

STATE OF NEW YORK  
SUPREME COURT : COUNTY OF ALBANY

---

Albany County Clerk  
Document Number 9990469  
Rcvd 07/06/2007 2:38:01 PM



In the Matter of the Application of

ADIRONDACK MOUNTAIN CLUB, INC.,  
RESIDENTS' COMMITTEE TO PROTECT THE  
ADIRONDACKS, INC., THE ADIRONDACK  
COUNCIL, INC. and THE ASSOCIATION FOR THE  
PROTECTION OF THE ADIRONDACKS, INC.,

Petitioners,

for a judgment under CPLR Article 78

- against-

ADIRONDACK PARK AGENCY, DEPARTMENT  
OF ENVIRONMENTAL CONSERVATION and  
OFFICE OF PARKS, RECREATION AND  
HISTORIC PRESERVATION,

Respondents.

---

**STIPULATION  
AND ORDER**

Index No. 5953-06

**IT IS HEREBY STIPULATED AND AGREED** by petitioners Adirondack Mountain Club, Inc. ("ADK"), Residents' Committee to Protect the Adirondacks, Inc. ("RCPA"), Adirondack Council, Inc. ("Council") and Association for the Protection of the Adirondacks, Inc., ("Association") (collectively "Petitioners"), and respondents New York State Adirondack Park Agency ("APA"), the New York State Department of Environmental Conservation ("DEC") and the Office of Parks, Recreation and Historic Preservation ("Parks")(collectively, "Respondents") that this action be dismissed without prejudice to renew all claims in the Amended Petition, under the terms set forth below:

1. The parties agree that within 30 days of the effective date of this Stipulation, the Respondent DEC shall rescind its approvals of those portions of the Jessup River Unit Management Plan/ Final Environmental Impact Statement ("Jessup River UMP/FEIS") and accompanying State Environmental Quality Review Act ("SEQRA") findings related to the use of snowmobiles, including but not limited to the construction, modification or relocation of snowmobile trails, bridges and other facilities, and the use of motorized tracked grooming machines (other than snowmobiles) on snowmobile trails. The parties agree that the UMP is being rescinded pending APA conformance determinations with the Adirondack Park State Land Master Plan ("SLMP"), after which the Jessup River UMP will be amended and reissued to reflect the determination(s) in accordance with applicable law, including SEQRA.

2. The parties agree that the recommendations and SEQRA findings in the Final Snowmobile Plan for the Adirondack Park/Final Generic Environmental Impact Statement ("Snowmobile Plan/GEIS") are not final but instead are intended to be implemented through the Unit Management Plan process, which includes SLMP conformance determinations by the APA.

3. The DEC will not approve, through Temporary Revocable Permits, Adopt a Natural Resource Permits or any other administrative action requests for motorized tracked mechanical grooming (other than snowmobiles) on any trail which has not been previously groomed by mechanical groomers, except through an approved UMP.

4. State respondents waive the assertion of the statute of limitations as an affirmative defense for any claim raised in the Amended Petition in any future litigation regarding those claims.

5. The parties agree that Respondents will pay \$2,500 in legal fees and disbursements incurred by Plaintiffs in this proceeding.

Dated: Albany, New York  
June 15, 2007

Adirondack Mountain Club, Inc.

By: Neil F. Woodworth  
NEIL F. WOODWORTH  
EXECUTIVE DIRECTOR

Dated: Albany, New York  
June , 2007

Residents' Committee to Protect the  
Adirondacks, Inc.

By: \_\_\_\_\_

Dated: Albany, New York  
June , 2007

The Adirondack Council, Inc.

By: \_\_\_\_\_

Dated: Albany, New York  
June , 2007

The Association for the Protection of the  
Adirondacks, Inc.

