



PRESS RELEASE

September 7, 2016

## Appellate Division Issues Preliminary Injunction to Continue Ban on Tree Cutting on the “forever wild” Forest Preserve by the Department of Environmental Conservation

***Appellate Division stays further tree cutting on the Forest Preserve by the NYS DEC until an appeal of a denial of an injunction by the State Supreme Court is decided. PROTECT’s filings for the appeal must be submitted by October 7<sup>th</sup>***

***Appellate Division action will save thousands of trees***

**For more information:**

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Albany, NY -- Protect the Adirondacks cheers a new preliminary injunction handed down today by a full panel of the Appellate Division, Third Department, of the State Supreme Court, to sustain a temporary ban on tree cutting by state agencies on the forever wild Forest Preserve. This preliminary injunction will remain in place until a decision is made on an appeal of a denial by the State Supreme Court for a preliminary injunction against tree cutting during construction of a network of new class II community connector snowmobile trails on the Forest Preserve.

Tree cutting was stopped for 25 days in mid-July thru mid-August 2016, resumed for one week, and then was halted again on August 19<sup>th</sup> by one justice of the Appellate Division. The new ban will remain in place well into the fall. All filings for the appeal must be submitted by PROTECT on October 7, 2016. The state will submit an answer after that.

“Protect the Adirondacks cheers this decision by the Appellate Division, Third Department to stop tree cutting by the Department of Environmental Conservation while we make our appeal. We believe that the Forever Wild provision in the State Constitution is being trampled. More than 15,000 trees have already been cut down and dozens of acres of the Forest Preserve have been cleared as the state has built many miles of these new road-like

trails. No further tree cutting should be allowed until our lawsuit is resolved,” said Peter Bauer, Executive Director of Protect the Adirondacks.

This action is part of a lawsuit filed by Protect the Adirondacks against the NYS Department of Environmental Conservation and Adirondack Park Agency alleging a violation of Article XIV, Section 1, the Forever Wild provision the NYS Constitution. This is important for the future of forever wild because the state is currently working to build an extensive network of road-like trails through the Forest Preserve. To date, the state has built or plans to build over 36.5 miles of these trails, which require clearing 40-50 acre and destruction of over 31,000 trees. Protect the Adirondacks believes that if the State of New York wants to build a network of road-like trails through the Forest Preserve that require the cutting of tens of thousands of trees, then the state should pursue a constitutional amendment to accomplish this.

Unlike other trails built on the Forest Preserve, new “class II community connector snowmobile trails” are excavated with heavy machinery to remove large boulders and stumps, utilize extensive bench cutting along trail sides, grade and flatten a wide trail surface area, remove thousands of trees over 3 inches diameter at breast height (DBH), remove thousands more trees under 3 inches DBH, remove the entire native understory, often replace the native understory with a grass mix, open the forest canopy, fracture and chip away bedrock, utilize oversized bridges often equipped with reflectors, and are built to handle operation of motor vehicles at high rates of speed. No other recreational activity in the Forest Preserve, outside of Intensive Use Areas such as ski areas or campgrounds, requires such tree cutting, terrain alteration and destruction of natural resources. Protect the Adirondacks believes that this planned network of hundreds of miles of class II community connector snowmobile trails violates Article XIV, Section 1 of the NYS Constitution.

### **Protect the Adirondacks**

Protect the Adirondacks is a privately funded, IRS-approved not-for-profit organization dedicated to the protection of the 6-million-acre Adirondack Park in northern New York. PROTECT was formed through the merger of the Association for the Protection of the Adirondacks and the Residents’ Committee to Protect the Adirondacks in 2009. PROTECT pursues its mission to protect the Adirondack Park and defend the public “forever wild” Forest Preserve through citizen advocacy, grassroots organizing, education, research, and legal action. PROTECT is governed by a volunteer Board of Directors. PROTECT maintains an office in Lake George. For more information see [www.protectadks.org](http://www.protectadks.org).

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