



The Park Report

PROTECT 
THE ADIRONDACKS!

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Inside: Great news with the new 69,000-acre Finch lands Forest Preserve purchase, Update on lawsuit challenging the APA on Adirondack Club & Resort approval, PROTECT's new Executive Director is on the job, PROTECT debunks false claims that Forest Preserve purchases somehow harm the local economy, PROTECT monitors new snowmobile trails that look like new roads through the Forest Preserve, and how climate change is already impacting the Park.

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Executive Director's Message

Dear PROTECT members,

The leaves have fallen across the Adirondacks and our breeding birds have gone south. Here at PROTECT it's a time of change that goes beyond the next season. I'm pleased to have started as the new PROTECT Executive Director in September. It's a homecoming of sorts as I worked for years with one of PROTECT's predecessor organizations. I'm grateful for this terrific opportunity and have joined at a time of great challenges facing the Adirondack Park.



We saw a major positive change with Governor Andrew Cuomo's announcement that the state will move ahead and buy 69,000 acres from The Nature Conservancy of the former Finch, Pruyn & Company lands for the addition to the Forest Preserve. This is the biggest Forest Preserve purchase since the 19th Century and protects in perpetuity many ecological and recreational jewels including the Essex Chain Lakes, Boreas Ponds, Hudson River Gorge, Blue Ledges, OK Slip Falls, 5 miles of the Cedar River, the Ice Meadows, the 1,000 Acre Swamp, and many other vital areas. Hats off to both the Governor and Nature Conservancy for making this tremendous land protection achievement a reality. You can read more about this great land purchase for the Forest Preserve starting on page 3.

PROTECT believes that this acquisition enables the consolidation of lands to form a new 39,000-acre Upper Hudson River Wilderness Area. This new Wilderness area would include three parcels of new Finch lands as well as existing Forest Preserve lands classified as Wild Forest and Primitive areas. This new Wilderness Area would be centered on the permanent protection of 22 miles of the Hudson River. We outline this exciting proposal on page 10.

Other changes afoot are much less positive. In the Park we're at the beginning of a new stage of "community connector" snowmobile trail construction. Here, 9-12-foot-wide trails are being built in the Forest Preserve. One of the biggest is underway in the Moose River Plains. To PROTECT this kind of trail looks more like a road (see page 14). PROTECT is also fully involved in our legal challenge to the Adirondack Park Agency's (APA) permit of the 6,000-acre Adirondack Club & Resort project in Tupper Lake. We have a strong case and are awaiting preliminary decisions on procedural issues (see page 12). Looking globally, 2012 is shaping up as the warmest year on record. During August, the Arctic Ice Sheet lost an area the size of Maine every day to melting. The impacts of climate change are already apparent in the Adirondacks with shorter winters and more rain. Read more on page 9.

PROTECT stands ready to seize new opportunities and meet head on the biggest challenges facing the Adirondacks. But we couldn't do any of this without our members. We're extremely grateful for your support. Thank you for standing with us to protect the Adirondack Park.

Peter Bauer
Executive Director

Cover picture of Upper Hudson River courtesy of the Nature Conservancy.

Governor Cuomo pledges to purchase 69,000 acres of former Finch Paper lands for the “forever wild” Forest Preserve

This is the largest Forest Preserve purchase since the 19th Century

PROTECT says hats off to the Adirondack Chapter of The Nature Conservancy for making this incredible deal a reality



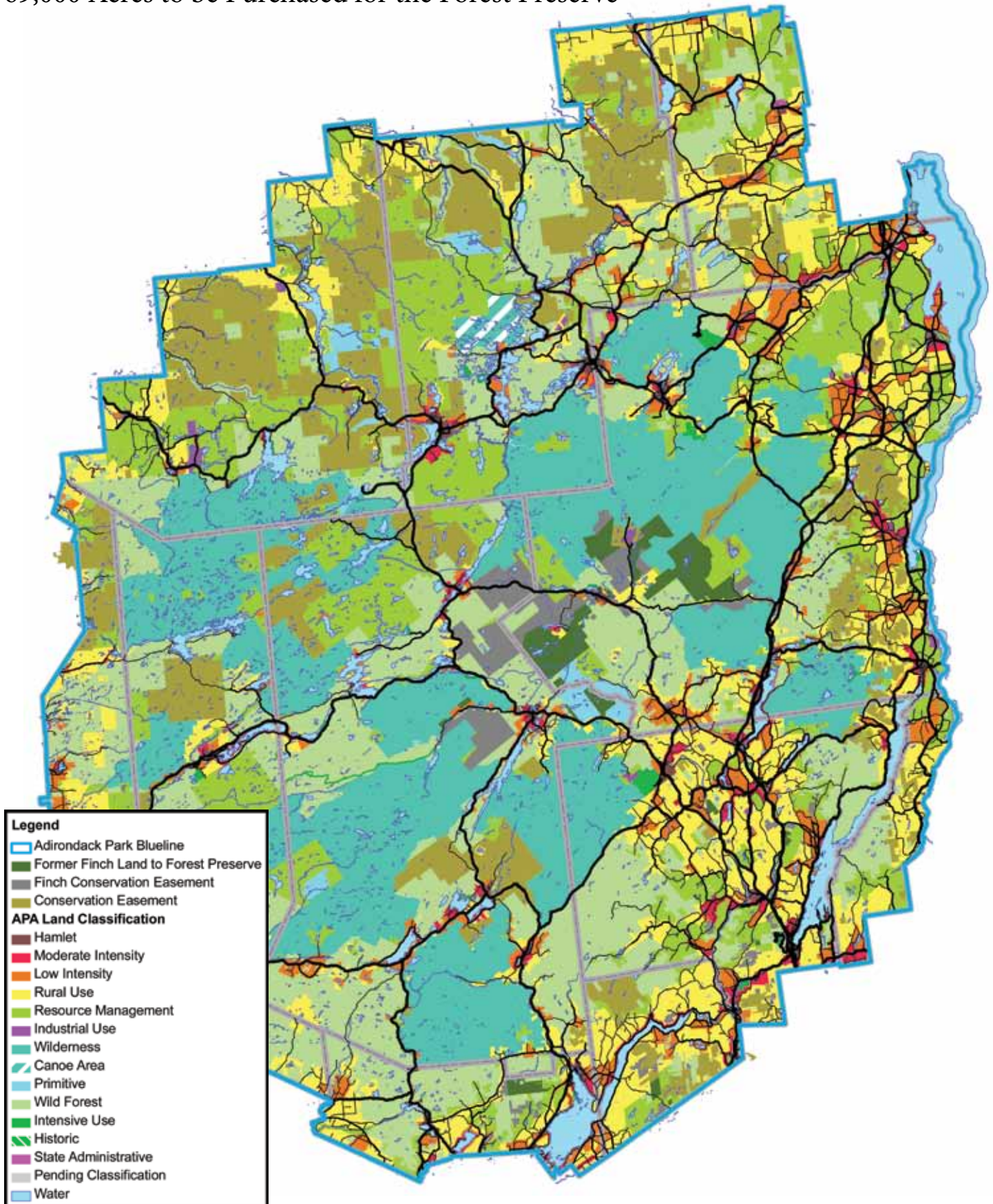
In August, Governor Andrew Cuomo announced his intention to purchase 69,000 of former Finch, Pruyn & Company lands from The Nature Conservancy for addition to the Forest Preserve. This is the biggest single Forest Preserve acquisition since the 19th Century and caps a 6-year land protection and planning effort by the Adirondack Chapter of The Nature Conservancy.

