

# Adirondack LANDOWNERS ASSOCIATION

ALA NEWS • VOLUME XIX ISSUE I • WINTER 2010  
512 South 2<sup>nd</sup> Street, Fulton, New York 13069 • Telephone: (315) 592-2567

## PRESIDENT'S COMMENTS



2010 marks the 20th anniversary of the Adirondack Landowners Association. It is an understatement to say that the ALA has come a long way in those years. By extolling the virtues of private stewardship, the ALA has become a force to be reckoned with, or in the words of Ross Whaley, our Senior Advisor, the "veritable lynchpin" between the Greens on the one hand, the public authorities on the other. Credit for this new clout belongs to Ross and to our former Counsel, Frank Clark, both of whom have steadfastly represented the interests of private landowners in all branches of the state government, Regions 5 and 6, and the environmental community.

Probably the ALA's greatest achievement has been making sure that "willing buyer – willing seller" is an absolute requirement whenever state land acquisition is contemplated. But we must remain vigilant as the same issue may arise again. The ALA is also continuing to ensure passage of a navigable rivers bill that is fair to the adjoining landowners, and to oppose alternate bills which are unfair to landowners. At the same time the ALA continues as our watchdog and advocate on the many other issues which effect landowners, such as taxes, public access, forestry, dams, water and sewage, etc., etc., etc.

In my judgment, the ALA is more vital today than ever before in its twenty year history. As I take over from my esteemed predecessors, I will work for the ALA's becoming an even stronger and more effective force in the Adirondack community. You can help by continuing to demonstrate the virtues of private stewardship, and by encouraging other landowners to join our growing organization.

Finally, the winter meeting at the Adirondack League Club on December 4th and 5th was a testimony to the idea that a productive meeting can also be a fun time. It was a pleasure to rekindle acquaintanceships while also communicating the work of our organization. This is always a fun weekend with a lively party and auction on Friday night followed by a stimulating panel discussion on Saturday morning. I now look forward to seeing many of you at our May meeting.

*-Ted Wickersham*

## ALA MEMBER:

### THE NORTH WOODS CLUB

The North Woods Club was incorporated in 1886 when a group of "sports" from the Century Association in New York City sought to acquire a suitable tract in the Adirondack Mountains for fishing and hunting. After a false start at Whitacre Lake, the new Club purchased approximately 5,000 acres in the Town of Minerva in two transactions for a reputed \$1,500. A number of these gentlemen had been previous boarders at a farmhouse on the property erected by Rev. Thomas Baker, a disciple of John Brown and a person supposedly involved with the underground railway. We are fortunate that Baker's daughter, Juliet, kept a diary of her life in "the Woods." One notable entry reported that her husband returned from an extended absence with news that President Lincoln had been shot and killed!

The Club's charter states that its purpose is to provide for the "the encouragement of social recreation, boating, fishing, athletic and all lawful manly sports and pastimes and preservation of game and forests." It has continued as such to this day, and despite the phrase "manly sports and pastimes" there have been women members for most of the Club's 123 year history.

The Club is situated nine miles from the nearest paved road. Access was difficult at best until a road was built at



**TURN TO PAGE 2**

## INSIDE THIS ISSUE

<b>Navigable Waters</b> .....	<b>2</b>
<b>APA Actions</b> .....	<b>3</b>
<b>In The News</b> .....	<b>3</b>
<b>Adirondack Park Regional Assessment Program</b> .....	<b>4</b>
<b>An Open Letter to New York Legislators</b> .....	<b>4</b>
<b>A Good Time Was Had By All</b> .....	<b>5</b>
<b>Membership and Organizational Information</b> .....	<b>5</b>

the turn of the last century. Today the town maintains all but the last two miles of the road and has made it wide enough for two vehicles to pass in most places. While today's road is more convenient, many members long for the old days when a narrow rock studded path restricted all but the most determined from accessing our bit of heaven.

The remoteness of the clearing meant that Baker's farm and later the Club had to be self sufficient. On the clearing were cattle, horses, chickens, pigs and other domesticated animals in addition to the bountiful deer and trout that was the lure for the sports. All sugaring was done on the premises. A sawmill was erected in the 1890s and operated until around 1950 and a blacksmith shop was in operation until about the same time. Electricity was introduced in 1961. When I was a lad there was one crank telephone located in the kitchen. A new phone line was installed in the early 1980s on condition that all cottages have their own telephone lines. Some members paid for their line, but refused to install a phone in their cottage lest the sense of remoteness be destroyed.

