



Board of Directors

February 2, 2022

Charles Clusen
Chair

Hon. Steven Englebright
Chairman, Assembly Committee on Environmental Conservation
LOB, Room 621
Albany, NY 12248

Marilyn DuBois
James McMartin Long
Michael Wilson
Vice-Chairs

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

Barbara Rottier
Secretary

David Quinn
Treasurer

RE: Seggos's Budget Hearing Testimony was False and Misleading

Dear Chairman Englebright and Commissioner Seggos:

Nancy Bernstein
John Caffry
Andy Coney
Dean Cook
James Dawson
Lorraine Duvall
Robert Glennon
Roger Gray
Evelyn Greene
Sidney Harring
Dale Jeffers
Mark Lawton
John Nemjo
Peter O'Shea
Philip Terrie
Chris Walsh

The testimony on February 1, 2022 at the joint Assembly-Senate budget hearing, provided by Basil Seggos, Commissioner of the Department of Environmental Conservation (DEC), was false and misleading. Steven Englebright, Chairman of Assembly Committee on Environmental Conservation, asked Seggos about snowmobile trails that were involved in the lawsuit *Protect the Adirondacks v Department of Environmental Conservation and Adirondack Park Agency*, which found that these two agencies violated Article 14, Section 1, of the State Constitution, the forever wild clause. In May 2021, the Court of Appeals ruled that the construction of "Class II Community Connector" snowmobile trails by the DEC and APA violated the State Constitution. This decision followed a similar decision by the Appellate Division, Third Department, in 2019, which also ruled that the DEC and APA had violated the State Constitution.

The 12-mile-long Seventh Lake Mountain Trail, in the Moose River Plains Wild Forest Area, which was still under construction when PROTECT's lawsuit started, and in many ways was the central trail involved in the lawsuit, is open right now and is currently being used as if nothing has happened. There is simply no way that an illegal trail on the Forest Preserve should be allowed to remain open for motor vehicles.

Peter Bauer
Executive Director

Here's the question and answer from the February 1, 2022 budget hearing:

Chairman Englebright: "In May of 2021, the Court of Appeals found that the DEC and the Adirondack Park Agency approval of certain snowmobile trails construction was unconstitutional. What is the status of these trails? Are they being restored as per the logical follow through on the court decision and are they open for use in their modified form?"

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Commissioner Seggos: “Certainly any of the trails that would have been started pursuant to that historic plan went to a grinding halt when we saw that the subject was brought before the court. Any of the trails that are being used now are the ones that are historic in nature, of course, and predate the litigation, and we have not added any more trails in the Adirondacks.”

Seggos’s answer was false and misleading.

The pictures attached were taken on January 31, 2022, the day before the budget hearing. These pictures clearly show that the Seventh Lake Mountain Trail is open, is being groomed with large tracked groomers, and is being driven by snowmobiles. We’ve also attached a Facebook post from the Inlet Barnstormers snowmobile club, which grooms the Seventh Lake Mountain Trail. This post celebrates on January 22, 2022 that the Seventh Lake Mountain Trail is open and is being groomed.

Other trails that were also specifically part of the PROTECT lawsuit also remain open. The DEC’s decision to ignore the courts and not close the Seventh Lake Mountain Trail, or any other trails involved in the lawsuit, that were found to be illegal, is part of a larger pattern of rejecting the decisions by the state’s highest courts. In addition to keeping illegal trails open for snowmobile use, the DEC has not undertaken any restoration of damaged Class II trails whatsoever. There were nearly 20 miles of partially cut-out and partially built Class II trails. These trails must be formally closed and restored to an intact wild forest setting. The DEC has not undertaken any of this work to date.

The DEC must be held accountable. We hope that the Legislature can hold the DEC accountable and that the DEC does not choose to ignore the Legislature the way that it has ignored the courts.