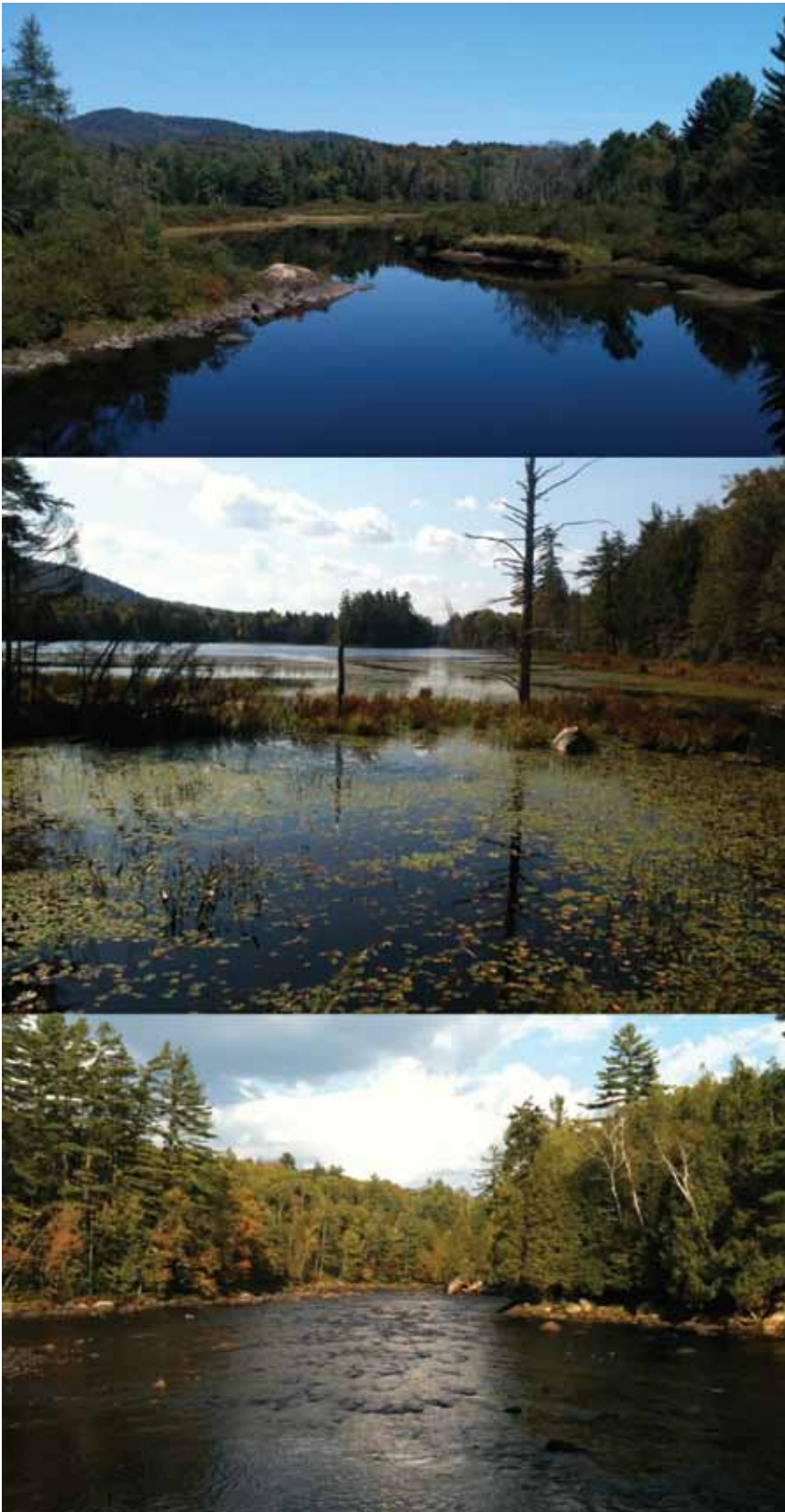
This purchase will make accessible to the public for the first time a variety of ecologic and outdoor recreational treasures. This deal includes 12 miles of the Hudson

Sawteeth Mountain in the High Peaks and the Ausable Lakes valley as seen across Boreas Ponds. The Boreas Ponds will make a terrific new flatwater paddling experience in the Adirondacks.

River, five miles of the Cedar River, a network of a dozen lakes and ponds in the Essex Chain Lakes, the spectacular Boreas Ponds, the Blue Ledges and OK Slip Falls in the Hudson River Gorge, the confluence of the Indian and Hudson Rivers, and ecologic gems such as the Ice Meadows on the Hudson River below the Glen and the 1,000 Acre Swamp in Edinburg.

Former Finch Lands include 95,000 Acres of Conservation Easements and 69,000 Acres to be Purchased for the Forest Preserve





From the top: The flatwater stretch of the Hudson River a few miles south of Route 28 in Newcomb, a view into 5th Lake, part of the Essex Chain Lakes, and the Hudson River just south of the confluence with the Indian River. These lands will all become new additions to the Forest Preserve and provide outdoor joys for generations to come.

The Adirondack Chapter of the Nature Conservancy Made this Deal Possible

PROTECT heartily congratulates the Adirondack Chapter of The Nature Conservancy (TNC) for making this deal a reality. It simply would not have been possible without the foresight, tough calls, and hard work that TNC showed since 2006. TNC is far from done as these 69,000 acres are scheduled to be purchased by the state in four parts over the next five years.

TNC has been involved in many great land protection efforts in the Adirondack Park, including deals for Round Lake, Clear Pond, Mud Bog Lake, Lyon Mountain and over 100,000 acres of the Domtar lands, and Follensby Pond, among many others. The Finch land protection effort is one of its best anywhere in the country.

Governor Cuomo Did the Right Thing

One truly unfortunate and long-lasting aspect of the economic recession that has gripped the U.S. and the world is that public environmental spending is viewed as a luxury, and not a necessity. PROTECT agrees with the Governor that purchase of 69,000 acres for the Forest Preserve is an investment in the economy and environment of the Adirondack Park. These lands will be available to the public and provide outdoor recreational opportunities for families for generations.

Many lands that are cherished by New Yorkers and others today were protected by the state during times of economic downturn and uncertainty. The Lake George Islands, some of the most heavily used camping spots in the state, were purchased during the Great Depression in the 1930s. The Constitutional Convention of 1938 upheld the “Forever Wild” amendment in the NYS Constitution. Bond Acts for land protection were passed on the eve of World War I and during the Great Depression. Large tracts of the Moose River Plains were purchased during the Vietnam War. In acting bravely to add lands to the Forest Preserve, Governor Cuomo has reasserted the multi-generational and bipartisan

commitment to the protection of the Adirondack Park.

