



Board of Directors

February 28, 2024

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NYSDEC Region 5

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1115 State Route 86
Ray Brook NY 12977

Barbara Rottier
Secretary

RE: Public Comments to Region 5 Open Space Advisory Committee on Development of New Draft 2024 NYS Open Space Conservation Plan

David Quinn
Treasurer

Dear Regional Director Zalewski and the Region 5 Open Space Advisory Committee:

Nancy Bernstein
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We appreciate the work that is underway by the Region 5 Open Space Advisory Committee (Committee) on the new draft 2024 NYS Open Space Conservation Plan (Plan). The new Plan provides a great opportunity to identify and protect high quality ecosystems across New York that provide outstanding recreational opportunities, protect water quality and wildlife habitat, and mitigate the impacts of climate change. 2024 is shaping up as a big year for land protection in the Adirondack Park and across New York State.

Staff

Peter Bauer
Executive Director

The "30 by 30" Act passed by the Legislature and signed into law by Governor Kathy Hochul in 2022 sets an ambitious goal of protecting 30% of New York State's lands and inland waters by 2030. The 30 by 30 Act saw overwhelming and bipartisan support, passing the State Senate by a vote of 58 to 3, and the State Assembly by a vote of 137 to 8. The 30 by 30 goal is a daunting task because currently just 20% of New York's lands are protected and more than 3.1 million acres will need to be protected within the next six years to meet the statutory goal. Consequently, we ask that the Committee incorporate the goals of the 30 by 30 Act as the central organizing framework for developing the new Plan.

Claudia K. Braymer, Esq.
Deputy Director

Christopher Amato, Esq.
Conservation Director and Counsel

General Comments

Environmental Protection Fund is Underfunded: The NYS Environmental Protection Fund is underfunded. The EPF should be

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funded at a level of at least \$500 million and land protection should be funded at \$100 million annually.

Annual Aggregate Additional Assessments: Protect the Adirondacks has always supported full payment of local property taxes by the State of New York on Forest Preserve and Conservation Easement lands. The Annual Aggregate Additional Assessments section of the Real Property Tax Law was enacted at the same time as the Adirondack Park Agency (APA) Act to provide enhanced tax payments to some Adirondack communities. This payment is based on a formula of state Forest Preserve ownership and valuation in a given town in 1960. Implementation of RPTL Section 542 through the years has created winners and losers among local governments. This program, which provides additional state payments to select Adirondack towns, is outdated and needs to be updated. Additional towns with high percentages of either Forest Preserve or state-owned conservation easements need to be included and the formula by which state tax payments are enhanced needs to be updated.

State Tax Payments on Intensive Use Areas: The way in which the State of New York pays or does not pay local property taxes on Forest Preserve lands classified as Intensive Use, which includes State ski areas and campgrounds, among other lands, under the Adirondack Park State Land Master Plan is ad hoc and needs to be changed. The State of New York should pay local property taxes on areas of the Forest Preserve classified as Intensive Use just as it does on all other Forest Preserve lands, except for State Administrative areas.

All Counties Should Publish Project Lists: All counties in each DEC region of the state should develop priority acquisition lists that are published in the Open Space Plan. Each county should solicit projects from towns and from the public. Past Open Space Conservation Plans have not included these lists for all counties. It is our experience that when a local government solicits recommendations from residents for lands to protect in their communities, that many parcels are identified that protect the local quality of life, improve public access, protect water quality and wildlife habitat, or protect local community character. In Region 5, only Saratoga and Washington County provided project lists for the prior plans. We urge the Committee to ensure that the counties are soliciting input from residents and local governments and providing priority acquisition lists to you.

Statewide/Multi-Region Land Protection Recommendations

Forest Preserve Access and Enhancement: All parcels that adjoin existing Forest Preserve should be eligible for protection.

Forest Preserve Inholdings: All parcels that are completely surrounded by or border Forest Preserve on two sides should be eligible for protection.

Working Forest Conservation Easements: This is an important category to maintain. This has been a highly successful program and the State should focus on new conservation easement purchases in the Adirondack Park.

Working Forest Conservation Easement Access and Enhancement: Parcels that border or are within close proximity to existing easements should be eligible for protection.

Long-Distance Trail Corridors, Network and Linkages: This is an important category to maintain.

Adirondack Park Buffer, Wildlife Corridor, Biological Connectivity: This should be a new statewide category as it involves DEC regions 4, 5 and 6. This category should authorize state protection of Forest Preserve lands outside the Adirondack Park Blue Line, conservation easements, state park lands, wildlife refuge lands, long-distance trail corridors, and farmland protection to protect the ecological integrity of the Adirondack Park by maintaining biological connectivity to other wild areas and for protecting wildlife corridors.

Statewide Small Projects: This category should be retained, but the existing nine categories should be expanded for acreage and land costs. Small project acreage should be increased to allow for acquisitions up to 1,000 acres and \$1 million in costs. Existing categories are Public Fishing Right Easements, Waterway Access, Enhancement of Public Lands, Significant Rare Habitats, Significant Historic Archeological Resources, Trail and Greenway Connections, Stream Buffer Easements, Important Birding Areas, and Aquatic Connectivity. Additional “small projects” categories should be expanded for climate, working forests, long distance trails, rail trails, and public access.

