Save Whitney Park!

A lot is at stake. It’s the future of the Bob Marshall Great Wilderness.

BY JOHN SHEEHAN

In mid August, Whitney Industries agreed to sell to the Nature Conservancy a 55 acre camp at the center of the 15,000 acres the company has offered to sell to the State of New York. The sale of the land and buildings known as Camp Bliss was contingent on the Conservancy agreeing to buy the remainder of the 15,000 acres from the Whitneys by November 30 of this year.

Following a press conference at which the sale was announced, Governor George E. Pataki’s Chief Counsel Michael Finnegan said he expected the deal would be completed before Finnegan resigns his position with the Pataki Administration for a private sector job on October 1.

Less than a week later, Whitney Industries, Finch, Pruyn & Co. (a timber/paper company) and three local officials (not acting on behalf of their towns) filed suit against the Adirondack Park Agency challenging the APA’s authority to require a master plan for the entire Whitney Estate before it will rule on the current subdivision plan.

So now, almost a year after the Whitneys announced the first phase of their current subdivision plans, we are less than four months away from a critical deadline. By the first of December, the land must be permanently protected or the subdivision and piecemeal sale of one of the most important natural areas in America is expected to commence under an existing permit.

How did we get to this point?

The Whitney Estate, as we have come to know it, was acquired and consolidated by the late William Whitney in the late 1800s. He amassed more than 80,000 acres of contiguous property, including dozens of interconnected lakes and ponds through which one could navigate the entire forest by canoe, taking but a few steps on dry land in the process. The crown jewel of these is Little Tupper Lake — a sparkling, seven mile long gem that is thought to be the largest private lake owned by a single family in the entire Northeast.

In the 1920s, the Whitneys enrolled their lands in the state’s Fisher Act property tax abatement program. This froze their assessment in exchange for a six percent stumpage fee to the town when they cut and sell timber. This allowed Whitney Industries to grow as a company and helped the family keep their land holdings intact over the decades.

The family also placed the land in a “Subchapter S” corporation, which probably helped the company’s finances in the short term, but may have placed some additional pressure on the company to subdivide the land. Under the program, income taxes are avoided at the corporate level, but the company must show a profit every few years. This is fine when valuable trees are plentiful. But when marketable trees grow scarce, the company might have to look to land as its only other marketable asset.

In the 1930s, a young Bob Marshall (who would later become a founder of The Wilderness Society) identified fewer than two dozen places in the entire United States that contained enough wild, roadless terrain to protect all of its natural systems. Places that were free from the noise, pollution and habitat loss created by an ever increasing human population and suburban sprawl.

Over time, a few of those places were set aside for protection by the federal government. Others were slowly subsumed by development. The fact that New York State, on its own, still has a chance to protect one of the largest of the areas Marshall identified is a testament to the Whitneys’ stewardship and represents a tremendous opportunity to the people of New York.

But as we will see, careful stewardship of a forest many times larger than Manhattan is not always an easy thing to accomplish.

During the mid 1980s, the Park’s largest private landowner, International Paper Company, came to the Whitneys with an offer to buy a few thousand acres of land north of Little Tupper Lake, near Round Pond. The deal was closed for an average of $80 per acre, according to Adirondack Life magazine.

What was clear from the decision to sell the land — and from more recent photos of the remaining property — was that the tree cover on the Whitney Estate was growing very thin. Thick patches still covered the shorelines of lakes and rivers;

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as the law requires. But on the interior, it was easy to see to the ground when flying above the land — even in the summer.

In 1988, the Adirondack Council unveiled a detailed plan to carry out Bob Marshall's dream of creating a huge wilderness in the west central Adirondacks. Volume II of the Adirondack Council's 2020 vision research series called for the combination of several existing state owned wilderness and wild forest areas with intervening private land to create a 408,000 acre wilderness area. The publication recommends acquisition from willing sellers, when available. It would stretch from State Route 30 to the Lewis County border and from Cranberry Lake to Stillwater Reservoir and Raquette Lake.

In the early 1990s, the Whitneys sold several hundred acres of land at the far southern end of the estate, on the south shore of Forked Lake, to the Nature Conservancy. The Conservancy then sold them to the state. When connected to the state campground to the east, the purchase of “Canoe Carry East” and “Canoe Carry West” opened the entire south shore of Forked Lake to the public.

On a peninsula across the lake from the canoe carries, the Whitneys sold Camp Togus to Bill Gross, who had previously owned Canoe Carry West. The sales and additional discussions of developing Squirrel Point on Forked Lake caused the Adirondack Park Agency (APA) to take action. The APA subdivision permit informed the Whitneys that any further subdivision of the property would require them to submit a master plan for the entire estate — a detailed and often costly endeavor. The only exception would be minor work, such as subdividing away existing buildings from the main parcel, with lots lines drawn tightly around the buildings.

At roughly the same time, the NYS Department of Environmental Conservation (DEC) adopted the Adirondack Council’s plan for the largest wilderness east of the Mississippi River in its brand new public land acquisition plan, called the NYS Open Space Conservation Plan.