Deal Follows State Purchase of Conservation Easements on 95,000 acres of Finch lands in 2010 Three years ago, Governor David Paterson approved state purchase of conservation easements from The Nature Conservancy on 95,000 acres of former Finch lands. These were lands found to have the highest commercial forestry values and greatest productivity.

This action follows a trend of more than 20 years where state land purchases in the Adirondack Park have predominantly been through conservation easements. Fully 87% of the acreage purchased since the early 1990s by the state has been through easements, over 750,000 acres. Conservation easements are an important tool for maintaining lands in forested open spaces while at the same time keeping jobs in the woods and mills. The Finch land easements are owned by a timber management company called ATP Timberland Invest.

All told, this deal effectively balances a variety of interests. Over 95,000 acres of the former Finch lands are protected in perpetuity as managed timber lands under conservation easements. They will supply logs to mills and not lots for housing. The 69,000 acres to be protected in the Forest Preserve will make outstanding natural resource areas available to public and will enhance the truly sustainable whitewater rafting industry. Another 1,000 acres was sold to local governments for various community enhancement purposes, including expansion of the Town of Newcomb golf course.

150 Years of Industrial Forestry The former Finch lands have been under intensive forestry management for 150 years. These lands contributed logs to the historic river drive era that lasted from the Civil War until the 1950s. While there are some inaccessible lands, the majority of these lands have been heavily logged and contain hundreds of miles of roads, dozens of landings and road maintenance “borrow pits,” bridges, and culverts as well as hunting camps.

Deal Attacked by Local Government Review Board with Bogus Claims Local political leaders associated with the Adirondack Park Local Government Review Board (LGRB) blasted the Governor for this land purchase. They claimed that this deal violated state policy and would kill jobs. PROTECT has shown in various responses that both claims are false.

The LGRB has repeatedly claimed that somehow state

purchase violates a “recommendation” (p. 7 #11) in the State Land Master Plan (SLMP). It’s baffling that the LGRB thinks that somehow a SLMP “recommendation” is official New York State land acquisition policy. It’s not.

The NYS Open Space Plan is the official policy recognized in state law. It has been revised five times through statewide public hearings and is a product of regional advisory committees that include local government officials. The plan prioritizes protection of the Finch lands in question. To reference any other document is an attempt to deceive.

The LGRB also charged that the land purchase will kill jobs, though they’ve yet to produce a real person who would be out of a job. Job loss is a false charge that has been repeated aggressively since the state bought the 14,000-acre Little Tupper Lake tract in 1996. The reality is that Finch Paper only managed 40,000 of the 69,000 acres for active timber management. The remaining areas were inaccessible, wetland, lakeshore or steep slopes. Finch has already replaced this acreage from among other private landowners in the region who had not actively managed their lands. Hence, there is no loss due to removal of timberlands supply.

What the LGRB discounts is the jobs in tourism. This purchase is an incredible investment in the Hudson and Indian rivers whitewater rafting industry because it protects and enhances the Hudson River Gorge by improving access, overnight camping and day use. Unlike the mystery people who will supposedly lose their jobs due to the state purchase, the whitewater rafting industry includes many real people and real businesses. Other lands will be popular, such as the Boreas Ponds and Essex Chain Lakes, and will have a positive economic impact on tourism employment.

Local governments will also receive significantly higher





property tax payments from these lands as Forest Preserve than as managed timberlands, which were enrolled in tax abatement programs. State ownership brings full assessments and full tax payment.

PROTECT has actively refuted the false claims of the LGRB and others. We have posted a full-scale rebuttal on our website (www.protectadks.org) under our *Adirondack Issues Blog* and have distributed materials to the media.

Future Management On pages 10-11, PROTECT lays out a proposal for a new 39,000-acre Upper Hudson River Wilderness Area. This proposal seeks to combine about 20,000 acres of the new TNC lands that include the Essex Chain Lakes and Hudson River with existing Wild Forest Area and Primitive Area lands to form a large new Wilderness Area. This would be one of the

Scenes from an industrial forest. Clockwise from the top: The Polaris Club Bridge over the Hudson, a few miles south of Route 28N. This bridge should be removed in 2018. The Boreas Lodge on Boreas Ponds. This lodge should also be removed in 2018. A typical road through the Essex Chain Lakes tract. Hundreds of miles of roads exist, the overwhelming majority should be closed and allowed to revert to forest. An old cabin near LeClair Flow, which is believed to be the oldest building in North Hudson. DEC wants to retain this cabin for administrative purposes.

Opposite page: Blue Ledges in the Hudson Gorge.

great Wilderness areas in the Adirondack Park and protect forever over 22 miles of the wild Hudson River.

The Finch lands also include a number of structures that will need to be removed at the time that the state takes ownership. The Boreas Lodge (above), is a 10-bedroom corporate retreat that Finch, Pruyn built on

the banks of the Boreas Ponds in the mid-1990s. It includes various out buildings and generators. There is already clamoring for this building to be retained. A short distance from the Boreas Lodge is a small log cabin that is maintained to be the oldest building in North Hudson. PROTECT can see the wisdom of the DEC taking over management of the small cabin for an administrative outpost facility located on lands classified as Wild Forest. PROTECT opposes any effort to retain the Boreas Lodge and advocates that the entire Boreas Ponds area be added to the High Peaks Wilderness Area.

Several dozen hunting camps remain spread through these tracts. These camps will all be removed in 2018 as club members retain the right to keep their camps through 2017. Many of these camps have relocated to various locations on conservation easement lands that were formerly owned by Finch, Pruyn.

The DEC and TNC are working on an agreement to continue floatplane access to 1st Lake and Pine Lake, both of which are half Wild Forest lands (see map on page 11) and half on former Finch lands. Floatplanes have been flying into these lakes for decades. TNC and DEC are working on an arrangement to somehow create “reserved rights” that guarantee future floatplane access. PROTECT agrees that floatplane access should continue on these two ponds, but opposes floatplane access to the other waterbodies in the Essex Chain Lakes.

Online Petition Made the Case for Forest Preserve Protection

PROTECT teamed up with a number of other environmental organizations on an online petition drive that urged the Governor to protect the 69,000 acres as Forest Preserve and not purchase them as conservation easements. The Local Government Review Board, among others, called for more easement lands, not more Forest Preserve.

The petition (www.adirondackparkpetition.com) was signed by over 5,400 people who stood up for Forest Preserve protection for these lands. These names were delivered to the Governor. PROTECT is proud of this effort to mobilize voices for wildlands and rally people to stand up for the Forest Preserve.

The purchase of the 69,000 acres of former Finch lands by the state will go down as one of the great conservation actions in the history of the Adirondack Park. □

Top: The Upper Hudson north of the Cedar River. Bottom: Another view of the Essex Chain Lakes, an ecological and recreational paradise.



