

NEWS RELEASE



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ADIRONDACK COUNCIL TO CONSIDER ITS OPTIONS FOLLOWING DISAPPOINTING COURT DECISION ON FOREST PRESERVE SNOWMOBILE TRAIL CONSTRUCTION
Appellate Division of NYS Supreme Court Decision Leaves Organization in Position of Having to File Dozens of Individual Lawsuits in Order to Prevent Harm to 'Forever Wild' Public Lands

ALBANY, N.Y. – The NYS Appellate Division’s today rejected a lawsuit brought by the Adirondack Council over the siting of new snowmobile trails on public lands in the Adirondack Park. The decision appears to leave the public in the position of having to wait until new trails are actually under construction before anyone can sue to stop damage to public lands, the organization stated today.

“We are disappointed by the decision and we will have to take a hard look at our options,” said Adirondack Council Executive Director Brian L. Houseal. “This decision appears to put us in the position of having to wait until trail construction begins in unlawful places before we can sue to stop it. We had hoped to prevent the damage by urging the court to overturn state’s new policy for siting trails, rather than force the state to stop work after it has begun.”

Houseal said the environmental organization was unsure whether it would appeal today’s decision on the state’s overall policy for snowmobile trail construction in the Adirondacks. In December 2011, the Council did file a notice of appeal in a similar case involving a specific set of trails the state intends to build in the Jessup River Wild Forest. The group has until August to perfect that appeal.

The Council actually agreed with the objectives of the state Department of Environmental Conservation’s newly adopted policy for the relocation of some snowmobile trails. The policy was approved in 2009. It affects only those trails on public lands, which comprise about half of the 9,300-square-mile Adirondack Park. The objectives were to move motorized traffic out of the interior of the Forest Preserve in an effort to improve environmental protection and rider safety.

DEC’s objectives would result in less noise and disturbance of wildlife in the Adirondack Park’s most remote areas, Houseal said. The state would move trails closer to existing communities and road corridors and off of lakes and rivers where a large percentage of fatal accidents occur.

“We understand that snowmobiling is important to the winter economy in the Adirondack Park. We had hoped the new plan would make the sport safer, while improving connections between communities,” House said. “But the plan doesn’t reflect those objectives. It allows for the siting of new trails as far as two miles from road corridors and from the edge of the Forest Preserve, rather than the 500-foot standard the state uses everywhere else.

“Sadly, nearly every square inch of public lands where snowmobile trails could be built are within two miles of a highway. That means new trails could go absolutely anywhere,” he said. “That is the opposite of what the state told the public it would do.”

Houseal explained that the NYS Supreme Court and the Appellate Division have now ruled that the public cannot overturn the state's new policy because the policy itself won't cause physical harm to the constitutionally protected Forest Preserve.

"That may leave us having to file separate lawsuits over each of the individual unit management plans that the DEC will use to put the policy into action," Houseal said. "But when we did this over the plans for new trails in the recently completed Jessup River Wild Forest Unit Management Plan, the courts threw that out. A Supreme Court justice ruled in 2011 that the Jessup River unit plan was OK because it was consistent with the new DEC policy. We have filed a notice of appeal in that case, which we must complete by August 17.

"So now, we are right back where we started, wondering how we can help the public stop the DEC from building trails in inappropriate locations," he said. "There are dozens of individual management plans in the Adirondack Park."

Founded in 1975, the Adirondack Council is a privately funded, not-for-profit organization dedicated to ensuring the ecological integrity and wild character of the Adirondack Park. Adirondack Council members live in all 50 United States.

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