

State prevails in Adirondack snowmobile trail challenge

By Brian Nearing,
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Albany - The state has prevailed in a legal challenge over a snowmobile expansion plan in the Adirondacks in a ruling by the state's second-highest court.

On Thursday, the Appellate Division of state Supreme Court supported the state Department of Environmental Conservation in a lawsuit brought two years by an environmental group over state plans for former timber company land around the Essex Chain of Lakes.

That plan call for 22 miles of snowmobile trails between Indian Lake and Newcomb, although work has not started due to the suit filed by Protect the Adirondacks and Adirondack Wild, which argued against the legality of expanding motorized uses in the state Forest Preserve.

Fred Monroe, executive director of the Adirondack Park Local Government Review Board, which represents towns and villages in the park, said there is local support for the snowmobile plan.

"This ruling ought to allow the DEC to move forward with construction this year," said Monroe.

The trail would split about 10,000 acres of former Finch, Pruyn lands roughly between the lakes and the western side of the Hudson River at the Hudson Gorge Wilderness. The state acquired about 19,000 acres of property in 2012 and 2013 from The Nature Conservancy.

However, Peter Bauer, executive director of Protect the Adirondacks, said the ruling still allows opponents to "live to fight another day."

He said part of the ruling said a challenge could not be mounted until after DEC and the Adirondack Park Agency issue permits for the project. "We most likely will go to court once permits are issued," he said.

The permit has not yet been proposed by either agency.

Another part of the ruling includes a dissenting opinion on whether the snowmobile plan violates the state Wild, Scenic and Recreational Rivers System Act, adopted in 1972, and the park's State Land Master Plan.

That dissent allows for an automatic appeal to the the Court of Appeals, said Bauer. He said that the state's plan would make it much easier to allow for snowmobiles and other motorized uses elsewhere in the Adirondacks and could change the character of the park.

Running from Pelon Road near Indian Lake to Newcomb on Route 28N, the snowmobile trail hinges on APA reclassification of a 500-foot-wide corridor as "wild forest" under agency land use rules. Wild forest allows for snowmobile use, while land on either side of the corridor remains classified under wilderness or primitive categories, which do not allow motorized uses.

The plan also calls for construction of a new snowmobile bridge over the Cedar River, and snowmobile use of a former Finch logging bridge (Polaris Bridge) on the upper Hudson River.

A DEC statement said the agency was pleased with the decision because it supports the state's position that the rivers protection law "allows existing uses to continue, including the use of snowmobiles on existing trails."