

Sides square off in court over proposed snowmobile trail

DEC wants to use portion of old logging road, environmentalists are opposed

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ALBANY — A dispute over whether a mile-long section of road should be open to snowmobilers and hunters or closed as part of a new surrounding wilderness area in the Adirondacks was argued before the state Court of Appeals on Thursday.

At issue in New York's highest court is the state Department of Environmental Conservation's plan to open a portion of the Chain Lakes Road, which runs along the Hudson River close to the town of Indian Lake. The tract sits in an area that was incorporated into the Adirondack Forest Preserve six years ago.

This was originally timber land owned by the Finch Pruyn paper company until the Nature Conservancy purchased it in 2005, with the understanding that the state would eventually buy it to help protect and expand that part of the Forest Preserve. It was added to the Forest Preserve in 2013 with the state's purchase.

The road had been used by loggers, hunters and others under Finch Pruyn; DEC wants to use the stretch of road near the Hudson River as part of a snowmobile trail running from Indian Lake to Newcomb. DEC also wants to keep it open during hunting season.

Two environmental groups, Adirondack Wild and Protect the Adirondacks, filed a lawsuit arguing that the land should now be treated as wilderness, which would bar motorized use.

A split decision from a midlevel Appellate Division court agreed with the state, but Adirondack Wild: Friends of the Forest Preserve appealed the case to the Court of Appeals.

Adirondack Wild's lawyer, Christopher Amato, argued that the state's Wild Scenic and Recreational Rivers Act, which would normally keep the area as non-motorized wilderness, should take precedence over the area's Master Plan, which includes the snowmobile trail.

"The more restrictive provision must apply," he said.

The DEC's Laura Etlinger countered that the road would just allow only "limited use" for snowmobilers in winter and hunters during hunting season.

Judges peppered both sides with questions. Associate Judge Leslie Stein asked Amato why they should go against the DEC, which helped create the Master Plan for the area. "They drafted the Master Plan ... and they approved it," she said.

But Associate Judge Eugene Fahey sounded sympathetic to the idea that Forest Preserve wilderness should remain motor-free.

"This Forest Preserve represents a jewel that is unique in American history," he said. "The point here is that Forever Wild should mean Forever Wild."

As the Court of Appeals judges decide the case, it's doubtful that snowmobilers could use the road this winter anyway: The larger trail, which is envisioned as connecting Indian Lake and Newcomb, is interrupted by the Cedar River.

The DEC wants to build a bridge over the Cedar River, but construction was delayed after Protect the Adirondacks sought a court order holding that up the construction.

There is another westerly snowmobile route between Indian Lake and Newcomb. The bridge and road would provide another option for that trip.

The case is related to but not technically part of another legal dispute in which Protect the Adirondacks sued over the amount of trees being cut for a series of nearby connector snowmobile trails.

An appellate court earlier in the year agreed with the environmentalists' contention that too many trees would be cut down; the DEC is seeking to appeal that to the Court of Appeals.

