



PRESS RELEASE  
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## **DEC's Plan to Cut Thousands of Trees on the Top of Prospect Mountain Raises Constitutional Issues**

*The Department of Environmental Conservation Recently Released a Work Plan with Its Proposal to Cut 13,393 trees on the Prospect Mountain Veterans Memorial Highway Day Use Area overlooking Lake George*

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The Department of Environmental Conservation (DEC) is planning to cut 13,393 trees on the Prospect Mountain Veterans Memorial Highway and at the summit area on the top of Prospect Mountain. DEC's draft Work Plan, which was noticed in the September 4, 2024 Environmental Notice Bulletin, proposed cutting trees on Overlooks 1, 2, and 3 on the highway and more tree cutting on the north and south overlooks at the Summit on Prospect Mountain. The level of tree cutting raises issues with the Forever Wild clause in the New York Constitution. In 2021, New York's highest court ruled that the DEC had violated the Forever Wild clause in a case involving its plan to build hundreds of miles of extra-wide snowmobile trails in the Forest Preserve.

Prospect Mountain is a highly visible and highly visited site that should be managed in a way that protects its special qualities as part of the Adirondack Forest Preserve. Prospect Mountain affords wonderful views of the lands to the north, east and south, including other Adirondack Forest Preserve lands and of Lake George. The significant amount of tree cutting proposed by DEC is not necessary to give people views from the mountain.

Some people may remember how visible the roadway was from points all over the area, and what a scar it created on the mountain, in the years after it was constructed and opened in 1969. DEC should not undertake work to emulate the past negative impact on Prospect Mountain, but that's what the proposed cutting will do – open up large swaths of the highway to be visible from below. While there is mature vegetation at Overlook 3 (Eagle's Eye), cutting all of the vegetation proposed in the draft Work Plan for all five summits is not necessary, is unconstitutional, and does not realistically take into

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consideration the more distant terrain and other vegetation that block some views, even if the vegetation located directly at the five summits is removed.

“The proposal to cut more than 13,000 trees will violate Article 14 of the New York State Constitution, the Forever Wild clause, and the Adirondack Park State Land Master Plan (APSLMP),” said Peter Bauer, Executive Director of Protect the Adirondacks. In *Association for Protection of Adirondacks v. MacDonald* (253 NY 234 [1930]), the Court of Appeals held that the destruction of 2,500 trees over 4.5 acres for the 1932 Winter Olympics in Lake Placid was unconstitutional. In [\*Protect the Adirondacks v. DEC\* \(37 NY3d 73 \[2021\]\)](#), the Court of Appeals held that the destruction of 25,000 trees over 27 miles for Class II snowmobile trails was also unconstitutional. The amount of tree cutting proposed for this project far exceeds the amount of tree cutting found to be unconstitutional in the 1930 case and approaches the level of tree cutting (in a smaller geographic area) found to be unconstitutional in the 2021 case.

DEC should also not be undertaking this significant work without an approved Unit Management Plan for the area, and without consulting with the Adirondack Park Agency (APA). Notably, there are other priority work items that could be undertaken for Prospect Mountain, such as restoring, rerouting and repairing the extremely steep, rocky, and washed-out hiking trail that serves untold numbers of visitors from all over the world who are visiting the Lake George area, which may be their only experience hiking in the Adirondacks.

“DEC needs to withdraw its proposed action, prepare a constitutionally-compliant proposal for managing the Prospect Mountain Veterans Memorial Highway Day Use Area, and present its proposal through a Unit Management Plan that is reviewed by APA and the public” said Claudia Braymer, Deputy Director of Protect the Adirondacks. If DEC wants to make Prospect Mountain Highway similar to the Whiteface Mountain Highway, then a constitutional amendment, such as the one approved by the voters for the highway to the top of Whiteface Mountain, is necessary to carry out the proposed tree cutting. Without a constitutional amendment, DEC cannot carry out the amount of tree cutting that is proposed because it violates the Forever Wild clause of the Constitution. DEC must not carry out the proposed unconstitutional level of tree cutting that currently threatens to undermine the wild forest nature of the Forest Preserve.

### **Protect the Adirondacks**

Protect the Adirondacks is an IRS-approved non-profit organization dedicated to the preservation and stewardship of the 6-million-acre Adirondack Park. Our mission is to protect the Adirondack Park’s wild character for current and future generations. PROTECT pursues this mission through a combination of advocacy, grassroots organizing, independent public oversight, research, water quality monitoring, education, and legal action. Protect the Adirondacks was formed in 2009 as the result of a merger between two long-standing environmental conservation groups in the Adirondack Park, the Resident’s Committee to Protect the Adirondacks (est. 1991) and the Association for the Protection of the Adirondacks (est. 1901).

Protect the Adirondacks is managed by a 22-member Board of Directors of Adirondack leaders with expertise in environmental law, local government, Adirondack

environmental and cultural history, state agency management, and small business. Protect the Adirondacks maintains an office in a 100% energy efficient, solar-and wind-powered office in Johnsbury in the central Adirondacks. For more information see [www.protectadks.org](http://www.protectadks.org) and @ProtectAdkPark.

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