A fix for Article 14?

Common Ground Alliance says a land bank is needed to enable communities to improve roads, bridges, and other infrastructure without running afoul of the law.

By Jessica Collier

For the 125 year-round residents of Raquette Lake to secure good drinking water, two separately elected state legislatures had to authorize an amendment to the state constitution and then, in 2007, the voters had to approve it as well.

It passed, but as with other amendments to Article 14, which protects the Forest Preserve, the process took several years. The difficulty of amending the constitution has been blamed for holding up other infrastructure projects in the Adirondack Park, however small or necessary they may be.

The Common Ground Alliance—a partnership of local leaders, state officials, and environmentalists—would like to make things a little easier. A working group of the alliance has drafted a constitutional amendment that would allow small encroachments on the Preserve for minor work such as rebuilding a culvert, widening a road shoulder, or moving a utility pole.

The idea is similar to a land bank approved in the past. In 1956, for example, a land bank was established to allow the state Department of Transportation to make safety improvements to state roads that pass through the Forest Preserve. That amendment allowed DOT to disturb up to four hundred acres, and in exchange the same number of acres would be added to the Preserve elsewhere.

The 1956 land bank cannot be used for town or county roads. Thus, bridges can’t be raised or moved even if it makes environmental sense; narrow roads can’t be widened; and power poles can’t be moved even if they pose a threat to safety.

Under the new proposal, the state would buy five hundred acres of high-quality woodlands to offset the disturbance of Forest Preserve for various infrastructure projects. The land disturbed by the projects (a maximum of five hundred acres) would remain in the Preserve.

The proposal includes a second part, which would allow for the burial of utility pipes and wires under and along roads in the Forest Preserve. Currently, utilities are granted rights of way only for surface use. It also would legalize utility lines already in place.

“This thing is probably best left to cook awhile.”

-Peter Bauer, Protect the Adirondacks

Critics say Article 14 won’t allow road crews to move a utility pole even if it poses a hazard.

Dave Gibson, a partner in Adirondack Wild, said it’s important that the whole state be brought into the discussion of a land bank, because the Forest Preserve is owned by all the citizens of the state. “We can’t allow this to be an Adirondack debate,” he said.

Gibson said he isn’t necessarily against a land bank ("it’s too early to be opposed"), but he thinks the kinds of projects it can be used for should be pared down and tightly defined.

The Adirondack Council supports the idea of a land bank, but whether it would support a specific amendment would depend on the wording. “Essentially, we want to make it possible for communities to have some flexibility, but we’re not certain the language is there yet,” said John Sheehan, the group’s spokesman.

State Senator Betty Little, who represents most of the Adirondack Park, has been pushing for a land bank for some time, but she has yet to study the Common Ground Alliance proposal. She said it’s important to have a legal mechanism for improving utilities and roads in the Park.

“We certainly have to preserve the Forest Preserve, but we also have to get some economic development in the Adirondack Park and get some growth,” Little said. “If we can’t have the growth of year-round residents, the communities are not going to be sustainable.”

Little noted that voters just passed two amendments relating to the Adirondack Park—including the controversial Proposition 5, which authorized NYCO Minerals to mine land that is now part of the Forest Preserve—so it might not be prudent, from a public-relations standpoint, to start working on another right away.

To date, no legislation has been drafted. Mason said the purpose of the white paper is to generate discussion. From there, groups and individuals can weigh in, changes can be made, and legislation can be drafted. If the legislation were approved by two separately elected legislatures, the soonest the amendment could be in front of voters would be 2017.

“It’s not magic,” Mason said. “It just takes time.”