Climate change impacts are coming faster and more furiously than predicted

2012 is on schedule to go down as the warmest year on record. This past September marked the 16th month in a row that exceeded above average temperatures. All year we've been buffeted by reports that the Rocky Mountains, Great Plains, and northwest U.S. are being rocked by sustained drought and fire and that the Arctic polar ice sheet experienced accelerating melting to reach its smallest size ever.

The month of August saw the Arctic ice sheet fall from 1.82 million square miles to 1.4 million, which is nearly 40 percent below the average from 1979 to 2000. Temperatures were so warm in August that the National Oceanic and Atmospheric Administration (NOAA) projected an average melt of 35,400 square miles of ice per day. Not only is this the fastest rate ever, but NOAA stated it's "the equivalent of losing an area of ice equal to the state of Maine every day for 31 days." That happened this past summer.

In other places in the world scientists reported that the Great Barrier Reef has lost more than 50% of its coral and ocean temperatures in the north Atlantic reached warmest levels ever, which is changing fish habitat and increasing the rate of acidification of the ocean.

All of this falls as a background to what's already happening in the Adirondack Park and what is likely to happen in the future. Consider that:

- Vast numbers of plants and animals are moving north toward to the north pole as temperatures moderate.
- In New York, scientists found that over the past 20 years a number of breeding birds have either moved farther north to breed or to higher elevations. Birds that are experiencing a northward shift include the red bellied woodpecker, blue warbler, great snowy egret, and Carolina wren.
- The biggest long-term threat to the Adirondacks is a wholesale change to the Park's boreal landscape. Many boreal species, such as the spruce grouse, gray jay or boreal chickadee are at the southern

edges of their ranges. Climate change is likely to push them further north and out of the Adirondack Park.

- Many have also wondered if the inability of the moose population to flourish in the Adirondacks is a result of climate change. The population was estimated at 800 in 2010, whereas predictions 20 years ago were for a population of a few thousand by now. Moose populations grew dramatically in New Hampshire and Vermont in the 1980s-1990s, but moose in the Adirondacks have not followed a similar pattern. It could be that subtle habitat variations due to climate change are rendering the Adirondack Park inhospitable for a large moose population or that moose are moving north rather than west from New England states.

The most evident changes from climate change in New York and the Adirondacks is that we're experiencing more rainfall and more intense storms. Winters are warming more than summer months. Winters are also experiencing regular thawing and warming periods. As a general rule of thumb, the Adirondack Park is predicted to get be warmer and wetter with winter months approaching a state where it's as likely to rain as it is to snow. New York is expected to undergo an increase of 4.5 - 5.5°F by 2050.

One terrific new report is *Vulnerability of At-risk Species to Climate Change in New York* by the New York Natural Heritage Program, published at the end of 2011. This report catalogues the most at-risk species throughout the state that will find habitat conditions in the future less viable due to changing climate. Decades of the future will likely see widespread species dislocations.

Check regularly with the PROTECT website for current new information on how global climate change is changing our plant and our Adirondack Park. We stream Bill McKibben's daily stream of tweets of major news and events. You'll find not only links to current news and the latest compelling science, but information on what you can do and you can help. Changes are already plainly evident in the Adirondacks and beyond. □

PROTECT calls for new 39,000-acre Upper Hudson River Wilderness Area

New Wilderness area should be formed from new and existing Forest Preserve lands

One exciting aspect of the state's decision to purchase the 69,000 acres of former Finch lands as Forest Preserve is that it creates the opportunity to create a new Upper Hudson River Wilderness Area from existing and new Forest Preserve lands. (see map on right). PROTECT has called for the creation of such a new Upper Hudson River Wilderness, that would permanently protect nearly 22 miles of the wild Hudson River, a truly stunning accomplishment. This area would also protect dozens of lakes and ponds in a wildlands state without intrusion by motor vehicles.

The state aims to complete the first round of land purchases of the Finch lands from The Nature Conservancy no later than the end of March 2013. The first purchase is the 22,000-acre Essex Chain Lakes tract and the 1,200-acre tract that includes the confluence of the Indian and Hudson rivers. Quickly thereafter the Adirondack Park Agency (APA) and Department of Environmental Conservation (DEC) plan to move ahead with classification of these new Forest Preserve lands. These agencies anticipate conducting public hearings in the summer and fall of 2013 with final action on Forest Preserve classification by the end of the year.

At the same time that the APA and DEC plan to move ahead to classify the first two tracts of the former Finch lands, the DEC plans to publish simultaneously a conceptual plan for the management of the entire 69,000 acres. This is to show the full range of management issues and recreational opportunities across the full breadth of these lands. The DEC has been actively soliciting input to its planning from local governments, a variety of user groups, sportsmans associations, guides, and the environmental community, among many others.

It's important to note that under state law the actions of the APA and DEC are purely to develop a recommendation for Forest Preserve classification for the Governor's approval. In the end, the Governor makes the call and signs the official classification approval.

Essex Chain Lakes Tract This 22,000-acre tract includes a network of a dozen lakes and ponds in the Essex Chain, six miles of the Hudson River, and over five

miles of the Cedar River. This area is a unique assemblage of natural resources that offers a tremendous variety of outdoor recreational opportunities. The tract also connects other Forest Preserve and easement lands to protect a continuous unbroken forest across the central Adirondacks.

