



PRESS RELEASE

July 16, 2016

PROTECT Wins Temporary Restraining Order Against State's Tree Cutting and Grading On New Community Connector Snowmobile Trails on the Forest Preserve

Court stops cutting of thousands of trees on new trail between Newcomb and Minerva

Court also stops all grading of the trail with heavy machinery

Full Appellate Division, Third Department, to review the order next week

For more information:

Peter Bauer, Executive Director: Office 518.685.3088, Cell 518.796.0112

Albany, NY– A justice of the Appellate Division, Third Department, of state Supreme Court issued an order on July 15, 2016 that halted tree cutting by the Department of Environmental Conservation (DEC) on a new 9-12 foot wide community connector snowmobile trail between Newcomb and Minerva in the central Adirondacks. The DEC cut over 4,000 trees on 2.9 miles of this trail in the fall of 2015, had recently cut thousands of trees on a new 3-mile section in June and July 2016, and was about to cut thousands more trees, including many located in old growth forest habitat.

Protect the Adirondacks is currently challenging the legality of these new wide, roadlike snowmobile trails in Supreme Court in Albany. Protect the Adirondacks has alleged in court that these trails violate Article 14, Section 1 of the New York State Constitution, the “forever wild” provision, due to the enormous amount of tree cutting. Article 14, Section 1 prohibits destruction of the timber on the Forest Preserve

As part of this lawsuit, Protect the Adirondacks made a motion seeking an injunction in State Supreme Court last week and the court scheduled a hearing on July 25th. Knowing that the DEC would cut thousands more trees before the 25th, Protect the Adirondacks made a separate motion to the Appellate Division, Third Department to stop the tree cutting until then.

Protect the Adirondacks has asked the courts to issue an injunction against any further tree cutting pending a final decision on the constitutionality of the immense level of tree cutting planned by DEC. A trial in the case is scheduled for early 2017.

Efforts to stop tree cutting on other new 9-12 foot wide class II community connector snowmobile trails in 2014 and 2015 were unsuccessful. For the 14-mile Newcomb to Minerva trail, Protect the Adirondacks obtained an independent expert count of stumps of cut trees, and an estimate of the additional trees to be cut, to detail the high level of tree cutting. In its public notifications and planning, DEC only counts trees greater than 3 inches diameter at breast height (DBH). This spring, DEC estimated it would cut over 1,600 of these large trees over 7 miles of new trail. When trees under 3 inches DBH were added to the tally, Protect the Adirondacks found that over 9,000 trees would be cut on this section. The entire trail from Newcomb to Minerva would require cutting over 17,000 trees. Prior cases on the constitutionality of tree cutting on the Forest Preserve tallied both large and small trees. Protect the Adirondacks aged the stumps of a number of trees cut down on the Forest Preserve under 3 inches DBH and found many to be 30, 40 and 50 years old, or older.

“Protect the Adirondacks is grateful that an Appellate Division judge has intervened to stop the cutting of thousands more trees on the Forest Preserve. We believe this level of tree cutting violates the forever wild provision, Article 14, Section 1, of the State Constitution and believe that the Department of Environmental Conservation should be barred by an injunction stopping all further work on these 9-12 foot wide trails until the courts have made a final decision,” said Peter Bauer, Executive Director of Protect the Adirondacks.

The Appellate Division, Third Department justice’s order enjoined the DEC from “cutting or otherwise destroying trees in the Adirondack Forest Preserve for the construction of Class II Community Connector snowmobile trails and from otherwise clearing, grading, scraping, excavating or filling the land for such trails or otherwise changing the terrain of the so-called Minerva Newcomb North Hudson Class II Community Connector snowmobile trail.”

On July 20, 2016, the Appellate Division, Third Department will decide whether to continue the temporary restraining order until a decision is issued by Supreme Court on the motion for an injunction that will be considered on July 25, 2016.

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 of 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.

See pictures attached of recently cut and graded sections of the Newcomb to Minerva class II community connector snowmobile trail.

Protect the Adirondacks

Protect the Adirondacks is a privately funded, 501(c)(3) 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.