



May 22, 2015

Dear Julie, Karyn, and Michael:

On behalf of Adirondack Wild: Friends of the Forest Preserve, thanks for the recent meeting and briefing on the proposed DEC program bills to amend Article XIV in relation to the **“regional land bank for projects on state land.”**

In addition to our comments that day, you asked for additional written feed-back. We are happy to offer some initial comments, which we may augment later.

Adirondack Wild can certainly appreciate the need to upgrade town and county roads and highways and related road and communication infrastructure which cross the Forest Preserve. If that were the limited purpose of an amendment, we would likely be engaged with DEC/DOT and Legislators in fine-tuning the details, not in argument about the purpose. Unfortunately, the proposed amendment language burdens our unique forever wild Article XIV with an assortment of undefined and poorly documented “public projects which promote health, safety and welfare.” This practically inexhaustible list threatens the integrity of Article XIV – once again.

Neither the bill nor any supporting documentation that we have seen makes a sufficiently strong enough case that up to 750 acres of Forest Preserve (Adirondack and Catskill) should fall under the administrative discretion of state agencies and the State Legislature in order to construct the following listed in the bill: cemeteries, airports, schools, hospitals, emergency facilities, enforcement facilities, wastewater or sewage plants, bicycle paths, fire suppression lines, stormwater management basins...and all with “appurtenances thereto. “

The language in the bill reads **“including”** the above purposes, meaning the bill list is just a small sample of a much larger, apparently infinite universe of uses and purposes under the “public health, safety and welfare” umbrella. This hardly meets Adirondack Wild’s standard: that Article XIV amendments should be narrowly defined, specific in purpose and limited in scope.

Nor does the bill language satisfy our standard that amendments to Article XIV serve a well documented need for public facilities or public services that cannot be provided in ways other than through an amendment. We recognize that the bill language calls for use of the land bank only when there is no feasible alternative. Faced with a town or county government united in its request to urgently use the land bank for something related to public health, safety and welfare (a gymnasium, a gravel pit, a regional testing laboratory, the list of possible applications seems endless) who at DEC will put the “no feasible alternative” rule to a rigorous, well-documented test?

Nor does the bill as written satisfy our standard that Article XIV amendments not be for the purpose of benefiting private or public corporations or be for corporate or commercial purposes. For instance, a number of “public health safety and welfare” activities and purposes could fall within the sponsorship of a local or regional public or private authority or an industrial development agency partnering with private commerce. The use, the authority and any possible commercial aspect on Forest Preserve could prove problematic.

We also don't support grandfathering existing public utility lines and associated infrastructure on Forest Preserve, forever to remain in place (or be replaced in kind) subject to DEC's consent to occupy. This clause in the bill ties the hands of future generations of New Yorkers who may well have the opportunity to eliminate such an intrusive trespass on the Forest Preserve when circumstances permit or dictate.

Adirondack Wild's standard also calls for any proposed Article XIV amendment to be presented and discussed within the DEC Forest Preserve Advisory Committee, and be subject to public meetings and hearings. At this stage, we again ask DEC to call another group meeting to discuss it. At last November's group meeting, DEC was to provide us and others with a strong case for a regional land bank citing a number of specific instances where important projects are blocked by the Forest Preserve and cannot be built without an amendment/regional land bank. In the very few examples cited by DEC to date, there appear to be feasible alternatives. For instance, a public referendum blocked funding and construction of a wastewater treatment plant in Elizabethtown, not the Forest Preserve. We are still waiting for DEC to present the longer list of projects requiring use of a regional land bank.

Ultimately, the State will have to put any regional land bank to a statewide referendum. Voters who value the integrity of Article XIV/ Forest Preserve will not endorse such a broad, undefined proposal as currently drafted, particularly with the united opposition of potentially many organizations.

We encourage DEC to amend the proposal or put it aside in favor of a more focused amendment for necessary and well-documented highway, highway infrastructure and related communications improvements that any New Yorker and voter can appreciate, understand and potentially get behind.

Thank you, again, for inviting our initial comments and suggestions, and we are happy to re-engage on this important topic at any time.

Sincerely,

*Dave/Dan*

Dave Gibson and Dan Plumley  
Staff Partners

Adirondack Wild: Friends of the Forest Preserve  
[www.adirondackwild.org](http://www.adirondackwild.org)