Today the Club has a Clubhouse, kitchen/dining building, superintendent's house, two barns, twenty-one member cottages and various boathouses and lean-tos. There are 33 full members and 9 associate members. For most of the Club's history, everyone ate all meals in the communal dining room. With the advent of electricity members began to install their own kitchens and today the dining room is open only five nights a week in the summer season. Electricity has also enabled the Club to evolve to more of a year-round operation with over half the cottages now "winterized."

We like to think that we are good stewards of our property. We retain our own limnologist and fishing on our six lakes (historically called ponds) is more restrictively regulated than state regulations would permit. One of our ponds was reclaimed by the DEC so they could introduce a native strain of brook trout, something that couldn't be done on public water. Moreover, to preserve the remoteness of the ponds, Club rules prohibit building a cottage where it can be seen from the water.

Logging has always been a significant feature of the Club. Our operation is certified by Forest Stewardship Council and we are a designated tree farm. The majority of our 5,000 acres is under Section 480(a).

Many of our members are or recently have been Board members or employees of environmental organizations such as Trout Unlimited, the National Forest Service, The Nature Conservancy, The Adirondack Council, the Association for the Protection of the Adirondacks (now "Protect the Adirondacks!") and DEC Region 5. Two of our deceased members were founders of the NYS Conservationist magazine.

The Club maintains two emergency escape trails from the

Hudson River, along with a host of other trails. The emergency trails have been proven to be literal life savers to the occasional canoeist or rafter with a medical emergency. Another example of private stewardship.

The Club has always attracted artists including my great-great-great uncle, Eliphalet Terry. As long as I can remember there has been at least one professional or active amateur painter who has been a Club resident. Clearly the most noted painter was Winslow Homer whom Terry introduced to Baker's Clearing in 1870 and who was a member until 1910. It was on this property that Homer painted the vast majority of his Adirondack pictures. One of Homer's favorite painting spots was on the shore of our largest pond beside a spring which flowed into the pond. Homer was known to leave each morning with his easel and paints and a brown jug supposedly for his "tea" which he would place in the spring. One of our author members has written that in the 1950s he and another member took it upon themselves to clear out the various springs on the property using the quick and dirty method of dynamite. When "Homer's Spring" was subjected to this treatment, low and behold, along with the expected muck, up came bits of a brown jug!

-TSW

## NAVIGABLE WATERS

A series of articles in the Adirondack Explorer about the rights of recreationists to paddle on streams that traverse private property is a reminder that this issue will not go away; nor should it. The rights of paddlers and the rights of private landowners can only be deciphered by wading through a myriad of legal decisions. Various previous attempts at passing legislation to clarify the issue so far have been unsuccessful, and this was their appropriate due. The previous bills have been incomplete in their codifying the limits of paddler's rights and in making clear the rights of private property owners. The issues and the legislative history have been spelled out in previous issues of this Newsletter. It is only mentioned again, because of the increased awareness brought to the subject by recent issues of the Adirondack Explorer, and to let our readers know that the Adirondack Landowners Association will vigorously argue against the serious shortcomings of previous bills. If a law is deemed to be necessary by the legislature, appropriate legislation should identify legitimate modes of transportation (canoes are, jet skis are not), would not allow unnecessary intrusion on private lands, would prevent public access to lakes and streams that are not suitable for navigation from point A to B (i.e. keyhole lakes and streams), would give the Commissioner of DEC the authority to limit navigation on streams threatened by upstream invasive species, and would be consistent with the common law as interpreted by the courts.

## APA ACTIONS

**APA Regulations**—In 2008 APA approved changes in their regulations in four areas: (1) lots bisected by a road, (2) lots with wetlands, (3) expansion of dwellings that pre-existed passage of the APA Act that are within the required setback adjacent to a lake or stream, and (4) definition of a hunting and fishing camp. The changes in APA regulations were challenged in the court, and the judge ruled the week of November 30. He found for the Agency regarding the preexisting dwellings and lands with wetlands and found for the plaintiffs on the other two (lesser) issues. Therefore, if you have a desire to expand a preexisting dwelling within a setback in any direction other than on the back, it will require a variance from the Park Agency. Prior to this change it was permissible without a permit or variance to expand the dwelling sideways or upwards as long as the addition was not closer to the lake shore than the existing building. Additional information on these regulatory changes can be found at [www.apa.state.ny.us](http://www.apa.state.ny.us).