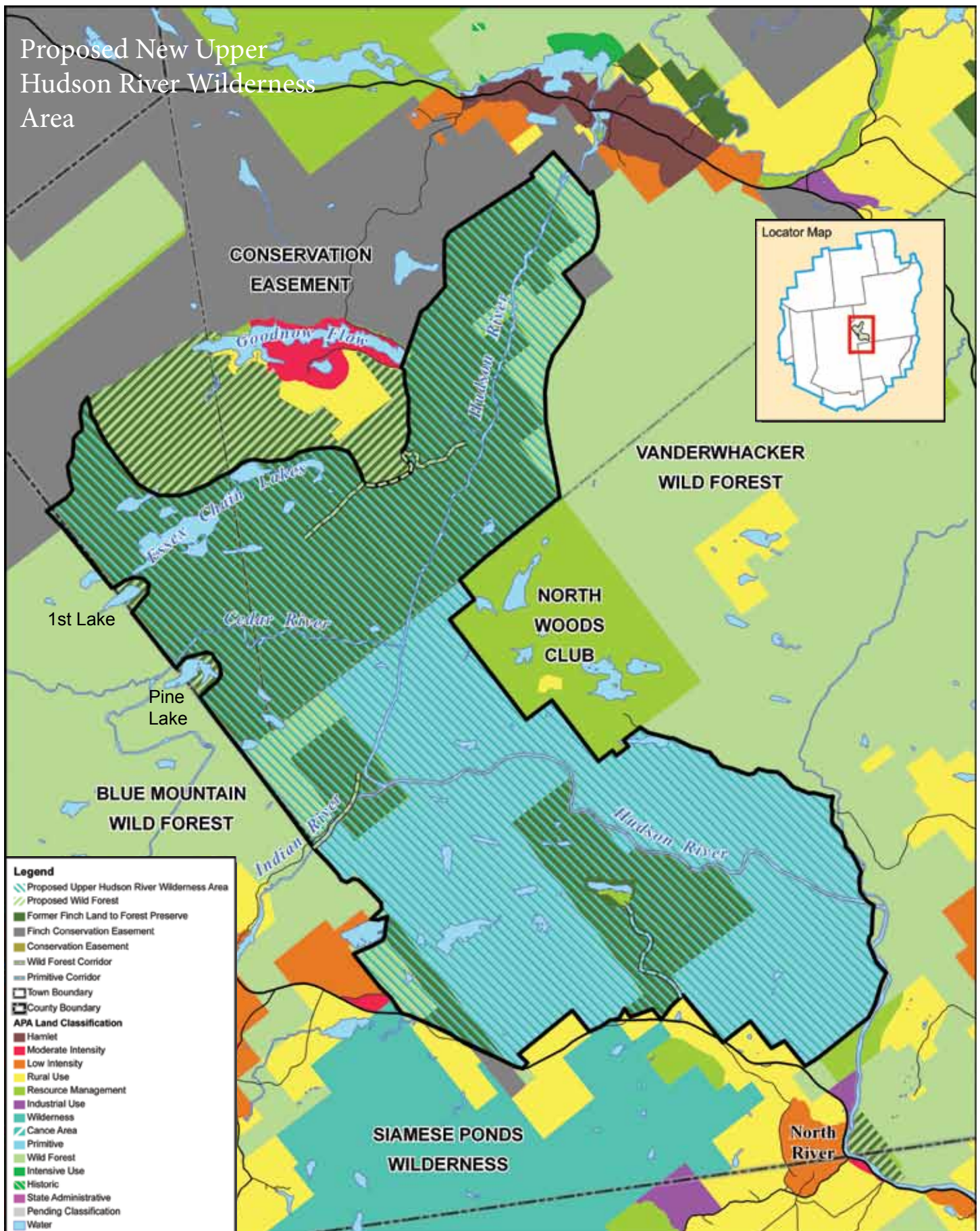
PROTECT believes that the entire area around the Essex Chain Lakes should be classified as Wilderness and become part of the Upper Hudson River Wilderness Area in order to fully protect this small network of lakes as a motorless area. PROTECT's experience of having to litigate against the APA and DEC to protect Lows Lake as a motorless area showed us that the Wilderness classification is the most appropriate.

Two lakes, 1st and Pine lakes, on the western edge of the Essex Chain tract and partly within Wild Forest areas, are excluded from the Wilderness area due to long established floatplane use. PROTECT supports Wild Forest classification for these lakes.

A Wild Hudson for All Times A new Upper Hudson River Wilderness Area would protect 22 miles of the Hudson River from just south of Route 28N in Newcomb to North River. This would be one of the great wild river stretches in the Northeast. A wilderness area would enhance the whitewater rafting industry in the Hudson Gorge and protect the long flatwater and mild rapid sections of the Hudson above the confluence with the Indian River. Purchase of Finch/TNC lands in the Hudson Gorge is expected to be completed in 2014.

Wilderness Management: Just Leave it Alone Wilderness is not about the current condition of the land, but is a management policy for the future. A wilderness area does not have to be an undisturbed, virgin old growth forest. Clearly, after 150 years of commercial forestry there is a large network of roads, bridges, and other remains of human activities. None of these will disappear anytime soon. Rather, what a Wilderness management classification will do is allow natural ecological processes to function unfettered by human impacts in the future. Slowly the natural forest will grow over these various structures and reclaim them. ▣

Proposed New Upper Hudson River Wilderness Area



PROTECT lawsuit advances challenging APA's permits for Adirondack Club & Resort project

Lawsuit raises important and substantial issues that challenge the process and merits of the APA's decision to grant approvals for this deeply flawed project

In March 2012, Protect the Adirondacks, the Sierra Club Atlantic Chapter, and two adjoining landowners brought a lawsuit against the Adirondack Park Agency (APA) and Department of Environmental Conservation (DEC) over a series of approvals for permits for the 6,000-acre Adirondack Club & Resort (ACR) project in Tupper Lake. This sprawling subdivision encompasses over 700 new building lots, was highly controversial, and is the largest subdivision ever approved by the APA.

Many have vehemently criticized PROTECT and its partners since March. They have built a public campaign that disparages the lawsuit as frivolous and its intent as mean spirited. Nothing could be further from the truth. Recall that just two years ago PROTECT and others sued the APA to challenge its decision regarding the management of Lows Lake. PROTECT believed that the APA had violated its law in that decision. Many derided PROTECT about that lawsuit too. PROTECT won that lawsuit in August 2011. It was not a close call. The state did not appeal.

PROTECT encourages anyone who is interested in the details of our ACR lawsuit to go to our website (www.protectadks.org) and read the papers. You will find that the issues are far from frivolous. You will also find a variety of posts that rebut many of the false charges made against us and our partners.

The issues in the lawsuit are substantial. PROTECT believes the APA ignored its own laws and violated its review procedures in approving 14 permits for ACR. In addition, there appears to have been extensive ex parte communications in violation of state law and APA regulations. This lawsuit seeks to hold a regulatory agency accountable for how it made its decision.

Since March, PROTECT and its partners have been under a constant stream of attacks from ACR boosters who have taken to glossing over the many violations of law in the APA's review and staunchly defending the APA's decision. PROTECT believes that if the APA's

approvals for ACR permits go unchallenged they will be used as a guide for future developments across the Adirondack Park and establish a ruinous precedent for Resource Management lands. We see the risk as simply too great to allow this precedent to stand and watch the Park's doors opened up for more poorly (and illegally) designed "Great Camp" lots spread willy-nilly across Resource Management lands. ACR boosters say the ACR project is about the future of Tupper Lake. To PROTECT it's about the future of the Adirondack Park.

The ACR approval will not only shape how hundreds of thousands of acres of Resource Management lands could be developed in the future, with far flung houses connected by a sprawling network of roads, but could also dictate the way that the APA reviews major subdivisions. Will the APA be allowed to ignore its laws when it issues new subdivision permits? Will the APA be allowed to ignore the lack of required impact studies, such as wildlife and wetlands studies, when it approves future subdivisions? In a public hearing will the APA be allowed to supplement the hearing record after the record has been closed so it can substantiate faulty findings? Should the APA be allowed to ignore negative impacts to a variety of natural resources when it approves a permit? Should the APA approve a subdivision that unfairly burdens local municipal services? Will the APA allow future applicants to pick and choose their own permit conditions? Will political influence dictate decisions on future subdivision permits? Should the APA be allowed to change its rules and regulations to facilitate an individual subdivision? Much, much, more is at stake here than the ACR project.

