



**Board of Directors**

October 29, 2014

Charles Clusen  
**Chair**

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

Sidney Harring  
Dale Jeffers  
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**Vice-Chairs**

Hon. Joe Martens  
NYS Department of Environmental Conservation  
625 Broadway, 14th Floor  
Albany, NY 12233

James Long  
**Secretary**

David Quinn  
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**RE: Public Recreational Rights in Long Pond Conservation Easement should Remain Full and Complete, Grandfathered Leased Hunting Camps should be Removed**

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

Dear Governor Cuomo and Commissioner Martens,

Protect the Adirondacks recently visited the Long Pond Conservation Easement tract, which includes 18,950 acres in the Town of Colton in St. Lawrence County. This conservation easement was purchased by the State of New York in 1999. This is an important point in time for the management of this conservation easement because 2014 marks the end of certain exclusive recreational rights grandfathered for 15 years after the purchase.

Peter Bauer  
**Executive Director**

Each conservation easement is different based on the terms negotiated by the original seller of the easement and conditions of the land. In 1998, the State of New York purchased full public recreational rights to the Long Pond property. Under the terms of the conservation easement six permanent recreational camp compounds were authorized and approved as part of a subdivision permit from the Adirondack Park Agency (APA).

Dozens of other leased hunting camps throughout the Long Pond Conservation Easement were given a 15-year period of exclusive recreational rights after which they would be terminated. These exclusive grandfathered rights expired in 2013, which is followed by a 1-year period where all camps, except those on the six permanent sites, are to be removed. The pertinent parts of the conservation easement are provided below (pages 11-12 in the easement):

The exclusive right to occupy, use, repair, maintain, improve, demolish, replace, abandon, vacate, but not expand or extend all other structures, outbuildings, hunting facilities and darns that currently exist on the Protected Property but which are not listed in item 2 of this section. This reservation shall include an acre of land surrounding each hunting camp and shall run for a period of fifteen (15) years from the date this document is recorded in the St. Lawrence County Clerk's Office. Within one year after the termination of this reservation it shall be the responsibility of the Grantor to remove all buildings, outbuildings and refuse which exists on the property at the time. The Grantor may remove those structures by burning and burying the rubble subject to existing laws and regulations.

Another section states:

During the period of September 1 through and including December 15 of each year of the period 1998 through 2013, the exclusive right to hunt, subject to applicable laws and regulations is reserved to the Grantor, its successors, assigns, lessees and invitees, including the exclusive right to post all hunting boundaries consistent with the hunting rights reserved herein and the applicable posting laws. During the period October 1st to December 15th 1998 through and including the year 2013 any and all public use of the Protected Property shall be prohibited.

When PROTECT toured the Long Pond Conservation Easement in September 2014 we were pleased to find that the state has worked to prepare the lands for broad public recreational access. There were parking areas, informational kiosks with maps, and signs that were welcoming and informative. We note that this area is one place where public recreational riding of All Terrain Vehicles (ATVs) is allowed and lawful.

Despite preparations for new broad public recreational access to these lands, PROTECT was dismayed to find that dozens of leased recreational camps remain fully operational. Under the terms of this conservation easement these camps are to be removed. There were no signs, however, in our recent tour of the property that these camps will, in fact, be removed.

The history of the Department of Environmental Conservation (DEC) is not good on this matter. The former 136,000-acre Champion International Conservation Easement, now Heartland Forestry, included full, blanket public recreational rights when the state purchased this easement in late 1990s. Several years ago, the DEC reversed course and negotiated a change in the terms of the conservation easement to retain these camps in perpetuity. PROTECT has serious doubts about the legality of this action where the DEC unilaterally negotiated away recreational rights that had been lawfully purchased with state funds. Today, the Heartland Conservation Easement limits public access because hundreds of private recreational camps remain. The existence of these camps limits public access by making these lands far less inviting to the general public as an area for outdoor recreational activities. In essence, the existence of these private camps usurps what was supposed to be public recreational asset and turns it into an exclusive, private monopoly.

PROTECT urges the Cuomo Administration and the DEC to honor the current terms of the

Long Pond Conservation Easement and not take any actions that will diminish public recreational rights.

PROTECT urges the DEC not to undertake a similar action on the Long Pond Conservation Easement tract. We call upon the DEC not to attempt to extend recreational hunting camps or somehow renegotiate the terms of this easement to allow camps to remain in perpetuity. We understand that the original terms of the easement provide for six camps to remain in perpetuity, but all others should be removed promptly.

On behalf of the Board of Directors of Protect the Adirondacks, please accept our gratitude for taking the time to consider our views on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Bauer". The signature is fluid and cursive, with a large initial "P" and "B".

Peter Bauer  
Executive Director

CC List:

J. Malatros  
B. Seggos  
S. Eisenstein  
M. Gertsman  
K. Moser  
R. Davies  
K. Richards  
J. Drabicki  
F. Monk