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Land sale deal dispute opens in Adirondacks

Fate of 65,000 acres intended for purchase by the state is uncertain

By BRIAN NEARING Staff writer

ALBANY -- There is a fight going on in the Adirondacks.

Like a lot of fights, it is over land -- in this case, about 65,000 acres of remote forest, lakes, waterfalls and rivers, most of which have gone unseen by the public for more than a century.

Spanning parts of three counties, the land was part of a \$110 million, 161,000-acre purchase from the Finch Pruyn timber company nearly four years ago by The Nature Conservancy. It was one of the single largest land conservation projects on the planet at that time.

Included were some of the most pristine parts of the Adirondacks, such as the remote Boreas Ponds adjoining the High Peaks; OK Slip Falls, which is the Adirondack's highest waterfall; the Essex Chain of Lakes; and the fabled Blue Ledges on the upper Hudson River.

There was an understanding -- but not a binding obligation -- in a 2007 letter from the Department of Environmental Conservation that the state would buy the 65,000 acres to add to the forever-wild Forest Preserve in the Adirondack Park.

And this is where the dispute lies.

At the time, The Nature Conservancy worked to get local support for the sale, because state funding rules under the Environmental Protection Fund -- which the state would use to buy the land -- allow for towns to veto state land or easement purchases within their boundaries.

After The Nature Conservancy constructed a complicated deal that kept thousands of acres open for logging, provided for land to be sold to municipalities to help development and supported expanded snowmobile trails, none of the 27 towns containing Finch lands used that veto, effectively supporting the project.

Four years later, opponents of the sale, spearheaded by the Local Government Review Board of the Adirondack Park Agency, are trying to block it, saying the cash-strapped state cannot afford any more land and the local Adirondack economy suffers as more land is barred from development. And several towns that originally accepted the deal have now reneged.

"The state would be wasting taxpayer money buying most of this land and throwing the development rights away forever," said Fred Monroe, director of the review board.

He said the state should buy a much smaller piece containing only the most pristine wilderness.

The state-created board exerts local oversight on the Adirondack Park Agency, which controls land use zoning in the 6 million-acre Adirondack Park. It has often been at odds with the APA over the issue of development versus conservation, claiming that rules do too much to protect wilderness from being developed while stifling economic growth.

Since the board adopted a resolution in January calling on the state to drop the Finch purchase, the call has been picked up by county legislatures in Warren, Essex, Franklin, Hamilton and Lewis counties, as well as by three of the 13 towns where land would be sold to the state.

This month, DEC Commissioner Joe Martens said the state remains committed to the purchase, although it may take several years to fully consummate a sale that could total \$40 million or more.

But the dispute has laid bare a rift in the Adirondacks, where some residents see the park as a burden that benefits what they consider effete outsiders who don't listen to local needs and value wilderness over people making a living.

"We did a lot of listening at the time to local concerns to gain support," said Mike Carr, executive director of the Adirondack Chapter of The Nature Conservancy. To reflect local needs, the conservancy agreed to sell about 1,000 acres to three towns -- two of which, Minerva and Indian Lake, have since joined the review board to denounce the deal -- and private buyers to help local development projects.

None of the towns vetoed the deal up front and the conservancy worked to make the deal acceptable to local concerns, Carr said. The conservancy got the state to buy conservation easements in December on 92,000 acres of the former Finch land sold in 2009 by the conservancy to a Danish pension fund. The easements allow timbering for at least 20 years to address concerns over possible job losses raised by residents, he said.

The easements also aided in the expansion and permanent establishment of several town-run snowmobile trails, an effort by the conservancy that saved the towns money by ending lease payments for snowmobile trail lands.

Even though the conservancy is in the fourth year of a deal it expected to have closed in three, Carr said it can continue to carry the debt and ongoing expenses for several more years.

He said the group has raised \$26 million of a \$35 million goal to support the transaction and has refinanced its debt as interest rates declined.

And he said the conservancy will continue to voluntarily pay \$500,000 in annual property taxes - money in some cases that is going to towns that have withdrawn support.

Monroe said the towns accepted the deal four years ago out of fear the state would simply ram through the sale over local vetoes by using a different type of state fund, such as what happened in an International Paper property sale a decade ago. Monroe said he never saw any evidence the state intended to pursue such a strategy with the Finch lands.

John Sheehan, a spokesman for the Adirondack Council, a conservation group supporting the state purchase, said the review board was creating "the illusion of opposition" by pressing towns to join it.

In the Essex County town of Minerva, where the conservancy wants to sell more than 6,300 acres to the state, planning board member Duane Ricketson said the review board is "the tail wagging the dog up here. ... The review board is usurping local authority and stabbing the local governments in the back. It is saying that the locals did not know what they were doing."

Ricketson, who also is a member of the DEC Region 5 Open Space Advisory Committee, which includes county representatives from the Adirondacks that recommend land purchases, said: "The Nature Conservancy came in and did this the right way, they were respectful and worked with people. The towns here were never threatened in any way."

Ricketson said the flip-flop by some towns to denounce the sale is morally wrong on principle and sends a bad message to any would-be developer in the Adirondacks, that local support cannot be counted on.

The town board in Indian Lake, Hamilton County, where more than 6,500 acres could be sold to the state, voted 3-2 in March to withdraw its support -- after the town got the advantage of conservation easements sought by the conservancy that saved the town \$40,000 a year to lease land for its snowmobile trails.

Supervisor Barry Hutchins, who voted against withdrawing town support, said he felt the town must honor its previous commitment. "Local governments up here have always looked to be brought in on the ground level for state land purchases. And this is one project where they actually did that. Our town worked with both The Nature Conservancy and the DEC to put together this package."

But Monroe and Brian Towers, director of the Association of Adirondack Towns and Villages, which also endorsed the review board's efforts to roll back support for the deal, said municipal support can be seen only as fleeting.

"Each town has the ability to undo things they have done in the past," said Towers. "People should understand that any agreement you have today may not hold up with the next legislative body in a town."

Added Monroe, "The Nature Conservancy are big boys, they have assets. They took a risk here without a binding agreement from the state to buy the land. ... The conservancy can ultimately be made whole here. There are timber companies that would want to buy this land."

Reach Nearing at 454-5094 or bnearing@timesunion.com.