



PRESS RELEASE

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Protect the Adirondacks gets green light in lawsuit challenging NYS snowmobile trail management

Supreme Court Judge denies State's Motion to Dismiss; PROTECT files a new Motion for Preliminary Injunction against new trail building

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Albany, NY – Protect the Adirondacks has filed a new Motion for a Preliminary Injunction against the NYS Adirondack Park Agency (APA) and Department of Environmental Conservation (DEC) to stop new class II community connector snowmobile trail construction in the Forest Preserve while its legality is in litigation. This new motion follows a decision by the State Supreme Court in Albany in late August 2013 that denied the state's Motion to Dismiss parts of this lawsuit and allowed PROTECT's lawsuit to advance.

PROTECT's lawsuit alleges that actions by state agencies to build large road-like class II community connector snowmobile trails in the Forest Preserve and groom them with multi-ton tracked groomers violates the State Constitution's "forever wild" clause and various state laws. "PROTECT is pleased that the Supreme Court denied the state's Motion to Dismiss much of our lawsuit," said PROTECT Chair Chuck Clusen. "We believe that the state's recent actions violate the famous 'forever wild' clause of the State Constitution as well as violate key sections of the State Land Master Plan and DEC regulations. We look forward to the opportunity to make our final submission to fully substantiate our claims and complete this lawsuit."

In August, the State Supreme Court also denied PROTECT's initial Motion for a Preliminary Injunction against construction of new class II community connector snowmobile trails. The Court stated that this motion would not be considered because the motion was not timely as there were no new class II community connector snowmobile trails under construction at that time. In late July, after the motions had already been submitted to the Supreme Court, the DEC announced its plan for construction of a new class II community connector snowmobile trail in Clinton County in the Taylor Pond Wild Forest area, but DEC failed to reveal this to the Court while the

motion was pending. PROTECT then re-filed its Motion for a Preliminary Injunction on September 13, 2013 to prevent construction of this trail. The DEC states that it plans to cut down 133 trees on this trail.

The Supreme Court decision and new Motion for Preliminary Injunction are available on the PROTECT website.

Main Issues in Snowmobile Trail Management Lawsuit

PROTECT has long opposed an expansion of snowmobile trails to widths of 12 feet or wider, a span that makes them resemble a road more than a trail and also creates far-reaching ecological impacts.

PROTECT believes that recent actions on “Class II community connector” snowmobile trails violates the “Forever Wild” clause of the State Constitution due to the vast number of trees cut down and the vast alteration of the natural terrain. PROTECT also contends that construction of these large, flattened road-like class II community connector snowmobile trails violates the Constitutional requirement that these Forest Preserve areas be “forever kept as wild forest lands.”

PROTECT also believes that state law and regulations are being violated by the allowing large, multi-ton tracked “groomers” on designated “snowmobile trails” on the Forest Preserve. “This lawsuit is not about removing snowmobile use on the Forest Preserve. It is about making state agencies obey state law and protecting the Forest Preserve from further damage from the construction and grooming of excessively wide road-like trails” said Peter Bauer, Executive Director of Protect the Adirondacks.

Lawyers for both sides are now developing a schedule to complete this case. After that is completed, the state will submit its formal “Answer” to PROTECT’s initial pleadings. PROTECT will then conduct discovery on the constitutional part of the lawsuit. Final papers will likely be prepared and submitted by 2014.

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.

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