

Adirondack Snowmobile Trail Gets Green Light From Court

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ALBANY, N.Y. (CN) – Divided 3-2, a New York appeals court [cleared the way](#) Thursday for the state to build a public snowmobile trail through a forest preserve in the Adirondack Park.

The case hinged on an exception of the Wild, Scenic and Recreational Rivers System Act that “permits continuation of existing uses” while otherwise prohibiting motor-vehicle access in wild river areas.

In addition to requiring construction of a new snowmobile bridge over the Cedar River, which is designated as scenic under the 1968 law, New York’s plan would open up the Polaris Bridge over the Hudson River to snowmobile traffic.

But New York claimed that such changes would not constitute an expansion of use, which would be barred by the act, because the land had already been used as a snowmobile trail by members of a private club before New York acquired it in 2012 and 2013.

After the state Department of Environmental Conservation approved the plan in March 2016, the environmental nonprofit Adirondack Wild: Friends of the Forest Preserve filed suit in Albany to block construction.

Thursday's ruling from the Third Department of the New York Supreme Court's Appellate Division affirms dismissal of the case.

"We conclude that there is no direct conflict between the Rivers System Act and the master plan [to build the trail] as it relates to continuation of preexisting motor vehicle use in wild river areas located on state-owned land," Justice Phillip Rumsey wrote for the majority.

A spokeswoman for the state Department of Environmental Conservation applauded the ruling, which she said "reaffirms the state's position that the Rivers Act allows existing uses to continue, including the use of snowmobiles on existing trails."

For the dissenting justices, New York's evidence of the trail's past use left something to be desired.

"Most of [the references in the record to prior use] are in fact describing use by club members and their guests ... and some apparently describe use by trespassers," Presiding Justice Elizabeth Garry wrote, joined by Justice Robert Mulvey. "The fact that some persons who had no legal authority to enter the area may previously have taken advantage of its remote character to use it without permission should not serve as the basis for a principled determination that it should now be opened to the general public."

The dissent was something of a silver lining for Adirondack Wild managing partner David Gibson. "We were disappointed in the decision," Gibson said in a phone interview. "But we were very pleased that two of the justices dissented on a key cause of action."

Gibson did not appear ready Thursday to drop the legal battle, saying he and his colleagues could appeal after they discuss the ruling with their attorney, Earthjustice's Hananh Chang. Earthjustice did not immediately respond to a request for comment Thursday.

"Adirondack Park is the only place we have in the Catskills where we have [designated] wilderness [areas]," Gibson said. "If New York state doesn't stand up for it, who will? They are the custodian of wilderness as well as recreational opportunities."

Representatives for New York Attorney General Eric Schneiderman did not immediately respond to requests for comment Thursday. Construction will not begin this season as the permit process must still face a public comment period.