By: \_\_\_\_\_

Dated: Ray Brook, New York  
June , 2007

Adirondack Park Agency

By: \_\_\_\_\_

Dated: Albany, New York  
June , 2007

New York State Department of  
Environmental Conservation

5. The parties agree that Respondents will pay \$2,500 in legal fees and disbursements incurred by Plaintiffs in this proceeding.

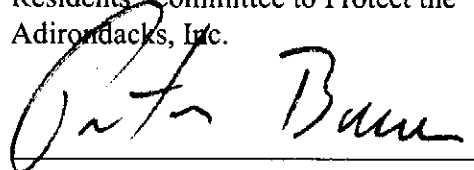
Dated: Albany, New York  
June , 2007

Adirondack Mountain Club, Inc.

By: \_\_\_\_\_

Dated: Albany, New York  
June , 2007

Residents' Committee to Protect the  
Adirondacks, Inc.

By:  \_\_\_\_\_

Dated: Albany, New York  
June , 2007

The Adirondack Council, Inc.

By: \_\_\_\_\_

Dated: Albany, New York  
June , 2007

The Association for the Protection of the  
Adirondacks, Inc.

By: \_\_\_\_\_

Dated: Ray Brook, New York  
June , 2007

Adirondack Park Agency

By: \_\_\_\_\_

Dated: Albany, New York  
June , 2007

New York State Department of  
Environmental Conservation

By:

\_\_\_\_\_

Dated: Albany, New York

June , 2007  
Residents' Committee to Protect the  
Adirondacks, Inc.

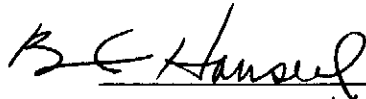
By:

\_\_\_\_\_

Dated: Albany, New York

June <sup>22</sup>, 2007  
The Adirondack Council, Inc.

By:

  
- BRIAN L. HOUSEAL

Dated: Albany, New York

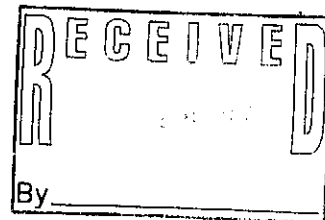
June , 2007  
The Association for the Protection of  
the  
Adirondacks, Inc.

By:

\_\_\_\_\_

Dated: Ray Brook, New York

June , 2007  
Adirondack Park Agency



5. The parties agree that Respondents will pay \$2,500 in legal fees and disbursements incurred by Plaintiffs in this proceeding.

Dated: Albany, New York  
June , 2007

Adirondack Mountain Club, Inc.

By: \_\_\_\_\_

Dated: Albany, New York  
June , 2007

Residents' Committee to Protect the  
Adirondacks, Inc.

By: \_\_\_\_\_

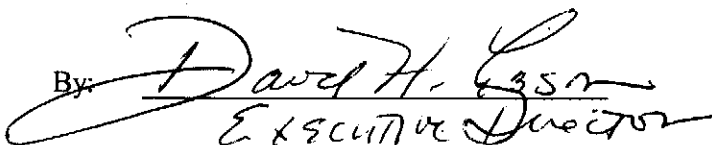
Dated: Albany, New York  
June , 2007

The Adirondack Council, Inc.

By: \_\_\_\_\_

Dated: Albany, New York  
June , 2007

The Association for the Protection of the  
Adirondacks, Inc.

By:   
EXECUTIVE DIRECTOR

Dated: Ray Brook, New York  
June , 2007

Adirondack Park Agency

By: \_\_\_\_\_

Dated: Albany, New York  
June , 2007

New York State Department of  
Environmental Conservation

5. The parties agree that Respondents will pay \$2,500 in legal fees and disbursements incurred by Plaintiffs in this proceeding.

Dated: Albany, New York  
June , 2007

Adirondack Mountain Club, Inc.

By: \_\_\_\_\_

Dated: Albany, New York  
June , 2007

Residents' Committee to Protect the  
Adirondacks, Inc.

By: \_\_\_\_\_

Dated: Albany, New York  
June , 2007

The Adirondack Council, Inc.

