

ADIRONDACK COUNCIL  
ADIRONDACK MOUNTAIN CLUB  
ADIRONDACK WILD: FRIENDS OF THE FOREST PRESERVE  
ADIRONDACK WILDERNESS ADVOCATES  
PROTECT THE ADIRONDACKS!

December 3, 2024

Hon. Kathy Hochul, Governor  
State of New York  
Executive Chamber  
State Capitol  
Albany, NY 12224

**RE: Adirondack Park Agency's Proposed Amendments to the Adirondack Park State Land Master Plan**

Dear Governor Hochul:

The undersigned Adirondack Park advocacy groups respectfully urge you to intervene to prevent an unprecedented and significantly damaging change to the Adirondack Park State Land Master Plan (Master Plan) that is being proposed by the Adirondack Park Agency (APA). The proposed change, in the context of updating the Master Plan in terms of accessibility, would erroneously allow public motor vehicle use in Wilderness, Primitive, and Canoe areas. Without exception, the signatory groups strongly support and have been vocal advocates for making the Adirondack Park welcoming and expanding access for persons with disabilities to recreational opportunities in the Adirondack Forest Preserve. As discussed below, such expanded access for people with disabilities has been and can continue to be achieved without taking the drastic step of amending the Master Plan in the way proposed by APA and DEC.

Specifically, APA is proposing to amend the Master Plan's definition of "motor vehicle" to exclude Other Power-Driven Mobility Devices (OPDMDs). OPDMDs are defined in the Americans With Disabilities Act (ADA) 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." This broad definition includes, among other things, cars, trucks, all-terrain vehicles, golf carts, and Segways. This specific change, the exemption of OPDMDs from the Master Plan's definition of "motor vehicle," is a problem because it will weaken the Master Plan's protection of the Constitutionally-protected Forest Preserve.

The Master Plan has, since its inception 52 years ago, prohibited the public use of motor vehicles in Forest Preserve lands classified as Wilderness, Primitive, or Canoe—all of which are required to be managed to preserve and enhance the wilderness character of these unique places. Motor

vehicle use can be, and is, permitted in other Forest Preserve classifications, such as Wild Forest and Intensive Use—which comprise over fifty percent of the Adirondack Forest Preserve.

Notably, the ADA does not require the State to allow OPDMDs to be used in Wilderness, Primitive and Canoe areas because it specifically excludes such use where it would “fundamentally alter” the nature of the program offered. In this case, the nature of the program is to preserve wild areas free from human development and motor vehicles. To achieve this, “[t]he primary wilderness management guideline will be to achieve and perpetuate a natural plant and animal community where man’s influence is not apparent.” Master Plan at 22. Public use of motor vehicles is not permitted because it is inconsistent with this management guideline.

The important and laudable goal of expanding access to the Forest Preserve for persons with disabilities can be achieved through development by DEC of a policy describing where, and under what conditions, OPDMDs may be appropriate for use on State lands that are not classified as Forest Preserve Wilderness, Primitive or Canoe. This would provide needed guidance to the public and persons with disabilities looking for accessible opportunities concerning use of OPDMDs on Forest Preserve lands, and the development of State OPDMD policies is strongly urged by the U.S. Department of Justice. Development of an OPDMD policy would avoid the unnecessary and detrimental change to the Master Plan’s definition of “motor vehicle” proposed by APA.

In conclusion, we ask you to intervene by

- (1) directing APA to remove the proposed exclusion of OPDMDs from the Master Plan’s definition of “motor vehicle” and remove the proposed definition of OPDMD from the Master Plan; and
- (2) directing DEC to develop a statewide policy for the use of OPDMDs by persons with disabilities that includes a prohibition of use on designated Wilderness, Primitive and Canoe Forest Preserve lands.

As always, we would welcome the opportunity to meet with you or your staff to discuss this issue further.

Sincerely,

Raul J. Aguirre, Executive Director, Adirondack Council

Julia Goren, Interim Executive Director, Adirondack Mountain Club

David Gibson, Managing Partner, Adirondack Wild: Friends of the Forest Preserve

Pete Nelson, Chair, Adirondack Wilderness Advocates

Peter Bauer, Executive Director, Protect the Adirondacks!

C: Sean Mahar, DEC Commissioner

Katie Petronis, DEC Deputy Commissioner for Natural Resources  
Adriana Espinoza, DEC Deputy Commissioner for Equity and Justice  
Tonia Wheeler, Director, DEC Office of Diversity, Inclusion and Civil Rights  
Leah Akins, DEC Statewide ADA Accessibility Coordinator  
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Ashley Dougherty, Assistant Secretary for the Environment, Executive Chamber  
Kim Hill, Chief Disability Officer, Executive Chamber  
Ben Thapa, Office of Chief Disability Officer, Executive Chamber