

Land Acquisition in the Adirondacks

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There was a time when the Department of Environmental Conservation (DEC) easily had its way with the purchase of private lands in the Adirondacks. The political background was favorable, with majorities in both houses of the Legislature and the Governor positively disposed, and even the Environmental Quality Bond Act (EQBA) of 1981 not seriously controversial. The sense of prosperity at the time also favored land acquisition and approval by the voters.

As the 1981 Bond Act funds were spent down, however, several events placed State land acquisitions in the Adirondacks under a cloud. First was the classification of State Forest Preserve lands by the APA, in such a way as to infuriate Adirondackers. The classification of the Crane Pond Road in Schroon Lake as wilderness and its resulting closure was most prominent.

Another serious blow to State land acquisitions was the attempt by the DEC to take by power of eminent domain the lands of Dr. Vincent Vaccaro. Dr. Vaccaro's extended battle against the taking sensitized Adirondackers to the tyrannical use of power by the State. Third, voters became less affluent toward the end of the 1980s, and so the momentum of the environmental lobby waned. Finally, the power of Adirondack legislators was

vastly augmented when Senator Ronald B. Stafford was elected Deputy Majority Leader in the Senate.

The last clear shot for a straightforward Adirondack land acquisition process and its funding was the EQBA of 1990. Although other provisions survived, the funding proposal for the 1990 EQBA was rejected by the voters. This defeat left funding for future State acquisitions with the Legislature and the Governor but gave important political influence to land acquisition advisory committees established by those provisions of the EQBA that had survived rejection at the polls.

Two of the advisory committees created included parts of the Adirondack Park. The DEC Region 5 Land Acquisition Advisory Committee, the more significant of the two, covers Franklin, Essex, Clinton, Warren, Saratoga, Washington, Fulton, and Hamilton counties.

These counties include some lands most coveted by the State. During December of 1991 the Region 5 Committee, representing nine public service organizations (generally environmentalists), and one representative from each of the eight counties appointed by the County boards, commenced an advisory process that continues to date.

First, the Region 5 Committee deadlocked, as expected; County members lined up against public representatives,

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the former against land acquisition, the latter in support.

But early in 1992 the County representatives, encouraged by Duane Ricketson, representing Residents for the Protection of the Adirondacks, decided to seek consensus with their environmentalist colleagues on such issues as eminent domain and prior consultation with local governments.

Despite sharp differences between the two sides, the Region 5 Advisory Committee worked out major consensus recommendations for possible inclusion in the State Land Acquisition Plan. For months, in meeting after meeting, the two sides reached one agreement after another, and in the end their agreements were largely reflected in the State Land Acquisition Plan (later dubbed the State Open Space Conservation Plan).

Regrettably, the tensions created by State efforts to regulate more effectively the shorefront and backcountry areas of the Adirondacks broke out of control late in 1992. As just one result of that conflict, many of the same individuals who had caused the Adirondack Planning Commission to dissolve took over the county representative positions on the Region 5 Advisory Committee.

In a matter of weeks the Committee changed from a dialogue-oriented body to one sharply, though politely, divided between pro-acquisition

and anti-acquisition forces. The result of this change was recently demonstrated by the refusal of the Region 5 Committee (now the Region 5 Open Space Conservation Committee) to endorse the proposal of Domtar Corp. for the sale of a conservation easement on 50,000 acres in Franklin and Clinton Counties.

Readers familiar with New York State's Environmental Protection Act (EPA) of 1993, probably thought that the battle over State acquisition of private land in the Adirondacks was over. The EPA provided for local government veto power over all acquisitions not enumerated in the Act. One would think that this would overcome any objection of Adirondack residents to the idea of State land acquisitions. In fact, the DEC and Governor Cuomo had met every demand of the county representatives on the Region 5 Committee and the Domtar proposal was based on those agreements: willing sellers were offering to sell an interest in land (a conservation easement), the purchase was favored by the counties, and the towns involved had been consulted and had expressed their support for the purchase.

No private structures and no loss of tax revenues were involved, and the effect would have been to promote forest production in the Adirondacks. To the original Region 5 Committee, this would have been an attractive proposal. To the new,

more hostile county representatives, it was just another case of unwelcome State involvement in the Adirondacks.

Even though the Region 5 Committee cannot unilaterally prevent a particular purchase by the State, their refusal to endorse a purchase might give Senator Stafford sufficient reason to withhold Senate approval for funding for the purchase. This may prove to be the scenario for the Domtar proposals and others still to come.

Why has the Region 5 process, so promising at the outset, fallen into the old pattern of hostility? What could possibly prevent the county representatives now on the Committee from supporting acquisitions actually favored by the governments of the towns involved? I have no answer to these questions. But think of this: as long as the State is thwarted in its efforts to purchase conservation easements, there is a chance that large landowners will be able to hold out for the tax abatement they seek without giving up the opportunity for future development or the ongoing expansion of leasing lands for the construction of hunting cabins and seasonal dwellings.

This is a dismal perspective for Adirondackers who believe that our natural environment offers our only important economic opportunity. For those who simply enjoy it for its own sake, so much the worse.