

PRESS RELEASE

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ADIRONDACK GROUPS SUE STATE OVER ESSEX CHAIN MANAGEMENT PLAN

Albany, NY – Two Adirondack environmental groups today filed a lawsuit challenging the State’s approval of a new management plan for the Essex Chain Lakes tract in the central Adirondack Park. The suit claims that the plan violates state law by allowing motorized and mechanized recreational uses in remote, wild areas that the law declares shall be off limits to such activity. The lawsuit was filed in state court in Albany by Adirondack Wild: Friends of the Forest Preserve and Protect the Adirondacks. The two groups are represented by Earthjustice, a non-profit environmental law firm.

The Essex Chain Lakes tract was purchased by the State and added to the Adirondack Forest Preserve in 2012. The tract includes a multitude of remote and wild lakes, ponds, and wetlands; secluded and undeveloped stretches of the Hudson, Cedar, Indian, and Rock Rivers; and thousands of acres of intact, unfragmented forest. Because of its remote and wild character, the fragility of its natural resources, and its scenic beauty, most of the tract is protected under state law from motorized and mechanized recreational uses.

In November 2015, the Adirondack Park Agency (APA), by an 8-2 vote, approved a controversial Unit Management Plan (UMP) for the Essex Chain lands prepared by the

Department of Environmental Conservation (DEC). The two APA members who voted against approval of the UMP expressed serious concerns about the plan's legality.

"The state's actions are not only illegal, but set a dangerous precedent for other areas of our wild Adirondacks. By allowing itself to construct things in protected areas through self-issuing permits or by inventing fictitious legal theories, the state's actions threaten the entire Forest Preserve," said Chris Amato, attorney with Earthjustice.

The lawsuit claims that the approved UMP calls for a number of management actions that violate state law, including:

- construction of a massive new snowmobile bridge over the remote and scenic Cedar River, which is protected under State law from motorized recreation;
- opening of a logging bridge that crosses the remote and scenic Hudson River to public snowmobiling within a River area that is similarly protected under State law from motorized recreation;
- opening of a former logging road along a remote, Wild stretch of the Hudson River to motor vehicles in violation of state law;
- construction of a new snowmobile corridor through a remote, roadless and trailless part of the Vanderwhacker Mountain Wild Forest, which duplicates an existing snowmobile route; and;
- opening of two large Primitive areas, which are required by law to be managed essentially as wilderness, to all terrain bicycle use, which is prohibited by the State Land Master Plan.

"The State acquired this tract of land for the Forest Preserve—to be kept 'forever wild' under the state Constitution—precisely because of its spectacular natural resources," said Hannah Chang, attorney with Earthjustice, the non-profit law firm representing the petitioners. "Yet, in a headlong rush to introduce mechanized and motorized recreational use, the State has turned its back on the very laws that are in effect to preserve these special, wild places. This illegal agency action threatens not only the Essex Chain Lakes Complex, but the integrity of the entire legal framework that is in place to protect the Adirondack Park Forest Preserve."

"We encourage and support public recreation in the magnificent Essex Chain of Lakes and elsewhere," said Adirondack Wild's David Gibson. "But the law states that human use is secondary and must never degrade the wilderness resource. We challenge the state's permitting of intensive mechanized recreation precisely where the law calls for high levels of protection."

"The state is breaking state laws to allow motorized use and bikes in parts of the Forest Preserve and in protected river corridors where they are not allowed. This lawsuit seeks to uphold longstanding New York environmental laws that protect the 'forever wild' Forest Preserve and protect wild rivers that have been recognized by New Yorkers as

deserving the state's strongest protections," said Peter Bauer, Executive Director of Protect the Adirondacks.

The lawsuit claims that the management plan violates the New York Wild, Scenic and Recreational Rivers System Act, the Adirondack Park State Land Master Plan, and the State's Snowmobile Guidance for siting of new snowmobile routes.

"In their rush to approve this UMP, our state agencies dismissed laws protective of the Adirondack Park and Forest Preserve which have been in place since 1972 and which enjoy broad, bipartisan and public support," said Adirondack Wild's Dan Plumley. "The State Agencies entrusted to protect the Park are shirking their duties and leaving a tarnished legacy under Gov. Andrew Cuomo if this plan's agenda is fully implemented. We had no choice but to go to court despite that being our last wish."

Attorneys for the legal non-profit Earthjustice in its Northeast Office are filing the lawsuit on behalf of the other parties

A copy of the lawsuit can be found here: <..\..\..\..\Documents\Friends of the Forest Preserve\Conservation Topics\Essex Chain of Lakes UMP Legal\memo of law.pdf>

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