



Board of Directors

February 12, 2015

Charles Clusen
Chair

Hon. Andrew Cuomo
Executive Chamber
State Capital
Albany, NY 12224

Sidney Haring
Dale Jeffers
Michael Wilson
Vice-Chairs

RE: New Criteria to evaluate proposed Article XIV Constitutional Amendments

James Long
Secretary

Dear Governor Cuomo,

David Quinn
Treasurer

Four Article XIV Constitutional Amendments have been approved since 2007, making this period the most active in the history of the Forest Preserve for such changes. At least two new proposed amendments are being developed by your staff and the Department of Environmental Conservation (DEC) and may possibly be introduced for first passage in 2015.

Joshua Axelrod
Nancy Bernstein
John Caffry
Dean Cook
Lorraine Duvall
Robert Glennon
Evelyn Greene
Peter Hornbeck
Mark Lawton
Charles Morrison
Peter O'Shea
Philip Terrie

The NYCO Minerals, Inc., Constitutional Amendment passed in 2013 was the most controversial in the last 50 years. It passed by a narrow margin and was aided by the strong support from the DEC, which acted as a de facto private lobbyist for NYCO, and unprecedented spending by NYCO of over \$600,000 in the general election.

The legislative review of the NYCO Amendment was poor. Many substantial issues were glossed over, such as how the amendment would be implemented, alternatives to selling Forest Preserve, and the ecological quality of both the Forest Preserve lands targeted for sale and the replacement lands. Few in the Legislature were prepared to fully evaluate the benefits and negative consequences of this proposed amendment. Far from an independent and honest broker, the DEC zealously and relentlessly made the case for the NYCO deal.

Peter Bauer
Executive Director

Because more proposed Article XIV Constitutional Amendments are being developed it's important that a much better filter be created to evaluate future proposals to amend Article XIV. Attached, please find the new criteria Protect the Adirondacks will use to evaluate a proposed Article XIV Constitutional Amendment. These criteria will protect the Forest Preserve, provide better information to legislators and the general public, and bring greater sunshine to a closed process driven heavily by one state agency. We encourage your Administration to use these criteria in your planning and review of new Forest Preserve Constitutional Amendments.

Thank you for your consideration. On behalf of the Board of Directors of Protect the

Adirondacks, please let me express our gratitude for the opportunity to share our concerns on this important matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Bauer". The signature is fluid and cursive, with the first name "Peter" being more prominent than the last name "Bauer".

Peter Bauer
Executive Director

CC: A. David
B. Seggos
J. Malatras
J. Martens
M. Gerstman
K. Moser
R. Davies
J. Tighe
C. Ballantyne



Criteria for Consideration of any Proposed Amendment to Article 14, Section 1 of the New York State Constitution

“The lands of the state, now owned or hereafter acquired, constituting the forest preserve as now fixed by law, shall be forever kept as wild forest lands. They shall not be leased, sold or exchanged, or be taken by any corporation, public or private, nor shall the timber thereon be sold, removed or destroyed.” (Article XIV, Section 1 New York State Constitution)

Protect the Adirondacks believes that these words, approved by New York voters in 1894 and unchanged ever since, should be amended only under extraordinary circumstances and only to secure a clearly identified and significant public benefit.

The following conditions must be met before PROTECT will consider endorsing any amendment to Article XIV:

1. The proposed amendment must be drafted by the State Legislature and not by any State agency.
2. No amendment shall result in land being transferred out of the Forest Preserve to public or private corporations or to unincorporated businesses, private clubs, families, or individuals, or any other private legal entity.
3. A clear justification must be provided for the amendment, and it must serve only a public purpose and not result in private or commercial gain.
4. The amendment must be accompanied by legislation that explicitly describes the process for implementation of the amendment if the voters approve it.
5. There must be a complete, independent biological and ecological assessment of any lands that are subject to removal from the Forest Preserve as part of an amendment. No mature forests, old growth forests, or parcels of ecological significance shall be removed from the Forest Preserve.
6. In the case of land exchanges, the land offered in return for a parcel of Forest Preserve must be precisely and explicitly identified, must be independently determined to be of higher ecological and fair-market value than the land to be transferred out of the Forest Preserve, and must enhance the character of the Unit Management Area from which the Forest Preserve land is being removed.

As required by Article VII of the State constitution, neither the Department of Environmental Conservation nor any other State entity, shall advocate for or against a proposed amendment during legislative review or between the time any amendment is given second passage and the referendum. These agencies may provide only factual, legal and other educational information during these processes.