**APA proposed legislation**—The APA will again submit requests for three changes in the APA Act: (1) administrative changes in permit timing, (2) planning moneys for local communities from permit fees, and (3) increased density for affordable housing. Details of these legislative requests can be found on the APA website, [www.apa.state.ny.us](http://www.apa.state.ny.us).

**Snowmobile Guidelines**—After years of starts and stops the APA has approved new guidelines for snowmobile trails. They are simple, logical, facilitate a variety of snowmobile experiences and minimize intrusion of motorized vehicles on the more remote portions of Wild Forests. The guidelines recognize two classes of trail, Class I (Secondary Snowmobile Trails) and Class II (Community Connector Trails). The latter will be located on the periphery of wild forests and close as possible to motorized travel corridors given safety, terrain and environmental constraints. Class I trails will also be located near the periphery of the Wild Forests and in other limited Forest Preserve areas designated specifically for snowmobiles. Of particular interest to private land owners is the statement, “New and rerouted snowmobile trails, through the acquisition of easements or other access rights from willing sellers, will be sited on private lands rather than State lands wherever possible to minimize impacts on the Forest Preserve.” Further information on these guidelines can be found on the APA website, [www.apa.state.ny.us](http://www.apa.state.ny.us). Since APA approval of the Guidelines, the Adirondack Council has filed a lawsuit challenging them.

**Boathouse regulations**—During the month of January 2010, APA is conducting hearings on new boathouse regulations. The proposed changes would refine the regulatory changes made in 2002 by limiting the size of boathouses to 900 square feet, a height of 15 feet or less and requiring a roof with a four in twelve slope that would prohibit sitting areas on top of boat houses.

## IN THE NEWS

**Leadership changes**—Terry Martino has moved from serving as Executive Director of the Adirondack North Country Association (ANCA) to Executive Director of the Adirondack Park Agency. Terry was replaced at ANCA by Kate Fish who previously organized two successful climate change conferences at the Wild Center in Tupper Lake. Both of these changes have been applauded as the right person in the right job for the time.

Judith Enck, the Deputy Secretary for the Environment in the Paterson administration has left to join the Environmental Protection Agency. She has been replaced by Assistant Secretary Peter Iwanowicz who previously led DEC's Climate Change Office. The Assistant Secretary for the Environment represents the Governor on issues related to the Adirondack Park, and therefore is important to ALA. Both the Commissioner of DEC and Chairman of APA report to Mr. Iwanowicz.

**Climate Change**—On August 6, 2009 Governor Paterson issued Executive Order 24 calling for development of a Climate Action Plan for New York. The Order establishes an ambitious goal of reducing greenhouse gasses by 80 percent below 1990 levels by the year 2050. Ross Whaley, ALA Senior Advisor, will serve on one of the technical committees advising the Action Plan. This offers an opportunity for ALA to emphasize the desirability of private land forest management strategies that will increase sequestration of carbon by forests, and possibly even enhance revenues for managing forests. The potential for revenues is indirectly tied to the details of “cap and trade” legislation being debated by the federal legislature.

**New York Budget**—A review of New York’s budget woes in this Newsletter would be repetitive of what has been in the news media almost daily since last June. It is included here only to emphasize that neither the current fiscal year nor the immediate future problems have been resolved by the legislature. Most disconcerting to those of us who live in or are property owners in the Adirondacks is the fact that a partial solution to the state’s problems is to reduce the amount of money distributed to counties, towns and school districts. This, in turn, puts pressure on local governments to increase property taxes. The shifting of taxes from one level of government to another may seem like a solution to the problem if you are a state legislator, but it only exacerbates the problem if you are a landowner and property tax payer.

**Invasive Species**—Under the leadership of ADKACTION, a Political Action Committee focusing on Adirondack concerns, a delegation representing the Adirondack Council, The Adirondack Watershed Institute, and the Adirondack Landowners Association visited federal legislators in an attempt to gain support for a federal appropriation to fight Eurasian Water Milfoil in the more than forty lakes

in which it is found in the Adirondack Park. The request was for thirty five million dollars over a seven year period. The success of this visit and follow up activities will not be known until the 2011FY budget is negotiated.