We ask "What if the shoe was on the other foot?" How would ACR boosters feel if the APA had rejected the ACR project by illegally supplementing the hearing record, by referring to APA law as mere "guidelines" or "recommendations" that don't have to be followed, by allowing unprecedented ex parte communications between APA leaders and environmental groups that opposed the project, and by failing to follow proper

procedures in the review of the application, among other matters?

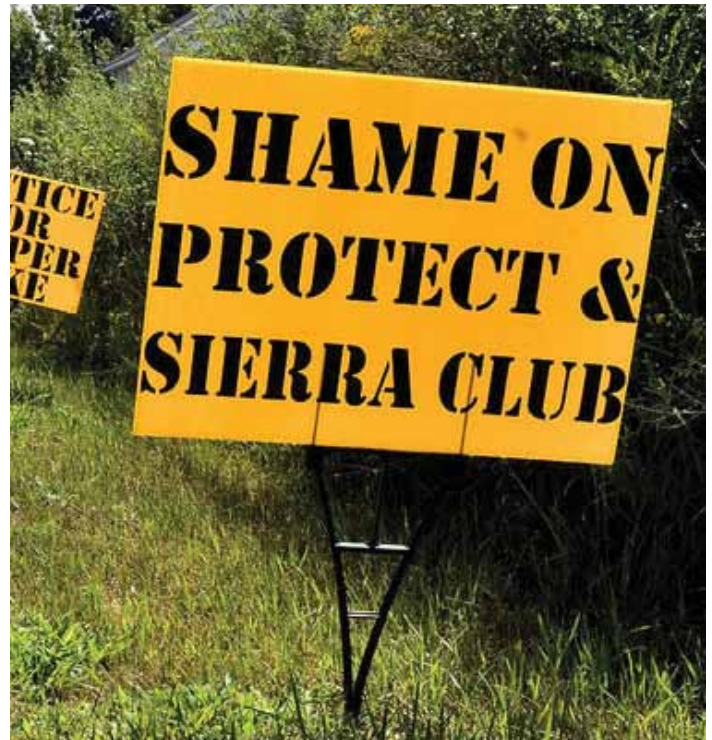
It's likely that ACR boosters would be outraged if they had received a negative decision by these improper means. PROTECT believes that the APA used such improper means to approve the ACR project.

ACR boosters have never tried to argue the merits of the case. If PROTECT are nothing but the radical extremists it's claimed we are and our lawsuit is frivolous, this should be an easy task. PROTECT has been impressed by the extent that ACR boosters will go in their willingness to invent "facts" but have never focused on the real issues raised in this lawsuit. Thankfully, the courts will.

Two adjoining landowners have joined PROTECT and the Sierra Club in this lawsuit. They have been accused of somehow profiting from this action. That's nonsense. All they stand to gain is peace of mind. Nor will PROTECT gain financially from this lawsuit. It's an immense financial burden and a drain of the time and resources of the group. PROTECT has thousands of terrific members who care very deeply about the Adirondack Park and believe we must hold accountable those who wield power over the Adirondacks, but we use their support wisely and frugally. At the same time, there is some wisdom to the suggestion that much can be learned by "following the money." PROTECT has no financial skin in this game. No does our Board, nor do our members. The reader should ask if this is true of many of the ACR boosters who have led the assault on PROTECT.

Lawsuits are how many issues are decided in America. In our society the courts are called upon to make major decisions that have shaped, and continue to shape, many aspects of modern American life. From civil rights lawsuits like *Brown vs. Board of Education*, to lawsuits that gave us all our "Miranda" rights, to *Roe vs. Wade* or *Bush vs. Gore*, to many state level lawsuits that pushed the agenda on gay marriage, to the recent Supreme Court case on the Affordable Care Act (Obamacare) or the Citizens United election finance issue, decisions from lawsuits are an integral part of American history and our civic process and shape our everyday life.

Lawsuits have also shaped life in the Adirondack Park. A suit sought (unsuccessfully) to abolish the APA. Lawsuits have shaped regulations around floatplane use, local government roads, ATVs, the rights of farmers, and APA jurisdiction in shoreline areas. Lawsuits are a way



Signs in Tupper Lake and points beyond critical of PROTECT and the Sierra Club.

Americans hold government accountable and protect us from special interests and illegitimate influence. PROTECT believes that the only way that the ACR project could get approved in its current configuration was through a flawed and illegal process. A lawsuit is the proper way to challenge this.

PROTECT (and its predecessor organizations) always called for a smaller and differently designed ACR project centered on the early redevelopment of the ski area. PROTECT has never opposed ACR per se. We met with the applicant's attorney and LA Group staff very early in the process. The ACR project sponsor was remarkable in his iron inflexibility and his absolute commitment to build his way, and his way only. From early on we made known our objections, based on science, to how the Great Camp lots were configured. In the end, both the project sponsor and the APA were content to ignore the science. PROTECT is not.

This lawsuit was not an easy decision and is a major financial burden on PROTECT. But, it's the right thing to do given the facts of how this project was approved and what the long-term impacts could be for the future of the Adirondack Park. □

PROTECT opposes new snowmobile trail construction

DEC and APA aggressively move ahead with new “community connector” snowmobile trail construction projects, de facto new roads in the Forest Preserve

Major construction is underway now of snowmobile trails designed to accommodate the use of large tracked groomers in the “forever wild” Forest Preserve. Significant work has been undertaken by the Department of Environmental Conservation (DEC) on a new snowmobile trail through the interior of the Moose River Plains Wild Forest Area to connect the hamlet of Raquette Lake to the main road through the Moose River Plains, which is a major snowmobiling thoroughfare that connects Indian Lake and Inlet.

In the fall of 2011, the Adirondack Park Agency (APA) by a 10 to 1 vote approved a document called *Management Guidance: Snowmobile Trail Siting, Construction and Maintenance on Forest Preserve Lands in the Adirondack Park*. This “Guidance” document, which does not purport to be law, put the APA on record that it believes that new snowmobile trail construction and associated grooming activities by many-ton tracked groomers are consistent with the Adirondack Park State Land Master Plan (SLMP). Trails will be up to 12 feet wide on slopes and curves with rocks removed that would damage groomers and snowmobiles. Straight sections of trails will be cut 9 feet wide and trails would be flattened and made level with “benches” gouged out of side slopes. Bridges will be 12 feet wide with a travel space of 10 feet. Far from having the mandated character of a “foot trail” these wide, flattened trails that have heavily altered the terrain will be much more like paved roads than “trails”. These snowmobile trails are designed to allow grooming by large tracked vehicles and use by large snowmobiles operating at high rates of speed.

This *Guidance* approved by the APA authorizes two new types of snowmobile trails. The first is the original type of snowmobile trail similar to a foot trail, which is called a Class I trail. A Class I trail must be groomed with a snowmobile pulling a grooming drag. The *Guidance* also created a new Class II snowmobile trail where large tracked groomers will be allowed for maintenance purposes. PROTECT believes the Class II trail fails to conform with the SLMP for a variety of reasons. Rather than amend the SLMP and go through

public hearings, the APA approved an interpretation of the SLMP that stated Class II trails conform with the SLMP, while promising to “confirm” this vote by amending the SLMP at a future time. The DEC is now working hard and fast, using a 7,000 pound excavator (see right) with grading blade, to build a new Class II trail from Inlet to 8th Lake for use this winter.