Article 14 Amendment Compensation Lands: Lands that are purchased by the State of New York as compensation lands for amendments to Article 14 of the New York Constitution should be a general category. The completion of Article 14 amendments should not be delayed by the need to identify and purchase compensation lands. Article 14 amendments are a regular feature of overall Adirondack Park management.

Recreational Trail Linkages & Networks (Joint Regions 5 & 6 & 7 Priority Project): The new Plan should include this category. Previous plans have stated “Long distance trail linkages and networks, (including water routes) for a variety of motorized and non-motorized recreational uses (such as hiking, skiing, biking, snowmobiling, canoeing, equestrians and other appropriate uses) are important as a way for local communities to benefit from neighboring State lands. Trails of interest in Northern New York portions of Regions 5, 6 and 7 include the North Country National Scenic Trail, the Northern Forest Canoe Trail, the Mohawk Valley Heritage Trail and 3 Blueway Trails and 15 Scenic Byways. The intent of this project is not to achieve broader acquisition but to work to integrate these corridors and trails into community and State land connections that contribute further into the region’s recreation and tourism economy.”

Region 5 Priority Projects

The 2016 Region 5 Open Space Advisory Committee recommended land protection for agricultural land easements, Big Cedar Swamp, Bog River/Beaver River Headwaters, Boeselager Forestry, Finch Woodlands, Floodwood/Scout Camp, Follensby Pond, Four

Peaks (Essex County), Huckleberry Mountain, Northern Flow River Corridors, Whitney Park, Lake Champlain Shoreline/Watershed, Lake George Shoreline/Watershed, and Hudson Rivers projects. Additionally, Saratoga County and Washington County provided lists of recommended projects. We urge that all of the prior projects that have not been completed be included in the new plan. We also urge that other counties in Region 5 produce recommended project lists, beyond Saratoga and Washington.

Below are specific comments on different lands in Region 5 that are high priorities for protection:

Working Forest Conservation Easements: Prior versions of the Open Space Plan were important for highlighting “Working Forest Conservation Easements.” This allowed the State to buy the development rights and some or all of the recreation rights, while the lands remained in commercial timber production. Easements are an investment in the environment and economy. While there are problems with long-term forest management and limited public recreation on some easements, the State has now protected nearly 800,000 acres across the Adirondacks by conservation easement. There are hundreds of thousands of acres in the Adirondacks that could still be protected through conservation easements.

Whitney Park: This 36,000-acre tract, which includes over 20 lakes and ponds, has been at the top of New York State’s priority protection lists for decades and should remain as a high priority project in the new plan.

Follensby Pond: Though an announcement was made about a conceptual agreement to protect this 14,600-acre tract, DEC stated that the easements will not be finalized until the end of 2024 or later. Because the easements are not completed, the tract should continue to be listed in the new plan.

Ensign Pond Road Lands: Various lands in the greater Ensign Pond area have been protected by land trusts and foundations. These lands, like the recently purchased Tub Mill Pond tract, should be listed for protection by the State.

Sanford Lake Railway: The rail corridor from Tahawus to North Creek should be listed for protection.

Warren County-Saratoga Railway: The rail corridor from North Creek to Saratoga County, currently owned by local governments, should be listed for protection.

Four Peaks: This 600-acre tract in Wilmington, including Bassett Mountain, Wainwright Mountain, Ebenezer Mountain and Rattlesnake Knob, merits protection by adding new recreational opportunities for the area and protecting important open space.

Crane Mountain-Huckleberry Mountain Complex: Lands bordering the Crane Mountain/Huckleberry Mountain Forest Preserve complex merit protection and listing as a priority project site. This area is very popular for hiking, mountain climbing, cross-country

skiing, snowshoeing, hunting, fishing and camping. There are associated private lands where the owners would like to see their lands permanently protected.

Syracuse Facility at Huntington Wildlife Forest: The vast tract of nearly 20,000 acres merits permanent protection through a conservation easement that would allow for continued scientific research and educational facilities. These lands also border Forest Preserve and conservation easement lands.

Lake Champlain Shoreline/Watershed: Protection of shoreline, islands, viewsheds, and the watershed for Lake Champlain continues to be a critical need. These projects should continue to be listed in the Open Space Plan.

Lake George Shoreline/Watershed: Protection of shoreline, islands, viewsheds, and the watershed for Lake George continues to be a critical need. Protection of the undeveloped or lightly developed private lands adjoining the Lake George Battlefield Day Use Area, Lake George Battleground Campground, and Lake George Beach Day Use Area is important for historic, open space, public access, and public recreation purposes, especially due to increasing development pressures on those lands that are just outside the Village of Lake George. These projects should continue to be listed in the Open Space Plan.

Hudson River Projects: The protection of the Hudson River, the grandest river in New York State, continues to merit protection from the southern High Peaks through the farmlands and forestlands of Warren, Washington, and Saratoga Counties. Protection of Hudson River corridor lands should continue to be listed in the Open Space Plan.

Saratoga County Projects: Open space protection projects put forward by Saratoga County should continue to be listed in the Open Space Plan.

Washington County Projects: Open space protection projects put forward by Washington County should continue to be listed in the Open Space Plan.

On behalf of the Board of Directors of Protect the Adirondacks, please accept my gratitude for the opportunity to share our thoughts on land protection in DEC Region 5.

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: K. Petronis, NYSDEC
F. Watt, NYSDEC
J. Clague, NYSDEC