



PRESS RELEASE

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Article 14 Lawsuit that ruled state agencies had violated the Forever Wild Clause of the NYS Constitution with plans to build a network of super-wide snowmobile trails is officially ended

State Supreme Court Judge affirms 2021 decision by the Court of Appeals against the Department of Environmental Conservation and Adirondack Park Agency and orders payment of \$32,000 to Protect the Adirondacks.

This historic decision will shape Forest Preserve management for decades to come.

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Albany, NY – The New York State Supreme Court in Albany County signed a judgment that ends the 10-year-long legal odyssey by Protect the Adirondacks to defend Article 14, Section 1, the famed Forever Wild clause in the New York Constitution. In May 2021, [the Court of Appeals, the state's highest court, released an historic 4-2 opinion](#) in favor of Protect the Adirondacks that upheld Article 14, Section 1, ruling that the state's network of snowmobile connector trails violated the Forever Wild clause. The Court of Appeals stated: "We now affirm and hold that the planned construction of the Class II community connector trails would violate the constitution."

In 2013, Protect the Adirondacks sued the Department of Environmental Conservation (DEC) and the Adirondack Park Agency (APA) alleging that construction of "Class II Community Connector" snowmobile trails on the Adirondack Forest Preserve violated Article 14, Section 1, due to excessive tree cutting and destructive changes to the land. The lawsuit focused on the first 27 miles of connector trails built or under construction. The state had planned to build a network of hundreds of miles of these trails.

After the May 2021 decision, Protect the Adirondacks urged the DEC-APA to close the Class II trails that the state's high court ruled were unconstitutional and to restore trails that were only partially constructed. The DEC-APA refused to close or restore the 27+ miles of wide connector trails. In 2022, Protect the Adirondacks went back to State Supreme Court in Albany, where the case had been remitted after the Court of Appeals decision, urging action

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by the court to close unconstitutional trails. Protect the Adirondacks also asked for an accounting by the DEC-APA of the total mileage of class II trails in the Forest Preserve.

In early 2022, State Supreme court urged the parties to negotiate a settlement on the future use of these trails, but our negotiations to obtain a judgment that includes closure and restoration of the trails involved in the lawsuit were unsuccessful. However, the State Supreme Court Judge decided to issue a judgment that ends the case and affirmed a reimbursement payment agreed to by the parties for a portion of the court costs and fees of \$32,000 to be paid by the DEC-APA to Protect the Adirondacks. The judgment states that “Defendants’ construction in the Adirondack Forest Preserve of Class II Community Connector snowmobile trails violates Article XIV, § 1 of the New York State Constitution.”

The future use and maintenance of these unconstitutional class II connector trails may likely require additional litigation.

Article 14, Section 1 states, in relevant part, that “[t]he lands of the state, now owned or hereafter acquired, constituting the Forest Preserve as now fixed by law, shall be forever kept as wild forest lands. They shall not be leased, sold or exchanged, or be taken by any corporation, public or private, nor shall the timber thereon be sold, removed or destroyed.”

“This brings to an end the legal challenge by Protect the Adirondacks that took 10 years. Throughout that time, we conducted extensive field work and legal research to build a case about unconstitutional actions by state agencies in their management of the Forest Preserve. This case has forced major reforms in the state’s management of the Forest Preserve that will help to protect its natural resources and improve public access and use of the Forest Preserve for decades to come,” said Peter Bauer, Executive Director of Protect the Adirondacks.

“This 10-year effort was successful in reaffirming the importance of the Forever Wild constitutional protections for the Forest Preserve for a new generation of New Yorkers. This case reaffirmed that only the People of the State of New York can make major changes to the Forest Preserve and not the Governor or state agencies,” said Claudia Braymer, Deputy Director of Protect the Adirondacks. “The continued operation and maintenance of unconstitutional trails involved in this lawsuit should not be allowed. The public needs a full accounting of how many unconstitutional class II connector trails continue to be managed and maintained on the Forest Preserve by the DEC and APA.”

Protect the Adirondacks was represented in this lawsuit by John Caffry, of Caffry and Flower Law Office in Glens Falls, and Claudia Braymer of the Braymer Law Office in Glens Falls.

Protect the Adirondacks

Protect the Adirondacks is an IRS-approved non-profit organization dedicated to the preservation and stewardship of the 6-million-acre Adirondack Park. Our mission is to protect the Adirondack Park’s wild character for current and future generations. PROTECT pursues this mission through a combination of advocacy, grassroots organizing, independent public oversight, research, education, and legal action. Protect the Adirondacks was formed in 2009 as the result of a merger between two long-standing environmental conservation groups in the Park, The Resident’s Committee to Protect the Adirondacks and the Association for the Protection of the Adirondacks.

Protect the Adirondacks is managed by a 21-member Board of Directors of Adirondack leaders with expertise in environmental law, local government, Adirondack environmental and cultural history, state agency management, and small business. Protect the Adirondacks maintains an office in a 100% energy efficient, solar-and wind-powered office in Johnsbury in the central Adirondacks. For more information see www.protectadks.org and @ProtectAdkPark.

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