

October 9, 2018

Fred Munk, Regional Natural Resources Supervisor
NYS Department of Environmental Conservation
317 Washington Street
Watertown, NY 13601

RE: Concerns over proposed changes to the Long Pond Conservation Easement

Dear Mr. Munk,

We, the undersigned write to express our collective opposition to Department of Environmental Conservation's (DEC) proposed amendment to the 1999 Long Pond Conservation Easement (CE) recently announced in the ENB for DEC Region 6. The Department proposes to modify the 1999 CE to allow 15 camps, where the rights to occupy have legally expired, to remain in use in perpetuity. Each camp will retain a one-acre camp envelope.

Pursuant to 6 NYCRR Part 592 of the Department's regulations, any modification to a conservation easement must result in a "net conservation benefit" to the State of New York. We oppose this modification of the Long Pond CE because as proposed it fails to result in a net conservation benefit.

The Long Pond CE lies within the Adirondack Park. The Department's proposed modification fails to create a "net conservation benefit" near or adjacent to the Long Pond CE lands as required by Department regulations. The fee owner Danzer determined the fair market value of each camp at the present time and totaled them to determine the trade value. It would have been fairer to the people of the State of New York if Danzer computed the present value of the cumulative lease revenue of the 15 camps. This is especially required where the 15 camps are expected to be paying lease revenues in perpetuity.

Not surprisingly, the net benefit from the Danzer calculation was only sufficient to add 300 acres of state forest land located outside the Blue Line of the Adirondack Park. The dollar value derived from calculating the present value of the 15 camps cumulative lease revenue would have produced a much higher figure. Recognizing the significant public interest in this CE, we maintain that cumulative lease revenue is the only fair way to calculate the net conservation benefit monetary standard in 6 NYCRR Part 592.

Furthermore, the net conservation benefit standard fails unless the purchase is made for Forest Preserve within the Blue Line of the Adirondack Park.

In addition to the failure to fairly calculate and achieve an equal or greater monetary value inside the Adirondack Park, the proposed modification fails to meet the non-monetary standards set forth in 6 NYCRR Part 592.3(4), whereby a net loss of benefits

to the state should be considered if the modification results in “any change in the level of public recreational opportunities or any change to the limitations or restrictions on the development, management or use of the property.” There are a number of changes in recreational opportunities, limitations and restrictions on development, and management and use caused by the proposed CE modification.

First, the Department failed to analyze the severe impact of the perpetual use of motor vehicles, ATVs, and UTVs by the camp lessees on the Long Pond CE. The severe detrimental impact of ATV use on the environment of forest lands is well documented in the Department’s Strategic Plan for the Management of State Forests.

Beyond the intensive motor vehicle use of the Long Pond CE for the leaseholders there is also the long-term negative impacts of 15 camps being retained in perpetuity. These camps are widely disbursed throughout the property, which fragments the forest resources. Human habitations cause significant changes to forest health and ecosystem functions. The environmental values of the CE require that long-term forest health should be protected not diminished.

The Department also failed to consider that the perpetual existence of these 15 camps limits the public value of the Long Pond CE by making these lands far less inviting to the general public as an area for outdoor recreational activities, especially hunters. The lessees of these camps will carve out their own hunting areas with tree stands, among other things. The existence of these 15 private camps, which were supposed to be removed in their entirety, converts a public recreational asset and turns it into a defacto, exclusive private monopoly. In 1999, the state purchased blanket public recreational rights on this tract. The 15 camps were grandfathered for 15 years. Public recreation rights are now being permanently diminished and that is unacceptable.

The perpetual existence of these camps further undermines a basic tenet of the original conservation easement in which future development would be extinguished. Allowing these camps to remain fundamentally challenges the conservation values identified within the original easement and allows an area where development was to be removed in perpetuity, to now allow for 15 permanent structures to remain forever. If significant easement terms such as these “sunset provisions” are altered with no clear benefit to lands within the Park, then this further puts at jeopardy public support for funding future conservation easement purchases.

The people of New York paid for this land to be conserved, for the conservation values of the land to be protected, and for the land to remain viable as a working timber forest. Removal of these camps supported these goals, keeping them in place does not. The State of New York paid for this land to be free of development. If these camps remain not only will development become a permanent part of the landscape, but so will the fragmentation that these camps pose. As recent studies from the Wildlife Conservation Society have shown, fragmentation by these kinds of remote (exurban) structures goes far beyond the one acre envelope of the camp footprint and can affect up to 30 or more

acres around each dwelling. With that factored in, the DEC should be looking to offset, at a minimum, more than 450-acres in total.

When these factors are figured into the analysis of whether the proposed modification results in a “net conservation benefit”, it is clear that as proposed, the Department has failed to demonstrate that the modification meets the “net conservation benefit” required by 6NYCCR Part 592.

The proposed CE modification also fails to meet the test of Environmental Conservation Law Sections 49-0307 and 49-0301. By retaining many more hunting camps than the 1999 CE allowed and especially by turning the Long Pond CE lands into a defacto ATV riding park, one that which would likely detrimentally impact the adjoining lands of the Adirondack Forest Preserve, the original land conservation objectives of the easement are nullified by significantly increasing the intensity and duration of multiple human impacts on the property.

For these and other reasons, we conclude that the Department has failed to attain the “net conservation benefit” and related standards for modification of a CE, and has also not met the tests of ECL Sections 49-0307, and 49-0301. Given that these and other concerns exist, the proposed modification to the Long Pond Conservation Easement should be withdrawn and the 15 hunting camps should be removed before the end of 2018.

Respectfully,

Neil F. Woodworth
Executive Director and Counsel
Adirondack Mountain Club

Peter Bauer
Executive Director
Protect the Adirondacks

Pete Nelson
Co-Founder
Adirondack Wilderness Associates

William C. Janeway
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Adirondack Wild: Friends of the Forest Preserve