The state envisioned a 600,000 acre great forest, which would encompass the 400,000 acre wilderness proposed by the Adirondack Council. Henceforth, it has been the state's official policy to acquire and protect the entirety of the Whitney Estate when it becomes available.

In July 1996, the Whitneys came to the Park Agency again for permission to create yet another subdivision without submitting a master plan. Camps Bliss, Lake were regarded to be in danger from over-fishing by the Whitneys’ own consultant who prepared their subdivision application.

We pointed out to the APA that since there were no longer sufficient stands of trees on the estate to sustain the timber company (a statement taken from the Whitney Industries' 1996 subdivision application) that the most valuable wildlife habitat on the property was along the shorelines. We argued that loons and ospreys still made their homes on the shores of Little Tupper Lake. Outdoor lighting, motorboats, even jet skis, might be sharing the lake with them soon.

Campbell remained unmoved.

Six months later, with the ink barely dry on their new permit, the Whitneys submitted a brand new application. This time, they wanted to subdivide the northern third of the estate into 40 more lots — not counting the three they had just created — all surrounding Little Tupper Lake and the ponds to the west. They also mentioned something about a hotel and general store on Little Tupper's shores.

The town of Long Lake taxpayers had reason to be concerned over the application as well. The Whitneys proposed passing along their current Fisher Act tax abatement to the new owners. That would mean that all but a three to five
acres of each new parcel would remain at a $4 per acre tax rate. Other private landowners in town are paying $16 or more. The state pays $19 per acre to the town on the Forest Preserve lands it owns near the Whitney Estate. State acquisition of the entire 15,000 acres up for sale would mean an immediate $170,000 annual boost in town tax revenues.

The Adirondack Council immediately called on Governor Pataki to acquire all 15,000 acres and any more that the Whitneys were willing to sell. When the governor assigned his counsel, Michael Finnegan, to negotiate for the land, we turned our attention to preventing any damage in the meantime.

This, we told the APA, is why we pleaded for a master plan in 1992 and 1996. How did we know the Whitneys would come back so soon, in the same place, with so many more lots? This was the refrain from Mr. Campbell and Local Government Review Board chief Joe Rota.

Exactly, we said. The master plan takes away the suspense, the intrigue and the guesswork. You know what else will happen in the future before you start reviewing the current plan. We reminded the APA that it had the authority to do it and an obligation to do it.

The runoff and erosion from the construction on the new project alone could spell disaster for Little Tupper Lake, we said. Little Tupper Lake is only 25 feet deep at its deepest point. Most of it is shallower than that. Forty plus new homeowners would deal a generations long setback to the state's plan to create the Bob Marshall Wilderness. Miles of roadway would present dangers to local wildlife, especially the burgeoning moose population.

We called for a thorough APA review of the project and beseeched APA to finally require a master plan for the entire 51,000 acres still remaining in Whitney hands.

The Council will continue to press for state ownership of as much of the Whitney Estate as the family is willing to sell.

To our shock and amazement, Campbell agreed with the staff's recommendation to require a master plan.

We then reminded the agency that its was illegal under the APA Act and the State Environmental Quality Review Act for multiple subdivisions in the same area of a single property to be reviewed separately. In short, the APA must rule on the combined impact of both projects at once. We insisted that the APA revoke the old permit and combine the three lot subdivision and the 40 lot plan into a single proposal, and review them together.

The APA chairman's reaction was nothing short of pathetic. Campbell had just finished complaining to the press that he was being singled out for the APA's actions when "I only have one vote." In almost the same breath, Campbell burst forth and declared that the APA would not even consider revoking or suspending the 1996 permit because he had issued it in good faith. He had not even consulted other APA commissioners before making this pronouncement.

That meant that Camp Bliss, Camp On The Point, and Camp Francis were all at risk of being sold before the APA completed its review of the larger, newer subdivision plan.

Within weeks, the Whitneys announced that they were tearing down Camp On The Point, on the eastern side of Little Tupper Lake, and would construct a 7,000 square foot model home in its place.

They did — and apparently disposed of the debris in a landfill permitted for a road project that had been completed years before. It was not supposed to be a landfill any longer.

At the beginning of August, just as negotiations with the state seemed to be breaking down again, the Council filed a formal petition demanding that the agency decide the fate of the permit for Camps Bliss, On The Point and Francis right away. We knew there wasn't much time to resolve the outstanding issues. If APA did not revoke or suspend the old permit, permanent holes would be cut in the proposed wilderness area as private buyers snapped up choice spots on the shoreline before the state could act.

At the same time, the Council demanded that the agency commence an enforcement action against the Whitneys for illegal dumping. We insisted on a fine. We insisted further that the APA suspend all activity on the subdivisions until the enforcement case is resolved.