By: \_\_\_\_\_

Dated: Albany, New York  
June , 2007

The Association for the Protection of the  
Adirondacks, Inc.

By: \_\_\_\_\_

Dated: Ray Brook, New York  
June 21, 2007

Adirondack Park Agency

By: Mark E. Sengenberger

Dated: Albany, New York  
June , 2007

New York State Department of  
Environmental Conservation

By: \_\_\_\_\_

Dated: Albany, New York  
June 21, 2007

New York State Office of Parks,  
Recreation and Historic Preservation

By: Andy Brown

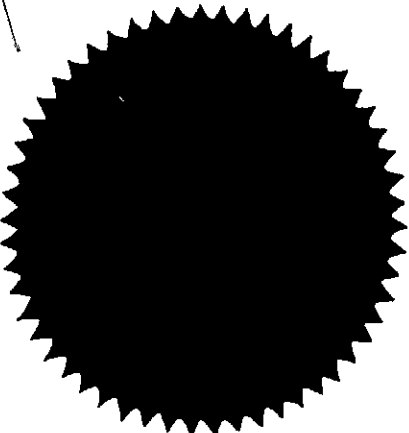
**SO ORDERED.**

Dated: Albany, New York  
June 27, 2007

[Signature]  
New York State Supreme Court

St Thomas G. Clingan  
7-6-07  
MB

Albany County Clerk  
Document Number 9990469  
Rcvd 07/06/2007 2:38:01 PM  

STATE OF NEW YORK  
COUNTY OF ALBANY CLERK'S OFFICE } ss.:

I, THOMAS G. CLINGAN, Clerk of the said County, and also Clerk of the Supreme and County Courts, being Courts of Record held therein, DO HEREBY CERTIFY that I have compared the annexed copy..... Order..... with the original thereof filed in this office on the..... 6<sup>th</sup>..... day of..... July 2007..... and that the same is a correct transcript therefrom, and of the whole of said original.

IN TESTIMONY WHEREOF, I have hereunto set my name and affixed my official seal, this..... 6<sup>th</sup>..... day of..... July 2007.....  
Thomas G. Clingan Clerk



Dated: Albany, New York  
June 22, 2007

New York State Department of  
Environmental Conservation

By: Eli H. Acker

Dated: Albany, New York  
June , 2007

New York State Office of Parks,  
Recreation and Historic Preservation

By: \_\_\_\_\_

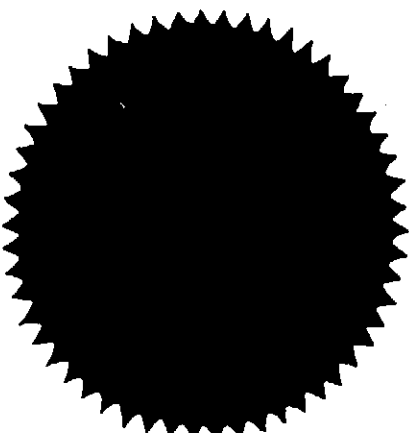
**SO ORDERED.**

Dated: Albany, New York  
June 27, 2007

[Signature]  
New York State Supreme Court

S/ Thomas G. Clingan  
7-6-07  
MB

Albany County Clerk  
Document Number 9990469  
Rcvd 07/06/2007 2:38:01 PM



STATE OF NEW YORK  
COUNTY OF ALBANY CLERK'S OFFICE } ss.:

I, THOMAS G. CLINGAN, Clerk of the said County, and also Clerk of the Supreme and County Courts, being Courts of Record held therein, DO HEREBY CERTIFY that I have compared the annexed copy..... Order..... with the original thereof filed in this office on the..... 6th..... day of..... July..... 2007 and that the same is a correct transcript therefrom, and of the whole of said original.

IN TESTIMONY WHEREOF, I have hereunto set my name and affixed my official seal, this..... 6th..... day of..... July..... 2007  
[Signature] Clerk