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Peter Bauer  
**Executive Director**

May 11, 2021

Adirondack Park Agency Board  
PO Box 99  
Ray Brook, Ny 12977

### RE: APA Should Hold Public Discussion About Recent Court of Appeals Decision

Dear APA Board,

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 Class II Community Connector Snowmobile Trails as approved by the APA and constructed by the 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 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.

This historic decision places the APA squarely on the wrong side of forever wild. The APA eagerly and enthusiastically approved scores of miles of new Class II trails throughout the Forest Preserve, ignoring comments about their negative impacts and constitutionality. Last week’s court decision shows that not only was the APA wrong in how it managed Class II trails, but that the APA failed to uphold its statutory checks-and-balances responsibilities over management of the public Adirondack Forest Preserve.

We call on the APA Board to hold an open discussion about its reactions and thoughts about the recent landmark Court decision at its May meeting. Given that a decision has been made by the Court of Appeals, this discussion should be held in public and not in an executive session. The APA needs to speak publicly, openly, and honestly, about its role in violating the forever wild clause and must explain its plan for how it will get back on the right track.

#### Protect the Adirondacks

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The APA has a big job in the coming months to bring its Forest Preserve management into compliance with Article 14, Section 1. Revision of the Adirondack Park State Land Master Plan and the related 2010 DEC/APA Memorandum of Understanding will be essential to enshrining the Court's decision in the APA's Forest Preserve planning process and avoiding future problems like the Class II trails.

The APA also needs to weigh in on DEC's need to revise its tree cutting policy LF-91-2, revise its guidance documents for snowmobile trail construction and maintenance, and the guidance document on snowmobile bridge design, among other policies, in addition to amending a number of individual Unit Management Plans that include illegal Class II trails, to remove these unconstitutional projects.

Thank you very much.

Sincerely,



Peter Bauer  
Executive Director

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