## **ADIRONDACK PARK REGIONAL ASSESSMENT PROJECT**

The Adirondack Association of Towns and Villages along with the Adirondack North Country Association and the Towns of Chester and Arietta commissioned a study of socio-economic conditions for all 103 towns and villages in the Park. This is the most comprehensive study of the human environment of the Park to date. Selected findings from the Executive Summary include:

- *The Adirondack Park has doubled in size since its creation in 1892*
- *The Adirondack Park represents one-fifth of New York's land area*
- *Ninety percent of the Forest Preserve is located in 40 percent of the towns*
- *Individuals with mailing addresses outside the Park own about 40 percent of the parcels listed as residential*
- *An estimated 44 percent of employees work in the public sector*
- *One of every 26 people counted as living in the Adirondack Park resides in a correctional facility*
- *Only seven Park communities have complete cell phone coverage*
- *Park residents average just under 43 years of age, older than the median age for any state*
- *K-12 students represent 13.5 percent of the population, as compared to 18 percent nationally*
- *School enrollment has decreased by 329 students annually through out the past decade*
- *From 1970 to 2007 the number of teachers in Adirondack school districts has increased by 34 percent, while the student population dropped by 31 percent.*

Considerably more information on geography, government, emergency services, infrastructure, community life, and land use and ownership is available in the 120 page report. Printed and digital copies of the community profiles, the project report, and appendices are available at [www.aatvny.org](http://www.aatvny.org).

## **THE GREAT EXPERIMENT IN CONSERVATION: VOICES FROM THE ADIRONDACK PARK**

Amongst his other duties ALA Senior Advisor, Ross Whaley, collaborated with colleagues Bill Porter and Jon Erickson in writing portions of and editing a book on the history and future of the Adirondack Park that was released by Syracuse University Press last July. One might reasonably ask, "Why another book?" The Great Experiment in Conservation does four things that the authors think called for yet another book. It describes how the natural history of the Park shaped its economic and cultural history, it attempts to identify lessons that might be useful to other rural wild land areas of the world, much of the book captures the words and ideas of those who have been active in influencing the recent history of the Park, and there are thoughtful observations by scholars who have given an objective view of the lessons learned. The book has been sufficiently well received that it moved to a second printing in November. For a more objective review of the book one can find Brian Mann's thoughts in the November/December issue of the Adirondack Explorer.

## **AN OPEN LETTER TO NEW YORK LEGISLATORS**

The following is a letter that hasn't been sent, but which I think about every time the legislature seems to give short attention to Adirondack issues or divides along party lines on issues which have little to do with party ideologies, but have a lot to do with the future of this special place in the world.

*Dear Member of New York State Senate and Assembly:*

*Ken Burn's documentary on the National Parks captured a great deal of attention and was, indeed, inspiring. Yet, many forget that much of our country's conservation accomplishments were first tried here in our own State's Adirondack Park. The creation of the Forest Preserve preceded the creation of the National Forests. The creation of the Adirondack Park is the only example of a park that is a mixture of public and private land in the U.S. The constitutional amendment declaring the public lands as "forever wild" preceded the federal wilderness act by 70 years. And the Adirondack Park Agency was an example of regional planning and regulation that has been copied in part across this country.*

*In spite of all that we New Yorkers have to be proud of, it often appears that "down state" legislators leave responsibility for Park issues to those few legislators representing citizens who live in the Park neglecting the fact that this Park, this special place, belongs to all New York citizens. This is not meant as a criticism of these northcountry legislators. They represent the citizens and private landowners of the Park well. It is to suggest, however, that many down-state legislators seem to forget that the Adirondack Park is their*

## MEMBERSHIP & ORGANIZATIONAL INFORMATION

### NEW MEMBERS

The ALA welcomes membership by Adirondack landowners who share its commitment to promoting private stewardship and protecting the basic rights of private property owners in the Adirondacks. Membership information is available from the corporate office:

*Ingrid L. Smith, Executive Secretary/ALA  
512 South 2nd Street, Fulton, NY 13069.  
Tel. No. (315) 592-2567*

### OFFICERS & DIRECTORS

**President** Theodore S. Wickersham  
*North Woods Club*  
**Vice President** Thomas E. Williams  
*West Canada Preserve*  
**Treasurer** Robert E. Friedman  
*Kildare Club*

**Secretary** John G. Fritzinger, Jr.  
*Adk. Mountain Reserve*  
**Directors** Kevin Arquit  
Peter K. Bertine  
Frank A. Clark  
David Dearborn  
John L. Ernst  
Michael M. Gridley  
Peter B. Robinson  
David Skovron  
Jerry B. Ward  
**Senior Advisor** Ross S. Whaley  
*478 Bungalow Bay  
Tupper Lake, NY 12986*

