

# State Appeals Court Ruling On Adirondack Trails

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In early July, the [New York Appellate Court issued a split decision](#) on a lawsuit filed by Protect the Adirondacks in 2013 challenging the state's plan to cut trees in the Forest Preserve in order to establish nearly 27 miles of snowmobile trails. Now, the state Department of Environmental Conservation and the Adirondack Park Agency have announced that the state is appealing the ruling.

Protect the Adirondacks filed suit claiming that the DEC plan included cutting more than 25,000 trees at least three inches in diameter. The Appellate Court determined that was "...an unconstitutional destruction of timber in the Forest Preserve."

The DEC issued a statement late last week that "...DEC and APA, represented by the Office of the Attorney General, filed an appeal of the recent Third Department decision on tree-cutting. The State strongly disagrees with the decision, and will vigorously defend its management of the Adirondack and Catskill Forest Preserves." A spokesman for the DEC told WAMC that due to the pending litigation agency officials are making no further comment.

Protect the Adirondacks Executive Director Peter Bauer expected the state to appeal. “The decision by the appellate court, the appellate division third department, was perfectly consistent with past precedent in the major Article 14 cases and decisions from 1930 and then from the 1990’s. So our case and our victory at the appellate division was perfectly consistent with past precedent. So we are very confident that the Court of Appeals will uphold the appellate court decision because it was so strongly rooted in past precedent.”

Adirondack Wild: Friends of the Forest Preserve Managing Partner David Gibson says the community connector trails were never included in the State Land Master Plan nor was the impact of planned tree cutting considered. “Protect argued before the courts that this was a cumulative impact across the Adirondacks, across the Forest Preserve in the Adirondacks. And you couldn’t just count the number of trees on one trail but you had to add them all up to consider the impact across the Forest Preserve of the Adirondack Park. And they ruled 4 to 1 that the number of trees, over 25,000 trees in all, exceeded what the Constitution allows.”

Adirondack Park Local Government Review Board Executive Director Gerald Delaney says the state had to appeal what he calls a “really bad decision” by the appellate division. “This decision was worded badly. It just says that beginning today everything is a tree. And the other thing in that decision that bothered me and I’m sure it bothers DEC and APA is the word cumulative. How is DEC supposed to decide what the cumulative effect is? Is that the cumulative effect of all those stems that they’re going to cut in the Adirondacks and Catskills combined for foot trails? Is it combined for all trails? None of that was clear. The snowmobiles and the Class 2 Connector Trails were referenced but nowhere did it say the cumulative impact was only for connector trails.”

The court ruled against Protect’s argument that construction of the snowmobile connector trails also violated the state Constitution. The group is considering a cross appeal.