



Board of Directors

May 21, 2019

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Chair

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Olympic Regional Development Authority
Olympic Center
2634 Main Street
Lake Placid, NY 12945

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Secretary

RE: Compliance with Article XIV of the NYS Constitution at the Mt. Van Hoevenberg Olympic Ski Center

David Quinn
Treasurer

Dear Mike,

Nancy Bernstein
Richard Booth
John Caffry
Andy Coney
Dean Cook
James C. Dawson
Lorraine Duvall
Robert Glennon
Roger Gray
Evelyn Greene
Peter Hornbeck
Mark Lawton
Peter O'Shea
Barbara Rottier
Philip Terrie

Protect the Adirondacks has reviewed the plans of the Olympic Regional Development Authority (ORDA) for multiple projects at its Mt. Van Hoevenberg Cross Country Ski and Biathlon Center. We also appreciate the willingness of ORDA to meet with us and share information about its plans.

We understand that ORDA desires to move quickly in the short-term on tree cutting and other actions to improve ski trails and other winter sports facilities in order to continue to host world class events at the ski center. We understand that in order to do so it is likely to require major changes and investments at this site.

We recognize the importance of ORDA facilities to the local economy and quality life in the Adirondacks. However, we do not believe that ORDA has consistently demonstrated the necessary commitment to upholding Article XIV and protecting the Forest Preserve.

Peter Bauer
Executive Director

The Mt. Van Hoevenberg Cross Country Ski and Biathlon Center straddles Forest Preserve and Town of North Elba lands. This complex is classified as Resource Management on the private lands under the Adirondack Park Agency (APA) Land Use and Development Plan and Intensive Use under the Adirondack Park State Land Master Plan for the Forest Preserve lands. There are significant differences in what is allowable on the town and Forest Preserve lands, which ORDA appears to have ignored.

ORDA's failed stewardship of Forest Preserve lands at Mt. Van Hoevenberg is well established as significant acreage has been cleared and new

Protect the Adirondacks

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buildings, such as the Cross Country Ski Center, have been built on the Forest Preserve. We do not believe that ORDA's actions comply with Article XIV, Section 1, of the New York State Constitution, the "forever wild" provision.

The bobsled run for the 1932 Winter Olympics was built on town lands at Mt. Van Hoevenberg because of the well known 1930 court case and legal decision in Association for the Protection of the Adirondacks v. MacDonald, which declared that the facility could not be built on the Forest Preserve. That decision not only shaped how the Mt. Van Hoevenberg complex was constructed, with a number of facilities such as the bobsled track located on Town of North Elba lands, but it also influenced decades of Forest Preserve management decisions by the State of New York elsewhere on the public Forest Preserve.

We recognize that after meeting with Adirondack environmental organizations, that ORDA has now scaled back its proposed tree cutting from 3,528 trees on 5.04 acres to 1,523 trees on 3.08 acres. However, we note that the tree counts only include trees over 3 inches in diameter at breast height (DBH) and do not include smaller trees. It is certain that many smaller trees of less than 3" DBH will be destroyed along with the 1,523 large trees. Protect the Adirondacks does not support the tree cutting policy for the Forest Preserve used by the Department of Environmental Conservation (DEC) because it is arbitrary and is not based on scientific standards. Though a tree may be less than 3" DBH, depending on site conditions and tree species it could be 50 feet tall or higher and 70 or 80 years old or older. The result of the 3" DBH policy is that the full magnitude and ecological impact of ORDA's planned tree cutting is unknown and will likely not be adequately evaluated by state agencies.

The existing process for evaluating impacts on Forest Preserve lands administered by ORDA is inadequate. The State Land Master Plan (SLMP) does not evaluate actions based on compliance with Article XIV. The SLMP compliance review process used by the APA and DEC during the development of Unit Management Plans and amendments thereto for the Mt Van Hoevenberg Ski Center fails to evaluate tree cutting, or even identify when actions will involve major tree cutting, and does not consider the illegality of structures and other facilities. This has resulted in numerous unconstitutional actions at Mt. Van Hoevenberg slipping through the cracks on the Forest Preserve.

Protect the Adirondacks recommends that ORDA pursue a constitutional amendment to clear up the numerous existing violations on the Mt. Van Hoevenberg site. We are willing to work with ORDA to structure this amendment. We encourage ORDA to begin this work as soon as possible and pursue first passage in the Legislature in 2020 and second passage in 2021.

Further, in response to the violations of Article XIV that occurred at the site, we strongly recommend that ORDA facilitate acquisition of additional lands for the Forest Preserve to offset the negative impacts of those lands lost to ORDA's illegal development and provide a clear environmental benefit to the public.

At this point in time, we do not contemplate legal action over ORDA's proposal to destroy more than 1,500 trees and undertake other short-term modifications and

improvements of the Mt. Van Hoevenberg facility, so long as ORDA pursues a constitutional amendment. We note that ORDA has successfully managed the Whiteface Mountain and Gore Mountain Ski Areas within the limitations authorized by Article XIV amendments. We believe that the long-term solution for the Mt Van Hoevenberg Olympic Sports Complex is a constitutional amendment that similarly authorizes permissible activities on Forest Preserve lands.

On behalf of the Board of Directors of Protect the Adirondacks, please let me express our gratitude for the opportunity to share our concerns on this important matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Bauer". The signature is fluid and cursive, with the first name "Peter" being more prominent than the last name "Bauer".

Peter Bauer,
Executive Director

CC: B. Seggos, DEC
J. Drabiki, DEC
R. Davies
M. Naughton
APA Board
R. Weber, APA
W. Linck, APA
D. Bryk, Executive
A. Lefton, Executive