### OUR ORGANIZATIONAL MEMBERSHIP

The following clubs and individuals, by their membership in the ALA, help to achieve the organization's goals of promoting good private stewardship in the Adirondacks:

Adirondack League Club  
Adirondack Mountain Reserve  
Ampersand Pond  
Arquit Property  
Asgaard Farm

Bay Pond Park  
Big Wolf Lake Association  
Brandon Park  
Brandreth Park Association  
Camp Otterbrook  
Dug Mountain Ponds  
Elk Lake Lodge  
Gooley Club  
Grasse River Club  
Heart Bay Environment  
Hollywood Club  
Kildare Club  
Little Rapids Park  
Livingston Lake Club  
Matamek Corporation  
McCavannaugh Pond Club  
Meenahga  
Miller Park Association  
Moose Pond Club  
North Woods Club  
Paine Family Estate  
Skye Notch  
Thisse Family Properties  
Underwood Club  
Watch Rock Point Property  
West Canada Preserve  
Wilmurt Club

*responsibility as well, and future generations will judge all of us by the legacy that is left behind.*

*The Adirondack Park is perhaps the best example in the country of attention to preserving the ecological integrity of wild lands within a region composed of 103 towns and villages populated by more than 130,000 people. This task is not an easy one. We certainly haven't come up with a perfect solution as an examination of demographic and economic trends illustrates; we are losing population and those that remain have average incomes below other areas in the state. Nonetheless, we historically have done it better than perhaps anywhere else in the United States.*

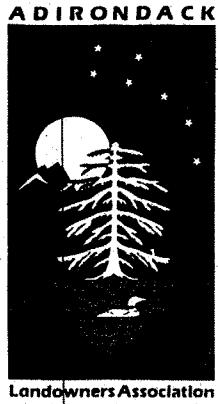
*Moving ahead, rather than resting on past successes, will take the active attention of caring citizens and their elected representatives across the state. We encourage each of the State's elected representatives to be personally involved in those issues that will assure that the Adirondack Park region continues to set a standard for the wise development of rural wild lands, a balance between ecological protection and economic viability, a prosperous forest industry, and that capitalizes on the magic of this place where private and public lands complement each other. Your responsibilities are not only to your district, but to those statewide concerns that ultimately impact the citizens of your district. Many of your constituents are landowners, investors or visitors to this spectacular example of a region that is uniquely a New York legacy to the world.*

*Respectfully,*

*Ross S. Whaley, Senior Advisor  
Adirondack Landowners Association*

### A GOOD TIME WAS HAD BY ALL

The December members' meeting was fun and informative. We had the pleasure of welcoming the Underwood Club as a new ALA member and getting to know their representatives, Bill & Mary Graff. The Adirondack League Club put on a fine dinner in the "Summer House" that was followed by an auction which was at times exciting, always entertaining, supplied wonderful new acquisitions to the successful bidders, and raised considerable money for ALA activities. No one can organize an auction and then serve as Master of Ceremonies the way Tom Williams does. We owe him a BIG THANKS for all that he does for ALA. The business meeting on Saturday was preceded by comments from Kevin King (Empire State Forest Products Association) describing the potential for revenues from managing forests for carbon sequestration, Ellen Rocco bringing us up to date on the programming and activities of North Country Public Radio and Leonard Cronin of Finch Forestry consultants giving an update on disposition of Finch Pruyn lands that were bought by the Adirondack Nature Conservancy. This meeting was a fine prelude to our 2010 meetings during which we will celebrate the 20th anniversary of the Adirondack Landowners Association. Please set aside May 14 and 15 on your calendar for the spring members' meeting at the Copperfield Inn in North Creek. This being a combination of our anniversary and an election year, we hope that we will have both state and federal legislators in attendance.



**ALA ASSOCIATE MEMBERSHIP FORM**

Why not join ALA today?

Become an associate member and help support the promotion of private property rights and good stewardship of the Adirondacks. Membership costs just \$85.00 per year.

Please complete the following application and send it, together with your check for \$85.00 payable to the Adirondack Landowners Association, to:

Ingrid L. Smith  
Executive Secretary/ALA  
512 South Second Street  
Fulton, NY 13069

Name \_\_\_\_\_

Mailing Address \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Club affiliation (if any) \_\_\_\_\_

# Adirondack LANDOWNERS ASSOCIATION

512 SOUTH 2<sup>ND</sup> STREET  
FULTON, NEW YORK 13069