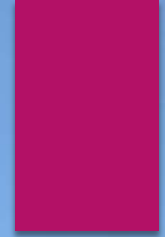


PROTECT 
THE ADIRONDACKS!



EFFECTS OF THE ARTICLE 14 DECISION

Immediate Impacts of Decision



Stopped DEC/APA efforts to vastly expand motorized access to the Forest Preserve

July 2019, after Appellate Division decision, DEC imposed moratorium on all snowmobile trail building.

Immediate Impacts of Decision



DEC Forms Forest Preserve Stewardship Working Group

Protect the Adirondacks

Adirondack Council

Local Government Review Board

Hamilton County Board of Supervisors

Adirondack Wild

Adirondack Mountain Club

NY/NJ Trail Conference

Town of Hunter

Open Space Institute

Adirondack Wilderness Advocates

NYS Snowmobile Association

Catskill Center for Conservation and Development

Barkeater Trails Alliance

Trail Stewardship Working Group

- DEC not looking to the working group to draft new policies on its own but to review and react to DEC/APA-generated drafts, based on group discussions
- In Oct. 2022 PROTECT submitted comments on FP work plans with specific recommendations on how to improve them
- DEC proposed draft work plan template and procedures at end of 2022, held public hearing
- PROTECT submitted comments on draft in Feb 2023
- Final policy/template not yet released



Work Plan Reform Elements



- ▶ Forest Preserve Work Plan Guidance Created
- ▶ New Forest Preserve Work Plan Template
- ▶ Features Require consideration of Article 14 in preparing Work Plans
- ▶ Requires details on tree cutting and terrain alterations, trail widths, justification for actions, alternatives
- ▶ Requires Publication in the ENB for public comment, posting of final plans

New Trail Designs Standards: Major Focus of Working Group

Working Group now focused on developing new trail construction and maintenance standards, for all trails from hiking trails to snowmobile and horse trails.

These trails standards will be for the Forest Preserve in the Catskills and Adirondacks. Standards were ad hoc before this effort.

DEC has instituted new trail designs at Mt. Van Hoevenberg and Cascade Mountain that are sustainable, minimize erosion and are a better fit with the landscape.



DEC Institutes Visitor Use Management,



In 2023 DEC awarded a two-year contract to Otak, Inc. to conduct concurrent VUM planning processes for the central High Peaks Wilderness in the Adirondack Park and the Kaaterskill Clove region of the Catskill Park.

VUM could mark important management reforms.

Visitor Use Management



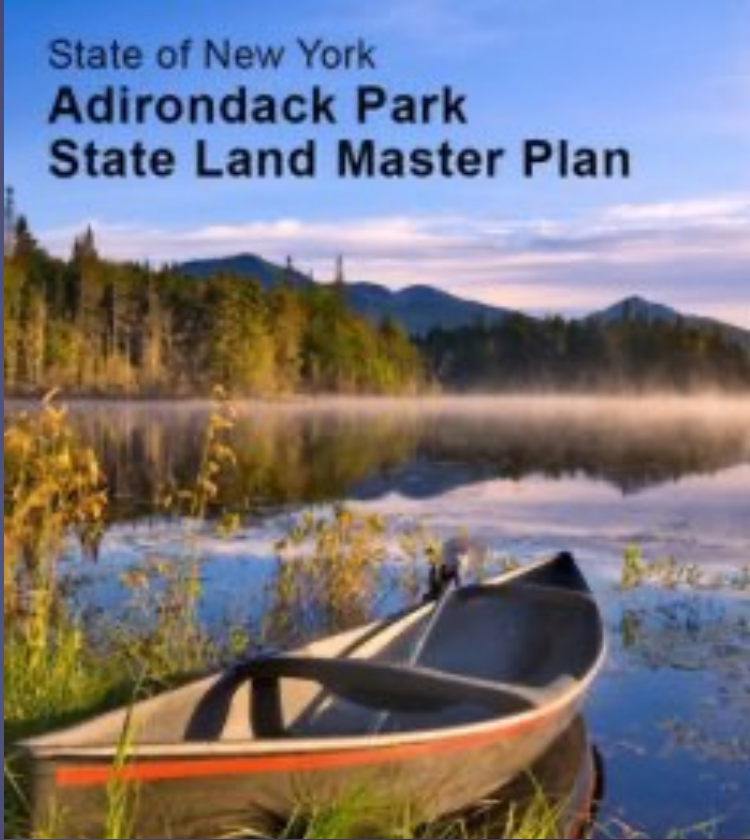
Visitor Use Management ("VUM") is the proactive and adaptive process for managing visitor use on public lands with a variety of strategies and tools to achieve and maintain desired resource conditions and visitor experiences.

VUM is currently being utilized by DEC to better understand how many people visit the Forest Preserve, where they go, what activities they participate in, and what unintended impacts those activities may be causing to natural resources and visitor experiences.



Adirondack Park Agency

No indication that the Court of Appeals decision is affecting or changing how the Agency reviews DEC's management of the Forest Preserve



State of New York Adirondack Park State Land Master Plan

Example: DEC reconstruction of road in the High Peaks Wilderness Area



APA has failed to uphold oversight of DEC, and bring enforcement actions to protect the Forest Preserve.

State law gives APA checks-and-balances oversight authority.

Never reigned in DEC on extra-wide, unconstitutional Class II snowmobile trails.

In December 2021, Protect requested the APA to open an enforcement investigation into DEC's unlawful rebuilding of a road in a Wilderness area.

By email dated September 21, 2022, APA's Counsel stated that the Agency had "found no violation of the APSLMP" and that the APA would not take any enforcement action.

APA still not interested in Forest Preserve oversight



Example: LS Marina expansion

APA issues permit in absence of carrying capacity study of Lower Saranac Lake

In court, APA argues that it has no obligation to consider private land development impacts on Forest Preserve lands and waters



PROTECT Will Continue to Use the Courts to Safeguard the Forest Preserve and Enforce Article 14



Is DEC violating the Court of Appeals decision by allowing grooming and snowmobile use of trails that have been declared to in violation of the “Forever Wild” clause?

Possible lawsuit to enforce the Court of Appeals decision?

Court of Appeals:

“We conclude that *the planned* 27 miles of snowmobile trails may not be built without constitutional amendment.”

“The *planned* Class II trails are constitutionally forbidden.”

Appellate Division, Third Department, stated:

“It is declared that *construction* in the Forest Preserve of the Class II Community Connector trails that were planned and approved as of October 15, 2014, violates NY Constitution, article XIV, § 1.”

QUESTIONS OR COMMENTS?

