run Creek. Agency staff determined that the project was consistent with the APSLMP because: “[t]he bridges proposed within this consultation are being constructed on a trail that is included within the Moose River Plains Wild Forest Complex plan. The design of the bridges is consistent with the proposed use of the trail outlined in the plan. Given the topography of the area and the classification context, a trail re-alignment to avoid the placement of these bridge structures is not feasible” (SL2022-0022 consultation determination).

The consultation with the Agency was complete on November 10, 2022, and formally submitted to the Department on November 16, 2022.

In the spring of 2023, Department staff began routine maintenance in preparation for the proposed project, with the assistance of Student Conservation Association (SCA) crews. Before any bridge construction would begin in accordance with an approved work plan, the corridor would be cleared of encroaching vegetation. Administrative use of motor vehicles to transport tools and materials occurred during the process of clearing the trail corridor.

On June 28, 2023, the complainants submitted a letter to the Agency and the Department requesting that their concerns be addressed through the process set forth in part VI of the MOU.

Department staff determined that the allegation of motor vehicle encroachment may have merit and communicated this concern with the Director of Planning at the Agency. The Agency opened Compliance file SLC2023-0001 and over the course of several weeks in July and August 2023, Department staff provided more detail to Agency staff regarding the nature of the motor vehicle encroachment and the status of the work along the Wild Forest Corridor. Items received by the Agency included:

- Administrative motor vehicle use records from 2023 and prior years for the area pursuant to Commissioner Policy 17 (CP-17).

- Current photos of the beaver dam showing extensive flooding of the trail in the vicinity of the bridge site at Little Moose Lake Outlet.
- Confirmation that the Department has taken corrective action regarding the Department staff involved in motor vehicle encroachment.
- Confirmation that the Department provided a written notice to appropriate field staff reminding them of the restrictions on motor vehicle use, particularly related to Wilderness areas.
- Confirmation that the Region 5 Supervising Forester will further discuss the topic during the next in-person meeting of applicable Region 5 staff.

**Agency Staff Findings:** Motor vehicle encroachment 800 feet into the West Canada Lake Wilderness Area occurred when Department staff used their motor vehicle to drive into a location where they were conducting an inspection of a non-conforming structure. This activity was not undertaken as part of a response to a sudden or ongoing emergency, and thus does not conform with the APSLMP. The biophysical impacts from this encroachment do not require rehabilitation; the incursion occurred on a route that is a former roadbed to a camp. Intangible impacts from the presence of the motor vehicle occurred when Department staff arrived to check on a non-conforming structure within a Wilderness area. The arrival of a motor vehicle was contrary to the expectations of the camper visiting the Wilderness area. The Department has taken several steps to assure that future patrols will not create this kind of intrusion. **Agency staff are satisfied that corrective action reinforced with a written notice outlining the restrictions and followed up with an in-person opportunity to discuss the issue will sufficiently address this incident and assure that similar incidents do not occur in the future. Agency staff recommend no further action on this item.**

The terms of this compliance agreement have been accepted by both parties on November 14, 2023.

*Barbara Rice*

Barbara Rice, Executive Director, Adirondack Park Agency

*Joseph M. Zalewski*

Joseph Zalewski, Region 5 Director, NYS Department of Environmental Conservation