



Memorandum of Support A.9416 (Jones)/S.7222 (Kaminsky)

It's time to clean up longstanding messes on these State lands

“CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY proposing an amendment to section 1 of article 14 of the constitution, in relation to the Mount Van Hoevenberg Olympic Sports Complex in Essex County”

Protect the Adirondacks supports a proposed Article 14 Constitutional Amendment for the 1,220-acre Mount Van Hoevenberg Olympic Sports Complex outside Lake Placid. At the Mount Van Hoevenberg complex, the Olympic Regional Development Authority (ORDA) currently manages 1,220 acres of Forest Preserve classified as Intensive Use by the Adirondack Park Agency (APA). Abutting these lands is 319 acres of land owned by the Town of North Elba. This complex houses the Olympic bobsled and luge track, cross-country skiing and biathlon trails, and associated facilities, with most of the intensive buildings and facilities located on the town lands.

This proposed amendment is accompanied by enabling legislation (A.9453/S.7221), which provides important details about the implementation of this legislation. We believe that first passage of a proposed Article 14 constitutional amendment must always include passage of accompanying enabling legislation.

Under this amendment, the state would be authorized to utilize 323 acres of 1,039 acres in the Mount Van Hoevenberg complex for a variety of winter sports activities and facilities, including trails, buildings, water lines, and parking lots, among other structures or facilities. The amendment would exempt the state from tree-cutting standards applicable to the Forest Preserve. Through an Article 14 amendment, the Mount Van Hoevenberg complex would be managed by ORDA similarly to the amendments that set limits and regulate development at Whiteface Mountain, Gore Mountain, and Belleayre Mountain.

Around 181 acres of lands currently classified as Intensive Use would also be reclassified as Wilderness and added to the High Peaks Wilderness Area. The amendment would compensate the Forest Preserve by purchasing at least 2,500 acres of land.

The “split” ownership of the winter sports complex is partly the result of two famous Article 14, Section 1, legal decisions in 1930, one by the [Appellate Division, Third Department](#), and the other by the [New York Court of Appeals](#), that struck down plans by the State of New York to build a bobsled

track on Forest Preserve lands at this location. This decision forced the State to build the bobsled track for the 1932 Winter Olympic Games on lands owned by the Town of North Elba.

Since then, the State of New York has placed much of the buildings and other facilities on Town lands, but in the intervening eight decades the State has also undertaken a number of questionable actions on the Forest Preserve at Mount Van Hoevenberg that clearly violate Article 14, Section 1. For instance, there are buildings that straddle the Town-State boundary. There are paved roads that are connected on Town-State lands. There are parking lots that straddle the Town-State boundary. There has been tree cutting on the Forest Preserve in excess of constitutional limits, as established in case law. Many of these violations pre-date the formation of ORDA in the mid-1980s, but others have occurred during ORDA's stewardship.

Protect the Adirondacks has long stated our belief that state management of Mount Van Hoevenberg has at times violated the State Constitution. These are particularly glaring given that these violations exist within the literal and actual shadow of the historic Article 14 decision, the first major Article 14, Section 1, legal decision. We have raised these issues during Unit Management Plan (UMP) review and hearings, among other forums. Our concerns forced adjustments to ORDA's plans at various points in the past, but other violations occurred, nevertheless.

Today, ORDA is implementing an unprecedented surge of construction funded by hundreds of millions of dollars in state money to renovate nearly the entire Mount Van Hoevenberg complex. Much of this work is being undertaken so that the facility can meet international winter sports competition requirements for trail standards for major events, the first of which is the World University Games in 2023. We believe that a number of actions in this massive renovation and expansion violate Article 14, Section 1. We believe that the best remedy is an amendment to Article 14, Section 1.

It's important to note that in addition to the Mount Van Hoevenberg Winter Sports complex, ORDA also manages three alpine downhill ski areas owned by the State of New York – Gore Mountain and Whiteface Mountain in the Adirondack Park and Belleayre Mountain in the Catskill Park. Each of these ski areas is built on Forest Preserve and is governed by an Article 14, Section 1 amendment that sets parameters while also enabling management activities and upgrades to keep these facilities consistent with changes in the sport of alpine downhill skiing. Whiteface Mountain was approved in 1941 and 1987. Gore Mountain and Belleayre Mountain were approved in 1947.

At all three of these ski areas the State is allowed to build and operate facilities that would otherwise be prohibited on the Forest Preserve, subject to specific limits in the constitutional amendments that authorized them. Since taking over the management of these facilities, ORDA has been able to operate them within the bounds set by these amendments successfully. However, the nonconforming state facilities at Mount Van Hoevenberg are not expressly authorized, nor are they subject to constitutional limits, like the other three facilities.

Protect the Adirondacks believes that now is the time for an amendment for the Mount Van Hoevenberg complex similar to those in effect for Whiteface, Gore, and Belleayre. The current expansion of the Mount Van Hoevenberg complex, and vast amount of state spending there, demand that action be taken now to bring this facility into compliance with the Forever Wild clause.

Protect the Adirondacks urges the passage of A.9416/S.7222

For more information: Peter Bauer, Executive Director/518-796-0112