Whitney Industries Vice-President John Hendrickson, told the press the company had permission from the DEC to dump the debris in an existing landfill on their property. DEC officials said they had no record of having spoken to the Whitneys, let alone having granted permission for dumping. In fact, DEC does not have the sole authority to grant such permission, since landfills of this type require an APA permit as well.

The APA has sent a settlement offer to the Whitneys but refused to disclose the details.

Then came news that the US Senate Committee on Appropriations approved $100 million in federal grant money to states that want to protect open space. Senator Alfonse D'Amato and others are working behind the scenes to secure as much as $10 million for use in the state's effort to acquire the Whitney Estate by October 1.

Concurrently, the Citizens Campaign for the Environment sent a letter to Governor Pataki calling on him to use his powers of eminent domain to prevent the sale of Camp Bliss to a private party.

Days later, the Whitneys and the Nature Conservancy agreed to a deal that would allow the Conservancy to buy Camp Bliss for $575,000 — but the Conservancy must now arrange to buy the rest of the 15,000 acres up for sale before November 30. If they do not, the Whitneys said they will complete the sale of Bliss to a Connecticut couple who, they said, had offered $500,000.

But when it appeared negotiations
had broken down in August, the Sierra Club decided to make things a little more interesting. They told the media they planned to don tuxedos and picket the Whitney costume ball in Saratoga Springs on August 1. The Whitneys told the Sierra Club that they would cancel their agreement with the Nature Conservancy if the protest proceeded and would refuse to sell any of their land to the state or the Nature Conservancy. But the Sierra Club had not yet been informed of the deal for Camp Bliss and agreed to call off the protest in light of the agreement. They did not agree to remain silent forever.

Saturday afternoon, during the Whitney stakes, an airplane circled the Saratoga Race Course, pulling a banner that read: “Governor... Save Whitney Park.” The sponsor remained anonymous. Where do we go from here?

The Council will continue to press for state ownership of as much of the Whitney Estate as the family is willing to sell. We don’t want to be in the position of having to mitigate the environmental problems that the subdivision would bring through negotiation and compromise at the Adirondack Park Agency. That would mean the slow, yet inevitable destruction of the land’s biological diversity and ecological integrity.

We would much rather see the land purchased for the Forest Preserve and set aside without any further development. Over the next few months, we are hoping you will help us with this task. All of us must keep the pressure up on Governor Pataki. Let him know that we are counting on his leadership to ensure that the land is protected and opened to the public.

Twenty, thirty or forty years from now, we can all tell our grandchildren what an amazing place the Whitney estate used to be before it was chopped into 300 acre ranchettes . . .

Or we can grab a canoe and show them how much more wild and beautiful it has become since the people of New York acquired it way back in the 20th century. The choice is ours. The responsibility to act is ours. We must do so before it is too late.

Help save Whitney Park!

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A Great Lot is Developing

There is no reason to believe that the public will be a better steward of the land than private landowners

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BY CHRISTINE SNIDE

Hamlet might have mused “To build or not to build, that is the question.” The Whitney Park Great Lot Development has certainly spiced up the coffee hour conversations of patrons in our local restaurants.

At the heart of the question is the future of Marylou Whitney’s 15,000 acres of property bordering Little Tupper Lake. After submitting an application to the Adirondack Park Agency for a subdivision permit, Mrs. Whitney was bombarded by the press and the public with questions about her right to develop, through subdivision, this “jewel in the Adirondacks.” Seemingly overlooked is the fact that this property is owned outright by Mrs. Whitney — and not those who are voicing the loudest protests.

Christine Snide is a resident and Town Supervisor of Long Lake.

In 1996 Mrs. Whitney had applied for and received permission from the APA for a three lot subdivision on Whitney Park. In 1997, however, the rules were changed. Now the APA requires a master plan for her entire Adirondack landholdings, all 50,000 plus acres and not just those specified in the proposed development. This new requirement is currently being contested by Mrs. Whitney, et. al. (including myself). The plan to do absolutely nothing in the foreseeable future with these acres is, in itself, a plan.

Beyond that important issue, however, environmentalists state that developing the 15,000 acres around Little Tupper Lake will:

• destroy the ecosystem
• eliminate the indigenous strain of native brook trout found in Little Tupper
• create horrendous infrastructure expenses to the taxpayers of Long Lake
• and yet be sheltered under RPTL 480 or 480A.

Mrs. Whitney, and all the Whitneys before her, have proven themselves to be excellent stewards of their park. When the 1995 microburst destroyed hundreds of trees at Camp Deerlands, Mrs. Whitney went to great expense to restore them. The public’s land managers are struggling, and will continue to struggle to clean up their trail system as a result of that blowdown. It is only through the volunteer efforts of the Adirondack Mt. Club and other such clubs, that hiking and snowmobile trails became accessible again. In Long Lake the prisoners from Camp Gabriels cleared the Lake Eaton snowmobile/hiking trail. Volunteers from Long Lake’s local snowmobile club also assisted in trail clearing. Stewardship, while certainly a banner flown by all environmental groups, actually belongs to a variety of people throughout the North Country.