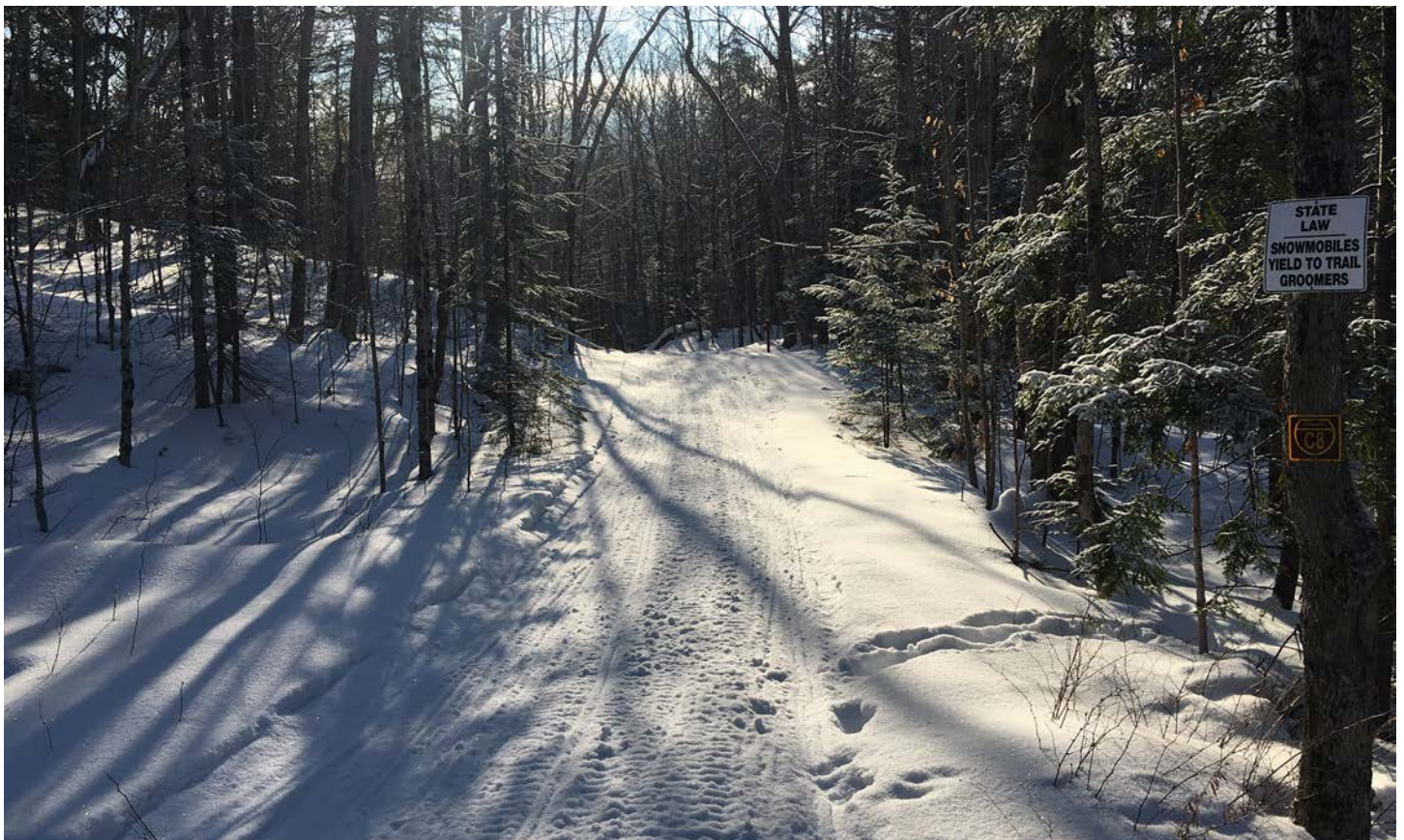
Thank you for the opportunity to correct the record.

Sincerely,



Peter Bauer
Executive Director

CC: Governor Kathy Hochul
K. Persichilli Keogh, Executive Chamber
E. Fine, Executive Chamber
R. Shah, Executive Chamber
Jennifer Maglienti, Executive Chamber
K. O’Leary, Executive Chamber
A. Dougherty, Executive Chamber
K. Petronis, DEC
T. Berkman, DEC
S. Mahar, DEC
R. Davies, DEC
J. Clague, DEC
Sen. Todd Kaminsky
Assembly Committee on Environmental Conservation
Senate Committee on Environmental Conservation



The top picture shows an entrance sign on the Seventh Lake Mountain Trail on the Sagamore Road. The picture above shows the groomed Seventh Lake Mountain Trail running west from the Eighth Lake Campground intersection. This picture shows a trail that is groomed, open, and being used by snowmobiles. Pictures taken on January 31, 2022.



The top picture shows a sign on the Seventh Lake Mountain Trail at the intersection of the Eighth Lake Campground. The picture above shows the groomed Seventh Lake Mountain Trail running east from the Eighth Lake Campground intersection. This picture shows a trail that is groomed, open, and being used by snowmobiles. Pictures taken on January 31, 2022.



These two pictures show sections of the Seventh Lake Mountain Trail near Seventh Lake. These pictures show a trail that is groomed, open, and being used by snowmobiles. Pictures taken on January 31, 2022.



Inlet Barnstormers Snowmobile Club

January 22 at 7:00 PM · 🌐

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Today our great volunteers groomed C8 from 7th lake to Sagamore Rd. Also the C8 section over 7th lake Mt from Rt 28 to the Moose River Plains trail. Mitchell Pond loop S81A has also been groomed. All the clubs trails have now been groomed at least once if not more. A big thanks to our great volunteers who went out on a Sat. to groom our trails.



Facebook post from January 22, 2022 announcing the first full-length grooming of the Seventh Lake Mountain Trail snowmobile trail. The trail had not been groomed earlier due to insufficient snow.