What is a Class II Trail? Under the *Management Guidance* a Class II trail is a “community connector trail” for snowmobile “touring”. These are supposed to be on the periphery of Wild Forest Areas and “as close as possible” to motorized travel corridors. Class II trails allow other motor vehicles besides snowmobiles, so they can be constructed and maintained by motor vehicles, such as backhoes, excavators and all terrain vehicles (ATVs), and groomed with large tracked groomers. The SLMP does allow for some new trails to connect towns on newly acquired lands if they use “established roads”, or if they are “adjacent to but screened from certain public highways”. However, the *Guidance* allows Class II trails to be built as much as two and a half miles from motorized roads and lakes, even in wild and pristine sections of the Forest Preserve.

A Class I trail is likely a dead-end trail into the interior of a Wild Forest area, or a spur from a Class II trail to taverns, gas stations, and motels. The only motor vehicle that can be used on a Class I trail is a snowmobile, so grooming must be by snowmobile with attached drag. As the new *Guidance* includes this kind of trail, Class II trails are not necessary for “modern” snowmobiling. The new Class II trails are being built to make driving snowmobiles easier, more comfortable, safer and faster. The excuse of increased safety is belied by the well-known fact that speed and alcohol are what cause serious snowmobile accidents, not driving on Class I backcountry trails. There is no research or record that shows increased danger on Class I type trails.

Both Class I and Class II trails will be straightened so that sight distance is 50 feet or more. On Class II, trails a wide curve radius of 25 feet is authorized. Class II



trails are usually to be built 9 feet wide, but can be as much as 12 feet wide on curves or steep slopes—the case in most of the Adirondacks. Shrubs off the trail but with projecting branches can be removed. Stumps (over 1,000 will be left after the trail is widened and straightened on just five miles of the trail now being constructed) and rocks in the trail will often be dug up.

Treated lumber bridges on telephone pole-like stringers (see above) must be 12 feet wide and capable of supporting the 10,000 pound combined weight of tracked groomers plus snow. This massive bridge has no similarity to foot trail bridges, which is the standard assumed by the SLMP. Some 28 of this type of bridge will be built as part of the new trail in the Moose River Plains.

Community Connector Trails and SLMP Compliance

Many crucial issues were glossed over by the APA, with

Scenes from construction of a “community connector” Class II snowmobile trail, implemented by the DEC under “Management Guidance” approved by the APA. This new snowmobile trail runs 5 miles from the Moose River Plains Road to the 8th Lake Campground. This is the first of many new Class II community connector snowmobile trails scheduled to be constructed in the Forest Preserve. PROTECT finds that these Class II trails are basically new roads through the Forest Preserve.

Clockwise from the top left: Heavy machinery “grades” the trail to remove stumps and rocks that protrude higher than 6 inches as well as to cut “bench cuts” in slopes to keep the trail level. New 12-foot wide bridges are being built to accommodate large tracked groomers weighing several tons. New stretch of freshly graded snowmobile trail that is between 9 - 12 feet in width. This trail has been worked on to remove large stumps and rocks and install water bars for drainage. Samples of a rock marked for removal and a stump where a tree was removed from the trail. 25-foot long poles to build bridges. These poles are dragged to sites, which causes the rutting pictured on the bottom left.

a strong push by the DEC and Governor's Office, when the *Management Guidance* was approved last year. The sole opposing vote on the APA Board of Commissioners was Dick Booth, a law professor who teaches urban and regional planning. He argued that the SLMP had to be amended before tracked groomers could be used off of a road on a trail. The APA planner who helped write the SLMP, which was approved by the legislature and signed by the Governor in 1971, also says that tracked groomers were not be allowed on trails.

The SLMP defines a snowmobile trail as "a marked trail of essentially the same character as a foot trail" (p. 19) where in winter months snowmobiles are allowed to travel. It states that snowmobile trails and roads must be compatible with "the wild forest character of an area" (p. 35). "Wild Forest" management should "protect the natural wild forest setting and provide those types of outdoor recreation that will afford public enjoyment without impairing the wild forest atmosphere" (p. 32). Wild Forest areas are also to be places where "public use of motor vehicles will not be encouraged" (p. 33).

The four SLMP statements quoted above were widely violated by the construction of the new community connector snowmobile trail through the heart of the Moose River Plains Wild Forest area this fall. After a field review, PROTECT identified six key ways in which this new community connector snowmobile trail is more like a road than a trail.

Trail Width: A Class II snowmobile trail is designed to be 12 feet wide on slopes and curves and 9 feet in straight sections. Maintenance and grooming with a several ton tracked vehicle and snowmobile use will lead to further widening over time. Roads are this wide, not hiking trails. Hiking trails do not require these alterations of terrain. PROTECT does not see how this snowmobile trail is the "character of a foot trail."

Trail Banking and Bench Cutting: The community connector trail made extensive cuts into the bank of the slope in order to flatten the snowmobile trail. This involved extensive alteration of the terrain.

Grading, Rock Removal: The community connector trail required extensive rock removal and grading work to flatten the trail area. This type of significant terrain alteration is a common activity for building a road.

Tree Cutting: PROTECT counted 1,100 trees removed over a 5-mile stretch of this trail. Additionally thousands of seedlings and saplings of less than 3 inches

in diameter at breast height were removed. Construction of a hiking trail does not require this level of tree removal, but a road does.

Massive Bridges: The bridges constructed on this trail are massive items of 12 feet in width built to support groomers that weigh several tons. These bridges are supported by 25-foot long poles. These bridges are unlike anything used for a hiking trail bridge.

Motor Vehicle Use and Speed: Class II trails are groomed daily or nightly to make a packed, smooth, wider, straighter and faster snow surfaces. This trail will be used by high volumes of snowmobiles at high rates of speed. Motor vehicles do not operate on hiking trails, but rather on roads.

PROTECT believes that this type of snowmobile trail construction violates the SLMP and possibly the NYS Constitution. Clearly, this type of trail is not the "character of a foot trail," is inconsistent with "the wild forest character of an area," and impairs the "wild forest atmosphere." PROTECT will continue to challenge the DEC and APA's snowmobile trail building program.

Climate Change Will Limit Snowmobiling, but ATV Enthusiast Will Want Access to Community Connector Trail Network The construction of major Class II trails is a harbinger of state actions in the face of even greater threats to the Forest Preserve in the future. State agencies are intent on criss-crossing the Forest Preserve with de facto new roads. If the warming winter trends continue due to global climate change as predicted by scientists and observant Adirondackers, many will call for this de facto road network of community connector snowmobile trails to be used for the Next Big Thing—ATV trail networks.

