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**Executive Director**

May 6, 2021

Hon. Basil Seggos  
NYS Department of Environmental Conservation  
325 Broadway  
Albany, NY 12233

**RE: Meeting Request to Discuss Next Steps after Court of Appeals Article 14 Decision**

Dear Commissioner Seggos,

The recent historic decision by the New York Court of Appeals in *Protect the Adirondacks! vs. Department of Environmental Conservation and Adirondack Park Agency* puts an end to the planned construction of Class II Community Connector Snowmobile Trails by DEC. The Court of Appeals stated that Class II trails “may not be built like roads for automobiles or trucks, but neither are they constructed as typical hiking trails.” This confirmed one of our central contentions all along, that Class II trails are a fundamentally different kind of trail in the Forest Preserve. The Court concluded “the door is closed because the planned Class II trails are constitutionally forbidden.”

This stark, unmistakable language renders null and void DEC’s approval of the first 34 miles of Class II trails that are completed or under construction, as well as the hundreds of miles of Class II trails planned or proposed in the state’s Snowmobile Plan and various Unit Management Plans (UMPs). The decision also calls into question the State’s entire process for approving projects in the Forest Preserve, which allowed for the greenlighting of these unconstitutional trails.

We request a meeting with you at your earliest convenience to discuss a number of matters relative to the Court of Appeals decision. Among these issues are the future management/restoration of the 34 miles of Class II trails that were part of this litigation, which was part of the requested relief in our successful lawsuit. Additional matters include revision of DEC’s tree cutting policy LF-91-2, the guidance documents for snowmobile trail construction and maintenance, and the snowmobile bridge design guidance, among other policies, and the amendment of various unit management plans to remove unconstitutional projects. We also believe that revision of the Adirondack Park Agency’s (APA) Adirondack Park State Land Master Plan and the related 2010 DEC/APA Memorandum

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dum of Understanding will be essential to enshrining the Court's decision in the State's Forest Preserve planning process and avoiding future problems like the Class II trails.

Given public health concerns, we recognize that this meeting may need to be conducted virtually. Please send us possible times when appropriate DEC leadership staff and its attorneys are available to meet with PROTECT's staff and attorneys. This is a matter of the utmost importance, so we hope that a meeting can be arranged promptly.

Thank you very much.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Bauer". The signature is fluid and cursive, with the first name "Peter" being more prominent than the last name "Bauer".

Peter Bauer  
Executive Director

CC: K. O'Leary, Executive  
L. Burianek, OAG  
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