



Arthur Belles <arthurbelles@gmail.com>

End APA DEC Discrimination

1 message

Don Sage <cpt00089@wildmoo.net>
To: Don Sage <cpt00089@wildmoo.net>

Tue, Aug 24, 2010 at 6:35 PM

August 24, 2010

Veterans sue for seaplane access to Adirondack lakes

By KIM SMITH DEDAM

Staff Writer

LAKE PLACID

A coalition of mobility-impaired veterans is suing for floatplane access to Adirondack lakes and ponds. Six veterans filed suit against the Adirondack Park Agency and the Department of Environmental Conservation, claiming the regulation that restricts access to wilderness, primitive and canoe areas discriminates against people who can't walk or paddle in.

LIMITED EXCEPTIONS

The State Land Master Plan lays out circumstances for aircraft and motorized vehicles. Public use of motor vehicles, motorized equipment and aircraft will be prohibited, it says, excluding supervised use for maintenance, emergencies and other special circumstances. But provision for disabled access is not among them.

IT IS NOT FAIR

Leading the legal challenge, U.S. Navy veteran and former Warrensburg Town Supervisor Maynard Baker hearkens the case back 37 years to lakes and ponds that were once open for water landing. Back in 1972 and I have the list of all the 40 big remote lakes that were open to everybody APA said no more access for seaplanes. The able-bodied can still go in and enjoy these lakes. They took away the only means the mobility-impaired people had to get into those lakes. That is where I come up

with discrimination, Baker said Tuesday. We have got mobility-impaired vets coming home from the war now that like to hunt and fish. There should not be a square inch of land anywhere in the United States that is off limits to these people. It is not fair to take their rights away from that land. I am trying to get those rights back.

VIOLATION CLAIMED

The federal case was filed Monday in Northern District Court by Maynard's

attorney, Matthew D. Norfolk of Briggs Norfolk in Lake Placid. In a statement, Norfolk charged the APA and DEC with giving able-bodied users of the Adirondack Park priority over the disabled. Prohibition of float planes and other aircraft from remote lakes that were once accessed by aircraft violates the supremacy clause of the United States Constitution as it regulates and restricts aircraft operations and aircraft noise, which are under the exclusive control of the Federal Aviation Administration.

NO WILDERNESS SOLITUDE

Norfolk said DEC and the APA allow use of helicopters and floatplanes to move scientists and their goods and to transport propane tanks, signage and equipment in and out of ranger stations and back-country properties, such as Johns Brook Lodge. For us to use float planes to bring disabled people in and out is not going to make a big difference as to what they are already doing. Floatplanes land with engines turned down and leave a one- to two-inch wake. Ninety seconds of noise, and they are gone. Have we ruined it for the kayaker? They are putting priority for the able-bodied over the disabled. Compare that to the tent city in the High Peaks wilderness. You can't even go to sleep at night. All you hear are people giggling, talking, laughing. It is not a wilderness solitude experience.

EVERY LAKE

The veterans group is not isolating particular lakes in its claim, though a long-wrangled decision to sunset floatplane access to Lows Lake in 2011 moved through APA this year. DEC sought to sustain air access to the lake, which has several private camp properties neighboring state land.

But the veterans see the issue as much larger. We want every lake in the Adirondack Park wilderness, primitive or canoe area accessible by floatplane, Norfolk said. The litigation names DEC and Commissioner Pete Grannis, the APA and Chairman Curt Stiles, Gov. David A. Paterson and the State of New York.

NO COMMENT

APA spokesman Keith McKeever said Tuesday morning the agency had not been served with papers and reserved comment at this time. A DEC spokesperson could not immediately be reached.

VETERANS UNITED

Court documents charge that because of the debilitating effects of physical disabilities, five of six plaintiffs, Maynard Baker, Douglas K. Irish, Mark Schumaker, Ronald W. Dixon Sr., and Richard Kenny, are and have been physically unable to visit and enjoy many areas within the Adirondack Park solely by means of their own ambulation. Baker is acting as spokesman for the group, which includes veterans from wars in

Iraq and Vietnam and two pilots. All the veterans going with me on this, Baker said. We are on the same page. The case further alleges that the aircraft have no significant adverse impact to air quality, water quality, soil quality, wildlife quality or waterways. Norfolk said his clients are not seeking monetary damages in the lawsuit, only reimbursement of court-related and legal costs if the case is successful.

E-mail Kim Smith Dedam at:

kdedam@pressrepublican.com