PROTECT finds that ATVs are extremely harmful to forest trails and believes they should not be allowed on the Forest Preserve. As the winter snowpack becomes more unreliable in this era of climate change we anticipate hearing arguments from the ATV community that they should be able to utilize the community connector trail network. PROTECT can all too well see the friendly reception at the APA and DEC, which will then likely publish a future "Guidance" document that interprets the SLMP as allowing an ATV network through the Forest Preserve. The Forest Preserve deserves better.

For more information see the PROTECT website at www.protectadks.org. □



More scenes from construction of a “community connector” Class II snowmobile trail, implemented by the DEC under “Management Guidance” approved by the APA. Top left shows extensive terrain alteration necessary to build a large-scale community connector snowmobile trail. This is a section where grading is underway. Top right shows extensive “bench cutting” into a slope to widen and flatten the snowmobile trail.

Middle left is a section over 20 feet wide where the trail was shifted to the right since the area on the left was damaged during construction. Community connector snowmobile trails have been approved by the APA and DEC to be 12 feet wide on slopes and curves. Middle right shows rocks marked for removal in a section of new snowmobile trail that was cut, but not yet graded and flattened. The end result is the completed trail, pictured in the bottom right. Note the tree cutting and brushing debris on the left. PROTECT sees this “community connector” snowmobile trail as basically a road. If it’s designed like a road, looks like a road, was built like a road, and is travelled by motor vehicles at high rates of speed like a road, it must be a road.

PROTECT finds new emphasis on sustainability in Adirondack Park economic development dialogue refreshing and positive

A new emphasis for economic and community development in the Adirondack Park and across the North Country that focuses on sustainability as a core strategy has gained traction over the past year. This is welcome news because these strategies seem to try and build on the area's key assets of a protected, wild landscape. For decades economic development was hostile at worst and indifferent at best to the wild landscape of the Adirondack Park. When it came to economic development, the refrain was to "blame the Park." Now, that refrain seems to be changing as two impressive efforts have embraced the Park's wild and protected landscape as the best staircase for economic and community development. PROTECT sees this as welcome news.

The two new strategies have been organized by a variety of organizations, but most notably have come from the Common Ground Alliance and the Adirondack North Country Association.

The Common Ground Alliance sponsored the *Mapping the Future of the Adirondack Park* project, a year-long study of a wide variety of stakeholders in the Adirondacks about their visions for the Park's economic future. Organized by Dave Mason and Jim Herman of Keene, the effort resulted in a statement that articulated a vision for the Adirondacks over the next 25 years built upon what it termed "The Sustainable Life." This focus seeks to build upon the Park's wild landscape by creating a compatible infrastructure of services (broadband, cell service, global delivery services) with more amenities (bike trails, sidewalks, accessible foot trails, more local stores, restaurants) to make communities attractive for those who may move here or seek to stay here.

Another big component is better utilization of local services and resources. Energy, for example, is largely produced outside the Adirondacks and North Country, but heavily used within. Conservation of energy will increase local financial viability by retaining rather than exporting local dollars. Making choices to buy local food could also have a big impact. Better use of local raw materials is also important, such as wood, which is largely shipped far and wide to manufacturing, rather than used locally. These are all items that the environ-

mental community has been advocating for some time. These are all issues that will strengthen the Adirondack Park against the changes that will be required to meet the stresses and challenges from global climate change.

Exactly what "The Sustainable Life" actually means for an economic and community development strategy has not been fully articulated. Moreover, it's terminology relies upon highly subjective terms like "sustainability" or "balance," where the devil is in the details. Nevertheless, this effort has been very successful in coalescing a diverse and dynamic array of interests into what appears to be a workable format.

The second effort to highlight is *The Homegrown Sustainability Plan*, which is part of the Statewide Cleaner Greener Communities Program sponsored by the New York State Energy Research and Development Authority (NYSERDA) through a grant to the Adirondack North Country Association (ANCA). This grant supports a 8-month effort to create a plan and implementation strategy for seven counties (Clinton, Franklin, Essex, Hamilton, St. Lawrence, Lewis and Jefferson), which includes the north end of the Adirondacks.

The planning effort has seven focus areas, including transportation, waste and water development, economic development, energy, working landscapes, livable communities. Various working groups have been involved in research and developing strategies on these areas. The working groups reported on their progress in early October in a series of public meetings. The public is invited to continue to share ideas on goals and projects that should be included in the Plan. It is expected that the plan will be available in early 2013.

What's most interesting about this effort is that it's seeking the points of overlap and intersection between economic development, community stability, and environmental protection. A resource like an Adirondack lake or forest certainly includes all three values. The goal is to identify strategies about how such a resource can be managed and protected for the long-term benefits of local communities and the environment. □

Visit PROTECT website

PROTECT posts regularly to its website www.protectadks.org. Our Adirondack Issues Blog provides hard looks at pressing issues confronting the Adirondack Park.

Recent posts look at economic development, the Finch lands deal, rebuttals to false claims about our lawsuit challenging the Adirondack Park Agency over the 6,000-acre development in Tupper Lake, major new snowmobile trail construction, among much more.

Mountain Mix posts inform readers about a range of items across the Adirondacks.

Help PROTECT grow our membership

We need your help to build PROTECT's membership. Please send your friends and family to join us online at www.protectadks.org. PROTECT is the environmental leader in the Adirondacks. We've taken the important and needed stands to protect the Adirondack Park and now we need you to stand with us. Join today.

Sign up your lake with the Adirondack Lake Assessment Program (ALAP)

In partnership with the Adirondack Watersheds Institute at Paul Smiths College PROTECT manages the largest water quality monitoring program in the Adirondack Park. This year we had over 70 lakes and ponds enrolled.

ALAP provides good data for landowners, lake associations and local governments about the long-term water quality trends of specific lakes.

Volunteer with Research Committee or Become a Citizen Advocate

PROTECT manages an active research committee that tackles major issues facing the Park. PROTECT seeks to bring sound data to the public debate over Adirondack Park management and the Park's future. We aim to draw on the expertise and talents of our membership to help with this work.

We also encourage members to become active Citizen Advocates who attend public hearings, write letter, make comments, and help to expand the impact of PROTECT.



Contact PROTECT at info@protectadks.org for more information on any of these subjects.



Protect the Adirondacks
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Lake George, NY 12845

Postage

PHOTO BY CARL HEILMAN

Who can you always count on to be
there to protect the Adirondack Park?

Who defends the water quality of the Park?

Who will take the right stand even when
temperatures and passions get high?

Who will do the right thing for a wild
Adirondacks, rather than the right
thing for political expediency?

Who defends the open spaces of the Park?

Who will do the hard work to win new
and enhanced protections
for the Adirondack Park?

Who makes sure that
environmental laws are followed?

Who defends the wildlife
of the Adirondacks?

PROTECT has taken tough stands
when nobody else would.

Now we need you to stand with us.

**JOIN THE
ENVIRONMENTAL LEADER
OF THE ADIRONDACK PARK**

PROTECT 
THE ADIRONDACKS!

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